

Proposed Selwyn District Plan



Section 42A Report

Report on submissions and further submissions

Noise

Vicki Barker

2 December 2021

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List of submitters and further submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
DPR-0027	Nigel & Penny Thomson	
DPR-0500	Adam Kirner	
DPR-0033	Davina Louise Penny	
DPR-0063	Alan & Neroli Roberts	
DPR-0068	MetroPort Christchurch	MetroPort
DPR-0080	Philip J Hindin	
DPR-0125	BE Faulkner	
DPR-0131	Sue & Darryl Griffin	
DPR-0139	Darci & Andrew Trist	
DPR-0142	New Zealand Pork Industry Board	NZ Pork
DPR-0157	Kevin & Bonnie Williams	
DPR-0183	Adrian McFedries (Rein in the Range group)	
DPR-0188	Carolyn Diane Dreaver	
DPR-0199	Terry & Barbara Heiler	
DPR-0204	JP Singh	
DPR-0207	Selwyn District Council	SDC
DPR-0208	Ngāi Tahu Property	
DPR-0209	Manmeet Singh	
DPR-0212	Ellesmere Sustainable Agriculture Incorporated	ESAI
DPR-0215	Winstone Aggregates	
DPR-0220	K Ramsay	
DPR-0261	Alastair & Jenny Nicol	
DPR-0264	Sally Gardner	
DPR-0278	Katrina M Finch	
DPR-0295	Jet Boating New Zealand	
DPR-0298	Trices Road Re-zoning Group	
DPR-0303	Rob & Janette Frier	
DPR-0304	Michael & Linda Stevens	
DPR-0319	Kevin Chaney	
DPR-0335	Ken & Pru Bowman	
DPR-0343	Canterbury District Health Board	CDHB
DPR-0344	Four Stars Development Ltd & Gould Developments Ltd	
DPR-0353	Horticulture New Zealand	Hort NZ
DPR-0356	Aggregate and Quarry Association	
DPR-0358	Rolleston West Residential Limited	RWRL
DPR-0359	Fire and Emergency New Zealand	FENZ
DPR-0363	Iport Rolleston Holdings Limited	IRHL
DPR-0365	Stuart PC Limited	
DPR-0367	Orion New Zealand Limited	Orion
DPR-0370	Fonterra Limited	Fonterra
DPR-0371	Christchurch International Airport Limited	CIAL
DPR-0372	Dairy Holdings Limited	
DPR-0374	Rolleston Industrial Holdings Limited	RIHL
DPR-0375	Waka Kotahi NZ Transport Agency	Waka Kotahi
DPR-0378	The Ministry of Education	MoE
DPR-0382	Ellesmere Motor Racing Club	EMRC
DPR-0384	Rolleston Industrial Developments Limited	RIDL
DPR-0401	Coolpak Coolstores Ltd	Coolpak
DPR-0414	Kāinga Ora - Homes & Communities	Kāinga Ora
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc.	Forest & Bird
DPR-0420	Synlait Milk Limited	Synlait

DPR-0422	Federated Farmers of New Zealand - North Canterbury	Federated Farmers
DPR-0423	PHC Terrace Downs Resort Limited	
DPR-0433	Lindsay & Averil Halliday	
DPR-0439	Rayonier Matariki Forests	
DPR-0441	Trustpower Limited	Trustpower
DPR-0448	New Zealand Defence Force	NZDF
DPR-0453	Midland Port, Lyttelton Port Company Limited	LPC
DPR-0456	Four Stars Development & Gould Developments Ltd	Four Stars
DPR-0458	KiwiRail Holdings Limited	KiwiRail
DPR-0460	Marama Te Wai Ltd	
DPR-0461	Dunweavin 2020 Ltd	
DPR-0492	Kevler Development Ltd	
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	
DPR-0565	Shelley Street Holdings Ltd	
DPR-0570	Letesha and Bryan Dempster	

Please refer to **Appendix 1** to see where each submission point is addressed within this report.

Abbreviations

Abbreviations used throughout this report are:

Abbreviation	Full text
CRC	Canterbury Regional Council
CRPS	Canterbury Regional Policy Statement 2013
EI	Energy and Infrastructure
GIZ	General Industrial Zone
GRUZ	General Rural Zone
IMP	Mahaanui Iwi Management Plan 2013
Planning Standards	National Planning Standards
NESET	National Environmental Standards for Electricity Transmission Activities 2009
NES-PF	National Environmental Standards for Plantation Forestry 2017
NESTF	National Environmental Standards for Telecommunication Activities 2016
NPS-UD	National Policy Statement on Urban Development
NPS-UDC	National Policy Statement on Urban Development Capacity
NZS 6801	NZS 6801:2008 Acoustics – Measurement of environmental sound
NZS 6802	NZS 6802:2008 Acoustics – Environmental noise
NZS-6803	NZS 6803:1999 Acoustics - Construction noise
ODP	Operative Selwyn District Plan
PDP	Proposed Selwyn District Plan
RMA or Act	Resource Management Act 1991
SKIZ	Porters Ski Zone
WHO	World Health Organisation

1. Purpose of report

- 1.1 This report is prepared under s42A of the RMA in relation to the Noise Chapter in the PDP. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this topic and to make recommendations on either retaining the PDP provisions without amendment or making amendments to the PDP in response to those submissions.
- 1.2 The recommendations are informed by both the technical information provided by Acoustic Engineering Services (AES) (see **Appendix 3**) and the evaluation undertaken by me as the planning author. In preparing this report I have had regard to the s42A report on Strategic Directions prepared by Mr Love, the Overview s42A report that addresses the higher order statutory planning and legal context, also prepared by Mr Love, and the Part 1 s42A report prepared by Ms Tuilaepa. I have also had regard to the s42A report for the EI Hearing which I prepared.
- 1.3 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

2. Qualifications and experience

- 2.1 My full name is Vicki Ann Barker. I have been engaged by the Council as a consultant planner. My qualifications include a Bachelor of Science and a Masters of Planning Practice (Hons) from the University of Auckland.
- 2.2 I have 24 years' experience as a resource management planner, with this work including central government, local government and private consultancy experience. I am the Managing Director of Barker Planning, a consultancy based in Christchurch. Prior to establishing Barker Planning I was a Senior Policy Advisor in the Resource Management Practice Team at the Ministry for the Environment and was principally involved in earthquake recovery related matters, RMA reform and RMA best practice advice. I have also held planning roles within local government, at multi-disciplinary global engineering firms, and at a Christchurch based planning consultancy.
- 2.3 I was engaged as a consultant to the Canterbury Earthquake Recovery Authority (CERA) to assist with the Crown response to the Christchurch Replacement District Plan process. In this role I was involved in co-ordinating government department submissions, further submissions, and producing and presenting evidence on behalf of the Crown at the Christchurch Replacement District Plan Hearings.
- 2.4 I have been engaged by Selwyn District Council since 2017 assisting with the Proposed Selwyn District Plan Review. I was responsible for the drafting of the Noise and Special Purpose Dairy Processing Zone Chapters, managed the Signs and Light Chapters as Topic Lead, and latterly was involved in drafting of the Light Chapter. I was also an interim Topic Lead in relation to the Transport Chapter. I also had input into the drafting of the emergency services, airfield and West Melton Aerodrome provisions of the EI Chapter, and recently prepared the s42A report for the EI Hearing.

- 2.5 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel.

3. Scope of report and topic overview

- 3.1 This report considers the submissions and further submissions that were received in relation to the Noise Chapter.
- 3.2 It is recommended that the submission points relating to the Ellesmere Speedway are considered in the Rural Chapter s42A report so that rounded consideration can be given to this matter. With respect to SUB-R26 as it relates to subdivision within noise control overlays, input has been sought from the Subdivision Chapter author Ms Carruthers.
- 3.3 Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. All recommended amendments are shown by way of strikeout and underlining in **Appendix 2** to this report. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change in **Appendix 2**. Where it is considered that an amendment may be appropriate, but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the report. In **Appendix 2**, where no amendments are recommended to a provision, submissions points that sought the retention of the provision without amendment are not footnoted. **Appendix 2** also contains a table setting out recommended spatial and labelling amendments to the PDP Planning Maps.
- 3.4 Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. A number of alterations have already been made to the PDP using cl.16(2) and these are documented in reports available on the Council's website. Where a submitter has requested the same or similar changes to the PDP that fall within the ambit of cl.16(2), then such amendments will continue to be made and documented as cl.16(2) amendments and identified by way of a footnote in this s42A report.

4. Statutory requirements and planning framework

Resource Management Act 1991

- 4.1 The PDP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand coastal policy statement, national planning standards; and any regulations¹. Regard is also to be given to the CRPS, any regional plan, district plans of adjacent territorial authorities, and the IMP.

¹ Section 74 RMA

- 4.2 As set out in the [‘Overview’ Section 32 Report](#), and [‘Overview’ s42a Report](#), there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in more detail within this report where relevant to the assessment of submission points. This report also addresses any definitions that are specific to this topic, but otherwise relies on the s42A report that addresses definitions more broadly.
- 4.3 The assessment of submission points is made in the context of the Section 32 reports already undertaken with respect to this topic or partly relevant to this topic, being:
- [Strategic Directions](#)
 - [Noise](#)
 - [Network Utilities and Important Infrastructure](#)
 - [Renewable Electricity Generation](#)
 - [Temporary Activities](#)
 - [Subdivision](#)
 - [Rural](#)
 - [PORTZ](#)
 - [DPZ](#)
- 4.4 All recommended amendments to provisions since the initial s32 evaluation was undertaken must be documented in a subsequent s32AA evaluation. No s32AA evaluation has been deemed necessary.

National Policy Statement (identify any relevant NPSs)

- 4.5 There are no National Policy Statements of relevance to the Noise Chapter.

National Environmental Standards

- 4.6 The PDP does not impose more restrictive requirements on these activities relative to the NESTF or NESET. The PDP only seeks to manage telecommunication cabinets not subject to the NESTF (Refer to EI-R14). The EI Chapter permits transmission lines and has no noise restrictions, and therefore noise is managed by the NESET.
- 4.7 In addition, the NES-PF permits noise and vibration associated with plantation forestry activity if it complies with permitted activity conditions which include noise and vibration limits (clause 98). Plantation forestry is permitted in the GRUZ (GRUZ-R24), and the PDP contains no rules relating to plantation forestry noise. The NOISE-Overview refers to the NES-PF and notes that the NES-PF provisions prevail.
- 4.8 Overall, no further evaluation is required under s32(4) of the RMA.

National Planning Standards

- 4.9 As set out in the [PDP Overview s42A Report](#), the Planning Standards were introduced to improve the consistency of council plans and policy statements. The Planning Standards were gazetted and

came into effect on 5 April 2019. The PDP must be prepared in accordance with the Planning Standards.

4.10 The Planning Standards contain the following aspects of relevance to noise:

(i) 4. District Plan Structure Standard - This Standard specifies that provisions relating to noise (which includes vibration) are to be contained in a separate section within Part 2 - District-Wide Matters.

(ii) 7. District-wide Matters Standard: - The provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be located in one or more chapters under the Energy, infrastructure and transport heading and the provisions may include: noise-related metrics and noise measurement methods relating to energy, infrastructure and transport, which must be consistent with the 15. *Noise and vibration metrics* Standard; the management of reverse sensitivity effects between infrastructure and other activities (5. b and c);

(iii) The provisions for managing noise must be located in the Noise Chapter. These provisions may include: noise provisions (including noise limits) for zones, receiving environments or other spatially defined areas; requirements for common significant noise generating activities; sound insulation requirements for sensitive activities and limits to the location of those activities relative to noise generating activities (33);

Any noise-related metrics and noise measurement methods must be consistent with 15. *Noise and vibration metrics* Standard (34).

The Noise chapter must include cross-references to any relevant noise provisions under the Energy, infrastructure and transport heading (35).

(iv) 10. Format Standard - The unique identifier for the Noise Chapter is NOISE.

(v) 13. Mapping Standard - There is a specified Noise control boundary overlay symbol and specified colours.

(vi) 14. Definitions Standard - There are a number of relevant noise definitions including L_{A90} , L_{Aeq} , $L_{AF(max)}$, L_{dn} , L_{peak} , noise, noise rating level, notional boundary, peak particle velocity, special audible characteristic. The NPS 'noise rating level' definition is not relevant to the PDP drafting.

(vii) 15. Noise and Vibration Metrics Standard - Any rule to manage noise emissions must be in accordance with the mandatory noise measurement methods and symbols in the applicable New Zealand Standards incorporated by reference into the planning standards as follows:

New Zealand Standard 6801:2008 Acoustics - Measurements of environmental sound

New Zealand Standard 6802:2008 Acoustics - Environmental noise

New Zealand Standard 6803:1999 Acoustics - Construction noise

New Zealand Standard 6805:1992 Airport noise management and land use planning - measurement only

New Zealand Standard 6806:2010 Acoustics - Road-traffic noise - New and altered roads

New Zealand Standard 6807:1994 - Noise Management and Land Use Planning for Helicopter Landing Areas - excluding 4.3 averaging.

New Zealand Standard 6808:2010 Acoustics - Wind farm noise

New Zealand Standard 6809:1999 Acoustics - Port noise management and land use planning. The New Zealand Standards are nationally based standards that provide guidance on the assessment and measurement of noise and appropriate levels at which to control noise effects, as well as other matters.

Any plan rule to manage noise emissions must be consistent with the mandatory assessment methods in section 6 Rating Level and section 7 LMAX of New Zealand Standard 6802:2008 Acoustics - Environmental noise, provided the type of noise emitted is within the scope of 6802:2008.

Any plan rule to manage damage to structures from construction vibration must be consistent with the metrics for peak particle velocity (ppv) in ISO-4866:2010 – Mechanical vibration and shock.

5. Procedural matters

- 5.1 At the time of writing this s42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.
- 5.2 Submissions DPR-0027.001 and DPR-0027.002 Nigel & Penny Thomson appear to have been incorrectly tagged to NOISE-P7 by Council instead of NOISE-P4. The submission points have been considered in the context of NOISE-P4 rather than NOISE-P7. No other procedural matters have been identified.

6. Consideration of submissions

Overview of submissions

- 6.1 A total of 66 submissions and further submissions were received relevant to the Noise Chapter, including 567 submission and further submission points. Most of the original submission points are in support and are seeking that the provisions be retained as notified. Where amendment is being sought, the amendments are considered minor and are refinements of the existing provisions. No fundamental change in position or direction has been requested. The provisions which have attracted the most submissions are NOISE-R7 and NOISE-REQ1.

Structure of this report

- 6.2 The report first discusses definitions and then addresses the higher order framework that affects the whole chapter (i.e., Overview, Objective and Policies), followed by the Rules, Rule Requirements Matters for Discretion, Mapping, and then more discrete matters which do not fit neatly elsewhere within the report. The provisions are addressed in the same order as they are set out in the Chapter.
- 6.3 The assessment of submissions follows this format: Submission Information; Analysis; and Recommendation and Amendments.

7 DEFINITIONS

Introduction

7.1 This section responds to the submission points relating to the noise related definitions.

Submissions

7.2 18 submissions points and 25 further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0353	Horticulture New Zealand	038	Audible Bird Scaring Device	Oppose In Part	Delete as notified and replace with: <u>Gas guns and avian distress alarms used for the purposes of disturbing or scaring birds, and excludes firearms and vehicles used for that purpose.</u>
DPR-0212	Ellesmere Sustainable Agriculture Incorporated	FS010	Audible Bird Scaring Device	Support	Allow in full
DPR-0422	Federated Farmers of New Zealand - North Canterbury	027	Audible Bird Scaring Device	Support In Part	Delete as notified and replace with: <u>Gas guns and avian distress alarms used for the purposes of disturbing or scaring birds. It excludes firearms and vehicles used for that purpose.</u>
DPR-0212	Ellesmere Sustainable Agriculture Incorporated	FS019	Audible Bird Scaring Device	Support	Allow in full
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS073	Audible Bird Scaring Device	Support	Accept with amendment
DPR-0448	New Zealand Defence Force	003	Fixed Noise Sources	Support	Retain as notified
DPR-0448	New Zealand Defence Force	007	Mobile Noise Sources	Support	Retain as notified
DPR-0068	MetroPort Christchurch (MetroPort)	003	Noise Sensitive Activity	Support	Retain as notified
DPR-0215	Winstone Aggregates	014	Noise Sensitive Activity	Support	Retain as notified
DPR-0353	Horticulture New Zealand	064	Noise Sensitive Activity	Support	Retain as notified
DPR-0358	Rolleston West Residential Limited (RWRL)	035	Noise Sensitive Activity	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS373	Noise Sensitive Activity	Support In Part	Accept the submission in part

DPR-0209	Manmeet Singh	FS447	Noise Sensitive Activity	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS404	Noise Sensitive Activity	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS452	Noise Sensitive Activity	Support In Part	Accept submission in part
DPR-0492	Kevler Development Ltd	FS382	Noise Sensitive Activity	Support	Accept submission in part
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS428	Noise Sensitive Activity	Support In Part	Accept the submission in part.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	034	Noise Sensitive Activity	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS693	Noise Sensitive Activity	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS618	Noise Sensitive Activity	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS571	Noise Sensitive Activity	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS611	Noise Sensitive Activity	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler Development Ltd	FS226	Noise Sensitive Activity	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS851	Noise Sensitive Activity	Support In Part	Accept the submission in part.
DPR-0367	Orion New Zealand Limited	020	Noise Sensitive Activity	Support	Amend to ensure that there is clear rationale and clear distinction in the Plan for when each definition applies.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS589	Noise Sensitive Activity	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0371	Christchurch International Airport Limited	010	Noise Sensitive Activity	Support In Part	Amend as follows: Any: a. Residential activity, <u>other than those in conjunction with rural activities that comply with the rules in the relevant district plan as at 23 August 2008</u> ... c. Visitor accommodation <u>except that which is designed, constructed and operated to a standard</u>

					<u>that mitigates the effects of noise on occupants</u> d. Hospital or health_care facility
DPR-0353	Horticulture New Zealand	FS075	Noise Sensitive Activity	Oppose	Reject
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	040	Noise Sensitive Activity	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS507	Noise Sensitive Activity	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS875	Noise Sensitive Activity	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re- zoning Group	FS722	Noise Sensitive Activity	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS754	Noise Sensitive Activity	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler Development Ltd	FS070	Noise Sensitive Activity	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS631	Noise Sensitive Activity	Support In Part	Accept the submission in part.
DPR-0375	Waka Kotahi NZ Transport Agency	005	Noise Sensitive Activity	Support In Part	Amend definition for noise sensitive activities to also include the following: - Major healthcare facility - Retirement Village - Sleep-Out - Habitable Room - Supported Residential Accommodation - Marae - Places of Worship - Community facility - Educational facility
DPR-0370	Fonterra Limited	FS004	Noise Sensitive Activity	Support	Accept the submission.
DPR-0414	Kāinga Ora - Homes & Communities	FS096	Noise Sensitive Activity	Oppose In Part	Not specified
DPR-0378	The Ministry of Education	003	Noise Sensitive Activity	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	042	Noise Sensitive Activity	Support	Retain as notified
DPR-0422	Federated Farmers of New Zealand - North Canterbury	071	Noise Sensitive Activity	Support	Retain as notified.

DPR-0448	New Zealand Defence Force	008	Noise Sensitive Activity	Support	Retain as notified
DPR-0453	Midland Port, Lyttelton Port Company Limited	009	Noise Sensitive Activity	Support In Part	Amend as follows: The categories of: a. Residential activity, <u>other than those in conjunction with rural activities that comply with the rules in the relevant district plan as at 23 August 2008</u> b. c. Visitor accommodation, <u>except that which is designed, constructed and operated to a standard that mitigates the effects of noise on occupants.</u> d.

- 7.3 **Audible Bird Scaring Device** - Both Hort NZ² and Federated Farmers³ are seeking to delete the definition and replace it with a new version, which essentially says the same thing but is structured differently. The recommended change is considered clearer, particularly the Federated Farmers version which differs slightly from Hort NZ. Therefore, it is recommended that the Hort NZ submission point be accepted in part and the Federated Farmers submission point be accepted.
- 7.4 **Fixed Noise Sources and Mobile Noise Sources** - NZDF⁴ support these definitions as notified. The definitions are relevant to NZDF's operations only and it is recommended that they be retained as notified. It is recommended that the submission points be accepted.
- 7.5 **Noise Sensitive Activity** - Orion⁵ are seeking amendment so there is clear rationale and distinction in the PDP when each definition applies. It is considered clear when this definition applies and why and therefore it is recommended that this submission point be rejected.
- 7.6 CIAL⁶ and LPC⁷ are seeking amendment to give better effect to the corresponding 'noise sensitive activities' definition in the CRPS with respect to residential activity and visitor accommodation⁸. They also seek that the 'health care facility' term in clause d. is linked to the definition in the PDP. Exempting residential activity in conjunction with rural activities that complied with the plan rules as at 23 August 2008 to mimic the CRPS is considered unnecessary and overly complicated as the corresponding noise sensitive activity rules only apply to any new building, or any addition or alteration which creates a new habitable room. Furthermore, the rules set at what level the effects of noise are mitigated, so the amendment to clause c. is not considered necessary within the definition or supported. It is also considered unnecessary to amend the reference to visitor accommodation which mitigates noise as noise mitigation is managed in the rules where necessary.

² 353.038 Hort NZ

³ 422.027 Federated Farmers

⁴ 448.003 and 448.007 NZDF

⁵ 367.020 Orion

⁶ 371.010 CIAL

⁷ 453.009 LPC

⁸ CRPS Definition of noise sensitive activities – *means residential activities other than those in conjunction with rural activities that comply with the rules in the relevant district plan as at 23 August 2008; Education activities including pre-school places or premises, but not including flight training, trade training or other industry related training facilities located within the Special Purpose (Airport) Zone in the Christchurch District Plan; Travellers' accommodation except that which is designed, constructed and operated to a standard that mitigates the effects of noise on occupants; Hospitals, healthcare facilities and any elderly persons housing or complex. But does not include: Commercial film or video production activity.*

However, it is agreed that 'health care facility' in clause d. should be linked to the definition. Overall, it is recommended that the submission points be rejected and that the 'health care facility' definition link be treated as a cl.16(2) amendment.

- 7.7 Waka Kotahi⁹ are seeking that the definition also include a further list of terms. 'Health care facility' is already addressed, as is 'hospital' which is a defined term in the PDP which is preferable to 'major health care facility' which is not defined. 'Residential activity' includes retirement villages (and supported residential accommodation), and sleep outs. 'Habitable room' is referenced in the rules and defined separately and does not need to be in the definition. 'Educational facility' is already included in the definition. Marae, places of worship and community facility have purposely not been included because these activities are inconsistent with the equivalent CRPS definition. Therefore, it is recommended that this submission point be rejected.
- 7.8 Metroport¹⁰, Winstone Aggregates¹¹, Hort NZ¹², RWRL¹³, IRHL¹⁴, RIHL¹⁵, MoE¹⁶, RIDL¹⁷, Federated Farmers¹⁸, and NZDF¹⁹ all support the definition as notified. It is recommended that these submission points be accepted in part due to the recommended cl.16(2) amendment.
- 7.9 **LA90, LAEQ and LAF(MAX)** - In addition, it has been identified that the definitions LA90, LAEQ and LAF(MAX) do not match the National Planning Standards version of these definitions and contain additional explanatory text. A cl.16(2) amendment is recommended to delete the surplus additional text so the definitions match the National Planning Standards, which is a requirement of the Standards.

