

**Before an Independent Hearing Panel  
Appointed by Wellington City Council**

**IN THE MATTER**                      **of the Resource Management Act 1991**

**AND**

**IN THE MATTER**                      **of the Resource Management Act 1991**

**AND**

**IN THE MATTER**                      **of the Proposed Wellington City District Plan**

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**STATEMENT OF EVIDENCE OF CATHERINE O'BRIEN FOR THE BOARD  
OF AIRLINE REPRESENTATIVES NEW ZEALAND INC (BARNZ)  
STAGE 5 HEARINGS**

**18 JULY 2023**

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## 1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My full name is Catherine (Cath) O'Brien.
- 1.2 I am the Executive Director of the Board of Airline Representatives of New Zealand Inc ("BARNZ"). I am authorised to give this evidence on behalf of BARNZ.
- 1.3 I hold a Masters Degree in Arts, from the University of Auckland. I have worked in aviation for the last seven years. Immediately prior to my current role I was Head of Regulatory Affairs for Air New Zealand. That role also considered noise boundaries of airports as affected airlines, and was charged with submission on these issues as the need arose.
- 1.4 I have been the Executive Director of BARNZ since October 2022. In my role I am responsible for representing airlines who fly to, and within New Zealand. I also represent ground handling agents (GHAS) and catering and waste companies serving aviation.
- 1.5 I am also responsible for:
  - (a) representing our airline (and associate) members on matters of collective interest, primarily being pricing and capital consultations with airports, and policy and operational matters with government departments;
  - (b) for working with councils, local boards and community groups on aircraft-related noise, district planning and related matters;
  - (c) representing airlines on noise consultation committees, as are held by Auckland, Wellington, Christchurch and Queenstown Airports. I am mindful of the impact of noise boundaries on aviation – and in particular mindful of how noise impacts communities while delivering essential connectivity.
- 1.6 As part of my role as Executive Director of BARNZ I am a Director on the Board of Slot Co-ordination New Zealand Limited (SCNZL). This Board, made up of airport and airline representatives as well as

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independent director Kim Murray, oversees governance of slot policy as applies to New Zealand. SCLNZ appoints the independent slot manager, Airport Coordination International (ACI). ACI is employed to manage slots according to capacity parameters set by airports.

1.7 BARNZ has some 26 member airlines at present, alongside those companies associated with aviation also mentioned.

1.8 In preparing this statement of evidence I have consulted with operational staff at Air New Zealand as well as other airlines. Although not an expert, I confirm that my evidence is within the sphere of my general knowledge as Executive Director of BARNZ.

## **2. SCOPE OF EVIDENCE**

2.1 My evidence will address the following matters:

- (a) The background to BARNZ;
- (b) The importance of Wellington International Airport (“Wellington Airport”);
- (c) The importance of protecting Wellington Airport from reverse sensitivity effects and the implications of demands from the public for operational restrictions.
- (d) BARNZ’s experiences with the potential outcomes for airports if reverse sensitivity effects are not appropriately managed;
- (e) The importance of the Proposed Plan recognising and providing for the operational and functional requirements of significant infrastructure such as Wellington Airport;

followed by concluding remarks.

2.2 With respect to the Noise and Subdivision Chapters of the Proposed Plan, BARNZ and its members support the position articulated in the evidence given on behalf of Wellington International Airport Limited (“WIAL”).

### **3. BACKGROUND TO BARNZ**

3.1 BARNZ is an incorporated society comprising 27 member airlines operating scheduled international and domestic services, to, from and within New Zealand. It represents airlines carrying approximately 99% of international passengers to and from New Zealand. Its members are:

Air Calin	Hawaiian Airlines
Air China	Jetstar
Air Chathams	Korean Air
Air New Zealand (Group)	LATAM Airlines
Airwork	Malaysian Airlines
Air Tahiti Nui	Qantas Airways
Air Vanuatu	Qatar Airlines
American Airlines	Singapore Airlines
Cathay Pacific Airways	Tasman Cargo Airlines
China Airlines	United Airlines
China Eastern Airlines	Virgin Australia
China Southern	
Delta Airlines	
Emirates	
Fiji Airways	

3.2 Menzies Aviation (NZ) Ltd, Swissport, LSG Catering, Interwaste Air Centre One and OCS Limited have associate membership. The current key users of Wellington International Airport are Air New Zealand, Qantas and Jetstar, Fiji Airways and Air Chathams.

