

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2024] NZEnvC 015

IN THE MATTER OF appeals under section 120 the Resource
Management Act 1991

BETWEEN ANDREW MACNIVEN CASELEY
(ENV-2023-AKL-000008)

Appellant

AND NUMBER 8 STUDIOS LIMITED
(ENV-2023-AKL-000015)

Appellant/Applicant

AND HASTINGS DISTRICT COUNCIL
Respondent

Court: Environment Judge MJL Dickey sitting alone under s 279 of the
Act

Last case event: 15 December 2023

Date of Order: 15 February 2024

Date of Issue: 15 February 2024

CONSENT ORDER

A: Under section 279(1)(b) of the Resource Management Act 1991, the
Environment Court, by consent, orders that:

Caseley & No 8 Studios v Hastings District Council



(1) the appeals are allowed subject to the agreed amendments to conditions of the Hastings District Council Land Use Consent RMA20210474 as set out in **Appendix A**, attached to and forming part of this order;

(2) the appeals are otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] Andrew Macniven Caseley appealed certain conditions in a decision of Hastings District Council which granted land use consent to Number 8 Studios Limited (**Decision**). The application RMA20210474 sought consent to establish a screen production studio on land in the rural zone at Gordon Road and 376 Parkhill Road, Te Awanga.

[2] Number 8 Studios also appealed the Decision. The appeal sought the deletion of Condition 71, which restricts the hours of operation for the activities authorised by the consent to between 6 am and 6 pm, Monday to Saturday inclusive.

[3] No person has given notice of an intention to become a party under s 274 of the Act.

Agreement reached

[4] Following two mediation sessions and subsequent direct discussions between the parties, they have reached agreement to resolve both appeals.

[5] The parties summarised the changes to the conditions and the appeal points to which they responded, as follows:

- i) In condition 10 (which is a condition precedent offered by the applicant on an *Augier* basis), the pedologist or soil scientist engaged to prepare a report under the NPS-HPL is now required to be approved as suitably

qualified and experienced by the Council. Mr Caseley's appeal had sought amendments to condition 10 which were resolved through this amendment;

- ii) Condition 26 (previously condition 30) provides that no more than 100m³ of cleanfill per annum may be removed from the site as part of construction works. This relief was sought by Mr Caseley's appeal;
- iii) Condition 31 provides that the maximum number of carpark spaces will be 160. This addresses the general relief sought in Mr Caseley's appeal to limit traffic entering the site;
- iv) Various changes are proposed to the Studio access road and connection to Parkhill road conditions from 33 – 41 to address Mr Caseley's appeal points around road safety issues and restricting the use of the new access to prevent use by persons unrelated to the Screen Production Site, and causing consequential traffic and noise effects for residents of Parkhill Road. These amendments give effect to the relief sought in Mr Caseley's appeal in relation to conditions 38 and 40;
- v) Condition 45 includes a minor amendment to improve the certainty of what is required in terms of achieving appropriate residential sightlines by referring to the Council's Engineering Code of Practice. Amendments to this condition (previously condition 48) in Mr Caseley's appeal;
- vi) Various changes to the Parkhill Road/Raymond Road and Parkhill Road/East Road intersection improvements conditions, from Condition 52 - 54 are proposed to specifically address matters to be addressed in the intersection design upgrades, being matters that had been identified by engineering witnesses at the Council hearing. These amendments respond to the relief sought in Mr Caseley's appeal in relation to what was previously condition 55 and is now condition 52;

- vii) A construction traffic condition (previously condition 65) has been deleted as a correction of an error in the decision which provided conflicting hours in which construction traffic could use Parkhill Road. Hours for construction traffic remain controlled by condition 63;
- viii) New condition 62 is proposed to limit heavy commercial vehicle movements to and from the site during construction. This additional limitation was agreed to by the applicant as part of the relief sought by Mr Caseley to limit traffic noise effects on Parkhill Road residents;
- ix) Condition 68 regarding hours of operation is amended to allow limited operation after 6 pm, subject to meeting certain timing and notification requirements to Council and owners and occupiers of Parkhill Road. The appeal by Number 8 Studios sought deletion of this condition (previously condition 71) and Mr Caseley sought its amendment to avoid noise effects on residents of Parkhill Road;
- x) Condition 69 regarding the Transportation Management Plan is amended primarily to limit the number of vehicles that can access the site before 7 am to 50. This is intended to address the noise effects of early morning traffic on residents of Parkhill Road. Amendments had been sought to condition 72 (now condition 70) by Mr Caseley, to achieve the same purpose;
- xi) Conditions requiring traffic noise monitoring are deleted, and a consequential change is made to the Review condition, condition 83. As neither appeal sought this relief, the scope for this change was considered and is discussed below.
- xii) Minor changes to conditions 58, 70, and 74 are made for clarity, generally in line with amendments sought by Mr Caseley's appeal.
- xiii) Numbering and cross-referencing have been corrected and updated (noting that the Decisions version conditions skipped from Condition 15 to Condition 21).

Issue of scope

[6] The Council identified that the agreement to delete a condition regarding noise monitoring (previously Condition 85) raises an issue of scope as it was not specifically sought by either appeal.

[7] The parties addressed the issue and advised the Court that their agreed relief falls broadly within the scope of relief sought by Mr Caseley’s appeal. Relief sought included additional restrictions on traffic entering the site before 7 am for the purpose of noise control.

[8] The general test for issues of scope is whether the relief is “fairly and reasonably” within the general scope of the original submission or the proposed plan.¹

[9] The Court is satisfied that the agreement to make a change to the Review condition (Condition 83) following the deletion of the traffic noise monitoring condition falls reasonably within the ambit of relief sought by Mr Caseley’s appeal, which sought to address and reduce adverse effects of noise from studio-related traffic. The Court is also satisfied that the amendment is unlikely to result in undue prejudice to other parties, as the Review condition provides that the Council may undertake its own traffic noise monitoring with specific attention to the properties previously listed in Condition 85 (other than that of Mr Caseley).

Consideration

[10] The Court accepts the amendments to conditions proposed by the parties are appropriate.

[11] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;

¹ *Noakes v Waikato District Council* [2023] NZEnvC 76 at [70] – [71].

- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

Order

[12] The Court orders, by consent, that:

- (a) the appeals are allowed subject to the amendments to conditions of the Hastings District Council Land Use Consent RMA20210474 as set out in **Appendix A**, attached to and forming part of this order. Deletions are shown as ~~striketrough~~ and additions are underlined;
- (b) a clean version of the Land Use Consent is attached as **Appendix B**, attached to and forming part of this Order;
- (c) the appeals are otherwise dismissed; and
- (d) there is no order as to costs.



MJL Dickey
Environment Judge





RESOURCE CONSENT

This Resource Consent authorises the consent holder to undertake land use activities at Gordon Road and 376 Parkhill Road, Te Awanga (Lots 6-8 DP 519212 (RT 815158) and Lots 1-2 DP 24898 (RT HBV3/731)) under section 9 of the Resource Management Act 1991 to construct and operate a screen production studio comprising two studio buildings, a production building, a construction workshop, a catering café and associated carparking and trailer parking areas, including construction of an approximately 2.5km long private access road, public roading improvements and all associated construction works.

Under sections 108 and 108AA of the Resource Management Act 1991 this Resource Consent includes and is subject to the conditions in Schedule A.

SCHEDULE A

GENERAL

1. The development shall proceed in general accordance with the plans and information submitted in the resource consent application referenced RMA20210474 by the Council, received 17 September 2021, and including:
 - a) Resource Consent Application and Assessment of Environmental Effects (incorporating all Appendices thereto) prepared by Mitchell Daysh Ltd, 16 September 2021;
 - b) Response to section 92 further information request (including all attachments thereto), prepared by Mitchell Daysh Limited, 18 November 2021;
 - c) Further information supplied by email by Mitchell Daysh Limited on 9 June 2022 (Minor Amendment to Internal Access Plans); and
 - d) Further information supplied by way of evidence to the resource consent hearing held on 10 and 12 October 2022 by and on behalf of No 8 Limited.
2. Where there is inconsistency between the plans and information described in Condition 1 and the consent conditions, the consent conditions prevail.
3. A monitoring deposit of \$190.00 (including GST) shall be payable to cover the reasonable costs of monitoring compliance with the above conditions in accordance with Council's schedule of charges.
4. In the event of non-compliance being detected by monitoring or justified complaint and/or the costs of monitoring consent exceeding the deposit, the costs to Council of any additional

monitoring shall be paid by the consent holder in accordance with the Council's advertised schedule of fees.

Consent Lapsing

5. In accordance with section 125(1)(a) of the Resource Management Act 1991 ("Act"), this consent will lapse 5 years after the date it commences under section 116 of the Act, unless it is given effect to prior to that date.

Minor variations to layout of buildings

6. Minor variations may be made to the location of buildings and car parking or other areas of impermeable surface authorised by this consent provided the consent holder first submits plans showing the minor variations to the Environmental Consents Manager, Hastings District Council (or nominee), supported by a suitably qualified expert opinion that landscape, visual, noise, earthworks or related effects arising from the minor variations are immaterial by comparison with the development as shown on the plans described in Condition 1.

Resource Consent to be made available during construction

7. For the duration of the consented works herein, a copy of this resource consent shall be held on the site in a safe and secure location and be made available to Hastings District Council staff, contractors or Agent upon request.
8. The consent holder shall ensure that all personnel, consultants and contractors engaged to undertake work authorised by this consent are made aware of, have access to, and abide by the conditions of this resource consent document, including all management plans referenced in these conditions.

Access to Screen Production Studios Site

9. All vehicles associated with the construction and operation of the Screen Production Studios facility shall only use the access from Parkhill Road to access and exit the Screen Production Studios site. No vehicles associated with the Screen Production Studios shall use the existing Te Awanga Downs' access from Gordon Road, Te Awanga, at any time except where required in an emergency eg. fire, earthquake or tsunami.