Recommendations and amendments

- 7.10 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend the 'Audible bird scaring device' definition as shown in **Appendix 2** to provide greater clarity.
 - b) Amend clause d. of the 'noise sensitive activity' definition to link to the defined term 'health care facility' and amend the LA90', 'LAEQ' and 'LAF(MAX)' definitions as shown in **Appendix 2** subject to cl.16(2).
- 7.11 The amendments recommended to the definitions are set out in a consolidated manner in **Appendix 2**.
- 7.12 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 7.13 The scale of change does not require a s32AA evaluation

⁹ 375.005 Waka Kotahi

¹⁰ 068.003 Metroport

¹¹ 215.014 Winstone Aggregates

¹² 353.064 Hort NZ

¹³ 358.035 RWRL

¹⁴ 363.034 IRHL

¹⁵ 374.040 RIHL

¹⁶ 378.003 MoE

¹⁷ 384.042 RIDL

¹⁸ 422.071 Federated Farmers

¹⁹ 448.008 NZDF

8 NOISE OVERVIEW

Introduction

8.1 This section responds to the submission points relating to the Noise-Overview.

Submissions

8.2 Seven submissions points and three further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point		Position	Decision Requested
DPR-0353	Horticulture New Zealand	212		Support	Retain as notified
DPR-0358	Rolleston West Residential Limited (RWRL)	277		Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	266		Support	Retain as notified
DPR-0371	Christchurch International Airport Limited	048		Support In Part	<p>Amend as follows:</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 existing important infrastructure activities which generate elevated levels of noise from reverse sensitivity effects.</p> <p>...</p> <p>There are some noise generating activities that are not controlled by the RMA, such as aircraft in flight, or are controlled by the application of relevant New Zealand Noise Standards or sections 16 and 17 of the RMA and therefore are not managed by the District Plan.</p> <p>...</p> <p><u>Residential density Land use controls for noise sensitive activities within the 50 dB Ldn Air Noise Contour (which is the outer control boundary for aircraft noise in Greater Christchurch), including residential density within the Christchurch International Airport Noise Control Overlays 50 dB Ldn Air Noise Contour and acoustic mitigation requirements within the 55 dB Ldn Air Noise Contour</u> is managed by the General Rural Zone chapter provisions.</p>
DPR-0353	Horticulture New Zealand	FS111		Oppose	Reject
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS007		Oppose In Part	Partially allow the submission point. Retain the reference to other mechanisms, for example the New Zealand Noise Standards.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	272		Support	Retain as notified

DPR-0384	Rolleston Industrial Developments Limited (RIDL)	284		Support	Retain as notified
DPR-0414	Kāinga Ora - Homes & Communities	072		Oppose In Part	Amend as follows: The generation of noise is often an intrinsic part of the operation and function of the diverse range of activities that operate in the District, but it may cause adverse effects on character, amenity, <u>planned urban built form</u> and the health and wellbeing of people and communities, such as causing sleep disturbance. ... 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, <u>planned urban built form,</u> and human health, and to protect <u>some</u> existing important infrastructure activities which generate elevated levels of noise from reverse sensitivity effects. ...
DPR-0370	Fonterra Limited	FS018		Oppose	Reject the submission.

8.3 CIAL²⁰ considers that not all important infrastructure generates elevated levels of noise and that this reference should be deleted. I agree that not all important infrastructure generates elevated levels of noise, but the proposed noise overlays only relate to that important infrastructure which does. Therefore, I consider this reference should remain. CIAL also queries the necessity of the passage listing other controls on noise generating activities and suggests that it may be more appropriately deleted. For example, it may not always be the case that noise is “controlled... by sections 16 and 17 of the RMA and therefore... not managed by the District Plan.” CIAL suggests that the Overview section should avoid such generalised comments. I disagree and consider that it is useful to mention relevant New Zealand Noise Standards and sections 16 and 17 of the RMA to advise plan users of these other mechanisms. The Federated Farmers further submission supports the retention of this paragraph. I support the proposed revised wording to make clearer reference to the provisions in the GRUZ Chapter concerning the airport overlays, with further minor amendment to reflect the recommended overlay names as discussed at paragraph 14.9. Overall, it is recommended that this submission point be accepted in part.

8.4 Kāinga Ora²¹ requests references to character and amenity values be changed to ‘planned urban built form’, consistent with the language used in the NPS-UD. This change is not supported as character and amenity values are components of the planned urban built form. The NPS-UD only mentions ‘planned urban built form’ twice and still includes reference to amenity values and character. It is recommended that this submission point be rejected. Kāinga Ora also request amendment to add reference to only “some” important infrastructure being protected from reverse sensitivity effects rather than important infrastructure more generally. I agree with this change

²⁰ 371.048 CIAL

²¹ 414.072 Kāinga Ora

given that the overlays are specific to only some important infrastructure. Overall, it is recommended that this submission point be accepted in part.

- 8.5 Hort NZ²², RWRL²³, IRHL²⁴, RIHL²⁵ and RIDL²⁶ all seek to retain the Overview as notified. These submission points are recommended to be accepted in part based on the recommended amendments.

Recommendations and amendments

- 8.6 I recommend, for the reasons given above, that the Hearings Panel:

a) Amend the NOISE-Overview as shown in **Appendix 2** to provide greater clarity.

- 8.7 The amendments recommended to the Chapter Overview are set out in a consolidated manner in **Appendix 2**.

- 8.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

- 8.9 The scale of change does not require a s32AA evaluation.

9 NOISE-01

Introduction

- 9.1 This section responds to the submission points relating to NOISE-01.

Submissions

- 9.2 Fifteen submissions points and five further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0125	BE Faulkner	006	Support	Not specified
DPR-0183	Adrian McFedries (Rein in the Range group)	001	Support	Retain as notified
DPR-0199	Terry & Barbara Heiler	001	Support	Retain as notified
DPR-0215	Winstone Aggregates	043	Support	Retain as notified
DPR-0295	Jet Boating New Zealand	004	Support	Retain as notified
DPR-0356	Aggregate and Quarry Association	007	Support	Retain as notified

²² 353.212 Hort NZ

²³ 358.277 RWRL

²⁴ 363.266 IRHL

²⁵ 374.272 RIHL

²⁶ 384.284 RIDL

DPR-0358	Rolleston West Residential Limited (RWRL)	278	Support	Retain as notified
DPR-0359	Fire and Emergency New Zealand	059	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	267	Support	Retain as notified
DPR-0367	Orion New Zealand Limited	075	Neither Support Nor Oppose	Amend as follows: The Amenity values , health and wellbeing of people and communities and their amenity values are protected from significant levels of noise adverse noise effects, consistent with <u>the anticipated outcomes for the receiving environment.</u>
DPR-0353	Horticulture New Zealand	FS024	Support	Accept
DPR-0370	Fonterra Limited	FS019	Support	Accept the submission.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS644	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS086	Oppose	Disallow the submission point.
DPR-0371	Christchurch International Airport Limited	049	Support In Part	Amend as follows: The Amenity values , health and wellbeing of people and communities and their amenity values are protected from significant levels of noise adverse noise effects, consistent with <u>the anticipated outcomes for the receiving environment.</u>
DPR-0353	Horticulture New Zealand	FS112	Oppose	Reject
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	273	Support	Retain as notified
DPR-0375	Waka Kotahi NZ Transport Agency	130	Support	Retain as notified.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	285	Support	Retain as notified
DPR-0448	New Zealand Defence Force	041	Support In Part	Amend to refer to the emission of noise not exceeding a reasonable level.

9.3 Both Orion²⁷ and CIAL²⁸ support the objective but consider it could be drafted more clearly and that the reference to protection of people from “significant levels of noise” can be replaced with “adverse noise effects, consistent with the anticipated outcomes for the receiving environment”. The anticipated outcomes for the receiving environments are set by the relevant noise limits and

²⁷ 367.075 Orion

²⁸ 371.049 CIAL

therefore it is recommended that this amended wording be accepted. However, the other amendments sought to the start of the objective are not considered necessary. Overall, it is recommended that the submission points be accepted in part.

9.4 NZDF²⁹ are seeking amendment to refer to the emission of noise not exceeding a reasonable level. The recommended wording of “anticipated outcomes for the receiving environment” is considered to achieve the intent of this submission point. Therefore, it is recommended that this submission point be accepted in part.

9.5 BE Faulkner³⁰, Adrian McFedries³¹, Terry & Barbara Heiler³², Winstone Aggregates³³, Jet Boating NZ³⁴, Aggregate and Quarry Association³⁵, RWRL³⁶, FENZ³⁷, IRHL³⁸, RIHL³⁹, Waka Kotahi⁴⁰, and RIDL⁴¹ all support the objective as notified and seek that it be retained. It is recommended that these submission points be accepted in part based on the recommended amendment.

Recommendations and amendments

9.6 I recommend, for the reasons given above, that the Hearings Panel:

a. Amend NOISE-O1 as shown in **Appendix 2** to provide better clarity

9.7 The amendments recommended to NOISE-O1 are set out in a consolidated manner in **Appendix 2**.

9.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

9.9 The scale of change does not require a s32AA evaluation.

10 NOISE-O2

Introduction

10.1 This section responds to the submission points relating to NOISE-O2.

Submissions

10.2 Seventeen submissions points and six further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0068	MetroPort Christchurch (MetroPort)	018	Support	Retain as notified

²⁹ 448.041 NZDF

³⁰ 125.006 BE Faulkner

³¹ 183.001 Adrian McFedries

³² 199.001 Terry & Barbara Heiler

³³ 215.043 Winstone Aggregates

³⁴ 295.004 Jet Boating NZ

³⁵ 356.007 Aggregate & Quarry Association

³⁶ 358.278 RWRL

³⁷ 359.059 FENZ

³⁸ 363.267 IRHL

³⁹ 374.273 RIHL

⁴⁰ 375.130 Waka Kotahi

⁴¹ 384.285 RIDL

DPR-0125	BE Faulkner	032	Support	Not specified
DPR-0183	Adrian McFedries (Rein in the Range group)	002	Support	Retain as notified
DPR-0199	Terry & Barbara Heiler	002	Support	Retain as notified
DPR-0358	Rolleston West Residential Limited (RWRL)	279	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	268	Support	Retain as notified
DPR-0367	Orion New Zealand Limited	076	Support	Retain as notified
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS645	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0370	Fonterra Limited	063	Support	Retain as notified
DPR-0209	Manmeet Singh	FS795	Oppose In Part	Reject submission in part
DPR-0371	Christchurch International Airport Limited	050	Support In Part	Amend as follows: Important infrastructure which generates noise is protected from reverse sensitivity effects. <u>by:</u> a. <u>Avoiding noise sensitive activities within the 50 dB Ldn Air Noise Contour and requiring noise mitigation for new sensitive activities within the 55 dB Ldn Air Noise Contour.</u> b. <u>...</u>
DPR-0353	Horticulture New Zealand	FS113	Oppose	Reject
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	274	Support	Retain as notified
DPR-0375	Waka Kotahi NZ Transport Agency	131	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	286	Support	Retain as notified
DPR-0414	Kāinga Ora - Homes & Communities	073	Oppose	Delete as notified
DPR-0375	Waka Kotahi NZ Transport Agency	FS172	Oppose	Retain the objective as notified
DPR-0441	Trustpower Limited	137	Support	Amend as follows: Important <u>Protect regionally significant infrastructure which generates noise is protected</u> from reverse sensitivity effects.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS161	Support	Allow the submission point

DPR-0448	New Zealand Defence Force	042	Support	Retain as notified.
DPR-0453	Midland Port, Lyttelton Port Company Limited	069	Support In Part	Amend as follows: Important infrastructure which generates noise is protected from reverse sensitivity effects- <u>by:</u> <u>a. avoiding noise sensitive activities within the 55dB Ldn Port Noise Control Overlay</u>
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	047	Support	Retain as notified
DPR-0375	Waka Kotahi NZ Transport Agency	FS173	Support	Retain the objective as notified

10.3 CIAL⁴² and LPC⁴³ support an objective directing that important infrastructure be protected from reverse sensitivity effects associated with noise but are seeking amendment to add explicit direction relevant to the CIAL and Port important infrastructure. CIAL also seek that the provision is either relocated to the GRUZ Chapter, or that explicit cross-references are made in the GRUZ Chapter to ensure plan users are directed to this provision. Specificity is provided at the policy level in relation to this important infrastructure; i.e., CIAL (NOISE-P3) and LPC (NOISE-P4) and duplication in the objectives is not considered necessary. Furthermore, cross-references in the GRUZ Chapter to the Noise Chapter are not considered necessary as the 'How the Plan works' section explains the general approach and plan structure, and that both the zone rules (i.e., GRUZ) and district-wide chapter rules (i.e., NOISE) need to be considered. The property search will also show any relevant Overlay (i.e., the Airport Overlays). The 'HPW-Relationship between spatial layers' also explains the Overlays are distinct from the zones. The nature of an eplan assists with the linkages between the provisions. Overall, it is recommended that the submission points be rejected.

10.4 Kāinga Ora⁴⁴ are seeking that the objective be deleted. Kāinga Ora opposes the inclusion of additional controls in relation to noise-sensitive activities within proximity to state highways and the rail network. Kāinga Ora considers that the State Highway Noise Control Overlay and the Railway Network Noise Control Overlay and corresponding rules result 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 infrastructure. Kāinga Ora consider there are more balanced and less onerous ways in which potential interface issues can be managed. The costs and benefits of the approach has been considered in the s32 analysis and while there will be costs to landowners with this approach, 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. On balance, whilst a cost is attributable to the state highway and railway provisions in particular, this cost is difficult to quantify, and the rule package as a whole will be of

⁴² 371.050 CIAL

⁴³ 453.069 LPC

⁴⁴ 414.073 Kāinga Ora

benefit to the district. Until any evidence is presented as to what a more balanced and less onerous approach may include, it is recommended that this submission point be rejected.

10.5 The Trustpower⁴⁵ submission seeking reference to ‘regionally significant infrastructure’ rather than ‘important infrastructure’ is not supported for the same reasons explained in the EI s42A report.⁴⁶ It is recommended that this submission point be rejected.

10.6 Metroport⁴⁷, BE Faulkner⁴⁸, Adrian McFedries⁴⁹, Terry & Barbara Heiler⁵⁰, RWRL⁵¹, IRHL⁵², Orion⁵³, Fonterra⁵⁴, RIHL⁵⁵, Waka Kotahi⁵⁶, RIDL⁵⁷, NZDF⁵⁸, Kiwirail⁵⁹ are all in support and seek the objective be retained as notified. It is recommended that these submission points be accepted.

Recommendation

10.7 I recommend, for the reasons given above, that the Hearings Panel retain NOISE-O2 as notified.

10.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

11 NEW OBJECTIVES

Introduction

11.1 This section responds to the submission points relating to new objectives.

Submissions

11.2 Three submissions points and five further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0142	New Zealand Pork Industry Board (NZ Pork)	035	New	Oppose In Part	Add new objectives as follows: <u>Activities generate noise effects that are compatible with the role, function, and predominant character of each zone.</u>
DPR-0372	Dairy Holdings Limited	FS006	New	Support	Accept the submission.

⁴⁵ 441.137 Trustpower

⁴⁶ https://www.selwyn.govt.nz/_data/assets/pdf_file/0004/490135/EI-S42a-report-FINAL-23-August-2021.pdf - Paragraphs 7.19-7.21

⁴⁷ 068.018 Metroport

⁴⁸ 125.032 BE Faulkner

⁴⁹ 183.002 Adrian McFedries

⁵⁰ 199.002 Terry & Barbara Heiler

⁵¹ 358.279 RWRL

⁵² 363.268 IRHL

⁵³ 367.076 Orion

⁵⁴ 370.063 Fonterra

⁵⁵ 374.274 RIHL

⁵⁶ 375.131 Waka Kotahi

⁵⁷ 384.286 RIDL

⁵⁸ 448.042 NZDF

⁵⁹ 458.047 Kiwirail

DPR-0142	New Zealand Pork Industry Board (NZ Pork)	077	New	Oppose In Part	Insert as follows: <u>New activities that are sensitive to noise are designed and/or located to minimise conflict and reverse sensitivity effects.</u>
DPR-0353	Horticulture New Zealand	FS002	New	Support	Accept
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS158	New	Support	Allow the submission point
DPR-0353	Horticulture New Zealand	213	New	Support	Insert as follows: <u>Noise effects generated are compatible with the character and activities undertaken in the zone in which it occurs, which will vary across the district.</u>
DPR-0142	New Zealand Pork Industry Board (NZ Pork)	FS029	New	Support	Allow in full
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS047	New	Support	Allow the submission point

11.3 NZ Pork⁶⁰ are seeking two new objectives as they oppose the narrow focus of the objectives and consider they fail to recognise that the rural environment is a working environment that generates effects (including noise) that may conflict with sensitive activities. They consider that the objectives for noise should recognise that activities generate noise effects that should be compatible with the role, function, and predominant character of each zone, and that new activities sensitive to noise must be designed and/or located to minimise conflict and reverse sensitivity effects on all activities and not just infrastructure.

11.4 The recommended amendment to NOISE-O1 is considered to recognise that noise needs to be managed consistent with the anticipated outcomes for the receiving environment, supported by NOISE-P1. Furthermore, the GRUZ Chapter objectives and policies seek to allow primary production to operate without being compromised by reverse sensitivity (GRUZ-O1), as well as specific policy which seeks to avoid reverse sensitivity effects on lawfully established primary production activities (GRUZ-P7). These existing zone provisions are considered sufficient without adding to the Noise Chapter. The zone chapter objectives and policies apply to activities within the GRUZ, as do the noise objectives and policies should noise be a consenting issue, where both would need to be taken into consideration. It is therefore recommended that the submission point relating to the role and function of the zone be accepted in part (by way of amendment to NOISE-O1) and that the other submission point be rejected.

⁶⁰ 142.035 and 142.077 NZ Pork

- 11.5 Hort NZ⁶¹ are seeking a new objective which is now considered to be reflected in part in NOISE-O1 as a result of the recommended amendment. Therefore, it is recommended that this submission point be accepted in part.

Recommendations and amendments

- 11.6 I recommend, for the reasons given above, that the Hearings Panel:
- a. Amend NOISE-O1 as shown in **Appendix 2** to consider effects in the context of the receiving environment as recommended in section 9.
- 11.7 The amendments recommended to are set out in a consolidated manner in **Appendix 2**.
- 11.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 11.9 The scale of change does not require a s32AA evaluation.

12 NOISE-P1

Introduction

- 12.1 This section responds to the submission points relating to NOISE-P1.

Submissions

- 12.2 Twelve submissions points and one further submission point were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0125	BE Faulkner	007	Support	Not specified.
DPR-0142	New Zealand Pork Industry Board (NZ Pork)	036	Support	Retain as notified.
DPR-0215	Winstone Aggregates	044	Support	Retain as notified
DPR-0295	Jet Boating New Zealand	005	Support	Retain as notified
DPR-0356	Aggregate and Quarry Association	008	Support	Retain as notified

⁶¹ 353.213 Hort NZ

DPR-0358	Rolleston West Residential Limited (RWRL)	280	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	269	Support	Retain as notified
DPR-0365	Stuart PC Limited	033	Oppose	Amend to better recognise Industrial Activities and that such activities need permissive noise standards and to be protected from reverse sensitivity effects.
DPR-0370	Fonterra Limited	064	Support	Retain as notified
DPR-0209	Manmeet Singh	FS796	Oppose In Part	Reject submission in part
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	275	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	287	Support	Retain as notified
DPR-0441	Trustpower Limited	138	Support	Retain as notified

12.3 Stuart PC Ltd.⁶² are seeking amendment to better recognise industrial activities and that such activities need permissive noise standards and to be protected from reverse sensitivity effects. The GIZ Chapter provisions are enabling of the establishment and operation of industrial activities within the zone (i.e., GIZ-O1, GIZ-O2, GIZ-P1), and activities that are incompatible with the character and function of the industrial area are avoided (GIZ-P3). These objectives and policies need to be considered in the context of a proposal and there is considered no need to duplicate such provisions in the Noise Chapter specific to industry. It is also of note that noise emissions within the GIZ that adjoins GRUZ are to be measured at the notional boundary of any noise sensitive activity under the PDP rather than at the zone boundary, which provides greater flexibility at the GIZ/GRUZ interface compared to the ODP. Therefore, it is recommended that this submission point be rejected.

⁶² 365.033 Stuart PC Ltd

- 12.4 BE Faulkner⁶³, NZ Pork⁶⁴, Winstone Aggregates⁶⁵, Jet Boating NZ⁶⁶, Aggregate and Quarry Association⁶⁷, RWRL⁶⁸, IRHL⁶⁹, Fonterra⁷⁰, RIHL⁷¹, RIDL⁷², Trustpower⁷³ are all seeking that the policy be retained as notified. It is recommended that these submission points be accepted.

Recommendation

- 12.5 I recommend, for the reasons given above, that the Hearings Panel retain NOISE-P1 as notified.
- 12.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

13 NOISE-P2

Introduction

- 13.1 This section responds to the submission points relating to NOISE-P2.

Submissions

- 13.2 Ten submissions points and two further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0068	MetroPort Christchurch (MetroPort)	019	Support	Retain as notified
DPR-0125	BE Faulkner	033	Support	Not specified
DPR-0358	Rolleston West Residential Limited (RWRL)	281	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	270	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	276	Support	Retain as notified
DPR-0375	Waka Kotahi NZ Transport Agency	132	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	288	Support	Retain as notified

⁶³ 125.007 BE Faulkner

⁶⁴ 142.036 NZ Pork

⁶⁵ 215.044 Winstone Aggregates

⁶⁶ 295.005 Jet Boating NZ

⁶⁷ 356.008 Aggregate and Quarry Association

⁶⁸ 358.280 RWRL

⁶⁹ 363.269 IRHL

⁷⁰ 370.064 Fonterra

⁷¹ 374.275 RIHL

⁷² 384.287 RIDL

⁷³ 441.138 Trustpower

DPR-0414	Kāinga Ora - Homes & Communities	074	Oppose	Delete as notified
DPR-0441	Trustpower Limited	139	Oppose	Amend as follows: Protect <u>regionally significant infrastructure, including the State Highway and the designated railway network</u> , from reverse sensitivity effects by avoiding noise sensitive activities locating near to <u>regionally significant infrastructure</u> the State Highway or designated railway network unless specified noise and vibration limits are met or physical noise mitigation or insulation is incorporated.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS162	Support	Allow the submission point.
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	048	Support	Retain as notified
DPR-0375	Waka Kotahi NZ Transport Agency	FS174	Support	Retain the policy as notified.

13.3 Kāinga Ora⁷⁴ are seeking that the policy be deleted. Kāinga Ora considers that the State Highway and Railway Network Noise Control Overlays and corresponding rules results in an unnecessary and overly restrictive burden for landowners. For the reasons provided at paragraph 10.4 it is recommended that this submission point be rejected.

13.4 The Trustpower⁷⁵ submission point is recommended to be rejected for the reasons set out in the EI s42A report.⁷⁶

13.5 Metroport⁷⁷, BE Faulkner⁷⁸, RWRL⁷⁹, IRHL⁸⁰, RIHL⁸¹, Waka Kotahi⁸², RIDL⁸³, and Kiwirail⁸⁴ are all seeking that the policy be retained as notified. It is recommended that these submission points be accepted.

13.6 At paragraph 14.10 it is explained that CIAL are seeking an amendment to refer to 'noise mitigation' rather than 'noise insulation' in NOISE-P3. It is recommended that a similar change also be made to NOISE-P2 for consistency and that there is no need to refer to 'physical' noise mitigation. These amendments are recommended as a cl.16(2) amendment.

Recommendations and amendments

⁷⁴ 414.074 Kāinga Ora

⁷⁵ 441.139 Trustpower

⁷⁶ https://www.selwyn.govt.nz/_data/assets/pdf_file/0004/490135/EI-S42a-report-FINAL-23-August-2021.pdf - Paragraphs 7.19-7.21

⁷⁷ 068.019 Metroport

⁷⁸ 125.033 BE Faulkner

⁷⁹ 358.281 RWRL

⁸⁰ 363.270 IRHL

⁸¹ 374.276 RIHL

⁸² 375.132 Waka Kotahi

⁸³ 384.288 RIDL

⁸⁴ 458.058 Kiwirail

13.7 I recommend, for the reasons given above, that the Hearings Panel:

- a. Amend NOISE-P2 as shown in **Appendix 2** to remove an unnecessary word and to achieve consistency with NOISE-P3 amendments subject to cl.16(2).

