

# **Proposed Changes to the Operative Matamata-Piako District Plan**

## **INTRODUCTION – ISSUES, OBJECTIVES, POLICIES**

## **PART A**

- Amend Section 2.2 ‘Significant resources of the District’ in Part A to identify the significance of Hobbiton Movie Set as a tourism resource, as follows:

### **Add the following paragraph to Section 2.2 ‘Significant Resources of the District’:**

*“Tourism has become increasingly important to the District’s economy and the sustainable growth and development of tourism activities is to be encouraged. The District’s accessibility to major centres and nearby tourist destinations such as Rotorua, Coromandel and Waitomo Caves provides future opportunities for growth of this sector. Major tourism attractions such as Hobbiton Movie Set have direct and indirect benefits for the District’s towns due to employment and the use of local services by visitors such as accommodation, food and beverages and other retail.”*

- Insert a new Section 2.3.9 ‘Tourism’ in Part A to identify the importance of tourism activities to the District’s economy, as follows:

### **Add the following bullet point to Section 2.3 ‘Significant Resource Management Issues’:**

#### **“2.3.9      Tourism**

- *Enabling the growth of the District’s tourism industry is important to maximise the value of tourist expenditure within the District which has flow on effects throughout the District’s economy. A significant resource management issue that the District Plan must address is seeking to encourage tourism whilst ensuring that adequate measures are in place to avoid, remedy or mitigate the localised environmental effects of tourist attractions including:*
  - *Improvements to the District’s road network, infrastructure networks and community facilities utilised by the tourists; and*
  - *Considering making provision within the Council’s Development Contributions Policy under the Local Government Act 2002 for the purpose of recovering from those undertaking development related to tourism, a fair, equitable, and proportionate portion of the total costs of capital expenditure necessary to service growth of tourism:*
  - *or a targeted rate under the Local Government (Rating) Act 2002 to fund the District-wide impact of tourism growth.”*
- Insert a new policy in Section 3.5.2 of Part A related to amenity issues associated with Hobbiton Movie Set specifically in terms of the design, appearance and character of development, as follows:

**Add the following new policy in Section 3.5.2 ‘Amenity’ under the sub-heading ‘Design, Appearance and Character’:**

*“P10 To ensure that the design of future development at Hobbiton Movie Set is sympathetic to the rural landscape and environment.”*

- Insert a new objective and new policies in Section 2.4 in Part A related to ‘Tourism’, as follows:

**Add the following new objectives, policies, implementation methods and explanation in Section 2.4:**

<b>9. Tourism</b>					
	<b>Outcome sought (objectives)</b>		<b>Solutions (policies)</b>	<b>Implementation (methods) refer to the following sets of controls and reasons for chosen methods</b>	<b>Explanation and reasons for objectives and policies</b>
O1	To recognise and enhance the significance of tourism to the District’s economy, and to provide for sustainable tourism growth and development while avoiding, remedying or mitigating adverse effects on the environment.	P1  P2  P3	To encourage appropriate tourism development in the District.  Development Concept Plans shall be used for major tourist attractions to recognise their significance to the District whilst managing the adverse effects of tourism developments.  The impact of major tourist attractions shall include consideration of adverse effects on the wider community including increased traffic movements on the District’s road network, adverse effects on amenity values, and the impact on town centres, community	<ul style="list-style-type: none"> <li>• Development Controls, Section 3</li> <li>• Performance Standards, Section 5</li> <li>• Development Concept Plans, Schedule 5</li> </ul>	This objective seeks to enable the growth of tourism activities in recognition of their importance in terms of the economic wellbeing of the District. The policies aim to balance the economic benefits with ensuring that any adverse effects of individual tourism activities are appropriately avoided, remedied or mitigated.

		<p><i>facilities, and other infrastructure utilised by tourists.</i></p> <p><i>Methods to avoid, remedy, or mitigate the adverse effects of tourist attractions shall include consideration of:</i></p> <ul style="list-style-type: none"> <li><i>• physical improvements to the road network, infrastructure, and community facilities utilised by tourists,</i></li> <li><i>• provision within the Council's Development Contributions Policy under the Local Government Act 2002 for the purpose of recovering from those undertaking development related to tourism, a fair, equitable, and proportionate portion of the total costs of capital expenditure necessary to service growth of tourism:</i></li> <li><i>• or a targeted rate under the Local Government (Rating) Act 2002 to fund</i></li> </ul>		
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		<i>the District-wide impact of tourism growth.”</i>		
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## **GENERAL PROVISIONS – RULES**

## **PART B**

- Amend Rule 3.3.4 ('Landscaping (scheduled and non-scheduled sites)') in Part B to exclude the Hobbiton Movie Set DCP site from the landscaping requirements, as follows:

**Add the following clause (vi) to Rule 3.3.4 'Landscaping (Scheduled and Non-Scheduled Sites)':**

*“(vi) These landscaping provisions do not apply to the Hobbiton Movie Set Development Concept Plan for Part Lot 3 DP 9575 (SA15C/297), Section 239 Matamata Settlement (SA19C/893), Part Section 137 Block V Tapapa Survey District (SA265/12), Lot 3 DPS 13550 and Part Lot 2 DP 16907 (SA41A/384), Section 229 Matamata Settlement (SA19C/883), Section 240 Matamata Settlement (SA19C/894), Section 244 Matamata Settlement (SA21B/269), Section 238 Matamata Settlement (SA19C/892), and Section 236 Matamata Settlement (SA19C/890) as identified in Schedule 5 but will be considered in terms of Section 1.4.1.”*

- Amend Rule 9.1.1 ('Roading hierarchy') in Part B to include Buckland Road and a section of Puketutu Road as a 'Collector Road', as follows:

**Add the following row items to the Collector Road table under Rule 9.1.1 'Roading hierarchy' clause (i)(c) 'Collector roads':**

<b>Road name</b>	<b>Start</b>	<b>End</b>
<i>Buckland Road</i>	<i>Western boundary to Part Section 137 Block V Tapapa Survey District</i>	<i>Puketutu Road</i>
<i>Puketutu Road</i>	<i>Hopkins Road</i>	<i>Buckland Road</i>

- Include the Hobbiton Movie Set site to Schedule 5 'Sites subject to a Development Concept Plan' in Part B as follows:

**Add the following paragraph to Schedule 5 'Sites Subject to a Development Concept Plan':**

***“Hobbiton Movie Set, Buckland Road, Matamata***

*Part Lot 3 DP 9575 (SA15C/297), Section 239 Matamata Settlement (SA19C/893), Part Section 137 Block V Tapapa Survey District (SA265/12), Lot 3 DPS 13550 and Part Lot 2 DP 16907 (SA41A/384), Section 229 Matamata Settlement (SA19C/883), Section 240 Matamata Settlement (SA19C/894), Section 244 Matamata Settlement (SA21B/269), Section 238 Matamata Settlement (SA19C/892), and Section 236 Matamata Settlement (SA19C/890).”*

***Insert the Hobbiton Movie Set DCP into the Planning Maps in Part C.***

*The DCP follows as sheets 1 – 6.*

## **ACTIVITY SCHEDULE**

### **PURPOSE**

Tourism activities at 'Hobbiton' are well established and are recognised as an important and significant contributor to economic growth and employment in the Matamata-Piako District. The purpose of this Development Concept Plan (DCP) is to provide for the ongoing management, operation and growth of tourism activities at 'Hobbiton' within an appropriate planning framework.

