

# **Wellington City Proposed District Plan**

## **Hearing Stream 5 – Noise and Part 4 - Appendix 4 and Appendix 5**

### **Section 42A of the Resource Management Act 1991**

## Document Information

<b>REPORT FOR:</b>	<b>Independent Hearings Commissioners:</b> Robert Schofield (Chair) Jane Black Lindsay Daysh Rawiri Faulkner
<b>SUBJECT:</b>	<b>Wellington City Proposed District Plan – Noise Chapter</b>
<b>PREPARED BY:</b>	Mark Ashby (Planner) Malcom Hunt (Acoustic expert) Sean Syman (Acoustic expert)
<b>REPORT DATED:</b>	3 July 2023
<b>DATE OF HEARING:</b>	1 August 2023

## Executive Summary

1. This report considers submissions received by Wellington City Council in relation to the relevant objectives, policies, rules, definitions, standards, appendices and maps of the Wellington City Proposed District Plan (PDP) as they apply to the Noise chapter. Related elements of the PDP include:
  - a. Appendices 4 and 5 (noise standard tables for specific activities).
  - b. Inner and Outer Air Noise Overlays, and Air Noise Boundary (noise from aircraft using Wellington Airport).
  - c. Port Noise Overlay (noise from CentrePort operations)
  - d. Courtenay Place Noise Area Overlay (managing noise effects on habitable rooms)
  - e. Temporary Activities chapter (e.g., military training activities; and events at the Stadium and Basin Reserve)
  - f. Designation chapter (WIAL designation noise conditions)
  - g. Subdivision chapter (subdivision of land affected by air noise provisions)
2. Submissions and further submissions, totalling 550 submission points, were received on the Noise chapter. The submissions received were diverse and sought a range of outcomes. The report outlines recommendations in response to the issues that have emerged from these submissions. Submissions on noise related aspects of Subdivision and Temporary Activities are addressed in the respective s42A Reports for those chapters, although they are referred to in this report where necessary.
3. The following are considered to be the key issues in contention in the Noise chapter:
  - a. Airport noise, in relation to reverse sensitivity;
  - b. The relationship between Wellington Airport designation conditions and standards in the Noise chapter;
  - c. Acoustic insulation and ventilation (including in relation to the Airport, Port, railway lines and state highways);
  - d. Vibration in relation to railway lines and state highways;
  - e. Live music venues; and
  - f. Helicopter noise.
4. This report addresses each of these key issues, as well as other relevant issues raised in the submissions.
5. The report includes recommendations to address matters raised in submissions about whether the provisions in the Proposed District Plan relating to Noise should be retained as notified, amended, or deleted in full. Major recommendations are summarised below:
  - a. Recommend accepting a review of the approach taken in Noise chapter Appendices APP4 and APP5. These appendices establish permitted activity noise levels. The revised provisions, as set out in Appendix A, are intended to address various inconsistencies and errors and enhance usability for the council and public.
  - b. Recommend rejecting KiwiRail and Waka Kotahi submissions seeking the inclusion of a vibration standard, due to a lack of suitable evidence and the implications for development near rail lines / state highways. However, we also note that a rail

vibration standard may be useful, and therefore invite the panel to consider using its powers under RMA s41C to direct further investigation.

- c. Recommend amendments to acoustic insulation and mechanical ventilation standards, which are important features of noise mitigation.
  - d. Recommend accepting Waka Kotahi's request that the 40m – 80m corridor recognised by the PDP as a "Moderate Noise" area, is extended out to 100m from the highway, but only where the posted speed limit is greater than 70 km/hour.
  - e. Recommend rejecting, in part, the submissions of WIAL and others in relation to overlaps between the Noise Standards and WIAL's designation conditions. However, we also recommend accepting changes to remove some aspects of the overlaps.
  - f. Recommend rejecting WIAL's submissions seeking greater restriction on intensification within the Inner and Outer Air Noise overlays. However, we recommend accepting WIAL's submission that it should be considered an affected party, where resource consent is required, within the Inner Air Noise Overlay.
  - g. Recommend introducing a helicopter noise alert overlay around the Wellington Regional Hospital (Newtown) hospital as an advisory to new build / residents moving into the area.
  - h. Recommend that the creation of an Entertainment Precinct or extension of the Courtenay Place Noise Area should be considered, in relation to submissions from Save Our Venues. However, we make no recommendation about the location of such a precinct or extension.
6. Appendix A of this report sets out the recommended changes to the Noise chapter in full. These recommendations take into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents.
  7. The Noise chapter may also be subject to consequential amendments arising from submissions to the whole of the Proposed District Plan and other chapters.
  8. For the reasons set out in the Section 32AA evaluation included throughout this report, the proposed objectives and associated provisions, with the recommended amendments, are considered to be the most appropriate means to:
    - a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
    - b. Achieve the relevant objectives of the Proposed District Plan, in respect to the proposed provisions.

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## Interpretation

**Table 1: Abbreviations**

<b>Abbreviation</b>	<b>Means</b>
Act / the RMA	Resource Management Act 1991
ANB	Air Noise Boundary
APP	Appendix
Clause 16	RMA Schedule 1 Clause 16
Council	Wellington City Council
CPNA	Courtney Place Noise Area
Enabling Act	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
GWRC	Greater Wellington Regional Council
NES	National Environmental Standard
NPS	National Policy Statement
NPStds	National Planning Standards
NPS-UD	National Policy Statement on Urban Development 2020
Operative Plan / ODP	Operative Wellington City District Plan
PNRP	Proposed Wellington Natural Resources Plan (Decisions Version) 2019
Proposed Plan/PDP	Proposed Wellington City District Plan
RPS	Wellington Regional Policy Statement 2013
s32	Section 32 of the Resource Management Act 1991
s32AA	Section 32AA of the Resource Management Act 1991
s42A	Section 42A of the Resource Management Act 1991
Spatial Plan	Spatial Plan for Wellington City 2021

**Table 2: Abbreviations of Submitters' Names**

<b>Abbreviation</b>	<b>Means</b>
BARNZ	Board of Airline Representatives of New Zealand
CentrePort	CentrePort Limited
FENZ	Fire and Emergency New Zealand
the Fuel Companies	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited
GOTB	Guardians of the Bays
Horokiwi	Horokiwi Quarries Limited
Investore	Investore Property Limited
Kāinga Ora	Kāinga Ora – Homes and Communities
KiwiRail	KiwiRail Holdings Limited
LSA	Living Streets Aotearoa
MoE	Ministry of Education
NZAAA	New Zealand Agricultural Aviation Association
NZDF	New Zealand Defence Force
The Fuel Companies	BP Oil New Zealand and Mobil Oil New Zealand Limited
ORCA	Onslow Residents Community Association
Restaurant Brands	Restaurant Brands Limited
RVA	Retirement Villages Association of New Zealand
Ryman	Ryman Healthcare Limited
SOV	Save Our Venues
SPRA	Strathmore Park Residents Association Incorporated
Stride	Stride Investment Management Limited
Waka Kotahi	Waka Kotahi NZ Transport Agency
WCC	Wellington City Council
WH	Wellington Helicopters
WIAL	Wellington International Airport Limited
Woolworths	Woolworths New Zealand Limited

In addition, references to submissions includes further submissions, unless otherwise stated.



## 1.0 Introduction

### 1.1 Purpose

1. This report is prepared under section 42A of the Resource Management Act 1991 (the **RMA**) to:
  - a. Assist the Hearings Panel in their role as Independent Commissioners in making their decisions on the submissions and further submissions on the Wellington City Proposed District Plan (the **PDP**); and
  - b. Provide submitters with information on how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.
2. This report considers submissions received by the Council in relation to the relevant objectives, policies, rules, definitions, appendices and maps as they apply to the Noise chapter in the PDP.
3. This report discusses general issues, the original and further submissions received following notification of the PDP, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the PDP provisions or maps based on the assessment and evaluation contained in the report.
4. This report is intended to be read in conjunction with the Section 42A Assessment Report: Part A – Overview, which sets out the statutory context, background information and administrative matters pertaining to the District Plan review and PDP.
5. The Noise chapter of the PDP contains provisions which link to other parts of the PDP. The following listed chapters of the PDP are particularly relevant. This report will address these chapters as necessary.
  - a. Temporary Activities chapter (e.g., noise from military training activities; and events at the Stadium and Basin Reserve)
  - b. Designation chapter (WIAL designation noise conditions)
  - c. Subdivision chapter (subdivision of land affected by Air Noise Boundary / Overlay)
6. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report, or may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

### 1.2 Author and Qualifications

7. 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. In considering the submissions and preparing this report I have been assisted by and have drawn on expert technical advice provided by two acoustic experts. Those experts are Malcolm Hunt (Malcolm Hunt and Associates) and Sean Syman (SLR Consulting). Like myself, Mr Hunt and Mr Syman (the **noise experts**) are also engaged as independent contractors by the Council.

8. Mr Hunt is an experienced acoustic consultant with wide experience in transportation noise issues and industrial noise control engineering. Mr Syman is an associate acoustic consultant with SLR Consulting Ltd with experience in environmental noise and vibration assessment. Mr Hunt and Mr Syman separately detail their experience in their statements of evidence that accompany this section 42A report. The noise experts have also contributed significantly to preparation of this s42A report, Appendix A (tracked changes mock-up of Noise Chapter and related provisions), and Appendix B (responses to individual submission points).
9. My role in preparing this report is that of an expert in planning. I have no technical expertise related to noise. I hold the qualification of Bachelor of Regional Planning from Massey University. I am a Full Member of the New Zealand Planning Institute.
10. I have over 30 years' experience in planning and resource management. Most of that time has been as an independent consultant, although I also have relatively brief experience in local and central government roles. For the most part, my work has focused on resource consent matters. Of relevance to airnoise provisions in the PDP, I acted on behalf of the Council over 2021 – 2022 in relation to WIAL notices of requirement to designate the existing airport and an eastern extension onto part of the Miramar golf course.
11. I took over work on the Noise Chapter in February 2022. Significant work had already been completed by that stage, with a draft Chapter having been prepared. I understand that the draft chapter had been developed with input from various teams within the Council including Compliance and Monitoring, Resource Consents, and Heritage. Two noise experts were also engaged at around the same time, Malcolm Hunt (MHA) and Miklin Halsted (Marshall Day Acoustics). They provided technical input in bringing the draft to the stage of public notification. Mr Halsted was initially contracted for the s42A / hearing stage but had to step back due to pressure of work. Sean Syman (SLR) was then engaged to work with Malcom Hunt and I on this stage of the process.

### **1.3 Code of Conduct**

12. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court, which came into effect on 1 January 2023. I have complied with the Code of Conduct when preparing this officers report and I agree to comply with it when I give any oral evidence. The noise experts separately agree with the Code of Conduct in their technical evidence.
13. In relation to technical matters such as noise, acoustic insulation, and mechanical ventilation standards I rely on the advice of the noise experts. Other than that, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
14. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

## 1.4 Supporting Evidence

15. The expert evidence and other advice which I have used or relied upon in support of the opinions expressed in this report is as follows:
  - a. Expert technical advice of Malcolm Hunt and Sean Syman.
  - b. Advice provided by the Council's in-house compliance / noise officers (Matthew Borich / Lindsay Hannah).
  - c. Advice from the Council's legal counsel, Nick Whittington.
16. Mr Hunt also engaged specialist advice from a ventilation expert (Owen Brown), a Senior Mechanical Engineer at GHD Ltd. The purpose of seeking that advice was to assist in Mr Hunt's consideration of the linked insulation / ventilation issues related to noise mitigation in some circumstances.
17. We were provided with legal advice by the City Council's legal counsel, Nick Whittington. Mr Whittington provided his opinion on referencing WIAL's designation conditions in the context of Noise Chapter standards. His advice has been incorporated into the submissions discussion, later in this report.

## 1.5 Key resource management issues in contention

18. Twenty-five original submissions and fourteen further submissions were received in relation to noise. From those submissions the Council identified 550 submission points, comprising 256 original submission points and 294 further submission points.
19. Having read the submissions and further submissions, I consider that the following matters are the key issues in contention in the chapter:
  - a. Management of noise arising from significant noise emitting locations, including the Airport; Port; Railway; Highways; and Music Venues.
  - b. Management of noise received at noise sensitive receptors, including through insulation and ventilation standards.
  - c. Upgrading minimum ventilation standards that apply within rooms to which minimum standards for acoustic insulation apply.
  - d. Management of vibration in relation to noise sensitive activities near the railway and state highway corridors.
  - e. Limitations placed on residential intensification, and the establish of noise sensitive activities, within high and moderate noise areas.
  - f. The addition / extension of noise overlays. These include the addition of a helicopter noise alert overlay at the regional hospital in Newtown, and the extension of the existing Courtenay Place High Noise Area to other areas where live music venues may locate.

## 1.6 Procedural Matters

20. At the time of writing this report there have not been any mediated pre-hearing or expert witness conferences. However, as mandated by clause 8AA of Schedule 1 RMA, there have been informal discussions with some invited submitters to discuss the nature of their submissions. Meetings have also been held with WCC noise management staff to better understand the Council's perspective on some of the major issues raised by submitters.
21. Meetings were held with the following listed submitters and their expert advisors:
- |    |             |        |
|----|-------------|--------|
| a. | WIAL        | 23 May |
| b. | CentrePort  | 24 May |
| c. | KiwiRail    | 26 May |
| d. | Waka Kotahi | 26 May |
22. The meeting invitation was extended to these four parties as they relate to significant sources of noise emission, as well as being nationally significant infrastructure<sup>1</sup>. We also understand that Council officers met with Save Our Venues on 31 May 2023. The meeting with the submitter was held as they represent a range of existing and potential future noise emitting locations (typically live music venues).
23. After those meetings, discussion continued with some of the parties. This included:
- Correspondence with KiwiRail's noise expert with respect to vibration, sound insulation, and ventilation
  - Correspondence received from WIAL, in the form of an annotated version of the Noise Chapter, providing further context for the matters raised by WIAL in its submissions.

## 1.7 Conflict of Interest Declaration

24. Mark Ashby is an employee of 4Sight Consulting Limited (4Sight) and prepared this section 42A report. A separate 4Sight planner prepared a submission on the PDP, dated September 2022, on behalf of BP Oil NZ and Mobil Oil NZ (the Fuel Companies). Part of the Fuel Companies submission relates to the Noise chapter. Out of 550 submission points on the Noise chapter, eight are from the Fuel Companies.
25. Mr Ashby was not aware of the Fuel Companies submission being lodged to the Noise Chapter, and in order to address the perceived or potential conflict, he has not discussed the submission with other employees of 4Sight. He has also not discussed the submission with Sean Syman, who has reviewed the technical merits of the submission and developed recommendations. Mr Syman is an employee of SLR (which is now 4Sight's parent company) who commenced work for SLR in April 2023. He has had no contact with 4Sight employees who prepared the Fuel Companies submission.

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<sup>1</sup> As defined by the Urban Development Act 2020

## 1.8 Further Information on Rail Vibration

26. In section 3.8.2, from paragraph 208 onwards, we address the issue of vibration – raised in submissions by KiwiRail and Waka Kotahi.
27. With respect to the KiwiRail submission, we have recommended rejecting the submitter’s request for specific vibration standards. We have done so, due to not accepting KiwiRail’s proposed specific amendments to Standards. We consider that KiwiRail has not provided sufficient evidence to justify the proposed amendments.
28. However, we acknowledge that in principle there is value in incorporating a vibration standard related to rail, but further research would be needed into what a workable standard would look like. We therefore invite the panel to consider exercising its powers under RMA s41C, and commission further reporting.
29. We have not reached the same conclusions in respect of the vibration submissions of Waka Kotahi. Our recommendation is to reject Waka Kotahi’s submissions, without the need for further investigation.

## 2.0 Background and Statutory Considerations

### 2.1 Statutory and other non-RMA considerations

30. As noted in the Section 32 Evaluation Report, noise can have an adverse effect on health and amenity values, and has the potential to interfere with communication and disturb sleep. The purpose of the Noise Chapter is to appropriately manage noise and vibration to avoid or minimise effects, while still enabling a diverse range of activities to occur.
31. Noise, as defined by the RMA, includes vibration. This is an important consideration in relation to some submissions – notably KiwiRail.
32. The National Planning Standards (NPStds) District-wide Matters Standard specifies that:
  - a. If provisions for managing noise are addressed, they must be located in the Noise chapter. These provisions may include:
    - i. noise provisions (including noise limits) for zones, receiving environments or other spatially defined area
    - ii. requirements for common significant noise generating activities
    - iii. sound insulation requirements for sensitive activities and limits to the location of those activities relative to noise generating activities.
  - b. Any noise-related metrics and noise measurement methods must be consistent with the Noise and vibrations metrics Standard.
  - c. The Noise chapter must include cross-references to any relevant noise provisions under the Energy, infrastructure, and transport heading.

33. The NPStds Noise and Vibration Metrics Standard specifies that any plan rule to manage noise emissions must be in accordance with the mandatory noise measurement methods and symbols in the applicable New Zealand Standards. The NPStds sets out the specific NZ standards, and these are referred to where applicable in the Noise chapter and in our report.
34. The NPStds also states that:
- a. Any noise rule must be consistent with the mandatory assessment methods of New Zealand Standard 6802:2008 Acoustics – Environmental Noise; and
  - b. Any noise rule to manage damage to structures from construction vibration must be consistent with the metrics for peak particle velocity (ppv) in ISO-4866:2010 – Mechanical vibration and shock.
35. We confirm that the rules and standards proposed in the Noise Chapter are consistent with those requirements.
36. We consider that in making decisions on the Noise Chapter and responding to submission points, regard should be had to the following matters:
- a. **Equity:** That emitters and receivers of noise have shared responsibilities in relation to the noise environment. Section 16 of the Act places an obligation on emitters to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level.  
  
It is not always possible to define absolutely where that balance of responsibility should lie. However, in a general sense, noise emission should be subject to defined limits, and new noise sensitive development should be subject to noise insulation requirements in certain areas. The goal of equity is therefore closely related to the avoidance or mitigation of reverse sensitivity, although it may not always be achieved in practice.
  - b. **Compliance pathways:** That, where appropriate, there should be alternative pathways for emitters and receivers to achieve compliance.
  - c. **Enforcement:** That district plan provisions should enable and support the Council in its abatement and enforcement duties – to ensure that there are no unreasonable amenity or health outcomes.

## 2.2 Resource Management Act 1991

37. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
- Section 74 Matters to be considered by territorial authority, and
  - Section 75 Contents of district plans.

