

OFFICER'S REPORT FOR:

Independent Hearing Commissioners:

Trevor Robinson

Mark St Clair

Miria Pomare

SUBJECT:

Proposed Porirua District Plan: Noise

PREPARED BY:

Rory Smeaton, Senior Policy Planner

REPORT DATED:

3 December 2021

DATE OF HEARING:

8-9, 11, 14 - 15 February 2022

Executive Summary

1. This report considers submissions received by Porirua City Council (the Council) in relation to the relevant objectives, policies, rules, definitions and appendices of the Proposed Porirua District Plan (PDP) as they apply to the NOISE – Noise Chapter. The report outlines recommendations in response to the issues that have emerged from these submissions.
2. There were a number of submissions and further submissions received on the NOISE – Noise Chapter. The submissions received were diverse and sought a range of outcomes. I consider that the management of activities sensitive to noise in proximity of State Highways and the North Island Main Trunk railway line to be the key issue in contention in the chapter.
3. This report addresses this key issue, as well as other issues raised by submissions.
4. I have recommended some changes to the PDP provisions to address matters raised in submissions and these are summarised below:
 - Amendment of the exemptions to specifically include the use of generators for load shedding purposes, and delete the reference to hammerings and bangs;
 - Amend NOISE-O1 to more specifically refer to the generation of noise and include the wellbeing of people and communities;
 - Amend NOISE-O2 to be more specific to reverse sensitivity effects;
 - Amend NOISE-P2 to refer more specifically to the adverse effects of noise;
 - Amend NOISE-P4 to include two additional clauses relating to the ability to mitigate any effects on buildings from vibration generated by the State Highway or Rail Network; and any topographical or other existing features on a site or surrounding area;
 - Amend NOISE-R3 and NOISE-R4 to fix typographical errors;
 - Amend NOISE-R5 to increase the threshold for the setbacks in NOISE-R5-1 to 70 kilometres per hour; make non-compliance with the setbacks from State Highways and the NIMT railway line a controlled activity within Residential Zones, and restricted discretionary activities in all other zones; delete reference to NOISE-S4; and delete NOISE-R5-4;
 - Add a matter of discretion relating to topographical and other existing features to NOISE-S1, NOISE-S2 and NOISE-S3;
 - Delete NOISE-S4; and
 - Add retirement villages to the definition of noise-sensitive activity.
5. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in Appendix A of this report.
6. For the reasons set out in the Section 32AA evaluation and included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:

- achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
- achieve the relevant objectives of the PDP, in respect to the proposed provisions.

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Interpretation

7. Parts A and B of the Officer's reports utilise a number of abbreviations for brevity as set out in Table 1 below:

Table 1: Abbreviations

Abbreviation	Means
the Act / the RMA	Resource Management Act 1991
the Council	Porirua City Council
the Operative Plan/ODP	Operative Porirua District Plan 1999
the Proposed Plan/PDP	Proposed Porirua District Plan 2020
GWRC	Greater Wellington Regional Council
NES	National Environmental Standard
NESAQ	National Environmental Standards for Air Quality 2004
NESCS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NESETA	National Environmental Standards for Electricity Transmission Activities 2009
NESFW	National Environmental Standards for Freshwater 2020
NESMA	National Environmental Standards for Marine Aquaculture 2020
NESPF	National Environmental Standards for Plantation Forestry 2017
NESSDW	National Environmental Standards for Sources of Drinking Water 2007
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NIMT	North Island Main Trunk
NPS	National Policy Statement
NPSET	National Policy Statement on Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2020
NPSUD	National Policy Statement on Urban Development 2020
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
PNRP	Proposed Wellington Natural Resources Plan (Decisions Version) 2019
RPS	Wellington Regional Policy Statement 2013

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
Dept of Corrections	Ara Poutama Aotearoa the Department of Corrections
DOC	Department of Conservation Te Papa Atawhai
FENZ	Fire and Emergency New Zealand
Foodstuffs	Foodstuffs North Island Limited
Forest and Bird	Royal Forest and Bird Protection Society
GWRC	Greater Wellington Regional Council
Harvey Norman	Harvey Norman Properties (N.Z.) Limited
Heritage NZ	Heritage New Zealand Pouhere Taonga
House Movers Association	House Movers section of the New Zealand Heavy Haulage Association Inc
KiwiRail	KiwiRail Holdings Limited

NZDF	New Zealand Defence Force
Oil companies	Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Limited
Oranga Tamariki	Oranga Tamariki – Ministry of Children
QEII	Queen Elizabeth the Second National Trust
RNZ	Radio New Zealand
Survey+Spatial	Survey+Spatial New Zealand (Wellington Branch)
Telco	Spark New Zealand Trading Limited, Chorus New Zealand Limited, Vodafone New Zealand Limited
Transpower	Transpower New Zealand Ltd
TROTR	Te Rūnanga o Toa Rangatira
Waka Kotahi	Waka Kotahi NZ Transport Agency
WE	Wellington Electricity Lines Limited
Woolworths	Woolworths New Zealand Limited

In addition, references to submissions includes further submissions, unless otherwise stated.

1 Introduction

1.1 Purpose

8. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on the NOISE – Noise Chapter and to recommend possible amendments to the PDP in response to those submissions.
9. This report is prepared under section 42A of the RMA. It considers submissions received by the Council in relation to the relevant strategic objectives, objectives, policies, rules, definitions, appendices and maps as they apply to the NOISE – Noise Chapter in the PDP. The report outlines recommendations in response to the key issues that have emerged from these submissions.
10. This report discusses general issues, the original and further submissions received following notification of the PDP, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the PDP provisions or maps based on the preceding discussion in the report.
11. The recommendations are informed by both the technical evidence provided by Nigel Lloyd which is available on the Hearings Portal, and the evaluation undertaken by the author. In preparing this report the author has had regard to recommendations made in other related s42A reports, specifically the Officer's Report Part B – Infrastructure.
12. This report is provided to assist the Hearings Panel in their role as Independent Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.
13. This report is intended to be read in conjunction with Officers' Report: Part A – Overview which contains factual background information, statutory context and administrative matters pertaining to the district plan review and PDP, and the Section 32 Evaluation Report Part 2 – Light and Noise.

1.2 Author

1. My name is Rory McLaren Smeaton. My qualifications and experience are set out in Appendix D of this report.
2. My role in preparing this report is that of an expert planner.
3. I was involved in the preparation of the PDP, and authored the Section 32 Evaluation Reports for the INF – Infrastructure, REG – Renewable Electricity Generation, SIGN – Signs, LIGHT – Light and NOISE – Noise, and AR – Amateur Radio chapters, and contributed to the report for the TR – Transport chapters.
4. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court December 2014. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.

5. The scope of my evidence relates to the NOISE - Noise Chapter. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
6. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
7. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.3 Supporting Evidence

8. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report includes the Statement of Evidence from Mr Nigel Lloyd, Acoustic Consultant at Acousafe Consulting and Engineering Limited.

1.4 Key Issues in Contention

9. A number of submissions and further submissions were received on the provisions of the NOISE – Noise Chapter. The submissions received were diverse and sought a range of outcomes; including for example amending the mapping of the Noise Corridor; deletion of the provisions managing reverse sensitivity of noise-sensitive activities located in proximity of State Highways and the NIMT railway line; and replacement of the rules and standards for noise-sensitive activities in those locations.
10. I consider the key issue in contention in the chapter is the appropriate management of noise-sensitive activities in proximity to noise generating regionally significant infrastructure, being the State Highways and the NIMT railway line.
11. I address each of these key issues in this report, as well as any other issues raised by submissions.

1.5 Procedural Matters

12. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on the NOISE - Noise chapter.

2 Statutory Considerations

2.1 Resource Management Act 1991

13. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
- section 74 Matters to be considered by territorial authority, and
 - section 75 Contents of district plans,
14. As set out in Section 32 Evaluation Report Part 1 - Overview to s32 Evaluation, 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 detail within the Section 32 Evaluation Report Part 2: Light and Noise. There is further discussion in the Section 32 Evaluation Report Part 1 – Overview to the s32 Evaluation on the approach the Council has taken to giving effect to the NPSUD and NPSFM. This is also discussed in the Officer's Report: Part A.

2.2 Section 32AA

15. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA . Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

16. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the NOISE – Noise Chapter is appended to this report as Appendix C, as required by s32AA(1)(d)(ii).

2.3 Trade Competition

17. No consideration of trade competition has been given with respect to the NOISE – Noise Chapter.
18. There are no known trade competition issues raised within the submissions.

3 Consideration of Submissions and Further Submissions

3.1 Overview

19. Fifty-four original submission points were received from 12 submitters on the NOISE – Noise chapter, with 11 further submission points from two submitters. Of the original submissions, half were from just two submitters, with 16 (30 percent) from Kāinga Ora, and 11 (20 percent) from Waka Kotahi.
20. The major theme of the submissions is acceptability of, and specific provisions for, the protection of State Highways and the North Island Main Trunk (NIMT) railway line from reverse sensitivity effects.
21. Additionally, there were two submissions on the Appendix 1 – Permitted Noise Standards and one submission on Schedule 12 – Building Standards for Indoor Noise Reduction.

3.1.1 Report Structure

22. Submissions on the NOISE – Noise chapter raised a number of issues which have been grouped into sub-topics within this report. Some of the submissions are addressed under a number of topic headings based on the topics contained in the submission. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate.
23. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission by submission approach. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified.
24. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in Appendix B.
25. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in Appendix B. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapter with recommended amendments in response to submissions as Appendix A.
26. This report only addresses definitions that are specific to this topic. Definitions that relate to more than one topic have been addressed in Hearing Stream 1.

3.1.2 Format for Consideration of Submissions

27. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:
 - Matters raised by submitters;
 - Assessment; and

- Summary of recommendations.
28. The recommended amendments to the relevant chapters are set out in in Appendix A of this report where all text changes are shown in a consolidated manner.
 29. I have undertaken the s32AA evaluation in a consolidated manner following the assessment and recommendations on submissions in this section. This is attached at Appendix B.

3.2 Reverse sensitivity - NIMT Railway Line and State Highways

3.2.1 General

3.2.1.1 Matters raised by submitters

30. Kāinga Ora [81.937 and 81.938] opposes the land use controls for activities adjacent to the North Island Main Trunk (NIMT) railway line and State Highways and seeks the full package of provisions are reviewed and amended, for the reason that these are overly restrictive and do not efficiently manage activities within close proximity to the NIMT railway line and State Highway Network.
31. Paul and Julia Botha [118.10] seeks that a maximum noise level be placed on the noise from State Highways and rail corridors to prevent these creeping upwards with time, for the reason that the provisions do not strike the right balance, with no onus on the operators to take responsibility for their noise emissions.
32. Gwynn Family Trust [12.3] seeks that the noise rules are amended so that the transport networks are not excluded from meeting PDP rules, for the reason that noise created by the transport corridor is able to increase with changes without any mitigation on existing properties.
33. Steve Grant [158.2 and 159.2] seeks clarification of New Zealand Rail's contribution to the noise issue besides creating it.

3.2.1.2 Assessment

34. I disagree with Kāinga Ora [81.937 and 81.938] that the provisions of the NOISE – Noise Chapter relating to the management of noise-sensitive activities in proximity of State Highways and the NIMT railway line should be deleted and replaced in their entirety. These provisions have been formulated to give effect to Policy 8 of the RPS, which requires that district plans include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure. Deleting the provisions in their entirety would mean that the Plan does not give effect to the RPS, and therefore would not be in accordance with section 75 (3) (c) of the RMA.
35. Additionally, Kāinga Ora has not provided any proposed replacement provisions that a thorough evaluation can be made against, nor provided their own Section 32AA assessment of any such replacement provisions.
36. However, I have considered the submitter's general submission and reason that the provisions are overly restrictive and do not efficiently manage activities within close proximity to the NIMT railway line and State Highway network, when considering the submissions on the specific provisions in the section below. Some amendments to these provisions are recommended below, where I consider these to be more efficient and effective, and therefore more appropriate than the notified provisions in giving effect to NOISE-O2.
37. In relation to the submissions from Paul and Julia Botha [118.10] and Gwynn Family Trust [12.3], I note that the NOISE – Noise Chapter introduction includes specifying that the vehicles being driven on a road, and trains on railway lines are exempt from the rules and standards in the chapter. The relief sought by the submitters indicates that these exemptions should be removed. I note, however, that the State Highways and the NIMT railway line are designated in the Plan.

This means that section 9(3) of the RMA does not apply, and therefore the rules and standards in the Plan do not apply to activities undertaken within those designations where the land is used for the purpose of the designation.¹ As such, there would be little point in imposing noise limits on the State Highways or the NIMT railway line, as these would have no legal effect.

38. Further, under s326 of the RMA (excessive noise), the noise from vehicles being driven on a road and trains (other than when being tested when stationary, maintained, loaded, or unloaded) are not included within the term excessive noise. The implication of this is that the Council is unable to undertake any enforcement action under s327 of the RMA from noise generated by vehicles and trains in accordance with s326.
39. In relation to the submissions from Steve Grant [158.2 and 159.2], KiwiRail may wish to address this matter at the hearing.

3.2.1.3 Summary of recommendations

40. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** the NOISE – Noise chapter as set out in Appendix A;

Note: The amendments are not set out here due to length.

41. I recommend that the submissions from Kāinga Ora [81.937 and 81.938] be **accepted in part**.
42. I recommend that the submissions from Paul and Julia Botha [118.10], Gwynn Family Trust [12.3] and Steve Grant [158.2 and 159.2] be **rejected**.
43. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.2.2 Mapping

3.2.2.1 Matters raised by submitters

44. Kāinga Ora [81.498] seeks deletion of the Noise Corridor overlay, as it opposes both it and related provisions within the Noise Chapter. The submitter also notes that the noise corridor overlay maps do not reflect the distances prescribed in the rules or standards in relation to the State Highway and NIMT railway line.
45. Paul and Julie Botha [118.5] seek that the Noise Corridor setback should be from the rail centreline and not the Kiwirail property boundary, for the reason that the noise corridor mapping is incorrect and does not match the rules.

3.2.2.2 Assessment

46. In relation to the submission from Kāinga Ora [81.498], the wider consideration of the provisions relating to the management of noise-sensitive activities in proximity of the State Highway and NIMT railway line is set out in section 3.2.1 above.

