

REGULATORY HEARING REPORT



To: Hearings Panel
From: Aidan Kirkby-McLeod – Project Planner
Subject: Establish and operate an annual temporary event (Christian music festival) in the Rural Zone
Meeting Date: 13 September 2021
File Reference: LU/0145/20

Applicant:	Festival One Ltd
Agent:	Mitchell Daysh – Mark Chrisp
Property Address:	209 Whitehall Road, Karāpiro 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 Karāpiro 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

PART A – INTRODUCTION AND THE APPLICATION PROCESS

1 INTRODUCTION

- 1.1 Festival One Limited ('the Applicant') has applied for resource consent (land use) pursuant to Section 88 of the Resource Management Act 1991 ('the Act'). The land use consent is sought for the establishment and operation of an annual temporary event (Christian music festival) in the Rural Zone. A copy of the application for resource consent is attached to this report as **Appendix 2**.
- 1.2 The site to which this consent relates is a rural property at 209 Whitehall Road, Karāpiro. A detailed description of the site is provided in Section 3 of this report and a site location map included in **Appendix 1** of this report.
- 1.3 The application is assessed as a Discretionary Activity under the provisions of the Operative Waipā District Plan ('District Plan') due to non-compliance with the performance standards relating to temporary events in the Rural Zone. A detailed assessment of the reasons for consent is set out within Section 6 of this report.
- 1.4 The application was lodged on 25 June 2020. The application proceeded to public notification on 5 August 2020. Notice of the application was served on Council's website and through direct communication to five adjoining landowners on 31 July 2020. During the submissions period, a total of 11 submissions were received on the application, 10 of which are in opposition and one in support. One late submission in support was received following the close of submissions.
- 1.5 Council circulated the reporting planner's hearing report ('Section 42A report') to the Applicant and submitters on 9 October 2020. That report set out the then reporting planner, Hayley Thomas's, recommendation to refuse consent, based on the application as it then stood. The hearing for the application was set down for 2 November 2020.
- 1.6 On 16 October 2020 the Applicant requested that the Council suspend the processing of the application under Section 91A of the Act, to enable the Applicant to attempt to resolve the concerns held by Council staff and submitters. Accordingly, the original hearing date was postponed.
- 1.7 In June 2021, the reporting planner who prepared the Section 42A report for the purposes of the original hearing date went on maternity leave. Responsibility for managing the processing of the application was passed onto the current report author (Aidan Kirkby-McLeod) at that time.
- 1.8 The Applicant provided further information on 11 June 2021 regarding the proposal, including amendments to the staging and management of the annual event, as well as written approvals from several submitters previously in opposition to the proposal. Further information was requested from the Applicant regarding that revised proposal. This information was received on 27 July 2021. A copy of the further information provided is included in **Appendix 3**.
- 1.9 The Council circulated the further information provided by the Applicant to submitters on 30 July 2021, and afforded them the opportunity to provide any comments or feedback on that information.
- 1.10 As a result of the additional written approvals and the amended proposal and further information provided by the Applicant, a number of submitters to the original application have amended their stance. As a result, there are understood to be six submitters in opposition to the application, with another three submitters either neutral or in support of the proposal subject to conditions.

- 1.11 The application has been referred to the Hearings Panel as the planning staff do not have delegated authority to make a decision on notified applications where submissions have been lodged in opposition.

2 PURPOSE OF THIS REPORT

- 2.1 This report has been prepared by Aidan Kirkby-McLeod (Project Planner), in accordance with Section 42A of the Act, to provide a planning assessment and recommendation to the Hearings Panel on the above resource consent application. The key purposes of this report are to:
- Describe the application and consent requirements;
 - Identify the issues and concerns raised by parties who have lodged submissions on this resource consent application;
 - Assess the environmental effects of the proposal, including those raised in submissions;
 - Determine the effectiveness and appropriateness of the measures proposed by the Applicant to avoid, remedy or mitigate those environmental effects;
 - Assess the proposal against the requirements of the Act and the provisions of the relevant planning instruments;
 - Make a recommendation for the consideration of the Hearings Panel as to whether the resource consent should be approved or declined; and
 - Recommend conditions be imposed on the resource consent, if granted, to ensure that the adverse effects of the proposal can be appropriately managed.
- 2.2 It should be noted that any of the conclusions reached or the recommendations formed are not binding on the Hearings Panel. The Hearings Panel will make their own conclusions and recommendations after having considered all the evidence from the Applicant and submitters at the hearing.

3 THE SITE

- 3.1 The property is located on the west side of Whitehall Road, approximately 2.5 kilometres north of the intersection with Karāpiro 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 of kanuka. The Karāpiro Stream bisects the property and the Waiarumu Stream defines the northern property boundary. The application site is the eastern portion of the site bounded by the Karāpiro Stream and the Waiarumu Stream as shown in Figure 2. The topography of the site is a mixture of rolling hill country and large areas of flat pasture.
- 3.2 The site is currently vacant of any dwellings; however, it has several farm buildings located within the site.
- 3.3 Access to the site is provided via three existing entrances from Whitehall Road. Within the site is several farm tracks used for both farming and forestry operations.
- 3.4 The site is self-sufficient for water supply via an existing bore.

- 3.5 Surrounding properties are a mix of rural residential and rural in nature with several 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 Karāpiro Mobil, which is located on the corner of Karāpiro and Tirau Roads, and the Mighty River Power Domain, located on the southern side of Lake Karāpiro, less than 5km south of the site.
- 3.6 The property is sited within the Rural Zone and includes areas subject to the Cultural Landscape Area – Alert Karāpiro Stream, Significant Natural Areas (WP533 and WP533a), and a Quarry Buffer policy overlay of the District Plan.
- 3.7 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 noted as being a potential ‘HAIL Site’. I note these areas are outside of that part of the site to be used for the event.

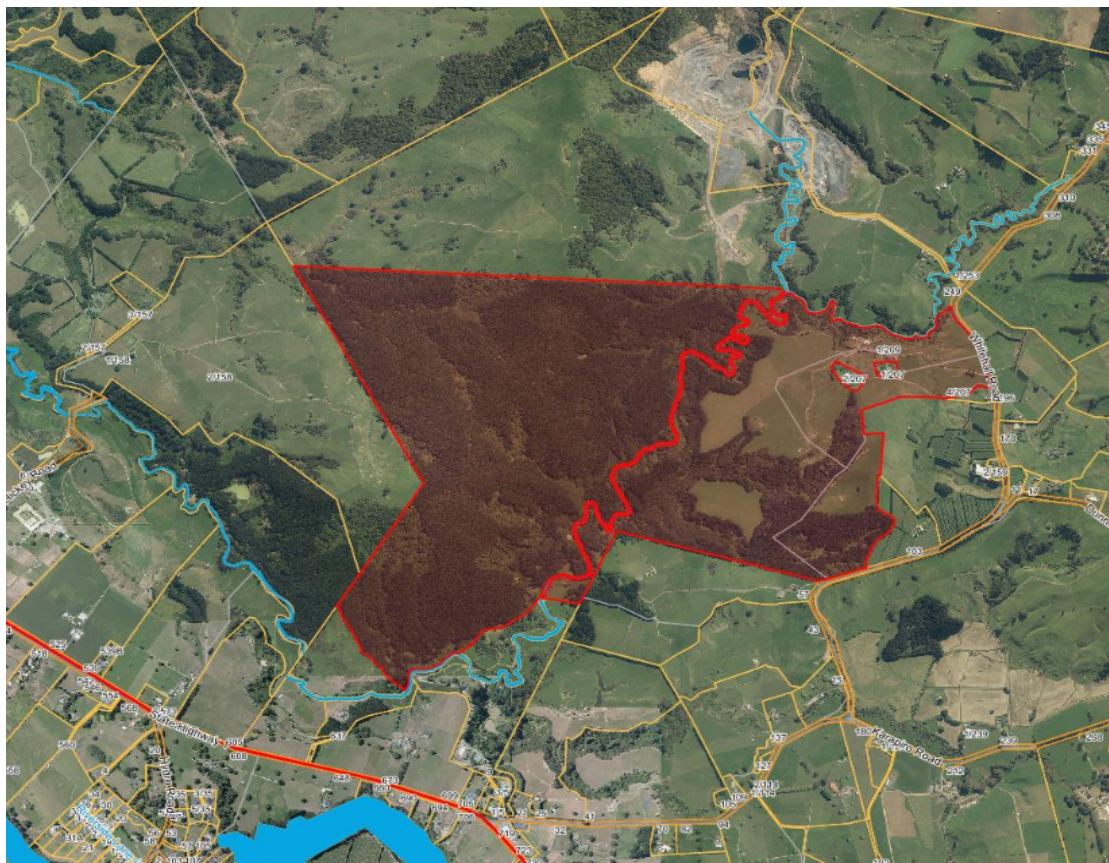


FIGURE 1: AERIAL PHOTOGRAPH OF SITE (SITE SHOWN IN RED)

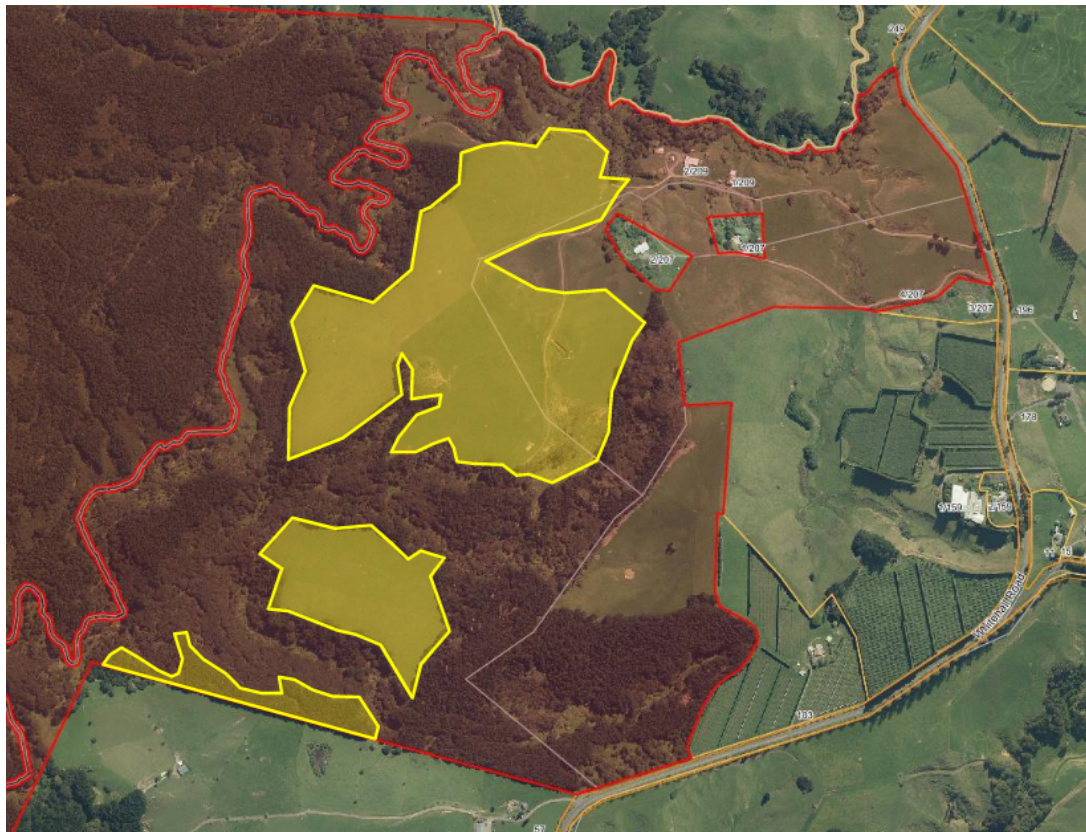


FIGURE 2: ZOOMED IN AERIAL PHOTOGRAPH OF EVENT AREA (SITE SHOWN IN RED, EVENT AREA SHOWN IN YELLOW)

4 BACKGROUND

4.1 Parachute Music, a not-for-profit music organisation, ran the annual Parachute Festival (‘the Festival’) from 1992 to 2014. The Festival originated as a platform for approximately 100 Christian musicians to share their music and included seminars and activities for a wide demographic. The Festival was a multi-day event held over the Auckland Anniversary weekend. Across the years, the Festival has been operated at a number of sites including Totara Springs in Matamata and El Rancho in Waikanae. In 2004 the Festival moved to Mystery Creek Events Centre.

RC/3948

4.2 In 2003, Parachute Music Arts Trust Limited sought consent for the establishment of a four-day Christian music and arts festival at the Mystery Creek Events Centre over the Auckland Anniversary weekend. The festival comprised of:

- Three (3) outdoor stages;
- Dance party/bands in auditorium(s);
- Fireworks, carnival rides, movies and other recreation/entertainment activities;
- Overnight camping;
- Vehicle parking at Hamilton Airport;
- Vehicle parking on neighbouring Mystery Creek Road properties (Lot 2 DPS 15355 and Lots 3,4 and 5 DPS 14088).

The application was a Discretionary Activity and publicly notified. Submissions were received from 22 parties with the majority in opposition.