### **ACTIVITY SCHEDULE**

#### **A1 GENERAL**

- a) Except as provided for in A2.4 below, the rules in this DCP do not apply to activities in the Rural Buffer Area. The Rural Zone rules apply within the Rural Buffer Area.
- b) For discretionary and non-complying activities the matters of discretion within DCP Rule 1.2 may be used as a guide.

#### **A2 PERMITTED ACTIVITIES**

The following are permitted activities provided they comply with the relevant performance standards within DCP Rule 1.1.

##### **A2.1 PRECINCT 1 (SHIRE'S REST)**

- a) Hobbiton Movie Set Overnight Park-Over Camping.
- b) Ticketing offices and facilities.
- c) Hobbiton Movie Set Visitor Accommodation.

##### **A2.2 PRECINCT 2 (HOBBITON MOVIE SET)**

- a) Movie set structures and facilities.
- b) Movie set tours.
- c) Fireworks displays.
- d) Hobbiton Movie Set Woodwork, Engineering and Painting Workshops.

##### **A2.3 PRECINCTS 1 AND 2**

- a) Tourism Retailing.
- b) Themed Events.
- c) Non-themed Events.
- d) Administrative offices for Hobbiton activities permitted under the DCP.
- e) Buildings associated with, and ancillary to, a permitted activity.
- f) Parking, loading and manoeuvring areas.
- g) One dwelling per Certificate of Title.
- h) Cut and fill earthworks.

- i) Imported cleanfill activities.
- j) Signage.
- k) Farming.
- l) Domestic wastewater treatment systems and land disposal areas ~~situated in a location as shown on the DCP.~~
- m) Stormwater treatment and attenuation facilities ~~situated in a location as shown on the DCP.~~

**Commented [RA1]:** Consequential change as a result of s42A Team proposing that these areas be located outside the DCP, within the Rural Buffer Area.

#### **A2.4 RURAL BUFFER AREA**

- a) ~~Domestic wastewater treatment systems and land disposal areas associated with Hobbiton situated in a location as shown on the DCP.~~
- b) Stormwater treatment and attenuation facilities associated with Hobbiton situated in a location as shown on the DCP.

#### **A3 RESTRICTED DISCRETIONARY ACTIVITIES**

The following are restricted discretionary activities:

- (a) An activity permitted in A2, excluding a non-themed event, that:
  - (i) Complies with performance standard 1.1.7; and:
  - (ii) Complies with performance standard 1.1.8; and:
  - (iii) Complies with performance standard 1.1.14; and:
  - (iv) Complies with performance standard 1.1.16; and:
  - (iv) Fails to comply with one or more of the other relevant performance standards within DCP Rule 1.1.

#### **A4 DISCRETIONARY ACTIVITIES**

The following are discretionary activities:

- (a) An activity permitted in A2, excluding a non-themed event, that:
  - (i) Does not comply with performance standard 1.1.7; and/or:
  - (ii) Does not comply with performance standard 1.1.8; and/or:
  - (iii) Does not comply with performance standard 1.1.14; and/or:
  - (iv) Complies with performance standard 1.1.16; and:
  - (iv) Complies with all other relevant performance standards within DCP Rule 1.1; or:
  - (v) Fails to comply with one or more of the other relevant performance standards within DCP Rule 1.1.

- (b) An activity permitted under A2 with a defined location, that is not located as shown on the DCP

**A5 NON COMPLYING ACTIVITIES**

The following are non-complying activities:

- (a) A non-themed event that does not meet all of the performance standards in DCP Rule 1.1.
- (b) An activity not listed in A2.



1.1 PERFORMANCE STANDARDS FOR PERMITTED ACTIVITIES IN PRECINCTS 1 AND 2	
1. Building Envelope for all buildings associated with, and ancillary to, a permitted activity listed in this DCP	<p>a) Maximum Height in Precinct 1 and 2: 10m</p> <p>b) Height relative to Precinct boundary - No part of any building shall exceed a height of 3m plus the shortest horizontal distance between that part of the building and the nearest Precinct boundary <b>provided that:</b></p> <p>(i) Buildings may be erected where they encroach on height relative to Precinct boundaries so long as the written approval of the affected property owner(s) is obtained.</p> <p>c) Front yard in Precinct 1: 15m to Precinct boundary for buildings above-ground, and 10m for buildings below ground. Ground level shall be the level of the existing ground before construction.</p> <p>d) Side yards and rear yards in Precincts 1 and 2: 10m to Precinct boundary, <b>provided that -</b></p> <p>(i) Buildings may be erected within any rear or side yard so long as the written approval of any affected property owner(s) is obtained.</p> <p>Advice Note: Works in close proximity to all electrical lines can be dangerous. Compliance with the NZECP 34 is mandatory for buildings, earthworks and mobile plant within close proximity to all electrical lines.</p>
2. Building Coverage	<p>a) Total building coverage for Precinct 1 shall not exceed 10% of the net site area of Precinct 1 (i.e. a total building area of 6,320m<sup>2</sup>).</p> <p>b) There is no maximum building coverage for Precinct 2.</p>
3. <del>Visual</del> Form and Appearance of New Buildings	<p><u>a) Any new buildings shall either reflect the rural vernacular established within the relevant Precinct, being simple in form and appearance and/or be reflective of the fantasy rural architectural character expressed in existing developments located in Precinct 2.</u></p> <p><u>b) Where responding to the rural vernacular, the following shall apply:</u></p> <p><u>i) Roofs shall be gable in form only (i.e. no hiproofs) and shall have a pitch of between 20 -45 degrees.</u></p> <p><u>ii) Flat connections between building forms are permitted but shall not exceed 25% of the roof form.</u></p> <p><u>iii) Lean to roofs are to have a maximum mono pitch roof of 8 degrees.</u></p> <p><u>iv) Wall claddings shall be continuous. While changes may occur at a recess or visual break point, walls must be done in one</u></p>

**Commented [RA1]:** As agreed between B Gilbert and M Graham prior to hearing. Amendments are to assist with plan administration.

Addition of 'relevant Precinct' reference: rural vernacular covers a wide range of building styles, whereas each precinct has distinctive building style evident that provides a helpful clue as to what the specific rural vernacular comprises in that area.

