

***Rings Scenic Tours Limited***



***Proposed Plan Change to the  
Operative Matamata-Piako District Plan***

***Proposed Plan Change 50: Hobbiton Development  
Concept Plan, 487, 501 and 502 Buckland Road, Matamata***

***Section 32 Evaluation Report***

***January 2018***

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## Executive Summary

Rings Scenic Tours Ltd (RST) operates tourism activities from the site known as Hobbiton Movie Set at 487, 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.

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<sup>1</sup> 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.

In addition to tourism activities, the Hobbiton Movie Set site also forms part of a 517 hectare sheep and beef farm. The farming activities are an essential feature of Hobbiton Movie Set because they provide the rural setting which is a critical factor for the movie set. The rural landscape itself is a major drawcard and point of interest for international tourists.

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 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.

The purpose of the Plan Change is 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. It is appropriate that the uniqueness and importance of the site is specifically recognised and provided for in the ODP. The proposed mechanism is a Development Concept Plan (DCP) for Hobbiton Movie Set which will form part of the ODP.

The conclusion of this Evaluation Report is that the proposed objectives associated with Hobbiton will be the most appropriate way to achieve the purpose of the Resource Management Act 1991 (RMA). The objectives will also be consistent and compatible with the relevant existing objectives in the ODP.

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

In addition, the proposed policies and rules will be the most appropriate way to achieve the objectives. There are a range of benefits associated with the Plan Change, including economic growth and employment. The benefits outweigh the costs associated with the actual and potential adverse environmental effects which include traffic, noise, rural character and amenity, visual and landscape and wastewater and stormwater disposal effects. The assessment contained in this Evaluation Report demonstrates that the adverse effects will be capable of being avoided, remedied and mitigated.

Accordingly, the Plan Change is consistent with the relevant statutory provisions in the RMA including Part 2 (Purpose and Principles), section 32 and the First Schedule of the Act. The Plan Change will promote the sustainable management of natural and physical resources.

# 1. Introduction

## 1.1 Purpose of this Report

This report has been prepared in accordance with the information and process requirements of the Resource Management Act 1991 (RMA) as the provisions relate to Plan Changes to operative District Plans. In particular section 32 and the First Schedule of the Act have been considered in detail in the preparation of this assessment report. The purpose of this report is to describe and assess the matters subject to the proposed Plan Change in accordance with the statutory framework.

This report presents an evaluation undertaken by Bloxam Burnett and Olliver in accordance with section 32 of the RMA in relation to the incorporation of a Development Concept Plan (DCP) within the Operative Matamata-Piako District Plan (ODP), in relation to the Hobbiton Movie Set site located at 487, 501 and 502 Buckland Road, Matamata. Tourism activities at Hobbiton Movie Set are currently operated by Rings Scenic Tours Ltd (RST).

This report examines the extent to which the Plan Change is the most appropriate way to promote sustainable management, evaluates the provisions and assesses the scale and significance of the effects anticipated from implementing the Plan Change.

## 1.2 Report Structure

This report comprises the following:

**Purpose of Plan Change** (Section 1.3): An explanation as to why the plan change is deemed to be necessary.

**Background** (Section 1.4): Background relevant to the Plan Change including a description of the site and the existing resource consents which authorise the tourism activities.

**Site Description** (Section 1.5): A description of the Hobbiton Movie Set site in relation to the surrounding environment.

**Section 32 Evaluation** (Section 2): An evaluation of the options considered for the Hobbiton Movie Set site in the context of section 32 of the RMA.

**Existing District Plan Provisions** (Section 3): An analysis of existing planning provisions contained within the Operative Matamata-Piako District Plan and the relevant objectives and policies.

**Proposed Amendments** (Section 4): An overview of the Plan Change including the proposed inclusion of a DCP and the activities which are proposed to be provided for within the various activity precincts at Hobbiton Movie Set.

**Statutory Framework for the Plan Change** (Section 5): A detailed analysis of the statutory framework for the Plan Change in terms of the First Schedule and Part 2 and other relevant sections of the RMA (including sections 31, 32, 74 and 75). This section also provides an analysis of the relevant regional and strategic planning documents (including the Waikato Regional Policy Statement, Waikato Regional Plan, Waikato Regional Land Transport Plan and the Tai Tumu Tai Pari Tai Ao, Waikato Tainui Environmental Plan).

**Assessment of Effects on the Environment** (Section 6): An assessment of the effects on the environment resulting from the Plan Change.

**Statutory Assessment** (Section 7): Summary of the various assessments included with the Plan Change taking account of the overall statutory framework to be applied. The impact on the Hauraki Gulf Marine Park Act 2000 is also assessed.

**Consultation** (Section 8): An overview of the consultation strategy adopted in preparing the Plan Change, and results of consultation undertaken with various stakeholders prior to notification of the Plan Change.

**Conclusion** (Section 9): A summary of the overall outcome of the report.

The private plan change is supported by a number of technical reports by sub-consultants including:

- Bloxam Burnett & Olliver (planning, traffic engineers)
- Mansergh Graham Landscape Architects (urban designers and landscape architects)
- Marshall Day Acoustics (acoustic engineers)

Those technical reports are contained in the various schedules enclosed in this report.

### 1.3 Purpose of the Plan Change

The purpose of the Plan Change is to introduce new objectives, policies and rules into the ODP to enable the ongoing operation and growth of tourism activities at Hobbiton Movie Set within an appropriate planning framework. The proposed mechanism is a Development Concept Plan (DCP) for Hobbiton Movie Set which will form part of the ODP. In this context, the purpose of the Plan Change is to address the following issues:

- Establishment of specific objectives and policies for Hobbiton Movie Set;
- Provision for some activities as permitted activities so that resource consents will not be required where the environmental effects of the activities will be of a scale, intensity and character which is anticipated and provided for;
- Establishment of suitable performance standards for the activities in relation to matters such as building bulk and location, access, car parking, visitor numbers, noise, lighting and glare, signage and events; and
- Making some activities subject to requirements for resource consent, with appropriate activity classifications and assessment criteria to ensure that the relevant matters must be taken into account through the resource consent process.

The Plan Change approach is considered to be appropriate given the established nature of the activities, the non-rural characteristics of the activities (despite the current Rural zoning of the site) and the significant contribution that Hobbiton Movie Set makes to the economic and social wellbeing of the Matamata-Piako District and the Waikato Region.



## 1.4 Background

### 1.4.1 Current Activities

The current tourism activities are focused on two separate areas; The Shire's Rest which is located on Part Lot 3 DP 9575 (SA15C/297) on the southern side of Buckland Road and the Hobbiton Movie Set which is located on the northern side of Buckland Road on Part Section 137 Block V Tapapa Survey District (SA265/12).

The Shire's Rest has been identified as Precinct 1 for the purposes of the Plan Change. The Shire's Rest is the departure and end point for all Hobbiton Movie Set tours. It comprises a visitor centre including ticket sales, a café/function venue, retail souvenir shop, ice cream/coffee shop, customer toilets and staff facilities including offices, lunch areas and toilets, and bus bay (including washing and other ancillary services to vehicles). The visitors centre is predominantly contained within a two-level converted woolshed which is located adjacent to Buckland Road. A large area of sealed and metalled visitor car parking for independent travellers is provided within Precinct 1 as well as overflow grass parking. Bus parking is also provided for visitors arriving on buses in corporate tour groups and for visitors who have been bused to Hobbiton from the tour departure point at the Matamata Visitor Centre. Additionally, the property homestead (located to the east of the carpark within Precinct 1) is utilised as the company head office, which is to be superseded by a new proposed office block to the south of the bus turning circle.



**Photograph 1:** Visitor Centre, The Shire's Rest (Precinct 1)



The Hobbiton Movie Set is located within Precinct 2 and it is the focus of the existing tours. The movie set comprises the Green Dragon Inn, Marquee, The Watermill, Bridge and Jetty, Hobbit Holes, Bag End Tree and a man-made lake. Ancillary facilities include a souvenir shop, parking and access areas, kitchens, sewage disposal facilities, maintenance buildings and customer toilets. It is located approximately 1.3km north of Buckland Road within an area of the property which is topographically screened from public viewpoints and largely screened from surrounding properties. Access to the movie set is restricted to RST tour buses or inbound bus groups only. Customers are transported to the movie set in the buses from The Shire's Rest.

In addition to being part of the movie set, The Green Dragon Inn also serves as a café and function centre for visitors. Functions can also be held within The Watermill and within a large marquee which is adjacent to The Green Dragon Inn. The marquee is also used for catering for large groups who have meals included with their movie set tour package. A wide range of events are held at Hobbiton Movie Set including movie screenings, weddings, corporate events, conferences, birthday parties, themed concerts and celebrations. Attendance at events do not require visitors to participate in a movie set tour, but those visitors usually partake in tour activities.

The movie set tours operate seven days, typically between 8.00am and 7.30pm during daylight savings and between 8.30am and 5.30pm throughout the rest of the year. Tours depart up to every 5 minutes during peak periods and at least every half hour. Peak practical capacity is 3,500 visitors per day for the movie set tours. The only day during the year when Hobbiton Movie Set tours do not operate is Christmas Day. Due to the popularity of the tours, the majority of visitors pre-book either through tour agencies or via the Hobbiton Movie Set website.



**Photograph 2:** *Hobbiton Movie Set (Precinct 2)*

### 1.4.2 Existing Resource Consents

Hobbiton Movie Set currently operates under an existing resource consent granted to RST by the Matamata-Piako District Council (MPDC) on 13 April 2015 (MPDC reference 2011.10419.2). The resource consent supersedes earlier resource consents granted for Hobbiton Movie Set.

The activities which are authorised by the existing resource consent form a baseline for the Plan Change because they form part of the existing environment. A summary of the key aspects of the consented activities follows:

- Movie set structures and tours, including The Green Dragon Inn, Marquee, The Watermill, Bridge and Jetty, Hobbit Holes and Bag End Tree;
- A souvenir shop at the Hobbiton Movie Set;
- The Shire's Rest reception area, visitors centre, café, souvenir shop, conference room, ice cream/coffee shop, offices and toilets;
- Car parking and bus parking areas at The Shire's Rest and the Hobbiton Movie Set;
- Annual visitor numbers from all activities (including movie set tours, movie screenings, events and conferences) must not exceed 300,000 per annum;
- Up to 12 'events' may be held per year, including movie screenings, public gatherings such as parties and weddings, and conferences but excluding movie set tours;
- Events involving less than 300 people must be managed so that there are no more than 50 vehicles (or 100 vehicle movements). Events involving more than 300 people require a specific Event Traffic Management Plan which must be approved by Matamata-Piako District Council no less than 20 days prior to each event; and
- At least 180 all-weather and 82 grassed parking spaces are required.

Hobbiton Movie Set has recently experienced significant growth in visitor numbers for the movie set tours such that the activities are no longer compliant with the maximum visitor numbers per annum. There were approximately 552,000 visitors for the financial year from April 2016 to March 2017. The identified rationale for the existing visitor number cap and the limitations on the number of events was to limit vehicle movements to mitigate traffic effects on the local road network. This Plan Change assesses the traffic effects associated with additional visitors and additional events over the consented baseline.

RST also holds resource consents to take and use groundwater (for drinking, restaurant use, toilets, vehicle washing, etc) and to discharge domestic wastewater into the ground from the Waikato Regional Council. These resource consents are current and are sufficient to support the range of tourist activities and uses being undertaken at Hobbiton Movie Set. It is noted that consents for wastewater disposal and for the take and use of water will be updated concurrently to this Plan Change.

### 1.5 Site Description

The land which is subject to the Plan Change is legally described as Part Lot 3 DP 9575 (SA15C/297) and Section 239 Matamata Settlement (SA19C/893), both owned by IR and MC Alexander, and 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), all owned by Scottsdale Farms Ltd. The total area of the Plan Change land is approximately 370 hectares.

The Plan Change land comprises rolling rural hill country which is predominantly used for sheep and beef farming. Surrounding properties are also predominantly used for rural purposes.

The Plan Change land is located both sides of Buckland Road, which is classified as a Local Road under the roading hierarchy in the ODP. Hobbiton Movie Set is located near to several major State Highways, including State Highways 1, 27, 28 and 29. Nearby centres include Matamata which is 16km north-east of Hobbiton Movie Set and Cambridge which is 25km to the west. Hobbiton Movie Set is also within close proximity to Auckland (175km), Rotorua (70km), Hamilton (47km) and Tauranga (59km). The accessibility of Hobbiton Movie Set for tourists is a key reason for its popularity as a tourist attraction.

The Plan Change site and surrounding land use is identified in the **Figure 1** aerial photograph following.



**Figure 1:** Location Plan

## 2. Section 32 Evaluation

### 2.1 Evaluation of Issue

As set out in section 7.3 below, section 32 is a key component of the policy development process for all district plan matters. It requires a robust analysis of policy options, including consideration of costs and benefits, before settling on the preferred option. This report records the section 32 evaluation that has been carried out to date, but it recognises that it is an iterative process that will continue through the plan change lodgement, submission and hearing process.