38. The section 32 Evaluation Report for the Noise Chapter included the following summary table:

Legislation / Regulation	Relevant Provisions
Building Act 2004 and the Building Regulations 1992, Schedule 1, The Building Code	<ul style="list-style-type: none"> <li>• Clause G6 – Airborne and impact sound (safeguard people from illness or loss of amenity as a result of undue noise being transmitted between abutting occupancies)</li> <li>• Clause G4 – Ventilation (safeguard people from illness or loss of amenity due to lack of fresh air)</li> </ul>
Health Act 1956	<ul style="list-style-type: none"> <li>• Sections 29-35 – enable the Council to deal with nuisance noise and vibration that is likely to affect people’s health</li> </ul>
Resource Management Act	<ul style="list-style-type: none"> <li>• Section 2 – definition of noise</li> <li>• Section 16 – duty to avoid unreasonable noise</li> <li>• Section 17 – duty to avoid, remedy or mitigate adverse effects</li> <li>• Section 31(d) – functions of territorial authorities, the control of the emission of noise and the mitigation of the effects of noise</li> <li>• Section 326 – meaning of excessive noise</li> </ul>
Resource Management Act	<ul style="list-style-type: none"> <li>• Section 77I and 77L in relation to qualifying matters, if noise is to be considered a qualifying matter for the MDRS, being less enabling of development (on a site specific basis)</li> </ul>

39. The only change made to this table is the addition of “Section 2 – meaning of noise” in relation to the RMA. We have referred to that meaning in paragraph 31 above.

40. As set out in Section 32 Evaluation Report Part 1 – Context to Evaluation and Strategic Objectives, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are discussed in detail within the Section 32 Evaluation Report for the Noise Chapter.

41. Since public notification of the PDP and publishing of the related section 32 evaluation reports on 18th July 2022, there are no new relevant statutory considerations that have changed/been introduced.

## 2.3 Schedule 1 and ISPP

42. As detailed earlier in the section 42A Overview Report, the Council has chosen to use two plan review processes:

- a. The Intensification Streamlined Planning Process (ISPP) under Part 6 of Schedule 1 of the RMA for the intensification planning instrument (IPI). There are no appeal rights on ISPP provisions.
- b. For all other PDP provisions and content, Part 1 of Schedule 1 process is used. Part 1 Schedule 1 provisions can be appealed.

43. For this topic, the following provisions fall under the ISPP:

- a. NOISE-P6 – Development restrictions on noise sensitive activities
- b. NOISE-R3 – Noise sensitive activity in a new building, or in alterations / additions to an existing building
- c. NOISE-S4 – Acoustic insulation, high noise areas.

44. Our assessment and recommendations in relation to these three ISPP provisions are set out in sections 3.6, 3.7, and 3.8 of this report.
45. For this topic, the following as-notified provisions fall under the Part 1 Schedule 1 process:

Objectives

- a. NOISE-O1 – Managing noise generation and effects
- b. NOISE-O2 – Reverse sensitivity

Policies

- a. NOISE-P1 – General management of noise
- b. NOISE-P2 – Construction noise
- c. NOISE-P3 – Higher noise areas
- d. NOISE-P4 – Acoustic treatment of noise sensitive activities
- e. NOISE-P5 – Noise at Wellington Regional Stadium and the Basin Reserve

Rules

- a. NOISE-R1 – Noise not otherwise provided for in this chapter
- b. NOISE-R2 – Noise from construction, maintenance, earthworks, and demolition activities
- c. NOISE-R4 – Helicopter landing noise
- d. NOISE-R5 – Noise from Wellington Regional Stadium and the Basin Reserve
- e. NOISE-R6 – Fixed plant noise
- f. NOISE-R7 – commercial facility dog noise (day care, dog parks, boarding kennels)
- g. NOISE-R8 – Shooting range and firearm noise
- h. NOISE-R9 – Blasting noise
- i. NOISE-R10 – Home business noise
- j. NOISE-R11 – Electronic sound system noise
- k. NOISE-R12 – Port noise
- l. NOISE-R13 – Airport noise

Standards

- a. NOISE-S1 – Maximum permitted activity noise levels by zone
- b. NOISE-S2 – maximum permitted noise levels by activity
- c. NOISE-S3 – Noise management plans
- d. NOISE-S5 – Acoustic insulation, moderate noise areas
- e. NOISE-S6 – Ventilation requirements
- f. NOISE-S7 – Fixed plant noise
- g. NOISE-S8 – Hours of aircraft operation
- h. NOISE-S9 – Calculation and management of aircraft noise
- i. NOISE-S10 – Engine testing noise
- j. NOISE-S11 – Noise from ground power units and auxiliary power units (Main site)
- k. NOISE-S12 – Noise from ground power units and auxiliary power units (East side)
- l. NOISE-S13 – Airport East Side Precinct residential noise mitigation
- m. NOISE-S14 – Land based noise
- n. NOISE-S15 – Miramar South Precinct noise



## Tables

- a. TABLE 1 – Minimum construction requirements (moderate standard)
- b. TABLE 2 – Minimum construction requirements (advanced standard)

## Appendices

- a. APP4 – Permitted noise standards
- b. APP5 – Fixed plant noise standards

## 2.4 Section 32AA

46. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

### **32AA Requirements for undertaking and publishing further evaluations**

*[1] A further evaluation required under this Act—*

- (a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
- (b) must be undertaken in accordance with section 32[1] to [4]; and*
- (c) must, despite paragraph (b) and section 32[1](c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
- (d) must—*
  - (i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*
  - (ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

*[2] To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection [1](d)(ii).*

47. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic is contained within the assessment of the relief sought in submissions in section 3.0 of this report, as required by s32AA[1](d)(ii).
48. The section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated. No re-evaluation has been undertaken if the amendments have not altered the policy approach.
49. For changes that represent a significant departure from the PDP as notified, I have undertaken the s32AA evaluation in a consolidated manner following the assessment and recommendations on submissions in this section, which is attached at Appendix B.

## 2.5 Trade Competition

50. Trade competition is not considered relevant to the provisions of the PDP relating to this topic.
51. There are no known trade competition issues raised within the submissions.

## 3.0 Consideration of Submissions and Further Submissions

### 3.1 Overview

52. There were 25 submitters who collectively made 256 submission points on matters with the Noise chapter. There were 14 further submitters who collectively made 294 further submission points. We note that 8 of the original submitters were also further submitters.
53. Tables of submitters and further submitters are set out below:

*Table 1 - Original Submitters*

No.	Submitter
40	New Zealand Agricultural Aviation Association
49	Shailesh Kumar Patel
92	Dr Paul Van Houtte
266	Wellington City Council
271	Horokiwi Quarries Limited
273	Fire and Emergency New Zealand
275	Claire Nolan et al.
288	Steve Dunn
319	Bruce Crothers
340	Yvonne Weeber
349	Restaurant Brands Limited
350	Retirement Villages Association of New Zealand Incorporated
359	Woolworths New Zealand
370	Waka Kotahi
371	Strathmore Park Residents Association Incorporated
372	BP Oil New Zealand Mobil Oil New Zealand Limited
391	Kāinga Ora Homes and Communities
400	Ministry of Education
402	CentrePort Limited
406	Wellington International Airport
408	KiwiRail Holdings Limited
423	New Zealand Defence Force
445	Save Our Venues
452	Guardians of the Bays Incorporated
482	Living Streets Aotearoa

Table 2 - Further Submitters

No.	Further Submitter
FS05	Wellington Helicopters
FS36	Wellington International Airport
FS44	Guardians of the Bays Incorporated
FS72	KiwiRail Holdings Limited
FS80	Onslow Residents Community Association
FS89	Kāinga Ora Homes and Communities
FS103	Waka Kotahi
FS104	New Zealand Defence Force
FS107	Stride Investment Management Limited
FS108	Investore Property Limited
FS122	Strathmore Park Residents Association Incorporated
FS126	The Retirement Villages Association of New Zealand
FS128	Ryman Healthcare
FS139	BARNZ

54. Some submitters that lodged original submissions, also lodged further submissions. They were:

*Table 3 - Parties who are both Original and Further Submitters*

<b>Submitter</b>	<b>Original Submission no.</b>	<b>Further Submission no.</b>
Retirement Villages Association of New Zealand Incorporated	350	FS126
Waka Kotahi	370	FS103
Strathmore Park Residents Association Incorporated	371	FS122
Kāinga Ora Homes and Communities	391	FS89
Wellington International Airport	406	FS36
KiwiRail Holdings Limited	408	FS72
New Zealand Defence Force	423	FS104
Guardians of the Bays Incorporated	452	FS44

### **3.1.1 Report Structure**

55. Submissions on noise issues raised matters that have been grouped into sub-topics within this report. Some of the submissions are addressed under topic headings based on the topics contained in the submission. We have considered substantive commentary on primary submissions contained in further submissions as part of our consideration of the primary submissions to which they relate.
56. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10[2](a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in Appendix B.
57. Recommended amendments are contained in the following appendices:
- a. Appendix A – Recommended Amendments to the Noise Chapter (tracked changes)
  - b. Appendix B – Recommended Responses to Submissions and Further Submissions on Noise Chapter
58. Additional information can also be obtained from the Summary of Submissions on the Noise Chapter, the associated Noise Section 32 Report, and the ePlan overlays and maps.
59. The following evaluation should be read in conjunction with the summaries of submissions and further submissions, and the submissions themselves. Where we agree with the relief sought and the rationale for that relief, we have noted our agreement, and our recommendation is provided in the summary of submissions table in Appendix B. Where we have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. As Appendix A, we have provided a marked-up version of the Noise Chapter with recommended amendments in response to submissions.
60. This report only addresses definitions that are specific to this topic. Definitions that relate to more than one topic have been addressed in Hearing Stream 1 and the associated section 42A report.

### 3.1.2 Format for Consideration of Submissions

61. For each identified topic, the consideration of submissions has been undertaken in the following format:
  - Matters raised by submitters;
  - Assessment; and
  - Summary of recommendations.
62. The recommended amendments to the relevant parts of the PDP are set out in Appendix A of this report where all text changes are shown in a consolidated manner.
63. We have undertaken a s32AA evaluation in respect to the recommended amendments in our assessment.
64. Note that, in each list of “Matters raised by submitters”, original submissions are denoted by a letter (e.g., “a”) and further submissions are denoted by a bullet point. Bullet points for further submissions sit immediately below the original submissions to which they relate.
65. Note also that in the summary of recommendations sections, we have generally indicated “accept” or “reject” to categorise recommendations on individual submissions. However, in many cases, the effect is likely to be ‘accept in part’ or ‘reject in part’. This is because changes to the provisions tracked in Appendix A will often be an amalgam of response to the submissions of various parties. Submitters are advised to review Appendix A for a better understanding the overall outcomes in relation to submissions.

## 3.2 General Submissions

### 3.2.1 Matters raised by submitters

66. Various submitters seek outcomes that are not otherwise covered under other parts of the s42A report. In summary these are:
  - a. GOTB [452.29] and Yvonne Weeber [340.74] – amend Noise chapter Introduction to highlight role of air noise overlays.
    - WIAL [FS36.144] – support the principle of GOTB [452.29] and Yvonne Weeber [340.74] but oppose the specific text sought.
  - b. GOTB [452.30] and Yvonne Weeber [340.75] – amend Noise chapter Introduction to refer to 2018 World Health Organisation Environmental Noise Guidelines.
    - WIAL [FS36. 145, FS36.146, FS36.147] – oppose GOTB and Yvonne Weeber submissions.
  - c. Restaurant Brands [349.34] – retain Noise chapter as notified.
  - d. The Fuel Companies [372.99] – support Noise chapter Introduction.
  - e. WIAL [406.404] – retain Noise chapter Introduction.
    - GOTB [FS44.76] – support WIAL submission.
    - BARNZ [FS139.95] – support WIAL submission.
  - f. WIAL [406.415] – seeks separate provisions for military aircraft.
    - GOTB [FS44.91] – support WIAL submission.
    - NZDF [FS104.13] – oppose WIAL submission.
    - BARNZ [FS139.106] – support WIAL submission.

### 3.2.2 Assessment

#### Noise Chapter Introduction

67. Yvonne Weeber [340.74] and GOTB [452.29] seek amendment of the Noise chapter Introduction to highlight that the air noise overlays “*place development restrictions on properties affected by Wellington International Airport*”. WIAL [FS36.144] states that they are not opposed to this outcome in principle, but do not support the specific wording sought by GOTB. We agree that it would be useful to highlight the existence / role of the air noise overlays (and of noise overlays in general). We recommend wording for that purpose as set out in Appendix A.
68. Yvonne Weeber [340.75] and GOTB [452.30] seek a reference in the Noise chapter Introduction, to the 2018 World Health Organisation Environmental Noise Guidelines. GOTB state that these guidelines provide up to date research on the adverse effects of aircraft noise on people, over an extended period. WIAL [FS36.146] opposes the proposed amendment. We consider that WHO Guidelines are a good summary of health-related research into effects of environmental noise on human health. However, the Guidelines are of questionable value in relation to district plan noise performance standards, especially as exceeding some of the WHO thresholds does not mean there will be significant health effects. The relevant guidance for NZ is contained within NZS6802:2008, NZS6805:1992 and related NZ Standards referenced in the PDP – and which are mandated by the National Planning Standards. We recommend rejecting the submission of Yvonne Weeber and GOTB.

#### Wellington International Airport

69. We address WIAL’s submissions on reverse sensitivity and affected party status under our assessment for NOISE-S3 at section 3.7.2.
70. WIAL submission [406.415] states that WIAL does not have control over military aircraft movements. We accept that fact, but we understand that military aircraft movements are covered by the modelling which fed into production of the Airport’s noise contours via the designation process. After lodgement of the submission, WIAL's noise expert has confirmed the contribution from military aircraft is very small compared to normal commercial air traffic using the airport. Including noise due to military aircraft movements within the 'main' noise bucket is a practical and an efficient way forward. NZDF [FS104.13] opposes the WIAL submission point.
71. We note that designation WIAL4 condition 23 requires WIAL to manage “*all aircraft operations*” for noise purposes. In addition, for the purpose of managing the hours of aircraft operations, WIAL4 condition 27(g) excludes “*aircraft carrying heads of state and/or senior dignitaries acting in their official capacity or other military aircraft operations*”. The inclusion of military aircraft (and exclusion in some circumstances) is therefore clearly defined by the designation. We therefore recommend rejecting the submission point.

### 3.2.3 Summary of recommendations

72. HS5-Noise-Rec1: That general submission points on the Noise Chapter are accepted/rejected as detailed in Appendix B.

73. HS5-Noise-Rec2: That the Noise Chapter Introduction be amended as follows:

...

The objectives, policies, rules and standards of the Noise chapter are linked to zones and to specific activities. They take into account the level, duration and nature of noise – within the context of the surrounding environment and whether noise can be reasonably mitigated. The provisions identify where sound insulation is a requirement for new noise sensitive activities, and also limit the establishment of noise sensitive activities in some cases. Noise sensitive activities are defined by the District Plan. Noise overlays are used in several cases to define areas in which noise effects from specific sources can be expected, up to prescribed limits. Examples include the Air Noise Overlay and the Port Noise Overlay. Noise overlays may also prescribe limits to intensification of noise sensitive activities (such as new residential development) and / or acoustic insulation and ventilation standards to assist in managing the effects of noise received in the overlays.

...

### 3.3 Definitions

#### 3.3.1 Matters raised by submitters (Definitions)

74. Various submitters seek the retention of existing definitions, new definitions, or amendments of existing definitions. In summary these are:
- RVA [350.7] – amend definition of Noise Sensitive Activity to refer to “retirement villages” instead of “retirement accommodation”.
  - The Fuel Companies [372.16] – retain definition of Noise Sensitive Activity.
  - Ministry of Education [400.8] – retain definition of Noise Sensitive Activity.
  - WIAL [406.35, 406.36] – amend definition of Noise Sensitive Activity to add “hospital activities”.
    - GOTB [FS44.10, FS44.11] and BARNZ [FS139.24, FS139.25] – support WIAL submission
  - KiwiRail [408.9] – amend definition of Noise Sensitive Activities to add “boarding houses, residential visitor accommodation and papakāinga”; and add “hospitals” as an addition to health care activity in the same definition.
  - WIAL [406.29] – seeks deletion of the Air Noise Overlay definition.
    - BARNZ [FS139.18] – supports WIAL’s submission.
    - Guardians of the Bay [FS44.4] – seeks clarification of the issues.
    - Kāinga Ora [FS89.113] – opposes deletion of the Overlay.
    - Strathmore Park Residents Association [FS122.4] – opposes deletion of the Overlay.
  - WIAL [406.47] – delete Wellington Air Noise Management Committee definition.
    - BARNZ [FS139.34] – support WIAL’s submission.
    - Kāinga Ora [FS89.116] – oppose WIAL’s submission.
    - GOTB [FS44.22] – neutral position.

- h. WIAL [406.27, 406.28] – add new definitions of “Air Noise Boundary” and “60dB L<sub>dn</sub> Noise Boundary” to assist in clarifying the relationship between the air noise overlays and the air noise boundary.
- GOTB [FS44.2, FS44.3] – neutral, agreeing that the matter raised by WIAL needs clarification.
  - Kāinga Ora [FS89.111, FS89.112] – opposes WIAL submission.
  - BARNZ [FS139.16, FS139.17] – supports WIAL submission.
75. Also note that NZDF seeks a new definition of “Activities of Importance to the Community”, if the FENZ submission seeking a new objective is accepted (see para 113 below).

### 3.3.2 Assessment (Definitions)

#### Noise Sensitive Activity

76. The Retirement Villages Association (RVA) [350.7] seeks to amend the definition of Noise Sensitive Activity by changing the reference to “retirement accommodation” to be “retirement villages”. The submitter’s rationale is that this would provide clarity. We recommend that the submission be rejected in favour of deleting the reference to retirement accommodation entirely. That would leave the definition reading “a. residential activity, including activity in visitor accommodation-~~or retirement accommodation~~”.
77. By simply referring to residential activity, its meaning is reliant on the NPStds and PDP definitions of that term, which is “*the use of land and building(s) for people’s living accommodation*”. This is a broadly inclusive definition that covers most forms of accommodation – including that in retirement villages. We recommend retaining “visitor accommodation” to clarify that differences in permanence of residence should not be a qualifier in relation to the management of noise effects. Visitor accommodation has the same definition under both the NPStds and the PDP.
78. KiwiRail [408.9] seeks the addition of “*boarding houses, residential visitor accommodation and papakāinga*” to residential activity as part of the definition. In our opinion, these uses are readily understandable as “people’s living accommodation” and therefore already covered by the NPStds / PDP definition of residential activity. We therefore see no value in the amendment sought by KiwiRail, except to the extent of retaining “visitor accommodation” as noted in paragraph 77 above.
79. KiwiRail [408.9] and WIAL [406.35, 406.36] seek “hospitals” as an addition to health care activity (part “c.” of the Noise Sensitive Activity definition). The NPStds do not define “health care activity”, and only define hospital by implication under the description of “hospital zone”. The PDP includes a definition of “health care activity”, which specifically excludes hospitals, and a separate definition of “hospital activities”. We therefore agree that “hospital activity” (as opposed to just “hospitals”) is a useful addition to the definition of Noise Sensitive Activity.
80. We agree with WIAL [406.47] that the definition of “Wellington Air Noise Management Committee” should be deleted. The term is only used once (NOISE-S10) and is also covered by WIAL’s designation conditions. There is no particular value in defining the term.



