

NOISE

CONTENTS

1	Scope of Report.....	3
2	Hearing and Submitters Heard	3
3	Sub-topic Recommendations.....	5
3.1	Definitions.....	5
3.2	Noise Overview	6
3.3	Objectives	6
3.3.1	NOISE-O1.....	6
3.3.2	NOISE-O2.....	6
3.3.3	New Objectives	8
3.4	Policies	8
3.4.1	NOISE-P1	8
3.4.2	NOISE-P2	9
3.4.3	NOISE-P3	10
3.4.4	NOISE-P4	11
3.4.5	NOISE-P5	11
3.4.6	NOISE-P6, P7 and P8	12
3.4.7	New Policies	12
3.5	Rules.....	12
3.5.1	NOISE-R1	12
3.5.2	NOISE-R2 and R14	13
3.5.3	NOISE-R3	14
3.5.4	NOISE-R4	14
3.5.5	NOISE-R5	15
3.5.6	NOISE-R6	15
3.5.7	NOISE-R7	16
3.5.8	NOISE-R8	19
3.5.9	NOISE-R9	19
3.5.10	NOISE-R10	19
3.5.11	NOISE-R11	19
3.5.12	NOISE-R12	20
3.5.13	NOISE-R13	20
3.5.14	New NOISE Rules.....	20
3.5.15	SUB-R26.....	20
3.6	Rule Requirements.....	21
3.6.1	NOISE-REQ1.....	21

3.6.2	NOISE-REQ2.....	22
3.6.3	New NOISE-REQ	23
3.7	Matters for Control or Discretion	23
3.8	Mapping	23
3.9	DPZ-SCHED1	24
4	Other Matters	25
Appendix 1: Recommended Amendments		26
	Amendments to the PDP Maps	26
	Amendments to the PDP Text	27
Appendix 2: List of Appearances and Tabled Evidence		43

1 Scope of Report

- [1] This Recommendation Report relates to the Noise chapter of the PDP and contains the Hearing Panel's recommendations to Council on the submissions and further submissions received on that chapter.
- [2] The Hearing Panel members for the Noise chapter were:
- Mark Alexander¹
 - Andrew Willis
 - Raewyn Solomon
 - Rob van Voorthuysen (Chair)
- [3] The initial Section 42A Report and the end of hearing Section 42A Report (Reply Report) for this topic were respectively:
- Noise, 2 December 2021, Vicki Barker
 - Noise, 20 June 2022, Vicki Barker
- [4] The Hearing Panel's recommended amendments to the notified provisions of the Noise chapter are set out in Appendix 1. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.
- [5] We note that some of the numbering of individual clauses in the provisions will need to be consequentially amended and not all such amendments are shown in Appendix 1. We understand that will occur in the amended version of the entire PDP that will accompany the release of all of the Recommendation Reports.
- [6] Readers should also note that we have, at their request, amended all references to 'Trustpower' to 'Manawa Energy'.
- [7] The Hearing Panel's recommended amendments to the notified planning maps are also set out, in narrative form, in Appendix 1.
- [8] Further submitters are not listed in the tables in this Recommendation Report because further submissions are either accepted or rejected in conformance with our recommendations on the original submissions to which they relate.

2 Hearing and Submitters Heard

- [9] The hearing for the Noise chapter was held on 14 and 15 February 2022. There were 66 submitters on the Noise chapter and 16 submitters chose to speak at the hearing.² The submitters who appeared at the hearing are listed below, together with an identification of whether they were an original submitter, a further submitter, or both.

Sub #	Submitter	Original	Further
DPR-0183	Rein in the Range group	✓	

¹ Commissioner Alexander recused himself from consideration of the Orion submission due to the SDC's part ownership of Orion causing a conflict of interest.

² A further five submitters tabled evidence which we read and had regard to. The tabled evidence is listed in Appendix 2.

Sub #	Submitter	Original	Further
DPR-0199	Terry & Barbara Heiler	✓	
DPR-0220	K Ramsay	✓	
DPR-0261	Alastair & Jenny Nicol	✓	
DPR-0264	Sally Gardner	✓	
DPR-0343	Canterbury District Health Board	✓	✓
DPR-0370	Fonterra Limited	✓	✓
DPR-0371	Christchurch International Airport Limited	✓	✓
DPR-0375	Waka Kotahi NZ Transport Agency	✓	✓
DPR-0401	Coolpak Coolstores Ltd	✓	
DPR-0414	Kāinga Ora - Homes & Communities	✓	✓
DPR-0420	Synlait Milk Limited	✓	✓
DPR-0433	Lindsay & Averil Halliday	✓	
DPR-0441	Manawa Energy	✓	✓
DPR-0448	New Zealand Defence Force	✓	✓
DPR-0458	KiwiRail Holdings Limited	✓	✓

- [10] Some of the submitters were represented by counsel or had expert witnesses appear on their behalf. The counsel and witnesses we heard from are listed in Appendix 2. Copies of all the legal submissions and evidence (expert and non-expert) received are held by the Council. We do not separately summarise that material here, but we refer to some of it in the remainder of this Recommendation Report.
- [11] We record that we considered all submissions and further submissions and tabled documents, regardless of whether the submitter or further submitter appeared at the hearing and whether or not they were represented by counsel or expert witnesses.
- [12] We also record that at our direction, as set out in Minute 15, the SDC and CIAL planners prepared a Joint Witness Statement (Planning) to establish and document consideration of the CIAL relief in relation to the GRUZ, Noise, and Energy and Infrastructure chapters of the PDP. We received that document on 2 May 2022 and we refer to it as the 'CIAL JWS'.
- [13] The CIAL JWS helpfully determined that:
- the Airport 50 dB Ldn and 55 dB Ldn Noise Control Overlays in the PDP (analogous to the 50 and 55dBA Ldn air noise contours in the CRPS) are overlapping and additional. That is, the provisions would seek to 'avoid' noise sensitive activities regardless of whether these were contained within the Airport 50dB Ldn or 55dB Ldn Noise Control Overlays. The rule relating to noise mitigation within the 55dB Ldn Noise Control Overlay (NOISE-R4) is additional to rules in the GRUZ Chapter applicable to the 50 dB Ldn Noise Control Overlay that seek to avoid new noise sensitive activities and manage density; and
 - the PDP, as notified, did not fully give effect to the CRPS, specifically Policy 6.3.5(4) with respect to the 'avoidance' of noise sensitive activities within the 50dB Ldn Noise Control Overlay and in terms of requiring noise mitigation for permitted residential activities (where they occur in conjunction with a compliant rural density) within the 55dB Ldn Noise Control Overlay.
- [14] We agree with those conclusions and so at times we refer to the CIAL JWS in this Recommendation Report.

3 Sub-topic Recommendations

- [15] In this part of the Recommendation Report we assess the submissions by sub-topic, using the same general sequence of headings as the initial Section 42A Report. We have however amalgamated some of the headings, particularly where there are no recommended amendments to the notified provisions.

3.1 Definitions

- [16] For the following submitters and their submission points relating to the definitions of ‘Audible Bird Scaring Device’, ‘Fixed Noise Sources and Mobile Noise Sources’, and ‘Noise Sensitive Activity’, we adopt the recommendations and reasons of the Section 42A Report author, except for the matters covered in the CIAL JWS.
- [17] We note that the CIAL JWS³ recorded agreement that, for the sake of clarity, providing for residential activity in conjunction with rural activity that complies with the rules in the former District Plan as at 23 August 2008 should be explicitly incorporated within the PDP definition for ‘noise sensitive activities’, as should an ‘elderly persons housing or complex’. While accepting the CIAL position in principle, we consider that the PDP defined term ‘retirement village’ is more suitable than the term ‘elderly persons housing or complex’. We recommend accordingly.

Sub #	Submitter	Submission Points
DPR-0068	MetroPort Christchurch (MetroPort)	003
DPR-0215	Winstone Aggregates	014
DPR-0353	Horticulture New Zealand	038, 064
DPR-0358	Rolleston West Residential Limited (RWRL)	035
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	034
DPR-0367	Orion New Zealand Limited	020
DPR-0371	Christchurch International Airport Limited	010
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	040
DPR-0375	Waka Kotahi NZ Transport Agency	005
DPR-0378	The Ministry of Education	003
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	042
DPR-0422	Federated Farmers of NZ - North Canterbury	027, 071
DPR-0448	New Zealand Defence Force	003, 007, 008
DPR-0453	Midland Port, Lyttelton Port Company Limited	009

- [18] In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that Ms Barker’s recommendation to amend the definition of ‘Audible Bird Scaring Device’ in response to the submissions of Horticulture NZ and Federated Farmers is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.
- [19] We note that SDC has made a clause 16(2) amendment to link ‘health care facility’ in clause d. of the definition of ‘noise sensitive activity’. Similarly, SDC has made a clause 16(2) amendment to the definitions of L_{A90} , L_{Aeq} and $L_{AF(MAX)}$ to align with the National Planning Standards.

³ Paragraph 24.

3.2 Noise Overview

- [20] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0353	Horticulture New Zealand	212
DPR-0358	Rolleston West Residential Limited (RWRL)	277
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	266
DPR-0371	Christchurch International Airport Limited	048
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	272
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	284
DPR-0414	Kāinga Ora - Homes & Communities	072

- [21] In particular, in accordance with CIAL JWS, we agree that in response to the submission of CIAL the wording relating to the Airport 50 dB Ldn Noise Control Overlay and Airport 55 dB Ldn Noise Control Overlay controls that reside in the GRUZ should be clarified.

3.3 Objectives

3.3.1 NOISE-01

- [22] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	006
DPR-0183	Adrian McFedries (Rein in the Range group)	001
DPR-0199	Terry & Barbara Heiler	001
DPR-0215	Winstone Aggregates	043
DPR-0295	Jet Boating New Zealand	004
DPR-0356	Aggregate and Quarry Association	007
DPR-0358	Rolleston West Residential Limited (RWRL)	278
DPR-0359	Fire and Emergency New Zealand	059
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	267
DPR-0367	Orion New Zealand Limited	075
DPR-0371	Christchurch International Airport Limited	049
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	273
DPR-0375	Waka Kotahi NZ Transport Agency	130
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	285
DPR-0448	New Zealand Defence Force	041

- [23] In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that Ms Barker's recommendations to amend the objective so that instead of referring to the protection of people from 'significant levels of noise' it refers to 'adverse noise effects, consistent with the anticipated outcomes for the receiving environment' (as was sought by Orion and CIAL) is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents, particularly given that the anticipated outcomes for the receiving environments are set by the relevant noise limits.

3.3.2 NOISE-02

- [24] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note this results in no change to the notified

provisions. We note that there were seventeen submission points on this objective, but only Kāinga Ora opposed the objective outright.