The first step of the evaluation is to identify the issues that the plan change is intended to address. Section 1.3 above has outlined the purpose of the plan change in detail, which is to address the problems of the existing provisions relevant to the Hobbiton Movie Set activities. Those problems are:

- The tourism activities which have been established and are operated by RST at the Hobbiton Movie Set site are reliant on a suite of resource consents, some of which are now out of date. The entire Hobbiton Movie Set site is zoned Rural under the Operative Matamata-Piako District Plan (ODP) however the activity is non-rural in character.
- The Hobbiton Movie Set activities are well established and they are an important contributor to economic growth and employment in the Matamata-Piako District. Although the activities operate within a rural area, they are not entirely rural in nature. The ODP does not adequately provide for activities within the Rural zone of the kind which occur at the Hobbiton Movie Set site.
- The current zoning and planning framework creates ongoing difficulties and uncertainties for the management and growth of the activities because most new activities, buildings or developments require resource consent. The regular requirement for resource consents is inefficient both in terms of financial costs and timeframes. Furthermore, the uncertainty associated with the outcomes of individual resource consent applications is impacting on the ability of RST to plan for growth of its business activities.

## 2.2 Alternatives Considered

This plan change is an ‘amending proposal’ under s32(3). That is, it proposes to amend the existing ODP rather than be a new plan. For an amending proposal, the evaluation of objectives is limited to:

- a. Any new objectives that are part of the proposal; and
- b. Any objectives of the ODP that are relevant to the new objectives that are proposed.

This proposal will create new objectives, policies and rules under the ODP. Therefore, under s32 the evaluation is limited principally to assessing the extent to which the methods achieve the proposed new objectives and the existing objectives relevant to the proposal.

The plan change as a whole is assessed against Part 2 of the RMA, including its purpose, in section 7.6 of this report. That assessment concludes that it is consistent with Part 2.

Having come to the conclusion that the current provisions of the ODP do not adequately provide for the established tourism activities in Hobbiton; two options were considered to address these issues, outlined as follows:

- a. Do nothing; and
- b. Change objectives, policies and rules relevant to the Hobbiton site by way of plan change.

In accordance with s32(1)(c) this evaluation is to a level of detail that corresponds to the scale and significance of effects anticipated by the proposed plan change. The level of detail is therefore informed by the assessment of effects contained in section 6 of this report. Those effects are in turn informed by the existing environment. They establish a baseline against which to assess effects.



Similarly, the significance of the effects refers to the importance of those effects in the context of the planning framework.

## **2.3 The Evaluation of Benefits and Costs**

The evaluation of benefits and costs for the two alternatives considered is provided in **Schedule 3** of this report.

## **2.4 Reasons for Option Chosen**

Option 2, to undertake a private plan change, best addresses the issues associated with the existing provisions under the ODP which currently do not reflect the established (or proposed) tourism activities being undertaken on the Hobbiton Movie Set site. Updating the objectives, policies and rules of the ODP will better reflect the current and future land use occurring at Hobbiton Movie Set allowing RST to more efficiently manage and expand the onsite tourism activities while mitigating any adverse environmental effects.

Option 1, do nothing, would cause the current issues to remain and is therefore considered to be the lesser of both options considered.

## **2.5 Advice from Iwi Authority**

As set out in sections 5.2 and 5.6 of this report, section 32(4A) requires inclusion of a summary of the advice received from iwi authorities and the responses to that advice. The iwi authority is Waikato-Tainui Te Kauhanganui Inc ('Waikato-Tainui')<sup>2</sup>. In order to fulfil this requirement RST consulted with the Waikato-Tainui Environmental Manager (Tim Manukau) to coordinate consultation with the appropriate mana whenua groups and organisations. Through this process RST have consulted with Ngati Haua (in addition to Waikato-Tainui).

At this initial plan change stage, the advice provided by Waikato-Tainui and Ngati Haua was that the plan change must be assessed against the relevant chapters in the Waikato-Tainui Environmental Plan – Tai Tumu, Tai Pari, Tai Ao. RST's response to this advice is that an assessment of the plan change to the Waikato-Tainui Environmental Plan has been undertaken (refer to section 5.8.4 of this report), and that that assessment has concluded that the plan change will contribute to a high-quality, healthy and vibrant environment as per the vision of the Waikato-Tainui Environmental Plan.

# **3. Existing District Plan Provisions**

## **3.1 Current Operative District Plan Provisions**

The Matamata-Piako District Plan was made operative on the 25<sup>th</sup> July 2005. The following provides an analysis of the objectives, policies, rules and other provisions of the ODP (inclusive of Plan Changes thereto) relevant to this Plan Change.

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<sup>2</sup> Waikato-Tainui Environmental Plan, *Tai Tumu Tai Pari Tai Ao*, p21

### 3.1.1 Objectives and Policies

The objectives and policies are contained in Part A of the ODP.

Section 2 in Part A of the ODP includes an overview of the significant resources of the District as well as the identification of significant resource management issues including residential growth, controlling adverse effects, tangata whenua, business, industry, integrating land use and infrastructure and regionally significant infrastructure. Section 2 does not currently refer to the significance of tourism within the District so there are no objectives or policies within the ODP which directly relate to tourism activities. New objectives, policies and other methods are proposed to be inserted into Section 2 to address the benefits of tourism as well as the need to ensure that localised effects are avoided, remedied and mitigated. The proposed changes are summarised in Section 4 of this report and are set out in full in **Schedule 2**.

In terms of the existing objectives and policies within Section 2, the 'sustainable management strategy' objectives and policies for 'controlling activities' in Section 2.4.2 are relevant to this Plan Change. They are as follows:

#### Controlling Activities (Section 2.4.2)

##### Objectives and Policies:

###### **Objective O1**

*To manage activities in a manner that gives certainty to the public as to the potential location and effects of activities.*

###### **Objective O3**

*To recognise that the rural environment is primarily a place for rural production activities while also providing for a variety of other activities, including rural lifestyle, intensive farming, rural based industry and significant other networks and sites, which are dependent on a rural location.*

###### **Policy P1**

*To implement effective separation between incompatible activities while recognising that some existing activities may not be able to provide effective separation within their sites.*

###### **Policy P3**

*Activities should not establish in rural areas unless they are able to be undertaken without constraining the lawful operation of existing activities.*

##### Comment:

The Plan Change proposal is consistent with Objective O1 in that it will provide certainty over the location and effects of tourist activities at Hobbiton Movie Set. Objective O2 seeks to ensure that the rural environment is primarily used for rural production but it acknowledges that significant other sites which are dependent on a rural location should also be provided for. The rural location of Hobbiton Movie Set is the key reason for the movie set being established there. It is a significant site for tourism in the District.

In terms of Policies P1 and P3, tourism activities at the site are already well established and they generally operate without conflict with rural activities on adjoining sites. Future development at Hobbiton Movie Set will be subject to the performance standards which are proposed to be introduced through the Plan Change, including building controls, minimum coverage and setback requirements and a Rural Buffer Area within the site to provide separation from activities on adjoining sites.

The objectives and policies relevant to 'land and development' in Section 3.3.2.1 are as follows:

#### Land and Development (Section 3.3.2.1)

##### Objectives and Policies:

##### **Objective O2**

*To manage all activities in a manner that maintains and enhances the District's high quality soils and to ensure that the productive capability of rural land is not compromised.*

##### **Policy P6**

*To avoid, remedy or mitigate the effects of development through the consideration of the natural and physical resources including roading, drainage, conservation, any hazards, and effects incompatible with other activities.*

##### Comment:

Proposed Precincts 1 and 2 in the Plan Change contain land classified as Class IV and VI in the New Zealand Land Inventory Worksheets. Under the ODP 'high quality soils' means land classified as Class I, II and/or III. Although the site does not contain 'high quality soils', the land is still a valuable resource for productive sheep and beef farming. The total area of Precincts 1 and 2 is approximately 53.62 hectares (6.32ha Precinct 1; 47.3ha Precinct 2), some of which is already used for tourism activities and some of which will continue to be used for farming purposes. Given the economic benefits of the tourism activities, the ongoing use of a small part of the site for non-productive purposes is not considered to be contrary to Objective O2.

Policy P6 relates to avoiding, remedying and mitigating effects of development. Consideration is given to the effects of the activities in Section 6 ('Assessment of Environmental Effects') of this Evaluation Report. The assessment recognises that tourism activities have already been lawfully established at the site through resource consents and that those approved activities form a baseline for the Plan Change because they form part of the existing environment. Performance standards and assessment criteria are proposed as part of the Plan Change to ensure that effects of future development will continue to be appropriately avoided, remedied and mitigated in a manner consistent with Policy P6.

The relevant 'amenity' objectives and policies for 'development standards' in Section 3.5.2.1 are as follows:



### Development Standards (Section 3.5.2.1)

#### Objectives and Policies:

##### **Objective O1**

*To maintain and enhance a high standard of amenity in the built environment without constraining development innovation and building variety.*

##### **Objective O2**

*To minimise the adverse effects created by building scale or dominance, shading, building location and site layout.*

##### **Policy P1**

*To ensure that development in residential and rural areas achieves adequate levels of daylight admission, privacy and open space for development sites and adjacent properties.*

##### **Policy P3**

*To maintain the open space character of residential and rural areas by ensuring that development is compatible in scale to surrounding activities and structures.*

##### **Policy P5**

*To provide for development within the District in a manner that encourages flexibility and innovation in design and variety in the built form while achieving the anticipated environmental results.*

#### Comment:

Objectives O1 and O2 are concerned with amenity in terms of development standards and the built environment. Policies P1 and P3 have a particular focus on daylight admission, privacy, and open space. Policy P5 seeks to encourage flexibility, innovation and variety.

An Assessment of Visual and Landscape Effects is included as **Schedule 5** which assesses the effects of buildings and other facilities which may be established as a result of the Plan Change, with a particular focus on Precinct 1 (The Shire's Rest) due to the potential visibility of development within this Precinct from adjacent sites and Buckland Road. The assessment concludes that future development can be designed to maintain a high standard of visual amenity. The proposed Plan Change provisions will allow for flexibility and innovation in terms of the future built environment subject to performance standards and assessment criteria which reflect the recommendations in the Assessment of Visual and Landscape Effects.

The relevant 'amenity' objectives and policies for 'design, appearance and character' in Section 3.5.2.2 are as follows:

### Design, Appearance and Character (Section 3.5.2.2)

#### Objectives and Policies:

##### **Objective O1**

*To ensure that the design and appearance of buildings and sites is in keeping with the character of the surrounding townscape and landscape.*

**Objective O3**

*To ensure that the design of subdivisions and the potential future development maintains or enhances the rural character, landscape and amenity of the zone and the surrounding area.*

**Policy P7**

*To ensure that the rural landscape, character and amenity values are maintained by avoiding inappropriate adverse effects, including cumulative adverse effects, from subdivision and potential future development.*

**Policy P8**

*To ensure that the placement of new lots and/or building platforms are not located on prominent ridgelines or hillside faces where the visibility of future development can adversely affect the rural landscape and character.*

**Policy P9**

*Subdivision, use and development that is not primarily related to productive rural activities or requiring a rural location shall occur predominately in urban areas.*

**Comment:**

The focus of the objectives and policies for rural areas is on maintaining rural landscape character which is generally associated with a low density of buildings and visible expanses of open space. The existing and proposed activities at Hobbiton Movie Set are interspersed among two separate development areas, referred to as Precincts 1 and 2 in this Plan Change. Activities within Precinct 1 (The Shire's Rest) have the greatest potential to impact on rural landscape character because of the visibility of the site from adjacent properties and Buckland Road. The Assessment of Visual and Landscape Effects concludes that development within Precinct 1 can be designed to maintain rural landscape character through careful siting of buildings, limiting the scale of buildings, material and colour selection and landscaping. Due to the contained topography of Precinct 2, the Assessment of Visual and Landscape Effects concludes that the development will have extremely limited impact on the rural landscape character.

In terms of Policy P9, development of tourism activities at Hobbiton Movie Set will not be primarily related to rural activities but it does require a rural location. The activities are already well established, nevertheless they could not locate in an urban area.

A new Policy P10 is proposed *"to ensure that the design of future development at Hobbiton Movie Set is sympathetic to the rural landscape and environment"*. This policy will ensure that it is made clear that the intent is to enable future development at Hobbiton Movie Set, subject to careful design. The proposed policy is considered to be consistent with the existing objectives O1 and O3 and it will give effect to them.

The relevant 'amenity' objectives and policies for 'nuisance effects' in Section 3.5.2.3 are as follows:

### Nuisance Effects (Section 3.5.2.3)

#### **Objectives and Policies:**

##### **Objective O1**

*To ensure that residences are free from the effects of unreasonable and excessive noise, odour, dust, glare and vibration.*

##### **Objective O2**

*To provide healthy and safe working, living and recreational environments by avoiding and mitigating the effect of excessive noise, vibration, odour and dust.*

##### **Objective O4**

*To ensure that lawfully established activities which generate minor nuisance effects are not unreasonably compromised by the proximity or action of neighbouring land-users or non-rural activities.*

##### **Policy P1**

*To protect residential and rural amenity by the use of performance standards for noise, glare, odour, particulates and vibration control which generally ensure that generated effects do not exceed background or ambient levels.*

##### **Policy P2**

*To ensure that activities in business, rural, industrial and recreational areas avoid, remedy or mitigate generated effects to maintain and enhance a healthy, safe and pleasant environment and take all reasonable steps to internalise any nuisance effects.*

##### **Policy P3**

*To reinforce existing mitigation measures, and to encourage those who generate the nuisance effect to maintain and enhance those measures, including separation between industry, public or designated works or intensive farming operations and Residential zones and the notional boundaries about rural residences.*

##### **Policy P4**

*To avoid, remedy or mitigate significant adverse noise, odour, dust, glare and vibration effects generated by rural activities and other activities in rural areas.*

##### **Policy P5**

*To maintain rural amenity while acknowledging that lawfully established activities in the rural area may generate effects such as odour, noise, dust and vibration which are generally not anticipated in urban areas.*

##### **Policy P6**

*To ensure that appropriate buffers and other mitigation measures are established between incompatible activities and zones. To ensure that the design and appearance of buildings and sites is in keeping with the character of the surrounding townscape and landscape.*

#### **Comment:**

The Plan Change proposal is consistent with the above objectives and policies in that suitable performance standards are proposed to manage the effects of the activities where the potential exists for nuisance effects to occur.

