

Monday, 10 October 2022

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council
Commissioner Hearing Meeting

Kaupapataka

Agenda

LIMITED NOTIFIED RESOURCE CONSENT APPLICATION FROM No.8 STUDIOS LIMITED TO ESTABLISH A SCREEN PRODUCTION STUDIO IN THE RURAL ZONE AT GORDON ROAD AND 376 PARKHILL ROAD, TE AWANGA (RMA20210474)

Te Rā Hui:
Meeting date: **Monday, 10 October 2022**

Te Wā:
Time: **9.00am**

Te Wāhi:
Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Te Hoapā:
Contact: **Democracy and Governance Services
P: 06 871 5000 | E: democracy@hdc.govt.nz**

Te Āpiha Matua:
Responsible
Officer: **Group Manager: Planning & Regulatory Services - John
O'Shaughnessy**

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HASTINGS DISTRICT COUNCIL
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TE KAUNIHERA Ā-ROHE O HERETAUNGA

Monday, 10 October 2022

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: Commissioner Hearing Meeting

Kaupapataka

Agenda

Te Komihana Whakahoahoa:
Hearing Commissioner:

Heamana
Chair: Commissioner Kitt Littlejohn

Apiha Matua:
Officer Responsible:

Group Manager: Planning & Regulatory Services – John O'Shaughnessy

Mahere Maarama:
Reporting Planner:

Consultant Planner – Janeen Kydd-Smith

*Te Rōpū Manapori me te
Kāwanatanga:*
Democracy & Governance
Services:

Christine Hilton (Extn 5633)

Te Rārangi Take

Order of Business

1.0 Apologies & Leave of Absence – *Ngā Whakapāhatanga me te Wehenga ā-Hui*

2.0 Limited Notified Resource Consent Application From No.8 Studios Limited To Establish A Screen Production Studio In The Rural Zone At Gordon Road and 376 Parkhill Road, Te Awanga (RMA20210474)

DOCUMENTS CIRCULATED FOR HEARING - COMPILED AS THREE SEPARATE DOCUMENTS

Document 1 The covering administrative report **Pg 1**

Attachments:

1	Attachment 1 - Consultant Planner's S42a report	104672#0288	Pg 5
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The Application, Submissions and other documentation can be viewed on the Council website.

Monday, 10 October 2022

Item 2

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: Commissioner Hearing

Te Rārangi Take

Report to Commissioner Hearing

Nā:
From: Christine Hilton, Democracy and Governance Advisor

Te Take:
**Subject: Limited Notified Resource Consent Application From No.8 Studios
Limited To Establish A Screen Production Studio In The Rural Zone
At Gordon Road and 376 Parkhill Road, Te Awanga
(RMA20210474)**

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*




- 1.1 This is a covering report relating to a Limited Notified Resource Consent Application From No.8 Studios Limited To Establish A Screen Production Studio In The Rural Zone At Gordon Road and 376 Parkhill Road, Te Awanga (RMA20210474).
- 1.2 The reporting planner's report is attached to this covering report and contains the details regarding this resource consent application and the planner's recommendations.
- 1.3 The other attachments included as part of the agenda documentation for this hearing are contained in two other separate attachment documents and are listed below.

2.0 Recommendations - *Ngā Tūtohunga*

The recommendations relating to this hearing are contained in the planner's agenda report.

Attachments:

1	Consultant Planner's S42a report	104672#0288	
2	S92 Further Information Required Letter	104672#0200	Document 2
3	Te Awanga Estate Record of Title - HBV3-731 Title Search Copy	104672#0286	Document 2
4	FORM 9 Updated with Te Awanga Estate Details	104672#0195	Document 2
5	Description of Proposal and Assessment of Environmental Effects	104672#0178	Document 2
6	RMA20210474 CT- 815158	104672#0189	Document 2
7	Landscape Report - No8 Studios Landscape and Visual Effects Assessment - Wayfinder.pdf	104672#0183	Document 2
8	Landscape Report - No8 Studios Visual Effects Simulation Attachment - Wayfinder.pdf	104672#0184	Document 2
9	Traffic Report - Traffic Impact Assessment - Urban Connection.pdf	104672#0188	Document 2
10	Infrastructure Report - Stormwater Servicing Report.pdf	104672#0182	Document 2
11	Archaeological Report - Archaeological Assessment Archaeology Hawke's Bay.pdf	104672#0179	Document 2
12	Other Expert Report - District Plan Assesment.pdf	104672#0185	Document 2
13	Other Expert Report - Natural Hazard Property Report for Lot 6 DP 519212.pdf	104672#0186	Document 2
14	Cultural Report - Minutes of Hui at Te Taiwhenua o Heretaunga 24 June 2021.pdf	104672#0180	Document 2
15	Response to further information request	104672#0230	Document 3
16	Response for s92 Request from Urban Connection - No. 8 Production Studios s92 Letter SIDRA	104672#0281	Document 3
17	Vehicle Movement Summary - Full Results	104672#0282	Document 3
18	Parkhill Studios Attachment1 12Nov21	104672#0283	Document 3
19	Section 92 Applicant Response	104672#0284	Document 3
20	Emails - Minor Amendment to Internal Access Plans	104672#0287	Document 3
21	Minor Amendment to Internal Access Plans provided 13 June 2022	104672#0244	Document 3
22	Old Landfill property - addressed at Parkhill Studios hearing commencing on 10 October 2022	104672#0280	Document 3
23	Matt and Amy Nilsson (Outfoxed Ltd) - Submission 1	104672#0265	Document 3
24	Ocasor Limited Submission ("Winirana") - RMA20090395, Form 13 - Submission 2	104672#0266	Document 3
25	Marc and Joanne Anderson - Submission 3	104672#0267	Document 3
26	Te Awanga Kindergarten - Submission 4	104672#0268	Document 3
27	Mark and Jan Toms - Submission 5	104672#0269	Document 3
28	Madeleine Riordan - Submission 6	104672#0270	Document 3
29	Chris Hursthouse (LJB comments) - Submission 7	104672#0271	Document 3
30	AM and CJ Caseley - Submission 8	104672#0272	Document 3
31	Kight submission (LJB comments) - Submission 9	104672#0273	Document 3
32	Chris Hursthouse (LJB comments) - Submission 10	104672#0274	Document 3
33	Correspondence from Napier Kindergartens	104672#0279	Document 3
34	Other Expert Report - Te Awanga Downs Family Trust C & M Nilsson - Written Approval.pdf	104672#0187	Document 3
35	HB Wine Investments Ltd 379 Parkhill Rd - Written Approval	104672#0278	Document 3
36	Evidence Smith M - Final 20220914	104672#0275	Document 3

 37	Film Studio Evidence Styles FINAL	104672#0276	Document 3
 38	Preliminary Recommended Draft Consent Conditions 15 Sep 2022 FINAL	104672#0285	Document 3
 39	Hawke's Bay Regional Council correspondence	104672#0277	Document 3

REPORT ON LIMITED NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER THE RESOURCE MANAGEMENT ACT 1991 (RMA)

REPORT TO: INDEPENDENT HEARING COMMISSIONER

HEARING DATE: 10 October 2022

FROM: JANEEN KYDD-SMITH
CONSULTANT PLANNER ON BEHALF OF HASTINGS DISTRICT COUNCIL AS
CONSENTING AUTHORITY

SUBJECT: A LIMITED NOTIFIED APPLICATION FOR LAND USE RESOURCE CONSENT TO ESTABLISH SCREEN PRODUCTION STUDIOS COMPRISING TWO STUDIO BUILDINGS, A PRODUCTION BUILDING, A CATERING CAFÉ AND ASSOCIATED CARPARKING AND TRAILER PARKING AREAS; CONSTRUCTION OF AN APPROXIMATELY 2.5KM LONG PRIVATE ACCESS ROAD; AND ALL ASSOCIATED EARTHWORKS. THE SCREEN PRODUCTION STUDIOS HAVE A TOTAL BUILDING FOOTPRINT COVERAGE OF APPROXIMATELY 8,900M²; AND A PROPOSED GROSS FLOOR AREA OF 10,050M².

NOTE: This report is not the decision on the application. This report sets out the advice and recommendation of the reporting planner. This report has yet to be considered by the hearing commissioner delegated by Hastings District Council to decide this resource consent application. The decision will be made by the hearing commissioner only after they have considered the application and heard from the applicant, submitters and Council officers.

1.0 APPLICATION DESCRIPTION

1.1 Application and Property Details

Application Number: RMA20210474

Applicant's Name: No.8 Studios Limited

Site Address: Gordon Road and 376 Parkhill Road, Te Awanga

Legal Description: Lots 6-8 DP 519212 (Record of Title 815158, owned by Te Awanga Downs Trustee Limited); and Lots 1-2 DP 24898 (Record of Title HBV3/731, owned by Hawke's Bay Wine Investments Limited and referred to in this report as 'Te Awanga Estate').

Total Site Area: 229.5950 hectares (Lots 6-9 DP 519212 and 17.3590 hectares (Lots 1-2 DP 24898 owned by Hawke's Bay Wine Investments Limited (referred to in this report as 'Te Awanga Estate'))).

Lodgement Date: 17 September 2021

Limited Notification Date: 27 May 2022

Submission Period Closed: 27 June 2022

Number of Submissions Received: Total of 10 submissions, comprising 1 is in support, 6 in opposition, 2 in support subject to the imposition of conditions, and 1 seeking the inclusion of conditions but does not state whether they seek the consent to be declined or granted.

1.2 Application Documents

The list of application documents and plans are set out in the recommendation forming part of this report.

1.3 Adequacy of Information

The information submitted with the application is sufficiently comprehensive to enable the consideration of the following matters on an informed basis:

- The nature and scope of the proposed activity for which resource consent is sought;
- The extent and scale of the actual and potential effects on the environment;
- Those persons and/or customary rights holders who may be adversely affected; and
- The requirements of the relevant legislation.

One formal request for further information under section 92 of the Resource Management Act 1991 (RMA) was made in relation to this application for resource consent on the following date:

Date s92 Request Made by Council	Date Response Received from Applicant
14 October 2021	Initial response received 18 November 2021
Email sent to Applicant on 25 November 2021 to advise that Council was not satisfied that the Applicant had not yet responded to the information requested under Items 5 and 7 of the s92 request.	Balance of response received 7 December 2021

1.4 Report and Assessment Methodology

I have undertaken a separate and independent assessment of the proposal, avoiding undue repetition of descriptions or assessments from the application where appropriate, with technical aspects having been reviewed by independent experts engaged by the Council as needed. Where there is agreement on any descriptions or assessments in the application material, this is identified in this report.

Where professional opinions differ, or additional assessment and/or consideration is needed for any reason, the relevant points of difference of approach, assessment or conclusions are detailed. Also, the implications of any professional difference in findings in the overall recommendation is provided.

This report is prepared by:

**Janeen Kydd-Smith
Consultant Planner**

Signed:

Date:

16 September 2022

Reviewed and approved for release by:

Caleb Sutton
Environmental Consents Manager



Signed:

Date:

16 September 2022

2.0 EXECUTIVE SUMMARY

No.8 Studios (the Applicant) are proposing to construct and operate a screen production studio (SPS), to be known as 'Parkhill Studios', including the various building and site development components set out as follows and illustrated in Figure 2 and Figure 3 below:

- i) Two studio buildings with a covered breezeway between each adjoining building totalling approximately 6,440m² of gross floor area and a proposed building height of 15m;
- ii) A construction workshop of approximately 1,050m² gross floor area and a proposed building height of 9m;
- iii) A double storey production building with a footprint of approximately 1,080m², a gross floor area of approximately 2,160m² and a proposed height of 7m ;
- iv) A catering café of approximately 420m² gross floor area and a proposed building height of 5.5m;
- v) Parking for cars in 3 separate areas, totalling approximately 325 standard car parks and 7 accessible spaces;
- vi) A separate parking area for up to 12 accommodation trailers / caravans/campervans;
- vii) The construction of an approximately 2.5km private road across existing farmland into the site, including a gate house near the entrance to the SPS complex;
- viii) Helicopter pad;
- ix) A stormwater detention pond;
- x) On-site landscaping; and
- xi) Earthworks associated with both the construction of the SPS and private access road.

The application was limited notified under section 95B of the RMA on 27 May 2022.

A total of 10 submissions were received on or before 27 June 2022. Of these, 1 is in support, 6 oppose, 2 support subject to the imposition of conditions, and 1 seeks the inclusion of conditions but does not state whether they seek the consent to be declined or granted.

Two submissions were from different occupants of the same property (i.e. 272 Parkhill Road).

I have assessed that most adverse effects of the proposed activity on the environment can be appropriately avoided, remedied or mitigated, however, the following matters remain unresolved in terms of their potential environmental effects, which I consider have the potential to be more than minor:

- The design and configuration of the Parkhill Road/East Road intersection to ensure that it can operate in a manner that will provide for the efficient and sustainable movement of people and goods in a safe manner.
- There is potential for more than minor adverse effects on the occupants of dwellings located in the vicinity of Parkhill Road from noise from traffic movements along Parkhill Road associated with the operation of the SPS facility.
- There is potential for more than minor effects on the character and amenity of the Parkhill Road area, including for residents located closer to Parkhill Road, due to the expected increased volume of traffic and associated noise that will be generated during the SPS operation. The use of acoustic barriers as mitigation, to reduce the effects of traffic noise on the occupants of dwellings, may also have more than minor visual amenity effects on the existing open character of the Parkhill Road area

- With regard to outdoor filming activities, it would be helpful if the Applicant could confirm if these activities are intended, and if so, what conditions the Applicant may wish to offer up (e.g. a no-complaints covenant), as a means of avoiding or mitigating potential reverse sensitivity effects on neighbouring permitted activities, including the Winirana forestry block.

There will be positive social and economic effects associated with the proposed development.

I have concluded that while the proposal is largely consistent with the relevant objectives and policies of the District Plan, it will potentially be inconsistent with Objective TPO1 and Policy TPP1, relating to the unresolved matters for the design and configuration of the Parkhill Road/East Road intersection. I have also assessed that there is potential for more than minor adverse effects on the character and amenity of the Parkhill Road area, and on the occupants of dwellings located in the vicinity of Parkhill Road from noise from traffic movements along Parkhill Road associated with the operation of the SPS facility. I consider that if the Applicant is unable to offer an acceptable solution at the hearing to mitigate these effects to an appropriate and reasonable level, the proposal will be inconsistent, but not contrary, with Objective RZO2, Policy RZP4, Policy RZP9, Objective NSO1 and Policy NSP7.

After considering the requirements of sections 104 and 104B of the RMA, given the potential for some adverse effects to be more than minor and the potential nature and scale of those effects (in terms of the size of area and number of people that may be adversely affected, I reserve making a recommendation on whether I consider consent should be granted or declined until I have heard evidence that the Applicant may present at the hearing in relation to the unresolved matters.

3.0 REPORTING PLANNER

3.1 Qualifications and Experience

My full name is Janeen Anne Kydd-Smith. I am a Principal Planner and Director of Sage Planning (HB) Limited, a planning consultancy comprising three Principal Planners/Directors established in 2015.

I hold a Master of Regional and Resource Planning from the University of Otago and I am an Accredited Commissioner (with Chair Endorsement) through the Ministry for the Environment 'Making Good Decisions' Programme.

I have been a practicing planner for over 30 years. Prior to establishing Sage Planning, I was Director of Kydd-Smith Environmental Planning Limited. My work experience includes the role of Senior Planning Consultant with Environmental Management Services Limited in Napier, Planning Manager for MWH in Hastings (now Stantec), and I was employed by Hastings District Council for nearly 10 years – including the role of Development Manager (1998 – 2001), where I was responsible for the consents planning team as well as the environmental health and building consents teams).

My experience as an Environmental Planner includes resource consent preparation, resource consent processing and decision making on resource consents under delegated authority, and as an Independent Commissioner. I also have experience in district plan preparation and general policy work. I have also prepared and presented evidence to council and Environment Court hearings for councils and other clients.

3.2 Code of Conduct

I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014, and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

4.0 THE PROPOSAL

4.1 Background

The background to this application is outlined on pgs. 3-6 of the Assessment of Environmental Effects (AEE) accompanying the application, as detailed below:

'The locational requirement brief was provided by industry representative Daniel Betty in a document titled 'Hawke's Bay Development of Screen Production Studios' and included the following:

- *30 hectares (could be part of a larger operating farm);*
- *10 hectares could be enough for an initial development;*
- *Within 30 -45minute travel time of Hawke's Bay Airport or a 20km radius;*
- *Preferred to not be under an Air NZ Flight Path;*
- *Private – away from any main roads, and no immediate neighbours; and*
- *Heavy vehicle accessibility – plenty of flat land with no overhanging or one-lane bridges restricting access.*

Following further discussion, the following two criteria also emerged as being important locational requirements for the unique needs of a SPS:

- *Away from external noise sources; and*
- *Accessible to residential accommodation for workers.*

The image in Figure [1] below was provided by industry representatives as a generic example of the indicative components of a SPS development, and includes, a large warehouse type structures for

the studios, a separate office building, a car park and an area for accommodation trailers / caravans. It is noted the image below shows a total of six separate studios.'

Figure 1 – Indicative Screen Production Studio Layout



"The resulting Mitchell Daysh Ltd Planning Assessment (the "SPS Planning Report") completed in June 2020 considered various zoning options. A Commercial Zone location was acknowledged as appropriate from a HDP definition perspective; however, such zones were not investigated in detail in the SPS Planning Report due to the land and building size requirements being larger than what such a Commercial Zone could provide. Further to this a Commercial Zone could not provide the necessary privacy requirement.

The Plains Production Zone was discounted as a potentially appropriate zone location due to its strong focus on retaining versatile land for primary production purposes and the relatively large building and site coverage needs of a SPS.

Given the above, the merits of the following HDP zones were assessed in the SPS Planning Report:

- General Industrial Zone (on vacant land in Irongate or Omaha Road North); and
- Rural Zone (where reasonably accessible to the urban areas)."

[...]

"Conclusion

In general, the SPS Planning Report identified that the most appropriate consenting pathway for a SPS would be to locate an SPS in a General Industrial Zone, followed by a Rural Zone. The Report concluded that both of these options would be possible, but within the Rural Zone in particular it would be location dependent and would need to be subject to a site-specific assessment. Subject to an appropriate site being identified, it may then be considered consistent with most of the relevant objectives and policies for a Rural Zone location."

[...]

"No.8 Studios Site Selection Process

Based on the findings of the SPS Planning Report, No.8 Studios initially considered options in the General Industrial Zone. However, it proved difficult in finding a site that would both provide the necessary land area requirement and the level of privacy and noise protection required and that would be economically viable.

Favourable properties, in terms of SPS locational criteria, have been available on the market in the Plains Production Zone. Based on advice that non-complying resource consent would be unlikely to be granted in this Zone, such options were not considered further.

This left the Rural Zone as providing the greatest potential for No.8 Studios to establish a suitable site. To meet the locational criteria only that part of the Rural Zone near to urban areas is potentially viable. Following the investigation of several sites, including a site to the southwest of Hastings, the

current Parkhill Road site was identified by No.8 Studios as meeting the SPS locational criteria. Mitchell Daysh Ltd provided advice that the subject site was possible from a resource consenting perspective provided all potential adverse effects on the environment can be appropriately addressed. The following assessment sets out how this is to be achieved."

4.2 Proposal

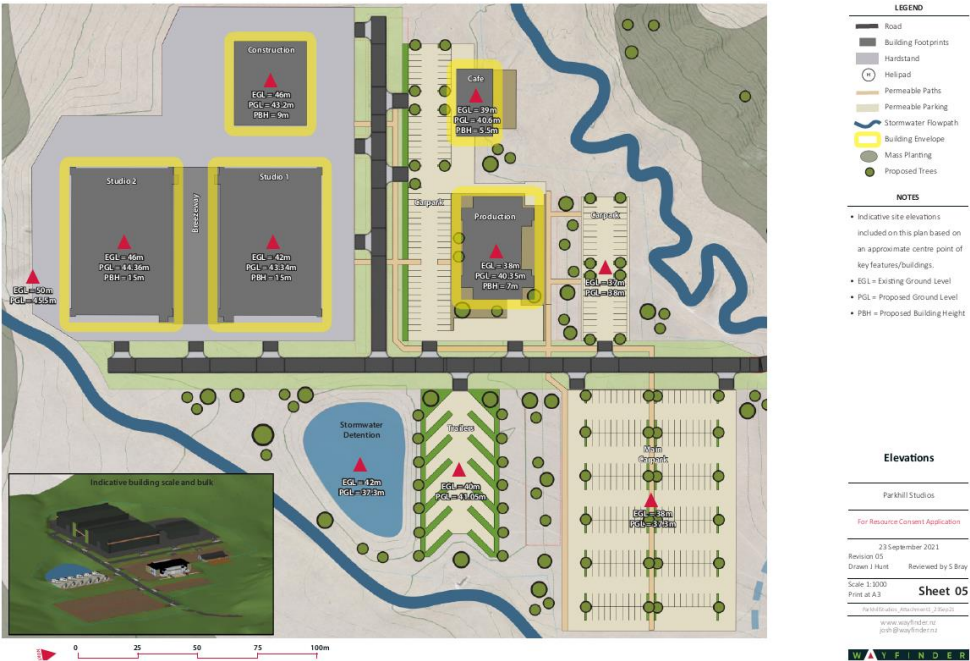
No.8 Studios (the Applicant) are proposing to construct and operate a screen production studio (SPS), to be known as 'Parkhill Studios', including the various building and site development components set out as follows and illustrated in Figure 2 and Figure 3 below:

- xii) Two studio buildings with a covered breezeway between each adjoining building totalling approximately 6,440m² of gross floor area and a proposed building height of 15m;
- xiii) A construction workshop of approximately 1,050m² gross floor area and a proposed building height of 9m;
- xiv) A double storey production building with a footprint of approximately 1,080m², a gross floor area of approximately 2,160m² and a proposed height of 7m ;
- xv) A catering café of approximately 420m² gross floor area and a proposed building height of 5.5m;
- xvi) Parking for cars in 3 separate areas, totalling approximately 325 standard car parks and 7 accessible spaces;
- xvii) A separate parking area for up to 12 accommodation trailers / caravans/campervans;
- xviii) The construction of an approximately 2.5km private road across existing farmland into the site, including a gate house near the entrance to the SPS complex;
- xix) Helicopter pad;
- xx) A stormwater detention pond;
- xxi) On-site landscaping; and
- xxii) Earthworks associated with both the construction of the SPS and private access road.

Figure 2 – SPS Site Layout Plan



Figure 3 – Building Elevations



At completion of the development, the total building gross floor area will be approximately 10,070m², with an impervious surface coverage (comprising buildings and hardstand areas) on the site (excluding the access road up to the lease area) of approximately 2.288ha.

The Applicant will lease approximately 24ha from Te Awanga Downs Trustee Limited (Te Awanga Downs) for a term of less than 35 years to accommodate the proposed SPS (such that no subdivision resource consent will be required).

4.2.1 Purpose

The purpose of the proposal is outlined on pg. 9 of the AEE, as detailed below:

"The Parkhill Studios facility would be available for production companies to hire out for the filming of movie, television or streaming service productions. The studios are considered by the applicant to be more economically viable than existing studios in Auckland due to the ease of access for workers, and with more favourable traffic conditions. Considerable interest has been shown by overseas production companies regarding the possibility of a SPS facility in Hawke's Bay, including by Ron Howard's company Imagine Entertainment."

4.2.2 Nature of Studio Operations

The proposed numbers of staff and hours of operation are as follows (pgs. 9-10 of the AEE):

"The proposed activity at Parkhill Studios will eb and flow in regard to the workforce on site at any one time. Approximately 70 staff would occupy the site permanently. During the filming of a production there may be over 350 additional people (actors and support crew) on site.

The filming stage will typically continue for up to 2 months and then there is likely to be a gap of 2 – 3 months before the next filming project. Each production project is typically expected to last on average 22 weeks.

*Operating hours are proposed from 6:00am to 6:00pm, with filming generally starting at 8:30 am. It is proposed 11-hour workdays; therefore, operation closing time by 6 pm. As set out in the Traffic Impact Assessment prepared by Urban Connection ("TIA") ("**Appendix D**"), these hours will not coincide with the start and finish times of the Haumoana School and kindergarten facilities. That report also recommends upgrading of the section of Parkhill Road from the Raymond Road intersection though to the dead end to mitigate the effects created by the increased traffic accessing the SPS. This is proposed as part of the application and discussed further in the Assessment of Effects on the Environment below.'*

4.2.3 Site Access

The vast majority of vehicles accessing the SPS will enter and exit the site via a proposed new private access road that will be constructed from the formed, southern end of Parkhill Road, with the first 150m over part of the property owned by Te Awanga Estate, and then traversing over the subject site, from the north to the SPS location at the southern end of the site (Figure 4). A right of way easement in favour of Te Awanga Downs will be required for the access over the Te Awanga Estate land. In turn, the lease agreement with Te Awanga Downs will provide No.8 Studios with right of access over the proposed access road from the end of Parkhill Road.

Figure 4 – Site Plan

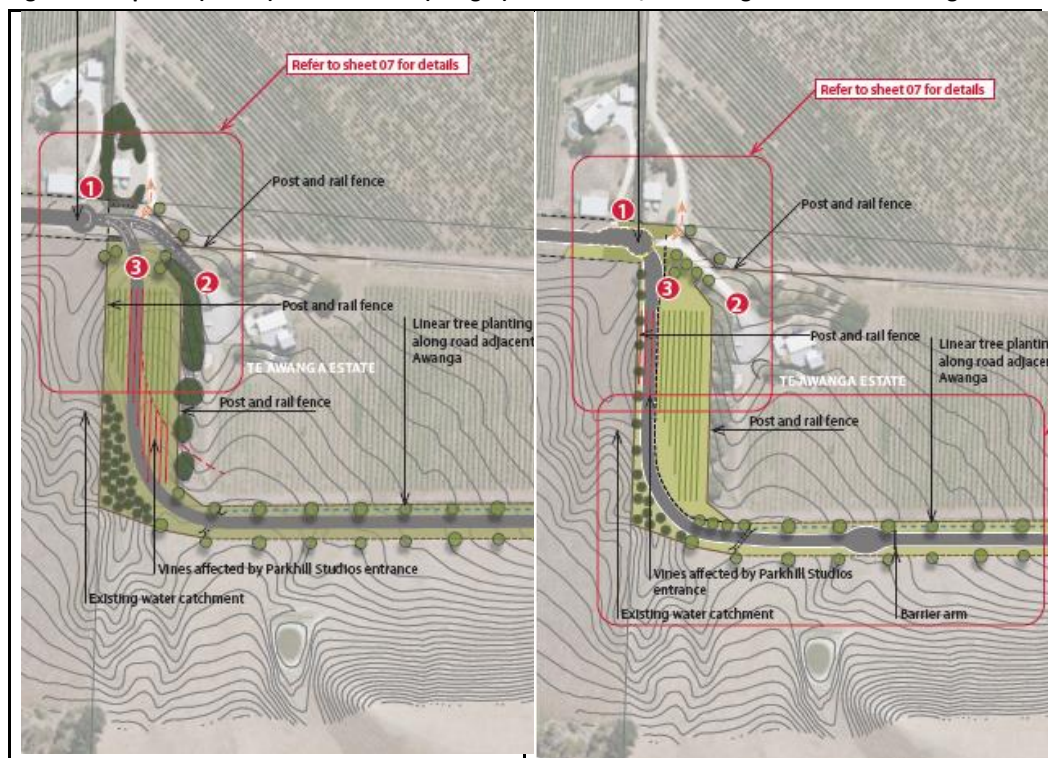


The application originally included a proposal to provide access to the site for 'A-class' actors via Gordon Road, however, that proposal was subsequently removed from the proposal.

Since the application was limited notified, the Applicant advised Council (via email, dated 9 June 2022 - copy attached in **Attachments 20 & 21** of this report) that they wished to amend the portion of the proposed accessway within the Te Awanga Estate property, in response to Te Awanga Estate's request to minimise the vineyard rows affected by the access. Figure 5 shows the differences in the proposed alignment, between what was originally proposed and what is now proposed. The amended alignment of the access road within the Te Awanga Estate property will move it closer to the northern boundary of the property (within approximately 3m of the boundary), and the turning circle at the end of Parkhill Road will extend slightly further south along the legal road and within the entrance to the Te Awanga Estate property (such that it will be located further away from the entrance to the property at 373 Parkhill Road). It is also proposed that a barrier arm and vehicle pull over area will be provided within the subject site, some 90m from the bend in the access road, as it heads in a southerly direction towards the studios.

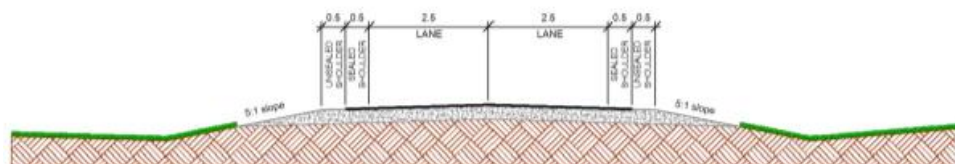
The access will have a posted speed limit of 50 km. Sight distances are proposed to meet the requirements as per the Hastings District Plan and Engineering Code of Practice and are proposed to be detailed at the time of lodgement for building consent.

Figure 5: Proposed (on left) and Amended (of right) Access Road / Te Awanga Intersection Arrangement



The proposed access will have a 'legal width' of 20m and a sealed carriageway width of 6m, and it will be constructed to comply with the relevant Hastings District Plan (District Plan) standards set out in Table 26.1.6.1-2 and the Hastings District Engineering Code of Practice. The application states that detailed design is still to be completed for the road construction, so the exact details are not known.¹ With unsealed shoulders and 5:1 batters (Figure 6) it is proposed that vehicles will be able to pull over to provide safe access for emergency vehicles. Final details and checks for ensuring emergency access is available to and around the site will be provided in the detail design and building consent stage of the development. Fire and Emergency New Zealand has confirmed that the proposed access will meet or exceed their requirements for access².

Figure 6: Typical Cross Section of the Proposed Access Road



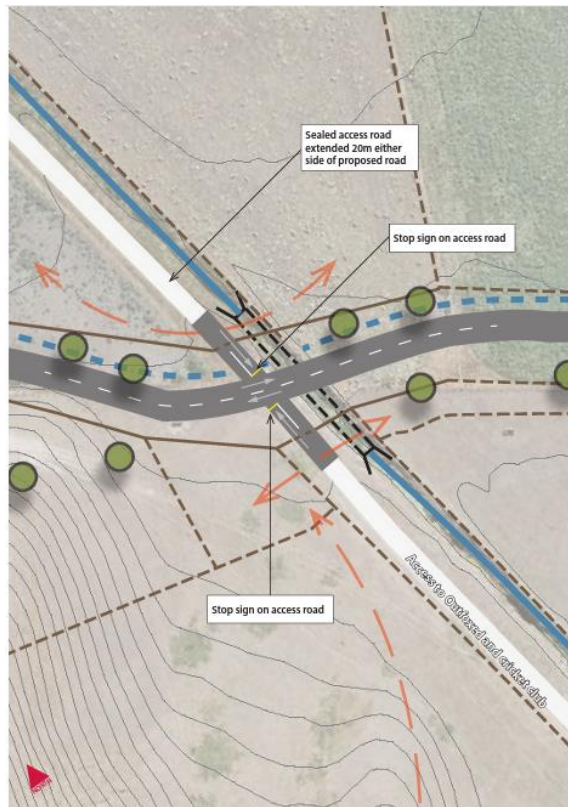
¹ Section 2.1, page 16 of the AEE report accompanying the application.

² Email from Bob Palmer (Fire and Emergency New Zealand) to Philip McKay, dated 7 December 2021.

The proposed new SPS access will also be available for use by Te Awanga Downs (the subject property owner), which currently gains its access to the property from Gordon Road and by way of an easement over 252 Clifton Road, Te Awanga, being Lot 3 DP 519212.