PRE-DEVELOPMENT CONDITIONS

Condition precedent

10. Prior to any earthworks or construction activities commencing on the site, the consent holder shall submit a report prepared by a suitably qualified and experienced pedologist or soil scientist to the Environmental Consents Manager, Hastings District Council (~~or nominee~~) certifying that the land to be occupied by any buildings or impermeable surfaces (other than roads) is not land classified as LUC 1, 2 or 3 land as defined in the National Policy Statement for Highly Productive Land 2022 ("**NPS-HPL**"). The pedologist or soil scientist engaged to prepare the report shall be approved as suitably qualified and experienced by the Environmental Consents Manager, Hastings District Council.
11. For the avoidance of doubt, this resource consent does not authorise any built development or impermeable surfaces (other than access roading) on LUC 1, 2 or 3 land as defined in the NPSHPL.

Construction Management Plan

12. Prior to the commencement of any earthworks or construction works on the site, a Construction Management Plan (“**CMP**”) shall be provided to and approved by the Environmental Consents Manager, Hastings District Council (or nominee), which will establish (as a minimum) standard industry best practices for the management of dust, noise, traffic, hours of operation and sediment runoff during construction.

The CMP shall include:

- a) A statement giving the author’s qualifications and experience in this area; and
- b) An Erosion and Sediment Control Plan (“**ESCP**”), which will cover (as a minimum):
 - i. The management practices that will be employed during the construction phase to prevent dust nuisance on neighbouring properties and the environment generally (for example, staging of earthworks and dampening down areas with water, if necessary);
 - ii. The management practices that will be employed to manage and minimise construction stormwater discharges, in accordance with the Hawke’s Bay Regional Council Erosion and Sediment Control Guidelines, including:
 - Staging of earthworks and minimising exposed areas;
 - Clean and dirty water diversion channels and bunds;
 - Silt fences;
 - Formation of a sediment retention pond, with provision for the application of flocculation treatment if necessary;
 - Construction design so that runoff is contained within the excavations and conveyed to the sediment pond as necessary; and
 - Re-vegetating and rehabilitating exposed areas as soon as practicable following completion of the works.

13. Site works shall be undertaken in accordance with the CMP and ESCP approved under Condition 12, and erosion and sediment controls shall be installed and maintained to the satisfaction of the Environmental Consents Manager, Hastings District Council (or nominee), throughout the period of works.

Construction Traffic Management Plan

14. Prior to the commencement of site preparation works and any construction relating to the activities authorised by this consent, the consent holder shall submit a Construction Traffic Management Plan (“**CTMP**”) for the certification of the Environmental Consents Manager, Hastings District Council (or nominee). The purpose of the CTMP is to address the temporary adverse effects of traffic related to the construction and development of the Screen Production Studios, associated access road and upgrading of Parkhill Road and the Parkhill Road/Raymond Road and Parkhill Road/East Road intersections. The CTMP shall be prepared by a suitably qualified and experienced transportation expert and shall address the following matters as a minimum:
- a) proposed numbers and timing of heavy vehicle movements throughout the day and the proposed transport routes.

- b) measures for managing on-site parking for contractors and workers;
 - c) the provision for a temporary acoustic screen if required to ensure that noise levels received at the Te Awanga Kindergarten do not exceed the limits in Condition ~~6063~~ during construction of the Parkhill/Raymond Road intersection improvement works required by Condition ~~5255~~;
 - d) the use of best endeavours to schedule construction of the Parkhill/Raymond Road intersection improvement works required by Condition ~~5255~~ to take place in school holiday periods;
 - e) measures to ensure safe access to, within and from the site for vehicles carrying construction materials and for earthworks;
 - f) measures for management of construction traffic;
 - g) hours of heavy vehicle movements for earthworks and other construction works;
 - h) location of traffic signs on surrounding roads and proposed signage for traffic management purposes, and to warn motorists and pedestrians on Parkhill Road and Raymond Road and at Te Awanga Estate, during construction;
 - i) measures to ensure satisfactory and safe vehicle, pedestrian and cycle access is maintained to adjacent properties at all times; and
 - j) contact details of the site manager.
15. All construction works shall be carried out in accordance with the CTMP approved under Condition 14.

Earthworks

16. ~~21.~~—Prior to the commencement of earthworks on the site, the following shall be provided to and approved by the Environmental Consents Manager, Hastings District Council (or nominee):
- a. Final details of the engineering and construction design of earthworks, including any proposed staging of works, by a suitably qualified and experienced person. These details shall include the final cut and fill plan for the site, and confirm final volumes and areas, and sediment and erosion controls. The plan shall show there will be no changes in the existing ground level of the external boundaries of the site and, where any residential areas require finished ground levels to be higher than existing, show how these will be earth-worked and the additional height provided below the topsoil level. Increasing the depth of topsoil will not be acceptable. The details shall include cross-sectional profiles, stormwater management system design, overland flow paths, and proposed finished ground levels within the site.
17. All site works shall be undertaken in accordance with the design of earthworks approved under Condition ~~1621~~ to the satisfaction of the Environmental Consents Manager, Hastings District Council (or nominee), throughout the period of works.
18. Earthworks shall not commence until engineering design plan approval under Condition ~~1621~~ from Council has been given.

19. A registered and professionally qualified engineer must certify that the sedimentation controls have been constructed in accordance with the approved design (under Condition 1621), prior to commencement of earthworks.
20. The consent holder shall install erosion and sediment controls prior to the commencement of the earthworks and these controls must be maintained throughout the period of the earthworks, to the satisfaction of the Environmental Consents Manager, Hastings District Council (or nominee).
21. Earthworks activity on the subject site shall not result in the deposition of earth, mud, dirt or other debris on any public road. In the event that such deposition does occur, it shall be immediately removed. In no instance are roads to be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.
22. There shall be no off-site deposit of sediment or detritus from the area of the works and no deposit of sediment or detritus into any watercourse or stormwater drain.
23. As part of the earthworks, no filling shall take place that will obstruct overland flow from higher ground upstream.
24. The location, dimensions and depth of any area of fill shall be identified on an as-built plan of the site and provided to the Environmental Consents Manager, Hastings District Council (or nominee), upon completion of the earthworks on the site. The final as-built plan shall confirm the new overland flow paths and confirm that there are no changes to ground levels on neighbouring boundaries.
25. The contractor(s) shall confirm in writing that only 'clean fill' will be imported onsite (i.e. no rubbish, no stumps, no concrete, bricks and no other substance containing: combustible, putrescible, degradable or leachate components, hazardous substances, products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices, medical and veterinary waste, asbestos or radioactive substances or liquid waste).

The consent holder shall supply this written confirmation to the Environmental Consents Manager, Hastings District Council (or nominee), prior to the placement of any fill material on the site.

Note: imported 'clean fill' will also need to comply with the relevant standards in the NES for Assessing and Managing Contaminants in Soils to Protect Human Health.

26. No more than 100m³ of cleanfill per annum may be removed from the site as part of construction works.

Landscape planting and revegetation

27. Prior to construction of the Screen Production Studios access road from Parkhill Road, a detailed Landscape Plan for the berms of the access road (in accordance with the Wayfinder Plans 'Sheet 02' and 'Sheet 03' submitted with the application, in 'Attachment 1', dated 12 November 2021), prepared by a suitably qualified and experienced person, shall be provided to the Environmental Consents Manager, Hastings District Council (or nominee). The landscape plan shall show:
 - a. Planting specifications detailing the specific planting species and achieve a mix of ground cover and specimen trees.

- b. The number of plants and their locations, heights and PB sizes.
 - c. Confirmation that the location of planting within the access road berm is appropriate for the species type and leaves sufficient space for ongoing access road corridor maintenance and will not interfere with the achievement of safe sightline distances along the access road,
 - d. Provision for automated irrigation systems for the landscaping to ensure plantings establish, survive and remain in good health.
28. All planting required under Condition ~~2734~~ shall be maintained by the consent holder in accordance with the approved Landscape Plan.
- “Maintained” in Condition ~~2832~~ means – the replacement of any dangerous, dead or dying matter, and the general preservation of the landscaping to a healthy standard for the duration of the activity on the site to the satisfaction of the Environmental Consents Manager, Hastings District Council (or nominee).*
29. The consent holder shall ensure that at the completion of the works, any newly established surfaces and grassed slopes or vegetated areas that were cleared or damaged, as a result of the activity, are revegetated as soon as practicable.
30. Within 12 months of construction of the Screen Production Studios access road being completed, planting along the berms of the access road shall be undertaken in accordance with the Wayfinder Plans submitted with the application (refer to ‘Attachment 1, dated 12 November 2021).

Parking and loading

31. Full engineering designs, as specified in the Hastings District Council Engineering Code of Practice 2020, relating to the proposed on-site parking and loading spaces for the Screen Production Studios, shall be prepared by a suitably qualified Chartered Professional Engineer or other appropriately qualified person. These plans must provide for no more than 160 standard carparks, and shall be submitted to the Environmental Consents Manager, Hastings District Council (or nominee) for approval prior to construction of the parking and loading spaces.
32. The parking and loading spaces shall be constructed and marked out in accordance with the approved design under Condition ~~3135~~ above, prior to occupation of the Screen Production Studios buildings.