## Air Noise Overlay and Boundary

81. WIAL [406.27, 406.28, 406.29 and 406.548] and Guardians of the Bay [FS44.4] are concerned that certain aircraft noise PDP definitions and Airport Zone noise provisions are conflated, uncertain and can cause confusion. In addition, a small number of factual errors have been identified when assessing these submissions that are necessary to address, to ensure the proper functioning of the aircraft noise provisions of the PDP.
82. In summary, we recommend these matters are addressed by:
  - a. Separating out the definition of Air Noise Boundary so that it is independent and does not form part of the Air Noise Overlay definition (wording of the definitions themselves are not affected); and
  - b. Improve terminology and clarify abbreviations used in the wording of the introduction to the Airport Zone, in addition to correcting a factual error; and
  - c. Deleting Table 21 of APP4 (Permitted Noise Standards) as noise limits for operational aircraft noise are controlled by designation WIAL4.
83. WIAL seeks deletion of the defined term Air Noise Overlay, to be replaced by a new definition of Air Noise Boundary and 60dB L<sub>dn</sub> Noise Boundary. Note that Air Noise Boundary is already defined as part of Air Noise Overlay. WIAL also seeks to add a new definition, being “60dB L<sub>dn</sub> Noise Boundary”.
84. We agree that the purpose and function of the Air Noise Boundary is unrelated to the purpose and function of the Air Noise Overlay, and therefore a change is recommended to the Definitions section of the PDP. This is to clarify the distinctly different functions of the Air Noise Boundary and the Air Noise Overlay, consistent with the approach of NZS 6805:1992 Airport noise management and land use planning.
85. In discussion with WIAL prior to preparation of this report, WIAL indicated its acceptance that the NPStds require the use of an overlay for noise. With that in mind, we consider that the required change can be achieved by:
  - a. Deleting the definition of Air Noise Boundary from within the definition of Air Noise Overlay so that it has its own stand-alone definition.
  - b. Adding a separate definition of Air Noise Boundary.
86. The wording of the amended provisions is shown in the tracked change version of the Noise chapter (Appendix A). We recommend rejecting WIAL’s submission to delete the Air Noise overlay definition.

### 3.3.3 Summary of recommendations (Definitions)

87. HS5-Noise-Rec3: That submission points on Noise Chapter Definitions are accepted/rejected as detailed in Appendix B.
88. HS5-Noise-Rec4: That a new definition of ‘Air Noise Boundary’ be added to the Definitions chapter as follows:

<b><u>AIR NOISE BOUNDARY</u></b>	means a line shown on district plan maps used for controlling the emission of noise from aircraft operations at Wellington International Airport measured using rolling 90 day average 24 hour night-weighted sound exposure in accordance with NZS 6805:1992 <i>Airport noise management and land use planning</i> . The location of the Air Noise Boundary is based on the modelled L <sub>dn</sub> 65 dBA contour and therefore corresponds to the outer extent of the Inner Air Noise Overlay.
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89. HS5-Noise-Rec5: Amend the definition of 'Air Noise Overlay' as follows:

<b>AIR NOISE OVERLAY</b>	<p>means an area defined by planning maps to show land subject to development restrictions due to potential noise effects from Wellington International Airport. The Air Noise Overlay comprises:</p> <ul style="list-style-type: none"> <li>a. Inner Air Noise Overlay – being properties lying between the Airport and a modelled 65 dBA contour, fitted to property boundaries.</li> <li>b. Outer Air Noise Overlay – being properties lying between the 65 dBA contour and a modelled 60 dBA contour, fitted to property boundaries.</li> </ul> <p><del>a. ——— Air Noise Boundary — being a line shown on district plan maps used for controlling the emission of noise from aircraft operations at Wellington International Airport measured using rolling 90 day average 24 hour night-weighted sound exposure in accordance with NZS 6805:1992 Airport noise management and land use planning. The location of the Air Noise Boundary is based on the modelled L<sub>dn</sub> 65 dBA contour and therefore corresponds to the outer extent of the Inner Air Noise Overlay.</del></p> <p>Note: The Air Noise Overlay is applied to all parts of a property, regardless of whether the modelled contour affects less than the entire property.</p>
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90. HS5-Noise-Rec6: Amend the definition of 'Noise Sensitive Activity' as follows:

<b>NOISE SENSITIVE ACTIVITY</b>	<p>means any lawfully established:</p> <ul style="list-style-type: none"> <li>a. residential activity, including activity in visitor <del>accommodation or retirement accommodation</del>;</li> <li>b. educational activity;</li> <li>c. health care activity <del>or hospital activity</del>;</li> <li>d. congregation within any place of worship; and</li> <li>e. activity at a marae.</li> </ul>
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91. HS5-Noise-Rec7: That the definition of 'Wellington Air Noise Management Committee (WANMC)' be deleted as follows:

<del><b>WELLINGTON AIR NOISE MANAGEMENT COMMITTEE (WANMC)</b></del>	<del>means the body primarily responsible for the NMP, being a partnership between the Airport, aircraft operators, and the local community. Wellington City Council contributes to the WANMC, including through providing updated noise exposure reports from the noise monitoring system.</del>
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## 3.4 Mapping

### 3.4.1 Matters raised by submitters (Mapping)

92. Various submitters seek outcomes related to mapping. In summary these are:
- a. S Dunn [288.13, 288.14] – seeks that noise standards or measures are added to manage noise from emergency aircraft on top of Wellington Regional Hospital.
  - b. Waka Kotahi [370.215] – seeks mapping of the state highway corridor, to support NOISE-P4.
  - c. CentrePort [402.23, 402.24] – seeks reinstatement of the port noise control line at Burnham Wharf (Miramar) (NB: the submitter refers to this under “Definitions” in its submission).
  - d. WIAL [406.17, 406.18] – seeks retention of the mapped air noise boundary and the 60 dB L<sub>dn</sub> boundary.
    - Kāinga Ora [FS89.110] – considers this should be renamed the inner air noise overlay.
    - BARNZ [FS139.13, FS139.14] – supports WIAL’s submission.
  - e. Save Our Venues [445.3, 445.4] – seeks creation of a Special Entertainment Precinct Zone, or extension of the Courtenay Place Noise Area to include other parts of the city.
  - f. Save Our Venues [445.7] – seeks the addition of live music venues in particular, and the Central City Zone in general, to NOISE-R3.1.

### 3.4.2 Assessment (Mapping)

#### Helicopter noise

93. Submitter S. Dunn [288.13, 288.14] seeks enforceable noise limits or measures on aircraft idling on the rooftop of the regional hospital in Newtown. We consider noise limits to be unworkable, given the emergency, life-saving nature of the helicopter movements to and from Wellington Regional Hospital.
94. The PDP permits helicopter landing noise within the Airport Zone and Hospital Zone, with no compliance restrictions. In all other zones, helicopter landing noise is permitted, subject to compliance with the recommended limits and noise management provisions as set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. We also note the existence of a voluntary code of practice for helicopter operations called *Aircare and a Noise Abatement Code of Practice*.
95. The Hospital is subject to its own special purpose zone and chapter in the PDP. In that zone “hospital activities” are a Permitted Activity. The definition of hospital activity includes: “*h. helicopter facilities, including helicopter take-off, landing and associated service facilities*”. We also note the following general exemption, listed in the introductory section of the Noise chapter: “*The following activities are exempt from the rules and standards contained in this chapter. ... 2. Aircraft used in emergencies or as air ambulances*”. Unless each of these provisions is changed, which we do not support, noise limits cannot be imposed. We therefore recommend rejecting the submitter’s request for enforceable noise limits to be applied to helicopter movements at Wellington Hospital.

96. The submitter did not specifically seek any change to mapping, but we consider that a noise advisory overlay is a practicable relief in the circumstances. We therefore recommend that the planning maps be amended to show a 500 metre Heli Noise Effects Advisory Overlay (HNEAO) to act as an advisory for people living in the area or contemplating moving into the area. The function of the overlay is to signal the presence of helicopter noise which, when received in the nearby area, could cause significant temporary effects such as sleep disturbance and cause difficulty when communicating outdoors.
97. The NPStds define an overlay as a layer that “*spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions*”. We consider that an alert overlay is consistent with that definition, even though there would be no associated management provisions in standards or rules. We also recommend an explanatory Note be added to NOISE-R4.1 (Helicopter Landing Noise in the Hospital Zone). The wording of a note is included in Appendix A.
98. An aerial plan, showing the extent of the proposed Heli Noise Advisory Overlay, is included in Appendix A of our report. The extent of the noise advisory overlay takes account of the two helicopter landing pads at Wellington Regional Hospital. In effect, the Overlay could be seen as a placeholder, or first step towards full application of the relevant NZ Standard (NZS6807)<sup>2</sup>, allowing it to be more easily implanted at some future date. The Overlay’s recommended 500 metre extent is based on covering all residential sites affected by the scope described in NZS6807. The Standard states:
- This Standard is intended to apply to helicopter landing areas used for ten or more flight movements in any month, or where flight movements are likely to result in a maximum sound level ( $L_{max}$ ) exceeding 70 dBA at night-time or 90 dBA during day-time in any residential zone ...*
99. Either as an alternative, or in addition to the Overlay in district plan mapping, the panel may be minded to recommend inclusion of the Hospital Heli Noise Effects information in Land Information Memorandum packs issued for properties in the affected area.

### Music venues

100. Save Our Venues [445.5, 445.6, 445.7, 445.8] is a national advocacy organisation for live music venues. The submitter is concerned by reverse sensitivity issues affecting venues in the City (Te Aro) and Newtown. The submitter seeks district plan recognition that noise sensitive activities near a live music venue should be subject to a requirement for higher level of acoustic mitigation (insulation).
101. Save Our Venues seeks either specific provision for live music venues in Rule NOISE-R3, or the creation of Special Entertainment Precincts, citing the Courtenay Place Noise Area<sup>3</sup> (CPNA) as an example that could be extended elsewhere. The CPNA is an overlay in both the ODP and PDP in which higher sound insulation rules apply for new noise sensitive activities. The CPNA does not imply that noise emission can be higher there than elsewhere in the City Centre.

<sup>2</sup> NZS 6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*

<sup>3</sup> The Courtenay Place Noise Area is bounded by Taranaki Street; Wakefield Street; York, Forresters and Alpha; and Cambridge Terrace, plus a short extension up Marjoribanks Street

102. Under the ODP and PDP, all noise emitters (including live music venues) must meet the limits of 60 dB  $L_{Aeq}$  [15min) and 85 dB  $L_{AFmax}$  when received at any other site in the City Centre Zone. If noise emission meets those limits, an adjoining noise sensitive activity insulated to the requirements of NOISE-S5 (which applies across the entire the City Centre Zone) would achieve an approximate internal noise level of 30 dB  $L_{Aeq}$  [15min). This is consistent with the needs of sleeping areas.
103. Data collected by the Council over 2000 to 2017 shows that since the introduction of sound insulation requirements throughout the Central Area (including the CPNA), noise complaints about entertainment venues have decreased, and the number of entertainment venues have stayed steady during that period. In 2017, 85% of complaints against entertainment venues were from dwellings that did not meet the insulation standards in the ODP.
104. In the CPNA, under both the ODP and PDP, the insulation requirement is set to 35 dB  $D_{tr,2m,nT,W} + C_{tr}$ . Elsewhere in the City Centre Zone the requirement is 30 dB. There would be potential cost and design implications for construction of habitable spaces if the 35 dB standard applied throughout the City Centre Zone. In the PDP, 35 dB  $D_{tr,2m,nT,W} + C_{tr}$  is the level set by NOISE-S4, applying in 'high noise areas' such as the CPNA; the Inner Air Noise Overlay; and in close proximity to road and rail corridors. Meeting that standard has implications for façade design, as well as for internal construction methods / materials. For those reasons, we recommend rejecting the submitter's request that Live Music Venues in particular, or the City Centre Zone in general, is added to NOISE-R3.1
105. We consider that either a new "Entertainment Precinct" or an expansion of the existing CPNA should be considered, to manage live music noise impacts within parts of the central city. We note that a cluster of high noise generating sites in close proximity to each other can lead to an overall increase in the ambient noise environment, despite each individual activity potentially meeting the noise rules. The CPNA is an apparently successful example of using this approach to address reverse sensitivity to noise from these activities.
106. If a new Entertainment Precinct zoning is created, we recommend it should be subject to NOISE-S4, similar to the CPNA. In addition, noise generating activities such as live music venues should be required to take reasonable and practical options to reduce noise emissions from their site under the RMA Section 16. This can be achieved for venues through sound insulation design of the venue and basic administrative controls such as keeping windows and doors closed during events.
107. We make no recommendation about the location of any new Entertainment Precinct, or the degree of extension (if any) to the Courtenay Place Noise Area. We leave it to the submitter to provide information and make a case for these matters at the hearing. We note there were no further submissions in support or opposition to the matters raised by Save Our Venues.

## CentrePort

108. The PDP maps a Port noise control line, extending from approximately Queens Wharf through to Kaiwharawhara. This is already a feature of the operative district plan and has been carried through to the PDP. Also in the ODP, a similar port noise control line exists in relation to the wharf area beside the Miramar cutting (Burnham Wharf). The Burnham Wharf port noise control

line was inadvertently missed in mapping for the PDP. We recommend that it be added to the PDP maps.

### Air Noise Boundary and Overlay

109. The concept of an air noise boundary, and associated limits on noise sensitive activity development, is well established via the ODP and is consistent with NZS 6805:1992 airport noise management and land use planning. We recommend retaining the ANB and air noise overlays as mapped.

### 3.4.3 Summary of recommendations (Mapping)

110. HS5-Noise-Rec8: That submission points on Mapping are accepted/rejected as detailed in Appendix B.
111. HS5-Noise-Rec9: That the PDP ePlan mapping be updated to include the Burnham Wharf port noise control line.
112. HS5-Noise-Rec10: That a new 'Noise Alert Overlay' be added to the PDP ePlan mapping in response to submissions seeking noise control for helicopters accessing Wellington Hospital [288.13, 288.14].

## 3.5 Objectives

### 3.5.1 Matters raised by submitters (Objectives)

113. Various submitters seek the retention of existing objectives, new objectives, amendments of existing objectives, or oppose the positions on objectives submitted by others. In summary these are:
  - a. FENZ [273.157] – seek a new objective intended as enabling FENZ facilities to locate anywhere (including residential zones), with an associated full or partial exemption from the need to meet noise standards.
    - NZDF [FS104.12] – seek a new definition of “*Activities of Importance to the Community*”, if the FENZ submission seeking a new objective is accepted.
  - b. WIAL [406.409]– seek new objective that Wellington Airport must be protected from reverse sensitivity effects.
    - GOTB [FS44.81, FS44.83, FS44.85] – oppose or amend the objective sought by WIAL, as it may impose undue costs on residents.
    - Kāinga Ora [FS89.129] – opposes the objective sought by WIAL, as it may unnecessarily constrain urban development.
    - BARNZ [FS139.100] – supports WIAL submission point.
  - c. WIAL [406.410] – seek a new objective that requires airport effects on noise sensitive activities are remedied or mitigated.
    - GOTB [FS44.84, FS44.86] – disallow or amend the objective sought by WIAL, as it may impose undue costs on residents.
    - BARNZ [FS139.101] – Supports WIAL submission point.
  - d. GOTB [452.32] and Yvonne Weeber [340.76] – retain objective NOISE-O1.

- e. Waka Kotahi [370.211] – retain objective NOISE-O1.
  - KiwiRail [FS72.68] – supports the position of Waka Kotahi.
- f. Kāinga Ora [391.286, 391.287] – retain objective NOISE-O1 with amendment.
  - RVA [FS126.116, FS126.117] and Ryman [FS128.116, FS128.117] – both support Kāinga Ora on the basis of being more enabling of residential activities.
  - Waka Kotahi [FS103.16] – Reject amendment sought by Kāinga Ora.
- g. WIAL [406.416, 406.417] – opposes NOISE-O1 and NOISE-O2.
  - BARNZ [FS139.107, FS139.108] – Supports WIAL submission.
- h. FENZ [273.162] – retain objective NOISE-O2.
- i. Waka Kotahi [370.212], KiwiRail [408.106], and NZDF [423.13] – retain objective NOISE-O2.
- j. Kāinga Ora [391.288] – delete objective NOISE-O2.
  - KiwiRail [FS72.69], Waka Kotahi [FS103.17], and NZDF [FS104.11] – reject Kāinga Ora’s request for deletion of NOISE-O2.
  - RVA [FS126.118] and Ryman Healthcare [FS128.118] – both support Kāinga Ora’s request for deletion, or alternatively seek amendment of NOISE-O2.

### 3.5.2 Assessment (Objectives)

#### New Objective: FENZ

114. FENZ proposes a new objective that would support its future needs to locate anywhere in the urban or rural environment. There are no further submissions opposing the proposed objective.

115. As important context we note the Noise Chapter introduction states that:

*“The following activities are exempt from the rules and standards contained in this chapter. They are:*

- 5. *Any warning device or siren used by emergency services for civil defence or emergency purposes (and routine testing and maintenance);*
- 6. *The use of generators and mobile equipment (including vehicles) when used solely for civil defence or emergency purposes, including testing and maintenance not exceeding 48 hours in duration, where they are operated by emergency services or lifeline utilities, or for the continuation of radiocommunication broadcasts”*

116. The FENZ submission notes that *“generally, FENZ has assessed that a fire station will be capable of meeting the standards set out in NZS 6802:2008 (Table 3 - Guideline residential upper noise limits), with the exemption of noise created by emergency sirens”*. However, *“Some of the noise limits within residential zones in the district plan are more restrictive than those provided for in NZS 6802:2008”*.

117. We considered whether other forms of relief for FENZ sites / activities may be appropriate, such as adding FENZ (and other emergency) sites to the list of locations in either NOISE-S4 or NOISE-S5. However, without evidence of specific effects on FENZ or the appropriate regulatory response based on distances within which adverse effects occur, we consider that such relief is not warranted. Our recommendation to reject the FENZ submission is also influenced by the statement above that fire stations generally comply NZS 6802:2008. And, in light of the district

plan's general exemption for siren use, it is unnecessary to include a specific enabling objective for FENZ activities.

