

Proposed Changes to the Operative Matamata-Piako District Plan

INTRODUCTION – ISSUES, OBJECTIVES, POLICIES

PART A

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

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

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

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

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

“2.3.9 *Tourism*

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

- Insert a new policy in Section 3.5.2 of Part A related to amenity issues associated with Hobbiton Movie Set specifically in terms of the design, appearance and character of development, as follows:

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

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

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

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

| 9. Tourism | | | | | |
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| | Outcome sought (objectives) | | Solutions (policies) | Implementation (methods) refer to the following sets of controls and reasons for chosen methods | Explanation and reasons for objectives and policies |
| O1 | To recognise and enhance the significance of tourism to the District's economy, and to provide for sustainable tourism growth and development while avoiding, remedying or mitigating adverse effects on the environment. | P1 P2 <u>P3</u> | 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. <u>The impact of major tourist attractions shall include consideration of adverse effects on the wider community including increased traffic movements on the District's road network, adverse effects on amenity values, and the impact on town centres, community facilities, and other infrastructure utilised by tourists.</u> | <ul style="list-style-type: none"> • Development Controls, Section 3 • Performance Standards, Section 5 • Development Concept Plans, Schedule 5 | 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. |

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| | | | <p><u>P4</u></p> <p><u>Methods to avoid, remedy, or mitigate the adverse effects of _____ tourist attractions shall include consideration of:</u></p> <ul style="list-style-type: none"> • <u>physical improvements to the road network, infrastructure, and community facilities utilised by tourists,</u> • <u>provision within the Council's Development Contributions Policy under the Local Government Act 2002 for the purpose of recovering from those undertaking development related to tourism, a fair, equitable, and proportionate portion of the total costs of capital expenditure necessary to service growth of tourism:</u> • <u>or a targeted rate under the Local Government (Rating) Act 2002 to fund the District-wide impact of</u> | | |
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| | | <i>tourism growth."</i> | | |
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GENERAL PROVISIONS – RULES

PART B

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

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

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

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

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

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

"Hobbiton Movie Set, Buckland Road, Matamata

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

MAPS AND PLANS

PART C

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

The DCP follows as sheets 1 – 6.

| 1.1 PERFORMANCE STANDARDS FOR PERMITTED ACTIVITIES IN PRECINCTS 1 AND 2 | | | | | | | |
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| 1. Building Envelope for all buildings associated <u>with</u> , and ancillary to, a permitted activity listed in this DCP | <p>a) Maximum Height in Precinct 1 <u>and 2</u>: 10m</p> <p>b) Height relative to Precinct boundary - No part of any building shall exceed a height of 3m plus the shortest horizontal distance between that part of the building and the nearest Precinct boundary provided that:</p> <p>(i) <u>Buildings may be erected where they encroach on height relative to Precinct boundaries so long as the written approval of the affected property owner(s) is obtained.</u></p> <p>c) Front yard in Precinct 1: 15m to Precinct boundary for buildings above-ground, and 10m for buildings below ground. Ground level shall be the level of the existing ground before construction.</p> <p>d) Side yards and rear yards in Precincts 1 and 2: 10m to Precinct boundary, provided that -</p> <p>(i) Buildings may be erected on <u>within</u> any rear or side yard so long as the written consent <u>approval</u> of any affected property owner(s) is obtained and compliance with DCP Performance Standard 1.1.1 a) above is achieved.</p> <p><u>Advice Note: Works in close proximity to all electrical lines can be dangerous. Compliance with the NZECP 34 is mandatory for buildings, earthworks and mobile plant within close proximity to all electrical lines.</u></p> | | | | | | |
| 2. Building Coverage | <p>a) Total building coverage for Precinct 1 shall not exceed 10% of the net site area <u>of Precinct 1 (i.e. a total building area of 6,320m²).</u></p> <p>b) There is no maximum building coverage for Precinct 2.</p> | | | | | | |
| 3. <u>Visual Form and Appearance of New Buildings</u> | <p>a) If painted, the exterior colour of buildings and structures within Precinct 1 shall be restricted to natural, visually recessive colours and/or colours that do not contrast with surrounding natural colours so that buildings do not appear incongruent with the surrounding rural landscape. The following colours, from the BSS 5252 colour range <u>or equivalent</u>, meet the requirements of this DCP Performance Standard:</p> <table border="1"> <tr> <td>Group A</td><td>00A01 - A13 inclusive, 02A03, 02A07, 02A11, 06A03, 06A07, 06A11, 08A14, 10A03 - A11 inclusive 16A03, 16A07, 16A11, 18A14</td></tr> <tr> <td>Group B</td><td>04B19 - B29 inclusive, 08B17 - B29 inclusive, 10B17 - B29 inclusive, 12B17 - B29 inclusive, 18B17 - B29 inclusive, 22B27, 22B29</td></tr> <tr> <td>Group C</td><td>06C37 - C40 inclusive, 08C37 - C40 inclusive, 10C37, 10C39, 12 C37 - C40 inclusive, 14 C37 - C40 inclusive, 16 C37 - C40 inclusive, 18 C37 - C40 inclusive</td></tr> </table> | Group A | 00A01 - A13 inclusive, 02A03, 02A07, 02A11, 06A03, 06A07, 06A11, 08A14, 10A03 - A11 inclusive 16A03, 16A07, 16A11, 18A14 | Group B | 04B19 - B29 inclusive, 08B17 - B29 inclusive, 10B17 - B29 inclusive, 12B17 - B29 inclusive, 18B17 - B29 inclusive, 22B27, 22B29 | Group C | 06C37 - C40 inclusive, 08C37 - C40 inclusive, 10C37, 10C39, 12 C37 - C40 inclusive, 14 C37 - C40 inclusive, 16 C37 - C40 inclusive, 18 C37 - C40 inclusive |
| Group A | 00A01 - A13 inclusive, 02A03, 02A07, 02A11, 06A03, 06A07, 06A11, 08A14, 10A03 - A11 inclusive 16A03, 16A07, 16A11, 18A14 | | | | | | |
| Group B | 04B19 - B29 inclusive, 08B17 - B29 inclusive, 10B17 - B29 inclusive, 12B17 - B29 inclusive, 18B17 - B29 inclusive, 22B27, 22B29 | | | | | | |
| Group C | 06C37 - C40 inclusive, 08C37 - C40 inclusive, 10C37, 10C39, 12 C37 - C40 inclusive, 14 C37 - C40 inclusive, 16 C37 - C40 inclusive, 18 C37 - C40 inclusive | | | | | | |

Commented [M1]: The highlighted standards are not recommended by Council staff. The expectation is that appropriate standards will be agreed by Hobbiton's and the Council's landscape experts ahead of the hearing. Alternatively, the Council's landscape expert will circulate recommendations ahead of the hearing.

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| | <p>b) Unpainted buildings and structures within Precinct 1 shall be clad in natural materials comprising bricks, stone or timber.</p> <p>c) No buildings or structures within Precinct 1 shall have mirrored glazing.</p> |
| 4. Landscaping for New Buildings | <p>a) New buildings in Precinct 1 shall <u>require incorporate specimen tree planting between them and the precinct boundary</u>, around the perimeter of the Precinct to provide general screening of new development from outside the Precinct. Excluded from this planting requirement are new buildings <u>with their frontage that directly face facing</u> Buckland Road or where the boundary already contains perimeter planting adjacent to the new building.</p> <p>b) Soft Landscaping (<u>plants</u>) around all new buildings shall extend a minimum of two metres beyond the building envelope on at least three sides of the building and shall <u>reflect rural amenity plantings which may including pastoral or eutillage plantings comprise grasses, shrubs and/or groundcovers</u>.</p> <p>c) All planting shall be implemented within the first planting season <u>(March to May or September to November)</u> after any buildings and associated site works are completed.</p> <p><u>Advice Note: Works in close proximity to all electric lines can be dangerous. Compliance with the NZECP 34 is mandatory for buildings, earthworks and mobile plant within close proximity to all electric lines.</u></p> <p><u>Advice Note: Compliance with the Electricity (Hazards from Trees) Regulations 2003 is also mandatory for tree trimming and planting. To discuss works, including tree planting, near electrical lines, especially within 20m of those lines, contact the line operator.</u></p> |
| 5. Landscaping of Car Parking Areas | <p>a) <u>All New</u> car parking areas within Precinct 1 shall be screened from Buckland Road by earth mounding and/or planting to a minimum height of 1.2m.</p> <p><u>Advice Note: Compliance with the Electricity (Hazards from Trees) Regulations 2003 is also mandatory for tree trimming and planting. To discuss works, including tree planting, near electrical lines, especially within 20m of those lines, contact the line operator.</u></p> |
| 6. Access | <p>a) Precinct 1 shall have no more than two <u>commercial</u> vehicle crossings to Buckland Road. <u>The crossings shall be located in accordance with the DCP.</u></p> <p>b) Access to Precinct 2 shall be obtained via one vehicle crossing to Buckland Road. <u>The crossing shall be located in accordance with the DCP.</u></p> <p>c) The vehicle crossings shall be designed, formed, constructed and maintained in accordance with the MPDC Development Manual 2010.</p> |

Commented [M2]: The highlighted standards are not recommended by Council staff. The expectation is that appropriate standards will be agreed by Hobbiton's and the Council's landscape experts ahead of the hearing. Alternatively, the Council's landscape expert will circulate recommendations ahead of the hearing.

Commented [M3]: The highlighted standards are not recommended by Council staff. The expectation is that appropriate standards will be agreed by Hobbiton's and the Council's landscape experts ahead of the hearing. Alternatively, the Council's landscape expert will circulate recommendations ahead of the hearing.

