

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 05 –
District Wide

**REPLY OF KIMBERLEY ANNE BANKS
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL
TEMPORARY ACTIVITIES AND RELOCATED BUILDINGS CHAPTER
22 September 2016**

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1. INTRODUCTION

1.1 My name is Kimberley Anne Banks. I prepared the section 42A report for the Temporary Activities and Relocated Buildings chapter of the Proposed District Plan (**PDP**). My qualifications and experience are listed in that s42A report dated 17 August 2016.

1.2 I have reviewed the evidence filed by other expert witnesses on behalf of submitters, attended part of the hearing held between 12-15 September 2016, and have been provided with information from submitters and counsel at the hearing, including reports of what has taken place at the hearing each day (when I was not in attendance).

1.3 This reply evidence covers the following issues:

- (a) The definition of 'Temporary Activity';
- (b) Standards Table - Non Compliance Status;
- (c) Temporary obstacles and obstacle limitation surface mapping;
- (d) Non statutory advice notes;
- (e) The frequency of Temporary Events;
- (f) Temporary Events on public and private land;
- (g) Regulation of Relocated Buildings; and
- (h) Definition of Building.

1.4 I have recommended some changes to the provisions as a consequence of the hearing of evidence and submissions. These are shown in the Revised Chapter in **Appendix 1 (Revised Chapter)**. I have attached a section 32AA evaluation in **Appendix 2**, to evaluate the further changes recommended in this reply.

2. DEFINITION OF TEMPORARY ACTIVITY

2.1 During the Council opening the Panel queried whether Temporary Activities have a defined timeframe, and sought guidance as to how the definition is applied in other plans around the country.

- 2.2** Under the notified PDP, "Temporary Activities" do not have a defined time period, and instead the definition refers to "...*activities of short duration and are outside the usual use of a site...*" (I note that this definition was amended from the ODP version to specifically include reference to the words "*outside the usual use of a site*"). The s32 analysis does not shed light on why this change was made, and I consider this adds to the uncertainty of the definition.
- 2.3** I consider that the notified definition would require a case by case assessment as to the common interpretation of "temporary", in addition to consideration as to what comprises a "short duration" and "outside the usual use of a site". Guidance on the latter two can be inferred from the rules which apply to Temporary Activities under Chapter 35 (for example which set limits over the duration of events).
- 2.4** I have reviewed and considered the definition of Temporary Activity, as contained in the Auckland Unitary Plan (decisions version), the Christchurch City Replacement District Plan (decisions version), the Dunedin City Council 2GP (Proposed), in addition to review of Queensland Planning Provisions and Gold Coast City Plan (2015) as I am familiar with these through previous experience. For reference, these definitions are included within **Appendix 3**.
- 2.5** First, the review identified that none of the New Zealand plans set timeframes around temporary events, instead preferring an approach of terms similar to those applied in the notified PDP, such as "limited duration",¹ "activities not intended to be permanent",² and "has a start and end date and time".³ The Queensland Planning Provisions⁴ apply similar open-ended terminology, however with provision for local councils to adapt this to local circumstances. This has been done under the Gold Coast Planning Scheme, which sets limits around the duration of "temporary uses" through specifying the number of days per calendar year. The timeframes adapted in the Gold Coast Planning Scheme, however, are similar to the standards of Chapter 35, and require that anything that is not a "temporary use"

1 Dunedin City Council 2GP (notified version), definition of "Temporary Events"

2 Christchurch City Council Replacement Plan (decisions version), definition of "Temporary Buildings and Activities"

3 Auckland Unitary Plan (decisions version), definition of "Temporary Activity"

4 The Queensland Planning Provisions (QPP) are a standard set of planning provisions which apply across the state

is separately defined and specifically regulated. While this would be possible to do for the PDP, it would require a complete reformat of the chapter and the PDP. I do not consider this efficient, nor is it within the scope of submissions.

2.6 Following the review of these definitions, my view is that the definition should not attempt to define the duration of a "temporary activity" as this can vary widely depending on the nature of the activity. It would also have the unintended consequence that any activity not meeting the specified timeframes would not fall within the definition of "temporary activity" and would not be able to utilise the more permissive district wide provisions of Chapter 35.

2.7 I do consider that some improvements could be made to the definition. However, I acknowledge that any attempt to define what is temporary will likely have some ambiguity, and this is evident in the range of definitions that I have reviewed (as copied in **Appendix 3**). I consider ambiguous definitions to be of more concern where the activity is permitted as of right (without qualification) and this is generally not the case for temporary activities. For example, an event (such as a wedding venue) on private land which operates more regularly than 7 times a calendar year, or breaches noise standards at night (redrafted rule 35.4.6) would automatically trigger consent under the default activity status (redrafted 35.4.1). The ambiguity in the definition relates to the words which attempt to define duration, frequency and scale, however this is otherwise addressed by the permitted activity criteria. If one was contemplating a temporary activity or event which did not fall within the scope of this definition, then it is likely to be either defined as something more permanent (such as a commercial activity) or an activity which the plan does not desire to regulate.

2.8 Nonetheless I consider the definition could be amended, as below, to improve implementation (the scope for this change is through the submission by Christine Byrch (243), who has requested that the wording of the definition be improved):

Temporary Activities

Means the use of land, buildings, vehicles and structures for ~~the following listed activities of short duration, limited frequency, and are outside the usual regular day-to-day use of a site, that include the following:~~

- Temporary events
- Temporary filming
- Temporary activities related to building and construction
- Temporary military training
- Temporary storage
- Temporary utilities
- Temporary use of a site as an ~~informal airport for certain community events~~

~~A temporary activity does not include the extension of an activity authorised by a resource consent where in contravention to any conditions of the resource consent.~~

2.9 My view is that the inclusion of the phrase "regular day to day use of a site" is clearer than the phrase "usual use of a site", as it requires consideration as to what occurs daily on the site; and avoids the use of word "usual", which I consider to be vague. Inclusion of the phrase "limited frequency" also relates to the rules of Chapter 35, which set limits around the frequency of events per calendar year.

2.10 I also wish to highlight an error in Appendix 1 to the s42A report relating to submission 243 (Christine Byrch). In the s42A report, I recommended deleting the following text from the Definition: "*A temporary activity does not include the extension of an activity authorised by a resource consent where in contravention to any conditions of the resource consent*". This change is discussed at para 16.10 of my s42A report, and this text has been deleted in Appendix 1 to this reply.

3. STANDARDS TABLE – NON COMPLIANCE STATUS

3.1 The Panel queried whether, in relation to notified Rule 35.5.3 (Redraft 35.5.2), the standards for waste management applied only to DoC and Council land. The query was based on these being the only locations where a temporary activity involving more than 500 people is permitted (ie, through Redrafted Rules 35.4.3, 35.4.4, 35.4.5). In particular, the Panel questioned whether the non-compliance status of Restricted Discretionary (**RD**) conflicted with the default activity

status of Discretionary (D) under Redrafted Rule 35.4.1 of the Activity Table. In response to this, I wish to clarify how the Standards Table is intended to function in relation to the Activity Table.

- 3.2** Notified Rule 35.5.3 (Redraft 35.5.2) relating to standards for waste management is intended to capture all events, whether these are permitted or trigger consent. For example, a permitted event on Council or DoC land, of more than 500 persons, requires compliance with this standard. Similarly, activities on private land requiring consent for more than 500 people must also comply with this standard. While specification to the numbers of persons also relates to the thresholds of the Activity Table, in isolation the intention of the rule is to set scale limits (through the number of participants) for temporary events and filming at which management of waste is a relevant resource management consideration.
- 3.3** If activities do not comply with Redraft Rule 35.5.2 (whatever the land tenure) then the non-compliance status is RD, with the matters of discretion limited to that specified. This non-compliance status does not need to be consistent with, or more stringent than, the default status of the Activity Table. For example, an event on Council land of more than 500 persons is permitted as per the activity table (notified Rule 35.4.3, redrafted 35.4.5), but if not complying with the specified numbers of toilets in the Standards Table (notified Rule 35.5.4, redrafted 35.5.4,) then resource consent would be triggered for RD activity, and matters of discretion are specified.
- 3.4** The default status of the Activity Table (notified and redraft 35.4.1) is intended to capture any other relocated building or temporary activity not contemplated by the activity table. For example, temporary events involving a breach of noise standards at night (as the activity table only allows breach of noise standards during the day); or temporary events on private land more than 500 people, or informal airports operating outside the hours of 08:00 to 2000. The most restrictive status applies to the activity (i.e. if the activity only breaches a standard of the standards table, then the status is RD. However if the activity breaches criteria set within the activity table, then the more restricted activity status of D applies).

3.5 I acknowledge that an alternative process would apply for private land, as an event of more than 500 persons on private land would automatically default to D (redrafted 35.4.1), in which case the non-compliance status of the standards table becomes irrelevant. However, I consider this appropriate because, as discussed in Section 8, the limit of 500 persons for private land in the activity table intends to limit the scale to an appropriate level, above which consideration of *all* effects becomes relevant (not limited to waste management) and the D status provides for this. In this instance, the permitted standards still provide a baseline to consider the appropriate provision for waste and sanitation facilities through the resource consent process.

3.6 Nonetheless, with this context in mind, I consider that minor changes would be useful to the default activity status of notified and redraft 35.4.1, to clarify that the default status applies to activities that breach standards of the Activity Table only. This change is reflected in **Appendix 1** and analysed in **Appendix 2**.

3.7 I note that the criteria of the standards table are intended to apply to any event, wherever located, and whether permitted or triggering consent.

4. TEMPORARY OBSTACLES AND OBSTACLE LIMITATION SURFACE (OLS) MAPPING

4.1 In my summary of evidence for Chapter 35, I accepted the pre-lodged evidence of Ms O'Sullivan for QAC in which she sought a clarification note for temporary obstacles within operational airspace⁵. Ms O'Sullivan in her summary of evidence presented on 13 September 2016, queried my view as to including this within the activity table, as no corresponding activity status would apply. Ms O'Sullivan maintained that it should be included in notified section 35.3.2 ('Clarification').

5 Statement of Evidence by Kirsty O'Sullivan (Submitter 433 and Further Submitter 1340), 2 September 2016

4.2 My reasoning for inclusion of this note within the activity table was that a 'lay' plan user is most likely to consult the activity table, to see if the activity they propose is captured. However, I also accept that this may result in some confusion since this particular activity is unregulated and would have no associated activity status. Upon reflection I accept Ms O'Sullivan's recommendation that this note be included in the Clarification section of the chapter, and this change is indicated in **Appendix 1**.

4.3 In response to discussion at the hearing around the awareness of OLS mapping within the PDP, **Appendix 4** illustrates how this information may be presented within the planning maps, as opposed to being contained on isolated maps which may often be overlooked. This is presented for illustration purposes only, and would require refinement to ensure the best presentation. I acknowledge that due to the number of features visible on the map, the presentation can appear 'busy'. However, the general theme of the planning maps is that if an item is presented at a wider scale, it need not be re-presented on a finer scale map. In this instance, zoning information for Frankton and surrounds is contained on a series of maps at varying scales. I therefore consider this information could be appropriately presented on a wide scale planning map (such as planning map 31a). This will assist in improving awareness of this additional constraint surrounding the airport, and is consistent with many second generation plans within New Zealand. It was also a common approach in Queensland and New South Wales plans that I am familiar with.

5. NON STATUTORY ADVICE NOTES

5.1 The Panel recommended additional clarification notes be added to the chapter to highlight that prefabricated buildings are not subject to the rules for relocated buildings; and also that the plan no longer regulates the sale of food or alcohol associated with temporary events.

5.2 My preference is for all clarification notes of this nature to be in the same location, and recognising my position above relating to the

advice note for temporary obstacles, I therefore recommend inclusion of these notes within 'Section 35.3.2 – Clarification' (Reply 35.3.2.6 and 35.3.2.7). I note that these new notes are for guidance purposes, they assist in interpretation of the PDP, and have regulatory effect.