### New Objectives: WIAL

118. WIAL proposes two new objectives (which WIAL calls NOISE-O3 and NOISE-O4) specific to protecting the Airport from reverse sensitivity effects. These proposed objectives seek to protect against reverse sensitivity, and also seek to remedy or mitigate the adverse effects of Airport noise. However, at an Objective level, it is not clear where the burden of remediation / mitigation would lie. The proposed objectives are part of an overall framework of new and amended provisions sought by WIAL.
119. In our opinion, the two existing objectives strike a balance which does not require amendment to include reference to a specific source of noise such as the Airport (or any other specific noise source). NOISE-O2 (Reverse sensitivity) is that *"Existing and authorised activities that generate high levels of noise are protected from reverse sensitivity effects"*. We consider that can be clearly read to include the Airport, which generates high levels of noise. The Airport is an existing activity, authorised by designations to produce both existing and anticipated future noise levels.
120. As additional context, we note that WIAL's proposed objectives support an existing situation – which is a known area subject to Airport noise. And, in the most noise affected locations, WIAL has progressively implemented its Quieter Homes Programme. The programme's purpose is to provide noise insulation to the existing most affected dwellings. Although started as a voluntary initiative by WIAL, the programme is now required by condition 28 of the main airport designation. It obliges WIAL to *"offer to fund noise mitigation for all existing residential properties within the Air Noise Boundary in accordance with the Quieter Homes Programme"* [emphasis added].
121. For the reasons set out above, we recommend rejecting WIAL's proposed new objectives.

### NOISE-O1 AND NOISE-O2

122. Kāinga Ora supports NOISE-O1, but with wording amendments to, in the submitter's words, *"articulate the balance more clearly between providing for noise generating activities, whilst appropriately managing effects on the community"*. We agree with the submitter's intent but see no particular value in the proposed rewording. If anything, the PDP use of the word *"protected"* is stronger than the submitter's proposal to use *"not compromised"* and is therefore to be preferred. We recommend rejecting Kāinga Ora's submission on this point.
123. NOISE-O2 is focused on reverse sensitivity, stating that *"existing and authorised activities that generate higher levels of noise are protected from reverse sensitivity effects"*. Kāinga Ora opposes objective O2 on the basis that noise generating activities should not compromise health and wellbeing. We agree with that sentiment. However, we consider that an aim of the Noise chapter must be to guide an equitable approach to the management of effects. Where a high noise producing activity already exists, and is authorised, then the establishment of new noise sensitive activities should be carefully managed. The intent is to protect the health and wellbeing of people, and to protect the interests of legitimate noise producing activities. We therefore recommend rejecting Kāinga Ora's submission on this point.



### 3.5.3 Summary of recommendations (Objectives)

124. HS5-Noise-Rec11: That submission points on the Noise Chapter Objectives are accepted/rejected as detailed in Appendix B.
125. HS5-Noise-Rec12: That Noise Chapter Objectives NOISE-O1 (Managing noise generation and effects) and NOISE-O2 (Reverse Sensitivity) are retained as notified.

## 3.6 Policies

### 3.6.1 Matters raised by submitters (Policies)

126. Various submitters seek the retention of existing policies, amendments of existing policies, new policies, or oppose the positions on policies submitted by others. In summary these are:

#### New Policies

- a. WIAL [406.405] – seek new policy that manages activities sensitive to aircraft noise within the Air Noise Boundary.
  - GOTB [FS44.77] – oppose or amend the policy sought by WIAL, as it may impose undue burden on activities and residents within the air noise boundary overlay.
  - Kāinga Ora [FS89.125] – oppose the new policy as it is a duplication of other policies in the Noise Chapter.
  - BARNZ [FS139.96] – support.
- b. WIAL [406.406] – seek new policy to require acoustic treatment of activities sensitive to aircraft noise within the Air Noise Boundary.
  - GOTB [FS44.78] – oppose or amend the policy sought by WIAL, as it may impose undue burden on activities and residents within the Air Noise Boundary overlay.
  - Kāinga Ora [FS89.126] – oppose the new policy as it is a duplication of other policies in the Noise Chapter. Also oppose any consequential amendments sought by WIAL that remove reference to the Inner and Outer Noise Overlays.
  - BARNZ [FS139.97] – support new policy sought by WIAL.
- c. WIAL [406.408] – support amendment of Outer Air Noise Overlay to create a framework where resource consents can be rejected for establishment of noise sensitive activities within existing residential zones.
  - GOTB [FS44.80] – recognises that there may need to be more policies in the Plan in relation to Air Noise Boundaries but seek deletion of amendment of WIAL request, as it may place undue burden on activities and residents within the Air Noise Boundary.
  - Kāinga Ora [FS89.128] – oppose the new policy as it is a duplication of other policies in the Noise Chapter.
  - BARNZ [FS139.99] – support new policy sought by WIAL.
- d. FENZ [273.158, 273.159] – seek two new policies intended as enabling FENZ facilities to locate anywhere (including residential zones), with an associated full or partial exemption from the need to meet noise standards for noisy activities associated with the operation of emergency services.

- NZDF [FS104.12] – seek that the submission be allowed with amendment to define “Activities of importance to the community.”

#### Matters Related to NOISE-P1

- FENZ [273.163], Yvonne Weeber [340.78], NZDF [423.14], GOTB [452.34] – support NOISE-P1 as notified.
- Kāinga Ora [391.289, 391.290] – support NOISE-P1 with amendment to not require maintaining of amenity values.
  - RVA [FS126.119, FS126.120], Ryman [FS128.119, FS128.120] – support amendments in line with RVA and Ryman submissions.
  - KiwiRail [FS72.70] – oppose the amendment as it does not protect rail activities from reverse sensitivity effects.
  - Waka Kotahi [FS103.18] – support amendment sought by Kāinga Ora as amenity values are anticipated to change over time.
- WIAL [406.418, 406.419, 406.420] – seek deletion or amendment of NOISE-P1 to relate only to ‘land-based’ noise emanating from the airport noise.
  - BARNZ [FS139.109, FS139.110, FS139.111] – support deletion or amendment sought by WIAL to NOISE-P1.

#### Matters Related to NOISE-P2

- Waka Kotahi [370.213], Kāinga Ora [391.291], WIAL [406.421] – support NOISE-P2 as notified.
  - RVA [FS126.121], Ryman [FS128.121] – support submission point in line with any relief sought by RVA and Ryman submissions.
  - BARNZ [FS139.112] – support WIAL submission point.
- GOTB [452.35] and Yvonne Weeber [340.79] – neutral on NOISE-P2.

#### Matters Related to NOISE-P3

- Yvonne Weeber [340.80], GOTB [452.36] – Neutral on NOISE-P3.
- Waka Kotahi [370.214], CentrePort [402.133], KiwiRail [408.107], NZDF [423.15] – support Noise-P3 as notified.
- Kāinga Ora [391.292, 391.293] – seek amendment to NOISE-P3, because the policy reads as overly ambiguous with no clear direction or outcome.
  - Waka Kotahi [FS103.19] – oppose amendment sought by Kāinga Ora as the PDP appropriately recognises that there are places where there is a need to provide for higher noise levels due to function or operational needs of activities in those locations.
  - RVA [FS126.122, FS126.123], Ryman [FS128.122, FS128.123] – support amendments where they align with relief sought in RVA or Ryman submissions.
- WIAL [406.422] – support NOISE-P3 as notified, as far as it relates to land-based activities in the Airport Zone.
  - BARNZ [FS139.113] – support WIAL submission.

## Matters Related to NOISE-P4

- a. Waka Kotahi [370.215], CentrePort [402.134] – support NOISE-P4 as notified.
- b. Yvonne Weeber [340.81] – seek amendment to NOISE-P4 so that it explicitly includes the Inner and Outer Air Noise Overlays within the ‘Air Noise Overlay’ for clarity.
  - WIAL [FS36.154] – support amendment sought by Yvonne Weeber in preference of WIAL requested wording of “Air Noise Boundary” and “60dB L<sub>dn</sub> Noise Boundary.”
- c. SPRA [371.2] – seek amendment to NOISE-P4, as it is not clear whether the ‘Air Noise Boundary’ refers to both the Inner and Outer Air Noise Overlay.
  - WIAL [FS36.155] – support amendment sought by Yvonne Weeber in preference of WIAL requested wording of “Air Noise Boundary” and “60dB L<sub>dn</sub> Noise Boundary.”
- d. GOTB [452.37] – seek amendment of NOISE-P4 so that it explicitly includes both the Inner and Outer Noise Overlays for clarity.
  - WIAL [FS36.156] – support amendment sought by GOTB but with use of WIAL’s requested wording of “Air Noise Boundary” and “60dB L<sub>dn</sub> Noise Boundary.”
- e. The Fuel Companies [372.101, 372.102] – seek amendment to NOISE-P4 so that it applies to new noise sensitive activities that share a boundary with specified zones and overlays to ensure adequate acoustic treatment and minimize reverse sensitivity effects.
  - KiwiRail [FS72.71] – support the amendment of NOISE-P4 sought by the Fuel Companies.
  - RVA [FS126.13], Ryman [FS128.13] – support amendments where they align with relief sought in RVA and Ryman submissions.
- f. Kāinga Ora [391.294, 391.295] – seeks amendment of NOISE-P4 so that it only applies to the City Centre, Waterfront, and Centres Zones.
  - WIAL [FS36.157], KiwiRail [FS72.72], and Waka Kotahi [FS103.20] – oppose amendment to NOISE-P4 sought by Kāinga Ora.
  - RVA [FS126.124, FS126.125] and Ryman [FS128.124, FS128.125] – support amendments where they align with relief sought in RVA and Ryman’s own submissions.
- g. MoE [400.81] – seek amendment to NOISE-P4 to exclude education facilities, as these facilities have acoustic treatments requirements specific to school uses.
  - WIAL [FS36.158] – oppose amendment sought by MoE.
- h. WIAL [406.423, 406.424, 406.425] – seek either deletion of or amendment to NOISE-P4, as clarity is needed to differentiate that it is the buildings containing noise sensitive activities rather than the noise sensitive activity itself that should be acoustically treated.
  - BARNZ [FS139.114, FS139.115, FS139.116] – support WIAL submission point.
  - GOTB [FS44.93, FS44.94, FS44.95], Kāinga Ora [FS89.134, FS189.135] and KiwiRail [FS72.74] – oppose amendment sought to NOISE-P4 by WIAL.
- i. KiwiRail [408.108] – seek amendment to NOISE-P4 to include vibration to address vibration effects from railway networks.

- Stride [FS107.22] and Investore [FS108.22] – oppose amendment sought by KiwiRail to NOISE-P4.

### Matters Related to NOISE-P6

- Waka Kotahi [370.216], KiwiRail [408.109], NZDF [423.16] and CentrePort [402.135] – support NOISE-P6 as notified.
- Yvonne Weeber [340.82], SPRA [371.3], and GOTB [452.38] – seek amendment of NOISE-P6 so that it refers to both the Inner and Outer Air Noise Overlays.
- Kāinga Ora [391.296, 391.297] – seek amendment to NOISE-P6 so that noise sensitive activities cannot be developed within the Inner Air Noise Overlay if ventilation and acoustic insulation standards are not met.
  - RVA [FS126.126, FS126.127] and Ryman [FS128.126, FS128.127] – support amendments where they align with relief sought in RVA and Ryman’s own submissions.
- MoE [400.82] – seek that educational facilities are excluded from NOISE-P6, as the policy restricts the development of noise sensitive activities in the Inner Air Noise Overlay.
  - WIAL [FS36.159] – oppose the amendment sought by MoE to NOISE-P6.
- WIAL [406.426, 406.427] – oppose NOISE-P6 and seek that an alternative new suite of policies be implemented to manage noise sensitive activities within the Air Noise Boundaries.
  - GOTB [FS44.96, FS44.97] – oppose or amend the policy sought by WIAL.
  - BARNZ [FS139.117, FS139.118] – support WIAL submission point.

### 3.6.2 Assessment (Policies)

#### New Policies: WIAL

127. WIAL proposes two new policies (which WIAL calls NOISE-P7 and NOISE-P8) specific to managing noise sensitive activities within the Inner and Outer Air Noise Overlays<sup>4</sup> to protect against reverse sensitivity effects. The two proposed policies seek to discourage or avoid the establishment or intensification of noise sensitive activities (P7); and require insulation and mechanical ventilation in new or altered buildings containing noise sensitive activities. WIAL’s proposed amendments would also delete the current reference to the Air Noise Overlay from NOISE-P6.
128. We consider that the amendments sought by WIAL are largely unnecessary, due to our recommended changes to other provisions. Those changes are:
  - Amending the headline text of NOISE-P4 to be “Protection of noise sensitive activities by acoustic treatment of buildings and provision of alternative ventilation”. The headline also responds our recommendations on ventilation.
  - Amending the Air Noise Overlay reference in P4 to clarify that it applies to both the inner and outer air noise overlays. Note also that we recommend changes to the definition of air noise overlay to provide greater clarity.
  - Extensive changes to Standard NOISE-S6 (Ventilation requirements) to work in

<sup>4</sup> See our recommended changes to definitions

parallel with standards NOISE-S4 and NOIS-S5 in relation to insulation.

d. Amendments to the definition of Air Noise Overlay / Air Noise Boundary.

129. We note that in discussions with WIAL after lodgement of their submission, the Airport company accepts that the NPStds require use of overlays for noise management.

130. We agree with WIAL that NOISE-P6 should not be specific to the Inner Air Noise Overlay. Instead, we recommend that the Policy should be refocussed to apply to:

- a. High and Moderate Noise Areas; and
- b. Buildings housing noise sensitive activities in High and Moderate Noise Areas where ventilation and acoustic insulation standards are not met.

131. The Noise chapter does not seek to unduly restrict urban development due to aircraft noise in affected areas. Residential and other noise sensitive activities therefore remain permitted throughout most urban areas affected by airport noise. However, the PDP includes intensification / noise sensitive activity controls in NOISE R3.3 to limit the intensity of development within the Inner and Outer Air Noise Overlays. We have recommended clarifications of those controls in response to other submissions. The changes made to NOISE-R3 are consistent with the revised policy intent expressed by NOISE-P6.

132. The limits of NOISE-R3 work in tandem with acoustic insulation and accompanying ventilation requirements, as set out in NOISE-S4, S5 and S6. We consider that these provisions will be effective in minimising reverse sensitivity noise effects on airport operations – and that no additional policy support is required. Therefore, we recommend that submission points [406.405 and 406.406] seeking new policies, are rejected. However, as noted above, we recommend that WIAL submission [406.427] be accepted to the extent that it no longer refers directly to the Inner Air Noise Overlay.

#### New Policies: FENZ

133. FENZ [273.158, 273.159] seek two new policies that would exempt noise generated by emergency sirens based on locational, operational and functional need.

134. The first new policy sought from FENZ, is to allow a marginal relaxation of noise standards, where the noise generating activity is of importance to the safety of the community, such as the operation of emergency services.

135. The second new policy sought by FENZ, is to allow noisy activities of limited duration and frequency which are of importance to the community, such as noise associated with the operations of emergency services and temporary military training activities, subject to appropriate controls.

136. As addressed earlier in section 3.5.2, regarding the new objective proposed by FENZ, the proposed policies are also rejected for the reasons set out in paragraphs 114 to 117.

#### Policy NOISE-P1

137. FENZ [273.163], Yvonne Weeber [340.78], NZDF [423.14], and GOTB [452.34] all support the retention of Policy NOISE-P1 as notified.

138. Kāinga Ora [391.289, 391.290] seek an amendment to NOISE-P1 to recognise that amenity values change over time, and therefore should not be required to be maintained. This position is supported by Waka Kotahi [FS103.18] as amenity values are anticipated to change over time. KiwiRail [FS72.70] opposes this submission as the amendment takes away protection of rail activities from reverse sensitivity effects.
139. Overall, we consider that NOISE-P1 is a general enabling policy that contributes to the framing of permitted activities elsewhere in the chapter. Each of the permitted activity rules in the chapter have the effect of defining amenity relevant to a specific environment and do so through reliance on specified Standards. In particular, the permitted activities and the Standards (and Appendix 4 by reference) set permitted noise levels in each receiving environment. That is the amenity to be maintained and, in the second leg of the policy, the nature of health, safety and wellbeing related to noise effects. If permitted activity standards cannot be met, then consent is required. We therefore recommend rejecting submissions opposing NOISE-P1 on the amenity grounds outlined by Kāinga Ora and Waka Kotahi.
140. WIAL seeks an amendment to policy NOISE-P1 so that it only applies to land-based noise from the Airport. This position is supported by BARNZ. We recommend rejecting this submission, as NOISE-P1 is intended to have general effect (as outlined above), regardless of the noise source.

#### Policy NOISE-P2

141. NOISE-P2 is supported by WIAL, Kāinga Ora, and Waka Kotahi. Waka Kotahi support the policy as it is not always practicable to achieve specific noise limits in the construction of state highways and it is therefore appropriate to manage any noise effects rather than avoid. No changes are recommended to this policy.

#### Policy NOISE-P3

142. NOISE-P3 is supported as notified by a range of submitters including Yvonne Weeber, Waka Kotahi, CentrePort, KiwiRail, and NZDF for reasons including that it is important and appropriate to allow for higher levels of noise in some places due to functional or operational needs of activities in those locations. For NZDF, they note it is particularly important to allow for higher levels of noise to be generated within the airport zone, to enable military craft operations. These submitter positions are accepted.
143. Kāinga Ora seeks an amendment to NOISE-P3. The submitter's rationale is that the policy reads as overly ambiguous and has no clear direction or outcomes. Waka Kotahi opposes this position and seeks that the amendment be disallowed as it is important that the Plan recognises there are places where higher noise levels need to be provided for, for functional and operational needs of some activities. The relief sought by Kāinga Ora is unclear. We disagree with Kāinga Ora, as NOISE-P3 provides the basis for the *generation* of higher noise levels in specific locations. The policy is given effect to via Rules NOISE-R3.1 (High Noise Areas) and NOISE-R3.2 (Moderate Noise Areas) and the respective linked Standards NOISE-S4 and NOISE-S5. We consider that the direction and outcome of the policy is clear, and therefore recommend rejecting Kāinga Ora's submission.

