

Matamata-Piako District Council

Section 42A RMA Report

Matamata-Piako District Council

Construction of an indoor sports and recreation stadium (Te Whare Whakapakari – Matamata Stadium)

125 Firth Street, Matamata

To: Hearing Commissioners

Date: 5 July 2024

From: Emily Patterson - Resource Management Consultant on behalf Matamata-Piako District Council.

Subject: Report on a resource consent application made by Matamata-Piako District Council for an indoor sport and recreation facility at Matamata College, for community use.

Council Reference	102.2023.12883
Applicant	Matamata-Piako District Council
Property Address	125 Firth Street, Matamata
Legal Description	Part Section 79 Block II Tapapa Survey District, Part Section 79 Block II Tapapa Survey District, Lot 9-10 Deposited Plan 15616, Lot 2 Deposited Plan 34755
Record of Title	1067298
Date Lodged	10 November 2023
Proposal	Construct an indoor sports and recreation facility (Te Whare Whakapakari) for school and community use, the associated vehicle access to Station Road and a new onsite vehicle access and parking arrangement
Activity Status	Discretionary Activity (MPDP) Controlled (NES-CS)
Application	Section 88 Resource Management Act 1991 and Regulation 9(2) of the National Environmental Standards for Assessing and Managing Contaminants in Soil to protect human health (NES-CS)

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Council Reporting Team - Qualifications and Experience

Emily Patterson

I am the reporting planner assessing this application for the Matamata-Piako District Council ('MPDC'), and the author of this report.

I hold a Bachelor of Environment Planning from the University of Waikato. I have seven years' planning experience in New Zealand.

I have been involved in the preparation and processing of a range of planning and resource management projects predominantly in the Waikato Region. I am therefore familiar with the statutory framework and the planning instruments that govern resource management both at regional and district council level in the Waikato Region and within the Matamata-Piako District.

Although this is a Council hearing I have read the Expert Witness Code of Conduct set out in the Environment Court Practice Note 2014. I have complied with the code in preparing the attached s42A report and I agree to comply with the Code when giving oral evidence at the hearing.

Except where I state that I am relying upon the specified evidence of another person, my assessment in this Report is within my area of expertise.

I am familiar with the Matamata College site, the subject of these resource consent applications. I visited the site and surrounding area on 31 May 2024.

1 Background

1.1 Introduction

The application for resource consent has been lodged by Boffa Miskell Limited ('the Agent') on behalf of the Matamata-Piako District Council ('the Applicant'). The application is for a new sports and recreation facility located at the Matamata College. While the Matamata College is designated (Designation 149) in the Matamata-Piako District Plan ('District Plan'), a resource consent is required as the proposed stadium will be a "place of assembly" utilised by the wider community in addition to the College itself, thereby not strictly meeting the purpose of Designation 149 on the site¹.

The activity status for a 'place of assembly' within the Residential Zone is Discretionary under the District Plan. Consent is also required under the District Plan standards relating to building height, signage and noise. Resource consent as a Controlled activity, in accordance with Regulation 9(2) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS), is also sought.

Pursuant to Sections 95A and 95B of the Resource Management Act 1991 ('RMA' or 'Act'), the regulatory arm of Council proceeded with limited notification of the application to 71 neighbouring or nearby residential properties and the NZ Transport Agency - Waka Kotahi ('NZTA') on 18 March 2024. A copy of the Council's Notification Report is attached to this report in **Appendix 1**.

During the submission period, nine submissions in total were received. Two of which were in support of the application, two in opposition and the remaining five in support with amendments/support in part. One late submission was also received nine working days after the close of submissions. A copy of each of the submissions received is included in **Appendix 2**.

This report has been prepared by Emily Patterson ('Consultant Planner'), in accordance with s42A of the RMA, to provide a planning assessment and recommendation to the Hearings Panel on the above resource consent application. The key purposes of this report are to:

- Identify the issues and concerns raised by parties who have lodged submissions on this resource consent application;
- Assess the environmental effects of the proposal, including those raised in submissions;
- Determine the effectiveness and appropriateness of the measures proposed by the Applicant to avoid, remedy or mitigate those environmental effects;
- Assess the proposal against the requirements of the Act and the provisions of the relevant planning instruments;
- Make a recommendation for the consideration of the Hearings Panel as to whether the resource consent should be approved or declined; and
- Recommend conditions be imposed on the resource consent, if granted, to ensure that the adverse effects of the proposal can be appropriately managed.

It should be noted that any of the conclusions reached, or the recommendations formed, are not binding on the Hearings Panel. The Hearings Panel will make their own conclusions and decision after having considered all the evidence from the Applicant and Submitters at the hearing.

¹ Purpose of the Designation is "School Purposes"

1.2 Site and surroundings

The subject site is located on the property at 125 Firth Street, Matamata, on the existing Matamata College school site.

The Matamata College site consists of five parcels held within one Record of Title, being 1067298. The legal description of each parcel is as follows:

- Lot 9 DP 15616;
- Lot 10 DP 15616;
- Part Section 79 Block II Tapapa SD;
- Part Section 79 Block II Tapapa SD; and
- Lot 2 DP 34755.

Only two of the above parcels are subject to the proposal, being Part Section 79 Block II Tapapa SD and Lot 2 DP 34755. The site is outlined in **Figure 1** below. The approximate location of the proposed indoor sports and recreation facility and associated car park/access arrangement is outlined in red on **Figure 1** below (i.e. the area of the site subject to the proposed development).

Figure 1: Location of Subject Site



The site and surrounding locality are described in detail in the Notification Report (**Appendix 1**) and the Application documents, and is not repeated here.

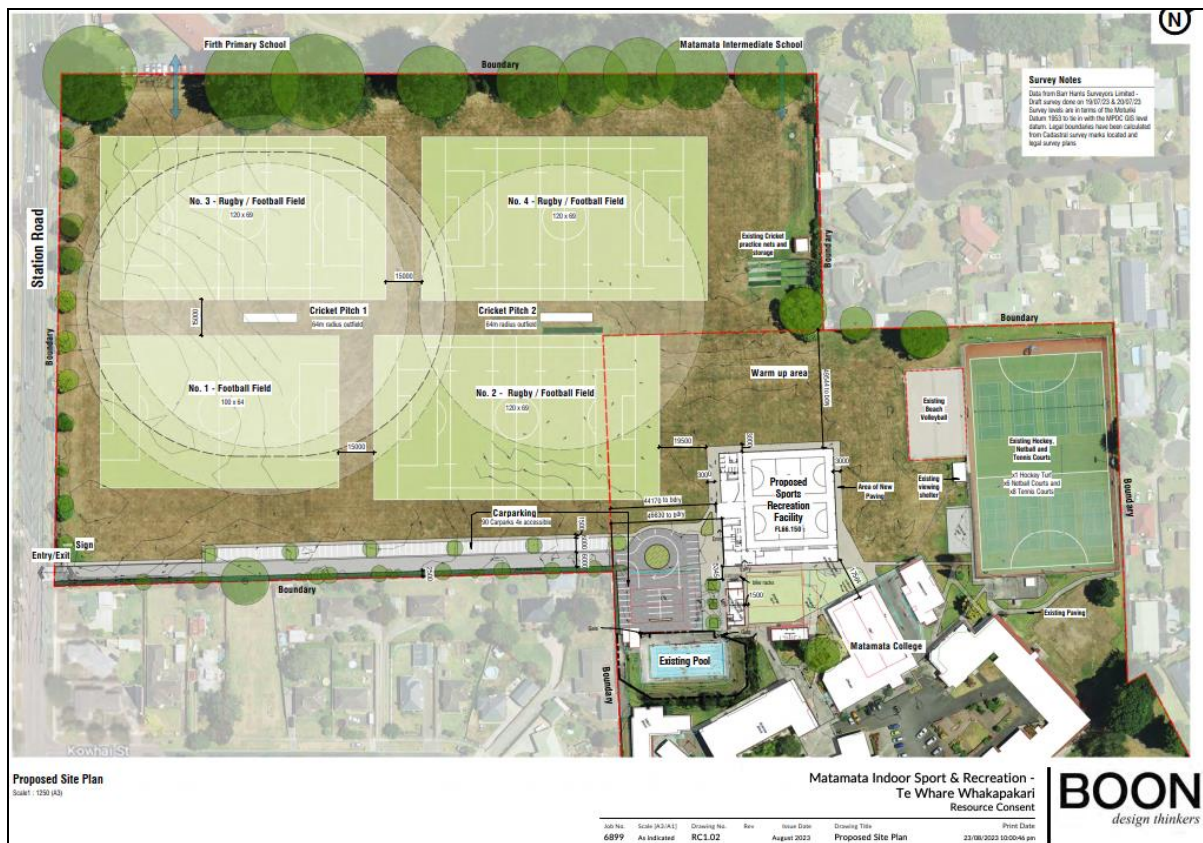
1.3 Description of Proposal

This application seeks resource consent to establish and operate an indoor sports and recreation facility (facility) to be known as Te Whare Whakapakari. The activity status is Discretionary under the District Plan. Resource consent as a Controlled activity, in accordance with Regulation 9(2) of the NES-CS is also sought.

A resource consent is required as the proposed facility will be a “place of assembly” utilised by the wider community, in addition to College use for classes and sports during school hours, thereby not strictly meeting the purpose of Designation 149. In the event that the facility was used only for College purposes, resource consent would not be required and the proposal would be subject to an Outline Plan of Works process (under s139 of the RMA) associated with the underlying Designation.

Figure 2 below is an extract of the site plan.

Figure 2: Proposed Site Plan



The following bullet points briefly outline the key aspects of the proposal. The Application documents and Notification Report set out the proposal in more detail and the following description should be read alongside those reports. The below summary also identifies changes to the proposal that have been made post submissions and following an informal pre hearing meeting.

- It is proposed to demolish the existing school gymnasium buildings (in stages) and construct a new indoor sports and recreation facility in its place. The new facility will have a gross floor area of 2320m² and a height of 11.3m.

- The typical hours of operation are proposed to be between 6am to 10pm, with an additional 30 minute window on either side (i.e. 5.30am to 6am and 10pm to 10.30pm) to allow for set up and pack down when required, 7 days a week.
- It is proposed that up to five times per year, the facility will host events to 11pm at night, with the additional 30 minute window for pack down until 11.30pm.
- It is understood that day to day use of the facility by both the school and community will have a maximum occupancy of 200 people. It is also proposed that up to six times per year a larger event will occur in the facility which will have a maximum occupancy of 400 people (it is understood that sometimes these events will occur in the night time period, up to 11pm, as set out above).
- Access is proposed off Station Road. A total of 94 car parking spaces are proposed on the site to service the facility. Overflow car parking for large events is proposed be accommodated on Station Road.
- Traffic generation is expected to be up to 240 vehicles per day and the peak hour traffic is expected to be 80 vehicles per hour.
- Landscaping is proposed on the site, with various tree plantings up the proposed access leg, small garden beds within the car parking area and 1.8m high hedging along the western boundary of the access leg adjoining neighbouring properties.
- Originally a 2m high solid timber paling fence was proposed along the western boundary of the access leg adjoining neighbouring Kowhai Street properties, as noise mitigation for traffic entering and exiting the site. During the submission and pre hearing phase of this process, the Applicant confirmed this fence will now be a 1.8m high solid timber paling fence. The only exception to this outcome is the fencing adjoining the Kowhai Street reserve. That fencing will be a post and rail fence design to better align with Council's Parks and Facilities design requirements for boundary treatment along reserves. The final design and height of this portion of the fence will be confirmed at detailed design stage. **Appendix 5** contains email correspondence relating to the fencing changes.
- Lighting is proposed within the car park area, to provide for safety requirements, particularly around the accessible car park. It is understood that no lighting is proposed along the access leg.
- Two new water supply connections are proposed to Council's main in Station Road, one for potable water and the other for firefighting (which will connect to a new fire hydrant within the access leg. The wastewater connections will be via a connection to the existing public reticulation within the site that. Stormwater will be disposed on site via soakage. Refer to the Combined Services Plan, in Appendix 7 of the application documents, for the alignment and location of the proposed reticulation.

2 Resource consents required

2.1 Matamata-Piako District Plan (District Plan)

A full and detailed assessment of the proposal against the provisions of the District Plan has been undertaken by the Applicant in Section 6.1.3 of the application and within Section 5 of the Notification Report. I consider this assessment to be complete and accurate and therefore adopt it for the purpose of this report. Various non-compliances with the District Plan performance standards have been identified. These are summarised as follows.

- Table 2.2 (Clause 2.3) – Places of Assembly in the Residential Zone requires a resource consent as a Discretionary activity.
- Rule 3.1.1 (i. Building Envelope) – the proposed maximum building height for the facility is 11.3m, which exceeds the permitted building height of 9m for the Residential Zone by approximately 2.3m.
- Rule 3.9.1 (3. Signage) – the proposed signage includes a 50m² sign, which will be fixed to the facility building, and a freestanding 8m² sign (as viewed from any direction), which will be located adjacent to the new entry on Station Road; this exceeds the permitted area provided for by Rule 3.9.1(3), which limits to a maximum of 2m² of total site signage (when the signage relates to the name and relevant information concerning the place of assembly).
- Rule 5.2.2 (Noise) – the Acoustic Assessment (Appendix 8 of the application documents) has identified that the proposal will not comply with the evening and night-time noise limits specified in the District Plan (40dBA).

In conclusion, resource consent is required as a **Discretionary Activity**.