	<p><u>cladding form with no changes over the wall surface.</u></p> <p>v) <u>Wall materials shall be one of the following:</u></p> <ul style="list-style-type: none"> <li>• <u>Timber weatherboard;</u></li> <li>• <u>Timber board and batten;</u></li> <li>• <u>Weatherboard cladding system (similar to Linea);</u></li> <li>• <u>Corrugated iron;</u></li> <li>• <u>Tray steel;</u></li> <li>• <u>Concrete; or</u></li> <li>• <u>Plaster masonry.</u></li> </ul> <p>h)c) If painted, the exterior colour of buildings and structures within Precinct 1 shall be restricted to natural, visually recessive colours and/or colours that do not contrast with surrounding natural colours so that buildings do not appear incongruent with the surrounding rural landscape. The following colours, from the BSS 5252 colour range or equivalent, meet the requirements of this DCP Performance Standard:</p> <table border="1"> <tr> <td>Group A</td><td>00A01 - A13 inclusive, 02A03, 02A07, 02A11, 06A03, 06A07, 06A11, 08A14, 10A03 - A11 inclusive, 16A03, 16A07, 16A11, 18A14</td></tr> <tr> <td>Group B</td><td>04B19 - B29 inclusive, 08B17 - B29 inclusive, 10B17 - B29 inclusive, 12B17 - B29 inclusive, 18B17 - B29 inclusive, 22B27, 22B29</td></tr> <tr> <td>Group C</td><td>06C37 - C40 inclusive, 08C37 - C40 inclusive, 10C37, 10C39, 12 C37 - C40 inclusive, 14 C37 - C40 inclusive, 16 C37 - C40 inclusive, 18 C37 - C40 inclusive</td></tr> </table> <p>h)d) Unpainted buildings and structures within Precinct 1 shall be clad in natural materials comprising bricks, stone or timber.</p> <p>h)e) No buildings or structures within Precinct 1 shall have mirrored glazing.</p>	Group A	00A01 - A13 inclusive, 02A03, 02A07, 02A11, 06A03, 06A07, 06A11, 08A14, 10A03 - A11 inclusive, 16A03, 16A07, 16A11, 18A14	Group B	04B19 - B29 inclusive, 08B17 - B29 inclusive, 10B17 - B29 inclusive, 12B17 - B29 inclusive, 18B17 - B29 inclusive, 22B27, 22B29	Group C	06C37 - C40 inclusive, 08C37 - C40 inclusive, 10C37, 10C39, 12 C37 - C40 inclusive, 14 C37 - C40 inclusive, 16 C37 - C40 inclusive, 18 C37 - C40 inclusive
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Group B	04B19 - B29 inclusive, 08B17 - B29 inclusive, 10B17 - B29 inclusive, 12B17 - B29 inclusive, 18B17 - B29 inclusive, 22B27, 22B29						
Group C	06C37 - C40 inclusive, 08C37 - C40 inclusive, 10C37, 10C39, 12 C37 - C40 inclusive, 14 C37 - C40 inclusive, 16 C37 - C40 inclusive, 18 C37 - C40 inclusive						
4. Landscaping for New Buildings	<p>a) <u>Within Precinct 1, existing specimen trees and hedging as identified on Mitigation Plan CXX dated [to be completed] as 'to be retained' shall be retained.</u></p> <p>b) <u>Further development in Precinct 1 shall require the planting of the proposed specimen trees in the locations indicated on Mitigation Plan CXX dated [to be completed] around the Precinct to provide general screening. Proposed specimen trees refer to species that are either Platanus orientalis, Quercus sp., Liquidamber sp., or a species of a similar scale and growth rate.</u></p>						

**Commented [RA2]:** As agreed between B Gilbert and M Graham prior to hearing.

Plan references to be updated following Panel's decision.

**Commented [RA3]:** Refer to the marked up Landscape Mitigation Plan filed alongside these provisions

	<p>c) <u>Should any specimen tree or hedge plant, that is required to be retained, die, or become diseased or damaged such that it is no longer able to provide its mitigation function, it shall be replaced with a specimen of the same species. Replacement shall occur within the first planting season after the loss of the mitigation function is identified.</u></p> <p><u>New buildings in Precinct 1 shall require specimen tree planting around the perimeter of the Precinct to provide general screening of new development from outside the Precinct. Excluded from this planting requirement are new buildings with their frontage directly facing Buckland Road or where the boundary already contains perimeter planting adjacent to the new building.</u></p> <p>d) Soft Landscaping (plants) around all new buildings shall extend a minimum of two metres beyond the building envelope on at least three sides of the building and shall - comprise grasses, shrubs and/or groundcovers.</p> <p>e) All planting shall be implemented within the first planting season (March to May or September to November) after any buildings and associated site works are completed.</p> <p>Advice Note: Works in close proximity to all electric lines can be dangerous. Compliance with the NZECP 34 is mandatory for buildings, earthworks and mobile plant within close proximity to all electric lines.</p> <p>Advice Note: Compliance with the Electricity (Hazards from Trees) Regulations 2003 is also mandatory for tree trimming and planting. To discuss works, including tree planting, near electrical lines, especially within 20m of those lines, contact the line operator.</p>
5. Landscaping of Car Parking Areas	<p>a) All car parking areas within Precinct 1 shall be screened from Buckland Road by earth mounding and/or planting to a minimum height of 1.2m.</p> <p>Advice Note: Compliance with the Electricity (Hazards from Trees) Regulations 2003 is also mandatory for tree trimming and planting. To discuss works, including tree planting, near electrical lines, especially within 20m of those lines, contact the line operator.</p>
6. Access	<p>a) Precinct 1 shall have no more than <u>two vehicle crossings to Buckland Road</u>. The crossings shall be located in accordance with the DCP.</p>

**Commented [RA4]:** Disagree with Applicant's request to insert word "commercial." This should relate to all vehicle crossings.

	<p>b) Access to Precinct 2 shall be obtained via one vehicle crossing to Buckland Road. <del>The crossing shall be located in accordance with the DCP.</del></p> <p>c) The vehicle crossings shall be designed, formed, constructed and maintained in accordance with the MPDC Development Manual 2010.</p> <p>d) The vehicle crossings shall comply with the minimum sight distances contained within the MPDC Development Manual 2010.</p>
7. Road safety, Trip generation, Car Parking, Loading, Formation and Manoeuvring	<p>a) A minimum of 379 car parking spaces shall be provided within Precinct 1. The car parking spaces and associated access and manoeuvring spaces shall be formed, surfaced, line marked and maintained in accordance with the MPDC Development Manual 2010.</p> <p>b) Grassed areas suitable for all-weather parking in summer (November to March) shall be provided and maintained for overspill parking within Precinct 1. The grassed areas shall be of sufficient area to ensure that there is a minimum total of 450 car parking spaces provided within Precinct 1.</p> <p>c) A sufficient area shall be formed, constructed and maintained in accordance with the MPDC Development Manual 2010 to accommodate a minimum of 5 bus parking spaces within Precinct 1.</p> <p>d) In addition to the parking requirement in 1.1.7a) and 1.1.7b) above, a minimum of 1 car parking space shall be provided and maintained in accordance with the MPDC Development Manual for each Hobbiton Movie Set Visitor Accommodation unit.</p> <p>e) There are no minimum car parking requirements for Precinct 2.</p> <p>f) <del>A</del> dedicated on-site loading facility to accommodate <del>heavy vehicles (being articulated vehicles or truck and trailer)</del> shall be provided and maintained in <del>both</del> Precinct 1 <del>and Precinct 2</del>, in accordance with the MPDC Development Manual.</p> <ul style="list-style-type: none"> <li><del>a courier van meeting the "Type MB Forward-Control Passenger Vehicle" standard as defined in Table A of the New Zealand Transport Agency's vehicle classification; or</del></li> <li><del>where heavy vehicles (excluding articulated vehicles or trucks and trailers) service the site more</del></li> </ul>

