

Kelly Moulder

From: Mark Hamilton
Sent: Tuesday, 19 March 2019 11:19
To: Steve Bigwood
Cc: Ally van Kuijk; Marius Rademeyer; Kelly Moulder
Subject: RE: Plan Change 50 – Hobbiton Development Concept Plan: Hearings Report and Council Evidence
Attachments: FW: Hobbiton - Concert noise limit; FW: Plan Change 50 – Hobbiton Development Concept Plan: Hearings Report and Council Evidence
Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Steve,

Please see attached for two emails in relation to Noise and Landscaping that relate to your query below. I hope that these are what you're after, but please let us know if you have any queries.

Regards,

Mark Hamilton | Environmental Policy Planner
Matamata-Piako District Council 35 Kenrick Street, PO Box 266, Te Aroha 3342
p 07 884 0060 | w www.mpdc.govt.nz

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From: Steve Bigwood [mailto:sbigwood@bbo.co.nz]
Sent: Tuesday, 19 March 2019 8:19
To: Kelly Moulder <kmoulder@mpdc.govt.nz>
Cc: Ally van Kuijk <AvanKuijk@mpdc.govt.nz>; Mark Hamilton <MHamilton@mpdc.govt.nz>; Marius Rademeyer <roadhouse@outlook.co.nz>
Subject: RE: Plan Change 50 – Hobbiton Development Concept Plan: Hearings Report and Council Evidence
Importance: High

Morning Kelly,

The section 42a report under noise refers to a peer review report from Nevil Hegley. This report is not included in the appendices. Can you please send me a copy of this peer review in order that our evidence can address the issues raised in that report.

The section 42a report under visual and landscape also refers to a review from Bridget Gilbert. This review is not included in the appendices. Can you please send me a copy of this review in order that our evidence can address the issues raised by Bridget.

We require these reports urgently in order to complete our evidence within the timeframes given.

Regards,

Steve Bigwood Planning Manager
PGDipREP, BSocSci(Hons), MNZPI, MRMLA
Bloxam Burnett & Olliver Ltd
A Level 4, 18 London Street, PO Box 9041, Hamilton 3240

M 027 459 5606 D +64 7 834 8523 R +64 7 838 0144
E sbigwood@bbo.co.nz W www.bbo.co.nz

If you wish to send us a large file, please click the following link: <https://www.sendthisfile.com/f.jsp?id=ZvpHtFnfWMEbwnNYas5VPrAR>

From: Kelly Moulder <kmoulder@mpdc.govt.nz>

Sent: Monday, 18 March 2019 4:33 PM

To: Steve Bigwood <sbigwood@bbo.co.nz>

Cc: Ally van Kuijk <AvanKuijk@mpdc.govt.nz>; Mark Hamilton <MHamilton@mpdc.govt.nz>; Marius Rademeyer <roadhouse@outlook.co.nz>

Subject: Plan Change 50 – Hobbiton Development Concept Plan: Hearings Report and Council Evidence

Dear Steve,

Further to the hearing for the above private plan change, to be held on Monday 8th and Tuesday 9th April to hear all submissions, please find a link below to the following documents:

- The hearing report
- Appendix A - “Summary of Submissions and further submissions”
- Appendix B – “Recommended changes to DCP (track changes), and other consequential changes to the District Plan proposed as a consequence of the Plan Change. Memorandum of Understanding”
- Appendix C - “Rings Scenic Tours Ltd – Development Concept Plan – Updated Transportation Review, March 2019, Graymatter Ltd”.

Click here: <https://send-it.mpdc.govt.nz/ede6969314ea>

Please note that evidence you wish to present at the hearing must be supplied to Council no later than 22 March 2019.

If you have any other queries, please don't hesitate to contact Mark Hamilton or Ally van Kuijk.

