

14 May 2021

Waipa District Council
Attention: Quentin Budd

By Email: Quentin.Budd@waipadc.govt.nz

Dear Quentin

RE: FESTIVAL ONE CONCERT VENUE – HARTFORD FARM - WHITEHALL

As you are aware, following the release of the s.42A report on 2 November 2020, the Land Use Consent application by Festival One for a proposed annual four-day Christian Music Festival at Whitehall was 'suspended' at the applicant's request on 16 October 2020 to enable issues of concern to be addressed.

The 130 working day period when the current of suspension of the application being processed ends today, Friday 14 May 2021 (this being the time by which the processing of the application must recommence or the application will be returned to the applicant and no decision made). That situation applies (whereby a decision has to be made as to the two alternative courses of action) unless Council exercises its power to further extend the period of suspension under s.37A(5) of the RMA, which states:

A consent authority may extend a time period under section 37 so that the extended period exceeds twice the maximum time period specified in the Act only if—

- (a) the applicant agrees to the extension; and*
- (b) the authority has taken into account the matters specified in subsection (1).*

The applicant requests, and therefore agrees to, the current suspension of the processing of the application being extended for a further four weeks – to **Friday 11 June 2021**. Festival One has been undertaking a lot of work (on different fronts) to resolve the issues of concern set out in the s.42A report (being the reasons why the s.42A report recommended that consent be declined). The further four weeks is required to:

- Complete discussions with the closest landowners with a view to securing their written approval;
- Consider an alternative site layout (including moving the main stage) in order to significantly reduce noise levels for neighbours;
- Updating the Noise Assessment in relation to the above;
- Consulting with Waikato Regional Council in relation to resolving the ecological and biodiversity issues raised in their submission (this is well advanced, and we are hopeful that an agreed outcome will be achieved which will be the subject of a proposed consent condition);
- Meeting with Tony Coutts with a view to resolving any remaining concerns in relation to traffic management. We now have a meeting scheduled with Tony on Tuesday 18 May 2021. We have got NZ Police to a position of comfort in relation to the application subject only to the traffic issues raised by Council being resolved; and
- Updating the application to fully document the outcomes of the actions outlined above and other modifications to the nature of the music festival to address other concerns raised.

The matters to be taken into account specified in s.37A(1) of the RMA (referred to as subsection (1) in s.37A(5) of the RMA quoted above) are:

- (a) the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and*
- (b) the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and*
- (c) its duty under section 21 to avoid unreasonable delay.*

Taking into account the considerations listed above, points in support of the request for a four-week extension are:

- It is in the interest of all parties, including Council, the submitters and the applicant, that the issues of concern to Council and submitters associated with the proposal are properly addressed and resolved to the greatest extent possible;
- Festival One has a far greater interest than anyone else in relation to getting the application through the planning process (and hopefully granted) as soon as possible;
- No party is realistically adversely affected to any greater extent by a four-week extension, particularly in the context of the length of the current suspension;
- The extension will enable the applicant to provide a much better assessment of effects (whereby effects of concern are hopefully addressed and resolved); and
- In terms of avoiding unreasonable delay, four weeks is not a long period in the scale of things, and there is nothing unreasonable, in my opinion, about a further four weeks to be able to resolve issues of concern (which will be to everyone's benefit).

In summary, our strategy is to seek to resolve all the issues of concern to a satisfactory level and then enable Council to update the s.42A report with the benefit of the new information we will provide by 11 June 2021. Rather than proceeding directly to a hearing and inevitably have the Hearings Panel or a Commissioner tell us to go away and caucus with a view to resolving the issues, we will all be in a more comfortable space if we can do that now and then end up with a more orderly and straightforward hearing process (hopefully with a s.42A report recommending that consent be granted).

I look forward to hearing from you.

Yours faithfully
Mitchell Daysh Ltd

A handwritten signature in black ink, appearing to read 'Mark Chrisp', with a long horizontal stroke extending to the right.

Mark Chrisp
DIRECTOR

cc Hayley Thomas Hayley.Thomas@waipadc.govt.nz
Graham Burt graham@festival.one