13.8 The amendments recommended to NOISE-P2 are set out in a consolidated manner in **Appendix 2**.

13.9 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

13.10 The scale of change does not require a s32AA evaluation.

14 NOISE-P3

Introduction

14.1 This section responds to the submission points relating to NOISE-P3.

Submissions

14.2 Eight submissions points and four further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0125	BE Faulkner	034	Support	Not specified.
DPR-0344	Four Stars Development Ltd & Gould Developments Ltd	007	Oppose In Part	Amend as follows: Protect Christchurch International Airport from reverse sensitivity effects by avoiding residential activities on sites that do not meet a density of one residential unit per four hectares within the Christchurch International Airport Noise Control Overlays, <u>unless the basis for the Noise Control Overlay no longer applies e.g. due to changes in flight paths</u> , and requiring noise insulation for noise sensitive activities within the Christchurch International Airport 55dB Ldn Noise Control Overlay.
DPR-0371	Christchurch International Airport Limited	FS004	Oppose	Reject
DPR-0358	Rolleston West Residential Limited (RWRL)	282	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	271	Support	Retain as notified
DPR-0371	Christchurch International Airport Limited	051	Support In Part	Amend as follows: Protect Christchurch International Airport from reverse sensitivity effects by avoiding : <u>a. avoiding Noise Sensitive Activities within the 50 dB Ldn Air Noise Contour and ensuring the density of residential units is kept to a maximum of 1 residential unit per 4 hectares within the 50 dB Ldn Air Noise Contour; and</u> <u>b. requiring noise insulation mitigation for new buildings and</u>

				additions to existing buildings noise sensitive activities within the Christchurch International Airport 55dB Ldn Air Noise Contour Control Overlay.
DPR-0353	Horticulture New Zealand	FS114	Oppose	Reject
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS008	Oppose In Part	Allow the submission point: new P3.a Disallow the submission point: new P3.b
DPR-0371	Christchurch International Airport Limited	093	Support In Part	Amend to relocate the policy to the General Rural Zone chapter or ensure that thorough and explicit cross references are made in the General Rural Zone Chapter to ensure plan users are directed to this provision.
DPR-0353	Horticulture New Zealand	FS049	Oppose	Reject
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	277	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	289	Support	Retain as notified

14.3 Four Stars⁸⁵ own land within the 50 dB Ldn Airport Noise Overlay and are seeking to rezone rural land to residential, except those parts currently within the 50dB overlay which they are seeking be zoned General Residential Deferred, Future General Residential Zone or Future Urban Zone. Their submission states that it is well-understood that in the immediate future (at the time of the review of the CRPS), that the airport noise contour will contract and shift to the east. As a result, the Airport Overlay will then only cover proposed reserve land owned by Four Stars. The amendment to the policy they are seeking is to recognise the pending revision of the Airport Noise Overlay land use restrictions, and essentially disapply the policy when the changes occur. Their submission also seeks that a rule be included within the PDP that the Airport Noise Control Overlay is automatically removed as soon as the CIAL airport noise contour is updated in the CRPS and no longer applies to the land (this matter will be subject to a separate Rezoning Hearing).

14.4 The CRPS review process with respect to the Airport noise contours was discussed with CRC in late October 2021. CRC advised that revised Airport noise contours are expected to be submitted to CRC in November 2021, with remodeling and technical work to support the proposed changes. The proposed contour amendments will then be subject to expert peer review, and if supported, will eventually be implemented through the review of the CRPS (which is scheduled in the LTP to be notified by 31/12/2024), or potentially through the Greater Christchurch Spatial Plan process. The amendment to the policy Four Stars is seeking is not considered necessary, as when the contours are changed as a result of the CRPS review or some other process, the effect of these changes are

⁸⁵ 344.007 Four Stars

subject to a higher order planning process and will be implemented in the PDP in due course. Therefore, it is recommended that this submission point be rejected.

- 14.5 CIAL⁸⁶ seek amendment to the proposed drafting and consider this policy would be more appropriately contained in the GRUZ chapter, or that thorough and explicit cross references are made in the GRUZ chapter to ensure plan users are directed to this provision. CIAL are seeking amendment so that the policy avoids noise sensitive activities within the 50 dB Ldn Overlay and ensures the density of residential units is kept to a maximum of 1 residential unit per 4 hectares; and that noise mitigation is required for new buildings and additions to existing buildings within the 55 dB Ldn Overlay. As notified the policy does not reference noise sensitive activities in general and is focussed on avoiding residential activity on sites that do not meet a density of one residential unit per four hectares.
- 14.6 CRPS Policy 6.3.5.4 Integration of land use and infrastructure relates to the recovery of Greater Christchurch. The policy manages reverse sensitivity effects with respect to strategic infrastructure, including by avoiding noise sensitive activities within the 50 dB Ldn air noise contour, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A. Also relevant is CRPS Policy 6.3.9.5.a Rural residential development, which states that the location and design of rural residential development shall avoid noise sensitive activities occurring within the 50 dB Ldn air noise contour. Rural-residential is defined in the CRPS as residential units at an average density of 1-2 households per hectare, and rural is defined as residential units at a density of more than one household unit per 4 hectares of site area. Rural-residential development is the focus of this avoid policy and not noise sensitive activities more generally.
- 14.7 The Airport noise overlays cover GRUZ land within Selwyn District and no residential zoned land or greenfield priority areas. A substantial number of properties are covered by the outer 50 dB Ldn contour. The PDP as notified relies on the GRUZ Chapter provisions to manage the density and location of rural residential development by ensuring a density no greater than 1 residential unit per four hectares (i.e., GRUZ-P2, GRUZ-R3, GRUZ-SCHED2), consistent with the CRPS. In addition, the other noise sensitive activities, except for small-scale visitor accommodation, would require resource consent to establish within GRUZ. An educational facility is a non-complying activity (GRUZ-R36), a healthcare facility is a non-complying activity (GRUZ-R35), and a hospital is a discretionary activity (GRUZ-R39). Visitor accommodation is permitted, but only if no more than 5 guests and the proprietor resides on site (akin to residential activity), otherwise a discretionary activity resource consent is required (GRUZ-R15). It is of note that CIAL have submitted seeking that permitted visitor accommodation within the 50dB contour require acoustic mitigation (i.e., not be avoided). Subdivision rules also manage subdivision within the GRUZ and in relation to the Airport 50 dB Overlay (i.e., SUB-R11 and SUB-R26).
- 14.8 Extending the policy to avoid all noise sensitive activity within the 50 dB contour is not supported as CRPS Policy 6.3.9.5.a specifically seeks to avoid rural residential development within this contour and it is not clear that 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. Avoiding all noise sensitive activity within the 50 dB

⁸⁶ 371.051 and 371.093 CIAL

contour would also make this approach more onerous than noise sensitive activity within the 55 db contour, which is provided for subject to noise mitigation. The focus is proposed to remain on avoiding noise sensitive activities to develop at a density of less than 1 residential unit per 4 hectares, unless further evidence is provided by CIAL to further justify their proposed approach. It is of note that Waimakariri District Council have taken the same policy approach as Selwyn in the Proposed Waimakariri District Plan (Refer to NOISE-P4).

- 14.9 Furthermore, it is not agreed to change the overlay wording from “Christchurch International Airport 50 dB Ldn Noise Control Overlay” to “50 dB Ldn Air Noise Contour”, and likewise for the 55 Overlay because: the overlays need to identify the thing that is being managed, i.e. airport noise, and it could get confused with other noise control overlays that apply to other important infrastructure; a contour is a line and these are management areas; and ‘contour’ is not a National Planning Standard option to describe an area where a provision applies (even though it is used in the CRPS). The appropriate term is ‘overlay’. However, it is recommended that the names are shortened to “Airport 50 dB Ldn Noise Control Overlay” and “Airport 55 dB Ldn Noise Control Overlay”. The overlay names on the planning maps will also need to be amended, which is subject to a separate CIAL submission point.
- 14.10 With respect to the second part of the policy, it is agreed to replace ‘noise insulation’ with ‘noise mitigation’ as mitigation is broader and more encompassing than insulation (i.e., mechanical ventilation requirements associated with insulation). However, it is not agreed to delete the reference to noise sensitive activities and add the more specific wording of “new buildings and additions to existing buildings” as this level of detail is considered more appropriate within the rules.
- 14.11 It is not agreed that better cross-references are required in the GRUZ chapter to direct plan users to this policy when developing land within the airport noise contours for the same reasons provided in paragraph 10.3. Overall, it is recommended that this submission point be accepted in part.
- 14.12 BE Faulkner⁸⁷, RWRL⁸⁸, IRHL⁸⁹, RIHL⁹⁰ and RIDL⁹¹ support the policy and seek that it be retained as notified. It is recommended that these submission points be accepted in part given the amendments recommended above.

Recommendations and amendments

- 14.13 I recommend, for the reasons given above, that the Hearings Panel:
- a. Amend NOISE-P3 as shown in **Appendix 2** to reference noise sensitive activities that do not meet the required density and the amended overlay names.
- 14.14 The amendments recommended to NOISE-P3 are set out in a consolidated manner in **Appendix 2**.
- 14.15 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

⁸⁷ 125.034 BE Faulkner

⁸⁸ 358.282 RWRL

⁸⁹ 363.271 IRHL

⁹⁰ 374.277 RIHL

⁹¹ 384.289 RIDL

14.16 The scale of change does not require a s32AA evaluation.

15 NOISE-P4

Introduction

15.1 This section responds to the submission points relating to NOISE-P4.

Submissions

15.2 Fourteen submissions points and nine further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0027	Nigel & Penny Thomson	001	Oppose	Amend provision to add the word 'additional' so it reads ...by avoiding additional noise sensitive activities...
<i>DPR-0448</i>	<i>New Zealand Defence Force</i>	<i>FS001</i>	<i>Oppose</i>	<i>Reject submitter's relief sought</i>
<i>DPR-0570</i>	<i>Letesha and Bryan Dempster</i>	<i>FS012</i>	<i>Support In Part</i>	<i>Change R7 so that existing noise sensitive activities/existing use rights are not affected by Noise R7</i>
DPR-0027	Nigel & Penny Thomson	002	Oppose	Requests that a new policy be included that is specific to the West Melton Rifle Range, or that the existing policy is amended to remove the reference to strategic infrastructure.
<i>DPR-0448</i>	<i>New Zealand Defence Force</i>	<i>FS002</i>	<i>Oppose</i>	<i>Reject submitter's relief sought</i>
DPR-0068	MetroPort Christchurch (MetroPort)	019	Support	Retain as notified.
DPR-0125	BE Faulkner	035	Support	Not specified.
DPR-0125	BE Faulkner	036	Support	Not specified.
DPR-0183	Adrian McFedries (Rein in the Range group)	003	Support In Part	Amend by replacing the words “strategic infrastructure” with “important infrastructure”.
<i>DPR-0448</i>	<i>New Zealand Defence Force</i>	<i>FS008</i>	<i>Support</i>	<i>Accept submitters relief sought</i>
DPR-0199	Terry & Barbara Heiler	003	Oppose	Amend NOISE-P4 to shift the responsibility of avoiding reverse sensitivity issues back to the source of the noise and vibration - activities of the NZDF.

DPR-0448	New Zealand Defence Force	FS012	Oppose	Reject submitters relief sought
DPR-0570	Letesha and Bryan Dempster	FS022	Support	Amend NOISE-P4 to shift the responsibility of avoiding reverse sensitivity issues back to the source of the noise and vibration – activities of the NZDF.
DPR-0220	K Ramsay	003	Oppose	Delete as notified. That the Council open up further dialogue to find common ground between Council, NZDF and the community, and agreed provisions.
DPR-0448	New Zealand Defence Force	FS020	Oppose	Reject submitters relief sought
DPR-0453	Midland Port, Lyttelton Port Company Limited	FS012	Oppose In Part	Accept in part
DPR-0570	Letesha and Bryan Dempster	FS008	Support	Delete as notified. Open conversations between all parties need to take place before there is an amendment to the district plan.
DPR-0358	Rolleston West Residential Limited (RWRL)	283	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	272	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	278	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	290	Support	Retain as notified
DPR-0448	New Zealand Defence Force	043	Support In Part	Amend to include reference to strategic and important infrastructure
DPR-0453	Midland Port, Lyttelton Port Company Limited	096	Support	Retain as notified

- 15.3 Nigel & Penny Thomson⁹² are seeking amendment to add the word “additional” as they consider the wording does not acknowledge that there are existing legitimate noise sensitive activities within the NZDF West Melton Rifle Range noise control overlays. Reference to “additional” noise sensitive activities is not considered necessary as the rules relate to new development only and not existing lawfully established developments. Therefore, it is recommended that this submission point be rejected.

⁹² 027.001 Nigel & Penny Thomson

- 15.4 In addition, Nigel & Penny Thomson⁹³ seek that new policy specific to the West Melton Rifle Range be added or that the existing policy is amended to remove reference to strategic infrastructure. NOISE-P4 is recommended to be amended to remove reference to strategic infrastructure. Therefore, it is recommended that this submission point be accepted.
- 15.5 These two submission points from Nigel & Penny Thomson appear to have been incorrectly allocated to NOISE-P7 by Council and are considered to relate to NOISE-P4 so have been considered in this section. This incorrect allocation has also been addressed in the procedural matters section of this report (section 5) and in section 18.
- 15.6 Adrian McFedries⁹⁴ requests that 'strategic infrastructure' be replaced with 'important infrastructure'. NZDF⁹⁵ have requested that both strategic and important infrastructure are referred to. It is considered that the reference to strategic infrastructure should be replaced with important infrastructure and linked to the definition given that important infrastructure is a PDP defined term, which includes NZDF facilities. Use of this definition is still consistent with the CRPS (which defines the NZDF facilities as strategic infrastructure). Therefore, it is recommended that Adrian McFedries submission point is accepted, and that the NZDF submission point is accepted in part.
- 15.7 Terry & Barbara Heiler⁹⁶ are seeking that the policy be amended to shift the responsibility of avoiding reverse sensitivity issues back to the source of the noise and vibration, which are the activities of the NZDF. The Council has a responsibility in accordance with the CRPS to ensure new development does not affect the efficient operation, use and development of existing strategic infrastructure (Policies 6.3.5.4, 6.3.5.5, 6.3.9.5). The proposed noise overlay approach is considered to give effect to the objectives and policies in the CRPS (s75(3)(c) of the RMA) by managing incompatible activities and reverse sensitivity. NZDF also have an obligation to operate within the bounds of their designation. Therefore, it is recommended that this submission point be rejected.
- 15.8 K Ramsay⁹⁷ has requested that the policy be deleted, and that dialogue be opened with land owners to find common ground. Prior to notification of the PDP, stakeholder engagement was undertaken and the feedback from land owners was considered. Based on that feedback and analysis, the Council changed the proposed approach from 'no complaints covenants' to the notified approach of noise overlays. The Council is obligated to give effect to the objectives and policies of the CRPS and the status quo is not an option. Therefore, on this basis it is recommended that this submission point be rejected.

⁹³ 027.002 Nigel & Penny Thomson

⁹⁴ 183.003 Adrian McFedries

⁹⁵ 448.043 NZDF

⁹⁶ 199.003 Terry & Barbara Heiler

⁹⁷ 220.003 K Ramsay

15.9 Metroport⁹⁸, BE Faulkner⁹⁹, RWRL¹⁰⁰, IRHL¹⁰¹, RIHL¹⁰², RIDL¹⁰³, and LPC¹⁰⁴ are seeking that the policy be retained as notified. Based on the recommended amendments, it is recommended that these submission points be accepted in part.

15.10 At paragraph 14.10 it is explained that CIAL are seeking an amendment to refer to 'noise mitigation' rather than 'noise insulation' in NOISE-P3. It is recommended that a similar change also be made to NOISE-P4 for consistency. This is recommended as a consequential cl.16(2) amendment.

Recommendations and amendments

15.11 I recommend, for the reasons given above, that the Hearings Panel:

- a. Amend NOISE-P4 as shown in **Appendix 2** to provide better clarity by linking to a defined term and to make a minor consequential cl.16(2) amendment to achieve consistency.

15.12 The amendments recommended to NOISE-P4 are set out in a consolidated manner in **Appendix 2**.

15.13 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

15.14 The scale of change does not require a s32AA evaluation.

16 NOISE-P5

Introduction

16.1 This section responds to the submission points relating to NOISE-P5.

Submissions

16.2 Six submissions points and one further submission point was received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0125	BE Faulkner	037	Support	Not specified.
DPR-0358	Rolleston West Residential Limited (RWRL)	284	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	273	Support	Retain as notified
DPR-0370	Fonterra Limited	065	Support	Retain as notified
DPR-0209	Manmeet Singh	FS797	Oppose In Part	Reject submission in part
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	279	Support	Retain as notified

⁹⁸ 068.019 Metroport

⁹⁹ 125.035 and 125.036 BE Faulkner

¹⁰⁰ 358.283 RWRL

¹⁰¹ 363.272 IRHL

¹⁰² 374.278 RIHL

¹⁰³ 384.290 RIDL

¹⁰⁴ 453.096 LPC

DPR-0384	Rolleston Industrial Developments Limited (RIDL)	291	Support	Retain as notified
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16.3 BE Faulkner¹⁰⁵ supports the policy but has not specified relief, and RWRL¹⁰⁶, IRHL¹⁰⁷, Fonterra¹⁰⁸, RIHL¹⁰⁹, and RIDL¹¹⁰ are all seeking that NOISE-P5 be retained as notified. It is recommended that these submission points be accepted in part as a minor consequential amendment is recommended to refer to noise mitigation rather than insulation to achieve consistency across the policies as explained at paragraph 14.10.

Recommendations and amendments

16.4 I recommend, for the reasons given above, that the Hearings Panel:

- a. Amend NOISE-P5 as shown in **Appendix 2** to make a consequential cl.16(2) amendment to achieve consistency.

16.5 The amendments recommended to NOISE-P5 are set out in a consolidated manner in **Appendix 2**.

16.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

16.7 The scale of change does not require a s32AA evaluation.

17 NOISE-P6

Introduction

17.1 This section responds to the submission points relating to NOISE-P6.

Submissions

17.2 Five submissions points and no further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0125	BE Faulkner	038	Support	Not specified.
DPR-0358	Rolleston West Residential Limited (RWRL)	285	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	274	Support	Retain as notified

¹⁰⁵ 125.037 BE Faulkner

¹⁰⁶ 358.284 RWRL

¹⁰⁷ 363.273 IRHL

¹⁰⁸ 370.065 Fonterra

¹⁰⁹ 374.279 RIHL

¹¹⁰ 384.291 RIDL

DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	280	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	292	Support	Retain as notified

17.3 BE Faulkner¹¹¹ is in support but does not specify relief, and RWRL¹¹², IRHL¹¹³, RIHL¹¹⁴, and RIDL¹¹⁵ are all seeking that NOISE-P6 be retained as notified. It is recommended that these submission points be accepted.

Recommendation

17.4 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

17.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

18 NOISE-P7

Introduction

18.1 This section responds to the submission points relating to NOISE-P7.

Submissions

18.2 Six submissions points and no further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0125	BE Faulkner	039	Support	Not specified.
DPR-0358	Rolleston West Residential Limited (RWRL)	286	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	275	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	281	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	293	Support	Retain as notified
DPR-0448	New Zealand Defence Force	044	Support In Part	Amend as follows: Enable temporary military training activities <u>where the effects</u>

¹¹¹ 125.038 BE Faulkner

¹¹² 358.285 RWRL

¹¹³ 363.274 IRHL

¹¹⁴ 374.280 RIHL

¹¹⁵ 384.292 RIDL

				are appropriately managed including through provided that specified separation distances, vibration, and/or noise limits are met in relation to noise sensitive activities or where the occurrence of such activity is limited.
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18.3 NZDF¹¹⁶ are seeking amendment to reference the appropriate management of effects. The proposed amendments are not considered necessary and are not considered to add clarity. Therefore, it is recommended that this submission point be rejected.

18.4 BE Faulkner¹¹⁷ is in support but does not specify relief, and RWRL¹¹⁸, IRHL¹¹⁹, RIHL¹²⁰, and RIDL¹²¹ are all seeking that NOISE-P7 be retained as notified. It is recommended that these submission points be accepted.

18.5 The submission points by Nigel and Penny Thomson (DPR-027.001 and DPR-027.002) which were allocated to NOISE-P7 have been addressed in section 15 in association with NOISE-P4.

Recommendation

18.6 I recommend, for the reasons given above, that the Hearings Panel retain NOISE-P7 as notified.

18.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

19 NOISE-P8

Introduction

19.1 This section responds to the submission points relating to NOISE-P8.

Submissions

19.2 Five submissions points and no further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0125	BE Faulkner	040	Support	Not specified.
DPR-0358	Rolleston West Residential Limited (RWRL)	287	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	276	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	282	Support	Retain as notified

¹¹⁶ 448.044 NZDF

¹¹⁷ 125.039 BE Faulkner

¹¹⁸ 358.286 RWRL

¹¹⁹ 363.275 IRHL

¹²⁰ 374.281 RIHL

¹²¹ 384.293 RIDL

DPR-0384	Rolleston Industrial Developments Limited (RIDL)	294	Support	Retain as notified
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19.3 BE Faulkner¹²² supports the policy but has not sought any specific relief, and RWRL¹²³, IRHL¹²⁴, RIHL¹²⁵, and RIDL¹²⁶ are all seeking that NOISE-P8 be retained as notified. It is recommended that these submission points be accepted.

Recommendation

19.4 I recommend, for the reasons given above, that the Hearings Panel retain NOISE-P8 as notified.

19.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

20 NEW POLICIES

Introduction

20.1 This section responds to the submission points relating to new policies.

Submissions

20.2 Five submissions points and six further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0353	Horticulture New Zealand	214	New	Support	Insert as follows: <u>Rural production activities are not constrained by reverse sensitivity effects arising from noise sensitive activities located in the General Rural Zone.</u>
DPR-0142	New Zealand Pork Industry Board (NZ Pork)	FS030	New	Support	Allow in full
DPR-0372	Dairy Holdings Limited	FS046	New	Support	Accept the submission
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS048	New	Support	Allow the submission point
DPR-0367	Orion New Zealand Limited	077	New	Neither Support Nor Oppose	Insert as follows: <u>Protect the electricity distribution network from reverse sensitivity effects by avoiding noise sensitive activities locating near zone substations.</u>
DPR-0407	Royal Forest & Bird Protection Society of New	FS646	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.

¹²² 125.040 BE Faulkner

¹²³ 358.287 RWRL

¹²⁴ 363.274 IRHL

¹²⁵ 374.282 RIHL

¹²⁶ 384.294 RIDL

	<i>Zealand Inc. (Forest & Bird)</i>				
DPR-0414	<i>Kāinga Ora - Homes & Communities</i>	<i>FS025</i>	<i>New</i>	<i>Oppose</i>	<i>Not specified</i>
DPR-0401	Coolpak Coolstores Ltd	004	New	Support In Part	Extend policy in relation to noise insulation to include all sites neighbouring the iZone development.
DPR-0448	New Zealand Defence Force	040	New	Support In Part	Insert new policy as follows: <u>To avoid reverse sensitivity effects and ensure existing lawful uses and important infrastructure are not constrained by managing the establishment of noise sensitive activities, including within the West Melton Rifle Range Noise Overlay.</u>
DPR-0414	<i>Kāinga Ora - Homes & Communities</i>	<i>FS084</i>	<i>New</i>	<i>Oppose</i>	<i>Not specified</i>
DPR-0453	Midland Port, Lyttelton Port Company Limited	070	New	Oppose	Insert as follows: <u>Enable Important Infrastructure to generate noise levels as appropriate and necessary to facilitate efficient operation and function, having regard to the contribution that important infrastructure makes to the district's economic, social and cultural wellbeing, whilst ensuring adverse effects of noise on the surrounding community are managed to levels consistent with the anticipated quality of that environment.</u>

20.3 Hort NZ¹²⁷ are seeking a new policy to protect rural production activities from reverse sensitivity, and likewise Orion¹²⁸ are seeking a new policy to protect the electricity distribution network from reverse sensitivity. GRUZ-P7 already exists to protect rural production activities from reverse sensitivity, and similarly, EI-P6 protects important infrastructure and renewable electricity generation from reverse sensitivity effects. Duplication in the Noise Chapter is not considered necessary. It is recommended that both the Hort NZ and Orion submission points be rejected.

20.4 Coolpak¹²⁹ consider that all activities in the Izone within the GIZ should be protected from reverse sensitivity effects, and that these requirements should be extended to also apply to all sites adjoining the Izone. Therefore, Coolpak are seeking that the policy is extended in relation to noise insulation to include all sites neighbouring the Izone development and seeks the inclusion of wording like NOISE-P4 in relation to industrial activities in the Izone. Applying noise control overlays to private land and restricting land development within overlays can be justified with respect to important infrastructure which generates significant noise but cannot be justified with respect to any industrial development and the wider Izone. In that instance the responsibility is with the land use operator to manage noise emissions consistent with the specified limits. It is also of note that the noise limits that apply within the adjoining GRUZ land are less restrictive in the PDP compared to the ODP, as

¹²⁷ 353.214 Hort NZ

¹²⁸ 367.077 Orion

¹²⁹ 401.004 Coolpak

measurement is now proposed at the notional boundary of any noise sensitive activity rather than the site boundary. Overall, it is recommended that this submission point be rejected.

20.5 NZDF¹³⁰ are seeking a new policy which is considered unnecessary as it duplicates existing policy in the Noise Chapter relating to reverse sensitivity with respect to sensitive activities establishing near important infrastructure. It is recommended that this submission point be rejected.