Performance standards are proposed for lighting to manage glare which are the same standards applied to other activities in the Rural zone. The standards will internalise the glare effects of the activities within Precincts 1 and 2 and the adjacent Rural Buffer Area which forms part of the wider DCP site. Compliance with these performance standards will ensure that the environmental effects associated with glare will be managed to be no greater than elsewhere in the District's rural areas.

Nuisance effects related to odour, dust and vibration will not be generated from the Hobbiton Movie Set activities so performance standards are not proposed in relation to those matters. The exception is large scale clean filling activities which have the potential to generate dust and are proposed to be a discretionary activity. The resource consent application would require a management plan to address dust and other matters.

An Acoustic Assessment (refer to **Schedule 6**) has been prepared to determine the appropriate noise levels for the Plan Change performance standards and to assess the likelihood of the range of future activities achieving compliance with them. The proposed noise levels are marginally higher than those permitted for 'Rural' activities in the ODP. The higher noise levels recognise the non-rural activities undertaken within Precincts 1 and 2, whilst also maintaining acceptable levels of noise for surrounding landowners. Additionally, it is proposed to continue to allow a limited number of events to exceed the everyday noise levels, although only to specified hours. The recommendations which are set out in the Acoustic Assessment will mitigate the noise effects associated with the Plan Change consistent with the above objectives and policies.

The Plan Change also recognises that events may include fireworks displays. To limit the impact fireworks may have on the surrounding rural activities, Hobbiton Movie Set staff will provide written notice to the occupiers of all properties located within a 3km radius of the precinct where the fireworks display is being held a minimum of seven days prior to the event. The written notice shall include the date and approximate time of the planned fireworks display, and include 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. No fireworks displays will be permitted to be held between 1 August and 31 October without specific resource consent approval, the main spring period when new livestock are usually born.

The relevant objectives and policies for 'transportation' in Section 3.8.2 are as follows:

#### **Transportation (Section 3.8.2.3)**

##### **Objectives and Policies:**

###### **Objective O2**

*A safe, efficient, integrated, and environmentally sustainable transport network that ensures our social, economic and cultural wellbeing.*

###### **Objective O3**

*The avoidance, remediation or mitigation of the adverse effects of transportation.*

**Objective O4**

*To ensure that those activities that place demands on the roading network contribute fairly to any works considered necessary to meet those demands.*

**Objective O6**

*To maximise safety and convenience for pedestrians and vehicular traffic on all sites.*

**Objective O7**

*Provision for parking and loading is adequate to ensure the safety and efficiency of the road network, without stifling development or leading to inefficient use of land.*

**Policy P1**

*Subdivision, use and development shall be managed to recognise, enable and protect:*

- *The primary function of significant transport infrastructure as inter-regional connectors; and*
- *The local, regional, and national benefits of significant transport infrastructure.*

**Policy P3**

*Subdivision, use and development shall enable a safe, integrated, efficient and well-connected transport network that provides for all modes of passenger and freight transport in a manner that:*

- *Ensures land-use and transportation successfully interface with each other;*
- *Manages the adverse environmental effects of the network, and the effects of other activities on the network (i.e. reverse-sensitivity effects);*
- *Considers the transport needs of an ageing population; and*
- *Ensures route security across all modes of travel.*

**Policy P5**

*To ensure that access points and intersections meet safe sightline and spacing standards for the class of road within the hierarchy and are formed to appropriate design standards.*

**Policy P7**

*To ensure that the safety and efficiency of the state highways and district road networks are not compromised by proposed subdivision and/or development and the cumulative effect of subdivision and/or development.*

**Policy P10**

*To ensure that traffic safety is maintained by carefully managing the location and design of any signs visible from state highway and District roads.*

**Policy P12**

*To ensure that subdivision and development takes into account the existing and proposed capacity and design of the transportation networks and that any adverse effects are avoided, remedied or mitigated.*

**Policy P13**

*To manage unrelated through traffic on local roads to maintain and enhance the amenity values of the locality.*

**Policy P16**

*Parking and loading facilities must be designed to ensure safe manoeuvring of vehicles and safe movement of pedestrians and cyclists.*

**Comment:**

The Plan Change proposal is consistent with the Objectives O2, O3 and O6 and Policies P1, P3, P5, P7, P10, P12 and P13 in that the Integrated Transport Assessment in **Schedule 4** concludes that the existing and proposed tourism activities can be safely accommodated at Hobbiton Movie Set within the capacity of the existing transport network. Additional improvements are recommended to avoid, remedy and mitigate the localised traffic effects on Buckland Road and adjoining roads. Those measures include additional line marking, painted edge lines on Buckland Road, additional signage and measures to ensure vehicles are directed to the site via Buckland Road east rather than Buckland Road west. Existing vehicle crossings to Precincts 1 and 2 operate safely. Given the rural location of Hobbiton Movie Set, there are likely to be very few cyclists and even fewer pedestrians so specific provision for pedestrians and cyclists is not necessary.

The Plan Change proposal is consistent with Objective O4 because RST has previously paid financial contributions towards the upgrade of Buckland Road. Additional financial contributions are recommended in the ITA to cover the costs of sealing upgrades due to wear and tear which has been caused in part by buses visiting Hobbiton Movie Set.

In terms of Objective O7 and Policy P16, provision is already made for adequate parking and loading within Precincts 1 and 2. The ITA also identifies that overspill parking is readily available within Precinct 1 should additional parking be required on-site.

The ITA recommends that the classification of Buckland Road be changed from 'local road' to 'collector road' in the ODP to reflect traffic growth and its One Network Road classification. This revised road classification is consistent with Objective O2 and Policies P1, P12 and P13.

All of the relevant existing objectives and policies in the ODP have been taken into account in the development of this Plan Change. In summary, the objectives and policies will remain relevant following incorporation of the DCP into the ODP. As identified above, some changes are proposed to the objectives and policies so that they appropriately address tourism and the existing and potential future activities at Hobbiton Movie Set.

### 3.1.2 Rules and Other Provisions

The Hobbiton Movie Set site is zoned Rural, as shown on Planning Map 17 in the ODP.

Previous resource consents for Hobbiton Movie Set have assessed the activities as a 'Place of assembly' which is a discretionary activity in the Rural zone under Rule 2.2.2.3 in the ODP. 'Place of assembly' is defined in Chapter 15 (Part B) as follows:

***"Place of assembly"** means land or buildings for the purposes of the congregation of people for deliberation, entertainment, cultural, recreation or similar purposes and includes, but is not necessarily limited to, churches, halls, community facilities, funeral chapels including crematorium on the same site, clubrooms, taverns, restaurants, art galleries, theatres, sports fields, and tourist facilities.*

In terms of the activities which are proposed to be subject to specific provisions through this Plan Change, the definition of Place of Assembly would capture all movie set tour activities, accessory buildings and ancillary activities such as workshops, staff facilities and staff offices. It would also capture tourist cafes, retail and events.

The overnight park-over camping and visitor accommodation fits within the definition in the ODP of 'Accommodation facilities' which is a discretionary activity in the Rural zone. 'Accommodation facilities' is defined in Chapter 15 (Part B) of the ODP as follows:

***"Accommodation facilities"** means any form of residential accommodation which does not comply with the definition of dwelling or dependent persons dwelling and includes boarding houses, hotels, hostels, motels, camping grounds, retirement villages and rest homes for the rehabilitation and care of any group.*

Conference facilities are not captured by any of the activities listed in the Activity Table in Rule 2.2 therefore they are currently a non-complying activity.

Accordingly, the majority of the activities that are proposed to be provided for in the DCP at Hobbiton Movie Set currently require resource consents as either discretionary or non-complying activities under the existing rules in the ODP. This includes minor ancillary activities such as workshops, toilets for customers and staff and the like. The discretionary and non-complying activity statuses create uncertainty, time delays and costs which this Plan Change seeks to avoid through the introduction of site specific rules.

## **4. Proposed Amendments**

### **4.1 Summary Overview of the Proposal**

The DCP area has been divided into two activity precincts which are referred to as Precinct 1 (The Shire's Rest) and Precinct 2 (Hobbiton Movie Set) for the purposes of the Plan Change. Both precincts already contain established tourism activities. The purpose of the Plan Change is to provide additional flexibility for growth and development within Precincts 1 and 2 by providing for a range of tourism activities to operate as permitted activities subject to relevant performance standards. Precincts 1 and 2 are surrounded by a Rural Buffer Area which forms the balance of the Hobbiton Movie Set site.

The Precincts and the Rural Buffer Area are shown on the drawings in **Schedule 2**.

The proposed Plan Change provisions for the Rural Buffer Area and each of the Precincts are described below.

#### **4.1.1 Rural Buffer Area**

The Rural Buffer Area is a fully operational sheep and beef farm and it also contains an existing private sealed road for access to the Hobbiton Movie Set. The Rural Buffer Area comprises land which is owned by persons who are associated with the Plan Change. The purpose of defining the Rural Buffer Area in the DCP is that it establishes a wider effects boundary for the performance standards for the



Hobbiton Movie Set activities. For instance, the proposed performance standards for noise exclude dwellings within the Rural Buffer Area so the nearest measurement points are existing dwellings located outside of the buffer area. Activities within the Rural Buffer Area will continue to be subject to the Rural zone rules contained in the ODP.

#### 4.1.2 Precinct 1 (The Shire's Rest)

Precinct 1 is already developed with tourism activities, as described in Section 1.4. The purpose of the Plan Change is to provide additional flexibility for growth and development within this precinct by providing for a range of tourism activities to operate subject to relevant performance standards and, in some cases, resource consent requirements.

The anticipated activities within Precinct 1 include tourism retailing, events, visitor accommodation, ticketing offices and facilities, parking, loading and access, and buildings associated and ancillary to those activities (including offices and staff facilities for RST's operations). These activities already exist and occur within Precinct 1, except for the visitor accommodation facilities. New offices are also proposed in the future to replace the existing offices which are currently housed within a converted dwelling and temporary portable buildings.

'Tourism retailing' includes any retail activity where goods are offered predominantly to the tourist market for sale, including premises serving food and beverages such as cafes, restaurants and licensed premises. There is already one licensed café, an existing souvenir shop and an ice cream/coffee shop which will all constitute 'tourism retailing'. The Plan Change will provide for new and expanded activities of this kind to be established within Precinct 1, if and as they may be required to meet demand.

Visitor accommodation is proposed to be established within Precinct 1 for short term stays by visitors coming to Hobbiton Movie Set. It is anticipated that the visitor accommodation will comprise one-, two- and three-bedroom cabins located along the ridge to the south-east of Precinct 1. An overnight park-over camping area may also be established within Precinct 1 for overnight stays by visitors coming to Hobbiton Movie Set, limited to self-contained mobile camping vehicles. The establishment of the park-over area is to formalise what is currently occurring at the site.

Permitted events within Precinct 1, such as weddings, birthday parties, corporate functions, concerts, festivals, group movie screenings and conferences, will be limited to a maximum of 500 people if they arrive by private vehicles. Events between 500 and 1,000 people will be permitted if no more than 500 visitors arrive by private car/mini-van and the remainder arrive by bus or all visitors arrive by bus. Events either over 500 people arriving in private transport or over 1,000 people irrespective of the transport mode will require resource consent as a Restricted Discretionary Activity.

#### 4.1.3 Precinct 2 (Hobbiton Movie Set)

The anticipated activities within Precinct 2 include movie set structures and facilities, movie set tours, tourism retailing, parking, loading and access, and buildings associated and ancillary to those activities. These activities already exist and occur within Precinct 2.

The predominant activity within Precinct 2 will continue to be movie set tours. Any new or expanded activities will continue to be managed to ensure that they enhance the tour experience rather than detract from it.

Permitted events within Precinct 2, such as weddings, birthday parties, corporate functions, concerts, festivals, group movie screenings and conferences, will be limited to a maximum of 500 people if they arrive by private vehicles. Events between 500 and 1,000 people will be permitted if no more than 500 visitors arrive by private car/mini-van and the remainder arrive by bus or all visitors arrive by bus. Events either over 500 people arriving in private transport or over 1,000 people irrespective of the transport mode will require resource consent as a Restricted Discretionary Activity. Note, attendance at events within Precinct 2 do not require visitors to participate in a movie set tour. Events within Precinct 2 are not able to be accessed by private car/mini-van meaning that all visitors not arriving on a bus will need to park at the carparks within Precinct 1 and be transported by bus to the Precinct 2 venue.

