

Date:	20 July 2020	App Number:	LU/0145/20
Reporting Planner:	Hayley Thomas	Site Visit on:	6 July 2020

Applicant:	Festival One Ltd
Agent:	Mitchell Daysh – Ian Johnson
Property Address:	209 Whitehall Road, Karapiro 3496
Legal Description:	Lot 1 DPS 77613 & Lot 2 DPS 77613 (SA58B/748); Lot 1 DP 411145 & Lot 1 DP 527164 (848498).
Site Area:	294.7439ha
Activity Status:	Discretionary
Zoning:	Rural
Policy Area(s):	Cultural Landscape Area – Alert Karapiro Stream; Significant Natural Areas (WP533 and WP533a); Quarry Buffer Area (Whitehall Quarry).
Designation(s):	Nil
Proposal:	Establish and operate an annual temporary event (Christian music festival) in the Rural Zone

1 INTRODUCTION

Mitchell Daysh have applied on behalf of their client, Festival One Ltd, for a land use consent to establish and operate a drug and alcohol free four-night, three-day Christian festival at 209 Whitehall Road, Karapiro. The festival will run over the Auckland Anniversary weekend at the end of January each year commencing in 2021 (i.e. 29 to 31 January 2021). The festival size is to be capped at 10,000 patrons and up to 2,000 support staff and volunteers.

Based on the range of activity elements that will comprise the 'event' the activity as a whole is to be assessed as a **Discretionary Activity**, being for a Temporary Event that fails to comply with Rules 4.4.2.51 and 4.4.2.53 of the Waipā District Plan. In addition, the proposal will be unable to comply with the noise standards for the Rural Zone (Rule 4.4.2.15).

1.1 Description of site

The property is located on the west side of Whitehall Road, approximately 2.5 kilometres north of the intersection with Karapiro Road and 4.2 kilometres from Tirau Road (State Highway 1). The property comprises approximately 156 hectares in forestry, 53 hectares of flat to rolling pastoral land and 70 hectares kanuka. The Karapiro Stream bisects the property and the Waiaroa Stream defines the northern property boundary. The application site is the eastern portion of the site bounded by the Karapiro Stream and the Waiaroa Stream as shown in Figure 2. The topography of the site is a mixture of rolling hill country and large areas of flat pasture.

The site is currently vacant of any dwellings, however has a number of farm buildings located within the site.

Access to the site is provided via three existing entrances from Whitehall Road. Within the site is a number of farm tracks used for both farming and forestry operations.

The site is self-sufficient for water supply via an existing bore.

Surrounding properties are a mix of rural residential and rural in nature with a number of properties in the area being used for visitor accommodation activities. In addition to the surrounding dwellings and farming activities, Whitehall Quarry is located directly north of the subject site. Nearby commercial activities include the Karapiro Mobil, which is located on the corner of Karapiro and Tirau Roads, and the Mighty River Power Domain, located on the southern side of Lake Karapiro, less than 5km south of the site.

The property is sited within the Rural Zone and includes areas subject to the Cultural Landscape Area – Alert Karapiro Stream, Significant Natural Areas (WP533 and WP533a), and a Quarry Buffer policy overlay of the Waipa District Plan ('District Plan').

Council's Special Features Maps identify the site as being subject to unstable land. In addition part of the site to the east is identified as an orchard and subject to a potential HAIL Site. I note these areas are outside of the areas to be used for the event.

Refer to Figures 1 to 14.

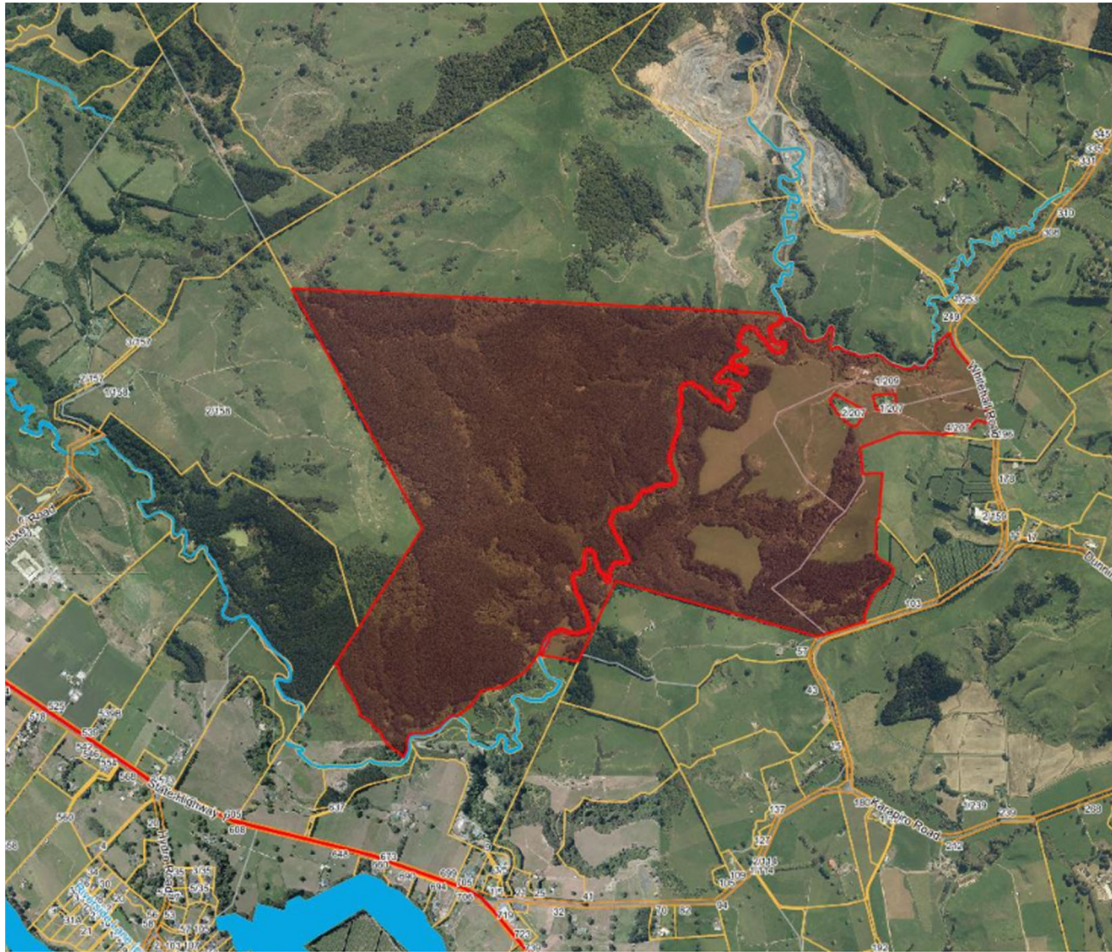


Figure 1: Aerial photograph of site (site shown in red)

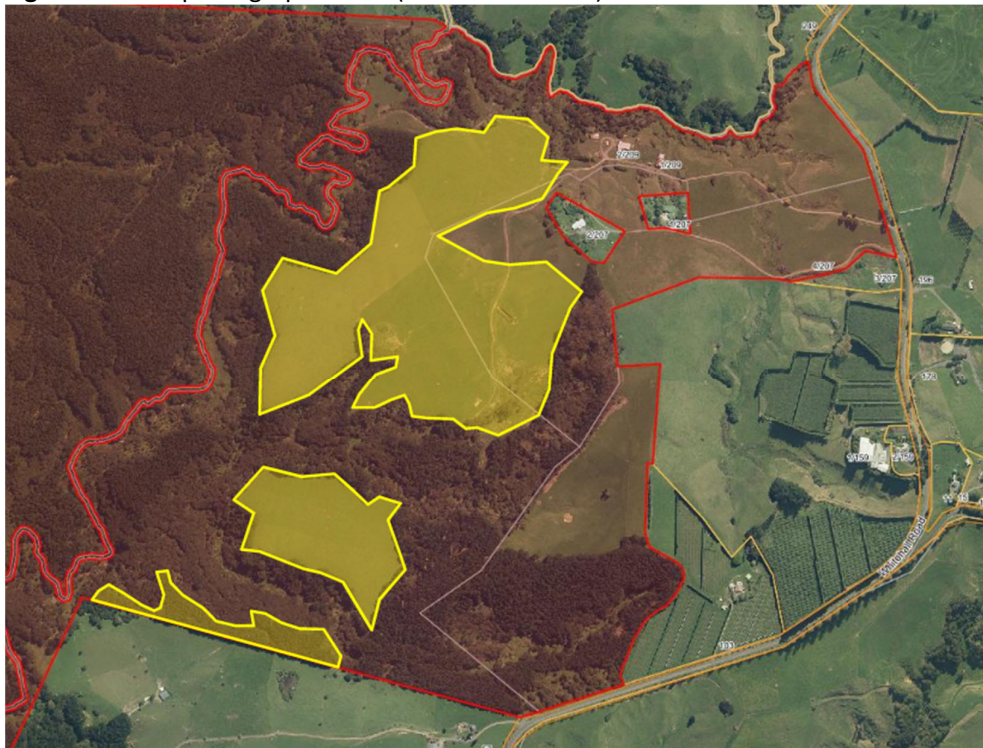


Figure 2: Zoomed in aerial photograph of event area (site shown in red, event area shown in yellow)

