

Te Tai o Poutini Plan
Addendum #2 to Section 42A Report
on
Noise



Te Tai o Poutini
PLAN
A combined district plan for the West Coast

1.0 Introduction

1. This is addendum #2 to the Section 42A Report for the Noise Chapter of the Proposed Te Tai o Poutini Plan (pTTPP) and has been prepared to address key matters raised by submitters during 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.
4. The purpose of this addendum report is to address substantive matters that were the subject of submitter evidence at the hearing. I set out where my view has changed following the hearing and provide an updated version of the provisions. I understand that the hearings panel may give those submitters who have submitted on the relevant provisions the opportunity to comment further on these matters.
5. This addendum is not a right of reply. The right of reply will address other matters raised during the hearing, including questions from the panel. The right of reply will be filed following submitter comments on this addendum and as directed by the hearings panel.
6. I note that additional amendments may be recommended once Mr Peakall has prepared evidence in reply to matters raised during the course of the hearing.
7. The recommended provisions at Appendix 1 include recommended amendments following the hearing on the matters discussed in this addendum.

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8. NOISE-P2	Silver Fern Farms Limited (S441.039)	Amend NOISE-P2 to include the words 'and new sensitive activities adjacent to higher noise environments'.	Accept (s42A paragraph 100).	As signalled during questions at the hearing, the s42A recommended amendment in response to this submission point has been reconsidered. NOISE-P2 manages potential reverse sensitivity effects in 'higher noise environments'. Higher noise environments are defined within NOISE-P2 and include specific zones as well as areas in proximity to the state highway and rail networks and the Westport rifle range. NOISE-P2 is given effect to by NOISE-R3 which requires insulation for sensitive activities within the higher noise environments. NOISE-R3 does not include any requirements for activities 'adjacent' to higher noise environments, except for the rail and road networks, where insulation is required for properties within defined areas adjacent to these networks. Applying NOISE-R3 to 'new sensitive activities adjacent to higher noise environments' is not efficient in my view as this area is not spatially defined. The alternative would be to spatially identify all areas adjacent to these zones, which would not be efficient. I acknowledge that Mr Tuck for Silver Fern Farms has suggested listing properties adjacent to the Hokitika site and requiring insulation for all sensitive activities within 100m. I note this solution would only work for the Silver Fern Farms Hokitika site, whereas there will be other instances throughout the region where NOISE-R3 cannot

¹ Note that there are additional submitters on some of these provisions, this addendum focusses on evidence presented by submitters at the hearing

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				<p>give effect to NOISE-P2. I maintain the view expressed at paragraph 170 of the s42A report that the most efficient and effective method for managing effects as sought in the Silver Fern Farms submission is via zoning.</p> <p>I recommend that NOISE-P2 is amended to remove the text 'and new sensitive activities adjacent to higher noise environments' that was added in the s42A version of provisions.</p>
9.	New Zealand Agricultural Aviation Association S166.024	Amend NOISE-R2 12) to read as follows: Infrequent aircraft take-offs and landings for agricultural aviation activities on an intermittent basis for rural production and conservation activities including biosecurity and biodiversity activities.	<p>Amendments recommended as follows:</p> <ol style="list-style-type: none"> 1. <u>Infrequent aircraft take off and landing, including helicopter movements, for associated with rural production activities and conservation activities purposes on an intermittent basis for no more than 30 days in any</u> 	<p>NOISE-R2 provides for a range of exemptions, with NOISE-R2.12 relating to aircraft movements associated with rural production and activities and conservation activities. The wording of this rule was discussed by multiple submitters and experts at the hearing. Following the hearing the acoustic experts were directed to conference on the appropriate parameters for this exemption.</p> <p>While I acknowledge that operators prefer retaining or using 'infrequent' and 'intermittent' (the latter discussed during the hearing), I remain of the view that these are not quantifiable and therefore not appropriate for an exemption rule and therefore not efficient or effective. Quantifying these timeframes provides certainty, which is more efficient and effective.</p>
10.	Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536	Delete NOISE-R2.12		<p>Mr Peakall and Dr Chiles (for Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora) set out in their</p>

