

Monday, 10 October 2022

*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*

**Hastings District Council**

**Commissioner Hearing**

*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)**

## APPLICANT'S PRE-CIRCULATED EVIDENCE

*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](mailto: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**

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Monday, 10 October 2022

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*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*

## Hastings District Council: Commissioner Hearing Meeting

### *Kaupapataka*

# Agenda

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*Te Komihana Whakahoahoa:*  
Hearing Commissioner:

*Heamana*

**Chair:** Commissioner Kitt Littlejohn

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*Apiha Matua:*  
Officer Responsible:

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

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*Mahere Maarama:*  
Reporting Planner:

Consultant Planner – Janeen Kydd-Smith

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

Christine Hilton (Extn 5633)

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## Te Rārangī Take

# Order of Business

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

### 2.0 Applicant's pre-circulated evidence for Parkhills Studio hearing - 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 TWO SEPARATE DOCUMENTS**

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

#### **Attachments:**

1	Statement of Landscape Evidence - Shannon Bray	104672#0321	Pg 3
5	Statement of Evidence - Chris Nilsson (Te Awanga Downs)	104672#0322	Pg 7
6	Derek Slade Statement of Evidence (Applicant)	104672#0323	Pg 11
7	Statement of Evidence - Richard Gaddum ("Save the Plains Group")	104672#0325	Pg 29
8	Statement of Evidence - Stephen Peakall (Acoustical Consultant, Marshall Day Acoustics)	104672#0326	Pg 33
11	Planning Evidence from Philip McKay	104672#0328	Pg 47

**The Application, Submissions and associated documents 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:** Applicant's pre-circulated evidence for Parkhills Studio hearing - 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 The purpose of this report is to have a means to attach the Applicant's pre-circulated evidence for the above hearing and to put it onto the website prior to the hearing.

## 2.0 Recommendations - *Ngā Tūtohunga*

That the Applicant's pre-circulated evidence for Parkhills Studio hearing - 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) be put onto the website prior to the hearing on 10 October 2022 so it can be viewed by the submitters and members of the public.

## Attachments:

[!\[\]\(a8f9309f944226d1420f5fed22e2b6e6\_img.jpg\)](#) 1 Statement of Landscape Evidence - Shannon Bray 104672#0321

<a href="#">2</a>	Appendix A - to landscape evidence - ("Landscape and Visual Effects Assessment" Attachment dated 23/8/21)	104672#0327	Document 2
<a href="#">3</a>	Appendix A - Attachment 1 to Landscape evidence (dated 12/11/21)	104672#0332	Document 2
<a href="#">4</a>	Appendix A - Attachment 2 to landscape evidence (dated 24/8/21)	104672#0324	Document 2
<a href="#">5</a>	Statement of Evidence - Chris Nilsson (Te Awanga Downs)	104672#0322	
<a href="#">6</a>	Derek Slade Statement of Evidence (Applicant)	104672#0323	
<a href="#">7</a>	Statement of Evidence - Richard Gaddum ("Save the Plains Group")	104672#0325	
<a href="#">8</a>	Statement of Evidence - Stephen Peakall (Acoustical Consultant, Marshall Day Acoustics)	104672#0326	
<a href="#">9</a>	Appendix A to Mr Peakall's noise evidence	104672#0337	Document 2
<a href="#">10</a>	Appendix B to Mr Peakall's noise evidence	104672#0336	Document 2
<a href="#">11</a>	Planning Evidence from Philip McKay	104672#0328	

**IN THE MATTER**

of the Resource Management Act 1991  
("RMA" or "the Act")

**AND**

**IN THE MATTER**

of a resource consent application to  
**HASTINGS DISTRICT COUNCIL** for a land  
use consent to establish and operate a  
screen production studio at Te Awanga

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**STATEMENT OF EVIDENCE OF SHANNON BRAY  
ON BEHALF OF NUMBER 8 STUDIOS LIMITED**

Dated 27 September 2022

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### Introduction

1. My name is Shannon Bray. I am a director and landscape architect at Wayfinder Landscape Planning & Strategy Ltd (Wayfinder).
2. I hold a Bachelor of Landscape Architecture with Honours from Lincoln University and a Bachelor of Forestry Science from Canterbury University. I am a registered member and past president of the New Zealand Institute of Landscape Architects (NZILA).
3. I have over 20 years experience as a landscape architect, with a specialisation in landscape assessment. I have prepared landscape and visual effects assessments for a wide variety of development proposals throughout New Zealand, including within a number of rural landscapes. I have also prepared assessments and evidence for a variety of telecommunication utilities and infrastructure projects (including several Projects of National Significance) throughout New Zealand (including several within the Hawke's Bay area).
4. I have previously presented expert evidence at council hearings, before the Environment Court, and at Boards of Inquiry.
5. I have been involved with this proposal since July 2020.

### Code of Conduct for Expert Witnesses

6. I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014. I confirm that I have considered all material facts that I am aware of that might alter or detract from the opinions I express, and that this evidence is within my area of expertise, except where I state that I am relying on evidence of another person.

### Scope of Evidence

7. In this evidence I provide a summary of the conclusions reached by Wayfinder Landscape Planning & Strategy ("**Wayfinder**") (of which I am a Director) regarding the landscape and visual effects of the proposed development, being the construction and operation of a screen production studio at Te Awanga accessed through Parkhill Road ("**the Proposal**").
8. I led the Wayfinder team in developing the site masterplan, based on information that was provided by the applicants and other technical experts. Through this process I was directly involved in assessing the proposed location, and working through changes in design in order to

avoid or minimise potential visual effects. I also oversaw the development of the visual materials, and worked directly with the Traffic Engineer (Mr Harrison) to consider opportunities for road improvements along Parkhill Road and access arrangement through and around Te Awanga Winery.

9. I assisted in the preparation and reviewed the Landscape and Visual Effects Assessment ("LVEA") dated 23 August 2021 (attached to this statement of evidence at **Appendix A**) which sets out a full assessment of such effects and I adopt the LVEA for the purpose of this evidence.
10. In preparing the LVEA, Wayfinder undertook those steps set out in the "Methodology" section at page 4 of the LVEA.

#### **Summary of Conclusions**

11. A summary description of the Proposal is included at page 5 of the LVEA.
12. The bulk of the Proposal 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 landscape and visual effect due to the change in land use, 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 landscape and visual effects that are experienced from beyond the application property are all considered to be either **Low** or **Very Low**.

#### *Landscape Effects*

13. The Proposal has been developed to minimise the potential impact on the landscape, by working with the landform and site constraints. The Proposal retains the surrounding hill slopes, skylines, stormwater flow paths and broadly south-west to north-east slope of the land.
14. The landscape effects of the Proposal can be distinguished at two key scales. Firstly, at the immediate 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.



15. It is considered that the adverse effect of the Proposal at the immediate site scale is only appreciable from within the application property, due to the overall size of the application property and placement of the studio complex in an isolated part of that property.
16. For further information on landscape effects refer to pages 13-14 of the LVEA.

*Visual Effects*

17. Overall, the visual effects of the Proposal on the wider environment are all considered to be **Very Low**, due to the site design and the separation distance between the bulk of the Proposal and any receivers. Visual effects are likely to be greater within the property, in close proximity to the access road and studio complex, however, the Proposal will only have a **Low** adverse effect on the views identified in the LVEA.
18. For further information on visual effects refer to pages 14-16 of the LVEA.

**Shannon Bray**  
**September 2022**

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**STATEMENT OF EVIDENCE OF CHRISTOPHER WILLIAM BUNNY  
NILSSON ON BEHALF OF NUMBER 8 STUDIOS LIMITED**

Dated 27 September 2022

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### **Introduction**

1. My name is Christopher William Bunny Nilsson. I am giving this evidence on behalf of the applicant, No.8 Studios Limited, in support of the application by the applicant to establish screen production studios at Te Awanga.
2. I, along with my wife, Margaret Lesley Nilsson, are the equal shareholders of Te Awanga Downs Trustee Limited, which owns the sheep/beef farm ("**the Farm**") situated on the coast at Te Awanga, Hawke's Bay (held in record of title 815158) as trustee of the 'Te Awanga Downs Family Trust'.
3. We understand the applicant proposes to establish screen production studios on the Farm comprising of two studio buildings, a production building, a construction workshop, a catering cafe and associated carparking and trailer parking areas; and construction of an approximately 2.5km long private access road; and to undertake all associated earthworks. The screen production studios have a total building footprint coverage of approximately 8,900m<sup>2</sup>; and a proposed gross floor area of 10,050m<sup>2</sup>.
4. We are in total agreement that the Farm couldn't be more suited to such a project. More broadly, the venture will be an incredible financial win for the province itself.

### **Suitability**

5. The area of the farm taken up by the film studio will have very little impact on the overall farming operation, both on a day to day basis and from a farm financial prospective.
6. Importantly, the farmland in question is not within the fertile Heretaunga Plains. The farmland at Te Awanga is well known as 'hard dry' Hawke's Bay coastal hill country, underpinned by a non-free draining soil type, namely a 'hard clay pan' overlain by very shallow soils. This factor accentuates the exceedingly dry Hawke's Bay summers and wet winters the farming operation has to cope with. Winter rains do not drain freely due to that underlying hard clay pan. Digging fence post holes on the property is no mean feat!
7. We have always run sheep and cattle on the property and do struggle from season to season with the climate on top of the make-up of the soil type - that being, as mentioned above, the shallow soil cover over an extremely hard clay pan. There is also no way the land could be

used for cropping, given the water shortage and lack of capacity to irrigate.

8. The founding fathers of the region deemed that the city of Hawke's Bay should be built along a coastal strip extending from Clive south eastwards to the mouth of the Maraetotara River. This was to take in the hard dry hills of both Haumoana and Te Awanga - all hard clay pan country with great views overlooking Hawke Bay. What a city it might have been! The applicant is not wishing to build structures on viable good quality farmland but on very ordinary grazing land hidden out at Te Awanga in Hawke's Bay.

#### **Conclusion**

9. I ask that the Commissioner approve the applicant's proposal to build a film studio on the Farm out of the public eye as is proposed. The Farm is ideally suited for such a project for the reasons I have outlined above - the land, or paddock, in question is in no way top quality farmland, is hidden behind a large hill, cannot be cropped and will not only be a huge financial gain to the local area but to Hawke's Bay itself.

**Chris Nilsson**

**September 2022**



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**STATEMENT OF EVIDENCE OF DEREK JOHN SENIOR SLADE  
ON BEHALF OF NUMBER 8 STUDIOS LIMITED**

Dated 27 September 2022

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### **Introduction**

1. My name is Derek John Senior Slade.
2. I am a partner in the Number 8 Studios Limited proposal to develop a screen production studio at Parkhill Road in Te Awanga and give this evidence on behalf of Number 8 Studios Limited and the other partners in the project being Mr Anthony (Tony) Keddy and Raj Rajiv.

### **Scope of Evidence**

3. In this evidence I provide a summary of the proposed development, being the construction and operation of a screen production studio at Te Awanga accessed through Parkhill Road ("**the Proposal**").
4. In particular, my evidence will cover:
  - (a) The rationale for the Proposal;
  - (b) The site selection for the Proposal;
  - (c) The physical components of the Proposal;
  - (d) The operation of the Proposal;
  - (e) The community engagement undertaken by No.8 Studios Limited with respect to the Proposal.

### **Rationale for Proposal**

5. In 2019, Tony was approached by a leading Disney producer and a good friend to enquire about studio space in New Zealand. At the time studios were in high demand even prior to the new Lord of the Rings ("**LOTR**") television series committing to filming here. The producer felt that studio infrastructure in New Zealand was not up to world standards and had a frustrating ad hoc booking system. For example, many 'pencil bookings' are taken on top of other pencil bookings, which doesn't allow for long term planning.
6. TV series and films typically have a long lead time with a significant amount of 'what-if' scenarios due to actor availability, travel restrictions and crew availability. Our Disney producer seriously asked us to consider tackling the issue for not only himself but other production houses based internationally and to lift the game of our studio infrastructure in this country.

7.     Myself, Tony and Raj then discussed the 'pros and cons' of the studios currently available in New Zealand. We looked at the screen production studios operated at Auckland Film Studios ("AFS"), Kumeu Film Studios ("KFS"), Walls Road, Studio West, Avalon Studios and Stone Street Studios in Wellington. We also looked at the matrix of crew and equipment availability coupled with usable external locations typically requested by visiting international production companies. It became apparent quite quickly that a migration of crew and equipment had drifted north from Wellington to Auckland in recent years due to the attraction of the two studio complexes of AFS and KFS, which are both managed by the Auckland Council's "Auckland Unlimited" ("AU") commercial arm.
8.     Alongside the studio locations, we also looked at the studio facilities that are currently on offer. We spoke at length to small, medium and large productions that have filmed here to glean what they felt was good in the offer, and what could be improved. We looked at the type of productions that come here and why they come here.

*Location drawbacks of current studio locations*

9.     The local film office for Auckland Council is well resourced and has significant reach overseas for pitching their City as the new home of film making in New Zealand. What AU fails to mention in its marketing are the significant downsides to filming in our largest city. This includes extended travel times due to traffic congestion, and many beach and rural communities being vehemently against filming in their area due to the scale of the productions using them.
10.    Costs to get to these locations are increasing and crew members are spending more and more time in traffic which elongates their day. Additionally, the available locations are being pushed further and further afield to find new locations for filming. Once the LOTR producers commenced the production of their initial season in NZ, the issues mentioned above increased significantly.

*Proximity of studio to natural environment*

11.    The financial incentive to come to New Zealand (due to favourable tax conditions, exchange rate and location fees) is very strong but the natural environment is considered the most significant attraction. Not many shows are interested in a shoot that means being inside a studio for significant portions of the filming schedule. Most productions want to use the natural environments that we obviously have in New Zealand



(and Hawke's Bay), but also need a studio as either wet weather cover or for sets which require manufactured environments.

12. As we dug deeper, we also discovered that most productions had a "run of show" ("ROS") equipment list that enables production company to move locations and be fully self-sufficient. The vast majority of such equipment has wheels to enable a quick move from one location to another in the quickest possible time. The cost of this mobility is not insignificant so when a production has to utilise a studio facility, all the rented equipment is parked up and left idle, while the studio facility itself caters for everything they need such as bathrooms, water, power, marquees, practical lighting, rigging, etc. Having a studio already set up with mobile equipment close to potential locations therefore significantly reduces production costs by avoiding a duplication of that equipment.

