

Queenstown Lakes District Proposed District Plan – Stage 1

Section 42A Hearing Report For Hearing commencing: 12 September 2016

Report dated: 17 August 2016

Report on submissions and further submissions

Chapter 35 Temporary Activities & Relocated Buildings

File Reference: Chp. 35 S42A

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I also have referred to, and relied on the following evidence filed alongside this section 42A report:

Stephen Chiles, Acoustic Specialist – statement Chapter 36 Noise (Hearing Stream 05) dated 17 August 2016.

Dr Marion Read, Landscape Architect – statement (Hearing Stream 1B) dated 19 February 2016.

1. EXECUTIVE SUMMARY

- 1.1. The framework, structure and majority of the provisions in the Proposed District Plan (**PDP**) Temporary Activities and Relocated Buildings Chapter 35 should be retained as outlined and supported in the section 32 (**s32**) assessment (**Appendix 3**). However, some changes are considered appropriate, and these are shown in the Revised Chapter attached as **Appendix 1** to this evidence. A number are minor changes, or wording changes that provide better expression and greater realisation of the purpose of the RMA.
- 1.2. Submissions that have been made on definitions that are used in the Temporary Activities and Relocated Buildings Chapter have been addressed in this 42A report. The definitions and any recommended changes are recorded in **Appendix 1** for clarity. To avoid any doubt the purpose of including the definitions in **Appendix 1** is not to recommend that they become part of the chapter.
- 1.3. I consider that the Revised Chapter is more effective and efficient than the notified chapter, and also than the further changes sought by submitters that I have rejected. I consider that the Revised Chapter better meets the purpose of the Resource Management Act 1991 (**RMA**). The key reasons for this conclusion include:
 - (a) the limited effects of relocated buildings are managed through a permitted or controlled activity status regime, balancing the benefits of this activity while enabling sufficient control over reinstatement and amenity effects. This approach is significantly more enabling than the Discretionary activity regime of the ODP (**Operative District Plan**);
 - (b) the provisions recognise the contribution of temporary events to the economic, social and cultural vitality of the Queenstown Lakes District (**District**), and the regulatory framework provides appropriate support for temporary activities events and filming as permitted activities. The provisions recognise that noise is an anticipated component of temporary events and filming, and the rules provide exemptions from noise standards during the daytime, whilst protecting residential amenity at night; and
 - (c) temporary storage and temporary construction related activities are provided for, with appropriate controls over duration and scale; and

- (d) the provisions of the Temporary Activities and Relocated Buildings Chapter apply district wide, providing a consistent regulatory approach to temporary activities and relocated buildings.

2. INTRODUCTION

- 2.1. My Name is Kimberley Anne Banks. I am employed by the Council as a Senior Policy Planner. I hold the qualifications of Bachelor of Science (Geography) and a Masters in Planning (MPlan) from the University of Otago. I have been employed in planning and development roles in local authorities and private practice since 2009. I have been employed by the Queenstown Lakes District Council (**QLDC**) since 2015.
- 2.2. I am not the principal author of the notified PDP Temporary Activities and Relocated Buildings Chapter (**Notified Chapter**).

3. CODE OF CONDUCT

- 3.1. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. I am authorised to give this evidence on the Council's behalf.

4. SCOPE

- 4.1. My evidence addresses the submissions and further submissions received on the Notified Chapter. I discuss issues raised under broad topics, and where I recommend substantive changes to provisions I assess those changes in terms of s32AA of the RMA (see **Appendix 4**). The table in **Appendix 2** outlines whether individual submissions are accepted, accepted in part, rejected, considered to be out of scope, or transferred to another hearing stream.
- 4.2. Although this evidence is intended to be a stand-alone document and also meet the requirements of s42A of the RMA, a more in-depth understanding can be obtained from reading the 'Section 32 Evaluation Report – Temporary Activities

and Relocated Buildings', attached in **Appendix 3**. The s32 report in Appendix 2 contains links to further appendices and these, along with Monitoring reports can be found on the Council's website at www.QLDC.govt.nz.

4.3. I refer to and rely on the following evidence:

- (a) Dr Marion Read, Landscape Architect – statement dated 19 February 2016 (filed in Hearing Stream 1B -); and
- (b) Stephen Chiles, Acoustic Specialist – statement dated 17 August (filed in Hearing Stream 05).

5. BACKGROUND – STATUTORY AND NON-STATUTORY DOCUMENTS

5.1. The s32 Report on pages 2 to 5 provides a detailed overview of the higher order planning documents applicable to the Chapter. I summarise here the documents that have been considered in the preparation of this report.

5.2. The **RMA** - in particular the purpose and principles in Part 2, which emphasise the requirement to sustainably manage the use, development and protection of the natural and physical resources for current and future generations, taking into account the 'four well beings' (social, economic, cultural and environmental).

5.3. The **Local Government Act 2002** - in particular section 14, Principles relating to local authorities. Sub-sections 14(c), (g) and (h) emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

5.4. **Iwi Management Plans** - when preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Council's must "*take into account*" any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the District. Two iwi management plans are relevant:

- (a) *The Cry of the People, Te Tangi a Tauria*: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008); and

- (b) *Kāi Tahu ki Otago* Natural Resource Management Plan 2005 (KTKO NRMP 2005).

5.5. **Operative Otago Regional Policy Statement 1998 (Operative RPS)** - Section 75(3) of the RMA requires that a district plan prepared by a territorial authority must "*give effect to*" any regional policy statement. While there are no specific provisions for Temporary Activities or Relocated Buildings in the Operative RPS, it does contain objectives and policies relating to the sustainable management of the built environment, and waste minimisation, which are relevant. In particular,

- (a) Objectives 5.4.2 and 5.4.3 relate to avoiding degradation of Otago's natural and physical resources from land-use activities and the protection of the outstanding natural features and landscapes of the region;
- (b) Objective 9.4.1 seeks to promote sustainable management of the built environment to provide for amenity values and conserve and enhance the environmental and landscape quality while recognising and protecting heritage values;
- (c) Objective 9.4.3 seeks to minimise the adverse effects of the built environment on the natural and physical resources;
- (d) Policy 9.5.4 seeks to minimise the adverse effects of urban development and settlement, including structures, on Otago's environment through:

avoiding remedying or mitigating:

(d) Significant irreversible effects on:

...

(v) Heritage values, or

(vi) Amenity Values.

5.6. The objectives and policies highlight the importance of managing the amenity value of the built environment and outstanding natural landscapes. They provide the basis for the management of activities which have the potential to give rise to adverse effects.

5.7. **Proposed Otago Regional Policy Statement 2015 (PRPS)** – Section 74(2) of the RMA requires that a district plan prepared by a territorial authority shall "*have regard to*" any proposed Regional Policy Statement. The PRPS was notified for

public submissions on 23 May 2015, and contains the following objectives and policies relevant to the management of Temporary Activities and Relocated Buildings:

Objective 3.7 – Urban areas are well designed, sustainable and reflect local character.

Policy 3.7.1 - Using the principles of good urban design.

- 5.8. In relation to Objective 3.7, the PRPS states: "*The quality of our urban environment can affect quality of life and community viability. We need built environments that relate well to their surroundings...*".
- 5.9. Objective 3.7 and Policy 3.7.1 highlight the value of the urban environment and built form to community wellbeing, and the need to ensure retention of quality environments that integrate with their surroundings. This provides the basis for the management of relocated buildings, as a specific resource management issue potentially affecting both the built and natural environment.
- 5.10. In the context of temporary activities, this objective is also relevant, as poorly managed temporary activities have the potential to give rise to adverse effects on the environment. If well managed, they can also contribute to enhancing local character.
- 5.11. The hearing of submissions for the PRPS was held in November 2015 and, at the time of preparing this evidence, the hearing panel was deliberating on submissions. A decision on the submissions has not been issued.

6. BACKGROUND – OVERVIEW OF THE ISSUES

- 6.1. The s32 report (in **Appendix 3**) identifies that the PDP seeks to enable a more permissive approach to temporary activities with an acceptable level of effects, to avoid duplication of regulatory processes. The Notified Chapter also seeks to improve on identified issues associated with the ODP framework.
- 6.2. The key resource management issues identified by the s32 report include:

(e) Relocated Buildings:

- (i) the location of 'relocated buildings' provisions in a chapter that is otherwise restricted to 'temporary activities has in some cases led to confusion and poor legibility;
 - (ii) the relocated buildings rule excludes accessory buildings, which would include shipping containers;
 - (iii) whether the activity of relocating an existing lawfully established building within its own site should be a permitted activity;
 - (iv) whether 'new build' relocations require resource consent or are permitted; and
 - (v) a number of problems were identified with the definition of a 'Building' and its application to structures such as caravans and shipping containers.
- (f) Temporary Activities:
- (i) the single objective and two policies of the ODP are not well suited to the six diverse types of temporary activities covered in ODP section 19;
 - (ii) temporary events and temporary filming on public conservation land requires a concession from the Department of Conservation, and is a duplication of approval processes;
 - (iii) temporary events are often held on Council-owned and managed recreation land and require numerous approvals from different Council departments;
 - (iv) the limit of 200 persons permitted at outdoor events before resource consent is triggered is too low;
 - (v) difficulties in interpretation of the cap on total number of events on a site;
 - (vi) whether having a blanket discretionary activity status for any event that involves the sale of alcohol is necessary, given that the sale of alcohol is regulated under the Sale and Supply of Alcohol Act 2012;
 - (vii) the use of zone-based noise limits for managing noise from temporary events, which are almost always breached;

- (viii) relating to temporary construction related activities, consideration could be given to removing the 50m² limit and twelve month time limit;
- (ix) provision for on-site food/beverage activities for construction projects;
- (x) rules for temporary storage are very broad, and only exclude storage for farming purposes; and
- (xi) the large amount of assessment matters contained within the chapter, often duplicating requirements of other legislation.

7. ANALYSIS OF SUBMISSIONS

7.1. The RMA, as amended in December 2013, no longer requires a report prepared under s42A or the Council decision to address each submission point but, instead, requires a summary of the issues raised in the submissions. Some submissions contain more than one issue, and will be addressed where they are most relevant within this evidence.

