

Jeff Weir: Oral Submission for Airport Notice of Requirements hearing

Thursday 20 May 2021

1. My name is Jeffrey Weir. I am a resident of 49 Raukawa Street, Strathmore Park, having moved there approximately 5 years ago.
2. My submission is going to focus on Engagement and Noise, but before I crack into those deep areas, I would like to list a few questions that I hope the Commissioners will consider putting to the relevant WIAL subject matter expert in addition to any areas in my main focus of interest. These are as follows.

Questions

3. Firstly, I would like to hear from WIAL about the implications of a of combination of Pest Free Miramar and buffer plantings on airstrike and ground-strike risk. How will the airport keep birds off the taxiway? (Assuming they will try to manage this). Will the risk increase as both the number of flights increases and the number of birds thanks to a successful Pest Free Miramar programme? Have they actively considered this? Currently for the runway WIAL use a combination of fireworks and a vehicle cruising up and down the runway with sirens blaring to scare birds away. Can we expect either of these activities to move closer to residents if the East Side NOR proceeds?
4. Secondly, Matt Clark advises in P8 of his expert evidence that: *“Air NZ’s regional fleet had to wait a combined 203 hours at idle power settings waiting for a free position in the year ended Feb 2021”*. Which begs the question: Compared to what? As a data analyst, I want to know how long they have spent at idle each year in say the last 10 years, as well as how does that idle power time compares to other airports? I also note that Air NZ did not make a submission which has me wondering if it is that big a deal. This number without context is meaningless, and so I invite WIAL to provide some.
5. Third, Matt Clark advises in P8 of his expert evidence that WIAL has committed to reducing the airport’s operational carbon emissions by 30% by 2030 through measures that include adopting energy efficient and sustainable construction into airport projects. Mr Clarke advises *“WIAL’s carbon emissions target is an absolute target, which means WIAL will reduce emissions irrespective of the Airport’s footprint or the number of passengers serviced through the Airport.”* I would like to hear from Mr Clarke how the quantum of those operational emissions savings compares against the carbon emissions footprint of the massive construction project that the Masterplan to 2040 entails. In short, have they calculated the cost of realising those savings?
6. Next, I note that the only submissions to appear on the WCC site are those of expert witnesses i.e. Regional Public Health and International Climate-Safe Travel institute. Why aren’t all 40+ written submissions there as well? I questioned WCC’s Mark Ashby yesterday about this, and Mr Ashby advised me that he thought they *were* in fact available on the WCC website; and that he was surprised to learn that they were not. He advised that while making these publicly available was not a legal requirement it was in his opinion good practice, and that he considers this an oversight. I do too.
7. I believe this opaqueness gives the Requiring Authority an unfair information advantage compared to the rest of us that submitted and in particular those of us that wish to speak in support of those submissions. For instance, I would have loved to hear what key players like Airways Corporation, Greater Regional Wellington Council, said of the NOR. Not to mention other residents similarly disadvantaged by the NOR as I am, as well as groups such as the Strathmore Park Community Centre Trust and Strathmore Park Residents Assn who advocate on their behalf. I would welcome WCC to comment on how this came to be and whether they similarly agree that this disadvantages

submitters such as myself; and that publication of all submissions would likely have increased community engagement..

8. And finally, I note in p58 of the Statement of Evidence of Laurel Smith says the following: *“To enable and control taxiing noise in the ESA, it is proposed to define an ‘ESA Compliance Line’ extending outside the ANB approximately in the location of the 65 dB Ldn contour shown in Figure 2. Noise from all Aircraft Operations at the Airport, including taxiing in the ESA, would be limited to 65 dB Ldn at the ESA Compliance Line (the first orange contour to the right of the ANB boundary). This would not affect the requirement for Aircraft Operations to comply with the ANB in all other areas, but it would allow additional noise within the ESA”*. I understand why WIAL want to do this – because without some kind of exemption they cannot taxi their much bigger, noisier jets so close to the borders of the ESA...they would instantly be in breach. But I do not see any regulatory mechanism that permits WIAL to take this approach under the existing regulatory framework.
9. The District Plan is clear on this matter: Section 11.1.1.1.1 of the Airport Precinct Rules in the district plan sets out that... *“Aircraft operations shall be managed so that the rolling 90-day average 24 hour night-weighted sound exposure does not exceed a Day/Night Level (Ldn) of 65 dBA outside the Airnoise Boundary shown on District Plan Map 35”*. And yet this ‘ESA Compliance Line’ is clearly outside of the ANB. Additionally, the term ‘Compliance Line’ is not defined nor used in either the District Plan or NZS 6805:1992.
10. The ANB concept imposes a hard limit for allowable noise at the ANB. You can’t simply say *“Well...I can’t comply with the ANB at this part of it; so how ‘bout we measure/estimate emissions over there instead”*. That entirely defeats the purpose of the ANB. You must either relitigate the ESA at the next revision of the District Plan – as p100 of WIAL’s Opening Legal Submissions presented by Amanda Dewar points out – or respect it. There is no legal third option. The ESA is the ESA. If the ESA scuttles your plans, change your plans. I would like to hear from WIAL’s legal and noise experts about whether any regulatory mechanisms actually exist that permit them to effectively escape a breach of the ANB at the ANB.
11. With those questions out of the way, I would like to move on to the topics of community engagement, and noise issues.