## Policy NOISE-P4

144. In contrast to NOISE-P3 which enables the *generation* of higher noise levels in specified locations, NOISE-P4 relates to the *protection* of noise sensitive activities in other listed locations. The type of protection is specific, being through acoustic treatment of buildings. Explanatory text at the bottom of the policy notes that two standards of acoustic treatment are prescribed by the plan. For clarity, we recommend adding further text explaining that those two standards apply to NOISE-S4 (High noise areas) and NOISE-S5 (Moderate noise areas).
145. We also note that locations listed in the policy should be amended to provide greater clarity. In particular “4. The Centres Zones” should be deleted and replaced by each of the centres zones individual names. In addition, we recommend adding the Courtenay Place Noise Area and the General Industrial Zone – as each location is a higher noise area where noise sensitive activities might potentially want to establish (e.g., childcare in the industrial zone).
146. To align with PDP definitions, reference in NOISE-P4 to the “Air Noise Overlay” should be amended to also refer to the “Inner Air Noise Overlay” and the “Outer Air Noise Overlay”. This responds to submissions from Yvonne Weeber [340.81], SPRA [371.2], Guardians of the Bays [452.37].
147. The Fuel Companies request an amendment to NOISE-P4 so that it applies to new noise sensitive activities that share a boundary with specified zones and overlays, to ensure adequate acoustic treatment and minimise reverse sensitivity effects. The amendment sought by the Fuel Companies would add the words “*or on a site which shares a common boundary with.*” This submission point is supported by KiwiRail, RVA and Ryman to the extent that the relief sought aligns with RVA and Ryman’s own submissions.
148. However, we note that permitted activity noise levels within zones must be met within adjacent sites as per the Tables in APP4. Where the receiving site lies within a more sensitive zone, then a lower noise limit, as specified by the table, must be achieved. This is consistent with the duty to avoid unreasonable noise under s16 of the RMA. For these reasons, we consider that the amendment to NOISE-P4 sought by the Fuel Companies is unnecessary and should be rejected.
149. Kāinga Ora seeks an amendment to NOISE-P4 so that it applies only to the City Centre, Waterfront, and Centres Zones<sup>5</sup>. WIAL, KiwiRail, and Waka Kotahi oppose Kāinga Ora’s proposed amendment. RVA and Ryman support the amendment so far as it aligns with their own submissions. We agree with WIAL, KiwiRail and Waka Kotahi and recommend that Kāinga Ora’s suggested amendment be rejected as it is considered essential that NOISE-P4 apply to noise sensitive activities in all high noise and moderate noise areas. We also recommend that the policy is not softened from ‘require’ to ‘encourage and promote,’ as sought by Kāinga Ora. We consider it essential that acoustic insulation and mechanical ventilation is a *requirement* for new noise sensitive activities locating within high and moderate noise zones.

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<sup>5</sup> NB: As noted earlier we consider that the reference to “Centres Zones” lacks clarity and should be amended to refer separately to each of the zones that covers a ‘centre’. That is: Neighbourhood, Local, Metropolitan, and City.

150. MoE seeks an amendment to NOISE-P4 to exclude education facilities. The submitter's rationale is that education facilities require acoustic treatment specific to school uses. WIAL oppose this submission point, as education facilities are noise sensitive activities, and it would be inappropriate to provide a flexible framework where new education facilities are located within the Air Noise Boundaries. We agree with WIAL that it is inappropriate for education facilities to be excluded from NOISE-P4. We consider that education facilities should remain within the definition of 'noise sensitive activities,' as education facilities often require critical listening conditions and rely on oral communication. We recommend that the amendment sought by MoE to NOISE-P4 be rejected for those reasons.
151. WIAL [406.423, 406.424, 406.425] seeks either deletion of NOISE-P4 in its entirety, or amendment. WIAL's concern is that clarity is needed in the chapeau (introductory statement) of the policy to differentiate that it is the buildings containing noise sensitive activities, rather than the noise sensitive activity itself, that should be acoustically treated. KiwiRail and Kāinga Ora oppose WIAL's submission point. GOTB also oppose WIAL's requested amendment, stating that it may impose an undue burden on residents within the Air Noise Boundary Overlay. We agree with WIAL that greater clarity is needed and recommend that both the title and chapeau of NOISE-P4 are amended.
152. KiwiRail seeks amendment of NOISE-P4 to include vibration so that vibration effects from railway networks are addressed as well as noise effects. The submitter's rationale for this change is that rail activities not only generate noise, but also vibration effects which can impact on the internal amenity of a building – especially when the building is located adjacent to the rail corridor. Stride and Investore are opposed to imposing additional requirements in relation to rail network vibration, reasoning that it is unnecessary and inappropriate. We reject Stride and Investore's further submission points as Council has a duty to manage noise effects in all high or moderate noise areas. However, compliance with rail vibration levels (if included within the district plan) should be achieved by a vibration level limit, not by prescribed vibration treatment / vibration insulation requirements sought by KiwiRail. Therefore, we recommend that KiwiRail's submission point be rejected. However, if a vibration standard for rail is included in the plan, we recommend that it is addressed by provisions separate to airborne noise, as vibration must be assessed differently.

#### Policy NOISE-P6

153. An amendment to NOISE-P6 is sought by Kāinga Ora [391.296, 391.297] so that noise sensitive activities cannot be developed within the Inner Air Noise Overlay if ventilation and acoustic insulation standards are not met. We accept that the situation outlined by Kāinga Ora should not occur, and this is the intent of the Noise chapter. However, the policy wording should be clarified, and we recommend amendments in Appendix A for that purpose. We recommend deleting the specific reference to the Inner Air Noise Overlay and making the wording more generic across all High and Moderate noise areas.
154. As with NOISE-P4, MoE requests that educational facilities be excluded from policy NOISE-P6. For the same reasons set out in paragraph 150 we reject this submission point and recommend educational facilities remain part of the definition for noise sensitive activities and NOISE-P6 will therefore apply to educational facilities. As noted above, we recommend making the wording of



NOISE-P6 have generic application to noise sensitive activities (and buildings housing those activities) within all High and Moderate noise areas.

155. WIAL seek that NOISE-P6 be deleted and consider that a new suite of policies is required to address the management of noise sensitive activities within the Air Noise Boundary and 60 dB L<sub>dn</sub> noise boundary. In line with recommendations outlined throughout our report, we recommend that this be rejected.
156. Overall, our recommendation is that NOISE-P6 separately refer to restricting noise sensitive development in High and Moderate Noise Areas; and where buildings housing noise sensitive activities in high and moderate noise areas do not meet ventilation and acoustic insulation standards.

### 3.6.3 Summary of recommendations (Policies)

#### New Policies

157. HS5-Noise-Rec13: That submission points relating to Noise Chapter Policies are accepted/rejected as detailed in Appendix B.
158. HS5-Noise-Rec14: That no new policies are added to the Noise Chapter.

#### NOISE-P1, NOISE-P2 and Noise P5

159. HS5-Noise-Rec15: That NOISE-P1 (General management of noise), NOISE-P2 (Construction noise) and NOISE-P5 (Noise at Wellington Regional Stadium and the Basin Reserve) are retained as notified.

#### NOISE-P3

160. HS5-Noise-Rec16: That Noise-P3 (Higher noise areas) is amended as follows:

<b>NOISE-P3</b>	<p><b>Higher noise areas</b></p> <p>Allow for higher noise levels to be generated within:</p> <ol style="list-style-type: none"> <li>1. General Rural Zone;</li> <li>2. Commercial <del>and Mixed Use Zones</del>Zone;</li> <li>3. Hospital Zone;</li> <li>4. Tertiary Education Zone;</li> <li>5. Stadium Zone;</li> <li>6. Port Zone;</li> <li>7. Airport Zone and associated airspace;</li> <li>8. City Centre Zone;</li> <li>9. <u>Courtenay Place Noise Area</u>;</li> <li>10. Mixed Use Zone;</li> <li>11. General Industrial Zone; and</li> <li>12. State Highway and Railway <del>networks</del>designations</li> </ol> <p><u>The Port Noise Management Plan and the Airport Noise Management Plan (both required by NOISE-S3) provide additional context for management of noise at those regionally significant facilities.</u></p>
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#### NOISE-P4

161. HS5-Noise-Rec17: That Noise-P4 (Acoustic treatment for noise sensitive activities) be amended as follows:

<p><b>NOISE-P4</b></p>	<p><b><u>Protection of noise sensitive activities by acoustic treatment of buildings and provision of alternative ventilation for buildings housing for noise sensitive activities</u></b></p> <p>Require sound insulation and / or mechanical ventilation for <u>buildings housing</u> new noise sensitive activities within:</p> <ol style="list-style-type: none"> <li>1. <del>The</del> City Centre Zone;</li> <li>2. <u>Courtenay Place Noise Area;</u></li> <li>3. <del>The</del> Waterfront Zone;</li> <li>4. <del>The Centres Zones</del> <u>Neighbourhood Centre Zone;</u></li> <li>5. <u>Local Centre Zone;</u></li> <li>6. <u>Metropolitan Centre Zone;</u></li> <li>7. <del>The</del> Mixed Use Zones;</li> <li>8. <del>Commercial Zone;</del></li> <li>9. <u>General Industrial Zones;</u></li> <li>10. Outer Port Noise Overlay;</li> <li>11. The Air Noise Overlay (<u>Inner Air Noise Overlay and Outer Air Noise Overlay</u>); and</li> <li>12. Identified corridors adjacent to the State Highways and railway networks.</li> </ol> <p>Two standards of acoustic insulation are prescribed to achieve acceptable indoor acoustic amenity in habitable rooms. NOISE-S4 is the standard for High noise areas, and NOISE-S5 is the standard for Moderate noise areas.</p>
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**NOISE-P6**

162. HS5-Noise-Rec18: That NOISE-P6 (Development restrictions on noise sensitive activities) is amended as follows:

<p><b>NOISE-P6</b></p>	<p><b>Development restrictions on noise sensitive activities</b></p> <p>Restrict the development of noise sensitive activities within:</p> <ol style="list-style-type: none"> <li>1. <del>The Inner Air Noise Overlay</del> <u>High and Moderate Noise Areas;</u> and</li> <li>2. <del>Other locations</del> <u>Buildings housing noise sensitive activities in High and Moderate Noise Areas</u> where ventilation and acoustic insulation standards are not met.</li> </ol> <p><u>High and Moderate Noise Areas are listed in NOISE-R3.1 and NOISE-R3.2. The relevant acoustic insulation and ventilation standards are NOISE-S4, NOISE-S5 and NOISE-S6.</u></p>
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**3.7 Rules**

**3.7.1 Matters raised by submitters (Rules)**

163. Various submitters seek the deletion or retention of existing rules, amendments of existing rules, new rules, or oppose the positions on rules submitted by others. In summary these are:

## General Matters

- a. SPRA [371.1] – seek addition of rule(s) to require the Quieter Homes ventilation and/or insulation for existing homes within the 60 dB Outer Air Noise Overlay.
  - WIAL [FS36.148] – oppose this submission, as it is considered inappropriate to duplicate Designation conditions in this chapter.
  - Kāinga Ora [89.160] – support this submission point, as it will enhance residential intensification outcomes.
- b. Kāinga Ora [391.284, 391.285] – oppose all rules in the Noise Chapter and seeks amendment so that all restricted discretionary rules in the Noise Chapter have a notification preclusion statement as the technical nature of the breaches means that public or limited notification will not add anything to the consideration of the effects of these breaches.
  - WIAL [FS36.149] – oppose this submission to the extent that it would provide for a more flexible land use management framework than WIAL sought in its primary submission.
  - NZDF [FS104.14, FS104.15] – oppose deletion of all rules in the noise chapter. Oppose proposed amendment as notification decisions should involve consideration of the proposal with respect to the surrounding environment, environmental effects, and measures to avoid, remedy or mitigate adverse effects.
  - RVA [FS126.114, FS126.115] and Ryman [FS128.114, FS128.115] – support submission point in line with any relief sought by RVA and Ryman’s own submissions.
  - KiwiRail [FS72.66] – oppose this submission point and considers that it is necessary for KiwiRail to be notified of activities that cannot comply with noise provisions when located near the rail corridor.
- c. NZAAA [40.6] – Proposes a new rule, termed by NZAAA as *NOISE-R14* that provides for the intermittent use of rural airstrips and helicopter landing areas for the purposes of agricultural aviation as a permitted activity.
- d. FENZ [273.160] – Proposes a new rule that permits noise from Emergency Services Facilities and Temporary Emergency Services Training Activities in all zones where compliance is achieved with certain standards.

## Rules NOISE-R1 and NOISE-R2

- a. WIAL [406.428, 406.429] – support NOISE-R1 and NOISE-R2 as notified.
  - BARNZ [FS139.119, FS139.120] – support WIAL submission.
- b. GOTB [452.39] and Yvonne Weeber [340.83] – neutral on NOISE-R1.
- c. GOTB [452.40], Yvonne Weeber [340.84] and Waka Kotahi [370.217] – support NOISE-R2 as notified.

## Rule NOISE-R3

- a. Shailesh Kumar Patel [49.1, 49.2] – seeks amendment to NOISE-R3 to allow increased development potential in line with MDRS, and subject to NOISE-S4.

- b. Yvonne Weeber [340.85], GOTB [452.41] – supports NOISE-R3 as notified.
- c. RVA [350.77] – seek amendment to NOISE-R3 to integrate consideration of noise matters on a case-by-case basis for new buildings, and alterations/additions to existing buildings.
  - Stride [FS107.43] and Investore [FS108.43] – seek that this submission point be allowed, as it would enable a flexible approach to noise management.
- d. Waka Kotahi [370.218, 370.219] – seek amendment to NOISE-R3.1 to require compliance with NOISE-S6 and to have immediate legal effect [370.5].
  - KiwiRail [FS72.75] – seek that amendment be allowed, as the submitter agrees that compliance with ventilations standards should be a requirement and that the provision should immediate legal effect.
- e. Waka Kotahi [370.220, 370.221] – seek amendment to NOISE-R3.2 to extend application of the rule from the PDP 80m, to a distance of 100m from a State Highway. As alternative relief, the submitter seeks that the plan maps incorporate Waka Kotahi noise contours.
  - KiwiRail [FS72.76, FS72.77] – support Waka Kotahi and seek that the same amendment be adopted for distance from the rail corridor.
  - Stride [FS107.30] and Investore [FS108.30] – oppose amendment as it is considered inappropriate and unnecessary.
- f. Waka Kotahi [370.222, 370.223] – seek amendment to NOISE-R3.3b, as it considers the wording confusing and contradicts NOISE-R3.1 so the word ‘and’ should be added to NOISE3.3(a) for clarity. Considers this rule should also be subject NOISE-S6.
  - KiwiRail [FS72.78] – seek that this amendment be allowed.
- g. Waka Kotahi [370.224] – seek amendment to NOISE-R3.4 to clarify that any noise sensitive activity within the areas in NOISE-R3.1(a) is a discretionary activity where compliance with NOISE-S4 and NOISE-S6 cannot be achieved.
- h. MoE [400.83, 400.84, 400.85, 400.86, 400.87] – support NOISE-R3.1, 3.2, and 3.4 but seeks amendment to NOISE-R3.3 for clarity.
- i. WIAL [406.407] – seeks that all new noise sensitive activities within the Air Noise Boundary or 60dB noise boundary should be subject to resource consent, and that WIAL should be considered an affected party.
  - GOTB [FS44.79] – oppose WIAL submission to avoid undue burden on normal activities within the air noise overlays.
  - Kāinga Ora [FS89.127] – oppose WIAL submission.
  - SPRA [FS122.1] – oppose WIAL submission.
  - BARNZ [FS139.98] – support WIAL submission.
- j. WIAL [406.430, 406.431, 406.432] – oppose NOISE-R3 and seeks either deletion or amendment to remove all references and provisions specific to the Air Noise Overlays and WIAL and replace with WIAL provisions outlined in their full submission.
  - GOTB [FS44.98, FS44.99, FS44.100] – oppose or seek amendment to stop undue burden placed on residents within the Air Noise Boundary (or the Air Noise Boundary and 60 dB L<sub>dn</sub> noise boundary as called by WIAL).
  - BARNZ [FS139.121, FS139.122, FS139.123] – support WIAL submission.
  - Kāinga Ora [FS89.136, FS89.137] – oppose submission point.

- KiwiRail [FS72.79] – oppose deletion of the rule as it is required to protect the rail corridor from noise sensitive activities.
- k. KiwiRail [408.110] – seek amendment to NOISE-R3 so that it refers to their proposed new Noise Standard.
- Stride [FS107.23] and Investore [FS108.23] – seek that this submission point be disallowed, as it is inappropriate to apply the more onerous requirements of the “high noise area” to such a great distance from the railway corridor.
  - RVA [FS126.171] and Ryman [FS128.171] – seek that this submission point be disallowed, as such requirements for acoustic insulation need to be determined on a case-by-case basis.
- l. Save our Venues [445.7, 445.8] – seek an amendment to NOISE-R3 to increase acoustic insulation requirements in areas within the immediate vicinity of existing live music venues. Also seeks that this provision takes immediate legal effect.

#### Rule NOISE-R4

- a. New Zealand Agricultural Aviation Association [40.5] – seeks that noise from aircraft for agricultural aviation be included as a permitted activity.
- b. GOTB [452.31, FS44.92] – seek new category of activity that prohibits helicopter take-off and landing within the East Side Area Airport Designation.
- Wellington Helicopters [FS5.2], WIAL [FS36.151] – opposes this submission.
- c. NZAAA [40.5, 40.7] – seek amendment so that intermittent use of aircraft, helicopter landing areas for the purposes of agricultural aviation is provided for.
- d. Paul Van Houtte [92.2] – seeks amendment so that helicopter landing noise from commercial activity is not permitted at the waterfront, as this compromises amenity values and pedestrian enjoyment.
- Wellington Helicopters [FS5.5] – opposes this submission, as helicopters have operated at the Queens Wharf in excess of 30 years and any restriction on operation or noise would have a severe negative impact on Wellington Helicopter’s business.
- e. Yvonne Weeber [340.86] – seeks amendment to NOISE-R4 to make helicopter take-off and landing within the East Side Area designation a non-complying or prohibited activity.
- Wellington Helicopters [FS5.7] – oppose this submission point, as considers helicopter activities should be permitted within the Airport Zone.
  - WIAL [FS36.161] – oppose this submission point, as it is inappropriate for the Noise chapter to duplicate designation conditions.
- f. RVA [350.78] – seek amendment to NOISE-R4 to allow noise matters to be considered on a case-by-case basis.
- WIAL [FS36.160] – oppose this submission point as it conflicts with the amendments sought in their primary submission.
  - Stride [FS107.44] and Investore [FS108.44] – support this submission point, as it would enable a flexible approach to noise management.
- g. WIAL [406.433] – support NOISE-R4 as notified.
- Wellington Helicopters [FS5.6] – support this submission point.

- BARNZ [FS139.124] – support this submission point.
- h. NZDF [423.17, 423.18] – support NOISE-R4.1 and NOISE-R4.2 as notified.
  - Wellington Helicopters [FS5.3, FS5.4] - support this submission point.

