

**BEFORE THE ENVIRONMENT COURT**  
**I MUA I TE KOOTI TAIAO O AOTEAROA**

**IN THE MATTER** of the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of a direct referral application under section 87G of the RMA for resource consents for the necessary infrastructure and related activities associated with holding the America's Cup in Auckland

**BETWEEN** **PANUKU DEVELOPMENT AUCKLAND LIMITED**

(ENV-2018-AKL-000078)

Applicant

**AND** **AUCKLAND COUNCIL**

Regulatory Authority

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**STATEMENT OF REBUTTAL EVIDENCE OF JON STYLES  
ON BEHALF OF THE AUCKLAND COUNCIL**

**(NOISE AND VIBRATION EFFECTS)**

**Dated 4 September 2018**

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**BROOKFIELDS  
LAWYERS**

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**AUCKLAND**

## 1. INTRODUCTION

- 1.1. My full name is Jon Robert Styles.
- 1.2. My evidence is given on behalf of the Auckland Council (the **Council**) in its regulatory capacity in relation to the direct referral application filed by Panuku Development Auckland Limited (**Applicant**) seeking resource consents for the America's Cup (the **Application**).
- 1.3. My statement of rebuttal evidence should be read alongside my evidence in chief (**EIC**) for the Council on noise and vibration effects dated 21 August 2018<sup>1</sup>.
- 1.4. This statement of rebuttal evidence responds to matters raised in the EIC of Richard Finley<sup>2</sup> for The Point Body Corporate in the context of the proposed conditions which have been the subject of further discussions since the exchange of his EIC.
- 1.5. I also provide brief comment on the proposed conditions of consent that do not relate to Mr Finley's evidence but have been the subject of further discussion since the exchange of EIC.
- 1.6. In referencing the proposed conditions of consent in this rebuttal evidence, I am referring to the Applicant's conditions dated 24 August 2018, except where I refer to an amended version of condition 183Q concerning Event noise. I have seen amended wording for a revised version of condition 183Q, which I understand is to be attached to the Applicant's rebuttal evidence. My comments below relate to that version of condition 183Q.

## 2. QUALIFICATIONS AND EXPERIENCE

- 2.1. Details of my qualifications and relevant experience are set out in my EIC.

## 3. CODE OF CONDUCT

- 3.1. I have read the Code of Conduct for Expert Witnesses (**Code**) outlined in the Environment Court's Consolidated Practice Note 2014 and have complied with it in

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<sup>1</sup> E38, my EIC, page 1616 onwards.

<sup>2</sup> E70, evidence of R Finley, page 2185 onwards.

preparing this evidence. I also agree to follow the Code when presenting evidence to the Court. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state that I rely upon the evidence of other expert witnesses. I also confirm that I have not omitted to consider material facts known to me that might alter or detract from my opinions.

#### **4. CROWD NOISE**

- 4.1. The Joint Witness Statement (**JWS**) of noise experts (dated 25 July 2018<sup>3</sup>) records at paragraph 4.2 that Mr Finley did not agree with the exemption of crowd noise from the Noise Event noise limits. I understand that the Applicant and The Point Body Corporate have had discussions regarding this issue since the exchange of EIC and have now agreed on the proposed conditions of consent.
- 4.2. The Applicant's revised version of proposed condition 183Q (Noise Events) retains the exclusions of crowd noise in the Noise Event noise limits, which I agree with.

#### **5. LOW FREQUENCY NOISE CONTROLS FOR NOISE EVENTS**

- 5.1. The EIC of Mr Finley<sup>4</sup> goes into some considerable detail on the reasons why he considers that some control of low frequency noise from Noise Events is important.
- 5.2. I understand that The Point Body Corporate (together with the Princes Wharf apartments and Viaduct Harbour Holdings Ltd) and the Applicant have reached agreement on the noise limit conditions for Noise Events, including the application of low frequency controls.
- 5.3. In principle, the agreement is based on a reduction in the number of High Noise Events that are to be undertaken for each America's Cup event; the timing of those events during the day being controlled to a greater degree than the AUP provisions; and a slightly lower overall noise limit (from 82dB L<sub>Aeq</sub> to 80dB L<sub>Aeq</sub>) for High Noise Events, in exchange for the deletion of all low frequency noise controls for Medium and High Noise Events.
- 5.4. I agree with the proposed condition 183Q which contains these amendments.

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<sup>3</sup> E22, Noise and Vibration JWS, page 1282 onwards.

<sup>4</sup> E70, evidence of R Finley, page 2185 onwards.

## 6. APPLICATION OF THE CNVMP TO BASES C-G

- 6.1. In paragraphs 9.8 to 9.10 of my EIC I commented on the limitation of condition 110 to require a CNVMP only for the construction of infrastructure, and not the base buildings<sup>5</sup>.
- 6.2. Since the exchange of evidence I have discussed these conditions with the Applicant which has resulted in amendments and clarifications to the conditions such that a CNVMP is mandatory for all of the infrastructure construction as well as Base Building B (on Hobson Wharf), but that the CNVMP need only deal with the construction of Base Buildings C-G in the event that the noise and vibration levels from their construction do not comply with the Project Noise and Vibration Standards.
- 6.3. The advice note beneath condition 110 in the 24 August 2018 version of the conditions makes the application of the CNVMP abundantly clear, as follows:

*Advice Note: A CNVMP is a mandatory requirement under Condition 110 for Infrastructure construction and under Conditions 135C-135E for the Base B building on Hobson Wharf, but is optional for the Base C-G buildings at Wynyard Point.*

- 6.4. The proposed conditions are structured such that the Project Noise and Vibration Standards for construction in conditions 109 to 109B apply to all works, including Base Buildings C-G.
- 6.5. I agree with these amendments and that as long as the noise from the construction of the Base Buildings C-G does not exceed the Project Noise and Vibration Standards in conditions 109 to 109B, a CNVMP is not required to manage the effects of their construction.

## 7. CONCLUSION

- 7.1. Since the exchange of EIC, a number of discussions have been had between the parties resulting in full agreement on the proposed conditions of consent in relation to crowd noise and low frequency controls for Noise Events, and the need for the CNVMP to address the construction of Base Buildings C-G.

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<sup>5</sup> E38, my EIC, page 1630.

- 7.2. I agree with the proposed conditions of consent and I understand that all matters related to noise or vibration are now agreed, except for the reported underwater noise levels which does not need to be resolved for the conditions to be finalised or the effects of construction to be understood and managed.

**Jon Styles**

**4 September 2018**