BEFORE AN EXPERT CONSENTING PANEL APPOINTED BY THE ENVIRONMENTAL PROTECTION AUTHORITY

UNDER	the Fast-track Approvals Act 2024 (the **FTTA**)
IN THE MATTER	of an application by Waterfall Park Developments Limited for the Ayrburn Screen Hub; a proposed production facility featuring two studios, accommodation, and supporting facilities and amenities

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MEMORANDUM ON BEHALF OF DAVID JOHN KIDD COMMENTING ON DRAFT CONDITIONS

Dated 26 March 2026

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MAY IT PLEASE THE PANEL

1. INTRODUCTION

1.1 These comments are filed on behalf of David John Kidd, an immediately adjoining neighbour to the proposed Ayrburn Screen Hub. They are filed in response to the Expert Panel's invitation in Minute 20, issued under section 70 of the Fast-track Approvals Act 2024 (FTTA), to comment on the draft conditions for the Ayrburn Screen Hub project (the Substantive Application).

1.2 These comments are confined to targeted amendments to the draft conditions. They do not seek to re-litigate matters already addressed in the legal submissions filed on behalf of Mr Kidd on 17 December 2025. Mr Kidd maintains the position set out in those submissions, notwithstanding the Panel's draft decision.

1.3 This memorandum identifies the proposed amendments to the draft conditions (shown with changes tracked in the attached word document titled "Amended QLDC LUC Conditions Ayrburn Screen Hub (David Kidd)") and gives a targeted rationale for those amendments. The comments are organised under the following headings:

(a) Noise (Conditions 37C–37K, 42E);

(b) Lighting (Conditions 60–61A);

(c) Conifer Condition / Southern Boundary Vegetation (Conditions 59A, B, and C); and

(d) Use and monitoring of accommodation units (conditions 67, 68, 69 & 70).

1.4 The principal focus of these comments is conditions 67 to 70A. Mr Kidd submits that, if left in their current form, the accommodation conditions would permit the accommodation component to operate in substance as an ordinary hotel. That outcome would depart from the Panel's stated objective of preserving accommodation whose primary purpose is to support screen hub activities, with any general visitor use remaining genuinely secondary.

1.5 Mr Kidd accordingly submits that the conditions should be amended in the manner proposed in these comments, so that the consent operates consistently with the Panel's stated intent and does not permit a de facto hotel use.

2. NOISE (CONDITIONS 37C–37K, 42E)

2.1 The noise conditions should be amended to remove avoidable subjectivity and to require automatic disclosure. As presently drafted, language such as "reasonable complaint" in Condition 42E leaves scope for dispute as to whether monitoring is triggered at all. That subjectivity should be removed so that any complaint triggers monitoring and disclosure of results, thereby improving transparency and ensuring a prompt response to community concerns.

2.2 More broadly, the current drafting relies heavily on a complaints-based monitoring regime. Experience shows that such regimes can be under-resourced and slow to respond. Automatic, independent monitoring at specified trigger points, such as night filming and the use of pyrotechnics, wind machines or rain machines, together with regular reporting of results, would provide a more reliable compliance framework and enable issues to be identified and addressed early.

2.3 At present, construction noise results need only be made available to adjoining neighbours on request. Those results should instead be provided automatically to the complainant, and to any neighbour identified through the monitoring as an affected receiver, at the same time as they are provided to QLDC.

2.4 In addition, the Studio ONMP should include a straightforward night-activity notification protocol. That would build upon Condition 37C, which already identifies monitoring triggers for outdoor filming between 8 pm and 8 am and other higher-risk activities.

2.5 Condition 37C should therefore be amended to require the ONMP to include a clear procedure for notifying adjoining owners and occupiers, by email or SMS, of:

(a) Planned outdoor filming between 8pm and 8am; and

(b) Planned use of pyrotechnics, wind machines, or rain machines.

2.6 Notification should be provided at least 48 hours in advance, unless weather or production constraints necessitate shorter notice, in which case notice should be given as soon as practicable.

2.7 This amendment would not prohibit night-time activities or the use of special effects equipment. Its purpose is to reduce avoidable conflict and to improve transparency and compliance with the consent conditions.

