

*in the matter of:* A Private Plan Change to the Matamata-Piako District Plan under Schedule 1 of the RMA by Rings Scenic Tours Limited to introduce new objectives, policies and rules, primarily through a Development Concept Plan, to enable the ongoing operation and growth of tourism activities at Hobbiton Movie Set within an appropriate planning framework

*to:* **Matamata-Piako District Council**

*applicant:* **Rings Scenic Tours Limited**

Statement of Evidence by **Stephen George Bigwood** on behalf of Rings Scenic Tours Limited

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Date: 25 March 2019

## **1. INTRODUCTION**

### ***Qualifications and experience***

- 1.1 My name is Stephen George Bigwood. I am currently employed as the Planning Manager at Bloxam Burnett & Olliver Limited (BBO), a firm of consulting civil engineers, planners and surveyors based in Hamilton. I have been employed by BBO since 1996. Prior to that I worked as a Planner at the Matamata-Piako District Council. I have 28 years of experience in this field.
- 1.2 I hold the qualifications of a Bachelor of Social Science with Honours majoring in Geography and Resources and Environmental Planning from Waikato University (1993), and a Post Graduate Diploma in Resources and Environmental Planning from Waikato University (1995).
- 1.3 I am a full member of the New Zealand Planning Institute and the Resource Management Law Association. I am also an accredited decision maker under the Ministry for the Environment's Making Good Decisions Programme.
- 1.4 I am familiar with the present statutory framework for private plan change applications under the Resource Management Act 1991 (RMA) and the framework and associated provisions for Development Concept Plans (DCP) under the Operative Matamata-Piako District Plan (District Plan); having been involved most recently in the development of the DCP for Ingham's Waitoa Processing Plant. I have also represented clients within the wider District on numerous resource consent applications.
- 1.5 In relation to this hearing I am presenting expert planning evidence on behalf of Rings Scenic Tours Ltd (the Applicant/ RST). The Applicant is seeking a private plan change to the District Plan for the introduction of a new DCP and associated provisions into the DCP framework, including a new issue, objective and policy statements. The private plan change relates in its entirety to the specified property located at 487, 501 and 502 Buckland Road, Matamata, and described as the Hobbiton Movie Set. The plan change is also described as Proposed Plan Change 50 (PPC50) to the District Plan.
- 1.6 I have provided planning advice to the Applicant since 2015 during development of the first draft DCP and initial private plan change investigations. As such, I have visited the site numerous times including with Council representatives and have overseen the preparation of all documentation to date in relation to the property and PPC50.
- 1.7 I confirm that I have read the "Code of Conduct for Expert Witnesses" contained in the Environment Court's Consolidated Practice Note 2014 and have complied with them in preparing evidence in this proceeding. Except where I state that I am relying on evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

### ***Scope of evidence***

1.8 I am presenting expert planning evidence in support of the proposed private plan change. My evidence covers:

- a) A description of the site and the surrounding environment;
- b) Background and reasoning for the private plan change sought by the Applicant;
- c) A summary of the private plan change;
- d) Issues raised by the submitters;
- e) Matters to be addressed specifically relating to performance standards and any other provisions listed within the DCP;
- f) An effects assessment in consideration of the environmental baseline;
- g) The statutory framework for a plan change;
- h) Comments made within the Council Officer's report; and
- i) Conclusions and recommendations or variations to the DCP arising through analysis of submissions and the s42A report.

1.9 In preparing this evidence I have read the opinions expressed through the submissions and further submissions that have been received during the public submission process. I will address each submission and further submission in detail in this evidence.

1.10 I have read the s42A report prepared by Councils consultant planner, Mr Marius Rademeyer. I note that the report recommends that the private plan change is adopted subject to the listed variations/modifications to the objectives, policies, performance standards and definitions within the DCP. I agree with Mr Rademeyer's conclusion that the Plan Change should be supported and that it provides for future development of New Zealand's third largest tourist destination by providing more regulatory certainty and containing appropriate controls to avoid, remedy or mitigate adverse effects. I disagree with many of Mr Rademeyer's recommended changes which I do not consider are either appropriate or necessary to enhance the management of adverse effects on the environment or the site generally.

1.11 My evidence is to be read in conjunction with the evidence to be presented by the following persons and the Section 32 Evaluation Report<sup>1</sup> which accompanied the plan change request. The s32 Evaluation report contains the detailed summary of the objectives and policies and methods for the plan change, the new DCP area, the detailed site specific provisions and controls, and how the plan change will deliver the planning outcomes for RST and the community. Evidence will be presented by:

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<sup>1</sup> "Proposed Private Plan Change to the Matamata-Piako District Plan. Proposed Plan Change 50: Hobbiton Development Concept Plan, 487, 501 and 502 Buckland Road, Matamata. Section 32 Evaluation Report", dated January 2018

- Mr Russell Alexander as representative of Rings Scenic Tours Ltd;
- Mr Michael Graham of Mansergh Graham Landscape Architects, who has provided expert evidence in respect of the landscape and visual effects;
- Mr Cameron Inder of Bloxam Burnett & Olliver Limited, who has provided expert evidence in respect of the transportation effects; and
- Mr James Bell-Booth of Marshall Day Acoustics, who has provided expert evidence in respect of acoustic effects.

## 2. THE APPLICATION SITE AND SURROUNDING ENVIRONMENT

- 2.1 The land subject to this private plan change is located at 487, 501 and 502 Buckland Road, Matamata.
- 2.2 The site comprises multiple legal parcels described as Pt Lot 3 DP 9575 (SA15C/297), Section 239 Matamata Settlement (SA19C/893), Pt Sec 137 Blk V Tapapa SD (SA265/12), Pt Lot 2 DP 16907 and Lot 3 DPS 13550 (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) owned and operated by IR and MC Alexander or Scottdale Farms Limited. The total area of the plan change is approximately 370ha.
- 2.3 The locations of those titles and the respective precincts relating to those titles are shown on the revised DCP precinct plans included as **Attachment A** to this evidence.
- 2.4 The plan change site comprises predominantly rolling pastoral hill country used for rural purposes associated with sheep and beef farming<sup>2</sup>. The site is typical of land use activities in the area, although other activities established in the area include dairy farming, cropping, a litter poultry farm, hard rock quarries, engineering workshop, and bed and breakfast/homestay accommodation.
- 2.5 The plan change site is located on both the northern and southern side of Buckland Road, which is classified as a 'Local Road' under the District Plan roading hierarchy. The Hobbiton Movie Set is located near several major State Highways including State Highway 1 (SH1), 29 (SH29), 28 (SH28) and 27 (SH27). Nearby townships include Matamata located approximately 16km northeast of the site, and Cambridge located approximately 25km west. Hobbiton Movie Set is also in close proximity to the major centres of Auckland (175km), Rotorua (70km), Hamilton (45km) and Tauranga (59km).

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<sup>2</sup> A detailed description of the landscape comprising the plan change is included within the "*Landscape and Visual Effects Assessment*" report provided in the proposed plan change request, prepared by Mansergh Graham Landscape Architects, dated December 2017.



### 3. BACKGROUND

- 3.1 A detailed description of the background to the Hobbiton Movie Set site is contained within Section 1.4 of the s32 Evaluation Report. For the purpose of this evidence, I have summarised this background in the following paragraphs.
- 3.2 The Hobbiton Movie Set was constructed in 1999 for the filming of *The Lord of the Rings* film trilogy as a temporary activity, with large parts of the film set removed from the site following filming. In 2011, the site was rebuilt for the filming of *The Hobbit* film trilogy and is established now as a permanent tourist attraction; attracting 17% of all international visitors to New Zealand and injecting \$78 million directly into the Matamata-Piako District economy<sup>3</sup>. The evidence of Mr Alexander details the economic and employment impact of the Hobbiton Movie Set on the Matamata-Piako District.

#### ***Hobbiton Movie Set and The Shire's Rest***

- 3.3 The Shire's Rest is located on the southern side of Buckland Road (at 487 and 501 Buckland Road) and is utilised as the primary departure and end location for all Hobbiton Movie Set tours. The Shire's Rest contains the ticketing office, a café/function venue, souvenir shop, ice cream and coffee shop, offices (including offices under construction), ablution facilities, tourist facilities and parking areas for private vehicles and RST staff and tour buses.
- 3.4 Hobbiton Movie Set is located on the northern side of Buckland Road (at 502 Buckland Road) and is utilised for movie tours by restricted bus access. The movie set location is 1.3km north of Buckland Road and sheltered from views to the road and private properties. The tour site contains movie set structures (including The Green Dragon Inn, The Watermill, Hobbit holes, Bag End Tree and the Bridge and Jetty surrounding a man-made lake), a dining Marquee and kitchen facilities, gift shop, ablution facilities, workshops (for painting, engineering and woodworking), plant nursery, turf growing area, wastewater disposal systems and parking areas for RST staff and tour buses. Tours and events include catering, from the on-site commercial kitchens, with meals and beverages provided predominantly at The Green Dragon Inn, The Watermill and Marquee.
- 3.5 Tours of the Hobbiton Movie Set operate between 8.00am and 7.30pm during daylight savings hours and 8.30am to 5.30pm at all other times, with all days of the year excluding Christmas Day being open for operation. Tours can depart up to every 5 minutes during peak periods, but are more usually operated every half hour. The site can operate with a peak capacity of 3,500 visitors per day (during daylight savings). Events such as weddings, corporate functions, movie screenings and concerts typically operate outside tour hours so as not to disrupt tour schedules, but at times also operate alongside tours.

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<sup>3</sup> "Update of the Assessment of the Economic Effects of the Hobbiton Movie Set at Matamata" by Brown, Copeland & Co Ltd, 1 August 2017.

### ***Existing Resource Consents***

- 3.6 Hobbiton Movie Set and The Shire's Rest operate under a suite of existing resource consents from the Waikato Regional Council and the Matamata-Piako District Council. These resource consents enable, and are not limited to, the following activities:
- Movie set structures and tours including The Green Dragon Inn, Marquee, Hobbit holes, Bag End Tree, Bridge and Jetty and The Watermill;
  - Hobbiton Movie Set souvenir shop;
  - The Shire's Rest reception area, visitors centre, café, souvenir shop, ice cream and coffee shop, conference room, offices and toilets;
  - Car parking and bus parking areas at The Shires' Rest and Hobbiton Movie Set;
  - Annual visitor numbers limited to 300,000 per year (including movie set tours and movie screenings, events and conferences);
  - Up to 12 events per year including unspecified movie screenings, public gatherings and parties and conferences;
  - Construction and use of wastewater and stormwater disposal systems;
  - Water take for use by Hobbiton activities; and
  - Cut and fill earthworks.
- 3.7 A copy of the primary land use consent (MPDC reference 2011.10419.4) authorising the movie set tours, events and associated activities is included as **Attachment D** to my evidence.
- 3.8 The activities enabled by these existing resource consents represent the legally consented environment against which any effects of this Plan Change must be assessed. As outlined above, the Plan Change is seeking to enable the ongoing operation and growth of tourism activities at the Hobbiton Movie Set and The Shire's Rest site within an appropriate planning framework. The Plan Change is not looking to restrict what activities can legally occur now at the site. This point is no better illustrated than in the requests from submitters where they oppose the hosting of movie screenings. Up to 12 separate movie screenings are authorised under the existing resource consent; therefore, the Plan Change on this matter is simply a continuation of an activity which is permitted (refer to condition 19 of resource consent 2011.10419.4 in **Attachment D**).
- 3.9 Most 'events' that will be held at the site will comply in all respects with the proposed performance standards; with events essentially being any group of people not undertaking a regular movie tour. The Plan Change therefore is only seeking 18 events per annum (12 movie screenings and 6 amplified functions) that cannot comply with the proposed permitted activity standards. Special performance standards have been proposed for these 18 events, primarily involving marginally higher noise levels for limited periods of time.

- 3.10 It is a requirement for the consent authority to consider the effects on the environment as part of the Part 2 assessment, required by s74(1)(a) of the RMA. An assessment against the environment is not a discretionary option available to the consent authority and in that sense differs from assessments of a permitted baseline as applies to resource consents.

#### **4. OVERVIEW OF THE PRIVATE PLAN CHANGE REQUEST**

- 4.1 RST has lodged a Private Plan Change request to the Matamata-Piako District Council. The Plan Change is an amending proposal under section 32(3) and is to align with the framework of the current District Plan rather than a new Plan. The DCP has been developed to address conflicts between the current suite of objectives and policies in the District Plan created by the underlying Rural zoning and the character of the tourism activity, as well as removing the ongoing difficulties and uncertainties for the management and growth of the Hobbiton Movie Set activities imposed by a suite of resource consents. Once the Plan Change is approved, the District Council's land use consents will be surrendered.
- 4.2 The purpose of the Plan Change is to insert a new DCP into the District Plan containing new objectives, policies and rules related to tourism and specifically the Hobbiton Movie Set. In addition, the Plan change seeks to insert a new issue and definitions to the District Plan and to change the roading hierarchy in part of Buckland and Puketutu Roads.
- 4.3 The Plan Change will establish two activity Precincts referred to as Precinct 1 (The Shire's Rest) and Precinct 2 (Hobbiton Movie Set). Both Precincts are sized to contain existing and foreseeable tourism related activities and will provide for a range of tourism activities to be undertaken within each Precinct as a Permitted Activity subject to compliance with relevant performance standards in the DCP. Both Precincts are surrounded by the Rural Buffer Area which forms the balance of the land described in paragraph 2.2 of this evidence.
- 4.4 Activities within the Rural Buffer Area will continue to be administered under the rules of the Rural Zone contained within the District Plan. In addition, activities to be undertaken in the Precincts are not required to assess compliance with effects-based provisions such as noise and lighting on dwellings and other sensitive activities located within the Rural Buffer Area, due to the corresponding RST ownership.
- 4.5 Precinct 1 is currently developed for tourism activities, being the departure/return point for the movie tours and the administration hub, and through the DCP will be provided with the ability for additional development and growth of these and complementary activities. The anticipated activities within Precinct 1 are to include further tourism retailing (such as a green/blue screen chroma key photography facility); events; visitor accommodation; overnight park-over camping; the under-construction office and staff facilities; parking, loading and access areas; and buildings associated and ancillary to those activities including buildings for storage and warehousing of goods.

- 4.6 Precinct 2 is currently developed for tourism activities, with the predominant activity being Hobbiton Movie Set tours, and through the DCP will be provided with the ability for additional development and growth provided that new or expanded activities are managed to ensure that they do not detract from the experience of Hobbiton Movie Set tours. The anticipated future activities within Precinct 2 include a walk-through Hobbit hole, wastewater disposal system upgrade, upgraded buildings associated with and ancillary to tourism activities (such as woodworking, engineering and painting workshops, and buildings for the storage and warehousing of goods).
- 4.7 Section 3 of the s42A report outlines the Plan Change request. I consider this to be a fair and accurate summary of the Plan Change. However, the documentation lodged in support of the Plan Change as listed in section 5 of the s42A report is the definitive text material for this Plan Change should there be any inconsistencies.

## **5. SUBMISSIONS AND FURTHER SUBMISSIONS**

- 5.1 The Matamata-Piako District Council publicly notified the private Plan Change pursuant to the First Schedule of the RMA on the 4 April 2018 with the submission period closing 3 May 2018. As outlined in section 6 of the s42A report, a total of 15 submissions were received by Council; 10 in support (subject to amendments), four in opposition, and one neutral. The s42A report identifies that the submissions raise 79 submission points.
- 5.2 The opportunity for further submissions opened on 6 June 2018 during which four of those original submitters have made further submissions on 32 points. The further submissions period closed on 20 June 2018.
- 5.3 The s42A report discusses the submissions under seven broad topics, namely:
- Lack of benefits/demand;
  - Lack of confidence in consultation, assessment, clarity/ transparency and compliance/enforcement;
  - Rural environment, landscape and amenity effects;
  - Impact on Matamata Township and wider road network;
  - Buckland and Puketutu Roads;
  - Specific changes to DCP requested by submitters; and
  - Electricity Infrastructure.
- 5.4 For the convenience of the Hearings Commissioners I will address each of these broad topics in turn within section 6 of my evidence (Response to Submission Topics).
- 5.5 Section 6.2 of the s42A Report addressed two procedural matters regarding a late submission and a trade competition submission. The following comments are provided on each of these matters:

a) *Late Submission*

The submission lodged by Derry's Farm Ltd was received after the closing date for submissions and is therefore a late submission. The s42A report at section 6.2.1 considers whether the late submission can or should be accepted by Council. I agree with the findings of the s42A report that the time period be extended for the Derry's Farm Ltd submission so that the submission points can be considered.

b) *Trade Competition Submission*

Section 74 of the RMA lists those matters that Council must consider or disregard when changing a district plan. Section 74(3) specifically states that Council '*must not have regard to trade competition or the effects of trade competition*'. In this respect, the s42A report at section 6.2.2 considers in detail whether the submission from Opal Hot Springs and Holiday Park is a 'Trade Competition' submission and therefore invalid. I agree with the findings of the s42A report that the Opal Hot Springs and Holiday Park submission is a trade competition submission and that it must be struck out. I do not therefore consider the matters raised in this submission in my evidence.

## **6. RESPONSE TO SUBMISSION TOPICS**

### ***Lack of benefits/demand***

- 6.1 The submission from Mr David Reichmuth questions the need for the Plan Change on the basis that the Hobbiton Movie Set facility is already profitable at its current level of operation. Financial circumstances, business viability, income earned, and/or profitability are not relevant planning issues under the RMA. As correctly reported by the s42A report, "*the RMA enables the sustainable use of resources for financial gain*".
- 6.2 The Hobbiton Movie Set facility provides significant economic benefits to the local economy as outlined in the evidence of Mr Alexander and the approval of the DCP will enable RST to plan with assurance and confidence for the ongoing operation and growth (within an appropriate planning framework) in a way that provides for the economic well-being of people and communities and RST. In my opinion this meets the purpose and principles of the RMA.
- 6.3 The submission from Mr Reichmuth further questions the need for accommodation facilities and overnight park-over facilities at the Hobbiton Movie Set site. Firstly, the need for the activities is not a valid consideration. It is the potential for adverse effects on the environment arising from the Plan Change that needs to be determined.
- 6.4 The landscape and visual evidence from Mr Graham clearly demonstrates that the performance standards proposed in regard to building location, visual form and appearance, and landscape screening will ensure that any accommodation will not be out

of context with the rural character of the wider area. The transport evidence of Mr Inder also clearly demonstrates that providing on-site accommodation will not increase traffic numbers or have an adverse effect on traffic safety. Rather, Mr Inder's evidence points to potential traffic safety benefits from providing accommodation as tourists will stay overnight rather than driving to unfamiliar destinations.

- 6.5 The overnight park-over camping activity is sought for two reasons; the first, and primary reason, is to ensure that tourists do not park and overnight camp within farm tracks, gateways and front verges in the area (a concerning matter to other submitters and residents in the area). At present parking and overnight camping within these areas is an unenforceable issue for RST that requires a behavioural change by tourists. RST has therefore sought to address freedom camping by providing 'self-contained mobile camping vehicles' with a place to stop. This place is The Shire's Rest carpark. As the vehicles that stay must be 'self-contained' there is no issue with sewerage treatment facilities being necessary to deal with the disposal of effluent. RST employs a security guard to manage security at the site after hours and on this basis can ensure that vehicles are self-contained.
- 6.6 The second reason for seeking park-over camping is to recognise that freedom camping is a foreseeable effect of the site's popularity. If not provided for in the Plan Change this will result in non-compliance with the performance standards of the Plan Change, making RST potentially subject to future enforcement action. While some may argue that the security guard can remove the tourists and therefore that RST would not be in breach, RST argue that all this does is encourage tourists to freedom camp in other areas such as that described above. Additionally, when searching for these other areas, tourists are likely to be endangering other road users as they are searching for a suitable area to camp. The adverse effects of unregulated freedom camping are foreseeable effects of high probability and thus a Part 2 matter that has been avoided in the Plan Change by providing onsite parking.
- 6.7 I consider that the submission request from Mr Reichmuth where he opposes the hosting of movie screenings to be bordering on a trade competition submission and therefore has little to no foundation. The submission from Mr Reichmuth simply requests that movies be sent *"to Tivoli Cambridge and [sic] actual cinema"*. His submission is promoting one venue/business over another. There are no effects-based reasons to the submission, especially when movie screenings are currently consented under the existing site operational resource consent.
- 6.8 Similarly, the submission from Nelson McCosh reasons that movies and concerts should be hosted *"in Matamata or another developed urban environment where there is existing infrastructure"*. This submission point is not based on trade competition grounds but rather it is based on the argument that less 'drug and alcohol influenced drivers' would need to travel to and from the venue. Firstly, it is against the law to drive while under the influence of drugs or alcohol regardless of the venue; secondly, drugs are prohibited from the site

and are in any case illegal, while alcohol is strictly controlled under the liquor licence held by RST; and thirdly there is no evidence to demonstrate that movie screenings, which are currently permitted at the site, have resulted in drug use, alcohol abuse or adverse road safety incidents. This submission point is, with respect, speculative only and there is no evidential link between drugs and/or alcohol influenced drivers and events at the site.