3.3 The objectives of BARNZ include:

- (a) the establishment of a recognised means of communication between member airlines, on the one hand, and other bodies whose interests or actions affect member airlines and the aviation industry, on the other hand;
- (b) representation of members on matters affecting their common interests;
- (c) determining the position of members on legislative, judicial and administrative actions affecting the provision of air services and the representation of member airlines before decision-making bodies.

3.4 BARNZ has been in existence for 34 years. Representing the airlines and associate members, it works with the airports and local and

regional councils throughout New Zealand. It also works closely with central government. As the key users of airport infrastructure BARNZ's focus is on the requirement for supporting infrastructure to ensure the continued safe and efficient operation of airline services. This work includes a focus on reverse sensitivity issues and the safe and efficient operation of airline services. BARNZ has lodged submissions, attended hearings, filed appeals, negotiated settlements and appeared before council hearings panels and the Environment Court in the interests of the sustainable management of New Zealand's international airports including, Auckland, Wellington, Christchurch and Queenstown.

3.5 BARNZ has a longstanding interest in ensuring that any Resource Management Act ("RMA") decision making process which may affect airports and airline operations is consistent with relevant statutory planning protection for airports, being significant infrastructure vital to the well-being of people and communities.

3.6 As I will outline in section 6, without appropriate planning provisions to manage and control the establishment of incompatible activities, there are likely to be consequential impacts for airlines through reduced availability and increased landing charges. Planning restrictions such as curfews may also have far reaching consequences for the wider community through increased costs of travel and freight.

#### **4. IMPORTANCE OF WELLINGTON AIRPORT**

4.1 Wellington Airport provides a critical role in the make-up of NZ's aviation system. As the airport servicing a capital city, it plays an important role as a domestic hub for the Wellington and surrounding regions, as well as providing key feeder links to other hubs on the east coast of Australia, such as Sydney and Melbourne. Wellington's geographic location, situated between the two main centers of Auckland and Christchurch, along with its limited land access, means the airport Also provides vital transport connectivity for the city, as well as supporting the demand for air travel to facilitate connectivity for businesses, educational purposes, vacations and family and friends. Wellington Airport and its strategic role in supporting the social, economic and cultural wellbeing of the city, region and country is more fully outlined in

the evidence of Ms Raeburn, the General Manager for Corporate Affairs at Wellington Airport (Stage One).

- 4.2 As explained by the WIAL witnesses, WIAL conducts a master planning exercise and as part of this process consults directly with the airlines, among other parties, as required by the Airport Authorities Act and its replacement, the Civil Aviation Act 2023. The Wellington Airport masterplan provides a pathway for the future development of Wellington Airport and manages the projected growth of the airport over the next 30 years.
- 4.3 WIAL's masterplan passenger growth forecasts predict that passenger numbers are expected to increase over time. Through the master planning processes to date BARNZ has agreed with both the overall principle that expansion of the existing airport will be necessary to meet this demand (albeit without the need to extend the existing runway), and that the forecasts and the methods applied to approximate them are generally reasonable.
- 4.4 The importance of Wellington Airport to the national economy and the economy of Wellington and its status as a "lifeline utility" under the Civil Defence Emergency Management Act 2002 make it essential that the Proposed Plan does not create any impediments to the safe and efficient operation of this significant national and regional infrastructure.
- 4.5 In the case of the Wellington Airport and in the context of reverse sensitivity, the organisation's particular interests are with strengthening the protection currently afforded to Wellington Airport in the Proposed Plan, in a way that more closely aligns it with the protection provided at other airports, such as Auckland and Christchurch which are more in line with NZS6805: 1992. Although it is recognised that Wellington has a unique operating environment, like many other airports it must contend with noise sensitive activities in proximity to the airport. BARNZ agrees with WIAL that the plan review process provides the Council and decision makers a fresh opportunity to review the existing provisions and determine whether the current planning approach

