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**

NOISE HEARING RIGHT OF REPLY OF STEPHEN JACK PEAKALL ON BEHALF OF WEST COAST REGIONAL COUNCIL

Dated 28 February 2025

Introduction

1. I provide in this Right of Reply a response to submitter evidence on the noise chapter and in response to the Hearing Panel's Minute 59. My response covers the noise related rules and provisions of the Proposed Te Tai O Poutini Plan (**pTTPP**).

2. There are five submitter responses to Minute 59, from:

    (a) Te Rūnanga o Ngāi Tahu

    (b) Jet Boating New Zealand (JBNZ)

    (c) New Zealand Agricultural Aviation Association (NZAAA)

    (d) Martin and Lisa Kennedy

    (e) KiwiRail

3. I do not comment on the JBNZ submission as they simply support previous recommendations on specific rules.

4. In this Right of Reply I also acknowledge and address the submission from Mr Bert Hofmans as he presented at the Noise Hearing on 4 September 2024.

5. I also address a number of outstanding issues that were raised by the Panel during the Hearing regarding daycare centre exemption, applicable acoustic insulation requirements, airport and port Noise Management Plans and the proposed aircraft engine testing rules.

6. I have reviewed the latest recommended noise provisions prepared by Ms Evans and attached to her Right of Reply and have provided input on the provisions from a technical perspective. These take account of the various statements I make in this Right of Reply evidence. Overall, I support the provisions as contained in that document

Te Rūnanga o Ngāi Tahu

7. The Te Rūnanga o Ngāi Tahu submission relates only to the road and rail noise overlays. In terms of the road noise overlay, the concerns centre on whether the overlay takes account of local conditions, both topography and local traffic flows. My understanding (based on my review of the overlays and of the memo appended to the evidence of Dr Chiles dated 6 August 2024) is that it does and so therefore the concerns should be satisfied.

8. In terms of the rail noise overlay, there are similar concerns in the response regarding topography, rail movements and the extent of the overlay. I share the concerns regarding topography and extent of the overlay and, in my opinion, these are not fully addressed by the information provided by KiwiRail.

9. In the absence of specific confirmation, I would favour the use of the setback distances in the rules. However, as I have stated in my 23 January 2025 memo (appended to the s42A Addendum #2) either option would result in satisfactory outcomes with respect to managing the noise effect from rail movements.

New Zealand Agricultural Aviation Association

10. Regarding the further submission from Mr Michelle for the NZAAA, I do not consider some of the relief sought is warranted. Removal of the text relating to the number of days, or the setback distances that could apply would in my opinion revert the rule to a situation where agricultural aviation activity would be entirely unregulated in a resource management context.

11. My position remains unchanged from that as set out in my primary statement of evidence and reflected in the joint witness statement (JWS) dated 4 October 2024 as it relates to Rule R2.12. I maintain the view that some controls are appropriate for agricultural aviation activities, otherwise there could be unfettered activity with the potential to result in unacceptable noise effects on sensitive activity receivers. If this were allowed to occur, then the principles of resource management would not be fully accounted for.

12. I also note that the exemption itself (albeit with some proposed conditions around what is exempted) is enabling of agricultural aviation activities that support rural production activities enabled in the General Rural Zone and therefore is consistent with the objectives and policies of the TTPP with respect to managing noise effects and enabling rural production activities.

13. That is, agricultural aviation activity is positively enabled in a way that other commercial aircraft activity is not.

14. As I stated in the JWS, I do not consider that a setback distance is entirely necessary. In my opinion the restrictions on the number of events/days per 12 months can be used as well as, or instead of, the setback distance.

15. At the Hearing the submitter suggested that a restriction on the number of hours of operation is more appropriate than a restriction on the number of days, citing concerns that any given day could be subject to adverse weather, thus rendering one of the allowable days unable to be fully utilised in the exemption.

16. Whilst the submitter suggestion has some merit, it may also be more difficult to enforce, and may also allow a broad increase in the level of aircraft activity to which the exemption applies. However, it is likely that there is little difference in practice between the two options, and from a compliance perspective I prefer the use of the number of days, over the number of hours.

17. Nevertheless, taking the overall NZAAA submission into account, one option the panel could adopt is to replace the word "*and*" with "*or*" in the proposed Rule R2.12 exemption, as follows:

> "*Aircraft take off and landing, including helicopter movements, associated with rural production activities and conservation activities, at least 250 metres from any sensitive activity ~~and~~ or for no more than 30 days in any 12 month period per site*."

18. I recommend this proposed wording is adopted. This would ensure acceptable outcomes in terms of noise effects on sensitive activities.

Martin and Lisa Kennedy

19. The response to the Panel's minute by Martin and Lisa Kennedy relates entirely to the imposition of overlays as a method to determine where sound insulation is required as part of Rule R3, or the alternative method of setback distances.

