

BEFORE THE MATAMATA-PIAKO DISTRICT COUNCIL

Independent Hearing Commissioner(s)

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER a resource consent application (Council Reference: 102.2023.12883) by Matamata-Piako District Council to establish and operate an indoor sports and recreation facility at Matamata College, Station Road, Matamata.

APPLICANTS RIGHT OF REPLY

MATTHEW CRAIG ALLOTT

Planner

8 August 2024

1.0 INTRODUCTION

- 1.1 My name is Matthew Craig Allott. I am a Senior Principal and Planner at Boffa Miskell Limited. My qualifications are set out in Section 1 of my planning evidence dated 16 July 2024, which was prepared in relation to the Council hearing for a resource consent application (Council Reference: 102.2023.12883) by Matamata-Piako District Council (**MPDC**) to establish and operate an indoor sports and recreation facility at Matamata College, Station Road, Matamata.
- 1.2 The Council hearing was held in Matamata on Thursday 1 August 2024; with Independent Commissioners Mr Bill Wasley (Chair) and Mr James Whetu presiding.
- 1.3 At the conclusion of the hearing, I was invited by the Independent Commissioners to prepare a right of reply on behalf of the applicant. In preparing this right of reply, I have focussed on addressing issues raised at the hearing.
- 1.4 I confirm that I have liaised with the Council Reporting Officer, Emily Patterson, after the adjournment of the Council hearing on Thursday 1 August 2024. The focus of my discussion with Emily Patterson being in relation to the development of a final set of recommended consent conditions, a copy of which is appended¹.

2.0 ISSUES RAISED AT THE HEARING

- 2.1 Several issues were raised by submitters at the Council hearing.

Warren Green

- 2.2 Warren Green appeared at the Council Hearing on behalf of his daughter, Jacinda Green. Jacinda Green owns and occupies 16 Kowhai Street, Matamata. Jacinda Green made a submission in relation to the resource consent application.

¹ See Attachment 1 – Recommended Consent Conditions

2.3 In his presentation at the hearing, Warren Green talked to the submission points made in the original submission, including:

- The height of the new proposed acoustic fence along the common boundary between the school and the neighbouring residential properties located along Kowhai Street
- The placement type of mature tree species to be planted and the location of these mature tree species
- The placement of lights along the proposed driveway and car park area ancillary to the new facility
- Dust and noise control

2.4 In relation to the height of the proposed acoustic fence along the common boundary between the school and Kowhai Street residential properties, the applicant has confirmed through the provision of further information that the height of the acoustic fence along this boundary will be 1.8m high – not 2m high as originally proposed. Marshall Day has confirmed that a 1.8m high solid (acoustic) fence will be sufficient for traffic noise to comply at peak times. The exception to the 1.8m high (solid) acoustic fence along this boundary will be a portion of fencing along the Kowhai Street Reserve boundary. It is proposed to erect a post-and-rail style fence in line with the feedback received from the MPDC Parks and Facilities Team Leader, Mark Naude², which included a need for fencing along this portion of the boundary adjoining the reserve to align with the MPDC Reserves Design Guide. Crime Prevention through Environmental Design (CPTED) principles were also raised during consultation with Mark Naude, with a 1.8m high solid (acoustic) fence along the common boundary between the school and the Kowhai Street Reserve not being deemed appropriate.

2.5 In relation to landscape planting and the selection of mature tree species and the placement of such along the eastern boundary adjacent to the proposed access leg, recommended consent

² See Section 42A Report – Appendix 5, Further Information

condition 13 requires the consent holder to submit a detailed landscape plan for approval, prepared by a suitably qualified and experienced landscape architect. The detailed landscape plan shall address (a) the height of boundary fencing; and (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. Recommended consent condition 13 extends to state that in preparing the detailed landscape plan, consultation shall be undertaken by the consent holder with adjoining property owners and occupiers to the southeast of the school (i.e. Kowhai Street residential properties) and that evidence of this consultation shall be provided by the consent holder to Council. An advice note is also suggested, which states:

*“The purpose of condition 13 is to see the consent holder engage with the Kowhai Street property owners and occupiers in relation to the location of for the larger trees in relation to their property boundaries. The condition solely requires engagement and not approval nor agreement”.*³

- 2.6 In relation to the placement of lights along the proposed driveway and car park area ancillary to the new facility, recommended consent conditions 7 and 8 adequately address any potential risk of adverse light spill effects on neighbouring residential properties, including those residential properties along Kowhai Street. As part of a response to a further information request, a letter from Richard Ismay, Director/Electrical Engineer, Innerscape confirms that compliance will be achieved with the lighting and glare performance standards specified in the District Plan (Rule 5.4)⁴.
- 2.7 In relation to temporary construction effects, including dust nuisance and construction noise; as assessed, the proposal will comply with the relevant performance standards. A comprehensive suite mitigation measures to address potential construction effects form part of the proposal, including the requirement for erosion and sediment control measures and a construction traffic management

³ See Attachment 1 – Recommended Consent Conditions

⁴ See Section 42A Report – Appendix 5, Further Information

plan (CTMP). While there is a raft of recommended consent conditions that relate to the appropriate management of construction effects associated with the proposal, recommended consent conditions 23 and 24 relate specifically to the issues of construction noise and dust, stating ...

“23. Noise from all construction works authorised under this resource consent shall be measured in accordance with and meet the limits NZS6803:1999 “Acoustics – Construction Noise”

24. 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”.⁵

2.8 Overall, the issues raised in the original submission by Jacinda Green, and as presented by Warren Green on behalf of Jacinda Green at the Council hearing on Thursday 1 August 2024, have been (a) considered by the applicant; and (b) where appropriate to do so, incorporated into recommended consent conditions.

Lesley Johnston

2.9 Lesley Johnston appeared at the Council hearing and presented in relation to her comprehensive submission. Lesley Johnston owns and occupies 22 Sylvan Place, Matamata. Key issues raised by Lesley Johnson included:

- The bulk and scale of the proposed facility the adverse impact this will have on the visual amenity enjoyed from her property
- The adverse effect that the proposed facility will have on residential character and amenity values, particularly from a transportation and noise perspective
- The potential for artificial light spill and glare to adversely affect neighbouring residential properties

⁵ See Attachment 1 – Recommended Consent Conditions

- The lack of landscape planting between the proposed facility and her property

2.10 In relation to the bulk and scale of the proposed facility, the underlying designation afforded to the school site and the inextricable link this has to a consideration of a permitted baseline when considering buildings and the bulk and scale of such on the school site has been well traversed throughout resource consent proceedings.