Studio access road and connection to Parkhill road

33. Full engineering designs for the Screen Production Studios access road and its connection to Parkhill Road shall be prepared by a suitably qualified Chartered Professional Engineer or other appropriately qualified person. These engineering plans shall be submitted to the Transportation Manager, Hastings District Council (or nominee) for approval prior to earthworks and construction commencing, and following completion of the Road Safety Audit process referred to in condition 34. The engineering plans shall provide full details for the Studio access road and its roundabout intersection at the southern end of Parkhill Road which connects the access road to Parkhill Road and the existing vehicle access to Te Awanga Estate Winery.
34. A full topographical survey and geometric design shall be undertaken as part of preparing the full engineering designs under Condition ~~3337~~, and Conditions ~~35 and 36~~ ~~39 and 40~~, and the final design of the works required under each condition ~~roundabout intersection~~ shall be

subject to a formal Road Safety Audit by an independent and appropriately trained practitioner for Road Safety Audits that adopts the following process:

Designer response	Designer to respond with clear determination of remedial measures to address the issue raised by the Auditors.
Safety Engineer comment	HDC Road Safety Engineer to review and provide feedback on issue, considering the matters raised, and how the designers proposed remedial treatment will address or mitigate the identified road safety issue.
Client decision	The applicant's design team, including project manager and persons with authorisation for approval should respond to the matters presented by the Auditors, designers response and Safety Engineers comments.
Action taken	<p>Identify <u>the</u> specific actions to be taken, and to whom they have been assigned, <u>for all issues raised in the Road Safety Audit.</u></p> <p>For any significant or serious rated matters raised in the RSA, specific response back to HDC Engineering and Planning Teams should be given to ensure total closure of the matter.</p>

35. At the same time that the full engineering design plans are submitted to Council under Condition ~~3733~~, the consent holder shall submit to the Environmental Consents Manager, Hastings District Council (or nominee) for approval, details of the method / arrangement to be put in place to ensure emergency service vehicles have unrestricted access to the Screen Production Studios at all times.
36. At the same time that the full engineering design plans are submitted to Council under Condition ~~3733~~, the consent holder shall submit to the Transportation Manager, Hastings District Council (or nominee) for approval, details of the design for the access road intersection with the existing internal access road on the site used by Outfoxed, the Clifton County Cricket Club etc. ('the Outfoxed access road'), including the road alignment, intersection angles, maximum intervisibility sight lines to be achieved. The design of the entranceway access intersection shall also include a barrier in the location shown on Wayfinder Plan (Sheet 08) dated 9 June 2022 to prevent access to or from the site by any activities not related to the SPS including details of the method of operation that will be used to prevent uncontrolled access of traffic from the Outfoxed and Clifton County Cricket Club access road to Parkhill Road over the Screen Production Studios access road.
37. Access to and from the site will be controlled by access cards or such other similar methods authorised by the Consents manager of Hastings District Council. The consent holder shall

provide to the Environmental Consents manager (or nominee), upon request, confirmation of the number of persons authorised to access the site in accordance with the approved method.

38. The roundabout intersection for the access road shall be of a sufficient diameter to accommodate NZ standard tracking curves for a semi-trailer, with an absolute minimum radius of 12.5 metres (25 metres diameter) outside tracking sweep path.
39. The full engineering design plans under Condition ~~3733~~ shall include details of the turn-around areas located at each security point / barrier arm along the Screen Production Studios access Road, to ensure that all reasonably expected vehicle types can undertake a U-Turn movement if required.
40. The access road and roundabout intersection construction work shall not commence until engineering design plan approval has been given under Condition ~~3733~~.
41. The works for the Screen Production Studios access road and roundabout intersection shall be undertaken in accordance with the final engineering designs approved under Condition ~~3733~~, to the satisfaction of the Transportation Manager, Hastings District Council (or nominee), throughout the period of works.

Parkhill Road upgrading

42. Full engineering designs for the upgrade of Parkhill Road south of its intersection with Raymond Road shall be prepared by a suitably qualified Chartered Professional Engineer or other appropriately qualified person. These engineering design plans shall be submitted to the Transportation Manager, Hastings District Council (or nominee) for approval prior to earthworks and construction commencing and following completion of the Road Safety Audit process referred to in condition 34. The engineering plans shall provide full details for the road widening (to accommodate a sealed pavement width of 6.0 metres), longitudinal drainage and traverse drainage features, and residential access sight lines.
43. Prior to submitting the engineering plans for the upgrade of Parkhill Road pursuant to Condition ~~4245~~, the consent holder shall first consult with the residents of Parkhill Road, adopting the consultation process required by Condition ~~7073~~ with any comments received on the draft engineering design plans for the upgrade of Parkhill Road and the consent holder's proposed response to those comments to be submitted with the engineering plans as required by Condition ~~4245~~.
44. The engineering design plans for the upgrade of Parkhill Road must include provision for a crushed limestone walkway to be constructed at the consent holder's cost on the western side of Parkhill Road between the site entrance and Te Awanga Kindergarten with a width of no less than 1 metre. The limestone path must be suitably designed, constructed and formed to provide for both cycling and walking.
45. Where compliance with the Hastings District Council Engineering Code of Practice for residential sightlines cannot be achieved for all residences on Parkhill Road. ~~appropriate residential access sight lines on Parkhill Road cannot be achieved~~ as part of the road upgrade, the full engineering designs under Condition ~~4245~~ shall include details of mitigation measures to achieve a reasonable and appropriate level of road safety for vehicle movements from residential accesses (e.g., warning signs (Access), road markings, active warning signs, etc.).
46. The upgrading works shall be undertaken in accordance with the final engineering designs approved under Condition ~~4245~~, to the satisfaction of the Transportation Manager, Hastings District Council (or nominee), throughout the period of works.

47. All roading works within the boundaries of the public road shall be undertaken by a contractor who is pre-approved by Hastings District Council to work within the road reserves.

Note: All work within the boundaries of the public road requires a Corridor access request application to be submitted and approved by the Transportation Manager, Hastings District Council (or nominee), prior to commencement of the specific work items.

Contaminated Soils Management

48. Prior to any earthworks /soil disturbance commencing for the upgrading of Parkhill Road (south of the intersection with Raymond Road), the consent holder shall submit to the Environmental Consents Manager, Hastings District Council (or nominee), a Preliminary Site Investigation ("PSI") from an appropriately qualified expert ("SQEP") under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 ("NESC") to confirm if there is landfill or soil within any area of the proposed works in the vicinity of the property 332 Parkhill Road that is contaminated.
49. If soil contamination is identified in the PSI under Condition ~~4851~~, the consent holder shall submit to the Environmental Consents Manager, Hastings District Council (or nominee) a Contaminated Site Management Plan / Remediation Action Plan prepared by a SQEP under the NESC that includes the following:
- a. Health and safety protocols, including procedures to avoid direct contact with contaminated soil
 - b. Excavation protocols, including procedures to control dust generation during works, ensuring clean water is diverted away from excavations, erosion and sediment controls.
 - c. Unexpected discovery contamination protocols
 - d. Contaminated soil management procedures, including requirements for where and how contaminated material will be disposed of, and options for remediation.
50. The works within the Parkhill Road reserve shall be undertaken in accordance with the Site Management Plan / Remediation Action Plan approved under Condition ~~4951~~ above, to the satisfaction of the Environmental Consents Manager, Hastings District Council (or nominee), throughout the period of works.
51. Upon completion of remediation, a Site Validation Report ("SVR") shall be prepared by a suitably qualified expert and submitted to Council confirming that the remediated area and the receiving area for the excavation soil respectively comply with the relevant concentration standards contained in the NESC (subject to amendment and/or revised Ministry for the Environment guidance). The SVR shall be prepared in accordance with the CLMG N0.1: Reporting on Contaminated Sites in New Zealand.

Parkhill Road/Raymond Road and Parkhill Road/East Road intersection improvements

52. Full engineering designs for the upgrade of Parkhill Road and its intersections with Raymond Road and East Road shall be prepared by a suitably qualified chartered professional engineer or other appropriately qualified person. ~~and be consistent with Urban Connection, Parkhill Road and Raymond Road Intersection 04.033-SK002, Rev. A (in respect of the Parkhill/Raymond Road intersection) and Urban Connection, Overall Layout Plan 17-058-14-SK001 Rev. A (in respect of the Parkhill/East Road intersection).~~ These engineering designs shall be submitted to the Transportation Manager, Hastings District Council (or nominee) for

approval prior to earthworks and construction commencing, and following completion of the Road Safety Audit process referred to in condition 34.

53. A full topographical survey and geometric design shall be undertaken as part of preparing the full engineering designs for the Parkhill Road/Raymond Road and Parkhill Road/East Road intersections required under Condition ~~5255~~ above. The engineering plans for each intersection shall provide full details of the proposed intersection upgrades, and address (without limitation) for the Parkhill/East Road intersection: and the final design of each intersection shall be subject to a formal Road Safety Audit by an independent and appropriately trained practitioner for road safety audits approved by the Transportation Manager, Hastings District Council (or nominee) that adopts the process in Condition 38 of this consent. The final design plans submitted for approval for each intersection must respond to and address any significant or serious matters raised in the Road Safety Audit including (without limitation) having regard to:
- The upstand of the apron for a left turn out of Parkhill Road South (to ensure that the design does not increase vehicle speeds through the intersection).
 - The superelevation of the intersection (to avoid the potential for vehicle roll over, in combination with apron upstand height).
 - Vehicle tracking (to ensure a right turn by heavy vehicles onto Parkhill road (south) is safe).
 - Right turn bay/widening on the inside of the curve (addressing safety issues for cyclists if the existing hatched shoulder area at the intersection is removed).
54. The Parkhill Road/Raymond Road and Parkhill Road/East Road intersections shall be upgraded by the consent holder in accordance with the final engineering designs approved under Condition ~~5255~~, to the satisfaction of the Transportation Manager, Hastings District Council (or nominee), prior to any construction works for the Screen Production Studio taking place on the site.

Stormwater

55. Full engineering designs for the management of stormwater on the Screen Production Studios site (including attenuation and storage devices, and any low-impact design measures) shall be prepared by a suitably qualified and experienced person, in accordance with the recommendations in the Infir Infrastructure Solutions' *'Parkhill Studios Stormwater Servicing Report J21120-1'*, dated 6 August 2021 ("Infir report"). These designs shall be submitted to the Environmental Consents Manager, Hastings District Council (or nominee) for approval construction commencing on the Screen Production Studios site. These engineering designs shall achieve the following:
- a. Runoff to the attenuation pond as outlined in the Infir report.
 - b. Total sealed and hardstand areas not exceeding the values used in the Infir report.
 - c. An attenuation pond of at least 4,500m³, releasing water at the values stated in the Infir report.
 - d. A scour resistant discharge to the mid-catchment reservoir catchment.
 - e. Volume neutrality below the crest of the mid-catchment detention dam.