Regards

Kelly Moulder | Planning Officer

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

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

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at Matamata-Piako District Council

FW: Hobbiton - Concert noise limit (noise)

Kelly Moulder

From: Marius Rademeyer <roadhouse@outlook.co.nz>
Sent: Tuesday, 19 March 2019 10:25
To: Mark Hamilton
Subject: FW: Hobbiton - Concert noise limit
Attachments: Lt 001 r02 2016302H jaw 161201 Response to Peer Review.pdf

Hi Mark,

The email below is a response from MDA to Nevil after they conferred.

In response to the email, Nevil Hegley advised me that he does not see any reason to depart from the recommendations in his letter dated 20 December 2017.

Kind regards,

Marius

MARIUS RADEMEYER RESOURCE MANAGEMENT CONSULTANCY LTD

58 Broadway, P.O.Box 272-1374 Papakura, 2252, Auckland, T (09) 292-2511, M 021 114 6290

From: James Bell-Booth [mailto:James.Bell-Booth@marshallday.co.nz]
Sent: Wednesday, 13 March 2019 4:35 p.m.
To: Hegley@acoustics.co.nz
Cc: Steve Bigwood; roadhouse@outlook.co.nz
Subject: Hobbiton - Concert noise limit

Hi Nevil

In our recent meeting regarding the proposed DCP noise conditions and the MPDC submission, you asked us to demonstrate whether a 65 dBA limit is “needed” for concerts.

I am not sure whether our response to your peer review was ever forwarded to you. If not, please find it attached. Within you will see that we have predicted that with 95 – 100 dB at the mixing desk, the levels at the closest receivers are:

- 57 – 62 dB L_{Aeq} at 399A Buckland Rd from the Shire’s Rest concert area
- 51 – 56 dB L_{Aeq} at 553A Buckland Rd from the Village green concert area
- 45 – 55 dB L_{Aeq} at 553A Buckland Rd from the Flat Lawn concert area (Note: a receiver which was not identified at the time of writing our response has now been included in our calculations and the result is 46 – 56 dB L_{Aeq} at 632A Buckland Rd from the Flat Lawn concert area, 1 dB higher than at 553A Buckland)
- 61 – 66 dB L_{Aeq} at 553A Buckland Rd from All events together

Our experience in outdoor concerts is that 95 – 100 dB at the mixing desk is a typical level for a “Local act”. I am sure you would agree that a typical larger ‘Major international act’ could be 5 dB more..

From these predictions, you can see that a limit of 65 dB is “needed” to accommodate:

- Local acts performing at the same time on three stages, or
- A major international act performing on one stage

I look forward to hearing back from you.

Regards

James Bell-Booth



405/24 Garden Place, Hamilton
marshallday.com | T: 07 834 3022 | T: 021 632 426

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24 February 2017

Bloxam Burnett & Olliver
PO Box 9041
Hamilton 3240

Attention: Steve Bigwood

Dear Steve

RESPONSE TO PEER REVIEW

Introduction

Marshall Day Acoustics (MDA) has been engaged by Bloxam Burnett & Olliver (BBO) on behalf of Rings Scenic Tours Ltd (the client) to assess the sound levels from proposed outdoor events in a Development Control Plan (DCP) for the Hobbiton movie set and associated tourist facilities at Buckland Road, Matamata.

We issued our report entitled *Hobbiton DCP Acoustic Assessment Rp 001 2016302H* on 21 July 2016, and this report has since been reviewed by Hegley Acoustic Consultants.

We have reviewed Mr. Hegley's letter (dated 27 October 2016), and held a phone conversation with him in February 2016, and this letter is our response to the salient points he has raised. Note that we have only received a pdf version of the review, so it has not been possible to track changes or comments in Microsoft Word. We have therefore included screenshots of excerpts from the letter to ensure clarity.

Response to comments

Hegley comment:

Noise Predictions

The noise has been predicted using SoundPLAN software and while it has been stated the requirements of ISO 9613-2:1996 have been adopted there is no information given on the ground contour interval, the ground absorption assumed or the specific meteorological conditions assumed in the calculations. It is unclear if averaging has been included in the daytime assessment and if so how much.

