

Before the Independent Hearing Panel
Appointed by the Timaru District Council

Under	Schedule 1 of the Resource Management Act 1991 (RMA)
In the matter of	Submissions on the Proposed Timaru District Plan
Between	Various Submitters
And	Timaru District Council Respondent

Liz White – Hearing F - s42A summary statement

Light and Noise

23 April 2025

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Introduction

- 1 My name is Liz White. I am a self-employed independent planning consultant (Liz White Planning). I prepared the s42A report on the Light and Noise provisions. I confirm that I have read all the submissions, further submissions, submitter evidence and relevant technical documents and higher order objectives relevant to my s42A report. I have the qualifications and experience as set out in my s42A report.
- 2 The purpose of this summary is to provide the Panel and submitters with the following:
 - (a) Brief summary of key issues raised in submissions;
 - (b) Corrections I wish to make to my s42A report;
 - (c) A list of issues raised in evidence prior to the hearing, including identifying (where possible):
 - (i) issues that are resolved on the basis of the pre-circulated evidence; or
 - (ii) issues that remain outstanding pending the hearing of evidence; and
 - (d) Updates to the recommendations contained in my s42A report.

Summary of key issues

- 3 In my s42A report, I identified the following matters as the key issues raised in submissions:
 - (a) Whether there should be a Light Sensitive Area (LSA) overlay, and where it should apply, including a request to include the Long-Tailed Bat Protection Area Overlay (BPA) in the LSA;
 - (b) Whether the lighting provisions are too restrictive on primary production activities that require lighting;
 - (c) Requests for greater recognition that rural areas are working environments, and to recognise priority land uses on HPL;
 - (d) The introduction of a specific regime in the PDP associated with frost fans;
 - (e) The introduction of a Noise Control Boundary and related suite of provisions for Fonterra's Clandeboy site;

- (f) Whether other activities beyond those set out in NOISE-O2 should be protected from potential reverse sensitivity effects;
 - (g) Port noise:
 - (i) Whether the noise limits applied to the Port NCBs should apply outside the Port Zone and not apply an in-zone limit.
 - (ii) Identification of a gap in the rules applying within the Port Zone to areas outside the NCBs;
 - (h) What area the acoustic insulation requirements should apply to, in respect of:
 - (i) the State Highway; and
 - (ii) the railway line; and
 - (i) What acoustic insulation requirements should be applied; and
 - (j) What noise limits should apply to various zones.
- 4 Of the above, I note that those that appear to remain outstanding, with respect to the evidence lodged, are:
- (a) The specific lighting controls that should be applied in the Long-Tailed Bat Protection Area Overlay;
 - (b) The introduction of a Noise Control Boundary and related suite of provisions for Fonterra's Clandeboy site;
 - (c) Port noise:
 - (i) Identification of a gap in the rules applying within the Port Zone to areas outside the NCBs;
 - (d) What area the acoustic insulation requirements should apply to, in respect of:
 - (i) the State Highway; and
 - (ii) the railway line; and
 - (e) What acoustic insulation requirements should be applied.
- 5 In addition to the key issues that were identified in the s42A report, I note that the following matters raised in submissions are further addressed in evidence:

- (a) Inclusion of a new rule for light for Fonterra's Clandeboye site, reflecting the consent conditions already applying.
- (b) Whether LIGHT-O1 adequately acknowledges the benefits of artificial lighting.
- (c) Whether "*congregations within any places of worship*" should be added to the definition of "*noise sensitive activity*".
- (d) Application of the Port Outer NCB overlay to properties on The Terrace.
- (e) Orientation requirements for bird scaring devices and permitted use in the early morning period.
- (f) Requirements for frost fans to only be operated when the air at canopy height is 2°C or less.

List of resolved and outstanding issues

- 6 A list of issues that are either resolved on the basis of pre-circulated evidence, or that remain outstanding pending the hearing of evidence, is attached at **Appendix A** in order to assist the Panel.

