

BEFORE THE HEARINGS PANEL FOR THE PROPOSED TE TAI O POUTINI  
DISTRICT PLAN

**UNDER** the Resource Management Act 1991

**IN THE MATTER OF** the Proposed Te Tai o Poutini District Plan (Noise topic)

**AND** Silver Fern Farms Limited, submitter no. 441

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**STATEMENT OF EVIDENCE BY STEVE TUCK (PLANNING)**

6 AUGUST 2024

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## **1. INTRODUCTION**

- 1.1 My name is Steve Tuck. I am an Associate with Mitchell Daysh Limited, a nationwide resource management consultancy.
- 1.2 My qualifications and experience as an expert planning witness are stated in my 17 October 2023 statement of evidence on the Strategic Directions chapter of the Proposed Te Tai o Poutini District Plan (“TTPP”).
- 1.3 Silver Fern Farms Limited (“Silver Fern Farms”) has engaged me to prepare this statement of evidence in relation to the Noise provisions.

## **2. CODE OF CONDUCT**

- 2.1 Although this is not an Environment Court hearing, I have read, and agree to comply with, the Code of Conduct for Expert Witnesses contained in the Environment Court’s Practice Note 2023. This evidence is within my area of expertise, except where I state that I am relying upon material produced by another person. I have not omitted to consider any material fact known to me that might alter or detract from the opinions I express.

## **3. SCOPE OF EVIDENCE**

- 3.1 In this statement of evidence, I:
  - (a) outline Silver Fern Farms main submission points on the proposed Noise provisions;
  - (b) recap key elements of Mr Humpheson’s earlier evidence regarding the management of noise and consequential reverse sensitivity effects in the context of the zone configuration to be applied around Silver Fern Farms Hokitika meat processing site (“Hokitika site”);
  - (c) provide my recommended amendments to the provisions recommended by the section 42A report author; and
  - (d) provide a conclusion.

3.2 This evidence is primarily focussed on the development of a rule to implement policy NOISE-P2. However, Appendix A provides a table which details:

- (a) the relief Silver Fern Farms sought in each of its submission points on the provisions in the scope of this hearing topic;
- (b) the section 42A Report recommendation on each of those submission points; and
- (c) my recommendation on each provision.

#### **4. SUBMISSIONS ON THE NOISE PROVISIONS**

4.1 The Panel are familiar with Silver Fern Farms' concerns about the proposal in the TTPP to rezone land south of its Hokitika site to a General Residential Zone (subsequently recommended to be modified to a mix of General Residential Zone and Rural Lifestyle Zone<sup>1</sup>) and with the submissions of other parties who sought a rezoning of land on the northern boundary of the Hokitika site to a Settlement Zone – Rural Residential Precinct.<sup>2</sup>

4.2 In its submission, Silver Fern Farms sought that a General Rural Zone (“GRUZ”) be applied to land adjacent to the Hokitika site. As discussed in evidence on the Residential Zones<sup>3</sup>, the GRUZ is compatible with established industrial activity at the Hokitika site, particularly in terms of amenity expectations and potential subdivision density, and therefore is considered to have less risk of causing reverse sensitivity effects on the Hokitika site.

4.3 However, in addition to addressing the zoning of adjacent land, Silver Fern Farms' submission also sought to ensure that potential reverse sensitivity effects on the Hokitika site are addressed by amendments to policies NOISE-P1 and NOISE-P2 and to rule NOISE-R3.

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<sup>1</sup> See paragraph 321 of the *Section 42A Officer's Report Residential Zones*.

<sup>2</sup> See paragraph 509 of the *Section 42A Officer's Report Rural Zones (excluding Settlement Zone)*.

<sup>3</sup> See section 4 of the Supplementary evidence of Darran Humpheson (14 June 2024) and the Evidence of Steve Tuck (14 June 2024), at paragraphs 6.25 – 6.29.