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| | d) The vehicle crossings shall comply with the minimum sight distances contained within the MPDC Development Manual 2010. |
| 7. <u>Road safety, Trip generation, Car Parking, Loading, Formation and Manoeuvring</u> | <p>a) A minimum of 379 car parking spaces shall be provided within Precinct 1. The car parking spaces and associated access and manoeuvring spaces shall be formed, surfaced, line marked and maintained in accordance with the MPDC Development Manual 2010.</p> <p>b) Grassed areas suitable for all-weather parking in summer (<u>November to March</u>) shall be provided <u>and maintained</u> for overspill parking within Precinct 1. The grassed areas shall be of sufficient area to ensure that there is a minimum total of 450 car parking spaces provided within Precinct 1.</p> <p>c) A sufficient area shall be formed, constructed and maintained in accordance with the MPDC Development Manual 2010 to accommodate a minimum of 5 bus parking spaces within Precinct 1.</p> <p>d) <u>In addition to the parking requirement in 1.1.7a) and 1.1.7b) above, a</u> minimum of 1 car parking space shall be provided <u>and maintained in accordance with the MPDC Development Manual</u> for each Hobbiton Movie Set Visitor Accommodation residence unit.</p> <p>e) There are no minimum car parking requirements for Precinct 2.</p> <p>f) A new development or change of use shall provide dedicated on-site loading facilities facility to accommodate:</p> <ul style="list-style-type: none"> • a courier van meeting the "Type MB – Forward Control Passenger Vehicle" standard as defined in Table A of the New Zealand Transport Agency's vehicle classification; or: • <u>where heavy vehicles (excluding articulated vehicles or trucks and trailers) service the site more frequently than monthly, on-site loading facilities shall be provided to comply with the 90 percentile design two-axle truck swept path and minimum loading space dimensions; or:</u> • <u>where articulated vehicles or trucks and trailers service the site more frequently than monthly, on-site loading facilities shall be provided in accordance with "Road and Traffic Guidelines: RTS 18 – New Zealand On-road Tracking Curves for Heavy Motor Vehicles</u> <u>shall be provided and maintained in Precinct 1, in accordance with the MPDC Development Manual.</u> <p>g) Parking areas and loading spaces shall be clearly signposted at the road frontage <u>in accordance with the NZ Transport Agency's Traffic Control Devices Manual, except that the signs may comprise Hobbiton colours and include Hobbiton branding.</u></p> <p>h) Parking and loading spaces shall be provided so that sufficient area is provided on site so that no reverse manoeuvring onto or from Buckland Road is</p> |

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| | <p>needed. The manoeuvring area provided shall take into account the type of vehicle anticipated.</p> <p>i) <u>All vehicles associated with the activities and/or events occurring on the Hobbiton Movie Set Development Concept Plan (DCP) site shall be parked on the DCP site within Precincts 1 and 2. No vehicles shall be parked in the road reserve. The Site Operator shall monitor and record compliance with the requirement that no vehicles be parked in the road reserve and shall make the records available to the Matamata-Piako District Council as part of the Site Management and Monitoring Plan and upon request.</u></p> <p>j) <u>The upgrading of the affected road network, including signage, road improvements, traffic and pedestrian safety measures and road markings shall be implemented and maintained in accordance with the Memorandum of Agreement (MoU) between the Matamata-Piako District Council and Rings Scenic Tours Ltd dated xxx. The terms of the MoU shall be binding on any successors of Rings Scenic Tours Ltd that take over the responsibility of Site Operator.</u></p> <p>k) <u>Total trip generation resulting from all activities undertaken at the DCP site shall not exceed 387,000 trips per calendar year.</u></p> <p>l) <u>Peak trip generation resulting from all activities undertaken at the DCP site shall not exceed a maximum peak of 2,084 trips within any 24 hour period starting at 6am and finishing at 6am on the following day.</u></p> <p>m) <u>The Site Operator shall accurately monitor and record daily, weekly, monthly and annual trip generation by vehicle type (i.e. split between light vehicles, buses, and heavy commercial vehicles) and shall make the records available to the Matamata-Piako District Council as part of the Site Management and Monitoring Plan and upon request.</u></p> <p>n) <u>The Site Operator shall ensure that vehicles under its direct control including Hobbiton staff and tour buses and deliveries avoid the use of:</u> <ul style="list-style-type: none"> <u>the section of Buckland Road west of the DCP site;</u> <u>Rangitanuku Road.</u> </p> <p>o) <u>The Site Operator shall at all times use all reasonable endeavours and shall take such steps as are practicable to:</u> <ul style="list-style-type: none"> <u>discourage Hobbiton traffic from using the section of Buckland Road west of the DCP site; and;</u> <u>encourage Hobbiton traffic to use the eastern section of Buckland Road; and;</u> <u>discourage Hobbiton traffic from using Rangitanuku Road.</u> </p> |
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| | <p><u>Such measures shall include but shall not necessarily be limited to:</u></p> <ul style="list-style-type: none"> <u>(i) Sending out annual notices to all tour bus operators reminding them that the recommended travel route is via the eastern end of Buckland Road and that Rangitanuku Road should be avoided.</u> <u>(ii) Placing advisory information on the Site Operator's website.</u> <u>(iii) Printing advisory information on booking tickets.</u> <u>(iv) Maintaining advisory signage at the Precinct 1 vehicle exit.</u> <u>(v) Requesting internet-based mapping sites to direct Hobbiton traffic via the eastern end of Buckland Road and via the state highway network so as to avoid Rangitanuku Road.</u> <p><u>p) The Site Operator shall take such steps as are practicable to avoid pedestrians stepping within the Buckland Road reserve at the Precinct 1 frontage. Such measures shall include but shall not necessarily be limited to:</u></p> <ul style="list-style-type: none"> <u>(i) Displaying advisory signage at the Precinct 1 boundary with Buckland Road.</u> <u>(ii) Requiring Hobbiton staff to intervene when visitors attempt to step within the Buckland Road reserve.</u> <u>(iii) Creating and sign posting alternative safe locations outside of the Buckland Road reserve for photo opportunities for visitors.</u> <u>(iv) Constructing barriers to prevent pedestrians crossing Buckland Road, or constructing a pedestrian crossing or underpass to enable pedestrians to safely cross Buckland Road to a designated area within Precinct 2.</u> |
| 8. Visitor Numbers | <p><u>a) Total visitor numbers during Movie Set Tour Hours including patrons of Themed and Non-themed Events shall not exceed 3,500 people per day, excluding visitors attending events which finish more than one hour before the first movie set tour commences or begin one hour after the final movie set tour has finished.</u></p> <p><u>b) The Site Operator shall accurately monitor and record visitor numbers both during and outside of Movie Set Tour Hours and shall make the records available to the Matamata-Piako District Council as part of the Site Management and Monitoring Plan and upon request.</u></p> |
| 9. Noise | <p>a) The noise level from site activities other than the exclusions listed in DCP Performance Standards 1.1.9 b), c) and d) below, as measured at or any <u>point</u> within the notional boundary of any rural dwelling located outside the Hobbiton Movie Set Development Concept Plan (DCP) area and existing at <i>[insert date of plan change notification]</i> shall not exceed the following:</p> |

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| 7.00am to 8.00 10.00 pm | 50 dB LAeq |
| 8.00 10.00 pm to 7.00am | 40 dB LAeq and 70 dB LAeqAmax |

- b) Seasonal or temporarily intermittent noise resulting from agriculture and forestry activities (e.g. crop spraying, agriculture or forestry harvesting, frost control etc) consistent with the predominant character of the Rural zone, are permitted provided that:
- i) The activity is conducted in accordance with good management practice; and
 - ii) Machinery is operated in accordance with manufacturers' specifications.
- This exclusion does not include rural operations such as the distribution of industrial factory by-products.
- c) Up to 12 ~~themed~~ outdoor movie screening events that exceed the noise levels in Performance Standard 1.1.9 a) above are permitted to ~~11.00~~~~10.30~~pm during daylight savings time ~~and to~~ ~~10.00pm at all other times~~ in any calendar year, with no more than two events (outdoor movie screening or outdoor amplified music/concert events) in a seven-day period, and no more than three events in a calendar month. The events shall not exceed 55 dB LAeq when measured at ~~or any~~ ~~point~~ within the notional boundary of any rural dwelling located outside the DCP area and existing at *[insert date of plan change notification]*.
- d) Up to 6 ~~themed~~ outdoor amplified music /concert events that exceed the noise levels in Performance Standard 1.1.9 a) above are permitted in any calendar year, with no more than two events (outdoor movie screening or outdoor amplified music/concert events) in a seven-day period, and no more than three events in a calendar month. The events shall:
- i) Not exceed six hours duration (excluding sound testing and balancing on the day of the event);
 - ii) Not exceed ~~65~~~~60~~dB LAeq as measured at ~~any~~ ~~point within~~ the notional boundary of any rural dwelling located outside the DCP area and existing at *[insert date of plan change notification]*; and
 - iii) End by ~~11.00~~~~10.30~~pm during daylight savings, and by 10.00pm at all other times of the year; and
 - iv) Have a period of sound testing and balancing undertaken on the day of the event between 9.00am and 3.00pm. The noise from the testing shall not exceed 55 dB LAeq as measured ~~at any~~ ~~point~~ within the notional boundary of any rural dwelling located outside the DCP area and