7.2. The following key issues have been raised in the submissions, identified by order in this report:

- (a) Issue 1 – Regulation and activity status of relocated buildings;
- (b) Issue 2 – Sound insulation for relocated buildings;
- (c) Issue 3 – Regulation of temporary obstacles within airspace of the Queenstown and Wanaka airports;
- (d) Issue 4 – Temporary air shows;
- (e) Issue 5 – Temporary Activities undertaken within the Walter Peak Rural Visitor Zone and the (requested by submission) 'Cardrona Ski Activity Area', including Temporary Storage, Temporary Events and Temporary Construction Related Activities;
- (f) Issue 6 - Noise from temporary events; and
- (g) Issue 7 – Mining exploration and prospecting.

7.3. I note that the majority of submissions received on this chapter are (largely) duplicate submissions of Te Anau Developments Limited (**TADL**) (#607), Real Journeys (**RJL**) (#621), and Cardrona Alpine Resort Limited (**CARL**) (#615) (supported in all instances by the Cardrona Valley Residents and Ratepayers

Society Inc (FS1105), and Kay Curtis (FS1137)). The issues raised by these submitters have therefore been considered together under Issue 5 identified above.

- 7.4. I also acknowledge in all instances, the submissions of Queenstown Airport Corporation (**QAC**) (#433) have been supported by the Board of Airline Representatives (FS1077); and opposed by Queenstown Park Limited (FS1097) and Remarkables Park Limited (FS1117).
- 7.5. Where a provision has not been submitted on that provision is not discussed. Further, I have not discussed those submission points that are of minor significance, or that I consider have no coherent basis in the text of this report, although my recommendations for such submissions are set out in **Appendix 2**).

ISSUE 1 - REGULATION AND ACTIVITY STATUS OF RELOCATED BUILDINGS

Chapter framework

- 7.6. Relocated Buildings are regulated under the Temporary Activities and Relocated Buildings Chapter on a district wide basis.¹
- 7.7. The term 'relocated/relocatable building' is defined in Definitions Chapter 2 of the PDP as:
- “**Relocated/Relocatable building** - means a building which is removed and re-erected on another site, but excludes new buildings that are purpose built for relocation.”*
- 7.8. I consider the submissions on this Definition in Section 10 of my evidence.
- 7.9. I note that this is a new definition in the PDP, which (as stated in the s32 Evaluation Report - Definitions) was inserted with the purpose to make a distinction between older style relocated buildings, and new buildings that are prefabricated prior to being relocated.
- 7.10. The Notified Chapter advances a more enabling approach than the ODP, where the ODP classifies all Relocated Buildings as a Discretionary activity under Rule

¹ Except for the geographic area covered by Plan Change 50 to the ODP, which will continue to be regulated by the ODP.

19.2.1.2(i). The Notified Chapter retains a Controlled activity status for typical relocated buildings.

7.11. QLDC in its corporate submission (#383) submits to remove any differentiation between relocated buildings in the rural and residential zones, and provides a worked up example of the suggested amendments to notified Rules 35.4.2, 35.4.3, and 35.4.4, as replicated below.

	Temporary Activities and Relocated Buildings	Activity Status
35.4.2	<p>Relocated Building (Refer to Chapter 2: Definitions), in a Residential Zone that is any of the following, and a maximum of one per site except the following shall be permitted activities:</p> <ul style="list-style-type: none"> • a new build relocated residential unit that has been purpose built for relocation • a shipping container, <u>limited to a maximum of one per site;</u> • an accessory building under 30m²-36m² in gross floor area that is not a shipping container, <u>limited to a maximum of one per site;</u> • the repositioning of an existing lawfully established residential unit, residential flat or accessory building within its own site. <p><u>Control is reserved to all of the following:</u></p> <ul style="list-style-type: none"> • <u>the reinstatement works required to the exterior of the building and the time frame to execute such works.</u> • <u>the timeframe for placing the building on permanent foundations and the closing in of those foundations.</u> • <u>the nature of other works to be undertaken to ensure the building is compatible with the amenity values of the area.</u> • <u>Any requirement to impose a bond or other conditions to ensure completion of restoration work to an acceptable standard within a time frame.</u> • <u>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 mitigated¹.</u> <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>	PC

7.12. The reasoning given for the relief sought is that:

It is considered that a specific rule for rural zones is not necessary, and the rule can be restructured and amendments made to phrasing to provide certainty with the definitions of relocated building and relocation.

7.13. As identified above, this submission also seeks to make amendments to the exemptions under Rule 35.4.2 (notified and redrafted) including removing reference to prefabricated buildings; and increasing in the size for the exemption of accessory buildings from 30m² to 36m². Amendments to the matters of control are also proposed.

7.14. I consider the scope of this submission to amend notified Rules 35.4.2, 35.4.3 and 35.4.4 (which set out the Activity Status for Relocated Buildings) to ensure a consistent management approach across both rural and residential zones; and to make any changes illustrated in the worked up example.

7.15. The House Movers Section of the New Zealand Heavy Haulage Association (Inc) (**House Movers**) (#496) have also 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.

7.16. To summarise, the House Movers (#496) seek that all provisions for Relocated Buildings are either deleted from the PDP, or identified as permitted, subject to providing a building inspection report and meeting nominated time limits around the completion of reinstatement work. As such, this opens up scope to relax the notified provisions as they relate to relocated buildings.

7.17. Hunter Lees/Anne Kobienia (#126) have submitted on Objective 35.2.6 seeking that provisions regulating relocated buildings are strengthened to "*not produce the undesirable outcomes exhibited in recent local examples*". The submitter appears to be seeking changes to strengthen the provisions for relocated buildings to improve amenity outcomes.

- 7.18. In light of the above submissions, the approach for regulating Relocated Buildings has been reviewed, and some changes are recommended, as illustrated in **Appendix 1**.
- 7.19. In regard to the submission points of QLDC, I accept these in part, to restructure and rephrase the activity status of Relocated Buildings so that the rules are consistent across rural and residential zones. I also accept the removal of prefabricated buildings from the rule, as the exemption is addressed by the Definition of Relocated Buildings (both notified and redrafted). However, I do not accept all of the amendments sought by QLDC. I do not accept increasing the size for accessory buildings, because I recommend removal of this provision, as discussed later in paragraphs 8.35 to 8.45 of this evidence. I consider that accessory buildings do not warrant specific inclusion within the rules of this chapter.
- 7.20. Overall, a Controlled activity status has been retained, and notified Rules 35.4.2, 35.4.3 and 35.4.4 have been combined into a single activity status under redrafted rule 35.4.2. Minor amendments are also recommended to the matters of control (first and fourth bullet) to include reference to the timeframe for reinstatement works Rule (notified 35.4.3; redrafted 35.4.2), and deletion of the clause for natural hazards assessment (discussed in para 8.33).
- 7.21. The recommended changes to Rules 35.4.2, 35.4.3, and 35.4.4 are discussed through paragraphs 8.18 to 8.47 (and analysed in **Appendix 4** (s32AA))
- 7.22. The reasons for my recommendations are set out in the following section.

Regulation of relocated buildings versus in-situ buildings

- 7.23. In reviewing the provisions for relocated buildings, I initially consider whether relocated buildings should be regulated by the PDP any differently to in situ builds, and therefore whether the provisions should be removed from the Notified Chapter altogether, as advanced by the House Movers (#496).

- 7.24. On this matter, the House Movers in their submission reference the outcomes of an Environment Court decision (C45/2004)² stating that the Court considers the effects of relocated buildings are comparable to that of in situ buildings, and "*there is no reason to treat relocatable housing differently in terms of activity status, from in situ built housing.*" That decision was made on the particular facts of the case, and in the circumstances there was no evidence before the Court upon which it considered a different planning status was justified.
- 7.25. The House Movers' argument is that the potential effects of relocated buildings are comparable to in situ builds. However, I consider that their effects on the environment are different. Relocated buildings are often an older style of building, which can be more difficult to establish and/or retrofit, as they were developed in a time period and for a previous environment, also subject to different controls. A more relevant comparison therefore may be, whether a building of a similar appearance to the relocated building would be permitted to be developed (or anticipated) in the receiving environment today. Another relevant matter that distinguishes relocated buildings from in situ builds is that relocated buildings have a higher likelihood of being in a dilapidated state, and rehabilitative works could be required to ensure effects on amenity values are managed.
- 7.26. I refer to the evidence of Dr Marion Read³ in which she discusses the value of the Districts landscapes and their contribution to economic value, noting that "*with a landscape of high value and a high level of population growth I consider it necessary to manage that growth so that it could occur without detracting from the value and quality of the landscape.*"
- 7.27. In this circumstance, I consider that a cautionary approach is appropriate. I note that the District is one of the fastest growing and least affordable regions in the Country⁴, coupled with hotel shortages that are predicted to reach "*critical capacity status*" as early as the summer of 2016/2017⁵. Massey Universities' latest 'Home Affordability Report' (June, 2016)⁶ identifies the biggest annual decline in affordability was in the Central Otago Lakes region; and the region is now 66% less

² *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* (2004) Environment Court C45/2004, 15 April 2004.

³ Dr Marion Read, Landscape Architect – statement dated 19 February 2016 (filed in the Landscape hearing Stream 1B).

⁴ REINZ Central Otago Lakes Region Analysis for January 2016.

⁵ Regional Hotel Market Analysis & Forecasting, May 2016, Colliers International <https://www.nzte.govt.nz/media/6495222/regional-hotel-market-analysis-and-forecasting-may-2016.pdf>.

⁶ Home Affordability Report, Quarterly Survey, June 2016 (Vol 26, No. 2), Massey University <http://www.massey.ac.nz/massey/learning/colleges/college-business/school-of-economics-and-finance/research/mureau.cfm>.

affordable than the rest of the country. As accommodation demand increases (including demand for visitor accommodation and Air BNB activities as hotel shortages occur), there is a real possibility that the use of Relocated Buildings could become more attractive to landowners as either a cheaper housing solution, or, to provide supplementary rental income.

- 7.28. I consider that, relocated buildings have the potential to have positive effects for social and economic wellbeing, but require management to ensure that relocated buildings in a dilapidated state are appropriately managed. For the reasons outlined, I do not accept the submission point of the House Movers that all provisions for relocated buildings be deleted from the PDP. My view is that relocated buildings should be regulated by the district plan, as distinct from in situ builds. Recognising this position, I now consider the appropriate activity status.