- 4.3 The application was heard by the Regulatory Committee and approved on 24 November 2003 citing the District Plan objectives, policies and rules recognise that music festival events are activities for which the Mystery Creek Exhibition Centre Zone was created, the effects were limited in extent and/or could be mitigated by conditions. Consent was approved for a five-year period.
- 4.4 The Festival commenced in January 2004 under this consent.

LU/0001/08

- 4.5 In 2008, Parachute Arts Trust applied to hold the 'Parachute Music Festival' (during Auckland Anniversary Weekend each year from 2009 to 2013 (5-year period) at Mystery Creek Events Centre. The application was assessed as a Discretionary Activity due to its failure to comply with the controlled activity criteria and was publicly notified. A total of 21 submissions were received.
- 4.6 The application was heard by the Regulatory Committee who approved the consent on 7 August 2008 citing the District Plan objectives, policies and rules recognise that music festival events are activities for which the Mystery Creek Exhibition Centre Zone was created. The Decision noted the application would have more than minor adverse effects, however it was still able to pass one of the tests included within section 104D of the Resource Management Act required for a non-complying activity.
- 4.7 The Festival operated under this consent from 2009 to 2013.

LU/0197/12

- 4.8 In December 2012, Opus on behalf of their client the Parachute Arts Trust, made an application to Council to hold the annual Parachute Music Festival at Mystery Creek Event Centre for a period of five years (2014-2018) for an anticipated attendance of 40,000 people.
- 4.9 The application was determined to be a Non-Complying Activity due to failure to comply with the District Plan noise and temporary activity provisions.
- 4.10 Council's Planner assessed the application and decided the application required Limited Notification. A total of 8 submissions were received with three being in support, four in opposition and one neutral.
- 4.11 The application proceeded to the Council's Regulatory Committee for a decision and consent was granted on 15 April 2013 for a five-year period (ending after the 2018 festival).

PG/0059/18

- 4.12 In June 2018, a Pre-Application meeting between Council Staff and the Festival One Team was held to discuss the proposal to relocate the event to a rural site. Council's then Consents Team Leader, Mr. Moran, was present at this meeting and noted the key potential effects of relocating would be:
- *“Level of traffic on local roads and the impacts on landowners in the area;*
 - *Consulting with iwi and gaining their support;*
 - *Consulting with the local community including the school about the festival and its operation including event and traffic management;*
 - *Gaining NZTA support for traffic management approach settled on.”*
- 4.13 The meeting notes provided the following comments:

- *“Unlikely that Council would consider the proposal as a non-notified application on the basis of the discussion of potential effects above.*
- *Possibility for limited notification would only occur after the application is lodged and could take possibly one month for assessment and a determination.*
- *Public notification more likely and may provide a quicker consenting process although a hearing will be required if submissions in opposition are received.”*

2019/2020 Events

- 4.14 Council records show the event in both 2019 and 2020, as being included on the Mystery Creek Events Calendar pursuant to the Major Event Days outlined in Section 9 – Mystery Creek Events Zone of the District Plan.

5 THE PROPOSAL

- 5.1 Pursuant to Section 88 of 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. A full copy of the Application is included in **Appendix 2**.

- 5.2 The event will:

- Be held annually over the Auckland Anniversary long weekend (i.e. the last weekend in January);
- Commence in 2022;
- Run over three nights and four consecutive days;
- Have patrons attending from 10am Friday until midday Monday;
- 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;

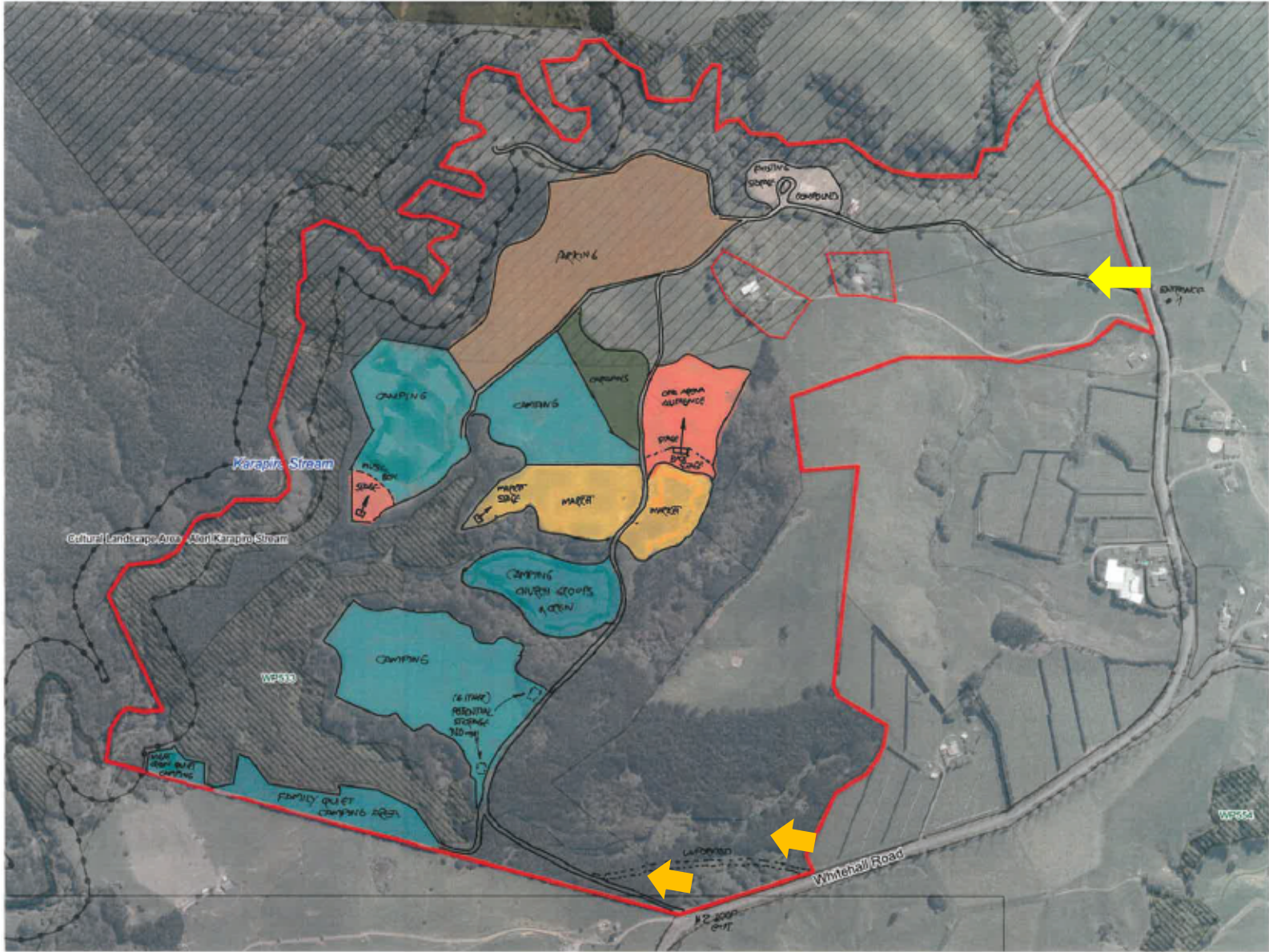
- Restrict site access to two or three security-controlled entranceways to the property. Management of traffic from the state highway and rural roads will be guided using a Temporary Traffic Management Plan developed in conjunction with Waka Kotahi NZ Transport Agency and the Waipā District Council;
- 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.

5.3 The Applicant has proposed that the event be 'scaled back' during its first four years of operation, with a cap on the number of patrons and crew members to be incrementally increased over these years. The maximum numbers of people proposed to be accommodated over the years is set out in the below table.

TABLE 1: PROPOSED PATRON / CREW CAP OVER FIRST 5 YEARS OF EVENT

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

5.4 Refer to Figure 3 below and **Appendix 4** for the proposed site plan for the activity.











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 3: PROPOSED SITE PLAN

5.5 Written approvals from the landowner, surrounding properties, iwi and Waka Kotahi accompanied the application as originally lodged, as outlined in the table below. It is noted the support from Waka Kotahi is subject to a number of conditions being included on the consent. A map of the locations of these written approvals in relation to the site is provided in **Appendix 5** of this report.

TABLE 2: WRITTEN APPROVALS ACCOMPANIED APPLICATION

Landowner / Agency	Street Address
G & S Atkinson	253 Whitehall Road
Winston Aggregates	253 Whitehall Road
Michael & Cai Schonberger	3/207 Whitehall Road
MLW Gardiner & RA Gardiner	1/159 Whitehall Road
Davies & Delos Reyes	103 Whitehall Road
Ken Blundell & Nicola Voyle	57 Whitehall Road
Jason W Farrow	11 Dunning Road
Paul & Irene Gardiner	17 Dunning Road
Russell Bezzant*	111 Dunning Road
Karāpiro Motors (1975) Ltd	719 Tirau Road
D Roigard	137 Karāpiro Road
Ngā Iwi Toopu o Waipā	
Waka Kotahi NZ Transport Agency	

* This party has also made a submission in opposition to the proposal, and it is therefore understood that they have withdrawn their written approval.

5.6 The written approval of one party, James & Mary Casey of 308 Whitehall Road, was provided with the application, however they subsequently contacted Council to withdraw that written approval and made a submission in opposition to the application.

5.7 As part of the further information provided by the Applicant, the written approval of two other parties was provided, namely:

- Sonia & Bryce Ede of 1/207 Whitehall Road; and
- Mark & Tenia Guest of 2/207 Whitehall Road.

5.8 A site visit was completed with the Applicant's agent (at that stage, Ian Johnson), Glynn Jones (Council's Environmental Health Officer), Zion Nordstrom (Council's Development Engineer) and the original report writer (Hayley Thomas) on Monday 6 July 2020.

5.9 As a result of the Applicant's request to suspend processing of the application, and given the subsequent change in Council's reporting planner, an additional site visit was undertaken with the Applicant (Graham Burt), the Applicant's agent (Mark Chrisp) and the current report writer (Aidan Kirkby-McLeod) on the 29 June 2021.

5.10 With regard to the processing of the application:

- On vetting of the consent Council consulted with the Applicant's agent, Mitchell Daysh, whether 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. No Section 92 requests for further information were made.
- As discussed below, the application was notified on Wednesday 5 August 2020. A hearing for the application was set down for 2 November 2020.
- Council released its Section 42A Report on 9 October 2020. The recommendation of the reporting planner set out in that report was for the application to be refused, based on the information in front of the reporting planner at that time.
- The Applicant wrote to the Council on 16 October 2020 requesting that the application be suspended at the Applicant's request under Section 91A of the Act. The Applicant further wrote to Council on 14 May 2021 requesting an extension to the suspension timeframes, which the Council agreed to on 24 May 2021.
- On 11 June 2021, the Applicant provided a bundle of information including: revisions to the proposed manner in which the event was to be run (in particular, the 'scaled back' running over the event over the first five years); additional written approvals and correspondence with affected parties (Waikato Regional Council and NZ Police); further information regarding transportation effects; and an example copy of an Event Safety Plan. The Applicant requested that the Council recommence processing of the application based on this information.
- The Council requested further information regarding the transportation analysis. This was received on 27 June 2021, and the bundle of information was collated and circulated to submitters for their information on the 29 June 2021.

6 ACTIVITY STATUS

- 6.1 Section 4 of the Assessment of Environmental Effects report prepared by Mitchell Daysh, on behalf of the Applicant, dated 22 June 2020 provides an assessment of the proposal against the relevant provisions of the District Plan. Section 2 of the Notification Report (included as **Appendix 6**) provides the assessment undertaken by the previous reporting planner, Hayley Thomas.
- 6.2 In summary, both parties conclude that the proposal requires resource consent for the following reasons:
- The festival will fail to meet the noise maximum noise limits under Rule 4.4.2.15 – Noise;
 - The festival fails to meet Rule 4.4.2.51 – Temporary Event due to the new purpose built storage building that will be constructed as part of the site works; and
 - The festival fails to meet parts (b), (c), and (d) of Rule 4.4.2.53 – Temporary Events, as the festival will take place over more than two days duration, occurs outside of the hours of 7.00am to 10.00pm, and has over 500 attendees.
- 6.3 Overall, the application is deemed to be a **Discretionary Activity**.

7 SUMMARY OF NOTIFICATION ASSESSMENT

7.1 Under the Act the notification provisions are contained in Sections 95A to 95F. Specifically, Sections 95A to 95F which set out the process for determining whether or not public notification or limited notification of the application is required. Having regard to the notification provisions, a notification assessment has been completed and is contained in **Appendix 6**.