2.11 Through the resource consent process, it has been accepted that a consideration of visual effects as a consequence of the proposed facility upon the surrounding environment needs to take into account the fact that buildings typically associated with school activities (i.e. in accordance with the purpose of the underlying designation) could be constructed as of right anywhere on the school site. The bulk and scale of any such buildings could be similar to that proposed, and depending on their location, could have a more significant adverse visual effect on neighbouring residential properties than that proposed. For example – and in the case of 22 Sylvan Place and the inter-relationship this property has with the school – a decision could be made by the school to construct a two-level classroom block directly adjacent to the common boundary with 22 Sylvan Place. The effect that such a project would have on the visual amenity enjoyed from 22 Sylvan Place would be far more significant than the visual effect to be experienced as a consequence of the proposed facility, which is located approximately 50m away to the east from Sylvan Place residential properties⁶.

2.12 In relation to potential adverse effects on residential character and amenity values, in particular as a consequence of traffic and noise related effects, it has been assessed that the proposed facility will have a no more than minor effect, subject to compliance with the requirements of the recommended consent conditions.

⁶ See Section 42A Report, Figure 2, Proposed Site Plan; See also Attachment 1 – Recommended Consent Conditions (Condition 6(b))

- 2.13 As stated in paragraph 2.6 above, recommended consent conditions 7 and 8 will adequately address any potential risk of adverse light spill effects on neighbouring residential properties.
- 2.14 In relation to the suggestion by Lesley Johnston that consideration be given to landscape planting between the proposed facility and her property, the applicant confirms that a conversation was held with the Project Steering Group, which included representatives from Matamata College (Staff and Board of Trustees) and the Ministry of Education. The feedback from the Project Steering Group was that landscape planting within the open space between the proposed facility and the boundary with 11 Sylvan Place would not be a sustainable use of the school land resource; and furthermore, it could potentially cause CPTED issues. The “need” for such landscape mitigation between the proposed facility and 11 Sylvan Place, located approximately 50m to the west, was also questioned by the Project Steering Group. This was on the basis of the underlying designation and the link this had to the permitted baseline when considering the issue of building bulk and scale on the school site and the consequential effects of such on the surrounding environment.

Independent Commissioners

- 2.15 During the Council hearing several issues were raised by the Independent Commissioners, including:
- Recommended consent condition 5, which requires an evidence base that either (a) Ngati Haua, Raukawa and/or Ngati Hinerangi are agreeable to the proposal being undertaken without a Memorandum of Understanding (MoU) between the consent holder and Iwi; or (b) there is a signed MoU with Ngati Haua, Raukawa and/or Ngati Hinerangi, which acknowledges and adopts the recommendations and outcomes sought by Iwi in regard to the development of the site (in the context of the consented development proposal); ... and whether the imposition of such a condition would impose a requirement on a third party and therefore potentially “frustrate” the implementation of the consent

- Further detail in relation to the Kowhai Street Reserve boundary fencing and the acoustic treatment of such
- The potential concurrent use of the open sports fields at the same time as a large-scale event within the proposed facility and the “perfect storm” effect this could have on the surrounding transportation environment
- A request for further consideration to be given to recommended consent conditions that address the timing of landscape planting and the construction of the proposed acoustic fence along the eastern boundary adjacent to the proposed access leg; and furthermore, the on-going maintenance of landscape planting to ensure intended outcomes are achieved

In relation to recommended consent condition 5 and the need for such, it has become apparent that the applicant made an offer to Iwi in writing in relation to the notion of an MoU back in February 2024 prior to notification⁷. On this basis, recommended consent condition 5 is offered by the applicant as an Augier condition and therefore included in the recommended consent conditions for consideration by the Independent Commissioners. The MPDC email correspondence with Iwi highlights the fact that the project has the general support of all three Iwi⁸, which negates the potential for the implementation of the consent to be “frustrated” by recommended consent condition 5.

- 2.16 In relation to the query regarding the Kowhai Street Reserve fencing and the proposed design response to ensure compliance with District Plan noise standards, Marshall Day has reviewed this matter prior to the Council hearing has and advised the following:

“... removing the section of fence from along the reserve boundary will be acceptable with a return fence to screen the adjacent

⁷ See Attachment 2 – MPDC Email Correspondence, Cultural

⁸ See Attachment 2 – MPDC Email Correspondence, Cultural

*properties (#6 and #14) from the driveway ... 5m return on each side will be enough to comply with the noise limits”.*⁹

Subject to a detailed design process to be associated with the construction of the proposed 1.8m high solid (acoustic) fence along the eastern boundary adjacent to the proposed access leg – which will include a consideration of (a) the post-and-rail portion of fencing along the Kowhai Street Reserve area fronting the school; and (b) the 5m return fencing on either side of the Kowhai Street Reserve (fronting both #6 and #14 Kowhai Street); there will be sufficient mitigation to ensure traffic noise will comply at peak times.

- 2.17 In relation to the potential concurrent use of the open sports fields at the same time as a large-scale event within the proposed facility and the “perfect storm” effect this could have on the surrounding transportation environment; this has been considered by both the applicant and consent authority. Recommended consent condition 53, which is set out below, addresses precisely this issue.

*“53. 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”.*¹⁰

- 2.18 In relation to suggestion that further consideration be given to recommended consent conditions that confirm the timing for the implementation of landscaping and the construction of the proposed acoustic fence; and furthermore, the on-going maintenance of the landscaping that’s been implemented to ensure intended outcomes are achieved; please refer to recommended consent conditions 11, 15 and 16, which for completeness here state:

“11. Prior to use of the facility, the consent holder shall construct the approved access leg noise fence (eastern boundary of access leg), pursuant to Condition 10 above.

⁹ See Attachment 3 – Marshall Day Email Correspondence – Kowhai Street Reserve Fencing

¹⁰ See Attachment 1 – Recommended Consent Conditions

15. The consent holder shall establish all landscaping to the heights, species and number of plants, as shown on the landscape plan(s) approved pursuant to Condition 13 above within the first planting season after construction is completed, to the satisfaction of Council's Monitoring Officer (or delegate).

16. The consent holder shall maintain all landscaping in good health in perpetuity and shall replace any dead and/or diseased plants within the next planting season of an existing plant being identified as being dead and/or diseased".¹¹

3.0 RECOMMENDED CONSENT CONDITIONS

- 3.1 As stated in paragraph 1.4 above, I confirm that I have liaised with the Council Reporting Officer, Emily Patterson, after the adjournment of the Council hearing on Thursday 1 August 2024. The focus of my discussion with Emily Patterson being in relation to the development of a final set of recommended consent conditions, a copy of which is appended¹². Suggested track change edits are shown.
- 3.2 In my opinion, the recommended consent conditions are fair, reasonable and enforceable and will ensure anticipated environmental outcomes are achieved.

