

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER hearing of submissions on the
Proposed Te Tai o Poutini Plan

JOINT WITNESS STATEMENT
Planning

WESTPORT RIFLE RANGE NOISE OVERLAY

13 September 2024

INTRODUCTION

1. This joint witness statement (**JWS**) relates to the Noise provisions of the Proposed Te Tai o Poutini Plan (**pTTPP**) as they relate to the Westport Rifle Range and surrounding properties.
2. The planning experts involved in the preparation of this JWS are:
 - i. Lois Easton for West Coast Regional Council – reporting planner for the Residential topic;
 - ii. Ruth Evans for West Coast Regional Council – reporting planner for the Noise topic;
 - iii. Craig Barr for Buller District Council (S538); and
 - iv. Kate McKenzie for Westport Pistol Club (S336), Chris Hartigan (S338), Westport Rifle Club Incorporated (S457).
3. This joint statement has been prepared in accordance with section 9.5 of the Environment Court Practice Note 2023.
4. This JWS sets out all matters agreed by the relevant experts. There are no matters of disagreement in this JWS.
5. Ms McKenzie, Mr Barr and Ms Evans met via video conference on 1 August 2024. Ms Rebecca Inwood from Buller District Council also attended this meeting as an observer. During the week of 9 September 2024 (following the Noise hearing on 4 and 5 September 2024) Ms McKenzie, Mr Barr, Ms Easton and Ms Evans conferred via email on the preparation of this JWS.
6. This JWS focusses on provisions and mapping associated with the Westport Rifle Range Noise Overlay.
7. Ms Easton notes that her right of reply for the Residential topic also addresses the Alma Road rezoning at paragraphs 31 and 32¹. Mr Barr confirms that Buller District Council has withdrawn the part of its submission seeking rezoning of the three rural zoned sites adjacent to the rifle range². Ms Easton confirms that the matters agreed in this JWS and

¹s42A Author Right of Reply Residential Zones and Special Purpose. 23 August 2024. URL Link: [Residential-and-Special-Purpose-Zones-s42A-Author-Right-of-Reply.pdf \(tppp.nz\)](https://tppp.nz/wp-content/uploads/2024/08/BDC-response-to-TTPP-Minute-34.pdf)

² Buller District Council's response dated 15 August 2024 to the Hearing Panel's Minute 34: <https://tppp.nz/wp-content/uploads/2024/08/BDC-response-to-TTPP-Minute-34.pdf>

addressed in her right of reply for the Residential topic cover all outstanding matters relating to the Alma Road rezoning.

NOISE CHAPTER PROVISIONS

8. The planners agree that Rifle Range Noise Overlay references and provisions included in NOISE-P2, NOISE-R3 and NOISE-R13A as attached to the set of provisions in the s42A addendum report for the Noise hearing are appropriate with respect to managing potential reverse sensitivity effects arising from noise associated with the Westport Rifle Range. These are reproduced at **Appendix A** with minor edits.
9. The planners agree that the Westport Rifle Range Noise Overlay should include both the 55dB LAFmax contour and the 60dB LAFmax contour, as shown in **Appendix B** on the pTTPP Plan Map (with notified zoning) and **Appendix C** aerial photograph.
10. The planners note that further minor edits may be required to tidy up numbering within NOISE-R3.

SUBDIVISION CHAPTER PROVISIONS

11. The planners agree that it is appropriate to include a restricted discretionary activity rule in the Subdivision chapter for subdivision within the Westport Rifle Range Noise Overlay contours. This will provide the opportunity for consideration of noise effects from the Westport Rifle Range at the subdivision stage, including any noise mitigation on sensitive activities, within the 55dB LAFmax contour and the 60dB LAFmax contour.
12. The planners agree that the subdivision rule (proposed rule SUB-R13B) drafted by Ms McKenzie in her evidence for the Noise topic is appropriate with minor amendments. These agreed amendments are to the matters of discretion, to ensure they are expressed as values-neutral statements, minor wording changes to align with NOISE-R13A and to cross reference to matters of control in SUB-R6 (for Rural zones). Further minor edits may be required to tidy up numbering within SUB-R13B to align with the Hearing Panel's final recommendation on the Subdivision topic.

