

To: The Expert Panel – Ayrburn Screen Hub (FTAA-2508-1093)
From: Karl Cook – Barker & Associates Limited
Date: 6 March 2026
Re: Response to Panel Minute 18 (4 March 2026)

1.0 Introduction

- 1.1 My name is Karl Cook. My qualifications and experience are as set out in section 3.1 of the Ayrburn Screen Hub Planning Report dated 18 November 2025.
- 1.2 This memorandum provides my comment on the line of reasoning in paragraphs [4] and [5] in Panel Minute 18 (4 March 2026), and consequential changes that flow from my comments.
- 1.3 Paragraphs [4] and [5] in Panel Minute 18 state:

[4] In addition, the Panel has noted Mr Gibson’s advice at the 30 January 2026 conference that

(a) Large scale offshore productions would be looking to pencil in accommodation bookings 6-12 months in advance, and would be ‘pretty definite’ 6 months out.; and

(b) Smaller productions could have much shorter lead times, and need to be able to accommodate for example delays in funding coming through altering start dates.

[5] This information suggests that there might be a case to require 100% of the accommodation to be available at, say, 9 months out, and for the percentage reserved in the short term (less than 6 weeks) to be greater than is currently proposed.

2.0 Summary

- 2.1 In my opinion, further changes to condition 68 to require 100% of the accommodation units to be available at, say, 9 months out, and for the percentage reserved in the short term (less than 6 weeks) to be greater than is currently proposed, are not necessary.
- 2.2 Having regard to the purpose of the FTAA and approach to conditions under the RMA, the evidence of Mr Gibson and the economic experts, and the Minister’s referral decision, I consider that any such changes:
 - would not serve a purpose of remedying or mitigating any possible adverse effects of the proposal;
 - would be contrary to the purpose of the FTAA; and
 - would not meet the obligation under section 83 that conditions not be more onerous than necessary.
- 2.3 The basis for my opinion is further explained in section 3.0 below.

2.4 However, an option to address the concerns outlined in the line of reasoning in paragraphs [4] and [5] of Panel Minute 18, would be to include specific monitoring and review conditions. I detail such conditions, and my rationale for them, in section 4.0.

3.0 Requirement for 100% of Accommodation for Studio Use and Greater Percentage for Studio Accommodation in the Short Term

3.1 In summary of Mr Gibson’s position, I understand that large-scale accommodation bookings for studio-related activities will vary considerably, but that provision for onsite accommodation within the Ayrburn Screen Hub proposal is likely to be attractive.

3.2 I understand that there is no disagreement between economic experts that the visitor accommodation component would help achieve a sustainable and consistent occupancy level and return on investment.

3.3 Further, there is no clear evidence that studio-related accommodation will be at risk of being refused, or not catered for, if there is not provision made for 100% of the accommodation units to be available at, say, 9 months out, and / or for the percentage reserved in the short term (less than 6 weeks) to be greater than is currently proposed by the Applicant.

3.4 In my view, such a condition would be contrary to the FTAA purpose and s 83 of the FTAA in the following respects:

(a) Section 83 of the FTAA states an obligation on the Panel when setting conditions, namely that:

When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

(b) The decision-making process under the FTAA when setting conditions is to:

(i) take into account the various matters set out in clause 17(1) of Schedule 5 (relevant to this issue, including RMA sections relating to conditions), giving the greatest weight to the purpose of the FTAA;

(ii) identify the reason a consent condition is needed; and

(iii) ensure that conditions are no more onerous than necessary for addressing that issue.

(c) The express direction in section 83, that conditions should be no more onerous than necessary, strengthens the existing position under RMA decision making which also requires a proportionate approach to setting conditions to address adverse effects arising from a proposal.

