

**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.

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**STATEMENT OF EVIDENCE OF CHIAKI FENEMORE**

**Acoustic Consultant**

16 July 2024

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## **1.0 INTRODUCTION**

- 1.1 My full name is Chiaki Fenemore. I hold the qualifications of a PhD in Mechanical Engineering and a Bachelor of Engineering (Hons) in Mechanical Engineering from the University of Auckland. I am an Affiliate of the Acoustical Society of New Zealand.
- 1.2 I have been an acoustic consultant for two years at Marshall Day Acoustics (Marshall Day), Hamilton.
- 1.3 I have visited the application site and am familiar with the surrounding environment.
- 1.4 I have read the Section 42A report prepared by Emily Patterson, consultant planner acting on behalf of Matamata-Piako District Council (MPDC), and the acoustic peer review prepared by Neil Savory of Savory Acoustics Limited, in relation to the application for resource consent by MPDC. I am familiar with the issues that have been raised in submissions.

## **2.0 CODE OF CONDUCT**

- 2.1 I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and I agree to comply with it. The evidence I will present today is within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted facts or information that might alter or detract from the opinions I express.

## **3.0 SCOPE OF EVIDENCE**

- 3.1 I have been asked to provide expert noise evidence in relation to a resource consent application by the applicant to establish and operate an indoor sports and recreation facility at Matamata College, Station Road, Matamata.

3.2 My evidence addresses matters under the following headings:

- Noise Assessment Peer Review – Savory Acoustics
- Night-Time Noise Effects
- Section 42A Report and Consent Conditions
- Conclusion

#### **4.0 NOISE ASSESSMENT PEER REVIEW – SAVORY ACOUSTICS**

4.1 I have reviewed the peer review of my Assessment of Noise Effects (ANE) completed by Mr Savory (Savory Acoustics Limited). Mr Savory agrees with my findings.

4.2 Mr Savory recommends that the proposed conditions include a night-time  $L_{AFmax}$  noise limit of 65 dB. Mr Savory also recommends that acoustic design reports relating to the building façade, noise barriers, and mechanical plant are submitted to MPDC as part of building consent documentation.

4.3 I agree with the recommendation to include a night-time  $L_{AFmax}$  noise limit. However, I consider that a limit of 65 dB  $L_{AFmax}$  is too conservative. Mr Savory notes in his peer review that the proposed rules are 5 dB lower than the guideline levels provided in NZS6802:2008. To be consistent with this, I believe a 70 dB  $L_{AFmax}$  limit is more appropriate. This is in line with other MPDC rules, which include the following:

- Hobbiton Movie Set Development Concept Plan – 70 dB  $L_{AFmax}$
- Proposed Plan Change 58 (Proposed General Industrial Zone) – 75 dB  $L_{AFmax}$
- Plan Change 55 (Fonterra Waitoa) – 75 dB  $L_{AFmax}$

4.4 I otherwise agree with the comments and recommendations in Mr Savory's peer review.

## 5.0 NIGHT-TIME NOISE EFFECTS

- 5.1 The Section 42A report requests that further information is provided regarding traffic movements in the night-time period.

### Noise from vehicle movements during typical operation can comply in the night-time period

- 5.2 My ANE found that up to 12 vehicle movements per hour in the night-time period (10pm – 7am) would comply with the proposed night-time noise limit.
- 5.3 Typical operating hours are proposed to be 6am to 10pm, with an additional 30-minute window on either side. This will involve a small number of staff required to open the building in the mornings and pack down and close the building at night after events have ended.
- 5.4 I consider that it is reasonable to expect that opening and pack down could be conducted with a number of staff that would generate less than 12 vehicle movements per hour.

### Vehicle movement noise following special events is ameliorated by notification, frequency and duration

- 5.5 It is proposed that the facility may host larger events finishing at 11pm at night, with an additional 30-minute window to pack down until 11:30pm, up to five times per year.
- 5.6 At the end of a special event there is the potential for a brief period of vehicle movements that could exceed 12 per hour.
- 5.7 In lieu of specific information we have assumed that a full carpark of 94 vehicles could empty in approximately 30 minutes.
- 5.8 For this brief period, the noise from vehicle movements would be greater than the night-time noise limit (40 dB  $L_{Aeq}$ ).
- 5.9 However, the vehicle movements are limited in duration (to around 30 minutes) and frequency (to five times per year).