13. The planners agree there is scope to include the subdivision rule as a consequential amendment to the relief sought by various submitters³ seeking acoustic insulation of sensitive activities near the rifle range and/or setback from the rifle range.

OTHER MATTERS

14. The planners note the definition of 'sensitive activity' also includes sport and recreation activities. The planners agree that sport and recreation activities are not required to be subject to any rules for sensitive activities within the Rifle Range Noise Overlay.
15. The planners note that references to habitable rooms and/or spaces used for sleeping in NOISE-R3 are being further considered in the Noise Topic right of reply, including whether this should also include places of worship, teaching spaces on marae and other areas within healthcare facilities. The planners note that with respect to the environment surrounding the rifle range and anticipated future activities, habitable rooms and spaces used for sleeping are the key activities / areas that require acoustic insulation.
16. With respect to s32AA of the Resource Management Act 1991 (**RMA**) and further evaluation to examine the extent to which the amendments are the most appropriate way to achieve the pTTPP and the RMA, the planners agree with the following evaluation:
 - a. The advice from Marshall Day received on behalf of the Buller District Council (attached to Craig Barr's evidence for the Residential topic) and Mr Peakall's advice for the Noise topic has assisted with the promulgation of a bespoke rule framework and noise contours able to be used in the pTTPP maps. This targeted will more effectively manage effects on sensitive activities in proximity to the Westport Rifle Range than the notified approach which does not include methods to address reverse sensitivity effects associated with the rifle range. This means that future activities sensitive to noise can implement pTTPP NOISE-P2 and provide acoustic insulation to for sensitive activities. The planners

³ Dean Trott (S330.002), Chris Hartigan (S338.002), Westport Rifle Club Incorporated (S457.009), Westport Pistol Club (S336.010)

agree that the rules in **Appendix A** are more effective than the status quo that has no overlay or targeted provisions.

- b. The proposed provisions integrate with Rule NOISE-R3 which also manages noise in relation to managing noise related reverse sensitivity effects on the state highway, rail network and other noise emitting activities.
- c. From an efficiency and transaction cost perspective, the proposed rules will impose a cost on landowners when habitable rooms and/or spaces used for sleeping are proposed within the Rifle Range Noise Overlay. For the subdivision at Alma Road of the Low Density Residential Zone, and larger scale subdivision opportunities in the proposed Large Lot Residential Zone and Settlement Zone Precinct 4, this assessment could be undertaken once by the developer at the time of subdivision and then conditions placed on the record of titles of lots setting out parameters to ensure compliance, which means that the acoustic assessment requirements are not required for every new dwelling built. Outlying parts of the Settlement Zone Rural Residential Precinct 4 may require acoustic advice at the time of subdivision, or new dwellings.
- d. Costs associated with the proposed rules also include increased construction costs and compliance costs on persons undertaking establishing habitable rooms and/or spaces used for sleeping within the Rifle Range Noise Overlay, where those landowners are likely to be required to install acoustic attenuation measures. These costs are mitigated through avoidance and mitigation of annoyance experienced by persons within the noise overlay area due to exposure to noise from the Westport Rifle Range. The proposed acceptable construction solutions appendix will also apply, reducing the need for expert acoustic advice.
- e. Benefits are that the operators of the Westport Rifle Range can have confidence that their permitted rifle range activities can be undertaken with less potential for reverse sensitivity effects from new sensitive activities, because new sensitive activities will be subject to the requirements of NOISE-R3.

17. Overall, the benefits of enabling sensitive activities in proximity to the Westport Rifle Range are considered to outweigh the costs, and the proposed amendments in **Appendix A** are more efficient and effective than the notified pTTPP provisions.

DATED this 13th day of September 2024



Lois Easton



Ruth Evans



Katherine McKenzie



Craig Barr

APPENDIX A

Provisions for the Westport Rifle Range Noise Overlay.

APPENDIX B

pTTPP Mapping for the Westport Rifle Range Noise Overlay.