6. FREQUENCY OF TEMPORARY EVENTS

- 6.1** In relation to the evidence of QAC (433), the Panel queried whether, and to what extent, a regular or recurring event could be temporary. In relation to the Warbirds Over Wanaka Event, the Panel asked what the effects of the event are beyond the designated area or the proposed Airport Mixed Use zone.
- 6.2** On the first query, I have reconsidered this point and it is now my opinion that recurring events that take place once a year should be considered as temporary activities. This is because the calendar year is used as the measurement period for permitted events. It is noted that recurring events may not necessarily take place on the same date or month every year.
- 6.3** If recurring events were not temporary events, then events such as the Warbirds over Wanaka and Winter Games would otherwise be subject to assessment as commercial activities, and this is not intended. It is intended that Chapter 35 capture all events, whether recurring or otherwise. As an example, a site may hold regular but different events, however the effects of the events are likely to be similar to that of a recurring event. As such there is no need to distinguish between those events that occur repeatedly and those that do not. Additionally, if the words 'temporary' were removed from the provisions, and the rules only applied to 'events' the consequence would be that one-off or more infrequent events may not be captured. Hence while use of 'temporary' terminology adds to the confusion around recurring or regular events, it is more so their frequency and duration which is relevant.
- 6.4** Large recurring events will continue to be captured by the rules and standards and may require resource consent or are covered by a designation. The point I make in my s42A report is that for recurring

events, these may also be addressed by zone specific provisions, where circumstances allow and where this is more efficient. For this reason I have deferred QAC's submission seeking permitted activity status for 'air shows' to the hearing on the Business Zones. I consider this supports other submission points made by QAC that *"the definition of 'airport related activity' ... should include "temporary activities associated with air shows"*". This general approach would equally apply to events held in ski area subzones (such as the Winter Games).

6.5 I maintain however that it would not be effective or efficient for Chapter 35 to contain several site specific provisions for recurring events, and resource consent processes are available if zoning provisions do not allow this and they do not fall within the definition of temporary event. I acknowledge my comments in the s42A report where I consider that Warbirds over Wanaka could be considered *"within the usual use of a site"* and therefore not a temporary activity (as notified). I also stated that this would also be true of ski events. I consider the change to the definition of Temporary Activity recommended above (to remove "outside the usual use of a site" and replace this with *"do not include activities that occur in the regular day-to-day use of a site"*) will capture such a recurring event, as it is not part of the regular day-to-day use of the site and as such they will now be recurring events.

6.6 Regarding the effects area of the Warbirds over Wanaka event, I acknowledge that this may extend beyond the area of the Designation, and also beyond the area of the Airport Mixed Use Zone at Wanaka. Effects extending beyond these boundaries may include noise, traffic and parking.

6.7 Designation 64 excludes noise generated from this event, and states:

Noise from the following Aircraft Operations shall be excluded from the compliance calculations set out above....:

(d) *aircraft using the airport in preparation for and participation in the biennial Warbirds Over Wanaka air shows (this applies 5 days prior to and 3 days after the air show).*

6.8 I consider that the wording of this clause enables noise effects to extend beyond the designation area, as it allows aircraft using the airport to be excluded from any assessment of compliance with airport noise limits. Similarly, day-to-day compliance with noise limits within the Outer Control Boundary (**OCB**) would also extend in the airspace beyond the designation area, as the location of the OCB extends beyond the designation area.

7. PERMITTED DURATION OF TEMPORARY EVENTS

7.1 The evidence of Ms Fiona Black⁵ maintains (at para. 2.2) that "*it is short [sighted] to restrict the permitted duration of temporary events to three days only*". I highlight that the permitted criteria of (redrafted) rule 35.4.6 allows a set up period of unspecified duration, and a 3 day pack up period. It is unclear whether Ms Black has considered these additional timeframes.

7.2 I consider the scale of this rule to be appropriate and practical for a permitted activity status, recognising that events of longer duration may give rise to adverse effects. I clarify that the chapter does not intend to permit all temporary events as of right, but to permit these at an appropriate scale, beyond which a resource consent process is preferable to consider whether consent should be granted for the event and what conditions would be appropriate.

7.3 Also related to the duration of temporary events, the panel queried in relation to redrafted rule 35.4.9 (notified 35.4.11) whether the 7 day duration of filming was intended to be consecutive or non consecutive. I confirm that the intention was for duration criteria of events to be either consecutive or non consecutive; as it is not reasonable to assume that shooting associated with filming would occur consecutively. I therefore recommend insertion of the words "a total of" to this rule, in addition to (notified) 35.4.7 (Redrafted 35.4.9).

7.4 I also recommend removing the confusing terminology of redrafted rule 35.4.9 that refers to "calendar 12 month period", which could be interpreted as either 12 months, or a calendar year.

7.5 I consider these to be immaterial clarification amendments.

8. TEMPORARY EVENTS ON PUBLIC AND PRIVATE LAND

8.1 The evidence of Ms Fiona Black,⁶ Queenstown Park, Remarkables Park and Queenstown Wharves Limited questions the basis for different regulatory approaches for public and private land. More specifically, Ms Black's evidence questions why events on public land (Council or DoC owned) should be permitted without qualification, while events on private land are subject to additional criteria around scale/duration.

8.2 As identified in my summary of evidence, I consider that events on private land do not necessarily have the same wider benefit to the public, and can give rise to different effects, particularly on neighbouring land uses. Public and reserve land can be anticipated to be used for such purposes, however private land may not be.

8.3 I do acknowledge that some events on private land can also be open to the public, and also may be located on land holdings of significant size where effects to neighbours may be less significant. However, I am of the view that attempting to craft rules (specifying for example, whether an event is public or private, or minimum setback distances from neighbouring properties) would be flawed, and would not necessarily capture the effects area of the event. Warbirds Over Wanaka is an example of this type of event, where effects on the environment are experienced outside the designation area, and also outside of the (proposed) Airport Mixed Use Zone.

8.4 The reasoning for different approaches being applied to public and private land is *not* the desire to make one more permissive than the other, or to create a commercial advantage to the Council.⁷ Rather it recognises that other safeguards are in place for the appropriate operation of an event on public land through the *Reserves Act 1977*, *Local Government Act 2002*, Council Bylaws⁸ and the *Conservation*

6 On behalf of Real Journeys Ltd (621, FS1341) and Te Anau Developments Ltd (607, FS1342)

7 As viewed by Queenstown Park, Remarkables Park and Queenstown Wharves Ltd

8 Control Of Activities And Obstructions In Public Places Bylaw (2010)

Act 1987 (for DoC land). Through this legislative framework, the Council has the ability to place conditions on the event around for example, noise, traffic and parking, sanitation and waste management. However, Council does not have any ability to control such resource management issues on private land – other than that specified by the PDP.

8.5 Events held on Council land involve a comprehensive application process, involving coordination of multiple council departments, including:

- (a) Parks and Reserves;
- (b) Venues;
- (c) Planning;
- (d) Regulatory (Alcohol, Environmental Health, Enforcement);
and
- (e) APL Property (if it is one of the reserves that APL administers on behalf of the Council).

8.6 A 'venue booking' is necessary to commence the process, and this applies for reserves (via Reserve Management Plans and Licence to Occupy) and Concessions for DoC land. Typically, many separate permits are required for temporary events, such as an alcohol licence, hire agreement, fire, camping, amusement devices, gaming and hazardous substances. **Appendix 5** contains a checklist which Council currently provides as guidance to the considerations to running an event; in addition to example application forms which indicate the information requirements.

8.7 The s32 report for Chapter 35 identified that there is often a duplication of process for events held on public land. Therefore the amendments made via the PDP sought to remove duplication; recognising that the resource management issues that a resource consent process attempts to address, are otherwise addressed through these other legislative processes.

8.8 The rules intend to enable and support events on private land through a set of permitted criteria (redrafted Rule 35.4.6), but to limit the scale

of these to an appropriate level, above which consideration of effects becomes relevant. I do not question the value of events on private land, and acknowledge these in many instances can provide wider public benefits. It is for this reason that a permitted status also applies to private events (redrafted Rule 35.4.6). While some events on private land may occur with negligible effect, permitting all events on private land would in my view pose considerable risk to the achievement of Part 2 of the RMA, particularly recognising that they are exempt from the assessment processes which otherwise apply to public land.

8.9 I wish to reiterate also that the approach of the PDP is more enabling and straightforward for private events than that of the ODP, where the permitted numbers of people partaking in the event has been increased from 200 to 500 persons. The frequency of events has also been increased from "7 days" (ODP) to "7 times" (PDP), and it is now acknowledged that the sale of alcohol, and food and beverage hygiene standards and regulations are not regulated by the PDP.

8.10 I maintain the view as outlined in the s42A report and do not recommend any further changes to the regulation of temporary events on private land.

9. REGULATION OF RELOCATED BUILDINGS

9.1 Regarding the proposed regulation of relocated buildings as a controlled activity, Mr Ryan on behalf of the House Movers section of the New Zealand Heavy Haulage Association (496) (House Movers) was of the view that the approach appeared like a rule in search of an issue. The panel also queried whether there have been any issues in the past related to relocated buildings.

9.2 A review of resource consents for relocated buildings since 2014 identifies 30 consents. This suggests that the activity is relatively common. It also identifies fairly standard conditions of consent. An example condition is outlined below. This addresses repair of any damage occurring during relocation; and requires the works to be completed within a 6 month timeframe.

Relocated Building

- 4 That within six months of the relocation of the building, the following reinstatement works shall be completed:
- Repair and upgrade of external cladding (including re-painting) if damaged during relocation.
 - Re-roofing if the existing roof is damaged during relocation. This includes guttering and downpipes.

9.3 While I am not aware of any particular issues arising with these consents, I maintain the view that Relocated Buildings should be regulated as Controlled activities. There are limited effects which are sought to be controlled for this activity; and I do not accept that the building inspection report approach put forward by Mr Ryan provides an effective way of managing these defined issues. A controlled status provides certainty to an applicant, and the timeframe and costs associated with processing resource consent with limited considerations would not be significant.

9.4 The reasons for this view are outlined in my s42A report at Section 7, specifically paragraphs 7.43 to 7.37. I further note that defining permitted status through compliance with a future act (timeframes) creates monitoring obligations on Council, additional resourcing effort and costs to ratepayers, with no responsibility to the applicant. While I accept other activities of the PDP may be listed as permitted, they generally do not directly require monitoring or processing effort to confirm they are permitted; nor do they generally place this responsibility on the Council. Further, in my view it would be difficult for a permitted activity standards to provide specific control necessary for relocated buildings without reserving undue discretion to Council officers.

9.5 Further, I do not accept that the permitted criteria advanced by the submitter is "*every bit as legally enforceable as a condition imposed on resource consent.*"⁹ Where the permitted criteria are flexible in content, variable or ambiguous, then enforcing such provisions would be difficult. I do not consider that it would be directly possible to enforce the above condition of consent under the permitted status approach with a building inspection report. A certificate of compliance (CoC) could be issued for the activity under Section 139 of the RMA,

9 Submissions of Counsel for the House Movers, 14 September 2016 (Para 3.4)

however it would not be possible to use this process to impose specific conditions around completion of works, or stipulate the nature of remediation works required (such as re-painting, as identified in the example condition above). Also, the CoC may have 5 years to be given effect to, which imposes a considerable monitoring burden on council to determine compliance with the timeframes specified. This process therefore involves both inherent broadness as to how one could comply with the permitted criteria, and generates enforcement risks to Council.

9.6 I reiterate that I consider there is a risk that the use of Relocated Buildings may increase as accommodation shortages worsen. Council seeks a level of control over the defined resource management issues for the maintenance of amenity values.

9.7 I recognise the opinion put forward by the House Movers that the process of coordinating the removal and re-establishment of Relocated Buildings involves a number of steps. I do not consider that a controlled resource consent application would add greatly to this, recognising the limited matters to be addressed by the proposed controlled activity rule.

9.8 In relation to Mr Scobie's comments that "*among the largest market for relocatables is the government/state housing/education sector, particularly the movement of prefabricated classrooms to meet changing school population*", I wish to highlight that prefabricated buildings are excluded from the definition of Relocated Building. At the request of the panel,, this has been further highlighted through a new 'clarification' provision within 35.3.2.6 (refer **Appendix 1**). I consider the House Movers submission (496) provides scope for this new ' provision, as they have submitted on:

all provisions (including objectives, policies, rules, assessment criteria, methods and reasons) regulating the removal, re-siting, and relocation of buildings in the plan including (without limitation) Chapter 35 "Temporary Activities & Relocated Buildings.

9.9 I also wish to note that at the hearing, Mr Ryan reneged on his stated position relating to the acoustic insulation of relocated buildings within the airport noise boundaries¹⁰, and agreed that relocated buildings should be subject to the rules of the receiving environment. Therefore there is no disagreement over the deferral of the submission of QAC (FS1340) on this matter to the residential hearing stream.

9.10 Other than a new clarification provision for prefabricated buildings, I do not recommend any further changes to the regulation of Relocated Buildings.

10. DEFINITION OF BUILDING

10.1 Following Council's opening and consideration of the matters raised, the Panel asked me to consider removing from the PDP definition of "Building" the 'exception' that results in the following being included in the definition "*Any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for a residential accommodation unit for a period exceeding 2 months*". It was suggested this should instead be addressed as a temporary activity rule, rather than a definition. The Panel expressed the view that the approach of allowing temporary use of these structures via this exclusion is ambiguous and may result in unintended consequences for the use of shipping containers. However, I believe this view is based on a misconstrued interpretation of this inclusion to the definition.

