

# **TAI POUTINI PLAN COMMITTEE**

## **Hearing of Submissions on the Proposed Te Tai O Poutini Plan**

### **Recommendation Report of Hearing Panel**

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#### **Recommendation Report**

#### **Noise - Ngā Oro**

**Hearing Dates: 5 September 2024**

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#### **HEARING PANEL**

Sharon McGarry (Chair)

Maria Bartlett

Anton Becker

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## **APPENDICES**

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## **PART A – INTRODUCTORY MATTERS**

### **1. PRELIMINARY MATTERS**

#### **1.1. Introduction**

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel’s recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or ‘the Plan’) are recorded and addressed in Recommendation Report 1.
2. This Recommendation Report relates to the Noise - Ngā Oro Chapter, which is contained in the General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui section of the pTTPP. The Report contains the Hearing Panel’s evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on the Noise Chapter.
3. The Section 32 Report<sup>1</sup> on Noise provided an evaluation of the options for the management of noise (which includes vibration) effects through the Plan, including the regulatory framework, key resource management issues, the evidence base (research, consultation, information and analysis undertaken) and evaluation of the options. The report notes that the general approach to the management of noise in the operative District Plans is maintained in the pTTPP but updated to ensure greater clarity and consistency with relevant New Zealand Standards and the National Planning Standards.
4. The Section 42A Officer’s Report - Noise (‘s42A Report’), authored by Ms Ruth Evans, planner with Barker & Associates acting as the Reporting Officer, was circulated prior to the hearing. Ms Evans relied on expert advice from Mr Stephen Peakall, Acoustic Consultant, Marshall Day Acoustics. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in Appendix 1 and the recommendation on all submissions as to either accepted, accepted in part or rejected in Appendix 2).
5. Ms Evans subsequently provided an Addendum s42A Report Noise which responded to key matters raised by submitters in evidence filed before the hearing. She also provided further Addendum #2 Report detailing further amendments to the Noise Chapter, and a revised Appendix 1 and Appendix 2.
6. The s42A Report assessed a total of 316 submission points and 135 further submission points across the chapter. It provided summaries of all the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions; and recommendations on changes to the plan provisions (see Appendix 1 of s42A Report).
7. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues for each of the three chapters:
  1. General;
  2. Definitions;
  3. Overview;

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<sup>1</sup> Te Tai o Poutini Plan – Section 32 Evaluation Report Seven General District Wide Matters – Ngā Kaupapa ā-Rohe Whānui Noise - Ngā Oro Light - Ngā Rama Signs - Ngā Tohu Earthworks - Te Huke Whenua Temporary Activities - Ngā Mahi Taupua.

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4. Objectives;
  5. Policies; and
  6. Rules.
8. A s32AA Evaluation for the changes in each chapter was provided at the end of the s42A Report.
  9. This Recommendation Report follows this same structure of the s42A Report for each chapter and provides a summary of the issues raised in submissions and further submissions, the acoustic expert report, the s42A Report and addendum analysis and recommendations, submitter evidence and statements, joint witness statements and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.
  10. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the recommendations and records all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~striketrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan shown in Appendix 1 of this Report must prevail.
  11. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence or a specific reasoning by the Panel.
  12. Where the Panel recommends the TTPP provisions should remain as notified, it is because:
    - (a) The Panel has adopted the reasoning and recommendation of the s42A Report or Addendum to retain the provision as notified; or
    - (b) The Panel has adopted the reasoning and recommendation to retain the provision as notified as recommended in the Reporting Officer's reply evidence; or
    - (c) The Panel has recommended to retain the provision as notified for reasons set out in this Recommendation Report.
  13. Where there is a recommended change to a notified provision of the TTPP, it is because:
    - (a) The Panel has recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or
    - (b) The Panel adopted the reasoning and recommendation of the s42A Report or Addendum to change the provision to that recommended in the original s42A Report; or
    - (c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or

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- (d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).
14. Where there may be a different recommendation between the s42A Report and the Reporting Officer’s Addendum or reply evidence (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original s42A Report’s reasoning and recommendations, the reasoning and recommendations in the (later) reply evidence has been adopted and it must be taken to prevail.
15. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submissions to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.
16. If any changes are recommended to the provisions (since the Section 32A Report was completed) a further evaluation if required pursuant to section 32AA of the RMA has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.
17. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel’s recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any minor amendments.

### 1.2. Terminology in this Report

18. Throughout this Report, the following abbreviations will be used:

BDC	Buller District Council
Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
DOC	Department of Conservation
Federated Farmers	Federated Farmers of New Zealand
Fish & Game	West Coast Fish and Game Council
Foodstuffs	Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
JBNZ	Jet Boating New Zealand
Kiwirail	Kiwirail Holding Limited

Manawa	Manawa Energy Limited
NPHS or Te Mana Ora	National Public Health Service
NZAAA	New Zealand Agricultural Aviation Association
NZDF	New Zealand Defence Force
NZHA	New Zealand Helicopter Association
NZTA Waka Kotahi	NZ Transport Agency Waka Kotahi
Planning Standards	National Planning Standards 2019
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
pTTPP or the Plan	Proposed Te Tai Poutini Plan
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
SASM	Sites and Areas of Significance to Māori
SFF or Silver Fern Farms	Silver Fern Farms Limited
Terra Firma	Terra Firma Mining Limited
TTTPP or TTPP Committee	Te Tai o Poutini Plan Committee
WCRC	West Coast Regional Council
WDC	Westland District Council
Westpower	Westpower Limited
WMS Group <i>et. al.</i>	WMS Group (HQ) Limited and WMS Land Co. Limited, West Coast Bulk Logistics, and TiGa Minerals and Metals Limited

### 1.3. Hearing Arrangements

19. The hearing was held at the West Coast Regional Council Building on 5 September 2024. Some submitters appeared remotely by internet connection.

### 1.4. Appearances

20. The following submitters appeared at the hearing:

**New Zealand Agricultural Aviation Association (NZAAA)** – Mr Tony Michelle, Chief Executive Officer

**New Zealand Helicopter Association (NZHA)** – Mr Richard Milner, Chief Executive Officer

**WMS Group (HQ) Limited and WMS Land Co. Limited, West Coast Bulk Logistics, and TiGa Minerals and Metals Limited (WMS Group *et. al.*)**

- Ms Alex Booker, Counsel
- Mr Rhys Hegley, Acoustian

**Silver Fern Farms Limited (SFF)** – Mr Steve Tuck, Planner

**Mr Bert Hofmans** – for himself

**Westport Pistol Club, Chris Hartigan and Westport Rifle Club Incorporated** - Ms Katherine McKenzie, Planner

**The National Public Health Service (NPHS)** - Dr Stephen Chiles, Acoustian

**KiwiRail Holdings Limited (KiwiRail)**

- Ms Kirsten Gunnell, Counsel
- Ms Michelle Grinlinton-Hancock, Manager RMA Team
- Ms Catherine Heppelthwaite, Planner
- Dr Stephen Chiles, Acoustian

**New Zealand Transport Agency Waka Kotahi (NZTA Waka Kotahi)**

- Mr Stuart Pearson, Senior Planner with NZTA Waka Kotahi
- Dr Stephen Chiles, Acoustian

**Westpower Limited** - Mr Martin Kennedy, Planner

**Ms Frida Inta** for herself and on behalf of the **Buller Conservation Group**

**Mr Martin Kennedy** – for himself and Mrs Lisa Kennedy

### **1.5. Overview of submitter evidence received**

21. For those appearing at the hearing legal submissions were received from Ms K. I. Gunnell for KiwiRail Holdings Limited (dated 20 August 2024).
22. For those appearing at the hearing the following evidence and/or statements were received:
  - (a) Ms Katherine McKenzie, Planner for Westport Pistol Club (dated 6 August 2024);
  - (b) Mr Chris Hartigan, Westport Rifle Club Incorporated (dated 6 August 2024);
  - (c) Dr Stephen Chiles, Acoustician for KiwiRail (Dated 6 August 2024);
  - (d) Ms Catherine Heppelthwaite, Planner for KiwiRail (dated 6 August 2024);

- (e) Ms Michelle Grinlinton-Hancock, Manager RMA Team for KiwiRail, on behalf of KiwiRail (dated 6 August 2024);
  - (f) Mr Stuart Pearson, Planner for NZTA Waka Kotahi (dated 6 August 2024);
  - (g) Dr Stephen Chiles, Acoustician for NZTA Waka Kotahi (dated 6 August 2024);
  - (h) Dr Stephen Chiles, Acoustician for NPHS (dated 5 August 2024).;
  - (i) Mr Martin Kennedy, Planner for Westpower Limited (dated 6 August 2024); and
  - (j) Ms Frida Inta, for herself and Buller Conservation Group (dated 5 September 2024).
23. The following evidence was tabled without hearing appearances:
- (a) West Coast Regional Council (WCRC) - Mr Max Dickens, Manager Policy for WCRC (dated 9 August 2024);
  - (b) Ms Rachael Pull, Senior Environmental Advisor - Planning for Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (Poutini Ngāi Tahu) – Hearing Statement to be tabled (dated 6 August 2024);
  - (c) Mr Tony Michelle, Executive Officer for NZAAA - submission statement (dated 20 August 2024) and supplementary statement (dated 5 September 2024);
  - (d) Mr Rhys Hegley, Acoustic Consultant for WMS Group *et. al.* - statement of evidence (dated 6 August 2024);
  - (e) Mr Steve Tuck, Planner for Silver Fern Farms - statement of evidence (dated 6 August 2024), and summary of evidence (dated 4 September 2024);
  - (f) Ms Lucy Smith, Director for Terra Firma Mining Limited – letter (dated 5 August 2024);
  - (g) Mr Bert Hofmans - statement (dated 4 September 2024);
  - (h) Mr Richard Milner, NZHA – statement (dated 3 September 2024); and
  - (i) Ms Rebecca Davies, New Zealand Defence Force – letter (dated 3 September 2024).

### **1.6. Overview of information exchanged following the hearing**

24. Following the hearing, the subsequent further information and correspondence was received as follows:
- (a) Dr Chiles and Ms Heppelthwaite - supplementary statement on behalf of KiwiRail in relation to suggested matters for caucusing (dated 5 September 2024) and designation maps (dated 10 December 2024);
  - (b) NZTA Waka Kotahi - supplementary statement (dated 5 September 2024) proposing topics for inclusion in the noise caucusing;
  - (c) NPHS - supplementary statement (dated 5 September 2024) proposing topics for inclusion in the noise caucusing; and

- (d) Mr Hegley - proposed agenda for noise caucusing (dated 5 September 2024).
25. Following expert caucusing, two joint witness statements (**JWS**) were provided as follows:
- (a) A JWS was prepared by Ms Lois Easton for TTPP, Ms Ruth Evans for TTPP, Mr Craig Barr for BDC, and Ms Kate McKenzie for Westport Pistol Club, Mr Chris Hartigan for Westport Rifle Club Incorporated. The JWS records the matters agreed by the relevant experts (**JWS #1**).
  - (b) A JWS was prepared by Mr Stephen Peakall for TTPP, Mr Rhys Hegley for WMS Group *et. al.*, and Dr Stephen Chiles for NPHS, NZTA Waka Kotahi and KiwiRail. The JWS records issues that were not fully resolved in the hearing, and the matters of agreement and disagreement by relevant experts (**JWS #2**).
26. In response to the submission points and JWS, a Right of Reply was provided by the following parties:
- (a) Ms Evans provided a written Right of Reply (dated 24 September 2024) that included a response to JWS #1 and submission points associated with the Westport Rifle Range. A final recommendations table was included within the overall Right of Reply in updated Appendix 1.
  - (b) A joint Right of Reply (dated 17 October 2024) was provided by Ms Evans, Ms Belgrave and Ms Easton (Reporting Officers), in response to the Silver Fern Farms submissions.
27. The Panel issued a Minute 59 providing submitters who made submission points on the relevant points covered in Addendum #2, the opportunity to comment.
28. The subsequent information was received in response to Minute 59, as follows:
- (a) Ms Heppelthwaite, for KiwiRail (dated 14 February 2025);
  - (b) Jet Boating NZ (dated 6 February 2025);
  - (c) Ms Pull, for Poutini Ngāi Tahu (dated 12 February 2025);
  - (d) Mr Michelle, of the NZAAA (dated 14 February 2025); and
  - (e) Mr and Mrs Kennedy (dated 14 February 2025).
29. A further Right of Reply was provided by the following parties:
- (a) Ms Evans provided a Right of Reply (dated 28 February 2025) to respond to questions raised by submitters during the hearing, outstanding matters in response to submissions, evidence presented at the hearing, and submitter responses to Minute 59. It noted that the recommended amendments to provisions set out in the updated Appendix 1 were more appropriate than the notified version of the pTTPP and included a s32AA evaluation.
  - (b) Mr Stephen Peakall on behalf of the TTPP (dated 28 February 2025) provided a Right of Reply in response to submitter evidence and Minute 59, including confirmation of support for the changes to the noise provisions recommended by Ms Evans in updated Appendix 1.

### **1.7. Procedural Steps and Issues**

30. No procedural matters were raised at the hearing.

### **1.8. Site Visits**

31. No specific site visits relating to the Noise Chapter were undertaken. However, the Panel undertook extensive region wide site visits including, but not limited to, Karamea Aerodrome, Haast Airfield, the Alma Road area, the Westport Rifle Range and Silver Ferns Farms meat processing facility at Hokitika.

## **PART B - STATUTORY REQUIREMENTS AND DOCUMENTS**

32. General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui is one section of seven sections located in Part 2 – District-Wide Matters – Te Wāhanga 2 – Ngā Kaupapa ā-Rohe Whānui of the Plan. This section has objectives, policies and rules for general matters which apply across the districts. The Noise Chapter is one of seven chapters in the General District-Wide section of the Plan.
33. The Section 32 Report outlined the relevant statutory considerations applicable to Noise; and the relationships between the sections of the RMA and higher order documents.
34. The section 42A Report highlighted the relevant sections 6, 7 and 8 of the RMA, and provisions in the NZCPS, RPS, iwi management plans and mana whakahono ā rohe, the NPSET, NPSREG, NESTF, NESET, and Planning Standards.
35. The purpose of Strategic Direction in Part 2, in combination with objectives within the relevant topic sections and chapters, is to ensure that they provide a coherent overarching strategic direction and state the outcomes intended for the West Coast districts.
36. With these strategic directions in place, the articulation of location specific and activity specific objectives and policies are in other chapters of the pTTPP, which are to be read alongside the strategic objectives.
37. Clause 4 of the First Schedule sets out the requirements to be inserted prior to notification of proposed district plans.
38. Clause 10 of the First Schedule states that providing decisions on individual submissions is unnecessary. The Panel's recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation.
39. The Planning Standards mandatory direction 7.33 require provisions relating to noise activities to be located in the chapters within the General District-Wide Matters section of the Plan. We are satisfied the Plan structure is consistent with this national direction.
40. The Planning Standards standard 15 requires that any plan rule to manage noise emissions must be in accordance with the mandatory noise methods and symbols in the New Zealand Standards. The Panel are satisfied that recommendations for the Plan provisions meets this requirement.

## **PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS**

### **2. NOISE**

#### **2.1. NOISE General/Whole Chapter**

##### **Submissions and Further Submission**

41. Seven submission points and one further submission point relating to general matters or the whole Noise Chapter were summarised in a Table on pages 12-13 of the s42A Report. The Panel has considered the submissions and further submissions received and adopts the summaries in the s42A Report.

##### **Section 42A Report and Addendum Reports**

42. Ms Evans acknowledged the general support from Westland District Council (**WDC**) (S181.030) to retain the Noise Chapter as notified. However, she noted her recommended amendments in response to other submissions in subsequent sections.
43. In response to Christine Robertson's (S99.001) request for the Greymouth runway to be excluded from the proposed noise zone extension, Ms Evans rejected this submission because she considered the proposal gives effect to New Zealand Standards NZS 6805. She accepted GDC's further submission (FS1.020) opposing this submission point.
44. A submission point from Dean Trott (S330.002) sought amendments for acoustic insulation requirements for development beside the Westport Rifle Range. Ms Evans addressed this point in relation to NOISE-R3.
45. Silver Fern Farms Limited (**SFF**) (441.034) sought a zone change for the land adjacent to its Hokitika facility (considered in the Residential Zone Chapter hearing), and amendments to the chapter Overview to reference potential reverse sensitivity effects for meat processing plants. Ms Evans did not support the inclusion of meat processing plants in the Overview because the identified list included significant services, infrastructure and facilities. She considered it was inappropriate and unnecessary to include particular industrial activity within the list.
46. KiwiRail (S442.088) sought amendments to the provisions to include noise, vibration and mechanical ventilation standards (provided as Appendix A). Ms Evans accepted this submission in part, and recommended amendments to Rule NOISE-R3 based on Mr Peakall's expert opinion, which is addressed below.
47. Forest and Bird (S560.332) sought amendments to ensure that indigenous biodiversity was protected from adverse effects from noise. Ms Evans rejected this submission due to insufficient information and evidence, but invited the submitter to submit drafting via evidence.
48. Except for addressing KiwiRail (S442.088), Ms Evans recommended no amendments in response to submissions on General/Whole Chapter matters.

##### **Hearing and Submitter Evidence/Statements**

49. Dr Stephen Chiles provided evidence on behalf of Te Mana Ora (Community and Public Health) of the National Public Health Service/Te Whatu Ora (**Te Mana Ora**) addressing the rule structure based in the zones where noise is received, as proposed by Ms Evans. He considered

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the recommended rule framework was a substantial improvement compared to the notified version and confirmed it had addressed most of the significant issues identified. He considered the outstanding matters were narrow and few.

50. Ms Rachael Pull provided a letter on behalf of Poutini Ngāi Tahu providing a high-level summary of their position on the s42A Report recommendations in Appendix A. It supported Ms Evan's recommendation to not include meat processing plants in the list identified in the Overview text.
51. Mr Martin Kennedy spoke at the hearing on behalf of himself and Mrs Lisa Kennedy. He noted their further submission (FS221.004) in relation to the KiwiRail submission point (S442.088) had been incorrectly summarised. He clarified their further submission opposed KiwiRail's request for a 100m setback from the railway line and considered this had 'crept' from 40m to 60m. He questioned whether this was even an issue in relation to the Hokitika line. He considered no information had been provided to justify the need for 100m and noted this would increase the cost when upgrading their house. Mr Kennedy preferred use of a '*Noise and Vibration Alert*' (NVA) layer in the Plan.
52. KiwiRail's evidence in relation to submission point (S442.088) is addressed in relation to the rules below.

**Responses and Reporting Officer Reply Evidence**

53. No further amendments in response to submission points on the General/Whole Chapter were recommended in Ms Evans' Right of Reply.

**Hearing Panel's Evaluation**

54. The Panel notes Mr Kennedy's further submission (FS221.004) was not included in the s42A Report and will consider this in relation to the KiwiRail submission point in relation to NOISE-R3 below.
55. The Panel agree with Ms Evans reasoning and recommendation to make no changes in response to the submission received on the General/Whole Chapter.

**Hearing Panel's Recommendation**

56. No changes to the provisions are required in relation to issues raised in submissions and further submission made on general matters or the whole chapter.

**2.2. Noise Definitions**

**Submissions and Further Submissions**

57. Five submissions points relating to definitions were summarised in a Table on page 14 of the s42A Report. The Panel adopts the summaries in the s42A Report and has considered the relevant submissions.

**Section 42A Report and Addendum Reports**

58. Ms Evans noted the support from two submitters<sup>2</sup> for the definition of *'notional boundary.'*
59. KiwiRail (S442.008) requested a new definition be included for a *'noise sensitivity activity'* as follows:

*any lawfully established: residential activity, including activity in visitor accommodation or retirement accommodation, including boarding houses, residential visitor accommodation and papakāinga; educational activity; health care activity, including hospitals; congregation within any place of worship; and activity at a marae.*

60. Mr Peakall considered that a new definition for *'noise sensitive activity'* was not required, given that the existing rule framework and definitions already include all relevant sensitive activities that were *'noise sensitive.'*
61. Ms Evans agreed reference to *'noise sensitive activity'* was confusing. She recommended deleting *'noise'* so that all references were to *'sensitive activity/activities.'* She noted *'noise sensitive activities'* were not defined in the Planning Standards. In the Addendum Report, Ms Evans noted that she agreed with KiwiRail's submission, that recreational and sporting activities should not be subject to the same requirements as other *'sensitive activities.'*
62. Federated Farmers (S524.103) requested a definition for *'audible bird scaring devices,'* as follows:

*Gas guns and avian distress alarms used for the purposes of disturbing or scaring birds.*

63. Ms Evans accepted this submission in part but recommended adding Mr Peakall's proposed definition as follows:

*Gas, gun, avian distress alarm or other such device used for the purposes of scaring birds.*

### **Hearing and Submitter Evidence/Statements**

64. The letter from Poutini Ngāi Tahu noted support for Ms Evans' recommendation to amend references from *'noise sensitive activity'* to *'sensitive activity.'*

### **Reporting Officer Reply Evidence (including JWS)**

65. JWS #1 records the planners<sup>3</sup> agreement that the definition for *'sensitive activity'* included sport and recreation activities. It was agreed that sport and recreation activities were not required to be subject to any rules for sensitive activities within the proposed Rifle Range Noise Overlay.
66. There were no further amendments to the Definitions recommended in Ms Evan's Right of Reply.

### **Hearing Panel's Evaluation**

67. The Panel agrees with Ms Evans recommended deletion of the word *'Noise'* from references to *'Noise Sensitive Activities'* and use *'Sensitive Activities'* as defined in the Plan as notified.

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<sup>2</sup> Horticulture New Zealand (S442.009) and Federated Farmers of New Zealand (S524.015)

<sup>3</sup> Ms Easton for WCRC, Ms Evans as the reporting planner, Mr Barr for the Buller District Council, and Ms McKenzie for the Westport Pistol Club, Chris Hartigan and the Westport Rifle Club Incorporated.

We note Mr Peakall’s view that this covers sensitive activities in relation to noise; and accept this will avoid confusion.

68. The Panel agree that any rules for sensitive activities within the proposed Rifle Range Noise Overlay should not apply to the Rifle Range itself. However, we note that the notified definition for ‘*Sensitive Activity*’ does not include sports and recreation as suggested in the JWS #1.
69. The Panel accepts Ms Evans’ recommendation to add Mr Peakall’s proposed definition for ‘*Audible Bird Scaring Device*’ in response to Federated Farmers (S524.103).
70. In Relation to the remainder of the submission points on definitions, the Panel agree that these be rejected on the basis of the conclusions reached by Ms Evans.

### **Hearing Panel’s Recommendation**

71. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission point identified in the footnote below is accepted, and recommend the following new term for ‘*Audible Bird Scaring Device*’ is added to the **Definitions**:

<b>AUDIBLE BIRD SCARING DEVICE</b>
<b>means gas gun, avian distress alarm or other such device used for the purpose of scaring birds.<sup>4</sup></b>

## **2.3. Noise Overview**

### **Submissions and Further Submission**

72. Five submissions points and one further submission point relating to the Overview were summarised in a Table on page 15-16 of the s42A Report. The Panel adopts the summaries in the s42A Report and has considered the submissions and further submission.

### **Section 42A Report and Addendum Reports**

73. Ms Evans did not support the request by the NPHS (S190.527) to add new text to the Overview referencing New Zealand Standards for measuring and assessing noise because she considered this should be included in the rules which have legal weight.
74. Westport Pistol Club (S336.008) and the Westport Rifle Club Incorporated (S557.007) requested adding ‘*rifle range*’ to the list of potentially affected activities, which was opposed by Poutini Ngai Tahu (FS41.101). Ms Evans did not support this inclusion because she considered it did not fit with the intent of the paragraph.
75. Buller Conservation Group (S552.153) and Frida Inta (S553.153) requested adding new text as follows:

*Sensitivity can also arise when noisy industry sets up near existing peace-requiring activities such as a church or library.*

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<sup>4</sup> Federated Farmers of New Zealand S524.103

76. Ms Evans partly supported these submission points and recommended amendments to include a more general reference to maintaining appropriate noise levels in zones where a higher amenity noise environment was anticipated.
77. The s42A Report recommended amending the Overview text as follows:

*The generation of noise is often a necessary part of many activities undertaken on the West Coast/Te Tai o Poutini. While it is important that such activities are able to operate, noise can result in potential adverse effects on people's health and wellbeing, and their enjoyment of the environment. Adverse effects associated with noise can vary depending on a number of factors, including frequency, timing, duration and characteristics of the noise, the distance between the source and receiver, and any reduction measures. The background sound level can influence the acceptability or annoyance of noise, and this can also vary throughout the West Coast/Te Tai o Poutini.*

*Where ~~noise~~ sensitive activities are established near existing noise-generating activities, or areas where higher noise levels are to be expected, reverse sensitivity effects can arise, potentially resulting in the existing noise-generating activities being constrained, in terms of their ongoing operation or expansion. This is a particular concern for important services and community facilities, including Airports and Heliports, Sports Grounds and Stadiums, the State Highway, Railway Corridors and the Ports, which could be constrained if reverse sensitivity effects arise.*

*This Chapter controls the nature and timing of noise-generating activities, **including maintaining appropriate noise levels within zones where a different noise environment is anticipated to minimise potential adverse effects**, and manages new sensitive activities where these are located close to established noise-generating activities or zones which have or are expected to have elevated noise levels.*

*The provisions in this chapter apply to all other chapters within this Plan, unless otherwise specified.*

78. Appendix 1 of the Addendum s42A Report amended this recommendation to replace 'minimise' with 'manage' in the third paragraph.

### **Hearing and Submitter Evidence/Statements**

79. Ms Inta presented a statement at the hearing on behalf of herself and the Buller Conservation Group. She considered the recommended addition was unnecessary and did not meet the relief sought which was to protect sensitive places from noise. She noted the word 'maintain' was inappropriate in the amended third paragraph and considered the paragraph should use plural terms due to reference to multiple zones. Ms Inta also opposed the removal of the word 'minimise' and its replacement with 'manage' as recommended in the Addendum Report. She recommended alternative wording as follows:

*~~including maintaining~~ **controlling (or managing)** appropriate **noise levels within zones where a differing noise environments is are anticipated in order** to minimise potential adverse effects.*

80. Mr Kennedy provided planning evidence for Westpower addressing the s42A Report recommendations in relation to further submissions (FS222.035 and FS222.0146) opposing the submission points from Buller Conservation Group (S552.153) and Frida Inta (S553.153). He noted that while the furthers submission points on the Overview had been accepted, he recommended simplified wording as follows:

*... including maintaining appropriate noise levels within zones ~~where a different noise environment is anticipated to minimise potential adverse effects,...~~*

### **Reporting Officer Reply Evidence**

81. Ms Evans recommended a further minor amendment to simplify the Overview text in relation to maintaining appropriate noise levels to manage potential adverse effects. She also acknowledged Ms Inta's preference for 'minimise' rather than 'manage' potential adverse effects. However, Ms Evans noted that her understanding of 'minimise' was to reduce to the lowest possible extent, which may not always be necessary or practical. She considered 'manage' included the option to minimise, as well as avoiding and mitigating.
82. Appendix 1 of the Right of Reply recommended further amendments as follows:

*This Chapter controls the nature and timing of noise-generating activities, **including maintaining appropriate noise levels within zones where a different noise environment is anticipated to minimise manage potential adverse effects,** and manages new sensitive activities where these are located close to established noise-generating activities or zones which have or are expected to have elevated noise levels.*

### **Hearing Panel's Evaluation**

83. The Panel agree with Ms Evans recommendation to delete 'noise' and use 'sensitive activity'.
84. The Panel notes the two further submission points by Westpower were not included in the summary table in the s42A Report. We record we have had regard to these.
85. In considering views of Ms Inta and Mr Kennedy, the Panel agrees with Ms Inta that the recommended changes do not meet the intent of the submission points, which is to maintain the existing amenity enjoyed by existing activities, such as churches or libraries. We recommend adding 'including maintaining the amenity of existing sensitive activities by managing noise levels'. This is consistent with the RMA requirement to maintain amenity values for existing sensitive activities by managing noise effects of new activities; and complements the second half of the sentence which references potential reverse sensitivity effects of new sensitive activities. We note the Plan definition for 'Sensitive Activities' includes churches and libraries. We agree with Ms Easton that 'manage' is appropriate at an objective level and includes avoid, remedy and mitigate, as well as minimise.
86. The Panel agree with Ms Easton's recommendation to not add reference to the Rifle Range in the Overview given those activities listed are regionally significant infrastructure.

### **Hearing Panel's Recommendation**

87. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Noise – Ngā Oro Overview**:

#### **Overview**

The generation of noise is often a necessary part of many activities undertaken on the West Coast/Te Tai o Poutini. While it is important that such activities are able to operate, noise can result in potential adverse effects on people's health and wellbeing, and their enjoyment of the environment. Adverse effects associated with noise can vary depending on a number of factors,

including frequency, timing, duration and characteristics of the noise, the distance between the source and receiver, and any reduction measures. The background sound level can influence the acceptability or annoyance of noise, and this can also vary throughout the West Coast/Te Tai o Poutini.

Where noise<sup>5</sup> sensitive activities are established near existing noise-generating activities, or areas where higher noise levels are to be expected, reverse sensitivity effects can arise, potentially resulting in the existing noise-generating activities being constrained, in terms of their ongoing operation or expansion. This is a particular concern for important services and community facilities, including Airports, **Airfields, Aerodromes**,<sup>6</sup> and Heliports, Sports Grounds and Stadiums, the State Highway, Railway Corridors and the Ports, which could be constrained if reverse sensitivity effects arise.

This Chapter controls the nature and timing of noise-generating activities, **including maintaining the amenity of existing sensitive activities by managing noise levels**,<sup>7</sup> and manages new sensitive activities where these are located close to established noise-generating activities or zones which have or are expected to have elevated noise levels. The provisions in this chapter apply to all other chapters within this Plan, unless otherwise specified.