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remains appropriate in the circumstances that apply now and, critically, will apply in the future.<sup>1</sup>

- 4.6 BARNZ also agrees with WIAL that it is important to provide for the noise control boundary overlays as Qualifying Matters to ensure that the Council can make residential development less permissive than the limits set out in the National Policy Statement for Urban Development.
- 4.7 It supports the inclusion of clear objectives and policies recognising the potential for reverse sensitivity effects on the airport, as necessary and appropriate for the sustainable management of Wellington Airport, recognising the important role of the Airport to the wider community.
- 4.8 Given the operational, safety and efficiency importance to airlines of the Obstacle Limitation Surface overlay which is intended to prevent objects such as structures and trees from penetrating the surfaces in areas used by aircraft, BARNZ agrees with the planning approach to this issue proposed by WIAL.<sup>2</sup>

## **5. BARNZ'S INVOLVEMENT IN AIR NOISE COMMITTEES AND COMPLAINTS**

- 5.1 BARNZ is a member of the Wellington Airport Air Noise Management Committee the Auckland Airport Aircraft Noise Community Consultative Group, and the Christchurch Airport Noise Liaison Committee (ANLC). BARNZ also attends the Queenstown Airport Liaison Committee which considers noise. BARNZ is represented in these meetings, occasionally supported with technical and operational advice from our members. Airline representatives with these skills will also attend these committee meetings or plan hearings or related meetings, where required.
- 5.2 In my work on the above committees, and in my previous roles, I am familiar with the concerns of the community regarding aircraft noise.
- 5.3 The Wellington Airport Noise Management Committee ("Wellington Committee") has been formally given status and responsibilities under the terms of the recently approved Airport Purposes Designation.<sup>3</sup> The

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<sup>1</sup> EIC K O'Sullivan at para 45.

<sup>2</sup> Ibid at paras 159-170

<sup>3</sup> Confirmed in *Guardians of the Bay Inc v Wellington International Airport Ltd* [2022] NZEnvC 106



purpose, membership and functions of the Wellington Committee are included in the Terms of Reference for the Noise Management Plan. For example, aircraft operations or engine testing activities that contravene a condition of the designation are reported by the airport operator to the Wellington committee. The Wellington Committee will also have input, through draft noise management plans, to the final form of the Noise Management Plan.

5.4 The Wellington Committee meets on a bi-monthly basis and the agenda always contains a substantial item on complaints. The Wellington Committee receives a tabular summary of noise complaints, as well as aircraft activity reports which are relevant to the curfew at Wellington. These reports contain detailed information on matters such as disrupted flights. In addition, there is a monthly bar chart graph showing trends in complaints. There is also flight by flight information for all flights between midnight and 0600 hours. The  $L_{dn}$  level of the actual noise boundary is measured and reported on. Careful scrutiny is given to curfew compliances. Of all the reported data, the individual noise complaints from the summary are the ones that most attention is given to at the committee meetings. Committee members can discuss with the airport company representatives how particular complaints have been handled.

5.5 During my time working in the sector I have noticed that:

- (a) Aircraft noise evokes a strong negative reaction from some people, even including people who live on or near busy roads with the road traffic noise actually exceeds the aircraft noise.
- (b) A shift in noise results in a large number of complaints.
- (c) There are likely to be more complaints in the summer months when doors and windows are open and / or people are spending more time outside, and where, in general, aviation movements increase where summer is New Zealand's peak tourism season.
- (d) A single noise event is likely to result in a rash of complaints, for example an unusually noisy aircraft type visiting Wellington

as a one off, or an aircraft that deviates from the normal flight paths.

