

REGULATORY COMMITTEE REPORT



To: The Chairperson and Members of the Regulatory Committee
From: Hayley Thomas – Project Planner
Subject: Establish and operate an annual temporary event (Christian music festival) in the Rural Zone
Meeting Date: 2 November 2020
File Reference: LU/0145/20

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

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, Karapiro. 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 Waipa 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. The Regulatory Committee will need to make a determination deciding whether to accept the late submission at the start of the hearing. The locations of these submitters in relation to the site and a summary of their concerns is set out within **Appendix 6** of this report.
- 1.5 The application has been referred to the Regulatory Committee 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 Hayley Thomas (Project Planner), in accordance with Section 42A of the Act, to provide a planning assessment and recommendation to the Regulatory Committee 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 RMA and the provisions of the relevant planning instruments;
 - Make a recommendation for the consideration of the Regulatory Committee 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 Regulatory Committee. The Regulatory Committee 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 Karapiro Road and 4.2 kilometres from Tirau Road (State Highway 1). The property comprises approximately 156 hectares in forestry, 53 hectares of flat to rolling pastoral land and 70 hectares of kanuka. The Karapiro 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 Karapiro 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 Karapiro Mobil, which is located on the corner of Karapiro and Tirau Roads, and the Mighty River Power Domain, located on the southern side of Lake Karapiro, less than 5km south of the site.
- 3.6 The property is sited within the Rural Zone and includes areas subject to the Cultural Landscape Area – Alert Karapiro Stream, Significant Natural Areas (WP533 and WP533a), and a Quarry Buffer policy overlay of the Waipa District Plan (‘District Plan’).
- 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 subject to a potential HAIL Site. I note these areas are outside of the areas to be used for the event.



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

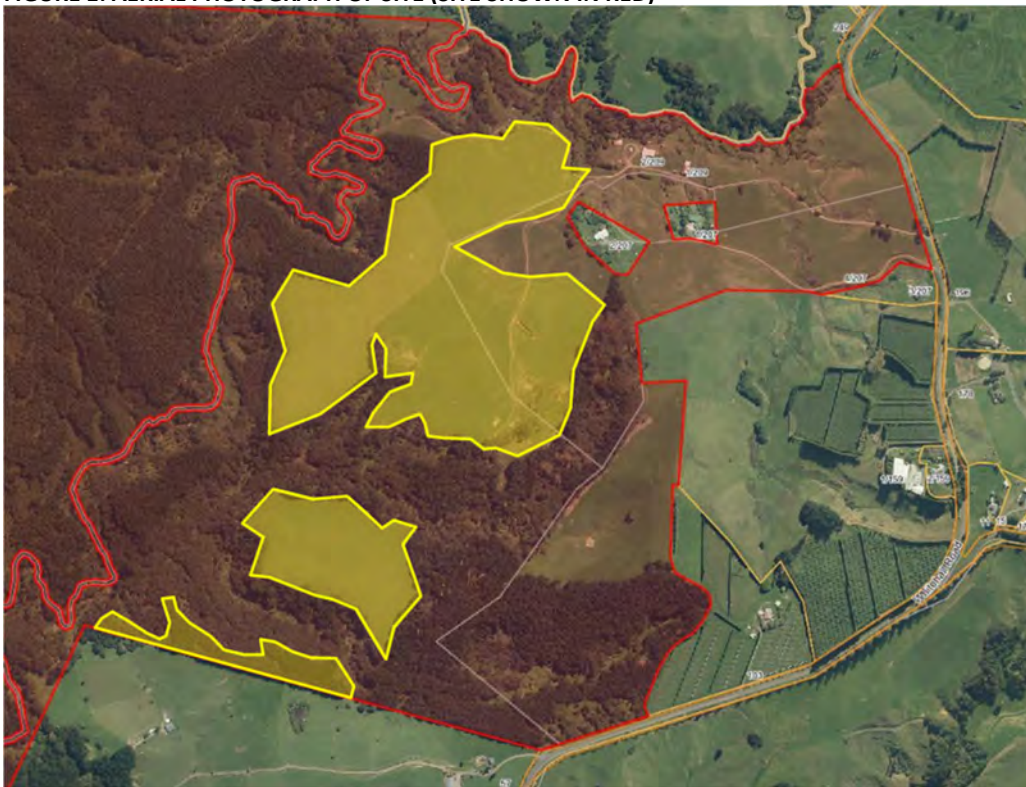


FIGURE 2: ZOOMED IN AERIAL PHOTOGRAPH OF EVENT AREA (SITE SHOWN IN RED, EVENT AREA SHOWN IN YELLOW)

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 Resource Management Act 1991 ('the Act'), Festival One Ltd have applied for a land use consent to establish and operate an annual temporary event (Christian music festival) in the Rural Zone. The festival is a multi-faceted music, community and art event, with seminars and keynote sessions, art installations, and reflective spaces being as important as music and concerts on the stages. The festival is designed to be suitable and appealing for people of all ages including toddler care, a children's programme, dedicated spaces for those with disabilities, and care taken to provide support for the elderly. The festival is largely 'residential' with people arriving on the Friday and setting up camping communities (largely tents), as well as caravans and camper vans. 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 2021;
 - Run over three nights and four consecutive days;
 - Have patrons attending from 10am Friday until midday Monday;
 - Have a proposed cap to the event at 10,000 paying patrons, with support from up to 2,000 support crew;
 - Have food and beverages provided by a variety of food trucks within the 'market' areas;
 - Have all-support services (i.e. toilets, showers, general store, etc) provided as self-contained pop up units;
 - Have power supplied from generators on-site;
 - Be an alcohol and drug-free event;
 - Have a self-imposed night-time curfew of midnight, where amplified sound is turned off, and traffic movement to and from the venue is restricted other than for emergency medical needs;
 - Use an interactive mobile phone application before, during and after the festival to manage the travel demand peaks, and patterns of travel on the road network by directing patrons to the preferred alternative routes;

