

Te Tai o Poutini Plan
Section 42A Officer's Report
NOISE



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List of Submitters and Further Submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
S70	Michael Hill	
S81	Lorree Wilson	
S95	Jacobus Wiskerke	
S99	Christine Robertson	
S151	Misato Nomura	
S161	Jet Boating New Zealand	
S166	New Zealand Agricultural Aviation Association	
S181	Westland District Council	
S190	Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	Te Mana Ora
S223	Building - Coast Wide	
S228	Jackie and Bart Mathers and Gillman	
S252	Deb Langridge	
S304	Gina Hogarth	
S330	Dean Trott	
S336	Westport Pistol Club	
S338	Chris Hartigan	
S345	Ballance Agri-Nutrients	
S353	Jan and Heward	
S383	Scott Freeman	

S388	Sharon Langridge	
S438	Manawa Energy Limited (Manawa Energy)	Manawa Energy
S441	Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	Silver Fern Farms
S442/FS235	KiwiRail Holdings Limited	KiwiRail
S446	Margaret Montgomery	
S449	Totally Tourism Limited	
S450/FS62	Waka Kotahi NZ Transport Agency	Waka Kotahi
S457	Westport Rifle Club Incorporated	
S462/FS33	Inger Perkins	
S464	Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited	Foodstuffs
S474	Rocky Mining Limited	
S486/FS55	Horticulture New Zealand	
S488/FS136	West Coast Regional Council	
S493/FS104	TiGa Minerals and Metals Limited	
S500	Papahaua Resources Limited	
S504/FS118	Bert Hofmans	
S505	Lindy Millar	
S507	Leonie Avery	
S508	Jared Avery	
S509	Kyle Avery	
S510	Avery Bros	
S511	Bradshaw Farms	
S512	Paul Avery	
S513	Brett Avery	
S519/FS31in	New Zealand Defence Force	
S522	Celine Stokowski Anthony Thrupp	
S524	Federated Farmers of New Zealand	Federated Farmers
S537	Terra Firma Mining Limited	
S538/FS149	Buller District Council	
S547/FS222	Westpower Limited	
S552	Buller Conservation Group	
S553	Frida Inta	
S558	Chris & Jan Coll	
S560	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Forest & Bird

S563	Geoff Volckman	
S564	Catherine Smart-Simpson	
S566	Chris J Coll Surveying Limited	
S567	William McLaughlin	
S573	Fire and Emergency New Zealand	
S574	Laura Coll McLaughlin	
S577	Koiterangi Lime Co LTD	
S599/FS231	WMS Group (HQ) Limited and WMS Land Co. Limited	
S601	Birchfield Coal Mines Ltd	
S602	Department of Conservation	
S608/FS1	Grey District Council	
S609	Avery Brothers	
S614	Karamea Lime Company	
S615	Peter Langford	
S620/FS41	Te Runanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio	Ngāi Tahu
FS140/FS221	Martin & Co Westport Ltd and Lumberland Building Market Westport	
FS17.023	Annie Inwood	
FS150	Birchfields Ross Ltd	
FS152	West Coast Bulk Logistics Limited	
FS215	Phoenix Minerals Limited	
FS237	Brian Anderson	
FS30	Tony Michelle	
FS72	Suzanne Hill	
FS77	Marie Elder	
FS83	New Zealand Helicopter Association	
FS88	Pe Property Trust	

Abbreviations

Abbreviation	Meaning
Planning standards	National Planning Standards
RMA	Resource Management Act 1991
pTTPP	Proposed Te Tai o Poutini Plan
WCRC	West Coast Regional Council
WCRPS	West Coast Regional Policy Statement

1.0 Purpose of Report

1. This report has been prepared in accordance with Section 42A of the RMA to:
 - Assist the Hearings Panel in making their decisions on the submissions and further submissions on the Proposed Te Tai o Poutini Plan (pTTPP); and
 - Provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
2. This report responds to submissions on the NOISE chapter. The report provides the Hearing Panel with a summary and analysis of the submissions received on the NOISE chapter in Part 2 and relevant definitions in Part 1 and to make recommendations on either retaining the pTTPP provisions without amendment or making amendments to the pTTPP in response to those submissions.
3. The recommendations are informed by evaluation undertaken by me as the planning author. In preparing this report I have had regard to the following reports:
 - Introduction and General Provisions report that addresses the higher order statutory planning and legal context s42A report prepared by Lois Easton.
 - Strategic Directions report that addresses the wider strategic direction of the Plan s42A report prepared by Lois Easton.
4. The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

2.0 Qualifications and experience

5. My full name is Ruth Christine Cameron Evans. I am planner at Barker & Associates, an independent planning consultancy engaged by the WCRC to prepare s42A reports on a number of topics for the pTTPP.
6. I hold a Master of Regional and Resource Planning and a Bachelor of Arts, both from Otago University, and I am a full member of the New Zealand Planning Institute.
7. I have over 18 years' experience as planner, working in New Zealand and Australia in consultancy and government agency roles. I have experience in both resource consent processing and preparation, and district/unitary plan development. This includes preparing s42A reports and evidence on a range of topics for proposed plans in the Queenstown Lakes, Christchurch and Selwyn districts. I co-authored the s42A report and attended the hearing for the subdivision, financial contributions and public access topics for the pTTPP earlier this year. Of particular relevance to the noise hearing stream, I was the reporting planner for the noise chapter of the Proposed Queenstown Lakes District Plan.

2.1 Code of Conduct

8. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
9. I am authorized to give this evidence on behalf of the Tai o Poutini Plan Committee to the pTTPP hearings commissioners (Hearings Panel).

2.2 Conflict of Interest

10. To the best of my knowledge, I have no real or perceived conflict of interest.

2.3 Expert Advice

11. In preparing this report I rely on expert advice from Stephen Peakall, Acoustic Consultant, Marshall Day Acoustics. Mr Peakall's expert evidence has been filed separately to this s42A report.

3.0 Scope of Report and Topic Overview

3.1 Scope of Report

12. This report considers the submissions and further submissions that were received in relation to the NOISE chapter 2 Part 2 relevant definitions in Part 1.
13. Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. All recommended amendments are shown by way of strikeout and underlining in Appendix 1 of this Report. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where it is considered that an amendment may be appropriate, but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the report. Where no amendments are recommended to a provision, submission points that sought the retention of the provision without amendment are not footnoted.
14. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. A number of alterations have already been made to the pTTPP using cl.16(2) and these are documented on the pTTPP website. Where a submitter has requested the same or similar changes to the pTTPP that fall within the ambit of cl.16(2), then such amendments will continue to be made and documented as cl.16(2) amendments in this s42A report. The assessment of submissions generally follows the following format:
 - Submission Information
 - Analysis
 - Recommendation and Amendments

3.2 Topic Overview

Noise

15. The NOISE chapter seeks to manage the emission of noise within zones, including the nature and timing of noise, and the potential effects of noise on amenity and people's health and wellbeing. The provisions recognise that there are locations where a higher level of noise can be expected, and includes specific rules for these zones, for example, the PORTZ – Port Zone, AIRPZ – Airport Zone, and STADZ – Stadium Zone. The provisions also require acoustic insulation for new buildings used for a sensitive activity where they are located in close proximity to activities which have the potential to generate greater noise levels, for example the State Highway network, or a railway line.

3.3 Strategic Direction

16. The purpose of the Strategic Direction chapter in Part 2, in combination with objectives within the relevant topic chapters, is to ensure that they provide a coherent overarching strategic direction and state the outcomes intended for the West Coast districts. With these strategic directions and objectives in place, the articulation of location-specific and activity-specific objectives and policies are enabled in other chapters of the pTTPP, which are consistent with the strategic objectives.
17. The NOISE Chapter provides for noise generating activities within all zones while managing the potential effects of noise on amenity and health and wellbeing. The following objectives in the Strategic Direction Chapter are of relevance to this topic:

- UFD-O1 seeks to have urban environments and built form on the West Coast which, amongst other identified matters:
 1. Are attractive to residents, business and visitors;
 2. Support the economic viability and function of town centres;
 3. Promote the re-use and re-development of buildings and land, including private and public land;
 4. Support inclusivity and housing choice for the diversity within the community now and into the future;
 5. Improve overall accessibility and connectivity for people, transport (including walking and cycling) and services;
 6. Promote the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure and protection of critical infrastructure; and
 7. Promote and enhance the distinctive character of the districts' towns and settlements.
- MIN-O6 seeks to avoid, remedy or mitigate the adverse effects of mineral extraction activities on the West Coast/Te Tai o Poutini's significant natural and cultural features, sites and heritage, and amenity values, including the wellbeing of people and communities.

4.0 Statutory Requirements

18. The pTTPP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand Coastal Policy Statement (NZCPS), National Planning Standards (planning standards); and any regulations. The pTTPP must also give effect to the West Coast Regional Policy Statement (WCRPS), not be inconsistent with any regional plan, have regard to the need to be consistent with district plans of adjacent territorial authorities, and have regard to the iwi planning documents.
19. In addition, there is a Mana Whakahono a Rohe agreement between WCRC and Poutini Ngāi Tahu which must be implemented.
20. As set out in the Section 32 and Section 42A Overview Reports, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of pTTPP. These documents are discussed in more detail within this report where relevant to the assessment of submission points.
21. The assessment of submission points is made in the context of the Section 32 reports already undertaken with respect to this topic, being:
 - Report 7 Earthworks, Noise, Light, Signs, Temporary Activities.

4.1 Resource Management Act

22. The pTTPP must be prepared in accordance with the District Councils' functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare its district plan in accordance with an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand coastal policy statement, national planning standards; and any regulations. The pTTPP must also have regard to the West Coast Regional Policy Statement, any regional plan, district plans of adjacent territorial authorities, and any Iwi Management Plan.

23. In achieving this purpose, authorities need also to recognise and provide for the matters of national importance identified in Section 6, have particular regard to other matters referred to in Section 7 and take into account the principles of the Treaty of Waitangi referred to in Section 8.
24. There are no matters under section 6 of the RMA that are of particular relevance to the NOISE chapter. It is noted that the pTTPP includes a number of other District Wide chapters which address the resource management matters of relevance to section 6.
25. Section 7 of the RMA requires particular regard be taken in relation to the following matters which are relevant to NOISE:
 - Section 7(b) the efficient use and development of natural and physical resources.
 - Section 7(c) the maintenance and enhancement of amenity values.
 - Section 7(f) maintenance and enhancement of the quality of the environment.
26. These matters under section 7 of the RMA are relevant to providing for potentially high noise generating activities and the management of noise to protect amenity and health and wellbeing.
27. Section 8 requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Consistent with the practice followed in the development of the pTTPP, the Section 8 principle of most relevance to these topics is the duty to make informed decisions through consultation. Poutini Ngāi Tahu though the Rūnanga kaiwhakahaere have been involved in the governance and development of pTTPP and their planners have collaborated in the development of the pTTPP provisions. Alongside this, Poutini Ngāi Tahu been consulted as part of the review process and the obligation to make informed decisions based on that consultation is noted.

4.2 Poutini Ngāi Tahu Iwi Management Plans and Mana Whakahono ā Rohe

28. The RMA requires that when preparing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (section 74(2A)). There are three iwi management plans on the West Coast – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Māhinapua Management Plan.
29. The plan must be prepared in accordance with the Paetae Kotahitanga ki Te Tai Poutini Partnership Protocol Mana Whakahono ā Rohe 2020, agreement between Poutini Ngāi Tahu and West Coast Regional Council (Schedule 1, section 1A of the RMA). Section 8 of the Mana Whakahono ā Rohe specifies the process to be followed when developing planning instruments, I understand this has been implemented in preparing the pTTPP.

4.2 Any other relevant National Planning Instruments

4.2.1 Any other Relevant National Direction

30. The following National Policy Statements are relevant to the NOISE chapter.
National Policy Statement on Electricity Transmission 2008 (NPSET)
31. The Objective of the NPSET is to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network, and new network needs. In particular, Policy 1 seeks to recognise the national, regional, and local benefits of electricity transmission and Policy 2 requires that decision-makers recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network. The

NOISE chapter includes provisions which recognise the benefits of critical infrastructure, which include electricity transmission and distribution assets. The provisions also seek to protect community infrastructure generally from potential reverse sensitivity effects from sensitive activities.

National Policy Statement for Renewable Energy Generation 2011 (NPSREG)

32. The NPSREG identifies renewable electricity generation activities as a matter of national importance and sets out one Objective and 14 Policies. The policy direction is to be given effect to in regional and district plans. In particular, Policies A & B seek to ensure the national, regional and local benefits of renewable electricity generation are recognised and provided for and acknowledge New Zealand's target for generation from renewable sources and the requirement of the significant developments to meet this target. As identified above, the NOISE chapter includes provisions which seek to protect community infrastructure generally from potential reverse sensitivity effects from noise-sensitive activities.
33. The following National Environmental Standards are relevant to the NOISE chapter.
Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2016 (NESTF)
34. The NESTF provides national consistency in the rules surrounding the deployment of telecommunications infrastructure across New Zealand while ensuring the effects on the environment are minimised and managed appropriately.
35. As identified in the Section 32 report, the NESTF sets noise limits for telecommunication cabinets:
 - Section 24 (Noise limits for cabinet in road reserve) states that if the cabinet is located in a residential zone or an adjoining road reserve, the noise limits for the cabinet are: 50 dB day time (7am to 10pm) and 40 dB/65dB LAFmax night time (10pm to 7am). For any other cabinet the noise limits are 60dB at any time and 65LAFmax at night time. Measurement and assessment of noise is in accordance with NZS 6801 and 6802. If a building containing a habitable room is within 4m of the road reserve where the cabinet is located, the noise must be measured at a point that is 1m from the side of the building or on the vertical plane of the side of the building. In any other case, the noise must be measured at a point that is at least 3m from the cabinet; and within the boundaries of land adjoining the road reserve where the cabinet is located.
 - Section 25 (Noise limits for cabinet not in road reserve) applies to a cabinet not located in a road reserve and is complied with if the cabinet is installed and operated in accordance with the district plan rules about noise from a facility at the place where the cabinet is located.
36. The pTTPP only seeks to manage telecommunication cabinets not subject to the NESTF.
Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (NESET)
37. The purpose of the NESET is to:
 - minimise the cost to councils of implementing the NPSET.
 - ensure planning requirements are nationally consistent and provide adequately for maintenance and upgrading of transmission lines to achieve the intention of the NPSET.
 - minimise RMA processing costs and delays.
38. The only reference to noise levels in the NESET is in relation to construction activity relating to an existing transmission line whereby it is permitted if it complies with NZS

6803:1999 Acoustics - Construction Noise. The pTTPP does not impose more restrictive requirements on these activities relative to the NESET.

39. In addition, the pTTPP Energy and Infrastructure Chapter permits transmission lines and has no noise restrictions, and therefore noise is managed by the NESET.

4.2.2 National Planning Standards

40. The planning standards were introduced to improve the consistency of plans and policy statements. The planning standards were gazetted and came into effect on 5 April 2019. There are 17 standards in total, of which Standard 7 and 15 are relevant to NOISE. In accordance with Standard 7, the pTTPP includes provisions for managing noise in the NOISE chapter under General District Wide Matters. In accordance with Standard 15, the NOISE chapter must be prepared accordance with the following New Zealand Standards:

- New Zealand Standard 6801:2008 Acoustics – Measurement of environmental sound;
- New Zealand Standard 6802:2008 Acoustics – Environmental noise;
- New Zealand Standard 6803:1999 Acoustics – Construction noise;
- New Zealand Standard 6805:1992 Airport noise management and land use planning – measurement only;
- New Zealand Standard 6806:2010 Acoustics – Road-traffic noise – New and altered roads;
- New Zealand Standard 6807:1994 – Noise Management and Land Use Planning for Helicopter Landing Areas- excluding 4.3 Averaging; and
- New Zealand Standard 6808:2010 Acoustics – Wind farm noise New Zealand Standard 6809:1999 Acoustics – Port noise management and land use planning.

4.5 Procedural Matters

41. At the time of writing this s42A report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

5.0 Consideration of Submissions Received

5.1 Overview of Submissions Received

42. A total of 69 submissions (316 submission points) and 26 further submissions (135 submission points) were received on the Noise chapter and relevant definitions.

5.2 Structure of this Report

43. The first section of this report discusses general submissions on the whole chapter, where a submission has raised an issue that does not relate to a proposed objective or policy. Submissions are then addressed by the objective and policy order as listed in the pTTPP.
44. Recommended amendments are contained in **Appendix 1: Recommended Amendments to Provisions**.
45. A full list of submissions and further submissions is contained in **Appendix 2: Recommendations on Submissions**.
46. It is recommended that submissions are further submissions are either accepted, accepted in part, or rejected as shown in **Appendix 2**. Recommendations on further submissions are in accordance with the recommendation on the primary submission.

6.0 NOISE CHAPTER

Noise – General

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Christine Robertson	S99.001	Support in part	I would like the council to exclude the Greymouth runway from the proposed noise zone extension.
<i>Grey District Council</i>	<i>FS1.020</i>	<i>Oppose</i>	<i>Disallow</i>
Westland District Council	S181.030	Support	Retain the objectives, policies and rules
Dean Trott	S330.002	Amend	Require development close to the Westport Rifle Range to install acoustic insulation and other noise mitigation requirements.
Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	S441.034	Amend	<p>Given the contradicting aims of this overview and the rezoning proposal, Silver Fern Farms therefore requests that the proposed rezoning of Rural Zone land into GRZ and MRZ adjacent to the Plant is removed from the Proposed District Plan.</p> <p>Also include the following amendments:</p> <p>Noise - Ngā Oro Overview</p> <p>[...]</p> <p>Where noise sensitive activities are established near existing noise-generating activities, or areas where higher noise levels are to be expected, reverse sensitivity effects can arise, potentially resulting in the existing noise-generating activities being constrained, in terms of their ongoing operation or expansion. This is a particular concern for important services and community facilities, including Airports and Heliports, Sports Grounds and Stadiums, the State Highway, Railway Corridors, <u>meat processing plants</u> and the Ports, which could be constrained if reverse sensitivity effects arise.</p> <p>[...]</p>
KiwiRail Holdings Limited	S442.007	Support	Retain as proposed
KiwiRail Holdings Limited	S442.088	Amend	Include noise, vibration and mechanical ventilation standards provided in Appendix A.

Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.332	Amend	Include provisions in the Overview, Objectives, Policies and Rules that recognise and provide for the need to protect indigenous biodiversity from adverse effects caused by noise.
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Analysis

47. Westland District Council (S181.030) and KiwiRail Holdings Limited (KiwiRail) (S442.007) support the provisions of the NOISE chapter and seek that they are retained as notified. The support for the provisions is noted.
48. Christine Robertson (S99.001) seeks that the Greymouth runway be excluded from the proposed noise zone extension. The proposed Airport Noise Boundary affords protection of the Greymouth Airport ensuring the efficient operation of the airport whilst avoiding reverse sensitivity effects. The proposal gives effect to New Zealand Standards NZS 6805 which provides a recommended approach for territorial authorities dealing with airports and land affected by airport noise. For these reasons I recommend that this submission point is rejected.
49. Dean Trott (S330.002) requests amendments to require development close to the Westport Rifle Range to install acoustic insulation and other noise mitigation requirements. I address this point in the analysis for Rule 3.
50. Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited (Silver Fern Farms) (S441.034) requests a zone change (this part of the submission is being considered in the residential zone hearing) and amendments to the NOISE overview to state:

“Where noise sensitive activities are established near existing noise-generating activities, or areas where higher noise levels are to be expected, reverse sensitivity effects can arise, potentially resulting in the existing noise-generating activities being constrained, in terms of their ongoing operation or expansion. This is a particular concern for important services and community facilities, including Airports and Heliports, Sports Grounds and Stadiums, the State Highway, Railway Corridors, meat processing plants and the Ports, which could be constrained if reverse sensitivity effects arise”.
51. I do not support the inclusion of meat processing plants within the Overview text, as the identified list includes particularly significant services, infrastructure, and community facilities. In my opinion, it is not appropriate or necessary to include meat processing plants, which is a type of industrial activity within this list.
52. KiwiRail (S442.088) request amendments to the provisions to include noise, vibration and mechanical ventilation standards provided in Appendix A. Mr Peakall has considered the request for refined acoustic insulation requirements at his paragraphs 53 to 55 and recommends amendments to address a number of the KiwiRail requested amendments. Relying on his advice I recommend amendments to Rule 3 and recommend accepting this submission point in part. The detailed amendments for Rule 3 are set out under the Rule 3 heading in this report.
53. Forest & Bird (S560.332) request amendments to the Overview, Objectives, Policies and Rules that recognise and provide for the need to protect indigenous biodiversity from adverse effects caused by noise. I acknowledge the intent of this submission point and consider there may be merit, however the submitter has not provided any specific drafting that will achieve this. I recommend this submission point is rejected due to insufficient information and evidence required to consider amendments sought. The submitter is invited to submit drafting via evidence.

