

***Report of the Hearing  
Committee***

***Proposed Plan Change 1 to  
the Regional Coastal Plan***

**Plan change 1 to the  
Regional Coastal Plan –  
Port Noise Provisions**

## REPORT OF THE HEARING COMMITTEE

**Subject:** Plan Change 1 to the Regional Coastal Plan – Port Noise Provisions

**HEARING COMMITTEE:** Commissioners Ian Hutchings (Chair), Leonie Gill, Sally Baber

**DATE OF HEARING:** 2<sup>nd</sup> July 2007

---

### 1. Introduction and Summary

The purpose of this report is to set out the consideration and recommendations of the Hearing Committee on the issues raised in the submissions and hearing on Plan Change 1 (CPC 1) to the Regional Coastal Plan relating to port noise.

The Plan Change was both notified in December 2006, and was heard together with District Plan Change 49 and Variation 3 to the Wellington City District Plan as they all deal with issues relating to noise from Port Related Activities. Port Related Activities can occur in both the district and the Coastal Marine Area and to ensure a consistent approach to dealing with their effects, the Wellington Regional and City Councils agreed to work together with CentrePort to address the issue.

CPC 1 amends the permitted noise levels from Port Related Activities in the Commercial Port Area in line with those recommended in the “New Zealand Standard NZS 6809:1999 – Acoustics - Port Noise Management and Land Use Planning”. In addition, the Plan Change adds the requirement for noise sensitive activities within the Port Noise Affected Areas to acoustically insulate all new habitable rooms.

### 2. Recommendations

It is recommended that Greater Wellington Regional Council:

1. *Receive the information*
2. *Approve Plan Change 1 to the Regional Coastal Plan – Port Noise Provisions as notified with the following additions, amendments and deletions resulting from consideration of submissions:*
  - 2.1 *That in the definition of Port Related Activities, the words “and on the adjacent land within the district ” is added after “Lambton Harbour Development Area”*
  - 2.2 *That a new definition of Port Noise Control Line is added as follows*

**PORT NOISE CONTROL LINE:** *means the line at or beyond which the rule controlling the emission of noise*

*from Port Related Activities applies and where the noise from Port Related Activities is monitored.*

2.3 *That the explanation to Policy 6.2.18 is amended and the reference to Policy 6.2.19 is deleted and a reference to Policy 6.2.18 is added*

2.4 *That the words ‘at or on’ in the wording of general standard 14.1.4 (A) (3) is deleted and replaced with the words ‘at or beyond’*

2.5 *That the second sentence in general standard 14.1.4 (A) (4) be amended to read:*

*‘The monitoring will be undertaken in accordance with the Port Noise Management Plan and the information shall be reported to Greater Wellington Regional Council.’*

2.6 *That Planning Maps 4A and 4E be amended and the Port Noise Control Line be terminated at the boundary between the road reserve and the Lambton Harbour Development Area at Johnston Street*

3. *That all submissions and further submissions be accepted or rejected to the extent that they accord with the above recommendation.*

### **3. Background Context**

The provisions managing the effects of noise from port activities in the Regional Coastal Plan were appealed to the Environment Court by CentrePort. Negotiations to resolve these references resulted in a Consent Order which agreed that these provisions would remain as an interim measure and inserted Policy 4.2.47 in the Regional Coastal Plan to align the noise standards in the Wellington City District Plan with respect to port and port related activities. The City and Regional Councils (and CentrePort) agreed to initiate a Plan Change to implement NZS 6809:1999 “Acoustics – Port Noise Management and Land Use Planning”.

#### ***New Zealand Standard NZS 6809:1999 – Acoustics - Port Noise Management and Land Use Planning***

The Port Noise Management Standard has been developed for use by local authorities in the resource management and regulatory roles and by port operators to facilitate the management of noise from port operations. Port operations include ships at berth, and activities on wharves and other structures within the Coastal Marine Area and on land.

The Standard outlines methods for:

- identifying land areas subject to current and future port noise
- setting boundaries to define such land areas
- imposing land use controls on noise sensitive activities within these boundaries and

- establishing noise limits to control port noise measures at or beyond these boundaries.

In addition, the Standard includes guidance on the development of a port noise management plan and a 'port noise liaison committee'.

### ***Plan change***

The proposed provisions set out:

- maximum permitted levels for noise from Port Related Activities
- acoustic insulation standards for noise sensitive activities in areas identified as being subject to noise from Port Related Activities
- an outline for a port noise management plan to be developed by CentrePort.

### ***Key differences between the Port Noise Management Standard (NZS 6809) and the Plan Change***

There are two areas where the Plan Change varies from the recommendations of the Port Noise standard. These relate to

- the category of consent for noise sensitive activities in the inner Port Noise Affected Area and
- the mechanism to achieve an appropriate internal noise environment.

The Port Noise Management Standard recommends that noise sensitive activities are prohibited in the Inner Port Noise Affected Areas. In exceptional circumstances, the standard proposes that new noise sensitive activities are discretionary activities subject to conditions requiring adequate insulation from port noise. Alterations or additions to buildings are recommended to be discretionary activities subject to conditions requiring the additions or alterations to be adequately insulated from port noise.

This Plan Change recommends that noise sensitive activities are permitted in the Port Noise Affected Area subject to meeting the requirements for acoustic insulation. Higher noise insulation standards are specified within the Port Noise Control Line (the Inner Port Noise Affected Area) to address higher levels of noise due to the proximity to the port and to address low frequency sounds and other sounds with special tonal characteristics emanating from port operations.

Within the Port Noise Affected Areas, the approach used is to specify noise insulation standards for the building envelope rather than internal noise environments. This is similar to the approach used in the Central Area zone of the Wellington City Council District Plan which has proved reasonable.

Permitting noise sensitive activities subject to meeting appropriate acoustic insulation standards in areas close to the Operational Port Area is reflective of the permissive nature of the Wellington City District Plan. The Plan Change 1 to the Regional Coastal Plan reflects the District Plan for the Port Noise provisions.

The Regional and City Councils have worked together to develop the provisions in these Plan Changes to ensure consistency between the Plans which manage the effects of port noise from the Operational Port Area. Statutory consultation was completed in July 2006.

## 4. Submissions and Discussion

Seven submissions were received and they are summarised in Appendix 2. Two further submissions have been made by Board of Airline Representatives New Zealand (BARNZ) and CentrePort. These are discussed further below.

### 4.1.1 General

The **Department of Conservation** supported the proposed Plan Change and requested that the Plan Change be adopted. This submission is accepted. Further submissions by CentrePort supported this submission.