MDA response:

The ground contours used in the SoundPLAN were 1 metre elevation lines. A ground absorption of 1 (i.e. 100%) was used, being appropriate for fields and grassland, which makes up the vast majority of the area in and around the subject sites. In terms of meteorological conditions the industry standard 'equivalent continuous downwind condition' from ISO 9613-2:1996 has been adopted, which assumes a slight downwind (i.e. slight sound increase) effect in all directions.

Hegley comment:

Noise Levels

The report suggests "*for a typical outdoor concert such as a music event or local band performance (but not a major international concert event), the mixing desk level would be around 95 – 100dB.*" This is not always the case with one example being a music festival held in Auckland each year where a level of 90dBA L₁₀ is adopted at the mixing desk (30m from the stage) with crowds in excess of 5,000.

MDA response:

We consider that the example of one event (which may have been subject to its own particular constraints) does not prove the rule. Our considerable experience in outdoor concerts indicates that 95 – 100 dB at the

mixing desk is a reasonable working assumption, and is based on our measurements at such outdoor concert events as The Corrs, Hollie Smith, Foo Fighters, Roger Waters, The Killers, Winchfest and Bliss N Eso (Melbourne). Furthermore, a higher concert sound level in our predictions results in a more conservative and robust assessment.

Hegley comment:

It has been suggested that *"for any amplified outdoor event, the actual sound level will be at the sound engineer's discretion ..."* this is correct but only up to a level that ensures a reasonable limit will be complied with at the receiver locations. With that in mind a method needs to be put in place to control the noise to ensure the upper noise limit is not exceeded.

MDA response:

We are not confident that in every case a sound engineer would a) be aware of noise limits or b) have the expertise or equipment to monitor at receiver locations. Their role is to facilitate the event and maximise the enjoyment of the attendees, not act as noise control.

Notwithstanding this, council may well require monitoring during events to assess compliance (or otherwise) with the proposed DCP limits which would address Mr. Hegley's second point.

Hegley comment:

...The reasons given to increase the noise level seem to be based on the upper noise limit recommended in NZS6802:2008 *Acoustics – Environmental Noise*, recommendations in the World Health Organisation Guidelines on Community Noise (WHO) and examples of other venues where higher noise levels are permitted...

This is also reflected in clause 1.3 of NZS6802:2008 *Acoustics – Environmental Noise* (as recommended by MDA) where it is stated *"This Standard shall not be used to justify changes to noise limits in consent conditions, rules or national environmental standards that have been set to ensure a high degree of protection against noise"*.

MDA response:

We have proposed these controls as part of a Development Concept Plan (i.e. a private plan change) and not a resource consent application. Subsequent conversations with Mr. Hegley indicate that he understands this difference, but would like our arguments for increased noise levels to be 'robust'.

The client is entitled to propose their own controls in the DCP, which will be subject to public notification where any party can express their concern or support for the proposal. The client has engaged us to propose limits that we consider to be reasonable. We discuss the proposed limits further below.

While tourism is not our area of expertise, we consider it relevant to note that Hobbiton is an international icon and a major tourist attraction, bringing benefits to the region. In terms of acoustics, we consider that enforcing the District Plan permitted activity limits for events that are proposed only six and twelve times a year (for concerts and outdoor movie screenings respectively) would be unreasonable.

Hegley comment:

When considering the existing limits in the District Plan, if a level above 50dB L_{Aeq} were to be adopted an assessment of the noise effects report would need to be undertaken demonstrating the effects on the existing noise environment. Alternatively, if the effects were described to the neighbours so they understood what was being proposed and the neighbours gave their approval then that would help...

For the proposed 12 outdoor movie screening events there is insufficient information to warrant a level of up to 55dB L_{Aeq} until 11:00pm. To consider this level it would require an assessment of the effects report and address the reason why a low level system with additional speakers could not be successfully implemented.