#### *Design*

13. Tony had been involved with the construction of "K Stage" (a sound stage built for the King Kong movie) at Stone Street Studios in Wellington and was aware of the issues that they had with sound proofing, rigging and water tightness. Some in the industry felt that the design was flawed and based on a concept that didn't fit well with Wellington's/New Zealand's earthquake prone, windy and wet environment.
14. Tony and I spent time internationally visiting studio facilities and learning about how they built their facilities. One such facility was Disney in Los Angeles and their latest studio was built in 1952 and made out of wood, hay and plaster. Due to their climate an unusual building method had been adopted but wood creaking has created issues for sound engineers in these studios.
15. I also had some experience with cool stores in Hawke's Bay and suggested we consider more of an 'insulated box' model that is similar to a cool store yet has some sort of inbuilt sound deadening quality to stop audio bounce and which also helps with temperature control. Tony therefore did some research and found a company known as Bondor which is an Australasian business specialising in insulated panels based in Auckland.
16. After some initial discussions, we found out they had a product called "Askin Volcore" that we could augment to allow for a solution that provides sufficient strength and noise mitigation, including by being separated (physically and thermally) to eliminate vibration and noise

transmission via concrete slabs and which effectively insulates the studio.

17. The Bondor product looked perfect. Raj spent a significant amount of time drawing a structure in CAD 3D that could work as a studio model using this product. We spent time with rigging companies looking at how they operate and their requirements for point loading in the roof to hang lights, sets, stunt rigging and screens. This information was critical to begin designing a film studio built for film requirements of those within the industry.
18. After many months of slowly bringing the design to life we arrived at a building model that in some sectors would be considered significantly over engineered. However, once the actual 'real world' requirements of filming and production were factored in (eg. roofing strength requirements for hanging sets), the building became perfectly balanced with practicality, cost and strength all taken into account.
19. The model is a world first and includes many unique design features never considered before. It is this model which would be applied to the Hawke's Bay Studio buildings at Parkhill Road.
20. Along with the studio building design, we looked at other requirements within the film industry with respect to departments ancillary to the direct requirements of filming (ie. wardrobe, make-up, management, accounts, logistics, office administration) which may not be strictly 'on-set' yet are crucial to a production's success. A film production is a mini village in which people who have a diverse range of skills and work in varying departments work together in a confined space to bring together the finished product. We looked at all departments and created a workflow matrix of how these departments interact with one another, including crew, set and gear movements between departments and the studio, along with sizing for each aspect.
21. We came quickly to the conclusion that a production office was the anchor where most of the pre-production work is undertaken. This is a building which houses the ancillary departments (referred to in paragraph 20 above) along with the departments where the A-list cast are 'processed' (as explained in paragraph 22 below) for each filming day.
22. That is, we looked at a cast member arriving to the studio in the carpark and from there being processed from wardrobe to make up, to day-trailers, to set, and then in reverse. We looked at how props need to be made, sets built and how everyone is fed and kept warm.

23. From the ground up we pulled apart every aspect of a day of filming to create a workflow that both crew, management and cast would naturally feel was the right design.
24. We also looked at cost saving opportunities to avoid doubling up on rentals of equipment that would sit idly in the carpark while the studio was in use. As noted in paragraph 12, it became apparent that the equipment associated with the studio can be mobile and can be used both in the studio and out on other locations. This is true for both filming equipment and other core services (eg. power, water, sewerage).
25. This acts as a double positive as we won't need to bring in those core services which significantly reduces the construction costs for the studio facility, and in turn which results in cheaper rental for the production companies.

**Location – Why the Proposal is to be located in Hawke's Bay and on the site**

26. Once our basic model masterplan was created and refined as just explained we looked at the locations where the facility would be best suited.
27. An obvious place was somewhere in Auckland where the crew population is high, equipment supplies are plentiful and within a day's travel, we can get to more remote locations. We instantly ran into problems with local planning rules with 'filming' not really being defined or allowed in any district plan.
28. We didn't fit into any neat planning 'pigeon hole' because aspects of studio activities can seem similar to commercial, industrial, rural and residential activities. In addition, sometimes we need to be noisy and sometimes we need absolute silence. Sometimes we have elevated traffic movements and sometimes we are based in the same place for months. Sometimes we need to be visible for crew to locate set but most of the time we want to be effectively invisible to protect production intellectual property and cast anonymity.
29. Another important issue we struck was land cost. We need a significant amount of land to build the bespoke facility (based on the model developed) to enable us to insulate ourselves from surrounding activities and noise. Land prices in Auckland were extremely high and were increasing even further, so the need to act quickly was important.
30. A piece of land was nevertheless found and we spent significant time and resources preparing plans and elevations for the site, and

considering how we could address any issues such as avoiding flood plains and mitigating surrounding noise. We worked very closely with the Auckland Council planning department to design structures and infrastructure that would fit within the parameters of the district plan and building code.

31. However, with Auckland growing at an exponential rate, our ideal site became tangled in what became an internal Auckland Council quandary as to the future use of our chosen site. Suddenly we found ourselves in the middle of a long term district plan revision that would have taken years to complete, years we don't have.
32. In the end we made the decision to withdraw from the Auckland market as land prices quickly escalated and made our facility an uneconomic proposition, especially when compared to international film facilities. While none of these international facilities had our unique range of components, the discounted price they could offer was enough to make our facility unattractive and uncompetitive.
33. We therefore looked at all other regions and trawled through their district plans looking for an opportunity to bring our facility to life. We researched what other regional film offices had achieved and the facilities they had secured. Most were repurposed buildings that currently existed, so only a refit was required. Most underperformed in nearly every category when compared to what our research suggested international productions required, and the model we had developed. The desire to build an ultra-modern facility from the ground up was beginning to appear to be a significant pipe dream within current New Zealand planning laws.
34. Having spent significant sums of money in Auckland we nearly gave up on pursuing this concept. We felt very disheartened until Tony asked me "what about Hawkes Bay?". I live in in Havelock North and know that the region doesn't have any real film office as such, and has almost been a forgotten sector of the New Zealand location options being conveyed to potential production companies.
35. I made some enquiries through my property development connections and Phil McKay from Mitchell Daysh was repeatedly mentioned as a planner suitable to engage on a project such as this, due to the fact he was closely involved in developing the Hastings District Plan.
36. Before reaching out to Mr McKay, we organised a meeting with the Hastings District Council ("HDC") Mayor and Chief Executive Officer ("CEO") to see what appetite they had for a such a facility within their

district. We had our meeting and they were very honest in disclosing that the industry doesn't really exist in Hastings but that they could both see the upside. They felt that a thorough investigation into the HDC plan would be required as the district has unique zones due to the productive soils that exist in the district. The Mayor and CEO also recommended that Mr McKay undertake this review.

37. Council undertook their review (assisted by Mr McKay and Mitchell Daysh) and found that when the concept of a film production facility was stripped down, there were elements of the process which were more easily quantified and categorised. Visual amenity and sound insulation were key components of the investigation as to which zoning was applicable. The report (prepared by Mitchell Daysh) found that industrial zoned land would be appropriate but noise from neighbours would be a concern. The second option was rural land that wasn't productive but which was shielded from view, and within easy reach of urban centres.
38. Finding such a site was challenging due to the continued rise in land values the closer we moved to an urban centre.
39. With land available on the market continually being snapped up by other developers, we went back to HDC in an effort to utilise their mapping expertise to locate areas which were zoned correctly and met our criteria for the type of facility we wished to develop.
40. The Council provided us with 48 locations to pursue which had good transportation links, were visually screened, within 20km of an urban centre, close to an airport, close to top class accommodation, restaurants and recreational facilities, with surrounding settings appropriate to use as filming locations.
41. We spent a significant amount of time reviewing each suggestion and comparing it with our needs analysis. We slowly refined the options to a short list of three and then I went to the market to see if there were any potential opportunities to either buy or lease some land.
42. Of the options we had, one stood out significantly as an ideal place to locate a film facility. It was close to the coast for alternative film locations, within a 1000 acre farm with an additional 13,000ha property next door and an abundance of potential set options. The closest village was a sleepy, artistic orientated community where art, food and wine came together and which would be a good natural fit for our facility. We worked closely with the family that owned the land to get a solution for their long-term goals, as well as a home for our project.

43. During this time I also immersed myself in the local fledgling film office by becoming a trustee of Eastern Screen Alliance (a local regional film office supporting the development of screen productions in Hawke's Bay) and began building community awareness of what we were potentially bringing to the region. Hawke's Bay consists of five council authorities and all have a range of mandates for the people they serve. Being within a film friendly community is a key part of what international production companies require from a facility and what will encourage them to sign up to using the facility for a significant period of time. We have also looked at the lack of film crew based in Hawke's Bay and how we can move from bringing people in from other districts, to developing Hawke's Bay's own locally supplied crew. The Eastern Institute of Technology has a growing film and television department and are keen to engage with us to provide a practical component to their studies.
44. With practical training coupled with a highly transferable skills based work force available, we found that Hawke's Bay could support and sustain the industry. Public sentiment had grown significantly in favour of the Proposal so an application for a Resource Consent was prepared and lodged.
45. With a motivated regional film office, supportive Council(s) and a large section of society keen to see a new industry in Hawke's Bay, we are fully committing to the project. The support thus far has been incredible and enquiry levels are beginning to increase as more people are aware of our Proposal.

**Layout – What the Proposal involves and why**

46. We are proposing to construct and operate a screen production studio ("SPS"), to be known as Parkhill Studios, including various building and site development components set out as follows:
- (a) Two studio buildings with a covered breezeway between each adjoining building totalling approximately 6,440m<sup>2</sup> of gross floor area;
  - (b) A construction workshop of approximately 1,050m<sup>2</sup> gross floor area;
  - (c) A double story production building with a footprint of approximately 1080m<sup>2</sup> and a gross floor area of approximately 2,160m<sup>2</sup>;
  - (d) A catering café of approximately 420m<sup>2</sup> of gross floor area;

- (e) Parking for cars in 3 separate areas totalling approximately 325 car parks and seven accessibility parks.
  - (f) A separate parking area for up to 12 accommodation trailers/caravans;
  - (g) The construction of approximately 2.5km private road access across existing farmland into the site, including a gate house near the entrance to the SPS complex;
  - (h) A helicopter pad;
  - (i) A stormwater detention pond;
  - (j) Additional on-site landscaping; and
  - (k) Earthworks associated with both the construction of the SPS and private road access.
47. As discussed earlier, a film production facility has many components effectively creating a mini village where the components have to coexist with one another. As with any town planning exercise, certain aspects need to be centrally located with all-weather access. A modern studio requires a minimum number of buildings and functions in order to operate properly.

*Studios and production building*

48. At least two studios are needed to realistically provide a fully functional facility.
49. The first studio would normally have a completed set and be used for filming while the second studio would be under set construction. When the second set is complete, the production would bounce from one studio to the next. The studios need to be thermally and acoustically secure so noisy construction tools cannot be heard / felt from one building to the next.
50. In addition to the studio component, the management side of the process also needs a space. This would normally occur in a production office which in this case also includes other departments such as hair, makeup, wardrobe and offices for all heads of departments. The production office is crucial as it forms the link between the cast's day space (usually a campervan) and the hair and makeup departments, so they can seamlessly be processed from one department to the next without wind or rain damage occurring. Privacy is also incredibly important and this building

shields them from anyone with a long lens camera or others who are not part of film crew (such as couriers etc).

51. In addition to the studios and production office, a production space is required. This is normally a larger building where sets that will be used in a studio are partially built and tested. The components are often painted in a dedicated paint booth and temporarily assembled to ensure all aspects of the set are accounted for. When a studio is available (ie. not being used for shooting) the set components are deconstructed from within the production space and transported to the required studio. Along with the production office, this is what the proposed production building is intended to accommodate.
52. Every film has a catering aspect to it. The hours that are worked bridge breakfast, lunch and sometimes dinner. A catering space is often built in the form of a marquee where meals are served. As we are providing a fixed location for basing the studio and production facility, a permanent building for serving meals is required. We have proposed a building that is a shell only with no commercial kitchen provided. The reason for this is that a food vendor that is familiar with film production has to be mobile in order to move when a production changes location. All food is prepared, cooked and served from their truck and into the eating space. Most catering firms have this equipment and set up so we are looking to benefit from their investment and not construct facilities that won't be used.
53. The carparking requirement is based on a number of variables including:
  - (a) the actual car count for those traveling to the studio as independent workers; and
  - (b) storage space for larger vehicles that are needed sporadically during production and which will bridge many standard carparks such as reticulated trucks, toilet blocks, light towers, generators and picture vehicles.
54. These vehicles need to be located on a hardstand to avoid becoming being stuck in mud. We will construct our carparks in a Gobi block style of material to enable grass to grow through and let the rain naturally disperse. While our plans indicate the number of individual carpark spaces required, they do so to give an indication of scale but do not reflect the number of personal or other vehicles onsite at any given time. This is an important distinction to make.



### Operations – How the Proposal works

#### *Staff numbers*

55. The application suggests that 70 people will be permanently located on set and “over 350 additional people” will be onsite during the filming of a production. This is a very conservative assessment and does not reflect the average number of staff on site during production.
56. I consider 70 permanent staff a good estimate for most productions, both small and large as this includes the background workers (accounts, administrators, management etc.) that are required to ensure the production administration operates correctly.
57. However, “over 350 additional people” is right at the top end of the number of people that may be on set at any one time. A standard production involves around 150 additional people. A production with 200 additional people is a big show. If a production wants to do a huge crowd scene 200 extras might be needed along with 30/40 additional people to dress and manage those people. These types of scenes would be shot rarely during large productions and would be shot over a single day during the course of the approximately two-month filming period. It is likely the extras required for those crowd scenes would be transported to the studio or location by shuttle from Hastings/Napier if required.

#### *Days and hours of operation*

58. A typical shoot day is 10 hours long with a 45 min lunch break 5 hours after the crew call.
59. When filming within a studio, a normal day would start at approximately 8am (“crew-call”) and finish at approximately 7pm unless overtime is called for. However, flexibility of operating hours is required given the dynamic demands of filming at different times and locations. In addition, departments required to prepare the cast or set need to be onsite earlier or later to undertake that pre- or post-filming work.
60. New Zealand is covered by what is referred to as the “Bluebook”.<sup>1</sup> The Bluebook sets out the working conditions and structure that New Zealand based crew have agreed upon that international and national productions must abide by, including hours of work. The Bluebook establishes standard contracted hours for crew are 10 ¾ hours per day.