**CentrePort** submitted in general support of the intent and content of the Plan Change and requested that the changes are implemented with the exception of those areas identified in its submission. The Hearing Committee accepts in part this submission. Other submissions by **CentrePort** are addressed below.

### 4.1.2 Definitions

#### Golden Bay Cement and Firth Industries

**Golden Bay Cement and Firth Industries** partially opposed the Plan Change. The submitter sought clarification of the definition of Port Related Activities as to whether **Golden Bay Cement and Firth Industries** were captured by the definition. The submitter sought amendment of the definition so that industrial activities which have an operational or locational synergy with the port are clearly included in the definition as follows (amendments sought are underlined):

- PORT RELATED ACTIVITIES (For the purpose of rules and standards relating to port noise): means activities within the Commercial Area including:***
- *the berthing, departure and movement of ships,*
  - ~~*storage and cargo handling,*~~
  - *the handling of goods and passengers,*
  - *all activities associated with the movement, storage and handling of cargo*
  - *industrial activities which source raw materials or goods through the port, or which contribute to the operation of the port, or support other activities in the vicinity of the port or the Central Area, and*
  - *any activities (including construction, maintenance and repair) associated with buildings, machinery and equipment used in connection with the port or its administration.*

*Activities not directly connected to the operation of the port such as office activities, retail activities, and other non-port uses within the Operational Port Area and Port Redevelopment Precinct are excluded*

A further submission by **CentrePort** opposed this amendment.

#### Consideration

Whilst some of the activities undertaken by **Golden Bay Cement and Firth Industries** such as the loading and unloading of coastal cement tankers are captured by the definition of Port Related Activities, the processing, packaging and final distribution of the product are not. The location of these latter activities is not inherently required to be located in the Commercial Port Area and is therefore outside the definition of Port Related Activities.

The Hearing Committee heard evidence from Dr Wassilieff on behalf of CentrePort that the packing and processing of the product was carried out in an open ended shed which resulted in the noise being highly directional. Whilst the noise from the processing was likely to be in excess of the limits set by the Port Noise Control Line and the existing Central Area noise rules, the surrounding noise environment was also very loud due to the close proximity of the railway and motorway. The directional nature of the noise also resulted in the maximum noise levels being directed away from nearby residential areas.

The Hearing Committee considers it appropriate that the effects of noise generated by the processing, packaging and final distribution of product by **Golden Bay Cement and Firth Industries** are managed by the general activity provisions. In this case, these activities are located within the district and are controlled by the Central Area provisions of the Wellington City District Plan. **Golden Bay Cement and Firth Industries** requested a broad amendment to the definition of Port Related Noise in the Coastal Plan to cover all types of activities and industries which may have locational or operational synergies with the Port.

### Decision

The Hearing Committee rejects the submission both in the specific and general circumstances to amend the definition of Port Related Activities.

### ONTRACK

**ONTRACK** requested that the definition of Port Related Activities is clarified to ensure that it excludes railway activities within the Thorndon ferry terminal premises.

### Consideration

The definition of Port Related Activities includes all activities undertaken when shipping freight and cargo. To this extent, railway activities in the Thorndon ferry terminal are included in the definition of Port Related Activities when they are associated with the loading or unloading of a ship or ferry. The noise modelling undertaken during the development of the Plan Change and used to establish the location of the Port Noise Control Line included noise sources from the InterIslander Ferry Terminal, including railway activities associated with the loading and unloading of ships. The scenario modelled was for a typical busy 5 day period which included the following activities in the ferry terminal area:

<b>Activity</b>	<b>Daytime level</b>	<b>Night time level</b>
Rail movements	40 hours	30 hours
Truck movements	2000	2500
Car movements	8000	
Ships at berth	All 5 days	All 5 nights

The Hearing Committee heard that this level of activity is the projected increased level in 10 years time and is over and above that of current activity levels.

### **Decision**

In light of the above evidence the Hearing Committee rejects this submission.

### **CentrePort**

**CentrePort** requested that the definition of Port Related Activities is amended to reflect that the modelling of areas affected by noise emitted from the port is based on noise emitted from both the land and Coastal Marine Area. The suggested amendment is as follows:

*“**Port Related Activities** (For the purpose of rules and standards relating to port noise): means activities within the Commercial Port Area, ~~and~~ the Lambton Harbour Development Area and on the adjacent land within the district including the berthing, departure and movement of ships, storage and cargo handling, handling of goods and passengers, all activities associated with the movement, storage and handling of cargo and any activities (including construction, maintenance and repair) associated with buildings, machinery and equipment used in connection with the port or its administration. Activities not directly connected to the operation of the port such as office activities, retail activities, and other non-port uses within the Commercial Port Area and the Lambton Harbour Development Area are excluded.”*

**CentrePort** also requested a new definition is added to the Plan Change to define the Port Noise Control Line. The submitter considered that the new definition clarifies the terminology in the Plan Change. The requested definition is:

*“**PORT NOISE CONTROL LINE:** means the line at or beyond which the rule controlling the emission of noise from Port Related Activities applies and is measured”*

### **Decisions**

The Hearing Committee accepts the submission to clarify the definition of Port Related Activities.

The Hearing Committee accepts the inclusion of the suggested definition with the following minor amendments

*“**PORT NOISE CONTROL LINE:** means the line at or beyond which the rules controlling the emission of noise from Port Related Activities applies and ~~are~~ measured where the noise from Port Related Activities is monitored”*

### 4.1.3 Policies and Rules

#### **Wellington International Airport Limited**

**Wellington International Airport Limited (WIAL)** opposed the Plan Change and sought that all proposed changes to the policies and rules in the Coastal Plan be deleted. **WIAL** argued that the changes would leave the airport protections currently provided within the Air Noise Boundary in the Wellington City District Plan open to challenge. Their concern was that the provisions in the Wellington City District Plan protecting the airport operations will be undermined and ‘will result in increased restrictions on an already tightly constrained operation’. A further concern was that the Plan Change may sway the outcomes of the current land use study being undertaken jointly between **WIAL** and Wellington City Council. **BARNZ** made a further submission in support of this submission in its entirety.

In the alternative, **WIAL** requested that their submission be accepted in part and the Plan Change be amended to the extent that new noise sensitive activities be made discretionary (unrestricted) activities in those areas of the Coastal Marine Area that are within the Port Noise Control Line.

CentrePort made further submissions in opposition to the submission by **WIAL**.