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| | <p>existing at <i>[insert date of plan change notification]</i>. The cumulative sound testing period shall not exceed 1 hour.</p> <p>e) Written notice shall be provided to the occupiers of all properties, within a 3km radius of the Precinct where any outdoor <u>screening or</u> amplified music / concert event is being held, a minimum of seven <u>fourteen</u> days prior to the event. The written notice shall include the following details:</p> <ul style="list-style-type: none"> • The date and time of the event; and • The name and mobile phone number of a contact person who will be available to respond to any enquirers prior to, during and after the event. <p>f) <u>The Site Operator shall accurately monitor and record the date of events referred to in c) and d) above, start and finish times, number of patrons that attended the events, notices served, and monitoring undertaken to show compliance with the noise levels and shall make the records available to the Matamata-Piako District Council as part of the Site Management and Monitoring Plan and upon request.</u></p> <p>f)g) A single noise management plan shall be prepared for all <u>amplified music</u>/concert and outdoor movie events. It shall be submitted to Council <u>for certification in a technical capacity that the matters listed below have been addressed</u>, at least 10 working days prior to the first event and shall detail:</p> <ul style="list-style-type: none"> • The applicable noise limits; • How noise from the events will be managed and controlled to comply with the limits <u>in 1.1.9c) and 1.1.9d) above</u>; • Noise monitoring locations and methodology; • A list of neighbours who have been consulted and a summary of the consultation; and • How any complaints will be recorded and managed. <p><u>The noise management plan shall be implemented for the duration of all amplified music/concert and outdoor movie events.</u></p> <p>g)h) Monitoring of sound levels during the first occurrence of each event type listed in Performance Standards 1.1.9c) and d) above shall be carried out at <u>any point within the notional boundary of the closest neighbouring dwelling to that event, and in response to any complaints of these event types should they arise. Monitoring shall be undertaken at five minute intervals throughout the event (including any sound testing) by a person qualified to undertake noise measurements. If the noise limits are not complied with, the following similar type of event shall be monitored and the noise management plan updated if required and the updated version certified by Council, until compliance is achieved. In each case a A-report of</u></p> |
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| | <p>the monitoring results shall be submitted to Council within 10 working days of the event(s).</p> <p>i) <u>If consent is not given to monitor within the notional boundary of the closest neighbour the noise shall be monitored at a representative location and the method adopted to determine compliance with the noise limits included in the report to the Council.</u></p> <p>j) All Sound levels shall be measured and assessed in accordance with the requirements of NZS 6801:2008 "<i>Acoustics – Measurement of Environmental Sound</i>" and New Zealand Standard NZS 6802:2008 "<i>Acoustics – Environmental Noise</i>".</p> <p>h)k) Construction noise from the site shall comply with NZS6803:1999 "<i>Acoustics – Construction Noise</i>".</p> |
| 10. Lighting and Glare | <p>a) At no time between 7.00am and 10.00 <u>11.00</u>pm shall any outdoor lighting be used in a manner that causes an added illuminance in excess of 125 lux, measured horizontally or vertically at the boundary of Buckland Road or any Rural zoned site located outside the Hobbiton Movie Set Development Concept Plan (DCP) area.</p> <p>b) At no time between the hours of 10.00 <u>11.00</u>pm and 7.00am shall any outdoor lighting be used in a manner that causes:</p> <ol style="list-style-type: none"> An added illuminance in excess of 10 lux measured horizontally or vertically at the boundary of Buckland Road or at any window of an adjoining building within the Rural zone located outside the DCP area. An added illuminance in excess of 20 lux measured horizontally or vertically at any point along any Rural zone boundary located outside the DCP area. <p>c) Where measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations of a similar nature which are not affected by such outdoor lighting.</p> <p>d) The outdoor lighting within the DCP area shall be so selected, located, aimed, adjusted and screened as to ensure that glare resulting from the lighting does not cause a significant level of discomfort to user of Buckland Road or to any occupants of any adjoining Rural zoned site located outside the DCP area. For the purposes of this rule the discomfort level is defined as one that can be detected and determined to be a nuisance by an appropriately experienced Council officer who is able to apply the frequency, intensity, duration and offensiveness to their observations and who is able to report these accurately.</p> |
| 11. Street Lighting | <p>a) Prior to the commercial use of any Hobbiton Movie Set Visitor Accommodation within Precinct 1, a</p> |

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| | single street light shall be installed opposite the Precinct 1 entry access. |
| 12. <u>Signage</u> | <p>a) The following signs related to permitted activities established within Precincts 1 and 2 for the advertisement or identification of the established permitted activities:</p> <ul style="list-style-type: none"> i) Signs attached to or forming part of a building: 0.25m² for every metre of related Precinct frontage up to a maximum total area of 16m² in each of the for Precincts 1 and 2 combined. ii) Free standing signs: 0.25m² for every metre of related Precinct frontage up to a maximum total area of 16m² in each of the for Precincts 1 and 2 combined. <p>b) For the avoidance of doubt: Provided there are no controls on signage visible only internally to the Hobbiton DCP area or for signs whose sole purpose is to direct traffic within a Precinct.</p> <p>c) Health and Safety signs to meet legislative requirements: no size maximum.</p> <p>d) The size of letters on signs directed at passing traffic on Buckland Road shall have a minimum height standard of 150mm.</p> <p>e) Directional signs on local roads and state highways may be erected for Hobbiton Movie Set provided that the written consent of the Matamata-Piako District Council or NZ Transport Agency, respectively, is obtained. Directional signs erected under this Performance Standard shall not be subject to the DCP Signage Performance Standards 1.1.12 a), b), c) and d) above.</p> |
| 13. <u>Events Themed Events (including those events provided for in 1.1.9 c) and 1.1.9d)); and Non-themed Events</u> | <p>a) Events involving up to 500 patrons within Precincts 1 and 2; more than one event may be held at any one time provided that the total number of patrons for the events does not exceed 500.</p> <p>a) Events involving 501 to up to 1,000 patrons within Precincts 1 and 2 where no more than 500 patrons will arrive and depart the event by private car/mini-van: more than one event may be held at any one time provided the total number of patrons for the events does not exceed 1,000.</p> <p>b) Events held during Movie Set Tour hours: the operator shall manage Events and Movie Set Tour visitor numbers so that total parking demand within Precinct 1 does not exceed:</p> <ul style="list-style-type: none"> 450 parking spaces in the months November – March inclusive. For all other months, the The all-weather surface parking capacity <u>available on site at the time of the event;</u> <p><u>Advice Note: Compliance with Performance Standard 1.1.7(i) [i.e. no vehicles shall be parked in the road reserve] must be achieved.</u></p> |

Commented [M4]: The highlighted standards are not recommended by Council staff. The expectation is that appropriate standards will be agreed by Hobbiton's and the Council's landscape experts ahead of the hearing. Alternatively, the Council's landscape expert will circulate recommendations ahead of the hearing.

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| | <p>c) The operator of the events must maintain records of all events, including:</p> <ul style="list-style-type: none"> • Date, time, Precinct and type of event; • The number of patrons in attendance at the event and on the site as a whole; • The method of arrival and departure for all patrons for events involving more than 500 patrons; • Records of written notice to neighbours for events involving fireworks displays; • These records shall be supplied to Council <u>as part of the Site Management and Monitoring Plan and for the previous calendar year</u> upon request by Council. |
| 14. Fireworks Displays | <p>a) For events involving fireworks displays, written notice shall be provided to <u>the Matamata-Piako District Council</u> and 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 <u>be provided a minimum of 14 days prior to the event and</u> include the following details:</p> <ul style="list-style-type: none"> • The date and approximate time of the planned fireworks display; and • 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. <p>b) No fireworks displays shall be held between 1 August and 31 October in any calendar year unless otherwise approved by resource consent.</p> <p>c) <u>All fireworks displays shall be limited to the use of fireworks that meet classification 1.3G, 1.4G and 1.4S under the Hazardous Substances and New Organisms (HSNO) Act and corresponding regulations; purchased from a New Zealand retailer in accordance with the Code of Practice for Retail Fireworks, 2008.</u></p> <p>b) d) <u>Receipts demonstrating compliance with the standards in c) above shall be kept and supplied to Council as part of the Site Management and Monitoring Plan and upon request.</u></p> |
| 15. Earthworks/ Cleanfill/ Construction | <p>a) <u>Cut and fill earthworks and imported cleanfill activities shall be located outside the front, side and rear yards as defined in performance standard 1.1.1.</u></p> <p>b) <u>Imported cleanfill shall not exceed the deposting of more than 2,000m³ of material (as measured compacted in place).</u></p> <p>c) <u>All vehicle movements associated with earthworks, construction and/or development shall not track dirt and loose material onto the road carriageway. Any material which may inadvertently deposit on the road must be washed or swept clear of the road carriageway in a timely manner so that there is no hazard to the travelling public.</u></p> |

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| | <p>d) <u>Construction noise from the site shall comply with NZS6803:1999 "Acoustics – Construction Noise".</u></p> <p><u>Advice Note: Earthworks should be undertaken in accordance with the Waikato Regional Council's "Erosion and sediment control: guidelines for soil disturbing activities", Report: TR 2009/02, excluding "Section 3.4 Hay Bale Barrier" (these are no longer considered suitable control devices), and as amended by the following fact sheets:</u></p> <p><u>3. Sediment Control Practices</u></p> <p><u>3.1 Sediment Retention Pond</u></p> <p><u>3.2 Silt Fence</u></p> <p><u>3.6 Decanting Earth Bund</u></p> <p><u>Advice Note: Earthworks must comply with the land disturbance rules in the Waikato Regional Plan or resource consent must be obtained from the Waikato Regional Council.</u></p> <p><u>Advice Note: Works in close proximity to all electrical lines can be dangerous. Compliance with the NZECP 34 is mandatory for buildings, earthworks and mobile plant within close proximity to all electrical lines.</u></p> <p><u>Advice Note: The location of underground infrastructure should be identified prior to works commencing to ensure that infrastructure is not accidentally dug into and to avoid serious injury or a costly service interruption. Information on the location of underground pipes and cables can be obtained through the "Dial Before You Dig" service found online at http://www.beforeudig.co.nz/#.</u></p> <p><u>Advice Note: Where works are proposed in close proximity to any overhead or below ground electrical line, individuals are advised to contact the line operator to discuss works.</u></p> |
| <u>1.16 Accommodation</u> | <p>a) <u>A maximum of 86 visitors per night are permitted in the area marked for "Hobbiton Movie Set Visitor Accommodation" located in Precinct 1 as shown on the DCP.</u></p> <p>b) <u>A maximum of 30 self-contained mobile camping vehicles are permitted per night in the area marked for "Hobbiton Movie Set Overnight Park-Over Camping" located in Precinct 1 as shown on the DCP.</u></p> <p>c) <u>The Site Operator shall accurately monitor and record the number of visitors and self-contained mobile camping vehicles using the accommodation facilities referred to in a) and b) above and shall make the records available to the Matamata-Piako District Council as part of the Site Management and Monitoring Plan and upon request.</u></p> |
| <u>1.17 Complaints Procedures</u> | <p>a) <u>From the operative date of Plan Change 50 (Hobbiton) the Site Operator shall implement a</u></p> |

