

IN THE MATTER

of the Resource Management Act 1991
("RMA" or "the Act")

AND

IN THE MATTER

of the **Proposed Te Tai o Poutini Plan**

**STATEMENT OF EVIDENCE OF STEPHEN JACK PEAKALL ON BEHALF
OF WEST COAST REGIONAL COUNCIL**

Dated 29 August 2024

Introduction

1. My full name is Stephen Jack Peakall. My qualifications and experienced are detailed in my previous evidence presented to the Commissioners.
2. The purpose of this evidence is to provide further discussion of, and in some cases technical refinements to, the noise provisions of the Proposed Te Tai O Poutini Plan (**pTTPP**).
3. In this supplementary statement I respond to the acoustic issues raised in the submitter Statements of Evidence of Dr Stephen Chiles (on behalf of National Public Health Service (**NPHS**), New Zealand Transport Agency Waka Kotahi (**NZTA**) and **KiwiRail**), Mr Steve Tuck (**Silver Fern Farms**) Ms Katherine McKenzie (**Westport Pistol Club** (and others) and Mr Rhys Hegley (**WMS Group** (and others)), West Coast Regional Council (**WCRC**) and the New Zealand Agricultural Aviation Association (**NZAAA**)).
4. I respond to each in turn.

Evidence of Dr Stephen Chiles for NPHS

5. I address below the evidence provided by Dr Chiles in relation to the submission made by the National Public Health Service (**NPHS**). I note that in my primary statement of evidence I refer to this submission as that from Te Whatu Ora (s190), a former name of the NPHS.
6. Dr Chiles' evidence raises several matters in which he disagrees with my Primary Statement of Evidence, and the s42A Report recommendations prepared by Ms Evans. These relate to:
 - (a) Measurement and assessment standards (Noise Rule R1)
 - (b) Exemptions (Noise Rule R2)
 - (c) Structure of zone noise limits (Noise Rule Rx)
 - (d) Port Noise (Noise Rule R9)
 - (e) Airport Noise (Noise Rule R10)
7. Dr Chiles points out in paragraph 14 that the general environmental noise standards are different to the other standards now referenced in Rule R1 (that I recommended be added). I agree that they are somewhat different in the sense that they are used alongside and not

in place of the other noise limits and rules of the TTPP. In my opinion, this difference is not significant enough to require them to be referenced in a whole separate section of the TTPP.

8. This is primarily because it is easier for the implementation of the rules overall (and therefore easier for Plan users), and keeps all relevant New Zealand standards in one rule.
9. I therefore remain of the opinion that the rules as shown in the s42A report are appropriate. I note that Dr Chiles does also suggest that retaining these rules might be adequate.
10. I agree with Dr Chiles in his paragraph 15 that there is no specific definition of mobile noise sources within the TTPP. Without such a definition then the Rule could be open to unacceptable interpretation as to what a mobile noise source is. Because of this, I agree that clause R1.3 relating to Mobile Noise Sources should be deleted.
11. With respect to Noise Rule R2 (Exemptions), Dr Chiles disagrees (paragraph 18) with the proposed refinement to Rule R2.12 relating to infrequent aircraft operations. He asserts that those activities that are below the period limits specified in the exemption would still effectively be capable of generating adverse effects to an extent that (even if managed through the use of other applicable standards (6805/6807)) would be unacceptable. I disagree with this in that this level of activity, even if reached would still allow significant periods of respite at other times.
12. Further, I take account of the evidence received from the West Coast Regional Council, that states, if anything, they consider the exemption does not go far enough, based on the types of activity that occur in the district, and the frequency and duration of that activity. I discuss this exemption further in paragraphs 65 to 69 below)
13. Balancing these two conflicting views, my opinion remains that the exemption provides operational flexibility in the small number of cases likely to require the exemption, without the subsequent onset of unacceptable adverse noise effects as a result.
14. Regarding the discussion by Dr Chiles in paragraph 19 about the exemption for non-commercial watercraft, it appears Dr Chiles considers that all motor-craft, recreational or commercial, be subject to some form of noise limit. The exemption as worded attempts to differentiate those two activities and in my opinion is an acceptable method of doing so.

