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**Committee** Policy and Finance Committee  
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## **Proposed Plan Change 1 to the Regional Coastal Plan – port noise provisions**

### **1. Purpose**

To seek approval for public notification of changes to port noise provisions in the Regional Coastal Plan.

### **2. Significance of the decision**

The matters for decision in this report **do not** trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

### **3. Background**

The process which led to the development of Proposed Plan Change 1 to the Regional Coastal Plan (the “proposed plan change”) has spanned a number of phases over recent years. The proposed plan change is based on New Zealand Standard “NZS 6809:1999 – *Acoustics - Port Noise Management and Land Use Planning*” which was being prepared during the preparation and finalisation of the Regional Coastal Plan.

The provisions included in the Regional Coastal Plan at that time were based on the generally accepted method for controlling port noise prior to the establishment of NZS 6809:1999. Noise limits for noise from port activities were based on measurement of the L<sub>10</sub> standard for day and night-time. These limits are given in Table 1 of Attachment 1. Whilst these limits at that time were considered adequate to provide for the reasonable protection of public health and amenity values for noise sensitive activities, they did not address reverse sensitivity issues.

Decisions on the port noise provisions in the Regional Coastal Plan were referred to the Environment Court in 1996. These references were settled on the understanding that provisions based on the New Zealand Standard for port noise would be introduced into the Regional Coastal Plan in the future.

At a Council workshop on 26 March 2003, the Council informally agreed to the need for a change to the Regional Coastal Plan. At a meeting of the Policy, Finance and Strategy Committee on 13 May 2003 a draft of the proposed plan change for port noise was received and approved for preliminary consultation.

The main thrust of the proposed plan change is to align the policies and general standards and terms in the Regional Coastal Plan with the new approaches to port noise management contained in the New Zealand Standard 6809:1999. The proposed provisions have been developed in partnership with Wellington City Council. The intention is for a consistent approach to be used to manage the effects of noise from port activities in both the Wellington City Council District Plan (“the district plan”) and Regional Coastal Plan.

The proposed plan change provisions apply within the coastal marine area at the main port area near Wellington’s central city and at Burnham and Miramar wharves at Miramar. They do not apply to the Seaview Wharf. The preference of Hutt City Council at this time is to not proceed with changes to their district plan for port noise provisions affecting CentrePort’s facilities at Seaview.

Changes to port noise provisions in the district plan and the proposed plan change rely on modelling of existing and predicted noise from port activities. This work has been carried out by consultants for CentrePort. Their modelling takes into account the nature and location of noise, topography, and future prediction of noise sources. It is appropriate for the port company to carry out this work because they have the operational knowledge needed. The modelling work has been peer reviewed for both Councils by an appropriate noise expert.

#### **4. Consultation**

The preparation of this plan change has been done in partnership with Wellington City Council and in consultation with CentrePort. Consultation with stakeholders on the form and content of the proposed plan change has been undertaken at a number of stages throughout the development of provisions. People living and working in areas affected by port noise were sent draft port noise plan changes for comment in June 2003 and March 2006. The material included the booklet *Draft Changes to Regional and District Plans on Port Noise: Information for residents and businesses*. People were invited to comment and staff offered to meet and discuss the changes with them if people wanted.

Five responses were received in 2003 from the circulation of pamphlets explaining the plan change. Comments were made on Greater Wellington's draft plan change by Wellington Waterfront Limited, Wellington Airport Limited, the Board of Airline Representatives NZ, and two Wadestown residents. In 2006, additional comments were received from some of these parties. Issues have been raised regarding:

- the location of the port noise control line should restrict the ability of CentrePort to generate noise in excess of 65dBA to within the port's site only
- the existing noise environment from the port, motorway and rail yards in the Sar Street area
- new dwellings to be acoustically insulated rather than the noise generators reducing the noise emissions i.e. reverse sensitivity.
- noise from the InterIslander and BlueBridge ferry terminals, particularly that the measurement of sound using dBA does not give sufficient weighting to low frequency sounds which can cause vibrations.

## **5. The New Zealand Port Noise Standard**

The New Zealand Port Noise Standard is critical for the development of these plan changes. It provides the planning framework and technical basis for local authorities to use in their regulatory roles of controlling noise under the Resource Management Act 1991. The Standard provides for:

- A definition of noise sensitive activities that includes residential and hotel activities
- the establishment of inner and outer noise control boundaries in areas affected by noise around a port
- The insulation of buildings used for noise sensitive activities – a greater standard of insulation is required for buildings located within the inner noise control line than for buildings located between the inner and outer noise control lines
- Permissible limits for noise emission from ports at the inner noise control boundary
- The preparation of a port noise management plan by port companies.

