

Before the Independent Hearings Panel
At Wellington City Council

Under Schedule 1 of the Resource Management Act 1991

In the matter of Hearing submissions and further submissions on the
Proposed Wellington City District Plan – Hearing Stream 5

Statement of supplementary planning evidence of Mark Ashby
on behalf of Wellington City Council

Date: 25 July 2023

INTRODUCTION:

- 1 My full name is Mark Ashby. I am a consultant planner employed by 4Sight Consulting – part of SLR. I have been engaged by Wellington City Council (the Council) as an independent contractor for this role.

- 2 I have read the respective evidence of:

Wellington International Airport Limited (WIAL)

- a) Planning evidence of Kirsty O'Sullivan
- b) Planning evidence of Jo Lester
- c) Planning evidence of John Kyle
- d) Corporate evidence of Jennas Raeburn
- e) Noise evidence of Darran Humpheson

Board of Airline Representatives New Zealand Inc. (BARNZ)

- a) Corporate evidence of Catherine O'Brien

Waka Kotahi and KiwiRail

- a) Planning evidence of Catherine Heppelthwaite - on behalf of Waka Kotahi and KiwiRail
- b) Corporate evidence of Michael Brown on behalf of KiwiRail
- c) Noise evidence of Stephen Chiles – on behalf of Waka Kotahi and KiwiRail

Kāinga Ora – Homes and Communities

- b) Planning evidence of Matthew Lindenberg
- c) Corporate Evidence of Brendon Liggett
- d) Noise evidence of Jon Styles

- 3 I have prepared this statement of evidence in response to expert evidence submitted by the people listed above to support the submissions and further submissions on the Proposed Wellington City District Plan (the Plan / PDP)
- 4 Specifically, this statement of evidence relates to the matters of: [Hearing Stream 5 - Section 42A Report - Noise](#)

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 5 My [section 42A report](#) sets out my qualifications and experience as an expert in planning.
- 6 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing.

SCOPE OF EVIDENCE

- 7 My statement of evidence
 - a. Addresses the expert evidence of those listed above; and
 - b. Identifies errors and omissions from my s42A report that I wish to address.

RESPONSES TO EXPERT EVIDENCE

Definitions

- 8 Ms O'Sullivan proposes that High and Moderate noise areas should be defined via new definitions¹. Currently, those terms are effectively 'defined'

¹ Para 5.50, EIC Kirsty O'Sullivan for WIAL

within the body of NOISE-R3. I agree with Ms O'Sullivan that new definitions would be more effective and efficient, as it would improve readability of rules and standards. Being an ePlan, access to definitions used in rules and standards is only one click away.

- 9 My recommended wording of these new definitions is set out in the attached revision of Appendix A, relocating the description of High and Moderate noise areas from within NOISE-R3 to the Definitions section. With the definitions established, they can be used as 'shorthand' in various provisions where the component areas² of High and Moderate are otherwise separately referenced. Affected provisions where that change has been made include NOISE-P3, NOISE-P4, NOISE-P6, NOISE-R3, NOISE-S4 and NOISE-S5.

- 10 Ms O'Sullivan's approach to the new definitions of High and Moderate noise areas differs from mine, in that she proposes deleting reference to the air noise overlays. On the advice of the Council's noise experts, I disagree with that outcome, as the Inner and Outer air noise overlays are appropriately characterised as High and Moderate noise areas respectively. I also oppose Ms O'Sullivan's position on the grounds that efficient and effective administration of the district plan, for both council and users, is aided by taking a common approach to the major sources of noise.

- 11 The evidence of Mr Syman, responding to KiwiRail and Waka Kotahi, is that the default distances (as named by Mr Lindenberg³) for setbacks from highway and rail corridors, should be deleted from the definition of High and Moderate noise areas, and noise overlays included in district plan mapping to define these areas for road and rail noise. This, however, relies on KiwiRail and Waka Kotahi providing peer reviewed noise contours, following the same process as already undertaken by WIAL with respect to airnoise contours. The

² E.g., Courtenay Place Noise Area, City Centre Zone, Mixed Use Zone etc.

