

**BEFORE THE Independent Hearings Panel for the Timaru District Council**

**IN THE MATTER OF** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** Submissions in relation to the Proposed  
Timaru District Plan – Hearing F

**AND** **Property Income Fund No.2 Limited**  
*(Submitter 56)*

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**STATEMENT OF EVIDENCE OF GARY MARK WALTON**

**9 APRIL 2025**

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## 1.0 INTRODUCTION

- 1.1 My full name is Gary Mark Walton. I am a senior consultant in the international acoustic firm, Marshall Day Acoustics (**MDA**).
- 1.2 I hold a Bachelor of Science with Honours in Audio and Music Technology from the University of the West of England in the United Kingdom.
- 1.3 I have worked for MDA in Christchurch since 2014. In this time, I have worked on a diverse range of environmental noise projects around New Zealand. My experience includes: industrial facilities; ports and airports; dairy factories; roading and infrastructure projects; commercial and retail developments; and construction and demolition activities.
- 1.4 My evidence is given in support of the submission of Property Income Fund No.2 Limited (**PIF No.2**).

## 2.0 CODE OF CONDUCT

- 2.1 Whilst this is not an Environment Court hearing, I acknowledge that I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and agree to comply with it.
- 2.2 My qualifications as an expert are set out above. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

## 3.0 SCOPE OF EVIDENCE

- 3.1 PIF No.2 own the land at 1 Fraser Street, Timaru. The site is currently tenanted by Fonterra and operates as their South Island Distribution Centre.
- 3.2 I have previously visited the site to assess noise on behalf of Fonterra, so I am familiar with the site, its surrounding environs and the current operations.
- 3.3 PIF No.2 submitted on the Proposed District Plan (**PDP**) with the aim of protecting their – and, by extension, their current tenants – interests at the site. My evidence is focused on responding to the points raised in PIF No.2 's submission<sup>1</sup> and the provisions of the PDP and Council Officer's section 42A report<sup>2</sup> and supporting acoustic advice<sup>3</sup>.
- 3.4 My evidence is also reliant on the evidence of Mr Michael Campbell (planning, on behalf of PIF No.2).

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<sup>1</sup> Specifically points 56.1 and 56.2 of the Property Income Fund No. 2 Limited submission dated 15 December 2022.

<sup>2</sup> Ms Liz White, *Proposed Timaru District Plan, Section 42A Report: Light and Noise*, dated 24 March 2025.

<sup>3</sup> S42A, Appendix 3: Memorandum from Mr Malcolm Hunt, dated 24 March 2025.

#### 4.0 NOISE-RELATED ASPECTS OF PROPERTY INCOME'S SUBMISSION

- 4.1 Under the Operative District Plan (ODP), PIF No.2's site at 1 Fraser Street is partly zoned as *Industrial Heavy* and the remainder as *Industrial Light*. Under the PDP, this whole site would be with the Port Zone.
- 4.2 One of the primary reasons for PIF No.2's submission is that the notified PDP rules did not appear to apply any noise limits to areas of the Port Zone that lie outside of the port's Noise Control Boundary (NCB).
- 4.3 PIF No.2's proposed relief<sup>4</sup> would provide an additional performance standard 'PER-4' as follows:

*For any activity within the Port zone but outside of the Port Noise Control Boundaries shown on the planning maps, the following noise limit applies:*

*on any day between 10pm to 7am the following day, noise generated must not exceed 45 dB  $L_{Aeq}$  (9 hours) when measured at or within any residentially zoned site, provided that any single 15 minute sound measurement level must not exceed 50 dB  $L_{Aeq}$  and 75 dB  $L_{Amax}$*

- 4.4 This has been largely adopted in the s42A report, with a minor clarification that the limit should apply to activities on any site 'within the Port Zone outside Precinct 7'.<sup>5</sup>
- 4.5 The submission also sought to clarify that the general noise performance standards in the PDP (NOISE – Table 24) should not apply to activities within the Port Zone.<sup>6</sup> This point was also agreed in the s42A report (although the mechanism for relief differed from that proposed by PIF No.2).

#### 5.0 SUITABILITY OF THE PROPOSED NIGHT-TIME NOISE LIMIT

- 5.1 I consider the proposed limit adopted in the s42A report to be appropriate to control noise arising from the Port Zone during the night-time.
- 5.2 Activity in a port area has noise characteristics that are similar to a heavy industrial area. In terms of noise-generating activities, this includes the use of heavy vehicles and machinery such as container handling plant and forklifts.
- 5.3 From my observations, several of the sites in the PDP Port Zone that are outside of 'Precinct 7' utilise this type of equipment – with container handling activities being a particularly prominent noise source.
- 5.4 It is therefore appropriate that the noise limits for this area reflect the nature of existing activities and the intended purpose of the zone.