### Rules NOISE-R6 to NOISE-R13

- a. MoE [400.88] and Horokiwi [271.58] – support NOISE-R6 as notified.
- b. WIAL [406.434, 406.435, 406.436] – oppose NOISE-R8 and seek either deletion or amendment to ensure that wildlife management activities at the Airport are not inadvertently captured by this rule.
  - GOTB [FS44.101, FS44.102, FS44.103] – support amendment to the rule but suggests that all due restraint and other methods of bird removal from the airport be considered.
  - BARNZ [FS139.125, FS139.126, FS139.127] – support WIAL submission.
- c. Horokiwi [271.59] – support NOISE-R9 as notified.
- d. CentrePort [402.136] – support NOISE-R12 subject to amendments sought in relation to Table 20 Appendix 4 which are required to comply with the methodology in NZS 6809:1999.
- e. Yvonne Weeber [340.87] and GOTB [452.42] – support NOISE-R13 as notified.
- f. WIAL [406.437, 406.438, 406.439] – seek amendment to or deletion of NOISE-R13, as it considers it is inappropriate to duplicate aircraft noise management obligations set out in the designations chapter.
  - BARNZ [FS139.128, FS139.129, FS139.130] – support the WIAL submission.
  - GOTB [FS44.104, FS44.105] – oppose this submission point, as the noise management obligations of Wellington Airport should form part of the District Plan.

### New Rule NOISE-R16

- a. FENZ [273.161] – Seek a new noise rule as a partial relaxation of some of the residential noise standards for emergency services purposes to allow for the operational needs of fire stations in residential areas.

## 3.7.2 Assessment (Rules)

### Wellington International Airport (WIAL)

#### **Relationship with designation conditions**

164. WIAL opposes NOISE-R13 and its link to various standards that seek to manage Airport related noise. In particular, WIAL is opposed to replication of designation conditions within PDP noise Standards. As identified by WIAL, NOISE-R13 and those standards are closely linked. For that reason, we have addressed the relationship between standards and designation conditions together in section 3.8.2 below.

#### **NOISE-R3 in general**

165. WIAL, supported by BARNZ, oppose reference to the Inner Noise Overlay in NOISE-R3 and seek deletion of amendment of the rule. WIAL's position is opposed by GOTB, Kāinga Ora and KiwiRail.

Our assessment of matters related to NOISE-R3 is set out below.

166. WIAL submission [406.407] notes that existing aircraft noise is predicted to increase over time, subject to limits set by the ANB (65 dB). WIAL's submissions also refer to the 60 dB "noise boundary" but, for clarity, we note that this is a modelled contour rather than a boundary like the ANB referenced in WIAL's designation (WIAL4). Condition 23 of that designation requires WIAL to manage "*all aircraft operations*" so that the limits of the 65 dB ANB are not exceeded. There is no 60 dB noise boundary or contour referenced in the designation conditions.
167. The modelled 65 dB (ANB) and 60 dB contours were provided to the Council for mapping in the PDP<sup>6</sup>, and are the basis for air noise overlays as part of the PDP mapping. The ANB is the outer edge of the PDP's Inner Air Noise Overlay. The outer edge of the Outer Air Noise Overlay is the future 60 dB noise contour.
168. The ANB and 60 dB contour do not represent noise levels currently received. They relate to future (2050) 90-day rolling average<sup>7</sup> noise levels modelled at those lines (the so-called 'bucket' of noise). We accept that between now and 2050, there will be increases in noise, driven by increased frequency of aircraft movements, such that noise levels may increase to the point where the 'noise bucket' is full. That is, the 90-day rolling average at the ANB may be 65 dB. It is important to also note that, unless WIAL seeks to alter the position of the ANB via a notice of requirement, it is bound by its current designation conditions to manage aircraft noise to stay within 65 dB (90-day rolling average) at the ANB shown by current PDP mapping.
169. For additional context, we note individual aircraft types have become less noisy over time, and this trend will likely continue as technology progresses. This is why, in the PDP, the ANB L<sub>dn</sub> noise contour covers fewer properties than in the operative district plan. The ANB in the operative district plan was established in the 1990s, when many aircraft were noisier than today. Revision of the ANB position through recent modelling means there are 496 affected sites within the ANB under the PDP, by comparison with 696 under the operative district plan.
170. WIAL seeks to protect the Airport from reverse sensitivity issues, as future noise effects change within the limits of the ANB. To achieve that, WIAL seeks that all new noise sensitive activities should be subject to the need for resource consent, and that WIAL should be considered an affected party in all cases.
171. For comparison, under the Operative District Plan (ODP), the following provisions apply within the ANB (65 dB contour):
  - One new household unit = permitted (Rule 5.1.7)
  - Two new household units = restricted discretionary + WIAL affected party (Rule 5.3.10B)
  - Three + household units = discretionary (Rule 5.4.4)
  - Subdivision for five or fewer allotments = restricted discretionary + WIAL affected party (Rule 5.3.1.3)
172. Under the ODP, all new habitable rooms within the ANB are subject to requirements for noise insulation and ventilation – although these are not especially detailed requirements (Rules

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<sup>6</sup> Included on the ePlan mapping as the Air Noise overlay (comprising the inner and outer air noise overlays)

<sup>7</sup> Rolling day 90-day average 24 hour night-weighted sound exposure

5.6.2.14.1 and 5.6.2.14.2). Note that in the ODP there is no 60 dB boundary, but a 60 dB boundary has been introduced under the PDP.

173. Under the PDP, the following proposed provisions apply within the ANB (65 dB contour) and 60 dB contour. Unlike the ODP, the PDP as notified does not include any recognition of WIAL as an affected party:

ANB (65 dB) boundary (within the Inner Air Noise Overlay)

- One new residential unit = permitted (NOISE-R3.1)
- Two new residential units = restricted discretionary (NOISE-R3.3(c))
- ≥ Three residential units = discretionary (NOISE-R3.4(b))
- Any other noise sensitive activity = discretionary (NOISE-R3.4(a))

60 dB contour (within the Outer Air Noise Overlay)

- Up to three new residential units = permitted (NOISE-R3.2)
- ≥ Four residential units = restricted discretionary (NOISE-R3.3(d))
- Any other noise sensitive activity = restricted discretionary (NOISE-R3.2(b))

174. We acknowledge that these thresholds are not well articulated in the PDP provisions, and our recommended changes to NOISE-R3 seek to remedy that situation.
175. In essence then, within the ANB, the PDP maintains the same consent activity categories and thresholds for intensity of development as under the ODP.
176. With the PDP's introduction of the Outer Air Noise Overlay, a graduated consent status approach has similarly been applied in that overlay (see paragraph 173 above). The Outer Air Noise overlay affects approximately 1,282 additional sites<sup>8</sup>.
177. Although the council has recognised noise in the Air Noise Overlays as a qualifying matter in relation to intensification under the MDRS, the PDP seeks to strike a balance between enabling and restricting intensification. We agree with WIAL that the management of potential reverse sensitivity effects is important, and also note the need to consider acoustic amenity and health effects. To that end, the acoustic insulation and ventilation requirements for new or altered habitable rooms as proposed in the PDP (and with recommend changes), provide a good level of internal acoustic effects management. We also consider those requirements are not a significant design or cost barrier to future urban development and subdivision. The relevant standards are set out in NOISE-S4, S5 and S6.
178. To help maintain the existing level of reverse sensitivity management enjoyed by WIAL under the ODP, we recommend accepting WIAL's submission requesting affected party status for all consent applications (new noise sensitive activities) within the Inner Air Noise Overlay. However, we recommend rejecting a similar provision for applications within the Outer Air Noise Overlay. Affected party notification in all cases (covering 1,778 current sites<sup>9</sup>) is an unnecessary requirement given the effectiveness of acoustic insulation and ventilation standards, the desire to enable a reasonable level of residential intensification, and the lower level of aircraft noise

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<sup>8</sup> Between the ANB (65 dB) and the outer edge of the Outer Air Noise Overlay (60 dB)

<sup>9</sup> 496 sites within the Inner Air Noise Overlay + 1,282 sites within the Outer Air Noise Overlay



received within the Outer Air Noise Overlay.

### **Airport wildlife management**

179. WIAL [406.434, 406.435, 406.436] and BARNZ [FS139.125, FS139.126, FS139.127] seek either deletion or amendment of NOISE-R8, to ensure that wildlife management activities at the Airport are not inadvertently captured by this rule which concerns “shooting range and firearm noise”. GOTB [FS44.101, FS44.102, FS44.103] support amendment to the rule but would like other methods of bird removal from the airport be considered.
180. We agree that wildlife management at the Airport should be facilitated, and recommend the addition of this as a permitted activity under NOISE-R8. However, addressing this issue raises the question of whether, in the General Rural Zone, shooting is covered by a general exclusion noted in the Introduction section of the Noise chapter. The possible exclusion is: “7. Rural activities, including, agricultural vehicles, machinery or equipment used on a seasonal or intermittent basis in the Rural Zones”. Arguably, “rural activities” and “equipment” could or should be considered inclusive of shooting for activities such as pest control (conservation) or informal recreation.
181. If the panel is of a mind to provide additional clarity for these activities in the General Rural Zone, we set out recommended wording in NOISE-R8 in Appendix A. In that wording we have used the terms “conservation activities” and “informal recreation activities”, which are both subject to PDP definitions.

### **Road and rail transport corridors**

182. We acknowledge that NOISE-R3.1 (High Noise Areas) is deficient by not referring to both the acoustic insulation standard (NOISE-S4) and the ventilation standard (NOISE-S6). Adequate ventilation must be provided within any room to which the acoustic insulations standards apply. We therefore recommend amendment of NOISE-R3.1 (High Noise Areas), so that noise sensitive activity in a new building, or in alterations / additions to an existing building, must comply with NOISE-S4 and NOISE-S6.
183. In relation to NOISE-R3.2 (Moderate Noise Areas), Waka Kotahi [370.220, 370.221] requested that the NOISE-S5 compliance area, which lies between 40m and 80m in the PDP, should be extended out to 100m from a State Highway designation boundary. This would have the effect of applying NOISE-S5 and NOISE-S6 standards to new or altered habitable rooms establishing within this expanded area. Analysis of potential levels of traffic noise received within areas 40m to 100m from the highway<sup>10</sup> has shown that noise levels received at these distances, from highways with lower vehicle speed limits (<70 km/hour), would be unlikely to cause significant adverse future highway noise effects. A related factor is that, in Wellington, these lower speed portions of the state highway network typically have significant buildings and structures built close to the road (acting to acoustically screen more distant receiver sites).

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<sup>10</sup> Using Waka Kotahi’s online road traffic noise calculator available at:  
<https://www.nzta.govt.nz/roads-and-rail/highways-information-portal/technical-disciplines/environment-and-sustainability-in-our-operations/environmental-technical-areas/noise-and-vibration/road-traffic-noise-calculator/>

184. We therefore recommend changing NOISE-R3.2 to amend the applicable state highway distance from “40m and 80m” to “40m and 100m”. We also recommend an amendment, so that the provision only applies to those parts of a state highway that have “a posted speed limit greater than 70 km/hour”.

## Helicopters

185. Paul Van Houtte [92.2] seeks that helicopter landing noise from commercial activity is not permitted at the waterfront. That submission is opposed by Wellington Helicopters [FS5.5]. Helicopters in the waterfront area operate from the Outer “T” of Queens Wharf. This area, being a wharf over coastal water, lies outside of the Wellington City district plan, and is subject to control under the Regional Coastal Plan (RCP). Rule 14.1.4[5] of the RCP states, “noise generated by helicopter landing areas which shall meet the standards specified for Commercial areas in Table 1 of NZS 6807:1994”. Being outside of the district plan, we have no jurisdiction to make a finding, so must reject submission 92.2 and accept further submission FS5.5.

186. In relation to NOISE-R4 and helicopters, there is no need to consider a prohibition on helicopter take-off and landing within the East Side Area Airport Designation (as requested by GOTB [340.86, 452.31, FS44.92]). This is because East Side Area designation condition 34 specifies that: “There shall be no aircraft engine testing, take-off or landing on land within the ESA Designation”.

187. We consider there is no need for new rules related to agricultural aviation, as sought by NZAAA [40.5, 40.6, 40.7]. In making that assessment we note the following general exemptions, listed in the introductory section of the Noise chapter:

*“The following activities are exempt from the rules and standards contained in this chapter. They are:*

- 1. Aircraft being operated above 1,000 feet [305m] over built up areas, or above 500 feet [152m] over rural areas;*
- 7. Rural activities, including, agricultural vehicles, machinery or equipment used on a seasonal or intermittent basis in the Rural Zones”.*

188. We conclude that that helicopter (and other aircraft) operation for agricultural work may be covered by exemption No. 7 and, when flying above 500 feet [152m] in rural areas, is clearly covered by exemption No. 1.

189. In accordance with the assessment above, we recommend no changes.

## FENZ activities

190. The matter of a new noise rule (NOISE-R16) is linked to the FENZ submission seeking a new objective for the same purpose. We have addressed that matter under section 3.5.1 above. For the same reasons, we recommend rejecting FENZ submission 273.161.

## Other Matters

191. We have addressed the Save Our Venues submission under section 3.4 (Mapping) and section 3.9 (ISPP). With regard to NOISE-R3 we recommend rejecting the submission.

### 3.7.3 Summary of recommendations (Rules)

192. HS5-Noise-Rec19: That submission points relating to Noise Chapter Rules are accepted/rejected as detailed in Appendix B.
193. HS5-Noise-Rec20: That Noise Rules NOISE-R2 (Noise from construction, maintenance, earthworks, and demolition activities) and NOISE-R9 (Blasting Noise) are retained as notified.
194. HS5-Noise-Rec21: That NOISE-R1 (Noise not otherwise provided for in this chapter), NOISE-R3 (Noise sensitive activity in a new building, or in alterations / additions to an existing building), NOISE-R4 (Helicopter Landing Noise), NOISE-R5 (Noise from Wellington Regional Stadium and the Basin Reserve), NOISE-R6 (Fixed Plant Noise), NOISE-R7 (Commercial facility dog noise (day care, dog parks, boarding kennels), NOISE-R8 (Shooting range and firearm noise), NOISE-R9 (Blasting Noise), NOISE-R10 (Home business noise), NOISE-R11 (Electronic sound system noise), NOISE-R12 (Port noise), NOISE-R13 (Airport Noise) be amended as set out in Appendix A.

## 3.8 Standards

### 3.8.1 Matters Raised by Submitters (Standards)

195. Various submitters seek the deletion or retention of existing standards, amendments of existing standards, new standards, or oppose the positions on standards submitted by others. In summary these are:

#### Airport noise standards versus designation conditions

- a. WIAL considers it inappropriate to replicate the aircraft noise management obligations of the Airport Designations WIAL4 and WIAL5. Consequently, WIAL seek that Noise Standards NOISE-S3 [406.440], and NOISE-S8 through to NOISE-S13 [406.448, 406.449, 406.450, 406.451, 406.452, 406.453] are deleted.
  - GOTB [FS44.106, FS44.112, FS44.113, FS44.114, FS44.115, FS44.117] – oppose this submission point or amend as to how designations are considered in the plan.
  - Kāinga Ora [FS89.138, FS89.142, FS89.141, FS89.143, FS89.144, FS89.145, FS89.146] and NZDF [FS104.17, FS104.16] – oppose these submission points.
  - BARNZ [FS139.131, FS139.140, FS139.139, FS139.141, FS139.142, FS139.143, FS139.144] – support WIAL submission point.
- b. WIAL seek that the remaining standards (NOISE-S4, S5, S14, S15) are either deleted or amended to remove any reference to Airport and Aircraft-related noise management as they consider it is already covered by designations [406.441, 406.442, 406.443, 406.444, 406.445, 406.446, 406.454, 406.455, 406.456, 406.457, 406.458, 406.459].
  - GOTB [FS44.107, FS44.108, FS44.109, FS44.110, FS44.111, FS44.118, FS44.119, FS44.120, FS44.121, FS44.122, FS44.123], Kāinga Ora [FS89.139, FS89.147, FS89.148, FS89.140, FS89.149, FS89.150] and KiwiRail [FS72.81, FS72.82] – oppose these submission points.
  - BARNZ [FS139.132, FS139.133, FS139.134, FS139.135, FS139.136, FS139.137, FS139.145, FS139.146, FS139.147, FS139.148, FS139.149, FS139.150] – Support WIAL submission points.

## Acoustic treatment and ventilation

- a. WIAL [406.447] – Seek that the ventilation standards in NOISE-S6 do not create an untenable internal living environment for occupants of noise sensitive activities.
  - GOTB [FS44.116] – oppose part of this submission point so far as it related to designation management within the Plan.
  - GOTB [FS44.128] – support this submission point, as a ventilation system operation and maintenance should be affordable for the residents.
  - BARNZ [FS139.138] – support WIAL Submission points.
- b. WIAL [406.411, 406.412, 406.413] – Seek two new standards be added to the Noise Chapter (termed by WIAL as NOISE-S16 and NOISE-S17) that relate to acoustic treatment and ventilation specifically for Noise Sensitive Activities within the Air Noise Boundary or 60 dB L<sub>dn</sub> Noise Boundary.
  - GOTB [FS44.82, FS44.87, FS44.88, FS44.89], Kāinga Ora [FS89.130, FS89.131, FS89.132] – oppose submission points.
  - BARNZ [FS139.102, FS139.103, FS139.104] and KiwiRail [FS72.67] – support WIAL submission points.
- c. Kāinga Ora [391.302, 391.303] – Seek amendment to NOISE-S13 to ensure dwellings identified in Attachment 2 of WIAL5 designation conditions are provided with acoustic insulation in accordance with the standards identified in NOISE-S4.
  - GOTB [FS44.129, FS44.130] – support this submission point.
  - RVA [FS126.132, FS126.133] and Ryman [FS128.132, FS128.133] – support this submission point so far as it aligns with their own submissions.
  - WIAL [FS36.170] – oppose this submission point.
- d. RVA [350.79] – Seek amendment to NOISE-S5, as acoustic insulation requirements should be considered on a case-by-case basis.
  - Stride [FS107.45] and Investore [FS108.45] – oppose this submission point.
- e. Waka Kotahi [370.228] – Seek amendment to the NOISE-S4 assessment criteria, as they are inappropriate and invite re-litigation.
  - Stride [FS107.32] and Investore [FS108.32] – oppose this submission point.
- f. Waka Kotahi [370.229, 370.230, 370.231] – Seek amendment to NOISE-S5 to clarify how to calculate State Highway noise levels for acoustic insulation design.
  - Stride [FS107.33] and Investore [FS108.33] – oppose this submission point.
- g. Waka Kotahi [370.232] – Seek amendment to NOISE-S6 to increase requirements for the adequacy of ventilation systems.
- h. KiwiRail [408.111, 408.112] – Seek amendment of NOISE-S4 and NOISE-S5 to remove reference to rail corridor as an alternative rule framework is sought.