- Host special guests (i.e. overseas artists) off-site in local B&Bs, homestays, motels and hotels. A shuttle service run by volunteers will provide transport for special guests;
- Restrict site access to two or three security-controlled entranceways to the property. Management of traffic from the state highway and rural roads will be guided using a Temporary Traffic Management Plan developed in conjunction with the NZ Transport Agency and the District Council;
- Utilise temporary traffic management to manage traffic at both the entrance of Whitehall Road and throughout the surrounding network;
- Use temporary lighting throughout the site and if required, temporary lighting may be installed at the entranceway to Gate 1 (the main entrance) for the duration of the festival; and
- Construct a new building to replace the existing farm sheds in the 'compound area' for equipment storage purposes. At the time of lodging the application the final details of the building were not available, but it is anticipated it will have a maximum footprint of 360m², maximum height of 12m and a finished treatment to achieve compliance with British Standard BS5252.

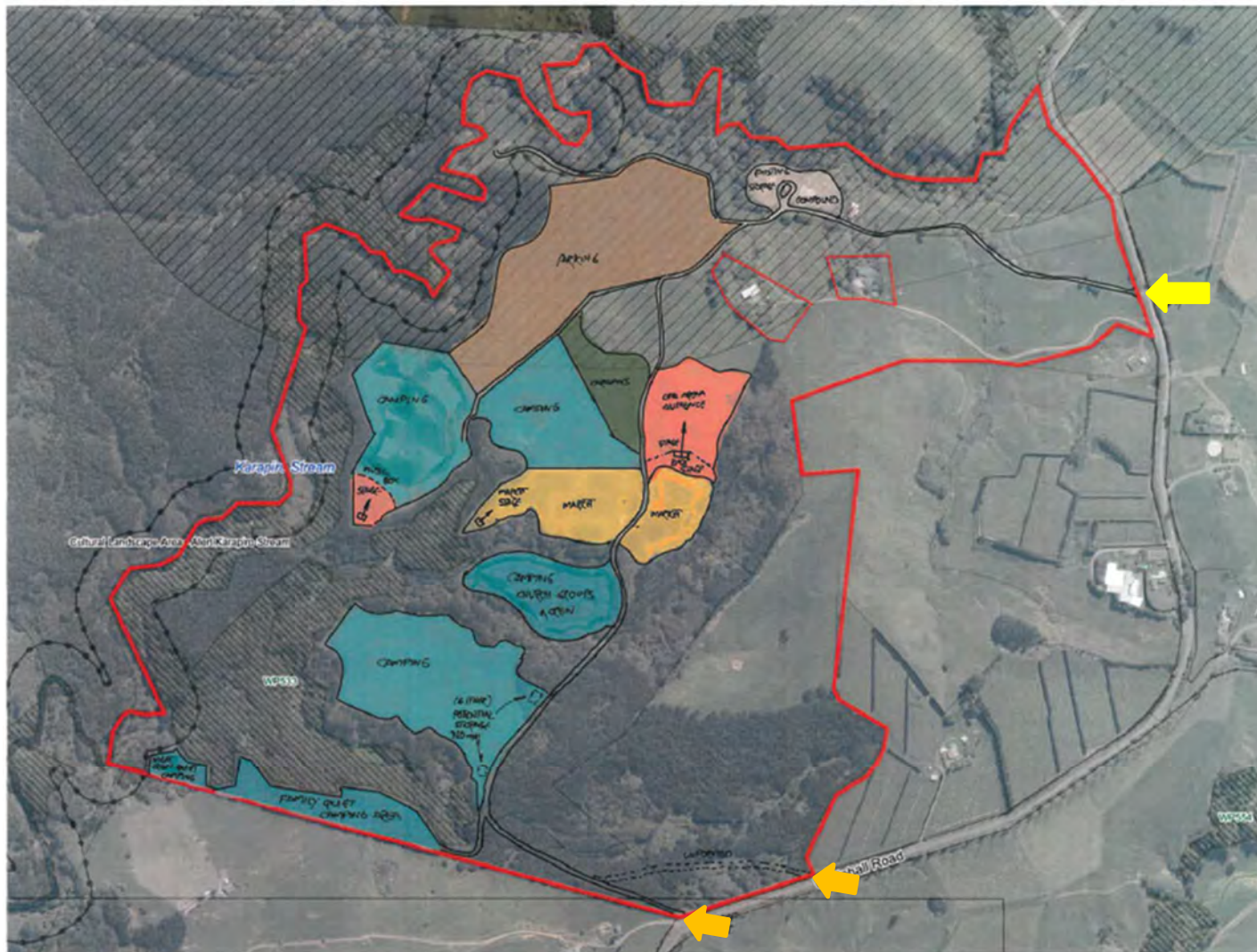
5.3 Refer to Figure 3 below and **Appendix 3** for the proposed site plan for the activity.

