



## 12.8.28

## SPECIAL 28 (KELLY PARK FILM VILLAGE) ZONE

### 12.8.28.1

### Zone Issues, Objectives, Policies and Description

#### 12.8.28.1.1

#### Issues

Refer to section 12.2 for general special zone issues.

#### Specific Zone Issues

*Issue*

#### 12.8.28.1.1.1

#### **Film activity needs to be able to locate within the Auckland Region**

With the development of the film industry in NZ and the Auckland Region there is a need for increased studio space and a range of specialised filming environments and facilities. Provision for future growth of film activities must be done in a way that promotes the sustainable management of natural and physical resources. The Kelly Park site is of a size, location and character that provides opportunities for integrated management of the development of film activities in a manner that avoids, remedies or mitigates any adverse effects on the environment. The sites existing location within the Auckland Region allows for ease of access to the motorway network, Auckland's Airports, Orewa, Silverdale, Albany and associated services.

*Issue*

#### 12.8.28.1.1.2

#### **Film activity which is not specifically industrial, commercial or rural in nature, needs specific recognition and provision to enable the sustainable management of natural and physical resources.**

A 'one stop production shop' is a sustainable form of development in that it offers particular operational advantages such as transport efficiencies and economies of association and potential for maximising the use of existing facilities. Film studios and associated businesses which are non-retail in nature provide valuable services to local businesses and provide local employment from commercial and light industrial activities such as food services, engineering and building services. Post-production is a growth area that will provide ongoing positive economic benefits to the local and regional economy and also provides for more than one project to occur on the site at any one time.

Recent trends in film studio developments have seen the emergence of studios in commercial and light industrial areas by default. Film studios require large areas of land that then reduce the amount of land available for light industry/commerce and new business development. Reverse sensitivity issues can follow this because of fundamental differences in the nature of these activities. Many areas zoned for light industry/commerce are affected by their close proximity to transport nodes and corridors which limits their suitability for film studios. As a result, there is a need for film locations that are separate from commercial and light industrial activities. It is also expected that film making activities are likely to evolve over time in terms of their requirements and definition, therefore some recognition is required of the changing nature of this industry.





Issue  
12.8.28.1.1.3

**Film activity needs to operate in the rural environment in addition to operating in the light industrial locations presently in the Auckland Region.**

With the development of the film industry in NZ there is a need for increased studio space within the rural environment that relies on a rural landscape character. Because present studio space is located in light industrial or commercial areas there is a need for outdoor film making activities to be undertaken on the same site as production and post-production facilities. District Plans in the region currently provide limited certainty about the scope for significant film projects in the rural area to gain resource consent. There is an opportunity to provide for landscape enhancement both on the site itself and through connections to the wider landscape.

Issue  
12.8.28.1.1.4

**Concentrating film activity in a purpose built zone offers potential for a win-win for the film industry, the community and the environment**

A comprehensive planning approach to a concentration of film activity enables the development of purpose built facilities and environments, with carefully designed methods for controlling, avoiding, containing, mitigating and integrating the management of potential adverse effects. Appropriate rules and methods for controls on lighting, noise, traffic management, stormwater, parking, management, building locations can be developed for a range of film projects on the site rather than on a project by project basis. A purpose built zone also offers greater certainty about the permissibility and the level of regulatory constraints on film activities in the zone. Investment in large film projects is characteristically risk-averse and able to move to locations with lower regulatory uncertainty. The requirement to adhere to a comprehensively planned concept plan also offers greater certainty about the levels of potential change that could result from an activity with significant potential for growth on the site.

Issue  
12.8.28.1.1.5

**Film making and associated services can give rise to reverse sensitivity effects in respect of activities taking place in the Rural area due to the sensitivity of Film making and related sensitive activities to activities which generate effects such as noise and vibration.**

Film making and associated services can be sensitive to the effects of activities taking place within the Rural area. It is important that Rural activities are not constrained or impeded by Film Making and related activities taking place on the Kelly Park site. Siting and design of buildings and activities such as Film Making and related activities is an important part of avoiding and mitigating potential reverse sensitivity effects that may arise between such activities and rural production activities including extraction and distribution of Significant Mineral Extraction Resources.

12.8.28.1.2

Objective  
12.8.28.1.2.1

**Objectives**

To enable the development of a comprehensively designed film park to provide for film making activity and associated services, within a site-specific zone whilst maintaining the rural character and amenity values of the site and local area.



*Objective*  
12.8.28.1.2.2

To avoid, remedy or mitigate the adverse effects of film making activities on natural and physical resources within the zone and on adjoining sites.

*Objective*  
12.8.28.1.2.3

To ensure that the film park is of a standard in amenity and design that it will complement the area's general rural character and minimise adverse environmental effects on nearby land uses.

*Objective*  
12.8.28.1.2.4

To provide land specifically zoned for film making activities which will meet the needs of the local, regional and national film industry, contribute to local employment, and which will avoid competition for land and building space from other businesses which require commercial/industrial land in other zones.

*Objective*  
12.8.28.1.2.5

To enable the balance of land not used for film making activities to be used for farming and recreational activities.

*Objective*  
12.8.28.1.2.6

To avoid and minimise conflict between film making activities and associated services and rural productive uses, which can adversely affect the ability of other rural sites to be used for rural productive purposes and affect the viability of other rural production based on activities including extraction and distribution of Significant Mineral Extraction Resources.

*Objective*  
12.8.28.1.2.67

To protect the rural landscape character of the zone, including areas of native vegetation, natural water courses, wetlands and landform.

Objectives from the following chapters are also relevant:

Chapter 5 - Natural Hazards

Chapter 7 – Rural (particularly 7.3.2, 7.3.4, 7.3.5, 7.3.6, 7.3.7, 7.3.8, 7.3.9, 7.3.11)

Chapter 17 - Cultural Heritage

Chapter 19 - Utilities

Chapter 20 - Hazardous Substances and Contaminated Sites

Chapter 21 - Transportation and Access

Chapter 22 - Financial Contributions and Works

Chapter 23 - Subdivision and Servicing

12.8.28.1.3

### **Policies**

*Policy*  
12.8.28.1.3.1

Activities and development within the Zone should be of a scale and intensity that maintains the rural character and amenity values of the local area and the site.