- 4.4 As notified, NOISE-R3 would only apply to proposals for new sensitive activities<sup>4</sup> establishing *within* “higher noise environments”. The relief sought by Silver Fern Farms would see the NOISE-R3 framework extended to proposals for new sensitive activities locating adjacent to “higher noise environments”.
- 4.5 “Higher noise environments” are defined in NOISE-P2 as including industrial zones. The amendments sought by Silver Fern Farms to NOISE-P1, NOISE-P2 and NOISE-R3 would require new sensitive activities proposed adjacent to the Hokitika site (but not within the General Industrial Zone) to achieve appropriate indoor noise levels before qualifying as a permitted activity. Otherwise, the restricted discretionary consenting pathway under rule NOISE-R13 would apply.

## 5. SECTION 42A RECOMMENDATIONS

- 5.1 The section 42A report recommends amending policy NOISE-P2 in line with Silver Fern Farms submission to address new sensitive activities proposed adjacent to a higher noise environment. Those amendments are shown with underlining and ~~striketrough~~ below:

*NOISE-P2 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:*

- a. The type of noise generating activity; and*
- b. Other noise sources in the area; and*
- c. The nature and occupancy of the ~~noise~~ sensitive activity; and*
- d. Mitigation measures, including acoustic insulation, screening and topography.*

*For the purpose of NOISE - P2 higher noise environments include:*

- 1. CMUZ - Commercial and mixed use zones;*

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<sup>4</sup> Defined as residential, visitor accommodation, retirement home, healthcare facility, community facility and educational facility activities.

2. 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

3. Locations in close proximity to a State Highway and the Railway Corridor.

- 5.2 Paragraph 100 of the section 42A report describes this amendment as giving effect to NOISE-O3 and accurately reflecting rule NOISE-R3.
- 5.3 However, Silver Fern Farms also sought for Rule NOISE-R3 to be amended such that it implements NOISE-P2 (and thereby advances NOISE-O3), by requiring new sensitive activities adjacent to a higher noise environment to demonstrate appropriate indoor noise levels. Paragraph 170 of the section 42A report recommends rejecting this submission, indicating that reverse sensitivity issues are best addressed in the zone provisions.
- 5.4 Silver Fern Farms sought similar relief (via submission point 441.070) in terms of General Rural Zone rule GRUZ-R3 (Residential Activities and Residential Units). The Rural section 42A report recommends rejecting this submission, indicating that acoustic insulation is a matter for the Noise topic.
- 5.5 I consider the management measures can be implemented in either chapter, subject to appropriate cross references, as I explain in section 8 below.

## **6. EVIDENCE ON NOISE MANAGEMENT METHODS**

6.1 Mr Humpheson’s evidence in chief on behalf of Silver Fern Farms includes the following observations:

- (a) If the 60 dB LAeq(15min) noise level that is (appropriately) permitted in the General Industrial Zone under Rule NOISE-R8 is received in a residential environment, the outdoor amenity of dwellings would be affected and recommended indoor noise levels for dwellings would be exceeded when windows are open. As such, siting a new

residential zone next to an existing industrial site is likely to cause reverse sensitivity effects on the latter<sup>5</sup>;

- (b) Rule NOISE-R3 only specifies acoustic insulation requirements to achieve appropriate indoor design noise levels for buildings *within* higher noise environments. There are no requirements in the TTPP for new sensitive activities proposed adjacent to a higher noise environment (like an industrial zone) to have acoustic insulation<sup>6</sup>;
- (c) Occupants of existing dwellings near the Hokitika site may have habituated to noise generated by Silver Fern Farms' activities. However, new residents may be affected by noise emissions at the levels permitted in the General Industrial Zone.<sup>7</sup>
- (d) A buffer of approximately 100 metres should be established between the General Industrial Zone and any residential zones. A Light Industrial or Rural zone would be suitable for this buffer as these zones anticipate amenity and density outcomes that are more compatible with an industrial zone when compared to what the General Residential Zone anticipates.<sup>8</sup>

6.2 Mr Humpheson's supplementary statement of evidence outlines the different expectations about, and sensitivity to, noise that attach to different zones. In terms of amenity expectations, residential zones are the most sensitive to noise while rural lifestyle zones as less sensitive. General rural zones as considered to be the least sensitive of these three typologies. On this basis, the General Rural Zone is recommended as the most appropriate zone to locate next to the Hokitika site.<sup>9</sup>

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<sup>5</sup> See the Evidence of Darran Humpheson (7 March 2024), at paragraphs 6.2 to 6.4.