7.2 This report concludes:

- The information contained within the application is substantially suitable and reliable for the purpose of making a recommendation of and decision on notification;
- The Applicant did not request that the application be publicly notified and there are no rules in the District Plan relevant to this proposal that require that the application must be notified;
- There are no rules in the District Plan relevant to this proposal that preclude public or limited notification;
- 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.
- 12 landowners surrounding the site provided their written approval, along with Ngā Iwi Toopu o Waipā and Waka Kotahi. It is noted the support from Waka Kotahi is subject to a number of conditions being included should consent be granted.
- The assessment of effects considered the proposal with regard to:
 - Character and amenity;
 - Noise; and
 - Traffic.
- The adverse effects were assessed to be above the ‘more than minor’ threshold and the proposal proceeded to public notification;
- Pursuant to Regulation 10 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 the following parties were served notice of the application:
 - 1/207 Whitehall Road;
 - 2/207 Whitehall Road;
 - 178 Whitehall Road;
 - 196 Whitehall Road; and
 - 15 Dunning Road.
- The application was publicly notified on Wednesday 5 August 2020 with submissions closing on 3 September 2020.

8 SUBMISSIONS

8.1 During the statutory submission period, a total of 11 submissions were received. Ten submissions received were in opposition and one submission was in support. The submissions, including a summary of the submissions, are attached at **Appendix 7**.

- 8.2 During the submission period, one written approval party, J & M Casey of 308 Whitehall Road, withdrew their support for the application and made a submission in opposition. I also note that another written approval party, R & A Bezzant of 111 Dunning Road, also made a submission in opposition and accordingly it is understood that their written approval no longer stands.
- 8.3 Following the close of submissions, one late submission was received. The submission from Firth Industries Ltd (#12) was received by Council past the closing date for submissions, being received on the 7 September 2020. This submission was accordingly lodged two working days late. The submitter has since withdrawn their submission so no further consideration is required in relation to this submission.
- 8.4 Following the close of submission period the Applicant requested that the processing of the application to be suspended in order to enable them to seek to resolve some of the concerns raised by submitters. As a result, the Applicant has subsequently provided the written approval of some of the parties that originally submitted against the proposal, as well as correspondence with other submitters (Waikato Regional Council and NZ Police) confirming that they are no longer in opposition to the event. One submitter (Firth Industries) also withdrew their submission.
- 8.5 Accordingly, there are now nine submissions relating to the proposal as it now stands, with six in opposition and three that are either in support or neutral to the proposal.
- 8.6 The opposing submissions raise the following matters:
- Health and wellbeing;
 - Ecological and biodiversity effects;
 - Rural character and amenity;
 - Noise effects;
 - Traffic and parking effects; and
 - Effects of precedent.
- 8.7 These matters are discussed further in Section 9 of this report. Overall, the majority of submitters have requested the application be declined.
- 8.8 The submissions have also raised the following matters which require comment at this point. These are summarised as:
- Alternative event venues within district; and
 - Effects on property values.
- 8.9 Some submitters have outlined their concern regarding the lack of use of existing event venues within the Waipā District noting there is no compelling reason for the activity to be located at the subject site. While the consideration of alternative venues is a natural step in event management, the application has been made for the subject site, and Council is required to assess the application based on its merits. For this reason, the advantages and disadvantages of other venues cannot be taken into account.
- 8.10 Some submitters have raised the potential for loss of property values within their submission. Case law has established that effects on property values are not a relevant consideration in determining whether a resource consent should be granted. The Environment Court has taken the approach that

the question of effects on property values is not an effect in itself, but it is a 'symptom' of other specific environmental effects.

PART B – RESOURCE MANAGEMENT ACT 1991 ASSESSMENT

9 SECTION 104 ASSESSMENT

9.1 A consent authority must have regard to a number of matters under Section 104 of the Act when making a decision on an application for resource consent. Those matters include:

- The actual and potential effects of an activity on the environment (section 104(1)(a)) and relevant provisions of an operative and / or proposed District Plan;
- Any measure proposed or agreed to by the Applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse environmental effects that may or will result from the activity (section 104(1)(ab));
- The provisions of National Directions, the Regional Plan or the Regional Policy Statement, or any other relevant statutory documents (section 104(1)(b)); and
- Any other matter the consent authority determines relevant and reasonably necessary to determine the application (section 104(1)(c)).

9.2 The following provides my assessment of all relevant matters under Section 104.

10 ASSESSMENT OF ENVIRONMENTAL EFFECTS (SECTION 104(1)(A))

10.1 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.*

10.2 With the above definition in mind, and the assessment of adverse effects in the approved notification report, which is also relevant for the purposes of the assessment required under Section 104(1)(a), the potential adverse effects of the proposed activity requiring further examination relate to those matters raised in submissions. These matters are:

- Health and wellbeing;
- Ecological and biodiversity effects;
- Rural character and amenity;
- Noise effects;
- Traffic and parking effects; and
- Precedent.

Health and wellbeing

- 10.3 Submitters have raised concerns about the potential adverse effects on their families, pets and farm animals, their personal health and their businesses as a direct result of the proposed festival occurring on the subject site.
- 10.4 I note consideration has been given in the application to the health and wellbeing as the *“personal safety and security of patrons, artists, guests, contractors, suppliers and support crew at the festival”* (refer Section 5.1.6 of the application). These matters are described as being *“in a holistic sense... providing for their social wellbeing... as espoused under section 5 RMA”*.
- 10.5 While I partially agree with the Applicant’s assessment under Section 5.1.6 of the application, in that an Event Safety Plan would ensure workplace health and safety is implemented and managed effectively, I note it only discusses those persons involved with the festival. The application as originally lodged did not consider the health and wellbeing of the wider community as a result of the adverse effects anticipated.
- 10.6 The Applicant has since provided some commentary on the effects on the health and wellbeing of owners and occupiers of the surrounding landholdings in their further information received 11 June 2021. In that correspondence, they set out that:
- In terms of effects of noise: amplified music will be limited to the hours of 1pm to 12am over three days / nights; the Applicant proposes to monitor and report on noise, and has demonstrated past compliance in running this event; and that the level of noise received at those properties from which written approval has not been received will be compliant with the District Plan standards.
 - In terms of potential nuisance and security concerns: the event is run as an intergenerational, family friendly, drug and alcohol free event. An event security team is employed to manage socially unacceptable or nuisance behaviour.
 - In terms of traffic: a traffic management plan is proposed to minimise disruption. Vehicle queuing will be managed within the site.
 - In terms of other potential nuisance effects: dust management through water suppression by way of an on-site water truck is proposed. A dedicated rubbish team will be employed to address rubbish and litter on the site and surrounding environs.
- 10.7 In my opinion, the proposed management regime is comprehensive and provides a good degree of surety that the event can be appropriately managed in a way to ensure that the health and wellbeing of persons and animals in the surrounding environment is not compromised for the duration of the festival. I also note that the Applicant has included a communications strategy that provides for the surrounding community to have direct line of contact with the event management team during the event, enabling any immediate concerns to be directly raised and responded to by the Applicant.
- 10.8 Overall, having regard to the temporary nature of the event and subject to the mitigation measures required to be implemented through the various management plans in the proposed and recommended conditions of consent, it is my opinion that while the proposal may result in noticeable effects that do inconvenience some of the neighbouring owners and occupiers, it will not significantly impact on the overall health and wellbeing of receivers in the surrounding environment.

Ecological and Biodiversity Effects

- 10.9 The subject site includes areas to the west of the Festival Site which are identified under the District Plan as Significant Natural Areas. The District Plan explains these areas are locally significant, mid-stream unprotected scrub, where protection, maintenance and enhancement is desirable.
- 10.10 In their submission, the Waikato Regional Council originally raised concerns that the application does not adequately assess the potential impacts of the activity, including light, noise and vibration, on the indigenous taxa within the surrounding environment. There is particular concern that North Island long-tailed bats, which are a nationally critical threatened species, may be present and affected from the effects of the activity.
- 10.11 The Applicant has met with the submitter to discuss the potential effects of concern, and how these may be able to be resolved. Subsequently, recommended conditions of consent have generally been agreed to between the Applicant and the submitter, requiring the Applicant to undertake ecological monitoring and reporting, including bat monitoring prior to, during, and after the first festival event. On that basis, I consider appropriate mitigation measures will be in place to ensure that the proposal does not result in unacceptable effects on the ecological values that may be present in this environment.
- 10.12 Other submitters have also raised concerns about potentially inadequate rubbish disposal during the event and the effects of rubbish pollution on the surrounding areas, including but not limited to downstream areas and roadside areas. In the further information provided on 11 June 2021, the Applicant sets out a proposed management regime, including having a dedicated rubbish team operating on regular shifts for emptying rubbish bins provided throughout the event site, and undertaking nightly 'sweeps' of the site and surrounds (including the road area and river). Rubbish collected will be transferred to covered skip bins located in the operations compound, which will be collected by Waste Management trucks on a rostered basis. The proposal therefore incorporates a comprehensive rubbish management regime which will appropriately avoid adverse effects in this regard.
- 10.13 Given the presence of the Karāpiro and Waiarumu Streams on the site, a further consideration is the accessibility of the water to people, and if there are any environmental effects of people swimming and/or using the waterways. I note the application states the stream margins are secured by fencing to prevent access, and in the further information supplied on 11 June 2021 the Applicant describes having security personnel present at the entry to the waterways to restrict the number of people accessing the waterways at any one time, as well as to monitor the behaviour and health and safety of patrons.
- 10.14 On the basis of the proposed management measures to be implemented, including monitoring of and associated actions to protect native fauna such as bats, the proposed rubbish management regime, and measures to control access to and manage interactions with the waterways on-site, I consider that any effects of the proposal on the ecology and biodiversity of the site to be acceptable.

Rural Character and Amenity Effects

- 10.15 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”.

- 10.16 The District Plan describes the District’s rural character as “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”.
- 10.17 Retaining the character and amenity of the rural environment, while making provision for activities that require a rural setting, is important. While acknowledgement to the existing environment is given in the application (Section 2.2 of the application), the nature and scale of the proposed event is generally considered to fall outside of the District Plan’s description of elements that define the rural character (i.e. national event vs local event).
- 10.18 In terms of the rural character and amenity effects, the following paragraphs discuss each of the submitters concerns regarding the following:
- Rural character; and
 - Security / loss of privacy / nuisance.
- 10.19 Noise, traffic and parking effects, while contributing to the rural character, are considered further in their own sections below.

Rural Character

- 10.20 Submitters have raised concern the proposed activity compromises the character of the existing rural area and will have negative effects on the amenity of this environment. Submitters have described the existing surrounding rural activities as being inclusive of livestock, horticulture, mineral extraction, and forestry. Submitters have expressed their view that the festival will depart from the rural character and be an intrusive and unnecessary disturbance to the area.
- 10.21 The Applicant has acknowledged the activity will have a noticeable impact on the ‘peace and tranquility’ of the rural environment, stating this will be minimal during the set-up and ‘pack down’ or dis-establishment phases, and more discernible during the festival itself (refer Section 5.1.8). The Applicant suggests that the proffered conditions will be particularly effective in addressing concerns and provide a clear process for responding to concerns during the festival. As such, they note that the degree of disturbance upon the rural character and amenity will be limited to some four days as an annual occurrence.
- 10.22 Further to this, as part of the further information provided on 11 June 2021, the Applicant notes that the landowner for the festival site (in conjunction with the Applicant) have, since acquiring the land, undertaken numerous works to improve the quality of the land for rural purposes. This includes clearing of pest plants and animals, planting of native trees, fencing of waterways and installation of deer fencing, improvements to drainage and rehabilitation of the land to enable productive land uses. They note that for the remainder of the year the site will be used for farming purposes, and as such, they consider that in this regard the proposal has (and will continue to have) a positive contribution to the rural environment.
- 10.23 The Applicant has also expressed their opinion that the festival will contribute to the rural environment in terms of enabling festival goers (the majority of which are likely to be urban-based and not have regular contact with rural environments) to “*enjoy a slice of country life*” for the duration of the festival.

- 10.24 I acknowledge the environmental benefits that have arisen from the landowner undertaking works to enhance the quality of the rural amenity on their property, which is tied to their desire to provide an enhanced experience and positive environment for them to host the festival within. That being said, improvements to the rural qualities of the site is plainly something that could have occurred with or without the festival being hosted on the site, rather than being intrinsically tied with or reliant on the festival.
- 10.25 As such, I consider that the festival itself has a limited and tenuous connection or contribution to the rural environment. That said, in my opinion the short duration of the temporary event will substantively limit the extent to which the proposal detracts from the established character of the surrounding environment.

Security / Loss of Privacy / Nuisance

- 10.26 Submitters have expressed concern for their safety and security during the Festival, citing a lack of attention and appropriate mitigation measures in the application. Additionally, submitters have noted the limited availability of cell phone coverage in the area, may lead to patrons traversing beyond the site boundaries seeking mobile or internet connectivity.
- 10.27 The Applicant has provided further details as part of the information submitted on 11 June 2021 of the proposed measures to be in place to address safety issues associated with festival, including an example of an Event Safety Plan that has been prepared as part of the management of previous festivals. The Applicant notes that a security team will be operating 24 hours a day for the duration of the festival. Following further engagement between the Applicant and NZ Police, NZ Police have confirmed they no longer hold the concerns raised in their original submission to the application. The Applicant also notes that in previous events NZ Police have sent officers to do a 'walk through' and provide some presence on site during the festival.
- 10.28 In terms of lack of cell phone reception coverage, the Applicant has advised that a temporary communications system is proposed to be installed and operated over the duration of the event. That system will provide cell phone and WIFI coverage across the site, access to which is to be provided to festival goers. The Applicant notes that they consider provision of WIFI connectivity to be particular importance, given the number of younger attendees who are unlikely to have mobile data plans, and the desire to provide festival goers with the ability to access the Festival One app.
- 10.29 Accordingly, in my opinion the proposal demonstrates that suitable measures will be in place to limit the potential for festival goers to create a nuisance or detract from the rural amenity of the surrounding environment. This includes continuous security to assist with health and safety as well as monitoring behaviour of attendees, and the provision of suitable amenities on-site to avoid the likelihood of festival goers venturing off-site in search of cell phone coverage.