*(This policy seeks to achieve objectives 1 & 5)*

*Policy*  
12.8.28.1.3.2

Activities should be sited, designed, and operated to avoid adverse effects on the natural environment values on the site, or where this is not practicable to remedy or mitigate the effects.

*(This policy seeks to achieve objectives 1, 2 & 3)*





Policy  
12.8.28.1.3.3

Activities and development should reflect the infrastructural and servicing capacity of the site in order to avoid, remedy, or mitigate adverse effects.

*(This policy seeks to achieve objective 2)*

Policy  
12.8.28.1.3.4

Removal, damage destruction or modification of covenanted native vegetation within the site should be avoided where practicable or remedied or mitigated by seeking to manage protect and enhance it as part of the design of the activity or development. Opportunities should be established to extend the covenants to additional areas of existing native vegetation and future enhancement areas.

*(This policy seeks to achieve objective 2 & 7)*

Policy  
12.8.28.1.3.5

Development should be designed to a high standard and should not adversely affect the landscape character of the site and local area and the natural environment of the site.

*(This policy seeks to achieve objectives 3 & 7)*

Policy  
12.8.28.1.3.6

Activities within the Zone should be limited to those based on film making and support services for film making activities.

*(This policy seeks to achieve objective 4)*

Policy  
12.8.28.1.3.7

Film making and associated services which may be sensitive to the effects of rural production activities, including extraction and distribution of Significant Mineral Extraction Resources should be designed and located so as not to impede or constrain the establishment and operation of rural production activities including extraction and distribution of Significant Mineral Extraction Resources.

*(This policy seeks to achieve objective 6)*

**Explanation and Reasons**

*This explanation and reasons relate to Policies 12.8.28.1.3.1 to 12.8.28.1.3.7. These policies are intended to allow a film park development to be established on this site. They intend to ensure that the development occurs in a way which does not adversely affect the rural character and amenity values of the local area and site. They also seek to protect the natural character and environment of the site including areas of native vegetation, natural water courses and reflect the infrastructural capacity of the site.*

*The land in the zone is currently rural in character and is surrounded by other rural land. It is therefore important that the development of the film park maintains the existing rural character and amenity and avoids, remedies or mitigates any adverse effects from film making activities on the surrounding rural land uses.*



12.8.28.1.4

### Description

This Zone applies to approximately 338 hectares of rural land at 909 Haruru Road, Wainui. The site will provide the facilities and capacity to meet demand for a broad range of film production facilities.

The Zone will provide for film making activities and related support services within identified areas within the site that are visually and physically discrete areas, and to ensure the long-term protection of those parts of the site which are unsuitable for development. This includes areas of native vegetation identified for protection through covenants, enhancement areas, steep slopes and land adjoining waterways.

Development will occur in two stages and will be used for film making and support services and any other activity permitted by the rules relating to the site.

A Concept Plan is included at Appendix 12U, setting out the general layout of the development. The Rules require any development to be generally consistent with the Concept Plan.

The key features of the Zone are as follows:

#### Stage One

Film Studios (Existing) - The site contains an existing studio. This studio was previously an equestrian centre and now is utilised for film making activities. The existing studio has a sealed carpark area.

Additional Studio - Stage 1 of the development includes the provision of an additional studio which will be approximately 8000m<sup>2</sup> with an adjoining 8000m<sup>2</sup> area of sealed parking/manoeuvring. The studio buildings will be utilised for set construction, production and film making activities. Access to the additional studio will be via Weranui Road. Internal roads will link to other facilities on site including the adjacent Creative precinct, central service centre and existing studio.

Creative Precinct - The creative precinct will house the production offices and workshops. The precinct will be utilised for set design and construction and will also double as film sets if required. The creative precinct includes a total building area of approximately 2160m<sup>2</sup>. The creative precinct will be accessed off Weranui Rd.

Service Centre & Offices - The service centre has been designed as 3 circular groups of 4 buildings, one of which is built in stage one. Each building will be approximately 60m<sup>2</sup> giving a total staged building area of 1440m<sup>2</sup> with an adjoining sealed parking and manoeuvring area. The service centre buildings will be utilised for typical office/support services, catering and health services. The service centre and offices will be accessed off Weranui Rd.

Film Schools & Accommodation - The zone will provide two film schools, one film school will be utilised primarily by NZ film students and animators, while the other will be an international film school.



Animation Studio - The animation studio will have a total area of approximately 600m<sup>2</sup>. This building will be utilised as a studio and office for computer animation, computer modelling and graphics.

Earthworks & Stockpiling Area – The earthworks and stockpiling area will be used for stockpiling and obtaining earth for the provision of film sets.

Stage 2

Studio - An additional studio, which will be identical to the studio constructed at stage 1 of the development.

Creative Precinct - An additional creative precinct, which will be identical to the creative precinct constructed at stage 1 of the development.

Tourism - Once the facility is fully established on site there will be opportunities for tourism associated with the film making activity. This will be low key and small in scale and will rely on existing facilities. It may involve a small visitor’s centre and associated parking and could possibly be located in north eastern corner of the site.

**Rule 12.8.28.2**

*Rule*  
12.8.28.2.1

**Activity Rules**

Activities in the Special 28 (Kelly Park Film Village) Zone shall comply with the following:

- (a) All Permitted, and Restricted Discretionary Activities in the Activity Table in Rule 12.8.28.2.2 shall comply with Rule 12.8.28.3 Development Controls and Performance Standards, and any other relevant Rules in the Plan that relate to matters not covered by these specific rules.
- (b) All Restricted Discretionary Activities will be assessed against those matters to which discretion is restricted as set out in Rule 12.8.28.5.
- (c) All Discretionary Activities in the Activity Table in Rule 12.8.28.2.2 - will be assessed against the criteria set out in Rule 12.8.28.6 Discretionary Activities: Assessment Criteria, any other relevant Discretionary Activity Assessment Criteria, and the relevant matters set out in section 104 of the Act.

