

Comments on draft conditions - neighbours

1. Thank you for the opportunity to comment on the draft conditions.
2. This a response is on behalf of:
 - Neil Green and Suzie Bognar
 - Paul Dougherty and Hilary Poole
 - Jane and Halford Shaw
 - Catherine Taylor and Graham Smith
 - Rebecca and James Hadley
3. Our suggestions are consistent with the comments and suggested revisions to be filed by David and Sarah Kidd (which we endorse).

Changes to conditions

4. We seek changes to the draft conditions as **attached**¹, or changes that similarly give effect to the issues raised below.
5. We ask that the conditions err on the side of caution and:
 - a. provide certainty regarding what the allowed and expected through specifying operational limits
 - b. require automatic disclosure and remove subjective assessments by the consent holder (as both subject us as neighbours to further frustration with the consent holder and QLDC enforcement and burdensome information request processes)
 - c. require the consent holder to work with the community – and remove at least the need to involve to through QLDC for requests for information and at best reduce complaints and requests for enforcement
 - d. set the project up from the start on a proactive footing - so that we are well informed. Without this we will be left wondering what is next and whether the consent holder is complying – thus providing no other avenue than to ask QLDC to intervene.
6. Before addressing the marked-up conditions, we make the following comments by way of update and context.

1. We have found the Panel's requirement for tracked changes an onerous requirement and a significant barrier to participating in this process and note that some of our neighbours elected not to participate in this stage of the process for this reason. In an endeavour to meet the Panel's request, we have been able to obtain some drafting assistance from Sally Dossor (a former resource management lawyer & TLA General Counsel) who is familiar with the consents that are already held for the site (and like several of us, was part of our group of neighbours who were a s274 party to the Noise Event appeal).

Comments on draft conditions - neighbours

Confidence in the operation of the conditions

7. We have noted the Panel's draft conclusion at paragraph 726 and with respect, request careful consideration of the matters we raise below and the drafting changes attached.
8. We view the conditions of consent that require compliance but do not specify monitoring (or alternatively only requires monitoring when the consent holder has determined a complaint is 'reasonable') with considerable scepticism and concern.
9. Similarly, while we understand that Operational Noise Management Plans (ONMP) are an accepted tool, given our recent experience with the ONMPs required under the Event Noise consent (and prepared by the same consultant for the same client) we are concerned by the weight placed on this tool for both the Studio and the Accommodation operation– especially when as neighbours we are shut out of the process of their preparation, certification and there is no process in the consent to review their effectiveness.
10. We are also concerned about the availability of information, including how we as neighbours will be informed and obtain information throughout the long (2-4 year) construction process, followed by operation of this considerable commercial operation for decades. For example, the draft conditions do not require automatic disclosure, and even where information might be available (on request) there is no obligation for timely disclosure.
11. Finally (and unfortunately) we do not think that, unless compelled by 'disclosure and liaison -type' conditions, the consent holder will change its relationship with neighbours, which ranges (at best) to communication on a 'strictly as required basis' to contempt and disrespect².
12. As detailed in our comments (and updated since our last opportunity to comment – on 17 December 2025) these concerns are based on:
 - The Council has confirmed there is neither the resource nor capability to assess operational compliance with noise conditions (meaning they cannot assess if noise is at or exceeds 40dBA post 8pm) – and that it only has

² At the recent Car Classic Event a Senior Executive of Winton invited event attendees to rev their engines to annoy the neighbours

Comments on draft conditions - neighbours

capacity to respond to excessive noise. As the Panel will be aware, there is a significant difference in assessing compliance with resource consent conditions (eg whether noise is at or above 40dBA after 8pm) and whether noise is excessive to a reasonable person³.

- The Noise Management Plans prepared for the 3 'Noise Events' held at Ayrburn (January 2026-February 2026) did not meet the requirements of condition 14 for RM240457 and did not follow the Marshall Day templates produced as part of the consent hearing for that application.
- However, these were certified by the Council, without question and without detection that the consent condition specifying content was not met.
- The certified Noise Management Plans were not shared with neighbours as required by the consent conditions, and when requested from Ayrburn, as part of the recent appeal process, they were not provided.
- When we requested this same information from the QLDC through external counsel acting, the Council required us to make a LGOIMA request in writing (and the request was granted some 2 months after the initial request).
- When we have requested monitoring information from Ayrburn to confirm its firm position that it complied with its operational noise consent on 22 November 2025, it declined to share its monitoring information (Marshall Day has advised it has overseen the installation of 'logging' technology for real-time monitoring).