Precinct 2 currently includes woodwork, engineering and painting workshops that construct movie set structures and facilities, and also includes large commercial kitchen facilities that provide catering. The proposed Plan Change provides the ability for these facilities to operate as commercial enterprises independent of Hobbiton Movie Set. The overwhelming predominant use of the facilities will nevertheless be to serve the needs of the Hobbiton Movie Set's activities.

#### 4.1.4 Proposed Changes

The proposed changes to the ODP are set out in full in **Schedule 2** of this Evaluation Report. An overall summary of the changes to the ODP follows:

- 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.”*

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

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

<b>9. Tourism</b>					
	<b>Outcome sought (objectives)</b>		<b>Solutions (policies)</b>	<b>Implementation (methods) refer to the following sets of controls and reasons for chosen methods</b>	<b>Explanation and reasons for objectives and policies</b>
O1	<i>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.</i>	P1  P2	<i>To encourage appropriate tourism development in the District.  Development Concept Plans shall be used for major tourist attractions to recognise their significance to the District whilst managing the adverse effects of tourism developments.</i>	<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>	<i>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.</i>

- 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.”*

- 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 and 1.4.12.”*

- Amend Rule 9.1.1 (‘Roding 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 ‘Roding hierarchy’ clause (i)(c) ‘Collector roads’:**

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

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

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

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

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

- **Insert the Hobbiton Movie Set DCP into the Planning Maps in Part C.** The DCP will address:
  - A description setting out the purpose of the Development Concept Plan;
  - An activity schedule detailing the status of various activities within Precincts 1 and 2 and the Rural Buffer Area. The listed activities within Precincts 1 and 2 include movie set tours; movie set structures and facilities; buildings and activities ancillary to movie set tours and construction; tourism retailing; events; Hobbiton overnight park-over camping; Hobbiton visitor accommodation; buildings associated and ancillary to permitted activities; ticketing offices and facilities; ablution facilities; staff facilities such as offices and lunch rooms; administration offices; Hobbiton woodwork, engineering and painting workshops; dwellings; farming; bus parking and associated facilities and workshops; and earthworks;

- Performance standards for permitted activities in Precincts 1 and 2. The performance standards relate to building envelope; building coverage; visual form and appearance of new buildings; landscaping for new buildings; landscaping of car parking areas; access; car parking, loading, formation and manoeuvring; visitor numbers; noise; lighting and glare; street lighting; signage; events; and fireworks displays;
- Matters of discretion; and
- Definitions of specific terms used for the Hobbiton Movie Set DCP. The definitions are for the terms “Hobbiton Movie Set Overnight Park-Over Camping Area”, “Hobbiton Movie Set Visitor Accommodation”, “Events”, “Tourism Retailing” and “Hobbiton Movie Set Woodwork, Engineering and Painting Workshops”

## 5. Statutory Framework for the Plan Change

### 5.1 Legal Framework for Plan Change Request

The private plan change process is subject to the provisions in the RMA, including Part 2, the Purpose and Principles, and Sections 31, 32, 74 and Part 2 of Schedule One. Part 2 of Schedule One links the private plan change process back to the provisions of Part 1 (Council initiated plan changes) via clause 29, meaning there is a degree of commonality between both.

However, the framework needs to be applied correctly so that the assessments and information contained in this report are used to draw the right conclusions. In particular, the Supreme Court 2014 decision *Environmental Defence Society Inc. vs the New Zealand King Salmon Co Ltd*<sup>3</sup> provides guidance as to how Part 2 of the RMA applies to plan changes. Prior to the *King Salmon* decision an ‘overall judgement’ approach was taken, whereby it was considered whether a plan change gave effect to Part 2 including assessing it individually against the various matters in sections 6, 7 and 8 of the RMA. *King Salmon* changed the decision-making process for district and regional plan changes. It found that there was no need to refer back up the hierarchy of plan provisions to Part 2, because other high level planning instruments (in that case the New Zealand Coastal Policy Statement) are deemed to have given effect to Part 2 at the national, regional or local level.

However, the Court also noted that there are three exceptions to this general rule:

- a) Invalidity, i.e. the higher order document may be illegal.
- b) Incomplete coverage, i.e. the higher-level document may not fully cover the issue being considered.
- c) Uncertainty of meaning, i.e. the higher-level document is not clear in its application to the issue.

In this case, the relevant planning instruments that are being applied are the Waikato Regional Policy Statement (WRPS) and the ODP. The question to be considered is the extent to which they can be relied on as incorporating all relevant Part 2 matters, or whether any of the above exceptions apply, meaning that Part 2 needs to be revisited. In terms of timing, the WRPS was made operative in May 2016, and thus was not in place before the ODP. Thus, given that the ODP preceded the WRPS and the WRPS is a higher-level document, there is some uncertainty whether some issues in the operative

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<sup>3</sup> NZSC 38, (2014) NZLR 593

WRPS are covered. Therefore, for completeness, in case there is any concern by the decision maker that the issues are not fully covered or are uncertain, this report includes a Part 2 RMA assessment.

## 5.2 Part 2 of Schedule One RMA

Part 2 of Schedule One is largely a procedural provision which specifies that any person may request a change to a district plan (clause 21), the local authority considers the request and decides whether to 'adopt' or 'accept' the request (clause 25). It may also reject the request (clause 25(4)) or deal with the request as if it were an application for resource consent (clause 25(3)). These are procedural matters considered by the local authority once the request has been lodged.

Clause 29 specifies that Part 1 of Schedule One, which applies to local authority initiated plan changes, should apply to private plan changes, with all necessary modifications.

This raises the question of how clause 4A of Part 1 of Schedule One should be interpreted. This clause was inserted into the RMA by the Resource Legislation Amendment 2017. It requires that:

- “(1) Before notifying a proposed policy statement or plan, a local authority must –*
- a) provide a copy of the relevant draft proposed policy statement or plan to the iwi authorities consulted under clause 3(1)(d); and*
  - b) have particular regard to any advice received on the draft statement or plan from those iwi authorities.”*

The reference to clause 3(1)(d) is to an obligation on a local authority to consult tangata whenua during the preparation or change of their own district plan. It is a logical extension of this provision to then follow it up by requiring the local authority to provide a copy of the draft plan to iwi authorities and obtain advice from them prior to notification and have particular regard to that advice. There is no equivalent obligation on private plan change applicants to consult tangata whenua during plan change preparation. Therefore, it is not logical for private plan change applicants to have to seek and have particular regard to the advice of iwi authorities. The tangata whenua consultation aspects of Part 1 of Schedule One are designed around the intent that local authorities have or should have a relationship with the tangata whenua of their area, and should consult with them through the preparation of their planning documents.

For these reasons, the specific pre-notification requirement in clause 4A does not apply to this plan change. However, the applicant has undertaken consultation with tangata whenua in accordance with other relevant provisions of the RMA, and recorded its outcomes in this report, thereby providing assurance that the principles of consultation have been followed.

## 5.3 Section 31 RMA

Section 31 sets out the functions of territorial authorities under the RMA. In particular, it identifies the functions of a Council at section 31(1) as including:

- “(a) The establishment, implementation and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.*

.....

*(d) The control of the emission of noise and the mitigation of the effects of noise.”*

The Council is therefore required to consider the plan change application in accordance with its function of achieving integrated management of land use. The use and development of the land for the purposes outlined in this application is clearly within the scope of the Council’s functions under section 31 and integration of effects of the activities with other nearby activities is a key issue addressed by the plan change.

Similarly, section 31(d) requires that the emission and mitigation of noise from development activities be addressed by the Council as one of its functions. The ODP includes explicit objectives, policies and methods to ensure noise emissions are controlled. It is now relevant for the Council to consider how this plan change assists it to fulfil its function of ensuring noise is sufficiently and appropriately controlled or mitigated.

#### **5.4 Section 32 RMA**

Section 32 of the RMA imposes a duty on Council before making a decision on a plan change application to carry out an evaluation. An evaluation under section 32 is provided in Section 2 of this report. The relevant parts of section 32 are:

- “(1) An evaluation report required under this Act must –*
- (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
  - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –*
    - i) identifying other reasonably practicable options for achieving the objectives; and*
    - ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
    - iii) summarising the reasons for deciding on the provisions; and*
  - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) An assessment under subsection (1)(b)(ii) must –*
- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for –*
    - i) economic growth that are anticipated to be provided or reduced; and*
    - ii) employment that are anticipated to be provided or reduced; and*
  - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
  - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) If the proposal (an amending proposal) will amend a standard, statement, regulation, plan or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to –*



- (a) *the provisions and objectives of the amending proposal; and*
- (b) *the objectives of the existing proposal to the extent that those objectives –*
  - i) *are relevant to the objectives of the amending proposal; and*
  - ii) *would remain if the amending proposal were to take effect .....*

.....

- (4A) *If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must-*
  - (a) *summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and*
  - (b) *summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice. ...*

.....

- (6) *In this section, -*
  - objectives** means, -
    - (a) *for a proposal that contains or states objectives, those objectives:*
    - (b) *for all other proposals, the purpose of the proposal*
  - proposal** means *a proposed standard, statement, regulation, plan or change for which an evaluation report must be prepared under this Act*
  - provisions** means, -
    - (a) *for a proposed plan or change, the policies, rules or other methods that implement, or give effect to, the objectives of the proposed plan or change:*
    - (b) *for all other proposals, the policies, or provisions of the proposal that implement, or give effect to, the objectives of the proposal.”*

As set out in section 2 of this report this plan change is an ‘amending proposal’ in accordance with section 32(3). The evaluation contained in section 2 does not stand alone. In terms of assessing the appropriateness of the objectives in achieving the purpose of the RMA, considering reasonably practicable options for achieving the objectives and assessing the efficiency and effectiveness of the chosen option, the evaluation relies on the various assessments in this report, particularly:

- The assessment of environmental effects in section 6.
- The assessment against Part 2 contained in section 5.6.

## 5.5 Sections 74 and 75 RMA

Sections 74 and 75 set out matters to be considered by Council when changing its district plan and set out the prescribed contents and purposes of district plans. As this is a site-specific plan change it has minimal impact on the ODP as a whole, and does not affect its contents. The only new objectives are narrowly defined to apply to the new DCP being introduced for the site. These are designed to integrate into the ODP.

Under Section 74 a plan change must have regard to regional policy statements and management plans and strategies prepared under other Acts. In this case the relevant plans and strategies include the Waikato Regional Policy Statement and the Waikato-Tainui Environmental Plan - Tai Tumu, Te Pari, Tai Ao.

## 5.6 Part 2 RMA

All plan changes are subject to the Purpose and Principles of the RMA (sections 5-8) with the overriding purpose being *“to promote the sustainable management of natural and physical resources”*. This is of course also subject to the *King Salmon* caveats discussed in section 5.1 above. Sustainable management is defined in section 5(2) of the RMA as:

*“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

An assessment against section 5 is included in section 7.2 of this application. In terms of section 6, Matters of National Importance, none of the matters are considered to be relevant to this plan change.

Section 7 lists other matters that particular regard is to be had to in achieving the purposes of the Act. The listed matters are not threshold tests or criteria but, where a proposal raises issues of the kind listed, they are to be given particular regard. The section 7 issues that are relevant to this Plan Change are:

- “(b) The efficient use and development of natural and physical resources:”*
- (c) The maintenance and enhancement of amenity values:*
- (f) Maintenance and enhancement of the quality of the environment:”*

In terms of section 7(b), the Plan Change represents an efficient use and development of natural and physical resources. The site is already developed for tourism purposes and any development resulting from the Plan Change will be consistent and compatible with the existing uses. The activities which are provided for within the DCP will utilise existing infrastructure, thereby maximising the efficient use of existing resources. It is considered that the proposal is consistent with section 7(b).

Amenity values are the qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes. People’s appreciation of the area stems from its rural outlook and open space values. Although the proposed Plan Change provides for expansion and addition of on-site activities, future development will be contained within the precinct areas which are identified in the DCP and the activities will be subject to performance standards to avoid, remedy and mitigate effects and to protect rural amenity values. The mitigation measures in the DCP will also ensure the maintenance of environmental quality.

Section 8 requires that:

*“all persons exercising functions and powers under it, in relation to managing the use, development and management of natural resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).”*

This section places an obligation on decision makers to act in accordance with it. However, to ensure that decision makers are fully informed and able to satisfy this obligation this plan change application provides information on consultation with tangata whenua, the outcomes of that consultation where it is relevant to the RMA decision making process and the identification of any Maori interests that should be actively protected.

Section 8 now needs to be considered alongside section 32(4A) which was introduced by the Resource Legislation Amendment Act 2017, which requires that the section 32 evaluation report also include a summary of advice received from iwi authorities and the response to that advice. This is another method of consultation with tangata whenua that is now formalised in the RMA.

As set out in section 5.2 above this does not include specific pre-notification consultation requirements in clause 4A of Part 1 of Schedule One, as they only apply to local authority-initiated plans and plan changes. However it does apply to the Assessment of Environmental Effects (“AEE”) that is prepared under clause 22 of Part 2 of Schedule One. The AEE is to address cultural effects and effects on cultural values. Consultation with tangata whenua has been undertaken to inform the effects on cultural values.