4.0 CONCLUSION

- 4.1 The application requires resource consent for a discretionary activity, and as such a decision needs to be made pursuant to Section 104B of the RMA.
- 4.2 It is my opinion, having considered the proposal against the relevant assessment matters under Section 104(1) of the RMA, that the proposal will not give rise to adverse effects on the environment that cannot be avoided, remedied or mitigated. Further, I consider the

¹¹ See Attachment 1 – Recommended Consent Conditions

¹² See Attachment 1 – Recommended Consent Conditions

proposal to be in accordance with the relevant resource management objectives and policies.

4.3 On this basis it is my view that the application can be granted resource consent subject to the recommended consent conditions.

A handwritten signature in black ink, appearing to be 'M. Allott', written over a horizontal line.

Matthew Craig Allott

8 August 2024

Attachment 1 – Recommended Consent Conditions

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: 1029.2023.12883, 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.*

5. That prior to the commencement of any earthworks or civil works authorised under this resource consent the Consent Holder shall provide evidence that either:
 - a) Ngāti Hauā, Raukawa and/or Ngāti Hinerangi are agreeable to the proposal being undertaken without a Memorandum of Understanding (MOU) between the Consent Holder and Iwi; or

b) There is a signed MOU with Ngāti Hauā, Raukawa and/or Ngāti Hinerangi which acknowledges and adopts the recommendations and outcomes sought by Iwi in regard to the development of the site (in the context of the consented development proposal).

Built Form and Design

~~5.6.~~ The Consent Holder shall demonstrate in the building consent plans that the facility is located and constructed in general accordance with the information provided in the application, including:

a) Maximum height of 11.3m above ground level.

~~a)b)~~ Setback at least 49.5m from the eastern Sylvan Place residential properties.

~~b)c)~~ Setback at least 46.6m from the southern Kowhai Street residential properties.

~~6.7.~~ Prior to the Planning approval of the building consent for the Events Centre facility, an external lighting plan for the Events Centre facility 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).

~~7.8.~~ There shall be no large 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.

~~8.9.~~ 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 433545, as measured in accordance with Condition 453647.

10. 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 Conditions 4345 and 443546, as measured in accordance with Condition 453647.

~~9.11.~~ Prior to use of the facility, the consent holder shall construct the approved access leg noise fence (eastern boundary of access leg), pursuant to Condition 10 above.

~~10.12.~~ 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 433445 will be able to be met in relation to:

~~a)~~ Building design; and

~~b)a)~~ and

~~c)b)~~ 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.

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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

~~44.13.~~ 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 ~~1324~~ 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.

~~14.~~ 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.

~~15.~~ The consent holder shall establish all landscaping to the heights, species and number of plants, as shown on the landscape plan(s) approved pursuant to Condition 13 above within the first planting season after construction is completed, to the satisfaction of Council's Monitoring Officer (or delegate).

~~42.16.~~ The consent holder shall maintain all landscaping in good health in perpetuity and shall replace any dead and/or diseased plants within the next planting season of an existing plant being identified as being dead and/or diseased.

Construction

~~43.17.~~ 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.

~~44.18.~~ 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.

45-19. The Consent Holder shall implement the requirements of the CTMP approved pursuant to Condition 45418 above, for the duration of the construction and earthworks authorised under this resource consent.

46-20. 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.

21. That at least 10 working days prior to commencement of earthworks, representatives from Ngāti Hauā, Raukawa and Ngāti Hinerangi must be invited in writing to undertake a karakia or other appropriate cultural ceremony prior to any ground disturbance commencing.

22. That at least 10 working days prior to commencement of any ground disturbance, the consent holder must invite kaumatua or hapu representatives from Ngāti Hauā, Raukawa and Ngāti Hinerangi to undertake cultural monitoring of the earthworks.

Advice Note: *Iwi will be consulted on appropriate notification contacts under Heritage NZ Pouhere Taonga Archaeological Discovery Protocol.*

47-23. Noise from all construction works authorised under this resource consent shall be measured in accordance with and meet the limits NZS6803:1999 "Acoustics - Construction noise".

48-24. 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.

49-25. 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 (being potentially contaminated soil), unless appropriate testing is undertaken by a suitability

qualified and experienced person to demonstrate that the soil is not contaminated. Evidence of this shall be provided to Council's Monitoring Officer.

26. That in the event that an unidentified archaeological site is located during works, the following applies:

- a) Work shall cease immediately;
- b) The contractor must shut down all machinery, secure the area, and advise the Site Manager.
- c) The Site Manager shall secure the site and notify the Heritage NZ Regional Archaeologist. Further assessment by an archaeologist may be required.
- d) The Site Manager shall notify the Heritage NZ Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery, and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met. (Heritage NZ Pouhere Taonga Act 2014, Protected Objects Act 1975).
- e) If human remains (koiwi tangata) are uncovered the Site Manager shall advise the Heritage NZ Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative, and the process under d) above shall apply. Remains are not to be moved until such time as iwi and Heritage NZ have responded.
- f) Works affecting the archaeological site and any human remains (koiwi tangata) shall not resume until Heritage NZ gives written approval for work to continue. Further assessment by an archaeologist may be required.
- g) Where iwi so request, any information recorded as a result of the find, such as a description of location and content, is to be provided for their records.
- h) Heritage NZ will determine if an archaeological authority under the Heritage NZ Pouhere Taonga Act 2014 is required for works to continue.

Stormwater

20-27. 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.*

24-28. That prior to construction of the access leg and carpark, stormwater treatment devices shall be installed in accordance with the [detailed design approved pursuant to Condition 2927 above](#). 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.

22-29. 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

23-30. 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 of gravity fall than a wastewater pump design and specifications shall be provided to Council's Consents Engineer for approval.

24-31. 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.

25-32. That a site inspection shall be carried out by the Council's Consents Engineer prior to backfilling of the wastewater lateral and manholes.

26-33. That sewer connections to Council's mains are to be installed by a certified licenced drain layer.

Water

27-34. 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

35. That prior to construction commencing on site, a detailed design plan of the vehicle crossing and the access leg servicing the site shall be submitted to Council's Consents Engineer for certification. The plan shall be in accordance with MPDC Development Manual (2010 Version) and shall include a stormwater design (in accordance with Condition 2428), provision for trenched services and a shared path for cyclists and pedestrians to the stadium.