- 6.9 The s42A report, wrongly in my view, adopts the trade competition approach advanced in the Reichmuth submission in relation to movie screenings by recommending that the Plan Change must *“be amended to discourage the use of the site for movie screenings and events that are not Hobbiton-themed”*. The s42A report further states that *“as stated by the submitters, there is no justification from a resource management perspective, to enable the site to be used generally as a movie theatre for genres that have no reference to the site’s tourism significance”*. I cannot find any such request in either submission for this genre conclusion to be made and am therefore of the clear opinion that there is no justification whatsoever to restrict movie screenings and events to ones which are Hobbiton-themed. Nor can I find any rural amenity or other legitimate RMA or environment-based reason to limit movie screenings, concerts or other types of event to those with a Hobbiton theme.
- 6.10 I again reiterate that movie screenings and events are activities currently permitted by a resource consent. Moreover, those movie screenings and events are not required to be Hobbiton-themed. This is the baseline from which the Plan Change is starting.
- 6.11 Based on the above submissions from Mr Reichmuth and Mr McCosh, the s42A report also opinions that *“the regulatory framework for the site must balance its tourist potential with its location in a rural environment. Such balance can best be achieved by limiting on-site activities to those that relate closely to the Hobbiton theme, being the aspect of the site that has a tourism significance”*. Again, I fail to see the connection between this statement and the submissions. My reading of the submissions is that adequate measures to avoid, remedy or mitigate adverse effects of tourism activities is needed to be assured. This is regardless of the activity. The provisions of the Plan Change seek to limit adverse effects to be compatible with the rural environment by restricting the number of movies and events, hours of operation and noise. These provisions will remain regardless of the genre of the movie meaning that the effects on neighbours will be the same. Accordingly, there is no basis either through the submissions or from an effects basis that movie screenings and events need to be Hobbiton-themed.

***Lack of confidence in consultation, assessment, clarity/ transparency and compliance/enforcement***

- 6.12 The submission of Mr McCosh questions the robustness of the Plan Change documentation primarily on the basis that two dwellings on his neighbouring property were not identified on the DCP plan (Sheet 1) which identifies ‘rural dwellings existing as at September 2016’ and thus not modelled for noise effects and on the basis of effects on the rural environment,

mainly horses and livestock, have not been considered. This submission is disputed. The Plan Change has been prepared in accordance with the RMA and independently reviewed by Council before being accepted by Council for notification.

- 6.13 With respect to the dwellings, it is acknowledged that these were inadvertently omitted from the plan and this is an omission that we regret and which has now been remedied. The amended DCP Sheet 1 (attached as **Attachment A**) now includes the two dwellings. One of the dwellings was included in the noise modelling and reported on in the Acoustic Assessment supporting the Plan Change. This is acknowledged in the submission by Mr McCosh. The other dwelling has been modelled and is reported on in the evidence of Mr Bell-Booth.
- 6.14 The nature of the surrounding rural environment has been assessed in the Plan Change, and the proposed provisions reflect that assessment. Hobbiton Movie Set has been operational since 2002, with tourist numbers increasing greatly from 2011 onwards in comparison to the initial years of operation. In that time the evidence of Mr Alexander reports that he is not aware of any activities or events, other than two separate incidents with fireworks in 2005 and 2013, that has caused distress to livestock. I also ask the Hearings Commissioners to note that the Alexander's themselves continue to operate an intensive livestock grazing farm alongside the Hobbiton Movie Set operations without adversely affecting their livestock. Accordingly, I consider that livestock will not and have not been adversely affected by the site as suggested by the submission.
- 6.15 Furthermore, performance standard 1.1.9 enables enough advance notice of events to be provided to surrounding landowners to enable landowners to house or relocate livestock should they be considered by the landowner to be impacted by noise.
- 6.16 The Gregan Family Trust has requested annual community meetings between RST and Buckland Road residents. The evidence of Mr Alexander confirms that RST is open to having regular meetings and Mr Alexander is readily available to talk to residents individually should they have any matters to discuss. The s42A report has recommended that a new permitted activity performance standard provision (1.1.18 Community Liaison) be inserted into the Plan Change to require RST to hold a community meeting on the basis of this submission. This is not an appropriate performance standard for a permitted activity and is opposed. This raises an issue of demonstrating compliance, particularly if RST applies for a Certificate of Compliance in relation to permitted activities. This performance standard is much more aligned to a condition of a resource consent than a District Plan provision. Community meetings and individual contact are not in themselves District Plan provisions, rather they are matters between neighbours and, as stated in the evidence of Mr Alexander, RST is highly committed to continuing to be a good neighbour.
- 6.17 Mr McCosh and the Gregan family Trust have submitted that they have no confidence that RST will adhere to the provisions of the plan change given present non-compliance with



consent conditions regarding visitor numbers. RST have acknowledged that they have been exceeding the visitor numbers set out in the resource consent they currently hold, this is not in dispute. However, in my view (a view supported by the detailed assessment of the business operations and subsequent preparation of the plan change) RST can demonstrate an ability to operate within the performance standards proposed in the Plan Change, including those relating to visitor numbers. In my opinion, the current levels of operation will sit within and comply with the performance standards for permitted activities under the Plan Change. The lack of opposition to the plan change in my view is testament to this. The approval of the Plan Change will rectify non-compliance and ensure future activities at the site operate in compliance with the DCP, being at a level appropriate to the environment.

- 6.18 As the s42A report correctly identifies, past conduct of an applicant is not a legitimate ground for refusing to grant a Plan Change, rather it is a matter for enforcement. The s42A report then however contends that past conduct is relevant to deciding *“the adequacy of regulatory controls if there is evidence that earlier provisions have proved to be unsatisfactory”*. The s42A report on this basis recommends that a new performance standard (1.1.19 Site Management and Monitoring Plan) be required to enable a robust monitoring programme and provide confidence that performance standards are being met. This new performance standard is strongly opposed. Firstly, past non-compliance is in relation to conditions of a resource consent where there are no adequate or appropriate provisions in the District Plan. There is no evidence that earlier District Plan provisions were unsatisfactory; secondly, performance standards in a District Plan have to be clear and measurable so that an operator, Council or interested party can monitor compliance without the need for an additional performance standard requiring compliance monitoring; and thirdly, the operative status of a Plan Change cannot be determined on the basis of further information as is required by the recommended wording of the performance standard (i.e. the recommended performance standard reads more like a condition of consent than a rule that enables RST to either achieve or not achieve a permitted status). I am not aware of any other DCP, or zone performance standards for permitted activities where ongoing compliance with a Site Management and Monitoring Plan (for example) is required.
- 6.19 The submissions lodged by Glenda O’Sullivan and J Swap Contractors Ltd have questioned the off-site impacts of the Hobbiton Movie Set on infrastructure beyond the site, particularly roading, community infrastructure within Matamata township and other community facilities. These submissions are concerned that RST does not contribute towards mitigating its impact and that the burden is left to ratepayers or other activities. RST has been required to contribute to roading upgrades and improvements in the area and within Matamata township since its inception. As part of this Plan Change further physical improvements and financial contributions have been assessed and already largely been met by RST. All of these works and contributions have been completed / calculated in an open and transparent way and are discoverable.

### ***Rural Environment, Landscape and Amenity Effects***

- 6.20 David Reichmuth, Nelson McCosh, Derry's Farm and the Gregan Family Trust have made submissions regarding adverse effects on the rural environment, landscape and amenity values.
- 6.21 In his submission, Mr McCosh considers that the proposal detracts from the rural setting indicated within the Plan Change as being a critical factor for the Hobbiton Movie Set. While I agree the preservation of rural character is of importance, I disagree that the proposal will be contrary to, or has not accounted for, rural character. The imposition of the Rural Buffer Area within the DCP is for the purpose of avoiding any or all land use activities that are contrary to activities otherwise permitted in the Rural Zone by the District Plan. Development within the Rural Buffer Area would have the potential to detract from the pastoral scene observed from within Precinct 2 and the visualisation of the site expected by visitors to the site familiar with "The Lord of the Rings" and "The Hobbit" movie trilogies. Mr Graham in his evidence further addresses the issue of rural character. I concur with his conclusions.
- 6.22 Mr McCosh's submission also highlights the difficulties he has had with people trespassing across his farm to enter Precinct 2 without paying. This is a behavioural matter that rests with the people trespassing. RST does not condone or encourage any form of trespassing. In Mr Alexander's evidence he has confirmed that RST has advised Mr McCosh that they would happily contribute towards no trespassing signage and/or fencing to assist with trespassers. Mr Alexander would also arrange for his site security to detain any trespassers if any neighbour was aware of trespassers on their property, provided that the appropriate permission was granted by the neighbours for the site security staff to enter the property.
- 6.23 The submissions of Mr Reichmuth and the Gregan Family Trust are that they have an expectation to a quiet rural environment. The evidence of Mr Bell-Booth confirms that the vast majority of activities to be undertaken at the site fall within the Rural zone noise standards. The exceptions being up to 12 movie screenings and 6 amplified music events per year. Twelve of those events can already occur as part of the current consented environment. As outlined in Mr Bell-Booth's evidence, these noisier events have restricted levels of noise and are restricted in duration such that amenity is within accepted standards. I also note that a rural environment is not necessarily a quiet place. The District Plan acknowledges this by permitting agricultural and forestry activities to exceed the Rural zone noise standards without restrictions. The limited number of events therefore is not out of place in this environment. I rely on the evidence of Mr Bell-Booth that the surrounding rural environment will remain a place that can be enjoyed by neighbours.
- 6.24 Derrys Farm Ltd and the Gregan Family Trust have submitted that the Plan Change will adversely affect land values. The RMA is not an arbiter on the effects of a proposal on

property values which may be the subject of other perceptual effects of a proposal that are otherwise addressed within the s32 assessment at the time of the Plan Change application and re-assessed within the s42A report. I therefore consider that effects on property values are beyond the scope of what may be considered under the RMA and request that these submission points be disregarded.

- 6.25 Derrys Farm Ltd has also raised a concern that infrastructure improvements sought to facilitate the plan change will increase localised rates. I disagree with this position. It is the responsibility of RST to contribute to the maintenance of infrastructure directly attributed to the activity and financial contributions have been charged by Council for the works. Acknowledgment of these matters was addressed within the Memorandum of Understanding between Council and RST as referenced within the s42A report. Moreover, the RMA does not include any provision that allows consideration of rates to be considered. Rating and how rates are spent are for elected representatives to determine under other legislation.

***Impact on Matamata Township and wider road network***

- 6.26 Submissions have been received from David Reichmuth, Gasquoine Holdings Ltd and J Swap Contractors Ltd in respect of the adverse impact of the Plan Change on Matamata township. The submissions highlight inadequate public toilet facilities, inadequate parking, the need for roading improvements and, more generally, that Matamata is ill equipped to accommodate additional visitors. I disagree with these submissions.
- 6.27 A look at the Matamata-Piako District Council website clearly identifies that the District is not only experiencing tourist related growth but is further looking at ways to create new tourist opportunities. The recent Provincial Growth Fund funding approval for a feasibility study and business case for a Te Aroha tourism precinct is but one example. Another example is the Hauraki Rail Trust which is currently extending the cycle trail to Matamata with the aim to *“drive cycle-related visitor numbers [at Matamata] to nearly 130,000 per annum over the next few years”*. The point here is that it is not only the Hobbiton Movie Tours that attract visitors to Matamata, other established activities also attract visitors to Matamata. If the Hauraki Rail Trust is seeking to attract 130,000 additional visitors to Matamata, I would expect to see a corresponding contribution to the roading and infrastructure improvements in accordance with the Development Contributions Policy for the District.
- 6.28 In my expert opinion, where a community markets itself as a tourist destination then the community must be prepared to shoulder some of the financial burden of some of the necessary infrastructure to support that tourist activity (like the upgrading of toilets as requested in the Gasquoine Holdings Ltd submission). Matamata has marketed itself as ‘Hobbiton’ with the Hobbit-themed Information Centre being at the heart of that marketing campaign. If the community (as suggested by the submissions) do not want to attract

tourists and the positive benefits (including economic benefits) they bring, then there is an option to stop marketing Matamata as the gateway to the Hobbiton Movie Tours. The weight of submissions does not suggest this is a concern held by the Matamata community as a whole.

- 6.29 The Matamata-Piako District Council has prepared a town strategy for Matamata. The purpose of the town strategy is to guide the planning and future development of Matamata over the next twenty years (2013-2033). The strategy identifies the preferred location of future land-uses (e.g. residential, rural-residential, commercial and industrial zoned land), and how those land-uses will work with transport and other infrastructure. The following excerpts are taken from this long-term strategic document:

*"4. Transportation*

*Road network*

*Little change in the inter-regional traffic flows through the town is expected. Consequently, the construction of a bypass around Matamata will not be warranted during the planning horizon. However, alternative road links through the western (SH 27/ Hinuera Rd through to Peria Rd), eastern (SH 27/Banks Rd through to SH 24), and northern (SH 27, via Rawhiti Ave and Tower Rd to connect with SH 24) segments of Matamata should be identified.*

*The town's road network carries relatively low traffic volumes and little change is predicted. The busiest routes (3,000 – 6,000 vehicles per day) are SH 27/Firth St, SH 24/ Broadway, sections of Waharoa Rd East, Rawhiti Ave, Peria Rd, and Tower Rd. Assessment of the road network has not indicated a need to specifically exclude parts of the town from consideration for future development or intensification.*

*Town centre parking*

*There are approximately 1,360 public parking spaces in the town centre and immediate vicinity. The location of these spaces is shown in the map on the side-bar to the left, with the red circles indicating peak occupancy. Parking spaces nearest to the retail "core" have a high rate of occupancy. Overall, parking has not reached critical levels as, even during peak times, car parking will usually be available within a short walking distance from the retail "core".*

*No significant increase in parking demand in the town centre is predicted during the planning horizon and the provision of additional public parking is not envisaged. Should parking become increasingly constrained, the issue can be addressed through demand management such as enforcement of time limits or charging for parking."*

- 6.30 It is clear from this long-term planning strategy that transport and parking within Matamata is more than sufficient for the planning horizon it covers (i.e. until 2033). The document would be very poorly prepared if after only 6 years into a 20-year time horizon it was unreliable. Accordingly, I cannot accept that the infrastructure in Matamata is ill equipped to accommodate growth.

- 6.31 The impact of the Plan Change on the wider road network is addressed in the Evidence of Mr Inder. I rely on the evidence of Mr Inder that, subject to the implementation of his recommendations, the effects are no more than minor in this regard.
- 6.32 The submission from Kaye Ring requests the upgrading of Rangitanuku Road. The Council's commissioned Transportation Review (by Gray Matter) and the evidence of Mr Inder agree that upgrading is not warranted. The Transportation Review however goes on to recommend that RST should provide travel information to discourage Hobbiton visitors from using Rangitanuku Road to prevent this significant effect. This recommendation has been supported in the s42A Report and performance standards accordingly recommended to address the effect. I question on what basis has this been recommended.
- 6.33 There are approximately 27 individual properties on Rangitanuku Road and Carmichael Road (a dead-end road accessed from Rangitanuku Road) and approximately 35 dwellings. The Transportation Review records that a recent (January 2019) traffic count recorded only 334 vehicles on average use Rangitanuku Road on a daily basis. My understanding is that an average rural household generates 8 vehicle movements a day, which equates to 280 daily vehicles for the 35 dwellings along Rangitanuku Road. This figure is roughly the same as the January 2019 traffic count information. January 2019 is the peak tourist time for Hobbiton and I would therefore expect if large numbers of tourists were regularly using Rangitanuku Road then this would be reflected in the traffic count. Accordingly, from these very low numbers there is no factual basis to require the performance standard and the recommendation is purely a reactionary response to a submission.

#### ***Buckland and Puketutu Roads***

- 6.34 The impact of the Plan Change on Buckland and Puketutu Roads is addressed in the Evidence of Mr Inder. I rely on the evidence of Mr Inder that, subject to the implementation of his recommendations, the adverse transportation effects will be no more than minor.
- 6.35 The Integrated Transport Assessment prepared in support of the Plan Change included several recommendations to improve Buckland and Puketutu Roads. Council and RST entered into an advanced mitigation agreement to undertake the works. This agreement provides a framework for mitigation for the level of activity to be put in place by the Plan Change. The advanced mitigation is not new mitigation, it is part of the environment being considered.
- 6.36 The agreement is referred to in the s42A report as a "Memorandum of Agreement" or "MoU" and is included as **Attachment E** to my evidence. RST paid Council to complete all the agreed mitigation outlined in section 4 of the agreement with the exception of the installation of the convex mirrors. Council has completed all but two of the improvement works. I have verbally been advised that Council has not completed the remaining works because the calculated contribution of RST, which was calculated by Council, was

insufficient to complete the works. Until recently RST was not aware of this and has not been approached by Council for the additional funds to complete the works.

6.37 The Transportation Review by Gray Matter and the evidence of Mr Inder both recommend additional mitigation works to improve Buckland and Puketutu Roads. While the mitigation between the experts is not agreed, what is agreed is that additional mitigation is necessary. RST agree that the advanced mitigation agreement be revised to include the additional mitigation. The works agreed to by RST is set out in the revision of the agreement in **Attachment E**.

6.38 The advanced mitigation agreement has been signed by both Council and RST. The agreement is therefore a legally binding document. RST in good faith of this agreement has funded most of the works specified therein. The s42A report has recommended that this agreement be referred to in the performance standards. This is unnecessary. As stated, the agreement is legally binding and can be enforced outside of a performance standard.

6.39 In the Transportation Review the writer states that the landowners at 399 Buckland Road do not support convex mirrors. The landowners have not made a submission stating this. Mr Alexander has recently contacted the landowners and they have advised him that they would like a convex mirror installed. The evidence of Mr Inder confirms that the convex mirror would improve site visibility for the landowner and RST is committed to installing it.

#### ***Specific Changes to DCP requested by submitters***

6.40 Submissions have been lodged seeking changes to the DCP's purpose statement, activity schedule, performance standards and definitions. I address these requested amendments below in detail in Section 7 of this evidence; however, I have provided a summary of the amendments sought as follows:

- Deletion of the DCP purpose statement;
- Amendments to the activity schedule;
- Amendments to the performance standards;
- Amendments to the matters of discretion; and
- Inclusion of new definitions and separation of events into themed and non-themed events.

#### ***Electricity Infrastructure***

6.41 Powerco Ltd has lodged a neutral submission. The submission seeks the inclusion of new performance standard criteria for the setbacks of buildings and structures, planting and earthworks within and adjacent to electrical assets. I consider that compliance with the New Zealand Code of Practice for Electrical Safe Distances NZECP 34:2001 and the Electricity (Hazards from Trees) Regulations 2003 will be more appropriate inclusions within the DCP

as advice notes to the performance standards. I note that this position is supported by Council's planner within the s42A report and their recommended variations to the DCP.