*Rule*  
12.8.28.2.2

**Activity Table**

In the following table:

- P = Permitted Activity
- C = Restricted Discretionary Activity Controlled Activity
- D = Discretionary Activity
- NC = Non-complying Activity

Note: Words in CAPITAL LETTERS are defined in Chapter 3 – Definitions



ACTIVITY	ACTIVITY STATUS
Any activity not ancillary to FILM MAKING and not listed in this Activity Table	NC
Any activity ancillary to FILM MAKING not listed in this Activity Table	P
Any permitted activity in this activity table (including new BUILDINGS) which does not comply with the Development Controls and Performance Standards in Rule 12.8.28.3	D
Any permitted or restricted discretionary activity in this activity table (including the erection of any new BUILDING, or external alteration or additions to existing buildings), <b>not</b> in accordance with the Development Concept Plan and Site Development Plan (Appendix 12U).	D
The demolition or removal of BUILDINGS and ACCESSORY BUILDINGS	P
The erection, addition to, or alteration of BUILDINGS and ACCESSORY BUILDINGS for any Permitted Activity shall be subject to a Site Development Plan	RD
CHILDCARE associated with FILM MAKING	P
FARMING	P
FARMSTAY/HOMESTAY accommodation	P
FILM ACCOMMODATION for up to 200 persons that is located in accordance with the Development Concept Plan (Appendix 12U) and Site Development Plan	P
FILM ACCOMMODATION not provided for as a permitted activity	D
FILM EDUCATION FACILITIES for up to 200 students that is located in accordance with the Development Concept Plan (Appendix 12U) and Site Development Plan	P
FILM EDUCATION FACILITIES not provided for as a permitted activity	D
FILM MAKING, and FILM SETS not requiring road closures	P
FILM MAKING and FILM SETS requiring road closures	D



FILM WORKSHOP, (including kitchens), provided that each workshop is incidental to a filming studio and is located on site in accordance with the Development Concept Plan (Appendix 12U) and Site Development Plan	<b>P</b>
HOME OCCUPATIONS	<b>P</b>
Existing HOUSEHOLD UNITS	<b>P</b>
HOUSEHOLD UNITS – in accordance with the Development Concept Plan (Appendix 12U) and Site Development Plan	<b>RD</b>
OFFICES ancillary to a Permitted Activity	<b>P</b>
OUTDOOR RECREATION	<b>P</b>
RESTAURANTS/CAFÉ ancillary to a permitted activity	<b>P</b>
Carparking and yard areas ancillary to a Permitted, Controlled, Restricted Discretionary or Discretionary Activity	<b>P</b>
Use of a site for events associated with FILM MAKING provided that the use of the site for such an event does not occur for more than a total of 3 days within any 12 month period and provided that the number of persons catered for and attending such events does not exceed 250 for each event.	<b>P</b>
District Wide Activities.	Refer to Chapter 16 – General Rules
EARTHWORKS and stockpiling area located within the Pasture Management Area (shown on the Development Concept Plan- Appendix 12U and Site Development Plan) managed in accordance with an Operation and Maintenance Plan (OMP) for which a resource consent has been granted.	<b>P</b>
EARTHWORKS [apart from those associated with the stockpiling area] and Vegetation and Wetland Modification Activities.	Refer to Rule 7.9.4 - Chapter - 7 Rural as if the land was in the General Rural Zone
Transport Activities.	Refer to Chapter 21 – Transportation & Access
Use and Storage of HAZARDOUS SUBSTANCES.	Refer to Chapter 20 – Hazardous Substances and





	Contaminated Sites
EARTHWORKS [apart from those associated with the stockpiling area] and Vegetation and Wetland Modification Activities.	Refer to Rule 7.9.4 - Chapter - 7 Rural as if the land was in the General Rural Zone
UTILITIES.	Refer to Chapter 19 – Utilities as if the land was General Rural Zone

**Rule 12.8.28.3**

*Rule*  
12.8.28.3.1

**Development Controls and Performance Standards  
General Rules**

**Development Concept Plan and Implementation**

- (a) Any application for a Restricted Discretionary or Discretionary activity listed in Table 12.8.28.2.2, any earthworks that require a resource consent, and any subdivision that is a discretionary or non-complying activity shall either:
  - i) Include a Site Development Plan for the entire area to be developed; or
  - ii) Demonstrate that the activity being applied for is in accordance with the Development concept Plan in Appendix 12U or the most recently approved Site Development Plan for the area.

Any application that does not comply with (i) or (ii) above will be assessed as a non-complying activity.
- (b) For any activity that is required to submit a Site Development Plan in accordance with (a) above, the Site Development Plan shall be prepared in accordance with the Development Concept Plan in Appendix 12U. The Site Development Plan shall include:
  - i) Site development information showing topographic land contours, building platforms, yards, car parking areas, internal roads and access ways, landscaping and service areas;
  - ii) Details of the buildings, design and infrastructure to be built on the site, including drawings demonstrating the building materials, form and elevation views;
  - iii) Sufficient detail to demonstrate that the site is to be developed in accordance with the Development Concept Plan in Appendix 12U;
  - iv) Details on the overall staging programme;



- v) Details of mitigation measures for the control of stormwater, erosion and sediment control;
- vi) Details of water supply, wastewater treatment and disposal systems;
- vii) Details of the site layout and enhancement planting with reference to the landscape management framework to be used for the Film Park; and
- viii) Identification of existing areas of covenants along with future management areas to be given legal protection.
- ix) Details of how buildings and activities are to be designed and sited so as to avoid conflicts between film making and heavy vehicle movements, and the effects of such movements including noise and vibration, along nearby roads and existing future quarrying activities in the vicinity of the site including Significant Mineral Extraction Resource Sites at Wainui and Flat Top.
- x) An integrated Transport assessment must be included in any Development Concept Plan that involves facilities that provide for more than 2000 people on the site at any one time. When an Integrated Transport Assessment is required, a Travel Plan shall be created based on its findings, which seeks to minimise travel demand for facilities that provide for more than 2000 people on the site at any one time.
- xi) Consolidation of accommodation associated with film activities – in the preparation of any development concept plan that includes accommodation facilities, it must be demonstrated that a dispersed pattern of development for those accommodation facilities has been avoided and that they have been consolidated as far as is practicable.