<sup>6</sup> *Ibid.* at paragraph 6.6.

<sup>7</sup> *Ibid.* at paragraph 7.5.

<sup>8</sup> *Ibid.* at paragraphs 10.3 and 10.4.

<sup>9</sup> See the Supplementary evidence of Darran Humpheson (14 June 2024), at paragraphs 4.5 to 4.8.

## **7. NEW SENSITIVE ACTIVITIES ADJACENT TO HIGHER NOISE ENVIRONMENTS**

- 7.1 I continue to consider that the General Rural Zone is the most appropriate zone to be applied to land adjoining the Hokitika site. That zone is, in my view and in this particular context, the most compatible neighbour with the General Industrial Zone. Its provisions appropriately restrict potential subdivision yield and lot size, and anticipate the amenity levels of a working rural environment, which in my understanding is a reasonable approach for this area, given it is in the Rual Zone under the operative district plan.
- 7.2 Nevertheless, the consenting of subdivision and development for new sensitive activities is always a possibility, regardless of which zone applies. In my view the TTPP should address how any future sensitive activities consented on land adjacent to the Hokitika site would provide appropriate amenity for future residents. This also appears to be what the section 42A report recommends, given the recommended amendments to NOISE-P2.
- 7.3 In my view, the application of a General Rural Zone (rather than a General Residential or Rural Lifestyle zone) will set appropriate amenity expectations, subdivision densities and permitted noise limits<sup>10</sup> such that noise from the Hokitika site is unlikely to unreasonably compromise the *outdoor* amenity of any future sensitive activities consented adjacent to the Hokitika site.
- 7.4 However, *indoor* amenity is also a relevant consideration for proposals to locate new sensitive activities near an industrial site and zone. The amendments to NOISE-P2 that are recommended in the section 42A report seem to reflect this view. As such, rule NOISE-R3 needs to be amended if it is to implement NOISE-P2.

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<sup>10</sup> I.e. noise and light emissions and heavy vehicle and machinery movements common to rural areas.

## 8. RECOMMENDATIONS

- 8.1 In my opinion Rule NOISE-R3 requires the following further amendments, shown with underlining, to specify acoustic insulation requirements for new sensitive activities proposed on land adjacent to the Hokitika site:

*NOISE-R3 Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity*

*Activity Status Permitted*

*Where:*

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

*[sub-clauses (a) to (f) are not shown here]*

*(g) the following properties or their successors in title:*

*Lot 1 DP 1110 Blk XIII Waimea SD;*

*Lot 1 DP 1507 BLK XIII Waimea SD;*

*Lot 5 DP 1819 Blk XIII Waimea SD;*

*Lot 4 DP 1818 Blk XIII Waimea SD;*

*Lot 3 DP 1818 Blk XIII Waimea SD;*

*Lot 2 DP 1818 Blk XIII Waimea SD;*

*Lot 2 DP 2378 Blk XIII Waimea SD;*

*Lots 1 2 DP 1603 BLK XIII Waimea SD;*

*Lot 1 DP 2378 Blk XIII Waimea SD;*

*PT Lot 1 DP 1365 Blk XIII Waimea SD;*

*Lot 1 DP 577157;*

*Lot 2 DP 577157;*

*i. The building is designed and constructed to ensure that the following indoor design noise levels are not exceeded:*

*A. 40dB LAeq inside any habitable room;*

*B. 35dB LAeq inside bedrooms between 10pm and 7am.*

- 8.2 The specified indoor noise levels are consistent with those specified by NOISE-R3(e) for sensitive activities *within* a higher noise environment.
- 8.3 It is intended that the rule will apply to new sensitive activities on properties within 100 m of the proposed General Industrial Zone boundary, consistent with the buffer extent identified in Mr Humpheson's evidence. The nominated



properties were identified using Westland District Council's GIS mapping service, and are marked with red dots in the figure below. The extent of the proposed General Industrial Zone is also marked, for clarity.