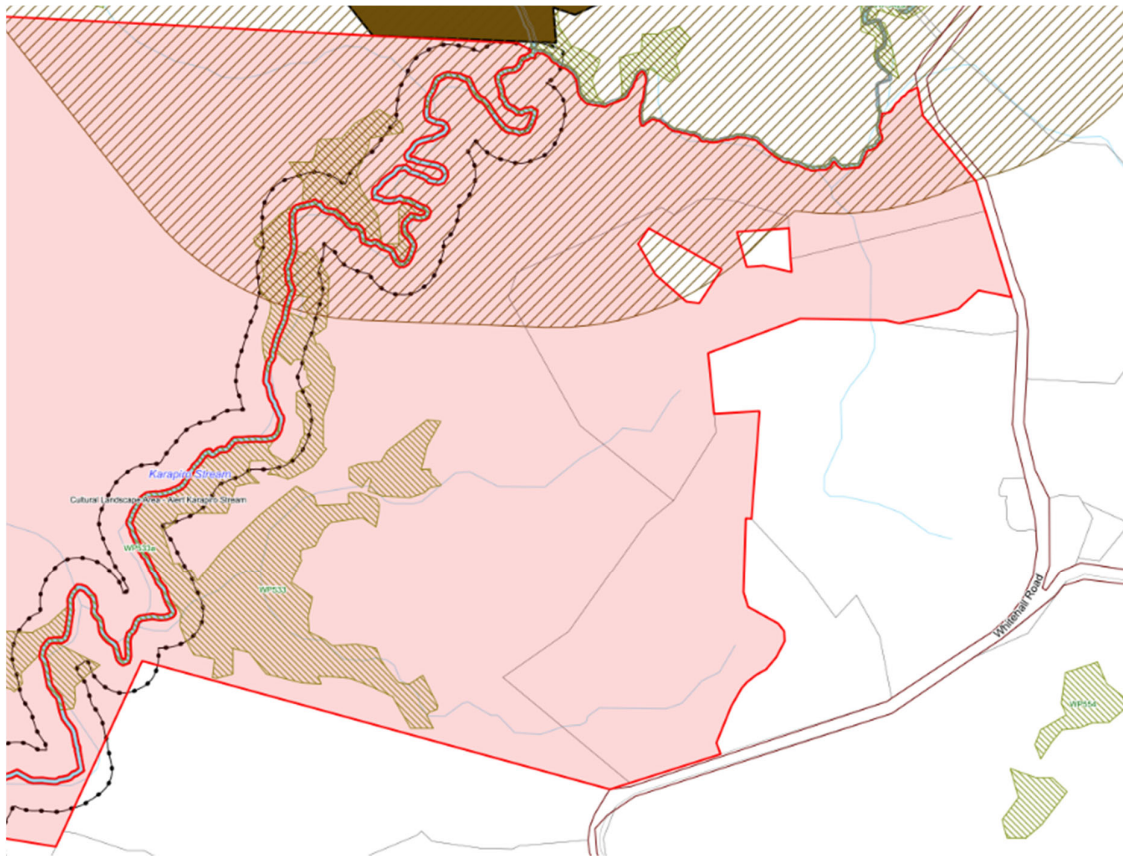


Figure 3: District Plan Zone & Policy Overlays Map

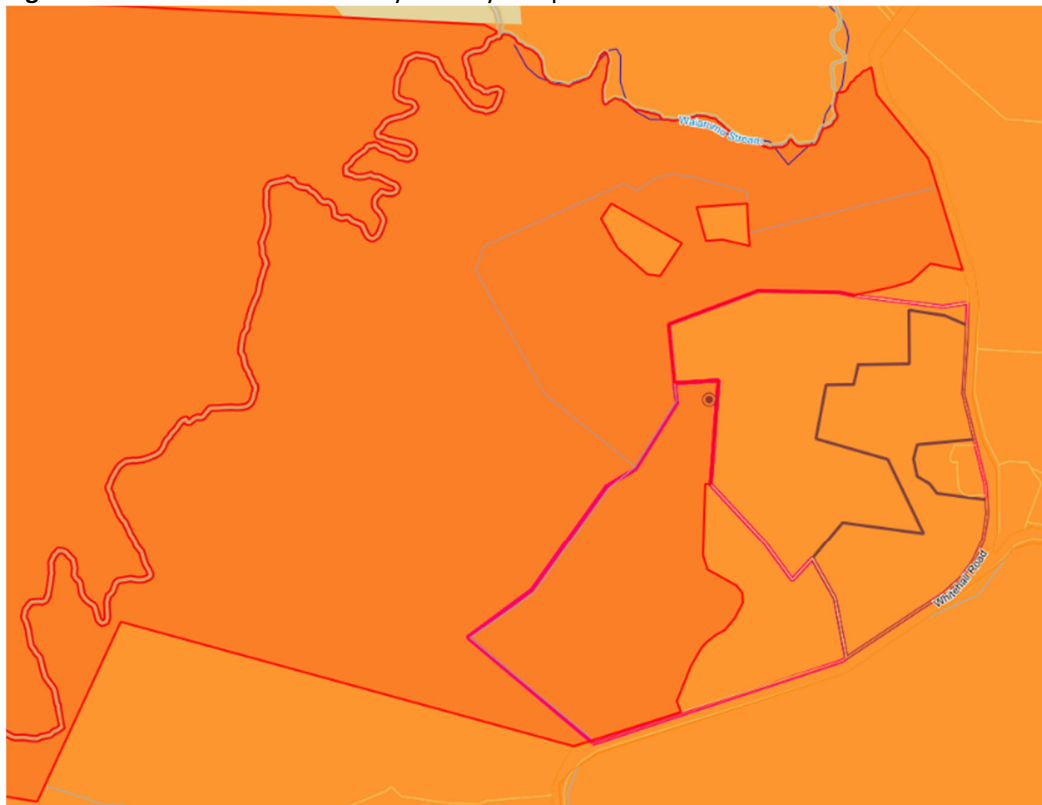


Figure 4: Council's Special Features Map (Orange highlights unstable land, pink outline highlights orchard area and brown dot indicates HAIL site)



Figure 5: Site visit photo showing existing main entrance to the site (looking at Whitehall Road)



Figure 6: Site visit photo showing existing main access to the site



Figure 7: Site visit photo showing existing farm buildings within the site (proposed location for new storage compound)



Figure 8: Site visit photo showing proposed central camping area, stage and market area on western side of access track



Figure 9: Site visit photo of stage and audience area east of access track



Figure 10: Site visit photo of market area east of access track



Figure 11: Site visit photo of group camping area on western side of access track



Figure 12: Site visit photo of group camping area on western side of access track (south of group camping area)



Figure 13: Family quiet camping area at southern end of subject site



Figure 14: Access track at southern end of the subject site

1.2 Legal interests in the property

Table 1 below summarises the relevant interests on the existing title/s.

Title Reference	Legal Description	Size	Date Issued	Relevant Interests
SA58B/748	Lot 1-2 DPS 77613	260.2386ha	10 April 1997	<ul style="list-style-type: none"> ▪ Subject to Section 308 (4) Local Government Act 1974 ▪ B408579.2 Conservation Covenant pursuant to Section 77 Reserves Act 1977 ▪ Appurtenant hereto is a right of way and rights to convey electricity, telecommunications and computer media created by Easement Instrument 6440545.10 ▪ The easements created by Easement Instrument 6440545.10 are subject to Section 243(a) Resource Management Act 1991 ▪ Land Covenant in Easement Instrument 6522820.3 ▪ Land Covenant in Easement Instrument 6536397.2 ▪ 11398708.I Notice pursuant to Section 195(2) Climate Change Response Act 2002
848498	Lot 1 DP 527164 and Lot 1 DP 411145	34.5051ha	17 October 2018	<ul style="list-style-type: none"> ▪ Subject to a right of way over Lot 1 DP 411145 marked B,C, E, H & J and a right to convey water over Lot 1 DP 411145 marked B & C and a right to convey electricity, telecommunications and computer media over Lot 1 DP 411145 marked B,C & Don DP 411145 created by Easement

Title Reference	Legal Description	Size	Date Issued	Relevant Interests
				<p>Instrument 6440545.10</p> <ul style="list-style-type: none"> ▪ Appurtenant to Lot 1 DP 411145 is a right to convey electricity, telecommunications and computer media created by Easement Instrument 6440545.10 ▪ The easements created by Easement Instrument 6440545.10 are subject to Section 243(a) Resource Management Act 1991 ▪ Subject to a right to transmit electricity (in gross) over Lot 1 DP 411145 marked G, H & I on DP 411145 in favour of Waipa Networks Limited created by Easement Instrument 6440545.11 ▪ The easement created by Easement Instrument 6440545.11 is subject to Section 243(a) Resource Management Act 1991 ▪ Land Covenant in Easement Instrument 6522820.3 ▪ Land Covenant in Easement Instrument 6536397.2 ▪ Subject to a right of way and a right to convey electricity, telecommunications and computer media over Lot 1 DP 411145 marked Bon DP 411145 created by Easement Instrument 7986252.4 ▪ The easements created by Easement Instrument 7986252.4 are subject to Section 243 (a) Resource Management Act 1991 ▪ Subject to Section 241(2) and Sections 242(1) Resource Management Act 1991 (see DP 527164)

Table 1: Existing titles and interests

The above listed interests do not restrict the proposal from proceeding.

1.3 History

The property is subject to multiple resource consents listed in Table 2.

Consent No.	Description	Date Approved	Key Details
LU/0355/17	Remove & replace existing bridge	6 September 2019	<ul style="list-style-type: none"> ▪ Removal and replacement of bridge over Karapiro Stream to access western area of the site for forestry purposes including removal of indigenous vegetation; and ▪ Restricted Discretionary Activity with conditions

Consent No.	Description	Date Approved	Key Details
			regarding erosion and sediment control, vegetation removal and accidental discovery protocols.
PG/0059/18	Pre-app meeting - Operate annual music festival	12 June 2018	<ul style="list-style-type: none"> ▪ Discussion regarding relocation of Parachute Festival to the subject site; and ▪ Potential effects identified include noise/acoustics, traffic, lighting, health and safety, cultural alert layer, local community considerations, NZTA consultation and wider notification of future application.

Table 2: Existing resource consents

1.4 Proposal

Pursuant to Section 88 of the Resource Management Act 1991 ('the Act'), Festival One Ltd have applied for a land use consent to establish and operate an annual temporary event (Christian music festival) in the Rural Zone. The festival is a multi-faceted music, community and art event, with seminars and keynote sessions, art installations, and reflective spaces being as important as music and concerts on the stages. The festival is designed to be suitable and appealing for people of all ages including toddler care, a children's programme, dedicated spaces for those with disabilities, and care taken to provide support for the elderly. The festival is largely 'residential' with people arriving on the Friday and setting up camping communities (largely tents), as well as caravans and camper vans.