56. All stormwater management on the Screen Production Studios site shall be completed in accordance with the designs approved under Condition ~~55~~⁵⁹ above.

Archaeological discovery

57. The consent holder shall obtain an Archaeological Authority from Heritage New Zealand Pouhere Taonga to modify, damage or destroy archaeological sites prior to any earthworks and construction works commencing on the Screen Production Studios site, including for the access road.

DEVELOPMENT IN PROGRESS CONDITIONS

Public road improvements works to be completed

58. All public roading improvements works required by this consent shall be completed at the consent holders cost in accordance with the approved engineering design plans prior to any construction works for the Screen Production Studios development (including the access road and associated roundabout intersection at the southern end of Parkhill Road) commences.

Works within Road Reserve

59. Satisfactory public vehicle and pedestrian access shall be maintained at all times when undertaking works within the road reserve, unless alternative arrangements are made to the satisfaction of Hastings District Council. All necessary precautions shall also be taken to protect the public from open trenches and all other hazards associated with the construction works.

Construction Noise and Traffic

60. All works shall be carried out to comply with the construction noise standard *NZ6803:1999 Acoustics Construction Noise*. The noise from construction work shall comply with the guideline limits for 'long term' duration works as set out in the Standard.
61. Construction Noise shall be measured and assessed in accordance with *NZS6803:1999 Acoustics – Construction Noise*.
- ~~Construction traffic shall be restricted to travelling on Parkhill Road to the Screen Production Studios site between the hours of 7.30 am – 6.00 pm Monday to Saturday.~~
62. There shall be no more than 20 heavy commercial vehicle (HCV) movements to and from the site in any given day during construction, excluding HCV's required for concrete pouring.

Hours of Operation – Construction Activities

63. Construction activities (including earthworks) on the Screen Production Site, Parkhill Road and at the Parkhill Road/Raymond Road intersection shall only take place between the hours of 7.30 am and 6.00 pm, Monday to Saturday.
64. No construction activities (including earthworks) shall be carried out outside the hours of construction in Condition ~~6366~~, or on Public Holidays.

Hours of Operation – Construction Traffic

65. The consent holder shall ensure that all vehicles associated with earthworks and construction activities shall only enter the Screen Production Studios site between the hours of 7.30 am and 6.00 pm Monday to Friday, and 8.00 am to 1.00 pm Saturday.
66. No construction traffic shall enter the Screen Production Studios site outside the hours of construction set out in Condition ~~6568~~, or on Public Holidays.

OPERATIONAL CONDITIONS

Light and glare

67. All exterior lighting on the Screen Production Studios site shall be shaded or directed away from any residential buildings or roads and shall be less than 8 lux spill measured at a height of 1.5 metres above the ground at the boundary of the site.

Hours of Operation

68. The hours of operation for the Screen Production Studio activities authorised by this consent, other than in emergencies, shall be limited to the hours of 6:00am to 6:00pm Monday to Saturday inclusive other than in the circumstances detailed in clause (b) below. No consented activities shall take place outside of these hours or on Public Holidays.

Screen Production Studio activities authorised by this consent must be carried out within the following restrictions:

- (a) The first crew call for a given Studio Production film set must be no earlier than 6.00 am on any given day.
- (b) Filming activities may take place after 6.00 pm on a maximum of 20 nights per calendar year provided that:

- (ii) There shall be no more than five continuous night shoots after 6.00 pm in any consecutive period.
- (iii) The crew call must be before 10.00 pm.
- (iv) The consent holder must advise the Environmental Consents Manager, Hastings District Council (or nominee) at least 5 working days before carrying out any filming activities after 6pm.
- (v) At the same time, notice must be given to the owners and occupiers of Parkhill Road (between the intersection of Parkhill Road and Raymond Road and the site entrance who have advised they want to be so notified) in a way approved by the Environmental Consents Manager, Hastings District Council (or nominee), such as Facebook, WhatsApp, Messenger or equivalent.

Transportation Management Plan

69. Prior to the commencement of any Screen Production Studio activities on the site, the consent holder shall submit to the Environmental Consents Manager, Hastings District Council (or nominee), a Transportation Management Plan ("TMP"), for certification that it meets the following objectives:

- a. To avoid (where possible) and otherwise minimise the interaction of site related (heavy commercial vehicle and staff/contractor) vehicles and other traffic on the adjacent road network during peak hours, including during the drop-off and pick-up times for the Te Awanga Kindergarten and Haumoana Primary School.
- b. To ensure that noise associated with vehicle movements to and from the site does not exceed a reasonable level, including in early morning hours of any given day (before 7.00 am).
- c. To ensure it covers vehicular access both to and from the Screen Production Studio site.

The TMP shall include:

- a. The management steps and other methods that will be taken by the consent holder to avoid or minimise site related heavy commercial vehicles entering the site during site setup within the following hours:
 - 8:00 am to 9:00 am
 - 2:30 pm to 3:30 pm
 - 4:30 pm to 5:30 pm

(Restricted Hours)
- b. The management steps and other methods that will be taken by the consent holder to minimise site related traffic (other than heavy commercial vehicles during site set up as addressed in (a) above) entering or exiting the site within the Restricted Hours.
- c. The management steps and other methods required by ~~a. and b.~~ the above must include, at a minimum:

- Directions to heavy commercial vehicle drivers and companies employing/contracting those drivers to avoid entering the site during the Restricted Hours.
 - Terms and conditions of staff employment contracts and equivalent terms for all (non-employment) contracts with film and other production personnel retained by the consent holder, ~~requesting~~ requiring those staff/contractors to avoid entering the site during the Restricted Hours wherever possible.
 - The timing of calls for specific shoots during the day to maximise production and filming staff and contractors entering the site outside of the Restricted Hours.
- d. The management steps and other methods that will be taken by the consent holder to minimise the number of vehicles entering or exiting the site on any given day before 7:00 am and (as a maximum) ensure that no more than 50 vehicles authorised to enter or exit the site under condition 37, do so before 7:00 am on any given day, including:
- Promotion and facilitation of ride sharing between staff and contractors, including through web-based technologies as available for the purpose.
 - Provision of mini bus transportation for production and film staff and contractors from principal places of accommodation.

For the purpose of this condition:

- (a) The term “peak hours” has the same meaning as restricted hours as referred to in clause (a).
- (b) The consent holder shall provide the Environmental Consents Manager, Hastings District Council (or nominee) with a copy of the relevant part of any employment or other contract upon request, to confirm compliance with clause (c).
70. Prior to submitting the draft TMP for certification under Condition ~~6972~~, the consent holder must initiate consultation with the owners and occupiers of all properties having their principal access to Parkhill Road between the intersection of Parkhill Road and Raymond Road and the site entrance (the Properties) as to the content of the TMP. Specifically, the consent holder must:
- Deliver a copy of the draft TMP to the preferred email or postal address identified by the property owners (having first requested that information as to preferred delivery address from each owner an occupier of the Properties).
 - Invite comments on the draft TMP, to be received within 15 working days of delivering the draft TMP to the owners/occupiers of the Properties.
 - Include those comments with the draft TMP as submitted to the Environmental Consents Manager under Condition ~~6972~~ along with an explanation of how the comments have been responded to within the draft TMP.
71. The consent holder shall ensure that all Screen Production Studio activities are undertaken in accordance with the certified TMP and shall require as a condition of any contract with a film production company using the Screen Production Studio that that company must also comply with the TMP, to the same extent and in the same manner as if it were the consent holder.

72. The TMP must be updated no less than every two years following commencement of this consent and certified that it meets the objectives stated in Condition ~~6972~~ following the process as to consultation with neighbouring residents required under Condition ~~7073~~.
74. The consent holder shall maintain a record / log of every heavy commercial vehicle movement to and from the Screen Production Studios site and make the log available to the Council at its request.

For the purposes of this condition “heavy commercial vehicle” is defined as any truck with a gross mass of more than 3,500 kilograms.

Reverse Sensitivity – Rural Activities

75. Prior to commencement of Screen Production Studio activities on the site, the consent holder shall provide confirmation to the Environmental Consents Manager, Hastings District Council (or nominee), that a legally enforceable undertaking on the following terms has been provided to the owners and occupiers of the Winirana property contained within Records of Title HBP3/1324 and HBP4/57:

No.8 Studios acknowledge that the site of their Parkhill Studios is located in a productive rural area where agricultural management practices such as agrichemical spraying, use of farm machinery, the operation of bird scarers, forestry establishment, tending, harvesting and other similar activities may occur. No.8 Studios also acknowledge that the Winirana property adjacent to the Parkhill Studio site includes both farming and production forestry activities and is likely to include one or more residential dwellings in the future. No.8 Studios undertakes that neither they, nor any users of Parkhill Studios shall:

- (a) Bring any proceedings for damages, negligence, nuisance, trespass, or interference arising from the lawful use of the Winirana property; or*
- (b) Make, lodge, be party to, finance or contribute to any application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation of the operations of any lawfully established, permitted or consented rural activity (including forestry, agricultural and residential activities) on the Winirana property, including without limitation any action to require such rural activities carried out on that land to be modified.*

76. The consent holder must require as a condition of any contract with a film production company using the site that that company must comply with this condition in its own right, including as to the provision of the required undertaking, to the same extent and in the same manner as if it were the consent holder.
77. The consent holder shall give notice of any change of ownership or control of the Screen Production Studio facility to the Environmental Consents Manager, Hastings District Council (or nominee) and confirm that any new owner of the facility has provided the undertaking required by Condition ~~7577~~ in its own name.

