

Te Tai o Poutini Plan
Addendum to Section 42A Report on
Noise



1.0 Introduction

1. This addendum to the Section 42A Report for the Noise Chapter under the Proposed Te Tai o Poutini Plan (pTTPP) has been prepared to address key matters raised by submitters in evidence filed before the hearing.
2. My qualifications and experience are set out in the s42A Report.
3. I continue to rely on expert advice from Stephen Peakall, Acoustic Consultant, Marshall Day Acoustics. Mr Peakall's expert evidence in response to submitter evidence has been filed separately to this report.

2.0 Response to submitter evidence

4. This section identifies the key matters I have further considered in response to submitter evidence. My analysis on these matters is set out in the table below.
5. The recommended provisions at Appendix 1 include the recommended amendments in response to submitter evidence.
6. My opinion on matters have not changed in response to written evidence where they are not detailed in this addendum report.
7. An updated recommendation on submissions table is provided at Appendix 2.

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8.	NOISE-P4	Statement of evidence of Martin Kennedy on behalf of Westpower	Amend NOISE-P4.e to 'adverse effects'.	The requested amendment is consistent with Westpower's submission.	Submission S547.487 by Westpower is addressed at paragraph 109 of the section 42A Report, and I am supportive of including reference to addressing 'adverse effects'. I note there is an error within the recommended markups within the section 42A Report and Appendix 1, and recommend NOISE-P4.e is amended as follows in accordance with submission S547.487: e. The ability to internalise and/or <u>avoid, remedy or mitigate adverse effects</u> any conflict with adjacent activities
9.	NOISE-R1	Statement of evidence of Stephen Chiles on behalf of the National Public Health Service.	Delete reference to 'mobile noise sources' from NOISE-R1.3.	The rule sets noise limits for a source, rather than other parts of NOISE-R1 that define measurement and assessment standards. The term 'mobile noise sources' is not defined.	I agree with both Dr Chiles and Mr Peakall that given the term 'mobile noise sources' is not defined within the pTTPP, there is potential for uncertainty in how the exemption under NOISE-R1.3 is applied. I therefore support the deletion of NOISE-R1.3.
10.	NOISE-R2	Statement of evidence of Max Dickens on behalf of West Coast Regional Council	Delete restrictions of 'no more than 30 days in any 12 month period' under NOISE-R2.12.	The risk of unreasonable noise from aerial pest control operations is lesser within the West Coast due to the remoteness of the region. The restriction would create additional cost and time delays. The length of time for aerial operations will vary at short	I acknowledge the issues raised by West Coast Regional Council in relation to pest management. I agree with Mr Peakall's response to this evidence and consider that including the reference to 'per site' within the rule provides for an appropriate balance between managing noise effects and enabling aircraft operations associated with rural production and conservation activities.

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			<p>notice, depending on weather.</p> <p>Consultation with rural communities is undertaken prior to aerial operations to minimise the impact of noise.</p>	
11.	NOISE-R3 Statement of evidence of Stuart Pearson on behalf of NZTA	Inclusion of the State Highway Noise Overlay under NOISE-R3.1 in place of the setback requirements.	<p>The State Highway Noise Overlay and Noise Contours (based off on 54 dB LAeq(24)) is an appropriate method to address reverse sensitivity effects.</p> <p>The State Highway Noise Contours to be included within the pTTPP planning maps have been submitted alongside NZTA's evidence.</p>	<p>As set out at paragraph 156 of the section 42A Report, I consider that the inclusion of an Overlay to will improve the efficiency of the rule requirements relative to sensitive activities adjacent to the State Highway network, as the overall area subject to the rule can be refined for accuracy.</p> <p>Mr Peakall has reviewed the Noise Contours provided by NZTA, and has confirmed that modelling based off 54 dB LAeq(24) option is appropriate in terms of identifying the locations where acoustic attenuation is necessary.</p> <p>For these reasons, I support amendments to NOISE-R3.1 as follows, as well as inclusion of the shapefiles provided by Mr Pearson within the planning maps to create a State Highway Noise Overlay:</p> <p>1. The building will be used by a sensitive activity and is located within:</p> <p>a. 80m of the edge of the carriageway of a State Highway with a speed limit of 70kph or greater; or</p> <p>b. 40m of the edge of the carriageway of a State</p>