The event will:

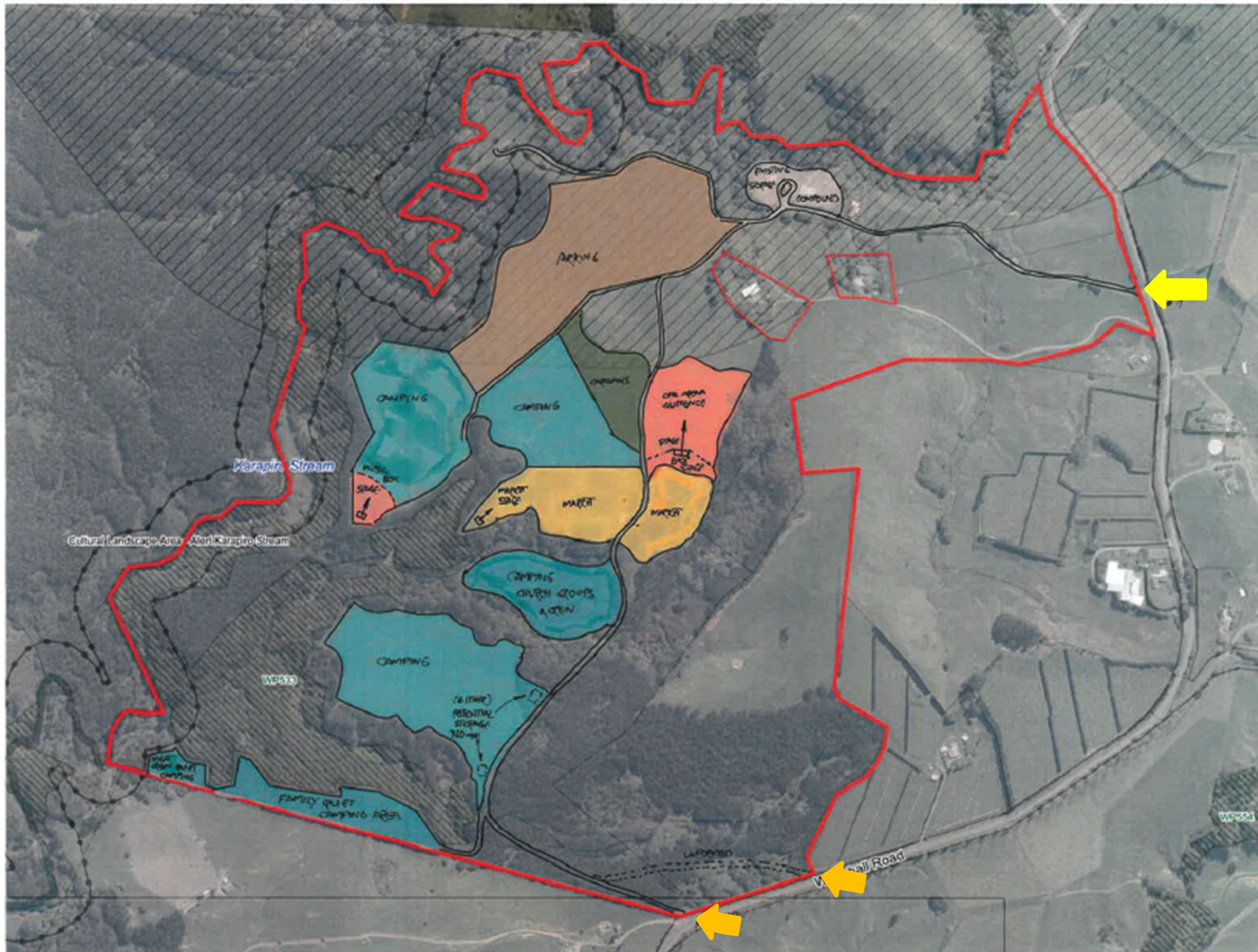
- Be held annually over the Auckland Anniversary long weekend (i.e. the last weekend in January);
- Commence in 2021;
- Run over three nights and four consecutive days;
- Have patrons attending from 10am Friday until midday Monday;
- Have a proposed cap to the event at 10,000 paying patrons, with support from up to 2,000 support crew;
- Have food and beverages provided by a variety of food trucks within the 'market' areas;
- Have all support services (i.e. toilets, showers, general store, etc) provided as self-contained pop up units;
- Have power supplied from generators on-site;
- Be an alcohol and drug-free event;

- Have a self-imposed night-time curfew of midnight, where amplified sound is turned off, and traffic movement to and from the venue is restricted other than for emergency medical needs;
- Use an interactive mobile phone application before, during and after the festival to manage the travel demand peaks, and patterns of travel on the road network by directing patrons to the preferred alternative routes;
- Host special guests (i.e. overseas artists) off-site in local B&Bs, homestays, motels and hotels. A shuttle service run by volunteers will provide transport for special guests;
- Restrict site access to two or three security-controlled entranceways to the property. Management of traffic from the state highway and rural roads will be guided using a Temporary Traffic Management Plan developed in conjunction with the NZ Transport Agency and the District Council;
- Utilise temporary traffic management to manage traffic at both the entrance of Whitehall Road and throughout the surrounding network;
- Use temporary lighting throughout the site and if required, temporary lighting may be installed at the entranceway to Gate 1 (the main entrance) for the duration of the festival; and
- Construct a new building to replace the existing farm sheds in the 'compound area' for equipment storage purposes. At the time of lodging the application the final details of the building were not available but it is anticipated it will have a maximum footprint of 360m², maximum height of 12m and a finished treatment to achieve compliance with British Standard BS5252.

Refer to Figure 15 on the following page for the proposed site plan for the activity.

1.5 Process Matters

With regard to the processing of the application, on vetting of the consent Council consulted with the applicant's agent, Mitchell Daysh, regarding if seeking further written approvals from adjacent and nearby landowners was attainable. Mitchell Daysh requested to proceed with a Notification Assessment instead of a further information request pursuant to Section 95 of the Act.











Key	
	Camping Areas
	Parking Area
	Caravan Area
	'One Arena' and 'The Music Box' Stages
	Market and 'Market Stage' Areas
	Storage Compound
	Main Entrance (Gate 1)
	Staff, volunteer and guest entrances (Gates 2 & 3)

Figure 15: Proposed site plan

2 REASON FOR THE APPLICATION

A land use consent as described under Section 87A of the Act is required for the reasons set out below.

2.1 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES)

These regulations came into force on 1 January 2012 and apply when a person wants to do an activity described in Regulation 5(2) to 5(6) on a piece of land described in Regulation 5(7) or 5(8). Following a review of the historical aerial photographs contained within Council's records, a HAIL activity does not appear to have been undertaken on the portion of the site the event is proposed to be held on. Figure 4 above, identifies a portion of the site was historically used for orchard purposes and this area may be subject to a HAIL activity.

In accordance with Regulation 5(7), the site to be used for the event is not a 'piece of land' and consent is not required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

2.2 Waipa District Plan Rule Assessment

An assessment of the proposal's compliance with the relevant rules of the District Plan has been completed. In this instance, the application has applied for a temporary event. The District Plan definition of a 'temporary event' is *"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"*.

The application has described the festival as being *"a multi-faceted music, community and art event, with seminars and keynote sessions, art installations, and reflective spaces being as important as music and concerts on the stages... The festival is largely 'residential' with people arriving on the Friday and setting up camping communities (largely tents), as well as caravans and camper vans."*

Based on the definition provided in the District Plan, and the explanation from the applicant, I have considered the festival, and its ancillary activities (i.e. camping), to fit within the definition of 'temporary event'.

Table 3 below outlines the relevant rules relating to the proposed festival.

Rule #	Rule Name	Status of Activity	Comment
4.4.1.1(j)	Permitted	Permitted	This provision provides for demolition and removal

Rule #	Rule Name	Status of Activity	Comment
	Activity Status Table: Demolition, removal of buildings and structures		of buildings within the Rural Zone as a permitted activity. As part of the proposal some the existing farm buildings located within the site may be demolished and it is noted here for completeness that this part of the activity is permitted.
4.4.1.1(m) & 4.4.2.75	Permitted Activity Status Table: Earthworks	Noted	This provision provides for earthworks, subject to Rule 4.4.2.75, as a permitted activity. It is noted the application makes no reference to bulk earthworks occurring as part of the preparation of the site for the event. However, pursuant to Rule 4.4.2.75, up to 1,000m ³ can occur as a permitted activity.
4.4.1.1(q)	Permitted Activity Status Table: Temporary Events	Noted	This provision provides for temporary events as a permitted activity subject to compliance with Rules 4.4.2.51 to 4.4.2.53 which are discussed further below.
4.4.2.15	Noise	Discretionary	This provision sets out the noise limits anticipated in the Rural Zone as follows: a) Day time – 7.00am to 10.00pm 50dbA(Leq) b) Night time – 10.00pm to 7.00am 40dbA(Leq) c) Night time single noise event 70dbA(Lmax) Cardno have completed a Noise Effects Assessment (refer Appendix D of the application) which has determined non-compliance with the abovementioned noise limits. For this reason the activity requires assessment as a Discretionary Activity .
4.4.2.51	Temporary Event	Discretionary	This provision requires all buildings and works associated with a temporary event will be removed and the site returned to its original condition within five working days of the event ceasing. The application notes that a new purpose built storage building will be constructed as part of the site works. At the time of lodging the application, the exact details of the building location and size were unknown, therefore the application fails to meet this provision and requires consideration as a Discretionary Activity .
4.4.2.52	Temporary Event	Complies	This provision requires all temporary events of more than 200 vehicles to submit a Traffic Management Plan at least one month prior to the event, for approval by the relevant road controlling authority. In this instance the total trip generation of the

Rule #	Rule Name	Status of Activity	Comment
			proposed maximum attended event (i.e. 10,000 people and 2,000 staff) is anticipated to be 15,960 trips. As part of the application, a Traffic Management Plan has been included (refer Appendix E).
4.4.2.53	Temporary event	Discretionary	This provision sets out the size and scale of temporary events that can occur as a permitted activity in the Rural Zone. The proposed festival complies with parts (a) and (e) of this provision in that it only occurs once per calendar year, and is over 500m from a Residential or Large Lot Zone boundary. With regard to parts (b), (c), and (d), the festival exceeds these provisions in that it is over two days duration, occurs outside of the hours of 7.00am to 10.00pm, and has over 500 attendees. For these reasons that application fails to comply with this provision and requires assessment as a Discretionary Activity .

Table 3: District Plan rule assessment

As outlined in the table above, the application is deemed to be a **Discretionary Activity** being the highest status indicated by the above rules.