2.2 National Environmental Standard for assessing and managing contaminants in soil to protect human health (NES-CS)

The NES-CS seeks to manage actual and potential adverse effects of contamination in soil on human health. The NESCS includes a Hazardous Activities and Industries List (HAIL) that sets out a list of activities which have potential to contaminate soil. The NESCS applies to any 'piece of land' that an activity or industry described in the current edition of the HAIL is being undertaken, has been undertaken or is more likely than not to have been undertaken. A detailed assessment of the NES-CS is undertaken in the Notification Report within **Appendix 1**. This assessment is not repeated here. In summary, Resource Consent is required as a Controlled Activity under Regulation 9(2) of the NES-CS for the following reasons:

- A DSI exists and Matamata-Piako District Council has a copy of the report (Appendix 5 of the application documents);
- The proposed earthworks exceed the permitted activity standard (25m³ per 500m² land area). In this instance, the site area subject to earthworks is 9711m² therefore up to 485.55m³ of earthworks is permitted. The proposal includes up to 2162m³ of cut and 161m³ of fill therefore does not comply; and
- The DSI confirms that the soil contamination concentrations do not exceed the standards in Regulation 7 of the NES-CS.

3 Process Matters

3.1 General process matters

Table 1 below sets out the process timelines relating to this application:

Table 1: Process Details

Date	Process Detail
10 November 2023	Applications lodged
27 November 2023	Request for Further Information
28 February 2024	Notification decisions made
18 March 2024	Notification notice served (on applicant and affected parties)
16 April 2024	Closing date for submissions
31 May 2024	Site visit undertaken
1 August 2024	Scheduled hearing date

In accordance with the notification decision, limited notification was served on 72 parties, including 71 neighbouring or nearby landowners and NZTA. These were the parties identified as being potentially affected by the proposal in a minor or more than minor way.

The submission period closed on 16 April 2024. A total of nine submissions were received during the submission period and one additional late submission was received on the 29 April 2024, nine working days after submissions closed.

It is at the consent authority's discretion whether to accept or reject any late submissions. In this instance, the late submission is recommended to be accepted for the following reasons:

- It will not impact the overall timeframes or hearing process for the resource consent application;
- The submission points are mostly consistent with issues and concerns raised in other submissions and are considered to assist in achieving a comprehensive and adequate assessment of the proposed application;
- Most of the submission points are within the scope of the resource consent sought and are already to be heard. Where the submission points are beyond the scope of the resource consent, they have been disregarded, with reasoning, as required in this report;
- The submitter wishes to be heard; and
- No other submitter is adversely affected by the submission made.

Accordingly, taking into account the matters set out in s37A(1) of the RMA, it is my opinion that the late submission is accepted.

The site visit was undertaken on 31 May 2024.

Other relevant process matters, including pre-hearing meetings with the submitters, requests for further information and the applicant's proffered consent conditions and are summarised as follows.

3.2 Meeting with submitters

The Applicant notified Council of intentions to hold meetings with the submitters. The meetings were attended by Lesley Johnston (Submitter 10) on Wednesday 15 May 2024; and Jacinda Green (with her father) (Submitter 8) and Iona Norris/Hayden Aiken (Submitters 4 and 5) on Thursday 16 May 2024.

On behalf of the applicant the following personnel attended the meetings:

- Manaia Te Wiata (MPDC)
- Chris Lee (MPDC)
- Frank Healy (Matamata Futures Trust)
- Matt Allott (Boffa Miskell)
- Bruce Harrison (Harrison Transportation)
- James Bell-Booth (Marshall Day)
- Chiaki Fenemore (Marshall Day).

The Applicant advised Council that discussion with each of the submitters was positive and the submitters were appreciative of the information and clarity provided by the applicant team to their respective submission points. No submitters have withdrawn their submissions as a result of these meetings. I understand that there was also agreement that the applicant team would keep them informed in relation to resource consent proceedings in the lead up to the Council hearing.

3.3 Further Information received by the applicant

Various information requests have been made by Council in relation to traffic, lighting, noise and fencing. The following summarises the information requested from the applicant and the applicant's response, including dates.

Traffic and transportation

Council engaged BBO to undertake a peer review of the Transportation Assessment submitted with the application documents. The peer review highlighted various further information requests to accurately assess the potential transportation effects of the proposal to inform the notification decision on the application. A further information request was made via email on 27 November 2023, and this was responded to on 2 February 2024. The further information requested and the Applicant's response, is set out in detail in the transportation peer review attached within **Appendix 3** of this report.

Noise and lighting

Following the close of submissions, further information was requested in relation to noise and lighting to provide a complete and accurate assessment of the application.

A s92 request for further information letter was sent to the Applicant on 14 May 2024 requesting/informing the applicant of the following:

- Clarification on proposed outdoor lighting and its use. Particularly use of outdoor lighting and associated lux levels emitted during the period between 10.00pm to 7.00am.
- A peer review of the Noise Assessment provided with the application will be commissioned to assist Council to confirm its suitability and to advise that the conclusions are appropriate.

On 23 May 2024, the Applicant provided a response to the outdoor lighting request for further information. This response is attached to this report in **Appendix 5**. The response provided by the applicant was sufficient to understand the proposed outdoor lighting strategy and any potential lighting effects.

The peer review (**Appendix 4**) of the Noise Assessment highlighted that further information was required to be able to assess potential noise effects on the surrounding environment. More information was requested in relation to:

- Height of fencing along adjoining Kowhai Street properties (western boundary), particularly adjacent to the Kowhai Street Council reserve. This information was requested via email on 6 June 2024 and a response provided by the applicant on 21 June 2024. This correspondence is attached in **Appendix 5**. The Applicant confirmed that a solid 1.8m high noise fence was to be erected along the western boundary of the access leg adjoining Kowhai Street properties, with the exception of the Kowhai Street Council reserve, which would be designed and constructed in accordance with Council's guidelines for reserve boundary treatment. A consent condition will be sufficient to ensure that the Kowhai Street property boundary fencing is designed and constructed in accordance with this response. This is set out in more detail below.
- Noise logging information collected by the Applicant during the Sunday morning period was required to determine suitable daytime hours for the noise limits to ensure that the proposed noise limits do not exceed the ambient noise environment. This information was provided on 21 June 2024 and is included in **Appendix 5**. The noise peer review within **Appendix 4** sets out a response and recommendation in relation to this information and is further assessed in the below reporting.
- Number of traffic movements expected during the night time period and the associated noise effect was required, as the information submitted with the application limits vehicle movements in the night time period to 12 per hour. It is unlikely that this figure could be complied with based on the activity description. **Clarification on this matter has been sought from the Applicant's agent. This matter is outstanding and will need to be addressed by the Applicant in their evidence. Depending on information provided, the proposed operational hours for the facility may require amending, to ensure night time noise effects are and can be appropriately managed.**

Proffered Consent Conditions

Throughout the exchange of information, as set out above, various conditions of consent have been proffered by the Applicant. A list of these conditions is extracted from the further information received and compiled as follows. The below proffered condition wording is considered and where required, amended in my recommended consent conditions in Section 11 of this report.

Detailed Landscape Plan

That a detailed landscape plan shall be prepared by a suitably qualified and experienced landscape architect and shall be submitted to Council for approval prior to building consent. The detailed landscape plan shall address the following:

- a) Height of boundary fencing
- b) The type of mature tree species to be planted and the location of such within the landscape buffer area

In preparing the detailed landscape plan consultation shall be undertaken with adjoining property owners and occupiers to the south east of the school.

Outdoor Lighting

That prior to the issue of a building consent for Te Whare Whakapakari – Matamata Indoor Sport and Recreation Facility, the consent holder shall submit a lighting plan to Matamata-Piako District Council for approval. The lighting plan will clearly demonstrate compliance with the lighting and glare performance standards in the District Plan (Rule 5.4)".

Operational Management Plan

That the consent holder shall prepare an operational management plan (OMP) for the approval of Council. No events shall occur until the OMP has been approved. The OMP shall outline methods to be used to ensure the conditions of this consent are complied with and shall include, but necessarily be limited to the following content:

- a) Ways in which the maximum number of people able to be accommodated at any one time as specified in this consent will be managed
- b) Ways in which traffic safety and parking management will be managed during large scale events
- c) Ways in which noise generated within the facility will be managed to reduce the potential for adverse noise related effects on the surrounding residential environment.

Review Condition

Specific wording for a review condition has not been provided by the applicant, however they note that a "review condition will likely be recommended and imposed pursuant to s128 of the RMA", which will ensure the proposed traffic and parking management plan (TPMP) is reviewed and updated regularly, as required and to ensure appropriate management of amenity related effects.

4 Notification

Under the RMA, the notification provisions are contained within s95A to s95G. Having regard to the notification provisions, a notification assessment has been completed and is contained in **Appendix 1**.

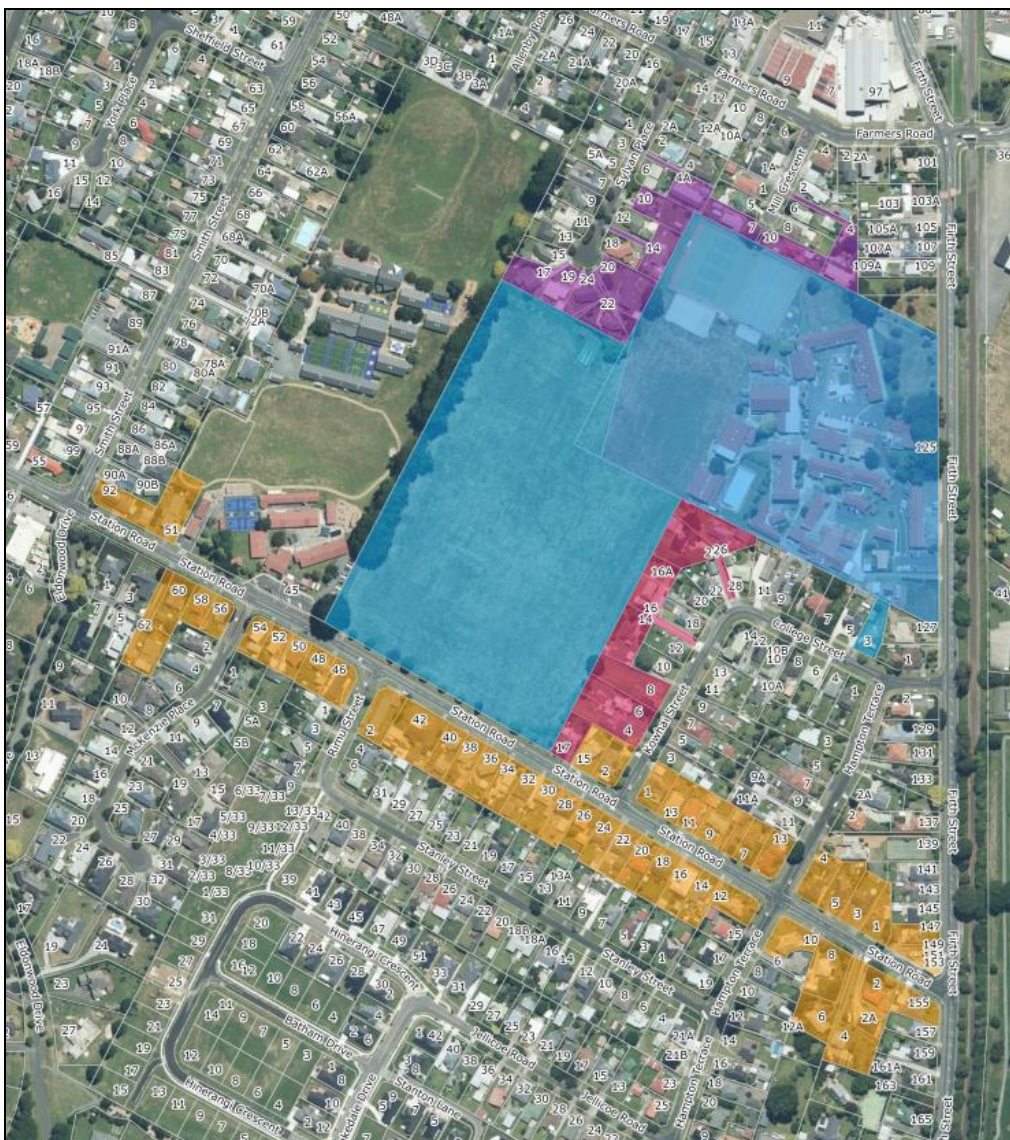
The report concludes that:

- There is a relevant permitted baseline relating to the Designation over the site. The site is designated for 'College' purposes and would typically be subject to an Outline Plan of Works process for the construction and use of such a facility. However, part of the facility's use, is for the community (alongside the school use) and therefore the outcome is not entirely consistent with the purpose of the designation. Therefore:
 - If the proposed building and activity were consistent with the purpose of the designation, the District Plan provisions would not apply. Additionally, effects would be limited to those set out in s176A of the RMA.
 - As such, the bulk and scale of the building would not be limited by the underlying Residential zoning, if the stadium was restricted to use by the school only;
 - There is no permitted baseline associated with places of assembly or non-residential buildings in a residential setting;
 - As a result of proposed community use, the provisions of the District Plan apply.
- The public notification assessment undertaken under s95A determined that public notification was not required for the following reasons:
 - The applicant did not request public notification;
 - The activity is not subject to a rule of national environmental standard that requires public notification;
 - In accordance with s95D, any actual or potential adverse effects of the proposal on the wider environment (excluding owners and occupiers of properties that adjoin the subject site) will be minor at most.
 - There are no special circumstances which warrant public notification.
- The limited notification assessment undertaken under s95B determined that limited notification was required to 71 adjoining/nearby landowners and NZTA. The parties who were notified are demonstrated in Figure 3 below. The reasons why limited notification was required is summarised (by colour group demonstrated in **Figure 3**) as follows:
 - The properties coloured orange were required to be notified of the application as a result of increased traffic generation from the site being directed to Station Road, as all of the properties coloured orange in **Figure 3** obtain access off Station Road. Additionally, the effects of overflow carparking being directed to and accommodated within the existing Station Road may have impacts on these parties being able to access their properties. The community use of the building and accommodation of larger events will elevate anticipated effects and is not something that could be reasonably expected and will not be at size or scale that is representative of the day-to-day use of the school.
 - The properties coloured pink were required to be notified of the application as it was considered that amenity effects such as noise, lighting and glare as a

result of the western boundary of these properties being located directly adjacent to the proposed access leg and associated parking area. High noise levels are not consistent with the underlying character of the residential area and therefore noise effects emanating from nighttime traffic will likely arise to a level that, in my opinion, may give rise to minor adverse amenity effects.