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				Highway with a speed limit of less than 70kph; where <u>The Road Noise Overlay shown on the planning maps..</u>
12.	NOISE-R3 Statement of evidence of Stephen Chiles on behalf of NZTA	Retain NOISE-R3.1.b.ii.	The 3 dB allowance provided for under NOISE-R3.1.b.ii provides for a degree of tolerance when determining internal noise limits.	Relying on Mr Peakall's advice I continue to support deletion of this clause now that the State Highway Noise Overlay is recommended to be included.
13.	NOISE-R3 Statement of Evidence of Steve Tuck on behalf of Silver Fern Farms Limited.	Amend NOISE-R3 to require acoustic insulation for new sensitive activities located on specific sites.	Ensure the indoor amenity of any future sensitive activities built on the land adjacent to the Silver Fern Farm Hokitika site is acceptable to occupants and does not prompt reverse sensitivity effects.	I note that the hearings panel have asked for a joint right of reply to be prepared by the s42A reporting planners for Rural/Residential, Industrial/Commercial and Noise topics in relation to various Silver Fern Farms submission points relating to their site at Hokitika. It is intended to prepare this joint reply following the noise hearing.
14.	NOISE-R3 Statement of Evidence of Cath Heppelthwaite on behalf of KiwiRail Statement of Evidence of Stephen Chiles on behalf of KiwiRail	Apply a 100m Noise and Vibration Alert Overlay for the Hokitika and Rapahoe lines. Extend the 60m noise control setback to 100m for all other rail lines. Retain the 60m vibration control setback for all other rail lines. Provide for line of sight	The proposed Vibration and Noise Alert Overlay is to reflect actual likely effects. The 100 metres distance reflects a reasonable compromise to capture the most affected sites without requiring assessment where building treatment is less likely to be required. KiwiRail has limited proposed controls to 60 metres in its submission on a pragmatic basis,	Regarding the proposed alert overlay, I have scheduled prehearing discussions with KiwiRail and expect to be able to provide an update on this matter during the hearing. Relying on the further evidence and reasoning of the experts for KiwiRail and Mr Peakall, I support the setbacks proposed by KiwiRail and inclusion of the provision that allows for line of sight screening.

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		screening. Amendments to internal criteria.	also in recognition of the significant variability in vibration levels.	
15.	NOISE-R3 Statement of Evidence of Cath Heppelthwaite on behalf of KiwiRail Statement of Evidence of Stephen Chiles on behalf of NZTA	Amend NOISE-R3 to also require alterations to building for use by a sensitive activity to provide acoustic insulation.	The effects on health are the same whether the sensitive activity occurs in a new or an altered (extended) building. This omission would result in inadequate control of activities within altered buildings.	Similar to KiwiRail's submission on the various setbacks and vibration alert overlay above, an administration error in the summary of decisions requested as omitted this relief sought outlined in KiwiRail's submission. Mr Peakall is supportive of applying the acoustic insulation requirements of NOISE-R3 to alterations. I agree that there are potential adverse effects resulting from sensitive activities occurring within altered or extended buildings and close proximity of the state highway network or rail corridor. I recommend referring to 'new or altered' habitable rooms.
16.	NOISE-APP1 Statement of evidence of Stephen Chiles on behalf of NZTA	Include requirements for ventilation.	It is necessary to specify that ventilation is to be provided in accordance with NOISE-R3.1.f.	I agree with Dr Chiles and Mr Peakall that this inclusion is appropriate, and consider it will assist with the accuracy and effectiveness of Appendix 1, as well as provide a helpful cross reference to plan users.
17.	NOISE-RX Rhys Hegley on behalf of WMS Group (HQ) Limited and WMS Land Co. Limited, West Coast Bulk Logistics, TiGa Minerals and Metals	Amend NOISE-RX.2 to delete reference to at the notional boundary of any of the following zones.	The pTTPP defines the notional boundary as 20m from the façade of a dwelling, and cannot apply to a zone.	I agree with Mr Hegley and Dr Chiles that the current wording in relation to notional boundary is unclear, and support the amendments identified by Dr Chiles as they improve clarity. I note that Mr Peakall is also in agreement and supports these amendments.