5.4 Written approvals from the landowner, surrounding properties, iwi and Waka Kotahi accompanied the application 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 4** of this report.

TABLE 1: 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
Karapiro Motors (1975) Ltd	719 Tirau Road
D Roigard	137 Karapiro Road
Ngā Iwi Tōpu o Waipa	
Waka Kotahi NZ Transport Agency	

- 5.5 A site visit was completed with the applicant's agent (Ian Johnson), Glynn Jones (Council's Environmental Health Officer), Zion Nordstrom (Council's Development Engineer) and the report writer (Hayley Thomas) on Monday 6 July 2020.
- 5.6 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.











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

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 5**) provides my assessment.
- 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 exceeds is over 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 5**.
- 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 Tōpu o Waipa and Waka Kotahi. It is noted the support from Waka Kotahi is subject to a number of conditions being included should consent be

granted. Since lodgement of the application, one written approval has been withdrawn.

- 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 A total of 11 submissions were received during the statutory submission period. Ten submissions received were in opposition and one submission was in support. The submissions, including a summary of the submissions, are attached at **Appendix 6**.
- 8.2 During the submission period, one written approval party, J & M Casey, withdrew their support for the application. They have since lodged a submission in opposition.
- 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. Section 37 of the RMA provides the ability for the Hearing Panel to extend the time within which a process under the RMA is to be completed, with Section 37A setting out the criteria which must be met to justify any extension. Having regard to the criteria set out in Section 37A, I recommend that the Hearing Panel accept the late submission for the following reasons:
- The submission was received within two working days of the close of the submission period;
 - The period to be extended does therefore not exceed twice the submission period;
 - The submission does not raise any new issues that have not already been canvassed in other submissions received; and

- Allowing the late submissions will not cause unreasonable delay.
- 8.4 The opposing submissions raise the following matters:
- Health and wellbeing;
 - Ecological and Biodiversity Effects;
 - Rural Character and Amenity;
 - Noise Effects;
 - Traffic & Parking Effects; and
 - Cumulative Effects.
- 8.5 These matters are discussed further in Section 9 of this report. Overall, the majority of submitters have requested the application be declined.
- 8.6 The supporting submissions have noted their general support for the application, provided that traffic management is imposed to ensure heavy vehicles using the roading network are considered and the safety and efficiency of the state highway intersections are not compromised.
- 8.7 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.
- 8.8 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.
- 8.9 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 & Parking Effects; and
- Cumulative Effects.

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 the application has considered 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 applications 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 does not consider the health and wellbeing of the wider community as a result of the adverse effects anticipated. **The Applicant should address this at the hearing.** Given the significance of the communities’ wellbeing, and status of this matter under Part 2 of the Act, I have commented further on this matter in Section 14 of this Report.

Ecological and Biodiversity Effects

- 10.6 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.
- 10.7 A submitter has raised concern 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. Without further assessment, including but not limited to, ground truthing, a full understanding of the ecological and biodiversity effects are unknown. **The Applicant should address this at the hearing.**
- 10.8 A submitter has also raised concern about the 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. While Section 5.1.4 of the application notes rubbish in the subtitle, there is no further detail regarding the proposed methods for rubbish disposal during or after the event. Without clarity on the proposed method of rubbish disposal it is unclear if there could be associated ecological effects. **The Applicant should address this at the hearing.**

- 10.9 Given the sites location to the Karapiro and Waiarumu Streams 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, however it is unclear how the applicant seeks to manage patrons during the event to ensure access is restricted and/or if there are any effects should patrons be unrestricted. **The Applicant should address this at the hearing.**

Rural Character and Amenity Effects

- 10.10 The Act defines amenity values as “those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”. As set out in the District Plan: “Rural character is a broad concept, defined by the various elements that make up the rural environment. These elements help to distinguish the differences between those areas that are urban or large lot residential, from those which are rural. The elements that define the District’s rural character are: ... (j) Occasional local temporary events and activities such as equestrian hunts, farm open days, local fund raising events, pony club, and associated events and activities in rural community halls”. Retaining rural character and visual amenity while making provision for activities that require a rural setting is important.
- 10.11 While the application acknowledges the existing environment (Section 2.2 of the application), the proposed annual event, falls outside of the District Plan’s description of elements that define the rural character given the type of event and the scale (i.e. national event vs local event).
- 10.12 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.
- 10.13 Noise, traffic and parking effects, while contributing to the rural character, are considered further in their own sections below.

Rural Character

- 10.14 Submitters have raised concern the proposed activity compromises the pristine rural area and will have negative effects on their rural character. The 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 establishment of an intrusive large event will depart from the rural character and be an unnecessary disturbance to the area.
- 10.15 The application 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 application suggests that the proffered

conditions will be particularly effective in addressing concerns and provide a clear process for responding to concerns during the festival.