Summary of Rural Character and Amenity Effects

- 10.30 In summary, I consider that the intensity and scale of the proposal is much larger than that which could typically be anticipated in the Rural Zone, such that it will have an impact on the rural character of this area.
- 10.31 Submitters have outlined various concerns about the effects on the rural character, and additionally have suggested further conditions should the consent be granted, which include:
- A defined consenting period (i.e. no more than 1 or 10 years);

- Specific provision for the event organiser to provide security for properties; and
- Maximum 5,000 ticket holders with 1,200 staff.

10.32 The Applicant has outlined that the proposal will result in some benefit to rural character, particularly in terms of: improvements being undertaken to the landholdings as part of hosting the event; and the desire to enable attendees to have a quality experience, with the rural environment providing a more favourable atmosphere than the 'industrial' qualities of event spaces such as Mystery Creek.

10.33 In my opinion, while there is the potential for the proposal to give rise to significant effects upon rural character and amenity, the impact of these effects will be reduced by the temporary nature of the proposal. Substantive management measures are proposed by the Applicant to manage and mitigate that impact upon the surrounding environment.

10.34 I do consider, however, that the overall potential impact that the event has on the rural character is compounded by the Applicant seeking to hold it annually with no limit on the number of years that it can occur; that is, the Applicant has sought consent for the event to occur annually in perpetuity. This, in my mind, results in the event having a more permanent 'presence', and would give rise to at least a perceived change in the character of this area.

10.35 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.

10.36 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.

10.37 The Applicant has expressed their opinion that such a condition is not necessary, however have provided an updated set of recommended set of conditions, which includes a condition limiting the duration of the consent to 10 years. On the basis of this condition being included, should consent be granted, then I would consider the above concerns to be sufficiently mitigated.

Noise Effects

10.38 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 the following:

- During daytime hours (between 7am and 10pm) – 50dBA (Leq)
- During night time hours (between 10pm and 7am) – 40dBA (Leq) and 70dBA (Lmax) (single noise event)

10.39 These levels provide for anticipated noise from rural activities.

- 10.40 Submitters have expressed their concerns with the exposure to noise generated from an activity of this scale, and the prolonged music and traffic noise, not only on themselves but also on their pets and stock. The submitters describe the effects of the anticipated noise as “a meaningful impact of noise” resulting in “significant and intrusive effect”.
- 10.41 An Assessment of Environmental Noise Effects prepared by Cardno dated 15 June 2020 (“Noise Assessment”) was included in Appendix D of the application. Within Section 6 of the Noise Assessment, 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)”*.
- 10.42 The Noise Assessment determines that sound levels at residential dwellings in the surrounding environment is predicted to be less than 40 - 50 dB LAeq, except for 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.
- 10.43 I note that since lodging the application the Applicant has obtained the written approval of the owners/occupiers of 1/207 and 2/207 Whitehall Road, and accordingly adverse effects on these receivers must be disregarded.
- 10.44 Council’s Environmental Health Officer, Mr Glynn Jones, has visited the site and noted with regard to the nearest properties, there is *“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 amphi-theatre [sic.] 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.”*
- 10.45 Given the written approval of the owners/occupiers of 1/207 and 2/207 Whitehall Road has now been provided, Mr. Jones has provided further comment on the likely effects of the proposal. In his opinion:

“The sign off for the two properties at 1/207 and 2/207 Whitehall Road effectively deals with the main noise issue.

To be completely comfortable with potential noise effects on the other potentially affected local properties, consideration is also given to the later hours that amplified music is proposed.

For other neighbouring properties, the acoustic report predicted that there would be small exceedances of the night time noise level in the District Plan which applies after 10.00pm up to 12.00 midnight. However, it is agreed that the predicted exceedances are not significant and the frequency of the events and the duration is limited.

The predictions appear to have been well thought through and using “worst case” conditions taking into account the cumulative effects of all noise sources operating at the same time.

I would therefore not anticipate that these effects would be more than minor provided that the acoustic controls recommended by the report are put in place and these can be conditioned.”

- 10.46 Based on the Noise Assessment and Mr. Jones' comments, in my opinion noise generated by the festival will impact surrounding residents (not including those from whom written approval has been obtained) to a minor extent.
- 10.47 The Applicant has proposed to implement a 'noise control monitoring boundary', where real time monitoring of noise levels is undertaken to ensure they remain within that predicted in the Noise Assessment. The noise monitoring is proposed to be undertaken along the predicted 55 dBA boundary as shown in Appendix C to the Noise Assessment report and in Figure 4 below.

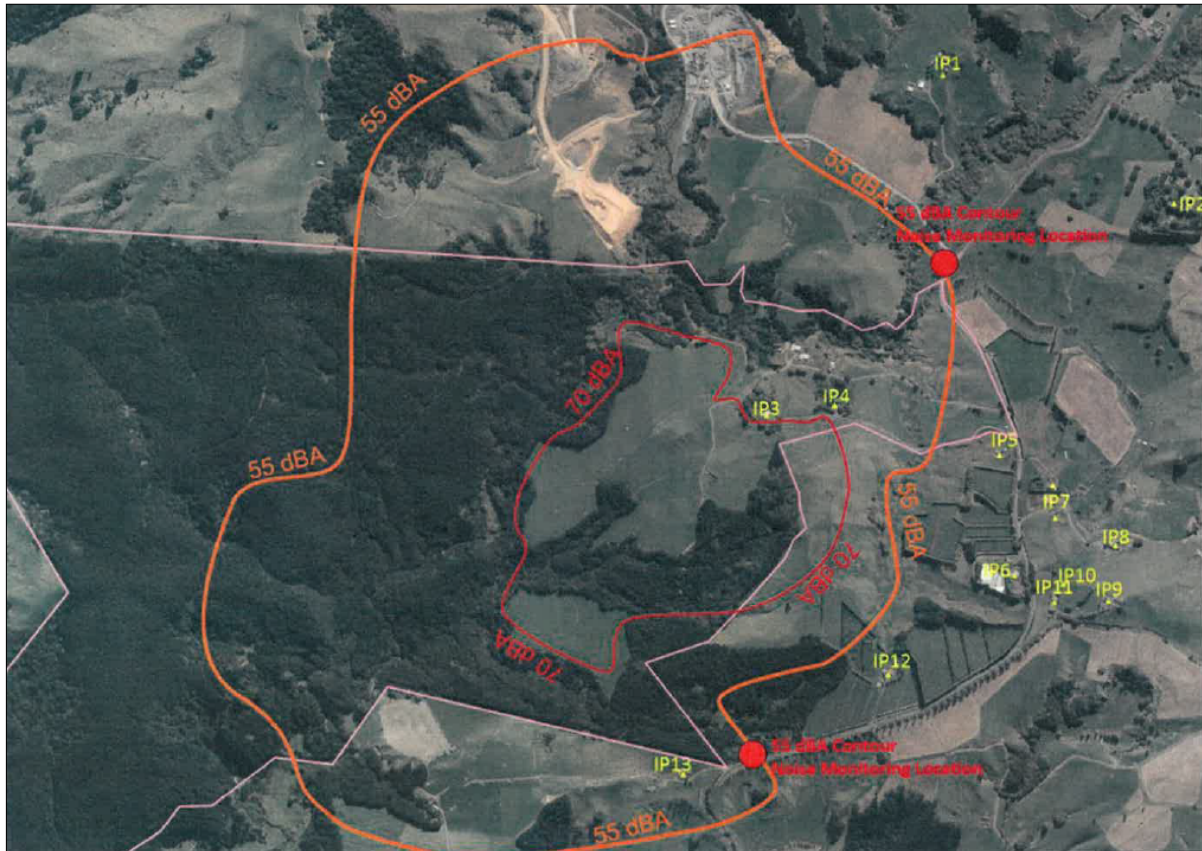


FIGURE 4: PROPOSED NOISE MONITORING LOCATIONS ALONG PREDICTED 55dBA BOUNDARY

- 10.48 The Applicant has also proposed that an Operational Noise Management Plan be implemented for the event, which is to include community consultation and liaison measures. These include actions for the Applicant to undertake should a noise complaint be received from the community, and provide for an independent acoustic consultant to undertake monitoring in order to confirm whether or not the level of noise being generated is compliant with the predicted modelling, and if not, requires the Applicant to remediate that situation.
- 10.49 Overall, I note that:
- noise associated with the festival will predominately occur over a period of three days and nights, with the greatest level of noise occurring between the hours of 7.30pm and midnight on the Friday, Saturday and Sunday nights;
 - effects on the owners and occupiers of 1/207 and 2/207 Whitehall Road (being the two closest, and therefore most potentially affected parties) must be disregarded on the basis of their written approval being provided;

- based on modelling provided in the Noise Assessment, the predicted ‘worst-case’ level of noise to be experienced at receivers further afield will exceed the permitted level of noise by no more than one to two decibels – that is, up to 42 dBA; and
- the Applicant has proposed a comprehensive noise monitoring and management regime to ensure that the level of noise disturbance remains in accordance with that predicted.

10.50 Based on this, and noting the comments from Mr. Jones, I am of the opinion that the proposal will result in noise effects that will be largely contained within the site and can be appropriately managed to ensure that the impact on surrounding properties is not unreasonable or results in unacceptable impacts on residential amenity or the health and wellbeing of residents and their animals.

Traffic and Parking Effects

10.51 Traffic and the effects of an activity on the roading network are an instrumental matter to consider in giving effect to the District Plan’s direction of ensuring 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. Consideration therefore needs to be given to the status of the road and whether it can accommodate the additional traffic and the parking provided on site.

10.52 Whitehall Road is identified in the District Plan as 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. To the north of the site, Taotaoroa Road is also a Collector Road, while French Pass Road is a Local Road. To the south of the site Karāpiro Road and Taotaoroa Road are both Collector Roads, and both State Highway 1 and State Highway 29 are Major Arterial Roads.

10.53 The application includes an Integrated Transportation Assessment (‘ITA’) prepared by Gray Matter Ltd. The Applicant also provided further information from Gray Matter Ltd, dated 10 June 2021 and 16 July 2021. Based on the information provided, the following is noted:

- the peak traffic arrival time is anticipated to be on Friday between 11am and 4pm with an estimated 1,540 trips, with a peak of up to 600 vehicles an hour. Peak departure trips anticipated to be relatively spread across the Monday morning and midday periods (estimated to peak at 1,070 trips over the midday period);
- based on updated analysis of the traffic behaviour for the 2021 event, a parking demand of 2,958 vehicles is anticipated. The Applicant proposes that parking for up to 3,000 vehicles be provided on the site;
- a vehicle queuing capacity of up to 200 vehicles at any one time will be provided within the site (based on a 6m wide 1km long internal access road, with two entry lanes operating).

10.54 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;

have occurred on State Highway 1. The submitter notes that when this has occurred incidents have been attended to along the alternative route as a result of the unskilled drivers and roading alignment.

- 10.59 Submitters are not agreeable with the Applicant that the mitigation measures, including use of a phone application and traffic management, will suitably mitigate the traffic effects to a level that is acceptable.
- 10.60 Some submitters have suggested further conditions should the consent be granted, which include independent reporting on the impact of the event on traffic each year comparing actual outcomes against measurable targets. Traffic planning for future events should also be required, and failure to deliver should result in a review of the conditions and/or consent. In addition, a submitter has requested traffic management at the intersection of Dunning Road and Whitehall Road, pass cards for local residents, and no parking on Dunning Road.
- 10.61 The main traffic effects relate to the sheer volume of traffic associated with the event attendees and staff, and the adverse impact of that traffic on the safe and efficient operation of the road networks. While there will be traffic associated with the set up and dismantling before and after the event, it is acknowledged that this will be lesser in effect compared to during the festival.
- 10.62 Council's Senior Development Engineer, Mr. Tony Coutts, has reviewed the application, submitters' comments, and the further information provided by the Applicant since their request to suspend processing of the application, and notes:

"The festival will take place on Auckland Anniversary weekend, which experiences much higher traffic volumes than normal with SH1 users heading to areas such as Tauranga (SH29) and further south continuously throughout the weekend. The traffic management plan suggested in consultation with the Waipā District Council would not be enough, and will also need to include thorough input from Waka Kotahi – NZTA. The likely stacking of cars at the intersection of SH1 and SH29 will have a flow on effect to all other local road intersections from other districts that intersect with SH29.

Waka Kotahi have since declared they are upgrading the road intersection mentioned above to a formalised roundabout in the next 2 years, and also the entire road safety bypass occurring in the next 10 years. This in conjunction with required reduced event venue number limits versus identified real figure numbers from previous year's event provided, and the proposed items to be included within the expected traffic management plan (discussed in section 2 of the Gray Matter letter dated 17 July 2021) that will need approval from both Council and Waka Kotahi, do a lot to mitigate the potential effects of the long term issue here.