#### **Consideration**

The Regional Coastal Plan is silent regarding the impact of airport noise on noise sensitive activities within the Coastal Marine Area as airport noise is not within its jurisdictional control.

#### **Decision**

The Hearing Committee rejects the submission and alternative submission by **WIAL**.

#### **Board of Airline Representatives New Zealand**

**BARNZ** generally supported the Plan Change as it ‘seeks to recognise the importance of regional significant infrastructure and the reverse sensitivity effects’ from nearby noise sensitive activities. However **BARNZ** raised a number of concerns regarding the potential impact that this Plan Change may have on Wellington International Airport, and the outcome of the LUMIN study referred to above. In addition, **BARNZ** questioned whether the acoustic insulation standards proposed are the most appropriate and whether the Plan Change is consistent with the Port Noise Management Standard. **BARNZ** requested that the Plan Change be declined and deferred until the completion of the LUMIN study.

CentrePort made further submissions in opposition to the submission by **BARNZ**.

#### **Consideration**

The Hearing Committee considers that the suggested amendments to the Residential Area and Suburban Centre Area rules in the Wellington City District Plan adequately address their concerns. The Coastal Plan does not have jurisdiction over the airport nor aircraft noise.

#### **Decision**



The Hearing Committee rejects this submission.

### **New Zealand Shipping Federation**

The **New Zealand Shipping Federation (NZSF)** opposed the changes to the policies and rules of the Plan Change and sought that all changes are deleted. The principle reasons were the potential to undermine the provisions protecting the airport operations and the significant extra cost for existing port operations as a result of changes in operations to mitigate noise. These changes may lead to port operations shifting to other, less restricted ports.

CentrePort made further submissions in opposition to the submission by NZSF.

### **Consideration**

The Hearing Committee heard evidence that there was little consultation between CentrePort and its shipping users regarding this Plan Change and that the Shipping Federation has concerns regarding further development of the port land for non port users.

The Hearing Committee considers the issues raised by **NZSF** are important and the port operation is a significant industry and the proximity of existing residential development to CentrePort operations is a significant issue for the region, along with other ports such as Port Chalmers and Lyttleton. The Hearing Committee considers that these issues are adequately addressed by the Plan Change through the location of the Port Noise Control Line which takes into account the predicted growth in port operations over the next 10 years. The Committee considers that this is appropriate as it allows the port the flexibility to locate its activities within its own Commercial Port Area. The Plan Change will require all new noise sensitive activities wishing to locate near the port to acoustically insulate the building envelope to mitigate any potential adverse effects of noise from port operations. The acoustic insulation standard takes into account the special tonal characteristics of port noise and Council's technical advice is that this will adequately protect both the port operations and users of the acoustically insulated buildings.

### **Decision**

The Hearing Committee rejects this submission.

### **ONTRACK**

**ONTRACK** submitted in support of the proposed additions to Policy 4.2.45 and the addition of the new policy 6.2.17 to ensure habitable rooms used by noise sensitive activities are acoustically insulated. No amendments were requested. A further submission by CentrePort supported the submission by ONTRACK.

### **Decision**

The Hearing Committee accepts this submission.

### **Golden Bay Cement and Firth Industries**

**Golden Bay Cement and Firth Industries** submitted in support of requiring acoustic insulation of all 'habitable rooms' on sites within a defined 'Port Noise Affected Area'

as these provisions improve the management of noise generated in the Commercial Port Area. No amendments are requested. The submitter also supported the acoustic insulation provisions in Variation 3 and Plan Change 49 to the Wellington City District Plan.

A further submission by CentrePort supported the submission by Golden Bay Cement and Firth Industries.

### **Decision**

This submission is accepted.

### **CentrePort**

**CentrePort** requested a minor amendment to the explanation to Policy 6.2.18 to change the reference to 'Policy 6.2.19' to 'Policy 6.2.18'.

**CentrePort** requested a minor amendment to the wording of general standard 14.1.4 (A) (3) where the rule refers to compliance 'at or on' the Port Noise Control Line. The submitter requested that this is amended to 'at or beyond'.

### **Decision**

These submissions are accepted as they clarify the intent of the notified Plan Change.

### **CentrePort**

**CentrePort** requested that general standard 14.1.4(A) (4) relating to the ongoing compliance monitoring of port noise be deleted and that references to this rule also be deleted from 14.1.4 (A) (5). **CentrePort** considered that the monitoring regime should be provided for within the context of the Port Noise Management Plan rather than the Coastal Plan.

### **Consideration**

The Hearing Committee accepts that the monitoring regime should be able to be modified as initial monitoring results are reported. The Committee considers that this should be done without the need to amend the Regional Coastal Plan.

### **Decision**

This submission is accepted in part and the Hearing Committee recommends that general standard 14.1.4 (A) (4) be amended to read:

- (4) *CentrePort shall undertake a noise monitoring programme to ensure that noise from Port Related Activities comply with condition 14.1.4(A)(3) at the Port Noise Control Line. This monitoring will be undertaken ~~at least 2 times per year at 4 points~~ in accordance with the ~~CentrePort~~ Noise Management Plan and the information shall be ~~supplied in a twice yearly reported~~ to Greater Wellington Regional Council.*

#### **4.1.4 Maps**

##### **CentrePort**

**CentrePort** requested that the Port Noise Control Line be stopped at Johnston Street on Customhouse Quay rather than turning it east to meet the Coastal Marine Area on Planning Maps 4A and 4E. This area is an active and busy wharf area used by a range of small vessels and their associated activities. The submitter argued that it is not practical to measure compliance at this point, rather that compliance should be set at a distance from the active port area.

**CentrePort's** request that the whole of Queen's Wharf outer T be included within the yellow area on Map 4E was withdrawn at the hearing.

##### **Consideration**

The Hearing Committee heard from CentrePort's noise expert that noise from port related activities is unlikely to comply with the port noise emission standards if measured at mean high water springs in the north Queens Wharf area. The Committee agrees that the intent of the Plan Change is to allow for the current levels of activity at the wharves.

##### **Decision**

The Hearing Committee accepts the submission and recommends that the Port Noise Control Line end at the boundary between the road reserve for Customhouse Quay and the Lambton Harbour area at Johnston Street. A similar recommendation is made to changes to the Wellington District Plan.

The Hearing Committee agrees that the whole of Queen's Wharf Outer T should not be included in the yellow area on Map 4E and accepts that Map 4E should not be amended.