20. In summary, they generally seek no such imposition on their property.

21. I understand that the recommended Road Noise Overlay does not cover their property so their concerns should be alleviated.

22. Regarding the potential rail noise overlay, my understanding is that the Hokitika overlay (if adopted) would be for information purposes only, and would not impose any obligation (and associated potential financial burden) on the Kennedy's should they wish to develop their property.

23. Notwithstanding this, should the rules revert to the use of a setback distance instead of any overlays, specific exclusion of the Hokitika

line should be made in the rule text. Therefore, as for the road noise overlay their concerns should be alleviated.

KiwiRail

24. Regarding the proposed rail noise overlay, legal counsel's submission (on behalf of KiwiRail) discusses the use of this at some length.

25. As I have stated in my 23 January 2025 memo, I am of the opinion that *either* the setback distance or the overlay can be used. I do however remain of the opinion that there is some residual uncertainty in the mapping of the overlay that I have reviewed to date. As a result, I prefer the use of setback distances in the rules at this stage.

26. I also wish to comment on a number of points in the further submission.

27. I agree in principal that KiwiRail can (and should be able to) use their designation in any way it sees fit regarding track layouts. That is, the designation should allow the tracks to be moved without onerous re-consenting processes.

28. However, the noise or vibration effects are very much linked to the tracks and not the designation boundary itself. This was agreed in the JWS.

29. This is perhaps the best reason, in this case, to favour a setback distance from the track edge in the rules as opposed to an overlay. This is because the overlay, once published, becomes a de facto distance at a "moment in time".

30. If a setback distance is used in the rules, then any future change in tracks, either closer to, or further away, from a sensitive activity would inherently be accounted for in the consideration of treatment to be applied.

31. It would appear that the submission is concerned that the rule or overlay, if defined from the track edge, would be done so relative to the "rail tracks as they exist today" (paragraph 6 of the legal response) or their "current location" (paragraph 9 of the legal response).

32. My understanding is that the rules as defined (i.e. using a setback distance relative to the track edge) do not provide this, and that the rule would apply to the track location as they exist at the time of any consenting process.

33. I would also like to correct an error made in the interpretation of my memo that has been made in paragraph 13 regarding my statement on the lack of screening effects in the overlay.

34. I stated the *overlay* does not account for the screening effects of topography, not the *provisions* themselves.

35. That is, the physical extent of the overlay is simply a line currently mapped as a 100m 'buffer' taken from the designation boundary. I agree there is a pathway in the provisions that allows such topographical effects to be accounted for (albeit via a resource consent with associated costs) but it is not correct that the mapped overlay itself includes this effect.

36. This is a fundamental difference between the proposed road noise overlay and the recommended rail noise overlay.

37. In paragraph 15, an assertion is made that modelling rail noise is time consuming, costly and unnecessary compared to simply mapping distance. In my experience this is not the case, and the main time required is in 'cleaning' the contours to deal with the mapping anomalies that occur in both cases.

38. I also disagree with the example used in paragraph 15 regarding the Whangarei experience and the outcome that the modelling was "unnecessary". Rather, the modelling was one tool that helped to inform a planning position that showed an alternative approach was preferable, despite the noise modelling occurring.

Bert Hofmans

39. Mr Bert Hofmans spoke to his submission presented at the Noise Hearing 4 September 2024. The submission was primarily regarding the acoustic insulation requirements he would be subject to near the Karamea Aerodrome.

40. In general, this concern is not unique to Karamea or Mr Hofmans and has been expressed multiple times at many hearings for many airports, both large and small.

41. Overall, if there is a desire in the TTPP to protect the Karamea aerodrome by mapping it as an Airport Zone (a Special Purpose Zone)), it is equally important to protect both its ability to operate, and to protect nearby residents from potential aircraft noise.

42. The approach proposed for doing so at this aerodrome, is similar to the approach adopted for the others in the district, any potential new aerodromes in the district and for the vast majority of airports and aerodromes around the country. This approach is the adoption of the guidance and recommendations contained in NZS 6805 (referenced in Rule R1).

43. Through noise boundaries, this sets limits on aircraft noise, and places requirements on sound insulation for sensitive activities inside.

44. I therefore disagree with Mr Hofmans at his paragraph 11b. where he suggests the rules are a 'copy and paste'. This is not the case; the rules (particularly Rule R10) have been determined as being appropriate for each and every airport in the District, and Karamea has been explicitly included by way of specific reference in the rules. I consider the rules remain appropriate for this aerodrome. The similarity to other rules is intentional, but not without due consideration.