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| | <p><u>complaints procedure that will provide for complaints relating to activities being undertaken on the DCP site to be lodged directly with the Site Operator.</u></p> <p><u>b) The complaints procedure and any changes thereto shall be documented in the Site Management and Monitoring Plan.</u></p> <p><u>c) The Site Operator shall keep a written record of all complaints received and shall make a copy available to the Matamata-Piako District Council as part of the Site Management and Monitoring Plan and upon request</u></p> |
| <u>1.18 Community liaison</u> | <p><u>a) The Site Operator shall provide all owners and occupiers of properties with frontage to the full length of Buckland Road and the Matamata-Piako District Council with an opportunity to meet on at least an annual basis.</u></p> <p><u>b) The procedure to enable the community liaison referred to in a) above to take place and any changes to the procedures over time shall be documented in the Site Management and Monitoring Plan.</u></p> |
| <u>1.19 Site Management and Monitoring</u> | <p><u>a) Prior to Plan Change 50 (Hobbiton) becoming operative, the Site Operator shall submit a Site Management and Monitoring Plan ("SMMP") to the Matamata-Piako District Council for certification in a technical capacity as to compliance with the matters in b) below.</u></p> <p><u>b) The SMMP shall outline:</u></p> <p><u>(i) the day-to-day procedures to ensure that the performance standards in this DCP are being complied with;</u></p> <p><u>(ii) the day-to-day procedures to ensure that the monitoring required under the performance standards in this DCP are being undertaken;</u></p> <p><u>(iii) the format and frequency (being no less than six-monthly unless otherwise agreed to by the Council in writing) for reporting monitoring results to the Matamata-Piako District Council in a timely manner that will enable the Matamata-Piako District Council to readily ascertain whether the performance standards are being complied with.</u></p> <p><u>c) The Site Operator shall annually, by no later than 30 June, review the SMMP in consultation with the Matamata-Piako District Council and make amendments to the SMMP (if required) to give effect to the findings of the review.</u></p> <p><u>d) The Site Operator shall at all times adhere to the procedures outlined in the SMMP and any amendments thereto resulting from the annual review.</u></p> <p><u>e) The cost of any work incurred by the Matamata-Piako District Council in assessing and monitoring compliance of permitted activities on the DCP site with applicable standards and rules shall be at the</u></p> |

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| | <u>cost of the Site Operator, based on a fair and reasonable assessment by the Matamata-Piako District Council of the costs it incurs in carrying out such work.</u> |
| <u>1.20 Domestic wastewater treatment systems and disposal areas/ Stormwater treatment and attenuation facilities</u> | <u>a) The facilities shall be associated with Hobbiton.</u> <u>b) The operation of the facilities shall not result in odour that is objectionable to the extent that it causes an adverse effect at or beyond the boundary of the DCP site.</u> |

1.2 MATTERS OF DISCRETION

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| 1. Restricted Discretionary Activities provided for in the Development Concept Plan | <p>A. Events: Any application shall be assessed upon consideration of the following:</p> <p><u>a) The extent to which the event is Hobbiton-themed;</u></p> <p><u>b) Traffic Management Plan for events over 500 people without buses or over 1,000 people in all circumstances.Transportation impacts, including:</u></p> <ul style="list-style-type: none"> <u>• Efficiency effects along the various routes to the site;</u> <u>• Safety effects at the site accesses;</u> <u>• Potential for parking shortfalls in peak periods resulting in safety effects (including parking and pedestrians on Buckland Road);</u> <u>• Safety effects at intersections along the various routes to the site;</u> <u>• Safety effects at other vehicle crossings, particularly along Buckland Road.</u> <u>• Potential for increased number of traffic movements during the hours of darkness associated with the accommodation and park-over activities;</u> <u>• Potential for increased traffic on Rangitanuku Road and the surrounding road network;</u> <u>• Potential for accelerated pavement deterioration from additional traffic on Buckland Road and Puketutu Road; and</u> <u>• Increased visitor numbers to the Matamata i-site and risk of adverse effects from increased parking demand in the nearby area.</u> |
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| | <p>a/c Temporary ablution facilities during the event.</p> <p>b/d Details of any temporary structures associated with events.</p> <p>e/e <u>Set up and clean up.</u></p> <p>f/f Cumulative effects associated with the number and size of events.</p> <p><u>g</u>) Extent to which the event complies with Performance Standards 1.1.9 (noise) and 1.1.10 (lighting and glare) above.</p> <p><u>h</u>) <u>Visual effects.</u></p> <p><u>i</u>) <u>Signage.</u></p> <p><u>j</u>) <u>Amenity effects on neighbours and occupiers of properties along Buckland Road.</u></p> <p>e/k <u>Reverse-sensitivity effects on neighbouring farming activities.</u></p> <p>B. <u>Cut and Fill and Clean Fill Earthworks Activities:</u></p> <p>a) A management plan shall be supplied with the resource consent application which shall include:</p> <p>i) A plan of the property showing the area to be <u>cut and/or filled</u>;</p> <p>ii) The approximate quantity of material to be <u>cut and/or</u> deposited, the type of material, the timing and progress of the operation, its operating times and the <u>landfills-works</u> completion date;</p> <p>iii) A description of soil type, permeability, effect on groundwater levels and effects on adjacent land / soil <u>and</u> structures;</p> <p>iv) An investigation into the stability of the underlying land and its ability to remain stable under increased loadings <u>from fill</u> in all conditions;</p> <p>v) Proposals to ensure the prevention of mass movement of the <u>cut and</u> filled material itself. This will include details on benching, method of compaction, etc;</p> <p>vi) Proposals for rehabilitation of the surface of the <u>cut and/or</u> fill to prevent surface erosion such as sheet, rill and gully erosion. This will include details on topsoiling and grassing, etc;</p> <p>vii) Details of traffic generation, <u>hours of operation</u>, size of trucks, movements per day, position of access points, possible effect on public roads, location of adjacent dwellings. Council will take account of the expected volume of, and routes to be used by, traffic to and from the <u>landfill earthworks</u> site, and the impact of this</p> |
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| | <p>traffic on the areas through which it would regularly travel;</p> <p>viii) Proposals to deal with noise, dust, smoke and other detractions from the amenities of the area;</p> <p>ix) Proposals to ensure security of the site to prevent public dumping;</p> <p>x) Drainage proposals. How gullies would be drained in order to prevent excessive saturation of the fill;</p> <p>xi) Proposals for control of silt which discharge from bare earth areas during operations. Such proposals may include installation of a silt pond, in which specification of the pond's dimensions would need to be provided; and</p> <p>xii) Comment on the quality of material to be deposited. If leachate was discharged from the fill, how it would be contained.</p> <p>b) The extent to which adherence to the management plan will avoid, remedy and mitigate the effects of the <u>cut and/or</u> clean fill <u>earthworks</u> activity.</p> <p>b) c) Visual and amenity effects.</p> |
| 2. Restricted Discretionary Activities <u>triggered by Activity Schedule Clause A3(a)(v) due to failure of Performance Standards in the Development Concept Plan</u> | <p>Restricted Discretionary is Activities that are restricted solely due to the failed standards and will be assessed only against the effects of non-compliance with those standards.</p> |
| 3. Discretionary Activities ; Activities not provided for in the Development Concept Plan ; <u>Non-Complying Activities</u> | <p>For Discretionary Activities Council shall, as a minimum, have regard to all the Performance Standards for Permitted Activities within Section 1.1 and the matters of discretion for Restricted Discretionary Activities within Section 1.2. 2. The Performance Standards for Permitted Activities and matters of discretion for Restricted Discretionary Activities are only a guide to the matters Council will consider and shall not restrict Council's discretionary powers.</p> |

Definitions:

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

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

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

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

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

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

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

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

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

ACTIVITY SCHEDULE

PURPOSE

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

ACTIVITY SCHEDULE

A1 GENERAL

- a) Except as provided for in A2.4 below, ~~the~~ rules in this DCP do not apply to activities in the Rural Buffer Area. The Rural ~~Zone~~ rules apply within the Rural Buffer Area.
- ~~b) All permitted activities in Precincts 1 and 2 shall be subject to compliance with the relevant performance standards within DCP Rule 1.1.
Any permitted activity in Precincts 1 and 2 which is provided for in this DCP and does not meet the relevant performance standards under DCP Rule 1.1 is a restricted discretionary activity unless otherwise specified.~~
- ~~c) b)~~ For ~~restricted discretionary and~~ discretionary and non-complying activities the matters of discretion within DCP Rule 1.2 ~~shall may be used as a guide~~ apply.

A2 PERMITTED ACTIVITIES

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

A2.1 PRECINCT 1 (SHIRE'S REST)

Permitted:

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

A2.2 PRECINCT 2 (HOBBITON MOVIE SET)

Permitted:

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

1. TOTAL DCP (PRECINCTS 1 AND 2)

A2.3 PRECINCTS 1 AND 2

Permitted:

- a) Tourism Retailing.
- ~~b) Themed Events which comply with DCP Rules 1.1.13 a), b) and c).~~
- ~~c) Non-themed Events.~~
- ~~b)d) Administrative offices for Hobbiton activities permitted under the DCP.~~
- ~~e)e) Buildings associated with, and ancillary to, a permitted activity.~~
- ~~e)f) Parking, loading and manoeuvring areas.~~
- ~~e)g) One dwelling per Certificate of Title.~~
 - ~~Earthworks necessary for building works authorised by a building consent and the area of earthworks is no more than 150% of the area of the building.~~
- ~~f)h) Cut and fill earthworks.~~
- ~~g)i) Imported cleanfill Earthworks other than clean fill activities involving the depositing of 2,000m³ or more of material (as measured compacted in place).~~
- ~~j) Signage.~~
- ~~k) Farming.~~
- ~~l) Domestic wastewater treatment systems and land disposal areas situated in a location as shown on the DCP.~~
- ~~m) Stormwater treatment and attenuation facilities situated in a location as shown on the DCP.~~

A2.4 RURAL BUFFER AREA

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

A3 RESTRICTED DISCRETIONARY ACTIVITIES

Restricted Discretionary:

The following are restricted discretionary activities:

- ~~(a) An activity permitted in A2, excluding a non-themed event, that:

 - ~~(i) Complies with performance standard 1.1.7; and:~~
 - ~~(ii) Complies with performance standard 1.1.8; and:~~
 - ~~(iii) Complies with performance standard 1.1.14; and:~~
 - ~~(iv) Complies with performance standard 1.1.16; and:~~
 - ~~(iv) Fails to comply with one or more of the other relevant performance standards within DCP Rule 1.1.~~~~
- ~~a) Events which do not comply with DCP Rule 1.1.13 a), b) and c).~~
- ~~b) Clean fill activities involving the depositing of 2,000m³ or more of material (as measured compacted in place).~~

~~c) _____~~

A4 DISCRETIONARY ACTIVITIES

~~Discretionary:~~

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

The following are discretionary activities:

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

A5 NON COMPLYING ACTIVITIES

The following are non-complying activities:

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

Memorandum of Understanding

DATED THIS DAY OF 2019

AGREEMENT IN RESPECT OF:

HOBBITON MOVIE SET

BETWEEN:

RINGS SCENIC TOURS LIMITED; AND
MATAMATA-PIAKO DISTRICT COUNCIL

1. PARTIES

1.1 The parties to this Agreement are:

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

2. BACKGROUND

- 2.1 RSTL operates Tourism Activities from the site known as Hobbiton Movie Set at 501 and 502 Buckland Road, Matamata. The current activities include tours of the movie set which was used for *The Lord of the Rings* and *The Hobbit* film trilogies, as well as the operation of a restaurant/bar, café, visitor centre with retail and ancillary maintenance and staff facilities. Special events are held from time to time such as movie premieres, weddings, functions and themed concerts.
- 2.2 Set construction at the site initially began in March 1999 for the filming of *The Lord of the Rings* film trilogy. The construction of the movie set at the Site 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 movie set was rebuilt in 2011 for filming of *The Hobbit* film trilogy and it is now a permanent tourist attraction. Tours of the Hobbiton Movie Set began in 2002 and the annual number of visitors has increased year on year thereafter, with visitor numbers significantly increasing from 2011. Hobbiton Movie Set is now well established as an internationally renowned and multi award-winning tourist attraction. It is New Zealand's third largest tourist destination, attracting approximately 17% of all international visitors to New Zealand. An economic assessment in August 2017 valued the economic benefit of the Tourism Activities to the Matamata-Piako District at \$78 million additional annual expenditure with additional employment of 393 FTE jobs.
- 2.3 The Site is currently zoned Rural under the OPD. The current Tourism 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 Tourism Activities are therefore subject to Resource Consents which have been granted by both MPDC and WRC. Significant growth in visitor numbers to Hobbiton Movie Set has resulted in non-compliance with a condition of a resource consent granted by MPDC which limits the maximum number of visitors per annum to 300,000 people. There were approximately 552,000 visitors in the financial year April 2016 to March 2017.
- 2.4 RSTL is seeking a Private Plan Change to the ODP to introduce new objectives, policies and rules to enable the ongoing operation and growth of the Tourism Activities within an appropriate planning framework. The Private 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. A DCP for the Hobbiton Movie Set will form part of the ODP.
- 2.5 To support the Private Plan Change an ITA was prepared by traffic engineering consultants, Bloxam Burnett and Olliver Limited. The ITA assesses the traffic effects of the existing Hobbiton Movie Set activities and those future activities that would be permitted under the provisions of the DCP (should the Private Plan Change be adopted).
- 2.6 The ITA recommends that RSTL makes the Financial Contribution toward the Works. The Works are needed as a consequence of the accelerated deterioration of pavement on Buckland Road caused by heavy vehicles associated with increased visitor numbers

to the Hobbiton Movie Set, and in order to construct physical works to improve traffic safety on Buckland Road.

- 2.7 This Agreement records the agreement of the parties in the relation to the Financial Contribution and Private Plan Change. The parties have agreed that they be addressed through this Agreement and potentially as standards of the DCP.

IT IS AGREED:

3. DEFINITIONS AND CONSTRUCTION

Defined Terms

- 3.1 In this Agreement, unless the context requires otherwise:

"Agreement" means this agreement and includes its schedules and annexures.

"Building Consent" means any consent required under the Building Act 2004 relating to the construction of the Works.

"Business Day" means the day on which registered banks are open for business in Matamata, excluding Saturdays, Sundays and public holidays.

"Confidential Information" means any information:

- (a) relating to the terms of this Memorandum;
- (b) relating to the business affairs of any party;
- (c) disclosed by any party to the other on the express basis that such information is confidential; or
- (d) which might reasonably be expected by any party to be confidential in nature

provided that where information relates exclusively to one party, nothing in this Memorandum shall require that party to maintain confidentiality in respect of that Information.

"Construction Contract" means a contract related to the construction of the Works or any part of them.

"DCP" means the development consent plan for the Hobbiton Movie Set forming part of the ODP.

"Financial Contribution" means a one-off payment of \$99,000.00 plus GST (if any).

"Hobbiton Movie Set" means the movie set which was used for *The Lord of the Rings* and *The Hobbit* film trilogies located at the Site.

"Information" includes the whole or any part of, and all copies and other means of reproduction or storage (whether in a visible, electronic or other form) of:

- (a) any intellectual property, including (without limitation) any opinion, projection, idea, concept, process, procedure, plan, design, programme, study, know-how, expertise or such other property; and

- (b) any document, data, statement, analysis, report, note, notebook, drawing, manual, letter or any other such material in any form.

"ITA" means the Integrated Traffic Assessment (ITA) prepared by traffic engineering consultants, Bloxam Burnett and Olliver Limited dated [REDACTED].

"ODP" means the Operative Matamata-Piako District Plan.

"Drawings" means the drawings attached at Appendix 1 prepared by Bloxam Burnett and Olliver being Drawing No's. 144150/00/P/101 to 144150/00/P/110 Revision B dated 24 November 2017 showing the general location and scheme of the Works.

"Location Plan" means the plan showing the location of the Site and the Hobbiton Movie Set attached at Appendix 2.

"Private Plan Change" means a plan change to [REDACTED]

"Resource Consents" means resource consents which have been granted by MPDC and WRC for the Tourism Activities.

"Signage Strategy" means the Signage Strategy described in Schedule 2.

"Site" means 501 and 502 Buckland Road, Matamata as shown on the Plan.

"Tourism Activities" means tours of the Hobbiton Movie Set as well as the operation of a restaurant/bar, café, visitor centre with retail and ancillary maintenance and staff facilities.

"Works" means the works described in Schedule 1.

"WRC" means Waikato Regional Council

Interpretation

3.2 In this Memorandum:

- (a) All monetary amounts are stated and are payable exclusive of GST and in New Zealand dollars, unless provided otherwise.
- (b) Where the context permits, the singular includes the plural and vice versa.
- (c) References to any "party" mean a party to this Memorandum and includes the successors and permitted assignees (as the case may be) of that party.
- (d) References to clauses and schedules are to clauses in, and the schedules to, this Memorandum (unless stated otherwise). Each such schedule forms part of this Memorandum.
- (e) Where the context permits, references to a "person" include an individual, firm, company, corporation or unincorporated body of persons, any public, territorial or regional authority, any government, and any agency of any government or of any such authority.
- (f) Any reference to any asset of MPDC includes any asset held on trust by the WDC for any other person or organisation.

- (g) Any reference to the MPDC includes reference, as may be appropriate, to the MPDC's duly authorised officers, employees, and contractors.

4. FINANCIAL CONTRIBUTION

- 4.1 RSTL agrees to pay the Financial Contribution to MPDC in cleared funds.
- 4.2 The Financial Contribution shall be paid within 20 Business Days of the earlier of:
 - (a) the date the Private Plan Change becomes operative, and
 - (b) 1 August 2019?;
- 4.3 The Financial Contribution is to be applied by MPDC toward MPDC's costs associated with the Works.

5. COOPERATION

- 5.1 The Parties agree to cooperate with each other to design and construct the Works.
- 5.2 In designing the Works the Parties shall have reference to the Signage Strategy. Designs for the Works shall be approved by the Parties. A Party shall not unreasonably withhold approvals of the designs.
- 5.3 The Parties agree that the design and construction of the Works will be completed as soon as reasonably practicable following the execution of this Agreement.
- 5.4 Each Party shall:
 - (a) provide the other Party with such documents and information it has in its possession or control that is reasonably required by the other Party for the purpose of designing and constructing the Works;
 - (b) keep the other Party regularly updated on that party's progress toward completion of any designs or Works which are the responsibility of that Party;
 - (c) sign all documents, and do all things reasonably required to design, construct and maintain the Works, including but not limited to entry in a Construction Contract with the prior agreement of the other Party which shall not be unreasonably withheld or delayed.

6. CONSTRUCTION OF WORKS

- 6.1 MPDC will at its sole cost be responsible for the design and construction of that part of the Works that are located within the road reserve of Buckland Road for which MPDC is responsible as the territorial authority.
- 6.2 RSTL will at its sole cost be responsible for the design and construction of the Works that are located of any part of the Site which is owned, leased or occupied by RSTL or used by RSTL as part of the operation of the Hobbiton Movie Set and Tourism Activities.

- 6.3 The design and construction of all Works shall be undertaken by the Party responsible for those Works in accordance with the relevant NZ Transport Agency guidelines and manuals and Austroads design guidelines.

7. MAINTENANCE OF WORKS

- 7.1 MPDC will be responsible for the ongoing maintenance of Works located within the road reserve of Buckland Road in accordance with MPDC's obligations as road controlling authority.
- 7.2 RSTL will be responsible for maintenance of Works that are located on any part of the Site which is owned, leased or occupied by RSTL or used by RSTL as part of the operation of the Hobbiton Movie Set and Tourism Activities.
- 7.3 The Works will be maintained by the Party responsible to a high standard in a proper and workpersonlike manner and in accordance with NZ Transport Agency guidelines and manuals and Austroads design guidelines.