Rule  
12.8.28.3.2

### **Film Making Activities and Structures**

Film making facilities and structures shall be limited to filming and post production work and associated structures, facilities and activities required for film making, including, but not limited to those activities listed below:

- Film studios
- Creative Precincts
- Film School and accommodation related to film making
- Animation studios
- Service centre and administration offices
- International educational facilities related to film making
- Sandpit earthworks stockpiling area
- Infrastructural facilities
- Car parking
- Signage relating to the activity
- Security fencing
- Landscaping and earthworks



Rule  
12.8.28.3.3

- Access and internal service roading

#### **Maximum Height**

- (i) The maximum height of any studio building as defined in the development concept plan shall be 20.0m.
- (ii) The maximum height of any other building shall be 10.0m.

#### **Explanation and Reasons**

*This explanation and reasons relate to Rule 12.8.28.3.3*

*The height of buildings can lead to building dominance, overshadowing and overlooking that can adversely affect the amenity values of the site and surrounding areas. This Rule is intended to limit the effects of buildings on neighbours and the landscape.*

Rule  
12.8.28.3.4

#### **Activity Buffers**

The following minimum Activity Buffer shall apply:

40.0m on all Zone boundaries for Film Making.

Rule  
12.8.28.3.5

#### **Yards**

The following minimum yards shall apply:

- (i) Front Yard – 10m
- (ii) Side/Rear yard – 6m

Rule  
12.8.28.3.6

#### **Occupation of Yards**

Yards shall be unoccupied and unobstructed by any buildings.

#### **Explanation and Reasons**

*This explanation and reasons relate to Rules 12.8.28.3.4 to 12.8.28.3.6*

*These rules are intended to maintain the amenity values of adjoining sites by providing an appropriate degree of separation between potentially different activities.*

Rule  
12.8.28.3.7

#### **Maximum Site Coverage**

The maximum site coverage of buildings for film making activities shall be:

Future Development Area	=	5% of the net site area
Forest Enhancement Area	=	2.5% of the net site area
Existing Bush Areas (excluding covenanted areas)	=	1.0% of the net site area





Rule  
12.8.28.3.8

The maximum site coverage of buildings for residential activities within the Zone shall be 5% of the net site area.

#### **Impervious Surface Area**

The maximum impervious surface area shall be:

Future Development Area	=	10% of net site area
Forest Enhancement Area	=	5% of net site area
Existing Bush Areas	=	2% of net site area

For the purposes of this rule Impermeable Surfaces means any building or surface on the land which effectively creates a barrier to water penetration on the surface of any part of the land and includes private roads, driveways and paths greater than 1.0 metres in width.

#### **Explanation and Reasons**

*This explanation and reasons relate to Rules 12.8.28.3.7 to 12.8.28.3.8.*

*Maximum site coverage requirements ensure that amenity values and rural character are maintained by retaining a high proportion of open space compared to buildings. The maximum site coverage rule is intended to maintain sufficient spaciousness and open space within the zone and to ensure that building development occurs at an overall low density. While some of the buildings used for film activities will be large, the site coverage control, combined with other controls on building height and location, ensures that overall, there will be a much higher portion of open rural land so that the site will retain its rural character.*

*The control on impervious surface areas is intended to provide sufficient area on site to allow for the control and management of stormwater from these surfaces. Together with the maximum site coverage control, controls on impervious surface areas also maintain a spacious open pattern of development and a more rural appearance.*

Rule  
12.8.28.3.9

#### **Colour of Buildings**

The exterior walls and roofing of buildings used for film making shall be of low reflectivity.

The following standards shall be met:

1. Exterior building materials, which, when graded using the Resene BS5252 Colour range or equivalent, meet the following standards:
  - a. Where the materials are not used for a roof cladding they are of a colour which has a reflectivity value of no more than:  
60% for greyness groups A or B.  
40% for greyness groups C.
  - b. Where the materials are used for a roof cladding, they are of a colour which has reflectivity value of no more than 40% for greyness groups A, B or C.
2. Note: The use of natural or stained timber as exterior building



materials are not subject to (1) above.

Provided that (1) does not apply to windows, window frames, bargeboards, stormwater guttering, downpipes or doors. These items may be of any colour.

**Explanation and Reasons**

*This explanation and reasons relate to Rule 12.8.28.3.9*

*Rural areas in the District are characterised by their spaciousness, a predominance of natural landscapes and building design that reflects the working rural landscape. Appropriate building design and colour will help ensure adverse effects on rural character are avoided or minimised in this regard.*

Rule  
12.8.28.3.10

**Fencing**

Fencing over 1.2 metres in height (excluding gates, styles and fencing for stock and swimming pools) is to avoid a built-up urban appearance through:

- (i) the use of screen planting against the fence; or
- (ii) the use of materials that are in-keeping with the natural character of the landscape; or
- (iii) the use of visually permeable fencing designs.

**Explanation and Reasons**

*This explanation and reasons relate to Rule 12.8.28.3.10*

*The rule is intended to ensure that fencing within the zone maintains a rural character and avoids a built up urban appearance.*

Rule  
12.8.28.3.11

**Noise**

**General**

The noise level from any Permitted, Controlled or Restricted Discretionary Activity, except as provided for in Rules 12.8.28.3.10 (b), 16.9.2.2. and 12.8.28.3.13, shall not exceed the levels specified in Table 1 when measured inside the notional boundary\* of any site used for residential, homestay, child care, educational, hospital or rest-home purposes in any surrounding areas zoned Rural and Rural Residential.





**Table 1: Noise Received in Rural and Rural Residential Zones (L<sub>eq</sub>)**

	Noise Limits dBA L <sub>eq</sub>		
	<i>Mon-Sat 6:00am – 6:00pm</i>	<i>Sundays &amp; Public Holidays 6:00am – 6:00pm</i>	<i>At all other times</i>
Within the notional boundary	50	45	40, and 70 dBA L <sub>max</sub>

**Note:** *Notional Boundary* (as defined in the Proposed District Plan 2000) - means the line 20 metres from the façade of a rural dwelling or the legal boundary where this is closer to the dwelling.

Rule  
12.8.28.3.12

**Noise**

**Special Circumstances**

In circumstances where the limits in Table 1 above cannot reasonably be complied with by means of the adoption of the best practicable option, the following limits shall apply to film production activity only and on not more than four (4) days (9.00 am – 11.00 pm) in any 12 month period.

