

BEFORE THE WAIPĀ DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 20 – Airport Northern
Precinct Extension to the Operative Waipā
District Plan

STATEMENT OF EVIDENCE OF JAMES ROBERT HUGH BELL-BOOTH

(NOISE)

28 FEBRUARY 2023

Counsel acting:
JR Welsh
ChanceryGreen
223 Ponsonby Road
Ponsonby, Auckland 1011



INTRODUCTION

Qualifications and experience

1. My name is James Robert Hugh Bell-Booth. I am a consultant in the acoustical consulting practice of Marshall Day Acoustics (“MDA”) and manager of its Hamilton office.
2. I hold the degree of Bachelor of Building Science from the University of Victoria, Wellington (2005). I am a Member of the Acoustical Society of New Zealand.
3. For the past 18 years I have worked in the field of acoustics, noise measurement and control in both New Zealand and Australia. My experience in acoustic advice in New Zealand has included assessment, prediction and modelling of sound and vibration for road and rail infrastructure, residential, commercial and industrial developments; the recommendation of mitigation measures when appropriate; and the preparation of noise performance standards for district plans. I have provided expert evidence on acoustic matters to council hearings on a number of occasions.

Involvement in Proposed Plan Change 20

4. I have been engaged by Titanium Park Limited (“TPL”) and Rukuhia Properties Limited (“RPL”) to prepare evidence for Proposed Plan Change 20 (“PC20”). I was the author of the Assessment of Noise Effects (“ANE”) associated with TPL/RPL’s request.
5. I am familiar with the application site and the surrounding locality. I have read the relevant parts of: the application; submissions; further submissions and the Section 42A Report.

Code of Conduct

6. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note (2023) and I agree to comply with it. In that regard, I confirm that this evidence is written within my expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

7. In my evidence, I:
 - (a) provide an executive summary of my key conclusions;
 - (b) summarise the relevant aspects of PC20 with respect to noise;
 - (c) set out an assessment of PC20 with respect to anticipated noise effects;
 - (d) address relevant submissions; and
 - (e) Respond to the s42A Report.

EXECUTIVE SUMMARY

8. The applicants seek to rezone approximately 130 hectares of agricultural land (the Site) adjacent to Hamilton airport from a mixture of Airport Business Zone and Rural to all Airport Business Zone.
9. The Site is neighboured by Hamilton airport (the airport) and other Rural zoned land. SH3 and the designation for the Southern Links are nearby. Some of the Site (41 hectares) is already zoned Airport Business with the other roughly 89 hectares rural.
10. Essentially, PC20 would move the existing interface between the Rural zone and Airport Business Zone.
11. The applicants own all the properties that would become Airport Business under PC20—except 208 Narrows Road and 141 Middle Road. I note that:
 - (a) the applicant has first right of refusal for the nursery on 208 Narrows Road. The Crown owns the farm which is subject to sell back once the land is surplus to requirements of Waka Kotahi's Southern Links, and
 - (b) TPL have been negotiating the purchase of 141 Middle Road. However, my ANE assumes 141 Middle Road is not owned by the applicants.
12. With respect to the existing noise environment, I consider that:
 - (a) The area is developmentally and operationally active;
 - (b) Road and aircraft are the predominant noise sources in the area; and
 - (c) The construction and operation of the Southern Links is anticipated to increase noise in the area.

13. I have reviewed the Council's existing District Plan ("Plan") noise performance standards for the Rural zone and Airport Business Zone. I consider the noise provisions for each zone are generally appropriate.
14. I have recommended retaining the existing zone provisions for PC20 with one small addition to the Airport Business Zone rules, to accommodate 141 Middle Road.
15. The plan rules, with the proposed addition, allow for the proposed activities to occur whilst ensuring that the adverse effects of noise are avoided, remedied, or mitigated.
16. In the context of an anticipated changing (increasing) noise environment even without PC20, I consider the potential for noise effects from PC20 is of little appreciable significance.

