BEFORE THE INDEPENDENT HEARING COMMISSIONER
APPOINTED BY WHANGAREI DISTRICT COUNCIL

PROPOSED PRIVATE PLAN CHANGE 3
ROSVALL SAWMILL REZONING

Including Variation 1

WRITTEN SUBMITTER STATEMENT OF RYAN CARTER ON BEHALF OF CARVALL ENTERPRISES LIMITED

Submissions 001 and V008
Dated 30 October 2026
Hearing: 9 November 2026

A. Carvall's position and the outcome sought

1. My name is Ryan Carter. I am a director of Carvall Enterprises Limited and present this statement on its behalf in support of original submission 001 and Variation 1 submission V008. This is a submitter statement, not independent acoustic or planning expert evidence.[1]

2. Carvall supports a viable sawmill operating within a justified and enforceable noise framework. It maintains its opposition to PC3 in its present form and seeks that it be declined unless the outstanding matters in submissions 001 and V008 are satisfactorily resolved. Support for the mill's continued operation is not support for the proposed noise envelope.

3. Carvall's primary boundary relief remains that the Noise Control Boundary (NCB) not extend over its subdivision or farmland. Its principal mitigation request is reasonable and practicable reduction at source, particularly effective enclosure of the planer building and closure of significant noise-emitting openings at night. Independent verification and monitoring are also sought; they do not replace mitigation or justify an otherwise unacceptable boundary.

4. If that primary boundary relief is not accepted, Carvall seeks a reduced northern nighttime NCB at or within the existing 250-metre setback line, retaining closer boundaries elsewhere and keeping the NCB off the subdivision. This is a planning target to be tested, not a proven acoustic contour or legal noise limit.

5. The boundary, hours and monitoring alternatives developed below are conditional responses if the primary relief is not granted. They do not signify acceptance of the proposed boundary, noise levels or operating flexibility, or withdrawal of unresolved relief in 001 and V008. The focus on northern nighttime effects does not abandon unresolved daytime, land-use or compliance concerns raised in those submissions.

[1] Direction #7 of Hearing Commissioner David Hill, 26 August 2026, paragraph 4(d)-(e), distinguishes submitter expert evidence from submitter statements. Carvall: original submission 001, signed 24 February 2025; Variation 1 submission V008, signed 17 January 2026.

B. Focus of this statement and recognition of progress

6. I have taken account of the Commissioner's indication, conveyed through Mr Waters, that the hearing concerns the framework going forward. I present no new aerial comparison or noise measurements and seek no findings of past wrongdoing. Historical documents are used only to test the baseline and mitigation relied upon in the present assessment.

7. On 25 September 2026 I sought clarification from Council about RC37180's current role and apparent expiry, written approvals, current plant, building openings, nighttime operations and verification. Mr Waters advised that these matters should be addressed through the submitter statement and hearing process. I do so here because they remain material to the relief sought, not to complain about the correspondence.[2]

8. Our original submission recorded the directors' understanding that the sawmill's legal boundary was the relevant noise boundary. I acknowledge Council's explanation that RC37180 instead used notional-boundary controls with an exception for approving properties. I do not ask the Commissioner to adopt a universal 35 dB limit at the sawmill title boundary. The continuing concern is the weight given to historical acceptance when establishing the future noise envelope.[3]

9. Significant improvements deserve express recognition. Mr Runcie records later commencement and earlier cessation of principal sawmill building operations, a reduction of more than 7 dB from slowing the hammermill, broadband reversing alarms, baffling of the treatment-plant vacuum discharge, and further treatment of the planer sound box and its in-feed and out-feed. Mr Hansen records substantial investment in mitigation. Carvall does not minimise that work.[4]

10. We also acknowledge the removal of the revised NCB from Carvall's Rural Lifestyle subdivision. That is a significant improvement. But removal of an overlay from a map is not the same as removal of the noise effects on that land, or proof that the remaining northern nighttime boundary is the most appropriate one.[5]

11. Council's acoustic adviser, Mr Ibbotson, explains why this distinction matters. His assessment is that PC3 could allow nighttime levels up to 45 dB LAeq at the subdivision boundary and approximately 42-44 dB LAeq at future dwellings. He describes the latter as higher than ideal for a rural environment. He also considers them broadly consistent with the noise allowed by the 2003 consent. Carvall acknowledges that qualification, but asks why further reasonable source reduction should not be secured before that outcome is embedded in the Plan.[6]

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[2] Ryan Carter to Philip Waters, 25 September 2026, particularly items 1, 2, 4 and 6; Philip Waters to Ryan Carter, 25 September 2026, 12:03 pm. Philip Waters to Ryan Carter, 28 October 2026, conveying the Commissioner's view on historical imagery and observations.

