

**Time:** 9.00am  
**Date:** Monday 28 March 2011  
**Venue:** Council Chambers, Waipa District Council, 101 Bank Street,  
Te Awamutu

## 1 PRESENT

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### Chairperson

DL Sharpe

### Members

SDC Milner [from 9.04am], BJ Taranaki, BS Thomas, GRP Webber.

### Public

There were 22 members of the public in attendance, including submitters.

### Others

Manager Planning & Regulatory, W Allan; Environmental Services Team Leader, K Tutty; Planner, J McLellan; Committee Secretary, S King.

## 2 APOLOGIES

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### Resolved

4/11/10

*That the apology for non attendance from His Worship the Mayor, AD Livingston be received.*

Councillor Taranaki / Councillor Thomas

## 3 DISCLOSURE OF MEMBERS' INTERESTS

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There were no disclosures.

## 4 VISITORS

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There were no visitors.

## 5 MINUTES OF PREVIOUS MEETING

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File: 01-89-04 / Page: 15 - 49

**Resolved**

4/11/11

*That the minutes of the Regulatory Committee held on 21 February 2011, be confirmed as a true and accurate record.*

Councillor Taranaki / Councillor Thomas

## 6 LATE ITEMS

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There were no late items.

## 7 CONFIRMATION OF ORDER OF MEETING

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File: 01-89-04

**Resolved**

4/11/12

*That the order of the meeting be confirmed.*

Chairperson Sharpe / Councillor Thomas

## 8 WAIPA DISTRICT LIQUOR LICENSING AGENCY: MONTHLY SCHEDULE OF LIQUOR LICENCE APPLICATIONS CONSIDERED BY STAFF UNDER DELEGATED AUTHORITY

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File: 01-85-10

**Resolved**

4/11/13

*That the monthly schedule of Liquor License Applications Considered by Staff under Delegated Authority for February 2011 be received.*

Councillor Thomas / Councillor Taranaki

## 9 MATTERS CONSIDERED BY STAFF UNDER DELEGATED AUTHORITY - RESOURCE MANAGEMENT ACT 1991

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File: 01-52-01

**Resolved**

4/11/14

*That the schedule of Matters Considered by Staff Under Delegated Authority for January and February 2011, be received, a copy of which is attached to and forms part of these minutes.*

Councillor Thomas / Chairperson Sharpe

## 10 APPOINTMENT OF HEARING COMMISSIONERS TO REGULATORY COMMITTEE FOR THE PURPOSE OF HEARING RESOURCE CONSENT APPLICATIONS

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File: 01-89-04

### Resolved

4/11/15

That **PURSUANT** to Section 34 and Section 34A of the Resource Management Act the Regulatory Committee in exercise of the functions, powers and duties delegated to it by the District Council **DOES HEREBY APPOINT** Councillor GRP Webber to be a Hearing Commissioner to sit with the Regulatory Committee to hear Item 12.1.

Councillor Taranaki / Councillor Thomas

## 11 COMMISSIONER DECISION: PLAN CHANGE 67 – MERIDIAN 37 LTD

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File: 65-07-67

Manager Planning & Regulatory, W Allan provided an overview of the plan change and hearing.

### Resolved

4/11/16

That the decision of Commissioners Arcus and Watson, as circulated, be received.

Councillor Taranaki / Councillor Milner

## 12 HEARINGS

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12.1 9.15am to 2.11pm

## DECISION OF REGULATORY COMMITTEE ON A PUBLICLY NOTIFIED RESOURCE CONSENT APPLICATION TO ESTABLISH A 3-4 DAY MUSIC FESTIVAL ANNUALLY FOR A FIVE YEAR PERIOD IN THE MYSTERY CREEK EXHIBITION CENTRE ZONE PURSUANT TO SECTION 113 OF THE RESOURCE MANAGEMENT ACT 1991

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### 1 THE HEARING

The hearing held on 28 March 2011 was attended by the following:

<b>Applicant</b>	NZ National Fieldays Society Incorporated
<b>Appearing for Applicant</b>	Barry Quayle (NZ National Fieldays Society Incorporated) Andrew McFarlane (Bloxam Burnett and Olliver) Malcolm Hunt (Malcolm Hunt Associates)
<b>Appearing for Council</b>	Jaime McLellan (Planner) Karl Tutty (Team Leader – Environmental Services)
<b>Submitters that were heard</b>	Charles Fletcher Kenneth George Reakes Mark Wickham

## 2 SITE VISIT

The Regulatory Committee did not undertake a site visit as they were all familiar with the site.

## 3 THE RELEVANT STATUTORY PROVISIONS

The application was considered under the provisions of the Resource Management Act 1991 (RMA).

By way of a resolution by the Regulatory Committee, the proposal was assessed as a **discretionary** activity and thus, was considered in accordance with sections 104, 104B and Part 2 of the RMA.

## 4 OTHER RELEVANT PROVISIONS CONSIDERED

### 4.1 Operative Waipa District Plan

The following provisions in the Operative Waipa District Plan (District Plan) were considered in the assessment of the application.

- Rule 2.0 Rural Zone
- Rule 9.0 Mystery Creek Exhibition Centre Zone

### 4.2 Other Legislation

No other legislation was applicable in the assessment of this application.

### 4.3 Other Policy Statements

No provisions in any National Policy Statement, New Zealand Coastal Policy Statement, Waikato Regional Policy Statement or Proposed Regional Policy Statement were applicable to the assessment of this application.