2.8 The changes to the conditions discussed above are set out here for ease of reference.

37C (f) A procedure for notifying adjoining owners and occupiers (by email or SMS) of planned outdoor filming between 8pm and 8am and planned outdoor use of pyrotechnics and/or wind or rain machines, at least 48 hours in advance (unless weather or production constraints require shorter notice, in which case as soon as practicable). The procedure shall include (as a minimum) the nature of the activity, the anticipated hours of operation, and a contact number for the person responsible on site.

42C The results of the noise monitoring shall be provided to Council within 5 working days of completing the monitoring and, at the same time, provided to (i) the complainant (if the monitoring was undertaken in response to a complaint) and (ii) any adjoining owner or occupier identified in the monitoring as an affected receiver (including by email where an address has been provided).

42E In the event the consent holder receives a noise complaint from any adjoining owner or occupier (or their agent) that relates to an activity taking place on the Site, and that activity has not already been the subject of monitoring demonstrating clear compliance in downwind meteorological conditions, the consent holder shall commission a SQEP to undertake noise monitoring within 5 working days of receipt of the complaint. The noise monitoring shall be targeted at the noise source or activity that is the reason for the complaint and

shall, to the extent practicable, also capture any other potentially noisy activities or plant operating during the monitoring period and/or at the time the complaint was received.

42G *Results are to be provided to the Council within 10 working days of the initial noise monitoring and, at the same time, provided to (i) the complainant and (ii) any adjoining owner or occupier identified in the monitoring as an affected receiver (including by email where an address has been provided).*

3. LIGHTING (CONDITIONS 60–61A)

3.1 To provide greater certainty, Condition 60 should expressly require full cut-off / fully shielded external lighting. Although Condition 60 presently refers to compliance with District Plan standards, it does not expressly require fixture types or installation methods that prevent upward spill and spill onto adjoining properties. The condition should therefore require all external luminaires to be fully shielded or full cut-off, and to be installed, aimed and maintained so as to prevent upward light spill and spill onto adjoining properties. Condition 60 as proposed to be amended is set out below.

60. *Prior to commencing construction of any part of the development (excluding earthworks and environmental measures), a Light Management Plan (LMP) with associated external lighting design plans shall be submitted to QLDC for certification by QLDC that any light spill or glare does not exceed the standards in the QLDC District Plan which are operative as at the date of this consent and all external luminaires shall be full cut-off / fully shielded and installed, aimed and maintained so as to prevent upward light spill and light spill onto adjoining properties. The LMP shall be generally in accordance with the draft LMP prepared by Xyst as referenced in Condition 1.*

3.2 Although Condition 61 requires inspection, it does not expressly require measurement at the boundary. It should be amended to require:

The pre-occupation inspection shall include night-time verification at the notional boundary of the nearest residential receivers (including the southern boundary), confirming compliance with the certified

Lighting Management Plan and relevant District Plan standards. The results shall be provided to QLDC.

3.3 A simple rectify-and-recertify provision should also be added:

If any inspection identifies non-compliance, remedial measures must be implemented within 10 working days and re-certified by the SQEP.

3.4 The proposed amendments to Conditions 60 and 61 are reasonable and proportionate. They do not impose a new substantive restriction; rather, they clarify and modestly tighten the existing regime so as to ensure certainty, objective compliance checking and easier administration by QLDC. They respond directly to concerns about sky glow, spill onto neighbouring properties, and the need for downward-shielded lighting and boundary monitoring.

4. CONIFER CONDITION / SOUTHERN BOUNDARY VEGETATION (CONDITIONS 59A, B & C)

4.1 Conditions 59A, 59B and 59C presently allow for:

(a) withholding approval; or

(b) granting approval subject to specified conifers being topped or retained for an agreed period.

4.2 Condition 59B(b) expressly allows Mr Kidd to require topping or retention, but it does not expressly confer any right to require replacement planting. That leaves room for dispute as to the scope of the approval process.

4.3 The principal difficulty is that this is not a straightforward QLDC-administered screening condition; rather, it operates as a private approval gateway. That may be workable where the parties co-operate, but it becomes more problematic if they do not. The "two months then obligations end" mechanism may also create uncertainty as to what follows if agreement is not reached within that period.