13. We note the draft decision at paragraph 402 (that the Panel is entitled to assume that the consent condition requirements will be complied with) however respectfully submit that the past actions of this consent holder and this Council are relevant to the Panel being confident the conditions will operate effectively to ensure and support such compliance.

³ The Council filed noise enforcement information on 27 January 2026, and the Panel observed (draft decision para 389) that no further action was taken by the Council as the noise was deemed not to be excessive.

Comments on draft conditions - neighbours

Tracked change conditions

Hours of operation - new condition 36D

14. It is our understanding that the scope of the consent granted is defined by its application documents.

15. In this case, we note that the Assessment of Environmental Effects (AEE), listed in condition 1(a) details the operational parameters of the proposal at Section 5.1.14 as follows:

"The Screen Hub's production activities will generally operate as follows:

- *Normal hours for preparation and shooting will be 0800 – 1845 Monday to Friday;*
- *Work outside these hours or on weekends will only occur occasionally;*
- *The majority of filming will take place during daytime hours;*
- *Night-time or twilight shoots may occasionally be needed, but these are typically done on external locations rather than at the Screen Hub; and*
- *If night-time sequences must be filmed on-site, they will be shot inside the sound stage, where the controlled environment prevents noise effects."*

16. Several neighbours raised operational conditions and requested that hours of operation are specified in the conditions, should consent be granted. The draft decision has not addressed this. We request this is stipulated.

17. Instead, it places significant confidence in the content of the ONMPs and the QLDC certification processes, which the consent conditions shut neighbours out of.

18. Based on our experience with the hospitality operations, it is critical that the conditions are explicit about operational and behavioural matters. Where the consents specify certain behaviours (eg closed windows and doors, no outside speakers, concert finishing time) the pathway to compliance (post the teething period) has been (relatively) straightforward.

19. Further, as pointed out in neighbours' comments, hours of operation are consistent with the consents for commercial activities in the area that have established out of zone (Mora and Amisfield).

Comments on draft conditions - neighbours

20. This is to be contrasted with the quantitative noise conditions that apply⁴ across the site but the Council has advised it cannot assess it in response to complaints (and can only assess excessive noise) and where Ayrburn has not been willing to share its on-site monitoring information (although now installed).
21. Add to this, the Council has dropped the ball on the review and certification of the Noise Management Plans required from this same operator for the hospitality operation.
22. To ensure hours of operation are clear on the face of the consent conditions, we request they are explicitly included as a condition of consent.
23. Silence presents a default position of 24/7 operations (which is not the intention of the application). If left unaddressed, the scope of the application (as expressed in the AEE) will be lost in the EPA archive and a 24/7 Screen operation risks becoming part of the existing environment - and the norm rather than “occasional”.
24. This is already creeping in through the current draft ONMP - which does not use the language of the AEE and instead makes statements like:
 - Minimise night-time production as far as practicable and utilise real time noise monitoring to ensure the night-time noise levels comply with the QLDP noise limits (draft ONMP section 4.4)
 - Schedule large delivery / rubbish trucks to daytime only (draft ONMP 4.2)
 - Keep roller doors well lubricated and avoid unnecessary use during the night-time (draft ONMP 4.3)
25. Explicit conditions are therefore a necessity to ensure the operational boundaries of the consent are upheld. With the long history of creep on this site – it is critical that the applicant is held to what it has stated in its consent application.
26. While we have noted the request for fully tracked changes, we have left the exact detail of the condition to be resolved by the Panel – as we accept that there will need to be some operational flexibility (supported by the ONMP) – but something very much less than 24/7 (implied by silence) and aligned with the scope of the Application and AEE (ie out of hours use/work will be “occasionally”).

⁴ The same 8pm 40dBA limit applies to the numerous consents

Comments on draft conditions - neighbours

Other operational conditions - amended conditions 37E, F and G

27. Other changes we request that are of a similar operational nature are:

- a) Condition 37E - inserted for consistency with the hospitality precinct consents
- b) conditions 37F and G – clarified to ensure the accommodation units themselves are subject to the same controls

The noise limits: Low frequency noise – amended condition 37

28. The evidence filed by the applicant, other than making assertions of compliance, did not explain why prominent low-frequency bass noise was clearly heard inside residential properties at significant distances (e.g., at 515 Speargrass Flat Road – with double glazing) from the noise source on November 22nd, 2025.