## 5 THE PRINCIPAL ISSUES THAT WERE IN CONTENTION:

The principal issues that were in contention were:

- Noise Effects
- Security
- Lighting
- Cumulative Effects

## 6 SUMMARY OF THE EVIDENCE HEARD

### **Request Late Submission Be Heard**

Mr Fletcher read paragraphs 1 & 2 of his statement of evidence, which included a request to Council for a waiver of the timeframe for making a submission. Council considered the application and sought comment from the applicant before making a resolution.

Regarding the late submission, Mr MacFarlane requested that the timeframe should not be waived as it may unfairly disadvantage the applicant, which concurred with the recommendation in the Council planner's report.

### **Evidence on behalf of the applicant:**

Mr Barry Quayle – General Manager, Mystery Creek Events Centre.

Mr Quayle read his statement of evidence. This included an outline of the security provisions, management and control of the consumption and possession of alcohol, and details of measures undertaken during recent music festivals.

Mr Andrew McFarlane – Consultant Planner (Bloxam Burnett & Olliver)

Mr McFarlane briefly discussed the proposal, submissions, and the key points of the Council planner's report.

Mr MacFarlane has noted that the Retro Fest dates that were notified are tentative and may be subject to minor changes. Mr McFarlane noted that the dates may vary. A fourth day may be added depending on the success of preceding years and whether Waitangi Day becomes a public holiday.

Mr McFarlane addressed the concerns, raised in several submissions, that Retro Fest will be held not long after Parachute. He accepted that if Retro Fest is approved, it will have approval to operate concurrently with the existing consent for Parachute. He

noted that the two consents will only over-lap in the years 2012 and 2013, after which the Parachute consent will lapse (unless a further consent is issued).

Mr McFarlane offered, on behalf of the applicant, to restrict the dates when Retro Fest can be held. Mr McFarlane advised that strict parameters, whereby a minimum interval between Retro Fest and Parachute, could be imposed as a condition of consent. The terms would also include an activity free period (before Parachute and after Retrofest and the period in between). More specifically, no music festival or activity day event can be held within the Mystery Creek Event Centre on any weekend during the period: one weekend before the Parachute, one weekend after Parachute, and two weekends after Retro Fest.

Regarding the noise levels, Mr MacFarlane offered further measures to mitigate the potential adverse effects from fireworks. In addition, he offered to restrict the hours of the event by bringing the 'shut down' period forward thereby mitigating the adverse effects of night time noise.

Mr McFarlane disagreed with the Non-complying classification in the planner's report, as it was based on a purported failure of Rule 2.4.19 '*Temporary Buildings*'. Mr McFarlane notes that the proposal meets the two criteria under the aforementioned rule, insofar as the proposed music stages will be both temporary in nature and incidental to the proposed activity. Mr McFarlane concluded that the application complies with the said rule, and accordingly he requested that the proposal should be considered as a Discretionary activity.

Mr MacFarlane summarised by stating that these additional measures, offered by the applicant, would satisfactorily address the concerns raised by the submitters, and he concluded that with these mitigation measures the potential adverse effects would be no more than minor.

#### Malcolm Hunt – Consultant Acoustic Engineer (Malcolm Hunt Associates)

Mr Hunt read his statement of evidence. In response to a question from the chair, concerning the impact of wind, Mr Hunt advised that the noise levels are affected by winds, and low frequencies and muffled sounds travel well.

In response to a further question from the chair concerning carnival rides, Mr Hunt agreed with the suggestion made by the chair, and accepted that noise from the carnival or amusement rides would not affect the noise produced from the outdoor stage.

Regarding the fireworks, Mr Hunt discussed the proposed mitigation and noted that this included a management plan and affected party notification.

Mr Hunt noted that the potential adverse effects from the fireworks would be no more than minor in nature.

Mr Hunt concluded that with the proposed mitigation measures, the potential adverse noise effects from the fireworks, carnival rides and musical performances could be managed in a way that potential adverse effects would be less than minor on the environment.

### **Evidence on behalf of the submitters.**

Mr Reakes of 288 Mystery Creek Road accepted the further mitigation offered by the applicant and advise that he had no further concerns.

Mr Wickham of 298 Mystery Creek Road presented evidence on behalf of himself and Mrs Sue Wickham. Mr Wickham did not have any concerns about the proposed fireworks, provided the display was notified. However, he raised concerns about the proposed noise levels from other sources. Mr Wickham's principle concern involved the adverse effects of prolonged noise from music on the health and well-being of himself and Mrs Wickham, including the cumulative effects of the proposal so soon after Parachute.

Mr Wickham was also concerned that the noise levels, which may be approved for the proposal, may be higher than that approved for Parachute. Mr Wickham noted that if the monitoring of noise went unchecked, then the noise levels may steadily increase over time. Mr Wickham added that this, in turn, may lead to a gradual 'creep' whereby noise may exceed the permitted levels. Mr Wickham noted that once heightened noise levels become established by consent or otherwise, they may become difficult to redress.

Mr Wickham acknowledged that the applicant had offered additional mitigation measures, including on-going monitoring and review conditions, which could form part of on-going conditions of consent. Mr Wickham requested that the conditions be enduring, and their review and monitoring must continue throughout the term of the consent to ensure compliance.

Mr Fletcher read his statement of evidence, commencing at paragraph 3.0. Mr Fletcher accepted the additional mitigation offered by the applicant.

