

Proposed Selwyn District Plan



Right of Reply Report

Noise

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Contents

1. Purpose of Report	3
2. Hearing Panel's Questions to the s42a Reporting Officer and Response	3
3. Reporting Officer's Proposed Provision Amendments	18

Appendix 1: Acoustic Engineering Services Memorandum

Appendix 2: Legal Advice on NZDF Designation Condition

Appendix 3: AES Peer Review of NZDF Acoustic Report

Appendix 4: Updated Table of Submission Points

Appendix 5: Recommended amendments

Appendix 6: s32AA Assessment

1. Purpose of Report

- 1.1 The purpose of this report is to respond to the questions raised by the Hearings Panel during Hearing 17: Noise, and for the Officer to address other matters raised in evidence and to propose any further amendments to the notified version of the Proposed District Plan (PDP) above those recommended in the Officer's s42a evidence report.
- 1.2 Following the Hearing acoustic advice was sought from Dr Trevathan of Acoustic Engineering Services and his comments are contained in a memorandum dated 2 June 2022 attached as **Appendix 1**.
- 1.3 Due to the overlap with the Noise Chapter, the Panel for Hearing 24: General Rural Zone directed joint witness conferencing among planners to address the matters raised by Christchurch International Airport Limited (CIAL). These matters have been addressed in a separate Joint Witness Statement (JWS) dated 29 April 2022 prepared by me, the Rural Chapter Lead Jon Trewin, and CIAL's planning witness Matt Bonis¹.

2. Hearing Panel's Questions to the s42a Reporting Officer and Response and/or Clarification regarding matters raised in evidence

[1] Whether reference to 'important infrastructure' should be included in Noise-P2 (as well as other suggested minor changes), or a separate policy added to address other important infrastructure not already referenced in the policies?

- 2.1 Trustpower are seeking that reference to 'important infrastructure' be inserted in NOISE-P2 to manage reverse sensitivity effects and avoid noise sensitive activities locating near to important infrastructure, so that this approach applies generally to important infrastructure rather than just the State Highway and designated railway network.
- 2.2 The policies have been structured to relate to specific noise producing important infrastructure and not important infrastructure more generally. Including 'important infrastructure' would broaden the policy significantly and does not in turn link with the corresponding rules.
- 2.3 Trustpower is specifically concerned about managing reverse sensitivity effects with respect to the Coleridge HEPS and this request relates to their submission points relating to NOISE-R1, EI-R29 and the SETZ provisions. No further policy is proposed at this stage as the rules need amendment, and it is proposed that new policy is addressed as part of a plan change. Refer to paragraphs 2.16 to 2.26 below for further comment.

[2] Whether NOISE-P2 should be re-framed around managing the potential health effects of noise rather than reverse sensitivity?

- 2.4 Kāinga Ora consider that the noise effect in question is not a true reverse sensitivity effect, rather it is an effect of the infrastructure that falls on the receiving environment. Kāinga Ora do however acknowledge the health effects of road and rail noise. Kāinga Ora therefore seek to amend NOISE-P2 (and delete NOISE-O2) so that it is framed around managing the potential health effects of noise rather than reverse sensitivity.

¹ This JWS is available on the Council's website under Hearing 24: General Rural Zone 'post hearing correspondence and Council reply'.

- 2.5 Kāinga Ora use the argument that most urban zoned areas alongside the State Highway and railway network are existing and already contain residential uses, and new noise sensitive activities are not being introduced in these areas. They also consider that the designations provide the infrastructure owners the broad ability to operate without constraint and there is no evidence of significant operational limitations being placed on designated State Highways or railway networks due to complaints about noise effects from adjoining property owners.
- 2.6 Whilst it is agreed that most of the current urban zoned land next to the land transport corridors has been developed, there is the potential for further development adjacent to the State Highway and railway network in extended or new urban areas (subject to Plan Changes and the lifting of deferred zoning for example), including within currently zoned Rural areas. Therefore, there is a likelihood of new sensitive activity establishing near the State Highway and railway network corridor. Furthermore, there is also the vulnerability for complaints or opposition to the established land transport activity if new sensitive activity were to establish in proximity without any noise management. While this may not close a road or rail or significantly impact its operation, it may present additional costs to the infrastructure provider such as seeking to mitigate effects post-development that could have been avoided or better managed at the design phase. It is also considered appropriate that some of that 'burden' should be on the land developer choosing to develop next to the existing noise source and to mitigate that risk by way of a setback and/or noise mitigation. Waka Kotahi and KiwiRail also take care to manage unreasonable noise or disturbance, and integrated planning and shared management is triggered by such an overlay rule. In my view, the reference to reverse sensitivity should be retained.
- [3] Whether amendment to NOISE-P4 is required to add reference to industrial activities within the Izone; whether NOISE-R5 should be extended to the Industrial Zone; and whether the extension of the Port outer noise control overlay by approximately 380m is supported to cover the Coolpak site and surrounding land to provide similar protection to Coolpak which is provided to the Port?**
- 2.7 Coolpak consider that their activities (and others in the Izone in general) qualify as important infrastructure as they are an important food supply business, and therefore seek improved protection from reverse sensitivity effects for industrial activities in the Izone. Draft amendments were provided in support of legal submissions which expand NOISE-P4 and NOISE-R5 to also apply to industrial activities within the Izone development in general, as well as the Port. Coolpak are also seeking an approximate 380m extension of the Port outer noise control overlay. No amendment is sought to the 'important infrastructure' definition.
- 2.8 As stated in the s42a report, applying noise control overlays which restrict adjoining land owners use of land is justified with respect to important infrastructure, but is not readily justified with respect to any industrial development and the wider industrial zone. The noise overlays have only been applied with respect to important infrastructure and not industrial development in general, noting the noise contours that apply to the Darfield Gun Club are essentially 'roll-over' provisions that were originally included in the ODP as part of a private plan change and hearing process. The Darfield Gun Club is not defined as important infrastructure but has this protection due to the noisy nature of the activity and the proximity to residents and the provisions being introduced by way of a statutory plan change process.
- 2.9 Protecting the Coolpak activity without greater assessment from Coolpak as to how their

operations qualify as important infrastructure and broadly protecting any industrial activity within the Izone is not supported for the same reasons outlined in the s42a report². The PDP noise rules are also more enabling for Coolpak compared to the ODP and have corrected an anomaly which existed within the ODP and caused noise compliance issues for Coolpak in the past, which Coolpak recognise and support. Furthermore, there is no acoustic expert evidence to support the extension of the Port Overlay to cover Coolpak and adjoining GRUZ land to a greater extent than the current overlay.