- 10.16 The District Plan description of the elements that make up the rural character include a number of activities which typically are associated with farming. The effects assessment of the application fails to outline the relationship the activity has, or needs, with the rural context of the subject site. Further it fails to outline how it would contribute, positively or negatively, to the rural character, particularly at the size and scale proposed. Based on the information provided, I am unclear how the activity contributes to the rural character. **The Applicant should address this at the hearing.**

Security / Loss of Privacy / Nuisance

- 10.17 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 expressed the area has a lack of cell phone coverage, which is likely to result in patrons traversing beyond the site boundaries seeking connection. **The Applicant should address this at the hearing as a key mitigation measure is the reliance of the use of the phone application.**
- 10.18 The applicant does not anticipate security or nuisance issues however the submitters raising these concerns include the NZ Police, therefore I have doubt the proposed mitigation measures are satisfactory. Similar types of events typically include an Event Management Plan however it is noted the proffered conditions are restricted to parking, traffic and noise management. **The Applicant should address this at the hearing.**

Summary of Rural Character and Amenity Effects

- 10.19 In summary, the application has proffered a number of conditions seeking to address noise and traffic effects, however there is little regard to adverse effects for the rural character should consent be granted. 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;
 - Limitations of the site use for only this event;
 - Maximum 5,000 ticket holders with 1,200 staff; and
 - Roaming security for local residents' properties and dwellings.
- 10.20 While the festival itself is temporary in nature (i.e. four days), the intensity and scale is much larger than that which could naturally be anticipated in the Rural Zone. The application fails to outline the relationship the activity has with the rural environment and I doubt the proffered conditions will satisfactorily avoid, remedy or mitigate

adverse effects on the rural character and amenity. Overall, I consider the actual and potential rural character effects as a result of this activity to be unacceptable.

Noise Effects

- 10.21 The effects of noise on the surrounding environment is a key factor when considering the amenity and character of an area. The permitted activity requirement of the District Plan Rural Zone is for all activities to not exceed 50dBA (Leq) during daytime hours (i.e. between 7.00am and 10.00pm). This level provides for anticipated noise from rural activities.
- 10.22 An Assessment of Environmental Noise Effects, prepared by Cardno, dated 15 June 2020, was included in Appendix D of the application. Within Section 6 the anticipated noise is explained as primarily being amplified sound systems with *“minor sounds associated with vendor equipment, entertainment rides, people sounds, camping, vehicles, generators and sounds from the crowd and spectators themselves (which are localised to within the site boundary)”*.
- 10.23 The Noise Assessment determines that sound levels at the majority of the residential sites is predicted to be less than 40 - 50 dBA 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.
- 10.24 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 ampli-theatre provided by the hill. This is likely to lead to increased directional affects towards the receivers. However, this topography has been factored into the noise modelling program used for the predictions.”*
- 10.25 Mr Jones further explained the predicted levels at the ‘Arena Stage’, which is closest to the two properties which haven’t provided written approval, have *“a significant exceedance of the compliance limits recommended in the report. Between 10pm and midnight, the proposed exceedance at these two sites amounts to a level of 10 – 13 dB LAeq above the proposed compliance limit and is 25 – 28 dB LAeq above the District Plan night time level. It is therefore recommended that the hours are limited to end amplified music at 10.00 pm. Without approval of the owners of 1/207 and 2/207 Whitehall Road, occupiers/owners of these properties would be entitled to make a case that the application would result in adverse effects and it is highly likely that complaints would be received.”*
- 10.26 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”.

- 10.27 Taking into account the information in the Noise Assessment and Mr Jones comments, both parties acknowledge the noise effects from the festival will have impacts on the adjacent properties. The next consideration is to understand if the anticipated noise is reasonable and acceptable. I note that the District Plan noise provisions apply to permitted rural activities and it is therefore not correct to use these as a baseline for non-permitted activities.
- 10.28 In order to determine if the noise effects of this activity are reasonable and acceptable, Mr Jones has also considered the length of exposure to the noise and the existing environment. Festival One itself is to operate for four days and noise effects will be generated from vehicles, people and festival activities (including musicians and food vendors). These activities on their own may be acceptable for a daytime event and single night event in considering residents located further away. But combined and over the longer period of four days, Mr Jones is of the opinion that there is a greater potential for adverse noise effects.
- 10.29 In addition, Section 16 of the RMA, imposes a requirement to avoid unreasonable noise through the ‘best practicable option’. Even for a single event day, I am not convinced that the levels of control outlined in the application are sufficient to result in a reasonable noise level for all affected properties. Mr Jones notes that for the two most affected properties that are surrounded by the application site at 1/207 and 2/207 Whitehall Road, the predicted noise levels from music will significantly exceed a reasonable compliance level, and between 10.00pm and midnight, the effects will be greater as this represents the start of the more sensitive night time period.

Summary of Noise Effects

- 10.30 The likely adverse noise effects are acknowledged in the application and further commented on by both submitters and Council staff. Conditions have been proffered by the applicant which include monitoring of noise effects during the event and some submitters have suggested further conditions should the consent be granted, which include the use of a noise curfew between 10pm and 7am as per the District Plan requirements.
- 10.31 Overall, it is my opinion based on the assessment above, the technical information provided and advice from Council staff, should consent be granted, conditions of consent will not be the best practical option to ensure the that emission of noise does not exceed a reasonable level, or satisfactorily avoid, remedy or mitigate the adverse noise effects.

Traffic and Parking Effects

- 10.32 Traffic and the effects on the roading network are an instrumental part of the District Plans direction to ensure an integrated approach to land use and transport. At a local scale the integration of new activities needs 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.