- 5.6 It is logical that the more people living in the aircraft noise overlay areas and exposed to noise, the more potential there is for complaint and / or involvement in future district plan reviews, designations etc. While these concerns can appear hypothetical their foundation lies in previous experiences at Wellington Airport and other airports which I outline further in section 6 below.

## **6. THE IMPACTS OF REVERSE SENSITIVITY EFFECTS**

- 6.1 In 2017 the Better Urban Planning Report of the Productivity Commission agreed with the statement that “Efficient, effective urban infrastructure does not lead in itself to competitive, innovative cities, but the lack of it would strongly impede their development and sustainability. Through infrastructure’s enabling function, complex, dynamic cities come alive.”<sup>4</sup>
- 6.2 Historically, to avoid conflicts between aircraft operation and noise sensitive activities, airports have been generally sited away from dense areas of population. However, in some domestic ports, denser development has gradually crept up to the airport boundary over time. Where this has occurred, such as at Queenstown Airport, this has led to an increase in sensitivity to aircraft noise.
- 6.3 Rural locations are preferred as urban development near to an airport creates the potential for reverse sensitivity effects on the airport. International experience, as well as experience in New Zealand, has shown that the higher the density of residential accommodation and activities sensitive to aircraft noise (“noise sensitive activities”) around an airport, the greater the pressures are for curtailed operations. Unfortunately, Wellington’s geography provided limited locations for an airport and so its current location is more urban than many comparable airports.

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<sup>4</sup> New Zealand Productivity Commission (2017) Better urban planning, page 281

- 6.4 Where conflicts arise between urban land uses and airport operations there is a risk that constraints may be imposed on the operation of the airport, such as limits on noise levels, limits on hours of operations, limits on flight paths or limits on the number of flights. The long-term viability and efficiency of Wellington Airport would be compromised by additional restrictions.
- 6.5 Moreover, while such constraints are usually referred to in planning documents as being controls relating to the airport, these restrictions are in fact ultimately imposed by the airport company on airlines as the operators of aircraft using the airport. The airlines are affected by such controls as they bear the consequences and costs of these restrictions, for example, through:
- (a) greater track miles flown with associated increases in fuel burnt and carbon dioxide emissions as well as increased flight times;
  - (b) schedule changes that can severely impact on the efficient use of aircraft, and
  - (c) increased landing charges.
- 6.6 Increased costs associated with such constraints are borne by airlines in the first instance and subsequently passengers, who may also suffer through reduced connections and capacity.

## **7. AIRPORT NOISE MANAGEMENT AND LAND USE PLANNING**

- 7.1 Because the long-term viability and efficiency of airports can be compromised by operational restrictions, the way in which noise issues are managed has been thoroughly addressed in a specific New Zealand Standard: NZS6805:1992 Aircraft Noise Management and Land Use Planning (“NZS6805:1992”). This Standard implemented international best practice in the concept of a balanced approach to the management of community by adopting controls on aircraft operations while imposing land use planning restrictions on activities sensitive to aircraft noise. The Airport Noise Control Committee which developed the Standard consisted of a large number of representatives and was drafted by a

technical committee including specialists in aircraft noise control, airport planning and town planning. The Standards committee regularly assess whether each standard remains current and have not considered it necessary to amend NZS6805:1992 since 1992 as the provisions have stood the test of time. As such the standard remains relevant to current land use planning.

7.2 Throughout New Zealand airports, BARNZ advocates for the application of a consistent approach as far as it practicable to the planning provisions based on NZS6805:1992 for the management of new activities sensitive to aircraft noise.

7.3 The opening paragraph of the Foreword to NZS6805:1992 makes it clear that land use planning is about both protecting communities living close to the airport and recognising the need to be able to operate the airport efficiently;

This Standard is concerned with land use planning and the management of aircraft noise in the vicinity of an airport, or aerodrome, for the protection of community health and amenity values. It is intended to be applicable to all airports and aerodromes as defined in Civil Aviation Regulations 1953 Regulation 4, to ensure communities living close to the airport are properly protected from the effects of aircraft noise whilst recognizing the need to be able to operate an airport efficiently.