The first report supplied to Council identified the public were to 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 look to leave prior to 2 pm on the Monday to try and avoid the returning holiday traffic. Development Engineering believe the same comment can be made for other traffic users of SH29 as they embark and return to and from destinations spots such as Tauranga. This means comments made within the application around reduced peaks is not credible and doesn't address the flow effect earlier discussed.

Reviewing the new data and limits identified in Gray Matter's further information dated 10 June 2021, along with the extensive requirements likely for the Traffic Management Plan mentioned above, and

that the venue will undertake a coordinated parking/ticket tracking approach within the venue extents with relevant conditions, the effects mentioned above are addressed. These should be included in appropriate conditions and elaborated further within the travel management plan and also hard infrastructure such as entrance upgrades necessary and internal parking layout details provided.

Initially, 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 and with only one alternative route getting users back to SH1 being connecting to SH29 you will likely see the need to controlled Stop/go intersections at any of the suggested alternate route provided by the app, and at SH1/SH29 intersection. Another item of concern when suggesting the utilisation of a phone app is this has potential to distract the driver diverting their attention away from the road itself, something that should be avoided.

Upon meeting with the applicant and their agents, it was agreed that the app mentioned was only a minor additional feature offered, and that the relevant traffic management plans and coordination of their onsite staff will be the main influences associated with travel coordination. Given the event demographic having a very strong emphasis on being ‘family friendly’, the extra steps identified within the further information (Section 3 – Emergency Vehicles) added and the factors associated with the expected traffic (i.e. Quarries not operating in this time of the event, mentioned in the further information dated 17 July 2021 – this will need to be formally documented) and travel management plans, this item mentioned previously is considered appropriately mitigated.

Initially, the application’s traffic assessment had not gone into any detail with the site’s commissioning or decommissioning of the festival stages and facilities. This may add several weeks extra of additional road usage and include heavy vehicles for bringing equipment to and from the site. This will need to be appropriately managed and these activities would also need to be controlled/directed to alternative routes given the safety concerns Council has of increasing traffic to the Karāpiro Road/SH1 intersection.

Upon meeting with the applicant and their agents, it was clarified that the event will take less time than previously stated to set up and decommission, and appropriate traffic management will be installed along the travel paths to ensure these prolonged effects area mitigated. Again, this should be included as a specific items “site commission and decommission details” and “Event program” of the travel management plan condition expected.

With the updated information provided and all factors considered, Development Engineering believe that by way of conditions imposed on this consent, that the traffic effects could be managed and believe the location of the event could manage the effects to both local and wider district/state road users. It is recommend the application is thereby accepted but with conditions such as travel management plan.”

- 10.63 Based on Mr. Coutts comments, I understand that the proposed management regime to be put in place (being a comprehensive Temporary Traffic Management Plan as well as a Travel Management Plan) will provide sufficient assurance that the adverse effects upon the road network associated with the festival can be appropriately managed.

10.64 An additional concern raised with the Applicant was whether the proposal to park a large number of vehicles parking on high-class soils (shown as white in Figure 6 below) could give rise to impacts on the quality of the soil, or on nearby waterways. In this regard, the Applicant has stated that the parking area is offset from the waterway, providing an adequate buffer to protect the waterway from unintended spills in the parking area, and that the limited (four day) duration of the event means that it is unlikely that leakage of contaminants from a vehicle would impair the long term health of the soils on the site. The Applicant states that spill kits will be available on site (within the operations compound) and used to address any accidental spills in the parking area. Based on this response, I consider that any adverse effects in this regard will be appropriately managed.

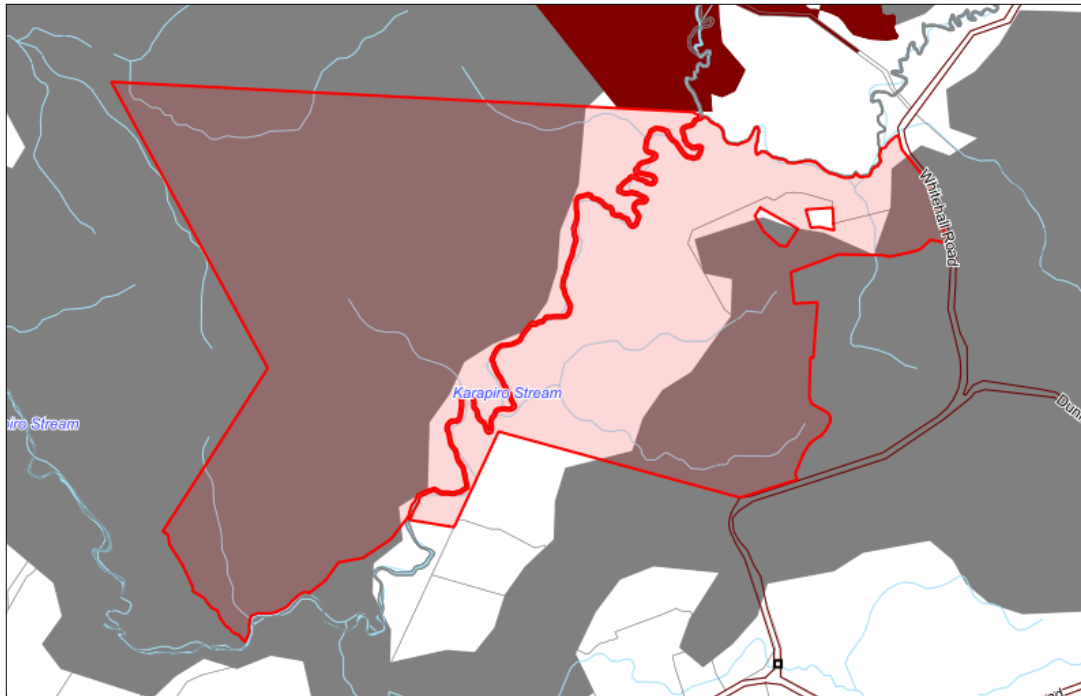


FIGURE 6: COUNCIL'S SOILS MAP (SUBJECT SITE SHOWN IN RED, HIGH CLASS SOIL SHOWN IN WHITE)

10.65 Based on the information provided by the Applicant and the feedback received from Council's Development and Roding Engineers, I am satisfied that the adverse traffic effects can be suitably mitigated by conditions, should consent be granted.

Precedent

10.66 While generally not considered to be an environmental effect per se, submitters have raised concerns that the granting of consent may set a precedent for other festivals and/or events to be hosted on the site or within the surrounding area, and that such a precedent could result in a cumulative adverse effect on the rural environment.

10.67 Under the District Plan, any further festivals and/or events would require consent with the exception of those which meet the Temporary Event provisions (Rules 4.4.2.51 to 4.4.2.53). However, the submitters have raised a valid concern as this has occurred at other sites which originated as a single event site (i.e. Mystery Creek in Waipā and Rhythm and Vines in Gisborne). I consider this to be a potential effect on the rural character and amenity which could be adverse and significant.

10.68 As discussed above, in my opinion it would be appropriate to impose a condition limiting the 'life-span', or duration, of the consent (should it be granted) to a set number of years. Such a condition

would provide some mitigation to the perception that the consent sets a precedent for events of this scale being an established and anticipated activity occurring in this environment.

Positive Effects

10.69 Having had regard to the adverse effects of an activity, the Act provides for the consideration of the benefits and positive effects of an activity. In this instance, the proposal will give rise to positive effects, including but not limited to:

- Diversification of the subject site, and economic benefits for the landowner and suppliers to the festival;
- Providing job opportunities for local residents (i.e. event staff, food vendors, traffic management staff); and
- Increasing tourism numbers to the Waipā District.

10.70 I note that any positive effects cannot be realised without causing adverse effects as outlined in the preceding sections of this report.

Summary of Effects Assessment

10.71 The above assessment has considered the potential effects of the proposed activity raised in the application, Council's notification assessment and the submissions received. Having due regard to the technical information provided in support of the application and reviewed by Council staff, I am of the opinion that:

- The proposal will result in a significant increase in the volume of traffic on the surrounding road network and directed to travel on local roads that pose some risk of accidents occurring. The road network has been confirmed as having sufficient capacity to accommodate the traffic, such that while the increase in volumes will be noticeable, it will not result in unacceptable delays or compromise the safety of residents or visitors to the surrounding sites. The Applicant has proposed comprehensive traffic management measures to avoid, remedy and mitigate effects in this regard;
- Noise effects associated with the festival will be experienced by surrounding neighbours and are likely to result in some level of disturbance. However, it is my opinion the effect is acceptable and , and can be appropriately managed through consent conditions. Those conditions include a requirement for the Applicant to undertake active monitoring of noise associated with activity on the site and to take action should the levels exceed the predicted threshold;
- Associated with effects of noise and transportation, the proposal will result in effects upon the rural character and amenity of the environment. Those effects are mitigated by the ability for the more significant impacts to be internalised within the site (in particular, noise, vehicle parking and queuing), and the duration of the festival being restricted to four days annually, with the site to operate predominately as a productive farm;
- Ecological effects can be appropriately addressed through the implementation of monitoring and management plans as proposed, to the acceptance of the Waikato Regional Council;
- Nuisance and health and safety effects will be managed through the implementation of measures such as regular rubbish collection and rubbish sweeps, the presence of on-site security, the provision of cell phone and WIFI connectivity throughout the duration of the

event. In this regard, I also note the NZ Police have withdrawn their previous submission and have expressed they no longer hold concerns with the proposal;

- The granting of consent for the annual festival to occur in perpetuity, without limit to duration, is considered to have potential effects in terms of setting a precedent for other events to establish in this environment. Such a precedent could have significant effects on the rural character of the environment. It is therefore appropriate that the consent be subject to a condition limiting the number of years which the annual event can occur to no more than 10 years.

10.72 Overall it is considered that, while the actual and potential effects of the proposal could be considerable for the receiving environment, the significance of those effects are reduced by the limited (four day) duration of the actual festival, and it is considered that conditions can be imposed that will enable those effects to be appropriately managed. Accordingly, it is my opinion that the actual and potential effects on the environment from granting this consent can be sufficiently avoided, remedied or mitigated to an acceptable extent.

11 DISTRICT PLAN OBJECTIVES AND POLICIES ASSESSMENT (SECTION 104(1)(B))

11.1 The District Plan contains a number of objectives and policies that directly relate to this land use consent application. Those objectives and policies are contained in Section 4 – Rural Zone, Section 16 – Transportation, Section 20 – Health and General Amenity, and Section 24 – Indigenous Biodiversity.

11.2 The Applicant’s agent has provided an assessment of the relevant objectives and policies in Section 6.2 of the application, and further assessment in their letter dated 11 June 2021. In addition to their assessment, the relevant objectives and policies from each of these sections is discussed further in the following paragraphs.

Section 4 – Rural Zone

11.3 The objectives and policies within Section 4 – Rural Zone, provide a framework to enable continued use of the Rural Zone for a wide range of rural productive activities while continuing to emphasise the need to internalise adverse effects, and avoid cumulative adverse effects of land use activities on the environment. The objectives and policies further seek to find a balance between economically driven farming practice and amenity, landscape, biological, cultural and social values. The objectives and policies specifically relevant to this proposal are as follows:

Objective - Rural resources

4.3.1 To maintain or enhance the inherent life supporting capacity, health and well-being of rural land, ecosystems, soil and water resources.

Policy - Protect the rural soil resource

4.3.1.4 The versatility and life supporting capacity of the District’s rural land and soil resource, particularly high class soils and peat soils, are protected from development, subdivision or activities that would prevent its future use for primary production, or its ability to maintain the District’s ecological/biodiversity values.

11.4 Objective 4.3.1 and Policy 4.3.1.4 highlight the significance of the rural resource for its life supporting capacity. As noted earlier in this report, the event location is on high class soil, therefore this objective

and policy is relevant for consideration. I note that, overall, the use of the site for a four-day festival once a year should not result in the rural resource being unable to be utilised for farming and/or rural activities outside the festival period.