8. ACCESS

- 8.1 Each Party agrees to give the other Party reasonable access to any land under its possession or control for the purpose of enabling the other Party to design and construct the Works including all preliminary investigations and surveying.
- 8.2 RSTL grants MPDC a licence to enter the Site and Hobbiton Movies Set on reasonable notice for all purposes connected with this agreement where MPDC reasonably requires access for design, construction or maintenance of Works.

9. ANNUAL NOTICE

- 9.1 RSTL will send out annual notices to all tour bus operators advising them that the recommended travel route to and from Hobbiton Movie Set is via the eastern end of Buckland Road.
- 9.2 RSTL shall send a copy of the notice required under clause 6.1 to MPDC for its records.

10. NO DEALINGS

- 10.1 RSTL will **not** sell transfer or otherwise dispose of its interest in the Site or the Hobbiton Movie Set unless:
- 10.2 During the term of this Agreement RSTL agrees it will not, without the express prior written consent of MPDC, sell, licence, transfer, assign or otherwise dispose of, or part with, possession or ownership or the Site or the Hobbiton Movie Set.
- 10.3 The consent of MPDC under clause 10.2 will not be unreasonably withheld or delayed in the event that RSTL provides reasonable evidence to MPDC demonstrating that the purchaser, licensee, transferee of the Site or the Hobbiton Movie Set from RSTL:
- (a) is responsible and respectable;
 - (b) has the financial and other means to fulfil the obligations of RSTL under this Agreement; and

- (c) has entered into a deed of covenant in a form acceptable to MPDC agreeing to be bound by the terms of this Agreement as fully and effectually as if it was an original party.

11. DISPUTE RESOLUTION

- 11.1 All disputes arising between the Parties in relation to this Agreement shall be resolved in accordance with this Clause 11 and, for the avoidance of doubt, no Party may start court proceedings relating to the dispute (unless that Party seeks urgent interlocutory relief) without first complying with this Clause 11.
- 11.2 A Party claiming that a dispute has arisen concerning this Agreement must give written notice to the other Party specifying the matter in dispute.
- 11.3 After a Party has given notice under Clause 11.2 the representatives of the Parties identified in Clause 18 will have authority to settle the dispute. The representatives must try in good faith to resolve the dispute within 15 Business Days of notification of the dispute.
- 11.4 If the dispute is not resolved under Clause 11.3 then the Parties may agree at any time in the next 5 Business Days to invite the President for the time being of the New Zealand Law Society (or his/her nominee) to appoint a mediator to enable the Parties to mediate and settle the dispute. All discussions in the mediation shall be without prejudice and shall not be referred to in any later proceedings. The Parties shall bear their own costs in the mediation and shall share equally the mediator's costs.
- 11.5 Any dispute not resolved under Clause 11.4 or otherwise remaining unresolved for a period of not less than 40 Business Days, may be finally resolved by the courts of New Zealand.

12. COUNCIL'S REGULATORY FUNCTIONS

- 12.1 MPDC has statutory and regulatory functions in its capacity as a local authority outside of the terms and conditions of this Agreement including without limitation under the Resource Management Act 1991, Building Act 2004, Local Government Act 2002 and any other Act, regulation or by-law. Where MPDC is exercising these regulatory functions it shall be deemed not to be acting in those circumstances as party to this Agreement. Nothing in this Agreement:
 - (a) will override MPDC's regulatory role which will prevail in the event there is a conflict between that regulatory role and the provisions of this Agreement.
 - (b) implies any approval by Council in its regulatory role.

13. DISCLOSURE OF INFORMATION AND MEDIA RELEASES

- 13.1 RSTL shall, and will ensure that its directors, employees, contractors, agents, officers and members, shall not, make public announcements or statements to the media or otherwise disclose any information relating to this Agreement or the Works without the express prior written consent of MPDC.
- 13.2 MPDC shall not, and will ensure that its councillors, employees, contractors, agents, officers and members, shall not, make public announcements or statements to the media or otherwise disclose any information relating to this Agreement or the Works unless

MPDC has given not less than 2 Business Days prior notice to RSTL. Such notice shall include the reasons for the proposed disclosure and the nature and extent of the matters proposed to be disclosed.

- 13.3 Any objection or concern raised by RSTL in relation to a proposed disclosure of information relating to this Agreement or Works by RSTL shall be referred to the Chief Executive Officer of MPDC, who shall determine whether the information should be withheld, or released in a different form or manner. In determining whether information should be released, the Chief Executive Officer of MPDC shall have regard to whether the information proposed to be released is commercially sensitive. The decision of the Chief Executive Officer of MPDC shall be final and binding on the parties.
- 13.4 Nothing in this clause 13 shall restrict the ability of MPDC to release information pursuant to Local Government Official Information and Meetings Act 1987 where the Chief Executive Officer of Council (whose opinion shall be final) considers there are no grounds to withhold information under that Act, or that the grounds for withholding are outweighed by other considerations that make it desirable, in the public interest, to make that information available.

14. NO REPRESENTATION

- 14.1 Nothing in this Agreement shall imply any representation on the part of MPDC as to the likelihood of any consent or approval for the Works being successful, or the Private Plan Change being approved and adopted.

15. CONFIDENTIALITY

- 15.1 Each Party shall maintain as confidential at all times, and shall not at any time, directly or indirectly:
- (a) disclose or permit to be disclosed to any person; or
 - (b) use for itself; or
 - (c) use to the detriment of any other party,
- any Confidential Information except:
- (i) as required by law; or
 - (ii) as is already or becomes public knowledge, otherwise than as a result of a breach by the party disclosing or using that Confidential Information of any provision of this Agreement; or
 - (iii) as authorised in writing by any other party; or
 - (iv) to the extent reasonably required by this Agreement.

16. GENERAL

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

- 16.2 If any provision in this Agreement is held to be illegal under any enactment or rule of law such provision shall, to that extent, be deemed not to form part of this Agreement and the enforceability of the remainder of this Agreement shall not be affected.
- 16.3 Any facsimile or email copy of this Agreement or any notice given pursuant to this Agreement (including any signature on any such document) may be relied upon by the parties as though it were an original.
- 16.4 No waiver of any breach, or failure to enforce any provision of this Agreement at any time by either party shall in any way limit or waive the right of any such party to subsequently enforce and compel strict compliance with the provisions of this Agreement.
- 16.5 This Agreement is governed by the laws of New Zealand and the parties submit to the exclusive jurisdiction of the New Zealand courts in respect of all matters relating to this Agreement.
- 16.6 Each party shall make all applications, do all things and execute all documents reasonably required in order to give effect to the provisions and intent of this Agreement.
- 16.7 None of the Parties shall be entitled to assign any of its rights or obligations under this Agreement without the written consent of the other Party. Any change in control of a party shall be deemed to be an assignment requiring the consent of the other party for the purposes of this clause.
- 16.8 Each party shall take reasonable steps to mitigate any losses and liabilities it may suffer under this Agreement.
- 16.9 Each party shall use its best endeavours and shall consult and cooperate with the other parties in order to facilitate and expedite the implantation of this Agreement.

17. NOTICES

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

Matamata-Piako District Council
35 Kenrick Street
Te Aroha

Rings Scenic Tours Limited
501 Buckland Road
Hinuera

Matamata-Piako District Council
PO Box 266
Te Aroha 3342

Rings Scenic Tours Limited
RD2
Matamata 3472

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

18. REPRESENTATIVES

- 18.1 The representatives of each party are:

a) Russell Alexander, General Manager, Rings Scenic Tours Limited

b) Don McLeod, Chief Executive Officer, Matamata-Piako District Council

EXECUTION

SIGNED on behalf)
MATAMATA-PIAKO)
DISTRICT COUNCIL)
in the presence of:)

(Don McLeod - Mayor)

(Signature of Witness)

(Name of Witness)

(Occupation of Witness)

(Address of Witness)

SIGNED on behalf of)
RINGS SCENIC TOURS LIMITED)
in the presence of:)

(Ian Rennie Alexander - Director)

(Russell Ian Alexander - Director)

SCHEDULE 1

Description of Works

- a) Pavement mark white direction arrows in each lane on Buckland Road east at 900m, 2660m and 4410m to reinforce to tourists that New Zealand drives on the left.
- b) Install 100mm white painted edge lines on both sides of Buckland Road from 0 to 5370m.
- c) Install double yellow “no passing” centre line on Buckland Road from 1800m to 6000m, inclusive of lead in markings.
- d) Install no stopping edge line markings on the eastbound lane and no stopping signs on the eastbound berm of Buckland Road from 2610m to 3510m and from 3760 to 4540m. These are unsafe locations that tourists regularly pull over to take scenic photos.
- e) Create safe, chip sealed surfaced pull off areas in the berm at 3750m and 4550m on the northeast side of Buckland Road, for tourists to park off the road shoulder to take photos.
- f) Construct gated speed calming entrance signs (threshold treatments) on Buckland Road either side of Hobbiton at 5210m and 4540m, with “Welcome to Hobbiton Movie Set” or similar wording agreed with MPDC. Threshold treatments to be in accordance with Council standards.
- g) Complete the Recommended Safety Improvements for Buckland Road proposed in the ITA (Appendix D). For example, only one of the pull off areas proposed in the ITA has been constructed and the truck signs have not been removed.
- h) Erect appropriate motorist service signs in advance of the pull-off areas.
- i) Install no-stopping markings and signs adjacent to 21 Buckland Road for a minimum of 140m on Puketutu Road and 600m on Buckland Road.
- j) Design and construct further improvements to improve visibility of the Buckland Road/ Puketutu Road intersection. As a minimum, this should include a splitter island, signage and lighting.
- k) Install chevron and speed advisory signs near 1241 Buckland Road.
- l) Install centreline along length of Buckland Road (west), noting that this will require works within Waipa DC.
- m) Design and construct improvements to provide 140m sight distance at the vehicle crossings to 385 and 399 Buckland Road to mitigate the crash risk. This is likely to require lowering of Buckland Road.
- n) Reduce the risk of pedestrian crashes at the Hobbiton site accesses by improving barriers to pedestrians crossing the road or providing designated photo opportunities within the site.
- o) Provide** additional travel information to staff to ensure that staff and deliveries use the preferred Buckland Road (east) route when travelling to and from the site. Travel information should specifically state that Rangitunuku Road should be avoided.