## **2.4. Noise Objectives**

### **Submissions and Further Submissions**

88. Eight submission points relating to the Noise Objectives (General) were summarised in a Table on page 17 of the s42A Report. All submissions sought to retain the provisions as notified.
89. Twelve submission points and six further submission points relating to **NOISE-01** were summarised in a Table on page 18-19 of the s42A Report. Nine submissions supported the objective as notified and three sought amendments. Two further submissions supported amendments and four opposed one of the amendments.
90. Seventeen submission points and three further submission points relating to **NOISE-02** were summarised in a Table on pages 19-20 of the s42A Report. Eleven submissions supported the objective as notified and five sought amendments. Three further submissions supported or supported in part amendments.
91. Six submission points and three further submission points relating to **NOISE-03** were summarised in a Table on page 22 of the s42A Report. Five submissions supported the objective as notified and one sought an amendment. Three further submissions opposed the amendment.
92. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

### **Section 42A Report and Addendum Reports**

#### *NOISE Objectives (General)*

<sup>5</sup> Silver Fern Farms Limited S441.006, KiwiRail S442.008

<sup>6</sup> RMA First Schedule Clause 16(2) plan-wide consistency from Special Purpose Zone Chapter Recommendation Report

<sup>7</sup> Buller Conservation Group S552.153 and Frida Inta S553.153.

## Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel

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93. Ms Evans acknowledged the support from all submitters<sup>8</sup> that sought to retain the objectives as notified. However, she noted her recommended amendments to the objectives in response to other submissions. In making her recommendations she relied on the expert expertise of Mr Peakall.

### NOISE – O1

94. Ms Evans acknowledged the support from the submitters<sup>9</sup> that sought to retain the objective as notified. However, she noted her recommended amendments in response to other submissions.
95. Buller Conservation Group (S552.154), opposed by three further submissions (FS222.036, FS30.27 and FS55.42) and Frida Inta (S553.154), opposed by a further submission (FS222.0147), requested amendments to include *'impact on noise sensitive activities.'* Ms Evans did not support this because she considered it did not provide more clarity and was addressed in the rule through noise limits for the receiving zone.
96. Te Mana Ora (S190.528), supported by a further submission (FS30.25), supported the objective in part but sought to include the term *'unreasonably.'* Mr Peakall agreed with the inclusion of the term *'unreasonably'* within NOISE-O1. Ms Evans recommended addition of this term as follows:

*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 did not **unreasonably** compromise community health, safety and wellbeing.*

### NOISE - O2

97. Ms Evans acknowledged the support from submitters<sup>10</sup> that sought to retain the objective as notified. However, she noted her recommended amendments in response to other submissions.
98. Manawa Energy (S438.124), supported in part by further submission from Westpower (FS222.0196), sought an amendment to replace *'community infrastructure'* with *'regionally significant infrastructure'*. Ms Evans supported this in part but considered the word *'community'* should be deleted to simply refer to *'infrastructure.'* She considered using *'regionally significant infrastructure'* would unnecessarily narrow the objective and would create inconsistency with RMA s7(b).
99. Horticulture New Zealand (S486.055), supported in part by a further submission (FS31.009) and Federated Farmers (S519.024), supported by a further submission (FS30.28), sought similar amendments to replace *'existing and permitted future'* with *'lawfully established'*, and *'existing and permitted future noise generating activities'* with *'lawfully established activities that generate noise'*, respectively. Federated Farmers also sought to include a definition for

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<sup>8</sup> Buller District Council (S538.329), Chris & Jan Coll (S566.319), Geoff Volckman (S563.089), Catherine Smart-Simpson (S564.101), Chris J Coll Surveying Limited (S566.319), Laura Coll McLaughlin (S474.319) and William McLaughlin (S567.380), Koiterangi Lime Co Ltd (S577.081)

<sup>9</sup> New Zealand Agricultural Aviation Association (S166.019, S166.020), Balance Agri-Nutrients (S345.001), Silver Fern Farms Limited (S441.035), Horticulture New Zealand (S486.055), West Coast Regional Council (S488.030) and (FS30.26), New Zealand Defence Force (S519.023)

<sup>10</sup> New Zealand Agricultural Aviation Association (S166.021), Te Mana Ora (190.529), Balance Agri-Nutrients (S345.002), Silver Fern Farms Limited (S441.036), KiwiRail Holdings (S442.084), Waka Kotahi NZTA (S450.164), Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited (S464.048), New Zealand Defence Force (S519.024), Terra Firma Mining Limited (S537.017), Fire and Emergency New Zealand (S573.014), Grey District Council (S608.673), Karamea Lime Company (S614.129), Peter Langford (S615.129)

*'noise sensitive activities'*. Ms Evans supported these submissions in part and recommended replacing *'existing and permitted future'* with *'lawfully established.'*

100. Buller Conservation Group (S552.155) requested rewording of the objective. Ms Evans noted that the intent of the submission was unclear and invited the submitter to provide further clarification.
101. Mr Peakall considered NOISE-O2 should be retained.
102. The s42A Report recommended that NOISE-O2 be amended as follows:

*The function and operation of ~~existing and permitted future~~ **lawfully established** noise generating activities and ~~community~~ infrastructure are not compromised by adverse effects, including reverse sensitivity effects, from ~~noise~~-sensitive activities.*

#### **NOISE – O3**

103. Ms Evans acknowledged the support from submitters<sup>11</sup> that sought to retain the objective as notified. However, she noted her recommended amendments in response to other submissions.
104. SFF (S441.037) supported NOISE-O3 in part but sought amendment to include *'that are inconsistent with the role and character of the zone.'* Ms Evans did not support this because she considered it would limit the scope and would not provide appropriate recognition of cross boundary effects.

#### **Hearing and Submitter Evidence/Statements**

105. Mr Kennedy, for Westpower, considered reference to *'regionally significant infrastructure'* should be included in NOISE-O2 to ensure all relevant infrastructure was captured.
106. Mr Stuart Pearson provided planning evidence on behalf of NZTA Waka Kotahi. He confirmed support for NOISE-O2 and NOISE-O3.
107. Ms Inta, for the Buller Conservation Group, requested amendments to NOISE-O3 or a new objective to reflect her requested amendments to the Overview section, as follows:

*O3: The health and wellbeing of people, noise-sensitive places, and communities are protected from significant levels of noise.*

**OR**

*OX: Noise levels are controlled around particular sensitive places such as libraries, churches and hospitals.*

108. The letter from Terra Firma supported Ms Evans recommendations NOISE-O2.

#### **Reporting Officer Reply Evidence**

109. In relation to NOISE-O1, Ms Evans reconsidered her recommended addition of *'unreasonably compromising'* in light of the discussion at the hearing. She agreed this term was subjective and could increase uncertainty. She considered the objective could be reframed to be worded

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<sup>11</sup> Te Mana Ora (S190.530), Silver Fern Farms Limited (S441.037), Waka Kotahi NZTA (S450.165), Celine Stokowski and Anthony Thrupp (S522.004), Karamea Lime Company (S614.130)

in the positive and to remove *'unreasonably compromising'*, while meeting the relief sought by Te Mana Ora to not provide absolute protection.

110. In relation to NOISE-O2, Ms Evans considered the key reference in the objective was *'lawfully established'*, whether it was community infrastructure, community facilities, infrastructure, regionally significant infrastructure or a lawfully established activity. She noted there was no scope to delete the reference to *'infrastructure'*, noting that referring only to *'infrastructure'* narrowed the objective and could indicate it did not need to be lawfully established. Ms Evans noted Manawa only sought *'community'* be deleted, so she recommends *'and'* be replaced with *'including.'* However, Ms Evans noted that if the Hearings Panel considered there was scope to remove references to *'infrastructure'* she would support this, so the objective simply refers to an activity being *'lawfully established.'*
111. In relation to NOISE-O3, Ms Evans recommended a minor amendment to include specific references to *'including sensitive activities'*, in response to Ms Inta's preference to protect quiet spaces.
112. Appendix 1 of the Right of Reply recommended amendments as follows:

**NOISE – 01**

*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 result in unreasonable noise that may** compromise community health, safety and wellbeing.*

**NOISE – 02**

*The function and operation of ~~existing and permitted future~~ **lawfully established** noise generating activities, **including** ~~and community~~ infrastructure, are not compromised by adverse effects, including reverse sensitivity effects, from ~~noise-sensitive~~ activities.*

**NOISE – 03**

*The health and wellbeing of people and communities, **including sensitive activities**, are protected from significant levels of noise.*

**Hearing Panel's Evaluation**

113. In relation to **NOISE-O1**, the Panel accepts Ms Evans reasoning and recommended amendments. We agree this gives relief to the submission point from Te Mana Ora that sought to qualify the wording of the objective so that it was not seeking to provide absolute protection, which is not practical to achieve.
114. In relation to **NOISE-O1**, the Panel accepts the recommended amendments proposed by Ms Evans and consider use of *'lawfully established'* is consistent with our recommended approach Plan-wide. We note the Plan definition for *'sensitive activity'* includes the matters sought by Hort NZ. We do not consider a new objective is required, as sought by Ms Inta.
115. The Panel notes the original submission point from Manawa (and the related further submission from Westpower) sought to replace *'community infrastructure'* with *'regionally significant infrastructure'*, not specifically to delete community. We consider this is not appropriate as it would narrow the scope of the objective from including community infrastructure that is not included in the definition for *'regionally significant infrastructure'*.

The Panel has considered deletion of *'infrastructure'*, as mentioned by Ms Evans in Reply, but consider there is insufficient scope available to enable the change.

116. The Panel considers the intent of the objective is to ensure that the function and operation of lawfully established activities and infrastructure generally is not compromised by adverse effects, including reverse sensitivity effects from sensitive activities. Based on the Plan definition for *'infrastructure'*, *'community facilities'* and *'regionally significant infrastructure'*, the Panel consider it is appropriate to include all three terms. We consider this meets the relief sought by the submitter and further submitter, while not losing the intent of the objective to include community infrastructure that would not be captured by reference to infrastructure only.
117. The Panel accept Ms Evans' recommended amendment to NOISE-03 in response to Ms Inta's request to protect quiet spaces. While we note Mr Inta and the Buller Conservation Group did not specifically make a submission in relation to NOISE-03, we consider this is a consequential amendment to the relief sought in the Overview and in relation to NOISE-01.

### **Hearing Panel's Recommendation**

118. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Noise - Ngā Oro Objectives**:

<b>NOISE – O1</b>	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 <b><u>result in unreasonable noise that may</u></b> <sup>12</sup> compromise community health, safety and wellbeing.
<b>NOISE-O2</b>	The function and operation of <del>existing and permitted future</del> <b><u>lawfully established</u></b> <sup>13</sup> noise generating activities, <del>and</del> community <b><u>facilities,</u></b> <sup>14</sup> <del>and</del> infrastructure, <b><u>including regionally significant infrastructure</u></b> <sup>15</sup> are not compromised by adverse effects, including reverse sensitivity effects, from noise sensitive <sup>16</sup> activities.
<b>NOISE – O3</b>	The health and wellbeing of people and communities, <b><u>including sensitive activities,</u></b> <sup>17</sup> are protected from significant levels of noise.

## **2.5. Noise Policies**

### **Submissions and Further Submissions**

119. One submission point sought to retain the policies in general as notified.
120. Twenty-one submission points and three further submissions relating to **NOISE-P1** were summarised in a Table on pages 23-24 of the s42A Report. Seventeen submission points

<sup>12</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (Te Whatu Ora) S190.528

<sup>13</sup> Horticulture New Zealand S486.056, Federated Farmers of New Zealand S524.100

<sup>14</sup> Consequential amendment Manawa Energy Limited S438.124

<sup>15</sup> Manawa Energy Limited S438.124

<sup>16</sup> Silver Fern Farms Limited S441.006, KiwiRail S442.008

<sup>17</sup> Consequential amendment Frida Inta S553.153, S553.154 and Buller Conservation Group S552.153, S552.154

supported the policy as notified and four submission points sought amendments. One further submission point opposed an amendment and two supported two of the amendments.

121. Sixteen submission points and two further submission points relating to **NOISE-P2** were summarised in a Table on pages 25-26 of the s42A Report. Thirteen submission points supported the policy as notified and three sought amendments. Two further submission points supported two of the amendments.
122. Two submission points sought to retain **NOISE-P3** as notified.
123. Twenty submission points and three further submission points relating to **NOISE-P4** were summarised in a Table on pages 28-29 of the S42A Report. Fourteen submission points supported the policy as notified and six sought amendments. Two further submissions opposed one amendment and one supported retaining the policy as notified.
124. The Panel has considered all of the relevant submissions and adopts the summaries in the s42A Report.

### **Section 42A Report and Addendum Reports**

#### *Policies (General)*

125. Ms Evans acknowledged the support from BDC (S538.330) that sought to retain the policies as notified. However, she acknowledged her recommended amendments in response to other submissions on specific policies. She recommended no changes to the policies based on these submissions.

#### *NOISE - P1*

126. Ms Evans acknowledged the support of the submitters<sup>18</sup> that sought to retain the policy as notified. However, she acknowledged her recommended amendments in response to other submissions.
127. Ms Evans agreed with the change proposed by Manawa Energy (S438.125) to replace 'critical' with 'regionally significant'.
128. SFF (S441.038) sought a minor amendment to consider potential reverse sensitivity effects on new sensitive activities adjacent to higher noise environments. Ms Evans did not support this because she considered it was unnecessary given NOISE-P2.
129. Ms Evans did not support the request from Westpower (S547.485) to add a new clause '*the technical, locational, functional or operational constraints and/or requirements of the activity.*' because of her recommendation to include similar text in NOISE-P4. Westpower (S547.486) also sought a new clause '*benefits from the work being undertaken and energy activities and infrastructure developed*' which was not supported by Ms Evans because she considered recommended amendments to clause (c) addressed this matter.

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<sup>18</sup> New Zealand Agricultural Aviation Association (S166.022), Te Mana Ora (190.531), Ballance Agri-Nutrients (S345.003), KiwiRail Holdings (S442.085), Waka Kotahi NZTA (S450.166), West Coast Regional Council (S488.031), Terra Firma Mining Limited (S537.018), Chris & Jan Coll (S566.320), Geoff Volckman (S563.090), Catherine Smart-Simpson (S564.102), Chris J Coll Surveying Limited (S566.320), Laura Coll McLaughlin (S474.320) and William McLaughlin (S567.381), Koiterangi Lime Co Ltd (S577.082), Grey District Council (S608.674), Karamea Lime Company (S614.131), Peter Langford (S615.131)

*NOISE – P2*

130. Ms Evans acknowledged the support from submitters<sup>19</sup> that sought to retain the policy as notified. However, she acknowledged her recommended amendments in response to other submissions.
131. Ms Evans supported the amendments sought by SFF (S441.039) to include ‘*and new noise sensitive activities adjacent to higher noise environments.*’
132. Hort NZ (S486.057), Federated Farmers (S524.101) sought an amendment to include the General Rural Zone as a higher noise environment. Ms Evans noted this was not supported by Mr Peakall in his technical evaluation and she recommend rejecting this change.
133. The s42A Report recommended amending NOISE-P2 as follows:

*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....*

134. In the Addendum Report Ms Evans responded to the submission from Dean Trott, Westport Pistol Club, Chris Hartigan, and the Westport Rifle Club Incorporated by recommending further amendments to NOISE-P2 as follows:

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

- 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 HOSPZ - Hospital Zone; ~~and~~*
- 3. Locations in close proximity to a State Highway and the Railway Corridor;*
- 4. **The Westport Rifle Range Noise Overlay***

135. The Addendum Report #2 responded to the evidence of Mr Tuck for Silver Fern Farms (SFF), Ms Evans acknowledged that the phrase ‘*new sensitive activities adjacent to higher noise environments*’ is not efficient as it is not spatially defined. She suggested that the most efficient and effective method to manage effects is via zoning. Thus, Ms Evans recommended that the phrase is removed from NOISE-P2.

*NOISE – P3*

136. Ms Evans acknowledged the support from submitters<sup>20</sup> that sought to retain the policy and recommended it was retained as notified.

*NOISE – P4*

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<sup>19</sup> Te Mana Ora (190.532), KiwiRail Holdings (S442.086), Waka Kotahi NZTA (S450.167), Terra Firma Mining Limited (S537.019), Chris & Jan Coll (S566.321), Geoff Volckman (S563.091), Catherine Smart-Simpson (S564.103), Chris J Coll Surveying Limited (S566.321), Laura Coll McLaughlin (S474.321) and William McLaughlin (S567.382), Koiterangi Lime Co Ltd (S577.083), Karamea Lime Company (S614.132), Peter Langford (S615.132)

<sup>20</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (Te Whatu Ora) (S190.533), Grey District Council (S608.675)

## Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel

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137. Ms Evans acknowledged the support from submitters<sup>21</sup> that sought to retain the policy as notified. However, she acknowledged her recommended amendments in response to other submissions on specific policies.
138. Te Mana Ora (190.534) sought to include *'constraining noise generating activities in terms of'*, which was not supported by Ms Evans because she considered this was too restrictive.
139. Ms Evans did not support Hort NZ (S486.058) and Federated Farmers (S524.104) requests to replace *'protect'* with *'provide for'* because she considered this would fail to give effect to NOISE-O3.
140. Ms Evans supported the Westpower (S547.487) request to replace *'minimise any conflict with adjacent'* with *'avoid, remedy or mitigate adverse effects'* in clause (e). She supported in part the request (S547.488) to include *'The technical, locational, functional or operational constraints and/or requirements of the activity'* but recommended this should be focused on *'functional need and operational need'* as these terms were defined in the Plan using the Planning Standards definitions. However, Ms Evans rejected the Westpower (S547.489) request to include a new clause *'benefits from the work being undertaken and energy activities and infrastructure developed'* because she considered this matter was covered in other chapters.
141. SFF (S441.040) sought to include *'within the zone'* in clause (e) to recognise the difference between zones. Ms Evans did not support this amendment because she considered it did not give effect to objectives NOISE-O1 and O3.
142. In her Addendum, Ms Evans corrected an error within the recommended amendments in the s42A Report in relation to Westpower's submission. Revised Appendix 1 of the Addendum recommended amending NOISE-P4 as follows:

*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:*

- a. *Maximum noise limits to reflect the character and amenity of each zone;*
- b. *Type, scale and location of the activity in relation to any noise sensitive activities;*
- c. *Hours of operation and duration of activity;*
- d. *The temporary or permanent nature of any adverse effects; ~~and~~*
- e. *The ability to internalise and/or avoid, remedy or mitigate ~~minimise any conflict with adjacent activities; and~~*
- f. *The functional need and/or operational need of the activity.*

### **Hearing and Submitter Evidence/Statements**

143. Mr Pearson, for NZTA Waka Kotahi, confirmed support for policies NOISE-P1, NOISE-P2 and NOISE-P4.

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<sup>21</sup> Ballance Agri-Nutrients (S345.004), Waka Kotahi NZTA (S450.168), West Coast Regional Council (S488.032), Chris & Jan Coll (S566.322), Geoff Volckman (S563.092), Catherine Smart-Simpson (S564.104), Chris J Coll Surveying Limited (S566.322), Laura Coll McLaughlin (S474.322) and William McLaughlin (S567.383), Koiterangi Lime Co Ltd (S577.084), Karamea Lime Company (S614.133), Peter Langford (S615.133)

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144. Mr Kennedy, for Westpower, noted that while his submission on NOISE-P1 was rejected, he agreed with the outcome in the s42A Report, provided the amendments were made as set out in Appendix 1.

145. Mr Kennedy agreed with the proposed amendments to NOISE-P4 in the s42A Report but requested that clause (e) was amended as set out in the submission, as follows:

*e. The ability to internalise and/or avoid, remedy or mitigate adverse effects.*

146. Despite not making a submission, Ms Inta requested that NOISE-P4(b) retain 'noise' and was amended as follows:

*b. Type, scale and location of the activity in relation to any noise-sensitive activities and places;*

147. The letter from Terra Firma confirmed support for Ms Evans' recommendations on their submissions in relation to NOISE-P1 and NOISE-P2.

### **Reporting Officer Reply Evidence**

148. JWS #1 records that the planners agreed that a new clause should be added to NOISE-P2 'The Westport Rifle Range Noise Overlay' to manage potential reverse sensitivity effects.

149. The Joint Right of Reply noted that Ms Evans had specifically considered the matters from technical expert noise caucusing. Ms Evans noted that the s42A amendment in response to the SFF submission point S441.039 was being reconsidered and may be deleted.

150. In relation to NOISE-P1, Ms Evans considered that 'receiving environment,' rather than 'surrounding environment' was a more appropriate term in NOISE-P1(e), given that the noise provisions focus on managing noise effects where they were received. She recommended this change be made throughout the chapter for consistency. She noted this term was only used in NOISE-R12(f) and recommend it be replaced, along with a minor correction to replace 'on' with 'of.'

151. In Reply, Ms Evans did not make any comments in relation to policies NOISE-P2 or NOISE-P3.

152. In relation to NOISE-P4, Ms Evans noted that she amended the reference to 'functional need and/or operational need', in the version prepared for expert conferencing purposes, to remove the 'and' to ensure consistency with other topics.

### **Hearing Panel's Evaluation**

#### *NOISE – P1*

153. The Panel agree with Ms Evans recommended amendments to NOISE-P1 to replace 'critical infrastructure' with 'regionally significant infrastructure'. Use of this term is recommended Plan-wide for consistency and the Panel accepts this amendment throughout the chapter without further discussion.

#### *NOISE – P2*

154. The Panel appreciates Ms Evans consideration of replacing 'surrounding environment' with 'receiving environment' in clause (e), in response to a Panel question. We also tested this at

the hearing with Mr Peakall, suggested retaining ‘*surrounding environment*’ because it captured the overall environment. On reflection, the Panel agree with Mr Peakall and further note there is no scope for this amendment given the high level of support in submissions.

155. The Panel agrees with Ms Evans recommended addition of a new clause NOISE-P2(d) to include the “*Westport Rifle Range Overlay*” in the higher noise environments listed. We note this reflects the agreement recorded in JWS #1. We agree that this is appropriate to support land zone changes around the existing club and to manage potential reverse sensitivity.

156. The Panel amend the policy to refer to ‘*rail corridor*’ for consistency across the Plan.

#### *NOISE – P3*

157. The Panel accepts Ms Evans recommendation to retain NOISE-P3 as notified.

#### *NOISE – P4*

158. The Panel accepts Ms Evans recommended amendments to NOISE-P4 as shown in Appendix 1 of the Right of Reply. We agree that the TPPP definitions (using the Planning Standards definitions) for ‘*Functional Need*’ and ‘*Operational Need*’ include reference to the matters sought by Westpower (S547.488). We also agree this should be ‘*or*’ in the context of the policy.

159. The Panel agree that ‘*protect*’ is the correct wording in this context and links to NOISE-O3. We have not had regard to Ms Inta’s comments given she had no submission points on this policy.

### **Hearing Panel’s Recommendation**

160. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Noise – Ngā Oro Policies**:

<b>NOISE – P1</b>	Enable the generation of noise when it is <sup>22</sup> of a type, character, scale and level that is appropriate to the zone, having regard to: <ul style="list-style-type: none"><li>a. The purpose, character and qualities of the zone that the activity is located in;</li><li>b. The nature, frequency and duration of the noise generating activity;</li><li>c. Whether the noise generating activity is <del>critical</del> <b><u>regionally significant</u></b><sup>23</sup> infrastructure;</li><li>d. Methods of mitigation; and</li><li>e. The sensitivity of the surrounding environment.</li></ul>
<b>NOISE – P2</b>	Require sensitive activities sited in higher noise environments to be located and designed so as <sup>24</sup> 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: <ul style="list-style-type: none"><li>a. The type of noise generating activity; and</li><li>b. Other noise sources in the area; and</li></ul>

<sup>22</sup> RMA Schedule 1, clause 16(2)

<sup>23</sup> Manawa Energy Limited S438.125

<sup>24</sup> RMA Schedule 1, clause 16(2)

- c. The nature and occupancy of the ~~noise~~<sup>25</sup> sensitive activity; and
  - d. Mitigation measures, including acoustic insulation, screening and topography.
- For the purpose of NOISE - P2 higher noise environments include:
- a. CMUZ - Commercial and mixed-use zones;
  - b. 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~~<sup>26</sup>
  - c. Locations in close proximity to a State Highway and the Railway<sup>27</sup> Corridor; **and**
  - d. **The Westport Rifle Range Noise Overlay.**<sup>28</sup>

**NOISE – P3** Within the Airport Noise Contour Boundary overlay avoid sensitive activities, unless noise mitigation measures are implemented that avoid sleep disturbance and minimise other adverse effects on the amenity values of occupants.

**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:

- a. Maximum noise limits to reflect the character and amenity of each zone;
- b. Type, scale and location of the activity in relation to any ~~noise~~<sup>29</sup> sensitive activities;
- c. Hours of operation and duration of activity;
- d. The temporary or permanent nature of any adverse effects; ~~and~~<sup>30</sup>
- e. The ability to internalise and/or **avoid, remedy or mitigate adverse effects** ~~minimise any conflict with adjacent activities;~~ **and**<sup>31</sup>
- f. **The functional need or operational need of the activity.**<sup>32</sup>

## 2.6. Noise – Rules

### Submissions and Further Submissions

161. One submission point opposing the Noise rules in general was summarised in a Table on page 30 of the s42A Report.
162. Ten submission points and seven further submission points relating to **NOISE-R1** were summarised in a Table on pages 31-32 of the s42A Report. Eight submission points supported the rule as notified and two sought amendments. Two further submission points support one amendment and five opposed or opposed in part the other amendment.

<sup>25</sup> Silver Fern Farms Limited S441.006, KiwiRail S442.008

<sup>26</sup> RMA Schedule 1, clause 16(2)

<sup>27</sup> RMA Schedule 1, clause 16(2)

<sup>28</sup> Dean Trott S330.002, Westport Pistol Club S336.016, Chris Hartigan S338.002, Westport Rifle Club Incorporated S457.009

<sup>29</sup> Silver Fern Farms Limited S441.006, KiwiRail S442.008

<sup>30</sup> RMA Schedule 1, clause 16(2)

<sup>31</sup> Westpower Limited S547.487

<sup>32</sup> Westpower Limited S547.488

163. Twenty-seven submission points and 17 further submission points relating to **NOISE-R2** were summarised in a Table on page 33-37 of the s42A Report. Sixteen submission points supported the rule as notified and eleven sought amendments. Thirteen further submissions supported some amendments and four opposed some amendments.
164. Thirty-five submission points and 35 further submission points relating to **NOISE-R3** were summarised in a Table on pages 41-47 of the s42A Report. One submission point supported the rule as notified, 26 sought amendments and eight sought it be deleted entirely or in part. Eleven further submissions supported some amendments and 24 submissions opposed, and 11 sought amendments.
165. Five submission points and four further submission points relating to **NOISE-R4** were summarised in a Table on pages 72-73 of the s42A Report. Four submission points supported the rule as notified. Three submission points sought amendments, and two opposed.
166. Twenty-eight submission points relating to **NOISE-R5** were summarised in a Table on pages 58-59 of the s42A Report. All submission points sought amendments. Four further submissions opposed amendments and three supported amendments.
167. Twenty-eight submission points and nineteen further submission points relating to **NOISE-R6** were summarised in a Table on pages 61-65 of the s42A Report. Five submission points supported the rule as notified and 23 sought amendments. Fourteen further submission points opposed amendments and five supported amendments.
168. Two submission points and two further submission points relating to **NOISE-R7** were summarised in a Table on pages 67 of the s42A Report. Two submission points supported the rule as notified. The two further submission points supported amendments.
169. Six submission points and seven further submission points relating to **NOISE-R8** were summarised in a Table on pages 68-69 of the s42A Report. One submission point supported the rule as notified and five sought amendments. Four further submission points opposed amendments and three supported amendments.
170. Three submission points and three further submission points relating to **NOISE-R9** were summarised in a Table on page 70 of the s42A Report. Two submission points supported the rule as notified. Three further submission points opposed amendments.
171. Four submission points and one further submission point relating to **NOISE-R10** were summarised in a Table on page 71 of the s42A Report. Three submission points supported the rule as notified and one sought amendment. One further submission opposed an amendment.
172. Thirty-one submission points and eight further submission points relating to **NOISE-R11** were summarised in a Table on pages 73-75 of the s42A Report. Four submission points supported the rule as notified and 27 sought amendments. All eight further submissions opposed amendments.
173. Eleven submission points and five further submission points relating to **NOISE-R12** were summarised in a Table on pages 76-77 of the s42A Report. Five submission points supported the rule as notified and six submission points sought amendments. All five further submission points opposed amendments.
174. Six submission points and three further submission points relating to **NOISE-R13** were summarised in a Table on page 78 of the s42A Report. Two submission points supported the

rule as notified and five sought to delete the rule. Two further submission points opposed deleting the rule and one supported it.

175. The Panel adopts these summaries and has considered the submissions and further submissions.

### **Section 42A Report and Addendum Report**

#### Rules (General)

176. The majority of Mr Peakall's expert evidence was accepted and implemented by Ms Evans in the recommendations in the s42A Report and addendum Reports. However, the Panel notes there were a few points that were not been covered by Ms Evans which are also summarised below in relation to the relevant rule.
177. Ms Evans did not agree with the submission point from Michael Hill (S70.019) that sought to revert back to the Grey District Plan rules. She considered the recommended rules reflected the relevant New Zealand Standards and Planning Standards and were supported by independent expert Mr Peakall.