Recommendations

54. That amendments to provisions are made as set out in the detailed analysis in each of the following sections.
55. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Definitions

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	S441.006	Amend	Silver Fern Farms requests that a definition be included for a noise sensitivity activity, because this term is referred to in the definition of 'Notional Boundary' and is referred to throughout the Plan.
KiwiRail Holdings Limited	S442.008	Amend	Insert as follows: Noise sensitive activity means any lawfully established: residential activity, including activity in visitor accommodation or retirement accommodation, including boarding houses, residential visitor accommodation and papakāinga; educational activity; health care activity, including hospitals; congregation within any place of worship; and activity at a marae.
Horticulture New Zealand	S442.009	Support	Retain as proposed [the definition of Notional Boundary]
Federated Farmers of New Zealand	S524.015	Support	Retain as proposed [the definition of Notional Boundary]
Federated Farmers of New Zealand	S524.103	Oppose in part	Include a definition for 'audible bird scaring device' as: 'Gas guns and avian distress alarms used for the purposes of disturbing or scaring birds'.

Analysis

56. Horticulture New Zealand (S442.009) and Federated Farmers of New Zealand (Federated Farmers) (S524.015) supports the definition of 'notional boundary'. This support is noted.
57. Silver Fern Farms (S441.006) requests that a definition be included for a noise sensitivity activity, because this term is referred to in the definition of 'Notional Boundary' and is referred to throughout the pTTPP.
58. Similarly KiwiRail (S442.008) requests a definition of 'Noise sensitive activity' to mean 'any lawfully established: residential activity, including activity in visitor accommodation or retirement accommodation, including boarding houses, residential visitor accommodation and papakāinga; educational activity; health care activity, including hospitals; congregation within any place of worship; and activity at a marae'.
59. I agree with the submitters that the reference to 'noise sensitive activity' in this definition is confusing in the absence of a clear definition and where the rules refer to 'sensitive activity'. I prefer to resolve this inconsistency by deleting the word 'noise'

where 'noise sensitivity activity' occurs within the provisions of the noise chapter. I note this is only used in limited circumstances¹, with the majority of the chapter using 'sensitive activity'. I also recommend a consequential change to the advice note in the zone chapters to replace 'noise sensitivity activity' with 'sensitive activity' to align with the noise chapter rules. I have discussed this approach with Mr Peakall who agrees that this amendments is appropriate, and has taken this into account in further rule drafting amendments he recommends. In relation to the definition of notional boundary referring to a noise sensitive activity, I note this is a planning standards definition that cannot be changed, and that the planning standards themselves do not define 'noise sensitive activity'.

60. Federated Farmers (S524.103) requests a definition be included for 'audible bird scaring device' as: '*Gas guns and avian distress alarms used for the purposes of disturbing or scaring birds*'. Mr Peakall has assessed this submission point at paragraph 19 of his evidence and recommends a definition for 'audible bird scaring device'.
61. I accept Mr Peakall's expert advice on this matter and recommend that the definition be included. As the definition is slightly different to that proposed by the submitter I recommend the submission point is accepted in part.

Recommendations

62. That references to noise sensitive activity/activities in NOISE Overview, NOISE-O2, NOISE-P2c., NOISE-P4b. be amended to refer to sensitive activity/activities.
63. That references to noise sensitive activity in the zone chapters be amended to sensitive activity.
64. That a definition for audible bird scaring device be included as follows:
'Audible bird scaring device' means a gas gun, avian distress alarm or other such device used for the purposes of scaring birds.
65. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Overview Text

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.527	Amend	Add new text as follows: <u>Noise levels arising from activities must be measured and assessed in accordance with the New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise except where more specific requirements apply.</u>
Westport Pistol Club	S336.008	Amend	We wish to have the words 'Rifle Range' added to the list of potentially affected activities in para 2 in Overview statement

1. _____

¹ NOISE Overview, NOISE-O2, NOISE-P2c., NOISE-P4b.

Westport Rifle Club Incorporated	S457.007	Support	Amend the overview to read ""Where noise sensitive activities are established near existing noise-generating activities, or areas where higher noise levels are to be expected, reverse sensitivity effects can arise, potentially resulting in the existing noise-generating activities being constrained, in terms of their ongoing operation or expansion. This is a particular concern for important services and community facilities, including Airports and Heliports, Sports Grounds and Stadiums, <u>Rifle Ranges</u> , the State Highway, Railway Corridors and the Ports, which could be constrained if reverse sensitivity effects arise."
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.101</i>	<i>Oppose</i>	<i>Disallow</i>
Buller Conservation Group	S552.153	Amend	Where noise sensitive activities are established near existing noise-generating activities, or areas where higher noise levels are to be expected, reverse sensitivity effects can arise, <u>Sensitivity can also arise when noisy industry sets up near existing peace-requiring activities such as a church or library.</u>
Frida Inta	S553.153	Amend	Add: Sensitivity can also arise when noisy industry sets up near existing peace-requiring activities such as a church or library.

Analysis

66. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.527) seeks an amendment to add new text as follows:
- "Noise levels arising from activities must be measured and assessed in accordance with the New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise except where more specific requirements apply".
67. NOISE-R1 specifies the standards which activities must be measured and assessed against. I consider that the rules have legal weight whilst the Overview does not and on this basis repetition does not improve the effectiveness of the plan. I therefore do not support including this text in the overview.
68. Westport Pistol Club (S336.008) and Westport Rifle Range (S457.007) requests that the words 'Rifle Range' be added to the list of potentially affected activities in paragraph 2 of the Overview statement. I do not support including rifle range as I do not consider that this fits with the intent of Paragraph 2 which refers to "particular concerns for important services and community facilities".
69. Buller Conservation Group (S552.153) and Frida Inta (S553.153) request additional text be added to the overview:

"Sensitivity can also arise when noisy industry sets up near existing peace-requiring activities such as a church or library".

70. It is considered that the suggested amendment as worded does not provide clarity to the overview and I recommend this requested amendment be rejected. I note that the overview is focused on protecting noise generating activities. I recommend that the overview be amended to include a more general reference to maintaining appropriate noise levels in zones where a higher amenity noise environment is anticipated, such as residential. I consider this gives partial relief to the submitters' request.

Recommendations

71. That the Overview text be amended as follows:

The generation of noise is often a necessary part of many activities undertaken on the West Coast/Te Tai o Poutini. While it is important that such activities are able to operate, noise can result in potential adverse effects on people's health and wellbeing, and their enjoyment of the environment. Adverse effects associated with noise can vary depending on a number of factors, including frequency, timing, duration and characteristics of the noise, the distance between the source and receiver, and any reduction measures. The background sound level can influence the acceptability or annoyance of noise, and this can also vary throughout the West Coast/Te Tai o Poutini.

Where **noise** sensitive activities are established near existing noise-generating activities, or areas where higher noise levels are to be expected, reverse sensitivity effects can arise, potentially resulting in the existing noise-generating activities being constrained, in terms of their ongoing operation or expansion. This is a particular concern for important services and community facilities, including Airports and Heliports, Sports Grounds and Stadiums, the State Highway, Railway Corridors and the Ports, which could be constrained if reverse sensitivity effects arise.

This Chapter controls the nature and timing of noise-generating activities, including maintaining appropriate noise levels within zones where a different noise environment is anticipated to minimise potential adverse effects, and manages new sensitive activities where these are located close to established noise-generating activities or zones which have or are expected to have elevated noise levels.

The provisions in this chapter apply to all other chapters within this Plan, unless otherwise specified.

72. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Objectives - General

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Buller District Council	S538.329	Support	Retain as notified. Objectives
Chris & Jan Coll	S558.319	Support	Retain
Geoff Volckman	S563.089	Amend	Retain
Catherine Smart-Simpson	S564.101	Support	Retain.
Chris J Coll Surveying Limited	S566.319	Support	Retain
William McLaughlin	S567.380	Support	Retain
Laura Coll McLaughlin	S574.319	Support	Retain
Koiterangi Lime Co LTD	S577.081	Support	Retain

Analysis

73. Buller District Council (S538.329), Chris & Jan Coll (S558.319), Geoff Volckman (S563.089), Catherine Smart-Simpson (S564.101), Chris J Coll Surveying Limited (S566.319), William McLaughlin (S567.380), Laura Coll McLaughlin (S574.319), and Koiterangi Lime Co LTD (S577.081), support the objectives and seek that they are retained as notified. This support is noted, however changes to the objectives are recommended in response to submissions as outlined in subsequent sections.

Recommendations

74. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Objective 1

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
New Zealand Agricultural Aviation Association	S166.019	Support	Retain NOISE-O1
New Zealand Agricultural Aviation Association	S166.020	Support	Retain NOISE-O1
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.528	Support in part	Amend NOISE-O1 as follows: The benefits of noise generating activities are provided for in a way that is compatible with the role, function and character of each zone and does not <u>unreasonably</u> compromise community health, safety and wellbeing.
<i>Tony Michelle</i>	<i>FS30.25</i>	<i>Support</i>	<i>Allow</i>
Ballance Agri-Nutrients	S345.001	Support	Retain Objective
Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	S441.035	Support	Retain as notified.
Horticulture New Zealand	S486.055	Support	Retain NOISE-O1
West Coast Regional Council	S488.030	Support	Retain the objective.
<i>Tony Michelle</i>	<i>FS30.26</i>	<i>Support</i>	<i>Allow</i>
New Zealand Defence Force	S519.023	Support	Retain Objective as notified or wording to similar effect.
Buller Conservation Group	S552.154	Amend	The benefits of noise generating activities are provided for in a way that is compatible with the role, function and character of each zone and does not compromise community health, safety and wellbeing, <u>nor impact on</u> noise sensitive activities.
<i>Westpower Limited</i>	<i>FS222.036</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Tony Michelle</i>	<i>FS30.27</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Horticulture New Zealand</i>	<i>FS55.42</i>	<i>Oppose</i>	<i>Disallow</i>

Frida Inta	S553.154	Amend	Add: The benefits of noise generating activities ..., safety and wellbeing, <u>nor impact on noise sensitive activities.</u>
<i>Westpower Limited</i>	<i>FS222.0147</i>	<i>Oppose</i>	<i>Disallow</i>
Karamea Lime Company	S614.128	Support	Retain
Peter Langford	S615.128	Support	Retain

Analysis

75. New Zealand Agricultural Aviation Association (S166.019, S116.020), Ballance Agri-Nutrients (S345.001), Silver Fern Farms (S441.035), Horticulture New Zealand (S486.055), West Coast Regional Council (S488.030), New Zealand Defence Force (S519.023), Karamea Lime Company (S614.128), and Peter Langford (S615.128) support NOISE-O1 and seek that it is retained as notified. The support for NOISE-O1 is noted, however amendments to the objective are recommended based on other submissions.
76. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.528) support NOISE-O1 in part and seek an amendment to include 'unreasonably'. In the reasons for the submission the submitter explains that the proposed noise limits still represent some compromise to public health, but that it is not practical to provide absolute protection. They seek that the wording be qualified. I agree with the submitter's reasoning and recommend that the objective be amended to include reference to 'unreasonably'.
77. Buller Conservation Group (S552.154), and Frida Inta (S553.154) seek amendments to NOISE-O1 to include 'impact on noise sensitive activities'. It is considered that the amendment does not provide clarity to the objective. Noise related impacts/effects on noise sensitive activities are managed through noise limits for the receiving zone based on the types of activity that is provided for in each zone. I recommend this submission point is rejected.

Recommendations

78. That NOISE-O1 be amended as follows:
The benefits of noise generating activities are provided for in a way that is compatible with the role, function and character of each zone and does not [unreasonably](#) compromise community health, safety and wellbeing.
79. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Objective 2

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
New Zealand Agricultural Aviation Association	S166.021	Support	Retain NOISE-O2
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.529	Support	Retain objective.
Ballance Agri-Nutrients	S345.002	Support	Retain objective
Manawa Energy Limited (Manawa Energy)	S438.124	Support in part	Amend NOISE - O2 as follows: The function and operation of existing and permitted future noise generating

			activities and community <u>regionally significant</u> infrastructure are not compromised by adverse effects, including reverse sensitivity effects, from noise-sensitive activities.
<i>Westpower Limited</i>	<i>FS222.0196</i>	<i>Support in part</i>	<i>Not stated</i>
Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	S441.036	Support	Retain as notified.
KiwiRail Holdings Limited	S442.084	Support	Retain as proposed
Waka Kotahi NZ Transport Agency	S450.164	Support	Retain as proposed.
Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited	S464.048	Support	Retain as notified
Horticulture New Zealand	S486.056	Support in part	Amend NOISE-O2 by: Replacing 'existing and permitted future' with 'lawfully established' Include a definition for noise sensitive activities as being: residential activities, education facilities, visitor accommodation and health facilities.
<i>New Zealand Defence Force</i>	<i>FS31.009</i>	<i>Support in part</i>	<i>Allow in part</i>
New Zealand Defence Force	S519.024	Support	Retain Objective as notified or wording to similar effect.
Federated Farmers of New Zealand	S524.100	Support in part	Amend NOISE-O2 The function and operation of lawfully established activities that generate noise and community infrastructure are not compromised by adverse effects, including reverse sensitivity effects, from noise sensitive activities. Include a definition for noise sensitive activities: Means activities that may be affected by noise including residential activities, education facilities, visitor accommodation, health facilities.
<i>Tony Michelle</i>	<i>FS30.28</i>	<i>Support</i>	<i>Allow</i>
Terra Firma Mining Limited	S537.017	Support	Retain NOISE - O2
Buller Conservation Group	S552.155	Oppose	Reword Objective
Fire and Emergency New Zealand	S573.014	Support	No amendments sought.
Grey District Council	S608.673	Support	Retain as proposed.

Karamea Lime Company	S614.129	Support	Retain
Peter Langford	S615.129	Support	Retain

Analysis

80. New Zealand Agricultural Aviation Association (S166.021), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.529), Ballance Agri-Nutrients (S345.002), Silver Fern Farms (S441.036), KiwiRail (S442.084), Waka Kotahi NZ Transport Agency (Waka Kotahi) (S450.164), Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited (Foodstuffs) (S464.048), New Zealand Defence Force (S519.024), Terra Firma Mining Limited (S537.017), Fire and Emergency New Zealand (S573.014), Grey District Council (S608.673), Karamea Lime Company (S614.129), and Peter Langford (S615.129), support NOISE-O2 and seek that it is retained as notified. The support for NOISE-O2 is noted, however amendments to the objective are recommended base on other submissions.
81. Manawa Energy Limited (Manawa Energy) (S438.124) supports NOISE-O2 in part, and seeks an amendment to include 'regionally significant'. 'Community Infrastructure' is not a defined term, however, 'Regionally Significant Infrastructure' (as defined by the RPS and recommended to be included in the pTTPP through the infrastructure hearing stream) is a refined suite of infrastructure activities and does not capture all infrastructure. In my opinion the relief sought will reduce the scope of the objective by narrowing the definition, and potentially create inconsistency with section 7(b) of the RMA. However, I agree with the submitter that the word community should be deleted and the objective simply refer to 'infrastructure'.
82. Horticulture New Zealand (S486.056) supports NOISE-O2 in part, and seeks amendment to replace 'existing and permitted future' with 'lawfully established', and to include a definition for noise sensitive activities. Similarly Federated Farmers (S524.100) supports Noise – O2 in part, and seeks amendment to replace 'existing and permitted future noise generating activities' with 'lawfully established activities that generate noise', and to include a definition for noise sensitive activities. In relation to the requests to refer to 'lawfully established', instead of 'existing and permitted future', I support this amendment. Lawfully established is defined and established in case law, this amendment will improve enforceability of the objective. I do not consider amending to 'that generate noise' requested by Federated Farmers is required as this is already capture in the objective. In relation to the submission points seeking a definition of noise sensitive activities, I recommend these are accepted in part, as discussed above.
83. Buller Conservation Group (S552.155) requests that the objective is reworded as they consider the objective will create a clash of activities. Buller Conservation Group request an explanation as to how the noise-generated activities are not compromised by adverse effects. The intent of this submission point is unclear and the submitter is invited to provide further clarification.

Recommendations

84. It is recommended that NOISE-O2 is amended as follows:
- The function and operation of ~~existing and permitted future~~ lawfully established noise generating activities and ~~community~~ infrastructure are not compromised by adverse effects, including reverse sensitivity effects, from ~~noise~~ sensitive activities.
85. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Objective 3

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.530	Support	Retain NOISE-O3 as notified.
Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	S441.037	Support in part	Silver Fern Farms suggest the objective be amended as follows: NOISE - O3 The health and wellbeing of people and communities of the zone are protected from significant levels of noise that are inconsistent with role and character of the zone.
<i>Westpower Limited</i>	<i>FS222.0330</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Tony Michelle</i>	<i>FS30.29</i>	<i>Support</i>	<i>Allow</i>
<i>Horticulture New Zealand</i>	<i>FS55.43</i>	<i>Support</i>	<i>Allow</i>
Waka Kotahi NZ Transport Agency	S450.165	Support	Retain as proposed.
Celine Stokowski Anthony Thrupp	S522.004	Support	Retain as notified.
Karamea Lime Company	S614.130	Support	Retain
Peter Langford	S615.130	Support	Retain

Analysis

86. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.530), Waka Kotahi (S450.165), Celine Stokowski, Anthony Thrupp (S522.004), Karamea Lime Company (S614.130), and Peter Langford (S615.130), support NOISE-O3 and seek that it is retained as notified. Support for this objective is noted and recommended to be accepted.
87. Silver Fern Farms (S441.037), support NOISE-O3 in part and seek amendment to include 'that are inconsistent with role and character of the zone'. I do not support the relief sought, in my opinion this limits the scope of the objective and does not provide appropriate recognition of cross boundary effects. I recommend this submission point is rejected.

Recommendations

88. No amendments to NOISE-O3 are recommended in response to these submissions.
89. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Policies - General

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Buller District Council	S538.330	Support	Retain as notified.

Analysis

90. Buller District Council (S538.330) support the NOISE policies and seek that that they are retained as notified. The support is noted, however amendments to the policies are recommended based on other submissions, as set out in the following sections.

Recommendations

91. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Policy 1

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
New Zealand Agricultural Aviation Association	S166.022	Support	Retain NOISE-P1
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.531	Support	Retain policy.
Ballance Agri-Nutrients	S345.003	Support	Retain policy
Manawa Energy Limited (Manawa Energy)	S438.125	Support in part	Amend NOISE - P1 as follows: Enable the generation of noise when it is of a type, character, scale and level that is appropriate to the zone, having regard to: The purpose, character and qualities of the zone that the activity is located in; The nature, frequency and duration of the noise generating activity; Whether the noise generating activity is critical <u>regionally significant</u> infrastructure; ...
Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	S441.038	Support in part	Amend as follows: NOISE - P1 Enable the generation of noise when it is of a type, character, scale and level that is appropriate to the zone, having regard to: The purpose, character and qualities of the zone that the activity is located in; The nature, frequency and duration of the noise generating activity; Whether the noise generating activity is critical infrastructure; Methods of mitigation; and The sensitivity of the surrounding environment <u>taking into account the potential reverse sensitivity effects where new noise sensitive activities are established adjacent to higher noise environments</u>
<i>Westpower Limited</i>	<i>FS222.0331</i>	<i>Oppose</i>	<i>Disallow</i>

<i>Tony Michelle</i>	<i>FS30.30</i>	<i>Support</i>	<i>Allow</i>
KiwiRail Holdings Limited	S442.085	Support	Retain as proposed
Waka Kotahi NZ Transport Agency	S450.166	Support	Retain as proposed.
West Coast Regional Council	S488.031	Support	Retain the policy.
<i>Tony Michelle</i>	<i>FS30.31</i>	<i>Support</i>	
Terra Firma Mining Limited	S537.018	Support	Retain NOISE - P1
Westpower Limited	S547.485	Amend	Add <u>f. The technical, locational, functional or operational constraints and/or requirements of the activity.</u>
Westpower Limited	S547.486	Amend	Add <u>g. Benefits from the work being undertaken and energy activities and infrastructure developed.</u>
Chris & Jan Coll	S558.320	Support	Retain
Geoff Volckman	S563.090	Support	Retain
Catherine Smart-Simpson	S564.102	Support	Retain
Chris J Coll Surveying Limited	S566.320	Support	Retain
William McLaughlin	S567.381	Support	Retain
Laura Coll McLaughlin	S574.320	Support	Retain
Koiterangi Lime Co LTD	S577.082	Support	Retain
Grey District Council	S608.674	Support	Retain as proposed
Karamea Lime Company	S614.131	Support	Retain
Peter Langford	S615.131	Support	Retain

Analysis

92. New Zealand Agricultural Aviation Association (S166.022), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.531), Ballance Agri-Nutrients (S345.003), KiwiRail (S442.085), Waka Kotahi (S450.166), West Coast Regional Council (S488.031), Terra Firma Mining Limited (S537.018), Chris & Jan Coll (S558.320), Geoff Volckman (S563.090), Catherine Smart-Simpson (S564.102), Chris J Coll Surveying Limited (S566.320), William McLaughlin (S567.381), Laura Coll McLaughlin (S574.320), Koiterangi Lime Co LTD (S577.082), Grey District Council (S608.674), Karamea Lime Company (S614.131), and Peter Langford (S615.131) support NOISE-P1 and seek that it is retained as notified. The support for NOISE-P1 is

noted, however amendments to the policy are recommended base on other submissions.