10.2 I consider that the unintended consequences raised by the Panel may include the fact that these may be considered to fall outside the definition of building generally (if not used for residential purposes). I address this uncertainty below in this report.

10.3 I note that the definition of "Building" commences with:

"Notwithstanding the definition set out in the Building Act 2004, a building shall include:

10 Submissions of Counsel for the House Movers, 14 September 2016 (Para 8.2)

- *Any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for a residential accommodation unit for a period exceeding 2 months.*
(emphasis added)

- 10.4** Therefore the inclusion specified applies, in addition to the definition of the *Building Act 2004*. In my view, shipping containers (generally) fall under the definition of "building" in section 8(1)(a) of the Building Act 2004, being a "temporary or permanent movable or immovable structure". This includes a structure intended for occupation by people, but is not limited to that use. A caravan that is immovable would fall under the definition of "vehicle" under s2(1) of the Land Transport Act 1998, and thus may also fall under the definition of "building" in s8(1)(b)(iii) of the Building Act 2004. However, a vehicle (such as a caravan) can be argued to be movable if remaining registered, and therefore excluded from this definition of s8(1)(b)(iii) of the Building Act.
- 10.5** I understand there have been issues in the past of permanent residential occupation of caravans without compliance with Building Act or planning (RMA) controls. As the inclusion applies in addition to the definition of the Building Act, the regulation for these types of structures that are used for residential activity is only triggered, when the residential use exceeds two months. This is when these types of structures can be considered a building, according to the PDP.
- 10.6** As such, I do not consider there are any issues which would arise through non-residential use of shipping containers, as this circumstance would be covered by the Building Act definition of a "building" and therefore shipping containers would be regulated as buildings under the PDP where they were used for any use, except residential accommodation for less than 2 months.
- 10.7** To address the example raised by Commissioner St Clair in which he questioned how a shipping container used for the storage of personal LPs (Long Playing Records) for less than two months would be treated, as compared to a shipping container used for a residential unit, I wish to run through my understanding of the interpretation. If a

shipping container was used to store goods it would be a "building" according to the definition of the Building Act, and therefore the PDP. If that same shipping container was used as a residential unit, for the first two months it would not be considered a building, but after two months a shipping container would be required to meet any relevant zone standards. I do note that exceptions may apply for accessory buildings within setbacks. If it were a "relocated building", it would require consent as a controlled activity (redrafted Rule 35.4.2).

10.8 This highlights that, viewed in the context of the Temporary Activities provisions, the shipping container would not be permitted any temporary exemptions to site standards, because a shipping container is considered a "building" in any case, it is only its residential use which exempts it from the definition for 2 months. This is because firstly, the exception in the definition of "Building" under the PDP was not crafted with temporary activities in mind, but is instead directed at permanent uses of such buildings and the need for these to comply with zone standards. Furthermore, a shipping container may fall within the definition of a "Relocated Building", and trigger consent according to the s42A version of Chapter 35. I therefore accept that, in the context of temporary activities, to expressly enable the temporary use of such structures, without the obligation to comply with zone standards, a separate provision may be necessary to achieve this.

10.9 If the inclusion was deleted entirely from the definition of "Building", in lieu of a standard, the consequences may be that the specified structures (particularly residential use of caravans) may no longer be a "building" under the Building Act (if they are not "immovable") and therefore would not be captured by the definitions of "residential activity", "residential unit" and/or "accessory building" of the PDP. There would be lack of clarity as to other zone standards applying to the structure. I therefore consider that the inclusion for these structures should remain in the definition of "building", as this will address longer term residential use of for example caravans, and their need to comply with zone rules relating to buildings. I also note that the definition of "Building" will be reconsidered through the hearings process, and finally at the Definitions hearing. It is

preferable that this component of the definition is addressed at this time, where its wider application can be tested.

10.10 However I note that there is confusion as to whether a shipping container is also a "Relocated Building". As discussed in the s42A report, I do not consider the effects of shipping containers are the same as that of typical relocated dwellings; however shipping containers may have been inadvertently associated with these provisions. For example, shipping containers are not typically delivered to a site dismantled and require any remediation, and Council does not seek to control the period of reinstatement. The appearance of shipping containers may also be considered not discernible from other accessory buildings. If shipping containers were included in Chapter 35 as a "Relocated Building", then they would be controlled and require consent (as per the section 42A version); and would also be subject to zone standards regardless, as the rules for relocated buildings apply in addition to any relevant provision of any other Chapter (Redrafted clarification 35.3.2.5, notified 35.3.2.4).

10.11 Mr Nugent suggested consideration to a standard within Chapter 35 allowing the temporary use of shipping containers. However I maintain the view that shipping containers should not be a controlled activity; and their use is best addressed through the regulation of "buildings". To avoid the issues of shipping containers as relocated buildings, and provide for their temporary use (and exemption from underlying zone standards) I recommend a further exclusion to the definition of "building", as set out below.

"Building

Shall have the same meaning as the Building Act 2004, with the following exemptions in addition to those set out in the Building Act 2004:

- *Fences and walls not exceeding 2m in height.*
- *Retaining walls that support no more than 2 vertical metres of earthworks.*
- *Structures less than 5m² in area and in addition less than 2m in height above ground level.*

- *Radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2m in diameter), less than 2m in height above ground level.*
- *Uncovered terraces or decks that are no greater than 1m above ground level.*
- *The upgrading and extension to the Arrow Irrigation Race provided that this exception only applies to upgrading and extension works that involve underground piping of the Arrow Irrigation Race.*
- *Flagpoles not exceeding 7m in height.*
- *Building profile poles, required as part of the notification of Resource Consent applications.*
- *Public outdoor art installations sited on Council-owned land.*
- *Pergolas less than 2.5 metres in height either attached or detached to a building.*
- *Shipping containers temporarily located on a site for less than 2 months*

Notwithstanding the definition set out in the Building Act 2004, a building shall include:

- *Any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for a residential ~~accommodation~~ unit for a period exceeding 2 months".*

10.12 The exclusion identified above allows for shipping containers to be used temporarily on a site for less than two months, and be exempt from the definition of “building”, and therefore any other related provision applying to “Buildings” within the PDP. Beyond 2 months, a shipping container becomes a “Building” and requires compliance with any other relevant rule.

11. CORRECTION OF ERROR – CLARIFICATION NOTE

11.1 At the Council opening, I identified an error in the drafting of (new) 35.3.2.4, which was inserted following the recommendations of the s42A report. The change I recommend to this provision is set out below (and in **Appendix 1**), and I consider this to be an immaterial change that will improve its implementation.

Notwithstanding 35.3.2.3, the Rules of this Chapter relating to Temporary Activities specify when the Noise rules (Chapter 36) ~~will~~ shall not apply.

11.2 The basis for this change is that the standards table contains provisions stating where the noise limits "shall not apply" (eg. redrafted 35.4.3, 35.4.5, 35.4.6, 35.4.7, 35.4.9). The standards do not specify when the noise limits "will apply". Therefore this amendment ensures consistent terminology.

12. CONCLUSION

12.1 Overall, I consider that the revised chapter as set out in **Appendix 1** is the most appropriate way to meet the purpose of the RMA.



Kimberley Anne Banks
Senior Policy Planner
22 September 2016

APPENDIX 1
TEMPORARY ACTIVITIES AND RELOCATED BUILDINGS CHAPTER

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

Key:

Recommended changes are shown in red underlined text for additions and ~~red strike through~~ text for deletions, Appendix 1 to Right of Reply, dated 22 September 2016.

Recommended changes to notified chapter are shown in underlined text for additions and ~~strike through~~ text for deletions. Appendix 1 to section 42A report, dated 17 August 2016.

35 Temporary Activities and Relocated Buildings

35.1 Purpose

The purpose of the Temporary Activity provisions is to enable temporary events, filming, construction activities, military training, utilities and storage to be undertaken, subject to controls intended to minimise adverse effects. The provisions recognise that temporary activities, events and filming are important to the economic, social, and cultural vitality of the District, and are therefore encouraged.

The Relocated Building provisions primarily seek to ensure that the external appearance of such buildings is compatible with the surrounding environment and amenity. The requirements of this chapter enable matters to be considered in addition to any specific controls for buildings and structures in the Zone Chapters and other relevant District Wide Chapters.

35.2 Objectives and Policies

35.2.1 Objective – Temporary Events and Filming are encouraged and are undertaken in a manner that ensures the activity is managed to minimise adverse effects.

Policies

- 35.2.1.1 Recognise and encourage the contribution that temporary events and filming make to the social, economic and cultural wellbeing of the District's people and communities.
- 35.2.1.2 Permit small and medium-scale events during daytime hours, subject to controls on event duration, frequency and hours of operation.
- 35.2.1.3 Recognise that purpose-built event facilities are designed to cater for temporary activities.
- 35.2.1.4 Recognise that for public spaces, temporary events are anticipated as part of the civic life of the District.
- 35.2.1.5 Require adequate infrastructure, waste minimisation, traffic management, emergency management, security, and sanitation facilities to be available to cater for anticipated attendants at large-scale temporary events and filming.
- 35.2.1.6 Ensure temporary activities do not place an undue restriction on public access.
- 35.2.1.7 Recognise that noise is an anticipated component of temporary events and filming, while protecting residential amenity from undue noise during night-time hours.
- 35.2.1.8 Enable the operation of informal airports in association with temporary community events and filming, subject to minimising adverse effects on adjacent properties.
- 35.2.1.9 Require all structures associated with temporary events and filming to be removed at the completion of the activity, and any damage in public spaces to be remediated.

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

35.2.2 Objective – Temporary activities necessary to complete building and construction work are provided for.

Policies

- 35.2.2.1 Ensure temporary activities related to building and construction work are carried out with minimal disturbance to adjoining properties and on visual amenity values.
- 35.2.2.2 Provide for small-scale retail activity to serve the needs of building and construction workers.
- 35.2.2.3 Require temporary activities related to building and construction to be removed from the site following the completion of construction, and any damage in public spaces to be remediated.

35.2.3 Objective – Temporary Military Training Activities is are provided for, to meet the needs of the New Zealand Defence Force

Comment [KB1]: 4th procedural minute. #1365

Policy

35.2.3.1 Enable temporary military training to be undertaken within the District.

35.2.4 Objective – Temporary Utilities needed for other temporary activities or for emergencies are provided for.

Policy

35.2.4.1 Enable short-term use of temporary utilities needed for other temporary activities or for emergency purposes.

35.2.5 Objective – Temporary Storage is provided for, in rural areas

Comment [KB2]: #607, #605, #621

Policies

- 35.2.5.1 Permit temporary storage related to farming activity.
- 35.2.5.2 Ensure temporary storage not required for farming purposes is of short duration and size to protect the visual amenity values of the area in which it is located.

35.2.6 Objective – Relocated buildings are located and designed to maintain amenity and provides a positive contribution to the environment, and minimise the adverse effects of relocation and reinstatement works

Comment [KB3]: #496, #126

35.2.6.1 Provide for rRelocated buildings where adverse effects associated with the relocation and reinstatement are managed to provide a quality external appearance, and are compatible with the amenity of the surrounding environment.

Comment [KB4]: #496, #126

35.2.6.2 Provision of wastewater, stormwater and water infrastructure minimises adverse effects.

Comment [KB5]: #496

35.3 Other Provisions and Rules

35.3.1 District Wide

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as Operative ~~District Plan (ODP)~~.

Comment [KB6]: Changes made for consistency with other chapters. Plan guidance only, no change in substance

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (18 Operative ODP)	25 Earthworks (22 Operative)	26 Historic Heritage

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

	<u>ODP</u>)	
27 Subdivision	28 Natural Hazards	29—Transport (14 <u>Operative ODP</u>)
30 Utilities and Renewable Energy	31—Hazardous Substances (16 <u>Operative ODP</u>)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

35.3.2 Clarification

35.3.2.1 A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.

35.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

35.3.2.3 The Rules of this Chapter relating to Temporary Activities take precedence over any other provision of the Proposed District Plan, with the exception of:

- a. 26 Historic Heritage
- b. 31 Hazardous Substances
- c. 24 Signs

35.3.2.4 Notwithstanding 35.3.2.3, the Rules of this Chapter relating to Temporary Activities specify when the Noise rules (Chapter 36) ~~will~~ shall not apply.

Comment [KB7]: Clarification, Right of Reply para. 11

35.3.2.4~~5~~ For a Relocated Building, the provisions in this Chapter apply in addition to any relevant provision of any other Chapter.