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<sup>1</sup> <https://screenguild.co.nz/resources/Documents/Blue Book NZ 2017.pdf>

61. As per the Bluebook there are penalty rates to be paid to crew who work past their contracted 10  $\frac{3}{4}$  hours. This gets progressively more expensive as the hours add on. Once filming passes 2 hours of overtime the additional cost incurred is roughly the same as having an additional day of shooting. It is therefore rare to go for more than 2 hours of overtime on any given day.
62. When a crew call time (the start of filming) has been set then the production team will work backwards from that call time and determine any departments that need additional setup time before the actors are required on set. These departments are usually involved with preparing cast (wardrobe, makeup, hair) or equipment (grips, lighting, set construction, standby props, unit, locations, greens, transport, catering). The time required to setup their department for the day of shoot will vary each day and is discussed the previous day with the production team. There is always a cost involved with early set-up and late pack-down on any given day so the production team always has to approve the times indicated by a department. The production team want everyone to be on location as close to the crew call time as possible with everyone leaving the location as quickly as possible after wrap to reduce their costs.
63. When shooting an exterior scene often light control is important. This means that at times, filming at night or in the early morning is required. To be in a position to film at night, a gradual shift in call times is required over about a week of filming to enable the production team switch to night filming without incurring any additional penalty rates as per the Bluebook. For example, the call times may be scheduled an hour later each day for a week so that by the end of the week filming will occur at night. To switch from day filming to night filming and back to day filming again may take almost 2.5 weeks of shooting. The changing call times make it unrealistic to stipulate that a crew must work between certain times. Conversely it also is challenge to stipulate times where a production cannot work. However, in light of the request from Haumoana Kindergarten and the school, we will work with them to ensure call times are scheduled around pre- and post-school pickup times to ensure the safety of students is protected (discussed further at paragraph 68 below).
64. In addition to the daily contracted rate of 10  $\frac{3}{4}$  hours per day, there is also a weekly agreed rate of 50 hours. This means a 5 day week is normal. Pay rates for workers working a 6<sup>th</sup> day are charged at 1.5x the standard hourly rates and a 7<sup>th</sup> day are charged at 2x standard hourly rates. These rates are extremely expensive for a production so are avoided unless no alternative exists, ie. if an actor has limited

availability or circumstances have changed, the production team may call for an additional one or two days. This is rare but cannot be ruled out so a 7 day opportunity to film has to be provided but a five day period is expected.

65. The working week also described in the Bluebook is 5 days within a 7 day period. Therefore a production team may decide to work Sunday to Thursday for example and have Friday and Saturday off. Trying to offer a dedicated day where a production never can work is not possible as their schedules will change and working requirements will dictate the days the production team is required on set.
66. The standard hours of work, the realities of night filming and transitioning to and from night filming (including as limited by the Bluebook), and the dynamic scheduling requirements of actors and other members of the production team mean that it is not possible to impose strict limits on the hours of operation of the studio. Condition 24 proposed by the Council's reporting officer, which seeks to limit the hours of operation to between the hours of 6:00am to 6:00pm Monday to Saturday inclusive is therefore not workable. I consider the traffic measures outlined at paragraph 68 below are sufficient to address any traffic safety concerns given they will limit the traffic outside peak hours.

*Traffic management*

67. We provided traffic data from an Auckland production studio to Steve James and the team at Urban Connections relevant to his evidence. The staffing for that production was higher than generally anticipated at the SPS because the film was of a size that is right at the upper end of the capacity of the proposed SPS but provides a good example of the *proportion* of traffic flows into and out of the SPS at different times of day.
68. We accept we have a social and environmental responsibility to reduce the emissions of greenhouse gases, noise and traffic generated by the SPS. We are therefore proposing that we develop a traffic management plan for the site to manage and reduce the number and timing of vehicles travelling to the site. We propose that this management plan include the following requirements:
- (a) that contracts with production companies require those companies to prohibit their staff and contractors travelling down Parkhill Road and the private access road during the network and school peak traffic hours;

- (b) directions to truck drivers during the site set up period to avoid travelling to and from the site in the peak hours for the road network and school pick up hour;
- (c) timing of calls for specific shoots during the day so that peak traffic movements to the site avoids the morning peak in particular (eg. for Te Awanga Kindergarten);and
- (d) the setting of methods to minimise the number of vehicles travelling to site (especially during the peak morning hours) by implementing practical steps, such as the use of ride-sharing and provision of mini-buses for staff travelling to the site.

*Reverse sensitivity*

69. We intend that the studio will enable production companies to film outdoors (to take advantage of the site setting) and acknowledge this may give rise to concerns relating to reverse sensitivity. We have consulted with the Winirana forestry block owners (Ocasor Limited) on this matter (as detailed below). To address the potential for reverse sensitivity effects we have offered to enter a no-complaints undertaking with Ocasor Limited (limited in so far as Number 8 Studios Ltd will be the lessee of the land only).

**Community Engagement**

70. Number 8 Studios Limited has taken a number of steps to engage with the relevant community. Specifically, we have worked with the Te Awanga Kindergarten, the Winirana forestry block forestry managers, local hapū organisations and representatives, the Save the Plains interest group and the current farm tenant.
71. We had a very good on-site meeting with the Te Awanga Kindergarten on Wednesday 24<sup>th</sup> August 2022 with our traffic engineer present. During this meeting a range of measures were discussed to address the kindergarten's concerns regarding traffic and noise. We agreed to continue to work collaboratively with the kindergarten to design an intersection solution at Parkhill/Raymond Roads which meets our collective goals and which HDC will approve. I consider that we have achieved a solution at the Raymond Road/Parkhill Road intersection which will be safer and more convenient than the current intersection.
72. We have had a number of discussions with the managers of the Winirana forestry block owned by Ocasor Limited. Originally we had discussed potentially bringing in a road through the forestry block to the studio site but had discarded that idea as a result of the health and

safety requirements of using a forestry road. More recently we have been engaged with the forestry managers to resolve reverse sensitivity issues. Their recent position is that they would like a no-complaints covenant registered against the farm. As we are not the owners of the farm and only lease a small portion of the farm we are not in a position to give such a covenant but are happy to give a personal non-complaints undertaking which contemplates that undertaking flowing through to the production companies utilising the studio. We sent a letter to this effect on 31 August 2022.

73. Tony and I met with representatives of Waipatu, Matahiwi, and Waimarama marae set out in the Assessment of Environmental Effects on 24 June 2021 to outline the Proposal and present archaeological and technical findings relating to the Proposal. The hui was very positive. The outcome of the hui was that Number 8 Studios Limited will obtain an archaeological authority and offer a site visit for mana whenua to give karakia prior to commencing any earthworks. It was noted that this was the beginning of the relationship between No 8 Studios and Ngāti Hawea and Ngāti Kautere.
74. We have reached out to and obtained support from the Save the Plains interest group who have provided a statement of evidence for this hearing in support of the project.
75. We have also received support from a number of people/groups including the Napier City Council, Brendan O'Sullivan (Hawke's Bay Regional Economic Establishment Group Representative), the Clifton Country Cricket Club, the Cape Coast Community Group, Keith Newman (a resident at Haumoana), Andy Coltart (co-founder of Black Barn Vineyards), Margaret Mackenzie (resident at Clifton Road), James Williams (resident at Gordon Road), Ash Hames (resident at Raymond Road) and Andrea Mack (resident at Haumoana).

### **Conclusion**

76. The Proposal is a unique, state of the art SPS that addresses the drawbacks of current studios and studio availability in New Zealand. It has been sited on non-productive rural land within Hawke's Bay due to the functional need for privacy and access to high-quality filming locations.
77. We have sought and obtained significant support for the Project within the Hawke's Bay community who have recognised that it will be a community-developing asset, bringing opportunities for both work and

pathways into the industry benefiting budding creatives, the hospitality sector and the community more broadly.

78. We consider the adverse effects of the proposal are minimal and can be appropriately managed with the measures set out in this affidavit and through our expert advisors. The positive effects of bringing a vibrant new industry into the region are significant.
79. We ask that the Commissioner accordingly grant Number 8 Studios Limited a resource consent to the Proposal.

**Derek Slade**

**September 2022**



**IN THE MATTER**

of the Resource Management Act 1991  
("RMA" or "the Act")

**AND**

**IN THE MATTER**

of a resource consent application to  
**HASTINGS DISTRICT COUNCIL** for a land  
use consent to establish and operate a  
screen production studio at Te Awanga

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**STATEMENT OF EVIDENCE OF RICHARD HAROLD GADDUM ON  
BEHALF OF NUMBER 8 STUDIOS LIMITED**

Dated 27 September 2022

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### **Introduction**

1. My name is Richard Harold Gaddum. I am giving this evidence on behalf of the applicant, Number 8 Studios Limited, in support of the application by the applicant to establish screen production studios at Te Awanga.
2. I understand the applicant proposes to establish a screen production studio at Parkhill Road in Te Awanga ("**the Proposal**") comprising two studio buildings, a production building, a construction workshop, a catering cafe and associated carparking and trailer parking areas; and construction of an approximately 2.5km long private access road; and to undertake all associated earthworks. I understand the screen production studios have a total building footprint coverage of approximately 8,900m<sup>2</sup>; and a proposed gross floor area of 10,050m<sup>2</sup>.

### **Save Our Plains**

3. I am a spokesperson for the "Save the Plains" group, set up to give a voice to and protect the fertile soils on the Heretaunga Plains.
4. The group consists of: John Bostock, Paul Paynter, Michael Donnelly and myself.
5. We have a website found at [www.saveourplains.co.nz](http://www.saveourplains.co.nz)
6. We also have a Facebook page called "Save Our Plains".
7. We also have a legal entity: "Save Our Fertile Soils" Society Incorporated with many members.
8. I believe we are the only legal entity in New Zealand that is making a stand to protect fertile soils from urban and industrial sprawl and from being destroyed forever under concrete and asphalt.
9. My background is in farming which I have been involved with all my working life.
10. I have a farm on the Havelock hills, above Endsleigh Road and on Red Hills Road. The farm bounds residential subdivisions on the Havelock and eastern side of the farm.
11. I have been lucky enough to own this farm for the last 52 years and my view from the farm is of the whole of the Heretaunga Plains.

12. I have a cottage high up on these hills and every day I look down on the slow creep of urban and industrial sprawl spreading over the incredibly fertile plains.
13. This bothered me so much that I founded the Save Our Plains group and together we have been fighting Napier City Council, Hastings District Council and Hawke's Bay Regional Council for almost four years to put an end to the economic vandalism of our most precious resource, fertile soil.
14. Not only have we been lobbying these councils, but we have been very actively lobbying the Labour Government to provide a protection framework around these highly productive soils, not only for the Heretaunga Plains but for all fertile soils in New Zealand.
15. Finally, after a long wait, the government released the National Policy Statement on Highly Productive Land ("**NPS HPL**") on 18th September 2022. I think it is very significant that this document was released here in Hawke's Bay.
16. Although not as watertight as we would like, it is a step in the right direction and it will be interesting to see how individual councils in New Zealand interpret the NPS HPL to protect our valuable soils for future generations.

#### **The Proposal**

17. Save the Plains are fully supportive of the Proposal. It will be fantastic for Hawke's Bay, bringing a substantial business opportunity to the region and contributing to its economic growth.
18. We as the Save the Plains group believe the Proposal is located in the perfect site at the end of Park Hill Rd.
19. The soils on this site are not "highly productive"; certainly not what the NPS HPL needs to protect and nor from this type of development in the view of the "Save the Plains" group.
20. Most of the land is identified as >30 cm ash on sandy loam (loess) on clay pan at 40 to 50 cm on terraces. There is poor-water drainage on the clay pan. However there is a small portion of the land identified as >45 cm sandy loam from sandy limestone. This in my view cannot be classified as "highly productive" soil. Sandy limestone is generally considered to have poor nutritional value.

21.    As these soils are not fertile soils, we as Save the Plains group fully support the HDC granting a resource consent to the applicant for the Proposal.

**Richard Gaddum**

**September 2022**

**IN THE MATTER**

of the Resource Management Act 1991  
("RMA" or "the Act")

**AND**

**IN THE MATTER**

of a resource consent application to  
**HASTINGS DISTRICT COUNCIL** for a land  
use consent to establish and operate a  
screen production studio at Te Awanga

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**STATEMENT OF EVIDENCE OF STEPHEN JACK PEAKALL  
ON BEHALF OF NUMBER 8 STUDIOS LIMITED**

Dated 27 September 2022

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### **Introduction**

1. My full name is Stephen Jack Peakall. I am an Acoustical Consultant with Marshall Day Acoustics in Auckland. I have been in this position since May 2005.
2. I hold a degree in Environmental Engineering obtained from the University of West England (United Kingdom) and a postgraduate diploma in Acoustics and Noise Control from the United Kingdom's Institute of Acoustics, of which I am also a member. I am also a full professional member of the Acoustical Society of New Zealand.
3. I have over 20 years' experience in environmental noise issues, specialising in environmental noise assessment and control. Over the last 17 years I have been involved in the investigation, assessment and reporting on numerous environmental noise matters, covering a wide variety of noise generating activities.
4. My professional experience includes noise and vibration advice on projects for various clients, including most New Zealand airports, Waka Kotahi NZ Transport Agency ("Waka Kotahi"), Transpower NZ, KiwiRail and several quarries and mines throughout the country. I am currently involved in environmental noise and vibration assessment work that includes computer noise modelling, noise measurement surveys, strategic noise mapping and noise effects assessments.

### **Code of Conduct for Expert Witnesses**

5. I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014. I confirm that I have considered all material facts that I am aware of that might alter or detract from the opinions I express, and that this evidence is within my area of expertise, except where I state that I am relying on evidence of another person.

### **Scope of Evidence**

6. In this evidence I provide a summary of my expert opinion regarding the noise amenity effects of the proposed development, being the construction and operation of a screen production studio at Te Awanga accessed through Parkhill Road ("**the Proposal**").
7. In particular, my evidence will cover:
  - (a) A brief description of the Proposal as it relates to noise;
  - (b) A description of the existing noise environment; and

- (c) My assessment of the predicted noise levels generated by the Proposal, and associated noise amenity effects, including on submitters to the application.

**Brief Description of the Proposal as it relates to Noise**

- 8. In preparing this evidence I have:
  - (a) Reviewed the application Assessment of Effects on the Environment (**AEE**) and proposed development plans.
  - (b) Carried out a quantification of the existing noise environment (Parkhill Road) and modelled predicted noise levels from traffic generated by the Proposal.
  - (c) Reviewed the s 42A report.
  - (d) Reviewed the draft statement of Mr Slade, and Mr James evidence.
  - (e) Conducted a site visit to the general vicinity of Parkhill Road; and
  - (f) Reviewed the submissions on the application and evidence on behalf of the Council regarding the application (in particular the statement of Mr Styles).
- 9. The Proposal is comprised of those elements set out at section 1.4.1 of the AEE, including the following which are of specific relevance to the evidence in relation to noise which follows:
  - (a) Two studio buildings joined by a covered breezeway with a footprint of 6,440m<sup>2</sup>;
  - (b) A construction workshop with a foot print of 1,050m<sup>2</sup>;
  - (c) 326 carparking spaces;
  - (d) 12 accommodation trailer / caravan parking spaces;
  - (e) The construction of approximately 2.5km of private road; and
  - (f) A helicopter landing area.
- 10. The studios will be used by production companies for the filming of movie, television or streaming service productions with approximately 70 people permanently occupying the site, and there may be over 350 people using the site at one time. Operating hours are proposed from

6.00am to 6.00pm with filming generally starting at approximately 8.00-8.30 am.