Consequently, this report includes a summary of advice received from the iwi authority and responses to that advice, in accordance with section 32(4A).

## **5.7 National Policy Statements**

National Policy Statements (“NPS”) are prepared under the RMA. They establish objectives and policies for matters of national significance relevant to achieving the purpose of the RMA. All District and Regional Plans are to give effect to NPS in their plans and policies. There are no NPS applicable to the Hobbiton Movie Set development and thus Plan Change.

## **5.8 Regional and Strategic Planning Documents**

### **5.8.1 Waikato Regional Policy Statement (RPS)**

A plan change must give effect to an operative regional policy statement. Waikato Regional Council (WRC) made its RPS operative on 20 May 2016.

The RPS sets out the objectives, policies and implementation methods to address the significant resource management issues of the Waikato Region. It provides policies and a range of methods to achieve integrated management of natural and physical resources, and guides the development of sub-ordinate plans (such as Regional and District Plans) and the consideration of resource consents.

The key issues, objectives and policies in the RPS relating to this Plan Change are broadly defined under the following issue headings; ‘Objective 3.2 Resource use and development’, ‘Objective 3.12 Built environment’, ‘Objective 3.21 Amenity’, ‘Objective 3.25 Values of soil’, ‘Policy 6.1 Planned and co-ordinated subdivision, use and development’, ‘Policy 6.3 Co-ordinating growth and infrastructure’, ‘Policy 12.3 Maintain and enhance areas of amenity value’ and ‘Policy 14.1 ‘Maintain or enhance the life supporting capacity of the soil resource’.

Objective 3.2 seeks to recognise and provide for sustainable resource use and development for the economic and social wellbeing of people and communities, especially for regionally significant

industry. Hobbiton Movie Set has been developed around the natural resources of the locality to the point where it is New Zealand's third largest tourist destination. The Plan Change will ensure that a regionally significant industry is able to grow and develop for the wider benefit of the region.

Objective 3.12, Policy 6.1 and Policy 6.3 seek to adopt an integrated approach to land use and infrastructure planning. The following issues are relevant:

- It is necessary to ensure that the roading infrastructure can accommodate the activities which are proposed to be provided for through the Plan Change without compromising the safe, efficient and effective operation of the roading network. The Integrated Transport Assessment in **Schedule 4** considers the proposed traffic generation in terms of the roading network and makes a number of recommendations for measures which will improve the ability of the roads to accommodate traffic from Hobbiton Movie Set. Some of the recommendations have been reflected in the performance standards for the DCP while other recommendations have either been implemented or are subject to ongoing discussions between RST and the road controlling authorities, including MPDC, the NZ Transport Agency and Waipa District Council.
- Consideration has been given to the potential for land use conflicts to arise, including reverse sensitivity effects. The proposed performance standards have been developed to manage the interface between the tourism activities and adjoining rural properties through measures such as a Rural Buffer Area, setbacks and maximum noise levels. The Rural Buffer Area in particular will be a useful method for reducing the potential for reverse sensitivity effects to arise.

Objective 3.21 and Policy 12.3 relate to amenity. Although the site does not have any specific features of amenity value which are identified in either the ODP or Waikato Regional Plan, the amenity values of the District's rural areas is an important issue which is reflected in the objectives and policies contained in the ODP. The district and regional policy documents, including the WRPS, generally seek to maintain or enhance amenity. In developing the Plan Change, careful consideration has been given to a number of matters which are the qualities and characteristics that collectively contribute toward the amenity of the area such as visual and landscape, noise and traffic issues. Where mitigation has been deemed necessary, performance standards, assessment criteria and other methods have been developed to address the relevant issues to ensure that the amenity of the area will be maintained.

Objective 3.25 and Policy 14.1 relate to the values of the soil resource. The general approach is to safeguard the life supporting capacity of the soil resource by minimising sedimentation and erosion, maintaining or enhancing biological, chemical and physical soil properties and retaining soil versatility for a range of uses. The Plan Change incorporates rules which classify large scale clean filling as a discretionary activity which is the same approach taken elsewhere in the District. The resource consent process will enable consideration to be given to a wide range of matters. The Plan Change will also result in some minor additional impacts on the soil resource because it will enable growth of tourism activities (including new buildings) within Precincts 1 and 2. However, the area affected is small, the remainder of the DCP area (including the Rural Buffer Area) will continue to be used for grazing and the land does not constitute high class soils.

The WRPS has a separate objective and policy related to 'High Class Soils' (Objective 3.26 and Policy 14.2) which are defined in the glossary to the WRPS as including Class I, II and III soils. However, those

provisions are not relevant because the Plan Change land is classified as Class IV and VI in the New Zealand Land Inventory Worksheets.

The Plan Change will give effect to the WRPS in that it does not raise any issues which are in direct conflict with the relevant objectives and policies. The Plan Change is thus considered to be consistent with the relevant WRPS provisions.

### 5.8.2 Waikato Regional Plan

A district plan must not be inconsistent with a regional plan for any matter specified in section 30(1) which relates to the functions of regional councils. The relevant regional plan is the Operative Waikato Regional Plan (WRP) which was made operative in September 2007. The WRP contains direction regarding the use, development and protection of natural and physical resources in the Waikato Region.

RST already holds resource consents from WRC to take groundwater and to discharge treated domestic wastewater from the tourism activities. The existing resource consents cover the current scale of activities, however, additional resource consents may be required in the future depending in particular on the visitor numbers and associated peak water supply and wastewater demands. Any future resource consent applications will be assessed under the WRP or any subsequent revision of it. In addition, if bulk earthworks are required to be undertaken then resource consents may be required from the WRC depending on factors such as the volume of disturbed material and the location of the works.

The proposed Plan Change displays no conflicts with the WRP, including Objective 3.1.2 (Water Resources), Objective 3.3.2 (Water Takes), Objective 5.1.2 (Accelerated Erosion) and Objective 5.2.2 (Discharges Onto or Into Land) which are particularly relevant.

### 5.8.3 Waikato Regional Land Transport Plan

The Waikato Regional Land Transport Plan (RLTP) sets out the strategic direction for land transport in the Waikato Region for 30 years, for the period 2015 to 2045. The Waikato Region has identified in a number of its plans and policies, the importance of the integration of land use with infrastructure in the region. There are a number of policies and implementation methods to ensure the development of the built environment occurs in a planned and coordinated manner to ensure that infrastructural needs of the Region are catered for. Some of the key messages from the RLTP are:

#### *“3.6.1 – Integration and Forward Planning:*

*Integrated land use and transport planning is fundamental to successful implementation of this plan. One of the most important influences on transport demand is the pattern and sequence of land use, so an integrated approach to planning and development will ensure greater transport efficiencies and greater certainty for existing and future transport investment. Good growth planning is required to ensure that future land use changes are well managed so they don't affect the efficiency of the transport system.”*

Relevant Policy:

*“P2 - Ensure the transport system is managed and developed in a way that is consistent with the relevant built environment provisions in the Proposed Regional Policy Statement.”*

*“3.6.2 – Facilitating economic development:*

*The GPS 2015 continues the Government’s priority focus on supporting economic growth and productivity by providing networks and processes that enable better access to markets, employment and business areas. The related GPS objective is “a land transport system that addresses current and future demand.”*

Relevant Policy:

*“P14 - Facilitate effective transport network access to regionally and nationally important tourism attractions and support linkages to the regional recreational cycling trail network.”*

The Hobbiton Movie Set site fronts Buckland Road which is classified as a Local Road in the ODP. Buckland Road is therefore not a strategic transport corridor but it does generate traffic which utilises nearby strategic corridors, including SH1, SH29 and SH27, which the RLPT prioritises for investment and effort. SH1 and SH29 are identified as ‘national high volume road corridors’ in the RLTP which are roads that make the highest contribution to the social and economic wellbeing of New Zealand. SH1 and SH29 are also recognised in the RLTP as strategic corridors of inter-regional significance to the Waikato Region.

The accessibility of Hobbiton Movie Set from these strategic routes is a key reason for the high visitor numbers. The ITA in **Schedule 4** makes recommendations for roading improvements, including a signage strategy to improve way finding to the Hobbiton Movie Set from the state highways. A key feature of the signage strategy is providing signs both at the key intersections and in advance of them to improve way finding and to reduce the risks of dangerous manoeuvres at the intersections which might result if tourists are lost. The signage strategy will assist in improving road safety on the nearby strategic corridors by improving network connectivity. Other recommended improvements focus on Buckland Road east, such as installation of no stopping signs, painted edge lines and painted arrows for tourist drivers to remind them to keep left.

RST has also previously provided financial contributions towards safety upgrades on Buckland Road, including corner easing and pavement improvements which were undertaken by Council in 2013. The ITA identifies that the number of heavy vehicles has the potential to lead to pavement deterioration, although the majority of heavy vehicles travelling to Hobbiton Movie Set are buses which have less impact on the pavement than trucks. The RLTP takes a high level strategic approach so although pavement deterioration is a factor with the Plan Change, the associated impact is not in conflict with the RLTP.

In terms of transport choice, approximately 15% of movie set visitors to Hobbiton Movie Set arrive by large buses based on records which are maintained by RST. This includes pre-booked coach tours operated by tour companies as well as tours on RST’s own buses which depart from the Matamata visitor centre and Rotorua. It is anticipated that the proportion of visitors who travel by bus will remain at least at the current levels in the future. Buses will also be the predominant mode of transport for most events over 500 patrons. Transport demand and transport choice for Hobbiton Movie Set can also continue to be managed through website and social media communications,

promotional material and booking process efficiencies. Route demand is further being managed by influencing the routes of mapping tools such as GPS and Google Maps.

#### 5.8.4 Tai Tumu Tai Pari Tai Ao, Waikato-Tainui Environmental Plan

Waikato-Tainui Te Kauhanganui Incorporated is the iwi authority for Waikato-Tainui and the Tai Tumu Tai Pari Tai Ao, Waikato Tainui Environmental Plan (WTEP) represents the Waikato-Tainui environmental planning document. The WTEP contains the aspirations of tangata whenua and was developed from Whakatupuranga 2050 which is a long-term development approach to building the capacity of Waikato-Tainui marae, hapuu and iwi and will be the legacy for those who come after. The WTEP sets out issues, objectives, policies and methods to address its overarching position in the environment and is designed to enhance Waikato-Tainui participation in resource and environmental management.

Consultation has been undertaken with Waikato-Tainui in the preparation of this Plan Change. Waikato-Tainui have advised a detailed assessment of the proposal against those relevant objectives and policies within the WTEP be undertaken. That assessment follows:

Section C of the WTEP includes the vision, issues, strategies, policies and methods. The vision of the iwi is summarised as *“To grow a prosperous, healthy, vibrant, innovative and culturally strong iwi”*. The health and well-being of the environment is inseparable from the health and well-being of tangata whenua. Therefore, environmental management and enhancement is the cornerstone of the WTEP.

The objective of collaboration and consistency with Whakatupuranga 2050 is to be supported by adhering to consultation prior to application for this private plan change.

Section 11 of the WTEP incorporates the Vision and Strategy for the Waikato River. The site is located outside of the catchment of the Waikato River. Nonetheless, the vision and strategy provisions are also included within the WRPS and an assessment against them is included in section 5.8.1 of this report. That assessment concludes the proposal has a high degree of consistency with the WRPS to the extent that this assessment will not be repeated.

Section 14 of the WTEP refers to customary activities, with the objective of enhancing and protecting the ability to undertake customary activities, including along the margins of waterways. The plan change has no impact on those customary activities.

Section 15 is Natural Heritage and Biodiversity. The objective is to support the full range of Waikato ecosystem types through the Waikato-Tainui rohe. Given the limited ecological values of the site there are no significant ecological effects of the plan change.

Section 15 also refers to historical items, highly prized sites and sites of significance. The key objectives of this section are to ensure that protocols are in place to manage potential archaeological discoveries. The assessment of archaeological effects within this report confirms there are no registered archaeological sites or identified sites of significance within the plan change site.

Integrated catchment management is an objective within several chapters of the WTEP. As this plan change does not require the development of stormwater infrastructure, it is considered to be currently consistent with those approaches.



In terms of land use, Objective 25.11 refers to development principles that enhance the environment. In the case of this plan change, the site will be altered to represent a reflection of the existing non-rural characteristics of the activity and the wider surrounding area. The activity will therefore contribute to the development of a high-quality environment.

## **6. Assessment of Effects on the Environment**

### **6.1 General**

The main environmental issues that need to be considered as part of the Plan Change and adoption of the Hobbiton Movie Set DCP are:

- Permitted Baseline/Existing Environment
- Traffic effects;
- Visual and landscape effects;
- Noise effects;
- Amenity effects; and
- Services infrastructure effects.

In addition, the Plan Change also addresses ecological effects and the impacts on archaeological sites and high quality productive soils.

The above listed environmental issues are addressed in more detail as follows.

### **6.2 Permitted Baseline/Existing Environment**

Hobbiton Movie Set currently operates under an existing resource consent granted to RST by Matamata-Piako District Council (MPDC) on 13 April 2015 (MPDC reference 2011.10419.2). The resource consent supersedes earlier resource consents granted for Hobbiton Movie Set.