## **7. SPECIFIC CHANGES TO THE DCP PROVISIONS**

- 7.1 There are a number of specific Plan Change provisions raised by submitters which are either technical amendments sought to the provisions or minor grammatical or editorial matters. These technical amendments are addressed in this section of my evidence.
- 7.2 Powerco has sought changes to Performance Standards 1.1(1), (4) and (5) incorporating the setback requirements of NZECP:34 and Electricity Regulations 2003 to apply to new building and landscaping activities. These amendments are supported; however, I support the s42A report recommendation to include these as advice notes to the performance standards.
- 7.3 The NZ Transport Agency has sought the inclusion of a new performance standard to Table 1.1 restricting annual vehicle movements to 387,000 movements. I disagree with the NZ Transport Agency's position and refer to the evidence of Mr Inder addressing this matter. In summary, I support the evidence of Mr Inder on the basis of the following points:
- The maximum daily cap of 3,500 movie set tour visitors is what directly influences the peak daily and hourly traffic movements. The peak daily and hourly traffic generation is what causes the transport effects on the road network;
  - The 387,000 movements do not include event movements or movements outside the normal daily operating hours of the movie set tours;
  - Absolute numbers are not appropriate as one additional vehicle would mean the operation is non-complying (and there is no discretion to allow this within a performance standard). RST has limited control over vehicles, but has complete control over visitor numbers.
- 7.4 J Swap Contractors Ltd has recommended amendments to Section 2.3 'Significant Resource Management Issues' and proposed Policy 2 supporting Objective 1 of Section 9 Tourism in Section 2.4 of the District Plan. I have addressed both recommendations that were adopted by the s42A report further in this evidence<sup>4</sup> and for the avoidance of repetition will not repeat that assessment here.
- 7.5 J Swap Contractors Ltd has sought that further improvements be provided for within the DCP to the west of the site along Buckland Road, at the SH29 intersection with Taotaoroa Road and the intersection of SH1 and Karapiro Road. Council has commissioned transport engineers, Gray Matter, to provide a review of the Integrated Transport Assessment. The review indicates limited improvements to Buckland Road West are warranted (consisting of centreline marking and installation of chevron and speed advisory signage) while no other locations sought for improvement by the submitters are recommended. I note that these

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<sup>4</sup> Refer to Paragraphs 7.8 to 7.11

conclusions are supported by Mr Inder within his evidence. Based on the Gray Matter review and the evidence of Mr Inder, it is my opinion that the roading improvements to intersections are not justified as a consequence of the Plan Change as the impacts of the tourism activity on the transport network will not cause any additional crash risk or infrastructure deterioration other than that already experienced under the assessed traffic conditions.

- 7.6 J Swap Contractors Ltd has also sought further improvements be provided for within the DCP at the SH29 intersections with Hopkins Road. The submissions by Carolyn Evans and John Evans also sought improvements at the Hopkins Road / SH29 intersection (in the form of a roundabout). Through a further submission, the NZ Transport Agency does not support the submissions of Carolyn Evans and John Evans seeking a roundabout at the corner of Hopkins Road and SH29. The Gray Matter review and the evidence of Mr Inder do not support any upgrading of this intersection. I note from the Gray Matter review, evidence of Mr Inder and the NZ Transport Agency submission that intersection upgrades are currently underway by the Safe Roads Alliance at this intersection independent of this plan change. Accordingly, it is my opinion that the roading improvements to the intersection currently underway have been assessed by transportation experts as being those appropriate to the risk profile of the intersection.
- 7.7 The most comprehensive request for specific changes is contained within the Council's submission. Due to the scale of the requested variations, a tracked changes version of all proposed amendments to Part A, the activity schedule to be added as part of the DCP and the performance standards to be added as part of the DCP is provided within **Attachment B** of this evidence. I have additionally addressed Council's recommended variations to the DCP, by section, within my evidence as follows:

***Part A – Introduction, Issues, Objectives and Policies (District Plan)***

- 7.8 Council has sought the inclusion of two additional bullet points to proposed Issue 2.3.9 of Section 2.3 'Significant Resource Management Issues' and Policies P3 and P4 to a proposed Tourism table of objectives and policies in Section 2.4. As part of this evidence, I seek that all recommended changes to those provisions as proposed by Council are rejected and deleted.
- 7.9 The proposed Policy P3 is not necessary. The contents of Policy P3 is already contained within existing policies of the District Plan under 'land and development', 'development standards', 'design, appearance and character', 'nuisance effects' and 'transportation'. These policies were assessed in section 3.1.1 of the s32 Evaluation Report and remain valid for tourism activities.
- 7.10 References to Development Contributions under the Local Government Act are inappropriate within the District Plan as either an issue statement or the proposed Policy



P4. Nowhere else in the District Plan has Development Contributions under the Local Government Act been referenced and it is not warranted under this issue. Council can make provision within their Development Contributions Policy for specific contributions now without the need for the statement. Again, this is a reactionary recommendation to a submission without foundation.

- 7.11 Regarding the inclusion of the bullet point *“Improvements to the District’s road network, infrastructure networks and community facilities utilised by the tourists”* the issue of road network and infrastructure network impacts and maintenance that are directly attributed to tourism and RST’s activities are acknowledged within the existing explanation of the issue in a broad sense; and are more appropriately addressed within performance standards that are included within the proposed DCP that are specific to actual and potential impacts of activities only where those are recognised as potentially contributing to effects on the road network or infrastructure network.

#### ***Proposed DCP – Activity Schedule***

- 7.12 I have reviewed the recommended changes to the DCP Activity Schedule and have identified a significant level of variation/modification is required to the recommendations. I have set out the modifications requested in the tracked changes to the DCP Activity Schedule within **Attachment B**. The following paragraphs expand on the significant modifications sought.
- 7.13 Council has sought the inclusion of multiple additional activities to the activity schedules in respect of Permitted and Restricted Discretionary Activities, including the separation of the term ‘Events’ into Themed and Non-Themed Events. Non-Complying Activities as a category is added as an additional activity status to the DCP for any activity not listed as a Permitted Activity in the newly created ‘A2’ or for any Non-Themed Event not meeting all Performance Standards within DCP Rule 1.1. I do not support the division of Events into Themed and Non-Themed Events. Regardless of the nature of the event, an event will share commonalities regarding the actual and potential environmental effects (e.g. noise and transportation effects, visitor numbers and hours of operation) and therefore should not be unnecessarily separated. Moreover, as has been previously outlined in this evidence, RST currently holds a resource consent that permits events that are not themed so this must form part of the environment that must be assessed by this Plan Change.
- 7.14 All wastewater and stormwater treatment, attenuation and land disposal areas are existing or under construction, and are authorised through resource consents. Plans showing the location and design of the infrastructure is included as **Attachment C**. I support the Council submission that this vital infrastructure is included as activities and contained within the revised boundaries of Precincts 1 and 2 (refer to **Attachment A**). In the event that additional systems are required, I support in principle the inclusion of the Rural Buffer Area treatment system provisions (A2.4) to the activity schedule.

- 7.15 Regarding Councils recommended extended criteria for activities that are to be assessed as Discretionary Activities unless stated to be a Non-Complying Activity; both the criteria that trigger a Discretionary status and the Non-Complying status itself are sought to be deleted from the recommendations from the DCP. RST is opposed to Non-Complying Activity status' as there are no differences in information and provisions of the DCP or District Plan that are required to be assessed under the RMA for an activity to be identified as being not contrary to Part 2 and consent to be granted to that of an activity being assessed as a Discretionary Activity. Therefore, the Discretionary status is considered to be the most appropriate for Council in assessing activities requiring a Discretionary consent and the default status does not require listed criteria in order for it to apply to the DCP and activities failing one or more of the relevant performance standards.

***Proposed DCP – Rule 1.1 Performance Standards for Permitted Activities***

- 7.16 I have reviewed the recommended changes to the DCP Performance Standards for Permitted Activities contained in proposed Rule 1.1 of the DCP and have identified a significant level of variation is required to the recommendations. Arising from the number of amendments and deletions to the Performance Standards and recommendations, I have outlined the changes requested by RST within **Table 1**. In addition, I have provided a tracked changes version of the Performance Standards within **Attachment B** to this evidence concurrent to the following summary with my recommendations included as red text (numbered to align with the Performance Standard reference).

**Table 1: Summary of RST Position on Recommended Performance Standards for permitted Activities in Precincts 1 and 2**

Performance Standard Reference	RST Position on s42A Report Recommendations
1. Building Envelope for all buildings associated with, and ancillary to, a permitted activity listed in this DCP	<b>Accept all</b> recommended amendments (additional wording and deletions) to Performance Standard 1.1.1.
2. Building Coverage	<b>Accept</b> recommended amendments (additional wording) to Performance Standard 1.1.2 except that the total building area figure is 8,570m <sup>2</sup> (based on the amended Precinct 1 Boundary).
3. Visual Form and Appearance of New Buildings	<b>Make amendments</b> (additional wording and deletions) to Performance Standard 1.1.3 to reflect the recommendations within the evidence of Mr Graham.

4. Landscaping for New Buildings	<b>Make amendments</b> (additional wording and deletions) to Performance Standard 1.1.4 to reflect the recommendations within the evidence of Mr Graham.
5. Landscaping of Car Parking Areas	<b>Accept all</b> recommended amendments (additional wording and deletion) to Performance Standard 1.1.5.
6. Access	<p><b>Accept</b> recommended amendments (additional wording) to Performance Standard 1.1.6(a). <b>Make amendments</b> (additional wording) to Performance Standard 1.1.6(a) to reinstate the word commercial. Precinct 1 has existing farm accesses to Buckland Road which are to be retained, requiring differentiation from RST activities. The DCP plans (Sheets 1, 2 and 3) have been amended to show location of Precinct 1 vehicle crossings and farm accesses (refer to <b>Attachment A</b>).</p> <p><b>Reject</b> recommended amendments (additional wording) to Performance Standard 1.1.6(b). Precinct 2 has only a single narrow frontage to Buckland Road which is the location of the vehicle crossing to Precinct 2. The location is self-explanatory and does not need to be reinforced by the performance standard.</p>
7. Road safety, Trip generation, Car Parking, Loading, Formation and Manoeuvring	<p><b>Accept</b> recommended amendments (additional wording and deletions) to Performance Standards 1.1.7(a), (b), (c), (d), (e), (g), (h) and (o).</p> <p><b>Make amendments</b> (additional wording and deletions) to Performance Standard 1.1.7(f). For ease of interpretation, the use of a single loading bay standard is preferred by RST and RST agrees to accept the largest loading bay standard. Additionally, goods vehicles access Precinct 2 so a dedicated loading facility should also be in place for Precinct 2.</p> <p><b>Make amendments</b> (deletions) to Performance Standard 1.1.7(i). RST rejects that part of the performance standard that requires RST to monitor compliance with standard.</p> <p><b>Reject all</b> recommended amendments (additional wording) to Performance Standards 1.1.7(j), (k), (l), (m) and (n).</p> <p><b>Make amendments</b> (deletions) to Performance Standard 1.1.7(p)(ii). It is considered inappropriate to include a performance standard requiring RST staff onsite to prevent visitors obtaining pedestrian access to Buckland Road. There are health and safety employment issues around such a requirement that RST simply cannot enforce. Furthermore, public access to the road reserve cannot be legally restricted by RST.</p> <p><b>Make amendments</b> (deletions) to Performance Standard 1.1.7(p)(iv). It is considered inappropriate to include a performance</p>

	standard requiring RST to construct a pedestrian crossing or underpass. Refer to evidence of Mr Inder.
8. Visitor Numbers	<b>Make amendments</b> (additional wording and deletions) to Performance Standard 1.1.8 to reflect the documentation and evidence submitted in support of the Plan Change in regard to the total number of daily visitors permitted. The requirement to prepare a site management plan is rejected as is the requirement within the performance standard to make records available as this can be required by Council without the wording.
9. Noise	<b>Make amendments</b> (additional wording and deletions) to Performance Standard 1.1.9 to reflect the recommendations within the evidence of Mr Bell-Booth.
10. Lighting and Glare	<b>Accept</b> recommended amendments (additional wording and deletions) to Performance Standards 1.1.10(a), (c), and (d).  <b>Make amendments</b> (additional wording) to Performance Standard 1.1.10 to reflect the recommendations within the evidence of Mr Bell-Booth. Amplified music and outdoor movie screening events are to be enabled to 11.00pm which may generate higher levels of illuminance than accounted for under the recommended wording of (b), while additional lighting may be required between 11.00pm and 7.00am where required in conjunction with health and safety and/or directional requirements.
11. Street Lighting	<b>Accept all</b> wording of Performance Standard 1.1.11.
12. Signage	<b>Make amendments</b> (additional wording and deletions) to Performance Standard 1.1.12 to reflect the recommendations within the evidence of Mr Graham.
13. Themed Events (including those events provided for in 1.1.9 c) and 1.1.9d)); and Non-themed Events	<b>Reject</b> recommended amendments (additional wording) to Performance Standard 1.1.13. RST do not support the division of Events into Themed and Non-Themed Events. Regardless of the nature of the event, events share commonalities regarding actual and potential environmental effects (e.g. noise and transportation effects, visitor numbers and hours of operation) and therefore should not be unnecessarily separated. The purpose of the DCP is to provide for the ongoing management, operation and growth of tourism activities at Hobbiton. Neither that purpose nor new Issue 2.4.9 nor the new Objective or Policies require tourism growth at Hobbiton to be themed.  <b>Reject</b> recommended amendments (additional advice note) to Performance Standards 1.1.13(b). Advice note is unnecessary as it is simply repeating an earlier performance standard.  <b>Make amendments</b> (additional wording and deletions) to Performance Standard 1.1.13(c). The requirement to prepare a site

	management plan is rejected as is the requirement within the performance standard to make records available as this can be required by Council without the wording. The requirement to keep records about fireworks is a double up with performance standard 1.1.14 and is therefore unnecessary.
14. Fireworks Displays	<p><b>Accept</b> recommended amendments (additional wording and deletions) to Performance Standards 1.1.14(a) and (b).</p> <p><b>Reject</b> recommended amendments (additional wording) to Performance Standards 1.1.14(c) and (d). I have reviewed the corresponding classifications for fireworks in the Hazardous Substances and New Organisms (HSNO) Act and understand this relates to the sale and use of retail fireworks, including certifications to be held by retailers. There is a concern that an inclusion of this criteria to the DCP will restrict RST to the purchase and use of domestic scale fireworks only. The intention is that fireworks displays will be undertaken using professional expertise and it is inappropriate to limit those displays to the types of product available to the public during the limited period of lawful retail sale. RST considers the notification of neighbours is appropriate to enable neighbours to manage livestock should they be concerned about their welfare.</p>
15. Earthworks/ Cleanfill/ Construction	<b>Make amendments</b> (additional wording and deletions) to Performance Standard 1.1.15. Earthworks for buildings that are located within the yard setbacks may on occasion require some of the earthworks to be located within the yards (as earthworks for buildings are on most occasions greater than the building platform). REST therefore considers that an exemption for earthworks within yards related to buildings is warranted given the low level of anticipated effects. The inclusion of exclusions to TR2009/02 is considered to be onerous and unnecessary for an advice note. Construction noise is addressed in the recommended changes to Performance Standard 1.1.9.
16. Accommodation	<b>Reject all</b> recommended Performance Standard 1.1.16. It is inappropriate to restrict accommodation numbers based on the estimated vehicle movements stated in the Integrated Transportation Assessment. Refer to the evidence of Mr Inder.
17. Complaints Procedures	<b>Reject all</b> recommended Performance Standard 1.1.17. This provision appears to require an existing and consented activity to demonstrate compliance with the District Plan. This is contrary to section 10 of the RMA which protects the use of land before a rule in a District Plan or Proposed District Plan is notified and/ or made operative.
18. Community liaison	<b>Reject all</b> recommended Performance Standard 1.1.18. This is not a valid performance standard as concern arises as to how RST is able to demonstrate compliance prior to achieving a Certificate of Compliance. The requirement cannot be imposed on a Permitted Activity as consent conditions cannot be applied to such activities.

19. Site Management and Monitoring	<b>Reject all</b> recommended Performance Standard 1.1.19. The operative status of a Plan Change cannot be determined on the basis of further information. This performance standard reads more like a condition of consent than a rule that enables RST to either achieve or not achieve a permitted status.
20. Domestic wastewater treatment systems and disposal areas/ stormwater treatment and attenuation facilities	<b>Accept all</b> recommended Performance Standard 1.1.20.

7.17 While the majority of the changes requested by RST are of a minor nature, there are a number of fundamental changes that I wish to provide further comment on.

- a) Construction noise: Under the DCP as notified the performance standard for construction noise has been included under the “Noise” title. The s42A report recommendation is to delete construction noise from “noise” and reinsert it under a newly titled heading “Earthworks / Cleanfill / Construction”. This performance standard is really dealing with earthworks activities and it is inappropriate to tack on construction when the only performance standard is related to noise. In my view it is much more logical to have a noise standard under a heading dedicated to noise.
- b) The recommended wording for the “Visitor Numbers” performance standard (6) is strongly opposed. RST has submitted documentation and evidence (refer again to the traffic evidence of Mr Inder) in support of the Plan Change to confirm that the visitor number restrictions to 3,500 visitors per day as they relate to movie set tours can be accommodated with no more than minor adverse effects, especially regarding transportation effects. RST has also submitted documentation and evidence (refer to the traffic evidence of Mr Inder) in support of the Plan Change to confirm that events such as weddings, corporate functions, movie screenings and the like undertaken outside of movie set tour hours can also be accommodated with no more than minor adverse effects because events typically are much smaller than the infrastructure including roading that is in place to serve tours. As at the date of this evidence, there is no contrary evidence to this position. Therefore, it is important that performance standard 6 (visitor numbers) is worded in a clear way to distinguish between movie tours and events. In my opinion the wording proposed in the s42A report does not clearly articulate this and I have recommended that the wording as notified in the DCP be retained. I also bring the Hearings Commissioners attention to the fact that the Council submission did not request any amendment to the original wording as notified. The Council submission simply sought to include a statement to clarify the rule (i.e. *“for the avoidance of doubt, the 3,500 daily visitor maximum limit shall*

*include all event patrons within the time period specified*”). I am not opposed to the inclusion of this wording should the Hearings Commissioners consider that the wording clarifies the performance standard (which I have recommended).

- c) The s42A report recommends a new performance standard 1.1.16 Accommodation be included in the DCP. RST opposes this new performance standard and seeks that it be deleted in its entirety. This provision appears to restrict accommodation numbers based on their visual integration and the estimated vehicle movements stated in the Integrated Transportation Assessment (ITA). Visual integration is addressed in the evidence of Mr Graham and vehicle numbers are covered within the evidence of Mr Inder. In summary of this evidence, there are appropriate bulk and location and visual form and appearance performance standards to ensure that any future accommodation units integrate with the environment, and the tourists vehicle movements who will stay in the units have already been accounted for in the ITA. Accordingly, the performance standard is not addressing any additional adverse effect.
- d) The s42A report recommends a new performance standard 1.1.17 Complaints Procedures be included in the DCP. RST opposes this new performance standard and seeks that it be deleted in its entirety. This provision appears to require an existing and consented activity to demonstrate compliance with the District Plan and effectively introduces a new condition of consent. This is contrary to section 10 of the RMA which protects the use of land before a rule in a District Plan or Proposed District Plan is notified and/or made operative, to the extent that it affects activities permitted on the site without resource consent. It is contrary to s128 of the RMA which sets out the circumstances when consent conditions can be reviewed.
- e) The s42A report recommends a new performance standard 1.1.18 Community Liaison be included in the DCP. RST opposes this new performance standard and seeks that it be deleted in its entirety. In my view, RST would have difficulty being able to demonstrate compliance prior to achieving a Certificate of Compliance. Such a requirement cannot be imposed on a Permitted Activity as consent conditions cannot be applied to such activities and having an annual requirement of this type is inconsistent with the types of performance standards for permitted activities found in other DCPs and Zones.
- f) The s42A report recommends a new performance standard 1.1.19 Site Management and Monitoring be included in the DCP. RST opposes this new performance standard and seeks that it be deleted in its entirety. The operative status of a Plan Change cannot be determined on the basis of further information. This performance standard reads more like a condition of consent than a rule that enables RST to either achieve or not achieve a permitted status. Furthermore, compliance is a separate issue. The only question for the Hearings Commissioners is whether the provisions being inserted into the DCP make enforcement impractical or unfeasible. Providing there are no difficulties in terms of the interpretation or application of the provisions it should be no different from any other enforcement scenario. In my opinion, the DCP

provisions are both practicable and feasible and the performance standard is inappropriate and unnecessary.

***Proposed DCP – Rule 1.2 Matters of Discretion***

- 7.18 The s42A report recommended changes to the activity schedule to define Restricted Discretionary Activities as those listed in A2 that comply with Performance Standard 1.1(7), 1.1(8), 1.1(14) and 1.1(16) but are unable to comply with one or more relevant performance standards of the DCP not otherwise listed. As no specific activity is automatically identified as Restricted, the specific criteria contained in the s42A report recommended Table 1.2(1) are no longer required and the discretionary assessment stated in Table 1.2(2) applies. These amendments are set out in the matters of discretion table in **Attachment B**.