11. I understand most of the vehicles accessing the site will enter and exit via Parkhill Road and the proposed new private road.
12. I understand from the AEE and Mr James' evidence that traffic generation will be most intensive during two specific periods, and correspondingly much lower at other times. The two busiest periods are:
  - (a) "site set up" taking approximately two weeks per production where trucks transport props and necessary equipment to the site, generating an expected 14 heavy commercial vehicle movements per day outside peak hours of the road network (8.00-9.00am and 4.30-5.30pm) and school pick-up hour (2.30-3.30pm); and
  - (b) "production" taking approximately 22 weeks per production when additional people (including cast and crew) need to access the site on a daily basis, generating an expected 470 private vehicle movements per day with peak flows from 6.00-7.00am and 5.00-6.00pm. Peak morning and afternoon vehicle flows are expected to be approximately 118 per hour.
13. There is therefore the potential for adverse noise amenity affects to arise during peak traffic hours while in the set up and production phases, particularly to those residents whose dwellings are closest to Parkhill Road and Raymond Road.
14. However, as I discuss below, amenity affects arising from traffic noise would in my opinion be generally acceptable.

### **Description of Existing Environment**

#### *Measured Noise levels*

15. I have measured the existing noise levels using continuous noise data logging equipment (Noise Monitoring Terminal (NMT)) in a paddock opposite of 299 and 307 Parkhill Road, as shown on Figure 1 in Appendix A. The equipment was set up approximately 25m from the road edge, which is similar to the setback distances for some submitters dwellings. From the measurements I observe the following:
  - (a) There are extended periods of quiet during the day and night, when minimal local noise sources are present.

- (b) Vehicles passing by the NMT caused a short 'spike' in measured noise levels.
  - (c) There is sporadic rural production activity that occurs in the vicinity.
  - (d) I understand that frost fans were operating at the nearby wineries in the days preceding the NMT deployment.
  - (e) Other than these three sources of anthropogenic noise, the ambient noise environment primarily consists of natural sounds.
16. The measured noise levels over the measurement period are shown graphical form in Appendix B. This allows the daily variation in noise level to be determined.
17. As can be seen in the first few nights (between 9 and 11 September 2022) the background noise level ( $L_{A90}$ ) was relatively high (30 – 40 dB). This may be due to frost fan operation, because on the following nights the background<sup>1</sup> noise level drops to 20-25 dB  $L_{A90}$ . This is considered a quiet environment and is typical of many rural locations.
18. The noise levels at the site are typical of this kind of rural environment where some rural activity is present. Ambient noise levels range on average from 45 – 50 dB  $L_{Aeq}$  during the day and 25 to 35 dB  $L_{Aeq}$  at night-time. Background noise levels generally range from 35 - 50 dB  $L_{A90}$  daytime to 20 - 35 dB  $L_{A90}$  night-time.<sup>1</sup>
19. I note that in the 6am to 7am period, the ambient noise level is consistently 45-50 dB  $L_{Aeq}$  and 40-45 dB  $L_{A90}$ , except on days affected by weather where the noise level is correspondingly higher.
20. Overall, I consider the existing noise levels remain representative of a rural environment.
21. I note that the acoustic review report prepared by Mr Styles (dated 12 May 2022) states that noise in "*rural zones is generally highly dynamic and seasonal*". I agree with this statement. I also consider that the following paragraphs of that report from Mr Styles where he discusses

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<sup>1</sup> Background sound - The sound that is continuously present in a room or outdoor location. Often expressed as the A-weighted sound level exceeded for 90 % of a given time period i.e.  $L_{A90}$ .

Ambient sound - The totally encompassing sound in a given situation at a given time, from all sources near and far, often expressed as the total A-weighted noise exposure ( $L_{Aeq}(T)$ )



the likely existing noise environment are generally accurate, and align with the measurement results I have obtained.

22. In this regard the measurements show that there are times when noise levels are very low, and there are other times when noise levels are at a more elevated level, primarily due to localised rural activity, often associated with horticulture or other production.
23. I also note at this point that one of the concerns raised by Mr Styles relates to the reverse sensitivity impacts and how the film studios may affect other activities that could lawfully establish as of right. The logic follows that noisy activity could establish in the zone as of right. If this were to occur, such activity would also potentially have resultant road traffic noise impacts on nearby residents, again, as of right. This confirms that the existing environment could readily change in the future, and the noise levels in the environment increase substantially as a result of permitted activities occurring. I discuss this further in paragraphs 55 and 56.

#### **Noise Level Emission Assessment**

24. The noise emissions that could arise from the proposal are briefly summarised as; noise associated with the construction of the facility (and public road upgrades), and operational noise associated with the following activities:
- (a) On site vehicle movements
  - (b) Some types of filming that may occur outside the studios
  - (c) On site catering or hospitality
  - (d) Some limited helicopter movements to and from the site
25. As well as consideration of operational noise, there is the potential for noise associated with the construction of the proposal to create adverse noise effects.
26. I note that Mr Styles in his May 2022 letter to Hastings District Council also considers the activities I list in paragraph 24 to potentially create noise emissions, and he has helpfully attempted to quantify these as far as possible, even without suitable available information in some cases.
27. I therefore also now consider the activities listed in paragraph 24 and comment on the expected impacts.

28. As well as this, several submissions raise traffic noise on the public roads as a specific concern (refer paragraph 67 of my evidence) so I have specifically predicted traffic noise levels from vehicles using Parkhill Road and address that in my evidence as well.

*Methodology*

29. In general, I have reviewed the proposed activities that could occur on the site and the location at which they would occur. In my opinion, most of these would not generate noise effects at the nearest noise sensitive receivers above a reasonable level, and would readily comply with the relevant zone noise standards. Specifically, these are the activities listed in paragraph 24 parts (a), (b) and (c) above. I note Mr Styles appears to agree with this position in his report letter and evidence, and so I do not consider these further.
30. Based on my extensive experience of helicopter noise emission calculations, I consider that multiple helicopter movements from the site would be possible before exceeding the relevant helicopter noise standard criteria.
31. I understand from Mr Slade that far fewer helicopters are likely to be required. Therefore, the conditions proposed by Mr Styles as a way of ensuring that unrestricted helicopter movements do not occur in practice is reasonable in my opinion. I understand that these conditions are accepted by the applicant.
32. As a result, I restrict my quantitative assessment below to construction noise impacts and road traffic impacts from site vehicles using the public road as these may affect nearby noise sensitive receivers. I deal with each of these in turn.

*Construction noise*

33. Construction noise has the potential to cause short to medium term noise effects, often at levels above what would otherwise be seen as reasonable.
34. With some limited exceptions I discuss below, based on my understanding of the proposed studio development and associated building and construction activity as being described in Mr Slade's evidence, and the large separation distances between the site and the nearest noise sensitive receivers, I consider construction noise will comply with the relevant noise standards by some margin and are therefore readily acceptable.

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35. I note Mr Styles also draws this conclusion at paragraph 3.5 of his evidence.
36. Mr Styles goes on in paragraph 3.6 to helpfully outline additional potential construction noise effects that could occur, namely construction traffic on public roads, and the intersection upgrade by the Te Awanga kindergarten.
37. Regarding construction traffic noise effects, I agree entirely with Mr Styles's comments in paragraph 3.10. I also agree with the recommended conditions as would confine construction activity and construction traffic to the times when the higher noise limits apply under the relevant standards, i.e. 0730 to 6pm Monday to Friday 0800 to 1300 on Saturdays.
38. I also generally agree with Mr Styles in his statements in paragraphs 3.11 to 3.13 with one exception.
39. With respect to screening, I explain in paragraphs 59 to 61 regarding operational noise effects that I do not consider a permanent screen is necessary. Therefore, any screen for the kindergarten to alleviate small construction noise impacts would only need to be temporary in nature, for the duration of the intersection works.
40. Regarding a ventilation system being required, it is my experience of kindergartens that whilst often installed, this is primarily for thermal reasons. In my experience, most early childhood centres prefer the ability to allow children indoor/outdoor access most if not all of the time. This renders a ventilation system unnecessary. As well as this, because of the short duration of construction works in this area, I do not consider a ventilation system is required.
41. I agree with Mr Styles in his paragraph 3.26 that scheduling the work to occur outside centre opening hours (school holidays) would be helpful.

*Noise from vehicles on public roads*

42. I have calculated the noise levels from vehicles associated with the project, as they affect the nearby residents, specifically those who have submitted on noise. These calculations are based on the movement numbers for the project provided by Mr James, and incorporate the cumulative impact of these in conjunction with the existing traffic flows on the road network. For the most affected receivers along Parkhill Road (ie south of Raymond Road) there would be 167 total vehicle movements in the AM peak (conservatively assuming the site traffic

flow peak coincides with what Mr James refers to as the network AM peak).

43. I have prepared a map that shows the locations of the submitters who have raised traffic noise as a concern. This is show in Appendix A.
44. My calculations are undertaken using the same noise metrics and assessment periods as Mr Styles has used, and as he presents in paragraph 4.13 of his evidence.
45. I have also calculated the noise levels received at these locations for the existing situation.
46. I note that there are likely to be some subtle differences in the underlying assumptions that we have both used, but generally, the noise level predictions I have made are similar to Mr Styles's results, with one exception. I present my results below, for comparison. Note I have only calculated noise levels at the notional boundary.

Noise Sensitive Receiver	Existing Noise Level ("Peak hour") dB $L_{Aeq\ 1hr}$	Project Noise Level ("Peak hour") dB $L_{Aeq\ 1hr}$	Existing Noise Level ("24 hour") dB $L_{Aeq\ 24hr}$	Project Noise Level ("24 hour") dB $L_{Aeq\ 24hr}$
Te Awanga Kindergarten	60	62	48	51
227 Parkhill Road	48	58	44	49
272 Parkhill Road	48	57	43	49
299 Parkhill Road	51	63	47	52
307 Parkhill Road	51	63	47	52
326 Parkhill Road	36	43	31	36
373 Parkhill Road	43	51	38	44

47. In this case both Mr Styles and I use the peak hour noise level to determine the basis and extent of noise impact that could arise. This is important because in low flow scenarios such as this, the use of standard road traffic noise metrics (ie  $L_{Aeq\ 24hr}$ ) may mask the extent of effect.
48. As shown in the table above, the project may give rise to a significant increase in noise level of 8-12 decibels compared to what they currently receive, for almost all receivers.

49. In some cases, particularly 299 and 307 Parkhill Road, the predicted noise level I consider is high. I agree with Mr Styles in that regard.
50. Despite this, there are several other factors that need to be weighed when determining the degree of effect in this context. Based on the traffic flows provided by Mr James, almost all project traffic occurs in a short time period each end of the day. In this regard, the noise received at other times of day as a result of the project is negligible. This is simply because there is expected to be few, if any movements occurring at these times. This means the high noise levels quoted above occur infrequently.
51. This is highlighted in the 24 hour results shown in the table above. Although there is still a moderate increase in noise exposure as a result of the project it is less in extent than for the peak hour. The overall noise exposure using this metric is in my opinion, low.
52. I am not certain of the reason for the apparent discrepancies in the predicted 24 hour noise levels between myself and Mr Styles, but in any event, I note both my predictions and Mr Styles predictions are low and below the trigger threshold of the road noise standard of 57 dB L<sub>Aeq</sub><sub>24hr</sub> (New Zealand Standard NZS 6806:2010 *Acoustics - Road-traffic noise - New and altered roads*).
53. I also acknowledge that noise from public roads is not controlled by District Plan requirements.
54. Mr Styles asserts in paragraph 4.15 that the project traffic flows are considerably higher than what could be expected from activities anticipated in the zone, and therefore traffic noise levels are much higher.
55. I make two comments in response to this. Firstly, I understand from Mr McKay that the types of activities that could lawfully establish in the zone (such as wineries or rural processing industrial activities) could generate similar traffic flows with higher proportions of heavy vehicles, than what is proposed in this case. I also understand that such traffic could occur throughout the day, and potentially the night too.
56. The second comment I wish to make is that in this case, the character, type and overall noise emission characteristics would be identical to that of activities lawfully allowed in the District. In other words, received traffic noise from vehicles on public roads would be no different, whether the activity is permitted or discretionary.

57. Overall, whilst I acknowledge there would be a significant increase in traffic noise levels, and that in some cases the noise levels are elevated, this is not unusual or unanticipated in such a zone. Furthermore, because these noise levels do not occur throughout the day, then I consider they are reasonable. I therefore do not consider mitigation is warranted in this case.
58. However, I do agree with Mr Styles that such traffic noise levels before 7am may be problematic. Therefore, the management of operational hours and early morning traffic movements to mitigate this would be beneficial and warrants further consideration by the applicant.
59. With respect to Te Awanga Kindergarten, I note that the increase in peak hour noise level as a result of the project compared with the existing situation would be imperceptible (2dB, refer Table at paragraph 46 above). This is because the kindergarten experiences traffic flows along Parkhill Road at close to the same number of movements as the project would generate. Based on the advice of Mr James and the movement numbers provided, I note that these are almost all as a direct result of people coming to and departing the kindergarten itself.
60. As well as this, notwithstanding paragraph 59, the AM and PM peak hour from the project would occur *outside* the kindergarten's operating hours, thus reducing, or removing any noise effect on them.
61. I therefore do not agree with Mr Styles that acoustic screening or a ventilation system is warranted to mitigate operational noise effects.

*Reverse Sensitivity*

62. Mr Styles spends a considerable amount of time in his evidence (at paragraphs 5.1 to 5.21) discussing reverse sensitivity effects on the adjacent sites, particularly the forestry block.
63. In my opinion, much of what Mr Styles says is correct and I agree with.
64. However, rather than conditions of consent requiring sound insulation treatment to the building to ensure acceptable internal noise levels as proposed by Mr Styles, the imposition of a 'give way'/no complaints undertaking condition achieves this outcome anyway, for both internal and external noise exposure. That is, if the film studio is not able to force adjacent lawful activity from reducing its noise emissions because of the no complaints covenant, then it follows that would apply internally also. I understand the applicant has made such an undertaking to the neighbouring (Winirana) forestry activity.

65. As well as this, I understand that the applicant has advanced design requirements for acceptable internal design noise levels, to ensure their facility is commercially attractive and viable. Mr Slade discusses this in his evidence.
66. Finally, in this case, the building design is not entirely a RMA issue, with the imposition of the no complaints covenant being adequate in this case.