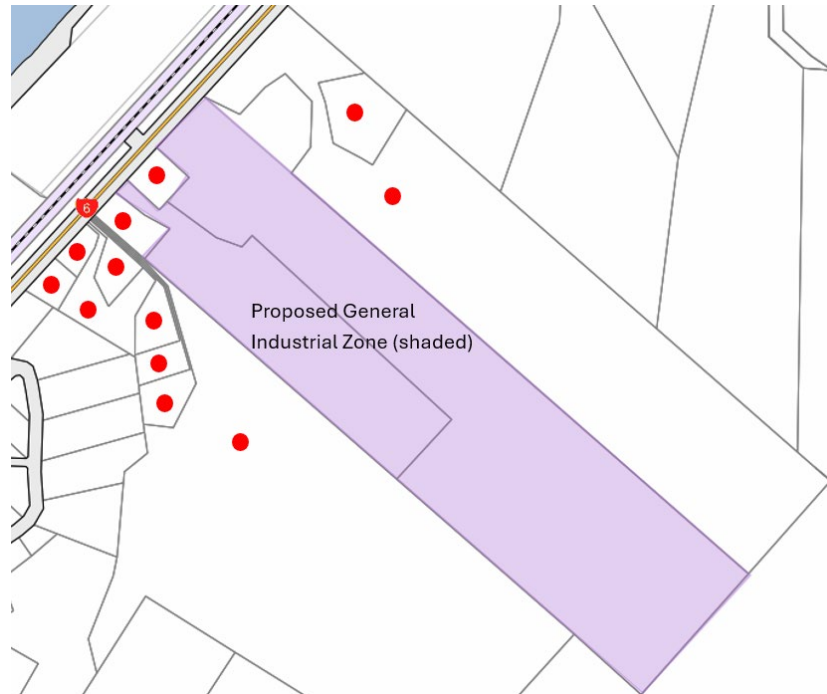


Figure 1: Properties recommended to be subject to acoustic insulation requirements.

- 8.4 One property on the northern side of the General Industrial Zone, Lot 3 DP 577157, is not red-dotted. This is owned by Silver Fern Farms and is being developed. The adjoining land to the south and south-east of the Hokitika site that is not red-dotted is in the Airport Zone and so will not be developed for sensitive activities. Properties to the north-west across the highway are not marked, given their existing use for wastewater treatment.
- 8.5 In the Rural Zones hearing on July 29 2024, the commissioners asked how I would implement the directions of the site-specific policies and objectives recommended in my evidence. I said that the subdivision rules of the General Rural Zone and (for the Norwest Estate area) Rural Lifestyle Zone that I have recommended provide surety about subdivision consenting pathways and likely will protect the Hokitika site against residential encroachment at urban densities.

- 8.6 I also discussed in the Residential Zones hearing, the amenity expectations for various zones that prompt my preference for a different zoning configuration adjacent to the Hokitika site compared to that recommended at paragraph 321 of the Residential Zones section 42A report.
- 8.7 I see the implementation of this noise rule as the other key component of the management framework, alongside the zoning, that is needed to give effect to the Regional Policy Statement's directions for managing reverse sensitivity effects on important industry.<sup>11</sup>
- 8.8 I recommend the amendments to NOISE-R3 regardless of which zoning configuration the Hearings Panel recommends around the Hokitika site. I consider that the presence of the adjacent General Industrial Zone and the Regional Policy Statement directions about to reverse sensitivity, require a careful management approach. I consider it appropriate to ensure the indoor amenity of any future sensitive activities built on the land adjacent to the Hokitika site is acceptable to occupants and does not prompt reverse sensitivity effects.
- 8.9 To ensure this rule is clear to future Plan users, either:
- (a) a note could be included in the provisions of the zone(s) the Panel recommend adjacent to the Hokitika site, to direct future Plan users to the Noise chapter; or
  - (b) Council staff could add new NOISE-R3(g) above directly into the relevant zone rules, with appropriate renumbering.
- 8.10 From a section 32AA perspective, my recommended amendments are appropriate, efficient and effective insofar as they are necessary to implement the direction stated in NOISE-P2.
- 8.11 The costs of my recommended amendments would accrue to any future proponent of a sensitive activity on the sites nominated in Figure 1 above,

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<sup>11</sup> See the Evidence of Steve Tuck, 14 June 2024, paragraphs 6.3 to 6.6.

either in the form of demonstrating compliance with the permitted activity performance standard under NOISE-R3(g), or in following a restricted discretionary resource consent application process under NOISE-R13.