**Commented [RA5]:** Agree with Applicant that this can be deleted.

**Commented [RA6]:** Agree with amendments proposed by Applicant.

	<p>frequently than monthly, on-site loading facilities shall be provided to comply with the 90 percentile design two axle truck swept path and minimum loading space dimensions; or:</p> <ul style="list-style-type: none"> <li>• where articulated vehicles or trucks and trailers service the site more frequently than monthly, on-site loading facilities shall be provided in accordance with "Road and Traffic Guidelines: RTS 18 – New Zealand On-road Tracking Curves for Heavy Motor Vehicles"</li> </ul> <p>g) Parking areas and loading spaces shall be clearly signposted at the road frontage in accordance with the NZ Transport Agency's Traffic Control Devices Manual, except that the signs may comprise Hobbiton colours and include Hobbiton branding.</p> <p>h) Parking and loading spaces shall be provided so that no reverse manoeuvring onto or from Buckland Road is needed. The manoeuvring area provided shall take into account the type of vehicle anticipated.</p> <p>i) All vehicles associated with the activities and/or events occurring on the Hobbiton Movie Set Development Concept Plan (DCP) site shall be parked within Precincts 1 and 2. No vehicles shall be parked in the road reserve. <del>The Site Operator shall monitor and record compliance with the requirement that no vehicles be parked in the road reserve and shall make the records available to the Matamata-Piako District Council as part of the Site Management and Monitoring Plan and upon request.</del></p> <p>j) <del>The owner and/or operator of the DCP site shall be responsible for the maintenance costs of the work listed below on an ongoing basis:</del></p> <ul style="list-style-type: none"> <li>• <del>Works located on any part of the site that is owned, leased or occupied by the owner / operator of the DCP;</del></li> <li>• <del>Works outlined in the Signage Strategy; and</del></li> <li>• <del>Road improvements shown on Bloxam Burnett and Olliver Drawing No's 144150/00P/101 to 144150/00/P/110, Revision B dated 24 November 2017.</del></li> </ul> <p><u>Advice Note: Council will undertake all works in the road reserve and invoice the operator /</u></p>
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**Commented [RA7]:** Agree with amendments proposed by Applicant.

**Commented [RA8]:** These requirements relating to maintenance responsibilities are consistent with the MoU. Amendments are proposed so as to incorporate these requirements directly into Plan, rather than cross referencing the MoU.

landowner following the works being carried out.

The upgrading of the affected road network, including signage, road improvements, traffic and pedestrian safety measures and road markings shall be implemented and maintained in accordance with the Memorandum of Agreement (MoU) between the Matamata-Piako District Council and Rings Scenic Tours Ltd dated xxx. The terms of the MoU shall be binding on any successors of Rings Scenic Tours Ltd that take over the responsibility of Site Operator.

~~h)k)~~ ~~Total trip generation resulting from all activities undertaken at the DCP site shall not exceed 387,000 trips per calendar year~~

~~h)l)~~ ~~Peak Trip generation resulting from all activities undertaken at the DCP site shall not exceed a maximum peak of 2,084 trips within any 24 hour period starting at 6am and finishing at 6am on the following day, daily average of 2,100 trips calculated over a 7 day period.~~

~~h)m)~~ The Site Operator shall accurately monitor and record daily, weekly, monthly and annual trip generation by vehicle type (i.e. split between light vehicles, ~~buses~~, and heavy commercial vehicles) and shall make the records available to the Matamata-Piako District Council as part of the Site Management and Monitoring Plan and upon request.

~~h)n)~~ ~~The Site Operator shall ensure that vehicles under its direct control including Hobbiton staff and tour buses and deliveries avoid the use of:~~  
~~i) the section of Buckland Road west of the DCP site;~~  
~~ii) Rangitanuku Road.~~

~~h)o)~~ The Site Operator shall at all times use all reasonable endeavours and shall take such steps as are practicable to:

- i) discourage Hobbiton traffic from using the section of Buckland Road west of the DCP site; and;
- ii) encourage Hobbiton traffic to use the eastern section of Buckland Road; and;
- iii) ~~discourage Hobbiton traffic from using Rangitanuku Road.~~

Such measures shall include but shall not necessarily be limited to:

- i) Sending out annual notices to all tour bus operators reminding them that the

**Commented [RA9]:** These provisions have been amended to enforce a daily average cap on trips, calculated on a weekly basis.

The amended provision provides the operator with greater flexibility to manage trip numbers, and better avoids a scenario where ticket holders are required to be turned away.

**Commented [RA10]:** Distinction within the category of heavy commercial vehicles is not considered necessary.

**Commented [RA11]:** Agree with deletion proposed by Applicant. The Applicant cannot ensure vehicles "avoid" these areas.