[4] Whether a new policy is required to enable important infrastructure to generate noise levels as appropriate and necessary to facilitate their efficient operation and function, whilst ensuring adverse effects are managed?

- 2.10 LPC are seeking a new policy that recognises and enables important infrastructure in terms of noise levels that may not be fully internalised. LPC consider there is no explicit policy that identifies that noise emissions are sometimes necessary parts of activities such as important infrastructure which further social and economic wellbeing, reconciled against amenity expectations and environmental qualities.
- 2.11 I continue to be of the view that when the Strategic Directions, Energy and Infrastructure and Noise Chapters are read together that important infrastructure is enabled and there is no need to add another policy which would in effect duplicate EI-P1, EI-P2 and EI-P4 (as amended in the EI Right of Reply Report) and NOISE-P4 with respect to the Port's operations.

[5] Whether a new policy is required to provide for rural production activities linked to NOISE-R1 (exemption for rural production activities); NOISE-R11 and NOISE-R12?

- 2.12 Hort NZ are seeking a new policy to specifically protect rural production activities from reverse sensitivity effects and consider that GRUZ-P7 ("Avoid reverse sensitivity effects on lawfully established primary production activities") does not provide clear direction regarding noise and reverse sensitivity with respect to rural production. It is of note that the reporting officer for the GRUZ Chapter has recommended amendment to GRUZ-P7 (now proposed as GRUZ-P8) as follows³:

"Avoid reverse sensitivity effects on lawfully authorised or established primary production activities and activities that have a direct relationship with or are dependent on primary production."

- 2.13 This recommended amendment is considered to better link with the NOISE-R1 exemption for rural production activities, NOISE-R11 Audible bird scaring devices, and NOISE-R12 Frost fans, which are activities that have a direct relationship with or are dependent on primary production. Therefore, it is recommended that no further policy be added to the Noise Chapter and that proposed amended policy is sufficient.

[6] Terrace Downs and NOISE-R1

- 2.14 In the response to Panel questions an amendment to NOISE-R1 is recommended to exclude

² Noise s42a report - Paragraph 20.4 - https://www.selwyn.govt.nz/_data/assets/pdf_file/0007/594826/s42A-Report-Noise.pdf

³ Rural s42a Report – Appendix 2- Page 5 - https://www.selwyn.govt.nz/_data/assets/pdf_file/0008/704888/Appendix-2-Recommended-Amendments.pdf

noise emitted by helicopters as this is managed by TEZ-R17. This change should have been included in Appendix 2 to the s42a report originally but was erroneously omitted. Aircraft were not excluded as there is no associated aircraft rule in TEZ and TEZ-R17 is specific to helicopters.

- 2.15 In correspondence dated 10 February 2022, Laura Dance for Terrace Downs Resort Limited noted that by removing 'aircraft' from the wording of the rule for the Terrace Downs Zone exemption that this creates an inconsistency between the approach taken between the SKIZ and TEZ. The SKIZ specific noise rules (SKIZ-R14 and SKIZ-R15) only relate to helicopters also (not aircraft), but the noise rule exemption relates to both aircraft and helicopters. Terrace Downs Resort Limited believe that the SKIZ zone exemption should also be amended to ensure plan consistency. I agree and such an amendment is recommended to delete reference to aircraft in the exemption.

[7] NOISE-R1: Whether noise emitted by the Lake Coleridge Hydro-Electric Power Scheme should be expressly permitted whereby noise limits would not apply?

- 2.16 Trustpower are seeking an amendment to NOISE-R1 to exclude the noise limits applying to noise emitted by the Lake Coleridge Hydro-Electric Power Scheme. There are a range of other matters which are already excluded such as traffic and rail noise within a (designated) land transport corridor, any warning device or siren used by emergency services for emergency services, waste kerbside collection services, etc.
- 2.17 The Lake Coleridge settlement is adjacent to the Lake Coleridge HEPS which is zoned SETZ and there is also GRUZ zoned land in the vicinity. The evidence for Trustpower states that it is appropriate that SETZ is not included in the noise table (i.e., that no noise limits apply within SETZ) to protect the HEPS from reverse sensitivity effects. Trustpower also note there is a large tract of undeveloped GRUZ zoned private land adjoining the SETZ where Trustpower is required to meet noise limits, which is problematic from Trustpower's perspective should any noise sensitive activities seek to establish.
- 2.18 Trustpower's interpretation that no noise limits apply to SETZ is incorrect. SETZ is a residential zone, and the RESZ limits apply to all residential zones. No distinction has been made between the different residential zones in terms of the noise limits which apply. SETZ covers the townships of Arthurs Pass, Coalgate, Glentunnel, Hororata, Kirwee, Lake Coleridge, Rakaia Huts, Sheffield, Springston, Tai Tapu, Waddington, and Whitecliffs, and not just Lake Coleridge, where noise limits have been applied to manage the effects on residential amenity in these townships.
- 2.19 Dr Trevathan has commented that based on his experience the Coleridge Power Station may currently generate in the order of 40 dB LAeq at dwellings on Riverview Terrace and Harper Place (assuming they are the closest dwellings not in Trustpower ownership). However, the SETZ zone is much closer to the power station than those dwellings, and it would not be practical to comply at the closest points (approximate level 55 to 60 dB LAeq).
- 2.20 In addition to excluding the HEPS from NOISE-R1, as part of the EI Hearing Trustpower sought to disapply the noise rule requirement within 250m from the notional boundary of any lawfully established sensitive activity in SETZ. The EI Right of Reply did not support this exclusion as it renders the noise rule redundant and recommended that noise controls remain and noted

that other important infrastructure is subject to noise management⁴.