4.4 A practical improvement, which would make the condition more readily administrable by QLDC, is to add a clarifying provision to ensure that conifer or screening removal cannot occur without a clear lawful pathway, namely:

> *59AA For avoidance of doubt, in Areas A/B/C identified in the WT Plans, no removal of existing exotic screening trees shall occur unless and until the written approval process in Condition 59B has been completed (or any alternative planting / removal approach has been authorised by consent variation).*

4.5 That addition is necessary because it converts Condition 59B into an operative protection mechanism, rather than a provision that merely brings obligations to an end after a specified time.

5. USE OF ACCOMMODATION UNITS (CONDITIONS 67, 68, 69 & 70)

The accommodation issue

5.1 Conditions 67 and 68 go to the heart of the accommodation issue. The Panel has expressly recognised that there is a legitimate concern that the studio's functional primacy could be eroded if the accommodation becomes an independent or dominant activity, *rather than activity directly supporting the studio use*. Although the Panel appears not to have accepted the "trojan horse" characterisation, it has squarely accepted the underlying concern as legitimate.

5.2 These submissions in support of comments on conditions below proceed from that starting point. Prohibition of all non-studio use is not sought. Rather, amendments to conditions seek to secure what the Panel says it is trying to protect: *accommodation whose primary purpose is to support screen hub activities, with other visitor use remaining genuinely secondary*.[1] That is also consistent with the planning JWS, which the Panel has summarised as agreeing that the purpose of the accommodation is for

[1] See point [560] of the Appendix B Draft Decision before the Ayrburn Screen Hub [FTAA-2508-1093] Expert Panel, here: https://www.fasttrack.govt.nz/projects/ayrburn-screen-hub/draft-decision-and-conditions

screen activities, any other use only assisting economic viability, that numbers should be used rather than percentages, that bookings for public use more than 365 days in advance should not be permitted, and that key terms must be clearly defined.

5.3 In framing the conditions, the broader context needs to be kept in mind. The Panel records that the project includes 201 accommodation units and has separately held that those units are not being limited to short-stay visitor accommodation but are to be treated as a commercial activity. This makes it all the more important that the conditions themselves preserve the primacy of studio-supporting use; there is no independent short-stay control elsewhere doing that work.

5.4 The conditions concerning accommodation use have been among those which have been most substantively revised through the process. Notably the Panel has said its focus is on suitability, specificity, timing, sequencing and enforceability. The draft decision itself identifies accommodation use as one of the areas where the most substantive condition changes occurred. There are few obvious comparators for conditions of this kind. In that context, any lack of precision or flexibility in the drafting creates a real risk that the accommodation conditions will not adequately confine non studio use, particularly given the obvious commercial incentive for the accommodation to operate in a manner akin to ordinary visitor accommodation.

5.5 Against that background, the accommodation conditions must be interrogated closely. The question is not whether some degree of general visitor use can occur - the Panel has answered that in the affirmative. The question is whether the present drafting adequately preserves the primary studio-supporting function in practice, and whether it is sufficiently clear and enforceable to do that without repeated dispute.

Condition 67

5.6 As to Condition 67, the Panel accepted the concern that the project might otherwise be developed in stages, with the risk that accommodation is occupied before both studios are genuinely in place. The Panel has recorded that the revised Condition 67 was intended to ensure the film studios are established before occupation of the

accommodation. The applicant had earlier responded to the same concern by precluding use of the accommodation until both studios are constructed and operational.

5.7 To be effective, certain and enforceable, the sequencing condition should not depend on imprecise triggers such as "occupied", "completed" or "operational" without objective markers or an express Council sign-off mechanism. The condition should incorporate a QLDC 'confirmation gate', together with a definition of occupation that captures any overnight use, including staff, contractors, complimentary stays and commissioning use.

5.8 Condition 67 should be amended so that no accommodation unit may be occupied until QLDC has provided written confirmation that both studios and their associated workshop/workroom spaces are completed and operational by reference to objective completion criteria, and that the specified mitigation and supporting works have also been completed or commissioned in accordance with the certified plans. These amendments will give effect to the Panel's sequencing intent while making the condition administratively workable and enforceable.