SCHEDULE 2

Signage Strategy

See: <http://www.mpd.govt.nz/districtplan/ProposedChanges/PPC50/Schedule4.pdf>; p66

APPENDIX 1

Drawings

See: <http://www.mpd.govt.nz/districtplan/ProposedChanges/PPC50/Schedule4.pdf>; p71 -81






APPENDIX 2

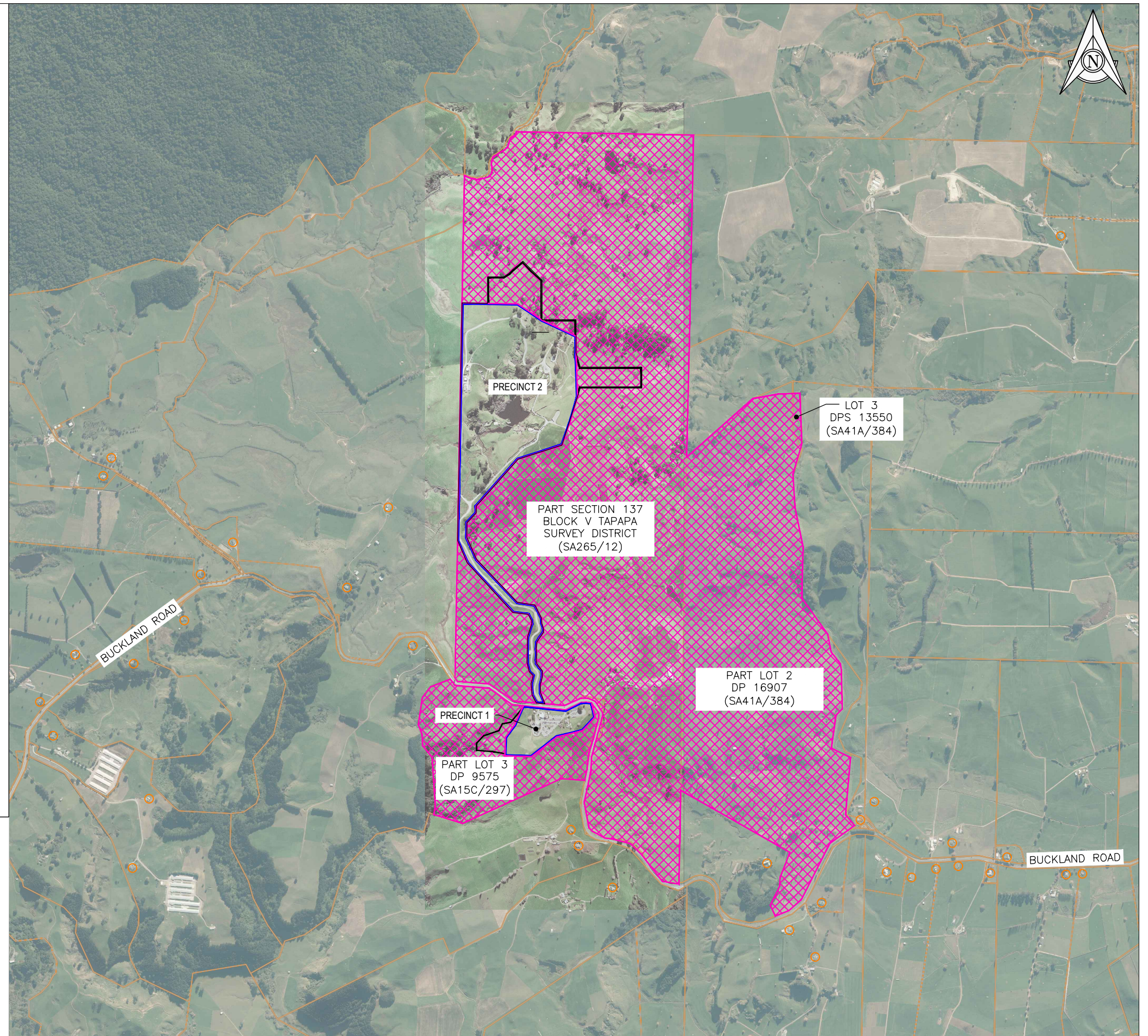
Location Plan

See: <http://www.mpd.govt.nz/districtplan/ProposedChanges/PPC50/Schedule1.pdf>; p2

