

**Before the Hearing Commissioner appointed by Napier City Council**

**In the matter** of the Resource Management Act 1991  
(**the Act**)

**And in the matter** of an application by The Te Awa Land  
Development Company Limited to  
establish a comprehensive suburban  
commercial development at 35 Kenny  
Road, Napier

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**Statement of evidence of Daniel Martens**

**29 October 2019**

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## **INTRODUCTION**

### **Qualifications and experience**

- 1 My name is Daniel Martens. I am an acoustic consultant with Earcon Acoustics Limited. I have over 8 years of experience in the field of acoustics. My qualifications include a Bachelor's Degree in Science majoring in Physics and Applied Mathematics and a Masters of Engineering Science studying in the field of Acoustics. My degrees were conferred by the University of Auckland.
- 2 Earcon Acoustics Ltd. has advised on over 100 commercial operations. As a team, we have over 20 years of experience in the field. I have personally prepared acoustic reports for more than 100 various commercial activities on sites across New Zealand.

### **Expert witness Code of Conduct**

- 3 I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note dated 1 December 2014. I have read and agreed to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

## **PURPOSE AND SCOPE OF EVIDENCE**

- 4 In September 2019 I undertook an assessment of the environmental noise effects associated with the proposed mixed use commercial development at 35 Kenny Rd, Napier.
- 5 The purpose of this evidence is to confirm my original assessment in respect of the noise effects arising from the proposal.

## **TECHNICAL REPORT – SUMMARY OF CONCLUSIONS**

- 6 My report “Proposed Mixed Use Commercial Development – Acoustic Report – Rev 0” is at Appendix I of the Section 42A Report.
- 7 In accordance with the requirements of the Napier City District Plan, and based on conservatively modelled scenarios pertaining to the operation of the proposed commercial activities, it is predicted that the noise levels from the development would exceed the relevant noise criteria by up to 3dB at 30 Kenny Rd and up to 1dB at 136 Eriksen Rd. The noise levels will comply at all other receivers.

## **RESPONSE TO MATTERS RAISED IN THE SECTION 42A REPORT**

- 8 I have reviewed the Council’s Section 42A Report issued on 17<sup>th</sup> of October 2019. Matters relating to acoustics are addressed primarily under point 9.6. The Council’s reporting planner accepts as appropriate the conclusions of my technical report.
- 9 Additionally, it is recommended ancillary service activities (refuse and recycling pick up and loading activities) are restricted to the daytime hours of 7am – 7pm, Monday to Friday. Whilst the restriction to Monday – Friday is not necessary under the District Plan I agree it is a prudent measure to minimise any noise effects from these activities.

## **RESPONSE TO MATTERS RAISED IN SUBMISSIONS**

- 10 Gareth and Joanne Jones mention concerns about the noise effects associated with acceleration and deceleration of nearly 2000 vehicle movements per day near their house.
- 11 From an acoustic perspective my assessment is limited to the noise generated from the activities occurring on the proposed site. Noise limits in the District Plan do not apply to vehicles travelling on a road (Rule 57.9(d)).
- 12 I understand that substantial development is proposed in the area and an increase in traffic along both Kenny Road and Eriksen Road is anticipated as

a result of the Te Awa Structure Plan. I also understand that the structure plan contemplates a roundabout at the intersection of Kenny Road and Eriksen Road. Based on that information, I can provide the following general comments on potential noise effects:

- 12.1 In order for the noise levels to change noticeably a 3dB increase is necessary. This would require a doubling of the traffic volume relative to the existing traffic.
- 12.2 However, traffic noise from vehicles travelling at speed is dominated by the interaction of tyres with the road surface. An increase in speed results in an increase of the tyre noise. The introduction of a roundabout will ultimately decrease vehicles speeds around the intersection and therefore result in a decrease in this source of noise.
- 12.3 Acceleration noise associated with the proposed development, received at 120 Eriksen Road, will be negligible relative to any acceleration away from the proposed roundabout. Any acceleration noise directly related to people leaving 35 Kenny Rd is anticipated to be away from the roundabout and traffic moving towards the roundabout is expected to be moving relatively slowly.

## **CONCLUSIONS AND RECOMMENDATIONS**

- 13 Ultimately traffic is expected to increase along Kenny Road and Eriksen Road regardless of whether the proposed development proceeds.
- 14 With the exception of 30 Kenny Rd and 136 Eriksen Rd the noise levels from the proposed commercial activity will comply with the District Plan Standards.
- 15 The noise levels will exceed the District Plan standards by up to a maximum of 3dB at 30 Kenny Rd.
- 16 The noise level will exceed the District Plan standard by up to a maximum of 1dB at 136 Eriksen Rd.

- 17 Between 7pm and 10pm the noise from traffic will exceed compliance with the lower 45dB  $L_{Aeq(15 Min)}$  noise limit. However, the noise will be limited to traffic noise associated with the proposed supermarket.
- 18 These exceedances will be relatively indistinguishable relative to ambient road traffic noise levels. The effects are considered to be less than minor.
- 19 It is recommended that all ancillary service activities, e.g. deliveries, rubbish and recycling collection, etc. be limited to the hours of 7am – 7pm Monday to Friday.

Daniel Martens

**29 October 2019**