UNDER	of the Resource Management Act 1991 ("RMA" or "the Act")
IN THE MATTER	of Resource Consent Application RC250077 for the purpose of mining at Sandy Point, Queensberry

SUPPLEMENTARY / SUMMARY EVIDENCE OF JON ROBERT STYLES

ACOUSTICS

FOR CENTRAL OTAGO DISTRICT COUNCIL

Dated 30 October 2026

Introduction

1) My full name is Jon Robert Styles. I am an acoustic consultant and director and principal of Styles Group Acoustics and Vibration Consultants. I lead a team of 7 consultants specialising in the measurement, prediction and assessment of environmental and underwater noise, building acoustics and vibration working across New Zealand and internationally.

Visit to the Site

2) I visited the area on the 13th October 2026. I did not go onto the application site itself, but I managed to get a good view of it and the surrounding area from:

a. The gravel area beside SH6 immediately west of around the centre of the Site;

b. The top of the Sandy Point Conversation Area and walking track

c. The end of the unlocked / not private section of River Ridge Road

3) My visit to the Site has not changed my opinions on the noise effects.

Code of Conduct

4) Mr Pages' legal submissions suggest that I have deliberately omitted reference to the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2023 (the **Code of Conduct**) so that I could include opinions on planning matters that are outside my area of expertise.

5) I consider that this proposition has no merit.

6) I have not referred to the Code of Conduct in my review because my review report is not evidence and this is not an Environment Court hearing. It is extremely uncommon for a review report in a normal Council resource consent process to include any reference to the Code of Conduct.

7) It is not a deliberate omission.

8) For the avoidance of doubt, and although this is not a hearing before the Environment Court, I have read and agree to and abide by the Code of Conduct. This evidence is within my area of expertise, except where I state that I rely upon the evidence of other expert witnesses as presented to this hearing. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.

9) I have been writing reports and evidence on noise and noise effects and attending hearings at Council level and in Environment Court,

District Court, High Court processes and in other specialist courts on a very regular basis for over 25 years.

10) My commitment to comply with the Code of Conduct applies retrospectively to all advice that I have prepared.

Area of Expertise

11) Mr Pages' legal submissions suggest that I have provided planning advice that is outside my area of expertise.

12) I reject that proposition entirely.

13) The relevant section of my review report is reproduced below:

> *I have evaluated the likely noise effects based on my discussions with the processing planner to understand the relevant District Plan provisions and to create some understanding of the amenity values in this part of the RRA to evaluate the effects against.*
>
> *I understand from the Council that RRA provisions anticipate activities such as farming, horticulture, viticulture and forestry. These may generate noise levels up to the noise standards for permitted activities at times, but the effects are likely to be seasonal and intermittent. The noise effects are likely to be an issue for minutes or hours of a day through to potentially several days at a time. Forestry may generate temporary effects for longer periods (weeks or months) but there would likely be several years of respite between noisy events.*
>
> *I understand that the RRA can be generally described as a zone that does not provide for or anticipate ongoing or constant noise from industrial processes (or processes with the same character) that affect land beyond its own site boundaries. I understand that there will certainly be activities in the RRA that will generate noise, but they will generally be seasonal or intermittent noise sources (such as from productive rural uses) or otherwise relatively small scale, and with low overall noise emissions. I consider that the noise environment in the RRA will generally have long periods of time free from anthropogenic noise, other than road traffic noise.*

14) I have underlined the key paragraph and relevant words that follow.

15) The first paragraph clearly sets out the origin of the statements that follow. It is clear that these are not my own planning opinions.

16) Ms Wolt's submissions agree.

17) I have provided advice on noise effects in this way and with regard to the relevant objectives and policies of District Plans on many occasions, including to Council hearing panels and the Environment Court. I am careful to ensure that I take guidance from a planning expert in each case.

18) My intent is to assist the planners and decision makers to understand the noise effects in the context of the relevant District Plan provisions. That approach is consistent with my duty under the Code of Conduct.

19) If planners or decision makers have different opinions on the weight or relevance of the Plan provisions that I might have referred to, and those provisions are later deemed irrelevant, I absolutely accept that. As I would in this case.

Brief comments on Mr Shanks' evidence

20) Mr Shanks said yesterday that my review states that mining is not anticipated in the RRA. My review does not state that anywhere.