CONTEXT AND BACKGROUND

Plan Change Site and Location Description

17. The applicants seek to rezone approximately 130 hectares of land adjacent to the airport.
18. The PC20 area (the Site) is identified as a potential development node and enhanced employment area in the Hamilton Waikato metropolitan spatial plan.
19. The Site is described in Appendix A Figure 1.
20. The Site and its neighbours are all located within Waipa District. Roughly two-thirds of the Site (89 hectares) is presently zoned Rural in the Plan. The remainder (41 hectares) is already zoned Airport Business.
21. The Site consists of five properties. Refer to Appendix A Table 1 and Appendix A Figure 2 which describe the properties and their current zoning.
22. The Airport, State Highway 3, Rural Zone, and the Southern Links neighbour the Site.
23. To the south and west the Site borders the airport (Designation D71). Beyond the airport designation is Airport Business Zoned land.
24. The north of the Site is bounded by Raynes and Narrows Roads – whose intersection will likely be re-aligned as part of implementing the Southern Links Designation (Designation D156).
25. Also, to the north/northwest of the Site are Rural zoned properties. This group of properties border the Site, Narrows Road and Middle Road and the Southern Links

Designation (Designation D156). The properties adjacent to the Site are identified in Appendix A Figure 1 and Appendix A Table 2.

26. To the west of the Site is State Highway 3 with Rural zoned properties beyond.
27. In the ANE I characterised the environment based on the existing activities that occur in the area, and the permitted activities that will contribute to noise in the area. I found that:
 - (a) The airport and the local roads create an active area with associated noise.
 - (b) The noise environment is likely to be largely influenced by aircraft and road traffic. Aircraft are a considerable source of noise in the area.
 - (c) The Southern Links will introduce more traffic noise to the neighbouring Rural properties.
28. I note that at present the developments within the existing ABZ precincts are not considered relatively significant contributors to the environment.

Existing Noise performance standards

29. The ANE provides a summary review of the existing noise performance standards contained in the Plan.
30. The noise performance standards for the relevant zones –Rural and Airport Business (Section 4 and Section 10 respectively) – are generally appropriate.¹ The rules and limits for these zones:
 - (a) acknowledge the likelihood of the types of activities that might occur in each zone, and
 - (b) provide appropriate controls for those identified activities.

PROPOSED PERFORMANCE STANDARD

31. PC20 is moving the interface of two existing zones. PC20 proposes to rezone the entire Site as Airport Business Zone and adopt the existing Plan rules for the zone.

¹ The ANE identifies that the performance standards in both Sections 4 and 10 have some minor shortcomings, including: inconsistent use of noise parameters with respect to the assessment standard; vibration rules in both sections that I would not consider to be the most relevant or best current practice; some small discrepancy in the time periods used in each. These matters are not addressed in PC20, as where they relate to the Rural zone the changes would apply to much of the Waipā District. Such changes would have an impact on numerous parties in each of the zones – across the district. PC20 is in a small area relative to the entire Rural and Airport Business Zones and notwithstanding the identified issues, I have described, the rules are understood to achieve the desired outcomes. None of the matters identified represent a problem for PC20. Furthermore, these minor shortcomings are not raised in submissions or the s42a report.

32. The application seeks to retain the existing Plan noise performance standards for each zone with the addition I recommended in my ANE for a particular noise rule in respect of 141 Middle Road until such time as it is owned by TPL.
33. Under the current zoning and Plan rules the receivers at 141 Middle Road could reasonably expect noise from their Rural zoned neighbours. Noise from these neighbours is permitted at levels up to the Plan's limits of:
- (a) 50 dB L_{Aeq} during the daytime (7.00am to 10.00pm)
 - (b) 40 dB L_{Aeq} & 70 dB L_{Amax} during the night-time (10.00pm to 7.00am)
34. The receivers at 141 Middle Road could also reasonably expect noise from the nearby Airport Business Zone. Noise from the Airport Business Zone is permitted at levels up to the Plan's limits of:
- (a) 55 dB L_{A10} during the daytime (7.00am to 10.00pm) Monday to Saturday
 - (b) 45 dB L_{A10} all other times
 - (c) 70 dB L_{Amax} during the night-time (10.00pm and 7.00am)
35. Therefore, I have proposed an amendment to the Airport Business Zone to ensure 141 Middle Road can expect same level of noise that can be reasonably expected presently.
36. The proposed amendment would apply to Rule 10.4.2.15(c) and offer the same noise rules that apply to Rural zone receivers from Airport Business Zone activities to 141 Middle Road despite the underlying zone changing to Airport Business.
37. The proposed amendment is (shown in bold) below:
- All activities within the Airport Business Zone, excluding engine testing and noise generated by aircraft in flight taxiing or pre-flight checks, shall be conducted and buildings located, designed and used to ensure the noise levels do not exceed the following limits when measured in accordance with the requirements of NZS 6801:1999 Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound:*
- (a) *Within the boundary or notional boundary of any site zoned Rural and within the boundary of any of the residential properties east of State Highway 3 and identified 'Special Amenity Area' on the Planning Maps and the structure plan at Appendix S10:*
 - (i) *Monday to Saturday 7.00am to 10.00pm 55dBA (L_{10})*
 - (ii) *At all other times, including public holidays 45dBA (L_{10})*
 - (b) *Within the boundary of any site zoned Airport Business except LOT 1 DPS 60613 (141 Middle Road) 60dBA (L_{10}) at all times Provided that no single event noise level L_{max} shall exceed 70dBA at night time 10.00pm to 7.00am.*
 - (c) *Within the boundary or notional boundary of LOT 1 DPS 60613 (141 Middle Road) :*