APPENDIX C

Aerial Photograph Mapping with the Westport Rifle Range Noise Overlay.

APPENDIX A

Provisions for the Westport Rifle Range Noise Overlay

NOISE Noise - Ngā Oro

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NOISE - P2	<p>Require sensitive activities sited in higher noise environments ...</p> <p>For the purpose of NOISE - P2 higher noise environments include:</p> <ol style="list-style-type: none"> 1. CMUZ - Commercial and mixed use zones; 2. INZ - Industrial zones, PORTZ - Port Zone, AIRPZ - Airport Zone, STADZ - Stadium Zone, BCZ - Buller Coalfield Zone, MINZ - Mineral Extraction Zone and HOSPPZ - Hospital Zone; and 3. Locations in close proximity to a State Highway and the Railway Corridor; 4. <u>The Westport Rifle Range Noise Overlay.</u>
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NOISE - R3	Acoustic Insulation Requirements for New or Altered Buildings for Use by a Sensitive Activity	
Activity Status Permitted	Activity status where compliance not achieved: Restricted Discretionary	
<p>Where:</p> <p>...</p> <p>ex. <u>The Rifle Range Protection Area Between the 55 dB LAFmax and 60 dB LAFmax contours of the Westport Rifle Range Noise Overlay shown on the planning maps:</u></p> <ol style="list-style-type: none"> i. <u>Any habitable room used for a sensitive activity and/or space used for sleeping must be designed, and constructed and maintained to achieve a maximum internal noise level of 35 dB LAFmax from outdoor noise associated with lawfully established activities at the Westport Rifle Range Protection Area; and</u> ii. <u>an An outdoor living areas not less than 30m² must shall be screened from the Westport Rifle Range Protection Area to achieve an outdoor noise level not exceeding 50 dB LAFmax.</u> <p>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:</p> <ol style="list-style-type: none"> i. <u>Satisfies clause G4 of the New Zealand Building Code;</u> 		

- 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 dBLA_{eq(30s)} when measured at least 1m away from any grille or diffuser.

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NOISE -R13A	<u>New Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity within the 60dB L_{AFmax} contour of the Westport Rifle Range Noise Overlay</u>	
<u>Activity Status Restricted Discretionary</u> <u>Discretion is restricted to:</u> <ul style="list-style-type: none"> a. <u>The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation noise mitigation is appropriate to ensure the amenity of present and future residents of the site; and</u> b. <u>The impact of any sensitive activity that does not provide the required acoustic insulation noise mitigation on the ability of lawfully established activities at the Westport Rifle Range to operate without undue constraint.</u> 	<u>Activity status where compliance not achieved: N/A</u>	