Screen Production Studios - Operational Noise

78. Activities on the Screen Production Studios site shall not exceed the following noise limits at any point within the notional boundary of any noise sensitive activity on any other site within a Rural Zone, or at any point within the boundary of any site, in any zone other than an Industrial Zone:

<u>Control Hours</u>	<u>Noise Level</u>
0700 to 1900 hours	55 dB Laeq (15 min)
1900 to 2200 hours	50 dB Laeq (15 min)
2200 to 0700 hours the following day	45 dB Laeq (15 min)
2200 to 0700 hours the following day	75 dB LAFmax

Helicopter Usage

79. All helicopter take-offs and landing shall be undertaken from the helipad shown on ~~the [insert site plan ref]~~ Film Studio Masterplan, sheet 4 revision 2, prepared by Wayfinder and dated 9 June 2022, Council ref 104672#0244.
80. The frequency of helicopter movements* shall not exceed:
- 4 aircraft movements on any day
 - 12 aircraft movements in any rolling 7-day period
 - 24 aircraft movements per month
 - 96 movements per calendar year.
- *A single aircraft movement comprises one landing or takeoff.*
81. No landing or take-offs shall take place between the hours of 8:00 pm and 07:00 am.
82. The consent holder shall maintain a record / log of every helicopter movement to and from the Screen Production Studios site, and make the log available to the Council at its reasonable request.

~~Traffic noise monitoring~~

~~The consent holder shall commission a suitably qualified expert to measure and/or determine the level of noise generated by traffic travelling to and from the site during the first two screen productions completed following the commencement of this consent, and to provide a report to the Environmental Consents Manager, Hastings District Council (or nominee) within two months of that date, addressing the following matters:~~

- ~~Noise levels generated by site related traffic as measured or determined at Te Awanga Kindergarten and the notional boundary of the following properties including for the period between 10.00 pm to 7.00 am on day(s) during which consented activities are taking place on the site:~~
 - ~~– 227 Parkhill Road~~
 - ~~– 23 Home Road~~
 - ~~– 9 Tirohanga Road~~
 - ~~– 11 Tirohanga Road~~

- 272 Parkhill Road
 - 299 Parkhill Road
 - 307 Parkhill Road
 - 353 Parkhill Road
 - 373 Parkhill Road
- An assessment of the ambient/background noise levels at these receiver locations.

~~The method by which ambient noise and noise from traffic travelling to and from the site is to be measured or determined shall be submitted to the Environmental Consents Manager, Hastings District Council (or nominee) prior to any noise measurements or assessments taking place pursuant to this condition.~~

Review condition

83. The conditions of this consent may be reviewed by the Council pursuant to s 128, s 129, s 130, s 131 and s 132 of the Act at the following times:

- one year following the commencement of this consent;
- within six months of receiving the results of the any traffic noise monitoring undertaken by or on behalf of the Council which identifies an adverse noise effect of studio related traffic on the following properties required by Condition 85;
 - Te Awanga Kindergarten
 - 23 Home Road
 - 9 Tirohanga Road
 - 11 Tirohanga Road
 - 272 Parkhill Road
 - 299 Parkhill Road
 - 307 Parkhill Road
 - 353 Parkhill Road
 - 373 Parkhill Road
- every 5 years following the commencement of this consent, for any of the following purposes:
 - a. To deal with any adverse noise effect arising from the exercise of the consent associated with traffic generated by the activities approved under this consent ~~including in response to the traffic noise monitoring report required by condition 85;~~ and
 - b. To require modifications or improvements to the roading network to provide for the continued safe and efficient operation of traffic to and from the site including at the intersections Parkhill Road/Raymond Road, Parkhill Road/East Road, and over the section of Parkhill Road between Raymond Road and the site.

ADVICE NOTES:

1. To avoid doubt, except as otherwise allowed by this resource consent, all land uses must comply with all remaining standards and terms of the relevant Hastings District Plan. The proposal must also comply with the Building Act 2004, Hastings District Council Engineering Code of Practice, and Hawke's Bay Regional Plans. All necessary consents and permits shall be obtained prior to development.
2. A building consent for the Screen Production Studios will be required from Hastings District Council.
3. No archaeological sites, waahi tapu, taonga or koiwi may be damaged, destroyed or modified unless the necessary authorities pursuant to the New Zealand Pouhere Taonga Act 2014 has been obtained first.
4. In the event of non-compliance being detected by monitoring or justified compliant and/or the costs of monitoring consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with the Council's advertised schedule of fess.
5. Under section 125 of the Resource Management Act 1991 a resource consent will lapse if not given effect to within 5 years of the date the consent was granted, unless an extension is authorised under section 125(1A)(b).
6. Should the consent holder decide to seek an exemption for the use of highly productive land under clause 3.10 of the NPS-HPL, a further application for resource consent and/or application to change or vary the conditions of this resource consent (pursuant to s 127 of the RMA) will be required.

APPENDIX B – APPROVED AMENDED CONDITIONS OF CONSENT – CLEAN VERSION



RESOURCE CONSENT

This Resource Consent authorises the consent holder to undertake land use activities at Gordon Road and 376 Parkhill Road, Te Awanga (Lots 6-8 DP 519212 (RT 815158) and Lots 1-2 DP 24898 (RT HBV3/731)) under section 9 of the Resource Management Act 1991 to construct and operate a screen production studio comprising two studio buildings, a production building, a construction workshop, a catering café and associated carparking and trailer parking areas, including construction of an approximately 2.5km long private access road, public roading improvements and all associated construction works.

Under sections 108 and 108AA of the Resource Management Act 1991 this Resource Consent includes and is subject to the conditions in Schedule A.

SCHEDULE A

GENERAL

1. The development shall proceed in general accordance with the plans and information submitted in the resource consent application referenced RMA20210474 by the Council, received 17 September 2021, and including:
 - a) Resource Consent Application and Assessment of Environmental Effects (incorporating all Appendices thereto) prepared by Mitchell Daysh Ltd, 16 September 2021;
 - b) Response to section 92 further information request (including all attachments thereto), prepared by Mitchell Daysh Limited, 18 November 2021;
 - c) Further information supplied by email by Mitchell Daysh Limited on 9 June 2022 (Minor Amendment to Internal Access Plans); and
 - d) Further information supplied by way of evidence to the resource consent hearing held on 10 and 12 October 2022 by and on behalf of No 8 Limited.
2. Where there is inconsistency between the plans and information described in Condition 1 and the consent conditions, the consent conditions prevail.
3. A monitoring deposit of \$190.00 (including GST) shall be payable to cover the reasonable costs of monitoring compliance with the above conditions in accordance with Council's schedule of charges.

4. In the event of non-compliance being detected by monitoring or justified complaint and/or the costs of monitoring consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with the Council's advertised schedule of fees.

Consent Lapsing

5. In accordance with section 125(1)(a) of the Resource Management Act 1991 ("Act"), this consent will lapse 5 years after the date it commences under section 116 of the Act, unless it is given effect to prior to that date.

Minor variations to layout of buildings

6. Minor variations may be made to the location of buildings and car parking or other areas of impermeable surface authorised by this consent provided the consent holder first submits plans showing the minor variations to the Environmental Consents Manager, Hastings District Council (or nominee), supported by a suitably qualified expert opinion that landscape, visual, noise, earthworks or related effects arising from the minor variations are immaterial by comparison with the development as shown on the plans described in Condition 1.

Resource Consent to be made available during construction

7. For the duration of the consented works herein, a copy of this resource consent shall be held on the site in a safe and secure location and be made available to Hastings District Council staff, contractors or Agent upon request.
8. The consent holder shall ensure that all personnel, consultants and contractors engaged to undertake work authorised by this consent are made aware of, have access to, and abide by the conditions of this resource consent document, including all management plans referenced in these conditions.

Access to Screen Production Studios Site

9. All vehicles associated with the construction and operation of the Screen Production Studios facility shall only use the access from Parkhill Road to access and exit the Screen Production Studios site. No vehicles associated with the Screen Production Studios shall use the existing Te Awanga Downs' access from Gordon Road, Te Awanga, at any time except where required in an emergency eg. fire, earthquake or tsunami.

PRE-DEVELOPMENT CONDITIONS

Condition precedent

10. Prior to any earthworks or construction activities commencing on the site, the consent holder shall submit a report prepared by a suitably qualified and experienced pedologist or soil scientist to the Environmental Consents Manager, Hastings District Council certifying that the land to be occupied by any buildings or impermeable surfaces (other than roads) is not land classified as LUC 1, 2 or 3 land as defined in the National Policy Statement for Highly Productive Land 2022 ("NPS-HPL"). The pedologist or soil scientist engaged to prepare the report shall be approved as suitably qualified and experienced by the Environmental Consents Manager, Hastings District Council.

11. For the avoidance of doubt, this resource consent does not authorise any built development or impermeable surfaces (other than access roading) on LUC 1, 2 or 3 land as defined in the NPSHPL.

Construction Management Plan

12. Prior to the commencement of any earthworks or construction works on the site, a Construction Management Plan (“**CMP**”) shall be provided to and approved by the Environmental Consents Manager, Hastings District Council (or nominee), which will establish (as a minimum) standard industry best practices for the management of dust, noise, traffic, hours of operation and sediment runoff during construction.

The CMP shall include:

- a) A statement giving the author’s qualifications and experience in this area; and
 - b) An Erosion and Sediment Control Plan (“**ESCP**”), which will cover (as a minimum):
 - i. The management practices that will be employed during the construction phase to prevent dust nuisance on neighbouring properties and the environment generally (for example, staging of earthworks and dampening down areas with water, if necessary);
 - ii. The management practices that will be employed to manage and minimise construction stormwater discharges, in accordance with the Hawke’s Bay Regional Council Erosion and Sediment Control Guidelines, including:
 - Staging of earthworks and minimising exposed areas;
 - Clean and dirty water diversion channels and bunds;
 - Silt fences;
 - Formation of a sediment retention pond, with provision for the application of flocculation treatment if necessary;
 - Construction design so that runoff is contained within the excavations and conveyed to the sediment pond as necessary; and
 - Re-vegetating and rehabilitating exposed areas as soon as practicable following completion of the works.
13. Site works shall be undertaken in accordance with the CMP and ESCP approved under Condition 12, and erosion and sediment controls shall be installed and maintained to the satisfaction of the Environmental Consents Manager, Hastings District Council (or nominee), throughout the period of works.