Engagement

12. In p3 of his Summary Statement of Evidence, Matt Clark for WIAL said yesterday that the airport plans *“have been shared with stakeholders and clearly communicated to the Airport’s neighbouring community.”* In response to verbal questions from Commissioner McMahon on *“How wide was consultation?”* and *“What was circumference?”* Mr Clark advised that documents asking for input into the Masterplan 2040 were ‘hand delivered’. ‘Hand Delivered’ just means ‘mail drop’. Practically no one has seen anyone from the airport first-hand – and certainly no one I have spoken to amongst my neighbours.
13. Raukawa street is generally very poor. We have a lot of tired community housing. We have a lot of poverty. We have more than our fair share of deprivation. It is fair to say that I am not representative of the people in my street. I am fortunate that I have means to take significant unpaid time off work to research and write a submission, and to take more time off to sit in on these

hearing. Most of my other neighbours do not. If ever there was a community to get creative with in regard to engagement, this is it. But instead of creativity, we got a mail drop.

14. In one of the consultation efforts outlined by Mr Clarke, we did not even get that: Mr Clarke advises in p44 of his Statement of Evidence "*I also note that WIAL organised two "open day" sessions in ??? where interested parties could drop in to ask questions about the two NORs*". I know those question marks are there as a placeholder for the actual dates that Mr Clarke did not have to hand when he wrote that. But I find it fitting: Despite WIAL organising two "open day" sessions on the exact same day of 28 January I was unaware of them. So were Guardians of the Bay. So were any resident from our street that I asked...including two neighbours directly opposite who border the ESA, my neighbour next door, and among others our local dairy owner who normally has a pretty good handle on community affairs.
15. I emailed WIAL via planning@wellingtonairport.co.nz on Monday 1 February the following: *I wasn't aware of this opportunity, and I don't recall receiving anything in the post from the airport, despite clearly being an affected resident. Can you advise whether you sent any communications regarding this event directly to stakeholders like myself in the surrounding neighbourhood? E.g by way of letterbox drop? Also, can you advise whether you can hold another event shortly so that we may avail ourselves of the opportunity to raise questions?*
16. WIAL responded on 5th February with the following: *In December, the Council did a mail drop to affected properties, referring people to their Public Notices webpage for further information about our Notices of Requirement. The drop-in sessions were communicated on the Council's webpage and on the news section of our website. We will not be holding additional drop-in sessions with our experts before the submission period closes on 26 February 2021*".
17. I asked on 8th Feb "*Was there any direct communication to affected properties advising that drop-in sessions were to be held, given their likely interest to neighbours? Not a lot of my neighbours monitor the Council's webpage nor the news section of your website, as I'm sure you can well imagine, and so it seems that very few if any of the residents of effected properties were even aware that this event was taking place.*" WIAL replied "*No, there was no direct communication of the drop-in sessions. The public notification letter sent out by the council to affected persons referred them to their public notice website.*
18. The end result of WIAL's "clear communication" is as you would think it would be: Everyone in my neighbourhood that I have spoken to have been largely unaware about the scope and scale of the ESA NOR. WIAL has failed to undertake meaningful consultation with affected parties, and they could hardly have picked a worse neighbourhood to do it in.

ANB/Noise

19. Much of WIAL's argument around the permissibility of noise and associated health and amenity impacts under the East Side NOR relate to the 65 dB L_{dn} noise limit at the ANB. For instance, yesterday in response to a question from a Commissioner, Amanda Dewar compared the current noise emissions to the maximum permitted under the District Plan as a bucket. She said "*The current bucket is not full. There are years of noise emissions to come before it is*". And in p11 of Laurel Smith's Statement of Evidence, Ms Smith advises "*The approach to airport noise management that the Standard provides for is to "implement practical land use planning controls and airport management techniques to protect and conserve the health of people living near airports*

without unduly restricting the operation of airports.” The inference being if the Standard is met then the health of people living near airports will be protected.”