- 2.21 Trustpower also submitted on the SETZ provisions and seek that a new policy be added to avoid reverse sensitivity effects on important infrastructure that the SETZ supports, and that SETZ-R2 is amended to include reference to a new rule requirement which requires any new noise sensitive activity to be constructed to include acoustic treatment to achieve an internal noise level of 45 dBA, and when compliance is not achieved that a restricted discretionary activity resource consent is required.
- 2.22 Current options within scope include:
- (i) Exclude the Coleridge HEPS from complying with noise entirely by adding an exclusion to NOISE-R1; or
 - (ii) Impose acoustic insulation requirements for new noise sensitive activities establishing in the SETZ; or
 - (iii) Disapply the noise rule within 250m of any noise sensitive activity in GRUZ in EI-R29.
- 2.23 With respect to options (i) and (iii), excluding this infrastructure completely from needing to manage noise is an inconsistent approach and is not supported as this would essentially permit any new or expanded noise producing component of the HEPS operation without any management of potential noise effects on residents. The infrastructure is important, but a more balanced approach is needed.
- 2.24 Given there is both GRUZ and SETZ land in the vicinity of the HEPS where it is expected that noise limits cannot be met, identifying a noise overlay, and requiring acoustic insulation for new noise sensitive development within that overlay is an approach which is considered consistent with other provisions, and which would manage both noise and any reverse sensitivity effects (Option ii). 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. Dr Trevathan has commented that it would make sense for the overlay to be based on modelling a 45 dBA LAeq(15min) contour for the power station and for new noise sensitive activity within the overlay to be designed to achieve 30 dB LAeq (15 mins) in bedrooms and that designing for an internal level of 45 dBA is not appropriate. Given daytime power station levels only exceed 'normal' residential levels very close to the power station where new noise sensitive activity seems unlikely, it seems onerous to require other habitable spaces (e.g., living and kitchen areas) to also be subject to acoustic mitigation. A rule could be drafted like NOISE-R5, but with 30 dB LAeq inside bedrooms.
- 2.25 However, as there is no legal scope for an overlay approach and no modelling available, this approach is not able to be pursued at this time but is recommended to be addressed as a plan change, including associated policy, based on noise modelling and a cost/benefit analysis. At this time no change is recommended.
- 2.26 In the interim, the infrastructure is enabled by the EI provisions and the noise limits will apply in the SETZ and a setback is applied in the GRUZ (EI-R29), where the onus is on Trustpower to mitigate effects which would be considered as part of any resource consent process (the site

⁴ Energy and Infrastructure Right of Reply Report - Paragraph 3.63 -

https://www.selwyn.govt.nz/data/assets/pdf_file/0011/557462/Right-of-Reply-EI-26-October-2021.pdf

is not designated as Trustpower are not a requiring authority).

[8] NOISE-R3: Whether the overlay should be amended to an appropriate distance based on noise contours measured after the best practicable option has been adopted and appropriate noise modelling carried out?

- 2.27 Kāinga Ora have expressed concern about the blanket application of a 100m State Highway overlay. In my view the reference to a blanket 100m overlay is not entirely accurate as what the rules do is 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).
- 2.28 As an alternative Dr Trevathan has considered a possible two-tier system with an overlay of 100m where the speed limit is 70-100km/hr, and an overlay of a reduced distance where the speed limit is 60km/hr or lower (corresponding with lower noise levels at a lower speed limit). However, this would be more complex drafting. Furthermore, the 57 dB LAeq 'exemption' already addresses any obvious aberrations and at an expected modest cost to a developer (as Mr Styles evidence confirms). Therefore, an alternative two-tier approach is not recommended.
- 2.29 Mr Styles figure (on page 27 of his evidence) from the State Highway CSM2 project confirms that the rule at 100m is quite reasonable considering those parts of the State Highway modelled are new and have mitigation (so the distance to achieve 57 dB LAeq is going to be less). Also, CSM2 is a very small part of an extensive State Highway network in the District and the majority has not been modelled in detail. Without complete modelling data it is not possible to refine the 100m to try to better follow a 57 dB LAeq contour each side of the road. Dr Trevathan notes that the National Road Noise Mapping project discussed by Dr Chiles was a high level 'meta data' exercise and is already out of date and was not intended to be the basis of this type of overlay.
- 2.30 It is understood from the Kāinga Ora witnesses that Kāinga Ora are not concerned about entire new residential areas/subdivisions near the State Highway as it is accepted that it is reasonable for such areas to be designed to take the existing environment into account. My understanding is that Kāinga Ora are also not concerned about occasional new houses in GRUZ because they would often be able to locate away from the State Highway. Therefore, that effectively leaves 'infill' housing in existing residential areas as a consideration. Rolleston and West Melton have already been largely developed with setbacks from the State Highway and/or screening and bunding established due to the rules in the ODP. There are limited other 'infill' projects anticipated so in the Selwyn context the rules are not expected to be triggered very often for infill projects in any case, and this will be further addressed as part of the MDRS Variation.
- 2.31 Dr Trevathan also considers that Mr Styles inference that development within the overlay requires the engagement of an acoustic expert to advise where the 57 dB LAeq is for that site involving significant cost and delay is not accurate. As Mr Styles records in paragraph 8.3(a) of his evidence, the cost could be as little as \$750 and Dr Trevathan estimates \$1,000 + GST would be typical. Further, this additional cost and process is not considered an undue burden as some cost is reasonable when seeking to build in an existing noisy environment near to established important infrastructure. Dr Trevathan also notes that the large costs Mr Styles refers to at paragraph 8.3(c) are for dwellings very close to major roads, so are not typical.

- 2.32 At paragraph 1.6 of his evidence Mr Styles also calls all land in the 100m overlay “affected”, when there may be nothing required from a developer if there is a traffic noise barrier in place or external noise levels are low (below 57 dB LAeq). Acoustic insulation addresses an otherwise unhealthy living environment. Furthermore, at paragraphs 1.7 and 7.23 Mr Styles states that the rule places a “burden on the receiving environment”. The ‘burden’ is only imposed on parties who choose to build near a busy road and if they are within 100m (or 50m if there is a barrier), but where the noise levels prove to be low the ‘burden’ is approximately \$1,000 + GST. Overall, it is recommended that the overlays remain at 100m subject to the mapping amendments required to correct minor errors.

[9] Whether rules which require vibration limits to be achieved should be removed?

- 2.33 Kāinga Ora consider that vibration limits should be removed from NOISE-R3 with respect to both the State Highway and railway network as there is no evidence that suggests that vibration from road traffic is an issue that requires control, let alone at 40m, or that vibration from rail is an issue at distances of up to 60m.
- 2.34 With respect to State Highway vibration, Dr Trevathan considers there is a case for some change. He considers it is correct that at 40 metres from a State Highway it is unlikely the vibration levels will exceed 0.3 mm/s unless there is some significant defect or feature in the road surface. In his opinion 30 metres would be adequate and even 20 metres would likely only ‘miss’ a small percentage of situations. If no sensitive land uses at all were anticipated within 30m or 20m then this may justify removal of the rule completely, but as buildings are feasible within the vibration setback (i.e. In GRUZ a 10m setback applies to accessory buildings and in the GRZ a 4m setback applies to residential units or principal buildings), this does not justify removing the rule completely. Therefore, it is recommended that the vibration limit be retained but that the distance be reduced from 40m to 30m.
- 2.35 Dr Trevathan notes that at paragraph 1.13 Mr Styles accepts that controls on rail vibration may be appropriate, but in essence questions the extent of the setback at 60m and if anything can be done to reduce vibration at source. Furthermore, in Dr Chiles evidence at paragraph 5.1 it is not obvious what further reduction is practicable and should be done to reduce rail vibration. One measure suggested by Mr Styles is to reduce the speed of trains. However, there is no evidence as to what extent reducing the speed of trains is practicable, and how much it would reduce the extent of the setback. Vibration is situation specific as it depends on the ground conditions, but from a review of distance/level predictions and measurements, Dr Trevathan considers 0.3 mm/s at 60 metres from rail is not an unreasonable threshold for higher speed lines unless track design mitigation was significant (e.g., ballasted track with ballast mat, or floating slab track). For lower speed portions of track, a 30 metre setback could be considered. However, it is anticipated that only in a few instances in the District is it likely that new dwellings are sought to be constructed at either of these distances, unless in the context of a major new residential subdivision. Therefore, with respect to rail, no change is recommended to the 60m setback.