¹ RMA s176

47. In relation to the submission from Paul and Julie Botha [118.5], I acknowledge that the Noise Corridor overlay for the NIMT railway line reflects a 100 metre setback from parcel boundaries, rather than the centre of the track as is described in NOISE-R5. I note that this is in contrast to the noise corridor for State Highways, which is mapped from the curb of the road.
48. I also note that the Plan does not refer anywhere to the Noise Corridor. The mapped area therefore only provides an indication of where the NOISE – Noise Chapter provisions may apply. This is the reason for the note that directs Plan users to the NOISE – Noise Chapter to check ‘for potential additional land use requirements’.
49. Due to the potential for changes to State Highways and (to a lesser degree) the NIMT railway line in the future, and therefore for an accurately mapped Noise Corridor overlay to become out-of-date, I consider that the alternative to this is to not include anything on the Plan maps (which would give effect to the submission from Kāinga Ora [81.498]). This is the approach taken by the New Plymouth District Council in its Proposed District Plan. I consider that this approach is more difficult for Plan users, as some may not be made aware of relevant provisions for activities in close proximity to State Highways and NIMT railway line within the NOISE – Noise Chapter. I therefore do not agree with the submission from Kāinga Ora [81.498].
50. However, in order to avoid confusion for Plan users in relation to the extent of the Noise Corridor when applying the relevant rules, I consider it would be appropriate to amend the Plan maps to refer to the ‘Indicative’ Noise Corridor. In conjunction with the existing note on the maps, this would alert Plan users to the NOISE – Noise Chapter provisions, while also signalling that the mapped extent may not reflect the actual area where the provisions apply. I consider that, as long as the mapped extent is larger than the area described in the rules, this will be acceptable.

3.2.2.3 Summary of recommendations

51. I recommend for the reasons given in the assessment, that the Hearings Panel:
 - a. **Amend** the Plan maps to refer to the Indicative Noise Corridor;
52. I recommend that the submissions from Kāinga Ora [81.498] and Paul and Julie Botha [118.5] be **accepted in part**.

3.2.3 NOISE-02

3.2.3.1 Matters raised by submitters

53. Kāinga Ora [81.501] seeks that the objective is amended as below:

The function and operation of existing and permitted noise generating activities are not compromised by ~~adverse effects, including reverse sensitivity effects,~~ from new noise-sensitive activities.

54. The reasons given is to clearly state that the effect being managed is reverse sensitivity, and the objective should relate to new noise sensitive activities only.

3.2.3.2 Assessment

55. I disagree that the objective should relate to new noise sensitive activities only, as the expansion of existing noise-sensitive activities also poses a risk for adverse effects on the operation of the

State Highways and NIMT railway line. I therefore consider that the objective should maintain reference to noise-sensitive activities generally.

56. However, I agree that the objective should be more focussed in terms of referring specifically to reverse sensitivity effects in relation to noise-sensitive activities. The effects of activities more generally on State Highways and the NIMT railway line are managed through other chapters. As such, I consider the objective should be amended to be more specific.

3.2.3.3 Summary of recommendations

57. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** NOISE-O2 as set out below and in Appendix A;

NOISE-O2	Reverse sensitivity
The function and operation of existing and permitted noise generating activities are not compromised by adverse effects, including reverse sensitivity effects, from noise-sensitive activities.	

58. I recommend that the submissions from Kāinga Ora [81.501] be **accepted in part**.

3.2.4 NOISE-P4

3.2.4.1 Matters raised by submitters

59. Kāinga Ora [81.506] seeks that NOISE-P4 is deleted, for the reasons that it opposes the inclusion of additional controls in relation to noise-sensitive activities within close proximity to State Highways and the NIMT railway line; considers that additional requirements in relation to indoor noise design levels results 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, and; there are more balanced and less onerous ways in which potential interface issues can be managed

3.2.4.2 Assessment

60. As noted in section 3.2.1 above, the provisions managing noise-sensitive activities in proximity of State Highways and the NIMT railway line have been formulated to give effect to Policy 8 of the RPS, which requires that district plans include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure. Deleting the provisions would mean that the Plan does not give effect to the RPS, and therefore would not be in accordance with section 75 (3) (c) of the RMA.
61. While the submitter states that 'there are more balanced and less onerous ways in which potential interface issues can be managed', no proposed alternative provisions are provided. The submitter may wish to address this at the hearing.

3.2.4.3 Summary of recommendations

62. I recommend, for the reasons in the assessment, that the submissions from Kāinga Ora [81.506] be **rejected**.

3.2.5 NOISE-R5

3.2.5.1 Matters raised by submitters

63. Paul and Julia Botha [118.6, 118.7, 118.8, 118.9] seek that:

- The terrain shape and other barriers need to be able to be included in an assessment;
- If a proposed development lies within a specified distance of the railway but that part of the railway cannot be seen it should not require acoustic mitigation;
- The buffer be no wider than 40 metres from the edge of a State Highway or the centre line of the existing rail tracks; and
- The buffer zone should only apply to rural and rural residential areas.

64. The reasons stated include:

- The distances listed assume line of sight to the railway or road; where there is screening or obstruction to a direct line of sight, the noise levels will be lower or the potential exists to build closer to the railway without the need for acoustic insulation on the building;
- The 'distance' that is important is the closest direct line of sight distance and not a simple 100 metre offset from the railway;
- The 100 metre distance appears to have been derived from noise predictions provided in support of changes to the South Taranaki District Plan. There doesn't appear to be any measurements undertaken in the PCC district where the rail traffic is significantly different, with 90% of the rail movements being commuter trains in the Porirua district;
- The Hutt City Council Plan change appears to be the most recent to address these same matters, where a 40 metre setback was accepted; and
- If this noise corridor is reduced by 60 metres each side the number of buildings reduces to approximately 708 or 3.3 percent of all buildings.

65. Waka Kotahi [82.172] seeks new noise rules in place of NOISE-R5 and the associated standards as per Appendix 4 attached to its submission, for reasons including:

- The relief sought has been developed collaboratively with KiwiRail;
- The provisions will ensure potential adverse effects are mitigated;
- Appropriate mitigation is critical to ensuring that undue restrictions are not placed on the operation of these transport networks and the health and wellbeing of those residing or otherwise occupying nearby sites is protected;
- Part 2 of the Act supports the efficient use and development of the road and rail network while also enabling people and communities to provide for their well-being and their health and safety;
- Enhancements to buildings are best achieved at the time of construction;
- The noise level proposed is in accordance with World Health Organisation standards;

- There are no standards for outdoor road noise within the Proposed Porirua District Plan.
 - The rules seek to ensure that building development options can still maximise the use of a site, while at the same time having standards for mitigating noise and vibration effects arising from the transport corridor.
66. Kāinga Ora [81.512] seeks that the rule is deleted, for the reason that it opposes the inclusion of additional controls in relation to noise-sensitive activities within close proximity to State Highways and the NIMT railway line; considers that additional requirements in relation to indoor noise design levels and vibration results in an unnecessary and overly restrictive burden for landowners, without a corresponding obligation on infrastructure providers to manage effects on adjacent land uses generated by the operation of infrastructure; considers that there are more balanced and less onerous ways in which potential interface issues can be managed; a rule on vibration effects adds considerable cost for compliance and relies on a Standard that is not publicly available and requires specialist vibration assessment which is not commonly available; setback distances from State Highway and NIMT railway line for the management of reverse sensitivity noise effects will also mitigate vibration effects.

3.2.5.2 Assessment

67. I agree with Paul and Julia Botha [118.6] that topographical features that may provide some mitigation for noise from the State Highway or NIMT railway should be able to be considered through the resource consent process. I consider that this can be achieved through inclusion of an additional clause in NOISE-P4, and the matters of discretion for NOISE-S1, NOISE-S2 and NOISE-S3.
68. However, I disagree with the submissions from Paul and Julia Botha [118.7, 118.8, 118.9] relating to the submitter's statements that if the NIMT railway line cannot be seen it should not require acoustic mitigation; the buffer be no wider than 40 metres from the edge of a State Highway or the centre line of the existing rail tracks; and the buffer zone should only apply to rural and rural residential areas, because:
- I consider that any Plan provision reliant on whether a railway can or cannot be seen from a particular place would be unworkable as it would require a subjective assessment to be undertaken. Additionally, I understand that vegetation provides little in the way of noise mitigation, and even acoustic screening must be designed and installed correctly to ensure it works as intended (Mr Lloyd's evidence includes a discussion on this point);
 - The distance of the area within which the provisions relating to management of noise-sensitive activities applies has been based on expert advice specific to the Porirua context. The submitter provides no evidence for the 40 metre area, other than this would align with the Hutt City District Plan;
 - Development, redevelopment and expansion of existing noise-sensitive activities within urban areas also pose a risk to the continued operation of infrastructure from reverse sensitivity effects.
69. In relation to the submission from Waka Kotahi [82.172], Mr Lloyd has considered in his evidence the rules and standards sought by the submitter to replace those in the Plan. Mr Lloyd generally recommends that that these not be accepted. I agree with the conclusions reached by Mr Lloyd in his evidence. I also add that the provisions as requested by the submitter are not drafted in the format of the Plan, and would require some translation to achieve this which would likely

result in similar provisions to what is already contained in the notified Plan with some amendments. I note as well that the submitter has not undertaken a section 32AA evaluation of the requested replacement provisions or provided any evidence as to why they are more appropriate than the notified provisions. Consequently, I do not agree with the amendment sought by Waka Kotahi [82.172]. The submitter may wish to address this further at the hearing.

70. I do not agree with Kāinga Ora [81.512] that the rule should be deleted. As noted in section 3.2.1 above, the provisions managing noise-sensitive activities in proximity of State Highways and the NIMT railway line have been formulated to give effect to Policy 8 of the RPS, which requires that district plans include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure. Deleting the provisions would mean that the Plan does not give effect to the RPS, and therefore would not be in accordance with section 75 (3) (c) of the RMA.
71. However, I note that Kāinga Ora [81.512] also identifies that a rule on vibration effects adds considerable cost for compliance and relies on a standard that is not publicly available and requires specialist vibration assessment. The submitter states that setback distances from State Highways and the NIMT railway line for the management of reverse sensitivity noise effects will also mitigate vibration effects. The submitter has not provided any evidence to support this assertion.
72. These points are also identified by Mr Lloyd in his evidence. As such, I consider that the relevant standard (NOISE-S4) should be deleted. This consequently enables clause NOISE-R5-3.b and NOISE-R5-4 to also be deleted, simplifying the rule and resulting in a less restrictive framework overall, as sought by Kāinga Ora [81.937], as the rule only elevates to a restricted discretionary activity status. Additionally, I consider that it is appropriate that within Residential Zones, non-compliance with the setbacks in NOISE-R5-1.b elevate to a controlled activity status rule with the matters of control being the matters in NOISE-P4, to better enable residential intensification while still appropriately managing noise-sensitive activities within these zones. I note the rule amended as recommended would still require resource consent for noise-sensitive activities within all other zones that do not comply with NOISE-R5-1.b as a restricted discretionary activity, with the matters of discretion restricted to the matters in NOISE-P4. As such, noise-sensitive activities would still be subject to evaluation within these areas closest to the State Highways and NIMT railway line, consistent with the recommendations in Mr Lloyd's evidence.
73. Additionally, in conjunction with a recommended amendment to NOISE-P4 to include an additional clause relating to vibration effects, the ability to appropriately mitigate any effects from vibration generated by State Highways or the NIMT railway line would also be able to be considered through a resource consent process under the controlled activity and restricted discretionary activity rules. I note that I am relying on the scope provided by Kāinga Ora [81.937] for the recommended amendment to NOISE-P4.
74. I understand from Mr Lloyd that 80 kilometres per hour is an appropriate threshold for the larger (40 metre) setback from State Highways. In his evidence, Mr Lloyd notes that Waka Kotahi avoids using the speed limit of 70 kilometres per hour on State highways and therefore more than 60 kilometres per hour effectively means equal to or greater than 80 kilometres per hour. The proposed Plan rule is consistent with this. However, to avoid potential confusion in the future, I recommend that the threshold used in NOISE-R5-1 is a speed limit of 70 kilometres per hour or less, and speed limits of above 70 kilometres per hour, noting that any speed limits greater than

70 kilometres per hour will generally be set at 80 kilometres per hour. I note that I am relying on the scope provided by Kāinga Ora [81.937] for the recommended amendment to NOISE-R5-1.

75. I consider that the provisions as recommended to be amended are more consistent with Mr Lloyd's evidence, while also being more efficient and effective by providing a simplified rule and standard; ensuring that any reverse sensitivity effects can be appropriately mitigated; and appropriately gives effect to NOISE-O2 and RPS Policy 8.

3.2.5.3 *Summary of recommendations*

76. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** NOISE-P4, NOISE-R5, NOISE-S1, NOISE-S2 and NOISE-S3 as set out in Appendix A;
- b. **Delete** NOISE-S4 as set out in Appendix A; and
- c. Make consequential amendments for renumbering of provisions.

Note: The recommended amendments are not shown here due to length.

77. I recommend that the submissions from Kāinga Ora [81.498] and Paul and Julie Botha [118.5] be **accepted in part**.
78. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.2.6 *Standards*

3.2.6.1 *General matters*

3.2.6.1.1 *Matters raised by submitters*

79. Waka Kotahi [82.173] seeks the same relief set out in section 3.2.5 above in relation to [82.172] for the same reasons.
80. Paul and Julia Botha [118.11] seeks removal of the reference to the Norwegian Standard for ground vibration, for the reason that:
- Agrees with the Acousafe letter to PCC dated 10 June 2020 that states that they did not recommend that the Norwegian Vibration standard be adopted in the PDP;
 - Understands that the Norwegian Standard referenced is for the measurement of vibration in buildings that exist close to railway corridors and is not intended for use in making assessments where a building does not exist;
 - Ground vibration levels are influenced by a raft of factors as stated by Acousafe but in addition to those, the geology between the railway and the house will play a significant part; and
 - Understanding all of these is a complex task and will come at a significant cost if needed to gain a resource consent.

3.2.6.1.2 *Assessment*

81. As discussed in section 3.2.5 above, Mr Lloyd has considered in his evidence the rules and standards sought by the submitter to replace those in the Plan. Mr Lloyd generally recommends

that that these not be accepted. I agree with the conclusions reached by Mr Lloyd in his evidence. Consequently, I do not agree with the amendment sought by Waka Kotahi [82.173].

82. In relation to the submission from Paul and Julia Botha [118.11], as discussed in section 3.2.5 above, I have recommended deletion of NOISE-S4 on the basis of the evidence provided by Mr Lloyd.