- [25] Kāinga Ora considered that the State Highway Noise Control Overlay, the Railway Network Noise Control Overlay and the corresponding rules resulted in an unnecessary and overly restrictive burden for landowners, without a corresponding burden on infrastructure providers to manage effects to adjacent land uses generated by the operation of that infrastructure. Kāinga Ora sought the deletion of NOISE-O2 and a range of other provisions⁴ relating to the two overlays. However, Kāinga Ora did not propose any alternative wording that would fill the void that would be created should we accept the relief they sought. Their planning witness, Nick Robert's stated⁵ *"It is beyond the scope of this statement of evidence to set out a detailed set of alternative provisions in the absence of an adequate evidence base to justify the specifics."* We did not find that to be particularly helpful.
- [26] We accept the evidence of Ms Barker who advised that the costs and benefits of the overlay approach was considered in the SDC's Section 32 analysis, and while there will be costs to landowners with approach embodied in the notified Plan, there will be the benefit of protecting important infrastructure from incompatible activities and reverse sensitivity effects, and the protection of sensitive receivers from reduced amenity and health costs, consistent with the policy direction set by the CRPS.
- [27] Mr Roberts also stated⁶ *"I acknowledge that under certain circumstances it may be appropriate to adopt State Highway and Railway Network Noise Control overlays and associated provisions which impose some of the costs of mitigating noise effects on new activities in the receiving properties"* We agree, and prefer the legal submissions and evidence of Waka Kotahi and KiwiRail that in the case of the PDP those 'certain circumstances' are captured by the notified provisions.
- [28] In that regard we accept the following legal submissions of KiwiRail⁷ and in our view those submissions would equally apply to the State Highway network:

The SMT and MDLND are lifeline utilities and critical pieces of regional infrastructure that play an important role in public transport and freight distribution.

Reverse sensitivity is a well-established planning principle and is a commonly recognised adverse effect under the RMA. It refers to the susceptibility of lawfully established effects-generating activities (which often cannot internalise all of their effects) to complaints or objections about their lawful activities arising from the location of new sensitive activities, typically residential dwellings, nearby. Unless reverse sensitivity effects are properly managed, KiwiRail's ability to provide both for social and economic wellbeing under Section 5 of the RMA, and the efficient use of physical resources represented by the railway network under Section 7(b) will be undermined.

- [29] Finally, we observe that there were no submissions in opposition from any landowners who would be affected by the State Highway Noise Control Overlay or the Railway Network Noise

⁴ NOISE-O2, NOISE-P2, NOISE-R3, Noise Control Overlays (Mapping) and SUB-26

⁵ EIC Nick Roberts, paragraph 3.5

⁶ Ibid, paragraph 5.36

⁷ Legal submissions, paragraphs 2.4 and 2.5.

Control Overlay. It appeared to us that Kāinga Ora was advocating a philosophical position that was not founded on evidence of a demonstrable problem in the Selwyn District.

- [30] We recommend rejecting the Kāinga Ora submission on NOISE-O2 and other related provisions, consistent with Ms Barker's recommendations. We briefly discuss the Kāinga Ora submissions on those related provisions in the remainder of this Recommendation Report.

Sub #	Submitter	Submission Points
DPR-0068	MetroPort Christchurch (MetroPort)	018
DPR-0125	BE Faulkner	032
DPR-0183	Adrian McFedries (Rein in the Range group)	002
DPR-0199	Terry & Barbara Heiler	002
DPR-0358	Rolleston West Residential Limited (RWRL)	279
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	268
DPR-0367	Orion New Zealand Limited	076
DPR-0370	Fonterra Limited	063
DPR-0371	Christchurch International Airport Limited	050
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	274
DPR-0375	Waka Kotahi NZ Transport Agency	131
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	286
DPR-0414	Kāinga Ora - Homes & Communities	073
DPR-0441	Manawa Energy	137

3.3.3 New Objectives

- [31] For the following submitters and their submission points seeking the inclusion of new objectives we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified provisions.
- [32] However, in terms of the NZ Pork submission that the rural environment is a working environment that generates effects (including noise) that may conflict with sensitive activities, we note that Ms Barker's recommended amendment to NOISE-O1 recognises that noise needs to be managed consistent with the anticipated outcomes for the receiving environment.

Sub #	Submitter	Submission Points
DPR-0142	New Zealand Pork Industry Board (NZ Pork)	035, 077
DPR-0353	Horticulture New Zealand	213

3.4 Policies

3.4.1 NOISE-P1

- [33] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. This results in no change to the notified provisions. We note that eleven of the twelve submitters on NOISE-P1 sought to retain the provision as notified.

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	007
DPR-0142	New Zealand Pork Industry Board (NZ Pork)	036
DPR-0215	Winstone Aggregates	044
DPR-0295	Jet Boating New Zealand	005
DPR-0356	Aggregate and Quarry Association	008
DPR-0358	Rolleston West Residential Limited (RWRL)	280

Sub #	Submitter	Submission Points
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	269
DPR-0365	Stuart PC Limited	033
DPR-0370	Fonterra Limited	064
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	275
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	287
DPR-0441	Manawa Energy	138

3.4.2 NOISE-P2

- [34] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that eight of the ten submitters sought to retain the provision as notified.
- [35] We note that Manawa Energy sought in their submission that a reference to ‘regionally significant infrastructure’ be inserted in NOISE-P2 to manage reverse sensitivity effects and avoid noise sensitive activities locating near the Coleridge HEPS. That was amended to a reference to ‘important infrastructure’ at the hearing. We agree with and adopt Ms Barker’s assessment⁸ that both GRUZ and SETZ land exists in the vicinity of the HEPS where it is expected that noise limits cannot be met. Consequently, identifying a noise overlay and requiring acoustic insulation for new noise sensitive development within that overlay would be an approach that was consistent with other PDP provisions, and which would manage both noise and any reverse sensitivity effects. The overlay could also permit the HEPS to exceed the noise limits provided a maximum specified limit was not exceeded at the edge of the overlay. However, we agree with Ms Barker that as there is no legal scope for an overlay approach and no modelling of it is available, that would need to be progressed as a plan change.
- [36] Additionally, at the hearing we asked Ms Calland if adding ‘important infrastructure’ to NOISE-P2 would widen the policy significantly from being focused on the state highway and rail network only, noting that it would then overlap with NOISE-P3 which covered the airport and NOISE-P4 which covers the inland port and West Melton Rifle Range, and NOISE-P5 which covers the dairy processing activities - all of which are defined as important infrastructure. She agreed that there would be overlap and that this could potentially cause confusion as the policies sought slightly different things.
- [37] Our finding on this matter applies to Manawa Energy’s submissions points on NOISE-R1, EI-R29 and the SETZ provisions.
- [38] With regard to the submission of Kāinga Ora, we agree with and adopt Ms Barker’s assessment that while most of the current urban zoned land next to land transport corridors has been developed, there remains the potential for further development adjacent to the State Highway and railway network in extended or new urban areas, including within currently zoned Rural areas. Therefore, there is a likelihood of new sensitive activity establishing near the State Highway and railway network corridor and so the reference to reverse sensitivity should be retained in NOISE-P2.
- [39] Also, our discussion of Kāinga Ora’s submission on NOISE-O2 reinforces our above finding.

⁸ Reply Report, paragraphs 2.1 to 2.3 and 2.16 to 2.26.

Sub #	Submitter	Submission Points
DPR-0068	MetroPort Christchurch (MetroPort)	019
DPR-0125	BE Faulkner	033
DPR-0358	Rolleston West Residential Limited (RWRL)	281
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	270
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	276
DPR-0375	Waka Kotahi NZ Transport Agency	132
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	288
DPR-0414	Kāinga Ora - Homes & Communities	074
DPR-0441	Manawa Energy	139
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	048

- [40] We note that SDC has made a clause 16(2) amendment to NOISE-P2 and NOISE-P4 in order to refer to 'noise mitigation' rather than 'noise insulation' so that it will be consistent with the recommended amendment to NOISE-P3.

3.4.3 NOISE-P3

- [41] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	034
DPR-0344	Four Stars Development Ltd & Gould Developments Ltd	007
DPR-0358	Rolleston West Residential Limited (RWRL)	282
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	271
DPR-0371	Christchurch International Airport Limited	051, 093
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	277
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	289

- [42] In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that in response to the submission of CIAL Ms Barker's recommendation to amend NOISE-P3 to clarify that residential activities within the Airport 50 dB Ldn Noise Control Overlay that exceed a density of one residential unit per four hectares should be avoided is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.
- [43] For the remainder of the CIAL relief sought we adopt Ms Barker's fulsome assessment set out in paragraphs 14.5 to 14.11 of the Section 42A Report, but we do not repeat it here for the sake of brevity. However, we do note that extending the policy to avoid all noise sensitive activity within the 50 dB contour (as sought by CIAL) would not be consistent with CRPS Policy 6.3.9.5.a which specifically seeks to avoid rural residential development within this contour. We are not persuaded that CRPS Policy 6.3.5.4, when read in conjunction with 6.3.9.5.a, provides the necessary mandate to avoid all noise sensitive activities.
- [44] However, we accept the CIAL JWS conclusion that the PDP as notified gives effect to Policy 6.3.9.5.a. as no rural residential zoning is proposed in the 50 dB Noise Control Overlay and residential activity is deemed a non-complying activity on sites under 4ha in the GRUZ, but

that 6.3.5.4 has not been fully given effect to, and the noise policy and associated rules therefore require amendments.⁹

- [45] In response to the Kāinga Ora legal submissions we recommend that, as a clause 16(2) amendment, NOISE-P3.b is amended to clarify that NOISE-P3.b is subject to NOISE-P3.a.

3.4.4 NOISE-P4

- [46] For the following submitters and their submission points we generally adopt the recommendations and reasons of the Section 42A Report author.
- [47] In particular, we agree with and adopt Ms Barker's assessment that applying noise control overlays which restrict an adjoining land owner's use of land is justified with respect to important infrastructure, but is not readily justified with respect to routine industrial development (including facilities such as those owned by Coolpak) or the wider industrial zone.¹⁰

Sub #	Submitter	Submission Points
DPR-0027	Nigel & Penny Thomson	001, 002
DPR-0068	MetroPort Christchurch (MetroPort)	019
DPR-0125	BE Faulkner	035, 036
DPR-0183	Adrian McFedries (Rein in the Range group)	003
DPR-0199	Terry & Barbara Heiler	003
DPR-0220	K Ramsay	003
DPR-0358	Rolleston West Residential Limited (RWRL)	283
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	272
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	278
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	290
DPR-0448	New Zealand Defence Force	043
DPR-0453	Midland Port, Lyttelton Port Company Limited	096

- [48] In response to the submission of Nigel & Penny Thomson, NZDF and Adrian McFedries, Ms Barker's recommendation was to remove the reference to strategic infrastructure and replace it with 'important infrastructure'. We note that the SDP definition of 'important infrastructure' includes NZDF facilities. However, in response to our written questions Ms Barker agreed that it would be clearer to refer to the 'Inland Port 55dB and the West Melton Rifle Range 65dB the noise control overlays' specifically rather than referring to the nearest strategic or important infrastructure. We recommend accordingly as that more specific wording more appropriately gives effect to the higher order provisions.