Updates to recommendations

- 7 I have not provided a preliminary view on all outstanding matters at this time, as I wish to hear the evidence and the Panel questions before I provide updated recommendations. I understand that I will have the opportunity to provide a formal response to the matters heard at the hearing.
- 8 However, at this stage, based on the evidence lodged, I consider the following to be appropriate:
- (a) Inclusion of a daytime noise limit for activities within the Port Zone, outside of Precinct 7.¹ This is put forward in the acoustic evidence of Mr Walton & Mr Hay, and is supported by Mr Hunt, who also considers that the specific limit proposed for the daytime will suitably protect noise-sensitive residentially zoned sites. However, for completeness I note that I do not support changing the activity status for non-

¹ Evidence of Michael Campbell, paras 2.24 – 2.25, Evidence of Susannah Tait, para 12.9

compliance with PER-1 as this would result in an inconsistency with the way non-compliance is managed across the chapter.

- (b) I recommend, as a clause 16(2) change, that Table 22 is amended to be clear that the lighting levels apply based on the zoning of the property receiving (rather than emitting) the light.² I consider that this was the intent of the table and related standard, and that this amendment would provide clarity and avoid confusion.
- (c) The inclusion of a new rule for light for Clandeboye site, reflecting the existing consent conditions already applying.³ While I do not consider that consent conditions should necessarily be transferred into plan provisions in all situations, I consider this is an example of where it is appropriate to do so, because these are the requirements already applying to existing lighting on the site (associated with the mozzarella plant), and I consider it would be more efficient and better integrated to continue to manage lighting on the site on the same basis moving forwards.
- (d) Inclusion of a new NCB for the Clandeboye site (and related provisions applying to the NCB),⁴ which is supported by Mr Hunt, following review of Mr Hay's evidence. I note that the noise emitted from the operations at the Clandeboye site are authorised through the resource consent applying to the site's operations. The application of a NCB will provide certainty that any changes to the operation are able to continue at those authorised levels, without the need for the consent to be varied. The NCB approach also ensures that if new noise sensitive activities are established in areas where higher levels of noise (than would otherwise apply under the PDP), they are appropriately insulated and ventilated to protect occupants from the higher (authorised) noise emissions. For completeness I note that there are outstanding areas of disagreement between myself and Ms Tait, which relate to the application of NOISE-P7 and the activity status applying when there is a non-compliance with NOISE-R9.
- (e) Amending LIGHT-R1.1 to be clearer about the areas in which the rule does not apply.⁵

² Evidence of Susannah Tait, para 11.7

³ Evidence of Susannah Tait, paras 11.3 – 11.5

⁴ Evidence of Susannah Tait, paras 12.2 – 12.17

⁵ Evidence of Timothy Walsh, para 85

- (f) Deleting clauses (1) – (4) in NOISE-P5, on the basis that the items set out to be taken into account are better suited as matters of discretion, and are already included as such in the relevant rules.⁶
- (g) Further amending the requirement in relation to the orientation of bird scaring devices, to allow for an exemption where an acoustic barrier meeting specified conditions is located which will intercept the line-of-sight between the device sound outlet and any noise sensitive activity.⁷ This is based on the advice of Mr Hunt that a noise barrier located close to the device sound outlet may be as effective at reducing harshness as facing the device away from sensitive receiver sites. For completeness I note that the submitter evidence appears to consider that the rule condition recommended (NOISE-R5 PER-3) requires a setback distance to be met. This is not the case – no specific setback distance is required from noise sensitive receivers. Rather, the condition specifies that where within a certain distance of sensitive receivers, devices are to be orientated away from those receivers (whereas the orientation requirement does not apply beyond the specified distance).
- (h) Inclusion of a rail vibration alert layer in the PDP planning maps and corresponding note relating to this in the Introduction to the Noise Chapter,⁸ noting that Mr Hunt and I both consider that the note and mapped area should relate to the railway line itself (being where the vibration is generated from), not the designation boundary.

