

**BEFORE THE 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

Memorandum of counsel on behalf of the Waikato Racing Club Incorporated
seeking leave to amend statement of evidence of James Bell-Booth

Dated: 8 August 2023

Instructing Solicitor



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MAY IT PLEASE THE HEARING PANEL

1. The expert evidence for the Waikato Racing Club Incorporated (“WRCI”) was filed on 26 July 2023. This included a statement of evidence of Mr James Bell-Booth in relation to acoustic effects.
2. Unbeknownst to the WRCI, its planning expert, and counsel, one of the paragraphs of Mr Bell-Booth’s evidence referred to data which Marshall Day had obtained in the context of providing professional services to another client. This was not obvious in the paragraph as drafted.
3. Mr Bell-Booth subsequently realised the oversight and advised the WRCI and counsel that he wished to amend paragraph [74] of his statement of evidence.
4. The purpose of this memorandum is to respectfully seek leave for Mr Bell-Booth to replace paragraph [74] as follows (deletions shown in strike through and additional text underlined):

[74] The level of noise generated by the Fonterra sites and the NIMT are not anticipated to be at a level which exceeds the HCDP noise performance standards ~~with the proposed amendments that accommodate PPC13~~ as evidenced by the typical days noise surveys discussed earlier in my evidence. From analysis of the spatial and zoning layout of the Furthermore, Marshall Day Acoustics has previously undertaken noise assessment of the Fonterra facilities. I can say that am aware via this assessment that:

~~75.74. The Fonterra site’s potential noise emissions are currently constrained by the existing zoning surrounding their site (including the Residential Zone across Mangaharakeke Drive) and that in my opinion no noise-related reverse sensitivity effect would occur as a result of PPC13 residential.~~

~~(a) The level of noise generated by these facilities currently is well below the HCDP noise limits proposed for the PPC13 area.~~

5. An additional typographical error in paragraph [78] is corrected in the revised statement of evidence to amend the word “effect” to “affect”.
6. These amendments will not prejudice any party to the proceeding and does not have a material affect on the substance of the evidence as originally filed.

7. Accordingly, counsel respectfully seeks leave to file an amended statement of evidence of Mr Bell-Booth which is **attached** to this memorandum.



M Mackintosh

Counsel for the Waikato Racing Club Incorporated

8 August 2023