- 10.33 Whitehall Road is identified in the District Plan as being 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 Karapiro Road and Taotaoroa Road are both collector roads, and both State Highway 1 and State Highway 29 are Major Arterial roads.
- 10.34 The application includes an Integrated Transportation Assessment ('ITA') prepared by Gray Matter Ltd (included in Appendix E). The ITA explains the peak anticipated traffic arrival time is anticipated to be between 6.00am and 11.00am on the Saturday morning with an estimated 1,940 trips. The peak departure trips is estimated for the Sunday afternoon between 4.00pm and midnight with an estimated 1,840 trips (i.e. a single hour peak of 506 vehicles per hour).
- 10.35 In order to mitigate the potential adverse traffic effects of the event, the ITA notes a number of methods are available including:
- Capping the number of event tickets;
 - A Traffic Management Plan;
 - Advertising alternative routes through the use of the Festival One app and NZTA's journey planning tools;
 - Event direction signage on the roadside to guide attendees along the preferred routes;
 - Use of public notices;
 - Use of road traffic counters for traffic monitoring;
 - Provision of a local phone number for local residents and businesses to call if they are experiencing problems as a result of event activities; and
 - An assessment of the monitoring data and review following the first event, with any required additional traffic mitigation measures implemented prior to the following festival event.
- 10.36 A key component of the ITA is the use of the proposed traffic route north on departure from the event which is shown below in Figure 4. This route will see traffic use rural roads, as an alternative to undertaking a right turn out of the Karapiro Road and Tirau Road intersection onto State Highway 1. This intersection is a known 'hot spot' for vehicle collisions and the applicant has been advised by Waka Kotahi that their support of the application is subject to the minimization of north bound traffic using this intersection.
- 10.37 Submitters have raised concerns with the existing site access and the safety of other road users along the potential route to the site. The number of vehicle movements

based on the proposed event numbers are considered to introduce effects above and beyond those stated in the application and technical reports. Concern for other road users, including cyclists, quarry vehicles and emergency vehicles, has also been expressed.

- 10.38 I note a submitter in support of the application has requested that proper traffic management is in place to ensure there is no unacceptable queueing in the road reserve, acknowledgement of through traffic, time managed entry, and consideration of heavy vehicles during the weekdays and Saturday morning.

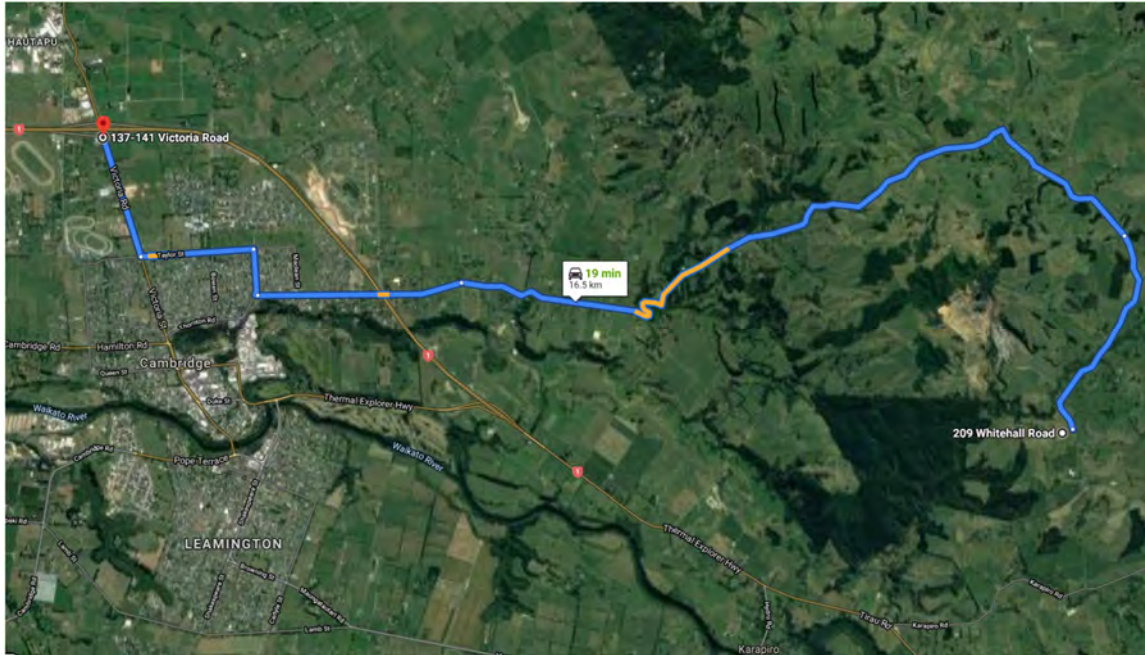


FIGURE 4: PROPOSE NORTH-BOUND ROUTE VIA CAMBRIDGE

- 10.39 Some submitters have described the existing Karapiro Road and State Highway 1 as being dangerous and congested, and are concerned the traffic management proposed will be ineffective. Waka Kotahi, whom are the road controlling authority for this intersection, have provided written support to the application subject to a number of conditions being included should consent be granted. These conditions include monitoring and count data for any increase in over 8,000 and 10,000 attendees, event specific monitoring, and a corridor access request.
- 10.40 The alternative route to be used by north bound event traffic, being Whitehall Road, Taotaoroa Road and French Pass Road, has been described by some submitters as being used when serious accidents 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.
- 10.41 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.