15. I consider it would be too onerous for recreational users (and for an activity which is likely to be intermittent), should noise limits be applied as Dr Chiles suggests.
16. The removal of the exemption, or the alternative rule wording suggested by Dr Chiles, would both mean that it would remain ambiguous as to what activity would be controlled, and to what extent. It is for these reasons that I support a general exemption for *non-commercial* motor craft be included.
17. With respect to the refined and streamlined noise rules recommended in the s42A report for general zone noise limits, I disagree with the request for an evening period.
18. As I set out in my primary statement of evidence I do not consider there is an overwhelming need to apply a differential between daytime and night-time with the use of an evening period.
19. The NPHS evidence generally seeks more stringent noise limits be applied, primarily as a method to protect public health. I agree the protection of public health is important but disagree the provision of an evening period is necessary to achieve this.
20. I also note that conversely, several submitters seek more relaxed noise limits, particularly on the weekend (refer the evidence of Mr Hegley, as I discuss in paragraph 50-53, below).
21. In my opinion, the rules that I have previously recommended remain the best mechanism to ensure that adverse noise effects are adequately controlled, and at the same time allow a reasonable level of activity to occur in the District.
22. I agree with the proposals put forward by Dr Chiles in his paragraph 22 with respect to some drafting issues in Noise Rule RX. These relate to the noise limit and notional boundary definitions.
23. With respect to Dr Chiles evidence at paragraph 25 in relation to airport engine testing controls, I disagree with Dr Chiles' recommendation to remove the exemption for certain unplanned testing.
24. In my opinion, the ability to undertake emergency unplanned engine testing for certain key regional aircraft, is a fundamental requirement of a regionally significant airport's ability to operate efficiently.

25. In my experience, such testing is infrequent, and even for somewhat larger airports, is not undertaken on more than a handful of times a year.
26. Regarding the definition of aircraft operations, in my view the definition already inherently includes taxi-ing and engine running immediately pre and post-flight. I acknowledge that this is not explicit in the rules so could be added, however, in my opinion, it is not necessary to do so as the impacts of such aspects of operations are not significant.

Evidence of Dr Stephen Chiles for Waka Kotahi (NZTA)

27. On behalf of Waka Kotahi (NZTA), Dr Chiles is in general agreement with the proposed noise rules.
28. He does make several suggestions in his evidence on their behalf which I address below.
29. At paragraph 4.2, Dr Chiles discusses the need to address alterations to existing buildings containing sensitive activity in relation to the requirements of Rule NOISE-R3. I agree that the text should be updated to include these types of activities being subject to the controls of the rule.
30. Dr Chiles evidence, and that of Mr Pearson on behalf of NZTA, support the use of an overlay instead of setback distances to inform where higher levels of highway road noise can occur and consequently where acoustic inclusion controls are required. For convenience I show the overlay as Figure 1 and 2 appended to this evidence. Figure 1 shows the overall extent of the overlay, and Figure 2 gives an example of how overlay varies depending on topography, screening, and other factors.
31. I have reviewed the overlay and agree it is an appropriate method to use; it would achieve acceptable outcomes if used, and the noise rules Ms Evans has prepared would be adequate to allow this to be implemented. These new rules would now no longer need the notified clause R3.1.b.ii relating to vehicle movement growth allowance of 3 decibels, as I understand this is already accounted for in the Overlay (refer Table 2, Appendix A of Dr Chiles' evidence).
32. At paragraph 5.3, Dr Chiles accepts the use of the proposed Appendix 1 (acceptable construction table as an alternative pathway) to demonstrate compliance. He points out that this should also

require appropriate reference to the ventilation requirements of Rule NOIE -R3.1.f. I agree with this point.

33. Regarding the ventilation rule, Dr Chiles suggests that the notified version of this rule be retained. I consider the addition of the words “at least” to this rule allows a more pragmatic interpretation of the assessment position to be applied. Often ventilation systems can be located at height, and at some distance to where noise sensitive receivers may be located, so always requiring compliance at 1m may lead to overly excessive controls.