To justify limiting the assessment points *"existing at [insert date of plan change notification]"* the effects this may have on existing neighbours should be addressed. Alternatively, written consent from the neighbours would resolve this point.

MDA response:

We understand that the applicant has held meetings with its neighbours, and during these meetings there was no mention or expression of concern about noise from outdoor events.

In terms of potential effects, 'Effects Assessments' compare an activity noise level against the existing ambient level, and in an ultra-low noise environment (like rural night-time) practically any audible sound would fail this test. Even a sound at the allowable limit of 40 dB L_{Aeq} could be 15-20 decibels higher than the existing ambient. Therefore we consider that, in this case, an assessment of effects would not add value.

Many of the rural activities that already occur from time to time (tractors, trucks, farming equipment, motorbikes, dogs barking, moving/milking of stock etc.) would – according to this manner of assessment – generate 'effects', and these are part and parcel of the acoustic environment that is accepted by the community.

Notwithstanding this, we have reviewed the predicted levels in our report (which were designed to establish the mixing desk levels that would allow compliance with the District Plan night-time limit of 35 dB L_{Aeq} (including a 5 dB adjustment for SAC). The following table outlines the levels at closest receivers if the estimated 95 – 100 dB at the mixing desk occurs (from a directional sound system, refer Section 6.2):

- Precinct 1 event (95 – 100 dB at mixing desk) = 57 – 62 dB L_{Aeq} at 399A Buckland Rd
- Precinct 2 event (95 – 100 dB at mixing desk) = 51 – 56 dB L_{Aeq} at 553A Buckland Rd
- Precinct 3 event (95 – 100 dB at mixing desk) = 45 – 55 dB L_{Aeq} at 553A Buckland Rd
- All events together (95 – 100 dB at all mixing desks) = 61 – 66 dB L_{Aeq} at 553A Buckland Rd

Hegley comment:

... Unless further information is provided it is recommended a day/night limit of 50/40dB L_{Aeq} should be adopted. From what is being planned this should allow the application to proceed.

MDA response:

As discussed above, this is a DCP application in which we have recommended reasonable noise controls and we note that other than referring to the District Plan, Mr. Hegley does not put forward an argument to support a 50/40 dB L_{Aeq} control.

A number of District Plans around New Zealand contain permitted rural activity controls in line with what we have proposed in the DCP, including Wellington, Far North and the Auckland Unitary Plan. Others contain 55/45 dB L_{A10} controls which, when revised, will likely default to 55/45 dB L_{Aeq} controls (as was the case for the Auckland Unitary Plan).

We note also that the daytime/night-time crossover period can range from 7pm to 11pm, so the current MPDC crossover of 8pm is somewhat conservative.

Hegley comment:

While not currently in the District Plan or the proposal it is recommended a night time maximum level (L_{Amax}) should be included in any condition. A level of 70dB L_{Amax} is recommended.

MDA response:

This is a fair suggestion (although we note that the current District Plan control does not impose a night-time L_{Amax} limit for Rural or Residential zones.) We consider that 75 dB L_{Amax} (received at the notional boundary of any neighbouring dwelling) would be a reasonable control, including during outdoor concert and movie screening events.

Hegley comment:

...It may be appropriate to allow an extension of the daytime limit until 11:00pm once all of the facts are known. If this is the case it would assist if advice were provided on the amount of averaging that would be included in the assessment and if any allowance for special audible characteristics is appropriate.

MDA response:

To clarify, no averaging has been included in our assessment, and a 5 dB penalty for Special Audible Character has been applied.

We acknowledge that the duration adjustments in Section 6.4.3 of NZS 6802:2008 could be reasonably applied to the outdoor concert and movie screening events, but only during the daytime. Mr. Hegley is suggesting that allowing an event to continue until 11pm is equivalent to extending the daytime period until 11pm, but we are not confident this is the case and consider it to be best addressed by a planner. Notwithstanding this, we note that any duration adjustment applied would bridge the difference between Mr. Hegley's 50/40 dB L_{Aeq} position and our 55/45 dB L_{Aeq} proposal.