#### *NOISE - R1 Permitted Activities - General Standards*

178. Ms Evans acknowledged the support from submitters<sup>33</sup> that sought to retain the rule as notified. However, she noted her recommended amendments in response to other submission points.
179. In relation to the submission point by NZAAA (S166.023), Ms Evans did not support the addition of '*unless otherwise exempted in NOISE-R2*' because she considered compliance with the standards was still appropriate to manage effects of permitted activities.
180. Ms Evans supported Te Mana Ora's (S190.535) request to remove reference to '*section 7.7*' and replace it with '*as assessed*' in NOISE-R1(4) because this aligned with the Planning Standards and Mr Peakall's expert advice. However, she did not support the deletion of clause (1) based on Mr Peakall's advice and considered it was more efficient for all standards to be within the one rule.
181. Ms Evans recommended minor amendments, as suggested by Mr Peakall for improved clarity and to reference, and better align with, the relevant New Zealand Standards.
182. In Addendum Report, in response to the pre-circulated evidence of Dr Chiles for Te Mana Ora, Mr Peakall agreed that clause (3) should be deleted due to the lack of definition for '*mobile noise sources*'. Ms Evans agreed that the term '*mobile noise sources*' was not defined and that there was potential for uncertainty around how the exemption would be applied in NOISE-R1. She therefore supported the deletion of clause (3).
183. Appendix 1 of the Right of Reply recommended amendment to NOISE-R1 as follows:

***All activities must comply with the following relevant standards.***

*Activity status where compliance not achieved: Restricted Discretionary*

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<sup>33</sup> Waka Kotahi NZTA (S450.169), New Zealand Defence Force (S519.025), Buller District Council (S538.331), Chris & Jan Coll (S566.323), Chris J Coll Surveying Limited (S566.323), Laura Coll McLaughlin (S474.323) and William McLaughlin (S567.384), Grey District Council (S608.66)

1. *Noise levels arising from activities must be measured and assessed in accordance with the New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise except where more specific requirements apply.*
2. *The noise from any construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics – Construction noise. Construction work is defined in New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.*
3. ~~*Noise from mobile noise sources shall comply with the noise limits set out in Tables 2 and 3 of NZS 6803:1999 Acoustics – Construction Noise, with reference to "construction noise" taken to refer to "mobile noise sources."*~~
- X. Noise from aerodromes, airfields or airports not subject to noise rule R10 shall be measured and assessed in accordance with New Zealand Standard NZS 6805:1992 Airport Noise Management and Land Use Planning.**
- XX. Noise from New or Altered Roads shall be measured and assessed in accordance with New Zealand Standard NZS 6806:2010 Acoustics - Road-traffic noise - New and altered roads.**
4. *Noise from wind turbines shall be measured **and assessed** in accordance with ~~section 7.7 of~~ NZS 6808: 2010 Acoustics Wind Farm Noise;*
5. *Noise from Helicopter Landing areas shall be ~~managed~~ **measured and assessed** in accordance with ~~and comply with~~ the noise standards and limits of NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Area.*
- XXX. Noise from port activities shall be managed in accordance with and comply with the noise standards and limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.**

#### NOISE-R2: Permitted Activity – Emissions of Noise in all Zones

184. Ms Evans acknowledged the support from submitters<sup>34</sup> that sought to retain the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.
185. In response to the submission point made by NZAAA (S166.024) and the Director General (S602.180) to make additions to NOISE-R2(12), Ms Evans supported the amendment in part. She agreed to include some of the additions sought, including adding 'take offs' and 'conservation activities' but did not support the inclusion of specific subsets of activities because she considered there was sufficient clarity.
186. Te Mana Ora (S190.536) sought to amend clauses (1), (10), (12), (13), (16) and (17), which Ms Evans supported in part. She supported deleting 'e.g. spraying, harvesting, etc' in clause (1) because these were not typical residential activities, as well as other further amendments. She supported deleting clause (10) because of the lack of clarity. Ms Evans did not support deleting clauses (12) and (13) on the basis that the effects from activities were temporary or infrequent because aircraft landings were managed by NZ Standards. Based on the advice of Mr Peakall, she recommended a minor amendment to clause (12) to replace 'infrequent' with a set number of days per year. She also supported the changes sought clauses (16) and (17), on the basis that Mr Peakall supported this from a technical perspective.

<sup>34</sup> Waka Kotahi NZTA (S450.170), Jetboating New Zealand (S161.004 and S116.005), Ballance Agri-Nutrients (S345.005), KiwiRail Holdings (S442.087), Westport Rifle Club Incorporated (S547.008), New Zealand Defence Force (S519.026 and S519.027), Buller District Council (S538.332), Chris & Jan Coll (S566.324), Chris J Coll Surveying Limited (S566.324), Laura Coll McLaughlin (S474.324) and William McLaughlin (S567.385), Grey District Council (S608.677)

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187. Westport Pistol Club (S336.009) sought that noise under clause R2(14) is permitted at any time of day. Ms Evans supported this in part and suggested including reference to daytime hours.
188. Foodstuffs (S464.049) sought to delete '*residential*' and add '*expected for that zone*' in Rule NOISE-R2(7). Ms Evans partially supported this but rather recommended adding '*provided for as a permitted activity for that zone*'.
189. Horticulture NZ (S486.059) sought to amend NOISE-R2(11) by replacing '*agricultural, horticulture and pastoral farming activities*' with '*rural production activities*'. Similar relief was sought by Federated Farmers (S524.103). Ms Evans noted that as the terms currently included were defined and preferred that the definition was retained but recommended reordering the words and deleting '*farming*'. She also recommended minor amendments to delete the words '*limited,*' '*seasonal,*' and '*intermittent*' to remove uncertainty.
190. WCRC (S488.033) sought to amend NOISE-R2 to clearly cover aerial biosecurity and biodiversity activities. Ms Evans partially supported this and recommended amendments to provide for conservation activities.
191. WMS Group (S599.094) sought the deletion of '*as part of or compatible with a normal residential activity*' from NOISE-R2(7). Ms Evans supported this but recommended alternate wording by referencing permitted activities.
192. Manawa Energy (S438.126) and Chris Hartigan (S438.126) sought the replacement of '*lifeline utilities*' with '*providers of regionally significant infrastructure*' in NOISE-R2(5). Ms Evans did not support this because '*lifeline utilities*' were defined in legislation, however, she supported adding '*regionally significant infrastructure*'.
193. In the Addendum Report, Mr Peakall disagreed with Dr Chiles' evidence in regard to NOISE-R2(12), as he considered that the existing rules were appropriate and acceptable. Regarding Dr Chiles' request to remove the exemption for non-commercial watercraft, Mr Peakall noted the removal of the exemption would be too onerous for intermittent, recreational users.
194. The Addendum Report also responded to the statement from WCRC requesting to amend NOISE-R2 to clearly cover aerial biosecurity and biodiversity activities. Ms Evans agreed with Mr Peakall's response to this evidence, and supported the inclusion of '*per site*' within NOISE-R2(12).
195. Ms Evans supported technical recommendations from Mr Peakall and also recommended minor additional changes for clarity. Appendix 1 of the Addendum Report showed recommended amendments to **NOISE-R2** as follows:

### *Activity Status Permitted*

*Where the following activities are exempted from meeting Zone noise standards:*

1. ~~*Intermittent residential activities, Use of lawn mowers, vehicles, machinery or equipment operated and maintained in accordance with the manufacture's specifications **and associated with the use of a site for a residential activity used on an intermittent basis (e.g. spraying, harvesting, etc);***~~
2. *Any warning device or siren used by emergency services for emergency purposes (and routine testing and maintenance of these);*

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3. *Activities at emergency service facilities associated with emergency response and emergency response training;*
4. *Helicopters used for an emergency and as an air ambulance;*
5. *The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding 2 weeks in duration, where they are operated by emergency services, ~~or~~ lifeline utilities or Regionally Significant Infrastructure;*
6. *People noise at recreational activities, such as sporting events or the noise from children at school ~~or daycare facilities~~ or in residential dwellings. This did not include any amplified noise;*
7. *Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1998), or within a site as part of or compatible with an ~~normal residential~~ activity provided for as a permitted activity in that zone;*
8. *Trains operating on rail lines (public or private) and crossing bells within road reserve, including at railway yards, railway sidings or stations. However, this exemption did not apply to the testing (when stationary), maintenance, loading or unloading of trains;*
9. *Road construction work where management controls are in place to mitigate the emission of noise;*
- ~~10. Any residential activity on the same site as a noise source being assessed;~~
11. *Agricultural, pastoral and horticultural and ~~pastoral farming~~ activities undertaken for a limited duration, including using agricultural vehicles, machinery, aircraft or equipment used on a seasonal or intermittent basis in the General Rural and Rural Lifestyle zones;*
12. ~~Infrequent aircraft~~ *take off and landing for associated with rural production activities and conservation activities purposes on an intermittent basis for no more than 30 days in any 12 month period per site including aerial topdressing and helicopter movements;*
13. *Non-commercial motorised watercraft operating on the surface of waterbodies;*
14. *Rifle ranges located within the Rifle Range Protection Area during the hours of 7am to 10pm;*
- ~~15. Impulsive sounds (such as hammering and bangs) and dog barking noise which are poorly assessed by reference to NZS 6802:2008 Acoustics Environmental Noise;~~
16. *The noise is emitted from an audible bird scaring device between the hours of half an hour before sunrise and until half an hour after sunset, not used at a frequency of more than 12 events per hour, and generating less than 65 dB LAE for each event; and*
17. *The noise is from a Temporary Activity where the temporary activity occurs between 7:00am and 10:00pm and no more than 12 days per calendar year ~~only~~, and if operating outside of these hours complies with the underlying noise standards of the zone. This did not include any amplified noise.*

**Activity status were compliance not achieved:** ~~Restricted-Discretionary~~ **N/A**

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

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196. Ms Evans acknowledged the support from Te Mana Ora (S190.537) to retain the rule as notified. However, she noted her recommended amendments in response to other submission points.
197. KiwiRail (S442.088), which was summarised in relation to the whole chapter above, sought amendments to include noise, vibration and mechanical ventilation standards provided in Appendix A provided.
198. Five submitters<sup>35</sup> sought deletion of NOISE-R3, including BDC who considered that the rule was not necessary given the low traffic environment. These submission points were all opposed in further submissions from KiwiRail. Two submitters<sup>36</sup> sought to delete the rule or clause (f), or add an exemption for property owners that accept noise mitigation where this is registered on the title in the form of a consent notice.
199. Poutini Ngāi Tahu (S620.211) requested engagement of an acoustic expert to assess the generated noise, vehicle speeds and times it is generated on the state highway and rail networks; and a reassessment of the rules on the basis of protecting human health. Ms Evans considered the assessment of Mr Peakall had partly addressed this and she noted the acoustic insulation rules were similar to other recent district plans.
200. In response to these submission points, Ms Evans supported retaining NOISE-R3 subject to recommended amendments, based on the evidence of Mr Peakall. She considered the rule would give effect to the NOISE objectives by ensuring appropriate internal noise levels can be achieved for sensitive activities close to noise generating activities.
201. Jakie Mathers and Bart Gillman (S228.006) sought that acoustic insulation is only required for new builds if specific information was freely provided. They also sought alternative relief through a 'no complaints' covenant approach to new builds (S228.007). Ms Evans rejected this approach due to the implementation and monitoring costs; and considered it would not achieve NOISE-O3 because it would not provide for appropriate internal amenity outcomes. The submitter (S228.005) also sought that no vibration standard be applied to stand alone residential dwellings. Ms Evans did not support this based on the technical advice from Mr Peakall.
202. NZTA Waka Kotahi (S450.171) sought amendments based on the current rule structure, and Ms Evans agreed that minor formatting changes were required to improve clarity. NZTA Waka Kotahi also sought amendments to apply vibration requirements to buildings 20m from a state highway, which was supported by Ms Evans based on Mr Peakall's technical advice. NZTA Waka Kotahi also sought to include state highway noise contours as an overlay, to replace the buffer approach. This was supported by Mr Peakall as an effective approach. Ms Evans considered that a high noise overlay could improve the efficiency of the rule requirements in relation to the state highways, and invited the submitter to provide detailed evidence and planning analysis. Ms Evans suggested amendments, if the overlay was supplied and the approach was supportable, as follows:

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 of the edge of the carriageway of a State Highway with a speed limit of less than 70kph; where~~

<sup>35</sup> Buller District Council (S538.333), Chris & Jan Coll (S566.325), Chris J Coll Surveying Limited (S566.325), Laura Coll McLaughlin (S474.325) and William McLaughlin (S567.386), Jacobus Wiskerke (S95.004)

<sup>36</sup> Bert Hofmans (S504.012) and Lindy Millar (S505.012)

**The High Noise Overlay shown on the planning maps:**

203. Gina Hogarth (S304.002) and Misato Nomura (S151.002) sought to provide for permitted mitigation measures (e.g. bunding) as an alternative option. Gina Hogarth sought further consideration of the low traffic volumes in Buller. Mr Peakall suggested an appendix could be added to the pTTPP outlining examples of acceptable design solutions to achieve the requirements of the rule. He considered this would provide more certainty to plan users and reduce costs compared to requiring acoustic certification. Ms Evans noted the rule did not preclude use of noise mitigation designs (such as bunds and fences) given it only set the internal noise levels to be achieved. She considered use of an appendix would address some of the submissions points and was an acceptable solution that could improve certainty and potentially reduce costs.
204. Deb Langridge (S252.006) sought that buildings producing noise should be adequately insulated. Ms Evans rejected this submission because the emission of noise was managed under other NOISE rules.
205. Margeret Montgomery (S442.080) sought that setback requirements were reduced. Without further evidence or justification, Ms Evans rejected this submission and considered the amendments recommended by Mr Peakall may address the submitter's concerns.
206. Four submitters<sup>37</sup> sought similar amendments, with some requesting that acoustic insulation be required for residential buildings within 250m of the Rifle Range Protection Area, and others requesting that acoustic insulation requirements should be applied to all sensitive activities. Ms Evans accepted these submissions in part, however, rather than a 250m buffer as requested, she recommended the inclusion of noise contours in accordance with Mr Peakall's evidence.
207. In response to submission points<sup>38</sup> that sought to include acoustic insulation requirements for new buildings containing sensitive activities built in the proposed Alma Road development, within 100m of the consented quarry, Ms Evans noted that Ms Easton had informed her that the land around the quarry was likely to be zoned GRUZ, so the insulation is not required. Mr Peakall considered acoustic insulation provisions within 100m of quarry operations were unnecessary because quarry activities were subject to noise rules in the Plan.
208. Ms Evans did not support the request by SFF (S441.041) to include a new clause requiring acoustic insulation for new and altered buildings adjacent to an industrial site because she considered potential reverse sensitivity effects were better managed through appropriate zoning and zone provisions.
209. The s42A Report noted that Ms Easton had recommended that Haast Airfield be added to the Airport Zone and the 55dBA contour be included on the planning maps as part of the Special Purpose Zone Chapter hearing. Ms Evans noted this required a consequential amendment to clause (d) and NOISE-R10.
210. The Addendum Report responded to evidence circulated before the hearing. In response to Dr Chiles' evidence for Te Mana Ora and his request to include reference to the ventilation requirements in the proposed appendix, Mr Peakall agreed. However, he did not agree with

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<sup>37</sup> Westport Pistol Club (S336.016), Westport Rifle Club (S457.009), Dean Trott (S330.002), Chris Hartigan (S338.002)

<sup>38</sup> Avery Brothers (S609.061 and S609.069), Bradshaw Farms (S511.069), Leonie Avery (S507.069), Jared Avery (S508.069), Kyle Avery (S509.069), Paul Avery (S512.069), Brett Avery (S513.069)

- Dr Chiles that the ventilation rule should be retained as notified because he considered the notified rule contained overly excessive controls.
211. In response to the evidence of Mr Tuck for SFF, Mr Peakall considered the proposed rules in relation to the General Rural Zone (**GRUZ**) and new NOISE-RX were appropriate to provide adequate protection to noise sensitive receivers in the vicinity of the Hokitika site. Mr Peakall considered the daytime noise level sought by Mr Tuck, of 60 dB<sub>LAeq</sub>, was excessive. He noted that the proposed upper daytime limit for a noise sensitive activity of 55 dB<sub>LAeq</sub> was appropriate.
  212. In response to Ms McKenzie's evidence for the Westport Pistol Club (and others), Mr Peakall considered these concerns had been addressed through the implementation of a refined rifle range noise contour overlay and slight refinements to the wording of NOISE-R3. Ms Evans also supported the inclusion of a rule for sensitive activities within the 60dB contour as requested.
  213. In response to Dr Chiles' evidence for NZTA Waka Kotahi, Mr Peakall agreed that the text in NOISE-R3 should be updated to include alterations to existing buildings containing sensitive activities. Mr Peakall agreed with the suggestion of NZTA Waka Kotahi to include a Road Noise Overlay in NOISE-R3 but considered that either a setback or overlay approach was generally acceptable to ensure adequate insulation of noise sensitive activities from road traffic noise. Ms Evans accepted this approach in principle.
  214. Ms Evans supported the evidence of Mr Peakall and recommended inclusion of shapefiles provided by Mr Pearson within the planning maps to create a Road Noise Overlay for state highways. To achieve this, she recommended deleting clauses (a) and (b) and replacing it with reference to the '*Road Noise Overlay shown in the planning maps*'. She also supported deleting clause (b)(ii) based on the inclusion of the Road Noise Overlay.
  215. Ms Evans also supported the NZTA Waka Kotahi submission requesting the necessity to specify that ventilation was to be provided in accordance with NOISE-R3(1)(f), which was also supported by Mr Peakall. She considered this provided a helpful cross-reference and would assist with the accuracy and effectiveness of Appendix 1.
  216. In the Addendum Report, Ms Evans noted that she had scheduled pre-hearing discussions with KiwiRail. Overall, she agreed with the experts for KiwiRail and Mr Peakall and supported the setbacks provided by KiwiRail, and inclusion of a provision that allows for line of sight screening. Ms Evans also agreed with Mr Peakall's advice and supported KiwiRail's submission to apply acoustic insulation requirements to '*new or altered*' habitable rooms being applied throughout NOISE-R3.
  217. In response to Dr Chiles' evidence for KiwiRail, Mr Peakall noted that similar points had been raised in the NZTA Waka Kotahi evidence regarding the ventilation rule, which Mr Peakall has addressed. Mr Peakall noted that he now agreed with Dr Chiles position that a 100m setback for noise and 60m setback for vibration was needed for railway noise and vibration, and now agreed these were the appropriate setbacks. Mr Peakall maintained his position that a single design control for all sensitive activities was appropriate.
  218. Mr Peakall also identified several technical refinements and corrections, which Ms Evans was supportive of on the basis they will improve accuracy, clarity and potentially address cost concerns.

219. Appendix 1 of the Addendum Report recommended amending NOISE-R3 and adding new Appendix X, as follows:

**Acoustic Insulation Requirements for New or Altered Buildings for Use by a Sensitive Activity  
Activity Status Permitted**

Where:

The building will be used by a sensitive activity and is located within **the Road Noise Overlay shown on the planning maps:**

~~a. 80m of the edge of the carriageway of a State Highway with a speed limit of 70kph or greater; or~~

~~b. 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<sub>L<sub>Aeq</sub></sub> (24h); 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 **new or altered habitable room and/or space used for sleeping** 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. ~~4100m~~ of the edge of the tracks of a railway line where:

~~i. Any new or altered habitable room used for a sensitive activity and/or spaced used for sleeping:~~

~~i. must be designed and constructed to achieve a maximum internal noise ~~limit~~ level of 35 dB<sub>L<sub>Aeq</sub></sub> (1h);~~

~~ii. Compliance with i. above must be achieved based on an assumption of 70 dB<sub>L<sub>Aeq</sub></sub> (1h) 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; or~~

~~iii. is at least 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8 metres above railway tracks~~

**cx. 60m of the edge of the tracks of a railway line where any new or altered habitable room and/or space used for sleeping**

~~iv. 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 **new or altered** habitable room **and/or space used for sleeping** 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

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- i. *The building is designed and constructed to ensure that the following indoor design noise levels are not exceeded:*
  - a. ~~4035~~**4035**dB<sub>LAeq</sub> inside **any habitable room bedrooms;**
  - b. **3540**dB<sub>LAeq</sub> inside ~~any other habitable room, except for bedrooms~~ **between 10pm and 7am; and**  
**ex. The Rifle Range Protection Area Between the 55 dB<sub>LAFmax</sub> and 60 dB<sub>LAFmax</sub> contours of the Westport Rifle Range Noise overlay 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<sub>LAFmax</sub> from outdoor noise associated with lawfully established activities at the Westport Rifle Range; and**
  - ii. **outdoor living area not less than 30m<sup>2</sup> must be screened from the Rifle Range to achieve an outdoor noise level not exceeding 50 dB<sub>LAFmax</sub>.**
- f. *Where windows need to be closed to achieve the internal noise levels specified in a. to ~~ee~~ above an alternative ventilation system shall be provided which achieves the following requirements:*
  - i. *Satisfies clause G4 of the New Zealand Building Code;*
  - 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 18oC and 25oC; and*
  - v. *Does not generate more than 35 dB<sub>LAeq</sub>(30s) when measured **at least** 1m away from any grille or diffuser.*

**Advice Note:**

1. *Compliance with Rule NOISE - R3 will be achieved if, prior to the construction of any building containing a **new or altered** habitable room **and/or space used for sleeping**, 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; or.*
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 and meets the ventilation requirements of Rule R3.1.f; or**
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 **and meets the ventilation requirements of Rule R3.1.f** .*

*It is recommended that a new appendix be added as follows:*

**Appendix X – Acceptable Construction Design for Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity Subject to Noise R39**

**Part A: Approved construction requirements for compliance with Noise-R3 1 a i) and Noise-R3 1 c i)**

<b><u>Applicability</u></b>	
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	<p><b><u>Construction requirements detailed in this appendix are only applicable where:</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>The building containing the sensitive activity is located with the State Highway Noise Control Boundary Overlay shown on the planning maps or is within 60m of an Existing Rail Corridor,</u></b></li> <li>2. <b><u>The building is a single level construction,</u></b></li> <li>3. <b><u>The floor of the building is a reinforced concrete slab,</u></b></li> <li>4. <b><u>No habitable room of the building is located less than 4.5 metres from the road boundary,</u></b></li> <li>5. <b><u>The total area of glazing in any habitable room is no greater than 20% of the total area of external walls of that room.</u></b></li> <li>6. <b><u>The roof of the building is a standard timber truss design, with a pitch of not less than 15 degrees. Ventilation of the roof space must only be via casual ventilation typical of the jointing, capping and guttering detail used in normal construction.</u></b></li> </ol> <p><b><u>In all other situations, a design report from a suitably qualified acoustics specialist is required.</u></b></p>
<p><b><u>Construction Options</u></b></p>	
<p><b><u>Exterior Walls Option 1</u></b></p>	<p><b><u>Exterior cladding of Aerated Concrete or similar, with a surface mass not less than 27 kg/m<sup>2</sup>.</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>Timber framing of not less than 90 mm, with studs at 600 mm centres. A ventilated cavity is not required under this option but is permissible, with or without a rigid air barrier,</u></b></li> <li>• <b><u>Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but did not include polystyrene or other foam sheet insulation products,</u></b></li> <li>• <b><u>1 layer of 10 mm thick Standard Gib board or alternative gypsum board having a surface mass not less than 6 kg/m<sup>2</sup></u></b></li> </ul>
<p><b><u>Exterior Walls Option 2</u></b></p>	<p><b><u>Exterior cladding of Profiled sheet metal not less than 0.45 mm thick.</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>20 mm thick battens forming a ventilated cavity,</u></b></li> <li>• <b><u>Rigid air barrier consisting of Plywood not less than 9 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 5 kg/m<sup>2</sup>.</u></b></li> <li>• <b><u>Timber framing of not less than 90 mm, with studs at 600 mm centres,</u></b></li> <li>• <b><u>Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but did not include polystyrene or other foam sheet insulation products,</u></b></li> <li>• <b><u>1 layer of 10 mm thick Standard Gib board or alternative gypsum board, having a surface mass not less than 6 kg/m<sup>2</sup>,</u></b></li> </ul>
<p><b><u>Applicability</u></b></p>	

<p><u>Exterior Walls Option 3</u></p>	<p><u>Exterior cladding of Fibre Cement weatherboards, with a surface mass not less than 18 kg/m<sup>2</sup> (Hardies Linea or equivalent)</u></p> <ul style="list-style-type: none"> <li>• <u>20 mm thick battens forming a ventilated cavity,</u></li> <li>• <u>Rigid air barrier consisting of Plywood not less than 7 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 3.8 kg/m<sup>2</sup>.</u></li> <li>• <u>Timber framing of not less than 90 mm, with studs at 600 mm centres,</u></li> <li>• <u>Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but did not include polystyrene or other foam sheet insulation products,</u></li> <li>• <u>1 layer of 10 mm thick Standard Gib board or alternative gypsum board, having a surface mass not less than 6 kg/m<sup>2</sup>,</u></li> </ul>
<p><u>Glazing and Exterior doors - All options</u></p>	<ul style="list-style-type: none"> <li>• <u>Windows to consist of double glazing consisting of a minimum of 2 layers of 4 mm thick glass separated by a 12 mm airgap, with airtight seals,</u></li> <li>• <u>External doors to be either double glazed to the same standard as windows, or be a solid timber construction with a surface mass not less than 24 kg/m<sup>2</sup> and incorporating full perimeter seals.</u></li> </ul>
<p><u>Roof – All Options</u></p>	<ul style="list-style-type: none"> <li>• <u>Profiles metal roofing not less than 0.45 mm thick profiled steel or tiles,</u></li> <li>• <u>Fibrous insulation of minimum R6. This includes fibreglass, polyester and wool, but did not include polystyrene or other foam sheet insulation products,</u></li> <li>• <u>2 layers of 10 mm Standard Gib board or alternative gypsum board, with each layer having a surface mass not less than 6 kg/m<sup>2</sup>.</u></li> </ul>

**Part B: Approved construction requirements for compliance with Noise-R3 1 a iii) and Noise-R3 1 c iii)**

**Any new buildings or alterations to existing buildings containing a sensitive activity, closer than 60 metres to the boundary of an Existing Rail Corridor and is a single storey framed building with:**

- a. **a constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations: and**
- b. **vibration isolation separating the sides of the floor slab from the ground; and**
- c. **no rigid connections between the building and the ground In all other situations, a design report from a suitably qualified specialist is required demonstrating Compliance with Rule R3 1 c iii).**

NOISE - R4 Emission of Noise for Temporary Military Training Activities

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220. Ms Evans acknowledged the support from NZDF (\$519.028) and BDC (\$538.334) to retain the rule as notified. However, she noted her recommended amendments that arise from other submission points.
221. Te Mana Ora (\$190.538) sought the replacement of 'C' with 'LCpeak.' Ms Evans supported this because Mr Peakall confirmed 'LCpeak' was the correct reference.
222. Ms Evans supported the correction of a typographical error to change 1.250m to 1.250km in response to the Westport Rifle Club (457.010) and the Westport Pistol Club (S336.011).

### NOISE - R5 to NOISE – R8 and NOISE-R11

223. Ms Evans included an additional 'introduction' section outlining the proposed changes to the rules listed above. She noted that these rules effectively managed the same issue of noise limits but in different zones and considered these as a whole – setting out general issues with the rules and a recommended approach across the district.
224. Ms Evans noted the differences in the rule headings such as the use of 'generated' and providing limits for where the noise was 'received' had caused confusion for some submitters. She also noted there was a range of different hours for day/night time noise limits in different zones. She also noted the provisions were inconsistent in relation to noise limits at the receiving site - depending on where the noise was generated.
225. Ms Evans noted that submissions varied in support and opposition but she considered that there was opportunity to improve clarity by consolidating and simplifying the approach, and to better achieve the NOISE objectives. To address this, she supported Mr Peakall's recommendation that rules NOISE-R5 to NOISE-R8 and R11 were replaced by one overall general noise rule based his rule table for different zones (new Rule NOISE-RX). Ms Evans considered this would simplify and streamline the rules.
226. In the Addendum Report, Mr Peakall accepted the proposals put forward by Dr Chiles for Te Mana Ora with respect to some NOISE-RX drafting issues. Mr Peakall disagreed with Dr Chiles' suggestion to remove the exemption for unplanned engine testing, as he noted this was necessary for an airport and testing was infrequent. He considered a definition for 'aircraft operation', as proposed by Dr Chiles, was unnecessary. He also considered providing for different noise limits in the evening period was not needed and noted that conversely, several submitters had sought more relaxed noise limits.
227. In response to the evidence of Mr Hegley for WMS Group *et. al.*, Mr Peakall suggested a balance was required between protecting sensitive activities and allowing noise generating activities to occur. He therefore disagreed with Mr Hegley's request for more relaxed weekend and night-time limits. He noted the drafting error in NOISE-RX picked up by Mr Hegley had already been addressed in response to Dr Chiles' evidence. Mr Peakall did not consider the fundamental intent of the Mineral Extraction Zone noise rules had fundamentally been altered in new Rule NOISE-RX, as suggested by Mr Hegley.
228. Ms Evans acknowledged the concerns raised in three submission points and two further submission points, that there may be potential for constraint on extractive industries due to the new Rule NOISE-RX focus on protection of amenity. She noted she would liaise with the s42A Report author for the Mineral Extraction Chapter hearing and update this matter at the hearing.