5.9 For ease of reference the amended condition is reproduced below (changes in bold).

> 67. None of the accommodation units shall be occupied **until the Council has provided written confirmation** that the following have been completed and are operational:
>
> a. the two studios (and associated workshop and workroom spaces), **being**:
>
> **i. issued with Code Compliance Certificates (or equivalent Building Act completion sign-off); and**
>
> **ii. subject to a Studio ONMP certified by the Council under Condition 37C, and in effect; and**
>
> **iii. with the required permanent mitigation measures in place (including completion of the acoustic barrier works required by**

Conditions 37J and 37K where applicable to those activities); and

b. the ephemeral tributary riparian planting, the in-line sediment trap in Mill Creek, the two in-line sediment traps in the ephemeral tributary and the public trail connections**, being completed / commissioned in accordance with the certified plans and relevant conditions**

For the avoidance of doubt Occupation includes any overnight stay or use of an accommodation unit by any person, whether paid of complimentary

Condition 68

5.10 Condition 68 is more difficult and more significant. As presently drafted, there is a real risk that the accommodation component could operate, in practical terms, no differently than other visitor accommodation in Queenstown. The Panel has rejected both extremes: a complete prohibition on non-studio use, and unrestricted public use. Instead, it has preferred a controlled-use model intended to first support Screen Hub users and making public use secondary. While that is the correct conceptual framework, the present drafting does not yet secure that outcome with sufficient certainty or robustness.

5.11 The first issue is the long-range booking bands; the 53+ week band. The Panel expressly records both QLDC's concern that, for bookings made more than 365 days in advance, all accommodation should be reserved for the Screen Hub, and the JWS agreement that bookings for public use more than 365 days in advance should not be permitted. On that basis, the case for reducing the 53+ week band to zero public bookings is direct and well-supported on the Panel's own reasoning.

5.12 The same underlying logic also supports reducing the 47–52 week band to zero for the reason that Mr Gibson's evidence was that large offshore productions – which are a prime target for the Screen Hub and would generate the greatest accommodation demand – would look to pencil in crew accommodation 6–12 months in advance, and

would be “pretty definite” by about 6 months out. That means the 47–52 week period already falls within the very booking window when major productions are beginning to secure accommodation. If public bookings are allowed in that band, the stock intended to support the Screen Hub can begin to be committed at the very point it should remain available for studio related demand. More generally, the evidence discussed below suggests that public bookings at that horizon are relatively uncommon. In those circumstances, the present drafting risks prioritising low-probability public demand over the very studio-related demand the condition is intended to protect. That would sit uneasily with the purpose the Panel has identified for the accommodation conditions.

5.13 Mr Gibson’s evidence about smaller productions having shorter lead times then supports the next step in the analysis, namely that the shorter-term bands should also remain tighter than the applicant proposes. The point is not that every unit must always be reserved for studio use, but that the condition should continue to preserve a real pool of accommodation for studio-related users throughout the booking cycle, including at shorter notice. That is why it is sensible to reduce the intermediate caps and to retain some availability even in the 6 weeks or less band, rather than allowing all 201 units to be taken up by general guests.

5.14 A separate and important issue is the risk that the condition is least effective during peak summer and winter periods, when demand for visitor accommodation in Queenstown is strongest. The concern is not speculative. Where peak-period visitor demand is strongest, the commercial incentive to allocate accommodation to the general visitor market will also be strongest unless the conditions clearly constrain that outcome. That concern has an evidential foundation in the Panel recording of Ms Hampson’s evidence that adjoining accommodation is especially beneficial because accommodation at scale in Queenstown can be difficult to secure throughout the year, including at short to moderate notice and even when booked well in advance, and that Queenstown “doesn’t really have a low season anymore”. That evidence supports the concern that the accommodation could, in practical terms, be drawn toward the general visitor market at exactly the times when productions may most need certainty of supply.

