

**IN THE ENVIRONMENT COURT OF NEW ZEALAND  
WELLINGTON REGISTRY**

**I MUA I TE KŌTI TAIAO O AOTEAROA  
TE WHANGANUI-Ā-TARA ROHE**

**ENV-2023-WLG-000005**

Under the

**RESOURCE MANAGEMENT ACT 1991**

In the matter of

the direct referral of applications for resource consents  
and notices of requirement under sections 87G and  
198E of the Act for the Ōtaki to North of Levin project

By

**NEW ZEALAND TRANSPORT AGENCY-WAKA  
KOTAHI**

Applicant

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**JOINT STATEMENT OF NOISE AND VIBRATION EXPERTS**

27 July 2023

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## INTRODUCTION

1. This joint witness statement relates to expert conferencing on the topic of noise and vibration.
2. The expert conferencing was held on 27 July 2023, facilitated by Environment Commissioner Buchanan.
3. Attendees at the conference were:
  - (a) Michael Smith (witness for Waka Kotahi). Mr Smith is the author of Technical Assessment B: Noise and Vibration lodged with the Application, and of a statement of evidence dated 4 July 2023.
  - (b) Siiri Wilkening (witness for the District Councils). Ms Wilkening is the author Appendix 3 (Noise and Vibration) to the Section 198D report for the District Councils. Ms Wilkening provided a note setting out issues that remain in dispute in advance of the conference.
  - (c) Jon Styles (witness for Kainga Ora). Mr Styles provided a 'will say' statement in advance of the conference.
  - (d) Rhys Hegley (witness for James McDonnell Limited). Mr Hegley provided a 'will say' statement in advance of the conference.

## CODE OF CONDUCT

4. This joint statement is prepared in accordance with section 9.4 of the Environment Court Practice Note 2023.
5. We confirm that we have read the Environment Court Practice Note 2023 and agree to abide by it.

## PURPOSE AND SCOPE OF CONFERENCING


6. The purpose of conferencing was to identify, discuss, and highlight points of agreement and disagreement on noise and vibration issues arising from the Project.
7. All attendees reviewed Technical Assessment B and the evidence, council expert reports and notes on issues that remain in dispute, and the 'will say' statements of Mr Styles and Mr Hegley in advance of the conference. Mr Styles and Mr Hegley did not receive Ms Wilkening's statement of issues.
8. **Annexure A** records the agreed issues, areas of disagreement and the reasons, along with any reservations.

9. Except where recorded in Annexure A, the attendees agree that the primary data, methodologies and standards, and key facts and assumptions are as set out in the Assessment of Environmental Effects for the Project, and in particular Technical Assessment B: Noise and Vibration.

Date: 27 July 2023



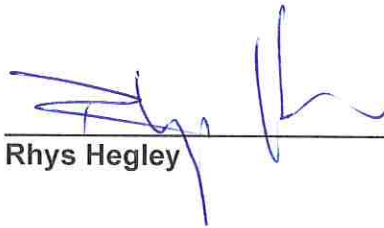
**Michael Smith**



**Siiri Wilkening**



**Jon Styles**



**Rhys Hegley**

## ANNEXURE A – EXPERT CONFERENCING ON NOISE AND VIBRATION

Participants: Michael Smith (MS), Siiri Wilkening (SW), Jon Styles (JS), Rhys Hegley (RH)

Issue	Agreed Position	Disagreements or reservations, with reasons
Kainga Ora-specific discussion	<p>JS notes that some of the proposed designation conditions that manage project-wide construction and operational noise and vibration may not be appropriate for the Kainga Ora properties. He considers it likely that the response to the issues specific to the Kainga Ora properties will likely require separate / bespoke conditions that may be different to the project-wide set. These will be discussed and recorded in the Kainga Ora-specific discussion.</p>	
Wider issues not discussed	<p>RH and JS note that they have been engaged to provide input and advice on issues related to specific sites near to the Project. They note that they have some concerns with the way the assessment has been undertaken and the reliance on NZS6806 that are wider than the issues facing the specific sites they are advising on. They have not raised these wider issues as disagreements because they are either not relevant to the specific sites or can be resolved by agreement on specific provisions for the specific sites.</p>	
Alignment within designation	<p>All agree that the difference between DRN3(b)(ii) and (iii) is unclear and should be redrafted for clarity.</p>	