- 10.42 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 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.
- 10.43 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 effects compared to during the festival.
- 10.44 Council's Senior Development Engineer, Mr Tony Coutts, has reviewed the application, and submitters comments, and notes:
- 10.45 "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 Waipa District Council would not be enough and will also need to include thorough input from Waka Kotahi – NZTA.
- 10.46 The application states that the festival goers arrive over an extended period which reduces the traffic peaks, however the bulk of festival goers will be arriving later in the day Friday as the holiday traffic builds and will probably look to leave prior to 2 pm on the Monday to try and avoid the returning holiday traffic. 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.
- 10.47 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.
- 10.48 The applications traffic assessment has not gone into any detail with the sites 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 WDC has of increasing traffic to the Karapiro Road/SH1 intersection.

10.49 With the information provided and all factors considered, Development engineering do not agree that the traffic effects are less than minor and believe the location of the event would cause adverse effects to both Local and wider district/state road users.”

10.50 In addition to Mr Coutts comments, I note there is no public transport options available for the event, therefore every attendee and staff member is anticipated to arrive by private vehicle. The provision of parking for up to 3,000 vehicles appears to fail to provide adequate parking areas for the expected number of attendees and no overflow parking has been outlined. **The Applicant should address this at the hearing.**

10.51 An additional effect which is not discussed in the application, is the potential effects of the quantity of vehicles parking on high class soils (shown as white in Figure 5 below). I note the proposed parking areas are all in the lower flat area of the site, which I assume means the stormwater overflow is to the Karapiro Stream to the west of the event site. The application has made no comment with regard to mitigation measures in order to protect the high-class soil, or the adjacent waterway, from vehicles in the parking areas. **The Applicant should address this at the hearing.**

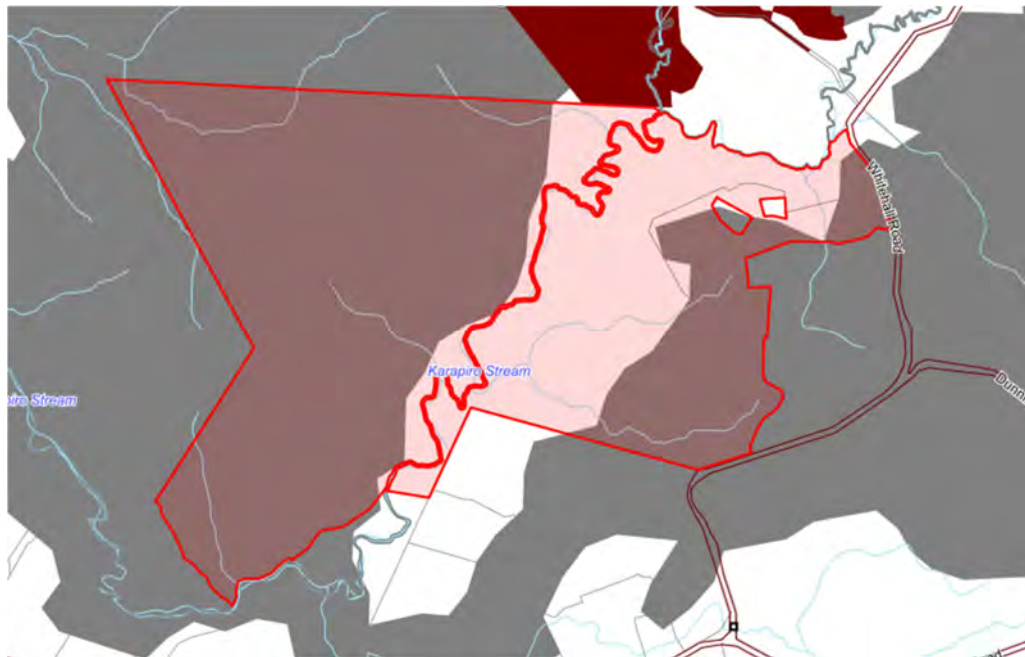


FIGURE 5: COUNCIL'S SOILS MAP (SUBJECT SITE SHOWN IN RED, HIGH CLASS SOIL SHOWN IN WHITE)

Summary of Traffic Effects

10.52 Based on the information provided in the application, and the feedback received from Council's Development and Roading Engineers, I am not satisfied that the

adverse traffic effects can be suitably mitigated by conditions should consent be granted. In this case, my view is that the traffic effects relate to safety issues and not just general roading operation and efficiency. Given the number of submitters raising concerns about traffic, including the NZ Police, there is further doubt the proposed mitigation measures outlined in the application are satisfactory.

- 10.53 While Waka Kotahi have provided support for the application, their considerations are limited to the state highway network, and do not extend to the wider roading network which is required to be used, should the conditions suggested by Waka Kotahi be imposed.
- 10.54 Overall, I consider the potential adverse traffic safety and efficiency effects as a result of this activity to be unacceptable, and unable to be suitably avoided, remedied or mitigated.

Cumulative Effect

- 10.55 Cumulative effects are those which arise over time and is a gradual buildup of consequences as a result of a combination of effects. With regard to this application, the potential cumulative effects include the use of the site for further festivals and/or events. Submitters have raised this a concern and a potential effect as a result of this application, should it be granted.
- 10.56 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 Waipa 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.

