

**IN THE MATTER of the Resource Management Act 1991(RMA)**

**AND**

**IN THE MATTER Nineteen Notices of Requirement (NoRs) and one Resource Consent application for the North-West project by Te Tupu Ngatahi Supporting Growth Alliance (SGA).**

**JOINT WITNESS STATEMENT (JWS) IN RELATION TO:**

**NOISE and PLANNING**

**25 August 2023**

Expert Conferencing Held on: 25 August 2023 at 11:00am

Venue: Online via Microsoft Teams

Independent Facilitator: Marlene Oliver

Admin Support: Darwin Chan

**1 Attendance**

- 1.1 The list of participants is included in the schedule at the end of this Statement.
- 1.2 Michael Campbell (planning – Kāinga Ora Homes and Communities) has sent his apologies. Note from the facilitator: as Michael Campbell was unable to attend because of prior commitments the JWS from this noise session will be included in the planning expert conferencing and Michael will be given an opportunity to record any comments as part of planning expert conferencing.
- 1.3 Note from the facilitator: Ben Willis has been approved to attend this expert conferencing session as an observer. Ben confirmed that he has read the Environmental Court Practice Note 2023, in particular Section 9 Code of Conduct, and that he will comply.

**2 Basis of Attendance and Environment Court Practice Note 2023**

- 2.1 All participants agree to the following:
  - (a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
  - (b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;

- (c) They will make themselves available to appear before the Panel;
- (d) This statement is to be filed with the Panel and posted on the Council’s website.

### **3 Matters considered at Conferencing – Agenda and Outcomes**

#### **3.1 Low Noise Road Surface**

All noise experts agree that low noise road surface be required as a condition on the entire length of all roads subject to these applications.

#### **3.2 Condition “All 24 Low Noise Road Surface” (Auckland Transport Conditions)**

Given the agreement recorded in Para 3.1 above, all experts agree that Condition “All 24 Low Noise Road Surface” (Auckland Transport Conditions) is not appropriate. Chris Scrafton undertakes to redraft the content of this condition (recognizing that it may result in separate conditions) and will circulate a draft to all experts attending this conferencing session by 3pm on Monday 28<sup>th</sup> of August 2023.

#### **3.3 Noise Mitigation in relation to protected premises and facilities (PPFs)**

There are proposed conditions in the SGA evidence version 2<sup>nd</sup> of August 2023 addressing the noise performance to be achieved at the PPFs (existing in 2022) and in the process of determining the BPO mitigation for them at detailed design.

Jon Styles and Rhys Hegley do not consider the drafting of these conditions to be appropriate due to the lack of certification and the lack of specificity on noise limits. SGA experts will review the evidence from the s42A team and Kaianga Ora.

#### **3.4 Noise mitigation in relation to activities that might occur after 2022 and the likely future development based on zoning (future planned environment)**

The experts agree there are no conditions proposed (other than the low noise road surface condition) to address or assess noise in relation to activities that might occur after 2022 and the likely future development based on zoning (future planned environment).

Jon Styles and Rhys Hegley consider that conditions are required to manage the future existing and future planned environments. These conditions should include BPO and allow for all practicable mitigation options including:

- Within the NoR property boundaries such as barriers and road surface
- Outside the NoR property boundaries such as offering building modifications and barriers

Jon Styles and Rhys Hegley consider including building modification is appropriate given that the noise contours that are provided to inform future development are not in the AUP or easily/publicly available (e.g., they are not part of a plan change or registered against Records of Title or likely to be recorded on LIMs).

Siiri Wilkening and Claire Drewery consider that the shared responsibility for noise mitigation is fundamental to these projects, where the RA provides mitigation within the NoR and any new development coming to the road (after the notification of the NoRs) should provide suitable noise mitigation for that environment. Many of the NoRs are existing high noise roads where the projects will result in noise level reduction. They disagree with providing any building modification for houses and noise sensitive activities (buildings)

constructed between notification and detailed design while structural mitigation such as barriers are not categorically ruled out.