[3] Carvall submission 001, page 2; Philip Waters, Section 42A Hearing Report, 19 June 2025 (Original Report), paragraphs 21-22 and footnotes 3-4. This acknowledgement does not resolve the separate questions about the status, scope and present use of RC37180.

[4] Peter Runcie, Supplementary Evidence (Acoustics), 4 September 2026 (Runcie September), paragraph 3.1; Mark Hansen, Supplementary Evidence (Corporate), 2 October 2026 (Hansen), paragraphs 5.6-5.12. Hansen states that seven projects over two years cost more than $250,000.

[5] Philip Waters, Section 42A Hearing Report - Addendum, 16 September 2026 (Addendum), paragraphs 31 and 99-100; Runcie September, paragraph 6.7. The Addendum describes the nighttime boundary departing from the modelled contour at the Carvall boundary.

[6] Peter Ibbotson, Statement of Evidence (Acoustics and Vibration), 6 September 2026 (Ibbotson), paragraph 10.5. These are his assessment of potential levels under the framework, not measurements at future dwellings.

C. The primary issue: planer-building mitigation and nighttime noise

12. The remaining northern issue cannot be answered simply by referring to improvements elsewhere. Mr Ibbotson explains that the modelled difference between day and night is much smaller to the north-east, where the dry mill, treatment plant and hammermill dominate, than in directions benefiting from the principal sawmill not operating before 7 am. This supports a focused examination of those northern sources.[7]

13. The Hegley assessment supporting the 2003 application expressly recorded a doors-open condition for the planer shed. Its conclusion was that processing-building doors needed to be closed at night to control noise at the closest dwelling for which written approval had not been obtained. This is relevant because the present proposal is repeatedly assessed against the 2003 noise framework.[8]

14. That passage does not prove installation or removal dates, prescribe the precise doors now required, or establish a current breach. Nor do I assume that the recommendation automatically became a consent condition. The question is what role nighttime closure played in the environment now relied upon, and what equivalent performance PC3 would secure.

15. The recent treatment of the planer sound box and feed tunnels is welcome, but treatment of machinery is not necessarily the same as treatment of the building openings through which sound can escape. Conversely, I do not assert that openings were omitted from the model: the 2024 assessment includes a facade sound-insulation assumption. What requires explanation is the actual configuration represented in the final model and the remaining practicable mitigation opportunity.[9]

16. The focus should be the full nighttime noise contribution of the planer building and its associated activities, including timber-handling and stacking impacts and any music or other ancillary noise, as well as the planer machinery. Carvall's concern is that treating the machinery alone does not adequately address noise escaping through the building's significant openings. We therefore seek an assessment of effective closure or enclosure of those openings and controls that secure the resulting reduction.

17. The current record should identify which significant planer and associated processing-building openings are open during nighttime activity; their condition during the May and July 2026 measurements; and how their dimensions, orientation, operating configuration and acoustic performance enter the final assessment. If the effect is included in an aggregate source, the evidence should explain that relationship rather than leave it implicit.

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[7] Ibbotson, paragraph 7.2. Runcie September, paragraphs 3.1(a)-(b), 4.4 and 6.15, distinguishes principal sawmill operations from the planer, hammermill, treatment plant, boiler and kilns.

[8] Nevil Hegley, Proposed Rosvall Sawmill Expansion - Assessment of Noise Effects, November 2002 (Hegley), printed pages 3-5, reproduced at PDF pages 22-24 of RC37180-Application-214317.pdf. The table records the planer at 72 dBA L10 at 50 metres with doors open; the conclusion refers to nighttime closure of mill processing-building doors.