- (a) The noise level when measured within any notional boundary of any site used for residential, child care, educational, hospital or rest-home purposes in any areas zoned Rural and Rural Residential shall not exceed the levels specified in Table 2.

**Table 2: Noise Received in Rural and Rural Residential Zones**

Time	Noise Level dBA L <sub>eq</sub>
9:00 am – 6:00 pm	77
6:00 pm – 11:00 pm	72
11:00 pm – 9:00 am	The limits of Table 1 shall apply.

- (b) On every occasion when the noise limits of Table 1 are to be exceeded and the Special Circumstances limits of Table 2 are to be relied upon, notification that the limits of Table 1 are to be exceeded shall be made not less than seven (7) days before the ‘Special Circumstances’ occur as follows:
  - (i) To the Rodney District Council, together with a description of the measures to be adopted to ensure that the noise does not exceed a reasonable level; and



Rule  
12.8.28.3.13

- (ii) To all residences and other noise sensitive activities at which the limits of Table 1 are predicted to be exceeded;
- (iii) The notification shall specify the dates and times when the limits of Table 1 are predicted to be exceeded and provide a general description of the character and location of the noise(s) intended to be generated.

#### **Noise Standards**

Noise levels shall be measured and assessed in accordance with the provisions of New Zealand Standards NZS 6801:1999 "Acoustics - Measurement of Environmental Sound" and NZS 6802:1999 "Acoustics - Assessment of Environmental Noise" except that averaging of measured  $L_{eq}$  noise levels shall be permitted for comparison with the relevant limit as follows:

The averaged  $L_{eq}$  value shall not exceed the relevant limit, and in any case the limit shall not be exceeded by more than 5 dBA for any single time interval.  $L_{eq}$  values shall be averaged on an energy basis whereby the logarithmic mean is determined. Measured  $L_{eq}$  levels shall not be averaged if comparison is to be made with a night-time limit between 2200 and 1700 hours.

Rule  
12.8.28.3.14

#### **Construction Noise**

- (a) Rule 1 shall not apply to construction noise.
- (b) All construction noise shall comply with and be assessed in accordance with the provisions of New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".

#### **Explanation and Reasons**

*This explanation and reasons relate to Rules 12.8.28.3.11 to 12.8.28.3.14. These rules are intended to ensure that noise generated by film making activities and associated facilities within the zone is at a level acceptable in the rural environment and at a level that protects the amenity values of the rural sites surrounding the Kelly Park Film Village Zone.*

Rule  
12.8.28.3.15

#### **Exterior Lighting and Glare**

- (a) All permanent exterior lighting shall be designed, installed, aimed, screened and maintained at all times to ensure that all light is projected below the horizontal plane e.g. full cut-off luminaires.
- (b) The maximum luminous intensity from any one luminaire shall not exceed 2,500cd during the hours of 7am to 9pm and 500cd between the hours of 9pm and 7am the following day when viewed from outside of the site.





- (c) The hours of operation for permanent exterior lighting, excluding security lighting, shall not extend beyond 9pm Monday to Friday.
- (d) No permanent exterior lighting, excluding security lighting, shall be in operation between the hours of 9pm on Friday and 7am the following Monday.
- (e) The interior lighting of any office or buildings used for commercial purposes shall be effectively screened from view outside of the site between the hours of 9pm and 7am the following day.
- (f) The number of exterior night time film shoots in areas where the lighting is visible from outside of the site shall not exceed more than 30 nights in any consecutive 6 month period. Such lighting shall also comply with the requirements of Item B above.
- (g) Any permanent lighting used for security purposes shall fully comply with the requirements of Item A & Item (b) above.
- (h) Any temporary lighting used for security purposes, e.g. illumination of motor homes during film periods, shall be aimed inwards to the site and directed in a downward direction. Such lighting shall also comply with the requirements of item B above.

**Explanation and Reasons**

*This explanation and reasons relate to Rule 28.8.28.3.15*

*Film activities can require lighting that may have an adverse effect on the amenity value of an area. This Rule is intended to ensure that lighting generated by film making activities and associated facilities within the zone is at a level acceptable in the rural environment and at a level that protects the amenity values of the rural sites surrounding the Kelly Park Film Village Zone.*

Rule  
12.8.28.3.16

**Earthworks and Vegetation and Wetland Modification Activity**

Rule 7.9.4 in Chapter 7 – Rural shall apply as if the land was in the General Rural Zone.

This rule shall not apply to the earthworks and stockpiling area located within the Pasture Management Area (shown on the Development Concept Plan – Appendix 12U and Site Development Plan) managed in accordance with an Operation and Maintenance Plan (OMP) for which a resource consent has been granted.

**Explanation and Reasons**

*This explanation and reasons relate to Rule 12.8.28.3.16*

*To protect the environment it is appropriate to ensure that activities in the Zone do not have an adverse effect on adjoining sites, and that amenity values within the zone itself are not significantly reduced and that the development fits into the rural landscape.*

Rule  
12.8.28.3.17

**Odour and Dust**

There shall be no odour, dust, particulate, smoke or ash caused by discharges from activities within the Zone that causes noxious, offensive or objectionable effects beyond the boundary of the Zone.





Rule  
12.8.28.3.18

**Explanation and Reasons**

*This explanation and reasons relate to Rule 12.8.28.3.17*

*To protect the environment it is necessary to control odours which may have an adverse effect on the amenity values of an area, and which are not necessarily managed by air discharge controls. Discharges of dust or fumes to the air can similarly affect the health of people and ecosystems, and can impact on the amenity values of adjoining areas.*

*Note:*

*The Ministry for the Environment Publication "Good Practice Guide for Assessing and Managing Odour in New Zealand (June 2003)" provides guidelines for the assessment of odour.*

*The Ministry for the Environment Publication "Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions (September 2001)" provides guidelines for the assessment of dust emissions.*

**Financial Contributions**

- (a) Chapter 22 Financial Contributions and Works (including any relevant credits, reductions and exemptions) shall apply to development with the zone.
- (b) In assessing the level of financial contributions that may be required in respect of any development within the Zone, any expenditure by the developer on public roading and other Council services in relation to the development shall be taken into account.