*Response to submitters*

67. There has been a total of 10 submissions on the application, of which 9 relate to noise. The majority of these raise general increased traffic noise concerns regarding the application. I have generally addressed these in my evidence at paragraphs 42 to 58. A number of these submitters have also requested the use of asphaltic concrete in place of the existing chip seal road surface (various grades).
68. With respect to this, the use of asphaltic concrete would have a beneficial impact on road noise emissions, but the extent of this would be small. In general terms the improvement would be of the order of 1-3 dB, which in my opinion would not generally be a noticeable improvement.
69. Nevertheless, this would go some way to reducing the noise impact on residents. As Mr Styles notes, this would need to be balanced with the cost and ongoing maintenance requirements that would also be involved.
70. Several submitters have also requested that acoustic barriers be installed to reduce noise levels. Barriers can be an effective method of reducing traffic noise levels. The noise reduction that can be achieved is dependent on the height, length and setback of the noise barrier.
71. For several houses the use of barriers would be beneficial in reducing noise levels, particularly 299 and 307 Parkhill Road. This is because these are relatively close to the road, and therefore exposed to the highest noise levels. However, any such barrier would need to be carefully designed to reduce visual impacts.
72. On balance, and based on the statements I make in paragraphs 42 to 58, I do not consider barriers are required to address noise effects to a reasonable level in this case.
73. Several submitters refer to the use of hedges or planting to mitigate traffic noise impacts. Such planting has very little, if any, acoustical

benefit in reducing noise levels. Despite offering a visual screen, and therefore an 'out of sight, out of mind' advantage, it would not be required from a noise reduction perspective.

74. Several submitters also refer to noise impacts on children's health. As I explain in paragraph 59 and 60, the noise environment at the kindergarten, or the general vicinity, is not altered to any significant degree. That means the noise exposure of children is also not significantly altered.
75. As I state in paragraph 60, the periods of the highest traffic noise exposure also occur at times when the kindergarten is not operating.
76. I also consider that the general environment including the traffic generated by the project, where children are exposed to noise from traffic using the kindergarten and school to be quite normal. If anything, the locale is exposed to lower noise levels than many other similar establishments around the country.
77. Both Madeleine Riordan and Christopher Hurthouse refer to traffic noise impacting their ability to enjoy birdsong. Whilst I acknowledge that when vehicle pass-bys occur, elevated noise levels may mask such birdsong, there are large periods of respite where no vehicles would be passing, thus reducing this impact considerably.

**Stephen Jack Peakall**

**27 September 2022**





**IN THE MATTER**

of the Resource Management Act 1991  
("RMA" or "the Act")

**AND**

**IN THE MATTER**

of a resource consent application to  
**HASTINGS DISTRICT COUNCIL** for a land  
use consent to establish and operate a  
screen production studio at Te Awanga

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**STATEMENT OF EVIDENCE OF PHILIP ANTHONY MCKAY ON BEHALF OF NUMBER 8  
STUDIOS LIMITED**

Dated 27 September 2022

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## **INTRODUCTION**

1. My full name is Philip Anthony McKay and I reside in Hastings.
2. I hold a Bachelor of Regional Planning with Honours from Massey University and am a Member of the New Zealand Planning Institute, currently holding the position of Secretary of the Central North Island Branch of the Institute. In total I have some 29 years' experience as a practicing planner and have a Making Good Decisions Chair's certification.
3. I am employed as an Associate at Mitchell Daysh Limited planning consultants. I have been practicing as a planning consultant with that company and its predecessor Environmental Management Services Limited since September 2015. Prior to that, and from 2009, I held the position of Environmental Policy Manager with the Hastings District Council. I held various consents and policy planning roles with Hastings District Council from February 1996 to January 2009 and prior to that was employed as a planner by Wairoa District Council

## **CODE OF CONDUCT**

4. I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. My evidence has been prepared in compliance with that Code and I agree to follow it when presenting evidence to the Hearing.
5. I confirm that my evidence is within my area of expertise except where I state that I am relying upon the specified evidence of another person, and that I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.
6. I understand and accept that it is my overriding duty to assist the Commissioner in matters that are within my expertise as a planner. I understand that I have an overriding duty to assist impartially on the relevant matters within my area of expertise and that I am not an advocate for the party that has engaged me.

## **SCOPE OF EVIDENCE**

7. I have been engaged by No.8 Studios Limited (the 'Applicant') to present planning evidence on their resource consent application RMA20210474 dated 16 September 2021 ("the Application") to the Hastings District Council ("the Council"),

for land use consent to establish and operate a screen production studio at 376 Parkhill Road, Te Awanga.

8. I prepared and lodged the application for resource consent on behalf of the Applicant. In doing so I have read and reviewed all the documents appended to the Application Assessment of Effects on the Environment ("AEE"). These include the following technical documents:
  - (a) *'Parkhill Studios Landscape and Visual Effects Assessment'*, Wayfinder Landscape Planning & Strategy, August 2021
  - (b) *'Archaeological Assessment of Effects – Te Awanga Screen Production Studio: Te Awanga, Hastings'*, Hawke's Bay Archaeology, April 2021
  - (c) *'No.8 Film Production Studios, Parkhill Road, Te Awanga – Traffic Impact Assessment'*, Urban Connection Limited, August 2021
  - (d) *'Parkhill Studios Stormwater Servicing Report J21120-1'*, Infir, August 2021
  - (e) *'Hawke's Bay Natural Hazard property Report – 0 Gordon Road, Hastings'*, Hawke's Bay Emergency Management Group, August 2021
9. In preparing this evidence I have reviewed the following documents:
  - (a) The Section 95A and 95B Notification Report dated 21 January 2022 prepared on behalf of the Council by Ms Janeen Kydd-Smith.
  - (b) The letter to the Council titled *'Parkhill Film Studio Development – Decision of Hastings District Council on Notification'* from Sainsbury Logan & Williams, dated 4 March 2022.
  - (c) *The Acoustic Review – RMA20210474, No.8 Studios Limited* dated 12 May 2022 prepared on behalf of the Council by Styles Group Acoustics & Vibration Consultants.
  - (d) The reissued Section 95A and 95B Notification Report dated 24 May 2022 prepared on behalf of the Council by Ms Janeen Kydd-Smith.

- (e) The 10 submissions received on the application following limited notification.
  - (f) The Section 42A Hearing Report dated 16 September 2022 prepared on behalf of the Council by Ms Janeen Kydd-Smith ("the s42A Report").
  - (g) The briefs of evidence (in draft) on behalf of the Applicant from:
    - i. Derek Slade
    - ii. Steve James
    - iii. Steve Peakall
    - iv. Shannon Bray
    - v. Chris Nilsson
    - vi. Richard Gaddum
10. The purpose of my evidence is to provide my expert opinion on the planning related matters to this resource consent hearing.
11. My evidence is structured as follows:
- (a) The Application Site.
  - (b) Description of the Applicant's Proposal.
  - (c) Summary of the Application Processing since Lodgement.
  - (d) Matters Raised in Submissions.
  - (e) Assessment of Key Planning Matters.
  - (f) Identification of Matters of Agreement and Disagreement with the Council Officers Report.
  - (g) Conclusion.

12. Accordingly, the remainder of my evidence is set out under the topic headings listed above.

## **THE APPLICATION SITE**

### Background

13. Section 1.2 of the AEE sets out the background to the site selection process, from which I list the key points as follows:
- (a) I was commissioned by the economic development arm of Hastings District Council to prepare a report on the most appropriate planning zoning for a Screen Production Studio ("SPS") development from a resource consenting perspective under the RMA and Hastings District Plan ("the District Plan").
  - (b) Key locational requirements for an SPS were advised by industry representative as including: a large site (10 - 30 hectares); within 30 – 45 minutes travel time from Hawke's Bay Airport; privacy – away from roads, neighbours and flight paths; heavy vehicle accessibility; away from external noise sources; and accessible to residential accommodation for workers.
  - (c) The resulting report dated June 2020 dismissed the suitability of a Commercial Zone location due to the site size and privacy requirements. It also dismissed the suitability of a Plains Production Zone site due to the policy direction of that zone to retain versatile land for primary production purposes.
  - (d) The report identified that the most appropriate consenting pathway for a SPS would be to locate in a General Industrial Zone (acknowledging a smaller site would need to be accepted), followed by a Rural Zone. The Report concluded that location within the Rural Zone would need to be subject to a site-specific assessment to ensure consistency with the relevant objectives and policies.
  - (e) No.8 Studios initially investigated General Industrial Zone options but could not find a site that would provide the optimal land area requirements and levels of privacy and noise protection in a manner that was economically viable.

- (f) No.8 Studios then investigated several Rural Zoned sites that could meet the above locational criteria. The subject site resulted from this process. I note the site selection process set out in the AEE is more comprehensively summarised in sections 4.1 and 9.2.12 of the s42A Report.

Site and Resource Description

14. Section 1.3 of the AEE sets out the Site Description, from which I list the key points as follows:

- (a) The site comprises of a 24ha lease area within the western portion of a 229ha Record of Title, which is part of the wider 359ha Te Awanga Downs farm. This lease area is to be accessed by an approximately 2.5km long private road to be constructed to connect the site with the end of Parkhill Road.
- (b) 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.
- (c) The Te Awanga Downs farming operation is also supplemented by the following activities located within the property: Clifton Cricket Club, Outfoxed outdoor adventure activities, and Outfield Music Events. See Figure 3 of the AEE for the location of these activities in relation to the proposed SPS development site.
- (d) The SPS development site is located above a Council flood protection dam. In preparing the resource consent application meetings were held with both Hastings District Council and Hawke's Bay Regional Council engineers to ensure any potential adverse effects on either the future SPS facility or the function of the dam could be avoided. A comprehensive assessment of stormwater effects was commissioned from Infir and attached to the AEE as Appendix E. That report demonstrates that any potential adverse effects from, or on, the flood protection dam can be appropriately avoided or mitigated. I note that, subject to the recommended conditions, the s42A Report agrees with this conclusion (section 9.2.10).

- (e) The wider site includes some 14 recorded archaeological sites of pre 1769 origin, the closest being some 800m from the No.8 Studios development site. An archaeological assessment was commissioned from Archaeology Hawke's Bay and attached to the AEE as Appendix F. That report did not identify any archaeological evidence in the SPS lease area but recommended that a precautionary archaeological authority be applied for. No.8 Studios have agreed to lodge such an application prior to earthworks commencing. I note that the s42A Report agrees that with conditions requiring the attainment of an archaeological authority, any adverse effects on archaeology are likely to be less than minor (section 9.2.8).
  - (f) Land uses in the wider area include 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 (with a paper road continuing through that vineyard) and the proposed private road to the SPS crossing the north western side of the Te Awanga Estate property prior to 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.
  - (g) The adjoining site to the southeast is a large production forestry and pastoral farming property.
15. A key characteristic and feature of the 24ha SPS development site is its location within an undulating valley floor orientated to the north east in the Te Awanga Downs hills to the south west of Te Awanga. This location means that the site, and buildings once constructed, will not be visible from any public view points, nor residential dwellings. This is demonstrated in the Landscape and Visual Effects assessment prepared by Wayfinder and attached to the AEE as Appendix C and confirmed in the brief of evidence from Mr Bray. This characteristic achieves the privacy location requirement for a SPS as well as avoiding adverse visual effects from neighbouring properties and public vantage points.
16. In my opinion it is also important to note the soil type of the SPS site and its versatility for land based primary production given that some 24ha of Te Awanga Downs would be taken out of agricultural production. Landcare Research maps



show the soil type of the SPS site within the valley floor is Perch-Gley Pallic. *"Pallic Soils have pale coloured subsoils, due to low contents of iron oxides. The soils have weak structure and high density in subsurface horizons, are dry in summer and wet in winter."*<sup>1</sup> The Heretaunga Plains Soil Tyles (1999) map identifies the SPS site soil as "30: >30cm ash on sandy loam (loess) on pan at 40-50cm, on terraces (poor water perched on pan – Waipukurau)." <sup>2</sup> The site is identified as Land Use Capability Class 3 *"Land with moderate limitations for arable use and suitable for cultivated crops, pasture or forestry"*<sup>3</sup> within the Hawke's Bay Regional Council Land Use Capability on line mapping series. An extract from the Land Use Capability maps showing the subject site (and specific development area) is included as Appendix 1 to this evidence. Indeed, Te Awanga Downs use the site predominantly for pastoral grazing and advise summer drought is a significant constraint for the productivity of this land, as noted by Mr Nilsson in his evidence.

17. The District Plan definition of 'versatile land' references LUC Class 3 soil:

*In relation to the Heretaunga Plains sub-region means contiguous flat to undulating terrain within the Heretaunga Plains Sub-region that acts collectively to support regional (and nationally) significant primary production and associated secondary services on the Heretaunga Plains, based around:*

- (a) An exceptionally high proportion of versatile Class 1-3 soils (comprising almost 90%); or*
- (b) Class 7 soils that are internationally recognised as having a very high value for viticultural production (comprising almost 7%);*
- (c) Its proximity to a cluster of national and international processing industries and associated qualified labour force; and*
- (d) Its proximity to the Port of Napier and other strategic transport networks providing efficient transport of produce.*

18. The subject site comprises a component of undulating LUC Class 3 land on the valley floor which adjoins relatively steep LUC Class 6 hills which form the majority of the Te Awanga Downs site and the neighbouring site to the south east. As set out in the Brief of Evidence from Mr Gaddum the 'Save the Plains Group', do not identify this land as versatile Heretaunga Plains land that they seek to protect from urban encroachment and development and they are supportive of the Proposal. The Save the Plains view of the site as not comprising versatile land is

<sup>1</sup> <https://soils-maps.landcareresearch.co.nz>  
<sup>2</sup> <https://mapping.hdc.govt.nz/intramaps22a>  
<sup>3</sup> <https://gis.hbrc.govt.nz/LocalMapsViewer>

also consistent with the Rural Zoning of the land applied to the site by the District Plan as opposed to a Plains Production Zoning, which is applied to the versatile land of the Heretaunga Plains.

19. Since receipt of the s42A Report the National Policy Statement for Highly Productive Land 2022 ("NPSHPL") has been released and takes legal effect on 17 October 2022. Clause 3.9(1) states:

*Territorial authorities must avoid the inappropriate use or development of highly productive land that is not land-based primary production.*

20. Under the NPSHPL at least part of the site would appear to be considered highly productive land due to being located on land identified as LUC3 on the currently available land use classification maps referred to above. This is despite the description provided above that the subject site has constrained agricultural potential and has been deliberately selected, clear of the Plains Production Zone, to avoid the loss of versatile Heretaunga Plans land.
21. I understand that this matter is to be addressed in the submissions of counsel and may need to be addressed through a detailed soils assessment to confirm the specific development area of the site is not LUC 3 for the purpose of the NPSHPL, prior to any development under the consent (assuming granted) commencing, and pending local scale mapping of 'highly productive land' as is required by clauses 3.4 and 3.5 of the NPSHPL. Accordingly, the remainder of my evidence makes no further reference to the NPSHPL.