93. Manawa Energy (S438.125) supports NOISE-P1 in part, and seeks minor amendment to replace 'critical' with 'regionally significant'. I agree with this change as it is consistent with recommended amendments in previous hearing streams to replace 'critical infrastructure' with 'regionally significant' infrastructure.
94. Silver Fern Farms (S441.038) supports NOISE-P1 in part, and seeks minor amendment to include 'taking into account the potential reverse sensitivity effects where new noise sensitive activities are established adjacent to higher noise environments'. I do not consider this amendment necessary, in my opinion NOISE-P2 sufficiently addresses the management of sensitive activities within/adjacent to higher noise environments.
95. Westpower Limited (S547.485) seeks amendment to include 'f. The technical, locational, functional or operational constraints and/or requirements of the activity.' In my view NOISE-P1 applies to noise generation across all zones and there are many circumstances where locational, functional or operational constraints and/or requirements of the activity may not be relevant. I therefore recommend this submission point is rejected. I note that similar text is recommended to be included in NOISE-P4.
96. Westpower Limited (S547.486) seeks amendment to include 'g. Benefits from the work being undertaken and energy activities and infrastructure developed.' It is considered that clause c and recommended amendments to refer to Regionally Significant Infrastructure largely address the matters listed and the additional clause is not required.

Recommendations

97. It is recommended that NOISE-P1 is amended as follows:
 Enable the generation of noise when it is of a type, character, scale and level that is appropriate to the zone, having regard to:
 - a. The purpose, character and qualities of the zone that the activity is located in;
 - b. The nature, frequency and duration of the noise generating activity;
 - c. Whether the noise generating activity is **critical** **regionally significant** infrastructure;
 - d. Methods of mitigation; and
 - e. The sensitivity of the surrounding environment.
98. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Policy 2

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.532	Support	Retain policy.
Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	S441.039	Support in part	Silver Fern Farms recommends that the policy be amended to clarify that the burden of management lies with the new activity and not the existing noise generating activity. Silver Fern Farms suggests the following amendments:

			NOISE - P2 Require sensitive activities sited in higher noise environments and new noise sensitive activities adjacent to higher noise environments, to be located and designed so as to minimise adverse effects on the amenity values, public health and wellbeing and the safety of occupants and minimise sleep disturbance from noise, while taking into account: [...]
<i>Horticulture New Zealand</i>	<i>FS55.44</i>	<i>Support</i>	<i>Allow</i>
KiwiRail Holdings Limited	S442.086	Support	Retain as proposed
Waka Kotahi NZ Transport Agency	S450.167	Support	Retain as proposed.
Horticulture New Zealand	S486.057	Support in part	Amend NOISE-P2 to include GRUZ as a higher noise environment.
Federated Farmers of New Zealand	S524.101	Support in part	Amend NOISE-P2 to include GRUZ as a higher noise environment
<i>Tony Michelle</i>	<i>FS30.32</i>	<i>Support</i>	<i>Allow</i>
Terra Firma Mining Limited	S537.019	Support	Retain NOISE - P2
Chris & Jan Coll	S558.321	Support	retain
Geoff Volckman	S563.091	Support	Retain
Catherine Smart-Simpson	S564.103	Support	Retain
Chris J Coll Surveying Limited	S566.321	Support	retain
William McLaughlin	S567.382	Support	retain
Laura Coll McLaughlin	S574.321	Support	retain
Koiterangi Lime Co LTD	S577.083	Support	Retain
Karamea Lime Company	S614.132	Support	Retain
Peter Langford	S615.132	Support	Retain

Analysis

99. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.532), KiwiRail (S442.086), Waka Kotahi (S450.167), Terra Firma Mining Limited (S537.019), Chris & Jan Coll (S558.321), Geoff Volckman (S563.091), Catherine Smart-Simpson (S564.103), Chris J Coll Surveying Limited (S566.321), William McLaughlin (S567.382), Laura Coll McLaughlin (S574.321), Koiterangi Lime Co LTD (S577.083), Karamea Lime Company (S614.132), and Peter Langford (S615.132), support Noise – P2 and seek that it is retained as notified. This support is noted, however amendments to the policy are recommended based on other submissions.
100. Silver Fern Farms (S441.039) supports NOISE-P2 in part, and seeks minor amendment to include 'and new noise sensitive activities adjacent to higher noise environments'. I

agree with the intent of this amendment as I consider it gives effect to NOISE – O3 and accurately reflects Rule NOISE-R3².

101. Horticulture New Zealand (S486.057), and Federated Farmers (S524.101) support Noise – P2 in part, and seek an amendment to include the General Rural Zone (GRUZ) as a higher noise environment. While I note the purpose of the GRUZ is to provide for rural production activities, resource extraction and intensive indoor farming, the zone also provides for residential activities. Mr Peakall has provided a technical evaluation of this matter in his discussion on the amended rule framework at his paragraphs 107 and 108.

Recommendations

102. It is recommended that NOISE-P2 is amended as follows:
- Require sensitive activities sited in higher noise environments [and new sensitive activities adjacent to higher noise environments](#) to be located and designed so as to minimise adverse effects on the amenity values, public health and wellbeing and the safety of occupants and minimise sleep disturbance from noise, while taking into account:
- The type of noise generating activity; and
 - Other noise sources in the area; and
 - The nature and occupancy of the noise sensitive activity; and
 - Mitigation measures, including acoustic insulation, screening and topography.
- For the purpose of NOISE - P2 higher noise environments include:
- CMUZ - Commercial and mixed use zones;
 - INZ - Industrial zones, PORTZ - Port Zone, AIRPZ - Airport Zone, STADZ - Stadium Zone, BCZ - Buller Coalfield Zone, MINZ - Mineral Extraction Zone and HOSPZ - Hospital Zone; and
 - Locations in close proximity to a State Highway and the Railway Corridor.
103. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Policy 3

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.533	Support	Retain policy.
Grey District Council	S608.675	Support	Retain as proposed.

Analysis

104. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.533), and Grey District Council (S608.675) support Noise – P3 and seek that it is retained as notified. This support is noted.

Recommendations

105. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

1. _____

² I have not included the word 'noise' ahead of 'sensitive activity' consistent with recommendations made in relation to submissions seeking a definition of 'noise sensitive activity, to rely on the 'sensitive activity' definition

Noise – Policy 4

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.534	Support in part	Amend the header sentence of NOISE-P4 as follows: Ensure noise effects generated by an activity are of a type, scale and level that are appropriate for the predominant role, function and character of the receiving environment and protect the health and wellbeing of people and communities by <u>constraining noise generating activities in terms of</u> having regard to:...
<i>Westpower Limited</i>	<i>FS222.0334</i>	<i>Oppose in part</i>	<i>Disallow</i>
<i>Tony Michelle</i>	<i>FS30.33</i>	<i>Oppose</i>	<i>Disallow</i>
Ballance Agri-Nutrients	S345.004	Support	Retain policy
Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	S441.040	Support in part	Silver Fern Farm suggests the following amendment: NOISE - P4 Ensure noise effects generated by an activity are of a type, scale and level that are appropriate for the predominant role, function and character of the receiving environment and protect the health and wellbeing of people and communities by having regard to: a Maximum noise limits to reflect the character and amenity of each zone; b Type, scale and location of the activity in relation to any noise sensitive activities; c Hours of operation and duration of activity; d The temporary or permanent nature of any adverse effects; and e The ability to internalise and/or minimise any conflict with adjacent activities <u>within the zone</u> .
Waka Kotahi NZ Transport Agency	S450.168	Support	Retain as proposed.
Horticulture New Zealand	S486.058	Support in part	Amend NOISE-P4 by replacing 'protect' with 'provide for'.
West Coast Regional Council	S488.032	Support	Retain the policy.
<i>Tony Michelle</i>	<i>FS30.34</i>	<i>Support</i>	<i>Allow</i>
Celine Stokowski Anthony Thrupp	S522.005	Support	Retain as notified
Federated Farmers of New Zealand	S524.102	Support in part	Amend NOISE-P4 to:

			Ensure noise effects generated by an activity are of a type, scale and level that are appropriate for the predominant role, function and character of the receiving environment and provide for protect the health and wellbeing of people and communities having regard to:
Westpower Limited	S547.487	Amend	Amend e. The ability to internalise and/or avoid, remedy or mitigate adverse effects.
Westpower Limited	S547.488	Amend	Add f. The technical, locational, functional or operational constraints and/or requirements of the activity.
Westpower Limited	S547.489	Amend	Add g. Benefits from the work being undertaken and energy activities and infrastructure developed.
Chris & Jan Coll	S558.322	Support	Retain
Geoff Volckman	S563.092	Support	Retain
Catherine Smart-Simpson	S564.104	Support	Retain
Chris J Coll Surveying Limited	S566.322	Support	Retain
William McLaughlin	S567.383	Support	Retain
Laura Coll McLaughlin	S574.322	Support	Retain
Koiterangi Lime Co LTD	S577.084	Support	Retain
Karamea Lime Company	S614.133	Support	Retain
Peter Langford	S615.133	Support	Retain

Analysis

106. Ballance Agri-Nutrients (S345.004), Waka Kotahi (S450.168), West Coast Regional Council (S488.032), Celine Stokowski Anthony Thrupp (S522.005), Chris & Jan Coll (S558.322), Geoff Volckman (S563.092), Catherine Smart-Simpson (S564.104), Chris J Coll Surveying Limited (S566.322), William McLaughlin (S567.383), Laura Coll McLaughlin (S574.322), Koiterangi Lime Co LTD (S577.084), Karamea Lime Company (S614.133), and Peter Langford (S615.133) support NOISE-P4 and seek that it is retained as notified. This support is noted, although amendments to this policy are recommended based on other submissions.
107. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.534) seek to include 'constraining noise generating activities in terms of'. I consider that the requested amendment changes the policy to be restrictive of noise generating activities in a manner that is inconsistent with NOISE-O1 which seeks to 'enable noise generating activities'. I therefore do not support this amendment.
108. Horticulture New Zealand (S486.058) and Federated Farmers (S524.102) seek to replace 'protect' with 'provide for'. It is considered that the amendment to 'provide for' the health and wellbeing of people fails to give effect to NOISE-O3. I do not support this amendment.
109. Westpower Limited (S547.487) seeks amendment of point e. to replace 'minimise any conflict with adjacent' with 'avoid, remedy or mitigate adverse effects'. I consider that avoid, remedy or mitigate provides wider scope to address effects, whilst the extent to which conflict would be minimised is uncertain. I support the request and recommend that it be accepted.

110. Westpower Limited (S547.488) seeks an amendment to include 'f. The technical, locational, functional or operational constraints and/or requirements of the activity.' I support an amendment to add an additional clause to NOISE-P4 to provide direction to plan users to consider the requirements of the activity with respect to potential noise effects and mitigation. I recommend this is focused on functional and operational need, as these are terms defined in the planning standards.
111. Westpower Limited (S547.489) seeks an amendment to include 'g. Benefits from the work being undertaken and energy activities and infrastructure developed.' In my view the addition of clause f recommended above affords sufficient consideration of the requirements of an activity and this additional clause is not necessary. I also note that this matter is covered by the Energy, Infrastructure and Transport chapters.
112. Silver Fern Farms (S441.040) seek to amend NOISE-P4 point e. to include 'within the zone' to recognise that the role and function of each zone will have different needs with respect to noise generating activities. I do not support the amendment requested, limiting the ability to internalise and/or minimise any conflict with adjacent activities to "within the zone" does not accurately give effect to NOISE-O1 and NOISE-O3.

Recommendations

113. It is recommended that NOISE-P4 is amended as follows:
- Ensure noise effects generated by an activity are of a type, scale and level that are appropriate for the predominant role, function and character of the receiving environment and protect the health and wellbeing of people and communities by having regard to:
- Maximum noise limits to reflect the character and amenity of each zone;
 - Type, scale and location of the activity in relation to any **noise** sensitive activities;
 - Hours of operation and duration of activity;
 - The temporary or permanent nature of any adverse effects; **and**
 - The ability to internalise and/or **avoid, remedy or mitigate** **minimise** any conflict with adjacent activities; **and**
 - The functional need and/or operational need of the activity.**
114. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Rules - General

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Michael Hill	S70.019	Oppose	Noise rules should revert back to the those in the old (Grey District) plan

Analysis

115. Michael Hill (S70.019) opposes the rules and seeks that the noise rules from the Grey District Plans are reverted. I do not agree that the noise rules should revert to the Operative Grey District Plan approach. The proposed and recommended amended noise rules reflect current New Zealand Standards and the planning standards, applying limits which reflect the amenity and character of proposed zones. I also note that the noise rules, including recommended amendments, are supported by Mr Peakall, an independent expert engaged by the WCRC.

Recommendations

116. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Rule 1

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
New Zealand Agricultural Aviation Association	S166.023	Amend	Amend NOISE-R1 5) by adding: Unless otherwise exempted in NOISE-R2.
<i>New Zealand Helicopter Association</i>	<i>FS83.9</i>	<i>Support</i>	<i>Allow</i>
<i>PE Property Trust</i>	<i>FS88.9</i>	<i>Support</i>	<i>Allow</i>
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.535	Oppose in part	Amend NOISE-R1 as follows: 1. Noise levels arising from activities must be measured and assessed in accordance with the New Zealand Standard NZS 6801:2008 Acoustics – Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics – Environmental noise except where more specific requirements apply. 2. The noise from any construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics - Construction noise. Construction work is defined in New Zealand Standard NZS 6803:1999 Acoustics - Construction noise. 3. Noise from mobile noise sources shall comply with the noise limits set out in Tables 2 and 3 of NZS 6803:1999 Acoustics - Construction Noise, with reference to "construction noise" taken to refer to "mobile noise sources"; 4. Noise from wind turbines shall be measured and assessed in accordance with section 7.7 of NZS 6808: 2010 Acoustics Wind Farm Noise; 5. Noise from Helicopter Landing areas shall be managed in accordance with and comply with the noise standards and limits of NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Area
<i>Westpower Limited</i>	<i>FS222.0335</i>	<i>Oppose in part</i>	<i>Disallow</i>
<i>New Zealand Helicopter Association</i>	<i>FS83.10</i>	<i>Oppose in part</i>	<i>Disallow in part</i>
<i>New Zealand Helicopter Association</i>	<i>FS83.13</i>	<i>Oppose in part</i>	<i>Allow in part</i>

Waka Kotahi NZ Transport Agency	S450.169	Support	Retain as proposed.
New Zealand Defence Force	S519.025	Support	Retain Rule as notified.
<i>Tony Michelle</i>	<i>FS30.4</i>	<i>Oppose in part</i>	<i>Disallow in part</i>
<i>New Zealand Helicopter Association</i>	<i>FS83.11</i>	<i>Oppose</i>	<i>Disallow</i>
Buller District Council	S538.331	Support	Retain as notified.
Chris & Jan Coll	S558.323	Support	Retain
Chris J Coll Surveying Limited	S566.323	Support	Retain
William McLaughlin	S567.384	Support	Retain
Laura Coll McLaughlin	S574.323	Support	Retain
Grey District Council	S608.676	Support	Not stated

Analysis

117. Waka Kotahi (S450.169), New Zealand Defence Force (S519.025), Buller District Council (S538.331), Chris & Jan Coll (S558.323), Chris J Coll Surveying Limited (S566.323), William McLaughlin (S567.384), and Laura Coll McLaughlin (S574.323) support NOISE-R1 and seek that it is retained as notified. Grey District Council (S608.676) also supports NOISE-R1. The support for NOISE-R1 is noted, however amendments are recommended based on other submissions.
118. New Zealand Agricultural Aviation Association (S166.023) seek amendment to NOISE-R1.5 to add "Unless otherwise exempted in NOISE-R2." Rule 1 details the standards which must be complied with. Rule 2 specifies activities that do not require resource consent, however, compliance with standards is still appropriate to manage effects of permitted activities. I therefore do not support the requested exemption.
119. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.535) seek the full deletion of NOISE-R1.1, the deletion of "section 7.7 of" from R1.4, and the addition of "and assessed" to R1.4. Rule 1 specifies the standards which activities must be measured and assessed against. I note that the planning standards do not limit the application of New Zealand Standard 6808:2010 Acoustics – Wind farm noise to section 7.7 and therefore support removing reference to this section. Mr Peakall has also assessed this submission and recommends that that the reference to section 7.7 be deleted, and that R1.4 be amended to refer to 'and assessed'. I accept Mr Peakall's advice on this matter. With respect to deleting Rule 1.1 as sought by the submitter, I agree with Mr Peakall's advice on this point³ and consider it is more efficient for plan users to have all of the standards contained within the one rule. I consider this is more certain than including in the Overview section which does not have any legal weight.
120. On the recommendation of Mr Peakall⁴, I also recommend additional further minor amendments for clarity, to refer to standards for Airport Noise Management and Land Use Planning, Acoustics – Road-traffic noise – New and altered roads, and Acoustics Port Noise Management and Land Use Planning. I note that the planning standards refer to New Zealand Standard 6805:1992 Airport noise management and land use planning – measurement only. I have discussed this with Mr Peakall and understand it is important to apply the standard in full from a practical and technical perspective and therefore I recommend including it in full. The port noise standard is recommended to

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³ Steve Peakall Statement of Evidence paragraph 31

⁴ Steve Peakall Statement of Evidence paragraphs 33 and 34

be included as a consequential change to Rule 9. Minor amendments for clarity are also recommended to Clause 5.

Recommendations

121. It is recommended that NOISE-R1 is amended as follows:

NOISE-R1 General Standards

All activities must comply with the following relevant standards.

Activity status where compliance not achieved: Restricted Discretionary

...

X. Noise from aerodromes, airfields of airports not subject to noise rule R10 shall be measured and assessed in accordance with New Zealand Standard NZS 6805:1992 Airport Noise Management and Land Use Planning.

XX. Noise from New or Altered Roads shall be measured and assessed in accordance with New Zealand Standard NZS 6806:2010 Acoustics - Road-traffic noise - New and altered roads.

4. Noise from wind turbines shall be measured and assessed in accordance with ~~section 7.7 of~~ NZS 6808: 2010 Acoustics Wind Farm Noise;

5. Noise from Helicopter Landing areas shall be ~~managed~~ measured and assessed in accordance with ~~and comply with~~ the noise standards and limits of NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Area.

XXX. Noise from port activities shall be managed in accordance with and comply with the noise standards and limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.

122. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Rule 2

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Waka Kotahi NZ Transport Agency	S450.170	Support	Retain as proposed.
Jet Boating New Zealand	S161.004	Support	Retain the Rule as proposed.
Jet Boating New Zealand	S161.005	Support	Retain the Rule as proposed.
New Zealand Agricultural Aviation Association	S166.024	Amend	Amend NOISE-R2 12) to read as follows: <u>Infrequent aircraft take-offs and landings for agricultural aviation activities on an intermittent basis for rural production and conservation activities including biosecurity and biodiversity activities.</u>
<i>West Coast Regional Council</i>	<i>FS136.028</i>	<i>Support</i>	<i>Not stated</i>
<i>New Zealand Helicopter Association</i>	<i>FS83.12</i>	<i>Support</i>	<i>Allow</i>
<i>PE Property Trust</i>	<i>FS88.10</i>	<i>Support</i>	<i>Allow</i>

Westland District Council	S181.030	Support	Retain the objectives, policies and rules
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.536	Oppose in part	Amend NOISE-R2 as follows: 1. Intermittent residential activities, use of lawn mowers, vehicles, machinery or equipment operated and maintained in accordance with the manufacture's specifications and used on an intermittent basis (e.g. spraying, harvesting, etc); ... 10. Any residential activity on the same site as a noise source being assessed; ... 12. Infrequent aircraft landing for rural production purposes on an intermittent basis, including aerial topdressing and helicopter movements; 13. Non-commercial motorised watercraft operating on the surface of waterbodies; ... 15. Impulsive sounds (such as hammering and bangs) and dog barking noise which are poorly assessed by reference to NZS 6802:2008 Acoustics Environmental Noise; 16. The noise is emitted from an audible bird scaring device between the hours of half an hour before sunrise and until half an hour after sunset, not used at a frequency of more than 12 events per hour, <u>and generating less than 65 dB LAE for each event</u> ; and 17. The noise is from a Temporary Activity where the temporary activity occurs between 7:00am and 10:00pm only, and if operating outside of these hours complies with the underlying noise standards of the zone. <u>This does not include any amplified noise.</u>
<i>Tony Michelle</i>	<i>FS30.13</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Horticulture New Zealand</i>	<i>FS55.45</i>	<i>Oppose</i>	<i>Disallow</i>
Westport Pistol Club	S336.009	Support in part	Ensure noise R2.14 is permitted at any time of day.
Ballance Agri-Nutrients	S345.005	Support	Retain rule
Chris Hartigan	S438.126	Support in part	Amend NOISE - R2(5) as follows: 5. The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing

			and maintenance not exceeding 2 weeks in duration, where they are operated by emergency services or lifeline utilities providers of regionally significant infrastructure.
<i>Westpower Limited</i>	<i>FS222.0197</i>	<i>Support</i>	<i>Not stated</i>
<i>New Zealand Helicopter Association</i>	<i>FS83.8</i>	<i>Support</i>	<i>Allow</i>
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.084</i>	<i>Oppose</i>	<i>Disallow</i>
KiwiRail Holdings Limited	S442.087	Support	Retain as proposed
KiwiRail Holdings Limited	S442.088	Amend	Include noise, vibration and mechanical ventilation standards provided in Appendix A.
<i>Martin and Lisa Kennedy</i>	<i>FS221.004</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.083</i>	<i>Oppose</i>	<i>Disallow</i>
Westport Rifle Club Incorporated	S457.008	Support	Retain NOISE - R2.14 as notified
Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited	S464.049	Support in part	Where the following activities are exempted from meeting Zone noise standards: ... 5. The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding 2 weeks in duration, where they are operated by emergency services or lifeline utilities; ... 7. Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1998), or within a site as part of or compatible with a normal residential activity <u>expected for that zone</u> ;
<i>Martin & Co Westport Ltd and Lumberland Building Market Westport</i>	<i>FS140.025</i>	<i>Support</i>	<i>Allow</i>
Horticulture New Zealand	S486.059	Support in part	Amend NOISE-R2 11) by replacing 'agricultural, horticulture and pastoral farming activities' with 'rural production activities'. Retain NOISE-R2 12) Retain NOISE-R2 16)

West Coast Regional Council	S488.033	Amend	Rule NOISE - R2 should be amended to cover aerial biosecurity and biodiversity activities more clearly.
<i>Tony Michelle</i>	<i>FS30.14</i>	<i>Support</i>	<i>Allow</i>
<i>New Zealand Helicopter Association</i>	<i>FS83.14</i>	<i>Support in part</i>	<i>Allow in part</i>
New Zealand Defence Force	S519.026	Support	Retain Clause as notified.
New Zealand Defence Force	S519.027	Support	Retain Clause as notified
<i>New Zealand Helicopter Association</i>	<i>FS83.15</i>	<i>Support in part</i>	<i>Allow</i>
Federated Farmers of New Zealand	S524.103	Oppose in part	Amend NOISE-R2 11) by replacing 'agricultural, horticulture and pastoral farming activities' with 'rural production activities'. Retain NOISE-R2 12)
Buller District Council	S538.332	Support	Retain as notified.
Chris & Jan Coll	S558.324	Support	Retain
Chris J Coll Surveying Limited	S566.324	Support	Retain
William McLaughlin	S567.385	Support	Retain
Laura Coll McLaughlin	S574.324	Support	Retain
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.094	Amend	Amend NOISE - R2 as follows: Where the following activities are exempted from meeting Zone noise standards: ... 7. Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1998), or within a site as part of or compatible with a normal residential activity; ...
Department of Conservation	S602.180	Amend	Amend: Activity Status Permitted Where the following activities are exempted from meeting Zone noise standards: Infrequent aircraft landing for rural production or conservation purposes on an intermittent basis, including aerial topdressing and helicopter movements;....
<i>Buller District Council</i>	<i>FS149.0141</i>	<i>Support</i>	<i>Allow</i>
<i>Tony Michelle</i>	<i>FS30.37</i>	<i>Support</i>	<i>Allow</i>
<i>New Zealand Helicopter Association</i>	<i>FS83.16</i>	<i>Support in part</i>	<i>Allow</i>
<i>PE Property Trust</i>	<i>FS88.6</i>	<i>Support</i>	<i>Allow</i>
Grey District Council	S608.677	Support	Retain as proposed

Manawa Energy Limited (Manawa Energy)	S438.126	Support in part	Amend NOISE - R2(5) as follows: 5. The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding 2 weeks in duration, where they are operated by emergency services or lifeline utilities providers of regionally significant infrastructure.
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Analysis

123. Waka Kotahi (S450.170), Jet Boating New Zealand (S161.004) & (S161.005), Ballance Agri-Nutrients (S345.005), KiwiRail (S442.087), Westport Rifle Club Incorporated (S457.008), New Zealand Defence Force (S519.026) & (S519.027), Buller District Council (S538.332), Chris & Jan Coll (S558.324), Chris J Coll Surveying Limited (S566.324), William McLaughlin (S567.385), Laura Coll McLaughlin (S574.324), and Grey District Council (S608.677) support NOISE-R2 and seek that it is retained as notified. This support is noted, however amendments are recommended based on other submissions.
124. New Zealand Agricultural Aviation Association (S166.024) seek that NOISE-R2.12 be amended to provide for takeoffs as well as landings and include reference to conservation activities including biosecurity and biodiversity activities. Similarly, Department of Conservation (S602.180) seek the amendment of Noise – R2 to include the addition of 'or conservation'.
125. I agree with the New Zealand Agricultural Aviation Association that NOISE-R2.12 could be clarified to include take-offs which will improve effectiveness of the rule. I also support the addition of 'conservation activities' sought by both submitters as pest management often requires helicopter movements. I note that conservation activity is a defined term. I do not support the addition of specific subsets of rural production and conservation activities, as it is considered definitions afford sufficient rule clarify.
126. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.536) opposes Rule 2 in part and seeks amendments as follows:
1. Intermittent residential activities, use of lawn mowers, vehicles, machinery or equipment operated and maintained in accordance with the manufacture's specifications and used on an intermittent basis (~~e.g. spraying, harvesting, etc~~); ...
 - ~~10. Any residential activity on the same site as a noise source being assessed; ...~~
 - ~~12. Infrequent aircraft landing for rural production purposes on an intermittent basis, including aerial topdressing and helicopter movements;~~
 - ~~13. Non-commercial motorised watercraft operating on the surface of waterbodies; ...~~
 16. The noise is emitted from an audible bird scaring device between the hours of half an hour before sunrise and until half an hour after sunset, not used at a frequency of more than 12 events per hour, and generating less than 65 dB LAE for each event; and
 17. The noise is from a Temporary Activity where the temporary activity occurs between 7:00am and 10:00pm only, and if operating outside of these hours complies with the underlying noise standards of the zone. This does not include any amplified noise.
127. In relation to the changes to clause 1, I consider that deleting reference to 'e.g. spraying, harvesting, etc' will improve clarity of clause 1, particularly as spraying and harvesting are not typical residential activities which clause 1 is specifically addressing.

I have also recommended further minor amendments to clause 1 to improve clarity and certainty as 'intermittent' is not certain for a permitted activity.

128. I support the deletion of clause 10 because it is unclear what the intent of this exception is.
129. I do not support the deletion of clause 12, it is considered that infrequent aircraft landing is essential to support rural production activities, these are typically temporary in nature and managed by NZ Standards ensuring that effects are appropriately managed. I recommend a further minor amendment for clarity to remove 'infrequent' and replace this with a set number of days per year that this can occur (on the advice of Mr Peakall).
130. I do not support the deletion of clause 13, it is considered that the requirement to assess noise effects from recreational motorised watercraft would be onerous, and effects intermittent due to temporary nature of the activity.
131. In relation to the change sought to clause 16, Mr Peakall has discussed this at his paragraph 40(g). He supports this from a technical perspective and I rely on his expertise on this point.
132. In relation to the change sought to clause 17, Mr Peakall has discussed this at his paragraph 40(h). He supports this from a technical perspective and I rely on his expertise on this point.
133. Westport Pistol Club (S336.009) support Noise – R2 in part and seek that noise R2.14 is permitted at any time of day. I note that Mr Peakall has recommended the exemption be limited to day time hours. I note the submitter has specifically referenced 'any time of the day' (my emphasis). It is unclear whether restrictions during night time hours are supported by the submitter and they are welcome to clarify this in evidence. At this stage I recommend accepting the submission in part and including reference to daytime hours.
134. KiwiRail (S442.088) seeks amendments to include noise, vibration and mechanical ventilation standards provided in Appendix A. I have addressed this point at paragraph 52 above.
135. Foodstuffs (S464.049) support NOISE-R2 in part and seek that NOISE-R2.5 is retained and "expected for that zone" is added to NOISE-R2.7, with 'residential' being deleted. I agree with the submitter, as drafted this clause only provides for vehicle noise associated with residential activities, whilst vehicle noise from activities in all zones is not enabled. However the requested wording of "expected for that zone" is not certain. I recommend amending to "provided for as a permitted activity for that zone" be used instead.
136. Horticulture New Zealand (S486.059) supports NOISE-R2 in part and seeks that NOISE-R2.12 and NOISE-R2.16 are retained. The submitter seeks that NOISE-R2.11 is amended by replacing 'agricultural, horticulture and pastoral farming activities' with 'rural production activities'. Similar relief to NOISE-R2.11 is sought by and Federated Farmers (S524.103). I note that this amendment aligns with Horticulture New Zealand's request to change the defined term 'agricultural, pastoral and horticultural activities' to 'rural production activities'. Because 'agricultural, pastoral and horticultural activities' is a defined term, I prefer to retain this definition in the provisions. I have recommended a minor amendment to adjust the order of these words and remove 'farming' to align with the definition. If it is replaced with 'rural production activities' as requested by the submitter this will result in a consequential amendment where it is used throughout the plan, including in this chapter.⁵ I also recommend further minor

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⁵ I note that Ms Easton has recommended in the rural hearing stream that 'agricultural, horticultural and pastoral activities' be retained, and that a new definition of 'rural production activities' be added to the pTTPP that includes 'agricultural, horticultural and pastoral activities' and 'forestry activities'.

amendments to remove the references to 'limited', 'seasonal' and 'intermittent' which I consider are not certain enough for a permitted activity rule.

137. West Coast Regional Council (S488.033) seek the amendment of NOISE-R2 to cover aerial biosecurity and biodiversity activities more clearly. The recommended amendments to NOISE-R1.12 provide for conservation activities. I therefore recommend the submission is accepted in part in so far as conservation activities have a biosecurity/biodiversity component. The submitter is invited to comment on what further specific changes are required to meet their relief sought.
138. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.094) seek that NOISE-R2 is amended to include the following deletion from NOISE-R2.7: "as part of or compatible with a normal residential activity". I agree with the submitter, as drafted the clause only provides for vehicle noise associated with residential activities, whilst vehicle noise from activities in all zones is not enabled. As discussed above at paragraph 135 in relation to the similar point raised by Foodstuffs, I recommend alternative wording to what the submitter sought, including reference to permitted activities which is more specific and certain than activities "expected for that zone".
139. Manawa Energy (S438.126) and Chris Hartigan (S438.126) support NOISE-R2 in part and seeks the replacement of "lifeline utilities" with "providers of regionally significant infrastructure" to R2.5. I note that Life line utilities are defined by Schedule 1 of the Civil Defence Emergency Management Act 2002, which includes a different range of infrastructure services to those defined as regionally significant infrastructure. I therefore do not support the deletion of the reference to lifeline utilities, but support adding regionally significant infrastructure to the provision.
140. I note that Mr Peakall has recommended the following additional changes from a technical perspective:
 - a) Deletion of 'or daycare facilities' from clause 6;
 - b) Deletion of clause 15 in relation to impulsive sounds;
 - c) Amending clause 17 to include a limit on the number of days for noise from a temporary activity.
141. I agree with Mr Peakall that that his recommended changes are appropriate for the reasons he outlines. I consider there is broad scope through the reasons section of the submission by Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.536) to make these amendments.
142. I also recommend the following additional minor changes for clarity:
 - a) Changing the activity status for non-compliance to 'N/A' as this rule lists exemptions. Where the exemption is not met, the other rules in this chapter apply.
 - b) Amending clause 8 to refer to trains 'operating' on rail lines to make it clear the provision is for trains while they are moving;
 - c) Amending clause 17 to delete the superfluous word 'only'.

Recommendations

143. It is recommended that NOISE-R2 be amended as follows:

Activity Status Permitted

Where the following activities are exempted from meeting Zone noise standards:

1. ~~Intermittent residential activities, use of lawn mowers, vehicles, machinery or equipment operated and maintained in accordance with the manufacture's specifications and associated with the use of a site for a residential activity used on an intermittent basis (e.g. spraying, harvesting, etc);~~

2. Any warning device or siren used by emergency services for emergency purposes (and routine testing and maintenance of these);
 3. Activities at emergency service facilities associated with emergency response and emergency response training;
 4. Helicopters used for an emergency and as an air ambulance;
 5. The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding 2 weeks in duration, where they are operated by emergency services, or lifeline utilities [or Regionally Significant Infrastructure](#);
 6. People noise at recreational activities, such as sporting events or the noise from children at school ~~or daycare facilities~~ or in residential dwellings. This does not include any amplified noise;
 7. Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1998), or within a site as part of or compatible with an ~~normal residential activity~~ [provided for as a permitted activity in that zone](#);
 8. Trains [operating](#) on rail lines (public or private) and crossing bells within road reserve, including at railway yards, railway sidings or stations. However, this exemption does not apply to the testing (when stationary), maintenance, loading or unloading of trains;
 9. Road construction work where management controls are in place to mitigate the emission of noise;
 10. Any residential activity on the same site as a noise source being assessed;
 11. Agricultural, [pastoral and horticultural](#) and pastoral farming activities undertaken for a limited duration, including using agricultural vehicles, machinery, aircraft or equipment used on a seasonal or intermittent basis in the General Rural and Rural Lifestyle zones;
 12. ~~Infrequent aircraft take off and landing for associated with rural production activities and conservation activities~~ [purposes on an intermittent basis for no more than 30 days in any 12 month period, including aerial topdressing and helicopter movements](#);
 13. Non-commercial motorised watercraft operating on the surface of waterbodies;
 14. Rifle ranges located within the Rifle Range Protection Area [during the hours of 7am to 10pm](#);
 15. Impulsive sounds (such as hammering and bangs) and dog barking noise which are poorly assessed by reference to NZS 6802:2008 Acoustics Environmental Noise;
 16. The noise is emitted from an audible bird scaring device between the hours of half an hour before sunrise and until half an hour after sunset, not used at a frequency of more than 12 events per hour, [and generating less than 65 dB LAE for each event](#); and
 17. The noise is from a Temporary Activity where the temporary activity occurs between 7:00am and 10:00pm [and no more than 12 days per calendar year only](#), and if operating outside of these hours complies with the underlying noise standards of the zone. [This does not include any amplified noise.](#)
144. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Rule 3

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Jacobus Wiskerke	S95.004	Oppose	Delete the proposed rules to limit exposure of residential housing occupants to transport noise.
<i>Grey District Council</i>	<i>FS1.442</i>	<i>Support</i>	<i>Allow</i>
Misato Nomura	S151.002	Oppose	That this rule be deleted. Or amended to be a permitted activity if noise mitigation designs have been provided. E.g. Bunding, growing a shelter belt or providing fencing.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.537	Support	Retain rule.
Building - Coast Wide	S223.001	Oppose	Remove acoustic insulation requirements and delete rule.
<i>Martin and Lisa Kennedy</i>	<i>FS221.001</i>	<i>Support</i>	<i>Allow</i>
<i>Bert Hofmans</i>	<i>FS118.7</i>	<i>Support</i>	<i>Allow</i>
<i>Grey District Council</i>	<i>FS1.289</i>	<i>Support in part</i>	<i>Allow in part</i>
<i>KiwiRail Holdings Limited (KiwiRail)</i>	<i>FS236.008</i>	<i>Oppose</i>	<i>Disallow</i>
Jackie and Bart Mathers and Gillman	S228.005	Oppose	As there are no relevant NZ standards setting out recommended vibration limits and assessment methodologies, we submit that no vibration standard be employed for stand-alone single storey residential dwellings.
<i>KiwiRail Holdings Limited (KiwiRail)</i>	<i>FS236.009</i>	<i>Oppose</i>	<i>Disallow</i>
Jackie and Bart Mathers and Gillman	S228.006	Oppose	We further submit that the proposed Noise R3 rules for new builds only be held if baseline information specific to each area is made freely available to consent seekers and it is provided to them by the noise generating activities as outlined in the overview for this section of the plan. These should include:• quantifying the current vibration magnitudes induced by traffic or trains operating on existing SHW network and rail corridors throughout the district; and• establishing how quickly the traffic or train induced vibrations decay with distance for the local soil types; and• derive site-specific soil attenuation coefficients for use in estimating the magnitude of ground vibrations resulting from the noise generating activity.

Jackie and Bart Mathers and Gillman	S228.007	Oppose	If NZTA and KiwiRail would not jointly support the provision of freely available and area specific data associated with noise and vibration, we submit in favour of a "no complaints" covenant approach to residential or rurally zoned new build activity within the setback limits provided to address perceived issues of reverse sensitivity. Even though Waka Kotahi don't support that approach (refer page 31 of their assessment attached), it is nonetheless a mitigation option that resolves the issues outlined in our submission. We have enclosed a document related to covenants of this nature as produced by the Quality Planning Resource (qualityplanning.org.nz).
Deb Langridge	S252.006	Amend	Buildings which produce noise should be insulated to a standard so that their machinery or whatever is not offending the neighbours. ie mine buildings, workshops
<i>Grey District Council</i>	<i>FS1.062</i>	<i>Oppose</i>	<i>Disallow</i>
Gina Hogarth	S304.002	Support in part	Amend the noise rules with consideration of the lower traffic volumes in Buller and to provide a set of permitted mitigations (such as bunding) to negate the need for a Suitably qualified acoustic engineer to verify that the building meets the permitted criteria.
<i>Grey District Council</i>	<i>FS1.083</i>	<i>Support in part</i>	<i>Allow in part</i>
Dean Trott	S330.002	Amend	Require development close to the Westport Rifle Range to install acoustic insulation and other noise mitigation requirements.
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.102</i>	<i>Oppose</i>	<i>Disallow</i>
Westport Pistol Club	S336.008	Amend	We wish to have the words 'Rifle Range' added to the list of potentially affected activities in para 2 in Overview statement
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.100</i>	<i>Oppose</i>	<i>Disallow</i>

Westport Pistol Club	S336.010	Support	Require all Sensitive Activities, such as residential activity; visitor accommodation; retirement home; healthcare facility; community facility; and education facility to hold this level of acoustic insulation.
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.086</i>	<i>Oppose</i>	<i>Disallow</i>
Westport Pistol Club	S336.016	Amend	Include a requirement for acoustic insulation to be required for residential buildings within 250m of the Rifle Range Protection Area.
Chris Hartigan	S338.002	Amend	Apply acoustic insulation requirements to all sensitive activities and ensure these provisions apply to properties adjacent to the Westport rifle range
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.087</i>	<i>Oppose</i>	<i>Disallow</i>
Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	S441.041	Amend	NOISE [...] 2. <u>For new buildings and additions or alterations to existing buildings for use by a noise sensitive activity adjacent to an industrial site, compliance with (1) above shall be achieved if an acoustic design certificate from a suitably qualified acoustic engineer is provided to the Council which certifies that the proposed design and construction of the building, alterations or additions will achieve the required internal sound levels. The building shall be designed, constructed, and maintained in accordance with the design certificate.</u>
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.098</i>	<i>Oppose</i>	<i>Disallow</i>
Margaret Montgomery	S446.080	Oppose in part	Reduce the setback requirements.
Totally Tourism Limited	S449.005	Support	Support acoustic requirements for sensitive activities within the Airport Noise Boundary,
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.088</i>	<i>Oppose</i>	<i>Disallow</i>

Waka Kotahi NZ Transport Agency	S450.171	Support in part	Amend the rule to ensure that the requirements (i, ii, and iii) under R3.1 are applicable to both R3.1.a and R3.1.b. Amend the rule to require that buildings within 20m from the sealed state highway carriageway require vibration requirements. If available, include the state highway noise contours as a Variable Noise Control Overlay to replace the 40m/80m buffer approach.
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.097</i>	<i>Oppose</i>	<i>Disallow</i>
Westport Rifle Club Incorporated	S457.009	Amend	Require acoustic insulation for residential development
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.089</i>	<i>Oppose</i>	<i>Disallow</i>
Bert Hofmans	S504.012	Oppose	Delete the rule, or NOISE - R3.1.f or add the following exception "except where the property owner accepts a form or level of acoustic treatment that results in a different internal sound design level and accepts that this is registered on the title in the form of a consent notice".
Lindy Millar	S505.012	Oppose	Delete the rule, or NOISE - R3.1.f or add the following exception "except where the property owner accepts a form or level of acoustic treatment that results in a different internal sound design level and accepts that this is registered on the title in the form of a consent notice".
Leonie Avery	S507.069	Oppose in part	Amend NOISE - R3 so that this rule includes that to include acoustic insulation requirements within 100m of our consented quarry for new buildings used for sensitive activities built at the proposed residential development at Alma Road.
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.090</i>	<i>Oppose</i>	<i>Disallow</i>