3 STAFF COMMENTS

3.1 Environmental Health

Council's Environmental Services Officer, Mr Glynn Jones, reviewed the application and notes the following:

- *The festival events plans to involve:*
 - *Up to 10,000 patrons and another 2,000 volunteers and crew in total, over four days.*
 - *Three stages with amplified music up to 12midnight on three consecutive nights.*
- *The two most sensitive receivers are located between 233m to 630m from the sound sources to the notional boundaries.*
- *An acoustic report (File reference NZ0119058-FA dated 15/06/20) has been provided by Cardno for the proposed relocation of the Festival One event*
- *The report has assessed the noise effects of the festival's live amplified music at its proposed new location at in an area of rural land located at Whitehall Road. The festival formally had consent to be held at Mystery Creek. The author of the acoustic report has had experience in assessing and monitoring previous Festival One events over the previous years that the event has been held and this has been useful input into the current assessment.*

- *The key elements of the acoustic report are:*
 - *Noise modelling predictions for a “worst case” scenario with the cumulative effects of three stages operating at the same time at typical outdoor rock band sound levels.*
 - *Sound levels at the majority of other residential sites predicted to be less than 40 - 50 dBA LAeq, except for two most affected sites that are surrounded by the application site at 1/207 and 2/207 Whitehall Road for which the predictions are 65 dB LAeq and 68 dB LAeq consecutively. These levels will generally occur for six hours and mainly between 7.30pm and midnight.*
 - *Day time background measurements of 44 dB LAeq at the application site.*
 - *A reasonable compliance level at the affected residential sites recommended to be 55 dB LAeq (5 mins) and 65 dB LAFMax with additional limits proposed to control low frequency noise (LFN) at 63Hz and 125 Hz.*
 - *Mitigation measures recommended include the careful design and placement of speakers with LFN controlled and calibration checks carried out on set up.*
 - *Pyrotechnics planned on stage but no firework displays.*
 - *Helicopters movements are not planned but use by the media or emergency services not ruled out.*
 - *Recommended conditions include:*
 - a) *Compliance noise limits using a sampling time measurement of 5 minutes. It is noted that this is shorter than the 15 minutes contained in the acoustical standard and would be considered to represent an adjustment more suited to the assessment.*
 - b) *No amplified music between 12 midnight and 9.00am daily.*
 - c) *A draft Noise Management Plan to be provided to Council undertaken by an acoustic consultant no less than 45 days before the event to set out details of the noise mitigation methods to be employed.*
 - d) *A draft Noise Monitoring Plan to be provided to Council undertaken by an acoustic consultant no less than 45 days before the event to set out the method, frequency and locations of measurements undertaken during the event .*
 - e) *A written noise compliance report monitoring report submitted to the Council within 2 weeks of the event.*
 - *A site visit was undertaken with the applicant’s planning consultant on 6 July 2020. This established that there is a hill between the lower flat areas where the two main sound stages will be located and the nearest residential receivers. The third sound stage is proposed at the lower end of this hill to provide a natural view. The intermittent but reasonably regular engine and chassis noise from quarry trucks passing nearby on*

Whitehall Road was noted to be a dominant and intrusive feature of the background noise.

- *There is no therefore no direct line of site from the sources to the receivers which will result in an element of noise screening, although this affect will be will less beneficial to the stages furthest away. The reason that this nearest sound stage has been set up directly facing the receivers can be seen to take advantage of the natural ampi-theatre provided by the hill. This is likely to lead to increased directional affects towards the receivers. However, this topography has been factored into the noise modelling program used for the predictions.*
- *There is no reason to question the prediction methodology of the report and the reviewer agrees that the recommended noise limit of 55 dB LAeq would not be unreasonable up to 10pm, given that the LFN is suitably controlled. However, the period 10pm to midnight represents a night time period in the District Plan which has a limit of 40 dB LAeq. A reasonable level after 10pm would therefore normally be anticipated to be markedly lower than 55 dB LAeq.*
- *Although the permitted hours are not provided for more permanent large music venues in the country that have been consented, the report makes a comparison where higher noise levels have been permitted than would normally be permitted in the rural area. This includes Mystery Creek and other venues in the country. However, it is arguable if these higher consented noise limits would be applicable or transferable to this application site. These other consents mainly represent large event centres and stadia that would be subject to different assessment criteria, potential for objection and potential historic use. The Mystery Creek site is potentially comparable in location but has been consented as an event centre with the expectations that events of this type would be held there.*
- *The predicted levels at The main issue in this case is that written approvals have not be received from the occupiers of the two residential sites where the report predicts a significant exceedance of the compliance limits recommended in the report.*
- *Between 10pm and midnight, the proposed exceedance at these two sites amounts to a level of 10 – 13 dB LAeq above the proposed compliance limit and is 25 – 28 dB LAeq above the District Plan night time level.*
- *It is therefore recommended that the hours are limited to end amplified music at 10.00 pm.*
- *Without approval of the owners of 1/207 and 2/207 Whitehall Road, occupiers/owners of these properties would be entitled to make a case that the application would result in adverse effects and it is highly likely that complaints would be received.*
- *However, it is believed that these properties may be available for holiday accommodation and if this is the case it presents a potential opportunity for the applicant to rent them out for use by people connected with the festival. In this case*

there would be no objection raised to the proposed hours for amplified music up to midnight.

- **Proposed Conditions:** *The reviewer agrees with the proposed conditions in the report, although the following recommendations are made:*
 - *Condition E. – Without written approvals as discussed above, the hours are amended to end amplified music at 10.00pm rather than midnight.*
 - *Condition I. - There is no real practical need for a draft Construction Noise Management Plan to be submitted for this application.*
 - *Conditions “K” and “L” - These could be included in the proposed Noise Management Plan (NMP). For these matters, the contact name and mobile number details should also be provided to the Council prior to the event. The NMP should also detail who will be responsible on site and the methodology for mitigating any exceedance of the proposed compliance noise limits and dealing with complaints received.*
- **Other Environmental Matters:** *Comments and/or requirements relating to the facilities for the camping ground areas will be discussed with the applicant directly and comments may be recommended.*

3.2 Development Engineering

Council’s Development Engineer, Mr Zion Nordstrom, has reviewed the application and notes the following points:

- **Earthworks:** *No earthworks have been proposed as part of this consent application.*
- **Traffic:** *The Integrated Transport Assessment (‘ITA’) report completed by Grey Matter Consultants has assessed the traffic scenarios for the festival and has looked into the effects on the traffic. The Grey Matter Report has based their assessment around the expected maximum number of people attending and staff which is proposed to eventually reach up to 12,000 people total. The total number of trips generated by the entire festival would be roughly 14,760 trips. Up to 70% of these trips are festival goers and the remaining 30% for the service and staff vehicles.*

Based off information supplied by the festival organisers to Grey Matter, 65% of the festival goers are predicted to come from north of Hamilton mostly Auckland, 22% from the south and 13% from east of the site (Tauranga). This means that up to roughly 87% of vehicles would most likely arrive via the SH1 intersection at Karapiro and will likely look to exit the same way unless encouraged or forced to use alternative routes when arriving and exiting.

The likely effects of the proposed activity will fall to the local residents and non-festival going road users along French Pass, Toatoaroa, Whitehall and Karapiro Roads. The ITA report suggests effects will be no more than minor along these roads so long as the suggested mitigation measures are in place. The state highway users are also unlikely to notice the

additional activity due to the higher than usual holiday traffic and with the right traffic management the effects are suggested in the report to be no more than minor.

The areas of concern are the SH1/Karapiro Rd and Karapiro Rd/ Whitehall Rd intersections on the commencing Friday and the same intersections plus the French Pass Rd route back into Cambridge at the end of the festival.

- **Mitigation of Traffic Effects:** *Mitigation options are presented in the ITA (ECM:10419555, Page 175) and include options such as; Capping the number of tickets, good event signage, traffic management plans for all local roads in consultation with Waipa District Council and requiring all vehicles traveling north to exit the site via Whitehall Rd and French Pass Rd rather than the SH1/ Karapiro Rd intersection.*
- **Access:** *Access to the site will be via a main entrance (Gate 1) on Whitehall Rd with a second entrance (Gate 3) to the south also along Whitehall Rd being proposed for service vehicles and staff and to connect to the internal access track which runs throughout the property. A third entrance (Gate 2) has been proposed as an option but the access track connecting this entrance location is yet to be constructed and the entrance itself will need to be completely constructed as what is currently there is not acceptable.*

Gate 1 the main entrance is suitable but will need to have improvements to ensure the entrance is sealed to RITS standard'

Gate 2 will basically need to be constructed from scratch as the entrance does not have a access track connected to it yet.

Gate 3 will also need some improvements in terms of width and sealing and strict access only for service vehicles and staff.

Internal Access - The site is crossed by tracks of which the main ones are being improved to assist the farming and forestry operation throughout the year and to serve as service vehicle access and festival goers pedestrian access for the music festival site.

- **Parking:** *Parking for all campers and day ticket holders is proposed to be on an internal field which is to be marked out and the large onsite parking area is quite a distance removed from the entrance which will help with having cars queued at the entrance. The ITA estimates the parking for an event with 6,500 tickets sold, with the average car having 2.5 passengers, would be the maximum that the carparking site could handle. Above this amount and there would likely be a shortage of carparking.*

It is noted that several assumptions were made by Grey Matter and that basing the carparking availability around ticket holders may be difficult to predict. As the initial festivals are planning on around 6,500 people being onsite, it has been recommended to collect data to determine the future growth of the festival and whether it may need to be reconfigured.

- **Traffic Summary:** *The festival will take place on Auckland Anniversary which as a long weekend means that traffic will be heavy along SH1 and a thorough traffic management plan*

created in consultation with the Waipā District Council will need to ensure that all potential traffic issues are discussed and a mitigation option is agreed upon.

The public will have access to the festival from 6am Friday morning with the festival finishing around 2pm Monday afternoon. The application states that the festival goers arrive over an extended period which reduces the traffic peaks, however the bulk of festival goers will be arriving later in the day Friday as the holiday traffic builds and will probably look to leave prior to 2 pm on the Monday to try and avoid the returning holiday traffic.

The application suggests that festival goers are willing to follow directions and travel advice delivered via the Festival One app which will be helpful in directing them to alternative routes. The phone app provides real time updates and is used before during and after the festival as well as to help manage the travel demand peak times and patterns of travel on the road network and to direct patrons to the preferred alternative routes. How reliable this information or the expectation that it is used is up for debate. A thorough traffic management plan and would be a more reliable option.

Should consent be granted, the Traffic Management Plan ('TMP') will need approval from Councils Roading Team to ensure that they are happy with what is being proposed and so they can add something to the TMP in the planning stage rather than nearer the event.