(d) The purpose of the FTAA is to “facilitate the delivery of infrastructure and development projects with significant regional or national benefits”. Relevant to that purpose, in referring the Ayrburn Screen Hub proposal the Minister’s referral states that the facilities

would be made available by the operator for wider public use when not being used for screen productions.¹

(e) To impose in Condition 68 requirements along the line of reasoning in Minute 18 would be contrary to the intent of that aspect of the referral decision cited above, could risk undermining financial benefits of the proposal contrary to the FTAA intention, and would be more onerous than necessary given it does not address an adverse effect proven or projected by evidence.

3.5 Accordingly, the possible adverse effect is not borne out in evidence, is hypothetical, and will depend on the operation of the entire proposal after it is established. My approach, therefore, is to focus on proportionate conditions to address the possible adverse effect only to the extent that is necessary and is not more onerous than needed.²

3.6 If the adverse effect of concern is the possibility that sufficient accommodation for studio-related activities is not being provided for, then the most appropriate approach would be to address that by focussed monitoring and review conditions. These would enable an appropriate response, if that circumstance in fact arises. Effectively, this would be a form of adaptive management-type approach. To impose a condition requiring, say, 100% of the accommodation units to be available at a sooner period and / or for the percentage reserved in the short term (less than 6 weeks) may not remedy this potential adverse effect (which has not borne out yet, nor is supported by evidence), but rather could undermine the economic viability of the Applicant's proposal and create an inefficient use of an available resource.

4.0 Proposed Monitoring and Review Conditions

4.1 Monitoring and review conditions that could be imposed to address the concerns in Panel Minute 18 are provided below.

4.2 The purpose of these conditions would be to:

- monitor the extent to which Condition 68 is sufficiently ensuring that accommodation units are available for persons associated with studio-related activities; and
- inform whether a review of Conditions 68 and 69 is appropriate, and set out the purpose of such a review.

4.3 The conditions would follow Conditions 68 and 69 (noting Condition 70 is currently blank) and would:

- involve a requirement in Condition 70 to provide a monitoring report two years after occupation of accommodation units to provide sufficient time for the studio facility and bookings to be established;
- enable under Condition 70A, pursuant to section 128 of the RMA, a review of Conditions 68 and 69 in terms of the purpose of those conditions.

¹ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0011/4034/Ayrburn-Screen-Hub-Notice-of-decisions-letter_Redacted.pdf

² Section 83, FTAA.

4.4 The conditions I propose are:

[70] On the second anniversary of the accommodation units commencing occupation under this consent, a report shall be submitted by the Consent Holder to the Council's Monitoring and Enforcement Team, detailing:

- (a) a summary of the weekly reports from the register as set out in Conditions 69a and b;*
- (b) any complaints received by the Consent Holder with regard to availability of accommodation units for persons associated with studio activities;*
- (c) whether, to the Consent Holder's knowledge, there have been any instances of refused bookings for persons associated with studio activities due to unavailability of accommodation units already booked by other persons not associated with studio activities.*

Advice note: The purpose of this condition is to monitor the extent to which Conditions 68 and 69 are sufficiently ensuring that accommodation units are available for, and not prohibited from access to bookings by persons associated with studio-related activities, and to inform whether a review of Conditions 68 and 69 is appropriate, including under condition 70A below.

[70A] Pursuant to Section 128(1) of the Resource Management Act 1991, the Council may review Conditions 68 and 69 of this consent within 6 months of receiving the report required under Condition 70 for the purposes of ensuring that:

- (a) accommodation units are available for, and not prohibited from access to bookings by persons associated with studio-related activities;*
- (b) the provision of information (including the register and weekly reports under Condition 69) enables the efficient and effective monitoring of use of accommodation and its availability for persons associated with studio-related activities.*

Advice note: The contents of the report required in accordance with Condition 70, and any complaints and feedback received by the Consent Holder or the Council in respect of Condition 68 and studio-related booking availability, will be considered by Council in deciding whether a review of Conditions 68 and 69 of this consent under Condition 70A is warranted. If the Consent Holder is able to show that they are taking appropriate measures to address identified problems as they arise then a review will not be required.