5.15 The average industry lead-in time in New Zealand is about 6 weeks for a booking. Destination Queenstown’s forward outlook currently shows booked accommodation

occupancy of about 20% in 3 months' time, during June 2026.[2] By comparison actual June occupancy in 2025 was 55%.[3] This suggests that the majority of bookings occur within a one-to-three-month window (immediately before travel). This suggests that a substantial portion of general visitor bookings occur within a relatively short lead-in period. If so, a condition framed solely by reference to booking lead times may not, by itself, be sufficient to distinguish the accommodation from ordinary visitor accommodation in practice. For that reason, it is submitted that conditions should also address peak summer (January/February) and peak winter (July/August) periods, whether by prohibiting or materially limiting bookings by persons not associated with studio activities within those months.

5.16 That is why such a peak-season restriction on January, February, July and August is justified. Such a restriction is not arbitrary. It is a targeted response to the identified risk that the accommodation's primary studio-supporting purpose could be undermined during the periods when commercial pressure to use the units as ordinary visitor accommodation will be at its highest.

5.17 Condition 68 is meant to preserve genuine availability for studio-associated users, and that purpose can be defeated not only by overbooking, but also by refusal, delay, minimum-stay requirements, or materially less favourable rates or terms being offered to film-related users during high-demand periods. That concern fits with the Panel's own reasoning that, even if the identity of the occupant does not materially alter physical effects once the buildings are constructed, lack of practical availability can still make the Screen Hub less attractive to productions and thereby undermine the economic benefits relied upon.

5.18 For that reason, Condition 68 should include clear definitions and an anti-avoidance mechanism, and Conditions 69–70 should require reporting sufficient to enable Council to assess whether accommodation is genuinely being made available to studio-related users on realistic terms. The conditions should define "studio activities" and "persons associated with studio activities", classify bookings by reference to the intended

[2] Forward indicator of occupancy from current bookings as at Thursday 19 March 2026 for June 2026: https://www.queenstownnz.co.nz/member-hub/data-insights/queenstown-forward-outlook/
[3] Actual occupancy June 2025: https://freshinfo.shinyapps.io/ADPReporting/

occupant rather than the payer, apply a default rule where studio association is not evidenced, and address split or serial bookings. The register and reporting regime should be strengthened so that Council can identify whether studio-related bookings are being declined, discouraged, or offered on materially different terms in practice.

5.19 That point is also strengthened by Mr Osborne's confirmation that he and Mr Heath had not assessed any regional economic benefit from non-studio use of the on-site accommodation. In other words, the economic case that appears to have been accepted by the Panel is not built on public hotel trade as a stand-alone benefit. The accommodation's accepted value lies in supporting productions and enhancing the attractiveness of the screen hub. If film-related users are, in practical terms, deterred or priced out during the periods that matter most, the condition will not secure the very function relied on to justify it.

5.20 There should therefore be an express prohibition that the consent holder must not directly or indirectly frustrate the purpose of Condition 68 by refusing, delaying, or offering accommodation to persons associated with studio activities on materially less favourable commercial terms than equivalent accommodation is offered to persons not associated with studio activities for the same stay period. If the Panel considers that approach too prescriptive, then at minimum the same concern should be captured through mandatory reporting and an early review trigger.

5.21 The amended and expanded condition 68 is set out in full below, for ease or reference, together with additional definitions proposed to be added to in the definitions section of the conditions.

68. The primary purpose of the accommodation units authorised by this consent is to support Studio Activities. Any use of accommodation units by persons not associated with Studio Activities is secondary only and is permitted solely to assist the economic viability and efficient use of otherwise unoccupied units.

68A. To ensure that a proportion of the accommodation units remains available for booking by persons associated with Studio Activities, the maximum number of accommodation units that may be Booked by persons not associated with Studio Activities for any stay period must not exceed that set out in the Table below:

- ***Column A*** *sets out the applicable time periods, measured in advance from (and including) the date that any accommodation booking commences, as that applies to the associated row of column B.*

- ***Column B*** *specifies the maximum number of accommodation units that may be booked by any person not associated with studio activities during the period of time specified in Column A.*

Column A – Period of time	***Column B – Number of Accommodation Units***
53 weeks or more	*0*
47 to 52 weeks	*0*
40 to 46 weeks	*20 (10% occupancy)*
34 to 39 weeks	*40 (20% occupancy)*
28 to 33 weeks	*60*
21 to 27 weeks	*80*
14 to 20 weeks	*100*
7 to 13 weeks	*140*
6 weeks or less	*160 (80% occupancy)*

68B No bookings by persons not associated with Studio Activities may be made for any stay period commencing in the months of January, February, July or August.