### **Evidence on behalf of the Council.**

Council's Planner, Jaime McLellan, tabled letters from submitters who had modified their view. These included letters from Lochiel Golf Club, and the Ashton Family Trust.

Mr McLellan read a summary of the application and briefly went over the main findings in the planner's report.

Mr McLellan advised that the wording of Rule 2.4.19 *Temporary Buildings* made specific reference to the temporary structures that had been envisaged in the District Plan. Mr McLellan added that the references to the types of temporary structures principally relates to building projects, rather than stages associated with events. However, Mr McLellan acknowledged that the references to the types of temporary structures may not necessarily be an exclusive or exhaustive list. Mr McLellan remarked that, in any case, the non-compliance was only a minor consideration and had not influenced the decision he had recommended in the planner's report.

Mr McLellan noted that the dates of Retrofest, stated in the application, were tentative and that the dates may need to make provision for the gun and kart clubs.

Mr McLellan accepted that the additional mitigation measures would address the music and lighting and security, However, Mr McLellan noted that the fire works may contribute to adverse effects on people and animals that may be both far-reaching and difficult to avoid or mitigate. Mr McLellan concluded that it was for this reason, that he maintained that no fireworks should be approved.

## **7 THE MAIN FINDINGS OF FACT:**

The Regulatory Committee have considered the application, the evidence and submissions presented at the hearing, the planning assessment report prepared by the planner, the relevant statutory and planning provisions, the principal issues that were in contention. The main findings of fact determined by the Regulatory Committee, which have led to the following decisions and the reasons for that decision are as follows.

- Mystery Creek Exhibition Centre is an appropriate site for the proposed music festival.
- The size, scale and character of the proposal will be in keeping with existing consented activities approved for the Parachute festival.
- The proposed 'Quiet Weekends' will avoid any potential adverse cumulative effects that may be attributed to having two major music festivals during the years 2013 and 2014.
- The proposed conditions offered by the applicant will afford the event-management a degree of flexibility over the timing and scheduling of each festival. This will encourage increased attendances, increased tourism, and further promote the District's social and recreational facilities, whilst avoiding any potential adverse cumulative effects.

- The consultation between the applicant and affected parties has satisfactorily addressed the potential issues concerning trespassing, vandalism, and lighting nuisance.
- Suitable provision has been made for security at the site, and will be subject to management and on-going review.
- The restrictions on the possession of alcohol, and the controls imposed licensing of bar premises and outlets, offered by the applicant will address the potential social and behavioural problems that are associated with the abuse or irresponsible consumption of alcohol.

## Decision on the Noise Levels

- The expert evidence presented by the applicants consultant acoustic engineer, Mr Malcolm Hunt is accepted. In particular:
  - The overall adverse noise effects of the proposal will be no more than minor.
  - The carnival rides can operate until 10pm with no more than minor adverse effects, as they are considered to be a secondary noise source.
  - The revised orientation of the stages, the hours of operation, and the restrictions on any four-day festivals, offered by the applicant will further mitigate the potential adverse noise effects such that they are no more than minor.
  - Existing consented activities for large events, such as Parachute and Shiver Down, and the associated effects that have become established at the Mystery Creek Events Centre are appropriately located in this Mystery Creek Exhibition Zone. This includes Retro Fest.
  - The effects of the fireworks will be no more than minor provided the further mitigation measures are adopted including restrictions on the type of fireworks, duration and time of the display, the location, and subject to a management plan and affected party consultation.

## Decision On Activity Status

- The proposal is considered a discretionary activity, on the basis that it cannot otherwise meet the standards and criteria for permitted or controlled activities under the Mystery Creek Exhibition Centre Zone 'Activity Days'.
- The proposed temporary stages are considered to be a 'temporary building', and the use of the stages for musical acts satisfies the criteria for temporary buildings under Rule 2.4.19 '*Temporary Buildings*'. Accordingly, the proposal does not default to a non-complying activity.

**8 RESOLVED**  
No. 4/11/19

*That*

- a) *The report of Council's Planner, Jaime McLellan, dated 28 March 2011, be received;*  
*Councillor Webber/ Councillor Milner*
- b) *The proposal is deemed a Discretionary activity.*  
*Councillor Webber / Councillor Thomas*
- c) *That pursuant to Section 37 of the Resource Management Act 1991, the Waipa District Council waives the failure to comply with the time limit for submissions, concerning the submission by Charion Investments Ltd of 330F Pencarrow Road;*  
*Councillor Taranaki / Councillor Thomas*
- d) *In consideration of Sections 104, and pursuant to Sections 104B and 108 of the Resource Management Act 1991, the Waipa District Council approves land use application LU/0244/10 by The New Zealand National Fieldays Society to hold a three to four-day music festival on an annual basis, comprising:*
- a. Four music stages: main indoor stage (Pavillion), 3 x outdoor stages*
  - b. Carnival Rides, movies and other recreation/entertainment activities*
  - c. Overnight camping*
  - d. fireworks*
  - e. Vehicle parking on neighbouring property at 100 Mystery Creek Road (Lot 1 DPS 15082)*

*At the Mystery Creek Events Centre, Mystery Creek Road, Hamilton, and legally described as Lot 1-3 DPS 15082, Lot 1 DPS 15355, Lots 1 & 2 D PS 27241, Allotments 352 & 354 Te Rapa Parish, Part Allotments 353 & 355 Te Rapa Parish, Allotment 413 Te Rapa Parish, Lot 1 DPS 384853, Lot 11 DPS 61001, subject to the following conditions:*

*Councillor Taranaki / Councillor Thomas*

## **CONDITIONS**

### **General**

1. The proposed activity (referred to herein as "The Festival") must proceed in general accordance with:
  - a. The details prepared by Bloxam Burnett and Olliver Limited (reference 139420) dated December 2010, submitted with the application,

- b. The Site Plan prepared by Bloxam Burnett and Olliver Limited (reference 021575809) Revision 3, dated 29-3-11 December 2010;
- c. The reports by Malcolm Hunt Associates (December 2010), submitted with the application; and,
- d. Traffic Management New Zealand Ltd (December 2010) submitted with the application; unless altered by the following conditions of consent.