**Explanation and Reasons**

*This explanation and reasons relate to Rule 12.8.28.3.18*

*The financial contribution controls are necessary to ensure that the proposed development occurs in conjunction with the recommended public road upgrades.*

Rule  
12.8.28.3.19

**Subdivision**

The subdivision of land in the Special 28 (Kelly Park Film Village) Zone is a Restricted Discretionary Activity where Rules 12.8.28.3.19.2 to 12.8.28.3.19.6 are met.

Any subdivision not complying with Rules 12.8.28.3.19.2 to 12.8.28.3.19.6 shall be a discretionary activity.

Any subdivision not complying with Rule 12.8.28.3.19.7 and any subdivision of premises used for film accommodation and/or associated film accommodation facilities in the Special 28 zone shall be a non-complying Activity.

Rule  
12.8.28.3.19.1

Rule  
12.8.28.3.19.2

Subdivision of existing sites involving boundary adjustments and amalgamation of lots provided no additional sites are created.



Rule  
12.8.28.3.19.3

Subdivision of existing sites involving boundary adjustments and amalgamation of sites shall ensure a rationalisation of the existing site pattern within the Development Area (Appendix 12U) and shall be in accordance with the Landscape Management Framework.

Rule  
12.8.28.3.19.4

#### **General Requirements**

The relevant Rules in Chapter 23 Subdivision and Servicing, shall be complied with.

Rule  
12.8.28.3.19.5

#### **Site Size and Shape**

Any private sites created shall have a minimum area of 1ha capable of containing a building platform measuring 25m x 25m and an adequate area for effluent soakage (including reserve area).

Rule  
12.8.28.3.19.6

In addition to the above Rules 12.8.28.3.18.4 to 12.8.28.3.18.5. Subdivision shall make provision for such covenants and easements as are necessary to enable the remaining undeveloped land within the Zone to be developed and used in accordance with the Development Concept Plan.

Rule  
12.8.28.3.19.7

#### **Maximum Number of Lots**

The number of private lots created by any subdivision shall not result in the maximum number of private lots within the zone exceeding a total of 38 lots.

Rule  
12.8.28.3.19.8

Restricted Discretionary Activity subdivision shall be assessed against the requirements of Rules 12.8.28.3.19.2 to 12.8.28.3.19.6~~3~~ above, the extent to which a rationalisation of the existing site pattern in accordance with the Landscape Management Framework is achieved, and those relevant matters set out in Chapter 23 – Subdivision and Servicing.

Rule  
12.8.28.3.19.9

Discretionary Activity subdivision shall be assessed against the general requirements in Rules 12.8.28.3.18.4 to 12.8.28.3.18.7 above, and those relevant matters set out in Chapter 23 – *Subdivision and Servicing*.

#### **Explanation and Reasons**

*This explanation and reasons relate to Rules 12.8.28.3.19.1 to 12.28.3.19.9. To ensure that subdivision does not occur which would compromise the comprehensive development of the sites in accordance with the Development Concept Plan and Landscape Management Framework. The existing subdivision pattern does not appropriately reflect the Development Concept Plan and Landscape Management Framework and the subdivision provisions encourage a rationalisation of the existing site pattern to better reflect the overall development objectives. Rationalisation of the existing subdivision pattern is intended to mean a reduction in the number of lots within more sensitive areas and transferring these lots to other areas of the site more capable of absorbing development, such that there is no overall increase in the existing number of approved lots. Further subdivision is strictly controlled through limiting the total number of sites to existing levels.*



Rule  
12.8.28.3.20

### **Reverse Sensitivity**

Buildings and activities are to be designed and sited so as to avoid conflicts between film making and heavy vehicle movements, and the effects of such movements including noise and vibration, along nearby roads, and existing and future quarrying activities in the vicinity of the site including Significant Mineral Extraction Resource Sites at Wainui and Flat Top. This includes the need to design and site buildings and activities so as not to require road closures.

Rule  
12.8.28.3.21  
Rules from Other Chapters of  
the Plan

### **Rules in Other Chapters of the Plan**

Relevant rules in other chapters of the Plan shall also be complied with.

Chapter 16 - General Rules except that in relation to Lighting, Noise, Odour & Dust, the specific rules of this Special Zone shall apply (Rules 12.8.28.3.11 to 12.8.28.3.13, 12.8.28.3.14 & 12.8.28.3.16)

Chapter 17 - Cultural heritage

Chapter 19 - Utilities

Chapter 20 - Hazardous Substances and Contaminated Sites

Chapter 21 - Transportation and Access

Chapter 22 - Financial Contributions and Works

Chapter 23 - Subdivision and Servicing

Rule 12.8.28.4

### **Restricted Discretionary Activities: Matters for Discretion and Assessment Criteria**

In accordance with section 77B (3) of the Act, the Council will restrict its discretion to the matters listed below, when considering resource consent applications for Restricted Discretionary Activities. Applications for Restricted Discretionary Activities under rules 12.8.28.2.1, and 12.8.28.3.19.1 need not be notified and the written approvals of affected parties will not be required.

Rule  
12.8.28.4.1  
Rule  
12.8.28.4.1.1

### **All Restricted Discretionary Activities**

#### **Matters for Discretion**

The Council will limit its discretion to the following matters:

- (a) Building siting, design and external appearance;
- (b) Landscape design, maintenance and external appearance;
- (c) Landform modification;
- (d) The location and design of vehicular access, road layout and parking provision;
- (e) Reverse sensitivity effects on Significant Mineral Extraction Resource Sites in the vicinity and transportation activities associated with these activities;
- (f) The measures taken to ensure occupants and users are adequately isolated or protected from quarry and aggregate transportation noise, dust and vibration including building design, acoustic insulation and land form modifications to mitigate noise and vibration effects;
- (g) The location of building or land uses in relation to neighbouring





12.8.28.4.1.2

*Landscape Management Framework*

- sites;
- (h) Location, layout and design of the stormwater, sewerage, water supply systems and other services.