³ Section 7, EIC Matthew Lindeberg for Kāinga Ora

final outcome of that process, if it occurs and which I support, will be noise overlays for inclusion in the district plan mapping.

12 In the interim, until the KiwiRail and Waka Kotahi information is received and certified by Council, I recommend that the default distances from state highways and railways are retained in the definitions of High Noise Area and Moderate Noise Area. I also note the evidence of Mr Syman which recommends adopting a separate vibration advisory overlay to be mapped adjacent to the railway corridor. I support this as a measure to remain in place until and if a workable rail vibration standard is developed, as noted in section 1.8 of the section 42A report. I note that the rail vibration overlay is an alternative (although not preferred) option proposed by KiwiRail⁴. I agree with Ms Heppelthwaite as to the advisory purpose of the overlay, although I consider it is best included in the Definitions section of the district plan than in the Noise chapter Introduction.

13 Due to the current lack of empiric evidence on vibration, I disagree with the evidence of Ms Heppelthwaite which calls for vibration to be specifically referenced in NOISE-P4⁵. In any event, vibration is inherent in references to noise as the RMA defines noise to also include vibration.

NZS6805:1992 – Airport Noise Management and Land Use Planning

14 I disagree with statements made by WIAL⁶ and BARNZ⁷ implying that NZS6805 prescribes an approach to land use planning that should followed in all circumstances.

⁴ Para 8.7, EIC of Catherine Heppelthwaite for KiwiRail and Waka Kotahi

⁵ Para 7.3(a), EIC of Catherine Heppelthwaite for KiwiRail and Waka Kotahi

⁶ For example, para 1.4 EIC of Kirsty O’Sullivan for WIAL

⁷ For example, para 7.2 EIC of Catherine O’Brien for BARNZ

- 15 Under the National Planning Standards (NPStds), NZS6805 is incorporated by reference but *only* in relation to the measurement of noise. I take this to mean that Parts 2 and 3 of NZ6805 (which relate to noise measurement and description) can be used under the NPStds.
- 16 However, I consider that the (NZS6805 recommended) land use control measures in Tables 1 and 2 in Part 1 of NZS6805 are not mandated by the NPStds because they do not concern noise measurement.
- 17 Although the control measures in those Tables are listed as “recommended” the language of Table 1 also purports to “prohibit” new residential, schools, hospitals or other noise sensitive activities within the Airnoise Boundary (i.e., within the Inner Air Noise Overlay, in the terminology of the PDP). The evidence of Ms O’Sullivan acknowledges that prohibition “is not a tenable nor sustainable outcome when considered in the context of the way land has been developed around Wellington Airport. Instead, a more nuanced approach is required”⁸.
- 18 Within an outer control boundary (analogous to the PDP Outer Air Noise Overlay) Table 2 also purports to prohibit the same activities “unless a district plan permits such uses, subject to a requirement to incorporate appropriate acoustic insulation to ensure a satisfactory internal noise environment”.
- 19 My conclusion is that, even if the NZS6805 ‘land use planning’ measures were given some weight by the NPStds (which they are not), those provisions are simply ‘recommended’ and beyond the Airnoise Boundary are subject to overriding district plan considerations and the ability to mitigate internal noise levels through acoustic insulation. I therefore recommend that any evidence of BARNZ and WIAL that seeks significant alignment with the land use planning aspects of NZS6805 should be discounted.