(i) Monday to Saturday 7.00am to 10.00pm 55dBA (L10)

(ii) At all other times, including public holidays 45dBA (L10)

(iii) Night-time – single noise event 70 dB LAmax

Prior to any activity being established or building consent being applied for, evidence that these standards will be met may be required by Council.

OVERVIEW OF PC20

38. The Plan rules allow for the proposed activities to occur whilst ensuring that the adverse effects of noise are avoided, remedied, or mitigated. PC20 would result in a change in the location at which the interface between the Rural and Airport Business zones occurs. As such a change in activity noise levels – as received by some neighbours - is likely to occur.
39. The neighbours to the Site would be more likely to receive up to the permitted limits 55 dB L_{A10} during the day and 45 dB L_{A10} during the night from the proposed Airport Business Zone. Currently the Rural Zone Provisions limit the noise they receive from Rural zoned neighbours to 50 dB L_{Aeq} during the day and 40 dB L_{Aeq} during the night. It is important to recognize there is a difference between L_{A10} and L_{Aeq} noise parameters. I note that 55 dB L_{A10} from noise sources that are typical of activities in the Airport Business Zone are approximately 52 or 53 dB L_{Aeq} . A 2 to 3 decibel increase in sound is subjective and 'barely perceptible'.
40. The area within and around the Site is anticipated to see a change (increase) in noise levels with the construction and operation of the Southern Links once the designation is implemented. Therefore, the noise levels in the area are anticipated to change (increase) anyway.
41. The change (increase) in noise levels associated with PC20 (and Southern Links, when constructed) will not necessarily result in a change in character. I anticipate that the character of the existing environment, which consists predominantly of road and airport traffic, will continue to be the likely dominant character once the Southern Links is constructed and if PC20 is granted.
42. The Southern Links traffic noise and the activity from the Site will be limited by Plan rules and Designation conditions to reasonable noise levels.
43. In this situation (including where we are expecting an increase in noise levels, but not entirely due to activity within the PC20 area), I consider the potential for noise effects from PC20 (including the proposed amendments to Rule 10.4.2.15) is of little appreciable significance.

RESPONSE TO SUBMISSIONS RAISED

44. Two submissions to PC20 raise noise as a concern.
45. Submission 6² states: *'The plan doesn't indicate mitigation against noise levels emitted from the proposed commercial area and businesses.'* and *'The removal of one of the hills on the farm on Narrows Road will allow higher noise level to protrude across the district.'*
46. Submission 10³ states *'I support the Proposed Private Plan Change on the following basis [...] Noise restrictions are incorporated into the Plan. Incorporate suitable restrictions on daytime emissions and incorporate curfews on night-time operations and truck movements'*.
47. I respond to both by saying that:
- (a) PC20 will adopt the current provisions of the Plan and these provisions will ensure noise levels from commercial and business activities will be reasonable and the noise effects of will be of little appreciable significance;
 - (b) The limits in the Plan apply at the receiver and any ABZ based activity must not exceed the limits - irrespective of topography;
 - (c) The limits in the Plan are suitable; and
 - (d) The more stringent night time noise limit negates a need for 'curfews'.