#### **Assessment Criteria**

When considering an application the Council will have regard to the following criteria:

- (a) Whether a Landscape Management Framework prepared to the satisfaction of Rodney District Council by a suitably qualified Landscape Architect is submitted prior to the establishment, construction, operation and maintenance of any further film making facilities within the Kelly Park Film Village Zone. This assessment of this criterion includes consideration of whether the Landscape Management Framework:
- i) Generally accords with the management measures outlined for the sub-catchment areas A-F and the Development Concept Plan set out in Appendix 12U and the Site Development Plan set out in Rule 12.8.28.3.1 (b);
  - ii) Provides for the enhancement of natural drainage features including modified sections of natural watercourses and superimposed wetland features, to provide an enhanced natural habitat setting to future built development (whilst minimising the requirement for direct mitigation);
  - iii) Ensures the reinforcement of ridgeline vegetation patterns through protection of existing pockets of indigenous forest and inter-planted areas between isolated fragments, particularly on steep slopes that are less suitable for built development;
  - iv) Details appropriate grazing regimes to manage the site's residual open areas, to halt the spread of weeds within the site interior;
  - v) Details appropriate amenity and shelter planting in conjunction with rural-residential development consistent with existing rural patterns.
- (b) Whether landscape works including landscape protection, enhancement and management measures carried out in association with any film making associated facilities and activities undertaken within the Kelly Park Film Village Zone in accordance with the Landscape Management Framework required by Rule 12.8.28.4.1.2 (a)
- (c) Whether an Ecological Management Plan prepared to the satisfaction of Rodney District Council by a suitably qualified ecologist is submitted following the finalisation of the development and mitigation activities within the Kelly Park Film



	<p>Village Zone. This assessment includes consideration of whether the Ecological Management Plan:</p> <ul style="list-style-type: none"> <li>i) Generally accords with the Landscape Management Framework, the Development Concept Plan set out in Appendix 12U and the Site Development Plan set out in Rule 12.8.28.3.1 (b);</li> <li>ii) Identifies potential threats associated with the proposed use of the site such as weed invasion;</li> <li>iii) Outlines monitoring and control procedures to deal with potential threats such as fencing, animal and pest control, wetland enhancement planting, riparian planting and avoidance of barriers to fish passage.</li> </ul>
<i>Building Integration</i>	(d) Whether all buildings are sited so as to be integrated with the landform and the structural planting when viewed from existing and proposed roads in the vicinity.
<i>Visual impact</i>	(e) Whether all buildings are sited so that they are not visually obtrusive when viewed from existing and proposed public roads in the vicinity.
<i>Rural character</i>	(f) Whether all buildings are of such design and colour as to be unobtrusive in the landscape, and in keeping with the rural location.
<i>Landscaping</i>	(g) Whether the building layout, the site layout and the on site landscaping are in keeping with the landscape management framework.
<i>Screen Planting</i>	(h) Whether any planting intended to screen the development is adequate for this purpose, and is of a sufficient size to be an effective screen within three years.
<i>Trees and bush</i>	(i) Whether buildings and structures will adversely impact upon trees or bush which makes a significant contribution to the visual and environmental qualities in the vicinity of the site.
<i>Scale of building</i>	(j) Whether the scale and form of buildings and structures, including their colour and materials, complements the rural character and the particular elements making up that character in the Zone.
<i>Landform</i>	(k) Whether buildings and structures are sited to avoid modifications to existing landform by using the existing ground form as far as practicable, and minimise discharges of silt.
<i>Streams</i>	(l) Whether the configuration of roads and building platforms minimises their potential impact on perennial streams and ephemeral streams.
<i>Sediment Control</i>	(m) Whether the configuration of roads and building platforms responds to the natural contours and ridgelines to minimise the area and volume of earthworks.
<i>Access &amp; Parking</i>	(n) Whether the location of access and parking is safe and efficient in terms of the effects on the surrounding road network and whether



	adequate parking is provided for the proposed activities.
<i>Landscape</i>	(o) Whether buildings, roads, access and parking areas are sited so that they do not require extensive landform modification and minimise adverse effects on landscape.
<i>Ecological protection/Enhancement</i>	(p) Whether the planting is adequate for the identified ecological protection/enhancement areas and is in keeping with the landscape management framework.
<i>Water</i>	(q) Whether the scale and design of the buildings provides for sufficient water supply.
<i>Traffic</i>	(r) Whether the traffic is effectively managed during large film events and minimises effects on the surrounding roading network.
<i>Construction traffic</i>	(s) Whether construction traffic is effectively managed during the construction period and minimises effects on the surrounding landscape and roading network.
<i>Landscape/Visual Assessment</i>	(t) Whether a Landscape and Visual Assessments prepared to the satisfaction of Rodney District Council is submitted by a suitably qualified Landscape Architect prior to the establishment, construction and operation of any film making associated facilities undertaken within the Kelly Park Film Village Zone.
	(u) This assessment includes consideration of whether the Landscape/Visual Assessment is: <ul style="list-style-type: none"> <li>i) In general accordance with the management measures outlined within the Landscape Management Framework, the Development Concept Plan set out in Appendix 12U and the site Development Plan set out in Rule 12.8.28.3.1 (b)</li> </ul>
<i>Density</i>	(v) Whether the addition of film accommodation that is proposed will create the impression of higher than usual residential density in an area, taking into account the proposed location of the film accommodation units, any site or topographical restraints, landscaping and tree planting, and related facilities such as service areas.
	(w) Whether the proposed film accommodation units are clustered so that buildings remain close to one another, and are not widely dispersed over the site, leading to separate entrances, driveways and visual effects, and whether the building layout discourages the subdivision of the land on which the proposed film accommodation unit is to be located.
<i>Reverse Sensitivity</i>	(x) Whether the application demonstrates sufficient acoustic insulation measures in the design and siting of buildings and activities to avoid, remedy or mitigate reverse sensitivity effects from extraction and transportation of Significant Mineral Extraction Resources.
	(y) Whether the building or activity location together with any measures to address potential activity conflicts, will enable



*Effects on Neighbours*

- (z) Whether the building location or activity together with any measures to address potential activity conflicts, will unduly limit the operation of an existing mineral extraction site or compromise the ability to extract or provide access (including transportation of aggregates) to identified mineral deposits which will provide for future needs.