36. That the vehicle crossing and the access leg shall be formed and constructed in accordance with the approved design plan referenced in Condition 3235 above. An inspection of the concrete formwork for the crossing place shall be undertaken by Council's Consents Engineer and approved prior to the pouring of the concrete vehicle crossing. Two working days notice of an inspection will be required by council staff. The upgraded vehicle crossing shall be maintained to the above standard for the life of this consent.

37. That prior to construction of the access leg, the bus stop located on Station Road shall be relocated to be clear of the proposed vehicle access. A design plan demonstrating the location and formation of the bus stop, in accordance with NZ Transport Agency's Traffic Control Devices Manual (Part 5) and The Safe Intersection Sight Distance (SISD) of the MPDC Development Manual 2010, shall be submitted to Councils Monitoring Officer for Certification by Council's Roading Asset Engineer. Following the approval of the design plan, the bus stop shall be constructed in accordance with the approved plan.

38. Prior to the use of the facility by the community (i.e. excluding school use), 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.

~~28-39.~~ Prior to the use of the facility, the Consent Holder shall mark out and erect appropriate on-site directional signage to facilitate the use of the access and parking on site. The signage shall be maintained for the duration of this resource consent

~~29-40.~~ The car parking, loading and manoeuvring areas shall be kept free of any obstructions and maintained in accordance with Condition ~~26-3538~~ above for the duration of this consent.

Post Construction

~~30-41.~~ 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 Practice for the "supply of data" including co-ordinates 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.

~~31-42.~~ 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

~~32-43.~~ 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.
- e)d) The process for notifying the neighbouring residential properties of large events, including the start and finish time of the event and any event management that will be implemented during the event.

~~33-44.~~ All events and functions undertaken at the proposed facility shall be operated in accordance with the approved OMP under Condition ~~403243~~ above.

~~45.~~ 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.

~~34.~~

~~35-46.~~ The noise level from all activities associated with the facility (including vehicle movements, (except those vehicle movements following special events that operate until 11pm and—special events restricted- up to five times per calendar year, and which are subject to Condition 443647 below) 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~~70dB

~~47.~~ The noise level from vehicle movements following special events that operate until 11pm shall not exceed the following noise levels when measured at any point within the boundary of any other site:

- a) Following Special Events (7pm-1130pm): 55dB L_{Aeq} and L_{AFMAX} 70dB

~~36-48.~~ 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”.

~~37-49.~~ 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 ~~76.~~

~~38-50.~~ 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 1: *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.*

Advice Note 2: *~~That~~The regular use of the facility by the school (i.e. Matamata College) and adjacent schools (i.e. Firth Primary School and Matamata Intermediate), during school hours, be excluded from the requirement to provide a TPMP, recognising that the attendees are already located on or within walking distance of the facility.*

~~51.~~ The TPMP shall be implemented for all large events (201 to 400 attendees) that occur within the facility.

Advice Note: *It is recognised that not all activities over 200 attendees will result in ~~the~~ parking demand exceeding 120 spaces. For these activities, a generic TPMP may be*

appropriate, that states that the parking demand is not expected to exceed 120 spaces, and therefore a subsequent TTM plan is not required for that activity.

39-52. The TPMP shall be reviewed after the first three large events (201 to 400 attendees) that require a TPMP and thereafter after each of the first three large events (201 to 400 attendees) at a minimum of every 12 months 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 Roading Team Leader or Roading Manager for approval no less than 20 working days prior to the next large event on the site.

40-53. 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

41-54. 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 433546 (or Condition 4447 if relevant) 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.

42-55. 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 433546 (and Condition 4447 if relevant), 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 Condition 463 (and Condition 4744 if relevant).

43-56. 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

44.57. 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.

Attachment 2 – MPDC Email Correspondence – Cultural

Matt Allott

From: Emily Patterson <epatterson@bbo.co.nz>
Sent: Tuesday, 6 August 2024 1:44 pm
To: Matt Allott
Subject: Te Whare Whakapakari - Iwi Engagement
Attachments: FW: RC Application for Viewing 102.2023.12883 Raukawa Response ; FW: Confirmation from iwi; FW: MPDC - Te Whare Whakapakari - Matamata Stadium Resource Consent

Hi Matt,

Attached is all of the correspondence relating to iwi engagement from MPDC consent authority perspective. Timeline/summary to help follow it all is:

1. Samantha Vautier sent application to Ngati Hinerangi, Ngati Haua and Raukawa on 22 November 2023 (unfortunately that email does not list the recipients).
2. Council (Samantha) received a response (email and letter in support) from Ebony Nicholas of Raukawa on 8 December 2023.
3. Ally van Kuijk ('District Planner' at the time the email was sent however is now 'Group Manager, Growth and Regulation') sent an email directly to Hinerangi Vaimoso from Ngati Hinerangi summarising a phone call or meeting they had and requesting a reply email as written confirmation of support, on 16 February 2024. Ally mentioned that the applicant had verbally offered the MOU/CVA, hence the wording in this email.
4. Hinerangi Vaimoso replied to Ally's email on 19 February 2024 confirming that all three iwi are in support of the application.
5. Lastly Ally sent a response back to Hinerangi on 19 February 2024 asking for input on selection of hearing commissioners, in which I have not seen a response.

Can you please send the updated condition set to me for checking and so I can share with Council staff before it goes to the commissioners.

Let me know if there was anything else.

Cheers
Emily



Emily Patterson PLANNER
Level 5, Building E, Union Square, 192 Anglesea Street
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E epatterson@bbo.co.nz W www.bbo.co.nz

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Matt Allott

From: Sarah Osborne <SOsborne@mpdc.govt.nz>
Sent: Tuesday, 30 July 2024 12:39 pm
To: Emily Patterson
Subject: FW: RC Application for Viewing 102.2023.12883 Raukawa Response
Attachments: 2023 11 29 Response Letter - Te Whare Whakapakari.pdf

Sarah Osborne | Team Leader Resource Consents

Matamata-Piako District Council

35 Kenrick Street, PO Box 266, Te Aroha 3342

p 07 884 0060 | ext | w www.mpdc.govt.nz

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From: Ebony Nicholas <ebony.nicholas@raukawa.org.nz>
Sent: Friday, 08 December 2023 11:48
To: Samantha Vautier <svautier@mpdc.govt.nz>
Subject: RE: RC Application for Viewing 102.2023.12883

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Tēnā koe Samantha,


Please find attached a formal response letter from Raukawa Charitable Trust regarding the resource consent application for Te Whare Whakapakari.