Positive Effects

- 10.57 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 an increase to economic well-being for the landowner;
 - Providing job opportunities for local residents (i.e. event staff, food vendors, traffic management staff); and
 - Increasing tourism numbers to the Waipa District.
- 10.58 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

- 10.59 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 not satisfied that the effects can be appropriately avoided, remedied or mitigated.
- 10.60 Overall it is considered that the effects of the proposal are considerable for the receiving environment and at a level that is more than minor. It is my opinion that the actual and potential effects on the environment from granting this consent would give rise to inappropriate and unacceptable adverse effects.

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. 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:

11.4 **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.*

11.5 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.

11.6 **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.*

11.7 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 (being 12,000 in total), are considerably above the 500 attendees referred to in Rule 4.4.2.53 which implements this policy framework. On this basis, I do not consider the activity to be consistent with this policy.

11.8 Policy 4.3.7.10 is particularly relevant in this instance as it outlines the provision for temporary events subject to appropriate mitigation of adverse effects. I note this policy specifically links temporary events with an association to rural character, and as mentioned earlier in this report, I am doubtful the festival has a relationship the rural environment in which it is proposed to be located. For this reason, I consider the application fails to be consistent with this policy.

11.9 Overall, in terms of Objective 4.3.7, it is my opinion the application does not suitably maintain the rural character.

11.10 **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.*

11.11 Objective 4.3.10 and its associated policy, seek to maintain rural amenity through the consideration of noise from legitimate farming 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). With this in mind, I note the use of this rule as 'criteria' to demonstrate the proposed activities compliance, is not appropriate.

11.12 **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 associated policies 4.3.12.1 and 4.3.12.3 are 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. While the application notes the objective and its policies, 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.

11.14 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. The application demonstrates that adverse effects cannot be internalised and instead relies on the temporary nature of the activity instead. It is my opinion this policy cannot be met appropriately through mitigation proposed in the application.

11.15 In summary, it is my opinion that the proposed activity does not have a functional or compelling reason to be located in the Rural Zone, therefore the application is contrary to Objective 4.3.12 and its associated policies.

Section 16 – Transportation

11.16 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:

11.17 **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.*

11.18 This objective clearly seeks to ensure the transport network is able to function in a safe manner across the District. While the application proposes a Traffic Management Plan which is agreeable to review by Waka Kotahi, I consider the outcome will be contrary to the objective. The application notes in Section 6.2 that “an innovate and thoughtful response to the management” of traffic is to be used, however it is my opinion that the reliance of a phone application, in areas with selective phone reception, does not result in effective management. I therefore consider the objective of being able to maintain a safe, efficient and effective transport network not to be met.

11.19 **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.*

11.20 Objective 16.3.4 seeks to ensure 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. As outlined earlier in this report, the proposal indicates parking is provided for 3,000 vehicles which appears to fail to provide adequate parking areas for the expected number of attendees and no overflow parking is provided. Further the accompanying ITA estimates for an event of 6,500 tickets there will be a shortfall of 1%, and for 10,000 tickets a shortfall of 36%. For this reason, I consider the application to be contrary to this objective and policy.

Section 20 – Health and General Amenity

11.21 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:

11.22 **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.*

11.23 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. As outlined earlier in this report, it is not clear if there are any potential adverse effects that would occur particularly to the adjacent water bodies as a direct result of the proposed activity. Based on the matters raised in the assessment of effects in Section 10 above, it is my opinion that the application may be contrary to this objective and policy.

11.24 **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.*

11.25 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

11.26 In order to meet the requirements of Section 5(2)(b) of the RMA 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:

11.27 **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 chance indigenous biodiversity across the District. As noted above in this report, the ecological effects of the proposal are unknown, and have been raised as concerns by submitters, so it is difficult to determine if the application is contrary to this objective and its associated policy.

11.29 **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.*

- 11.30 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. As noted above in this report, the ecological effects of the proposal are unknown, so it is difficult to determine if the application is contrary to this objective and its associated policy.

Summary of Objective and Policy Assessment

- 11.31 The above objective and policy assessment has considered the proposals consistency with the relevant objectives and policies of the District Plan with particular regard to the provisions in Section 4 – Rural Zone and Section 16 – Transportation. Overall, I consider the proposal to be contrary to the following objectives and policies:

- Objective 4.3.7 – Rural Character;
- Policy 4.3.7.10 – Temporary events;
- Objective 4.3.12 and Policy 4.3.12.1 – Non-Farming Activities;
- Objective 16.3.3 - Maintaining transport network efficiency;
- Objective 16.3.4 - Provision of vehicle entrances, parking, loading and manoeuvring areas; and
- Policy 16.3.4.2 - Ensuring adequate parking, loading and manoeuvring areas on site.

- 11.32 On balance, it is my opinion the proposal is contrary to the District Plan objectives and policies, notably those associated with the Rural Zone.

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 Resource Management Act 1991 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 Council’s 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.

National Environmental Standards

12.6 National Environmental Standards (‘NESs’) are regulations issued under section 43 of the Resource Management Act 1991 that 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 RPS 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 Tōpu o Waipa iwi representatives. No comments were received via this process; however, it is noted that written support from Ngā Iwi Tōpu o Waipa 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). Renegotiation's 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 Waipa 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 Waipa 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, the ecological effects of the proposal are unknown, so it is difficult to determine if the application is 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. Should there be no ecological effects on the surrounding water ways 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 Waipa 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 Koroki Kahukura

- 13.14 The ancestral tribal rohe of Ngāti Koroki 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 Koroki Kahukura, they are part of the local tangata whenua and for this reason are part of Ngā Iwi Tōpu o Waipa.