Activity status and potential effects

- 7.29. I have considered the arguments put forward by the House Movers (#496) in which they consider that any potential adverse effect on amenity values caused by relocated buildings is generally remedied after an initial establishment period. And further, that relocated buildings can have positive effects through providing an affordable housing solution, and encouraging the recycling and reuse of materials that may otherwise be waste material. I concur with the House Movers on both of these points. I also consider that, in some cases, relocated buildings of a different style and period can contribute positively to the character of an area.
- 7.30. The resource management issue which the notified and redrafted chapter seeks to control is the timeframe and quality of exterior finish, and specifically, the potential risk (and adverse effects) of partly finished or deteriorating relocated buildings, not integrating with the surrounding amenity. While I acknowledge that this may also occur with in situ builds, I consider there is greater likelihood of relocated buildings giving rise to adverse effects as they are typically older style buildings with lower quality external appearance, partly contributed by weathering and deterioration over time. This is particularly so if they have been sitting in a building re-locators/house movers yard for a period of time before the house is purchased. They also do not progress through the same building stages as in situ builds; nor are they subject to today's building standards or rigour.

- 7.31. Recognising that the notified chapter seeks to control the limited effects of the timeframe and quality of exterior finish, in the context of reviewing the framework for relocated buildings within the scope of the submissions (discussed previously) of House Movers, QLDC and Hunter Lees/Anne Kobienia I have recommended amendments to the wording of Objective 35.2.6 and Policy 35.2.6.1 to make them less broad and more specific. I also recommend deletion of notified Policy 35.2.6.2 which referred to the provision of three waters services to the building, as this is irrelevant to the limited and defined matters of control for relocated buildings.
- 7.32. I have considered the potential scope of the Building Act 2004 and the Building Code to control the quality of external reinstatement and also the timeframe. The purpose of the Building Act 2004 (in section 3) focuses on ensuring buildings are safe and do not endanger people's health and wellbeing. I am of the understanding that in the case of relocated buildings moved into the District, the scope of the Building Act 2004 is limited to ensuring the building is placed on permanent foundations (approved by building consent) and is connected to infrastructure services. The Building Act 2004 is limited to ensuring the Relocated Building is safe and sanitary, of which to prove a building is unsafe or unsanitary requires a considerable evidential basis. As such, I do not agree with the House Movers that the rules of the PDP duplicate the requirements of the Building Act.
- 7.33. I consider that the Notified Chapter seeks, through a permitted and controlled activity regime, to recognise that the effects of relocation (as compared to in situ builds) are limited to the amenity effects associated with the time period for reinstatement works, and the quality of the exterior finish. In the rural context (refer to Chapters 21, 22 and 23 of the PDP – the Right of Reply versions), colour palette is also relevant to mitigate landscape effects, and is controlled by the zone provisions. A controlled status for relocated buildings has been advanced in the Notified Chapter recognising that a consent would be granted. However the activity status gives Council the ability to impose conditions in relation to timeframes and amenity effects if it considers necessary.
- 7.34. The House Movers advance an alternative approach to regulating relocated buildings, by providing for this activity as Permitted, subject to a set of performance standards. An extract from the submission highlighting the relief sought follows:

18. Provide for the relocation of dwellings and buildings subject to the following performance standards/conditions (or to same or similar effect):

Relocation of buildings

Relocated buildings are permitted where the following matters can be satisfied:

- a) Any relocated building can comply with the relevant standards for Permitted Activities in the District Plan;
- b) Any relocated dwelling must have been previously designed built and used as a dwelling;
- c) A building inspection report shall accompany the building consent for the building/dwelling. The report is to identify all reinstatement work required to the exterior of the building/dwelling; and
- d) The building shall be located on permanent foundations approved by building consent, no later than [2] months of the building being moved to the site.
- e) All work required to reinstate the exterior of any relocated building/dwelling, including the siting of the building/dwelling on permanent foundations, shall be completed within 12 months of the building being delivered to the site.

- 7.35. A number of qualifiers to the Permitted regime advanced by the House Movers in the requested rule above would result in practical difficulties in applying these provisions under the RMA, as follows:

- (a) the provision of a 'building inspection report' in clause (c) is vague, and provides no certainty as to what should be included within it (except that it will identify all reinstatement work), nor how it would address amenity effects. It also blurs the boundaries between the technical requirements of the Building Act 2004, the amenity considerations of the RMA (s7(c)) and the function of the Council under section 31 of the RMA. I do not support requested clause (c) as part of a permitted activity qualifier as I do not believe it is certain, and raises a question as to the value of providing the report, as the Council retains any discretion or not to "approve" the building inspection report as satisfactory;
- (b) the timeframes included in limbs (d) and (e) are also problematic, as compliance with these requires monitoring. Monitoring in this circumstance is problematic, as it would be difficult to justify the proactive allocation of resources for monitoring during the period in which the activity is permitted. Hence it is likely that monitoring would be triggered by complaint, at which time the building may have been present for some time. Furthermore, the practical result of these timeframes would be, if a building remained incomplete beyond 12

months it becomes a Restricted Discretionary activity (as advanced by the House Movers). By this time, the effects would have been present for 12 months; and

- (c) points (a) and (b) are considered to be immaterial and irrelevant to ensuring an environmental outcome associated with relocated buildings, part (a) is an advice note and (b) is irrelevant to the limited and specific amenity effects of relocated buildings that the PDP seeks to control. It is assumed that (b) attempts to distinguish buildings having the style of a dwelling from other relocated structures. However, relocated buildings can be similar in appearance to a dwelling, but not used as one (for example a church or community building).

7.36. Whilst I acknowledge that a resource consent process would result in costs to the applicant, the Controlled activity status provides certainty that a resource consent will be granted for the activity. Further, as the matters of control identified are limited, the Controlled activity framework is not likely to result in costly or excessive processing requirements. In my opinion the Controlled activity consent process may be more efficient than requiring an applicant to pay a private party to prepare a building inspection report as suggested as part of the Permitted activity standards proposed by the House Movers.

7.37. For these reasons I consider the controlled activity status in the Notified and Redrafted Chapters is appropriate. As outlined in the s32 report, a controlled status for a relocated building provides certainty that a consent will be granted, recognises that work can be undertaken to bring a building up to an appropriate amenity standard, and that this work can be controlled through conditions of a controlled activity consent. I also reiterate that the proposed controlled activity framework is more enabling than the ODP, which identifies all relocated buildings as fully Discretionary activities.

7.38. In retaining the controlled activity status, I have recommended amendments to the matters of control, as previously discussed, to include reference to the timeframe for reinstatement works. In addition, I recommend deletion of the fourth bullet under redrafted Rule 35.4.2 relating to natural hazards. This matter of control is unrelated to the effects of relocated buildings that the objectives and policies of the

Temporary Activities and Relocated Buildings Chapter seek to control, and imposes unreasonable restriction on controlled activities. Further, the restriction is used in an inconsistent manner in the chapter as it is not applied in the permitted activities standards. I consider this amendment gives effect to the relief sought by the House Movers (#496) through removing unnecessary restrictions on relocated buildings.

Relocated buildings in an urban/residential zone

- 7.39. As discussed in the corporate submission of QLDC (#383) I accept that there is no need to differentiate between relocated buildings in an urban/residential zone, versus those in a rural zone. The rules of the Notified Chapter identify that the provisions of the zone chapter still apply to relocated buildings. Therefore, in a rural context (as for any other zone), a relocated building remains subject to the standards for bulk, location, coverage and any design aspects (such as colours) that apply to the zone. They must also be located within a building platform within a rural zone. Therefore, it is considered that the controlled activity status will be sufficient to address the potential effects associated with this activity, in any zone. As such, Rule 35.4.3 and 35.4.4 have been combined such that the Controlled activity status applies to all zones.

Regulation of shipping containers and accessory buildings

- 7.40. At the outset, I note that the House Movers have sought that all provisions for relocated buildings be removed from the Notified Chapter. As such, this opens up the scope to relax the notified provisions relating to relocated buildings.
- 7.41. In reviewing the regulatory approach for relocated buildings, I believe it is necessary for the Temporary Activities and Relocated Buildings Chapter to distinguish between typical relocated buildings (eg. buildings previously used as a dwelling) and other accessory buildings and structures, such as shipping containers.
- 7.42. New Zealand Tungsten Mining Limited (**NZTML**) (#519) have submitted seeking that “shipping container” should be deleted from notified Rule 35.4.5, on the basis that “*it is not reasonable to require only one shipping container per rural site which may be significant in area*”. While this submission point references notified Rule

35.4.5, I interpret that it in fact seeks deletion of these words from notified Rule 35.4.4. I agree with the submitter and, as I discuss below, I consider that shipping containers are best managed consistent with other “buildings.” In the case of rural land, the applicable rule framework for “farm buildings” and other “buildings” will govern the number of shipping containers which could be established on a site. Whether the shipping container is a “farm building” or a “building”, according to the PDP definitions depends on its intended use.⁷

- 7.43. I note that the monitoring report and s32 report raise issues with shipping containers utilising exemptions in the ODP for accessory buildings, and therefore being permitted within boundary setbacks. I understand that this issue has arisen as a result of the operative rules for relocated buildings specifying that the discretionary status does not apply to accessory buildings under 30m² (ODP Rule 19.2.1.2); and alongside a possible increase in use of shipping containers as a storage solution. Upon reflection, I consider, however, that interpretation issues have resulted in shipping containers being incorrectly singled out as an issue, as other accessory buildings would also be permitted within boundary setbacks. I also question whether shipping containers were intended to be associated with the typical type of relocated buildings that the rules in the Temporary Activities and Relocated Buildings Chapter were crafted to regulate.
- 7.44. I see no reason why shipping containers should be considered any differently to other accessory buildings and structures of a similar nature, such as garden sheds, garages and caravans. I also see no reason why they should receive specific regulation in the PDP. I believe the Temporary Activities and Relocated Buildings Chapter should be limited to the regulation of Relocated Buildings, previously used as a dwelling or other urban purpose (eg. church, office) and having the appearance of a dwelling, similar to the example below, and not accessory buildings such as shipping containers.

⁷ Legal Submissions in Reply on behalf of Queenstown Lakes District Council, Hearing Stream 02 Rural 3 June 2016.