#### **DESCRIPTION OF THE APPLICANT'S PROPOSAL**

22. The Proposal is set out in detail at section 1.4. of the AEE. I note the following aspects of the Proposal which I consider to be important to my planning evidence which follows:
- (a) Two studio buildings with a connecting covered breezeway totalling approximately 6,440m<sup>2</sup> of gross floor area:
  - (b) A construction workshop of approximately 1,050m<sup>2</sup> gross floor area ("GFA");

- (c) A double story production building with a footprint of approximately 1,080m<sup>2</sup> and a GFA of approximately 2,160m<sup>2</sup>;
  - (d) A catering café of approximately 420m<sup>2</sup> GFA;
  - (e) Total building GFA of 10,070m<sup>2</sup>;
  - (f) A total impervious surface coverage (comprising buildings and hardstand areas) on the site (excluding the access road to the lease area) of approximately 2.288ha;
  - (g) Parking for cars in three separate areas comprising 325 standard car parks, 7 accessibility car parks, and 12 trailer / caravan parking spaces;<sup>4</sup>
  - (h) The construction of approximately 2.5km of private road access from the dead end of the formed section of Parkhill Road;
  - (i) A helipad for expected occasional use by 'A-Class' actors;
  - (j) A stormwater detention pond and onsite amenity landscaping; and
  - (k) Total earthworks volumes are estimated at approximately 150,000m<sup>3</sup>, with 40,000 m<sup>3</sup> of this for the SPS development and approximately 110,000 m<sup>3</sup> for construction of the access road.
23. The studios will be used by production companies for the filming of movie, television or streaming service productions with approximately 70 people permanently occupying the site and potentially over 350 people (including actors and support crew) using the site during periods of filming, although it is expected that for most productions the staff numbers will be less than this. Filming is expected to occur for up to 2 months at a time with a gap of 2 – 3 months before the next filming project. The AEE records that operating hours are proposed from 6.00am to 6.00pm with filming generally starting at 8.30am. This is discussed further by Mr Slade.

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<sup>4</sup> This information is based on the Further Information Response letter on behalf of the Applicant's dated 18 November 2021, Attachment 1 Wayfinder plan set, sheet 08.

24. A permanent on-site wastewater system 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 and effluent will be trucked off the site.
25. 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.
26. The Infr report demonstrates that stormwater from the development will be mitigated to predevelopment flows and will not have any adverse effects on the Council's stormwater detention dam. I note that this conclusion is accepted by the s42A Report (section 9.2.10) subject to compliance with draft conditions 71 and 72, which I agree are appropriate.

#### **SUMMARY OF THE APPLICATION PROCESSING SINCE LODGMENT**

27. I was the Applicant's point of contact during the processing of the resource consent. A brief summary of the further information process and the notification assessment made by Council is outlined as follows.
28. A formal section 92 request for further information was issued by Council on 14 October 2021. The requested information related predominantly to transportation matters including on-site layouts and traffic effects on the Council roading network. Information was also sought regarding the potential noise effects of the proposed helipad.
29. A further information response was provided on 18 November 2021 attaching the following supporting technical information:
  - A letter from Urban Connection dated 17 November 2021 responding to the traffic specific matters, including an appendix document setting out SIDRA traffic modelling results.
  - Supporting plans (relating to onsite traffic movements, parking and loading) from Wayfinder Landscape Planning & Strategy, titled 'Parkhill Studios – Attachment 1, dated 12 November 2021.
30. On 25 November 2021 confirmation of the response being satisfactory was received except in relation to the details of the proposed on-site trailer parking and emergency vehicle access, for which further information was requested.

31. A response was provided on 7 December 2022 to those two items, which was confirmed by Council as being satisfactory.
32. A notification decision was received from the Council on 21 January 2022. That decision was that the owners / occupiers of 373 Parkhill Road and 376 Parkhill Road are affected persons and that limited notification was required to those persons.
33. A request to delay limited notification was made to Council on 24 January 2022 to enable an opportunity to gain the written approval of the identified affected persons. The written approval of the owners and occupiers of 376 Parkhill Road, Hawke's Bay Wine Investments Limited, was provided on 2 March 2022 with a request to proceed with limited notification to the Andersons, the owners, and occupiers of 373 Parkhill Road.
34. I was copied into a letter to the Council from Sainsbury Logan & Williams, dated 4 March 2022, on behalf of Parkhill Road residents questioning the validity of the notification decision in not identifying additional affected parties on Parkhill Road. The Applicant, in seeking to avoid potential judicial review proceedings, requested in a letter dated 23 March 2022, that the Council reconsider and reissue its notification decision. Council responded on 24 March 2022 agreeing to revisit the notification decision, taking into account the matters raised in the Sainsbury Logan & Williams letter and that a revised decision was expected to be made within approximately 10 working days.
35. An e-mail from Council was received on 12 May 2022 advising that an acoustic assessment from Styles Group has been commissioned to inform the renotification decision. That e-mail also sought clarification on various noise related aspects of the proposal. A response to the noise questions raised was provided by Mr Slade on behalf of the Applicant on 18 May 2022.
36. On 24 May 2022 the Council forwarded the revised notification report and decision. The cover e-mail advised that limited notification packages were to be sent on that day or the next day and that the official notification date would be 27 May 2022 with submissions closing on 27 June 2022.
37. Council's reissued decision identified that limited notification would be served on the owners and occupiers of 11 properties.

38. While not relevant to the decision on this application, the delay between the requested limited notification of the application on 2 March 2022 to the actual limited notification on 27 May 2022 has been a matter of concern for the Applicant and has resulted in a significantly later hearing date than had been anticipated.

#### **MATTERS RAISED IN SUBMISSIONS**

39. The 10 submissions received on the application have been summarised in the s42A Report. My assessment of the submissions is that the common themes are concerns about traffic safety and effects on amenity values from the increase in traffic volumes on Parkhill Road that the SPS development would give rise to. These concerns were expressed in eight of the nine submissions in opposition, all from property owners or occupiers on Parkhill Road. These matters are specifically addressed in the briefs of evidence of Mr James and Mr Peakall respectively, and I comment further of them below.
40. Other matters raised in submissions include 'Reverse Sensitivity', 'Rural Character', 'Productive Land Loss', and 'Economic Effects'. I comment on each of these issues under the corresponding subheadings as follows.

#### Reverse Sensitivity

41. A submission in opposition from Ocasor Limited, the owners of the adjoining farming and forestry property to the southeast, is concerned with their operations being constrained by reverse sensitivity. No.8 Studios representatives have recently met with a representative of Ocasor Limited as is outlined in the evidence of Mr Slade. Following that meeting my advice was sought on the nature of a condition or other mechanism that could resolve the submitter's concerns and protect them from reverse sensitivity effects.
42. A 'no-complaints covenant' would generally be used to provide certainty to a neighbour that their rural production activities will not be subject to complaint. No.8 Studios are not the owner of the subject site and do not therefore have that opportunity available to them. In my opinion an appropriate alternative is for a condition requiring a legal undertaking that there be no complaints. Such a condition is offered on behalf of No8 Studios whereby they would be required to give the following formal written acknowledgement and undertaking to Ocasor Limited:

*No.8 Studios acknowledge that the site of their Parkhill Studios is located in a productive rural area where agricultural management practices such as agrichemical spraying, use of farm machinery, the operation of bird scarers, forestry harvesting, forestry pruning and other similar activities may occur. No.8 Studios also acknowledge that the Winirana property adjacent to the Parkhill Studio site includes both farming and production forestry activities and is likely to include one or more residential dwellings in the future. No.8 Studios undertakes that neither them, nor any users of Parkhill Studios shall:*

- Bring any proceedings for damages, negligence, nuisance, trespass, or interference arising from the use of that land; or*
- Make nor lodge; nor*
- Be party to; nor*
- Finance nor contribute to the cost of;*

*Any application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation of the operations of any lawfully established, permitted or consented rural activity (including forestry, agricultural and residential activities) on the Winiana land, including without limitation any action to require such rural activities carried out on that land to be modified.*

43. This condition is based on the standard Hastings District Council 'no-complaints covenant / consent notice condition', as modified to cover the specific activities carried out on the Ocasor Limited land.
44. As mentioned in Mr Slade's statement of evidence, this no complaints condition has been offered to Ocasor Limited by e-mail, with the response being that a covenant would be preferred. In my opinion, a condition requiring a non-complaints undertaking appropriately mitigates the potential for adverse reverse sensitivity effects from the SPS facility on Ocasor Limited.
45. As set out in Mr Slade's statement of evidence an important component of the studio design is noise insulation. It is in the Applicant's interest to ensure that external noise sources are not heard within the studio. As Mr Peakhill notes in his statement of evidence (paragraph 64) this, in association with a condition requiring a no complaints undertaking will prevent reverse sensitivity effects arising from internal filming.
46. As explained by Mr Slade, outdoor filming is proposed. Such filming is undertaken at the Applicants own risk in regard to external noise sources, while the studios offer a controlled environment. In my opinion the most likely noise sources affecting outdoor filming on the Te Awanga Downs property would be from agricultural or other activities within that property or from the Ocasor Limited Land.

I consider that the proposed 'no-complaints' undertaking to Ocasor Limited will appropriately address any potential off site reverse sensitivity effects.

#### Rural Character

47. The submissions of CA Hursthouse and AM & CJ Casley have raised the issue of the proposed development changing the rural character of the area. The Wayfinder Landscape & Visual Effects Assessment (Appendix C1 of the AEE) draws the following conclusion on the landscape effects of the proposed SPS:

*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.<sup>5</sup>*

48. I agree with this conclusion, as confirmed in Mr Bray's evidence, that although the change in landscape character from rural activities to a SPS facility at the immediate site scale is significant, this is not the case beyond the boundaries of the Te Awanga Downs property, the landform of which would screen any views of the proposed built form from any public road or neighbouring dwelling. Hence the conclusion that the proposal will have a 'low' landscape and visual effect at a locality scale.
49. I acknowledge that the term rural character is wider than landscape effects alone. District Plan Rural Zone Policy RZP4 defines the expected amenity of the Zone as: "...predominantly comprises open pastoral characteristics with low scale and sparsely located buildings." The explanation to that policy states that any development that is not a traditional component of land based primary production should not detract from the amenity and character of the zone. In my opinion the proposal is able to retain consistency with policy RZP4 (and objective RZO2) in retaining rural character and amenity values because :
- The wider Te Awanga Downs property would still retain open pastoral characteristics with low scale and sparsely located buildings, including with the proposed SPS as viewed from the public spaces or

<sup>5</sup> 'Parkhill Studios Landscape and Visual Effects Assessment', Wayfinder Landscape Planning & Strategy, August 2021 (page 14).



neighbouring dwellings. Therefore, rural character will be retained at a locality scale.

- The discrete location of the proposed building development, along with the proposed site layout and landscaping, achieve this lack of visibility from beyond the immediate site area.

50. I acknowledge that 'potential effects on road infrastructure' are also relevant to rural character as referenced in the explanation to Policy RZP10. In considering the statement of evidence from Mr James, while the SPS will result in increases in traffic volumes accessing the site from Parkhill Road, the proposed upgrades to the road infrastructure, are able to mitigate the effects of the traffic volume increase to ensure satisfactory levels of traffic safety and efficiency. Accordingly, while I agree that rural character effects is a relevant matter to the assessment of this application, I consider that such effects are able to be appropriately avoided, remedied and mitigated by the proposed application.

51. Amenity effects arising from traffic noise are discussed below.

#### Productive Land Loss

52. The submissions of CA Hursthouse and M Riordan have raised the issue of 'productive land being consumed' by the SPS proposal. It is acknowledged that No.8 Studios have leased an area of 24ha for the development and that within that area approximately 2.288ha is proposed to be covered in either buildings or sealed surfaces. As I set out in the AEE in the context of the wider 359ha Te Awanga Downs farm that level of proposed coverage equates to 0.64% of the total land area<sup>6</sup>, with the area of the lease being 6.7%. If the area of the specific record of title on which the SPS is to be located (Lot 6 DP 519212) of 228ha is used, these figures become 1% and 10.5% respectively, and are not such that the farming operations of Te Awanga Downs will be undermined.

53. As established in paragraph 16 above, although the land has some versatility (given its LUC 3 classification) and is currently used for pastoral grazing, it also has limitations in both wet and dry weather. Comparatively the land is less versatile than the large area of LUC 1 and 2 land that comprise much of the

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<sup>6</sup> Application AEE (page 45).

Heretaunga Plains, and this is reflected by the land not being zoned Plains Production.

54. In an 'opportunity cost' sense, location within a 10 – 20 ha industrial zoned site would consume remaining capacity within the scarce zoned industrial land resource, which by necessity needs to locate near to urban infrastructural services. Any industrial expansions in the Tomoana or Whakatu areas would involve adjoining Class 1 or 2 land, while the Omahu Road industrial area is adjacent to Class 7 land (of high value for red wine grape production) as well as LUC 1 and 2 land. The poorer soil in the Irongate Industrial Zone also neighbours LUC 1 and 2 land. The SPS facility does not require reticulated 3 waters infrastructure and an isolated and private site is preferred. Further to this, as explained in Mr Slade's brief of evidence, outdoor filming is also proposed as part of the operation which would not be possible within an industrial zone.
55. In my opinion, the proposed location on an area of fringe LUC 3 land in the Rural Zone, potentially results in less pressure on the versatile soils of the Plains Production Zone to be rezoned for future industrial use. It also avoids a loss of industrial land resource to a commercial activity with a large land requirement, and a need for higher on-site amenity and privacy, but no need for process water or trade waste services. While location in an Industrial Zone could be made to work for the indoor filming component of the proposal, there are SPS locational requirements that are better served by the proposed location, which may have a lesser effect on versatile land in an overall sense.
56. District Plan Rural Zone policies RZP5 and RZP10 enable the location of industrial and commercial activities within the Rural Zone with limits on scale and intensity to protect soil values, rural character and the sustainability of the District's Commercial and Industrial Zones.
57. As set out in the AEE<sup>7</sup> the District Plan floor area limits of 100m<sup>2</sup> for commercial activities and the more comparable 2,500m<sup>2</sup> floor area permitted for agricultural / horticultural processing activities in the Rural Zone is well exceeded by the approximately 10,000m<sup>2</sup> building floor area proposed. However, a discretionary activity status enables consideration of the application and I consider that in this case the effects on productive values of soils are not significant. In fact, as

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<sup>7</sup> Application AEE (page 58).

described above the site has been specifically chosen to avoid the versatile land of the Heretaunga Plains. Accordingly, despite the loss of some LUC 3 land from agricultural production, I consider that the proposed use is appropriate for that land. I note that the s42A Report agrees *“that adverse effects on the rural productive land resource will be no more than minor”* (section 9.2.6).

#### Economic Effects

58. Concerns raised in submissions relevant to economic effects include:

- The risk of a ‘stranded asset’ if the business were to fail (raised by AM & CJ Caseley)
- With worker and accommodation shortages, additional competition for labour is not desirable (M Riordan and CA Hursthouse)

59. Regarding the effects of a stranded asset if the business fails, clearly No.8 Studios would not be putting time, effort and the associated costs into securing a land lease and resource consent for an activity that they do not consider viable. The need and demand for the proposed SPS is comprehensively addressed in the brief of evidence of Mr Slade. This point aside, more generally I understand that viability is not a relevant consideration under the RMA.