- The properties coloured purple were required to be notified of the application as the noise assessment undertaken for the proposed development identified that these properties may be subject to higher levels of noise, more often. The predicted noise from the activity exceeds the noise limits identified as being reasonably expected in the Residential Zone. Therefore amenity effects from noise exceedance, on these properties will be minor.
- NZTA were required to be notified of the application as 90% of the traffic generation of the proposal would travel to/from the direction of SH27 (Firth Street). This will result in an increase of movements via the Station Road/SH27 intersection, TPMP controls resulting in impacts on movements at this intersection and the possibility of users of the facility finding alternative access to the facility through the existing school entrance on SH27 resulting in the potential for parking on SH27.

Figure 3: Neighbouring properties notified of the application (subject site shaded blue)



5 Submissions

5.1 Summary of Submissions

At the closing date for submissions, the Council had received nine submissions. The submissions included four in opposition, three in support with amendments/support in part and two fully in support. Additionally, one late submission was received after the closing date of submissions, which was in opposition to the application. Each submission and a summary of the submission points is set out in **Table 2** below. **Figure 4** below identifies the location of each of the submitters.

Table 2: List of Submitters

#	Submitter	Property Address	Submission	Heard?
1	Linda Mary Morris	48 Sation Road, Matamata	Support with amendments: <ul style="list-style-type: none"> • Requests speed reductions along Station Road, (permanent, not just for events). • Seeks that the provision of permanent pedestrian crossings for the proposed sport and recreation facility and for the College and Intermediate schools on Station Road. 	No
2	Kerry Lynne Dean	6 Station Road, Matamata	Oppose: <ul style="list-style-type: none"> • Increased noise • Traffic increase and associated safety concerns • Security of existing households • Property devaluation. • Requests that the location of the stadium be reconsidered. 	Yes
3	Edward David Dean	6 Station Road, Matamata	Oppose: <ul style="list-style-type: none"> • Increased noise • Traffic increase and associated safety concerns • Security of existing households • Property devaluation. • Requests that the location of the stadium be reconsidered. 	Yes
4	Hayden Mathew Aiken	16A Kowhai Street	Oppose: <ul style="list-style-type: none"> • Driveway adjacent to this property not supported as a result of traffic noise effects. Requests driveway is moved. • Location of carpark not supported as a result of traffic and loitering noise effects • 2m high noise fence will remove access to the school fields from the property and block sunlight. • Trees along boundary are a nuisance (falling leaves and block sunlight). • Lighting effects from outdoor lighting. 	No
5	Iona Mae Morris	16A Kowhai Street	Oppose: <ul style="list-style-type: none"> • Driveway adjacent to this property and location of carpark not supported as a result of traffic noise effects. • 2m high noise fence will remove access to the school fields from the property and block sunlight. • Trees along boundary are a nuisance (falling 	No

			leaves and block sunlight). • Lighting effects from outdoor lighting.	
6	Veronica Faith Coleman	19 Sylvan Place	Support.	No
7	George Richard Coleman	19 Sylvan Place	Support.	No
8	Jacinda Maree Green and Benji Oleson	16 Kowhai Street	Support with amendments: • 2m high noise fence will block views • Requests clarification of property boundary location. • Driveway results in visual impacts. • Placement of trees along boundary should be reconsidered to not block views. • Concerned with tree roots along driveway creeping into private property. • Does not support any lighting up driveway. • Requests clarification of construction management, particularly dust and noise. • Request Kowhai Road houses be cleaned after during / after construction.	Yes
9	Heather McIntosh	4A Sylvan Place	Support with amendments: • Requests that consideration is given to outdoor lighting and noise levels (especially speakers).	Yes
Late Submission				
10	Lesley Jonston	22 Sylvan Place	Oppose: • Concerns with information provided in application being inconsistent and misleading. • Seeks a complaints procedure. • Traffic/transportation effects, including parking, traffic volumes, access to existing properties, safety of Station Road for cyclists and pedestrians, performance of nearby intersections, TPMP, effects on residents of restricting access to side roads, pedestrian access. • Noise effects associated with traffic, events, amplified music and construction. • Visual and amenity effects of built form, including lack of landscaping on western façade. • Effects of outdoor lighting. • Permitted baseline does not exist. • Inconsistent with objectives and policies. • School student management. • Consultation was not sufficient. • Devaluation of properties.	Yes

Figure 4: Properties from which submissions were received



There are some submission points summarised in **Table 2** above which are beyond the scope of this resource consent application or are not matters in which can be considered under the RMA. The following assessment is provided in respect of submission points relating to property values, application inconsistency, the applicant’s consultation strategy/execution of consultation pre lodgement and school student behaviour.

5.2 Preliminary Submission Comments

Devaluation of property values

Submitters 2, 3 and 10 have raised potential for loss of property values in their submission. Case law has established that effects on property values are not a relevant consideration in determining whether a resource consent should be granted.

Economic impacts, such as the devaluation of property values, are not environmental effects under the RMA and therefore should not be considered when assessing a resource consent application. This is because the RMA focuses on the sustainable management of natural and physical resources and not economic impacts.

I, therefore, consider that effects on property values are beyond the scope of the RMA and the jurisdiction of the Hearings Panel. This matter is therefore not discussed any further in determining the recommendations set out in this report.

Application inconsistency

Submitter number 10 has raised concerns about the description of the proposal set out in the application being incorrect, misleading and inconsistent. This may be the result of changes made to the proposal between the time of public consultation and lodgement of the consent application.

The proposal is considered to be clearly defined in the resource consent application and within the further information received on 2 February 2024 and 21 May 2024. It is clarified that the assessment undertaken within the Notification Report and this s42A report are based on the information available at the time of those assessments.

The same submitter also raised concerns with different building layout plans being included in the technical reporting of Appendix 5, 6 and 11 of the resource consent application. It is noted that the assessment undertaken in the Notification Report and this s42A report is based on the plans demonstrated in the AEE report. It is common for technical reporting to use previous or outdated versions of site or proposal plans as those assessments often make recommendations on the proposal that may result in changes to the final layouts. I consider that the site and building plans used to undertake the technical assessment within Appendix 5, 6 and 11 are suitable for their purpose.

Consultation

Submitter number 10 has raised lack of consultation and lack of minutes from the public meeting undertaken on 20 September 2023 as a matter of concern. In terms of consultation prior to lodgement of a consent application, there is no requirements under the RMA (s36A) for an applicant to undertake consultation with any person about a resource consent application. Any consultation undertaken is therefore done so at the discretion of the applicant, and generally as a best practice process and to help identify potential concerns of affected parties. As it is not a requirement of the RMA to undertake consultation, this matter is not discussed any further in determining the recommendations set out in this report.

Anti-social behaviour

Submitter 10 has raised concerns in relation to anti-social behaviour by school students in proximity to their property, as a result of the stadium blocking direct surveillance views of the school fields by teachers and supervisors. The management and surveillance of school students is beyond of the scope of this resource consent application and will be a matter for consideration for the operational staff of the school.

6 Statutory Considerations

6.1 Section 104 – Consideration of Applications

A consent authority must have regard to a number of matters under s104 of the RMA when making a decision on an application for resource consent. Those matters are summarised as follows.

- Any actual and potential effects on the environment of allowing the activity (s104(1)(a));
- Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity (s104(1)(ab));
- Relevant provisions of National Directions, Regional Policy Statement, Regional Plan and District Plan (s104(1)(b));
- Any other matter the consent authority considers relevant and reasonably necessary to determine the application (s104(1)(c)).

The actual and potential effects are assessed in detail in Section 7 below.

The following statutory instruments and policy documents have been considered in Section 8 of this report, as required by s104(1)(b):

- Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;
- The Waikato Regional Policy Statement (WRPS);
- The Matamata-Piako District Plan.

Other relevant matters are considered in Section 9 of this report. For this application, the relevant 'other matters' include:

- Under Section 31 of the RMA territorial authorities are required to control noise emissions and mitigate the effects of noise. An assessment of the noise effects of the proposal and the mitigation proposed are detailed in the effects assessment in Section 7 of this report.

6.2 Section 104B – Determination of applications for Discretionary and Non-Complying activities

Under s104B of RMA the consent authority, after considering the application:

- (a) may grant or refuse the application; and*
- (b) if it grants the application, may impose conditions under s108.*

I have considered the application under s104B and have made recommendations relating to a decision on the application. Recommendations are also made in relation to conditions which are considered to be required to be imposed (under s108).

7 Assessment of Environmental Effects

Section 104(1)(a) RMA provides that when considering a consent application, the consent authority must, subject to Part 2, have regard to the actual and potential effects on the environment of allowing the activity.

An assessment of the effects has been undertaken and is included in the approved Notification Report. This assessment is considered to be relevant to the assessment required under s104(1)(a). The actual and potential effects of the proposed activity requiring further examination relate to those matters raised in submissions.

The following assessment therefore draws on the effects assessment already undertaken and includes any additional assessment undertaken as a response to the submissions received.

The following assessment covers the following matters:

- Landscape, character and amenity;
- Acoustic;
- Traffic and Roding;
- Infrastructure;
- Geotechnical;
- Contamination; and
- Construction and Earthworks.

The following also provides a summary of the permitted baseline assessment undertaken in the Notification Report. I consider the permitted baseline to be an important aspect of the effects assessment for this application, particularly in the context of various submission points. Additionally, a submitter has challenged the permitted baseline. Their comments are addressed below.

7.1 Permitted Baseline

The site the proposed development will be located on is designated for 'College' purposes and would typically be subject to an Outline Plan of Works process for the construction and use of such a facility. However, as part of the facility's use, is for the community (alongside the school use) and therefore the use is not entirely consistent with the purpose of the designation, and the provisions of the District Plan apply.

The Applicant has concluded that if the proposed building were to be consistent with the purpose of the designation (i.e. limited to use of the school), the effects would be limited to those set out in s176A of the RMA and the District Plan provisions would not apply. I concur with this assessment.

This is relevant when considering the effects associated with the bulk and scale of the building. Under s176A, the bulk and scale of the building would not be limited by the requirements of the underlying residential zoning (i.e. height). The proposal also replaces the existing gymnasium facilities for the school. That being said, if the use of the facility was solely for the College use, its scale may not be as large as is proposed. Furthermore, there is no permitted baseline associated with the proposed use of the building as a 'place of

assembly' and for community use, in the context of the designation. This therefore triggers the consent requirement.

In the context of the resource consent application, s95D(b) states that when determining whether an activity will have, or is likely to have adverse effects on the environment that are more than minor, a consent authority:

“may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect;”

With respect to the permitted rules of the Residential Zone, a residential building with a maximum height of nine (9) metres, yard of five (5) metres to the front, and 1.5 metres to the side and rear would be permitted. While this would form the permitted baseline for built development in the area, there is no permitted baseline associated with places of assembly or non-residential buildings in a residential setting. The following effects assessment considers the effects over and above the permitted baseline.

Submitter 10 states that the permitted baseline does not exist as the building would not be built without the financial partners. While the business and financial partnership is not a matter to be considered in the assessment of effects of this application, including in determining a legitimate permitted baseline under the District Plan framework, I do recognise that the size and scale of the facility could be seen as being larger than reasonably required solely for the College's uses. For this reason, a measured approach to the permitted baseline has been adopted in my assessment below.

7.2 Landscape, character and amenity effects

The District Plan contains rules which seek to maintain a standard of amenity in residential areas. These generally relate to density, overlooking, overshadowing and solar access. Ensuring that these standards of amenity are complied with, amenity values of an area are able to be maintained, and possibly enhanced, in some instances. Character typically refers to the “look and feel” of an area, with every property, public place and piece of infrastructure making a contribution, whether great or small. The cumulative effects of these contributions then form the neighbourhood's character and ultimately their sense of place/community feeling of an area.

It is also important to note that in relation to the visual outlook and the character of the surroundings, the permitted baseline in relation to the designation is relevant and should be considered.

In relation to landscape, character and amenity effects, the following paragraphs discuss each of the submitter's concerns relating to the following:

- Amenity and shading effects of 1.8m high noise fence, and additionally shading effects of large trees proposed to be establish along the eastern boundary of the site, adjoining Kowhai Street properties;
- Lighting effects;
- Visual effects associated with driveway;
- Building height and mitigation; and
- Complaints procedure.