The former Millers Flat Church, Arrowtown, relocated by consent, and as included on Page 5 of the monitoring report.

- 7.45. I acknowledge the issues noted in the monitoring report whereby an example is given of a shipping container in an urban context, which is not residential in appearance. However I question the discernible effects of a shipping container, as compared to a garden shed or garage such that they should be regulated differently. I consider that shipping containers can be distinguished from more typical relocated dwellings in that, if located on the site, they are typically as an accessory building to an existing residential or rural use. If the Temporary Activities and Relocated Buildings Chapter were to include specific regulation of shipping containers, then in the same light it should also be regulating caravans and other such structures.
- 7.46. I consider that shipping containers are better managed in accordance with the relevant zone rules in the same way as "buildings" and "accessory buildings" are. For example, a shipping container on a residential property would be associated with a residential activity and a "residential unit" occurring on the site. In a rural context, its use may be related to farming activity, and if so, regulated as a "farm building".⁸ All relevant rules of the zone apply, including setbacks, height, recession planes and any building platforms.
- 7.47. The definition of "Building" was amended in the PDP specifically to include reference to such shipping containers:

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

⁸ Legal Submissions in Reply on behalf of Queenstown Lakes District Council, Hearing Stream 02 Rural 3 June 2016.

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

- 7.48. Based on this definition, where a shipping container is used on a site for residential accommodation for a period exceeding 2 months, it becomes a "Building." At this time, consideration of the use of the shipping container would be required under the relevant zone rules; in addition to the provisions of the relevant zone which regulate buildings (including setbacks, height limits, site coverage etc); and any requirements to bring the shipping container up to Building Code standards (if used for habitable use). If the shipping container was to become habitable and used for a residential purpose, then it is expected that exterior finish, cladding and other such structural matters would be covered by building consent; and in this instance the container is likely to become more residential in appearance.
- 7.49. Recognising these implementation issues and inconsistencies, I recommend that the provisions relating to shipping containers and accessory buildings are deleted from the Notified Chapter as they relate to rural zones [Notified Rule 35.4.2, second and third bullet; Notified 35.4.4 second bullet point]. This would leave shipping containers to be regulated by the zone chapter at the time that they become "buildings" in accordance with the definition of "building" in the PDP. This gives effect to the submission of the House Movers through deletion of additional restrictions on relocated buildings in the PDP. It also ensures consistency with the definition of "Relocated Building" advanced by this submitter, which references the term "building" and makes no mention of "shipping container" (discussed in Definitions section below).
- 7.50. CARL (#615), TADL (#607) and RJL (#621) submit that notified Rule 35.5.1 (which requires the painting of shipping containers after a period of two months) is amended to instead state painting is required after three months. No reasoning has been provided by the submitters, however their change can be interpreted to make this provision more permissive. I recommend deletion of notified Rule 35.5.1, as a consequential amendment to give effect to the submission of the House Movers (#496) (discussed above, which removes shipping containers from the Activity Table), and also giving effect to the intent of the submission by CARL, TADL and RJL. This rule is problematic as it requires compliance with a timeframe to confirm a permitted status; and lacks clarity as to what colour of painting is acceptable.

Bonds

7.51. I note that the corporate submission of QLDC (#383) identifies that the imposition of bonds should be included as a matter of control. The House Movers submission (#496) seeks that any reference to bonds is deleted. I consider that the matters of control set out in the Revised Chapter sufficiently manage the potential adverse effects of relocated buildings, such that bonds are unnecessary. The use of bonds could be considered an unreasonable imposition for a controlled activity, and would introduce new operational requirements on council, potentially for little benefit. On this basis, I accept the submission of the House Movers and recommend the corporate submission of QLDC is rejected.

Location in the plan

7.52. I now consider the location of the provisions for relocated buildings in the PDP, in response to the suggestion by the House Movers that these should be placed in the respective zone chapters. I acknowledge the cross referencing which results from the relocated buildings provisions being located within the Temporary Activities and Relocated Buildings Chapter, where the zone rules also apply. However, I support the comments of the s32 analysis⁹ on this matter and recommend that the provisions remain within the Temporary Activities and Relocated Buildings Chapter, for the following reasons:

- (a) the provisions address a discrete and district wide resource management issue;
- (b) varying management approaches across different zones is not intended, and therefore separating these provisions across multiple zones would result in unnecessary duplication to objectives, policies and rules across the PDP; and
- (c) the provisions are infrequently used, and their location in the Notified Chapter maintains the status quo of the ODP in terms of location, which retains a level of familiarity for plan users.

⁹ S32 Evaluation Report – Temporary Activities and Relocated Buildings (page 6, third bullet).

8. ISSUE 2 – SOUND INSULATION FOR RELOCATED BUILDINGS

- 8.1. QAC lodged a further submission (FS1340) opposing the relief sought by the House Movers to remove all provisions for relocated buildings from the plan. The reasoning provided is that all buildings should be subject to the rules of the relevant zone, and in particular the need for acoustic treatment within the Outer Control Boundary.
- 8.2. As already mentioned, the notified provisions applying to Relocated buildings are also subject to the rules of the zone in which they are located. This is identified by clarification (notified 35.3.2.4; redrafted 35.3.2.5). Therefore, regardless of whether the provisions are located within the Temporary Activities and Relocated Buildings Chapter or the individual zone, any rules requiring acoustic treatment would still apply. Furthermore, in the event that specific rules for relocated buildings were deleted from the plan altogether (relief also sought by the House Movers but not accepted) the provisions for in situ residential units/dwellings and relocated residential units/dwellings would be one and the same, and again, any rules requiring acoustic treatment would apply.
- 8.3. However, upon consideration of this submission point, it has become evident that the rules for acoustic treatment within the Low Density Residential Zone (7.5.3 for example) refer to *"new buildings, and alterations and additions to existing buildings."* One could perhaps argue that a relocated building is not new, and is neither an 'alteration' nor 'addition'. This is not intended, and regardless of practicality or cost, relocated buildings located within the noise sensitive environment of the OCB or ANB should be subject to the same acoustic treatment rules as in situ dwellings. In the interests of avoiding peppering sound insulation rules throughout the district plan chapters, or creating bespoke rules outside of those agreed under Plan Change 35, no changes are recommended to the Temporary Activities and Relocated Buildings Chapter. This clarification is considered best addressed within the residential hearing stream, and as such this submission point is recommended to be deferred to that hearing.

9. ISSUE 3 – REGULATION OF TEMPORARY OBSTACLES WITHIN OPERATIONAL AIRSPACE OF WANAKA AND QUEENSTOWN AIRPORTS

- 9.1. QAC (#433) seeks that the framework of the Notified Chapter incorporate objectives, policies and rules to manage temporary obstacles (such as cranes) within the airspace of the Queenstown and Wanaka Airports. QAC submits that, while acknowledging that obstacle limitation surface requirements are specified by Designations 4 and 65, "*the statutory obligations to obtain QAC's approval under section 176 of the [RMA] is often overlooked when considering applications for resource consent*" and further that "*temporary activities in the vicinity of airports are most frequently overlooked and can be established reasonably quickly*".
- 9.2. While the desire to manage obstacles within operational airspace is understood, I consider that the relevant Designations, in addition to the requirements of the *Civil Aviation Act 1990*, are the most appropriate way to manage operation airspace; and that a separate suite of provisions in the Notified Chapter would add unnecessary duplication to the PDP. I note the designation already refers the plan user to Part 77 of the Civil Aviation Rules.
- 9.3. The practical outcome of the provisions sought by QAC (in particular insertion of a new Standard within (notified) 35.5 for 'temporary structures') would be that if a structure was to penetrate the Airport Approach and Land Use Controls, then it would no longer be a "permitted activity," resulting in the need for resource consent via the default activity status under (notified) Rule 35.4.1. In which case, consultation with QAC would be required (as provided for under Section 176 of the RMA). QAC's suggested rule framework is therefore a roundabout way of duplicating the requirements of section 176 of the RMA. I do not accept that it would be efficient or effective to introduce a rule to the PDP, having the effect of the Council operating as a "middle man".
- 9.4. I also consider that, in the context of Temporary Activities, the erection of a crane or other such temporary obstacle, within operational airspace, may be established and removed before the Council is aware of a breach in the district plan rules. To address the concern expressed by QAC that such requirements are often overlooked for temporary activities, I consider that education and awareness campaigns may assist in highlighting the notification requirements, applying to tall structures in the vicinity of operational airspace.

9.5. I recommend QAC's submission on this matter is rejected.

10. ISSUE 4 – TEMPORARY AIR SHOWS

10.1. QAC (#433) seeks the inclusion of a new rule within (notified) Section 35.4 to identify, as a permitted activity, temporary air shows at the Wanaka Airport, and that the definition of "Temporary Activity" is amended to include air shows. The reasoning given is that "*temporary air shows such as Warbirds of Wanaka provide for the social and economic wellbeing of the community*".

10.2. I note that Temporary air shows are provided for under Designation 61 "Wanaka Airport, Aerodrome Purposes", which includes specific noise exemptions for "*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)*".

10.3. It is inferred from the submission that, similar to submissions presented in the Rural hearing stream, the basis for this submission arises because the Wanaka Airport, subject to Designation 64, benefits QAC (as the airport operator, on behalf of the Council as the Requiring Authority) however does not serve private operators who own landside facilities or undertake activities at the airport. The proposed rule would include temporary activities delivered by private parties associated with the biennial Warbirds Over Wanaka Air Show. Private parties undertaking activities at the airport are subject to the rules of the underlying Rural Zone.

10.4. As outlined within the Minute Issued by the Hearings Panel on 16 June 2016, the wider matter of the appropriate zoning of the Wanaka Airport has been deferred to the Hearing Stream 7 Business Zones. It is anticipated that a new zoning framework will be developed for Wanaka Airport, to better manage the activities carried out by private operators within the airport designation.