20.6 LPC¹³¹ are also seeking new policy which is considered to duplicate existing noise policy regarding noise levels (NOISE-P1), and EI policy (i.e., EI-P1, EI-P2, and EI-P4). It is recommended that this submission point be rejected.

Recommendation

20.7 I recommend, for the reasons given above, that the Hearings Panel make no amendments to insert new policies.

20.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

21 NOISE-R1

Introduction

21.1 This section responds to the submission points relating to NOISE-R1.

Submissions

21.2 Fourteen submissions points and eight further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	New Zealand Pork Industry Board (NZ Pork)	037	Support	Retain as notified.
DPR-0207	Selwyn District Council	048	Oppose In Part	Amend NOISE-R1 to include an exemption for noise created from aircraft and helicopters.
DPR-0353	Horticulture New Zealand	FS006	Support	Accept
DPR-0371	Christchurch International Airport Limited	FS017	Support	Accept
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS146	Support	Allow the submission point
DPR-0423	PHC Terrace Downs Resort Limited	FS001	Support	Allow Submission in full
DPR-0215	Winstone Aggregates	045	Support In Part	Retain as notified

¹³⁰ 448.040 NZDF

¹³¹ 453.070 LPC

DPR-0295	Jet Boating New Zealand	006	Support	Retain as notified
DPR-0343	Canterbury District Health Board	064	Support In Part	Amend as follows: 6. Rural production activities using equipment which is mobile or portable during its normal use, <u>unless NOISE-R11 or NOISE-R12 apply.</u>
DPR-0353	Horticulture New Zealand	FS015	Oppose In Part	<i>Reject</i>
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS160	Support In Part	<i>Partially allow the submission point</i>
DPR-0353	Horticulture New Zealand	215	Support	Retain as notified
DPR-0358	Rolleston West Residential Limited (RWRL)	288	Support	Retain as notified
DPR-0359	Fire and Emergency New Zealand	060	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	277	Support	Retain as notified
DPR-0367	Orion New Zealand Limited	078	Oppose	Amend as follows: ... <u>6. Refer to EI-R16 for noise associated with electricity generators and mobile equipment to supply important infrastructure.</u>
DPR-0359	Fire and Emergency New Zealand	FS007	Support	<i>Accept the proposed amendment.</i>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS647	Oppose	<i>Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.</i>
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	283	Support	Retain as notified
DPR-0375	Waka Kotahi NZ Transport Agency	133	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	295	Support	Retain as notified
DPR-0422	Federated Farmers of New Zealand - North Canterbury	241	Support	Retain as notified

- 21.3 SDC¹³² are seeking that NOISE-R1 be amended to include an exemption for noise created from aircraft and helicopters. Currently noise emitted from aircraft would be controlled by NOISE-R1 and NOISE-REQ1. However, this was not the intention when the PDP was drafted. Noise from aircraft was to be dealt with either through setbacks to the airfield or helicopter landing area, or if the activity was for rural production, then as a permitted activity. A new clause is recommended to exclude noise emitted by aircraft or helicopters which is subject to TEMP-R7 which applies across all zones, and separate new clauses are recommended 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. It is recommended that the submission point be accepted. A cl.16(2) amendment is also proposed to remove an unnecessary ‘.’ in NOISE-R1.1.
- 21.4 CDHB¹³³ are seeking that NOISE-R1.6 be amended 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). This is considered a valid inclusion to increase clarity. Therefore, it is recommended that this submission point be accepted.
- 21.5 Orion¹³⁴ are seeking a new clause be inserted to recognise that noise associated with electricity generators and mobile equipment to supply important infrastructure is permitted by EI-R16. This is considered a valid inclusion to increase clarity, however the recommended wording has been amended to achieve consistency. Overall, it is recommended that this submission point be accepted in part.
- 21.6 NZ Pork¹³⁵, Winstone Aggregates¹³⁶, Jet Boating NZ¹³⁷, Hort NZ¹³⁸, RWRL¹³⁹, FENZ¹⁴⁰, IRHL¹⁴¹, RIHL¹⁴², Waka Kotahi¹⁴³, RIDL¹⁴⁴ and Federated Farmers¹⁴⁵ are seeking that the rule be retained as notified. It is recommended that these submission points be accepted in part due to the recommended amendments.

Recommendations and amendments

- 21.7 I recommend, for the reasons given above, that the Hearings Panel:
- a. Amend NOISE-R1 as shown in **Appendix 2** to provide greater clarity and to make a Cl.16(2) amendment.
- 21.8 The amendments recommended to NOISE-R1 are set out in a consolidated manner in **Appendix 2**.

¹³² 207.048 SDC

¹³³ 343.064 CDHB

¹³⁴ 367.078 Orion

¹³⁵ 142.037 NZ Pork

¹³⁶ 215.045 Winstone Aggregates

¹³⁷ 295.006 Jet Boating NZ

¹³⁸ 353.215 Hort NZ

¹³⁹ 358.288 RWRL

¹⁴⁰ 359.060 FENZ

¹⁴¹ 363.277 IRHL

¹⁴² 374.283 RIHL

¹⁴³ 375.133 Waka Kotahi

¹⁴⁴ 384.295 RIDL

¹⁴⁵ 422.241 Federated Farmers

21.9 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

21.10 The scale of change does not require a s32AA evaluation.

22 NOISE-R2

Introduction

22.1 This section responds to the submission points relating to NOISE-R2.

Submissions

22.2 Four submissions points and no further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	Rolleston West Residential Limited (RWRL)	289	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	278	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	284	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	296	Support	Retain as notified

22.3 RWRL¹⁴⁶, IRHL¹⁴⁷, RIHL¹⁴⁸, and RIDL¹⁴⁹ are all seeking that NOISE-R2 be retained as notified. It is recommended that these submission points be accepted.

Recommendation

22.4 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

22.5 It is recommended that submissions and further submissions are either accepted, accepted in part

23 NOISE-R3

Introduction

23.1 This section responds to the submission points relating to NOISE-R3.

Submissions

23.2 Ten submissions points and five further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0207	Selwyn District Council	042	Oppose In Part	Amend as follows: 1. The establishment of any building for a noise sensitive activity, or any addition or alteration <u>modification</u> to an existing building

¹⁴⁶ 358.289 RWRL

¹⁴⁷ 363.278 IRHL

¹⁴⁸ 374.284 RIHL

¹⁴⁹ 384.296 RIDL

				which creates a new habitable room or will be occupied by a noise sensitive activity.
DPR-0448	New Zealand Defence Force	FS016	Support	Accept submitters relief sought
DPR-0207	Selwyn District Council	049	Oppose In Part	Amend as follows: 1. The establishment of any building for a noise sensitive activity, or any addition or alteration <u>modification</u> to an existing building which creates a new habitable room or will be occupied by a noise sensitive activity. Where: <u>a. To manage noise in the outdoor environment, either:</u> a.i. ... ; or b.ii. ...
DPR-0375	Waka Kotahi NZ Transport Agency	FS175	Oppose In Part	Retain the rule as notified.
DPR-0207	Selwyn District Council	050	Oppose In Part	Amend as follows: 3. The establishment of any building for a noise sensitive activity, or any addition or alteration <u>modification</u> to an existing building which creates a new habitable room or will be occupied by a noise sensitive activity. Where: <u>a. To manage noise in the indoor environment, the building is:</u> ... ii. <u>either:</u> i.1. ... ; or iii.2. 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. ... d. Any building that is closer than 40m 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). e. Compliance with the relevant provisions of NOISE-R3.5.a.ii <u>NOISE-R3.3.a.ii.2., NOISE-R3.5.b., NOISE-R3.3.b., NOISE-R3.5.c, NOISE-R3.3.c, and NOISE-R3.5.d. NOISE-R3.3.d.</u> shall be demonstrated by way of a design report...
DPR-0375	Waka Kotahi NZ Transport Agency	FS176	Oppose In Part	Retain the rule as notified.
DPR-0358	Rolleston West Residential Limited (RWRL)	290	Support In Part	Amend the activity status to RDIS rather than DIS.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	279	Support In Part	Amend the activity status to RDIS rather than DIS.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	285	Support In Part	Amend the activity status to RDIS rather than DIS.

DPR-0375	Waka Kotahi NZ Transport Agency	134	Support In Part	Amend Rule to better clarify the application of relevant rules and an activity status of restricted discretionary is applied for those activities not complying with relevant requirements including the insertion of suitable matters of control and discretion.
DPR-0414	Kāinga Ora - Homes & Communities	FS101	Oppose In Part	Not specified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	297	Support In Part	Amend the activity status of provision to RDIS rather than DIS.
DPR-0414	Kāinga Ora - Homes & Communities	075	Oppose	Delete as notified
DPR-0375	Waka Kotahi NZ Transport Agency	FS177	Oppose	The rule should be retained but clarification is sought on R3.1 and R3.3. Consideration should also be given to the activity status of this rule where an activity does not comply.
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	049	Support	Retain as notified.

23.3 SDC¹⁵⁰ seek that the word ‘alteration’ be replaced with ‘modification’ in this rule (and several other rules, including NOISE-R4 to NOISE-R8) as the definition of alteration only applies in the context of heritage buildings. This change is not considered necessary as the definition makes it clear that the definition only applies to heritage buildings, and the plain and ordinary meaning of the word can otherwise be relied on. It is of note that the Waimakariri and Christchurch City district plans do not have a definition of ‘alteration’ which applies generally. Therefore, it is recommended that this submission point be rejected.

23.4 SDC¹⁵¹ are also seeking amendment to clarify that part of the rule applies to managing noise in the outdoor environment (NOISE-R3.1), and the other part applies to managing noise in the indoor environment (NOISE-R1.3). Amendment to clause d. is also sought to delete reference to a 40m setback as a 50m minimum setback is already required by NOISE-R3.3. Other minor amendments are made for clarity and to update numbering as a consequence of changes. It is recommended that these changes be made to achieve greater clarity and that this submission point be accepted in part, given the change to ‘alteration’ is not supported.

23.5 RWRL¹⁵², IRHL¹⁵³, RIHL¹⁵⁴ and RIDL¹⁵⁵ are all seeking that the activity status be restricted discretionary rather than discretionary. Discretionary activity status is consistent with the other important infrastructure reverse sensitivity noise rules and is considered appropriate as noise sensitive activities are sought to be avoided near State Highways and the railway network consistent with the policy direction (NOISE-P2), and noise sensitive activity may not be suitable in all locations within an Overlay or the mitigation itself may have wider adverse effects (i.e., noise barriers), requiring full discretion. However, should the submitters produce further justification including

¹⁵⁰ 207.042 SDC

¹⁵¹ 207.049 and 207.050 SDC

¹⁵² 358.290 RWRL

¹⁵³ 363.279 IRHL

¹⁵⁴ 374.285 RIHL

¹⁵⁵ 384.297 RIDL

potential matters for discretion in evidence this matter could be considered further. Therefore, it is recommended that these submission points be rejected.

- 23.6 Waka Kotahi¹⁵⁶ are seeking amendment to better clarify the application of the relevant rules and to amend the activity status to restricted discretionary. It is considered that the recommended amendment as a result of the SDC submission point achieves the clarification sought by distinguishing between the outdoor and indoor application of the rules. The activity status is recommended to remain unchanged for the reasons in paragraph 23.5, but if further evidence is provided ideally in accord with Kiwirail, this matter could be considered further. Overall, it is recommended that this submission point be accepted in part.
- 23.7 Kāinga Ora¹⁵⁷ are seeking that the rule be deleted. For the reasons explained at paragraph 10.4 it is recommended that this submission point be rejected.
- 23.8 Kiwirail¹⁵⁸ are seeking retention as notified. Based on the recommended amendments, it is recommended that this submission point be accepted in part. As per the comment at paragraphs 23.5 and 23.6, the activity status can be considered further subject to evidence.

Recommendations and amendments

- 23.9 I recommend, for the reasons given above, that the Hearings Panel:
- a. Amend NOISE-R3 as shown in **Appendix 2** to provide greater clarity.
- 23.10 The amendments recommended to NOISE-R3 are set out in a consolidated manner in **Appendix 2**.
- 23.11 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 23.12 The scale of change does not require a s32AA evaluation.

24 NOISE-R4

Introduction

- 24.1 This section responds to the submission points relating to NOISE-R4.

Submissions

- 24.2 Nine submissions points and five further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0207	Selwyn District Council	043	NOISE-R4	Oppose In Part	Amend as follows: 1. The establishment of any building for a noise sensitive activity, or any addition or alteration <u>modification</u> to an existing building which creates a new habitable room or will be occupied by a noise sensitive activity

¹⁵⁶ 375.134 Waka Kotahi

¹⁵⁷ 414.075 Kāinga Ora

¹⁵⁸ 458.049 Kiwirail

DPR-0448	New Zealand Defence Force	FS017	NOISE-R4	Support	Accept submitters relief sought
DPR-0343	Canterbury District Health Board	065	NOISE-R4	Oppose In Part	Amend as follows: NOISE-R4.1.b ... which satisfies clause G4 of the New Zealand Building Code for habitable rooms: <u>i. provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and</u> <u>ii. is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and</u> <u>iii. provides relief for equivalent volumes of spill air; and</u> <u>iv. provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and</u> <u>v. does not generate more than 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.</u>
DPR-0371	Christchurch International Airport Limited	FS020	NOISE-R4	Neither Support Nor Oppose	Neutral
DPR-0358	Rolleston West Residential Limited (RWRL)	291	NOISE-R4	Support	Retain as notified
DPR-0363	Ipport Rolleston Holdings Limited (IRHL)	280	NOISE-R4	Support	Retain as notified
DPR-0371	Christchurch International Airport Limited	052	NOISE-R4	Support In Part	Amend as follows: Noise Sensitive activity within the <u>55 dB Ldn Air Noise Contour Christchurch International Airport Noise Control Overlays</u> Activity status: PER 1. The establishment of any building for a noise sensitive activity Where: 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 <u>dB Ldn Air Noise Contour Noise Control Overlay</u> ; 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>and provides satisfactory internal thermal conditions.</u>
DPR-0353	Horticulture New Zealand	FS115	NOISE-R4	Oppose	Reject

DPR-0371	Christchurch International Airport Limited	053	NOISE-R4	Support In Part	Amend as follows: NOISE-TABLE2 Indoor Design Noise Levels, Christchurch International Airport 55_dB Ldn Air Noise Contour Ldn Noise Control Overlay Retail activities, commercial services and offices Conference rooms 65 dB LAE / 40 dB Ldn Private offices 70 dB LAE / 45 dB Ldn Drafting, open offices, exhibition spaces 75 dB LAE / 50 dB Ldn Typing, data processing 80 dB LAE / 55 dB Ldn Shops, supermarkets, showrooms 85 dB LAE / 55 dB Ldn Commercial filming Sound stages, studios for filming and/or sound production for Commercial film or video production activities 47 dB LAE
DPR-0353	Horticulture New Zealand	FS116	NOISE-R4	Oppose	Reject
DPR-0371	Christchurch International Airport Limited	092	NOISE-R4	Support In Part	That this rule is moved to the General Rural Zone chapter where it will be more accessible and visible to plan users. If that relief is rejected, the submitter seeks that thorough and explicit cross references are made in the General Rural Zone Chapter to ensure plan users are directed to this provision.
DPR-0353	Horticulture New Zealand	FS048	NOISE-R4	Oppose	Reject
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	286	NOISE-R4	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	298	NOISE-R4	Support	Retain as notified

24.3 SDC¹⁵⁹ are seeking that 'alteration' be changed to 'modification'. For the reasons explained in paragraph 23.3, it is recommended that this submission point be rejected.

24.4 CDHB¹⁶⁰ consider that if residents need to close windows to maintain reasonable indoor noise levels, then adequate alternative ventilation and cooling need to be provided. Clause G4 of the New Zealand Building Code only requires minimal ventilation and no cooling. Therefore, CDHB are seeking amendment to rectify this. This amendment is supported for the reasons set out in the evidence of Dr Trevathan at paragraphs 5.1 to 5.4 within **Appendix 3**, which I agree with. It is also of note that the wording is consistent with that already included within NOISE-R3. Therefore, it is recommended that this submission point be accepted.

24.5 CIAL¹⁶¹ are seeking to reference the 55 dB Ldn noise contour overlay only in the heading which is accepted as the rule only relates to the inner 55 dB Ldn overlay. CIAL are also seeking that the

¹⁵⁹ 207.043 SDC

¹⁶⁰ 343.065 CDHB

¹⁶¹ 371.052 CIAL

overlay be changed from “Christchurch International Airport 55 dB Ldn Noise Control Overlay “to “55 dB Ldn Air Noise Contour “. This change is not supported for the reasons provided at paragraph 14.9. It is instead recommended to be changed to “Airport 55 dB Ldn Noise Control Overlay”.

- 24.6 CIAL are also seeking additional wording be added to clause b. to include reference to adequate thermal conditions. CDHB have also submitted regarding this matter and revised wording is proposed as explained in paragraph 24.4, which should apply consistently across the relevant noise mitigation rules. Therefore, it is recommended that this submission point be accepted in part.
- 24.7 CIAL¹⁶² also seek that NOISE-TABLE2 be amended to alter the overlay name as per paragraph 24.5, and to add a range of other activities for which indoor noise levels are to apply, including retail activities, commercial services and offices, and commercial filming. CIAL has sought the same indoor design standard applicable to commercial film activities as was recently inserted into the Christchurch District Plan (47 dB LAE). However, CIAL ‘s submission states that they do not understand what the basis for the 47 dB standard was. CIAL seeks that this same 47 dB standard is inserted into the PDP, or a stricter standard is inserted if that is confirmed as being necessary and appropriate by a suitably qualified acoustic engineer.
- 24.8 Retail activities, commercial services and offices are not defined as sensitive activities in the CRPS and are not considered justified for inclusion. It is also of note that such activities would be discretionary or non-complying within the GRUZ in any case requiring resource consent. It is acknowledged that commercial filming provisions were inserted into the Christchurch District Plan as a result of a s71 proposal which was approved under sections 69 and 71 of the Greater Christchurch Regeneration Act 2016 (refer to CRPS Policy 6.3.1.6). However, at this stage there is insufficient evidence to justify that the same provision should be inserted into the PDP to apply within the GRUZ. Overall, it is recommended that this submission point be accepted in part, in that the table heading be amended to reflect the overlay, but that the additional activities not be added to the table.
- 24.9 CIAL¹⁶³ are also seeking that the rule be moved to the GRUZ chapter or that explicit cross-references are inserted in the GRUZ Chapter. The rule is considered to sit better within the Noise Chapter as it is noise that is being managed, and it is not considered that cross-references are 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. It is therefore recommended that this submission point be rejected.
- 24.10 RWRL¹⁶⁴, IRHL¹⁶⁵, RIHL¹⁶⁶ and RIDL¹⁶⁷ are seeking retention as notified. Based on the recommended amendments, it is recommended that these submission points be accepted in part.

Recommendations and amendments

¹⁶² 371.053 CIAL

¹⁶³ 371.092 CIAL

¹⁶⁴ 358.291 RWRL

¹⁶⁵ 363.280 IRHL

¹⁶⁶ 374.286 RIHL

¹⁶⁷ 384.298 RIDL

24.11 I recommend, for the reasons given above, that the Hearings Panel:

- a. Amend NOISE-R4 as shown in **Appendix 2** to provide a shorter and more consistent overlay name and consistency regarding the mechanical ventilation clause.

24.12 The amendments recommended to NOISE-R4 are set out in a consolidated manner in **Appendix 2**.

24.13 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

24.14 The scale of change does not require a s32AA evaluation.

25 NOISE-R5

Introduction

25.1 This section responds to the submission points relating to NOISE-R5.

Submissions

25.2 Nine submissions points and three further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0068	MetroPort Christchurch (MetroPort)	020	Support	Retain as notified.
DPR-0207	Selwyn District Council	044	Oppose In Part	Amend as follows: 1. The establishment of any building for a noise sensitive activity, or any addition or alteration <u>modification</u> to an existing building which creates a new habitable room or will be occupied by a noise sensitive activity
DPR-0343	Canterbury District Health Board	066	Oppose In Part	Amend as follows: NOISE-R5.1.b ... which satisfies clause G4 of the New Zealand Building Code for habitable rooms: <u>i. provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and</u> <u>ii. is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and</u> <u>iii. provides relief for equivalent volumes of spill air; and</u> <u>iv. provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and</u> <u>v. does not generate more than 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.</u>
DPR-0453	Midland Port, Lyttelton Port Company Limited	FS016	Oppose	Reject

DPR-0343	Canterbury District Health Board	069	Support In Part	Amend as follows: all instances of LAeq to LAeq(15min)
DPR-0371	Christchurch International Airport Limited	FS021	Neither Support Nor Oppose	Neutral
DPR-0453	Midland Port, Lyttelton Port Company Limited	FS017	Neither Support Nor Oppose	Neutral
DPR-0358	Rolleston West Residential Limited (RWRL)	292	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	281	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	287	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	299	Support	Retain as notified
DPR-0453	Midland Port, Lyttelton Port Company Limited	071	Support In Part	Amend to include provision within the GIZ and GRUZ chapters as appropriate, or ensure that there is cross referencing.

25.3 SDC¹⁶⁸ are seeking that ‘alteration’ be changed to ‘modification’. For the reasons explained in paragraph 23.3, it is recommended that this submission point be rejected.

25.4 It is recommended that CDHB’s¹⁶⁹ submission point regarding Clause G4 of the New Zealand Building Code be accepted for the reasons set out in paragraph 24.4.

25.5 CDHB¹⁷⁰ also consider that the noise metric ‘LAeq’ does not comply with the mandatory Noise and Vibration Metrics National Planning Standard, and in accordance with NZS 6802, LAeq should include the time period. For the reasons explained at paragraphs 5.5-5.6 of Dr Trevathan’s evidence in **Appendix 3**, with which I agree, it is recommended that this change be made, and the submission point be accepted.

25.6 LPC¹⁷¹ are seeking amendment to include the same provision within the GIZ and GRUZ Chapters, or that there is cross-referencing. Duplicating the same provision in the GIZ and GRUZ Chapters is not supported and the eplan property search will ensure that the relevant zone provisions are highlighted, which need to be considered in tandem with the district wide provisions. Therefore, it is recommended that this submission point be rejected.

¹⁶⁸ 207.044 SDC

¹⁶⁹ 343.066 CDHB

¹⁷⁰ 343.069 CDHB

¹⁷¹ 453.071 LPC

25.7 Metroport¹⁷², RWRL¹⁷³, IRHL¹⁷⁴, RIHL¹⁷⁵ and RIDL¹⁷⁶ are seeking retention as notified. Based on the recommended amendments, it is recommended that these submission points be accepted in part.

Recommendations and amendments

25.8 I recommend, for the reasons given above, that the Hearings Panel:

- a. Amend NOISE-R5 as shown in **Appendix 2** to provide consistency regarding the mechanical ventilation clause and technical accuracy regarding the sound levels.

25.9 The amendments recommended to NOISE-R5 are set out in a consolidated manner in **Appendix 2**.

25.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

25.11 The scale of change does not require a s32AA evaluation.

26 NOISE-R6

Introduction

26.1 This section responds to the submission points relating to NOISE-R6.

Submissions

26.2 Five submissions points and four further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0207	Selwyn District Council	045	Oppose In Part	Amend as follows: 1. The establishment of any building for a noise sensitive activity, or any addition or alteration <u>modification</u> to an existing building which creates a new habitable room or will be occupied by a noise sensitive activity
DPR-0460	Marama Te Wai Ltd	FS029	Support In Part	Noise should be expressed in intensity and not fixed set backs. Technology allows for management of noise and AEE mitigation should be considered ahead of absolutes such as a 50m set back
DPR-0343	Canterbury District Health Board	067	Oppose In Part	Amend as follows: NOISE-R6.1.c ... which satisfies clause G4 of the New Zealand Building Code for habitable rooms: <u>i. provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and</u> <u>ii. is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and</u> <u>iii. provides relief for equivalent volumes of spill air; and</u> <u>iv. provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between</u>

¹⁷² 068.020 Metroport

¹⁷³ 358.292 RWRL

¹⁷⁴ 363.281 IRHL

¹⁷⁵ 374.287 RIHL

¹⁷⁶ 384.299 RIDL

				<u>18°C and 25°C; and</u> <u>v. does not generate more than 35 dB LAeq(30s) when measured</u> <u>1m away from any grille or diffuser.</u>
DPR-0343	Canterbury District Health Board	070	Support In Part	Insert 'inner noise zone' on Maps or amend the rule to remove reference to the inner noise zone.
DPR-0370	Fonterra Limited	066	Support In Part	Amend as follows: Activity status: PER <u>RDIS</u> 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 <u>subject to compliance with NOISE-REQX.</u> <u>Matters for discretion:</u> <u>2. The exercise of discretion in relation to NOISE-R6.1 restricted the following matters:</u> <u>a. NOISE-MATX</u> Activity status when compliance not achieved: 2.3. When compliance with any of NOISE-R6.1.a-c. is not achieved: DIS-NC <u>Notification:</u> <u>4. Any application arising from NOISE-R6.3 shall not be subject to public notification. Absent their written approval, the application shall be limited notified only to the relevant dairy company.</u>
DPR-0209	Manmeet Singh	FS798	Oppose In Part	Reject submission in part
DPR-0420	Synlait Milk Limited	FS003	Support	Adopt the wording as submitted by Fonterra
DPR-0420	Synlait Milk Limited	011	Support	Retain as notified
DPR-0080	Philip J Hindin	FS018	Oppose	Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary.