229. Ms Evans agreed that the current wording in relation to ‘*notional boundary*’ was unclear and supported addressing this in the recommended wording for new Rule NOISE-RX. She also supported Te Mana Ora’s request to refer to the ‘*maximum noise level*’, which was supported by Mr Peakall, and considered this would improve clarity.
230. Appendix 1 of the Addendum Report showed NOISE-R5 to NOISE-R8 and NOISE-R11 deleted and recommended adding new Rule NOISE-RX as follows:

**NOISE-RX**

**Activity Status Permitted**

**Activity status where compliance not achieved: Restricted Discretionary**

**Where:**

- 1. Noise from any activity shall not exceed the following noise limits at any point at or within the boundary of any site within any of the following zones:**

<b><u>Zone</u></b>	<b><u>Maximum Noise Limit</u></b>		
	<b><u>Daytime</u></b> <b><u>(Monday–</u></b> <b><u>Friday)</u></b> <b><u>7:00am–</u></b> <b><u>10:00pm</u></b>	<b><u>Saturday,</u></b> <b><u>Sundays and</u></b> <b><u>Public</u></b> <b><u>Holidays 7:00</u></b> <b><u>am –10:00pm</u></b>	<b><u>Night-time</u></b> <b><u>10:00pm–</u></b> <b><u>7:00am</u></b>
<b><u>RESZ Residential Zone</u></b> <b><u>SETZ Settlement Zone</u></b> <b><u>GRUZ General Rural Zone</u></b> <b><u>RLZ Rural Lifestyle Zone</u></b> <b><u>MPZ Māori Purpose Zone</u></b> <b><u>HOSZ Hospital Zone</u></b> <b><u>OSZ Open Space Zone</u></b> <b><u>NOSZ Natural Open Space</u></b> <b><u>Zone</u></b> <b><u>SVZ Scenic Visitor Zone</u></b> <b><u>FUZ Future Urban Zone</u></b>	<b><u>55 dB LAeq</u></b>	<b><u>50 dB LAeq</u></b>	<b><u>45 dB LAeq</u></b>  <b><u>70 dB LAfmax</u></b>

- 2. Noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any site within any of the following zones:**

<b><u>Zone</u></b>	<b><u>Maximum Noise Limit</u></b>		
	<b><u>Daytime</u></b> <b><u>(Monday–</u></b> <b><u>Friday)</u></b> <b><u>7:00am–</u></b> <b><u>10:00pm</u></b>	<b><u>Saturday,</u></b> <b><u>Sundays and</u></b> <b><u>Public</u></b> <b><u>Holidays 7:00</u></b> <b><u>am –10:00pm</u></b>	<b><u>Night-time</u></b> <b><u>10:00pm–</u></b> <b><u>7:00am</u></b>

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<u>GRUZ General Rural Zone</u> <u>RLZ Rural Lifestyle Zone</u>	<u>55 dB L<sub>Aeq</sub></u>	<u>50 dB L<sub>Aeq</sub></u>	<u>45 dB L<sub>Aeq</sub></u> <u>70 dB L<sub>AFmax</sub></u>
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**3. The maximum noise from any activity shall not exceed the following noise limits at any point at or within the boundary of any site within any following zones:**

<u>Zone</u>	<u>Maximum Noise Limit</u>		
	<u>Daytime</u> <u>(Monday–</u> <u>Friday)</u> <u>7:00am–</u> <u>10:00pm</u>	<u>Saturday,</u> <u>Sundays and</u> <u>Public</u> <u>Holidays 7:00</u> <u>am –10:00pm</u>	<u>Night-time</u> <u>10:00pm–</u> <u>7:00am</u>
<u>SARZ Sport and Recreation</u> <u>Zone</u> <u>PORTZ Port Zone</u> <u>AIRPZ Airport Zone</u> <u>CMUZ Commercial and</u> <u>Mixed Use Zones</u> <u>STADZ Stadium Zone</u> <u>LIZ Light Industrial Zone</u>	<u>60 dB L<sub>Aeq</sub></u>	<u>55 dB L<sub>Aeq</sub></u>	<u>50 dB L<sub>Aeq</sub></u> <u>75 dB L<sub>AFmax</sub></u>
<u>GIZ General Industrial</u> <u>Zone</u> <u>PORTZ Port Zone</u> <u>BCZ Buller Coalfield Zone</u> <u>MINZ Mineral Extraction</u> <u>Zone</u>	<u>65 dB L<sub>Aeq</sub></u>	<u>65 dB L<sub>Aeq</sub></u>	<u>65 dB L<sub>Aeq</sub></u>

**4. Noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any sensitive activity within any of the following zones:**

<u>Zone</u>	<u>Maximum Noise Limit</u>		
	<u>Daytime</u> <u>(Monday–</u> <u>Friday)</u> <u>7:00am–</u> <u>10:00pm</u>	<u>Saturday,</u> <u>Sundays and</u> <u>Public</u> <u>Holidays 7:00</u> <u>am –10:00pm</u>	<u>Night-time</u> <u>10:00pm–</u> <u>7:00am</u>

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<u><b>SARZ Sport and Recreation Zone</b></u>	<u><b>55 dB L<sub>Aeq</sub></b></u>	<u><b>55 dB L<sub>Aeq</sub></b></u>	<u><b>45 dB L<sub>Aeq</sub></b></u>
<u><b>AIRPZ Airport Zone</b></u>			<u><b>75 dB L<sub>AFmax</sub></b></u>
<u><b>CMUZ Commercial and Mixed Use Zones</b></u>			
<u><b>STADZ Stadium Zone</b></u>			
<u><b>LIZ Light Industrial Zone</b></u>			
<u><b>GIZ General Industrial Zone</b></u>			
<u><b>PORTZ Port Zone</b></u>			
<u><b>BCZ Buller Coalfield Zone</b></u>			
<u><b>MINZ Mineral Extraction Zone</b></u>			

*NOISE - R5 Emission of Noise in the RESZ - Residential Zones, SETZ - Settlement Zone and NOSZ - Natural Open Space Zone*

231. Te Mana Ora (S190.540) sought to restructure all zone limits to relate to the site receiving noise, the reformatting of day/time definitions to follow NZS 6802:2008, and if not restricted, replacement of ‘another site in the RESZ, SETZ and NOSZ’ with ‘within the notional boundary of any sensitive activity within any site receiving noise.’ Ms Evans recommended this submission point was accepted based on the advice of Mr Peakall that the noise limits had been restructured and simplified in new Rule NOISE-RX.
232. In response to a request from Scott Freeman (S383.002) to include the rural-lifestyle zone in NOISE-R5, Ms Evans supported Mr Peakall’s advice that this point be rejected because the rural lifestyle zone was recommended to be included in a lower noise environment.
233. In response to submission points<sup>39</sup> which sought to amend timeframes to be more enabling, Ms Evans noted that the submission points were accepted in part because the proposed simplified approach had resulted in an extension of daytime hours.
234. Nineteen submission points<sup>40</sup> sought to better enable quarrying operations, either by mitigating reverse sensitivity effects, excluding consented quarrying activities, enabling quarry operations or deleting NOISE-R5. Ms Evans did not support these requests on the basis that the limits applied depended on the receiving environment. She noted Mr Peakall considered the recommended limits were the minimum standards he supported to protect peoples’ health, safety and wellbeing.
235. In response to BDC’s (S538.335) request to replace ‘another’ with ‘any other,’ and extend the noise timeframes to 10:00pm, Ms Evans accepted this submission. This was on the basis that Mr Peakall has recommended the daytime limit was extended to 10:00pm and clarification that noise limits apply in the receiving environment.
236. Two submission points (S353.003 and S462.033) sought that permitted activities were restricted to 45 dB L<sub>Aeq</sub> or that noise limits of 45 dB L<sub>Aeq</sub> were not exceeded at residential properties. Ms Evans rejected these submissions on the basis of Mr Peakall’s technical advice,

<sup>39</sup> Chris & Jan Coll (S566.326), Chris J Coll Surveying Limited (S566.326), Laura Coll McLaughlin (S474.326) and William McLaughlin (S567.387)

<sup>40</sup> Avery Brothers (S609.062 and S609.070), Bradshaw Farms (S511.070), Leonie Avery (S507.070), Jared Avery (S508.070), Kyle Avery (S509.070), Paul Avery (S512.070), Brett Avery (S513.070), Geoff Volckman (S563.093 and S563.094), Catherine Smart Simpson (S564.105, S564.108 and S564.109), Karama Lime Company (S614.134 and S614.135), Peter Langford (S615.134 and S615.135) Koiterangi Lime Co. Ltd (S577.085 and S577.088)

which considered a balance was required between the ability to generate noise and protection from unreasonable noise.

237. Ms Evans recommended that NOISE-R5 was deleted and replaced with new Rule NOISE-RX.

*NOISE-R6 Emission of Noise in the GRUZ - General Rural Zone, RLZ - Rural Lifestyle Zone, MPZ - Māori Purpose Zone, FUZ - Future Urban Zone, SARZ - Sport and Recreation Zone and OSZ - Open Space Zone*

238. Three submission points<sup>41</sup> sought lower noise limits and/or shorter daytime hours, and one submission point also sought that noise be measured from property boundaries rather than notional boundaries. Ms Evans did not support lower noise limits or shorter day time hours based on Mr Peakall's advice that balance was required between the ability to generate noise and the overall protection from unreasonable noise. However, she recommended the approach of measuring noise from the property boundary for all zones except General Rural and Rural Lifestyle, so that part of the submissions was accepted.

239. Te Mana Ora (S190.542) sought to restructure of all zone noise limits to relate to sites receiving noise. Ms Evans accepted this submission and noted new Rule NOISE-RX adopted this approach, as advised by Mr Peakall.

240. Scott Freeman (S383.001) sought that noise in the rural lifestyle zone be measured at any point in the site (as per the residential and settlement zones) rather than the notional boundary. Ms Evans rejected this submission based on Mr Peakall's recommendation that these zones enable rural activities and should be treated in the same manner with respect to the noise receiving environment.

241. Six submission points<sup>42</sup> sought to have the Monday-Friday daytime limits applied across the weekend and public holidays in the GRUZ to allow the same limits all week. Ms Evans relied on Mr Peakall's expert opinion that lower limit in weekends and public holidays in the General Rural Zone was appropriate to allow for some respite. Mr Peakall advised that the noise limits he supported were a minimum for protection. Ms Evans accepted this advice and considered the surrounding environment was more sensitive in weekend hours. On this basis, she rejected these submission points.

242. Hort NZ (S486.087) sought that the noise rules did not curtail rural productivity, provided noise standards of at least 55 dB  $L_{Aeq}$  to enable a 'normal rural environment', and include an exemption for rural production activities, such as frost fans. Ms Evans noted that NOISE-R2 provided such an exemption. She noted Mr Peakall has recommended a daytime limit of 55 dB  $L_{Aeq}$  and therefore considered the relief sought was generally met.

243. One submission point (S522.006) opposed NOISE-R6 and sought to retain the noise limits in the operative Westland District Plan. Ms Evans did not support this submission because she considered the recommended provisions reflected the Planning Standard requirements and zoning, ensured consistency, and were supported by technical analysis.

244. BDC (S538.336) sought the deletion of 'at any point' and 'receiving noise' and sought the addition of 'other.' Ms Evans considers the new Rule NOISE-RX met the intent of this relief sought.

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<sup>41</sup> Deb Langridge (S252.004), Sharon Langridge (S388.006)

<sup>42</sup> Rocky Mining Limited (S474.050), TiGa Minerals and Metals Limited (S493.088), WMS Group (S599.095), Birchfield Coal Mines Ltd (601.074), Papahaua Resources Ltd (S500.034), Horticulture NZ (S486.060)

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245. Four submission points<sup>43</sup> sought timeframes to be more enabling of noise generating activities. Ms Evans noted that the timeframes were recommended to be simplified, and in some cases, this had extended daytime hours. She therefore accepted these submission points in part.
246. Ten submission points<sup>44</sup> sought to better enable quarrying operations, either by mitigating reverse sensitivity effects, enabling quarry operations or deleting time restrictions. Ms Evans noted that the rules applied limits depending on the receiving environment. She considered the submitters had not provided evidence to confirm risks from noise, or specific drafting. For these reasons, and based on Mr Peakall's advice, the submissions were not supported.
247. Ms Evans recommended that NOISE-R6 be deleted and replaced with new Rule NOISE-RX.

*NOISE - R7 Emission of Noise in all CMUZ - Commercial and Mixed Use Zones, HOSZ - Hospital Zone, STADZ - Stadium Zone and SETZ - PREC2 - Settlement Zone - Settlement Centre Precinct*

248. Te Mana Ora (S190.542) sought to restructure all zone noise limits to relate to sites receiving noise. Ms Evans accepted this submission and noted new Rule NOISE-RX adopted this approach.
249. BDC (S538.337) sought the replacement of 'at' with 'within', the addition of 'other', and the deletion of 'receiving noise.' While this rule was proposed to be deleted, Ms Evans considered new Rule NOISE-RX clarified these terms and therefore this submission point was accepted in part.
250. Ms Evans recommended that NOISE-R7 was deleted and replaced with new Rule NOISE-RX.

*NOISE - R8 Emission of Noise within the GIZ - General Industrial and LIZ - Light Industrial Zone*

251. Ms Evans noted the support from KiwiRail (S442.007) for NOISE-R8 as notified and the request (S442.008) to add a definition for 'noise sensitive activity', which was addressed above.
252. Te Mana Ora (S190.543) sought to restructure all zone noise limits to relate to sites receiving noise. Ms Evans accepted this submission and noted new Rule NOISE-RX adopted this approach.
253. In response to the request from Sharon Langridge (S388.007) that sought that notional boundary be replaced with property boundary, Ms Evans noted that this was reflected in new Rule NOISE-RX and therefore this submission point was accepted.
254. SFF (S441.042) sought to include a commensurate permitted noise level to that specified in Table 5.1 in the Westland District Plan is provided. Mr Peakall noted that this operative rule used an outdated metric and therefore this submission point was not supported by Ms Evans.
255. BDC (S538.338) sought the replacement of 'at' with 'within', the addition of 'other', and the deletion of 'receiving noise.' While this rule was proposed to be deleted, Ms Evans considered new Rule NOISE-RX clarified these terms and therefore this submission point was accepted in part.

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<sup>43</sup> Chris & Jan Coll (S566.327), Chris J Coll Surveying Limited (S566.327), Laura Coll McLaughlin (S474.388) and William McLaughlin (S567.388)

<sup>44</sup> Geoff Volckman (S563.095), Catherine Smart Simpson (S564.106 and S564.110), WMS Group (S599.095), Karamea Lime Company (S614.136 and S614.138), Peter Langford (S615.136 and S615.138) Koiterangi Lime Co. Ltd (S577.086 and S577.089)

256. Ms Evans recommended that NOISE-R8 was deleted and replaced with new Rule NOISE-RX.

*NOISE - R9 Emission of Noise within the PORTZ - Port Zone*

257. Ms Evans acknowledged the support from BDC (S538.339) and WMS Group (S599.096) that sought to retain the rule as notified. However, she noted her recommended amendments in response to other submission points.

258. Ms Evans accepted the request from Te Mana Ora (S190.544) to add a new clause to require use of a Port Noise Management Plan to implement NZS 6809 because this was supported by Mr Peakall. Ms Evans recommended minor amendment to replacing 'updated' with 'reviewed'. She also recommended adding 'from Port Activities' to the heading and 'port' to clause (1) as a consequential amendment to adding new Rule NOISE-RX for clarity.

259. Appendix 1 of the Addendum Report recommended amending NOISE-R9 as follows:

***NOISE-R9 Emission of Noise from Port Activities within the PORTZ - Port Zone***

*Activity Status Permitted*

*Where:*

1. *The maximum noise generated from **port** activities is in accordance with the limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.*
2. ***All activities are conducted in accordance with a Port Noise Management Plan that is reviewed annually, sets out the details of how NZS 6809 is being implemented, and is publicly available on the port operator's website.***

*NOISE - R10 Emission of Noise within the AIRPZ - Airport Zone*

260. Ms Evans acknowledged the support from submitters<sup>45</sup> that sought to retain the rule as notified. However, she noted her recommended amendments in response to other submission points.

261. Ms Evans accepted in part the requests from Te Mana Ora (S190.544) to include further limiting maximum noise limits associated with aircraft engine testing, for noise emissions to be measured from the notional boundary of any sensitive activity, for LAeq measurements to be amended to 15 minutes (rather than hours), inclusion of other airports/Aerodromes, and the inclusion of a new clause requiring use of a Noise Management Plan to implement NZS 6805 or NZS 6807. However, she recommended replacing 'updated' with 'reviewed', similar to the port noise amendment above.

262. Mr Peakall noted that for areas inside the noise boundaries in the Rural Zone, he would normally recommend prohibition of new residential activities. However, this suggestion was not reflected by Ms Evans in the noise s42A Report.

263. Appendix 1 of the Addendum Report showed recommended amendments to NOISE-R9 as follows:

***NOISE-R10 Emission of Noise within the AIRPZ – Airport Zone***

*Activity Status Permitted*

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<sup>45</sup> Totally Tourism Limited (S449.006), New Zealand Defence Force (S519.029), Buller District Council (S538.340)

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Noise – Ngā Oro

Where:

1. Noise from aircraft operations at Hokitika and Westport Airports and Greymouth, **Haast** and Karamea Aerodromes must be measured and assessed in accordance with NZS 6805: 1992 Airport Noise Management and Land Use Planning;
2. Noise from helicopter operations at Franz Josef Heliport must be measured and assessed in accordance with NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas;
- 2X. Noise from essential unplanned engine testing for scheduled passenger services is exempt from NOISE-R10.1 above.**
- 2Y. Noise from all other engine testing shall comply with the noise limits set out in NOISE-RX.**
- ~~3. The maximum noise levels from aircraft engine testing at any point within the boundary of a site within a RESZ – Residential Zone, MPZ – Māori Purpose Zone or RURZ – Rural Zone shall not exceed: a. on any day 7.00am to 10.00pm exceed 55 dB LAeq (15 hour) b. on any day 10.00pm to 7.00am not exceed 45 dB LAeq (9 hours) and 75 dB LAmax; and~~
4. The maximum noise generated from aircraft operations at Hokitika **and Westport Airports and Greymouth, Haast Airfield and Karamea Aerodrome** over any 90 continuous days shall not exceed:
  - a. 55 dB<sub>Ldn</sub> at or beyond the noise contour boundary shown on the planning maps; and
5. The maximum noise generated from helicopter operations at Franz Josef Heliport over any 7 continuous days, shall not exceed:
  - a. 50 dB<sub>Ldn</sub> at or beyond the noise contour boundary shown on the planning maps; and
6. Standards 4 and 5 above do not apply to:
  - a. Aircraft landing or taking off in an emergency; and
  - b. Emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency situations; and
  - c. Aircraft undertaking firefighting duties; and
  - d. Military aircraft movements; and
  - e. Aircraft using the Hokitika Airport in preparation for and participation in air shows.
- ~~7. In order to audit compliance with this rule, noise level monitoring must be carried out for a minimum of three months every five years with the resulting report forwarded to the Council within one month of that monitoring being completed.~~
- 7. All activities are conducted in accordance with a Noise Management Plan that is reviewed annually, sets out details of how NZS 6805 or NZS 6807 is being implemented, and is publicly available on the facility operator's website.**

NOISE - R11 Emission of Noise within the BCZ - Buller Coalfield Zone and MEZ - Mineral Extraction Zone

264. Ms Evans acknowledged the support from submitters<sup>46</sup> that sought to retain the rule as notified.
265. Te Mana Ora (S190.546) sought the restructure of all zone noise limits to relate to sites receiving noise. Ms Evans accepted this submission and noted new Rule NOISE-RX adopted this approach.
266. One submission point (S252.003) sought lower noise limits, shorter daytime hours, and that noise be recorded from the property boundary rather than the notional boundary. Another

<sup>46</sup> TiGa Minerals and Metals Limited (S493.089), WMS Group (S599.097), Birchfield Coal Mines Ltd (601.075)

submission point (S388.005) also sought that noise be measured from the property boundary rather than the notional boundary. Ms Evans supported these in part because new Rule NOISE-RX referred to the boundary (rather than notional boundary) and only included the notional boundary measurement for two rural zones. She noted Mr Peakall's evidence that rural zones were noisier in nature and that a higher noise limit was appropriate.

267. In response to the several amendments requested by BDC (S538.341) to clarify that the noise limits apply at another site's notional boundary and not from the dwelling/activity/same site as the noise is being generated, Ms Evans considered recommended new Rule NOISE-RX address these points. She therefore accepted the submission point.
268. Four submission points<sup>47</sup> sought timeframes to be more enabling of noise generating activities. Ms Evans noted that the timeframes were recommended to be simplified, and in some cases, this had extended daytime hours. She therefore recommended the submission points were accepted in part.
269. In response to submission points<sup>48</sup> that sought the amendment of an error, Ms Evans noted that the typographical error was corrected in new Rule NOISE-RX.
270. Fourteen submission points<sup>49</sup> sought to better enable quarrying operations, either by mitigating reverse sensitivity effects, enabling quarry operations or deleting time restrictions. Ms Evans noted that the rules applied limits that depended on the receiving environment. She considered the submitters had not provided evidence to confirm risks from noise, or specific drafting. For these reasons, and based on Mr Peakall's advice, the submissions were not supported.
271. Ms Evans recommended that NOISE-R6 was deleted and replaced with new Rule NOISE-RX.

*NOISE-R12 Emission of Noise not meeting Permitted Activity Standards*

272. Ms Evans acknowledged the submitters<sup>50</sup> that supported the rule as notified.
273. In response to Margaret Montgomery's (S446.081) request to clarify how noise effects on wildlife and habitat would be assessed, Ms Evans noted that the noise provisions did not provide for this assessment. However, she invited the submitter to provide further evidence on this matter at the hearing.
274. Ms Evans accepted the three submission points<sup>51</sup> that sought to delete clause (g) because it was a duplication of another matter of discretion.
275. Ms Evans also accepted the submission point from Westpower (S547.490) to add a new clause but considered this should use '*functional need*' and '*operational need*', which were defined in the Plan and encompassed the matters suggested.

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<sup>47</sup> Chris & Jan Coll (S566.328), Chris J Coll Surveying Limited (S566.328), Laura Coll McLaughlin (S474.328) and William McLaughlin (S567.389)

<sup>48</sup> Geoff Volckman (S563.099), Catherine Smart Simpson (S564.112), Karamea Lime Company (S614.140), Peter Langford (S615.140) Koiterangi Lime Co. Ltd (S577.091), Chris & Jan Coll (S566.330), Chris J Coll Surveying Limited (S566.330), Laura Coll McLaughlin (S474.330) and William McLaughlin (S567.390)

<sup>49</sup> Geoff Volckman (S563.097 and S563.098), Catherine Smart Simpson (S564.111 and S564.107), Karamea Lime Company (S614.137 and S614.139), Peter Langford (S615.137 and S615.139) Koiterangi Lime Co. Ltd (S577.087 and S577.090), Chris & Jan Coll (S566.328), Chris J Coll Surveying Limited (S566.328), Laura Coll McLaughlin (S474.328) and William McLaughlin (S567.389)

<sup>50</sup> Te Mana Ora (S190.547), Chris & Jan Coll (S566.331), Chris J Coll Surveying Limited (S566.331), Laura Coll McLaughlin (S474.331) and William McLaughlin (S567.391)

<sup>51</sup> Waka Kotahi NZTA (S450.172), Frida Inta (S553.156), Buller Conservation Group (S552.156)

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Noise – Ngā Oro

276. Appendix 1 of the Addendum Report showed recommended amendments to NOISE-R12 as follows:

*NOISE-R12 Emission of Noise not meeting Permitted Activity Standards*

*Activity Status Restricted Discretionary*

*Activity status where compliance not achieved: N/A*

*Discretion is restricted to:*

- a. Effects on the health and wellbeing of people;*
- b. Ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities;*
- c. The level, hours of operation, duration and nature of the noise;*
- d. The primary purpose and the frequency of use of the activity;*
- e. Proximity and nature of nearby activities and the adverse effects they may experience from the noise;*
- f. Effects on character and amenity values on the surrounding environment; and*
- g. ~~Effects on the health and wellbeing of people;~~*
- h. Effects on wildlife and habitat values;*
- i. The temporary or permanent nature of any adverse effects;*
- j. Any noise reduction measures;.*
- k. **The functional need and/or operational need of the activity.***

*NOISE-R13 New Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity not meeting Acoustic Insulation Requirements of Rule NOISE - R3*

277. Ms Evans acknowledged Te Mana Ora (S190.548) supported the rule as notified.
278. In response to five submission points that sought the deletion of NOISE-R13, Ms Evans considered the rule was required to establish a rule cascade from NOISE-R3. She therefore recommended it was retained as notified.
279. In the Addendum Report, in response to the evidence of Ms McKenzie (on behalf of the Westport Pistol Club, Chris Hartigan and the Westport Rifle Club), Ms Evans supported the inclusion of a rule for sensitive activities within the 60dB contour as a consequential amendment to adding the Rifle Range Noise Contour. She noted this was supported by Mr Peakall.
280. Appendix 1 of the Addendum Report showed recommended new rule NOISE-R13A as follows:

**NOISE-13A New Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity within the 60 dB  $L_{AFmax}$  contour of the Westport Rifle Range Noise Overlay**

*Activity Status Restricted Discretionary*

*Discretion is restricted to:*

- a. The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site; and*

- b. The impact of any sensitive activity that did not provide the required acoustic insulation on the ability of lawfully established activities at the Westport Rifle Range to operate without undue constraint.

### Hearing and Submitter Evidence/Statements

#### *NOISE-R1 General Standards*

281. Dr Chiles, for Te Mana Ora, noted that the references in NOISE-R1 did not explicitly recognise the fundamental difference between general environmental noise standards and other standards that might operate alone. He also noted that there was a significant anomaly in NOISE-R1(3) with the inclusion of ‘mobile noise sources,’ which set limits at a source rather than as measurement and assessment standards as in other parts of NOISE-R1. He considered this represented a loophole and recommended all reference to this term should be removed.
282. Mr Richard Milner provided a statement on behalf of the New Zealand Helicopter Association (NZHA). He requested clarification that a helicopter landing area referred to in NOISE-R1(5) included a permanent base for operations and not sites where helicopters take off or land in temporary or infrequent activity. He also requested that Council gives relief to operators with documented noise abatement training. His key concern was on ensuring the rules were not too restrictive and have unintended consequences on the wide range of uses of commercial helicopter aviation, including disaster relief.

#### *NOISE-R2: Emissions of Noise in All Zones*

283. Mr Tony Michelle provided a statement and supplementary statement for NZAAA. Mr Michelle did not support Mr Peakall’s recommendation to delete the word ‘infrequent’ from NOISE-R2(12). He considered terms such as ‘frequent’ were appropriate given the term ‘intermittent’ was used in the NZ Standards. He did not support Mr Peakall’s amendment to NOISE-R2(12) to include ‘for no more than 30 days in a 12 month period’ because he considered the measure of a day was imprecise. He noted the s42A Report recommended including ‘intermittent’ in definition of ‘agricultural aviation activities’ in the Rural Zone Chapter. Mr Michelle proposed revised wording for NOISE-R2(12) as follows:
12. *‘Infrequent aircraft take-off and landing associated with rural production activities and conservation activities purposes on an intermittent basis.’*
284. The WCRC statement proposed revised wording for NOISE-R2(12) as follows:
12. ~~Infrequent aircraft~~ **take off and landing for associated with rural production activities and conservation activities purposes on an intermittent basis for no more than 30 days in any 12 month period**, including ~~aerial topdressing and~~ helicopter movements;
285. The statement from WCRC supported the recommended changes to NOISE-R2(12), on the basis that the definition for ‘conservation activities’ includes ‘pest control and the intermittent use of aircraft for conservation purposes’. The WCRC did not support the addition ‘for no more than 30 days in any 12 month period’ because this may not suitably provide for aerial operations.
286. Dr Chiles, for Te Mana Ora, recommended that NOISE-R2(12) was deleted to adequately manage noise effects from aircraft. He has also recommended the exemption in NOISE-R2(13) be deleted, or if not, all affected aircraft be subject to a noise limit of ~67 dB L<sub>ASmax</sub>, measured at 25 metres in accordance with ISO 2922 or ISO 14509-1.

287. Ms Inta, on behalf of the Buller Conservation Group and herself, noted a misspelling of ‘*manufacturers*’ in NOISE-R2. She requested that the word ‘*intermittent*’ be retained in the rule to ensure the ability to complain about continuous noisy activities was not reduced. She has also requested that noisy daycare centres should be exempt from the noise rules because she considered there should be tolerance for these.

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

288. The evidence for KiwiRail from Ms Heppelthwaite, Ms Grinlinton-Hancock and Dr Chiles supported the request for a 100-metre noise control boundary for all rail lines. Ms Heppelthwaite also sought the following (supported by Ms Grinlinton-Hancock):

- a. a 100 metre Noise and Vibration Alert Overlay (NVA) for the Hokitika and Rapahoe lines; and
- b. retention of the (notified/S42A recommended) 60 metre vibration control for all other rail lines.

289. Ms Heppelthwaite noted that the NVA would be used as an information tool to inform landowners to be aware of and mitigate effects if they choose to. Ms Heppelthwaite and Dr Chiles considered sensitive activities should not all be required to achieve 35dB<sub>L<sub>Aeq</sub></sub> (1hr). Dr Chiles also noted that ventilation requirements should be specified in the new NOISE-APP1.

290. Ms Heppelthwaite provided an alternative table that estimated variable maximum noise levels for individual activities. She suggested that the inclusion of ‘*habitable room*’ unduly confined the application of NOISE-R(1)(c) and noted the request for ‘*or alteration to an existing building*’ had been overlooked in the s42A Report.

291. Ms Heppelthwaite and Dr Chiles noted an alternative compliance pathway was also provided in the KiwiRail submission by adding a new advice note as follows:

*For Rule R3(1)(c)(i) compliance will be achieved if is at least 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8 metres above railway tracks.*

292. Ms Heppelthwaite proposed other minor wording changes, including removing the words ‘*at least*’ from NOISE-R3(1)(f)(v) to improve certainty; including the word ‘*maintained*’ in NOISE-R3(1)(c) to provide for enduring effects; and replacing ‘*rail corridor*’ with ‘*rail designation boundary*’ to improve certainty. She noted that the definition of ‘*sensitive activity*’ included ‘*community facility*’, which included recreation/sporting activities. KiwiRail noted that unless changes were made to clarify which community facilities NOISE-R3 applied to, a separate definition of ‘*noise sensitive activities*’ was preferred.