The conditions suggested by NZTA in the letter included in the application (ECM:-10419555, Page 234) and the suggested conditions in Appendix K (ECM:-10419555, Page 238-239) are a good indication of any conditions that should be imposed if consent is to be granted. The vehicle entrances will be required to be improved to meet the relevant standard.

- **Water Supply:** *Bore water is reticulated to most of the paddocks already and drinking water for the festival is proposed to be supplied by temporary upstands. Supplementary supply for the festival is proposed to come from this bore. Confirmation will be required to show that this water is fit for use throughout the festival. More information will be needed to show exactly how the water is proposed to be distributed i.e.; what the temporary upstands look like and as this is not a council water supply they would need to demonstrate that the water supply is safe for consumption.*
- **Wastewater:** *Toilets and showers are to be provided as temporary self-contained units which will be removed from the site after the festival.*
- **Stormwater:** *No proposal for the attenuation or reticulation of stormwater has been included in this application. The expectation will be that the gully's and culverts will function as they currently do and that all fencing will be in place to protect the gully's throughout the duration of the festival.*

4 ASSESSMENT FOR THE PURPOSE OF PUBLIC NOTIFICATION

4.1 Adequacy of information

It is my opinion that the information contained within the application is substantially suitable and reliable for the purpose of making a recommendation of and decision on notification. The information within the application is sufficient to understand the characteristics of the proposed activity as it relates to provisions of the District Plan, for identifying the scope and extent of any adverse effects on the environment, and to identify persons who may be affected by the activity's adverse effects.

4.2 Mandatory Public Notification - Section 95A(2) & (3) – Step 1

Council must publicly notify the resource consent where:

- a) it has been requested by the Applicant; or
- b) a further information request has not been complied with or the Applicant refuses to provide the information pursuant to Section 95C; or
- c) the application has been made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977.

In this instance, none of the above situations apply, therefore public notification is not required under Section 95A(2) and 95A(3).

4.3 Public notification precluded – Section 95A(5) – Step 2

The consent is for a resource consent for one or more activities and there are no rules in a National Environmental Standard or the District Plan relevant to this proposal that preclude public notification.

The application is not for a resource consent for one or more of the following:

- a) Controlled activity;
- b) A restricted discretionary activity or discretionary activity, but only if the activity is a subdivision of land or a residential activity;
- c) A restricted discretionary, discretionary, on non-complying activity, but only if the activity is a boundary activity;
- d) A prescribed activity (see Section 360H(1)(a)(i)).

The application is for a temporary event which fails to meet the District Plan provisions of a 'temporary event'. For this reason the application requires assessment as a Discretionary Activity as outlined above in Section 2.2 and public notification is therefore not precluded pursuant to Section 95A(5)(b).

4.4 Public notification required in certain circumstances – Section 95A(8) – Step 3

Council must publicly notify the resource consent where:

- a) The application is for a resource consent for one or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification; or
- b) The consent authority decides, pursuant to Section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

In this instance, public notification is not required by a rule or a national environmental standard. Refer to Section 4.5 and 4.6 of this report for Council’s assessment of the effects.

4.5 Effects that may or must be disregarded – Section 95D(a), (b), (d) and (e)

Pursuant to Section 95D, if a rule or national environmental standard permits an activity with that effect the adverse effect of that activity may be disregarded.

4.5.1 Permitted Baseline

Pursuant to Section 95D, a Council may disregard an adverse effect of the activity on the environment if the plan or a national environmental standard permits an activity with that effect (i.e. the Council may consider the ‘permitted baseline’). The permitted baseline is a concept designed to disregard effects on the environment that are permitted by a plan or have been consented to with regard to who is affected and the scale of the effects.

The District Plan provides for temporary events within the Rural Zone which are subject to event duration, traffic movements and visitors on site. In this instance, the proposed festival is well outside the permitted baseline of the provisions of the District Plan, and overall it would not provide a useful comparison, so in this instance I will not apply the permitted baseline.

4.5.2 Land excluded from the assessment

For the purpose of assessing an application to establish whether public notification is required, effects on owners and occupiers of the subject site and adjacent sites, and persons whom have given written approval **must** be disregarded.

The adjacent properties to be excluded from the public notification assessment are listed in Table 4 and shown in Figure 16 below.

ID#	Street Address	Legal Description	Owner
1	253 Whitehall Road	Pt Lot 1 Sec 13 BLK X Cambridge SD & R/W over Lots 3-4 DPS 22660	Whitehall Shoeing Company Limited
2	196 Whitehall Road	Lot 3 DPS 70007 Blks X-XI Cambridge SD	HW & JJ Weijers

ID#	Street Address	Legal Description	Owner
3	3/207 Whitehall Road	Lot 2 DP 411145	MT Schonberger
4	1/159 Whitehall Road	Lot 2 DP 501305	MLW Gardiner & RA Gardiner
5	103 Whitehall Road	Lot 2 DP 527164	MM & RA Davies, RTS Trustees Limited
6	1/239 Karapiro Road	Pt Lot 4 Of Section 3, Sections 19-21 Block XI Cambridge SD	IG Smythe, S Wrigley & Co Trustees 2007 Ltd
7	57 Whitehall Road	Lot 2 DP 343311 & Lot 2 DP 429658	KG Blundell, NJ Voyle, GR Lorigan
8	1/207 Whitehall Road	Lot 2 DP 351414	Praedium Limited
9	2/207 Whitehall Road	Lot 1 DP 351414	MA & T Guest

Table 4: Adjacent properties excluded for purposes of public notification assessment

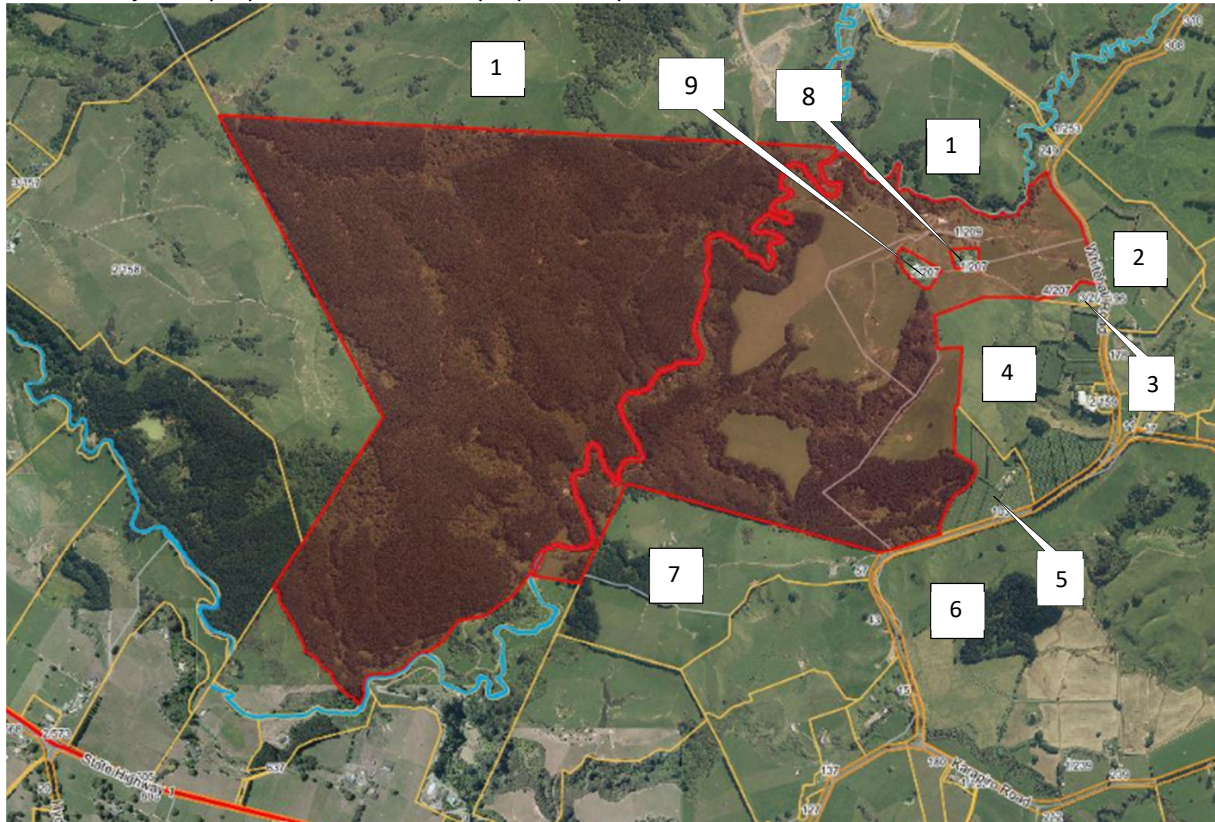


Figure 16: Adjacent properties map (Subject site highlighted in red)

With regard to written approvals, the application has included a number of written approvals which are listed below in Table 5 and shown on Figure 17.