⁸ Para 5.26, EIC of Kirsty O’Sullivan for WIAL

Risk of Additional Airport Restrictions

- 20 BARNZ evidence refers to the potential for conflict between urban land uses and airport operations leading to additional constraints on airport operations⁹. In my opinion, this is both a low and an infrequent risk in relation to resource management planning.
- 21 Wellington Airport is now subject to several designations that both enable and constrain its operations. Unless WIAL seeks to change them, the designations will continue to exist in their current forms until at least the next district plan review (i.e. more than 10 years from now).
- 22 At the next district plan review, WIAL will have the opportunity to ‘roll over’ or amend the designations. The public will have the opportunity to make submissions in either case. I acknowledge that there is considerable effort for all parties, including WIAL, the public and Council, in working through such processes. In relation to a designation, the Council can only make recommendations to WIAL. As the requiring authority, WIAL retains the power to accept or reject those recommendations.
- 23 For the reasons outlined above, I consider that there is little risk of additional formal constraints being placed on airport operations, now that the designations are in place. This is different from managing reverse sensitivity arising from existing and new activities near the Airport, which I address elsewhere in my evidence.

Reverse Sensitivity

- 24 I do not agree with the evidence of Matthew Lindenberg¹⁰ for Kāinga Ora which seeks to remove the words “reverse sensitivity” from NOISE-O2. In

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¹⁰ Para 6.3(b), EIC Matthew Lindenberg for Kāinga Ora

support of his position, he notes that those words are not used in certain RPS policies. However, I draw the panel’s attention to the RPS summary table¹¹ of Themes, Objectives, Policies and Issues which lists reverse sensitivity as an Infrastructure “key word”, along with “security, incompatible land uses, integrated with development, and community wellbeing”. The RPS also defines the term “reverse sensitivity”, as does the PDP. Those definitions have differences in wording, but also strong similarities.

25 In addition, reverse sensitivity is used in many instances throughout the PDP, in 14 chapters. The term is well understood as a planning issue. It is also used (although not defined) in the National Planning Standards. The NPStds Chapter 7 – district-wide Matters Standard sets, as a mandatory direction, “the management of reverse sensitivity effects between infrastructure and other activities” in relation to energy, infrastructure and transport.

26 For those reasons, I recommend that the references to reverse sensitivity in NOISE-O2, and elsewhere in the Noise chapter, are retained.

NOISE-O1: Managing noise generation and effects

NOISE-P1: General management of noise

NOISE-P6: Development restrictions on noise sensitive activities

27 The evidence of Kirsty O’Sullivan¹² and Matthew Lindenberg¹³ proposes amendments to NOISE-O1 and NOISE-P1 to shift the emphasis away from ‘protecting’ or ‘maintaining’ noise amenity values. Both experts propose alternative wording. I agree that change is necessary to reflect that ‘protection’ or ‘maintenance’ implies there will never be any variation in noise related amenity. Mr Lindenberg’ evidence refers to the NPS-UD recognition that amenity values will change over time.

¹¹ Regional Policy Statement (pdf page 10)

¹² Para 5.40 to 5.44, EIC Kirsty O’Sullivan for WIAL

¹³ Para 6.2(a) and para 6.4(a), EIC Matthew Lindenberg for Kāinga Ora

- 28 However, I also note the advice of acoustic experts that, in addition to being an amenity issue, noise effects can be a health issue. RMA section 5 refers variously to ‘promoting, managing, protecting and providing’ for the health and safety of people and communities. RMA s.16(1) imposes the duty to ensure that the emission of noise “does not exceed a reasonable level”. RMA s.16(2) notes that the Council’s ability to prescribe noise emission levels in a plan is not limited by the duty in s.16(1).
- 29 To deal with the amenity issue, Ms O’Sullivan suggests using “managed” in relation to NOISE-O1, whereas Mr Lindenberg prefers “not compromised by”. On balance, I prefer the remedy sought by Ms O’Sullivan, which would re-focus NOISE-O1 to ‘manage’ noise amenity; this would be consistent with s.5 RMA and the NPS-UD. With regard to the health effects of noise I recommend that ‘providing for’ health should be incorporated, which is also consistent with RMA s.5.
- 30 Mr Lindenberg proposes “are compatible with” amenity values in relation to NOISE-P1. My recommendation is to replace the word “maintain” with “is consistent with” the amenity values of the receiving environment, as NOISE-P1 is the foundation policy for permitted activities in the Noise chapter. That wording also echoes the use of “consistent with” in NOISE-O1. Similarly, Mr Lindenberg proposes amending NOISE-P6 so that it ‘manages’ rather than ‘restricts’ noise sensitive activities in certain locations. I agree that using the word “manage” better reflects the nature of the subsequent rules, in which ‘restricting’ is but one component of the approach.
- 31 Ms O’Sullivan proposes a new policy (NOISE-P7) that would be specific to managing potential reverse sensitivity effects within the Air Noise Overlay. Although I disagree with the need for an Airport specific policy, I consider that part of her approach has some merit – signalling the need to discourage new or intensified noise sensitive activities where reverse sensitivity effects on authorised emitters of noise cannot be appropriately managed. This would, for instance, be relevant to WIAL’s interests within the Air Noise Overlay, or a

