

BEFORE THE WHANGAREI DISTRICT COUNCIL HEARINGS COMMITTEE

In the Matter of the Resource Management Act 1991

And

In the Matter of an application by GNLC Ltd

**STATEMENT OF EVIDENCE BY
GREG BLOMFIELD ON BEHALF OF
NORTHPORT LTD**

Dated this 24th day of May 2017

Qualifications and Experience

1. My full name is Greg Blomfield. I am the Terminal Services Manager for Northport Ltd. I have been employed in this role for 8¾ years. Prior to that I was a surveyor for the London Borough of Hammersmith and Fulham in the United Kingdom. I hold the qualification of Bachelor of Surveying from Otago University.
2. My current role with Northport involves me dealing with a range of resource management matters including environmental compliance, and evaluating resource consent applications and plan changes that could impact on Northport operations.
3. I am authorised to present this evidence on behalf of Northport. However, this is not technical expert evidence, and so it should be read as company evidence expressing the position of Northport.

Scope of evidence

4. My evidence will cover:
 1. Relevant background information relating to the existing and future use of SH15; and
 2. Summary of the existing Noise and Vibration provisions; and
 3. Summary of the proposed PC135 provisions; and
 4. Potential adverse effects resulting from PC135; and
 5. Relevant Regional Policy Statement provisions.
5. In preparing this evidence, I have read the plan change documents, the evidence of Mr Ibbotson and Mr Hartley (on behalf of the applicant), and the Council Section 42 report.
6. To briefly summarise Northport's position, while the company has some concerns about reverse sensitivity effects associated with noise emanating from Northport itself, they are primarily concerned about reverse sensitivity effects associated with noise generated from existing and future truck movements on SH15.

Background

7. In 2004 Northport Ltd (“Northport”) contributed \$1 million to the development of SH15 (formerly SH15A). The road was developed for the express purpose of providing a highway link from SH1 to the new port at Marsden Point. The road also serves more than 600 ha of industrial zoned land including the Marsden Point Oil Refinery, and 180 ha of industrial zoned land owned by Marsden Maritime Holdings. Much of this land is still undeveloped.
8. As things currently stand, Northport and the Carter Holt LVL mill together generate 1164 truck movements per day. At present, most of these movements are during the day, equating to 1.6 truck movements a minute over a 12- hour period.
9. Northport has plans to more than double the size of the existing Port footprint, due in part to a significant predicted increase in the number of containers handled by the Port. Northport anticipates that this could more than double the number of truck movements associated with Port operations. Northport considers it likely that many of these movements will take place during the night-time hours.
10. In addition to the truck movement associated with Northport, there is also approximately 600 ha of industrial zoned land in the Marsden Point area, much of which is yet to be developed. This too is likely to result in significant increases in truck traffic on SH15.
11. Finally, the NZTA has committed to constructing a roundabout immediately opposite the subject site. Northport considers the deceleration and acceleration of trucks associated with the use of this roundabout (including the use of engine brakes) has not been adequately considered by the applicant’s experts (in fact the noise reporting and evidence is silent on this matter).

The existing NAV provisions

12. I understand that the existing Noise and Vibration (NAV) rules in the Whangarei District Plan became operative on 24 May 2016. The rules

were supported by a suite of objectives and policies, including several that deal with reverse sensitivity being:

NAV.3(1) To enable a mix of activities to occur across a range of Environments, while ensuring that noise and vibration is managed within appropriate levels for the health and wellbeing of people and communities, and for the amenity and character of the local environment.

NAV.3(2) To ensure that activities that seek a high level of acoustic and vibration amenity do not unduly compromise the ability of other lawful activities to operate.

NAV.4(1) To establish reasonable noise and vibration limits and controls that enable appropriate activities to operate while maintaining the characteristic amenity values of each Environment.

NAV.4(2) To avoid reverse sensitivity effects by:

a. Requiring suitable acoustic design standards for noise sensitive activities located in or adjacent to areas anticipating high noise levels.

b. Restricting noise sensitive activities in Environments where they could unduly compromise the continuing operation of appropriate business activities.

13. I understand that the existing NAV rules require (amongst other things) bedrooms and sleeping areas to be insulated to achieve 35 dB LAeq in bedrooms and sleeping areas within dwellings or units between 2200 and 0700, and 45 dB LAeq in other habitable spaces within dwellings or units between 0700 and 2200. These limits apply to the Port Nikau and Marsden City zones only. More restrictive night-time and day-time limits apply to the Business 1, Business 2, Business 3, Kamo Activity Precinct, and Town Basin zones.

The proposed noise rules under PC135

14. I understand that if PC135 is approved, the requirement to insulate residential buildings to achieve minimum internal noise levels will be removed for those parts of Marsden City that are located more than 100m from SH15. The primary justification for removing the insulation requirement is a proposed reduction in the noise levels that can be generated by activities within the Marsden City development.
15. Northport considers that the proposal to remove the sound insulation requirements for Marsden City only, less than one year after the rules were made operative, undermines the integrity of the NAV rules, or at least calls into question the appropriateness of retaining the requirement

for the Port Nikau, Business 1, Business 2, Business 3, Kamo Activity Precinct, and Town Basin zones which will all still need to comply with the rule (therefore exposing them to the increased construction costs referred to in paragraph 6.7 of Mr Ibbotson's evidence). Furthermore, Northport considers that if there was to be one area where compliance was most appropriate (particularly in the context of the supporting objectives and policies highlighted in paragraph 11 of this evidence), it would be land near SH15 due to its strategic importance to the economic growth of Northland.

