

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2023-AKLD-

**I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

IN THE MATTER of the Resource Management Act 1991 (the Act)

AND

IN THE MATTER of an appeal under section 120 of the Act

BETWEEN **NUMBER 8 STUDIOS LIMITED**

Appellant

AND **HASTINGS DISTRICT COUNCIL**

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT ON BEHALF OF
NUMBER 8 STUDIOS LIMITED**

1 February 2022

TO The Registrar
Environment Court
Wellington

1. Number 8 Studios Limited appeals part of a decision made by an Independent Commissioner on behalf of the Hastings District Council dated 19 December 2022 on the application by Number 8 Studios Limited (**Number 8 Studios**) to construct and operate a Screen Production Studio (**Studio**) at Gordon Road and 376 Parkhill Road, Te Awanga (the **Decision**).
2. Number 8 Studios was the applicant and is the consent holder subject of the Decision.
3. Number 8 Studios received notice of the Decision on 20 December 2022.
4. Number 8 Studios is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
5. The part of the Decision Number 8 Studios is appealing is the imposition of Condition 71 restricting the hours of operation for the activities authorised by the consent to the hours of 6:00am to 6:00pm Monday to Saturday inclusive.
6. **The reasons for the appeal are as follows:**
 - (a) The statement in the Application cited by the Commissioner (at paragraph 121 of the Decision) in deciding to restrict operating hours for the Studio to between 6.00am to 6.00pm (Monday to Saturday inclusive) was indicative in nature, and did not operate to set application scope (thereby constraining Studio activities to between those periods as a matter of jurisdiction).
 - (b) Evidence was presented to the Commissioner enabling a proper assessment of the effects of Studio activities taking place during night-time periods, confirming that such effects would generally be internalised to the Studio site, and otherwise remain within the scale, intensity and character of effects as otherwise framed by the Application.
 - (c) The limits set on noise for activities during night-time periods on the Studio site under the Hastings District Plan (as also imposed under Condition 80 of the consent) would need to be met for such

activities; off-site traffic related effects associated with periods of night time Studio activity would be less in safety terms than such effects during the day, as is also the case for noise during early morning periods (than if Studio activities are confined to 6.00am to 6.00pm).

- (d) To the extent that No 8 Studios' request to provide for night-time Studio activities in the consent as made at the hearing before the Commissioner comprises an amendment to the Application, that amendment would be within scope and jurisdiction to allow, applying established principles set through case law (as cited by the Commissioner at paragraph 124 of the Decision).
- (e) At the hearing (and in reply) Number 8 Studios proposed to provide for night-time Studio activities on 18 days per calendar year, which level or extent of night-time activity could take place as of right as a temporary activity on the Studio site under the Hastings District Plan.

7. **Number 8 Studios Limited seeks the following relief:**

- (a) That Condition 71 be deleted.
- (b) Consequential changes to any other conditions of the consent as necessary to give effect to the relief sought.

8. Number 8 Studios attaches the following documents to this notice:

Appendix A: A copy of the application.

Appendix B: A copy of the Decision.

Appendix C: A list of names and addresses of persons to be served with a copy of this notice.



Callum Beattie

Counsel for No 8 Studios Limited

1 February 2022

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Advice to recipients of copy of notice

How to become party to proceedings

You may be a party to the appeal if,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, you lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, you serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in [section 274\(1\)](#) and [Part 11A](#) of the Resource Management Act 1991.

You may apply to the Environment Court under [section 281](#) of the Resource Management Act 1991 for a waiver of the above timing requirements (see [form 38](#)).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Appendix A: A copy of the application.

Appendix B: A copy of the Decision.

Appendix C: A list of names and addresses of persons to be served with a copy of this notice.

Consent Authority:

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