293. Ms Arthur-Young and Ms Gunnel, Counsel for KiwiRail, submitted the relief sought by KiwiRail was the most appropriate to achieve the sustainable management purpose of the RMA, protect health and amenity of residents close to the rail corridor, and ensure the nationally significant rail corridor could continue to operate safely and efficiently. They noted that because KiwiRail could not fully internalise all noise and vibration effects, the rail network must be protected from reverse sensitivity effects. They also noted that KiwiRail’s relief had been developed and refined through multiple planning processes and has been accepted by the Environment Court.

294. In the post-hearing submitter correspondence, KiwiRail provided a variety of proposed maps, which included noise and vibration overlays adjacent to railway lines.

295. Mr Steve Tuck provided planning evidence for SFF in relation to the submission points on the Hokitika processing site and potential reverse sensitivity effects from dwelling adjacent to the site. He suggested the following further amendments to NOISE-R3:
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<sub>L<sub>Aeq</sub></sub> inside any habitable room;**  
**B. 35dB<sub>L<sub>Aeq</sub></sub> inside bedrooms between 10pm and 7am.**
296. Mr Tuck noted that these properties were identified using Westland District Council's GIS mapping service as being close to the Hokitika processing site, and the proposed inclusion was necessary to implement the direction stated in NOISE-P2.
297. Ms Katherine McKenzie provided planning evidence on behalf of the Westport Pistol Club, Chris Hartigan, and the Westport Rifle Club. She suggested a set of noise contours should be produced for the entire area surrounding the Westport Rifle Range to address the submitters' concerns. She requested that amendments to NOISE-R3 requiring new activities within the 55 dB L<sub>AFmax</sub> contour to achieve 35 dB L<sub>AFmax</sub> in habitable and sleeping areas, and 50 dB L<sub>AFmax</sub> in an outdoor screened living space. She noted the submitters supported the inclusion of specific acoustic design options as a pathway for compliance with NOISE-R3.
298. Mr Pearson, for NZTA Waka Kotahi, recommended deleting clauses (1)(a) and (1)(b) and adding reference to 'The State Highway Noise Corridor Overlay shown on the planning maps'. Mr Pearson and Dr Chiles recommended retaining NOISE-R(1)(b)(ii) should be retained and considered new NOISE-APP1 should require compliance with ventilation standards in accordance with NOISE-R3(1)(f). They also agreed that NOISE-R3(1)(f)(v) should be retained as notified, which required the removal of the recommended wording 'at least'.
299. Ms Pull's letter on behalf of Poutini Ngāi Tahu requested the provision of maps of the high noise overlay be circulated to submitters and opportunity given to provide additional evidence. She noted NOISE-R3 applied to 'new buildings' only and therefore considered it should not apply to nohoanga entitlements, which were usually used with vehicles or tents.
300. Mr Bert Hofmans presented a statement at the hearing supporting his request to remove the Karamea Aerodrome Noise Contour Overlay from his property. He has also requested removal of the reference to 'Karamea Aerodrome' from Rule 3(1)(d); and deletion of Rule 3(1)(f) or the addition of 'except where the property owner accepts a form or level of acoustic treatment that results in a different internal design sound level and accepts that this is registered on the certificate of title in the form of a consent notice.' He considered there had been little

consideration of the impact on property owners and limited justification or s32 analysis for the imposition of the rules, with limited consideration of alternatives. Mr Hofmans was concerned about the expense of building within the noise contours overlay and the onerous nature of the new rules. He has asked the Commissioners to consider the cost implications, the proportionality of the rules to the issues, and he included a list of questions to ask when formulating the decision.

*NOISE - R4 - Emission of Noise for Temporary Military Training Activities*

301. The letter from the NZDF sought that the setback distance in NOISE-R4(b)(ii) referred to distance in metres to reduce any potential interpretation issues.

*NOISE - R5 to NOISE - R8 and NOISE - R11*

302. Mr Kennedy, for Westpower, noted a discrepancy between the suggested new Rule NOISE-RX and that in Appendix 1 of the s42A Report and noted a misallocated further submission point. He noted that he understood the new rule has been developed by an acoustic expert taking into account the submissions.

*New Rule NOISE-RX*

303. Mr Rhys Hegley provided evidence on behalf of WMS Group *et. al.* in relation to the noise limits in the GRUZ in NOISE-R6 (now to be included in NOISE-RX) He considered the upper limits should also be applied in daytime in weekends and public holidays, due to the working components of a rural zone. He considered this proposed change will better match the objectives of the Plan. He considered that in the GRUZ a 55 dB  $L_{Aeq}$  limit was appropriate from 7am – 10pm every day of the week, and 45 dB  $L_{Aeq}$  and 75 dB  $L_{AFmax}$  from 10pm – 7am. He considered this would provide for working activities within the rural zone, while also providing for residential amenity. He noted this aligned with NZS 6802.
304. Mr Hegley also suggested rewording NOISE-RX(2) because he considered the current wording meant the rule could not apply to a zone. He proposed the following re-wording:

*2. The maximum noise from any activity shall not exceed the following noise limits at any point ~~at the~~ **within a** notional boundary **within** of any of the following zones:*

305. Mr Hegley also suggested that new Rule NOISE-RX(3) should be reviewed to ensure it was consistent with the intent of the Plan, in relation to activities in the port and mineral extraction zone.
306. Ms Alex Booker, Counsel for WMS Group *et. al.*, submitted that an efficiency and effectiveness assessment for new Rule NOISE-RX, in the context of the Plan objectives and policies, had not been undertaken. She suggested that the s32AA analysis was inadequate given the fundamental changes proposed and considered there had been no assessment of how Rule NOISE-RX would achieve the objectives and policies. She reiterated Mr Hegley's evidence that NOISE-RX placed 'too much' weight on residential amenity in productive and heavy working zones. She stated the submitters sought that the notified version of the noise rules, with the weekend/public holiday hours amended to 7am – 10pm, as the most appropriate for the nature of the MINZ, PORTZ and GRUZ.
307. Dr Chiles, for Te Mana Ora, agreed that the consolidation of rules was beneficial, however, he noted that in the process some provisions had become more lenient. He suggested a separate 'evening' shoulder period should be added between 7pm – 10pm, with a 5 dB step noise

reduction in residential and rural zones. He noted in the GRUZ, recommended noise limits were less stringent 7pm to 10pm on weekends and public holidays and this was not requested by Te Mana Ora.

308. Dr Chiles pointed out drafting issues with new Rule NOISE-RX as follows:

- (a) The terms '*maximum noise*' and '*maximum noise limit*' should be rephrased to avoid confusion with '*maximum noise level*';
- (b) Adding the phrase '*at any point within the notional boundary of any activity in any of the following zones*' or '*at any point within any notional boundary in any of the following zones*' rather than '*at any point at the notional boundary of any of the following zones*';
- (c) Rewording so that noise limits apply '*at any point within*' zones and by stating '*at any point within any site within.*'

309. Ms Inta, on behalf of the Buller Conservation Group and herself, requested that roads which border a residential/settlement zone should adopt that zone's noise rules.

#### *NOISE-R10 Emission of Noise within the AIRPZ - Airport Zone*

310. Dr Chiles, for Te Mana Ora, considered that NOISE-R10(2X) proposed by Ms Evans was inappropriate because it did not manage noise effects and requested it be removed. He also reiterated the submission point that sought to clarify that aircraft operations must be assessed, including when taxiing and pre and post flight engine running.

#### *New Rule 13A - sensitive activities within the 60 dB<sub>LAFmax</sub> contour*

311. Ms McKenzie, on behalf of the Westport Pistol Club, Chris Hartigan and the Westport Rifle Club, recommended a new restricted discretionary activity rule for sensitive activities within the 60 dB  $L_{AFmax}$  contour. She considered this rule would ensure an assessment of appropriateness was carried out for the protection of amenity.

#### **Joint Witness Statements (JWS)**

312. JWS #1 records the planners agreed that the Rifle Range Noise Overlay references and provisions in NOISE-R3 and NOISE-R13A were appropriate in respect of managing potential reverse sensitivity effects. The planners agreed that the Westport Rifle Range Noise Overlay should include both the 55 dB  $L_{AFmax}$  contour and the 60 dB  $L_{AFmax}$  contour. It was noted that further minor edits to tidy up numbering with NOISE-R3 may also be required.

313. The planners also noted that references to habitable rooms and/or spaces used for sleeping in NOISE-R3 were being further considered in the Right of Reply. They would consider whether this reference should also include other spaces that may require acoustic insulation.

314. JWS #2 records that Mr Peakall and Mr Hegley agree that 55 dB  $L_{Aeq}$  daytime and 45 dB  $L_{Aeq}$  / 75 dB  $L_{AFmax}$  night time standards for the rural zone were appropriate as a starting point, given the 'mixed-use' nature of rural zones and the applicable objectives and policies. However, Mr Peakall considered that a lower level on weekends should be considered to provide some respite.

315. JWS #2 also outlined that Mr Peakall and Mr Hegley agreed there was merit in considering different noise rules for different rural zones. They requested clarity from the planners around

the intended use of the Rural Lifestyle Zone and they suggested that the rules should be implicitly linked to the intent of the zone. Mr Peakall and Mr Hegley also agreed that the refined Port Zone noise rule in new Rule NOISE-RX was appropriate, and the deletion of BCZ and MINZ from Rule NOISE-RX was appropriate.

316. JWS #2 also records that the experts all agreed that Rule NOISE-RX(4) should be deleted to ensure reverse sensitivity effects were avoided.
317. JWS#2 records Mr Peakall and Dr Chiles agreed that numerical noise limits were not the best form of control of aircraft noise associated with rural production and conservation activities. They agreed that on balance a 250m setback was appropriate, assuming the flight paths were away from houses.
318. In relation to noise limits in evening periods, the JWS #2 records Mr Peakall and Dr Chiles were in general agreement that the structure of NOISE-RX and most noise limits were appropriate. However, they disagreed on the noise limit in the weekday evening period between 7pm and 10pm, in relation to Rule NOISE-RX(1) and (2). Mr Peakall considered the noise limits were appropriate, whereas Dr Chiles considered that a lower limit of 50 dB  $L_{Aeq}$  should apply between 7pm and 10pm on weekdays.
319. In relation to NOISE-R10(2X), the JWS #2 records Mr Peakall and Dr Chiles agreed that rare, essential unplanned engine testing could be exempted from noise control, however they agreed that this should only apply during daytime hours. Dr Chiles suggested the exemption should only apply to a limited range of more significant 'scheduled passenger services.' Mr Peakall suggested a definition for 'scheduled passenger services' and Dr Chiles agreed with this definition. They suggested the following wording, which included clarification and amalgamation of NOISE-2X and 2Y:

*2X/2Y. Noise from aircraft engine testing is exempt from NOISE-R10.1 above, and:*  
a) *Is not subject to a noise limit if it is essential unplanned testing occurring between 07:00am and 10:00pm, for regular scheduled passenger services to and from other regions with fixed wing aircraft with at least 8 passenger seats; and*  
b) *For all other cases shall comply with the noise limits set out in NOISE-RX.*

320. In relation to Rule NOISE-R3, JWS #2 records Mr Peakall and Dr Chiles generally agreed about the intent, methods and how the rule should work. They both suggested that NOISE-R3(1) should allow for some uncertainty, and appropriate allowance should be made for this uncertainty and some future growth. They have suggested the following wording be included in the rule, in place of the deleted NOISE-R3(1)(b)(ii):

*Compliance with (xxx) above must be achieved based on existing measured or predicted external road-traffic noise levels with the addition of 3 dB.*

321. Mr Peakall and Dr Chiles also agreed that the location at which noise compliance measurement occurs needed to be defined and suggested amendments as follows:

*v. Does not generate more than 35 dB $L_{Aeq}$  (30s) when measured **at any point where a person associated with a sensitive activity could be located, and no less than 1m away from any grille or diffuser.***

322. JWS #2 records Mr Peakall and Dr Chiles agreed with KiwiRail that a Rail Noise Overlay was acceptable in principle; and that the noise rules should refer to the track when defining the

noise source level assumptions. They also agreed that an 'Alert Overlay' was appropriate for the Hokitika railway line given the likelihood of minimal traffic in the future.

### **Addendum Report #2**

323. In Addendum Report #2, Ms Evans responded to the overlay map supplied by KiwiRail and noted it covered a larger area of land than that required by the notified provisions because it was measured from the designation boundary rather than the edge of the tracks. She considered this could affect additional properties where the level of noise would not necessitate mitigation. She also noted that the proposed overlay did not take into account topography. As such, she recommended that the overlay map supplied was not used in its current form but considered this could be revisited following feedback from KiwiRail or other submitters. Ms Evans noted that she would provide a recommendation on the need for an Alert overlay for the Hokitika line in her Right of Reply.
324. Ms Evans noted that she continued to prefer Mr Peakall's advice in relation to noise limits in the GRUZ in new Rule NOISE-RX, as a balance between allowing for noise generating activity and protecting sensitive activities as required. She acknowledged the cost/benefit balance of providing for noise generating activities but limiting these during weekend hours, in proximity to sensitive activities, and potential costs of compliance, monitoring and/or resource consents. She also acknowledged the potential cost of lost productivity. However, she noted that the weekend and public holiday respite period was fair given that residential activities were enabled in the GRUZ.
325. Ms Evans agreed that NOISE-RX(4) could be deleted, as recommended in JWS #2 because it effectively protected any existing or new sensitive activity in high noise environments. She noted that sensitive activities in these zones would be subject to the acoustic insulation requirements in NOISE-R3. However, she noted that if clause (4) was deleted, there would be no zone based limit in the MINZ or BCZ. Ms Evans noted that a noise limit was not necessary in the BCZ as the zone is limited to the actual mine, however, a noise limit measured at the notional boundary (similar to notified NOISE-R11) was appropriate for the MINZ given the existence of residential dwellings in this zone. She noted that a recommendation on the application to new sensitive activities would be made in the Right of Reply.
326. Ms Evans confirmed her recommendation on whether a lower limit should be imposed in evening hours (7pm-10pm) remained unchanged from the s42A Report

### **Response to Minute 59**

327. Minute 59 provided submitters an opportunity to response to Addendum Report #2, which was provided after the adjournment of the hearing and expert conferencing.
328. Ms Pull, for Poutini Ngāi Tahu supported the position of NZTA Waka Kotahi regarding the noise contour taking into account topography. However, she sought clarification that the roading corridor overlay was based on specific traffic volumes in the area because some parts of the State Highway would not receive sufficient traffic volumes to justify the additional burden on private property. She noted that other district plans recognised varying traffic volumes.
329. In response to the overlay maps provided by KiwiRail, Ms Pull noted she had not seen the data which justified an 100m setback and considered this should be reduced where rail activities were less regular. She suggested the overlay should not apply to all rail lines and should only apply to lines managed by requiring authorities/network utilities. She agreed with Ms Evans

that the setback should be measured from the railway line and not the corridor boundary. She noted there was a nohoanga entitlement at Moana/Lake Brunner, approximately 40m from a railway line, and it was unclear if using this settlement right would breach the noise sensitive activity rules.

330. Ms Pull also noted that the Hokitika Rail Corridor Overlay would impact Māori Purpose Zone land at Arahura and potentially a nohoanga entitlement at Taramakau River. She was concerned an alert overlay may impact these sites and considered there was insufficient information to warrant an alert overlay for the Hokitika line. She asked that if the Panel found the information provided by KiwiRail was sufficient, or if they choose a precautionary approach, that the overlay not impact more land than the roading corridor overlay.
331. Mr Michelle, for NZAAA, considered numerical noise limits suggested by Mr Peakall and Dr Chiles were not the best form of control for restrictions on aircraft associated with rural production and conservation activities. He suggested that there was no scientific or technical justification for the addition and agreed with Mr Peakall's suggestion that an additional setback distance was not entirely necessary. Mr Michelle considered any setback addition from a sensitive activity was unjustified and was not raised in the s32A Report. He noted the further setbacks were not sought by submissions and considered they did not meet policy objectives in the Rural Zone. He supported the advice note exempting activities on land managed under the Conservation Act 1987. He requested the clause (12) be worded as follows:

*12. Infrequent aircraft take-off and landing associated with rural production activities and conservation activities purposes on an intermittent basis.*

332. Mr and Ms Kennedy noted that there was no plan showing the proposed road noise overlay and that if this impacted their property, they would be opposed. They agreed that a rule was not appropriate in relation to the Hokitika line and considered an alert overlay should not be applied because it may have unintended impacts through misinterpretation. They also reiterated that any setback should be measured from the edge of the tracks. Mr and Ms Kennedy noted fairness and natural justice concerns arising from the KiwiRail submission being summarised as a general submission and considered potentially impacted parties may have missed the relief sought in relation to NOISE-R3.
333. Ms Arthur-Young and Ms Gunnel, for KiwiRail, considered the noise overlay should be measured from the rail designation boundary and not the railway tracks, from a 'good planning' perspective as outlined in attached supplementary evidence from Ms Heppelthwaite. They noted that the tracks may move within the designation and considered the overlay needed to provide for the use of the designation over the life of the Plan. They also noted that the mapping provided by KiwiRail represented the land most affected by railway sound and vibration, which required the application of noise and vibration controls.
334. Ms Arthur-Young and Ms Gunnel corrected the Council Officers statement that KiwiRail's overlays and setbacks did not account for topography and confirmed the proposed KiwiRail provisions had taken into account topography and building screening effects. Ms Heppelthwaite noted that mapping provided by KiwiRail had an evidential basis, and was pragmatic and effective. They considered the proposed 100m setback was appropriate and would not extend to unaffected properties. Ms Arthur-Young and Ms Gunnel noted that additional volumes were anticipated on the Rapahoe line within the next two years.
335. KiwiRail provided their preferred wording for NOISE-R3 as follows:

*NOISE - R3*

*Acoustic Insulation Requirements for New or Altered 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 the Road Noise Overlay shown on the planning maps where: [...]*
  2. ~~*100m of the edge of the tracks of a railway line where any new or altered habitable room used for a sensitive activity and/or space used for sleeping.*~~ ***The building will be used by a sensitive activity and is located within the Rail Noise Overlay shown on the planning maps and:***
    - a. ~~*it is must be*~~ *designed, constructed and maintained to achieve a maximum internal noise level of 35 dB<sub>L<sub>Aeq</sub></sub> (1h). Compliance must be achieved based on an assumption of 70 dB<sub>L<sub>Aeq</sub></sub> (1h) 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, or*
    - b. *it is at least 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8 metres above railway tracks*
  3. ***The building will be used by a sensitive activity and is located within the Rail Vibration Overlay shown on the planning maps and*** ~~*60m of the edge of the tracks of a railway line where any new or altered habitable room and/or space used for sleeping 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>);*~~
  4. *The 50 dBA Noise Contour boundary of Franz Josef Heliport or the 55 dB [...]*
336. Jet Boating New Zealand supported the recommendations in Addendum Report #2 to retain clause (13) and amend clause (17) relating to noise from temporary activities.

**Reporting Officer Reply Evidence**

337. The Joint Right of Reply from Ms Belgrave, Ms Evans and Ms Easton, Ms Evans specifically considered the matters from technical expert caucusing. In relation to matters raised by Silver Fern Farms, Ms Evans considered that no specific or additional noise provisions were necessary to manage noise effects adjacent to the Hokitika processing site.

*NOISE-R1*

338. In relation to NOISE-R1(12), Mr Peakall considered it was inappropriate to remove limits on the number of aircraft take off and landings associated with rural production and conservation activities because this would effectively allow unrestricted aviation activity. He considered limiting the number of days made it easier for affected parties to understand if the exemption was being adhere to. He considered the removal of number of days or setback distances would result in an unregulated agricultural aviation industry, and some controls are appropriate. He acknowledged that while operators preferred the use of 'infrequent' or 'intermittent', Ms Evans considered these terms were not quantifiable and were therefore not suitable for an exemption.
339. Mr Peakall acknowledged that some of the relief sought was warranted to address submissions. He noted that the exemption was enabling of agricultural aviation and was consistent with the objectives and policies. Mr Peakall considered a setback distance was not entirely necessary if there was a day limit but considered enforcing a restricted number of hours, as sought by the NZAAA, was more difficult to enforce than the number of days. Mr Peakall also considered the inclusion of the words 'per site' was appropriate to help to clarify

the assessment location. In taking into account the evidence from submitters, Mr Peakall suggested the following NOISE-R2(12) exemption:

*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.*

340. Ms Evans relied on the expert evidence of Mr Peakall and Dr Chiles as set out in JWS #2, that a 250m setback from sensitive activities should be included in the rule. She also recommended that an advice note be included to clarify that this clause did not apply to the conservation estate, as suggested Mr Michelle for NZAAA. Ms Evans recommended that NOISE-R2(12) was amended from the s42A Report recommendation 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 for no more than 30 days in any 12 month period per site; Advice note: NOISE-R2.12 did not apply to land held or managed under the Conservation Act 1987.*

341. In response to Mr and Ms Kennedy's response to Minute 59, Mr Peakall noted that the recommended Road Noise Overlay did not cover their property, so he considered their concerns should be alleviated. Mr Peakall also noted that the Hokitika Rail Corridor overlay, if adopted, would be for information purposes only. He also noted that if the rules reverted back to use of a setback, specific exclusion of the Hokitika line should be made.
342. In response to the KiwiRail legal counsel's submission, Mr Peakall reiterated that either the setback distance or the overlay can be used. However, he noted there was some residual uncertainty around the mapping of the overlay and therefore he preferred use of the setback distance rules. He also addressed KiwiRail's concern that if the rule or overlay was measured from the track edge, it would be done so in relevance to the current location. Mr Peakall noted that he understood that the rule would apply to the track location as they exist at the time of any consenting process.
343. Mr Peakall also corrected an error made in the interpretation of his memo by KiwiRail. He confirmed that the *overlay* did not account for screening effects of topography, not the *provisions* themselves. He noted that there was a pathway in the provisions for topography to be taken in to account, but the map did not include this effect. Mr Peakall disagreed that modelling rail noise was more time consuming and costly than mapping distance.
344. Mr Peakall noted the Poutini Ngāi Tahu concerns around the road noise overlay should be satisfied, as the overlay and memo from Dr Chiles took into account local conditions, including topography and traffic flows. Mr Peakall noted he shared the concerns of Poutini Ngāi Tahu around consideration of topography, rail movements and extent of the overlay, and considered these had not been fully addressed by KiwiRail. He noted that he would favour the setback distances in the rules in the absence of specific information, however either option would satisfactorily manage noise effects from rail.
345. In response to Bert Hofmans, Mr Peakall noted that by mapping the Karamea Aerodrome as an Airport Zone, there was protection of the ability to operate and protection of residents from potential aircraft noise. He considered this approach was intentionally consistent with others in the district and adopted the guidance and recommendations contained in NZS 6805. He noted that the number of landings occurring was immaterial because the noise boundaries protect sensitive activities from both current and future aerodrome use. He also noted that the rules only provided for the requirement of a ventilation system and in locations pointed

out by Mr Hofmans and that standard construction required by the Building Code would be satisfactory.

346. In response to Ms Inta's concern about removing '*daycare facilities*', Mr Peakall did not consider daycare facilities should be exempt from the noise rules as they were a commercial activity that often established in areas proximate to sensitive activities. He considered mitigation could be readily implemented if required.
347. In relation to a query around NOISE-R9 and R10, Mr Peakall generally agreed with the requirement that ports, airports and heliports subject to these rules should be required to prepare Noise Management Plans (NMP). He supported implementation of NMP for ports and airports, and noted that an advice note to each rule was a possible way to address this, rather than enshrining the reporting requirements in the rules for each NMP. Mr Peakall suggested that an NMP should be set out in enough detail to ensure compliance with the rules.
348. Mr Peakall provided technical clarity on the acoustic insulation requirements in NOISE-R3. He noted the rule required a new or altered sensitive activity to meet internal noise levels depending on the noise source. He noted the rule also allowed compliance to be achieved if the construction meets the requirements in new NOISE-APP1. Mr Peakall confirmed that new NOISE-APP1 could apply to all activities covered by the rule. However, he noted it could not be used in terms of the external noise level requirement of R3(6)(ii), so did not apply in that case.

#### **Reporting Officer Reply Evidence**

349. In relation to **NOISE-R1**, Ms Evans recommended removal of reference to the phrase '*and comply with*' to reflect how the NZ Standard is used in practice. She noted that this is consistent with wording in other clauses in NOISE-R1.
350. In relation to **NOISE-R2**, Ms Evans recommended removal of '*associated with*' in clause (1), as discussed at the hearing. She considered this amendment addressed the ambiguity associated with '*intermittent*' but provided for residential use of a site.
351. In relation to NOISE-R2(12), Ms Evans noted that she and Mr Peakall had reflected on the wording of the clause and continued to have concerns with the terms '*infrequent*' and '*intermittent*' because they were not certain. To allow partial relief to the request from NZAAA, Ms Evans recommended that either a setback *or* the recommended restrictions on the number of aircraft and helicopter movements per year was appropriate to enable aircraft or helicopter movements, while still affording some protection to sensitive activities. Ms Evans recommended an advice note clarifying that NOISE-R2(12) did not apply to conservation estate land, in accordance with the RMA.
352. Ms Evans also noted that the Panel asked if '*any 12 month period*' should refer to a calendar year. Ms Evans noted, on the advice of Mr Peakall, that '*any*' indicated this could be assessed as a rolling 12-month average rather than a calendar year. She noted a calendar year could result in 60 days in a row of aircraft activity, which was inappropriate in proximity to sensitive activities.
353. In relation to NOISE-R2(16), the Panel noted that this clause needed to include where the measurement should be taken from. Ms Evans confirmed she had discussed this with Mr Peakall, who advised had it should be from any point at or within the boundary of any site within the Residential, Settlement, Māori Purpose, Hospital, Open Space, Natural Open Space,

Scenic Visitor or Future Urban zones; and at the notional boundary of a site in the General Rural or Rural Lifestyle zones.

354. In relation to **NOISE-R3**, Ms Evans provided a separate Right of Reply associated with submission points relevant to the Westport Rifle Range. She considered the mapping and provisions in the JWS #1 were appropriate and recommended that the planning maps, and Noise and Subdivision chapters should be amended accordingly. She noted that further minor edits may be recommended, but the substance and intent was not likely to change, and final recommendations were to be included in her final Right of Reply, outlined below
355. In her overall Right of Reply, Ms Evans noted the provisions had been renumbered so there was one clause for each issue covered by the rule. In relation to NOISE-R3(1)(ii), she noted that Mr Peakall had originally recommended deleting this clause but that she now recommended that it was retained and modified based on expert conferencing.
356. In relation to NOISE-R3(2), Ms Evans highlighted Mr Peakall had provided evidence on the KiwiRail response in his reply evidence at paragraphs 24-38. She confirmed that it continued to be her preference that measurement would be taken from the railway track. She also noted that clause 3(ii) took into account noise barriers (as noted in paragraph 13 of KiwiRail's response). Ms Evans recommended that the Hokitika line be exempt from NOISE-R3 due to its very low train movements, but that the Rapahoe line should be included as train movements were expected to increase.
357. In relation to acoustic insulation requirements, Ms Evans noted that acoustic insulation requirements only applied to habitable rooms and spaces used for sleeping, and therefore the inclusion of sporting and recreational activities in the definition of '*sensitive activity*' was not an issue in NOISE-R3.
358. In response to Mr Hofmans' evidence, Ms Evans relied on and accepted Mr Peakall's expert advice that insulation requirements only applied to properties in proximity to the Karamea Aerodrome. She noted that resource consent applications to breach NOISE-R3(4) would be assessed on a case-by-case basis.
359. In relation to NOISE-R3(7)(v), Ms Evans recommended the amended wording as agreed by the noise experts and confirmed this had been included in the revised provisions.
360. Ms Evans recommended updating the rule references in NOISE-R3 and associated cross-references in the advice note and NOISE-APP1-Acceptable constructions requirement, to reflect the amended numbering of the clauses.
361. In relation to **NOISE-R4**, Ms Evans agreed with the NZDF submission requesting that the setback distances in NOISE-R4(1)(b)(ii) be amended to refer to distance in metres and noted this amendment was made in Addendum Report #2.
362. In relation to **NOISE-RX**, Ms Evans considered there was scope to amend the approach from the notified rules to manage noise where it was received and not where it was generated. She also noted wide scope from other submitters ranging from amendments for less restrictive noise limits to more restrictive, as well as changes to the hours.
363. Ms Evans also responded to the Hearings Panel query around comparing the GIZ noise limits to other district plans and noted that her consideration in the Addendum Report #2 relating to lawfully established activities was considered unnecessary.

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364. In response to the Panel questions relating to **NOISE-R9(2)**, Mr Peakall and Ms Evans confirmed that an advice note regarding a Port Noise Management Plan was more appropriate.
365. Mr Peakall and Ms Evans also considered that an advice note was also more appropriate in relation to a noise management plan in the Airport Zone under **NOISE-10**. Ms Evans also recommended consolidating new clauses 2X and 2Y (relating to engine testing) to align with the JWS #2 wording agreed by Mr Peakall and Dr Chiles. Ms Evans considered there was scope to make this amendment.