[10] Whether amendment to NOISE-R3.3 is required (further to the S42a Appendix 2 version) so that a building is permitted if more than 50m from the state highway or rail network with a noise barrier or (not ‘and’) is designed to achieve indoor design noise levels?

- 2.36 Waka Kotahi and Kiwirail submitted evidence about this rule and an error which makes the rule more stringent than originally sought. It is agreed that the drafting in Appendix 2 of the s42a report is an error and that compliance as a permitted activity could be achieved by either maintaining a 50m setback and blocking the line-of-sight from the road or rail; or (not 'and') achieving a specified internal noise level at any distance from the road or rail within the overlay. The rule was revised in Appendix 2 to the s42a report to achieve greater clarity principally around the outdoor and indoor noise levels, but inadvertently the restructuring resulted in an unintended outcome. Amendment is recommended as outlined in the evidence of both Waka Kotahi and Kiwirail.

[11] Whether reference to vibration design should be moved to NOISE-R3.a.ii. or retained where originally proposed?

- 2.37 Waka Kotahi have suggested that the State Highway vibration setback of 40m in NOISE-R3.3d. as notified should be moved to clause a. It was recommended to be deleted from clause d. in Appendix 2 to the s42a report because of the drafting error mentioned in paragraph 2.36, given that a 50m setback was required regardless, the 40m setback was then considered redundant. However now that the drafting is recommended to be amended to permit a 50m setback or design to achieve internal noise levels it is appropriate to retain clause d. and the vibration setbacks. However, it is recommended that the distance in relation to the State Highway network be amended from 40m to 30m for the reasons provided in paragraph 2.34 above.

[12] Whether the activity status of NOISE-R6.1 should be changed from permitted to restricted discretionary?

- 2.38 Fonterra are seeking that the activity status of NOISE-R6 when sound insulation requirements are met be restricted discretionary rather than permitted, with the ability to provide appropriate sound insulation being a matter of discretion. Synlait are accepting of the permitted activity status.
- 2.39 Fonterra is seeking such a change to enable Fonterra (and Synlait) to be considered as an affected party when an application is made to avoid any errors by Council in permitting a dwelling within the noise contours without proper consideration of acoustic insulation resulting in costs, poor environmental outcomes, and reverse sensitivity issues. Fonterra gave two examples of this occurring, including one within Selwyn in relation to the Synlait site. A consenting framework in their view would add an additional layer of protection in reducing the potential for such errors.
- 2.40 However, Fonterra also concede that the potential for errors is not a sound basis for justifying planning provisions and that a permitted activity approach is sufficient so long as Council's processes are robust. I agree and consider that requiring a restricted discretionary resource consent introduces an unnecessary layer of regulation and a permitted activity status with the requirement to produce an acoustic design report at the Building Consent stage is a more effective and efficient method.
- 2.41 It is acknowledged that the robustness of Council process is an important factor but one which cannot be guaranteed as part of this process, apart from saying that robustness is supported by a consistent and clear approach in terms of the noise rules, clear mapping, and the

continuation of a now well-embedded approach at both the Fonterra and Synlait sites. Therefore, overall, no change in activity status is recommended.

[13] Whether the activity status of NOISE-6.2 should be changed from discretionary to non-complying?

- 2.42 Both Fonterra and Synlait are seeking that non-compliance with the sound insulation requirements is a non-complying rather than a discretionary activity. Fonterra and Synlait consider this change in activity status would better align with NOISE-O2 and NOISE-P5 and Synlait also consider greater alignment would be achieved with DPZ-O1 and DPZ-P1 which require the dairy plants to be protected from reverse sensitivity effects.
- 2.43 This requested amendment is supported as it is agreed there will 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 noise sensitive activity would be exposed. Non-complying activity status will also provide a stronger signal that development which does not comply with insulation requirements is avoided. Whether or not this then creates inconsistencies with the activity status of other rules was considered, and it is considered that the change is justified in the context of these two dairy processing sites and no significant inconsistency is created by the amendment.

[14] NOISE-R7: Whether the activity status of NOISE-R7.3 (development within the 65 dB Noise Control Overlay) should be changed to restricted discretionary rather than non-complying?

- 2.44 Both Alastair Nicol and Adrian McFedries (Rein in the Range) consider that the non-complying activity status for development within the 65 dB contour is too restrictive and that it should be restricted discretionary.
- 2.45 Alastair Nicol considers that the distinction between the activity status for development in the 55 dB contour (permitted subject to acoustic insulation which defaults to discretionary) and the 65 dB contour (non-complying) is harsh and does not appear to be fair and reasonable. He considers that restricted discretionary activity status would: assure NZDF that any applicant was fully aware of the Defence Force activity and therefore be protected against any reverse sensitivity; enable the Council to determine the appropriateness of any dwelling and control the noise mitigation; and provide surety of the outcome for the applicant. He considers a non-complying activity status gives no security to a title holder and significantly increases the costs to both Council and the applicant and decreases the value of the land. Alistair Nicol states that there are approximately 30 existing dwellings within the 65 dB overlay and approximately 8-10 titles with no dwelling.
- 2.46 Adrian McFedries considers that the impact on an existing property seeking to undertake alterations would be needlessly problematic and unfair if a no complaints covenant or non-complying activity status is applied.
- 2.47 The properties within the 65 dB overlay are immediately adjacent to or in very close vicinity to the Range. Dr Trevathan was asked to comment on a 65 dB noise level and the effect on persons. His comments indicate that there is a general body of guidance which illustrates that

at 65 dB there is a significant effect and that a non-complying activity status is reasonable.