Effects of non-compliant signage are also assessed below.

Signs

The signs proposed on the site do not comply with the District Plan rules for size of signage in this location. However it is considered the signs are appropriate for identification and directional purposes for the proposed facility. It is expected there will be a large number of visitors to the site, alongside frequent users of the facility, and therefore it will be beneficial to establish clear signage of the location and direction of the facility.

The signs are also considered to reflect the size and scale of the built environment. Signage of the kind proposed can be reasonably expected for an activity of this nature.

It is not considered the signs will have any effect on character and amenity of the surrounding environment.

Fence height and tree location

Submitters 4, 5 and 8 have raised concerns relating to the 2m high noise fence and the proposed tree plantings up the driveway.

The District Plan does not restrict the height of fencing in the Residential Zone (except for in the Lockerbie Development Area Plan, which is not relevant to this application). However, after submissions were received, the Applicant has proposed to drop the height of the fencing to a 1.8m high solid timber paling fence, which will provide for the required noise mitigation for the proposed activity. A 1.8m high solid paling fence is consistent with a standard boundary fence for a residential zone and further, can be established as a permitted activity. For this reason, it is my opinion that the 1.8m high fence will not have any adverse amenity effects, including shading, on the neighbouring properties over and above what could be reasonably expected, or which is provided for by permitted activity parameters. The fence also provides additional benefits for required noise mitigation to ensure that expected noise levels generated by the proposal are suitably managed, so not to adversely affect neighbouring landowners. Noise effects are assessed in further detail below.

In relation to tree plantings, there are no rules in the District Plan which control the planting of trees on a property. Trees are also considered to be a positive addition to the landscape design to provide softening of the built environment and a high quality living environment. To alleviate neighbour concerns in relation to the location of tree plantings, the Applicant has proffered a consent condition relating to detailed landscape design, including a requirement to consult with the adjoining property owners and occupiers along the eastern boundary of the site. This will allow landscaping to be established in a way that will complement the proposal and also minimise any potential shading effect of tree plantings. It is recommended that the resource consent includes a condition to this effect. On the basis of the above assessment, it is my opinion that the effects of tree plantings are less than minor and will contribute positively to the amenity of the built environment proposed.

Effects of lighting

The proposed driveway and car park areas are proposed to be fitted with outdoor lighting, including four 4.5m high light poles dispersed around the car park. No lighting is proposed up the driveway. It is also proposed to include standard security lighting on the building. The lighting is proposed to automatically switch on at dusk and shut off at the earlier of either 10pm, or at the time the facility closes. For larger events, I understand that lighting will remain switched on until the event finishes. **It would be good for Applicant to confirm, in their evidence, whether this is 11pm or 11.30pm, following pack down.**

After that time, the only lighting that will remain switched on is the minor security lighting on the building, which will be consistent with existing security lighting on the school site. The proposed outdoor lighting has the potential to create nuisance and glare effects on surrounding residential properties. Submitters 4, 5, 8, 9 and 10 specifically raise concerns relating to outdoor lighting in their submissions. Submitters 4, 5 and 8 are located directly adjacent to the driveway, Submitter 9 is located to the northwest of the facility and submitter 10 is located east of the facility.

The Applicant's electrical engineer has confirmed that the proposed outdoor lighting will not result in an excess of 125 lux on the boundary of the site² at any time and that any lighting will be directed away from surrounding residential boundaries. Additionally, the electrical engineer has confirmed that while the carpark will be lit to below 10 lux, the accessible parking spaces require greater illuminance than 10lux, and that this increased level will not extend to the window or boundary of any adjacent residential property, being primarily directed at the accessible car parks which are setback from site boundaries significantly (approximately 30m at the closest point to the south east).

The outdoor lighting is therefore able to comply with the District Plan requirements (Rule 5.4) which are set to maintain amenity values. To ensure that the design aligns with the electrical engineer's assessment, I have recommended that a condition be imposed that requires the detailed lighting design to be submitted to Council for confirmation. The imposition of this condition will ensure compliance is achieved at the detailed design stage and that ongoing compliance is achieved throughout the life of the facility.

With the imposition of such a consent conditions it is my opinion that any potential nuisance or glare effects associated with outdoor lighting are able to be managed to an appropriate and reasonable standard (as designed by the District Plan) and the resulting effects are less than minor.

Visual impact of driveway

Submitter 8 has raised concerns about the visual impact of the driveway, directly adjoining their property.

It is not considered that the proposed driveway will have a visual effect on this submitter, and more generally on the residential properties to the east of the driveway. The 1.8m high noise fence, the proposed hedging and the proposed tree plantings will provide sufficient screening. In my opinion this is a suitable buffer between the properties and the proposed driveway. Potential noise effects associated with vehicle movements are assessed in more detail below.

Potential visual effects of the driveway are less than minor.

Complaints procedure

The establishment of the proposed facility will be undertaken in accordance with the application documentation which includes various operational constraints, such as types of activities to occur within the facility, noise limits, temporary traffic management, and the use of lighting. This requires ongoing monitoring to ensure that the conditions of consent and identified mitigation measures effectively manage potential effects and that the amenity of the surrounding environment is maintained to a suitable standard. This is particularly pertinent to the management of noise.

² 125 lux is the maximum added illuminance allowed on a site between the hours of 7am and 10pm as per Rule 5.4 of the District Plan.

Submitter 10 has concerns about the effectiveness of the proposed mitigation and operational management strategies for the stadium and requests that there is a complaints procedure for surrounding residents, and further that any proposed management measures (i.e. traffic and parking management plan) are able to be reviewed to ensure effectiveness.

The recommended conditions of consent in Section 11 of this report are considered to be suitable to appropriately manage amenity effects associated with the operation of the facility. In particular, there are recommended conditions of consent relating to an operational management plan, noise limits, lighting design/use, a traffic and parking management plan (TPMP) and a review condition all of which will contribute to managing potential effects on the surrounding environment and sensitive receivers.

The proposed development will be required to demonstrate compliance with the conditions at the time of building consent, and further have ongoing compliance obligations throughout the operation of the facility.

If there are compliance issues during operation, this is considered to be an enforcement issue. Monitoring and measurement of effects can be carried out in the event that compliance is not achieved with the conditions and modifications can be made to management strategies to ensure that compliance is achieved. The opportunity for Council, in their regulatory function, to review the conditions of this consent is provided for by recommended conditions.

Neighbours will have the opportunity to log complaints if the facility does not operate within the scope and requirements of the approved resource consent and the associated conditions. The operation of the facility will be managed by MPDC and complaints will be able to be directed to the consent holder, through a complaints procedure required by recommended conditions. Alternatively complaints can be directed to the regulatory arm of the Council.

Overall, subject to the imposition of the consent conditions, it is my opinion that the operation and use of the facility is able to be managed to ensure that effects are less than minor. Ongoing monitoring and management will be implemented as required to ensure the mitigation measures operate as intended.

Building Height and Landscaping

Submitter 10 raised concerns relating to the height of the building and the landscape design, particularly on the western façade of the building which faces their property.

As set out under the permitted baseline heading above, the proposed building height (when considered in isolation to the nature and scope of the activity) could be considered as part of the permitted baseline if the facility was solely for the College's use. Because of the community use of the facility, the Applicant has provided a Landscape and Visual Effects Assessment (Appendix 10 of the application documentation) which specifically addresses the visual effects of the 11.3m high building, relative to the 9m permitted in the Residential Zone (i.e. 2.3m high protrusion). The conclusions of that assessment are that:

- The scale and mass of the proposed building is not indifferent to that commonly associated with school facilities and is located on a site already subject to similar built form by way of existing Matamata College school buildings;
- The building is consistent with the character of the school environment; and
- The proposed facility will not result in any shading effects on neighbouring residential properties.

I concur with these conclusions.

The built form is also proposed to be setback approximately 50m from the closest residential boundary to the west (i.e. Submitter 10 property), thereby allowing sufficient separation to mitigate any bulk effects of the built form.

There are no specific landscaping requirements in the District Plan, therefore there is no requirement to mitigate built form using landscaping. That being said, there are existing well-established native species across the site, that will be retained, and a comprehensive landscaping design is proposed to support the built form to offset the effects of its bulk. Additionally, the building is setback 50m from the closest residential lot to the west and there is variation in heights along the length of the north western building façade (which is visible from Submitter 10 property).

Overall, it is my opinion that the visual and amenity effects of the built form are reasonable for the siting of the building consistent with what could be established on the site under the designation.

7.3 Acoustic

Given the proposal includes community use and evening events, a noise assessment has been undertaken by Marshall Day Acoustics to determine compliance with residential noise standards and to assess potential adverse noise effects of the facility's use. The assessment undertaken in the notification report concluded that the proposal will result in noise limits being exceeded during the night-time and evening operation of the facility, particularly from vehicle movements. I considered these effects to be no more than minor in respect of the wider environment, therefore public notification was not required. However, there were effects on neighbouring landowners to the extent that required limited notification.

As a result of submissions relating to noise effects (received from submitters 4, 5, 9 and 10), and uncertainty regarding some of the recommendations made in the noise assessment submitted with the application (i.e. building design and treatment and assumptions around vehicle movements) a peer review of the noise report was commissioned by the regulatory arm of Council. The following paragraphs provide a detailed assessment of noise effects, taking into account the information in the application and the peer review undertaken by Savory Acoustics. The following also discusses the submitter's concerns relating to the following:

- Noise effects generated by the use of the driveway and car park;
- Noise effects from the use of speakers within the facility;
- Duration of noise effects beyond school hours (i.e. this relates to the perceived duration of noise generation that could be reasonably expected on this site from the neighbour's perspective);
- Potential for funnelling effect of noise generated from the hockey turf and being redirected towards neighbouring properties.

Recommended Noise Limit Conditions

The District Plan Rule 5.2.2 controls noise in the Residential Zone. This rule is as follows:

The noise level (L10) as measured within the boundary of an adjacent residentially zoned site shall not exceed the following:

- *Monday to Friday (8am-6pm): 45dBA*
- *At all other times including Saturdays, Sundays and Public Holidays: 40dBA*

The applicant proposes alternative noise limits to those within the District Plan (Rule 5.2.2), as the noise limits of Rule 5.2.2 are considered to be outdated and not reflective of current National Planning Standards. The proposed noise limits to be applied to the activity through the imposition of a consent condition, provided by the applicant are as follows:

1. *The noise rating level from all activities associated with the indoor sports stadium shall not exceed the following noise levels when measured at any point within the boundary of any other site:*
 - a) *Day time (7am-7pm): 50dB LAeq*
 - b) *Evening (7pm-10pm): 45dB LAeq*
 - c) *Night time (all other times): 40dB LAeq*
2. *Noise levels shall be measured in accordance with the provisions of New Zealand Standard NZS 6801:2008 "Acoustics – Measurement of environmental sound" and assessed in accordance with the provisions of the New Zealand Standard NZS 6802:2008 "Acoustics – Environmental Noise".*

The differences between the District Plan limits and that proposed by the applicant are as follows:

- The measurement is L_{Aeq} as opposed to L_{10} ;
- The daytime standard is for all days, not just Monday to Friday;
- There is a 5dB difference for daytime noise levels;
- The daytime standard is 7am to 7pm, instead of 8am to 6pm; and
- There is a new noise level for 7pm to 10pm.

Both the District Plan and the Applicant's proposed noise limits were reviewed by Neil Savory to ensure they are suitable. Comments made by the peer review are summarised as follows:

- The peer reviewer agrees with the applicant that it is appropriate to include L_{Aeq} as the descriptor in the noise limits, as this is consistent with the National Planning Standards and New Zealand Standards.
- The existing District Plan daytime noise limits for Saturdays and Sundays is very stringent.
- A 7am to 10pm day time period is a common daytime period to apply to noise limits and is an appropriate replacement for the existing District Plan 8am-6pm from Monday-Saturday. This is also considered appropriate by the peer reviewer as a result of the ambient noise levels in the environment, including sources such as traffic flows. However it is considered that for Sundays and Public holidays a lower noise limit may be appropriate, as on these days there may be a lower ambient noise level in the locality. It was therefore requested that the applicant provide noise logging data from the Sunday morning period in order to determine the ambient noise levels and whether or not 7am is an appropriate transition time from the night time noise limits (L_{AEQ} 40dB) to the day time limits (L_{AEQ} 50dB) or if a later transition time would be more appropriate (i.e. 8am or 9am). The logging information provided by the applicant identified that the ambient noise levels increased earlier on Sunday than expected by the peer reviewer and that 7am is an appropriate transition time from night time to day time noise limits.

- The daytime limit of L_{Aeq} 50dB and night time limit of L_{Aeq} 40dB is appropriate for this environment.
- Construction noise is to be controlled by the New Zealand Standard NZS 6803:1999.
- Neither the District Plan nor the Applicant's proposed noise limits include a L_{AFMAX} limit for night time period. It is considered to be important to include a max level to protect the sleep of the nearby noise receivers. The recommended approach in the peer review is to adopt L_{AFMAX} 65dB in the night time period alongside the L_{Aeq} 40dB limit.