***Proposed DCP - Definitions***

- 7.19 As I have identified earlier within this evidence; the division of events into Themed and Non-Themed Events is opposed by RST. It is my opinion that all events described in the proposed definition generate similar environmental effects. Regardless of whether those events relate to Hobbiton themed features or are simply events held at Hobbiton, it is whether or not the resulting effects can be properly managed through the provisions of the DCP that is relevant. In my view there is no evidential basis for dividing events according to theme and the definition of ‘Themed Events’ should not be included into the DCP. Instead, the definition of Events contained within **Attachment B** of this evidence should be adopted.
- 7.20 The recommended amendment to the definition of Tourism Retailing is not supported by RST. The premise of the recommendation is considered to be clear within the existing wording in the definition. Therefore, the change is considered to be unnecessary and may cause dispute when interpreting what goods “*principally relate to Hobbiton*”.
- 7.21 The proposed amendments to Performance Standard 1.1.7 recommended in this evidence include the deletion of criteria (k), (l) and (m). Subject to acceptance of the relief sought to this part of the Plan Change, a definition of “Trip” is not required to be added to the DCP.

**8. EFFECTS ASSESSMENT**

- 8.1 As outlined in section 3 of this evidence, the existing ‘environment’ at the Hobbiton Movie Set site is enabled by what may be carried out on the site as a permitted activity under the District Plan and by the modification resulting from resource consents which have been granted. In this case there is a resource consent to operate a tourism activity at the site, albeit at a lesser scale than that being sought through the Plan Change, and that resource consent has been enacted. On this basis, when taking into account the effects of the Plan Change, the Hearings Commissioners must consider the state of the environment in this context. This is acknowledged in section 9 of the s42A report.



- 8.2 The s42A report writer comments that the existing resource consent for the tourism activities at the site is not as permissive as that sought by the Plan Change. He then questions the appropriateness of the additional or extended activities being sought through the Plan Change and recommends several modifications to limit those activities. In my view this is a valid approach where the effects of an activity are largely unknown, untested, modelled or are anticipated. This is not the situation with this plan Change request. What is somewhat unique with this proposal is that the movie set tours have been operating at the level sought by the Plan Change for the past couple of years. What this has enabled is real data to be obtained and tested against the Plan Change provisions. This real data has confirmed that the operations can be undertaken with only minor effects on the environment. The weight of submissions does not suggest this level of operation is a concern held by the majority of the community as a whole.
- 8.3 The statements in paragraph 8.2 is particularly relevant to traffic effects (as confirmed in the evidence of Mr Inder) and visual, landscape and amenity effects (as confirmed in the evidence of Mr Graham). Both of these opinions have been supported by the data obtained from the existing level of operations.
- 8.4 The s42A report has expressed concern that unless there is a limited number of accommodation buildings within Precinct 1 that there will be adverse visual, landscape and amenity effects. The evidence of Mr Graham does not share these concerns. His evidence is that the building envelope, building coverage, visual and appearance and landscaping performance standards will ensure that any accommodation buildings integrate within the environment. Mr Graham does not support any limit on the number of buildings from a visual, landscape and amenity effects perspective. From my regular site visits, involvement in developments within the site and understanding of the performance standards I agree with the opinion of Mr Graham.
- 8.5 The remaining effect to consider from the s42A report is noise. Regarding noise, RST has no recorded noise complaints in the time they have been operating. Most activities will continue to operate within the Rural zone noise levels under which the current activities operate. The exception to this is an extension of the day-time noise limit of 50dBA to 10pm which is required to accommodate night events such as wedding functions and evening banquet tours, and 18 events (12 movie screenings and 6 amplified events) where marginally louder noise limits are required. Mr Bell-Booth in his evidence addresses these noise effects. I concur with his conclusions.

## **9. STATUTORY FRAMEWORK FOR PLAN CHANGE**

- 9.1 The s42A report at section 8 provides a commentary of the statutory considerations associated with a private Plan Change request. The s42A report outlines in detail the procedural issues, decision process and statutory considerations for a private plan change. I agree with the Council's planning consultant that the correct RMA processes have been

followed, and that a decision on the Plan Change can be made by the Hearings Commissioners.

9.2 The s42A report at section 10 identifies and provides an assessment of the relevant planning documents that must be considered under the RMA. The Plan Change request documentation has also assessed these documents. I do not propose to provide another assessment but simply confirm that I support the commentary in the Plan Change request. I am also generally supportive of the assessment in the s42A report, with the exception of several specific exemptions as I will outline in the following paragraphs.

9.3 The s42A report considers the Plan Change under the policies of the Operative Waikato Regional Policy Statement (RPS), particularly those around growth and amenity values. The s42A report considers that there is a 'tension' between providing for growth and maintaining amenity and that by virtue of the site's fixed location in a rural environment that it *"does not integrate well with the road network and other infrastructure"*. The report then opinions that the appropriate resource management response is:

*"to provide for development of the site that relies on the "resource" that gives the site significance. In this instance, that resource is the site's connection to the Hobbiton locality depicted in the internationally acclaimed movies.*

*Therefore, it is considered that the Plan Change should encourage movie set tours and Hobbiton-themed events, in favour of unrelated development that has no connection to the site and that duplicates facilities that are better integrated with the transport network and where the activities will have less impact on the amenity values of the surrounding area.*

*To this end, it is recommended that the Plan Change be modified as shown in Appendix B, to distinguish between "themed" and "non-themed" events, and to discourage large-scale non-themed events. However, the recommendations acknowledge that smaller-scale non-themed events such as weddings, conferences and parties are provided for under the site's current resource consent. The modifications envisage that non-themed activities, up to 1,000 patrons will continue to be permitted provided the other performance standards are met."*

9.4 I disagree with the reasoning provided. The development objective is to provide for sustainable resource use and to maintain or enhance amenity. The Hobbiton movie set is a resource complete with infrastructure that has been developed to a level that goes beyond movie set tours. There is interest from people to use that resource yet under the reasoning of the s42A report writer it should only be used where there is a Hobbiton theme associated with it. From what I understand the argument for this is that roading and connectivity with supporting infrastructure is not up to standard for a non-themed event but acceptable for a themed event.

9.5 As I have identified earlier within this evidence; the division of events into Themed and Non-Themed Events is opposed by RST. It is my opinion that all events described in the proposed definition generate similar environmental effects. Regardless of whether those events relate to Hobbiton themed features or are simply events held at Hobbiton, it is whether or

not the resulting effects can be properly managed through the provisions of the DCP that is relevant. In my view there is no evidential basis for dividing events according to theme.

- 9.6 Further to this, the evidence of Mr Inder concludes that the transport infrastructure is appropriate for the level of activity proposed, and the evidence of Mr Graham concludes that the site integrates into the environment. From this evidence I cannot agree that the Plan Change request does not meet the RPS.

## **10. CONCLUSION**

- 10.1 In my opinion, this plan change, as modified in terms of the recommended changes to the text and plans attached to this evidence, will deliver the planning outcomes set out in the objectives and policies.
- 10.2 It is also my opinion that this plan change meets the tests of the Resource Management Act 1991 and should be approved in its modified form.



Steve Bigwood  
**Planning Manager**  
**Bloxam, Burnett & Olliver Limited**

25 March 2019

**Attachment A:**  
**Revised Precinct Plans**



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 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 (SHIRES' 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) Events.
- c) Administrative offices for Hobbiton activities permitted under the DCP.
- d) Buildings associated with, and ancillary to, a permitted activity.
- e) Parking, loading and manoeuvring areas.
- f) One dwelling per Record of Title.
- g) Cut and fill earthworks.
- h) Imported cleanfill activities.
- i) Signage.
- j) Farming.
- k) Domestic wastewater treatment systems and land disposal areas.
- l) Stormwater treatment and attenuation facilities.

A2.4 RURAL BUFFER AREA

- a) Domestic wastewater and treatment systems and land disposal areas associated with Hobbiton.
- b) Stormwater treatment and attenuation facilities associated with Hobbiton.

A3 RESTRICTED DISCRETIONARY ACTIVITIES

The following are restricted discretionary activities:

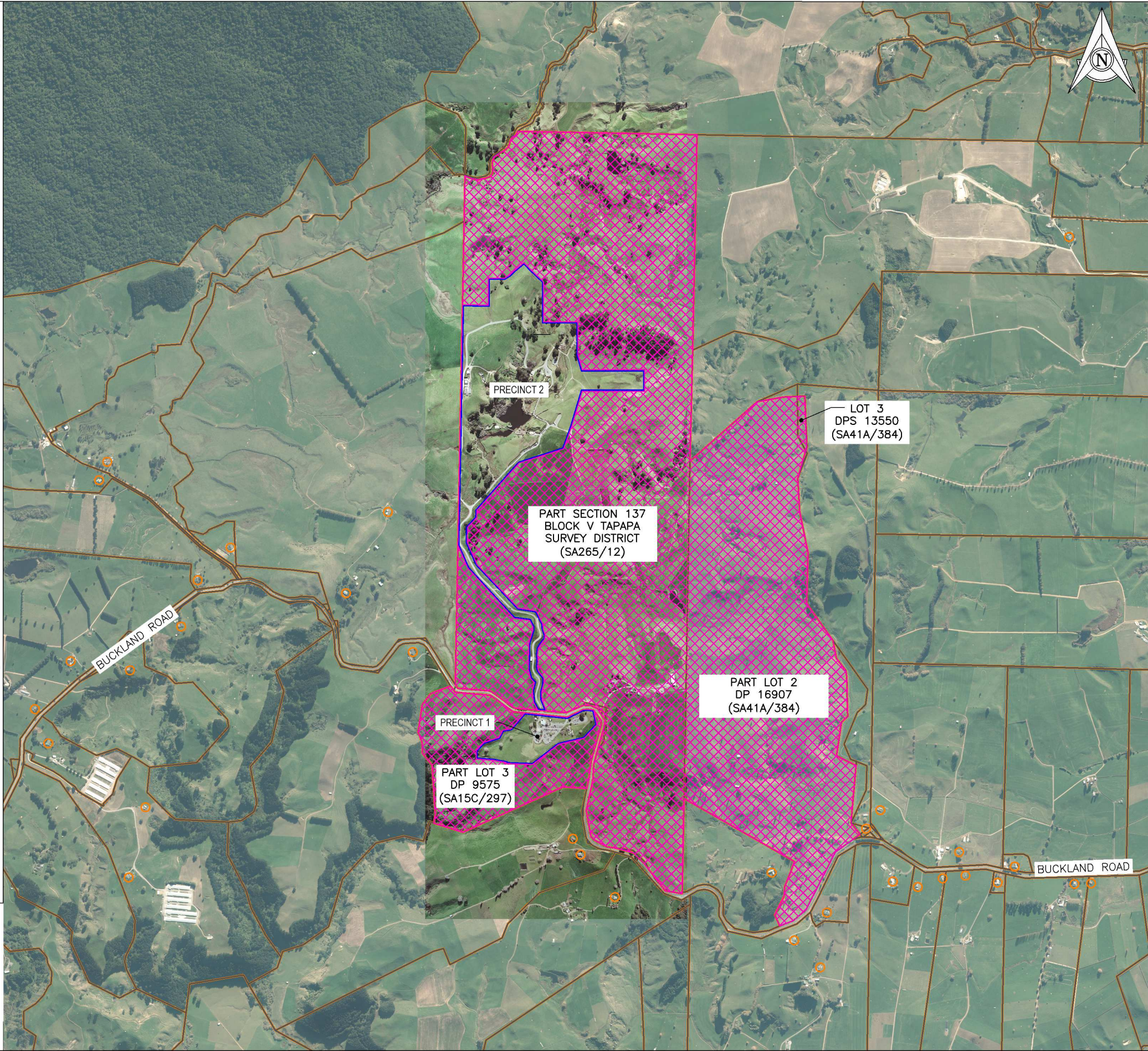
- a) An activity permitted in A2 that:
  - (i) Complies with performance standard 1.1.7; and
  - (ii) Complies with performance standard 1.1.8; and
  - (iii) Complies with performance standard 1.1.14; and
  - (iv) Fails to comply with one or more of the other relevant performance standards within DCP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

A4 DISCRETIONARY ACTIVITIES

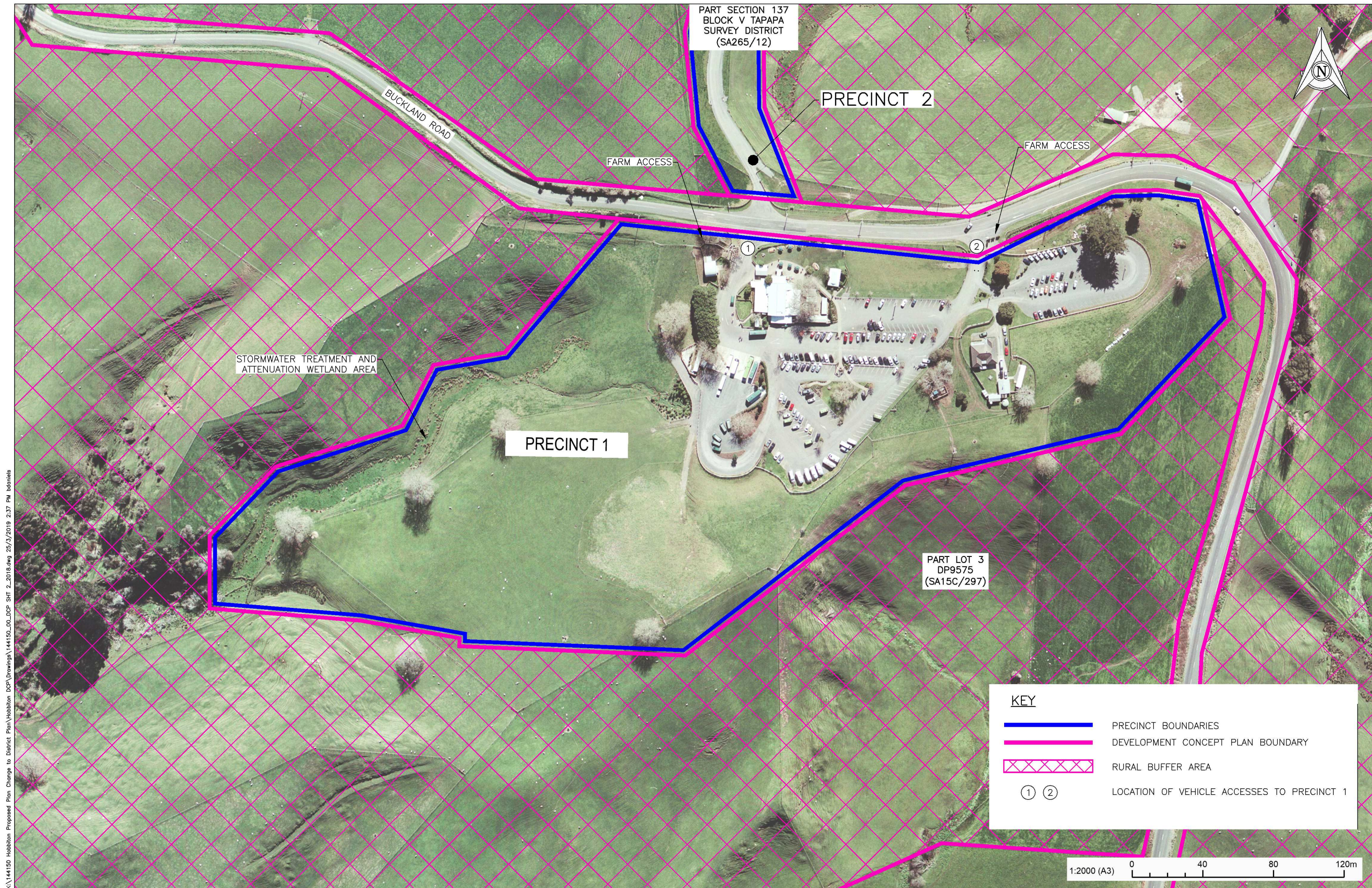
Any activity which is not provided for in this DCP as a permitted or restricted discretionary activity is a discretionary activity.

KEY

- |                                   |  |
|-----------------------------------|--|
| LEGAL BOUNDARIES                  | RURAL BUFFER AREA                        |
| PRECINCT BOUNDARIES               | PRECINCT 1 THE SHIRES' REST              |
| DEVELOPMENT CONCEPT PLAN BOUNDARY | PRECINCT 2 HOBBITON MOVIE SET            |
|                                   | RURAL DWELLINGS EXISTING AS AT SEPT 2016 |



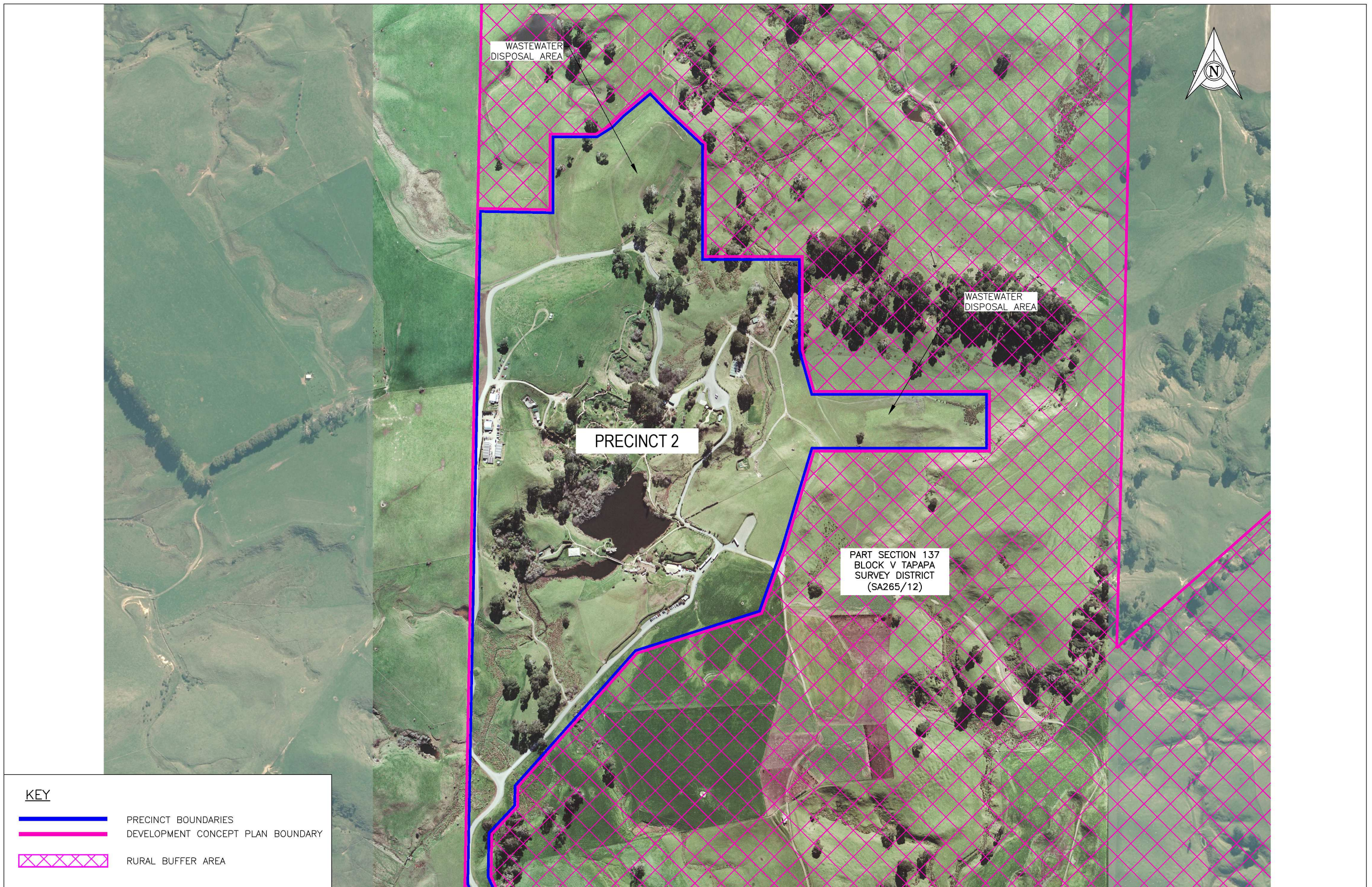




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**Attachment B:**  
**Tracked Changes to s42A Report Recommendations**  
**for Part A, DCP Activity Schedule, DCP Performance**  
**Standards, DCP Matters of Discretion and Definitions**



**Proposed Changes recommended by Matamata-Piako District Council**

**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 and mitigate the localised environmental effects of tourist attractions, including:*
    - Improvements to the District’s road network, infrastructure networks and community facilities utilised by tourists; and*
    - Consideration to making provision within the Council’s Development Contributions Policy under the Local Government Act 2002 for the purpose of contributing fairly to the costs of capital expenditure to service the growth 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.”*