Construction Traffic Management Plan

14. Prior to the commencement of site preparation works and any construction relating to the activities authorised by this consent, the consent holder shall submit a Construction Traffic Management Plan (“**CTMP**”) for the certification of the Environmental Consents Manager, Hastings District Council (or nominee). The purpose of the CTMP is to address the temporary

adverse effects of traffic related to the construction and development of the Screen Production Studios, associated access road and upgrading of Parkhill Road and the Parkhill Road/Raymond Road and Parkhill Road/East Road intersections. The CTMP shall be prepared by a suitably qualified and experienced transportation expert and shall address the following matters as a minimum:

- a) proposed numbers and timing of heavy vehicle movements throughout the day and the proposed transport routes.
 - b) measures for managing on-site parking for contractors and workers;
 - c) the provision for a temporary acoustic screen if required to ensure that noise levels received at the Te Awanga Kindergarten do not exceed the limits in Condition 60 during construction of the Parkhill/Raymond Road intersection improvement works required by Condition 52;
 - d) the use of best endeavours to schedule construction of the Parkhill/Raymond Road intersection improvement works required by Condition 52 to take place in school holiday periods;
 - e) measures to ensure safe access to, within and from the site for vehicles carrying construction materials and for earthworks;
 - f) measures for management of construction traffic;
 - g) hours of heavy vehicle movements for earthworks and other construction works;
 - h) location of traffic signs on surrounding roads and proposed signage for traffic management purposes, and to warn motorists and pedestrians on Parkhill Road and Raymond Road and at Te Awanga Estate, during construction;
 - i) measures to ensure satisfactory and safe vehicle, pedestrian and cycle access is maintained to adjacent properties at all times; and
 - j) contact details of the site manager.
15. All construction works shall be carried out in accordance with the CTMP approved under Condition 14.

Earthworks

16. Prior to the commencement of earthworks on the site, the following shall be provided to and approved by the Environmental Consents Manager, Hastings District Council (or nominee):
- a. Final details of the engineering and construction design of earthworks, including any proposed staging of works, by a suitably qualified and experienced person. These details shall include the final cut and fill plan for the site, and confirm final volumes and areas, and sediment and erosion controls. The plan shall show there will be no changes in the existing ground level of the external boundaries of the site and, where any residential areas require finished ground levels to be higher than existing, show how these will be earth-worked and the additional height provided below the topsoil level. Increasing the depth of topsoil will not be acceptable. The details shall include cross-sectional profiles,

stormwater management system design, overland flow paths, and proposed finished ground levels within the site.

17. All site works shall be undertaken in accordance with the design of earthworks approved under Condition 16 to the satisfaction of the Environmental Consents Manager, Hastings District Council (or nominee), throughout the period of works.
18. Earthworks shall not commence until engineering design plan approval under Condition 16 from Council has been given.
19. A registered and professionally qualified engineer must certify that the sedimentation controls have been constructed in accordance with the approved design (under Condition 16), prior to commencement of earthworks.
20. The consent holder shall install erosion and sediment controls prior to the commencement of the earthworks and these controls must be maintained throughout the period of the earthworks, to the satisfaction of the Environmental Consents Manager, Hastings District Council (or nominee).
21. Earthworks activity on the subject site shall not result in the deposition of earth, mud, dirt or other debris on any public road. In the event that such deposition does occur, it shall be immediately removed. In no instance are roads to be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.
22. There shall be no off-site deposit of sediment or detritus from the area of the works and no deposit of sediment or detritus into any watercourse or stormwater drain.
23. As part of the earthworks, no filling shall take place that will obstruct overland flow from higher ground upstream.
24. The location, dimensions and depth of any area of fill shall be identified on an as-built plan of the site and provided to the Environmental Consents Manager, Hastings District Council (or nominee), upon completion of the earthworks on the site. The final as-built plan shall confirm the new overland flow paths and confirm that there are no changes to ground levels on neighbouring boundaries.
25. The contractor(s) shall confirm in writing that only 'clean fill' will be imported onsite (i.e. no rubbish, no stumps, no concrete, bricks and no other substance containing: combustible, putrescible, degradable or leachate components, hazardous substances, products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices, medical and veterinary waste, asbestos or radioactive substances or liquid waste).

The consent holder shall supply this written confirmation to the Environmental Consents Manager, Hastings District Council (or nominee), prior to the placement of any fill material on the site.

Note: imported 'clean fill' will also need to comply with the relevant standards in the NES for Assessing and Managing Contaminants in Soils to Protect Human Health.

26. No more than 100m³ of cleanfill per annum may be removed from the site as part of construction works.

Landscape planting and revegetation

27. Prior to construction of the Screen Production Studios access road from Parkhill Road, a detailed Landscape Plan for the berms of the access road (in accordance with the Wayfinder Plans 'Sheet 02' and 'Sheet 03' submitted with the application, in 'Attachment 1', dated 12 November 2021), prepared by a suitably qualified and experienced person, shall be provided to the Environmental Consents Manager, Hastings District Council (or nominee). The landscape plan shall show:
- a. Planting specifications detailing the specific planting species and achieve a mix of ground cover and specimen trees.
 - b. The number of plants and their locations, heights and PB sizes.
 - c. Confirmation that the location of planting within the access road berm is appropriate for the species type and leaves sufficient space for ongoing access road corridor maintenance and will not interfere with the achievement of safe sightline distances along the access road,
 - d. Provision for automated irrigation systems for the landscaping to ensure plantings establish, survive and remain in good health.
28. All planting required under Condition 27 shall be maintained by the consent holder in accordance with the approved Landscape Plan.
- "Maintained" in Condition 28 means – the replacement of any dangerous, dead or dying matter, and the general preservation of the landscaping to a healthy standard for the duration of the activity on the site to the satisfaction of the Environmental Consents Manager, Hastings District Council (or nominee).*
29. The consent holder shall ensure that at the completion of the works, any newly established surfaces and grassed slopes or vegetated areas that were cleared or damaged, as a result of the activity, are revegetated as soon as practicable.
30. Within 12 months of construction of the Screen Production Studios access road being completed, planting along the berms of the access road shall be undertaken in accordance with the Wayfinder Plans submitted with the application (refer to 'Attachment 1, dated 12 November 2021).

Parking and loading

31. Full engineering designs, as specified in the Hastings District Council Engineering Code of Practice 2020, relating to the proposed on-site parking and loading spaces for the Screen Production Studios, shall be prepared by a suitably qualified Chartered Professional Engineer or other appropriately qualified person. These plans must provide for no more than 160 standard carparks, and shall be submitted to the Environmental Consents Manager, Hastings District Council (or nominee) for approval prior to construction of the parking and loading spaces.
32. The parking and loading spaces shall be constructed and marked out in accordance with the approved design under Condition 31 above, prior to occupation of the Screen Production Studios buildings.

Studio access road and connection to Parkhill road

33. Full engineering designs for the Screen Production Studios access road and its connection to Parkhill Road shall be prepared by a suitably qualified Chartered Professional Engineer or other appropriately qualified person. These engineering plans shall be submitted to the Transportation Manager, Hastings District Council (or nominee) for approval prior to earthworks and construction commencing, and following completion of the Road Safety Audit process referred to in condition 34. The engineering plans shall provide full details for the Studio access road and its roundabout intersection at the southern end of Parkhill Road which connects the access road to Parkhill Road and the existing vehicle access to Te Awanga Estate Winery.
34. A full topographical survey and geometric design shall be undertaken as part of preparing the full engineering designs under Condition 33, and Conditions 35 and 36, and the final design of the works required under each condition shall be subject to a formal Road Safety Audit by an independent and appropriately trained practitioner for Road Safety Audits that adopts the following process:

Designer response	Designer to respond with clear determination of remedial measures to address the issue raised by the Auditors.
Safety Engineer comment	HDC Road Safety Engineer to review and provide feedback on issue, considering the matters raised, and how the designers proposed remedial treatment will address or mitigate the identified road safety issue.
Client decision	The applicant's design team, including project manager and persons with authorisation for approval should respond to the matters presented by the Auditors, designers response and Safety Engineers comments.
Action taken	Identify the specific actions to be taken, and to whom they have been assigned, for all issues raised in the Road Safety Audit.

35. At the same time that the full engineering design plans are submitted to Council under Condition 33, the consent holder shall submit to the Environmental Consents Manager, Hastings District Council (or nominee) for approval, details of the method / arrangement to

be put in place to ensure emergency service vehicles have unrestricted access to the Screen Production Studios at all times.

36. At the same time that the full engineering design plans are submitted to Council under Condition 33, the consent holder shall submit to the Transportation Manager, Hastings District Council (or nominee) for approval, details of the design for the access road intersection with the existing internal access road on the site used by Outfoxed, the Clifton County Cricket Club etc. ('the Outfoxed access road'), including the road alignment, intersection angles, maximum intervisibility sight lines to be achieved. The design of the entranceway access intersection shall also include a barrier in the location shown on Wayfinder Plan (Sheet 08) dated 9 June 2022 to prevent access to or from the site by any activities not related to the SPS including Outfoxed and Clifton County Cricket.
37. Access to and from the site will be controlled by access cards or such other similar methods authorised by the Consents manager of Hastings District Council. The consent holder shall provide to the Environmental Consents manager (or nominee), upon request, confirmation of the number of persons authorised to access the site in accordance with the approved method.
38. The roundabout intersection for the access road shall be of a sufficient diameter to accommodate NZ standard tracking curves for a semi-trailer, with an absolute minimum radius of 12.5 metres (25 metres diameter) outside tracking sweep path.
39. The full engineering design plans under Condition 33 shall include details of the turn-around areas located at each security point / barrier arm along the Screen Production Studios access Road, to ensure that all reasonably expected vehicle types can undertake a U-Turn movement if required.
40. The access road and roundabout intersection construction work shall not commence until engineering design plan approval has been given under Condition 33.
41. The works for the Screen Production Studios access road and roundabout intersection shall be undertaken in accordance with the final engineering designs approved under Condition 33, to the satisfaction of the Transportation Manager, Hastings District Council (or nominee), throughout the period of works.