Evidence of Dr Stephen Chiles for KiwiRail

34. The evidence of Dr Chiles on behalf of KiwiRail makes similar points to his evidence on behalf of NZTA regarding the use of the proposed Appendix 1 (acceptable construction table as an alternative pathway) and the drafting amendments of the ventilation rule. I have discussed these points in my paragraphs 32 and 33.
35. Further discussion is provided in his paragraph 7.2 about the distance to be used for a setback, within which noise sensitive activity needs to be adequately insulated from railway noise and vibration. Dr Chiles considers that a distance of 100m for noise and 60m for vibration are the most appropriate.
36. I now agree with Dr Chiles’ reasoning and this allays my concerns in my primary evidence at paragraph 54 regarding the setback distance being overly restrictive. Therefore, based on the evidence of Dr Chiles and Ms Heppelthwaite, I now consider these to be the appropriate setbacks to apply. In my view, this is also acceptable because in addition to this, an alternative compliance pathway approach is also recommended by Dr Chiles in his paragraph 7.6. this proposes the use of line-of-sight screening in lieu of specific design in accordance with Rule R3. This would make the demonstration of compliance simpler in some circumstances.
37. In relation to the internal criteria to apply, as shown in Rule NOISE R31.c, I maintain my position that it is appropriate to apply a single design control to all sensitive activity in this case. This is partially to ensure consistency and ease of use of the TTPP across the District, but also that it would ensure an appropriate level of protection for new (or altered) noise sensitive activity being built.

Evidence of Ms Heppelthwaite for Kiwirail

38. Much of the Evidence of Ms Heppelthwaite draws on the technical evidence and points raised by Dr Chiles, which I have addressed in paragraphs 34 – 37 above.

Evidence of Mr Steve Tuck (Silver Fern Farms)

39. Mr Tuck has provided planning evidence on behalf of Silver Fern Farms.
40. In summary Mr Tuck considers the zoning of the land adjacent to the Hokitika Silver Ferns Farms site be zoned as General Rural Zone, and that several explicit sites directly adjacent to this site be required to meet the acoustic insulation requirements of Rule NOISE R3, to avoid unacceptable indoor noise environments.
41. I note that the proposed Rule NOISE RX would mean that noise levels received in the General Rural Zone (from activity in the General Industrial Zone) would be lower than allowed under the notified TTPP.
42. I am of the opinion the proposed rules are appropriate to provide adequate protection to noise sensitive receivers located in the vicinity of the site, and by extension would mean that specific acoustic insulation would then not be required to ensure satisfactory internal noise environments.
43. To put it another way, the external noise levels that would be permitted under the rules as proposed would be satisfactory from a noise effects perspective and further, would mean that the corresponding internal noise levels would also be satisfactory.
44. Mr Tuck refers to the Evidence of Mr Humpheson in relation to what is a satisfactory permitted external noise limit to apply. On this matter, I disagree with Mr Humpheson. I consider that daytime noise levels of 60 dB L_{Aeq} at the residential zone interface are excessive and would mean adverse noise effects would be allowed.
45. In my opinion, an upper daytime limit for noise sensitive activity, as outlined in my primary statement of evidence (at paragraph 91) would be 55 dB L_{Aeq} .

Evidence of Mr Rhys Hegley (WMS Group (and others)).

46. Mr Hegley, in his Evidence on behalf of WMS Group (and others) discusses general concerns regarding the proposed amendments to the rules contained in the s42A report.

47. The first concern he raises (at paragraph 13) relates to the Rule NOISE RX noise limits on Saturdays Sundays and Public Holidays.
48. In essence, Mr Hegley is of the opinion that the noise rules at these times are too stringent, and that the daytime noise limit for these times should be relaxed to 55 dB L_{Aeq} . Mr Hegley also suggests that there is no specific need for an evening period with lower noise limits for the rural zone.
49. This is contradictory to the evidence of Dr Chiles on behalf of NPHS, which generally seeks more stringent limits. This difference in what is sought is also evident in other original submissions on the TTPP and as I discuss in paragraphs 92 and 96 of my primary statement of evidence.
50. In my opinion, there remains a need to balance the protection of noise sensitive activity and the needs to allow for some noise generating activity to occur.
51. I remain of the opinion that my proposed noise limits contained in the S42A report represent a fair balance between these two (often competing) interests. Further, I consider the rules to be appropriate and cover all noise generating activity, district wide.
52. Whilst I acknowledge there is a degree of harmonisation in the rules proposed to ensure compatibility across the District, the rules allow noise emissions at the upper limit of acceptability, but at the same time, allow some respite on weekends.
53. To this end, I disagree with the conclusions reached by Mr Hegley.
54. This conclusion also relates to Mr Hegley's discussions regarding the applicable night-time L_{max} noise limit that should apply (his paragraph 27). I consider a noise limit of 70 dB L_{Amax} should therefore apply.
55. Like Dr Chiles, Mr Hegley correctly comments on the definition of notional boundary requiring amendment in his paragraph 26. As I note at my paragraph 22, the definition should be updated to address this.
56. Regarding Mr Hegley's comments on the Port Zone noise rules at paragraph 28, I note that specific "port activity" would be controlled under the provisions of Rule R9, and therefore not be subject to Rule RX. This should address his concerns in this regard.