**Proposed Changes recommended by Rings Scenic Tours**

**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 and mitigate the localised environmental effects of tourist attractions, including:*~~
  - ~~*Improvements to the District’s road network, infrastructure networks and community facilities utilised by tourists; and*~~
  - ~~*Consideration to making provision within the Council’s Development Contributions Policy under the Local Government Act 2002 for the purpose of contributing fairly to the costs of capital expenditure to service the growth 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:

9. Tourism					
	Outcome sought (objectives)		Solutions (policies)	Implementation (methods) refer to the following sets of controls and reasons for chosen methods	Explanation and reasons for objectives and policies
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	To encourage appropriate tourism development in the District.	<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.
		P2	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.		
		P3	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 facilities and other infrastructure used by tourists.		
		P4	Methods to avoid, remedy or mitigate the adverse effects of tourist attractions shall include consideration of: <ul style="list-style-type: none"> <li>Physical improvements to the road network,</li> </ul>		

- 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:

9. Tourism					
	Outcome sought (objectives)		Solutions (policies)	Implementation (methods) refer to the following sets of controls and reasons for chosen methods	Explanation and reasons for objectives and policies
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	To encourage appropriate tourism development in the District.	<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.
		P2	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.		
		<del>P3</del>	<del>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 facilities and other infrastructure used by tourists.</del>		
		<del>P4</del>	<del>Methods to avoid, remedy or mitigate the adverse effects of tourist attractions shall include consideration of: <ul style="list-style-type: none"> <li>Physical improvements to the road network,</li> </ul> </del>		

			<p><i>infrastructure and community facilities used by tourists; and</i></p> <ul style="list-style-type: none"> <li><i>Provision within Council's Development Contributions Policy under the Local Government Act 2002 for the purpose of contributing fairly to the costs of capital expenditure to service the growth or a targeted rate under the Local Government (Rating) Act 2002 to fund the District-wide impact of tourism growth.</i></li> </ul>		
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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>

			<p><i>infrastructure and community facilities used by tourists; and</i></p> <ul style="list-style-type: none"> <li><i>Provision within Council's Development Contributions Policy under the Local Government Act 2002 for the purpose of contributing fairly to the costs of capital expenditure to service the growth or a targeted rate under the Local Government (Rating) Act 2002 to fund the District-wide impact of tourism growth.</i></li> </ul>		
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**Add the following row items to the Collector Road table under Rule 9.1.1 'Roading hierarchy' clause (i)(c) 'Collector roads':**

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<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).”*

**MAPS AND PLANS**

**PART C**

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

*The DCP follows as sheets 1 – 6.*

- 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).”*

**MAPS AND PLANS**

**PART C**

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

*The DCP follows as sheets 1 – 6.*

**Proposed Changes recommended by Matamata-Piako District Council**

**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.

**A2.4 RURAL BUFFER AREA**

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

**A3 RESTRICTED DISCRETIONARY ACTIVITIES**

**Proposed Changes recommended by Rings Scenic Tours**

**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.

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**A2.3 PRECINCTS 1 AND 2**

- a) Tourism retailing.
- b) ~~Themed~~ Events.
- ~~e) Non-Themed Events.~~
- ~~d)c)~~ Administrative offices for Hobbiton activities permitted under the DCP.
- ~~e)d)~~ Buildings associated with, and ancillary to, a permitted activity.
- ~~f)e)~~ Parking, loading and manoeuvring areas.
- ~~g)f)~~ One dwelling per Certificate of Title.
- ~~h)g)~~ Cut and fill earthworks.
- ~~i)h)~~ Imported cleanfill activities.
- ~~j)i)~~ Signage.
- ~~k)j)~~ Farming.
- ~~l)k)~~ Domestic wastewater treatment systems and land disposal areas ~~situated in a location as shown on the DCP.~~
- ~~m)l)~~ Stormwater treatment and attenuation facilities ~~situated in a location as shown on the DCP.~~

**A2.4 RURAL BUFFER AREA**

- a) Domestic wastewater and 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
  - (v) 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
  - (v) Complies with all other relevant performance standards within DCP Rule 1.1; or
  - (vi) 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 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.

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~~
  - ~~(v)~~(iv) Fails to comply with one or more of the other relevant performance standards within DCP Rule 1.1.

**A4 DISCRETIONARY ACTIVITIES**

Any activity which is not provided for in this DCP as a permitted or restricted discretionary activity is a discretionary activity.

~~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
  - (v) Complies with all other relevant performance standards within DCP Rule 1.1; or
  - (vi) 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 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.~~



## Proposed Changes recommended by Matamata-Piako District Council

### PERFORMANCE STANDARDS

1.1 PERFORMANCE STANDARDS FOR PERMITTED ACTIVITIES IN PRECINCTS 1 AND 2							
15. 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>						
16. 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>						
17. Visual Form and Appearance of New Buildings	<p>a) 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>b) Unpainted buildings and structures within Precinct 1 shall be clad in natural materials comprising bricks, stone or timber.</p> <p>c) 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 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						
18. Landscaping for New Buildings	<p>a) 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</p>						

## Proposed Changes recommended by Rings Scenic Tours

### PERFORMANCE STANDARDS

1.2 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 <b>8,570m<sup>2</sup></b>).</p> <p>b) There is no maximum building coverage for Precinct 2.</p>
3. Visual Form and Appearance of New Buildings	<p><u>a) Any new buildings shall either reflect the rural vernacular, 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>(i) <u>Roofs shall be gable in form only (i.e. no hiproofs) and shall have a pitch of between 20-45 degrees.</u></p> <p>(ii) <u>Flat connections between building forms are permitted but shall not exceed 25% of the roof form.</u></p> <p>(iii) <u>Lean to roofs are to have a maximum mono pitch roof of 8 degrees.</u></p> <p>(iv) <u>Wall claddings shall be continuous. While changes may occur at a recess or visual break point, walls must be done in one 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><del>a/c</del> 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</p>

	<p>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.</p> <p>b) 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>c) 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>
19. 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>
20. Access	<p>a) Precinct 1 shall have no more than two vehicle crossings to Buckland Road. The crossings shall be located in accordance with the DCP.</p> <p>b) Access to Precinct 2 shall be obtained via one vehicle crossing to Buckland Road. The crossing shall be located in accordance with the DCP.</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>
21. 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) A dedicated on-site loading facility to accommodate:</p>

	<p>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><del>b) Unpainted buildings and structures within Precinct 1 shall be clad in natural materials comprising bricks, stone or timber.</del></p> <p>d) No buildings or structures within Precinct 1 shall have mirrored glazing.</p> <p><del>e) Where responding to the fantasy vernacular they shall appear similar to the existing rural fantasy buildings contained in Precinct 2.</del></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 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 shall be retained unless removal is required by the siting of new development.</u></p> <p><del>a) b) New buildings in Precinct 1 shall require specimen tree planting around the perimeter of the Precinct to provide general screening of the new building development from outside the Precinct. No specimen tree planting is required along any new buildings frontage that directly addresses Buckland Road. Specimen tree planting shall occur at a rate of 1 tree per new building plus one additional tree for every 10 linear metres of the buildings perimeter footing. For the avoidance of doubt, buildings addressing Buckland Road shall constitute the primary active frontage of the building. 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.</del></p> <p><del>b) c) 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.</del></p> <p><del>e) d) 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.</del></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>						



	<ul style="list-style-type: none"> <li>• 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:</li> <li>• where heavy vehicles (excluding articulated vehicles or trucks and trailers) service the site more 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:</li> <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>shall be provided and maintained in Precinct 1, in accordance with the MPDC Development Manual.</p> <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. 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.</p> <p>j) 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.</p> <p>k) Total trip generation resulting from all activities undertaken at the DCP site shall not exceed 387,000 trips per calendar year.</p> <p>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.</p> <p>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.</p> <p>n) The Site Operator shall ensure that vehicles under its direct control including Hobbiton staff and tour buses and deliveries <b>avoid</b> the use of:</p> <ul style="list-style-type: none"> <li>• the section of Buckland Road west of the DCP site;</li> <li>• Rangitanuku Road.</li> </ul> <p>o) The Site Operator shall at all times use all reasonable endeavours and shall take such steps as are practicable to:</p>
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	<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 two <u>commercial</u> vehicle crossings to Buckland Road. The crossings shall be located in accordance with the DCP.</p> <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) A dedicated on-site loading facility to accommodate <u>heavy vehicles (being articulated vehicles or truck and trailer)</u>:</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 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:</del></li> <li>• <del>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</del></li> </ul> <p>shall be provided and maintained in <u>both</u> Precinct 1 <u>and</u> Precinct 2, in accordance with the MPDC Development Manual.</p> <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>

	<ul style="list-style-type: none"><li>discourage Hobbiton traffic from using the section of Buckland Road west of the DCP site; and:</li><li>encourage Hobbiton traffic to use the eastern section of Buckland Road; and:</li><li>discourage Hobbiton traffic from using Rangitanuku Road.</li></ul> <p>Such measures shall include but shall not necessarily be limited to:</p> <ul style="list-style-type: none"><li>(i) Sending out annual notices to all tour bus operators reminding them that the recommended travel route is via the eastern end of Buckland Road and that Rangitanuku Road should be avoided.</li><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 and via the state highway network so as to avoid Rangitanuku Road.</li></ul> <p>p) 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) Requiring Hobbiton staff to intervene when visitors attempt to step within the Buckland Road reserve.</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, or constructing a pedestrian crossing or underpass to enable pedestrians to safely cross Buckland Road to a designated area within Precinct 2.</li></ul>				
22. Visitor Numbers	<p>a) Total visitor numbers during Movie Set Tour Hours including patrons of Themed and Non-themed Events shall not exceed 3,500 people per day.</p> <p>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.</p>				
23. Noise	<p>a) The noise level from site activities other than the exclusions listed in DCP Performance 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><tr><td>7.00am to 8.00 pm</td><td>50 dB LAeq</td></tr><tr><td>8.00 pm to 7.00am</td><td>40 dB LAeq and 70 dB LAmax</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>	7.00am to 8.00 pm	50 dB LAeq	8.00 pm to 7.00am	40 dB LAeq and 70 dB LAmax
7.00am to 8.00 pm	50 dB LAeq				
8.00 pm to 7.00am	40 dB LAeq and 70 dB LAmax				

	<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><del>j) 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.</del></p> <p><del>k) Total trip generation resulting from all activities undertaken at the DCP site shall not exceed 387,000 trips per calendar year.</del></p> <p><del>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.</del></p> <p><del>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.</del></p> <p><del>n) The Site Operator shall ensure that vehicles under its direct control including Hobbiton staff and tour buses and deliveries avoid the use of:</del></p> <ul style="list-style-type: none"><li><del>the section of Buckland Road west of the DCP site;</del></li><li><del>Rangitanuku Road.</del></li></ul> <p><del>o)j) The Site Operator shall at all times use all reasonable endeavours and shall take such steps as are practicable to:</del></p> <ul style="list-style-type: none"><li>discourage Hobbiton traffic from using the section of Buckland Road west of the DCP site; and:</li><li>encourage Hobbiton traffic to use the eastern section of Buckland Road; <del>and:</del></li><li><del>discourage Hobbiton traffic from using Rangitanuku Road.</del></li></ul> <p>Such measures shall include but shall not necessarily be limited to:</p> <ul style="list-style-type: none"><li>(i) Sending out annual notices to all tour bus operators reminding them that the recommended travel route is via the eastern end of Buckland Road <del>and that Rangitanuku Road should be avoided.</del></li><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 and via the state highway network <del>so as to avoid Rangitanuku Road.</del></li></ul> <p><del>p)k) 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:</del></p> <ul style="list-style-type: none"><li>(i) Displaying advisory signage at the Precinct 1 boundary with Buckland Road.</li><li><del>(ii) Requiring Hobbiton staff to intervene when visitors attempt to step within the Buckland Road reserve.</del></li></ul>
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	<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 LAeq 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 LAeq 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>; and</li><li>iii) End by 10.30pm during daylight savings, and by 10.00pm at all other times of the year; and</li><li>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 LAeq 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.</li></ul> <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></ul>
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	<p><del>(iii)(ii)</del> Creating and sign posting alternative safe locations outside of the Buckland Road reserve for photo opportunities for visitors.</p> <p><del>(iv)(iii)</del> 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></p>				
8. Visitor Numbers	<p>a) <del>√</del>Total visitor numbers <del>during Movie Set Tour Hours including patrons of Themed and Non-themed Events</del> shall not exceed 3,500 people per day, <del>excluding visitors attending events which finish more than one hour before the first Movie Set Tour commences or begin one hour after the final movie set tour has finished.</del></p> <p>b) The Site Operator shall accurately <del>monitor and</del> record visitor numbers both during and outside of Movie Set Tour Hours, <del>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>				
9. Noise	<p>a) The noise level from site activities other than the exclusions listed in DCP Performance 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><tr><td>7.00am to <del>10</del>8.00 pm</td><td>50 dB LAeq</td></tr><tr><td><del>10</del>8.00 pm to 7.00am</td><td>40 dB LAeq and 70 dB LAmax</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 <del>12-themed</del> outdoor movie screening events that exceed the noise levels in Performance Standard 1.1.9 a) above are permitted to <del>11.00</del><del>10.30</del>pm during daylight savings time <del>and to 10.00pm at all other times</del> 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 LAeq 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 <del>themed</del> 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></ul>	7.00am to <del>10</del> 8.00 pm	50 dB LAeq	<del>10</del> 8.00 pm to 7.00am	40 dB LAeq and 70 dB LAmax
7.00am to <del>10</del> 8.00 pm	50 dB LAeq				
<del>10</del> 8.00 pm to 7.00am	40 dB LAeq and 70 dB LAmax				



	<ul style="list-style-type: none"> <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> <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 “Acoustics – Measurement of Environmental Sound” and New Zealand Standard NZS 6802:2008 “Acoustics – Environmental Noise”.</p>
24. 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> <ol style="list-style-type: none"> <li>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 the Rural zone located outside the DCP area.</li> <li>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.</li> </ol> <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.</p> <p>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>

	<p>ii) Not exceed <del>60</del>5dB LAeq 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>; and</p> <p>iii) End by 10.30pm during daylight savings; <del>and, and by 10.00pm at all other times of the year; and</del></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 LAeq 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 <del>screening or</del> 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><del>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.</del></p> <p><del>g) f)</del> A single noise management plan shall be prepared for all amplified music/concert and outdoor movie events. It shall be submitted to Council <del>for certification in a technical capacity that the matters listed below have been addressed,</del> 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; <del>and</del> <ul style="list-style-type: none"> <li>• <u>How any complaints will be recorded and managed; and</u></li> <li>• <u>The noise management plan shall be implemented for the duration of all amplified music/ concert and outdoor screening events.</u></li> </ul> </li> </ul> <p><del>h) g)</del> 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 <del>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.</del> Monitoring shall be undertaken <del>at five minute intervals</del> 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 <del>and the updated version certified by Council,</del> until compliance is achieved. In each case a report of the monitoring results shall be <u>completed</u><del>submitted to Council</del> within 10 working days of the event(s).</p>
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25. Street Lighting	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.
26. 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) For the avoidance of doubt: there are no controls on signage visible only internally to the Hobbiton DCP area or for signs whose sole purpose is to direct traffic within a Precinct.</p> <p>c) Health and Safety signs to meet legislative requirements: no size maximum.</p> <p>d) The size of letters on signs directed at passing traffic on Buckland Road shall have a minimum height standard of 150mm.</p> <p>e) 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>
27. 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>Advice Note: <u>Compliance with Performance Standard 1.1.7(i) [i.e. no vehicles shall be parked in the road reserve] must be achieved.</u></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>Records of written notice to neighbours for events involving fireworks displays;</li> <li>These records shall be supplied to Council as part of the Site Management and Monitoring Plan and upon request.</li> </ul>
28. 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 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> </ul>

	<p><del>h)</del> 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>i) All Sound levels shall be measured and assessed in accordance with the requirements of NZS 6801:2008 “Acoustics – Measurement of Environmental Sound” and New Zealand Standard NZS 6802:2008 “Acoustics – Environmental Noise”.</p> <p>j) <u>Construction noise from the site shall comply with NZS 6803:1999 “Acoustics – Construction Noise”.</u></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, <u>or between the hours of 11.00pm and 7.00am when an amplified music/ concert or outdoor movie screening event is being held</u>, 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 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.</p> <p>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	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.
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. <u>These signs shall be located within the following Precincts:</u></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>

	<ul style="list-style-type: none"> <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>d) 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.</p>
15. Earthworks/ Cleanfill/ Construction	<p>a) 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.</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> <p>d) Construction noise from the site shall comply with NZS6803:1999 “Acoustics – Construction Noise”.</p> <p>Advice Note: Earthworks should be undertaken in accordance with the Waikato Regional Council’s “<i>Erosion and sediment control: guidelines for soil disturbing activities</i>”, Report: TR 2009/02, excluding “Section 3.4 Hay Bale Barrier” (these are no longer considered suitable control devices), and as amended by the following fact sheets:</p> <p>3. Sediment Control Practices</p> <p>3.1 Sediment Retention Pond</p> <p>3.2 Silt Fence</p> <p>3.6 Decanting Earth Bund</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><del>b)c)</del> For the avoidance of doubt: there are no controls on signage <u>only internally</u> visible <del>only internally</del> to the Hobbiton DCP area or for signs whose sole purpose is to direct traffic within a Precinct.</p> <p><del>e)d)</del> Health and Safety signs to meet legislative requirements: no size maximum.</p> <p><del>d)e)</del> The size of letters on signs directed at passing traffic on Buckland Road shall have a minimum height standard of 150mm.</p> <p><del>e)f)</del> 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. <del>Themed Events (including those events provided for in 1.1.9 c) and 1.1.9d)); and Non-themed Events</del>	<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 <u>the</u> all-weather surface parking capacity available on site at the time of the event</p> <p><del>Advice Note: Compliance with Performance Standard 1.1.7(i) [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; <u>and</u></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><del>These records shall be supplied to Council as part of the Site Management and Monitoring Plan and upon request.</del></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 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><del>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.</del></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 the Site Management and Monitoring Plan and upon request.</p>
1.17 Complaints Procedures	<p>a) 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.</p> <p>b) The complaints procedure and any changes thereto shall be documented in the Site Management and Monitoring Plan.</p> <p>c) 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</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) 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.</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> <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>

	<p><del>d)c) 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>
15. Earthworks <del>and/ Cleanfill/ Construction</del>	<p>a) 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, <del>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> <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>
<del>1.16 Accommodation</del>	<p><del>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.</del></p> <p><del>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.</del></p> <p><del>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</del></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>
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	<del>the records available to the Matamata-Piako District Council as part of the Site Management and Monitoring Plan and upon request.</del>
<del>1.17 Complaints Procedures</del>	<p><del>a) 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><del>b) The complaints procedure and any changes thereto shall be documented in the Site Management and Monitoring Plan.</del></p> <p><del>c) 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>
<del>1.18 Community liaison</del>	<p><del>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.</del></p> <p><del>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.</del></p>
<del>1.19 Site Management and Monitoring</del>	<p><del>a) 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><del>b) The SMMP shall outline:</del></p> <p><del>(i) the day to day procedures to ensure that the performance standards in this DCP are being complied with;</del></p> <p><del>(ii) the day to day procedures to ensure that the monitoring required under the performance standards in this DCP are being undertaken;</del></p> <p><del>(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.</del></p> <p><del>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.</del></p> <p><del>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.</del></p> <p><del>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.</del></p>
1.20 Domestic wastewater treatment systems and disposal areas/ Stormwater treatment and	<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>



attenuation facilities	
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**Proposed Changes recommended by Matamata-Piako District Council**