Parkhill Road upgrading

42. Full engineering designs for the upgrade of Parkhill Road south of its intersection with Raymond Road shall be prepared by a suitably qualified Chartered Professional Engineer or other appropriately qualified person. These engineering design plans shall be submitted to the Transportation Manager, Hastings District Council (or nominee) for approval prior to earthworks and construction commencing and following completion of the Road Safety Audit process referred to in condition 34. The engineering plans shall provide full details for the road widening (to accommodate a sealed pavement width of 6.0 metres), longitudinal drainage and traverse drainage features, and residential access sight lines.
43. Prior to submitting the engineering plans for the upgrade of Parkhill Road pursuant to Condition 42, the consent holder shall first consult with the residents of Parkhill Road, adopting the consultation process required by Condition 70 with any comments received on the draft engineering design plans for the upgrade of Parkhill Road and the consent holder's proposed response to those comments to be submitted with the engineering plans as required by Condition 42.

44. The engineering design plans for the upgrade of Parkhill Road must include provision for a crushed limestone walkway to be constructed at the consent holder's cost on the western side of Parkhill Road between the site entrance and Te Awanga Kindergarten with a width of no less than 1 metre. The limestone path must be suitably designed, constructed and formed to provide for both cycling and walking.
45. Where compliance with the Hastings District Council Engineering Code of Practice for residential sightlines cannot be achieved for all residences on Parkhill Road, as part of the road upgrade, the full engineering designs under Condition 42 shall include details of mitigation measures to achieve a reasonable and appropriate level of road safety for vehicle movements from residential accesses (e.g., warning signs (Access), road markings, active warning signs, etc.).
46. The upgrading works shall be undertaken in accordance with the final engineering designs approved under Condition 42, to the satisfaction of the Transportation Manager, Hastings District Council (or nominee), throughout the period of works.
47. All roading works within the boundaries of the public road shall be undertaken by a contractor who is pre-approved by Hastings District Council to work within the road reserves.

Note: All work within the boundaries of the public road requires a Corridor access request application to be submitted and approved by the Transportation Manager, Hastings District Council (or nominee), prior to commencement of the specific work items.

Contaminated Soils Management

48. Prior to any earthworks /soil disturbance commencing for the upgrading of Parkhill Road (south of the intersection with Raymond Road), the consent holder shall submit to the Environmental Consents Manager, Hastings District Council (or nominee), a Preliminary Site Investigation ("PSI") from an appropriately qualified expert ("SQEP") under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 ("NESC") to confirm if there is landfill or soil within any area of the proposed works in the vicinity of the property 332 Parkhill Road that is contaminated.
49. If soil contamination is identified in the PSI under Condition 48, the consent holder shall submit to the Environmental Consents Manager, Hastings District Council (or nominee) a Contaminated Site Management Plan / Remediation Action Plan prepared by a SQEP under the NESC that includes the following:
 - a. Health and safety protocols, including procedures to avoid direct contact with contaminated soil
 - b. Excavation protocols, including procedures to control dust generation during works, ensuring clean water is diverted away from excavations, erosion and sediment controls.
 - c. Unexpected discovery contamination protocols
 - d. Contaminated soil management procedures, including requirements for where and how contaminated material will be disposed of, and options for remediation.
50. The works within the Parkhill Road reserve shall be undertaken in accordance with the Site Management Plan / Remediation Action Plan approved under Condition 49 above, to the

satisfaction of the Environmental Consents Manager, Hastings District Council (or nominee), throughout the period of works.

51. Upon completion of remediation, a Site Validation Report (“SVR”) shall be prepared by a suitably qualified expert and submitted to Council confirming that the remediated area and the receiving area for the excavation soil respectively comply with the relevant concentration standards contained in the NESCS (subject to amendment and/or revised Ministry for the Environment guidance). The SVR shall be prepared in accordance with the CLMG N0.1: Reporting on Contaminated Sites in New Zealand.

Parkhill Road/Raymond Road and Parkhill Road/East Road intersection improvements

52. Full engineering designs for the upgrade of Parkhill Road and its intersections with Raymond Road and East Road shall be prepared by a suitably qualified chartered professional engineer or other appropriately qualified person. These engineering designs shall be submitted to the Transportation Manager, Hastings District Council (or nominee) for approval prior to earthworks and construction commencing, and following completion of the Road Safety Audit process referred to in condition 34.
53. A full topographical survey and geometric design shall be undertaken as part of preparing the full engineering designs for the Parkhill Road/Raymond Road and Parkhill Road/East Road intersections required under Condition 52 above. The engineering plans for each intersection shall provide full details of the proposed intersection upgrades, and address (without limitation) for the Parkhill/East Road intersection:
 - The upstand of the apron for a left turn out of Parkhill Road South (to ensure that the design does not increase vehicle speeds through the intersection).
 - The superelevation of the intersection (to avoid the potential for vehicle roll over, in combination with apron upstand height).
 - Vehicle tracking (to ensure a right turn by heavy vehicles onto Parkhill road (south) is safe).
 - Right turn bay/widening on the inside of the curve (addressing safety issues for cyclists if the existing hatched shoulder area at the intersection is removed).
54. The Parkhill Road/Raymond Road and Parkhill Road/East Road intersections shall be upgraded by the consent holder in accordance with the final engineering designs approved under Condition 52, to the satisfaction of the Transportation Manager, Hastings District Council (or nominee), prior to any construction works for the Screen Production Studio taking place on the site.

Stormwater

55. Full engineering designs for the management of stormwater on the Screen Production Studios site (including attenuation and storage devices, and any low-impact design measures) shall be prepared by a suitably qualified and experienced person, in accordance with the recommendations in the Infir Infrastructure Solutions’ *‘Parkhill Studios Stormwater Servicing Report J21120-1’*, dated 6 August 2021 (“Infir report”). These designs shall be submitted to the Environmental Consents Manager, Hastings District Council (or nominee) for approval construction commencing on the Screen Production Studios site. These engineering designs shall achieve the following:

- a. Runoff to the attenuation pond as outlined in the Infir report.
 - b. Total sealed and hardstand areas not exceeding the values used in the Infir report.
 - c. An attenuation pond of at least 4,500m³, releasing water at the values stated in the Infir report.
 - d. A scour resistant discharge to the mid-catchment reservoir catchment.
 - e. Volume neutrality below the crest of the mid-catchment detention dam.
56. All stormwater management on the Screen Production Studios site shall be completed in accordance with the designs approved under Condition 55 above.

Archaeological discovery

57. The consent holder shall obtain an Archaeological Authority from Heritage New Zealand Pouhere Taonga to modify, damage or destroy archaeological sites prior to any earthworks and construction works commencing on the Screen Production Studios site, including for the access road.

DEVELOPMENT IN PROGRESS CONDITIONS

Public road improvements works to be completed

58. All public roading improvements works required by this consent shall be completed at the consent holders cost in accordance with the approved engineering design plans prior to any construction works for the Screen Production Studios development (including the access road and associated roundabout intersection at the southern end of Parkhill Road) commences.

Works within Road Reserve

59. Satisfactory public vehicle and pedestrian access shall be maintained at all times when undertaking works within the road reserve, unless alternative arrangements are made to the satisfaction of Hastings District Council. All necessary precautions shall also be taken to protect the public from open trenches and all other hazards associated with the construction works.

Construction Noise and Traffic

60. All works shall be carried out to comply with the construction noise standard *NZ6803:1999 Acoustics Construction Noise*. The noise from construction work shall comply with the guideline limits for 'long term' duration works as set out in the Standard.
61. Construction Noise shall be measured and assessed in accordance with *NZS6803:1999 Acoustics – Construction Noise*.
62. There shall be no more than 20 heavy commercial vehicle (HCV) movements to and from the site in any given day during construction, excluding HCV's required for concrete pouring.

Hours of Operation – Construction Activities

63. Construction activities (including earthworks) on the Screen Production Site, Parkhill Road and at the Parkhill Road/Raymond Road intersection shall only take place between the hours of 7.30 am and 6.00 pm, Monday to Saturday.
64. No construction activities (including earthworks) shall be carried out outside the hours of construction in Condition 63, or on Public Holidays.

Hours of Operation – Construction Traffic

65. The consent holder shall ensure that all vehicles associated with earthworks and construction activities shall only enter the Screen Production Studios site between the hours of 7.30 am and 6.00 pm Monday to Friday, and 8.00 am to 1.00 pm Saturday.
66. No construction traffic shall enter the Screen Production Studios site outside the hours of construction set out in Condition 65, or on Public Holidays.

OPERATIONAL CONDITIONS

Light and glare

67. All exterior lighting on the Screen Production Studios site shall be shaded or directed away from any residential buildings or roads and shall be less than 8 lux spill measured at a height of 1.5 metres above the ground at the boundary of the site.

Hours of Operation

68. The hours of operation for the Screen Production Studio activities authorised by this consent, other than in emergencies, shall be limited to the hours of 6:00am to 6:00pm Monday to Saturday inclusive other than in the circumstances detailed in clause (b) below. No consented activities shall take place outside of these hours or on Public Holidays.