10.5. In the context of temporary activities, I concur that the 'Warbirds Over Wanaka' event contributes positively to social and economic wellbeing, and I consider that it should be enabled without unreasonable regulatory burden. I also understand that the current rural zoning of the Wanaka Airport could result in complexities for

private parties undertaking activities in association with this event. However, I do not accept that it would be efficient to resolve this matter within the provisions of the Temporary Activities and Relocated Buildings Chapter. Firstly, the Warbirds Over Wanaka is a biennial event, and this is specified within Designation 64. The relief sought by QAC however *could* enable temporary air shows on a more frequent basis, and also in other locations (as per the suggested amendment to the definition of Temporary Activities to include 'air shows' generally, which I return to in the Definitions section below. The submitter has not considered the district wide consequences of providing for an activity of this nature, in the Notified Chapter. As I discuss later in this report, I consider that the Notified Chapter is not the most efficient place to enable site specific activities. I further question whether such an event is anticipated within the scope of a "temporary activity", considering it is a now an anticipated occurrence at the Wanaka Airport, and occurs on a regular (2 yearly) basis. Temporary activities are defined by the PDP as "...activities of short duration and are outside the usual use of a site...". I consider the Warbirds Over Wanaka event, occurring every two years, and at the same location, to be within the "usual use of a site".

10.6. Whilst I accept it would be possible to construct provisions in the Notified Chapter restricting this to the Wanaka Airport and to the Warbirds over Wanaka event (and not district wide), I also acknowledge that the zoning of the Wanaka Airport will be considered within the Business Hearing stream, for possible integration with the Queenstown Airport Mixed Use Zone. I consider that provisions addressing the activities of private operators at the airport would be better placed in a zone specific chapter for the airport. A zone specific chapter would be better able to establish the appropriate regulatory framework and context for the event. This approach, in addition to the benefits QAC already receives under Designation 64, will provide an appropriate management approach. As such, I have transferred this submission point for later consideration within the Business Zone hearing stream.

11. ISSUE 5 - TEMPORARY ACTIVITIES WITHIN THE 'CARDRONA SKI ACTIVITY AREA' AND WALTER PEAK RURAL VISITOR ZONE

11.1. TADL (#607), CARL, (#615) and RJL (#621) seek a number of amendments to the objectives, policies and rules applying to temporary events, temporary storage and temporary construction related activities. I note that in all instances, the submissions of Cardrona Alpine Resort Limited (#615) are supported by the

Cardrona Valley Residents and Ratepayers Society Inc (FS1105), and Kay Curtis (FS1137). These further submissions are acknowledged and are not discussed further.

- 11.2. No reasoning has been provided for the relief sought by these submitters. It can be inferred that these submitters seek specific exemptions to enable, without consent, various operations to occur at Walter Peak (including for the operation of the TSS Earnslaw) (Submitters TADL (#607) and RJI (#621)), and within the proposed 'Cardrona Alpine Resort Area' (#615).
- 11.3. TADL (#607) and RJI (#621) seek further specific relief for annual maintenance works on the TSS Earnslaw.
- 11.4. I note that CARL seeks that the Cardrona Ski Area Sub Zone is replaced with a new zone called the 'Cardrona Alpine Resort Area', and that this zone is extended to include rural land identified by the submitter. The matter is to be considered in a later rezoning hearing stream. However, the submission points have been considered here, as the provisions of the Temporary Activities and Relocated Buildings Chapter apply district wide and are relevant to these zones. For clarification, all references to the 'Cardrona Alpine Resort Area' relate to the area proposed by CARL for rezoning. It is anticipated that the relief for the Temporary Activities and Relocated Buildings Chapter would be pursued by the submitter, whether the rezoning submission is successful or otherwise.
- 11.5. As they relate to the Notified Chapter, the submissions of TADL (#607), CARL (#615) and RJI (#621) are for the most part consistent. I therefore address their submissions together.
- 11.6. Generally, any relief sought for a specific provision or exception of the rules of the Notified Chapter for these specific zones has not been accepted. The Notified Chapter functions as a district wide chapter of the PDP, containing provisions which are relevant to the specific activities included within it, and across all zones of the PDP. The Temporary Activities provisions of the Notified Chapter apply to uses that are "temporary", and as such are not intended to apply to more regular or permanent activities, such as those occurring at Walter Peak or within the 'Cardrona Alpine Resort Area'.

11.7. As discussed above the PDP defines *Temporary Activities* as (Chapter 2).

*"Temporary Activities - Means the use of land, buildings, vehicles and structures for activities of **short duration** and are **outside the usual use of a site...**"*
[Emphasis added].

11.8. Such provisions have district wide application because firstly, a consistent regulatory approach is desired for temporary activities and relocated buildings; and secondly, the chapter addresses a select 'niche' of land uses, typically not contemplated by respective zone chapters. Therefore, there is a need to identify when the provisions in the Temporary Activities and Relocated Buildings Chapter apply to activities in a different manner than the provisions of the relevant zone chapter. For example, taken on face value, a temporary event undertaken in the Rural Zone may appear to be non-complying, as it is not otherwise addressed in the activity table. In addition, standards of the zone (eg setbacks, building size) would likely be overly restrictive and not possible to achieve. However, the provisions in the Temporary Activities and Relocated Buildings Chapter clarify that the temporary event has a Permitted or Restricted Discretionary activity status.

11.9. Bespoke exceptions for individual zones are not intended within the Notified Chapter. The activities that the submitters request exclusions for in the Walter Peak Rural Visitor Zone or the 'Cardrona Alpine Resort Area', appear to be activities of a regular and permanent nature. The regulation of regular or permanent activities is beyond the purpose of the Temporary Activities and Relocated Buildings Chapter. I consider the type of activities these submitters seek to be enabled under Temporary Activities and Relocated Buildings Chapter may be more associated with existing or proposed commercial recreation or activities. Such activities would be more appropriately addressed under the specific zone provisions; or alternatively via a resource consent process under the RMA. I note that the scope of activities enabled within the Ski Area Sub-zones and surrounding rural land was considered within the Rural Hearing Stream.

Temporary Events

11.10. Temporary Events are supported and encouraged by the framework of objectives, policies and rules of the Notified Chapter. In terms of Temporary Events, the Notified Chapter is again more enabling than the ODP. It reduces the

circumstances in which consent is required (such as through increasing the threshold for numbers of people from 200 to 500 persons), and removing the need to comply with noise limits for most daytime events.

11.11. TADL (#607), CARL (#615), and RJL (#621) seek a number of changes to the provisions for temporary events, including to:

- (a) specifically permit food and beverage activities associated with temporary events;
- (b) amend Policy 35.2.1.2 to include specific reference to "*weddings and temporary functions*", and widening of this policy to apply to events during both day and night through the deletion of "*during night time hours*"; and
- (c) provide an exemption under Rule 35.4.8 for temporary activities undertaken within the 'Cardrona Ski Activity Area' or the Rural Visitor Zone Walter Peak.

11.12. These are addressed separately below.

Food and beverage activities

11.13. In regards to food and beverage activities, I note that the definition of "Temporary Activity" was amended under the PDP and deleted specific reference to the "*Temporary sale of food and beverages, including liquor,*" which is mentioned in the ODP definition. A new definition of "Temporary Event" has also been included within the PDP, and again does not specifically refer to food and beverages. While no reasoning for the relief sought has been given, I consider deletion of this reference may have led to an interpretation that such activities were no longer considered within the scope of temporary events. I refer to submissions on this definition, in more detail below.

11.14. Safety and hygiene matters associated with the service of food are regulated by the Food Act 2014 in addition to Council bylaws. The serving of alcohol at temporary events requires a liquor licence, and a comprehensive application is necessary including details such as the days and hours of sale, and whether amenity and good order of the area would be substantially reduced by the service of alcohol.

- 11.15. I note that the ODP contains an assessment matter related to '*compliance with food hygiene standards and regulations*', and events involving the sale of alcohol trigger a Discretionary activity status. However, the PDP seeks to remove duplication in process and the equivalent assessment matter has not been notified, recognising sale of liquor is regulated under other legislation, which sits outside the RMA. For this reason, specific mention of food and beverage has been removed from the definition, and there are also no related rules.
- 11.16. Nonetheless, the service of food and beverages is an anticipated (and often integral) component of temporary events and functions. The removal of reference to food and beverage activities from the definition of "Temporary Event" essentially means that these elements of temporary events are not regulated by the PDP, to be otherwise authorised under separate legislative processes. The s32 report (page 36) discusses the benefits of removing consent trigger for the sale of liquor, noting that this is otherwise assessed by Council's liquor licencing department under the Sale and Supply of Alcohol Act 2012.
- 11.17. For these reasons, the relief sought by TADL (#607), CARL (#615), and RJL (#621) is not supported. The inclusion of a new rule within notified 35.4 to permit temporary food/beverage activity is unnecessary, as this activity is now unregulated by the PDP for temporary events (as discussed above). The suggested amendment to Rule (notified 35.4.13; redrafted 35.4.11) is unrelated to temporary events, as the notified rule applies specifically to temporary construction related activities and a further qualifier for temporary events and functions is not necessary.

Policy (Notified 35.2.1.2)

- 11.18. TADL (#607), CARL (#615), and RJL (#621) seek the following amendment to notified Policy 35.2.1.2:

Permit weddings, temporary functions and small and medium-scale events ~~during daytime hours~~, subject to controls on event duration, frequency and hours of operation."

- 11.19. The effects of the changes sought are twofold. Firstly, the inclusion of "*weddings, temporary functions*" advances specific reference to these activities, and secondly, the removal of "*during daytime hours*" would result in an expectation that such events are 'permitted' during all hours, including at night time.
- 11.20. On the first matter, the application of this policy is intentionally broad, to encompass a range of temporary events, not limited to "weddings" or "temporary functions". This policy is given effect to by the temporary events enabled as permitted activities under notified Rules (notified 35.4.5; redrafted 35.4.3 to notified 35.4.9; redrafted 35.4.7); in addition to the definition of "Temporary Event" (which includes weddings). It is in my view unnecessary to limit this policy to these specific types of temporary events; and doing so would compromise the ability of the policy to apply to a raft of other events. Furthermore, the separation of "weddings and temporary functions" from "**and** small and medium scale events", suggests that the submitter is attempting to enable weddings and temporary functions which are larger than "small and medium scale". This would be inconsistent with the scale of temporary events enabled as permitted activities under Rule 35.4.8 (redrafted 35.4.6) status for temporary events. This is a matter for the definition of "Temporary Event" and not this particular policy (of which I note these submitters have raised no concern with the definition).
- 11.21. On the second matter related to noise, Policy 35.2.1.2 in particular gives a basis and direction for decision makers to the rule framework, which specifies the circumstances in which exemption from noise limits applies to temporary events. This is a significant departure from the ODP framework, where noise standards of the zone currently apply to all temporary events, almost always resulting in non compliance. This is the basis for use of the word "permit", qualified by "during daytime hours." Rules (notified 35.4.5 to 35.4.9; redrafted 35.4.3 to 35.4.7) are structured such that noise limits will always apply during night time hours (with the exception of events on public conservation land under Rule (notified 35.4.5; redrafted 35.4.3) as these are subject to concession processes). Policy 35.2.1.7 guides the assessment of other events during night time hours, and therefore supports Policy 35.2.1.2.
- 11.22. The relief sought by TADL (#607), CARL (#615), and RJL (#621) to amend Policy (notified) 35.2.1.2 is therefore not supported, as it would inappropriately limit the scope of this policy, having district wide application.