3.4.5 NOISE-P5

- [49] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that the only recommended amendment is a minor consequential amendment to refer to noise mitigation rather than noise insulation so as to achieve consistency across the Noise chapter policies.

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	037
DPR-0358	Rolleston West Residential Limited (RWRL)	284
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	273

⁹ Paragraph 21(d).

¹⁰ Reply Report, paragraphs 2.7 to 2.9.

Sub #	Submitter	Submission Points
DPR-0370	Fonterra Limited	065
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	279
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	291

3.4.6 NOISE-P6, P7 and P8

- [50] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified provisions.

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	038, 039, 040
DPR-0358	Rolleston West Residential Limited (RWRL)	285, 286, 287
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	274, 275, 276
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	280, 281, 282
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	292, 293, 294
DPR-0448	New Zealand Defence Force	044

3.4.7 New Policies

- [51] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified provisions.

Sub #	Submitter	Submission Points
DPR-0353	Horticulture New Zealand	214
DPR-0367	Orion New Zealand Limited	077
DPR-0401	Coolpak Coolstores Ltd	004
DPR-0448	New Zealand Defence Force	040
DPR-0453	Midland Port, Lyttelton Port Company Limited	070

- [52] In response to the submissions of Horticulture NZ and Orion we note that GRUZ-P7 already protects rural production activities from reverse sensitivity, and EI-P6 protects important infrastructure and renewable electricity generation from reverse sensitivity effects.
- [53] Further to our discussion in relation to NOISE-P4, we note that Coolpak sought the extension of the requirement for noise insulation for all sites neighbouring the Izone development, along with the inclusion of wording similar to NOISE-P4 in relation to industrial activities in the Izone. We agree with Ms Barker that applying noise control overlays to private land and restricting land development within overlays can be justified with respect to important infrastructure that generates significant noise, but such an approach cannot be justified with respect to general industrial development and the wider Izone. For those activities the responsibility rests with the developer or industrial facility owner to manage noise emissions consistent with the specified limits.

3.5 Rules

3.5.1 NOISE-R1

- [54] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0142	New Zealand Pork Industry Board (NZ Pork)	037
DPR-0207	Selwyn District Council	048
DPR-0215	Winstone Aggregates	045
DPR-0295	Jet Boating New Zealand	006
DPR-0343	Canterbury District Health Board	064
DPR-0353	Horticulture New Zealand	215
DPR-0358	Rolleston West Residential Limited (RWRL)	288
DPR-0359	Fire and Emergency New Zealand	060
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	277
DPR-0367	Orion New Zealand Limited	078
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	283
DPR-0375	Waka Kotahi NZ Transport Agency	133
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	295
DPR-0422	Federated Farmers of New Zealand - North Canterbury	241

[55] For these submissions and submission points we are satisfied that Ms Barker's recommendations to:

- in response to the submission of SDC, add a new clause to NOISE-R1 to exclude noise emitted by aircraft or helicopters which is subject to TEMP-R7 which applies across all zones, and to insert separate new clauses to apply in the GRUZ and SKIZ to exclude noise emitted by aircraft or helicopters subject to GRUZ-R27 and/or GRUZ-R28 and SKIZ-R14 and/or SKIZ-R15 respectively;
- in response to our written questions and the submission of PC Terrace Downs, recommend that noise emitted by helicopters in the TEZ should also be permitted subject to compliance with TEZ-R17. In that regard, while not appearing at the hearing, PC Terrace Downs noted¹¹ that for the sake of consistency the SKIZ zone exemption should also be amended to remove a reference to aircraft;
- amend NOISE-R1.8 to clarify that rural production activities involving audible bird scaring devices and frost fans are subject to the relevant rules (NOISE-R11 and NOISE-R12) as was sought by CDHB; and
- in response to the submission of Orion, to insert a new clause to recognise that noise associated with electricity generators and mobile equipment to supply important infrastructure is permitted by EI-R16

are the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

3.5.2 NOISE-R2 and R14

[56] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified provisions.

Sub #	Submitter	Submission Point
DPR-0358	Rolleston West Residential Limited (RWRL)	289, 294
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	278, 283
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	284, 289
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	296, 301

¹¹ Email from Laura Dance dated 10 February 2020

Sub #	Submitter	Submission Point
DPR-0439	Rayonier Matariki Forests	005
DPR-0448	New Zealand Defence Force	075

3.5.3 NOISE-R3

- [57] For the following submitters and their submission points we generally adopt the recommendations and reasons of the Section 42A Report author.
- [58] We note the evidence of Stuart Pearson for Waka Kotahi that there appeared to be a drafting error in NOISE-R3 and on that basis we agree that notified clauses NOISE-R3.3.a.i and ii should be merged. We also accept Ms Barker's recommendation that the vibration limit be retained as notified with the distance in NOISE-R3.3.d being reduced from 40m to 30m (for State Highways), but that with respect to rail, no change is made to the 60m setback.¹²
- [59] We also note that Kāinga Ora expressed concern about the blanket application of a 100m State Highway overlay. We agree with Ms Barker that referring to a blanket 100m overlay is not entirely accurate as the NOISE rules reduce the overlay to 50 metres if a road noise barrier is provided and remove it completely if the actual noise level is low (less than 57 dB LAeq). We agree with and adopt Ms Barker's comprehensive assessment¹³ of the appropriateness of the 100m State Highway overlay and recommend its retention.

Sub #	Submitter	Submission Point
DPR-0207	Selwyn District Council	042, 049, 050
DPR-0358	Rolleston West Residential Limited (RWRL)	290
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	279
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	285
DPR-0375	Waka Kotahi NZ Transport Agency	134
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	297
DPR-0414	Kāinga Ora - Homes & Communities	075
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	049

3.5.4 NOISE-R4

- [60] For the following submitters and their submission points we adopt the recommendation and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0207	Selwyn District Council	043
DPR-0343	Canterbury District Health Board	065
DPR-0358	Rolleston West Residential Limited (RWRL)	291
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	280
DPR-0371	Christchurch International Airport Limited	052, 053, 092
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	286
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	298

- [61] For these submissions and submission points we are satisfied that Ms Barker's recommendations to:

- in response to the submissions of CDHB and CIAL, amend NOISE-R4 so that if residents need to close windows to maintain reasonable indoor noise levels, then adequate

¹² Reply Report, paragraphs 2.33 to 2.35.

¹³ Reply Report, paragraphs 2.27 to 2.32.

alternative ventilation and cooling must be provided. This amendment recognises that Clause G4 of the New Zealand Building Code only requires minimal ventilation and no cooling; and

- in response to the submission of CIAL and as set out in the CIAL JWS, to insert an additional non-complying activity rule (NOISE-R4.3) that refers to the 'Airport 55 dB Ldn Noise Control Overlay'

are the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

[62] We note and accept Ms Barker's evidence that NOISE-R4 should not be relocated to the GRUZ chapter as was sought by CIAL, nor that explicit cross-references are required to be inserted into the GRUZ Chapter. We agree that NOISE-R4 sits better within the Noise Chapter as it is noise that is being managed. Cross-references are not required in the GRUZ Chapter due to the explanatory paragraph in the NOISE-Overview and the nature of the ePlan property search which makes it apparent what overlays, and subsequent chapters, apply.

[63] Importantly, we record that CIAL accepted the Section 42A Report author's reasoning and recommendations in relation to NOISE-R4.¹⁴

3.5.5 NOISE-R5

[64] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that the more substantive recommended amendments relate to changing 'alteration' to 'modification' and inserting ventilation requirements as sought by CDHB. We discussed those matters in relation to earlier provisions. An amendment has also been recommended to include the 15 minute time period for the LAeq noise limits.

Sub #	Submitter	Submission Points
DPR-0068	MetroPort Christchurch (MetroPort)	020
DPR-0207	Selwyn District Council	044
DPR-0343	Canterbury District Health Board	066, 069
DPR-0358	Rolleston West Residential Limited (RWRL)	292
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	281
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	287
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	299
DPR-0453	Midland Port, Lyttelton Port Company Limited	071

3.5.6 NOISE-R6

[65] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. As with NOISE-R5, the recommended amendments relate to changing 'alteration' to 'modification' and inserting ventilation requirements as sought by CDHB.

Sub #	Submitter	Submission Points
DPR-0207	Selwyn District Council	045
DPR-0343	Canterbury District Health Board	067, 070
DPR-0370	Fonterra Limited	066
DPR-0420	Synlait Milk Limited	011

¹⁴ EIC Matt Bonis, paragraphs 29 and 51.

- [66] We agree with Ms Barker that, in response to the submissions of Fonterra and Synlait, non-compliance with the sound insulation requirements should default to a non-complying rather than a discretionary activity status because there would be limited instances when an uninsulated noise sensitive activity would be acceptable within the DPZ noise overlay due to the unacceptable level of noise to which the noise sensitive activity would be exposed.¹⁵
- [67] For the submissions of CDHB and Synlait we are satisfied that Ms Barker's recommendation to show the Inner Noise Zone at the Synlait site on the planning maps and refer to DPZ-SCHED1 in the rule is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents. However, we record that this is more appropriately referred to as an overlay rather than a zone and therefore recommend that it be known and shown as the Dairy Processing Zone Inner Noise Control Overlay.
- [68] In relation to the submission of Fonterra we adopt Ms Barker's reasoning and recommendation set out in the Section 42A Report¹⁶ and record that Fonterra conceded that a permitted activity approach is sufficient, provided the SDC's regulatory processes are robust.¹⁷ We have no evidence that that is not the case.

3.5.7 NOISE-R7

- [69] For the following submitters and their submission points we generally adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0027	Nigel & Penny Thomson	003, 004
DPR-0063	Alan & Neroli Roberts	001
DPR-0131	Sue & Darryl Griffin	001
DPR-0139	Darci & Andrew Trist	001
DPR-0183	Adrian McFedries (Rein in the Range group)	004, 005
DPR-0188	Carolyn Diane Dreaver	001
DPR-0199	Terry & Barbara Heiler	004
DPR-0207	Selwyn District Council	046
DPR-0220	K Ramsay	004
DPR-0261	Alastair & Jenny Nicol	002
DPR-0264	Sally Gardner	002
DPR-0303	Rob & Janette Frier	001
DPR-0304	Michael & Linda Stevens	001
DPR-0335	Ken & Pru Bowman	002, 003
DPR-0343	Canterbury District Health Board	068
DPR-0433	Lindsay & Averil Halliday	003, 004
DPR-0448	New Zealand Defence Force	059, 062

- [70] The main issue of contention for NOISE-R7 related to the NZDF's West Melton Rifle Range (WMRR) and the submission of NZDF who sought that NOISE-R7.1 be amended to add a clause that would read "*A no complaints covenant shall be entered on the title where the noise sensitive activity occurs, with wording that protects the West Melton Rifle Range from complaints and associated reverse sensitivity effects*". We understand from the evidence of NZDF's planner that the requirement for a 'no complaints covenant' would be added as a

¹⁵ Reply Report, paragraph 2.43.