57. At his paragraph 31, Mr Hegley suggests that the notified Rule R11 allowed activities within the Mineral Extraction Zone (MEZ) the ability to generate noise levels of 55 dB L_{Aeq} daytime and 45 dB L_{Aeq} night-time at residential dwellings.
58. This remains the case where noise from the MEZ interfaces with sensitive activity in other zones. Whilst noise within the zone must comply with some new controls under rule NOISE RX, I do not consider that the fundamental intent of the noise rules has significantly altered.

Evidence of Ms Katherine McKenzie (Westport Pistol Club (and others))

59. Ms McKenzie sets out in her statement of evidence several concerns regarding the noise rules as they relate to the Westport Rifle Range.
60. The S42A report contained updated noise provisions that sought to deal with Rifle Range noise, and the requirements for acoustic insulation for new noise sensitive activity that establishes nearby.
61. Through the implementation of a refined rifle range noise protection overlay, and slight refinements to the wording of Rule NOISE R3, Ms McKenzie's concerns have been addressed.
62. The proposed Rifle Range Overlay is shown on Figure 3, overlaid on the proposed TTPP zoning maps, and on Figure 4 overlaid on aerial photography. These show the extent of the overlay and where the proposed rules of Rule NOISE R3 'ex' would apply. The overlay has been prepared by others based on typical rifle range operation and the types of weapons that are currently used.
63. The overlay shows the full extent of the modelled 55 dB L_{AFmax} and 60 dB L_{AFmax} contours in their entirety, as previous versions only showed the contours over the Alma Road Subdivision. I also note that the original set back distances were based on calculated noise levels, rather than specific modelled noise contours. The latest noise contours represent a more refined noise calculation methodology.
64. I have reviewed these contours and consider they are appropriate to form the basis of the proposed rifle range overlay, and associated rules.

Evidence of WCRC and NZAAA

65. Both the West Coast Regional Council (WCRC) and the New Zealand Agricultural Association (NZAAA) submit in relation to Rule R2.12,

relating to aircraft take off and landing associated with rural production activities and conservation activities.