[9] Runcie September, paragraph 3.1(f); Hansen, paragraph 5.9; SLR, Acoustic Assessment of Effects, 17 June 2024, section 5.0, printed page 10, in PC3 application Appendix J. The 2024 assessment assumes facade insulation of Rw 8 dB, referring to timber palings with observed gaps.

18. Carvall requests a targeted comparison between the present configuration and reasonably practicable nighttime closure or treatment of those openings. It should quantify the resulting source reductions, received levels to the north and north-east, and the corresponding nighttime NCB. It should also identify the contributions of the hammermill, treatment plant and other relevant sources so that a reduction in one source is not assumed to resolve all noise in that direction.

19. Our preferred control is the installation of effective acoustic doors or equivalent enclosure, with significant noise-emitting openings closed while relevant plant operates between 10 pm and 7 am. Necessary material transfer, ventilation and safe access must be accommodated by a demonstrably effective design, not an unrestricted exception that defeats the mitigation. Any alternative should be assessed against a stated acoustic outcome and secured in the operative provisions.

20. Mr Hansen considers further meaningful reductions very difficult, and Mr Runcie describes a considered exercise balancing safety and viability. Those views deserve weight. However, expenditure already incurred and a general conclusion about diminishing returns do not identify the cost, practicability or acoustic benefit of this particular building-envelope option. The comparative assessment should address those matters, including the benefit to neighbours and the constraints otherwise imposed on their land.[10]

21. Carvall does not ask the Commissioner to invent a decibel reduction or unsupported contour. We ask that this alternative be assessed before the current configuration becomes the permanent permitted envelope. Proven reductions should be reflected in a smaller fixed NCB, not absorbed as additional operating headroom within the present boundary.

D. The 250-metre setback as a practical planning reference

22. Section 3 of V008 already addressed the 250-metre setback and sought stronger justification for an NCB extending beyond it. It also acknowledged that 250 metres is not an absolute limit. Carvall maintains both parts of that position.[11]

23. The existing setback regulates the establishment of sensitive activities; it is not an acoustic measurement boundary, a guarantee of silence beyond 250 metres, or a prohibition on all development within it. Mr Waters explains that it is a proxy for potential noise effects. Mr Allen likewise says topography and the noise profile do not necessarily follow that distance. Carvall accepts those distinctions.[12]

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[10] Hansen, paragraph 5.12; Runcie September, paragraph 3.1; Jon Styles, Supplementary Statement of Evidence (Acoustics) for Peter Hill, 16 October 2026 (Styles), paragraph 16, acknowledges the financial and technical dimensions of the best practicable option assessment.

[11] Carvall V008, section 3, especially PDF page 7 of the standalone Carvall Submission 2026.pdf; sections 4-5 and 9 address development expectations, on-site mitigation and relief. The submission describes the residential zoning as Rural Living; this statement uses Rural Lifestyle Zone, the terminology in the current PC3 provisions.

[12] Original Report, paragraphs 24-25; Brad Allen, Supplementary Evidence (Planning), 2 October 2026 (Allen), paragraphs 2.6-2.9. Relevant provisions are RPROZ-R9 and RLZ-R11; see Addendum Appendix 2, printed pages 7-8.

24. Nevertheless, it is an established planning reference rather than a distance chosen for this hearing. Mr Allen says the proposal maintains the existing 250-metre buffer. Mr Runcie's maps display that buffer and identify the north and north-west as the areas where the revised NCBs extend beyond it. It is therefore a useful reference against which to test a less extensive nighttime envelope and the mitigation needed to achieve it.[13]

25. We seek to bring the northern nighttime boundary to that line or closer through mitigation, not by raising the noise limit to produce a smaller map. Boundaries already closer should remain so, and effects outside the boundary must also be appropriately assessed. V008's primary request that the NCB not extend over Carvall's subdivision or farmland remains. The 250-metre target is a practical alternative sought if that primary relief is not accepted.