7.4 The underlying principles of the Standard:

- (a) Are “for use by territorial or regional government for the control of airport noise” through the inclusion of appropriate land use controls in their district plans;
- (b) Are for the establishment of maximum acceptable levels of aircraft noise exposure “around airports for the protection of community health and amenity values while recognizing the need to operate the airport efficiently”;
- (c) Utilise a methodology that includes practical land use planning controls and airport management techniques.
- (d) Provide “the minimum requirement needed to protect people from the adverse effects of airport noise.” (emphasis added)

- 7.5 The Standard builds on the overarching purpose of the RMA and advises local authorities that noise control measures including land use rules are necessary where maximum levels of aircraft noise exposure exceed 65 dBA  $L_{dn}$  measured as daily sound exposure over a 24 hour period and averaged over a 3 month period. The way NZS6805:1992 works is further detailed in the expert evidence of Mr Humpheson for WIAL.
- 7.6 I note that NZS6805:1992 recommends noise control criteria for land use planning inside the ANB as follows:

<b>Table 1 RECOMMENDED NOISE CONTROL CRITERIA FOR LAND USE PLANNING INSIDE THE AIRNOISE BOUNDARY</b>		
<b>Sound exposure Pa2s (1)</b>	<b>Recommended control measures</b>	<b>Day/ night level <math>L_{dn}</math> (2)</b>
<b>&gt;100</b>	<i>New residential, schools, hospitals or other noise sensitive uses are prohibited. Steps shall be taken to provide existing residential properties with appropriate acoustic insulation to ensure a satisfactory internal noise environment. Alterations or additions to existing residences or other noise sensitive uses shall be permitted only if fitted with appropriate acoustic insulation.</i>	<b>&gt;65</b>
<b>&gt;350</b>	<i>Consideration should be given to purchasing existing homes, or relocating residents, and rezoning the area to non-residential use only.</i>	<b>&gt;70</b>
<b>&gt;1000</b>	<i>There is a high possibility of adverse health effects. Land shall not be used for residential or other noise sensitive uses.</i>	<b>&gt;75</b>

<b>Table 2 RECOMMENDED NOISE CONTROL CRITERIA FOR LAND USE PLANNING INSIDE THE OUTER CONTROL BOUNDARY BUT OUTSIDE THE AIR NOISE BOUNDARY</b>		
<b>Sound exposure Pa2s (1)</b>	<b>Recommended control measures</b>	<b>Day/ night level <i>L<sub>dn</sub></i> (2)</b>
<b>&gt;10</b>	<p><i>New residential, schools, hospitals or other noise sensitive uses should be prohibited unless a district plan permits such uses subject to a requirement to incorporate appropriate acoustic insulation to ensure a satisfactory internal noise environment.</i></p> <p><i>Alterations or additions to existing residences or other noise sensitive uses should be fitted with appropriate acoustic insulation and encouragement should be given to ensure a satisfactory internal environment through the rest of the building.</i></p>	<b>&gt;55</b>

- 7.7 Evident in the Standard is a strong guiding principle that new residential use in areas exposed to greater than 65dBA should be prohibited. That contrasts with the more modified approach to the treatment of noise sensitive activities in the Outer Control Boundary (of which the proposed Outer Air Noise Overlay is essentially the equivalent) which is to recommend prohibition of those activities, while recognising that there may be circumstances where it is appropriate for a district plan to modify its treatment of new noise sensitive activities through requirements to incorporate appropriate acoustic insulation.
- 7.8 Some parties have expressed the view that noise insulation and / or no complaints covenants are sufficient mitigation for aircraft noise and that land use planning controls are not necessary. It is important to recognise that NZS6805:1992 does not recommend acoustic treatment as a default position for new noise sensitive activities inside the Outer Control Boundary (60dB *L<sub>dn</sub>*). If that was the case, then all that the Standard would require was a given internal sound level (e.g 40 dBA *L<sub>dn</sub>*) for all new activities. In recognition that nothing can be done about aircraft noise in the external environment and the amenity issues that

arise as a result, it recommends a land use planning approach, which includes restricting the numbers of people exposed to aircraft noise.