The above peer review results in recommended noise limits (by the peer reviewer) set out as follows:

1. *The noise level from all activities associated with the indoor sports stadium (including vehicle movements) shall not exceed the following noise levels when measured at any point within the boundary of any other site:*
 - d) *Day time (7am-7pm): 50db L_{Aeq}*
 - e) *Evening (7pm-10pm): 45dB L_{Aeq}*
 - f) *Night time (all other times): 40dB L_{Aeq} & L_{AFMAX} 65dB*
2. *Noise levels shall be measured in accordance with the provisions of New Zealand Standard NZS 6801:2008 "Acoustics – Measurement of environmental sound" and assessed in accordance with the provisions of the New Zealand Standard NZS 6802:2008 "Acoustics – Environmental Noise".*

I agree with the recommendations made by the peer reviewer. These noise limits are considered to establish the reasonable level of noise which can be expected in the Residential Zone, while maintaining an appropriate level of amenity that is consistent with the ambient noise environment of this residential area.

I have included the above recommended condition wording in Section 11 of this report, for consideration by the commissioners.

Driveway and car park noise

Submitters 4 and 5 have raised concerns relating to noise effects generated by the use of the driveway and car park.

The noise assessment undertaken by Marshall Day on behalf of the Applicant has demonstrated that peak hour vehicle movements (80 vehicles per hour) is able to comply with the day time and evening noise limits (allowing for a 5dB averaging adjustment as the peak traffic movements will occur for less than 30% of the overall daytime period), provided that a suitable noise barrier is established along the common boundary of the site with adjoining Kowhai Street residential properties. The Applicant proposes a 1.8m high solid noise fence along the respective boundary and therefore effects associated with the traffic and car park noise can be appropriately mitigated to comply with the established reasonable noise limits recommended in the consent condition wording above.

However, along the Kowhai Street Council reserve boundary (at 8 Kowhai Street), Council's Parks and Facilities Team Leader has noted that a solid fence along the boundary with the reserve is not supported as it reduces passive surveillance of the park and increases opportunity for graffiti. Their preference is for a lower and more permeable fence. As such, the proposed noise fence will have a break in it creating the potential for additional noise to spill into the adjoining residential properties. In my opinion, this matter can be mitigated by the imposition of the following consent condition:

Prior to the construction of any noise mitigation fencing along the eastern and northern boundary of the site adjoining Kowhai Street properties, the consent holder shall:

- a) Obtain approval from Council's Team Leader Parks and Facilities relating to the design of any fencing along the common boundary of the Kowhai Street reserve located at 8 Kowhai Street; and*
- b) Provide an acoustic design report and certificate to demonstrate compliance with the noise limits set out in Condition 24.*

For the above reasons, and subject to the imposition of consent conditions, it is my opinion that any potential noise effects associated with the use of the car park or access leg are considered to be less than minor, during the daytime and evening periods (i.e. from 7am to 10pm).

During the evening periods (i.e. after 10pm) however, the decibel averaging adjustment cannot apply. The noise assessment provided with the application sets out that up to 12 vehicle movements per hour in the night time period (10pm – 7am) is able to comply with the night time noise limit of $L_{Aeq} 40dB$. Given the details of the proposed activity, it is considered that traffic movements will likely exceed 12 per hour in the night time period (associated with larger events operating until 11pm at night and potential for morning trainings). As the scale of nighttime activities are likely to exceed this 12 vehicles per hour, further information on this matter was sought from the Applicant. **This matter is outstanding and will need to be addressed by the Applicant in their evidence.**

Speakers

Submitters 9 and 10 have raised concerns about the use of speakers within the facility and the resulting noise effects.

The acoustic assessment submitted in support of the application has demonstrated that, subject to specific building design, compliance with the recommended conditions for noise limits is achievable for:

- Sports activities during all day time, evening and night time periods Monday through the Sunday;
- Kapa Haka or other cultural or arts performances during the day time and evening periods Monday to Sunday. As such, there will be operational limitations for such performances depending on the building design. Restriction will automatically be placed on these operations through the imposition of the noise limits.

For the above reasons, it is considered appropriate to impose a consent condition relating to requiring an acoustic design report and certificate for the building, at the time of building consent, to demonstrate how the built form will mitigate noise effects as suggested in the application. A condition to this effect is recommended in Section 11 of this report. It is noted that depending on acoustic design, Kapa Haka and other performances may also be able to comply at all times. Nevertheless, it is my opinion that the effects can be appropriately managed by recommended consent conditions.

If during the operation of the facility there is noise generated, such as from speakers, that does not comply with the recommended conditions of the consent (i.e. the noise standards discussed above), this becomes an enforcement issue and can be dealt with through changes to the operation of the facility or mitigation measures to comply with the conditions. This approach is consistent with the peer review undertaken on behalf of Council. Based on the information available, it is my opinion that there is sufficient information to confirm the noise standards can be complied with and therefore potential effects from use of speakers within the facility are less than minor.

Redirection of noise

Submitter 10 raised concerns with the potential for noise generated by the existing turf activities (hockey, soccer etc) to be redirected or to bounce off the facility in the direction of properties to the north of the Matamata College site.

The astroturf is an existing facility on the site and noise generated by the use of that space is not within the scope of this resource consent application. Additionally, the building could be established on the site without resource consent in the event that community use was not proposed, as per the permitted baseline assessment undertaken in this report. It is not considered that there will be effects associated with the redirecting of noise generated by the College.

Duration of noise generated by the facility

Submitter 10 raises concerns with the increase of noise from the existing environment, where noise is generated predominantly within school hours, to potential noise effects throughout the duration of the proposed opening hours of the facility, which in some instances have potential to be between 5.30am and 11.30pm (for large events).

I appreciate that the ability for the facility to be used outside of school hours gives rise to the perception of increased noise over that reasonably anticipated outside of school hours. While that is the case, I also acknowledge here that the acoustic assessment and peer review has generally confirmed that the recommended noise limit conditions will be reasonable and suitable for the surrounding existing environment, maintaining a suitable level of amenity in the locality, and particularly for Submitter 10 whose property is located further away from the facility than other submitters properties.

Therefore, any effects with the duration of noise is, in my opinion, considered to be less than minor and reasonably consistent with what could be expected within the residential zone of the District.

Conclusion of noise effects

Overall, subject to the adoption of the recommended conditions relating to management of noise and further acoustic information to be provided at detailed design/prior to construction, and subject to confirmation of the night time noise levels, it is my opinion that the likely noise generated by the proposed activity is reasonable for the surrounding environment, and the resulting effects are able to be managed so they are less than minor.

7.4 Traffic and Rooding

The Applicant submitted a Transportation Assessment prepared by Harrison Transport, to support the application. The Transportation Assessment assesses the potential effects of the proposed development on the surrounding Matamata transport network. The Transportation Assessment was peer reviewed by BBO who raised a number of questions in relation to the assessment undertaken. The queries were responded to adequately and the information and mitigation measures provided was sufficient to determine potential traffic, roading and other potential transportation effects.

The assessment of traffic and roading effects within the notification report should be read alongside the following.

Submitters 1, 2, 3 and 10 have raised concerns in relation to transportation matters as a result of the establishment and operation of the facility. The transportation peer review

undertaken by BBO has considered and provided a response/recommendation in relation to each of the submitter's concerns (refer Appendix B of the BBO Transportation Peer review). The peer review is attached within **Appendix 3**.

I concur with the assessment and recommendations made by the peer review. Those comments are summarised as follows:

- Submitter 1: Permanent speed reductions and pedestrian crossings are not required as a result of the day-to-day operation of the facility as the increase in traffic movements are minor and all parking is able to be accommodated within the site. Temporary speed reductions and pedestrian crossing locations are proposed, as required, through a TPMP for larger events to address safety effects.
- Submitters 2, 3 and 10 have concerns with safety of the existing network (i.e. for existing residents, pedestrians, cyclists) as a result of traffic increases. The peer review sets out that the traffic increase equates to 13% of the current average daily traffic volumes on Station Road, which is not considered to be a significant increase in volumes. Additionally, it is considered that the TPMP will be able to suitably manage adverse transportation, including safety, effects for large events when parking spills over into the Station Road reserve. It is considered that effects on the safety of the existing road network are less than minor and able to be appropriately managed.
- Submitter 10 has concerns of parking effect on Sylvan Place. The peer review has established that it is unlikely that Sylvan Place will be utilised for overflow parking for the stadium. There is no pedestrian link between Sylvan Place and the school. There is a pedestrian link between Mill Street and the school. However, the main access to the facility is off Station Road and therefore users/visitors of the facility will initially access the facility via Station Road. In the event on site car parking is at capacity during large events, then cars will be directed straight towards Station Road to park and will utilise the pedestrian path along the access leg to access the facility. Additionally to the above, the TPMP is required to be reviewed and the operation of the larger events requires monitoring, therefore if any effects on Sylvan Place eventuate, this will be able to be rectified immediately. It is considered there will be less than minor effects associated with parking on Sylvan Place.
- Submitter 10 has concerns relating to the safety, efficiency and car parking capacity on Station Road when the facility is in use at the same time as sports or events on the existing sports fields (i.e. usually during Saturday sports). The peer review states that day to day use of the facility will not result in any effects on the safety or parking capacity of Station Road as all parking associated with normal use of the facility is able to be accommodated on the site (therefore does not require Station Road to accommodate overflow parking). However if large events at the facility occur at the same time as an event on the sports fields, it has been identified that there may be a lack of parking availability to accommodate overflow parking within Station Road and therefore potential for residual effects on the road network. As such, the peer review has recommended a consent condition to restrict large events within the facility from occurring at the same time as other sports activities or events on the sports fields. This will assist with avoiding safety, efficiency, parking capacity and accessibility effects on Station Road. A condition to this effect is recommended.
- Submitter 10 raises concerns relating to construction effects. It is considered that any transportation related effects during construction will be contained on the site. Any potential effects will however be managed through a construction traffic management plan.

- Submitter 10 has concerns relating to residents on Station Road and nearby side roads safely accessing their properties, particularly during larger events. It is considered that the TPMP will be able to effectively manage parking along Station Road to ensure that residents have safe and ready access to their properties. Access to side roads will be maintained for residents only during large events.
- Submitter 10 also questions the effectiveness of a TPMP and how often it will require review and updates to ensure it performs as expected. The peer review has recommended that the TPMP be reviewed after the first three large events to identify any improvements required. This will be captured in a condition on the consent to ensure the TPMP is fit for purpose to manage effects as set out in the reporting for this application.

Overall, subject to consent conditions relating to preparation and implementation of a TPMP, review and updates to the TPMP as required, restrictions on large events occurring at the same time as other events on the sports fields, and construction traffic management plan being prepared, it is my opinion that the traffic effects will be less than minor and appropriately mitigated.

7.5 Construction and Earthworks

Activities related to construction are commonly anticipated in conjunction with new developments. An environment can tolerate a certain degree of construction related activities without suffering significant negative effects, provided that the construction is conducted following the relevant New Zealand Standards and by utilising best practice construction methodologies. Further construction effects are better received when nearby receivers are adequately informed.

Earthworks are required to prepare the site for construction, construct infrastructure, prepare building platforms, construct the access leg and parking areas and to achieve finished design levels on the site. The works will require approximately 2162m³ of cut and 161m³ of fill.

The earthworks will be carried out in accordance with an erosion and sediment control plan (ESCP). A draft has been provided as part of Appendix 7 (Civil Design) of the application and will be confirmed in more detail by the contractor prior to construction. The implementation of the plan will mitigate any adverse effects that may arise as a result of construction, including sediment runoff.

Submitters 8 and 10 have raised concerns with the construction phase of the development, including dust settlement on nearby dwellings and construction noise effects.

Discharge of dust is required to be managed by the contractor at the time of construction to avoid any potential nuisance dust effects beyond the boundary of the site. Standard construction management measures are able to be adopted on the site to avoid the discharge of dust extending beyond the boundaries of the subject site. Specific dust control measures (such as use of water carts, monitoring of weather conditions, stabilisation of worked surfaces etc) can be confirmed by the applicant/contractor through a construction management plan. A condition of consent is recommended, requiring a Construction Management Plan be submitted prior to works commencing to confirm the dust management proposed, among other construction management measures. On this basis, it is my opinion that cleaning of neighbouring houses is not required.

Construction will be undertaken in accordance with the requirements of NZS 6803:1999 Acoustics – Construction noise, to ensure construction noise is suitably managed and the

surrounding receiving environment is not affected to the extent beyond what could be reasonably expected throughout the country. A condition requiring construction to comply with the NZS 6803:1999 is recommended. Construction will be monitored to ensure compliance. In the event of any non-compliance, standard construction complaints procedures will be in place and neighbouring properties will be able to raise concerns/effects as required. Any complaints made may trigger rectification of any effects where possible, or changes to the construction activities on the site, if complaints relate to non-compliance with conditions of consent, NZS or result in significant adverse effects beyond those determined to be acceptable in this assessment of effects.

Further, effects associated with construction and earthworks will be temporary in nature, and are inevitable for development activities.

As set out above, it is my opinion that any adverse construction or earthworks effects will be appropriately managed and will not give rise to effects that are more than minor on the wider environment and nearby receivers.

7.6 Infrastructure, Geotechnical and Contamination

A Water Impact Assessment has been prepared by BCD Group for the subject site, assessing water supply, wastewater and stormwater which sets out an efficient and achievable servicing strategy for the site and proposed development. The Water Impact Assessment has been reviewed by Council's Team Leader – Consents Engineer and no fundamental concerns around capacity or supply have been raised to give rise to effects that may be more than minor on the wider environment.