3.2.6.1.3 Summary of recommendations

83. I recommend for the reasons given in the assessment, that the submission from Paul and Julia Botha [118.11] be **accepted**; and
84. I recommend for the reasons given in the assessment, that the submission from Waka Kotahi [82.173] be **rejected**;
85. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.2.6.2 NOISE-S1, NOISE-S2 and NOISE-S3

3.2.6.2.1 Matters raised by submitters

86. Kāinga Ora [81.513, 81.514 and 81.515] seeks that NOISE-S1, NOISE-S2 and NOISE-S3 be deleted, for the reasons that additional requirements in relation to indoor noise design levels and vibration controls result in an unnecessary and overly restrictive burden for landowners, without a corresponding obligation on infrastructure providers to manage effects on adjacent land uses generated by the operation of infrastructure, and there are more balanced and less onerous ways in which potential interface issues can be managed.

3.2.6.2.2 Assessment

87. I do not agree with the submitter that the rule should be deleted. As noted in section 3.2.1 above, the provisions managing noise-sensitive activities in proximity of State Highways and the NIMT railway line have been formulated to give effect to Policy 8 of the RPS, which requires that district plans include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure. Deleting the provisions would mean that the Plan does not give effect to the RPS, and therefore would not be in accordance with section 75 (3) (c) of the RMA.

3.2.6.2.3 Summary of recommendations

88. I recommend for the reasons given in the assessment, that the submission from Waka Kotahi [81.513, 81.514 and 81.515] be **rejected**.

3.2.6.3 NOISE-S4

3.2.6.3.1 Matters raised by submitters

89. Kāinga Ora [81.516] seeks that NOISE-S4 be deleted, for the reasons that:
- Additional requirements in relation to vibration are unnecessary and are an overly restrictive burden for landowners, without a corresponding obligation on infrastructure providers to manage effects on adjacent land uses generated by the operation of infrastructure;

- There are more balanced and less onerous ways in which potential interface issues can be managed;
 - The design certification requirements, as this adds additional and unnecessary costs to developments; and
 - The use of external technical documents being incorporated into the Plan is opposed.
90. Z Energy Limited [92.19] seeks that the standard is retained, for the reason that it is appropriate to control noise sensitive activities.
91. KiwiRail [86.63] seeks that the standard is retained, for the reason that it supports the standards proposed in relation to managing reverse sensitivity effects including around noise, mechanical ventilation and vibration.

3.2.6.3.2 Assessment

92. As discussed in section 3.2.5 above, I have recommended deletion of NOISE-S4 on the basis of Mr Lloyd's evidence. I note that Mr Lloyd states in his evidence that:

My previous stance on setting indoor vibration standards has been that, while this is a logical step, road vibration tends not to be a major issue.

As stated on the Waka Kotahi website, significant vibration issues mostly occur where there is a defect in the road surface. This would be the responsibility of Waka Kotahi to remedy. I consider that the cost and inconvenience that would result from requiring the developers of noise sensitive buildings to obtain a design certificate to achieve NOISE-S4-1 is not warranted given the low likelihood of road vibration being an issue.

93. I also note that Mr Lloyd goes on to discuss setback distances in his evidence. Relevant setbacks are incorporated into NOISE-R5, with noise-sensitive activities within these setback areas being a restricted discretionary activity.
94. I note, as discussed in section 3.2.5 above, that I recommend an additional clause in NOISE-P4 and matters of discretion for NOISE-S1, NOISE-S2 and NOISE-S3 to address the effects of vibration from the State Highways and the NIMT railway line. With these amendments, any adverse effects of vibration on noise-sensitive activities located within the setback distances suggested by Mr Lloyd will be able to be considered, and appropriate mitigation imposed through conditions if required.

3.2.6.3.3 Summary of recommendations

95. I recommend for the reasons given in the assessment, that the submission from Kāinga Ora [81.516] be **accepted**.
96. I recommend for the reasons given in the assessment, that the submission from Z Energy Limited [92.19] and KiwiRail [86.63] be **rejected**.

3.2.7 Definitions

3.2.7.1 Sensitive Activity and Noise-sensitive activity

3.2.7.1.1 Matters raised by submitters

97. Waka Kotahi [82.16 and 82.17] seeks that 'places of worship' be included in the definition of 'noise-sensitive activity', and that the definition of 'sensitive activity' be deleted, for the reason

that the definitions are similar but not identical; places of worship can be sensitive to noise; retirement villages can be excluded as this is considered a “residential activity” which is already listed.

98. Radio New Zealand Limited [121.8] seeks that the definition for “noise-sensitive activity” is made the same as the definition for “sensitive activity”, or that the two activities are combined into one definition that includes places of worship and retirement villages. The reasons given are that places of worship and retirement villages are also noise-sensitive activities.

3.2.7.1.2 Assessment

99. The term ‘sensitive activity’ is used in multiple parts of the Plan, including in relation to the Gas Transmission Pipeline Corridor and National Grid Yard. The term ‘noise-sensitive activity’ is only used in the NOISE – Noise Chapter.
100. While the term ‘noise-sensitive activity’ is defined as being very similar to ‘sensitive activity’, as identified by both Waka Kotahi [82.16 and 82.17] and Radio New Zealand Limited [121.8], I consider that it is useful to have both definitions in the Plan. This makes it clear that when the provisions of the NOISE – Noise Chapter are applied to noise-sensitive activities, it is the sensitive nature of those activities to noise that is the issue to be managed rather than their sensitivity to other activities generally. As such, I do not agree with the request to combine the two definitions into one.
101. I agree with the submitters that retirement villages should be included in the definition of ‘noise-sensitive activity’. This matter has been considered in Mr Lloyd’s evidence, which recommends that this activity be included.
102. I do not agree with the inclusion of ‘places of worship’ being included in the definition of ‘noise-sensitive activity’, as while these activities often include offices, which are defined in the National Planning Standards as being ‘habitable rooms’, inclusion of the activity within the definition would mean that the entire extent of the activity would be subject to the provisions in the NOISE – Noise chapter, rather than just those areas defined as habitable. This matter has been considered in Mr Lloyd’s evidence, which recommends that the framework as set out in the Plan be maintained.

3.2.7.1.3 Summary of recommendations

103. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** the definition of ‘noise sensitive activity’ as set out in Appendix A;

Noise-sensitive activity	means: a. residential activity; b. marae; c. hospital; d. healthcare activity; e. educational facility; or f. visitor accommodation activity; <u>or</u> <u>g. retirement villages.</u>
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104. I recommend that the submissions from Waka Kotahi [82.16 and 82.17] and Radio New Zealand Limited [121.8] be **accepted in part**.

105. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.3 Objectives

3.3.1 NOISE-O1

3.3.1.1 Matters raised by submitters

106. Kāinga Ora [81.500] seeks that the objective is amended as below:

The benefits of activities that generate noise are recognised while ensuring any adverse effects from noise generating activities are compatible with the anticipated purpose, character and amenity values of the relevant zone(s) and do not compromise the public health or safety and wellbeing of people and communities.

107. The reasons given for the requested amendments are to more clearly articulate the balance between providing for noise generating activities, whilst appropriately managing effects on the community.

3.3.1.2 Assessment

108. I agree in part with the amendments sought by the submitter.
109. I do not agree with the use of the word 'ensuring' in the objective. I consider that this is not consistent with the purpose of an objective to state the outcome sought. 'Ensuring' is an active word that is more useful in policies, rather than objectives.
110. I consider that the requested wording to refer to 'noise generating activities' conflicts with the submitter's points on other provisions, as this places a focus on the activities rather than the noise being generated. As such, I prefer an addition to reflect that the adverse effects being managed relate to the generation of noise.
111. I also agree in part with the requested addition of a reference to the wellbeing of people and communities; however, I disagree with the deletion of safety, as I consider that the generation of noise may result in adverse effects on the safety of people. I also consider that with the addition of 'people and communities', the word 'public' can be deleted as this would be redundant.

3.3.1.3 Summary of recommendations

112. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** NOISE-O1 as set out below and in Appendix A;

NOISE-O1	Noise generation
The benefits of activities that generate noise are recognised while any adverse effects from <u>the generation of</u> noise are compatible with the anticipated purpose, character and amenity values of the relevant zone(s) and do not compromise <u>public the</u> health, or safety <u>or wellbeing of people and communities</u> .	

113. I recommend that the submissions from Kāinga Ora [81.500] be **accepted in part**.

3.4 Policies

3.4.1 NOISE-P1

3.4.1.1 *Matters raised by submitters*

114. Kāinga Ora [81.503] seeks that the policy is amended to delete the word 'maintains' from clause one and reword the clause to read '[a]re compatible with the anticipated amenity values....', for the reasons that they do not support requiring amenity values to be maintained, and the Plan should recognise that amenity values change over time.

3.4.1.2 *Assessment*

115. I disagree with the amendments sought by Kāinga Ora [81.503]. Section 7 (c) of the RMA states that 'the maintenance and enhancement of amenity values' is a matter that all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to in achieving the purpose of the Act.
116. While I acknowledge that the reasons of Kāinga Ora [81.503] include that amenity values change over time, and that this reflects Objective 4 of the NPS-UD, the Plan has been developed as an integrated whole. The limits on noise reflect the various zonings and associated anticipated amenity values within zoned areas.
117. As such, I consider that the policy, in referring to the maintenance of amenity values of the receiving environment, is appropriate as this gives effect to section 7(c), and therefore the purpose of the RMA.

3.4.1.3 *Summary of recommendations*

118. I recommend, for the reasons given in the assessment, that the submissions Kāinga Ora [81.503] be **rejected**.

3.4.2 NOISE-P2

3.4.2.1 *Matters raised by submitters*

119. Kāinga Ora [81.503] seeks that the policy is amended to be 'Appropriate Noise activities', include reference to the 'noise effects', and remove 'avoids' from clause one and replace this with 'minimise' or 'mitigate'. The reasons given for the amendments are so that the policy is positively directed towards enabling appropriate activities, rather than discouraging inappropriate activities; using the term 'avoid' implies that any conflict with existing noise sensitive activities is to be entirely prevented; and to focus consideration of effects only to noise as this is the purpose of the policy.

3.4.2.2 *Assessment*

120. I do not agree with the requested amendment to the policy heading, as NOISE-P1 already has the title of 'Appropriate noise activities', and therefore the amendment would lead to confusion.

121. I also do not agree with the requested amendments to clause one of the policy, as the clause is worded as a consideration of the extent to which conflict with existing noise-sensitive activities is avoided. This clearly does not require that all conflict be avoided.
122. While I also do not agree with all of the requested additions of the word 'noise' to clarify that the policy only relates to the effects of noise from noise generating activities rather than any adverse effect associated with the wider activity, I do consider that this could be clarified in the policy. I consider that the addition of 'of noise' to the main policy text would address this issue. The clauses that sit under this text are then read in the context of that text and it will be clear that they also relate to the effects of noise.

3.4.2.3 Summary of recommendations

123. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend NOISE-P2** as set out below and in Appendix A;

NOISE-P2	Potentially inappropriate noise activities
Provide for other activities that generate noise, where these avoid, remedy or mitigate any adverse effects <u>of noise</u> , having regard to: [...]	

124. I recommend that the submissions from Kāinga Ora [81.503] be **accepted in part**.

3.4.3 NOISE-P3

3.4.3.1 Matters raised by submitters

125. Waka Kotahi [82.169] seeks that the word 'minimise' is replaced with 'mitigate'. No specific reasons are given for this change, however the submitter states in their general submission point on the Plan that Waka Kotahi consider that the term is difficult to interpret and apply in practice and that 'mitigate' aligns with the effects hierarchy under the RMA.

3.4.3.2 Assessment

126. I disagree with the submitter for the same reasons expressed in section 9.11 of the section 42A report for Part A Overarching Matters, with regard to Waka Kotahi submission point 82.296.
127. Additionally, I note that while 'minimise' directs that the effects be reduced to the most extent possible, 'mitigate' only requires that those effects are reduced or lessened. As such, I consider that the term 'minimise' actually provides a stronger directive in the context of this policy, and is therefore more appropriate.

3.4.3.3 Summary of recommendations

128. I recommend for the reasons given in the assessment, that the submission by Waka Kotahi [82.169] be **rejected**.

3.5 Standards

3.5.1 NOISE-S5 and NOISE-S6

3.5.1.1 Matters raised by submitters

129. Kāinga Ora [81.517 and 81.518] seek that the requirements for design certificates be deleted, the reference to clause G4 of the New Zealand Building Code in NOISE-S6-1.a be deleted, and consequential changes to reflect their proposed new HRZ High Density Residential Zone chapter, for the reasons that:

- This level of information can often only be provided once the detailed design of a development is undertaken;
- This detail is often not likely to be available at the time of seeking resource consent;
- It appropriate that this matter remains a matter of discretion, so conditions of consent can be placed to ensure adequate on-site amenity is provided for, while also mitigating and managing any reverse sensitivity effects in this regard; and
- Duplicating regulatory requirements of the Building Code is not supported.

3.5.1.2 Assessment

130. In relation to design certificates, the relevant clauses are included in the Plan to enable these standards to be used for permitted activity rules. The use of design certificates ensures that, at building consent stage, the proposed buildings will comply with the Plan standards without the need for a separate resource consent process. I note that the Hutt City District Plan uses a similar design certificate clause in relation to development within the State Highway and Railway Corridor Buffer Overlays.²

131. In relation to the reference to clause G4 of the New Zealand Building Code in NOISE-S6-1.a, I do not consider that this clause is duplicating regulatory requirements. The requirement for a mechanical ventilation system, and therefore the requirement to meet the relevant requirements for such a system, may not be triggered under the Building Code.

132. Any submissions made by Kāinga Ora in relation to a proposed new HRZ chapter will be considered in a later hearing stream, and therefore consequential changes to reflect such a chapter are not appropriate to consider here.

3.5.1.3 Summary of recommendations

133. I recommend for the reasons given in the assessment, that the submission by Kāinga Ora [81.517 and 81.518] be **rejected**.

² Hutt City District Plan, 14A Transport, Appendix Transport 1 – Standards, Standard 6 Development within the State Highway and Railway Corridor Buffer Overlays

3.6 Appendix 1 Permitted Noise Standards

3.6.1 *Matters raised by submitters*

134. Rural Contractors New Zealand Inc [179.5] seeks that the note is amended to state that the permitted noise limits are measured at or within the 'notional boundary' within the General Rural Zone. No specific reasons are given.