68C The consent holder must not directly or indirectly frustrate the purpose of Condition 68 by:

a. refusing or delaying bookings for Persons Associated with Studio Activities;
b. offering accommodation to Persons Associated with Studio Activities on materially less favourable terms than equivalent accommodation is offered to persons not associated with Studio Activities for the same or substantially the same stay period; or
c. structuring, splitting, transferring, or re-entering bookings so as to avoid compliance with Condition 68A or 68B.

68D For the purposes of Conditions 68–70A, the relevant cap applies by reference to the Booking Date on which the booking is first entered into, and not by reference to any later amendment unless the amendment creates a new or substantially different stay period.

68E Nothing in this condition permits occupation of accommodation units contrary to Condition 67.

*"**Studio activities**" means activities authorised by this consent forming the Screen Hub use (including the studios, production offices, workshops, and associated support activities).*
*"**Persons associated with Studio Activities**" means cast, crew, production personnel, contractors, and other personnel present in the district for Studio activities (and their immediate support staff where applicable).*
***"Booking Date"** means the date on which a booking is first confirmed, accepted, or otherwise recorded by the consent holder, regardless of whether payment is made on that date.*
***"Booked"** means any confirmed reservation, allocation, hold, block-booking, or other arrangement y which an accommodation unit is set aside for occupation, whether conditional or unconditional.*
***"Occupation/Occupied"** includes any overnight stay or use of an accommodation unit by any person, including staff, contractors, guests, or invitees, whether paid or complimentary.*
For the purposes of Conditions 68–70A:,

a. *a booking is to be classified by reference to who will occupy the unit, not who pays for it;*
b. *if the consent holder cannot demonstrate, by contemporaneous records, that a booking is for Persons Associated with Studio Activities, the booking shall be treated as a booking by persons not associated with Studio Activities; and*
c. *bookings which are split, rolled over, amended, re-made, transferred or serially entered into by the same person or entity, or related persons of entities, for the same or substantially the same stay period, shall be aggregated and treated as a single booking for compliance purposes.*

Condition 69 and 70

5.22 That leads to Conditions 69 and 70. The register, reporting and review machinery is the means by which Condition 68 becomes auditable in practice. The proposed additions

to the register – booking date, arrival/occupancy dates, number of units, classification, and brief basis for classification – are modest but necessary. Without them, enforcement will turn on assertion rather than verifiable records.

5.23 The reporting regime needs to be expanded to capture anti-deterrence concerns. In addition to bookings made, the register should therefore record booking requests from persons associated with studio activities that were declined or not accommodated, the dates requested, the number of units sought, and the reason given. That is the practical way to test whether the condition is being undermined indirectly rather than overtly.

5.24 The monitoring and review condition should also be strengthened. There are drafting glitches in Condition 70A, and the review should be brought forward or at least triggered early if there are repeated studio-booking refusal complaints. That is consistent with the concern that the project could become a "hotel too quickly" if review is delayed until well after trading patterns are entrenched.

5.25 There is a further reason why Conditions 69 and 70A should be strengthened. The Panel has expressly recognised that, in the 6 to 12 month booking window, there is a real risk that offshore productions may seek to book accommodation after a material number of units have already been committed. The Panel recorded Mr Cook's position that this risk could be managed through a monitoring and review condition directed to whether film productions are in fact being disincentivised from booking the screen hub by the unavailability of sufficient accommodation. If that is the safeguard on which the Panel proposes to rely, then the supporting conditions must be robust enough to perform that function in practice. For that reason, the reporting obligations in Condition 69 should require fuller and more informative booking data, and the review mechanism in Condition 70A should be corrected and brought forward, so that any practical displacement of studio-related demand can be identified and addressed before booking patterns become entrenched. The amended condition set is reproduced below, again for ease of reference.