Where the proposed SPS access intersects with the existing access road to Outfoxed and the Clifton Cricket Club within the Te Awanga Downs site, the existing access will have stop signs installed and will be sealed for 20m either side of where it intersects with the proposed road (Figure 7).

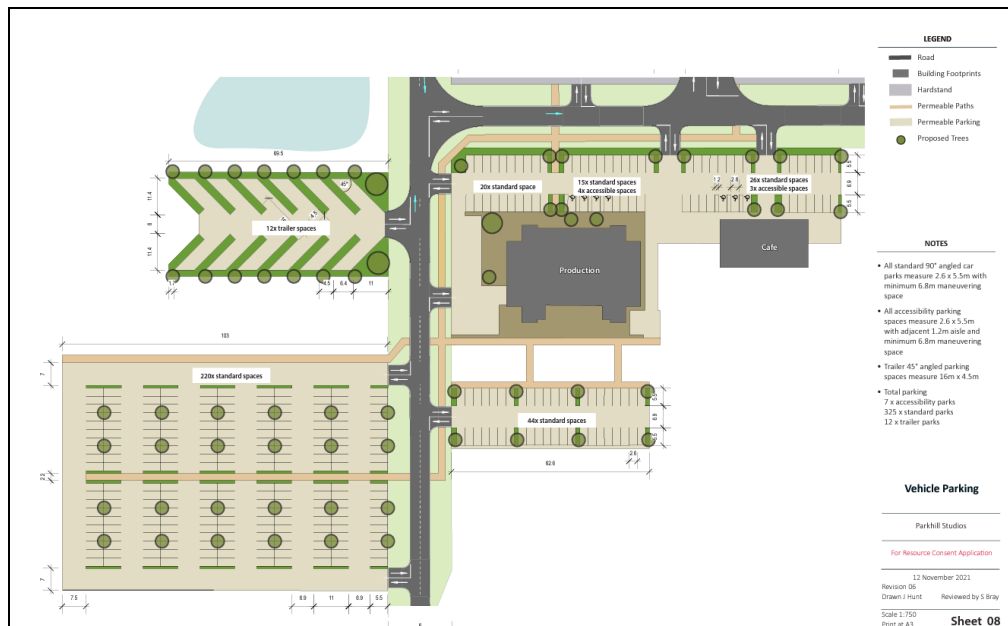
Figure 7: Intersection of Proposed Access with Existing Access to Outfoxed and Cricket Club



4.2.4 On-Site Parking and Loading

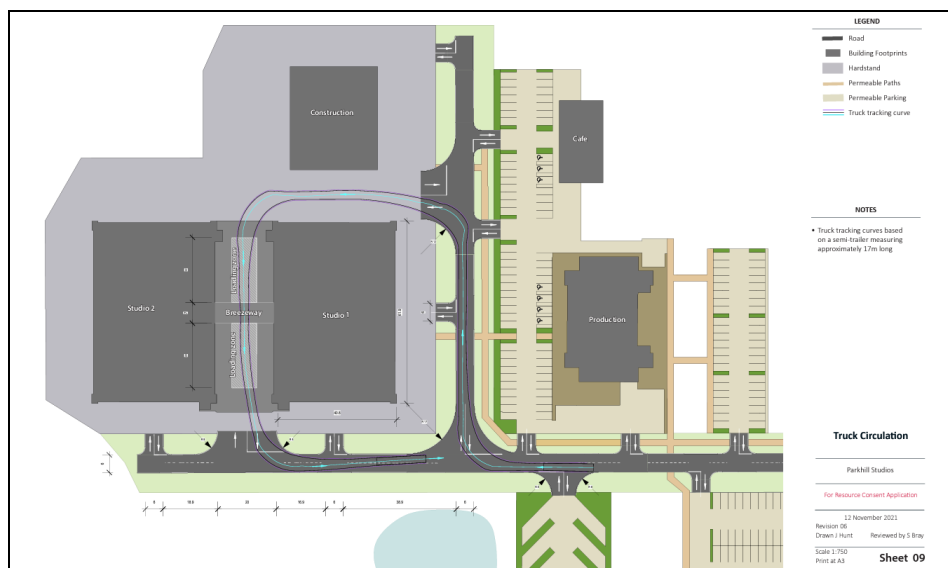
It is proposed that 325 standard car parks, 7 accessible spaces and 12 trailer spaces will be provided on the SPS site, as shown in Figure 8.

Figure 8: On-Site Vehicle Parking



The largest Heavy Commercial Vehicles (HCVs) accessing the site will be a standard semi-trailer (approximately 17m long). A loading zone (space) is proposed to be provided between Studio 1 and Studio 2 on the site. The loading zone and truck tracking curves for the delivery SPS area are shown in Figure 9.

Figure 9: Truck Circulation



52 Bicycle stands are also proposed to be provided on the site and included as part of the detailed design and construction of the SPS. Shower facilities (as Bicycle End of Journey Facilities) will be provided within the SPS building bathrooms.

4.2.5 Construction Traffic

Construction traffic will access the site from the new Parkhill Road access. Large volumes of aggregate are to be sourced from within the Te Awanga Downs' property for the establishment of the new road. Earthworks machinery will be established on the site and will remain there until the end of the construction project.

The construction period will be 9-12 months. There will typically be 10-50 vehicle movements per day to and from the site, and of these, approximately 20% will be heavy vehicles. There will be a maximum of 10 HCVs movements per day.

The peak generator of external traffic will be foundation concrete pour which will take place over 2-3 days. This is expected to generate up to 120 vehicles per day with 80% being HCVs (96 per day).

4.2.6 Helipad

A helipad is proposed to be located on the SPS development site, west of the proposed cafe (Figure 2) and used 'infrequently' to accommodate air access when required. Potentially Squirrel type AS350, EC120, EC130, EC145 or similar, rescue helicopter, Robinson aircraft and any other domestically available helicopter will be used for A-list cast or a medical emergency. In relation to the use of the helipad, the application states (page 5 of the response to s92 request, set out in a letter from Mitchell Daysh, dated 18 November 2021):

"For most of the time the helipad is not expected to be used at all. If a large film is in residence at the studios with A-list case, then it is anticipated there could be a maximum of four movements per day, with two movements more likely and only in association with productions that justified that expense.

[...] – This [hours of operation] is dependent on the call time for the day but an hour pre call and an hour after wrap so there is a potential 12:45 hour window during which a helicopter could arrive and take off from 6am to 6.45pm, this would however be a narrow window during the lesser daylight hours of the winter months as the helipad will not be lit for night time flying.

[...] – This [the flight paths] is hard to predict as it would depend on where the cast are coming from. The most likely flight paths would be between the site and: The Farm at Cape Kidnappers, Hawke's Bay Hospital, Napier Airport, Wellington Airport, Auckland International Airport, and Taupo Airport. Flight plans and hours of operation would be covered in any flight approval process with the Civil Aviation Authority."

Further information provided by email on 18 May 2020 confirms the need to use helicopters for A list cast members is "incredibly slim", and if they were in residence, they would likely stay at Cape Kidnappers, are more likely to arrive by car, with helicopter travel being likely restricted to arrival from and departure to the Hawke's Bay Airport. The preferred flight path is said to be over the pine forest rather than the residential area.³

³ Email from Philip McKay to Caleb Sutton (Hastings District Council), subject: 'Update on revised notification assessment', dated 18 May 2022.

4.2.7 Site Servicing

It is proposed that the SPS be self-sustainable for utility servicing, as described on page 10 of the AEE accompanying the application:

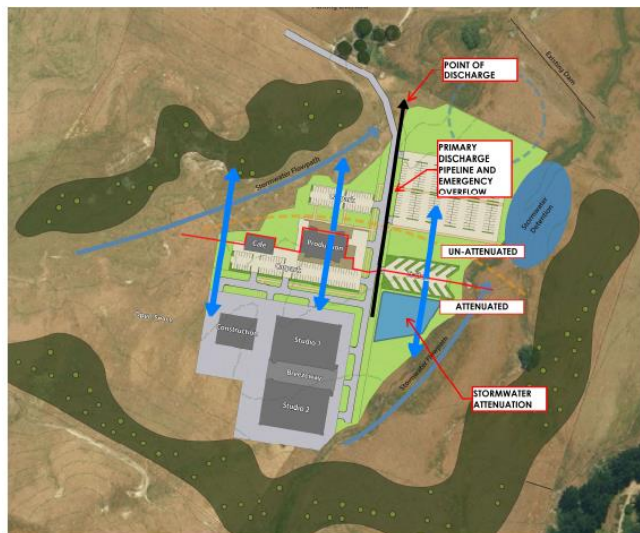
"Internet access [is] to be provided by satellite connection rather than cables; on-site wastewater is to be provided for the production building and cafeteria amenities. When extra people are on site for filming mobile toilet facilities will be provided by the same trucks that provide such facilities for outdoor filming locations. Detailed design and Regional Council consenting of the onsite effluent disposal system will take place prior to applying for building consent.

Water supply is proposed to be provided by roof water collection as much as possible with water to be trucked when necessary. Solar electricity production is proposed for the production building."

A concept design for the attenuation of stormwater runoff from the SPS is proposed and is set out in the "Parkhill Studios Stormwater Servicing Report J21120-1" report prepared by Infir (dated 6 August 2021) and attached as Appendix E to the AEE (Figure 10). It is proposed to form a stormwater attenuation pond on the SPS site to receive stormwater from the northern portion of the SPS. The preliminary design proposes a storage pond that is 2m deep with a base area of 2,500m² for a total volume of 5,000m³. The concept is to discharge runoff from the site at a rate no greater than the pre-development flow in the 1 in 10-year, 1 in 50-year and 1 in 100-year Annual Recurrence Interval (ARI) events. Infir recommends that a release valve be installed to allow the attenuation pond to be emptied over a period of 1 day (at a discharge rate of 50 L/s under no rain conditions). Infir also recommends that the detailed design for the SPS stormwater system must achieve the following (as set out on pg. 3 of the Infir report):

- "Runoff to the attenuation pond as outlined in this report
- Total sealed and hardstand areas not exceeding the values used for this report
- An attenuation pond of at least 4,500m³, releasing water at the values stated in this report
- A scour resistant discharge to the mid catchment reservoir catchment
- Volume neutrality below the crest of the mid-catchment dam."

Figure 10 – Proposed Stormwater Scheme



4.2.8 Earthworks

Earthworks associated with the construction of the SPS and new access road are described on pgs. 11, 12, 19 and 22 of the AEE:

"Earthworks for the road construction are proposed to be minimised as much as possible by avoiding steep slopes and utilising existing farm tracks where possible as is illustrated in the concept plans for the access prepared by Wayfinder (see Figure 5 below). Nevertheless, a relatively large volume of earthworks will be required to level different parts of the development site. Total earthworks volumes are estimated at approximately 150,000m³, with 40,000m³ of this for the SPS development and approximately 110,000 m³ for construction of the access road."

"It is noted that the above estimates of earthworks volumes and areas are approximate only, and this application seeks to authorise all necessary earthworks for establishment of the SPS."

"The proposed earthworks will be carried out in accordance with best practice erosion and sediment control methods, and it is anticipated that standard conditions requiring these measures be placed on this resource consent."

"On this basis the most appropriate suite of management practices will be adopted to suit the site constraints to minimise silt and sediment discharges to land and water and generally avoid the discharge of sediment and dust beyond the construction areas. These measures should include construction and operation controls, as well as decommissioning controls once construction is completed, with the aim of preventing erosion and dust, and minimising the need to capture sediment within the site."

"Earthworks will be subject to the construction noise standards set out in the HDP and the applicable NZ Standards, and due to the separation from neighbouring dwellings it is not expected that there will be any difficulty in complying with these standards."

"Steps will be taken to ensure that all erosion and sediment control measures are fit for purpose, and that these measures are maintained to ensure effectiveness for the duration of the works. At the completion of works, all areas of cut and fill will be either retained or otherwise appropriately covered, battered, re-grassed or vegetated to minimise erosion and prevent slope failure and to contribute to the proposed landscaping of the road berm and SPS site in accordance with the Wayfinder Plans in Attachment 2. Furthermore, no earthworks will be undertaken within proximity to any archaeological sites, or areas of significant vegetation, and the visual impact of the earthworks will be minimal."

4.2.9 Landscaping

A landscape design and planting are recommended in the Wayfinder Landscape and Visual Assessment provided in Appendix C and shown on the Development Plans in Appendix B of the AEE. The SPS site layout plan (Figure 2) is proposed to achieve the following (as set out on pgs. 12-13 of the AEE):

- retention of natural overland stormwater flow paths;
- responds to the existing site landform to limit the extent of earthworks; and
- completely screens visibility of the studio buildings from the wider area.

The proposed landscape plantings proposed include:

- Access Road
- Landscape design of entrance through Te Awanga Estate.
- Linear tree planting of road verges near entrance.

- *Infill planting of poplars on steeper slopes above road.*
- *Trees on verges in midsection of road in sporadic clusters to reflect rural character and buffer Outfoxed.*
- *Tree planting in gullies adjacent to road.*

SPS Development Area

- *Indicative mass native planting and specimen trees (mix of native and exotic) to provide additional on-site amenity and containment.*
- *Trees to soften carparks and trailer parking areas."*

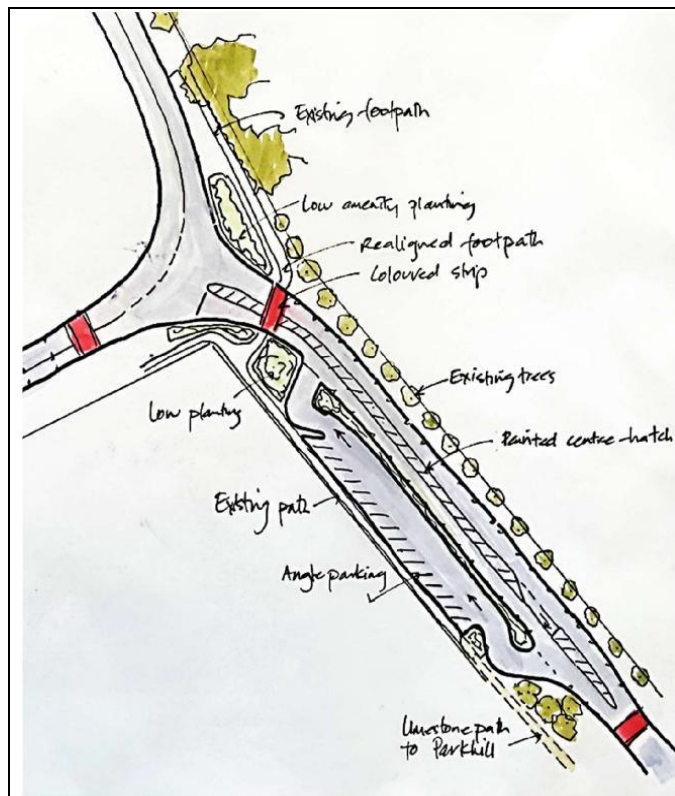
4.2.10 Road Network Improvements

The following improvements to the roading network are proposed to mitigate effects of the increase of traffic associated with the proposed development, and are summarised on page 12 of the AEE:

- *Parkhill Road (south of Raymond Road)*
 - *Widening of traffic carriageway.*
 - *Centreline marking.*
- *Parkhill Road / Raymond Road Intersection*
 - *Install raised pedestrian crossing platforms.*
 - *Install splitter island.*
 - *Relocation of sign to improve traffic sightlines.*
 - *Provision of angle car parking on the Parkhill Road verge adjacent the kindergarten.*
 - *Improve lighting of intersection.*
- *Parkhill Road / East Road Intersection*
 - *Install Flexi-posts along right turn bay."*

An illustration of the proposed angle car parking on Raymond Road, adjacent to the kindergarten is shown in Figure 11. The proposed parking and design improvements for this area will move the parking area further south, away from the intersection of Parkhill Road with Raymond Road, provide a flush median right turn bay area, and reduce vehicle speeds (e.g. through the installation of the raised pedestrian crossing platforms). The final details, including vehicle tracking and sight distances are proposed to be developed during the detailed design phase of the project. The Applicant also proposes that a road safety audit be completed on the detailed design.

Figure 11 – Proposed Increased Parking on Raymond Road for School and Kindergarten



5.0 THE SITE AND SURROUNDING ENVIRONMENT

A site visit was undertaken by the Reporting Officer and the Council's Environmental Consents Manager on 30 September 2021.

The Te Awanga Downs property is located approximately 1.5km to the south, and inland from, the Te Awanga residential area. The site of the proposed SPS facility and associated access comprises three separate records of title as follows (refer to Figure 4):

Te Awanga Downs Trustee Limited

- Title No. 815158 (Lots 6-8 DP 915212)
- Title No. 815157 (Lot 5 DP 915212)

Te Awanga Estate (Hawke's Bay Wine Investments Limited)

- Title No. HBV3/731 (Lot 1 and 2 DP 24898)

The site's topography comprises a flat area to the north and northeast, near Te Awanga, which is then bordered by undulating terraces before transitioning to coastal hill country for the remainder of the site (Figure 12, and Photos 1 and 2). The proposed SPS facility will not be visible from Te Awanga due to the intervening hills.

Figure 12 – Subject Site Topography (Source: HDC Intramaps)

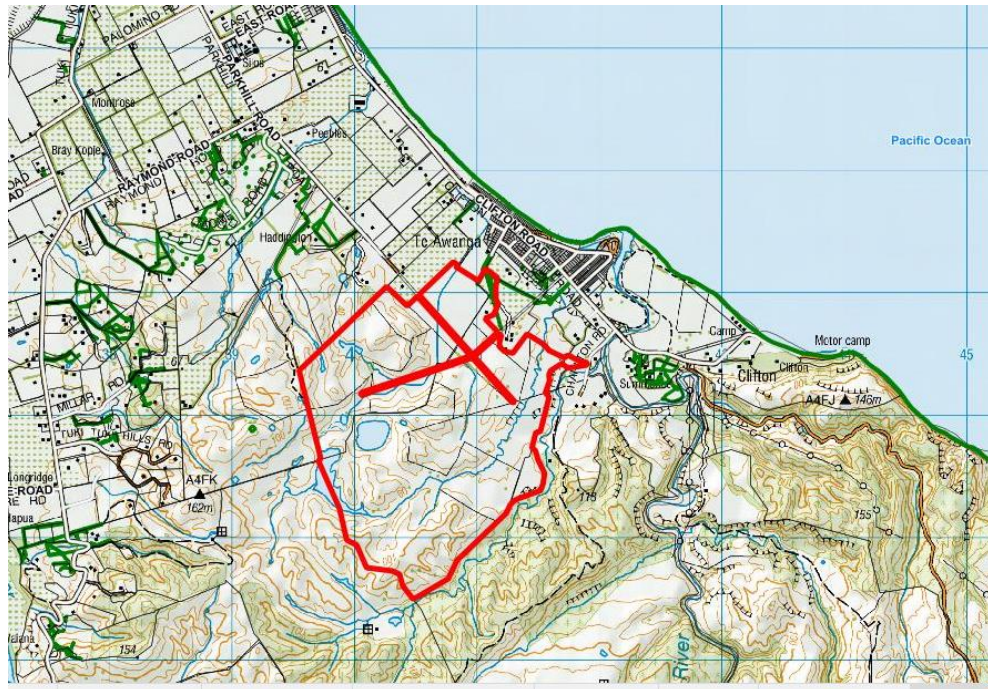


Photo 1: View of SPS Site looking from the hill immediately above the site, from west to east



Photo 2: View of SPS site looking from east to west



The following description of the site and surrounds is provided on pgs. 6-8 of the AEE:

"The Te Awanga Downs property is used primarily for pastoral farming with the woolshed, yards and farm buildings located at the north eastern end of the site some 450m along a private accessway connecting with the end of Gordon Road, Te Awanga. The residential dwelling associated with the management of Te Awanga Downs is located on an adjacent but separate record of title.

The wider site also includes the following additional activities [...], which are currently accessed from the end of Gordon Road:

- *The Clifton Cricket Club grounds set in a valley in the midst of the property [...];*
- *Outfoxed outdoor adventure activities, consented under RMA20200022 as a commercial activity providing for up to 80 customers. The activities offered include the 'The Landing' for hosting functions; 'The Den' for clay bird target shooting; and 'The Lookout' as a golf driving range [...];*
- *'Outfield Music Events' resource consents have been granted for the outfield music event for up to 3,000 people in February 2020 (RMA2020006) and February 2021 (RMA20200527) hosted on land adjacent to the cricket ground.*

*Other features of the wider site include several ponds amongst the hills in the western portion of the property and two flood protection dams established by HDC to protect Te Awanga from overland flow from the Te Awanga Downs hills and beyond in major rainfall events. It is noted that the No.8 Studios lease area is proposed behind one of these dams and hence a comprehensive assessment of stormwater effects has been commissioned for this application from Infir and is attached as **Appendix E.**"*

"Another feature of the wider site is that it includes some eight recorded archaeological sites all listed as pre 1769 in origin [...]. All of these recorded archaeological sites are located on the

northern portion of the site, with the closest being some 800m from the No.8 Studios development site. Due to the recorded archaeology in the wider area however, an archaeological assessment has been commissioned from Archaeology Hawke's Bay to establish if the proposed activity could have any potential adverse effects on archaeology. This report is attached as **Appendix F**."

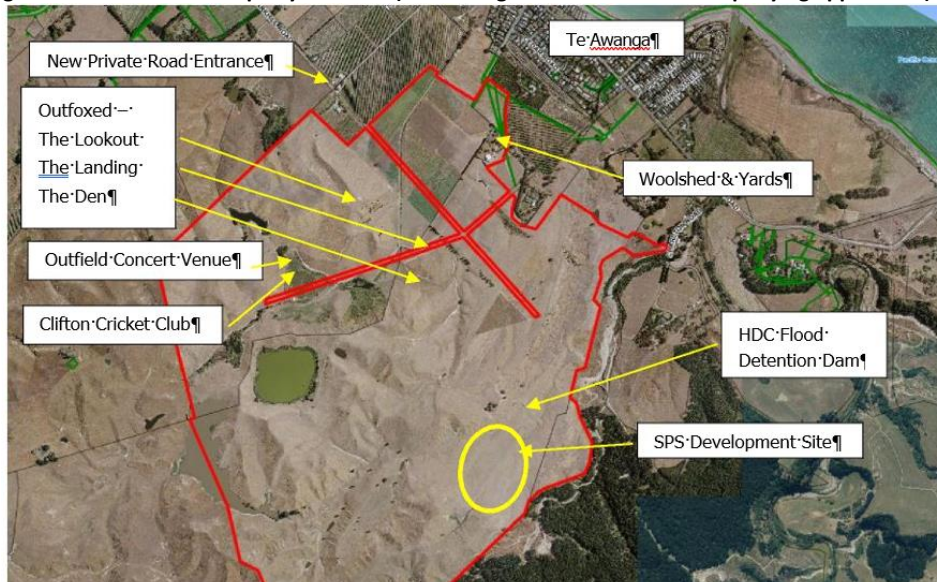
"Surrounding land uses to the application site comprise vineyards to the north of the site in the coastal strip between Parkhill and Clifton Roads. The formed end of Parkhill Road terminates at Te Awanga Estate and the proposed private road will first cross the north western side of the Te Awanga Estate property in accessing the Te Awanga Downs property. The adjacent land on the south western side of Parkhill Road comprises of pastoral farming and lifestyle residential properties, with similar land uses between the subject site and Te Awanga.

The land adjacent to the northern extent of the site has been rezoned for residential development as a growth node for Te Awanga [...]. The adjoining site to the southeast is a large production forestry and pastoral farming property. The adjoining land to the southwest is pastoral farming hill country."

The location of features on the Te Awanga Downs property described above are shown in Figure 13.

The subject site is located within the wider Area of Interest of the Heretaunga Claims Settlement Act 2018 and is within the Statutory Acknowledgement Area of the Maraetotara River & Tributaries (OTS110-28). The ephemeral streams in the vicinity of the site are tributaries of the Maraetotara River.

Figure 13 – Location of Property Features (Source: Figure 3 of the AEE accompanying application)



6.0 REASONS FOR CONSENT AND ACTIVITY STATUS

6.1 National Environmental Standards

6.1.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)

The following assessment applies the NESCS to the proposed activity. The NESCS requires consideration at time of a change in land use, subdivision or earthworks on a piece of land upon which an activity on the Hazardous Activities and Industrial List (HAIL) has/is, or is more likely than not, been undertaken.

Regulation 5 of the NESCS outlines that the NESCS applies when a person wants to (among other things) disturb the soil of the piece of land or change the use of the piece of land, where land covered includes:

Land Covered

(7) The piece of land is a piece of land that is described by 1 of the following:

- (a) an activity or industry described in the HAIL is being undertaken on it;*
- (b) an activity or industry described in the HAIL has been undertaken on it;*
- (c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.*

The HAIL List (Hazardous Activities and Industries) outlines seven categories of activities:

- A. Chemical manufacture, application and bulk storage;*
- B. Electrical and electronic works, power generation and transmission;*
- C. Explosives and ordnances production, storage and use;*
- D. Metal extraction, refining and processing, storage and use;*
- E. Mineral Extraction, refining and processing, storage and use;*
- F. Vehicle refueling, service and repair; and*
- G. Cemeteries and waste recycling, treatment and disposal.*

Regulation 6(1) Methods, prescribes the only two methods that may be used for establishing whether an area is 'a piece of land' that is subject to the NESCS:

- 6(2) By using the most up to date information about the area where the piece of land is located that the territorial authority holds on its dangerous goods files, property files or resource consent database or relevant registers, or which it has available from the Regional Council; or*
- 6(3) By relying on the report of a Preliminary Site Investigation (PSI) stating that an activity on the HAIL is or is not / has or has not / been or is being undertaken on the piece of land, or stating the likelihood of a HAIL being or been undertaken on the piece of land.*

Film Studio Development Site

No PSI was submitted with the application.

The AEE (pgs. 16-18) provided historic aerial photographic images of the subject site in 1949 and from 1950. The image from 1949 only includes the northern half of the site and excludes the proposed location of the SPS facility (Figure 14). The image for 1950 (Figure 15) includes the SPS facility location. The next available aerial image is not until 2004 (Figure 16) which shows part of the SPS facility location.

This application is for a change in land use from pastoral farming to a commercial activity.

On the basis of the historical aerial photography and having visited the site and checked the Council records, I am satisfied there is no evidence of any HAIL activities having occurred on the Film Studio development land and that the NESCS does not apply to this application.

Figure 14 – Historical Aerial Photo 1949 (Source: HDC Intramaps)

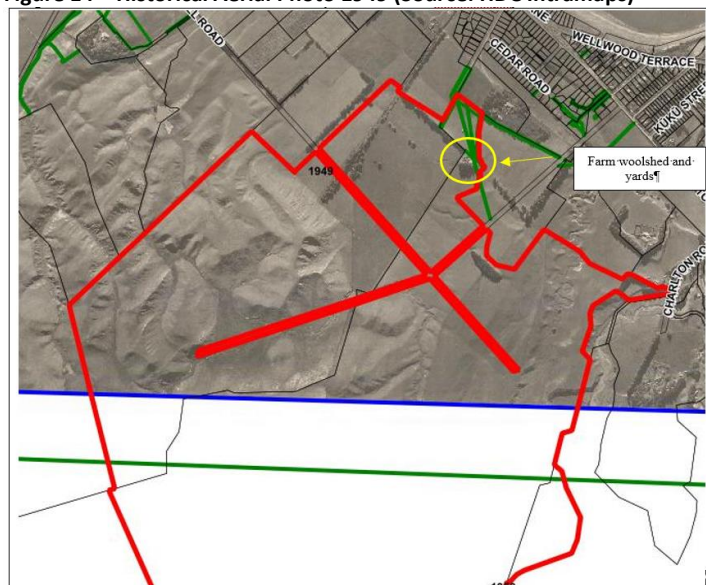


Figure 15 - Historical Aerial Photo 1950 (Source: HDC Intramaps)

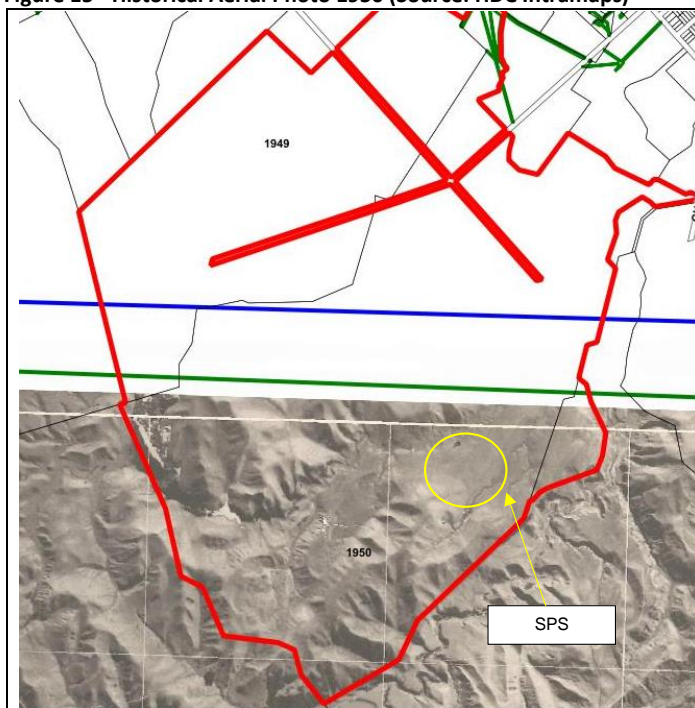
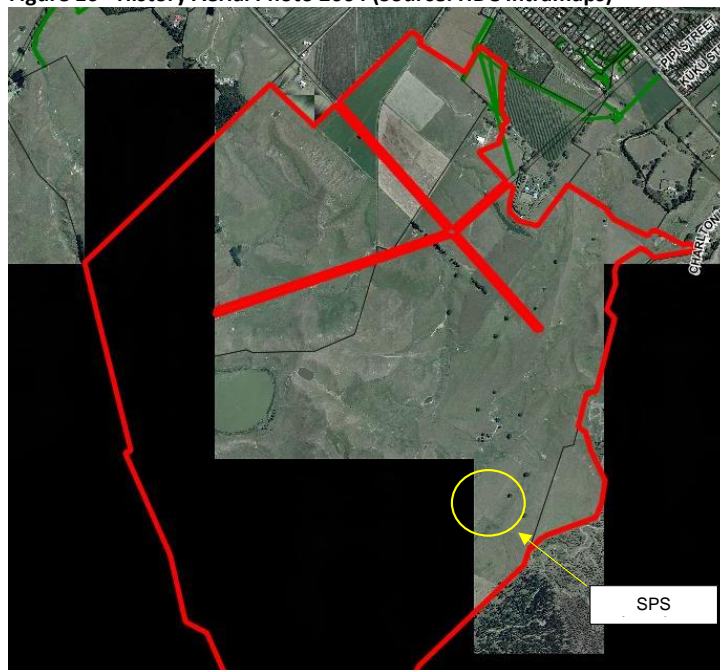


Figure 16 - History Aerial Photo 2004 (Source: HDC Intramaps)



Earthworks to Widen Parkhill Road

No PSI was submitted with the application in relation to proposed earthworks to widen Parkhill Road.

The submissions of Christopher Andrew Hursthouse, and Madeleine Riordan seek that the application be declined, but seek that if consent was to be granted with access via Parkhill Road, they request that:

"Appropriate earthworks undertaken as part of the road widening at the eastern end of Parkhill Road (between 332 Parkhill Road and Te Awanga Estate) to address the undulation and irregular surface arising from an historic rubbish dump site in that area, at the developer's cost."

A check of Council's GIS mapping information shows the indicative location of a dump site at 332 Parkhill Road which potentially extends into Parkhill Road (red box shown in Figure 17).