21) Mr Shanks also stated in response to my review that "*audibility should not be the test for reasonableness*." Again, I have not proposed that it is. The audibility of the noise over other sounds in the environment is a *factor*. My reading of the evidence is that all acoustic experts agree with this.

22) Mr Shanks stated that the National Planning Standard (Noise and Vibration Metrics)[1] requires that the noise limit is set using the L_{Aeq} descriptor. That is not correct. The NPS (NVMS) requires that noise standards in District Plans are prescribed using the L_{Aeq} and L_{AFmax}

[1] https://environment.govt.nz/assets/publications/national-planning-standards-november-2019-updated-2022.pdf?v=2524784180d5a918833b1f3d2f21932c71cde537

noise level descriptors. There is no such requirement for resource consents. The noise limits for this proposal can be set using the L_{A10} descriptor or the L_{Aeq} descriptor.

23) Mr Shanks commented that determining what is 'reasonable' in a case like this involves noise experts but ultimately is a judgement that should be made by a planner and / or decision maker. I agree.

Uncertainty in predictions and mining equipment

24) During the hearing there has been some discussion about the uncertainty in the noise level predictions and the how the screening equipment (that has not been built yet) contributes to that uncertainty.

25) Because the screen and processing plant hasn't been built yet, Mr Shanks has been unable to measure its noise level. This situation is reasonably common. Mr Shanks has used measurements of similar plant. I agree with his approach.

26) However, this does create an uncertainty in the noise modelling. The noise from the processing plant may be higher than what Mr Shanks has assumed and compliance with the proposed noise limits could be difficult to achieve. The plant may be noisier in one direction than in the other, or it could even be quieter.

27) I consider that this uncertainty makes the noise limits and the Operational Noise Management Plan (**ONMP**) very important.

28) The noise limits will control the noise emissions if the plant is as loud or louder than what Mr Shanks has based his modelling on.

29) The ONMP then becomes important because it sets out the methods and procedures that the consent holder must adopt to ensure that the noise limits are complied with. This includes noise measurements when the activity commences "*...so that the total noise level can be calculated, and the measures required to achieve*

ongoing and consistent compliance with the noise limits can be determined."

30) I consider that this uncertainty and the reliance on the noise limits and ONMP means that the assessment of noise effects should take into account the times when noise levels are up to the noise limits.

Date Stamp

31) The applicant has added "*This condition applies to any dwelling existing at the time of granting consent.*". to proposed condition 8.

32) I note that in my view, the sentence does not effectively limit the application of the noise limits to dwellings existing at the time consent was granted. It does not include the word "only" and therefore it does not achieve the outcome that the applicant appears to be seeking.

33) However, it is clear that the intent of these words is to limit compliance with the noise limits to the notional boundaries of dwellings that exist when consent is granted. No noise limits would apply at new notional boundaries if any of the neighbours establish dwellings or minor dwellings after consent is granted. I refer to this as the 'date stamp'.

34) Mr Shanks said that noise limits that include a 'date stamp' are common in resource consents. My experience is that the vast majority of times that the date stamp is included are inappropriate.

35) The noise limits in Rule 4.7.6.E apply at any notional boundary of any dwelling, rest home or hospital in a Rural Zone (and other zones). This includes notional boundaries that might come and go over time. This principal is set out clearly in the North Canterbury Clay Target decision[2] from the Court of Appeal. I can provide this decision if required.

[2] [2016] NZCA 305

36) The applicants' proposed date stamp changes the way the noise limits work so that they are now inconsistent with the way the rules in the District Plan work.

37) If the applicant seeks to limit the application of the noise limits to only a subset of the assessment locations set out in the District Plan rule, then I expect that consent would be required to infringe the rule.

38) Essentially, the date stamp seeks to authorise the use of neighbouring land as a buffer for the noise emissions from the proposal.

39) Aside from creating another reason for consent, I consider that the date stamp is inappropriate generally, unless a specific and careful evaluation of the effects on neighbouring land has been undertaken and deemed acceptable.

40) If the applicant is seeking to 'protect' themselves from encroachment, they should consider internalising their noise effects within their site, rather than proposing the date stamp to shift the burden onto their neighbours.