Jared Avery	S508.069	Oppose in part	Amend NOISE - R3 so that this rule includes that to include acoustic insulation requirements within 100m of our consented quarry for new buildings used for sensitive activities built at the proposed residential development at Alma Road.
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.091</i>	<i>Oppose</i>	<i>Disallow</i>
Kyle Avery	S509.069	Oppose in part	Amend NOISE - R3 so that this rule includes that to include acoustic insulation requirements within 100m of our consented quarry for new buildings used for sensitive activities built at the proposed residential development at Alma Road.
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.092</i>	<i>Oppose</i>	<i>Disallow</i>
Avery Bros	S510.069	Oppose in part	Amend NOISE - R3 so that this rule includes that to include acoustic insulation requirements within 100m of our consented quarry for new buildings used for sensitive activities built at the proposed residential development at Alma Road.
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.093</i>	<i>Oppose</i>	<i>Disallow</i>
Bradshaw Farms	S511.069	Oppose in part	Amend NOISE - R3 so that this rule includes that to include acoustic insulation requirements within 100m of our consented quarry for new buildings used for sensitive activities built at the proposed residential development at Alma Road.
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.094</i>	<i>Oppose</i>	<i>Disallow</i>
Paul Avery	S512.069	Oppose in part	Amend NOISE - R3 so that this rule includes that to include acoustic insulation requirements within 100m of our consented quarry for new buildings used for sensitive activities built at the proposed residential development at Alma Road.
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.095</i>	<i>Oppose</i>	<i>Disallow</i>

Brett Avery	S513.069	Oppose in part	Amend NOISE - R3 so that this rule includes that to include acoustic insulation requirements within 100m of our consented quarry for new buildings used for sensitive activities built at the proposed residential development at Alma Road.
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.096</i>	<i>Oppose</i>	<i>Disallow</i>
Buller District Council	S538.333	Oppose	Council seeks that Rule 3 is deleted and consequential amendments are made to other chapters where this rule is referenced in the Advice Notes.
<i>Waka Kotahi NZTA</i>	<i>FS62.012</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Bert Hofmans</i>	<i>FS118.8</i>	<i>Support</i>	<i>Allow</i>
<i>Grey District Council</i>	<i>FS1.430</i>	<i>Support</i>	<i>Allow</i>
<i>KiwiRail Holdings Limited (KiwiRail)</i>	<i>FS236.003</i>	<i>Support</i>	<i>Allow</i>
Chris & Jan Coll	S558.325	Oppose	Delete.
<i>KiwiRail Holdings Limited (KiwiRail)</i>	<i>FS236.0010</i>	<i>Oppose</i>	<i>Disallow</i>
Chris J Coll Surveying Limited	S566.325	Oppose	Delete.
<i>KiwiRail Holdings Limited (KiwiRail)</i>	<i>FS236.011</i>	<i>Oppose</i>	<i>Disallow</i>
William McLaughlin	S567.386	Oppose	Delete.
<i>KiwiRail Holdings Limited (KiwiRail)</i>	<i>FS236.012</i>	<i>Oppose</i>	<i>Disallow</i>
Laura Coll McLaughlin	S574.325	Oppose	Delete.
<i>KiwiRail Holdings Limited (KiwiRail)</i>	<i>FS236.013</i>	<i>Oppose</i>	<i>Disallow</i>
Avery Brothers	S609.061	Amend	Amend NOISE - R3 so that this rule includes that to include acoustic insulation requirements within 100m of our consented quarry for new buildings used for sensitive activities built at the proposed residential development at Alma Road.
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.085</i>	<i>Oppose</i>	<i>Disallow</i>
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.211	Oppose	That Council engages an acoustic expert to assess the generated noise, vehicle speeds and times it is generated on the state highway and railway networks and based on that assessment re-assess if the rules are protecting human health at their current setbacks.
<i>Grey District Council</i>	<i>FS1.325</i>	<i>Support</i>	<i>Allow</i>

<i>Tony Michelle</i>	<i>FS30.3</i>	<i>Support</i>	<i>Allow</i>
<i>New Zealand Helicopter Association</i>	<i>FS83.17</i>	<i>Support</i>	<i>Allow</i>

Analysis

145. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.537), Westport Pistol Club (S336.010) and Totally Tourism Limited (S449.005) support NOISE-R3 and seek that it is retained as notified. The support for NOISE-R3 is noted, however amendments are recommended based on other submissions.
146. A number of submitters opposed NOISE-R3 and seek that the rule is deleted or subject to amendments that introduce alternative methods to acoustic insulation, as identified below.
147. Jacobus Wiskerke (S95.004), Building - Coast Wide (S223.001), Chris & Jan Coll (S558.325), Chris J Coll Surveying Limited (S566.325), William McLaughlin (S567.386), and Laura Coll McLaughlin (S574.325) oppose NOISE-R3 and seek that it is deleted.
148. Ngāi Tahu (S620.211) oppose NOISE-R3 and seek that council engages an acoustic expert to assess the generated noise, vehicle speeds and times it is generated on the state highway and railway networks and based on that assessment re-assess if the rules are protecting human health at their current setbacks. I note that the technical review and subsequent recommendations provided by Mr Peakall will partly address the relief sought by Ngai Tahu to engage an acoustic expert. The balance of the relief sought is assessed below at paragraph 152.
149. Jackie and Bart Mathers and Gillman (S228.006) oppose NOISE-R3 and seek that the proposed Noise R3 rules for new builds only be held if baseline information specific to each area is made freely available to consent seekers and it is provided to them by the noise generating activities as outlined in the overview for this section of the plan.
150. Bert Hofmans (S504.012) and Lindy Millar (S505.012) oppose NOISE-R3 and seek that the entire rule or R3.1.f is deleted or the following exception is added: "except where the property owner accepts a form or level of acoustic treatment that results in a different internal sound design level and accepts that this is registered on the title in the form of a consent notice".
151. Buller District Council (S538.333) requests the deletion of NOISE-R3 and consequential amendments to other chapters where this rule is referenced in the advice notes. Buller District Council considers this rule to be too onerous and not necessary in the context of the District's transport environment which has low traffic volumes.
152. Mr Peakall addresses the appropriateness of a noise insulation rule from a technical perspective in his statement of evidence⁶. Overall, Mr Peakall is supportive of NOISE-R3 as it will ensure that appropriate internal noise levels can be achieved within noise sensitive premises constructed close to noise generating activities. Mr Peakall also identifies that the required internal noise levels are in keeping with the relevant New Zealand Standard (NZ 2107:2000 "Acoustics - Recommended design sound levels and reverberation times for building interiors). Based on Mr Peakall's assessment, and subject to the amendments set out below, I support retaining NOISE-R3, and consider it will give effect to the objectives in the NOISE chapter. I also note acoustic insulation rules have been incorporated within a number of second generation district plans (for example, the appeals version of the Selwyn District Plan and Wellington City District Plan) to manage the design of internal noise levels.
153. Jackie and Bart Mathers and Gillman (S228.007) seek alternative relief of a "no complaints" covenant approach to residential or rurally zoned new build activity within the setback limits be provided to address perceived issues of reverse sensitivity. I do

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⁶ Steve Peakall Statement of Evidence paragraphs 41 to 76

not support this approach due to the administrative costs of implementing and monitoring a no complaints covenant. In addition, a no complaints covenant would not be effective or efficient in achieving NOISE-O3 as it does not provide for appropriate internal amenity outcomes. For these reasons, I consider that the use of no complaints covenants should not be promoted within the pTTPP, and that their use is more appropriately assessed on a case by case basis through the resource consenting process.

154. Waka Kotahi (S450.171) support NOISE-R3 in part and seek a number of amendments, including that the requirements under NOISE-R3.1 (i, ii, and iii) are applicable to both NOISE-R3.1 subclause a. and b. I agree that the current structure of the rule may create uncertainty, and recommend minor formatting amendments to consolidate the scenarios under a. and b. to improve plan clarity and reduce ambiguity.
155. Waka Kotahi (S450.171) seek amendments to apply vibration requirements under NOISE-R3.1.b.iii to buildings within 20m from the edge of the sealed state highway. Mr Peakall supports this amendment from a technical perspective⁷ and I accept his advice on this matter. I recommend this submission point be accepted.
156. Waka Kotahi (S450.171) also seek the inclusion of the state highway noise contours, to be included within the pTTPP as a Variable Noise Control Overlay which would replace the 40m/80m buffer approach under NOISE-R3.1. Mr Peakall identifies that the replacement of the 40m/80m buffer requirement with a Variable Noise Control Overlay (representing the 55 dB LAeq(24h) contour) is likely to reduce the overall area where the rule applies by responding to existing buildings or changes in topography, while still responding to actual noise levels. At this time, Waka Kotahi has not provided the noise contours for inclusion within the planning maps or analysis of how an Overlay would apply in practice. In my opinion, the inclusion of an Overlay has the potential to improve the efficiency of the rule requirements as they apply in relation to the state highway network, and invite the submitter to provide detailed evidence and planning analysis on this matter.
157. I suggest the following potential rewording if the overlay is supplied and the approach is supportable:

1. The building will be used by a sensitive activity and is located within:

a. ~~80m of the edge of the carriageway of a State Highway with a speed limit of 70kph or greater; or~~

b. ~~40m of the edge of the carriageway of a State Highway with a speed limit of less than 70kph; where~~

The High Noise Overlay shown on the planning maps:

...

158. Jackie and Bart Mathers and Gillman (S228.005) oppose NOISE-R3 and seek that no vibration standard be employed for stand-alone single storey residential dwellings. Mr Peakall does not support removal of the vibration requirements from NOISE-R3. I rely on his technical advice on this matter and recommend this submission point be rejected.
159. Gina Hogarth (S304.002) supports NOISE-R3 in part and seeks to amend the rules with consideration of the lower traffic volumes in Buller, and to provide a set of permitted mitigation measures (such as bunding) to negate the need for a suitably qualified acoustic engineer to verify that the building meets the permitted criteria.

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⁷ Steve Peakall Statement of Evidence paragraph 52

160. Misato Nomura (S151.002) opposes NOISE-R3 and seek that this rule be deleted or amended to be a permitted activity if noise mitigation designs have been provided. E.g. Bunding, growing a shelter belt or providing fencing.
161. Having reviewed these submissions, Mr Peakall has identified an opportunity to include an appendix within the pTTTP that outlines examples of acceptable design solutions to achieve the requirements of NOISE-R3. As an alternative to providing acoustic certification, applications may confirm that the acceptable design solutions will be achieved. In my opinion, the inclusion of an additional appendix will provide increased certainty to plan users, and potentially reduce costs associated with the need to provide acoustic certification. I also note that this inclusion will in part address the relief sought under submissions S304.002 and S151.002. In relation to submission S151.002, I further note that NOISE-R3 does not preclude the use of noise mitigation designs such as bunding or fencing to achieve the permitted activity rules, as the rule requirements only identify the internal noise levels to be achieved, retaining flexibility on design measures used to achieve compliance.
162. Deb Langridge (S252.006) seeks to amend NOISE-R3 to ensure that noise producing buildings are adequately insulated to avoid disturbing neighbouring properties. In my opinion, this amendment is not necessary as the emission of noise is managed separately under other rules within the NOISE chapter.
163. Margaret Montgomery (S446.080) opposes NOISE-R3 in part and seeks that the setback requirements are reduced. No evidence has been provided to support a reduced setback, and in the absence of any further justification or assessment of alternatives, I do not support the relief sought. I note Mr Peakall has recommended a number of amendments that may address the submitter's concerns.
164. Westport Pistol Club (S336.016), seeks to amend NOISE-R3 to include a requirement for acoustic insulation to be required for residential buildings within 250m of the Rifle Range Protection Area. Chris Hartigan (S338.002) seeks to amend NOISE-R3 to apply acoustic insulation requirements to all sensitive activities and ensure these provisions apply to properties adjacent to the Westport rifle range.
165. Similarly Westport Rifle Club Incorporated (S457.009) seeks the amendment of NOISE-R3 to require acoustic insulation for residential development and Dean Trott (S330.002) and Chris Hartigan (S338.002) seek amendments to require development close to the Westport Rifle Range to install acoustic insulation and other noise mitigation requirements.
166. I understand that the Westport Rifle Range is located to the south west of land at Alma Road that is proposed to be rezoned for urban residential land use under the pTTTP. Matters related to this rezoning under the pTTTP have been assessed in detail through the Residential Zones and Special Purpose Zones hearing stream, including the Section 42A Report prepared by Ms Easton, the pre-hearing report on General Residential Zoning of Alma Road Area Westport, and the statement of evidence and opening statement of Mr Craig Barr for Buller District Council. I note that the Rifle Range is located within a Rifle Range Protection Area Overlay, and that under NOISE-R2.14 as notified, rifle ranges within this Overlay are exempt from meeting noise standards, notwithstanding recommended amendments to limit the exemption to 7am-10pm. Given the existing noise exemptions for the Rifle Range, I concur with Mr Peakall's assessment that acoustic insulation is appropriate to manage potential internal amenity and reverse sensitivity effects associated with the rezoning of land proposed at Alma Road. Instead of a 250m buffer to general requirement sought by submitters, I support the inclusion of noise contours within the planning maps, discussed at paragraphs 60 to 69 of Mr Peakall's statement of evidence. It is therefore recommended that these submissions are accepted in part.
167. Avery Brothers (S609.061) and Brandshaw Farms (S511.069) seek the amendment of NOISE-R3 to include acoustic insulation requirements within 100m the consented

quarry for new buildings used for sensitive activities built at the proposed residential development at Alma Road.

168. Similarly, Leonie Avery (S507.069), Jared Avery (S508.069), Kyle Avery (S509.069), Avery Bros (S510.069), Bradshaw Farms (S511.069), Paul Avery (S512.069), Brett Avery (S513.069), and Avery Brothers (S609.061) oppose NOISE-R3 in part and seek the inclusion of acoustic insulation requirements within 100m of their consented quarry for new buildings used for sensitive activities built at the proposed residential development at Alma Road.
169. I understand from discussions with Ms Easton that the land around the quarry that is the subject of these submission points is likely to be recommended as GRUZ. On this basis specific insulation is not required.
170. Silver Fern Farms (S441.041) seek the amendment of NOISE-R3 to include the following addition: "2. For new buildings and additions or alterations to existing buildings for use by a noise sensitive activity adjacent to an industrial site, compliance with (1) above shall be achieved if an acoustic design certificate from a suitably qualified acoustic engineer is provided to the Council which certifies that the proposed design and construction of the building, alterations or additions will achieve the required internal sound levels. The building shall be designed, constructed, and maintained in accordance with the design certificate." In my opinion, the requested amendment is not necessary because this type of reverse sensitivity is more appropriately managed through appropriate zoning and zone provisions.
171. As part of the special purpose zones hearing stream Ms Easton has recommended that Haast Airfield be added to the Airport Zone and the 55dBA contour be included on the planning maps. I note this requires a consequential amendment to Rule 3 clause d (and Rule 10).
172. Mr Peakall has identified a number of technical refinements and corrections⁸ for NOISE-R3. I am supportive of these minor amendments on the basis that they will improve accuracy and clarity of the provision, and consider they will assist to address the concerns of submitters seeking the deletion of NOISE-R3 due to the potential costs.

Recommendations

173. It is recommended that Rule 3 be amended as follows:

Activity Status Permitted

Where:

1. The building will be used by a sensitive activity and is located within:
 - a. 80m of the edge of the carriageway of a State Highway with a speed limit of 70kph or greater; or
 - ~~b.~~ 40m of the edge of the carriageway of a State Highway with a speed limit of less than 70kph; where:
 - i. Any habitable room used for a sensitive activity and/or space used for sleeping must be designed and constructed to achieve a ~~minimum~~ maximum internal noise ~~limit~~ level of 40dB LAeq (24h); and
 - ii. Compliance with i. above must be achieved based on an existing noise level with 3 decibel addition adjacent to State Highways allowing for future traffic increase; and
 - iii. Any building within 20m of the edge of the carriageway must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95);

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⁸ Steve Peakall Statement of Evidence paragraphs 57, 70, 71

- c. ~~40~~60m of the edge of the tracks of a railway line where:
- i. Any habitable room used for a sensitive activity and/or spaced used for sleeping must be designed and constructed to achieve a maximum internal noise ~~limit level~~ of 35 dB LAeq (1h);
 - ii. Compliance with i. above must be achieved based on an assumption of 70 LAeq (1h) at a distance of 12m from the railway track and shall be deemed to reduce at a rate of 3 dB per doubling of distance up to 40m;
 - iii. Any building must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95);
- d. The 50 dBA Noise Contour boundary of Franz Josef Heliport or the 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome or Haast Airfield; where:
- i. Any habitable room must be designed and constructed to achieve a ~~minimum~~ maximum indoor design noise level of 40 dB Ldn;
- e. Any CMUZ - Commercial and Mixed Use Zone, INZ - Industrial Zone or AIRPZ - Airport Zone, PORTZ - Port Zone, STADZ - Stadium Zone, HOSZ - Hospital Zone, BCZ - Buller Coalfield Zone or MINZ - Mineral Extraction Zone; where
- i. The building is designed and constructed to ensure that the following indoor design noise levels are not exceeded:
 - A. ~~40~~35dB LAeq inside any habitable room bedrooms;
 - B. ~~35~~40dB LAeq inside ~~any other habitable room, except for~~ bedrooms between 10pm and 7am; and

ex. The Rifle Range Protection Area 55 dB LAFmax contour shown on the planning maps:

 - i. Any habitable room used for a sensitive activity and/or space used for sleeping must be designed and constructed to achieve a maximum internal noise level of 35 dB LAFmax from outdoor noise associated with the Rifle Range Protection Area
 - ii. outdoor living areas shall be screened from the Rifle Range Protection Area to achieve an outdoor noise level not exceeding 50 dB LAFmax.
- f. Where windows need to be closed to achieve the internal noise levels specified in a. to ~~ex.~~ above an alternative ventilation system shall be provided which achieves the following requirements:
- i. Satisfies clause G4 of the New Zealand Building Code;
 - 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
 - iii. Provides relief for equivalent volumes of spill air; and
 - iv. Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and
 - v. Does not generate more than 35 dB LAeq(30s) when measured at least 1m away from any grille or diffuser.

Advice Note:

1. Compliance with Rule NOISE - R3 will be achieved if, prior to the construction of any building containing a habitable room, an acoustic design certificate from a suitably qualified acoustic engineer is provided to the relevant district council stating that the design will achieve compliance with the relevant standard. The building shall be designed, constructed and maintained in accordance with the design certificate; ~~or-~~
2. For Rule R3 1 a i) or Rule R3 1 c i) compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE-APP1-Acceptable constructions requirement, Part A; or

3. For Rule R3 1 a iii) or Rule R3 1 c iii) compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE-APP1-Acceptable constructions requirement, Part B.