- 2.48 Given the level of noise generated by the Range within the 65 dB contour and the resulting potential health, amenity, and reverse sensitivity effects, it is considered appropriate that noise sensitive activities should be avoided within this overlay and a non-complying activity status aligns with this approach, the related policy (NOISE-P4), and CRPS policy. Non-complying activity status sends a strong and clear signal that noise sensitive activity should be avoided within this overlay given the existing level of noise that persons are and will be exposed to and the potential for reverse sensitivity effects.
- 2.49 It is not agreed that the costs will be significantly higher as a resource consent is required regardless and noise mitigation costs would likely be largely the same. It is agreed that there is less certainty for an applicant as to the outcome of any consent to develop within this overlay, but this is inherent in any proposal for a noise sensitive activity seeking to establish near a known and well-established noise-producing important infrastructure activity. It is also not impossible to develop. If it could be demonstrated that the effects (noise and reverse sensitivity) can be appropriately addressed by way of mitigation, i.e. building noise insulation, acoustic bund or fencing to mitigate outdoor noise, and possibly even a voluntary no complaints covenant (although I am aware of how strongly the community are opposed to such a measure being forced on a party, but on a voluntary basis this may be an acceptable and effective measure), then there is an ability for consent to be granted in special circumstances.
- 2.50 Furthermore, the activity status is compatible with NOISE-R5.3 as it applies within the noise contour closest to the Port and the recommended change to NOISE-R6 with respect to activity status. The CRPS also provides strong policy direction (Policy 6.3.9) that rural-residential development shall not compromise the operational capacity of the West Melton Military Training Area, which is considered strategic infrastructure under the CRPS.
- 2.51 Overall, it is considered appropriate that the activity status is non-complying to give a clear signal that noise sensitive land use development within this contour is not likely to be appropriate and to protect the Range from reverse sensitivity effects.

[15] Whether NOISE-R7.1 should be amended to reference new buildings only and not additions and alterations (within the 55 dB Overlay) and the contingency of such changes on the no-complaints covenant approach being accepted?

- 2.52 NZDF have requested an amendment to NOISE-R7.1 to delete the reference to additions and alterations and to only apply the rule to any “new” building seeking to develop within the 55dB overlay. NZDF state in their evidence that by making this change they are not seeking to apply the provisions retrospectively and protect the Range from complaints from owners and occupiers of existing development. This indicates that reverse sensitivity is less of an issue for NZDF within this contour, which is to be expected given the greater distance from the Range and the lesser predicted noise levels. NZDF confirmed at the hearing that this change is being sought contingent on a no-complaints covenant approach being accepted.
- 2.53 A no-complaints covenant approach is not supported for the reasons outlined in the s42a

report⁵ and discussed at paragraph 2.55 below. On that basis it is recommended that NOISE-R7.1 not be amended and that additions and alterations to noise sensitive activities and new noise sensitive activities should be acoustically insulated to mitigate indoor noise effects. Outdoor noise effects within the 55 dB contour are less of an issue due to the distance from the Range and the predicted noise level, and correspondingly the potential for reverse sensitivity effects (i.e., complaints from owners and occupiers) are expected to be lower. Therefore, it is agreed with Adrian McFedries that the imposition of a no-complaints covenant is an over-reach within this overlay where it is primarily indoor noise effects which are the issue, and noise and reverse sensitivity effects can be more readily mitigated. The number of complaints overall have also been low illustrating there is no significant reverse sensitivity issue. The area around the West Melton Rifle Range is also not proposed for future growth subject to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and therefore will not be subject to housing pressure because of this Amendment Act as suggested by NZDF.

[16] Whether clause c. should be added to NOISE-R7.1 requiring a no-complaints covenant to be entered into, and proposed clause 1B which permits the change of use of a building to a different or new noise sensitive activity subject to a no-complaints covenant being entered into?

- 2.54 With respect to clause c., the no-complaints covenant approach being sought by NZDF has been discussed above at paragraph 2.53 and is not supported.
- 2.55 NZDF are also seeking a new clause (1B) which requires a no complaints covenant for a change in use of a building to a new of different noise sensitive activity such as the establishment of visitor accommodation or a day care facility in an existing dwelling. These noise sensitive activities already require resource consent to establish in the GRUZ- an educational facility is non-complying (GRUZ-R36), visitor accommodation above five guests is discretionary (GRUZ-R15), and a health care facility is non-complying (GRUZ-R35). Therefore, noise and reverse sensitivity effects can be considered in any instance and the new proposed clause is not supported.

[17] Whether the activity status of NOISE-R7.2 should change from discretionary to restricted discretionary with limited notification to NZDF only?

- 2.56 NZDF are also seeking that the activity status of NOISE-R7.2 be amended from discretionary to restricted discretionary with limited notification to NZDF unless their written approval is provided.
- 2.57 Such a change will result in inconsistency in activity status across the other rules relevant to other important infrastructure owners and operators. Also, NZDF would be considered an affected party regardless, so the approach as notified is considered to achieve the same as that sought by NZDF in practice.

[18] Whether NOISE-R7.3 should be amended to also refer to any change in use?

⁵ Noise s42a Report – Paragraphs 35.16-36.19 - https://www.selwyn.govt.nz/_data/assets/pdf_file/0007/594826/s42A-Report-Noise.pdf

- 2.58 NZDF are also seeking that NOISE-R7.3 be amended to include any change in use of a building to a different or a new noise sensitive activity within the 65 dB overlay. This is not considered necessary for the same reasons outlined above. The activity status associated with these noise sensitive activities affords consideration of all effects, including noise and reverse sensitivity.

[19] Whether the existing West Melton Rifle Range designation could be altered to include a Noise Management Plan condition?

- 2.59 Lindsay Halliday presented evidence that addressed international best practice and refers to “attitudinal factors” for the prediction of noise annoyance, where the more positive the attitudes are the less annoyed residents are. The Finnish guidance he referred to considered 65-70 dB to be an “unacceptable” level of noise where “extensive noise control measures are required”, with an emphasis on the obligation sitting with the noise producer to provide on-site mitigation. Mr Halliday considers that some obligations should be put on the NZDF to continue its operations and he makes mention of reducing the source emission, reducing transmission, and receiver protection. He considers a suitable obligation would be NZDF providing regular reports on their level of activity (i.e., monitoring) which could form part of an engagement plan with the community and imposed as a condition on the designation.
- 2.60 Alastair Nicol is seeking a Noise Management Plan (NMP) be included as a designation condition and Terry Heiler also made mention of a NMP and questioned how the consideration of a designation condition is out of scope (both parties also submitted on the Designations Chapter to the same effect, as did other parties).
- 2.61 Designation MDEF-3 West Melton Rifle Range gives the Minister of Defence broad powers to use the Range for ‘Defence Purposes - Military Training Area’. The defence purposes are set out in section 5 of the Defence Act 1990. There are no conditions on the designation. The designation in the ODP also has no conditions so the designation has essentially been ‘rolled over’.
- 2.62 Legal advice was sought by Council as to whether the Council can impose a new condition on a designation that is proposed to be rolled over from the ODP into the PDP, and which is subject to submissions requesting that this occurs. The legal advice received from Adderley Head dated 18 March 2022 is attached as **Appendix 2**. That advice is that Council can impose a new condition.
- 2.63 A designation condition requiring a NMP could in effect replicate the NZDF ‘Standing Orders’ and provide regulatory teeth to these matters rather than relying on a voluntary agreement which is unclear to the community as we heard in evidence. It would also go some way towards addressing the ‘attitudinal factors’ by requiring and making transparent engagement between NZDF and the community.
- 2.64 Dr Trevathan has commented that a NMP condition could be a reasonable addition, but that any monitoring requirement is not a straightforward exercise.
- 2.65 With such a NMP condition obviously the scope and detail of the condition is important in that it strikes an appropriate balance between not unduly restricting NZDF’s operations, and achieving some gains for the community, i.e., improved engagement. It is recommended that

