

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

**Under** the Resource Management Act 1991

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

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**Joint Witness Statement – NOISE McAlpines (Planning)**

**Date: 23 November 2023**

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## **INTRODUCTION:**

- 1 This Joint Witness Statement ('**JWS**') relates to expert conferencing on reverse sensitivity in respect to the McAlpines submission.
- 2 The following participants were involved in this conferencing and authored this JWS:
  - (a) Jessica Manhire for Waimakariri District Council, and
  - (b) Tim Walsh for McAlpines.
- 3 A meeting between the experts was held on 20 November 2023 via video conference. This JWS has resulted from the meeting.
- 4 In preparing this statement, the experts have read and understand the Code of Conduct for Expert Witnesses as included in the Environment Court of New Zealand Practice Note 2023<sup>1</sup>.

## **PURPOSE AND SCOPE OF CONFERENCING:**

- 5 The conferencing was focused on matters identified in Minute 9, dated 4 September in relation to noise and follows the preparation of a JWS on the same matter by acoustic experts.
- 6 The experts discussed the request contained in Minute 9, which required:

*"Further consideration of the evidence provided by McAlpines".*
- 7 As requested by the Hearings Panel in Minute 9 (paragraph 14), consideration was given to the Supreme Court's recent decision *Port Otago Limited vs Environmental Defence Society Inc et al. SC6/2022*.

## **MATTERS THAT THE EXPERTS AGREE ON:**

- 8 It was agreed that the proposed noise contour relating to the McAlpines site should instead be referred to as an overlay. While this may be a matter of semantics, the experts consider it would assist in further

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<sup>1</sup> <https://www.environmentcourt.govt.nz/assets/Practice-Note-2023-.pdf>

differentiating it from the contour that would apply to the Daiken’s facility. That contour has associated rules that act as a control on encroachment of noise sensitive activities *and* provide a limit to the level of noise which the activity is permitted to produce. The experts agree that it is not necessary for a rule to limit noise from the existing McAlpines operation. If McAlpines was to increase noise levels above those produced by its current operations, the activity would be subject to district plan noise standards.

9 Relying on the acoustic evidence of Mr Reeve and Mr Camp, including their JWS, it was agreed that if the panel were minded to accept the relief sought by McAlpines, then the proposed Rule NOISE-R21 (as presented in Mr Walsh’s evidence) would be an effective tool for managing potential reverse sensitivity effects on the McAlpines sawmilling operation. The experts also agreed that if it were to be accepted then the rule should be amended to provide further clarity as to what land it applies to. The amended rule is included below.

NOISE-R21	Noise sensitive activities	
<b>Timber Processing Noise Overlay</b>  <b>HIZ Processing Noise Contour</b>	<b>Activity Status: RDIS</b>  <u>Where:</u> 1. <u>the activity is located within the Timber Processing Noise Overlay or the HIZ Processing Noise Contour</u>  <b>Matters of discretion are restricted to:</b> NOISE-MD1 - Noise NOISE-MD3 - Acoustic insulation	<b>Activity status when compliance not achieved: N/A</b>

10 Given the amendment is to a rule that also relates to the proposed HIZ Processing Contour that surrounds the Daiken site, Stephanie Styles (the planner on behalf of Daiken) was consulted. Ms Styles confirmed that the proposed amendment does not change the substance of the rule as it relates to the HIZ Processing Noise Contour.

## **MATTERS THAT THE EXPERTS DISAGREE ON:**

- 11 There is disagreement regarding the matter of natural justice or fair process. As set out at paragraphs 47-50 of the 28 September Council reply on Noise, Ms Manhire considers that there is a risk that persons potentially affected by the proposed overlay may have participated in the process if they had known the details of the alternate relief sought by McAlpines as presented in Mr Walsh's evidence. Ms Manhire relies on the advice of Council's solicitors in forming her view on this matter and is not persuaded by the contrary advice expressed in the further submissions of McAlpines' solicitor. Mr Walsh agrees with and relies on the further submissions of the submitter's solicitor.
  
- 12 Despite this disagreement, the experts agree that the potential consequences for affected persons are not significant. The only property affected by the overlay that is not owned by the submitter is 42 Townsend Road. That property is approximately 22 hectares in area and contains an existing residential unit. Under the operative and proposed district plans, the property could be subdivided into up to five allotments as a controlled activity. Such a subdivision could be designed to avoid locating future residential units within the overlay. Further, if there was a desire to locate residential units within the overlay, a straightforward restricted discretionary resource consenting pathway would allow for their establishment. The same consenting pathway would provide protection for the McAlpines sawmilling operation if it was to sell its rural zoned properties in the future.

**Date:** 23 November 2023

**Signatories**



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**JESSICA MANHIRE – POLICY PLANNER**



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**TIM WALSH – SENIOR PLANNER**