

*under:* the Resource Management Act 1991

*in the matter of:* an application by Ryman Healthcare Limited for resource consent to construct, operate and maintain a comprehensive care retirement village at 26 Donald Street and 37 Campbell Street, Karori, Wellington

*between:* **Ryman Healthcare Limited**  
*Applicant*

*and:* **Wellington City Council**  
*Consent Authority*

Supplementary Statement of **Siiri Wilkening** on behalf of  
Ryman Healthcare Limited

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Dated: 20 September 2022

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**SUPPLEMENTARY STATEMENT OF SIIRI WILKENING ON  
BEHALF OF RYMAN HEALTHCARE LIMITED**

1 My full name is Siiri Wilkening. My qualifications and experience are set out in my statement of evidence dated 29 August 2022. I repeat the code of conduct statement contained in my statement of evidence.

2 The purpose of this supplementary statement of evidence is to respond to questions from the Commissioners regarding:

2.1 The Construction Noise and Vibration Management Plan (CNVMP) condition, and in particular whether noise and vibration mitigation measures referred to in my statement of evidence should be listed in the condition (in a non-exclusive manner);

2.2 The relationship between the noise and vibration conditions, in particular the CNVMP condition and the Construction Noise Limits and Management condition and whether any reordering or rewording of those conditions would assist.

**CNVMP condition**

3 The CNVMP condition (condition 34 in the track change version presented by Mr Turner on 16 September) currently sets out:

3.1 The purpose of the CNVMP, and

3.2 The minimum content both in accordance with Annex E2 of NZS 6803:1999 and some more detailed content.

4 I understand that the Hearing Panel queried if more specificity is required in the fifth bullet point:

*Specify the physical and managerial noise mitigation methods that must be adopted to reduce noise to a reasonable level of noise and vibration in accordance with the BPO*

5 Such additional information may capture the management and mitigation measures set out in my report such as that piles are bored, or that a 2.4m high construction fence is installed.

6 I consider that these details should not be included in the condition for two reasons.

7 Firstly, the CNVMP is a living document whose purpose it is to set out the Best Practicable Option (BPO) for the management and mitigation of construction noise and vibration. This purpose requires the CNVMP to be flexible and agile to changing circumstances. For

instance, should vibratory piling in the middle of the Site be found to be faster (thus reducing construction time and therefore effects) while controlling noise levels at closest dwellings, including a specific condition that requires bored piling would not allow the BPO to be implemented.

- 8 Secondly, setting out management and mitigation measures in a condition (even if indicated to be not exhaustive) will elevate these measures above others that are not mentioned. This can lead to the contractor focussing their management on those measures noted in the condition, but not investigating others.
- 9 From my experience with large scale construction projects, the preparation of the CNVMP needs to allow the construction team to finetune any management and mitigation when determining the final BPO mitigation measures in response to their on-site construction timing, equipment, and consultation feedback. These measures will then be certified by Council, ensuring that there are checks and balances, and that the outcome is appropriate.
- 10 In my opinion, the condition as currently proposed makes clear what the purpose of the CNVMP is and how this is to be achieved, without the need for specific measures to be included. Council's role as certifying authority will ensure that all measures are assessed at their merits and the most appropriate ones chosen in the final certified CNVMP.

#### **Relationship between the noise and vibration conditions**

- 11 I understand that the Hearing Panel queried the connection between the CNVMP condition and the noise and vibration limits condition.
- 12 In some sets of conditions, the CNVMP condition is placed before the relevant performance standards. The recommended conditions have followed that sequence, with the CNVMP in condition 34 and the noise and vibration limits in conditions 37 and 38 respectively.
- 13 While the CNVMP condition does not specifically state that the noise and vibration limits of conditions 37 and 38 apply, this requirement is inherent as the CNVMP is to be drafted in accordance with Annex E2 of NZS 6803:1999, which sets out an extensive list of content, including "(n) *The applicable noise performance standards*".<sup>1</sup>
- 14 Condition 34 therefore already requires the relevant noise and vibration performance standards to be reported in the CNVMP.

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<sup>1</sup> In this case, "noise" should also be read as "vibration".

- 15 Conditions 37 and 38 set out the relevant performance standards that apply to the works which will therefore be reported into the CNVMP.

**Conclusion**

- 16 Overall, I consider that the conditions as currently proposed appropriately alert any contractor to their obligation to apply the BPO to all construction noise and vibration created on the site and sets clear performance standards. I do not recommend any amendments to the conditions.

**Siiri Wilkening**  
**20 September 2022**