## **5. Conclusion**

The submissions raised significant issues, particularly with regard to reverse sensitivity effects from nearby residential areas and the potential impact on Wellington International Airport. The Hearing Committee considers that any potential impacts are sufficiently mitigated through the proposed provisions of the Plan Change.

The Hearing Committee recommends that the Plan Change should be approved with the additions, amendments and deletions recommended in this report.

# Appendix 1

---

## **Proposed Plan Change 1 to the Regional Coastal Plan for the Wellington region**

Port Noise Provisions

---

# Proposed Plan Change 1 to the Regional Coastal Plan

## 1. Interpretation

Section 3 of the Plan is amended by inserting the following definitions:

**“External Sound Insulation Level ( $D_{nT,w} + C_{tr}$ ):** means the standardised level difference (outdoor to indoor) and is a measure of the airborne sound insulation provided by the external building envelope (including windows, walls, ceilings and floors where appropriate) described using  $D_{nT,w} + C_{tr}$  as defined in the following Standards:

- ISO717-1:1996<sup>1</sup> *Acoustics – Rating of Sound Insulation in Buildings & Building Elements* using spectrum No.2 (A-weighted traffic noise spectrum).
- ISO 140-5:1998 *Acoustics - Measurement of Sound Insulation in Buildings and of Building Elements, Part 5: Field Measurements of Airborne Sound Insulation of Facade Elements and Facades.*

The term “external sound insulation level” is used in this Plan primarily as a calculated value to demonstrate compliance with the stated minimum standard of acoustic isolation against sounds arising from outside the building. If field testing of built structures is employed to verify predictions these tests shall be carried out using ISO 140-5:1998 *Acoustics – Measurement Of Sound Insulation In Buildings Of Building Elements. Part 5: Field Measurements Of Airborne Sound Insulation Of Façade Elements And Facades.*”

**“Habitable Room:** in any of the categories of activity referred to in the definition of ‘noise sensitive activity’, means a space within a building that is commonly associated with domestic living, but excludes any bathroom, laundry, water-closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, any room in an early childhood centre not used for sleeping or other space of a specialised nature occupied neither frequently nor for extended periods of time.”

**“Hotel, Motel or Other Accommodation Activity:** includes hotels, motels, or the use of premises where residential accommodation for five or more persons is offered at a daily tariff or other specified time.”

**“ $L_{dn}$**  means the A-frequency-weighted day-night average sound level in decibels measured in accordance with the requirements of NZS 6801:1999

---

<sup>1</sup> This Standard is also known as AS/NZS1276.1:1999 *Acoustics-Rating of sound insulation in buildings and of building elements Part 1: Airborne sound insulation*

*Measurement of Sound* and NZS 6809:1999 *Port Noise Management and Land Use Planning*”.

“**L<sub>eq</sub>** means the A-frequency-weighted time-average sound level in decibels measured in accordance with the requirements of NZS 6801:1999 *Measurement of Sound* and NZS 6809:1999 *Port Noise Management and Land Use Planning*.”

“**L<sub>max</sub>** means the A-frequency-weighted maximum sound level in decibels measured in accordance with the requirements of NZS 6801:1999 *Measurement of Sound* and NZS 6809:1999 *Acoustics – Port Noise Management and Land Use Planning*.”

“**Noise Sensitive Activity:** means

- any residential activity;
- any early childhood education centre;
- any hotel, motel or other accommodation activity.”

“**Port Related Activities** (For the purpose of rules and standards relating to port noise): means activities within the Commercial Port Area, ~~and~~ the Lambton Harbour Development Area and on the adjacent land within the district including the berthing, departure and movement of ships, storage and cargo handling, handling of goods and passengers, all activities associated with the movement, storage and handling of cargo and any activities (including construction, maintenance and repair) associated with buildings, machinery and equipment used in connection with the port or its administration. Activities not directly connected to the operation of the port such as office activities, retail activities, and other non-port uses within the Commercial Port Area and the Lambton Harbour Development Area are excluded.”

“**PORT NOISE CONTROL LINE:** means the line at or beyond which the rule controlling the emission of noise from Port Related Activities applies and where the noise from Port Related Activities is monitored”

“**Residential Activity:** means the use of a premises for any domestic or related purpose by persons living in the premises alone or in family and/or non-family groups (whether any person is subject to care, supervision or not).”

## 2. Amend General Objectives And Policies

**Add the following after the last bullet point of Policy 4.2.45**

- “ensure structures containing noise sensitive activities are adequately acoustically insulated”

**Add the following after the explanation to Policy 4.2.45**

*“Bullet point 8 recognises that the noise environment in the Lambton Harbour Development Area is similar to the noise environment in the Central Area of the Wellington City Council District Plan and that any adverse effects of noise on noise sensitive activities should be mitigated”*

**Add the following new Policy 4.2.48:**

“4.2.48 To ensure that the principles of NZS 6809:1999 *Port Noise Management and Land Use Planning* are applied to the management of noise from port related activities within the Lambton Harbour Development Area and Commercial Port Areas shown on Planning Maps 4A and 4B.

*Explanation. Port related activities can take place at any time of day and night and can have adverse effects in nearby residential and other areas. The NZS 6809:1999 ‘Port Noise Management and Land Use Planning’ provides a means of managing such noise through setting specific standards to be met at specified locations, and by requiring a Port Noise Management Plan to manage noise emissions.”*

### 3. **New Policies On Structures**

#### **Add the following new Policy 6.2.17:**

“6.2.17 To ensure that noise sensitive activities that may be established in or on structures in the Commercial Port Areas and Lambton Harbour Development Area shown on Planning Maps 4A and 4B are adequately acoustically insulated from noise from port related activities.

*Explanation. Port related activities can take place at any time of the day or night. There is a need to recognise the potential effects of noise from port related activities on developments involving noise sensitive activities within the port noise affected areas. If structures in the coastal marine area are to be used for noise sensitive activities such as residential uses, it is appropriate that the indoor sound environment meets a specified level of acoustic performance.”*

#### **Add the following new Policy 6.2.18:**

“6.2.18 To apply the general standards and terms in Section 14.1 to resource consents for structures in the Commercial Port Areas and the Lambton Harbour Development Area shown on Planning Maps 4A and 4B that are to be used for noise sensitive activities, subject to consideration of the likely adverse effects of port noise on the future users and occupiers of buildings.”