¹⁶ Paragraph 26.6

¹⁷ Reply Report, paragraph 2.40.

permitted activity standard to NOISE-R7.1 and SUB-R26. NZDF also sought a new rule (their NOISE-R7.1B) whereby the change of use for a building to a different or new noise sensitive activity would be subject to the same 'no complaints covenant' permitted activity standard.

- [71] Non-compliance with the 'no complaints covenant' permitted activity standard would cause the activity to default to a RDIS (NOISE-R7 and SUB-R26).
- [72] We acknowledge that WMRR was established in the 1940's. It has been occupied by the NZDF continuously since that time and cannot be feasibly relocated or replicated elsewhere. We also acknowledge that the WMRR is a nationally important training facility for NZDF.¹⁸
- [73] However, the imposition of a 'no complaints covenant' clause in NOISE-R7 (and elsewhere) was opposed by a large number of submitters who resided within or adjacent to the West Melton Rifle Range Noise Control Overlays. We have carefully considered the legal submissions and evidence that NZDF provided in support of their request. However, we are not persuaded that a 'no complaints covenant' is an appropriate option, notwithstanding that it has reportedly been adopted in the Auckland Unitary Plan.
- [74] Ms Barker advised that issues with a no complaints covenant approach included concern about the ability for NZDF to escalate and intensify their rifle range activity following a covenant being entered into and a lack of transparency about that; it being an unfair and unjust approach (i.e., a heavy-handed approach which restricts the right to complain); it imposed costs on land owners; and practical implications as to how it would work in practice.
- [75] We are also aware of caselaw regarding the merits of such covenants. The High Court has ruled that without the consent of the applicant the imposition of such a condition is unlawful.¹⁹ It is clear to us from the presentations made at the hearing that many of the affected landowners would not agree to the imposition of such a covenant on their titles. Furthermore, the Environment Court has stated:²⁰

"Such covenants do not avoid, remedy or mitigate the primary effects – nothing becomes quieter, less smelly or otherwise less unpleasant simply because a covenant exists. On their face, they might avoid or mitigate the secondary effect of ensuing complaints upon the emitting activity. But all they really mean is: If you complain, we don't have to listen, and there are issues about such covenants which have not, to our knowledge, been tested under battle conditions. We are not to be understood as agreeing that they are a panacea for reverse sensitivity issues."

- [76] We echo the findings of the Environment Court. NOISE-R7 contains adequate conditions to ensure that indoor noise levels do not exceed appropriate levels if new or altered buildings contain noise sensitive activities. However, if noise is still of concern to affected landowners (whether that be inside or outside) then they should be entitled to complain to NZDF about that and NZDF should then respond to any complaints.
- [77] We do not consider that to be an onerous imposition. In that regard for NZDF Major Challies stated:²¹

¹⁸ NZDF legal submissions., paragraphs 54 and 55.

¹⁹ *Ports of Auckland v Auckland City Council* [1999] 1 NZLR 601

²⁰ *Ngatarawa Development Trust Limited v Hastings District Council* W017/2008, paragraph 27.

²¹ EIC Major Challies, paragraph 27.

“We consider ourselves good neighbours and our land use and control of activities considers and mitigates the impact on neighbours. There are measures in place to ensure parties are informed of activities. These activities are monitored on the Range and at HQ SRSC in Burnham Camp.”

[78] Similarly, for NZDF Rebecca Davies stated:²²

“As explained by Maj Challies, HQ Southern Regional Support Centre in Burnham Camp keeps a register of complaints that it receives. The register shows that while there is a low number of complaints, the raw number of complainants is not the significant factor but rather the nature of the complaints.”

[79] Interestingly, on behalf of the submitter ‘Rein in the Range’ planner Patricia Hart²³ had this to say:

“I also agree with the reasoning in the s42A report regarding the approach to be adopted in dealing with reverse sensitivity issues associated with the West Melton Rifle Range namely that it is better to limit noise nuisance through mitigation of impacts through building design. NZDF have raised the concern that such an approach does not address issues of noise experienced outside houses. That is so but I consider the risk of complaints arising from people outdoors to be low. This area is a farming area and outdoor noise from various farming activities is part of living in rural West Melton, likewise, is noise from the Rifle Range.”

[80] In our view the evidence supports our finding that having to respond to complaints would not be an onerous imposition on NZDF.

[81] However, we agree with NZDF that NOISE-R7 should be amended such that any resource consent applications arising from non-compliance with the permitted activity standards would not be subject to public notification and would instead be limited notified to the NZDF, unless their written approval was provided. We agree that would be a more efficient means of giving effect to the higher order provisions and we therefore recommend:

Sub #	Submitter	Submission Point	Accept in part
DPR-0448	New Zealand Defence Force	060, 061	✓

[82] In response to the submissions of Rein in the Range, we agree with and adopt Ms Barker’s assessment that in light of the level of noise generated by the WMRR within the 65 dB contour and the resulting potential health, amenity, and reverse sensitivity effects that level of noise can cause, noise sensitive activities should be avoided within that overlay and a non-complying activity status aligns with that approach, the related policy (NOISE-P4), and CRPS policy.²⁴

[83] Finally, we note that several submitters sought that Designation MDEF-3 West Melton Rifle Range be amended to include a requirement for a Noise Management Plan. That matter is dealt with in the Recommendation Report for Hearing 29 on Designations, but we record here for the benefit of readers that conditions volunteered by NZDF regarding a NMP are recommended for inclusion on MDEF-3.

²² EIC Rebecca Davies, paragraph 11.

²³ EIC Patricia Hart, last paragraph on page 3 of 3.

²⁴ Reply Report, paragraph 2.48.

3.5.8 NOISE-R8

- [84] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note this results in the correction of an error regarding the dB LAFmax value that should be used in the rule.

Sub #	Submitter	Submission Points
DPR-0207	Selwyn District Council	047
DPR-0343	Canterbury District Health Board	071

3.5.9 NOISE-R9

- [85] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0199	Terry & Barbara Heiler	005
DPR-0448	New Zealand Defence Force	063, 064, 065, 066, 067, 068, 069, 070, 071, 072

- [86] For these submissions and submission points we are satisfied that Ms Barker's recommendation to:

- in response to the submissions of NZDF, to amend the provision so that the measurement requirements are applied consistently across all zones and that measurements are taken at the notional boundary of a building containing a noise sensitive activity, rather than the notional boundary applying in the GRUZ and the site boundary applying in all other zones;

is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

3.5.10 NOISE-R10

- [87] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note this results in the addition of a 15-minute time period to the 65 dB LAeq level as sought by CDHB.

Sub #	Submitter	Submission Points
DPR-0343	Canterbury District Health Board	072
DPR-0358	Rolleston West Residential Limited (RWRL)	293
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	282
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	288
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	300
DPR-0448	New Zealand Defence Force	073

3.5.11 NOISE-R11

- [88] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0353	Horticulture New Zealand	216
DPR-0422	Federated Farmers of New Zealand - North Canterbury	242

[89] For these submissions and submission points we are satisfied that Ms Barker's recommendation to enable clusters of three shots, but still no more than 12 shots per hour, as sought by Horticulture NZ and Federated farmers is an appropriate clarification.

[90] We note that in her answers to our written questions Ms Barker advised that NOISE-R11.1.d as notified already provided flexibility to be able to shoot 3 cluster shots 4 times an hour, and in effect up to 12 shots could be discharged in a cluster per hour. Therefore, what Horticulture NZ asked for is effectively more restrictive than the notified version but is more consistent with other District Plans and would limit the number of noise 'events' per hour.

3.5.12 NOISE-R12

[91] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note this results in the addition of a 15-minute time period to the 65 dB LAeq level as sought by CDHB.

Sub #	Submitter	Submission Points
DPR-0343	Canterbury District Health Board	073
DPR-0353	Horticulture New Zealand	217

3.5.13 NOISE-R13

[92] For the following submitter and their submission point we adopt the recommendations and reasons of the Section 42A Report author. We note this results in expanding NOISE-R13 to also refer to a Temporary Military Training Activity which is provided for in NOISE-R9. We are satisfied that is the most appropriate option for achieving the relevant objectives of this Plan.

Sub #	Submitter	Submission Point
DPR-0448	New Zealand Defence Force	074

3.5.14 New NOISE Rules

[93] For the following submitters and their submission points we generally adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified provisions, insofar that other amendments to the rules in response to the submissions of CIAL have made it clear that any property lying within the 55dB Ldn Air Noise Contour is also subject to the rules applicable to the 50 dB Ldn Air Noise Contour.

Sub #	Submitter	Submission Points
DPR-0344	Four Stars Development Ltd & Gould Developments Ltd	003
DPR-0367	Orion New Zealand Limited	079
DPR-0371	Christchurch International Airport Limited	045, 096
DPR-0382	Ellesmere Motor Racing Club (EMRC)	006
DPR-0401	Coolpak Coolstores Ltd	005

3.5.15 SUB-R26

[94] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0358	Rolleston West Residential Limited (RWRL)	227
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	216
DPR-0370	Fonterra Limited	058

Sub #	Submitter	Submission Points
DPR-0371	Christchurch International Airport Limited	044
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	222
DPR-0375	Waka Kotahi NZ Transport Agency	107
DPR-0382	Ellesmere Motor Racing Club (EMRC)	007
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	234
DPR-0414	Kāinga Ora - Homes & Communities	120
DPR-0448	New Zealand Defence Force	053, 054, 055
DPR-0453	Midland Port, Lyttelton Port Company Limited	058

[95] In response to the submissions of CIAL, we are satisfied that Ms Barker's recommendation to amend SUB-R11 and SUB-R26 such that:

- SUB-R11.1d. refers to no undersized site being located within a Noise Control Overlay listed in SUB-R26.1 to SUB-R26.6; and
- SUB-R26 is amended to refer to the 50 dB Ldn Airport Noise Control Overlay as the outer contour and not the 55 dB Ldn Overlay, consistent with the CRPS and to reference the amended overlay name

are the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

[96] We note that the above amendments mean there is no need to amend SUB-R26 to reference density not being met as this is addressed by referring to an 'undersized site' in SUB-R11.1.d. We agree that SUB-R11 defaulting to a non-complying activity status is appropriate.

[97] We note that CIAL accepted the above amendments and considered that they resolved the CIAL submission.²⁵ Mr Bonis considered that the amendments proposed by Ms Barker clarified that it is any 'undersized site' that would be a non-complying activity.