The geotechnical reporting has confirmed that the ground conditions of the site are acceptable for the proposed development and the geotechnical effects of the proposal will be negligible, subject to the implementation of the Geotechnical Assessment Report's recommendations, or any other recommendation made by a suitably qualified and experienced engineer at the time of building consent.

The site has been identified as a being subject to potentially contaminating activities and soil sampling undertaken across the site confirmed elevated concentrations of contamination above background concentrations, but no concentrations which pose a risk to human health. The concentrations of potential contaminants encountered on the site meet adopted human health guidelines for the proposed land use however, they are considered to pose a risk to other more protective guidelines. As such should any soils be removed from site, these investigation findings should be provided to the receiving facility to ensure appropriate disposal process has been followed. Based on these findings, any contamination effects are considered to be no more than minor.

8 Policy Statements, Plans and Regulations

Section 104(1)(b) of the RMA outlines the relevant planning documents that the consent authority must have regard to (subject to Part 2) when considering an application for a resource consent and submissions received. Section 104(1)(b) sets out:

- (b) any relevant provisions of—
- (i) a national environmental standard:
 - (ii) other regulations:
 - (iii) a national policy statement:
 - (iv) a New Zealand coastal policy statement:
 - (v) a regional policy statement or proposed regional policy statement:
 - (vi) a plan or proposed plan; and

Additionally, s104(1)(c) of the RMA sets out that when considering an application for a resource consent and any submissions received, the consent authority must also have regard

“to any other matter the consent authority considers relevant and reasonably necessary to determine the application”

Outlined below are the relevant matters within s104(1)(b) and s104(1)(c), and a discussion of how the application should be considered in relation to these matters.

8.1 National Environmental Standards (NESs)

There is only one relevant NES to the proposed application, being the NES for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS).

The NES-CS seeks to manage actual and potential adverse effects of contamination in soil on human health. The NESCS includes a Hazardous Activities and Industries List (HAIL) that sets out a list of activities which have potential to contaminate soil.

As set out in Section 2 of this report, Resource Consent is required as a Controlled Activity under Regulation 9(2) of the NES-CS for the following reasons:

- A DSI exists and Matamata-Piako District Council has a copy of the report (Application 5 of the consent application); and
- The proposed earthworks exceed the permitted activity standard (25m³ per 500m² land area). In this instance, the site area subject to earthworks is 9711m² therefore up to 485.55m³ of earthworks is permitted. The proposal includes up to 2162m³ of cut and 161m³ of fill therefore does not comply; and
- The DSI confirms that the soil contamination concentrations do not exceed the standards in Regulation 7 of the NES-CS.

Effects associated with contaminated land are assessed in the Notification Report and further commented on in Section 7 above.

8.2 National Policy Statements

The Applicant's site is not located in or near a coastal environment, therefore, the Coastal Policy Statement does not apply to this application.

There are currently four various NPSs in force, namely for freshwater management, greenhouse gas emissions, highly productive land, indigenous biodiversity, renewable electricity generation, electricity transmission and urban development.

The only NPS potentially relevant is the NPS for Urban Development (NPS-UD). The NPS-UD seeks to ensure New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities. The relevant objectives and policies include Objective 1 and Policy 1. This objective and policy seek that well-functioning urban environments are established that provide for social, economic, and cultural wellbeing, and for health and safety now and in the future. Additionally that there is good accessibility for all people between housing, jobs, community services and open spaces.

It is considered that the provision of a community sports and recreation facility will assist with the provision of services to provide for the social wellbeing of the Matamata township and wider Matamata-Piako District. The location is suitable for such a development, being located on an existing school site amongst similar built development. It is considered the facility will be highly accessible for the public. For this reason, the proposal is considered to be consistent with the objectives and policies of the NPS-UD.

No other NPS's are directly relevant to the assessment of this application.

8.3 Waikato Regional Policy Statement

The Applicant has undertaken an assessment of the application under the RPS in Paragraph 9.2 of the AEE with the conclusion reached that the application is not contrary to the RPS objectives and policies.

I agree with the Applicant's assessment and wish to make the following additional commentary.

The key objectives and policies of relevance to the application are:

- IM-O1 – Integrated management & IM-P1 – Integrated approach
- IM-O2 – Resource use and development
- IM-O8 – Sustainable and efficient use of resources
- IM-O9 – Amenity
- UFD-O1 – Built environment
- UFD-P1 – Planning and co-ordinated subdivision, use and development
- UFD-P2 – Co-ordinating growth and subdivision.

An assessment of the above objectives and policies is provided as follows.

- The proposed activity is an integrated development which is well suited for the environment it is placed. The facility is not indifferent to the surrounding school setting. The proposal represents a sustainable and efficient use of resources, and in my opinion is consistent with IM-O1 and IM-O8.
- The proposal provides for social and cultural needs of the population, providing a resource which is currently not available to the community. With the potential to host larger regional events, it will also promote visitors into the District which is likely to have a positive economic effect. It is therefore my opinion that the proposal is consistent with Objective IM-O2 of the RPS.
- A detailed assessment of amenity effects is provided in Section 7 of the Notification Report and Section 7 above. The conclusion was that in my opinion the visual and amenity effects of the built form are reasonable for the siting of the building

consistent are in some way consistent with what could established on the site under the designation. Any potential adverse amenity effects are able to be appropriately managed by consent conditions. The proposal is therefore, in my opinion, able to blend into the local context and maintain a high quality built environment.

- The proposal has implemented integrated land use and infrastructure planning, with a suitable infrastructure servicing strategy established which will not affect the efficient and effective functioning of the existing infrastructure network and road network. In my opinion, the proposal is consistent with UFD-O1 and UFD-P2.

8.4 Matamata-Piako District Plan (MPDP)

8.4.1 Objectives and policies

The Applicant has assessed the proposal under the MPDP objectives and policies in Section 8.5 of the AEE. The conclusion reached was that the proposal is not inconsistent with the relevant objectives and policies.

I agree with the Applicant’s conclusion, however, wish to expand their assessment and add additional commentary relating to submitter’s comments on objectives and policies. My assessment is included in **Table 3** below.

Table 3: District Plan Objectives and Policies Assessment

Objective/Policy	Comment
2.4 Sustainable Management Strategy	
2. Controlling activities	
<p>O1: To manage activities in a manner that gives certainty to the public as to the potential location and effects of activities.</p> <p>P1: To implement effective separation between incompatible activities while recognising that some existing activities may not be able to provide effective separation within their sites.</p>	<p>The resource consent application has provided sufficient information relating to potential adverse environmental effects and effects are assessed in detail in Section 7 above, Section 7 of the Notification Report and within the application documents.</p> <p>The proposal implements sufficient separation between the facility and the surrounding neighbouring residential properties and appropriate mitigation measures are proposed to ensure any adverse effects are reasonable for a residential environment.</p> <p>In my opinion the proposal is consistent with this objective and policy.</p>
6. Integrating land use and infrastructure	
<p>O1: Land-use, subdivision and infrastructure are planned in an integrated manner that:</p> <ul style="list-style-type: none"> • Does not compromise the function, operation, maintenance, upgrading or development of infrastructure, including regionally significant infrastructure; • Recognises the need for the provision of infrastructure; and subdivision, land-use and development to be co-ordinated; and • Ensures the sustainable management of natural and physical resources while 	<p>The application for resource consent has provided a three waters and access infrastructure design which is suitable to service the facility. It has been determined that there is sufficient capacity in the infrastructure networks to cope with the servicing demand without compromising the functioning or maintenance of existing infrastructure networks.</p> <p>Parking demand for large regional events will not be able to be accommodated on the site, however transportation assessment has</p>

<p>enabling people and communities to provide for their economic social, and cultural wellbeing.</p> <p>P1: Rezoning, new development, and expansion/intensification of existing development shall take place where:</p> <ul style="list-style-type: none"> • The operation, maintenance, upgrading, or development of infrastructure, including regionally significant infrastructure, is not compromised; • There is sufficient capacity in the infrastructure networks to cope with the additional demand, or where the existing networks can be upgraded cost-effectively to meet that demand; • The networks have been designed to carry the type of service including the type and volume of traffic required to support the development; and • Adverse effects on the natural and physical environment can be appropriately avoided, remedied, and mitigated. <p>P2: Land use and infrastructure must be co-ordinated so that:</p> <ul style="list-style-type: none"> • Development can be appropriately serviced by infrastructure in a cost-effective manner; • Land use change does not result in adverse effects on the functioning of infrastructure networks; and • Development does not adversely affect the efficiency and effectiveness of infrastructure networks. 	<p>confirmed there is parking capacity available within the Station Road reserve without impacting on the safety or efficiency of the road network. This will however require support of a Travel and Parking Management Plan to ensure that impacts on the existing residences along Station Road and nearby side roads are not affected, and also that Station Road is safe for all road users.</p> <p>Overall, subject to the implementation of consent conditions relating to infrastructure design and requirement for a TPMP, it is my opinion that the development will be consistent with the objectives and policies relating to efficient and effective infrastructure servicing.</p>
3.1 Natural environment and heritage	
2. Natural environment	
<p>O2: Trees that have significant value to the community in terms of amenity, ecological and historical values are recognised and protected.</p> <p>P2: To avoid, remedy or mitigate the adverse effects of activities that have the potential to compromise, damage or destroy significant areas of indigenous vegetation and habitats of indigenous fauna.</p> <p>P3: Work on or within the vicinity of a significant tree shall be carried out in a way that does not adversely affect the health of the tree.</p>	<p>There are three protected trees on the subject site however the proposed facility is well setback from the protected trees and they will be maintained on the site.</p> <p>It is my opinion that the proposal is consistent with this objective and these policies.</p>
3.3 Land and Development	
2. Hazardous substances	
<p>O2: To ensure that contaminated sites in the</p>	<p>The contaminated land on the site pose</p>

<p>District are managed and/or redeveloped in a manner which avoids, remedies or mitigates any adverse environmental effects.</p> <p>P2: The risks associated with the use, storage, disposal and transportation of hazardous substances or contaminated sites must be comprehensively documented to enable Council and the public to manage potential adverse effects.</p>	<p>minimal risk to human health, as established in the assessment of effects. However contaminated soils will be managed appropriately to ensure that potential effects on the environment and human health are avoided, including any disposal of contaminated material at a suitable site.</p> <p>The proposal, in my opinion, is consistent with objectives and policies relating to contaminated sites.</p>
<p>3.5 Amenity</p>	
<p>1. Development standards</p>	
<p>O1: To maintain and enhance a high standard of amenity in the built environment without constraining development innovation and building variety.</p> <p>P1: To ensure that development in residential and rural areas achieves adequate levels of daylight admission, privacy and open space for development sites and adjacent properties.</p>	<p>Submitter 10 considers the proposed development is not in accordance with Policy 2 of this section.</p> <p>The proposed facility is considered to be located on a suitable site within Matamata, and will be able to blend into the existing character established by surrounding large school buildings and facilities.</p> <p>The facility is well setback from surrounding residential properties and will not result in any shading effects beyond the boundary of the site. Additionally, the facility will not generate any privacy effects with the facility oriented towards the south and suitable fencing and screening being established between the activity and existing dwellings.</p> <p>The solid fence along the western boundary of the site will screen the driveway and a portion of the built form when viewed from the properties to the south east along Kowhai Street.</p> <p>A large amount of open space will be maintained on the site within the school fields.</p> <p>The proposed facility will not impact the amenity values in the locality.</p> <p>In my opinion, the proposal is consistent with this objective and policy.</p>
<p>O2: To minimise the adverse effects created by building scale or dominance, shading, building location and site layout.</p> <p>P3: To maintain the open space character of residential and rural areas by ensuring that development is compatible in scale to surrounding activities and structures.</p> <p>P4: To recognise that the low density urban form in the District's towns contributes to the amenity and character of the area.</p>	<p>Submitter 10 considers the proposed development is not in accordance with Policy 3 of this section.</p> <p>The proposed building is considered to be compatible with the surrounding school/community land uses. The building is proposed to be in the location of two existing gymnasium buildings which will be removed to allow the gym to establish. While the new facility exceeds the height limit of the District Plan, the building is well setback from external</p>

<p>P5: To provide for development within the District in a manner that encourages flexibility and innovation in design and variety in the built form while achieving the anticipated environmental results.</p>	<p>boundaries of the school site and will not result in dominance or shading effects on neighbouring properties. It is considered that the building will be able to blend into the existing environment and will be similar to existing larger buildings already established within the school.</p> <p>For the above reasons, in my opinion, the proposal is consistent with these objectives and policies.</p>
<p>2. Deign, appearance and character</p>	
<p>O1: To ensure that the design and appearance of buildings and sites is in keeping with the character of the surrounding townscape and landscape.</p> <p>P1: To encourage a high standard of on-site amenity in residential, business, recreational and industrial areas.</p>	<p>It is not considered that the proposed facility will impact on the existing character established within Matamata, or affect the amenity of the surrounding residential neighbourhood. The facility is generally consistent with what could be expected within a school and any effects of extended operation hours or wider community use are assessed as no more than minor at most, in the assessment within this report. For this reason, in my opinion, the proposal is consistent with this objective and policy.</p>
<p>O2: To recognise and promote the special urban character of Te Aroha and Matamata and to develop the urban character of Morrinsville.</p>	<p>There are three significant trees and a heritage site (being the existing “A Block” within the school) on the site. No changes are proposed to any of these existing features and it is my opinion that the character of this existing environment has been maintained.</p>
<p>3. Nuisance effects</p>	
<p>O1: To ensure that residences are free from the effects of unreasonable and excessive noise, odour, dust, glare and vibration.</p> <p>P1: To protect residential and rural amenity by the use of performance standards for noise, glare, odour, particulates and vibration control which generally ensure that generated effects do not exceed background or ambient levels.</p>	<p>Submitter 10 considers the proposed development is not in accordance with Objective 1 and Policy 1 of this section.</p> <p>The development includes proposed noise limits which differ to the existing District Plan noise limits, however which are considered to be appropriate according to the more up to date New Zealand Standards and the ambient noise environment. This is confirmed by both the Applicant’s noise expert and the noise peer reviewer.</p>
<p>O2: To provide healthy and safe working, living and recreational environments by avoiding and mitigating the effect of excessive noise, vibration, odour and dust.</p> <p>P2: To ensure that activities in business, rural, industrial and recreational areas avoid, remedy or mitigate generated effects to maintain and enhance a healthy, safe and pleasant environment and take all reasonable steps to internalise any nuisance effects.</p>	<p>Noise effects have been assessed in detail in the above reporting. It has been concluded that the proposal is able to mitigate noise effects to be compliant with the proposed noise limits to be imposed on the consent.</p> <p>Additionally, the Applicant has confirmed that the lighting proposed within the car park area and on the building as part of the development will comply with the District Plan rules. A recommended consent condition requires lighting design to be provided at detailed design stage, to ensure compliance.</p>