26. V008 explained that Carvall's subdivision progressed in reliance on the planning framework and residential zoning. It identified concerns about dwelling layouts, outdoor living areas, construction requirements, saleability and use of the land. The revised map addresses the direct overlay on the subdivision, but the remaining effects on amenity and adjoining farmland still require justification. Any remaining construction or acoustic-treatment requirements, and their cost allocation, should be clearly identified. These are planning and land-use concerns, not a claim to immunity from lawful industry or to an unchanging Plan.

27. If 250 metres is not reasonably achievable, we seek evidence explaining why, the reduction that is achievable, and reasons for any wider boundary. A technically justified, smaller boundary remains preferable to accepting the present footprint without answering the mitigation issue. The final map should be settled through the decision, not left open to outward adjustment through a later management process.

E. Identify the baseline relied upon, without reopening past decisions

28. The applicant's planning evidence describes the revised contour as the lawful operating envelope. The Addendum also assesses the revised framework by reference to the 2003 consent. This makes identification of that baseline material to the present reasoning. It is different from asking whether the 2003 decision should originally have been granted.[14]

29. My September email sought clarity about the status of RC37180 because it is used to support the proposed framework. For this hearing, Carvall seeks a clear statement of the consent's present role and the basis on which that role is relied upon. We do not ask for the merits of the old consent to be reopened or advance a concluded allegation of lapse or unlawful operation.[15]

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[13] Allen, paragraph 2.7; Runcie September, paragraphs 6.11-6.14 and 9.7-9.8, and the revised NCB attachments. The reference is the setback line shown in the applicant's mapping, not a 250-metre radius from the centre of the mill; its precise application should be confirmed against the operative rule and final mapping.

[14] Allen, paragraphs 2.2 and 2.4-2.6; Addendum, paragraphs 11-19, 29-38 and 98-101. The Addendum records that questions about consistency with the 2003 framework led to a pause and further work.

[15] Ryan Carter to Philip Waters, 25 September 2026, items 1-2. The present request concerns the baseline relied upon for PC3, not a finding of historical non-compliance.

30. The evaluation should distinguish the 2003 acoustic comparison from the operative authority relied upon for the relevant current plant and activities, whether consent conditions, applicable Plan rules or existing-use rights. Any qualification affecting that comparison should be made explicit. The purpose is to understand what the proposed rules would retain or newly enable, and the justification for the resulting noise envelope, rather than to reconstruct the site's history.

31. The assessment should make clear how the nighttime door-closure assumption in Hegley's report is used in the comparison with the proposed framework. Regardless of whether that historical approach is binding today, the case for practicable mitigation of the present building openings should be evaluated on its merits and secured where justified.

32. The historic numerical benchmark also needs to be expressed consistently. Mr Runcie refers in parts of his September evidence to 40 dB LA10 at night; Mr Ibbotson and Mr Styles identify the relevant historic limit as 35 dB LA10. Carvall asks that the comparison be reconciled using the correct metric, location, period, character adjustment and meteorological assumptions. We do not equate that dwelling-based LA10 limit with the proposed 45 dB LAeq limit at a different NCB location.[16]

33. Historical written approvals are relevant to the comparison relied upon, but their weight in supporting the proposed permanent envelope and neighbouring land-use controls must be explained. Approval of a defined proposal should not be treated, without that explanation, as acceptance of every current or future operating configuration. Carvall does not suggest that every machinery change required fresh written approval.[17]

34. In particular, geographical overlap with land whose owners signed in 2003 does not, by itself, establish the current level of noise accepted at every location or demonstrate that further reasonable mitigation is unnecessary. Mr Ibbotson expressly did not comprehensively review those approvals. The planning explanation should therefore be supplied rather than assumed to follow from the acoustic peer review.[18]

35. If the claimed baseline is confirmed, Carvall still seeks the prospective assessment of source mitigation and appropriate provisions. If it requires qualification, that qualification should be reflected transparently in the evaluation. Either way, the case should distinguish what is currently occurring, what is lawfully authorised, and what PC3 would enable.

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[16] Runcie September, paragraphs 4.11 and 4.19; Ibbotson, paragraphs 4.5 and 4.8; Styles, paragraphs 38-41 and footnote 4. The difference between LA10 and LAeq, and between assessment locations, must not be treated as a simple ten-decibel increase.