The activities which are authorised by the existing resource consent form a baseline for the Plan Change because they form part of the existing environment. A summary of the key aspects of the consented activities follows:

- Movie set structures and tours, including The Green Dragon Inn, Marquee, The Watermill, Bridge and Jetty, Hobbit Holes and Bag End Tree;
- A souvenir shop at the Hobbiton Movie Set;
- The Shire's Rest reception area, café, souvenir shop, conference room, ice cream/coffee shop, offices and toilets;
- Car parking and bus parking areas at The Shire's Rest and the Hobbiton Movie Set;
- Annual visitor numbers from all activities (including movie set tours, movie screenings, events and conferences) must not exceed 300,000 per annum;
- Up to 12 'events' may be held per year, including movie screenings, public gatherings such as parties and weddings, and conferences but excluding movie set tours;
- Events involving less than 300 people must be managed so that there are no more than 50 vehicles (or 100 vehicle movements). Events involving more than 300 people require a specific Event

Traffic Management Plan which must be approved by Matamata-Piako District Council no less than 20 days prior to each event; and

- At least 180 all-weather and 82 grassed parking spaces are required.

Hobbiton Movie Set has recently experienced significant growth in visitor numbers for the movie set tours such that the activities are no longer compliant with the maximum visitor numbers per annum. There were approximately 552,000 visitors for the financial year from April 2016 to March 2017. The identified rationale for the existing visitor number cap and the limitations on the number of events was to limit vehicle movements to mitigate traffic effects on the local road network. This Plan Change assesses the traffic effects associated with additional visitors and additional events over the consented baseline.

### 6.3 Traffic Effects

This Private Plan Change application is supported by an Integrated Transport Assessment (ITA) (**Schedule 4**) prepared on behalf of Rings Scenic Tours Ltd and addresses the existing state of the wider road network, access arrangements to Precincts 1 and 2 of the Hobbiton Movie Set facility, parking provision for visitors to Precincts 1 and 2, the proposed traffic generation rate and associated road safety effects that are predicted to arise from adoption of the Plan Change. The ITA finds it to be inevitable that with an increase in visitor numbers and a broader scope of services offered by Hobbiton Movie Set, that there will be an increased traffic generation rate and the environmental effects associated with it. The ITA therefore includes recommended mitigation as an offset to the actual and potential environmental effects resulting from the Plan Change.

#### 6.3.1 Existing Environment

The existing Hobbiton Movie Set traffic environment is established through multiple factors to determine a baseline of effects. A summary of the environment is described below while a further detailed analysis is included within the ITA.

#### Existing Road Network

Access to the Hobbiton Movie Set is afforded via multiple routes including Puketutu Road, SH29, SH27, Karapiro Road and Hopkins Road while all vehicles inevitably result in both start and end journeys on Buckland Road. The current roading classification under the District Plan for each road are as follows:

- Buckland Road east – Local Road
- Buckland Road west – Local Road
- Puketutu Road – Local Road
- Karapiro Road – Collector Road
- State Highway 1, 27 and 29 – Significant Road

The majority of traffic arrives to site via Puketutu Road and Buckland Road east which provides a safer route than along Karapiro Road and Buckland Road West. This is because Buckland Road east provides a wider carriageway of 5.5m or greater whereas Buckland Road west provides a carriageway width of less than 5.5m.

Although Buckland Road has a posted speed limit of 100km/h, tube counts were undertaken and found that the actual operational speed environment of vehicles approaching the site from the western direction is between 50 to 60km/h and east is 60 to 70km/h.

The context of the carriageways further does not make provision for pedestrian and cycle traffic to the site, given the rural nature of the roading infrastructure.

In regards to public transport, coaches regularly depart Matamata and Rotorua for Hobbiton in addition to regular arrivals from Hamilton, Tauranga and Auckland. Records held by Hobbiton show that approximately 15% of visitors arrive via coach and the remaining 85% arrive via free independent travel (less than 12 occupants).

Monitored traffic volumes to the east and west of the Buckland Road site (measured from a total site patronage in 2015 of 468,000 visitors) indicates an ADT split of 1,189 vehicle movements per day travelling east to and from the site and 289 vehicle movements per day to the west of Hobbiton Movie Set on Buckland Road. Variation to those volumes is significant based upon visitor peaks during the summer period with typical visitor lows featuring during the winter period.

In correlation with the increase in visitors per annum, recorded crashes (both serious and minor) on those approach routes to the site have increased. Crash analysis from the NZ Transport Agency Crash Analysis System (CAS) for the 10 years between 2007 and 2016 indicates that there have been 19 crashes on Buckland Road (excluding intersections), including four serious injury crashes and four minor injury crashes; the remaining 11 crashes resulted in no injuries. An analysis of these figures provides an approximate crash rate of 1 crash per 70,000 vehicle trips on Buckland Road West and 1 per 150,000 on Buckland Road East. The eastern section of Buckland Road was upgraded in 2013 with a significant financial contribution from RST. Since the upgrade there have been 5 crashes on this section resulting in one serious injury and three minor injuries. Visiting drivers were involved in 4 of the 5 crashes.

The crash record demonstrates that the number of crashes on Buckland Road has increased by 5 in the past five years (2012-2016) compared with the 2007-2011 period. Therefore, although visitor numbers to Hobbiton have increased from 33,000 per annum to approximately 552,000 since 2011, the crash rate per 10,000 visitors has actually reduced. Intersection crashes are assessed separately by the ITA which is attached as **Schedule 4** of the plan change documentation.

## **Access**

Precincts 1 and 2 are serviced via three separate crossings to Buckland Road; two from The Shire's Rest and one from the Hobbiton Movie Set. Safety and performance analysis of those accesses under prior traffic investigations (supporting resource consent applications) demonstrate no issues are expected to arise under current and predicted peak operations.

Although Buckland Road has a posted speed limit of 100km/h, tube counts were undertaken and found that the actual operational speed environment of vehicles approaching from the eastern direction is between 50 to 60km/h and from the western direction is between 60 to 70km/h. Safety and performance is expected to be further improved with the addition of gated speed calming ("Welcome to Hobbiton") signs which will reduce the speed of traffic on Buckland Road in the vicinity of the above accesses.

## **Parking**

Internal vehicle parking areas account for up to 289 sealed or all-weather spaces with overflow capacity of at least an additional 71 spaces being available during summer months within Precinct 1. This provides a total of 360 car parking spaces during summer. In addition to the 289 existing sealed and all-weather spaces, approximately 90 additional all-weather parking spaces are being constructed as part of a new office building development on the site, taking the total sealed and all-weather parking supply to 379, and the total summer parking supply to 450.

The ITA has found that the peak parking occupancy is 9.8% of daily visitor numbers. Therefore, at peak daily visitor numbers (3,500) the total parking occupancy will reach approximately 343 vehicles, which is less than the total number of spaces available in the summer. Peak visitor numbers during winter months are typically around 50% or less of summer peaks. The predicted peak parking occupancy during the winter period is approximately 175 vehicles (including staff vehicles). The existing sealed and all-weather car park spaces can easily accommodate this and leaves room for growth in visitor numbers during the off-peak and shoulder seasons.

## **Trip Generation**

Within the 2016/2017 financial year there were approximately 552,000 visitors which is an increase from 468,000 visitors in the previous year and 360,000 visitors the year before that. Despite the increase in visitor numbers the site does not have capacity to cope with additional daily visitor number as tours are already at capacity during the busy summer months. The maximum practical capacity of the site is 3,500 visitors per day, not including events occurring at the site. Currently, the 3,500 visitor capacity is rarely reached consistently and the actual peak weekly visitor numbers have been calculated as being 21,000. Visitor numbers generally decrease significantly during the winter months. Overall, it has been calculated that the total yearly visitor number will not exceed 650,000 per year with the future implementation of the DCP being taken into account.

In consideration of the trip generation rate, further traffic counts have been completed by BBO over a 1-week period during the peak summer period in February 2016. RST further undertook a count of visitor numbers per day to supplement that data. Analysis of those results indicate that on average traffic movements equate to approximately 60% of visitor numbers. Approximately 6% of these traffic movements are from bused visitors with the remaining traffic arriving via individual transport modes. Based on these figures, at a total of 650,000 visitors per annum and a peak occupancy rate of 3,500 visitors per day, average trip generation from the site would be approximately 2084 individual trips per day and 214 heavy vehicle/bused trips per day.

The expected maximum of 650,000 visitors per year as a result of the DCP is predicted to result in a trip generation of 387,000 trips per year which equates to an average of 1,060 trips per day. Based on the same data, the current consented maximum of 300,000 visitors per year generates approximately 179,000 trips per year at an average of 490 trips per day. At a maximum growth scenario of 650,000 visitors per year, Hobbiton Movie Set will reach peak capacity at 3,500 visitors per day, extrapolated within Section 6.2 of the ITA to represent peak trip generation of 2,084 trips per day. If the daily visitor number is capped at 3,500, the DCP implementation will not result in an increase over Hobbiton's existing resource consent as it does not cap the daily visitors.

The proposed overnight park-over camping area and accommodation facilities will account for visitor numbers and trips already predicted above because generally visitors using those services will, in the main, only do so if booked in with a tour of Precinct 2. It is considered that the provision of overnight park-over camping and accommodation on site will have a positive safety impact on the surrounding roading network as it will provide free independent travellers with a place to rest instead of driving fatigued to accommodation in surrounding towns and cities or parking on the roadside.

Hobbiton has an existing resource consent which authorises up to 12 events per year within either Precinct 1 or 2 where an approved Traffic Management Plan (TMP) is required for any event exceeding 300 people. RST wish to continue to hold events but are seeking to have increased flexibility in regard to the requirement for a TMP as follows:

- Event with under 500 guests – No TMP required.
- Event with between 500 and 1000 guests – No TMP required provided that no more than 500 visitors travel via private car/minivan. If more than 500 guests use private vehicles then a TMP will be required.
- Events with over 1,000 guests – TMP required.

It is considered that sufficient parking spaces are provided on site to comfortably accommodate event guests, where events are held outside of normal operating hours of the Movie Set Tours. Furthermore, it is predicted that the total number of trips to major events in excess of 1,000 requiring 50% of trips to be made by bus will equal the same ratio of visitors per transport mode made during standard operational hours (i.e. no discernible change). As such, any events held on site will be appropriately managed where necessary, and where no TMP is implemented it is considered that any adverse traffic effects on the surrounding road network will be no more than that experienced throughout the normal operating hours of the site.

For cases where an event is held during normal operating hours of the Movie Set Tours, the ITA recommends that visitors should be included as part of the total 3,500 visitors per day cap so as not to create parking issues. The ITA recommends that for events run during normal operating hours that the site be managed so that sufficient parking is provided on-site; being 450 during the months November to March, and 380 for all other months. A performance standard to this effect has been included into the DCP.

### 6.3.2 Traffic Effects on the Surrounding Road Network

Post adoption of the proposed Plan Change, increases in visitor number capacity, the introduction of increased numbers of permitted events and event capacity, and the inclusion of an overnight park-over camping area, and visitor accommodation facilities will subsequently increase the predicted trip generation rate for the site; including the potential for increased adverse safety and infrastructural effects on the wider roading network within the Waipa District and in particular the Matamata-Piako District.

#### **Safety**

In correlation with the increase in visitors per annum, recorded crashes (both serious and minor) have increased on Buckland Road, contributing to a total of 19 crashes within the 10-year period between

2007 and 2016. Of those crashes, the ITA notes a predominance of crashes by visitor drivers unfamiliar with or confused by the present roading conditions (e.g. directional signage to Hobbiton Movie Set).

In determining the potential for actual and potential adverse effects to arise, crash analysis, pavement deterioration predictions and infrastructural capacity (e.g. Matamata Bus Stop operation) has been completed, detailed records of which are contained within the ITA. Crash analysis has identified a correlation between the increase in visitor numbers to the site and crashes at key intersections within the vicinity of the site. Increased visitation to 650,000 will result in a predicted crash rate of 50 crashes (including the intersections at either end) within a 10-year period pre-mitigation. Furthermore, it has been found that the eastern side of Buckland Road provides safer access to the site than the west end as that part of the road is built to a much higher standard. As such, the ITA recommends encouraging visitors to travel to the site via the east end of Buckland Road. In order to encourage visitors to the site to use Buckland Road east, RST have done the following:

- Provided advertising of the preferred route to Hobbiton on the website (i.e. Buckland Road east route);
- Enforced that all buses travelling to and from the site travel via Buckland Road east; and
- Updated the travel route on Google Maps and GPS companies to change their route choice to use Buckland Road east.

### **Pavement Deterioration**

The expected 650,000 visitors per year is predicted to result in a trip generation of 40,000 heavy vehicles per year or 109 per day, as opposed to the 18,500 per year or 50 per day currently expected under the existing resource consent requirements. The increase in heavy vehicle movements has the potential to result in earlier pavement deterioration on the surrounding roading network. To accommodate these additional heavy vehicle movements, an additional basecourse thickness of 20mm of aggregate laid over 700m<sup>3</sup> of Buckland Road and 200m<sup>3</sup> of Puketutu Road will be required. The cost of this additional pavement material has been calculated in section 7.2 of the ITA at \$99,000.00. The ITA recommends that RST make a cash contribution to Council for this amount to mitigate for the effects of the increase in heavy vehicles. Once completed, the pavement improvement works are considered sufficient to avoid deterioration of the predicted pavement life.