For our records would you please forward a copy of the Consent Decision Report should this application be approved? Many thanks.


Ebony Nicholas


Administrator – Te Uraura, Pūtake Taiao

 **Raukawa**

 07 885 0260

 0800 728 5292

 764

 0272741803

 ebony.nicholas@raukawa.org.nz

 www.raukawa.org.nz

1-11 Raukawa Way | Tokoroa | 3420 - Private Bag 8 | Tokoroa | 3444

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Raukawa

29th November 2023

Samantha Vautier
Matamata-Piako District Council

By email: svautier@mpdc.govt.nz

Tēnā koe Samantha,

RESOURCE APPLICATION FOR NEW FACILITY AT STATION ROAD, MATAMATA

Thank you for providing the opportunity for Raukawa Charitable Trust to comment on the application for a new facility at Station Road, Matamata. Pūtake Taiao - Raukawa Environment team have reviewed your application assessment material. Resulting from this review I can advise that although Raukawa has associated interests in the area, the location for this proposal is not within the Raukawa takiwā.

Therefore, Raukawa Charitable Trust have no further comments to add under the proviso that you are engaging with Ngāti Hāua who will be able represent mana whenua interests for the takiwā

Nāku noa, nā



Ebony Nicholas
Administrator – Te Uraura, Pūtake Taiao



Matt Allott

From: Sarah Osborne <SOsborne@mpdc.govt.nz>
Sent: Tuesday, 30 July 2024 12:36 pm
To: Emily Patterson
Subject: FW: Confirmation from iwi

Sarah Osborne | Team Leader Resource Consents
Matamata-Piako District Council
35 Kenrick Street, PO Box 266, Te Aroha 3342
p 07 884 0060 | **ext** | **w** www.mpdc.govt.nz
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From: Ally van Kuijk <AvanKuijk@mpdc.govt.nz>
Sent: Monday, 19 February 2024 3:41
To: Hinerangi Vaimoso <hinerangivaimoso@ngatihinerangiwi.co.nz>
Cc: Lisa Gardiner <Lisa@ngatihauaiwitrust.co.nz>; Amer Daji <aamer.daji@raukawa.org.nz>; Samantha Vautier <svautier@mpdc.govt.nz>
Subject: RE: Confirmation from iwi

Kia ora Hinerangi,

Thanks heaps for the email below, this will allow the planning process to continue for this project.

Sorry I forgot to discuss this on the Mteams today but it is likely that this project will be limited notified. If one person submits and wants to be heard a hearing will be required. Should we require a hearing, I just wanted to check whether you or the other iwi would like a commissioner proficient in tikanga māori or whether you are happy to just have one commissioner given the main issues for the planning process are noise and transport. Please note this will not affect any of the processes or decision making you have with the Trust it is simply the planning process.

Ngā mihi

Ally van Kuijk | District Planner
Matamata-Piako District Council 35 Kenrick Street, PO Box 266, Te Aroha 3342
p 07 884 0060 | **ext** 7070 | **w** www.mpdc.govt.nz

Please consider the environment before printing this email

From: Hinerangi Vaimoso <hinerangivaimoso@ngatihinerangiwi.co.nz>
Sent: Monday, 19 February 2024 2:01
To: Ally van Kuijk <AvanKuijk@mpdc.govt.nz>
Cc: Lisa Gardiner <Lisa@ngatihauaiwitrust.co.nz>; Amer Daji <aamer.daji@raukawa.org.nz>
Subject: Confirmation from iwi

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Kia ora Ally,

This is just to confirm with you that all three iwi connected with Matamata are in support of the Matamata Indoor Sports and Recreation Hub/Te Whare Whakapakari.

All three iwi have a representative enlisted on the trust for the stadium including Rangitonga Kaukau, Rangi Douglas and myself. They have all contributed to the project by way of participation in the announcement to the community, attending meetings and sharing ideas around cultural impact and narrative.

Ngā mihi,
Hinerangi

--
Hinerangi Vaimoso
EA to CE Chris McKenzie I Communications I Social Funding
M: 0211991699
E: hinerangivaimoso@ngatihinerangiwi.co.nz
W: www.ngatihinerangiwi.co.nz



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Matt Allott

From: Emily Patterson <epatterson@bbo.co.nz>
Sent: Wednesday, 31 July 2024 1:51 pm
To: Matt Allott; Chris Lee
Cc: Sarah Osborne
Subject: RE: Te Whare Whakapakari - Pre-hearing correspondence
Attachments: FW: Iwi Consultation - MPDC - Te Whare Whakapakari - Matamata Stadium Resource Consent

Hi Matt,

Apologies about the piecemeal approach to compiling these conditions and discussions. Thank you for your time and efforts working through everything with us. I am sure this effort will pay off in the hearing tomorrow if we can get to an agreed position.

In addition to the below, it was brought to my attention yesterday that there was some early correspondence between Council as the applicant, and Council as the consent authority in relation to Cultural Values Assessment and/or and Memorandum of understanding with iwi. Also understand that there was some correspondence sent from Sarah directly to Chris Lee yesterday, which I have attached.

Just wanted to round this off and bring everyone into the discussion. As a result of that early correspondence, we seek to also add the following conditions. Could you also please review these and provide any comments and if you agree to these conditions.

1. *That prior to the commencement of any earthworks or civil works authorised under this resource consent the Consent Holder shall provide evidence that either:*
 - a) *Ngāti Hauā, Raukawa and Ngāti Hinerangi are agreeable to the proposal being undertaken without a Memorandum of Understanding (MOU) between the Consent Holder and Iwi; or*
 - b) *There is a signed MOU with Ngāti Hauā, Raukawa and Ngāti Hinerangi which acknowledges and adopts the recommendations and outcomes sought by Iwi in regard to the development of the site (in the context of the consented development proposal).*
2. That in the event that an unidentified archaeological site is located during works, the following applies:
 - a) Work shall cease immediately;
 - b) The contractor must shut down all machinery, secure the area, and advise the Site Manager.
 - c) The Site Manager shall secure the site and notify the Heritage NZ Regional Archaeologist. Further assessment by an archaeologist may be required.
 - d) The Site Manager shall notify the Heritage NZ Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery, and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met. (Heritage NZ Pouhere Taonga Act 2014, Protected Objects Act 1975).
 - e) If human remains (koiwi tangata) are uncovered the Site Manager shall advise the Heritage NZ Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative, and the process under d) above shall apply. Remains are not to be moved until such time as iwi and Heritage NZ have responded.
 - f) Works affecting the archaeological site and any human remains (koiwi tangata) shall not resume until Heritage NZ gives written approval for work to continue. Further assessment by an archaeologist may be required.
 - g) Where iwi so request, any information recorded as a result of the find, such as a description of location and content, is to be provided for their records.
 - h) Heritage NZ will determine if an archaeological authority under the Heritage NZ Pouhere Taonga Act 2014 is required for works to continue.