**Commented [RA12]:** Recommend deleting this provision due to the distance between Rangitanuku Road and the site.

	<p>recommended travel route is via the eastern end of Buckland Road and that Rangitanuku Road should be avoided.</p> <ul style="list-style-type: none"> <li>ii) Placing advisory information on the Site Operator's website.</li> <li>iii) Printing advisory information on booking tickets.</li> <li>iv) Maintaining advisory signage at the Precinct 1 vehicle exit.</li> <li>v) Requesting internet-based mapping sites to direct Hobbiton traffic via the eastern end of Buckland Road, <del>and via the state highway network so as to avoid Rangitanuku Road.</del></li> </ul> <p><del>4.9.1</del> The Site Operator shall take such steps as are practicable to avoid pedestrians stepping within the Buckland Road reserve at the Precinct 1 frontage. Such measures shall include but shall not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>i) Displaying advisory signage at the Precinct 1 boundary with Buckland Road.</li> <li>ii) <del>Requiring Hobbiton staff to intervene when visitors attempt to step within the Buckland Road reserve.</del></li> <li>iii) Creating and sign posting alternative safe locations outside of the Buckland Road reserve for photo opportunities for visitors.</li> <li>iv) Constructing barriers to prevent pedestrians crossing Buckland Road, <del>or constructing a pedestrian crossing or underpass to enable pedestrians to safely cross Buckland Road to a designated area within Precinct 2</del></li> </ul> <p><del>4.9.2</del> <u>Within six months of Plan Change 50 (Hobbiton) becoming operative, improvements to provide 114 metre stopping sight distance (SSD) from vehicle crossings to 385 and 399 Buckland Road shall be designed and constructed.</u></p>	<p><b>Commented [RA13]:</b> Agree with Applicant that the plan cannot require Hobbiton staff to intervene in these circumstances.</p> <p><b>Commented [RA14]:</b> Agree with deletion proposed by Applicant.</p> <p><b>Commented [RA15]:</b> This additional standard is considered necessary for the reasons provided in traffic evidence.</p>
8. Visitor Numbers	<ul style="list-style-type: none"> <li>a) <del>Total</del> visitor numbers during Movie Set Tour Hours including patrons of Themed and Non-themed Events shall not exceed 3,500 people per day.</li> <li>b) The Site Operator shall accurately monitor and record visitor numbers both during and outside of Movie Set Tour Hours and shall make the records available to the Matamata-Piako District Council as part of the Site Management and Monitoring Plan and upon request.</li> </ul>	<p><b>Commented [RA16]:</b> Maintain position set out in s42A Report.</p>
9. Noise	<ul style="list-style-type: none"> <li>a) <del>The</del> noise level from site activities other than the exclusions listed in DCP Performance</li> </ul>	<p><b>Commented [RA17]:</b> Maintain position in s42A report for reasons provided in evidence.</p>

	<p>Standards 1.1.9 b), c) and d) below, as measured at any point within the notional boundary of any rural dwelling located outside the Hobbiton Movie Set Development Concept Plan (DCP) area and existing at <i>[insert date of plan change notification]</i> shall not exceed the following:</p> <table border="1"> <tr> <td>7.00am to 8.00 pm</td><td>50 dB <math>L_{Aeq}</math></td></tr> <tr> <td>8.00 pm to 7.00am</td><td>40 dB <math>L_{Aeq}</math> and 70 dB <math>L_{Amax}</math></td></tr> </table> <p>b) Seasonal or temporarily intermittent noise resulting from agriculture and forestry activities (e.g. crop spraying, agriculture or forestry harvesting, frost control etc) consistent with the predominant character of the Rural zone, are permitted provided that:</p> <ul style="list-style-type: none"> <li>i) The activity is conducted in accordance with good management practice; and</li> <li>ii) Machinery is operated in accordance with manufacturers' specifications.</li> </ul> <p>This exclusion does not include rural operations such as the distribution of industrial factory by-products.</p> <p>c) Up to 12 themed outdoor movie screening events that exceed the noise levels in Performance Standard 1.1.9 a) above are permitted to 10.30pm during daylight savings time and to 10.00pm at all other times in any calendar year, with no more than two events (outdoor movie screening or outdoor amplified music/concert events) in a seven-day period, and no more than three events in a calendar month. The events shall not exceed 55 dB <math>L_{Aeq}</math> when measured at any point within the notional boundary of any rural dwelling located outside the DCP area and existing at <i>[insert date of plan change notification]</i>.</p> <p>d) Up to 6 themed outdoor amplified music /concert events that exceed the noise levels in Performance Standard 1.1.9 a) above are permitted in any calendar year, with no more than two events (outdoor movie screening or outdoor amplified music/concert events) in a seven-day period, and no more than three events in a calendar month. The events shall:</p> <ul style="list-style-type: none"> <li>i) Not exceed six hours duration (excluding sound testing and balancing on the day of the event);</li> <li>ii) Not exceed 60dB <math>L_{Aeq}</math> as measured at any point within the notional boundary of any rural dwelling located outside the DCP area</li> </ul>	7.00am to 8.00 pm	50 dB $L_{Aeq}$	8.00 pm to 7.00am	40 dB $L_{Aeq}$ and 70 dB $L_{Amax}$
7.00am to 8.00 pm	50 dB $L_{Aeq}$				
8.00 pm to 7.00am	40 dB $L_{Aeq}$ and 70 dB $L_{Amax}$				



	<p>and existing at <i>[insert date of plan change notification]</i>; and</p> <p>iii) End by 10.30pm during daylight savings, and by 10.00pm at all other times of the year; and</p> <p>iv) Have a period of sound testing and balancing undertaken on the day of the event between 9.00am and 3.00pm. The noise from the testing shall not exceed 55 dB L<sub>Aeq</sub> as measured at any point within the notional boundary of any rural dwelling located outside the DCP area and existing at <i>[insert date of plan change notification]</i>. The cumulative sound testing period shall not exceed 1 hour.</p> <p>e) Written notice shall be provided to the occupiers of all properties, within a 3km radius of the Precinct where any outdoor screening or amplified music / concert event is being held, a minimum of fourteen days prior to the event. The written notice shall include the following details:</p> <ul style="list-style-type: none"> <li>• The date and time of the event; and</li> <li>• The name and mobile phone number of a contact person who will be available to respond to any enquirers prior to, during and after the event.</li> </ul> <p>f) The Site Operator shall accurately monitor and record the date of events referred to in c) and d) above, start and finish times, number of patrons that attended the events, notices served, and monitoring undertaken to show compliance with the noise levels and shall make the records available to the Matamata-Piako District Council as part of the Site Management and Monitoring Plan and upon request.</p> <p>g) A single noise management plan shall be prepared for all amplified music/concert and outdoor movie events. It shall be submitted to Council for certification in a technical capacity that the matters listed below have been addressed, at least 10 working days prior to the first event and shall detail:</p> <ul style="list-style-type: none"> <li>• The applicable noise limits;</li> <li>• How noise from the events will be managed and controlled to comply with the limits in 1.1.9c) and 1.1.9d) above;</li> <li>• Noise monitoring locations and methodology;</li> <li>• A list of neighbours who have been consulted and a summary of the consultation; and</li> <li>• How any complaints will be recorded and managed.</li> </ul>
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**Commented [RA18]:** Maintain position that this provision is appropriate and should remain.