- 8.12 However, the benefits of compliance with NOISE-R3(g) would accrue to both the development applicant (in the form of a house with better indoor amenity) and to the wider community in the form of avoiding reverse sensitivity effects on the operation of the Hokitika site and thereby maintaining the economic and social benefits associated with the activity.

## **9. CONCLUSION**

- 9.1 That the TTPP should manage reverse sensitivity effects has been highlighted in evidence presented on Silver Fern Farms' behalf in the Strategic Directions, Industrial, Residential and Rural hearings.
- 9.2 In particular, the evidence Mr Humpheson and I presented in the Residential hearing described why the zone configuration around the Hokitika site should be selected carefully, to minimise the risk of reverse sensitivity effects on, and maintain the development capacity of, the General Industrial Zone. Those outcomes would support the strategic outcomes for industry identified in the industrial section 32 report, and also in the Regional Policy Statement.
- 9.3 It does not negate those recommendations to note that sensitive activities could be consented and developed adjacent to the Hokitika site under any zoning. As such, I consider that my recommended amendments to rule NOISE-R3 are a necessary measure to manage potential reverse sensitivity effects, and are consequential to implement the amendments to policy NOISE-P2 that the section 42A report recommends.

**Steve Tuck**

**6 August 2024**

**APPENDIX A**

**S Tuck Recommendations on Submission Points in Scope**

Point	Provision	Relief sought by Silver Fern Farms	Section 42A Recommendation	S Tuck Recommendation
441.006	n/a	Insert a definition of the term “ <i>Noise sensitive activity</i> ” because this term is referred to in the definition of “ <i>Notional boundary</i> ” and is referred to throughout the Plan.	Accept in part - delete the word “ <i>noise</i> ” from this term where it appears in the chapter and amend the corresponding advice note in the zone chapters.	No further relief required.  I concur with the reasons at paragraph 59 of the section 42A report.
441.034	NOISE - Overview	Support in part - amend <i>Overview</i> section to refer expressly to meat processing plants.	Reject.	No further relief required.  I concur with the reasons at paragraph 51 of the section 42A report (re: high-level role of <i>Overview</i> section).
441.035	NOISE-O1	Support - retain as notified	Accept in part - amend:  NOISE – O1 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.	No further relief required.  I concur with the reasons at paragraph 76 of the section 42A report.
441.036	NOISE-O2	Support - retain as notified	Accept in part - amend:  NOISE - O2 The function and operation of <del>existing and permitted future</del> <u>lawfully established</u> noise generating activities and <del>community</del> infrastructure are not compromised by adverse effects, including reverse sensitivity effects, from <del>noise</del> sensitive activities.	No further relief required.  I concur with the reasons at paragraph 82 of the section 42A report.
441.037	NOISE-O3	Support in part – amend to refer to the effects of noise that are inconsistent with the underlying zoning.	Reject – retain as notified.  NOISE - O3 The health and wellbeing of people and communities are protected from significant levels of noise.	No further relief required.  I concur with the reasons at paragraph 87 of the section 42A report (re: management of cross-zone effects).
441.038	NOISE-P1	Support in part – amend to require consideration of reverse sensitivity effects where sensitive activities locate adjacent to higher noise environments.	Reject – amend:  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:  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 <del>critical</del> <u>regionally significant</u> infrastructure;  d. Methods of mitigation; and  e. The sensitivity of the surrounding environment.	No further relief required.  I concur with the reasons at paragraph 94 of the section 42A report (re: the relief sought is addressed in Policy 3).

