

**BEFORE THE INDEPENDENT HEARING PANEL ON PROPOSED PRIVATE PLAN
CHANGE 13 TO THE OPERATIVE HAMILTON CITY DISTRICT PLAN**

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

AND

IN THE MATTER of proposed Private Plan Change 13 to the Hamilton City
District Plan

Summary of evidence of James Robert Hugh Bell-Booth on behalf of the
Waikato Racing Club Incorporated
Dated: 22 August 2023

MAY IT PLEASE THE INDEPENDENT HEARING PANEL

INTRODUCTION

1. My name is James Robert Hugh Bell-Booth. I have previously given a statement of evidence in chief and a statement of rebuttal evidence in relation to the above matter, dated 26 July and 16 August 2023 respectively.

CODE OF CONDUCT

2. I re-confirm that I will abide by the code of conduct for expert witnesses, as set out in the Environment Court's Practice Note 2023.

SUMMARY OF EVIDENCE

3. As directed by the Hearing Panel, the following statement provides a summary of my evidence on behalf of the Waikato Racing Club Incorporated ("WRCI") in support of proposed Plan Change 13 to the Hamilton District Plan ("PPC13").
4. I have recommended amendments to the noise rules in Chapter 25 of the Hamilton City District Plan to accommodate the proposed zones. However, I have also proposed some variations to provide greater amenity and address potential reverse sensitivity noise issues where appropriate.
5. I have recommended:
 - (a) the existing HCDP zone specific noise performance standards for the proposed new zones.
 - (b) internal noise performance standards for noise sensitive activities subject to potentially high levels of sound (from sources within the neighbouring Industrial Zone and from racetrack operation).

- (c) An Industrial Zone standard - applied to industrial activities adjoining the site, to fill a current 'gap' in the District Plan provisions.

- 6. Sound emissions from areas outside of the proposed new zones, received on the site, are currently well below the permitted level.

- 7. Future potential Sound emissions from areas outside of PPC13 received on the site (and their potential for reverse sensitivity noise effects) are mitigated by the proposed rule framework which includes:
 - (a) internal noise criteria for noise sensitive activities (applied to the proposed Noise Sensitive Area).
 - (b) a 30m setback.
 - (c) building form and outdoor area orientation.

- 8. The proposed changes to the District Plan noise rules are appropriate and consistent with other similar Hamilton City rules.

- 9. The types of development and activities expected in PPC13 will have little difficulty in complying with my proposed noise limits.

- 10. I have considered submissions on PPC13 pertaining to noise and provided comments in response, however, none of the submissions change my opinion on the noise effects including reverse sensitivity noise effects of the proposed plan change.

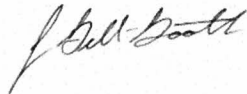
- 11. I have considered the suggested recommendations within the statement of evidence of Mr Alex Jacob on behalf of Chartwell Investments Ltd, Ecostream Irrigation Ltd and Takinini Rentors Ltd.

- 12. I concur with Mr Jacob with respect to the nomenclature of the industrial zone noise limits, e.g., 65 dB $L_{Aeq\ 15\ min}$ is the appropriate format.

13. Mr Olliver has proposed a revision to the wording of Rule 25.8.3.7 (e) to address Mr Jacob's suggestion regarding the clarification of the proposed exclusion of Industrial Zone properties adjoining the Te Rapa Racecourse Medium Density Residential zone. I agree with Mr Olliver's proposed wording.
14. Mr Jacob suggests additional controls for L_{max} noise events and noise in the 63 Hz and 125 Hz octave bands. I am not aware of any situations where the HCDP rule for noise sensitive spaces (replicated via 1.3.3 P c in PPC13) fails to provide adequate protection. I note that 1.3.3 P c is consistent with the same performance standard that applies to the development of noise sensitive activities within industrial zoned sites.
15. I do not support adopting an internal octave band noise criteria as suggested by Mr Jacob. I have outlined that the basis and origin of the criteria (the Auckland Unitary Plan) is inappropriate and can result in resulted in octave band performance criteria that dictates a much lower overall internal noise level than intended (circa 25 dB L_{Aeq} rather than the intended 35 dB L_{Aeq}).
16. Mr Jacob's suggests a 4m barrier is necessary. While I accept that a 4m high acoustic barrier will provide lower noise levels incident on parts of any future building, whether this is appropriate in any particular circumstance can be considered at the resource consent stage. In my opinion, the plan controls proposed in PPC13 to mitigate noise are appropriate and it is unnecessary to impose a standard which requires a 4m high barrier I accept that a 4m high acoustic barrier will have some acoustic benefits.

CONCLUSION

17. In my opinion, with the inclusion of my recommendations in my evidence in chief and rebuttal evidence, as detailed in attachment 1 of Mr Olliver's rebuttal evidence; specifically:
- (a) The proposed changes to Chapter 25.8.3
 - (b) The proposed setback via 4.8.2 e
 - (c) The proposed assessment criteria in 1.3.3 P a and 1.3.3 P c, any adverse noise effects, including potential reverse sensitivity, can and will be managed.



James RH Bell-Booth
22 August 2023