BEFORE THE HUTT CITY COUNCIL

Proposed District Hearings Panel

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of the Proposed Lower Hutt District Plan, **Hearing Stream 7**

RESPONSE TO MINUTE 22: SUPPLEMENTARY PLANNING EVIDENCE OF PHILIP HEFFERNAN ON BEHALF OF WINSTONE AGGREGATES

Dated 19 November 2026

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INTRODUCTION

1. My name is Philip Heffernan. I provided company and planning evidence on behalf of Winstone Aggregates Limited (Winstone) for Hearing Stream 7 dated 30 September 2026.

2. My qualifications and experience are set out in that evidence. I confirm that I continue to comply with the Environment Court Code of Conduct for expert witnesses in the Practice Note 2023. The planning opinions expressed in this supplementary evidence are my own.

3. Where I refer to acoustic matters, I rely on the supplementary evidence of Mr Jamie Exeter dated 19 November 2026. I do not independently assess the appropriate numerical acoustic limits or measurement methodology.

SCOPE OF EVIDENCE

4. This supplementary evidence responds to Minute 22 of the Hearings Panel. It is confined to the further information requested in relation to Winstone submission point 444.18 and the daytime noise limit applying to the Quarry Zone under NOISE-APP1.

5. Minute 22 requests Mr Exeter to consider the difference between the Quarry Zone noise measuring points under the Operative District Plan (ODP) and Proposed District Plan (PDP), including any implications for the 1 decibel effective difference identified in his earlier evidence. It also requests that he review section 5 of the Initial Reply Memorandum of Stephen Davis and Malcolm Hunt dated 19 October 2026.

6. Mr Exeter addresses the acoustic implications of those matters. My evidence addresses the planning interpretation of the relevant ODP and PDP provisions and the implications of that interpretation for submission point 444.18.

BACKGROUND

7. Winstone submission point 444.18 seeks a daytime Quarry Zone noise limit of 68 dB LAeq(15 min), rather than the notified limit of 67 dB LAeq(15 min).

8. In my earlier evidence, I supported the 68 dB LAeq(15 min) limit on the basis of Mr Exeter's acoustic evidence. He considered that this limit would provide for approximately the same level of noise effects as the ODP limit of 70 dB LA10, taking account of the change in noise descriptor and applicable assessment standards.

9. My planning opinion was, and remains, that the Quarry Zone provisions should appropriately provide for anticipated quarrying activities while managing noise effects beyond the zone.

SECTION 5 OF THE INITIAL REPLY MEMORANDUM

10. Section 5.2 of the Initial Reply Memorandum states that the ODP sets a 70 dB LA10 limit that applies at the quarry boundary with either State Highway 2 or State Highway 58, depending on the quarry.

11. Sections 5.3 and 5.4 rely on that interpretation when comparing the ODP and PDP assessment locations. The memorandum considers that applying the PDP limits generally at or beyond the Quarry Zone boundary provides better protection for sensitive receivers and identifies that as a reason for retaining the notified 67 dB LAeq(15 min) limit.

12. I have reviewed ODP standard 14C 2.1.8 because the asserted difference in assessment location is relevant to that conclusion.

OPERATIVE DISTRICT PLAN ASSESSMENT LOCATION

13. ODP standard 14C 2.1.8 applies to Extraction Activity Areas. It states that the specified noise conditions are to be "measured anywhere within a residential or rural activity area". Appendix Noise 2 then identifies Location Reference 38, State Highway 2,

for Belmont Quarry and Location Reference 37, State Highway 58, for Dry Creek Quarry.

14. In my opinion, the references to State Highway 2 and State Highway 58 identify the relevant Extraction Activity Areas and their applicable performance standards. They do not establish the State Highway boundaries as the exclusive noise measurement or assessment locations.

15. The measurement requirement is stated expressly in standard 14C 2.1.8. It applies anywhere within a Residential or Rural Activity Area. I have not identified wording in the standard or Appendix Noise 2 that replaces that requirement with an exclusive measurement point at a State Highway boundary.

16. I therefore do not agree with the characterisation in section 5.2 of the Initial Reply Memorandum that the ODP limit applies at the quarry boundary with State Highway 2 or State Highway 58. In my opinion, that interpretation is not supported by the wording of standard 14C 2.1.8 and is inconsistent with the way the operative provisions were described by Mr Hunt in Council's 2021 Noise and Vibration Review.