3. That at least 10 working days prior to commencement of earthworks, representatives from Ngāti Hauā, Raukawa and Ngāti Hinerangi must be invited in writing to undertake a karakia or other appropriate cultural ceremony prior to any ground disturbance commencing.
4. That at least 10 working days prior to commencement of any ground disturbance, the consent holder must invite kaumatua or hapu representatives from Ngāti Hauā, Raukawa and Ngāti Hinerangi to undertake cultural monitoring of the earthworks.

Advice notes: Iwi will be consulted on appropriate notification contacts under Heritage NZ Pouhere Taonga Archaeological Discovery Protocol.

Give me a call this afternoon to discuss.

Cheers
Emily



Emily Patterson PLANNER

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From: Emily Patterson
Sent: Tuesday, July 30, 2024 4:04 PM
To: Matt Allott <Matt.Allott@boffamiskell.co.nz>
Cc: Thato Mariti <tmariti@bbo.co.nz>; neil@savoryacoustics.co.nz; Sarah Osborne <SOsborne@mpdc.govt.nz>
Subject: RE: Te Whare Whakapakari - Pre-hearing correspondence

Hi Matt,

Thanks for today's session.

As discussed, please see the attached amended conditions. This includes:

1. Removal of Condition 10(b) on the basis that there are other acoustic design report requirements, OMP condition and monitoring/review conditions.
2. Addition of access design and construction requirements in Conditions 28 and 29.
3. Addition of bus stop design and construction requirements in Condition 30.
4. Addition of on site directional signage requirements in Condition 32.
5. Relocation of the condition requiring the neighbours to be notified of large events into the OMP condition.

After the meeting, I had a discussion with Thato and have read through Bruce's transportation assessments again and we are comfortable with 26 car parking spaces being accommodated on Station Road without specific temporary traffic management. Noting that TPMP requirements are based on vehicle movements as opposed to parking demand. Apologies about the back and forward on this. On this basis, no further information is required from Bruce or yourself in relation to this issue.

For the above reasons, the remaining information to be provided, as discussed earlier includes:

- L_{AFMAX} data from the logging.

- A dB value for vehicle movements associated with the 5 special events per year, that will occur in the night time period.

If you could accept the tracked changes that you agree with in the attached we can do some final reviews and edits prior to Thursday.

Kind regards
Emily



Emily Patterson PLANNER

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From: Emily Patterson
Sent: Monday, July 29, 2024 3:01 PM
To: Matt Allott <Matt.Allott@boffamiskell.co.nz>
Cc: Thato Mariti <tmariti@bbo.co.nz>; neil@savoryacoustics.co.nz; Sarah Osborne <SOsborne@mpdc.govt.nz>
Subject: RE: Te Whare Whakapakari - Pre-hearing correspondence

Hi Matt,

I have added in red below the information required to confirm the L_{AFMAX} limit.

Please also note that there is likely to be one more addition to the consent conditions (likely as an advice note), relating to the relocation of the bus stop. I will send through this wording as soon as possible.

Thanks
Emily



Emily Patterson PLANNER

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From: Emily Patterson
Sent: Monday, July 29, 2024 2:07 PM
To: Matt Allott <Matt.Allott@boffamiskell.co.nz>
Cc: Thato Mariti <tmariti@bbo.co.nz>; neil@savoryacoustics.co.nz; Sarah Osborne <SOsborne@mpdc.govt.nz>
Subject: Te Whare Whakapakari - Pre-hearing correspondence
Importance: High

Hi Matt,

Our team has taken the time to review your evidence and we are keen to work through the following concerns/matters pre-hearing. Would be great to agree on conditions before Thursday.

Traffic:

The traffic peer reviewer has reviewed the evidence and has the following comments/concerns:

- It is still considered that the TPMP should be reviewed after the first three large events. This is to address any inadequacies immediately, instead of waiting 12 months (and potentially 6 events) prior to addressing those issues. This will protect the amenity and safety of the surrounding neighborhood and also the safety and amenity of the road network. As such, I have made some further amendments to your version of tracked change consent conditions as attached. Please confirm if you accept this condition.
- We agree with your additional advice note allowing for regular use of the facility by the school, during school hours to be excluded from the requirement to provide a TPMP. I have also grouped in the two adjacent schools, acknowledging that it is unlikely those schools will drive to the facility. However note that this does not provide for any events where schools other than the above are involved in the activity (i.e. interschool athletics/sports games).
- It is acknowledged that a more pragmatic approach to the TPMP requirements will be a better outcome. However to ensure the condition still effectively manages identified effects, the peer reviewer requests the following:
 - How will the expected parking demand be calculated / predicted? And what management measures will be implemented if the predicted demand is exceeded at the time of the event?
 - There are residual concerns with any overflow of parking onto Station Road and the associated safety and efficiency effects. More information is required as to why overflow parking is now considered to be acceptable, and more information is required in relation to the safety effects of overflow parking on Station Road. Please provide.

Noise:

The noise peer reviewer has the following comments:

- The peer reviewer is considering L_{AFMAX} noise limit as 70dBA and will confirm this today/tomorrow. To assist, could you please extract the L_{AFMAX} data from the logging (**specifically, 15min LAFmax and also LA01 and LA05 to get a better picture of general max levels**) so we have that information on file? Thank you.
- In relation to non compliance with night time noise limits, the peer reviewer agrees that the limited duration and frequency alongside notifying the neighbours, that the vehicle movements associated with large events in the night time period can be excluded from the night time noise limits and not result in significant effects. However as opposed to a flat exclusion within the existing noise limit condition, Mr Savory prefers the inclusion of an additional noise limit condition, providing for more permissive noise limits for vehicle movements in the night time period (up to 5 times per year) . Could you please provide the predicted noise expected to be generated by the “94 vehicles in approximately 30 minutes”? This will allow me to draft an appropriate consent condition.
- I have added a condition requiring the neighbouring properties to be notified prior to a large/special event.
- Lastly, we agree to delete Condition 10(b) however, it would however be good to understand:
 1. what traffic control measures are anticipated in the OMP; and
 2. If the monitoring shows traffic noise to exceed limits then what measures can be implemented?

This will allow us to have more certainty over noise management given that noise is a major concern of submitters.