174. It is recommended that a new appendix be added as follows:

Appendix X – Acceptable Construction Design for Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity Subject to Noise R3⁹

Part A: Approved construction requirements for compliance with Noise-R3 1 a i) and Noise-R3 1 c i)

<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 building containing the sensitive activity is located with the State Highway Noise Control Boundary Overlay shown on the planning maps or is within 60m of an Existing Rail Corridor.</u> 2. <u>The building is a single level construction.</u> 3. <u>The floor of the building is a reinforced concrete slab.</u> 4. <u>No habitable room of the building is located less than 4.5 metres from the road boundary.</u> 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> 6. <u>The roof of the building is a standard timber truss design, with a pitch of not less than 15 degrees. 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><u>In all other situations, a design report from a suitably qualified acoustics specialist is required.</u></p>
<u>Construction Options</u>	
<p><u>Exterior Walls Option 1</u></p>	<p><u>Exterior cladding of Aerated Concrete or similar, with a surface mass not less than 27 kg/m².</u></p> <ul style="list-style-type: none"> • <u>Timber framing of not less than 90 mm, with studs at 600 mm centres. A ventilated cavity is not required 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 metal not less than 0.45 mm thick.</u></p> <ul style="list-style-type: none"> • <u>20 mm thick battens forming a ventilated cavity.</u>

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⁹ Gina Hogarth (S304.002), Misato Nomura (S151.002)

Applicability	
	<ul style="list-style-type: none"> • <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 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>1 layer of 10 mm thick Standard Gib board or alternative gypsum board, 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 (Hardies Linea or equivalent)</u></p> <ul style="list-style-type: none"> • <u>20 mm thick battens forming a ventilated cavity,</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 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>1 layer of 10 mm thick Standard Gib board or alternative gypsum board, 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 a minimum of 2 layers of 4 mm thick glass separated by a 12 mm airgap, with airtight seals,</u> • <u>External doors to be either double glazed to the same standard as windows, or be a solid timber 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>Profiles metal roofing not less than 0.45 mm thick profiled steel or tiles,</u> • <u>Fibrous insulation of minimum R6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products,</u> • <u>2 layers of 10 mm Standard Gib board or alternative gypsum board, with each layer having a surface mass not less than 6 kg/m².</u>

Part B: Approved construction requirements for compliance with Noise-R3 1 a iii) and Noise-R3 1 c iii)

Any new buildings or alterations to existing buildings containing a sensitive activity, closer than 60 metres to the boundary of an Existing Rail Corridor and is a single storey framed building with:

- a. [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](#)
- b. [b. vibration isolation separating the sides of the floor slab from the ground; and](#)
- c. [c. no rigid connections between the building and the ground](#)

[In all other situations, a design report from a suitably qualified specialist is required demonstrating Compliance with Rule R3 1 c iii\).](#)

175. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Rule 4

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.538	Amend	Amend NOISE-R4 as follows: ... i. 7am to 7pm: 95 dBC <u>LCpeak</u> ; ii. 7pm to 7am: 85 dBC <u>LCpeak</u> .
Westport Pistol Club	S336.011	Amend	amend the rule with the inclusion of a capital 'K' to read 1.250Km (as in Kilometres)
<i>New Zealand Defence Force</i>	<i>FS31.006</i>	<i>Support</i>	<i>Allow</i>
Westport Rifle Club Incorporated	S457.010	Amend	Correct reference to 1.250Km
<i>New Zealand Defence Force</i>	<i>FS31.007</i>	<i>Support</i>	<i>Allow</i>
<i>Westpower Limited</i>	<i>FS222.0170</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Tony Michelle</i>	<i>FS30.36</i>	<i>Oppose</i>	<i>Disallow</i>
New Zealand Defence Force	S519.028	Support	Retain Rule as notified.
Buller District Council	S538.334	Support	Retain Rule as notified.

Analysis

176. New Zealand Defence Force (S519.028), and Buller District Council (S538.334) support NOISE-R4 and seek that it is retained as notified. The support for NOISE-R4 is noted, however amendments are recommended base on other submissions.
177. Te Mana Ora (S190.538) seek the amendment of NOISE-R4 to include the replacement of "C" with "LCpeak". Mr Peakall confirms at his paragraph 77 that 'LCpeak' is the correct reference. I accept Mr Peakall's technical advice on this matter.
178. Westport Pistol Club (S336.011) and Westport Rifle Club Incorporated (S457.010) seek that NOISE-R4.1.b.i is amended to be correctly referenced as 1.250Km (not 1.250m). I support this amendment to correct a typographical error.

Recommendations

179. It is recommended that NOISE-R4 is amended as follows:

NOISE-R4 Emission of Noise for Temporary Military Training Activities

Activity Status Permitted

Activity status where compliance not achieved: Restricted Discretionary

Where the following noise standards are complied with:

1. Weapons firing and/or the use of explosives:
 - a. Notice is provided to the Council at least 5 working days prior to the commencement of the activity;
 - b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a sensitive activity:
 - i. 7am to 7pm: 500m;
 - ii. 7pm to 7am: 1.250km
 - c. Where the minimum separation distances specified above cannot be met, the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a sensitive activity:
 - i. 7am to 7pm: 95 dB_{ELCpeak};
 - ii. 7pm to 7am: 85 dB_{ELCpeak}.

...

180. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Rule 5, 6, 7, 8 and 11 – Introduction

181. Rules 5, 6, 7, 8, and 11 manage effects from noise, with each rule focussing on a different set of zones. Because the rules are effectively managing the same issue of noise limits, the analysis and recommended response has been considered as a whole. This introduction section sets out some of the general issues with these rules and what the recommended approach is to managing noise limits across the district.
182. These rules manage effects from noise organised on a zone by zone basis, with the rule headings referring to 'emission of noise in ...' and the rule detail focussing on where noise is received. The mix of describing where the noise is generated in the rule heading and providing limits for where the noise is received in the body of the rule has caused confusion for some submitters. I consider there is an opportunity for improvement on this matter, to make it clear how noise is managed in each zone.
183. These rules use a range of different hours for day time and night time noise, for example:
 - a) NOISE-R5 (for residential zones, Settlement Zone and Natural Open Space Zone) specifies daytime hours from 7am to 7pm Monday to Friday, and 8am to 5pm for weekends and public holidays;
 - b) NOISE-R6 (for the General Rural Zone, Rural Lifestyle Zone and others) specifies daytime hours from 7am to 10pm on Monday to Friday, and 8am to 8pm for weekends and public holidays);
 - c) NOISE-R7 (for commercial and mixed use zones, Hospital Zone, etc.) specifies day time hours from 6am to 11pm Monday to Friday, and 7am to 10pm weekends and public holidays); and
 - d) NOISE-R8 (for industrial zones) and NOISE-R11 (for the Buller Coalfield Zone and Mineral Extraction Zone) specifies day time hours from 7am to 10pm weekdays, weekends and public holidays.
184. The different hours for noise limits adds a layer of complexity to the pTTPP which I consider can be improved.
185. The provisions are inconsistent with respect to limits for noise at the site at which it is received, depending on where it is generated. A higher limit for noise received by sensitive activities is set for noise emitted within the industrial zones, despite potentially

impacting on a sensitive activity in a residential zone, compared to if the noise was emitted in other zones, including the Buller Coalfield Zone and the Mineral Extraction Zone and received in a residential zone (or other zone containing a sensitive activity).

186. Submissions on these provisions vary from supporting to opposing, including seeking more stringent and more enabling limits. In my view there is an opportunity to consolidate and simplify the overall approach to improve clarity and certainty for plan users and better achieve the objectives of this chapter. The submission by Te Mana Ora (e.g. S190.540, S190.541, S190.542, S190.543) on the NOISE chapter provides broad scope to restructure these rules.
187. Mr Peakall has reviewed these rules from a technical perspective and considers that as notified they are not appropriate to control noise in an acceptable manner¹⁰. To improve the pTTPP for plan users and for consolidation reasons, Mr Peakall recommends that Rules 5, 6, 7, 8 and 11 be deleted replaced by a single new rule – Rule NOISE-RX.
188. This recommended rule simplifies and consolidates the approach as follows:
 - a) Regardless of the zone, day time hours are 7am to 10pm, night time hours are 10pm to 7am;
 - b) Specifying the lowest limits for noise received in zones where sensitive activities are more likely to be present, including a requirement to measure from the notional boundary for the General Rural Zone and Rural Lifestyle Zone;
 - c) Specifying higher limits for noise received in zones that typically have a noisier receiving environment and less sensitive activities¹¹;
 - d) Specifying the highest limits for noise received in the General Industrial Zone, Buller Coalfield Zone and Mineral Extraction Zone¹².
189. Relying on Mr Peakall’s expert advice with respect to appropriate noise limits and hours within which these apply, I support simplifying and streamlining the provisions from a planning perspective because it will improve easy of plan use.

Recommendations

190. It is recommended that Rules 5, 6, 7, 8 and 11 are deleted.
191. It is recommended that a new Rule NOISE-RX is included as follows:

NOISE-RX

Activity Status Permitted

Activity status where compliance not achieved:

Restricted Discretionary

Where:

1. The maximum noise from any activity shall not exceed the following noise limits at any point at or within the boundary of any of the following zones:

<u>Zone</u>	<u>Maximum Noise Limit</u>		
	<u>Daytime (Monday– Friday) 7:00am– 10:00pm</u>	<u>Saturday, Sundays and Public Holidays 7:00 am –</u>	<u>Night-time 10:00pm– 7:00am</u>

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¹⁰ Steve Peakall Statement of Evidence paragraph 59

^{11, 7} Noting that NOISE-R3 specifies insulation requirements for sensitive activities in a number of these zones

		<u>10:00 pm</u>	
<u>RESZ Residential Zone</u> <u>SETZ Settlement Zone</u> <u>GRUZ General Rural Zone</u> <u>RLZ Rural Lifestyle Zone</u> <u>MPZ Māori Purpose Zone</u> <u>HOSZ Hospital Zone</u> <u>OSZ Open Space Zone</u> <u>NOSZ Natural Open Space Zone</u> <u>SVZ Scenic Visitor Zone</u> <u>FUZ Future Urban Zone</u>	<u>55 dB</u> <u>L_{Aeq}</u>	<u>50 dB</u> <u>L_{Aeq}</u>	<u>45</u> <u>dB L_{Aeq}</u> <u>70 dB</u> <u>L_{AFmax}</u>

2. The maximum noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any of the following zones:

<u>Zone</u>	<u>Maximum Noise Limit</u>		
	<u>Daytime</u> <u>(Monday–</u> <u>Friday)</u> <u>7:00am–</u> <u>10:00pm</u>	<u>Saturdays</u> <u>, Sundays</u> <u>and</u> <u>Public</u> <u>Holidays</u> <u>7:00 am –</u> <u>10:00 pm</u>	<u>Night-time</u> <u>10:00pm–</u> <u>7:00am</u>
<u>GRUZ General Rural Zone</u> <u>RLZ Rural Lifestyle Zone</u>	<u>55 dB L_{Aeq}</u>	<u>50 dB L_{Aeq}</u>	<u>45 dB L_{Aeq}</u> <u>70 dB</u> <u>L_{AFmax}</u>

3. The maximum noise from any activity shall not exceed the following noise limits at any point at or within the boundary of following zones:

<u>Zone</u>	<u>Maximum Noise Limit</u>		
	<u>Daytime</u> <u>(Monday–</u> <u>Friday)</u> <u>7:00am–</u> <u>10:00pm</u>	<u>Saturdays</u> <u>, Sundays</u> <u>and</u> <u>Public</u> <u>Holidays</u> <u>7:00 am –</u> <u>10:00 pm</u>	<u>Night-time</u> <u>10:00pm–</u> <u>7:00am</u>
<u>SARZ Sport and Recreation Zone</u> <u>PORTZ Port Zone</u> <u>AIRPZ Airport Zone</u> <u>CMUZ Commercial and Mixed Use Zones</u> <u>STADZ Stadium Zone</u> <u>LIZ Light Industrial Zone</u>	<u>60</u> <u>dB L_{Aeq}</u>	<u>55 dB</u> <u>L_{Aeq}</u>	<u>50 dB L_{Aeq}</u> <u>75 dB L_{AF}</u> <u>max</u>
<u>GIZ General Industrial Zone</u> <u>BCZ Buller Coalfield Zone</u> <u>MINZ Mineral Extraction Zone</u>	<u>65</u> <u>dB L_{Aeq}</u>	<u>65 dB</u> <u>L_{Aeq}</u>	<u>65 dB L_{Aeq}</u>

192. I address the analysis for each submission point in turn in the analysis under each rule in the following sections.

Noise – Rule 5

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.540	Oppose in part	1) Restructure all zone noise limits to relate to sites receiving noise. 2) Reformat day/time definitions for noise limits to follow the format recommended in NZS 6802:2008. 3) If the current structure is retained, amend NOISE-R5 as follows: 1. Noise generated by any activity shall not exceed the following noise limits at any point <u>within the notional boundary of any sensitive activity within any site receiving noise: another site in the RESZ – Residential Zones, SETZ – Settlement Zone and NOSZ – Natural Open Space Zone:</u>
<i>Westpower Limited</i>	<i>FS222.0336</i>	<i>Oppose in part</i>	<i>Disallow</i>
<i>Inger Perkins</i>	<i>FS33.38</i>	<i>Support in part</i>	<i>Allow in part</i>
<i>Grey District Council</i>	<i>FS1.342</i>	<i>Oppose</i>	<i>Disallow</i>
Jan and Heward	S353.003		The noise level of 45 DBA should not be exceeded at anytime against any residential property
Scott Freeman	S383.002	Amend	The rural-lifestyle zone should be included in Noise-R 5.
<i>Westpower Limited</i>	<i>FS222.0329</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Inger Perkins</i>	<i>FS33.39</i>	<i>Support</i>	<i>Allow</i>
Inger Perkins	S462.033	Oppose	Restrict Permitted Activities to a noise limit of 45 dB LAeq (15 min) at all times of the day and week.
Leonie Avery	S507.070	Oppose	Amend to explicitly exclude consented quarrying operations and similar.
Jared Avery	S508.070	Oppose	Amend to explicitly exclude consented quarrying operations and similar.
Kyle Avery	S509.070	Oppose	Amend to explicitly exclude consented quarrying operations and similar.
Avery Bros	S510.070	Oppose	Amend to explicitly exclude consented quarrying operations and similar.
Bradshaw Farms	S511.070	Oppose	Amend to explicitly exclude consented quarrying operations and similar.
Paul Avery	S512.070	Oppose	Amend to explicitly exclude consented quarrying operations and similar.
Brett Avery	S513.070	Oppose	Amend to explicitly exclude consented quarrying operations and similar.

<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.074</i>	<i>Oppose</i>	<i>Disallow</i>
Buller District Council	S538.335	Oppose in part	Amend Rule 5 as follows: 1. Noise generated by any activity shall not exceed the following noise limits at any point within <u>any other</u> another site in the RESZ - Residential Zones, SETZ - Settlement Zone and NOSZ - Natural Open Space Zone: a. 7.00am to 7.00 <u>10.00</u> pm Monday to Friday and 8.00am to 5.00 <u>10.00</u> pm weekends and public holidays; 55dB LAeq(15 min)
<i>Westpower Limited</i>	<i>FS222.063</i>	<i>Support</i>	<i>Allow</i>
Chris & Jan Coll	S558.326	Amend	Amend timeframes to be more enabling of noise generating activities.
Geoff Volckman	S563.093	Oppose	Amend to further mitigate reverse sensitivity issues for the Karamea Lime Co quarry.
Geoff Volckman	S563.094	Oppose	Amend to enable quarry operations
Catherine Smart-Simpson	S564.105	Amend	Amend to further mitigate reverse sensitivity issues for the Karamea Lime Co quarry.
Catherine Smart-Simpson	S564.108	Oppose	Delete time restrictions
Catherine Smart-Simpson	S564.109	Amend	Amend to further mitigate reverse sensitivity issues for the Karamea Lime Co quarry.
Chris J Coll Surveying Limited	S566.326	Amend	Amend timeframes to be more enabling of noise generating activities.
William McLaughlin	S567.387	Amend	Amend timeframes to be more enabling of noise generating activities.
Laura Coll McLaughlin	S574.326	Amend	Amend timeframes to be more enabling of noise generating activities.
Koiterangi Lime Co LTD	S577.085	Amend	Amend to further mitigate reverse sensitivity issues for the Koiterangi Lime Co quarry.
Koiterangi Lime Co LTD	S577.088	Amend	Amend to further mitigate reverse sensitivity issues for the Koiterangi Lime Co quarry.
Avery Brothers	S609.062	Amend	Amend to explicitly exclude consented quarrying operations and similar.
Karamea Lime Company	S614.134	Amend	Amend to further mitigate reverse sensitivity issues for the Karamea Lime Co quarry.
Karamea Lime Company	S614.135	Oppose	Delete time restrictions
Peter Langford	S615.134	Amend	Amend to further mitigate reverse sensitivity issues for the Karamea Lime Co quarry.

Peter Langford	S615.135	Oppose	Delete time restrictions
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Analysis

193. Scott Freeman (S383.002) seeks the amendment of NOISE-R5 to include the rural-lifestyle zone. Mr Peakall has recommended that the rural lifestyle zone be included in the zones with a lower noise environment. I accept Mr Peakall's advice on this matter and recommend this submission point be rejected.
194. Chris & Jan Coll (S558.326), Chris J Coll Surveying Limited (S566.326), William McLaughlin (S567.387), and Laura Coll McLaughlin (S574.326) seek that timeframes are amended to be more enabling of noise generating activities. The timeframes (day time/night time/weekends and public holidays) are recommended to be amended to simplify the approach for plan users. In some cases this has resulted in an extension of the daytime hours. On this basis I consider the submission points should be accepted in part.
195. Geoff Volckman (S563.093), Catherine Smart-Simpson (S564.105 & S564.109), Karamea Lime Company (S614.134), and Peter Langford (S615.134) seek the amendment of NOISE-R5 to further mitigate reverse sensitivity issues for the Karamea Lime Co quarry. Similarly, Koiterangi Lime Co LTD (S577.085 & S577.088) seek the amendment of NOISE-R5 to further mitigate reverse sensitivity issues for the Koiterangi Lime Co quarry.
196. Leonie Avery (S507.070), Jared Avery (S508.070), Kyle Avery (S509.070), Avery Bros (S510.070), Bradshaw Farms (S511.070), Paul Avery (S512.070), Brett Avery (S513.070) and Avery Brothers (S609.062) oppose NOISE-R5 and seek that it is amended to explicitly exclude consented quarrying operations and similar. Similarly Geoff Volckman (S563.094) opposes NOISE-R5 and seeks that it is amended to enable quarry operations and Catherine Smart-Simpson (S564.108), Karamea Lime Company (S614.135), and Peter Langford (S615.135) oppose NOISE-R5 and seek that time restrictions are deleted.
197. The NOISE rules apply limits for noise received depending on the receiving environment. The submitters have not provided evidence to confirm the risk of noise between the quarry and the residential development, to the extent that requires noise attenuation to be triggered by a District Plan rule. Mr Peakall has advised that the noise limits he supports are the minimum standard for protection. The submitters have not provided any specific drafting that may meet their relief. For these reasons I do not support the requests by these submitters.
198. Te Mana Ora (S190.540) oppose NOISE-R5 in part and seek either the restructure of all zone noise limits to relate to sites receiving noise, the reformatting of day/time definitions for noise limits to follow the format recommended in NZS 6802:2008, and if not restricted, the replacement of "another site in the RESZ - Residential Zones, SETZ - Settlement Zone and NOSZ - Natural Open Space Zone:" with "within the notional boundary of any sensitive activity within any site receiving noise". Based on the advice of Mr Peakall the noise limits have been restructured and simplified to improve plan useability and ensure the limits manage noise in an appropriate way. I consider this meets the relief sought by Te Mana Ora and recommend this submission point is accepted.
199. Buller District Council (S538.335) oppose NOISE-R5 in part and seek that "another" is replaced with "any other". They also seek to extend the noise timeframes from 7.00pm and 5.00pm to 10.00pm. Mr Peakall has recommended that the day time noise limit be extended to 10pm from a technical perspective. The new rule recommended by Mr Peakall also makes it clearer that noise limits apply in the receiving environment. I rely on his advice on this matter and therefore recommend this submission point be accepted.

200. Inger Perkins (S462.033) opposes NOISE-R5 and seeks that permitted activities are restricted to a noise limit of 45 dB LAeq (15 min) at all times of the day and week. Similarly, Jan and Heward (S353.003) request that noise levels of 45 DBA should not be exceeded at any time against any residential property. Mr Peakall has considered submissions seeking a lower limit at paragraph 93 of his statement of evidence. He acknowledges that while lower noise limits would increase protection (for noise receivers), a balance is required between the ability to generate noise and the overall protection from unreasonable noise. I accept Mr Peakall's advice on this matter and on this basis recommend these submission points are rejected.