35.3.2.6 **Relocated Buildings:** Pre-fabricated buildings (delivered dismantled to a site for erection on that site) are excluded from the definition of **Relocated Building**, and are not subject to the rules of this chapter.

35.3.2.7 **Temporary Events:** The following activities associated with Temporary Events are not regulated by the PDP:

- (a) Food and Beverage
- (b) Sale of Alcohol

Comment [KB8]: Right of Reply, Section 5

35.3.2.8 **Obstacle limitation surfaces at Queenstown or Wanaka Airport:** Any person wishing to undertake an activity that will penetrate the designated Airport Approach and Land Use Controls obstacle limitation surfaces at Queenstown or Wanaka Airport must first obtain the written approval of the relevant requiring authority, in accordance with section 176 of the Resource Management Act 1991.

Comment [KB9]: QAC (433), Right of Reply Section 4 (para. 4.1 and 4.2)

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

35.3.2.569 The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

35.4 Rules - Activities

	Temporary Activities and Relocated Buildings	Activity Status
35.4.1	Any other <u>Temporary Activity or Relocated Building not listed that does not comply with the permitted or controlled activity requirements</u> in this table.	D
35.4.2	<p>Relocated Building, in a Residential Zone that is any of the following, and a maximum of one per site:</p> <ul style="list-style-type: none"> a new build relocated residential unit that has been purpose built for relocation a shipping container an accessory building under 30m² in gross floor area that is not a shipping container the repositioning of an existing lawfully established residential unit, residential flat or accessory building within its own site. <p>This rule does not apply to buildings for Temporary Construction Related Activities, as addressed by Rules below.</p> <p>For the purpose of this rule Relocated Buildings shall also be subject to the rules of the Zone they are located in and any applicable District Wide rule. In particular, rules relating to Buildings or Structures apply.</p>	P
35.4.32	<p>Relocated Building in a Residential Zone being a maximum of one per site which involves the relocation of any building that has previously been designed, built and used for residential purposes (but has not been purpose built for relocation).</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> the reinstatement works that are to be completed to the exterior of the building the reinstatement works required to the exterior of the building and the timeframe to execute such works the timeframe for placing the building on permanent foundations and the closing in of those foundations the nature of other works necessary to the relocated building to be undertaken to ensure the building is compatible with the amenity values of the area Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which 	C

Comment [KB10]: Right of Reply, para 3.5

Comment [KB11]: #496, #383

Comment [KB12]: #383

Comment [KB13]: #383, #126

Comment [KB14]: Clarification

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

	Temporary Activities and Relocated Buildings	Activity Status
	<p>such risk can be avoided or sufficiently mitigated[†].</p> <p>This rule does not apply to buildings for Temporary Construction-Related Activities, as addressed in Rules below.</p> <p>For the purpose of this rule Relocated Buildings shall also be subject to the rules of the Zone they are located in and any applicable District Wide rule. In particular, rules relating to Buildings or Structures apply.</p>	
35.4.4	<p>Relocated Building in a Rural Zone being a maximum of one per site and for the:</p> <ul style="list-style-type: none"> • Relocation of any building • A shipping container <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • the reinstatement works that are to be completed to the exterior of the building • the timeframe for placing the building on permanent foundations and the closing in of those foundations • the nature of other works to be undertaken to ensure the building is compatible with the amenity values of the area • Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated[†]. <p>For the purpose of this rule Relocated Buildings shall also be subject to the rules of the Zone they are located in and any applicable District Wide rule. In particular, rules relating to Buildings or Structures apply.</p>	G
35.4.53	<p>Temporary Events held on public conservation land, including the use of the land as an informal airport, which holds a valid concession for the temporary event.</p> <p>For the purpose of this rule the relevant noise standards of the Zone shall not apply.</p>	P
35.4.64	<p>Temporary Events held within a permanent, purpose-built, hotel complex, conference centre, or civic building.</p>	P
35.4.75	<p>Temporary Events held on Council-owned public recreation land, provided that:</p> <ul style="list-style-type: none"> • Noise Events do not occur during hours in which the night-time noise limits of the relevant Zone(s) are in effect, except for New Year's 	P

Comment [KB15]: #496

Comment [KB16]: #383

Comment [KB17]: #383

[†] Policies that guide the assessment of proposals on land affected by natural hazards are located in Chapter 28.

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

	Temporary Activities and Relocated Buildings	Activity Status
	<p>Eve.</p> <p>For the purpose of this rule the relevant noise limits standards of the Zone shall not apply.</p>	
35.4.86	<p>Any other Temporary Events, provided that:</p> <ul style="list-style-type: none"> The number of persons (including staff) participating does not exceed 500 persons at any one time The duration of the temporary event does not exceed 3 consecutive calendar days (excluding set up and pack down) The event does not operate outside of the hours of 0800 to 2000. Set up and pack down outside of these hours is permitted No site shall be used for any temporary event more than 42 7 times in any calendar 12-month period-year All structures and equipment are removed from the site within 3 working days of the completion of the event For the purpose of this rule the relevant noise standards of the Zone shall not apply. 	P
35.4.97	<p>Temporary Events</p> <p>Informal airports for rotary wing aircraft flights in association with the use of a site for temporary public events that are open to the general public provided that:</p> <ul style="list-style-type: none"> The informal airport is only used during the hours of 0800 – 2000 No site shall be used for an informal airport for more than 42 a total of 7 days in any calendar year No site shall be used for an informal airport more than one day in any calendar month The aircraft operator has notified the Council's Planning Department concerning the use of the informal airport. The temporary community event must be open to the general public to attend (whether ticketed or not). <p>For the purpose of this Rule:</p> <p>The relevant noise standards of the Zone shall not apply.</p>	P
35.4.108	<p>Temporary Filming</p> <p>Held on public conservation land, including the use of the land as an informal airport, which holds a valid concession for the temporary filming activity.</p>	P
35.4.149	<p>Temporary Filming, including the use of the land as an informal airport as part of that filming activity, provided that:</p> <ul style="list-style-type: none"> The number of persons participating in the temporary filming does not exceed 200 persons at any one time within the Rural Zone, 100 persons in the Rural Lifestyle and Rural Residential Zones, and 50 	P

Comment [KB18]: Clarification for consistency of language throughout the plan.

Comment [KB19]: #383

Comment [KB20]: Clarification

Comment [KB21]: Clarification. Para 7.3 Right of Reply

Comment [KB22]: #383

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

	Temporary Activities and Relocated Buildings	Activity Status
	<p>persons in any other zone</p> <ul style="list-style-type: none"> • Within the Rural Zone, any temporary filming activity does not occur on a site, or in a location within a site, for a period longer than is limited to a total of 30 days in any 12-month period-calendar year. • In any other Zone, any temporary filming activity does not occur on a site for a period longer than is limited to a total of 30 days (in any 12-month period calendar year) with the maximum duration of film shooting not exceeding a total of 7 days in any 12-month period calendar year • All building and structures are removed from the site upon completion of filming, and any damage incurred in public places is remediated. • The use of land as an informal airport as part of filming activity is restricted to the Rural Zone. <p>For the purpose of this Rule:</p> <p>The relevant noise standards of the Zone shall not apply to temporary filming and the associated use of the site as an informal airport. However Council will use its power under the Resource Management Act 1991 to control unreasonable and excessive noise.</p>	
35.4.1210	<p>Temporary Construction-Related Activities</p> <p>Any temporary building (including a Relocated Building), scaffolding, crane, safety fences, and other similar structures and activities that are:</p> <ul style="list-style-type: none"> • Ancillary to a building or construction project and located on the same site • Are limited to the duration of an active construction project • Are removed from the site upon completion of the active construction project. 	P
35.4.1311	<p>Temporary Construction-Related Activities</p> <p>Any temporary food/beverage retail activity, for the direct purpose of serving workers of an active building or construction project.</p>	P
35.4.1412	<p>Temporary Military Training</p> <p>Temporary Buildings and Temporary Activities related to temporary military training carried out pursuant to the Defence Act 1990, provided any such activity or building does not remain on the site for longer than the duration of the project.</p>	P
35.4.1513	<p>Temporary Utilities</p> <p>Any temporary utilities that:</p> <ul style="list-style-type: none"> • Are required to provide an emergency service, or • Are related to, and required in respect of, a permitted temporary activity specified in this chapter of the District Plan. 	P
35.4.1614	<p>Temporary Storage</p>	P

Comment [KB23]: Clarification. Para 7.4 Right of Reply

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

	Temporary Activities and Relocated Buildings	Activity Status
	<p>Any temporary storage or stacking of goods or materials, other than for farming purposes, that does not remain on the site for longer than 3 months and does not exceed 50m² in gross floor area.</p> <p>Note: Any temporary storage which fails to meet this permitted activity rule is subject to the rules of the relevant Zone.</p>	

35.5 Rules - Standards

	Standards for activities	Non-compliance status																																																
35.5.1	<p>Relocated Buildings</p> <p>A shipping container has had any signage removed and is painted out where used on a site for a period exceeding two months.</p>	NC																																																
35.5.21	<p>Glare</p> <p>All fixed exterior lighting shall be directed away from adjacent sites and roads.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> the effect of lighting on the amenity of adjoining properties. 	RD																																																
35.5.32	<p>Waste Management</p> <p>All temporary events with more than 500 participants at any one time, and temporary filming with more than 200 participants, shall undertake the event in accordance with the Council's Zero Waste Events Guide, including the submission of a completed 'Zero Waste Event Form'.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> the ability to minimise and manage waste from the event. 	RD																																																
35.5.43	<p>Sanitation</p> <p>All temporary events with an anticipated attendance of up to 500 shall provide a <u>minimum</u> number of toilet facilities in accordance with the below table, or have ready access to the same number of publicly-accessible toilets within a 150m walk from the event.</p> <table border="1" data-bbox="284 1601 959 1899"> <thead> <tr> <th rowspan="2">People Attending</th> <th colspan="8">Duration of Event (hours)</th> </tr> <tr> <th>1-2</th> <th>3</th> <th>4</th> <th>5</th> <th>6</th> <th>7</th> <th>8+</th> </tr> </thead> <tbody> <tr> <td>1-50</td> <td>1</td> <td>1</td> <td>1</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> </tr> <tr> <td>51-100</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> <td>3</td> <td>3</td> <td>3</td> </tr> <tr> <td>101-250</td> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>4</td> <td>4</td> <td>6</td> </tr> <tr> <td>251-500</td> <td>4</td> <td>4</td> <td>4</td> <td>6</td> <td>6</td> <td>6</td> <td>8</td> </tr> </tbody> </table>	People Attending	Duration of Event (hours)								1-2	3	4	5	6	7	8+	1-50	1	1	1	2	2	2	2	51-100	2	2	2	2	3	3	3	101-250	3	3	3	3	4	4	6	251-500	4	4	4	6	6	6	8	RD
People Attending	Duration of Event (hours)																																																	
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101-250	3	3	3	3	4	4	6																																											
251-500	4	4	4	6	6	6	8																																											

Comment [KB24]: Consequential amendment as a result of #496

Comment [KB25]: #607, FS1097

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

	<p>Advice note: Weather conditions, the amount of food and beverages consumed, and the availability of alcohol can increase toilet usage by 30% - 40%.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none">• the ability to provide adequate sanitation facilities for the event.	
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35.6 Rules – Non-notification

35.6.1 Any application for resource consent for the following matters shall not require the written consent of other persons and shall not be notified or limited-notified:

35.6.1.1 Temporary filming.

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

DEFINITIONS

Relocated Building - means a building which is removed and re-erected on another site, ~~but excludes new buildings that are purpose built for relocation, but excludes any pre-fabricated building which is delivered dismantled to a site for erection on that site.~~ This definition excludes **Removal and Re-siting**.

Comment [KB26]: #496

New definition **Removal** – “Removal of a Building means the shifting of a building off a site”

Comment [KB27]: #496

New definition **Re-siting** - “Re-siting of a Building” means shifting a building within a site.

Comment [KB28]: #496

New definition **Temporary Military Training Activity (TMTA)** "Temporary Military Training Activity means a temporary military activity undertaken for defence purposes. The term 'defence purpose' is as described in the Defence Act 1990"

Comment [KB29]: #1365

Temporary Activities

Means the use of land, buildings, vehicles and structures for the following listed activities of short duration, limited frequency, and ~~are~~ outside the usual regular day-to-day use of a site, ~~that include the following:~~

- Temporary events
- Temporary filming
- Temporary activities related to building and construction
- Temporary military training
- Temporary storage
- Temporary utilities
- Temporary use of a site as an informal airport for certain community events

Comment [KB30]: #243

~~A temporary activity does not include the extension of an activity authorised by a resource consent where in contravention to any conditions of the resource consent.~~

Comment [KB31]: #243

Temporary Events Means the use of land, buildings, tents and marquees, vehicles and structures for the following activities:

- carnivals
- fairs
- festivals
- fundraisers
- galas
- market days
- meetings
- exhibitions
- parades
- rallies
- cultural and sporting events
- concerts
- shows
- weddings
- funerals
- musical and theatrical entertainment, and
- uses similar in character.