17. I have also reviewed the Hutt City Council Proposed District Plan Noise and Vibration Review prepared by Mr Malcolm Hunt in November 2021[1]. That report was prepared for Council as part of the review of the operative noise provisions and expressly considered the noise assessment locations applying under the ODP, including standard 14C 2.1.8 for Extraction Activity Areas.

18. In section 10.8 of that report, Mr Hunt described standard 14C 2.1.8 as applying site boundary noise limits to quarrying activities. In discussing how the operative provisions applied, he stated that noise from rural and quarry activities was controlled by limits measured anywhere within another site, including sites remote from a dwelling. He then considered the planning consequences of assessing compliance at site boundaries where those boundaries may be some distance from a dwelling.

[1] https://www.huttcity.govt.nz/__data/assets/pdf_file/0025/43684/MHA_Noise-Review-and-Recommendations-For-Proposed-District-Plan_Amended-Final-1.PDF

19. In my opinion, that earlier description is consistent with my reading of standard 14C 2.1.8. It recognises that the operative provisions control quarry noise received beyond the quarry site and does not identify the State Highway boundary as the exclusive compliance location. That differs from the interpretation subsequently expressed in section 5.2 of the Initial Reply Memorandum.

20. For completeness, I have included the two relevant operative Appendix Noise 2 plans, together with my suggested amendments to those plans, as Attachment 1 to this evidence. The maps identify the full Extraction Activity Areas for Dry Creek Quarry and Belmont Quarry by shaded areas. Although the existing map headings refer to “State Highway No. 58” and “State Highway No. 2”, the maps themselves do not identify a particular point or boundary on either State Highway as the noise measurement location.

21. In my opinion, the existing headings are capable of creating confusion because they may be read as identifying the State Highway boundaries as the compliance locations, rather than identifying the particular Extraction Activity Areas to which the corresponding standards apply. This appears to be the source of the interpretation adopted in section 5.2 of the Initial Reply Memorandum.

22. I therefore recommend that the headings in Appendix Noise 2 be amended from “State Highway No. 58” to “Dry Creek Quarry” and from “State Highway No. 2” to “Belmont Quarry”. The suggested amendments are shown in Attachment 1. These changes would not alter the mapped Extraction Activity Areas or the substantive operation of standard 14C 2.1.8. They would clarify that the maps identify the relevant quarries and do not establish the State Highway boundaries as exclusive noise measurement locations.

23. I consider those amendments to be appropriate consequential relief arising from Winstone’s submission on the Quarry Zone noise provisions and the specific issue raised by the Panel in Minute 22.

COMPARISON WITH THE PROPOSED DISTRICT PLAN

24. The PDP uses a different drafting approach. NOISE-APP1 applies the Quarry Zone limit at the boundary of, or outside, the Quarry Zone.

25. I acknowledge that the assessment locations are expressed differently. The ODP applies its limit within specified receiving activity areas, while the PDP applies its limit by reference to the boundary of the emitting zone.

26. However, the difference is not, in my opinion, a movement from an ODP State Highway boundary measurement point to the general perimeter of the Quarry Zone. The State Highway references in Appendix Noise 2 do not create the exclusive ODP measurement points described in section 5.2 of the Initial Reply Memorandum.

27. Mr Exeter considers that, although the assessment locations are expressed differently, the difference does not materially affect the appropriate numerical daytime noise limit. I rely on his evidence for that acoustic conclusion.

PLANNING IMPLICATIONS FOR SUBMISSION POINT 444.18

28. If the ODP did not restrict noise assessment to the State Highway boundaries, I do not consider that the asserted change in measurement location provides a sound planning reason to make the replacement Quarry Zone standard more stringent.

29. In particular, a lower numerical limit should not be justified on the basis that the PDP corrects a limitation in the ODP assessment location when that limitation is not supported by the wording of standard 14C 2.1.8.

30. The appropriate relationship between the ODP 70 dB LA10 limit and the PDP LAeq framework should therefore be determined principally on its acoustic merits. Mr Exeter's evidence is that retaining 67 dB LAeq(15 min) would result in a standard approximately 1 dB more stringent than the equivalent limit derived from the ODP framework, and that he has not identified

an acoustic effects reason for that additional reduction.