> *69 The consent holder shall maintain in electronic form a register of all bookings, booking requests, and allocations relating to the accommodation units.*

69A The register shall record, for each booking or request:

a. *the Booking Date;*

b. *the proposed arrival date and departure date;*

c. *the number of accommodation units booked or requested;*

d. *the identity of the booking person or entity;*

e. *whether the booking is classified as for Persons Associated with Studio Activities or not;*

f. *the brief basis for that classification, including any production reference, declaration or other record relied on;*

g. *whether the booking or request was accepted, declined, cancelled, amended or not accommodated;*

h. *if declined or not accommodated, the reason;*

i. *any quoted rate band, minimum stay requirement, or other material booking*

j. *any amendment, transfer, rollover, re-booking, or reallocation of the booking*

69B The consent holder shall provide to the Council a monthly report, by the 10th working day of the following month, enclosing:

a. *an extract of the register for the preceding month;*

b. *a summary of compliance with Condition 68;*

c. *identification of any actual or potential breach of Conditions 68–69A;*

d. *details of any complaints received alleging that bookings associated with Studio Activities were discouraged, refused, delayed, or offered on materially less favourable terms; and*

e. *any further information reasonably required by the Council to determine compliance.*

69C The register and all supporting records shall be retained for a minimum of 7 years from the date of creation and shall be made available to the Council within 5 working days of request.

Monitoring and Review

70. The consent holder shall, at 6 months after first Occupation, 12 months after first Occupation, and thereafter on each anniversary of first Occupation for a period of 3 years, provide the Council with a compliance review prepared by an independent suitably qualified planner or compliance professional approved by the Council.

70A Each compliance review shall assess:

- *a. compliance with Conditions 67–69C;*
- *b. whether the accommodation units are being used in a manner consistent with their primary purpose of supporting Studio Activities;*
- *c. the extent to which bookings associated with Studio Activities have been accommodated or declined;*
- *d. whether the operation of the accommodation units indicates displacement of Studio Activities by general visitor use; and*
- *e. whether any amendment to Conditions 68–70A is recommended to better secure the primary purpose of the accommodation units.*

The compliance review shall be provided to the Council within 20 working days of the relevant review date.

70B For the purposes of section 128(1)(a)(i) of the Resource Management Act 1991, the Council may, within 6 months after receipt of any report under Conditions 69B or 70A, review Conditions 68–70B for any of the following purposes:

- *a. to address any adverse effects on the primary screen-hub function of the accommodation units that become apparent from monitoring;*
- *b. to respond to any actual or likely avoidance of Conditions 68–69C;*

c. *to tighten the booking caps or seasonal restrictions if necessary to ensure that accommodation remains genuinely available for Studio Activities;*

d. *to amend reporting, monitoring, auditing, and record-keeping requirements to better enable compliance assessment and enforcement; and*

e. *to address any pattern of refusal, delay, deterrence, or materially less favourable terms offered to Persons Associated with Studio Activities.*

6. CONCLUSION

6.1 For the reasons set out in these comments, it is submitted that the conditions should be amended so that:

(a) First, Condition 67 is replaced with the QLDC confirmation version at clause 5.9 above;

(b) Second, Condition 68 is tightened to reserve all units for studio-related use in the 53+ and 47–52 week bands, reduce the remaining caps in the manner proposed at clause 5.21 above, and include peak-season protections for January, February, July and August;

(c) Third, Condition 68 includes clear definitions and anti-avoidance wording directed to genuine availability, not merely formal booking counts;

(d) Fourth, Condition 69 is expanded to require a meaningful, auditable register; and

(e) Fifth, Condition 70/70A is corrected and brought forward so that any practical displacement of studio use is identified early.

6.2 The proposed amendments do not disturb the balance the Panel has adopted. They are directed to ensuring that the accommodation conditions are sufficiently certain, specific and enforceable to secure in practice the studio-supporting role the Panel has accepted, while still permitting the secondary visitor accommodation use that the Panel has allowed.

6.3 The proposed amendments to the noise, lighting and vegetation conditions are similarly confined and practical. They are directed to transparency, objective compliance checking and administrative workability. They do not seek to revisit the merits of the consent; rather, they seek to ensure that the conditions operate clearly and effectively in practice.

6.4 Adopting those refinements would reduce the scope for future dispute, assist QLDC in monitoring and enforcement, and provide greater certainty to both the consent holder and affected neighbours.

Jayne Macdonald

Counsel for Mr David Kidd