Jon Styles and Rhys Hegley propose additional conditions requiring the RA to conduct BPO assessments for all practicable mitigation options (including barriers) at the time of detailed design/Outline Development Plans and taking into account: post 2022 residential development, and where there is a high degree of certainty of further residential development. This includes the Countryside Living Zone and FUZ Zone where there is an approved structure plan.

Siiri Wilkening and Claire Drewery consider a BPO assessment might be appropriate for only NoR S1 in the Strategic Package which is a high speed, high volume and limited access motorway and it is a new road.

Claire Drewery considers that for the Local Package of NoRs that with a low noise road surface then it is not necessary to conduct a further BPO assessment at the detailed design and Outline design Plan Stage. The reasons are:

- Where existing roads are upgraded through these NoRs and the noise levels will remain similar or reduced; and
- Where existing and new roads have openings for accessways they may limit the effectiveness of barriers; and
- Shared responsibility for land developers/homeowners to manage noise on their own properties from existing and new roads

### 3.5 Agenda Items that have not been addressed in this session are listed below.

Chris Scrafton to coordinate review of the list with a view to allocating any items that can be dealt with at the Planning only Expert Conferencing. In the alternative either meetings should be arranged between the noise and planning experts or a request made to the facilitator for a further facilitated expert conferencing session.

Can we increase the certainty of the noise contours across the FUZ and live-zoned residential?
Can we craft a condition that requires the Requiring Authority to update the noise contours it has given the Council when the final design is known?
Whether it is appropriate to rule out barriers in situations where they don't screen the second or third storey of development, even though they might have significant positive effects for ground floor receivers and outdoor areas.
How can the approach taken by the conditions whereby CAT A and B houses can get >40dB internally when CAT C houses get mitigated to 40dB internally be rationalised?
Has the Waterview BOI decision been considered in the design of mitigation?
Is Mr Styles' suggestion to limit the scope of night works acceptable?
What mechanisms are in place to prevent the CNVMP from enabling wide-ranging infringements of the Project noise and vibration standards in the way that the Requiring Authority's expert evidence suggests?

Should the CNVMPs be able to authorise infringements of the Project Standards? If so, what is the scope?
Should the scope of infringements be limited to Monday – Saturday with a different / higher standard applying on Sundays and Public Holidays?
Should a different regime with earlier and more specific consultation apply to schools, ECECs etc?
Management of vibration effects on the Huapai Tavern
Station noise conditions and restrictions

#### 4 PARTICIPANTS TO JOINT WITNESS STATEMENT

4.1 The participants to this Joint Witness Statement, as listed below, confirm that:

- (a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
- (b) They have read the Environment Court’s Practice Note 2023 and agree to comply with it; and
- (c) The matters addressed in this statement are within their area of expertise; and
- (d) As this session was held online, in the interests of efficiency, it was agreed that each expert would verbally confirm their position in relation to this para 4.1 to the Independent Facilitator and the other experts and this is recorded in the schedule below.

##### **Confirmed online: 25 August 2023**

EXPERT’S NAME & EXPERTISE	PARTY	EXPERT’S CONFIRMATION REFER PARA 4.1
Regan Elley – Planning	Te Tupu Ngātahi	Yes – for agenda items 3.1 – 3.4 (part)
Chris Scrafton – Planning	Te Tupu Ngātahi	Yes
Siiri Wilkening – Noise and Vibration	Te Tupu Ngātahi	Yes
Claire Drewery – Noise and Vibration	Te Tupu Ngātahi	Yes
Robert Scott – Planning	Auckland Council (s42A)	Yes
Alex Turner – Planning	Auckland Council (s42A)	Yes
Jess Romhany – Planning	Auckland Council (s42A)	Yes
Jo Hart – Planning	Auckland Council (s42A)	Yes
Jon Styles – Noise and Vibration	Auckland Council (s42A)	Yes
Rhys Hegley – Noise and Vibration	Kāinga Ora Homes and Communities	Yes
Ben Willis – Planning	Observer	Refer to Para 1.3