compliant business in the General Industrial Zone. I therefore recommend that wording be added to NOISE-P6 and have set that out in Appendix A.

32 Note that I disagree with another aspect of the NOISE-P7 as proposed in Ms O’Sullivan’s evidence, which seeks to “avoid” the establishment of new noise sensitive activities throughout the Air Noise Overlay (and some other listed zones).

33 My recommended rewording of the Objective and Policies discussed above is set out in the attached revision of Appendix A.

NOISE-R3: Noise sensitive activity in a new building, or in alterations / additions to an existing building

34 Reflecting some of the matters raised in evidence by others, I have provided a substantially revised version of NOISE-R3 in Appendix A. The drafting of NOISE-R3, for various reasons, is referred to in the evidence of WIAL, KiwiRail, Waka Kotahi and Kāinga Ora. A general criticism, which I accept, is that the Rule has been drafted in an overcomplicated or unclear way. This needs to be remedied, although not necessarily in the specific and individual ways sought by different parties, due to their differences in approach. That said, my proposed revisions of NOISE-R3 have been informed by key issues the submitters have raised.

35 A purpose of NOISE-R3 is to manage development of noise sensitive activities within the High and Moderate noise areas. Largely, it does that by requiring compliance with acoustic insulation and ventilation standards. NOISE-S4 and NOISE-S5 specify different insulation levels for the High and Moderate noise areas respectively.

- 36 The revision of NOISE-R3 also seeks to manage intensity of noise residential development in the High and Moderate noise areas¹⁴. In structuring NOISE-R3, we have sought to achieve a balanced outcome. That is, enabling some intensification consistent with the general intentions of the NPS-UD, while managing it for the purpose of achieving acceptable indoor amenity and helping to limit the potential for reverse sensitivity.
- 37 In effect, within the High Noise Area, I recommend that NOISE-R3 adopts the structure of the Operative District Plan¹⁵ with regard to activity status, number of dwellings, and requirements for compliance with acoustic insulation. That is, one dwelling on a site is permitted, two dwellings are restricted discretionary, and three or more are discretionary. Whereas the ODP has this structure solely for land within the air noise boundary, NOISE-R3 applies it to all High Noise Areas and also adds the requirement for compliance with a ventilation standard (allowing windows to remain closed for additional noise mitigation). The ODP approach has proven to be workable over a long period of time with respect to the Airport high noise area (inside the air noise boundary) and I consider it is capable of being extended to apply in other locations with similar noise management / reverse sensitivity issues.
- 38 KiwiRail / Waka Kotahi have highlighted the potential for adverse amenity and health effects close to rail and road. With respect to rail, the situation is also compounded by the potential for vibration. Ms Heppelthwaite notes that “provisions to mitigate the effects of intensification ... are necessary and appropriate”. She also states “I conclude that a ‘permitted activity’ setback for noise is the most efficient outcome to provide for health and amenity along with consequentially reducing potential reverse sensitivity effects”¹⁶.

¹⁴ Note that the s42A, at paragraph 259, was in error by stating that noise in general was identified by council as a qualifying matter. The Council’s decision in this respect only related to the Inner Air Noise Overlay.

