

UNDER the Resource Management Act
1991 (“**RMA**”)

IN THE MATTER of the Proposed Porirua District Plan

HEARING TOPIC Hearing Stream 4 - Noise

**STATEMENT OF REBUTTAL EVIDENCE OF KAREN TRACY WILLIAMS
ON BEHALF OF KĀINGA ORA-HOMES AND COMMUNITIES**

PLANNING

28 January 2022

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1. SUMMARY

1.1 My full name is Karen Tracy Williams. I am providing this statement of rebuttal evidence (planning) on behalf of Kāinga Ora-Homes and Communities (“**Kāinga Ora**”) in relation to the evidence and attachments of Cath Heppelthwaite (Planning) for Waka Kotahi New Zealand Transport Agency (“**the Submitter**”) on Hearing Stream 4 of the Proposed Porirua District Plan (“**the Proposed District Plan**” or “**PDP**”) process.

1.2 This statement of rebuttal evidence responds to three new matters addressed in the evidence of Ms Heppelthwaite, being:

- (a) Generalised application of the rule framework to apply to any additions, thereby removing the threshold of additions in excess of 50m² to existing dwellings.
- (b) The addition of a new Outdoor Living Spaces Noise Performance Standard (NOISE-S7) which in my view has the potential to result in perverse effects and is neither reasonable or effective.
- (c) That the assessment of costs of mitigation (prepared by Acoustic Engineering Services Limited) which forms part of the “section 32 report” and which, amongst other things, does not clearly consider the matter of alterations or additions to existing noise sensitive activities vs new builds and the cost implications under an additions or alterations scenario.

2. INTRODUCTION

2.1 My name is Karen Tracy Williams. I am a Principal Planner at The Property Group Ltd. An outline of my qualifications and relevant experience is included within my primary statement of evidence dated 21 January 2022.

Code of Conduct

2.2 I reconfirm that I have read the Expert Witness Code of Conduct set out in the Environment Court’s Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it

while giving evidence. Except where I state that I am relying on the evidence of another person, this written 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 expressed in this evidence.

Scope of Rebuttal

- 2.3 My rebuttal evidence addresses the following matter(s):
- (a) Generalised application of the rule framework to apply to any additions, thereby removing the threshold of additions in excess of 50m² to existing dwellings;
 - (b) The proposal by the Submitter to introduce a new performance standard to introduce controls related to outdoor noise; and
 - (c) The conclusions reached in the report prepared by Acoustic Engineering Services relating to building costs.
- 2.4 I note that there are a number of other matters that are raised in Ms Heppelthwaite's evidence where I hold a different opinion, but which are already addressed in my primary evidence and as such I do not repeat it here.

3. MORE GENERALISED APPLICATION OF THE RULE FRAMEWORK

- 3.1 The refined provisions recommended in the evidence of Ms Heppelthwaite provide for greater application of the rule framework in that the rules would apply to *any* addition, no matter how minor. The rule framework proposed by the Council would only apply to new buildings used for noise sensitive activities and additions in excess of 50m². In my opinion, the revised framework sought by Waka Kotahi creates a perverse outcome whereby any dwelling alteration resulting in a small addition to an existing dwelling, such as a 1960s dwelling that is situated close to a state highway, would be required to be designed and constructed with acoustic insulation, regardless of the scale or nature of those additions. In my opinion, the extension or alteration of the existing 'sensitive activity' would not create a 'new' sensitive activity, nor a 'new' health/reverse sensitivity effect – it is merely an alteration of what already exists.

3.2 Where alterations and additions are small the scale and nature of effects is likely to remain the same (e.g. the same number of people will be exposed to the same level of noise given that the bulk of the dwelling will remain unchanged). In those circumstances I do not consider that changes of such small scale and little consequence require specific mitigation. Further, the costs to undertake acoustic attenuation to a small-scale addition would potentially be disproportionate to the benefits gained.

4. NEW OUTDOOR LIVING SPACES STANDARD (NOISE-S7)

4.1 Through Ms Heppelthwaite's evidence, the Submitter seeks an additional control related to outdoor noise under a new standard – NOISE-S7. The new control would apply to new outdoor living spaces associated with noise-sensitive activities within 100m/50m of the state highway (depending on the posted speed limit).

4.2 It is my understanding that the purpose of this standard is primarily to address potential amenity effects (as opposed to health effects, which I understand are more associated with sleep loss and annoyance from sustained high noise levels in internal living spaces). Therefore, the imperative to introduce additional controls for this matter is secondary; people have a choice about whether or when they use outdoor space.

4.3 In my view, the proposal by the Submitter to introduce controls related to outdoor noise raises a number of issues which have not been appropriately considered or addressed in Ms Heppelthwaite's evidence. I consider that these issues are particularly pronounced in the context of the existing urban environment.

4.4 To meet this standard, it would be expected that either building(s) within the site would provide the requisite acoustic screening, or alternatively, physical barriers of some description would be required within the site/at the boundary to achieve compliant outdoor noise levels. The s32 analysis by Ms Heppelthwaite¹ provided in support of this standard notes that compliance can be readily achieved through appropriate design and placement of outdoor living spaces; however, in my opinion the reality of achieving compliance will often necessitate a need for physical barriers to

¹ Table 2 in Attachment B of Ms Heppelthwaite's evidence

achieve the required noise mitigation. Where noise barriers are the solution in the existing urban context, this will result in inefficiencies requiring them to be constructed on an ad hoc basis at the time of development, as opposed to being formed as part of a comprehensive approach to land development in proximity to the road corridor.