Note - The following activities associated with Temporary Events are not regulated by the PDP:

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

(a) Food and Beverage

(b) Sale of Alcohol

Temporary Filming Activity Means the temporary use of land and buildings for the purpose of commercial video and film production and includes the setting up and dismantling of film sets, and associated facilities for staff.

Comment [KB32]: Right of Reply, Paragraphs 5.1 and 8.9

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

Building

Shall have the same meaning as the Building Act 2004, with the following exemptions in addition to those set out in the Building Act 2004:

- Fences and walls not exceeding 2m in height.
- Retaining walls that support no more than 2 vertical metres of earthworks.
- Structures less than 5m² in area and in addition less than 2m in height above ground level.
- Radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2m in diameter), less than 2m in height above ground level.
- Uncovered terraces or decks that are no greater than 1m above ground level.
- The upgrading and extension to the Arrow Irrigation Race provided that this exception only applies to upgrading and extension works that involve underground piping of the Arrow Irrigation Race.
- Flagpoles not exceeding 7m in height.
- Building profile poles, required as part of the notification of Resource Consent applications.
- Public outdoor art installations sited on Council-owned land.
- Pergolas less than 2.5 metres in height either attached or detached to a building

• Shipping containers temporarily located on a site for a period less than 2 months.

Notwithstanding the definition set out in the Building Act 2004, and the above exemptions, a building shall include:

- Any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for a residential accommodation unit for a period exceeding 2 months.

Comment [KB33]: Right of Reply, Section 10

Comment [KB34]: Clarification

APPENDIX 2
SECTION 32AA EVALUATION

Appendix 2

Section 32AA Assessment

Note: The relevant provisions from the revised chapter are set out below, showing additions to the notified text in underlining and deletions in ~~strike-through~~ text from the s42A report and recommended changes from the Reply are shown in red underlined text for additions and ~~red strike-through~~ text for deletions, (ie as per the revised chapter).

The section 32AA assessment then follows in a separate table underneath each of the provisions.

Recommended revised Clarification 35.3.2.4	
<u>35.3.2.4</u>	<u>Notwithstanding 35.3.2.3, the Rules of this Chapter relating to Temporary Activities specify when the Noise rules (Chapter 36) will shall not apply.</u>

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • May be unclear to some users that the rules state when noise rules do not apply, as opposed to when they do apply. 	<ul style="list-style-type: none"> • Provides greater clarification that consideration to the noise rules of Chapter 36 is still required in some instances, regardless of the fact that Chapter 35 overrides others in the PDP (under Clarification 35.3.2.3). • Read in combination with 35.3.2.3 this new clarification explains how Chapter 35 applies in relation to others of the PDP. • Uses consistent wording to that which applies in the rules in which they state when the noise limits "shall not apply"; and indicates that the basis is that the noise rules do apply, unless otherwise specified. 	<ul style="list-style-type: none"> • Improves the efficient implementation of the PDP through greater clarity as to when the noise rules apply.

Recommended New Clarification 35.3.2.6	
<u>35.3.2.6</u>	<u>Relocated Buildings: Pre-fabricated buildings (delivered dismantled to a site for erection on that site) are excluded from the definition of Relocated Building, and are not subject to the rules of this chapter.</u>

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Duplicates content of the definition and adds to the length of the plan. 	<ul style="list-style-type: none"> • Provides greater clarification that pre-fabricated buildings are not subject to the rules of this chapter; and supports the definition of relocated building. 	<ul style="list-style-type: none"> • Improves the efficient implementation of the PDP through a clearer indication that pre-fabricated buildings are not subject to the rules of this chapter and not part of the "Relocated Building" definition.

Recommended New Clarification 35.3.2.7

35.3.2.7 Temporary Events: The following activities associated with Temporary Events are not regulated by the PDP:

(a) Food and Beverage

(b) Sale of Alcohol

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> Adds to the length of the PDP. 	<ul style="list-style-type: none"> Provides greater clarification about what is regulated by the PDP, to support the revised definition of temporary events which removed reference to the sale of food and beverages. 	<ul style="list-style-type: none"> Improves the efficient implementation of the PDP through a clearer indication that the sale of food and beverages (including alcohol) is not regulated by the PDP.

Recommended New Clarification 35.3.2.8

35.3.2.8 Obstacle limitation surfaces at Queenstown or Wanaka Airport: Any person wishing to undertake an activity that will penetrate the designated Airport Approach and Land Use Controls obstacle limitation surfaces at Queenstown or Wanaka Airport must first obtain the written approval of the relevant requiring authority, in accordance with section 176 of the Resource Management Act 1991.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> Adds to the length of the PDP for a matter that is unregulated by the PDP. 	<ul style="list-style-type: none"> Makes the requirements of section 176 of the Resource Management Act very clear. Alerts plan users erecting temporary structures near the Queenstown Airport to the need to consult with the Queenstown Airport Corporation. 	<ul style="list-style-type: none"> Improves the efficient implementation of the PDP by ensuring plan users are aware of the need to meet s176.

Recommended Amendment to Rule 35.4.1

35.4.1	Any other <u>Temporary Activity or Relocated Building not listed that does not comply with the permitted or controlled activity requirements</u> in this table.	D
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Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> Adds to the length of the PDP 	<ul style="list-style-type: none"> Clarifies that the default status is limited to temporary activities or relocated buildings only; and that it applies only where a breach of activity standard occurs – separating this from the non-compliance status of the Standards table. 	<ul style="list-style-type: none"> Improves the efficient implementation of the PDP through clarifying when the default discretionary status applies.

Recommended amendment to Rule 35.4.6 (notified 35.4.8 redrafted 35.4.6)		
35.4.86	<p>Any other Temporary Events, provided that:</p> <ul style="list-style-type: none"> The number of persons (including staff) participating does not exceed 500 persons at any one time The duration of the temporary event does not exceed 3 consecutive calendar days (excluding set up and pack down) The event does not operate outside of the hours of 0800 to 2000. Set up and pack down outside of these hours is permitted No site shall be used for any temporary event more than 42 7 times in any calendar 12-month period-year All structures and equipment are removed from the site within 3 working days of the completion of the event For the purpose of this rule the relevant noise standards of the Zone shall not apply. 	P

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> Potentially limits interpretation that events commencing mid way through the year can occur 7 times until the same time the following year 	<ul style="list-style-type: none"> The amendment provides clarity that a maximum of 7 events shall take place within any calendar year (consistent with terminology used elsewhere) Improves monitoring and enforcement by avoiding possibility for event operators to commence mid way through the year and extend to the same time the following year. 	<ul style="list-style-type: none"> Improves the effectiveness of the PDP through correction of confusing terminology of “calendar 12 month period” which could be interpreted as either 12 months, or a calendar year. Improves the effectiveness of the PDP through ensuring that events provided for in Chapter 35 are limited to events of an infrequent, temporary nature over a calendar year.

Recommended amendment to Rule 35.4.7 (notified 35.4.9 redrafted 35.4.7)

<p>35.4.97</p>	<p>Temporary Events</p> <p>Informal airports for rotary wing aircraft flights in association with the use of a site for temporary public events that are open to the general public provided that:</p> <ul style="list-style-type: none"> • The informal airport is only used during the hours of 0800 – 2000 • No site shall be used for an informal airport for more than 12 <u>a total of 7</u> days in any calendar year • No site shall be used for an informal airport more than one day in any calendar month • The aircraft operator has notified the Council's Planning Department concerning the use of the informal airport. • The temporary community event must be open to the general public to attend (whether ticketed or not). <p>For the purpose of this Rule: The relevant noise standards of the Zone shall not apply.</p>	<p>P</p>
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Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Creates difficulties for enforcement where use of an informal airport for 7 days is not consecutive. 	<ul style="list-style-type: none"> • Provides clarification regarding the total number of days that can be used for informal airports. • Clarifies that 7 days does not need to be consecutive. 	<ul style="list-style-type: none"> • Improves the effectiveness of the PDP through ensuring clarity over meaning of provisions

Recommended amendment to Rule 35.4.9 (notified 35.4.11 redrafted 35.4.9)

<p>35.4.419</p>	<p>Temporary Filming, including the use of the land as an informal airport as part of that filming activity, provided that:</p> <ul style="list-style-type: none"> • The number of persons participating in the temporary filming does not exceed 200 persons at any one time within the Rural Zone, 100 persons in the Rural Lifestyle and Rural Residential Zones, and 50 persons in any other zone • Within the Rural Zone, any temporary filming activity does not occur on a site, or in a location within a site, for a period longer than is limited to a total of <u>30 days in any 12-month period calendar year.</u> • In any other Zone, any temporary filming activity does not occur on a site for a period longer than is limited to a total of <u>30 days</u> (in any 12-month period calendar year) with the maximum duration of film shooting not exceeding <u>a total of 7 days in any 12-month period-calendar year</u> • All building and structures are removed from the site upon completion of filming, and any damage incurred in public places is remediated. 	<p>P</p>
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	<ul style="list-style-type: none"> The use of land as an informal airport as part of filming activity is restricted to the Rural Zone. <p>For the purpose of this Rule:</p> <p>The relevant noise standards of the Zone shall not apply to temporary filming and the associated use of the site as an informal airport. However Council will use its power under the Resource Management Act 1991 to control unreasonable and excessive noise.</p>	
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Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> Avoids the ability that filming commencing mid way through the year, can occur the specified number of days until the same time the following year 	<ul style="list-style-type: none"> Provides clarity about the maximum number of days associated with Temporary Filming. Improves monitoring and enforcement by avoiding possibility for event operators to commence mid way through the year and extend to the same time the following year. Clarifies that the permitted numbers of days does not need to be consecutive. 	<ul style="list-style-type: none"> Improves the effectiveness of the PDP through ensuring clarity over meaning of provisions Improves the effectiveness of the PDP through correction of confusing terminology of “calendar 12 month period” which could be interpreted as either 12 months, or a calendar year.

Recommended amendment to the definition of “Temporary Activities”
<p>Temporary Activities</p> <p>Means the use of land, buildings, vehicles and structures for <u>the following listed</u> activities of short duration, <u>limited frequency</u>, and are outside the <u>usual-regular day-to-day</u> use of a site, that include the following:</p> <ul style="list-style-type: none"> Temporary events Temporary filming Temporary activities related to building and construction Temporary military training Temporary storage Temporary utilities Temporary use of a site as an <u>informal</u> airport for certain community events <p>A temporary activity does not include the extension of an activity authorised by a resource consent where in contravention to any conditions of the resource consent.</p>

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> Potentially limits the scope of application of the definition Retains some ambiguous wording. 	<ul style="list-style-type: none"> Removes unnecessary clarification note recommended through the s42A report Specifies that temporary events must also be limited in frequency, which aligns with 	<ul style="list-style-type: none"> Improves the effectiveness of the PDP through greater clarity about the meaning of temporary activities.

	<p>duration limits of rules of the chapter.</p> <ul style="list-style-type: none"> • Removes “usual” from the definition which may be wide in interpretation, replacing this with “regular day-to-day use” which allows for consideration as to what occurs on a site day to day. 	
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Recommended amendment to the definition of “Temporary Events”
<p>Temporary Events Means the use of land, buildings, tents and marquees, vehicles and structures for the following activities:</p> <ul style="list-style-type: none"> • carnivals • fairs • festivals • fundraisers • galas • market days • meetings • exhibitions • parades • rallies • cultural and sporting events • concerts • shows • weddings • funerals • musical and theatrical entertainment, and • uses similar in character. <p><u>Note - The following activities associated with Temporary Events are not regulated by the PDP:</u></p> <p><u>(a) Food and Beverage</u></p> <p><u>(b) Sale of Alcohol</u></p>

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Adds to the length of the PDP to provide clarity over matters which are unregulated by it. 	<ul style="list-style-type: none"> • Clarifies that food and beverage and the sale of alcohol is not regulated by the PDP. 	<ul style="list-style-type: none"> • Improves the effectiveness of the PDP through a clearer indication that the sale of food and beverages (including alcohol) is not regulated by the PDP

Recommended amendment to the definition of “Building”

Building

Shall have the same meaning as the Building Act 2004, with the following exemptions in addition to those set out in the Building Act 2004:

- Fences and walls not exceeding 2m in height.
- Retaining walls that support no more than 2 vertical metres of earthworks.
- Structures less than 5m² in area and in addition less than 2m in height above ground level.
- Radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2m in diameter), less than 2m in height above ground level.
- Uncovered terraces or decks that are no greater than 1m above ground level.
- The upgrading and extension to the Arrow Irrigation Race provided that this exception only applies to upgrading and extension works than involve underground piping of the Arrow Irrigation Race.
- Flagpoles not exceeding 7m in height.
- Building profile poles, required as part of the notification of Resource Consent applications.
- Public outdoor art installations sited on Council-owned land.
- Pergolas less than 2.5 metres in height either attached or detached to a building
- Shipping containers temporarily located on a site for a period less than 2 months.