### **Matamata Bus Stop**

The Hobbiton site is currently operating at close to capacity during peak times, therefore, the number of visitors using this bus stop on any given day is not expected to rise above what is currently experienced. Furthermore, visitors arriving at the Matamata bus stop must be on a pre-booked tour of the site. As such, any adverse effects on the Matamata bus stop associated with the expected increase in visitor numbers will be negligible.

### **6.3.3 Mitigation Measures**

Subject to those identified effects, the ITA recommends the adoption of the following mitigation by RST:

- To further improve safety on Buckland Road:

- 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.
  - Install 100mm white painted edge lines on both sides of Buckland Road from 0 to 5370m
  - Install double yellow “no passing” centre line from 1800m to 6000m, inclusive of lead in markings.
  - 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.
  - 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.
  - Construct gated speed calming entrance signs (Threshold treatments) 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 MPDC standards
  - Provide convex mirrors mounted on poles in the berm opposite accesses #399 and #385 to improve exiting sight distance<sup>4</sup>.
- To actively encourage the use of Buckland Road east over Buckland Road west:
    - Implement the comprehensive road-sign strategy (Appendix B to the ITA), that directs drivers to access Hobbiton from the eastern end of Buckland Road.
    - Improve driver information signs at Hobbiton to ensure drivers use the preferred exit route via Buckland Road east. The proposed signs should be constructed in accordance with the NZ Transport Agency “Traffic Control Devices Manual part 3: Advertising Signs”. The writing should be at least 300 mm high for the main lettering, and at least 150 mm high for supplementary lettering.
    - Send out annual notices to all tourist bus operators reminding them that the recommended travel route to and from Hobbiton is via the eastern end of Buckland Road.
  - The proposed on-site accommodation and Overnight Park-Over camping facilities be included in the DCP due to the potential positive safety effects they provide. A street light should be installed opposite the entry access when the accommodation units are constructed to enhance safety of night-time movements.
  - A rule be included in the DCP capping visitor numbers at 3,500 visitors per day during the operating hours of Movie Set Tours, including all activities within the entire DCP area.
  - A rule be included in the DCP to ensure the site has parking provision for a minimum total of 379 all-weather parking spaces and 71 overflow grass parking spaces to enable 3,500 visitors and events up to 500 visitors to occur as a permitted activity.
  - Events of 500 visitors or less (outside of normal Movie Set Tour hours) should be permitted without requiring a Traffic Management Plan and need not be restricted in their frequency as the

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<sup>4</sup> These safety improvements are illustrated on the plans in Appendix D of the ITA (refer to **Schedule 4**) and have been agreed for implementation and partly installed on Buckland Road in consultation with Council.

road network presently demonstrates the ability to operate satisfactorily for such flow rates. Also, more than one event at any one time is permissible from a traffic perspective provided the total number of visitors for the simultaneous events does not exceed 500.

- Events over 500 visitors but less than 1,000 visitors should be permitted without requiring a Traffic Management Plan on condition that no more than 500 people travel to and from the site by car/mini-van. In this case more than one event at any one time is possible provided the total number of visitors for the simultaneous events does not exceed 1,000 and the total number arriving by car/mini-van doesn't exceed 500.
- Events over 500 people arriving by car/mini-van transport or with more than 1,000 people in total should require a Traffic Management Plan approved by Council as part of a consent process.
- For all events held during the normal operating hours of the Movie Set Tours, event visitors should be included as part of the total 3,500 visitors per day cap (i.e. visitors from events during normal operating hours + Movie Set tour visitors < 3,500 per day). As 3,500 is the maximum capacity of the site, events during normal operating hours will require the site to be managed so that on-site parking numbers is sufficient and does not present an issue for the adjacent roading network. Events during normal operating hours will therefore need to ensure that the site is managed so that sufficient parking is provided on-site; being 450 during the months November to March, and 380 for all other months. This should be incorporated into the plan change rules.
- That the classification of Buckland Road is changed to a Collector Road in the Matamata-Piako District Plan to reflect the traffic growth and the One Network Road Classification.

Overall, if the recommendations of the ITA report (at section 11 of the report) are adopted, then the report concludes that the traffic effects of the Hobbiton Movie Set DCP are expected to be acceptable and no more than minor. RST has confirmed their support to adopt those mitigation measures, and in some cases have already proactively implemented the mitigation measures, therefore it is appropriate that any traffic effects of the Plan Change be assessed on those merits as if they were established by the hearings panel.

## 6.4 Visual and Landscape Effects

An Assessment of Visual, Landscape and Amenity Effects (VLAЕ) has been undertaken for the proposed Plan Change and is included in **Schedule 5**. A summary of the key findings of the VLAЕ are set out in the following paragraphs of this section.

The Hobbiton Movie Set site is influenced by two forms of landscape character, that which comprises the overall landscape of the site including features such as the Kaimai-Mamaku Ranges to the east and the volcanic peaks of Te Tapui and Maungakawa to the north; and that which comprises the immediate surroundings of the site which are influenced by rural land management and development patterns such as the existing movie set, shelter belts and fencing associated with pastoral farming, clusters of rural and rural residential housing, the local road network and rural based industries such as chicken growing sheds and the Taotaoroa Quarry. The mixture of these landscape qualities represent a character that is not quite rural but modified in context. Furthermore, the environment of the locality



changes between seasons, resulting in a more open landscape during winter, while properties located to the west of the site on Buckland Road are generally more screened by vegetation from activities occurring within the surrounding landscape. The built form represents scattered development characterised by farm dwellings, barns and sheds within clustered locations.

The current character within Precinct 1 is dominated by the built form of the visitor centre, café, retail shop, bus parking and other associated ticketing and administration facilities. These buildings can be clearly seen on approach to the site from the east of Buckland Road due to a largely visually permeable frontage. Despite this, the buildings themselves are restored from former rural farm buildings to express the rural vernacular style of the area softened by mature tree plantings and grassed areas to the front of the visitor centre. Views of the current car parking facilities are restricted from view due to a combination of being located to the rear of the buildings, topography and landscape plantings. In contrast, Precinct 2 is characterised by the integration of the movie set structures into the rolling landscape form and surrounding pastoral grassland's with mature trees, typical of a rural pastoral setting.

A visual catchment assessment has been undertaken as part of the assessment of environmental effects arising from development as proposed within the Hobbiton Movie Set site. This assessment identifies where potential development may be visible from surrounding locations. Location maps of identified viewpoints used within this analysis are included within the VLAЕ.

Views of Precinct 1 have been identified as largely screened from neighbouring rural dwellings, with the exception of the neighbouring property to the south on Buckland Road. These views however are partial and are considered to be limited to the location of the viewpoint. Similarly, although views of Precinct 1 are mainly unrestricted from the approach on Buckland Road, these are only afforded within close proximity to the site (200m) and are further limited to views within adjoining paddocks to the north where partial views are limited to areas un-influenced by existing vegetation.

In comparison, views of Precinct 2 are more effectively restricted to those within the subject site itself, partly driven by the need to reduce the ability of external development visually intruding on the experience of visitors to the movie set. The set itself cannot be seen from Buckland Road or any of the surrounding residential dwellings although a potential glimpse can be afforded from a dwelling within the southwest which is limited by the sites western ridgeline. The current maintenance workshop building, although able to be seen from Buckland Road and some adjoining properties, has been screened to reduce the effects of visual dominance, and is considered to appear indistinguishable from the typical rural implement or workshop buildings within the locality.

Recommendations for potential visual mitigation for further and current development on the basis of the above site visibility findings have been addressed. As views within Precinct 1 will comprise of additional car parking, administration, general service buildings and visitor accommodation, the current built character will continue to predominate and mitigation planting, similar to that already undertaken and within the wider landscape, is concluded to be an effective form of visual integration. Any additional, non-fanciful development incorporating the rural vernacular and/or rural fantasy themed vernacular, as described in the VLAЕ, is unlikely to become a prominent feature of the existing view. No visual mitigation from Precinct 2 is considered to be necessary due to the negligible external visual effects of the activities undertaken within the Precinct. As such, the effects of the development within either Precinct are considered to be less than minor on the surrounding visual catchment.

An assessment of the visual obstruction, intrusion and amenity values has further been undertaken within the VLA. Given that any existing development complies with the proposed performance standards of the DCP with relation to height, coverage, vernacular styles and car parking areas it is concluded that potential adverse intrusive effects will be negligible. The assessment above further concludes that any future development within Precinct 2 will not create a risk of visual intrusiveness on the surrounding landscape of Hobbiton Movie Set.

An analysis of the effects on the wider landscape of the existing site and any future development within Precinct 1 and 2 is also included in the VLA. This assessment has been undertaken in the context of the existing character of the landscape as described above; that of the overall landscape and the immediate surroundings of the site. While Precinct 1 represents a node of development that may be uncommon in a rural environment, the cluster type of development does reflect an element of the nuclear style of farm dwellings in close proximity to rural sheds. Further repurposing and/or development of rural and rural fantasy style buildings within this area will be able to be visually accommodated successfully on this basis provided the recommended performance standards contained within the report are incorporated into the DCP. Additionally, as the majority of both Precincts will continue to operate in a rural farming capacity the proportion of the site will continue to be held within the existing rural character.

It is considered within this assessment that with the implementation of appropriate performance standards on activities proposed under the DCP, effects on the surrounding rural landscape which influence the wider landscape character of the site and associated rural amenity values will be below the minor threshold of the RMA, as set out in section 95. It is further considered that the proposal will recognise and provide for, and have particular regard to, those matters in Sections 6(a) and (b) and 7(c) and (f) of the RMA and will support the overall intent of the relevant objectives and policies of the Matamata-Piako District Plan. Overall, the effects on the character of the rural landscape and the amenity values of the rural environment will be less than minor.

## 6.5 Noise effects

Although the activities which are already established are operating in compliance with the existing noise related resource consent conditions, an Acoustic Assessment has been prepared to determine the appropriate noise levels for the Plan Change performance standards and to assess the likelihood of the range of future activities achieving compliance with them. The Acoustic Assessment is included in **Schedule 6**.

Noise from events is a key focus of the Acoustic Assessment and in particular amplified music. The key findings of the Acoustic Assessment are as follows:

The attached Acoustic Assessment includes sound modelling based on a typical industrial amplified system as shown in Figure 1 of the report. These systems are highly directional and therefore the effects and levels of sound demonstrated by the report may not be truly representative based on the omnidirectional assessment of the modelling. This is largely due to no fixed location within Precincts 1 and 2 for the systems to be established as of yet. The report further assumes three locations for the sound output areas; The Shires Rest (Precinct 1), Village Green and Flat Lawn areas (Precinct 2). Sound from each of the modelled systems is measured between the first receiver at the mixing desk, located

30m from the amplified system and the second receiver, shown at the notional boundary of a rural dwelling, as shown in Appendix C of the assessment.

A prediction of the sound levels at each of the receivers within the locality are shown in Table 1 of the report. This table identifies two properties as likely to be affected by sound levels generated by amplified music at the controlling level of 35dBA L10 for each scenario. The property located at 399A Buckland Road is identified as being potentially affected by events held within Precinct 1 while 553A Buckland Road will be potentially subject to noise arising from events contained within either of the Precinct 2 locations. As a result, it is subsequently recognised that in order to achieve compliance with the 40dBA L10 night time noise level at both receivers, the output of any sound system must be restricted to a measurement of sound 30m from the source at the sound desk to between 66-74dBA dependant on the scenario (i.e. the location of the event). Due to the locations of the events being highly subjective dependant on the conditions regarding weather, type of event or client requirements it is determined that the recommendation of sound control within these locations can be met by RST. Provided a suitably qualified sound engineer is present to establish, direct and control sound levels created by the use of amplified sound systems it is unlikely that the proposed activities will result in the generation of sound that will result in a breach of the 40dBA night-time noise control level existing within the Rural Zone.

A further assessment has been undertaken of the noise levels received at the subject properties contained within Table 1 of the report. This assessment is in consideration of amplified noise events occurring during the daytime sound controls. It is identified that to ensure compliance with the daytime noise control of 50dBA L10 measured at all receivers at the notional boundary of nearby rural dwellings, the sound output levels of amplifies systems dependant on the location may be reasonably increased 10 decibels between 76-84dBA. It is therefore determined that daytime noise generating events may occur without any adverse effects on the surrounding rural residential environment subject to the monitoring of sound output as measured at the mixing desk locations remaining within the noise control limits imposed.

To ensure compliance for outdoor noise generating activities such as music and cinema events, the attached Acoustic Assessment recommends that a noise management plan be prepared, and monitoring of the noise levels of the events be undertaken. Careful initial design and monitoring will therefore ensure that noise levels are acceptable for said events. Performance standards have been included within the DCP to implement these recommendations.

The attached Acoustic Assessment includes a recommendation for proposed noise limits across the entire site, for a limitation of 12 outdoor movie screenings and for a limit of 6 amplified music events per year. These recommendations have been based on the World Health Organisation levels of disturbance by external noise and the current New Zealand standards. Outdoor movie screenings shall have a maximum noise level not exceeding 55dB LAeq. Amplified music events may not exceed a duration of 6 hours and not exceed a limit of 65dB LAeq measured at the notional boundary of any rural dwelling. Amplified music events are further required to end by 11.00pm during daylight savings time and no later than 10.00pm every other time. The adoption of these recommended noise levels into the rules of the DCP is therefore determined to reflect the allowable noise level within the locality where the effects of noise can be effectively controlled without need for mitigation.