Point	Provision	Relief sought by Silver Fern Farms	Section 42A Recommendation	S Tuck Recommendation
441.039	NOISE-P2	Support in part – amend to guide the assessment of proposals where sensitive activities would encroach into high noise areas.	<p>Accept in part - amend:</p> <p>NOISE-P2 Require sensitive activities sited in higher noise environments <u>and new sensitive activities adjacent to higher noise environments</u> 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:</p> <ol style="list-style-type: none"> <li>The type of noise generating activity; and</li> <li>Other noise sources in the area; and</li> <li>The nature and occupancy of the <del>noise</del> sensitive activity; and</li> <li>Mitigation measures, including acoustic insulation, screening and topography.</li> </ol> <p>For the purpose of NOISE - P2 higher noise environments include:</p> <ol style="list-style-type: none"> <li>CMUZ - Commercial and mixed use zones;</li> <li>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</li> <li>Locations in close proximity to a State Highway and the Railway Corridor.</li> </ol>	<p>No further relief required.</p> <p>I concur with the reasons at paragraph 100 of the section 42A report (re: this amendment giving effect to NOISE–O3 and accurately reflects Rule NOISE-R3) although I have identified my concerns that NOISE-R3 needs a consequential amendment if it is to implement this policy.</p>
441.040	NOISE-P4	Support in part – amend (e) to focus on noise effects within the zone.	<p>Reject - amend:</p> <p>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:</p> <ol style="list-style-type: none"> <li>Maximum noise limits to reflect the character and amenity of each zone;</li> <li>Type, scale and location of the activity in relation to any <del>noise</del> sensitive activities;</li> <li>Hours of operation and duration of activity;</li> <li>The temporary or permanent nature of any adverse effects; <del>and</del></li> <li>The ability to internalise and/or <u>avoid, remedy or mitigate</u> <del>minimise</del> any conflict with adjacent activities; <u>and</u></li> <li><u>The functional need and/or operational need of the activity.</u></li> </ol>	<p>No further relief required.</p> <p>I concur with the reasons at paragraph 112 of the section 42A report (re: the need to ensure the policies implement objectives 1 and 3).</p>

441.041 NOISE-R3 Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity

Support in part – amend by inserting a permitted activity performance standard for acoustic insulation of new sensitive activities locating adjacent to industrial areas:

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.

Reject – amend as follows:

NOISE - R3 Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity

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~~ 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 LA<sub>eq(24h)</sub>; 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, V<sub>w,95</sub>);

~~c. 40m~~ 40 of the edge of the tracks of a railway line where:

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 ~~limit level~~ of 35 dB LA<sub>eq(1h)</sub>;

ii. Compliance with i. above must be achieved based on an assumption of 70 LA<sub>eq(1h)</sub> 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, V<sub>w,95</sub>);

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 L<sub>dn</sub>;

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 LA<sub>eq</sub> inside any habitable room bedrooms;

B. ~~35~~40dB LA<sub>eq</sub> inside ~~any other habitable room, except for bedrooms between 10pm and 7am~~; and

~~ex. The Rifle Range Protection Area 55 dB L<sub>AFmax</sub> 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 L<sub>AFmax</sub> 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 L<sub>AFmax</sub>.

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;

Amend this rule to include a further sub-clause (g) as detailed in the statement of evidence above.

Point	Provision	Relief sought by Silver Fern Farms	Section 42A Recommendation	S Tuck Recommendation
			<p>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</p> <p>iii. Provides relief for equivalent volumes of spill air; and the occupant and can maintain the inside temperature between 18°C and 25°C; and</p> <p>v. Does not generate more than 35 dBLA<sub>eq(30s)</sub> when measured <u>at least</u> 1 m away from any grille or diffuser.</p> <p>Advice Note:</p> <p>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; <u>or</u>:</p> <p><u>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</u></p> <p><u>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.</u></p>	
	NOISE-R8 Emission of Noise within the GIZ - General Industrial and LIZ - Light Industrial Zone	Support in part – amend.	Reject – delete Rules 5, 6, 7, 8 and 11 and insert new rule NOISE-RX to provide a consolidated matrix that details the permitted noise levels by zone.	<p>No further relief required.</p> <p>I concur with the reasons at paragraph 226 of the section 42A report (re: the need to replace the operative district plan’s outdated noise metrics) and the provision of the new rule NOISE-RX.</p>