[17] RC37180 affected-person approval forms, including PDF page 41 of RC37180-Application-214317.pdf; Engineering Outcomes, Assessment of Traffic Effects, 30 October 2002, section 2.1, printed page 1 / source PDF page 27. Allen, paragraph 2.2, notes that the historical acoustic assessment did not analyse effects where written approval had been obtained.

[18] Ibbotson, paragraph 4.2 and footnote 2; Addendum, paragraphs 93 and 99; Runcie September, paragraphs 9.3-9.4.

F. Verify the current model and the complete operating scenario

36. Carvall recognises the revised model's 2026 attended measurements, receiver comparisons and conservative assumptions. Mr Runcie says the contours represent the loudest 15-minute scenario without duration adjustment, allow for enhanced propagation, and include special-audible-character adjustments. Our concern is not an absence of measurement or allowance for those matters, but whether the remaining assumptions and future operating flexibility are sufficiently verified.[19]

37. Mr Ibbotson independently cross-checked the daytime modelling, but could not do the same for the restricted nighttime operations. He also records the absence of updated longer-term measurements near the site following the changes, despite encouraging representative monitoring. That verification gap is our concern, rather than an assertion that the entire model is wrong.[20]

38. Mr Styles now supports the revised framework overall. However, he considers that the measurements at 30 Mt Tiger Road may understate received noise under favourable propagation, with potentially marginal compliance. He proposes monitoring and reduction of contributing noise where necessary, rather than simply enlarging the NCB. Carvall relies on that support for verification, not as expert endorsement of our separate 250-metre target or a calculated benefit from planer doors.[21]

39. The experts should resolve the relationship between the weather conditions represented in the model and those represented in the validation measurements. It would not be sound simply to add a further 5 dB to every modelled result. Carvall seeks representative field verification of the northern nighttime outcome at appropriate locations on or near the NCB, including the 6-7 am and 10-11 pm periods where operation is assessed or would be allowed. Verification should address appropriate enhanced-propagation conditions and periods when road traffic does not mask the sawmill contribution.

40. The Hogger is a specific completeness check. Mr Hansen records that it was measured by SLR in June 2025 after mitigation, with a reported overall contribution of less than 2 dB. Carvall does not allege it was never measured or considered. The final assessment should transparently trace its source level or contribution to an aggregate source, its representative load and operating assumptions, and how these relate to the May and July 2026 validation measurements. It should also identify whether any nighttime operation is assessed or would be enabled.[22]

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[19] Runcie September, sections 4-5, paragraphs 6.3-6.10 and section 8. Paragraphs 5.4-5.5 explain why predicted levels exceed measured levels; paragraphs 6.6-6.7 explain the nighttime character adjustment and the particular approach at Carvall's boundary.

[20] Ibbotson, paragraphs 3.1-3.2, 5.2-5.4 and 7.3, including footnote 10. The July 2025 Joint Witness Statement, issue 2, records the differing views of Jansen on the one hand and Ibbotson and Styles on the other about the adequacy of monitoring.

[21] Styles, paragraphs 6, 14-17, 35-46 and 66-72. His preferred response retains the proposed NCB with monitoring and necessary noise reductions; he has not calculated the further northern reduction sought by Carvall.

[22] Hansen, paragraph 5.4 and footnote 1, and paragraph 4.7(b); Joint Witness Statement, 29 July 2025, issue 3. Hansen describes approximately 25 hours of weekday use and cites Jansen's 3 July 2025 evidence at paragraph 5.14. Runcie September, paragraph 6.10, describes the contours as representing August 2026 operations.