3.6.2 *Assessment*

135. The 'notional boundary' is used in the ODP for the measurement of noise in the Rural Zone, where it is measured within 20 metres of any dwelling. This is consistent with the recommendations of NZS 6802:2008 Acoustics - Environmental noise.
136. The use of notional boundaries was considered in the Section 32 Evaluation Report Part 2 – Light and Noise. Expert advice was provided as supporting evidence with the evaluation report from Acousafe Consulting and Engineering Limited.³ That report recommended in section 6 that the noise limits within the rural zones be measured at the site boundary, due to the density of dwellings on rural land within the district.
137. For these reasons, I consider that the use of notional boundaries for the measurement of noise limits with rural zones has been carefully considered prior to notification of the Plan. The submitter has not provided any evidence of the benefits of the use of notional boundaries, or any section 32AA assessment of such a change. As such, I do not agree with the requested amendments.

3.6.3 *Summary of recommendations*

138. I recommend for the reasons given in the assessment, that the submissions from Rural Contractors New Zealand Inc [179.5] be **rejected**.

3.7 Minor amendments

139. I recommend that an amendment be made to the NOISE - Noise chapter to:
- Fix the reference to the Land Transport Act 1998 in the exemptions list (exemption two) within the introduction section of the Chapter; and
 - Fix references to Waka Kotahi and KiwiRail to include their full names.
140. This amendment could have been made after the PDP was notified through the RMA process to correct minor errors⁴, but I recommend the amendment is made as part of the Hearing Panel's recommendations for completeness and clarity. The amendments are set out in Appendix A.

³ Acousafe (2018) Review of District Plan Noise Provisions

⁴ Clause 16 of RMA Schedule 1

4 Conclusions


141. Submissions have been received in support of, and in opposition to, the PDP. While most of these submissions relate to the NOISE – Noise chapter as notified, some submissions seek that the entirety of the provisions relating to reverse sensitivity from State Highways and the NIMT railway line are deleted, or that the rules and standards are replaced with alternatives.
142. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in Appendix A of this report.
143. For the reasons set out in the Section 32AA evaluation attached at Appendix C, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - achieve the relevant objectives of the PDP, in respect to the proposed provisions.

Recommendations:

I recommend that:

1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
2. The PDP is amended in accordance with the changes recommended in Appendix A of this report.

Signed:

Name and Title		Signature
Report Author	Rory Smeaton Senior Policy Planner	

Appendix A. Recommended Amendments to the NOISE – Noise and Definitions Chapters

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is in red and underlined.
- Text recommended to be deleted from the PDP is in red and ~~struckthrough~~.

NOISE - Noise

Noise generation can be an intrinsic part of how a diverse range of activities and industries operate and function in the City. While it is important that these activities can generate a level of noise which is appropriate for their day-to-day operation, noise can cause adverse effects on the environment including on people's health and wellbeing such as sleep disturbance and annoyance. Noise effects can vary considerably depending on the frequency, time and characteristics of the noise, its duration, and the distance between the noise source and receiver. Background levels of noise and the level of acceptability or sensitivity to noise vary throughout the City depending on the receiving environment.

The noise rules and standards in this chapter and APP1 - Permitted Noise Standards provide the noise limits for each zone and for specific activities. This chapter also sets out where sound insulation and mechanical ventilation is required for noise-sensitive activities, and/or limits the location of noise-sensitive activities relative to other activities which have elevated noise levels. Other than where expressly provided for, noise levels arising from activities must be measured in accordance with NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with NZS 6802:2008 Acoustics - Environmental noise.

The following are all exempt from the rules and standards in this chapter:

1. Aircraft being operated during flight;
2. Vehicles being driven on a road (within the meaning of section 2(1) of the [Land](#)⁵ Transport Act 1998), or within a site as part of or compatible with a normal residential activity;
3. Trains on rail lines (public or private) and crossing bells within the road reserve, including at railway yards, railway sidings or stations. This exemption does not apply to the testing (when stationary), maintenance, loading or unloading of trains;
4. Any warning device or siren used by emergency services for emergency purposes (and routine testing and maintenance);
5. The use of generators and mobile equipment (including vehicles) for emergency purposes, including [load shedding purposes](#),⁶ testing and maintenance not exceeding 48 hours in duration, where they are operated by emergency services or lifeline utilities, or for the continuation of radiocommunication broadcasts from Radio New Zealand's Titahi Bay facilities;
6. Activities at emergency service facilities associated with emergency response and emergency response training;
7. Farming activity, agricultural vehicles, machinery or equipment used on a seasonal or intermittent basis for primary production in the Rural Zones;
8. Helicopters used in emergencies or as air ambulances;
9. Impulsive sounds (~~hammerings and bangs~~)⁷ and dog barking noise;
10. Crowd noise from activities in Open Space and Sport and Active Recreation Zones; and

⁵ Clause 16 minor amendment

⁶ Telcos [51.44]

⁷ Kāinga Ora [81.499]

11. Temporary Activities in the City Centre, General Rural, Rural Lifestyle, Mixed Use and Local Centre Zones on New Year's Eve until 1.00am on New Year's Day only, where in accordance with the rules and standards in the Temporary Activities chapter.
Noise from temporary military training activities is addressed in the Temporary Activities chapter.
Noise from community-scale and large-scale renewable electricity generation activities is addressed in the Renewable Electricity Generation chapter.
Objectives
NOISE-O1 Noise generation
The benefits of activities that generate noise are recognised while any adverse effects from <u>the generation of</u> noise are compatible with the anticipated purpose, character and amenity values of the relevant zone(s) and do not compromise <u>public the</u> health, or safety <u>or wellbeing of people and communities</u> . ⁸
NOISE-O2 Reverse sensitivity
The function and operation of existing and permitted noise generating activities are not compromised by adverse effects, including ⁹ reverse sensitivity effects, from noise-sensitive activities.
NOISE-O3 Construction activities
Construction activities that generate noise are enabled while ensuring that any adverse effects are minimised.
Policies
NOISE-P1 Appropriate noise activities
Enable the generation of noise from activities that: <ol style="list-style-type: none"> 1. Maintains the amenity values of the receiving environment; and 2. Does not compromise the health, safety and wellbeing of people and communities.
NOISE-P2 Potentially inappropriate noise activities
Provide for other activities that generate noise, where these avoid, remedy or mitigate any adverse effects <u>of noise</u> ¹⁰ , having regard to: <ol style="list-style-type: none"> 1. The extent to which it avoids conflict with existing noise-sensitive activities; 2. Effects on other established uses and their operation; 3. Potential effects on activities permitted within the receiving zone; 4. The compatibility of the noise with other noises generated from permitted zone activities, and other activities not controlled by the Plan, within the receiving zone; 5. The degree to which the noise breaches the permitted noise standards for the receiving zone(s);

⁸ Kāinga Ora [81.500]⁹ Kāinga Ora [81.501]¹⁰ Kāinga Ora [81.503]

<ol style="list-style-type: none"> 6. Whether adverse effects can be internalised to the site where the noise is generated and the extent to which they can be minimised at site boundaries; 7. The frequency, intensity, duration and offensiveness of the noise generated; 8. Any management plans for managing noise; 9. Whether the activity adopts the best practicable option to avoid, remedy or mitigate adverse effects and the appropriateness of potential mitigation measures to control and monitor the noise levels in addition or as alternatives to the best practicable option; and 10. Any adverse effects on the health, safety and wellbeing of people and communities within the surrounding area, including sleep disturbance and annoyance.
NOISE-P3 Noise from construction activities
<p>Minimise the adverse effects of noise from construction activities on the amenity values of the surrounding area, having regard to:</p> <ol style="list-style-type: none"> 1. The sensitivity of the receiving environment; 2. The proposed duration and daily work hours of the construction activities; and 3. Whether compliance with permitted noise standards can be practically achieved in consideration of site, topographical and other constraints.
NOISE-P4 Reverse sensitivity from State Highways and Rail Network
<p>Enable noise-sensitive activities and places of worship locating adjacent to existing State Highways and the Rail Network that are designed, constructed and maintained to achieve indoor design noise levels and provide for other habitable rooms when they minimise the potential for reverse sensitivity effects from noise, having regard to:</p> <ol style="list-style-type: none"> 1. The outdoor amenity for occupants of the noise-sensitive activity; 2. The location of the noise-sensitive activity in relation to the State Highway or Rail Network; 3. The ability to appropriately locate the activity within the site; 4. The ability to meet the appropriate levels of acoustic insulation through screening, alternative technologies or materials; 5. <u>The ability to mitigate any effects on buildings from vibration generated by the State Highway or Rail Network;</u>¹¹ 6. <u>Any topographical or other existing features on the site or surrounding area;</u>¹² 7. Any adverse effects on the State Highway or Rail Network; and 8. The outcome of any consultation with the <u>Waka Kotahi</u>¹³ New Zealand Transport Agency or KiwiRail <u>Holdings Limited</u>.¹⁴
NOISE-P5 Reverse sensitivity in the Commercial and Mixed Use Zones and Industrial Zones
<p>Require new residential activities and visitor accommodation locating within the City Centre Zone, Large Format Retail Zone Neighbourhood Centre Zone, Local Centre Zone, Mixed Use Zone or General Industrial Zone to design and locate habitable rooms to minimise any adverse effects on the health and wellbeing of people from noise and the potential for reverse sensitivity effects from noise.</p>

¹¹ Kāinga Ora [81.937]

¹² Paul and Julia Botha [118.6]

¹³ Clause 16 Minor Amendment

¹⁴ Clause 16 Minor Amendment

Rules		
<p>Note: There may be a number of provisions that apply to an activity, building, structure or site. Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.</p> <p>Rules relating to subdivision, including minimum allotment sizes for each zone, are found in the Subdivision chapter.</p>		
NOISE-R1	Activities generating noise, excluding construction activities and emergency and back-up generators	
	All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with the permitted noise standards within the receiving zone set out in APP1 - Permitted Noise Standards.</p>
	All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with NOISE-R1-1.a.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in NOISE-P2.</p>
NOISE-R2	Noise from construction activities	
	All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The noise from construction activities must be measured, assessed, managed and controlled in accordance with the requirements of NZS 6803:1999 Acoustics – Construction noise and DIN 4150-3:1999 Structural Vibration – Part 3: Effects of Vibration on Structures.</p>
	All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with NOISE-R2-1.a.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in NOISE-P3.</p> <p>Notification:</p> <p>An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</p>
NOISE-R3	Noise from emergency and back-up generators	
	All zones	<p>1. Activity status: Permitted</p> <p>Where:</p>

		<p>a. The emergency or back-up generator is an emergency electricity generator that is not used to generate power for the National Grid; or</p> <p>b. The emergency or back-up generator is used to support maintenance activities and:</p> <ol style="list-style-type: none"> Only operates between the hours of 8.00am and 5.00pm on weekdays; Does not operate on Saturdays or Sundays; and Will comply with the relevant daytime noise limit.
	All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with NOISE-R43-1.a or NOISE-R43-1.b.¹⁵</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> The matters in NOISE-P2. <p>Notification: An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</p>
	NOISE-R4	New buildings, change of use of existing buildings, and additions to existing buildings over 50m², for use as residential units or visitor accommodation in Commercial and Mixed Use and Industrial Zones
	<p>Neighbourhood Centre Zone</p> <p>Local Centre Zone</p> <p>Mixed Use Zone</p> <p>City Centre Zone</p> <p>General Industrial Zone</p>	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved <u>achieved</u>¹⁶ with:</p> <ol style="list-style-type: none"> NOISE-S45; and NOISE-S56.
	<p>Neighbourhood Centre Zone</p> <p>Local Centre Zone</p> <p>Mixed Use Zone</p> <p>City Centre Zone</p>	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with NOISE-S5 or NOISE-S6.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> The matters of discretion of any infringed standard.

¹⁵ Kāinga Ora [81.510]¹⁶ Kāinga Ora [81.511]

	General Industrial Zone
NOISE-R5	New buildings, change of use of existing buildings, and additions to existing buildings over 50m², for use by a noise-sensitive activity or place of worship in proximity to State Highways and the North Island Main Trunk railway line
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The building or part of the building for use by a noise-sensitive activity or place of worship is within: <ul style="list-style-type: none"> i. 80m of the outer painted lane marking of a State Highway with a speed limit of greater than 670km/h¹⁷; ii. 50m of the outer painted lane marking of a State Highway with a speed limit of 670km/h¹⁸ or less; or iii. 100m of the centre of a track that is part of the North Island Main Trunk railway line; and b. The building or part of the building for use by a noise-sensitive activity or place of worship is not within: <ul style="list-style-type: none"> i. 40m of the outer painted lane marking of a State Highway with a speed limit greater than 670km/h¹⁹; ii. 20m of the outer painted lane marking of a State Highway with a speed limit of 670km/h²⁰ or less; or iii. 30m of the centre of a track that is part of the North Island Main Trunk railway line; and c. Compliance is achieved with: <ul style="list-style-type: none"> i. NOISE-S1; ii. NOISE-S2; and iii. NOISE-S3.
<u>Residential Zones</u>	<p>2. Activity status: <u>Controlled</u>²¹</p> <p><u>Where:</u></p> <ul style="list-style-type: none"> a. <u>Compliance is not achieved with NOISE-R5-1.b.</u> <p><u>Matters of control are limited to:</u></p> <ul style="list-style-type: none"> 1. <u>The matters in NOISE-P4.</u> <p><u>Notification:</u></p> <ul style="list-style-type: none"> • <u>An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</u> • <u>When deciding whether any person is affected in relation to this rule for the purpose of section 95E of the RMA, the</u>

¹⁷ Kāinga Ora [81.937]¹⁸ Kāinga Ora [81.937]¹⁹ Kāinga Ora [81.937]²⁰ Kāinga Ora [81.937]²¹ Kāinga Ora [81.937]

	<p><u>Council will give specific consideration to any adverse effects on Waka Kotahi New Zealand Transport Agency and KiwiRail Holdings Limited.</u></p>
<p>All zones</p>	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with NOISE-S1, NOISE-S2 or NOISE-S3.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters of discretion of any infringed standard.</p> <p>Notification:</p> <ul style="list-style-type: none"> • An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA. • When deciding whether any person is affected in relation to this rule for the purpose of section 95E of the RMA, the Council will give specific consideration to any adverse effects on Waka Kotahi New Zealand Transport Agency and KiwiRail.
<p>All zones</p> <p><u>Rural Zones</u></p> <p><u>Commercial and Mixed Use Zones</u></p> <p><u>General Industrial Zone</u></p> <p><u>Open Space and Recreation Zones</u></p> <p><u>Special Purpose Zones</u></p>	<p>3. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with NOISE-R5-1.b; and b. Compliance is achieved with:</p> <p>i. NOISE-S1; ii. NOISE-S2; iii. NOISE-S3; and iv. NOISE-S4.²²</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in NOISE-P4.</p> <p>Notification:</p> <ul style="list-style-type: none"> • An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA. • When deciding whether any person is affected in relation to this rule for the purpose of section 95E of the RMA, the Council will give specific consideration to any adverse effects on Waka Kotahi New Zealand Transport Agency and KiwiRail <u>Holdings Limited</u>.²³