### Hearing Panel's Evaluation

#### *NOISE-R1*

366. The Panel accepts Ms Evans' recommended amendments to NOISE-R1, as shown in Appendix 1 of the Right of Reply. We note the agreement between Mr Peakall and Dr Chiles that NOISE-R1 (3) should be deleted due to the lack of a definition for '*Mobile Noise Sources*' and the risk that this exemption could be used as a loophole.
367. The Panel agrees with Ms Evans' recommended replacement of '*section 7.7 of*' in NOISE-R1(4) with '*as assessed*' and note this was supported Mr Peakall to align with New Zealand Standards. We note the requirements provided for the measurement of wind farm noise but did not include how such noise should be assessed and agree that this should be addressed by referring to the standard in full.
368. The Panel agrees with Ms Evans' recommended amendment to NOISE-R1(5) to replace '*managed*' with '*measured and assessed*' to give greater clarity and better alignment with standards.
369. The Panel agrees with Ms Evans' recommendation to add new clauses to include the relevant standards for noise from aerodromes, airfields or airports; noise from new or altered roads; and noise from port activities. We accept Mr Peakall's view that NOISE-R1 is the best location to set out all the applicable standards for noise and consider this gives greater clarity to plan users, as well as addressing the relief sought by Te Mana Ora.
370. In relation to the remainder of the submissions on NOISE-R1, the Panel agree that these be rejected on the basis of the conclusions reached by Ms Evans

#### *NOISE-R2*

371. The Panel accepts Ms Evans' recommended amendments to NOISE-R2, as shown in Appendix 1 of the Right of Reply.
372. The Panel agree the recommended amendment to NOISE-R2(1) provides clarity on what noise is generally expected with a residential activity. The Panel notes Ms Evans' comments in the s42A Report that spraying and harvesting are highly unlikely to be associated with a residential activity on a large scale. We agree.
373. The Panel agree with Ms Evans' recommended amendment to NOISE-R2(5) to add '*or regionally significant infrastructure*' to NOISE-R2(5), as sought by Manawa. The Panel notes that Manawa sought to delete '*lifeline utilities*' and add '*regionally significant infrastructure*' but that Ms Evans did not agree with this because '*Lifeline Utilities*' are defined by Schedule 1

- of the Civil defence Emergency Act 2002 and include a different range of infrastructure services to those defined as *'Regionally Significant Infrastructure'*.
374. The Panel agree with Ms Evans' recommended amendment to delete *'or daycare facilities'* from NOISE-R2 (6) based on Mr Peakall's opinion a concentration of child noise from a daycare facility should be subject to controls like any other commercial activity, particularly given these are normally located in residential areas. We agree that Te Mana Ora's submission provides wide scope for this amendment to protect amenity.
375. The Panel agree with Ms Evans' recommended amendment to NOISE-R2(7) because the standard as notified only provided for vehicle noise associated with residential activities and vehicle noise from activities in all zones was not enabled. We consider the additional wording *'permitted activity'* gives greater clarity.
376. The Panel agrees with Ms Evans' recommended deletion of NOISE-R2(10) because the intent of the exception is unclear.
377. The Panel notes that Mr Peakall's recommended changes to NOISE-R2(11) to remove the reference to *'aircraft'* and to deletion of NOISE-R2(15), which had been omitted in the Appendix 1 of Addendum Report, are now included in Appendix 1 of the Right of Reply.
378. The Panel agrees with Ms Evans' recommended amendment to NOISE-R2(11) to use the defined terms *'agricultural, pastoral, and horticultural activities'* and to remove *'farming'* to provide better alignment with the definition. We consider this is more appropriate than using *'rural production activities'* in the context of the rule. We also agree with the recommended minor adjustment of the words to give greater clarity to the standard.
379. The Panel agrees with Ms Evans' recommended amendments to NOISE-R2(12) based on the advice of Mr Peakall that the notified wording did not define the number of days that such activity could occur and the use of *'infrequent'* would be open to interpretation issues. We agree and consider that a maximum of 30 days in any 12-month period is reasonable and enforceable based on logbooks required for aircraft operation. We note Dr Chiles and Mr Peakall agreed in the JWS that a setback of 250m should be included in the standard, although we acknowledge Mr Peakall later qualified this by saying it may not be necessary if there was a maximum day limit. We agree that the setback requirement and the maximum day limit are appropriate given this is now recommended to be worded as *'or'*. We consider a setback or limit on the days of operation is not appropriate when operating on public conservation land. We agree with the recommended inclusion of a new advice note to clarify that land held or managed under the Conservation Act 1987 is exempt from this clause (12).
380. The Panel acknowledges Mr Michelle's view that if a day limit was applied then an hour limit would also be needed and that this should be based on a calendar year. We do not consider it is necessary to have an hour limit and note that limiting the number of days is easier for people to understand. We acknowledge that enforcement of this limit is likely to be by complaint only and consider it is easy for someone concerned to record days that an operation occurs. We consider a 12-month rolling average is appropriate to avoid an operation occurring in the same location over January and December.
381. The Panel notes Mr Michelle suggested that no submitter had asked for a day limit or a setback and therefore questioned the scope to make these amendments. We consider the request from Te Mana Ora (\$190.536) to delete this clause provides broad scope to add limits. We acknowledge the agreement reached between Mr Peakall and Dr Chiles regarding the need

for a day limit or a 250m setback from a sensitive activity, outside of the conservation estate land. We agree and consider the wording of the exemption is reasonable for protecting human health, while enabling such activity as permitted activity standards, while enabling rural production activities and conservation activities (including biosecurity activities).

382. The Panel also acknowledge Mr Milner’s view that there could be different standards for different zones. We consider the exemption for public conservation land is appropriate but do not consider it is necessary to have different standards for different zones.
383. The Panel agrees with Ms Evans’ recommended amendment to NOISE-R2(14) to include the permitted daylight hours for exemption for rifle ranges, as recommended by Mr Peakall. No additional evidence was provided by the Westport Rifle Club or the Westport Pistol Club regarding the recommended restrictions during night time hours, so we consider this is appropriate.
384. The Panel agrees with Ms Evans’ recommended amendment to delete NOISE-R2(15) based on the advice of Mr Peakall that activities such as dog kennels and certain industrial activities that involve impulsive sound can have significant noise effects and need to be suitably assessed and these should not be excluded. While not specifically requested, we agree that Te Mana Ora’s submission provides wide scope for this amendment to protect amenity.
385. The Panel agree with Ms Evans’ recommended amendments to NOISE-R2(16), in response to Te Mana Ora (S190.536) and agreed with by Mr Peakall that audible bird scaring devices should be controlled by way of a numerical limit based on the frequency of operation, measured from in the relevant zones.
386. The Panel agrees with Ms Evans’ recommended amendments to NOISE-R2(17) based on Mr Peakall’s evidence.
387. The Panel agrees that activity status where compliance is not achieved should be changed from ‘*Restrict Discretionary*’ to ‘*N/A*’ and that this corrects a drafting error.
388. In relation to the remainder of the submissions on NOISE-R2, the Panel agrees that these are rejected on the basis of the conclusions reached by Ms Evans.

#### *NOISE-R3*

389. The Panel accepts Ms Evans’ recommended amendments to NOISE-R3 and her recommendation to add new NOISE-APP1 to the Plan, as shown in Appendix 1 of the Right of Reply. Overall, we are satisfied that the recommendations are a result of the expert assessment of the rule by Mr Peakall to ensure the protection of human health, as sought by Poutini Ngai Tahu (S620.211). The amendments also respond to the submission points of Waka Kotahi NZTA (S450.171) relating to noise and vibration from state highways; and KiwiRail (S442.088) to include standards for noise, vibration and mechanical ventilation. We note that there was a high level of agreement between Mr Peakall and Dr Chiles regarding appropriate standards to protect human health from adverse noise effects.
390. The Panel agrees with Ms Evans’ recommended amendments to refer to the *Road Noise Overlay* in NOISE -R3(1) and delete the references to distance that were notified in clauses (a) and (b) of this standard, which was supported by Mr Peakall and Dr Chiles. Dr Chiles confirmed that overlays are also used in several other districts where NZTA Waka Kotahi had used national noise modelling to better define areas around highways where there are buildings that are likely to require treatment to manage noise effects. The Panel are supportive of this

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approach as an overlay will give a more accurate reflection of the likely noise exposure for state highways in the district. We note Ms Evans provided a s32AA evaluation for use of the Road Noise Overlay and concluded this was a more efficient and effective approach than using a setback. We agree.

391. The Panel accept Ms Evans' recommendation for a 100m setback from the railway track rather than using the KiwiRail Rail Noise overlay mapping, which measures 100m from the designation boundary. We agree with Ms Evans that the overlay mapping includes a larger area than measuring a 100m setback from the tracks. We acknowledge Mr Peakall's view that there is no significant or material difference between using the setback rule or creating an overlay in terms of providing a trigger for requiring mitigation; and that both will result in satisfactory noise and vibration outcomes. However, the overlay proposed by KiwiRail affects a larger area of land, which we consider is not within the scope of the Plan as notified.
392. In terms of allowing for the railway track to move within the designation, as sought by KiwiRail, we consider the setback from the tracks addresses this issue, as it will be assessed from where the tracks are located at the time an activity is proposed. We agree with Ms Evans that the location of the track is where the effect occurs and that it is appropriate to measure the setback from the where the effect is generated.
393. The Panel accept Ms Evans' recommendation to exclude the Hokitika railway line from the rules in recognition of the low traffic volume on this line. We agree with the recommendation of Mr Peakall and Dr Chiles that an Alert Layer would be appropriate in case of increased volumes.
394. The Panel acknowledges Mr Kennedy's concern that the 100m setback has increased from 40m to 60m and that it now potentially affects more properties. However, we consider this requested increase is within the scope of the relief sought by KiwiRail and is well supported by expert evidence to protect human health and wellbeing. We note the KiwiRail submission sought to measure the setback from the 'rail corridor' and therefore indicated a large increase was sought from the setback requirement as notified. We consider the refinements to the rule make it clear that noise mitigation will only be required for new buildings and alterations used for a sensitive activity and/or space used for sleeping. While we acknowledge there will be cost associated with installing acoustic insulation and compliance costs for the Councils, we consider this is necessary to give effect to NOISE-O3.
395. The Panel also acknowledges the concerns of Mr Hofmans regarding the restricting effect of the Karamea Aerodrome Noise Overlay (as well as other overlays relating to natural hazards and the coastal environment) on his aspirations for their property. However, we accept the expert evidence of Mr Peakall that the noise overlay is appropriate to protect human health and to protect operation of the aerodrome from reverse sensitivity effects from new sensitive activities in close proximity. We accept Mr Peakall's view that the level of use is immaterial given the level of activity that can occur as of right and that the rules seek to protect all nearby noise sensitive receivers. Mr Peakall noted that the noise levels at potential building sites identified by Mr Hofmans would be '*relatively low*' and no additional acoustic treatment on top of standard construction under the Building Code. We are satisfied that the use of noise contours represents an effective and efficient approach to managing adverse effects that is used throughout New Zealand. Similar to the railway line setback, we acknowledge there will be cost associated with installing ventilation installation for new buildings or alterations and compliance costs for the Council, we consider this is necessary to give effect to NOISE-O3. We agree with Ms Evans regarding the flexibility Mr Hofmans seeks in terms of alternative approaches.

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396. The Panel also acknowledges the concern of Poutini Ngāi Tahu to minimise any impacts on Poutini Ngāi and Māori Purpose Zone land. However, we note their support for the rules to be based on expert assessment to protect human health. We consider the revised rule reflects this approach.
397. The Panel agrees with Ms Evans' recommended amendments to improve clarity and consistency of wording, such as including *'and or space used for sleeping'* to provide more clarity on the definition of a *'habitable room'*; and the replacement of *'minimum'* with *'maximum'*. We consider the addition of *'and maintained'* will ensure that the building always remains compliant with the required standard. The Panel notes that Mr Peakall and Dr Chiles supported the proposed 20m distance for vibration limits for new or altered habitable rooms and/or spaces used for sleeping.
398. The Panel agree with Ms Evans, recommended amendment to include the Haast Airfield in NOISE-R3(4) as consequential amendment from Special Purpose Zone Chapter Recommendation Report. The Panel agrees with all other recommended amendments to NOISE-R3(4) and NOISE-R3(5) for consistency with the recommended changes to other standards in NOISE-R3, as agreed to by Mr Peakall and Dr Chiles.
399. The Panel agrees with Ms Evans' recommended amendments to the provisions for NOISE-R3(6) and note agreement between the parties that these, in combination with new Rule NOISE-R13A and the Westport Rifle Range Noise Overlay, are appropriate to manage potential reverse sensitivity effects from new sensitive activities in the surrounding area.
400. The Panel agrees with Ms Evans' recommended amendments to NOISE-R3(7) to improve clarity and consistency with the wording used in other relevant standards.
401. The Panel agrees with Ms Evans' recommended consequential amendments to the advice note and to reflect the addition of new NOISE-APP1 – Acceptable Construction Design for Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity Subject to Noise R3. We consider these will assist plan users to understand the rule and to determine acceptable solutions to meet the permitted activity standards.
402. In relation to the submission point from SFF (S441.0041), the Panel agree with Ms Evans that no amendment to the rule is required because any reverse sensitivity effects are best addressed through appropriate zoning and the zone provisions. We agree with Mr Peakall that noise can be controlled at the boundary of the site, if necessary, through methods such as building design and screening. We note Mr Tuck confirmed that SFF can comply with the noise limits at the boundary, but was concerned this may not prevent complaints from new dwellings on the adjacent land. We do not consider the potential for complaints justifies the amendment to the rule sought.
403. In relation to the remainder of the other submissions on NOISE-R3, the Panel agree that these are rejected for the reasons outlined by Ms Evans.

### NOISE-R4

404. The Panel agrees with Ms Evans' recommended amendments to NOISE-R4, as shown in Appendix 1 of the Right of Reply, to correct errors.
405. In relation to the remainder of the other submissions no NOISE-R4, the Panel agree that these are rejected for the reasons outlined by Ms Evans

*NOISE-R5, NOISE-R6, NOISE-R7, NOISE-R8 and NOISE-R11.*

406. The Panel agrees with Ms Evans' recommendation to delete rules NOISE-R5, NOISE-R6, NOISE-R7, NOISE-R8 and replace them with new Rule NOISE-RX. We note the high level of agreement between the experts in relation to the wording of the new rule. We accept that this is a substantial improvement on the notified rules by simplifying the rule framework and providing improved certainty and consistency. We accept that managing noise effects at the point where noise is received is appropriate and is consistent with the approach taken in other district plans around New Zealand.
407. The Panel accepts Mr Peakall's opinion that the recommended noise limits in new Rule NOISE-RX are appropriate for the level of amenity expected in the relevant zone and that these represent the minimum levels for protecting human health, while providing for noise generating activities. Dr Chiles agrees with this.
408. Mr Peakall, Dr Chiles and Mr Hegley agree that for rural zones the standard criteria of 55 dB  $L_{Aeq}$  during the daytime and 45 dB  $L_{Aeq}$  / 75 dB  $L_{AFmax}$  at night time are at the upper limit of what NZS 6802 identifies as appropriate for residential amenity. Mr Peakall and Dr Chiles agree that it is appropriate to have some respite in weekends and public holidays from noise given the recommended limits are at the upper limit of acceptability to protect human health and wellbeing. Mr Peakall and Dr Chiles therefore agree that a lower noise limit of 50 dB  $L_{Aeq}$  should apply during the daytime on weekends and public holidays in the GRUZ. The only point of difference between Mr Peakall and Dr Chiles, is that Dr Chiles considers that a lower limit of 50 dB  $L_{Aeq}$  should also apply in the evening period between 7pm and 10pm to protect public health. Dr Chiles highlighted the recommended limits were more lenient than the notified rule because the notified rule had a lower limit of 45 dB  $L_{Aeq}$  from 8pm to 8am weekends and public holiday.
409. In contrast to this, Mr Hegley considered the recommended limit was more restrictive than the notified rule because the noise limit was 55 dB  $L_{Aeq}$  on weekends and public holidays from 8am to 8pm, not 50 dB  $L_{Aeq}$  on weekends and public holidays from 7am – 10pm. He suggested this would 'shift the balance' from a mixed zone to a residential zone with a working component.
410. The Panel has considered Ms Booker's concern that the GRUZ noise limits had reduced in both the noise level and hours in new Rule NOISE-RX.
411. The Panel relies on the agreement between Mr Peakall and Dr Chiles that the recommended noise limits for the GRUZ are appropriate and balance the mixed use of the zone. We agree that there should be lower permitted noise levels on weekends and public holidays in recognition that the noise limit of 55 dB  $L_{Aeq}$  is at the upper limit for residential amenity. We consider this change has been balanced by Mr Peakall and Ms Evans through allowing a higher noise limit of 50 dB  $L_{Aeq}$  on weekends and public holidays from 7am – 10pm. However, the preference of the Panel is to apply the same 50 dB  $L_{Aeq}$  in the evening period from 7pm – 10pm on weekdays, as recommended by Dr Chiles, to provide appropriate respite.
412. The Panel acknowledges the recommended noise limits in the GRUZ do not apply to a wide range of rural production activities because these are exempt. We agree with Ms Evans that this in conjunction with the reasonably high noise limits from 7am to 7pm on week days and strikes an appropriate balance for mixed use of the zone by protecting human health and providing for many anticipated noise generating activities as permitted activities. We consider

## **Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**

General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Noise – Ngā Oro

that any activities outside of those provided for, including mineral extraction activities, should be assessed through a consent process.

413. The Panel has also carefully considered the noise limits recommended for the MINZ and BCZ. We note that the noise limits for the MINZ have not changed from what was notified and accept these are appropriate based on the expert evidence. We note that the recommended noise limit for the BCZ has changed from being the same as those notified for the MINZ to a recommendation that no limits apply. We accept this is appropriate given the BCZ boundaries reflect existing mineral extraction activities.
414. The Panel has considered all of the recommended noise limits for the various zones and accept the expert evidence of Mr Peakall that these are appropriate, and the view of Ms Evans that they support the outcomes sought for those zones.
415. The Panel recommends new Rule NOISE-RX is renumbered as NOISE-R5.
416. In relation to the remainder of the other submissions on NOISE-R5, NOISE-R6, NOISE-R7, NOISE-R8 and NOISE-R11, the Panel agree that these are rejected for the reasons outlined by Ms Evans.

### *NOISE-R9*

417. The Panel agrees with Ms Evans' reasoning and recommended amendments to NOISE-R9, as shown in Appendix 1 of the Right of Reply.
418. In response to Panel questions, Ms Evans reconsidered her recommendation in the s42A Report to include a new clause (2) requiring activities to be conducted in accordance with a Port Noise Management Plan. She advised that after further discussions with Mr Peakall, she recommended that noise management plans required by the Port Noise Standard (NZ6809:1999 Acoustic Port Noise Management and Land Use Planning) should be included as advice note rather than part of the rule. We agree this is appropriate.
419. The Panel recommends NOISE-R9 is renumbered as NOISE-R6.
420. In relation to the remainder of the other submissions on NOISE-R9 the Panel agree that these be rejected on the basis of the conclusions reached by Ms Evans.

### *NOISE-R10*

421. The Panel agrees with Ms Evans' reasoning and recommended amendments to NOISE-R10, as shown in Appendix 1 of the Right of Reply.
422. The Panel agrees with the Ms Evans' recommended amendment to include reference to a Noise Management Plan as an Advice Note not as a rule as initially recommended in the 42A Report. We note that Mr Peakall, in his Reply evidence, advised that not all airports are required to prepare noise management plans and he considered it was not necessary to have this as a rule to control noise emissions. On this basis, the Panel consider it more appropriate as an advice note.
423. The Panel notes the agreement reached between Mr Peakall and Dr Chiles to add a new clause (3). We consider it is appropriate to exempt larger passenger aircraft to undertake essential unplanned testing during the daytime. We consider small aircraft for scheduled passenger

services will be able to comply with the noise limits. The Panel include an advice note to assist interpretation of the rule.

424. The Panel recommends NOISE-R10 is renumbered as NOISE-R7.

425. In relation to the remainder of the other submissions on NOISE-R10, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Evans.

#### *NOISE-R12*

426. The Panel agrees with Ms Evans' reasoning and recommended amendments to NOISE-R12, as shown in Appendix 1 of the Right of Reply.

427. The Panel agrees with Ms Evans' recommended amendments to NOISE-R12, The Panel notes the deletion of NOISE-R12 (g) is a correction as this is a repeat of clause (a), and the Panel considers that the additional clause (k) *The functional need and/or operational need of the activity* as recommended in the 42A report will provide direction to plan users to consider the requirements of the activity with respect to potential noise effects and mitigation. The Panel notes the recommended additional clause (k) will now change to (j) as a consequence of the recommended deletion of clause (g).

428. The Panel recommends NOISE-R12 is renumbered as NOISE-R8.

429. In relation to the remainder of the other submissions on NOISE-R12 the Panel agree that these are rejected on the basis of the conclusions reached by Ms Evans.

#### *NOISE-R13*

430. The Panel accepts Ms Evans' recommendation to retain this rule as the default for Rule NOISE-R3, as shown in Appendix 1 of the Right of Reply.

431. The Panel recommends new NOISE-R13 is renumbered as NOISE-R9.

#### *NOISE-R13A*

432. The Panel agrees with Ms Evans' recommendation to add a new rule as a consequential amendment to adding the noise contours to address the submission points in relation to protecting the existing lawfully established activities undertaken at the Westport Rifle Range. We note this reflects the agreement recorded in JWS #1.

433. The Panel recommends new NOISE-R13A is renumbered as NOISE-R10.

*NOISE-APP1 - Acceptable Construction Design for Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity Subject to NOISE-R3.*

434. The Panel agrees with Ms Evans recommended amendment to include a new NOISE-APP1 providing guidance on acceptable construction design for acoustic insulation requirements for new buildings for use by a sensitive activity as required by NOISE-R3. We agree this provides improved certainty and clarity to Plan users as to how these standards can be achieved.

#### **Hearing Panel's Recommendation**

435. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend amendments to the **Noise – Ngā Oro Rules** and to add new **NOISE-APP1** as follows:

Noise Rules	
Permitted Activities	
NOISE - R1	General Standards
	All activities must comply with the following relevant standards.
	1. Noise levels arising from activities must be measured and assessed in accordance with the New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise, <sup>52</sup> except where more specific requirements apply.
	2. The noise from any construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics – Construction noise. Construction work is defined in New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.
	<del>3. Noise from mobile noise sources shall comply with the noise limits set out in Tables 2 and 3 of NZS 6803:1999 Acoustics – Construction Noise, with reference to "construction noise" taken to refer to "mobile noise sources";<sup>53</sup></del>
	<b><u>3. Noise from aerodromes, airfields or airports not subject to NOISE-R10 must be measured and assessed in accordance with New Zealand Standard NZS 6805:1992 Airport Noise Management and Land Use Planning.</u><sup>54</sup></b>
	<b><u>4. Noise from new or altered roads must be measured and assessed in accordance with New Zealand Standard NZS 6806:2010 Acoustics - Road-traffic noise - New and altered roads.</u><sup>55</sup></b>
	<del>4.5. Noise from wind turbines shall <b>must</b><sup>56</sup> be measured <b>and assessed</b><sup>57</sup> in accordance with section 7.7 of<sup>58</sup> NZS 6808: 2010 Acoustics Wind Farm Noise;</del>
	<del>5.6. Noise from Helicopter Landing areas shall <b>must</b><sup>59</sup> be managed <b>measured and assessed</b><sup>60</sup> in accordance with<sup>61</sup> and comply with the noise standards and limits of<sup>62</sup> NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Area.</del>

<sup>52</sup> RMA Schedule 1, clause 16(2)

<sup>53</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.535

<sup>54</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.535

<sup>55</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.535

<sup>56</sup> RMA Schedule 1, clause 16(2)

<sup>57</sup> Consequential amendment Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.535

<sup>58</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.535

<sup>59</sup> RMA Schedule 1, clause 16(2)

<sup>60</sup> Consequential amendment Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.535

<sup>61</sup> RMA Schedule 1, clause 16(2)

<sup>62</sup> RMA Schedule 1, clause 16(2)

**7. Noise from port activities must be managed in accordance with the noise standards and limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.**<sup>63</sup>

**Activity status where compliance not achieved:** Restricted Discretionary

**NOISE-R2 Emissions of Noise in All Zones**

**Activity Status Permitted**

Where the following activities are exempted from meeting Zone noise standards:

1. ~~Intermittent residential activities~~ **Noise associated with use of the site for residential activity, including**<sup>64</sup> use of lawn mowers, vehicles, machinery or equipment operated and maintained in accordance with the manufacturer's<sup>65</sup> specifications ~~and associated with the use of a site for a residential activity~~<sup>66</sup> ~~used on an intermittent basis (e.g. spraying, harvesting, etc);~~<sup>67</sup>
2. Any warning device or siren used by emergency services for emergency purposes (and routine testing and maintenance of these);
3. Activities at emergency service facilities associated with emergency response and emergency response training;
4. Helicopters used for an emergency and as an air ambulance;
5. The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding ~~2~~**two**<sup>68</sup> weeks in duration, where they are operated by emergency services, or lifeline utilities **or regionally significant infrastructure;**<sup>69</sup>
6. People noise at recreational activities, such as sporting events or the noise from children at school ~~or daycare facilities~~<sup>70</sup> or in residential dwellings. This ~~did~~ **does**<sup>71</sup> not include any amplified noise;
7. Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1998), or within a site as part of or compatible with an ~~normal residential~~ activity **provided for as a permitted activity in that zone;**<sup>72</sup>
8. Trains **operating**<sup>73</sup> on rail lines (public or private) and crossing bells within road reserve, including at railway yards, railway sidings or stations. However, this exemption ~~did~~ **does**<sup>74</sup> not apply to the testing (when stationary), maintenance, loading or unloading of trains;
9. Road construction work where management controls are in place to mitigate the emission of noise;
10. ~~Any residential activity on the same site as a noise source being assessed;~~<sup>75</sup>

<sup>63</sup> Consequential change to the recommended amendment to Rule NOISE-R9

<sup>64</sup> RMA Schedule 1, clause 16(2)

<sup>65</sup> RMA Schedule 1, clause 16(2)

<sup>66</sup> RMA Schedule 1, clause 16(2)

<sup>67</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536

<sup>68</sup> RMA Schedule 1, clause 16(2)

<sup>69</sup> Manawa Energy Limited S438.126

<sup>70</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536

<sup>71</sup> RMA Schedule 1, clause 16(2)

<sup>72</sup> Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited S464.049, WMS Group (HQ) Limited and WMS Land Co. Limited S599.094

<sup>73</sup> RMA Schedule 1, clause 16(2)

<sup>74</sup> RMA Schedule 1, clause 16(2)

<sup>75</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536

11. Agricultural, **pastoral and** horticultural and ~~pastoral farming~~<sup>76</sup> activities undertaken for a limited duration, including using agricultural vehicles, machinery, aircraft or equipment used on a seasonal or intermittent basis in the General Rural **Zone** and Rural Lifestyle **Zones**;<sup>77</sup>
12. Infrequent aircraft **take off and** landing, **including helicopter movements**, for **associated with rural production activities and conservation activities**<sup>78</sup> **at least 250 metres from any sensitive activity or** and purposes on an intermittent basis **for no more than 30 days in any 12 month period per site**, including aerial topdressing and helicopter movements;<sup>79</sup>
13. Non-commercial motorised watercraft operating on the surface of waterbodies;
14. Rifle ranges located within the Rifle Range Protection Area **during the hours of 7am to 10pm**;<sup>80</sup>
15. Impulsive sounds (such as hammering and bangs) and dog barking noise which are poorly assessed by reference to NZS 6802:2008 Acoustics Environmental Noise;<sup>81</sup>
16. The noise is emitted from an audible bird scaring device between the hours of half an hour before sunrise and until half an hour after sunset, not used at a frequency of more than 12 events per hour, **and generating less than 65 dB<sub>LAE</sub> for each event measured at any point at or within the boundary of any site within a Residential Zone, Settlement Zone, Māori Purpose Zone, Hospital Zone, Open Space Zone, Natural Open Space Zone, Scenic Visitor Zone, Future Urban Zone or at the notional boundary of any site in the General Rural Zone or Rural Lifestyle Zone**;<sup>82</sup> and
17. The noise is from a Temporary Activity where the temporary activity occurs between 7:00am and 10:00pm, and **no more than 12 days per calendar year**<sup>83</sup> only,<sup>84</sup> and if operating outside of these hours complies with the underlying noise standards of the zone. **This does not include any amplified noise.**<sup>85</sup>

**Advice Note:**

**NOISE - R2.12 does not apply to land held or managed under the Conservation Act 1987.**<sup>86</sup>

Activity Status where compliance not achieved: ~~Restricted Discretionary~~ **N/A**<sup>87</sup>

**NOISE-R3 Acoustic Insulation Requirements for New or Altered<sup>88</sup> 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 **the Road Noise Overlay shown on the planning maps**<sup>89</sup>;

<sup>76</sup> RMA Schedule 1, clause 16(2) to use defined term

<sup>77</sup> RMA Schedule 1, clause 16(2)

<sup>78</sup> New Zealand Agricultural Aviation Association S166.024, Director General of Conservation S602.180, West Coast Regional Council S488.033

<sup>79</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536

<sup>80</sup> Westport Pistol Club S336.009

<sup>81</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536

<sup>82</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536

<sup>83</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536

<sup>84</sup> RMA Schedule 1, clause 16(2)

<sup>85</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536

<sup>86</sup> RMA Schedule 1, clause 16(2)

<sup>87</sup> RMA Schedule 1, clause 16(2)

<sup>88</sup> KiwiRail Holdings Limited S442.088

<sup>89</sup> Waka Kotahi NZ Transport Agency S450.171, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

- ~~a. 80m of the edge of the carriageway of a State Highway with a speed limit of 70kph or greater; or~~
- ~~b. 40m of the edge of the carriageway of a State Highway with a speed limit of less than 70kph;~~<sup>90</sup> where:
- ~~i. a. Any habitable room used for a sensitive activity **and/or space used for sleeping** must be designed, ~~and constructed~~ **and maintained** to achieve a ~~minimum~~ **maximum** internal noise ~~limit level~~ of 40 dB LA<sub>Aeq (24h)</sub> **(24h)**;<sup>91</sup> 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~~
- b. Compliance with a. above must be achieved based on existing measured or predicted external road-traffic noise levels with the addition of 3 dB; and**<sup>92</sup>
- ~~iii. c. Any **new or altered habitable room and/or space used for sleeping** building **within 20 metres of the edge of the carriageway**<sup>93</sup> must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95);~~
- 2. e. 46100m**<sup>94</sup> of the edge of the tracks of ~~a~~ **any railway line except for the Hokitika line**<sup>95</sup> where:
- ~~i. Any **new or altered**<sup>96</sup> habitable room used for a sensitive activity **and/or space used for sleeping**;~~<sup>97</sup>
- ~~a. must be **is** designed, ~~and constructed~~ **and maintained** to achieve a maximum internal noise ~~limit level~~<sup>98</sup> of 35 dB LA<sub>Aeq (1h)</sub> **(1h)**;~~<sup>99</sup>
- ~~b. Compliance **with a. above**<sup>100</sup> must be achieved based on an assumption of 70 ~~dB~~ LA<sub>Aeq (1h)</sub> **(1h)**<sup>101</sup> 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; ~~or ii.~~<sup>102</sup>~~
- ~~c. **It is at least 50m from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8m above railway tracks.**~~<sup>103</sup>
- 3. e. 60m of the edge of the tracks of any railway line, except for the Hokitika line, where** ~~iii. Any~~ **building any new or altered habitable room and/or space used for sleeping**<sup>104</sup> must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95);

