

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of a submission on Stage 3 of the Proposed District Plan relating to the notified General Industrial zone and associated variations

BY

Tussock Rise Ltd (#3128)

Bright Sky Land Limited (#3130)

Alpine Estates Ltd (#3161)

TO

Queenstown Lakes District Council

SUMMARY STATEMENT OF JEREMY WILLIAM TREVATHAN

DATED 11 AUGUST 2020

1.0 SUMMARY

1.1 My name is Jeremy Trevathan. I provided a brief of evidence dated 29 May 2020. In that evidence I set out relevant noise-related matters relating to the potential Business Mixed Use (BMU) zoning of the Tussock Rise site. I concluded that existing Industrial A neighbours would be subject to the same noise limits as they are currently. A new noise limit would be introduced at the common boundary with Industrial B neighbours. Existing Industrial B activities would have existing use rights. I considered the noise those activities are likely to be generating, and concluded the BMU sound insulation requirements already contained in the Plan would be adequate to protect any new noise sensitive activities established on the Tussock Rise site.

1.2 I have now reviewed the rebuttal evidence of Stephen Chiles on behalf on Queenstown Lakes District Council dated 12 June 2020, and have provide a summary of my response below.

2.0 EVIDENCE OF DR CHILES DATED 12 JUNE 2020

2.1 In his 3.4 and 3.5 Dr Chiles observes that my comment that there will be ‘no additional restrictions’ for neighbours currently zoned Business A only applies to permitted activities, and that if a neighbour applied for Resource Consent, that Application is likely to face different challenges depending on whether the Tussock Rise site is zoned BMU or General Industrial Zone (GIZ). I agree that different zonings are likely to result in different future land use outcomes on and around the site.

2.2 In relation to Dr Chiles para 3.6 and 3.7, I agree that “a very high level of sound insulation” is a relative term. I was using it in the context of typical NZ dwelling constructions (25 to 26 dB Rw + Ctr), the actual noise levels expected in this case (the BMU night time limit is 50 dB LAeq) and controls in other NZ Districts (typically 30 to 35 Rw + Ctr). Dr Chiles mentions sound still being audible inside buildings - I have lived in a variety of areas and in all cases still heard noise from “vehicles, equipment and people” inside my house. I am not aware of any situation where District Plan noise controls seek to achieve inaudibility.

2.3 In 3.8 Dr Chiles states that the BMU sound insulation control is a compromise for a mixed-use zone, and could not be described as ‘more than adequate’. I consider that from an acoustics perspective the compromise is the BMU zone itself - as it permits noise sensitive activities along with moderate noise generating activities. If from a planning

perspective it has been determined that such a zone is desirable (which is the premise of my evidence), then the BMU sound insulation rule is 'more than adequate' to control internal noise levels. The amenity for noise sensitive activities in a BMU zone will always be compromised compared to a dedicated residential area, or an area far removed from external noise sources - with compromises including limitations around the use of windows for cooling and ventilation, the need to use mechanical ventilation systems, and reduced amenity in outdoor areas. All of these issues are common to any BMU area, and are not specific to Tussock Rise.

- 2.4 In 3.8 Dr Chiles implies that people in a BMU zone on the Tussock Rise site might be exposed to elevated noise from neighbouring GIZ. In para 4.7 of my evidence I examined what specific existing activities border the site and would have existing use rights, and the actual noise levels they are likely to produce. Dr Chiles did not record any disagreement with that assessment.
- 2.5 In 3.9 Dr Chiles suggests that internal noise levels of 30 dB may still be intrusive, depending on the character of the noise. The guidance of AS/NZS2107:2016, the World Health Organisation *Guidelines for Community Noise* and NZS6802:2008 does not generally support the idea that the types of intermittent sounds Dr Chiles is concerned about will have a significant effect if experienced within bedrooms at 30 dB LAeq. I accept that any audible noise could cause "disturbance" in the right set of circumstances, however that is not something unique to the BMU or dwellings in mixed use areas.
- 2.6 With reference to Dr Chiles 3.10, my point was that regardless of the presence or otherwise of an area of BMU zoning, it is not correct to think of GIZ in this area as unlimited with regard to noise and consistently suitable for 'heavy industrial' activities. The one undeveloped Industrial B site which borders Tussock Rise is only 45 metres from a zone which has a night time noise limit of 40 dB LAeq.
- 2.7 In 3.11 to 3.14, Dr Chiles discusses "industrial" sites as if 'industrial' is synonymous with 'high noise producing'. My experience is that businesses located in 'industrial' zones commonly include aspects which are not noise producing, and instead may be adversely affected by noise - such as computer-based design work, visual quality assurance or similar inspections, precision engineering, machining and the like. I understand that businesses currently operating in the neighbouring Industrial A and B zones include a

scientific equipment dealer, electrician, a seamstress, a recreational equipment importer, a printer, an upholsterers, and an automotive parts warehouse. It is correct that acoustic engineers are most commonly involved with projects where new noise producing activities are involved - but that is not a representative sample as benign activities do not require input from an acoustic engineer.

- 2.8 In 3.12 Dr Chiles again discusses how the presence of a BMU zone may constrain the future ambitions of industrial activities in the wider area. I agree that changes to activities or new activities would need to be assessed in the context of whatever rules exist at the time, and that different zonings will encourage different outcomes.
- 2.9 In relation to Dr Chiles 3.13 and 3.14, I accept the point that my statement regarding no “meaningful additional restriction” could have been further qualified. I had in mind activities which were either ‘high noise producing’ and would not consider establishing on marginal sites, or the types of activities I have described in paragraph 2.7 above for which noise limit restrictions are relatively immaterial. In the situation Dr Chiles describes where a new prospective activity already needed to be carefully designed with input from an acoustic engineer to be able to comply with noise limits at a ‘sensitive boundary’, I agree that any additional restrictions may render that marginal activity now completely unviable on that site. That may not be a bad outcome. I agree that sites fully embedded within GIZ with no noise limits on any boundary are likely to provide the most favourable conditions for high noise producing activities.