Exemption under Rule (notified 35.4.8; redrafted 35.4.6)

- 11.23. Rule 35.4.8 specifies criteria which an event must comply with, in terms of duration and scale, to be permitted. TADL (#607), CARL (#615), and RJL (#621) seek that the 'Cardrona Ski Activity Area' and the Rural Visitor Zone Walter Peak be excluded from these rules.
- 11.24. As discussed previously, it is not considered efficient or necessary to create bespoke exceptions to the Rules of the Notified Chapter to these zones. Furthermore, the Notified Chapter applies to activities of a temporary nature. Seeking specific exclusion of these zones would indicate desire to permit activities of a more permanent nature. It is noted that events at Walter Peak for example occur on a regular basis in association with wider offerings of the site and restaurant.
- 11.25. The exclusion sought would also enable events significant in scale and potential effects. For example, exclusion from Rule 35.4.8 could allow events with more than 500 people, and for any length of time and frequency. While I recognise the physical separation of these particular areas from urban environments, no justification for exclusion from this rule has been provided, and I continue to hold the view that such exemptions, if justified, would be better addressed through the relevant zone provisions. Again, I reiterate that the Temporary Activities and Relocated Buildings Chapter has the purpose to enable a niche of activities that are of a temporary nature. Limits on frequency are applied for temporary events under 35.4.8 for this reason, ensuring they remain 'temporary'. The sought exclusion from this rule, to enable events of any size, duration, and frequency, suggests such activities should be otherwise enabled through the zone or via a resource consent.
- 11.26. The relief sought is therefore not supported.

Temporary storage

- 11.27. TADL (#607), CARL (#615), and RJL (#621) seek amendments to notified Objective 35.2.5, and supporting notified Policies 35.2.5.1 and 35.2.5.2 to specifically permit temporary storage for "*visitor and resort zones*" and for

"*transport, tourism and visitor accommodation activities.*" While no reasoning has been provided by the submitter, I consider the scope of this submission point to be seeking any amendment to the provisions which would provide for temporary storage for the specified areas or uses.

- 11.28. The section 32 report identifies that "*Objective 35.2.5 is intended to retain provision for this [temporary] storage, while specifically differentiating between regular storage of goods and materials and those associated with farming*". It would appear that the original basis for rules relating to temporary storage was the desire to clarify that storage for farming is permitted. However in identifying what is permitted, this also created the need to specify how any other temporary storage, not for farming, should be managed.
- 11.29. However, the limitation of the notified Objective 35.2.5 to "rural areas" does not enable provision for any other type of temporary storage, or for activities other than farming; although this is further qualified by the associated policies. Therefore the notified Objective 35.2.5 does not address temporary storage for the "*visitor and resort zones*" and for "*transport, tourism and visitor accommodation activities*" as requested by TADL (#607), CARL (#615), and RJL (#621).
- 11.30. As discussed previously, bespoke exceptions for individual zones are not intended within the Notified Chapter and, furthermore, are unnecessary given that the provisions apply district wide. For this reason I do not support the specific wording advanced by these submitters. However, I acknowledge that amendment to notified Objective 35.2.5 is necessary to ensure it applies in a broad sense, to account for temporary storage for all areas and zones, and is not limited to rural areas. To achieve this, I recommend deletion of "in rural areas" from notified Objective 35.2.5. This amendment is analysed in **Appendix 4** (s32AA).

Temporary Construction Related Activities

- 11.31. TADL (#607), CARL (#615), and RJL (#621) seek the following addition to the range of permitted activities encompassed by Rule (notified 35.4.12; redrafted 35.4.10)
- *Associated with the construction (including reconstruction, repair, maintenance, upgrading) of vessel survey work undertaken in relation to the*

"TSS Earnslaw" and associated buildings and structures including slipway at Kelvin Peninsula;

- *Associated with the construction (including reconstruction, repair, maintenance, upgrading) of buildings, structures and infrastructure with the Rural Visitor Zone Walter Peak and Cardrona Ski Activity Area.*

11.32. On the first bullet addition sought relating to the TSS Earnslaw, the proposed amendment would presumably enable annual maintenance works to the TSS Earnslaw. Again, I reiterate it is not the purpose of this chapter to regulate activities which occur on a regular basis or to provide bespoke exceptions to the rules. I also consider that if R/JL seek to have their annual maintenance works authorised by more formal means, then there may be more efficient ways of achieving this than the exclusion from rules in the PDP for a single, site specific activity.

11.33. The requested amendment would also enable "*upgrading*" to "*associated buildings and structures, including the slipway.*" I note that the heritage features of the slipway at Kelvin Heights were considered within the Historic Heritage and Protected Trees Hearing Stream; and the position of the Council is that they retain a listing of Category 2. This classification allows for "minor repairs and maintenance" to be carried out as a permitted activity. Any other works (such as alterations or additions) would require Restricted Discretionary resource consent. Enabling such works under the Temporary Activities and Relocated Buildings Chapter would be inconsistent with the heritage rules, and further would have no effect as the Heritage Chapter overrides the provisions of the Temporary Activities and Relocated Buildings Chapter (as per Clarification (notified) 35.3.2.3).

11.34. In regards to the matter of temporary construction works within the Walter Peak Rural Visitor Zone and Cardrona Ski Activity Areas, qualification that the rule applies to these zones is unnecessary as Rule (notified 35.4.12; redrafted 35.4.10) applies District wide. However it would appear that the submitters also seek to provide for "upgrade" of "buildings, structures and infrastructure" in these areas. No justification has been provided, and the requested additions to the rule, without limitation on scale, could give rise to significant adverse effects. It would appear the submitter seeks to advance any future works without any need for consent or consideration of the effects of the environment. I note that the provisions of the Walter Peak Rural Visitor Zone are to be considered in Stage 2 of the district plan review, and the potential to enable those works referred to by TADL (#607), CARL

(#615), and RJL (#621) may be considered at that time. For these reasons, I do not accept the relief sought related to Temporary Construction Related Activities.

12. ISSUE 6 – NOISE FROM TEMPORARY EVENTS

- 12.1. The provisions for Temporary Activities within the Notified Chapter, in most instances, take precedence over any other provision of the PDP (with the exception of PDP Chapter 26 Historic Heritage, and the operative Chapters 31 Hazardous Substances and 24 Signs, as specified by notified 35.3.2.3). However, in relation to the management of noise from temporary events, the rules of notified Section 35.4 (Rules – Activities) specify when the Noise Rules (Chapter 36) will apply to the Activity.
- 12.2. Under the ODP, a temporary event is required to comply with the relevant noise standards of the zone (ODP Rule 19.2.2.3(d)). This has resulted in issues relating to compliance with the noise standards. As outlined in the s32 report, noise is an anticipated component of temporary events, and to encourage temporary events and filming, a more enabling approach has been taken within the PDP.
- 12.3. Under the PDP, the noise rules only apply to temporary events held within a permanent, purpose built facility (Rule 35.4.6), and temporary events held during night time hours. Policy 35.2.1.7 establishes the basis for this more enabling rule framework within the PDP, yet retains a level of protection for residential amenity during night time hours.
- 12.4. Policy 35.2.1.7 is sought to be amended by TADL (607), CARL (615), and RJL (621). The relief sought by these submitters is identified below:

35.2.1.7 Recognise that noise is an anticipated component of temporary events and filming, while protecting residential activities in residential zones ~~residential amenity~~ from undue noise during night-time hours.

- 12.5. The relief sought by these submitters would have the effect that noise, created by and associated with temporary events, could only be managed or regulated if the event was in a "residential zone". The protection of "residential amenity" under this policy (as notified) is intended to apply to all zones in which a "residential" activity is located, and is not limited to a 'residential zone'.

12.6. Temporary events occur in all manner of locations, such as within the Town Centre or Rural General zones not typically considered as 'residential', however often including or being adjoined by residential uses. This policy has been intentionally limited to night time hours in which public tolerance for noise generating events is reduced. Events held during night time hours, if in breach of the noise standards of the zone, would require Discretionary resource consent via Rule (notified) 35.4.1, and noise effects may be considered.

12.7. I refer to the evidence of Dr Stephen Chiles in which he identifies that the notified wording of Policy 35.2.1.7 is appropriate on the basis that:¹⁰

"With respect to the time limits specified in notified Rules 35.4.7, 35.4.8 and 35.4.9, these do not just apply to residential zones so it would be inconsistent to limit notified Policy 35.2.1.7 to residential zones. For example, the rules are also protecting residential amenity in rural zones and resort zones between 2000h and 0800h.

In the Town Centre zones (which have a later start to the night at 2200h) the night-time noise limits are still set for residential amenity. It is a lesser standard of residential amenity than in residential, resort or rural zones, but it is still related to residential amenity."

12.8. As such, the relief sought is rejected, on the basis that the protection of residential amenity is not limited to residential zones. These provisions support section 7(c) of the RMA.

13. ISSUE 7 – THE FREQUENCY OF TEMPORARY EVENTS

13.1. QLDC (#383) in its corporate submission seeks that the frequency of temporary events enabled as a permitted activity under Rule 35.4.8 be reduced from 12 times in any calendar 12 month period, to 7 times. The reasoning provided is that this is consistent with the temporary nature of events provided for under this chapter. I accept this position as I consider that one event per month, of potentially 6 days or more (including setup and pack down) is beyond the scope of a "temporary event". I therefore accept the proposed amendment.