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 Waipa 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 7**. 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 RMA, when considering an application for resource consent the consent authority must have regard to Part 2 of the RMA. 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 applicants 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 for 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, there is no analysis of the economic effects or assessment provided with the application and it is 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.

- 14.6 The social and economic wellbeing considerations within the definition of 'sustainable management' are considered important to this application and significant for the wider community. On review of the application documents, technical information and submissions, I am not certain the granting of this consent would uphold the purpose of the Act with particular regard to the social and economic wellbeing of the community.

Matters of National Importance – Section 6

- 14.7 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;"*

- 14.8 As noted in the application both the Karapiro Stream and Waiarumu Stream border the event site and are fenced. As noted earlier in this report, I have concerns that the event patrons will have access to these areas which could compromise the ability for the activity to be deemed to comply with Section 6 of the RMA.

Matters for Consideration – Section 7

- 14.9 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.

- 14.10 In this instance, the application notes the site layout provides for precincts of activity on low lying open areas amongst established vegetation. The application has deemed the nature of the activities, being temporary in effects, will result in no permanent effects on the natural and physical resources, and will maintain amenity values. While I agree there will be no permanent effects on the natural and physical resource (i.e. the site will be able to be used for rural activities between events), I disagree that, granting of the consent, will uphold the amenity values for the rural environment. It is my opinion that the yearly event will have unacceptable effects on the rural character and amenity values, and the matters outlined in this report demonstrate this.

14.11 Kaitiakitanga as defined in Part I of the Act means the exercise of guardianship by the tangata 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 tangata whenua via Ngā Iwi Tōpu o Waipa ('NITOW') who provided their written support with the application. On this basis I consider that the proposal has had appropriate regard to the requirements of Section 7(a).

Principles of the Treaty of Waitangi – Section 8

14.12 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

14.13 In assessing the proposal against Sections 5 to 8 of the Act, I conclude that the application is inconsistent with the purposes and principles of the Act. While meeting parts of Section 7 and Section 8, it is my opinion that the land use is not an appropriate use of the subject site as it fails to uphold matters of national importance (Section 6(c)) and amenity values (Section 7(c) & (f)).

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, Karapiro. 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 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 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
 - Cumulative Effects.
- 15.5 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 the effects of the proposal are considerable for the receiving environment and granting this consent would give rise to inappropriate and unacceptable adverse effects. Namely, adverse traffic safety and efficiency effects and adverse effects on rural amenity.
- 15.6 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 considered to be contrary to some of the objectives and policies of the District Plan in regard to the Rural Zone and Transportation matters.
- 15.7 In conclusion, it is considered that the land use application should be refused even with the inclusion of consent conditions, the identified potential adverse effects cannot be avoided, remedied or mitigated to a level which are deemed acceptable.

16 RECOMMENDATION

That:

- a) *The report of Hayley Thomas – Project Planner be received;*
- b) *The Hearing Panel, pursuant to Section 37A of the Resource Management Act 1991, waives a failure to comply with submission timeframes and accept the late submission of Firth Industries Ltd; and*
- c) *In consideration of Sections 104 of the Resource Management Act 1991, the Waipa District Council declines 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, Karapiro, for the following reasons:*
 - i) *The scale of ecological and biodiversity effects on the nearby significant natural areas are unknown;*
 - ii) *The intensity and scale of the activity is much larger than that which could naturally be anticipated in the Rural Zone;*
 - iii) *The actual and potential rural character effects as a result of this activity have been deemed unacceptable;*
 - iv) *The emission of noise as a result of the activity exceeds a reasonable level;*
 - v) *The location of the event would cause adverse effects to both local and wider district/state road users;*
 - vi) *The potential adverse traffic safety and efficiency effects as a result of the activity have been assessed as being unacceptable, and unable to be suitably avoided, remedied or mitigated;*
 - vii) *Overall it is considered that the effects of the proposal are considerable for the receiving environment and at a level that is more than minor;*
 - viii) *The proposal to be contrary to the following District Plan objectives and policies:*
 - *Objective 4.3.7 – Rural Character;*
 - *Policy 4.3.7.10 – Temporary events;*
 - *Objective 4.3.12 and Policy 4.3.12.1 – Non-Farming Activities;*
 - *Objective 16.3.3 - Maintaining transport network efficiency;*
 - *Objective 16.3.4 - Provision of vehicle entrances, parking, loading and manoeuvring areas; and*
 - *Policy 16.3.4.2 - Ensuring adequate parking, loading and manoeuvring areas on site.*
 - ix) *The activity is inconsistent with the purposes and principles of the Act in that it fails to uphold matters of national importance (Section 6(c)), amenity values and the quality of the environment (Section 7(c) & (f)).*

H Thomas

Hayley Thomas
PROJECT PLANNER

Reviewed by

Q Budd

Quentin Budd
CONSENTS TEAM LEADER

Approved for the Regulatory Committee agenda by

W Allan

Wayne Allan
GROUP MANAGER DISTRICT GROWTH & REGULATORY SERVICES