Figure 17: Historic Hawke's Bay County Council Dump Site – 332 Parkhill Road



A check of the corresponding property file (reference 57157) identifies two references to a site of fill. I have attached these records being 57157#002#0001 'SITE OF FILLING', and 57157#007 'GENERAL GOAT FARMING 14 NOV 1985' in **Attachment 22** of this report, being a report on developing the site for goat farming – see page 5 last paragraph under 'soils' highlighted below:

1.8 Soils: There are two main soils found on the property. These comprise the Crownthorpe and Matapiro series. The Crownthorpe light sandy loam being No.21A on the DSIR classification is a fairly light soil which dries out rapidly. It is moderately fertile. The soil is formed on coarse pumiceous sandstone and is characterised by the rapid drying off pastures in summer.

Matapiro sandy loam, being No.28 on the DSIR classification is characterised by a sandy topsoil with a heavier subsoil which cements to form a hard pan. This causes a drying out of the pasture established on the soil but does soften during winter in some places.

These two soils are amongst the most extensive series found in the mid-Hawke's Bay region. They are predominantly used for pastoral farming purposes and good levels of productivity are normally achieved under optimum management conditions and allowing for the fairly wide spread occurrence of summer dry spells.

In addition to these two soil types there is an estimated area of some 1.6 ha which is comprised of fill materials from the nearby County rubbish dump. The soil quality is generally very poor however, surprisingly, the pasture established on this area is fair. The ability to increase the pasture species and productivity is limited and careful consideration of the use of this area should be made to optimise productivity.

A dump site (waste disposal area) falls within Category G of the HAIL list. It is unknown whether the extent of waste disposal extends into the Parkhill Road reserve. However, I consider that the road reserve adjacent to the dump site at 332 Parkhill Road must be considered 'a piece of land' under

section 5(7)(c) of the NESCS, as it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.

Regulation 8(3) specifies the following:

Disturbing soil

- (3) Disturbing the soil of the piece of land is a permitted activity while the following requirements are met:
- (a) controls to minimise the exposure of humans to mobilised contaminants must—
 - (i) be in place when the activity begins;
 - (ii) be effective while the activity is done;
 - (iii) be effective until the soil is reinstated to an erosion-resistant state;
 - (b) the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done;
 - (c) the volume of the disturbance of the soil of the piece of land must be no more than 25 m³ per 500 m²;
 - (d) soil must not be taken away in the course of the activity, except that,—
 - (i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples;
 - (ii) for all other purposes combined, a maximum of 5 m³ per 500 m² of soil may be taken away per year;
 - (e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind;
 - (f) the duration of the activity must be no longer than 2 months;
 - (g) the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.

The area of Parkhill Road reserve to be widened that is within the 'piece of land' is approximately 3000m². Under Regulation 8(3)(c) the volume of soil that may be disturbed as a Permitted Activity must not exceed 25m³ per 500m², which in this case means that the volume of earthworks must not exceed 150m³. Under Regulation 8(3)(d) and 8(3)(e) specifies that a maximum of 5m³ per 500m² of soil may be taken away per year, if it is disposed of to a facility authorised to received soil of the type contaminated.

I consider that there is potential for the volume of soil that may need to be removed from the roadworks site may exceed he permitted volume, it there is found to be contaminated soil within the area of disturbance.

Regulation 10 specifies the following:

10 Restricted discretionary activities

- (1) This regulation applies to an activity described in any of [regulation 5\(2\) to \(6\)](#) on a piece of land described in [regulation 5\(7\) or \(8\)](#) that is not a permitted activity or a controlled activity.
- (2) The activity is a restricted discretionary activity while the following requirements are met:
- (a) a detailed site investigation of the piece of land must exist;
 - (b) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in [regulation 7](#);
 - (c) the consent authority must have the report;
 - (d) conditions arising from the application of subclause (3), if there are any, must be complied with.
- (3) The matters over which discretion is restricted are as follows:
- (a) the adequacy of the detailed site investigation, including—
 - (i) site sampling;
 - (ii) laboratory analysis;
 - (iii) risk assessment;
 - (b) the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination;
 - (c) the approach to the remediation or ongoing management of the piece of land, including—
 - (i) the remediation or management methods to address the risk posed by the contaminants to human health;
 - (ii) the timing of the remediation;
 - (iii) the standard of the remediation on completion;
 - (iv) the mitigation methods to address the risk posed by the contaminants to human health;
 - (v) the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants;
 - (d) the adequacy of the site management plan or the site validation report or both, as applicable;
 - (e) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity;
 - (f) the requirement for and conditions of a financial bond;
 - (g) the timing and nature of the review of the conditions in the resource consent;
 - (h) the duration of the resource consent.

Consequence if requirement not met

- (4) If a requirement described in this regulation is not met, the activity is a discretionary activity under [regulation 11](#).

As a detailed site investigation of the piece of land has not been provided (as required under Regulation 10(2)(a), the activity must be assessed as a Discretionary Activity under Regulation 10(4) and Regulation 11.

6.1.2 National Environmental Standard for Sources of Human Drinking Water

The NES Sources of Human Drinking Water only applies to an activity that has the potential to affect a registered drinking-water supply that provides no fewer than 501 people with drinking water for not less than 60 days each calendar year. The regulations relate to regional council not granting water permits and discharge permits for activities upstream of an abstraction point for drinking water where it may adversely affect the ability to meet guideline values for that drinking water.

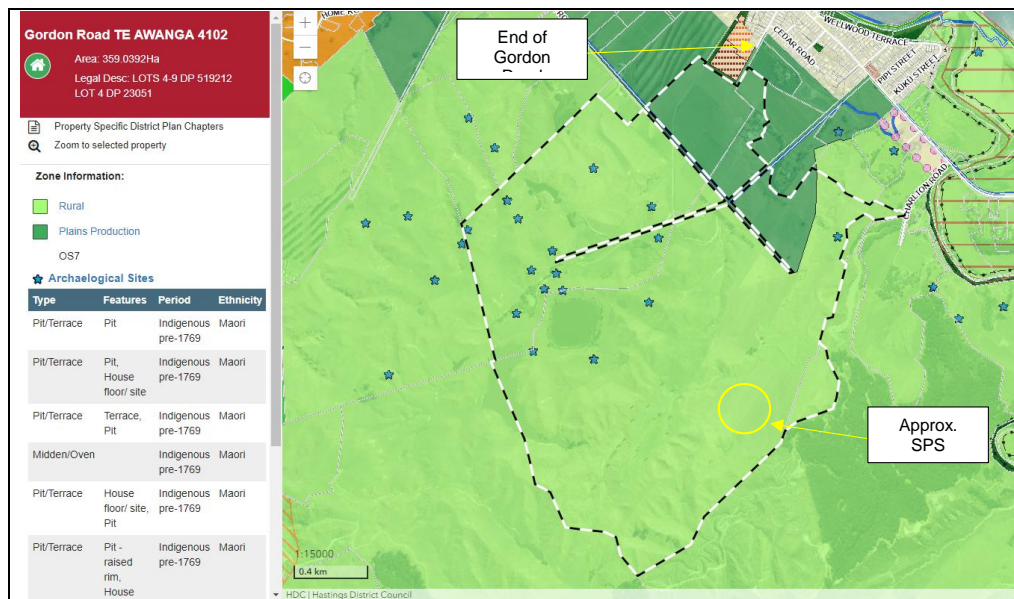
This application is not for a water permit or discharge consent. As such, the NES for Sources of Human Drinking Water is not considered relevant in terms of land use application to Hastings District Council. It is noted that a discharge consent is being applied for separately from HBRC.

6.2 Operative District Plan Status

This resource consent application was lodged on 17 September 2021. All parts of the Hastings District Plan that are relevant to this application were declared operative on 15 March 2020, so the following assesses the proposal solely against the Hastings District Plan (partially operative as at, 15 March 2020).

The SPS and associated new access road over the Te Awanga Downs and Te Awanga Estate land is within the Rural Zone (Figure 18).

Figure 18 – District Plan Maps (Source: Hastings District Plan (ePlan))



There are 15 Archaeological Sites located to the north-west and central part of the property and one in the north-eastern corner of the property.

There are no additional features or overlays present on the site.

6.2.1 Rural Zone

The SPS and ancillary access meets the following definition of 'commercial activity':

"... the use of land or buildings for the display, offering, provision, sale, repair or hire of goods, equipment or services; and includes commercial service activities, but excludes helicopter depots."

While not identified as such in the application, I note that insofar as the proposed activity involves production of movies and includes a construction workshop, there are also aspects of an 'industrial activity' which is defined as:

"... the use of land or buildings for the manufacturing, fabricating, processing, packing or storage of substances, into new products"

Within the Rural Zone, Commercial Activities are permitted under Rule RZ5 within specified limits set out in Specific Performance Standard 5.2.6C Commercial Activities.

Similarly Industrial Activities are permitted within the Rural Zone, under Rule RZ6 within specified limits set out in Specific Performance Standard 5.2.6B Industrial Activities. The General Performance Standards and Terms in Section 5.2.5 also apply to all activities. Rule RZ16 specifies that any permitted activity other than those listed elsewhere in Rule Table 5.2.4 not meeting one or more of the General Performance Standards and Terms in Section 5.2.5 and Specific Performance Standards in Section 5.2.6 is a Restricted Discretionary Activity.

Rule RZ17 specifies that Helicopter Depots are a Restricted Discretionary Activity. The proposed helipad does not fall within the definition of a 'Helicopter Depot' which is defined in the District Plan as:

"... a site regularly used as a base for the operation, servicing, refuelling and storage of helicopters".

Rule RZ24 specifies that any Commercial Activities not complying with the Specific Performance Standards in Section 5.2.6C are a Discretionary Activity. Rule RZ23 provides that Industrial Activities not complying with the Specific Performance Standards in Section 5.2.6B are a Discretionary Activity.

An assessment of the proposal against the relevant standards of the District Plan (including the Rural Zone) is provided in Appendix G of the AEE report accompanying the application. The assessment is that the proposed activity will comply with all relevant General Performance Standards and Terms in Section 5.2.5, including the relevant General and Specific Performance Standards of Section 26.1 Traffic Sightlines, Parking, Access and Loading, and Section 25.1 Noise. I concur with that assessment.

The noise conditions for the Rural Zone are set out under General Performance Standard 25.1.6D of the District Plan, which apply to all land uses other than those exempted under Rule 25.1.6B.

Performance Standard 25.1.6B states that the noise standards in the District Plan will not apply to the following:

"[...]"

(d) To vehicles travelling on a road (this does not apply to stationary vehicles);

"[...]"

(f) To aircraft:

i) operating during, or immediately before or after flight;"

Note 1 of General Performance Standard 25.1.6B states that, notwithstanding the above exemptions, all land uses shall be subject to section 16 and Part XII of the Resource Management Act 1991.

In relation to noise associated with the use of the proposed helipad, the operation of helicopters during, or immediately before or after flight is exempt from the Rural Zone noise standards, however the District Plan also states that all land uses are subject to the requirement to adopt the best practicable option to ensure noise does not exceed a reasonable level.

With respect to the Specific Performance Standards in Section 5.2.6 of the District Plan, the assessment provided in Appendix G of the Applicant's AEE report identifies that the proposed activity will not

comply with Specific Performance Standard 5.2.6C(1) as the total gross floor area of the proposed buildings will be 10,070m² (which exceeds the permitted maximum gross floor area of 100m²), there will not be at least one person resident on the site carrying out the activity, and there will be more than 3 persons employed on the site⁴. The proposed activity similarly fails to comply with Specific Performance Standard 5.2.6B(1) which has the same gross floor area and personnel limits.

Given the non-compliance with Specific Performance Standard 5.2.6C(1) and 5.2.6B(1), the activity must be assessed as a **Discretionary Activity** pursuant to Rules RZ24 and RZ23.

6.2.2 District Wide Activity

The application includes earthworks, which are addressed as 'District Wide Activities' in the District Plan, where 'earthworks' is defined in the District Plan as:

'... the disturbance of land by moving, placing or replacing earth, or by excavation or cutting; filling or backfilling and the removal or importation of earth (including topsoil) to or from any site...'

The definition of earthworks in the District Plan goes on to state that *'the volume of earthworks is the sum of both cut and fill operations'*. It is proposed that there will be approximately 150,000m³ of earthworks for the proposed activity, comprising around 40,000m³ to form the SPS facility, and approximately 106,000m³ to construct the new access road.

The following rules in Table 27.1.5 are relevant to the proposed activity:

RULE	ACTIVITIES	ACTIVITY STATUS
EM1	Earthworks	P
EM6	Permitted Activities not meeting the General Performance Standards and Terms in Section 27.1.6	RD
EM10	The removal offsite of more than 100m ³ of earth (including topsoil) per site per year from sites in any Zone (excluding Plains Production Zone)	D

An assessment of the proposal against the relevant General and Specific Performance Standards Section 27.1 of the District Plan is provided in Appendix G of the AEE report accompanying the application.

As the area of the subject site is 229.6ha, the maximum volume of earthworks permitted over any 12-month period under General Performance Standard 27.1.6A is 459,200m³ (being 2000m³ per ha of site). No removal of earth offsite is proposed.

The proposed earthworks will not comply with the following General Performance Standard & Term:

1. *Standard 27.1.6D Excavation (no earthworks shall have a cut/fill face of overall vertical extent greater than 2.5m in the Rural Zone)) – a maximum cut depth of 5.6m is proposed for the SPS development.*

Therefore, the earthworks are a **Restricted Discretionary Activity** pursuant to Rule EM6.

6.3 Overall Activity Status

Overall, the proposal will be considered as a **Discretionary Activity** being the most stringent status for all the activities being bundled above. This is consistent with the overall status assessed in the AEE⁵.

⁴ During peak filming times it is proposed that there will be up to 420 people working at the SPS facility.

⁵ Section 2.1, page 16 of the AEE report.

7.0 NOTIFICATION AND SUBMISSIONS

7.1 Notification

The application was limited notified on 27 May 2022 following the determination on notification in accordance with section 95A to the owners/occupiers of the following properties:

- 23 Home Road
- 9 Tirohanga Road
- 227 Parkhill Road
- 272 Parkhill Road
- 299 Parkhill Road
- 307 Parkhill Road (note: this dwelling is on the same title as 299 Parkhill Road)
- 355 Parkhill Road
- 373 Parkhill Road
- Charlton Road, Te Awanga, being Lot 3 1/2 SH in LOT 5 DP 23051 LOT 1 DP 23432 BLK 11 KIDNAPPER SD (being the forestry block to the southeast of the SPS site)
- Outfoxed
- Te Awanga Kindergarten

The submission period closed on 27 June 2022.

7.2 Submissions

7.2.1 Summary of Submissions

A total of 10 submissions were received on or before 27 June 2022. Of these, 1 is in support, 6 oppose, 2 support subject to the imposition of conditions, and 1 seeks the inclusion of conditions but does not state whether they seek the consent to be declined or granted.

Two submissions were from different occupants of the same property (i.e. 272 Parkhill Road).

The following table lists the submitters and the decisions they seek in relation to the application.

A copy of the submissions is provided in **Attachments 23-32** of this report:

Submission Number	Name of Submitter(s)	Preferred Decision by HDC
1.	Matt and Amy Nilsson (Outfoxed Ltd)	Grant
2.	Ocasor Limited ('Winirana')	Decline
3.	Marc and Joanne Anderson	Decline
4.	Te Awanga Kindergarten	Conditional Support
5.	Mark and Jan Toms	Decline
6.	Madeleine Riordan	Decline
7.	Christopher Andrew Hursthouse	Decline
8.	AM and CJ Caseley	Decline
9.	Parkhill Family Trust (Annah and Jonathon Kight)	Conditional Support
10.	Robert Averill Fitzharding Kingscote	Subject to conditions (unknown if the preferred decision is to grant or decline)

Two letters were received in support of the application from parties that were not limited notified. No statutory regard can be given to these letters, so I have not considered them in my assessment.

The following gives a summary of the various issues raised in the submissions. Please note that the matters listed below are only a summary of the key matters raised. Please refer to the full submissions as required.

Submission in Support

The following summarises key issues raised in the submission supporting the application and requesting that consent be granted:

- Proposed film studios would bring huge benefits to the local community and Hawke's Bay region, including opportunities for the arts and business communities;
- Parkhill Road has the ability to offer the easiest, safest access and the proposed upgrading will improve the safety of the current one lane Parkhill Road which is getting busier with the winery and local traffic; and
- Supports improving the intersections on East Road and turning into Parkhill Road, which are currently very dangerous and need upgrading regardless of the subject proposal.

Submissions in Support Subject to Conditions

The following summarises key issues raised in submissions giving conditional support:

- Supportive of the application subject to Gordon Road being the access to the site for all road vehicle access OR, if Parkhill Road is used, the following solutions are incorporated as conditions of consent:
 1. As proposed by the Applicant – install a slip road by the Te Awanga Kindergarten for safe dropping off/picking up of children as per the diagram in the application, including:
 - (a) Provision of around 20 angle parks on Parkhill Road verge adjacent to the kindergarten;
 - (b) Island or barrier between road and slip road and parking;
 - (c) Flush median for cars turning into kindergarten parking slip road;
 - (d) Splitter island installed at Raymond and Parkhill Road intersection;
 - (e) Road to be realigned or widened to allow adequate space for (a)-(d);
 - (f) Installation of extra lighting at the Raymond Road and Parkhill Road intersection; and
 - (g) Relocation of existing 25km/hr signs.
 2. Roundabout to be installed at Raymond and Parkhill Road intersection.
 3. Pedestrian and cycle underpass / install raised zebra pedestrian crossing platforms.
 4. Shared footpath/cycleway along Parkhill Road.
 5. Contribution to expansion of kindergarten to account for roll growth (e.g. mezzanine floor or doors installed to enable kindergarten to use back garden).
 6. Applicant to work with kindergarten and provide some shrubs/trees or other noise reducing barrier as required to mitigate noise and fumes. Applicant to monitor noise and fume levels of traffic and report results to the kindergarten.
 7. Undertaking to engage with kindergarten for early childhood care if required (not to create private service, creche or daycare) i.e. undertake not to seek registration for licence for ECE operation.
 8. 1-4 is constructed prior to work beginning on the studios to avoid the brunt of the traffic impact.
 9. Connect main water supply to all Parkhill Rod residents' properties while roadworks undertaken.
- Plant a hedge of the landowner's choice along the road boundary of 299 Parkhill Road to mitigate traffic noise.

- Install additional road lighting at the intersections.

Submissions Opposing

The following summarises key issues raised in submissions opposing the application and/or requesting that consent be declined:

- There is potential for conflict between forestry activities and outdoor film production (i.e. reverse sensitivity effects);
- Application does not provide detail of the acoustic treatment proposed to be applied to the studio buildings, or of any other measures to ensure that the activity does not constrain noise effects from the forestry block, which is an established and legitimate rural activity in the zone;
- Increased noise due to additional traffic to service the studios;
- Will result in a reduction in amenity because of traffic noise and a much busier road.
- Safety for road users and public walkway/cycling on Parkhill Road;
- East Road/Parkhill Road intersection – blind corner when turning into Parkhill Road;
- Do not want a turning circle outside driveway (373 Parkhill Road);
- The existing shingle driveway through the Te Awanga vineyard will get more traffic using it as a result of the proposed activity.
- The development and associated traffic will result in a reduction in amenity due to the increased traffic noise and vehicle volume, including heavy vehicle movements during construction and site set up for film production which will have a huge impact on residents of Parkhill Road.
- Both the Raymond Road/Parkhill Road and the East Road/Parkhill Road intersections are extremely dangerous as they provide limited visibility. This has not been suitably addressed in the traffic reports.
- Consider it will be difficult to implement the 'peak hour' traffic periods and there will be increased noise and traffic outside these peak periods, and throughout the entire day.
- Four submissions request that consent be declined, but if consent is granted, that an alternative access to the site be used (i.e. not via Parkhill Road). If consent is granted with access via Parkhill Road, they request that:
 - That Parkhill Road/East Road and Parkhill Road/Raymond Road intersections be redesigned as roundabouts to provide safer vision when turning into Parkhill Road from both accesses.
 - Make all proposed road/roundabout improvements a condition of consent and required to be built before construction of the film studio.
 - Parkhill Road widening be a condition of consent, at the developer's cost.
 - Appropriate earthworks undertaken as part of the road widening at the eastern end of Parkhill Road (between 332 Parkhill Road and Te Awanga Estate) to address the undulation and irregular surface arising from an historic rubbish dump site in that area, at the developer's cost.
 - Improve sightline to the south of the exit from 227 Parkhill Road by removing the hump in the road.
 - require the surface of the road from the Raymond Road/Parkhill Road intersection to the entrance to Te Awanga Estate to be asphaltic concrete to reduce road noise from vehicular use.
 - Impose a 50km/hour speed limit on Parkhill Road.

- Provide a walking/cycling/horse riding path from Raymond Road corner to the end of Parkhill Road, at the developer's cost.
 - Plant a hedge in front of 307 Parkhill Road to alleviate the impact of noise from the sizeable increase in road traffic.
 - Film studio access from Parkhill Road to be closed between 7am-5pm, when the applicant says there will be minimal traffic, and after 6.30pm – this traffic can enter via Gordon Road using the Te Awanga Downs' access (provides respite from Parkhill Road residents, protection for the school and kindergarten).
 - Film studio operating hours to be limited to Monday to Friday to provide respite from traffic noise for Parkhill Road residents and a peaceful environment for weekend road users.
 - Restrictions on night-time lighting at the site.
 - Proposed instructions for truck drivers about hours of access during Set-up as a condition of consent. Council to monitor and enforce. Fines for the developer if breached.
 - Drainage on Parkhill Road to be rebuilt with culverts to avoid flooding of road that regularly occurs, adjacent to 272, 278, 299 and 326 Parkhill Road, at developer's cost.
 - Additional security measures be undertaken, such as the Clive Eyes CCTV system.
 - Outfoxed, Clifton Cricket Club, the Landing and Cape Estate, and/or other future developments at Te Awanga Downs not be permitted to use Parkhill Road and the new film studio access road for these activities.
- Rezoning from rural to industrial activity – floor area is 100 times more than permitted -is a significant non-compliance. A significant area of productive land will be consumed by the development. The proposed large-scale industrial development will be the 'tipping point' that will significantly change the rural character of the property and surrounding area.
 - Impact of a large-scale industrial activity on the community through construction, commuter and service traffic generated.
 - The volume of traffic and hours of impact in the traffic reports commissioned by the Applicant have been significantly underestimated. Does not appear to take account of service vehicles, contractors, visitors, business meetings, trade services for maintenance of buildings, landscaping/gardening service providers, delivery vehicles for the café, security services, etc.
 - The use of the new access road by Te Awanga Downs will create the potential for customers of Outfoxed, the Cricket Club, Outfield Concerts and function guests to access these venues from Parkhill Road and via the new access road.
 - Potential security implications (e.g. burglaries and unauthorised street racing) as a result of Parkhill Road being used as the main access road to the studios.
 - It is non-sensical to suggest that the traffic movements will be largely restricted to 6am-7am and 5pm-6pm and mostly during filming periods. How will these times be enforced?
 - In winter months, poor lighting and visibility.
 - Impact of light pollution on local birdlife, including nearby Gannet Colony
 - Concerned about the implications of increased traffic on the safety of the Mill Road/Richmond Road intersection.
 - Additional competition for labour from the proposal is not necessarily desirable currently and there is a severe shortage of rental accommodation and affordable housing, particularly within proximity to the proposed development. Questions whether there is a more suitable location for

the activity closer to town where accommodation and public transport options might be more available.

- The site is in an area without amenities and infrastructure to support the proposed activity, and it does not seem realistic that an operation of the scale proposed can be fully self-contained in terms of electricity, water supply, wastewater and stormwater.
- Traffic from the development will have a detrimental effect on current farming activities, including stock trucks navigating the East Road/Parkhill Road intersection.
- A construction period of 9-12 months seems incredibly optimistic.
- The proposal is contrary to the objectives and policies of the Regional Policy Statement and the Hastings District Plan.
- The increase in traffic volumes and types of vehicles (e.g. heavy vehicles) will substantially increase road noise and significantly impact the air quality in the vicinity of the kindergarten and school.
- A detailed Parkhill Road upgrade plan should be included as a condition of consent (if application approved).
- Residents adjoining Parkhill Road should be given the option of having acoustic panels installed adjacent to the road (at the cost of the applicant) to reduce the impact of road noise.
- Question of what happens to the facility if the investment fails for any reason. Would it become a stranded asset or would Council be compelled to agree to another form of land use in the Rural Zone that is even less suitable (e.g. another type of industry).
- The proposed road work would be an ideal time to introduce a town water supply to all Parkhill Road residents.

Submission Requesting Imposition of Conditions

The following summarises key issues raised in a submission requesting the imposition of conditions, but not indicating whether they wish the consent to be granted or declined:

- Traffic impact assessment has failed to identify various key matters in regard to increase in traffic volumes.
- How will Council enforce the Applicant's proposal to mitigate traffic effects by specifying the time at which the SPS site traffic will arrive, or heavy vehicles will deliver to the site? What is the risk to the safety of school children if the mitigation does not occur?
- Seeks inclusion of the following consent conditions:
 - A detailed Parkhill Road upgrade plan should be included as a condition of consent.
 - That Parkhill Road/East Road and Parkhill Road/Raymond Road intersections be redesigned as roundabouts to provide safer vision when turning into Parkhill Road from both accesses.
 - Incorporate a fit for purpose cycle path along Parkhill Road, commencing from Raymond Road and extending to Te Awanga Estate.
 - Upgrade roadside stormwater drains along Parkhill Road
 - Improve culvert crossing Parkhill Road between 278 and 326 Parkhill Road.
 - Incorporate asphaltic concrete as the carriageway surface of Parkhill Road south of the Raymond Road/Parkhill Road intersection to mitigate road user noise.

7.3 Further Correspondence from Submitter

Following close of submissions, the Council received a letter from Napier Kindergartens (for Te Awanga Kindergarten), dated 25 August 2022, to advise that they met with representatives of Parkhill Studios

to discuss the Kindergarten's concerns about the impact of the proposed road design outside the Kindergarten and the estimated traffic impacts. A copy of that letter is attached in **Attachment 33** of this report.

7.4 Written Approvals

The following written approvals were provided with the application (copies attached in **Attachments 34 and 35**):

- Te Awanga Downs Family Trust (owner of the subject site); and
- Hawke's Bay Wine Investments Ltd (owner and occupier of 376 Parkhill Road, Te Awanga).

8.0 STATUTORY CONSIDERATIONS

Subject to Part 2 of the RMA, section 104(1) sets out those matters that the consent authority must have regard to sections 104(1), 104B and 108 of the RMA when considering any application for a Discretionary Activity.

Section 104 – Consideration of applications

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to-

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) any relevant provisions of-*
 - (i) a national environmental standard;*
 - (ii) other regulations;*
 - (iii) a national policy statement;*
 - (iv) a New Zealand coastal policy statement;*
 - (v) a regional policy statement or proposed regional policy statement;*
 - (vi) a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

[...]

(2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

(3) A consent authority must not,—

- (a) When considering an application, have regard to—*
 - (i) trade competition or the effects if trade competition; or*
 - (ii) any effect on a person who has given written approval to the application;*
- (b) [repealed]*
- (c) grant a resource consent contrary to—*
 - (i) section 107, 107A, or 217;*
 - (ii) an Order in Council in force under section 152;*
 - (iii) any regulations*
 - (iv) wahi tapu conditions included in a customary marine title order or agreement;*
 - (v) section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011;*
- (d) grant a resource consent if the application should have been notified and was not.*

As a Discretionary Activity, the Council may grant or refuse consent under section 104B and may impose conditions under section 108.

Section 104B – Determination of applications for discretionary or non-complying activities

(1) After considering an application for a resource consent for a discretionary or non-complying activity, a consent authority-

- (a) may grant or refuse the application; and*
- (b) if it grants the application, may impose conditions under section 108.*

9.0 ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT - s104(1)(a)

9.1 Effects that must be disregarded

Any effect on a person who has given written approval to the application must be disregarded under section 104(3)(a)(i).

Written approvals were provided by Te Awanga Downs Family Trust and Hawke's Bay Wine Investments Ltd.

9.2 Assessment of Effects

While having regard to the above, the following assessment of environmental effects is prepared having:

- analysed the application (including any proposed mitigation measures and further information submitted by the Applicant in response to the Council's further information request under section 92 of the RMA);
- visited the site and surrounds. A site visit was conducted 30 September 2021. I was accompanied by the Council's Environmental Consents Manager (Mr Caleb Sutton); and
- reviewed the submissions received.

The following is an assessment of the adverse effects on the environment in relation to:

- Roading and Traffic Effects;
- Effects on Safety of Road Users, Cyclists and Pedestrians – Parkhill Road;
- Noise Effects;
- Landscape and Visual Effects;
- Effects on Existing Character and Amenity Values;
- Effects on Productive Land Resource;
- Reverse Sensitivity Effects and Conflicting Land Use Activities;
- Effects on Archaeological Environment and Cultural Values;
- Effects of SPS Site Servicing;
- Natural Hazards;
- Effects on Local Birdlife;
- Effects on Local Labour Market;
- Effects of Disturbance of Potentially Contaminated Land;
- Positive Effects; and
- Other Matters Raised

9.2.1 Roading and Traffic Effects

A Traffic Impact Assessment (TIA) prepared by Urban Connection was provided in Appendix D of the AEE submitted with the application, which assesses the traffic impacts of the proposal. In response to further information requested by the Council (pursuant to s92 of the RMA), additional information was provided by Urban Connection in their letter dated 17 November 2021.

Urban Connection assessed the following in relation to traffic network effects:

- Construction Traffic

*"The construction period will be 9 -12 months with typical days involving 10-50 vehicle movements to and from the site. Typically, the percentage of heavy vehicles will be 20% which would result in a maximum of 10 heavy commercial vehicles (HCVs) per day. The peak generator of external traffic will be the foundation concrete pour which will take place over 2-3 days. This is expected to generate up to 120 vehicles per day with 80% being HCVs (96 per day)."*⁶

- **SPS Operation – Trip Generation During Site Set Up**

*"Approximately 100 HCVs are expected to travel to and from the site, in the majority before production starts, to set up various items required for filming. Site setup is expected to take up to two weeks, therefore the predicted 200 HCV trips to be generated by the trucks will be spread over this period. This is expected to generate approximately 14 HCV movements per day onto Parkhill Road. Truck drivers will be instructed to avoid travelling to and from the site in the peak hours of the road network, being 8am to 9am, and 4.30pm to 5.30pm, and school pick-up hour (2.30pm to 3.30pm). Urban Connection consider that the predicted frequency of HCV trips to and from the site is likely to have less than minor adverse effects on the adjacent roading network."*⁷

- **SPS Studio Operation - Trip Generation During Production**

"Trip generation during film production has been based on staff figures. During every 22 weeks of production, works are to start from 6 to 7am, with an expected 11-hour workday. It is assessed that the site's peak flows will occur from 6 to 7am and 5 to 6pm. Therefore, trips to the site are expected outside the network AM peak and school periods. Trips from (out of) the site are expected to coincide with the second half of the network PM peak hour (5 to 5.30 pm); for that reason, 50% of the site's total exit trips have been assigned in the network PM peak period.

Typically, filming staff (crew and supporting) is expected to arrive and depart the site in rental vans. However, using a conservative approach, this assessment has considered these trips as if they were to be undertaken by private vehicles. A vehicle occupancy rate of 2 persons per vehicle has been used, also considered to be conservative in nature. [...] The trips to be generated by the site are detailed in Table 3 below."