²² Kāinga Ora [81.937]

²³ Clause 16 minor amendment

	All zones	<p><u>4. Activity status: Restricted discretionary²⁴</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance is not achieved with NOISE-S1, NOISE-S2 or NOISE-S3.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>1. <u>The matters of discretion of any infringed standard.</u></p> <p>Notification:</p> <ul style="list-style-type: none"> <u>An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</u> <u>When deciding whether any person is affected in relation to this rule for the purpose of section 95E of the RMA, the Council will give specific consideration to any adverse effects on Waka Kotahi New Zealand Transport Agency and KiwiRail Holdings Limited.</u>
	All zones	<p>4. Activity status: Discretionary²⁵</p> <p>Where:</p> <p>a. Compliance is not achieved with NOISE-R5-1.b; and</p> <p>b. Compliance is not achieved with NOISE-S1, NOISE-S2, NOISE-S3 or NOISE-S4.</p> <p>Notification:</p> <ul style="list-style-type: none"> An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA. When deciding whether any person is affected in relation to this rule for the purpose of section 95E of the RMA, the Council will give specific consideration to any adverse effects on Waka Kotahi New Zealand Transport Agency and KiwiRail.
Standards		
<p>Note: The term $D_{2m,nT,w} + C_{tr}$ is the description for noise insulation at the façade. This is the weighted level difference between the outside noise (measured at 2m) and the inside noise, normalised to a reference reverberation time and adjusted for road traffic noise characteristics.</p>		
NOISE-S1	New noise-sensitive activities and places of worship near State Highways – Indoor design noise level	
All zones	<p>1. Any habitable room in:</p> <p>a. New buildings used for a noise-sensitive activity or place of worship;</p> <p>b. Additions exceeding 50m² to existing buildings</p>	<p>Matters of discretion are restricted to:</p> <p>1. The distance of the noise-sensitive activity from the State Highway or Rail Network;</p>

²⁴ Consequential re-ordering as a result of Kāinga Ora [81.937]

²⁵ Kāinga Ora [81.937]

	<p>used for a noise-sensitive activity or place of worship; or</p> <p>c. An existing building where its use is changed to be for a noise-sensitive activity or place of worship;</p> <p>Must be designed, constructed and maintained:</p> <p>a. To achieve indoor design noise levels of:</p> <p>i. For habitable room(s): 40dB LAeq(24h);</p> <p>ii. For places of worship and marae: 35dB LAeq(24h); or</p> <p>b. In accordance with the construction schedule set out in SCHED12 - Building Standards for Indoor Noise Reduction where the new habitable room is located in a residential unit of single-storey framed construction.</p> <p>2. A design certificate from a suitably qualified and experienced professional must be provided to Council prior to the construction of any noise-sensitive activity or place of worship demonstrating that the standards in NOISE-S1-1 will be achieved.</p>	<p>2. The effects of any non-compliance;</p> <p>3. The ability to meet the appropriate levels of insulation through screening, alternative technologies or materials;</p> <p><u>4. Any topographical or other existing features on the site or surrounding area</u>.²⁶</p> <p><u>45</u>. The reverse sensitivity effects on the State Highway or Rail Network; and</p> <p><u>56</u>. The outcome of any consultation with Waka Kotahi NZ Transport Agency (in relation to activities near a State Highway) or KiwiRail <u>Holdings Limited</u>²⁷ (in relation to activities near the Rail Network).</p>
NOISE-S2	New noise-sensitive activities and places of worship near the North Island Main Trunk railway line – Indoor design noise level	
All zones	<p>1. Any habitable room in:</p> <p>a. New buildings used for a noise-sensitive activity or place of worship; or</p> <p>b. Additions exceeding 50m² to existing buildings</p>	<p>Matters of discretion are restricted to:</p> <p>1. The distance of the noise-sensitive activity from the State Highway or Rail Network;</p>

²⁶ Paul and Julia Botha [118.6]

²⁷ Clause 16 minor amendment

	<p>used for a noise-sensitive activity or place of worship; or</p> <p>c. An existing building where its use is changed to be for a noise-sensitive activity or place of worship;</p> <p>Must be designed, constructed and maintained:</p> <p>a. To achieve indoor design noise levels of:</p> <p>i. For bedrooms: 35dB LAeq(1h);</p> <p>ii. For other habitable room(s): 40dB LAeq(1h);</p> <p>iii. For places of worship and marae: 35dB LAeq(1h); or</p> <p>b. In accordance with the construction SCHED12 - Building Standards for Indoor Noise Reduction where the new habitable room is located in a residential unit of single-storey framed construction.</p> <p>2. A design certificate from a suitably qualified and experienced professional must be provided to Council prior to the construction of any noise-sensitive activity or place of worship demonstrating that the standards in NOISE-S2-1 will be achieved.</p>	<p>2. The effects of any non-compliance;</p> <p>3. The ability to meet the appropriate levels of insulation through screening, alternative technologies or materials;</p> <p><u>4. Any topographical or other existing features on the site or surrounding area.</u>²⁸</p> <p><u>45.</u> The reverse sensitivity effects on the State Highway or Rail Network; and</p> <p><u>56.</u> The outcome of any consultation with Waka Kotahi NZ Transport Agency (in relation to activities near a State Highway) or KiwiRail <u>Holdings Limited</u>²⁹ (in relation to activities near the Rail Network).</p>
NOISE-S3	New noise-sensitive activities and places of worship near a State Highway or North Island Main Trunk railway line – Mechanical ventilation	
All zones	<p>1. Where windows of a habitable room must be closed to meet the requirements for NOISE-S1.1 or NOISE-S2.1, the building</p>	<p>Matters of discretion are restricted to:</p> <p>1. The distance of the noise-sensitive activity</p>

²⁸ Paul and Julia Botha [118.6]

²⁹ Clause 16 minor amendment

	<p>must be designed, constructed and maintained with a mechanical ventilation system that achieves the following for habitable rooms:</p> <ol style="list-style-type: none"> Provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code (Schedule 1 of the Building Regulations 1992); Achieves a minimum of 7.5 litres per second per person; and Does not generate more than 35 dB LAeq(30s) when measured 1m away from any grille or diffuser. <p>2. A design certificate from a suitably qualified and experienced professional must be provided to Council prior to the construction of any noise-sensitive activity or place of worship demonstrating that the standards in NOISE-S3-1 will be achieved.</p>	<p>from the State Highway or Rail Network;</p> <ol style="list-style-type: none"> The effects of any non-compliance; The ability to meet the appropriate levels of insulation through screening, alternative technologies or materials; <u>4. Any topographical or other existing features on the site or surrounding area</u>; ³⁰ <u>5</u> The reverse sensitivity effects on the State Highway or Rail Network; and <u>5</u>6. The outcome of any consultation with Waka Kotahi NZ Transport Agency (in relation to activities near a State Highway) or KiwiRail <u>Holdings Limited</u> ³¹ (in relation to activities near the Rail Network).
NOISE-S4	New noise-sensitive activities and places of worship near a State Highway or North Island Main Trunk railway line – Vibration	
All zones -	1. Habitable rooms within any: <ol style="list-style-type: none"> New buildings used for a noise-sensitive activity or place of worship; or Additions exceeding 50m² to existing buildings used for a noise-sensitive activity or place of worship; or An existing building where its use is changed to be for a noise-sensitive activity or place of worship; 	Matters of discretion are restricted to: <ol style="list-style-type: none"> The distance of the noise-sensitive activity from the State Highway or Rail Network; The effects of any non-compliance; The ability to meet the appropriate levels of insulation through screening, alternative technologies or materials;

³⁰ Paul and Julia Botha [118.6]

³¹ Clause 16 minor amendment

	<p>Must comply with class C of Norwegian Standard 8176 E:2005 (Vibration and Shock – Measurement of Vibration in Buildings from Land based Transport and Guidance to Evaluation of Its Effect on Human Beings).</p> <p>-</p> <p>2. A design certificate from a suitably qualified and experienced professional must be provided to Council prior to the construction of any noise-sensitive activity or place of worship demonstrating that the standards in NOISE-S4-1 will be achieved.</p>	<p>4. The reverse sensitivity effects on the State Highway or Rail Network;</p> <p>5. The outcome of any consultation with Waka Kotahi NZ Transport Agency (in relation to activities near a State Highway) or KiwiRail (in relation to activities near the Rail Network); and</p> <p>6. Special topographical, building features or ground conditions which will mitigate vibration impacts.</p>
NOISE-S45	Residential units and visitor accommodation – Indoor noise design levels	
City Centre Zone Large Format Retail Zone Mixed Use Zone	<p>1. Habitable rooms within any:</p> <ol style="list-style-type: none"> New buildings used for a residential unit or visitor accommodation; Additions exceeding 50m² to existing buildings used for a residential unit or visitor accommodation; or An existing building where its use is changed to be for a residential unit or visitor accommodation; <p>Must be designed, constructed and maintained to meet an internal noise level of:</p> <ul style="list-style-type: none"> For bedrooms: $D_{2m,nT,w} + C_{tr} > 35 \text{ dB}$; and For other habitable rooms: $D_{2m,nT,w} + C_{tr} > 30 \text{ dB}$. <p>2. A design certificate from a suitably qualified and experienced professional shall be provided to Council prior to the construction of any residential unit or visitor accommodation demonstrating that the standards in NOISE-S5-1 will be achieved.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> Whether there is screening by other structures or distance from noise sources; The ability to meet the appropriate levels of acoustic insulation through alternative technologies or materials; The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site; and The impact of any residential activity that does not provide the required noise insulation on the ability of existing or future permitted business activities to operate or establish without undue constraint.

<p>Neighbourhood Centre Zone</p> <p>Local Centre Zone</p>	<p>3. Habitable rooms within any:</p> <ol style="list-style-type: none"> New buildings used for a residential unit or visitor accommodation; Additions exceeding 50m² to existing buildings used for a residential unit or visitor accommodation; or An existing building where its use is changed to be for a residential unit or visitor accommodation; <p>Must be designed, constructed and maintained to meet an internal noise level of:</p> <ul style="list-style-type: none"> For bedrooms: $D_{2m,nT,w} + C_{tr} > 30$ dB; and For other habitable rooms: $D_{2m,nT,w} + C_{tr} > 25$ dB. <p>4. A design certificate from a suitably qualified and experienced professional shall be provided to Council prior to the construction of any residential unit or visitor accommodation demonstrating that the standards in NOISE-S5-3 will be achieved.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> Whether there is screening by other structures or distance from noise sources; The ability to meet the appropriate levels of acoustic insulation through alternative technologies or materials; The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site; and The impact of any residential activity that does not provide the required noise insulation on the ability of existing or future permitted business activities to operate or establish without undue constraint.
<p>General Industrial Zone</p>	<p>5. Habitable rooms within any:</p> <ol style="list-style-type: none"> New buildings used for a residential unit ancillary to an industrial activity; Additions exceeding 50m² to existing buildings used for a residential unit ancillary to an industrial activity; or An existing building where its use is changed to be for a residential unit ancillary to an industrial activity; <p>Must be designed, constructed and maintained to meet an internal noise level of $D_{2m,nT,w} + C_{tr} > 35$ dB.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> Whether there is screening by other structures or distance from noise sources; The ability to meet the appropriate levels of acoustic insulation through alternative technologies or materials; and The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the

	6. A design certificate from a suitably qualified and experienced professional must be provided to Council prior to the construction of any residential unit ancillary to an industrial activity demonstrating that the standards in NOISE-S5-5 will be achieved.	amenity of present and future residents of the worker accommodation.
NOISE-S56	Residential units and visitor accommodation – Mechanical ventilation	
Neighbourhood Centre Zone Local Centre Zone Large Format Retail Zone Mixed Use Zone City Centre Zone General Industrial Zone	<p>1. Where the internal noise insulation levels for habitable rooms in residential units or visitor accommodation required under NOISE-S5 can only be achieved with windows closed, they must be constructed and maintained with a mechanical ventilation system that achieves the following:</p> <ol style="list-style-type: none"> Provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; Achieves a minimum of 7.5 litres per second per person; and Does not generate more than 35 dB LAeq(30s) when measured 1m away from any grille or diffuser. <p>2. A design certificate from a suitably qualified and experienced professional must be provided to Council prior to the construction of any residential unit or visitor accommodation demonstrating that the standards in NOISE-S6-1 will be achieved.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> Whether there is screening by other structures or distance from noise sources; The ability to meet the appropriate levels of mechanical ventilation through alternative technologies or materials; and The impact of any residential unit that does not provide the required mechanical ventilation on the ability of existing or future permitted business activities to operate or establish without undue constraint.

Definitions

[...]

Noise-sensitive activity

means:

- a. residential activity;
- b. marae;
- c. hospital;
- d. healthcare activity;
- e. educational facility; ~~or~~
- f. visitor accommodation activity; ~~or~~
- g. retirement villages.

Appendix B. Recommended Responses to Submissions and Further Submissions

The recommended responses to the submissions made on this topic are presented in Table B 1 below.