The client may or may not choose to impose duration limits on events, but at this stage we consider our proposed conditions to be reasonable regardless of the averaging provision.

Hegley comment:

... An extension of time to 11:00pm during daylight saving is also sought. The reality of outdoor concerts is that the majority of such events are held during this period so that needs to be taken into account in the noise assessment.

MDA response:

This is also a fair point. In addition to the "no more than two events in a seven-day period" we have proposed, we consider it reasonable to impose an additional limit of "no more than three events in a calendar month"

Hegley comment:

...Also 6 events a year is more than most venues would ever have, regardless of the number they may be permitted so the number of events needs to be considered in the review.

MDA response:

We do not know what venues Mr Hegley is referring to, but consider his suggestion that most live music venues are limited to 6 events per year to be incorrect. In Section 7.1.3 of our Assessment Report, we noted that Arena Manawatu is permitted to hold 30 events per year, until 10.30pm.

Summary

We consider that Mr. Hegley has reviewed our report with an expectation that events at Hobbiton should comply with the District Plan controls, when this is in fact the DCP is part of a plan change process, and we have proposed controls that we consider to be reasonable.

Notwithstanding this, Mr. Hegley has raised some good points for us to address in the proposed DCP text.

We consider that:

- A maximum sound level of 75 dB L_{AFmax} should be applied to the night-time period (10.00pm to 7.00am)
- In addition to the "no more than two events in a seven-day period" limitation in 5(c) and 5(d), there should be an additional control of "no more than three events in a calendar month" to address the suggestion that more events are likely to occur during the daylight savings period where events are proposed until 11pm

We trust this information is satisfactory. If you have any further questions please do not hesitate to contact us.

Yours faithfully

MARSHALL DAY ACOUSTICS LTD

James Whitlock

Acoustician

FW: Plan Change 50 – Hobbiton Development
Concept Plan: Hearings Report and Council
Evidence (Landscaping)

Kelly Moulder

From: Marius Rademeyer <roadhouse@outlook.co.nz>
Sent: Tuesday, 19 March 2019 10:35
To: Mark Hamilton
Cc: BGLA
Subject: FW: Plan Change 50 – Hobbiton Development Concept Plan: Hearings Report and Council Evidence

Importance: High

Hi Mark,

We have not received a written review from Bridget.

The position is that Bridget Gilbert has found a disconnect between the recommendations in the Mansergh Graham Landscape and Visual Assessment (LVA) Report, and the DCP Performance Standards as notified. In other words, the performance standards do not reflect the recommendations in the LVA.

Bridget has conferred with Michael Graham of Mansergh Graham Landscape Architects to see if/ how this disconnect could be rectified by means of changes to the performance standards for landscape and visual mitigation.

When I last spoke to Bridget on Friday (15 March) morning, she has had two discussions with Michael Graham. I understood that she was going to contact Michael again with a view to agreeing a revised set of landscape/ visual performance standards.

Failing that, my anticipation was that Michael will put forward (on the basis of his discussions with Bridget that has clearly identified the issues) his advice on whether or not changes would be appropriate to the performance standards. Bridget will then need to respond to this in her evidence for a decision by the Panel.

We will need to see where the landscape agreement/ disagreement lands as Bridget may not be available on the 8th/ 9th of May due to E Court commitments. Hopefully the experts can agree changes.

I have left a voicemail for Bridget. She will ring me when she can and if there is an update to the above, I will let you know.

Kind regards,
Marius

MARIUS RADEMEYER RESOURCE MANAGEMENT CONSULTANCY LTD

58 Broadway, P.O.Box 272-1374 Papakura, 2252, Auckland, T (09) 292-2511, M 021 114 6290

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