ID#	Street Address	Written Approval From	Owner or Occupier
1	253 Whitehall Road	G & S Atkinson	Owner
	253 Whitehall Road	Winston Aggregates	Occupier
3	3/207 Whitehall Road	Michael & Cai Schonberger	Owner

ID#	Street Address	Written Approval From	Owner or Occupier
4	1/159 Whitehall Road	MLW Gardiner & RA Gardiner	Owner
5	103 Whitehall Road	Davies & Delos Reyes	Owner
7	57 Whitehall Road	Ken Blundell & Nicola Voyle	Owner
10	11 Dunning Road	Jason W Farrow	Owner
11	17 Dunning Road	Paul & Irene Gardiner	Owner
12	111 Dunning Road	Russell Bezzant	Owner
13	308 Whitehall Road	James & Mary Casey	Owner
14	719 Tirau Road	Karapiro Motors (1975) Ltd	Owner
15	137 Karapiro Road	D Roigard	Owner

Table 5: Properties excluded for purposes of public notification assessment as written approval provided

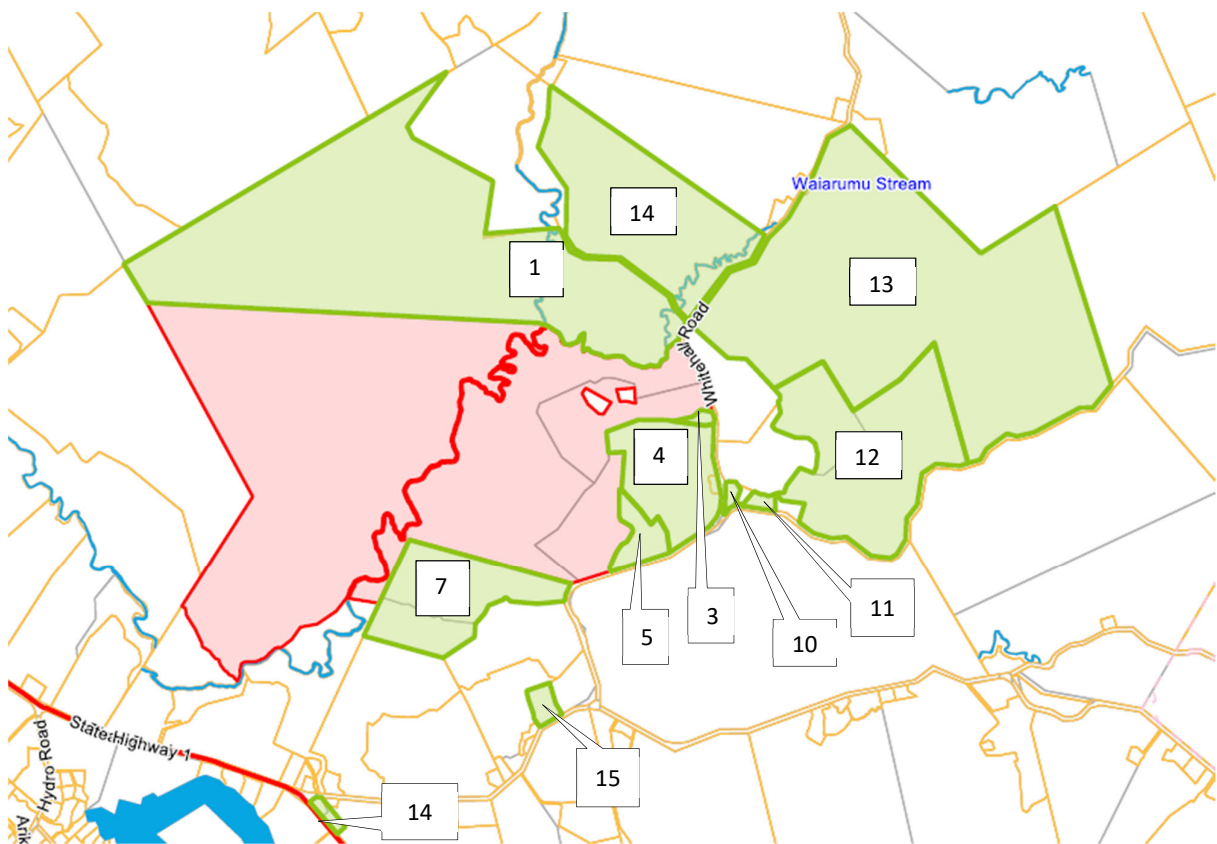


Figure 17: Map of written approvals included with application (Subject site highlighted in red, written approval sites shown in green)

In addition to the abovementioned landowners, Ngaa Iwi Toopu o Waipa have provided their written support for the event. The New Zealand Transport Agency have also provide a letter outlining they do not oppose the application subject to the following:

1. *Prior to any increase over 8,000 attendees, an assessment of the monitoring and count data and effectiveness of the transport mitigation shall be prepared and presented to the NZ*

- Transport Agency and Waipa District Council for review and approval, with any required changes implemented prior to the following festival event.*
- 2. Prior to any increase over 10,000 attendees, there shall be a review of the consent conditions to identify any additional mitigation measures required to avoid or remedy adverse effects on the state highway network.*
 - 3. The consent holder shall undertake event specific monitoring undertaken by a suitably qualified traffic engineer with results provided to the Transport Agency and Waipa District Council within two months after the event taking place. The report is to include the following information as minimum:*
 - a) Summarised data of volumes, arrival and departure profile and any other collected information of interest to the road controlling authority to inform of the impacts to the road network during the Festival One.*
 - b) Review of the traffic management.*
 - c) Traffic or traffic management related complaints.*
 - d) Delays by direction at the SH1/Karapiro Road intersection.*
 - e) Maximum queue length for all approaches.*
 - f) Debrief of any incidents of network disruptions that occurred on the recommended routes to Festival One and the response.*
 - g) Recommendations for future improvements.*
 - h) Appendix of raw data.*
 - i) Any remedial works and mitigation required prior to the next Festival One.*
 - 4. A Corridor Access Request (CAR) application shall be submitted to and approved by the NZ Transport Agency prior to any event taking place. Approval will be subject to temporary traffic management (TTM) proposed by the applicant which shall include the following as a minimum:*
 - a) An event specific traffic management plan (TMP) that has been undertaken by a suitably qualified person experienced in major events and is in accordance with the latest version of CoPTTM. The TMP shall include an approval from a suitably and independent CoPTTM qualified personnel prior to lodgement with the Transport Agency. The TMP shall include, but not limited to the following:*
 - i. Signage on preferred routes. Which are to be erected no more than 24 hours prior to the commencement of the event and removed no more than 24 hours following the event on the state highway. Berm reinstatement following removal of any stands or posts.*
 - ii. Use of variable message signs.*

- iii. *Contingency measures to minimise traffic impacts in the event of weather and road incidents on the state highway and/or local road.*
- iv. *Role of manual traffic controllers.*
- v. *Method of communication across the TTM extents and with the STMS and back-up.*
- vi. *Requirements for vehicles exiting the site travelling towards Auckland and Hamilton to turn left and use the local road network to the State Highway 1/Victoria Road Interchange until such time that the State Highway 1/Karapiro Road intersection is upgraded by the Transport Agency to either have a roundabout or grade separation.*

Note: due to the size of the events and complexity, it is recommended that the applicant submits a CAR application for approval at least 45 working days prior to an event.

The application has outlined the consultation undertaken with the NZ Transport Agency and has proposed the inclusion of the abovementioned conditions in Section 9 of the application. The application notes the conditions have been further refined to address the wider roading network beyond the state highways.

4.6 Assessment of Adverse Environmental Effects – Section 95D

Part 2 of the Act explains the purpose is to “*promote the sustainable management of natural and physical resources*”. In addition, it is noted the meaning of ‘effect’ is defined under the Act as:

*In this Act, unless the context otherwise requires, the term **effect** includes—*

- (a) any positive or adverse effect; and*
- (b) any temporary or permanent effect; and*
- (c) any past, present, or future effect; and*
- (d) any cumulative effect which arises over time or in combination with other effects — regardless of the scale, intensity, duration, or frequency of the effect, and also includes—*
- (e) any potential effect of high probability; and*
- (f) any potential effect of low probability which has a high potential impact.*

With the definition of ‘effect’ in mind, it is considered appropriate to further examine the effects of the proposed activity relating to character and amenity, noise, and traffic effects. It is acknowledged some of these effects are temporary and directly related to the construction of the development.

A comprehensive assessment of effects is included in the application. In accordance with Section 42A(1A) and (1B) of the Act I wish to generally adopt the Applicant’s assessment and provide the additional commentary below.

4.6.1 Effects on character and amenity

The Act defines amenity values as *“those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”*. As set out in the District Plan: *“Rural character is a broad concept, defined by the various elements that make up the rural environment. These elements help to distinguish the differences between those areas that are urban or large lot residential, from those which are rural. The elements that define the District’s rural character are: ... (j) Occasional local temporary events and activities such as equestrian hunts, farm open days, local fund raising events, pony club, and associated events and activities in rural community halls”*.

In terms of rural character, the application acknowledges the existing environment as being *“a rural production landscape where the surrounding land uses are predominantly farming and forestry operations, an intensive kiwifruit production and packhouse operation and a dispersed pattern of dwellings and farming buildings in an undulating landform.”* This description accurately describes the character of the properties directly adjacent to the site, and in the wider area (i.e. along Whitehall Road, Dunning Road, and Karapiro Road). The wider area provides for a rural lifestyle where residents anticipated a particular aesthetic value and type of activity. The proposed festival does not fit with the rural character of the wider area as described by the application.

In terms of the visual amenity, it is noted the event site is completely screened from the road network and public areas surrounding the site due to the natural topography and landform.

In my consideration of the event’s adverse effects on the rural character and amenity, I note the proposed annual event, falls outside of the District Plan’s description of elements that define the rural character given the proposed frequency of such events, the type of event and the scale (i.e. national event vs local event). I concur with the application in that it acknowledges the effects of the event will be *“noticeable with the ‘peace and tranquillity’ of the rural area being altered for a short period during the Festival”*, and that the topography provides visual screening of the event site, however the proposed annual event will impact on the rural lifestyle and aesthetic values of the wider rural area, particularly for those properties along Whitehall Road, Dunning Road, and Karapiro Road.

Considering the scope of the application (i.e. to provide for 10,000 patrons and 2,000 staff camping on site for four days) the impact on the rural amenity values is likely to be significant. It is my opinion, the scale and intensity of the event itself is inconsistent with the character of the Rural Zone, therefore is likely to have adverse effects on the rural character and amenity which are more than minor.

4.6.2 Noise Effects

The effects of noise on the surrounding environment is a key factor when considering the amenity and character of an area. The permitted activity requirement of the District Plan Rural Zone is for

all activities to not exceed 50dBA (Leq) during day time hours (i.e. between 7.00am and 10.00pm). This level provides for anticipated noise from rural activities.

An Assessment of Environmental Noise Effects, prepared by Cardno, dated 15 June 2020, was included in Appendix D of the application. Within Section 6 the anticipated noise is explained as primarily being amplified sound systems with *“minor sounds associated with vendor equipment, entertainment rides, people sounds, camping, vehicles, generators and sounds from the crowd and spectators themselves (which are localised to within the site boundary)”*. The assessment lists the following sources for the noise:

- *“Amplified sound systems (open air outdoor stages) - this is the chief noise source that will be audible off site at times in the surrounding environment;*
- *Crowd noise from people talking, crowd yelling, clapping and socialising;*
- *On-site activities and service noise related to food vendors, side shows and entertainment;*
- *Low level sounds (temporary, daytime) set-up and pack-down activities which will occur before and after the event - technically set up and take down are construction activities as assessed as such;*
- *Equipment & people sounds setting up and dismantling (vehicle reversing alarms, crew noise, waste management activities (rubbish/recycling), mobile plant i.e. forklift and pallet jacks). Sound from mechanical services and plant associated with venues, including fixed and mobile plant such as power generators; and*
- *Vehicle movements on site from people travelling to and from the site.”*

The assessment details the prediction modelling used to determine the likely noise effects on surrounding properties as a result of the abovementioned noise sources, an assessment against the District Plan provisions and the New Zealand Acoustic Standards. Section 11 of the assessment outlines the cumulative sound levels predicated for maximum noise emissions (i.e. all activities operating) including a map of the sound pressure level contours which is shown below in Figure 18.