*Explanation. Policy 6.2.18 ~~19~~ is self explanatory.*



## 4. Changes To Rules

### Add to Rule 6:

Add the word “and” at the end of clause (4);

### new clause (5);

“(5) if the structure is within a Commercial Port Area or the Lambton Harbour Development Area, shown on Planning Maps 4A and 4B, and the replacement, extension, addition or alteration is for a use that includes a noise sensitive activity;”

### Add to Rule 10:

### the underlined words in clause (3);

“(3) is occurring on or in a new structure for which a coastal permit has been granted and is complying with the terms and conditions of that coastal permit; or”

### new clause (4);

“(4) is a noise sensitive activity and is within a Commercial Port Area or the Lambton Harbour Development Area shown on Planning Maps 4A and 4B;”

### Add to Rule 13:

The word “and” at the end of clause (3);

### New clause (4);

“(4) if the structure is within a Commercial Port Area or the Lambton Harbour Development Area, shown on Planning Maps 4A and 4B, and the replacement, extension, addition or alteration is for a use that includes a noise sensitive activity;”

## 5. Changes To General Standards And Terms (Section 14.1)

**Delete** the heading for subsection 14.1.3 “Noise (from activities outside the Commercial Port Area)” and replace with the following

“Noise from activities located outside the Commercial Port Areas and the part of Lambton Harbour Development Area shown on Planning Map 4E”

**In subsection 14.1.3**, replace “NZ 6802:1991” with “NZ 6802:1999”.

**Delete subsection 14.1.4 and Replace with the following:**

“14.1.4 Noise from activities located within the Commercial Port Areas and the part of Lambton Harbour Development Area shown on Planning Map 4E

**(A) Commercial Port Areas shown in Planning Maps 4A and 4B and part of Lambton Harbour Development Area shown in Planning Map 4E**

The following noise standards shall only apply to noise from port related activities in the Commercial Port Area shown on Planning Maps 4A and 4B and the Lambton Harbour Development Area shown on Planning Map 4E that

- are controlled by a rule in this Plan, and
  - are located within the coastal marine area, and
  - specifically reference section 14.1 within the rule:
- (1) The activity will not cause excessive noise (defined in section 326 of the Act) outside the coastal marine area.
  - (2) Noise shall be measured in accordance with the requirements of NZS 6801:1999 - *Measurement of Environmental Sound* and NZS 6809: 1999 - *Port Noise Management and Land Use Planning*.
  - (3) Noise from port related activities in a Commercial Port Area and the part of the Lambton Harbour Development Area shown on Planning Map 4E shall not exceed the following at or beyond ~~on~~ the Port Noise Control Line as shown on planning maps 4A and 4B.

Time (any day)	Limits (dBA)		
	L <sub>dn</sub>	L <sub>max</sub>	L <sub>eq</sub>
Any 5 consecutive 24 hour periods	65	-	-
Any 24 hour period	68	-	-
10pm - 7am	-	85	60 (9 hr) 65 (15 min)

- (4) CentrePort shall undertake a noise monitoring programme to ensure that noise from port related activities comply with condition 14.1.4(A)(3) at the Port Noise Control Line. This monitoring will be undertaken ~~at least 2 times per year at 4 points~~ in accordance with the ~~CentrePort~~ Noise Management Plan and the information shall be ~~supplied in a twice yearly reported~~ to Greater Wellington Regional Council.
- (5) Conditions (1), (3) and (4) shall not apply to the following:
- (a) noise generated by navigational aids, safety signals, warning devices or emergency pressure relief valves;
  - (b) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage;
  - (c) noise generated by construction activities which shall meet the standards specified in Table 1 of NZS 6803:1999;
  - (d) noise generated by helicopter landing areas which shall meet the standards specified for Commercial areas in Table 1 of NZS 6807:1994.

**(B) Commercial Port Area Shown in Planning Map 4C**

The following noise standards shall only apply to activities in the Commercial Port Area shown in Planning Map 4C (Seaview Wharf) that:

- are controlled by a rule in this Plan, and
- are located within the coastal marine area, and
- specifically reference section 14.1 within the rule:

- (1) The activity will not cause excessive noise (defined in section 326 of the Act) outside the coastal marine area at the nearest Residential Area boundary;
- (2) The noise level measured at any point on the nearest Residential Area boundary shall not exceed

Time (Any day)	Limits	
	L10	Lmax
7.00am and 11.00pm	60 dBA	-
11.00pm and 7.00am	45 dBA	75 dBA

- (3) Noise shall be measured in accordance with NZS 6801:1999. Corrected levels shall be determined in accordance with NZS 6802:1999;
- (4) Conditions (1) and (2) shall not apply to the following:
- (a) noise generated by navigational aids, safety signals, warning devices, or emergency pressure relief valves;
  - (b) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage;
  - (c) noise generated by construction activities which shall meet the standards specified in Table 1 of NZS 6803:1999;
  - (d) noise generated by helicopter landing areas which shall meet the standards specified for Commercial areas in Table 1 of NZS 6807:1994.”

**Add the following new subsection after 14.1.4:**

**“14.1.4A External sound insulation level within Commercial Port Areas or Lambton Harbour Development Area**

The following external sound insulation level applies to noise sensitive activities in the Commercial Port Areas shown in Planning Maps 4A and 4B and in the Lambton Harbour Development Area shown in Planning Map 4A and 4E that are controlled by a rule in this Plan and specifically reference section 14.1 within the Rule.

- (1) any habitable room in a building used by a noise sensitive activity shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standards:

Area	Planning Map	Performance standard
Commercial Port Area	4A and 4B	$D_{nT,w} + C_{tr} > 35 \text{ dB}$
Lambton Harbour Development Area	4E	$D_{nT,w} + C_{tr} > 35 \text{ dB}$
Lambton Harbour Development Area	4A excluding area shown on 4E	$D_{nT,w} + C_{tr} > 30 \text{ dB}$

Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard.

- (2) Where bedrooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a bedroom is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person. The required airflow level is based on the minimum standard for habitable spaces set out in NZS 4303:1990 – *Ventilation for Acceptable Indoor Air Quality*.”

**Add the following new subsection after 14.1.4A:**

**“14.1.4B Port Noise Management Plan**

The port company shall produce and at all times operate in accordance with a Port Noise Management Plan, which shall include but is not limited to the matters set out in Appendix 6A. The Port Noise Management Plan shall be developed to the satisfaction of Wellington City Council and Greater Wellington Regional Council.”