## **Duration of Consent**

2. That pursuant to Section 123 of the Resource Management Act 1991 the duration of this consent is for a five year period from 2012-2016 (inclusive) and must conclude after The Festival held in 2016. Each festival must take place over three consecutive days. A fourth consecutive day may be added to the event in the years 2015-2016. This condition is subject to condition 3 and 5, below.
3. The consent holder shall restrict the duration of the proposed event to 3 days only if the Mystery Creek Events Centre hosts, or is scheduled to host, another outdoor music festival within 4 weeks prior to The Festival. This restriction shall apply irrespective of whether the preceding outdoor music festival is an Activity Day.
4. For the purposes of the 2012 and 2013 Retro Fest events only, Mystery Creek Events Centre shall not host 'Activity Day' events in the period from one weekend prior to Auckland Anniversary weekend to 2 weekends after The Festival (inclusive). This is for the purpose of ensuring a minimum of 4 'quiet weekends' either side of (i.e. before and/or after) each festival.

For the purpose of this consent, a 'quiet weekend' shall mean a weekend when the Mystery Creek Events Centre does not host Activity Day events that are in breach of Permitted Activity noise standards.

## **Event Dates**

5. That:
  - a. The consent holder must advise Council in writing of the dates proposed for the upcoming Retro Fest event no later than November 30, in the year preceding each event; and,
  - b. The notification must specify the 'quiet weekends' referred to in condition 4, above.

## Monitoring

6. All correspondence and matters of compliance with the conditions of consent must be addressed to Waipa District Council Enforcement Team.

*Note, this advice should be emailed to: [consentmonitoring@waipadc.govt.nz](mailto:consentmonitoring@waipadc.govt.nz)*

## Monitoring and Enforcement Costs

7. Pursuant to Section 36 of the Resource Management Act 1991 the consent holder shall pay the actual and reasonable costs incurred by the Waipa District Council when monitoring the conditions of this consent.

## Comprehensive Event Management Plan

8. The consent holder must submit a 'Event Management Plan' to Council for approval, at least three (3) months prior to each festival for approval. The Event Management Plan must contain a summary of the proposed management of the festival and a compilation of specific planning measures that are proposed to address the following :
  - Community Consultation Programme – This must include details of: any advertising campaign, public promotions, the complaints telephone number, the appointed community liaison, and any responses to public feedback.
  - Noise Management (including the appointed acoustic consultant)
  - Health (including Health Plan and Communicable Disease Response Plan)
  - Evacuation
  - Traffic Management
  - Security
  - Fireworks (including Firework Management Plan)

The Event Management Plan, referred to in this condition, is subject to the information requirements detailed in conditions 12, 21 and 27, below:

9. During 4 day Retro Fest events, musical acts shall be restricted to indoor stages only for at least one of the 3 event evenings. The Comprehensive Event Management Plan required by condition 8 shall nominate 'internal' versus 'external' stage evenings.

## Review Condition

10. That the Waipa District Council may give notice pursuant to Section 128(1) of the Resource Management Act 1991 of its intention to review the conditions

of this resource consent no later than 3 months after each festival for the following purposes:

- i. to review the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent particularly security, number in attendance, transportation, traffic management, noise and amenity effects, festival dates, and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions; or
- ii. to address any adverse effect on the environment which has arisen as a result of the exercise of this consent; or
- iii. if necessary and appropriate, to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment due to the festival activities and associated traffic activities; or
- iv. to review the adequacy of and the necessity for monitoring undertaken by the consent holder.

## Community Liaison

11. Council staff may organise a community liaison debrief meeting including all neighbouring owners and occupiers of property who were originally notified of the application, New Zealand Transport Agency (NZTA), NZ Police and the Public Health Unit within three (3) months of the conclusion of the event, at the cost of the consent holder.

The Council's Planning and Regulatory Manager will make a decision on whether the community liaison debrief meeting is deemed necessary once all feedback has been received from NZTA, NZ Police, the Public Health Unit, as well as analysing the neighbourhood log compiled by the applicant required as part of Condition 14 'Noise Complaints'. The matters raised in Condition 10 'Review Condition' may be considered during any debrief meeting between the aforementioned parties.

12. That the consent holder shall employ a community liaison officer. The community liaison officer shall be responsible for providing regular consultation, communication and contact between the consent holder, Waipa District Council, affected parties living or occupying dwellings within the  $L_{Aeq}$  55 dB noise contour as shown as 'Figure 3 - Predicted Noise Contours Malcolm Hunt Associates 2010' (**attached**) and other interested parties such as the NZ Police, Public Health Unit, New Zealand Transport Agency and owners/occupiers in the area who have advised that they wish to be kept informed of the event and/or consulted with.