	<p>The noise management plan shall be implemented for the duration of all amplified music/concert and outdoor movie events.</p> <p>h) Monitoring of sound levels during the first occurrence of each event type listed in Performance Standards 1.1.9c) and d) above shall be carried out at any point within the notional boundary of the closest neighbouring dwelling to that event, and in response to any complaints of these event types should they arise. Monitoring shall be undertaken at five minute intervals throughout the event (including any sound testing) by a person qualified to undertake noise measurements. If the noise limits are not complied with, the following similar type of event shall be monitored and the noise management plan updated if required and the updated version certified by Council, until compliance is achieved. In each case a report of the monitoring results shall be submitted to Council within 10 working days of the event(s).</p> <p>i) If consent is not given to monitor within the notional boundary of the closest neighbour the noise shall be monitored at a representative location and the method adopted to determine compliance with the noise limits included in the report to the Council.</p> <p>j) All Sound levels shall be measured and assessed in accordance with the requirements of NZS 6801:2008 "<i>Acoustics – Measurement of Environmental Sound</i>" and New Zealand Standard NZS 6802:2008 "<i>Acoustics – Environmental Noise</i>".</p> <p>k) Construction noise from the site shall comply with NZS6803:1999 "<i>Acoustics – Construction Noise</i>".</p>
10. Lighting and Glare	<p>a) At no time between 7.00am and 10.00 pm shall any outdoor lighting be used in a manner that causes an added illuminance in excess of 125 lux, measured horizontally or vertically at the boundary of Buckland Road or any Rural zoned site located outside the Hobbiton Movie Set Development Concept Plan (DCP) area.</p> <p>b) At no time between the hours of 10.00 pm and 7.00am shall any outdoor lighting be used in a manner that causes:</p> <p>i) An added illuminance in excess of 10 lux measured horizontally or vertically at the boundary of Buckland Road or at any window of an adjoining building within</p>

**Commented [RA19]:** Do not consider that there is scope to amend this clause as proposed by Applicant.

	<p>the Rural zone located outside the DCP area.</p> <p>ii) An added illuminance in excess of 20 lux measured horizontally or vertically at any point along any Rural zone boundary located outside the DCP area.</p> <p>c) Where measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations of a similar nature which are not affected by such outdoor lighting.</p> <p>d) The outdoor lighting within the DCP area shall be so selected, located, aimed, adjusted and screened as to ensure that glare resulting from the lighting does not cause a significant level of discomfort to user of Buckland Road or to any occupants of any adjoining Rural zoned site located outside the DCP area. For the purposes of this rule the discomfort level is defined as one that can be detected and determined to be a nuisance by an appropriately experienced Council officer who is able to apply the frequency, intensity, duration and offensiveness to their observations and who is able to report these accurately.</p>
11. Street Lighting	<p>a) Prior to the commercial use of any Hobbiton Movie Set Visitor Accommodation within Precinct 1, a single street light shall be installed opposite the Precinct 1 entry access.</p>
12. Signage	<p>a) The following signs related to permitted activities established within Precincts 1 and 2 for the advertisement or identification of the established permitted activities:</p> <p>i) Signs attached to or forming part of a building: a maximum total area of 16m<sup>2</sup> for Precincts 1 and 2 combined.</p> <p>ii) Free standing signs: a maximum total area of 16m<sup>2</sup> for Precincts 1 and 2 combined.</p> <p>b) <u>Free-standing signs within Precinct 1 shall only be visible external to the Precinct from Buckland Road, where the road runs adjacent to the northern boundary of the Precinct and 20 metres beyond.</u></p> <p>c) For the avoidance of doubt: there are no controls on signage <del>only internally</del> <u>visible only internally</u> to the Hobbiton DCP area or for signs whose sole purpose is to direct traffic within a Precinct.</p>

**Commented [RA20]:** Agreed between M Graham and B Gilbert prior to hearing.

**Commented [RA21]:** Agree with amendment proposed by Applicant.

	<p>d) Health and Safety signs to meet legislative requirements: no size maximum.</p> <p>e) The size of letters on signs directed at passing traffic on Buckland Road shall have a minimum height standard of 150mm.</p> <p>f) Directional signs on local roads and state highways may be erected for Hobbiton Movie Set provided that the written consent of the Matamata-Piako District Council or NZ Transport Agency, respectively, is obtained. Directional signs erected under this Performance Standard shall not be subject to the DCP Signage Performance Standards 1.1.12 a), b), c) and d) above.</p>
13. Themed Events (including those events provided for in 1.1.9 c) and 1.1.9d)); and Non-themed Events	<p>a) <b>Events involving up to 1,000 patrons within Precincts 1 and 2 where no more than 500 patrons will arrive and depart the event by private car/mini-van:</b> more than one event may be held at any one time provided the total number of patrons for the events does not exceed 1,000.</p> <p>b) <b>Events held during Movie Set Tour hours:</b> the operator shall manage Events and Movie Set Tour visitor numbers so that total parking demand within Precinct 1 does not exceed:</p> <ul style="list-style-type: none"> <li>The all-weather surface parking capacity available on site at the time of the event</li> </ul> <p><del>Advice Note: Compliance with Performance Standard 1.1.7(b) (i.e. no vehicles shall be parked in the road reserve) must be achieved.</del></p> <p>c) The operator of the events must maintain records of all events, including:</p> <ul style="list-style-type: none"> <li>Date, time, Precinct and type of event;</li> <li>The number of patrons in attendance at the event and on the site as a whole;</li> <li>The method of arrival and departure for all patrons for events involving more than 500 patrons;</li> <li><del>Records of written notice to neighbours for events involving fireworks displays;</del></li> <li>These records shall be supplied to Council as part of the Site Management and Monitoring Plan and upon request.</li> </ul>
14. Fireworks Displays	<p>a) For events involving fireworks displays, written notice shall be provided to the Matamata-Piako District Council and the occupiers of all properties located within a 3km radius of where the fireworks display is being held. The written notice shall be provided a minimum of 14 days</p>

**Commented [RA22]:** Maintain position from s42A report that themed and non-themed events are to be distinguished, consistent with the purpose and name of the DCP.

**Commented [RA23]:** Agree with deletion proposed by Applicant.

**Commented [RA24]:** Maintain position in s42A report for the reasons provided in evidence of N Hegley.

	<p>prior to the event and include the following details:</p> <ul style="list-style-type: none"> <li>• The date and approximate time of the planned fireworks display; and</li> <li>• The name and mobile phone number of a contact person who will be available to respond to any enquires prior to, during and after the event.</li> </ul> <p>b) No fireworks displays shall be held between 1 August and 31 October in any calendar year.</p> <p>c) All fireworks displays shall be limited to the use of fireworks that meet classification 1.3G, 1.4G and 1.4S under the Hazardous Substances and New Organisms (HSNO) Act and corresponding regulations; purchased from a New Zealand retailer in accordance with the Code of Practice for Retail Fireworks, 2008.</p> <p><del>Receipts demonstrating compliance with the standards in c) above shall be kept and supplied to Council as part of the Site Management and Monitoring Plan and upon request.</del></p> <p>d) <del>The noise from fireworks must not exceed 40dB L<sub>Aeq</sub> and 70dB L<sub>Afmax</sub> at any point within the notional boundary of any rural dwelling located outside the Hobbiton Movie Set Development Concept Plan (DCP) area and existing at [insert date of plan change notification].</del></p>
15. Earthworks <del>and</del> Cleanfill/ Construction	<p>a) <del>Cut and fill earthworks and imported cleanfill activities shall be located outside the front, side and rear yards as defined in performance standard 1.1.1, except that this performance standard shall not apply to earthworks necessary for building works authorised by a building consent and the area of the earthworks is no more than 150% of the area of the building.</del></p> <p>b) Imported cleanfill shall not exceed the depositing of more than 2,000m<sup>3</sup> of material (as measured compacted in place).</p> <p>c) All vehicle movements associated with earthworks, construction and/or development shall not track dirt and loose material onto the road carriageway. Any material which may inadvertently deposit on the road must be washed or swept clear of the road carriageway in a timely manner so that there is no hazard to the travelling public.</p>