<sup>90</sup> Waka Kotahi NZ Transport Agency S450.171, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

<sup>91</sup> Waka Kotahi NZ Transport Agency S450.171, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211 and RMA Schedule 1, clause 16(2)

<sup>92</sup> Waka Kotahi NZ Transport Agency S450.171, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

<sup>93</sup> Waka Kotahi NZ Transport Agency S450.171, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

<sup>94</sup> KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

<sup>95</sup> KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

<sup>96</sup> Consequential to KiwiRail Holdings Limited S442.088

<sup>97</sup> KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

<sup>98</sup> KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

<sup>99</sup> RMA Schedule 1, clause 16(2)

<sup>100</sup> RMA Schedule 1, clause 16(2)

<sup>101</sup> RMA Schedule 1, clause 16(2)

<sup>102</sup> RMA Schedule 1, clause 16(2)

<sup>103</sup> KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211, Misato Nomura S151.002

<sup>104</sup> KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

- 4. d.** The 50 dBA<sup>105</sup> Noise Contour boundary of Franz Josef Heliport or the 55 dBA<sup>106</sup> Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome **or Haast Airfield**,<sup>107</sup> where:
- Any **new or altered**<sup>108</sup> habitable room **and/or space used for sleeping**<sup>109</sup> must be designed, and constructed **and maintained**<sup>110</sup> to achieve a ~~minimum~~ **maximum**<sup>111</sup> indoor design noise level of 40 dB L<sub>dn</sub>;
- 5. 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:
- The building is designed, ~~and~~ constructed **and maintained**<sup>112</sup> to ensure that the following indoor design noise levels are not exceeded:
    - ~~40~~**35** dB LA<sub>Aeq</sub><sup>113</sup> inside **any new or altered habitable room-bedrooms**<sup>114</sup>;
    - ~~35~~**40** dB LA<sub>Aeq</sub><sup>115</sup> inside ~~any other habitable room, except for~~ **new or altered bedrooms between 10pm and 7am**<sup>116</sup>; and
- 6. Between the 55 dB LA<sub>Fmax</sub> and 60 dB LA<sub>Fmax</sub> contours of the Westport Rifle Range Noise Overlay shown on the planning maps:**
- Any habitable room used for a sensitive activity and/or space used for sleeping must be designed, constructed and maintained to achieve a maximum internal noise level of 35 dB LA<sub>Fmax</sub> from outdoor noise associated with lawfully established activities at the Westport Rifle Range Protection Area; and**
  - An outdoor living area not less than 30m<sup>2</sup> must be screened from the Westport Rifle Range Protection Area to achieve an outdoor noise level not exceeding 50 dB LA<sub>Fmax</sub>.**<sup>117</sup>
- 7. f.** Where windows need to be closed to achieve the internal noise levels specified in ~~a. to e.-1-~~**6**<sup>118</sup> above an alternative ventilation system shall be provided which achieves the following requirements:
- Satisfies clause G4 of the New Zealand Building Code;
  - 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
  - Provides relief for equivalent volumes of spill air; and
  - Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C<sup>119</sup>; and

<sup>105</sup> RMA Schedule 1, clause 16(2)

<sup>106</sup> RMA Schedule 1, clause 16(2)

<sup>107</sup> Consequential amendment to Special Purpose Zone Chapter Recommendation Report to include Haast Airfield in the Airport Zone

<sup>108</sup> Consequential to KiwiRail Holdings Limited S442.088

<sup>109</sup> Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211)

<sup>110</sup> Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211)

<sup>111</sup> Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

<sup>112</sup> RMA Schedule 1, clause 16(2) to reflect NZ 2107:2000

<sup>113</sup> RMA Schedule 1, clause 16(2)

<sup>114</sup> Consequential to KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

<sup>115</sup> RMA Schedule 1, clause 16(2) to reflect NZ 2107:2000

<sup>116</sup> Consequential to KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

<sup>117</sup> Dean Trott S330.002, Westport Pistol Club S336.016, Chris Hartigan S338.002, Westport Rifle Club Incorporated S457.009

<sup>118</sup> RMA Schedule 1, clause 16(2)

<sup>119</sup> RMA Schedule 1, clause 16(2)

- v. Does not generate more than 35 dB LA<sub>Aeq,10m</sub> (30s)<sup>120</sup> when measured **at any point where a person associated with a sensitive activity could be located, and no less than at least<sup>121</sup> 1m** away from any grille or diffuser.

Advice Note:

1. Compliance with Rule NOISE - R3 will be achieved if, prior to the construction of any building containing a **new or altered<sup>122</sup> habitable room and/or space used for sleeping,<sup>123</sup> 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; or.**
2. **For NOISE-R3.1, NOISE-R3.2, NOISE-R3.4, NOISE-R3.5 and NOISE-R3.6.a, compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE-APP1 - Acceptable constructions requirement, Part A and meets the ventilation requirements of NOISE-R3.7.**<sup>124</sup>
3. **For NOISE-R3.3, compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE-APP1 - Acceptable constructions requirement, Part B and meets the ventilation requirements of NOISE-R3.7.**<sup>125</sup>

**Activity status where compliance not achieved:** Restricted Discretionary

#### **NOISE-R4 Emission of Noise for Temporary Military Training Activities**

##### **Activity Status Permitted**

Where the following noise standards are complied with:

1. Weapons firing and/or the use of explosives:
  - a. Notice is provided to the Council at least **five**<sup>126</sup> working days prior to the commencement of the activity;
  - b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a sensitive activity:
    - i. 7am to 7pm: 500m;
    - ii. 7pm to 7am: 1250m<sup>127</sup>
  - c. Where the minimum separation distances specified above cannot be met, the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a sensitive activity:
    - i. 7am to 7pm: 95 dB CL<sub>Cpeak</sub>,<sup>128</sup>
    - b. 7pm to 7am: 85 dB CL<sub>Cpeak</sub>.<sup>129</sup>

<sup>120</sup> RMA Schedule 1, clause 16(2)

<sup>121</sup> RMA Schedule 1, clause 16(2)

<sup>122</sup> Consequential to KiwiRail Holdings Limited S442.088

<sup>123</sup> RMA Schedule 1, clause 16(2)

<sup>124</sup> KiwiRail Holdings Limited S442.088 and amendments to reflect updated numbering in rule

<sup>125</sup> Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211, Buller District Council S538.333, Waka Kotahi NZ Transport Agency S450.171; KiwiRail Holdings Limited S442.088

<sup>126</sup> RMA Schedule 1, clause 16(2)

<sup>127</sup> Westport Pistol Club S336.011, Westport Rifle Club Incorporated S457.010

<sup>128</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.538

<sup>129</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.538

2. Mobile noise sources:
  - d. Shall comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics - Construction Noise, with reference to "construction noise" taken to refer to mobile noise sources.
3. Fixed (stationary) noise sources:
  - a. Shall comply with the noise limits set out below when measured at the notional boundary of any building housing a sensitive activity:
    - i. 7am to 7pm 55 dB  $L_{Aeq}$  (15 min)
    - ii. 7pm to 10pm 50 dB  $L_{Aeq}$  (15 min)
    - iii. 10pm to 7am 45 dB  $L_{Aeq}$ <sup>130</sup> (15 min) and 75 dB  $L_{AFmax}$ <sup>131</sup>

**NOISE-R5X Emission of noise for activities not provided for by NOISE-R2, NOISE-R4, NOISE-R9 and NOISE-R10<sup>132</sup>**

**Activity Status Permitted**

**Where:**

1. Noise from any activity shall not exceed the following noise limits at any point at or within the boundary of any site within any of the following zones:

<u>Zone</u>	<u>Maximum Noise Limit</u>		
	<u>Daytime</u> <u>(Monday–Friday)</u> <u>7:00am-10:00pm</u>	<u>Saturday, Sundays</u> <u>and Public Holidays</u> <u>7:00 am –10:00pm</u>	<u>Night-time</u> <u>10:00pm-7:00am</u>
<u>RESZ Residential Zone</u> <u>SETZ Settlement Zone</u> <u>GRUZ General Rural Zone</u> <u>RLZ Rural Lifestyle Zone</u> <u>MPZ Māori Purpose Zone</u> <u>HOSZ Hospital Zone</u> <u>OSZ Open Space Zone</u> <u>NOSZ Natural Open Space Zone</u> <u>SVZ Scenic Visitor Zone</u> <u>FUZ Future Urban Zone</u>	55 dB $L_{Aeq}$	50 dB $L_{Aeq}$	45 dB $L_{Aeq}$ 70 dB $L_{AFmax}$

2. Noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any site within any of the following zones:

<u>Zone</u>	<u>Maximum Noise Limit</u>		
	<u>Daytime</u> <u>(Monday–Friday)</u> <u>7:00am -7:00pm</u>	<u>Monday-Friday</u> <u>7:00pm – 10:00pm</u> <u>Saturday, Sundays</u> <u>and Public</u>	<u>Night-time</u> <u>10:00pm-7:00am</u>

<sup>130</sup> RMA Schedule 1, clause 16(2)

<sup>131</sup> RMA Schedule 1, clause 16(2)

<sup>132</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540, Chris and Jan Coll S558.327 and others

		<b>Holidays 7:00 am – 10:00pm</b>	
<b><u>GRUZ General Rural Zone</u></b> <b><u>RLZ Rural Lifestyle Zone</u></b>	<b>55 dB LAeq</b>	<b>50 dB LAeq</b>	<b>45 dB LAeq</b> <b>70 dB LAfmax</b>

**3. The maximum noise from any activity shall not exceed the following noise limits at any point at or within the boundary of any site within any<sup>133</sup> of following zones:**

<b><u>Zone</u></b>	<b><u>Maximum Noise Limit</u></b>		
	<b><u>Daytime</u></b> <b><u>(Monday–Friday)</u></b> <b><u>7:00am-10:00pm</u></b>	<b><u>Saturday, Sundays</u></b> <b><u>and Public</u></b> <b><u>Holidays 7:00 am –</u></b> <b><u>10:00pm</u></b>	<b><u>Night-time</u></b> <b><u>10:00pm-7:00am</u></b>
<b><u>SARZ Sport and Recreation Zone</u></b> <b><u>AIRPZ Airport Zone</u></b> <b><u>CMUZ Commercial and Mixed Use Zones</u></b> <b><u>STADZ Stadium Zone</u></b> <b><u>LIZ Light Industrial Zone</u></b>	<b>60 dB LAeq</b>	<b>55 dB LAeq</b>	<b>50 dB LAeq</b> <b>75 dB LAfmax</b>
<b><u>GIZ General Industrial Zone</u></b> <b><u>PORTZ Port Zone</u></b>	<b>65 dB LAeq</b>	<b>65 dB LAeq</b>	<b>65 dB LAeq</b>

**4. Noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any sensitive activity within any of the following zones:**

<b><u>Zone</u></b>	<b><u>Maximum Noise Limit</u></b>		
	<b><u>Daytime</u></b> <b><u>(Monday–Friday)</u></b> <b><u>7:00am-10:00pm</u></b>	<b><u>Saturday, Sundays</u></b> <b><u>and Public</u></b> <b><u>Holidays 7:00 am –</u></b> <b><u>10:00pm</u></b>	<b><u>Night-time</u></b> <b><u>10:00pm-7:00am</u></b>

<sup>133</sup> Minor amendment to improve clarity

<u>MINZ Mineral Extraction Zone</u>	<u>55 dB LAeq</u>	<u>55 dB LAeq</u>	<u>45 dB LAeq</u> <u>75 dB LAfmax</u>
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Activity Status when not achieved: **Restricted Discretionary**

**NOISE R5 Emission of Noise in the RESZ – Residential Zones, SETZ – Settlement Zone and NOSZ – Natural Open Space Zone<sup>134</sup>**

**Activity Status Permitted**

Where: 1. Noise generated by any activity shall not exceed the following noise limits at any point within another site in the RESZ – Residential Zones, SETZ – Settlement Zone and NOSZ – Natural Open Space Zone:

- a. ~~7:00am to 7:00pm Monday to Friday and 8:00am to 5:00pm weekends and public holidays: 55 dB LAeq (15 min)~~
- b. ~~7:00pm to 7:00am Monday to Friday and 5:00pm to 8:00am weekends and public holidays: 45 dB LAeq (15 min)~~
- c. ~~7:00pm to 7:00am all days: 70 dB LAfmax~~

~~Activity status where compliance not achieved: Restricted Discretionary~~

**NOISE R6 Emission of Noise in the GRUZ – General Rural Zone, RLZ – Rural Lifestyle Zone, MPZ – Māori Purpose Zone, FUZ – Future Urban Zone, SARZ – Sport and Recreation Zone and OSZ – Open Space Zone<sup>135</sup>**

**Activity Status Permitted**

Where:

4. Noise generated by any activity shall not exceed the following noise limits at any point within the notional boundary of any sensitive activity within any site receiving noise:

- a. ~~7:00am to 10:00pm Monday to Friday and 8:00am to 8:00pm weekends and public holidays: 55 dB LAeq (15 min)~~
- b. ~~10:00pm to 7:00am Monday to Friday and 8:00pm to 8:00am weekends and public holidays: 45 dB LAeq (15 min)~~
- c. ~~10:00pm to 7:00am all days: 75 dB LAfmax~~

~~Activity status where compliance not achieved: Restricted Discretionary~~

<sup>134</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others

<sup>135</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others

**NOISE R7**      ~~Emission of Noise in all CMUZ – Commercial and Mixed Use Zones, HOSZ – Hospital Zone, STADZ – Stadium Zone and SETZ – PREC2 – Settlement Zone – Settlement Centre Precinct~~<sup>136</sup>

**Activity Status Permitted**

Where:

1. Noise generated by any activity shall not exceed the following noise limits at the notional boundary of any sensitive activity within any site receiving noise:

- a. ~~6:00am to 11:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays:  
55 dB<sub>L<sub>Aeq</sub>(15 min)</sub>~~
- b. ~~11:00pm to 6:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays:  
45 dB<sub>L<sub>Aeq</sub>(15 min)</sub>~~
- c. ~~11:00pm to 6:00am all days – 75 dB<sub>L<sub>A</sub>F<sub>max</sub></sub>~~

~~Activity status where compliance not achieved: Restricted Discretionary~~

**NOISE R8**      ~~Emission of Noise within the GIZ – General Industrial and LIZ – Light Industrial Zone~~<sup>137</sup>

**Activity Status Permitted**

Where:

1. Noise generated by any activity shall not exceed the following noise limits at the notional boundary of any sensitive activity within any site receiving noise:

- a. ~~7:00am to 10:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays:  
60 dB<sub>L<sub>Aeq</sub>(15 min)</sub>~~
- b. ~~10:00pm to 7:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays:  
45 dB<sub>L<sub>Aeq</sub>(15 min)</sub>~~
- c. ~~10:00pm to 7:00am all days – 75 dB<sub>L<sub>A</sub>F<sub>max</sub></sub>~~

~~Activity status where compliance not achieved: Restricted Discretionary~~

**NOISE – R96**      **Emission of Noise within the PORTZ - Port Zone**

**Activity Status Permitted**

Where:

- 1. The maximum noise generated from activities is in accordance with the limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.

**Activity Status if compliance not achieved: Restricted Discretionary**

**Advice Note:**

<sup>136</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others

<sup>137</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others

**A Port Noise Management Plan is recommended by NZS 6809 that sets out the details of how NZS: 6809 is being implemented.**<sup>138</sup>

**NOISE - R107 Emission of Noise within the AIRPZ - Airport Zone**

Activity Status Permitted

Where:

1. Noise from aircraft operations at Hokitika and Westport Airports, **Haast Airfield**<sup>139</sup> and Greymouth and Karamea Aerodromes must be measured and assessed in accordance with NZS 6805: 1992 Airport Noise Management and Land Use Planning;
2. Noise from helicopter operations at Franz Josef Heliport must be measured and assessed in accordance with NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas;
- 3. Noise from aircraft engine testing is exempt from NOISE-R7.1 above, and:**

**(a) is not subject to a noise limit if it is essential unplanned testing occurring between 7:00am and 10:00pm, for regular scheduled passenger services to and from other regions with fixed wing aircraft with at least eight passenger seats; and**

**(b) for all other cases must comply with the noise limits set out in NOISE-R5.**<sup>140</sup>

- ~~3. The maximum noise levels from aircraft engine testing at any point within the boundary of a site within a RESZ – Residential Zone, MPZ – Māori Purpose Zone or RURZ – Rural Zone shall not exceed:~~

~~a. on any day 7.00am to 10.00pm exceed 55 dB  $L_{Aeq}(15\text{ hour})$~~

~~b. on any day 10.00pm to 7.00am not exceed 45 dB  $L_{Aeq}(9\text{ hours})$  and 75 dB  $L_{Amax}$ ; and~~<sup>141</sup>

4. The maximum noise generated from aircraft operations at Hokitika **and Westport Airports, Haast Airfield**<sup>142</sup> **and Greymouth and Karamea Aerodrome**<sup>143</sup> over any 90 continuous days shall not exceed:

a. 55 dB  $L_{tdn}$ <sup>144</sup> at or beyond the noise contour boundary shown on the planning maps; and

5. The maximum noise generated from helicopter operations at Franz Josef Heliport over any **seven**<sup>145</sup> continuous days, shall not exceed:

a. 50 dB  $L_{tdn}$ <sup>146</sup> at or beyond the noise contour boundary shown on the planning maps; and

6. Standards 4 and 5 above do not apply to:

a. Aircraft landing or taking off in an emergency; and

b. Emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency situations; and

<sup>138</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.544

<sup>139</sup> Consequential to recommendation to include Haast Airfield in the Airport Zone

<sup>140</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.545 and consequential amendment to delete clause 3 of NOISE-R10 and adding new NOISE-RX (renumbered NOISE-R5)

<sup>141</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others

<sup>142</sup> Consequential to recommendation to include Haast Airfield in the Airport Zone

<sup>143</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.545

<sup>144</sup> RMA Schedule 1, clause 16(2)

<sup>145</sup> RMA Schedule 1, clause 16(2)

<sup>146</sup> RMA Schedule 1, clause 16(2)

- c. Aircraft undertaking firefighting duties; and
- d. Military aircraft movements; and
- e. Aircraft using the Hokitika Airport in preparation for and participation in air shows.

~~7. In order to audit compliance with this rule, noise level monitoring must be carried out for a minimum of three months every five years with the resulting report forwarded to the Council within one month of that monitoring being completed.<sup>147</sup>~~

**Advice Notes:**

**1. A Noise Management Plan may be prepared that sets out details of how NZS 6805 or NZS 6807 is being implemented.**<sup>148</sup>

**2. Fixed wing aircraft with less than eight passenger seats are unlikely to exceed noise limits when undertaking aircraft engine testing so are exempt from the restriction in hours in clause 3(a) that apply to fixed wing aircraft with at least eight passenger seats.**

**Activity Status if compliance not achieved:** Restricted Discretionary

~~**NOISE-R11 Emission of Noise within the BCZ Buller Coalfield Zone and MEZ Mineral Extraction Zone**~~<sup>149</sup>

**Activity Status Permitted**

Where:

- ~~1. The maximum noise generated from activities did not exceed the following limits at Amax any point within the notional boundary of any sensitive activity within any site receiving noise:
  - ~~1. 7:00am to 10:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays: 55 dB<sub>L<sub>Aeq</sub>(15 min)</sub>~~
  - ~~2. 10:00pm to 7:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays: 45 dB<sub>L<sub>Aeq</sub>(15 min)</sub>~~
  - ~~3. 10:00pm to 7:00am all days 75 dB<sub>L<sub>Afmax</sub></sub>~~~~

~~**Activity status where compliance not achieved:** Restricted Discretionary~~

~~**NOISE-R128 Emission of Noise not meeting Permitted Activity Standards**~~

**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

- a. Effects on the health and wellbeing of people;
- b. Ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site,<sup>150</sup> and the degree to which such sounds are compatible with the surrounding activities;
- c. The level, hours of operation, duration and nature of the noise;
- d. The primary purpose and the frequency of use of the activity;
- e. Proximity and nature of nearby activities and the adverse effects they may experience from the noise;

<sup>147</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others

<sup>148</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.545

<sup>149</sup> Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others

<sup>150</sup> RMA Schedule 1, clause 16(2)

- f. Effects on character and amenity values of the surrounding environment; and
- ~~g. Effects on the health and wellbeing of people;~~<sup>151</sup>
- h. Effects on wildlife and habitat values;
- i. The temporary or permanent nature of any adverse effects;
- j. Any noise reduction measures; ~~and~~
- k. The functional need or operational need of the activity.**<sup>152</sup>

Activity status where compliance not achieved: N/A

**NOISE-R139      New Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity not meeting Acoustic Insulation Requirements of Rule NOISE - R3**

Activity Status Restricted Discretionary

Where:

Discretion is restricted to:

- a. The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site; and
- b. The impact of any sensitive activity that ~~did~~ **does**<sup>153</sup> not provide the required acoustic insulation on the ability of existing or future permitted ~~business~~<sup>154</sup> activities to operate or establish without undue constraint.

Activity status where compliance not achieved: N/A

**NOISE-R10      Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity within the 60 dB L<sub>A</sub>F<sub>max</sub> contour of the Westport Rifle Range Noise Overlay**

Activity Status: Restricted Discretionary

Discretion is restricted to:

- a. **The provision of a report from an acoustic specialist which provides evidence that the level of noise mitigation is appropriate to ensure the amenity of present and future residents of the site; and**
- b. **The impact of any sensitive activity that did not provide the required noise mitigation on the ability of lawfully established activities at the Westport Rifle Range to operate without undue constraint.**

Activity status where compliance not achieved: **N/A**<sup>155</sup>

**NOISE-APP1      Acceptable Construction Design for Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity Subject to Noise - R3**<sup>156</sup>

<sup>151</sup>Waka Kotahi NZ Transport Agency S450.172, Buller Conservation Group S552.156, Frida Inta S553.156

<sup>152</sup> Westpower Limited S547.490

<sup>153</sup> RMA Schedule 1, clause 16(2)

<sup>154</sup> In response to submitter evidence

<sup>155</sup> Dean Trott S330.002, Westport Pistol Club S336.016, Chris Hartigan S338.002, Westport Rifle Club Incorporated S457.009

<sup>156</sup> KiwiRail Holdings Limited S442.088, Gina Hogarth S304.002, Misato Nomura S151.002, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

**Part A: Approved construction requirements for compliance with NOISE-R3.1, NOISE-R3.2, NOISE-R3.4, NOISE-R3.5, NOISE-R3.6.a.**

<b>Applicability</b>	<p><u>Construction requirements detailed in this Appendix are only applicable where:</u></p> <ol style="list-style-type: none"> <li>1. <u>The building is a single level construction;</u></li> <li>2. <u>The floor of the building is a reinforced concrete slab;</u></li> <li>3. <u>No habitable room of the building is located less than 4.5 metres from the State Highway road boundary or railway track edge;</u></li> <li>4. <u>The total area of glazing in any habitable room is no greater than 20% of the total area of external walls of that room; and</u></li> <li>5. <u>The roof of the building is a standard timber truss design, with a pitch of not less than 15 degrees. Ventilation of the roof space must only be via casual ventilation typical of the jointing, capping and guttering detail used in normal construction.</u></li> </ol> <p><u>In all other situations, a design report from a suitably qualified acoustics specialist is required.</u></p>
<b>Construction Options</b>	
<b>Exterior Walls Option 1</b>	<p><u>Exterior cladding of aerated concrete or similar, with a surface mass not less than 27 kg/m<sup>2</sup>.</u></p> <ul style="list-style-type: none"> <li>• <u>Timber framing of not less than 90 mm, with studs at 600 mm centres. A ventilated cavity is not required under this option but is permissible, with or without a rigid air barrier.</u></li> <li>• <u>Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products.</u></li> <li>• <u>One layer of 10 mm thick Standard Gib board or alternative gypsum board having a surface mass not less than 6 kg/m<sup>2</sup>.</u></li> </ul>
<b>Exterior Walls Option 2</b>	<p><u>Exterior cladding of profiled sheet metal not less than 0.45 mm thick.</u></p> <ul style="list-style-type: none"> <li>• <u>20 mm thick battens forming a ventilated cavity,</u></li> <li>• <u>Rigid air barrier consisting of Plywood not less than 9 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 5 kg/m<sup>2</sup>.</u></li> <li>• <u>Timber framing of not less than 90 mm, with studs at 600 mm centres,</u></li> <li>• <u>Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products,</u></li> <li>• <u>One layer of 10 mm thick Standard Gib board or alternative gypsum board, having a surface mass not less than 6 kg/m<sup>2</sup>,</u></li> </ul>
<b>Exterior Walls Option 3</b>	<p><u>Exterior cladding of Fibre Cement weatherboards, with a surface mass not less than 18 kg/m<sup>2</sup> (Hardies Linea or equivalent).</u></p> <ul style="list-style-type: none"> <li>• <u>20 mm thick battens forming a ventilated cavity.</u></li> </ul>

	<ul style="list-style-type: none"> <li>• <u>Rigid air barrier consisting of Plywood not less than 7 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 3.8 kg/m<sup>2</sup>.</u></li> <li>• <u>Timber framing of not less than 90 mm, with studs at 600 mm centres.</u></li> <li>• <u>Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products.</u></li> <li>• <u>One layer of 10 mm thick Standard Gib board or alternative gypsum board, having a surface mass not less than 6 kg/m<sup>2</sup>,</u></li> </ul>
<u>Glazing and Exterior doors - All options</u>	<ul style="list-style-type: none"> <li>• <u>Windows to consist of double glazing consisting of a minimum of two layers of 4 mm thick glass separated by a 12 mm air gap, with airtight seals.</u></li> <li>• <u>External doors to be either double glazed to the same standard as windows or a solid timber construction with a surface mass not less than 24 kg/m<sup>2</sup> and incorporating full perimeter seals.</u></li> </ul>
<u>Roof – All Options</u>	<ul style="list-style-type: none"> <li>• <u>Profiles metal roofing not less than 0.45 mm thick profiled steel or tiles.</u></li> <li>• <u>Fibrous insulation of minimum R6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products,</u></li> <li>• <u>Two layers of 10 mm Standard Gib board or alternative gypsum board, with each layer having a surface mass not less than 6 kg/m<sup>2</sup>.</u></li> </ul>

**Part B: Approved construction requirements for compliance with NOISE-R3.3**

**Any new buildings or alterations to existing buildings containing a sensitive activity, closer than 60 metres to the boundary of an existing railway track and is a single storey framed building with:**

**a. A constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations; and**

**b. Vibration isolation separating the sides of the floor slab from the ground; and**

**c. No rigid connections between the building and the ground.**

**In all other situations, a design report from a suitably qualified acoustic specialist is required demonstrating compliance with NOISE-R3.3.**

**New buildings and alterations must meet the ventilation requirements of NOISE-R3.7.**

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Noise – Ngā Oro



**Sharon McGarry**

**Hearings Panel - Chair**



**Maria Bartlett**

**Hearings Panel Member**



**Anton Becker**

**Hearings Panel Member**

**Date: 9 September 2025**

## APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISION

### Definitions

#### **AUDIBLE BIRD SCARING DEVICE**

**means gas gun, avian distress alarm or other such device used for the purpose of scaring birds.**

### Noise Chapter

#### **Overview**

The generation of noise is often a necessary part of many activities undertaken on the West Coast/Te Tai o Poutini. While it is important that such activities are able to operate, noise can result in potential adverse effects on people's health and wellbeing, and their enjoyment of the environment. Adverse effects associated with noise can vary depending on a number of factors, including frequency, timing, duration and characteristics of the noise, the distance between the source and receiver, and any reduction measures. The background sound level can influence the acceptability or annoyance of noise, and this can also vary throughout the West Coast/Te Tai o Poutini.

Where noise sensitive activities are established near existing noise-generating activities, or areas where higher noise levels are to be expected, reverse sensitivity effects can arise, potentially resulting in the existing noise-generating activities being constrained, in terms of their ongoing operation or expansion. This is a particular concern for important services and community facilities, including Airports, Airfields, Aerodromes, and Heliports, Sports Grounds and Stadiums, the State Highway, Railway Corridors and the Ports, which could be constrained if reverse sensitivity effects arise.

This Chapter controls the nature and timing of noise-generating activities, **including maintaining the amenity of existing sensitive activities by managing noise levels**, and manages new sensitive activities where these are located close to established noise-generating activities or zones which have or are expected to have elevated noise levels. The provisions in this chapter apply to all other chapters within this Plan, unless otherwise specified.

**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 **result in unreasonable noise that may** compromise community health, safety and wellbeing.

**NOISE-O2** The function and operation of existing and permitted future **lawfully established** noise generating activities, and community **facilities, and** infrastructure, **including regionally significant infrastructure** are not compromised by adverse effects, including reverse sensitivity effects, from noise-sensitive activities.

**NOISE – O3** The health and wellbeing of people and communities, **including sensitive activities**, are protected from significant levels of noise.