The regular consultation and communication between parties shall discuss and/or advise on, but not be limited to, the following:

- The programme of events;
- Information and timing of all noise-producing activities;
- Traffic Management;
- Security;
- Contact details of Festival Management;
- Complaints process.

The community liaison officer shall be employed from at least four (4) months prior to the Festival, and shall be contactable at all times and up to one week following The Festival and for one week after the community debrief meeting.

13. That the consent holder shall provide a telephone number where any noise complaints may be lodged by the affected parties living in or occupying dwellings within the  $L_{Aeq}$  55 dB noise contour as shown on the attached map. This telephone number must be distributed at least two (2) weeks prior to each festival, and must be available for use from 4pm Friday until the conclusion of the event on Sunday or Monday as appropriate. The telephone must be operated by a person at all times.

## Noise

14. That during the event, the applicant shall ensure any noise complaint is recorded and the source of the noise is investigated. Where the noise control boundary is being exceeded the noise shall be reduced to within the limits of this consent immediately. The steps taken shall be recorded along with the time, date and other relevant details of the complaint and any follow-up made to the complainant. This complaint register shall be available to Council if requested at any time.
15. The Consent Holder shall ensure the event is designed, laid out and managed such that the following noise levels will not be exceeded:

The cumulative noise from activities, conducted on the site during the event, shall not exceed a limit of  $L_{Aeq[10 \text{ min}]}$  55 dB within the 20 metre notional boundary to any residence located outside the  $L_{Aeq[10 \text{ min}]}$  55 dB contour marked on the attached map, between 9.00am and 11.45pm the same day

In addition, between 10.00pm and 7.00am the following day [and excluding any fireworks display], no single event of noise shall exceed  $L_{Amax}$  75 dB within the 20m notional boundary to any residence located outside the  $L_{Aeq[10 \text{ min}]}$  55

dB contour marked on the attached map, as measured under the conditions set out in Table A and B, as follows:

A Neutral propagation conditions:

i.	0 – 0.5m/s wind in any direction with overcast conditions 1 hour before sunset with any amount of cloud cover.	
ii.	0.6 – 3m/s wind from receiver to source 0 – 3 octas cloud cover	
	<u>Wind</u>	<u>Cloud Cover</u>
iii	0 – 0.5m/s in any direction	0–8 octas 1hr before sunset 8 octas at night
iv.	0.6 – 3m/s upwind	0 – 3 octas at night

Table A. Measurement Conditions for Neural Meteorological Effects

B Enhanced propagation conditions. There is an expected increase in sound levels due to positive enhancement. Under the following positive propagation conditions the noise control boundary will increase the noise level by plus 4dBA.

	<u>Wind</u>	<u>Cloud Cover</u>
i	0.6-3m/s downwind	0–8 octas 1 hr before sunset 4-8 octas at night time
ii	0.6 – 0.5m/s any direction	0 – 7 octas at night time

Table B. Measurement Conditions with Positive Effects

*Note: Traffic leaving the site does not constitute a performance activity. PA announcements include all announcements made to the public on the site, but does not include announcements made for emergency purpose.*

All noise measurements shall be undertaken in accordance with the procedures set out in NZS6802:2008 Acoustics – Measurement of Sound and assessed in accordance with NZS6802:2008 Acoustics – Environmental Noise except that the provisions of Section 6.3 and B.4 of NZS6802:2008 shall not apply.

16. The Consent Holder shall ensure that between 12.00 midnight and 9.00am the following day, cumulative noise from the site must not exceed the requirements of Rule 9.4.2 [Noise] of the Waipa District Plan.

17. That all carnival rides must only be carried out on site between the hours of 12.00 noon and 10.00pm (inclusive).
18. The consent holder shall ensure that helicopter rides must be excluded as an entertainment activity at The Festival at all times. For avoidance of doubt, this condition does not prohibit helicopter operations not directly associated with The Festival (for example, helicopters used by the media) or helicopters used for emergency purposes if helicopters are required.
19. At the cost of the consent holder, the Consent Holder shall arrange for independent acoustic sound level monitoring, by a acoustic engineer suitably qualified and experienced in the measurement of environmental sound, during each event.
20. That where monitoring reveals non-compliance with the above levels the person undertaking the monitoring shall require an immediate sound level reduction so that the activity remains in compliance with the requirements of the above levels. Full details of sound level monitoring and compliance assessment for all aspects of the activity (over the duration of the Festival) shall be reported to Council's Planning and Regulatory Manager within twenty one (21) days of the conclusion of the event.
21. That the consent holder shall prepare and provide a copy of a Noise Management Plan for approval by Council's Environmental Services Team Leader a minimum 4 weeks prior to each proposed festival. The Noise Management Plan shall be prepared by a qualified and experienced acoustic engineer engaged by the consent holder and shall identify all potential noise sources. The Noise Management Plan should include, but not be limited to:
  - How it is proposed to control the noise to within the set limits;
  - The methods to be adopted to control the noise in the event of exceeding the noise limits;
  - The monitoring techniques to be adopted;
  - The methods to be adopted to determine the noise levels at the noise control boundary in the event that there are not neutral meteorological conditions;
  - The consultation and communication programme and processes to be carried out to comply with condition 12 '*Community Liaison*', above;
  - Methods and procedures to be adopted to ensure adequate monitoring of noise levels is undertaken at specified times and identified locations throughout the duration of each festival.