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			<p><u>12 month period per site, including aerial topdressing and helicopter movements;</u></p>	<p>joint witness statement (Appendix 2 to this addendum) that they agree a 250 metre setback from sensitive activities should also be included in the rule. I rely on this expert advice with respect to managing noise effects on sensitive activities. In my view this provides for an appropriate balance between managing noise effects and enabling aircraft operations associated with rural production and conservation activities. I consider the amendment effective in implementing NOISE-P1 and NOISE-P2 and achieving NOISE-O1 and NOISE-O2.</p> <p>At the hearing Mr Michelle from New Zealand Agricultural Aviation Association noted that work on the conservation estate is exempt from land use rules under section 4 of the Resource Management Act. I recommend inclusion of an advice note that clarifies this clause does not apply on the conservation estate.</p> <p>At this stage I recommended NOISE-R2.12 is amended to include the 250m setback from sensitive activities as follows:</p> <p>12. Infrequent aircraft <u>aircraft take off and landing, including helicopter movements, for associated with rural production activities and conservation activities at least 250 metres from any sensitive activity and purposes on</u></p>

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				<p>an intermittent basis for no more than 30 days in any 12 month period per site; including aerial topdressing and helicopter movements; Advice note: NOISE-R2.12 does not apply to land held or managed under the Conservation Act 1987.</p> <p>A response to the concerns expressed by New Zealand Agricultural Aviation Association and the NZ Helicopter Association will be provided in the right of reply.</p>
11. NOISE-R3	<p>KiwiRail Holdings Limited (S442.088)</p> <p>Cath Heppelthwaite (planning) and Stephen Chiles (acoustic)</p> <p>Martin and Lisa Kennedy (FS221.004)</p>	<p>KiwiRail</p> <p>Apply a 100m Noise and Vibration Alert Overlay for the Hokitika and Rapahoe lines.</p> <p>Extend the 60m noise control setback to 100m for all other rail lines.</p> <p>Retain the 60m vibration control setback for all other rail lines.</p> <p>Option to replace the</p>	<p>Support for increasing the setback for noise control from 40/60m to 100m based on expert advice from Mr Peakall.</p> <p>Support for increasing the setback for vibration control from 40m to 60m based on expert advice from Mr Peakall.</p>	<p>Potential overlay to identify properties subject to the noise and vibration insulation requirements</p> <p>I continue to support the setbacks requested by KiwiRail as set out in the s42A Addendum #1. Following the hearing KiwiRail have supplied mapping for the purposes of creating a Rail Noise Overlay and Rail Vibration Overlay and using this in place of the setbacks. A copy of this mapping is available to view on the TTPP website. Mr Peakall and I have reviewed this mapping and also met with KiwiRail experts (Ms Heppelthwaite and Dr Chiles) at the end of 2024.</p> <p>The notified provisions require the setback to be measured from the edge of the tracks of the railway line. Ms</p>

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		<p>setbacks with a Rail Noise Overlay that maps the 100m and 60m setbacks, depending on KiwiRail supplying the overlay mapping.</p> <p>Martin and Lisa Kennedy</p> <p>Opposes the relief sought by KiwiRail.</p>		<p>Heppelthwaite's evidence at the hearing was that the measurement should be from the 'rail designation boundary' to improve certainty as to what point the controls are applied from. The mapping supplied to inform an overlay/s measures the 60m (vibration) and 100m (noise) setbacks from the designation boundary.</p> <p>The effect of taking the measurement from the designation boundary is that in general, the provisions apply to a larger area of land than if the measurement is taken from the edge of the tracks.</p> <p>I have discussed this matter with Mr Peakall, who has prepared a memo that outlines his view, attached at Appendix 3.</p> <p>Mr Peakall concludes that there is no significant or material difference between using the setback rule, or creating an overlay that maps the setback, both options create a trigger for requiring mitigation (i.e. acoustic insulation) and will result in satisfactory noise and vibration outcomes.</p> <p>My primary concern with using the overlay as supplied by KiwiRail is that it covers a larger area of land than if it was measured from the track edge, and therefore affects additional properties, despite there potentially being no noise effect to mitigate. In my view this is not efficient as it may trigger a resource consent process for sensitive</p>