Screen Production Studio activities authorised by this consent must be carried out within the following restrictions:

- (a) The first crew call for a given Studio Production film set must be no earlier than 6.00 am on any given day.
- (b) Filming activities may take place after 6.00 pm on a maximum of 20 nights per calendar year provided that:

- (ii) There shall be no more than five continuous night shoots after 6.00 pm in any consecutive period.
- (iii) The crew call must be before 10.00 pm.
- (iv) The consent holder must advise the Environmental Consents Manager, Hastings District Council (or nominee) at least 5 working days before carrying out any filming activities after 6pm.
- (v) At the same time, notice must be given to the owners and occupiers of Parkhill Road (between the intersection of Parkhill Road and Raymond Road and the site entrance who have advised they want to be so notified) in a way approved by the Environmental Consents Manager, Hastings District Council (or nominee), such as Facebook, WhatsApp, Messenger or equivalent.

Transportation Management Plan

69. Prior to the commencement of any Screen Production Studio activities on the site, the consent holder shall submit to the Environmental Consents Manager, Hastings District Council (or nominee), a Transportation Management Plan ("TMP"), for certification that it meets the following objectives:

- a. To avoid (where possible) and otherwise minimise the interaction of site related (heavy commercial vehicle and staff/contractor) vehicles and other traffic on the adjacent road network during peak hours, including during the drop-off and pick-up times for the Te Awanga Kindergarten and Haumoana Primary School.
- b. To ensure that noise associated with vehicle movements to and from the site does not exceed a reasonable level, including in early morning hours of any given day (before 7.00 am).
- c. To ensure it covers vehicular access both to and from the Screen Production Studio site.

The TMP shall include:

- a. The management steps and other methods that will be taken by the consent holder to avoid or minimise site related heavy commercial vehicles entering the site during site setup within the following hours:
 - 8:00 am to 9:00 am
 - 2:30 pm to 3:30 pm
 - 4:30 pm to 5:30 pm

(Restricted Hours)

- b. The management steps and other methods that will be taken by the consent holder to minimise site related traffic (other than heavy commercial vehicles during site set up as addressed in (a) above) entering or exiting the site within the Restricted Hours.
- c. The management steps and other methods required by the above must include, at a minimum:

- Directions to heavy commercial vehicle drivers and companies employing/contracting those drivers to avoid entering the site during the Restricted Hours.
 - Terms and conditions of staff employment contracts and equivalent terms for all (non-employment) contracts with film and other production personnel retained by the consent holder, requiring those staff/contractors to avoid entering the site during the Restricted Hours wherever possible.
 - The timing of calls for specific shoots during the day to maximise production and filming staff and contractors entering the site outside of the Restricted Hours.
- d. The management steps and other methods that will be taken by the consent holder to minimise the number of vehicles entering or exiting the site on any given day before 7:00 am and (as a maximum) ensure that no more than 50 vehicles authorised to enter or exit the site under condition 37, do so before 7:00 am on any given day, including:
- Promotion and facilitation of ride sharing between staff and contractors, including through web-based technologies as available for the purpose.
 - Provision of mini bus transportation for production and film staff and contractors from principal places of accommodation.

For the purpose of this condition:

- (a) The term “peak hours” has the same meaning as restricted hours as referred to in clause (a).
- (b) The consent holder shall provide the Environmental Consents Manager, Hastings District Council (or nominee) with a copy of the relevant part of any employment or other contract upon request, to confirm compliance with clause (c).
70. Prior to submitting the draft TMP for certification under Condition 69, the consent holder must initiate consultation with the owners and occupiers of all properties having their principal access to Parkhill Road between the intersection of Parkhill Road and Raymond Road and the site entrance (the Properties) as to the content of the TMP. Specifically, the consent holder must:
- Deliver a copy of the draft TMP to the preferred email or postal address identified by the property owners (having first requested that information as to preferred delivery address from each owner an occupier of the Properties).
 - Invite comments on the draft TMP, to be received within 15 working days of delivering the draft TMP to the owners/occupiers of the Properties.
 - Include those comments with the draft TMP as submitted to the Environmental Consents Manager under Condition 69 along with an explanation of how the comments have been responded to within the draft TMP.
71. The consent holder shall ensure that all Screen Production Studio activities are undertaken in accordance with the certified TMP and shall require as a condition of any contract with a film

production company using the Screen Production Studio that that company must also comply with the TMP, to the same extent and in the same manner as if it were the consent holder.

72. The TMP must be updated no less than every two years following commencement of this consent and certified that it meets the objectives stated in Condition 69 following the process as to consultation with neighbouring residents required under Condition 70.
74. The consent holder shall maintain a record / log of every heavy commercial vehicle movement to and from the Screen Production Studios site and make the log available to the Council at its request.

For the purposes of this condition “heavy commercial vehicle” is defined as any truck with a gross mass of more than 3,500 kilograms.

Reverse Sensitivity – Rural Activities

75. Prior to commencement of Screen Production Studio activities on the site, the consent holder shall provide confirmation to the Environmental Consents Manager, Hastings District Council (or nominee), that a legally enforceable undertaking on the following terms has been provided to the owners and occupiers of the Winirana property contained within Records of Title HBP3/1324 and HBP4/57:

No.8 Studios acknowledge that the site of their Parkhill Studios is located in a productive rural area where agricultural management practices such as agrichemical spraying, use of farm machinery, the operation of bird scarers, forestry establishment, tending, harvesting and other similar activities may occur. No.8 Studios also acknowledge that the Winirana property adjacent to the Parkhill Studio site includes both farming and production forestry activities and is likely to include one or more residential dwellings in the future. No.8 Studios undertakes that neither they, nor any users of Parkhill Studios shall:

- (a) Bring any proceedings for damages, negligence, nuisance, trespass, or interference arising from the lawful use of the Winirana property; or*
- (b) Make, lodge, be party to, finance or contribute to any application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation of the operations of any lawfully established, permitted or consented rural activity (including forestry, agricultural and residential activities) on the Winirana property, including without limitation any action to require such rural activities carried out on that land to be modified.*

76. The consent holder must require as a condition of any contract with a film production company using the site that that company must comply with this condition in its own right, including as to the provision of the required undertaking, to the same extent and in the same manner as if it were the consent holder.
77. The consent holder shall give notice of any change of ownership or control of the Screen Production Studio facility to the Environmental Consents Manager, Hastings District Council (or nominee) and confirm that any new owner of the facility has provided the undertaking required by Condition 75 in its own name.

Screen Production Studios - Operational Noise

78. Activities on the Screen Production Studios site shall not exceed the following noise limits at any point within the notional boundary of any noise sensitive activity on any other site within a Rural Zone, or at any point within the boundary of any site, in any zone other than an Industrial Zone:

Control Hours	Noise Level
0700 to 1900 hours	55 dB Laeq (15 min)
1900 to 2200 hours	50 dB Laeq (15 min)
2200 to 0700 hours the following day	45 dB Laeq (15 min)
2200 to 0700 hours the following day	75 dB LAFmax

Helicopter Usage

79. All helicopter take-offs and landing shall be undertaken from the helipad shown on *Film Studio Masterplan, sheet 4 revision 2, prepared by Wayfinder and dated 9 June 2022*, Council ref 104672#0244.

80. The frequency of helicopter movements* shall not exceed:

- a. 4 aircraft movements on any day
- b. 12 aircraft movements in any rolling 7-day period
- c. 24 aircraft movements per month
- d. 96 movements per calendar year.

**A single aircraft movement comprises one landing or takeoff.*

81. No landing or take-offs shall take place between the hours of 8:00 pm and 07:00 am.
82. The consent holder shall maintain a record / log of every helicopter movement to and from the Screen Production Studios site, and make the log available to the Council at its reasonable request.

Review condition

83. The conditions of this consent may be reviewed by the Council pursuant to s 128, s 129, s 130, s 131 and s 132 of the Act at the following times:
- one year following the commencement of this consent;
 - within six months of receiving the results of any traffic noise monitoring undertaken by or on behalf of the Council which identifies an adverse noise effect of studio related traffic on the following properties;

- Te Awanga Kindergarten
 - 23 Home Road
 - 9 Tirohanga Road
 - 11 Tirohanga Road
 - 272 Parkhill Road
 - 299 Parkhill Road
 - 307 Parkhill Road
 - 353 Parkhill Road
 - 373 Parkhill Road
- every 5 years following the commencement of this consent, for any of the following purposes:
 - a. To deal with any adverse noise effect arising from the exercise of the consent associated with traffic generated by the activities approved under this consent; and
 - b. To require modifications or improvements to the roading network to provide for the continued safe and efficient operation of traffic to and from the site including at the intersections Parkhill Road/Raymond Road, Parkhill Road/East Road, and over the section of Parkhill Road between Raymond Road and the site.

ADVICE NOTES:

1. To avoid doubt, except as otherwise allowed by this resource consent, all land uses must comply with all remaining standards and terms of the relevant Hastings District Plan. The proposal must also comply with the Building Act 2004, Hastings District Council Engineering Code of Practice, and Hawke's Bay Regional Plans. All necessary consents and permits shall be obtained prior to development.
2. A building consent for the Screen Production Studios will be required from Hastings District Council.
3. No archaeological sites, waahi tapu, taonga or koiwi may be damaged, destroyed or modified unless the necessary authorities pursuant to the New Zealand Pouhere Taonga Act 2014 has been obtained first.
4. In the event of non-compliance being detected by monitoring or justified compliant and/or the costs of monitoring consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with the Council's advertised schedule of fees.
5. Under section 125 of the Resource Management Act 1991 a resource consent will lapse if not given effect to within 5 years of the date the consent was granted, unless an extension is authorised under section 125(1A)(b).

6. Should the consent holder decide to seek an exemption for the use of highly productive land under clause 3.10 of the NPS-HPL, a further application for resource consent and/or application to change or vary the conditions of this resource consent (pursuant to s 127 of the RMA) will be required.