Table B 1: Recommended responses to submissions and further submissions

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
General Submissions							
264.59	Te Rūnanga o Toa Rangatira	All	Retain as notified	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
Exemptions							
51.44 ³²	Spark New Zealand Trading Limited, Chorus New Zealand Limited, Vodafone New Zealand Limited	Exemptions	Amend as follows: The following are all exempt from the rules and standards in this chapter: [...] 5. The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding 48 hours in duration, where they are operated by emergency services or lifeline utilities, for <u>load shedding purposes</u> , or for the continuation of radiocommunication broadcasts from Radio New Zealand's Titahi Bay facilities; [...]	n/a	Accept	Agree with submitter	Yes
81.499	Kāinga Ora – Homes and Communities	Exemptions	Kāinga Ora requests an amendment to delete the reference to 'hammering' as being exempt from the noise controls. This may lead to unintended consequences where after-hours construction work can take place and generate noise that may compromise the amenity of sensitive receivers (such as residential activities). Amend: The following are all exempt from the rules and standards in this chapter: [...] 9. Impulsive sounds (hammerings and bangs) and dog barking noise.	n/a	Accept	Agree with submitter	Yes
86.57	KiwiRail Holdings Limited (KiwiRail)	Exemptions	Supports the clarification provided under point 3 in the introduction that trains on rail lines and crossing bells, including at railway yards, railway sidings or stations are exempt from the noise standards within this Chapter.	n/a	Accept	Agree with submitter	No
179.4	Rural Contractors New Zealand Inc	Exemptions 2 and 7	Supports exemptions 2 and 7 to the Noise rules and standards.	n/a	Accept	Agree with submitter	No
119.50	Fire and Emergency New Zealand	Exemptions	Strongly supports the exclusions identified in the Noise introduction, which relate to emergency sirens, generators, and activities at emergency service facilities. Strongly supports the retention of this exclusion.	n/a	Accept	Agree with submitter	No
121.29	Radio New Zealand Limited	Exemptions	Supports the exemption of its emergency generators from the rules and standards in the Noise chapter.	n/a	Accept	Agree with submitter	No
Reverse sensitivity							
General							

³² Supported by Radio New Zealand Ltd [FS60.57]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
81.937 ³³	Kāinga Ora – Homes and Communities	All noise provisions relating to railway corridor	Opposes the provisions of land use controls adjacent to the Railway corridor. Opposes the associated noise provisions in its current state and seeks the full package of provisions (objectives, policies, rules and definitions) are reviewed and amended.	3.2.1	Reject	See body of the report	No
81.938	Kāinga Ora – Homes and Communities	All noise provisions relating to state highway	Opposes the provisions of land use adjacent to the State Highway network. Amend noise provisions and seeks the full package of provisions (objectives, policies, rules and definitions) are reviewed and amended	3.2.1	Reject	See body of the report	No
118.10	Paul and Julia Botha	Not specified	If Council insists on maintaining a noise buffer proposed in the PDP, then a maximum noise level be placed on the noise from State Highways and rail corridors to prevent these creeping upwards with time.	3.2.1	Reject	See body of report	No
12.3	Gwynn Family Trust	Not specified	Noise created by the transport corridor is able to increase with changes without any mitigation on existing properties. Amend Noise Rules to ensure transport networks are not excluded from meeting PDP rules.	3.2.1	Reject	See body of report	No
159.2	Steve Grant	Noise Corridor	Seeks clarification of New Zealand Rail's contribution to the noise issue besides creating it.	3.2.1	Reject	See body of report	No
158.2	Steve Grant	Noise Corridor	Seeks clarification of New Zealand Rail's contribution to the noise issue besides creating it.	3.2.1	Reject	See body of report	No
Mapping							
81.498	Kāinga Ora – Homes and Communities	Noise Corridor overlay on planning maps	Delete Noise Corridor overlay maps	3.2.2	Reject	See body of report	No
118.5	Paul and Julia Botha	Not specified	In relation to the noise corridor mapping, any setback should be from the rail centreline and not the Kiwirail property boundary as is currently shown.	3.2.2	Accept in part	Accept in part, subject to amendments made in response to other submissions	Yes
Objective							
81.501	Kāinga Ora – Homes and Communities	NOISE-O2	The function and operation of existing and permitted noise generating activities are not compromised by adverse effects, including reverse sensitivity effects, from new noise-sensitive activities.	3.2.3	Accept in part	See body of the report	Yes
86.58 ³⁴	KiwiRail Holdings Limited (KiwiRail)	NOISE-O2	Retain as proposed.	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
82.167 ³⁵	Waka Kotahi NZ Transport Agency	NOISE-O2	Retain as notified.	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
Policies							
81.506	Kāinga Ora – Homes and Communities	NOISE-P4	Delete: Enable noise sensitive activities and places of worship locating adjacent to existing State Highways and the Rail Network that are designed, constructed and maintained to achieve indoor design noise levels and provide for other habitable rooms when	3.2.4	Reject	See body of the report	No

³³ Support - Paul and Julia Botha [FS27.8]³⁴ Support - Radio New Zealand Ltd [FS60.58], Oppose - Kāinga Ora [FS65.28]³⁵ Support - Radio New Zealand Ltd [FS60.58], Oppose - Kāinga Ora [FS65.28]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			they minimise the potential for reverse sensitivity effects from noise, having regard to: 1. The outdoor amenity for occupants of the noise sensitive activity; 2. The location of the noise sensitive activity in relation to the State Highway or Rail Network; 3. The ability to appropriately locate the activity within the site; 4. The ability to meet the appropriate levels of acoustic insulation through screening, alternative technologies or materials; 5. Any adverse effects on the State Highway or Rail Network as a result of the noise-sensitive activities; and 6. The outcome of any consultation with the New Zealand Transport Agency or KiwiRail.				
82.170 ³⁶	Waka Kotahi NZ Transport Agency	NOISE-P4	Retain as notified.	n/a	Accept	Agree with the submitter	No
86.59 ³⁷	KiwiRail Holdings Limited (KiwiRail)	NOISE-P4	Retain as proposed.	n/a	Accept	Agree with the submitter	No
92.13 ³⁸	Z Energy Limited	NOISE-P4	Retain the definition of Noise Sensitive Activities; Noise Corridors Policy Noise-P4 and Noise Corridors Rules Noise R5 and S1-S5.	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
Rules							
118.6	Paul and Julia Botha	Not specified	<p>The distances listed assume line of sight to the railway or road. Where there is screening or obstruction to a direct line of sight, the noise levels will be lower or the potential exists to build closer to the railway without the need for acoustic insulation on the building.</p> <p>The terrain shape and other barriers need to be able to be included in an assessment rather than simply assuming that all new houses within 100m (or other distance) require acoustic insulation.</p>	3.2.5	Reject	See body of report	No
118.7	Paul and Julia Botha	Not specified	If a proposed development lies within 100 m (or other distance) of the railway but that part of the railway cannot be seen it should not require acoustic mitigation even if other parts of the railway are visible at greater distance.	3.2.5	Reject	See body of report	No
118.9	Paul and Julia Botha	Not specified	If Council insists on maintaining a noise buffer proposed in the PDP, then the buffer zone should only apply to rural & rural residential areas, i.e. all existing houses are excluded.	3.2.5	Reject	See body of report	No
118.8	Paul and Julia Botha	Not specified	If Council insists on maintaining a noise buffer proposed in the PDP, then the buffer is no wider than 40m from the edge of a State Highway or the centre line of the existing rail tracks.	3.2.5	Reject	See body of report	No
81.512	Kāinga Ora – Homes and Communities	NOISE-R5	Delete rule	3.2.5	Reject	See body of the report	No

³⁶ Oppose - Kāinga Ora [FS65.282]³⁷ Oppose - Kāinga Ora [FS65.282]³⁸ Oppose - Kāinga Ora [FS65.282]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
86.60 ³⁹	KiwiRail Holdings Limited (KiwiRail)	NOISE-R5	Retain as proposed.	n/a	Accept in part	Accept in part, subject to amendments as a result of other submissions	No
92.14 ⁴⁰	Z Energy Limited	NOISE-R5	Retain the definition of Noise Sensitive Activities; Noise Corridors Policy Noise-P4 and Noise Corridors Rules Noise R5 and S1-S5.	n/a	Accept in part	Accept in part, subject to amendments as a result of other submissions	No
82.172 ⁴¹	Waka Kotahi NZ Transport Agency	NOISE-R5	<p>Impose new noise rules in place of NOISE-R5 and NOISE-S1 to S6 as per Appendix 4 attached to the submission.</p> <p>Seeks to introduce new rules, which have been developed collaboratively with KiwiRail. This will ensure potential adverse effects (including conflicts between activities and reverse sensitivity effects) are mitigated. The rail network is 24 hours a day, 7 days a week operation, and the frequency, length and weight of trains can change without community consultation. The road network is similarly operating 24/7 with variability in traffic. Noise and vibration effects can interrupt amenity and enjoyment, as well as ability to sleep which can have significant impacts on people's health and wellbeing. Appropriate mitigation is critical to ensuring that undue restrictions are not placed on the operation of these transport networks and the health and wellbeing of those residing or otherwise occupying nearby sites is protected. Part 2 of the Act supports the efficient use and development of the road and rail network while also enabling people and communities to provide for their well-being and their health and safety. An appropriate balance needs to be achieved between ensuring the transport network is efficiently utilised and adjacent development can be facilitated, without compromising safety of people and communities.</p> <p>The proposed new rules provide for new or altered buildings within 100 m of the highway/railway boundary, which can achieve the required internal noise standard, to be permitted activities. Where windows need to be closed to achieve the desired internal noise levels then ventilation performance is prescribed. Enhancements to buildings are best achieved at the time of construction. The further removed from the road or rail corridor a building is, the less additional mitigation may be required. The noise level proposed is in accordance with World Health Organisation standards. There are no standards for outdoor road noise within the Proposed Porirua District Plan. Considers that outdoor noise can adversely affect the health, safety and wellbeing of people and communities. Considers that a new standard needs to be inserted under the noise standards that addresses outdoor noise effects. The mitigation for adverse effects on human health proposed through these provisions reflects that in some circumstances, e.g. smaller residential sites near the transport corridor, requiring a greater setback from the transport corridor boundary as a means of addressing noise and vibration effects may not always be practicable. The rules seek to ensure that building development options can still maximise the use of</p>	3.2.5	Reject	See body of the report	No

³⁹ Oppose - Kāinga Ora [FS65.283]⁴⁰ Oppose - Kāinga Ora [FS65.283]⁴¹ Oppose in part - Kāinga Ora [FS65.284]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			a site, while at the same time having standards for mitigating noise and vibration effects arising from the transport corridor [Refer to original submission for full decision requested, including attachments]				
Standards							
82.173 ⁴²	Waka Kotahi NZ Transport Agency	New Standards introduced to replace NOISE-S1 to NOISE-S6	Impose new noise rules in place of NOISE-R5 and NOISE-S1 to S6 as per Appendix 4 attached to the submission.	3.2.6.1	Reject	See body of report	No
118.11	Paul and Julia Botha	Not specified	If Council insists on maintaining a noise buffer proposed in the PDP, then remove the reference to the Norwegian Standard for ground vibration.	3.2.6.1	Accept	Agree with the submitter	Yes
81.513	Kāinga Ora – Homes and Communities	NOISE-S1	<p>Delete:</p> <p>1. Any habitable room in:-</p> <p>a. — New buildings used for a noise-sensitive activity or place of worship;</p> <p>b. — Additions exceeding 50m² to existing buildings used for a noise-sensitive activity or place of worship; or</p> <p>c. — An existing building where its use is changed to be for a noise-sensitive activity or place of worship;</p> <p>Must be designed, constructed and maintained:</p> <p>a. — To achieve indoor design noise levels of:</p> <p>i. — For habitable room(s): 40dB LAeq(24h);</p> <p>ii. — For places of worship and marae: 35dB LAeq(24h); or</p> <p>b. — In accordance with the construction schedule set out in SCHED12— Building Standards for Indoor Noise Reduction where the new habitable room is located in a residential unit of single-storey framed construction.</p> <p>2. A design certificate from a suitably qualified and experienced professional must be provided to Council prior to the construction of any noise-sensitive activity or place of worship demonstrating that the standards in NOISE-S1 1 will be achieved.</p> <p>Matters of discretion are restricted to:</p> <p>1. — The distance of the noise-sensitive activity from the State Highway or Rail Network;</p> <p>2. — The effects of any non-compliance;</p> <p>3. — The ability to meet the appropriate levels of insulation through screening, alternative technologies or materials;</p> <p>4. — The reverse sensitivity effects on the State Highway or Rail Network; and</p> <p>5. — The outcome of any consultation with Waka Kotahi NZ Transport Agency (in relation to activities near a State Highway) or KiwiRail (in relation to activities near the Rail Network);</p>	3.2.6.2	Reject	See body of report	No
92.16 ⁴³	Z Energy Limited	NOISE-S1	Retain	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No

⁴² Oppose in part - Kāinga Ora [FS65.285]⁴³ Oppose - Kāinga Ora [FS65.286]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
92.17 ⁴⁴	Z Energy Limited	NOISE-S2	Retain	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
86.61 ⁴⁵	KiwiRail Holdings Limited (KiwiRail)	NOISE-S2	Retain	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
81.514	Kāinga Ora – Homes and Communities	NOISE-S2	<p>Delete:</p> <p>1. Any habitable room in:</p> <p>a. New buildings used for a noise sensitive activity or place of worship; or</p> <p>or</p> <p>b. Additions exceeding 50m² to existing buildings used for a noise-sensitive activity or place of worship; or</p> <p>c. An existing building where its use is changed to be for a noise-sensitive activity or place of worship;</p> <p>Must be designed, constructed and maintained:</p> <p>a. To achieve indoor design noise levels of:</p> <p>i. For bedrooms: 35dB LAeq(1h);</p> <p>ii. For other habitable room(s): 40dB LAeq(1h);</p> <p>iii. For places of worship and marae: 35dB LAeq(1h); or</p> <p>b. In accordance with the construction SCHED12 – Building Standards for Indoor Noise Reduction where the new habitable room is located in a residential unit of single-storey framed construction.</p> <p>1. A design certificate from a suitably qualified and experienced professional must be provided to Council prior to the construction of any noise sensitive activity or place of worship demonstrating that the standards in NOISE S2 1 will be achieved.</p> <p>Matters of discretion are restricted to:</p> <p>1. The distance of the noise sensitive activity from the State Highway or Rail Network;</p> <p>2. The effects of any non-compliance;</p> <p>3. The ability to meet the appropriate levels of insulation through screening, alternative technologies or materials;</p> <p>4. The reverse sensitivity effects on the State Highway or Rail Network; and</p> <p>5. The outcome of any consultation with Waka Kotahi NZ Transport Agency (in relation to activities near a State Highway) or KiwiRail (in relation to activities near the Rail Network)</p> <p>.</p>	3.2.6.2	Reject	See body of report	No
81.515	Kāinga Ora – Homes and Communities	NOISE-S3	<p>Delete:</p> <p>1. Where windows of a habitable room must be closed to meet the requirements for NOISE S1.1 or NOISE S2.1, the building must be designed, constructed and maintained with a mechanical ventilation system that achieves the following for habitable rooms:</p> <p>a. Provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code (Schedule 1 of the Building Regulations 1992);</p> <p>b. Achieves a minimum of 7.5 litres per second per person; and</p>	3.2.6.2	Reject	See body of report	No