[98] We agree with Ms Barker that there is no scope to amend the SUB-Overview or the text under the SUB-Rules heading to address reverse sensitivity and the health and wellbeing of people and their amenity values.²⁶

[99] In response to the submission of Synlait that an amendment is required to ensure the geographic scope of the DPZ overlay is only applied to land outside of the DPZ, we agree with and accept Ms Barker's assessment that such an amendment is required, and that a consequential amendment is required in relation to PORTZ as the Port noise overlay also covers Port land.²⁷

3.6 Rule Requirements

3.6.1 NOISE-REQ1

[100] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0050	Adam Kirner	001
DPR-0068	MetroPort Christchurch (MetroPort)	021

²⁵ EIC Matt Bonis, paragraph 52.

²⁶ Reply Report, paragraphs 2.76.

²⁷ Reply Report, paragraphs 2.77 and 2.78.

Sub #	Submitter	Submission Points
DPR-0204	JP Singh	005
DPR-0208	Ngāi Tahu Property	005
DPR-0215	Winstone Aggregates	046
DPR-0319	Kevin Chaney	001
DPR-0343	Canterbury District Health Board	074, 075, 076, 077
DPR-0353	Horticulture New Zealand	218
DPR-0358	Rolleston West Residential Limited (RWRL)	295, 296, 297, 298
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	284, 285, 286, 287
DPR-0365	Stuart PC Limited	034, 035
DPR-0370	Fonterra Limited	069
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	290, 291, 292, 293
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	302, 303, 304, 305
DPR-0401	Coolpak Coolstores Ltd	001, 002, 003, 006
DPR-0439	Rayonier Matariki Forests	004
DPR-0448	New Zealand Defence Force	076
DPR-0453	Midland Port, Lyttelton Port Company Limited	072, 073

[101] For these submissions and submission points we are satisfied that Ms Barker's recommendation to:

- amend NOISE-TABLE5 so that construction noise is excluded from cumulative noise limits as was sought by Metroport, Fonterra and LPC;
- amend all instances of LAeq to LAeq (15 min) and amend all instances of L_{Amax} to L_{AFmax} as sought by CDHB;
- amend NOISE-TABLE 5 to exclude DPZ as well as PORTZ from Line 2 as sought by CDHB;
- delete the hours of 0700-2200 with respect to the PORTZ noise limit as the Noise Control Overlay is predicated on a 24/7 operation as sought by LPC; and
- group KNOZ with RESZ, GRAZ, MPZ, SKIZ and TEZ within row 1 of NOISE-TABLE 6 so that lesser construction noise limits apply

are the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

3.6.2 NOISE-REQ2

[102] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note this results in PORTZ being added to line 2 of NOISE-TABLE 6 as was sought by Metroport and LPC and KNOZ being included in line 1 as was sought by CDHB.

Sub #	Submitter	Submission Points
DPR-0068	MetroPort Christchurch (MetroPort)	022
DPR-0358	Rolleston West Residential Limited (RWRL)	299
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	288
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	294
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	306
DPR-0448	New Zealand Defence Force	077
DPR-0453	Midland Port, Lyttelton Port Company Limited	074

3.6.3 New NOISE-REQ

- [103] For the following submitter and their submission point we adopt the recommendations and reasons of the Section 42A Report author. We note this results in no new NOISE-REQ provisions.

Sub #	Submitter	Submission Points
DPR-0370	Fonterra Limited	067

3.7 Matters for Control or Discretion

- [104] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0215	Winstone Aggregates	047
DPR-0358	Rolleston West Residential Limited (RWRL)	300
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	289
DPR-0367	Orion New Zealand Limited	080
DPR-0370	Fonterra Limited	068
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	295
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	307
DPR-0441	Manawa Energy	140
DPR-0448	New Zealand Defence Force	078

- [105] For these submissions and submission points we are satisfied that Ms Barker's recommendation to improve the clarity of NOISE-MAT1.3, 5 and 6 as was sought by Winstone Aggregates is the most appropriate option for achieving the relevant objectives of this Plan.

3.8 Mapping

- [106] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0068	MetroPort Christchurch (MetroPort)	038
DPR-0125	BE Faulkner	008
DPR-0207	Selwyn District Council	111, 112
DPR-0220	K Ramsay	001, 002
DPR-0278	Katrina M Finch	001
DPR-0371	Christchurch International Airport Limited	089, 090
DPR-0375	Waka Kotahi NZ Transport Agency	135
DPR-0382	Ellesmere Motor Racing Club (EMRC)	005
DPR-0414	Kāinga Ora - Homes & Communities	076, 077
DPR-0433	Lindsay & Averil Halliday	002
DPR-0448	New Zealand Defence Force	098
DPR-0453	Midland Port, Lyttelton Port Company Limited	004
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	061, 062

- [107] For these submissions and submission points we are satisfied that Ms Barker's recommendations to:

- amend the alignment of the State Highway Noise Control Overlay to more accurately follow the physical location of all state highways as sought by SDC and as requested by Waka Kotahi;

- amend the alignment of the Railway Network Noise Control Overlay to more accurately follow the physical location of the railway network as sought by SDC; and
- show separately the Airport 50 dB Ldn Noise Contour and 55 dB Ldn Noise Contour overlays on the planning maps as sought by CIAL

are the most appropriate options for achieving the relevant objectives of the PDP.

[108] We note that the legal submissions of Kiwirail accepted that in regards to mapping, a number of anomalies remained to be corrected in relation to the Noise Control Overlay. Counsel advised that KiwiRail was unable to provide this information as part of its evidence due to time and resourcing constraints, but as set out in the evidence of Ms Grinlinton-Hancock, that information would be provided to SDC in an updated shapefile.

[109] We also note that Kiwirail abandoned its request to remove the Noise Control Overlay across the central sections of long tunnels and accepted Ms Barker's recommendation on that matter.²⁸

3.9 DPZ-SCHED1

[110] Synlait sought that the Noise Control Overlay that applies to their site be amended to allow for a rail siding which is already consented, as well as for future growth. A revised Noise Control Boundary was sought that is larger than the one in the notified PDP and this was set out in the evidence of Gary Walton (Synlait's acoustic expert). Counsel for Synlait advised:²⁹

"Synlait generally operates under the DPMA Noise Control Boundary (NCB) in terms of its noise emissions. However, there are several resource consents which have authorised an exceedance of the current NCB, most recently the resource consent authorising the rail siding. Through the expanded NCO, with inner and outer zones, Synlait seeks to provide a defensible line for Synlait, Council and third parties to refer to when assessing compliance."

[111] An affected property owner, Philip Hindin, made a further submission seeking that all effects from the Synlait site be internalised. In that regard we accept that Synlait has already taken reasonable noise mitigation actions on their site, as was set out in Synlait's legal submissions.³⁰ Mr Hindin elected not to appear at the hearing, but we note that Synlait's proposal would not prevent the establishment of a dwelling on Mr Hindin's land. We accept the evidence of Mr Walton that any modern house build, with standard insulation, double glazing and a ventilation system, would meet the internal noise limit requirements of NOISE-R6.1.a and b.

[112] We recommend that the revised Noise Control Boundary that was shown in Appendix 1B of the evidence of Nicola Rykers (Synlait's planning expert) be adopted in the PDP. With regard to section 32AA of the RMA, for that amendment we adopt the assessments that were contained in paragraphs 65 to 87 of Ms Rykers evidence and also in Appendix 6 to the Reply Report.

[113] In that regard, we note from the Reply Report that Dr Trevathan³¹ agreed with Synlait's view that the proposed new Noise Control Overlay was only a 'minor change' from the

²⁸ KiwiRail Legal Submissions, 3 February 2022, paragraph 3.13.

²⁹ Legal submissions, paragraphs 10 and 11.

³⁰ Ibid, paragraph 29.

³¹ The SDC's acoustic expert advisor.

accumulation of what is already consented, that the State Highway noise already reduced the amenity in the area, and existing dwellings would not be significantly affected.

- [114] We therefore adopt the recommendations and reasons of the Section 42A Report author as set out in the Reply Report:

Sub #	Submitter	Submission Points
DPR-0420	Synlait Milk Limited	027

4 Other Matters

- [115] The recommended amendments to the PDP provisions contained in Appendix 1 are those that result from this Hearing Panel's assessment of submissions and further submissions. However, readers should note that further or different amendments to these provisions may have been recommended by:

- Hearing Panels considering submissions and further submissions on other chapters of the PDP;
- the Hearing Panels considering rezoning requests, and
- the Independent Hearing Panel (IHP) considering submissions and further submissions on Variation 1 to the PDP

- [116] Any such further or different amendments are not shown in Appendix 1 of this Recommendation Report. However, the Chair³² and Deputy Chair³³ of the PDP Hearing Panels have considered the various recommended amendments and have ensured that the overall final wording of the consolidated version of the amended PDP is internally consistent.

- [117] In undertaking that 'consistency' exercise, care was taken to ensure that the final wording of the consolidated version of the amended PDP did not alter the intent of the recommended amendments contained in Appendix 1 of this Recommendation Report.

- [118] There are no other matters arising from our consideration of the submissions and further submissions or that arose during the hearing.

³² Who is also the Chair of the IHP.

³³ Who chaired one stream of hearings.

Appendix 1: Recommended Amendments

Note to readers: Only provisions that have recommended amendments are included below. All other provisions remain as notified. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.

Amendments to the PDP Maps

Map Layer	Description of recommended amendment
Noise Control Overlay	<ul style="list-style-type: none"> Port Zone Noise Control Overlay <ul style="list-style-type: none"> Amend the maps to show the correct Port Noise Overlay boundaries as they relate to Metroport.³⁴ Amend the Planning Maps to label the Port Zone Noise Control Overlays in a way that distinguishes between the 45dB and 55dB Overlays (the contours are both currently labelled 'Inland Port'). State Highway Noise Control Overlay <ul style="list-style-type: none"> Amend the maps to more accurately follow the physical location of all state highways, including over the full length of the Christchurch Southern Motorway and the deletion of the State Highway Noise Control Overlay over those parts of Shands Road and Marshs Road that are not State Highway.³⁵ Railway Network Noise Control Overlay <ul style="list-style-type: none"> Amend the maps to more accurately follow the physical location of the railway network, including the deletion of the Railway Network Noise Control Overlay over land to the north of Prebbleton Township that is no longer designated for railway purposes, and to reflect the correct boundaries of the Noise Control Overlay in relation to the KRH-1 designation.³⁶ Christchurch International Airport 50 dB Ldn Noise Control Overlay <ul style="list-style-type: none"> Amend the name to Christchurch International Airport 50 db Ldn Noise Control Overlay³⁷, and show this overlay separately on the planning maps³⁸ Christchurch International Airport 55 dB Ldn Noise Control Overlay <ul style="list-style-type: none"> Amend the name to Christchurch International Airport 55 db Ldn Noise Control Overlay³⁹, and show this overlay separately on the planning maps⁴⁰