4.5 In this regard, I have concerns as to the reasonableness, suitability and effectiveness of this standard, particularly in the context of an existing urban environment. Ultimately, I do not consider that such a provision has been adequately considered within an existing urban environment context as to its suitability and workability. For example:

- (a) Complexity of achieving compliance with this standard, in conjunction with other rules and/or performance standards applicable to outdoor areas (such as orientation for solar gain and access/proximity from living spaces).
- (b) Related to this is the likelihood of conflict between achieving compliance with this standard, and the maximum fence height standards in the residential zones (noting that that MRZ-S10, as notified in the PDP, has a maximum height of 1.2m for fences and standalone walls for boundaries fronting a road).
- (c) The lack of nuance in the standard which fails to account for how activities and structures are typically arranged on site (e.g. location of driveways and outdoor living areas) in practice. In this regard, there is inadequate consideration of common situations where the only access to a property will be via the site frontage, which to meet the standard, would also likely require construction of a noise barrier in cases where the outdoor living space is situated near the road. Provision of necessary access to the site would result in a “gap” within any such barrier, thereby nullifying its effectiveness.
- (d) No acknowledgement of the challenges in achieving the prescribed noise levels within elevated outdoor living spaces (such as balconies/decks facing the State Highway).
- (e) No specific consideration of the costs and benefits (noting that this additional control will result in a greater degree of regulation and

compliance than the notified provisions, and the measures to achieve compliance will have associated additional costs over and above those considered in the Council's primary s32 assessment).

(f) No consideration of the enforcement of such a requirement and the ongoing requisite monitoring to ensure continued compliance with the outdoor noise levels.

4.6 While I understand that the intent of the standard, the limitations to achieve compliance and perverse outcomes in achieving compliance (including non-compliance with other performance standards in the Plan) dilutes the benefits of such a control. When the construction costs and practical considerations such as amenity and effectiveness are included, I have some concerns as to the appropriateness of the standard, notwithstanding that technically it may well reduce noise levels (particularly in the context of an existing sensitive activity).

4.7 In my opinion, consideration of outdoor amenity should not be a performance standard in the Noise chapter to determine compliance with the Plan. Instead, I consider that an evaluation of outdoor amenity would be better left to a broader assessment where there is non-compliance with standards managing internal noise levels, which I understand is the primary issue to control in ameliorating health and amenity effects. This could be achieved as a relevant matter of discretion and within the guiding policy framework, the latter of which I note is proposed within the s42 provisions.

5. COSTS OF TRAFFIC NOISE MITIGATION MEASURES – ATTACHMENT 3 TO THE “S32 ASSESSMENT”

5.1 I have reviewed the memorandum attached to the s.32 assessment prepared by Acoustic Engineering Services dated 12 June 2020. While the report provides some outcomes in respect of costs per units as a percentage increase, there are a number of factors which are not articulated clearly in the report such as whether the dwellings are single storey or more, the size of the dwellings and/or the build value contained in the Building Consent.

5.2 I am unclear from the small range of samples (23 in all) as to whether the

results represent a clear cost analysis. Of the 23, only 12 also included costs associated with the provision of mechanical ventilation (and it is unclear whether these included systems with temperature control). I also am unaware if the estimated costs include professional fees by acoustic engineers to ascertain the degree of compliance with the rules within the 100 metre corridor and additional Council charges for consideration of proposals (including those which, following such an assessment, may not require any additional acoustic attenuation). It appears that the samples are based on a new-build scenario only and do not consider costs implications of a minor addition to an existing dwelling as a percentage. I am therefore unclear as to the cost implications arising from a minor addition within an established residential area are as a percentage cost to the owner.

5.3 The Acoustic Engineering Memorandum also assesses the possible costs of acoustic barriers in Part 2.0. The result of the analysis as a “costs per dwelling” are set out in Table 2.1 of that report. I do not consider that these costs are insignificant, particularly noting that Part 2.1 of the memorandum document notes that some dwellings may still require upgrading (i.e. the upper storey of a dwelling). On this basis, there is potentially the cost of the barrier (to manage external noise) as well as additional building costs to provide noise attenuation on the upper façade of the building itself to meet internal noise levels. The costs are only set out however for the barrier on a per dwelling basis.

5.4 My concerns are raised in the context of the significant geographic extent of the controls sought and the reliance upon this memorandum to inform the s.32 assessment. While at face value the percentage costs may be relatively low, the issue I have is the extrapolation of those costs over the extent of the areas affected and therefore the cumulative costs to be borne by the community to achieve compliance with the rules sought.

6. CONCLUSION

6.1 In addition to those matters raised in my previous statement of evidence, I have concerns as to the amendments now being sought. In my opinion the amendments amplify my original concerns regarding the inefficient application of the rules, and the evidence underpinning their necessity.

- 6.2 While I have no fundamental disagreement with the benefits that will arise from a health and wellbeing perspective from acoustic attenuation, I remain of the view that the assessments undertaken, and the conclusions reached are not of a sufficiently robust nature to conclude that the rules are justified as currently drafted.

Karen Tracy Williams

28 January 2022