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KEY

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

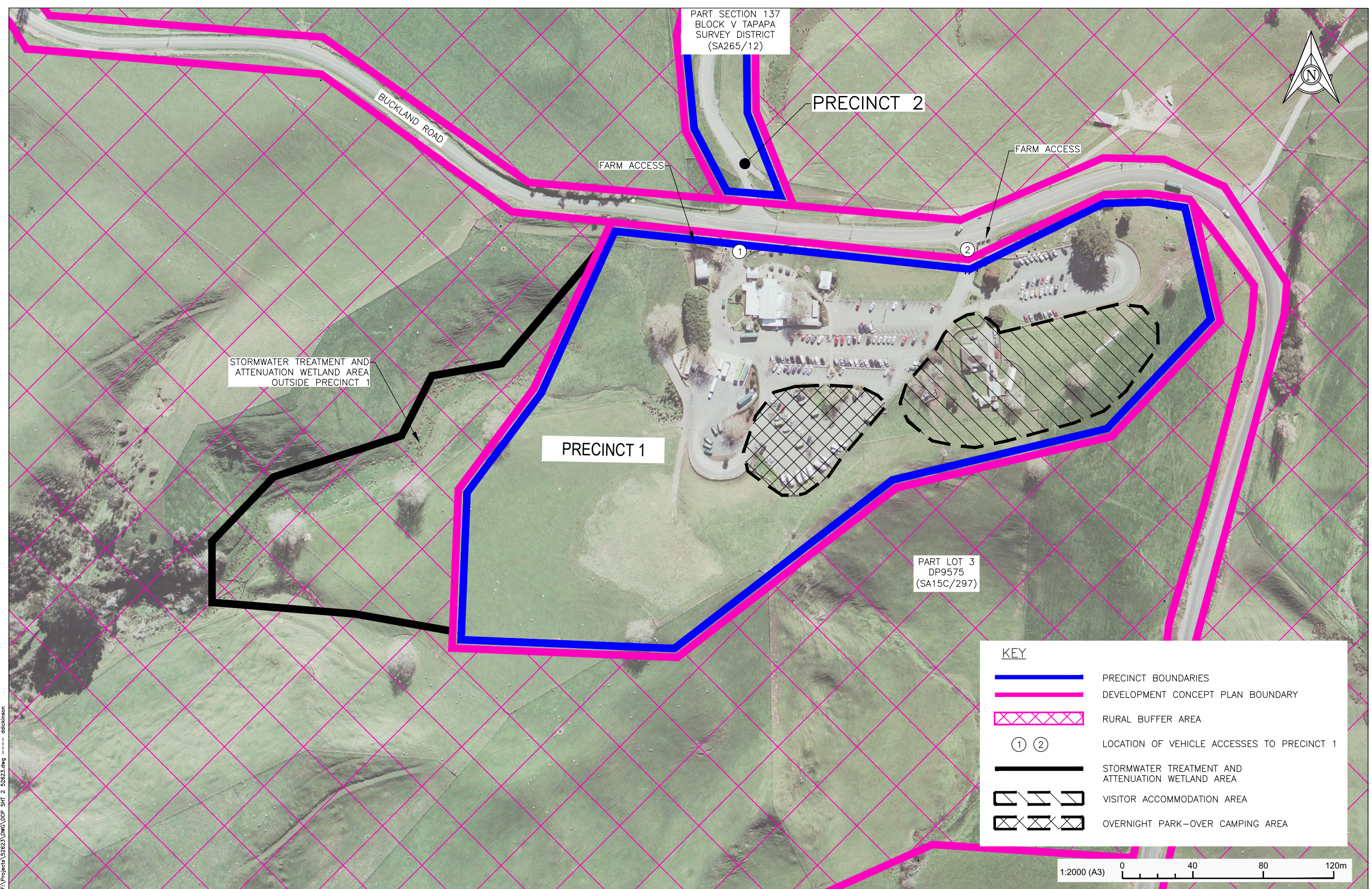


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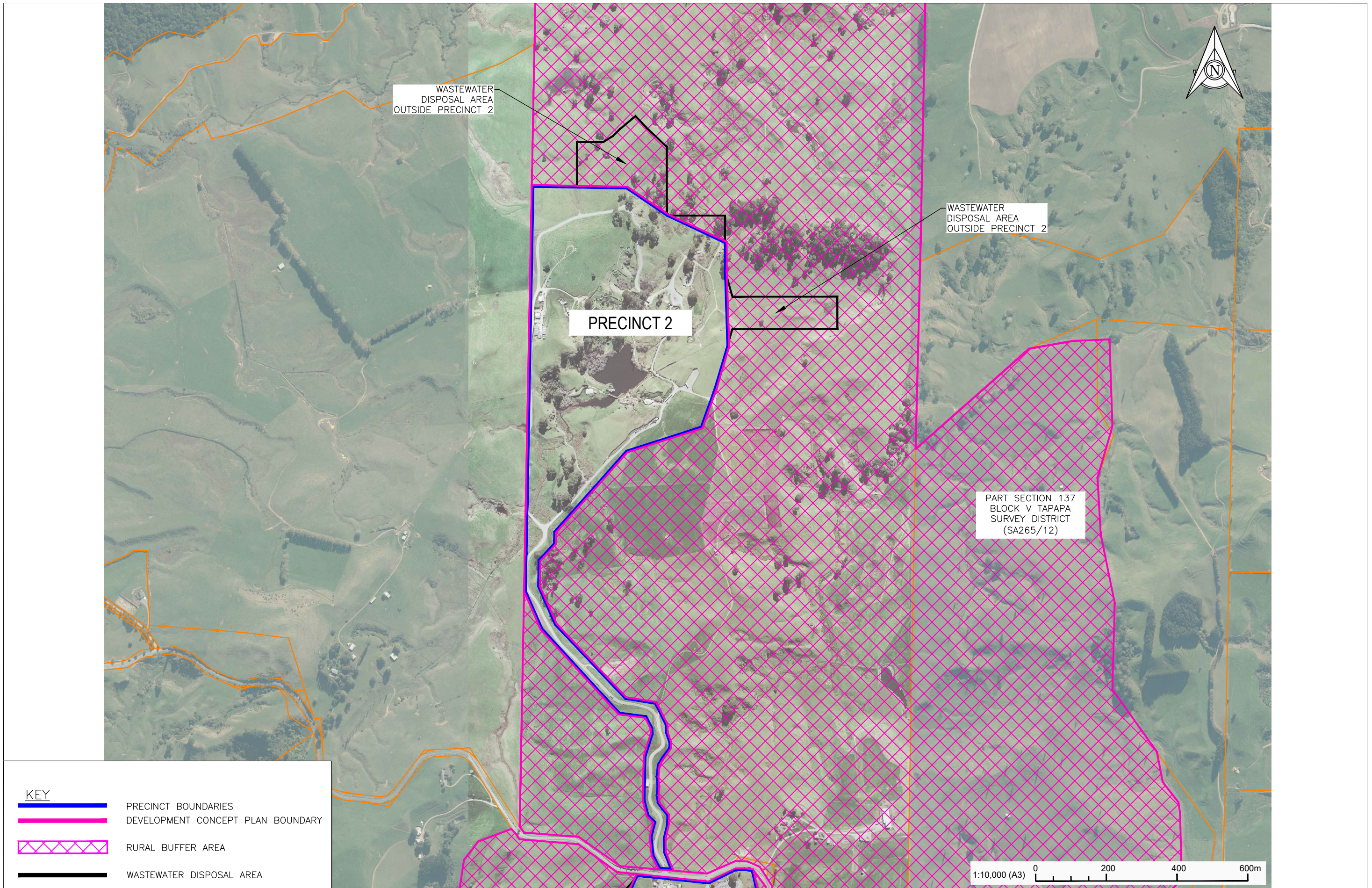
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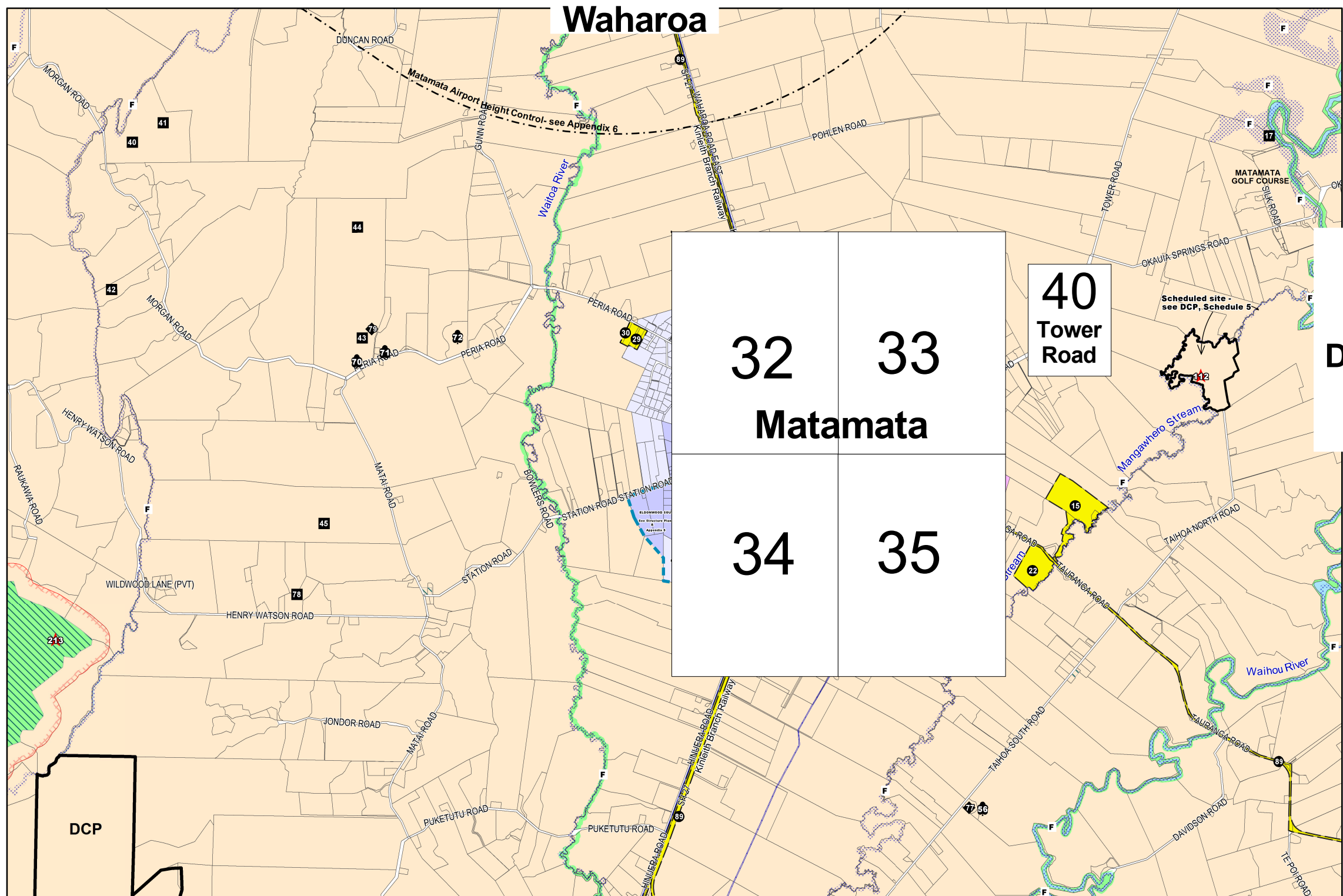
SHEET 1 OF 6

Appendix B - Page 40



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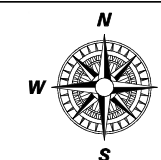




MATAMATA ENVIRONS

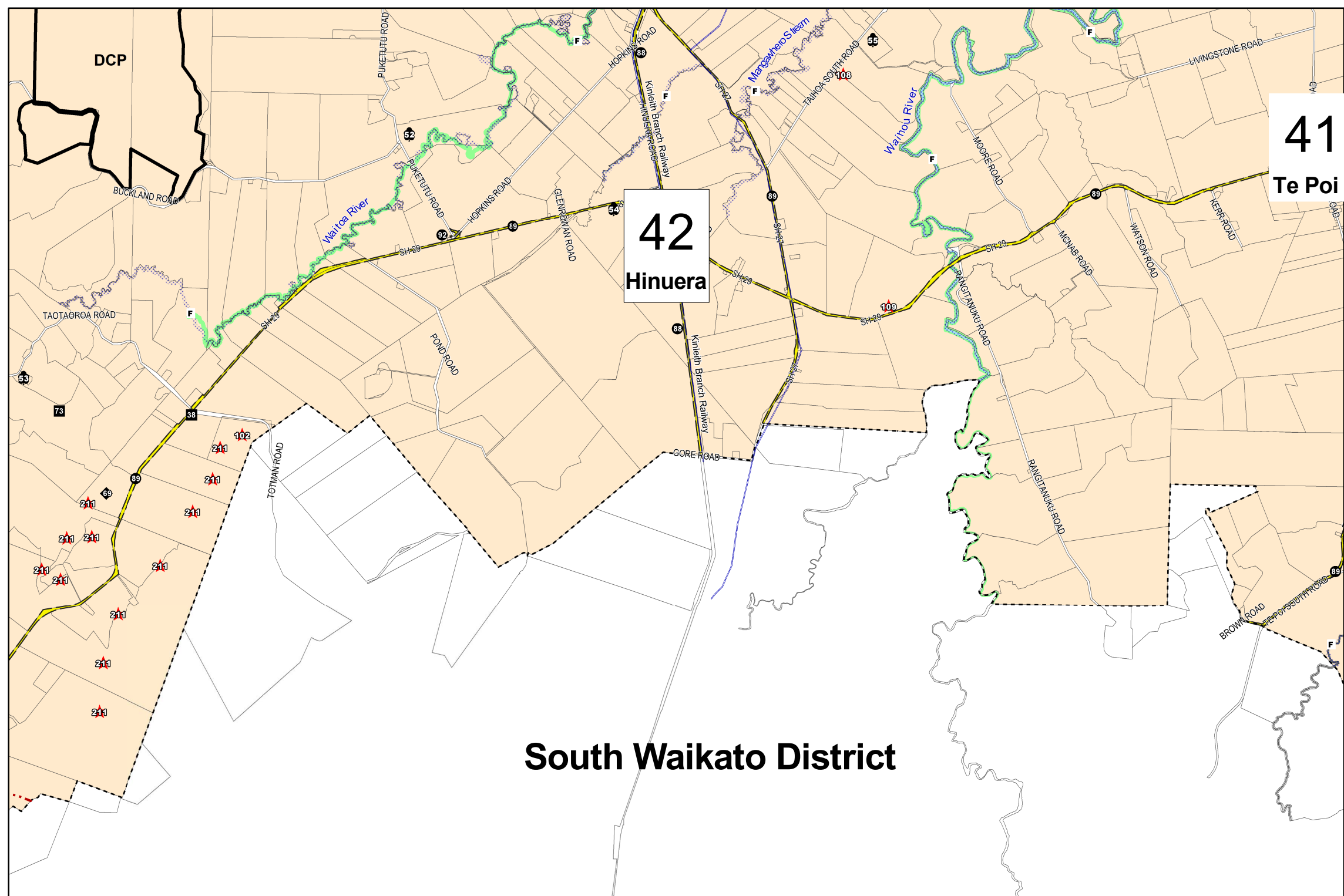
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Version 10 -- Operative 6 April 2018



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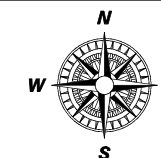




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Version 4 -- Operative 24 May 2017



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