Table 3: Site trip generation

Trip generator	Quantity	Number of vehicles	Daily trips (vpd)	Network PM Peak hour trips (vph)
Production Staff	40	20	40	10
Construction Staff	30	15	30	8
Filming staff (crew and supporting)	400	200	400	100
Total	470	235	470	118

- **Parkhill Road**

The section of Parkhill Road south of the intersection with Raymond Road varies in width from 3.6m to 7.5m. When the developed SPS is operating, Urban Connection expect that the SPS facility will generate 470 traffic movements per day when operating at full capacity (during filming), which will increase the vehicle movements per day on this section of Parkhill Road from 187 vpd to 657 vpd. Urban Connection recommend that this section of road be widened and sealed to a minimum of 6m to comply with a local road standard for up to 1,000vpd (Table 3.2 of the NZS4404:2010). They also recommend that centreline marking be provided south of the Parkhill Road/Raymond Road intersection to separate northbound and southbound traffic. The Applicant

⁶ Page 2 of the letter from Urban Connection responding to Council's section 92 RMA further information request, dated 17 November 2021.

⁷ Section 6.1.1, page 16 of the TIA.

proposes to adopt the Urban Connection recommendations to upgrade the southern section of Parkhill Road as part of the application.⁸

- Parkhill Road/Raymond Road intersection (located at the corner of the Haumoana School and the Te Awanga Kindergarten):

Urban Connection have assessed that:

- on the basis of SIDRA modelling, the intersection is expected to continue to operate at acceptable levels of service after the SPS is developed and operating, with delays equivalent to a level of service A (LOS A). However, the right-turn movement from Raymond Road onto the southern section of Parkhill Road is expected to operate with a LOS B, the delay would increase by 5.2 seconds due to increased priority left-turn movements (Parkhill Road North to South) towards the site.
 - the network's AM peak hour (8 to 9am) is not expected to coincide with the site's peak hour (6am to 7am), therefore, other road users are expected to be relatively unaffected by the traffic flows generated by the site. There are also relatively low traffic volumes turning right from Raymond Road onto Parkhill Road (south of the intersection) even during peak periods, confirming that the intersection's performance would be relatively unchanged.
 - the network's PM peak hour (4.30pm to 5.30pm) will not coincide with the highest flows expected to occur at this intersection during the Haumoana School's PM peak hour (2.30pm to 3.30pm). The developed situation would minimally increase delays by 1.3 and 0.8 seconds for the give-way controlled right-turn and left-turn out of Parkhill Road, respectively. Both movements are still expected to sustain a LOS A.
 - there is sufficient capacity within the intersection to accommodate the additional traffic generated in full by the proposed development.
 - Urban Connection recommends the following improvements to the Parkhill Road/Raymond Road intersection:
 - Instalment of raised pedestrian platforms to highlight crossing points and reduce vehicle speeds;
 - Construction of a splitter island at the intersection to control vehicles turning movements and speeds, avoiding the motorists' tendency to cut the corner, as this has been observed at the intersection's aerial survey;
 - Relocation of existing 25 km/h speed advisory signs at the eastern side of the intersection to allow for clear intervisibility between pedestrians and approaching traffic;
 - Provision of additional parking spaces on Parkhill Road to increase parking capacity for the school and kindergarten; and
 - Instalment of extra lighting at the intersection.
 - vehicle tracking shows that widening would be required to accommodate movements from a semi-trailer vehicle if a splitter island is constructed at the intersection (as proposed).
 - Urban Connection considers that the proposed installation of raised pedestrian platforms near the school will reduce the speed environment compared to the existing, with a drop to less than 50 km/h. Also, the proposed parking area outside the school on Parkhill Road will move traffic movements into the parking area further south, away from the intersection and provide a flush median area to turn from, and lower speeds.
- Parkhill Road/East Road Intersection:
 - the predominant movements of traffic from the SPS using the Parkhill Road/East Road intersection will be right turns into Parkhill Road and left turns out of Parkhill Road.

⁸ Section 3.6.3.1, page 32, of the land use application document prepared by Mitchell Daysh.

- Urban Connection expect that the SPS will increase the use of the intersection and they recommend that the intersection be widened to accommodate semi-trailer movements.

No design details for the widening of the intersection have been provided by Urban Connection or the Applicant.

On the basis of the above, Urban Connection concludes that, with the implementation of the proposed mitigation/safety improvement measures, the proposed development will have less than minor traffic effects on the surrounding road network.⁹

The Applicant proposes to adopt the above Urban Connection recommendations to improve the Parkhill Road/Raymond Road intersection as part of the application, but notes that any work within the road reserve can only be undertaken with the authorisation of the Council as roading authority.¹⁰ The recommendation from Urban Connection to provide additional parking spaces on Parkhill Road and to install extra lighting at the intersection are intended to contribute to the community in recognition of the significance of the educational facilities to the community.¹¹

The proposal to form the additional on-road car parks on Parkhill Road is an outcome of discussions the Applicant had with the Principal of Haumoana School.¹²

A statement of evidence prepared by Mr Michael Smith, Principal Transportation Engineer at Stantec, is attached in **Attachment 36** of this report. Mr Smith on behalf of the consent authority has reviewed the Urban Connection TIA and further information submitted in response to the Council's s92 request, and submissions received in relation to roading and potential traffic effects.

The matters raised in submissions, as addressed by Mr Smith, are discussed below.

9.2.1.1 Speed Limits – Parkhill Road and Te Awanga Kindergarten

Some submitters have requested that the speed limit on Parkhill Road be reduced from 100 km/hour to 50 km/hour.

Mr Smith¹³ advises that the setting of speed limits is governed by the *Land Transport Rule: Setting of Speed Limits 2022* (SLR 2022).¹⁴ Therefore, lowering the speed limit on Parkhill Road would require a formal assessment under SLR 2022, with the final legal speed determination being compliant with the matters for assessment, such as topography, horizontal and vertical alignment, access density and roadside hazards, etc.

While such an assessment has not been completed for Parkhill Road, Mr Smith considers that Parkhill Road would not meet the requirements under the SLR 2022 for a reduced rural road speed limit of 50 km/hour. He considers that a review of the speed limit along Parkhill Road could be undertaken by the Council as a separate exercise, if Council wishes, outside of the consent process, which (regardless of the outcome) would not change the extent of widening/upgrade proposed by the Applicant for Parkhill Road to accommodate the type and level of traffic that will be generated by the proposed development.¹⁵

With regard to the road speed limit near Te Awanga Kindergarten, Mr Smith advises that SLR 2022 'Rule 5.4 Implementation of new speed limits around schools', requires Hastings District Council to use 'reasonable effects that, for at least 40% of the schools directly accessed from roads under its control,

⁹ Section 10 Conclusion, page 29 of the Urban Connection Traffic Impact Assessment report.

¹⁰ Section 3.6.3.2, page 33, of the land use application document prepared by Mitchell Daysh.

¹¹ Section 8.3.1, page 24 of the Urban Connection Traffic Impact Assessment report.

¹² Section 1.4.7, page 13, of the AEE.

¹³ Paragraph 3.2 of Mr Smith's evidence.

¹⁴ The Rule can be viewed at <https://www.nzta.govt.nz/resources/rules>

¹⁵ Paragraph 3.6 of Mr Smith's evidence.

speed limits for roads outside schools that comply with Section 5 are set by 30 June 2024. Further guidance is provided in the New Zealand Transport Agency Traffic Note 37 which states that a road controlling authority may set a 40 km/hour variable speed limit in a school zone under certain conditions.

Mr Smith supports the inclusion of a reduced school speed limit in accordance with SLR 2022 and Traffic Note 37. The lower speed limit for peak school movement times will assist with vulnerable user safety. He acknowledges, however, that the application of a school speed zone will require the assessment and submission by the Council, being the road controlling authority, and will be subject to their internal programme of assessments under the Rule.¹⁶

9.2.1.2 Traffic Generation

Some submissions have questioned whether the traffic volumes anticipated by Urban Connection for the proposed development have been significantly underestimated. They consider that the volumes do not appear to take account of service vehicles, contractors, visitors, business meetings, trade services for maintenance of buildings, landscaping/gardening service providers, delivery vehicles for the café, security services, etc.

The existing traffic volume on Parkhill Road is 187 vehicles per day (vpd). Parkhill Road is currently classified as an 'Access: Rural Road'.¹⁷

Mr Smith advises that the volume of traffic anticipated by Urban Connection (i.e. 657 vpd) would change the current classification of the road from 'Access: Rural' to 'Secondary Collector: Rural'.¹⁸

Mr Smith considers that if, in an 'extreme' case, there was an increase of 50% in traffic volumes over and above the volume expected by Urban Connection (which would result in a daily traffic volume on Parkhill Road of 890 vpd), the level of traffic would still be below the desirable limit of 1000 vpd for 'Secondary Collector: Rural' road.¹⁹ Mr Smith considers that a realistic increase in traffic would be in the order of an additional 10% to 25% increase in traffic volume from the 657 vpd anticipated by Urban Connection.²⁰

Mr Smith notes that a Secondary Collector road requires a road formation width of 2-3 metre trafficable lanes, with 2 – 0.5 metre shoulders, resulting in a total sealed pavement width requirement of 7.0 metres.²¹

The Applicant proposes that Parkhill Road be widened to 6 metres, which is below the 7.0 metres Mr Smith considers appropriate.

The legal width of the Parkhill Road reserve is 20 metres, which is sufficient to accommodate a 7m wide formed road.

On the basis of Mr Smith's evidence, I consider that it would be appropriate to impose a condition of consent requiring the Applicant to include, as part of the final design for the upgrade of Parkhill Road, provision for a 7.0 metre wide sealed pavement.

¹⁶ Paragraph 3.10 of Mr Smith's evidence.

¹⁷ NZS 4404:2010, Modified Schedule C in the Hastings District Council Engineering Code of Practice 2020, Table C4 (page 45).

¹⁸ Paragraph 3.13 of Mr Smith's evidence.

¹⁹ Mr Smith considers that a 50% increase is a high-end figure to test whether the proposed road design width and configuration would still be considered suitable.

²⁰ Paragraphs 5.11-5.12 of Mr Smith's evidence.

²¹ Paragraph 5.47 of Mr Smith's evidence.

9.2.1.3 Te Awanga Kindergarten and Haumoana School Safety

Mr Smith has reviewed the proposed remedial treatment for the Parkhill Road/Raymond Road intersection which is indicative only and includes traffic calming measures for the safety of vulnerable school road users, consisting of raised speed platforms, a raised formal pedestrian crossing facility, a separation island enabling the formation of a separated angle parking system with designed entry and exit facilities, a separated walking path to the school, a flush median in the centre of Parkhill Road with a right turn pocket to enable drivers to position out of the through lane to wait for a safe turn opportunity.

Mr Smith advises that the indicative calming measures consisting of raised speed platforms and raised formal pedestrian crossing facility are Primary Treatments under the Safe Systems Treatment framework and are effective in reducing speeds (and hence crash forces). He generally concurs with the proposed remedial treatments (including the proposed separation island, separated walking path to the school, and formation of a flush median in the road centre) alongside the Te Awanga Kindergarten as being an appropriate minimum standard and good practice.²²

With regard to submissions requesting the provision of a cycle/pedestrian underpass for Haumoana School, to enable safe movements to and from the school from Parkhill Road, Mr Smith advises that additional land would be required from adjacent properties to facilitate appropriate gradients and sightlines for users. Underpasses also present a Crime Prevention Through Environmental Design (CPTED) risk if they are remote, lack passive surveillance, and result in potential dark/hidden spaces. Deep cuttings would also be required to provide additional barrier protection and would impact on the available space required within the road corridor for a suitable facility. Mr Smith therefore concludes that an underpass would not be appropriate in this environment.²³

9.2.1.4 Parkhill Road / Raymond Road Intersection

With regard to intersection capacity, Mr Smith considers that, with the intersection and road improvements proposed around the school / kindergarten and, based on the SIDRA™ analysis undertaken by Urban Connection provided with the application, even with a 25% rise in traffic volume over that predicted by Urban Connection, the intersection should be able to perform appropriately.²⁴

However, he notes that as the design for the intersection provided with the application is indicative only and he requests that the Applicant submit, as part of their evidence for the hearing, further information to confirm that there are no unforeseen constraints associated with existing underground and overhead services within the intersection area that would significantly constrain or prevent the proposed design for the intersection upgrade being implemented.

Subject to the provision of further information from the Applicant confirming the suitability of the design, Mr Smith recommends that a condition of consent be imposed which would require the Applicant to undertake a sensitivity test of the intersection's performance (SIDRA™) with 10% and 25% increase in total traffic movements for the development, as part of the final design to be submitted to Council for the intersection prior to any construction commencing. This would enable a complete assessment of any traffic effects that may result from an increase in traffic and ensure that the final detailed design of the intersection will perform to an appropriate standard.²⁵

Mr Smith considers that the following process should be undertaken by the consent holder in finalising the design of the intersection for its safe operation:

²² Paragraphs 5.28-5.32 of Mr Smith's evidence.

²³ Paragraphs 5.34-5.25 of Mr Smith's evidence.

²⁴ Paragraph 3.18 of Mr Smith's evidence.

²⁵ Paragraph 5.13 of Mr Smith's evidence.

- (a) Undertake a sensitivity test of intersection performance utilising increased traffic volumes on Parkhill Road.
- (b) Consider current intersection form, with specific regard to queue capacity, and sight lines to determine suitable gaps for drivers undertaking turn movements.
- (c) Undertake a safety review of available sight lines under (a) and (b) above, with additional consideration if any effects of vehicles in the through lane masking approaching/conflicting traffic.
- (d) Develop remedial improvements to address issues raised.
- (e) That an independent and appropriately trained SSAF practitioner undertake a SSAF²⁶ evaluation of the current and remedial improvements to determine the best safety outcomes that comply with the Safe System approach.
- (f) Upon final design selection, the applicant shall engage an independent appropriately trained Road Safety Audit Team to undertake a formal Road Safety Audit in accordance with the NZTA Road Safety Audit Procedures for Projects Guideline.²⁷

Some submitters consider that, due to the increase in through and turning traffic movements at the intersection, a roundabout should be installed at the intersection.

Mr Smith advises that, for the safe movement of large vehicles (semi-trucks) through a roundabout, the roundabout would need to have a minimum outside diameter of 30 metres. This would require significant land to be taken from adjacent properties to accommodate it, and the relocation of significant overhead network utilities, with all new poles, would need to be located outside the area where they would present a roadside hazard. Figure 19 shows the likely position and size of a roundabout that would be required.

Figure 19: Likely Size and Location of Roundabout at Parkhill Road/Raymond Road Intersection



For the above reasons, Mr Smith considers that it would not be feasible to locate a roundabout at the Parkhill Road/Raymond Road intersection.

9.2.1.5 Other Intersections – Parkhill Road/East Road and Mill Road/Richmond Road

Parkhill Road/East Road Intersection

Mr Smith notes that the Applicant has detailed the initial analysis of the Parkhill Road/East Road intersection using the Practical Absorption method, with the analysis indicating that the intersection performance was within the range of expected values. However, he notes that the intersection

²⁶ AUSTROADS Safe System Assessment Framework – Austroads Research Report AP-R509-16: Safe System Assessment Framework.

²⁷ Paragraph 3.24 of Mr Smith's evidence.

performance has not been tested in SIDRA, nor has it been sensitivity tested with the range of increased traffic volumes Mr Smith has assessed (as outlined above).

Mr Smith has concerns about the visibility constraints at the intersection, as the sight line through the inside of the current curve is significantly restricted by an adjacent hedge line. This greatly limits a driver's ability to identify a vehicle entering into the right turn pocket of the intersection. He advises that the right turn pocket is short, such that a single semi-trailer vehicle undertaking the right turn would cause intrusion into the through lane, potentially causing a following through movement vehicle to pull to the left to slip around. He considers that this has the potential to impact on any cycle users travelling south/east along this route. Mr Smith is also concerned about potential for head on crashes if a west/northbound driver fails to identify a HCV undertaking a right turn entry into the turn pocket. Given the mass and vehicle speed, such crashes have potential to result in serious injury.

Mr Smith considers that the material provided by the Applicant fails to demonstrate the safe operation of the road intersection and the net effect of multiple large vehicles queuing to undertake a right turn. He notes that during Set-up when the SPS facility is operating, it is anticipated by Urban Connection that there will be 14 HCV movements per day. As the Applicant proposed to restrict the times of day when HCVs can travel to and from the site (i.e., to avoid the periods of 8am-9am, 2.30pm-3.30pm and 4.30pm-5.30pm) the time that HCVs can travel will be compressed which creates potential for multiple vehicles using the intersection at the same time.

It is noted by Mr Smith that some submitters consider that the intersection should be formed as a roundabout. He concurs that a roundabout could be explored as a solution, but cautions that a roundabout would have significant effects on the adjacent utilities and the existing on-road cycle safety, along with the existing off road shared paths. A rural roundabout in this location would also require significant lighting to be designed and installed to highlight the feature.

Therefore, to reach a view that the potential adverse traffic effects can be appropriately addressed, Mr Smith considers that the Applicant should demonstrate, through the provision of an initial design (to be submitted in evidence) for the hearing, that a suitable facility can be constructed for the intersection that meets best practice. This should be based on a full topographical and cadastral survey and include appropriate mitigation measures to address such matters as turning movement (slow vehicles), sight lines, geometric changes to the intersection demonstrating appropriate queue length capacity, and the safe movement of cyclists and pedestrians. One method may be to install a roundabout, however, Mr Smith considers that it is for the Applicant to suggest their preferred form of intersection improvements.

Provided such an initial design can be provided, and if the Commissioner determines that the grant of consent is appropriate, Mr Smith considers that a condition should be imposed to require the final design for the modification of the intersection to be subject to a formal Road Safety Audit (RSA) by independent suitably experienced and trained Auditors.

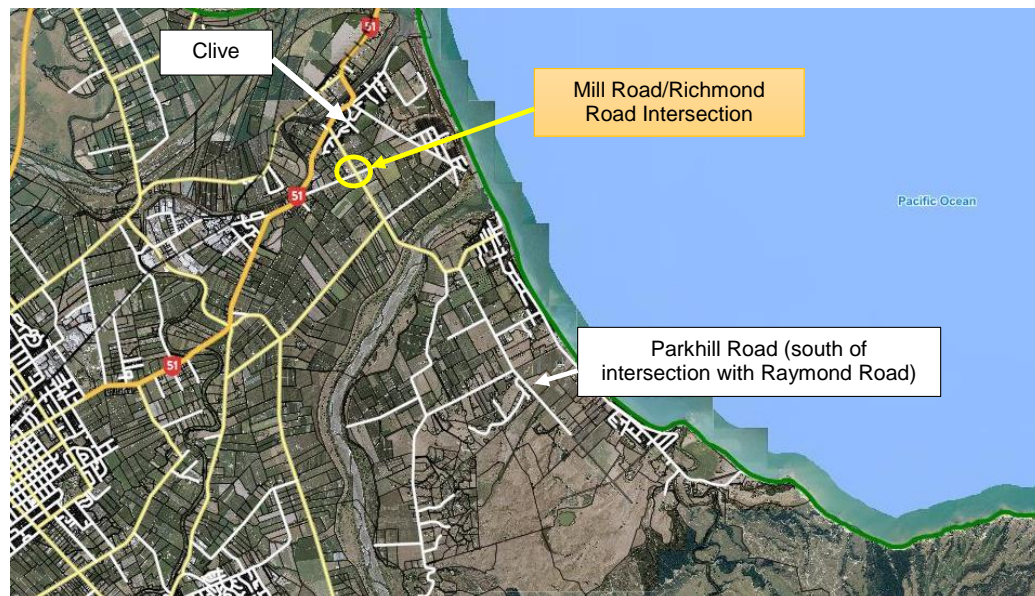
Mill Road /Richmond Road Intersection

One submitter raised concerns about the potential impact of increased traffic on the safety of the Mill Road/Richmond Road intersection.

The Mill Road/Richmond Road intersection is located well west of the Parkhill Road/East Road intersection, on the western side of the Tukituki River, near Clive (Figure 20). Mr Smith considers that the intersection will not be specifically affected by traffic from the proposed development, as the intersection could potentially be affected by any development within the greater catchment area within which it is located.²⁸

²⁸ Paragraphs 5.81 – 5.88 of Mr Smith's evidence.

Figure 20: Location of Mill Road/Richmond Road Intersection



9.2.1.6 Drainage – Parkhill Road

Some submitters have requested that the proposed upgrading of Parkhill Road should comprise improvements to drainage on the road, including adding/rebuilding culverts to mitigate existing flooding problems on parts of the road (i.e. adjacent to 272, 278, 299 and 326 Parkhill Road).

Mr Smith advises that any widening of the road would affect the road swale drainage system. He therefore recommends that, if consent is granted, a condition be imposed to require the consent holder to submit to Council for approval, a detailed design of the road widening, longitudinal drainage and traverse drainage features to be undertaken, prior to construction work commencing.²⁹

9.2.1.7 Connection of New Film Studio Access Road to End of Parkhill Road

The applicant has proposed a modification to the design for the connection of the new private access road for the film studios to the end of Parkhill Road (and over Te Awanga Estate land) (see Figure 5 above). The design includes a roundabout/turning area at the end of Parkhill Road and the entrance to Te Awanga Estate.

Mr Smith considers that the diameter of the proposed roundabout/turning area will be insufficient for a medium/large truck to undertake a complete U-turn within the design proposed. While he considers the updated design is an improvement on the original one submitted with the application, he is concerned that there remains a safety issue on who has priority for movement, especially for the entry/exit conflict and the period whereby two vehicles exit from the respective connections at the same time (including from the Te Awanga Estate winery entrance).

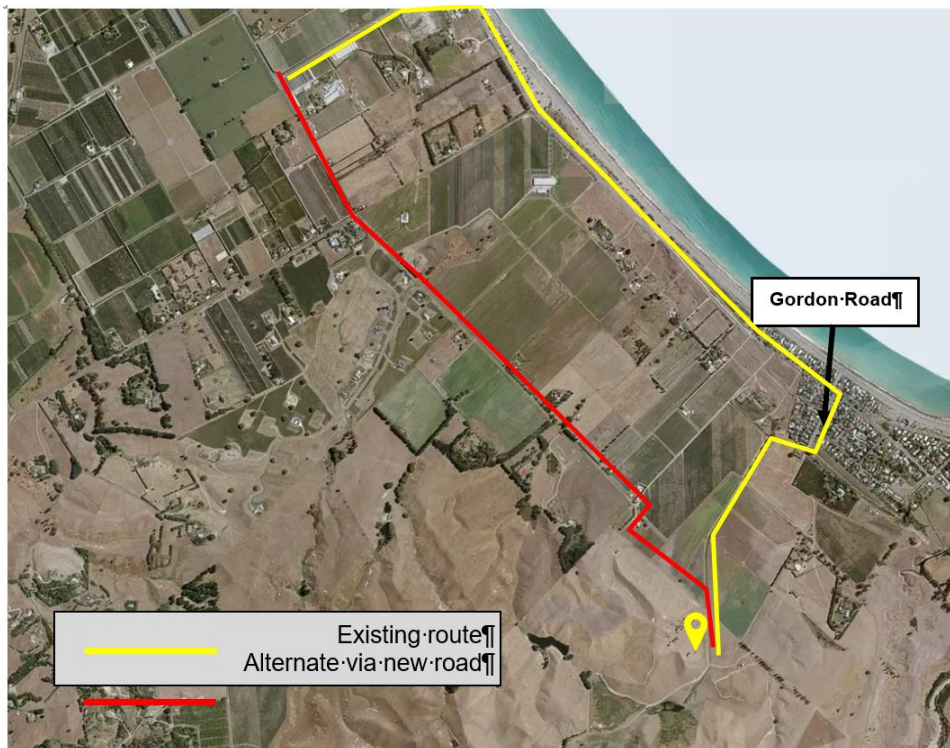
Mr Smith recommends that a condition of consent be imposed that would require the consent holder to submit to Council a final design for the new access road connection prior to construction commencing, that is to be certified by a suitably qualified and experienced RSA Auditor as meeting road safety RSA requirements.

²⁹ Paragraphs 5.48-5.50 of Mr Smith's evidence.

9.2.1.8 Potential Use of New Access Road by Outfoxed/Clifton Cricket Club (etc.) to Access Parkhill Road

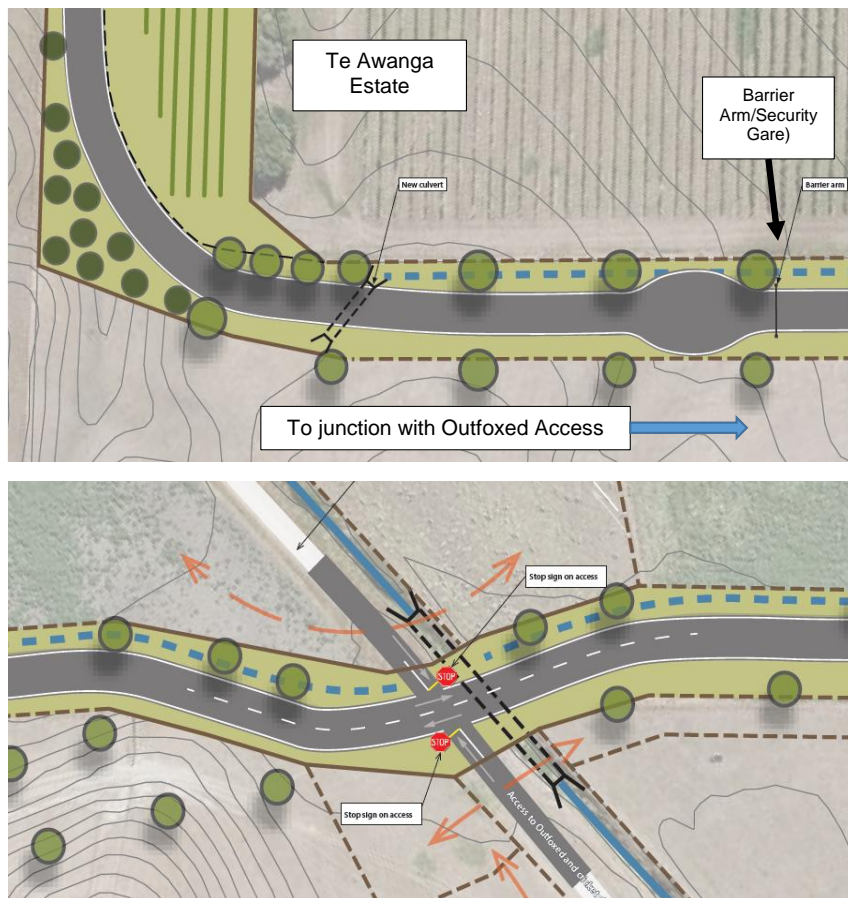
Some submitters have raised concerns about the potential for Outfoxed, the Clifton Cricket Club, the Landing, Cape Estate, Outfield Music venue and/or other future developments at Te Awanga Downs to use Parkhill Road and the new film studios access road as access for their activities. Currently these activities access the site from Gordon Road via a private access road (see the existing route shown in yellow in Figure 21).

Figure 21: Existing and Proposed New Access Routes within the Te Awanga Downs Property



Mr Smith notes that there is security gate (barrier arm) proposed to be installed on the new access road for the film studios, between Parkhill Road and where the access to Outfoxed etc. intersects with the access road (Figure 22).

Figure 22: Location of First Check Point/Barrier Arm and Junction with Access to Outfoxed (etc.) on New Access Road



The Applicant has not detailed the nature and mode of operation of the security gate.

Mr Smith notes that drivers familiar with the Outfoxed facility, and who understand the new access road system, may be attracted to using the new road alignment to Parkhill Road, instead of existing the property via Gordon Road. Given the configuration of the intersection of the Outfoxed access track with the film studios access road, Mr Smith considers that the inclusion of 'No Access/Private Road' signs would be ineffective unless there was some form of policing/enforcement. He acknowledges that use of technology, such as numberplate recognition, would assist for all permitted movements to/from the studios.³⁰

Mr Smith recommends that, if consent is granted, a condition be imposed that would require the Applicant to submit to Council for approval (prior to construction of the access road commencing) details of the method of operation that will be used to prevent uncontrolled access for movement from Outfoxed, etc. to Parkhill Road.

³⁰ 4.18-4.23 of Mr Smith's evidence.

9.2.1.9 New Access Road - Design of Security Check Points

The proposed new access road includes two security check points/barrier arms (as shown in Figure 20 above, and Figure 23 below). There is a proposed vehicle turnaround area for each checkpoint should a vehicle not be permitted to travel any further along the road to the film studios facility.

Mr Smith notes that the details supplied with the application are diagrammatic only and will require confirmation during the final design phase to ensure that all reasonably expected vehicle types can undertake a U-turn movement if required. Mr Smith recommends that a condition of consent be imposed that would require the final design for the new access road to be submitted to Council prior to construction of the road commencing to demonstrate that suitable turnaround facilities at each check point/barrier arm can be implemented.³¹

Figure 23: Second Check Point/Barrier Arm on New Access Road



9.2.1.10 Access from Clifton Road to Parkhill Road through Te Awanga Estate Winery Property

Concerns were raised in some submissions about public informally gaining access to Parkhill Road from Clifton Road through Te Awanga Estate's property's private gravel access road (see Figure 24), and that the associated volume of traffic on Parkhill Road has not been considered in the application with regard to traffic volumes on Parkhill Road.

³¹ Paragraphs 4.31-4.34 of Mr Smith's evidence.

Figure 24: Informal Access from Clifton Road to Parkhill Road Through Te Awanga Estate Vineyard



Mr Smith advises that, if the Te Awanga Estate vineyard access from Clifton Road is currently being used by the public to gain access to the southern end of Parkhill Road (or to exit the Te Awanga Estate winery), those traffic volumes have already been accounted for in the current traffic volumes for Parkhill Road and have, therefore, been taken into consideration in his assessment of traffic effects relating to the proposed film studio.

I note that the ability to manage the volume of Te Awanga Estate traffic on Parkhill Road falls outside the scope of the subject application.

9.2.1.11 Use of New Access Road by Te Awanga Downs (Farm) for Access to Parkhill Road

It is proposed that the Te Awanga Downs farm will be able to utilise the new access road for the film studios to gain access to Parkhill Road. Currently, the only formal access to the farm is via an existing gravel track from the end of Gordon Road (off Clifton Road, Te Awanga), which also provides the existing access to Outfoxed and the Clifton Cricket Club, etc.

The internal farm track is currently utilised to support the day-to-day operations of the farm. Mr Smith considers that, given the location of the farmyards, etc. there would be minimal advantage to the farm in utilising the new SPS facility access to Parkhill Road. Also, the need to navigate the multiple security controls that will be installed along the new road will likely deter use of the new access road.

Mr Smith therefore considers that there will be no significant increase in traffic volumes on Parkhill Road associated with Te Awanga Downs using the new access road. He is also of the opinion that any additional traffic from the farm would have been accounted for in his 'conservative' scenario assessment of sensitivity testing with a 50% upload in traffic volumes from the development.

As I have advised above, Mr Smith considers that measures should be put in place to prevent Outfoxed, the Clifton Cricket Club, the Landing, and Cape Escape etc. from being able to use the new access road to Parkhill Road. I note that the additional volumes of traffic these activities would generate on Parkhill Road have not been proposed or assessed as part of the application (including their associated noise effects).