	<p>As such, it is my opinion that the application is consistent with these objectives and policies as there is not an unreasonable level of noise or light generated by the proposal, subject to mitigation being established as required by the recommended consent conditions.</p> <p>Dust will be managed during construction, utilising best practice construction management measures to ensure dust is not discharged beyond the boundary of the site.</p>
4. Signage	
<p>O1: To minimise the adverse effects of signage on the character of rural, residential, industrial and business areas.</p> <p>P1: To restrict the number and size of signs in rural, residential, industrial and business areas to avoid cluttering of the landscape.</p>	<p>In my opinion, the signage proposed is consistent with this objective and policy for the following reasons:</p> <ul style="list-style-type: none"> • Only one sign is directly adjacent to, and clearly visible from Station Road, which is the sign assisting with identification of the vehicle entrance and direction to the facility. This sign is considered to be appropriate for the size and scale of the proposed activity, and is also a sign that could be expected on the subject site associated with school activities. • The signs will not result in cluttering of the landscape. There is only one sign clearly visible from the adjoining road network. • The size and location of the signage is suitable to ensure no adverse safety effects or distractions for drivers/other road users.
3.8 Transportation	
<p>O3: The avoidance, remediation or mitigation of the adverse effects of transportation.</p> <p>P3: Subdivision, use and development shall enable a safe, integrated, efficient, and well-connected transport network that provides for all modes of passenger and freight transport in a manner that:</p> <ul style="list-style-type: none"> • Ensures land-use and transportation successfully interface with each other; • Manages the adverse environmental effects of the network, and the effects of other activities on the network (i.e. reverse-sensitivity effects); • Considers the transport needs of an ageing population; and: • Ensures route security across all modes of travel. 	<p>The proposal includes safe and efficient access provision for the stadium that provides for all transport modes (car, cyclist, pedestrian). The proposal will not result in a significant increase in traffic volumes on the adjoining road network.</p> <p>In my opinion, the proposal gives effect to the intent of this objective and policy.</p>
<p>O5: To protect residential amenity from the effects of excessive traffic generation.</p> <p>P5: To ensure that access points and intersections meet safe sightline and spacing standards for the class of road within the</p>	<p>Submitter 10 considers the proposed development is not in accordance with Objective 5 of this section.</p> <p>The proposal is not considered to generate excessive traffic generation, and further that</p>

<p>hierarchy and are formed to appropriate design standards.</p>	<p>traffic will predominantly occur during off peak periods and during weekends, which lessen any impact on the surrounding road network and peak periods. The overall increase in the traffic volumes on Station Road is approximately 13% of the existing average daily traffic volumes. This will not have an effect on the local transport network. Surrounding residential amenity is considered to be protected through the use of noise fencing along adjoining Kowhai Street properties.</p> <p>The proposal includes compliant, safe and efficient access to the facility, as demonstrated in the application documents, and confirmed by the transportation peer review.</p> <p>In my opinion, the proposal is consistent with this objective and policy.</p>
<p>O6: To maximise safety and convenience for pedestrians and vehicular traffic on all sites.</p> <p>P6: To manage the location of subdivision and land use activities to avoid compromising road intersection and railway level crossing safety sightlines</p>	<p>The proposal will not impact the safety or convenience on the site or any adjoining site. In my opinion, any potential effects are considered to be appropriately managed and mitigated through the consent condition requirements.</p>
<p>O7: Provision for parking and loading is adequate to ensure the safety and efficiency of the road network, without stifling development or leading to inefficient use of land.</p> <p>P7: To ensure that the safety and efficiency of the state highways and district road networks are not compromised by proposed subdivision and/or development and the cumulative effect of subdivision and/or development.</p>	<p>Provision for parking during normal operation of the facility is accommodated on the site. Large events within the facility will be subject to a TPMP to ensure any overflow parking effects on the road network are appropriately managed to ensure no adverse effects on the safety and efficiency of the surrounding network. As set out in the reporting for this application, the proposal is not considered to compromise the road network in any way.</p> <p>In my opinion, the proposal is consistent with this objective and policy.</p>

8.5 Any Other Matters Considered Relevant and Reasonably Necessary to Determine the Application

8.5.1 Statutory acknowledgements

The following Statutory Acknowledgements apply within the Matamata-Piako District:

- Ngāti Koroki Kahukura Claims Settlement Act 2014
- Ngāti Haua Claims Settlement Act 2014
- Raukawa Claims Settlement Act 2014

Ngati Hinerangi also have interests within the Matamata-Piako District. None of the statutory acknowledgement area affect the Applicant's site.

8.5.2 Iwi Management Plans

The Ngāti Haua Environmental Management Plan, Raukawa Environmental Management Plan, and Hauraki Iwi Environment Plan are relevant to the assessment of the application.

The proposal is not contrary to the iwi management plan objectives.

8.5.3 Development Contributions

It is noted that the development contribution is not decided through this RMA decision making process and the Hearing Commissioners will not be making a decision on the amount of the development contribution.

8.5.4 Monitoring

Council have a statutory obligation under s35 of the RMA to monitor the environmental effects associated with activities being carried out within the District and that are authorised by resource consents.

Consequently, Council's regulatory staff and/or their authorised agents will monitor this site for the duration of this resource consent, both during construction and operation.

Further, a complaints register will be maintained to monitor complaints relating to construction and also for the operation of the facility.

9 Relevant Part 2 considerations

The purpose of the RMA under s5 is the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Section 6 of the Act sets out a number of matters of national importance that need to be recognised and provided for, and includes among other things and in no order of priority, the protection of outstanding natural features and landscapes, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the protection of historic heritage. There are no outstanding natural features or landscapes, significant indigenous vegetation or significant habitats of indigenous fauna on or nearby the site. The proposed development will not impact the relationship of Māori and their culture with ancestral lands, water, sites, waahi tapu and other taonga. There are no provisions of s6 that require further assessment.

Section 7 identifies a number of “other matters” to be given particular regard by councils in the consideration of any assessment for resource consent. Those that are directly relevant include (b) the efficient use of natural and physical resources and (c) the maintenance and enhancement of amenity values. A detailed assessment of the character and amenity effects of the proposed development has been undertaken in s7 of this report and within the Notification Report. Those assessments conclude that the proposed facility will not result in unreasonable adverse amenity effects on the surrounding environment. Any amenity effects are appropriately mitigated through the use of landscape buffers, noise barriers and building setbacks. The proposal is further considered to be an efficient use of natural and physical resources, being an appropriate location for the facility which is able to integrate with the surrounding existing built environment. The facility also has a direct connection to the school, as it will be used for school purposes. The relevant s7 matters have been given particular regard as required.

Section 8 requires councils to take into account the principles of the Treaty of Waitangi. The principles of the Treaty of Waitangi will not be compromised by this proposal and the site and the receiving environment do not contain wahi tapu that could be affected adversely by the proposed activity. The interest on the Record of Title relating to right of first refusal for Ngāti Hinerangi is not relevant as no transfer or disposal of land is proposed.

The Part 2 matters above are also expressed in the objectives and policies of the relevant planning documents. The assessment of the planning documents earlier in this Report shows that the proposal is consistent with the sustainability purpose of the RMA as embodied in relevant national, regional, and local policy frameworks.

Therefore it is considered that Part 2 considerations will not prevent the grant of the consents.

10 Conclusion

Having considered the application against the relevant provisions of the Act, it is recommended that this application be granted, subject to the conditions identified in Section 11 of this report that will avoid, remedy and mitigate any adverse effects of the activity on the environment.

The reasons for this recommendation are as follows:

- Any actual or potential effects on the environment are considered to be minor, at most, with the majority being less than minor and are therefore minimal, and capable of mitigation through the imposition of appropriate conditions.
- The proposal is considered consistent with the objectives and policies of the operative District Plan.
- The proposal, subject to conditions, can generally meet the performance standards and engineering requirements in the District Plan and the Council's Development Manual. Where the District Plan performance standards are unable to be met it is considered that any effects can be appropriately avoided, mitigated or minimised.
- The matters raised in the submissions can be addressed by means of consent conditions where required.
- The proposal is consistent with Part 2 of the Act.

11 Recommended Decision

It is recommended that in accordance with s104B and s108 of the Resource Management Act 1991, resource consent application:

102.2023.12883	Construct an indoor sports and recreation facility (Te Whare Whakapakari) for school and community use, the associated vehicle access to Station Road and a new onsite vehicle access and parking arrangement.
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be granted subject to the consent conditions attached.

In making this recommendation the following matters have been considered:

- The actual and potential adverse environmental effects of the activity;
- The proposed mitigation measures to avoid adverse effects;
- The issues raised by Submitters within their submissions;
- Consistency with the Waikato Regional Policy Statement and the Matamata-Piako District Plan; and
- Consistency with the purpose and principles of the Resource Management Act 1991 as expressed in the objectives and policies of the relevant planning instruments.



Emily Patterson
Resource Management Consultant
For: Matamata-Piako District Council

Date: 5 July 2024

Matamata-Piako District Council: Recommended Consent Conditions

Consent Reference:	102.2023.12883
Consent type:	Land use
Activity authorised:	Construct an indoor sports and recreation facility (Te Whare Whakapakari) for school and community use, the associated vehicle access to Station Road and a new onsite vehicle access and parking arrangement.
Location:	125 Firth Street, Matamata

CONDITIONS

General

1. That the proposed facility be constructed and operated generally in accordance with the plans and information submitted in support of the application, including:
 - a) The information and plans submitted with the application for resource consent by Boffa Miskell Ltd, titled Matamata Indoor Sports and Recreation Facility Application for Resource Consent and Assessment of Environmental Effects, dated 10 November 2023;
 - b) The further information received by Council on 16 February 2024, titled MPDC – Te Whare Whakapakari – Resource Consent.
 - c) The further information received in email correspondence, subject Te Whare Whakapakari - Council Ref: 100.2023.12883, dated 23 May 2024.
 - d) The further information received in email correspondence, subject Te Whare Whakapakari - Draft Consent Conditions, dated 13 June 2024 and 21 June 2024.

Where there is any conflict between the above information and the consent conditions set out below, then the consent conditions shall prevail.

Notification

2. That prior to commencement of construction, the Consent Holder shall arrange and conduct a pre-construction site meeting with the Project Manager and relevant Contractors and invite, with a minimum of five working days' notice, Council's Monitoring Officer.
3. The Consent Holder shall, at least 10 working days prior to commencement of any construction works in connection with this resource consent, advise the Council's Monitoring Officer in writing of the date on which works will be commenced.
4. The Consent Holder shall, at least 10 working days prior to the use of the facility, advise the Council's Monitoring Officer in writing of the date on which the facility will be opened.

Advice Note: *The purpose of the above condition is to allow the Council sufficient time to monitor compliance with the conditions of this resource consent.*

Built Form and Design

5. The Consent Holder shall demonstrate in the building consent plans that the facility is located and constructed in accordance with the information provided in the application, including:
 - a) Maximum height of 11.3m above ground level.

- b) Setback at least 49.5m from the eastern Sylvan Place residential properties.
 - c) Setback at least 46.6m from the southern Kowhai Street residential properties.
6. Prior to the Planning approval of the building consent for the Events Centre, an external lighting plan for the Events Centre complex shall be provided to Council for approval which clearly demonstrates compliance with the lighting and glare performance standards in the District Plan (Rule 5.4).
 7. There shall be no light poles (i.e. large light poles such as 4.5m high) along the length of the driveway/access leg adjoining the Kowhai Street residential properties.
 8. Prior to Planning approval of the building consent for the facility, the Consent Holder shall obtain and provide to the Council for approval, written certification from a qualified and experienced acoustic engineer that the building and mechanical plant has been designed to comply with the noise standards in Condition 35, as measured in accordance with Condition 36.
 9. Prior to Planning approval of the building consent for the facility, the Consent Holder shall obtain and provide to Council for approval, written certification from a qualified and experienced acoustic engineer that the access leg noise fence (the eastern boundary of access leg) and traffic management procedures have been designed and traffic movements controlled to comply with the noise standards in Condition 35, as measured in accordance with Condition 36.
 10. Prior to use of the facility, an appropriately qualified and experienced acoustic engineer shall conduct tests and assessments of typical worst-case events anticipated at the facility and shall submit a report to Council confirming whether the noise standards specified in Condition 34 will be able to be met in relation to:
 - a) Building design;
 - b) Traffic movements, access leg noise fencing (eastern boundary of access leg) and traffic management procedures (if required); and
 - c) Mechanical plant operation.