## **6. Proposed plan changes for port noise**

The full proposed plan change is included as Attachment 2 to this report. There are two key elements in the changes. The first is to require buildings used for “noise sensitive activities” in areas affected by port noise to be insulated to a suitable standard. The second key element is to limit noise emitted from port activities.

### **Insulation of buildings**

The proposed plan change adds a definition of “noise sensitive activity” that includes the new use of buildings for residential and hotel activities. Provisions are included that require insulation of these buildings.

Many activities on wharves do not require resource consents, such as replacement of buildings or small alterations. For these permitted uses, insulation standards are included in the proposed plan change for buildings that house new noise sensitive activities. These standards must be met, or resource consents are required. For new structures in the coastal marine area that require resource consents, policies about insulation needs are included in the plan change, and regard must be had to these policies when resource consent applications are considered.

There are two standards for insulation included in the proposed plan change. The higher insulation standard applies to areas within the inner noise control line. These areas are the commercial port and a small part of the northern Lambton Harbour area north of Johnston Street. The lower standard of insulation applies to buildings used for noise sensitive activities in the Lambton Harbour area (excluding the small part north of Johnston St). The standards for insulation are given in Table 2 of Attachment 1.

The lower standard of insulation, which applies to most of the Lambton Harbour area, is the same as the standard required by the Central Area provisions of the district plan. The approach of applying the Central Area provisions is consistent with the current Regional Coastal Plan, which seeks alignment of provisions for Lambton Harbour with the district plan.

### **Limiting noise from port activities**

The proposed plan change also places limits on the amount of noise that can be emitted in the coastal marine area by port related activities. The permitted amount of noise from port related activities is shown in Table 3 of Attachment 1. These noise limits are from the New Zealand Standard for port noise. They are measured at the port noise control lines.

## **Other changes**

Other changes contained in the proposed plan change in Attachment 2 include:

- Definitions of the new terms, “external sound insulation”, “habitable room”, “hotel, motel or other accommodation activity”, “L<sub>dn</sub>”, “L<sub>eq</sub>”, “L<sub>max</sub>”, “Port related activities” and “residential activity”.
- New policies that recognise and provide for application of the New Zealand Port Noise Standard
- A requirement that CentrePort operate in accordance with a Port Noise Management Plan that they prepare
- New planning maps that identify “port noise control boundaries”.

## **7. The Background Report**

Before publicly notifying a proposed regional coastal plan change, the Council is required to prepare a section 32 report that evaluates whether proposed objectives are the most appropriate means of achieving the purpose of the Resource Management Act 1991. Section 32 also requires the Council to consider whether the policies, rules and other methods used in the Regional Coastal Plan are the most appropriate methods of achieving the Plan’s objectives. This report is in Attachment 3.

The Background Report identifies that Centreport’s initial modelling of port noise indicated that some areas in Lambton Harbour warranted the higher insulation standard in places such as the Overseas Passenger Terminal. This was due to the nature, type, duration and number of vessels used in the noise modelling carried out by CentrePort.

In recent discussions with CentrePort and Wellington Waterfront Ltd (who licence the use of wharves in Lambton Harbour to CentrePort), it has been agreed that the noise environment in Lambton Harbour is unlikely to be as high as originally predicted and the lower noise insulation standard is, therefore, considered appropriate.

## **8. The next steps**

Wellington City Council approved the public notification of changes to the district plan for port noise on 23 November 2006. The changes proposed to the Regional Coastal Plan are consistent with the City’s approach. Once proposed changes to the Regional Coastal Plan are approved by the Council, both sets of changes will be publicly notified together.

People can then make submissions and further submissions on the changes and there will be a hearing of submissions before the Councils make their decisions. It is intended to continue taking a joint approach with Wellington City Council to the port noise plan changes as they go through the statutory process.

## 9. Communication

Once approved, the plan changes will be publicly notified in newspapers and all people who have expressed an interest in the port noise issue will be sent copies of the proposed plan changes. It is intended to publicly notify the proposed plan changes prior to Christmas.

## 10. Recommendations

*That the Committee recommends that Council:*

1. **Receive** the report;
2. **Approve** the public notification of Proposed Plan Change 1 to the Regional Coastal Plan (Attachment 2 to this report); and
3. **Adopt** the Background (Section 32) report on Proposed Plan Change 1 to the Regional Coastal Plan (Attachment 3 to this report).

Report prepared by:

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**Attachment 1:** Technical Standards associated with Proposed Plan Change 1 to the Regional Coastal Plan

**Attachment 2:** Proposed Plan Change 1 to the Regional Coastal Plan

**Attachment 3:** Background (section 32) report on Proposed Plan Change 1 to the Regional Coastal Plan