60. In the event that the buildings were to be repurposed for a different use in time, resource consent would be required for the new use and the application would be required to be assessed on its merits.

61. In regard to the second matter, creating additional work opportunities for Hawke’s Bay residents is in my opinion a positive effect of the proposed activity, particularly as the proposal would bring new work opportunities to the region in providing additional diversification to the economy. As well as providing new employment opportunities to Hawke’s Bay residents, the SPS is also likely to bring new people to the region for this work, which creates flow on benefits to the regional economy.<sup>8</sup>

62. The accommodation shortage will be relevant for any workers that come to Hawke’s Bay either permanently or temporarily to work at the SPS. The shortage in permanent accommodation is a nationwide problem that both public and private sectors are responding to with current housing developments under construction

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<sup>8</sup> See the Social and Economic Effects assessment in section 3.10 of the AEE (pages 43 & 44).

and in the planning phase, in accordance with the National Policy Statement on Urban Development 2020. Additional housing supply will therefore become increasingly available over the time the SPS is operational, if consent is granted.

63. Short term or visitor accommodation providers will benefit from workers coming in during the filming phase of a project. The proposed SPS is well located in providing options for 'Class A' actors with high end accommodation options available in the wider area, including the Cape Kidnappers Lodge. Other accommodation options are based in, or near to the urban settlements of Havelock North, Hastings, Clive and Napier, with small scale visitor accommodation options also available locally in Haumoana and Te Awanga.
64. As explained in Mr Slade's brief of evidence, collaboration has been occurring with the EIT who interested in offering specific training courses for the screen production industry. The SPS will therefore create new career pathways for school leavers in Hawke's Bay.
65. Accordingly, and as set out in section 3.10 of the AEE<sup>9</sup>, the social and economic effects of the SPS would in my opinion be positive for both the Hastings District and wider Hawke's Bay Region in contributing to the social and economic wellbeing of the community.

#### **ASSESSMENT OF KEY PLANNING MATTERS**

66. In my opinion the determinative resource management planning issues to the consideration of this application are:
  - (a) The effects of increased traffic volumes on the safety and efficiency of Parkhill Road and the wider roading network.
  - (b) The noise amenity effects of increased traffic volumes on Parkhill Road residents.
  - (c) The appropriateness of a large-scale commercial activity in a Rural Zone.
67. I discuss each of these matters under the corresponding subheadings below. I note that these matters also generally correlate with those 'unresolved potential effects' identified in the conclusion of the s42A Report (section 14).

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<sup>9</sup> Application AEE (pages 43 & 44).

### Effects of Increased Traffic Volumes

68. In my opinion, an increase in traffic volumes does not necessarily constitute an adverse effect under the RMA. This is particularly so when the roading network is upgraded to mitigate any traffic safety and efficiency effects that the increased traffic volumes may give rise to, as is proposed here. While the location of the SPS site is out of public view, it had always been my view that an essential component of this application would be the ability for the effects of the traffic generated to be safely and efficiently accommodated on the public roading network.
69. Expert traffic engineers Urban Connection were therefore engaged early in the preparation of the resource consent application to advise how to safely and efficiently accommodate the traffic generated by the SPS. The resulting Traffic Impact Assessment ("TIA") appended to the AEE recommended a number of roading upgrades that are adopted by No.8 Studios as part of the application.<sup>10</sup> The upgrades have been further refined and added to in response to the s92 further information request. The proposed upgrading works are addressed in the evidence of Mr James.
70. The submissions received on the application raising concerns about traffic safety and the ability of the road network to cope with the traffic from the SPS also confirm that traffic effects are considered a key issue arising from the application for the local community .
71. There are three District Plan policies specifically relevant to the traffic effects arising from resource consent applications in the Rural Zone, being Policy RRSP4 of the Rural Resource Strategy and Policies RZP10 and RZP19 of the Rural Zone. Policies RZP10 and RZP19 are set out in full in section 11.5 of the s42A Report, while policy RRSP4 is quoted as follows.

*Rural land close to urban areas or on primary collector, arterial or national traffic corridors will be managed to avoid sporadic and uncontrolled conversion to activities that will individually or cumulatively adversely affect the sustainability of the rural resource base and the efficiency of the road network.*

Explanation: There is significant pressure from urban activities to expand onto rural land close to the present urban areas because of marketing or other financial advantages. The District Plan does not provide for the uncontrolled conversion of rural land to a range of residential, commercial or industrial

<sup>10</sup> See summary in Table 2 of the Application AEE (pages 35 & 36).

activities. Such activities can adversely affect the sustainable use of rural resources by: amenity conflict, where new activities (particularly residential) anticipate and desire a higher level of amenity than neighbouring rural productive activities can provide; reducing the life supporting capacity of the soil resource and its availability to future generations through impervious ground coverage; and reducing the safety and efficiency of national, arterial or primary collector traffic routes through an increased number and use of road accessways. They can also negatively affect the viability of the existing Commercial and Industrial Zones. The District Plan will encourage the development of these activities in urban areas, to ensure the controlled development of urban activities at the interface with the rural area (see Section 2.4 Urban Strategy).

72. Policy RRSP4 seeks to prevent urban creep into rural land along arterial roads and near the urban fringes where there is pressure for development. In my opinion the SPS proposal does not fall into this category as it involves a standalone commercial development on a deliberately secluded piece of rural land well separated from urban boundaries and with no direct road frontage.
73. Policy RZP10 provides for commercial and industrial activities in the Rural Zone provided rural character and soil values are protected. The explanation states: *"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."*
74. Policy RZP19 seeks to ensure the safe and efficient movement of vehicles on the road network with an emphasis on site access and egress.
75. As set out in the brief of evidence from Mr James, the potential adverse effects on road infrastructure is able to be appropriately mitigated with the road upgrades proposed and safe access and egress from the site to the road network will be achieved with the intersection of the private road at the end of the formed section of Parkhill Road as proposed. I note that subject to the conditions set out in attachment 38 to the s42A Report (the appropriateness of which has been discussed by Mr James), it is only the design and configuration of the Parkhill Road / East Road intersection that has been identified as an unresolved matter with the potential for more than minor adverse traffic effects in the s42A report.
76. In seeking to resolve this matter a SIDRA intersection assessment for the Parkhill / East Road intersection has been undertaken by Urban Connection. In referring

to this assessment Mr James concludes that with the likely peak additional traffic from the proposed SPS, the East Road / Parkhill Road intersection continues to operate at an acceptable level of service.<sup>11</sup>

77. Mr James specifically considers the suggestion from some submitters and Mr Smith on behalf of Council, of a roundabout at the East Road / Parkhill Road intersection in paragraphs 104 – 110 of his brief of evidence and concludes that the construction of a roundabout is not justified. Mr James does however recommend additional road widening at the intersection along with raised reflective pavement markers to delineate the appropriate travelling path for vehicles. In my opinion, with these identified improvements set as conditions, East Road / Parkhill Road intersection will accommodate the additional traffic generated by the Proposal without creating significant adverse effects.
78. In my opinion it is also important to note that the District Plan via Policy RZP10, provides for new activities in the Rural Zone to have some effect on the road infrastructure provided the capacity of that infrastructure is not exceeded. In this regard the District Plan enables industrial facilities processing crops and wineries of up to 2,500m<sup>2</sup> in the Rural Zone as a permitted activity (or to exceed this limit as a discretionary activity) and has enabling policies for Rural Transport Depots (RZP6 & RZP10) and Dairy Processing Plants (RZP3) to establish as discretionary activities. Inherent to all these activities is the generation of significant volumes of heavy vehicle traffic. In my opinion then, while traffic volumes will increase from the proposed SPS, activities resulting in increased traffic volumes are anticipated by the Rural Zone in the District Plan providing the roading network remains safe and efficient. In this case the proposed upgrades to the roading network will ensure that it remains safe and efficient in providing for the increased traffic volumes. I therefore consider that the potential adverse effects of increase traffic volumes are able to be appropriately mitigated by the Proposal.

#### Noise Amenity Effects

79. A consequence of increases in traffic volumes is an increase in noise on or adjacent to the roads carrying the traffic. Amenity reductions, particularly from traffic noise, was a concern raised by seven of the submissions on the Application.

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<sup>11</sup> Brief of Evidence of Stephen Charles James, paragraph 72.

80. As I noted in the Application AEE, noise from traffic travelling on a public road is specifically exempt from the District Plan noise standards under Rule 25.1.6B(d).<sup>12</sup>
81. In the AEE I suggested that under section 104(2) of the RMA traffic noise effects could be considered within the permitted baseline of effects under the District Plan, but acknowledged that amenity effects of traffic on Parkhill Road residents may not be able to be categorised as 'less than minor' in terms of sections 95B and 95E of the RMA.<sup>13</sup> Council's second notification decision confirmed that traffic noise amenity effects should not be disregarded and subsequently identified the owners and occupiers of dwellings within 50m of the Parkhill Road boundary as affected persons.
82. I accept that it is not appropriate for the noise amenity effects from traffic associated with a discretionary activity to be disregarded under the permitted baseline (s104(2) RMA).
83. As I set out above however, the District Plan anticipates that there will be increases in traffic volumes and of heavy traffic in the Rural Zone in providing for particular activities, with its emphasis being to ensure that the road network remains safe and efficient.
84. Rural Zone Policy RZP9<sup>14</sup> provides direction for the management of noise in seeking that noise levels are not inconsistent with the character and amenity of the Rural Zone. The explanation acknowledges that rural production activities can generate significant amounts of noise, but that there is a need to have limits to maintain the character of the area for fixed and ongoing noise sources. It also seeks to provide for the continued economic operation of normal practices associated with the Rural Zone while maintaining appropriate amenity standards for residents.
85. In my opinion the policy direction of the District Plan is to acknowledge that it is necessary to enable noise generating production activity in the Rural Zone, while maintaining appropriate levels of amenity for residents. Policy RZP11<sup>15</sup> reinforces that primary production activities will be protected from reverse sensitivity effects. This is relevant to the submission from Ocasor Limited and the 'no-complaints'

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<sup>12</sup> Application AEE (pages 36 & 37).

<sup>13</sup> Ibid (page 37)

<sup>14</sup> See section 11.5 of the s42A Report for the full wording of Policy RZP9.

<sup>15</sup> Ibid.



undertaking offered as a consent condition as outlined above. In my opinion, the policies when read together also establish an amenity level for the Rural Zone that is accepting of appropriate noise levels as opposed to seeking to avoid noise effects, or necessarily being 'peaceful' as referred to in some submissions .

86. In consideration of whether the noise from the additional traffic generated on Parkhill Road by the proposal would be appropriate I rely on the evidence of Mr Peakall, who states that: *"... because these noise levels do not occur throughout the day, then I consider they are reasonable. I therefore do not consider mitigation is warranted in this case."*<sup>16</sup>
87. Mr Peakall acknowledges that there will be significant increases in traffic noise levels and such noise before 7am may be problematic and that therefore the management of operational hours and early morning traffic movements to mitigate this would be beneficial.<sup>17</sup> I understand from Mr Slade that it would be difficult for the SPS to operate effectively with restrictions on travel times prior to operations commencing for the day, as some staff, such as makeup artists, need to be onsite ahead of other staff. Therefore, a more appropriate way to mitigate and manage the traffic noise effects prior to 7am would be to reduce the number of vehicles travelling in that time period to the extent achievable.
88. The traffic volumes used by Mr Peakall for his noise assessment are based on the acknowledged conservative figure used by Mr James. These figures are based on the largest expected production likely to be accommodated in terms of staff numbers and do not assume any use of mini vans or buses.<sup>18</sup> Traffic volumes for most productions are likely to be lower and will certainly be lower for periods between productions when the site is only anticipated to be accessed by the 70 permanent staff.
89. Nevertheless, the transportation of multiple staff by minibus is commonplace in Hawke's Bay in the horticultural sector and provides a potential option for the SPS to reduce adverse noise amenity effects of traffic accessing the site prior to 7am by reducing volumes.
90. I propose to work through the potential wording for a condition to reduce traffic numbers with the Applicant's to present for consideration at the hearing.

<sup>16</sup> Brief of Evidence of Stephen Jack Peakall, paragraph 57.

<sup>17</sup> Brief of Evidence of Stephen Jack Peakall, paragraph 58.

<sup>18</sup> Brief of Evidence of Stephen Charles James , paragraph 47

Appropriateness of Large-Scale Commercial Activity

91. In my opinion the proposed SPS meets the generic District Plan definition of Commercial Activity which is as follows:

*“means 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.”*

92. With a proposed total building GFA of 10,070m<sup>2</sup> the proposed SPS substantially exceeds the Rural Zone commercial activity permitted GFA limit of 100m<sup>2</sup>.<sup>19</sup> This results in a Discretionary Activity status under Rule RZ24 along with other potentially significant discretionary activities including industrial crop processing activities exceeding a GFA of 2,500m<sup>2</sup> (RZ23), Dairy Processing Plants (RZ25) and Rural Transport Depots (RZ26). These activities are therefore able to be assessed on their merits under s104 of the RMA through the resource consent process. In the Plains Production Zone, where greater importance is given to the retention of versatile land for primary production, commercial activities exceeding the commercial activity permitted GFA limit of 100m<sup>2</sup> are a non-complying activity under Rule PP39.
93. The s42A report assesses that the Proposal should also be classified as an industrial activity due to the making of props on site.<sup>20</sup> Specifically, this component of the activity involves a 'construction workshop of approximately 1,050m<sup>2</sup> GFA. I agree that this is correct but has no effect on the overall status of the application, as 'other industrial activities' exceeding 100m<sup>2</sup> of GFA are also a Discretionary Activity under Rule RZ23.
94. Given the above context, the District Plan does not provide any specific regulatory direction that industrial or commercial activities over a certain scale are necessarily inappropriate. Rather, in assessing the activity under the RMA, regard is to be had to any actual or potential effects on the environment of allowing the activity (s104(1)(a) of the RMA) and the relevant statutory provisions listed under s104(1)(b) of the RMA.

<sup>19</sup> District Plan Rule RZ5 and specific performance standard 5.2.6C.  
<sup>20</sup> S42A Report (section 6.2.1).

