

Monday, 10 October 2022

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

*Kaupapataka*

# Hearing Decision – No8. Studios

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

*Te Rā Hui:*  
Meeting date/s held: **Monday, 10 October 2022 and continued on Wednesday, 12 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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Monday, 10 October 2022

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*Te Hui o Te Kaunihara ā-Rohe o Heretaunga*  
**Hastings District Council: Commissioner Hearing**

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*Te Kōmihana 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

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**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)**

**HEARING DECISION DOCUMENT - COMPILED AS ONE DOCUMENT**

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

**Attachments:**

1    Attachment 1 - RMA20210474 Decision - No8. Studios      RMA20210474#0010      Pg 3

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Monday, 10 October 2022

Item 2

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

*Te Rārangi Take*

# Report to Commissioner Hearing

*Nā:*  
From: **Christine Hilton, Democracy and Governance Advisor**

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

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

- 1.1 The purpose of this report is to have a means to put the Commissioner Decision from the hearing held on 10 October 2022 to address the 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)) onto the website, following completion of the hearing and release of the decision.

## **2.0 Recommendations - Ngā Tūtohunga**

That the Commissioner Decision from the hearing to address the 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) held on 10 October 2022 be put onto the website so it can be viewed by members of the public.

## **Attachments:**

[A↓](#) RMA20210474 Decision - No8. Studios

RMA20210474#0010



**DECISION FOLLOWING THE HEARING OF AN APPLICATION FOR RESOURCE CONSENT UNDER THE RESOURCE MANAGEMENT ACT 1991 (RMA)**

**Proposal**

To construct and operate a screen production studio comprising two studio buildings, a production building, a construction workshop, a catering café and associated carparking and trailer parking areas, including construction of an approximately 2.5km long private access road, public roading improvements and all associated construction works.

The resource consent is **GRANTED** subject to conditions. The reasons are set out below.

**Application Details**

<b>Application number:</b>	RMA20210474
<b>Applicant:</b>	No 8 Studios Limited
<b>Site address:</b>	Gordon Road and 376 Parkhill Road, Te Awanga
<b>Legal Description:</b>	Lots 6-8 DP 519212 (RT 815158, owned by Te Awanga Downs Trustee Limited); and Lots 1-2 DP 24898 (RT HBV3/731, owned by Hawke's Bay Wine Investments Limited and referred to in this decision as 'Te Awanga Estate').
<b>Site Area:</b>	229.5950ha (Lots 6-8 DP 519212) and 17.3590ha (Lots 1-2 DP 24898).
<b>Relevant district plan and zoning:</b>	Hastings District Plan (Operative in Part, March 2020) - Rural Zone.
<b>Relevant district plan provisions:</b>	Section 5.2 Rural Zone - Rules RZ5, RZ16 and RZ24 Section 5.2.5 Rural Zone - General Performance Standards and Terms Section 5.2.6B Industrial Activities Section 5.2.6C Commercial Activities Section 26.1.6 Transport and Parking General Performance Standards and Terms Section 27.1.5 Earthworks Rule EM6 Archaeological Sites Overlay
<b>Application activity status:</b>	Restricted Discretionary Activity (Rules RZ16 and EM6) Discretionary Activity (Rules RZ23 and RZ24).

**Hearing Details**

<b>Hearing days:</b>	10 and 12 October 2022
<b>Independent Commissioner:</b>	Kitt Littlejohn
<b>Appearances:</b>	<b>No 8 Studios Limited (Applicant):</b> Martin Williams - Legal Counsel Derek Slade – Applicant Representative Christopher Nilsson - Landowner Richard Gaddum – For 'Save the Plains'

	<p>Shannon Bray – Landscape &amp; Visual Effects                  Stephen James – Traffic &amp; Transportation Effects                  Stephen Peakall – Noise Effects                  Philip McKay - Planning</p> <p><b><u>Submitters</u></b></p> <p><u>Parkhill Residents</u>                  Lara Blomfield – Legal Counsel                  Cameron Drury – Planning                  Joseph Durdin – Traffic &amp; Transportation Effects                  Kimberley McKay – Resident (328 Parkhill Road)                  Rachel Deakin – Resident (332 Parkhill Road)                  Annah Kight – Resident (299 and 307 Parkhill Road)                  Andrew Caseley – Resident (227 Parkhill Road)</p> <p><u>Ocasor Limited</u>                  Lara Blomfield – Legal Counsel                  Mark Morice – Submitter representative                  Cameron Drury – Planning</p> <p><u>Te Awanga Kindergarten</u>                  Paul Hursthouse</p> <p><b><u>Hastings District Council:</u></b>                  Janeen Kydd-Smith – Section 42A reporting officer                  Jon Styles – Noise Effects                  Michael Smith – Transportation Effects                  Bruce Conaghan – HDC Transportation Policy and Planning Manager                  Christine Hilton – Hearings Adviser</p>
<b>Commissioners’ site visit</b>	11 October 2022
<b>Hearing Closed:</b>	16 November 2020