⁴⁴ Oppose - Kāinga Ora [FS65.286]⁴⁵ Oppose - Kāinga Ora [FS65.286]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<p>c. Does not generate more than 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.</p> <p>2. A design certificate from a suitably qualified and experienced professional must be provided to Council prior to the construction of any noise sensitive activity or place of worship demonstrating that the standards in NOISE-S3-1 will be achieved.</p> <p>Matters of discretion are restricted to:</p> <p>1. The distance of the noise sensitive activity from the State Highway or Rail Network;</p> <p>2. The effects of any non-compliance;</p> <p>3. The ability to meet the appropriate levels of insulation through screening, alternative technologies or materials;</p> <p>4. The reverse sensitivity effects on the State Highway or Rail Network; and</p> <p>5. The outcome of any consultation with Waka Kotahi NZ Transport Agency (in relation to activities near a State Highway) or KiwiRail (in relation to activities near the Rail Network).</p>				
86.62 ⁴⁶	KiwiRail Holdings Limited (KiwiRail)	NOISE-S3	Retain	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
92.18 ⁴⁷	Z Energy Limited	NOISE-S3	Retain	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
92.19 ⁴⁸	Z Energy Limited	NOISE-S4	Retain	n/a	Reject	See body of report	No
86.63 ⁴⁹	KiwiRail Holdings Limited (KiwiRail)	NOISE-S4	Retain	n/a	Reject	See body of report	No
81.516	Kāinga Ora – Homes and Communities	NOISE-S4	<p>Delete:</p> <p>NOISE-S4 – New noise sensitive activities and place of worship near a State Highway or North Island Main Trunk railway line – Vibration</p> <p>1. Habitable rooms within any:</p> <p>a. New buildings used for a noise sensitive activity or place of worship; or</p> <p>b. Additions exceeding 50m² to existing buildings used for a noise sensitive activity or place of worship; or</p> <p>c. An existing building where its use is changed to be for a noise sensitive activity or place of worship;</p> <p>Must comply with class C of Norwegian Standard 8176 E:2005 (Vibration and Shock – Measurement of Vibration in Buildings from Land based Transport and Guidance to Evaluation of Its Effect on Human Beings).</p> <p>2. A design certificate from a suitably qualified and experienced professional must be provided to Council prior to the construction of any noise sensitive activity or place of worship demonstrating that the standards in NOISE-S4-1 will be achieved.</p> <p>Matters of discretion are restricted to:</p>	3.2.6.3	Accept	See body of report	Yes

⁴⁶ Oppose - Kāinga Ora [FS65.287]⁴⁷ Oppose - Kāinga Ora [FS65.287]⁴⁸ Oppose - Kāinga Ora [FS65.287]⁴⁹ Oppose - Kāinga Ora [FS65.288]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			1. The distance of the noise-sensitive activity from the State Highway or Rail Network; 2. The effects of any non-compliance; 3. The ability to meet the appropriate levels of insulation through screening, alternative technologies or materials; 4. The reverse sensitivity effects on the State Highway or Rail Network; 5. The outcome of any consultation with Waka Kotahi NZ Transport Agency (in relation to activities near a State Highway) or KiwiRail (in relation to activities near the Rail Network); and 6. Special topographical, building features or ground conditions which will mitigate vibration impacts.				
Definitions							
81.150	Kāinga Ora – Homes and Communities	Sensitive activity	Retain definition as notified	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
82.17 ⁵⁰	Waka Kotahi NZ Transport Agency	Sensitive activity	Amend definition of “noise-sensitive activity”: “means: a) residential activity; b) marae; c) hospital; d) healthcare activity e) educational facility; or f) visitor accommodation activity; or g) places of worship” Delete the definition for “sensitive activity”.	3.2.7.1	Accept in part	See body of report	Yes
60.17 ⁵¹	Transpower New Zealand Ltd	Sensitive activity	Supports definition in so far as it is applied to the National Grid corridor management provisions within the PDP. Within context of the National Grid, the definition of ‘sensitive activity’ is used within Policy INF-P24 and associated National Grid rules.	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
121.8 ⁵²	Radio New Zealand Limited	Noise-sensitive activity	Seeks that either: <ul style="list-style-type: none"> the definition for “noise-sensitive activity” is made the same as the definition for “sensitive activity”, or that the two activities are combined into one definition that includes places of worship and retirement villages. 	3.2.7.1	Accept in part	See body of report	Yes
134.5 ⁵³	Ministry of Education	Noise-sensitive activity	Retain	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No

⁵⁰ Oppose - Kāinga Ora [FS65.60]⁵¹ Support in part - Kāinga Ora [FS65.61]⁵² Oppose - Kāinga Ora [FS65.49]⁵³ Support - Kāinga Ora [FS65.50]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
86.5 ⁵⁴	KiwiRail Holdings Limited (KiwiRail)	Noise-sensitive activity	Retain	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
92.12 ⁵⁵	Z Energy Limited	Noise-sensitive activity	Retain	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
82.16 ⁵⁶	Waka Kotahi NZ Transport Agency	Noise-sensitive activity	Amend definition of "noise-sensitive activity": "means: a) residential activity; b) marae; c) hospital; d) healthcare activity e) educational facility; or f) visitor accommodation activity; or g) places of worship" Delete the definition for "sensitive activity".	3.2.7.1	Accept	See body of report	Yes
81.115	Kāinga Ora – Homes and Communities	Noise-sensitive activity	Retain	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
Objectives							
81.500	Kāinga Ora – Homes and Communities	NOISE-O1	Amend The benefits of activities that generate noise are recognised while ensuring any adverse effects from noise generating activities are compatible with the anticipated purpose, character and amenity values of the relevant zone(s) and do not compromise the public health or safety and wellbeing of people and communities.	3.3	Accept in part	See body of report	Yes
81.502	Kāinga Ora – Homes and Communities	NOISE-O3	Retain	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
81.508	Kāinga Ora – Homes and Communities	NOISE-R1	Retain	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
81.509	Kāinga Ora – Homes and Communities	NOISE-R2	Retain	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
82.171	Waka Kotahi NZ Transport Agency	NOISE-R2	Retain	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
Policies							

⁵⁴ Support - Kāinga Ora [FS65.51]⁵⁵ Oppose - Kāinga Ora [FS65.52]⁵⁶ Oppose - Kāinga Ora [FS65.53]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
81.503	Kāinga Ora – Homes and Communities	NOISE-P1	Amend: Enable the generation of noise from activities that: 1. Maintains Are compatible with the anticipated amenity values of the receiving environment; and 2. Does not compromise the health, safety and wellbeing of people and communities.	3.4.1	Reject	See body of the report	No
81.504	Kāinga Ora – Homes and Communities	NOISE-P2	Amend: NOISE-P2 Potentially inappropriate noise activities Provide for other activities that generate noise, where these avoid, remedy or mitigate any adverse noise effects, having regard to: 1. The extent to which noise generating activities it avoids minimise or mitigate conflict with existing noise-sensitive activities; 2. Noise Effects on other established uses and their operation; 3. Potential noise effects on activities permitted within the receiving zone; 4. The compatibility of the noise with other noises generated from permitted zone activities, and other activities not controlled by the Plan, within the receiving zone; 5. The degree to which the noise breaches the permitted noise standards for the receiving zone(s); 6. Whether adverse noise effects can be internalised to the site where the noise is generated and the extent to which they can be minimised at site boundaries; 7. The frequency, intensity, duration and offensiveness of the noise generated; 8. Any management plans for managing noise;	3.4.2	Accept in part	See body of the report	Yes
82.169	Waka Kotahi NZ Transport Agency	NOISE-P3	Amend NOISE-P3 as follows: Minimise Mitigate the adverse effects of noise from construction activities on the amenity values of the surrounding area, having regard to: [...]	3.4.3	Reject	See body of the report	No
Rules							
81.510	Kāinga Ora – Homes and Communities	NOISE-R3	Kāinga Ora generally supports the proposed rule, but seeks amendment to correct referencing typo. Amend: 1. Activity status: Permitted Where: a. The emergency or back-up generator is an emergency electricity generator that is not used to generate power for the National Grid; or b. The emergency or back-up generator is used to support maintenance activities and: i. Only operates between the hours of 8.00am and 5.00pm on weekdays; ii. Does not operate on Saturdays or Sundays; and iii. Will comply with the relevant daytime noise limit. 2. Activity status: Restricted discretionary Where:	n/a	Accept	Agree with submitter	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<p>a. Compliance is not achieved with NOISE-R3-1.a or NOISE-R3-1.b NOISE-R4-1.a or NOISE-R4-1.b.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in NOISE-P2.</p> <p>Notification:</p> <p>An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</p>				
81.511	Kāinga Ora – Homes and Communities	NOISE-R4	<p>Amend:</p> <p>Neighbourhood Centre Zone, Local Centre Zone, Mixed Use Zone, City Centre Zone, General Industrial Zone</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved achieved with:</p> <p>i. NOISE-S5; and</p> <p>ii. NOISE-S6.</p> <p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with NOISE-S5 or NOISE-S6.</p> <p>Matters of discretion are restricted to:</p> <p>The matters of discretion of any infringed standard</p>	n/a	Accept	Agree with submitter	Yes
Standards							
81.517	Kāinga Ora – Homes and Communities	NOISE-S5	<p>Amend:</p> <p>City Centre Zone, Large Format Retail Zone, Mixed Use Zone</p> <p>1. Habitable rooms within any:</p> <p>a. New buildings used for a residential unit or visitor accommodation;</p> <p>b. Additions exceeding 50m² to existing buildings used for a residential unit or visitor accommodation; or</p> <p>c. An existing building where its use is changed to be for a residential unit or visitor accommodation;</p> <p>Must be designed, constructed and maintained to meet an internal noise level of:</p> <ul style="list-style-type: none"> For bedrooms: $D_{2m,nT,w} + C_{tr} > 35$ dB; and For other habitable rooms: $D_{2m,nT,w} + C_{tr} > 30$ dB. <p>2. A design certificate from a suitably qualified and experienced professional shall be provided to Council prior to the construction of any residential unit or visitor accommodation demonstrating that the standards in NOISE-S5-1 will be achieved.</p> <p>Matters of discretion are restricted to:</p> <p>1. Whether there is screening by other structures or distance from noise sources;</p> <p>2. The ability to meet the appropriate levels of acoustic insulation through alternative technologies or materials;</p> <p>3. The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site; and</p>	3.5.1	Reject	See body of report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<p>4. The impact of any residential activity that does not provide the required noise insulation on the ability of existing or future permitted business activities to operate or establish without undue constraint.</p> <p>Neighbourhood Centre Zone, Local centre Zone, High Density Residential Zone</p> <p>3. Habitable rooms within any:</p> <ol style="list-style-type: none"> New buildings used for a residential unit or visitor accommodation; Additions exceeding 50m² to existing buildings used for a residential unit or visitor accommodation; or An existing building where its use is changed to be for a residential unit or visitor accommodation; <p>Must be designed, constructed and maintained to meet an internal noise level of:</p> <ul style="list-style-type: none"> For bedrooms: $D_{2m,nT,w} + C_{tr} > 30$ dB; and For other habitable rooms: $D_{2m,nT,w} + C_{tr} > 25$ dB. <p>4. A design certificate from a suitably qualified and experienced professional shall be provided to Council prior to the construction of any residential unit or visitor accommodation demonstrating that the standards in NOISE-S5-3 will be achieved.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> Whether there is screening by other structures or distance from noise sources; The ability to meet the appropriate levels of acoustic insulation through alternative technologies or materials; The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site; and The impact of any residential activity that does not provide the required noise insulation on the ability of existing or future permitted business activities to operate or establish without undue constraint. <p>General Industrial Zone</p> <p>5. Habitable rooms within any:</p> <ol style="list-style-type: none"> New buildings used for a residential unit ancillary to an industrial activity; Additions exceeding 50m² to existing buildings used for a residential unit ancillary to an industrial activity; or An existing building where its use is changed to be for a residential unit ancillary to an industrial activity; <p>Must be designed, constructed and maintained to meet an internal noise level of > 35 dB.</p> <p>6. A design certificate from a suitably qualified and experienced professional must be provided to Council prior to the construction of any residential unit ancillary to an industrial activity demonstrating that the standards in NOISE-S5-5 will be achieved.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> Whether there is screening by other structures or distance from noise sources; The ability to meet the appropriate levels of acoustic insulation through alternative technologies or materials; and 				

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			3. The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the worker accommodation.				
92.15 ⁵⁷	Z Energy Limited	NOISE-S5	Retain	n/a	Accept	Agree with submitter	No
81.518	Kāinga Ora – Homes and Communities	NOISE-S6	<p>Amend</p> <p>Neighbourhood Centre Zone, Local centre Zone, Large Format Retail Zone, Mixed Use Zone, City Centre Zone, <u>High Density Residential Zone</u> General Industrial Zone</p> <p>1. Where the internal noise insulation levels for habitable rooms in residential units or visitor accommodation required under NOISE-S5 can only be achieved with windows closed, they must be constructed and maintained with a mechanical ventilation system that achieves the following:</p> <p class="margin-left: 40px;">a. Provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code;</p> <p class="margin-left: 40px;">b. Achieves a minimum of 7.5 litres per second per person; and</p> <p class="margin-left: 40px;">c. Does not generate more than 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.</p> <p>2. A design certificate from a suitably qualified and experienced professional must be provided to Council prior to the construction of any residential unit or visitor accommodation demonstrating that the standards in NOISE-S6-1 will be achieved.</p> <p>Matters of discretion are restricted to:</p> <p class="margin-left: 40px;">1. Whether there is screening by other structures or distance from noise sources;</p> <p class="margin-left: 40px;">2. The ability to meet the appropriate levels of mechanical ventilation through alternative technologies or materials; and</p> <p>3. The impact of any residential unit that does not provide the required mechanical ventilation on the ability of existing or future permitted business activities to operate or establish without undue constraint.</p>	3.5.1	Reject	See body of report	No
Appendix 1 – Permitted Noise Standards							
179.5	Rural Contractors New Zealand Inc	Appendix 1	<p>Amend the introductory note in APP1 – Permitted Noise Standards as follows:</p> <p>Note: The tables below provide the permitted noise limits for noise generated from activities undertaken within zones as measured at or within the boundary of any site</p>	3.6	Reject	See body of the report	No

⁵⁷ Oppose - Kāinga Ora [FS65.289]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer’s Recommendation	Officers’ Reasons/Comments	Recommended Amendments to PDP?
			within the receiving zones <u>(with the exception of the General Rural Zone where the permitted noise limit is measured at or within the notional boundary).</u>				
81.875	Kāinga Ora – Homes and Communities	Appendix 1	Retain as notified	n/a	Accept	Agree with submitter	No
Schedule 12 - Building Standards for Indoor Noise Reduction							
81.901	Kāinga Ora – Homes and Communities	Schedule 12	Retain	n/a	Accept	Agree with submitter	No

Appendix C. Section 32AA Evaluation

C1. Overview and purpose

This evaluation is undertaken in accordance with section 32AA of the RMA. It examines the appropriateness of the recommended amendments to the objectives, policies and rules for the NOISE – Noise Chapter following the consideration of submissions received on the PDP.