such a condition not restrict what NZDF can and cannot do on the Range and set limits on that, but rather that it:

- a. identifies management and mitigation measures for noise effects associated with activities at the Range
- b. sets out roles and responsibilities for noise management and implementation of the NMP
- c. addresses the process for complaints and engagement with the community.

2.66 This matter has been considered as part of the Designations Hearing and a revised NMP condition is recommended in the Designations Right of Reply Report. NZDF are accepting of such a condition, but only if the Hearing Panel for the Noise Chapter consider that it is appropriate to manage noise sensitive activities within the noise contours identified by NZDF, to address reverse sensitivity effects. In my opinion it is an appropriate response.

[20] References to the West Melton Rifle Range Overlays need to be made consistent with the rest of the Plan.

2.67 Patricia Harte raised that the references to the West Melton Overlays are inconsistent and need to be made consistent. The Overlays are referred to in the following provisions:

(i) NOISE-P4 - “New Zealand Defence Force West Melton Rifle Range” and overlays nearest to and the outer overlay – which was addressed in Panel questions and change recommended.

(ii) NOISE-Rule List - NOISE-R7 - ...”Noise Sensitive Activity within the NZDF West Melton Rifle Range Noise Control Overlays.”

(iii) NOISE-R7 - “West Melton Rifle Range Noise Control Overlays” and then the rules specifically mention each overlay:

West Melton Rifle Range 55 dB L_{dn} Noise Control Overlay

West Melton Rifle Range 65 dB L_{dn} Noise Control Overlay

(iv) SUB-R26:

West Melton 55 dB L_{dn} Noise Control Overlay

West Melton 65 dB L_{dn} Noise Control Overlay

(v) The maps labels are as follows:

WMRR 65dB noise control boundary

WMRR 55dB noise control boundary

2.68 It is considered that the reference to the overlays in NOISE-R7 are correct and consistent with the other overlay rules and all other references to the West Melton Rifle Range overlays need to be made consistent with NOISE-R7, including the map labels and SUB-R26 which is missing reference to ‘rifle range’. Also, in NOISE-P4 and the Noise Rules List there is considered no need to reference the New Zealand Defence Force or NZDF. Therefore, amendment is proposed to the abovementioned provisions subject to clause 16(2) to achieve consistency.

[21] Robustness of the noise reports and peer review

- 2.69 Lindsay Halliday questioned the robustness of the noise reports and the peer review, and the changes between the MHA report and the updated Tonkin & Taylor report.
- 2.70 AES were engaged by the Council to undertake a peer review of the NZDF noise reports. The peer review is attached as **Appendix 3**.
- 2.71 Dr Trevathan has commented that the peer review is not a complete unconditional endorsement. Rather it is the acoustic engineers view that there might be different ways of approaching noise management, but on balance the contours and associated controls are considered representative and practical.
- 2.72 The Malcom Hunt earlier contours are smaller as they were for the rifle ranges only. When explosive weapon types were added in, the contours increased, and this is addressed in the T&T report.

[22] Provide further clarification around the KNOZ noise limits and whether they are appropriate?

- 2.73 CDHB note that in NOISE-REQ1 KNOZ has been assigned the same operational noise limits as LCZ, NCZ and TCZ and the same construction noise limits as CMUZ and GIZ, and that these limits are reasonably permissive and are not adequate to protect noise sensitive activities within KNOZ such as student accommodation for example.
- 2.74 Dr Trevathan considers that for general noise, 60 dB LAeq daytime and 45 dB LAeq night time is reasonable for residential units in a mixed-use environment, and that the main way the KNOZ limits could be considered 'incompatible with residential living' is with regard to the night time construction noise limits. Dr Trevathan therefore recommends no change to the general noise limits which apply, but that KNOZ be grouped with RESZ, GRAZ, MPZ, SKIZ and TEZ within row 1 of NOISE-TABLE6 so that lesser construction noise limits apply. Based on this advice this amendment is recommended.

[23] Whether additional text is required in the Subdivision Overview or explanatory text under the Rules heading about reverse sensitivity effects and the Noise Chapter?

- 2.75 NZDF now agree that the addition of a policy in the Subdivision Chapter would result in unnecessary duplication but consider that a clearer link is required between the Subdivision and Noise Chapter provisions and have suggested amendment to the SUB-Overview or the text under the SUB-Rules heading.
- 2.76 The first sentence of the SUB-Overview mentions the subdivision rules that apply to areas "where noise from nearby activities may be an issue" so noise is already mentioned in the Overview, but the linkage could be made more specific. However, there is an issue of scope as NZDF have not submitted to this effect and nor have any other party from a review of the online summary of submissions. If the Panel consider a consequential amendment can be made, additional wording could be added to the Overview to refer to SUB-R26 to address reverse sensitivity and the health and wellbeing of people and their amenity values (not just reverse sensitivity as sought by NZDF), and that the rule implements the Noise Chapter provisions.

[24] SUB-R26: Whether amendment is required to ensure the geographic scope of the DPZ overlay is only applied to land outside of the DPZ?