## 6. Changes to Appendices

Add the following new Appendix 6A:

### Appendix 6A

#### Port Noise Management Plan

The Port Noise Management Plan, required under general standard 14.1.4B, shall:

- (i) State the objectives of the Management Plan.
- (ii) Identify all significant noise sources from port related activities within the Commercial Port Areas and Lambton Harbour Development Area.
- (iii) Identify the best practical options to ensure the emission of noise does not exceed the noise levels specified in 14.1.4(A)(3).
- (iv) Identify techniques that will be considered to reduce the emission of noise over time and indicate which of these techniques will be adopted to achieve the objectives of the Noise Management Plan.
- (v) Explain how the port company will take noise effects into account in the design and location of new or extended port activities.
- (vi) Identify how the port company will work with independent companies to ensure that transport noise and noise from other activities within the port area will be kept to a minimum practical level.
- (vii) Identify procedures for noise reduction through the port company's staff and contractor training.
- (viii) Provide for the establishment and maintenance of a Port Noise Liaison Committee (the port company may provide for this function within the operation of its Environmental Consultative Committee).
- (ix) List the Port Noise Liaison Committee functions; and the procedures for the recommendations of the Committee to be considered and determined by the port company.
- (x) Detail procedures for receiving and deciding on complaints.
- (xi) Detail procedures for noise monitoring, auditing and reporting.
- (xii) Include procedures for the review and alteration of the Port Noise Management Plan."

## 7. Changes to Planning Maps

**Replace Planning Maps 4A and 4B with the following:**

*Amendments are shown on the planning maps and include:*

- *Addition of the port noise control line*
- *Alteration of the depicted line of mean high water springs in the Lambton Harbour Development Area and the Commercial Port Area to better reflect the real situation and the line shown in the relevant planning maps in the Wellington City District Plan.*

Planning Map 4A

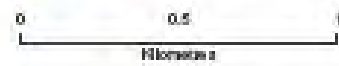
# Lambton Harbour Development and Commercial Port Areas

## Lambton Harbour



**Legend**

- Port noise control line
- Commercial port area (within the CMA)
- Lambton Harbour development area (within the CMA)



**Note:**

Shoreline details may not be accurate at this scale. All distances in metres.

The landward boundary of the coastal marine area is the line of mean high water springs.

**CAUTION**

NOT TO BE USED FOR NAVIGATION

Part of Chart No. 4655 Wellington Harbour reproduced by permission of Land Information New Zealand.

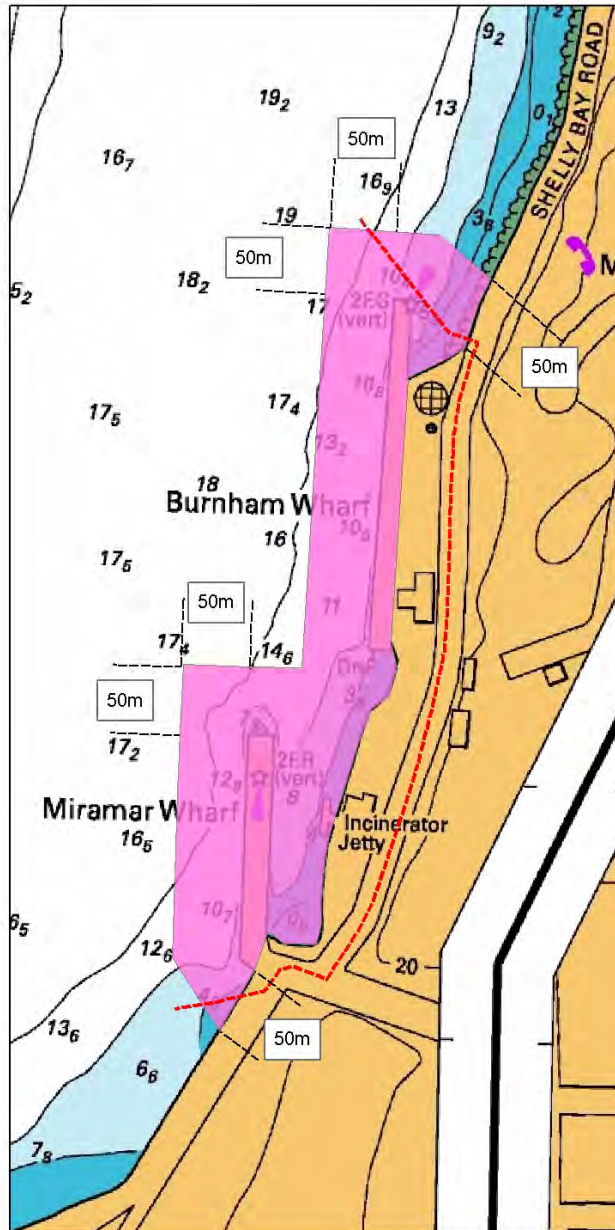
**Locality Map**





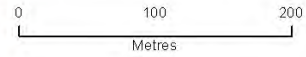
Planning Map 4B

Commercial Port Areas  
Miramar and Burnham Wharves



Legend

- - - Port noise control line
- Commercial port area (within the CMA)



Note :

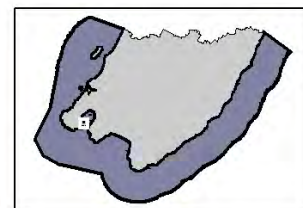
Shoreline details may not be accurate at this scale. All distances in metres.  
The landward boundary of the coastal marine area is the line of mean high water springs.

CAUTION

NOT TO BE USED FOR NAVIGATION

Part of Chart NZ 4634 Wellington Harbour reproduced by permission of Land Information New Zealand.

Locality Map



# Planning Map 4E

## Lambton Harbour Development and Commercial Port Areas

### Main Port - Southern Area



#### Legend

- Port noise control line
- Commercial port areas (within the CMA)
- Lambton Harbour Development Area north of Johnson St (within the CMA)



#### Note:

Shoreline details may not be accurate at this scale. All distances in metres.

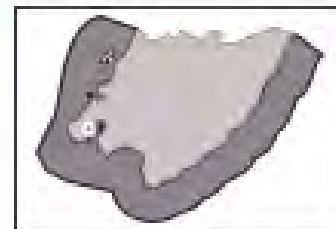
The landward boundary of the coastal marine area is the line of mean high water springs.

#### CAUTION

NOT TO BE USED FOR NAVIGATION

Aerial photography reproduced by permission of WCC.