RESPONSE TO THE SECTION 42A REPORT

48. The s42A report does not raise any noise issues requiring a response.

James Bell-Booth
Marshall Day Acoustics

28 February 2023

² James & Marie Snowball.

³ Rex Mason.

APPENDIX A

Figure 1: proposed Plan Change area (the Site)

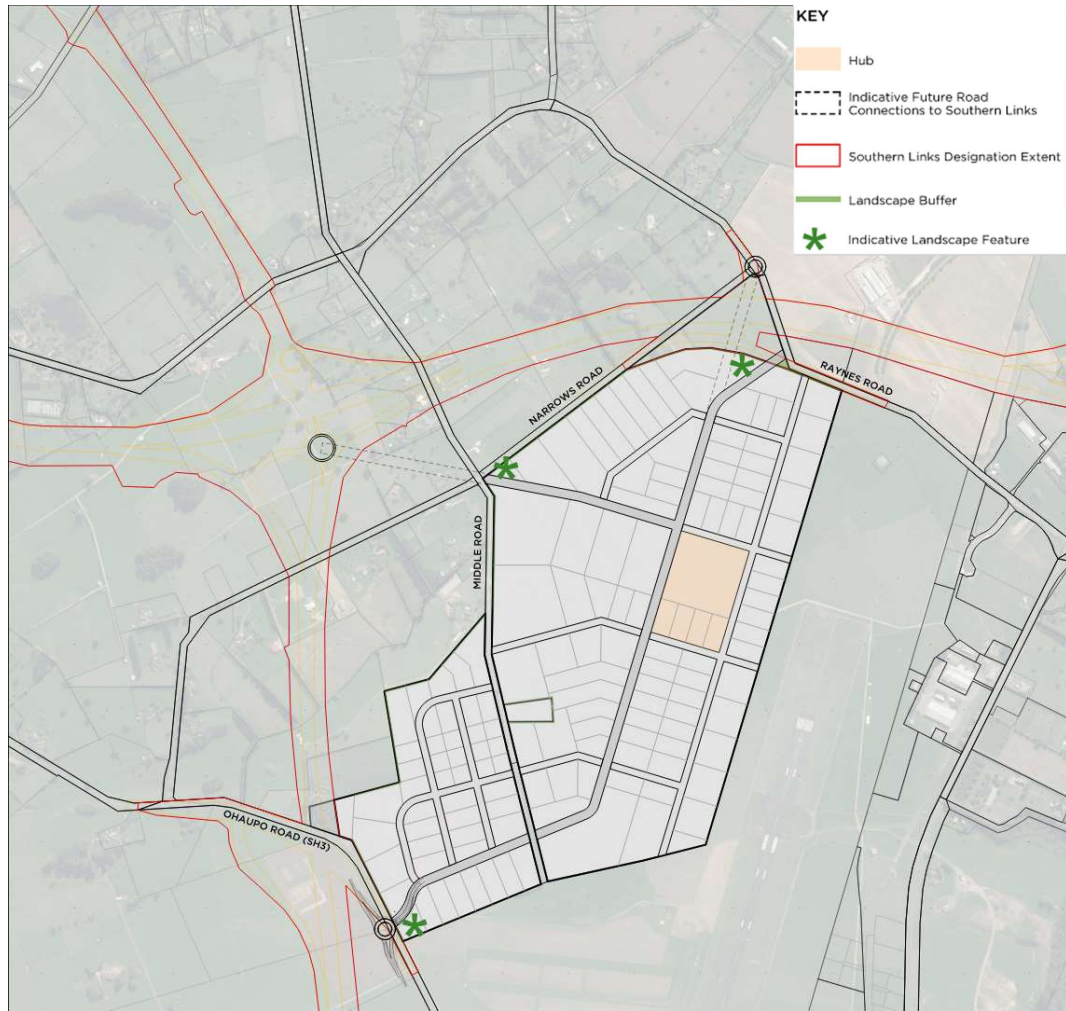


Table 1: Properties which make up the Site and their current zoning

Identifier (refer Figure 2)	Address	Legal Description	Zone
1	188 Narrows Road	LOT 1 DP 306726 AND LOT 5 DP 307815 BLKS VI VII HAMILTON SD	Airport Business & Rural
2	3463 Ohaupo Road	LOTS 8 9 DPS 13667 ALLOT 153 TE RAPA PSH BLK VI HAMILTON SD	Rural
3	141 Middle Road	LOT 1 DPS 60613	Rural
4	208 Narrows Road	LOT 1 DPS 35045	Rural
5	77 Middle Road	LOT 1 DPS 89282 BLKS VI VII HAMILTON SD	Rural