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23 April 2025

⁶ Evidence of Catherine Heppelthwaite, paras 7.3-7.4

⁷ Evidence of Vance Hodgson, paras 23-28.

⁸ Evidence of Catherine Heppelthwaite, paras 7.6-7.8.

APPENDIX A

Status of issues raised in evidence – Noise and Light – Hearing F

Notes:

- 1 *Status: The status of the issue reflects my understanding of the status of resolution as between those submitters who pre-circulated evidence for Hearing F. It does not attempt to reflect whether the issue is agreed between submitters who did not pre-circulate evidence for Hearing F.*
- 2 *Status: An asterisk (*) against the status denotes where I have made an assumption based on the amendments I have recommended. However, I am not certain as to that status because the amendments I have recommended are different to that sought by the submitter.*
- 3 *Relevant submitters: Relevant submitters are those who pre-circulated evidence for Hearing F. Other submitters who did not pre-circulate evidence may be interested in the issue (as submitters in their own right, or as further submitters) but they have not been listed here.*
- 4 *Orange shading identifies matters still outstanding. Light orange shading identifies matters partially resolved only.*

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Remove wai taoka sites from definition of LSA	LSA definition / mapping	Resolved	Rangitata Dairies [44] - Statement of Justin O'Brien, para 6.
There is a gap in NOISE-R8 relating to land within the Port Zone which is not covered by either Port NCB. A daytime limit should be applied for the PORTZ outside Precinct 7.	NOISE-R8	Partially Resolved* - based on recommended change above	Property Income [56.1] – Evidence of Michael Campbell, paras 2.24 – 2.25.
Amend Table 24 to reflect that the Port Zone extends south, opposite GRZ and MRZ	Table 24	Resolved	Property Income [56.2] – Evidence of Michael Campbell, paras 2.27.
Accepts recommendations on submission points	LIGHT-O1, LIGHT-O2, LIGHT-P1, LIGHT-P3, LIGHT-R1.1, LIGHT-R1.2, LIGHT-S1, Table 23 and the definition of 'light sensitive area'.	Resolved	Fonterra [165.97-104] – Evidence of Susannah Tait, paras 11.2 and 11.6
Include new rule for light for Clandeboye site, reflecting the consent conditions already applying	LIGHT-R1	Resolved* - based on recommended change above	Fonterra [165.101] – Evidence of Susannah Tait, paras 11.3 – 11.5

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Clarification is needed confirming that Table 22 specifies lighting levels experienced at receiving zones	Table 22	Resolved	Fonterra – Evidence of Susannah Tait, para 11.7
Accepts recommendations on submission points	NOISE-O1, NOISE-P1, NOISE-P7, NOISE-R8.1 and Table 24	Resolved	Fonterra [165.106, 165.108, 165.110, 165.112] – Evidence of Susannah Tait, para 12.21
Application of Noise Control Boundary (NCB) to Clandeboye, extension of provisions to refer to the NCB, and new noise rule for managing noise from Clandeboye site	Mapping, NOISE-O2, NOISE-P5, NOISE-P7, new Noise rule for Clandeboye site, NOISE-R9, NOISE-R3 and NOISE-S4	Partially Resolved* - based on recommended change above	Fonterra [165.5, 165.109-165.111, 165.113] – Evidence of Susannah Tait, paras 12.2 – 12.17
There is a gap in NOISE-R8.2 relating to land within the Port Zone which is not covered by either Port NCB. A daytime limit should be applied for the PORTZ outside Precinct 7	NOISE-R8.2	Partially Resolved* - based on recommended change above	Fonterra [165.112] – Evidence of Susannah Tait, paras 12.18 – 12.20.
Supports inclusion of controls on lighting in the BPA	Mapping and LIGHT provisions relating to the BPA	Resolved	Dir. General Conservation [166.8] – Evidence of Elizabeth Williams, paras 58 & 70.
Apply the specific lux level limits that applied to LSAs in the notified PDP to sites within the BPA that are located within the General Rural Zone, Open Space and Recreation Zones	LIGHT-R1.3 PER-1 and Table 22	Outstanding	Dir. General Conservation [166.123-166.124] – Evidence of Elizabeth Williams, paras 59 – 66
Amend rule applying to lighting in the BPA to specify that lighting must also point downwards	LIGHT-R1.3 PER-3.1	Outstanding	Dir. General Conservation [166.123-166.124] – Evidence of Elizabeth Williams, para 69
Amended Objective LIGHT-O1 does not adequately acknowledge the benefits of artificial lighting	LIGHT-O1	Outstanding	Primeport (further submission on Fonterra [165.98]) – Evidence of Tim Walsh, paras 83-84.