31. I also consider it relevant that Mr Hunt accepts that increasing the PDP limit from 67 dB LAeq(15 min) to 68 dB LAeq(15 min) would result in adverse noise effects that are very minor, if not insignificant.

32. From a planning perspective, there is therefore no identified effects-based justification for unnecessarily narrowing the operational envelope of the Quarry Zone by approximately 1 dB. The Quarry Zone is intended to provide for quarrying activities while managing adverse effects. On the acoustic evidence of Mr Exeter, 68 dB LAeq(15 min) appropriately achieves that balance.

CONCLUSION

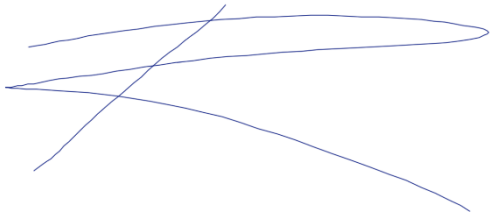
33. Having reviewed the matters raised in Minute 22, I remain of the opinion that submission point 444.18 should be accepted and that a daytime limit of 68 dB LAeq(15 min) should apply to the Quarry Zone.

34. In reaching that conclusion, I consider that:

- the ODP cannot properly be characterised as assessing Belmont Quarry noise only at its State Highway 2 boundary;
- standard 14C 2.1.8 expressly provides for the specified noise conditions to be measured anywhere within a Residential or Rural Activity Area;
- the State Highway references in Appendix Noise 2 identify the relevant Extraction Activity Areas and applicable performance standards, rather than exclusive compliance measurement points;
- the Appendix Noise 2 map headings should be amended to identify “Dry Creek Quarry” and “Belmont Quarry”, rather than “State Highway No. 58” and “State Highway No. 2”, to remove ambiguity about the purpose of the maps and the applicable noise measurement locations.
- the difference between the ODP and PDP assessment

locations does not provide a sufficient planning basis for discounting the 1 dB difference identified by Mr Exeter; and

- on Mr Exeter's acoustic evidence, 68 dB LAeq(15 min) is the appropriate corresponding limit and will appropriately provide for anticipated Quarry Zone activities while managing noise effects.



Phil Heffernan is authorised to give evidence on behalf of Winstone Aggregates.