## **8. EXAMPLES OF REVERSE SENSITIVITY EFFECTS ON AIRPORTS**

8.1 In my role I have familiarised myself with the history of development and complaints at Wellington Airport, to provide some context to my understanding of reverse sensitivity effects.

8.2 When Ansett NZ first established in 1987, initially with Boeing 737 aircraft and their aircraft were operating as well as Air New Zealand's fleet, complaints from residents over the cumulative noise of all operations began to increase markedly. This tended to focus primarily on Air New Zealand after Ansett re-equipped with BAE146 aircraft in the early 90s (known as whisper jets). At that time Air New Zealand were operating what was known as Chapter One (or stage two) aircraft, which were widely and legitimately in use worldwide, although quieter Chapter 3 aircraft were being built and in use in some fleets.

8.3 Political pressure from the residents wishing to see a reduction in aircraft noise in their neighbourhoods built up significantly. This resulted in the council enacting a bylaw to try and restrict the use of Chapter 2 aircraft, city councillors announcing they would not fly on Air New Zealand, comment at public meetings and so on. Ultimately this led to Air New Zealand "hush kitting" its chapter 2 jets to achieve chapter 3 status at a cost of approximately \$50 million and later introducing new Chapter 3 aircraft at considerable extra cost, ahead of the time when such major investment might otherwise have been reasonable.

8.4 Noise from link regional carriers and from Courier and mail planes operating at night were also of concern to local residents, as was the noise of international jets arriving in the late evening from Australia, and international and domestic jets departing in the early mornings.

8.5 All of these concerns from the public led to various constraints on aircraft operations being introduced at the airport, including a night curfew and the introduction of compulsory noise abatement operational procedures for aircraft taking off. When the Wellington City District Plan was subsequently publicly notified in July 1994, many residents lodged

submissions and sought new or continued constraints on the airport and on aircraft operations. The final outcome of the district plan process was that, in addition to the noise abatement procedures a number of planning constraints were applied. These included that domestic operations may not occur between midnight and 6:00 AM. International operations may not occur between the hours of midnight to 6:00 AM for departures and 1:00 AM to 6:00 AM for arrivals. There are limited exceptions to these curfews.

- 8.6 Wellington is not alone in having a curfew to manage increasingly proximate residential development. Other examples include the consented (not yet constructed) second runway at Auckland Airport which has a nighttime limit of 10pm and some of the major international airports, including Heathrow and Sydney (11pm to 6am curfew). Notably, partially in response to the limits of the curfew and growth, Sydney is now constructing a 24-hour passenger airport at Badgery's Creek, west of the city centre due for completion in 2026.
- 8.7 Curfew restrictions are particularly impactful for airlines operating to New Zealand. New Zealand is a geographically isolated island nation. The combined effect of curfews, and runway limitation due to planned construction closures at Auckland and Christchurch mean that there are regular scenarios where New Zealand is 'closed' to long haul aviation arrival. There are not very many runways in New Zealand capable of supporting long haul arrival, and any limitation on those we have has a flow-on network effect.
- 8.8 Particular limitations are noted by airlines and accounted for in planning route development. The more limitations there are on runway movement, the less likely it is that an airline will include that port in its network plan.
- 8.9 The desire to discourage new noise sensitive activities within the Aircraft Noise Contours has been reinforced by these examples. I provide some further examples below of consenting issues within the airport contours and the associated inefficiencies arising which also illustrate why clear planning objectives and policies are appropriate:



- (a) Opposition to the Central Gardens Limited proposal to develop 349 household units on sites located in the 65dbA (HANA) and 65- 60dbA (MANA) in Manukau City, Auckland: This proposal, which was assessed as a non-complying activity, was granted consent by the Council but was ultimately declined by the Environment Court in 2003.<sup>5</sup>
- (b) The redevelopment of the former Carter Holt Harvey Limited site at Te Irirangi Drive, Manukau, as an Auckland University of Technology campus (partly within the MANA but mostly within the operative HANA): BARNZ's involvement arose as a result of an initial application for consent that was considered without sufficient reference to Airport noise and a compromise was reached limiting the site's use to predominately research and administration. A subsequent Notice of Requirement was sought for expansion to include student lectures and study where previous agreements were ignored and again inadequate consideration of reverse sensitivity effects occurred. On this second occasion the Council supported the concerns of the Auckland International Airport Limited ("AIAL") and BARNZ.
- (c) The development of Flatbush, Auckland (within the 65-60dBA: MANA): This was a plan change for the rezoning and release of land for development in Flat Bush. In 2012 BARNZ and AIAL appealed the Council's decision to include provision for "possible school sites" within the 65-60dBA as part of the plan change. After a lengthy process, the Environment Court issued a consent order amending the plan to alter the relevant map and to reflect the agreement of the parties that the Minister of Education would consult with BARNZ and AIAL regarding the future location of new schools in the Flat Bush area.
- (d) Opposition to the construction of an infill dwelling adjacent to Wellington Airport (within the Air Noise Boundary): In this case, BARNZ was involved in seeking a review of the Wellington City Council decision to grant consent for subdivision of a property

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<sup>5</sup> *Independent News Auckland Limited v Manukau City Council* (2003) 10 ELRNZ 16

adjacent to the runway even though the Airport had a concurrent programme to purchase houses along the airfield side of that street with the intention to demolish them. Unfortunately, by the time BARNZ became aware of the grant of consent, a second dwelling had been built on the site. The two properties were subsequently purchased by the Airport. As the dwelling was demolished, this was an unnecessary cost;

- (e) Opposition to construction of an infill dwelling in the HANA at Seddon Avenue, Papatoetoe, Auckland. In this case the applicant had commenced building a secondary dwelling contrary to the prohibited activity status of new dwellings in the HANA and sought declarations that the activity was not properly regarded as a prohibited activity under the Auckland Unitary Plan. The Environment Court found in favour of AIAL and BARNZ.<sup>6</sup>
- (f) A consent recently granted for Kainga Ora to develop over 100 apartments for pensioner housing in the MANA at Auckland Airport (a discretionary activity) which is now the subject of judicial review for failure to notify and which other developers have sought to rely on as a precedent for further development.
- (g) Queenstown Airport Company (QAC) has recently published its Masterplan. This only runs to 2032 – well short of a usual Masterplanning period as defined by Airport Masterplanning guidelines published by the Airports Association of New Zealand. The challenge QAC has in extending their view of the airport assets is based on the growth constraint that arises from noise boundaries applied to airport activities. Land use adjacent to QAC has delivered a community particularly sensitive to aircraft noise, as people live work and play in close proximity to aircraft movement. This has created community tensions which are now difficult to resolve, and are limiting ability to invest in airport infrastructure, consequently limiting aircraft operations and economic growth to the region.

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<sup>6</sup> *NZ Building Projects Limited and Rubin Mahabir v Auckland Council* [2017] NZEnvC 175

- 8.10 All of the situations described are illustrative of situations in which development or proposed development proximate to the Airport have resulted in significant costs to BARNZ members (and the airport in question) to ensure the long-term protection of the Airport's operations. These costs have included internal costs of participation, legal costs and expenses associated with technical advice. There are other direct costs associated with mitigating noise effects, for example through the provision of acoustic treatment to schools and owners of buildings containing noise sensitive activities. Such costs are ultimately met through landing charges levied on airlines, which in turn are passed on to the community.