29. From this experience we do not believe that the proposed night-time noise conditions, specifically the 40 dBA LAeq (15 min) limit, fully protect against the raised noise levels and the increased, penetrating, low-frequency type of intrusion⁵.

30. The Marshall Day evidence also dismissed the request in our submissions that the 5dBA penalty as provided for in NZS6802 be imposed and instead said that such noise would be managed by the ONMP (refer Marshall Day assessment dated 20 January 2026 – section 2) – which would respond to issues if a ‘particular piece of equipment, machinery or activity was found to be noisy’.

31. In addition to the ONMP, we request that the conditions of consent include a specific low-frequency noise control, providing residential properties protection from this intrusive noise - and not solely relying on the ONMP process.

32. We note that compliance with District Plan levels does not mean that nothing will be heard and sound will be inaudible. However we also note Marshall Day’s advice to the Panel that post 9pm the ambient drops off in the area (as was recognised in the Thurlby Domain case) meaning that the presence of noise (such as that experienced on 22 November 2025) is **more than** clearly audible –

⁵ A-weighting measure inherently de-emphasises low frequencies, meaning the A-weighted control does not adequately reflect the perceived annoyance of low frequency noise.

Comments on draft conditions - neighbours

it can be disruptive – and yet still compliant if a Low Frequency noise condition is not in place.

Requirement to comply with the ONMP – new condition 36E

33. We request an explicit condition requiring compliance with each of the ONMPs – and propose new condition 36E.

The process to be followed for the noise management plans – amended conditions 37C and 37D and new condition 37?

34. We also request changes to condition 37C and 37D regarding the time period in each condition (10 working days), and note:

- The Noise management Plans are critical compliance documents and for these documents to be prepared and reviewed comprehensively – our experience shows that more time is needed - both in advance of the facilities becoming operational and for the certification process.
- 10 working days prior to the studio related activities or accommodation becoming operational does not allow sufficient time. These are very significant operations. The Plans need careful assessment and a deep understanding of the detail to ensure that all requirements of the ONMPs are met, prior to certification.

35. Consent RM240457 (the Event consent) requires 4 weeks – and even then, the Council failed in the discharge of its obligations.

36. We suggest at least 30 working days is required.

37. We also request a new condition - refer tracked change condition 37? (which immediately follows condition 37D).

38. The purpose of this condition is to give neighbours visibility of the draft ONMP, and the ability to comment on it. This is not an unusual request – and could be part of a Neighbour liaison process (referred to below).

Comments on draft conditions - neighbours

The content of the ONMPs – amended conditions 37C and 37D

39. We have noted the content of the ONMP for the Studio and make these comments regarding the tracked changes we have made to condition 37C (e):
- Noise monitoring should be continuous in these circumstances. The words ‘at appropriate times’ introduces uncertainty.
 - Further monitoring should not need to be in response to complaints and at the Council’s request. Experience tells us that the Council will do nothing - or at best be very reluctant to respond. The monitoring needs to be real-time and in place when the activity is taking place.
40. Condition 37D – unlike condition 37C, does not specify the required content. This is ordinary practice and is also required to guide the Council’s certification process.

Construction Traffic, Noise and Vibration – amended condition 38 and 40

41. Condition 38 – heavy traffic on Speargrass Flat Road:
- while the Panel has determined that we must endure a further significant period of construction, we request that this mitigation measure is put in place to reduce the impacts and consequences of being ‘surrounded by Screenhub related noise’ (ie we will hear construction noise on our North and construction traffic on our south).
 - we understand that it is not unusual to specify heavy traffic vehicle routes – and that this is achieved through contractual arrangements and operating procedures.
42. Condition 40 requires a letter drop 10 working days prior to construction commencing. We do not think this condition is fit for purpose and we request changes that address the following:
- 20 working days is more appropriate given the detail being communicated and the scale of the project
 - a letter drop does not recognise that not all neighbours are home all the time
 - as worded ‘work times’ could be confused with the hours of operation (which are in condition 41) as could ‘duration’ - which we assume to mean the overall duration of construction works.
 - require the consent holder to update neighbours as the schedule progresses and /or changes. One communication in the context of a multi-year project is inadequate.

Comments on draft conditions - neighbours

43. If the Panel does not adopt or respond to our suggestions re Neighbourhood liaison (below) - which would be the logical avenue for updates – we also request this 1st communication commit to when further updates will be provided.