¹⁵ Within the air noise boundary

¹⁶ Paras 8.2 and 8.3, EIC of Catherine Heppelthwaite

- 39 Even though KiwiRail / Waka Kotahi consider there should be no activity status thresholds based on the number of dwellings, for permitted activities they rely on compliance with proposed standards that I do not agree with. This includes noise sensitive activities being:
- Set back at least 50m setback from the road or rail corridor; and
 - Constructed with a noise barrier entirely blocking line of sight to the road surface, or to all points 3.8m above railway tracks.
- 40 In addition, KiwiRail / Waka Kotahi rely on a vibration standard that Mr Syman does not agree with, which among other things requires vibration isolation in building design.
- 41 As a means of managing the nexus of potential reverse sensitivity issues, amenity and health effects, I consider it is more effective and efficient to place limits on the number of dwellings in High Noise Areas. The solution proposed by KiwiRail / Waka Kotahi would impose significant additional costs on home building, or discourage building at all.
- 42 I note that WIAL, via the evidence of Ms O’Sullivan, now accepts that one dwelling should be permitted in the High Noise Area (Inner Air Noise Overlay) – although the submitter seeks that this permitted activity limit should also be imposed within the Moderate Noise Area (Outer Air Noise Overlay)¹⁷.
- 43 NOISE-R3 is similarly structured to manage residential development in Moderate Noise Areas, but with a relaxation around the number of dwellings. That is, up to three permitted, and four or more being restricted discretionary. Again, this is subject to compliance with an acoustic insulation standard specific to Moderate Noise Areas.

¹⁷ Para 5.27, EIC of Kirsty O’Sullivan for WIAL

- 44 The revision of NOISE-R3 clarifies the activity status of alterations / additions to habitable rooms, and the activity status of noise sensitive activities (other than dwellings) in general. With regard to alterations / additions, I adopt the advice of Mr Hunt¹⁸ that works adding 10% or less to the gross floor area of a habitable room should not require consent under the Noise chapter rules. I also agree with his recommendation that an increase in the number of bedrooms via alteration / addition should not be exempt from the need for consent under the Noise chapter. Changes have been made to NOISE-R3 and the related standards (S4 and S5) to give effect to the recommendation.
- 45 The proposed revision of NOISE-R3 also addresses a lack of clarity around the status of noise sensitive activities other than dwellings¹⁹. I propose that they are not permitted in the High Noise Area but are permitted, subject to meeting the acoustic insulation and ventilation standards, in the Moderate Noise Area.
- 46 The evidence of Ms O’Sullivan proposes four matters of discretion which are set out in her mark up of Appendix A, being within the new Air Noise Overlay rule (NOISE-R3A) sought by WIAL. Although I disagree with and consider the proposed new rule to be unnecessary, I consider that the proposed matters of discretion have some merit.
- 47 Two of the proposed matters of discretion are the same or similar to assessment criteria under NOISE-S4 and NOISE-S5. NOISE-R3.3 (restricted discretionary activities) already lists matters of discretion as including “the matters of *assessment* in NOISE-S4, NOISE-S5 and NOISE-S6”. In theory, this should allow the *assessment criteria* in the Standards to be considered as *matters of discretion*, even though the ‘headline’ for the assessment criteria is

¹⁸ Responding to the evidence of Mr Lindenberg for Kāinga Ora (Lindenberg para 8.9(b))

¹⁹ As noted by Ms Heppelthwaite in her para 9.2

“Assessment criteria where the standard is infringed”²⁰. Taking a ‘belt and braces’ approach, I recommend that the two assessment criteria in NOISE-S4 and NOISE-S5 are also listed as matters of discretion in NOISE-R3.3. The matters proposed by Ms O’Sullivan’s evidence, which I support (with my marked amendments), are:

- *The ability to achieve acceptable outdoor amenity;*
- *Any proposed mitigation of ~~aircraft~~ noise, in accordance with a best practicable option approach (e.g site layout and design, design and location of structures and buildings and outdoor amenity areas).*