#### Locality Map



## **Appendix 2:**

---

### **Summary of Submissions and Further Submissions**

---

### **Proposed Plan Change 1 to the Regional Coastal Plan for the Wellington region**

Port Noise Provisions

---

Submitter Number	Name	Address for Service	Wishes to be heard
1	Department of Conservation	Alan McKenzie Conservator, Wellington Conservancy Department of Conservation P O Box 5086 Wellington	No

**Also Submitted on**

The Conservator, Wellington Conservancy, supports the proposed plan change because:

- The provisions will promote the sustainable and integrated management of the Coastal Marine Area.
- The provisions are consistent with the New Zealand Coastal Policy Statement (in particular policies 3.1.1 and 3.2.2).
- The provisions give effect to New Zealand Standard 6809:1990 Port Noise and Land Use Planning and are therefore sound planning practice.

**Decision Requested:**

That the proposed plan change be adopted.

Further Submitter Number	Name	Address for Service	Wishes to be heard
F2	CentrePort	CentrePort PO Box 794 WELLINGTON Attention: Neville Hyde	Yes

CentrePort submits in support of the above submission

Submitter Number	Name	Address for Service	Wishes to be heard
3	Golden Bay Cement and Firth Industries	Rachel Pinson Hill Young Cooper Ltd P O Box 8092 Wellington	Yes

**Also Submitted on**

Proposed District Plan Change 49  
Proposed District Plan Variation 3

Partially opposes the proposed plan changes and variation.

- It does not have adequate controls to avoid, remedy or mitigate adverse noise effects from existing lawfully established activities within the Operational Port Area.

<b>Submitter Number</b>	<b>Name</b>	<b>Address for Service</b>	<b>Wishes to be heard</b>
3	Golden Bay Cement and Firth Industries	Rachel Pinson Hill Young Cooper Ltd P O Box 8092 Wellington	Yes
<ul style="list-style-type: none"> <li>It also seeks to impose unnecessary control on noise generated from those existing lawfully established businesses.</li> </ul> <p><b>Decision Requested:</b></p> <p>The definition of Port Related Activities is amended, so that industrial activities which have an operational or locational synergy with the port are clearly included in the definition.</p> <p>Approve the proposed acoustic insulation requirements for noise-sensitive activities.</p>			
<b>Further Submitter Number</b>	<b>Name</b>	<b>Address for Service</b>	<b>Wishes to be heard</b>
F2	CentrePort	CentrePort PO Box 794 WELLINGTON Attention: Neville Hyde	Yes
<p>CentrePort submits in opposition to the first request in the above submission</p> <p>CentrePort submits in support of the second request in the above submission</p>			

<b>Submitter Number</b>	<b>Name</b>	<b>Address for Service</b>	<b>Wishes to be heard</b>
4	Wellington International Airport Limited (WIAL)	Chris Dillon Wellington Airport Limited P O Box 14175 Wellington	Yes
<b>Also Submitted on</b>			
Proposed District Plan Change 49 Proposed District Plan Variation 3			
<p>Opposes the proposed plan changes and variation.</p> <ul style="list-style-type: none"> <li>The proposed changes are inconsistent with the noise management regime already in place within the Wellington Airport Air Noise Boundary (ANB).</li> <li>It is not possible to sufficiently differentiate airport and port noise. The noise generated by these two large transporting operations is generally very similar in nature.</li> <li>The proposed changes are pre-emptive to the Land Use Management and Insulation for Airport Noise Study (LUMINS) that is currently being worked on.</li> <li>The proposed changes are contrary to the New Zealand Standard on Port Noise Management and Land Use Planning (NZS 6809:1999).</li> </ul>			

<b>Submitter Number</b>	<b>Name</b>	<b>Address for Service</b>	<b>Wishes to be heard</b>
4	Wellington International Airport Limited (WIAL)	Chris Dillon Wellington Airport Limited P O Box 14175 Wellington	Yes

**Decision Requested:**

That WIAL's submission be accepted and the proposed plan changes and variation be accordingly amended by deleting all of the proposed changes identified.

Or in the alternative:

That WIAL's submission be accepted in part, and the plan changes and variation be accordingly amended to the extent that new noise sensitive activities be made a discretionary (unrestricted) activity in those parts of the Central Area, Suburban Centres, Residential Area and Coastal Marine Area inside the Port Noise Control Line.

<b>Further Submitter Number</b>	<b>Name</b>	<b>Address for Service</b>	<b>Wishes to be heard</b>
F1	BARNZ	Russell McVeagh Barristers and Solicitors Level 30 Vero Centre 48 Shortland Street AUCKLAND	Yes

BARNZ submits in support of this submission.

<b>Further Submitter Number</b>	<b>Name</b>	<b>Address for Service</b>	<b>Wishes to be heard</b>
F2	CentrePort	CentrePort PO Box 794 WELLINGTON Attention: Neville Hyde	Yes

CentrePort submits in opposition to the above submission

<b>Submitter Number</b>	<b>Name</b>	<b>Address for Service</b>	<b>Wishes to be heard</b>
5	New Zealand Shipping Federation (NZSF)	Paul Nicholas New Zealand Shipping Federation P O Box 10739 Wellington 6143	Yes

**Also Submitted on**

Proposed District Plan Change 49  
Proposed District Plan Variation 3

Opposes the proposed plan changes and variation.

<b>Submitter Number</b>	<b>Name</b>	<b>Address for Service</b>	<b>Wishes to be heard</b>
5	New Zealand Shipping Federation (NZSF)	Paul Nicholas New Zealand Shipping Federation P O Box 10739 Wellington 6143	Yes
<ul style="list-style-type: none"> <li>• The proposed changes are inconsistent with the noise management regime already in place within the Wellington Airport Air Noise Boundary (ANB).</li> <li>• It is not possible to sufficiently differentiate airport and port noise. The noise generated by these two large transporting operations is generally very similar in nature.</li> <li>• The proposed changes are contrary to the New Zealand Standard on Port Noise Management and Land Use Planning (NZS 6809:1999).</li> <li>• The proposed changes will increase the likelihood that existing shipping operations at CentrePort will be subject to noise complaints.</li> <li>• The NZSF firmly believe that CentrePort is first and foremost an operational port, and the priority should be therefore be given to maintaining and enhancing the viability of core port operations.</li> </ul> <p><b>Decision Requested:</b></p> <p>That NZSF's submission be accepted and the proposed plan changes and variation be accordingly amended by deleting all of the proposed changes identified.</p>			
<b>Further Submitter Number</b>	<b>Name</b>	<b>Address for Service</b>	<b>Wishes to be heard</b>
F2	CentrePort	CentrePort PO Box 794 WELLINGTON Attention: Neville Hyde	Yes
CentrePort submits in opposition to the above submission			