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Wording of where LIGHT-R1.1 applies is potentially confusing and would benefit from re-wording or addition of brackets	LIGHT-R1	Resolved* - based on recommended change above	Primeport [175.60] & TDHL [186.36] – Evidence of Tim Walsh, paras 85.
Accepts recommendations on submission points	LIGHT-R1.2, LIGHT-S1	Resolved	Primeport [175.60] & TDHL [186.36] – Evidence of Tim Walsh, paras 86-87.
Accepts recommendations on submission points	Mapping - Port NCBs, NOISE-O2, NOISE-P5, NOISE-P7, NOISE-R8, NOISE-R9, NOISE-R12, NOISE-S3, Table 24	Resolved	Primeport [175.8, 175.62, 175.63, 175.64, 175.66-70] & TDHL [186.4, 186.38-39] – Evidence of Tim Walsh, paras 88-102.
Accepts recommendations on submission points	NOISE-R8 Height and building size references	Resolved	CRC [183.1, 183.4, 183.143] – Evidence of Deidre Francis, page 34
Accepts recommendations on submission points	Table 25	Resolved	KiwiRail [187.81] – Evidence of Catherine Heppelthwaite, para 6.0r.
Replace 'anticipated' with 'permitted'	NOISE-O2	Outstanding	KiwiRail [187.75] – Evidence of Catherine Heppelthwaite, para 7.2.
Delete clauses (1) – (4) in the policy and rely on assessment matters Amend the description of higher noise environments in the policy to replace “the railway line” with “within the Rail Noise Boundary Control Overlay”	NOISE-P5	Partially Resolved* - based on recommended change above	KiwiRail [187.76] – Evidence of Catherine Heppelthwaite, para 7.3-7.5.
Includes a rail vibration “alert overlay” in the PDP	Planning Maps and Introduction to Noise Chapter	Partially Resolved* - based on recommended change above	KiwiRail [187.80] – Evidence of Catherine Heppelthwaite, paras 7.6-7.8; and Evidence of Michelle Grinlinton-Hancock, paras 3.3-3.5, 4.10-4.12.

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
<p>The acoustic insulation and ventilation requirements should apply within 100m (not 40m) of the rail designation boundary (not railway line).</p> <p>Exclude acoustic insulation from meeting NOISE-R9⁹ PER-1.2.</p> <p>Apply the noise controls to habitable additions and alterations and remove the recommended 20% threshold for changes to existing buildings.</p> <p>Increase the building setback required for sensitive activities from a railway line from 20m to 50m where an acoustic barrier is relied on for acoustic mitigation.</p>	NOISE-R9, NOISE-S3	Outstanding	KiwiRail [187.77-78] – Evidence of Catherine Heppelthwaite, paras 7.9-7.14; and Evidence of Michelle Grinlinton-Hancock, paras 3.1-3.2, 4.1-4.9.
<p>Extend requirement for artificial ventilation requirements to all types of habitable rooms and make amendments to ensure that temperatures are maintained between 18-25°C.</p> <p>Delete the matters of discretion #1, 3 & 4 in NOISE-S4</p>	NOISE-S4	Outstanding	KiwiRail [187.79] – Evidence of Catherine Heppelthwaite, para 7.15; and Evidence of Michelle Grinlinton-Hancock, paras 4.8-4.9
Add “congregations within any places of worship” to definition of “noise sensitive activity”	Definition of ‘noise sensitive activity’	Outstanding	KiwiRail [187.6] – Evidence of Catherine Heppelthwaite, para 7.16-7.19.