- 2.77 Synlait is seeking amendment to SUB-R26 to ensure that the rule applies to land in the GRUZ which the overlay applies to and not the land within the DPZ itself. The Overlay in relation to the Synlait site covers all the DPZ and some surrounding GRUZ land. If Synlait were to contemplate a subdivision within its DPZ, as the rules stands, any subdivision would be subject to an assessment of effect of its own internal noise environment which in Synlait's view is inefficient and non-sensical.
- 2.78 I have discussed this matter with the Subdivision Topic Lead and we now agree with Synlait that change is required and recommend amendment to make it clear that the rule not apply to the DPZ. We also consider that a consequential amendment is required in relation to PORTZ as the Port noise overlay also covers Port land.
- 2.79 In addition, the Subdivision Topic Lead has been advised about the CIAL and LPC planning evidence which requests that SUB-R26 be reconsidered at the time of the Subdivision Hearing.
- [25] Whether the deletion of the West Melton Overlay from SUB-R26 rule and a new subdivision rule is supported solely for the West Melton Rifle Range which permits subdivision within the West Melton 55 dB Noise Control Overlay where a no-complaints covenant is entered into, or a restricted discretionary activity consent is required with limited notification to the NZDF?**
- 2.80 NZDF are seeking the inclusion of a new rule which provides for subdivision within the West Melton Rifle Range 55 dB Ldn Noise Control Overlay as a permitted activity subject to the requirement for a no complaints covenant, with a default restricted discretionary activity status. Currently subdivision within the West Melton Rifle Range 55 dB Overlay is automatically discretionary. Subdivision in the GRUZ which the overlay covers is a controlled activity where the density and the rule requirements are met (SUB-R2), defaulting to either discretionary or non-complying.
- 2.81 NZDF state in their planning evidence that the rule provides a permitted activity pathway where one does not currently exist. However, this is not entirely correct as any subdivision within the overlay will require consent regardless (SUB-R2). Therefore, the requirement of SUB-R26 to also consider the effects of subdivision within the Overlay is not considered onerous and provides the Council with the opportunity to assess the noise and reverse sensitivity effects. The discretionary activity status is also considered appropriate in the context of the CRPS and relevant objectives and policies. The reasons for not supporting a no-complaints covenant approach have already been explained.
- [26] DPZ-SCHED1 - Whether the proposed extension of the Noise Control Overlay (outer and inner) is supported?**
- 2.82 Synlait are seeking an extension of the Noise Control overlay which applies to their site. Dr Trevathan has commented that he agrees with the evidence around the proposed new Noise Control Overlay being 'only a minor change' from the accumulation of what is already consented, the state highway noise already reducing the amenity in the area, and existing dwellings not being significantly affected.
- 2.83 The Panel also requested comment on the tabled statement from Mr Hindin in relation to Hearing 26 and DPZ-SCHED1 (FS-016) objecting to the increase in size of the Synlait Noise Control Boundary. Mr Hindin considers that most noise comes from the container handling

vehicles and that there are noise reduction options available, primarily in relation to the container handling machinery which would reduce noise considerably.

- 2.84 Dr Trevathan was requested to comment on Mr Hindin's submission point. Dr Trevathan discussed the matter with Synlait's noise witness Mr Walton. Mr Walton agreed that modifying the machinery would be possible and that Synlait purchasing quieter replacement machinery would be a reasonably balanced approach rather than modifying existing equipment. Dr Trevathan considers that the Noise Control Boundary will not enable an unreasonable level of noise at Mr Hindin's site given the existing context (i.e., immediately adjacent to the state highway) and that it contains a shed and forestry planting, and that progressive mitigation over time by Synlait replacing container handling equipment is a satisfactory approach.
- 2.85 Mr Walton's evidence at paragraphs 8.20 to 8.24 also makes the point about the State Highway and Railway Noise Overlays applying to the site, which require acoustic mitigation in any case should any noise sensitive activity be proposed. Furthermore, the evidence of Ms Rykers⁶ at paragraph 29 refers to the resource consent for a fourth drystore and rail siding in 2019 where the noise effects extended beyond the NCO over Mr Hindin's land. Ms Rykers notes that the application was processed non-notified, presumably on the basis that Mr Hindin's property does not contain any existing noise sensitive activity and that at 9.16ha, falls below the minimum density standard for a permitted residential dwelling (40ha is required). Ms Ryker's evidence also goes on to specifically consider Mr Hindin's further submission at paragraphs 56 to 62 and at paragraph 59 states that the extended Noise Control Overlay is unlikely to make any significant difference to the noise environment currently experienced as it is a formalisation of the consented noise environment. I concur with Dr Trevathan and the Synlait witnesses and consider that the extension of the Noise Control Boundary over Mr Hindin's land is justified. Overall, based on the technical advice and the submitter evidence the proposed extension to the Synlait Noise Control Boundary is supported.

[27] Whether the Waka Kotahi and Kiwirail revised mapping is appropriate?

- 2.86 Both Waka Kotahi and Kiwirail have provided revised mapping which addresses minor errors in the original mapping.
- 2.87 The Council GIS team have checked this mapping and advised that it looks appropriate. It was not considered necessary that AES check the mapping as it was to correct minor errors only. The maps are recommended to be updated.

3. Reporting Officer's Proposed Provision Amendments

- 3.1 On review of the submitter's evidence and the matters raised within the Hearing the following amendments to the proposed provisions are recommended. For an updated table of submission points and a full summary of all the proposed amendments to provisions see **Appendix 4** and **Appendix 5** respectively. For the s32AA assessment refer to **Appendix 6**.

NOISE-P4

6

[https://extranet.selwyn.govt.nz/sites/consultation/DPR/Shared%20Documents/Hearing%2017%20Noise/Hearing%2017%20Submitter%20Evidence/DPR-0420%20Synlait%20Milk%20Limited%20-%20Nicola%20Rykers%20\(Planning\).pdf](https://extranet.selwyn.govt.nz/sites/consultation/DPR/Shared%20Documents/Hearing%2017%20Noise/Hearing%2017%20Submitter%20Evidence/DPR-0420%20Synlait%20Milk%20Limited%20-%20Nicola%20Rykers%20(Planning).pdf)

- 3.2 *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 important infrastructure, and requiring noise mitigation for noise sensitive activities within the Inland Port 45dB and the West Melton Rifle Range 55db outer noise control overlays.*

Submission scope:

- 3.3 Scope is provided for this proposed amendment through clause 16(2).

Reasoning:

- 3.4 The change is explained at paragraphs 2.67-2.68 and in the response to Panel questions. No s32AA assessment is deemed necessary.

NOISE-Rule List

- 3.5 *NOISE-R7 Noise Sensitive Activity within the ~~NZDF~~ West Melton Rifle Range Noise Control Overlays*

Submission scope:

- 3.6 Scope is provided for this proposed amendment through clause 16(2).

Reasoning:

- 3.7 The change is explained at paragraphs 2.67-2.68. No s32AA assessment is deemed necessary.