**MATTERS OF DISCRETION TABLE**

1.2 MATTERS OF DISCRETION	
1. Restricted Discretionary Activities provided for in the Development Concept Plan	<p>A. Events: Any application shall be assessed upon consideration of the following:</p> <p>a) The extent to which the event is Hobbiton-themed;</p> <p>b) Transportation impacts, including:</p> <ul style="list-style-type: none"><li>• Efficiency effects along the various routes to the site;</li><li>• Safety effects at the site accesses;</li><li>• Potential for parking shortfalls in peak periods resulting in safety effects (including parking and pedestrians on Buckland Road);</li><li>• Safety effects at intersections along the various routes to the site;</li><li>• Safety effects at other vehicle crossings, particularly along Buckland Road.</li><li>• Potential for increased number of traffic movements during the hours of darkness associated with the accommodation and park-over activities;</li><li>• Potential for increased traffic on Rangitanuku Road and the surrounding road network;</li><li>• Potential for accelerated pavement deterioration from additional traffic on Buckland Road and Puketutu Road; and</li><li>• Increased visitor numbers to the Matamata i-site and risk of adverse effects from increased parking demand in the nearby area.</li></ul> <p>c) Temporary ablution facilities during the event.</p> <p>d) Details of any temporary structures associated with events.</p> <p>e) Set up and clean up.</p> <p>f) Cumulative effects associated with the number and size of events.</p> <p>g) Extent to which the event complies with Performance Standards 1.1.9 (noise) and 1.1.10 (lighting and glare) above.</p> <p>h) Visual effects.</p> <p>i) Signage.</p> <p>j) Amenity effects on neighbours and occupiers of properties along Buckland Road.</p> <p>k) Reverse-sensitivity effects on neighbouring farming activities.</p> <p>B. Cut and Fill and Clean Fill Earthworks:</p> <p>a) A management plan shall be supplied with the resource consent application which shall include:</p> <p>i) A plan of the property showing the area to be cut and/or filled;</p> <p>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;</p> <p>iii) A description of soil type, permeability, effect on groundwater levels and effects on adjacent land / soil and structures;</p> <p>iv) An investigation into the stability of the underlying land and its ability to remain stable under increased loadings from fill in all conditions;</p> <p>v) Proposals to ensure the prevention of mass movement of the cut and filled material itself. This will include details on benching, method of compaction, etc;</p> <p>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 top-soiling and grassing, etc;</p>

**Proposed Changes recommended by Rings Scenic Tours**

**MATTERS OF DISCRETION TABLE**

1.2 MATTERS OF DISCRETION	
<del>1. Restricted Discretionary Activities provided for in the Development Concept Plan</del>	<p><del>A. Events:</del> <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><li><del>• Safety effects at other vehicle crossings, particularly along Buckland Road.</del></li><li><del>• Potential for increased number of traffic movements during the hours of darkness associated with the accommodation and park-over activities;</del></li><li><del>• Potential for increased traffic on Rangitanuku Road and the surrounding road network;</del></li><li><del>• Potential for accelerated pavement deterioration from additional traffic on Buckland Road and Puketutu Road; and</del></li><li><del>• Increased visitor numbers to the Matamata i-site and risk of adverse effects from increased parking demand in the nearby area.</del></li></ul> <p><del>c) Temporary ablution facilities during the event.</del></p> <p><del>d) Details of any temporary structures associated with events.</del></p> <p><del>e) Set up and clean up.</del></p> <p><del>f) Cumulative effects associated with the number and size of events.</del></p> <p><del>g) Extent to which the event complies with Performance Standards 1.1.9 (noise) and 1.1.10 (lighting and glare) above.</del></p> <p><del>h) Visual effects.</del></p> <p><del>i) Signage.</del></p> <p><del>j) Amenity effects on neighbours and occupiers of properties along Buckland Road.</del></p> <p><del>k) Reverse-sensitivity effects on neighbouring farming activities.</del></p> <p><del>B. Cut and Fill and Clean Fill Earthworks:</del></p> <p><del>a) A management plan shall be supplied with the resource consent application which shall include:</del></p> <p><del>i) A plan of the property showing the area to be cut and/or filled;</del></p> <p><del>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;</del></p> <p><del>iii) A description of soil type, permeability, effect on groundwater levels and effects on adjacent land / soil and structures;</del></p> <p><del>iv) An investigation into the stability of the underlying land and its ability to remain stable under increased loadings from fill in all conditions;</del></p> <p><del>v) Proposals to ensure the prevention of mass movement of the cut and filled material itself. This will include details on benching, method of compaction, etc;</del></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 top-soiling and grassing, etc;</del></p>

	<ul style="list-style-type: none"> <li>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;</li> <li>viii) Proposals to deal with noise, dust, smoke and other detractions from the amenities of the area;</li> <li>ix) Drainage proposals.</li> <li>x) How gullies would be drained in order to prevent excessive saturation of the fill; and</li> <li>xi) 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.</li> </ul> <ul style="list-style-type: none"> <li>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.</li> <li>c) Visual and amenity effects.</li> </ul>
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.

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<del>2.1.</del> 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.
<del>3.2.</del> Discretionary Activities/ Activities not provided for in the Development Concept Plan/ <del>Non-Complying Activities</del>	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.

**Proposed Changes recommended by Matamata-Piako District Council**

**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.

**Proposed Changes recommended by Rings Scenic Tours**

**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.

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~~**“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.

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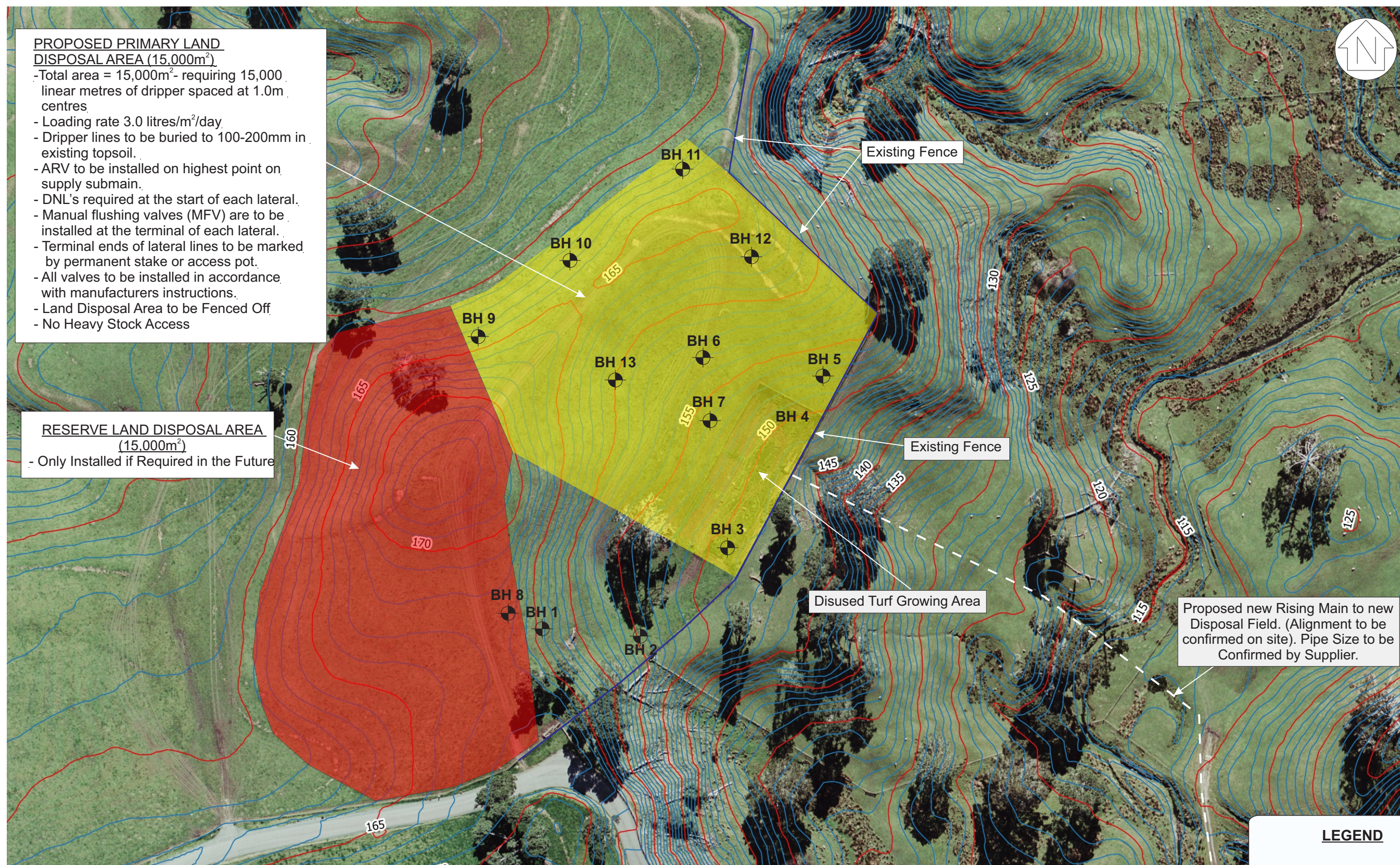
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**“Site Operator”** means the entity or entities and/or person(s) responsible for undertaking any one or more of the activities within the DCP site.

~~**“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.~~

**Attachment C:**  
**Wastewater Treatment and Disposal Area and**  
**Stormwater Attenuation and Treatment Area Plans**





**PROPOSED PRIMARY LAND DISPOSAL AREA (15,000m<sup>2</sup>)**

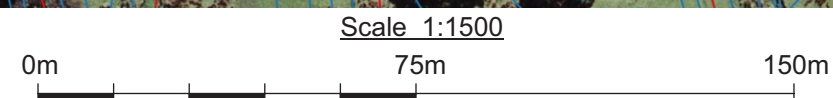
- Total area = 15,000m<sup>2</sup> - requiring 15,000 linear metres of dripper spaced at 1.0m centres
- Loading rate 3.0 litres/m<sup>2</sup>/day
- Dripper lines to be buried to 100-200mm in existing topsoil.
- ARV to be installed on highest point on supply submain.
- DNL's required at the start of each lateral.
- Manual flushing valves (MFV) are to be installed at the terminal of each lateral.
- Terminal ends of lateral lines to be marked by permanent stake or access pot.
- All valves to be installed in accordance with manufacturers instructions.
- Land Disposal Area to be Fenced Off
- No Heavy Stock Access

**RESERVE LAND DISPOSAL AREA (15,000m<sup>2</sup>)**

- Only Installed if Required in the Future

Proposed new Rising Main to new Disposal Field. (Alignment to be confirmed on site). Pipe Size to be Confirmed by Supplier.

NOTE: Plan based on Aerial Photography provided by Precision Aerial Surveys (23rd August 2018)



**LEGEND**

BH 1 Approximate Location of Borehole

**ORMISTON ASSOCIATES LTD**  
 CONSULTANTS IN GEOTECHNICAL ENGINEERING, GEOLOGY & ENGINEERING GEOLOGY

Level 2, 90 Symonds Street, Grafton, Auckland City  
 P O Box 47-822, Ponsonby, Auckland 1144, New Zealand  
 Ph (09) 302 2193 Fax (09) 302 2197 Email: mail@ormiston.co.nz

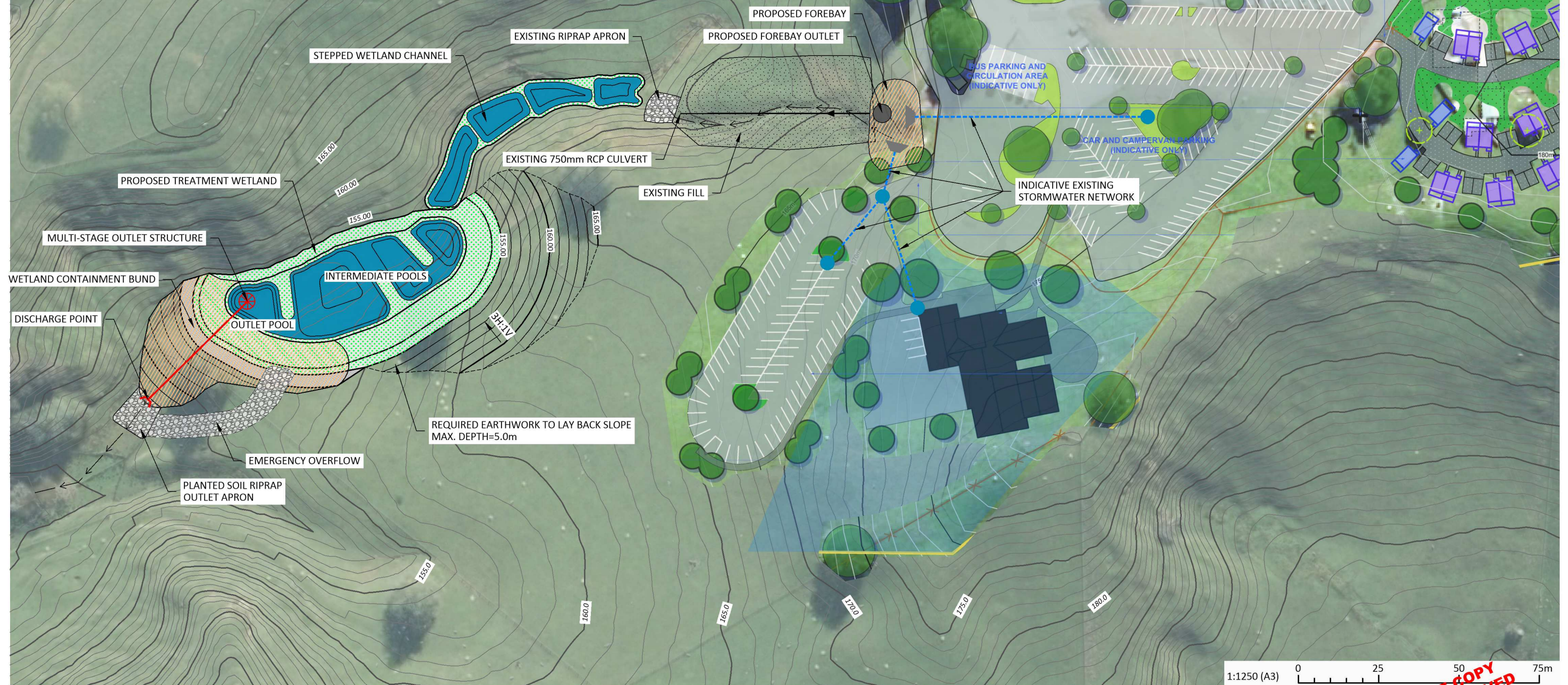
CLIENT: Hobbiton Movie Set  
 LOCATION: 501 Buckland Road, Hinuera  
 TITLE: Treated Effluent Land Disposal Area

SCALE: 1:1500 @ A3  
 DRAWN: MRD  
 DATE: 19th Jan. 2018  
 CHECKED: AWO

DRAWING NO  
 4223-4  
 SHEET 4 OF 4



	VOLUME (cu.m)	DISCHARGE (cms)	
		EXISTING	PROPOSED
WATER QUALITY	497		0.025
2-YEAR	861	0.129	0.127
10-YEAR	1270	0.189	0.190

[illegible]

RINGS SCENIC TOURS  
LTD

DRAWING

PROPOSED STORMWATER TREATMENT  
AND ATTENUATION WETLAND  
LAYOUT



**Attachment D:**  
**Resource Consent 2011.10419.4**



## Notice of Decision

### Change of Conditions of Consent – Section 127 of the Resource Management Act 1991

Variation to land-use consent: **2011.10419.4**



### Application

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Application for changes to the conditions of land use consent **2011.10419** by **Rings Scenic Tours Limited**, at **501/502 Buckland Road, Matamata** to **retain the "Shire's Rest" as visitor centre rather than to construct a new visitor centre, and to develop a new staff office building rather than to convert the "Shire's Rest" into office space.**

### Decision

---

This application has been granted under delegation from the Matamata-Piako District Council ("**the Council**"), pursuant to section 34A of the Resource Management Act 1991, and in accordance with Council Resolution 10.7 dated 11 October 2017.

The decision is as follows:

*"That pursuant to Section 127 of the Resource Management Act 1991, the Matamata-Piako District Council grants changes to the conditions of land-use consent 2011.10419 relating to the property located at 501/502 Buckland Road, Matamata legally described as Section 137 Block V Tapapa Survey District and Part Lot 3 DP 9575 to enable the "Shire's Rest" to be retained as visitor centre rather than to construct a new visitor centre, and to enable the development of a new staff office building rather than to convert the "Shire's Rest" into office space, for the following reasons, and subject to the amended conditions below."*

The reasons for the decision are:

- Any actual and potential effects can be avoided, remedied, or mitigated through the imposition of appropriate conditions.
- The proposal is not contrary to the objectives and policies of the relevant planning documents.
- The proposal is consistent with the sustainability purpose of the RMA and the RMA principles as expressed in the relevant planning documents.

### Conditions

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#### Note:

102.2011.10419.2 Additions shown in **bold underline**. / Deletions shown in ~~strikethrough~~.  
102.2011.10419.3 Additions shown in **bold grey highlight**.  
102.2011.10419.4 Additions shown in **bold yellow highlight**. / Deletions shown in **bold yellow highlight strikethrough**.  
(This variation)



Generally In Accordance

1. That except as specifically provided for by the conditions below, all activities to which this consent relates shall be erected, constructed, and undertaken generally in accordance with the information contained in the application for this resource consent and the documents submitted in support of the application **and the subsequent application for a change of the consent conditions (MPDC Ref: 2011.10419.2), and the subsequent application for a change of consent conditions (MPDC Ref: 102.2011.10419.4),** namely:
  - (a) *Application for Resource Consent, Hobbiton Movie Set, Buckland Road, Matamata;* by Urban Perspectives Ltd, dated November 2011 including Appendices;
  - (b) *Hobbiton Village Tourism, Traffic Impact Assessment, Rings Scenic Tours Ltd;* by Gray Matter, Issue 7, dated 5 March 2012;
  - (c) *Draft Signage and Road Markings Mitigation Plan, including Warning Signs and Markings Mitigation Plan* by Gray Matter, dated 22 March 2012, and *Directional Signage Plan* by Gray Matter, dated 17 April 2012;
  - (d) The recommendations of the *Traffic Impact Peer Review of Buckland Road west of the site;* by Traffic Design Group dated 23 March 2012.
  - (e) **Section 127 Application for a Change of Consent Conditions to increase visitor numbers to 250,000 per annum– Rings Scenic Tours Ltd by Urban Perspectives Ltd, dated July 2013, including Appendices;**
    - (e1) **The s127 Application for a Change of Consent Conditions, Hobbiton Movie Set, Buckland Road, Matamata, by Urban Perspectives Ltd dated 17 March 2014 including Appendices (MPDC Ref: 102.2011.10419.3);**
  - (f) **Buckland Road – Hobbiton, Stage Four Road Safety Audit, Matamata-Piako District Council and Rings Scenic Tours, Issue 2, 20 December 2013, by Gray Matter;**
  - (g) **Letter from Urban Perspectives Ltd dated 24 February 2014, requesting amendment of the s127 application lodged in July 2013, to enable an increase in visitor numbers to 300,000 per annum;**
  - (h) **Further information requested under s92 received from Urban Perspectives Ltd with Appendices, dated 4 August 2014;**
  - (i) **Hobbiton Village Tourism, Traffic Impact Assessment Addendum, Rings Scenic Tours Ltd, Final, 17 September 2014, by Gray Matter;**
  - (j) **Addendum to Assessment of Effects, Change of Consent Conditions for Resource Consent 2011.10419, Hobbiton Movie Set, 501/501 Buckland Road, Matamata by Urban Perspectives Ltd, dated September 2014.**
  - (k) **Application to change the consent conditions of land-use consent 2011.10419.3, Assessment of Environmental Effects by Bloxam Burnett & Olliver, dated March 2018. Including that the development must comply with the Proposed Hobbiton DCP Performance Standards relating to building height, height in relation the Precinct 1 boundary, setback to side and rear boundaries, coverage, visual form and appearance, landscaping (buildings) and landscaping (car parking) as set out in the emails from Steve Bigwood of Bloxam Burnett & Olliver, dated 20 June 2018 and 4 July 2018.**
- In the event that there is an inconsistency between the documents above, and the conditions of this resource consent, the conditions shall prevail.
2. That within one month of the date of commencement of this resource consent (see Condition 4), the Consent Holder shall give written notice to the Council's Group Manager Community Development in accordance with Section 138 of the Resource Management Act 1991, surrendering the existing resource consent (MPDC Ref: RCD 0733) and subsequent variations (RCD 1018) under which the activity currently operates.
3. That the Consent Holder shall appoint a representative(s) prior to the exercise of this resource consent who shall be the Council's principal contact person(s) in regard to matters relating to this resource consent. The Consent Holder shall inform the Council of the representative's name and how they can be contacted, prior to this resource consent



being exercised. Should that person(s) change during the exercising of this resource consent, the Consent Holder shall inform the Council's Group Manager Community Development of the new representative(s) name(s) and how they can be contacted.

Record of Condition 4 agreed to by the Applicant ("Augier" Condition)

4. That this resource consent shall not commence until such time as:
- (a) The Consent Holder has paid a total amount of \$ 30,000 plus GST to the Waipa District Council as a once-off contribution in full and final settlement of the cost of contributing towards the upgrading of Buckland Road, west of the Waipa District Council boundary.
  - (b) The Consent holder has paid a total amount of \$ 55,000 plus GST to the Matamata-Piako District Council which amount will cover:
    - i. A once-off contribution in full and final settlement of the cost of contributing towards the upgrading of Buckland Road, east of the Waipa District Council boundary; and:
    - ii. The cost of erecting/ installing the warning and directional signage and road markings (excluding on-site signage), both east and west of the site, in general accordance with the *Draft Signage and Road Markings Mitigation Plan* referred to in Condition 1 (c) above; and:
    - iii. The cost of maintaining the warning signage and road markings (both east and west of the site) but excluding the cost of maintaining the directional signage (the "brown signage") and on-site signage shown in the *Draft Directional Signage Plan* referred to in Condition 1 (c) above.