⁹ Ms Heppelthwaite's evidence refers to NOISE-R7 but I have assumed this is an error and it is intended to refer to NOISE-R9.

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Accepts recommendations on submission points	NOISE-O1, NOISE-O2, NOISE-P1, NOISE-P5, NOISE-R9, Table 24	Resolved	Foodstuffs [193.4 – 193.5] – Evidence of Mark Allan, paras 21-32.
Remove Port Outer NCB overlay from 22 The Terrace	Port Outer Noise Control Boundary Overlay	Outstanding	22 The Terrace [202.3] – Evidence of Timonhy Gresson.
Remove requirement from bird scaring devices rule to require these devices to be orientated away from sensitive receivers.	NOISE-R5 PER-3	Partially Resolved* - based on recommended change above	HortNZ [245.93] – Evidence of Vance Hodgson, paras 23-28.
Permit the use of bird scaring devices 30mins before sunrise.	NOISE-R5 PER-4	Outstanding	HortNZ [245.93] – Evidence of Vance Hodgson, paras 29-43.
Remove requirement for frost fans to only be operated when the air at canopy height is 2°C or less.	NOISE-RX (recommended frost fan rule)	Outstanding	HortNZ [245.98] – Evidence of Vance Hodgson, paras 44-55.
Amend NOISE-R9 to increase the distance from the State Highway 1 corridor (within which acoustic insulation requirements apply) from 80m to 100m where the speed limit is greater than 50km/h.	NOISE-R9	Outstanding	NZTA [143.118] – Evidence of Stuart Pearson, paras 3.3-3.8.
Replace the façade reduction metrics method with an 'internal noise level' approach to specifying acoustic insulation against state highway noise; and amend the matters of discretion.	NOISE-R9 PER-1, NOISE-S3	Outstanding	NZTA [143.119] – Evidence of Stuart Pearson, paras 3.9-3.13.
Increase the alternative compliance pathway that is based on a combination of notional noise screening and separation (NOISE-R9 PER-2(b)) from 20m to 50m from the state highway.	NOISE-R9 PER-2	Outstanding	NZTA [143.119] – Evidence of Stuart Pearson, paras 3.14-3.17.

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Remove the recommended 20% threshold for changes to existing buildings.	NOISE-S3	Outstanding	NZTA (further submission on Rooney Holdings Ltd [174.72]) – Evidence of Stuart Pearson, paras 3.18-3.22.
Extend requirement for artificial ventilation requirements to all types of habitable rooms and make amendments to ensure that temperatures do not exceed 25°C.	NOISE-S4	Outstanding	NZTA [143.120] – Evidence of Stuart Pearson, paras 3.23-3.26.
Accepts recommendations on submission points	NOISE-O2, NOISE-P5, 'Noise Sensitive Activity' definition	Resolved	NZTA [143.9, 143.116-117] – Evidence of Stuart Pearson, para 3.2.
Amend noise limits applying to fixed noise sources associated with TMTA rather than applying NOISE-S2; and add notes to PER-2 and PER-3.	NOISE-R3	Outstanding	NZDF [151.13], Statement of Rebecca Davies - paras 5.1-5.5
Apply a restricted discretionary activity status to non-compliance with any aspect of NOISE-R3	NOISE-R3	Outstanding	NZDF [151.13], Statement of Rebecca Davies - paras 6.1-6.3