	<p>All agree that the intent to include any design change, mitigation or alignment, is within the scope of this condition.</p> <p>All agree to remove DRN3(b)(ii).</p> <p>All agree to amend DRN3b(iii) and inserting "or C" after the first 'Category B'.</p>
<p>Low noise road surface</p>	<p>All agree that initial chip seal is highly undesirable from an acoustics perspective. All agree that there should be a serious effort applied to installing a low noise surface from day 1.</p> <p>MS advises that the noise levels for the interim period for the first 6-18 months will be approximately 6-7 dB higher than the 2039 noise levels.</p> <p>MS to provide a table of the PPFs and the likely levels they will experience with the use of chip seal in the first 12-18 months to confirm the extent of the interim period issues. All agree that this information will be useful to help quantify the extent of adverse effects in the interim period. This will help to determine whether more than just communication is required for the PPFs that will receive the highest interim noise levels.</p> <p>All agree that if chip seal is needed, then clear direction needs to be provided through the communication conditions.</p> <p>All agree that the communications conditions need to be more explicit about expectations and the effects.</p>

Condition wording	All agree that DRN4(c) needs to be amended to correctly reflect the timeframes in DRN1. These were included in the originally drafted conditions but have been altered since.	
Maintenance of noise mitigation measures	<p>All agree that the combined mitigation offered by DRN1 and DRN2 should be maintained in perpetuity.</p> <p>All agree that structural mitigation should be maintained to retain the noise mitigation capabilities.</p> <p>All agree that consideration should be given to a condition along the lines of DRN2A from Appendix A (Proposed Conditions: evidence version tracked - page 44) of the evidence from Ms McLeod.</p>	
Schedules	<p>All agree that there is confusion as to how DNV4 applies as DNV1 and DNV2 would exclude its use. All agree that DNV1 and DNV2 should all start "except as set out in condition DNV3 or DNV4".</p> <p>All agree that the requirement of schedules is contained in two locations, once in DNV4 and once in schedule 2 CNVMP (o). All agree that planners should consider moving all content of the schedule into DNV4. We agree that the use of the word 'schedule' is consistent with industry practice. The use of 'Site Specific Noise and Vibration Mitigation Plans' should be deleted.</p>	

<p>Certification of schedules</p>	<p>All agree that councils should have the opportunity to influence the content of schedules.</p> <p>All agree that the schedules are there to manage the greatest potential level of construction noise and vibration effects.</p> <p>SW, JS and RH consider that at DNV4(b) after the mitigation plans to insert "that shall be prepared by a suitably qualified and experienced person agreed between the territorial authorities and the requiring authorities. The schedule must include".</p>	<p>JS and RH consider the schedules should be certified by the council within a defined timeframe for response.</p> <p>SW considers that if schedules are prepared by a suitably qualified and experienced person agreed between the territorial authorities and the requiring authorities then no certification is needed and provision for information is sufficient. If no person is agreed, then SW agrees with JS and RH.</p> <p>MS considers that schedules should be prepared by a suitably qualified person however disagrees that the person needs to be agreed with council. MS considers that the schedules must be provided to the council for information as currently required by the conditions. He considers that the condition could be enhanced by allowing councils to provide comments within 48 hours whereby the requiring authority must review the schedule including a response to those comments. MS disagrees that certification should be required.</p>
<p>Certification of CNVMP</p>		<p>JS, SW and RH consider that the CNVMP should be certified by the council.</p> <p>MS considers this a planning matter and understands that the Outline Plan provides an adequate opportunity for council to comment.</p>
<p>Construction noise and vibration receivers</p>	<p>All agree to amend schedule 2 CNVMP (e) to insert "receivers" after 'of' and continue after 'where'.</p> <p>All agree that the definition of 'construction noise sensitive receivers' is reconsidered by planners</p>	

	<p>consistent with NZS6803. All agree that the definition of PPF to be removed from the glossary. All agree that schedule 9 shall remain the same.</p> <p>All agree to amend table DNV-1 to 'other occupied buildings' and all consequential changes e.g., DNV1(a) and schedule 2.</p>	
<p>Building condition surveys</p>	<p>All agree that CNVMP schedule 2 (j) shall insert after 'they' "that are predicted or measured to receive vibration levels at or above 5mm/s PPV".</p>	
<p>Noise bund adjacent to JML land to the east of the highway</p>	<p>MS considers that a bund is not necessary to mitigate project effects, however, he considers it beneficial for Waka Kotahi and JML to work to resolve the interface between the two developments.</p> <p>RH considers that a bund may be beneficial to the JML land and would like to see further modelling or analysis to confirm this. RH understands that JML would be interested in further discussion on this matter with Waka Kotahi.</p>	<p>JS not involved.</p> <p>SW considers this is a matter for the parties.</p>

Acoustics expert advice is required in drafting conditions/providing feedback for clarity.