¹⁰ Dr Stephen Chiles, Acoustics Expert – statement dated 17 August 2016 at [15.3] – [15.4].

14. ISSUE 8 – MINING - EXPLORATION AND PROSPECTING

- 14.1. NZTML (#519) seek specific identification of exploration and prospecting activities as permitted temporary activities, including amending the definition of Temporary Activity to include "*Temporary Exploration and Prospecting*." I do not consider these activities to be within the concept of temporary activities managed in the Notified Chapter and for the reasons that follow, I do not accept the relief sought by this submitter.
- 14.2. The Rural Zone chapter establishes the framework identifying where consent is needed for exploration and prospecting activities, and it is unlikely that such activities would occur in other zones such that a district wide approach is needed. If they did, there is a likelihood that the activity, albeit of a short duration, could be at odds with the purpose of the zone. I consider also that if the submitter were undertaking mining works in a zone other than Rural, then an assessment of effects under the applicable zone regime would be appropriate. No evidence has been provided to support enabling exploration and prospecting activities on a permitted basis, district wide, under the provisions of the Notified Chapter; nor is it considered appropriate that exploration and mining should override consideration to the respective zone objectives in which it occurs.
- 14.3. Exploration and prospecting was discussed in detail in the Council officers section 42A and Reply for the Rural Zone Chapter 21. I consider that the objectives and provisions in Rural Zone Chapter 21 and Definitions as recommended by Mr Barr are appropriate and I refer to and rely on that evidence¹¹.

15. ISSUE 9 – 35.3.2 ‘CLARIFICATION’

- 15.1. The New Zealand Defence Force (#837, FS1211) and R Buckham (#837) submit seeking amendment to the clarification provisions under Rules 35.3.2. Also, relevantly, QLDC has submitted on notified provision 35.3.2.4 (redrafted 35.3.2.5) seeking that rule is deleted because it is duplicated by notified Rule 35.4.2.

¹¹ Refer to the Council's section 42A report for Rural Zone Chapter 21: <http://www.qldc.govt.nz/planning/district-plan/proposed-district-plan/proposed-district-plan-hearings/rural/chapter-21-rural/>. Also refer to the Council's Reply for Chapter 21 dated 3 June 2016. <http://www.qldc.govt.nz/planning/district-plan/proposed-district-plan/proposed-district-plan-hearings/rural/councils-right-of-reply-stream-02/>.

15.2. R Buckham submits that *“this section requires an additional clarification to prevent the cross-over in assessment between the temporary activity provisions and the rules for the zone”*. The submitter proposes the addition of a new clarification to state:

“Any activity that falls to be a permitted activity under this chapter is not required to be considered under the provisions relating to the underlying zone”.

15.3. This is supported by the New Zealand Defence Force (FS1211), while also noting that *“it would be useful to further clarify that other District Wide rules do not apply to temporary activities, including TMTA”*.

15.4. In relation to both submissions, I consider that further clarification that the Temporary Activities and Relocated Buildings Chapter overrides others is unnecessary. Rule 35.3.2.3 indicates that the Temporary Activities and Relocated Buildings Chapter prevails for temporary activities. However, in relation to relocated buildings, the Zone provisions also apply, as stated by notified Rule 35.3.2.4 (redrafted 35.3.2.5). While possibly useful to NZ Defence, I also do not find it necessary to specifically identify that no other rules apply to Temporary Military Training Activities (**TMTAs**). I note that notified Rule 36.4.4 in Chapter 36 Noise applies to TMTAs. Although Rule 36.4.4 notes noise from TMTAs is permitted, it would not be correct to state in the Temporary Activities and Relocated Buildings Chapter that no other provisions of the PDP apply to TMTAs. For these reasons, these submissions are rejected.

15.5. In relation to the submission of QLDC, I do not support deletion of notified Rule 35.3.2.4, in lieu of the note in Rule 35.4.2, as I believe keeping all related clarification statements together within section 35.3.2 would be more beneficial from a plan usability perspective. As an alternative to achieve the intent of this submission, I recommend deletion of the note in notified Rule 35.3.3 (redrafted 35.4.2).

15.6. Following review of the provisions prompted by these submissions, I also recommend the addition of a new clarification (redrafted 35.3.2.4) to confirm that, regardless of the chapter overriding others, (except for Chapters 26 Historic Heritage, 31 Hazardous Substances and 24 Signs) the provisions of Chapter 36 Noise also still apply for temporary events at night time, where stated by the rules of Table 35.4. I consider this to be a minor clarification amendment as it make no substantive change to the application of the rules in the chapter.

16. ISSUE 10 - DEFINITIONS

Relocated Building

16.1. The House Movers (496) submit for replacement wording of the definition of "Relocated Building", and also that any rules relating to "removal" or "re-siting" of Relocated Buildings be expressly removed from the Notified Chapter.

16.2. The proposed definition of "relocated building" advanced by the HMA is set out below:

"Relocated Building - means any previously used building which is transported in whole or in parts and re-located from its original site to its destination site; but excludes any pre-fabricated building which is delivered dismantled to a site for erection on that site".

16.3. I support the revised wording in part, as it more clearly and directly specifies exclusion of "prefabricated buildings", as opposed to the notified definition which is more general and excludes "*new buildings that are purpose built for relocation*".

16.4. In relation to re-siting, I note that in the past there have been some interpretation issues around this matter under the ODP, which has resulted in a number of resource consents being required for moving a building within its own site¹². This resulted in the development of Practice Note 7/2015 '*Interpretation of the 'Relocated Building' Rule in the District Plan*'. This practice note refers to the definition of Relocation in the ODP, which has been replicated without amendment in the PDP, and states

"Relocation" – In relation to a building, means the removal and re-siting of any building from any site to another site.

16.5. According to Practice Note 7/2015, the current interpretation of this definition under the ODP is that moving a building within its own site is not "relocation" and

¹² Monitoring Report for Section 19 of the District Plan, QLDC 2012, page 11.

therefore not captured by any Relocated Building rules. This would also be true of the PDP. I consider however that the fact that the need for a practice note has arisen in the past, indicating that difficulties in interpretation have been experienced. To avoid any future confusion, I accept the submitter's relief that the activities of "re-siting" and "relocation" are separately defined. For further clarity, I also recommend that "re-siting" and "relocation" is excluded from the definition of Relocated Building.

16.6. To also give effect to the relief sought by the House Movers I also recommend deleting from notified Rule 35.4.2 *"the repositioning of an existing lawfully established residential unit, residential flat or accessory building within its own site"*, since the provisions do not regulate the re-siting of buildings.

16.7. These changes are outlined in Appendix 1, and analysed in Appendix 4.

Temporary Military Training Activities

16.8. The New Zealand Defence Force (#1365) submit that the following definition be added to the PDP: *"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"*.

16.9. Notified Objective 35.2.3 states that "temporary military training is provided for", yet there is no definition in the PDP for "temporary military training". Therefore I accept the relief sought by The New Zealand Defence Force to incorporate the above definition into the PDP. A consequential amendment is also recommended to simplify Objective 35.2.3 to give reference to the terminology of the new definition, and delete the words *"to meet the needs of the New Zealand Defence Force"*, since this is now captured by the definition of Temporary Military Training Activity.

Temporary Activities

16.10. Christine Byrch (#243) submits to "improve the wording" of this definition. To give effect to this submission, I consider some editing corrections are necessary to remove ambiguous wording in the last bullet point relating to informal airports, and to delete the following sentence *"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". I see no reason for this qualifier to be included within the definition, as the same could be said of any other activity regulated by the PDP.

- 16.11. QAC (#433) also submit on the definition, seeking that it includes "air shows." It is inferred this amendment supports the relief sought for exclusion of the Warbirds Over Wanaka event from the rule framework for temporary events. As previously stated, I do not support specific exclusion of the Warbirds Over Wanaka in this chapter, and this point has been deferred to the Business Zones hearing stream. I believe the submitter has not considered the possible effects of district wide application of this definition, if it were to include "air shows". The relief sought by QAC is recommended to be rejected.

Building

- 16.12. The definition of "Building" was amended under the PDP to specifically include reference to: *"Any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for residential accommodation for a period exceeding 2 months"*.
- 16.13. In light of the review of provisions for relocated buildings, it has been identified that a minor clarification is required to this clause of the notified definition of to refer instead to a "residential unit" (which is defined by the PDP) as opposed to "residential accommodation" (which is undefined by the PDP).
- 16.14. I note that the suggested amendment has not been identified by submission. However, the recommended change is considered to be of minor consequence, as it clarifies the intent that such structures become a building when used for or associated with a "residential unit", and removes the possible ambiguity as to what is or is not "accommodation".

17. CONCLUSION

- 17.1. On the basis of my analysis within this evidence, I recommend that the changes within the Revised Chapter in **Appendix 1** are accepted.

17.2. The changes will improve the clarity and administration of the plan; contribute towards achieving the objectives of the plan and strategic direction goals in an effective and efficient manner and give effect to the purpose and principles of the RMA.



Kimberley Banks
Senior Planner
17 August 2016

Appendix 1. Recommended Revised Chapter

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

Key: Recommend changes to notified chapter are shown in underlined text for additions and ~~strike through~~ text for deletions. Dated 17 August 2016 (Appendix 1 to section 42A report).

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.

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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 Relocated 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

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24 Signs (18 <u>Operative ODP</u>)	25 Earthworks (22 <u>Operative ODP</u>)	26 Historic Heritage
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 apply.

Comment [KB7]: Clarification

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

35.3.2.56 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 Activity not listed in this table.	D
35.4.2	Relocated Building, in a Residential Zone that is any of the following, and a maximum of one per site:	P

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	Temporary Activities and Relocated Buildings	Activity Status
	<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 306m² 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>	
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 <u>the reinstatement works required to the exterior of the building and the timeframe to execute such works</u> • the timeframe for placing the building on permanent foundations and the closing in of those foundations • the nature of other works <u>necessary to the relocated building</u> 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>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>	C
35.4.4	<p>Relocated Building in a Rural Zone being a maximum of one per site and for the:</p>	G

Comment [KB8]: #496, #383

Comment [KB9]: #383

Comment [KB10]: #383, #126

Comment [KB11]: Clarification

Comment [KB12]: #496

Comment [KB13]: #383

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

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	Temporary Activities and Relocated Buildings	Activity Status
	<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>	
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 Eve. <p>For the purpose of this rule the relevant noise limits standards of the Zone shall not apply.</p>	P

Comment [KB14]: #383

Comment [KB15]: Clarification for consistency of language throughout the plan.