26.3 SDC¹⁷⁷ are seeking that 'alteration' be changed to 'modification'. For the reasons explained in paragraph 23.3, it is recommended that this submission point be rejected.

26.4 It is recommended that CDHB's¹⁷⁸ submission point regarding Clause G4 of the New Zealand Building Code be accepted for the reasons set out in paragraph 24.4.

26.5 CDHB¹⁷⁹ submit that the planning maps do not appear to show an Inner Noise Zone which is referenced by the rule, and request that the planning maps or rule be amended to remove reference to the Inner Noise Zone. The Inner Noise Zone is relevant to the Synlait site only and is shown on the ODP in DPZ-SCHED1. The Inner Noise Zone needs to remain as it is integral to the rule, so it is recommended that the Inner Noise Zone is shown on the planning maps and that DPZ-SCHED1 is referred to in the rule and hyperlinked. It is recommended that this submission point be accepted in part.

¹⁷⁷ 207.045 SDC

¹⁷⁸ 343.067 CDHB

¹⁷⁹ 343.070 CDHB

26.6 Fonterra¹⁸⁰ consider it is appropriate to place additional sound insulation requirements on noise sensitive activities in the Noise Control Overlay. They also consider that the activity should have a restricted discretionary status and that Fonterra should be considered an affected party when an application pursuant to this rule is made. This change is not supported as development should be able to proceed without the need for a resource consent should the noise insulation requirements be met. Automatically requiring resource consent and limited notification to the companies is not considered necessary when there is an identified threshold of acceptable noise subject to mitigation (and the factories are near the state highway and railway network in any case and hence surrounding new noise sensitive development would require noise mitigation regardless). Such a change would also be inconsistent with all the other equivalent rules. Synlait¹⁸¹ support the rule as notified but further submitted in support of Fonterra's submission. Overall, it is recommended that the Fonterra submission point be rejected and that the Synlait submission point be accepted in part.

Recommendations and amendments

26.7 I recommend, for the reasons given above, that the Hearings Panel:

- a. Amend NOISE-R6 and the planning maps as shown in **Appendix 2** to provide greater consistency regarding the mechanical ventilation clause and clarity with respect to the Inner Noise Zone.

26.8 The amendments recommended to NOISE-R6 and the planning maps are set out in a consolidated manner in **Appendix 2**.

26.9 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

26.10 The scale of change does not require a s32AA evaluation.

27 NOISE-R7

Introduction

27.1 This section responds to the submission points relating to NOISE-R7.

Submissions

27.2 Twenty five submissions points and thirty five further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0027	Nigel & Penny Thomson	003	Oppose	Amend activity status within the NZDF West Melton Rifle Range 65dM Ldn Noise Control Overlay from Non-Complying to Discretionary, with discretion exercised in relation to noise attenuation.
DPR-0448	New Zealand Defence Force	FS003	Oppose	Reject submitter's relief sought
DPR-0027	Nigel & Penny Thomson	004	Oppose	Amend provision to delete the word 'alteration'

¹⁸⁰ 370.066 Fonterra

¹⁸¹ 420.011 Synlait

DPR-0448	New Zealand Defence Force	FS004	Oppose In Part	Reject submitter's relief sought
DPR-0063	Alan & Neroli Roberts	001	Oppose	Not specified.
DPR-0448	New Zealand Defence Force	FS005	Oppose	Reject submitter's relief sought
DPR-0570	Letesha and Bryan Dempster	FS014	Support	A no-complaint covenant is not included in the district plan
DPR-0131	Sue & Darryl Griffin	001	Oppose	Requests that Council decline the NZDF request for a 'no complaints covenant' provision in the District Plan and instead rely on acoustic attenuation to better address the effects that the West Melton Rifle Range creates.
DPR-0448	New Zealand Defence Force	FS006	Oppose	Reject submitter's relief sought
DPR-0570	Letesha and Bryan Dempster	FS015	Support In Part	A no-complaint covenant is not included in the district plan and acoustic attenuation does not apply to existing activities/uses. .
DPR-0139	Darci & Andrew Trist	001	Support	Retain noise control overlay and provisions. Request that any proposals to have a 'no complaints covenant' in favour of the NZ Defence Force not be allowed.
DPR-0448	New Zealand Defence Force	FS007	Support In Part	Accept submitters relief sought in regard to the overlay provisions and reject the submitters relief sought in relation to no complaints covenants
DPR-0570	Letesha and Bryan Dempster	FS018	Support In Part	A no-complaint covenant is not included in the district plan and acoustic attenuation does not apply to existing activities/uses. .
DPR-0183	Adrian McFedries (Rein in the Range group)	004	Support	Retain as notified.
DPR-0448	New Zealand Defence Force	FS009	Support	Accept submitters relief sought
DPR-0183	Adrian McFedries (Rein in the Range group)	005	Oppose	Delete as notified.
DPR-0448	New Zealand Defence Force	FS010	Oppose	Reject submitters relief sought
DPR-0188	Carolyn Diane Dreaver	001	Oppose	Not specified.
DPR-0448	New Zealand Defence Force	FS011	Oppose	Reject submitters relief sought
DPR-0570	Letesha and Bryan Dempster	FS021	Support In Part	Delete Noise R7 until NZDF has implement mitigating factors for their operations on noise and environmental impact on waterways etc. Then reassess if Noise R7 is required and the effect on the Noise Control boundaries. Also considers that Council needs to consider responsibility under the National Policy Statement on Freshwater Management and National Environmental Standards.
DPR-0199	Terry & Barbara Heiler	004	Oppose	Requests that Council determine acceptable noise and vibration limits to the operation of the West Melton Rifle Range, for NZDF to operate within. Apply appropriate soundproofing requirements on dwellings if needed after the operating conditions are established.
DPR-0448	New Zealand Defence Force	FS013	Oppose	Reject submitters relief sought
DPR-0570	Letesha and Bryan Dempster	FS005	Support In Part	The NZDF implements noise mitigation factors. Apply appropriate Noise attenuation (i.e., Noise R7) if required after

				<i>NZDF mitigating factors have been taken into account and operating conditions established.</i>
DPR-0207	Selwyn District Council	046	Oppose In Part	Amend as follows: 1. The establishment of any building for a noise sensitive activity, or any addition or alteration modification to an existing building which creates a new habitable room or will be occupied by a noise sensitive activity
DPR-0460	Marama Te Wai Ltd	FS030	Oppose In Part	<i>Allow set backs to be waived on neighbour consent or non notified discretionary basis</i>
DPR-0570	Letesha and Bryan Dempster	FS011	Oppose	<i>Change R7.1 so that existing noise sensitive activities/existing use rights are exempt from complying with Noise R7.1</i>
DPR-0220	K Ramsay	004	Oppose	Delete NOISE-R7 as notified. That the Council open up further dialogue to find common ground between Council, NZDF and the community, and agreed provisions.
DPR-0448	New Zealand Defence Force	FS021	Oppose	<i>Reject submitters relief sought</i>
DPR-0570	Letesha and Bryan Dempster	FS009	Support	<i>Delete as notified. Open conversations between all parties need to take place before there is an amendment to the district plan.</i>
DPR-0261	Alastair & Jenny Nicol	002	Oppose In Part	Change Activity status from NC (Non Complying Activity) to Restricted Discretionary Activity
DPR-0448	New Zealand Defence Force	FS023	Oppose	<i>Reject submitters relief sought</i>
DPR-0264	Sally Gardner	002	Oppose	Amend activity status from NC to RDIS
DPR-0448	New Zealand Defence Force	FS025	Oppose	<i>Reject submitters relief sought</i>
DPR-0303	Rob & Janette Frier	001	Support In Part	Retain as notified
DPR-0448	New Zealand Defence Force	FS028	Oppose	<i>Reject submitters relief sought</i>
DPR-0304	Michael & Linda Stevens	001	Support In Part	Retain as notified
DPR-0448	New Zealand Defence Force	FS029	Oppose	<i>Reject submitters relief sought</i>
DPR-0335	Ken & Pru Bowman	002	Oppose	Ensure that future residents are not expected or required to effectively sign away their rights of complaint/redress regarding any future unreasonable activity by NZDF at West Melton Rifle Range.
DPR-0448	New Zealand Defence Force	FS030	Oppose	<i>Reject submitters relief sought</i>
DPR-0570	Letesha and Bryan Dempster	FS016	Support	<i>A no-compliant covenant is not included in the district plan Ensure that future residents are not expected or required to effectively sign away their rights of complaint/redress regarding any future unreasonable activity by NZDF at West Melton Rifle Range. The NZDF to further mitigate their disturbance to the neighbours.</i>
DPR-0335	Ken & Pru Bowman	003	Oppose	Ensure that future residents are not expected or required to effectively sign away their rights of complaint/redress regarding any future unreasonable activity by NZDF at West Melton Rifle Range.
DPR-0570	Letesha and Bryan Dempster	FS017	Support	<i>A no-compliant covenant is not included in the district plan Ensure that future residents are not expected or required to effectively sign away their rights of complaint/redress regarding any future unreasonable activity by NZDF at West Melton Rifle Range. The NZDF to further mitigate their disturbance to the neighbours.</i>

DPR-0343	Canterbury District Health Board	068	Oppose In Part	Amend as follows: NOISE-R7.1. b ... which satisfies clause G4 of the New Zealand Building Code for habitable rooms: <u>i. provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and</u> <u>ii. is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and</u> <u>iii. provides relief for equivalent volumes of spill air; and</u> <u>iv. provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and</u> <u>v. does not generate more than 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.</u>
DPR-0570	Letesha and Bryan Dempster	FS010	Oppose	<i>Submission is disallowed and Noise-R7.1.b is deleted.</i>
DPR-0433	Lindsay & Averil Halliday	001	Oppose In Part	Delete NOISE-R7 until further mitigation and the proposed change in noise levels is understood.
DPR-0448	New Zealand Defence Force	FS033	Oppose	<i>Reject submitters relief sought</i>
DPR-0570	Letesha and Bryan Dempster	FS001	Support	<i>Delete NOISE-R7 until further noise mitigation has been completed and the proposed change in noise levels is understood.</i>
DPR-0433	Lindsay & Averil Halliday	003	Oppose In Part	Review the current noise mitigation facilities at the West Melton Rifle Range and consider options for improvement.
DPR-0448	New Zealand Defence Force	FS035	Oppose	<i>Reject submitters relief sought</i>
DPR-0570	Letesha and Bryan Dempster	FS003	Support	<i>Review the current noise mitigation facilities at the West Melton Rifle Range and consider options for improvement.</i>
DPR-0433	Lindsay & Averil Halliday	004	Oppose In Part	Consider the effects of ambient conditions on noise and vibration from the Range, and the implementation of operational parameters dependent on ambient conditions.
DPR-0448	New Zealand Defence Force	FS036	Oppose	<i>Reject submitters relief sought</i>
DPR-0570	Letesha and Bryan Dempster	FS004	Support	<i>Consider the effects of ambient conditions on noise and vibration from the Range, and the implementation of operational parameters dependent on ambient conditions.</i>
DPR-0448	New Zealand Defence Force	059	Support	Retain NOISE-R7.1 as notified
DPR-0448	New Zealand Defence Force	060	Support In Part	Amend NOISE-R7.2 as follows: Notification: <u>X. Any application arising from NOISE-R7.2 shall not be subject to public notification and shall be limited notified to the New Zealand Defence Force, unless their written approval is provided.</u>
DPR-0570	Letesha and Bryan Dempster	FS019	Oppose	<i>Amendment is not added.</i>
DPR-0448	New Zealand Defence Force	061	Support In Part	Amend NOISE-R7.3 as follows: Notification: <u>X. Any application arising from NOISE-R7.3 shall not be subject to public notification and shall be limited notified to the New Zealand Defence Force, unless their written approval is provided.</u>
DPR-0570	Letesha and Bryan Dempster	FS020	Oppose	<i>Amendment is not added.</i>
DPR-0448	New Zealand Defence Force	062	Neither Support	Amend NOISE-7.1 as follows: <u>c. A no complaints covenant shall be entered on the title where</u>

			nor Oppose	<u>the noise sensitive activity occurs, with wording that protects the West Melton Rifle Range from complaints and associated reverse sensitivity effects.</u> Or insert a new rule to this effect. Where a covenant is not entered into, apply a non-complying activity status as per Noise-R7.3.
DPR-0570	Letesha and Bryan Dempster	FS013	Oppose	Submission request be disallowed.

27.3 The submissions have been grouped into themes/issues and addressed under sub-headings.

Activity Status and NOISE-R7.3

27.4 Nigel & Penny Thomson¹⁸², Alistair & Jenny Nicol¹⁸³, and Sally Gardner¹⁸⁴ are seeking that the activity status within the 65 dB Ldn Noise Control Overlay be discretionary rather than non-complying. Noise modelling has been undertaken by NZDF which was reviewed by Council's noise consultants (AES). The 55 dB Ldn contour represents a threshold of annoyance above which land use planning restrictions are considered warranted. The 65 dB Ldn contour is a threshold generally found to be unacceptable for residential and other noise sensitive land uses, which is why the rules have been structured to permit land use development within the 55 dB Ldn contour subject to noise mitigation (which defaults to discretionary when not permitted), and to avoid development closer to the Range within the 65 dB Ldn contour where noise is significantly higher, consistent with a non-complying activity status. Therefore, it is recommended that the activity status not be altered and that these submission points be rejected.

27.5 Furthermore, Adrian McFedries¹⁸⁵ opposes NOISE-R7.3 and considers that it is too restrictive and that the same requirement for noise attenuation that applies in the 55 dB Ldn contour should also apply in the 65 dB contour. This approach is not supported due to the higher noise levels anticipated closer to the Range, whereby noise sensitive activities should be avoided. It is not prohibited, but a resource consent is required. It is recommended that this submission point be rejected.

Alterations

27.6 Nigel & Penny Thomson¹⁸⁶ are seeking that 'alteration' be deleted. The word 'alteration' is proposed to be retained and is considered necessary to ensure that both additions and alterations which create a habitable room are acoustically insulated. Therefore, it is recommended that this submission point be rejected.

27.7 SDC¹⁸⁷ are seeking that 'alteration' be changed to 'modification'. For the reasons explained in paragraph 23.3, it is recommended that this submission point be rejected.

No complaints covenant

¹⁸² 027.003 Nigel & Penny Thomson

¹⁸³ 261.002 Alistair & Jenny Nicol

¹⁸⁴ 264.002 Sally Gardner

¹⁸⁵ 183.005 Adrian McFedries

¹⁸⁶ 027.004 Nigel & Penny Thomson

¹⁸⁷ 207.046 SDC

- 27.8 Sue & Darryl Griffin¹⁸⁸, Darci & Andrew Trist¹⁸⁹, and Ken & Pru Bowman¹⁹⁰ oppose a no complaints covenant approach. Sue & Darryl Griffin and Darci & Andrew Trist seek that the acoustic attenuation provisions are retained, which better address the effects of the West Melton Rifle Range. Further discussion around no complaint's covenants is contained in section 36 in association with SUB-R26. It is recommended that the notified overlay approach be pursued. Therefore, it is recommended that the submission points be accepted.
- 27.9 NZDF¹⁹¹ are seeking that a 'no complaints' covenant provision be added to require a no complaints covenant to be entered on the Title where a noise sensitive activity occurs with wording that protects the West Melton Rifle Range from complaints and associated reverse sensitivity effects, or that a new rule be inserted to this effect. Where a covenant is not entered into NZDF are seeking that a non-complying activity status apply. It is recommended that this submission point be rejected for the reasons set out in section 36.

Noise & Vibration Limits

- 27.10 Terry & Barbara Helier¹⁹² request that Council determine acceptable noise and vibration limits to apply to the operation of the West Melton Rifle Range and to apply appropriate soundproofing requirements on dwellings if needed. The West Melton Rifle Range is designated for 'Defence Purposes - Military Training Area' and has no conditions attached. The Council is unable to impose noise and vibration limits or other conditions on the operations within the Range given the existing designation. Furthermore, the rules as notified require noise mitigation. It is recommended that this submission point be accepted in part.

Ventilation

- 27.11 It is recommended that CDHB's¹⁹³ submission point regarding Clause G4 of the New Zealand Building Code be accepted for the reasons set out in paragraph 24.4.

On-site mitigation and ambient conditions

- 27.12 Lindsay & Averil Halliday¹⁹⁴ are seeking that the current noise mitigation facilities at the West Melton Rifle Range are reviewed and options for improvement are considered, and that the effects of ambient conditions are considered with the implementation of operational parameters. Given the West Melton Rifle Range is a designated site, the NZDF can operate within the site consistent with this designation. The Council is unable to require NZDF to review their on-site mitigation measures, but on-site mitigation and the ambient noise conditions were factored into the noise modelling. It is recommended that these submission points be rejected.

Limited notification

¹⁸⁸ 131.001 Sue & Darryl Griffin

¹⁸⁹ 139.001 Darci & Andrew Trist

¹⁹⁰ 335.002 and 335.003 Ken & Pru Bowman

¹⁹¹ 448.062 NZDF

¹⁹² 199.004 Terry & Barbara Heiler

¹⁹³ 343.068 CDHB

¹⁹⁴ 433.003 and 443.004 Lindsay & Averill Halliday

27.13 NZDF are seeking that NOISE-R7.1 be retained as notified¹⁹⁵, but that NOISE-R7.2 and NOISE-R7.3 are amended so that any application is not publicly notified and is limited notified to NZDF only, unless their written approval is provided.¹⁹⁶

27.14 There is the potential for restricted discretionary activity status and no public notification with limited notification to NZDF only as the primary effects are the potential for reverse sensitivity effects on this important infrastructure facility, and noise and vibration. At this stage there is insufficient evidence to make this change, however this can be considered further in light of NZDF planning evidence regarding this matter, which would ideally include proposed matters for discretion. Therefore, it is recommended that the submission point relating to NOISE-R7.1 be accepted in part due to the recommended amendments, and the two other submission points be rejected.

Retention/Deletion/No Specific Relief

27.15 Alan & Neroli Roberts¹⁹⁷ and Carolyn Dreaver¹⁹⁸ oppose the rule but have not provided any specific relief. It is recommended that these submission points be rejected.

27.16 Adrian McFedries¹⁹⁹ supports NOISE-7.1 and Rob & Janette Frier²⁰⁰ and Michael & Linda Stevens²⁰¹ support the rule in its entirety and seek that the rule be retained as notified. It is recommended that these submission points be accepted in part given the recommended amendments.

27.17 K Ramsay²⁰² and Lindsay & Averil Halliday²⁰³ are seeking that NOISE-R7 be deleted as notified and the Council open further dialogue to find common ground between Council, NZDF and the community. Protecting the West Melton Rifle Range from reverse sensitivity is directed by the CRPS, and several options have been considered during drafting subject to community consultation. Therefore, it is recommended that these submission points be rejected.

Recommendations and amendments

27.18 I recommend, for the reasons given above, that the Hearings Panel:

- a. Amend NOISE-R7 as shown in **Appendix 2** to provide consistency regarding the mechanical ventilation clause.

27.19 The amendments recommended to NOISE-R7 are set out in a consolidated manner in **Appendix 2**.

27.20 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

27.21 The scale of change does not require a s32AA evaluation.

¹⁹⁵ 448.060 NZDF

¹⁹⁶ 448.060 and 448.061 NZDF

¹⁹⁷ 063.001 Alan & Neroli Roberts

¹⁹⁸ 188.001 Carolyn Dreaver

¹⁹⁹ 183.004 Adrian McFedries

²⁰⁰ 303.001 Rob & Janette Frier

²⁰¹ 304.001 Michael & Linda Stevens

²⁰² 220.004 K Ramsay

²⁰³ 433.001 Lindsay & Averill Halliday

28 NOISE-R8

Introduction

28.1 This section responds to the submission points relating to NOISE-R8.

Submissions

28.2 Two submission points and no further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0207	Selwyn District Council	047	Oppose in Part	Amend as follows: 1. The establishment of any building for a noise sensitive activity, or any addition or alteration <u>modification</u> to an existing building which creates a new habitable room or will be occupied by a noise sensitive activity
DPR-0343	Canterbury District Health Board	071	Support In Part	Amend as follows: b. Located between the 50 55 dB LAFmax ... c. Located between the 50 55 dB LAFmax...

28.3 SDC²⁰⁴ are seeking that ‘alteration’ be changed to ‘modification’. For the reasons explained in paragraph 23.3, it is recommended that this submission point be rejected.

28.4 CDHB²⁰⁵ submit that the planning maps show 50, 55 and 60 dB LAFmax contours, but the rules only reference the 55 and 60 dB LAFmax areas and that for frequent shooting noise 50 dB LAFmax is an appropriate criterion. This matter is addressed in the evidence of Dr Trevathan in **Appendix 3** at paragraphs 5.8 to 5.12 where the amendment sought by the CDHB is supported, with which I agree. This appears to have been a drafting error. Therefore, it is recommended that this submission point be accepted.

Recommendations and amendments

28.5 I recommend, for the reasons given above, that the Hearings Panel:

- a. Amend NOISE-R8 as shown in **Appendix 2** to correct a drafting error.

28.6 The amendments recommended to NOISE-R8 are set out in a consolidated manner in **Appendix 2**.

28.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

28.8 The scale of change does not require a s32AA evaluation.

29 NOISE-R9

Introduction

29.1 This section responds to the submission points relating to NOISE-R9.

²⁰⁴ 207.047 SDC

²⁰⁵ 343.071 CDHB

Submissions

29.2 11 submissions points and one further submission point was received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0199	Terry & Barbara Heiler	005	Oppose	Requests that Council determine acceptable noise and vibration limits for NZDF to operate within.
DPR-0448	New Zealand Defence Force	FS014	Oppose	Reject submitters relief sought
DPR-0448	New Zealand Defence Force	063	Support	Retain as notified
DPR-0448	New Zealand Defence Force	064	Support	Retain as notified
DPR-0448	New Zealand Defence Force	065	Support	Retain as notified
DPR-0448	New Zealand Defence Force	066	Support	Retain as notified
DPR-0448	New Zealand Defence Force	067	Support	Retain as notified
DPR-0448	New Zealand Defence Force	068	Support	Retain matters for discretion under NOISE-MAT1 and listed under NOISE-R9 as notified
DPR-0448	New Zealand Defence Force	069	Support	Retain matters for discretion under NOISE-MAT1 and listed under NOISE-R9 as notified
DPR-0448	New Zealand Defence Force	070	Support	Retain matters for discretion under NOISE-MAT1 and listed under NOISE-R9 as notified
DPR-0448	New Zealand Defence Force	071	Support	Retain as notified
DPR-0448	New Zealand Defence Force	072	Support In Part	Amend NOISE-R9.7 as follows: a. The following minimum separation distances are met at the notional boundary of any building housing a noise sensitive activity in the GRUZ, or the boundary of any site containing a noise sensitive activity in all other zones:.... b. The activity shall comply with the following peak sound pressure levels at the notional boundary of any building housing a noise sensitive activity in the GRUZ, or the boundary of any site containing a noise sensitive activity in all other zones:....

29.3 Terry & Barbara Heiler²⁰⁶ oppose the rule and request that Council determine acceptable noise and vibration limits for NZDF to operate within. It is of note that the rule is distinct from the other designated NZDF sites and operations and applies across the district to provide for temporary military training activities only. The noise limits for fixed noise sources are appropriate to maintain residential amenity. Mobile sources are to comply with the construction noise limits, and weapons firing, and the use of explosives need to meet separation distances, or peak sound pressure levels and notice needs to be provided prior to commencement of such activity. These provisions are evidenced by NZDF technical reports, which were reviewed by AES on behalf of Council at the time of drafting, and such provisions are common across District Plans. Therefore, it is recommended that the submission point be rejected.