## **INTRODUCTION**

1. This decision is made on behalf of the Hastings District Council (**Council**) by an Independent Hearing Commissioner<sup>1</sup> and has been prepared in accordance with ss 18A<sup>2</sup> and 113<sup>3</sup> of the RMA. It sets out the findings and determinations made following the hearing of the application by No 8 Studios Limited (**No 8**) to construct and operate a screen production studio (**SPS**), at Gordon Road and 376 Parkhill Road, Te Awanga (**Application**).<sup>4</sup>

### **Procedural matters**

2. The application by No 8 was limited notified to affected persons on 27 May 2022, with the submission period closing on 27 June 2022.<sup>5</sup> A total of 10 submissions were received, one in support, six in opposition, two in support subject to the imposition of conditions, and one seeking the inclusion of conditions but without an indication of whether it seeks that the Application be declined or granted.
3. I was delegated the task of determining the Application on 29 June 2022 and oversaw the issuing of directions for the pre-exchange of reports and evidence, which were issued on 6 September 2022. These directions were varied with respect to the timing of the provision of expert traffic evidence on 16 September 2022 following the receipt and consideration of memoranda from Ms Blomfield, counsel for some of the submitters, and Mr Williams, counsel for No 8.
4. I conducted a visit to the proposed site of the SPS and the surrounding area on 11 October 2022, accompanied by a Council employee and representatives of the landowner, none of whom were directly involved in the hearing of the Application.

### **Materials considered and hearing process**

5. Prior to the commencement of the hearing the following materials were provided to me and reviewed:
  - (a) A copy of No 8's Application, including its supporting Assessment of Environmental Effects (**AEE**)<sup>6</sup>, prepared in accordance with Schedule 4 of the RMA;<sup>7</sup>
  - (b) Further information provided by No 8 in response to requests from Council officers under s 92;
  - (c) A copy of all submissions made on the Application;

<sup>1</sup> Kitt Littlejohn, appointed and acting under delegated authority under ss 34 and 34A of the RMA.

<sup>2</sup> Section 18A requires persons exercising powers and performing functions under the RMA to take all practicable steps, inter alia, to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions or powers being performed or exercised.

<sup>3</sup> Section 113 sets out the matters to be included in any decision on a resource consent application. Although not structured to follow the format of s 113, this decision has addressed and included all of the matters required by s 113.

<sup>4</sup> A full description of the Application is set out in s 4 of the s 42A Report.

<sup>5</sup> Section 7 of the s 42A Report.

<sup>6</sup> Assessment of Environmental Effects Report by Mitchell Daysh Limited dated 16 September 2021.

<sup>7</sup> Unless otherwise specified, references to sections and sub-sections are references to sections and sub-sections in the Resource Management Act 1991.



- (d) A report on the Application and submissions received prepared under s 42A by Ms Janeen Kydd-Smith<sup>8</sup>, a consultant planner engaged by the Council;
  - (e) Briefs of evidence in support of the application from No 8<sup>9</sup> and expert briefs of evidence from submitters;<sup>10</sup> and
  - (f) A Joint Witness Statement – Traffic<sup>11</sup>, prepared by the traffic engineers engaged by No 8, the Council and the submitters respectively, following expert witness conferencing conducted by them.
6. The s 42A report prepared by Ms Kydd-Smith analysed all of the information received in relation to the Application in a thorough and considered manner. The report was supported by statements of evidence from Mr Michael Smith, a traffic engineer, and Mr Jon Styles, an acoustic engineer, both of whom had been engaged by the Council to advise it on these technical matters. In the s 42A report, Ms Kydd-Smith reserved making any recommendation on the granting or declining of the Application, advising that she wished to hear the applicant's evidence at the hearing in relation to unresolved matters. Despite that, she helpfully included a proposed set of conditions for consideration in the event that a grant of consent was to be made.
  7. The s 42A report was taken "as read" at the hearing, as were the briefs of pre-exchanged evidence. Witnesses were given the opportunity to summarise and/or highlight aspects of their written briefs. Four of No 8's witnesses presented written summary statements,<sup>12</sup> with one of those statements (from Mr James) including rebuttal comments in relation to matters that were unresolved following expert traffic witness conferencing.
  8. Expert witnesses for the submitters also presented summary statements as part of the submitters' presentation. These summary statements also incorporated rebuttal and further supplementary evidence.<sup>13</sup>
  9. After hearing the evidence from submitters, I recalled Mr Slade, a witness for No 8, to question him further on matters concerning the operation of the proposed SBS that were within his knowledge and experience.
  10. At the conclusion of hearing evidence from No 8 and the submitters, Ms Kydd-Smith and the expert consultants advising her summarised their assessments and provided responses or further comments on matters that had arisen during the hearing relevant to their areas of expertise. Ms Kydd-Smith advised that based on the evidence she had heard and the matters raised by her expert advisers, due to a lack of clarity as to how certain effects would be managed she remained unable to recommend that consent be granted to the Application.
  11. At the end of proceedings, the hearing was adjourned pending advice from Mr Williams, Counsel for No 8, as to how the applicant wished to present its reply to the matters raised at