<b>Submitter Number</b>	<b>Name</b>	<b>Address for Service</b>	<b>Wishes to be heard</b>
6	Board of Airline Representatives New Zealand (BARNZ)	C/- J Gardner-Hopkins / D Minhinnick Russell McVeagh P O Box 8/DX CX10085 Auckland 1	Yes
<b>Also Submitted on</b>			
Proposed District Plan Change 49 Proposed District Plan Variation 3			
Partially supports the proposed plan changes and variation.			
<ul style="list-style-type: none"> <li>• The acoustic standards proposed in the plan change, seek to require buildings</li> </ul>			

Submitter Number	Name	Address for Service	Wishes to be heard
6	Board of Airline Representatives New Zealand (BARNZ)	C/- J Gardner-Hopkins / D Minhinnick Russell McVeagh P O Box 8/DX CX10085 Auckland 1	Yes

within the Port Noise Affected Area to reduce external noise from Port activities to 40 dBA Ldn. Given the cost benefit considerations, this may not be “most appropriate”. Further technical work may be necessary.

- The plan change may affect the outcome of LUMINS. If a consistent approach to noise management is to be taken in the District Plan, then if inappropriate conditions are adopted in respect of the Port, it may be more difficult for the Council to adopt different but more appropriate controls in respect of the Airport.
- LUMINS is a comprehensive study which, once complete, may inform what is “most appropriate” for Port provisions as well as the Airport.
- The proposed changes do not appear to be consistent with the New Zealand Standard on Port Noise Management and Land Use Planning (NZS 6809:1999).

**Decision Requested:**

The plan change be declined.

The plan change be deferred until the completion of LUMINS.

In the alternative, modification be made to the plan change to address the above concerns, or additional evidence be provided to demonstrate that the plan change is “most appropriate”. However, BARNZ seeks dialogue with the Council and its experts to discuss these concerns.

Further Submitter Number	Name	Address for Service	Wishes to be heard
F2	CentrePort	CentrePort PO Box 794 WELLINGTON Attention: Neville Hyde	Yes

CentrePort submits in opposition to the above submission

Submitter Number	Name	Address for Service	Wishes to be heard
7	ONTRACK (New Zealand Railways Corporation)	Aaron Hudson ONTRACK P O Box 539 Wellington	Yes

**Also Submitted on**

Proposed District Plan Change 49



<b>Submitter Number</b>	<b>Name</b>	<b>Address for Service</b>	<b>Wishes to be heard</b>
7	ONTRACK (New Zealand Railways Corporation)	Aaron Hudson ONTRACK P O Box 539 Wellington	Yes
<b>Proposed District Plan Variation 3</b>			
<p>Supports the proposed plan changes and variation:</p> <ul style="list-style-type: none"> <li>ONTRACK is concerned that the definition of Port Related Activities in the <i>Regional Coastal Plan</i> and <i>Wellington City District Plan</i> and the provisions in the plans to regulate noise from the port company, may impose restrictions on rail activities, particularly within the Thorndon ferry terminal premises.</li> <li>ONTRACK supports the proposed individual policy and rule changes to the <i>Regional Coastal Plan</i> and the <i>Wellington City District Plan</i>.</li> </ul> <p><b>Decision Requested:</b></p> <p>ONTRACK seeks clarification that Port Related Activities excludes railway activities within the Thorndon ferry terminal premises.</p> <p>To retain the proposed Policy 4.2.45 as a method of recognising and protecting against potential impacts of reverse sensitivity.</p> <p>To include Policy 6.2.17 within the Plan (which addresses the issues of reverse sensitivity from noise sensitive activities).</p>			
<b>Further Submitter Number</b>	<b>Name</b>	<b>Address for Service</b>	<b>Wishes to be heard</b>
F2	CentrePort	CentrePort PO Box 794 WELLINGTON Attention: Neville Hyde	Yes
<p>CentrePort submits in opposition to the first request in the above submission</p> <p>CentrePort submits in support of the second and third requests in the above submission</p>			

<b>Submitter Number</b>	<b>Name</b>	<b>Address for Service</b>	<b>Wishes to be heard</b>
8	CentrePort Ltd	Neville Hyde CentrePort Wellington P O Box 794 Wellington	Yes
<b>Also Submitted on</b>			
Proposed District Plan Change 49 Proposed District Plan Variation 3			
Generally supports the intent and content of the proposed plan changes and variation, but proposes the following changes:			

Submitter Number	Name	Address for Service	Wishes to be heard
8	CentrePort Ltd	Neville Hyde CentrePort Wellington P O Box 794 Wellington	Yes

- The new definition of Port Related Activities (*Regional Coastal Plan and Wellington District Plan*) is generally appropriate. However, the modelling undertaken to identify the areas affected combines noise emitted from both land and the coastal marine area rather than just the land, as required by the Port Noise Standard. This needs to be explicit in the definition.
- Both the Regional Coastal Plan and Wellington City District Plan require ongoing compliance monitoring of port noise. CentrePort considers that it should be provided for in the context of Port Noise Management Plan, rather than as a rule in the *Regional Coastal Plan* and *Wellington District Plan*.
- The point that the Port Noise Control Line meets the coastal marine area (*Regional Coastal Plan and Wellington District Plan*) is an active and busy wharf area, used by a range of small vessels and their associated activities. It is not practical to measure compliance at this point: rather the point at which compliance is measured should be set at a distance.
- CentrePort is also concerned with the definition of key terms, the detail of planning maps and the wording and numbering of individual policies and rules.

**Decision Requested:**

Implement the changes proposed, except where identified in specific submissions which follow:

Definitions

Add to the definition of Port Related Activities in the first sentence after the word “Area” the words “and on adjacent land within the district”, or similar.

Add a new definition of Port Noise Control Line as follows: “Port Noise Control Line: means the line at or beyond which the rule controlling the emission of noise from Port Related Activities applies and is measured.”

Policies

Change the reference to Policy 6.2.19 to 6.2.18 in the explanation

Rules

Change the wording in Rule 14.1.4(A) (3), for compliance at the Port Noise Control Line to “at or beyond”.

Delete Rule 14.1.4(A) (4) and modify (5) by removal of the reference to (4), (concerning compliance monitoring provisions. CentrePort considers they should be included only within the Port Noise Management Plan).

Maps

Show the Port Noise Control Line as stopped at Johnston Street on Customhouse Quay, rather than turning it east to meet the coastal marine area on Planning Maps 4A and 4E

Include the whole of the outer – T of Queens Wharf within the yellow area on Map 4E