## Vibration

- a. Waka Kotahi [370.226, 370.227] – Seek amendment to NOISE-S4 to require noise sensitive activities within 20m of a State Highway to mitigate for road vibration effects.
  - KiwiRail [FS72.80] – support this submission point and seeks that the amendment also be applied to within 60m of the rail corridor.
  - Stride [FS107.31] and Investore [FS108.31] – oppose this submission point.

- b. KiwiRail [408.113] – Seek amendment to NOISE-S6 (ventilation) to ensure habitable rooms achieve an appropriate level of comfort and amenity for occupants.
  - WIAL [FS36.169] – support this submission point.
  - RVA [FS126.172] and Ryman [FS128.172] – oppose this submission point.
- c. KiwiRail [408.105] - Seek a new standard that provides options for developers in achieving an appropriate level of amenity for residents who live within 100m of the Rail Corridor.
  - ORCA [FS80.44] – support this submission point.
  - Kāinga Ora [FS89.31], Stride [107.21], Investore [108.21], RVA [126.170] and Ryman [128.170] – oppose this submission point.

#### Support as notified for Standards NOISE-S1 to NOISE-S15

- a. Yvonne Weeber [340.88], the Fuel Companies [372.103], GOTB [452.43] – support NOISE-S1 as notified.
- b. Yvonne Weeber [340.89], Waka Kotahi [370.225], MoE [400.89], and GOTB [452.44] – support NOISE-S2 as notified.
- c. Yvonne Weeber [340.92, 340.93] and MoE [400.90, 400.91] – support NOISE-S4 and NOISE-S5 as notified.
- d. GOTB [452.47, 452.48, 452.49, 452.50] – support NOISE-S4 and NOISE-S5 and Tables I and II as notified.
- e. CentrePort [402.138] – support NOISE-S5 as notified.
- f. Yvonne Weeber [390.94, 340.95] and GOTB [452.51, 452.52] – support NOISE-S6 and NOISE-S7 as notified.
- g. NZDF [423.19] – support NOISE-S8 as notified.
- h. Yvonne Weeber [340.96, 340.97, 340.98, 340.99, 340.100, 340.101, 340.102, 340.103] and GOTB [452.53, 452.54, 452.55, 452.56, 452.57, 452.58, 452.59, 452.60] – support NOISE-S8, S9, S10, S11, S12, S13, S14 as notified and are neutral on NOISE-S15.

#### Other amendments sought to Standards NOISE-S1 to NOISE-S15

- a. Yvonne Weeber [340.90, 340.91] and GOTB [452.45, 452.46] – Seek an amendment to NOISE-S3 to include a timeframe to increase the speed of completion of the Quieter Homes Programme.
  - WIAL [FS36.162, FS36.163] – oppose this submission point.
- b. Kāinga Ora [391.298, 391.299, 391.300, 391.301] – Seek amendment to NOISE-S4 and NOISE-S5 so that acoustic standards under the Quieter Homes Programme apply to properties within the Inner and Outer Air Noise Overlays.
  - GOTB [FS44.124, FS44.125, FS44.126, FS144.127] – support this submission point.
  - RVA [FS126.128, FS126.129, FS126.130, 126.131] and Ryman [FS128.128, FS128.129, FS128.130, FS128.131] – support this submission point where it aligns with relief sought in their own submissions.
  - WIAL [FS36.165, FS36.167] – oppose this submission point.
- c. CentrePort [402.137] – support NOISE-S3, subject to amendments to Table 20 of APP4.
- d. WCC [266.124, 266.125] – Seek amendment to NOISE-S4 and NOISE-S5 to adopt correct noise units in the Plan, in accordance with New Zealand Standards.

- e. SPRA [371.4, 371.5, 371.6] – Seek amendment to NOISE-S4, NOISE-S5 and NOISE-S6 to use 90 day rolling average to establish the 60 dB Outer Air Noise Overlay.
  - WIAL [FS36.164, FS36.166, FS36.168] – oppose this submission point.
- f. NZDF [423.20] – Seek amendment to NOISE-S9.2 so that it applies to all aircraft operations (and not just WIAL operations).
- g. WCC [266.126] – Seek amendment to NOISE-S11 to fix a typo.

### 3.8.2 Assessment (Standards)

#### Airport noise standards versus designation conditions

196. As notified, the PDP Noise chapter includes some Standards specific to noise from Wellington Airport. The Standards are NOISE-S8 to NOISE-S15, covering: hours of aircraft operation; calculation and management of aircraft noise; engine testing noise; noise from ground power units and auxiliary power units; Airport East Side Precinct residential noise mitigation; land based noise; and Miramar South Precinct noise. The wording of each of these Standards reflects designation conditions for the Airport’s Main Site, East Side Area, and Miramar South Precinct. In part, this is an artefact of timing, as the Main Site (WIAL4) and East Side (WIAL5) designations were only settled via the Environment Court shortly before notification of the PDP. However, their inclusion also represents a desire by the Council to maintain ease of compliance management for noise infringements by third parties.
197. As context, we note that an enforcement order can be sought for compliance in relation to a designation [RMA s314(b)(i)], but that this requires the Council to instigate an Environment Court process. In contrast, seeking compliance via an abatement notice requires the offender to either comply or appeal. However, the Act [RMA s322(1)(a)(i)] only allows the abatement process to be followed in relation to a rule in a plan, or a resource consent. The Act does not mention abatement in relation to designations.
198. The Airport designations authorise a wide range of activities, only some of which are direct activities of Wellington International Airport Limited. As an example, the airlines using the Airport are the parties who create aircraft noise – not WIAL. If an airline chooses to land outside of the Airport’s ‘curfew’ hours, they are the party responsible for infringing the relevant designation condition. As noted earlier, it is third party non-compliance that the Council wishes to maintain ease of compliance management over.
199. WIAL’s submission is that it is inappropriate for the PDP Standards to replicate the noise management obligations of the Airport Designations WIAL4 and WIAL5. We agree that complete replication is undesirable. However, for aspects of the designation conditions that in material part relate to third party activities, we consider it useful to replicate these as Standards to facilitate compliance action if that becomes necessary.
200. However, we consider that some refinement to the PDP as notified is possible. In doing so we have focussed more closely on designation conditions that relate to noise emitted by third parties. As shown by our changes in Appendix A, we recommend deleting NOISE-S9 in its entirety as this relates to the calculation and monitoring of aircraft noise. We also recommend deleting NOISE-S13 in its entirety, as this relates to a requirement for WIAL to offer the installation of mechanical ventilation to specific properties near the East Side Precinct.

201. We also recommend deletion of parts of NOISE-S12 and NOISE-S15 that do not clearly relate to the management of noise produced by third parties.
202. This revised approach is supported by recommended rule changes. Specifically, in NOISE-R13, we recommend a link to compliance with particular designation conditions – being those that include elements of third-party noise management. We acknowledge that this is a ‘belt and braces’ approach, but as noted above, consider it useful for ease of compliance management through both rules and designation conditions. In developing this approach, we have consulted with the Council’s legal counsel.
203. As noted above, we do not agree with WIAL that all references to designation conditions should be deleted from the Standards. However, to the extent that our recommendations have the effect of removing some duplication, we accept WIAL’s submissions in part.

## Vibration

204. The RMA defines noise as including vibration. From a lay perspective, the distinction between noise and vibration is that “noise” is vibration received and heard through the air, whereas “vibration” is received and felt through the ground (or structures).
205. District plans are typically light on references to control of vibration. Where mentioned, it is generally a matter of control or discretion, without any specific standard of measurement. The Wellington PDP provides a typical example of this, with control and discretion exercised under QUARZ-R3 and QUARZ-PREC01-R1. Standard QUARZ-PREC01-S5 refers to vibration, but only in the context of a Quarry Management Plan – and without enforcement of specific metrics.
206. In the Noise Chapter, Standard NOISE-S2 specifies the use of an international vibration standard (DIN 4150-3:2016 Structural Vibration – Part 3) but only with respect to construction, maintenance, earthworks and demolition activities. There are references to vibration and related standards in conditions attached to Waka Kotahi designations for Transmission Gully and the Petone to Ngauranga Shared Path. These conditions relate to vibration as an aspect of construction management, not to ongoing operations.
207. Two submitters have raised the issue of vibration in the context of managing the potential for reverse sensitivity effects. The submitters are KiwiRail and Waka Kotahi which we address separately below.

### **KiwiRail Vibration**

208. KiwiRail request significant changes to the Noise Chapter, to add a new standard with specific measurable vibration limits. The changes sought by KiwiRail would place the responsibility for vibration management on new noise sensitive receivers within 60m of railway lines.
209. In principle, we agree with the intent of the addition of vibration level limits to the Proposed District Plan; however, as presented in the KiwiRail submission, there are issues with how this would be executed and whether the outcome would be consistent as intended.
210. We agree with the use of a 0.3 mm/s V<sub>w,95</sub> vibration level limit (Class C as defined in NS 8176.E:2005) as sought by KiwiRail. However, the council would need KiwiRail to provide ground

vibration data and the assumptions behind this data (measured or modelled) to demonstrate that the implementation of this vibration level limit for all noise sensitive activities within the 60m distance from the rail corridor (as submitted) is appropriate.

211. We recommend that ground vibration data be provided for freight and non-freight lines (i.e. Johnsonville line) to distinguish the use cases at which a 60m distance for vibration assessment would be required, and to determine if separate distances for freight and non-freight are appropriate. Where possible, this data should be provided for rail lines within Wellington City, or from locations with similar ground conditions.
212. For any user of the district plan (including the Council), implementation of KiwiRail's proposed vibration provisions would require a detailed understanding of the vibration emissions from the current rail network. The KiwiRail submission provides limited information on current vibration levels and as a result it is likely that detailed acoustic studies would be required to ensure the proposed limits can be achieved in any particular case. In other words, each new noise sensitivity activity (typically dwellings) would require an individual assessment.
213. We support the proposal for vibration controls related to human comfort. However, we note that the quality of the rail track and rolling stock can result in significant variation in vibration levels. As such, vibration levels from the same stretch of rail corridor can change significantly over time. Therefore, if a fixed vibration limit is applied, it would likely lead to inconsistent outcomes over time, even within relatively small geographic locations.
214. In simple terms, we suggest that vibration controls should take the form of externally measured trigger levels. Land exposed to levels above the trigger would be required to undertake an assessment of the resulting effects, when a new noise sensitive development is proposed.
215. In a proposed new standard, KiwiRail's submission seeks to prescribe construction solutions for vibration isolation. While these solutions may be useful as non-statutory guidance, we consider that the construction solutions do not appropriately reflect typical construction types within Wellington City. We recommend that KiwiRail's construction solutions are not incorporated in the district plan as a compliance pathway.
216. An equitable approach, if vibration controls affecting noise sensitive activities were adopted into the district plan, is that there should be a corresponding vibration control and/or maintenance policy for the rail operator. This approach is consistent with the general duty under RMA s17, requiring emitters to avoid, remedy or mitigate the effects they produce on the environment. Controlling vibration to meet the limit at a receiver can be challenging without supporting action to control vibration at source. Without altogether avoiding noise sensitive development (e.g. housing) within 60m of the rail corridor, designing to manage vibration solely at the receiver would impose significant costs on development.
217. In particular locations, the 'receiver only' approach advocated by KiwiRail may have implications for achieving development aspirations in the plan's High Density Residential Zones. These zones are focused on the railway stations at Kenepuru<sup>11</sup>, Linden, Tawa, Takapu Road, and in central Johnsonville – with an aim of providing more people with greater access to public transport.

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<sup>11</sup> Kenepuru Rail Station is not within Wellington City's boundary, but its walkable catchment is



218. Ironically, KiwiRail’s approach to vibration management, through imposing additional costs on development, may effectively sterilize densification in parts of those zones and restrict the potential for greater use of passenger rail. Over a longer period, it might even risk the ‘hollowing out’ of residential development in affected areas. The potential future development of light rail in other parts of the City (passing through Medium Density Residential Zones) may face the same effect. We consider that this heightens the need for development of an equitable and cost-effective approach to vibration management.
219. Notwithstanding our general support for vibration standard related to rail, due to the absence of technical evidence from KiwiRail we recommend that the panel should reject KiwiRail’s submissions on vibration.
220. As an alternative, recognising the value in having suitable vibration provisions, we understand that the panel could direct Council to investigate and report on the issues and provide a solution or solutions. If that were to happen, we would expect the Council to work closely with KiwiRail’s noise experts on this work. Due to the need for research, and the technical / planning complexities involved, we consider that a report could take 6 to 12 months to be prepared. Our uncertainty around timing is also influenced by not knowing how much effort KiwiRail itself could commit to the work. Given the time involved, it seems likely that the outcomes would need to be eventually incorporated into the district plan via a Clause 16A process.

### **Waka Kotahi**

221. Waka Kotahi also submitted on the issue of vibration, seeking the same indoor vibration limit as KiwiRail.
222. In the experience of the s42A noise experts, a well-maintained road should be capable of meeting 0.3 mm/s vw,95 (Class C as defined in NS 8176.E:2005) at approximately 2 metres from the roadside. We would expect a road in a degraded state to still be Class C at 20m distance from the roadside. An appropriate level of road maintenance should reduce the distance at which potential vibration isolation is required due to exceedances in the proposed vibration threshold. As per FS107.31 and FS108.31, Waka Kotahi’s submission may impose the cost of vibration assessment and any subsequent vibration mitigation on private landowners in a manner where mitigation can be generally managed at source through standard maintenance.
223. The required maintenance to manage road vibration at source should be standard maintenance practice for Waka Kotahi. Therefore, we do not believe that the operation of state highways in Wellington would be (or should be) constrained by the effects of vibration on new noise sensitive activities. Waka Kotahi’s desire for a 20m setback distance would impose potential restrictions on future residential development. For that reason, we consider that the submitter should present evidence at the hearing to support its position. In the absence of any evidence, we recommend rejecting the Waka Kotahi submission on this point.

### **Insulation and ventilation**

224. Acoustic insulation, and the associated need for ventilation, were the subject of many submission points. This is an issue common to addressing the tension between the location of noise sensitive activities (often dwellings) and major noise emitters (e.g., Airport, railway, highways) in a compact urban environment. It relates to managing reverse sensitivity, which is

- underlain by concerns about amenity, health, and cost-effective mitigation. It is also highly relevant to whether densification can be enabled in particular parts of Wellington City.
225. NOISE-S6 sets minimum standards for the ventilation of new or altered habitable rooms. Following receipt of submissions on this plan topic, meetings held with Council officers agreed the ventilation provisions of PDP NOISE-S6 are inadequate to the point where room occupants may be thermally uncomfortable, leading to sometimes leaving doors and windows open (which has the effect of allowing outdoor noise to affect indoor spaces). In other words, the lack of district plan thermal (heating/cooling) requirements would lead to poor acoustic outcomes.
226. For that reason, a review was undertaken to match a district plan acoustic insulation standard with a 'parallel' ventilation standard that will provide, at reasonable cost, a comfortable indoor environment across a wide range of conditions. The intended outcome is that windows do not need to be opened, or at least kept closed as much as possible.
227. The revisions were originally based on KiwiRail submission [408.113] but modified so that, where buildings have sufficient natural ventilation using openable windows, these rooms do not need to be provided with a full mechanical system capable of achieving high air flows such as 6 air changes per hour. Also, to keep system costs down, the operational limit on noise generated by the ventilation system itself was set to apply at all operational speeds, except at high fan settings which are typically used infrequently and for short periods of time.
228. An expert ventilation engineer, Owen Brown, was engaged to provide comments and refinement of the revised NOISE-S6 standard. The finalised recommended re-wording of NOISE-S6 is shown in Appendix A.
229. We consider that the ventilation standard requested by KiwiRail has value, although the requested noise limit for the ventilation system is not considered appropriate to apply at the highest fan settings. Based on the advice of the ventilation expert engaged to assess the matter, we recommend accepting KiwiRail's submission in part. In Appendix A, we set out rewording that augments the approach taken by the submitter. Our recommended wording would allow a simplified ventilation system in habitable rooms where openable windows are provided (with sufficient opening area to satisfy clause G4 of the NZ Building Code).

## Other matters

230. Yvonne Weeber [340.90, 340.91], GOTB [452.45, 452.46], and Kāinga Ora [391.298, 391.299, 391.300, 391.301] each seek outcomes related to WIAL's Quieter Homes Programme (QHP). The QHP has been an initiative of WIAL, implemented over a period of years. It provides the offer of subsidised ventilation and other works to help mitigate aircraft noise, and applies inside the air noise boundary. Until recently, the QHP was not mandatory. However, it is now subject to condition 28 of designation WIAL4. The condition is:

*The Requiring Authority shall offer to fund noise mitigation for all existing residential properties within the Air Noise Boundary in accordance with the Quieter Homes Programme. The details and obligations which guide the implementation of the Quieter Homes Programme shall continue to be set out in the ANMP for all residential properties within the Air Noise Boundary. The mitigation shall be designed to achieve an indoor design sound Level of 45 dB L<sub>dn</sub> or less, based on the Air Noise Boundary at predicted fully developed capacity.*

231. As the QHP is subject to a designation condition, it would not be appropriate to place additional requirements on it, such as a completion timeframe as sought by Yvonne Weeber and GOTB. We also consider there is no need to amend NOISE-S4 and NOISE-S5 to include QHP acoustic insulation standards, as sought by Kāinga Ora, when the designation condition already requires WIAL to offer the QHP subsidy to residential properties inside the air noise boundary. For these reasons we recommend rejecting all submissions seeking the addition of QHP requirements to district plan provisions.
232. SPRA seek amendment to NOISE-S4, NOISE-S5 and NOISE-S6 to use the 90-day rolling average to establish the 60 dB Outer Air Noise Overlay. The submission is opposed by WIAL. We recommend rejecting the SPRA submission as this is covered by designation conditions, and the methodology required by NZS6805.
233. WCC seek amendment to NOISE-S4 and NOISE-S5 to adopt correct noise units in the Plan, in accordance with New Zealand Standards. We recommend accepting the submission.

### **3.8.3 Summary of Recommendations (Standards)**

234. HS5-Noise-Rec22: That submission points relating to Noise Chapter Standards are accepted/rejected as detailed in Appendix B.
235. HS5-Noise-Rec23: That NOISE-S1 (Maximum permitted activity noise levels by zone), NOISE-S3 (Noise management plans), NOISE-7 (Fixed Plant Noise) is retained as notified.

#### **Vibration, Insulation, Ventilation and Other Matters:**

236. HS5-Noise-Rec24: That NOISE-S2 (Maximum permitted noise levels by activity), NOISE-S4 (Acoustic Insulation – high noise areas), NOISE-S5 (Acoustic insulation – moderate noise areas), NOISE-S6 (Ventilation requirements), NOISE-S8 (Hours of aircraft operation), NOISE-S10 (Engine testing noise), NOISE-S11 (Noise from ground power units and auxiliary power units (Main site)), Noise-S12 (Noise from ground power units and auxiliary power units (East Side)), NOISE-S14 (Land based noise), NOISE-S15 (Miramar South Precinct noise) are amended as set out in Appendix A.