Figure 2: Properties which make up the Site (refer Table 1) and its neighbours (refer Table 2)

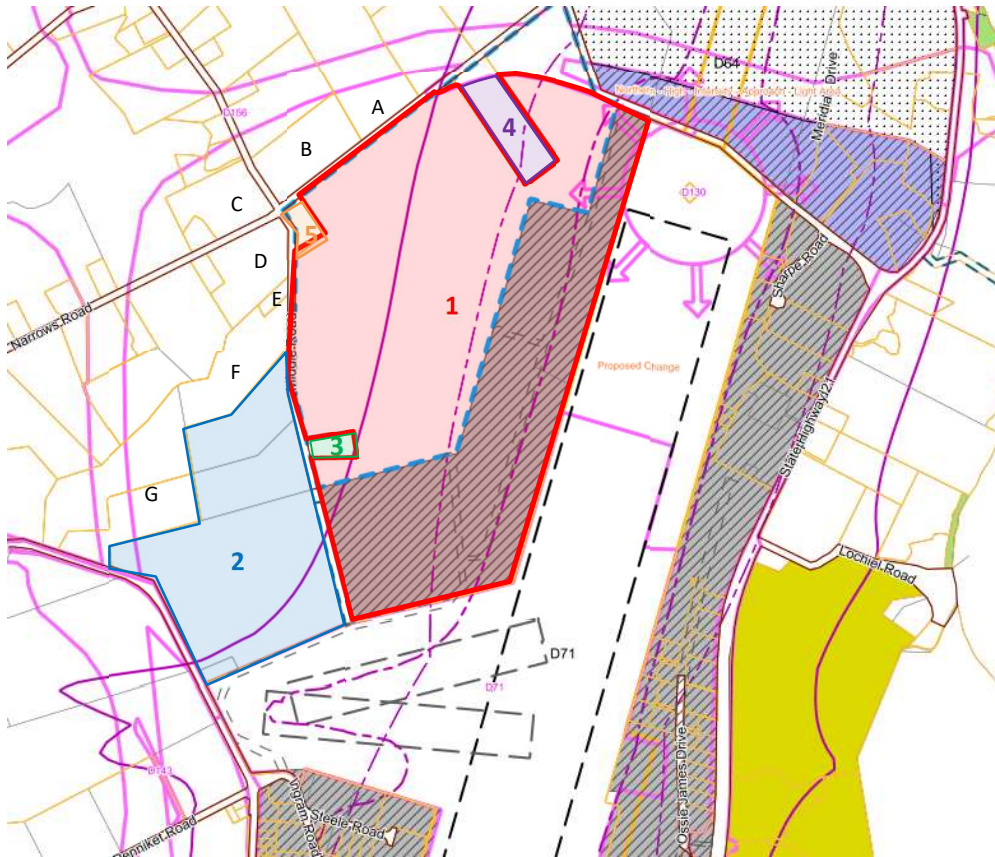


Table 2: Properties which neighbour the Site

Identifier (refer Figure 2)	Address	Legal Description	Zone
A	175 Narrows Road	LOT 5 DPS 14733 BLK VI HAMILTON SD ILTON SD	Rural
B	67 Middle Road	LOT 4 DPS 14733 BLK VI HAMILTON SD	Rural
C	66 Middle Road	LOT 2 DP 312314	Rural
D	90 Middle Road	LOT 2 DP 490203	Rural
E	92 Middle Road RD	LOT 1 DP 340294 BLK VI HAMILTON SD	Rural
F	108 Middle Road	LOT 2 DP 341857 LOT 2 DP 340294 BLK VI HAMILTON S	Rural
G	3451 Ohaupo Road	LOT 1 DP 341857	Rural