41. The same discipline applies to timber impacts. The acoustic record already recognises impact noise and special audible character, and Mr Runcie includes bin sorting and stacking within the principal sawmill building operations. Carvall does not seek an arbitrary additional penalty. It seeks assurance that representative impacts, applicable character adjustments and relevant maximum-noise limits are addressed under the operating flexibility the final provisions actually allow.[23]

G. Operating hours: protect the assumptions or verify the flexibility

42. A daytime noise period of 7 am to 10 pm is not itself a rule requiring all plant to stop outside those hours. Mr Runcie's September evidence separates principal sawmill building operations from the planer, hammermill, treatment plant, boiler and kilns. The final provisions need to make those distinctions clear, particularly for the 6-7 am and 10-11 pm periods.[24]

43. Mr Runcie subsequently supports reliance on NCB limits rather than activity-specific hours; Mr Allen recommends deleting SRIZ-R12. Their rationale is that technological or operational changes could permit different activities within the same limits. Carvall accepts that deletion would not remove the noise cap. It would, however, increase the importance of verifying compliance and assessing the resulting pattern and character of activity.[25]

44. Our preferred position is to retain and clarify an hours rule reflecting the assessed principal sawmill regime: 7 am-10 pm Monday to Friday, 7 am-6 pm Saturday, and no principal sawmill building operations on Sunday. The rule should clearly identify the included activities, including bin sorting and stacking, and any exceptions. Mr Hansen describes the 7 am start as a permanent, manageable change; Mr Waters recommends considering alignment of the hours rule with the revised assessment.[26]

45. Nighttime planer and associated plant operation should be separately identified and assessed, with the necessary building-opening mitigation, noise controls and verification secured. Boiler and kiln exceptions should not inadvertently become exceptions for other processing activity. Carvall is not asking the Commissioner to assume that every source must have identical hours.

46. Sunday respite is a prospective amenity request, not an assertion that the 2003 consent prohibited Sunday operation. Mr Waters expressly notes that the proposed hours rule could provide protection beyond the historic framework. The Commissioner should determine whether that protection is appropriate, rather than treating the hours issue solely as a change to the labels on the noise periods.[27]

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[23] Hegley, printed pages 3-4; SLR Acoustic Assessment of Effects, 17 June 2024, sections 4.1 and 5.0; Runcie September, paragraphs 3.1(a), 4.6, 6.3, 6.10(a) and 8.3-8.7. The recommended NAV Table 1A includes a nighttime 75 dB LAFmax limit in addition to 45 dB LAeq.

[24] Runcie September, paragraphs 3.1(a)-(b), 4.13 and 6.15; Addendum, paragraphs 104-113 and footnote 10.

[25] Peter Runcie, Second Supplementary Evidence (Acoustics), 2 October 2026, paragraphs 3.1-3.3 and 4.2; Allen, paragraphs 6.13-6.20.

[26] Runcie September, paragraph 3.1(a); Hansen, paragraph 5.5; Addendum, paragraphs 109-113; notified SRIZ-R12. The scope of principal operations and the treatment of exceptions require precise drafting.

[27] Addendum, paragraphs 109-110; Hegley, printed page 1, assessed the possibility of seven-day operation.

47. If fixed hours controls are removed, Carvall seeks a correspondingly stronger initial validation regime, including continuous logging supported by attended assessments and operational records. That alternative request is not a concession that the present nighttime boundary is sufficiently reduced. The source-mitigation and reduced-boundary requests remain.

H. An enforceable verification and monitoring framework

48. Mr Runcie explains how noise would be measured and assessed against an NCB. Mr Waters considers the limits measurable and enforceable through ordinary Council powers, and does not recommend additional periodic monitoring. Carvall's concern is the distinction between a method that can be used and a requirement that representative verification actually occurs. Reactive powers do not answer who must obtain the data, when, under what operating conditions, and what follows a failed result.[28]

49. Mr Styles recommends monitoring at least annually by a suitably qualified and experienced person, with results, adjustments and rating levels reported to Council within 20 working days. This supports a monitoring requirement, although not every detail of Carvall's proposal.[29] Carvall maintains V008's requests for clear, enforceable, 24-hour independently audited monitoring and a comprehensive independent assessment of the complete current operating scenario. The following options are advanced as alternatives for determination, not as withdrawal of those requests.

50. As an alternative where an effective hours rule is retained, Carvall seeks initial independent verification of the configuration on which the final boundary relies, then quarterly compliance assessment for the first two years, reducing to six-monthly assessment after a demonstrated compliant record. Further assessment should follow material noise-generating changes or a substantiated complaint indicating a possible departure. The operator should commission and fund this work by a suitably qualified, professionally independent acoustician. The frequency is Carvall's proposed safeguard, not an expert-derived minimum.