## Health and Safety

22. That an adequate continuous supply of potable water must be available at all times that The Festival is running.
23. That the following sanitary fixtures must be provided at the ratios specified:
  - Toilets: 1 per 50 participants
  - Wash hand basins: 1 per 100 participants
  - Showers: 1 per 100 campers
24. That any portaloos shall be emptied at least twice a day with on-call emptying facilities available as required. Approval as to the method of disposal to any Council owned facilities shall be in writing prior to the event and shall be at all costs to the applicant including any costs relating to damage that may occur.

## Waste Disposal

25. That all solid waste is to be removed and disposed of off site to a legally authorised landfill or dumping facility, and that a waste management strategy for the site and general area be developed by the applicant and approved by Council's Environmental Services Team Leader, prior to being put in place to cater for The Festival. The management strategy shall include, but not be limited to, the methods proposed to collect rubbish from the general area at the conclusion of each festival and the facilities to collect rubbish for its reuse and recycling. Rubbish bins are to be provided along the internal property boundaries. No rubbish is to be burned on-site.

## Traffic and Parking

26. That a curfew must be imposed between the hours of 12.15am and 7.00am so that no cars or persons are permitted to leave the site except in an emergency. At least two persons are to provide security at each entrance to the site and at all off-site parking areas within the control of the consent holder at all times so as to ensure this condition of consent is met.
27. That a finalised Traffic Management Plan must be prepared by a suitably qualified and experienced traffic management person, in consultation with the New Zealand Transport Agency (NZTA) and the New Zealand Police, to ensure that traffic impacts on roads is minimised during the term of The Festival. The Traffic Management Plan shall be submitted to Council's Roding Manager for approval at least three (3) weeks prior to the commencement of each festival.

## Security

28. That security be provided on site and along Mystery Creek Road to ensure the security of persons and/ or property in the vicinity. This shall be by providing dedicated security personnel that, at all times, either roam the site, or stationed at the respective internal property boundary. This personnel must be in addition to those that are required to comply with Condition 26 '*Traffic and Parking*' above.
29. A head of security must be appointed and they must be contactable by way of a mobile phone at all times during the Festival. This number must be provided to the owners and occupiers of neighbouring properties so that any security concerns can be investigated and the appropriate action taken, immediately.

## Complaints Register

30. A complaints register shall be maintained by the consent holder. The register shall record all complaints received and shall record:
  - a) The date, time and duration of the incident that has resulted in the complaint;
  - b) The location of the complainant;
  - c) The cause of the incident where appropriate;
  - d) Any corrective action undertaken by the consent holder in response to the complaint.The register shall be available to Council at any time upon request.

## Fireworks

31. The use of fireworks are authorised as part of this consent for each festival subject to the following requirements the consent holder must:
  - Inform Council's Environmental Services Team Leader, in writing, a minimum of 4 weeks prior to such displays taking place;
  - Notify affected parties (in writing) within the  $L_{Aeq (10 \text{ min})}$  55dB contour referenced in condition 15 of this consent, of the date, time and duration fireworks. This notification shall be done a minimum of 4 weeks prior to such displays taking place;
  - Advertise the date, time and duration of fireworks in the local newspaper and the Waikato Times a minimum of 7 days prior to such displays taking place;
  - Ensure that firework displays are limited to a maximum one-off period of ten (10) minutes, completed no later than 10.30pm; and,
    - Provided that pyrotechnic stage effects which are not detectable beyond the boundary of the site are authorised at any time.

32. The Comprehensive Event Management Plan required by condition 8 shall include provision for a Firework Management Plan. In addition to safety considerations, the Firework Management Plan shall include protocols for pre-event neighbour consultation and shall detail the duration and location of fireworks, together with firework size and display parameters.

## Reasons for Decision

- a. The application is in accordance with the relevant objectives and policies of the Waipa District Plan that seek to promote the Mystery Creek Event Centre site as a suitable venue for national, recreational, cultural and social activities and as a means of providing for the social and cultural well-being of the community while protecting other areas of the District Plan from the adverse effects of extra noise and activities which generate high vehicle movement.
- b. The conditions of consent will ensure that The Festival is managed in a way that reduces adverse effects on the environment.

In particular, the sound desk controls, acoustic instruments, orientation of the stages, coupled with the noise monitoring will suitably mitigate the potential adverse noise effects generated by the music.

- c. Conditions 4 & 5 will ensure that there are weekends available each month when there are no noise generating Activity Days scheduled within the Mystery Creek Events Centre. This will avoid any potential adverse cumulative effects that may arise from existing consented activities.

This will also allow for other activities that could potentially satisfy the performance standards and assessment criteria under the Mystery Creek Exhibition Centre Zone, providing that the number of weekends scheduled for 'Activity Days' does not exceed a maximum of three per month.