²⁰⁶ 199.005 Terry & Barbara Helier

29.4 NZDF²⁰⁷ support most of NOISE-R9 and seek that it be retained as notified. These submission points are accepted in part as amendment is recommended. With respect to NOISE-R9.7, NZDF²⁰⁸ seek an amendment to apply the measurement requirements 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. The reason this distinction was made is that most residential sites for example will have their boundary within 20m of any side of a residential unit; however, the 'notional boundary' definition provides for the measurement at 20m from the side of any dwelling or the legal boundary where this is closer, so the change sought by NZDF is recommended to be accepted.

Recommendations and amendments

29.5 I recommend, for the reasons given above, that the Hearings Panel:

a. Amend NOISE-R9 as shown in **Appendix 2** to apply measurement at the notional boundary only.

29.6 The amendments recommended to NOISE-R9 are set out in a consolidated manner in **Appendix 2**.

29.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

29.8 The scale of change does not require a s32AA evaluation.

30 NOISE-R10

Introduction

30.1 This section responds to the submission points relating to NOISE-R10.

Submissions

30.2 Six submissions points and two further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0343	Canterbury District Health Board	072	Support In Part	Amend as follows: ... ii. Results in a sound level not exceeding 65 dB LAeq (15min) when...
DPR-0371	Christchurch International Airport Limited	FS022	Neither Support Nor Oppose	Neutral
DPR-0453	Midland Port, Lyttelton Port Company Limited	FS018	Neither Support Nor Oppose	Neutral
DPR-0358	Rolleston West Residential Limited (RWRL)	293	Support	Retain as notified

²⁰⁷ 448.063, 448.064, 448.065, 448.066, 448.067, 448.068, 448.069, 448.070 and 448.071 NZDF

²⁰⁸ 448.072 NZDF

DPR-0363	Iport Holdings (IRHL)	Rolleston Limited	282	Support	Retain as notified
DPR-0374	Rolleston Holdings (RIHL)	Industrial Limited	288	Support	Retain as notified
DPR-0384	Rolleston Developments Limited (RIDL)	Industrial Limited	300	Support	Retain as notified
DPR-0448	New Zealand Defence Force		073	Support	Retain as notified

30.3 CDHB consider that the noise metric LAeq should include the time period. For technical accuracy as explained at paragraphs 5.5-5.6 of Dr Trevathan's evidence in **Appendix 3**, with which I agree, it is recommended that this change be made and that the submission point be accepted.

30.4 RWRL²⁰⁹, IRHL²¹⁰, RIHL²¹¹, RIDL²¹² and NZDF²¹³ are all seeking that NOISE-R10 be retained as notified. It is recommended that these submission points be accepted in part given the recommended minor amendment.

Recommendations and amendments

30.5 I recommend, for the reasons given above, that the Hearings Panel:

a. Amend NOISE-R10 as shown in **Appendix 2** to achieve technical accuracy.

30.6 The amendments recommended to NOISE-R10 are set out in a consolidated manner in **Appendix 2**.

30.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

30.8 The scale of change does not require a s32AA evaluation.

31 NOISE-R11

Introduction

31.1 This section responds to the submission points relating to NOISE-R11.

Submissions

31.2 Two submissions points and no further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	Horticulture New Zealand	216	Oppose In Part	Amend as follows: 1. Noise emissions from any audible bird scaring device d. Operation of any audible bird scaring device does not exceed

²⁰⁹ 358.293 RWRL

²¹⁰ 363.282 IRHL

²¹¹ 374.288 RIHL

²¹² 384.300 RIDL

²¹³ 448.073 NZDF

				12 times in any one hour <u>or a cluster of 3 shots no more than 4 times per hour</u>
DPR-0422	Federated Farmers of New Zealand - North Canterbury	242	Support In Part	Amend as follows: d.in any one hour, <u>or a cluster of 3 shots no more than 4 times per hour</u>

31.3 Hort NZ²¹⁴ and Federated Farmers²¹⁵ are seeking to amend clause d. to continue to permit an audible bird scaring device to operate a maximum of 12 times in any one hour, and to add “or a cluster of three shots no more than four times per hour” (i.e., 12 shots total in any one hour). They consider the rule is consistent with other district plans except that some other plans provide for clusters of three shots but still no more than 12 shots per hour. Such an approach provides a degree of flexibility while not increasing the overall number of shots and noise exposure over any given hour. Therefore, it is recommended that these submission points be accepted.

Recommendations and amendments

31.4 I recommend, for the reasons given above, that the Hearings Panel:

a. Amend NOISE-R11 as shown in **Appendix 2** to achieve greater flexibility.

31.5 The amendments recommended to NOISE-R11 are set out in a consolidated manner in **Appendix 2**.

31.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

31.7 The scale of change does not require a s32AA evaluation.

32 NOISE-R12

Introduction

32.1 This section responds to the submission points relating to NOISE-R12.

Submissions

32.2 Two submissions points and three further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0343	Canterbury District Health Board	073	Support In Part	Amend as follows: ... ii. Results in a sound level not exceeding 55 dB LAeq(15min) when...
DPR-0353	Horticulture New Zealand	FS016	Support In Part	Accept
DPR-0371	Christchurch International Airport Limited	FS023	Neither Support	Neutral

²¹⁴ 353.216 Hort NZ

²¹⁵ 422.242 Federated Farmers

			<i>Nor Oppose</i>	
DPR-0453	Midland Port, Lyttelton Port Company Limited	FS019	Neither Support Nor Oppose	Neutral
DPR-0353	Horticulture New Zealand	217	Support	Retain as notified

32.3 CDHB²¹⁶ again consider that the noise metric LAeq should include the time period. For the reasons explained at paragraph 25.5 it is recommended that this change is made and that the submission point be accepted.

32.4 Hort NZ²¹⁷ seek that NOISE-R12 be retained as notified. It is recommended that this submission point be accepted in part given the recommended minor change.

Recommendations and amendments

32.5 I recommend, for the reasons given above, that the Hearings Panel:

a. Amend NOISE-R12 as shown in **Appendix 2** to achieve technical accuracy.

32.6 The amendments recommended to NOISE-R12 are set out in a consolidated manner in **Appendix 2**.

32.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

32.8 The scale of change does not require a s32AA evaluation.

33 NOISE-R13

Introduction

33.1 This section responds to the submission points relating to NOISE-R13.

Submissions

33.2 One submission point and no further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0448	New Zealand Defence Force	074	Oppose	Amend NOISE-R13 to delete the references to 115 dB Lzpeak and measurement at the boundary of the site and replace with reference to a 120 dB Lzpeak limit and measurement at the facade of any building containing a habitable room.

33.3 NZDF²¹⁸ consider that 115 dB Lzpk at the boundary is low and more stringent than NOISE-R2. NZDF consider a level of 120 dB Lzpk which applies at 1m from a building façade and not the site boundary consistent with NOISE-R2 is more appropriate.

²¹⁶ 343.073 CDHB

²¹⁷ 353.217 Hort NZ

²¹⁸ 448.074 NZDF

- 33.4 There are already specific blasting noise limits within NOISE-R9 for Temporary Military Training Activities and NOISE-R2 for Construction Activities. Therefore, NOISE-R13 applies to any 'other' blasting activity which does not otherwise fit into one of these categories.
- 33.5 Dr Trevathan has addressed this matter in his evidence in **Appendix 3** at paragraphs 11.1 to 11.4 and notes that currently the wording for NOISE-R13 states: "Any blasting activity, other than for construction activity which is provided in NOISE-R2." In order to also make it clear that this rule does not apply to any blasting activity associated with Temporary Military Training Activity provided for by NOISE-R9, amendment is recommended to also reference NOISE-R9 and to link to the defined term 'temporary military training activity'.
- 33.6 Dr Trevathan also considered whether NOISE-R13 should be consistent with NOISE-R2, and as NOISE-R2 relates to blasting associated with construction, it is considered reasonable that ongoing blasting comply with a more stringent limit.
- 33.7 Overall, I agree with Dr Trevathan's recommendations and therefore it is recommended that the submission point be accepted in part so that amendment is made to make it clear that the rule only applies if NOISE-R2 and NOISE-R9 don't apply. The level in NOISE-R13 is recommended to remain at 115 dB Lzpeak.

Recommendations and amendments

- 33.8 I recommend, for the reasons given above, that the Hearings Panel:
- Amend NOISE-R13 as shown in **Appendix 2** to increase clarity as to which rules apply.
- 33.9 The amendments recommended to NOISE-R13 are set out in a consolidated manner in **Appendix 2**.
- 33.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 33.11 The scale of change does not require a s32AA evaluation.

34 NOISE-R14

Introduction

- 34.1 This section responds to the submission points relating to NOISE-R14.

Submissions

- 34.2 Six submissions points and no further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	Rolleston West Residential Limited (RWRL)	294	Support In Part	Amend the activity status to RDIS rather than DIS.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	283	Support In Part	Amend the activity status to RDIS rather than DIS.

DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	289	Support In Part	Amend the activity status to RDIS rather than DIS.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	301	Support In Part	Amend the activity status of this provision to RDIS rather than DIS.
DPR-0439	Rayonier Matariki Forests	005	Oppose	Amend to clearly identify the application of the NESPF where there are rules that affect Plantation Forestry Activities.
DPR-0448	New Zealand Defence Force	075	Support	Retain as notified

34.3 RWRL²¹⁹, IRHL²²⁰, RIHL²²¹, RIDL²²² are seeking that the activity status be amended from discretionary to restricted discretionary given the specific effects, i.e., vibration, being assessed. It is recommended that these submission points be rejected as the activity status is consistent with the other Chapter provisions (i.e., NOISE-R2) and there may be potential wider adverse effects such as residential amenity and reverse sensitivity. However, should evidence be presented to further justify such a change, including specific matters for discretion that could apply, this matter could be considered further.

34.4 Rayonier²²³ are seeking amendment to identify the application of the NES-PF where there are rules that affect Plantation Forestry Activities. The PDP has a National Environmental Standards section (NDI2) which lists the NES currently in force, including the NES-PF, and explains that NES prevail over District Plan rules unless expressly stated otherwise. Furthermore, the NOISE-Overview states that: "Where the noise is from plantation forestry the Resource Management (National Environment Standard for Plantation Forestry) Regulations 2017 prevail." This is considered sufficient to advise plan users of the NES-PF and therefore it is recommended that the submission point be rejected. However, if the Panel consider further clarification is required then additional detail could be added to the Noise-Overview like the Proposed Waimakariri District Plan wording as follows: "*National Environmental Standards operate in parallel to or in conjunction with the District Plan, including the NESPF. Section 98 of the NESPF regulates noise and vibration for forests greater than 1ha that has been planted specifically for commercial purposes and will be harvested.*"

34.5 NZDF²²⁴ are seeking that the rule be retained as notified. It is recommended that this submission point be accepted.

Recommendation

34.6 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

34.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

35 NEW NOISE RULES

²¹⁹ 358.294 RWRL

²²⁰ 363.283 IRHL

²²¹ 374.289 RIHL

²²² 384.301 RIDL

²²³ 439.005 Rayonier

²²⁴ 448.075 NZDF

Introduction

35.1 This section responds to the submission points relating to submissions seeking new noise rules.

Submissions

35.2 Six submissions points and twelve further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion New Zealand Limited	079	New	Neither Support Nor Oppose	<p>Insert as follows:</p> <p><u>Noise Sensitive Activities near Substations</u></p> <p><u>All zones</u></p> <p><u>Activity Status: PER</u></p> <p><u>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.</u></p> <p><u>Where:</u></p> <p><u>a. There is a 100m setback from the boundary of an existing zone substation or an existing but undeveloped designated zone substation.</u></p> <p><u>Activity Status when compliance not achieved: NC</u></p> <p><u>Notification:</u></p> <p><u>Any application arising from EI-R3 shall not be subject to public notification and shall be limited notified to the following parties:</u></p> <p><u>The network utility operator with responsibility for the infrastructure unless their written approval is provided.</u></p>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS648	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0414	Kāinga Ora - Homes & Communities	FS026	New	Oppose	Not specified
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS087	New	Oppose	Disallow the submission point. Retain the notified provision.
DPR-0371	Christchurch International Airport Limited	045	New	Oppose	<p>Insert as follows:</p> <p><u>Christchurch International Airport 50 dB Ldn Air Noise Contour</u></p> <p><u>Activity Status: NC</u></p> <p><u>1. Subdivision in the General Rural Zone where the size of any site does not comply with GRUZ-SCHED2.</u></p> <p><u>Activity status when compliance not achieved: N/A</u></p> <p><u>Any application arising from this rule will be limited notified to Christchurch International Airport Limited.</u></p>
DPR-0353	Horticulture New Zealand	FS108	New	Oppose	Reject

DPR-0414	Kāinga Ora - Homes & Communities	FS071	New	Oppose	Not specified
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS006	New	Oppose	Disallow the submission point.
DPR-0371	Christchurch International Airport Limited	096	New	Support In Part	Requests that rules and planning maps are amended to clarify 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.
DPR-0353	Horticulture New Zealand	FS149	New	Oppose	Reject
DPR-0382	Ellesmere Motor Racing Club (EMRC)	006	New	Neither Support Nor Oppose	<p>Insert as follows:</p> <p><u>Noise-RXXX Ellesmere Speedway</u></p> <p><u>Ellesmere Speedway 55dB Noise Control Overlay</u></p> <p><u>Activity status: PER</u></p> <p><u>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</u></p> <p><u>Where:</u></p> <p><u>a. Located between the 55 dB and 65 dB noise contours:</u></p> <p><u>i. All habitable rooms shall be designed, constructed and maintained to achieve an indoor design noise level of 40 dB LAeq from noise generated by the Ellesmere Speedway; and</u></p> <p><u>ii. Outdoor living areas shall be screened from the Ellesmere Speedway to achieve an indoor design noise level not exceeding 50 dB LAeq.</u></p> <p><u>Activity status when compliance not achieved:</u></p> <p><u>2. When compliance with any of NOISE-RXXX.1.a. i and ii is not achieved: RDIS</u></p> <p><u>Matters for discretion:</u></p> <p><u>3. The exercise of discretion in relation to NOISE-RXXX.2. is restricted to the following matters:</u></p> <p><u>a. The extent to which the site is predicted to be affected by noise from motorised speedway activities carried out at the Ellesmere Speedway.</u></p> <p><u>b. The extent to which any noise from outdoor motor racing activities carried out at the Ellesmere Speedway Club will have on all habitable rooms and outdoor living space.</u></p> <p><u>c. The extent to which noise sensitive activities will give rise to reverse sensitivity in relation to the activities undertaken at the Ellesmere Speedway</u></p> <p><u>d. The extent of environmental effects as a result of any noise mitigation measures required in order to meet the standards.</u></p> <p><u>Advisory note:</u></p> <p><u>1. To demonstrate compliance, a design report (including calculations) prepared by a suitably qualified acoustic engineer shall be submitted to the Council with the application for Building</u></p>

					<u>Consent.</u> <u>Ellesmere Speedway 65dB Noise Control Overlay</u> <u>Activity Status: NC</u> <u>3. Any new building for a noise sensitive activity, and any addition or alteration of a habitable room to an existing building containing a noise sensitive activity located within the 65dB noise contour</u> <u>Activity status when compliance not achieved: N/A</u>
DPR-0401	Coolpak Coolstores Ltd	005	New	Support In Part	Extend rules in relation to noise insulation to include all sites neighbouring the iZone development.
DPR-0358	Rolleston West Residential Limited (RWRL)	FS155	New	Oppose	Reject
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	FS155	New	Oppose	Reject
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	FS155	New	Oppose	Reject
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	FS155	New	Oppose	Reject
DPR-0344	Four Stars Development Ltd & Gould Developments Ltd	003	Noise Control Overlay	Oppose In Part	Include relevant PDP provisions whereby the deferred/future zone requested by the submitter and Noise Control Overlay: Christchurch Airport - 50 dBA Contour, is automatically removed as it applies to the following land as soon as the CIAL airport noise contour is updated in the Canterbury Regional Policy Statement (or other document) and no longer applies to this land: Lot 2 DP 322710 Lot 1 DP 67190 Lot 2 DP 67190
DPR-0371	Christchurch International Airport Limited	FS003	Noise Control Overlay	Oppose	Reject

35.3 Orion²²⁵ are seeking a new rule be inserted to establish a 100m buffer for noise sensitive activities establishing near zone substations, or near designated but undeveloped zone substations. Orion's submission states there are increased instances of complaints from adjoining residents regarding noise generated by zone substations even though noise levels are compliant with District Plan rules and/or designation conditions and the important infrastructure activity was lawfully established earlier in time.

35.4 There are a total of 19 Orion designated substations in the PDP, and most are rural where noise is not anticipated to be a significant issue. It is of note that there is no such rule in the Proposed Waimakariri District Plan or the Christchurch District Plan. It is not clear how much of an issue this

²²⁵ 367.079 Orion

is in the Selwyn context, and it is considered that evidence relevant to the Selwyn context is required to justify such a rule. On this basis, it is recommended that the submission point be rejected.

- 35.5 CIAL²²⁶ are seeking a new rule be inserted in the Subdivision Chapter that makes subdivision in the GRUZ within the 50 dB Ldn airport overlay where the size of the site does not comply with GRUZ-SCHED2, a non-complying activity with limited notification to CIAL. It is recommended that this submission point be rejected for the reasons explained at paragraphs 36.5 to 36.12 in association with SUB-R26.
- 35.6 CIAL²²⁷ also request that the rules and planning maps are amended to clarify 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. The contours are as follows:
<https://www.christchurchairport.co.nz/globalassets/about-us/sustainability/noise/christchurch-airport-noise-contour-map.pdf>. As the 55 dB contour is within the outer 50 dB contour this is considered evident, and the recommended amendments to the rules are considered to achieve this. It is recommended that this submission point be accepted in part.
- 35.7 EMRC²²⁸ are seeking that a new rule be inserted to include noise contours within the plan and require new noise sensitive development within the contours to meet indoor design noise levels, otherwise restricted discretionary resource consent is required. Given the cause of the noise (i.e., the Speedway) is to be heard under the GRUZ Hearing, it is considered that this matter, including the management of noise effects need to be heard together. It is therefore recommended that the submission points be considered at the GRUZ Hearing and that the Council noise expert provide evidence in association with that process.
- 35.8 Coolpak²²⁹ are seeking to extend rules in relation to noise insulation to include all sites neighbouring the IZone development. Noise overlays have been justified in relation to important infrastructure, i.e., the Ports, but there is no justification for such overlays in relation to other industrial development such as Coolpak's operations. The onus is on the industrial operator to manage their noise emissions to meet the relevant noise standards, which in this case now apply to the notional boundary of any sensitive activity in the adjoining GRUZ, rather than at the GIZ boundary. It is recommended that this submission point be rejected.
- 35.9 Four Stars²³⁰ are seeking that provisions be included whereby the Airport 50 dB Ldn Noise Control Overlay is automatically removed from the deferred/future zone requested by the submitter as soon as the CIAL airport noise contour is updated in the CRPS (or another document) and no longer applies. It is recommended that this submission point be rejected for the reasons set out in paragraphs 14.3-14.4.

Recommendation

²²⁶ 371.045 CIAL

²²⁷ 371.096 CIAL

²²⁸ 382.006 EMRC

²²⁹ 401.005 Coolpak

²³⁰ 344.003 Four Stars

35.10 I recommend, for the reasons given above, that the Hearings Panel do not make amendments to insert new rules.

35.11 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

36 SUB-R26

Introduction

36.1 This section responds to the submission points relating to SUB-R26.

Submissions

36.2 Thirteen submissions points and thirty-two further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	Rolleston West Residential Limited (RWRL)	227	Support In Part	Amend the activity status to RDIS rather than DIS or NC.
DPR-0157	Kevin & Bonnie Williams	FS429	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS516	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS473	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS520	Support In Part	Accept submission in part
DPR-0492	Kevler Development Ltd	FS763	Support	Accept submission in part
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS496	Support In Part	Accept the submission in part.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	216	Support In Part	Amend the activity status to RDIS rather than DIS or NC.
DPR-0157	Kevin & Bonnie Williams	FS761	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS687	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS640	Support In Part	Accept submission in part

DPR-0461	Dunweavin 2020 Ltd	FS680	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler Development Ltd	FS295	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0370	Fonterra Limited	058	Support In Part	Amend as follows: Port Zone 55 dB LAeq Noise Control Overlay West Melton 65 dB Ldn Noise Control Overlay DPZ ... <u>9.Subdivision within the Dairy Processing Zone Noise Control Overlay</u> <u>Fonterra will be considered an affected party when subdivision occurs within the Fonterra Noise Control Overlay.</u>
DPR-0209	Manmeet Singh	FS790	Oppose In Part	Reject submission in part
DPR-0370	Fonterra Limited	FS013	Support In Part	Accept the submission in part to: Amend the first column of the table to reference: <u>GRUZ that is subject to a Dairy Processing Zone Noise Control Overlay in the second row and remove Dairy Processing Zone Noise Control Overlay from the first row.</u> and Amend the proposed text as follows: <u>9. Subdivision in the General Rural Zone within the Dairy Processing Zone Noise Control Overlay. Fonterra will be considered an affected party when subdivision occurs within the Fonterra Noise Control Overlay.</u>
DPR-0420	Synlait Milk Limited	FS004	Oppose In Part	Amend the proposed new clause
DPR-0371	Christchurch International Airport Limited	044	Support In Part	Amend as follows: Christchurch International Airport 550 dB Ldn <u>Ldn Air Noise Contour</u> Noise Control Overlay Activity Status: DIS 1. Subdivision within the Christchurch International Airport 550 dB Ldn Noise Control Overlay <u>which creates a site with a net site area not less than that specified in GRUZ-SCHED2 Residential Density.</u> This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.
DPR-0353	Horticulture New Zealand	FS107	Oppose	Reject
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS005	Oppose	Disallow the submission point.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	222	Support In Part	Amend the activity status to RDIS rather than DIS or NC.
DPR-0157	Kevin & Bonnie Williams	FS576	Support In Part	Accept the submission in part

DPR-0209	Manmeet Singh	FS943	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS791	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS823	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler Development Ltd	FS139	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS700	Support In Part	Accept the submission in part.
DPR-0375	Waka Kotahi NZ Transport Agency	107	Support	Retain as notified.
DPR-0414	Kāinga Ora - Homes & Communities	FS099	Oppose In Part	Not specified
DPR-0382	Ellesmere Motor Racing Club (EMRC)	007	Neither Support Nor Oppose	Amend as follows: Port Zone 55dB LAeq Noise Control Overlay <u>Ellesmere Speedway 65 dB Noise Control Overlay</u>
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	234	Support In Part	Amend the activity status of this provision to RDIS rather than DIS or NC.
DPR-0414	Kāinga Ora - Homes & Communities	120	Support In Part	Amend as follows: Activity Status: DIS 1. ... 4. Subdivision within the Rail Network Noise Sensitivity Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15. 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. 6. ...
DPR-0157	Kevin & Bonnie Williams	FS186	Oppose In Part	Reject the submission in part
DPR-0209	Manmeet Singh	FS376	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS146	Oppose In Part	Reject submission
DPR-0375	Waka Kotahi NZ Transport Agency	FS136	Oppose	Retain as notified
DPR-0461	Dunweavin 2020 Ltd	FS173	Oppose In Part	Reject submission
DPR-0492	Kevler Development Ltd	FS542	Oppose In Part	Reject submission points in part

DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS166	Oppose In Part	Reject the submission points in par
DPR-0565	Shelley Street Holdings Ltd	FS057	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0448	New Zealand Defence Force	053	Support	Retain SUB-R26.6 as notified
DPR-0448	New Zealand Defence Force	054	Support	Retain SUB-R26.8 as notified
DPR-0448	New Zealand Defence Force	055	Support In Part	Amend SUB-R26 or insert a new rule (SUB-R28) to require a no complaints covenant to be included on each title to protect the West Melton Rifle Range from complaints and associated reverse sensitivity effects, and where a covenant is not entered into apply a non-complying activity status.
DPR-0183	Adrian McFedries (Rein in the Range group)	FS003	Oppose	Disallow submission
DPR-0453	Midland Port, Lyttelton Port Company Limited	058	Support In Part	Amend as follows: 3. Subdivision within the Port Zone 45 dB LAeq Noise Control Overlay, which creates a site with a net site area not less than that specified in GRUZ-SCHED2 Residential Density. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.