51. If SRIZ-R12 is deleted and operational flexibility is controlled principally through the NCB, Carvall seeks an initial 12-month continuous-logging programme at representative locations, with attended source identification, meteorological data and operating logs. Any extension towards 24 months should have clearly stated criteria where representative coverage or compliance has not been demonstrated. The number and location of stations should be technically justified; Carvall does not prescribe an unsupported number of permanent instruments.

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[28] Runcie September, section 8; Addendum, paragraphs 69-76; Ibbotson, paragraph 9.1(a)-(c), addresses practical access, operational data and compliance-review matters.

[29] Styles, paragraphs 47-65, particularly 62-63. Mr Ibbotson's contrary view on writing compliance review into plan rules is at paragraph 9.1(c); Styles expressly addresses that difference. Carvall seeks a planning determination, not an assumption that the experts agree on the mechanism.

52. In either case, the provisions should require a defined verification protocol covering the northern and north-eastern receivers and relevant NCB locations; the actual plant combination and building-opening state; representative nighttime and daytime activity; appropriate propagation conditions; extraneous-noise separation; applicable rating adjustments; and relevant maximum levels. Where direct access is unavailable, a representative monitoring position should have a demonstrated acoustic relationship to the compliance location.

53. Reports should be provided to Council within 20 working days and clearly identify compliance or non-compliance, rather than provide uninterpreted logger data. A detected exceedance should trigger prompt notification, source investigation, corrective action and retesting. Reporting or a corrective-action timetable must not be treated as permission to continue exceeding the applicable limits. The response to failure should be to address the source, not automatically move the boundary farther onto neighbouring land.

54. Material plant or process changes should trigger acoustic assessment before reliance on the new operating configuration and verification afterwards where warranted. The purpose is not to require a new plan change for every improvement. It is to ensure that future flexibility stays within the adopted, fixed envelope and that mitigation relied upon is maintained. The rule must clearly state the compliance obligations and any transition; essential standards should not be left to an unconstrained later management plan.

55. The decision should expressly address the ongoing purpose and application of the NCB if sawmilling permanently ceases, materially downscales or is replaced by a different use. V008 raised this issue. Carvall seeks provisions, or an identified lawful review mechanism, to prevent constraints on neighbouring land persisting without justification and to make clear which activities can rely on the sawmill noise envelope. This is not a request for later outward remapping or an assumption that the mapped boundary automatically expires.[30]

56. If the Commissioner considers Carvall's preferred frequency or continuous proving period disproportionate, we ask that the reasons and an effective alternative be identified. At a minimum, Mr Styles' annual monitoring and reporting recommendation warrants express determination. This fallback does not replace Carvall's request for initial verification, further source mitigation and a smaller nighttime NCB.

I. Findings and decisions requested

57. Carvall asks that the material outstanding questions be answered through the hearing and the conclusions reflected in the final text and maps. They concern justification of the prospective envelope, not historical punishment.

58. First, determine the practicable nighttime performance of the planer building with significant openings effectively enclosed or closed. Require a focused comparison of current and mitigated scenarios, including the consequential northern contour. Determine Carvall's primary request for an NCB off its subdivision and farmland and, if that is not accepted, the alternative of a reduced northern nighttime NCB at or within the existing 250-metre setback line.

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[30] Carvall V008, sections 8, 8A.3 and 9, PDF pages 10-11: procedural fairness, cessation or change of use, and the relief sought.

59. Second, make clear the operative consent/rule framework and the distinction between the historic comparison and what PC3 would enable. Explain the weight given to the written approvals and the treatment of door closure and the historic noise benchmark. Identify how the future provisions and any continuing consented rights would operate together to secure the nighttime outcome. Carvall does not assume that a plan change simply rewrites existing consent conditions.

60. Third, confirm that the final acoustic scenario includes the relevant current plant and representative operations, including the Hogger and timber impacts; explain the treatment of building openings, special audible character and meteorology; and provide an appropriate basis for field verification of the nighttime outcome to the north.