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SUB

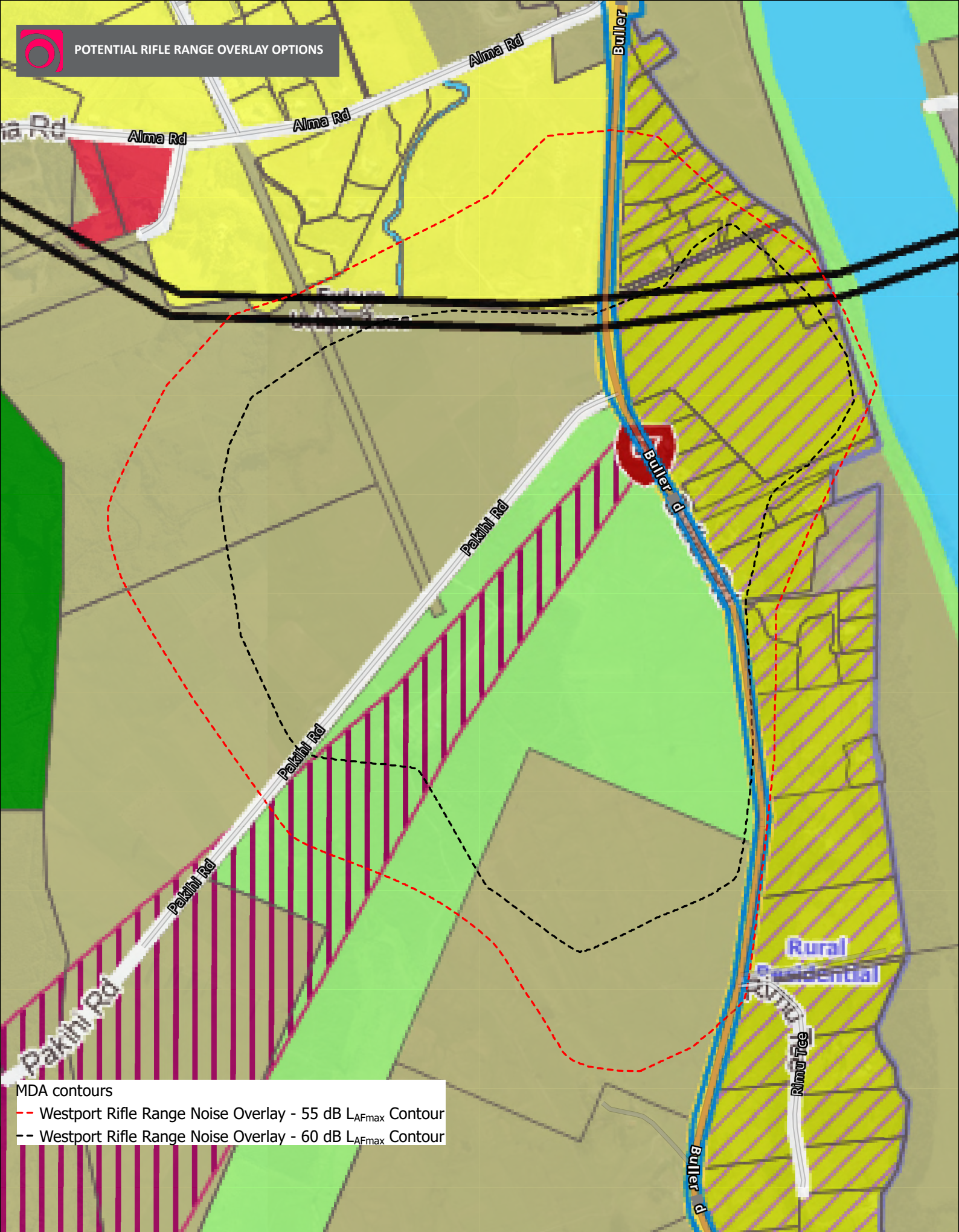
Subdivision - Te Wawaetanga

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SUB -R13B	<u>Subdivision within the 55dB L_{AFmax} contour or the 60dB L_{AFmax} contour of the Westport Rifle Range Noise Overlay</u>	
<u>Activity Status Restricted Discretionary</u> <u>Discretion is restricted to:</u> <ul style="list-style-type: none"> a. <u>Those matters listed in SUB-R5 a. – n. and SUB-R6 a. – n.</u> b. <u>Management of reverse sensitivity effects on the Westport Rifle Range, including:</u> <ul style="list-style-type: none"> i. <u>The ability for future buildings containing a sensitive activity to comply with NOISE-R3(1)(ex);</u> ii. <u>If the subdivision will result in the establishment of additional sensitive activities:</u> <ul style="list-style-type: none"> a. <u>The provision of a report from an acoustic specialist;</u> b. <u>The ability of lawfully established activities at the Westport Rifle Range to operate without undue constraint; and</u> c. <u>The appropriateness of any noise mitigation measures.</u> 		<u>Activity status where compliance not achieved: N/A</u>

APPENDIX B

pTTPP Notified Mapping for the Westport Rifle Range Noise Overlay



MDA contours

- - Westport Rifle Range Noise Overlay - 55 dB L_{AFmax} Contour
- - Westport Rifle Range Noise Overlay - 60 dB L_{AFmax} Contour