- d. Condition 9 has been imposed to mitigate the potential adverse noise effects from the four day festivals.
- e. The potential adverse effects including noise, traffic, health and safety, hours of operation and management and security, are able to be mitigated by the imposition of conditions. Specifically conditions 14 to 21 'Noise' relate to the measures to mitigate any adverse noise effects.
- f. The Committee has approved the use of fireworks. This decision has been made having consideration for, and on the basis that:
- The mitigation offered by the applicant will restrict the size, scale, location and duration of the fireworks;

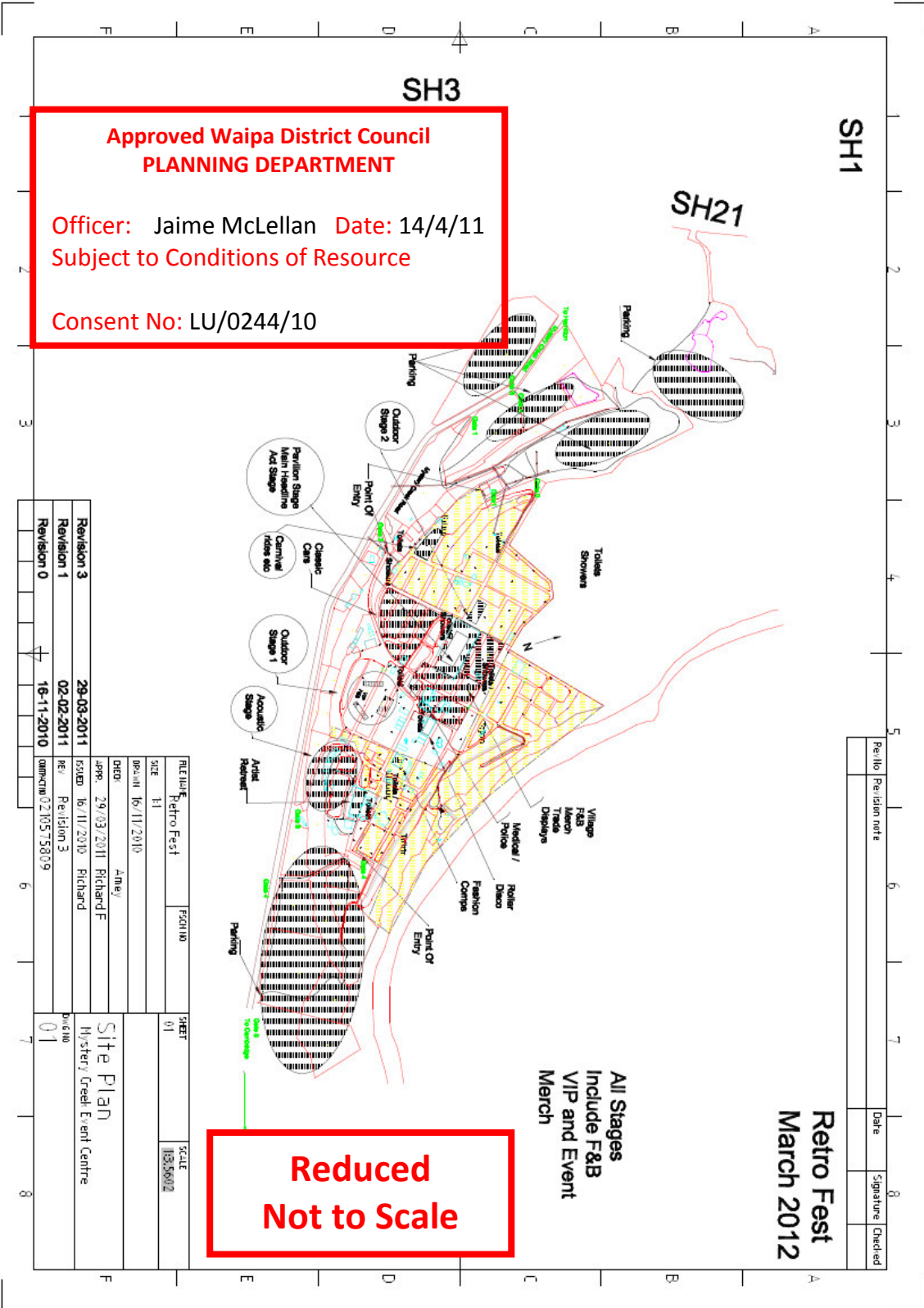
- A fireworks management plan will be prepared;
  - The potentially affected parties will be notified individually;
  - The date, time and duration of any fireworks display will be publicly advertised if it is likely to effect any neighbouring parties; and,
  - Fire works will be restricted to ten minutes for each event (excluding pyrotechnic stage effects) as proposed in the application.
- g. Condition 2 'Duration of Consent' limits The Festival to a five (5) year period. This will ensure that the Council and the community can re-assess all aspects of the Festival, including the impacts on the surrounding environment from any increases in the predicted participant numbers, should the consent holder seek further consent to hold Retro Fest beyond 2016.
- h. Conditions 2 'Duration of Consent', 10 'Review Condition' and 11 'Community Liaison' will ensure that Council, in consultation with neighbours, interested parties, and the consent holder can assess the adequacy of the conditions of the consent in addressing any adverse effects that may arise from the exercise of this consent. This includes any complaints made regarding security and/or fireworks.
- i. The hours of operation for noisy activities set out in Condition 16 'Noise', are restricted;
- to avoid and mitigate the adverse effects of the proposed music on the rural amenity enjoyed by the surrounding resident's, and
  - to maintain compliance with the night time District Plan noise standards for permitted activities between the hours of 12 midnight and 9am.
- j. The hours of operation for the carnival rides that were proposed in the application have been accepted:
- as the proposed noise levels from machinery and people will be secondary to the noise from the music event; and,
  - potential adverse effects can be satisfactorily mitigated to ensure that the potential adverse noise effects arising from this activity are no more than minor.
- k. The Mystery Creek Events Centre site has an established record as a facility which is suitable for hosting large participant festivals. The health and safety procedures and facilities which have been established for such events will thus assist in ensuring that potential health and safety effects will be avoided in association with conditions 22 to 25, concerning 'Health and Safety' and 'Waste Disposal'.
- l. Condition 27 'Traffic and Parking' has been imposed to ensure that the Traffic Management Plan is finalised ahead of each Retro Fest event, and the NZTA