9.2.1.12 Summary and conclusions

To summarise, Mr Smith:

- Supports a reduced school speed limit around the Te Awanga Kindergarten to assist with vulnerable user safety, but it will be subject to Hastings District Council's internal programme of assessments under NZTA Traffic Note 37, as the road controlling authority.
 - Generally concurs with the proposed remedial treatment to be provided alongside the Te Awanga Kindergarten (including traffic calming measures for the safety of vulnerable users) as being an appropriate minimum standard and good practice.
 - Considers that an underpass for cyclists and pedestrians at the Parkhill Road/Raymond Road intersection would not be appropriate.
 - Considers that a realistic potential increase in traffic volumes associated with the proposed development would be an additional 10% - 25% more than the 657 vpd anticipated by Urban Connection. This increase will not change the Secondary Collector: Rural road classification of Parkhill Road.
 - Advises that the volumes of traffic using the private access road through the Te Awanga Estate property to gain access to Parkhill Road from Clifton Road will already be included in the current traffic volumes recorded for Parkhill Road.
 - Considers that there will be no significant increase in traffic volumes on Parkhill Road from Te Awanga Downs using the new access road (as proposed as part of the application). He considers that any additional traffic volume associated with this use of the access road will be captured in his 'conservative' sensitivity testing of a 50% increase in traffic volumes for the development over what is anticipated by Urban Connection.
 - Advises that a pavement width of 7m is required for a Secondary Collector: Rural road.
 - If consent is granted, considers that a detailed design of the road widening, provision of appropriate sight lines (or other mitigation measures to reasonably improve the safety of access movements), longitudinal drainage and traverse drainage features should be undertaken, prior to construction commencing.
 - Recommends that, as the design for the proposed upgrade of the Parkhill Road/Raymond Road intersection is 'indicative' only, the Applicant should submit for consideration at the hearing further information to confirm that there are no unforeseen issues associated with underground and overhead services in the area that would constrain or prevent the design for the proposed upgrade being implemented.
- If consent is granted, Mr Smith recommends the imposition of a condition setting out the process to be undertaken by the consent holder in preparing the final design for the intersection.
- Considers that installation of a roundabout at the Parkhill Road/Raymond Road intersection is not feasible.
 - Considers that the Applicant has failed to demonstrate in their application the safe operation of the Parkhill Road/East Road intersection and the net effect of multiple large vehicles queuing to undertake a right turn. Mr Smith considers there is potential for this to impact cyclists using the intersection and for head-on crashes to occur, resulting in serious injury. He recommends that

the Applicant submit an initial design at the hearing to demonstrate that a suitable facility can be constructed for the intersection that meets best practice. A roundabout is a potential option that could be considered by the Applicant.

If an appropriate design solution is provided by the Applicant, and if consent is granted, Mr Smith recommends that a condition of consent be imposed to require the final design for the intersection to be subject to a RSA.

- Considers that the Mill Road/Richmond Road intersection will not be specifically affected by traffic from the proposed development.
- Requests that the Applicant provide details at the hearing of the methods of operation to be used to enable emergency services to have unrestricted access to the new access road, particularly if the barrier is unmanned, and confirmation from FENZ as to the acceptability of the method proposed.
- Considers that a final design for the new access road connection to the southern end of Parkhill Road should be submitted to Council prior to construction commencing and certified as meeting RSA road safety requirements (to be imposed as a condition if consent is granted).
- Recommends that a condition of consent (if granted) be imposed to require the consent holder to submit for approval (prior to construction of the new access road commencing) details of the method of operation to be used to prevent Outfoxed, the Clifton Cricket Club, etc. from using the new access road.
- Recommends that a condition of consent (if granted) be imposed to require the final design for the new access road to be submitted to the Council prior to construction commencing, to demonstrate that suitable turnaround facilities can be provided at each checkpoint / barrier arm on the access road.

On the basis of Mr Smith's evidence, I am satisfied that Parkhill Road can be upgraded to safely and appropriately accommodate the additional volume of traffic expected to be generated by the proposed activity, subject to final detailed design.

In relation to the proposed new access road, Mr Smith has identified some details for the design and operation of the road that he considers the Applicant should resolve, namely: the provision of turnaround facilities at the checkpoints/barrier arms; provision of unrestricted access for emergency services; and how vehicles from Outfoxed, Clifton Cricket Club etc. will be prevented from turning into the access road and using it to gain access to Parkhill Road.

Mr Smith has also identified issues associated with accommodating the proposed design for the intersection of the access road with Parkhill Road and Te Awanga Estate but considers this can be addressed at the final design stage as a condition of consent (if granted).

With regard to the proposed improvement works at the Parkhill Road /Raymond Road intersection, Mr Smith generally concurs with the proposal, but seeks confirmation from the Applicant at the hearing that there are no unresolvable clashes with overhead, at grade or underground services, or elements that would restrict the intersection being built to the intent of the scheme design.

Provided the above outstanding matters can be appropriately addressed by the Applicant, and subject to the imposition of consent conditions as recommended by Mr Smith, I consider that adverse traffic effects of the proposed development on Parkhill Road and the Parkhill Road/Raymond Road intersection can be appropriately mitigated.

However, with regard to the concerns raised by Mr Smith about potential impacts associated with heavy vehicles queuing and turning right at the Parkhill Road/East Road intersection, including potential impacts on cyclists and potential for head-on crashes causing serious harm, I am uncertain of the scale of potential adverse effects without first hearing from the Applicant how they propose to improve the design of the intersection to mitigate these effects.

I reserve my final assessment on this matter pending any further information or response from the Applicant at the hearing.

9.2.2 Effects on Safety of Road Users, Cyclists and Pedestrians – Parkhill Road

Some submitters have requested the addition of walking/cycling/horse riding path along Parkhill Road, south of the intersection of Parkhill Road/ Raymond Road.

Currently, cyclists use the current sealed road for movement. Pedestrians use either side of the road edge or the existing grassed shoulder. Similarly, equestrian movement naturally occurs within the grassed shoulder.

Mr Smith refers to the Hastings District Council's Engineering Code of Practice (2020) (ECOP), Table C3 (page 42) which presents the desired provisions for rural roads. Table C3 has a desirable operating speed of 60-80 km/hour. Table C4 of the ECOP makes the following comments in relation to pedestrian and cycle movements:

- Pedestrians – Rural Secondary Collector: Pedestrian links shall be shared (on shoulder or berm). This is annotated with a footnote (A) that details "Provisions will be in accordance with HDC's Walking and Cycling Strategy".
- Cyclists – Rural Secondary Collector: Cycle link shall be shared (in movement lane). This is annotated with a footnote (A) that details "Provisions will be in accordance with HDC's Walking and Cycling Strategy".

Mr Smith has assessed that the upgraded formation of Parkhill Road should be 7.0 metres wide. This includes the provision of a 0.5 metre sealed shoulder either side of the movement lane which will enable the movement of cyclists within the lane, or sealed shoulder. With regard to cyclists, Mr Smith considers that pedestrian movements could still safely occur along the grassed shoulder, even with a reformed swale drainage system.

Mr Smith therefore considers that the addition of a walking/cycling/horse riding path along the southern section of Parkhill Road is unnecessary.

However, in addition to reviewing the speed limit in and around the Haumoana School/Kindergarten area (as referred to above), Mr Smith recommends that (if consent is granted) the Council should consider undertaking a formal assessment under the SLR 2022 Rule for lowering the speed limit for the southern section of Parkhill Road.

Some submitters refer to the existing formation of Parkhill Road and residential (rural) access being substandard, which results in poor sight lines from their property access points. Mr Smith considers that the increase in the volume of traffic from the proposed activity will potentially increase exposure of access movement to the higher through-volume traffic. He advises that these exposures will need to be assessed against current sight lines, the desirable sight lines as detailed in the District Plan and the Hastings District Council Engineering Code of Practice to determine the level of existing non-compliance and with the upgraded road cross section, also considering the operating speed environment of Parkhill Road.

Mr Smith recommends that, if appropriate sight lines are not achievable following design of the upgraded road formation, consideration should be given to mitigation measures that could reasonably improve the safety of access movements (e.g., warning signs (Access), road markings and more innovative devices such as active warning signs, etc). He also recommends that the assessment of

access sight lines should be undertaken as part of the detailed survey and design of the upgraded road formation³².

On the basis of the proposed upgrade of Parkhill Road (to a width of 7.0 metres), including an assessment of access sight lines for the southern section of Parkhill Road to be undertaken as part of a detailed final design for the upgrade, I am satisfied that, subject to the imposition of consent conditions that require the consent holder to submit a final design to Council for the upgrade for certification prior to construction works commencing, any adverse effects on road users, cyclists, pedestrians and residents will be less than minor.

9.2.3 Noise Effects

Most submissions opposing the application have concerns about potential effects of noise from construction and operational traffic from proposed activity on Parkhill Road.

The key considerations for the proposal in relation to noise are:

- Construction noise effects
 - Compliance with *NZS6803:1999 Acoustics - Construction Noise*
 - Noise levels from construction traffic
- Operational noise effects
 - Compliance with permitted zone standards
 - Noise levels from helicopter movements
 - Noise from traffic movements on public roads
 - Potential reverse sensitivity conflicts with established and permitted Rural Zone activities.

Submitters have also raised concerns in relation to reverse sensitivity effects. I address these later in my assessment.

The Applicant has not provided a noise assessment.

A statement of evidence prepared by Mr Jon Styles, Acoustic Consultant and Director and Principal of Styles Group Acoustic and Vibration Consultants, is attached in **Attachment 37** of this report. Mr Styles has assessed the proposal to determine compliance with the relevant standards and assess what the noise effects of the proposed development are likely to be. Mr Styles was also initially engaged by the Council to undertake an acoustic review of the resource consent application in May 2022 to assist the notification decision.

9.2.3.1 *Construction Noise Effects*

Construction works within the development site will consist of:

- Earthworks to establish building platforms, formation and construction of parking areas, accessways and a 2.5km long private access road
- Construction of SPS facility
- Reinstatement and landscaping

Construction works within road reserve will include:

- Widening and sealing the southern section of Parkhill Road to a minimum width of 6m (Note: Mr Smith has recommended that the road be widened to 7m)

³² Matter 17 of Mr Smith's evidence.

- Upgrades to the Parkhill Road/Raymond Road intersection, including raised pedestrian platforms at crossing points, construction of a splitter island, and construction of additional parking spaces for the school and kindergarten.

Construction noise on the development site is controlled by General Performance Standard 25.1.6I Construction Noise, of the District Plan. This requires that noise from construction, maintenance and demolition work in any zone must comply with the noise limits in NZS6803:1999 Acoustics - Construction Noise (NZS6803).

Noise from construction work in the road is not controlled by the District Plan³³. However, noise levels from this work must be reasonable in accordance with the duties under section 16 of the RMA.

Mr Styles states the following in relation to construction activities associated with the SPS facility and immediately surrounding infrastructure:

"3.5 I consider that the noise from construction activities associated with the studios and immediately surrounding infrastructure will be significantly below the relevant permitted noise standards due to the large separation distance between the studio facilities and adjacent receivers. I expect that only the works near the junction of the access road and Parkhill Road have the potential to approach the construction noise limits in Rule 25.1.6I of the District Plan. I consider that those works could easily comply with the District Plan rules if they are undertaken during the day as set out in 3.3 above."

Mr Styles therefore considers that the key considerations for construction noise relate to:

- Noise generated by construction traffic on Parkhill Road; and
- Noise levels from works within the road corridor, particularly in the vicinity of the intersection of Parkhill Road and Raymond Road.

Mr Styles considers that noise from construction traffic will at times be much greater than the typical noise levels experienced in the area. He states the following:

"3.10 I consider that the noise from construction traffic will at times be much greater than the typical noise levels experienced in the area. However, noise from construction activities and construction traffic is generally tolerated because it is short in duration and generally limited to daytime hours. Whilst I appreciate that the noise from construction traffic will be very noticeable and intrusive in the existing noise environment, I consider that it will be reasonable and typical of any large construction project that might take place in association with Permitted Activities in the Plains Production Zone or Rural Zone (e.g., wineries and/or facilities for processing crops and produce up to 2,500m² gross floor area). I consider that the noise from construction traffic on Parkhill Road will easily comply with the construction noise limits set out in Rule 25.1.6I of the District Plan (even though the rule does not apply to construction vehicles travelling on a road under General Performance Standard 25.1.6B(d) of the District Plan)."

However, Mr Styles advises that the only exception to this is at the Te Awanga Kindergarten on the corner of Parkhill Road and Raymond Road, where the outdoor play area is very close to the road and noise from construction traffic has potential to interfere with speech intelligibility in the outdoor areas,

³³ Section 31.1.4 of the District Plan states that the provisions of the underlying zone shall only be applicable for the purposes of section 176(2) of the RMA' or when part of or all of a designation for road is uplifted. Section 176(2) states that the provisions of a district plan shall apply in relation to any land that is subject to a designation only to the extent that the land is used for a purpose other than the designated purpose. Parkhill Road is designated and works to construct upgrade Parkhill Road and the Parkhill Road/Raymond Road intersection are aligned with its designated purpose.

particularly during peak periods. Mr Styles advises that noise levels above 55dB $L_{Aeq(1hr)}$ are typically deemed problematic for childcare centres, and noise levels greater than this can generate adverse effects including inhibiting effective communications between the children and teachers. Mr Styles also expects potential for sleep disturbance and disruption to learning activities within the main learning space and any rooms used for resting/sleeping that currently rely on open windows for ventilation and cooling and if they have a façade facing or directly exposed to noise from traffic on Parkhill Road. He expects construction noise levels could easily exceed the recommended noise limit of 35dB L_{Aeq}^3 to avoid sleep disturbance effects.

Mr Styles therefore recommends the installation of acoustic screening around the Kindergarten outdoor play area and potential mechanical cooling / ventilation measures (typically achieved by a heat pump and a small extraction fan) in the main learning and rest areas would be appropriate to mitigate adverse effects of construction road noise on the Kindergarten.

Mr Styles concludes the following in relation to noise levels from construction traffic effects:

“3.18 Overall, I consider that the effects of construction traffic on Parkhill Road are temporary and at a level that would comply with the limits in General Performance Standard 25.1.6l of the District Plan (if they applied) at all receivers. I consider that such effects are at a level that is reasonable and tolerable for the existing environment. The only exception is the effects on the Te Awanga Kindergarten, where I consider that screening around the play area and potential mechanical cooling in the main learning and rest areas is appropriate to reduce the adverse effects.”

[...]

“7.2 I consider that the noise from construction traffic will at times be much greater than the typical noise levels experienced in the area. However, noise from construction activities and construction traffic is generally tolerated because it is short in duration and generally limited to daytime hours. I consider that it will be reasonable and typical of any large construction project that might take place in association with Permitted Activities in the Plains Production Zone or Rural Zone (e.g., wineries and/or facilities for processing crops and produce up to 2,500m² gross floor area).

7.3 The only exception is at the Te Awanga Kindergarten on the corner of Parkhill Road and Raymond Road. The outdoor play area is very close to the road and the noise from construction traffic has the potential to interfere with speech intelligibility in the outdoor areas, particularly during peak periods. Noise levels greater than 55dB $L_{Aeq(1hr)}$ can generate adverse effects including inhibiting effective communications between the children and teachers. I consider that acoustically effective screening between the road and the outdoor play area would help to reduce this adverse effect.

7.4 I also expect that there is potential for sleep disturbance and disruption to learning activities in the main learning space and any rooms used for resting / sleeping. I consider that this could be mitigated if the windows and doors to those rooms are kept closed. The installation of sufficient mechanical cooling and ventilation would overcome the potential sleep disturbance and disruption to learning activities that may arise when construction traffic volumes are high.”

With regard to noise levels from construction works within the road corridor, Mr Styles considers it reasonable to expect noise from works within the road corridor from time to time, as the road requires maintenance, rehabilitation and upgrades to safety and to improve capacity. He expects that, due to the existing low traffic volumes and nature of the road means that works can be undertaken in the daytime without the need to work at night. He also expects that noise from the road works could be controlled to be compliant with the noise limits in General Performance Standard 25.1.6l of the District Plan.

Mr Styles concludes the following in relation to noise levels from construction work within the road corridor:

- "3.23 However, the intermittent and temporary nature of the noise are significant mitigating effects. Overall, I consider that the noise arising from construction works within Parkhill Road and at the intersection of Parkhill Road and Raymond Road would be typical of small scale roading projects. The noise levels would be disruptive and annoying at times but I do not consider that the effects would be so great that they would justify unusual noise mitigation measures.*
- 3.24 The only exception to my conclusions is for the effects on the Te Awanga Kindergarten. The Te Awanga Kindergarten is very close to the most intense area of work at the intersection of Parkhill Road and Raymond Road. I understand that there is a reasonable amount of work required to reconfigure the intersection and the car parking area next to the Te Awanga Kindergarten itself.*
- 3.25 I consider that the screening and mechanical cooling / ventilation measures I have suggested to mitigate the construction traffic noise levels will be very helpful in mitigating the effects of the noise from work in the road as well.*
- 3.26 I suggest that a further helpful mitigation measure would be to try and schedule as much of the work near to the Te Awanga Kindergarten to be in the school holidays if that is practicable.*
- 3.27 Overall, I consider that the construction noise effects on the Te Awanga Kindergarten can be mitigated by significantly reduced the by screening and mechanical cooling / ventilation measures I have suggested to mitigate the construction traffic noise levels."*
- "7.5 In my experience it is reasonable to expect that there will be noise from works within the road corridor from time to time as the road requires maintenance, rehabilitation and upgrades for safety and to improve capacity.*
- 7.6 Overall, I consider that the noise arising from construction works within Parkhill Road and at the intersection of Parkhill Road and Raymond Road would be typical of small-scale roading projects. The noise levels would be disruptive and annoying at times but I do not consider that the effects would be so great that they would justify unusual noise mitigation measures.*
- 7.7 The only exception to my conclusions is for the effects on the Te Awanga Kindergarten. The Te Awanga Kindergarten is very close to the most intense area of work at the intersection of Parkhill Road and Raymond Road. I consider that the screening and mechanical cooling / ventilation measures I have suggested to mitigate the construction traffic noise levels will be very helpful in mitigating the effects of the noise from work in the road as well. I suggest that a further helpful mitigation measure would be to try and schedule as much of the work near to the Te Awanga Kindergarten to be in the school holidays if that is practicable."*

Mr Styles recommends that conditions relating to construction noise be imposed on the consent (if granted) that would require:

- Construction traffic to be limited to operating between the hours of 7.30am and 6.00pm Monday to Friday, and 8.00am to 1.00pm on Saturday.
- Construction noise from the SPS facility development site to comply with the noise limits set out in Standard 25.1.6I *Construction Noise* of the District Plan.

- Installation of a permanent³⁴ acoustic barrier around the outdoor play area and the provision of mechanical cooling and ventilation in the main learning and rest areas (if it does not already exist) of the Te Awanga Kindergarten, prior to construction commencing.
- Construction hours for the road and intersection upgrading work to be limited to between the hours of 7.30am and 6.00pm Monday to Saturday.

I note that the Applicant has indicated agreement to limiting the time construction traffic can access the site from Parkhill Road to between 7.30am and 6.00pm Monday to Saturday, to enable compliance with the louder noise limits of the construction noise standard *NZS6803:1999 Acoustics – Construction Noise* (as required under General Performance Standard 25.1.6I of the District Plan).³⁵

Based on Mr Style's evidence, I consider that noise associated with construction of the SPS facility and associated immediately surrounding infrastructure will be less than minor, as it is expected to be significantly below the relevant permitted construction noise standards in the District Plan, due to the large separation distance between the SPS facilities and adjacent receivers.

With regard to the effects of noise from construction works within the road corridor, I consider that they will be no more than minor, subject to the imposition of conditions of consent restricting the time that construction traffic can access the SPS site, to between 7.30am and 6.00pm Monday to Friday, and 8.00am and 1.00pm on Saturdays, as recommended by Mr Styles.

I am also satisfied that, with the installation of an appropriately designed and constructed permanent acoustic barrier around the Te Awanga Kindergarten, and provision of mechanical cooling and ventilation within the main learning space and any rooms used for sleeping or resting within the Kindergarten (where those rooms currently rely on open window for ventilation and cooling, and if they have a façade facing or directly exposed to noise from traffic on Parkhill Road), potential adverse noise effects from construction traffic and traffic associated with the operation of the SPS facility will be no more than minor. I consider it reasonable that the consent holder be responsible for completion of this mitigation work.

The Applicant has consulted with the kindergarten, including recently (August 2022³⁶), about the potential impact of traffic from the proposed activity. The Applicant's ability to install the recommended acoustic mitigation within the kindergarten property and building(s) will be reliant on agreement from the kindergarten. If the Kindergarten is not willing to give the Applicant permission to undertake these mitigation measures, then I consider there is potential for the effects of traffic noise on the Kindergarten to be more than minor. It would be helpful to hear from the Applicant and Kindergarten where they sit on this matter.

The Applicant proposes that a condition of consent be imposed to restrict construction activities to between the hours of 7.30am and 6.00pm Monday to Saturday. I consider such a condition is appropriate.

Given the expected length of the construction period of 9-12 months, which could potentially be longer, I consider that it would be appropriate to specify that the hours of operation for construction and construction traffic exclude Public Holidays, to ensure that residents on Parkhill Road are not

³⁴ In relation to construction traffic noise effects (assessed further below), Mr Styles has assessed that the Te Awanga Kindergarten will receive noise levels that are dominant and intrusive – hence the recommendation to install a permanent acoustic barrier at construction stage which can be retained to mitigate noise effects from operational, as well as construction, traffic noise associated with the SPS facility.

³⁵ Email from Philip McKay to Caleb Sutton (Hastings District Council), subject: 'Update on revised notification assessment', dated 18 May 2022.

³⁶ Letter to Hastings District Council from Helen McNaughton, General Manager, Napier Kindergartens, dated 25 August 2022. A copy of the letter is provided in **Attachment 33** of this report.

disturbed by construction noise at these more sensitive times (refer to the preliminary draft recommended consent conditions in **Attachment 38** of this report).

9.2.3.2 Operational Noise

Operational noise from Permitted Activities in the Rural Zone is controlled in General Performance Standard 25.1.6D of the District Plan.

Mr Styles has assessed the existing noise environment as likely to be quiet or very quiet for most of the time. He notes that the physical and legal existing environment would permit some activities to generate much higher and potentially disruptive levels of noise at times, but these would be intermittent and for short periods.

Given the separation of the SPS facility from adjacent receivers, Mr Styles does not have any concerns relating to noise from the SPS undertaken in the vicinity of the studio. He considers that key operational noise effects associated with the operation of the SPS facility will arise from operational traffic movements and from noise levels from helicopter use (NB: I address noise from helicopter use further below).

Operational Traffic Noise

District Plan General Performance Standard 25.1.6B(d) exempts noise from vehicles travelling on a road from compliance with the relevant noise standards for the zone. The District Plan therefore permits the noise levels from vehicles using the public road network.

However, Mr Styles is of the view that noise from the proposed traffic volumes will generate a significant increase in the current noise levels to the extent that they should be considered.

Mr Styles has predicted the average noise level that will be received at the notional boundary of dwellings in the vicinity of Parkhill Road (see Figure 25) over 24 hours, and the average noise level in the morning peak traffic hour at the notional boundary and at 1m from the façade of each dwelling (refer to Table 1 below)³⁷: These predictions take into account the increase in traffic flows set out in the evidence of Mr Smith.

Table 1: Predicted Noise Levels from Construction Traffic

Receiver	Approximate separation distance- edge of road* to notional boundary**	Predicted road-traffic noise level L _{Aeq} (24h) Notional boundary	Predicted road-traffic noise level AM peak hour L _{Aeq} (1hr) Notional Boundary	Predicted road-traffic noise level AM peak hour L _{Aeq} (1hr) 1m from facade
Te Awanga Kindergarten	<5m	57 dB	63 dB	60 dB
227 Parkhill Road	17m	51 dB	57 dB	53 dB
23 Home Road	7m	55 dB	61 dB	57 dB
9 Tirohanga Road	7m	55 dB	61 dB	55 dB

³⁷ Paragraph 4.13 of Mr Style's evidence.

Receiver	Approximate separation distance- edge of road* to notional boundary**	Predicted road-traffic noise level $L_{Aeq(24h)}$ Notional boundary	Predicted road-traffic noise level AM peak hour $L_{Aeq(1hr)}$ Notional Boundary	Predicted road-traffic noise level AM peak hour $L_{Aeq(1hr)}$ 1m from facade
11 Tirohanga Road	47m	46 dB	52 dB	50 dB
272 Parkhill Road	18m	51 dB	57 dB	53 dB
299 Parkhill Road	6m	56 dB	62 dB	55 dB
307 Parkhill Road	5m	57 dB	63 dB	58 dB
353 Parkhill Road Wine makers cottage visitor accommodation	5m	57 dB	63 dB	57 dB
373 Parkhill Road	33m	48 dB	54 dB	51 dB

With regard to the above predictions, Mr Styles states:

- 4.14 *In my view, these noise levels are high. They are high enough to cause disruption and sleep disturbance in the morning peak hour and will result in a significant change in the noise environment across the day generally and especially in the morning peak hour.*
- 4.15 *I understand that the traffic volumes are considerably greater than the volumes that would be expected from activities that are anticipated in the zones. As a result, the traffic noise levels are much higher as well.*
- 4.16 *6am start – the applicant proposes a 6am start. I understand that this will result in the morning peak hour traffic period commencing from approximately 6am as workers and actors begin to arrive on the Site.*
- 4.17 *The LAeq noise limit applying to Permitted Activities in the Plains Production Zone or Rural Zone is at its' lowest at 45dB LAeq from the period from 10pm to 7am the following day. The noise limit increases to 55dB from 7am until 7pm, when the noise limit drops again to 50dB LAeq for the evening period until 10pm. The morning peak traffic hour is therefore likely to be within the hours that the District Plan considers 'night-time' and when the lowest noise limits apply.*
- 4.18 *As set out above, these noise limits do not apply to traffic on the road. However, because they often control the hours of operation of activities in the zones, they have an effect on the timing of traffic movements as well. In my opinion they give an indication of the level of amenity that the noise controls for the zone should deliver in areas away from major roads.*
- 4.19 *I consider that the 6am start is likely to generate noise levels that will be dominant and intrusive in the hour between 6am and 7am. Sleep disturbance effects are likely. This hour is recognised by the District*

Plan as 'night-time' and as such, I consider that the noise effects are greater than they would be during the daytime at the same decibel level.

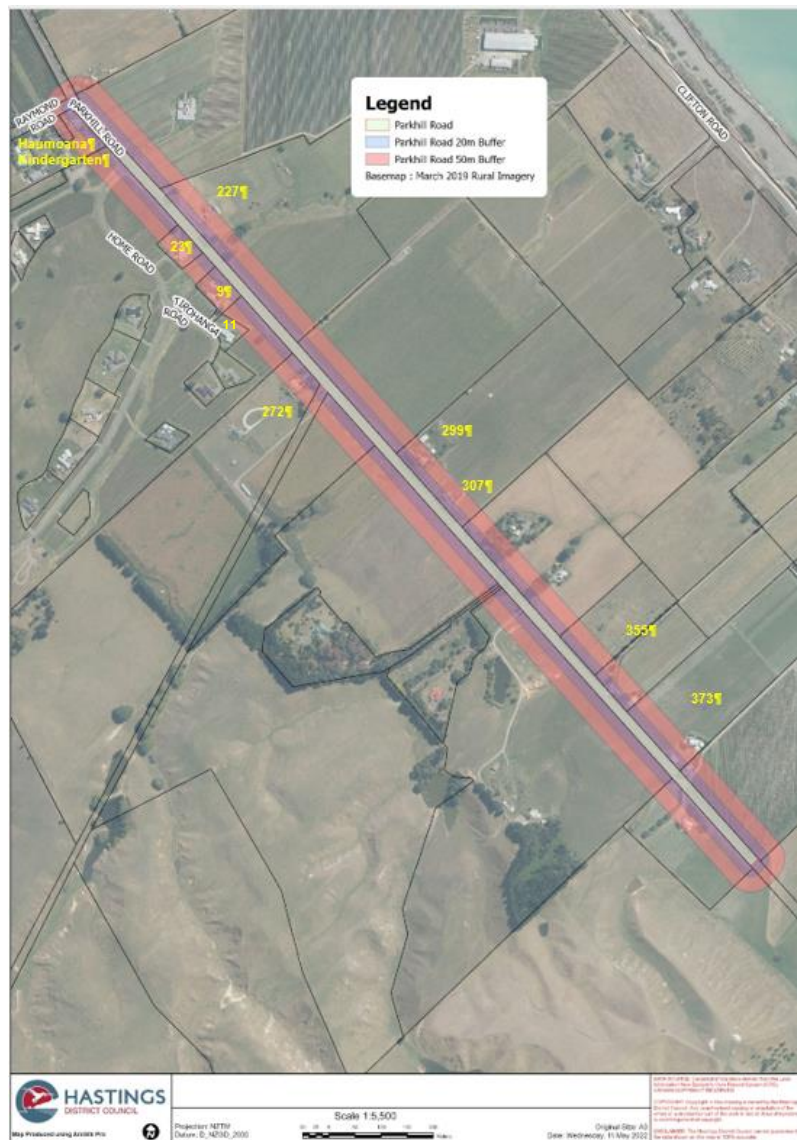
[...]

- 4.22 *I consider that the road traffic noise levels are high in this context. I consider that reducing the peak hour noise levels to no greater than 55dB LAeq(1hr) would result in reasonable noise levels during the daytime period. This would authorise a similar level of effect to traffic noise emissions from otherwise quiet rural roads generated by individual activities that I have been involved with. The noise levels would still be dominant in the environment and somewhat intrusive, but the fluctuation over the day and the generally intermittent nature of the traffic will mitigate the overall effects considerably.*
- 4.23 *I consider that the noise emissions from the morning peak hour from 6am is particularly problematic. I consider that the noise levels should not exceed 50dB LAeq in this period. The noise levels will still be dominant and intrusive in the morning peak hour, but sleep disturbance effects will be reasonably well managed.*
- 4.24 *As set out above, there are a number of variables that come into play when considering the possible noise mitigation measures. Many of these are non-acoustical. It is not therefore possible for me to arrive at a determination of the BPO for managing the operational traffic noise.*
- 4.25 *I have highlighted that noise levels should ideally be maintained to be below 55dB LAeq(1hr) during the day and 50dB LAeq(1hr) prior to 7am to avoid serious adverse effects. This can be mitigated by:*
- (a) Roadside barriers. These would need to be approximately 1.8m high or potentially higher, and no less than 50-100m long in many places; and/or*
 - (b) An asphalt road surface. This would reduce the noise levels by approximately 1-2dB. It would need to be applied across the entire length of Parkhill Road south of Raymond Road. However, there are potential cost and constructability issues that are outside my area of expertise to address.*
 - (c) Limiting the traffic that could enter the site before 7am to approximately 10% of the current predicted peak hour traffic flows, with the remainder entering the site after 7am, (this will address the pre-7am concerns only – not the overall high level of traffic noise at some receivers).*
- 4.26 *These measures may be necessary if it is deemed appropriate and necessary to mitigate operational road traffic noise levels to be no greater than 55dB LAeq(1hr) during the day and 50dB LAeq(1hr) prior to 7am. Noise levels this high will be dominant in the environment and may disrupt residential amenity, especially relative to the ambient noise environment that I describe in my Assessment.*

On the basis of Mr Style's evidence, I consider that there is potential for more than minor adverse effects on the occupants of dwellings located in the vicinity of Parkhill Road from noise from traffic movements along Parkhill Road associated with the operation of the SPS facility, particularly prior to 7am.

I reserve my final assessment on this matter pending any further information or response from the Applicant at the hearing.

Figure 26: Locations of dwellings in the vicinity of Parkhill Road



9.2.3.3 Operational Traffic Noise from Use of Proposed Access Road

Noise from vehicles on the proposed access road are subject to compliance with the Rural Zone noise limits when measured and assessed at any notional boundary.

Styles Group³⁸ identified the closest receivers to the access road as the residential dwelling at 373 Parkhill Road (approximately 60m from the access road) and the Te Awanga Estate winery at 376 Parkhill Road (the winery is approximately 20m from the access road). As noted above, Te Awanga

³⁸ Letter to Hastings District Council from Styles Group Acoustics & Vibration Consultants, dated 6 May 2022.

Estate has given their written approval to the application, and therefore any adverse effects on them must be disregarded.