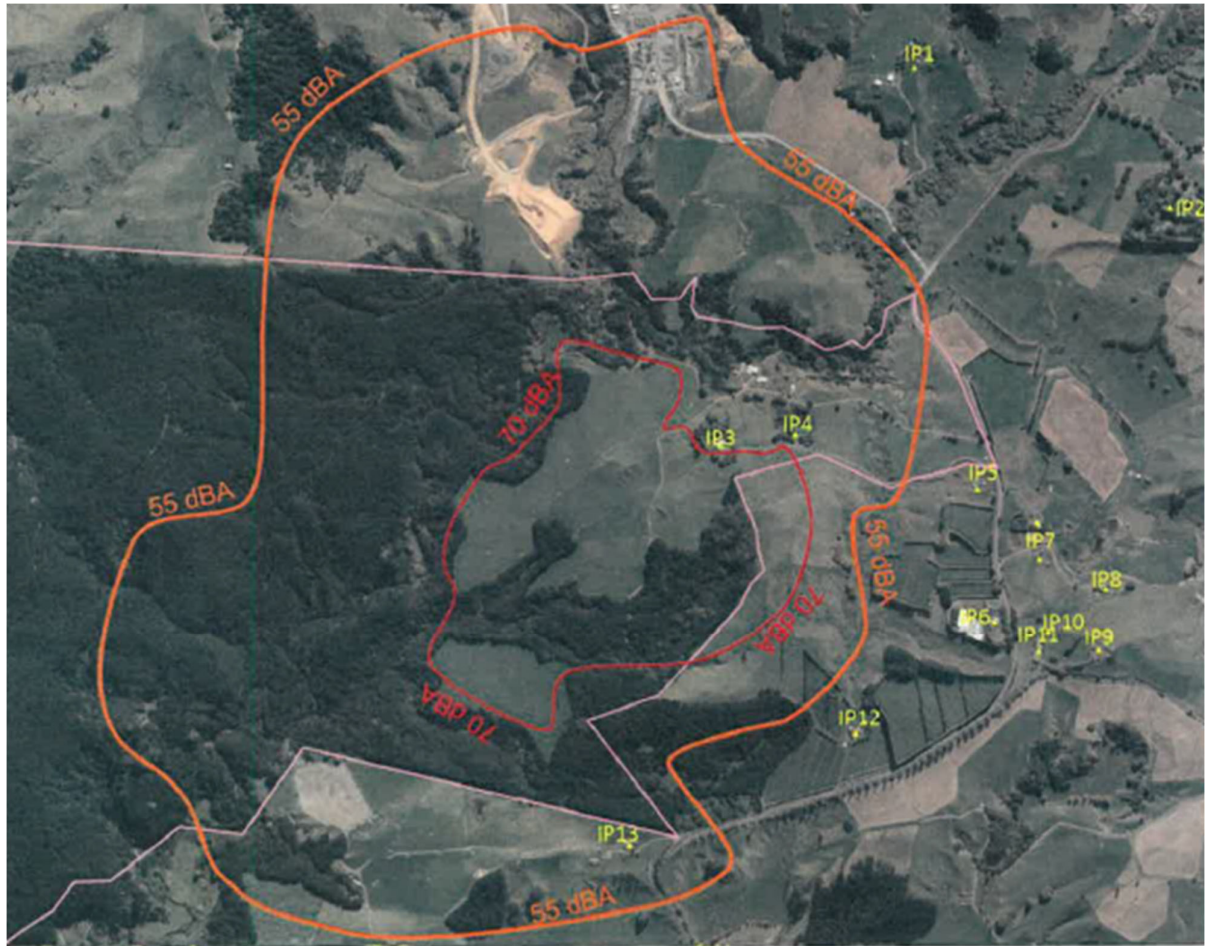


Figure 18: Predicted $L_{Aeq}(5 \text{ minute})$ sound pressure level contour (55 dBA and 70 dBA) taken from Noise Assessment prepared by Cardno

With regard to the wider receiving environment, the assessment notes a number of proposed mitigation methods to reduce the potential adverse noise effects including a Noise Management Plan and a Noise Monitoring Plan. Cardno have determined the use of these mitigation measures will be *“adequate to address cumulative noise effects”* and to *“ensure the effects are not unreasonable under the circumstances”*, however the activity will not be able to comply with the District Plan permitted activity noise performance standards at night time.

I have reviewed the information provided by with the application, and visited the site with Council’s Environmental Health Officer, Mr Glynn Jones. With regard to the noise effects and the comments made in the Assessment, Mr Jones notes *“there is no reason to question the prediction methodology of the report and the reviewer agrees that the recommended noise limit of 55 dB LAeq would not be unreasonable up to 10pm, given that the LFN is suitably controlled. However, the period 10pm to midnight represents a night time period in the District Plan which has a limit of 40 dB LAeq. A reasonable level after 10pm would therefore normally be anticipated to be markedly lower than 55 dB LAeq.”*

Given the breaches of the District Plan provisions, and the location of the 55dBA predicted sound pressure contour (refer Figure 18), I am of the opinion that the potential adverse noise effects on the wider environment (i.e. beyond the adjacent land and those providing written approval), can be mitigated to a level where they are likely to have adverse effects that are minor.

4.6.3 Effects on the roading network

Traffic and the effects on the roading network are an instrumental part of the District Plan direction to ensure an integrated approach to land use and transport. At a local scale the integration of new activities need to ensure that the roading network can continue to function in a safe and efficient manner, while also upholding the traffic amenity (i.e. avoiding unreasonable delay, inconvenience etc).

In this instance, the event is located on a collector road which is designed for the purposes of distributing traffic from local and collector roads to arterial roads. The District Plan acknowledges collector roads are also designed for property access.

An Integrated Transportation Assessment ('ITA') prepared by Gray Matter Ltd is included in Appendix E of the application which outlines in Section 5.1.2 of the ITA the anticipated event traffic as follows:

Group	Vehicle occupancy (people/vehicle)	Proportion of group staying off-site	Proposed maximum event	
			Attendance	Total trip generation
Multi-day ticket-holders	2.5	10%	8,000	8,320
1-day ticket-holders	1.3	100%	800	1,270
Complimentary ticket-holders	1.3	100%	1,200	1,900
Staff/volunteers	1.3	10%	1,500	4,080
Special guests (artists/musicians/speakers)	3.0	100%	500	390
Total			12,000	15,960

Table 6: Trip generation assumptions and summary table from ITA

The ITA explains the peak anticipated traffic arrival time is anticipated to be between 6.00am and 11.00am on the Saturday morning with an estimated 1,940 trips. The peak departure trips is estimated for the Sunday afternoon between 4.00pm and midnight with an estimated 1,840 trips (i.e. a single hour peak of 506 vehicles per hour).

In order to mitigate the potential adverse traffic effects of the event, the ITA notes a number of methods are available including:

- Capping the number of event tickets;
- A Traffic Management Plan;

- Advertising alternative routes through the use of the Festival One app and NZTA’s journey planning tools;
- Event direction signage on the roadside to guide attendees along the preferred routes;
- Use of public notices;
- Use of road traffic counters for traffic monitoring;
- Provision of a local phone number for local residents and businesses to call if they are experiencing problems as a result of event activities; and
- An assessment of the monitoring data and review following the first event, with any required additional traffic mitigation measures implemented prior to the following festival event.

A key component of the ITA is the use of the proposed traffic route north on departure from the event which is shown below in Figure 19. This route will see traffic use rural roads, as an alternative to undertaking a right turn out of the Karapiro Road and Tirau Road intersection onto State Highway 1. This intersection is a known ‘hot spot’ for vehicle collisions and the applicant has been advised by the New Zealand Transport Agency that their support of the application is subject to the minimisation of north bound traffic using this intersection. Refer to Appendix F of the application.

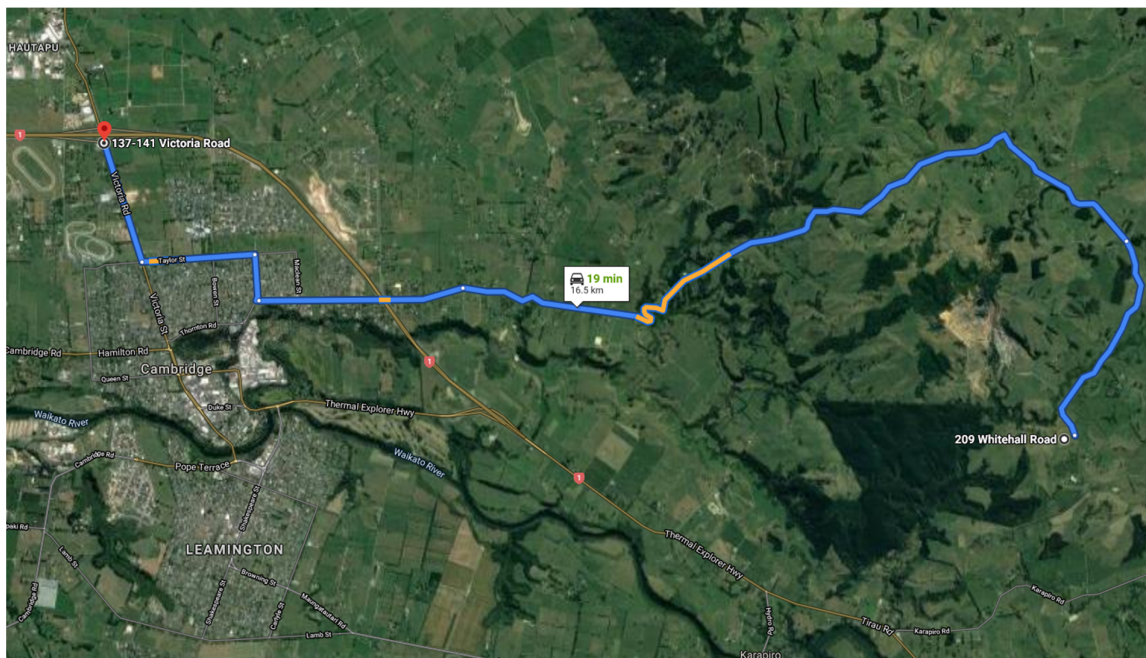


Figure 19: Propose north-bound route via Cambridge

The ITA has included an evaluation on the potential transport effects of the event. The assessment in Section 8.1 states the likely transport effects relate to:

- *“Potential increase in vehicle conflict and delays associated with vehicles turning at the SH1/Karapiro Road intersection;*

- *Potential increase in vehicle-cyclist conflict on local roads;*
- *Potential increase in loss-of-control type crashes due to drivers on unfamiliar local roads;*
- *Potential inadequate parking area for festival event greater than 6,500 tickets;*
- *Vehicle queues at intersections or the event gates impeding through traffic;*
- *Delays to local through traffic on the local road network.”*

The ITA acknowledges a number of visitors attending the event will be unfamiliar with the rural roading network, and the provision of the above-mentioned mitigation measures will serve to lower the potential adverse effects associated with traffic. It further notes that the rural road network has sufficient capacity to accommodate the traffic with minor efficiency effects.