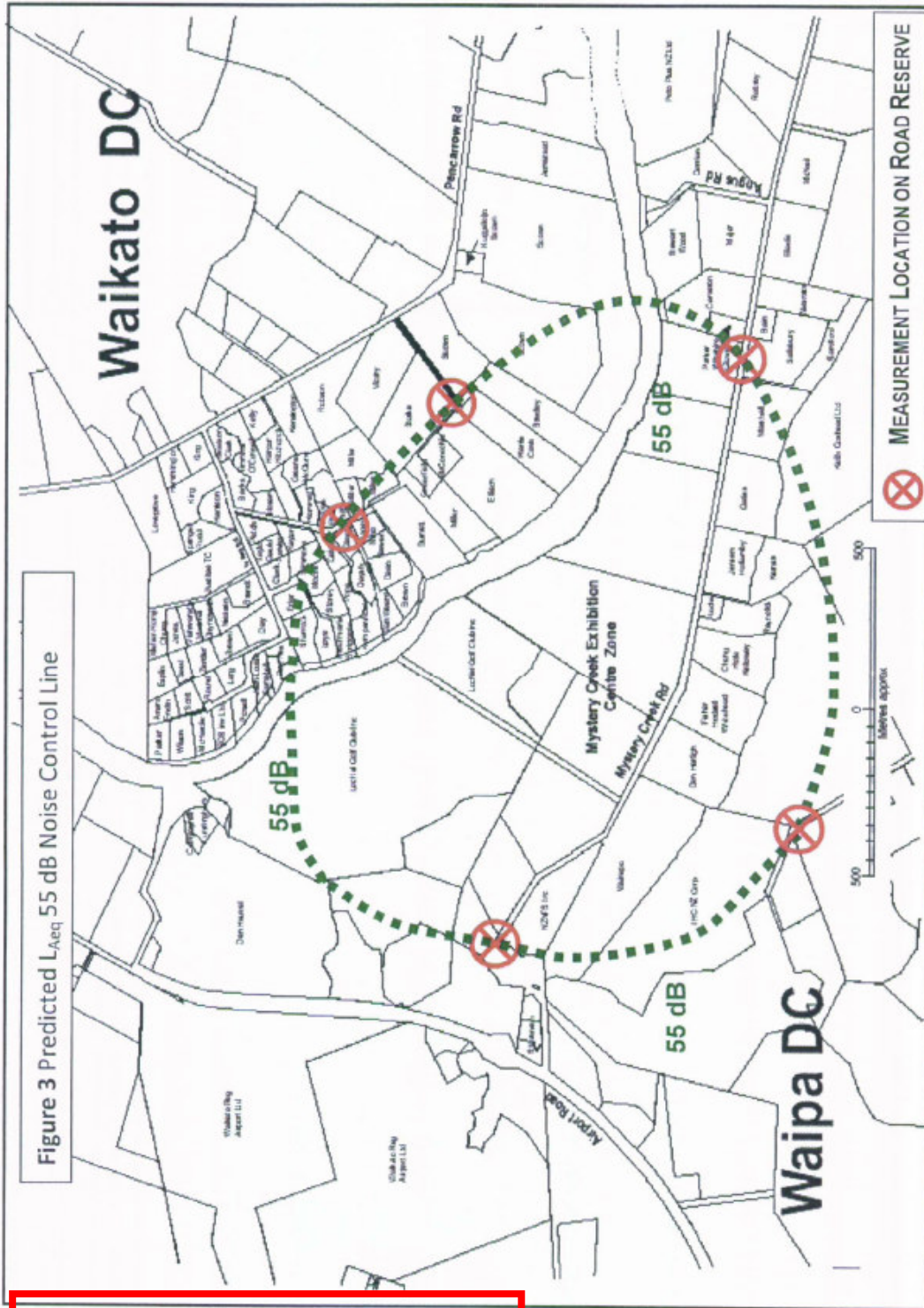
and Police are involved prior to Council granting any approval. This will avoid and mitigate the potential adverse effects on the State Highway Network and the local roading network and neighbouring properties during the term of The Festival.

- m. The timeframe for the submissions lodged by Charion Investments Limited has been waived under section 37 of the Resource Management Act 1991 as the Committee considered that the applicant and submitters were not prejudiced by the submission being received late.

### **Advisory Notes**

- Council's Building Control Department are to be notified of any temporary structures associated with this festival and Building Consents obtained where required.
- All food and drink outlets (including caravans and stalls) are to be registered with the Council in accordance with the Food Hygiene Regulations 1974 and the Sale of Liquor Act 1989.





**Approved Waipa District Council  
PLANNING DEPARTMENT**

Officer: Jaime McLellan Date: 14/4/11  
Subject to Conditions of Resource  
Consent No: LU/0244/10

There being no further business the meeting closed at 2.33pm.

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**CONFIRMED AS A TRUE AND CORRECT RECORD**

**CHAIRPERSON:** .....

**DATE:** .....

Completed and dispatched: 29 March 2011