

BEFORE THE REGULATORY COMMITTEE OF WAIPA DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991 (Act)

AND

IN THE MATTER of an application to the Waipa District Council by Festival One Ltd for resource consent under section 88 of the Act to establish and operate an annual temporary event (Christian music festival) in the Rural Zone at 209 Whitehall Road, Karapiro

**STATEMENT OF EVIDENCE OF MARK BULPITT CHRISP
ON BEHALF OF THE APPLICANT**

(Planning)

Dated: 27 AUGUST 2021

INTRODUCTION

1. My full name is Mark Bulpitt Chrisp. I am a Principal Environmental Planner in the Hamilton Office of Mitchell Daysh Ltd, a company which commenced operations on 1 October 2016 following a merger of Mitchell Partnerships Ltd and Environmental Management Services Ltd (of which I was a founding Director when the company was established in 1994 and remained so until the merger in 2016).
2. In addition to my professional practice, I am an Honorary Lecturer in the Department of Geography, Tourism and Environmental Planning at the University of Waikato. I am also the Chairman of the Environmental Planning Advisory Board at the University of Waikato, which assists the Environmental Planning Programme in the Faculty of Arts and Social Sciences in understanding the educational, professional and research needs of planners.
3. I have a Master of Social Sciences degree in Resources and Environmental Planning from the University of Waikato (conferred in 1990) and have more than 30 years' experience as a Resource Management Planning Consultant.
4. I am a member of the New Zealand Planning Institute, the New Zealand Geothermal Association, and the Resource Management Law Association.
5. I am a Certified Commissioner under the Ministry for the Environment's 'Making Good Decisions' course.
6. I have appeared as an Expert Planning Witness in numerous Council and Environment Court hearings, as well as several Boards of Inquiry (most recently as the Expert Planning Witness for the Hawke's Bay Regional Investment Company Ltd's proposed Ruataniwha Water Storage Scheme).
7. I have been heavily involved in planning processes associated with consenting activities in the Waipa District over the last three decades. This has included:
 - (a) Assisting Transit New Zealand (now Waka Kotahi) determining the route for the State Highway 1 Bypass of Cambridge (now constructed as part of the Waikato Expressway);

- (b) St Kilda Residential Development in Cambridge – including rezoning the land for residential purposes by way of a Private Plan Change to the Waipa District Plan, and various resource consents including, most recently, for eight residential apartments; and
 - (c) Rezoning 56 hectares of land at Hautapu (by way of a Private Plan Change) to create the Bardowie Industrial Precinct, facilitating the relocation of APL to Cambridge;
 - (d) Fonterra Hautapu (various land use consents and regional consents for takes and discharges);
 - (e) Securing resource consents from Waikato Regional Council for Waipa District Council to be able to discharge stormwater from the C1 and C2/C3 Growth Cells (and an associated outfall structure to the Waikato River); and
 - (f) Currently assisting 3Ms of Cambridge with its Residential Development on Cambridge Road, Cambridge.
8. One of my previously projects, which has similarities with the current application by Festival One, was securing consents for a range of developments on the Karapiro Domain (including the Rob Waddell Lodge, Rowing NZ's High Performance Centre, the Don Roland Centre and various other amenity buildings) as well as consent for the 2010 World Rowing Championship Regatta. These consents were obtained at a time when the Karapiro Domain was zoned Rural Zone.
9. The resource consent application for Festival One was prepared by my colleague, Ian Johnson, before he emigrated back to the UK in early 2021. I have managed this application since then including the preparation and/or collation of the further information provided to Council on 11 June 2021.
10. I am familiar with the site at 209 Whitehall Road known as Hartford Farm.
11. In preparing this evidence I have reviewed:
- (a) The resource consent application to Waipa District Council ("WDC") for a Land Use Consent and the Assessment of Environmental Effects dated 22 June 2020;
 - (b) Submissions made with respect to the Application;
 - (c) The s.42A report dated 2 November 2020 prepared by Ms Hayley

- Thomas for WDC (“the original s.42A report”); and
- (d) The updated s.42A report dated 13 September 2021 prepared by Mr Aidan Kirkby-McLeod for WDC (“updated s.42A report”).