**Commented [RA25]:** Agree with Applicant that this provision should be deleted.

**Commented [RA26]:** Additional standard recommended for the reasons provided in evidence of N Hegley.

**Commented [RA27]:** Agree with amendments proposed by Applicant.

	<p><del>d) Construction noise from the site shall comply with NZS6803:1999 "Acoustics – Construction Noise".</del></p> <p>Advice Note: Earthworks should be undertaken in accordance with the Waikato Regional Council's "Erosion and sediment control: guidelines for soil disturbing activities", Report: TR 2009/02, <del>excluding "Section 3.4 Hay Bale Barrier" (these are no longer considered suitable control devices), and as amended by the following fact sheets:</del></p> <p><del>3- Sediment Control Practices</del>  <del>3.1 Sediment Retention Pond</del>  <del>3.2 Silt Fence</del>  <del>3.6 Decanting Earth Bund</del></p> <p>Advice Note: —Earthworks must comply with the land disturbance rules in the Waikato Regional Plan or resource consent must be obtained from the Waikato Regional Council.</p> <p>Advice Note: Works in close proximity to all electrical lines can be dangerous. Compliance with the NZECP 34 is mandatory for buildings, earthworks and mobile plant within close proximity to all electrical lines.</p> <p>Advice Note: The location of underground infrastructure should be identified prior to works commencing to ensure that infrastructure is not accidentally dug into and to avoid serious injury or a costly service interruption. Information on the location of underground pipes and cables can be obtained through the "Dial Before You Dig" service found online at <a href="http://www.beforeudig.co.nz/#">http://www.beforeudig.co.nz/#</a>.</p> <p>Advice Note: Where works are proposed in close proximity to any overhead or below ground electrical line, individuals are advised to contact the line operator to discuss works.</p>
1.16 Accommodation	<p>a) A maximum of 86 visitors per night are permitted in the area marked for "Hobbiton Movie Set Visitor Accommodation" located in Precinct 1 as shown on the DCP.</p> <p>b) A maximum of 30 self-contained mobile camping vehicles are permitted per night in the area marked for "Hobbiton Movie Set Overnight Park-Over Camping" -located in Precinct 1 as shown on the DCP.</p> <p>c) The Site Operator shall accurately monitor and record the number of visitors and self-contained mobile camping vehicles using the accommodation facilities referred to in a) and b) above and shall make the records available to the Matamata-Piako District Council as part of</p>

**Commented [RA28]:** Maintain position in s42A report that it is appropriate to have a cap on visitors and mobile camping vehicles.

	the Site Management and Monitoring Plan and upon request.
<del>1.17 Complaints Procedures</del>	<p>a) <del>From the operative date of Plan Change 50 (Hobbiton) the Site Operator shall implement a complaints procedure that will provide for complaints relating to activities being undertaken on the DCP site to be lodged directly with the Site Operator.</del></p> <p>b) <del>The complaints procedure and any changes thereto shall be documented in the Site Management and Monitoring Plan.</del></p> <p>c) <del>The Site Operator shall keep a written record of all complaints received and shall make a copy available to the Matamata-Piako District Council as part of the Site Management and Monitoring Plan and upon request</del></p>
1.18 Community liaison	<p>a) The Site Operator shall provide all owners and occupiers of properties with frontage to the full length of Buckland Road and the Matamata-Piako District Council with an opportunity to meet on at least an annual basis.</p> <p>b) The procedure to enable the community liaison referred to in a) above to take place and any changes to the procedures over time shall be documented in the Site Management and Monitoring Plan.</p>
1.19 Site Management and Monitoring	<p>a) <del>Within three months of Prior to Plan Change 50 (Hobbiton) becoming operative, the Site Operator shall submit a Site Management and Monitoring Plan ("SMMP") to the Matamata-Piako District Council for certification in a technical capacity as to compliance with the matters in b) below.</del></p> <p>b) The SMMP shall outline:</p> <ul style="list-style-type: none"> <li>(i) the day-to-day procedures to ensure that the performance standards in this DCP are being complied with;</li> <li>(ii) the day-to-day procedures to ensure that the monitoring required under the performance standards in this DCP are being undertaken;</li> <li>(iii) the format and frequency (being no less than six-monthly unless otherwise agreed to by the Council in writing) for reporting monitoring results to the Matamata-Piako District Council in a timely manner that will enable the Matamata-Piako District Council to readily ascertain whether the performance standards are being complied with.</li> </ul>

**Commented [RA29]:** Agree with Applicant that this provision can be removed. Residents are able to lay complaints to the Council at any time and these will be logged and recorded by Council officers.

**Commented [RA30]:** Maintain position in s42A report that this provision should remain. Community liaison is appropriate given the scale of activity undertaken in close proximity to neighbours in a rural environment.

**Commented [RA31]:** Amendment suggested to trigger for SMMP being required to be lodged.

Consider that the provision remains necessary to enable the Council to monitor compliance by the operator, given the scale of permitted activities and the effects of the activity in a rural environment.

	<p>c) The Site Operator shall annually, by no later than 30 June, review the SMMP in consultation with the Matamata-Piako District Council and make amendments to the SMMP (if required) to give effect to the findings of the review.</p> <p>d) The Site Operator shall at all times adhere to the procedures outlined in the SMMP and any amendments thereto resulting from the annual review.</p> <p>e) The cost of any work incurred by the Matamata-Piako District Council in assessing and monitoring compliance of permitted activities on the DCP site with applicable standards and rules shall be at the cost of the Site Operator, based on a fair and reasonable assessment by the Matamata-Piako District Council of the costs it incurs in carrying out such work.</p>
1.20 Domestic wastewater treatment systems and disposal areas/ Stormwater treatment and attenuation facilities	<p>a) The facilities shall be associated with Hobbiton.</p> <p>b) The operation of the facilities shall not result in odour that is objectionable to the extent that it causes an adverse effect at or beyond the boundary of the DCP site.</p> <p>c) <u>A minimum 10m width riparian planting margin shall be provided around the stormwater management devices adjacent to Precinct 1, with the riparian planting comprising locally appropriate eco sourced native species at a density of 5,100 stems/ha (1.4m centres).</u></p>