NOISE-R1

- 3.8 *SKIZ*

Activity Status: PER

10. Noise emitted by ~~aircraft or~~ helicopters subject to SKIZ-R14 or SKIZ-R15.

Activity status when compliance not achieved: N/A

TEZ

Activity Status: PER

11. Noise emitted by helicopters subject to TEZ-R17.

Activity status when compliance not achieved: N/A

Submission scope:

- 3.9 Scope is provided for these amendments through the SDC submission point DPR-207.048.

Reasoning:

- 3.10 The change is explained at paragraphs 2.14-2.15. No s32AA assessment is deemed necessary.

NOISE R3

- 3.11 3.

a. To manage noise in the indoor environment, the building is:

i. at least 50m from any state highway or railway network,

~~ii. either;~~ and is 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

ii. 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.

....

d. Any building that is closer than ~~40~~30m 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).

....

Submission scope:

- 3.12 Scope is provided for this proposed amendment through the SDC submission point DPR-207.050, the Waka Kotahi further submission point 375.FS176 and the Kiwirail submission point 458.049.

Reasoning:

- 3.13 The change is explained at paragraphs 2.33-2.35, 2.36 and 2.37. No s32AA assessment is deemed necessary.

NOISE-R6

- 3.14 *Activity status when compliance is not achieved:*

2. When compliance with any of NOISE-R6.1.a-c is not achieved: ~~DIS~~ NC

Submission scope:

- 3.15 Scope is provided for this proposed amendment through the Fonterra submission point DPR-370.066.

Reasoning:

- 3.16 The change is explained at paragraphs 2.42-2.43. No s32AA assessment is deemed necessary.

NOISE-REQ2

- 3.17 *NOISE-TABLE6 – Construction Noise Limits*

RESZ, and residential units and minor residential units in GRUZ
GRAZ	
MPZ	
SKIZ	

TEZ	
KNOZ	
CMUZ
GIZ	
KNOZ	

Submission scope:

- 3.18 Scope is provided for this proposed amendment through the CDHB submission point DPR-343.077.

Reasoning:

- 3.19 The change is explained at paragraphs 2.73-2.74. No s32AA assessment is deemed necessary.

SUB-Overview

- 3.20 Rule SUB-R1 to SUB-R15 address subdivision of different types in zones, while rules SUB-R16 to SUB-R27 contain..... SUB-R26 addresses reverse sensitivity and the health and wellbeing of people and their amenity values and implements the Noise Chapter provisions....

Submission scope:

- 3.21 There is no clear scope is provided for this proposed amendment as explained at paragraph 2.76 unless the Panel consider it as a minor consequential amendment subject to Clause 16(2).

Reasoning:

- 3.22 The change is explained at paragraphs 2.75-2.76. No s32AA assessment is deemed necessary.

SUB-R26

3.23

Christchurch International Airport 55 dB Ldn Noise Control Overlay Dairy Processing Zone Noise Control Overlay Port Zone 45 dB LAeq Noise Control	Activity Status: DIS 1. Subdivision within the Christchurch International Airport 55 dB Ldn Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15. 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. <u>2</u> 3. Subdivision within the Port Zone 45 dB LAeq Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15. <u>3</u> 4. Subdivision within the Rail Network Noise	Activity status when compliance not achieved: N/A
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Overlay Rail Network Noise Sensitivity Overlay State Highway Noise Sensitivity Overlay West Melton Rifle Range 55 dB Ldn Noise Control Overlay	<i>Sensitivity Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.</i> <i><u>4</u> 5. Subdivision within the State Highway Noise Sensitivity Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.</i> <i><u>5</u> 6. Subdivision within the West Melton 55 dB Ldn Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.</i>	
<u>Dairy Processing Zone Noise Control Overlay</u>	<u>Activity Status: DIS</u> <i>6. Subdivision within the General Rural Zone. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.</i>	<u>Activity status when compliance not achieved: N/A</u>
<u>Port Zone 55 dB LAeq Noise Control Overlay West Melton 65 dB Ldn Noise Control Overlay</u>	<u>Activity Status: NC</u> <i>7. Subdivision within the General Rural Zone Port Zone 55 dB LAeq Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.</i> <i>8. Subdivision within the West Melton 65 dB Ldn Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.</i>	<u>Activity status when compliance not achieved: N/A</u>
<u>West Melton Rifle Range 65 dB Ldn Noise Control Overlay</u>	<u>Activity status: NC</u> <i>8. Subdivision within the West Melton 65 dB Ldn Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.</i>	<u>Activity status when compliance not achieved: N/A</u>

Submission scope:

- 3.24 Scope is provided for these proposed amendments through the Synlait submission point DPR-420.027 and clause 16(2).

Reasoning:

- 3.25 The change is explained at paragraphs 2.77-2.78 and 2.67. No s32AA assessment is deemed necessary.

WEST MELTON RIFLE RANGE DESIGNATION

- 3.26 That a Noise Management Plan condition be added to the West Melton Rifle Range Designation as per the Designations Right of Reply Report.

Submission scope:

- 3.27 Scope is provided for this proposed amendment through Terry & Barbara Helier's and Lindsay & Averil Halliday's submission points DPR-199.004 and DPR-433.003.

Reasoning:

- 3.28 The change is explained at paragraphs 2.59-2.66. No s32AA assessment is deemed necessary but will be required as part of the Designations Hearing.

DPZ-SCHED1

- 3.29 That DPZ-SCHED1 be updated to reflect the extended Noise Control Boundary and extended Inner Noise Zone as detailed on the plan attached as Appendix 1B to Ms Rykers evidence for Synlait.

Submission scope:

- 3.30 Scope is provided for this proposed amendment through the Synlait submission point DPR-420.027.

Reasoning:

- 3.31 The change is explained at paragraphs 2.82 to 2.85 and a s32AA is attached as **Appendix 6**.

MAP LABELS - WEST MELTON RIFLE RANGE NOISE CONTROL OVERLAYS

- 3.32 ~~WMRR~~ West Melton Rifle Range 65dB Ldn Noise Control boundary Overlay
~~WMRR~~ West Melton Rifle Range 55dB Ldn Noise Control boundary Overlay

Submission scope:

- 3.33 Scope is provided for this proposed amendment through Clause 16(2).

Reasoning:

- 3.34 The change is explained at paragraphs 2.67-2.68. No s32AA assessment is deemed necessary.

PORT MAPPING

- 3.35 LPC are seeking that the Planning Maps are amended 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"). It is recommended that the overlays be clearly labelled to differentiate between them.

Submission scope:

- 3.36 Scope is provided for this proposed amendment by DPR-453.004.

Reasoning:

- 3.37 The change is explained in part at paragraph 41.12 of the section 42a report and in paragraph 3.35 above. No s32AA assessment is deemed necessary.