45. Notably, the noise contour boundary for Karamea Aerodrome shows noise levels above 55 dB L_{dn} are possible at locations beyond the Airport Zone. In my opinion, the extent of the noise contour boundaries and the potential noise emissions that they represent are the reasons why noise rules to manage aircraft noise emissions are required (in accordance with Rule R10). Because of this potential noise emission level, the rules also require (Rule R3) protection of nearby sensitive activity. The extent of the noise contour boundaries (and therefore potential noise levels in the community) is why I support the imposition of such rules in the first place.

46. Separately I point out that the number of landings that occur at present is immaterial, the noise boundaries are based on what that aerodrome would be permitted to do as of right, and thus the rules are seeking to protect sensitive activity from a future level of aerodrome use, not just the occasional use that may be observed on a given day.

47. I do not have expertise in the costs of acoustic treatment that Mr Hofmans has provided, but I note that the rules only provide a requirement for a ventilation system, and not for the ancillary costs of power supply, etc. In my experience at other airports, a ventilation system alone would be of the order of $10,000.

48. In addition, I point out that at the locations Mr Hofmans provides in his Appendix A, the noise levels at the possible dwellings marked red would be relatively low. In my experience no additional acoustic

treatment on top of the standard construction required by the Building Code would be necessary.

49. This is because standard modern construction techniques (including the mandatory use of thermal insulation products) mean the sound insulation performance from such constructions already perform at a satisfactory acoustic level. Therefore, no additional cost burden would be inflicted, contrary to Mr Hofmans statements in paragraph 11e.

50. Finally to clarify, the noise level requirement for the ventilation system itself is to ensure that such units are not making unreasonable noise levels for the occupants themselves, rather than any nearby neighbours.

51. In summary, whilst I have some sympathy with the specific circumstances in Mr Hofmans case, the rules are designed to provide for the future operation of the aerodrome as well as protecting *all* nearby noise sensitive receivers, regardless of an individual's own personal view on the matter.

52. On that issue, it is a possibility that other sensitive receivers could establish in a proximate location inside the airport noise boundaries, or that Mr Hofmans could sell, and therefore the rules overall need to ensure such other receivers are themselves afforded appropriate protection.

53. I now address some general queries made by the Panel during the Hearing. The Panel queried whether the exemption listed in Rule R2.6 relating to people noise should remain applicable to Daycares. I consider this specific activity should not be exempted, primarily because daycares are commercial operations, often establishing in areas with proximate noise sensitive activity, such as residential zones and on small, well-contained sites.

54. The location of their establishment is a matter of choice and mitigation can be readily implemented with restriction on hours of operation, screening and management techniques. I therefore agree with the submission from Te Whatu Ora that this particular activity should not be exempted.

55. A further query centred around the Te Whatu Ora submission that both ports subject to Rule R9 and the airports and heliports subject to Rule R10 should be required to prepare Noise Management Plans.

56. I generally agree with this requirement, although note it is somewhat more onerous than often applies in other Districts.

57. The Port Noise Standard does contain a recommendation to prepare such a plan, so technically to be in compliance of Rule R9 then a NMP is automatically required. Therefore no specific rule text requiring this is strictly necessary.

58. Regarding Airports, not all airports in New Zealand are required to prepare a NMP. Several of the larger international airports (Auckland, Christchurch, Queenstown for example), and the larger regional airports (Palmerston North, Whangarei etc) have NMPs publicly available, but in some of these cases the airports are not required to prepare one in a statutory sense.

59. For airports of the scale and size as those covered by Rule R10, although a NMP is a useful tool for each airport to implement, it is not technically necessary to ensure the noise emissions are adequately controlled.

60. In my original statement of evidence, I supported the implementation of NMPs for ports and airports covered by Rule R9 and R10 respectively, and maintain this is appropriate. In terms of the wording that can be used in the rules however, I understand using an Advice Note to each rule is a possible way to address this. I have reviewed the text proposed by Ms Evans and agree this would provide an appropriate method of ensuring port and airport noise emissions comply with the relevant rule. I do not consider that it is necessary to enshrine in the rules the extent of the reporting requirements each NMP should contain, as this is effectively dependent on the activity under consideration. Overall, the NMP should be detailed enough to set out how a particular activity is to be managed to ensure compliance with the rules.

61. I also now provide some technical clarity regarding the acoustic insulation requirements in Rule R3. This rule was subject to multiple submissions and refinements to the text during, and subsequent to the Hearings. The rule requires new or altered sensitive activity to meet specified internal noise levels depending on the source of external noise under consideration. The rule also allows in Advice Note 1 compliance with the rule to be achieved if the construction meets the requirements in Appendix A to the rules. For the avoidance of doubt, this Appendix can apply to all of those activities covered by Rule 3.

62. However, it cannot be used in terms of the external noise level requirement of R3.6 (ii) so does not apply in that case.

Stephen Jack Peakall

28 February 2025