20. What level of airport noise is acceptable for residential activity? The general philosophy is that there are no significant adverse effects from airport noise below 45 dB Ldn. However, above 65 dB Ldn the adverse effects are generally agreed to be serious. Clearly there is not a sudden point at which noise effects 'switch in' — it is a sliding scale. This sliding response is shown by the research into community response to noise.
21. These are not my words: These are from an earlier Marshall Day document written by Chris Day – the founding partner and principal of Marshall Day Acoustics – with regards to Christchurch International Airport Limited’s noise provisions in the Christchurch Replacement District Plan. Marshall Day’s conclusions *then* regarding the potential harm from noise in those proceedings below the upper limit allowable set by NZS 6805:1992 seem at odds with Marshall Day’s logic *now*. That is not really surprising: In the CIAL case, Marshall Day was arguing that houses should be kept distant from an airport; whereas here they are arguing that an airport should be allowed to move closer to houses.
22. I argue that the inference made in the latest Marshall Day document that *“if the Standard is met then the health of people living near airports will be protected”* is a false one. Firstly, The Standard establishes *“maximum acceptable levels of aircraft noise exposure around airport for the protection of community health and amenity values”* (s1.1.1) and provides *“the minimum requirement needed to protect people from the adverse effects of airport noise”* (s1.1.4). It does not set out that so long as you come in below or right up to that maximum acceptable limit, there will be no health impacts. Nor does it say that the minimum requirement is good enough.
23. But even more importantly, the standard says of itself that it is not the be all and end all when it comes to noise matters: Section 1.1.4 says *“A local authority may determine that a higher level of protection is required in a particular locality, either through use of the Airnoise Boundary concept or any other control mechanism.”*
24. We in fact have such an additional control mechanism as part of the existing regulatory framework: A buffer between the airport and residents to the east; the need for which is specifically called out and provided for in the WCC District Plan as follows:
 - i. Section 10.1 of the plan clearly states *“The provisions of the Golf Course recreation area provide for the continued use of the existing Miramar Golf Course and recreational activities. It is not intended that the land used for these recreational activities will be used for Airport purposes”*.
 - ii. Rule 10.2.2.2 of the WCC District Plan sets out that the Council will *“Provide for the ongoing use of the Golf Course and recreation activities **within** the buffer of land to the east of the Airport area”* and recognises that *“The existing Golf Course provides a buffer between the Residential Areas and the Airport operations”*.
 - iii. Rule 10.2.5.2 advises that the Council will *“Ensure a reasonable protection of residential and school uses from Airport activities by providing controls on bulk and location, ensuring sufficient space is available for landscape design and screening, and by retaining a buffer of land of a recreational nature to the east of the Airport.”*
25. In page 22 of the NoR, WIAL advise that *“The golf course currently provides a buffer between the existing Airport activities.”* But we can see from the wording of the District Plan that in reality it is the other way around...the *buffer* established under the district plan that lies between the existing

Airport activities and the East Side community happens to provide the *golf course*. So the current regulatory noise control framework consists of an Air Noise Boundary set under NZS 6805:1992 and a buffer. It does not consist of an ANB alone. This compound framework clearly recognises that the ANB concept that focuses on averages – and that lack of outer Control Boundary that other airports get to boot – is not a satisfactory tool on its own to manage noise impacts on amenity and health.

26. There is quite a difference between how WIAL view the utility of this existing buffer, and how others view it. For instance, Wellington City Council's document *Technical Review – Acoustics (Environmental Noise)* advises *"There will be a significant increase in noise levels from some airport activities in the ESA associated with the loss of sound attenuation from buffer distance and screening".*
27. Contrasting this, the Statement of Evidence from Laurel Smith does not highlight that any regulated spatial buffer currently exists and therefore doesn't characterise the existing buffer zone as a noise control mechanism that will be lost under the East Side NOR. The word 'buffer' only appears once in her expert evidence, and even then, it is in relation to submitter concerns that *"Visual buffer will be ineffective at reducing noise"*.
28. Instead, Marshall Day focus solely on the antiquated 1992 standard when weighing up noise impacts. For instance, in paragraph 154 of her Statement of Evidence, Laurel Smith says *"ESA Receivers are already impacted by their proximity to Wellington Airport and the growth in airport noise permitted in the District Plan. Since the date the ANB was included in the District Plan, these properties were anticipated to have a compromised outdoor amenity ranging from 61 to 64 dB L_{dn}."*
29. Yes, we are already impacted by our proximity. But we also have a buffer mandated within the District Plan to help mitigate the non-average nature of noise in the real world in addition to a standard that seeks to mitigate noise effects using the very conceptual notion of average noise.
30. Section 2.2 of the NoR advises that *"A major aspect of successfully maintaining and operating an airport is having a robust and appropriate development strategy. Such a strategy generally will include a plan for the airport development and operations, and if possible, the provision of an aircraft noise buffer for the surrounding community."*
31. I agree. We already have one under the District Plan. But the NOR seeks to do away with this land buffer as if they were never really any need for it in the first place, or as if it were simply a *'nice to have'*. In this regard, the NOR is completely at odds with the intent of the *existing* WCC District Plan that set a clear expectation that a buffer was a *'must have'*.
32. In Section 10.4 Cumulative Noise Effects from ESA Site of the NOR Assessment of East Side Effects ESA Marshall Day advise that *"The cumulative noise based on the year 2050 mitigated scenario is predicted to reach 62 – 63 dB L_{dn} at ESA receivers. This is an elevated and undesirable noise level for residential areas but is not unusual for residential properties adjacent to transport infrastructure such as roads and airports."* This is disingenuous: those receivers do not currently live adjacent to an airport...rather, they live adjacent to a golf course, with that golf course providing a significant and much needed buffer to airport noise. WIAL is in effect making the point that residents will be no worse off after the removal of that buffer than a hypothetical situation where such a buffer never existed.
33. In paragraph 154 of her Statement of Evidence, Laurel Smith says *"In my opinion noise environments above 65 dB L_{dn} are not appropriate for regular residential activity due to the adverse effects on outdoor amenity. Between 55 and 65 dB L_{dn}, outdoor amenity for residential activity would be compromised but not unreasonable in my view. Which begs the question: What does constitute*