Recommendations

201. Delete Rule 5 and replace with new Rule 5X as outlined in paragraph 191 above.
202. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Rule 6

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Lorree Wilson	S81.001	Oppose	If keeping a 7 day day-time schedule for noise limits, a lower day-time level of 50dBA should be set as the baseline. Alternatively should 55dBA be set as the baseline, Saturdays after 6pm, Sundays and Public Holidays should be set at the lower night-time limit to allow for some levels of reprieve for people who live in a rural residential environment. Night-time noise levels should be set at 40dBA.
<i>Tony Michelle</i>	<i>FS30.38</i>	<i>Oppose</i>	<i>Disallow</i>
<i>WMS GROUP (HQ) Limited and WMS Land Co. Limited</i>	<i>FS231.056</i>	<i>Oppose</i>	<i>Disallow</i>
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.541	Oppose in part	Restructure all zone noise limits to relate to sites receiving noise.
<i>Inger Perkins</i>	<i>FS33.40</i>	<i>Support</i>	<i>Allow</i>
Deb Langridge	S252.004	Amend	Reduce noise limits to no more than 50/45 decibels or lower and have shorter hours.8-5pm for noisier times. There must be weekend and holidays as quiet times for well being of people, especially if a sustained activity. There should be a distinction between occasional farm noise and mining incessant noise in the noise limits. Noise should be measured on the boundary not notional
<i>TiGa Minerals and Metals Limited</i>	<i>FS104.054</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Grey District Council</i>	<i>FS1.060</i>	<i>Oppose</i>	<i>Disallow</i>

Scott Freeman	S383.001	Oppose	Noise in the rural-lifestyle zone should be measured at any point within the site (as per residential and settlement zones) rather than at the notional boundary. The rural-lifestyle zone should be included in Noise-R 5.
Sharon Langridge	S388.006	Amend	Amend 55db is too permissive, amend to 50 more appropriate. Change notional boundary to property boundary.
Rocky Mining Limited	S474.050	Amend	That the noise provisions are amended so that the weekend/public holiday hours in the General Rural Zone and Open Space Zone are the same as the weekday hours, being 7:00am to 10:00pm
<i>TiGa Minerals and Metals Limited</i>	<i>FS104.055</i>	<i>Oppose</i>	<i>Disallow</i>
Horticulture New Zealand	S486.060	Oppose in part	Amend NOISE-R6 1) a) and b) by deleting specified days of the week 7.00am to 10.00pm: 55dB LAeq(15 mins) 10.00pm to 7.00am: 45dB LAeq(15 mins) 10.00pm to 7.00am all days: 75 dB LAFmax
<i>Tony Michelle</i>	<i>FS30.39</i>	<i>Support</i>	<i>Allow</i>

Horticulture New Zealand	S486.087	Amend	<p>Amend Rural Noise Standards so they consider the following factors:</p> <ul style="list-style-type: none"> Rural activities in rural areas should not be subject to urban standards for noise as it will curtail rural productivity Daytime noise controls should be effective seven days per week - not limited to Monday to Friday as primary production activities are not limited Monday to Saturday Noise standards in rural zones should be at least 55 LAeq to ensure that any assessment against the permitted baseline represents the normal rural environment An exemption should be provided for some rural production activities that are not able to be controlled by noise standards such as frost fans and audible bird scaring devices. Such a provision is included in most district plans, such as Whakatane and Western Bay of Plenty and an example is provided below.
<i>Grey District Council</i>	<i>FS1.265</i>	<i>Support</i>	<i>Allow</i>
TiGa Minerals and Metals Limited	S493.088	Amend	<p>Amend: Where: 1. Noise generated by any activity shall not exceed the following noise limits at any point within the notional boundary of any sensitive activity within any site receiving noise: a. 7:00am to 10:00pm Monday to Sunday Friday and 8:00am to 8:00pm weekends and public holidays: 55 dB LAeq (15 min) b. 10:00pm to 7:00am Monday to Sunday Friday and 8:00pm to 8:00am weekends and public holidays: 45 dB LAeq (15min) c. 10:00pm to 7:00am all days - 75 dB LAFmax</p>
<i>Westpower Limited</i>	<i>FS222.0339</i>	<i>Support</i>	<i>Allow</i>
<i>Annie Inwood</i>	<i>FS147.023</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Suzanne Hill</i>	<i>FS72.023</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Marie Elder</i>	<i>FS77.28</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Melissa McLuskie</i>	<i>FS144.024</i>	<i>Oppose</i>	<i>Disallow</i>
Papahaua Resources Limited	S500.034	Amend	<p>That the noise provisions are amended so that the weekend/public holiday hours in the General Rural Zone and Open Space Zone are the same as the weekday hours, being 7:00am to 10:00pm</p>

Celine Stokowski Anthony Thrupp	S522.006	Oppose	Amend the noise limits to that they are the same as the operative Westland District Plan
<i>TiGa Minerals and Metals Limited</i>	<i>FS104.056</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Birchfields Ross Ltd</i>	<i>FS150.033</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Phoenix Minerals Limited</i>	<i>FS215.034</i>	<i>Oppose</i>	<i>Disallow</i>
Buller District Council	S538.336	Oppose in part	Amend Rule 6 as follows: 1. Noise generated by any activity shall not exceed the following noise limits at any point within the notional boundary of any sensitive activity within any other site receiving noise.
<i>Westpower Limited</i>	<i>FS222.0146</i>	<i>Oppose</i>	<i>Disallow</i>
Chris & Jan Coll	S558.327	Amend	Amend timeframes to be more enabling of noise generating activities.
Geoff Volckman	S563.095	Oppose	Amend to further mitigate reverse sensitivity issues for the Karamea Lime Co quarry.
Geoff Volckman	S563.096	Oppose	Amend to enable quarry operations
Catherine Smart-Simpson	S564.106	Amend	Amend to further mitigate reverse sensitivity issues for the Karamea Lime Co quarry.
Catherine Smart-Simpson	S564.110	Oppose	Delete time restrictions
Chris J Coll Surveying Limited	S566.327	Amend	Amend timeframes to be more enabling of noise generating activities.
William McLaughlin	S567.388	Amend	Amend timeframes to be more enabling of noise generating activities.
Laura Coll McLaughlin	S567.388	Amend	Amend timeframes to be more enabling of noise generating activities.
Koiterangi Lime Co LTD	S577.086	Amend	Amend to further mitigate reverse sensitivity issues for the Koiterangi Lime Co quarry.
Koiterangi Lime Co LTD	S577.089	Amend	Amend to further mitigate reverse sensitivity issues for the Koiterangi Lime Co quarry.
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.095	Amend	"Amend NOISE - R6 as follows: Where: 1. Noise generated by any activity shall not exceed the following noise limits at any point within the notional boundary of any sensitive activity within any site receiving noise: a. 7:00am to 10:00pm Monday to Sunday Friday and 8:00am to 8:00pm weekends and public holidays: 55 dB LAeq (15 min)

			<p>b. 10:00pm to 7:00am Monday to Sunday Friday and 8:00pm to 8:00am weekends and public holidays: 45 dB LAeq (15min)</p> <p>c. 10:00pm to 7:00am all days - 75 dB LAFmax"</p>
<i>Buller District Council</i>	<i>FS149.082</i>	<i>Support</i>	<i>Allow</i>
Birchfield Coal Mines Ltd	S601.074	Amend	Amend NOISE - R6 as follows: Where: 1. Noise generated by any activity shall not exceed the following noise limits at any point within the notional boundary of any sensitive activity within any site receiving noise: a. 7:00am to 10:00pm Monday to <u>Sunday Friday</u> and 8:00am to 8:00pm weekends and public holidays : 55 dB LAeq (15 min) b. 10:00pm to 7:00am Monday to <u>Sunday Friday</u> and 8:00pm to 8:00am weekends and public holidays : 45 dB LAeq (15min) c. 10:00pm to 7:00am all days - 75 dB LAFmax
<i>Brian Anderson</i>	<i>FS237.0212</i>	<i>Oppose</i>	<i>Disallow</i>
Karamea Lime Company	S614.136	Oppose	Delete time restrictions
Karamea Lime Company	S614.138	Amend	Amend to further mitigate reverse sensitivity issues for the Karamea Lime Co quarry.
Peter Langford	S615.136	Oppose	Delete time restrictions
Peter Langford	S615.138	Amend	Amend to further mitigate reverse sensitivity issues for the Karamea Lime Co quarry.

Analysis

203. Lorree Wilson (S81.001) opposes NOISE-R6 and seeks that a lower day-time level of 50dBA is set as the baseline if a 7 day day-time schedule for noise limits is kept. Alternatively, Lorree Wilson seeks that 55dBA is set as the baseline with 40dBA set for Saturday evenings, Sundays and Public Holidays.
204. Deb Langridge (S252.004) seeks that NOISE-R6 is amended to reduce noise limits to no more than 50/45 decibels or lower and have shorter hours 8-5pm for noisier times. The submitter notes that there must be weekend and holidays as quiet times for the well being of people, especially if a sustained activity, that there should be a distinction between occasional farm noise and mining incessant noise in the noise limits, and noise should be measured on the boundary not notional.
205. Sharon Langridge (S388.006) seeks that NOISE-R6 is amended to 50db as 55db is too permissive and the notional boundary is changed to property boundary.
206. Mr Peakall has considered submissions seeking a lower limit and shorter daytime hours at his paragraphs 93 to 96. He acknowledges that while lower noise limits would increase protection (for noise receivers), a balance is required between the ability to generate noise and the overall protection from unreasonable noise. With regard to changes from the notional boundary to the property boundary, this is the recommended approach for all zones except the General Rural and Rural Lifestyle

- Zone. Relying on Mr Peakall's expert advice I therefore recommend S388.006 is accepted in part and S81.001 and S252.004 are rejected.
207. Te Mana Ora (S190.541) opposes NOISE-R6 in part and seek the restructure of all zone noise limits to relate to sites receiving noise. As discussed above proposed new Rule X makes it clear that this is the approach.
 208. Scott Freeman (S383.001) opposes NOISE-R6 and seeks that noise in the rural lifestyle zone is measured at any point within the site (as per residential and settlement zones) rather than at the notional boundary. He requests the rural lifestyle zone be included in Noise-R5. I note that the Rural Lifestyle Zone is enabling of rural activities and Mr Peakall's recommendation is that the Rural Lifestyle and General Rural Zone are treated in the same manner with respect to the receiving noise environment, including measuring at the notional boundary. Relying on Mr Peakall's advice I therefore recommend this submission point is rejected.
 209. Horticulture New Zealand (S486.060) opposes NOISE-R6 in part and seeks it is amended to remove reference to specific times of the week in favour of applying the existing Monday-Friday noise limits across the entire week. I note that Mr Peakall's proposed new Rule X consolidates the approach to day time and night time hours, and weekends and public holidays. For the Rural General Zone the proposed maximum noise limit is lower for weekends and public holidays to allow for some respite. I therefore recommend this submission point is rejected.
 210. Horticulture New Zealand (S486.087) seeks the amendment of NOISE-R6 to consider the following factors: Rural activities in rural areas should not be subject to urban standards for noise as it will curtail rural productivity. Rural activities in rural areas should not be subject to urban standards for noise as it will curtail rural productivity. Noise standards in rural zones should be at least 55 LAeq to ensure that any assessment against the permitted baseline represents the normal rural environment. An exemption should be provided for some rural production activities that are not able to be controlled by noise standards such as frost fans and audible bird scaring devices. Such a provision is included in most district plans, such as Whakatane and Western Bay of Plenty. I note that NOISE-R2 provides an exemption for agricultural, pastoral and horticultural noise, as well as audible bird scaring devices. I also note Mr Peakall has recommended a day time noise limit of 55 decibels for the Rural General Zone. I consider these provisions generally meet the relief sought by this submitter.
 211. TiGa Minerals and Metals Limited (S493.088), WMS Group (HQ) Limited and WMS Land Co. Limited (S599.095) and Birchfield Coal Mines Ltd (S601.074) seek that NOISE-R6 is amended to remove weekend and public holiday noise limits in favour of applying the existing Monday-Friday noise limits across the entire week. Similarly, Papahaua Resources Limited (S500.034) and Rocky Mining Limited (S474.050) seek that NOISE-R6 is amended to remove weekend and public holiday noise limits in favour of applying the existing Monday-Friday noise limits across the entire week in the General Rural Zone and Open Space Zones.
 212. It is considered that the noise limits restricted to specified hours ensure that activities can operate whilst managing the risk of potential adverse noise effects during weekend hours when the surrounding environment is more sensitive. Mr Peakall has advised that the noise limits he supports are the minimum standard for protection. For these reasons I do not support the requests by these submitters.
 213. Celine Stokowski Anthony Thrupp (S522.006) opposes NOISE-R6 and seeks that the noise limits in the operative Westland District Plan are retained. The recommended NOISE provisions reflect the planning standards requirements to implement NZ Standards for noise assessment, reflects the proposed zones, ensures consistency across the region and are supported by technical analysis. I therefore do not support reverting to the operative district plan approach.
 214. Buller District Council (S538.336) opposes NOISE-R6 in part and seek the deletion of "at any point" and "receiving noise", and seek the addition of "other". The proposed

new Rule X clarifies that noise is measured within the receiving environment, which I consider meets the intent of what the submitter is seeking.

215. Chris & Jan Coll (S558.327), Chris J Coll Surveying Limited (S566.327), William McLaughlin (S567.388), and Laura Coll McLaughlin (S567.388) seek the amendment of NOISE-R6 for timeframes to be more enabling of noise generating activities. The timeframes (day time/night time/weekends and public holidays) are recommended to be amended to simplify the approach for plan users. In some cases this has resulted in an extension of the daytime hours. On this basis I consider the submission points should be accepted in part.
216. Geoff Volckman (S563.095), Catherine Smart-Simpson (S564.106), Karamea Lime Company (S614.138), and Peter Langford (S615.138) seek the amendment of NOISE-R6 to further mitigate reverse sensitivity issues for the Karamea Lime Co quarry. Similarly, Geoff Volckman (S563.096) opposes NOISE-R6 and seeks that quarry operations are enabled and Koiterangi Lime Co LTD (S577.086 and S577.089) request amendments to further mitigate reverse sensitivity issues for the Koiterangi Lime Co quarry. Catherine Smart-Simpson (S564.110), Karamea Lime Company (S614.136), and Peter Langford (S615.136) oppose NOISE-R6 and seek that time restrictions are deleted. As discussed the NOISE rules apply limits for noise received depending on the receiving environment. The submitters have not provided evidence to confirm the risk of noise between their activities and the residential development, to the extent that requires noise attenuation to be triggered by a District Plan rule. Mr Peakall has advised that the noise limits he supports are the minimum standard for protection. The submitters have not provided any specific drafting that may meet their relief. For these reasons I do not support the requests by these submitters.

Recommendations

217. Delete NOISE-R6 and replace with new Rule 5X as recommend in paragraph 191 above.
218. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Rule 7

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.542	Oppose in part	Restructure all zone noise limits to relate to sites receiving noise.
<i>Inger Perkins</i>	<i>FS33.41</i>	<i>Support</i>	<i>Allow</i>
Buller District Council	S538.337	Oppose in part	Amend Rules 7 and 8 as follows: 1. Noise generated by any activity shall not exceed the following noise limits <u>within</u> at the notional boundary of any sensitive activity within any <u>other</u> site receiving noise
<i>Westpower Limited</i>	<i>FS222.064</i>	<i>Support</i>	<i>Allow</i>

Analysis

219. Te Mana Ora (S190.542) oppose NOISE-R7 in part and seek the restructure of all zone noise limits to relate to sites receiving noise. The recommended new Rule X makes it

clear that the limits apply where the noise is received and I therefore recommend this submission point is accepted.

220. Buller District Council (S538.337) oppose NOISE-R7 in part and seek the replacement of “at” with “within”, the addition of “other”, and the deletion of “receiving noise”. Changing the rule to refer to noise limits “at” the notional boundary may create potential risk of increased noise within the noise boundary. It is considered that the addition of “other” site affords clarity, however this should be qualified by retaining the words receiving noise. While the rule is proposed to be deleted, the recommended new Rule X clarifies these terms and I therefore recommend this submission point is accepted in part.

Recommendations

221. Delete NOISE-R7 and replace with new Rule 5X as outlined in paragraph 191 above.
222. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Rule 8

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.543	Oppose in part	1) Restructure all zone noise limits to relate to sites receiving noise. 2) If the current structure is retained, amend NOISE-R8 as follows: ... a. 7:00am to 10:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays: 55 60 dB LAeq (15 min)
<i>Westpower Limited</i>	<i>FS222.0337</i>	<i>Oppose in part</i>	<i>Disallow</i>
Sharon Langridge	S388.007	Amend	Amend notional boundary to property boundary.
<i>TiGa Minerals and Metals Limited</i>	<i>FS104.057</i>	<i>Oppose</i>	<i>Disallow</i>
Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	S441.042	Oppose	Amend Rule NOISE - R8(1)(b) to provide a commensurate permitted noise level to that specified in Table 5.1 of the Westland District Plan. Remove the proposed zoning of GRZ and MRZ adjacent to the Silver Fern Farms Plant (140 Kumara Junction Highway, Hokitika).
<i>Westpower Limited</i>	<i>FS222.0332</i>	<i>Support in part</i>	<i>Allow</i>
KiwiRail Holdings Limited	S442.007	Support	Retain as proposed

KiwiRail Holdings Limited	S442.008	Amend	Insert as follows: Noise sensitive activity means any lawfully established: residential activity, including activity in visitor accommodation or retirement accommodation, including boarding houses, residential visitor accommodation and papakāinga; educational activity; health care activity, including hospitals ; congregation within any place of worship; and activity at a marae.
Tony Michelle	FS30.35	Support in part	Allow
Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu	FS41.038	Oppose	Disallow
Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu	FS41.099	Oppose	Disallow
KiwiRail Holdings Limited	S442.009	Support	Retain as proposed
Buller District Council	S538.338	Oppose in part	Amend Rules 7 and 8 as follows: 1. Noise generated by any activity shall not exceed the following noise limits <u>within</u> at the notional boundary of any sensitive activity within any <u>other</u> site receiving noise

Analysis

223. KiwiRail (S442.009) support NOISE-R8 as notified and seek that it is retained as notified. The support for NOISE-R8 is noted.
224. Te Mana Ora (S190.543) oppose NOISE-R8 in part and seek the restructure of all zone noise limits to relate to sites receiving noise. They request that if the current structure is retained, to amend NOISE-R8 as follows: seek the replacement of "60" with "55". As outlined above NOISE-R8 is proposed to be replaced by consolidated new Rule X which meets the preferred relief sought by Te Mana Ora and I therefore recommend this submission point be accepted.
225. Sharon Langridge (S388.007) seeks NOISE-R8 is amended so that notional boundary is replaced with property boundary. The restructured Rule X uses property boundary as the measurement for these zones and I therefore recommend this submission point be accepted.
226. Silver Fern Farms (S441.042) oppose R8(1)(b) and seek it is amended to provide a commensurate permitted noise level to that specified in Table 5.1 of the Westland District Plan. Mr Peakall has reviewed this submission point and notes that the operative rule uses an outdated metric. On this basis I do not support the request by Silver Fern Farms. I note the zoning component of this submission point is being considered as part of a separate hearing stream.
227. Buller District Council (S538.338) oppose NOISE-R8 in part and seek the replacement of "at" with "within", the addition of "other", and the deletion of "receiving noise". Changing the rule to refer to noise limits "at" the notional boundary may create

potential risk of increased noise within the noise boundary. It is considered that the addition of “other” site affords clarity, however this should be qualified by retaining the words receiving noise. While the rule is proposed to be deleted, the recommended new Rule X clarifies these terms and I therefore recommend this submission point is accepted in part.

Recommendations

228. Delete NOISE-R8 and replace with new Rule 5X as set out in paragraph 191 above.
229. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Rule 9

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.544	Support in part	Amend NOISE-R9 to add the following: <u>2. All activities are conducted in accordance with a Port Noise Management Plan that is updated annually, sets out details of how NZS 6809 is being implemented, and is publicly available on the port operator's website.</u>
<i>West Coast Bulk Logistics Limited</i>	<i>FS152.001</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Grey District Council</i>	<i>FS1.343</i>	<i>Oppose</i>	<i>Disallow</i>
Buller District Council	S538.339	Support	Retain as notified.
<i>West Coast Bulk Logistics Limited</i>	<i>FS152.002</i>	<i>Oppose</i>	<i>Disallow</i>
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.096	Support	Retain as notified

Analysis

230. Buller District Council (S538.339), and WMS Group (HQ) Limited and WMS Land Co. Limited (S599.096) support NOISE-R9 and seek that it is retained as notified. The support for NOISE-R9 is noted, however amendments are recommended based on other submissions..
231. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.544) support NOISE-R9 in part and seek the following addition: “2. All activities are conducted in accordance with a Port Noise Management Plan that is updated annually, sets out details of how NZS 6809 is being implemented, and is publicly available on the port operator's website”.
232. Mr Peakall has considered this submission point¹³ and supports including a requirement to prepare a noise management plan. Relying on his technical advice on this matter I recommend this submission point be accepted, with a minor amendment to change ‘updated’ to ‘reviewed’ as the plan may not need to be updated annually.
233. Based on the inclusion of proposed new Rule X and for clarity, a minor amendment is also recommended to focus Rule 9 on port activities.

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¹³ Steve Peakall Statement of Evidence paragraphs 109 and 110

Recommendations

234. It is recommended that Rule 9 be amended as follows:

NOISE - R9 Emission of Noise [from Port Activities](#) within the PORTZ - Port Zone
Activity Status Permitted

Where:

1. The maximum noise generated from [port](#) activities is in accordance with the limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.

[2. All activities are conducted in accordance with a Port Noise Management Plan that is reviewed annually, sets out the details of how NZS 6809 is being implemented, and is publicly available on the port operator's website.](#)

235. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Rule 10

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.545	Oppose in part	Amend NOISE-R10 as follows: ... 3. The maximum noise levels from aircraft engine testing <u>associated with maintenance</u> at any point within <u>the notional boundary of any sensitive activity within any site receiving noise boundary of a site within a RESZ—Residential Zone, MPZ—Māori Purpose Zone or RURZ—Rural Zone</u> shall not exceed: a. on any day 7.00am to 10.00pm exceed 55 dB LAeq (15 hour) <u>(15min)</u> b. on any day 10.00pm to 7.00am not exceed 45 dB LAeq (9 hours) <u>(15 min)</u> and 75 dB L _{Amax} ; and 4. The maximum noise generated from aircraft operations at Hokitika and <u>Westport Airports and Greymouth and Karamea Aerodromes over any 90 continuous days, including taxiing and pre and post flight engine running,</u> shall not exceed: ... 8. <u>All activities are conducted in accordance with a Noise Management Plan that is updated annually, sets out details of how NZS 6805 or NZS 6807 is being implemented, and is publicly available on the facility operator's website.</u>
<i>Grey District Council</i>	<i>FS1.344</i>	<i>Oppose</i>	<i>Disallow</i>
Totally Tourism Limited	S449.006	Support	Retain as notified including RDA where Permitted Activity standards exceeded.
New Zealand Defence Force	S519.029	Support	Retain Rule as notified.
Buller District Council	S538.340	Support	Retain as notified.