**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:

- The purpose, character and qualities of the zone that the activity is located in;

	<ul style="list-style-type: none"> <li>b. The nature, frequency and duration of the noise generating activity;</li> <li>c. Whether the noise generating activity is <del>critical</del> <b><u>regionally significant</u></b> infrastructure;</li> <li>d. Methods of mitigation; and</li> <li>e. The sensitivity of the surrounding environment.</li> </ul>
<p><b>NOISE – P2</b></p>	<p>Require sensitive activities sited in higher noise environments to be located and designed <del>so as</del> 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> <ul style="list-style-type: none"> <li>a. The type of noise generating activity; and</li> <li>b. Other noise sources in the area; and</li> <li>c. The nature and occupancy of the <del>noise</del> sensitive activity; and</li> <li>d. Mitigation measures, including acoustic insulation, screening and topography.</li> </ul> <p>For the purpose of NOISE - P2 higher noise environments include:</p> <ul style="list-style-type: none"> <li>e. CMUZ - Commercial and mixed-use zones;</li> <li>f. INZ - Industrial zones, PORTZ - Port Zone, AIRPZ - Airport Zone, STADZ - Stadium Zone, BCZ - Buller Coalfield Zone, MINZ - Mineral Extraction Zone and HOSPZ - Hospital Zone; <del>and</del></li> <li>g. Locations in close proximity to a State Highway and the Railway Corridor; <u>and</u></li> <li>h. <b><u>The Westport Rifle Range Noise Overlay.</u></b></li> </ul>
<p><b>NOISE – P3</b></p>	<p>Within the Airport Noise Contour Boundary overlay avoid sensitive activities, unless noise mitigation measures are implemented that avoid sleep disturbance and minimise other adverse effects on the amenity values of occupants.</p>
<p><b>NOISE-P4</b></p>	<p>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> <ul style="list-style-type: none"> <li>a. Maximum noise limits to reflect the character and amenity of each zone;</li> <li>b. Type, scale and location of the activity in relation to any <del>noise</del> sensitive activities;</li> <li>c. Hours of operation and duration of activity;</li> <li>d. The temporary or permanent nature of any adverse effects; <del>and</del></li> <li>e. The ability to internalise and/or <b><u>avoid, remedy or mitigate adverse effects</u></b> <del>minimise any conflict with adjacent activities; and</del></li> <li>f. <b><u>The functional need or operational need of the activity.</u></b></li> </ul>

**Noise Rules**

**Permitted Activities**

NOISE - R1	General Standards
<p>All activities must comply with the following relevant standards.</p> <ol style="list-style-type: none"> <li>1. Noise levels arising from activities must be measured and assessed in accordance with the New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise, except where more specific requirements apply.</li> <li>2. The noise from any construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics – Construction noise. Construction work is defined in New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.</li> <li>3. <del>Noise from mobile noise sources shall comply with the noise limits set out in Tables 2 and 3 of NZS 6803:1999 Acoustics – Construction Noise, with reference to "construction noise" taken to refer to "mobile noise sources";</del></li> <li><b>3. Noise from aerodromes, airfields or airports not subject to NOISE-R10 must be measured and assessed in accordance with New Zealand Standard NZS 6805:1992 Airport Noise Management and Land Use Planning.</b></li> <li><b>4. Noise from new or altered roads must be measured and assessed in accordance with New Zealand Standard NZS 6806:2010 Acoustics - Road-traffic noise - New and altered roads.</b></li> <li><del>4.5. Noise from wind turbines shall <b>must</b> be measured <b>and assessed</b> in accordance with section 7.7 of NZS 6808: 2010 Acoustics Wind Farm Noise;</del></li> <li><del>5.6. Noise from Helicopter Landing areas shall <b>must</b> be managed <b>measured and assessed</b> in accordance with, and comply with the noise standards and limits of, NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Area.</del></li> <li><b>7. Noise from port activities must be managed in accordance with the noise standards and limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.</b></li> </ol> <p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>	
NOISE-R2	Emissions of Noise in All Zones
<p><b>Activity Status Permitted</b></p> <p>Where the following activities are exempted from meeting Zone noise standards:</p> <ol style="list-style-type: none"> <li>1. <del>Intermittent residential activities</del><b>Noise associated with use of the site for residential activity, including</b> use of lawn mowers, vehicles, machinery or equipment operated and maintained in accordance with the manufacturer’s specifications <del>and associated with the use of a site for a residential activity used on an intermittent basis (e.g. spraying, harvesting, etc);</del></li> <li>2. Any warning device or siren used by emergency services for emergency purposes (and routine testing and maintenance of these);</li> <li>3. Activities at emergency service facilities associated with emergency response and emergency response training;</li> <li>4. Helicopters used for an emergency and as an air ambulance;</li> <li>5. The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding <b>two</b> weeks in duration, where they are operated by emergency services, or lifeline utilities <b>or regionally significant infrastructure</b>;</li> </ol>	

6. People noise at recreational activities, such as sporting events or the noise from children at school ~~or daycare facilities~~ or in residential dwellings. This ~~did~~ **does** not include any amplified noise;
7. Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1998), or within a site as part of or compatible with ~~an normal residential~~ activity **provided for as a permitted activity in that zone;**
8. Trains **operating** on rail lines (public or private) and crossing bells within road reserve, including at railway yards, railway sidings or stations. However, this exemption ~~did~~ **does** not apply to the testing (when stationary), maintenance, loading or unloading of trains;
9. Road construction work where management controls are in place to mitigate the emission of noise;
10. ~~Any residential activity on the same site as a noise source being assessed;~~
11. Agricultural~~ale~~, **pastoral and horticultural** ~~and pastoral farming~~ activities undertaken ~~for a limited duration, including using agricultural vehicles, machinery, aircraft or equipment used on a seasonal or intermittent basis~~ in the General Rural **Zone** and Rural Lifestyle **Z**zones;
12. ~~Infrequent~~ ~~a~~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 or** ~~and purposes on an intermittent basis~~ **for no more than 30 days in any 12 month period per site.** ~~including aerial topdressing and helicopter movements;~~
13. Non-commercial motorised watercraft operating on the surface of waterbodies;
14. Rifle ranges located within the Rifle Range Protection Area **during the hours of 7am to 10pm;**
15. ~~Impulsive sounds (such as hammering and bangs) and dog barking noise which are poorly assessed by reference to NZS 6802:2008 Acoustics Environmental Noise;~~
16. The noise is emitted from an audible bird scaring device between the hours of half an hour before sunrise and until half an hour after sunset, not used at a frequency of more than 12 events per hour, **and generating less than 65 dB<sub>LAE</sub> for each event measured at any point at or within the boundary of any site within a Residential Zone, Settlement Zone, Māori Purpose Zone, Hospital Zone, Open Space Zone, Natural Open Space Zone, Scenic Visitor Zone, Future Urban Zone or at the notional boundary of any site in the General Rural Zone or Rural Lifestyle Zone;** and
17. The noise is from a Temporary Activity where the temporary activity occurs between 7:00am and 10:00pm, and **no more than 12 days per calendar year** ~~only~~, and if operating outside of these hours complies with the underlying noise standards of the zone. **This does not include any amplified noise.**

**Advice Note:**

**NOISE - R2.12 does not apply to land held or managed under the Conservation Act 1987.**

Activity Status where compliance not achieved: ~~Restricted-Discretionary~~ **N/A**

**NOISE-R3 Acoustic Insulation Requirements for New or Altered 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 **the Road Noise Overlay shown on the planning maps:**
  - ~~a. 80m of the edge of the carriageway of a State Highway with a speed limit of 70kph or greater; or~~
  - ~~b. 40m of the edge of the carriageway of a State Highway with a speed limit of less than 70kph; where:~~
    - iv. ~~a. Any habitable room used for a sensitive activity **and/or space used for sleeping** must be designed, and constructed **and maintained** to achieve a ~~minimum~~ **maximum** internal noise ~~limit~~ **level** of 40 dB LA<sub>Aeq (24h)</sub> **(24h)**; and~~
    - v. ~~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~~
      - b. Compliance with i. above must be achieved based on existing measured or predicted external road-traffic noise levels with the addition of 3 dB; and**
  - vi. ~~c. Any **new or altered habitable room and/or space used for sleeping** building **within 20 metres 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, Vw,95);~~
2. ~~e. 46~~**100m of the edge of the tracks of a **any** railway line **except for the Hokitika line** where:**
  - i. ~~Any **new or altered** habitable room used for a sensitive activity **and/or space used for sleeping**:~~
    - a. ~~must be **is** designed, and constructed **and maintained** to achieve a maximum internal noise ~~limit~~ **level** of 35 dB LA<sub>Aeq (1h)</sub> **(1h)**;~~
    - b. Compliance **with i. above** must be achieved based on an assumption of 70 ~~dB~~ LA<sub>Aeq (1h)</sub> **(1h)** 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; ~~or~~ ii.
    - c. **It is at least 50m from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8m above railway tracks.**
3. ~~e. 60m of the edge of the tracks of any railway line, except for the Hokitika line, where~~ ~~iii. Any building~~ **any new or altered habitable room and/or space used for sleeping** must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95);
4. ~~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:
  - a. Any **new or altered** habitable room **and/or space used for sleeping** must be designed, and constructed **and maintained** to achieve a ~~minimum~~ **maximum** indoor design noise level of 40 dB L<sub>dn</sub>;
5. ~~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:~~
  - a. The building is designed, and constructed **and maintained** to ensure that the following indoor design noise levels are not exceeded:

- A. 4035 dB LA<sub>Aeq</sub> inside any new or altered habitable room bedrooms;
- B. 3540 dB LA<sub>Aeq</sub> inside any other habitable room, except for new or altered bedrooms between 10pm and 7am; and

**6. Between the 55 dB LA<sub>Fmax</sub> and 60 dB LA<sub>Fmax</sub> contours of the Westport Rifle Range Noise Overlay shown on the planning maps:**

- a. Any habitable room used for a sensitive activity and/or space used for sleeping must be designed, constructed and maintained to achieve a maximum internal noise level of 35 dB LA<sub>Fmax</sub> from outdoor noise associated with lawfully established activities at the Westport Rifle Range Protection Area; and
- b. An outdoor living areas not less than 30m<sup>2</sup> must be screened from the Westport Rifle Range Protection Area to achieve an outdoor noise level not exceeding 50 dB LA<sub>Fmax</sub>.

**7. ~~f~~ Where windows need to be closed to achieve the internal noise levels specified in a. to e. 1-6 above an alternative ventilation system shall be provided which achieves the following requirements:**

- i. Satisfies clause G4 of the New Zealand Building Code;
- 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 dB LA<sub>Aeq,(30s)</sub> (30s) when measured at any point where a person associated with a sensitive activity could be located, and no less than at least 1m away from any grille or diffuser.

Advice Note:

- 1. Compliance with Rule NOISE - R3 will be achieved if, prior to the construction of any building containing a new or altered habitable room and/or space used for sleeping, 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; or.
- 2. For NOISE-R3.1, NOISE-R3.2, NOISE-R3.4, NOISE-R3.5 and NOISE-R3.6.i, compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE-APP1 - Acceptable constructions requirement, Part A and meets the ventilation requirements of NOISE-R3.7.
- 3. For NOISE-R3.3, compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE-APP1 - Acceptable constructions requirement, Part B and meets the ventilation requirements of NOISE-R3.7.

Activity status where compliance not achieved: Restricted Discretionary

NOISE-R4 Emission of Noise for Temporary Military Training Activities

Activity Status Permitted

Where the following noise standards are complied with:

1. Weapons firing and/or the use of explosives:
  - a. Notice is provided to the Council at least **5five** working days prior to the commencement of the activity;
  - b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a sensitive activity:
    - iii. 7am to 7pm: 500m;
    - iv. 7pm to 7am: 1-250m
  - c. Where the minimum separation distances specified above cannot be met, the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a sensitive activity:
    - i. 7am to 7pm: 95 dB  $L_{Cpeak}$ ;
    - ii. 7pm to 7am: 85 dB  $L_{Cpeak}$ .
2. Mobile noise sources:
  - a. Shall comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics - Construction Noise, with reference to "construction noise" taken to refer to mobile noise sources.
3. Fixed (stationary) noise sources:
  - a. Shall comply with the noise limits set out below when measured at the notional boundary of any building housing a sensitive activity:
    - i. 7am to 7pm 55 dB  $L_{Aeq}$  (15 min)
    - ii. 7pm to 10pm 50 dB  $L_{Aeq}$  (15 min)
    - iii. 10pm to 7am 45 dB  $L_{Aeq}$  (15 min) and 75 dB  $L_{AF-max,max}$ .

**NOISE-R5 Emission of noise for activities not provided for by NOISE-R2, NOISE-R4, NOISE-R9 and NOISE-R10**

**Activity Status Permitted**

**Where:**

1. **Noise from any activity shall not exceed the following noise limits at any point at or within the boundary of any site within any of the following zones:**

<b><u>Zone</u></b>	<b><u>Maximum Noise Limit</u></b>		
		<b><u>Daytime (Monday–Friday) 7:00am-10:00pm</u></b>	<b><u>Saturday, Sundays and Public Holidays 7:00 am – 10:00pm</u></b>

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<u>RESZ Residential Zone</u>	<u>55 dB L<sub>Aeq</sub></u>	<u>50 dB L<sub>Aeq</sub></u>	<u>45 dB L<sub>Aeq</sub></u>
<u>SETZ Settlement Zone</u>			<u>70 dB L<sub>AFmax</sub></u>
<u>GRUZ General Rural Zone</u>			
<u>RLZ Rural Lifestyle Zone</u>			
<u>MPZ Māori Purpose Zone</u>			
<u>HOSZ Hospital Zone</u>			
<u>OSZ Open Space Zone</u>			
<u>NOSZ Natural Open Space Zone</u>			
<u>SVZ Scenic Visitor Zone</u>			
<u>FUZ Future Urban Zone</u>			

2. **Noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any site within any of the following zones:**

<u>Zone</u>	<u>Maximum Noise Limit</u>		
	<u>Daytime</u> <u>(Monday–Friday)</u> <u>7:00am -7:00pm</u>	<u>Monday-Friday</u> <u>7:00pm –</u> <u>10:00pm</u>  <u>Saturday,</u> <u>Sundays and</u> <u>Public Holidays</u> <u>7:00 am –</u> <u>10:00pm</u>	<u>Night-time</u> <u>10:00pm-7:00am</u>
<u>GRUZ General Rural Zone</u>  <u>RLZ Rural Lifestyle Zone</u>	<u>55 dB L<sub>Aeq</sub></u>	<u>50 dB L<sub>Aeq</sub></u>	<u>45 dB L<sub>Aeq</sub></u>  <u>70 dB L<sub>AFmax</sub></u>

3. **The maximum noise from any activity shall not exceed the following noise limits at any point at or within the boundary any site within any of following zones:**

<u>Zone</u>	<u>Maximum Noise Limit</u>		
	<u>Daytime</u> <u>(Monday–Friday)</u> <u>7:00am-10:00pm</u>	<u>Saturday,</u> <u>Sundays and</u> <u>Public Holidays</u> <u>7:00 am –</u> <u>10:00pm</u>	<u>Night-time</u> <u>10:00pm-7:00am</u>

<u>SARZ Sport and Recreation Zone</u>	<u>60 dB L<sub>Aeq</sub></u>	<u>55 dB L<sub>Aeq</sub></u>	<u>50 dB L<sub>Aeq</sub></u> <u>75 dB L<sub>AFmax</sub></u>
<u>AIRPZ Airport Zone</u>			
<u>CMUZ Commercial and Mixed Use Zones</u>			
<u>STADZ Stadium Zone</u>			
<u>LIZ Light Industrial Zone</u>			
<u>GIZ General Industrial Zone</u>	<u>65 dB L<sub>Aeq</sub></u>	<u>65 dB L<sub>Aeq</sub></u>	<u>65 dB L<sub>Aeq</sub></u>
<u>PORTZ Port Zone</u>			

4. Noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any sensitive activity within any of the following zones:

<u>Zone</u>	<u>Maximum Noise Limit</u>		
	<u>Daytime (Monday–Friday) 7:00am-10:00pm</u>	<u>Saturday, Sundays and Public Holidays 7:00 am – 10:00pm</u>	<u>Night-time 10:00pm- 7:00am</u>
<u>MINZ Mineral Extraction Zone</u>	<u>55 dB L<sub>Aeq</sub></u>	<u>55 dB L<sub>Aeq</sub></u>	<u>45 dB L<sub>Aeq</sub></u> <u>75 dB L<sub>AFmax</sub></u>

Activity Status when not achieved: **Restricted Discretionary**

~~**NOISE-R5 Emission of Noise in the RESZ – Residential Zones, SETZ – Settlement Zone and NOSZ – Natural Open Space Zone**~~

**Activity Status Permitted**

Where: 1. Noise generated by any activity shall not exceed the following noise limits at any point within another site in the RESZ – Residential Zones, SETZ – Settlement Zone and NOSZ – Natural Open Space Zone:

- a. ~~7:00am to 7:00pm Monday to Friday and 8:00am to 5:00pm weekends and public holidays: 55 dB L<sub>Aeq</sub> (15 min)~~
- b. ~~7:00pm to 7:00am Monday to Friday and 5:00pm to 8:00am weekends and public holidays: 45 dB L<sub>Aeq</sub> (15 min)~~
- c. ~~7:00pm to 7:00am all days 70 dB L<sub>AFmax</sub>~~

~~**Activity status where compliance not achieved: Restricted Discretionary**~~

**NOISE R6 Emission of Noise in the ~~GRUZ – General Rural Zone, RLZ – Rural Lifestyle Zone, MPZ – Māori Purpose Zone, FUZ – Future Urban Zone, SARZ – Sport and Recreation Zone and OSZ – Open Space Zone~~**

**Activity Status Permitted**

Where:

1. Noise generated by any activity shall not exceed the following noise limits at any point within the notional boundary of any sensitive activity within any site receiving noise:

- a. ~~7:00am to 10:00pm Monday to Friday and 8:00am to 8:00pm weekends and public holidays:  
55 dB<sub>L<sub>Aeq</sub>(15min)</sub>~~
- b. ~~10:00pm to 7:00am Monday to Friday and 8:00pm to 8:00am weekends and public holidays:  
45 dB<sub>L<sub>Aeq</sub>(15min)</sub>~~
- c. ~~10:00pm to 7:00am all days – 75 dB<sub>L<sub>A</sub>F<sub>max</sub></sub>~~

Activity status where compliance not achieved: **Restricted Discretionary**

**NOISE R7 Emission of Noise in all ~~CMUZ – Commercial and Mixed Use Zones, HOSZ – Hospital Zone, STADZ – Stadium Zone and SETZ – PREC2 – Settlement Zone – Settlement Centre Precinct~~**

**Activity Status Permitted**

Where:

1. Noise generated by any activity shall not exceed the following noise limits at the notional boundary of any sensitive activity within any site receiving noise:

- a. ~~6:00am to 11:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays:  
55 dB<sub>L<sub>Aeq</sub>(15min)</sub>~~
- b. ~~11:00pm to 6:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays:  
45 dB<sub>L<sub>Aeq</sub>(15min)</sub>~~
- c. ~~11:00pm to 6:00am all days – 75 dB<sub>L<sub>A</sub>F<sub>max</sub></sub>~~

Activity status where compliance not achieved: **Restricted Discretionary**

**NOISE R8 Emission of Noise within the ~~GIZ – General Industrial and LIZ – Light Industrial Zone~~**

**Activity Status Permitted**

Where:

1. Noise generated by any activity shall not exceed the following noise limits at the notional boundary of any sensitive activity within any site receiving noise:

- a. ~~7:00am to 10:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays:  
60 dB<sub>L<sub>Aeq</sub>(15min)</sub>~~
- b. ~~10:00pm to 7:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays:  
45 dB<sub>L<sub>Aeq</sub>(15min)</sub>~~
- c. ~~10:00pm to 7:00am all days – 75 dB<sub>L<sub>A</sub>F<sub>max</sub></sub>~~

Activity status where compliance not achieved: **Restricted Discretionary**

**NOISE – R96 Emission of Noise within the PORTZ - Port Zone**

**Activity Status Permitted**

Where:

1. The maximum noise generated from activities is in accordance with the limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.

**Activity Status if compliance not achieved:** Restricted Discretionary

**Advice Note:**

**A Port Noise Management Plan is recommended by NZS 6809 that sets out the details of how NZS 6809 is being implemented.**

**NOISE - R107 Emission of Noise within the AIRPZ - Airport Zone**

Activity Status Permitted

Where:

1. Noise from aircraft operations at Hokitika and Westport Airports, **Haast Airfield** and Greymouth and Karamea Aerodromes must be measured and assessed in accordance with NZS 6805: 1992 Airport Noise Management and Land Use Planning;
2. Noise from helicopter operations at Franz Josef Heliport must be measured and assessed in accordance with NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas;

**3. Noise from aircraft engine testing is exempt from NOISE-R7.1 above, and:**

- (a) **is not subject to a noise limit if it is essential unplanned testing occurring between 7:00am and 10:00pm, for regular scheduled passenger services to and from other regions with fixed wing aircraft with at least eight passenger seats; and**
- (b) **for all other cases must comply with the noise limits set out in NOISE-R5;**

- ~~3. The maximum noise levels from aircraft engine testing at any point within the boundary of a site within a RESZ – Residential Zone, MPZ – Māori Purpose Zone or RURZ – Rural Zone shall not exceed:~~

~~a. on any day 7.00am to 10.00pm exceed 55 dB  $L_{Aeq}(15\text{ hour})$~~

~~b. on any day 10.00pm to 7.00am not exceed 45 dB  $L_{Aeq}(9\text{ hours})$  and 75 dB  $L_{Amax}$ ; and~~

4. The maximum noise generated from aircraft operations at Hokitika **and Westport Airports, Haast Airfield and Greymouth and Karamea Aerodrome** over any 90 continuous days shall not exceed:

a. 55 dB  $L_{dn}$  at or beyond the noise contour boundary shown on the planning maps; and

5. The maximum noise generated from helicopter operations at Franz Josef Heliport over any **seven** continuous days, shall not exceed:

a. 50 dB  $L_{dn}$  at or beyond the noise contour boundary shown on the planning maps; and

6. Standards 4 and 5 above do not apply to:

- a. Aircraft landing or taking off in an emergency; and
- b. Emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency situations; and
- c. Aircraft undertaking firefighting duties; and

- d. Military aircraft movements; and
- e. Aircraft using the Hokitika Airport in preparation for and participation in air shows.

**Advice Notes:**

**1. A Noise Management Plan may be prepared that sets out details of how NZS 6805 or NZS 6807 is being implemented.**

**2. Fixed wing aircraft with less than eight passenger seats are unlikely to exceed noise limits when undertaking aircraft engine testing so are exempt from the restriction in hours in clause 3(a) that apply to fixed wing aircraft with at least eight passenger seats.**

**Activity Status if compliance not achieved:** Restricted Discretionary

**~~NOISE – R11 Emission of Noise within the BCZ – Buller Coalfield Zone and MEZ – Mineral Extraction Zone~~**

**Activity Status Permitted**

Where:

- ~~1. The maximum noise generated from activities did not exceed the following limits at Amax any point within the notional boundary of any sensitive activity within any site receiving noise:~~
- ~~2. 7:00am to 10:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays: 55 dB<sub>L<sub>Aeq</sub>(15 min)</sub>~~
- ~~3. 10:00pm to 7:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays: 45 dB<sub>L<sub>Aeq</sub>(15 min)</sub>~~
- ~~4. 10:00pm to 7:00am all days 75 dB<sub>L<sub>A</sub>max</sub>~~

**~~Activity status where compliance not achieved:~~** Restricted Discretionary

**~~NOISE – R128 Emission of Noise not meeting Permitted Activity Standards~~**

**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

1. Effects on the health and wellbeing of people;
2. Ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site, and the degree to which such sounds are compatible with the surrounding activities;
3. The level, hours of operation, duration and nature of the noise;
4. The primary purpose and the frequency of use of the activity;
5. Proximity and nature of nearby activities and the adverse effects they may experience from the noise;
6. Effects on character and amenity values of the surrounding environment; and
- ~~7. Effects on the health and wellbeing of people;~~
8. Effects on wildlife and habitat values;
9. The temporary or permanent nature of any adverse effects;
10. Any noise reduction measures;
11. **The functional need or operational need of the activity.**

Activity status where compliance not achieved: N/A

**NOISE-R139 New Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity not meeting Acoustic Insulation Requirements of Rule NOISE - R3**

Activity Status Restricted Discretionary

Where:

Discretion is restricted to:

- a. The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site; and
- b. The impact of any sensitive activity that ~~did~~ **does** not provide the required acoustic insulation on the ability of existing or future permitted ~~business~~ activities to operate or establish without undue constraint.

Activity status where compliance not achieved: N/A

**NOISE-R10 Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity within the 60 dB L<sub>AFmax</sub> contour of the Westport Rifle Range Noise Overlay**

Activity Status: Restricted Discretionary

Discretion is restricted to:

- a. The provision of a report from an acoustic specialist which provides evidence that the level of noise mitigation is appropriate to ensure the amenity of present and future residents of the site; and
- b. The impact of any sensitive activity that did not provide the required noise mitigation on the ability of lawfully established activities at the Westport Rifle Range to operate without undue constraint.

Activity status where compliance not achieved: N/A

**NOISE-APP1 Acceptable Construction Design for Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity Subject to Noise - R3**

**Part A: Approved construction requirements for compliance with NOISE-R3.1, NOISE-R3.2, NOISE-R3.4, NOISE-R3.5, NOISE-R3.6.i.**

<u>Applicability</u>	
	<p><b>Construction requirements detailed in this Appendix are only applicable where:</b></p> <ol style="list-style-type: none"> <li>1. <u>The building is a single level construction;</u></li> <li>2. <u>The floor of the building is a reinforced concrete slab;</u></li> <li>3. <u>No habitable room of the building is located less than 4.5 metres from the State Highway road boundary or railway track edge;</u></li> <li>4. <u>The total area of glazing in any habitable room is no greater than 20% of the total area of external walls of that room; and</u></li> <li>5. <u>The roof of the building is a standard timber truss design, with a pitch of not less than 15 degrees. Ventilation of the roof space must</u></li> </ol>

		<p><u>only be via casual ventilation typical of the jointing, capping and guttering detail used in normal construction.</u></p> <p><u>In all other situations, a design report from a suitably qualified acoustics specialist is required.</u></p>
<b>Construction Options</b>		
<b>Exterior Walls Option 1</b>		<p><u>Exterior cladding of aerated concrete or similar, with a surface mass not less than 27 kg/m<sup>2</sup>.</u></p> <ul style="list-style-type: none"> <li>• <u>Timber framing of not less than 90 mm, with studs at 600 mm centres. A ventilated cavity is not required under this option but is permissible, with or without a rigid air barrier.</u></li> <li>• <u>Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products.</u></li> <li>• <u>One layer of 10 mm thick Standard Gib board or alternative gypsum board having a surface mass not less than 6 kg/m<sup>2</sup>.</u></li> </ul>
<b>Exterior Walls Option 2</b>		<p><u>Exterior cladding of profiled sheet metal not less than 0.45 mm thick.</u></p> <ul style="list-style-type: none"> <li>• <u>20 mm thick battens forming a ventilated cavity,</u></li> <li>• <u>Rigid air barrier consisting of Plywood not less than 9 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 5 kg/m<sup>2</sup>.</u></li> <li>• <u>Timber framing of not less than 90 mm, with studs at 600 mm centres,</u></li> <li>• <u>Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products,</u></li> <li>• <u>One layer of 10 mm thick Standard Gib board or alternative gypsum board, having a surface mass not less than 6 kg/m<sup>2</sup>,</u></li> </ul>
<b>Exterior Walls Option 3</b>		<p><u>Exterior cladding of Fibre Cement weatherboards, with a surface mass not less than 18 kg/m<sup>2</sup> (Hardies Linea or equivalent).</u></p> <ul style="list-style-type: none"> <li>• <u>20 mm thick battens forming a ventilated cavity.</u></li> <li>• <u>Rigid air barrier consisting of Plywood not less than 7 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 3.8 kg/m<sup>2</sup>.</u></li> <li>• <u>Timber framing of not less than 90 mm, with studs at 600 mm centres.</u></li> <li>• <u>Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products.</u></li> <li>• <u>One layer of 10 mm thick Standard Gib board or alternative gypsum board, having a surface mass not less than 6 kg/m<sup>2</sup>,</u></li> </ul>

<p><b><u>Glazing and Exterior doors - All options</u></b></p>	<ul style="list-style-type: none"> <li>• <b><u>Windows to consist of double glazing consisting of a minimum of two layers of 4 mm thick glass separated by a 12 mm air gap, with airtight seals.</u></b></li> <li>• <b><u>External doors to be either double glazed to the same standard as windows or a solid timber construction with a surface mass not less than 24 kg/m<sup>2</sup> and incorporating full perimeter seals.</u></b></li> </ul>
<p><b><u>Roof – All Options</u></b></p>	<ul style="list-style-type: none"> <li>• <b><u>Profiles metal roofing not less than 0.45 mm thick profiled steel or tiles.</u></b></li> <li>• <b><u>Fibrous insulation of minimum R6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products,</u></b></li> <li>• <b><u>Two layers of 10 mm Standard Gib board or alternative gypsum board, with each layer having a surface mass not less than 6 kg/m<sup>2</sup>.</u></b></li> </ul>

**Part B: Approved construction requirements for compliance with NOISE-R3.3**

**Any new buildings or alterations to existing buildings containing a sensitive activity, closer than 60 metres to the boundary of an existing railway track and is a single storey framed building with:**

- a. A constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier’s instructions and recommendations; and**
- b. Vibration isolation separating the sides of the floor slab from the ground; and**
- c. No rigid connections between the building and the ground.**

**In all other situations, a design report from a suitably qualified acoustic specialist is required demonstrating compliance with NOISE-R3.3.**

**New buildings and alterations must meet the ventilation requirements of NOISE-R3.7.**