

UNDER

the Resource Management Act 1991

IN THE MATTER

of a request to Kaipara District Council for
Private Plan Change 81: Dargaville
Racecourse by the Dargaville Racing Club Inc

STATEMENT OF EVIDENCE OF PETER IBBOTSON ON BEHALF OF THE APPLICANT

ACOUSTICS AND VIBRATION

10 MARCH 2023

1. INTRODUCTION

- 1.1 My full name is Peter Alexander Ibbotson. I am an acoustic consultant at Marshall Day Acoustics. I hold a Bachelor of Mechanical Engineering with Honours from the University of Auckland. I am a member of the Acoustical Society of New Zealand (MASNZ).
- 1.2 I have been engaged in the field of acoustics for 21 years. I have been employed with Marshall Day Acoustics for the past 17 years. I am a shareholder of the company with responsibility for our Northland operations. Marshall Day Acoustics is a leading international acoustical consultancy with offices in New Zealand, Australia, China, Hong Kong and France.
- 1.3 I have been involved in many environmental sound assessment projects in New Zealand, Australia and the South Pacific. I have appeared as an expert and presented expert evidence in New Zealand at council resource consent hearings and Environment Court hearings, and in Supreme Court hearings overseas.
- 1.4 I have provided advice on policy for private plan changes and appeals. Most recently I was involved with the Marsden City PC150 plan change. I also recently assisted my colleagues with the Sleepyhead development in the Waikato. I provide expert advice to District Councils on District Plan noise and vibration reviews: most recently to the Far North District Council (as part of their District Plan revisions) and previously to the Whangarei District Council during Plan Change 110 (this plan change introduced the NAV chapter to the Plan).
- 1.5 This evidence is in respect of an application by Dargaville Racing Club Inc for Private Plan Change 81: Dargaville Racecourse.

1.6 My evidence will:

- (a) Summarise my involvement with the development of PC81;
- (b) Summarise the key recommendations of my report;
- (c) Comment on issues raised by submitters relevant to my area of expertise;
- (d) Comment on the Council Officer's report.

1.7 I have read and agree to abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's practice Note 2023. This evidence is within my area of expertise, except where I state that I rely upon the evidence of another expert witness as presented to this hearing or a report that formed part of PC81. I have not omitted to consider any material facts known to me that might alter or detract from any opinions expressed. I have no conflict of interest to declare.

2. INVOLVEMENT WITH PC81

2.1 My involvement in PC81 began after I was engaged by the Applicant on the 19 March 2021 to provide reporting input to scoping and preparation of the plan change.

2.2 I visited the site and took attended measurements on the site and in the surrounding area on three separate occasions. I deployed a noise logger on the site to obtain unattended noise measurements over a representative day-night period.

2.3 I prepared a report entitled *Dargaville Racecourse Proposed Rezoning Acoustic Assessment* dated 21 February 2021 which was submitted as Appendix 13 to PC81.

2.4 The PC81 provisions respond to the recommendations in my report.

3. KEY RECOMMENDATIONS OF MY REPORT

3.1 The key recommendations of my report were:

- (a) I provided a **risk evaluation of noise in the Light Industrial Zone**. My evaluation set out industrial and business activities that would typically comply with the daytime and night-time zone noise rules, and those that would have a higher risk of breaching them. I set out options to control this noise, suggesting that these activities could be

spatially located in “sub-areas” (Option 1) or through the use of a buffer or setback (Option 2).

These measures have been incorporated in the proposed planning rules (TDA-LIA-R4 and R5). These rules permit specific lower noise activities within 50 metres of the General Residential boundary, permit other specific activities that are more than 50 metres from the General Residential boundary, and make other activities restricted discretionary. Landscaping is also required by rule TDA-LU-S2.

Acoustically these measures are appropriate. All activities, regardless of their setback and planning status will still need to comply with the relevant zone noise rules. The due diligence of the tenant or developer will still be required to ensure noise sources are controlled and to ensure any required night operations can occur.

In my report I noted that where there is risk of non-compliance over operation or night-time vehicle movements this could potentially be controlled through the provision of an acoustic bund (or barriers) along the southern boundary of the industrial zone. I understand that this measure has not been included in the proposed rules due to oversight and that this is discussed by Ms Anich in her evidence.

Overall the proposed rules are a pragmatic way of guiding development within the *Light Industrial* zone while reducing potential for noise issues between the industrial activity and adjacent residential development.

- (b) I recommended suitable noise limits for the **Neighbourhood Centre Area**. These have been implemented in TDA-NOISE-S1. In addition, TDA-NCA-R9 and R10 specify activities that are not permitted (i.e. non-complying) within the Neighbourhood Centre Area. TDA-NCA-S13 provides a limit on operational hours of commercial activities within 50 metres of residential areas.