*Stormwater*

- (aa) Whether the activity will have any adverse effects on neighbours in terms of noise, lighting or visual effects.
- (bb) Whether stormwater is managed in accordance with ARC Technical Publication 10 to avoid adverse effects on stormwater flows and water quality.

*Services*

- (cc) Whether services are provided in accordance with the Standards for Engineering Design and Construction.

**Rule 12.8.28.5**

**Discretionary Activities: Assessment Criteria**

12.8.28.5.1

**General: Assessment Criteria**

Without limiting the exercise of its discretion, for all Discretionary Activity resource consent applications in the Special 28 (Kelly Park Film Village) Zone, the Council will have regard to the following assessment criteria, and any relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters set out in section 104 of the Act and the Council may impose conditions in respect of these matters.

- (a) The assessment criteria listed in 12.8.28.4.1; and
- (b) The objectives listed in 12.8.28.1.2 and the policies listed in 12.8.28.1.3.

12.8.28.5.2

**Landscape character**

- (a) Whether the activity can be established and operated without significantly changing or contributing to a cumulative change in the character of the area from rural to some other character because the predominance of natural features (sometimes modified by human processes) over manmade features is removed or reduced, and in particular, whether:
  - (i) the activity removes or reduces a high ratio of open space to buildings, where such a ratio existed previously;
  - (ii) the activity requires infrastructure of a nature and scale (such as footpaths, streetlights, kerb and channelling) that dominates natural features;
  - (iii) the buildings associated with an activity (excluding household units) are of a design, scale, and quality of finish which evokes an urban character rather than a rural character;
  - (iv) the activity introduces building sizes and densities of an



urban nature and scale;

- (v) the intensity of the activity, including numbers of people using the site, the hours of operation and the number of vehicle trips generated, is significantly different from development anticipated in the development concept plan or a rural use.

12.8.28.5.3

**Character and scale**

Whether the activity is of a character, scale or intensity or involves such numbers of people or vehicles, that the character of the site and general vicinity will be significantly altered from the present character, or natural resources in the general vicinity will be overwhelmed/dominated by the number of people/volume of traffic involved.

12.8.28.5.4

**Streams/waterways**

Whether the configuration of roads and building platforms minimises their potential impact on perennial streams and ephemeral streams.

12.8.28.5.5

**Stormwater**

Whether appropriate provision is made for the management of stormwater and road runoff in a sustainable manner.

12.8.28.5.6

**Landform**

- (a) Whether buildings and structures are sited so that they do not require extensive landform modification, but use the existing landform as far as is practicable so as to minimise adverse effects on landscape and minimise discharges of silt.
- (b) Whether the configuration of roads and building platforms responds to the natural contours and ridgelines to minimise the area and volume of earthworks.

12.8.28.5.7

**Amenity Values adjoining zones**

Whether the activity will have an adverse effect (including visual and aural privacy) on the amenity values of the neighbouring property owners.

12.8.28.5.8

**Amenity values within Zone**

Whether the activity will have an adverse effect on the amenity values within the special filming zone in which it is proposed to be located.

12.8.28.5.9

**Trees or bush**

Whether the activity will have an adverse effect on the natural quality of any area of native trees or bush.

12.8.28.5.10

**Form of buildings**

Whether the scale and form of buildings and structures including their colour and materials complements rural character and the particular elements making up that character in the special filming zone and surrounding rural zone.





12.8.28.5.11	<b>Ridgeline</b> Whether buildings and structures visually intrude on any significant ridgeline or skyline and adversely affect important landscape values when viewed from any public road.
12.8.28.5.12	<b>Parking</b> Whether sufficient on-site parking is provided to meet the needs of the proposed activity.
12.8.28.5.13	<b>Road safety</b> Whether adequate road access is provided and no significant adverse effects on the safety and efficiency of the public roading network result.
12.8.28.5.14	<b>Reverse sensitivity</b> Whether any film making activity or associated activity may result in conflict with activities taking place in the surrounding rural area.
12.8.28.5.15	<b>Reverse sensitivity – buffers</b> Whether adequate measures, such as buffers, separation distances screening or building design are proposed to isolate the activity from the adjoining areas.
12.8.28.5.16	<b>Earthworks</b> Whether the site is located so that substantial earthworks or land modification to obtain access or any building area are not required.
12.8.28.5.17	<b>Cumulative effects</b> Whether the activity will have cumulative effects. In considering any actual and cumulative effects, whether: <ul style="list-style-type: none"><li>(i) the effects of the proposed activity add to or act together with the effects of the existing activities located in the area;</li><li>(ii) the effects of new activities likely to establish in the future which will add to, or act together with the proposed activity.</li></ul> In considering the likelihood that activities resulting in cumulative effects may establish in the future, the Council will consider (but will not be limited to) the following: <ul style="list-style-type: none"><li>(i) the nature and zoning of the land in the vicinity of the subject site;</li><li>(ii) the attractiveness of the land in the vicinity of the site for being used for similar, complementary, or competitive purposes;</li><li>(iii) the historic pattern of the establishment of activities in the area;</li><li>(iv) the provision of infrastructure in the area, including roading and in ground services;</li><li>(v) the proximity of highly valued natural resources, including significant natural areas;</li><li>(vi) the landscape values of the land on the site and local area.</li></ul>





12.8.28.5.18

### **Density**

Whether the addition of film accommodation that is proposed will create the impression of higher than usual residential density in an area, taking into account the proposed location of the film accommodation units, any site or topographical restraints, landscaping and tree planting, and related facilities such as service areas.

Whether the proposed film accommodation units are clustered so that buildings remain close to one another, and are not widely dispersed over the site, leading to separate entrances, driveways and visual effects, and whether the building layout discourages the subdivision of the land on which the proposed film accommodation unit is to be located.

#### ***Explanation and Reasons***

*To ensure that the rural character and scale of development is maintained and that the amenity values of neighbouring properties and the local area are also maintained. The criteria ensure that the effects of development on the landscape and landform are appropriately considered and that consideration is given to reverse sensitivity issues and cumulative effects. Further, the criteria also ensure that film activity can occur whilst ensuring the protection and enhancement of the rural landscape.*