³⁴ DPR-0068.038 Metroport

³⁵ DPR-0207.111 SDC and DPR-0375.135 Waka Kotahi

³⁶ DPR-0207.112 SDC and DPR-0458.061 Kiwirail

³⁷ DPR-0371.052 CIAL

³⁸ DPR-0371.089 CIAL

³⁹ DPR-0371.052 CIAL

⁴⁰ DPR-0371.090 CIAL

Map Layer	Description of recommended amendment
	<ul style="list-style-type: none"> • Synlait Noise Zone <ul style="list-style-type: none"> – Amend the maps to show the extended NCB and extended Inner Noise Zone that was included in Appendix 1B of the evidence of Nicola Rykers.⁴¹ This is to be shown as the Dairy Processing Zone Inner Noise Control Overlay. ▪ West Melton Rifle Range Noise Control Overlay <ul style="list-style-type: none"> – Amend the WMRR noise control overlay labels as follows: WMRR West Melton Rifle Range 65dB Ldn Noise Control boundary Overlay WMRR West Melton Rifle Range 55dB Ldn Noise Control boundary Overlay

Amendments to the PDP Text

Part 1 – Introduction and General Provisions

Interpretation

Definitions	
AUDIBLE BIRD SCARING DEVICE	A noise emitting device Gas guns and avian distress alarms used for the purpose of disturbing or scaring birds., including gas guns and avian distress alarms., It excludes firearms and vehicles used for that purpose. ⁴²
L_{A90}	has the same meaning as the ‘Background sound level’ in New Zealand Standard 6801:2008 Acoustics - Measurement of Environmental Sound. The background sound level in decibels equalled or exceeded for 90% of the measurement interval. It is the component of residual sound that subjectively is perceived as continuously present. ⁴³
L_{AEQ}	has the same meaning as ‘time-average A-weighted sound pressure level’ in New Zealand Standard 6801:2008 Acoustics -Measurement of Environmental Sound. The time average A-weighted sound pressure level 10 times to the logarithm, to the base of 10, of the ratio of the average of the square of the A frequency weighted sound pressure over a specified period of time, to the square of the reference value (20 µPa). ⁴⁴
L_{AF(MAX)}	has the same meaning as the ‘maximum A-frequency weighted, F-time weighted sound pressure level’ in New Zealand Standard 6801:2008 Acoustics - Measurement Of Environmental Sound. ⁴⁵ The maximum A-frequency weighted, F time weighted sound pressure level 10 times the logarithm, to the base of 10, of the ratio of the square of the maximum sound pressure obtained with a standardised A frequency weighting and F time weighting during a standard time

⁴¹ DPR-0420.027 Synlait Milk

⁴² DPR-0353.038 Horticulture NZ and DPR-0422.027 Federated Farmers

⁴³ Cl.16(2) amendment

⁴⁴ Cl.16(2) amendment

⁴⁵ Cl.16(2) amendment

Definitions	
	period, to the square of the reference pressure (20 µPa). L _{max} derived from measured short LEQ values of 100 to 125 milliseconds duration shall be taken as equivalent to L _{max} . ⁴⁶
NOISE SENSITIVE ACTIVITY	Any: <ul style="list-style-type: none"> a. Residential activity, <u>other than that existing in conjunction with rural activities that comply with the rules in the relevant District Plan as at 23 August 2008</u> b. Educational facility c. Visitor accommodation d. Hospital or health care facility, <u>and any retirement village</u>.⁴⁷

Part 2 – District Wide Matters

General District Wide Matters

NOISE – Noise

NOISE-Overview
<p>...</p> <p>The objectives and policies for noise seek to control the levels of noise created by activities to limit the adverse effects of noise on character, amenity values, and human health, and to protect <u>some</u>⁴⁸ existing important infrastructure activities which generate elevated levels of noise from reverse sensitivity effects.</p> <p>...</p> <p><u>Residential density Land use controls for noise sensitive activities within the Airport 50 dB Ldn Noise Control Overlay (which is the outer control boundary for aircraft noise in Greater Christchurch), including residential density within the Christchurch International Airport 50 dB Ldn Noise Control Overlay is are</u> managed by the General Rural Zone chapter provisions. <u>Additional controls for acoustic mitigation within the Airport 55 dB Ldn Noise Control Overlay are required by provisions in this Noise Chapter.</u>⁴⁹</p>

NOISE-Objectives and Policies

NOISE-Objectives	
NOISE-O1	The health and wellbeing of people and communities and their amenity values are protected from significant levels of noise <u>adverse noise effects</u> , consistent with the anticipated outcomes for the receiving environment. ⁵⁰

⁴⁶ Cl.16(2) amendment

⁴⁷ DPR-0371.010 CIAL.

⁴⁸ DPR-0414.072 Kāinga Ora

⁴⁹ DPR-0371.048 CIAL

⁵⁰ DPR-0367.075 Orion and DPR-0371.049 CIAL

NOISE-Policies	
NOISE-P2	Protect the State Highway and the designated railway network from reverse sensitivity effects by avoiding noise sensitive activities locating near to the State Highway or designated railway network unless specified noise and vibration limits are met or physical ⁵¹ -noise mitigation or insulation ⁵² is incorporated.
NOISE-P3	Protect Christchurch International Airport from reverse sensitivity effects by: <ul style="list-style-type: none"> a. avoiding residential activities on sites noise sensitive activities, including residential units on sites less than four hectares, within the Airport 50 dB Ldn Noise Control Overlay that do not meet a density of one residential unit per four hectares within the Christchurch International Airport Noise Control Overlays, and b. subject to NOISE-P3.a, requiring noise insulation mitigation for residential activity which meets residential density requirements noise-sensitive activities within the Christchurch International Airport 55dB Ldn Noise Control Overlay.⁵³
NOISE-P4	Protect port activities and industrial activities within the Port Zone, and the New Zealand Defence Force West Melton Rifle Range from reverse sensitivity effects by avoiding noise sensitive activities within the Inland Port 55dB and the West Melton Rifle Range 65dB noise control overlays nearest to this strategic infrastructure ⁵⁴ , and requiring noise insulation mitigation ⁵⁵ for noise sensitive activities within the Inland Port 45dB and the West Melton Rifle Range 55dB outer noise control overlays.
NOISE-P5	Protect dairy processing activities within the Dairy Processing Zone from reverse sensitivity effects by requiring noise insulation mitigation ⁵⁶ for noise sensitive activities within the noise control overlays, including additional acoustic design requirements for noise sensitive activities within the identified Dairy Processing Zone Inner Noise Control Overlay at the Synlait site only.

NOISE-Rules

NOISE-Rule List	
...	
NOISE-R7	Noise Sensitive Activity within the NZDF ⁵⁷ West Melton Rifle Range Noise Control Overlays
...	

⁵¹ Cl.16(2) amendment⁵² DPR-0371.051 CIAL and consequential cl.16(2) amendment⁵³ DPR-0371.051 CIAL⁵⁴ DPR-0183.003 Adrian McFedries and DPR-0448.043 NZDF⁵⁵ DPR-0371.051 CIAL and consequential cl.16(2) amendment⁵⁶ DPR-0371.051 CIAL and consequential cl.16(2) amendment⁵⁷ Cl.16(2) amendment

NOISE-R1		
Activities not otherwise specified		
All Zones	<p>Activity status: PER</p> <p>1. Any land use activity not listed <u>elsewhere</u>⁵⁸ in NOISE-R1 that generates noise, unless any of NOISE-R2 - NOISE-R16 applies</p> <p>Where this activity complies with the following rule requirements: NOISE-REQ1</p>	<p>Activity Status when compliance not achieved:</p> <p>2. When compliance with any rule requirement is not achieved: Refer to NOISE – Rule requirements</p>
All Zones	<p>Activity status: PER</p> <p>3. ...</p> <p><u>A. Noise emitted by electricity generators and mobile equipment to supply important infrastructure subject to EI-R16.</u>⁵⁹</p> <p><u>B. Noise emitted by aircraft or helicopters subject to TEMP-R7.</u>⁶⁰</p>	...
GRUZ	<p>Activity Status: PER</p> <p><u>6-6-8 Rural production activities using equipment which is mobile or portable during its normal use, unless NOISE-R11 or NOISE-R12 apply.</u>⁶¹</p> <p><u>9C. Noise emitted by aircraft or helicopters subject to GRUZ-R27 or GRUZ-R28.</u>⁶²</p>	...
SKIZ	<p>Activity Status: PER</p> <p><u>10D. Noise emitted by helicopters subject to SKIZ-R14 or SKIZ-R15.</u>⁶³</p>	Activity status when compliance not achieved: N/A
TEZ	<p>Activity Status: PER</p> <p><u>11E. Noise emitted by helicopters subject to TEZ-R17.</u>⁶⁴</p>	Activity status when compliance not achieved: N/A
NOISE-R3		
Noise Sensitive Activity within the State Highway and Railway Network Noise Control Overlays		
State Highway Noise Control Overlay	<p>Activity status: PER</p> <p>1. The establishment of any building for a noise sensitive activity, or any addition or alteration to an existing building which creates a new habitable room or will be occupied by a noise sensitive activity.</p> <p>Where:</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of NOISE-R3.1.a.i. or NOISE-R3.1.a.ii.b. is not achieved: DIS</p>

⁵⁸ Clause 16(2) clarification

⁵⁹ DPR-0367.078 Orion

⁶⁰ DPR-0207.048 SDC

⁶¹ DPR-0343.064 CDHB

⁶² DPR-0207.048 SDC

⁶³ DPR-0207.048 SDC

⁶⁴ DPR-0207.048 SDC and DPR-0423.FS001 PHC Terrace Downs

	<p><u>a. To manage noise in the outdoor environment, either:</u></p> <p><u>a.i.</u> There is a noise barrier consisting of a solid building, fence, wall or landform at least 3m high which blocks the line-of-sight to the state highway road surface from all points 1.5m above ground level within the notional boundary of any new building and/or addition to any existing building; or</p> <p><u>b.ii.</u> External road noise levels are less than 57 dB LAeq (24h) at all points 1.5m above ground level within the notional boundary of any new building and/or addition to an existing building.⁶⁵</p> <p>...</p>	
<p>State Highway Noise Control Overlay</p> <p>Railway Network Noise Control Overlay</p>	<p>Activity status: PER</p> <p>3. The establishment of any building for a noise sensitive activity, or any addition or alteration to an existing building which creates a new habitable room or will be occupied by a noise sensitive activity</p> <p>Where:</p> <p><u>a. To manage noise in the indoor environment, the building is:</u></p> <p><u>i.</u> at least 50m from any state highway or railway network, and ⁶⁶is designed so that a noise barrier consisting of a solid building, fence, wall or landform blocks the line-of-sight from all parts of doors and windows to the state highway road surface and/or to all points above 3.8m of the railway tracks; or</p> <p><u>iii.</u> The building is designed, constructed and maintained to achieve indoor design noise levels not exceeding the maximum values in NOISE-TABLE1 – Road and Railway Indoor Design Noise Levels.</p> <p>...</p> <p><u>d.</u> Any building that is closer than 40m <u>30m</u> to any state highway boundary or closer than 60m to any railway network, shall be designed, constructed and maintained to achieve road and rail vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95).</p> <p><u>e.</u> Compliance with the relevant provisions of NOISE-R3.5.a.ii. <u>NOISE-</u></p>	...