48 A third matter proposed by Ms O’Sullivan, with my marked amendments splitting it into two parts, is:

- *~~The extent to which the effects, as a result of the Sensitivity of the activities activity to current and predicted future noise generation from aircraft operations authorised compliant emitters of noise. ~~are proposed to be managed, including avoidance of any effect that may limit the operation, maintenance or upgrade of Wellington International Airport.~~~~*
- *The risk of reverse sensitivity effects on regionally significant infrastructure.*

49 This approach is consistent with my recommended rewording of NOISE-P6.

50 Ms O’Sullivan seeks that the district plan should identify WIAL as an affected party throughout the entire Air Noise Overlay²¹. In terms of NOISE-R3, this includes both the High Noise Area / Inner Air Noise Overlay, and the Moderate Noise Area / Outer Air Noise Overlay. I disagree with the need to

²⁰ I understand that this is a common headline note for Standards throughout the district plan

²¹ Para 105(e), EIC of Kirsty O’Sullivan for WIAL

automatically accord affected party status to WIAL throughout that entire area – which covers approximately 1,300 properties.

- 51 However, I agree that it is within the Inner Air Noise overlay where the interests of WIAL are potentially the most affected, and where the greatest risk of reverse sensitivity effects may arise. Recognising that WIAL may be considered an affected party within the Inner Air Noise Overlay is also consistent with RPS Policy 8 “District and regional plans shall include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure”.
- 52 In the interests of a consistent approach, if the district plan signals the potential for WIAL to be recognised as an affected party for consent applications within the Inner Air Noise Overlay (High Noise Area), then I recommend that the same approach applies for other operators of regionally significant infrastructure and they are accorded the same status. This has some consistency with the outcome sought by Ms Heppelthwaite²².
- 53 Although I consider it appropriate for the district plan to signal that an operator of regionally significant infrastructure *may* be considered an affected party, I do not consider it appropriate to apply that judgement on a blanket basis by saying that an operator *will* always be considered affected.
- 54 The Council must retain its ability under RMA s.95E to determine affected status on the basis of effects that are minor or more than minor. In this respect, I agree with the evidence of Mr Lindenberg²³. Due to factors such as topography, design, and the nature of the proposed noise sensitive activity a

²² Para 9.4(c), EIC of Catherine Heppelthwaite for KiwiRail and Waka Kotahi

²³ Para 8.9, EIC of Matthew Lindenberg for Kāinga Ora

finding of minor, or more than minor, adverse effects cannot be considered a forgone conclusion at all locations within the High Noise Area.

55 In Appendix A, I have set out wording for that purpose as a note in NOISE-R3.3. This is simply a signal to district plan users (including the Council) that effects on operators of regionally significant infrastructure should be taken into account in forming a judgment on affected person status under RMA 95E.

56 Overall, I maintain my position that NOISE-R3 should cover all High and Moderate noise areas. I consider that there is no need for new and separate rules or standards that, in effect, cater to the perceived reverse sensitivity interests of major noise emitters.

57 My recommended rewording of NOISE-R3, as discussed above, is set out in the attached revision of Appendix A. Because this is a substantial revision, all previous wording is shown as struck out.

Courtenay Place Noise Area and other Non-Residential Zones

58 The evidence of Brendon Liggett for Kāinga Ora notes that NOISE-R3 as notified would limit (require consent for) residential development in the Courtenay Place Noise Area (CPNA)²⁴. Kāinga Ora is of the view that where noise is managed internally, mixed use developments are an appropriate and viable development within the City Centre. I agree with Mr Liggett.

59 I note that, in the Central Area under the operative district plan, any activity is a permitted activity provided it complies with building and activity standards. Among those standards is the requirement to meet the district plan's acoustic insulation standards. The standard is stricter within the CPNA by comparison

²⁴ Para 3.3(c), EIC of Brendon Liggett for Kāinga Ora

with the remainder of the Central Area. Both the CPNA and general Central Area standards allow conversion of an existing building to apartments above ground floor level, provided that the respective acoustic insulation standards (and any other relevant building standards) are met.