Objective - Rural character

4.3.7 *Rural character and amenity is maintained.*

Policies - Rural character

4.3.7.1 *Land use activities should be at a density, scale, intensity and location to maintain rural character.*

4.3.7.2 *Rural character and associated amenity values shall be maintained by ensuring rural land uses predominate in the Rural Zone, and buildings are of an appropriate scale and location.*

Policy - Temporary events

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

- 11.5 Objective 4.3.7 and its associated policies outline the key elements for consideration for any activity within the Rural Zone. I note Policy 4.3.7.1 refers to density, scale and intensity of activities, which is relevant in this instance to the size and scale of the proposed festival. The anticipated attendee numbers and staff, which is proposed to be able to grow to 12,000 persons in total over a five year period), are considerably above the 500 attendees referred to in Rule 4.4.2.53 which implements this policy framework (noting that the plan provides for activities to infringe this rule as a discretionary activity).
- 11.6 With regard to Policy 4.3.7.2, I consider that the proposal in and of itself will not diminish the extent to which rural land uses are the dominant activity in this environment, with the site to be used for rural productive purposes for the remainder of the year. In addition, the proposed building to be established will be of a scale and location that is appropriate in this environment.
- 11.7 Policy 4.3.7.10 is relevant in this instance as it outlines the provision for temporary events subject to appropriate mitigation of adverse effects. This policy specifically links temporary events with an association to rural character, and is predominately implemented by Rule 4.4.2.51 to Rule 4.4.2.53 of the District Plan, which provides for temporary amplified outdoor musical events as a permitted activity subject to standards such as duration, as well the number of attendees as referenced above.
- 11.8 The Applicant's agent sets out, in the letter dated 11 June 2021, their assessment that the proposal is consistent with Objective 4.3.7 on the basis that:
- The festival is a temporary event associated with rural character on the basis that the site "*is important to Festival One by virtue of inter-generational ties to local iwi*", and that 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*";
 - The rural zone is primarily a working environment consisting of pastoral farming and a variety of other rural based industries, a number of which are evident in the surrounding area (including farming, horticultural and forestry, rural industry (Karāpiro coaches), community facilities (Karāpiro school), large scale mineral extraction (Whitehall Quarry), visitor accommodation and dispersed lifestyle block development);
 - Given that most effects can be internalised within the site, the only external effect of the proposal relates to increased traffic and the implementation of traffic management measures

for the duration of the festival. Increased traffic volumes can be expected during a holiday weekend, and *“the level of effects associated with traffic volumes and temporary management measures will not result in a level of change that will compromise rural character and amenity”*.

- 11.9 As discussed in Section 10 above, I consider that the proposal has a relatively tenuous relationship to the rural environment. I also consider that the proposed activity is of a scale and intensity that certainly challenges the character and amenity of the rural environment. Accordingly, I struggle to accept that the proposal can be considered to be consistent with Objective 4.3.7 and Policy 4.3.7.1. That being said, as discussed in the assessment of effects set out in Section 10 above, I am of the opinion that the effects of the proposal on rural character can be appropriately managed, such that they will be avoided, remedied and mitigated.
- 11.10 Accordingly, I consider the proposal to be inconsistent with, but not directly contrary to, Objectives 4.3.7 and its associated policies.

Objective - Rural amenity: noise and vibration

4.3.10 To maintain rural amenity while enabling the operation of noise and vibration generating farming activities within the Rural Zone.

Policy - Noise: rural farming activities

4.3.10.1 Enable the generation of noise and vibration arising from legitimate farming activities, while mitigating adverse effects as far as practicable.

Policy – Noise: rural activities

4.3.10.2 To ensure the adverse effects of noise generated by rural activities are avoided, remedied or mitigated.

- 11.11 Objective 4.3.10 and its associated policies seek to maintain rural amenity through the consideration of noise from legitimate farming and rural activities. The implementing provisions of the District Plan which seek to fulfil this objective and policy are the noise rules (i.e. Rule 4.4.2.15).
- 11.12 With this in mind, I note the appropriateness of using this rule as ‘criteria’ to demonstrate the proposed activities compliance is questionable. That said, the limits set by the noise rules do provide a relevant baseline as to the nature of aural amenity anticipated within the rural environment, and that these limits would be applicable to the range of permitted temporary events, which includes temporary amplified outdoor musical events, provided for by rules 4.4.1.1(q) and 4.4.2.51 to 4.4.2.53.

Objective - Non-farming activities

4.3.12 Only non-farming activities that have a functional and compelling requirement to locate in the Rural Zone should be enabled to locate in the Rural Zone.

Policies - Non-farming activities

4.3.12.1 To limit non-farming activities in rural areas except for activities that:
(a) Have a functional and compelling reason to establish in a rural area; and
(b) Do not result in any further loss of land from primary production purposes; and
(c) Maintain rural character.

Activities that do not meet these criteria should be accommodated in urban areas.

4.3.12.2 *The introduction of non-farming activities in rural areas shall not prevent or constrain intensive farming activities from operating.*

Policy - Reverse sensitivity

4.3.12.3 *Non-farming activities in rural areas shall internalise adverse effects and should not cause adverse effects that would result in farming activities being prevented or constrained from operating.*

11.13 Objective 4.3.12 and Policy 4.3.12.1 is instrumental with regards to considering the consistency of the proposal with the District Plan. The key consideration regarding Objective 4.3.12 is to determine whether the activity has a functional and compelling requirement to be located at the subject site. This is emphasized in Policy 4.3.12.1, which seeks to limit non-farming activities in rural areas to only those that meet the identified criteria, and states that activities which do not meet these criteria should be accommodated in urban areas.

11.14 While the application notes this objective and its policy, it relies on the temporary nature of the activity as a reason for being consistent with the rural character and provides no comment with regard to a functional and compelling reason to be located at the subject site.

11.15 In the further information provided on 11 June 2021, the Applicant states:

“Objective 4.3.1.2 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.

“The requirements that Festival One has in terms of an appropriate location cannot be met within the urban area and, in my view, this provides both a functional and compelling reason to establish within the Rural Zone.

“Taking into account 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 proposal is entirely consistent with the Objective 4.3.12 and Policy 4.3.12.1 applying to non-farming activities within the Rural Zone”.

11.16 For the reasons discussed above, I agree that the proposal will not reduce the availability of land for rural production purposes, and will generally maintain the rural character of the environment, and therefore is not inconsistent with sub-clauses (b) and (c) of the Policy 4.3.12.1.

11.17 In terms of whether or not there is a functional and compelling reason for the activity to take place in the Rural Zone, I acknowledge that the nature of the festival (particularly the scale and intensity of the activity) mean that it could not readily be accommodated within an urban environment, given the size of site required to host the activity, the inability to internalise effects (including noise and vehicle queuing and parking), and the extent of impact that the activity would have in a more densely populated area. It is for reasons such as these (that is, provision of sufficient space and being located remote from densely populated areas) that the Mystery Creek Event Centre is also located within what is predominately a rural environment. Therefore, it is my opinion that there is a sufficiently compelling reason and functional need for the activity to occur in an environment such as this.

11.18 A number of submitters identified the fact that there are alternative locations that are more suitable for events of this size and scale – namely, Mystery Creek. I note that the Applicant has expressed

their desire to host the festival on the subject site rather than at the Mystery Creek Event Centre (where Festival One has historically taken place) on the basis that the rural character and the amenity of the site would provide a more pleasant and enhanced experience for festival attendees, in comparison to the “soulless” industrial atmosphere (as described by the Applicant) of Mystery Creek. While the Applicant’s desire does not, in my mind, represent a functional and compelling reason for them to relocate *from* the Event Centre, that does not run contrary to direction of the objectives and policies of the District Plan. That is, while the District Plan does seek to enable (and thereby encourage) large events within the Mystery Creek Events Zone, there is no policy direction limiting them to occur only within this zone.

11.19 Policy 4.3.12.3 requires the internalisation of adverse effects generated by non-farming activities in the Rural Zone to ensure farming activities are not prevented or constrained from operation. While I note that not all adverse effects associated with the proposal will be internalised, I consider that the majority of them will, with the residual effects primarily related to the volume of traffic generated by the arrival and departure of festival attendees on the road network. In my opinion, this will not result in the prevention or constraint of farming activities, and accordingly the proposal is not inconsistent with this policy.

11.20 In summary, it is my opinion that the scale and desire to internalise effects as far as practicable mean that there is a functional and compelling reason for the proposal to be located in the Rural Zone. Accordingly, I do not consider the proposal to be contrary to Objective 4.3.12 and its associated policies.

Section 16 – Transportation

11.21 Section 16 of the District Plan sets out its focus for an integrated approach to land use and transport. The objectives and policies within this section seek to ensure that the pattern of land use, and that patterns interaction with the land transport system, provides and maintains both a safe and efficient transport network for all users (i.e. vehicles, cyclists and pedestrians). The objectives and policies that are specifically relevant to this application are as follows:

Objective - Maintaining transport network efficiency

16.3.3 To maintain the ability of the transport network to distribute people and goods safely, efficiently and effectively.

11.22 This objective seeks to ensure the transport network is able to function in a safe manner across the District. The temporary traffic management measures and Travel Management Plan proposed by the Applicant, both of which are to be to the acceptance of Waka Kotahi and Waipā District Council, will ensure that adverse effects on the transport network are appropriately avoided, remedied and mitigated. As such, the proposal is not considered to be contrary to this objective.

Objective - Provision of vehicle entrances, parking, loading and manoeuvring areas

16.3.4 The provision of adequate and well located vehicle entrances and parking, loading and manoeuvring areas that contribute to both the efficient functioning of the site and the adjacent transport network.

Policies - Ensuring adequate parking, loading and manoeuvring areas on site

16.3.4.2 To maintain the efficient functioning of adjoining roads, all activities shall provide sufficient area on site to accommodate the parking, loading and manoeuvring area

requirements of the activity, except in the Residential Zone where the provision of on-site manoeuvring for dwellings is enabled within the setbacks.

11.23 Objective 16.3.4 seeks to ensure that activities are provided with entrances and parking areas are adequate to ensure the site and adjacent roading network function. Policy 16.3.4.2 seeks to ensure adequate parking space is provided on site. The updated assessment provided by the Applicant demonstrates that sufficient provision for parking and queuing within the site to cater for the event when fully operating (that is, up to 10,000 ticket holders). Accordingly, I consider the application to be consistent to this objective and policy.

Section 20 – Health and General Amenity

11.24 Section 20 of the District Plan addresses matters that have the potential to create a nuisance and detract from the amenity and health of residents and businesses. This may include, but is not limited to, discharges to air, lighting and glare, buildings and sites left in disrepair, and electrical interference. Section 20 acknowledges that there may be temporary discharges due to function farming activities in the Rural Zone, however choice of location and siting are important considerations. The objectives and policies that are specifically relevant to this application are as follows:

Objective - Air and water quality

20.3.1 To maintain and where possible improve existing air and water quality.

Policy - Contain adverse effects

20.3.1.1 To ensure that activities avoid, remedy or mitigate nuisance effects beyond the boundary of the site and on any water bodies in order to maintain and enhance amenity and a healthy and safe environment.

11.25 Objective 20.3.1 and Policy 20.3.1.1 seek to ensure potential nuisance effects relating to air and water quality are appropriately considered in order to maintain the amenity of the surrounding sites and water bodies. Based on the information provided by the Applicant, it is considered that the proposal will be appropriately managed to ensure that adverse nuisance effects and effects on adjacent water bodies will be avoided, remedied or mitigated. As such, it is my opinion that the application is not contrary to this objective and policy.

Objective - Artificial lighting and reflected glare

20.3.2 To avoid, remedy or mitigate adverse effects from artificial lighting and reflected glare from buildings or building materials.

Policy - Artificial lighting

20.3.2.1 To ensure that artificial lighting is installed and utilised so as to avoid, remedy or mitigate adverse effects on adjoining and adjacent properties and roads.

11.26 This objective and policy seek to ensure lighting and glare is avoided, remedied or mitigated for adjoining and adjacent properties and roads. The application has provided comment on Policy 20.3.2.1 noting that Rule 20.4.2.2 - Lighting and glare, sets out the standards of compliance. Given the application hasn't noted this as a non-compliance of the proposal, it is anticipated that this objective and policy can be met.

Section 24 – Indigenous Biodiversity

11.27 In order to meet the requirements of Section 5(2)(b) of the Act, which includes the safeguarding of the life supporting capacity of ecosystems, Section 24 of the District Plan includes objectives, policies and rules regarding the management of effects on the areas of indigenous vegetation and wetlands which support indigenous biodiversity values across the District. The subject site for the proposed festival is directly adjacent to identified significant natural areas which are noted in both the District Plan and application as being desirable for protection, maintenance and enhancement. The objectives and policies that are specifically relevant to this application are as follows:

Objective - Managing effects on district wide indigenous biodiversity

24.3.1 To maintain and enhance the existing level of biodiversity within the District.

Policy - Maintenance and enhancement of indigenous biodiversity

24.3.1.1 To achieve the maintenance and enhancement of indigenous biodiversity values in the District by ensuring that removal of indigenous vegetation or disturbance of wetland areas only occurs where:

- (a) Connectivity to link core habitats along biodiversity corridors is supported; and*
- (b) Sensitive sites remain buffered from intensive land use, development and subdivision; and*
- (c) Habitat is retained for at risk and threatened indigenous species; and*
- (d) Customary activities do not adversely affect at risk or threatened indigenous species; and*
- (e) Consideration has been given to opportunities that contribute to no net loss at a regional scale.*

11.28 This objective and policy seek to maintain and enhance indigenous biodiversity across the District. The Applicant has proffered conditions requiring ecological monitoring to be undertaken prior to the event occurring, and management measures to be in place. Subject to further discussion with the Applicant regarding specific methodology, the Waikato Regional Council have agreed in principle with the proposed monitoring and management regime. On the basis of the proposed measures to be undertaken to understand what the nature of biodiversity present on the site and surrounding area is, and actions to protect that biodiversity, I consider that the proposal will be consistent with this objective and policy.

