

ADDENDUM TO: ASSESSMENT OF EFFECTS ON THE ENVIRONMENT PROPOSED FALE FRANK KITTS PARK WELLINGTON WATERFRONT

1. INTRODUCTION

The Fale Malae Trust (the “Applicant”) lodged a resource consent application on 01 May 2025 for the construction of a new building, a Fale, on Frank Kitts Park on the Wellington Waterfront.

The Applicant requested that the application be publicly notified.

Prior to the public notification of the application the Wellington City Council, in its capacity as the consent authority, advised the Applicant that it required the application to address noise and vibration effects associated with the construction of the Fale.

In response to the Council’s request, the Applicant engaged Marshall Day Acoustics to prepare a “Construction Noise and Vibration Assessment” report.

A copy of the report is attached (refer **Attachment 1**).

One of the District Plan rules applicable to the construction of new buildings in all zones, including the Special Purpose Waterfront Zone (WFZ), is *Noise R2 “Noise from construction, maintenance, earthworks and demolition activities”*.

Under Rule NOISE-R2.1 Permitted activity status is confined to situations where:

- a. all work will occur within the hours of 7.30am to 6.00pm Monday to Saturday; and*
- b. compliance with Noise-S2 (Construction Activities) is achieved.*

Noise-S2 - “Maximum permitted noise levels by activity” requires that:

The noise from any construction, maintenance, earthworks and demolition must be measured, assessed and managed and controlled in accordance with the requirements of NZS6803:1999 Acoustic Construction Noise.

As the Marshall Day report notes:

“... the wording of the District Plan does not require compliance with these noise limits, only that an assessment is required”.¹

This comment derives from Rule NOISE-R2.2, a Restricted Discretionary activity rule which applies when compliance is not achieved with the Permitted activity requirements of NOISE-R2.1.

Under Rule NOISE-R2.2 the matters of discretion are:

- 1. The matters in NOISE-P2; and*
- 2. The extent and effect of non-compliance with any relevant standards as specified in the associated assessment criteria for the infringed standard.*

Policy NOISE-P2 “Construction noise” states:

Enable construction activities while ensuring that unreasonable noise and vibration effects are managed effectively.

The assessment criteria where the requirements of NZS6803:1999 Acoustics Construction Noise is infringed are:

- 1. Background noise levels and any special character of noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities;*
- 2. Any mitigation of the noise proposed, in accordance with a best practicable option approach (e.g. site layout and design and location of structures and the timing of operations); and*
- 3. The ability to mitigate adverse effects through the imposition of conditions such as noise attenuation.*

2. ASSESSMENT

2.1 CONSTRUCTION NOISE

Marshall Day concludes, inter alia, that the predicted construction noise levels will infringe the guideline construction noise limits for at least one stage of the works, expected to be the piling, sheet piling and associated foundations construction, commenting that:

We predict that without mitigation, construction noise levels would, at time, be higher than the noise limits of NZS 680-3:1999 at four of the assessment locations

adding

This is not unusual for construction works in a city environment.²

Concluding the assessment of construction noise, Marshall Day state:

¹ Marshall Day Acoustics, 23 May 2025, “Construction Noise and Vibration Assessment”, page 7.

² Op cit, page 8.

The potential noise effects arising from the construction works can be best managed using adequate communication with noise sensitive receivers. Implementation of a CNVMP would allow for such communication and would enable the management of noise emissions to be reasonable and assist with meeting Section 16 (s16) of the Resource Management Act (RMA).³

2.2 CONSTRUCTION VIBRATION

In relation to vibration from the proposed construction activities, Marshall Day predict that the activities will comply with the applicable vibration limits and that no risk of cosmetic building damage is expected.

3. RECOMMENDATION

At Section 7.0 of the report, Marshall Day recommends the preparation of a “Construction Noise and Vibration Management Plan”, explaining that:

The most effective way of managing noise and vibration from the site so that it is no louder than necessary would be to prepare and implement a CNVMP. The overarching intent of the CNVMP is to fulfil the requirements of s16 of the RMA.

While compliance with the guidelines limits is typically not possible to achieve with construction works in a city environment at all times, a CNVMP would provide project specific mitigation, management, and contingency measures to enable the implementation of any potential noise effects. It could also provide guidance on monitoring, complaints response, and staff training procedures.

We recommend a CNVMP is prepared by a suitably qualified person and submitted to Council for approval at least 10 working days before construction commences.⁴

The Fale Malae Trust endorses this recommendation.

3.1 PROPOSED CONSENT CONDITION

In the assessment of environmental effects (AEE) report submitted with the resource consent application, the Applicant recommended that the consent holder prepare for Council’s approval:

- construction management plan, incorporating a construction noise management plan and a construction traffic management plan.⁵

In line with the Marshall Day recommendation, the Applicant recommends an amendment as follows:

- construction management plan, incorporating a construction noise and vibration management plan and a construction traffic management plan.

³ Op cit, page 9.

⁴ Op cit, page 10.

⁵ Assessment of Environmental Effects (AEE) report, 01 May 2025, Section 5.11, page 80.

Through the implementation of the recommended construction management plan, any adverse effects associated with the construction of the Fale will be avoided, remedied or mitigated to the greatest extent practicable.

The Applicant is also proposing to add to the management plans listed at page 80 of the AEE an operational noise management plan (ONMP) to require:

- the preparation of an operational noise management plan (ONMP) for approval by Council prior to the occupation of the building.

The focus of the ONMP would be to identify and implement measures to ensure that activities held in the Fale did not result in noise levels inconsistent with the amenity values of the receiving environment.



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27 May 2025

Attachment:

1. Marshall Day Acoustics "The National Fale Malae: Construction Noise and Vibration Assessment", 27 May 2025.