In the event that the acoustic engineer's findings are that the noise standards will not be met, then the acoustic engineer shall provide, in the report to Council, details of the additional measures that need to be implemented to ensure compliance with the noise standards. The additional measures (if any) shall be implemented by the Consent Holder, prior to the use of the facility. If required, additional testing shall be undertaken by an appropriately qualified and experienced acoustic engineer to confirm compliance.

Advice Note: Council shall be entitled to commission a peer review of the acoustic reports required under this condition at the Consent Holder's cost.

Landscaping

11. Prior to Planning approval of the building consent for the facility, the Consent Holder shall submit to Council a detailed landscape plan for approval, prepared by a suitably qualified and experienced landscape architect. The detailed landscape plan shall address the following:
 - a) Height of boundary fencing
 - b) The type of mature tree species to be planted and the location of such within the landscape buffer area along the eastern boundary of the access leg.

In preparing the detailed landscape plan consultation shall be undertaken with adjoining property owners and occupiers to the south east of the school (i.e. Kowhai Street residential properties). Evidence of this consultation shall be provided to Council.

Advice Note: *The purpose of Condition 11 is to engage with these landowners in relation to the location for the larger trees in relation to their property boundaries. The condition solely requires engagement and not approval nor agreement.*

12. Prior to the construction of any noise mitigation fencing along the eastern and northern boundary of the site adjoining Kowhai Street properties, the consent holder shall obtain approval from Council's Team Leader Parks and Facilities relating to the design of any fencing along the common boundary of the Kowhai Street reserve located at 8 Kowhai Street.

Construction

13. Prior to any construction works within the subject site the Consent Holder shall install adequate measures to protect the stormwater systems from sediment / silt infiltration entering the stormwater system. The measures shall be in accordance with Waikato Regional Council's Erosion and Sediment Control Guidelines for Soil Disturbing Activities and maintained for the duration of the construction works.
14. That prior to the commencement of construction works, the Consent Holder shall submit to Council for approval, as to the requirements set out below, a Construction Traffic Management Plan (CTMP) prepared by an appropriately qualified person. The CTMP shall provide details of:
 - a) Methods to limit heavy vehicle movements to appropriate times so as to avoid conflict with vehicles, pedestrians, school buses and cyclists travelling to and from the nearby schools;
 - b) How construction traffic will obtain access via a complying vehicle entrance;
 - c) How vibration effects associated with construction will be suitably managed onsite in accordance with the Waka Kotahi Standard "State Highway Construction and maintenance Noise Vibration Guide" August 2019, Version 1.1.
 - d) How vehicles will avoid tracking dirt onto the adjoining roadway;
 - e) The location and use of designated areas for construction staff to park so that traffic safety and efficiency on the road network are not affected; and
 - f) The location, type and use of fencing around the construction site to avoid unauthorised access.
15. The Consent Holder shall implement the requirements of the CTMP approved pursuant to Condition 14 above, for the duration of the construction and earthworks authorised under this resource consent.
16. That prior to the commencement of any construction works within the existing road reserve associated with this resource consent, the Consent Holder shall submit a Corridor Access Request (CAR) that includes a Traffic Management Plan (TMP) through beforeudig.co.nz which has been prepared by a qualified Site Traffic Management Supervisor (STMS). No works associated with this resource consent must be undertaken within the road reserve until such time as the CAR is approved by Council in writing. The TMP shall provide details of:
 - a) Description of construction staging and proposed activities;
 - b) Hours of work;
 - c) Points of site access;
 - d) Measures to be taken to ensure the safety of pedestrians, road users and contractors;

- e) Contact details for public;
 - f) Expected number of vehicle movements, particularly heavy vehicle numbers during the construction phases;
 - g) Any temporary traffic management proposed; and:
 - h) Measures to prevent tracking of dust and debris onto public roads, e.g. stabilised entrance.
17. Noise from all construction works authorised under this resource consent shall be measures in accordance with and meet the limits NZS6803:1999 “Acoustics - Construction noise”.
18. For the duration of the proposed earthworks/clean-fill activity, there shall be no dust emissions, or vibration effects that cause an objectionable effect at or beyond the boundary of the property on which the earthworks/clean-fill activity is being undertaken.
19. All material removed from the site in the course of the soil disturbance works must be disposed to a suitably licensed facility authorised for receipt of material of that kind. Evidence of this shall be provided to Council’s Monitoring Officer

Stormwater

20. That prior to construction of the access leg and carpark, detailed design for stormwater treatment shall be provided to Council’s Consents Engineer for approval. The new stormwater treatment system shall be designed by a suitability qualified engineer in accordance with MPDC Development Manual 2010.

Advice Note: *Stormwater treatment is required prior to discharge into the soakage system.*

21. That prior to construction of the access leg and carpark, stormwater treatment devices shall be installed in accordance with the Condition 20. Soakage systems, catch pits and pipes shall be constructed in accordance with the combined site services plan prepared by BCD, sheet C-900 Rev 1, dated 16-08-2023. Alternatively, any other suitable servicing strategy can be submitted for approval by Council’s Consents Engineer and construction shall be in accordance with the revised approved plan.
22. That prior to the Planning approval of the building consent for the facility, a detailed stormwater design shall be submitted for stormwater soakage for the new building and hardstand areas. Alternatively, any other suitable servicing strategy can be submitted for approval by Council’s Consents Engineer and construction shall be in accordance with the revised approved plan.

Wastewater

23. That prior to the construction of the facility, a detailed design for wastewater disposal including plans and long sections, shall be submitted to Council’s Consents Engineer for approval for the new wastewater lateral. The plans and long sections shall be in accordance with Matamata-Piako District Council Development Manual 2010. If a wastewater pump is required due to lack to gravity fall than a wastewater pump design and specifications shall be provided to Council’s Consents Engineer for approval.
24. The wastewater lateral (and pump if required) shall be installed in accordance with the approved condition above. If a wastewater pump is installed then the wastewater pump shall be maintained in perpetuity.

25. That a site inspection shall be carried out by the Council's Consents Engineer prior to backfilling of the wastewater lateral and manholes.
26. That sewer connections to Council's mains are to be installed by a certified licenced drain layer.

Water

27. Prior to any use of the facility an independent water supply shall be provided and/or upgraded in accordance with the application documents, and the Matamata-Piako District Council's Development Manual 2010.

Parking

28. Prior to the use of the facility, a minimum of 94 on-site parking spaces shall be provided in accordance with the plan titled "Proposed Site Plan" by Boon Architects, Drawing No: RC1.02, dated August 2023. All loading, manoeuvring and parking areas shall be formed and constructed to the standard outlined in 3.5.6 of the Matamata-Piako District Council Development Manual 2010. The individual vehicle parking spaces must be clearly marked and sealed.
29. The car parking, loading and manoeuvring areas shall be kept free of any obstructions and maintained in accordance with Condition 26 above for the duration of this consent.

Post Construction

30. The Consent Holder shall submit comprehensive "as built" plans of all services which clearly indicate the location of the service connection including coordinates of those structures, fittings and connections, levels on manhole lids, valves and hydrants, depths to pipe inverts, pipe diameters, pipe materials type and other relevant engineering details shall be submitted to Council for approval. The information shall be in accordance with the Infrastructure Code of Practise for the "supply of data" including coordinates of spatial information in terms of New Zealand Transverse Mercator, Invert and lid levels in terms of Moturiki Datum shall be forwarded to Council.

Advice Note: *Council has the right to have the submitted plans peer reviewed at the cost of the consent holder.*

31. All damage to the street, footpath, kerb and channel, road, road carriageway, grass berm and urban services associated with the construction works must be repaired to the satisfaction of Council's Consents Engineer prior to the issue of a code of compliance certificate. This repair work is to be completed at the expense of the consent holder.

Operation and Management of Facility

32. Prior to the use of the facility, the Consent Holder shall prepare an operational management plan (OMP) which shall be submitted to Council's Monitoring Officer to be approved by Council's Team Leader Resource Consents or Planning Manager. The OMP shall outline methods to be used to ensure the conditions of this consent are complied with and shall include, but not necessarily be limited to the following content:
 - a) Ways in which the maximum number of people able to be accommodated at any one time as specified in this consent will be managed
 - b) Ways in which traffic safety and parking management will be managed during large scale events

- c) Ways in which noise generated within the facility will be managed to reduce the potential for adverse noise related effects on the surrounding residential environment.
33. All events and functions undertaken at the proposed facility shall be operated in accordance with the approved OMP under Condition 32 above.
34. The hours of operation for the facility shall be from 6am to 10pm (with an additional 30 minute window either side, i.e. 5.30am to 6am and 10pm to 10.30pm) for set up and pack down. **Provided that up to five times per calendar year, the facility can operate until 11pm with an addition 30 minute window until 11.30pm for pack down.**
35. The noise level from all activities associated with facility (including vehicle movements) shall not exceed the following noise levels when measured at any point within the boundary of any other site:
- a) Day time (7am-7pm): 50db L_{Aeq}
 - b) Evening (7pm-10pm): 45dB L_{Aeq}
 - c) Night time (all other times): 40dB L_{Aeq} and L_{AFMAX} 65dB
36. Noise levels shall be measured in accordance with the provisions of New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of environmental sound” and assessed in accordance with the provisions of the New Zealand Standard NZS 6802:2008 “Acoustics – Environmental Noise”.
37. All internal and exterior lighting shall be directed so that they do not cause a disturbance by way of glare to any adjoining property or adjacent road. All external lighting shall be established and maintained in accordance with the design approved in Condition 6.
38. A Travel and Parking Management Plan (TPMP) shall be prepared and submitted to MPDC’s Transportation Manager for approval no less than three months prior to hosting the first event on-site with more than 200 attendees (including staff etc). As a minimum, the TPMP shall:
- a) Identify the measures to ensure the safety of pedestrians crossing Station Road and cyclists using Station Road with the expected on-street parking related to the large event.
 - b) Identify the measures to address any adverse effects of overflow parking on Station Road and connecting side streets
 - c) Identify the measures to ensure unhindered access and safe operation of accessways for residents of Station Road during all large events.
 - d) Restriction of parking on nearby side roads while maintaining residents and their visitors to readily access their properties.
- Advice Note:*** A new TPMP can be submitted as and when required, however shall be submitted at least three months prior to exercise of the new TPMP.
39. The TPMP shall be implemented for all large events (201 to 400 attendees) that occur within the facility.
40. The TPMP shall be reviewed after each of the first three large events (201 to 400 attendees) to identify any improvements required to the management measures. Each revised TPMP shall be submitted to Council’s Monitoring Officer to be approved by Council’s Roding Team Leader or Roding Manager for approval no less than 20 working days prior to the next large event on the site.

41. Large events shall not occur concurrently with other sports activities on the sports fields, to avoid unmitigated parking, safety and accessibility effects on Station Road.

Monitoring and Review

42. If requested by neighbours within the first twelve months after opening the facility, an appropriately qualified and experienced acoustic engineer will on one occasion monitor the actual noise generation during use of the facility to ascertain whether the noise standards in Condition 35 are being met.

In the event that the acoustic engineer's findings are that the noise standards are not being met, then the acoustic engineer shall provide details of the additional measures that need to be implemented to ensure compliance with the noise standards. The additional measures (if any) shall be implemented by the Applicant, within three months of receiving advice that the measures are required. If necessary, additional testing shall be undertaken by an appropriately qualified and experienced acoustic engineer to confirm compliance and the report provided to Council.

Advice note: Council shall be entitled to commission a peer review of the acoustic reports required under this condition at the consent holders cost.

43. That should the Council receive three or more verified noise complaints regarding the facility within a 12 month period, the consent holder shall, at the Council's request, have the noise emissions from the site monitored by a suitably qualified acoustic engineer without undue delay. As a result of this monitoring, the consent holder shall provide a report from a qualified acoustic engineer detailing the compliance of the site with the noise limits referred to in Condition 35, and in the event of non-compliance, recommendations for additional mitigation measures within 10 working days following the completion of the monitoring. In the event additional mitigation measures are required, the consent holder shall implement these within 6 months of the date that the Council receives the acoustic engineer's report. Once these additional mitigation measures are implemented, the Council may require further monitoring to be undertaken to determine whether the facility then complies with the noise limits referred to in
44. That the Council may (pursuant to Sections 128 and 129 of the Resource Management Act 1991), serve notice on the applicant/consent holder of their intention to review the conditions of this consent after the first large event held in this function centre, and annually thereafter, for the purpose of dealing with any adverse effects that relate to the operation of this facility.

Council will have regard to the effects associated with parking, traffic movements, operational noise and effects on the amenity of the surrounding neighbourhood. The review may take into account peak occupancy of the function centre. If necessary to avoid, remedy or mitigate adverse effects, the review may impose additional conditions to manage any effects beyond what was expected. Where necessary, the review may also take into account recommendations made during the review of the Traffic and Parking Management Plan and may impose additional conditions to implement the recommendations of the TPMP.

Administrative

45. That the charges set out in accordance with Section 36 of the Resource Management Act 1991, be paid to Council for the carrying out of its functions in relation to the administration of this resource consent.