Construction noise monitoring - conditions 42A – 42G

44. Condition 42A and 42C are not clear, particularly:

- what an ‘occupied receiver’ means. Does this mean someone has to be home? This would be unreasonable.
- it needs to specify the boundary as the measuring point
- neighbours are kept out of the process (ie we must request the information – and it is unclear who from or how we would know it exists to request it). We think that automatic disclosure is warranted and needed for transparency. This could be resolved by linking it to a Neighbourhood liaison condition (see below).

45. Condition 42D:

- needs to require that any non-complaint activity stops until mitigation measures are in place.
- The advice note refers to a noise complaint under 42B but it is unclear– we assume this relates to a complaint that noise level does not meet condition 39 and 42B. Text has been added to clarify.

46. Conditions 42E -G:

- 42E: It is not appropriate that the consent holder determines whether a complaint is reasonable or not.
- 42F: There is a significant time lapse between detecting non-compliance, stopping the activity, putting in place mitigation measures and monitoring the re-commenced activity (to ensure compliance).
- 42G: The monitoring information also needs to flow from the consent holder more promptly to the Council. The neighbour who raised the complaint should be emailed the monitoring information at the same time it is provided to QLDC. 10 Working days too long (for the Council) and ‘on request’ is not appropriate.

Complaints register

47. Condition 66A: We request transparency and visibility of the complaints register (with appropriate privacy redactions).

Comments on draft conditions - neighbours

Use of Accommodation Units -condition 67

48. We endorse the requested changes to this condition requested by the Kidds and do not repeat the reasoning and support for it in the evidence before the Panel.
49. Given the critical nature of this condition, and its enduring nature, we request that the monitoring condition (condition 70) requires the report required by that condition to be lodged again at year 5 – and after that – on a five yearly basis.

Ambit of the Monitoring and review conditions – new conditions 70B and 70C

50. For a proposal as significant as this, we think it is appropriate that the monitoring and review conditions extend beyond the accommodation use conditions (70 & 70A) and require a report (and associated review condition) for operational noise and amenity impacts.
51. The proposed conditions (new conditions 70B and C) are modelled on the conditions that apply in the Event Noise consent.

Neighbourhood liaison

52. As was seen throughout the process there has been minimal engagement by the applicant with the surrounding community, and there is a lack of trust based on years of history.
53. We request that the consent contain a condition(s) that sets the foundation for a more ‘neighbourly’ relationship, ensures transparency and requires the consent holder to build a relationship with its closest neighbours and respond to concerns.
54. To be clear, we are not asking for a ‘full-blown’ community liaison group process that we are aware have been used in significant projects and which can create a significant time and resource burden (on the consent holder and the neighbouring community).
55. However, we are seeking more than is currently provided for in the conditions. An effective liaison arrangement will also remove the Council as the ‘middleman’ between the consent holder and the community and place it where it should be – the ‘enforcer’ of last resort.

Comments on draft conditions - neighbours

56. Without the support of the consent conditions, the neighbourhood will be left frustrated with the Council processes due to having to go through it for information and to understand compliance issues.

57. We will be neighbours for a long time to come – and there will be benefits from direct links between the consent holder (and during construction – the nominated contractor/contact point) and us as the affected neighbours.

58. We have not suggested a draft condition, however request one that achieves the following:

- a nominated consent holder contact
- a nominated neighbour representative
- transparency, openness and sharing of information and addressing issues as they arise
- opportunity to comment on the draft ONMPs prior to the consent holder submitting them to QLDC for certification (noting no obligation to incorporate comments)
- at the time of certification of the ONMPs, QLDC to have visibility of comments received – along with the consent holder's response
- the provision of information, especially monitoring information.
- feedback to be included in the review processes we have requested at conditions 70B and 70C.

59. We welcome the Panel's consideration of an appropriate condition that is proportionate to the issues we have raised and addresses the matters listed.

Infrastructure conditions

60. We have not had the time nor expertise among our group to examine the infrastructure requirements of the project and are left with trusting that the QLDC has adequately covered our interests as ratepayers and users of existing and future infrastructure.

61. We have requested an addition to condition 36A regarding water supply, however, will defer to the Panel on whether such an assurance is necessary, or whether it is otherwise covered in the infrastructure materials and processes.

Comments on draft conditions - neighbours

Conclusion

62. The Fast-track legislation has firmly tipped the balance to allow the consent to be granted and in doing so discarded years of careful planning consideration and neighbour expectation.

63. We respectfully ask the Panel to determine a final set of conditions that minimises the effects and the broader changes in amenity associated with the intensive development and urbanisation of this land that would not otherwise have been permitted.

26 March 2026