SCOPE OF EVIDENCE

12. I have been engaged by Festival One Limited (“the Applicant” or “Festival One”) to present planning evidence in relation to its Land Use Consent Application. In addition to the AEE supporting the application, a thorough evaluation of the application has been undertaken in the updated s.42A report. This includes an analysis of the effects of the proposed activity on the environment and an assessment in relation to the provisions of the relevant policy and planning documents.
13. I note the recommendation in the updated s.42A report that consent be granted. I support that recommendation.
14. I do not propose to repeat the matters addressed in the AEE and the updated s.42A report. Rather, I proposed to highlight a number of key matters that require further consideration and/or amplification. Specifically, my evidence:
- (a) Summarises the efforts that have been undertaken to address the issues of concern that lead to the original s.42A report recommending that consent be declined;
 - (b) Highlights a number of key points in relation to s.104 of the RMA, including reinforcing some of the conclusions reached in the s.42A report;
 - (c) Discusses the issue of ‘rural character’ and the key policy guidance relating to non-farming activities in the Rural Zone;
 - (d) Discusses the term of consent; and
 - (e) Confirms the Applicant’s position in relation to proposed conditions of consent.

CODE OF CONDUCT

15. Whilst I appreciate that this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and I agree to comply with it.

16. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state that I have relied on the evidence of other persons. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

AMENDED PROPOSAL

17. The original s.42A report prepared by Waipa District Council dated 2 November 2020 recommended that the application be declined for a range of reasons. As noted in the s.42A report dated 13 September 2021, the Applicant then requested that the processing of the application be suspended to enable the Applicant to attempt to resolve the concerns held by Council staff and submitters. Since that time, significant effort has gone into resolving the various issues of concern including the following.

Scale of the Festival and Site Management

18. It is proposed that the Festival be scaled back in the first four years compared to the numbers proposed in the application. Specifically, it is now proposed that the Festival will involve the following maximum numbers of people:

Year	Maximum Number of Patrons	Maximum Number of Crew	Total Number on Site
Year 1 & 2	5,000	1,500	6,500
Year 3 & 4	7,500	1,750	9,250
Year 5 onwards	10,000	2,000	12,000

19. While the organisers of Festival One have a substantial amount of experience in successfully running music concerts over many years, the lower number of patrons in the first four years will enable an adaptive management approach to be adopted whereby the running of the Festival can be 'fine-tuned' in each successive year to tailor the Festival to the new site and address any issues that may arise.
20. Festival One will be the subject of an Event Safety Plan. A copy of the Event Safety Plan for the last event held at Mystery Creek in January 2021 was included as part of the further information provided on 11 June 2021. It is proposed (by way of a consent condition) that Festival One on Hartford Farm

will be the subject of an Event Safety Plan.

Purchase of Properties / Written Approvals

21. The proximity of two properties owned by third parties (MA and T Guest and Praedium Ltd (B and S Ede) – who were also submitters in opposition) and the effects on the occupants of those properties (including noise in particular) was arguably the single most significant issue associated with the application. That issue has now been completely resolved as result of:
 - (a) The property at 2/207 Whitehall Road owned by MA and T Guest being purchased by the owner of the surrounding land on which Festival One is proposed (and written approval being obtained); and
 - (b) A written approval being obtained from the owner of the property at 1/207 Whitehall Road (Praedium Ltd / Eade) on the basis of an agreement being entered into in relation to the purchase of his property by the owner of the surrounding land on which Festival One is proposed.

22. This level of investment (millions of dollars) shows the level of commitment being made to responsibly address the actual and potential effects of Festival One on the surrounding environment.

Noise

23. It was agreed between the noise experts that noise emissions from the Festival will only result in discernible exceedances of the District Plan standards for day time or night-time noise in respect of the two residential properties at 1/207 and 2/207 Whitehall Road. As a result of the two properties referred to above being purchased or in the process of being purchased and written approval obtained from the owners of those properties, no effects of the Festival can be considered in relation to those properties.