Section 8.2 of the ITA summaries the anticipated transport effects as being the additional traffic using the rural roads. These effects have been deemed to be *“no more than minor provided that the suggested mitigation measures are implemented”*.

I have reviewed the information provided by with the application, and visited the site with Council’s Development Engineer, Mr Zion Nordstrom. With regard to the traffic effects and the comments made in the ITA, Mr Nordstrom noted *“The application suggests that festival goers are willing to follow directions and travel advice delivered via the Festival One app which will be helpful in directing them to alternative routes. The phone app provides real time updates and is used before, during and after the festival as well as to help manage the travel demand peak times and patterns of travel on the road network and to direct patrons to the preferred alternative routes. How reliable this information or the expectation that it is used is up for debate. A thorough traffic management plan and would be a more reliable option.”*

Noting Mr Nordstrom’s comment, I think the proposed traffic generated by the event, and the reliance on a phone application and signage to minimise the potential adverse effects of over 15,000 vehicle trips along rural roads is fanciful. The rural road users and residents along the routes anticipated to be used for the event will be subjected to traffic volumes over the four day event that are much higher than the normal use, and are more aligned with those more naturally anticipated on the state highway network during a public holiday weekend. While the ITA provides mitigation measures that will mitigate traffic effects from a road efficiency and safety point of view, there is a broader consideration to be had with regard to the potential impacts on the amenity effects (i.e. resulting delays, inconvenience etc), for road users and occupiers along the north-bound route (i.e. residents on French Pass Road, Thornton Road, Robinson Street and Taylor Street).

In addition, should event patrons choose to ignore the advice of the festival organisers and seek to utilise the exit on to State Highway 1 via the Karapiro/Tirau Road intersection, I note that the event dates coincide with Auckland Anniversary Weekend, which raises the number of road users, and a North Island rowing regatta to be held at the nearby Mighty River Power Domain. This event

brings in over 2,500 competitors and coaches, and between 1,500 and 2,000 spectators, adding additional traffic to State Highway 1 only 1.5km north of the Karapiro/Tirau Road intersection.

With regard to parking, Section 8.1.4 of the ITA notes that there is a resulting shortfall of parking spaces for both the 2021 event and the future maximum event (i.e. with 10,000 tickets) of 1% and 36% respectively. The ITA has stated the apparent shortfall may not eventuate however if it does occur consideration of where event goers would park is a valid effect. Given the alignment of Whitehall Road, and the surrounding topography of the site, there is an inability to consider the road reserve as a suitable area to cater for any parking overflow.

Additional information was provided to Council in the form of a letter from Mr Ian Johnson at Mitchell Daysh, dated 17 July 2020, which explained the agents view that the effects associated with the event traffic could be deemed less than minor. In this letter Mr Johnson highlighted:

- the proposed conditions agreed to with the NZ Transport Agency;
- the ITA analysis regarding peak traffic flow leaving the event site;
- the adaptive management framework proposed for monitoring and remedial works as the event grows; and
- the temporary event provisions of the District Plan.

I have taken on board the information provided in the abovementioned letter and note the NZ Transport Agency is supportive of the application subject to event traffic leaving the site and using the rural roading network. The impact of the proposed number of vehicles using the proposed north-bound route, extended over a longer period of time is above and beyond that which could be naturally comparable to a permitted temporary event.

Based on the information provided in the ITA, comments from Council staff, and my consideration of the above matters, I am of the opinion that the traffic effects associate with the event at the proposed location are likely to have adverse effects on the environment that are more than minor.

4.6.4 Summary of Effects

The above assessment has discussed the likely adverse environmental effects associated the proposed four day event. It has considered the rural character and amenity of the site and surrounds, the anticipated noise effects and the associated event traffic. While the proposal has included a number of mitigation measures to reduce the environmental effects, it is my assessment that due to the size and scale of the event it is likely to have adverse effects on the environment that are more than minor. On this basis, and pursuant to Section 95A(8), the proposal requires public notification.

4.7 Special Circumstances – Section 95A(9) – Step 4

Council must determination as to whether special circumstances exist in relation to the application that warrant public notification of the application and publicly notify an application if it considers

that special circumstances exist. In effect, special circumstances ‘trumps’ other notification provisions. Special circumstances have been defined as circumstances that are unusual or exceptional, but may be less than extraordinary or unique. Special circumstances provide a mechanism for public notification of an application which may otherwise appear to be routine or uncontentious or minor in its effects.

The purpose of considering special circumstances requires looking at matters that are beyond the plan itself. The fact that a proposal might be contrary to the objectives and policies of a plan is not sufficient to constitute special circumstances. Special circumstances must be more than:

- where a Council has had an indication that people want to make submissions;
- the fact that a large development is proposed; and
- the fact that some persons have concerns about a proposal.

In this instance, the proposal is not considered to have unusual or exceptional circumstances warranting public notification.

4.8 Summary of Public Notification Assessment

Pursuant to Section 95A, the application has been assessed to determine if public notification is required. In this instance, and for the reasons outlined in Sections 4.1 to 4.7 above, it is considered that the proposal warrants public notification.

4.9 Persons to be Served Notice – Section 95B

Regulation 10 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 identifies persons to be served notice of an application. In accordance with Section 10(2)(a), the consent authority must serve notice on every person who the consent authority decides is an affected person under Section 95B of the Act. The following assessment has been undertaken to determine whether a person is an affected person and requires to be served notice of the application.

4.9.1 1/207 & 2/207 Whitehall Road (Properties 8 & 9)

These two properties are located on the western side of Whitehall Road and are fully enclosed by the subject site. Both properties contain existing dwellings and 2/207 Whitehall Road also contains a Bed & Breakfast called ‘The Hilly House’. Both dwellings share an vehicle entrance and driveway which is located approx. 60m south of the proposed main gate entrance for the festival. Refer to Figure 20.



Figure 20: Location of dwellings and entrances for 1/207 & 2/207 Whitehall Road

In this instance, both of these properties are considered to be potentially affected by the rural character and amenity, noise and traffic effects. With regard to the rural character and amenity, both of these properties have views over the main festival entrance and access, which will be effected during the four day event. I note at night, there is a high likelihood of the entrance being lit for security purposes which may also cause further nuisance to these properties.

In terms of noise, the Noise Assessment included with the application clearly identifies both of these properties as receiving noise above the District Plan limits. Despite the topography of the site, mitigation measures will not be able to reduce the anticipated noise levels at the properties.

Lastly in terms of traffic effects, due to the scale of the event, both of these properties will notice and be adversely affected by the sheer number of vehicles using the road and entrance adjacent to their property entrance.

With these considerations in mind, it is my opinion both of these properties should be served notice of the application in accordance with Regulation 10.

4.9.2 178 & 196 Whitehall Road

These two properties are located on the eastern side of Whitehall Road and are located east of the main entrance to the event. Both properties contain existing dwellings and areas of grazing (i.e. 12ha and 13ha respectively). The property at 178 Whitehall Road is accessed via an entrance approx. 300m south of the main gate entrance for the festive and the site also contains a self-catering cottage called 'Whitehall Cottage'. 196 Whitehall Road has its vehicle entrance approx. 130m south of the main gate entrance for the festival. Refer to Figure 21.



Figure 21: Location of 178 & 196 Whitehall Road

In this instance, both of these properties are considered to be potentially affected by the rural character and amenity, and traffic effects. With regard to both the rural character and amenity, and the traffic effects, due to the scale of the event, both in patron numbers and the length of the event (i.e. four days), it is my opinion that these properties will notice and be likely effected. On this basis, both of these properties should be served notice of the application in accordance with Regulation 10.

4.9.3 15 Dunning Road

This property is located 900m directly east of the event site. The property contains a dwelling and has its vehicle entrance on to Dunning Road which is the first intersection south of the main gate entrance. Refer to Figure 22.

In this instance, the owners and occupiers at 15 Dunning Road are considered to be potentially affected by the rural character and amenity, and traffic effects. With regard to both the rural character and amenity, and the traffic effects, due to the scale of the event, both in patron numbers and the length of the event (i.e. four days), it is my opinion that this property will notice and be likely effected despite being slightly further away from the event site than the previously mentioned properties. On this basis, this property should be served notice of the application in accordance with Regulation 10.



Figure 22: Location of 15 Dunning Road

4.9.4 Summary of Assessment

Based on the above assessment, the proposal is likely to have adverse effects on the following properties and these should be served notice in accordance with Regulation 10:

- 1/207 Whitehall Road;
- 2/207 Whitehall Road;
- 178 Whitehall Road;
- 196 Whitehall Road; and
- 15 Dunning Road.

5 SECTION 95 NOTIFICATION RECOMMENDATION AND DECISION UNDER DELEGATED AUTHORITY

Pursuant to section 95 A & B application LU/0145/20 for the establishment and operation of an annual temporary event (Christian music festival) in the Rural Zone commencing in 2021 as a Discretionary Activity shall proceed on a **Publicly Notified** basis for the reasons discussed above in Sections 1 to 4.

Reporting Officer:



Hayley Thomas

Project Planner

Dated: 28 July 2020

Approved By:



Quentin Budd

Consents Team Leader

Dated: 28th July 2020