Advice Note: The Matamata-Piako District Council shall undertake the works referred to in Conditions 4(b)(ii) and (iii) above, in consultation with, and subject to the approval of, the Waipa District Council.

- 4A That the Consent Holder shall make payment in the amount of \$ 134,000 plus GST to the Matamata-Piako District Council as a financial contribution to offset the financial impact of the early rehabilitation of Buckland Road and higher pavement specification required as a result of the increase in traffic associated with the implementation of this resource consent. The amount shall be paid in one instalment as follows:**

**Payment Due Date**  
**30 June 2015**

**Amount Payable**  
**\$ 134,000 (one hundred and thirty four thousand dollars) plus GST.**

- 4B That the Consent Holder shall reimburse the Matamata-Piako District Council for all actual costs associated with making changes to the bus stop pavement marking and signage in accordance with the NZ Transport Agency's Traffic Control Devices Manual, Part 13 Parking Control, to provide a 24m long bus stop. The amount to be reimbursed shall not exceed \$ 1,500 plus GST in total and shall be paid to the Matamata-Piako District Council within 30 days of the date of being invoiced by the Council after completion of the works.**

- 4C That the Consent Holder shall reimburse the Matamata-Piako District Council for all actual costs associated with:**

- (a) The works as described under: "MPDC Response" in the following paragraphs of the Stage Four Safety Audit referred to in Condition 1(f):**
- i. **Paragraph 2.2.1;**
  - ii. **Paragraph 2.3.1;**
  - iii. **Paragraph 2.4.1;**
  - iv. **Paragraph 2.5.1;**
  - v. **Paragraph 2.6.1;**
  - vi. **Paragraph 2.8.1 (subject to Waipa District Council approval);**



- vii. Paragraph 2.8.2 (subject to NZ Transport Agency approval in so far as state highway signage is concerned).
- (b) The following signage as agreed to by the Consent Holder's representative during October 2014:
- i. A Double sided directional sign at the intersection of Buckland and Puketutu Rd's (currently only one sided for people coming from Hopkins Rd end).
  - ii. Two advance direction signs, one either side of Buckland Rd on Puketutu Rd approximately 200m in advance of Buckland Rd.
  - iii. Two additional signs on Buckland Rd the first being approximately 600m from Hobbiton (Waipa side) at a driveway on the Consent Holder's boundary. The second sign at approximately 782 Buckland Rd.

The amount to be reimbursed shall not exceed \$ 15,000 in total plus GST (including the amounts already paid by the Consent Holder in respect of the signage referred to in Clause (b) above) and shall be paid to the Matamata-Piako District Council in stages as the work progresses within 30 days of the date of being invoiced by the Council after completion of the relevant stage of the work.

#### Directional and On-site Signage

5. That, within three months of the date of granting of this resource consent, the on-site signage excluded from Condition 4(b)(ii) above, shall be erected by the Consent Holder, in general accordance with the *Draft Directional Signage Plan* referred to in Condition 1 (c) above .
6. That the directional signage (the "brown signage") and on-site signage referred to in the *Draft Directional Signage Plan* [see Condition 1 (c) above], excluded from the maintenance provision in Condition 4(b)(iii) above, shall be maintained by the Consent Holder for the duration of this resource consent.

**6A That the Consent Holder shall reimburse the Matamata-Piako District Council for the actual cost of maintaining the signage referred to in Condition 4B and 4C above, for the duration of this resource consent. To this end, the Council shall annually during May invoice the Consent Holder for the previous year's maintenance costs. The amount to be reimbursed shall not exceed \$ 1,200 plus GST per annum and shall be paid to the Matamata-Piako District Council annually by no later than 30 June.**

#### Scale of Activity Authorised

7. That, the annual visitor numbers as a result of exercising all activities authorised under this resource consent (including movie set tours, movie screenings, events, and conferences), shall not exceed 450,000 **300,000**.

#### Buildings/ Structures and Earthworks

8. That, in conjunction with this resource consent, the use of the following existing buildings and structures, and the construction and use of the following new buildings and structures (and associated earthworks) as shown in the *Site Plan and Application Drawings* attached as Appendix 3 of the document referred to in Condition 1(a) are authorised by this resource consent:

##### Existing Facilities:

- (a) Movie set structures, including the "Green Dragon", "Watermill", "Bridge and Jetty", "Hobbit Holes" and "Bag End Tree";
- (b) Access roads and associated parking areas;
- (c) Existing man-made lake;
- (d) Associated landscaping including village fencing and gardens;
- (e) "Shires Rest" Café and Function Centre;



- (f) Woolshed;
- (g) Recently completed relocation of offices, installation of toilets, and internal fit-out of "Shires Rest" Café and Function Centre.

Stage 1 New Facilities (immediate):

- (a) New carpark area and new pedestrian access/ pathway from a new bus turning/ carpark area to the "Green Dragon";
- (b) Satellite Café (limited range of refreshments with a seating capacity of 70 – 80 patrons) inside the "Green Dragon", with additional outdoor seating;
- (c) Toilet block, adjacent to the "Green Dragon".

Stage 2 (Approximately 2012/13):

- (a) "Hobbit Hole" Conference and Incentive Centre and associated toilet block;
- (b) New pedestrian pathways to link the centre with other facilities within the site;
- (c) Outdoor movie screen to be located within the manmade lake.

**Stage 2.1 (2014)**

**(a) Marquee with a maximum capacity of 240 patrons.**

Stage 3 (Approximately 2015 - 19):

- (a) Multi-Purpose Exhibition Space/ Shop for the display of movie stage sets and sale of movie memorabilia;
- (b) New pedestrian paths linking the exhibition space to other facilities within the site;
- (c) Visitor Centre (to be located approximately 400m from the Buckland Road entrance), incorporating restaurant/café, function areas, retail areas, and displays, with the "Shires Rest" Café simultaneously converted to offices and ancillary facilities to support the tourism facility.**
- (c) New staff office building including toilet facilities and associated parking and earthworks to be located south-west of the existing "Shires Rest" carparking area in accordance with the information referenced in Condition 1(k) above;**
- (d) Extensions to the "Green Dragon" building and pedestrian connection to new outdoor dining area.

Signage:

- (a) Safety, directional, and advertising signage in general accordance with the document referred to in Conditions 1(c), 4B and 4C.

Earthworks

9. That in respect of earthworks that exceed 1,000 m<sup>3</sup> per construction site and that are not already authorised by a Waikato Regional Council resource consent, the Consent Holder shall, prior to commencement of those earthworks, submit for approval as to standards by the Council's Group Manager Community Development, an Earthworks Management Plan prepared by an appropriately qualified person covering the following matters (see Rule 4.12 of the Operative Matamata-Piako District Plan):
  - (a) A plan showing the area to be filled;
  - (b) The approximate quantity of material to be deposited, the type of material, the timing and progress of the operation, its operating times and the earthworks completion date;
  - (c) A description of soil type, permeability, effect on groundwater levels and effects on adjacent land / soil, and structures;
  - (d) An investigation into the stability of the underlying land and its ability to remain stable under increased loadings in all conditions;
  - (e) Proposals to ensure the prevention of mass movement of the filled material itself. This will include details on benching, method of compaction, etc;
  - (f) Proposals for rehabilitation of the surface of the fill to prevent surface erosion such as sheet, rill and gully erosion. This will include details on topsoiling and grassing, etc;
  - (g) Where fill is to be imported, details of traffic generation, size of trucks, movements per day, position of access points, possible effect on public roads;



- (h) Proposals to deal with noise, dust, and other potential detractors from the amenity of the area;
- (i) Drainage proposals, such as how gullies would be drained in order to prevent excessive saturation of the fill;
- (j) 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
- (k) Comment on the quality of material to be deposited. If leachate was discharged from the fill, how it would be contained.

**Advice Note: The earthworks associated with the construction of the staff office building and carpark (see Condition 8, Stage 3(c) above), must be undertaken in accordance with the Waikato Regional Council's land disturbance consent (WRC Ref: AUTH138717.01.01).**

#### Wastewater Disposal

10. That:

- (a) Prior to issue of a building consent for the construction of any of the toilet facilities referred to in Condition 8 above, the Consent Holder must obtain a soils evaluation and sewerage system design to meet the Waikato Regional Plan permitted activity Rule 3.5.7.5 - Discharge of Domestic Sewage from New Onsite Systems **or the conditions of a discharge consent issued by the Waikato Regional Council**, undertaken by an appropriately qualified person. A copy of the sewerage system design must be submitted to Council's Group Manager Community Development;
- (b) Prior to the use of any of the toilet facilities referred to in Condition 8 above the Consent Holder must provide the Council's Group Manager Community Development with a producer statement from the system installer certifying the sewerage system has been installed in accordance with the design submitted and all requirements of the Waikato Regional Plan's Permitted Activity Rule 3.5.7.5 - Discharge of Domestic Sewage from New Onsite Systems **or the conditions of a discharge consent issued by the Waikato Regional Council**. Separate producer statements must be provided for any pump or siphon component of the sewerage system. The sewerage system must be maintained in an effective operating condition.

#### Water Supplies

- 11. That, prior to the use of any of the catering or toilet facilities referred to in Condition 8 above the Consent Holder must provide the Council's Group Manager Community Development with written confirmation from an appropriately qualified person that the water supplies to the said facilities are potable (in accordance with the New Zealand Drinking Water Standard) and that the supplies are protected from cross contamination by non-domestic uses (e.g. stock troughs, farming activities, etc.) either by means of adequate air gap separation or installation of an appropriate Council approved backflow prevention device of high hazard rating or some other suitable means approved by Council. The water supplies once installed, must be maintained to a potable standard.

Advice Note: In accordance with the Guidelines for Rural Fire Fighting, the Consent Holder should consider the provision of water storage tanks of at least 45,000 litres capacity that are dedicated for fire fighting purposes only, or to some other appropriate option for fire fighting purposes (e.g. surface water intake, etc.), in a location(s) capable of reaching all tourist facilities on the site, in the event of a fire.

#### Performance Standards

- 12. That all outside lighting used in conjunction with the activities authorised by this resource consent shall be designed, installed, and directed so as not to cause a disturbance by way of glare to any adjacent property or adjacent road.



Advice Note: The Consent Holder's attention is directed to Rule 5.4 of the Operative Matamata-Piako District Plan, which limits the permitted added illuminance as a result of lighting on the site.

13. That noise from all construction works authorised under this resource consent shall be measured in accordance with, and meet the limits recommended in, Table 1 of "NZS 6803P:1984- Measurement and Assessment of Noise from Construction, Maintenance, and Demolition Work". Adjustments provided in Clause 6.1 of NZS 6803P:1984 shall apply, and references in the Tables to "NZS 6802", shall be read as references to Clause 4.2.2 of "NZS 6802:1991".
14. That the operational noise generated from all activities authorized under this resource consent shall not exceed the following levels when measured within the notional boundary of any rural dwelling not located on the subject site:
  - 7.00am to 8.00pm 50dBA (L<sub>10</sub>)
  - 8.00pm to 7.00am 40dBA (L<sub>10</sub>)
15. That the noise levels shall be measured and assessed in accordance with the requirements of NZS6801:1991 Measurement of Sound and NZS6802:1991 Assessment of Environmental Sound.
16. That for any noise with special audible characteristics as defined by NZS6802:1991 the L<sub>10</sub> noise level standards shall be reduced in accordance with the standard.
17. That as a result of the exercise of this consent there shall be no dust emissions that cause an objectionable effect beyond the boundary of the subject site.
18. That there shall be no discharge of odour that is objectionable to the extent that it causes an adverse effect at or beyond the boundary of the subject site.

#### Mitigation of Traffic Effects

19. That the total number of "events" (i.e. movie screenings, public gatherings such as parties and weddings, and conferences, but excluding movie set tours), shall not exceed 12 during any twelve month period. No more than one "event" shall be staged on any one day.
20. That, for "events" with less than 300 people in attendance, the Consent Holder shall manage the number of private vehicles accessing the site to no more than 50 vehicles (or 100 vehicle movements).
21. For "events" with more than 300 people in attendance, the Consent Holder shall prepare a specific Event Traffic Management Plan (ETMP). The ETMP shall be submitted for approval to Council's Group Manager Community Development no less than 20 working days prior to the event. The ETMP shall be prepared by a professional transportation engineer and shall include as a minimum:
  - (a) Details of the "event" including description of event, date, timing and number of attendees.
  - (b) An assessment of the trip generation, specifically considering the proportion of visitors arriving by private vehicle and bus and methods to mitigate additional traffic on Buckland Road west of site and the use of the State Highway 1/ Karapiro Road intersection.
  - (c) An assessment of the on-site parking.
  - (d) Travel management measures by way of buses so that the "event" shall not give rise to more than a total of 200 vehicle movements per day
  - (e) Measures to minimise the peak traffic generation at the end of the "event".
  - (f) A Temporary Traffic Management Plan prepared in accordance with the New Zealand Transport Agency's (NZTA) Code of Practice for Temporary Traffic Management (COPTTM).

The approved ETMP shall be implemented for the duration of each specific "event".



Advice Note: A vehicle movement is defined as a single trip either to, or from, the subject site.

22. That the Consent Holder shall operate the Hobbiton tour busses in a manner that will minimise conflict at the Matamata Bus Stop at the Information Centre.
23. That the Consent Holder shall take such measures as practicable to minimise the peak traffic generation at the end of movie screenings, events, and conferences.
24. That within three months of the date of granting this resource consent, the Consent Holder shall submit a Travel Management Plan (TMP) to the Council's Group Manager Community Development. The aim of the TMP shall be to minimise the number of vehicles travelling along Buckland Road west of the site and using the State Highway 1/ Karapiro Road intersection. The TMP shall include the following matters:
  - (a) Provision of travel information on the Consent Holder's booking website to discourage the use of Buckland Road west of the site, by visitors;
  - (b) Methods to be taken to discourage departing visitors, from using Buckland Road west of the site;
  - (c) Liaison with tour bus operators to discourage the use of Buckland Road west of the site;
  - (d) Methods to be taken (such as the use of busses) to minimise peak traffic flows on Buckland Road at the end of movie screenings, events, and conferences.
  - (e) Coordination with the timetables of other coaches using Matamata's bus stop at the Information Centre, so as to minimise conflict.

The Consent Holder shall consider any comments that the Council's Group Manager Community Development in consultation the NZTA's Network Manager and the Waipa District Council's Roading Asset Manager may have in respect of the TMP, and must update the TMP at least annually. A copy of any revisions to the TMP must be submitted to the Council's Group Manager Community Development for comment. The Consent Holder must at all times adhere to the provisions of the then current TMP.

25. That within six months of the date of granting this resource consent, the Consent Holder shall undertake the following improvements at the existing site accesses, to maximise sight distances:
  - (a) Pavement marking at the "Shires Rest" entrance to guide driver alignment;
  - (b) Relocation of the existing fenceline and letterbox at the car park exit.Design Plans of the works referred to above shall be approved by the Council's Group Manager Community Development, prior to commencement of works.
26. That the Consent Holder shall maintain ~~the existing 63~~ **at least 180- 219** all-weather **parking spaces of which at least 39 must be available for use by the staff office building and 82** grassed parking spaces **as shown in Appendix 5 Figure 3 (page 14) of the document referred to in Condition 1(b) 1(i) on Part Lot 3 DP 9575** for the duration of this resource consent.
27. That prior to commencing Stage 3, the Consent Holder shall ~~expand the all-weather car park referred to in Condition 26 above, by providing a further 40 all-weather parking spaces, bringing the number of all-weather parking spaces to 103 and the total on-site parking to 185 spaces, in accordance with the Parking Arrangement Plan attached to the document referred to in Condition 1(b). Once installed, the additional car parking spaces shall be maintained for the duration of this resource consent.~~
28. That within six months of annual visitor numbers reaching the Matamata-Piako District Council receiving notification under Condition 30 that annual visitor numbers exceeded 50,000 225,000 and again within six months of annual visitor numbers reaching the Matamata-Piako District Council receiving notification under Condition 30 that annual visitor numbers exceeded 400,000 275,000 during any the preceding twelve month period, the Council's Group Manager Community Development may request the Consent Holder in writing to commission a review of the traffic impacts arising



from the consented activity (by a professional transportation engineer). The Review shall consider:

- (a) The safety performance **and pavement deterioration** of Buckland Road, including:
- a. Traffic volumes on Buckland Road (east, and west of the site), and the State Highway 1/ Karapiro Road intersection, **and the State Highway 29/ Hopkins Road intersection**;
  - b. Traffic generation as a result of activities authorised under this resource consent, including transport mode (private vehicles, Hobbiton busses, and tourist coaches);
  - c. **Model of traffic volumes and composition and the effects on the existing pavement**;
  - d. Peak traffic generation, including traffic associated with movie screenings, events, and conferences;
  - e. Crash data along Buckland Road and at adjacent property entrances **and at the intersection of State Highway 29 and Hopkins Road**;
  - f. Adequacy of on-site car parking;
  - g. Traffic safety at the site accesses.
  - h. Bus parking, performance, and conflict at the Matamata bus stop;
  - i. Availability of parking for Hobbiton visitors departing from Matamata;
  - j. Reasonable concerns raised by the Council's Group Manager Community Development in consultation the NZTA's Network Manager and the Waipa District Council's Roading Asset Manager
  - k. Additional sealing of the subject site's entrances (if vehicles are tracking loose material on to Buckland Road);
  - l. Surfacing of the grassed car park area (in the event that car parking is impacted by periods of poor/wet weather);
- (b) Recommendations to avoid, remedy, or mitigate adverse traffic efficiency, **pavement deterioration or and** traffic safety effects.

A copy of the Review Report shall be provided to the Council's Group Manager Community Development within 14 days of completion of the review.

29. That, where any recommendations of the traffic impact review provided in accordance with Condition 28(~~bm~~), to avoid, remedy or mitigate traffic efficiency, **pavement deterioration**, or traffic safety effects are agreed by the Council's Group Manager Community Development, the Consent Holder shall implement the recommendations within 3 months of receiving written notification from the Council, unless the Consent Holder has provided reasons in writing to the Council for not accepting in whole or part to implement the traffic impact review recommendations.

Advice Note: On receiving notice from the Consent Holder, to not implement in whole or part the traffic impact review recommendations, the Council may serve notice on the Consent Holder of its intention to commence a review of the conditions of this resource consent in accordance with Condition 32.

#### Monitoring Conditions

30. That, unless otherwise agreed to in writing by the Council's Group Manager Community Development, the Consent Holder shall keep accurate records of total daily visitor numbers (covering movie set tours and "events"); and number and times of all "events" and number of vehicle movements per transport mode generated by each "event"; summarised in weekly and monthly periods. Records for the preceding year covering the period 1 April – 31 March annually shall be returned to the Council's Group Manager Community Development by no later than 30 April following the year being reported.

- 30A. That, the Consent Holder shall pay the Matamata-Piako District Council's actual costs to undertake a maximum of four classified traffic counts per annum on Buckland Road. The costs incurred in this regard shall not exceed a maximum of \$ 1,500 plus GST per annum. The Council shall invoice the Consent Holder for these costs annually during May. The Consent Holder shall pay the amount invoiced by no later than 30 June annually.**



### Complaints Register

31. That the Consent Holder shall maintain a log of all complaints (including those received from the Council) regarding any aspect relating to the exercising of this resource consent. The Consent Holder shall notify the Council's Group Manager Community Development of each complaint as soon as practicable. The Consent Holder shall record the following details in the complaint log:
- (i) Time and type of complaint including details of the incident, e.g. duration, location and any effects noted;
  - (ii) Name, address and contact phone number of the complainant (if provided);
  - (iii) The likely cause of the complaint and the response made by the Consent Holder including any corrective action undertaken;
  - (iv) Future actions proposed as a result of the complaint so as to avoid reoccurrence; and
  - (v) The response from the Consent Holder to the complainant.
- The complaint log shall be made available to the Council's Group Manager Community Development at all reasonable times and a copy of the log covering the period 1 April to 31 March annually shall be forwarded to the Council's Group Manager Community Development by no later than 30 April every year.