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<sup>4</sup> Relief sought in relation to PIF No.2 submission point 56.1

<sup>5</sup> S42A, Appendix 1: Changes Recommended to Provisions, pp. 10-11, NOISE-R8.2 "Port Zone outside Precinct 7".

<sup>6</sup> Relief sought in relation to PIF No.2 submission point 56.2, to exclude the noise standard from applying to noise generated within the Port Zone.

- 5.5 The Port Zone has noise rules relating to the inner and outer NCBs at PER-2 and PER-3. These performance standards use a range of noise metrics, but both include a night-time noise limit on the basis of an average 9 hour  $L_{Aeq}$  level with a cap on noise in any 15 minute period within this.
- 5.6 The proposed limits I described in paragraph 4.3 (now NOISE-R8.2 PER-2) retain these same mechanisms regarding the 9 hour and 15 minute time bases. I consider these limits appropriate for a peripheral port area.
- 5.7 While these limits are slightly less restrictive than the Table 24 noise standards, this reflects that the Port Zone has a more intense level of industrial activity and noise than a typical industrial area.
- 5.8 While I have only assessed the PIF No.2 site, in my view, it is unlikely that many of the businesses currently operating in this area would be able to comply with the Table 24 noise standards at all times. My assessment of Fonterra's existing activity at the site at least is that it is unlikely to comply with the Table 24 noise standards at night.

## 6.0 APPLICATION OF ASSESSMENT STANDARDS

- 6.1 NOISE-R8.2 PER-1 requires that noise be measured and assessed in accordance with the most recent versions of New Zealand Standards 6801 and 6802. I agree that these are appropriate to apply to industrial activities within the outer port area. For completeness, I do not consider that the port noise standard, NZS 6809:1999, should apply to these activities, as this is more suited to the inner port area.
- 6.2 I note that the activity status when compliance is not achieved with PER-1 means that failure to use 6801/6802 results in *non-complying* activity status.<sup>7</sup> I consider that *discretionary* status would be more appropriate, as these standards are not necessarily suitable for all noise sources – for example construction noise, which should be assessed under NZS 6803:1999. Discretionary status would be consistent with the other noise performance standards for the Port Zone.

## 7.0 NECESSITY OF A DAYTIME NOISE LIMIT

- 7.1 The rules as currently proposed do not provide any limit for noise emissions in the daytime period. I consider that it would be best practice to have appropriate noise limits for all times of day.
- 7.2 I understand that Fonterra, via the evidence of Mr Hay, has proposed a daytime noise limit of 55 dB  $L_{Aeq(15\text{ min})}$ .<sup>8</sup>
- 7.3 I agree that this is an appropriate limit for this period. In making this assessment I note that noise levels of this order would reflect the existing activities and the nature of the existing noise environment. This noise limit is also consistent with the ODP noise standards.

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<sup>7</sup> With reference to the updated PDP text at Appendix 1 of the s42A report, pp 10-11.

<sup>8</sup> Evidence of Rob Hay, Part II.

7.4 Mr Campbell has provided alternative wording for NOISE-R8.2 PER-2 in his evidence that incorporates the suggested daytime noise limit.<sup>9</sup> I confirm that this rule is appropriate in my view.

## **8.0 APPLICATION TO 1 FRASER STREET**

8.1 In the specific case of PIF No.2 's site, I understand that Fonterra's current activity levels are likely to be typical of any future use for the site. This is to say that, should another tenant establish at the site in the future, the type of associated noise sources are likely to be similar, as this is what the site is optimally configured for.

8.2 Fonterra's existing activity therefore provides a useful benchmark for assessing the site, both when considering the effects arising from the activity and potential reverse sensitivity effects on the operator.

8.3 The proposed noise limit framework, as in Appendix 1 of the s42A report, is appropriate for the site because it means that:

8.3.1 Industrial activity in the Port Zone is not constrained by the presence of dwellings within the General Industrial Zone.

8.3.2 Noise emissions between sites within the Port Zone are not subject to limits, therefore avoiding the potential of any technical non-compliance arising.

8.3.3 Realistic noise limits are provided for adjacent residential zones that establish a balance between protecting residential amenity (and providing certainty to residents) and facilitating activities related to Regionally Significant Infrastructure in the Port Zone.<sup>10</sup>

8.4 Subject to the minor changes discussed above regarding the provision of a daytime noise limit and providing for an appropriate activity status, I consider the PDP rule framework as proposed in the s42A report to be appropriate for the Port Zone.

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<sup>9</sup> Evidence of Michael Campbell, para 2.24.

<sup>10</sup> Evidence of Michael Campbell, para 2.20.