Overall, all outdoor movie screening events and amplified music events held at the Hobbiton Movie Set site will comply with both the New Zealand Standards and World Health Organisation guidelines as set out in Section 7.1 of the Marshall Day Acoustic Assessment and as applied within the recommended rules of the DCP. All other events that may be undertaken on the Hobbiton Movie Set site as proposed will be able to fall within the currently permissible noise limits without need for further controls. It is therefore concluded that any adverse noise effects will be less than minor on rural dwellings within the locality of the site.

## 6.6 Amenity effects

Section 2 of the RMA defines 'amenity values' as follows:

*"Amenity values means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."*

There are many natural and physical qualities which contribute towards an appreciation of the DCP site and the surrounding locality. They include visual and landscape effects, noise effects and traffic effects. All of these matters have been assessed individually in sections 6.3 to 6.5 above, including with respect to amenity effects. The conclusion reached in the specialist assessments is that the visual, landscape, noise and traffic effects will be less than minor. The overall effects on amenity will be less than minor.

## 6.7 Services infrastructure effects

RST holds resource consents to take groundwater and to discharge domestic wastewater into the ground from the Waikato Regional Council. These resource consents are appropriate for the requirements of the site activities however will be upgraded to cater for development as provided by the DCP. RST has also indicated the existing wastewater system will be upgraded.

## 6.8 Ecological effects

The DCP site is located near Te Tapui Scenic Reserve which is located approximately 1.3km north of Precinct 2 (Hobbiton Movie Set). The reserve is managed by the Department of Conservation and it is within the Kaitiaki (Conservation) zone under the ODP. Despite the proximity to the reserve, the bush line does not extend into the DCP site and there will be no adverse effects on it from the tourism activities. The DCP site is predominantly in pasture and the trees which do exist are relatively sporadic and predominantly exotic specimens. There will be no adverse effects in terms of terrestrial ecology.

The lake within the Hobbiton Movie Set has an inlet and outlet to a tributary of the Mangapapa Stream. The eastern part of the DCP site contains a tributary of the Waitoa River. The waterways are unlikely to be directly affected by the Plan Change activities and indirect effects on them can be managed through appropriate treatment of wastewater discharges and treatment and attenuation of stormwater. Therefore, effects on aquatic ecology will be less than minor.

## **6.9 Impact on archaeological sites**

A search of New Zealand Archaeological Association (NZAA) records has been undertaken and no recorded archaeological sites are located within the DCP area or the immediate surrounds. Furthermore, there are no waahi tapu sites identified on the planning maps in the ODP. It is therefore unlikely that the Plan Change will result in any adverse archaeological effects.

## **6.10 Impact on high quality productive soils**

The Plan Change will result in some minor additional impacts on the soil resource because it will enable growth of tourism activities (including new buildings) within Precincts 1 and 2. However, the land within Precincts 1 and 2 does not constitute high class soils. 'High Class Soils' are defined as including Class I, II and III soils in the New Zealand Land Inventory Worksheets. The Plan Change land is classified as Class IV and VI in the New Zealand Land Inventory Worksheets.

Furthermore, the use of the land for tourism activities rather than for producing food and fibre is considered appropriate in the context that the area affected by the tourism activities is small and the remainder of the DCP area (the Rural Buffer Area) will continue to be used for grazing. Accordingly, the values of the soil resource are not impacted by the proposed Plan Change.

## **7. STATUTORY ASSESSMENT**

This section summarises and supplements the various statutory assessments included within this document taking account of the overall statutory framework to be applied for a Plan Change; in this case the incorporation of the DCP [and associated objectives, policies and rules] relative to Part 2 of the RMA.

### **7.1 Council Functions and District Plan**

This section assesses the policy 'fit' of this plan change with the ODP. The ODP was made operative in 2005, so it is a planning instrument nearing the end of its life. Council has been undertaking a section by section review of the District Plan rather than a complete review of the whole Plan. This plan change is consistent with this section by section review approach by Council.

As described elsewhere in this report, this plan change proposes only minimal and necessary additional objectives and policies. Overall the plan change is designed to fit into the objective, policy and method framework of the ODP, not affecting its overall coherence.

### **7.2 Section 32 and Part 2 RMA Assessment**

This section provides an overall assessment of the proposal under Part 2 of the RMA and section 32 and draws conclusions on them. The relevant aspects of Part 2 are outlined in section 5.6 of this report and section 2 of this report provides an evaluation under the relevant subsections of section 32.

The plan change achieves the overall purpose of the RMA in section 5. It achieves the right balance between providing for people's social, economic and cultural wellbeing while providing for the foreseeable needs of future generations for rural, tourism and commercial services. At the same time,

environmental values are protected or enhanced, and environmental effects are appropriately mitigated.

The enablement and enhancement of a regional tourist attraction (Hobbiton Movie Set) will provide broad economic benefits to the people of the Matamata-Piako District and Waikato region through a combination of new employment, increased tourist visitation and the economic flow on of support services.

In terms of section 5(c) there are no significant adverse effects on the environment of the plan change. There are several moderate adverse effects, including:

- Landscape and visual impacts on adjacent rural sites and travellers on Buckland Road;
- Moderate effects as a result of event noise; and
- Moderate traffic impacts on State highways and local Roads.

All of these adverse effects are to be mitigated. As a plan change the mitigation is largely built into the plan change methods and in particular the rules that require additional assessments, consenting requirements and building standards.

In addition, there are a range of positive economic benefits/effects that will result because of the plan change. The positive effects include the movie set tours and associated visitor accommodation economic benefits which will provide/enable further employment and economic growth. These are conservatively estimated at tens of millions in additional annual expenditure and additional FTE jobs.

In terms of section 6 of the RMA (matters of national importance), none of the matters are considered to be relevant to the Plan Change.

Section 7 of the RMA refers to Other Matters to be taken into account. In terms of section 7(b) the proposal provides for the efficient use of natural and physical. Hobbiton Movie Set is a physical resource, based primarily on the natural (rural) setting. Given this, it is more efficient to allocate it to tourism.

Sections 7(c) and 7(f) are provided for as amenity values will be maintained through providing for the Hobbiton Movie Set activities.

In terms of section 8 consultation and engagement has been undertaken with tangata whenua. Tangata whenua have thus contributed advice and input into the project, therefore implementing the principles of the Treaty of Waitangi to the extent practicable.

Overall the project exhibits a high level of consistency with Part 2 of the RMA because of the significant contributions it can make through the economic benefits of a vibrant tourist attraction, by accommodating and mitigating effects within the Hobbiton Movie Set site, and improving the amenity and appearance of the site.

In terms of section 32 the evaluation in section 2 of this report demonstrated that in policy terms this plan change is the most appropriate response. It is an 'amending proposal' under that section and is consistent with the broad ODP strategic framework and wider objectives. Therefore, it is a good fit in terms of being able to be inserted into the ODP with minimal impact on the document and contributing to the achievement of objectives in it.

### 7.3 Hauraki Gulf Marine Park Act 2000

When considering an application for a Plan Change in the Hauraki Gulf, its islands and catchments, a consent authority is to have regard to sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 in addition to the matters contained in the RMA. The Hobbiton site is within the Hauraki Gulf catchment.

The recognition of the national importance of the Hauraki Gulf as set out in section 7 emphasises the significance of the Hauraki Gulf to New Zealand. In examining section 8, Management of the Hauraki Gulf, it is considered that the relevant matters regarding the proposed Plan Change are appropriately examined in the Assessment of the Environmental Effects section of this report and other sections of the report generally.

The proposed incorporation of the Hobbiton Movie Set DCP into the ODP will not offend the objectives for the management of the Hauraki Gulf, its islands and catchments as set out in the Hauraki Gulf Marine Part Act 2000. There will be no adverse effects from the ongoing tourism operations and associated activities on the natural character, coastal processes, ecology, cultural values, access to and enjoyment of the Hauraki Gulf.

## 8. CONSULTATION

The procedures and requirements for consultation set out in the RMA have been met in the preparation of this Plan Change. The following provides an overview of consultation undertaken to date in relation to the Plan Change. A record of consultation is included within **Schedule 7**.

### 8.1 Matamata-Piako District Council

Engagement and consultation with MPDC has taken place on several levels since November 2015. Initially the consultation was at a conceptual level to provide information and gain feedback on the broad concept of a specific DCP for Hobbiton. Since mid-2016 when the first draft DCP was produced, more detailed consultation has taken place. Key issues discussed were:

- The potential effect of removal of the site from the rural land allocation in the ODP.
- Reverse sensitivity issues from nearby existing and potential future rural activities.
- Traffic effects.
- Landscape and visual effects.
- Noise effects.
- Provision for a regionally significant tourism activity within the ODP.
- Wastewater and water infrastructure.

Regular meetings have been held with MPDC staff during this period, up to notification of the plan change and will continue during the process of the plan change. This has included the receipt of comments on draft technical reports from MPDC staff and peer reviewers. As a result, a number of the appended sub-consultant technical reports have been amended to take into account the peer review feedback where those comments were directly relevant to the plan change process. The peer reviewers were as follows:



- Noise Effects – Hegley Acoustic Consultants
- Traffic Effects – Gray Matter

## 8.2 Waipa District Council

Waipa District Council staff were briefed on the DCP project from mid-2016 as one of the western access routes to Hobbiton is from the Waipa District roading network (being Karapiro Road and Buckland Road). They were supportive of the DCP and discussion focused on mitigating traffic effects through signage and encouraging tourists to use alternative routes. These traffic issues are addressed in the ITA within **Schedule 4**.

## 8.3 Waikato Regional Council

Waikato Regional Council staff were briefed on the DCP project from mid-2016. They were supportive of the DCP and comments received focused on mitigating traffic effects, traffic safety and the potential impacts on the wider strategic transport network. These traffic issues are addressed in the ITA within **Schedule 4**.

## 8.4 New Zealand Transport Agency

Engagement with NZTA has been ongoing since mid-2016 as the roading authority responsible for the adjacent state highway network. NZTA have been broadly supportive of the project provided the traffic effects on the State Highways are dealt with satisfactorily.

NZTA have provided feedback on the draft ITA and the proposed sign strategy. In regard to the sign strategy, NZTA generally accept that off-site signage to direct tourists is a valuable tool and have been supportive in some directional signage being installed (in 2017) along SH29 to direct tourists into Hopkins Road, however NZTA do not agree with a number of the other off-site directional signage proposed by the sign strategy, especially those proposed at the SH1/SH29 intersection.

## 8.5 Tangata Whenua

Initial contact with the iwi authority, Waikato-Tainui Te Kauhanganui Inc., took place in mid-2016. Waikato-Tainui advised that Ngati Haua were the authority with mana whenua for the area and were also to be consulted. Subsequent consultation with Waikato-Tainui and Ngati Haua has involved providing details of the project and briefing them on the DCP. No significant cultural issues have been identified through consultation.

## 8.6 Nearby Landowners and Residents

There are a number of landowners and occupiers that are located in the vicinity of the site and along the routes to Hobbiton. An information pack detailing the provisions of the DCP was sent to a number of these landowners and occupiers in mid to late 2016, and the General Manager of RST, Russell Alexander, visited these landowners and occupiers to follow-up on the information. Landowners and occupiers were supportive of the DCP although traffic safety and use of fireworks were raised as potential concerns to be mitigated.

## 9. CONCLUSION

Hobbiton Movie Set is an established, regionally and nationally significant tourism destination. The site is located within a special 'natural' environment, the attributes of which attracted filmmakers to establish a movie set. This plan change is designed to promote and enable the future growth of this unique tourist attraction. The site's current Rural zoning fails to take into account the site's significance as a tourist destination and provides little opportunity to realise the tourism potential of the site.

Rings Scenic Tours Ltd is thus proposing a change to the Operative Matamata-Piako District Plan. The purpose of this Plan Change is twofold. Firstly, it is to better reflect existing on-site development, thus ensuring greater alignment between the District Plan and subsequent resource consent approvals. Secondly, it is to provide flexibility for intensification of existing on-site facilities in order to make more efficient use of the site and to meet market demands.

Central to the proposed Plan Change is the addition of a Development Concept Plan for Hobbiton Movie Set. The characteristics of the Development Concept Plan are addressed in section 4 of this report and are set out in full in **Schedule 2**.

Extensive work has been undertaken in producing this plan change request which is supported by a range of technical assessments and fits into the existing strategic and policy framework of the ODP. As a result, it does not lead to wide-ranging changes or any inconsistencies within the ODP but has been designed to integrate into the ODP easily. It satisfies the 'resource use and development' objective as a regionally significant tourist industry and therefore does not conflict with the RPS. In addition, it is consistent with the other higher order planning instruments, including other aspects of the RPS.

The actual and potential effects on the environment associated with the Plan Change can be satisfactorily avoided, remedied or mitigated.

Having evaluated the alternatives in accordance with section 32 of the RMA this plan change is considered the most appropriate planning response, consistent with the higher order policy documents and meets the relevant statutory criteria.

It is therefore concluded that the Plan Change will promote the sustainable management of natural and physical resources and will accordingly be consistent with the (Part 2) purpose and principles of the Resource Management Act 1991.