95. Having considered the matters raised by submissions and given further consideration to Traffic and Traffic Amenity effects in the context of the relevant objectives and policies of the Ditrct Plan as discussed in this evidence , I retain the conclusion that I made in the AEE that any adverse effects will be no more than minor (aside from the potential noise of traffic volumes prior to 7am when the SPS is operating with a large scale production),<sup>21</sup> as discussed above. With the conditions recommended by Ms Kydd-Smith in Attachment 38 to the s42A Report as modified by the recommendations in the briefs of evidence of Mr James and Mr Peakall, and with a condition to manage and reduce traffic movements prior to 7am, I consider that any adverse effects of the proposed SPS, will be appropriately avoided, remedied or mitigated.
96. The AEE had regard to the relevant statutory instruments listed under s104(1)(b) of the RMA. I stand by that assessment that the Regional Policy Statement<sup>22</sup> ("RPS") and Hastings District Plan are the most relevant documents to consider in the assessment of the proposed SPS.
97. I also stand by my conclusion that the proposed SPS is generally consistent with the relevant objectives and policies of the RPS, for the reasons set out in the AEE.
98. I further stand by my assessment of the relevant District Plan provisions in the AEE but seek to expand on how the proposed SPS achieves consistency with the outcomes for the respective Commercial and Industrial Activity performance standards, and with the relevant objectives and policies.
99. The District Plan Outcome applying to the Commercial Activity threshold limits standard in the Rural Zone (5.2.6C) is set out as follows:

*"Commercial Activities which have a relationship to goods produced in the Rural Zone will have the opportunity to establish. The life-supporting capacity of the rural land resource will be safeguarded by limiting the size of Commercial Activities to a size and scale that have a potential for minor adverse effects and is compatible with the Character of the Rural Zone."*

<sup>21</sup> Application AEE (pages 47 & 66). I also acknowledge that effects being 'no more than minor' is the test under section 95A of the RMA for determining if public notification is required and is not a test for determination of an application under section 104 of the RMA.

<sup>22</sup> Contained within the Hawke's Bay Regional Resource Management Plan.

100. The corresponding outcome applying to the Industrial Activity thresholds standard in 5.2.6B is identical in intent:

*"Industrial Activities which have a relationship to crops produced in the Zone will have the opportunity to establish. The life-supporting capacity of the rural land resource will be safeguarded by limiting the size of Industrial Activities to a scale that has potential for minor adverse effects and is compatible with the character of the Rural Zone."*

101. These outcomes are consistent with the theme of District Plan policies RZP5 (as set out in the s42A report, section 11.5) and RZP10 (as addressed above) in enabling industrial and commercial activities within the Rural Zone with limits on scale and intensity to protect soil values, rural character and the sustainability of the District's Commercial and Industrial Zones.

102. The above outcomes refer to *"a relationship to goods produced in the Rural Zone"*, and the explanation to Policy RZP5 refers to the Zone not being undermined by *"activities of an inappropriate scale or with no tangible tie to the Rural Zone"*. While the SPS will not have a traditional relationship to crops and agricultural production from the Rural Zone, it is seeking to establish a new relationship based on the natural resources of the Rural Zone. While much of the screen production would take place within the purpose-built studios, some filming would also take place on location. This may include water scenes utilising one of the farm dams on the Te Awanga Downs property, or scenes involving farmland or vegetation on the property, forestry on nearby properties (subject to agreement with the owners), or coastal scenes from the nearby Cape Coast. Having these locations immediately adjacent to or close by the SPS provides significant efficiencies in time and transport costs. In this sense there will be a tie with the Rural Zone setting, and some of the resulting screen productions will therefore have a relationship back to the Rural Zone, at least in character and landscape resource terms.

103. Policy RZP10 refers to the need to allow some diversification away from traditional farming activities in providing for flexibility of land use providing the scale of the activity *"is not out of character with the rural environment and / or beyond the capacity of the environment to cope with environmental effects."*<sup>23</sup> The above

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<sup>23</sup> Explanation to Policy RZP10.

outcomes and Policy RZP5 are also concerned with these same matters. The location and design of the facility such that it will not be visible from public viewpoints or nearby dwellings helps to ensure compatibility with the landscape and visual character of the rural environment.

104. As also discussed above, the potential adverse effects of greatest concern to the submitters are the effects of increased traffic volumes on the safety and efficiency of the roading network and the resulting noise amenity effects created by the traffic volumes. For the reasons stated above I consider that these effects, with the conditions proposed in attachment 38 to the s42A Report, and modifications and additions proposed by Mr James, Mr Peakall and myself, can be appropriately avoided, remedied or mitigated, and would not be beyond the 'capacity of the environment to cope'.
105. Policy RZP5 also seeks to limit commercial and industrial activity to maintain the sustainability of the District's Commercial and Industrial Zones. I do not consider that the proposed Rural Zone location of the SPS threatens the integrity of the District's Industrial or Commercial Zones. The size and privacy requirements of a SPS are not compatible with a Commercial Zone location. While location within an Industrial Zone could be made to work, as is the case with SPS in Auckland, it would not provide the same privacy, amenity and film location advantages that the proposed site offers.
106. The outcomes to standards 5.2.6B and 5.2.6C, and policies RZP5 and RZP10 are all concerned with protecting the sustainability / life supporting capacity, of the rural land / soil resource, in managing the scale of commercial and industrial activities. Although each of these District Plan provisions expresses this matter in a different way, the direction remains the same, that commercial and industrial activities should not jeopardise the ongoing use of the rural land resource for primary production activities. This can happen in two ways, directly by productive and versatile land being covered in buildings and impervious surfaces by commercial and industrial use, or by such activities restricting the operation of surrounding agricultural, horticultural or viticultural activities by demanding higher levels of amenity, otherwise known as reverse sensitivity effects.
107. Concern about reverse sensitivity effects has been raised in the submission from Ocasor Limited. In locating on the Te Awanga Downs farm the Applicants are aware of their responsibilities to co-exist with surrounding agricultural activities.

Offering a legal undertaking of a 'no-complaints condition' will ensure that the SPS operation cannot frustrate the agricultural and forestry activities on the Ocasor Limited property.

108. The loss of rural zoned land to commercial activity building and impervious surface coverage has also been addressed above under the heading 'Productive Land Loss', with the key points being that although having an LUC3 classification the land has both dry and wet weather constraints and is comparatively less versatile than the majority of the Heretaunga Plains. Further to this, the proposed building and paved areas will occupy less than 1% of the total area of the Te Awanga Downs farming property with the lease area equating to approximately 6%. I do not therefore consider the loss of rural land resource as proposed to be significant.
109. Objective RSMO2 and policy RSMP3 of the Rural Resource Strategy and policy RZP5 of the Rural Zone are also concerned with commercial or industrial activities not compromising the established commercial and industrial zones within the District. As mentioned above, I do not consider that the proposed SPS is appropriate for location in a commercial zone due to its size and privacy requirements. Location in an industrial zone would be possible for the workshop and studio components of the activity, but could not offer the land area, privacy, on site amenity, and locational filming advantages of the proposed site.
110. The sustainability of the District's commercial and industrial zones could be undermined by activities locating in the Rural Zone that have no functional tie to that zone and which could more appropriately be located in a commercial or industrial zone. For the reasons set out above I do not consider that is the case here as the proposed SPS will have a tie to the natural resources of the Rural Zone for outdoor filming and would not be more appropriately located in a commercial or industrial zone.
111. Based on the above assessment I consider that the proposed SPS as a large scale commercial and industrial activity, is appropriate with regard to the objectives and policies of the District Plan, to be located in the Rural Zone as proposed.

#### **AREAS OF AGREEMENT AND DISAGREEMENT WITH SECTION 42A REPORT**

112. My preceding assessment has noted areas of agreement and disagreement with the s42A report. I do not therefore propose a paragraph-by-paragraph consideration of the s42A Report, rather I will highlight my difference of opinion

with the District Plan objective and policies assessment and will comment on the matters identified as unresolved.

113. Section 11.5 of the s42A Report identifies the relevant District Plan objectives and policies and I agree that those are the relevant provisions, with the addition of Rural Resource Strategy policy RRSP4 which I quote above.
114. Section 11.6 of the s42A Report sets out a summary and conclusion of the Proposal's consistency with the relevant District Plan objectives and policies. Potential inconsistency is identified with Objective TPO1 and Policy TPP1 relating to traffic matters due to the Parkhill Road / East Road intersection. Mr James has since confirmed that this intersection will be able to provide an appropriate level of service with the SPS operating. With the additional safety works identified by Mr James for this intersection to be required by consent conditions, I consider that the Proposal will achieve consistency with Objective TPO1 and Policy TPP1.
115. The s42A Report identifies that if the Applicant is unable to offer an acceptable solution to noise from traffic movements affecting the amenity of Parkhill Road residents that the Proposal will be inconsistent with (but not contrary to) Rural Zone Objective RZO2 and Policies RZP4 & RZP9, and Noise Section Objective NSO1 and Policy NZP7.
116. Objective RZO2 and Policy RZP4 relate to rural character and amenity generally. I have assessed the Proposal as being generally consistent with this objective and policy (see paragraph 49 above) noting that noise is but one component of rural character and amenity.
117. Policies RZP9 and NZP7 and Objective NSO1 are specific to managing noise effects. The Proposal will generate significant traffic volumes during periods of filming but will have light traffic flows at other times. As discussed above and agreed by Mr Peakall, noise from traffic will be sporadic throughout the day with morning and afternoon peaks, which is characteristic of traffic generated by permitted Rural Zone activities such as crop processing facilities or wineries.
118. Again, relying on the brief of evidence of Mr Peakall, I accept that high levels of traffic and associated noise prior to 7am will be significant in terms of the noise provisions of the District Plan. Subject to such traffic flows being managed by the Applicant adopting a procedure for reducing the number of private vehicle trips by

use of ride sharing, mini vans or buses I consider that the Proposal will achieve consistency with RZO2, RZP4, RZP9, NSO1 and NZP7.

119. The s42A Report includes an assessment against Part 2. Due to the *Davidson* Court of Appeal decision, I do not consider to be necessary. I note that the assessment undertaken states that the Proposal will not fully achieve the purpose of the RMA for reasons of noise amenity effects. In my opinion it follows that if the Applicant can demonstrate at the hearing that traffic generation prior to 7am can be managed to a level where noise amenity effects are acceptable (noting Mr Peakall's assessment that they are 'reasonable' regardless), then this aspect of the sustainable management purpose of the RMA will be promoted.
120. The s42A Report conclusion lists four unresolved matters, which in summary are:
  - (a) Traffic effects relating to the Parkhill Road / East Road intersection.
  - (b) Noise from traffic movements on Parkhill Road affecting occupants of dwellings.
  - (c) Adverse character and amenity effects of the Parkhill Road area due to traffic volumes and associated noise.
  - (d) Reverse sensitivity effects from outdoor filming.
121. In my opinion matter (a) has been resolved by the additional traffic modelling undertaken by Urban Connection and the recommended safety improvements in the brief of evidence of Mr James; and matter (d) is addressed by the proposed 'no-complaints' undertaking condition.
122. I consider that (b) and (c) are essentially the same matter, being potential adverse noise amenity effects resulting from traffic volumes. I do not agree with the statement included under matter (c) in the s42A Report that the use of acoustic barriers would have more than minor visual amenity effects on the open character of the Parkhill Road area. I note that Mr James does not consider such mitigation to be necessary in any case, however if a noise mitigation condition was to arise out of the hearing, I consider that an acoustic barrier to screen specific dwellings could be incorporated as part of the dwelling frontage without reducing the character of the wider area.
123. As explained above, I consider that measures should be undertaken to manage the potential noise amenity effects prior to 7am by reducing traffic volumes using



shared vehicles. Following further discussion with the Applicant, such a condition will be offered at the hearing. That being the case, all the unresolved matters identified in the s42A Report would have been addressed.

## **CONCLUSION**

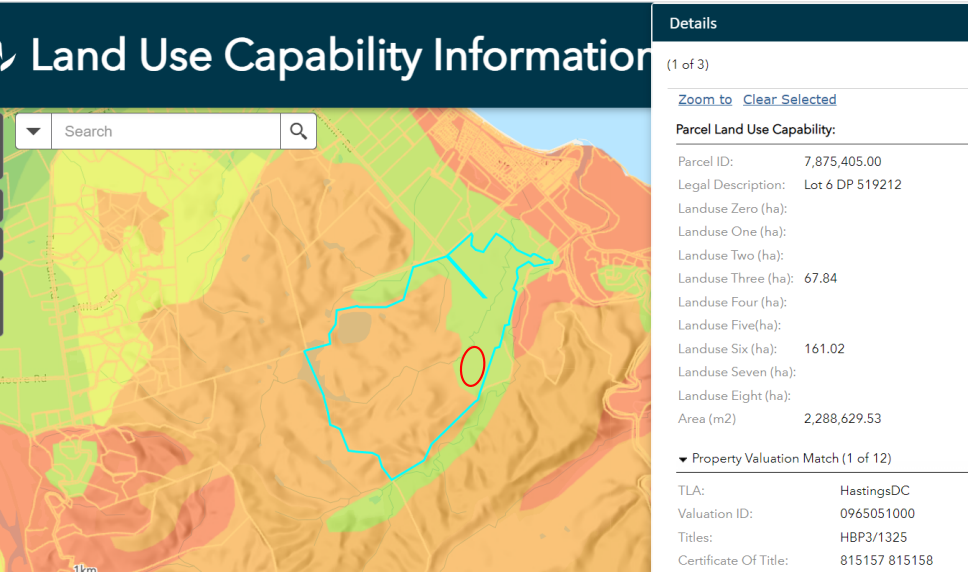
124. The proposed SPS development and its associated access has been deliberately located and designed with expert technical inputs to avoid or minimise adverse effects on the environment. This includes location off the versatile Plains Zoned land of the Heretaunga Plains; avoiding recorded archaeological sites; avoiding adverse visual effects; mitigating, and avoiding adverse stormwater and flooding effects including on the Te Awanga flood protection dam; and enhancing the landscape amenity and biodiversity of the site with additional tree planting and landscaping. Once operational the SPS would give rise to significant social and economic benefits to Hawke's Bay, including by a combination of employment opportunities and business support opportunities, as well as the more indirect benefits of enhanced profile via locational filming.
125. Expert traffic assessment and review has resulted in proposed road network upgrades which will in my opinion avoid any adverse effects of the increased traffic generation on the safety and efficiency of the public road network.
126. While there will be noise generated from the increased traffic on Parkhill Road this will generally be consistent with amenity levels expected in the Rural Zone, except for the noise levels generated prior to 7am. Accordingly, conditions will be offered at the hearing to ensure that traffic volumes prior to that time can be reduced sufficiently to ensure that resultant noise levels will be at an acceptable level.
127. The proposal has been assessed against the relevant provisions of the statutory planning documents and in my opinion is consistent with and not contrary to the relevant objectives and policies of the RPS and District Plan. In my opinion subject to conditions, this Proposal can be assessed favourably under section 104 of the RMA.



Philip McKay

26<sup>th</sup> September 2022

Appendix 1



Approximate location of the specific SPS development area identified by red circle. The blue outline identifies the portion of the Te Awanga Downs farm that the SPS site is located within. The light green shading identifies LUC 3 land and the orange shading identifies LUC 6 land.