

Before the Independent Commissioner
Appointed by Selwyn District Council

Under

the Resource Management Act 1991

In the matter of

a hearing on submissions to the Partially Operative Selwyn
District Plan, Variation 2: Levi Road rezoning

Foodstuffs (South Island Properties) Limited

Applicant

Joint Witness Statement – Noise

19 March 2025

May it please the Commissioner

- 1 This joint witness statement relates to expert conferencing on the topic of noise in response to the Commissioner's directions in its Minute dated 18 March 2025.
- 2 The conferencing took place on 19 March 2025 via email.
- 3 Attendees at the conference were Dr Jeremy Trevathan for the Selwyn District Council and Rob Hay for Foodstuffs (South Island) Properties Limited.

Code of Conduct

- 4 In preparing this statement the experts have read and understood the Code of Conduct for Expert Witnesses included in the 2023 Environment Court Practice Note and agree to comply with it.

Agenda

- 5 Matters discussed are set out below:
 - (a) Applicable noise limits.
 - (b) Appropriateness of noise mitigation proposed at the northeast boundary.
 - (c) Whether the application would allow 'more' noise.
 - (d) The potential issues associated with a 'break' in any solid barriers along the north-eastern boundary.

Matters agreed

- 6 We understand the activities on the site will be limited to a supermarket (Pak'nSave – already consented and under construction) and a trade-based retail activity. We understand that any trade-based retail activity would require Resource Consent as a Restricted Discretionary Activity under the proposed LFRZ rules and would also have to comply with the relevant General District Wide Matters, including the noise provisions.

Noise limits

- 7 The applicable noise limits are determined by the site receiving the noise. The neighbouring sites are zoned residential and so the status quo remains in terms of noise limits – the rezoning to LFRZ therefore does not enable 'more noise'.
- 8 These noise limits are conservative and appropriate to manage noise from the activities.

- 9 The noise limits do not apply to noise generated by vehicles on roads. However, even where higher levels of traffic associated with a trade-based retail activity occur, any increase in noise level will be modest and the general character and effect of traffic noise in the area will remain the same. Similarly, any vibration effect will remain similar to the existing situation

Mitigation

- 10 The already consented boundary treatments (barriers and setbacks) will ensure compliance with the noise limits with respect to the Pak'nSave.
- 11 Mr Hay's analysis has demonstrated the mitigation steps a trade-based retail activity may need to take to also comply with the noise limits. We agree that it is realistic for such an activity to achieve compliance, by implementing mitigation of this nature.
- 12 The applicant's proposal to not allow night-time deliveries to the trade retail activity, adopted in the proposed Rule LFRZ-R8.3.c, will ensure this aspect of the activity complies with the noise limits.
- 13 Paragraph 31 of Mr Hays evidence describes steps which we agree are typical during a Resource Consent process – including a more detailed review of mitigation and how compliance with the noise limits is to be achieved, and possible imposition of noise-related Conditions.
- 14 We understand that in this case noise would not formally be assessed again if the Restricted Discretionary application was made on the basis that compliance with the noise limits would be achieved. We agree that the noise limits always provide a 'backstop' and there is nothing inherently wrong or unusual about that. The possible exception is mechanical plant noise. In our experience, this is a matter that is sometimes overlooked at an early stage of design, unless a specific Rule or Resource Consent Condition draws attention to it. Post construction rectification of excessive mechanical plant noise can be expensive to undertake. The Planners may wish to consider whether it is practical and appropriate to include in the Rules some mechanism which results in a review of mechanical plant noise being conducted (cumulatively with other permitted activity noise from the site) being conducted before a building Consent is issued (for example, including noise as a matter of discretion, to a limited extent).

Possible break in the north-eastern boundary

- 15 Assessing the specific effectiveness of noise mitigation measures for a pedestrian and cycle accessway (or vehicle accessway) across the northeast boundary is difficult without a specific proposal before us. As above, we have agreed that with the mitigation previously considered it was realistic to achieve compliance (and in


the case of Pak'nSave, this mitigation is already consented). A break in the barriers will make it more complex to achieve compliance.

- 16 While other solutions such as overlapping or interwoven barriers may be as good as or similar to the proposed boundary treatment, these solutions may create CPTED issues that fall outside the scope of our expertise.

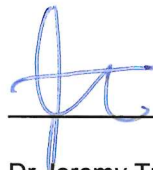
Matters not agreed

- 8 There are no matters of disagreement.

Dated this 19th day of March 2025



Rob Hay



Dr Jeremy Trevathan