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		Limited Stephen Chiles on behalf of the National Public Health Service			
18.	NOISE-RX	Stephen Chiles on behalf of the National Public Health Service	Amend NOISE-RX to refer to 'maximum noise level'	This will achieve consistency between the rule text table header and rule table and avoid confusion.	I agree with Dr Chiles, and consider that this is a minor amendment that will improve the clarity of the rule.
19.	NOISE-RX	Statement of Evidence of Rhys Hegley on behalf of WMS Group (HQ) Limited and WMS Land Co. Limited (S599 and FS231), West Coast Bulk Logistics (FS152), TiGa Minerals and Metals Limited (S493 and FS104)	With respect to the extractive industries NOISE-RX rule should be reviewed to ensure it is consistent with the intent of the TTPP.	The intent of the notified NOISE-R11 was to be supportive of mineral extraction activities. The new NOISE-RX removes this intent entirely by replacing it with a rule to protect the amenity of those within the mineral extraction zone.	I acknowledge the concerns raised by Mr Hegley (and in the legal submissions for these submitters) regarding NOISE-RX and the potential constraint on mining activities occurring within the BCZ and MINZ. I understand that sensitive activities, including residential activities, are intended to continue to be a non-complying activity in the reply version of the BCZ and MINZ. I intend to liaise with the s42A author for the mining and minerals topic on the appropriate approach to managing noise effects in these zones and provide an update on this matter at the hearing.
20.	NOISE-P2, NOISE-R3	Statement of Katherine McKenzie on behalf of Westport Pistol Club, Chris Hartigan and Westport Rifle Club Incorporated	Include noise contours and provisions to manage reverse sensitivity effects associated with the Westport Rifle Range.	The Westport Rifle Range Noise Overlay Area is included in NOISE-P2 as a high noise environment, which provides policy support for the noise provisions relating to the area.	As signaled at paragraph 14 of Ms McKenzie's evidence I have discussed the reverse sensitivity issues associated with sensitive activities near the rifle range with Ms McKenzie and Mr Barr (Mr Barr in relation to the Alma Road zoning) following the residential hearing and the preparation of the s42A

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			<p>Ensure activities within the 55dB L_{AFmax} contour (but outside the 60dB L_{AFmax} contour) must achieve 35dB L_{AFmax} internal sound levels in habitable and sleeping areas, and provide an area of outdoor living space which is screened to achieve 50dB L_{AFmax} levels.</p> <p>Sensitive activities within the 60dB L_{AFmax} contour are subject to a restricted discretionary activity rule, which ensures an assessment of whether the activity is appropriate or not.</p>	<p>report for noise.</p> <p>Revised noise contours have now been prepared that show the full extent of the 55dB and 60dB contours. These are addressed in Mr Peakall's supplementary statement at paragraphs 61 – 64. I support including these contours in the pTTPP as a 'Westport Rifle Range Noise Overlay'.</p> <p>A number of amendments to the provisions are recommended to refer to this overlay and address the reverse sensitivity issue. The Noise chapter provisions attached to Ms McKenzie's evidence are those agreed to between myself, Ms McKenzie and Mr Barr prior to the hearing and are all included in Appendix 1 to this addendum, with the exception of the reference to 'Part C' in the appendix. I have discussed whether an acceptable construction method could be included for screening of outdoor areas with Mr Peakall, who has advised each proposal will need to be determined on a case by case basis. I have therefore removed the placeholder in the recommended appendix. I support inclusion of a separate rule for sensitive activities within the 60dB contour for the reasons outlined by Ms McKenzie at her paragraph 15(e).</p>
21. DEF	Statement of Evidence of Cath Heppelthwaite on behalf of KiwiRail	Exclude need recreational and sporting activities to be designed to meet specified internal noise	It is unnecessary for recreational or sporting activities to be designed to meet specified internal noise levels when those activities are not sensitive to	I agree with Ms Heppelthwaite that recreational and sporting activities should not be subject to the same requirements for other activities captured by the 'sensitive activity definition'. At the time of writing I have a pre hearing discussion scheduled

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		<p>levels.</p> <p>Clarify which aspects of community facilities NOISE-R3 applies to or include a separate definition for noise sensitive activities (such as that set out in KiwiRail's submission) to be utilised in NOISE-R3.</p>	<p>noise.</p>	<p>with Ms Heppelthwaite and intend to be in a position to provide a position on this issue at the hearing.</p>

4.0 Recommendation

22. Having considered all the statements of evidence filed on behalf of submitters, I recommend the further amendments to the Noise Chapter as set out at Appendix 1.
23. Amendments to recommendations on submissions are set out in full at Appendix 2, including where the recommendation has changed as a result of considering submitter evidence.