41) Alternatively, if the applicant considers that there is no risk of encroachment because of the short time frames involved, then there is no need for the date stamp.

42) I have been involved in many projects where the date stamp has been proposed and not accepted. This includes the A and J Bartrom Trust v TCDC decision from the Environment Court (an appeal I was involved with) where the issue is addressed specifically and the date stamp is rejected.

43) Paragraph 43 of that decision states:

> *(b) The amendment to condition 24* [removal of the date stamp] *is consistent with the Court of Appeal's decision in North Canterbury Clay Target Association Inc v Waimakariri District*

Council where the Court of Appeal held that if a district plan meant to protect an activity from changes in the receiving environment it must say so. The additional wording in condition 24 [the date stamp] *would have resulted in an unacceptable sterilisation of the vacant surrounding land as a buffer for the noise effects of the consented activity. The approach to protecting an activity from changes in the receiving environment was rejected by the Court of Appeal in the North Canterbury Clay decision[4]. The Environment Court also rejected this approach in Te Rūnanga o Ngāti Whātua v Auckland Council[5] when it held that the noise standard was to be adopted at the boundaries of the project site.*

Therefore, the parties have agreed to amend condition 24 to maintain consistency with the provisions of the Thames-Coromandel District Plan and the relevant case law to the intent that the noise limits will apply at the notional boundary of any dwelling was not in existence at the date of commencement of the resource consent.

[4] [2016] NZCA 305

[5] [2024] NZEnvC 27

44) For these reasons, I fundamentally disagree the applicants strike out of the additional words and the resulting imposition of a date stamp.

45) I recommend that the noise limits are applied in the same way that the District Plan rule works – at the notional boundary of any dwelling, rest home or hospital. That is what the application sought.

Conditions

46) I have reviewed the condition set that the applicant introduced yesterday.

47) I consider that the noise-related conditions are generally acceptable, aside from the following issues:

a. Proposed condition 8 sets the noise limit at 55dB L_{Aeq} inside the CODC jurisdiction. This limit is too high. The limit should either be 55dB L_{A10} or 53dB L_{Aeq} – these are essentially

equivalent. I am comfortable that a limit of 53dB L_{Aeq} will deliver the same or a very similar level of effect that the District Plan rule permits. I recommend that the limit be set at 53dB L_{Aeq} so that the 2008 versions of the New Zealand standards below the condition are correct.[3]

b. The date stamp. As above, I consider that it should be deleted. The application has always been to comply with the noise standards for permitted activities in Rule 4.7.6.E, so the condition of consent should be consistent with that and therefore apply at all notional boundaries, including those that may come and go over time.

c. Condition 7 sets the hours of operation but only for the machinery and plant modelled by Mr Shanks. I consider that there could be uncertainty with this and the condition may inadvertently allow for equipment that is not listed to be used outside the specified hours. A mining expert may be able to say whether different machinery could be used. I consider that it would be more certain and clear if the condition listed the *activity* that is authorised during the specified hours rather than the very specific items of plant and machinery. Similarly, the certainty and clarity of the condition could be improved if the *activities* permitted outside of the specified hours were better defined (e.g. staff arriving for work, maintenance in a building or where a machine does not need to be running, toolbox meetings or other activities that are not audible off the site).

Summary

48) I remain of the opinions set out in my review report.

[3] Because a limit expressed using the L_{A10} descriptor must be assessed in accordance with the earlier 1991 version of NZS6802. The 2008 version referenced at the end of the condition is not compatible with a limit expressed using the L_{A10} descriptor.

49) It seems well established that the noise experts agree on the technical aspects of the noise measurement, modelling, predictions and other technical matters.

50) The fundamental disagreement appears to be the way the noise effects should be assessed and how relevant the noise standards for permitted activities are to that assessment. This involves a planning determination.

51) The assessment of the noise effects in my review report includes a specific assessment of the noise effects against what I understand to be the relevant parts of the District Plan. This section is reproduced above. This assessment might assist the Panel if the approach taken to noise issues in the S42A Report is adopted.

52) If the Panel take a different view on the relevant planning provisions, the remaining parts of my assessment of noise effects can also assist the Panel. Mr Shanks' and I appear to generally agree with these parts of my review report.