

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a submission in respect of the **PROPOSED WAIKATO DISTRICT PLAN** by **AMBURY PROPERTIES LIMITED** pursuant to Clause 6 of Schedule 1 of the Act seeking the rezoning of land at Ohinewai

SUMMARY STATEMENT OF BENJAMIN CHRISTOPHER LAWRENCE

1. My name is Benjamin Christopher Lawrence. I am a Consultant at Marshall Day Acoustics, specialising in environmental acoustics. I prepared a statement of evidence dated 9 July 2020. The purpose of this document is to summarise that statement.
2. I outlined my qualifications, experience and commitment to comply with the Environment Court Expert Witness Code of Conduct in my evidence in chief.

Existing environment

3. The existing environment is controlled primarily by transportation noise. This includes State Highway 1 traffic (dominant source), train movements on the North Island Main Trunk and frequent vehicle movements on Lumsden and Tahuna Roads.
4. Adjacent land to the northern and southern site boundaries is predominantly dairy farmland. Land to the east is a Department of Conservation wetland reserve containing Lake Rotokawau where gamebird shooting takes place. There are a small number of existing dwellings Lumsden Road and Tahuna Road which are adjacent to the APL site.

Proposed Waikato District Plan (PWDP) Rules

5. APL does not propose any changes to the applicable noise rules in the PWDP. I have assessed the proposal against the current PWDP rules, except for noise limits I have recommended that should apply at the three existing dwellings in the new Industrial Zone close to SH1.

Potential industrial activities – noise effects

6. Approximately 68 hectares of land on the north and west of the Site is proposed to be zoned for industrial use, for a combination of The Comfort Group's manufacturing, storage, office, and other light industry activities. My predictions show that these activities can comply with the PWDP noise rules at all adjacent Village, Residential and Rural zoned receivers with generally no constraints on normal commercial operations.
7. The exception could be industrial activities at the zone interfaces, which may require mitigation to comply at the closest existing Village and proposed

Residential zones. This may include noise barriers, scheduling of operations to minimise night-time noise emissions, building envelope design etc.

Potential business activities – noise effects

8. Approximately 13 hectares of Business zoned land is proposed in the south-western corner of the site, intended for typical commercial developments such as retail and neighbourhood shops. Noise from these sites would include passenger cars, goods deliveries and mechanical plant. I consider that compliance would be achieved with the relevant limits in the residential zone, and that there will be few constraints on normal business activity.

Potential residential activities – noise effects

9. The proposed Residential zone in the eastern part of the Site would change the character of the existing rural environment, but ambient noise levels would still be controlled by existing vehicle movements on Tahuna Road.
10. Requiring the Industrial and Business zones to comply with the PWDP noise limits will ensure a good level of amenity for both existing and future residential receivers.

Construction activities – noise effects

11. Construction works across the Site would generally be undertaken at large distances from existing dwellings and would readily comply with the relevant limits. Residual effects from any high noise and vibration activities such as dynamic compaction would be managed through a construction noise and vibration management plan (CNVMP).

Noise effects of gamebird shooting on new residential area

12. Potential noise effects from the existing gamebird shooting in the Lake Rotokawau reserve was raised by Fish and Game during consultation as a potential reverse sensitivity issue.
13. I consider that the gun noise has the potential to cause adverse effects based on my site visit and the data provided by Fish and Game. These effects are proposed to be addressed by a no complaints covenant on the residential area resolving reverse sensitivity, and enabling habitable rooms facing the reserve to shut windows while maintaining thermal comfort and fresh air, to be achieved with an appropriate rule that I have recommended.

Concerns of further submitters

14. Several submitters raised operational and traffic noise as a general matter, which I address in my evidence in chief. In summary, noise from both operation and traffic associated with the rezoning would be at levels generally comparable to the existing ambient environment on Lumsden Road and Tahuna Road.

Section 42A report

15. The section 42A report was in general agreement with the acoustic assessment, with one point of difference regarding the three existing Rural lots on Lumsden Road which would be rezoned industrial. I recommended appropriate noise limits to ensure noise from the adjacent industrial land is controlled to a reasonable level to protect these properties. This point of difference has been resolved, and the updated section 42A report is now in full agreement with the acoustic assessment.

Conclusion

16. In conclusion, I consider that the proposed activities can comply with the noise rules in the PWDP. The relevant rules would ensure that noise from the *Industrial* and *Business* zones does not exceed a reasonable level at the adjacent *Residential* and *Village* zones and at the existing dwellings within the proposed new zones.
17. The proposed open space buffers are sufficient for most activities in the *Industrial* zone to comply with the relatively stringent limits in the *Residential* zone. However, there may be some constraints on night-time operations for industrial activities at the *Industrial/Residential* zone interfaces.

Benjamin Lawrence
9 September 2020