36.3 RWRL²³¹, IRHL²³², RIHL²³³ and RIDL²³⁴ are seeking that the activity status be amended to restricted discretionary rather than discretionary or non-complying. It is considered that the discretionary activity status is appropriate for the reasons set out in paragraph 23.5 (where relevant). Therefore, it is recommended that these submission points be rejected.

36.4 Fonterra²³⁵ consider that subdivision within the Dairy Processing Zone Noise Control Overlay should be non-complying and that Fonterra are considered an affected party when subdivision occurs. The discretionary activity status is considered appropriate to manage subdivision in relation to the dairy factories as it enables an assessment of the full range of effects and the insulation requirements also need to be met in association with any noise sensitive land use development. SUB-R26 also needs to be read in tandem with SUB-R11 which defaults to a non-complying activity status with respect to undersized sites, which is recommended to be amended to apply within each of the the noise overlays. Therefore, it is recommended that this submission point be rejected.

²³¹ 358.227 RWRL

²³² 363.216 IRHL

²³³ 374.222 RIHL

²³⁴ 384.234 RIDL

²³⁵ 370.058 Fonterra

- 36.5 CIAL²³⁶ are seeking that SUB-R26 apply to the 50 dB noise control overlay, and not the 55 dB noise control overlay, and that subdivision is discretionary where any site is created with a net site area less than that specified in GRUZ-SCHED2 Residential Density.
- 36.6 Furthermore, it is CIAL's preference that a separate and equivalent rule be inserted specific to the airport which refers to site density rather than relying on SUB-R26 which relates to several other overlays as well (i.e., DPZ, Port, Rail etc.), which is addressed in paragraph 35.5. Like CIAL, LPC²³⁷ are also seeking separate rules for each of the various overlays rather than a 'catch all' rule and amendment to apply the rule only where a site is created that does not meet the minimum net site area in GRUZ-SCHED2.
- 36.7 In accordance with SUB-R2, subdivision in the GRUZ is controlled where the net site area meets the GRUZ-SCHED2 residential density requirement, which is 1 residential unit per 4 ha in the GRUZ Inner Plains area which is affected by the airport overlays. If the density requirement is not achieved, SUB-R11 applies. SUB-R11 then provides for subdivision in the GRUZ where density is not met as a restricted discretionary activity subject to a range of matters including managing clusters, that no cluster is located within the Airport Noise Control Overlay, and balance land is subject to a consent notice restricting residential development. If compliance is not achieved non-complying activity consent is required.
- 36.8 SUB-R26.1-6 also applies to subdivision within all the Noise Overlays and applies a discretionary activity status to any subdivision within each of the Noise Control Overlays with no reference to residential density like SUB-R11. SUB-R26 has been drafted to work in tandem with SUB-R2 or SUB-R11.
- 36.9 Comparing the rules, SUB-R11 focuses on the presence of a 'cluster' within the Airport Overlay, where the overall minimum residential density requirement is achieved through an open space covenant. SUB-R26 applies to any subdivision within the specified noise overlays with no reference to density, with the intention to provide control over building location. It is considered that reference to 'undersized site' is a better description of the type of activities that need to be avoided within the Airport Overlay in the context of SUB-R11 consistent with CRPS 6.3.9.5.a., rather than 'cluster' which is defined as meaning a group of two or more sites each smaller than 4ha in net site area that are no more than 100m from each other and contain (or are intended to contain) a residential unit.
- 36.10 Given LPC have sought the same change as CIAL to SUB-R26 to reference residential density not being met but in relation to the Port, the need to apply the density requirement within all of the Noise Overlays has been considered. It is considered that SUB-R11.1.d. could be expanded to apply more broadly to all of the noise overlays to protect all of the important infrastructure from reverse sensitivity effects in relation to subdivision in the GRUZ below density requirements, and to achieve a consistent approach. This does not appear inconsistent with the CRPS.
- 36.11 Therefore, to achieve greater clarity and consistency amendments are recommended to SUB-R11 and SUB-R26, including:

²³⁶ 371.044 CIAL

²³⁷ 453.058 LPC

- i. SUB-R11.1d. is amended to refer to no undersized site is located within a Noise Control Overlay listed in SUB-R26.1 to SUB-R26.6.
- ii. 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.

36.12 There is then no need to amend SUB-R26 to reference density not being met as this is addressed by the amendments to SUB-R11.1.d. SUB-R11 defaulting to non-complying is considered appropriate.

36.13 New and separate rules would be a less efficient approach when subdivision within noise overlays can be addressed by a single rule (SUB-R26), in tandem with SUB-R11 with amendment to achieve greater clarity regarding undersized sites. Overall, it is recommended that this submission point be accepted in part.

36.14 EMRC²³⁸ are seeking inclusion of reference to a speedway overlay. As explained at paragraph 36.7, it is recommended that this matter be considered as part of the GRUZ Hearing.

36.15 Kāinga Ora²³⁹ are seeking deletion of clauses 4 and 5 referring to the rail and State Highway noise overlays. It is recommended that this submission point be rejected for the reasons explained at paragraph 10.4.

36.16 NZDF²⁴⁰ support SUB-R26.6 and SUB-R26.8 as notified but are seeking that SUB-R26 be amended or a new rule inserted (SUB-R28) to require a no complaints covenant to be included on each title to protect the West Melton Rifle Range from complaints and associated reverse sensitivity effects, and where a covenant is not entered into that a non-complying activity status apply.²⁴¹

36.17 The first Preferred Option Report that went to Council regarding this matter on 17 April 2019 endorsed the option of no complaints covenant but noted that this was a finely balanced recommendation compared to the notified approach²⁴². Following this report, stakeholder engagement was undertaken with property owners and identified stakeholders within the proposed noise control boundaries. Extensive feedback was received, which was overwhelmingly opposed to a no-complaints covenant approach. As a result of this stakeholder engagement and further analysis, it was recommended to no longer pursue the no-complaints covenant approach and to instead pursue with noise contours and acoustic attenuation.

36.18 The key issues identified with a no complaints covenant approach include concern about the ability for NZDF to escalate and intensify activity following a covenant being entered into and a lack of transparency; unfair and unjust (i.e., a heavy-handed approach which restricts the right to complaint); costs to land owners; and practical implications as to how it would work in practice etc. Acoustic insulation was the most supported alternative option. These key issues and the decision-

²³⁸ 382.007 EMRC

²³⁹ 414.120 Kāinga Ora

²⁴⁰ 448.053 and 448.054 NZDF

²⁴¹ 448.055 NZDF

²⁴² https://www.selwyn.govt.nz/__data/assets/pdf_file/0011/296129/Endorsed-PO-Report-for-DPC-Noise-NZDF-West-Melton-Rifle-Range.pdf

making are detailed in the Post Engagement Preferred Option Update Report to the District Plan Committee²⁴³ and the further Update Report to the District Plan Committee.²⁴⁴

36.19 Therefore, it is recommended that the NZDF submission point concerning no complaints covenants be rejected, but that the two other NZDF submission points seeking retention of the provision as notified be accepted in part.

36.20 Waka Kotahi²⁴⁵ are seeking that the rule be retained as notified. It is recommended that this submission point be accepted in part based on the proposed amendments.

Recommendations and amendments

36.21 I recommend, for the reasons given above, that the Hearings Panel:

- a. Amend SUB-R26 and make consequential amendments to SUB-R11 as shown in **Appendix 2** to improve the consistency between the rules and extend the application of SUB-R11 to all noise overlays listed in SUB-R26.1-SUB-R26.6.

36.22 The amendments recommended to SUB-R11 and SUB-R26 are set out in a consolidated manner in **Appendix 2**.

36.23 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

36.24 The scale of change does not require a s32AA evaluation.

37 NOISE-REQ1

Introduction

37.1 This section responds to the submission points relating to NOISE-REQ1.

Submissions

37.2 Thirty eight submissions points and six further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0050	Adam Kirner	001	Oppose	Amend residential noise limits and measure/account for special audible characteristics.
DPR-0068	MetroPort Christchurch (MetroPort)	021	Oppose In Part	Amend as follows: The cumulative noise (<u>excluding any construction noise</u>) arising as a result of all activities within the Port Zone shall not exceed: 0700 to 2200: 55 dB LAeq
DPR-0204	JP Singh	005	Support	Retain as notified
DPR-0208	Ngāi Tahu Property	005	Support In Part	Retain as notified

²⁴³ https://www.selwyn.govt.nz/_data/assets/pdf_file/0016/305080/Post-Engagement-Update-on-Preferred-Option-for-NZDF-West-Melton-Rifle-Range-26-June-2019.pdf

²⁴⁴ https://www.selwyn.govt.nz/_data/assets/pdf_file/0017/323054/VB-Update-Report-to-DPC-NZDF-West-Melton-Rifle-Range.pdf

²⁴⁵ 375.107 Waka Kotahi

DPR-0215	Winstone Aggregates	046	Support In Part	Amend as follows: NOISE-TABLE5 - Zone Noise Limits. At the notional boundary of any noise sensitive activity within any site receiving noise: 0700 to 2200: 55 dB LAeq/85 LAmax 2200 to 0700: 45 dB LAeq / 70 LAmax
DPR-0033	Davina Louise Penny	FS012	Oppose	<i>Retain the day time noise limits and levels. Do not allow a higher maximum as that could become a default accepted level. 'Occasional increases' is not defined.</i>
DPR-0319	Kevin Chaney	001	Oppose In Part	Amend to keep levels at 35db and hours limited to 7pm-7am in all living areas.
DPR-0343	Canterbury District Health Board	074	Support In Part	Amend all instances of LAeq to LAeq(15min) Amend all instances of LAmax to LAFmax
DPR-0370	Fonterra Limited	FS020	Oppose	<i>Reject the submission.</i>
DPR-0371	Christchurch International Airport Limited	FS024	Neither Support Nor Oppose	<i>Neutral</i>
DPR-0453	Midland Port, Lyttelton Port Company Limited	FS020	Neither Support Nor Oppose	<i>Neutral</i>
DPR-0343	Canterbury District Health Board	075	Support In Part	Amend Line 2 as follows: 2. All zones, excluding PORTZ and DPZ
DPR-0370	Fonterra Limited	FS021	Support	<i>Accept the submission.</i>
DPR-0343	Canterbury District Health Board	076	Support In Part	Amend KNOZ as a receiving zone from line 3 to line 2 in NOISE-TABLE5.
DPR-0343	Canterbury District Health Board	077	Support In Part	Amend to remove KNOZ from the second group of zonings in NOISE-REQ2 - TABLE6 - Construction Noise Limits to the first group of zonings; RESZ, and residential units and minor residential units in GRUZ GRAZ MPZ SKIZ TEZ.
DPR-0353	Horticulture New Zealand	218	Support	Retain as notified
DPR-0358	Rolleston West Residential Limited (RWRL)	295	Support In Part	Not specified
DPR-0358	Rolleston West Residential Limited (RWRL)	296	Support In Part	Amend as follows: Advisory note: 1. ... 2. Where the noise limits are assessed at any point within any site receiving noise, if the site boundary is a boundary with a road or railway network the noise standards shall apply at the furthest boundary of the road or railway network. <u>And, for the GIZ and LFRZ located north of Jones Road and east of Hoskyns Road, the noise standards shall apply at the furthest boundary of the State Highway 1 road network, rather than at the furthest boundary of the Jones Road boundary.</u> 3. ...
DPR-0358	Rolleston West Residential Limited (RWRL)	297	Support In Part	Amend NOISE-TABLE 5 such that the noise limits specified for the GIZ and LFRZ at lport are no more restrictive than the noise limits in the Operative Plan.

DPR-0358	Rolleston West Residential Limited (RWRL)	298	Support In Part	Not specified.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	284	Support In Part	Not specified.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	285	Support In Part	Amend as follows: Advisory note: 1. ... 2. Where the noise limits are assessed at any point within any site receiving noise, if the site boundary is a boundary with a road or railway network the noise standards shall apply at the furthest boundary of the road or railway network. <u>And, for the GIZ and LFRZ located north of Jones Road and east of Hoskyns Road, the noise standards shall apply at the furthest boundary of the State Highway 1 road network, rather than at the furthest boundary of the Jones Road boundary.</u> 3. ...
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	286	Support In Part	Amend NOISE-TABLE 5 such that the noise limits specified for the GIZ and LFRZ at Iport are no more restrictive than the noise limits in the Operative Plan.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	287	Support In Part	Not specified.
DPR-0365	Stuart PC Limited	034	Support	Retain the absence of noise limits for noise received within the GIZ.
DPR-0365	Stuart PC Limited	035	Support	Retain the noise limits applied to sites receiving noise in the GRUZ or make these more permissive.
DPR-0370	Fonterra Limited	069	Support In Part	Amend NOISE-TABLE 5.5 as follows: The cumulative noise (<u>excluding construction noise</u>) arising as a result of all activities within the Dairy Processing Zone shall not exceed:....
DPR-0209	Manmeet Singh	FS801	Oppose In Part	Reject submission in part
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	290	Support In Part	Not specified.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	291	Support In Part	Amend as follows: Advisory note: 1. ... 2. Where the noise limits are assessed at any point within any site receiving noise, if the site boundary is a boundary with a road or railway network the noise standards shall apply at the furthest boundary of the road or railway network. <u>And, for the GIZ and LFRZ located north of Jones Road and east of Hoskyns Road, the noise standards shall apply at the furthest boundary of the State Highway 1 road network, rather than at the furthest boundary of the Jones Road boundary.</u> 3. ...
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	292	Support In Part	Amend NOISE-TABLE 5 such that the noise limits specified for the GIZ and LFRZ at Iport are no more restrictive than the noise limits in the Operative Plan.
DPR-0374	Rolleston Industrial	293	Support In Part	Not specified.

	Holdings Limited (RIHL)			
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	302	Support In Part	Not specified.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	303	Support In Part	Amend as follows: Advisory note: 1. ... 2. Where the noise limits are assessed at any point within any site receiving noise, if the site boundary is a boundary with a road or railway network the noise standards shall apply at the furthest boundary of the road or railway network. <u>And, for the GIZ and LFRZ located north of Jones Road and east of Hoskyns Road, the noise standards shall apply at the furthest boundary of the State Highway 1 road network, rather than at the furthest boundary of the Jones Road boundary.</u> 3. ...
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	304	Support In Part	Amend NOISE-TABLE 5 such that the noise limits specified for the GIZ and LFRZ at Iport are no more restrictive than the noise limits in the Operative Plan.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	305	Support In Part	Not specified.
DPR-0401	Coolpak Coolstores Ltd	001	Support	Retain as notified
DPR-0401	Coolpak Coolstores Ltd	002	Support	Retain as notified
DPR-0401	Coolpak Coolstores Ltd	003	Support	Retain as notified
DPR-0401	Coolpak Coolstores Ltd	006	Oppose	Amend as follows for GRUZ zone of the site receiving the noise: NOISE-TABLE5 - Zone Noise Limits <u>0700 to 2200: 55dB LAeq 60dB LA10</u>
DPR-0439	Rayonier Matariki Forests	004	Oppose	Amend to clearly identify the application of the NESPF where there are rules that affect Plantation Forestry Activities.
DPR-0448	New Zealand Defence Force	076	Support	Retain as notified
DPR-0453	Midland Port, Lyttelton Port Company Limited	072	Support In Part	Amend NOISE-TABLE5 as follows: Zone of the site generating noise: PORTZ Hours and Limits: The cumulative noise arising as a result of all activities within the Port Zone shall not exceed: <u>0700 to 2200: 55 dB LAeq</u>
DPR-0453	Midland Port, Lyttelton Port Company Limited	073	Support In Part	Amend NOISE-TABLE5 to ensure that 'construction noise' is excluded from 'cumulative noise' for the purpose of maximum noise levels.

37.3 Adam Kirner²⁴⁶ is seeking that the residential noise limits be amended and that special audible characteristics are measured/accounted for. Mr Kirner is especially concerned about the noise from heat pumps and a penalty for special audible characteristics being included. Dr Trevathan has

²⁴⁶ 050.001 Adam Kirner

commented on this submission point at paragraphs 2.1-2.2 of his evidence in **Appendix 3**. The residential noise limits are considered appropriate and noise assessment in accordance with NZS 6802 will ensure a penalty for special audible characteristics is applied where appropriate. I agree with Dr Trevathan's evidence. Therefore, it is recommended that this submission point be rejected.

- 37.4 Metroport²⁴⁷, Fonterra²⁴⁸ and LPC²⁴⁹ are seeking that NOISE-TABLE 5 be amended so that construction noise is excluded from cumulative noise limits. Dr Trevathan has commented on this matter at paragraphs 3.1-3.2 of his evidence in **Appendix 3** and notes that the intention of the rule was that construction noise would need to comply with the construction noise limits outlined in NOISE-REQ2, and therefore making this exclusion clear in NOISE-REQ1 would make the rule requirement clearer. I agree. Therefore, it is recommended that these submission points be accepted.
- 37.5 Winstone Aggregates²⁵⁰ seek that the noise standards for the General Rural Zone are amended to include a noise limit of 85 dB L_{AFmax} between 0700 to 2200 as currently applies at their Wheatsheaf Quarry to provide for occasional increases in noise levels. Dr Trevathan has commented on this matter at paragraph 4.1 of his evidence in **Appendix 3** and notes that there is no proposed L_{AFmax} noise limit during the daytime period, which is intentional and in line with relevant guidance, which means the submitter is able to generate L_{AFmax} noise levels at any level. The noise limit Winstone proposes is therefore more restrictive and is not supported. Therefore, it is recommended that this submission point be rejected.
- 37.6 Kevin Chaney²⁵¹ is seeking to keep the residential noise level at 35dB (which applies at night time in the ODP) and the daytime hours at 0700 to 1900 in all living areas. The night time noise level is proposed to increase from 35 dB to 40 dB and the daytime hours are proposed to extend from 0700 to 2200 as set out in the notified PDP. The Endorsed Preferred Options Report²⁵² identified that the noise limit of 35 dB is restrictive when compared to other District Plans and the WHO guidelines, and that the ambient noise level is often higher than 35 dBA which makes it difficult to ascertain when the noise source itself exceeds the limit. In addition, the same report identifies that the hours in the ODP are inconsistent with NZS 6802. Amendments have been made to the maximum permitted noise level and hours accordingly. Therefore, it is recommended that this submission point be rejected.
- 37.7 CDHB²⁵³ are seeking to amend all instances of LAeq to LAeq (15 min) and amend all instances of L_{Amax} to L_{AFmax} . Dr Trevathan addresses this matter at paragraphs 5.5-5.7 of his evidence in **Appendix 3** and supports the amendments. I agree. Therefore, it is recommended that this submission point be accepted.

²⁴⁷ 068.021 Metroport

²⁴⁸ 370.069 Fonterra

²⁴⁹ 453.073 LPC

²⁵⁰ 215.046 Winstone Aggregates

²⁵¹ 319.001 Kevin Chaney

²⁵² https://www.selwyn.govt.nz/_data/assets/pdf_file/0007/282166/Noise-and-Vibration-Endorsed-Preferred-Option-Report.pdf - Section 3.1.2 and 3.1.5(a)

²⁵³ 343.074 CDHB

- 37.8 CDHB²⁵⁴ are also seeking to amend NOISE-TABLE5 to exclude DPZ as well as PORTZ from Line 2. Line 2 currently requires all zones, excluding PORTZ, to comply with specific noise limits in GRUZ as the PORTZ levels are listed at line 4. Line 2 should also exclude DPZ given line 5 includes specific noise limits for DPZ. Therefore, it is recommended that this amendment be made, and this submission point is accepted.
- 37.9 CDHB²⁵⁵ also seek to amend KNOZ from line 3 to line 2 in NOISE-TABLE5. Dr Trevathan addresses this submission in his evidence in **Appendix 3** at paragraphs 5.15-5.17 and notes that this would result in a reduction of 5 dB in the daytime, introduce an LAFmax noise limit at night time, and apply limits at the notional boundary of any noise sensitive activity as opposed to any point within the site. CDHB²⁵⁶ are also seeking that more stringent construction noise limits in NOISE-TABLE6 apply. The PDP treats the KNOZ as a business zone from a noise perspective which is considered the most appropriate approach given the predominant use of the site as tertiary education. It is recommended that these submission points be rejected.
- 37.10 RWRL²⁵⁷, IRHL²⁵⁸, RIHL²⁵⁹ and RIDL²⁶⁰ are seeking that NOISE-TABLE 5 is amended such that the noise limits specified for the GIZ and LFRZ are no more restrictive than the noise limits in Rule 22.4.1 of the ODP. Alternatively, RWRL²⁶¹, IRHL²⁶², RIHL²⁶³ and RIDL²⁶⁴ seek amendment to the advisory note to apply the noise standards at the furthest boundary of the State Highway 1 road network, rather than at the furthest boundary of the Jones Road boundary.
- 37.11 The submitters support the rule insofar that it does not control noise received within the GIZ or LFRZ and advisory note 2 which states that where the site boundary is a boundary with a road or railway network the noise standards shall apply at the furthest boundary of the road or railway network. However, for similar reasons the submitters consider an additional advisory note/exemption should apply for activities in Precinct 6, insofar that compliance should be determined at the relevant point beyond the State Highway to the south (noting that the intervening land is primarily road and rail network, but there are some discrete strips of GRUZ land which are not susceptible to noise).
- 37.12 With respect to the existing Business 2A Zone (which is GIZ Precinct 6 under the PDP), the ODP applies limits of 60 dBA daytime and 40 dBA nighttime when noise is assessed at any point within the boundary of any site in the rural zone, excluding road, waterway and railway reserves (Rule 22.4.1.5). Under the PDP, the noise limits within GRUZ are 55 dB daytime and 45 dB night time, which is more restrictive by 5dB during the daytime only, but now applies at the notional boundary of any noise sensitive activity and not the zone boundary. Therefore, whilst the daytime limit has reduced by 5dB, greater leniency is provided given measurement is at the notional boundary and not the zone boundary. Furthermore, it is not expected that this intervening GRUZ land would be developed for noise sensitive activity in any instance given its location between the GIZ and the

²⁵⁴ 343.075 CDHB

²⁵⁵ 343.076 CDHB

²⁵⁶ 343.077 CDHB

²⁵⁷ 358.297 RWRL

²⁵⁸ 363.286 IRHL

²⁵⁹ 374.292 RIHL

²⁶⁰ 384.304 RIDL

²⁶¹ 358.296 RWRL

²⁶² 363.285 IRHL

²⁶³ 374.291 RIHL

²⁶⁴ 384.303 RIDL

railway network and state highway. It is also of note that Advice Note 2. does not apply to notional boundaries so the request by the submitter would make no difference for rural land.

- 37.13 With respect to the RESZ land on the opposite side of the state highway, limits of 50 dB daytime and 40 dB night time apply under the PDP which apply at the boundary. These limits are considered appropriate for the zone and development within the GIZ (Precinct 6) should be able to readily comply with such limits given the extensive setback to residential land and the state highway between the GIZ and LFRZ and GRZ land. Therefore, it is recommended that this submission point be rejected.
- 37.14 Stuart PC Ltd²⁶⁵ support NOISE-REQ1 and are seeking the retention of no noise limits for noise received within the GIZ. Stuart PC²⁶⁶ also seeks to retain the noise limits which apply to sites receiving noise in the GRUZ, or to make these limits more permissive. For the reasons set out in the evidence of Dr Trevathan in **Appendix 3** at paragraph 8.2 the GRUZ limits are considered appropriate. It is recommended that these submission points be accepted.
- 37.15 Coolpak²⁶⁷ are in support of the daytime hours (0700-2200), the GRUZ night time noise limit of 45 DB, and noise measurement at the notional boundary for a noise sensitive activity in the GRUZ. It is recommended that these submission points be accepted. However, Coolpak²⁶⁸ oppose the day time noise limit received in the GRUZ and seek that it be increased from 55 dB LAeq to 60 dB LA10 (as per the ODP). Dr Trevathan addresses this matter at paragraphs 8.1-8.2 of his evidence in **Appendix 3** and notes that the 55 dB LAeq limit is within all relevant guidance for rural zones, including NZS 6802 and does not support the amendment requested. In addition to being inconsistent with NZS 6802, 60 dB LA10 is higher and more lenient than all the other neighbouring Districts. It is recommended that this submission point be rejected.
- 37.16 Rayonier²⁶⁹ are seeking amendment to clearly identify the application of the NES-PF where there are rules that affect Plantation Forestry Activities. This matter is addressed in paragraph 34.4 and no additional reference is considered necessary. Therefore, it is recommended that this submission point be rejected.
- 37.17 LPC²⁷⁰ seek that the hours of 0700-2200 are deleted with respect to the PORTZ noise limit as the Noise Control Overlay is predicated on a 24/7 operation. Accordingly, any restraint (or inclusion) of specific hours from 0700 to 2200 is inappropriate. It is agreed and recommended that the submission point be accepted.
- 37.18 There are submission points from RWRL²⁷¹, IRHL²⁷², RIHL²⁷³ and RIDL²⁷⁴ which support NOISE-REQ1 in part but do not specify relief. It is recommended that these submission points be accepted.