Happy to set up a teams meeting and discuss this with you. I am available this afternoon and tomorrow except for 10am-11am.

Kind regards
Emily

Matt Allott

From: Sarah Osborne <SOsborne@mpdc.govt.nz>
Sent: Tuesday, 30 July 2024 5:29 pm
To: Emily Patterson
Subject: FW: Iwi Consultation - MPDC - Te Whare Whakapakari - Matamata Stadium Resource Consent

FYI... will keep you in the loop!

Sarah Osborne | Team Leader Resource Consents

Matamata-Piako District Council

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From: Sarah Osborne
Sent: Tuesday, 30 July 2024 5:28
To: Chris Lee <clee@mpdc.govt.nz>
Cc: Ally van Kuijk <AvanKuijk@mpdc.govt.nz>; Nathan Sutherland <nsutherland@mpdc.govt.nz>
Subject: RE: Iwi Consultation - MPDC - Te Whare Whakapakari - Matamata Stadium Resource Consent

Hi Chris,

I just had a quick chat with Ally about Iwi involvement. Ally mentioned that the MOU was offered by Council (as the Applicant) and she thought that this had been drafted earlier in the year but not yet signed. I didn't get this indication from our discussion just now though? Although the email below also indicates this.

We are now leaning toward imposing a condition of consent that would require a signed MOU prior to undertaking works on site, noting that this is something that Iwi have an expectation of. We are thinking of something along the lines of... I'll call you in the morning to discuss. 😊

1. That prior to the commencement of any earthworks or civil works authorised under this resource consent the Consent Holder shall provide evidence that they have signed an MOU with Ngati Haua, Raukawa and Ngati Hinerangi which acknowledges and adopts the recommendations and outcomes sought by Iwi in regard to the development of the site (in the context of the consented development proposal) and that either a working group or representative from Ngati Haua, Raukawa and Ngati Hinerangi be elected to inform the cultural landscape, design and construction phases throughout the project. Any agreed variations to the timing and/or scope of this condition between the Consent Holder and the Iwi working group or representative shall be confirmed with Council in writing.

In addition to the above we would seek to add an accidental discovery protocol condition and a site blessing condition examples below

2. That in the event that an unidentified archaeological site is located during works, the following applies:
 - a) Work shall cease immediately.
 - b) The contractor must shut down all machinery, secure the area, and advise the Site Manager.
 - c) The Site Manager shall secure the site and notify the Heritage NZ Regional Archaeologist. Further assessment by an archaeologist may be required.
 - d) The the Site Manager shall notify the Heritage NZ Regional Archaeologist and the appropriate Iwi groups or kaitiaki representative of the discovery, and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met. (Heritage NZ Pouhere Taonga Act 2014, Protected Objects Act 1975).

- e) If human remains (koiwi tangata) are uncovered the Site Manager shall advise the Heritage NZ Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative, and the process under d) above shall apply. Remains are not to be moved until such time as iwi and Heritage NZ have responded.
 - f) Works affecting the archaeological site and any human remains (koiwi tangata) shall not resume until Heritage NZ gives written approval for work to continue. Further assessment by an archaeologist may be required.
 - g) Where iwi so request, any information recorded as a result of the find, such as a description of location and content, is to be provided for their records.
 - h) Heritage NZ will determine if an archaeological authority under the Heritage NZ Pouhere Taonga Act 2014 is required for works to continue.
3. That at least 10 working days prior to commencement of earthworks, representatives from Ngati Haua, Raukawa and Ngati Hinerangi must be invited in writing to undertake a karakia or other appropriate cultural ceremony prior to any ground disturbance commencing.
 4. That at least 10 working days prior to commencement of any ground disturbance, the consent holder must invite kaumatua or hapu representatives from Ngati Haua, Raukawa and Ngati Hinerangi to undertake cultural monitoring of the earthworks.

Advice notes: Iwi will be consulted on appropriate notification contacts under Heritage NZ Pouhere Taonga Archaeological Discovery Protocol.

It is an offence under s 87 of the Heritage NZ Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an authority from Heritage NZ, irrespective of whether the works

Sarah Osborne | Team Leader Resource Consents

Matamata-Piako District Council

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From: Ally van Kuijk <AvanKuijk@mpdc.govt.nz>

Sent: Friday, 16 February 2024 12:06

To: Hinerangi Vaimoso <hinerangivaimoso@ngatihinerangiwi.co.nz>

Cc: Chris Lee <clee@mpdc.govt.nz>; Samantha Vautier <svautier@mpdc.govt.nz>

Subject: MPDC - Te Whare Whakapakari - Matamata Stadium Resource Consent

Mōrena Hinerangi,

Thanks for taking my call this morning.

As discussed, we are getting close to the notification phase of the resource consent for Te Whare Whakapakari. I understand you have been working closely with the Trust and Council on this project and it was agreed that you would be the key contact on behalf of Ngāti Hauā, Ruakawa and Ngāti Hinerangi iwi.

As discussed, while you continue to work with the Trust and Council on your MOU/CVA, for the notification we require confirmation that you have been consulted and are supportive of the project. **The applicant is happy to add a condition of consent to require the MOU/CVA to be completed prior to building**

From our discussion, I took it that you were happy with this approach and as a result could you please reply to this email so we have written confirmation of your support. In addition, in the absence of the MOU/CVA, I would like to send this email to Lisa and Andrea just so I have something on file prior to notification from all iwi if that is ok.

Many thanks for your help on this matter

Ngā mihi

Ally van Kuijk | District Planner

Matamata-Piako District Council 35 Kenrick Street, PO Box 266, Te Aroha 3342

p 07 884 0060 | ext 7070 | w www.mpdc.govt.nz

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**Attachment 3 – Marshall Day Email Correspondence –
Kowhai Street Reserve Fencing**

Matt Allott

From: Chiaki Fenemore <chiaki.fenemore@marshallday.co.nz>
Sent: Tuesday, 11 June 2024 1:48 pm
To: Chris Lee
Cc: Dylan Workman | Frequency; Niamh Priest; Matt Allott
Subject: RE: Te Whare Whakapakari - Draft Consent Conditions

Hi Chris,

As I confirmed on the phone, removing the section of fence along the reserve boundary will be acceptable with a return fence to screen the adjacent properties (#6 and #14) from the driveway. I've done some quick calculations and it looks like a 5m return on each side will be enough to comply with the noise limits.

Whether the existing fence is sufficient may require us to come and inspect – an acoustic barrier needs to be solid with no gaps, including where it meets the ground, and should have a minimum surface mass. We've included some advice for building an acoustic fence in our updated report.