#### **Deletion of Standards sought by WIAL**

237. HS5-Noise-Rec25: That NOISE-S9 (Calculation and management of aircraft noise) is deleted as set out in Appendix A.
238. HS5-Noise-Rec26: That NOISE-S13 (Airport East Side Precinct residential noise mitigation) is deleted as set out in Appendix A.

## **3.9 Noise Appendices**

### **3.9.1 Matters Raised by Submitters (Noise Appendices)**

239. Various submitters referred to the Noise chapter appendices. They are:
- a. CentrePort [402.136, 402.137, 402.212] – seek amendments in relation to APP4 Table 20 to comply with the methodology in NZS 6809:1999 (Port Noise Standard).
  - b. The Fuel Companies [372.103, 372.155] – support permitted activity noise limits in APP4.

- c. Wellington City Council [266.171, 266.172] – amend APP4 Table 19 to increase permitted noise limits in Open Space / Sport and Active Recreation zones.
- d. Claire Nolan [275.38] – support APP4 as notified.
- e. Woolworths [359.94] – seek amendment of APP4 to improve clarity.
- f. WIAL [406.548] – seek deletion of APP4 Table 21.
- g. Living Streets [482.60] – seek clarification about use of different noise levels ( $L_{Aeq}$  and  $L_{AFmax}$ ).

### 3.9.2 Assessment (Noise Appendices)

240. Appendix 4 (APP4) to the Noise Chapter sets out multiple tables of permitted activity noise standards. The tables in Appendix 4 relate to the permitted noise levels (from any source activity) as received in specified zones, when emitted from within another specific zone.
241. Noise Rule 1 (NOISE-R1) requires all permitted activities to comply with Noise Standard 1 (NOISE-S1). Noise Standard 1 specifies the need to comply with Noise Appendix 4 “*noise generated by any activity in all zones must not exceed permitted noise limits within the receiving zone set out in APP4 – Permitted Noise Standards*”. The tables of Noise Appendix 4 differentiate between noise levels applying to specified emitting and receiving zones.
242. The submission of Woolworths [359.94] seeks amendment of APP4 to improve clarity. We agree that there are substantial clarity issues that need to be addressed.
243. Some issues associated with the APP4 tables we have identified are:
- Missing zones (Local, neighbourhood, and metropolitan centres).
  - Double referencing of “commercial and mixed use zones” and “mixed use zone”.
  - No reference to Courtenay Place Noise Area.
  - Reference to “Map 35” for the Air Noise Boundary (hard copy maps no longer exist).
244. As these tables cover noise emitted from specific source zones to specific receiver zones, there are many use cases that are not shown, and a noise limit is not provided. For example, the tables provide no clear noise limit for noise emitted from a city centre zone as received in any residential zone, or for noise emitted from a high density residential zone as received in a medium density residential zone. The lack of clarity is compounded by the e-Plan using “Commercial and Mixed Use” as a major zone heading, under which sits the Neighbourhood, Local, Commercial, Mixed Use, Metropolitan, and City Centre zones.
245. Related issues in policies, rules and standards are:
- NOISE-P3 lists “2. *Commercial and Mixed-Use Zones*”, which could be assumed from the Plan to contain the Neighbourhood, Local, Commercial, Mixed Use, Metropolitan, and City Centre zones. However, duplicate zones are listed in “8. *City Centre Zone*”; and “9. *Mixed Use Zone*”.
  - NOISE-P4 refers to “3. *The Centres Zones*”; which is either from the operative plan, or another form of shorthand for the Neighbourhood, Local, Commercial, Mixed Use, Metropolitan, and City Centre zones.
  - NOISE-P4, NOISE-R3.2 and NOISE-S5 do not address acoustic treatment for noise sensitive

areas in the Commercial Zone<sup>12</sup>. As per the Plan, the purpose of the Commercial Zone is to provide for a mixture of commercial and residential activities, therefore we recommend that this zone be included in these policies, rules and standards.

- NOISE-R3.1 should contain the Courtenay Place Noise Area, as this is listed in NOISE-S4.
- NOISE-R7.1 reference to a non-existent “*Town Centre Zone*”, which should be deleted.
- NOISE-R6 (Fixed Plant), requires compliance with Standard NOISE-S1. This links to APP4, but should actually link to APP5 which is specific to fixed plant noise.

246. Due to the matters described above, there is significant potential for misunderstanding, and a general lack of clarity, both for users of the plan (including their expert acoustic consultants) and for the Council in terms of compliance management.
247. It is possible to make assumptions about some of the mis-naming, exclusions, or other errors. We have therefore done so through additions and deletions as Clause 16 amendments. We have also undertaken a revision of APP4 to address omissions in the relationships between emitting and receiving zones, and for the general purpose of improving clarity. In doing so, we have endeavoured to maintain noise and time of day limits set for equivalent receiving zones in the operative district plan. Few provisions are labelled as being subject to the ISPP, so wholesale reliance on Schedule 1 Clause 99 is not feasible. Revisions of APP4 and APP5 are tracked in Appendix A attached to this s42A report.
248. WIAL [406.548] seek deletion of APP4 Table 21. We agree with the submitter that including this table is duplicative of WIAL’s designation, and we have recommended deleting NOISE-S9 for the same reason (see paragraph 200 above). APP4 Table 21 also incorrectly refers to an “Outer Noise Control Boundary” which does not exist (see paragraphs 165 to 178 above for related explanation).
249. CentrePort [402.136, 402.137, 402.212] seek amendments in relation to APP4 Table 20 to comply with the methodology in NZS 6809:1999 (Port Noise Standard). We agree with the submitter that consistency with the Port Noise standard is required.
250. Wellington Council [266.171, 266.172] seek amendment of APP4 Table 19 to increase the permitted activity noise limits within the Open Space / Sport and Active Recreation zones, specifically to address removing unnecessary noise restrictions on sport on Sundays. We recommend that the lower Sunday noise limits be increased and have amended APP4 to achieve that.
251. Living Streets Aotearoa [482.60] seek clarification about use of different noise levels ( $L_{Aeq}$  and  $L_{AFmax}$ ) in APP4. That clarification is provided in the expert evidence of Sean Syman.

### 3.9.3 Summary of Recommendations (Noise Appendices)

252. HS5-Noise-Rec27: That submission points relating to Noise Appendices 4 (Permitted Noise Standards) and 5 (Fixed Plant Noise Standards) are accepted/rejected as detailed in Appendix B.
253. HS5-NOISE-Rec28: Amend Appendices 4 (Permitted Noise Standards) and 5 (Fixed Plant Noise Standards) as set out in Appendix A.

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<sup>12</sup> The Commercial Zone is a small standalone zone in Curtis Street, on the border between Northland and Karori

## 3.10 ISPP (Intensification Streamlined Planning Process)

### 3.10.1 Matters Raised by Submitters (ISPP)

254. Various submitter raised matters that touch on the ISPP aspects of the Noise chapter. They are:
- Save Our Venues [445.7, 445.8] – seeks immediate effect of NOISE R3.1.
  - Waka Kotahi [370.219] – seeks immediate effect for ventilation standards in associated with NOISE-R3.1.
  - KiwiRail [FS72.75] – supports Waka Kotahi seeking immediate effect for ventilation standards in associated with NOISE-R3.1.
  - Waka Kotahi [370.221] – seeks immediate effect or addition as qualifying matter in relation to NOISE-R3.2 and Standards NOISE-S6 and NOISE-S5.

### 3.10.2 Assessment (ISPP)

255. Some submissions seek that specific Noise Chapter provisions have immediate legal effect, so that the potential for more intensive development under the MDRS is curtailed.
256. As noted in section 2.3 of this report, the following provisions of the Noise Chapter are indicated<sup>13</sup> by the Council as falling under the ISPP:
- NOISE-P6 – Development restrictions on noise sensitive activities
  - NOISE-R3 – Noise sensitive activity in a new building, or in alterations / additions to an existing building
  - NOISE-S4 – Acoustic insulation, high noise areas
257. Qualifying matters, with respect to the Medium Density Residential Standards (MDRS), are those circumstances set out by sections section 77I or 77O of the RMA. Among other things, this includes *“a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure”*.
258. 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.
259. Our understanding is that the safe or efficient operation of nationally significant infrastructure is a qualifying matter that would enable councils to modify the MDRS or intensification policies. The risk of noise from nationally significant infrastructure leading to ‘reverse sensitivity’ issues can therefore be reasonably be considered a qualifying matter, and this has been factored into the Council’s decisions about provisions in the PDP are subject to the ISPP process.
260. Although only NOISE-P6, NOISE-R3 and NOISE-S4 are identified as ISPP provisions, we consider that mechanical ventilation standards (NOISE-S6) are included by association, as they operate in

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<sup>13</sup> Through the notation “ISPP” beside a PDP provision

tandem with required noise insulation. That said, we understand that, once notified, a Schedule 1 provision (such as the ventilation standard) cannot be switched to being an ISPP provision.

261. We agree with Waka Kotahi 370.219 (supported by the further submission of KiwiRail FS72.75] that in some respects it would be desirable for noise, vibration and ventilation provisions to have immediate legal effect. Waka Kotahi submitted that<sup>14</sup>:

*... where there are enabling density provisions that have immediate legal effect, applicants will be able to build to greater densities but are not currently required to manage the effects of noise and vibration. Waka Kotahi considers that the noise and vibration provisions should have immediate legal effect, where the density provision [sic] that have immediate legal effect are in play. Waka Kotahi is concerned about the risk of intensification occurring in proximity to road noise traffic on state highways which are not designed to appropriately mitigate the noise and vibration effects in the existing environment, and people in those dwellings should be protected from potential health effects.*

262. Despite our agreement with the issues raised by Waka Kotahi, the RMA sets clear limits to the kind of provisions that can be given immediate legal effect. Provisions that have immediate legal effect are:

*86B[3] A rule in a proposed plan has immediate legal effect if the rule—*

- (a) protects or relates to water, air, or soil (for soil conservation); or*
- (b) protects areas of significant indigenous vegetation; or*
- (c) protects areas of significant habitats of indigenous fauna; or*
- (d) protects historic heritage; or*
- (e) provides for or relates to aquaculture activities.*

*86BA[1] A rule in a proposed plan has immediate legal effect if the rule meets all of the following criteria:*

- (a) the rule is in an IPI prepared using the ISPP;*
- (b) the rule authorises as a permitted activity a residential unit in a relevant residential zone in accordance with the density standards set out in Part 2 of Schedule 3A;*
- (c) the rule does not apply to either of the following areas:*
  - (i) a new residential zone;*
  - (ii) a qualifying matter area.*

263. With respect to noise, insulation, and ventilation – these are (or we consider them to be) qualifying matters that can serve to moderate the national Medium Density Residential Standards (MDRS). However, because these matters are not covered by the list in RMA 86B[3], and because they are qualifying matters (see 86BA[1](c)(ii)), they are actually precluded from being given immediate legal effect. We therefore recommend rejecting all submissions that seek immediate legal effect for noise provisions that are a qualifying matter in relation to the MDRS.

264. In drafting the Noise chapter, management of development intensity was an issue foreseen in relation to the Air Noise Overlay. In response, limits to the number of units that can be

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<sup>14</sup> Point 5(g), Waka Kotahi submission on the PDP

established within the Inner and Outer Air Noise Overlays were drafted. However, as has been emphasised by submissions from Waka Kotahi and KiwiRail, the management of residential development intensity in high and moderate noise areas is a wider issue than just air noise. Development intensity, noise insulation and ventilation are a nexus of issues that require integrated management.

265. After sufficient investigation (paragraph 28 above), vibration may also need to be integrated.

266. We therefore recommend substantial changes to Rule NOISE-R3 for the purposes of:

- a. Integrating a requirement for compliance with NOISE-S6 (Ventilation); and
- b. Ensuring the rule has consistent and general application within all the locations identified as High and Moderate Noise Areas, with respect to managing residential development intensity and requiring compliance with insulation and ventilation standards.

### **3.10.3 Summary of Recommendations (ISPP)**

267. HS5-Noise-Rec29: That submission points relating to Noise Chapter ISPP provisions are accepted/rejected as detailed in Appendix B.

268. HS5-Noise-Rec30: That NOISE-S6 (Ventilation requirements) be amended as set out in Appendix A.

## **4.0 Other Chapters**

### **4.1 Airport Zone**

269. The Introduction section of the Airport Zone chapter includes a background explanation about the management of Airport Noise. This wording includes abbreviations that are inconsistent with abbreviations found elsewhere in the Plan, sets out an abbreviation which is not necessary (and could be confusing) and contains a factual error regarding the contents of the Airport Noise Management Plan.

270. The following amendments are recommended to clarify the documents referred to, and to avoid confusion with other district plan documents. The following amendments are recommended:

- a. The Airport Noise Management Plan is referred to in NOISE-S3 and in the WIAL designation as the “ANMP”. The abbreviation “NMP” used in the Airport Zone Introduction is inconsistent with other parts of the Plan and is recommended to be amended to “ANMP” in the three places where it occurs.
- b. Reference to the “ANO” (Air Noise Overlay) is incorrect and should refer to the Air Noise Boundary (ANB).
- c. The Inner and Outer Air Noise overlays should be separately defined in the definitions Section . While they are an integral part of managing potential reverse sensitivity in the areas affected by aircraft noise these overlays have a separate function to that of the ANB with which they are unfortunately grouped with in the notified PDP.

271. The recommended changes, under Clause 16 for clarity and as consequential amendments, are set out Appendix A.



## 4.2 Subdivision Chapter

272. We provided noise related advice to the Subdivision chapter reporting officer. In summary, the nature of our advice was:
- a. The future effects of outdoor aircraft noise, between the Ldn 60 dB and Ldn 65 dB contours<sup>15</sup>, may not be so great as to warrant subdivision controls being imposed for noise sensitivity reasons.
  - b. Subdivision within the Air Noise Boundary<sup>16</sup> should be subject to a new subdivision policy that cross refers to NOISE-P6. Note that our own recommendation regarding NOISE-P6 is that it should be reworded to delete specific reference to the Inner Air Noise Overlay. Instead, our recommendation is that it refers to High and Moderate Noise Areas. NOISE-P6 establishes a starting point for other provisions (Rules and Standards) that restrict the development of noise sensitive activities within the High and Moderate noise areas.
  - c. WIAL should be considered an affected party for subdivision consent applications within the Air Noise Boundary (i.e., within the Inner Air Noise Overlay). This advice is consistent with our own recommendations about WIAL as an affected party (see paragraph 178 above).

## 4.3 Earthworks Chapter

273. Mark Ashby provided Airport (not noise) related advice to the Earthworks chapter reporting officer. In summary, the nature of his advice was:
- a. Earthworks in the Airport's East Side precinct should be referred to in the Earthworks chapter. This is to account for the possibility of final earthworks design exceeding any limits prescribed by designation conditions. Council wishes to retain its compliance ability, and also the ability to require resource consent. This advice parallels the reasoning outlined in paragraphs 196-200 above.
  - b. Restricted discretionary activity status (rather than fully discretionary) would be appropriate for earthworks in the Airport Zone that do not comply with EW-R20.1.
  - c. The reference to geomorphological impacts in EW-R20 relates to landform impacts on Rongotai Ridge, and the Hillock at the southern end of the Airport's Terminal precinct. These matters are subject to designation conditions 17 to 19 in designation WIAL4.
  - d. The landforms referred to above were identified in the notice of requirement hearing as being important to the community. If earthworks affecting those landforms are proposed, and are not otherwise authorised by designation conditions, then a resource consent application may be required if not otherwise permitted by the Earthworks chapter.

## 4.4 Temporary Activities Chapter

274. NZDF [423.45, 423.46] has developed bespoke noise standards with respect to temporary military training activities (TMTA), that NZDF is seeking to be included in every district plan

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<sup>15</sup> That is, within the Outer Air Noise Overlay

<sup>16</sup> That is, within the Inner Air Noise Overlay

throughout the country. The standards have been specifically developed by NZDF to manage the particular noise characteristics of TMTA. The standards provide controls intended to manage noise effects from TMTA (which include minimum separation distances and peak sound levels for both daytime and nighttime periods), as well as having a standard practice of informing affected landowners and occupiers of properties.

275. A full response to these submissions is provided in the evidence of Sean Syman. In summary, Mr Syman's expert advice is:
- a. TMTA should be able to occur on a Sunday, provided that appropriate noise standards for TMTA are met.
  - b. The requirement for TMTA notice to the public should reside in TEMP-S6 and not be placed in APP6.
  - c. The relevant noise limits for mobile noise sources when TMTA takes place for more than 14 days should be reduced by 5 dB, as these limits are based on the limits for construction activities in NZS 6803:1999 which has reduced noise limits for activities longer than 14 days.
  - d. Distinct noise limits should be set out in the TEMP chapter table displaying mobile noise limits for TMTA, based on the duration of activities.
  - e. Fixed (stationary) noise sources proposed by NZDF are appropriate and align with the PDP, with the exception of the addition of a 50 dB  $L_{Aeq}$  "evening" noise limit from 1900 to 2200 hours, which is more restrictive.
  - f. Noise measurement, assessment criteria and the recommended limits provided in Table 1 of NZS 6807:1994 are appropriate for TMTA Helicopter Landing Pad activity.
  - g. The land use planning section of NZS 6807:1994 should not be applicable for TMTA, as it is inappropriate to establish a helinoise boundary for a temporary activity.

## 5.0 Section 32AA evaluation

276. In my opinion, the amendments to the Noise Chapter summarised above and set out in Appendix A are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- They will enhance clarity and consistency, and also address some of the specific issues raised by submitters. Consequently, they are more efficient and effective than the notified provisions in achieving the objectives of the PDP.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

## 6.0 Minor and inconsequential amendments

277. Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

278. Various recommended amendments, marked as being for Clause 16 reasons, are set out in Appendix A.

## 7.0 Conclusion

279. Submissions have been received in support of, and in opposition to the PDP.

280. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in Appendix A of this report.

281. For the reasons set out in the Section 32AA evaluation attached at Appendix A and included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:

- a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
- b. Achieve the relevant objectives of the PDP, in respect to the proposed provisions.

## 8.0 Recommendations

282. I recommend that:

- a. The Independent Hearing Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
- b. The PDP is amended in accordance with the changes recommended in Appendix A of this report.

## Appendices

### Appendix A: Recommended Amendments to the Noise Chapter, Appendix 4 and Appendix 5

- Text recommended to be added to the PDP is underlined.
- Text recommended to be deleted from the PDP is ~~struck through~~.

## **Appendix B: Recommended Responses to Submissions and Further Submissions on the Noise Chapter, Appendix 4 and Appendix**