Possible implications

16. Mr Ibbotson¹ predicts an internal noise level of 38 to 41 dB $L_{Aeq(24h)}$ where windows are ajar for ventilation based on a range of 3700 to 7400 vehicle movements per day, and possibly below 35 dB $L_{Aeq(night)}$ depending on the 24-hour variation in traffic movements on the road (presumably meaning the number of movements during night time hours versus the number of movements during daytime hours). Mr Ibbotson also states that while the internal night-time limit of 35 dB L_{Aeq} is intended to ensure that residents do not experience significant sleep disturbance effects, this does not provide an optimum level of amenity for sleep².
17. According to Mr Ibbotson, the insulation requirements of the District Plan were not set with consideration to other sources of external noise such as traffic, train or aircraft noise, none of which are required to comply with the Marsden Primary Centre noise limits (refer NAV 6.5.1)³. This highlights the concerns of Northport, where residential units that are not insulated could ultimately experience night-time noise levels exceeding 35 dB L_{Aeq} (especially if night-time traffic movements increase exponentially along with the predicted increase in traffic movements on SH15), bearing in mind Mr Ibbotson's statement that 35 dB $L_{Aeq(night)}$ *does not already provide for an optimal level of sleep*. Removing the requirement to insulate will only make this worse.

¹ Ibbotson (Paragraph 7.8)

² Ibbotson (Paragraph 6.5)

³ Ibbotson (Paragraph 4.8)

18. Northport considers that any proposal to relax amenity related standards near SH15 has the potential to compromise the long-term strategic function of the highway, and in turn the economic growth of Northland.

Regional Policy Statement for Northland

19. Through my involvement with the Regional Policy Statement process, I am aware that it contains several objectives and policies relating to reverse sensitivity (including in respect to Regionally Significant Infrastructure) (see relevant sections below).

Objective 3.6 Economic activities – reverse sensitivity and sterilisation

The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either:

(a) Reverse sensitivity for existing:

(i) Primary production activities;

(ii) Industrial and commercial activities;

(iii) Mining*; or

(iv) Existing and planned regionally significant infrastructure; or

(b) Sterilisation of:

(i) Land with regionally significant mineral resources; or

(ii) Land which is likely to be used for regionally significant infrastructure.

*Includes aggregates and other minerals.

Policy 5.1.1 – Planned and coordinated development

Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:

(a) Is guided by the 'Regional Form and Development Guidelines' in Appendix 2;

(b) Is guided by the 'Regional Urban Design Guidelines' in Appendix 2 when it is urban in nature;

(c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects;

(d) Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;

(e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;

(f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and

(g) Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.

(h) Is or will be serviced by necessary infrastructure.

Policy 5.1.3 – Avoiding the adverse effects of new use(s) and development

Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:

(a) Primary production activities in primary production zones (including within the coastal marine area);

(b) Commercial and industrial activities in commercial and industrial zones;

- (c) The operation, maintenance or upgrading of existing or planned regionally significant infrastructure; and
(d) The use and development of regionally significant mineral resources.

20. Northport is concerned that the proposal to relax the noise insulation standards within Marsden City appears to run contrary to the RPS because:
1. It does not protect the viability of land and activities important for Northland's economy from the negative impacts of new subdivision, use and development (Objective 3.6).
 2. It does not avoid the potential for reverse sensitivity (Policy 5.1.1).
 3. It does not avoid adverse reverse sensitivity effects (Policy 5.1.3).

Summary

21. In summary, Northport is concerned that both justified and unreasonable complaints about the use of SH15 have the potential to constrain the future growth of Northport and other industrial uses that are dependent on the highway for access. The proposal to relax the amenity based noise insulation standard for residential units in proximity to the highway increases the potential for complaints (reasonable or not), undermines the integrity of the NAV provisions (which are less than a year old), appears to be inconsistent with supporting NAV objectives and policies, and does not give effect to the RPS.

Relief sought

22. Northport would prefer that the existing noise insulation requirements remain in place for the entire Marsden City development. However, they would not oppose the plan change subject to the following modifications:
- The extension of the 100 metre buffer areas to a distance from the State Highway that will ensure the attenuated noise level within noise sensitive rooms is below 35 dBL_{Aeq} (the exact distance is to be determined by a suitably qualified acoustic engineer having taken into account the proposed roundabout and associated truck

acceleration and deceleration, and predicted increases night time truck traffic); and

- Amendment of the rule framework to require the establishment of noise sensitive activities (being residential accommodation, including rest homes and retirement villages) in all of the Marsden Primary Centre zones, to seek the written approval of Refining NZ, Northport and the New Zealand Transport Agency, as providers of Regionally Significant Infrastructure in the vicinity of the Marsden Primary Centre.