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				<p>activities in locations where the level of noise received would not necessitate mitigation. Compliance with the rule requires acoustic insulation to be installed, and while there is an acceptable solution recommended for this that assists with implementation, there will still be construction costs associated with the insulation. There will also be an additional compliance burden/cost on the district councils to administer the rule in places where it is not managing any effect.</p> <p>Mr Peakall notes in his memo that there are a number of anomalies with the mapping supplied by KiwiRail for the overlay.</p> <p>I note that Mr Peakall and Dr Chiles are in agreement that the noise effect occurs relative to the track, as this is the noise source.</p> <p>I acknowledge that measuring from the edge of the designation will account for tracks moving within the designation, as well as providing a set point to inform the mapping layer. However, in lieu of a mapped overlay the measurement can also be completed using up to date aerial photography / maps that shows the where the tracks are. I understand the track may move, and the extent of effect may change with any track movement, and create noise effects on sensitive activities that were previously outside the 100m setback. However I consider this cost to be</p>

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				<p>outweighed by the benefit of not applying an overlay and associated rules to unaffected properties.</p> <p>I have not completed a detailed review/comparison of the overlay mapping compared to the 100m track setback to understand how extensive the differences are, but the review by myself and Mr Peakall indicates there are a number of sensitive activities affected by the overlay method that are not affected by the rule as currently worded (s42A addendum version).</p> <p>I note that neither the overlay nor relying on the setback takes into account topography. Whereas the recommended 'Road Noise Overlay' has been mapped using noise contours.</p> <p>For these reasons, at this stage my recommendation is not to use the overlay mapping in the current form due to the additional layer of conservatism. I can revisit this following any feedback from KiwiRail or other submitters on this matter, including whether an overlay could be produced that does not apply to unaffected properties and where the anomalies in Mr Peakall's memo are addressed.</p> <p>For completeness, in my view there is scope to measure the setback from the designation boundary as the KiwiRail submission referred to a setback from the 'rail corridor'.</p>

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				<p>Alert overlay</p> <p>During their presentation at the hearing, KiwiRail representatives indicated the train volumes on the Rapahoe line were increasing, therefore only the Hokitika line should be subject to any 'alert' overlay. KiwiRail is invited to provide more detail on volumes to support this.</p> <p>I agree with the concept of an alert overlay in principle, and understand it is being advanced in other districts. I will provide a recommendation on this in the right of reply.</p> <p>Scope for the 100m setback</p> <p>During the hearing the scope to amend the setback from 40m (as notified) to 100m was questioned by Mr Kennedy. I have reviewed the summary of submissions and note that (in respect of KiwiRail's submission points on the noise chapter) the summary includes the content from the table attached to KiwiRail's submission: <i>Include noise, vibration and mechanical ventilation standards provided in Appendix A</i>. It does not include the specific drafting which is contained in the appendix to the KiwiRail submission, but as it makes reference to that appendix in the 'decision requested' column, further submitters would look to that part of the submission to understand the setback requested by KiwiRail.</p> <p>I have discussed this matter with Wynn Williams, who have</p>