Hopefully that answers your questions, let me know if you want to discuss further.

Chiaki Fenemore (he/him)



405/24 Garden Place, Hamilton
marshallday.com | T: 07 834 3022 | M: 021 149 1742

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From: Chris Lee <clee@mpdc.govt.nz>
Sent: Monday, June 10, 2024 2:26 PM
To: Chiaki Fenemore <chiaki.fenemore@marshallday.co.nz>
Cc: Dylan Workman | Frequency <DylanW@frequency.nz>; Niamh Priest <niamh.priest@boffamiskell.co.nz>; Matt Allott <Matt.Allott@boffamiskell.co.nz>
Subject: FW: Te Whare Whakapakari - Draft Consent Conditions

Hi Chiaki

Thanks for your time on the phone. Could you please look into what we would need to do if we changed the fence type between the Kowhai Street Reserve and the School to a post and rail type fence (as shown in the attached)? You mentioned having to fence the return fences to the adjoining properties, would be great to know the length of these returns.

Happy to discuss over the phone further if needed.

Cheers

Chris Lee | Project Manager
Matamata-Piako District Council Morrinsville Area Office: 56 Canada Street, Morrinsville
Postal address: PO Box 266, Te Aroha 3342
p 07 884 0060 | **m** 027 359 0291 | **w** www.mpdc.govt.nz

From: Niamh Priest <niamh.priest@boffamiskell.co.nz>
Sent: Monday, 10 June 2024 1:20
To: Chris Lee <clee@mpdc.govt.nz>
Subject: FW: Te Whare Whakapakari - Draft Consent Conditions

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Hi Chris,

As discussed, below is the correspondence from Emily Patterson regarding the Kowhai Street reserve fence. If we could confirm the fencing along the Kowhai reserve, with the benefit of a conversation with the parks team – noting the initial advice to Emily from Mark below.

I will hold off responding to Emily in the meantime.

Cheers,
Niamh

Niamh Priest | Planner

E: niamh.priest@boffamiskell.co.nz | D: +64 7 926 4039 | LEVEL 5 | 35 GREY STREET | TAURANGA 3110 | NEW ZEALAND

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From: Emily Patterson <epatterson@bbo.co.nz>
Sent: Thursday, June 6, 2024 7:44 AM
To: Niamh Priest <niamh.priest@boffamiskell.co.nz>
Subject: RE: Te Whare Whakapakari - Draft Consent Conditions

You don't often get email from epatterson@bbo.co.nz. [Learn why this is important](#)

Thanks Niamh.

I checked in with the Parks and Facilities team leader (Mark Naudè) proactively. He advised the following FYI:

“We would rather not have a solid fence along the boundary with the reserve as it reduces passive surveillance of the park and solid fences tend to become a magnet for graffiti. Our preferred boundary fence styles are outlined in the attached document.

It would also be a pity I think to lose the pedestrian link between the park and the school grounds.”

Could you please address this and let me know where you land? Noting that a break in the noise fence may require potential noise effects on directly adjoining properties to be addressed.

Mark's email address is:
mnaude@mpdc.govt.nz

Thanks
Emily



Emily Patterson PLANNER

Level 5, Building E, Union Square, 192 Anglesea Street
PO Box 9041, Hamilton, 3240
R +64 07 838 0144 D +64 027 845 4321
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From: Niamh Priest <niamh.priest@boffamiskell.co.nz>
Sent: Wednesday, June 5, 2024 8:16 PM
To: Emily Patterson <epatterson@bbo.co.nz>
Subject: RE: Te Whare Whakapakari - Draft Consent Conditions

Hi Emily,

Apologies I haven't responded to your query yet, I will double check this tomorrow and get back to you.

Thanks,
Niamh

Niamh Priest | Planner

E: niamh.priest@boffamiskell.co.nz | D: +64 7 926 4039 | LEVEL 5 | 35 GREY STREET | TAURANGA 3110 | NEW ZEALAND

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From: Emily Patterson <epatterson@bbo.co.nz>
Sent: Wednesday, June 5, 2024 8:04 AM
To: Niamh Priest <niamh.priest@boffamiskell.co.nz>
Cc: Matt Allott <Matt.Allott@boffamiskell.co.nz>
Subject: RE: Te Whare Whakapakari - Draft Consent Conditions

Thanks Matt for the below conditions. I should be able to share a set of draft conditions over the next two weeks.

Hi Niamh,

Just wanted to confirm that the 2m noise fence will be erected along the Kowhai St Council reserve as well (at 8 Kowhai Street)? I may just need to touch base with Council's reserve team regarding this.

Thanks
Emily



Emily Patterson PLANNER

Level 5, Building E, Union Square, 192 Anglesea Street
PO Box 9041, Hamilton, 3240
R +64 07 838 0144 D +64 027 845 4321
E epatterson@bbo.co.nz W www.bbo.co.nz

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From: Matt Allott <Matt.Allott@boffamiskell.co.nz>

Sent: Friday, May 31, 2024 5:44 PM

To: Emily Patterson <epatterson@bbo.co.nz>

Cc: Niamh Priest <niamh.priest@boffamiskell.co.nz>; Manaia Te Wiata <MTeWiata@mpdc.govt.nz>; Chris Lee <clee@mpdc.govt.nz>; Dylan Workman <DylanW@frequency.nz>; Frank Healey <fj.healey@xtra.co.nz>

Subject: Te Whare Whakapakari - Draft Consent Conditions

Kia ora Emily,

Following the pre-hearing discussion with submitters; we advise that the applicant would welcome draft proposed consent conditions that seek to address the following issues:

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:

- *Height of boundary fencing*
- *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 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:

- *Ways in which the maximum number of people able to be accommodated at any one time as specified in this consent will be managed*
- *Ways in which traffic safety and parking management will be managed during large scale events*
- *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*

The above-mentioned wording is 'conceptual only' and obviously subject to review/amendment. Consideration will also need to be given to monitoring and/or review conditions (s128, RMA) to ensure there's an appropriate "safety net" in relation to the management of amenity related effects.

As advised, I'm away on annual leave for the month of June. Niamh Priest in our office is available to assist with anything (as required); however, I understand you are now in a position to prepare your Section 42A Report, which I note is due in early July. I return to work on 1 July so will endeavour to catch up with you then.

Nga mihi,
Matt

Matt Allott | Planner | Senior Principal

E: matt.allott@boffamiskell.co.nz | D: +64 7 571 5623 | M: +64 27 423 3604 | LEVEL 5 | 35 GREY STREET | TAURANGA 3110 | NEW ZEALAND

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