## **9. PROVISION FOR WELLINGTON AIRPORT IN THE NOISE CHAPTER**

### **Overview**

- 9.1 For the long-term protection of Wellington Airport, BARNZ supports the framework, as modified by WIAL's planning evidence which responds to the s42A report, that includes objectives, policies and methods within the noise chapter to ensure the land use management framework within the Air Noise Boundary and 60dB L<sub>dn</sub> noise boundary achieves greater alignment with NZS6805:1992, including by:
- (a) Establishing a policy framework where resource consents can be declined within existing residential zones for noise sensitive activities on reverse sensitivity grounds;
  - (b) Not providing for noise sensitive activities within zones where such activities are not generally not anticipated (i.e. the general industrial and Open Space Zones);
  - (c) Limiting the establishment of new or the intensification of existing noise sensitive activities within other zones unless reverse sensitivity effects can be appropriately avoided,
  - (d) Requiring acoustic treatment and/or mechanical ventilation for additions or alterations to existing buildings containing noise sensitive activities, as well as new activities;

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- (e) Making corresponding changes to the objectives, policies and methods within the Subdivision Chapter to create alignment with the above framework and to generally discourage the intensification of noise sensitive activities through subdivision within the ANB or 60dB Ldn; and,
- (f) Establishment of standalone reverse sensitivity requirements for noise sensitive activities within the ANB and 60dB Ldn to allow better recognition of the effects of aircraft noise on noise sensitive activities.

### **WIAL as an affected party**

9.2 BARNZ supports the identification of WIAL as an affected party to any application within the Air Noise Overlay for the reasons articulated in the WIAL evidence. In BARNZ's experience it is not uncommon for council planners to overlook or underestimate reverse sensitivity effects in determining whether to notify an application, so it is important that the Plan makes it clear that WIAL is regarded as an affected party in relation to applications within both the Inner and Outer Air Noise Overlays.

### **Acoustic and ventilation standards**

9.3 I refer to the evidence of Mr Humpheson and Ms O'Sullivan in relation to the acoustic and ventilation standards. BARNZ agrees with WIAL that the airport specific noise standard should be included in the Proposed Plan and with the proposed Noise S-17 provisions as outlined in those statements. BARNZ considers that it is inappropriate and inefficient to overdesign buildings and that operation of the requisite ventilation should be affordable for residents and/or tenants to operate.

9.4 From a BARNZ perspective as a participant in the Quieter Homes Programme, I generally concur with WIAL's evidence that the approach used in the Programme is well established and operates efficiently and effectively. It does not seem sensible to apply two different approaches, particularly where one is working.<sup>7</sup>

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<sup>7</sup> EIC D Humpheson (noise) at 102; EIC K O'Sullivan at 95.

### **Mapping of the contours**

- 9.5 BARNZ also considers that an ANB based on 65dB L<sub>dn</sub> is consistent with NZS6805:1992 and supports the mapping of the ANB and 60 dB L<sub>dn</sub> Noise Boundary, as depicted on the planning maps. This reflects the recently confirmed designations and generally accords with the approach to the management of noise at other major airports around New Zealand.

## **10. CONCLUDING REMARKS**

- 10.1 In BARNZ's experience with airport planning, the more people living in the aircraft noise overlay areas and exposed to noise, the more potential there is for complaint and / or involvement in future district plan reviews, designations etc. These concerns are supported by NZS6805:1992.
- 10.2 BARNZ therefore supports amendments to the plan that bring the Proposed Plan into greater alignment with NZS6805:1992 and that are drafted to balance providing protection to people from airport noise while protecting the Airport from reverse sensitivity effects. An appropriate approach for Wellington includes ensuring that new noise sensitive activities within the ANB or 60dB L<sub>dn</sub> noise boundary are limited and that intensification is restricted. .
- 10.3 The planning evidence of Ms O'Sullivan on behalf of WIAL proposes a number of key amendments to the noise chapter and subdivision chapters which directly address the matters I have referred to in this brief of evidence. To avoid duplication, BARNZ adopts this evidence in relation to those matters.

**Cath O'Brien**

**18 July 2023**