24. Mr Hannah has advised that whilst minor infringement of the night-time noise limits at properties further afield may occur, the level of infringement will not be perceptible to the human ear and, in any event, will still maintain internal noise levels (with windows open) that will not result in sleep disturbance. Real time monitoring of noise levels at field monitoring stations by specialist audio

engineers will ensure that operational noise levels (which may be influenced by wind direction) will remain within the maximum levels in the proposed consent conditions.

25. On the basis of the above, noise issues have now been addressed to the point whereby they should not be an issue of concern, nor a reason for consent to be declined.

NZ Police

26. Ongoing liaison has occurred with David Hall at NZ Police. In correspondence David Hall states:

“The only concerns I have now relate to traffic management of the event. As long as you have sufficient data to support the Resource Consent Application regarding Traffic Management and there are plans to help negate the risks associated with large events, then that should be fine.”

27. This matter is addressed in the evidence of Mr Black and discussed as follows.

Traffic Management

28. Waka Kotahi (NZ Transport Agency) lodged a submission in support of the application (on the basis of conditions outlined in the Waka Kotahi Mitigation Letter dated 19 May 2020, which have been accepted by Festival One). Therefore, only issue that needs to be addressed in the management of traffic in relation to roads controlled by Waipa District Council.

29. A meeting, discussions and correspondence have been held with Tony Coutts and Bryan Hudson in relation to the traffic issues associated with the Festival. A report prepared by Mr Black (forming part of the information provided on 11 June 2021) addresses the traffic issues associated with the Festival. It concludes:

“Subject to the conditions of consent relating to transport (access and parking), approval of recommended event signage and a Temporary Traffic Management Plan, the effects of the proposal relating to traffic are likely to be minor or less. The conditions should take an adaptive management approach so that the mitigation can respond to transport effects as the Festival grows.

There does not appear to be any significant reason relating to transportation why the application should not be approved subject to the conditions of consent.”

Ecological Effects

30. Concerns about potential ecology and biodiversity effects were raised in the submission from Waikato Regional Council (WRC). A meeting was held with WRC to discuss the issues raised in the submission and ways in which those issues can be addressed (by way of appropriate conditions). This was followed up with correspondence whereby consent conditions were proposed. As a result of subsequent exchanges of correspondence, a set of conditions have been agreed to with WRC which address the concerns raised in their submission. In this regard, an agreed addition to the condition relating to bat monitoring is presented towards the end of my evidence.

RMA CONSIDERATIONS

31. Section 104 of the RMA sets out the matters that the Hearing Panel needs to “have regard to” in determining the Land Use Consent Application by Festival One. In that regard, as a result of the actions and amendments to the proposal discussed above, the s.42A report and my evidence are in general agreement that:
- (a) The environmental effects of the proposed annual Festival are acceptable; and
 - (b) The proposal is consistent with (or at least not contrary to) the objectives and policies in the relevant policy and planning documents.
32. One aspect that requires some further comment is the issue of rural character which is discussed as follows.

RURAL CHARACTER AND AMENITY

33. The s.42A report discusses the effects of Festival One on the rural character and amenity of the Rural Zone and expresses a view that the proposal is “inconsistent with, but not directly contrary to, Objectives 4.3.7 and its associated policies”.¹

¹ Para 11.10 in the s.42A report.

34. Festival One is a temporary event as defined in the Waipa District Plan as follows:

“**Temporary event**’ means an ACTIVITY involving people engaged in recreational, leisure or meetings or similar pursuits either as participants or spectators and includes sports events, public meetings, carnivals, concerts, craft or trade fairs, displays, and filming, but excludes CUSTOMARY ACTIVITIES.” (emphasis added)

35. Rule 4.4.1.1(q) of the Waipa District Plan classifies temporary events as a Permitted Activity subject to compliance with performance standards. Failure to comply with Rules 4.4.2.51 to 4.4.2.53 results in a temporary event being a Discretionary Activity. Festival One fails a number of the performance standards in the rules referred to, namely the number of days the event is held, the hours of the activity, and the number of attendees.
36. In terms of potential effects on the character of the locality, the effects of the set up and pack down phases will be no different to those of a Permitted Temporary Event.
37. The difference between Festival One and a Permitted Temporary Event is simply a matter of scale and duration. The ability to hold a music concert as a permitted activity (within the limits specified in the Plan), demonstrates that there is nothing wrong or contrary to the character of the rural environment as a result of such an event occurring. What is called for in the present case are ways in which any effects on the environment associated with the increased scale and duration of the Festival can be appropriately addressed. The two key effects – noise and traffic – have been discussed above.
38. Proposals within Rural Areas are expected to achieve Objective 4.3.7 which aims to ensure that rural character and amenity values are maintained. Policies designed to achieve the objective refer to the need to restrict the density, scale, intensity and location of activities. Policy 4.3.7.10 specifically relates to temporary events and is therefore the policy of greatest relevance to the current application. It states:

“Temporary events associated with rural character are enabled subject to control of potential and actual adverse effects.”

39. The author of the s.42A report expresses a view that *“the proposal has a*

relatively tenuous relationship to the rural environment". The evidence of Mr Burt explains why Hartford Farm is a great location for Festival One, a key part of which is the rural location and setting. It is not possible to hold such an event within the urban areas of the Waipa District. Hartford Farm has the size, distance from neighbours, natural topography (including a natural amphitheatre for the main stage and large areas of flat land for other activities including camping and car parking). Equally importantly, it is the natural and tranquil setting in the rural environment that make Hartford Farm a great location for Festival One.

40. The Festival itself is a family based community gathering of a like-minded community celebrating and exploring its spiritual connections in a secluded, safe and natural environment. It is a 'retreat' on a grand scale and a significant proportion of visitors will camp on-site throughout the weekend. The natural setting is central to the creation of an appropriate environment for Christian celebration, in contrast to the industrial and soulless character of typical event venues.
41. The proposed Festival is clearly within the ambit of the Policy provided that the actual and potential adverse effects are appropriately controlled and that has been demonstrated through the work undertaken by Mr Hannah (Noise), Mr Black (Traffic) and Dr Mueller (nee Dumbleton) (Ecology). Festival One is therefore not contrary to Policy 4.3.7.10 in my opinion.
42. Objective 4.3.12 restricts non-farming activities in the Rural Zone to being those that have a functional and compelling requirement to locate within the Zone. Policy 4.3.12.1 gives effect to that objective by stating that non-farming activities are to be limited to those with a functional and compelling reason, where they will not result in the loss of land from primary production and where they will maintain rural character.
43. As previously noted, the requirements that Festival One has in terms of an appropriate location cannot be met within any of the urban areas within the Waipa District and, in my view, this provides both a functional and compelling reason to establish within the Rural Zone.
44. Taking account of the short-term duration of the event, the avoidance of any permanent loss of productive land and the fact that the rural character of the

locality will be maintained, the proposed activity is entirely consistent with the Objective 4.3.12 and Policy 4.3.12.1 applying to non-farming activities within the Rural Zone.

45. Finally, by way of comparison in relation to the whole issue of rural character and amenity discussed above, until it was rezoned (by me), the Karapiro Domain was the subject of numerous sporting and recreational events on land that was part of the Rural Zone, and to this day it remains surrounded by the Rural Zone which is the receiving environment for the off-site effects of activities on the Karapiro Domain (mainly noise and traffic generation).

TERM OF CONSENT

46. Having appropriately addressed the various actual and potential environmental effects of the proposal (including the imposition of consent conditions addressing those matters), it is my view that there is no justification for any consent granted to be only for a limited term.
47. The s.42A report² seeks to justify a term of 10 years (as set out in the recommended consent conditions attached to the s.42A report) on the basis of the following:

“In considering the effects that the high impact, short duration event will have on the surrounding environment, I believe it would be appropriate for the application to be consented with a condition limiting it to a defined ‘life-span’. In my opinion, such a condition would:

- give recognition to the fact that the rural character is dynamic and changeable, and that it is appropriate to consider whether or not an annual event continues to be able to be accommodated in this evolving context; and
- provide reassurance to the surrounding community that it is not intended for the site to become a de-facto ‘permanent event space’, noting concerns that granting consent may set a precedent for other events of a similar scale to occur on the site. I therefore consider that, should consent be granted, a condition of consent should be imposed that restricts the duration of the consent to a maximum period prior to the consent expiring.”

