## Verbal Statement by Rodney Witte Submitter 333 and FS03

My apologies for not attending yesterday to hear the reporting officer and council's noise consultant, Mr Styles

I was at an Environment Court mediation in Wellington

I have however viewed the video of Mr Styles' presentation to the hearing yesterday and it is obvious that Commissioners have read my statement. I thank you for that.

Dealing first with Mr Styles' comments from yesterday. Mr Styles' 17 June brief of evidence included in the Council's s42A reports was thorough and of considerable assistance to myself. I do not doubt nor challenge his technical competence or conclusions and in any case I lack the expertise to do so. I fully agree with his statement of yesterday that he "*absolutely supports that noise should be reduced at source.*" That position is consistent with RMA s5 (c) (purpose while avoiding, remedying, or mitigating adverse effects) and s16 (duty to avoid unreasonable noise) .

Rather my comments relate to the interface between his comments and the RMA particularly as it relates to process.

Mr Styles challenged my statement at paragraph 2.3 of my statement where I said "the benefits largely accrue to NZTA". That statement is in the context that I find it unusual that rather than focussing on ensuring good process the council seems to have taken on the role of being an advocate for the NZTA to the extent that the agency has chosen not to attend the hearing. The benefit I am referring to is of not having the burden of preparing expert evidence and attending the hearing.

Mr Styles also suggested I was wrong to refer to this issue as "reverse sensitivity". At the risk of a semantic discussion, Mr Styles would be correct that this is not a reverse sensitivity issue if this was a static situation with an existing road and existing houses. However, the proposed acoustic insulation rule is being proposed within a plan change that seeks to increase housing density throughout most of the city including alongside the state highway.

The MfE maintained Quality Planning website describes reverse sensitivity "*where a potentially incompatible land use is proposed to be sited next to an existing land use"*.

Here we have a situation of an existing State Highway and a plan change that proposes as a permitted activity up to 3 residential units on all existing residentially zoned sites and a halving of subdivision standards in the general residential zone from 400 to 200 sq m. The plan change enables more people to be "bought to the noise".

As I have set out in my statement and submissions, a policy of introducing more people to the noise is inconsistent with the policy approach the NRMP takes to airport and port noise where there are restrictive density controls of 600sq m per unit.

Mr Styles also made statements on the effectiveness of the noise mitigating options I set out in my original submission such as alternative road surfacing. Those comments at this late stage raise further significant process and natural justice issues. The Council's opportunity to evaluate those options was when drafting the s32 report which would have allowed me and other submitters to present our own expert opinion.

I am sure the council thought it was doing the right thing for submitters in engaging an independent noise consultant after the submission and further submission period had closed. But in my opinion it has only compounded the very significant notification and s32 process issues I consider have beset the highway noise provisions in PC 29.

The s32 report included a 2016 review of NRMP acoustic provisions by Marshall Day. I relied on that report when drafting my original submission. Marshall Day recommended that the insulation rule apply to new dwellings. The proposed rule applies to extensions to existing dwellings and is supported by Mr Styles but we do not know why Mr Styles does not agree with Marshall Day. Marshall Day also seem to suggest that acoustic rules should be developed based on actual noise measurements whereas Mr Styles stated yesterday that he is confident that modelling is adequate. Again, the opportunity for submitters to call their own experts has been denied.

Yesterday Mr Styles seemed to suggest that in relation to acoustic walls and fences the word "existing" be replaced with "permanent". Pragmatic as that may seem as there is no submission that seeks that relief. That is therefore not an available option. Moreover, it does not overcome the issue that in order to erect such a wall or fence a resource consent as a restricted discretionary activity would be required. (eg REr.31).

I set out in some detail in my original and further submissions the significant notification process issues and s32 evaluation shortcomings I have identified with the State Highway acoustic provisions. I fully expected my concerns would have been responded to in the council's s42A report but that report is silent on what I consider to be fundamental issues.

Thank you for your consideration of my submissions and statement.

I am of course happy to answer any questions.