Notwithstanding the definition set out in the Building Act 2004, and the above exemptions, a building shall include:

- Any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for a residential accommodation unit for a period exceeding 2 months.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • May result in interpretation difficulties in combination with the last bullet relating to residential use of shipping containers exceeding 2 months. 	<ul style="list-style-type: none"> • Allows for shipping containers to be used temporarily on a site for less than two months, and be exempt from the definition of “building”, and therefore any other related provision applying to “Buildings” within the PDP. 	<ul style="list-style-type: none"> • The proposed amendment is effective in expressly allowing for the temporary use of shipping containers.

APPENDIX 3
Definitions of Temporary Activity from other plans

EXAMPLES OF "TEMPORARY ACTIVITY"

1. QLDC PDP definition (Chapter 2 – Definitions) – (N.B added “outside the usual use of a site”)

Temporary Activities	<p>Means the use of land, buildings, vehicles or structure for activities of short duration that include the following, but are not limited to:</p> <p>Any temporary building, office, scaffolding storage shed, workshop, safety fences and other similar buildings and activities that are incidental to a building or construction project and located on the same site:</p> <p>Temporary military training activities carried out pursuant to the Defence Act 1990:</p> <p>Temporary storage or stacking of goods or materials:</p> <p>Carnivals, fairs, galas, market days, tents and marquees, meetings, exhibitions, parades, rallies, filming, sporting and cultural events:</p> <p>Concerts, shows, musical and theatrical festivals and entertainment:</p> <p>Temporary sale of food and beverages, including liquor:</p>
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	<p>Means the use of land, buildings, vehicles and structures for activities of short duration and are outside the usual use of a site, that include the following:</p> <ul style="list-style-type: none"> • <u>Temporary events</u> • <u>Temporary filming</u> • <u>Temporary activities related to building and construction</u> • <u>Temporary military training</u> • <u>Temporary storage</u> • <u>Temporary utilities</u> • <u>Temporary use of a site as an airport for certain community events</u> <p>A temporary activity does not include the extension of an activity authorised by a resource consent where in contravention to any conditions of the resource consent.</p>
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2. Auckland Unitary Plan – decisions version (Chapter J – Definitions)

Temporary activity

An activity that:

- is outside the normal expected use of a site (or area within the coastal marine area); and
- has a start and end date and time.

Includes:

Proposed Auckland Unitary Plan Decision Version 19 August 2016

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J1 Definitions

- filming activities at temporary locations and activities accessory to that filming activity;
- activities accessory to a building or construction project, such as scaffolding, fencing, offices or storage sheds;
- Council HazMobile collections;
- carnivals;
- concerts;
- fairs;
- festivals and events;
- public meetings;
- parades;
- special events;
- sporting events;
- overflow parking;
- temporary military training (land based only);
- emergency response training, including live burns carried out by the New Zealand Fire Service; and
- structures accessory to temporary activities.

Excludes:

- markets;
- temporary military training activities within the coastal marine area;
- temporary structures within the coastal marine area; and
- temporary signs.

3. Christchurch Replacement District Plan

Proposed Definition

Temporary activities and buildings	Reliant definitions
<p>for the purpose of Chapter 6, means activities and their ancillary buildings that are intended to have a limited duration and incidence (one-off, infrequent, transitional or with a defined end date, as opposed to regular and ongoing) and:</p> <ol style="list-style-type: none">where utilising a permanent facility, are not part of the permanent activity that occurs therein; andcreate no, or only negligible, lasting alteration or disturbance to any site, building or vegetation. <p>Temporary activities and buildings includes:</p> <ol style="list-style-type: none">temporary activities and buildings following, and to assist in recovery from, a natural disaster, such as the temporary relocation of activities and buildings, storage yards, workers' temporary accommodation, the temporary raising of buildings for foundation repairs, public artworks and recreation and entertainment activities; andthe provision of car parking ancillary to a temporary activity, whether sealed or unsealed, provided in accordance with an approved Traffic Management Plan, except as otherwise specified in Section 6.4. <p>Note: Temporary buildings are required to comply with the provisions of the Building Act 2004.</p>	<p>Building Entertainment activity Public artwork Recreation activity Site</p>

Decision of panel

Temporary buildings and activities
<p>outside of the Central City means buildings and activities that are intended not to be permanent. Temporary buildings and activities include:</p> <ol style="list-style-type: none">temporary buildings ancillary to an approved building or construction project;one-off, occasional or recurring community or special events of short duration, such as carnivals, bazaars, festivals, markets, public meetings and exhibitions including associated vehicle parking and ancillary buildings, tents and marquees;temporary buildings and activities following, and to assist in recovery from, a natural disaster, such as storage yards, public artworks, recreation activities and entertainment activities, the temporary raising of buildings for foundation repairs, and the temporary relocation of buildings and activities. <p>Note: Temporary buildings may still be required to comply with the provisions of the Building Act 2004.</p>

4. Gold Coast City Plan 2016 (Version 3)

Temporary use	<p>A use that is impermanent and may be irregular or infrequent that does not require the construction of a permanent building or the installation of permanent infrastructure or services.</p> <p>Note – provisions for temporary use timeframes for defined uses may be provided within section 1.7 Local government administrative matters.</p> <p>Editor's note – it is recommended that local government use the ability under section 1.7 to further refine this definition for use within the local government area for defined uses.</p>
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**CITY OF
GOLD COAST™**

City Plan Version 3

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1.7 Local government administrative matters

- (1) City Plan means this City Plan, being a local planning instrument for the City of Gold Coast.
- (2) For the purpose of the definition of 'temporary use' in Schedule 1, a 'temporary use':
 - (a) On public land must not occur for more than 14 consecutive days in any one calendar year;
 - (b) On land other than public land must not occur for more than 7 consecutive days in any one calendar year
 - (c) the temporary use must not occur for more than 28 days in any one calendar year
 - (d) cannot include any industrial or residential activities; and
 - (e) does not require works such as vegetation clearing or other operational work.
- (3) For the purpose of the City Plan, 'film production' is exempt from material change of use, provided it:
 - (a) does not require the erection of permanent buildings;
 - (b) occurs for no more than twelve months in any two year period;
 - (c) does not result in any adverse impacts beyond the boundary of the site; and
 - (d) is undertaken in accordance with all State government requirements and City of Gold Coast Local Laws.

5. Dunedin 2GP

Temporary Activities

The category of land use activities that includes the following activities:

- construction
- filming
- military exercises;
- mobile trading
- temporary disaster management accommodation
- helicopter landings
- temporary events
- temporary signs.

Temporary Events

An event of limited duration occurring on a site where it is not part of the day-to-day purpose and function of the site.

This definition includes temporary buildings and structures associated with the temporary event, including any ancillary mobile trading.

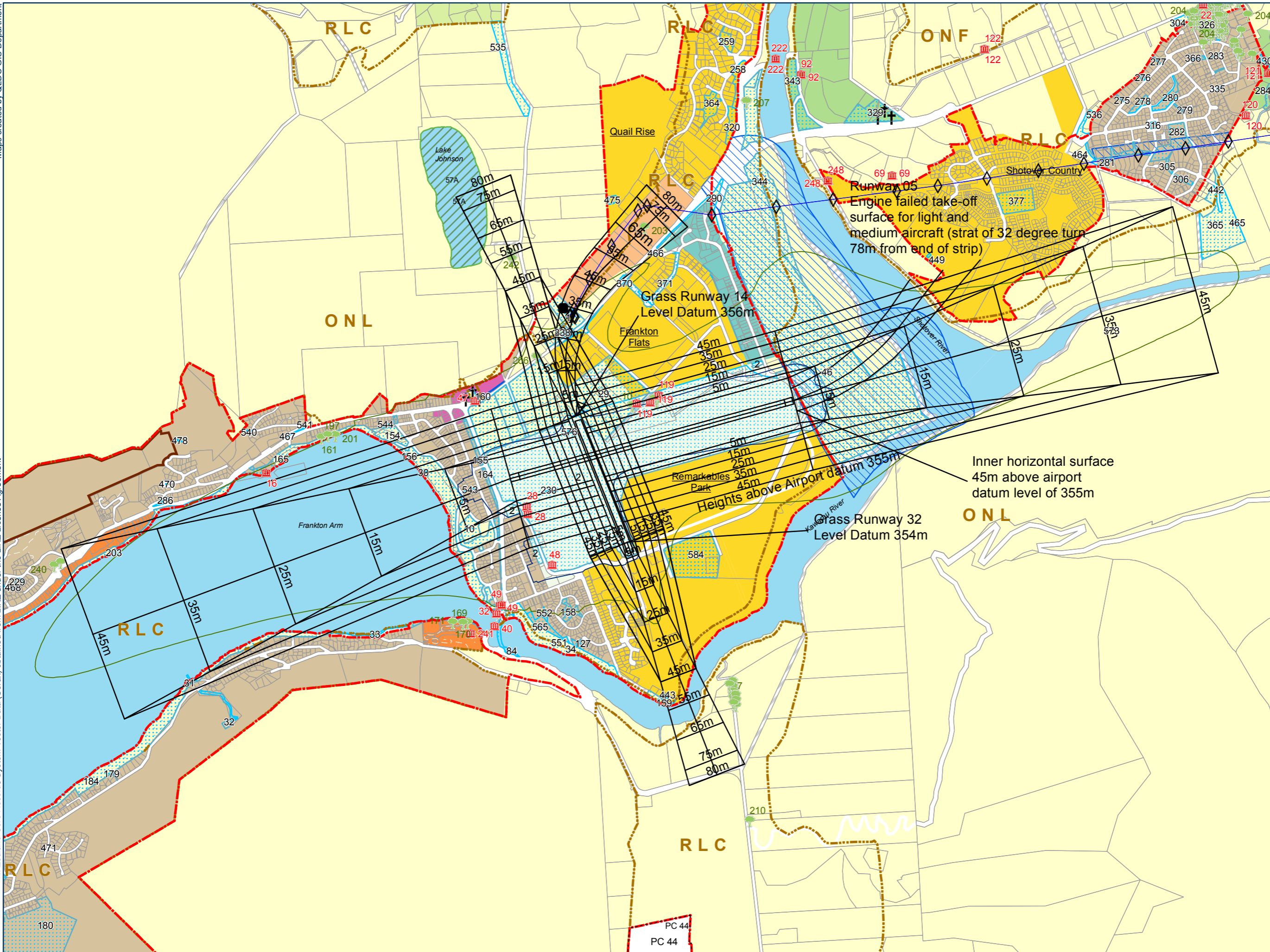
Examples are:

- galas, carnivals, market days, fairs;
- concerts, entertainment events;
- trade fairs or displays;
- pyrotechnics
- fundraisers
- promotional, community, recreation, or ceremonial events;
- A & P shows
- emergency response organisation training.

This definition excludes activities defined as sport and recreation, conference meeting and function, and entertainment and exhibition.

Temporary events are managed at two different scales - small and large scale.