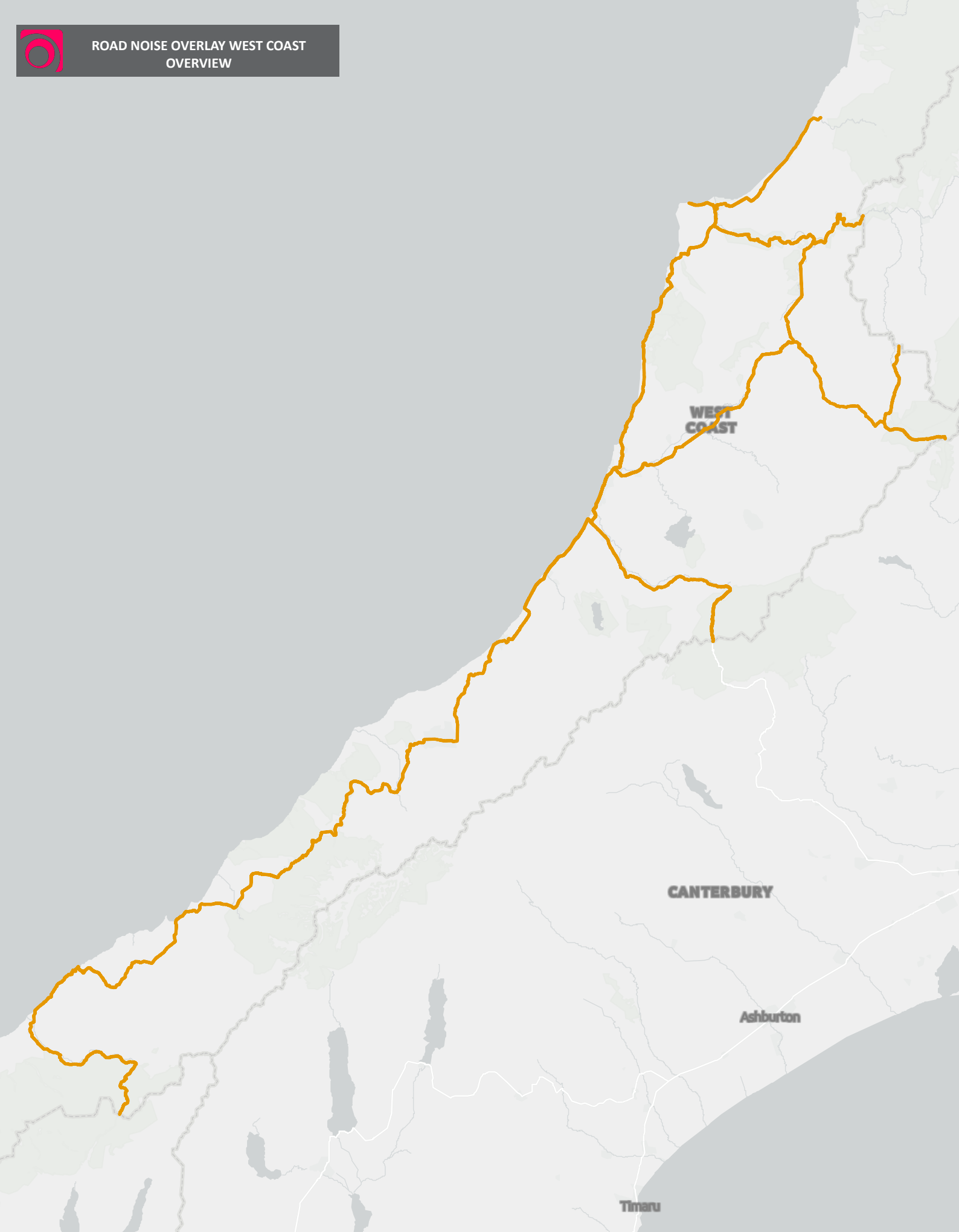
66. Both submitters seek that the limit on the number of days in a given period is removed. In my opinion this is not appropriate, because by doing so it could effectively allow unrestricted aviation activity to occur. Whilst this level of activity may be unlikely, I consider that some form of limit is still required.
67. In my opinion the proposed rules would allow a relatively intense level of operational activity to occur, without ongoing and significant noise effects to occur. Should more intense activity be required in a given situation, the rules provide a mechanism for consent to be sought. This is the appropriate method of controlling this activity and ensuring noise effects are adequately managed,
68. I note that the inclusion of the words 'per site' as now recommended is appropriate and helps clarify the assessment location. This term relates to the site from where operations commence/terminate, and does not relate to where the activity may end up being undertaken, which could be at some distance from sensitive receivers.
69. Further, the specification of a number of days that are allowed makes it easier for both operators, regulators and affected parties to understand whether the exemption is being adhered to, without the need for specialist acoustic input.

Stephen Jack Peakall

August 2024

Enclosures:

- Figure 1 – Road Noise Overlay (extent)
- Figure 2 – Road Noise Overlay (example of variation of extent).
- Figure 3 – Rifle Range Overlay Proposed TTPP Zoning
- Figure 4 – Rifle Range Overlay - Aerial



ROAD NOISE OVERLAY WEST COAST
OVERVIEW

Client:

Map:

Author:

owen.li

Date of issue:

27/08/2024 11:13 am

Drawing Details:

Scale: 1:1,340,000

Projection: NZGD 2000 New Zealand

Transverse Mercator

Map Rotation: 0°

Map Notes / Comments:

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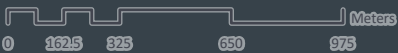