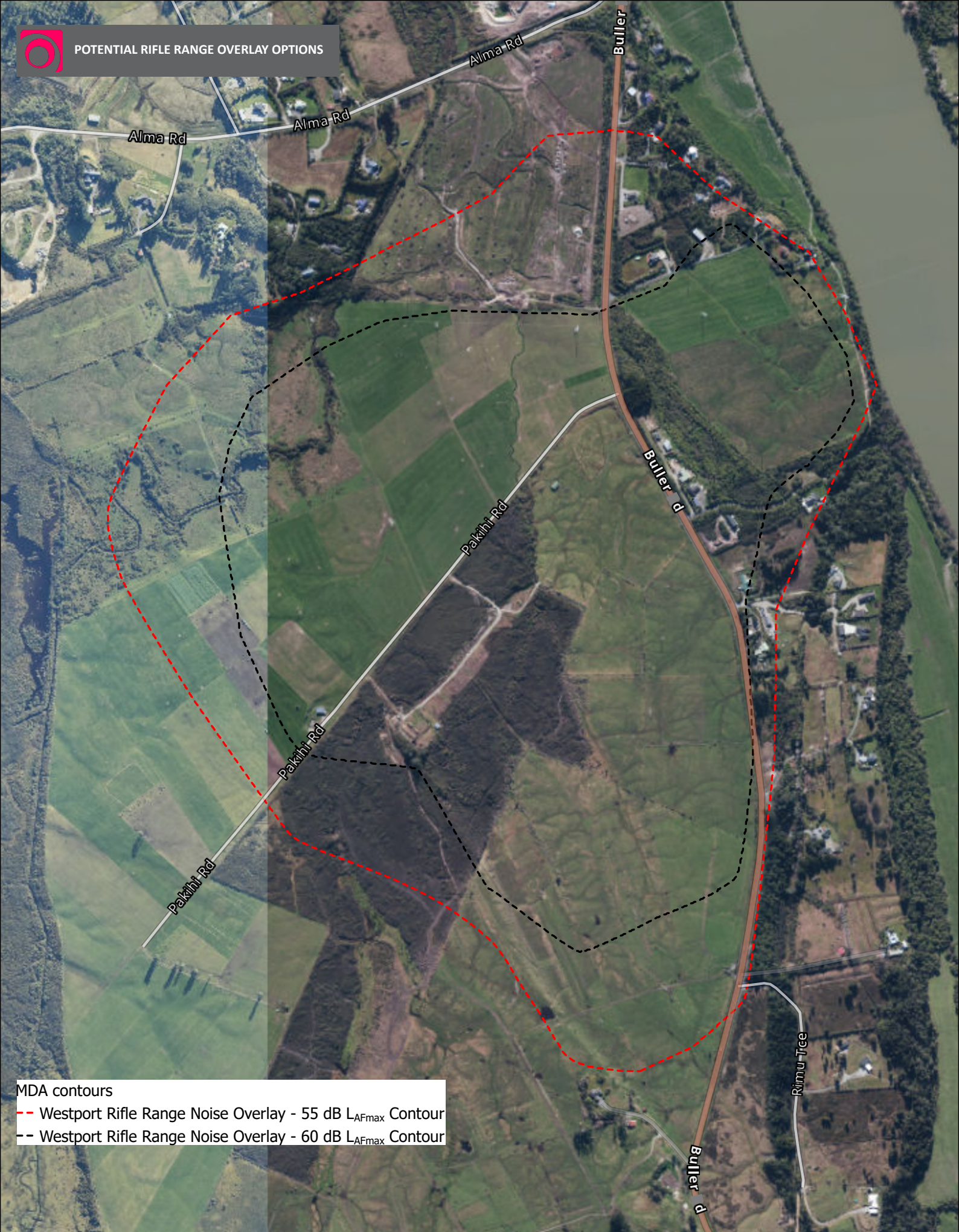
RIFLE RANGE OVERLAY OPTIONS

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APPENDIX C

Aerial Photograph with Mapping for the Westport Rifle Range Noise Overlay



MDA contours

- - Westport Rifle Range Noise Overlay - 55 dB L_{AFmax} Contour
- - Westport Rifle Range Noise Overlay - 60 dB L_{AFmax} Contour



RIFLE RANGE OVERLAY OPTIONS

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