

Before the Hearings Commissioners

Under the Resource Management Act 1991 (the **RMA**)

In the matter of a submission by Waka Kotahi New Zealand Transport Agency (submitter reference OS81 and further submitter FS81) on the Proposed Porirua District Plan Variation 1 and Plan Change 19

and in the matter of Proposed Porirua District Plan

**Primary statement of evidence of Catherine Lynda Heppelthwaite for
Waka Kotahi New Zealand Transport Agency regarding Proposed
Porirua District Plan Variation 1 and Plan Change 19**

Dated 24 February 2023

1 INTRODUCTION, QUALIFICATIONS AND EXPERIENCE

- 1.0 My full name is Catherine Lynda Heppelthwaite. I am a principal planner for Eclipse Group Limited. I am presenting this planning evidence on behalf of Waka Kotahi New Zealand Transport Agency (**Waka Kotahi**).
- 1.1 I hold a Bachelor Degree in Resource Studies obtained from Lincoln University in 1993. I am a full member of the New Zealand Planning Institute, a member of the Resource Management Law Association and the Acoustical Society of New Zealand. I have more than 25 years' experience within the planning and resource management field which has included work for local authorities, central government agencies, private companies and private individuals. Currently, I am practicing as an independent consultant planner and have done so for the past 18 years.
- 1.2 I have previously been engaged by Waka Kotahi to assist with the Auckland Unitary Plan, New Plymouth District Plan and Whangarei District Plan. I provided similar assistance (review, preparation of submissions and planning evidence) for these planning processes. I have also recently prepared (with technical input from Dr Chiles) the Section 32 analysis on noise and vibration included in my evidence for Hearing Four as **Attachment C**¹.
- 1.3 Alongside Dr Stephen Chiles, I have also already provided (for Waka Kotahi) evidence² (**EIC**) for Hearing Four (Noise) for the Proposed Porirua District Plan.

2 CODE OF CONDUCT

- 2.0 I have read the Environment Court's Code of Conduct for Expert Witnesses (2023) and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my areas of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

¹ Attachment C to Statement of evidence Catherine Heppelthwaite 22 January 2022, Hearing Four.
https://storage.googleapis.com/pdp_portal/pdps/hearing_stream4/submitter_evidence/Submitter%20Evidence%20-%20Cath%20Heppelthwaite%20%28noise%29%20for%20Waka%20Kotahi%20-%20Attachment%20C%20%5B82%5D.pdf

² Statement of evidence Catherine Heppelthwaite 22 January 2022, Hearing Four.
https://storage.googleapis.com/pdp_portal/pdps/hearing_stream4/submitter_evidence/Submitter%20Evidence%20-%20Cath%20Heppelthwaite%20%28noise%29%20for%20Waka%20Kotahi%20%5B82%5D.pdf

3 SCOPE OF EVIDENCE

- 3.0 My evidence will address the Waka Kotahi submission as it relates to the NOISE Chapter. It relies on my EIC for Hearing Four (Proposed Porirua District Plan) and that of Dr Chiles³ (also for Hearing Four).
- 3.1 In preparing my evidence, I have considered the Section 42A Hearings Report⁴ (**Hearings Report**).

4 SECTION 42A ASSESSMENT

- 4.0 Section 7.18.9 of the Hearings Report addresses Waka Kotahi submissions. As confirmed by Ms Kirkbride, I understand Waka Kotahi no longer seeks that noise and vibration be included as a Qualifying Matter and that its submission does not seek that provisions have interim legal effect.
- 4.1 Waka Kotahi relief seeks changes to provisions within the NOISE chapter⁵ as proposed by in Variation 1 and PC19. These specific provision changes are not directly addressed by the Hearings Report and require consideration as they seek to manage health effects.
- 4.2 As outlined in Section 5 of this evidence, there remain a number of submission points (specifically relief sought in OS81.11) which seek changes to the NOISE chapter provisions.

5 FURTHER CHANGES REQUESTED

- 5.0 Waka Kotahi submitted that noise provisions be amended as set out in Attachment A of my EIC for Hearing Four.
- 5.1 Noting that the full suite of changes proposed within my EIC is wider than the scope of Variation 1 (**V1**) and Plan Change 19 (**PC19**), my evidence is confined to the following matters:

³ EIC Dr Stephen Chiles 21 January 2022, Hearing Four
https://storage.googleapis.com/pdp_portal/pdps/hearing_stream4/submitter_evidence/Submitter%20Evidence%20-%20Dr%20Stephen%20Chiles%20%28noise%29%20for%20Waka%20Kotahi%20%5B82%5D.pdf

⁴ Conjointly prepared by Torrey McDonnell Michael Rachlin Caroline Rachlin and Rory Smeaton, dated 10 February.

⁵ Waka Kotahi Submission Point OS81.11.

- a. NOISE-R4 and NOISE-S5: I support the intent of proposed, however, for the reasons set out in my EIC⁶ I do not support a 50m² exemption. In summary, a 50m² allows for a minor dwelling and also could, for example allow up to three new bedrooms and for an early childhood education centres floor area for up to 20 children. The exemption provides no mitigation of health effects for these activities.
- b. NOISE-S6: In my opinion, S6 provisions should be adjusted in the same way as I recommend for NOISE-S3 in my EIC. The basis for these changes is explained by Dr Chiles⁷ and I rely on his explanation to support these amendments.
- c. New Provision NOISE-S3A and S7: My EIC proposes new vibration (S3A) and outdoor living area (S7) control (to all zones). Attachment B of my EIC provides a s32AA assessment of these proposed provisions. I consider both S3A and S7 are appropriate to apply to sensitive activities (S3A) and all residential type activities (S7) which eventuate under V1 and PC19.