unreasonable in her view? She says anything over 65 is “not appropriate” and a couple of paragraphs before that she says *“Above 55 dB residential amenity gradually becomes more compromised.”*

34. Currently the closest aircraft stands to the ESA receivers are approximately 400 m away from the nearest resident (“receiver”). Under the Airport’s 2040 Masterplan, aircraft stands could be as close as 230m from the nearest receiver and we have already heard that some bigger, noisier aircraft will be using them in relation to those that use the closest existing stands.
35. Taxiing brings those aircraft closer still, and Marshall Day Acoustics estimates that noise levels from this would be twice that of single event levels experienced by these receivers from jet departures. Make no mistake – this would be maddening and sustained: Those noise-equivalent jet departures used as a comparison are over relatively quickly: by my experience, the peak noise levels from a departure fall away quickly after 20-30 seconds from “power on”. Whereas the equivalent taxiing noise is of course going to last much longer than that and fall away far less rapidly...until those taxiing aircraft that are departing ultimately reach the runway and become much louder jet departure events themselves. And those taxiing aircraft of course do not just go past residents once. They taxi in, and they taxi out again.
36. The East Side Area Master Plan shown on page 4 of the NOR practically halves the distance that currently exists between houses and jet stands compared to where WIAL would choose to place them in future. WIAL advise in the NOR that *“Wide body aircraft taxiing on the taxiways within the designated area (up to 12 events per day) would cause a significant increase (10 dB LAE) in aircraft single event noise compared with current single event noise from aircraft departures”* and that *“These levels are 10 decibels higher (subjectively **twice as loud**) than current jet departures which are the loudest aircraft events these receivers currently experience.”* Marshal Day advise that *“These events would disrupt communication outdoors. Indoors with windows open these levels would be clearly audible and likely to disrupt communication. With windows closed the indoor noise levels would be audible and may disrupt quieter activities.”*
37. In the face of this, I dispute the NOR claim that *“While an overall increase in noise effects will be noticeable for some, it is not expected that it will result in adverse health and welfare effects.”* There will be a significant, prolonged increase in peak noise events. I believe from five years’ experience living in the surrounds of an airport that is currently much further away that there will certainly be adverse health and welfare effects from moving it significantly closer.
38. It is also apparent from John Howarth’s expert witness evidence that development of the East Side NOR is going to take a “Magic Sliding Puzzle” approach. We have fill material proposed to be stockpiled in the northern part of the ESA as per p45 of John Lindsay Howarth’s Statement of Evidence. I believe I heard yesterday that we have the potential relocation of facilities such as gas boilers (or their replacements) to the East Side, as there is no room to accommodate them on the existing site. We very well may have ongoing noise and associated disruption from the build of the ESA that might rival the ongoing projected noise from WIAL’s actual airport activities – or potentially be worse than it – for many years, possibly decades.

Summary

39. WIAL have gone for a ‘dream’ masterplan scenario that puts a new road and bigger-jet-capable taxiway as close to residents as the land and noise limitations will possibly allow them to. There is no counterfactual. There are no half steps. There are no options with different trade-offs between increased operational efficiency and increased negative externalities on other parties. The NOR is silent on what options might exist to use some or all of the east side land for WIAL activities that

increase overall operations efficiency without similarly increasing operational noise. In short, the NOR is all or nothing.

40. This lack of options or mention of any guiding prioritization principles is highly concerning, and the unsympathetic, detached view put forward by WIAL in the NOR and Masterplan to 2040 is completely at odds with WIAL's community goal mentioned in that same plan to "*be a good neighbour*". These documents show an embedded predilection to focus on self-interested plans that happen to place high-impact activities close to residents merely because that is the best way to wring out the maximum efficiency from the site.
41. Thank you for the opportunity to present this submission today. Happy to answer any questions.