⁶⁵ DPR-0207.049 SDC

⁶⁶ DPR-0458.049 KiwiRail and DPR-0207.050 SDC

	<p>R3.3.a.ii.2, NOISE-R3.5.b, NOISE-R3.3b, NOISE-R3.5.c, NOISE-R3.3c, and NOISE-R3.5.d. NOISE-R3.3d shall be demonstrated by way of a design report prepared by a suitably qualified acoustic specialist and submitted to the Council with the application for the relevant building consent. In the design report:</p> <ul style="list-style-type: none"> i. railway noise shall be assumed to be 70 LAeq(1h) at a distance of 12m from the railway network and shall be deemed to reduce at a rate of 3 dB per doubling of distance up to 40m and 6 dB per doubling of distance beyond 40m; and ii. road noise shall be based on measured or predicted noise limits plus 3 dB⁶⁷ <p>...</p>	
NOISE-R4	Noise Sensitive Activity within the Christchurch International Airport 55 dB Ldn Noise Control Overlays⁶⁸	
Christchurch International Airport 55 dB Ldn Noise Control Overlay⁶⁹	<p>Activity status: PER</p> <p>1. The establishment of any <u>new</u> building for a <u>noise sensitive residential</u> activity, or any addition or alteration to an existing building which <u>contains a residential activity which creates a new habitable room or will be occupied by a noise sensitive activity, which complies with GRUZ-SCHED2 Residential Density.</u></p> <p>Where:</p> <ul style="list-style-type: none"> a. The building is insulated from aircraft noise and designed to comply with the indoor design sound limits specified in NOISE-TABLE2 Indoor Design Noise Levels, Christchurch International Airport 55 db Ldn Noise Control Overlay; ⁷⁰ and b. Where windows need to be closed to achieve the internal noise levels specified in NOISE-R4.1.a., an alternative ventilation system shall be provided which satisfies clause G4 of the New Zealand Building Code. <u>for habitable rooms:</u> <ul style="list-style-type: none"> i. <u>provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and</u> ii. <u>is adjustable by the occupant to control the ventilation rate in</u> 	...

⁶⁷ DPR-0207.050 SDC

⁶⁸ DPR-0371.052 CIAL

⁶⁹ DPR-0371.052 CIAL

⁷⁰ DPR-0371.052 CIAL

	<p>increments up to a high air flow setting that provides at least 6 air changes per hour; and</p> <p>iii. provides relief for equivalent volumes of spill air; and</p> <p>iv. provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and</p> <p>v. does not generate more than 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.⁷¹</p> <p>...</p>	
Airport 55 dB Ldn Noise Control Overlay	<p>Activity Status: NC</p> <p>3. The establishment of any new building for a noise sensitive activity, or any addition or alteration to an existing building which creates a new habitable room or will be occupied by a noise sensitive activity, not subject to NOISE-R4.1⁵⁸</p>	Activity status when compliance not achieved: N/A
<p>Advisory Note</p> <p>1A NOISE-R4 is to be read in conjunction with the GRUZ Chapter provisions applicable to noise sensitive activities as most noise sensitive activities seeking to locate within the Airport 50 dB Noise Control Overlay (which includes the Airport 55 dB Noise Control Overlay) require non-complying activity resource consent.⁵⁸</p> <p>1 For ...</p>		
NOISE-TABLE2 Indoor Design Noise Levels, Christchurch International Airport 55 dB Ldn Noise Control Overlay⁷²		
	Activity	Indoor Design Noise Level
	Residential Activity	
	Bedrooms	65 dB LAE / 40 dB L _{dn}
	Other habitable rooms, except bedrooms	75 dB LAE / 50 dB L _{dn}
	Visitor Accommodation, Hospital, and Health Care Facility	
	Bedrooms; Conference Meeting Rooms	65 dB LAE / 40 dB L_{dn}
	Service Activities	75 dB LAE / 60 dB L_{dn}
	Educational Facility	
	Libraries, study areas; teaching areas, assembly areas	65 dB LAE / 40 dB L_{dn}
	Workshops, gymnasiums	85 dB LAE / 60 dB L_{dn}⁵⁸
NOISE-R5	Noise Sensitive Activity within the Port Zone Noise Control Overlays	
Port Zone 45 dB LAeq Noise	<p>Activity status: PER</p> <p>1. The establishment of any building for a noise sensitive activity, or any</p>	...

⁷¹ DPR-0343.065 CDHB

⁷² DPR-0371.053 CIAL

Control Overlay	<p>addition or alteration modification⁷³ to an existing building which creates a new habitable room or will be occupied by a noise sensitive activity</p> <p>Where:</p> <p>a. The building is designed and constructed to ensure that the following indoor design noise levels are not exceeded:</p> <p>i. ____35dB LAeq (15min) inside bedrooms;</p> <p>ii. ____40dB LAeq (15min)⁷⁴ inside any other habitable room, except for bedrooms.</p> <p>b. Where windows need to be closed to achieve the internal noise levels specified in NOISE-R5.1.a, an alternative ventilation system shall be provided which satisfies clause G4 of the New Zealand Building Code for habitable rooms:</p> <p>i. <u>provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and</u></p> <p>ii. <u>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</u></p> <p>iii. <u>provides relief for equivalent volumes of spill air; and</u></p> <p>iv. <u>provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and</u></p> <p>v. <u>does not generate more than 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.</u>⁷⁵</p> <p>...</p>	
NOISE-R6	Noise Sensitive Activity within the Dairy Processing Zone Noise Control Overlay	
Dairy Processing Zone Noise Control Overlay	<p>Activity status: PER</p> <p>1. The establishment of any building for a noise sensitive activity, or any addition or alteration modification⁷⁶ to an existing building which creates a new habitable room or will be occupied by a noise sensitive</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of NOISE-R6.1.a-c⁷⁹ is not achieved: DIS NC⁸⁰</p>

⁷³ DPR-0343.066 CDHB

⁷⁴ DPR-0343.069 CDHB

⁷⁵ DPR-0343.066 CDHB

⁷⁶ DPR-0343.066 CDHB

⁷⁹ **Clause 16(2) clarification**

⁸⁰ DPR-0370.066 Fonterra

	<p>activity</p> <p>Where:</p> <p>a. Within the Dairy Processing Zone Noise Control Overlay but outside the <u>Dairy Processing Zone Inner Noise Control Overlay</u>, as shown in <u>DPZ-SCHED1</u>, is designed to achieve an outside to inside noise level difference of not less than 20 dB Dtr, 2m, nTw to any bedroom.</p> <p>b. Within the <u>Dairy Processing Zone Inner Noise Control Overlay</u>, as shown in <u>DPZ-SCHED1</u>,⁷⁷ is designed to achieve an outside to inside noise level difference of not less than 25 dB Dtr, 2m, nTw to any bedroom.</p> <p>c. Where windows need to be closed to achieve the internal noise levels specified in NOISE-R6.1.a. and NOISE-R6.1.b., an alternative ventilation system shall be provided which satisfies clause G4 of the New Zealand Building Code <u>for habitable rooms:</u></p> <p>i. <u>provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and</u></p> <p>ii. <u>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</u></p> <p>iii. <u>provides relief for equivalent volumes of spill air; and</u></p> <p>iv. <u>provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and</u></p> <p>v. <u>does not generate more than 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.</u>⁷⁸</p> <p>...</p>	
NOISE-R7	Noise Sensitive Activity within the West Melton Rifle Range Noise Control Overlays	
West Melton Rifle Range 55 dB Ldn Noise Control Overlay	<p>Activity status: PER</p> <p>1. The establishment of any building for a noise sensitive activity, or any addition or alteration to an existing building which creates a new habitable room or will be occupied by a noise sensitive activity.</p> <p>Where:</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of NOISE-R7.1.a-b. is not achieved: DIS</p> <p>Notification:</p> <p><u>Any application arising from NOISE-R7.2 shall not be subject to public notification and shall be limited notified to the New Zealand Defence</u></p>

⁷⁷ DPR-0343.070 CDHB⁷⁸ DPR-0343.067 CDHB

	<p>a. The building is designed and constructed to ensure that the following indoor design noise levels do not exceed:</p> <ul style="list-style-type: none"> i. 35dB Ldn inside bedrooms; ii. 40dB Ldn inside any other habitable room. <p>b. Where windows need to be closed to achieve the internal noise levels specified in NOISE-R7.1.a, an alternative ventilation system shall be provided which satisfies clause G4 of the New Zealand Building Code for habitable rooms:</p> <ul style="list-style-type: none"> i. <u>provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and</u> ii. <u>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</u> iii. <u>provides relief for equivalent volumes of spill air; and</u> iv. <u>provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and</u> v. <u>does not generate more than 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.</u>⁸¹ <p>...</p>	<p><u>Force.</u>⁸²</p>
NOISE-R8	Darfield Gun Club	
Darfield Gun Club Noise Control Overlay	<p>Activity status: PER</p> <p>1. The establishment of any building for a noise sensitive activity, or any addition or alteration to an existing building which creates a new habitable room or will be occupied by a noise sensitive activity</p> <p>Where:</p> <ul style="list-style-type: none"> a. Located outside the 60 dB LAFmax noise contour area; and b. Located between the 55 <u>50</u> dB LAFmax and 60 dB LAFmax noise contours, all habitable rooms shall be designed, constructed and maintained to achieve an indoor design noise level of 35 dB LAFmax from noise generated by outdoor shooting activities at the Darfield Gun Club; and 	...

⁸¹ DPR-0343.068 CDHB

⁸² DPR-0448.060 NZDF

	<p>c. Located between the 55 50 dB LAFmax and 60dB LAFmax noise contours, outdoor living areas shall be screened from the Darfield Gun Club to achieve an indoor design noise level not exceeding 50 dB LAFmax.⁸³</p> <p>...</p>	
NOISE-R9	Temporary Military Training Activities	
All zones	<p>...</p> <p>Activity status: PER</p> <p>7. Any temporary military training activity where there is weapons firing and/or the use of explosives</p> <p>Where:</p> <p>a. The following minimum separation distances are met at the notional boundary of any building containing a noise sensitive activity in the GRUZ, or the boundary of any site containing a noise sensitive activity in all other zones:</p> <p>i. 0700 to 1900: 500m;</p> <p>ii. 1900 to 0700: 1250m; or</p> <p>b. The activity shall comply with the following peak sound pressure levels at the notional boundary of any building containing a noise sensitive activity in the GRUZ, or the boundary of any site containing a noise sensitive activity in all other zones:</p> <p>i. 0700 to 1900: 95 dBC</p> <p>ii. 1900 to 0700: 85 dBC⁸⁴</p> <p>...</p>	...
NOISE-R10	Temporary Activities	
All zones	<p>Activity status: PER</p> <p>1. Any temporary activity, excluding those activities listed in TEMP-R7 and NOISE-R9</p> <p>Where:</p> <p>a. The temporary activity occurs between 0700 and 2200 only, and if operating outside of these hours complies with NOISE-REQ1; and</p>	...