The Styles Group states the following in relation to potential noise effects of the use of the access road:

"We expect that compliance with the District Plan permitted standards will be achieved at a distance of approximately 20-30m from the side of the access road provided that the peak hour movements are in the daytime control period when the 55dB_{LAeq} noise limit applies.

The effects of noise from the access road are likely to be considerably less than the effects of noise from traffic on Parkhill Road for the dwelling at 373 Parkhill Road.

The effects of noise will be controlled by the noise from cars and trucks negotiating the intersections and relatively tight corners. This is difficult to calculate with any accuracy without creating a computer noise model. However, based on our experience and preliminary calculations, we expect that traffic movements in the hour before 7am would need to be controlled to be less than approximately 10-15 light vehicle movements and no heavy trucks in order to comply with the permitted noise limits applying in the night time control period. We consider that if the traffic movements are controlled in a manner consistent with this, compliance should be achievable. The noise effects arising from the proposal will comprise a considerable change from the current noise levels. The overall effects are likely to vary from very low/negligible to dominant and regular when traffic volumes approach the maximum flow projections."

It is proposed that HCVs during site setup will generally operate within the hours of 6am-8am, 9am-3.30pm and 3.30pm-5.30pm. During filming, it is proposed that traffic movements will commence at 6am, which is one hour before the daytime control period commences at 7am, when the 55dB_{LAeq} noise limit applies.

The Styles Group expects compliance with the District Plan permitted standards will be achieved at a distance of approximately 20m-30m from the side of the access road, provided that the peak hour movements are in the daytime control period when the 55dB_{LAeq} noise limit applies.

Given the distance of the dwelling at 373 Parkhill Road from the access road, the limited 1 hour period of potential non-compliance with the night-time noise limit, and the effects of noise from the access road likely to be considerably less than the effects of noise from traffic on Parkhill Road for the dwelling at 373 Parkhill Road, I consider that any adverse effects of vehicles using the access road will be less than minor.

9.2.3.4 Helicopter Noise

CA Hursthouse is concerned about the possible frequency and noise of helicopter movements to the SPS site.

It is proposed that a helicopter pad be constructed adjacent to the SPS facility for 'occasional' helicopter use.

General Performance Standard 25.1.6B exempts noise of aircraft during or immediately before or after flight. However, the proposal is a Discretionary Activity overall and therefore Mr Styles considers that the potential noise effects associated with helicopter use need to be assessed and controlled to a reasonable level.³⁹

Mr Styles considers that 'occasional' or infrequent use could be described as a maximum of four movements in any day (as proposed in the section 92 response from the Applicant), 12 movements per week, 24 movements per month and no greater than 96 movements per year.

Mr Styles recommends that conditions of consent are imposed to control the noise effects, timing and frequency of potential helicopter movements in accordance with his recommendations. These

³⁹ Paragraph 4.6 of Mr Style's evidence.

conditions are included in the preliminary draft recommended conditions provided in **Attachment 38** of this report.

Based on the findings of the acoustic assessment, and the imposition of the recommended conditions, I consider that adverse noise effects from helicopter movements will be less than minor.

9.2.4 Landscape and Visual Effects

The proposed development site is not identified in the District Plan as being located within an Outstanding Natural Landscape, an area of High or Outstanding Natural Character, a Significant Amenity Landscape or a Rural Landscape Character Area.

A Landscape and Visual Effects Assessment (LVA) prepared by Wayfinder was attached as Appendix C to the AEE submitted with the application. The LVA notes the following⁴⁰:

"The proposed film studio operation will alter the land use, and to a degree the landform, of a portion of existing farmland (cropping/grazing) to a commercial activity. This will result in a change in character away from the current rural environment, however this change is largely contained to an isolated pocket of a much wider farmland.

Many of the physical qualities of this site, which made it a desirable film studio location, also assist with the integration of this activity into the Rural Zone without compromising the surrounding amenity values. The site is relatively secluded, being located beyond the eastern extent of the public road network, and the placement of built development within the expansive farm setting limits visibility from the wider environment. The proposal does not cross areas of known archaeological sites and it is understood that consultation has taken place with local iwi representatives.

The access road will be constructed from the Te Awanga Estate entrance, at the southern extent of Parkhill Road, through to the film studio location. This access is to be constructed and aligned in a manner which responds to the landscape setting (e.g. follows natural barriers), while also providing for the continuation of the farming operation (and access to the other on-site activities). Indeed, the rural experience visitors to the film studio will obtain from the access road is a key feature of the proposal.

[...]

The landscape effects of this proposal can be distinguished at two key scales. Firstly, at the site scale, where the proposal is a substantial change to the existing rural landscape which would result in a High landscape effect. Secondly, at a locality scale (property, surrounding hills and settlement of Te Awanga), where the proposal is able to integrate into the receiving landscape with only a Low landscape effect.

It is considered that the adverse effect at the site scale is only appreciable from within the application property, due to the overall size of the application site and placement of the studio complex in an isolated part of the property."

The LVA assesses the potential magnitude of adverse effects that are experienced beyond the application property, are all considered to be either Low or Very Low and this equates to 'less than minor' effects, as follows⁴¹:

"The bulk of the activity is to be located at the base of an enclosed basin on the 360ha farm, with a 2.5km long access road being formed to provide access. While it is acknowledged that at the immediate site scale, there will be a High adverse effect, due to the change in landuse, this adverse effect will only be experienced from within the application site and will not compromise the surrounding landscape character of the wider Te Awanga context. The potential magnitude of

⁴⁰ Pages 13-14 of the LVA report.

⁴¹ Page 17 of the LVA report.

adverse effects, that are experienced from beyond the application property, are all considered to be either Low or Very Low and this equates to 'less than minor' on the effects scale outlined within Attachment 1."

The AEE states the following with respect to visual effects of the proposed activity on adjoining properties:

"The visualisations contained within Attachment 2 have been prepared using a full 3D model of the property and surrounding landform. The proposed access road and studio complex have been modelled and overlain onto the viewpoint photographs. Where the proposed access road and studio complex are visually obscured by landform or landcover (e.g. vegetation or buildings), the model has been made an opaque 'white' colour so that the relative location can be ascertained. Only the access road, buildings and proposed earthworks have been modelled for the purpose of assessing visual effects. It is therefore the adverse effect of the proposal, excluding planting mitigation, which is identified below. The intended planting across the site will further assist with integration of the proposal, however it is primarily to address internal amenity and not the external visual (or landscape) effects."⁴²

"Overall, the visual effects from the wider environment are all considered to be Very Low, due to the separation distance and site design. Visual effects are likely to be greater within the property, in close proximity to the access road and studio complex, however the identified views are still only considered to have a Low adverse effect.

The location and alignment of the proposed access restricts available views and consequentially, also restricts the number of potentially affected parties. In relation to landscape and amenity effects, only the application property (Te Awanga Downs) and Te Awanga Estate Winery, are considered potentially effected [sic] and both have provided written approval. Effects on these parties therefore do not need to be considered for consent. The only other property which could be considered influenced by the presence of the proposed commercial activity is the adjacent land to the south east (Owned by Oscar Oy) which is actively forested and has not residential components overlooking the proposed site."⁴³

"The proposal has limited visibility to the wider area and as such, specific landscape and screening requirements are considered unnecessary. [...] Despite no requirement for landscape treatment, the proposal does intend to undertake on-site amenity planting in general accordance with the plans contained in Attachment 1."⁴⁴

"While it is acknowledged that at the immediate site scale, there will be a High adverse effect, due to the change in landuse, this adverse effect will only be experienced from within the application site and will not compromise the surrounding landscape character of the wider Te Awanga context. The potential magnitude of adverse effects, that are experienced from beyond the application property, are all considered to be either Low or Very Low and this equates to 'less than minor' on the effects scale outlined within Attachment 1."⁴⁵

"The specific visual impact of the earthworks will be temporary and for the majority of the earthworks, not visible from the adjoining properties to the northwest and short sections of the road may be visible at a distance. Due to the temporary nature of the visual effects of the earthworks in these locations and the proposed landscape planting plan for the margins of the private road any visual effects of the earthworks are considered to be no more than minor.

⁴² Page 14 of the LVA.

⁴³ Page 16 of the LVA.

⁴⁴ Page 17 of the LVA.

⁴⁵ Ibid.

"As set out above, the visual effects on adjoining properties from earthworks will be no more than minor due to a general lack of visibility and the proposed landscaping of the finished earthworks. The mitigation measures discussed above will prevent sedimentation and dust from earthworks from affecting neighbouring properties or waterways downstream of the earthworks".⁴⁶

"At the completion of the works, all areas of cut and fill will be either retained or otherwise appropriately covered, battered, re-grassed or vegetated to minimise erosion and to prevent slope failure and to contribute to the proposed landscaping of the road berm and SPS site in accordance with the Wayfinder Plans in Attachment 2."⁴⁷

"Based on the expert opinion of Wayfinder, the overall landscape and visual effects of the proposed SPS development on the environment are considered to be no more than minor and less than minor on any person".⁴⁸

The AEE refers to the specific visual impact of the earthworks as being temporary, but it does not identify the timeframe over which that will occur. However, as it is proposed to cover, batter, re-grass and vegetate all areas of cut and fill to minimise erosion and prevent slope failure, that would need to occur as soon as practicable following the completion of areas of earthworks. The AEE notes that the revegetation will contribute to the proposed landscaping of the road berm, but that is not its primary purpose.

The proposed location and alignment of the proposed new access will restrict available views and the LVA has identified that only the application property (Te Awanga Downs) and Te Awanga Estate Winery are potentially affected in relation to landscape and amenity effects. Both parties have given their written approval, therefore, any adverse effects on them must be disregarded. They have also identified that the adjacent land to the southeast of the SPS site (Owned by Ocasor Ltd) may have views of the SPS facility, but it is actively forested and has no residential components overlooking the proposed site.

The visualisations of the proposed access road and studio complex, prepared by Wayfinder using 3D modelling, excluded any planting mitigation. This was because the proposed planting on the site is primarily intended to address internal amenity and not external visual (or landscape) effects. The LVA assesses that, without any planting mitigation, the overall visual effects of the proposal will be Very Low, due to the separation distance and site design. This equates to there being 'less than minor' effects.

Despite there being no requirement for landscape treatment, the proposal intends to undertake on-site amenity planting in general accordance with the plans contained in Attachment 1, dated 12 November 2021. I note that Sheet 02 of the plans refers to "*Trees in sporadic /clusters to reflect rural landscape and buffer visibility into Outfoxed*" along the proposed new access, close to the intersection of the new road with the existing access to Outfoxed and the Cricket Club. Linear planting is also proposed along the sides of the access road where it is adjacent to Te Awanga Estate.

On the basis of the above, I am satisfied that any adverse landscape and visual effects from the proposed development will be less than minor, subject to the imposition of conditions of consent to require, at the completion of the construction works, all areas of cut and fill to be either retained or otherwise appropriately covered, battered, re-grassed or vegetated to minimise erosion and to prevent slope failure, and for the proposed extensive areas of tree planting along the berms of the access road in accordance with the Wayfinder Plans submitted with the application (refer to 'Attachment 1, dated 12 November 2021). These conditions are included in the preliminary draft recommended conditions provided in **Attachment 38** of this report.

⁴⁶ Sections 3.2.3 and 3.2.4, page 21, of the AEE report.

⁴⁷ Section 3.2.6, page 22, of the AEE report.

⁴⁸ Section 3.3.3, page 26 of the AEE report.

9.2.5 Effects on Existing Character and Amenity Values

Amenity values are defined in the RMA as:

"Meaning those natural and physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes".

Potential effects on the character and amenity values associated with the proposed activity relate primarily to the increased traffic and associated traffic noise that will be generated during construction and operation of the SPS facility, and during works to widen Parkhill Road.

The submission from M & J Toms is concerned that the proposed development and associated traffic will result in a reduction in amenity for them, due to increased traffic noise and vehicle volume. They consider that it will be difficult to implement the "Peak Hour" traffic periods and there will be increased noise and traffic outside these peak periods, and potentially throughout the entire day.

AM & CJ Caseley consider that existing amenity values for Parkhill Road residents will not be retained if the proposed SPS proceeds, due to Parkhill Road being used as the access to the SPS and for other activities on the Te Awanga Downs property (i.e. Clifton Cricket Club, Outfoxed and any future 'Outfield Music Events'). They consider that the proposed limits on hours that SPS traffic will arrive at the site, or when heavy vehicles will deliver to the site is too impractical and will not be enforced.

M Riordan and CA Hursthouse are concerned that the proposed large-scale industrial activity will have a significant impact on the community through the construction, commuter and service traffic it will generate. They consider it 'nonsensical' to suggest that the impact will largely be restricted to 6am-7am and 5pm-6pm and mostly during filming periods, and considers that the development will generate significantly increased traffic movements throughout the day (e.g. visitors, couriers, business meetings, trade services, delivery vehicles, etc.). They consider that the development and associated traffic will result in a reduction in amenity for them and their neighbours, because of traffic noise and a much busier road. Both submitters request that the SPS access from Parkhill Road be closed between 7am and 5pm, and after 6.30pm.

CA Hursthouse is concerned that heavy vehicle movements during construction and Site Set-up for film production will have a 'huge' impact on residents of Parkhill Road. He requests that, if the application is approved, that there should be a condition of consent imposed that would limit the hours of operation of the SPS to Monday to Friday, to provide some respite for residents of Parkhill Road.

The Parkhill Family Trust considers that the early starts and later finishes proposed during film production will result in a significant increase in traffic noise at a time when there is currently little or none from the road. They consider this will result in a reduction in amenity for all residents along Parkhill Road,

The acoustic review of the application by Styles Group Acoustics & Vibration Consultants (Styles Group) for Hastings District Council describes the existing night-time and day-time noise environment as follows:⁴⁹

"Night time

Overall, we expect that the environment will be very quiet at night. We expect that background LA90 noise levels could readily reach as low as 20-25dB in calm meteorological conditions, with levels between 25-30dB being common. These are very low levels of noise and typical of rural environments remote from roads, industry and infrastructure, industry and infrastructure. The

⁴⁹ Section 2 of letter to Hastings District Council from Styles Group Acoustics & Vibration Consultants, dated 6 May 2022.

noise level would likely be higher during moderately windy or rainy nights. We expect very little anthropogenic noise during the night time period.

Day time

Overall, we expect that the environment will be reasonably quiet during the day on most days of the year. There would be low levels of noise from very intermittent local traffic and noise from more distant traffic, particularly in easterly wind conditions. We would expect that frost protection fans and bird scarers could be occasionally audible at some receivers. We would generally expect background LA90 noise levels to range between 30dB and 40dB in calm meteorological conditions, with levels typically 5-10dB higher in moderately windy or rainy conditions.

We expect that there will be intermittent and infrequent periods when the ambient noise levels are elevated primarily due to localised productive rural activities. This may include the use of farm vehicles (tractors, utes, quad bikes, motorbikes, etc.) for spraying, mustering, fencing and track maintenance, cropping, ploughing and other agricultural uses, and potentially for recreational purposes. We expect that firearm use for pest control or similar may be audible at times. We expect that receivers close to the kindergarten and school would experience higher noise levels during the day due to the noise from the vehicle movements and children's activities generally. We understand that horticultural activity is provided for in the zone. If established nearby this could involve the noise from bird scarers and frost protection fans.

We expect that there will be intermittent periods when ambient noise levels are much higher and potentially disruptive to outdoor filming and residential activity. These instances could be due to activities such as top dressing, helicopter use (including for forestry) and forestry activities generally. Various construction activities in the surrounding environment are also permitted and these can cause disruption to many noise sensitive activities.

Overall

Overall, we consider that the existing noise environment is likely to be quiet or very quiet for most of the time. The physical and legal existing environment would permit some activities to generate much higher and potentially disruptive levels of noise at times, but these would be intermittent and for short periods."

In relation to effects of traffic on residential amenity, the AEE states the following:⁵⁰

"There may be a potential for a reduction in amenity for those Raymond Road residents on the southern side of the Parkhill Road intersection as a result of increases in traffic volumes, which will be more significant on that portion of road when compared to existing traffic volumes. As set out in Figure 10 above, the TIA estimates that the SPS facility will generate 470 traffic movements per day when operating at full capacity (during filming), which will increase the vehicle movements per day on this section of Parkhill Road from 187 to 657.

This creates some potential for adverse amenity effects from traffic noise between 6.00am and 7.00am in the mornings and then again between 5.00pm and 6.00pm in the evenings, when the majority of the traffic movements are anticipated with staff travelling to and from the site (which is outside of the District Plan permitted activity standard for Commercial Activity operating hours).

There are five dwellings on this section of road with a front yard setback of less than 20m making them more susceptible to adverse amenity effects from road traffic noise.

It is noted that noise from traffic on a public road is not subject to the District Plan noise limits. This is made explicit in the Noise section of the District Plan by Rule 25.1.6B which states:

The Noise Standards in this Plan, unless specifically stated, will not apply to the following:

⁵⁰ Section 3.6.5, pages 36-37 of the AEE.

(d) To vehicles travelling on a road (this does not apply to stationary vehicles).

Section 104(2) of the RMA states:

When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

On this basis, it is considered that any adverse effects of traffic noise will be no more than minor given that such noise is permitted by the District Plan. [...].

Nevertheless, traffic safety and efficiency effects are able to be appropriately avoided, remedied and mitigated with the proposed road upgrading works and any amenity effect will be from traffic on a designated public road, the noise effects of which are permitted by the District Plan. Accordingly, the adverse effects of additional traffic generation are considered to be appropriate under section 104(1)(a) of the RMA."

While I agree that noise from traffic on a public road is not directly controlled by the District Plan, I do not consider it is correct to treat noise from significant increases in traffic associated with a Discretionary activity as effectively part of the permitted baseline, nor to disregard them on that basis, for the purposes of this assessment. While the noise rules do not apply to road vehicle noise, the District Plan acknowledges that noise from the road network can have an adverse effect on the community (see for instance Policy NSP7). The Rural Zone objectives and policies also specifically require assessment of impacts on the amenity of the zone. I therefore do not consider it appropriate to disregard the amenity effects of noise associated with increased traffic.

I note that in *Edenz Ltd v Hastings DC* (W020/02)⁵¹, in relation to s104(1)(a), the Environment Court held that increased noise arising from higher volumes of heavy vehicle traffic on the road would be directly consequential on implementation of the consent sought for a proposed extension to a substantial fruit packing/storage complex in a rural area. It was held that regard could be had to that noise, notwithstanding that use of vehicles on roads is not directly controlled under the RMA.

9.2.5.1 Construction Phase

The Applicant estimates that construction of the SPS Facility and associated accessway will occur over a period of 9-12 months and will involve:

- earthworks to form the proposed new intersection with Te Awanga Estate at the southern end of Parkhill Road.
- earthworks to form the private access road and building platforms for the SPS, parking and access areas, and stormwater detention pond on the SPS site.
- construction of the SPS facility.
- an average of 10-50 vehicle movements to and from the construction site (via Parkhill Road) each day, of which approximately 20% will be heavy vehicles.
- a maximum of 10 HCV movements per day
- peak construction noise effects will be generated during the foundation concrete pour which will take place over 2-3 days and generate up to 120 vehicles per day, with 80% being HCVs (96 per day).

The Styles Group has assessed the following in relation to construction noise effects from the site:

"We consider that the construction phase will generate disruptive and annoying construction noise effects at 373 and 376 Parkhill Road. We consider that these could be managed to comply with

⁵¹ See [132]–[133]

the permitted noise levels in NZS6803:1999 by careful timing, careful selection of machinery and potentially some temporary construction noise screening.

We consider that compliance with Rule 25.1.6I can be achieved subject to appropriate conditions, including scheduling working hours during the daytime period when higher noise limits apply (between the hours of 7.30am and 6.00pm Monday to Saturday). We can assist the Council draft those conditions if required.

If such conditions were adopted, we expect that the construction noise effects would be loud and disruptive at times, especially during the formation of the new access road at the end of Parkhill Road. However, the noise levels would be compliant with the limits for permitted construction activities as set out in the District Plan.

We expect that the noise from construction activities in the proximity of the studio facilities will be significantly below the relevant permitted noise standards. We expect that the noise will be barely audible or not audible at all for much of the time."

It is proposed to manage construction activities on the SPS site to comply with the permitted noise levels under Rule 25.1.6I, in NZS6803:1999, and the Applicant has advised that they consider a condition of consent to restrict construction activities to between the hours of 7.30am and 6.00pm Monday to Saturday is appropriate⁵².

Styles Group has also assessed the noise effects from construction traffic travelling on Parkhill Road, as follows:

"We note that the construction noise standards in the District Plan do not apply to construction vehicles travelling on public roads. However, as a guide to the degree of effects we expect that the traffic noise levels will likely be compliant with the standards for permitted construction activities provided the traffic is limited to between the hours of 0730 and 1800 from Monday to Saturday.

We expect that the noise of construction traffic on Parkhill Road would be loud and dominant for the periods when construction traffic volumes are high, particularly during the concrete pours. We expect that the noise of construction traffic could be quite disruptive on the kindergarten if truck movements are greater than approximately 15-20 per hour (a truck arriving then leaving is two movements).

*The noise of construction traffic on Parkhill Road is expected to be loud and disruptive at times, but overall compliant with the noise limits for permitted construction works. In our view the temporary and intermittent nature of the effects are significant mitigating factors."*⁵³

The Applicant has indicated agreement to limiting the time construction traffic can access the site from Parkhill Road, to 7.30am – 6.00pm to enable compliance with the louder noise limits of the construction noise standard NZS6803:1999 *Acoustics – Construction Noise*. This will avoid disturbance to residents in the evenings and earlier part of the mornings.

The Styles Group has assessed that construction traffic on Parkhill Road is expected to be loud, dominant and disruptive at times, particularly during the concrete pours, but that the temporary and intermittent nature of the effects are significant mitigating factors. Adverse noise effects will also be mitigated by the Applicant's indication it accepts conditions of consent that would limit the hours that construction traffic can travel to and from the SPS site on Parkhill Road.

I therefore recommend that, if consent is granted, a condition be imposed that would require the consent holder to comply with the noise limits of the construction noise standard NZS6803:1999 *Acoustics – Construction Noise*. I recommend that the hours construction traffic can access and exit

⁵² Email from Philip McKay to Caleb Sutton (Hastings District Council), subject: 'Update on revised notification assessment', dated 18 May 2022.

⁵³ Section 4.3 of the Styles Group letter.

the SPS site (including traffic associated with construction of the new access road) be restricted to the hours of 7.30am to 6.00pm Monday to Saturday (as offered by the Applicant). I also recommend the imposition of a condition that would require all traffic associated with the construction of the SPS facility to only use the SPS access from Parkhill Road, such that no vehicles associated with the SPS would be permitted to use the existing Te Awanga Downs' access from Gordon Road, Te Awanga.

I have recommended above, in relation to mitigating potential adverse construction traffic effects on the roading network, that prior to the commencement of site preparation works and any earthworks and construction relating to the proposal, the consent holder should be required to submit a Construction Traffic Management Plan (CTMP) to the Council for approval. The purpose of the CTMP would be to address any temporary adverse effects of traffic related to the proposed construction activities. The CTMP would need to include details of the hours of heavy vehicle movements for earthworks and construction works, the proposed numbers and the timing of truck movements throughout the day, and the proposed transport routes. These movements would be limited to the hours I have recommended for construction traffic accessing and exiting the SPS site from Parkhill Road.

To mitigate adverse effects of construction traffic noise on the Te Awanga Kindergarten, Mr Styles has recommended that a permanent acoustic barrier be installed around the outdoor play area and that mechanical cooling and ventilation be provided in the main learning and rest areas of the Kindergarten (if it does not already exist), prior to construction commencing.

The preliminary draft consent conditions I have recommended are set out in **Attachment 38** of this report.

On the basis of the above, I consider that, with the imposition of the recommended consent conditions, adverse effects of construction traffic on the existing character and amenity of the Parkhill Road environment and the Te Awanga Kindergarten will be no more than minor.

9.2.5.2 SPS Operation

The proposed activity will generate more traffic on Parkhill Road when the SPS is operating, particularly the section between the subject site and Raymond Road intersection, and with a much greater proportion of truck movements. This will change the character of the road environment, such that Parkhill Road will be much busier during the SPS construction period (9-12 months) and during site setup and film production. However, once construction is complete and the SPS is operating, there will be periods between each film production when the amount of traffic on the road will be very similar to existing levels. During film production, peak flows of traffic for the SPS are proposed to occur from 6:00am-7:00am and from 5:00pm-6:00pm each day, when staff will travel to/from the facility. As such, traffic flows for the remainder of the day (i.e. from 7:00am to 5:00pm) will be less.

The volume of traffic expected to be generated during site setup, which is proposed to occur for a period of up to two weeks prior to the commencement of each film production event, has been assessed by Urban Connection. The application does not refer to there being an equivalent pack-down period, and this was queried with the applicant. The Applicant advised that there will be a pack-down period but traffic associated with that is likely to be more spread out and of lower intensity. Urban Connection predicts that 200 HCV trips will be generated by the trucks over the set-up period, generating approximately 14 HCV movements per day. The pack down period is assumed to involve similar or slightly lower levels.

It is proposed that truck drivers will be instructed to avoid travelling to and from the site in the peak hours of the road network, being 8am to 9am, and 4.30pm to 5.30pm, and school pick-up hour (2.30pm to 3.30pm). The proposed hours of operation are 6am-6pm any day of the week, therefore, traffic generated during site setup / pack down would (subject to the proposed restriction to avoid peak hours and school pick-up hour) occur between the hours of 6am-8am, 9am-2.30pm, 3.30pm-4.30pm, and 5.30pm-6pm. While this restriction on hours is referred to in the assessment, the suggestion is that

truck drivers will be instructed to avoid travelling at certain times, rather than this being an express condition of consent. I consider it is appropriate to assess the potential effects of the 14 HCV movements occurring at any time of the day, between the proposed hours of 6am-6pm, any day of week during site setup.

I note that, if back-to-back film productions occurred, over the course of a year (52 weeks) there could be two production projects, with each production comprising 2 weeks of site setup (and pack down) and 22 weeks of film production. However, if there were film productions of a shorter duration, there could potentially be more than two productions each year.

The volume of traffic expected to be generated when film production is taking place has been assessed by Urban Connection on a 'conservative' basis, where all trips are undertaken by private vehicles with a vehicle occupancy rate of 2 persons per vehicle. Urban Connection expects that many filming staff will arrive and depart the site in rental vans, which will result in fewer traffic movements, however this is not proposed to be secured by a condition. As I have referred to earlier in this report, Mr Smith considers that a more 'realistic' increase in traffic would be in the order of an additional 10% to 25% increase in traffic volume over what is anticipated by Urban Connection.

In my opinion, the increase in the volume of traffic on Parkhill Road will be significantly higher than the current traffic volumes and it will change the character and amenity of the existing traffic environment.

On the basis of Mr Style's evidence, I have assessed (above) that there is potential for more than minor adverse effects on the occupants of dwellings located in the vicinity of Parkhill Road from noise from traffic movements associated with the operation of the SPS facility. One form of mitigation identified by Mr Styles is the installation of acoustic barriers along the front boundaries of the affected dwelling sites. Mr Styles advises that the barriers would need to be at least 1.8 metres high, and likely higher, and will need to extend 50 – 100m in length in some places. The existing Parkhill Road area is open in appearance, with predominantly post and wire fences along the roadside boundaries and some areas of trees (Figure 27).

Figure 27: View of Parkhill Road looking south



In my opinion, the installation of acoustic barriers along the front boundaries of the road would appear out of place - being more akin to what might be expected in an urban environment, rather than a rural one. I consider that they would change the character of Parkhill Road. It is possible that some mitigation of visual effects could be achieved by landscape planting along the front of the barriers, to

help screen them and 'set' them into the surrounding environment. They would still, however, make the road corridor seem more 'enclosed'.

While the road will be busier during the daytime, there will be no traffic at night-time, given the proposed hours of operation of the SPS facility – although, as advised by Mr Styles, 6am – 7am is defined as night-time in the District Plan (i.e., the proposed hours of operation for the SPS facility are between 6am and 6pm on any day of the week). Traffic will only be generated when the SPS facility is in use (i.e., when a film production is taking place) which the application expects will be over periods of approximately 22 weeks, with breaks of between 2-3 months between production projects. However, this is not proposed to be secured by a condition, therefore effects on the character and amenity of the area of traffic from back-to-back productions cannot be precluded.

I therefore consider that there is potential for more than minor effects on the character and amenity of the Parkhill Road area, including for residents located closer to Parkhill Road, associated with the increased volume of traffic and associated noise that will be generated during the SPS operation. The use of acoustic barriers as mitigation, to reduce the effects of traffic noise on the occupants of dwellings, could also have more than minor visual amenity effects on the existing open character of the Parkhill Road area.

9.2.6 Effects on Productive Land Resource

The site of the proposed SPS facility is located within the Rural Zone, which encompasses approximately 473,000 hectares of land. The SPS facility will comprise a 24ha lease area within the 229ha western portion of the Te Awanga Downs farm, which is part of the wider 356ha Te Awanga farm.

The AEE states the following in relation to Objective RRS01 and RRSP2 of the Hastings District Plan, relating to the sustainability and life-supporting capacity of the District's rural resources:

"The proposed SPS involves a relatively large area of land being covered in buildings and impervious surfaces, The land involved does not include the fertile and versatile soils of the Heretaunga Plains and will comprise less than 1% of the Te Awanga Downs farming property".⁵⁴

I concur with the AEE that the rural land on which the SPS will be located does not include versatile soils of the Heretaunga Plains and will comprise only a small proportion (less than 1%) of the Te Awanga Downs farming property.

The SPS facility industrial/commercial buildings will have a total gross floor area of approximately 10,070m² and an impervious site coverage of approximately 22,889m². The gross floor area of the buildings is approximately 100 times greater than what is permitted for such activities in the Rural Zone in the District Plan. However, in relation to the scale of the Te Awanga Downs farming property and the wider Rural Zone, I consider that adverse effects on the rural productive land resource will be no more than minor.

A question was raised in submissions about what would happen to the SPS facility if the investment failed for some reason (e.g., would it become a stranded asset, or would Council be compelled to agree to another form of land use in the Rural Zone that was even less suitable?).

If the use of the facility was to change in the future, and the new use was not a permitted activity under the District Plan rules of the Rural Zone, then a resource consent would need to be obtained to allow it to establish.

9.2.7 Potential Reverse Sensitivity Effects and Conflicting Land Use Activities

Noise-related reverse sensitivity effects/conflicts typically arise when the noise effects (including level, character, timing, duration) of an established activity are incompatible with a new activity, and the

⁵⁴ Section 4.1.1, page 53 of the AEE report.

new activity exerts pressure or initiates complaint designed to restrict the operations or otherwise mitigate the noise effects of the established land use activity.

Established land use activities on sites adjacent the SPS facility include:

- Forestry activities in the 'Winirana' block owned by Ocasor Limited. The boundary of Winirana is approximately 220m from the SPS facility.
- Farming activities
- Outfoxed adventure/recreational activities at the Landing (functions), The Den (clay bird target shooting) and The Lookout (golf driving range).

Ocasor Limited is concerned about potential reverse sensitivity effects on their forestry operation. Forestry activities which generate noise include periodic harvesting for significant lengths of time, as well as helicopter spraying for pre- and post-plant operations, pre-plant land operations, thinning and production thinning mid-rotation. The timing of these events is largely dictated by the contractor availability, log markets, and optimum timing for the regime growth. The submitter notes that the application provides no detail of the acoustic treatment proposed to apply to the SPS facility buildings, or any other measures to ensure it does not attempt to constrain noise effects from the forestry block. They consider that a reverse sensitivity covenant should be required.

Mr Styles assesses potential noise-related reverse sensitivity effects in his evidence.⁵⁵

It is noted that the District Plan gives primacy to land based primary production activities through General Performance Standard 25.1.6B, which exempts *'the emission of noise from the use of vehicles, machinery or other mobile or portable equipment for Land Based Primary Production'*.