48. The s.42A report³ also seeks to justify a limited term of consent based on a claimed precedent effect (whereby Hartford Farm might become a venue for other large events).

² At paragraphs 10.35 and 10.36.

³ At paragraphs 10.66 – 10.68.

49. I disagree with the points made above for the following reasons:
- (a) It is incorrect to describe Festival One as having a “high impact” on the surrounding environment in the circumstances whereby all the off-site effects of the activity have been appropriately controlled (and are the subject of consent conditions) including noise and traffic generation.
 - (b) Any assessment of effects on the environment (in relation to the current application for Festival One) is to be based on the environment as it exists at the time of the application including what can occur as a permitted activity (not some future state of the environment which, if different to the existing environment, will invariably need to be the subject of future resource consent applications).
 - (c) The concern that Hartford Farm might become a venue for other large events is unfounded. Such an outcome is a potential future outcome in relation to activities that are not proposed, are beyond the scope of the current application, and which would require consent to occur if beyond permitted limits in the Waipa District Plan (wherein Council would have the ability to consider any cumulative effects on the environment). The effect of any future proposal (which is not contemplated by my client nor the land owner) is not an effect on the environment arising from the current application. It is a potential effect arising from a speculative future proposal which can only be properly considered at the time, if it occurs.
50. On the basis of the above, it is my opinion that there is no need or justification for any Land Use Consent granted by Council to be the subject of a term of consent. However, as a fall-back position (if the Hearings Panel considers a term of consent to be appropriate), Festival One is prepared to accept a term of consent of no less than 10 years (as set out in the recommended consent conditions attached to the s.42A report).

PROPOSED CONSENT CONDITIONS

51. Subject to the issues raised above in relation to the term of consent (and noting the fall-back position of a 10-year term of consent), and one addition to the bat monitoring conditions agreed with Waikato Regional Council (presented below),

Festival One supports the recommended conditions of consent attached to the s.42A report.

52. The following sets out changes to Condition 10 (relating to bat monitoring) which have been agreed with Waikato Regional Council:

“The consent holder shall engage a suitably qualified ecologist (being a bat ecologist under the DOC certification scheme) to undertake bat monitoring before, during and after the first festival held pursuant to this consent to assess any potential adverse effects on bats that may be utilising the site (including adjacent areas that may be influenced, such as the eucalyptus stand) during the time of the festival. At a minimum, monitoring shall involve bioacoustics surveys to determine presence /absence of bats and an indication of activity levels prior, during and within four weeks after the first festival held under this consent. Prior to the monitoring being undertaken, a Bat Monitoring Plan shall be prepared by the consent holder that describes specific methods and placement of acoustic recorders and timelines. The preparation of the Bat Monitoring Plan shall include consultation with the Waikato Regional Council regarding contents and detail of the Bat Monitoring Plan along with evidence of such consultation having occurred, all of which shall be provided to the Waipā District Council no less than 10 working days prior to the monitoring being undertaken.”

53. Festival One requests that any consent granted by Waipa District Council include the edits to Condition 10 as set out above. For the avoidance of any doubt, Conditions 11 and 12 (also relating to bat monitoring) are to remain the same.

CONCLUSION

54. Since the release of the original s.42A report, considerable effort has been undertaken by Festival One (including the land owner spending millions of dollars) to address the effects of the proposal on the surrounding environment. This has included scaling back the size of the Festival in the first four years, the purchase of the two closest properties (resolving noise and other issues of concern), enhanced traffic management, ecological issues being addressed, and a range of other matters being the subject of careful management.
55. On the basis of the above, in my opinion:
- (a) The environmental effects of the proposed annual Festival are acceptable;
and

(b) The proposal is consistent with (or at least not contrary to) the objectives and policies in the relevant policy and planning documents.

56. A comprehensive set of consent conditions has been proposed (as set out in the s.42A report) which will ensure that any effects on the environment are appropriately managed and controlled.
57. It is my opinion that the Hearing Panel should accept the recommendation in the s.42A report that consent be granted.

Dated this 27th day of August 2021

A handwritten signature in black ink, appearing to read 'Mark Bulpitt Chrisp', written on a light-colored background.

Mark Bulpitt Chrisp