Objective - Significant natural areas and bush stands

24.3.3 To protect the indigenous biodiversity values and the existing level of indigenous biodiversity within the significant natural areas listed in Appendix N5 and bush stands listed in Appendix N8.

Policy - Limiting indigenous vegetation removal and other activities within identified significant natural areas and bush stands.

24.3.3.1 To protect the ecological sustainability, indigenous biodiversity values and characteristics of significant natural areas including wetlands, and bush stands by ensuring that:

- (a) The removal of indigenous vegetation or habitat of indigenous species is discouraged and:
 - (i) Only occurs in sustainable quantities in significant natural areas of local significance; and**

- (ii) *Only occurs in limited circumstances within internationally, nationally or regionally significant natural areas and bush stands.*
- (b) *The health and functioning of significant natural areas including wetlands, and bush stands is maintained through appropriate land use practices.*

11.29 Objective 24.3.3 and Policy 24.3.3.1 specifically outline the significance of identified areas within the District, and the importance of protecting the ecological values and characteristics of the natural areas. The proposal does not involve the removal of any indigenous vegetation or habitat, and as discussed above measures are to be implemented to protect the biodiversity present on the site. Accordingly, I consider the proposal to be consistent with this objective and policy.

Summary of Objective and Policy Assessment

11.30 The above assessment has considered the proposal's consistency with the relevant objectives and policies of the District Plan, with particular regard to the provisions in Section 4 – Rural Zone, Section 16 – Transportation, Section 20 – Health and General Amenity and Section 24 – Indigenous Biodiversity. Overall, and on balance, I consider that the proposal will be generally consistent with, and not contrary to, the objectives and policies of the District Plan.

12 PROVISIONS OF OTHER STATUTORY PLANNING DOCUMENTS (SECTION 104(1)(B))

12.1 Pursuant to Section 104(1)(b), the consent authority must have regard to any relevant provisions of a national environmental standard, other regulations, a national policy statement, the regional policy statement and the regional plan. Below is an assessment of these provisions.

National Policy Statements

12.2 National Policy Statements (NPSs) are instruments issued under Section 52(2) of the Act that enable Government to prescribe objectives and policies for matters of national significance which are relevant to achieving the sustainable management purpose of the RMA. An NPS may also give particular direction to local authorities as to how they need to give effect to the policies and objectives of the NPS. The current NPSs that are in effect are:

- National Policy Statement on Urban Development
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy Statement on Electricity Transmission
- New Zealand Coastal Policy Statement

12.3 Of the abovementioned NPSs, the NPS on Urban Development requires further consideration with regard to this application.

National Policy Statement on Urban Development 2020

12.4 The new National Policy Statement on Urban Development (NPS-UD) was gazetted by the New Zealand government on 23 July 2020 and came into effect on 20 August 2020. The NPS-UD requires councils to plan well for growth and ensure a well-functioning urban environment for all people, communities and future generations. This includes:

- ensuring urban development occurs in a way that takes into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi);
- ensuring that district and strategic plans make room for growth both ‘up’ and ‘out’, and that rules are not unnecessarily constraining growth;
- developing, monitoring and maintaining an evidence base about demand, supply and prices for housing and land to inform planning decisions;
- aligning and coordinating planning across urban areas; and
- changing district plans to implement the NPS-UD.

12.5 Council must give effect to the NPS-UD 2020 and it is noted the NPS-UD requires councils to remove parking requirements from the District Plan. While this may be favorable in an urban context where surrounding on-street parking and public transport options are available, it is not deemed appropriate in this instance to provide no parking on site. The Applicant has proposed a level of parking that has been assessed as being sufficient to cater for the demand generated, and accordingly the proposal is considered to be consistent with the NPS-UD in this regard.

National Environmental Standards

12.6 National Environmental Standards (‘NESs’) are regulations issued under Section 43 of the Act and prescribe technical and on-technical standards which apply across the country. The current NESs that are in effect are:

- National Environmental Standards for Air Quality;
- National Environmental Standards for Sources of Drinking Water;
- National Environmental Standards for Telecommunication Facilities;
- National Environmental Standards for Electricity Transmission Activities;
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health;
- National Environmental Standards for Plantation Forestry; and
- National Environmental Standards for Freshwater.

12.7 None of these NESs are relevant to this application.

Waikato Regional Policy Statement: Te Tauākī Kaupapahere Te-Rohe O Waikato

12.8 Te Tauākī Kaupapahere Te-Rohe O Waikato provides an overview of the resource management issues in the Waikato Region, and the ways in which integrated management of the region’s natural and physical resources will be achieved. It provides policies and a range of methods to achieve integrated outcomes for the region across resources, jurisdictional boundaries and agency functions, and guides development of sub-ordinate plans (regional as well as district) and consideration of resource consents. The Te Tauākī Kaupapahere Te-Rohe O Waikato outlines 27 objectives on key regional issues. Those most relevant to this proposal are:

Objective 3.1 – Integrated management

Natural and physical resources are managed in a way that recognises:

- a. *the inter-relationships within and values of water body catchments, riparian areas and wetlands, the coastal environment, the Hauraki Gulf and the Waikato River;*
- b. *natural processes that inherently occur without human management or interference;*
- c. *the complex interactions between air, water, land and all living things;*
- d. *the needs of current and future generations;*
- e. *the relationships between environmental, social, economic and cultural wellbeing;*
- f. *the need to work with agencies, landowners, resource users and communities; and*
- g. *the interrelationship of natural resources with the built environment.*

Objective 3.2 - Resource use and development

Recognise and provide for the role of sustainable resource use and development and its benefits in enabling people and communities to provide for their economic, social and cultural wellbeing, including by maintaining and where appropriate enhancing:

- a. *access to natural and physical resources to provide for regionally significant industry and primary production activities that support such industry;*
- b. *the life supporting capacity of soils, water and ecosystems to support primary production activities;*
- c. *the availability of energy resources for electricity generation and for electricity generation activities to locate where the energy resource exists;*
- d. *access to the significant mineral resources of the region; and*
- e. *the availability of water for municipal and domestic supply to people and communities.*

Objective 3.19 -Ecological integrity and indigenous biodiversity

The full range of ecosystem types, their extent and the indigenous biodiversity that those ecosystems can support exist in a healthy and functional state.

Objective 3.21 - Amenity

The qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced.

Objective 3.26 - High class soils

The value of high class soils for primary production is recognised and high class soils are protected from inappropriate subdivision, use or development.

- 12.9 Following on from the objectives are a number of supporting policies. These policies seek to integrated approach to land use is undertaken to uphold the natural and physical resources across the Region. The proposed activity in this case is not considered to be in conflict with the provisions of Te Tauākī Kaupapahere Te-Rohe O Waikato.

Waikato Regional Plan

- 12.10 The Waikato Regional Plan (Regional Plan) 2007 is intended to provide direction regarding the use, development and protection of natural and physical resources in the Waikato Region. It gives effect to the Regional Policy Statement and helps the Regional Council carry out its functions under Section 30 of the RMA. With regard to the Regional Plan, there is no evidence to suggest that the activity will breach the conditions for permitted activities under the Regional Plan.

13 OTHER MATTERS (SECTION 104(1)(C))

Treaty Settlement Acts – Statutory Acknowledgement Areas and Areas of Interest

- 13.1 The property subject to this consent is within Ngati Koroki Kahukura and Ngāti Hauā Statutory Acknowledgement Areas, and within Ngati Koroki Kahukura, Ngāti Hauā and Raukawa Areas of Interest. The application was circulated to Ngati Koroki Kahukura, Ngāti Hauā and Raukawa via the Ngā Iwi Toopu o Waipā iwi representatives. No comments were received via this process; however, it is noted that written support from Ngā Iwi Toopu o Waipā was included with the application.

Joint Management Agreement Area – Waikato Raupatu River Trust

- 13.2 The Waikato Raupatu Claims Settlement Act 1995 gave effect to certain provisions of the deed of settlement between the Crown and Waikato dated 22 May 1995 and settled certain Raupatu claims made to the Waitangi Tribunal by Robert Te Kotahi Mahuta, the Tainui Maaori Trust Board, and Ngā Marae Tōpu (Wai 30). Renegotiations in 2009 led to the agreement of a new deed of settlement which included provisions related to joint management agreements. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 was enacted to give effect to that deed of settlement and subsequently a Joint Management Agreement with Waipā District Council was made.
- 13.3 This agreement includes giving appropriate weight to relevant matters provided for in the Settlement Act 2010, respecting the mana whakahaere rights and responsibilities of Waikato-Tainui, recognising the statutory functions, powers and duties of both parties, and recognising the Trust's rights to participate in processes where circumstances may be appropriate.
- 13.4 The schedules attached to the Agreement outline the anticipated process with regards to resource consent processes. Council staff have engaged with Waikato-Tainui via Ngā Iwi o Tōpu of Waipā as outlined above.

Tai Tumu, Tai Pari, Tai Ao – Waikato Tainui Iwi Environmental Management Plan

- 13.5 Tai Tumu, Tai Pan, Tai Ao purpose is to enhance collaborative participation between Waikato Tainui and agencies in resource and environmental management. It provides high level guidance on Waikato Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment. The plan highlights the need for enhancement and protection of landscape and natural heritage values. Site management protocols ensure a precautionary approach to managing (known or undiscovered) wahi tapu sites and taonga tuku iho discovery. Adequate control of sediments and erosion prevention are target areas to improve water quality. Methods that Waikato Tainui support are the development of erosion and sediment control plans and input into monitoring of those plans (21.3.1.2 a) and b)).

- 13.6 The property is within the Waikato Tainui Joint Management Agreement Area and therefore the provisions of the Tai Tumu, Tai Pari, Tai Ao are relevant. Section 21 – Te Whenua (Land) and Section 25 – Ngaa Whakaritenga Moo ngaa whenua o Waikato-Tainui (Land use planning) have been given particular regard in terms of this application.
- 13.7 Section 21 includes objectives and policies which seek to promote best practice for land and soil management in order to protect waterways. As noted above in this report, measures are proposed to ensure any ecological effects are avoided, remedied or mitigated, and so the application is not considered to be contrary to the objective and associated policies in Section 21.
- 13.8 Section 25 outlines that as kaitiaki within their rohe, Waikato-Tainui seek to ensure environmental sustainability including consideration within the rural environment of the consequences of development on the environment. Policy 25.3.2.2 – Rural Development seeks to “ensure that rural development is well planned, and the environmental, cultural, spiritual and social outcomes are positive”.
- 13.9 The application has not specifically provided an assessment of the activity regarding Tai Tumu, Tai Pari, Tai Ao, however as ecological effects on the surrounding water ways have been assessed to be less than minor I consider that the application will not conflict with the desired outcomes of Tai Tumu, Tai Pan, Tai Ao.

Te Rautaki Tāmata Ao Turoa o Hauā — Ngāti Hauā Environmental Management Plan

- 13.10 Te Rautaki Tāmata Ao Turoa o Hauā explains the importance of communication between local authorities and Ngati Haua in terms of keeping the Iwi Trust informed about projects, providing a feedback loop and opportunity for relationship building. The plan clearly outlines that engagement is expected for earthworks activities and that the Iwi seek opportunities to participate in consent and site monitoring and restoration projects.
- 13.11 The property is within the Ngati Haua Area of Interest and therefore the provisions of Te Rautaki Tāmata Ao Turoa o Hauā are relevant. There is nothing in the application that will conflict with the desired outcomes of Te Rautaki Tāmata Ao Turoa o Hauā accordingly, I consider the proposal to be consistent with the plan.

Te Rautaki Taiao a Raukawa - Raukawa Environmental Management Plan

- 13.12 Te Rautaki Taiao a Raukawa, the Raukawa Environmental Management Plan provides a statement of values, experiences and aspirations pertaining to the management of, and relationship with the environment. It assists in engagement in policy and planning processes and resource management decisions. The Management Plan offers broad objectives in relation to this matter.
- 13.13 The Raukawa takiwā includes both Cambridge and Te Awamutu, and the land in the southern portion of the Waipā District. The proposed temporary use of the site for the festival is considered to not be contrary to the objectives and outcomes sought by Te Rautaki Taiao a Raukawa.

Ngāti Korokī Kahukura

- 13.14 The ancestral tribal rohe of Ngāti Korokī Kahukura spans from Southern Hamilton City, following the Waikato River to the northern end of Lake Arapuni, inland to western Te Awamutu and through again to southern Hamilton City encompassing Mount Maungatautari and many kāinga settlements. Although Council does not have a Joint Management Agreement in place with Ngāti

Korokī Kahukura, they are part of the local tāngata whenua and for this reason are part of Ngā Iwi Toopu o Waipā.