Mr Style advises that, in his experience, screen production activities are sensitive to noise effects from external noise sources if they are not adequately insulated from noise sources in the surrounding environment. Operators of screen production activities are also aware of the need to design and locate their activities to ensure their operation is protected from external noise.

Mr Styles expects that the proposal will remain sensitive to noise in the outdoor areas during any outdoor filming, hospitality in open areas and for the overnight stay component. He considers that the noise from activities that are permitted in the Rural Zone could readily disrupt these activities.

In his opinion, the only way to address the potential effects of noise from surrounding permitted activities on outdoor activities on the SPS site is for the Applicant to accept that it would have to 'give way' to the lawful noise generating activities on neighbouring sites. This could be achieved by a condition of consent or in combination with a 'no-complaints covenant' that may be offered by the Applicant. Mr Styles considers that, in this instance, a no-complaints covenant would be appropriate.

With regard to outdoor filming, in Mr Style's experience, outdoor filming in the open spaces adjacent to film studios is relatively common. On that basis, he considers it reasonable to consider the sensitivity of outdoor filming activities, unless the Applicant is willing to confirm that they will not be undertaken.

The Applicant proposes to design the SPS facility to incorporate noise insulation to *"mitigate potential for reverse sensitivity effects"* from surrounding activities. At this time, no information has been provided by the Applicant to understand the level of acoustic treatment to be applied to the facilities, including filming and sound recording spaces, offices and post-production spaces.

Mr Styles considers that the building envelopes for the main studio and post-production facilities should be capable of achieving an outside-to-inside noise level reduction of approximately 35dB. This should be readily achievable provided there is a mechanism to cool the spaces when the doors and windows are required to be closed. He considers that the offices and less-sensitive spaces should be design and constructed to achieve an outside-to-inside level of reduction of 25dB. This is readily

⁵⁵ Section 5 of Mr Style's evidence attached in *Attachment 37* of this report.

achievable for any modern building but requires mechanical cooling and ventilation so that windows and doors can be kept closed to keep the noise out when required.

Mr Styles recommends that a condition of consent be imposed in relation to the acoustic treatment of the SPS facility, which would require the consent holder to:

- Define special noise sensitive spaces (studios and post-production facilities) and require them to achieve an outside-to-inside noise level reduction of at least 35dB.
- Define other noise sensitive spaces (offices and any other similar spaces) and require them to achieve an outside-to-inside noise level reduction of at least 25dB.
- Supply mechanical cooling and ventilation of the spaces subject to the conditions above, such that the windows and doors to those spaces are not required to be opened in warm conditions for fresh air supply or to remain cool.
- Submit a design report to the Council prior to the construction work commencing that demonstrates how the design will ensure that this set of conditions are complied with.

A condition of consent to this effect is included in the preliminary draft recommended consent conditions provided in **Attachment 38** of this report.

With the imposition of the recommended conditions of consent for the acoustic insulation of the SPS facility, I am satisfied that any potential reverse sensitivity effects on neighbouring permitted activities associated with indoor screen production activities will be less than minor.

With regard to outdoor filming activities, it would be helpful if the Applicant could confirm if these activities are intended, and if so, what conditions the Applicant may wish to offer up (e.g. a no-complaints covenant), as a means of avoiding or mitigating potential reverse sensitivity effects on neighbouring permitted activities, including the Winirana forestry block.

I reserve finalising my assessment of potential reverse sensitivity effects associated with outdoor filming activities until I have had an opportunity to consider any response the Applicant may provide at the hearing.

9.2.8 Effects on Archaeological Environment and Cultural Values

An Archaeological Assessment was prepared by Hawke's Bay Archaeology and was attached to the AEE submitted with the application (as Appendix F). There are 22 archaeological sites located within 2km of the proposed SPS facility. These are typically recorded as pits, pits and terraces, and pits and house sites, with find spots, fireplace and Pā also identified. The Archaeological Assessment concludes that there is no identified risk to any recorded archaeological sites from either the proposed new access road or development of the SPS facility.

The Applicant engaged with representatives of mana whenua hapu via a hui held at Te Taiwhenua o Heretaunga on 24 June 2021. Minutes of the hui are provided in Appendix I of the application document (also attached separately to this agenda as **Attachment 14**). The hui did not identify any potential cultural effects, but the following motion was passed at the meeting:

"That No.8 Studios apply to Heritage NZ for a precautionary archaeological authority. This may involve core earth samples being taken no deeper than the depth of required construction earthworks, and only within the proposed site footprint."

The Applicant has offered the imposition of a condition of consent that would require the consent holder to obtain an Archaeological Authority from Heritage New Zealand Te Pouhere Taonga before commencing any earthworks at the site. The applicant also proposes/volunteers that a site visit with karakia be offered to mana whenua prior to earthworks commencing.

Given the above, the Assessment of Environmental Effects submitted with the application considers that any adverse effects on cultural values will be appropriately mitigated and managed to a level that is no more than minor.⁵⁶

On the basis of the above, I am satisfied that, with the imposition of the conditions of consent offered by the Applicant, any adverse effects on archaeology are likely to be less than minor.

9.2.9 Effects of SPS Site Servicing

The proposed servicing of the SPS facility is described in Section 3.2.7 of this report. It is proposed that a water supply will be provided on site by storing rainwater collected from the roofs and supplemented, as necessary, by trucking water to the site. On-site wastewater will be provided for the production building and cafeteria amenities, and mobile toilet facilities on trucks will provide additional wastewater capacity when required during filming. It is proposed that detailed design and Regional Council consenting of the onsite effluent disposal system will take place prior to applying for building consent.

Solar electricity production is proposed for the production building.

The AEE assesses the site servicing effects as follows:

"The philosophy of No.8 Studios is for their SPS to be as sustainable as possible. Under the above servicing proposal there is no potential for any off-site adverse effects from the proposed wastewater disposal and water supply solutions. Stormwater has the potential to give rise to adverse effects which is why Infir were commissioned to develop a solution that avoids and mitigates any adverse effects on the SPS from flooding and also mitigates any adverse effects from increased stormwater flows from the SPS facility on the HDC stormwater detention dam and downstream water bodies."⁵⁷

A concept design for the attenuation of stormwater runoff from the SPS is proposed and is set out in the "Parkhill Studios Stormwater Servicing Report J21120-1" report prepared by Infir (dated 6 August 2021) and attached as Appendix E to the AEE accompanying the application. As the stormwater system will drain 'industrial premises', the applicant will need to obtain a Controlled Activity resource consent from the Hawke's Bay Regional Council (pursuant to Rule 43 of the Hawke's Bay Regional Resource Management Plan) prior to applying for building consent. As a Controlled Activity, the Regional Council must grant consent but may impose conditions.

On the basis of the above, I consider that the proposed site servicing for water supply and the treatment and disposal of wastewater and stormwater will have less than minor effects on the environment.

There is a suggestion in submissions that the proposed widening of Parkhill Road would be an ideal time to introduce a town water supply to all Parkhill Road residents. It is not proposed that the SPS facility be connected to any Council reticulated water supply system, therefore, there is no proposal to bring a water supply to the SPS facility site, including via Parkhill Road. I therefore consider that the connection of residents in Parkhill Road to a reticulated water supply sits outside the matters to be considered in relation to the subject application.

9.2.10 Natural Hazards

The AEE⁵⁸ refers to the Hawke's Bay Natural Hazard Property Report for the wider site (attached in Appendix H to the AEE), which identifies that part of the property where the SPS facility is proposed to be located is subject to the following hazards:

- Liquefaction – damage is unlikely.

⁵⁶ Section 3.5, pages 28-29 of the land use consent application report.

⁵⁷ Section 3.8, pages 41-42 of the AEE.

⁵⁸ Paragraph 3.7.1 of the AEE

- Earthquake Amplification -low.
- Earthquake Faultline – the proposed access road will cross a ‘well defined’ active fault trace and the north eastern portion of the SPS development site is also traversed by such fault traces.
- Flood Detention Dam.

I concur with the AEE that liquefaction and earthquake amplification hazards are not significant and do not need to be assessed further.

Section 15.1.1 Introduction to the Natural Hazards chapter of the District Plan states that:

“The rules of the District Plan do not seek to address those hazards where appropriate regulatory controls exist, such as the Building Act or the Hawke's Bay Regional Coastal Environment Plan, to deal with the effects of the hazard. The Hastings District Council will liaise with other Territorial Authorities and the Hawke's Bay Regional Council to aim to establish an integrated and consistent approach to natural hazard policy and management throughout the region.”

The Explanation to Policy NHP2 of the District Plan states the following in relation to Earthquake Hazards:

“While no rules or performance standards apply to land use activities within these earthquake hazard areas, this information will be used in the assessment and consideration of Discretionary and Non-Complying land use activities, subdivision applications and Plan Change requests where the focus will be on managing the avoidance of significant earthquake hazards in order to protect human life.

Council will have regard to the Ministry for the Environment (MfE) and Institute of Geological and Nuclear Sciences (GNS) guidelines 'Planning for Development of Land on or Close to Active Faults (2003)' in respect of development applications located on or near 'fault avoidance zones' identified by GNS. In some instances this may require geo-technical investigations to be carried out by the applicant to determine the suitability of the site for building purposes.”

In relation to earthquake fault traces, a trace appears to traverse the north eastern extent of the SPS site (Figure 28).

Figure 28: Earthquake Faultlines and Avoidance Zones Map



The AEE states the following in relation to the MfE Planning Guidelines 'Planning for Development of Land on or Close to Active Faults (2003)':⁵⁹

“The MfE Planning Guidelines 'Planning for Development of Land on or Close to Active Faults' set out recommended resource consent activity categories for buildings based on the fault reoccurrence interval of the fault trace. The Hazard Portal information does not include details of the estimated

⁵⁹ Pages 38-39 of the AEE

reoccurrence intervals of the fault trace. This information is however available on the GNS website²⁰ which identifies the recurrence interval of the Summerlee Fault Zone, which includes all the faults in the wider Te Awanga area, as being 5,000 – 10,000 years. The MFE Guidelines allows for the development of building categories BIC 1, 2a, and 2b over fault traces with such reoccurrence intervals.²¹ The proposed SPS facility would fall within BIC 2b which is defined as follows:

Multi-occupancy residential, commercial (including shops), industrial, office and retailing buildings designed to accommodate less than 5000 people and also those less than 10,000 m² gross area.²²

It is noted that the buildings with the largest gross floor area are the combined production studios and breezeway which total 6,440m² of gross floor area. As is the case with buildings in the Hastings urban area where there is a high liquefaction hazard, if resource consent is granted, the detailed building design for the building consent application will be supported by a geotechnical report which will provide site specific scale ground stability information and will recommend appropriate foundation design. On this basis, the fault trace hazard which has a relatively low recurrence interval, can be mitigated such that its effects can be considered no more than minor."

On the basis of the above, I concur with the AEE that the identified fault trace hazard on the SPS facility site, which has a relatively low recurrence interval, can be appropriately mitigated as part of the detailed building design for the building consent for the proposed facility buildings, if resource consent is granted.

In relation to the Flood Detention Dam hazard, the proposed SPS facility is located upstream of a flood detention dam on the Te Awanga Downs property (Figure X). The AEE advises that the Applicant consulted with the Hastings District Council and Hawke's Bay Regional Council, who advised that the application would need to demonstrate that any effects on the detention dam from the stormwater runoff from the proposed development could be avoided or mitigated and that the SPS facility itself could be developed to avoid the effects of flooding from detained water.

A concept design for the attenuation of stormwater runoff from the SPS is proposed and set out in the "Parkhill Studios Stormwater Servicing Report J21120-1" report prepared by Infir Infrastructure Solutions (Infir) (attached in Appendix E to the AEE). The stormwater solution for the proposed SPS facility is designed to avoid or mitigate adverse effects on detention dam and avoid the SPS buildings from being flooded. The Infir report assesses that "...the development will not impede existing flow paths nor displace the potential ponding volume which would otherwise increase potential flooding effects". However, Infir recommends that the detailed design for the SPS stormwater system must achieve the following:

- *Runoff to the attenuation pond as outlined in this report.*
- *Total sealed and hardstand areas not exceeding the values used for this report*
- *An attenuation pond of at least 4,500m³, releasing water at the values stated in this report.*
- *A scour resistant discharge to the mid catchment reservoir catchment.*
- *Volume neutrality below the crest of the mid-catchment dam.*

The AEE considers that it appropriate that these requirements to be imposed as conditions on the consent (if granted) to provide certainty that the level of stormwater mitigation will be achieved, and such that "...any adverse effects on the flood detention dam and on downstream catchments from the proposed SPS will be no more than minor and the effects of flooding on the SPS facility will also be avoided".⁶⁰

Advice was received from the Hawke's Bay Regional Council's Principal Engineer that the Regional Council had been involved in the proposed development and the Applicant had made adjustments to

⁶⁰ Section 3.7.3, page 41 of the AEE report.

their proposal based on the Regional Council's input in order to maintain the flood control capabilities of the dam system (a copy of the Regional Council's email is provided in **Attachment 39** of this report).

I am satisfied that, on the basis of the concept design for the attenuation of stormwater runoff from the SPS facility site, confirmation of the Regional Council's involvement in the development of that concept, and with the imposition of appropriate conditions of consent (if granted) (refer to the preliminary draft recommended consent conditions in **Attachment 38** of this report)., any adverse effects associated with the Detention Dam and downstream catchments from the SPS facility will be appropriately mitigated and the effects of flooding on the SPS facility will be avoided.

9.2.11 Effects on Local Birdlife

Concern was raised in some submissions about potential effects of outdoor lighting for the SPS facility on local birdlife, including the gannet colony at Cape Kidnappers.

It is proposed that the SPS facility will comply with General Performance Standard and Term 5.2.5D Lighting and Glare, which requires all external lighting in the Rural Zone to be shaded or directed away from any residential buildings or roads, and it must be less than 8 lux spill when measured at a height of 15 metres above the ground at the boundary of the site. The AEE assessed that there will be no light spill to such locations, given the significant distance and lack of sight lines from the proposed SPS facility to any residential buildings or public road.⁶¹

As it is proposed that external lighting for the SPS facility will be designed to comply with Standard 5.2.5D, which is the standard applying to all permitted activities within the Rural Zone (including productive land use activities) and given the significant distance of the facility from the gannet colony, I am satisfied that any adverse effects of external lighting on local birdlife will be negligible. For certainty, I recommend that a condition be imposed on the consent (if granted) to require the activity to comply with the lighting and glare standard (refer to the preliminary draft recommended consent conditions in **Attachment 38** of this report).

9.2.12 Effects on Local Labour Market

A concern was raised in submissions about additional competition the proposal would create for labour, given a severe shortage of rental accommodation and affordable housing. It was questioned whether there was a more suitable location for the activity, closer to town, where accommodation and public transport options might be more available.

The AEE refers to options investigated for the location of the SPS facility and the Applicant's process for selecting the proposed site, as follows:

"The resulting Mitchell Daysh Ltd Planning Assessment (the "SPS Planning Report") completed in June 2020 considered various zoning options. A Commercial Zone location was acknowledged as appropriate from a HDP definition perspective; however, such zones were not investigated in detail in the SPS Planning Report due to the land and building size requirements being larger than what such a Commercial Zone could provide. Further to this a Commercial Zone could not provide the necessary privacy requirement.

The Plains Production Zone was discounted as a potentially appropriate zone location due to its strong focus on retaining versatile land for primary production purposes and the relatively large building and site coverage needs of a SPS.

Given the above, the merits of the following HDP zones were assessed in the SPS Planning Report: General Industrial Zone (on vacant land in Irongate or Omaha Road North); and Rural Zone (where reasonably accessible to the urban areas).

[...]

⁶¹ Page 2 of Appendix G of the AEE report.

1.2.1.3 Findings

Industrial Zone

The Report concluded that an SPS would be a non-complying activity in the industrial zones of the HDP but that resource consent would be likely to be obtained. This is because in many respects an SPS is consistent in nature to an industrial activity, particularly in building design, land area requirements and in having no need to attract customers to the site. Further to this, the assessment concluded that a SPS would likely be able to demonstrate consistency with the objectives and policies of the HDP Industrial Zone. An issue of concern identified was that of noise reverse sensitivity as there would be potential for noise from surrounding activities to impact on a SPS affecting filming with background noise, particularly given the higher noise levels permitted in the industrial zones (70 dB LAeq (15 min) at all times).

Rural Zone

SPS activities would require discretionary activity resource consent in the Rural Zone. The Report identified that there would be consenting challenges due to the 'non-rural' character and large building and land area requirements of a SPS. Provided potential adverse effects are able to be avoided or mitigated however on a site-specific basis, location in a Rural Zone would be appropriate.

Conclusion

In general, the SPS Planning Report identified that the most appropriate consenting pathway for a SPS would be to locate an SPS in a General Industrial Zone, followed by a Rural Zone. The Report concluded that that both of these options would be possible, but within the Rural Zone in particular it would be location dependent and would need to be subject to a site-specific assessment. Subject to an appropriate site being identified, it may then be considered consistent with most of the relevant objectives and policies for a Rural Zone location.

[...]

1.2.2 No.8 Studios Site Selection Process

Based on the findings of the SPS Planning Report, No.8 Studios initially considered options in the General Industrial Zone. However, it proved difficult in finding a site that would both provide the necessary land area requirement and the level of privacy and noise protection required and that would be economically viable.

Favourable properties, in terms of SPS locational criteria, have been available on the market in the Plains Production Zone. Based on advice that non-complying resource consent would be unlikely to be granted in this Zone, such options were not considered further.

This left the Rural Zone as providing the greatest potential for No.8 Studios to establish a suitable site. To meet the locational criteria only that part of the Rural Zone near to urban areas is potentially viable. Following the investigation of several sites, including a site to the southwest of Hastings, the current Parkhill Road site was identified by No.8 Studios as meeting the SPS locational criteria. Mitchell Daysh Ltd provided advice that the subject site was possible from a resource consenting perspective provided all potential adverse effects on the environment can be appropriately addressed. The following assessment sets out how this is to be achieved."⁶²

I am uncertain whether the proposal would create additional competition for labour, however, I do not consider that to be a relevant consideration under the RMA. The AEE has assessed that the proposal is likely to result in employment opportunities and work for existing businesses.

⁶² Pages 4-6 of the AEE.

9.2.13 Potential Effects of Disturbance of Contaminated Land

The submissions of Christopher Andrew Hursthouse and Madeleine Riordan seek the application be declined, but request that if consent were to be granted with access via Parkhill Road:

- *Appropriate earthworks undertaken as part of the road widening at the eastern end of Parkhill Road (between 332 Parkhill Road and Te Awanga Estate) to address the undulation and irregular surface arising from an historic rubbish dump site in that area, at the developer's cost.*

A check of Council's GIS mapping information shows the indicative location of a dump site at 332 Parkhill Road which potentially extends into Parkhill Road (red box shown in Figure 17).

I have assessed in Section 5.1.1 of this report that the road reserve adjacent to the dump site at 332 Parkhill Road must be considered 'a piece of land' under section 5(7) of the NESCS, as it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it. I have also assessed that the activity must be assessed as a Discretionary Activity under Regulations 10(4) and 11 of the NESCS, as no detailed site investigation of the piece of land has been undertaken and submitted with the application.

Any earthworks required to widen Parkhill Road, within the road reserve in the vicinity of 332 Parkhill Road, will need to be undertaken carefully due to potential contamination. I recommend that, if the decision of the Commissioner is to grant consent, that a condition of consent be imposed that would require the consent holder to submit a PSI report from an appropriately qualified expert (SQEP under the NESCS) prior to any roadworks commencing, to confirm if there is landfill or soil within any area of the proposed works that is contaminated. If there is contaminated soil/landfill. If contamination is found, then a Contaminated Site Management Plan/Remediation Action Plan prepared by an appropriately qualified expert (SQEP under the NESCS) should also be submitted to Council prior to any roadworks commencing. This Plan will need to include the following:

- Health and safety protocols
- Excavation protocols
- Dust suppression
- Unexpected discovery of contamination protocols
- Contaminated soil management procedures and options for remediation.

A suite of preliminary draft consent conditions is provided in **Attachment 38** of this report.

I consider that with the imposition of the recommended conditions, potential adverse effects on the environment associated with the disturbance of landfill/contaminated soil within the road reserve associated with the widening of Parkhill Road will be appropriately mitigate¹⁴ Positive Effects

The AEE in the land use consent application report advises that:

"The proposed development will result in significant areas of additional planting over the site, including the indigenous vegetation in the proposed mass planting area. This will result in increased biodiversity over the site.

*Overall then, the application is therefore likely to result in a net positive effect in terms of increased areas of vegetation and biodiversity values as the planting to be undertaken on the site will improve flora and fauna habitat over the site."*⁶³

"There are positive social and economic effects for the District and Region that are likely to result from the establishment of the proposed SPS, including employment opportunities and work for existing businesses.

⁶³ Section 3.9, page 43 of the 'Land Use Consent Application to Establish and Operate a Screen Production Studio', dated 16 September 2021, prepared by Mitchell Daysh Limited.

[...]

*The SPS proposed by No.8 Studios would enable the Hastings District and Hawke's Bay region the opportunity to realise some of these benefits, including those from international productions. For example, Ron Howard's company Imagine Entertainment has advised that they are interested in producing films in the proposed facility. Such a facility in the Hastings District would therefore be of significant economic benefit, including both for employment generation and increased opportunity for existing businesses.*⁶⁴

I concur there will be positive social and economic effects associated with the proposed development.

9.2.14 Other Matters

Effects of Increased Traffic Volumes on Stock Movements on Parkhill Road

CA Hursthouse is concerned that the increased traffic volumes predicted for Parkhill Road will have a detrimental effect on their current farming activities, as they regularly move stock along the road.

The Hastings District Council Consolidated Bylaw 2021 requires a person in charge of stock to ensure that they are under proper control and supervision at all times when driven or passing across or along a road (Consolidated Bylaw, 2.17.1(b)). At 2.17.3, the Bylaw deems that requirement is to be complied with if the guidelines in the New Zealand Transport Agency publication "Stock under control (crossing and droving)" are complied with (if there is no other Council approved guideline).⁶⁵ The Land Transport (Road User) Rule 2004 SR 2004/427, Pt 11, r 11.17(5) also requires that "A person moving untethered animals from place to place along or across a road must exercise due care towards other road users, and must ensure that any disruption to traffic is minimised".

The NZTA guidelines are intended to offer farmers a best practice standard for traffic management during stock crossing and stock droving taking into account: the need for consistency of warning; the need for sufficient warning distance; and the road risk profile.

While I acknowledge that vehicle movements on Parkhill Road will increase during construction and operation of the SPS facility (particularly during peak hours), nevertheless, there remains a requirement for people moving stock across or along the road to be in proper control and supervision of them. To comply with the current Council Bylaw, there is already a requirement for the use of warning systems (including signage). Under the NZTA guidelines, the type of treatment to be used for crossing situations depends on the frequency of crossings and the road capacity. I note that for Stock Droving, roads are deemed 'Low capacity roads up to 1000 vehicles, flock or herd up to 200'⁶⁶. This requires the use of pilot vehicles with W3 stock signs and a flashing amber beacon on front and behind the flock or herd.

In addition to the above, people conducting work in the road or the roadside, which would include stock droving, have duties to meet under the Health and Safety at Work Act 2015 (HSWA). Worksafe New Zealand has guidelines on how to manage the health and safety risks persons conducting a business or undertaking (PCBU) activities in the road or roadside in order to comply with the HSWA⁶⁷. While not referring specifically to stock droving, they offer good practice advice for managing health and safety risks for road or roadside workers.

I therefore consider that while traffic volumes will increase on Parkhill Road, it should not significantly change the type of treatment required under the Bylaw or health and safety requirements to be met

⁶⁴ Section 3.10, pages 43-44 of the 'Land Use Consent Application to Establish and Operate a Screen Production Studio', dated 16 September 2021, prepared by Mitchell Daysh Limited.

⁶⁵ "NZTA – Stock under control (crossing and droving)", dated April 2015.

⁶⁶ Page 5 of the NZTA guidelines.

⁶⁷ "Keeping healthy and safe while working on the road or roadside: Guidance for PCBU's", Worksafe New Zealand, August 2022

under the HSWA to move stock on the road or roadside, although the task may be made easier if stock movements were timed to avoid the peak traffic periods associated with SPS facility.

Potential Security Implications for Neighbouring Area

I am unaware of any known direct linkages between the presence of film studios and security issues for the surrounding area, including increased burglaries. Such matters are beyond the control of the Applicant and I therefore consider that it is not a resource management issue to be addressed in assessing this application.

9.3 Summary

From the above assessment of environmental effects, I have assessed that:

- On the basis of the proposed upgrade of Parkhill Road (provided it is to the increased width of 7.0 metres), including an assessment of access sight lines for the southern section of Parkhill Road to be undertaken as part of a detailed final design for the upgrade, I am satisfied that, subject to the imposition of consent conditions requiring the consent holder to submit a final design to Council for the upgrade for certification prior to construction works commencing, any adverse effects on road users, cyclists, pedestrians and residents will be less than minor.
- On the basis of Mr Smith's evidence, I am satisfied that Parkhill Road can be upgraded to safely and appropriately accommodate the additional volume of traffic expected to be generated by the proposed activity, subject to final detailed design.
- Mr Smith has also identified issues associated with accommodating the proposed design for the intersection of the access road with Parkhill Road and Te Awanga Estate but considers this can be addressed at the final design stage as a condition of consent (if granted).
- With regard to the proposed improvement works at the Parkhill Road /Raymond Road intersection, Mr Smith generally concurs with the proposal, but seeks confirmation from the Applicant at the hearing that there are no unresolvable clashes with overhead, at grade or underground services, or elements that would restrict the intersection being built to the intent of the scheme design.
- Provided the above outstanding matters can be appropriately addressed by the Applicant, and subject to the imposition of consent conditions as recommended by Mr Smith, I consider that adverse traffic effects of the proposed development on Parkhill Road and the Parkhill Road/Raymond Road intersection can be appropriately mitigated.
- With regard to the concerns raised by Mr Smith about potential impacts associated with heavy vehicles queuing and turning right at the Parkhill Road/East Road intersection, including potential impacts on cyclists and potential for head-on crashes causing serious harm, I am uncertain of the scale of potential adverse effects without first hearing from the Applicant how they propose to improve the design of the intersection to mitigate those effects.
- With the imposition of the recommended consent conditions, adverse effects of construction traffic on the existing character and amenity of the Parkhill Road environment and the Te Awanga Kindergarten will be no more than minor.
- Any adverse landscape and visual effects from the proposed development will be less than minor, subject to the imposition of conditions of consent to require, at the completion of the construction works, all areas of cut and fill to be either retained or otherwise appropriately covered, battered, re-grassed or vegetated to minimise erosion and to prevent slope failure, and for the proposed extensive areas of tree planting along the berms of the access road in

accordance with the Wayfinder Plans submitted with the application (refer to 'Attachment 1, dated 12 November 2021).

- The identified fault trace hazard on the SPS facility site, which has a relatively low recurrence interval, can be appropriately mitigated as part of the detailed building design for the building consent for the proposed facility buildings, if resource consent is granted. I am also satisfied that, on the basis of the concept design for the attenuation of stormwater runoff from the SPS facility site, confirmation of the Regional Council's involvement in the development of that concept, and with the imposition of appropriate conditions of consent (if granted) that any adverse effects associated with the Detention Dam and downstream catchments from the SPS facility will be appropriately mitigated and the effects of flooding on the SPS facility will be avoided.
- Based on Mr Style's evidence, I have assessed that noise associated with construction of the SPS facility and associated immediately surrounding infrastructure will be less than minor, as it is expected to be significantly below the relevant permitted construction noise standards in the District Plan, due to the large separation distance between the SPS facilities and adjacent receivers.
- The effects of noise from construction works within the road corridor will be no more than minor, subject to the imposition of conditions of consent restricting the time that construction traffic can access the SPS site, to between 7.30am and 6.00pm Monday to Friday, and 8.00am and 1.00pm on Saturdays, as recommended by Mr Styles.
- With the installation of an appropriately designed and constructed permanent acoustic barrier around the Te Awanga Kindergarten, and provision of mechanical cooling and ventilation within the main learning space and any rooms used for sleeping or resting within the Kindergarten (where those rooms currently rely on open window for ventilation and cooling, and if they have a façade facing or directly exposed to noise from traffic on Parkhill Road), potential adverse noise effects from construction traffic and traffic associated with the operation of the SPS facility will be no more than minor.
- Given the separation of the SPS facility from adjacent receivers, Mr Styles does not have any concerns relating to noise from the SPS undertaken in the vicinity of the studio. In relation to noise from vehicles using the proposed new access road, Mr Styles expects compliance with the District Plan permitted standards at a distance of approximately 20m-30m from the side of the access road, provided that the peak hour movements are in the daytime control period when the 55dB LAeq noise limit applies.
- With the imposition of the recommended conditions, adverse noise effects from helicopter movements will be less than minor.
- On the basis of Mr Style's evidence, there is potential for more than minor adverse effects on the occupants of dwellings located in the vicinity of Parkhill Road from noise from traffic movements along Parkhill Road associated with the operation of the SPS facility.
- With the imposition of the recommended conditions of consent for the acoustic insulation of the SPS facility, any potential reverse sensitivity effects on neighbouring permitted activities associated with indoor screen production activities will be less than minor.
- The proposed site servicing for water supply and the treatment and disposal of wastewater and stormwater will have less than minor effects on the environment.
- Given the significant distance of the facility from the gannet colony, I am satisfied that any adverse effects of external lighting on local birdlife will be negligible. For certainty, I recommend that a condition be imposed on the consent (if granted) to require the activity to comply with the District Plan lighting and glare Standard 5.2.5D.

- With the imposition of the recommended conditions, potential adverse effects on the environment associated with the disturbance of landfill/contaminated soil within the road reserve associated with the widening of Parkhill Road will be appropriately mitigated.
- While traffic volumes will increase on Parkhill Road, it should not significantly change the type of treatment required under the Bylaw or health and safety requirements to be met under the HSWA to move stock on the road or roadside, although the task may be made easier if stock movements were timed to avoid the peak traffic periods associated with SPS facility
- There will be positive effects associated with the proposed SPS facility.

The following matters remain unresolved in relation to potential environmental effects:

- The design and configuration of the Parkhill Road/East Road intersection to ensure that it can operate in a manner that will provide for the efficient and sustainable movement of people and goods in a safe manner.
- There is potential for more than minor adverse effects on the occupants of dwellings located in the vicinity of Parkhill Road from noise from traffic movements along Parkhill Road associated with the operation of the SPS facility.
- There is potential for more than minor effects on the character and amenity of the Parkhill Road area, including for residents located closer to Parkhill Road, due to the expected increased volume of traffic and associated noise that will be generated during the SPS operation. The use of acoustic barriers as mitigation, to reduce the effects of traffic noise on the occupants of dwellings, may also have more than minor visual amenity effects on the existing open character of the Parkhill Road area
- With regard to outdoor filming activities, it would be helpful if the Applicant could confirm if these activities are intended, and if so, what conditions the Applicant may wish to offer up (e.g. a no-complaints covenant), as a means of avoiding or mitigating potential reverse sensitivity effects on neighbouring permitted activities, including the Winirana forestry block.

10.0 MEASURES TO OFFSET OR COMPENSATE FOR ANY ADVERSE EFFECTS ON THE ENVIRONMENT – s104(1)(ab)

The Applicant has not proposed any measures to offset or compensate for any adverse effects on the environment.

11.0 RELEVANT STATUTORY DOCUMENTS - s104(1)(b)

An assessment of the proposal against the relevant objectives and policies of the relevant statutory documents is provided below.

11.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

As outlined above, the proposal is subject to the requirements of the NESCS in relation to the location of an old landfill site at 332 Parkhill Road that may extend into Parkhill Road and may be disturbed during earthworks to widen the road.