61. Fourth, retain and clarify operating controls consistent with the assessed regime, including consideration of Sunday respite, or give reasons for allowing greater flexibility and require the stronger verification appropriate to that choice.

62. Fifth, include mandatory, practicable and enforceable monitoring, reporting and corrective-action provisions. The existence of an enforceable numerical limit is not a substitute for deciding whether verification should be required. Also address the continuing justification and application of the boundary if the sawmill permanently ceases, materially downscales or changes use, as requested in V008.

63. Where necessary, Carvall asks the Commissioner to direct focused responses or further information. Material further information, modelling or proposed amendments should be made available to affected parties with a fair opportunity to respond before determination. Carvall maintains its position on any notification or other procedural steps needed in response to material changes. We seek neither an open-ended historical investigation nor postponement for its own sake. Equally, the wider permanent envelope should not be approved on the expectation that its justification or essential mitigation will be settled afterwards.

64. Carvall maintains V008's request that PC3 be declined in its present form if the outstanding issues cannot be resolved. If any of the relief sought is not accepted, we seek express reasons identifying the evidence relied upon, the alternatives considered and why the adopted boundary and controls are appropriate. Subject to the factual clarifications expressly made in this statement, Carvall maintains its unresolved opposition and relief in 001 and V008. Acknowledgement of improvements and conditional alternatives do not constitute agreement to PC3 or withdrawal of those unresolved matters. Carvall retains any rights of appeal available in respect of them.

65. The outcome Carvall seeks is straightforward: a viable sawmill operating within a demonstrably justified noise envelope, with practicable noise reduction undertaken at source and compliance capable of being verified. The question is not only whether the revised proposal is better than the earlier one. It is whether the remaining nighttime footprint and the controls proposed to accompany it are the appropriate permanent outcome.

Ryan Carter
Director, Carvall Enterprises Limited

Schedule 1 - Requested decisions

Summary of the relief developed in this statement. References are to its section headings.

1. Nighttime footprint and source mitigation (sections C-D)

Retain Carvall's primary request for an NCB off its subdivision and farmland. As a practical alternative, reduce the northern nighttime NCB, preferably to the existing 250-metre setback line or closer, through assessed source mitigation. Retain closer boundaries elsewhere and keep the revised NCB off the subdivision. Identify remaining land-use requirements and cost allocation. Do not raise the noise limit to shrink the map.

2. Mitigation secured in the provisions (section C)

Assess effective closure or enclosure of the planer-building openings and the full contribution of associated activities. Secure effective acoustic doors or equivalent treatment, with significant noise-emitting openings closed during relevant plant operation between 10 pm and 7 am. Provide technically justified arrangements for transfer, ventilation and safe access, and maintain the performance on which the reduced boundary is based.

3. Baseline and full operating scenario (sections E-F)

Identify the operative consent/rule framework, its relationship with PC3, and the role and weight of the historic comparison and written approvals. Trace the Hogger, representative operating loads, building openings, timber impacts and meteorological assumptions through the final assessment. Verify the northern nighttime outcome, including relevant 6-7 am and 10-11 pm activity.

4. Operating hours and respite (section G)

Retain and clarify the assessed principal-operation hours and Sunday protection, with precise treatment of other plant and exceptions. If separate hours controls are deleted, require stronger initial validation and give reasons for the resulting amenity outcome.

5. Verification, response and enduring safeguards (section H)

Retain V008's requests for 24-hour independently audited monitoring and comprehensive independent assessment. Conditional alternatives include initial verification and quarterly assessments for two years, then six-monthly after demonstrated compliance; if hours controls are removed, an initial continuous-logging programme. Require change/complaint triggers, reporting within 20 working days, corrective action and retesting. Address permanent cessation, material downscaling or a different use, with a lawful mechanism to review unjustified continuing constraints on neighbouring land.

6. Reasoned and fair determination (section I)

Resolve material issues through focused responses. Make material further information, modelling and amendments available with a fair opportunity to respond; address any necessary procedural steps. Fix the justified boundary and essential standards through the decision, without later outward remapping. If outstanding issues cannot be resolved, decline PC3 in its present form. Give express reasons for any relief not accepted. Conditional alternatives do not withdraw unresolved relief in 001 and V008.