This further evaluation should be read in conjunction with Part A – Overview and Part B Light and Noise of the Section 32 Report prepared for the development of the PDP.

C2. Recommended amendments

The recommended amendments are focussed primarily on the provisions managing noise-sensitive activities in proximity of State Highways and the NIMT railway line, as well as some amendments to the provisions to provide greater clarity or address errors. The recommended amendments are summarised as:

- Amendment of the exemptions to specifically include the use of generators for load shedding purposes, and delete the reference to hammerings and bangs;
- Amend NOISE-O1 to more specifically refer to the generation of noise and include the wellbeing of people and communities;
- Amend NOISE-O2 to be more specific to reverse sensitivity effects;
- Amend NOISE-P2 to refer more specifically to the adverse effects of noise;
- Amend NOISE-P4 to include two additional clauses relating to the ability to mitigate any effects on buildings from vibration generated by the State Highway or Rail Network; and any topographical or other existing features on a site or surrounding area;
- Amend NOISE-R3 and NOISE-R4 to fix typographical errors;
- Amend NOISE-R5 to increase the threshold for the setbacks in NOISE-R5-1 to 70 kilometres per hour; make non-compliance with the setbacks from State Highways and the NIMT railway line a controlled activity within Residential Zones, and restricted discretionary activities in all other zones; delete reference to NOISE-S4; and delete NOISE-R5-4;
- Add a matter of discretion relating to topographical and other existing features NOISE-S1, NOISE-S2 and NOISE-S3;
- Delete NOISE-S4; and
- Add retirement villages to the definition of noise-sensitive activity.

C3. Statutory Tests

The Council must ensure that prior to adopting an objective, policy, rule or other method in a district plan, that the proposed provisions meet the requirements of the RMA through an evaluation of matters outlined in Section 32.

In achieving the purpose of the RMA, the Council must carry out a further evaluation under section 32AA if changes are made to a proposal as a result of the submissions and hearings process. This evaluation must cover all the matters in sections 32(1)-(4).

Objectives

The objectives are to be examined in relation to the extent to which they are the most appropriate way to achieve the purpose of the RMA.⁵⁸ For the purposes of evaluation under section 32AA the following criteria form the basis for assessing the appropriateness of the proposed objectives:

- Relevance;
- Usefulness;
- Reasonableness; and
- Achievability.

Provisions

Each provision is to be examined as to whether it is the most appropriate method for achieving the objectives. For a proposed plan, the provisions are defined as the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan.⁵⁹

The examination must include assessing the efficiency and effectiveness (including costs and benefits of the environmental, economic, social, and cultural effects, quantified if practicable, and the risk of acting or not acting), and a summary of the reasons for deciding the provisions.

C4. Evaluation of Recommended Amendments to Objectives

NOISE-O1 and NOISE-O2 are recommended to be amended as set out in Appendix A. The following tables provide an evaluation of the recommended amendments to the objectives.

Table C 1: Recommended Amendments to NOISE-O1

Relevance	Addresses a relevant resource management issue The recommended amendments better focus the objective on the resource management issue it is addressing, by having more specific wording.
	Assists the Council to undertake its functions under s31 The recommended amendments better enable the Council to undertake its function under 31(1)(d), the control of the emission of noise and the mitigation of the effects of noise, as the wording is clearer.
	Gives effect to higher level documents The recommended amendments better give effects to Part 2 of the Act by including reference to the wellbeing of people and communities.

⁵⁸ RMA s32(1)(a)

⁵⁹ RMS s32(6)(a)

Usefulness	Guides decision-making The greater clarity of the outcome sought by the objective through the recommended amendments will assist in guiding decision making.
	Meets best practice for objectives The greater clarity of the outcome sought by the objective brings it closer to best practice.
Reasonableness	Will not impose unjustifiably high costs on the community / parts of the community The recommended amendments do not affect the costs imposed.
	Acceptable level of uncertainty and risk The recommended amendments do not affect the level of uncertainty or risk.
Achievability	Consistent with identified tangata whenua and community outcomes The recommended amendments do not affect the consistency with tangata whenua and community outcomes.
	Realistically able to be achieved within the Council's powers, skills and resources The recommended amendments do not affect the ability of the outcome to be achieved.
Conclusion	The recommended amended objectives are the most appropriate way to achieve the purpose of the RMA by providing a coherent package of desired outcomes consistent with sustainable management.

Table C 2: Recommended Amendments to NOISE-O2

Relevance	Addresses a relevant resource management issue The amendments better focus the objective on the resource management issue it is addressing, by having more specific wording.
	Assists the Council to undertake its functions under s31 The recommended amendments do not affect the ability to undertake Council's functions under s31.
	Gives effect to higher level documents The recommended amendments better give effect to RPS Policy 8 by providing a more focussed objective.
Usefulness	Guides decision-making

	The greater clarity of the outcome sought by the objective through the recommended amendments will assist in guiding decision making.
	Meets best practice for objectives The greater clarity of the outcome sought by the objective brings it closer to best practice.
Reasonableness	Will not impose unjustifiably high costs on the community / parts of the community The recommended amendments do not affect the costs imposed.
	Acceptable level of uncertainty and risk The recommended amendments do not affect the level of uncertainty or risk.
Achievability	Consistent with identified tangata whenua and community outcomes The recommended amendments do not affect the consistency with tangata whenua and community outcomes.
	Realistically able to be achieved within the Council's powers, skills and resources The recommended amendments do not affect the ability of the outcome to be achieved.
Conclusion	The recommended amended objectives are the most appropriate way to achieve the purpose of the RMA by providing a coherent package of desired outcomes consistent with sustainable management.

Overall, the recommended amendments proposed to the objectives provide greater clarity of the outcome sought. For the purposes of sections 32 and 32AA, I consider that the revised objectives are the most appropriate way of achieving the purpose of the RMA.

C5. Evaluation of Policies and Rules

I have assessed how the recommended changes to the policies, rules and other methods are the most appropriate to implement the objectives below. In undertaking this assessment, I have evaluated the recommended amendments against the provisions as notified.

Efficiency and Effectiveness of the Provisions

I have assessed the efficiency and effectiveness of the recommended amended provisions in achieving the objectives, including identification and assessment of the costs and benefits anticipated from the implementation of the provisions in Table C 1 and Table C 2 below.

Table C 2: Assessment of efficiency and effectiveness – Reverse sensitivity to State Highways and the NIMT railway line

Recommended Amendments to Provisions:
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The recommended amendments are summarised as:

- Amend NOISE-P4 to include two additional clauses relating to the ability to mitigate any effects on buildings from vibration generated by the State Highway or Rail Network; and any topographical or other existing features on a site or surrounding area;
- Amend NOISE-R5 to increase the threshold for the setbacks in NOISE-R5-1 to 70 kilometres per hour; make non-compliance with the setbacks from State Highways and the NIMT railway line a controlled activity within Residential Zones, and restricted discretionary activities in all other zones; delete reference to NOISE-S4; and delete NOISE-R5-4;
- Add a matter of discretion relating to topographical and other existing features NOISE-S1, NOISE-S2 and NOISE-S3;
- Delete NOISE-S4; and
- Add retirement villages to the definition of noise-sensitive activity.

Costs	Benefits
<ul style="list-style-type: none"> • Enabling noise-sensitive activities within the specified setbacks within Residential Zones as controlled activities may result in some potential reverse sensitivity effects on the State Highways and NIMT railway line which may otherwise have been avoided through being able to decline consent with a more-restrictive activity status. However, I consider that the risk of this is low, given the ability to impose appropriate conditions on these activities; • Deleting NOISE-S4 has the potential to result in some vibration effects on noise-sensitive activity in proximity of State Highways and the NIMT railway line, with resulting social effects on the health and wellbeing of people. I consider that this risk is low, due to the recommended inclusion of the additional clause in NOISE-P4 relating to vibration effects which will allow consideration of these effects through the resource consent process, including if required proof of compliance with relevant standards; • Adding retirement villages to the definition of noise sensitive activities will mean that habitable rooms in those buildings will be required to be acoustically designed to meet the required standards, with associated design and construction costs, and administration costs if consents are required. 	<ul style="list-style-type: none"> • The additional clauses in NOISE-P4 will enable vibration effects and topographical features to be taken into account when processing consents for noise sensitive activities in proximity of State Highways and NIMT railway line; • The recommended amendments to NOISE-R5 will better enable intensification within Residential Zones, consistent with the outcomes sought in the NPS-UD while also ensuring that potential adverse effects from reverse sensitivity on State Highways and the NIMT railway line are appropriately managed and therefore giving effect to RPS Policy 8; • The controlled activity status for noise sensitive activities within Residential Zones within specified setbacks from State Highways and the NIMT railway line will provide certainty that consents will be granted, but will also enable appropriate conditions to be imposed on those consents; • The deletion of the discretionary activity status NOISE-R5-4 and reliance on the restricted discretionary activity status of NOISE-R5-2 and NOISE-R5-3 also provides greater certainty for resource consent applicants; • The use of 70kph speed limits of State Highways better reflects the evidence for the management of reverse sensitivity, noting that the wording of the clauses means that a speed limit above 70kph would trigger the larger setback, which is likely to be 80kph;

	<ul style="list-style-type: none"> • The additional matters of discretion relating to topography and other features will enable the terrain of the environment surrounding sites to be taken into account when assessing resource consents. For example, if significant changes in elevation mean that noise from the infrastructure is unlikely to affect a site within the specified areas; • Deletion of NOISE-S4 will reduce potentially significant compliance and administration costs associated with undertaking vibration assessments and design buildings to meet the standards to manage effects which expert evidence states are unlikely to be an issue; • Adding retirement villages to the definition of noise-sensitive activities will ensure that the residential activities associated with this activity are provided the same protection from noise generating activities, and conversely will also not result in reverse sensitivity effects on the State Highways and NIMT railway line.
Efficiency	The benefits of the recommended amendments outweigh the potential costs, and therefore the provisions will be more efficient with the recommended amendments.
Effectiveness	The provisions will give effect to Policy 8 of the RPS by ensuring that incompatible activities adjacent to State Highways and the NIMT railway line are appropriately managed, while also better giving effect to the NPS-UD through being more enabling of residential intensification. As such, the recommended amendments will result in more effective provisions.
Summary	
The recommended amendments will make the provisions more efficient and effective, and are therefore the most appropriate way to give effect to RPS Policy 8, FC-O3 and NOISE-O1.	

Table C 3: Assessment of efficiency and effectiveness – General Noise Provisions

Recommended Amendments to Provisions:	
<p>The recommended amendments are summarised as:</p> <ul style="list-style-type: none"> • Amend NOISE-P2 to refer more specifically to the adverse effects of noise; and • Amend NOISE-R3 and NOISE-R4 to fix typographical errors. 	
Costs	Benefits

<ul style="list-style-type: none"> There are no identified costs. 	<ul style="list-style-type: none"> The recommended amendment to NOISE-P2 clarifies that the policy is focused on the effects of noise; The NOISE-R3 and NOISE-R4 fix typographical errors.
Efficiency	The recommended amendments have benefits that far outweigh the costs and are therefore efficient.
Effectiveness	The recommended amendment will make the provisions more effective by ensuring that they are clear in their meaning to Plan users.
Summary	
The recommended amendments will make the provisions more efficient and effective, and are therefore the most appropriate way to give effect to NOISE-O2.	

Overall, taking into account the assessment above, I consider the recommended amendments to the policies and rules to be more efficient and effective in achieving the objectives than the notified provisions.

Adequacy of Information and Risk of Acting or Not Acting

Section 32(2)(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

Submissions have raised a number of matters that need to be addressed to ensure the NOISE-Noise chapter provisions of the PDP appropriately manage noise-sensitive activities in proximity of regionally significant infrastructure that generates noise. If no action is taken and the PDP is retained as notified, it could result in increased administrative costs to applicants and Council in terms of time and money required for resource consent applications, as well as potential costs on infrastructure operators due to reverse sensitivity effects.

Submissions also seek to amend the PDP so it better achieves the purpose of the RMA and appropriately gives effect to the RPS. The recommended amendments address this matter and assist in making the provisions efficient and effective in achieving the objectives. The risk in not acting is that the provisions do not effectively or efficiently achieve the objectives.

After reviewing the NOISE – Noise Chapter provisions of the PDP and considering the submissions on these provisions, I consider there is sufficient information on which to base the recommended revised objectives, policies, standards, rules and definitions.

C6. Conclusion

I have evaluated the recommended amendments to objectives to determine the extent to which they are the most appropriate way of achieving the purpose of the RMA where this is necessary, and otherwise to give effect to higher order planning documents. I have also evaluated the recommended amendments to the proposed provisions, including their efficiency and effectiveness in achieving the proposed objectives. I consider the proposed objectives as recommended to be amended are an appropriate way of achieving the purpose of the RMA, and the recommended changes to provisions are the most appropriate means of achieving the objectives.

Appendix D. Report Author's Qualifications and Experience

My name is Rory McLaren Smeaton.

I hold the following qualifications:

- Master of Planning Practice (First Class Honours) (University of Auckland);
- Postgraduate Diploma in Science in Geography (with Distinction) (University of Canterbury);
and
- Bachelor of Science in Geography (University of Canterbury).

I am a full member of the New Zealand Planning Institute. I have nine years' experience working as a planner for local and central government organisations, and a multi-disciplinary consultancy.

I have been employed by the Porirua City Council since April 2020 as a Senior Policy Planner within the Environment and City Planning Team. My work at PCC has included finalising PDP chapters and preparing the associated section 32 reports, summarising submissions, and preparing section 42A reports.