APPENDIX 4
Draft OLS Planning Maps



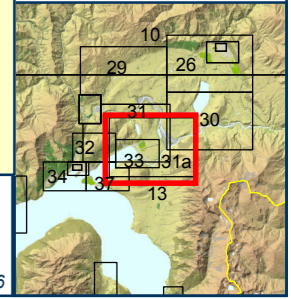
- Legend**
- ⛦ Open Cemetery
 - Transpower AC Substation
 - ◇ Transpower Pylons
 - 🏠 Historic Heritage Features
 - 🌳 Protected Tree
 - ⚡ Transmission Corridor
 - ▭ Parcel/Road Boundary
 - 🗺 Landscape Classification (ONF, ONL, RLC)
 - 🔴 Urban Growth Boundary
 - 📏 Queenstown Airport Air Noise Boundary (Ldn65)
 - 📏 Queenstown Airport Outer Control Boundary (Ldn65)
 - 🌿 Significant Natural Area
 - 🛣 Unformed Roads
 - 📏 Queenstown Heights Overlay Area
 - 🔵 Designated Areas
 - 🏠 Building Restriction
 - ⋯ Plan Change Boundary
 - 🏠 Medium Density Residential
 - 🏠 Low Density Residential
 - 🏠 High Density Residential
 - 🛍 Local Shopping Centre
 - 🏠 Airport Mixed Use Zone
 - 🌿 Rural
 - 🌿 Rural Residential
 - 🌿 Rural Lifestyle
 - 🌊 Water (zoned Rural unless otherwise shown)
 - 🏭 Industrial A Zone (Operative)
 - 🟡 Special Zones (Operative)

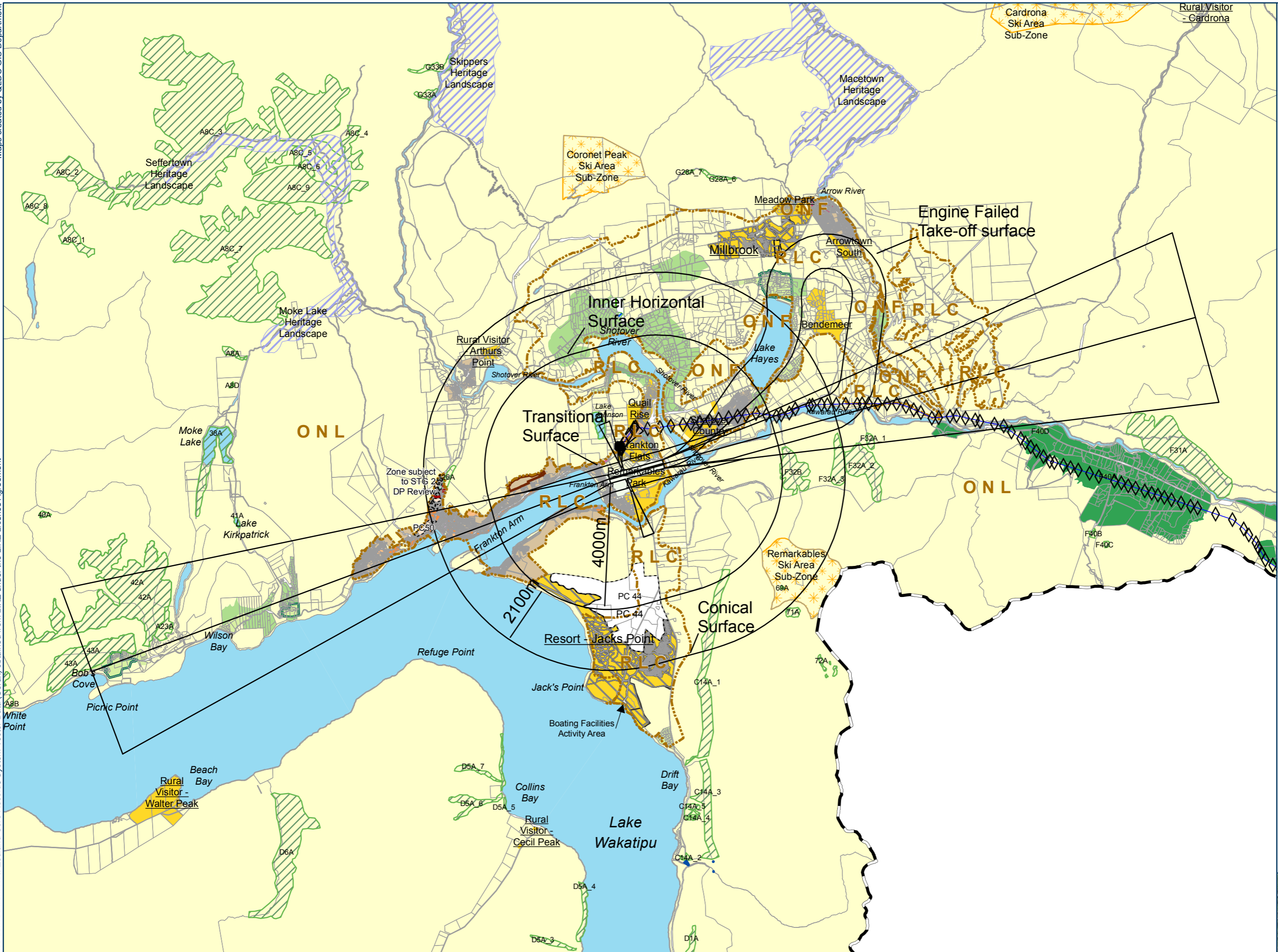


Proposed District Plan Map -



Date Published: 16/09/2016





Legend

- Transpower AC Substation
- ◇ Transpower Pylons
- Transmission Corridor
- Parcel/Road Boundary
- Landscape Classification (ONF, ONL, RLC)
- Territorial Authority Boundary
- Heritage Landscape
- Significant Natural Area
- Queenstown Heights Overlay Area
- Ski Area Sub-Zone
- Plan Change Boundary
- Rural Residential Sub-Zone
- Medium Density Residential
- Low Density Residential
- High Density Residential
- Town Centres
- Local Shopping Centre
- Arrowtown Residential Historic Management Zone
- Business Mixed Use
- Airport Mixed Use Zone
- Rural
- Rural Residential
- Rural Lifestyle
- Ferry Hill Rural Residential Sub-Zone
- Gibbston Character Zone
- Rural Lifestyle Deferred
- Rural Lifestyle Buffer
- Special Zone
- Water (zoned Rural unless otherwise shown)
- Industrial A Zone (Operative)
- Special Zones (Operative)
- Business (Operative)
- High Density Residential (Operative)

Appendix 5
Checklist and Application forms for Temporary Events

EVENT CHECKLIST

The Queenstown Lakes District offers amazing locations for events and currently hosts a wide range of events including high profile sport, concerts and festivals through to family events and community celebrations. QLDC wants to make sure these **events are successful, use sustainable practices, and have a positive impact on the district's communities, visitors and environment.** To do this event organisers must meet certain requirements, depending on the nature and likely impact of their event, and this may include obtaining resource consent.

This Event Checklist provides a guide to the main requirements for running an event in the Queenstown Lakes District. Even if you are running a low impact event take the time to consider each item on the checklist. Better planning will help you to run a more organised and successful event. This checklist also highlights the key information required when submitting a resource consent application.

THE BASICS - IMPORTANT INFORMATION FOR ALL EVENT ORGANISERS	
QLDC Events Office	Make sure you start your event planning by contacting the QLDC Events Office Team. Get in touch with Jan Maxwell or Marie Day for a chat or to organise a meeting; phone 03 441 0499 or email events@qldc.govt.nz .
Event Name	Consider the name of your event so it stands out from the crowd!
Event Description	What type of event are you holding and who are you aiming to attract to this event? Eg. sport, community, fundraising, arts.
Event Location/s	Where are you planning on holding your event? Is this on QLDC land or venues, private land, national park or local tracks and trails? Whose permission do you need for this event?
Expected numbers	Confirm the expected number of event participants / staff / volunteers / spectators. If your event is outdoors and has more than 200 people, or inside and has more than 500 people on site you will require resource consent .
Event Date	Before booking your event date make sure you research other events taking place at the same time. Consider questions such as: <ul style="list-style-type: none"> • Will other events complement or clash with your event? • Is this the best season for your event?
Venue Hire Agreement / Reserve Permit / DOC Concession	Book the venue/reserve as soon as possible to ensure the space is available for your event. This may mean booking up to a year in advance during peak times. The booking will not be finalised until you have met all other conditions eg. A copy of the site plan, zero waste plan, a DOC concession if using public conservation land, and resource consent (if required). QLDC Queenstown Venues/Reserves - E: bookings@qldc.govt.nz PH: 03 450 9109 QLDC Wanaka Venues/Reserves - E: lwc@qldc.govt.nz PH: 03 443 4173 All other QLDC Reserves - APL Property, E: queenstown@aplproperty.co.nz PH: 03 442 7133 Department of Conservation (DOC) – Concessions for Sporting Events (www.doc.govt.nz)
Key Contacts	Provide a list of contact names and phone numbers for all staff responsible for the management of the event. The list should include those responsible for overall event management, health and safety, sound system control, management of parking and security.
Event Runsheet	An Event Runsheet should provide a timeline of the event from start to finish including the set-up, the event and pack down, eg. What time is security arriving onsite to open the gates for set up staff and what time will the post event clean-up crew be finished? All of this information should be collated into a detailed event programme or run sheet which will include all the tasks associated with getting the event up and running and will be set by date, time, location and responsibility.
Permits and Licences	Depending on the type of event being held you may require a permit or licence for alcohol, fire, camping, amusement devices, gaming and hazardous substances.

<p>Site Plan</p>	<p>Draw up an Event Site Plan to clearly show:</p> <ul style="list-style-type: none"> • The location of any stages (including which way it faces) • Fencing of site and for ticketing • Marquees, stalls or shade structures (with relevant sizes) • Pick-up and drop-off areas for parking • Toilets, including numbers • Signage, including type, location and number • Ensuring no public area is blocked (unless specifically applied for) • Generators • Rubbish bins • Food or drink stalls • Entertainment / amusement devices.
<p>Course map</p>	<p>If event involves a course, provide a route map showing details of any obstacle / structure etc. (if any). Use QLDC GIS Mapping to access maps and aerial photos of the district.</p>
<p>Health and Safety Plan</p>	<p>As an event organiser, you have a duty of care towards all of the people associated with your event. That could be anyone from workers and volunteers to attendees. So that means you need a Health and Safety Plan to make sure everyone is kept safe.</p> <p>Here are some ideas about what to address in your Health and Safety Plan:</p> <ul style="list-style-type: none"> • What are the risks involved with your event and how are they managed? • How are Health and Safety issues and responsibilities communicated? • Do workers and volunteers have the knowledge and skills to perform their jobs safely? If not, who will be supervising them? • How will you report and record accident and incidents? • How will you deal with emergency situations? • Can you ensure contractors, partners and suppliers uphold their safety obligations? • Are tools and equipment used at the event safe? For example built stages, inflatable devices, amusement rides etc.
<p>Food Safety</p>	<p>As an event organiser you have a responsibility to make sure food vendors working at your event have adequate facilities to comply with food safety regulations. You must make sure all food at your event is suitable and safe to eat. Include information about how you plan to do this as part of your Health and Safety Plan and Event Runsheet.</p> <p>Complete the QLDC Food Vendor spreadsheet and email it to services@qldc.govt.nz.</p>
<p>Zero Waste Event Plan</p>	<p>Read the QLDC Zero Waste Events Guide. This guide is designed to help event organisers provide a successful event waste management plan.</p> <p>QLDC provide a list of Zero Waste Events Contacts which contains a list of all local resources, services providers, contacts and waste related contractors for event managers.</p> <p>Complete the following QLDC forms:</p> <ul style="list-style-type: none"> • Zero Waste Event form • Contractor Recommendation form
<p>Signage</p>	<p>Signage rules for temporary events:</p> <ol style="list-style-type: none"> a) Established no more than two months prior to the date of the event; b) Have an area no greater than 2m², or 3m² if a Banner; c) Are removed within 24 hours of completion of the event; d) Are limited to two signs fronting any State Highway and two signs fronting other roads; e) Must be for the purpose of advertising or announcing a single forthcoming temporary event; f) Are located on the site that the event is to be held on; and g) Are not located within the road reserve. <p>If you require any other event signage this should be applied for as part of an event resource consent application.</p>

RESOURCE CONSENT FOR EVENTS

RESOURCE CONSENT APPLICATIONS SHOULD INCLUDE ALL INFORMATION LISTED IN “THE BASICS” CHECKLIST, ALONG WITH THE ADDITIONAL CHECKLIST INFORMATION BELOW