²⁶⁵ 365.034 Stuart PC

²⁶⁶ 365.035 Stuart PC

²⁶⁷ 401.001, 401.002, 401.003 Coolpak

²⁶⁸ 401.006 Coolpak

²⁶⁹ 439.004 Rayonier

²⁷⁰ 453.072 LPC

²⁷¹ 358.295 and 358.298 RWRL

²⁷² 363.284 and 363.287 IRHL

²⁷³ 374.290 and 374.293 RIHL

²⁷⁴ 384.302 and 384.305 RIDL

37.19 JP Singh²⁷⁵, Ngāi Tahu Property²⁷⁶ Hort NZ²⁷⁷, and NZDF²⁷⁸, are seeking that NOISE-REQ1 be retained as notified. It is recommended that these submission points be accepted in part due to the recommended amendments.

Recommendations and amendments

37.20 I recommend, for the reasons given above, that the Hearings Panel:

- a. Amend NOISE-REQ1 as shown in **Appendix 2** to increase clarity.

37.21 The amendments recommended to NOISE-REQ1 are set out in a consolidated manner in **Appendix 2**.

37.22 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

37.23 The scale of change does not require a s32AA evaluation.

38 NOISE-REQ2

Introduction

38.1 This section responds to the submission points relating to NOISE-REQ2.

Submissions

38.2 Seven submissions points and no further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0068	MetroPort Christchurch (MetroPort)	022	Oppose In Part	Amend to add in PORTZ below KNOZ.
DPR-0358	Rolleston West Residential Limited (RWRL)	299	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	288	Support	Retain as notified
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	294	Support	Retain as notified
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	306	Support	Retain as notified
DPR-0448	New Zealand Defence Force	077	Support	Retain as notified
DPR-0453	Midland Port, Lyttelton Port Company Limited	074	Support In Part	Amend NOISE-TABLE6 to include the PORTZ as subject to the same construction noise standards as the GIZ.

²⁷⁵ 204.005 JP Singh

²⁷⁶ 208.005 Ngai Tahu Property

²⁷⁷ 353.218 Hort NZ

²⁷⁸ 448.076 NZDF

38.3 Metroport²⁷⁹ and LPC²⁸⁰ are seeking that PORTZ be added to line 2 of NOISE-TABLE6 below KNOZ. Dr Trevathan considers this reasonable as outlined in paragraph 12.1 (and 3.3-3.4) of his evidence in **Appendix 3**. I agree and it is recommended that these submission points be accepted.

38.4 RWRL²⁸¹, IRHL²⁸², RIHL²⁸³, RIDL²⁸⁴ and NZDF²⁸⁵ are seeking that NOISE-REQ2 be retained as notified. It is recommended that these submission points be accepted in part due to the recommended minor amendments.

Recommendations and amendments

38.5 I recommend, for the reasons given above, that the Hearings Panel:

a. Amend NOISE-REQ2 as shown in **Appendix 2** to increase clarity.

38.6 The amendments recommended to NOISE-REQ2 are set out in a consolidated manner in **Appendix 2**.

38.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

38.8 The scale of change does not require a s32AA evaluation.

39 NEW NOISE REQ

Introduction

39.1 This section responds to the submission points relating to new noise rule requirements.

Submissions

39.2 One submissions point and one further submission point were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0370	Fonterra Limited	067	New	Oppose In Part	<p>Insert as follows:</p> <p><u>NOISE-REQX</u></p> <p><u>Preparation of a design report (including calculations) prepared by a suitably qualified acoustic engineer demonstrating compliance with the following requirements:</u></p> <p><u>a. Within the Dairy Processing Zone Noise Control Overlay but outside the Inner Noise Zone is designed to achieve an outside to inside noise level difference of not less than 20 dB Dtr, 2m, nTw to any bedroom.</u></p> <p><u>b. Within the Inner Noise Zone is designed to achieve an outside to inside noise level difference</u></p>

²⁷⁹ 068.022 Metroport

²⁸⁰ 453.074 LPC

²⁸¹ 358.299 RWRL

²⁸² 363.288 IRHL

²⁸³ 374.294 RIHL

²⁸⁴ 384.306 RIDL

²⁸⁵ 448.077 NZDF

					<u>of not less than 25dB(Dtr,2m,nTw to any bedroom. 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>
DPR-0209	Manmeet Singh	FS799	New	Oppose In Part	Reject submission in part

39.3 Fonterra²⁸⁶ are seeking a new rule requirement in association with amendments they are seeking in association with NOISE-R6. For the reasons set out in paragraph 26.6, this change is not accepted. Therefore, it is recommended that this submission point be rejected.

Recommendation

39.4 I recommend, for the reasons given above, that the Hearings Panel do not insert any new rule requirement.

39.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

40 MATTERS

Introduction

40.1 This section responds to a new matter sought by Fonterra and the submission points relating to NOISE-MAT1.

Submissions

40.2 Nine submissions points and four further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submissi on Point	Plan Reference	Position	Decision Requested
DPR-0370	Fonterra Limited	068	New	Support In Part	Insert as follows: <u>NOISE-MATX</u> <u>The ability to provide appropriate insulation to avoid impacting on the adjoining dairy manufacturing operations.</u>
DPR-0209	Manmeet Singh	FS800	New	Oppose In Part	Reject submission in part
DPR-0215	Winstone Aggregates	047	NOISE-MAT1	Support In Part	Amend as follows: 1. The level, duration, and character of the noise, including the ambient noise levels. 2. The nature and location of nearby activities and the adverse effects they may experience from <u>as a result of the level, duration, and character of the proposed noise.</u> 3. Whether the noise is likely to detract from <u>adversely impact on</u> the amenity values or general environmental quality of the area in which they are

²⁸⁶ 370.067 Fonterra

					<p>received.</p> <p>4. ...</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>function need, operational need, and any technical, operational</u>, and practical constraints.</p>
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS195	NOISE-MAT1	Support	Allow this submission.
DPR-0358	Rolleston West Residential Limited (RWRL)	300	NOISE-MAT1	Support	Retain as notified
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	289	NOISE-MAT1	Support	Retain as notified
DPR-0367	Orion New Zealand Limited	080	NOISE-MAT1	Support In Part	<p>Amend as follows:</p> <p>....</p> <p><u>7. The life supporting function of electricity supply, especially when electricity supply is interrupted.</u></p>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS649	NOISE-MAT1	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS088	NOISE-MAT1	Oppose	Disallow the submission point.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	295	NOISE-MAT1	Support	Retain as notified
DPR-0384	Rolleston Industrial Developme	307	NOISE-MAT1	Support	Retain as notified

	nts Limited (RIDL)				
DPR-0441	Trustpower Limited	140	NOISE-MAT1	Support In Part	Retain as notified provided that EI-REQ10 is excluded from consideration in EI-R29.
DPR-0448	New Zealand Defence Force	078	NOISE-MAT1	Support	Retain as notified

- 40.3 Fonterra²⁸⁷ are seeking to insert a new noise matter specific to dairy manufacturing operations. This is not supported as it is considered that the activity status should remain as permitted subject to compliance with noise mitigation requirements and discretionary where compliance is not achieved as outlined at paragraph 26.6. Therefore, it is recommended that this submission point be rejected.
- 40.4 Winstone Aggregates²⁸⁸ are seeking amendments which are largely supported as they are considered to increase clarity, apart from the deletion of clause 1 and the additions to clause 2 which are repetitive where clause 1. is retained. It is recommended that the submission point be accepted in part.
- 40.5 Orion²⁸⁹ are seeking a new clause be added to enable consideration of the life supporting function of electricity supply, especially when electricity supply is interrupted. This is not considered necessary or appropriate to single out a form of infrastructure and the matters are considered otherwise sufficient. It is also of note that there is a permitted activity rule in the EI Chapter in any case which enables continued electricity supply, with a proposed amendment to refer to the daytime noise levels being met. Therefore, it is recommended that this submission point be rejected.
- 40.6 Trustpower²⁹⁰ are seeking retention as notified on the basis that EI-REQ10 is excluded from consideration in EI-R29. This matter was considered as part of the EI Hearing where it is recommended that EI-REQ10 be retained as a consideration in EI-R29. Therefore, it is recommended that this submission point be accepted in part.
- 40.7 RWRL²⁹¹, IRHL²⁹², RIHL²⁹³, RIDL²⁹⁴ and NZDF²⁹⁵ are seeking that NOISE-MAT1 be retained as notified. It is recommended that these submission points be accepted in part due to the recommended minor amendments.

Recommendations and amendments

²⁸⁷ 370.068 Fonterra

²⁸⁸ 215.047 Winstone

²⁸⁹ 367.080 Orion

²⁹⁰ 441.140 Trustpower

²⁹¹ 358.300 RWRL

²⁹² 363.289 IRHL

²⁹³ 374.295 RIHL

²⁹⁴ 384.307 RIDL

²⁹⁵ 448.078 NZDF

40.8 I recommend, for the reasons given above, that the Hearings Panel:

a. Amend NOISE-MAT1 as shown in **Appendix 2** to increase clarity.

40.9 The amendments recommended to NOISE-MAT1 are set out in a consolidated manner in **Appendix 2**.

40.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

40.11 The scale of change does not require a s32AA evaluation.

41 MAPPING

Introduction

41.1 This section responds to the submission points relating to mapping.

Submissions

41.2 Eighteen submissions points and sixteen further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0382	Ellesmere Motor Racing Club (EMRC)	005	New	Neither Support Nor Oppose	Insert new "Noise Sensitive Activity within the Ellesmere Speedway Noise Control Overlay" map. Refer original submission for full decision requested, including attachments.
DPR-0068	MetroPort Christchurch (MetroPort)	038	Noise Control Overlay	Oppose	Amend the noise contour overlay for the MetroPort site as shown in the Appendix (refer to full submission for detail).
DPR-0125	BE Faulkner	008	Noise Control Overlay	Support	Not specified.
DPR-0207	Selwyn District Council	111	Noise Control Overlay	Oppose In Part	Amend the alignment of the State Highway Noise Control Overlay 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.
DPR-0358	Rolleston West Residential Limited (RWRL)	FS156	Noise Control Overlay	Support	Adopt
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	FS156	Noise Control Overlay	Support	Adopt
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	FS156	Noise Control Overlay	Support	Adopt
DPR-0375	Waka Kotahi NZ Transport Agency	FS178	Noise Control Overlay	Support In Part	Retain the inclusion of the State Highway Noise Control Overlay with the updated overlay that will be provided by Waka Kotahi.

DPR-0384	Rolleston Industrial Developments Limited (RIDL)	FS156	Noise Control Overlay	Support	Adopt
DPR-0207	Selwyn District Council	112	Noise Control Overlay	Oppose In Part	Amend the alignment of the Railway Network Noise Control Overlay 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.
DPR-0220	K Ramsay	001	Noise Control Overlay	Oppose	Delete WMRR 65dB noise control boundary as notified, and associated rules. That the Council open up further dialogue to find common ground between Council, NZDF and the community, and agreed provisions.
DPR-0448	New Zealand Defence Force	FS018	Noise Control Overlay	Oppose	Reject submitters relief sought
DPR-0570	Letesha and Bryan Dempster	FS006	Noise Control Overlay	Support	Delete as notified. Open conversations between all parties need to take place before there is an amendment to the district plan.
DPR-0220	K Ramsay	002	Noise Control Overlay	Oppose	Delete WMRR 55dB outer noise control boundary as notified, and associated rules. That the Council open up further dialogue to find common ground between Council, NZDF and the community, and agreed provisions.
DPR-0448	New Zealand Defence Force	FS019	Noise Control Overlay	Oppose	Reject submitters relief sought
DPR-0570	Letesha and Bryan Dempster	FS007	Noise Control Overlay	Support	Delete as notified. Open conversations between all parties need to take place before there is an amendment to the district plan.
DPR-0278	Katrina M Finch	001	Noise Control Overlay	Oppose	Request that Council leave the noise lines and current activities allowed as temporary military training as they are and that, if New Zealand Defence Force ask to increase loud activities associated with training, they take that activity to a remote, less populated area.
DPR-0448	New Zealand Defence Force	FS027	Noise Control Overlay	Oppose	Reject submitters relief sought
DPR-0371	Christchurch International Airport Limited	089	Noise Control Overlay	Support In Part	Amend Noise Control Overlay to show the 50 dB Ldn Air Noise separately in the planning maps.
DPR-0353	Horticulture New Zealand	FS146	Noise Control Overlay	Oppose	Reject
DPR-0371	Christchurch International Airport Limited	090	Noise Control Overlay	Support	Amend Noise Control Overlay to show the 55 dB Ldn Air Noise separately in the planning maps.
DPR-0353	Horticulture New Zealand	FS147	Noise Control Overlay	Oppose	Reject

DPR-0375	Waka Kotahi NZ Transport Agency	135	Noise Control Overlay	Support In Part	Amend the noise control overlay maps in accordance with the overlay maps that Waka Kotahi will provide.
DPR-0414	Kāinga Ora - Homes & Communities	FS102	Noise Control Overlay	Oppose In Part	Not specified
DPR-0414	Kāinga Ora - Homes & Communities	076	Noise Control Overlay	Oppose	Delete State Highway Noise Control Overlay as notified
DPR-0375	Waka Kotahi NZ Transport Agency	FS179	Noise Control Overlay	Oppose	Retain the inclusion of the State Highway Noise Control Overlay with the updated overlay that will be provided by Waka Kotahi.
DPR-0414	Kāinga Ora - Homes & Communities	077	Noise Control Overlay	Oppose	Delete Rail Network Noise Control Overlay as notified
DPR-0433	Lindsay & Averil Halliday	002	Noise Control Overlay	Oppose In Part	Delete the West Melton Rifle Range 55 dB Ldn and 65 dB Ldn Noise Control Overlays until further mitigation and the proposed change in noise levels is understood.
DPR-0448	New Zealand Defence Force	FS034	Noise Control Overlay	Oppose	Reject submitters relief sought
DPR-0570	Letesha and Bryan Dempster	FS002	Noise Control Overlay	Support	Delete the West Melton Rifle Range 55 dB Ldn and 65 dB Ldn Noise Control Overlays until further mitigation and the proposed change in noise levels is understood.
DPR-0448	New Zealand Defence Force	098	Noise Control Overlay	Support In Part	Amend the planning maps to use different colours for the West Melton Rifle Range 55 dB Ldn and the 65 dB Ldn Overlays.
DPR-0453	Midland Port, Lyttelton Port Company Limited	004	Noise Control Overlay	Support In Part	Use alternative hatching and / or labelling to improve clarity and legibility of the 45dBA and 55dBA LAeq Noise Control Overlay
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	061	Noise Control Overlay	Support In Part	Amend Maps to reflect the correct boundaries of the Noise Control Overlay in relation to the KRH-1 designation.
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	062	Noise Control Overlay	Support In Part	Amend the planning maps to remove the Noise Control Overlay across the central sections of long tunnels.

41.3 EMRC²⁹⁶ are seeking a new Ellesmere Speedway overlay map be inserted. As outlined in paragraph 35.7, it is recommended that all Ellesmere Speedway submission points be considered at the GRUZ Hearing.

41.4 Metroport²⁹⁷ are seeking that the Inland Port mapping as it applies to Metroport be corrected. A Council GIS officer has looked at the Inland Port mapping as it applies to Metroport and notes that the differences are minor and have likely occurred in the digitising. If the Metroport consultants could provide GIS files (ideally shapefiles) with evidence, it is recommended that the slight variances be corrected by way of a cl.16(2) amendment.

²⁹⁶ 382.005 EMRC

²⁹⁷ 068.038 Metroport

- 41.5 BE Faulkner²⁹⁸ supports the noise control overlay but does not seek any specific relief. Given the lack of detail it is recommended that this submission point be rejected.
- 41.6 SDC²⁹⁹ are seeking that the alignment of the State Highway Noise Control Overlay be amended 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. Waka Kotahi³⁰⁰ also seek that the noise control overlay maps be amended in accordance with the overlay maps that Waka Kotahi will provide. It is requested that Waka Kotahi provide this information as part of their evidence and on this basis, it is recommended that these submission points be accepted.
- 41.7 Likewise, SDC³⁰¹ are seeking that the alignment of the Railway Network Noise Control Overlay be amended 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. Kiwirail³⁰² are also seeking that the maps are amended to reflect the correct boundaries of the Noise Control Overlay in relation to the KRH-1 designation. It is requested that Kiwirail provide this information as part of their evidence and on this basis, it is recommended that these submission points be accepted.
- 41.8 K Ramsay³⁰³ is seeking that the West Melton Rifle Range 55 dB Ldn and 65 dB Ldn Noise Control Overlays be deleted and that the Council open further dialogue to find common ground between Council, NZDF and the community, and agreed provisions. Furthermore, Lindsay & Averill Halliday³⁰⁴ are seeking that the overlays are deleted until further mitigation and the proposed change in noise levels is understood. For the reasons outlined at section 27 in association with NOISE-R7, it is recommended that these submission points be rejected.
- 41.9 Katrina Finch³⁰⁵ is essentially asking for the status quo with respect to TMTA and the West Melton Rifle Range and that if NZDF seek to increase loud activities associated with training, that they take that activity to a remote and less populated area. NZDF have signalled their intention to remain at West Melton and the Council has an obligation under the CRPS to manage reverse sensitivity effects with respect to the West Melton Rifle Range. The status quo is not an option under the CRPS. It is recommended that this submission point be rejected.
- 41.10 CIAL³⁰⁶ seek the retention of the 50 dB Ldn Air Noise Contour and 55 dB Ldn Air Noise Contour overlays on the planning maps, but request that these overlays are shown separately in the maps, rather than under a generalised “Noise Control Overlay” notation. It is recommended that this submission point be accepted to increase clarity.

²⁹⁸ 125.008 BE Faulkner

²⁹⁹ 207.111 SDC

³⁰⁰ 375.135 Waka Kotahi

³⁰¹ 207.112 SDC

³⁰² 458.061 Kiwirail

³⁰³ 220.001 and 220.002 K Ramsay

³⁰⁴ 433.002 Lindsay & Averil Halliday

³⁰⁵ 278.001 Katrina Finch

³⁰⁶ 371.089 and 371.090 CIAL

41.11 Kāinga Ora³⁰⁷ are seeking that the state highway and rail network overlays be deleted. For the reasons provided at paragraph 10.4, it is recommended that these submission points be rejected.

41.12 NZDF³⁰⁸ are seeking that the planning maps be amended to use different colours for the West Melton Rifle Range 55 dB Ldn and the 65 dB Ldn Overlays. Likewise, LPC³⁰⁹ are requesting that alternative hatching and/or labelling is used to improve clarity and legibility of the 45dBA and 55dBA LAeq Noise Control Overlay. The display of noise control overlays is subject to a mandatory direction under the National Planning Standards - 13. Mapping Standard, Direction 2, Table 20. The overlays on maps can be labelled, but how they are displayed is not able to be changed. Therefore, it is recommended that these submission points be rejected.

41.13 Kiwirail³¹⁰ are also seeking that the planning maps be amended to remove the Noise Control Overlay across the central sections of long tunnels. At this stage it is recommended that this submission point be rejected, but this can be considered further if Kiwirail is able to provide evidence justifying this approach, including where the overlay should start and stop in relation to each tunnel.

Recommendations and amendments

41.14 I recommend, for the reasons given above, that the Hearings Panel:

a. Amend the planning maps as described in **Appendix 2** to increase clarity.

41.15 The amendments recommended to the planning maps are set out in a consolidated manner in **Appendix 2**.

41.16 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

41.17 The scale of change does not require a s32AA evaluation.

42 DPZ-SCHED1

Introduction

42.1 This section responds to the submission points relating to the Synlait Noise Control Overlay.

Submissions

42.2 One submission point and one further submission point were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0420	Synlait Milk Limited	027	Oppose In Part	Replace the Noise Control Overlay with a new Overlay. Refer to original submission for full decision requested, including attachment.
DPR-0080	Philip J Hindin	FS016	Oppose	Disallow the noise control boundary alteration. Require the owners of the property generating noise (Synlait) to take full

³⁰⁷ 414.076 and 414.077 Kāinga Ora

³⁰⁸ 448.098 NZDF

³⁰⁹ 453.004 LPC

³¹⁰ 458.062 Kiwirail

				<i>financial responsibility for the costs of compliance and noise reduction within any noise control boundary.</i>
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42.3 Synlait³¹¹ are seeking 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 has been provided which is larger than that in the PDP. The evidence of Dr Trevathan in **Appendix 3** at paragraphs 9.1-9.4 notes that the revised noise control boundary is larger than required in most directions. Further evidence and cost/benefit analysis is required to support a larger “future growth” Noise Control Boundary. It is recommended that this submission point be rejected.

42.4 Mr Philip Hindin is a land owner adjoining the Synlait site who has made a further submission opposing the noise control boundary alteration and seeking that the financial responsibility for the costs of compliance and noise reduction within any noise control boundary falls to the noise generator, i.e., Synlait. As yet, the noise control boundary amendment to increase its area is not supported by any evidence or cost/benefit analysis, which is required to justify any such change affecting private land owners. Whilst it is recognised that there are objectives and policies in the EI Chapter and the DPZ Chapter which enable the operation and security of such important infrastructure (which the dairy factories are defined as being in the PDP), there is also a need to minimise adverse effects on the surrounding environment and to consider the cost implications of such an amendment weighed against the benefits.

Recommendation

43.1 I recommend, for the reasons given above, that the Hearings Panel not replace the Synlait Noise Control Overlay with an amended Overlay.

42.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

43 NON-NOTIFICATION CLAUSES

Introduction

43.2 This section responds to the submission points relating to non-notification clauses.

Submissions

43.3 Four submissions points and twenty seven further submission points were received in relation to this subtopic.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	Rolleston West Residential Limited (RWRL)	418	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>

³¹¹ 420.027 Synlait

DPR-0032	Christchurch City Council	FS204	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS935	Support	Accept submission
DPR-0371	Christchurch International Airport Limited	FS056	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS349	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora - Homes & Communities	FS129	Support	Not specified
DPR-0453	Midland Port, Lyttelton Port Company Limited	FS056	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS025	Support	Accept submission
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	438	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0453	Midland Port, Lyttelton Port Company Limited	FS152	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS054	Support	Accept submission
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	484	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS271	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS998	Support	Accept submission
DPR-0371	Christchurch International Airport Limited	FS154	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS350	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora - Homes & Communities	FS158	Support	Not Specified
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS211	Support In Part	Allow the submission on controlled activity. Disallow the submission point that notification is not required for all restricted discretionary applications.

DPR-0371	Christchurch International Airport Limited	FS085	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS351	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora - Homes & Communities	FS192	Support	Not Specified
DPR-0453	Midland Port, Lyttelton Port Company Limited	FS085	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS088	Support	Accept submission
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	517	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS306	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS1025	Support	Accept submission
DPR-0371	Christchurch International Airport Limited	FS118	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS352	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora - Homes & Communities	FS226	Support	Not Specified
DPR-0453	Midland Port, Lyttelton Port Company Limited	FS118	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS122	Support	Accept the submission

43.4 RWRL³¹², IRHL³¹³, RIHL³¹⁴ and RIDL³¹⁵ submitted seeking non-notification clauses be added to all controlled and restricted discretionary activities. There are no controlled activities in the Noise Chapter. NOISE-R8 to NOISE-R12 are restricted discretionary activities. It is considered that in association with all of these activities there is the potential for adverse effects to potentially be more than minor and for neighbouring properties, communities, or the wider district to also be potentially

³¹² 358.418 RWRL

³¹³ 363.438 IRHL

³¹⁴ 374.484 RIHL

³¹⁵ 384.517 RIDL

directly affected. Therefore, additional non-notification clauses in the Noise Chapter are not supported and it is recommended that these submission points be rejected.

Recommendation

- 43.5 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.
- 43.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

44 Conclusion

- 44.1 For the reasons set out in the Section 32AA evaluations and included throughout this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.

Appendix 1: Table of Submission Points

Appendix 2: Recommended amendments

Appendix 3: Supporting Technical Report