5.2 I have attached as **Attachment A** my proposed amendments to the Noise provisions for Variation 1.

Cath Heppelthwaite
24 February 2023

⁶ EIC Catherine Heppelthwaite, Hearing Four, paragraphs 6.10 and 6.11, 22 January 2022.

⁷ EIC Dr Stephen Chiles Hearing Four paragraphs 7.14 to 7.16 21 January 2022.

Attachment A: Proposed Changes

Base text is taken from Variation 1 text as notified.

All changes are in blue text. New text is underlined and proposed deletions in ~~strike through~~.

NOISE-R4	New buildings, change of use of existing buildings, and additions to existing buildings over 50m², for use as residential units, supported residential care activities, retirement village or visitor accommodation in Commercial and Mixed Use and Industrial Zones
Neighbourhood Centre Zone [...]	1. Activity status: Permitted Where: [...]

NOISE-S5	Residential units, supported residential care activities, retirement village and visitor accommodation – Indoor noise design levels	
Metropolitan Centre Zone [...]	1. Habitable rooms within any: <ul style="list-style-type: none"> a. New buildings used for a residential unit, supported residential care activity, retirement village or visitor accommodation; b. Additions <u>exceeding 50m²</u> to existing buildings used for a residential unit, supported residential care activity, retirement village or visitor accommodation; or c. An existing [...] 	Matters of discretion [...]
NOISE-S6	Residential units, supported residential care activity, retirement village and visitor accommodation – Mechanical ventilation	
Neighbourhood Centre Zone [...]	1. Where the internal noise insulation levels for habitable rooms in residential units, supported residential care activity, retirement village or visitor accommodation required under NOISE-S5 can only be achieved with windows closed, they must be constructed and maintained with a mechanical ventilation system that achieves the following:	Matters of discretion [...]

	<ul style="list-style-type: none"> a. Provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; b. is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; Achieves a minimum of 7.5 litres per second per person; and c. Does not generate more than 35 dB <u>LAeq</u>(30s) when measured 1m away from any grille or diffuser; d. provides relief for equivalent volumes of spill air; and e. provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C. <p>2. A design certificate from a suitably qualified and experienced professional must be provided to Council prior to building consent and the construction or alteration of any residential unit or visitor accommodation demonstrating that the standards in NOISE-S6-1 will be achieved</p>	
NOISE-S3A	New noise-sensitive activities and places of worship near a State Highway – Vibration	
All zones	<p>1. Any activity described in NOISE-S1 which is within 20m of the outer painted lane marking of a State Highway and is:</p> <ul style="list-style-type: none"> a. A new buildings used for a noise-sensitive activity or place of worship; or b. Additions to existing buildings used for a noise-sensitive activity or place of worship; or c. An existing building where its use is changed to be for a noise-sensitive activity or place of worship; 	<p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> 1. The effects of any noncompliance on the health and amenity of occupants; 2. The outcome of any consultation with Waka Kotahi NZ Transport Agency (in relation to activities near a State Highway) 3. Special topographical, building features or ground

	<p><u>Must be designed constructed and maintained to achieve road vibration levels not exceeding 0.3mm/s $V_{w,95}$.</u></p> <p><u>2. A design certificate from a suitably qualified and experienced professional must be provided to Council prior to building consent and the construction or alteration of any noise sensitive activity or place of worship demonstrating that the standards in NOISE-S3A will be achieved.</u></p>	<p><u>conditions which will mitigate vibration impacts.</u></p>
<u>NOISE-S7</u>	<u>New outdoor living spaces associated with noise-sensitive activities and places of worship near a State Highway</u>	
	<p><u>1. Where:</u></p> <p><u>a. an outdoor living or outdoor activity space required by another rule in the Plan is within</u></p> <p><u>i. 100m of the outer painted lane marking of a State Highway with a speed limit of greater than 70km/h;</u></p> <p><u>ii. 50m of the outer painted lane marking of a State Highway with a speed limit of 70km/h or less</u></p> <p><u>and;</u></p> <p><u>b. the outdoor space is required for a noise sensitive activity, the required outdoor living space is to be designed and maintained to achieve 57 dB LAeq(24h) where the design road noise is based on measured or predicted external noise level plus 3 dB..</u></p> <p><u>2. A design certificate from a suitably qualified and experienced professional must be provided to Council prior to building consent and the construction or alteration of any building to which the outdoor living space relates demonstrating that the standards in NOISE-S7-1 will be achieved.</u></p>	<p><u>Matters of discretion are restricted to:</u></p> <p><u>1. Whether the location of buildings or the outdoor space minimises effects</u></p> <p><u>2. Alternative mitigation which manages the effects of the non-compliance on the health and amenity of occupants;</u></p> <p><u>3. The reverse sensitivity effects on the State Highway</u></p> <p><u>4. The outcome of any consultation with Waka Kotahi NZ Transport Agency (in relation to activities near a State Highway); and</u></p> <p><u>5. Special topographical, building features which will mitigate effects.</u></p>