Residential land use and “neighbourhood-type” commercial activities typically co-exist without conflict over noise. In my view, the noise limits have been set correctly to enable a balance between the commercial use of the Neighbourhood Centre Area and the amenity of the adjacent residents. The noise limits and additional rules proposed should largely preclude incompatible land uses from establishing adjacent to each other.

- (c) In my report I suggested that consideration could be given to providing for a **specific number of temporary events per annum** within the *Neighbourhood Centre Area* where noise limits are much more permissive (or do not apply). This would allow festivals, music events, cultural activities, etc. to occur in the precinct without unreasonable restriction (and potentially without a resource consent being sought).

The proposed planning provisions require temporary activities to comply with limits from the NZS6803 construction noise standard. There are rules (TDA-LU-S6 *Temporary Activities*) that define temporary activities (in any zone) as being those that do not occupy a site for more than a total of five days per calendar year¹. However I note that the definition for *Temporary Activity*² is “an activity...not exceeding five days duration, either as an isolated event or as a series of events where the cumulative period of operation is less than 12 days in a calendar year”³. It is not clear to me if this 12-day limit is a cumulative limit on operation over the entire Plan Change area, or just on an individual site.

The proposed rules provide a relaxed daytime noise limit of 75 dB L_{Aeq} Monday and Saturday up until 8pm. These limits would likely enable some neighbourhood festivals and music events to occur without unreasonably restrictive noise limits. The limitation on activity to up to five days per annum per site should mean that the effect of these high temporary noise limits on adjacent residential land use is largely acceptable. However it does not avoid a possible situation where multiple nearby sites are all used to hold five temporary activities per year.

¹ Note that TDA-LU-S6 a) and TDA-LU-S6 d) both provide limits on the number of days that temporary activity can occur. TDA-LU-S6a) limits temporary activity to a total of five days per calendar year at any site and TDA-LU-S6d) limits temporary activity to no more than five times in any one calendar year at any one location. There appears to be some potential overlap between these provisions.

Note that TDA-LU-S6 provides other restrictions on temporary activity, including limits on the time that amplified music can occur and the maximum number of people that can attend the events (to no more than 200).

² refer to the definition of “Temporary Activity” on page 81 of the proposed TDA document.

³ The definition specifically includes gala, sports events, festivals, hui or other community events.

I expect that most temporary festivals, galas or concerts would likely occur in a central open space site. While it is likely fanciful to assume that multiple adjacent “sites” could each hold five days of loud temporary activity, I would still support rules that provide certainty over this. In my experience, most residents will accept occasional high noise levels from community events where these occur *occasionally* (perhaps between five to twelve times per year). However if noise levels of 75 dB L_{Aeq} were received more regularly than this I would expect some complaint or dissatisfaction in the community⁴.

4. SUBMISSIONS

4.1 I have been provided with a summary of submissions by Counsel for the applicant⁵. There are no submissions that directly raise noise issues that require a substantial response. The only submissions that discuss noise are from:

- (a) **Waka Kotahi.** This submission approves of the location of the industrial activity in relation to the State Highway which avoids reverse sensitivity effects.
- (b) **CJ farms, Awakino Point Rate Payers Association and Dargaville Community (c/- Roger Rowse).** These submissions raise potential reverse sensitivity effects on rural activity (of which noise is one aspect). I addressed reverse sensitivity noise effects in my report (refer Section 6.1 of my report). The Kaipara District Plan provides exclusions for periodic rural activities in 12.10.14 of the District Plan. While these rules do not directly reference milking shed activity, it is my view that mobile plant activity associated with milking does not need to comply with the *Rural* noise rules.

It is important that noise from established rural production activities is well protected from complaints. However my measurements do not suggest that existing farming activity is causing significant noise emission on Awakino Point North Road and, based on my visits to the area, I did not consider existing rural noise to be *unreasonable* at the time. Reverse sensitivity noise risks likely relate to future expansion of existing

⁴ It is probable that the number of loud community events in this area would be self-limiting and the true risk of this is likely small. Nevertheless I support robust rules be applied if they can be formulated.

⁵ I have not read each submission, only the summary.

rural operations, (for instance, the hypothetical establishment of future frost fans and bird scaring guns), rather than constraint on existing operations.

I note that there is a forthcoming Kaipara District Plan review on noise matters. It will be important to these submitters that the future *Rural* noise rules continue to exclude noise associated with productive farming.

5. COUNCIL OFFICER'S REPORT

5.1 There are no matters raised in the Council Officer report that require a substantive response.

Peter Ibbotson

10 March 2023