
OFFICER'S RESPONSE TO QUESTIONS FROM THE HEARINGS PANEL

DATE: 3 February 2022

HEARING: Noise

HEARING DATE: 14 and 15 February 2022

PREPARED BY: Vicki Barker - Consultant Planner

Introduction

The purpose of this report is to provide a written response to the questions posed by the Hearings Panel on the respective section 42A report for the Noise Chapter.

Questions and Answers

Paragraph or Plan reference	Question from the Hearings Panel
Noise P-3	In recommended clause (a) are the words "... that do not meet a density ..." open to interpretation and would words such as "... that do not meet <u>exceed</u> a density ..." be clearer?
<i>Officer response:</i>	<i>"... that do not meet <u>exceed</u> a density ..." is considered clearer and such wording is used consistently throughout the PDP.</i>
Noise P-3	In recommended clause (a) it is understood that the noise sensitive activities are limited to residential activities that do not meet the specified density, rather than all noise sensitive activities. Noting the complicating factor of using defined terms, would it be clearer if P-3 was reworded to refer to ' residential noise sensitive activities', as opposed to just 'noise sensitive activities' if this is the intent of the clause?
<i>Officer response:</i>	<i>The intention is that the recommended amendment does not apply to all noise sensitive activities and that the policy is applicable to residential activity that exceeds the permitted density. Therefore, adding reference to 'residential' would be clearer, but then there is considered no need to also reference 'noise sensitive' activities. The policy could instead simply refer to 'residential activity' consistent with the GRUZ density provisions and the defined term, which is also a sub-set of the 'noise sensitive activity' definition. Accordingly, the policy could be amended as follows:</i> <i>...avoiding <u>residential</u> noise sensitive activities within the Airport 50 dB Ldn Noise Control Overlay.....</i>

Paragraph or Plan reference	Question from the Hearings Panel
Noise P-4	Are the yellow wash words in the phrase “... noise control overlay nearest to this strategic <u>important</u> infrastructure ...” open to interpretation and would it be clearer to refer to the specific overlay that is relevant to each of the listed activities
<i>Officer response:</i>	<p><i>It was drafted as it is for conciseness, but referring to the specific overlays would be clearer and would avoid any interpretational issues. Amendment could be made as follows:</i></p> <p><i>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 <u>Inland Port 55dB and the West Melton Rifle Range 65dB noise control overlays</u> nearest to this strategic important infrastructure, and requiring noise insulation <u>mitigation</u> for noise sensitive activities within the <u>Inland Port 45dB and the West Melton Rifle Range 55dB</u> outer noise control overlays.</i></p>
Para 31.1	<p>Given that Noise-R11 clause (d) as notified says ‘Operation of any audible bird scaring device does not exceed 12 times in any one hour’, it appears a person would have the flexibility to shoot 3 cluster shots 4 times per hour under that notified provision.</p> <ul style="list-style-type: none"> ▪ Can you please explain further why it is necessary to amend clause (d)? ▪ Could specifying 3 cluster shots 4 times per hour have an unintended consequence, whereby if a person wants to shoot 2 cluster shots 6 times per hour, or 4 cluster shots 3 times per hour, they might not think the amended clause (d) would allow for it?
<i>Officer response:</i>	<p><i>Hort NZ and Federated Farmers are seeking greater clarity around the ability to shoot a cluster of shots, and specifically 3 cluster shots 4 times an hour so that the total noise exposure per hour is still 12 shots and to achieve consistency with other District Plans. For example, the Marlborough District Plan limits frequency to 4 events in any period of an hour and an event is 3 discharges within a 30 second period, i.e., 12 shots total. The Proposed Waimakariri District Plan provides for a maximum of six events per device per hour, where each event has a maximum of three clustered shots, i.e., 18 shots total.</i></p> <p><i>I agree clause 9(d) as notified already provides 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 Hort NZ is asking for is effectively more restrictive than the notified version but is more consistent with other plans and would limit the number of noise ‘events’ per hour. A limit on ‘events’ spreads out the noise effect over the hour rather than it potentially being condensed.</i></p>

Paragraph or Plan reference	Question from the Hearings Panel
	<i>Depending on the evidence presented, this matter may need to be revisited to limit the number of 'events' per hour if the notified version is considered too permissive and the recommended amended version too confined in terms of the configuration of cluster shots permitted. Further acoustic advice may be considered necessary in the right of reply.</i>
Rules	<p>A number of rules have the following wording in the Activity Status when compliance not achieved column:</p> <p>Activity status when compliance not achieved: N/A</p> <p>We assume N/A means "Not Applicable". To assist Plan users would it be helpful if the N/A was amended to read "Not applicable" and additionally, would it be helpful to have a note in the Plan explaining what this means?</p>
Officer response:	<i>N/A does mean 'Not Applicable' and has been used consistently in other Chapters, i.e., SUB-R19, SUB-R20 etc. N/A could be added to the Abbreviations Chapter in the PDP for clarity.</i>
NOISE-R1[VB1]	Do you agree with the further submission point of PHC Terrace Downs Resort Limited (423.FS001) to include TEZ in NOISE-R1 as a zone within which noise emitted by aircraft or helicopters is excluded from complying with the noise limits?
Officer response:	<p><i>The submission point was accepted as detailed in Appendix 1 to the s42a report but the s42a report and Appendix 2 inadvertently omitted this intended amendment.</i></p> <p><i>For the same reasons provided in paragraph 21.3 of the s42a report in relation to the original submission points made by SDC, I consider that noise emitted by helicopters should be excluded from NOISE-R1 as this matter is managed by TEZ-R17 which specifies the location of any helicopter landing area, limits movement numbers and hours and requires a helicopter log to be maintained, all of which contribute to managing noise effects.</i></p> <p><i>The evidence of Laura Dance for PHC Terrace Downs Resort Limited also seeks to exclude aircraft, but as there is no associated aircraft rule in TEZ and the rule (TEZ-R17) is specific to helicopters, the recommended wording is limited to helicopters only as follows:</i></p> <p><u>TEZ</u></p> <p><u>Activity Status: PER</u></p> <p><u>11. Noise emitted by helicopters subject to TEZ-R17.</u></p> <p><u>Activity status when compliance not achieved: N/A</u></p>