As I have assessed above, I consider that with the imposition of the recommended conditions, potential adverse effects on the environment associated with the disturbance of landfill/contaminated soil within the road reserve associated with the widening of Parkhill Road will be appropriately mitigated.

11.2 Other National Environment Standards

The other National Environmental Standards do not raise any matters that are relevant to consideration of this application.

11.3 New Zealand Coastal Policy Statement (NZCPS) – s104(1)(b)(iv)

The site of the proposed activity is not located within the coastal environment, therefore the NZCPS is not relevant to this application.

11.4 Hawke's Bay Regional Resource Management Plan – s104(1)(b)(v) & (v)

The Hawke's Bay Regional Resource Management Plan 2006 (RMMP) includes the Regional Policy Statement for the Hawke's Bay Region (RPS).

I consider that the following objectives and policies in the RPS are relevant to the subject application:

OBJ 1 *To achieve the integrated sustainable management of the natural and physical resources of the Hawke's Bay region, while recognising the importance of resource use activity in Hawke's Bay, and its contribution to the development and prosperity of the region.*

OBJ 16 *For future activities, the avoidance or mitigation of off site impacts or nuisance effects arising from the location of conflicting land use activities.*

POL 6 PROBLEM-SOLVING APPROACH –FUTURE LAND USE CONFLICTS

3.5.11 *To recognise that the future establishment of potentially conflicting land use activities adjacent to, or within the vicinity of each other is appropriate provided no existing land use activity (which adopts the best practicable option or is otherwise environmentally sound) is restricted or compromised. This will be primarily achieved through liaison with territorial authorities and the use of mechanisms available to territorial authorities, which recognise and protect the ongoing functioning and operation of those existing activities.*

As I have assessed above, there will be positive social and economic effects associated with the proposed development.

In relation to potential reverse sensitivity effects, my assessment of environmental effects in Section 9.2.7 concludes that, with the imposition of the recommended conditions of consent for the acoustic insulation of the SPS facility, I am satisfied that any potential reverse sensitivity effects on neighbouring permitted activities associated with indoor screen production activities will be less than minor.

With regard to outdoor filming activities, I consider it would be helpful if the Applicant could confirm if these activities are intended, and if so, what conditions the Applicant may wish to offer up (e.g. a no-complaints covenant), as a means of avoiding or mitigating potential reverse sensitivity effects on neighbouring permitted activities, including the Winirana forestry block.

Given this, I consider that the proposal is, subject to the imposition of consent conditions relating the acoustic insulation of the SPS facility, consistent with Objective OBJ 16 and Policy 6 of the RRMP.

With regard to outdoor filming, I consider that the proposal may not be consistent with the objective and policy if outdoor filming is to occur and no appropriate mitigation measures have been offered by the Applicant as a condition of consent.

11.5 Hastings District Plan – s104(1)(b)(vi)

I consider the following objective and policies in the District Plan are relevant to the application.

Rural Resource Strategy

OBJECTIVE RRSO1 *To promote the maintenance of the life-supporting capacity of the Hastings District's rural resources at sustainable levels.*

POLICY RRSP2 *Provide for a wide range of activities to establish, which complement the resources of the rural area, provided that the sustainability of the natural and physical resources of the area is safeguarded.*

Explanation

The District Plan will enable a wide range of activities both within and beyond the traditional agricultural field to be established throughout the rural areas. However, their establishment and the scale of them, will not be allowed to occur in a manner that threatens the long term sustainable and economic use or enjoyment of the Hastings District's natural and physical resources, including the versatile land of the Heretaunga Plains. The Council will ensure that activities of a commercial or industrial nature will not have an adverse effect on the sustainability of the established Commercial and Industrial Zones in the District.

Rural Strategic Management Area (SMA)

OVERARCHING

OBJECTIVE RSMO1 *The primary production role and associated amenity of the Rural environment is retained.*

POLICY RSMP2 *Require that activities and buildings in the Rural SMA are of a scale that is compatible with that environment.*

Explanation

The physical characteristics of the Rural SMA are linked to the identity of the District. Hastings has traditionally been identified with orcharding and cropping on the Plains, and pastoral use and forestry on the hills. While the Council wishes to ensure that there is flexibility of land use in the rural environment, the impacts of these activities on the visual and amenity values of the rural area needs to be considered. Commercial and industrial activities are being provided for in the Zone up to a certain scale so that the impact on rural amenity is safeguarded.

OVERARCHING

OBJECTIVE RSMO2 *Provide for a range of activities within the Rural environment such that they do not compromise the productive nature of the land and soils and the established Commercial and Industrial Zones in the District.*

POLICY RSMP3 *Control the scale and intensity of commercial and industrial activities across the rural SMA.*

Explanation

The Rural SMA provides for a range of activities and farm and associated buildings that are of a scale to meet the needs of the primary production sector. At the time that the issues for the Rural SMA were identified there was a clear signal from the community that traditional pastoral activities needed to be supplemented with other land uses in order to support the viability of the farming units. As a result the Council has adopted a sustainability approach to this land resource which is clearly enunciated in the Vision for the District. However, at the same time, Council is very aware of the impacts that non-traditional uses in the rural sector can have on the established Zones within the city. The Council wishes to support the ability to diversify in the rural community but this must not be at the expense of other parts of the community. There is a limit on the scale of commercial and industrial activities in the Rural SMA and beyond the floor area standards outlined

within the zones these types of activity should be located within the appropriate Zones where the effects can be suitably accommodated.

Rural Zone

OBJECTIVE RZO1 *To ensure that the productive nature of the land within the Zone is not diminished.*

OBJECTIVE RZO2 *Retention of the natural and rural character and amenity values of the Rural Zone.*

POLICY RZP4 *Require that any new development or activity is complementary to the amenity of the Zone which predominantly comprises open pastoral characteristics with low scale and sparsely located buildings.*

Explanation

The Rural SMA provides for a range of activities and farm and associated buildings that are of a scale to meet the needs of the primary production sector. At the time that the issues for the Rural SMA were identified there was a clear signal from the community that traditional pastoral activities needed to be supplemented with other land uses in order to support the viability of the farming units. As a result the Council has adopted a sustainability approach to this land resource which is clearly enunciated in the Vision for the District. However, at the same time, Council is very aware of the impacts that non-traditional uses in the rural sector can have on the established Zones within the city. The Council wishes to support the ability to diversify in the rural community but this must not be at the expense of other parts of the community. There is a limit on the scale of commercial and industrial activities in the Rural SMA and beyond the floor area standards outlined within the zones these types of activity should be located within the appropriate Zones where the effects can be suitably accommodated.

POLICY RZP5 *Require limits to be placed on the scale and intensity of any industrial and commercial activity locating within the Zone to maintain the amenity of the area, the sustainable management of the soil resource and the sustainability of the District's Commercial and Industrial Zones.*

Explanation

There has been a clear message that the landowners who undertake traditional pastoral activities on their properties require the ability to use their land in a more flexible manner. The 2003 District Plan provided for commercial and industrial activities to be established with controls over the scale of the activity. The Council wishes to continue to provide for such activities but at a scale that is both beneficial to the landowner and does not have adverse effects on the environment or the neighbouring property owners. Land uses that are likely to be established are most likely to be industrially related and for this reason the existing Rules have been re-examined. This has shown that a 100m² building does not provide the flexibility that is required to initiate an industrial use. An increase in the floor area of the building for a Permitted activity has been provided. A consistent approach to the floor area of industrial and commercial activities has been provided. It is important that the floor area is not out of scale with the size of buildings associated with the traditional farming activities in the Zone. Nor should buildings be of a scale that is more appropriately located in an Industrial or Commercial Zone. The District's Commercial and Industrial Zones contain a significant investment in physical resources and enable the

economic benefits of clustering of such activities to be achieved so it is important that these Zones are not undermined by activities of an inappropriate scale or with no tangible tie to the Rural Zone establishing in that Zone.

POLICY RZP9 *Noise levels for activities should not be inconsistent with the character and amenity of the Rural Zone.*

Explanation

Activities associated with rural production can generate significant amounts of noise. While there is a recognised 'right to farm' philosophy built into the Plan there is a need to have limits that maintain the character of the area, particularly in relation to fixed and ongoing noise sources. Performance Standards for noise have been set at a level which recognises the need for activities to operate in a way that does not unduly restrict normal practices associated with activities in the Rural Zone in order to protect their continued economic operation while maintaining appropriate amenity standards for residents in the Zone.

POLICY RZP10 *Provide for industrial and commercial activities in the Rural Zone with limits on scale to protect soil values and maintain rural character.*

Explanation

The rural hinterland has encountered some challenging economic times and many of the landowners have met these challenges by diversifying within their traditional pastoral farming operations. Through the issues identification process of the Plan review, the rural community has pointed out that flexibility in the type of land use that they can undertake is important for a land resource that is significantly affected by the vagaries of the weather and where the level of international demand for traditional products varies greatly.

In providing for flexibility of land use the Plan also seeks to ensure that the scale of the commercial and industrial uses that are provided for is not out of character with the rural environment and/or beyond the capacity of the environment to cope with the environmental effects. This includes the potential effects on the road infrastructure. The scale of any such use is also directly addressed under Objective RZO1 which aims to maintain primary production and Policy RZP2 above.

Council acknowledges that Rural Transport Depots are the type of industry that rely on the land to undertake their activity. They have a direct relationship to land based on primary production as a result of the need to hold stock on their land. The opportunity to establish and operate in the Zone will be provided through a discretionary activity resource consent process, to ensure that any potential for significant adverse effects can be avoided, remedied or mitigated and to consider consistency against the objectives and policies of the Plan with particular reference to Policy RZP4.

POLICY RZP11 *Require that any activity locating within the Rural Zone will need to accept existing amenity levels and the accepted management practices for primary production.*

Explanation

The Council has long adopted the 'right to farm' principle in the rural areas of the District. This issue has arisen from the occupation of some of the smaller

land holdings for residential lifestyle purposes. The 'right to farm' principle makes it clear to those property owners new to the rural environment that there are management practices that, by their nature and timing, might be considered nuisances in the urban context but are entirely appropriate for the efficient and effective functioning of primary production activities. Requiring new activities to accept existing amenity levels includes consideration to be given to potential reverse sensitivity effects.

POLICY RZP19 Require activities within the Zone to meet access and egress requirements to ensure the safe and efficient movement of vehicles on the District and Regional road network.

Explanation

Many of the roads within the Rural Zone are within the open road speed zone. As such it is important that, where any new activity is being established, safe access to and from the site is able to be achieved. The New Zealand Transport Agency has established standards for the roads that are State Highway within the District.

Natural Hazards

OBJECTIVE NHO1 Minimisation of the effects of natural hazards on the community and the built environment.

OBJECTIVE NHO2 To avoid increasing the risk to people, property, infrastructure and the environment from the effects of natural hazards.

POLICY NHP5 Restrict the establishment of activities which have the potential to increase the extent to which natural hazards have, or may have, an effect on human life or the natural and built environment.

Explanation

Through the District Plan or other legislative methods Council will control or prevent activities where there is the potential for the effects of natural hazards on human life or the natural and built environment to be exacerbated.

Noise

OBJECTIVE NSO1 To manage the emission and mitigate the adverse effects of noise so as to maintain or enhance the acoustic environment.

POLICY NSP1 Control the emission levels of noise throughout the District, based on existing ambient noise and accepted standards for noise generation and receipt.

Explanation

Different parts of the District have differing background noise levels which reflects the range of activities carried out in them. The District Plan will identify current accepted noise levels and include Rules that establish appropriate noise levels for each Zone, and activities at Zone interfaces

POLICY NSP5 Noisy construction and demolition activities will be allowed subject to restrictions to ensure the protection of the community from unreasonable noise.

Explanation

Many construction and demolition activities are inherently noisy but methods are available which can minimise the emission and impact of such noise. Noise experienced during construction and demolition is generally of a

temporary nature and, provided on-going noise at inconvenient times can be mitigated or avoided, reasonable levels of construction noise will be accommodated. Compliance with the construction noise standard NZS 6803:1999 will be required.

OBJECTIVE NSO3 *To avoid noise sensitive activities where they will be located in existing high noise environments and the adverse effects of that noise cannot reasonably be mitigated.*

POLICY NSP7 *Manage noise from the road network to ensure the community is not exposed to unacceptable levels of road traffic noise*

Transport and Parking

OBJECTIVE TPO1 *Ensure that land uses and new subdivision are connected to the transportation network in a manner that provides for the efficient and sustainable movement of people and goods in a safe manner.*

POLICY TPP1 *Ensure that subdivision and land use are integrated with the transport network and that the traffic effects are mitigated, including through the use of sustainable transport modes.*

The consistency of the proposal needs to be considered against these objectives and policies. They also provide context for the assessment of effects and assist in identifying potential effects of the proposal that are likely to be particularly relevant for the environment in which it is proposed to locate.

The key matters arising from the above objectives and policies that I consider to be relevant to the subject application are:

- Promote maintenance of the life-supporting capacity of the Hastings District's rural resources at sustainable levels.
- Provide for a range of activities to establish, which complement the resources of the rural area, provided that the sustainability of the natural and physical resources of the area is safeguarded.
- Ensuring the productive nature of the land in the Rural Zone is not diminished;
- Retaining the natural and rural character and amenity values of the Rural Zone;
- Limiting the scale and intensity of any industrial and commercial activities locating within the Zone to maintain the amenity of the area, the sustainable management of the soil resource and the sustainability of the District's Commercial and Industrial Zones;
- Controlling or preventing activities where there is the potential for the effects of natural hazards on human life or the natural and built environment to be exacerbated.
- Ensuring activity noise levels are not inconsistent with the character and amenity of the Rural Zone;
- Requiring new activities to accept existing amenity levels including consideration of potential reverse sensitivity effects; and
- Requiring activities within the Zone to meet access and egress requirements to ensure the safe and efficient movement of vehicles on the District and Regional road network.

With regard to effects on productive land, my assessment of the effects above has concluded that the rural land on which the SPS will be located does not include versatile soils of the Heretaunga Plains and will comprise only a small proportion (less than 1%) of the Te Awanga Downs farming property. The SPS facility industrial/commercial buildings will have a total gross floor area of approximately

10,070m² and an impervious site coverage of approximately 22,889m². The gross floor area of the buildings is approximately 100 times greater than what is permitted in the District Plan for such activities in the Rural Zone. However, in relation to the scale of the Te Awanga Downs farming property and the wider Rural Zone, I consider that adverse effects on the rural productive land resource will be no more than minor.

Regarding effects on the sustainability of the District's Commercial and Industrial Zones, the Applicant's AEE report refers to the Applicant spending a considerable amount of time investigating potential sites before the proposed site was decided on.⁶⁸ A Planning Assessment ("SPS Planning Report") was undertaken by Mitchell Daysh Ltd (dated June 2020) which considered various zoning options for the SPS Facility. The Commercial Zone was discounted as it could not accommodate the land and building size required, or the privacy needed for the SPS Facility. The SPS Planning Report therefore focused on the merits of locating the proposed facility in the Industrial Zone and Rural Zone. Its findings and conclusions were⁶⁹:

1.2.1.3 Findings

Industrial Zone

The Report concluded that an SPS would be a non-complying activity in the industrial zones of the HDP but that resource consent would be likely to be obtained. This is because in many respects an SPS is consistent in nature to an industrial activity, particularly in building design, land area requirements and in having no need to attract customers to the site. Further to this, the assessment concluded that a SPS would likely be able to demonstrate consistency with the objectives and policies of the HDP Industrial Zone. An issue of concern identified was that of noise reverse sensitivity as there would be potential for noise from surrounding activities to impact on a SPS affecting filming with background noise, particularly given the higher noise levels permitted in the industrial zones (70 dB LAeq (15 min) at all times).

Rural Zone

SPS activities would require discretionary activity resource consent in the Rural Zone. The Report identified that there would be consenting challenges due to the 'non-rural' character and large building and land area requirements of a SPS. Provided potential adverse effects are able to be avoided or mitigated however on a site-specific basis, location in a Rural Zone would be appropriate.

Conclusion

In general, the SPS Planning Report identified that the most appropriate consenting pathway for a SPS would be to locate an SPS in a General Industrial Zone, followed by a Rural Zone. The Report concluded that that both of these options would be possible, but within the Rural Zone in particular it would be location dependant and would need to be subject to a site-specific assessment. Subject to an appropriate site being identified, it may then be considered consistent with most of the relevant objectives and policies for a Rural Zone location.

The AEE report advises that the SPS Planning Report initially considered options in the General Industrial Zone, but they had difficulty finding a site that would provide the necessary land area and the level of noise and privacy protection required, and that was also economically viable. Several sites in the Rural Zone were also investigated, including one to the southwest of Hastings, and the subject site was identified as meeting the SPS Facility locational criteria.

⁶⁸ Section 1.2, page 3, of the AEE report.

⁶⁹ Section 1.2.1.3, page 5, of the AEE report.

In relation to Policy RZP5, the AEE report states the following⁷⁰:

The 100m² floor area limit for commercial activities and the more comparable 2,500m² floor area permitted for agricultural / horticultural processing activities in the zone is well exceeded by the approximately 10,000m² building floor area proposed. However as has been demonstrated in this application and the Wayfinder LVA, the proposed location and building placement of the SPS is able to avoid adverse visual effects, including effects on amenity values and neighbouring property owners. Further to this the proposed SPS will not undermine the integrity of the District's commercial and industrial zones as it's characteristics would be undesirable in a commercial zone and its land area and privacy requirements are better suited by the proposed Rural Zone location, than occupancy of an industrial zone.

I consider that the specific nature and the scale of the proposed SPS Facility generally sets it apart from the types of commercial and industrial activities that would normally establish within the District's Commercial and Industrial Zones. For that reason, I consider that locating the proposed facility outside of those zones is unlikely to have an adverse effect on the sustainability of those zones, as the proposed SPS Facility would not be in direct competition with activities already established within those zones.

With regard to transport network effects, I have assessed above:

- On the basis of the proposed upgrade of Parkhill Road (to a width of 7.0 metres), including an assessment of access sight lines for the southern section of Parkhill Road to be undertaken as part of a detailed final design for the upgrade, I am satisfied that, subject to the imposition of consent conditions requiring the consent holder to submit a final design to Council for the upgrade for certification prior to construction works commencing, any adverse effects on road users, cyclists, pedestrians and residents will be less than minor.
- On the basis of Mr Smith's evidence, I am satisfied that Parkhill Road can be upgraded to safely and appropriately accommodate the additional volume of traffic expected to be generated by the proposed activity, subject to final detailed design.
- Mr Smith has also identified issues associated with accommodating the proposed design for the intersection of the access road with Parkhill Road and Te Awanga Estate but considers this can be addressed at the final design stage as a condition of consent (if granted).
- With regard to the proposed improvement works at the Parkhill Road /Raymond Road intersection, Mr Smith generally concurs with the proposal, but seeks confirmation from the Applicant at the hearing that there are no unresolvable clashes with overhead, at grade or underground services, or elements that would restrict the intersection being built to the intent of the scheme design.
- Provided the above outstanding matters can be appropriately addressed by the Applicant, and subject to the imposition of consent conditions as recommended by Mr Smith, I consider that adverse traffic effects of the proposed development on Parkhill Road and the Parkhill Road/Raymond Road intersection can be appropriately mitigated.
- However, with regard to the concerns raised by Mr Smith about potential impacts associated with heavy vehicles queuing and turning right at the Parkhill Road/East Road intersection, including potential impacts on cyclists and potential for head-on crashes causing serious harm, I am uncertain of the scale of potential adverse effects without first hearing from the Applicant how they propose to improve the design of the intersection to mitigate those effects.

⁷⁰ Section 4.1.3, page 58, of the AEE report.

Therefore, I consider that the proposed development will generally be consistent with Objective TPO1 and Policy TPP1, with the exception of the Parkhill Road/East Road intersection, where Mr Smith has identified that there are still unresolved matters in relation to the design and configuration of the intersection to ensure that it can operate in a manner that will provide for the efficient and sustainable movement of people and goods in a safe manner.

With regard to retaining the natural and rural character and amenity values of the Rural Zone, I have assessed that, with the imposition of the recommended consent conditions, adverse effects of construction traffic on the existing character and amenity of the Parkhill Road environment and the Te Awanga Kindergarten will be no more than minor. However, I consider there is potential for more than minor effects on the character and amenity of the Parkhill Road area, including for residents located closer to Parkhill Road, due to the expected increased volume of traffic and associated noise that will be generated during the SPS operation. The use of acoustic barriers as mitigation, to reduce the effects of traffic noise on the occupants of dwellings, could also have more than minor visual amenity effects on the existing open character of the Parkhill Road area. I therefore consider that the proposal is inconsistent with Objective RZO2 and Policy RZP4.

With regard to controlling or preventing activities where there is the potential for the effects of natural hazards on human life or the natural and built environment to be exacerbated, I have assessed that the identified fault trace hazard on the SPS facility site, which has a relatively low recurrence interval, can be appropriately mitigated as part of the detailed building design for the building consent for the proposed facility buildings, if resource consent is granted. I am also satisfied that, on the basis of the concept design for the attenuation of stormwater runoff from the SPS facility site, confirmation of the Regional Council's involvement in the development of that concept, and with the imposition of appropriate conditions of consent (if granted) that any adverse effects associated with the Detention Dam and downstream catchments from the SPS facility will be appropriately mitigated and the effects of flooding on the SPS facility will be avoided.

With regard to ensuring activity noise levels are not inconsistent with the character and amenity of the Rural Zone, based on Mr Style's evidence, I have assessed that noise associated with construction of the SPS facility and associated immediately surrounding infrastructure will be less than minor, as it is expected to be significantly below the relevant permitted construction noise standards in the District Plan, due to the large separation distance between the SPS facilities and adjacent receivers.

With regard to the effects of noise from construction works within the road corridor, I have assessed that they will be no more than minor, subject to the imposition of conditions of consent restricting the time that construction traffic can access the SPS site, to between 7.30am and 6.00pm Monday to Friday, and 8.00am and 1.00pm on Saturdays, as recommended by Mr Styles.

I have also assessed that, with the installation of an appropriately designed and constructed permanent acoustic barrier around the Te Awanga Kindergarten, and provision of mechanical cooling and ventilation within the main learning space and any rooms used for sleeping or resting within the Kindergarten (where those rooms currently rely on open window for ventilation and cooling, and if they have a façade facing or directly exposed to noise from traffic on Parkhill Road), potential adverse noise effects from construction traffic and traffic associated with the operation of the SPS facility will be no more than minor.

Given the separation of the SPS facility from adjacent receivers, Mr Styles does not have any concerns relating to noise from the SPS undertaken in the vicinity of the studio. In relation to noise from vehicles using the proposed new access road, Mr Styles expects compliance with the District Plan permitted standards at a distance of approximately 20m-30m from the side of the access road, provided that the peak hour movements are in the daytime control period when the 55dB _{L_{Aeq}} noise limit applies.

I have assessed that, with the imposition of the recommended conditions, adverse noise effects from helicopter movements will be less than minor.

However, on the basis of Mr Style's evidence, I have assessed that there is potential for more than minor adverse effects on the occupants of dwellings located in the vicinity of Parkhill Road from noise from traffic movements along Parkhill Road associated with the operation of the SPS facility. I consider that if the Applicant is unable to offer an acceptable solution at the hearing to resolve this matter, the proposal will be inconsistent with Objective RZO2, Policy RZP4, Policy RZP9, Objective NSO1 and Policy NSP7.

With regard to requiring new activities to accept existing amenity levels including consideration of potential reverse sensitivity effects, my assessment of environmental effects in Section 9.2.7 concludes that, with the imposition of the recommended conditions of consent for the acoustic insulation of the SPS facility, I am satisfied that any potential reverse sensitivity effects on neighbouring permitted activities associated with indoor screen production activities will be less than minor.

With regard to outdoor filming activities, I consider it would be helpful if the Applicant could confirm if these activities are intended, and if so, what conditions the Applicant may wish to offer up (e.g. a no-complaints covenant), as a means of avoiding or mitigating potential reverse sensitivity effects on neighbouring permitted activities, including the Winirana forestry block.

Given this, I consider that the proposal is, subject to the imposition of consent conditions relating the acoustic insulation of the SPS facility, consistent with Policy RZP11. With regard to outdoor filming, I consider that the proposal may not be consistent with this policy if outdoor filming is to occur and no appropriate mitigation measures have been offered by the Applicant as a condition of consent.

I consider that there will be positive effects associated with the proposed SPS facility. In that regard, I consider that the proposal is consistent with Objective RRSO1 and Policy RRSP2.

11.6. Summary and Conclusion

The weighing up of a proposal's consistency with the objectives and policies requires that an overall assessment is made of how the proposal 'sits' within the policy framework of the Proposed District Plan as a whole, rather than whether each objective and policy is individually satisfied. As such, it is the overall intent of the above objectives and policies that has been assessed in this case.

Overall, in my opinion, while the proposal is largely consistent with the relevant objectives and policies of the District Plan, I consider that it will potentially be inconsistent with Objective TPO1 and Policy TPP1, relating to the unresolved matters for the design and configuration of the Parkhill Road/East Road intersection. I have also assessed that there is potential for more than minor adverse effects on the character and amenity of the Parkhill Road area, and on the occupants of dwellings located in the vicinity of Parkhill Road from noise from traffic movements along Parkhill Road associated with the operation of the SPS facility. I consider that if the Applicant is unable to offer an acceptable solution at the hearing to resolve these matters, the proposal will be inconsistent, but not contrary, with Objective RZO2, Policy RZP4, Policy RZP9, Objective NSO1 and Policy NSP7.

12.0 OTHER MATTERS – s104(1)(c)

Section 104(1)(c) makes provision for regard to be had to 'any other matters the consent authority considers relevant and reasonably necessary to determine the application'. I consider that there are no other matters that are reasonably necessary to determine the application.

13.0 PART 2 OF THE RESOURCE MANAGEMENT ACT – s104(1)

It is noted that recent case law in the Court of Appeal decision in *RJ Davidson Family Trust v Marlborough District Council CA97/2017 (2018) NZCA 316* determined that:

'If a plan that has been competently prepared under the Act it may be that in many cases the consent authority will feel assured in taking the view that there is no need to refer to pt 2 because doing so would not add anything to the evaluative exercise. Absent such assurance, or if in doubt,

it will be appropriate and necessary to do so. That is the implication of the words “subject to Part 2” in s 104(1), the statement of the Act’s purpose in s 5, and the mandatory, albeit general, language of ss 6, 7 and 8.’

This decision confirms that Part 2 can be considered when assessing a resource consent, but that it will only add value in some cases. In this instance, the Hastings District Plan has been recently prepared so it can be taken that Part 2 was considered in determining the provisions of the District Plan and that consistency with the relevant objectives and policies will also achieve consistency with Part 2. The Environment Court has confirmed in recent decisions that the District Plan “has a coherent set of policies designed to achieve clear environmental outcomes. Further, the PDP has only recently been made operative and we understand there to be no challenge to the competency of the plan” (Stone v Hastings District Council [2019] NZEnvC 101 at [127]).

Nevertheless, for completeness, a brief assessment of the application against Part 2 is provided as follows.

13.1 Section 5

Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The proposal is consistent with the sustainable management purpose of section 5, insofar as it will provide for the social and economic wellbeing of the Applicant and the community.

The assessment of environmental effects has concluded that most adverse effects will be avoided, remedied or mitigated (sections 5(b) and (c)) to the extent that they will be less than minor. There remains, however, the potential for more than minor adverse effects relating to the Parkhill Road/East Road intersection, operational traffic noise effects on occupants of dwellings located in the vicinity of Parkhill Road, effects of traffic noise and potential associated mitigation on the character and amenity of the Parkhill Road area, and in relation to potential reverse sensitivity effects associated with any outdoor filming that may take place.

For these reasons, I consider that the proposal will achieve sections 5(a) and (b), but it will not entirely achieve section 5(c).

13.2 Section 6

Section 6 sets out the matters of national importance that must be recognised and provided for. The proposal is not considered to impact on any of these matters.

13.3 Section 7

Section 7 of the RMA identifies a number of “other matters” to be given particular regard by the Council in the consideration of any assessment for resource consent. Of relevance to the proposal are:

- (b) The efficient use and development of natural and physical resources;*
- (c) The maintenance and enhancement of amenity values;*
- (f) Maintenance and enhancement of the quality of the environment;*

In terms of section 7(b) the proposal will be an efficient use and development of the existing physical resources on the subject site.

With respect to sections 7(c) and 7(f), given the inability of the proposal to avoid, remedy or mitigate all effects, it will not maintain amenity values or the quality of the environment.

13.4 Section 8

Section 8 of the RMA states that Council must take into account the Principles of the Treaty of Waitangi in relation to managing the use, development and protection of natural and physical resources. There are no known Treaty of Waitangi issues associated with the proposal.

13.5 Part 2 Conclusion

Considering the points raised above and assessment throughout my report, I am of the view that this application will not fully achieve the purpose of the RMA, being 'the sustainable management of natural and physical resources'. This is because, in my opinion, the proposal:

- will not avoid, remedy, or mitigate all adverse effects of the proposed activity on the environment (section 5(c)); and
- will not maintain and enhance amenity values and the quality of the environment (sections 7(c) and (f)).

14.0 CONCLUSION

I have assessed that most adverse effects of the proposed activity on the environment can be appropriately avoided, remedied or mitigated, however, the following matters remain unresolved in terms of their potential environmental effects, which I consider have the potential to be more than minor:

- The design and configuration of the Parkhill Road/East Road intersection to ensure that it can operate in a manner that will provide for the efficient and sustainable movement of people and goods in a safe manner.
- There is potential for more than minor adverse effects on the occupants of dwellings located in the vicinity of Parkhill Road from noise from traffic movements along Parkhill Road associated with the operation of the SPS facility.
- There is potential for more than minor effects on the character and amenity of the Parkhill Road area, including for residents located closer to Parkhill Road, due to the expected increased volume of traffic and associated noise that will be generated during the SPS operation. The use of acoustic barriers as mitigation, to reduce the effects of traffic noise on the occupants of dwellings, may also have more than minor visual amenity effects on the existing open character of the Parkhill Road area
- With regard to outdoor filming activities, it would be helpful if the Applicant could confirm if these activities are intended, and if so, what conditions the Applicant may wish to offer up (e.g. a no-complaints covenant), as a means of avoiding or mitigating potential reverse sensitivity effects on neighbouring permitted activities, including the Winirana forestry block.

There will be positive social and economic effects associated with the proposed development.

I have concluded that while the proposal is largely consistent with the relevant objectives and policies of the District Plan, it will potentially be inconsistent with Objective TPO1 and Policy TPP1, relating to the unresolved matters for the design and configuration of the Parkhill Road/East Road intersection. I have also assessed that there is potential for more than minor adverse effects on the character and amenity of the Parkhill Road area, and on the occupants of dwellings located in the vicinity of Parkhill Road from noise from traffic movements along Parkhill Road associated with the operation of the SPS facility. I consider that if the Applicant is unable to offer an acceptable solution at the hearing to mitigate these effects to an appropriate and reasonable level, the proposal will be inconsistent, but not contrary, with Objective RZO2, Policy RZP4, Policy RZP9, Objective NSO1 and Policy NSP7.

After considering the requirements of sections 104 and 104B of the RMA, given the potential for some adverse effects to be more than minor and the potential nature and scale of those effects (in terms of the size of area and number of people that may be adversely affected, I reserve making a recommendation on whether I consider consent should be granted or declined until I have heard evidence the Applicant may present at the hearing in relation to the unresolved matters.

I have provided preliminary draft recommended conditions in **Attachment 38** of this report. I also reserve the right to make changes to the wording of those conditions if necessary to respond to any evidence provided by the Applicant for the hearing.

Recommended by:



**Janeen Kydd-Smith
Consultant Planner
16 September 2022**

Approved for release to Commissioner by:



**Caleb Sutton
Environmental Consents Manager
16 September 2022**