⁸³ DPR-0343.071 CDHB

⁸⁴ DPR-0448.072 NZDF

	<p>b. For temporary activities involving amplified sound the activity:</p> <ul style="list-style-type: none"> i. Operates for a total duration not exceeding 4 hours per day on any site, including all sound checks, and has a total amplified power not exceeding 500 watts root mean square; or ii. Results in a sound level not exceeding 65 dB LAeq (15min)⁸⁵ when measured at the notional boundary of any building containing a noise sensitive activity in the General Rural Zone, or at the boundary of any site containing a noise sensitive activity in all other zones; and <p>...</p>	
NOISE-R11	Audible Bird Scaring Device	
GRUZ	<p>Activity status: PER</p> <p>1. Noise emissions from any audible bird scaring device</p> <p>Where:</p> <p>...</p> <ul style="list-style-type: none"> c. ... d. Operation of any audible bird scaring device does not exceed 12 times in any one hour, <u>or a cluster of 3 shots no more than 4 times per hour.</u>⁸⁶ 	...
NOISE-R12	Frost Fans	
GRUZ	<p>Activity status:</p> <p>1. Any use of a frost fan</p> <p>Where:</p> <p>a. Noise generated by all frost fans operating simultaneously on a site does not exceed 55 dB LAeq(15min)⁸⁷ when measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership.</p>	...
NOISE-R13	Blasting Activity	
All Zones	<p>Activity status: PER</p> <p>1. Any blasting activity, other than for construction activity which is</p>	...

⁸⁵ DPR-0343.072 CDHB

⁸⁶ DPR-0353.216 Horticulture NZ and DPR-422.242 Federated Farmers

⁸⁷ DPR-0343.073 CDHB

	provided in NOISE-R2 and Temporary Military Training Activity which is provided for in NOISE-R9 ⁸⁸	
	...	

NOISE-Rule Requirements

NOISE-REQ1	Zone Noise Limits			
...	NOISE-TABLE5 - Zone Noise Limits			
	Zone of the site generating noise	Zone of the site receiving noise	Assessment Location	Hours and Limits
	1. All zones	RESZ GRAZ MPZ SKIZ TEZ	Any point within any site receiving noise	0700 to 2200: 50 dB LAeq(15min) 2200 to 0700: 40 dB LAeq(15min) / 70 L _A Fmax ⁸⁹
	2. All zones, excluding PORTZ and DPZ ⁹⁰	GRUZ	At the notional boundary of any noise sensitive activity within any site receiving noise	0700 to 2200: 55 dB LAeq(15min) 2200 to 0700: 45 dB LAeq(15min) / 70 L _A Fmax ⁹¹
	3. All zones	KNOZ LCZ NCZ TCZ	Any point within any site receiving noise	0700 to 2200: 60 dB LAeq(15min) 2200 to 0700: 45 dB LAeq(15min) ⁹²
	4. PORTZ	GRUZ Advisory Note: The noise limit applies within GRUZ only and does not apply within GIZ	At the Port Zone 55 dB LAeq Noise Control Overlay Boundary	The cumulative noise (<u>excluding any construction noise</u>) ⁹³ arising as a result of all activities within the Port Zone shall not exceed: 0700 to 2200: ⁹⁴ 55 dB LAeq(15min) ⁹⁵

⁸⁸ DPR-0448.074 NZDF and link to the 'Temporary Military Training Activity' definition⁸⁹ DPR-0343.074 CDHB⁹⁰ DPR-0343.075 CDHB⁹¹ DPR-0343.074 CDHB⁹² DPR-0343.074 CDHB⁹³ DPR-0068.021 Metroport⁹⁴ DPR-0453.072 LPC⁹⁵ DPR-0343.074 CDHB

	5. DPZ	GRUZ	At the Dairy Processing Zone Noise Control Overlay Boundary	The cumulative noise (<u>excluding any construction noise</u>) ⁹⁶ arising as a result of all activities within the Dairy Processing Zone shall not exceed: 0700 to 2200: 55 dB LAeq(15min) ⁹⁷ / 80 dB LAFmax ⁹⁸ 2200 to 0700: 45 dB LAeq(15min) ⁹⁹ / 70 dB LAFmax ¹⁰⁰
NOISE-REQ2	Construction Noise Limits			
	NOISE-TABLE6 - Construction Noise Limits			
RESZ, and residential units and minor residential units in GRUZ GRAZ KNOZ MPZ SKIZ TEZ	...			
CMUZ GIZ KNOZ¹⁰¹ PORTZ¹⁰²	...			

NOISE-Matters for Control or Discretion

NOISE-MAT1	Natural Hazards Generally
All Zones	...

⁹⁶ DPR-0370.069 Fonterra⁹⁷ DPR-0343.074 CDHB⁹⁸ Cl16(2) amendment⁹⁹ DPR-0343.074 CDHB¹⁰⁰ Cl 16(2) amendment¹⁰¹ DPR-0343.077 CDHB¹⁰² DPR-0068.022 Metroport and DPR-0453.074 LPC

	<p>3. Whether the noise is likely to detract from <u>adversely impact</u> on the amenity values or general environmental quality of the area in which they are received.</p> <p>4. Whether the noise generated is likely to cause sleep disturbance or result in adverse health or well-being effects.</p> <p>5. <u>The effectiveness of</u> Any mitigation or noise attenuation measures proposed, such as: reduction of noise at the source, alternative techniques or machinery available, insulation or enclosure of the noise source, mounding or screen fencing/walls, hours of operation.</p> <p>6. The extent to which alternative locations and methods have been considered to avoid, remedy, or mitigate any adverse effects recognising <u>functional need, operational need, and</u> any technical, operational, and practical constraints.¹⁰³</p>
--	--

SUB – Subdivision

SUB-Rules

SUB-R11	Open Space Subdivision	
GRUZ DPZ MPZ	<p>...</p> <p>Where:</p> <p>d. No cluster <u>undersized site</u> is located within a Christchurch International Airport Noise Control Overlay listed in SUB-R26.1 to SUB-R26.6¹⁰⁴ ...</p>	...
SUB-R26	Subdivision and Noise ¹⁰⁵	
<p>Christchurch International Airport 505 dB Ldn Noise Control Overlay</p> <p>Dairy Processing Zone Noise Control Overlay</p> <p>...</p> <p><u>West Melton Rifle Range</u></p>	<p>Activity Status: DIS</p> <p>1. Subdivision within the Christchurch International Airport 50 <u>55</u> dB L_{dn} Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.¹⁰⁶</p> <p>2. Subdivision within the Dairy Processing Zone Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.¹⁰⁷</p> <p>...</p> <p><u>5</u> 6. Subdivision within the West Melton <u>Rifle Range</u> 55 dB L_{dn} Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.</p>	...

¹⁰³ DPR-0215.047 Winstone Aggregates¹⁰⁴ DPR-0371.044 CIAL¹⁰⁵ Readers should note that SUB-R26 was further amended by the Subdivision Hearing Panel as shown in the Hearing 14: Subdivision Recommendation Report.¹⁰⁶ DPR-0371.044 CIAL¹⁰⁷ DPR-0420.027 Synlait and clause 16(2) amendment

55 dB L_{dn} Noise Control Overlay		
<u>Dairy Processing Zone Noise Control Overlay</u>	<u>Activity Status: DIS</u> <u>6A. Subdivision within the General Rural Zone. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.⁵⁴</u>	<u>Activity status when compliance not achieved:</u> <u>N/A⁵⁴</u>
Port Zone 55 dB LAeq Noise Control Overlay West Melton 65 dB L_{dn} Noise Control Overlay	<u>Activity Status: NC</u> 7. Subdivision within the <u>General Rural Zone</u> Port Zone 55 dB LAeq Noise Control Overlay . This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15. 8. Subdivision within the West Melton 65 dB L_{dn} Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15⁵⁴	<u>Activity status when compliance not achieved:</u> N/A
<u>West Melton Rifle Range 65 dB L_{dn} Noise Control Overlay</u>	<u>Activity status: NC</u> <u>8. Subdivision within the West Melton Rifle Range 65 dB L_{dn} Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.⁵⁴</u>	<u>Activity status when compliance not achieved:</u> <u>N/A⁵⁴</u>

Appendix 2: List of Appearances and Tabled Evidence

Hearing Appearances

Sub #	Submitter	Author	Role
DPR-0183	Rein in the Range group	Adrian McFedries Jerry Larson	Representative Representative
DPR-0199	Terry & Barbara Heiler		
DPR-0220	K Ramsay		
DPR-0261	Alastair & Jenny Nicol		
DPR-0264	Sally Gardner		
DPR-0343	Canterbury District Health Board	Stephen Chiles	Acoustic
DPR-0370	Fonterra Limited	Ben Williams Suzanne O'Rouke Rob Hay Dean Crystal	Counsel Representative Acoustic Planner
DPR-0371	Christchurch International Airport Ltd	Joe Appleyard Felicity Blackmore Laura McNeil Matt Bonis	Counsel Representative Acoustic Planner
DPR-0375	Waka Kotahi NZ Transport Agency	Stuart Pearson Stephen Chiles	Representative Acoustic
DPR-0401	Coolpak Coolstores Ltd	Phillip Maw Sid McAuley	Counsel Representative
DPR-0414	Kāinga Ora - Homes & Communities	Douglas Allan Jon Styles Nick Roberts	Counsel Acoustic Planner
DPR-0420	Synlait Milk Limited	Ewen Chapman Yves Denicourt Gary Walton Nicola Rykers	Counsel Representative Acoustic Planner
DPR-0433	Lindsay & Averil Halliday		
DPR-0441	Manawa Energy	Shelby Macfarlane-Hill Romae Calland	Representative Planner
DPR-0448	New Zealand Defence Force	Padraig McNamara Rebecca Davies Major Stephen Challies Daren Humpheson Karen Baverstock	Counsel Representative Representative Acoustic Planner
DPR-0458	KiwiRail Holdings Limited	Jacob Burton Michelle Grinlinton-Hancock Stephen Chiles	Counsel Representative Acoustic

Tabled Evidence

Sub #	Submitter	Author	Role
DPR-0080	Philip Hindin	Self	
DPR-0183	Rein in the Range group	Patricia Hart	Planner
DPR-0353	Horticulture New Zealand	Lynette Wharfe	Planner
DPR-0367	Orion New Zealand Limited	Melanie Foote	Planner
DPR-0423	PHC Terrace Downs Resort Limited	Laura Dance	Planner
DPR-0453	Midland Port, Lyttelton Port Company Ltd	Nevil Hegley Matt Bonis	Acoustic Planner