Dated 19 November 2026

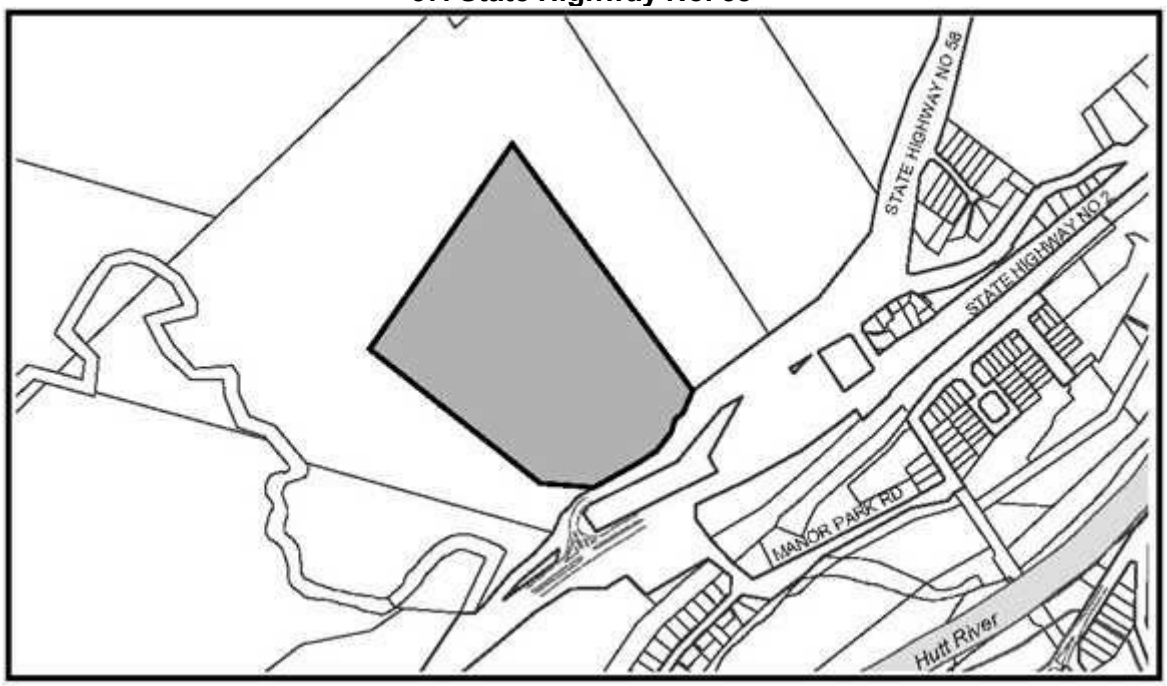
ATTACHMENT 1: APPENDIX NOISE 2 – OPERATIVE PLANS AND SUGGESTED AMENDMENTS

OPERATIVE APPENDIX NOISE 2 PLANS

The following are the operative Appendix Noise 2 plans referred to in my evidence. The headings identify Location Reference 37 as “State Highway No. 58” and Location Reference 38 as “State Highway No. 2”.

Appendix Noise 2 - Extraction Activity Area

37. State Highway No. 58



38. State Highway No.2

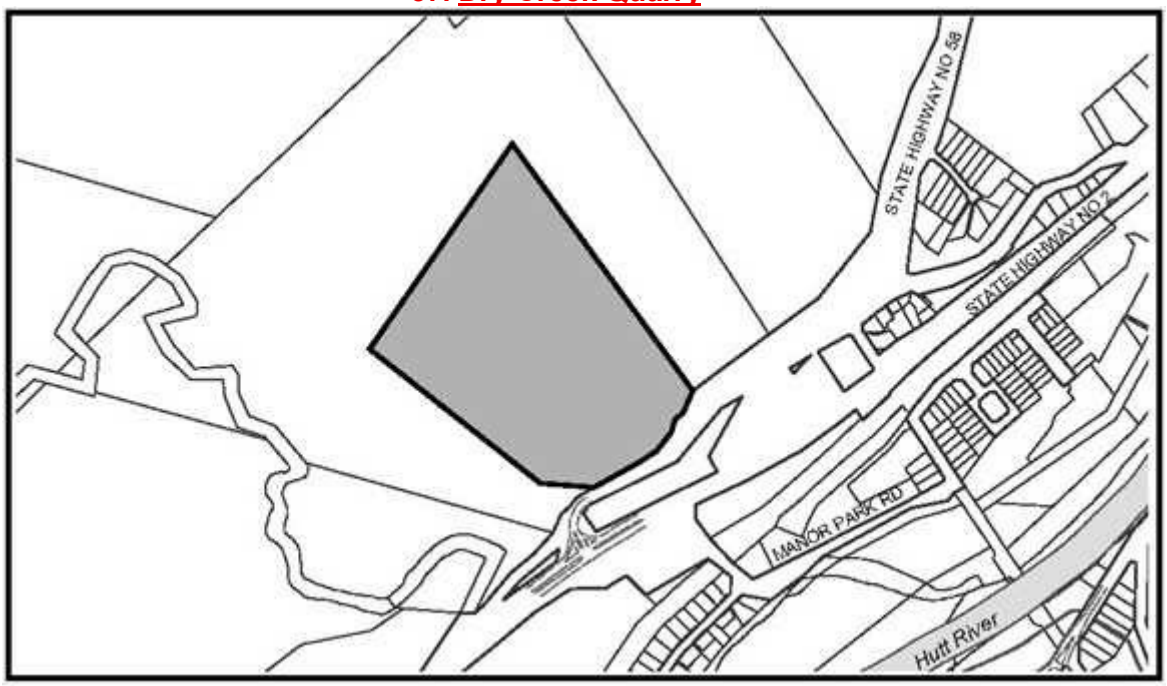


SUGGESTED AMENDMENTS TO APPENDIX NOISE 2 PLANS

The following plans illustrate the amendments I recommend to Appendix Noise 2. The mapped Extraction Activity Areas remain unchanged. The suggested amendments are limited to renaming Location Reference 37 from “State Highway No. 58” to “Dry Creek Quarry”, and Location Reference 38 from “State Highway No. 2” to “Belmont Quarry”.

Appendix Noise 2 - Extraction Activity Area

37. Dry Creek Quarry



38. Belmont Quarry