<sup>8</sup> Dated 16 September 2022.

<sup>9</sup> Mr James (23 September 2022); Mr Slade (27 September 2022); Mr Gaddum (27 September 2022); Mr Nilsson (27 September 2022); Mr Bray (27 September 2022); Mr Peakall (27 September 2022); Mr McKay (27 September 2022). Refer Schedule 1 for a summary of the evidence presented.

<sup>10</sup> Mr Durdin (4 October 2022); Mr Drury (4 October 2022). Refer Schedule 1 for a summary of the evidence presented.

<sup>11</sup> Dated 6 October 2022.

<sup>12</sup> Mr Slade, Mr Peakall, Mr James and Mr Mackay (all dated 10 October 2022).

<sup>13</sup> Mr Durdin (10 October 2022); Mr Drury (10 October 2022)

the hearing. A memorandum was received on 13 October 2022, and directions were issued which envisaged further expert conferencing and the filing of a written reply.<sup>14</sup> On 11 November 2022, No 8 filed legal submissions in reply, a supplementary statement of evidence from Mr Slade, a rebuttal affidavit from Mr James, a (second) Joint Witness Statement of traffic experts (dated 10 November 2022) and various other supporting materials.

12. By minute dated 16 November 2022, I confirmed receipt of No 8's reply materials and formally closed the hearing.
13. A minute setting out the procedural matters undertaken prior to the commencement of the hearing and a record of the hearing was prepared by the Council's administration team and is included in **Schedule 1** to this decision.

#### **Summary of evidence**

14. Section 113 of the RMA requires me to provide a summary of the evidence heard at the hearing. The volume of evidence and representations presented at the hearing was considerable, but the key issues and themes were consistent with the comprehensive summary set out in the s 42A report. By way of general observation, the majority of submitters (being owners of properties along Parkhill Road) have concerns around the safety for users of Parkhill Road if the SPS is allowed to establish and operate as proposed, the level of traffic noise that would result from the increased traffic volume on Parkhill Road, as well as the resultant effect on the rural character and amenity of the area.<sup>15</sup>
15. A summary of the written evidence presented at the hearing is included in **Schedule 2** to this decision. Where necessary, I discuss evidence directly relevant to the issues in contention with the Application later in this decision.

#### **THE SITE, PROPOSAL AND CONSENT REQUIREMENTS**

16. A detailed description of the proposal and the site are set out in the application documents and the s 42A report. The following summary is derived from these materials and, in relation to the site, informed by my site visit.

##### **The site**

17. The site of the proposed SPS and its associated access comprises three separate records of title.<sup>16</sup> Two of these titles are owned by Te Awanga Downs Trustee Limited and have a combined area of approximately 359ha. No 8 proposes to lease approximately 24ha of this property for its development and an additional area for the majority of its access road. To connect its access road to Parkhill Road proper, No 8 will also require an easement over the third land parcel, which is owned by Te Awanga Estate.
18. No plan clearly identifying the area to be leased was included with the Application. Indicative areas are shown in Figure 1 of the AEE and Figure 3 of Appendix C1 (Landscape Report). The clearest plan of the proposed lease area is Figure 3 in Appendix F of the AEE (Archaeological Assessment). Although it is labelled "24ha approx.", I propose to rely on this

<sup>14</sup> Commissioner direction by way of email dated 19 October 2022.

<sup>15</sup> Section 42A report, at section 7.2

<sup>16</sup> Te Awanga Downs Trustee Limited is the registered proprietor of two of those titles, and the third property is registered under the name of Te Awanga Estate.







































































































































