

REPORT 3
(1215/11/IM)

**DECISION ON DISTRICT PLAN CHANGE 49:
PORT NOISE AND BUILDING INSULATION
PROVISIONS, AND
DECISION ON VARIATION 3: ADDITIONS TO
PROPOSED DISTRICT PLAN CHANGE 48 (CENTRAL
AREA REVIEW) – PORT NOISE PROVISIONS**

1. Purpose of Report

To report to Council the recommendation of the Joint District Plan and Coastal Plan Hearing Committee concerning District Plan Change 49 – Port Noise and Building Insulation Provisions and District Plan Variation 3 – Additions to Proposed District Plan Change 48 (Central Area Review) – Port Noise Provisions.

2. Recommendations

It is recommended that the Council:

- 1. Receive the information.*
- 2. Approve the recommendations of the Joint District Plan and Coastal Plan Hearing Committee in respect of District Plan Change 49 – Port Noise and Building Insulation Provisions and District Plan Variation 3 – Additions to Proposed District Plan Change 48 (Central Area Review) – Port Noise Provisions as set out in Attachment 1 of this report.*

3. Background

Proposed District Plan Change 49 – Port Noise and Building Insulation Provisions and Proposed District Plan Variation 3 – Additions to Proposed District Plan Change 48 (Central Area Review) – Port Noise Provisions Discussion were jointly notified with Proposed Plan Change 1 to the Regional Coastal Plan – Port Noise Provisions on 19th December 2006.

The District Plan change and variation amend the permitted noise levels from Port Related Activities in the Operational Port Area in line with those recommended in the “New Zealand Standard NZS 6809:1999 – Acoustics - Port Noise Management and Land Use Planning”. In addition, the plan change and variation add a requirement for noise sensitive activities within the Port Noise

Affected Areas to acoustically insulate all new habitable rooms. The Coastal Plan change amends the provisions of the Regional Coastal Plan to be consistent with those in the proposed amendments to the District Plan.

Consultation with affected parties was undertaken in 2005 and 2006, and the officers report on the plan changes and variation was distributed to submitters and further submitters prior to the hearing.

The Hearing for the District plan change variation was held on 2nd July 2007 at Wellington City Council offices in conjunction with the hearing of Plan Change 1 to the Regional Coastal Plan.

4. Discussion

Six submissions and two further submissions were received on Plan Change 49, and seven submissions and two further submissions were received on Variation 3.

Five submitters (Wellington International Airport Limited, CentrePort, Board of Airlines Representatives New Zealand, New Zealand Shipping Federation and the Committee of the Waterloo on Quay Body Corporate no 309984) attended the hearing and spoke to their submissions.

The Hearing Committee gave careful consideration to all the issues raised by the submitters, including those issues elaborated on by submitters in their presentations to the Committee.

Three submissions were in overall support of the proposed amendments, although all sought clarification of particular issues affecting their operations. Four submissions were on opposition to the proposed changes. The common concern expressed by those in opposition was the effect of the changes on the planning provisions around the airport.

All of the submissions are considered in detail in the report of the Hearing Committee appended as Attachment 1.

Having considered the issues raised in submission and the requirements of the Resource Management Act, the Committee consider that the amendments proposed in the plan change and variation are generally appropriate as they will enable the Council to better manage the effects of noise from port operations. The Committee were concerned that CentrePort take a proactive and open approach to addressing complaints about port noise. The Committee has made specific recommendations in the body of the report concerning the final Port Noise Management Plan to be prepared by CentrePort, which the Council and Greater Wellington are to approve. The recommendations address how CentrePort could improve its responsiveness to noise complaints and to any noise issues that arise.

The Committee was not persuaded that the proposed amendments would have adversely effects or prejudice the outcomes of a review of the noise provisions for the airport.

Overall, the Hearing Committee recommends that the Council endorse District Plan Change 49 and Variation 3 with the amendments recommended in Attachment 1.

Once approved by Council, the decision will be publicly notified and served on the submitters. Submitters will then have the option of appealing the matter to the Environment Court within 30 working days. If no appeals are made, Plan Change 49 will become operative. The variation will become operative in line with Plan Change 48.

Report from: Ian Hutchings

Chair of the Joint District Plan and Coastal Plan Hearing Committee

Plan Change 49 – Port Noise and Building Insulation provisions and Variation 3 – Additions to Proposed Plan Change 48 – Port Noise provisions

Supporting Information

1) Strategic Fit / Strategic Outcome

The Proposed Plan Change and Variation are key elements for the implementation of the Urban Development Strategy and support the outcomes for achieving a more liveable city set out in that document.

2) LTCCP/Annual Plan reference and long term financial impact

Relates to updating the District Plan. Project is part of the District Plan Team budget

3) Treaty of Waitangi considerations

There are no specific Treaty of Waitangi implications

4) Decision-Making

The proposed amendments to the District Plan are in accordance with the Consent Order signed in the Environment Court and the Council policy expressed in the Urban Development Strategy.

5) Consultation

a) General Consultation

Consultation on the proposed amendments has followed the notification, submissions and further submissions process set out by the Resource Management Act. All submitters and further submitters were invited to speak to a Hearing Committee and elaborate on the issues raised in their submissions.

b) Consultation with Maori

Statutory consultation with iwi has been completed.

6) Legal Implications

The timing and notification of the plan change and variation have been reviewed by the Council's legal advisors.

7) Consistency with existing policy

The Proposed Plan Change is consistent with an agreed direction included within the District Plan and the Urban Development Strategy.

ATTACHMENT 1