60 By comparison, new buildings typically also require consent for aspects other than noise insulation, so the noise management aspect is generally not the major factor in such consents. However, if the acoustic insulation standard is not met and (as an example) building height is not a factor in play, then consent is required as a restricted discretionary activity. A similar situation exists in the operative district plan Centres Zone, where residential development is permitted subject to meeting an acoustic insulation standard.

61 Under the PDP provisions, the CPNA is a High Noise Area, and the remainder of the City Centre Zone is a Moderate Noise Area. As drafted at present, only one apartment could be developed per site in the CPNA, provided it complies with the relevant acoustic insulation and ventilation standards. Council and the independent acoustic experts consider that the current sound insulation standards in the City Centre and the CPNA work well, so there is fundamentally no need to impose a more restrictive activity status (by comparison with the ODP) for the purpose of noise management.

62 I therefore recommend that NOISE-R3 be amended to not restrict residential development in non-residential zones on the basis of noise – provided that acoustic insulation and ventilation standards are met. However, I also recommend that a distinction is made between the approach in the High and Moderate noise areas. In High Noise Areas, the CPNA is the only area where there is no noise-based restriction on residential development (subject to acoustic and ventilation standards). Elsewhere, residential development in non-residential zones is unlimited in the Moderate Noise Area.

63 My recommended revision of NOISE-S3 has the following structure with regard to residential development in residential and non-residential zones in High and Moderate noise areas:

High Noise Area		Moderate Noise Area	
<i>Residential intensity</i>	<i>Zone</i>	<i>Residential intensity</i>	<i>Zone</i>
Permitted			
▪ 1 unit	▪ All zones	▪ Up to 3 units	▪ All residential zones
▪ Unlimited	▪ CPNA	▪ Unlimited	▪ Non-res zones
Restricted discretionary			
▪ 2 units	▪ All zones	▪ Four or more units	▪ All residential zones
Discretionary			
▪ 3 or more units	▪ All residential zones		
▪ Compliance not otherwise achieved	▪ All zones	▪ Compliance not otherwise achieved	▪ All zones

64 I have amended NOISE-R3 in Appendix A to reflect the above table.

NOISE-R13: Airport noise

65 I agree with the Ms O’Sullivan²⁵ that references to designation conditions, as set out in Rule NOISE-R13(1)(b) should be removed. Those references are no longer required, as WIAL appears to accept other relevant changes set out in Appendix A of the s.42A report. Those changes either delete or retain the notified standards, or parts of standards, that relate to third party activities. It is the ability to effectively manage responses to third party breaches of noise designation conditions that is of concern to Council. That ability is retained by the Standards in their current form (as set out in Appendix A).

66 I further agree with Ms O’Sullivan that there should be a related explanation added to the “Other relevant district plan provision” section of the Noise

²⁵ Para 5.76(b), EIC of Kirsty O’Sullivan for WIAL

chapter. I recommend adopting wording similar to that proposed by Ms O’Sullivan, as set out in my attached revision of Appendix A.

Noise Standards

67 The evidence of Kirsty O’Sullivan for WIAL notes²⁶ that proposed amendments set out in her revision of Appendix A “... remove unnecessary duplication, as well as standards (i.e. the ANMP) that are not otherwise engaged by any of the noise provisions”. To that end, Ms O’Sullivan’s markup version deletes the ANMP section²⁷ of NOISE-S3. It also deletes ANMP references as matters of discretion (NOISE-R13.2), and as assessment criteria when Standards are not met (NOISE-S8, S10, S14 and S15), but retains those references in NOISE-S12 and 13.

68 The ANMP is required by MSA²⁸ designation conditions 32 to 34 and WIAL has now finalised production of the ANMP. It was uploaded to the WIAL website²⁹ in June 2023 and has been certified by WCC, as required by MSA designation condition 32. I therefore agree that the ANMP section of NOISE-S3 is unnecessary and can be deleted. However, I consider it useful to maintain some PDP references back to the ANMP, where they inform Council’s consideration of discretion under rules or compliance with standards. This is not an unnecessary duplication between the PDP and the ANMP or the designation conditions, and would not be adversely impacted by later updates to the ANMP. My recommendations are reflected in the attached revision of Appendix A.