Future Proof

13.15 Future Proof was formulated in 2009 and is a combined growth strategy project for three local authorities (Hamilton City, Waikato and Waipā Districts) and Waikato Regional Council. The Future Proof Growth Strategy ('Future Proof') was reviewed in 2017 to enable updated population projections to be incorporated, and to allow a re-consideration of some of the growth assumptions. Future Proof is based on a number of guiding principles, across the following six interest areas:

1. *Effective governance, leadership, integration, implementation and productive partnerships;*
2. *Diverse and vibrant metropolitan centre linked to thriving towns and rural communities and a place of choice - live, work, play, invest and visit;*
3. *Protection of natural environments, landscapes and heritage and a healthy Waikato River as the heart of the region's identity;*
4. *Affordable and sustainable infrastructure;*
5. *Sustainable resource use; and*
6. *Effective and efficient tāngata whenua involvement.*

13.16 The proposed activity is outside the growth cells identified and considered by Future Proof.

Fire and Emergency New Zealand

13.17 During the submission period, the Applicant's agent received a letter from Fire and Emergency New Zealand regarding the application. This letter notes the agencies interest in the application with regard to fire safety and operational firefighting requirements. Fire and Emergency New Zealand note they do not wish to formally submit on the application but provided the following recommendations / advice:

Water Supply

In order for Fire and Emergency to achieve their principle objective which includes reducing the incidence of unwanted fire and the associated risk to life and property, protecting and preserving life, and preventing or limiting injury, damage to property, and the environment, Fire and Emergency requires adequate water supply for firefighting activities, including adequate access to this supply to ensure that Fire and Emergency can respond to fire emergencies.

As the proposed activity is located within the rural environment and in a non-reticulated water supply area, Fire and Emergency would require an alternative on site water supply sufficient for firefighting purposes and appropriate access to this water supply should a fire occur.

Fire and Emergency will be happy to work through this requirement with the applicant to determine sufficient locations and volumes required to suit the characteristics of the site.

Emergency Management Plans

The proposed activity will be taking place in the middle of summer which is when wildfire risks are at their peak. As such, Fire and Emergency recommend that a comprehensive risk plan for fire prevention and fire safety is developed by the festival organisers. An emergency plan which includes a site wide evacuation process should also be developed in the event that the organisers need to evacuate the entire site due to a wildfire or a serious event.

Site Access and Layout

Consideration should also be given to providing sufficient vehicle access to the site for fire appliances. Access roads need to be at least four metres wide, able to stand the weight of 20 tonne vehicle and trafficable in all weather.

Camping areas should be arranged so that there is sufficient space between tents and sufficient space to evacuate any camping areas. These camping areas should be set up in manageable sized areas and not left to patrons to just “pick anywhere they like”.

Cooking, naked flame and any other activities involving ignition sources should be prohibited in camping areas. For any Pyrotechnic activities - a permit must be approved by Fire and Emergency.

Food Vendors and Vending Areas

With regards to food vendors and vending areas; please note the following suggestions / recommendations:

- Adhere to the NZ Standard, AS/NZS 3760:2010 in service, safety inspection and testing of electrical equipment, and the testing of portable power devices, portable power outlet devices (multi-boards), cables and leads with appropriate tagging indicating “in test”. This should also include self-provided and hired electrical equipment.
- Combustible materials, especially cardboard and paper should be stored and managed appropriately to reduce the risk of fire and that this material also be removed daily from the site.
- All gas operated equipment and gas bottles to be “in test” and spare gas bottles to be stored in a locked cage in a designated area.
- All vendors requiring open fire or wood/coal/charcoal fires are required to apply for a permit to Fire and Emergency.”

13.18 While the above information from Fire and Emergency has been raised outside the submission process, given the site location in the Rural Zone, it is important to note that Council reticulation is not available for water supply, and water supply for emergency purposes is a risk that requires consideration.

Conditions of Resource Consents – Section 108

13.19 A list of potential conditions has been submitted by the applicant as part of their application. These are included in **Appendix 8**. Noting should the Hearing Panel choose to grant consent; the potential conditions should be further refined in consultation with Council staff and the applicant.

14 PART 2 MATTERS (SECTION 104(1))

14.1 Under Section 104(1) of the Act, when considering an application for resource consent the consent authority must have regard to Part 2 of the Act. Part 2 outlines and promotes the concept of sustainable management, lists matters of national importance as well as matters related to achieving the purpose of the RMA, and requires the principles of the Treaty of Waitangi to be taken into account.

Purpose of the Act – Section 5

- 14.2 The overall purpose of the RMA is to promote the sustainable management of natural and physical resources. “Sustainable management” is defined as managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, economic and cultural well-being and their health and safety. At the same time, they must:
- Sustain the potential of resources to meet the reasonably foreseeable needs of future generations;
 - Safeguard the life-supporting capacity of air, water, soil and ecosystems; and
 - Avoid, remedy or mitigate adverse effects on the environment of the activity.
- 14.3 Having regard to the definition of "sustainable management" in Section 5(2) in terms of the application, it is considered necessary to reflect on both the social and economic wellbeing aspects of the proposal. The term ‘social’ has been defined by the Planning Tribunal (now the Environment Court) to be the way people relate to or behave towards one another (*Ngataringa Bay 2000 Inc v A-G* A016/94 (P/T)). The economic element in the meaning of ‘sustainable management’ has been defined by the Planning Tribunal as not meaning the narrow consideration of financial viability or the applicant’s wellbeing, but the extent of the economic effects of a proposal on the community at large (*Imrie Family Trust v Whangarei DC* [1994] NZRMA 453; (1994) 1B ELRNZ 274 (PT)).
- 14.4 In terms of the social wellbeing, submitters have raised concerns regarding their daily lives during the proposed festival, and the implications on their health and businesses which operate within the vicinity. Some submitters have also noted the timing of the event (i.e. during a long weekend) further impacts on their wellbeing. While it has been suggested in the application that the effects for the wider community has positive social effects, this view isn’t shared by some of those immediately surrounding properties. The application also suggests that some neighboring residents will be on vacation due to the timing coinciding with Auckland Anniversary weekend, implying that they therefore are somehow not affected by the proposal.
- 14.5 With regard to the economic element, the Applicant has identified that the production of the event involves a number of suppliers located in the Waipā District and surrounding region, with an estimated spend of some \$363,000 across of suppliers (being a part of the total expenditure of \$965,000 for the whole event). The Applicant also notes that some 80% of festival attendees come from outside of Waipā to the event, and it is therefore assumed that there will be some economic benefit for the district associated with their journeys.
- 14.6 It is also assumed the landowner and applicant will have positive economic effects should the Festival proceed. In terms of the economic effects for the immediately surrounding properties, it is noted there are landowners operating businesses from their properties and the economic impact to these is unknown.
- 14.7 The social and economic wellbeing considerations within the definition of ‘sustainable management’ are considered important to this application and significant for the wider community. I note that the Act does not require the avoidance of all effects, and that comprehensive management measures are proposed to mitigate the effects on the environment. On review of the application documents, technical information and submissions, I consider that on balance the granting of this consent would uphold the purpose of the Act as outlined under Section 5 of the Act.

Matters of National Importance – Section 6

14.8 Section 6 of the RMA requires that “all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall recognise and provide for” the matters of national importance listed in Section 6(a-h). Of these matters the following are considered applicable to this application:

- “(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;”*

14.9 As noted in the application both the Karāpiro Stream and Waiarumu Stream border the event site and are fenced. As noted earlier in this report, the Applicant is proposing measures to ensure impacts on the ecological biodiversity and the waterways are appropriately managed, thereby upholding the matters of importance listed in Section 6 of the RMA.

Matters for Consideration – Section 7

14.10 Section 7 lists the matters that the consent authority is required to have particular regard to in achieving the purpose of the RMA. The listed matters are not threshold tests or criteria but, where a proposal raises issues of the kind listed, they are to be given particular regard. Key matters relating to this application are considered to be the efficient use and development of natural and physical resources, maintenance and enhancement of amenity values, and maintenance and enhancement of the quality of the environment.

14.11 In this instance, the Applicant notes the site layout provides for precincts of activity on low lying open areas amongst established vegetation. The Applicant considers the proposal, being temporary in nature, will result in no permanent effects on the natural and physical resources, and will maintain amenity values. I agree there will be no permanent effects on the natural and physical resource, and note that the site will be able to be used for rural activities between events. While the proposal will have an impact on the rural character and amenity for the duration of the event, it is my opinion that suitable management measures are proposed to limit those effects to an acceptable extent, such that the overall amenity and quality of the environment is able to be maintained.

14.12 Kaitiakitanga as defined in Part I of the Act means the exercise of guardianship by the tāngata whenua of an area in accordance with tikanga maori in relation to natural and physical resources; and includes the ethic of stewardship. Appropriate consultation has been undertaken with tāngata whenua via Ngā Iwi Toopu o Waipā (‘NITOW’) who provided their written support with the application. On this basis I consider that the proposal has also had appropriate regard to the requirements of Section 7(a).

Principles of the Treaty of Waitangi – Section 8

14.13 Section 8 of the RMA requires that the principles of the Treaty of Waitangi are taken into account. In this instance, the proposal is not considered to be of direct relevance to the Treaty.

Summary of Part 2 Assessment

14.14 In assessing the proposal against Sections 5 to 8 of the Act, I conclude that the application achieves the purposes and principles of the Act. While the proposal has the potential to result in significant impacts on the environment, those effects are reduced by the temporary nature of the proposal and can be adequately managed through the proposed management regime. The proposal will also result in economic benefits for the wider District. Accordingly, I consider that granting consent to the application would be consistent with the overall purposes and principles of the Act.

15 CONCLUSION

15.1 The proposal is to enable Festival One Limited to establish and operate an annual temporary event (Christian music festival) at 209 Whitehall Road, Karāpiro. The activity has been assessed under the Rural Zone provisions of the District Plan as a Discretionary Activity.

15.2 Pursuant to Sections 95A to 95F of the Resource Management Act 1991, the potential effects of the activity were assessed to be above the 'more than minor' threshold. On this basis the proposal proceeded to public notification.

15.3 A total of 11 submissions were originally received during the statutory submission period. Ten submissions received were in opposition and one submission was in support. During the submission period, one written approval party withdrew their support for the application and lodged a submission in opposition. Following the close of submissions, one late submission was received.

15.4 The Applicant requested that Council's processing of the application be suspended at the their request. That suspension enabled the Applicant to undertake further consultation with submitters. As a result of the further engagement undertaken by the Applicant, the number of submissions that remain is nine, with six in opposition and three in support or of a neutral stance.

15.5 The majority of submitters requested the application be declined and opposed the proposal with regard to the following matters:

- Health and wellbeing;
- Ecological and Biodiversity Effects;
- Rural Character and Amenity;
- Noise Effects;
- Traffic & Parking Effects; and
- Precedent Effects.

15.6 Having due regard to the application, technical information, and matters raised by submitters, Council staff have further considered the potential adverse effects of the proposal. Overall it is considered that, while the effects of the proposal have potential to be significant, their impact will be reduced by the temporary nature of the proposal and the comprehensive management regime proposed. Accordingly, it is considered that the actual and potential effects are able to be sufficiently avoided, remedied or mitigated.

15.7 The objectives and policies of the District Plan, RPS and other non-statutory documents have been considered in this assessment. In summary, the proposal is not considered to be contrary overall to

the objectives and policies of the District Plan. In particular with regard to the objectives and policies of the Rural Zone, while it is not (in my opinion) consistent with Policy 4.3.7.1 which requires land use activities to be of a scale and intensity to maintain rural character, I consider that the proposal will maintain rural character and amenity overall (Objective 4.3.7), and that there is sufficiently compelling and functional reasons for it to be located in the Rural Zone (Objective 4.3.12). The proposal is consistent with the direction of other relevant documents.

- 15.8 As such, having regard to the relevant matters set out in Section 104 and Part 2 of the Act, it is considered that the land use application be granted, subject to conditions to avoid, remedy and/or mitigate the identified potential adverse effects. A schedule of suggested consent conditions that could support such an approval is contained in **Appendix 8**.

16 RECOMMENDATION

That:

- a) *The report of Aidan Kirkby-McLeod – Project Planner be received;*
- b) *In consideration of Sections 104 of the Resource Management Act 1991, the Waipā District Council **GRANTS** the land use application lodged by Festival One Limited to establish and operate an annual temporary event (Christian music festival) in the Rural Zone, at 209 Whitehall Road, Karāpiro, legally described as Lot 1 DPS 77613 & Lot 2 DPS 77613 (SA58B/748) and Lot 1 DP 411145 & Lot 1 DP 527164 (848498), subject to the conditions set out in **Appendix 8**, for the following reasons:*
 - i) *The application was processed on a publicly notified basis;*
 - ii) *Submissions in opposition and support were received;*
 - iii) *Written approvals were provided;*
 - iv) *The application will result in effects on the environment. The significance of those effects are reduced by the temporary nature of the proposal, and can be appropriately managed through conditions of consent;*
 - v) *The application is not considered to be contrary to the objectives and policies of the District Plan. In particular, as it relates to the Rural Zone objectives and policies, while the proposal may not be consistent with Policy 4.3.7.1, it will result in the maintenance of the rural character and amenity overall, and there is sufficiently compelling and functional reasons for the activity to occur on the site;*
 - vi) *The proposal generally aligns with the purposes and principles of the Act, and will promote the sustainable management of natural and physical resources.*



Aidan Kirkby-McLeod
PROJECT PLANNER

Reviewed by



Quentin Budd
CONSENTS TEAM LEADER

Approved for the Hearing Panel by



Tony Quickfall
MANAGER DISTRICT PLAN & GROWTH