<p>Confirm if your event needs Resource Consent</p>	<p>Event organisers must complete the online Application for Resource Consent to Hold an Event if their event does not meet following QLDC District Plan criteria:</p> <p><i>(d) Carnivals, Fairs, Galas, Market Days, Tents and Marquees, Meetings, Exhibitions, Parades, Rallies, Filming, Cultural and Sporting Events, Concerts, Shows, Musical and Theatrical Festivals and Entertainment</i></p> <p><i>Any temporary activity, including the use of buildings, for such purposes as carnivals, fairs, galas, market days, meetings, exhibitions, parades, rallies, filming, cultural and sporting events, concerts, shows, musical and theatrical festivals and entertainment, tents and marquees and uses similar in character, is a permitted activity provided that:</i></p> <ul style="list-style-type: none"> ▪ <i>The number of persons partaking in the activity at any one time does not exceed:</i> <ul style="list-style-type: none"> - 500 persons when the activity is undertaken inside a building; or - 200 persons when the activity is undertaken outside; and ▪ <i>The activity does not remain on the site for a period longer than 7 days, in any calendar year; and</i> ▪ <i>The activity complies with the relevant noise standards of the zone.</i>
<p>Number of events</p>	<ul style="list-style-type: none"> • How many events are you applying for? (i.e. x number per year for x years)
<p>Dates of event, including reserve day</p>	<ul style="list-style-type: none"> • Specify the date of the first event, including any reserve day required due to weather. • For future events, detail when these are to occur (i.e. 2 events comprising: 1 event during the months of March-April each year; 1 event during the months of October-November each year).
<p>Expected numbers (maximum)</p>	<ul style="list-style-type: none"> • Outline maximum number of participants in Year 1 and each subsequent year. • Number of staff / volunteers involved or required. • Expected number of spectators.
<p>Helicopter landings (if any)</p>	<ul style="list-style-type: none"> • Outline the number of helicopter landings for each event and their frequency. Include the landing pad on the event site plan.
<p>Traffic and Transport</p>	<ul style="list-style-type: none"> • Traffic Management Plan (TMP): A TMP is required if normal traffic movements, including pedestrian movements, are affected by the event. QLDC sign off required. • QLDC and /or NZTA Road Closure Approval • Public transport (Bus Company, bus numbers + seats per bus, frequency, stops) • Parking – numbers and location.
<p>Emergency Management Plan</p>	<ul style="list-style-type: none"> • Provide details about event safety and evacuation procedures in case of emergency. Should be relevant to the scale of event proposed. • Provide a statement outlining that the event organisers will contact the NZ Police, St John’s Ambulance and the NZ Fire Service. Specify whether any of these will be on site.
<p>Security</p>	<ul style="list-style-type: none"> • Details on the company that will be used and where they will be providing security.
<p>Recycling / Waste</p>	<ul style="list-style-type: none"> • Provide statement on how waste will be managed (including recycling). • Fill out and provide a Zero Waste Event Form.
<p>Toilets</p>	<ul style="list-style-type: none"> • Confirm how many toilets will be provided at each event. • Where will these be located (show on the event site plan)

Water supply	<ul style="list-style-type: none"> • Where will water be supplied from? • Will there be a backup if water runs out?
Noise	<ul style="list-style-type: none"> • Will there be any music or amplified sound? • Will there be any noise from any other activity? • If any activities will produce noise, provide details on this. If relevant, provide indicative noise levels.
Sale or supply of alcohol	<ul style="list-style-type: none"> • If alcohol is to be sold or supplied at an event, a Special Liquor Licence may be required. • The Special Liquor Licence will not be approved unless Resource Consent is approved. The Special Liquor Licence application and supporting documents must include an Event Management Plan which provides details such as managing entry into the event, security, how alcohol will be sold and managed, activities or entertainment planned, first aid / emergency services arrangements, a schedule for the events and key contact people.
Written approval required from affected parties	<p>If your event uses private land, water ways, tracks and trails or national parks WRITTEN APPROVAL is required by these affected parties, eg.</p> <ul style="list-style-type: none"> • Private land owners • Land Information New Zealand (LINZ) • Department of Conservation (DOC) • Upper Clutha Tracks Trust • Queenstown Trails Trust.
Building Consent	<p>If your event includes a temporary structure such as a stage or marquee (larger than 30m²) then you may require building consent. This building consent must be approved before resource consent will be approved.</p> <p>Discuss this with the QLDC Events Office and they can liaise with the QLDC Building Team to confirm if you will need building consent for any of your event structures.</p>

Need help?

We're happy to help you work through your event planning. Just get in touch with Jan or Marie at the Council Events Office - call 03 441 0499 or email events@qldc.govt.nz to arrange a time to chat.



**PERMIT FOR THE USE OF RESERVES ADMINISTERED BY THE
QUEENSTOWN LAKES DISTRICT COUNCIL (“the Council”)**

SCHEDULE 1 – APPLICATION DETAILS

Submission Date: _____

EVENT DETAILS	
Type	e.g. sporting, arts, community
Description	e.g. a trail running event comprising of [] participants

CONTACT INFORMATION	
Contact for Council	James Price (Property Manager)
Applicant	
Address	Postal and physical
Contact person details	Mobile, landline, email
Alternative contact person	Mobile, landline, email

PERMITTED AREA DETAILS	
Reserve	The reserve known as []
Part of reserve	That part of the Reserve outlined on the plan attached to this permit (Permitted Area)
Number of persons using Permitted Area	Must include all persons using the Permitted Area and role (staff, competitors etc.).
Event Start Date and Time	
Event Finish Date and Time	
Access requirements	e.g. whether any gates or other structures need to be opened.
Use of facilities	e.g. whether any public toilets or other public facilities need to be used.
Parking requirements	Number and type of vehicles and parking arrangements for all vehicles accessing the Permitted Area.
Details of equipment/ temporary structures	e.g. crowd barriers, scaffolding, marquees
Sound	Provide details of any amplified sound or loud noises
Security	Provide details of any proposed security

FEES	
Fee	\$ 12.50 plus GST per hour payable upon approval of this Permit
Bond	\$ TBA payable upon approval of this Permit

SPECIAL CONDITIONS
TBA

SCHEDULE 2 - RULES AND CONDITIONS

- 1/ **Reserves Act 1977:** This permit is granted in accordance with section 54(1)(d) of the Reserves Act 1977 [or section 56(1)(b) in the case of a scenic reserve] and is subject to the restrictions set out in that Act (including but not limited to the provisions in Schedule 1)(,
- 2/ **No Transfer:** This permit is not transferable and must be produced on demand. Proof of identity may be required of the Applicant producing the Permit.
- 3/ **Permitted Area:** The Applicant shall only be entitled to use the Permitted Area and shall not be permitted to use any other part of the Reserve,
- 4/ **Use:** The Applicant's use of the Permitted Area shall be restricted to the specific details in Schedule 1. The Applicant shall immediately inform the Property Manager of any proposed change to the details recorded at Schedule 1. Council retains the right to cancel this Permit should the notified changes result in substantial alteration to the details (in the opinion of the Council).
- 5/ **Water based activities:** This Permit does not allow the Applicant to carry out any water based activities from the Permitted Area unless specifically stated and also approved by Council and the Harbourmaster.
- 6/ **Fires:** The Applicant must not light any fires or carry out any other activity which could be considered a fire risk on the Permitted Area or the Reserve.
- 7/ **Property Manager:** The Applicant shall discuss its use of the Permitted Area with the Property Manager before accessing the Permitted Area. A site visit may be requested by the Property Manager.
- 8/ **Barriers:** Where the Property Manager deems it necessary, the Applicant shall provide all barriers, fencing, and the like (which shall be free-standing) necessary for cordoning off the Permitted Area.
- 9/ **Nuisance:** The Applicant shall not create any nuisance from its activities on the Permitted Area and shall immediately cease any activity which could be considered a nuisance (in the opinion of the Council) upon request by the Property Manager. The Applicant shall not bring the reputation of the Council into question as a result of its activities on the Permitted Area.
- 10/ **Noise:** The Applicant shall comply with the decibel levels set out in the Queenstown Lakes District Council District Plan. If noise complaints are received then noise levels shall be reduced.
- 11/ **Directions:** The Applicant shall comply with all reasonable instructions given by the Council or the Property Manager at any time.
- 12/ **Rubbish:** The Applicant shall collect and dispose of all rubbish and litter resulting from the use of the Permitted Area. If the Applicant fails to collect and dispose of all rubbish and litter by the expiry of this Permit then the Council shall be entitled to have the rubbish and litter removed and the cost of removal is to be borne by the Applicant, either by deduction from the Bond or payment direct from the Applicant.
- 13/ **Damage:** The Applicant shall be responsible for any damage done to the Permitted Area, the Reserve and any associated structures, such as BBQ, toilet blocks, trees, shrubs, turf, play equipment, seating, picnic tables and flower beds. The Applicant shall be responsible for completing all repairs at its cost required to the Permitted Area, the Reserve and the structures within two days of being advised of those repairs by the Property Manager.
- 14/ **Failure to repair:** If, after two days of being advised of the repairs, the damage is not repaired to the satisfaction of the Property Manager and no acceptable reason for the delay in effecting such repairs is given by the Applicant, the Property Manager will arrange for repairs to be carried out at the expense of the Applicant and the full Bond will be forfeited to the Council to cover the costs of those repairs. If the Bond is insufficient to cover the cost of the repairs the Applicant shall pay to the Council any additional costs on demand.

- 15/ **Health and Safety:** The Applicant shall ensure that all persons present on the Permitted Area during the term of this Permit comply with The Health and Safety in Employment Act 1992 (**HSEA**) or any legislation passed in substitution of that Act. If requested by the Property Manager, the Applicant must submit a Health and Safety Plan (audited by a person accredited by the Ministry of Business Innovation and Employment) to Council prior to accessing the Permitted Area and shall ensure compliance with this plan during the term of this Permit. The Council considers the Applicant to be in control of the Permitted Area during the term of this Permit and the Applicant shall take all practical steps to prevent any harm occurring. The Applicant is responsible for the safety of all users of the Permitted Area during the term of this Permit. An audit may be carried out by Council at any time during the term of this Permit to ensure compliance with the HSEA.
- 16/ **Hazards:** Hazards may be present at the Permitted Area or the Reserve or may arise as a result of the Applicant's activities on the Permitted Area. The Applicant shall, prior to entering the Permitted Area, identify and notify the Property Manager of all hazards identified and the procedures to be put in place by the Applicant to prevent/isolate such hazards. Where accidents, incidents or near misses occur on the Permitted Area or the Reserve the Applicant will immediately notify the Property Manager and advise the procedures that are being put in place to prevent further similar events.
- 17/ **Public:** The Applicant shall ensure that public access to the Reserve outside of the Permitted Area is maintained.
- 18/ **Consents:** This permit is not a consent under any other statute, regulation or bylaw affecting the Reserve or its use, and the Applicant shall prior to using this Permit obtain all necessary consents, licences and other permits necessary to allow it to use the Permitted Area for the purposes stated herein. In the event that the Applicant fails to hold such valid consent, licence or permit, then the operation of this Permit shall be suspended until such time as the Applicant holds such valid consent, licence or permit and the Applicant will vacate the Permitted Area during such suspension.
- 19/ **Insurance:** The Applicant shall obtain Public Liability (inclusive of exemplary and pecuniary damages) in the sum of \$1,000,000.00 for any one accident whereby the Council shall be indemnified against all actions, suits, claims, demands, proceedings, losses, damages, compensatory sums of money, costs, charges and expenses for which the Council shall or may be liable. A copy of this policy shall be provided and approved by Council prior to this Permit being approved by Council.
- 20/ **Indemnity:** The Applicant shall keep the Council indemnified against all claims, actions, losses, and expenses of any nature which the Council may suffer or incur or for which the Council may become liable in respect of:
- (a) the negligent or careless use or misuse by the Applicant or persons under the control of the Applicant of the Permitted Area or the Reserve;
 - (b) any accident or damage to property or any person arising from any occurrence in or near the Permitted Area or the Reserve wholly or in part by reason of any act or omission by the Applicant or persons under the control of the Applicant; and
 - (c) anything otherwise arising directly or indirectly from the use of the Permitted Area by the Applicant.
- 21/ **Risk:** Council shall have no liability whatsoever for the actions of the Applicant pursuant to the granting of this Permit and the Applicant acknowledges that the Applicant occupies the Permitted Area at its own risk in all things.
- 22/ **Suspension:** If the Council is not satisfied that the Applicant is complying with its obligations under this Permit then it may temporarily suspend this Permit for such period of time until the Council decides that the Applicant is complying with its obligations. The Applicant shall cease all activities on the Permitted Area during any period of suspension.

- 23/ **Restricted access:** If due to any fire, storm, earthquake, emergency or disaster, whether man-made or not, or for any other reason the Permitted Area is not available for use by the Applicant, the Council's liability under this Permit is limited to refunding the Fee to the Applicant.
- 24/ **Regulatory function:** Nothing in this Permit shall be read as limiting or otherwise affecting the proper and valid undertaking or exercise of any regulatory or statutory power or function by the Council or any part of its operations.
- 25/ **Bond:** The Council shall be entitled to apply the Bond towards remedying any breach of the terms of this Permit and/or the provisions of the Reserves Act 1977 by the Applicant. This is without prejudice to the Council's right to exercise any other remedy available to it at law (including but not limited to the right to enforce penalties for offences committed under the Reserves Act 1977).
- 26/ **No binding contract:** The Council shall not be obliged to grant this Permit until such time as:
- (a) it receives the fully completed and executed Permit from the Applicant; and
 - (b) the terms of the Permit are approved by Council (in its sole discretion).

I HAVE READ ALL RULES AND CONDITIONS OF THIS PERMIT AND AGREE TO ABIDE BY THEM.

Signature of Applicant: _____
(Permit not valid unless signed)

Approved on behalf of Council: _____