- 5.10 Furthermore, I expect that notification of special events would be one of the ways in which noise will be managed per the proposed operational management plan required by proposed Condition 32.
- 5.11 The combination of limited frequency, limited duration and notification would ameliorate the potential noise effects of vehicle movements after 11pm.
- 5.12 In my opinion the effect of noise from vehicle movements following special events would be moderate.

Special events could be recognised by special conditions

- 5.13 It is common for venues to have conditions with more permissive noise limits for limited or temporary events such as those proposed. Examples include:

- Claudelands Events Centre, Hamilton – which has more permissive noise limits for six events per year, until 11pm.
- Seddon Park, Hamilton – which has more permissive noise limits for six events per year, until 11pm.
- Hobbiton Movie Set, Matamata - which has more permissive noise limits for six events per year, until 10.30pm.
- Trusts Arena, Auckland – which has more permissive noise limits for three events per year, until 10.30pm.
- Western Springs, Auckland – which has more permissive noise limits for six events per year, until 11pm.

I note that while the examples given would host significantly larger events than this facility would, the venues are generally located in urban/suburban environments with residential receivers located close to the activity.

- 5.14 Conditions with more permissive noise limits for limited or temporary events acknowledge the impracticability of achieving a specific noise performance criterion and mitigate effects by limiting the duration and frequency of events.

- 5.15 Such conditions may be a pragmatic approach for this facility.
- 5.16 However, I note that my ANE outlines that activities occurring inside the facility can comply with the proposed night-time noise limits with an appropriate building design. It is only the brief period of vehicle movements that would be accommodated by any special event noise condition.
- 5.17 Alternatively, the vehicle movements following special events could be exempted from the limits.
- 5.18 I consider the exemption of vehicle movements from the proposed noise limits to be reasonable, provided events occur for a prescribed number of times per year (five), finish at the proposed time (11pm), and that communication with neighbours occurs to ensure they are aware of the events in advance.

## **6.0 SECTION 42A REPORT AND CONSENT CONDITIONS**

- 6.1 The Section 42A report agrees with the findings and recommendations made by the peer reviewer. The noise conditions in the report include those recommended by Mr Savory in his peer review.
- 6.2 I agree with the requirements for written certification (Condition 8) and testing (Condition 10) from a qualified and experienced acoustic engineer that the building and mechanical plant have been designed to comply with the noise standards in Condition 35.
- 6.3 I agree with the similar requirements for written certification (Condition 9) for the access leg noise fence.
- 6.4 I agree with the intention of Condition 10(b), however, I consider the requirement for testing and assessment of the traffic movements, access leg noise fencing and traffic management procedures to be impractical. Conducting tests of traffic movements requires arranging a certain number of vehicles within a prescribed time frame, and access to neighbouring properties to measure noise. In practice, the

effectiveness of an acoustic barrier is generally established by way of inspection from a qualified and experienced acoustic engineer.

- 6.5 I agree with the inclusion of Condition 17 for noise from construction works to be measured and assessed in accordance with NZS 6803:1999.
- 6.6 I agree with the requirement in Condition 32 of an Operational Management Plan, which would include management to reduce the potential for adverse noise-related effects.
- 6.7 I agree with the addition of an  $L_{AFmax}$  noise limit, however as stated in paragraph 4.3 above, I consider that Condition 35(c) should be amended to a 70 dB  $L_{AFmax}$  noise limit.
- 6.8 I consider that Condition 35 should be amended to exempt vehicle movements following special events.
- 6.9 I agree with the requirements for monitoring and review in Conditions 42 and 43.

## **7.0 CONCLUSION**

- 7.1 I have responded to the issues raised in the peer review by Mr Savory and note that the peer review generally agrees with the findings of my ANE.
- 7.2 With respect to night-time noise effects, I consider that for general use during normal operational hours, the facility will comply with the proposed noise limits. For up to five events per year, during which events may extend until 11pm at night, I propose that noise from vehicle movements is not required to comply with the noise limits.
- 7.3 Noise from vehicle movements will be mitigated by the limit on duration and frequency of the events, and I consider that the effects can be appropriately mitigated.
- 7.4 I have commented on the findings of the Section 42A report and provided some suggested amendments to the proposed conditions.

Chiaki Fenemore

16 July 2024