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				<p>advised they are comfortable that the summary of the KiwiRail submission in the section 42A report does not give rise to any natural justice issues.</p> <p>Notwithstanding this, I understand Mr Kennedy's concerns relate to the Hokitika line, which KiwiRail propose, due to low train volumes, be subject to an alert overlay only, with no associated rules.</p>	
12.	<p>NOISE-R3</p> <p>Westport Pistol Club (S336), Chris Hartigan (S338), Westport Rifle Club Incorporated (S457)</p> <p>Katherine McKenzie (planning)</p>	<p>Include noise contours and provisions to manage reverse sensitivity effects associated with the Westport Rifle Range.</p>	<p>Recommended amendments to introduce an overlay and associated provisions to manage reverse sensitivity effects for properties within the overlay area.</p>	<p>As directed by the panel, a joint witness conference was completed following the hearing. The agreements reached are outlined in the planning Joint Witness Statement for the Westport Rifle Range Noise Overlay dated 13 September 2024 and available on the TTPP website. This joint witness statement includes an evaluation pursuant to s32AA of the Resource Management Act 1991.</p> <p>The provisions attached at Appendix 1 include the amendments agreed to in the joint witness statement and in my brief right of reply for the Westport Rifle Range dated 24 September 2024. No further amendments are recommended.</p>	
13.	<p>Zone based noise limits / NOISE-RX</p>	<p>WMS Group (HQ) Limited and WMS Land Co. Limited (S599 & FS231), West Coast Bulk</p>	<p>Retain the notified noise limits for the General Rural Zone (GRUZ) with an amendment to weekend/public holiday</p>	<p>GRUZ - Relying on the advice from Mr Peakall, respite in the form of a 5 dB reduction is recommended for GRUZ during weekends and public</p>	<p>GRUZ</p> <p>Following the hearing Mr Peakall and Mr Hegley completed expert conferencing and produced a joint witness statement (Appendix 2).</p>

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	Logistics Ltd (FS152), TiGa Minerals and Metals Limited (S493 & FS104) – Rhys Hegley (noise)	<p>hours.</p> <p>Retain the notified noise limits for the Mineral Extraction Zone (MINZ).</p> <p>Retain the notified noise limits for the Port Zone (PORTZ)</p> <p>The notified noise limits for the GRUZ and MINZ in particular, as notified, reflect the productive nature of both of those zones, while also managing effects of noise on amenity.</p>	<p>holidays.</p> <p>MINZ – Relying on the advice of Mr Peakall, inclusion of a noise limit for the MINZ (and BCZ) to protect existing sensitive activities in the MINZ.</p> <p>PORTZ – Relying on the advice of Mr Peakall, inclusion of a maximum noise limit for the PORTZ.</p>	<p>There remains disagreement between the acoustic experts regarding the appropriate noise limit for weekends and public holidays in the GRUZ. Mr Peakall's advice is that a reduction of 5 dB from the weekday hours (i.e. 50dB compared to 55 dB during the week) is important to provide respite for sensitive activities in the GRUZ. Mr Hegley's view is that this respite period is not required, and that the 55 dB daytime limit could apply at all times.</p> <p>Both experts agree that the noise limits are at the upper limit with respect to residential amenity.</p> <p>Dr Chiles' evidence for Te Mana Ora generally supports more stringent limits, including a lower limit for evening periods (see next row).</p> <p>I agree with the submitters that the GRUZ is primarily a productive zone, and the pTTPP objectives and policies reflect this. Of particular relevance to this matter I note GRUZ-O7 (recommended to be included by the reporting planner for that topic) is: <i>The General Rural Zone is managed to maintain its availability for primary production purposes and its long term protection from being compromised by reverse sensitivity</i>; similarly RURZ-PXXXX (recommended to be included by the reporting planner for that topic) is: <i>Within the General Rural Zone enable primary production activities as the predominant land use</i>,</p>

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				<p><i>alongside activities that support primary production.</i></p> <p>I also note that residential activities and papakāinga are permitted activities in the rural zone, subject to meeting standards including density for residential activity – e.g. one residential unit per 4 hectares / 10 hectares in the Rural Production Precinct.</p> <p>The GRUZ is not included as a 'higher noise environment' in NOISE-P4.</p> <p>As expressed in Mr Peakall's evidence² a balance between allowing for noise generating activity to occur and protecting sensitive activities is required.</p> <p>Given that residential activities are enabled within the GRUZ, I continue to prefer Mr Peakall's advice, that a 5 dB reduction is appropriate for weekends and public holidays, to provide a period of respite. I consider this particularly important given the general agreement that the limits are already at the upper end of acceptability.</p> <p>In terms of s32AA and further evaluation required by the Resource Management Act:</p> <ul style="list-style-type: none"> • Benefits include continuing to provide for noise generating activities such as rural production activities