²⁶ Para 5.81, EIC Kirsty O’Sullivan for WIAL

²⁷ That leaves NOISE-S3 confined to solely the Port Noise Management Plan, which CentrePort has not sought to delete.

²⁸ Main Site Area (the existing Airport area)

²⁹ [Airport Noise Management Plan \(wellingtonairport.co.nz\)](https://www.wellingtonairport.co.nz)

- 69 Ms O’Sullivan’s mark up of Appendix A includes some changes to NOISE-S14 – Land Based Noise at Wellington Airport. I disagree with her proposed change to NOISE-S14.1(a) which replaces “Saturday” with “Sunday” in relation to the 7am to 10pm noise limit. This would be inconsistent with designation WIAL4 condition 31. It does however point to a difference between WIAL4 (the Main Site Area) and WIAL5 (the East Side Area) – also condition 31. In the ESA, the 7am to 10pm limit applies across “all days”. I have accounted for that difference in my rewording of S14.1(a) as set out in Appendix A.
- 70 Ms O’Sullivan’s mark up of Appendix A strikes out “the operation of APUs” from NOISE-S14.2. I disagree with that change, which would be inconsistent with WIAL5 condition 31.
- 71 I agree with other marked up changes to NOISE-S14 and NOISE-S15 provided by Ms O’Sullivan in Appendix A.
- 72 I disagree with the need for separate acoustic insulation and ventilation standards, specific to the Air Noise Overlay, as set out in Ms O’Sullivan’s evidence as “NOISE-S16” and “NOISE-S17” respectively. I rely on the evidence of Mr Hunt in this matter.

MDRS qualifying matter

- 73 I disagree with Mr Lindenberg³⁰ that NOISE-R3 should not address development density, as this can be a valuable part of the ‘tool kit’ for managing reverse sensitivity, amenity and health issues. Mr Liggett states that “the Council and transport authorities have failed to establish how the issue identified [noise] relates to the safe or efficient operation of nationally significant infrastructure”³¹.

³⁰ Para 8.4, EIC of Matthew Lindenberg for Kāinga Ora

³¹ Para 4.6, EIC of Brendon Liggett for Kāinga Ora

74 I note that the Urban Development Act 2020 defines nationally significant infrastructure to include, among other things:

- State highways.
- The New Zealand rail network (including light rail).
- Airports used for regular air transport services by aeroplanes capable of carrying more than 30 passengers.
- Port companies.

75 I consider that the risk of associated noise leading to ‘reverse sensitivity’ issues can reasonably be considered to relate to the “safe or efficient operation”³² of that infrastructure, regardless of whether noise has been specifically identified as a qualifying matter for the purposes of the 2021 RMA (Enabling Housing Supply and Other Matters) Amendment Act.

Structural Approach

76 Various submitters have sought changes to the structural approach of the Noise chapter by proposing new objectives, policies, rules or standards. Typically, these proposed provisions are intended to address the ‘special’ characteristics or interests of the individual submitters.

77 I acknowledge that individual submitters do have individual interests, and that those interests and characteristics are not always held in common. However, I consider there is more to be gained in structuring the chapter to reflect commonalities – taking a consistent approach, especially in relation to major sources of noise.

78 This approach is apparent in the categorisation of a range of major noise emitting locations as either High or Moderate noise areas. Those two categories, on the advice of the Council’s noise experts, flow into two different standards of acoustic insulation to effectively achieved acceptable

³² The language used in s771 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

indoor sound levels. The approach is particularly relevant to NOISE-R3, which assigns permitted, restricted and discretionary activity status on the basis of High and Moderate noise areas, and the ability to meet the relevant acoustic insulation and ventilations standards.

79 Overall, and having regard to additional modifications recommended by myself, Mr Hunt and Mr Syman, I am satisfied that this is a valid approach to the various provisions and to the Noise chapter as a whole.

Date: 25 July 2023

Name: Mark Ashby



Position: Consultant Planner

Wellington City Council