ROAD NOISE OVERLAY GREYMOUTH

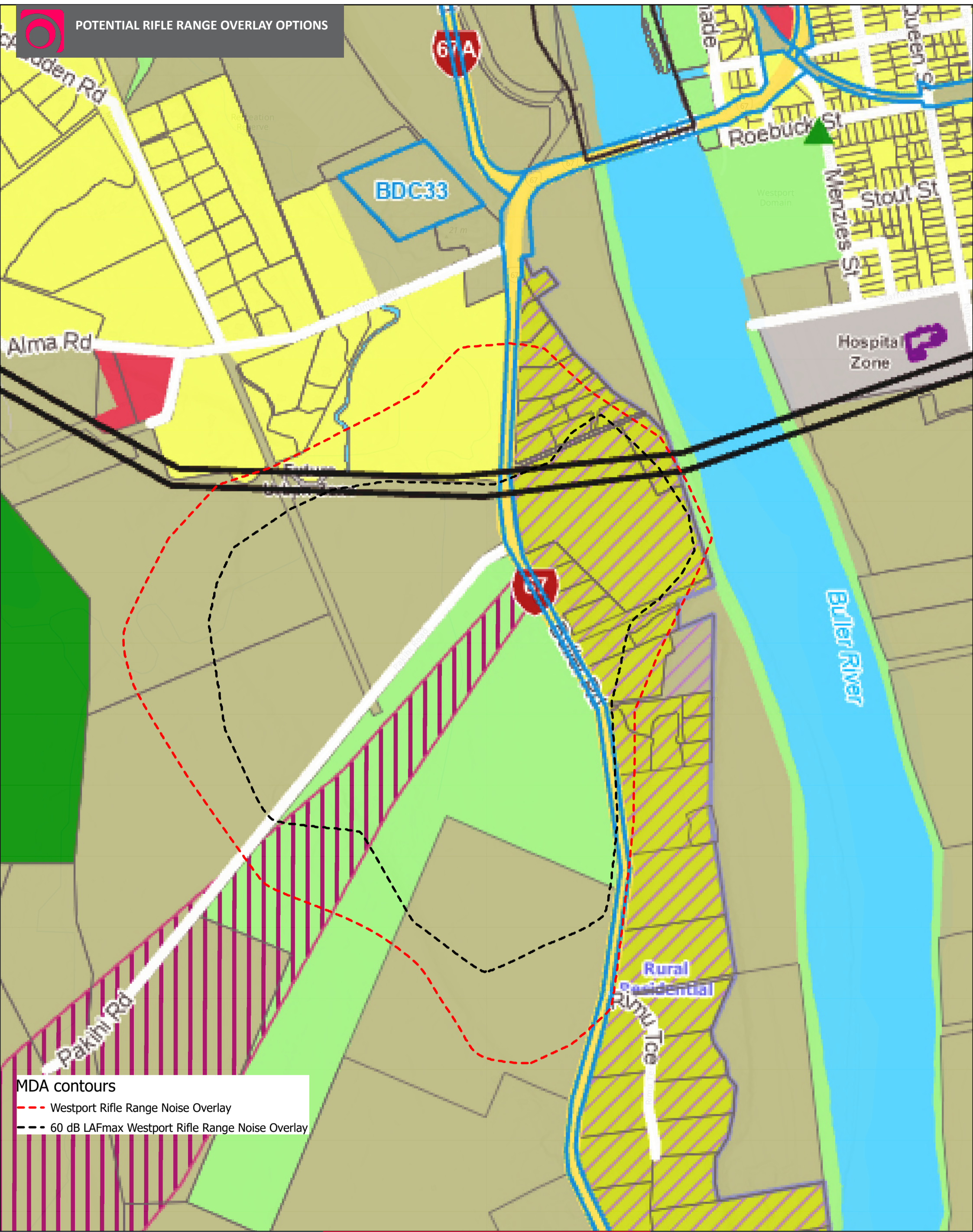
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Author:
owen.li
Date of Issue:
27/08/2024 11:13 am

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Transverse Mercator
Map Rotation: 0°



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MDA contours

- - - Westport Rifle Range Noise Overlay
- - - 60 dB LAFmax Westport Rifle Range Noise Overlay



RIFLE RANGE OVERLAY OPTIONS

Client:
 Authors:
 owen.li
 Date of Issue:
 6/08/2024 9:42 pm





MDA contours

- - - Westport Rifle Range Noise Overlay
- - - 60 dB LAFmax Westport Rifle Range Noise Overlay



RIFLE RANGE OVERLAY OPTIONS

Client:
 Authors:
 Owen Li
 Date of Issue:
 6/08/2024 9:42 pm