² Steve Peakall evidence dated 29 August 2024 paragraph 50

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				<p>to generate a level of noise that is compatible with the objectives for the GRUZ, while providing an acceptable level of amenity for sensitive activities in the GRUZ, and in particular residential units that are permitted in the zone.</p> <ul style="list-style-type: none"> • Costs include limiting any rural production activities that are noise generating from operating during weekend hours, where the activity occurs in proximity to a sensitive activity; potential compliance, monitoring and/or resource consent costs where such activities are proposed to occur in close proximity to existing sensitive activities (most likely to be residential units). There is an economic cost associated with this potentially lost productivity. <p>The evaluation is finely balanced. At this stage, I continue to maintain the view that the weekend and public holiday respite period is a fair balance between enabling noise generating rural production activities and the benefits to the region that these provide, without causing unreasonable noise effects on sensitive activities such as residential units that exist and will continue to establish in the GRUZ. In this regard I consider the recommended provisions to be more effective and efficient than the notified version in achieving the objectives of the pTTPP.</p>

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				<p>MINZ</p> <p>The noise joint witness statement concluded that clause 4 of NOISE-RX could be deleted, on the basis that it had the potential to create reverse sensitivity effects whereby a noise sensitive activity occurring in a noisy zone would be afforded protections equivalent to residential zones. The experts noted that deleting clause 4 would mean that protection for existing sensitive activities in these zones is removed. The experts noted that they were not clear on the extent of any such existing activity.</p> <p>I agree that clause 4 (in the post hearing version of provisions used for expert conferencing) is inappropriate in so far as it effectively protects sensitive activities including any new sensitive activities, despite their location in higher noise environments. I note that new sensitive activities occurring in these zones would be subject to the acoustic insulation requirements in NOISE-R3.</p> <p>The primary issue therefore relates to existing activities. The noise experts appear to be generally in agreement with clause 3 of NOISE-RX.</p> <p>This leaves just the MINZ and BCZ, where there would be no zone based limit if clause 4 is deleted. Neither of these zones is enabling of sensitive activities, the zones are enabling of mineral extraction activities. At the hearing it</p>

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				<p>was discussed whether a more nuanced approach was required for BCZ compared to MINZ.</p> <p>I have discussed this matter with Mr Peakall, and reviewed the spatial extent of both these zones. With respect to the BCZ, the extent of this zone is limited to the actual mine. Given the nature and extent of the BCZ, and on the assumption that there are no existing sensitive activities in this zone, Mr Peakall and I are comfortable that a noise limit is not necessary.</p> <p>The MINZ however is significantly larger, covering extensive parts of the region. A number of existing residential units are present within the MINZ. The total number of residential units within the MINZ has not been established.</p> <p>Given the existence of residential units within the zone, I consider a noise limit measured at the notional boundary for sites containing sensitive activities should continue to be provided for, similar to notified NOISE-R11.</p> <p>Additional residential units or other sensitive activities are unlikely to establish in the MINZ given the non-complying activity status and objective and policy framework of this zone. One option therefore is to limit the application of the noise limit to sites where there are sensitive activities lawfully established at the date the plan becomes</p>

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14.	Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190) Stephen Chiles (noise)	Correction of various omissions and inconsistencies arising from an inappropriate structure for zone noise limits in the notified version.	Recommended amendments to refine and streamline the zone based noise limits, and correct drafting issues with NOISE-RX. Recommended rejecting the request for a lower noise limit for evening hours.	operative. A recommendation on this will be made in the right of reply. The remaining area of disagreement between Mr Peakall and Dr Chiles is whether a lower limit should be imposed for evening hours (7pm-10pm) in the zones subject to clauses 1 and 2 of NOISE-RX. Dr Chiles' view is that a 50 dB limit should apply during these hours during the week. Mr Peakall continues to support 55 dB during weekday evening hours. My recommendation on this matter remains unchanged from that expressed in the s42A report and s42A addendum #1.