### Review

32. That, should any of the circumstances referred to in Condition 32(a) be "triggered", then the Council's Group Manager Community Development may serve notice on the Consent Holder under Section 128 (i) of the Resource Management Act 1991, of its intention to review the conditions of this resource consent. Such a review shall be for the purposes as outlined in Condition 32(b).

(a) Circumstances that may "trigger" a review:

- (i) Should annual visitor numbers as a result of exercising this resource consent, exceed the limits as detailed below by more than 15%;

Period	Maximum Visitor Numbers
1 January – 31 December 2012	45,000
1 January – 31 December 2013	85,000
1 January – 31 December 2014	100,000
	<b><u>250,000</u></b>

- (ii) Should the actual crash rate at: on
- a) **The intersection of State Highway 29 and Hopkins Road exceed 0.2 injury crashes per year, and/or**
  - b) **On** Buckland Road east of the site exceed 0.2 injury crashes per year, **and/or**
  - c) **On Buckland Road west of the site exceed** 0.4 injury crashes per year ~~on Buckland Road west of the site,~~
- over any five year period (as reported in NZTA's CAS database).
- (iii) Should any of the two traffic impact reviews referred to in Condition 28, recommend that further or amended consent conditions be imposed.

- (iv) **Should the Council's actual costs with regard to Conditions 4C, 6A and 30A exceed the cost recovery provided for under this resource consent, by more than 15%.**

(b) Purposes of a review when "triggered":

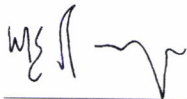
- (i) To generally review the effectiveness of the conditions of this consent in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions;
- (ii) If necessary and appropriate, to require the Consent Holder to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment;
- (iii) To review the adequacy of and the necessity for monitoring undertaken by the Consent Holder.
- (iv) **To review the adequacy of the consent conditions to enable the Council to recover the actual costs incurred with regard to Conditions 4C, 6A and 30A.**

Advice Note: Costs associated with any review of the conditions of this resource consent will be recovered from the consent holder in accordance with the provisions of Section 36 of the Resource Management Act 1991.

Administrative

33. That the charges, set out in accordance with Section 36 of the Resource Management Act 1991, shall be paid to the Matamata-Piako District Council for the carrying out of its functions in relation to the administration of this resource consent.

Report Prepared for Submission by:



Marius Rademeyer  
**Consultant Planner**

Report Reviewed by:



Ally van Kuijk  
**District Planner**

This decision has been granted under delegation from the Matamata-Piako District Council, pursuant to section 34A of the Resource Management Act 1991, and in accordance with Council Resolution 10.7 dated 11 October 2017.



Dennis Bellamy  
**Group Manager: Community Development**

Date: 09/07/18

**Attachment E:**  
**Revised Advanced Mitigation Agreement**



DATED THIS 8<sup>TH</sup> DAY OF FEBRUARY 2018

**AGREEMENT IN RESPECT OF:**

HOBBITON MOVIE SET

**BETWEEN:**

RINGS SCENIC TOURS LIMITED; AND  
MATAMATA-PIAKO DISTRICT COUNCIL

DATED THIS 8<sup>TH</sup> DAY OF FEBRUARY 2018

**AGREEMENT IN RESPECT OF:**

HOBBITON MOVIE SET

**BETWEEN:**

RINGS SCENIC TOURS LIMITED; AND  
MATAMATA-PIAKO DISTRICT COUNCIL

## 1. PARTIES

### 1.1 The parties to this Agreement are:

- a) Rings Scenic Tours Limited (RSTL); and
- b) Matamata-Piako District Council (MPDC).

## 2. BACKGROUND

- 2.1 Rings Scenic Tours Limited (RSTL) operates tourism activities from the site known as Hobbiton Movie Set at 501 and 502 Buckland Road, Matamata. The current activities include tours of the movie set which was used for *The Lord of the Rings* and *The Hobbit* film trilogies as well as a restaurant/bar, café, visitor centre with retail and ancillary maintenance and staff facilities. Special events are held from time to time such as movie premieres, weddings, functions and themed concerts.
- 2.2 Set construction at the site initially began in March 1999 for the filming of *The Lord of the Rings* film trilogy. The set construction for *The Lord of the Rings* was temporary and following the completion of filming, large parts of it were removed from the site altogether. The set was rebuilt in 2011 for filming of *The Hobbit* film trilogy and it is now a permanent tourist attraction. Tours of the movie set began in 2002 and the annual number of visitors has increased year on year thereafter, with visitor numbers significantly increasing from 2011. Hobbiton Movie Set is now well established as an internationally renowned and multi award-winning tourist attraction. It is New Zealand's third largest tourist destination, attracting approximately 17% of all international visitors to New Zealand. An economic assessment in August 2017 valued the economic benefit of Hobbiton to the Matamata-Piako District at \$78 million additional annual expenditure with additional employment of 393 FTE jobs.
- 2.3 The site is currently zoned Rural under the Operative Matamata-Piako District Plan ("ODP"). The current activities are not provided for in the ODP in terms of specific objectives and provisions which recognise the use of the site for tourism activities. The existing activities are therefore subject to resource consents which have been granted by both the Matamata-Piako District Council (MPDC) and the Waikato Regional Council (WRC). Significant growth in visitor numbers to Hobbiton Movie Set has resulted in non-compliance with a condition of a resource consent granted by the Matamata-Piako District Council which limits the maximum number of visitors per annum to 300,000 people. There were approximately 552,000 visitors in the financial year April 2016 to March 2017.
- 2.4 RSTL are seeking a Private Plan Change to the ODP to introduce new objectives, policies and rules to enable the ongoing operation and growth of tourism activities within an appropriate planning framework. The Plan Change recognises that the activities are well established, are in part non-rural (despite the Rural zoning of the site) and they make a significant contribution to the economic and social wellbeing of the Matamata-Piako District and the Waikato Region. The proposed mechanism is a Development Concept Plan (DCP) for Hobbiton Movie Set which will form part of the ODP.
- 2.5 To support the Plan Change an Integrated Traffic Assessment (ITA) was prepared by traffic engineering consultants, Bloxam Burnett and Olliver Limited. The ITA assesses the traffic effects of the existing Movie Set activities and those future activities that would be permitted under the provisions of the DCP (should the plan change be adopted).
- 2.6 The ITA recommends a one-off financial contribution for the accelerated pavement deterioration to Buckland Road from heavy vehicles associated with increased visitor numbers, and physical works to improve traffic safety on Buckland Road. Due to the one-off and operational nature of the financial contribution and the physical works respectively, the parties agree that they be addressed through this Agreement and potentially as standards of the DCP.

## 1. PARTIES

### 1.1 The parties to this Agreement are:

- a) Rings Scenic Tours Limited (RSTL); and
- b) Matamata-Piako District Council (MPDC).

## 2. BACKGROUND

- 2.1 Rings Scenic Tours Limited (RSTL) operates tourism activities from the site known as Hobbiton Movie Set at 501 and 502 Buckland Road, Matamata. The current activities include tours of the movie set which was used for *The Lord of the Rings* and *The Hobbit* film trilogies as well as a restaurant/bar, café, visitor centre with retail and ancillary maintenance and staff facilities. Special events are held from time to time such as movie premieres, weddings, functions and themed concerts.
- 2.2 Set construction at the site initially began in March 1999 for the filming of *The Lord of the Rings* film trilogy. The set construction for *The Lord of the Rings* was temporary and following the completion of filming, large parts of it were removed from the site altogether. The set was rebuilt in 2011 for filming of *The Hobbit* film trilogy and it is now a permanent tourist attraction. Tours of the movie set began in 2002 and the annual number of visitors has increased year on year thereafter, with visitor numbers significantly increasing from 2011. Hobbiton Movie Set is now well established as an internationally renowned and multi award-winning tourist attraction. It is New Zealand's third largest tourist destination, attracting approximately 17% of all international visitors to New Zealand. An economic assessment in August 2017 valued the economic benefit of Hobbiton to the Matamata-Piako District at \$78 million additional annual expenditure with additional employment of 393 FTE jobs.
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## AGREEMENT

### 3. FINANCIAL CONTRIBUTION

- 3.1 The parties have agreed that a one-off financial contribution of \$99,000.00 (plus GST) for pavement deterioration costs, based on the increase in Hobbiton Movie Set traffic on Buckland Road associated with 650,000 visitors per year, will be paid by RSTL to MPDC.

### 4. BUCKLAND ROAD IMPROVEMENTS

- 4.1 The parties have agreed that the detailed design, installation and construction of the following works ("Works") is to be undertaken:
- a) Pavement mark white direction arrows in each lane on Buckland Road east at 900m, 2660m and 4410m to reinforce to tourists that New Zealand drives on the left.
  - b) Install 100mm white painted edge lines on both sides of Buckland Road from 0 to 5370m.
  - c) Install double yellow "no passing" centre line on Buckland Road from 1800m to 6000m, inclusive of lead in markings.
  - d) Install no stopping edge line markings on the eastbound lane and no stopping signs on the eastbound berm of Buckland Road from 2610m to 3510m and from 3760 to 4540m. These are unsafe locations that tourists regularly pull over to take scenic photos.
  - e) Create safe, chip sealed surfaced pull off areas in the berm at 3750m and 4550m on the northeast side of Buckland Road, for tourists to park off the road shoulder to take photos.
  - f) Construct gated speed calming entrance signs (threshold treatments) on Buckland Road either side of Hobbiton at 5210m and 4540m, with "Welcome to Hobbiton Movie Set" or similar agreed wording with MPDC. Threshold treatments to be in accordance with Council standards.
  - g) The additional works detailed in Schedule 3
- 4.2 The general arrangement of the Works is shown in **Schedule 1** (Bloxam Burnett and Olliver Drawing No's. 144150/00/P/101 to 144150/00/P/110 Revision B dated 24 November 2017) and in **Schedule 2** (The Signage Strategy).

### 5. ANNUAL NOTICE

- 5.1 RSTL will send out annual notices to all tourist bus operators reminding them that the recommended travel route to and from Hobbiton Movie Set is via the eastern end of Buckland Road.
- 5.2 RSTL shall send a copy of the notice required under clause 5.1 to MPDC for its records.

### 6. CONSTRUCTION AND MAINTENANCE RESPONSIBILITIES

- 6.1 MPDC owns a portion of Buckland Road and is responsible for its on-going maintenance.
- 6.2 MPDC will be responsible for the construction and on-going maintenance of all the Works under Clause 4 above that are located within the road reserve of Buckland Road. Construction and maintenance of the Works shall be undertaken in accordance with the NZ Transport Agency guidelines and manuals.
- 6.3 RSTL owns the Hobbiton Movie Set and is responsible for its on-going maintenance.

## AGREEMENT

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  - e) Create safe, chip sealed surfaced pull off areas in the berm at 3750m and 4550m on the northeast side of Buckland Road, for tourists to park off the road shoulder to take photos.
  - ~~f)~~ Construct gated speed calming entrance signs (threshold treatments) on Buckland Road either side of Hobbiton at 5210m and 4540m, with "Welcome to Hobbiton Movie Set" or similar agreed wording with MPDC. Threshold treatments to be in accordance with Council standards.
  - ~~f)g)~~ Provide convex mirrors mounted on poles in the berm opposite accesses #339 and #385 to improve exiting sight distance.
  - ~~g)h)~~ The additional works detailed in Schedule 3
- 4.2 The general arrangement of the Works is shown in **Schedule 1** (Bloxam Burnett and Olliver Drawing No's. 144150/00/P/101 to 144150/00/P/110 Revision B dated 24 November 2017) and in **Schedule 2** (The Signage Strategy).

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- 6.1 MPDC owns a portion of Buckland Road and is responsible for its on-going maintenance.
- 6.2 MPDC will be responsible for the construction and on-going maintenance of all the Works under Clause 4 above that are located within the road reserve of Buckland Road. Construction and maintenance of the Works shall be undertaken in accordance with the NZ Transport Agency guidelines and manuals.



6.4 Construction and maintenance of the Works under Clause 4 above that are located within the land owned by RSTL and operated as the Hobbiton Movie Set will be undertaken by RSTL. Construction and maintenance of the Works by RSTL shall be undertaken in accordance with NZ Transport Agency guidelines and manuals and Austroads design guidelines.

## **7. BASIS FOR COST SHARE**

7.1 Within one month following the Plan Change becoming operative and otherwise no later than 1 August 2018, RSTL is obligated to pay a one-off financial contribution of \$99,000.00 (plus GST) for pavement deterioration costs under Clause 3 above.

7.2 MPDC is obligated to pay the full cost of the detailed design, installation and construction of road maintenance works under Clause 6.1 above.

7.3 RSTL is obligated to pay the full cost of the detailed design, installation and construction of the works under Clause 6.2 above. The cost estimate of the Works for 2017 is \$33,917.00 (plus GST).

7.4 RSTL is obligated to pay the full cost of the on-going maintenance of the works under Clauses 6.2 and 6.4 above.

7.5 RSTL is obligated to pay the full cost of the preparation and distribution of the annual notices under Clause 5 above.

## **8. PROGRAMME**

8.1 The parties agree that the detailed design, installation and construction of the works under Clause 4 above will be completed as soon as reasonably practicable.

## **9. LAND AND ACCESS**

9.1 The works under Clause 4 above will be constructed within Buckland Road and on the Hobbiton Movie Set land owned or controlled by RSTL. Access to Buckland Road and the Hobbiton Movie Set land to install, construct or maintain the works shall not be withheld by the parties.

## **10. DISPUTE RESOLUTION**

10.1 All disputes arising between the parties in relation to this Agreement shall be resolved in accordance with this Clause 10 and, for the avoidance of doubt, no party may start court proceedings relating to the dispute (unless that party seeks urgent interlocutory relief) without first complying with this Clause 10.

10.2 A party claiming that a dispute has arisen concerning this Agreement must give written notice to the other party specifying the matter in dispute.

10.3 After a party has given notice under Clause 10.2 the key contact person identified in Clause 14 will have authority to settle the dispute. The key contact persons must try in good faith to resolve the dispute within 15 Working Days of notification of the dispute.

10.4 If the dispute is not resolved under Clause 10.3 then the parties may agree at any time in the next 5 Working Days to invite the President for the time being of the New Zealand Law Society (or his/her nominee) to appoint a mediator to enable the parties to mediate and settle the dispute. All discussions in the mediation shall be without prejudice and shall not be referred to in any later proceedings. The parties shall bear their own costs in the mediation and shall share equally the mediator's costs.

6.3 RSTL owns the Hobbiton Movie Set and is responsible for its on-going maintenance.

6.4 Construction and maintenance of the Works under Clause 4 above that are located within the land owned by RSTL and operated as the Hobbiton Movie Set will be undertaken by RSTL. Construction and maintenance of the Works by RSTL shall be undertaken in accordance with NZ Transport Agency guidelines and manuals and Austroads design guidelines.

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10.5 Any dispute not resolved under Clause 10.4 or otherwise remaining unresolved for a period of not less than 40 Business Days, may be finally resolved by the courts of New Zealand.

## 11. ASSIGNMENT

11.1 In the event that the site known as Hobbiton Movie Set at 501 and 502 Buckland Road, Matamata is sold, RSTL must assign this Agreement to the purchaser of the Land who similarly must accept that assignment.

## 12. GENERAL

12.1 Except where expressly stated otherwise in this Agreement, no amendment to this Agreement shall be valid and enforceable unless in writing and executed by all parties.

12.2 If any provision in this Agreement is held to be illegal under any enactment or rule of law such provision shall, to that extent, be deemed not to form part of this Agreement and the enforceability of the remainder of this Agreement shall not be affected.

12.3 Any facsimile or email copy of this Agreement or any notice given pursuant to this Agreement (including any signature on any such document) may be relied upon by the parties as though it were an original.

12.4 No waiver of any breach, or failure to enforce any provision of this Agreement at any time by either party shall in any way limit or waive the right of any such party to subsequently enforce and compel strict compliance with the provisions of this Agreement.

12.5 This Agreement is governed by the laws of New Zealand and the parties submit to the exclusive jurisdiction of the New Zealand courts in respect of all matters relating to this Agreement.

12.6 Each party shall make all applications, do all things and execute all documents reasonably required in order to give effect to the provisions and intent of this Agreement.

12.7 None of the Parties shall be entitled to assign any of its rights or obligations under this Agreement without the written consent of all of the other Parties.

12.8 Each party shall take reasonable steps to mitigate any losses and liabilities it may suffer under this Agreement.

12.9 Each party shall use its best endeavours and shall consult and cooperate with the other parties in order to facilitate and expedite the implantation of this Agreement.

## 13. NOTICES

13.1 Any notice, demand or consent to be given or made under this Agreement shall be given or made in writing and shall be given or made to the Parties as follows:

Matamata-Piako District Council  
35 Kenrick Street  
Te Aroha

Rings Scenic Tours Limited  
501 Buckland Road  
Hinuera

Matamata-Piako District Council  
PO Box 266

Rings Scenic Tours Limited  
RD2

in the mediation shall be without prejudice and shall not be referred to in any later proceedings. The parties shall bear their own costs in the mediation and shall share equally the mediator's costs.

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Te Aroha

Rings Scenic Tours Limited  
501 Buckland Road  
Hinuera

Te Aroha 3342

Matamata 3472

- 13.2 Or at other such addresses as may from time to time be agreed in writing by the parties for the purpose of this clause.
- 13.3 Any communication sent by post shall be deemed to have been given or made 3 Working Days after posting.

14. REPRESENTATIVES

- 14.1 The representatives of each party are:
- a) Russell Alexander, General Manager, Rings Scenic Tours Limited
  - b) Don McLeod, Chief Executive Officer, Matamata-Piako District Council

Executed By:

_____	Witness:
Russell Alexander General Manager Rings Scenic Tours Limited	Name:
_____	Witness: _____
Don McLeod Chief Executive Officer Matamata-Piako District Council	Name: _____

Matamata-Piako District Council  
PO Box 266  
Te Aroha 3342

Rings Scenic Tours Limited  
RD2  
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Russell Alexander General Manager Rings Scenic Tours Limited	Name:
_____	Witness: _____
Don McLeod Chief Executive Officer Matamata-Piako District Council	Name: _____



## SCHEDULE 1

Bloxam Burnett and Olliver Drawing No's. 144150/00/P/101 to 144150/00/P/110 Revision B dated 24 November 2017

## SCHEDULE 2

The Signage Strategy

## SCHEDULE 3

Additional works/ actions required (see Clause 4.1(g))

1. Complete the Recommended Safety Improvements for Buckland Road proposed in the ITA (Appendix D). For example, only one of the pull off areas proposed in the ITA has been constructed and the truck signs have not been removed.
2. Erect appropriate motorist service signs in advance of the pull-off areas.
3. Install no-stopping markings and signs adjacent to 21 Buckland Road for a minimum of 140m on Puketutu Road and 600m on Buckland Road.
4. Design and construct further improvements to improve conspicuity of the Buckland Road/ Puketutu Road intersection. As a minimum, this should include a splitter island, signage and lighting.
5. Install chevron and speed advisory signs near 1241 Buckland Road.
6. Install centreline along length of Buckland Road (west), noting that this will require works within Waipa DC.
7. Design and construct improvements to provide 140m sight distance at the vehicle crossings to 385 and 399 Buckland Road to mitigate the crash risk. This is likely to require lowering of Buckland Road.
8. Reduce the risk of pedestrian crashes at the Hobbiton site accesses by improving barriers to pedestrians crossing the road or providing designated photo opportunities within the site.
9. Provide additional travel information to staff to ensure that staff and deliveries use the preferred Buckland Road (east) route when travelling to and from the site. Travel information should specifically state that Rangitunuku Road should be avoided.

## SCHEDULE 1

Bloxam Burnett and Olliver Drawing No's. 144150/00/P/101 to 144150/00/P/110 Revision B dated 24 November 2017

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- ~~7. Design and construct improvements to provide 140m sight distance at the vehicle crossings to 385 and 399 Buckland Road to mitigate the crash risk. This is likely to require lowering of Buckland Road.~~
- ~~5.~~ Reduce the risk of pedestrian crashes at the Hobbiton site accesses by installing 'No Pedestrian Access' signs at the entrance and exit to The Shires' Rest ~~improving barriers to discourage~~ pedestrians crossing the road.
- ~~8.6.~~ ~~or providing~~ a designated photo ~~opportunities~~ within the site to discourage pedestrians crossing the road.
- ~~9.7.~~ Provide additional travel information to staff ~~to ensure that staff and delivery~~ ies companies ~~to use the preferred Buckland Road (east) route when travelling to and from the site. Travel information should specifically state that Rangitunuku Road should be avoided.~~