Analysis

236. Totally Tourism Limited (\$449,006), New Zealand Defence Force (\$519,029), and Buller District Council (\$538,340) support NOISE-R10 and seek that it is retained as notified. This support is noted, however amendments are recommended based on other submissions.
237. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (\$190,545) opposes NOISE-R10 in part and seeks a number of amendments. The submitter requests amendments to NOISE-R10.3 to limit maximum noise levels from aircraft engine testing to works associated with maintenance, and for noise emissions to be measured from the notional boundary of any sensitive activity within any site receiving noise, as opposed to the boundary of a site within a RESZ - Residential Zone, MPZ - Māori Purpose Zone or RURZ - Rural Zone. In addition, the submitter requests that the LAeq measurement under NOISE-R10.3 is amended from 15 hours to 15 minutes.
238. The submitter also seeks the inclusion of the Westport airport and Greymouth and Karamea Aerodromes under NOISE-R10.4, a specific reference to "including taxiing and pre and post flight engine running" when measuring noise, and the inclusion of a new rule as follows:
- All activities are conducted in accordance with a Noise Management Plan that is updated annually, sets out details of how NZS 6805 or NZS 6807 is being implemented, and is publicly available on the facility operator's website.
239. Mr Peakall has reviewed Rule 10 in detail from a technical perspective¹⁴ and recommends a number of amendments in response to the submission point by Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora on this rule. I rely on his technical expertise and recommend that the submission point is accepted in part. With respect to the noise management plan, similar to that for airport noise above I recommend the requirement be to review annually rather than update it annually, particularly give the scale of the airports for which this requirement is proposed to apply to.

Recommendations

240. That Rule 10 is amended as follows:

Activity Status Permitted

Where:

1. Noise from aircraft operations at Hokitika and Westport Airports and Greymouth, [Haast](#) and Karamea Aerodromes must be measured and assessed in accordance with NZS 6805: 1992 Airport Noise Management and Land Use Planning;
2. Noise from helicopter operations at Franz Josef Heliport must be measured and assessed in accordance with NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas;
- ~~2X. Noise from essential unplanned engine testing for scheduled passenger services is exempt from NOISE-R10.1 above.~~
- ~~2Y. Noise from all other engine testing shall comply with the noise limits set out in NOISE-RX.~~
- ~~3. The maximum noise levels from aircraft engine testing at any point within the boundary of a site within a RESZ - Residential Zone, MPZ - Māori Purpose Zone or RURZ - Rural Zone shall not exceed:~~
 - ~~a. on any day 7.00am to 10.00pm exceed 55 dB LAeq (15 hour)~~
 - ~~b. on any day 10.00pm to 7.00am not exceed 45 dB LAeq (9 hours) and 75 dB LAmax and~~

1. _____

¹⁴ Steve Peakall Statement of Evidence paragraphs 111 to 121

4. The maximum noise generated from aircraft operations at Hokitika [and Westport Airports](#) [and Greymouth, Haast Airfield and Karamea Aerodrome](#) over any 90 continuous days shall not exceed:
 - a. 55 dB L_{dn} at or beyond the noise contour boundary shown on the planning maps; and
 5. The maximum noise generated from helicopter operations at Franz Josef Heliport over any 7 continuous days, shall not exceed:
 - a. 50 dB L_{dn} at or beyond the noise contour boundary shown on the planning maps; and
 6. Standards 4 and 5 above do not apply to:
 - a. Aircraft landing or taking off in an emergency; and
 - b. Emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency situations; and
 - c. Aircraft undertaking firefighting duties; and
 - d. Military aircraft movements; and
 - e. Aircraft using the Hokitika Airport in preparation for and participation in air shows.
 - ~~7. In order to audit compliance with this rule, noise level monitoring must be carried out for a minimum of three months every five years with the resulting report forwarded to the Council within one month of that monitoring being completed.~~
 7. All activities are conducted in accordance with a Noise Management Plan that is reviewed annually, sets out details of how NZS 6805 or NZS 6807 is being implemented, and is publicly available on the facility operator's website.
241. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Rule 11

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.546	Oppose in part	Restructure all zone noise limits to relate to sites receiving noise.
<i>Grey District Council</i>	<i>FS1.345</i>	<i>Oppose</i>	<i>Disallow</i>
Deb Langridge	S252.003	Amend	Amend the plan so that noisy activities have shorter working hours, 8am-5pm is more suitable if there are residents nearby who will be disturbed by this. ..Weekends and public holidays should be quiet otherwise they are not holidays or breaks are they? Reduce the noise limit from 55 dB to 45 dB. The noise limit should be taken at the boundary not a notional boundary,
<i>TiGa Minerals and Metals Limited</i>	<i>FS104.058</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Grey District Council</i>	<i>FS1.059</i>	<i>Oppose</i>	<i>Disallow</i>
Sharon Langridge	S388.005	Amend	Amend notional property boundary to actual property boundary.

<i>TiGa Minerals and Metals Limited</i>	<i>FS104.059</i>	<i>Oppose</i>	<i>Disallow</i>
Rocky Mining Limited	S474.022	Support	Retain limits for the MEZ as notified
<i>Rocky Mining Limited</i>	<i>FS474.050</i>	<i>Amend</i>	<i>That the noise provisions are amended so that the weekend/public holiday hours in the General Rural Zone and Open Space Zone are the same as the weekday hours, being 7:00am to 10:00pm</i>
TiGa Minerals and Metals Limited	S493.089	Support	Retain as notified.
<i>Annie Inwood</i>	<i>FS147.024</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Suzanne Hill</i>	<i>FS72.025</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Melissa McLuskie</i>	<i>FS144.025</i>	<i>Oppose</i>	<i>Disallow</i>
Buller District Council	S538.341	Oppose in part	Amend Rule 11 as follows: 1. The maximum Noise generated by any activity from activities does shall not exceed the following limits at any point within the notional boundary of any sensitive activity within any <u>other</u> site receiving noise .
Chris & Jan Coll	S558.328	Amend	Amend timeframes to be more enabling of noise generating activities.
Chris & Jan Coll	S558.330	Amend	Correct "MEZ" error.
Geoff Volckman	S563.097	Oppose	Amend to enable quarry operations
Geoff Volckman	S563.098	Oppose	Amend to further mitigate reverse sensitivity issues for the Karamea Lime Co quarry.
Geoff Volckman	S563.099	Amend	Correct "MEZ" error.
Catherine Smart-Simpson	S564.107	Amend	Amend to further mitigate reverse sensitivity issues for the Karamea Lime Co quarry.
Catherine Smart-Simpson	S564.111	Oppose	Delete time restrictions
Catherine Smart-Simpson	S564.112	Amend	Correct "MEZ" error.
Chris J Coll Surveying Limited	S566.328	Amend	Amend timeframes to be more enabling of noise generating activities.
Chris J Coll Surveying Limited	S566.330	Amend	Correct "MEZ" error.
William McLaughlin	S567.389	Amend	Amend timeframes to be more enabling of noise generating activities.
William McLaughlin	S567.390	Amend	Correct "MEZ" error.
Laura Coll McLaughlin	S574.328	Amend	Amend timeframes to be more enabling of noise generating activities.
Laura Coll McLaughlin	S574.330	Amend	Correct "MEZ" error.
Koiterangi Lime Co LTD	S577.087	Amend	Amend to further mitigate reverse sensitivity issues for the Koiterangi Lime Co quarry.
Koiterangi Lime Co LTD	S577.090	Amend	Amend to further mitigate reverse sensitivity issues for the Koiterangi Lime Co quarry.

Koiterangi Lime Co LTD	S577.091	Amend	Correct "MEZ" error.
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.097	Support	Retain as notified.
Birchfield Coal Mines Ltd	S601.075	Support	Retain as notified.
Karamea Lime Company	S614.137	Oppose	Delete time restrictions
Karamea Lime Company	S614.139	Amend	Amend to further mitigate reverse sensitivity issues for the Karamea Lime Co quarry.
Karamea Lime Company	S614.140	Amend	Correct "MEZ" error.
Peter Langford	S615.137	Oppose	Delete time restrictions
Peter Langford	S615.139	Amend	Amend to further mitigate reverse sensitivity issues for the Karamea Lime Co quarry.
Peter Langford	S615.140	Amend	Correct "MEZ" error.

Analysis

242. Rocky Mining Limited (S474.022), TiGa Minerals and Metals Limited (S493.089), WMS Group (HQ) Limited and WMS Land Co. Limited (S599.097), and Birchfield Coal Mines Ltd (S601.075) support NOISE-R11 and seek that it is retained as notified. This support is noted.
243. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.546) seeks that the rule is restructured so all zone noise limits to relate to sites receiving noise. As discussed above proposed new Rule X makes it clear that this is the approach.
244. Deb Langridge (S252.003) seeks that NOISE-R11 is amended to reduce the noise limit from 55 dB to 45 dB, that noise is recorded from the boundary and not a notional boundary, and that noisy activities are limited to 8.00am-5.00pm. I note that for noise received in the Buller Coalfield Zone and Mineral Extraction Zone the consolidated Rule X refers to the boundary not the notional boundary, which gives partial relief to this part of the submission point. Regarding reducing the noise limit and hours for 'noisy' activities, Mr Peakall has addressed this point in his expert evidence and recommends a balanced approach. I also note that these zones are by their nature more noisy environments where a higher noise limit is appropriate.
245. Sharon Langridge (S388.005) seeks the amendment of NOISE-R11 to replace notional property boundary with actual property boundary. The restructured noise limits and management approach in Rule X includes a notional boundary measurement only for the General Rural Zone and Rural Lifestyle Zone, where as other zones are measured from the property boundary. This partially addresses the relief sought by this submitter.
246. Buller District Council (S538.341) request a number of amendments to clarify that the noise limits apply at another site's notional boundary and not from dwellings or other activities, and not the same site from which noise is being generated. Minor amendments are also sought to improve readability. I consider these points are all addressed by proposed new rule NOISE-RX and recommend the submission point is accepted.
247. Chris & Jan Coll (S558.328), Chris J Coll Surveying Limited (S566.328), William McLaughlin (S567.389), and Laura Coll McLaughlin (S574.328) seek that NOISE-R11 is amended for timeframes to be more enabling of noise generating activities. The timeframes (day time/night time/weekends and public holidays) are recommended to be amended to simplify the approach for plan users. In some cases this has resulted in an extension of the daytime hours. On this basis I consider the submission points should be accepted in part.

248. Chris & Jan Coll (S558.330), Geoff Volckman (S563.099), Catherine Smart-Simpson (S564.112), Chris J Coll Surveying Limited (S566.330), William McLaughlin (S567.390), Laura Coll McLaughlin (S574.330), Koiterangi Lime Co LTD (S577.091), Karamea Lime Company (S614.140), and Peter Langford (S615.140) seeks the amendment of NOISE-R11 to correct "MEZ" error. This typographical error has been corrected in proposed new Rule X.
249. Geoff Volckman (S563.098), Catherine Smart-Simpson (S564.107), Karamea Lime Company (S614.139), and Peter Langford (S615.139) seek the amendment of NOISE-R11 to further mitigate reverse sensitivity issues for the Karamea Lime Co quarry. Koiterangi Lime Co Ltd (S577.087, S577.090) seek amendment to further mitigate reverse sensitivity issues for the Koiterangi Lime Co quarry. Geoff Volckman (S563.097) opposes NOISE-R11 and seeks it is amended to enable quarry operations. Similarly, Catherine Smart-Simpson (S564.111), Karamea Lime Company (S614.137), and Peter Langford (S615.137) oppose NOISE-R11 and seek that time restrictions are deleted. As discussed above, the NOISE rules apply limits for noise received depending on the receiving environment. The submitters have not provided evidence to confirm the risk of noise between the quarry and the residential development, to the extent that requires noise attenuation to be triggered by a District Plan rule. Mr Peakall has advised that the noise limits he supports are the minimum standard for protection. The submitters have not provided any specific drafting that may meet their relief. For these reasons I do not support the requests by these submitters.

Recommendations

250. Delete NOISE-R11 and replace with new Rule 5X as recommended in paragraph 191 above.
251. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Rule 12

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
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Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.547		Retain rule.
Margaret Montgomery	S446.081	Amend	Clarify how noise effects on wildlife and habitat are assessed,
Waka Kotahi NZ Transport Agency	S450.172	Support in part	Amend the rule to delete either R12.a or R12.g.
Buller District Council	S538.342	Support	Retain as notified.
Westpower Limited	S547.490	Amend	Add <u>k. The technical, locational, functional or operational constraints and/or requirements of the activity.</u>
<i>Westpower Limited</i>	<i>FS222.035</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Tony Michelle</i>	<i>FS30.24</i>	<i>Oppose</i>	<i>Disallow</i>
Buller Conservation Group	S552.156	Amend	Delete: g Effects on the health and wellbeing of people;
<i>New Zealand Defence Force</i>	<i>FS31.001</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Westpower Limited</i>	<i>FS222.037</i>	<i>Oppose</i>	<i>Disallow</i>
Frida Inta	S553.156	Amend	Delete: g Effects on the health and wellbeing of people;
Westpower Limited	FS222.0148	Oppose	Disallow
Chris & Jan Coll	S558.331	Support	Retain
Chris J Coll Surveying Limited	S566.331	Support	Retain
William McLaughlin	S567.391	Support	Retain
Laura Coll McLaughlin	S574.331	Support	Retain

Analysis

252. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.547), Buller District Council (S538.342), Chris & Jan Coll (S558.331), Chris J Coll Surveying Limited (S566.331), William McLaughlin (S567.391), and Laura Coll McLaughlin (S574.331) support NOISE-R12 and seek that it is retained as notified. This support is noted, however amendments are recommended based on other submissions.
253. Margaret Montgomery (S446.081) seeks NOISE-R12 is amended to clarify how noise effects on wildlife and habitat are assessed. I note that the provisions of this chapter do not provide for an assessment of noise effects on wildlife and habitat. The submitter is invited to provide further detail via evidence on how the provisions could be amended to provide for this.
254. Waka Kotahi (S450.172) supports NOISE-R12 in part and seeks the rule is amended to delete either NOISE-R12.a or NOISE-R12.g. Similarly, Buller Conservation Group (S552.156) and Frida Inta (S553.156) seek that the rule is amended to delete (g): "Effects on the health and wellbeing of people". I agree these matters of discretion are duplication and recommend that R12.g. is deleted.
255. Westpower Limited (S547.490) seeks that NOISE-R12 is amended to include the following addition: "k. The technical, locational, functional or operational constraints and/or requirements of the activity." It is considered that this clause provides direction to plan users to consider the requirements of the activity with respect to potential noise effects and mitigation. Similar to my analysis for NOISE-P4, my preference is to focus

this matter of discretion on the planning standards defined terms 'functional need' and 'operational need', particularly as focussing on these terms is also supported through other hearing streams. It is noted this will be renumbered to clause 'j' if 'g' is deleted.

Recommendations

256. It is recommended that NOISE-R12 is amended as follows:

NOISE-R12 Emission of Noise not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Activity status where compliance not achieved: N/A

Discretion is restricted to:

- a. Effects on the health and wellbeing of people;
- b. Ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities;
- c. The level, hours of operation, duration and nature of the noise;
- d. The primary purpose and the frequency of use of the activity;
- e. Proximity and nature of nearby activities and the adverse effects they may experience from the noise;
- f. Effects on character and amenity values on the surrounding environment; and
- ~~g. Effects on the health and wellbeing of people;~~
- h. Effects on wildlife and habitat values;
- i. The temporary or permanent nature of any adverse effects;
- j. Any noise reduction measures;
- k. [The functional need and/or operational need of the activity.](#)

257. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Noise – Rule 13

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Buller District Council	S538.343	Oppose	Delete Rule 13.
<i>Grey District Council</i>	<i>FS1.431</i>	<i>Support</i>	<i>Allow</i>
Chris & Jan Coll	S558.332	Oppose	Delete.
<i>Westpower Limited</i>	<i>FS222.0324</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Tony Michelle</i>	<i>FS30.23</i>	<i>Oppose</i>	<i>Disallow</i>
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.548	Support	Retain rule.
Chris J Coll Surveying Limited	S566.332	Oppose	Delete.
Laura Coll McLaughlin	S574.332	Oppose	Delete.
William McLaughlin	S567.392	Oppose	Delete.

Analysis

258. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.548) support NOISE-R13 and seeks it is retained. This support is noted.

- 259. Buller District Council (S538.343), Chris & Jan Coll (S558.332), Chris J Coll Surveying Limited (S566.332), Laura Coll McLaughlin (S574.332), and William McLaughlin (S567.392) oppose NOISE-R13 and seek it is deleted.
- 260. With respect to the submissions that seek Rule 13 be deleted, I note that Rule 13 is required to establish a rule cascade for Rule 3. I therefore recommend it is retained.

Recommendations

- 261. No amendments to NOISE-R13 are recommended in response to these submissions.
- 262. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

7.0 S32AA Evaluation for all Recommended Amendments

- 263. Section 32AA of the RMA requires a further evaluation to be undertaken in accordance with s32(1) - (4) if any amendment has been made to the proposal (in this case the pTTPP) since the original s32 evaluation report was completed. Section 32AA requires that the evaluation is undertaken in a level of detail that corresponds to the scale and significance of the changes. Minor changes to correct errors or improve the readability of the pTTPP have not been individually evaluated. In terms of s32AA, these minor amendments are efficient and effective in improving the administration of the pTTPP provisions, being primarily matters of clarification rather than substance.
- 264. A s32AA assessment of the proposed changes to NOISE-R2, NOISE-R3, introduction of proposed new NOISE-RX and deletion of NOISE-R5, NOISE-R6, NOISE-R7, NOISE-R8, and NOISE-R11 is set out below.
- 265. I consider the recommended changes to the other provisions are of a minor nature and are intended to improve the workability of pTTPP, and therefore further evaluation under s32AA is not required.

Effectiveness and Efficiency

- 266. The proposed amendments to NOISE-R2 are considered to strike an effective balance between providing for appropriate exclusions and supporting an acceptable noise environment within the districts. I consider the efficiency of NOISE-R2 is improved through the removal of terms such as 'intermittent' and 'infrequent' which create uncertainty for plan users as to whether something is permitted or not.
- 267. The proposed amendments to NOISE-R3 and inclusion of acceptable constructions for insulation are considered to be effective and efficient in that this approach ensures an appropriate level of amenity is achieved for sensitive activities located near activities that generate noise and/or vibration.
- 268. With respect to the consolidated approach proposed by deleting NOISE-R5, NOISE-R6, NOISE-R7, NOISE-R8, and NOISE-R11 and replacing these rules with a single new rule NOISE-RX it is considered that the rationalisation of day time and night time hours, noise limits and clarifying that the limits apply in the receiving environment will be more effective and efficient for plan users than having multiple rules and an inconsistent approach.
- 269. The recommended approach is based on expert acoustic advice that considers this to be an appropriate approach that reflects a fair balance between allowing noisy activities to establish and operate in the District, without causing unreasonable noise effects on sensitive activities.

Costs/Benefits

- 270. It is considered that the recommended amendments will not result in significant change to the cost and benefits evaluated in the s32 report. I consider that there is increased benefit as the recommended amendments will support improved interpretation and overall application of the rules.
- 271. With respect to the proposed appendix outlining acceptable constructions that meet the insulation requirements of NOISE-R3, I consider this is likely to result in reduced administration and compliance costs for both applicants and the councils, as certification by an acoustic engineer is not required.
- 272. Overall I consider the potential costs of the amended provisions are outweighed by the benefits.

Risk of Acting/Not Acting

- 273. I consider that there is a good degree of certainty with respect to how the amendments to these rules will manage noise effects across the districts. I consider that there is sufficient information on which to act in relation to these matters.

Decision about most appropriate option

- 274. The recommended amendments to these rules are therefore considered to be more appropriate than the notified version in the pTTPP.

8.0 Conclusion

- 275. This report has provided an assessment of submissions received in relation to the NOISE chapter. The amendments that I have recommended are detailed in **Appendix 1**.
- 276. Section 6 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the **NOISE chapter** should be accepted, accepted in part, rejected or rejected in part, as set out in **Appendix 2**.
- 277. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA (especially for changes to objectives), the relevant objectives of this plan and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.