**Commented [RA32]:** Additional standard required for the reasons contained in B Gilbert's evidence.

1.2 MATTERS OF DISCRETION	
1. <del>Restricted Discretionary Activities provided for in the Development Concept Plan</del>	<p><del>A. Events:</del></p> <p><del>Any application shall be assessed upon consideration of the following:</del></p> <p><del>a) The extent to which the event is Hobbiton-themed;</del></p> <p><del>b) Transportation impacts, including:</del></p> <ul style="list-style-type: none"> <li><del>• Efficiency effects along the various routes to the site;</del></li> <li><del>• Safety effects at the site accesses;</del></li> <li><del>• Potential for parking shortfalls in peak periods resulting in safety effects (including parking and pedestrians on Buckland Road);</del></li> <li><del>• Safety effects at intersections along the various routes to the site;</del></li> </ul>

**Commented [RA33]:** Agree with proposed deletion by Applicant.



- Safety effects at other vehicle crossings, particularly along Buckland Road.
  - Potential for increased number of traffic movements during the hours of darkness associated with the accommodation and park-over activities;
  - Potential for increased traffic on Rangitanuku Road and the surrounding road network;
  - Potential for accelerated pavement deterioration from additional traffic on Buckland Road and Puketutu Road; and
  - Increased visitor numbers to the Matamata i-site and risk of adverse effects from increased parking demand in the nearby area.
- e) Temporary ablution facilities during the event.
- d) Details of any temporary structures associated with events.
- e) Set up and clean up.
- f) Cumulative effects associated with the number and size of events.
- g) Extent to which the event complies with Performance Standards 1.1.9 (noise) and 1.1.10 (lighting and glare) above.
- h) Visual effects.
- i) Signage.
- j) Amenity effects on neighbours and occupiers of properties along Buckland Road.
- k) Reverse sensitivity effects on neighbouring farming activities.

**B. Cut and Fill and Clean-Fill Earthworks:**

- a) A management plan shall be supplied with the resource consent application which shall include:
- i) A plan of the property showing the area to be cut and/or filled;
  - ii) The approximate quantity of material to be cut and/or deposited, the type of material, the timing and progress of the operation, its operating times and the works completion date;
  - iii) A description of soil type, permeability, effect on groundwater levels and effects on adjacent land / soil and structures;
  - iv) An investigation into the stability of the underlying land and its ability to remain stable under increased loadings from fill in all conditions;
  - v) Proposals to ensure the prevention of mass movement of the cut and filled

	<p>material itself. This will include details on benching, method of compaction, etc;</p> <p><del>vi) Proposals for rehabilitation of the surface of the cut and/or fill to prevent surface erosion such as sheet, rill and gully erosion. This will include details on topsoiling and grassing, etc;</del></p> <p><del>vii) Details of traffic generation, hours of operation, size of trucks, movements per day, position of access points, possible effect on public roads, location of adjacent dwellings. Council will take account of the expected volume of, and routes to be used by, traffic to and from the earthworks site, and the impact of this traffic on the areas through which it would travel;</del></p> <p><del>viii) Proposals to deal with noise, dust, smoke and other detractions from the amenities of the area;</del></p> <p><del>ix) Drainage proposals. How gullies would be drained in order to prevent excessive saturation of the fill;</del></p> <p><del>x) Proposals for control of silt which discharge from bare earth areas during operations. Such proposals may include installation of a silt pond, in which specification of the pond's dimensions would need to be provided; and</del></p> <p><del>xi) —</del></p> <p><del>b) The extent to which adherence to the management plan will avoid, remedy and mitigate the effects of the cut and/or clean fill earthworks activity.</del></p> <p><del>c) Visual and amenity effects.</del></p>
2. Restricted Discretionary Activities Triggered by Activity Schedule Clause A3(a)(v)	Discretion is restricted to the failed standards and will be assessed only against the effects of non-compliance with those standards.
3. Discretionary Activities/ Activities not provided for in the Development Concept Plan/ Non-Complying Activities	Council shall, as a minimum, have regard to all the Performance Standards for Permitted Activities within Section 1.1 and the matters of discretion for Restricted Discretionary Activities within Section 1.2.. The Performance Standards for Permitted Activities and matters of discretion for Restricted Discretionary Activities are only a guide to the matters Council will consider and shall not restrict Council's discretionary powers.

Commented [RA34]: Consequential amendment.

**Definitions:**

**“Hobbiton Movie Set Overnight Park-Over Camping”** means land within Precinct 1 used for short term accommodation of visitors to the Hobbiton Movie Set site where a parking area is provided for visitors in self-contained mobile camping vehicles, and the maximum duration of any stay by visitors is one night.

**“Hobbiton Movie Set Visitor Accommodation”** means a single-storey, stand-alone or duplex residential building that provides accommodation for a maximum stay of two consecutive nights for travellers and tourists who have their principal place of residence elsewhere. Hobbiton Movie Set Visitor Accommodation may contain facilities in rooms for the preparation of meals by guests.

**“Non-themed Events”** means an activity that involves a gathering of a group of people either as participants or spectators and includes but is not limited to weddings, birthday parties, corporate functions, concerts, festivals, movie screenings, conferences and the like. This definition applies only where the activity is not covered by another definition/activity in the Hobbiton Movie Set Development Concept Plan.

**“Themed Events”** means an activity that involves a gathering of a group of people either as participants or spectators for the purposes of an activity that is principally related to Hobbiton and includes, but is not limited to, themed concerts, festivals, movie screenings, and the like.

**“Tourism Retailing”** means the use of land or buildings where goods principally related to Hobbiton are offered or exposed principally to the tourist market for sale and includes: premises making and serving food and beverages such as cafes, restaurants and licensed premises; premises for green / blue screen chroma key photography and photography; and ancillary storage and warehousing of goods to be sold through the retail activity. For the avoidance of doubt, the kitchen facilities within the premises may operate as commercial catering enterprises independent of Hobbiton Movie Set provided that the principal use of the kitchen facilities is to serve the needs of the Hobbiton Movie Set’s activities.

**“Hobbiton Movie Set Woodwork, Engineering and Painting Workshops”** means buildings within Precinct 2 used principally for the construction of movie set structures and facilities for the Hobbiton Movie Set site identified in the Hobbiton Movie Set Development Concept Plan. For the avoidance of doubt, the workshops may operate as commercial enterprises independent of Hobbiton Movie Set provided that the principal use of the workshops is to serve the needs of the Hobbiton Movie Set’s activities.

**“Movie Set Tour Hours”** means the time period starting one hour before the first daily movie set tour commences and that ends one hour after the last daily movie set tour has finished.

**“Site Operator”** means the entity or entities and/or person(s) responsible for undertaking any one or more of the activities within the DCP site.

**“Trip”** means a movement in any one direction by a vehicle of any type (i.e. light vehicle, campervan, heavy commercial vehicle, or bus, etc.) such that one vehicle entering the site and exiting the site is equal to two trips.