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	Temporary Activities and Relocated Buildings	Activity Status
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 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 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: 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 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 30 days, in any 12 month period. 	P

Comment [KB16]: #383

Comment [KB17]: Clarification

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	Temporary Activities and Relocated Buildings	Activity Status
	<ul style="list-style-type: none"> In any other Zone, any temporary filming activity does not occur on a site for a period longer than 30 days (in any 12 month period) with the maximum duration of film shooting not exceeding 7 days in any 12 month period. 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>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>	P

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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"> <thead> <tr> <th rowspan="2">People Attending</th> <th colspan="7">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> <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. 	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)																																																
	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																																										

Comment [KB18]: Consequential amendment as a result of #496

Comment [KB19]: #607, FS1097

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

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

Comment [KB20]: #496

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

Comment [KB21]: #496

Comment [KB22]: #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 [KB23]: #1365

Temporary Activities

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:

- 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 [KB24]: #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.

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.

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.

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.

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.

Comment [KB25]: Clarification

Appendix 2. List of Submission Points with Recommended Decision

Appendix 2 to the Section 42A report for Chapter 35 - Temporary Activities and Relocated Buildings

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
19.17		Kain Fround		Support	Supports the chapter generally.	Accept in Part		
21.60		Alison Walsh		Support	Supports the chapter generally.	Accept in Part		
496.1		House Movers Section of New Zealand Heavy Haulage Association (Inc)		Not Stated	<p>Delete all provisions (including objectives, policies, rules, assessment criteria and other methods and reasons) on removal, re-siting, and relocation of buildings in the Proposed Plan, the definitions section, and elsewhere.</p> <p>- Rewrite the proposed plan, and its policies and objectives, rules, methods and reasons to reflect the reasons for this submission.</p> <p>- Recognise in the objectives, policies and rules and methods of the plan the need to provide for the coordination between Building Act and Resource Management Act, to avoid regulatory duplication.</p> <p>- Replace the policy provisions relating to relocated dwellings and buildings (either by rewriting the plan, or alternatively, by deleting the relevant sections and replacing the provisions in each section or zone of the plan, as is appropriate) with objectives, policies, rules, assessment criteria, methods, reasons and other provisions which expressly provide for relocation of buildings as "permitted activities" in all zones/areas, so as to achieve performance standards no more restrictive than provided for in the paragraph below.</p> <p>- Provide for the relocation of dwellings and buildings subject to the following performance standards/conditions (or to same or similar effect):</p> <p>Relocation of buildings</p> <p>Relocated buildings are permitted where the following matters can be satisfied:</p> <p>a) Any relocated building can comply with the relevant standards for Permitted Activities in the District Plan;</p> <p>b) Any relocated dwelling must have been previously designed built and used as a dwelling;</p> <p>c) A building inspection report shall accompany the building consent for the building/dwelling. The report is to identify all reinstatement work required to the exterior of the building/dwelling; and</p> <p>d) The building shall be located on permanent foundations approved by building consent, no later than [2] months of the building being moved to the site.</p> <p>e) All work required to reinstate the exterior of any relocated building/dwelling, including the siting of the building/dwelling on permanent foundations, shall be completed within 12 months of the building being delivered to the site.</p> <p>As a default rule, in the event that relocation of a buildings/dwelling is not a permitted activity (as provided for in the two paragraphs above) due to non-compliance with performance standards, provide for relocation of dwellings and buildings no more restrictively than a restricted discretionary activity (provided that such application be expressly provided for on a non-notified, non-service basis) subject to the following assessment criteria (or to the same or similar effect):</p> <p>Restricted Discretionary Activity (on a non-notified, non-service basis)</p> <p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>i) Proposed landscaping;</p> <p>ii) the proposed timetable for completion of the work required to reinstate the exterior of the building and connections to services;</p> <p>iii) the appearance of the building following reinstatement</p> <p>- Delete any provision for a performance bond or any restrictive covenants for the removal, re-siting, and relocation of dwellings and buildings.</p> <p>- Restrict (as a discretionary activity rule) the use of restrictive covenants for the removal, re-siting, and relocation of dwellings and buildings.</p> <p>- Make any further or consequential amendments to give effect to this submission, including such amendments as required to the provisions, definitions, other matters, rules, objectives, policies and reasons of the proposed plan to give appropriate recognition to the positive effects of removal, re-siting, and relocation of dwellings and buildings and dwellings, in accordance with the reasons for this submission, and the relief sought as a whole.</p>	Accept in Part		
	FS1340.46	Queenstown Airport Corporation		Oppose	<p>All relocatable dwellings should be subject to the performance standards of the zone to which they will be located, including the necessary requirement to provide acoustic treatment within the OCB.</p> <p>QAC submits that this relief should not be allowed.</p>		Deferred to Hearing Stream Residential	
621.117		Real Journeys Limited		Not Stated	<p>New Rule (35.4.2A) Insert new rule to permit temporary activities (including storage) carried out within the Cardrona Ski Activity Area and the Walter Peak Rural Visitor Zone</p>	Reject		
621.119		Real Journeys Limited		Not Stated	<p>Insert new rule to permit any temporary food/beverage retail activity, for the direct purpose of serving people at temporary events and functions. Suggested wording is as follows:</p> <p>Temporary food/beverage retail activity</p> <p>Any temporary food/beverage retail activity, for the direct purpose of serving people at temporary events and functions is a permitted activity.</p>	Reject		

Appendix 2 to the Section 42A report for Chapter 35 - Temporary Activities and Relocated Buildings

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
621.124		Real Journeys Limited		Not Stated	New Rule Insert new rule to permit glare from lighting used for health and safety. Suggested wording is as follows: Glare from lighting used for the purposes of health and safety is a permitted activity.	Accept in Part		The rule, as notified, is not intended to restrict lighting for health and safety purposes. However to give effect to this submission an amendment has been recommended to this rule to remove reference to "fixed exterior" lighting, recognising that lighting for events, or for health and safety reasons, may not be 'fixed'.
696.39		Millbrook Country Club Ltd		Support	Support.	Accept in Part		
391.18		Sean & Jane McLeod	35.1 Purpose	Support	Supports the rules for temporary activities.	Accept in Part		
391.19		Sean & Jane McLeod	35.2 Objectives and Policies	Support	Generally support the objectives and policies for temporary activities.	Accept in Part		
391.19	FS1211.1	New Zealand Defence Force	35.2 Objectives and Policies	Support	Generally supports the objectives and policies of Section 35.2 and specifically Policy 35.2.3.1. Seeks the decision to be allowed.	Accept in Part		
600.143		Federated Farmers of New Zealand	35.2 Objectives and Policies	Support	Policy 35.2.5.2 is adopted as proposed.	Reject		
600.143	FS1034.143	Upper Clutha Environmental Society (Inc.)	35.2 Objectives and Policies	Oppose	The Society OPPOSES the entire submission and seeks that the entire submission is DISALLOWED.	Reject		
600.143	FS1209.143	Richard Burdon	35.2 Objectives and Policies	Support	Support entire submission	Reject		
197.23		Jeffrey Hylton	35.2.1 Objective 1	Support	Requests that it be made easier and not a paper nightmare to hold an event and that the public few that may be affected temporarily are not in control or can shut it down if it (temporarily affects them).	Accept in Part		
433.104		Queenstown Airport Corporation	35.2.1 Objective 1	Support	Retain as notified.	Accept		
433.104	FS1097.390	Queenstown Park Limited	35.2.1 Objective 1	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Accept in Part		
433.104	FS1117.150	Remarkables Park Limited	35.2.1 Objective 1	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Accept in Part		
433.106		Queenstown Airport Corporation	35.2.1 Objective 1	Other	<u>New Policy 3.2.1.5.4</u> <u>Keep airspace around Queenstown and Wanaka Airports free of obstacles through height and land use restrictions to ensure the safe and efficient operation of aircraft arriving at and departing from those Airports.</u>	Reject		
433.106	FS1077.49	Board of Airline Representatives of New Zealand (BARNZ)	35.2.1 Objective 1	Support	Add the new policy proposed by QAC	Reject		
433.106	FS1097.392	Queenstown Park Limited	35.2.1 Objective 1	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Accept in Part		
433.106	FS1117.152	Remarkables Park Limited	35.2.1 Objective 1	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Accept in Part		
433.105		Queenstown Airport Corporation	35.2.1.1	Support	Retain as notified.	Accept		

Appendix 2 to the Section 42A report for Chapter 35 - Temporary Activities and Relocated Buildings

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
433.105	FS1097.391	Queenstown Park Limited	35.2.1.1	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Accept in Part		
433.105	FS1117.151	Remarkables Park Limited	35.2.1.1	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Accept in Part		
607.42		Te Anau Developments Limited	35.2.1.2	Not Stated	Amend policy as follows: Permit <u>weddings, temporary functions and small and medium-scale events during daytime hours</u> , subject to controls on event duration, frequency and hours of operation.	Reject		
615.40		Cardrona Alpine Resort Limited	35.2.1.2	Oppose	Amend policy as follows: Permit <u>weddings, temporary functions and small and medium-scale events during daytime hours</u> , subject to controls on event duration, frequency and hours of operation.	Reject		
615.40	FS1105.40	Cardrona Valley Residents and Ratepayers Society Inc	35.2.1.2	Support	Support all aspects of the Cardrona Alpine Resort Limited submission and seek that the relief sought by Cardrona Alpine Resort Limited is allowed by the Council, to ensure: • The resort is able to continue to cater for guests of all abilities and disciplines so that it remains the most diverse ski-field in New Zealand and remains a premier resort for snow sports in Australasia. • The resort is able to develop, operate, maintain and upgrade its network of infrastructure, accommodation, food and beverage service, retail and mountain based tourism activities. • The resort is able to operate year round and continue to invest in and grow new four season visitor attractions activities, with significant growth in the provision of summer activities.	Reject		
615.40	FS1137.41	Kay Curtis	35.2.1.2	Support	Seeks that the relief sought by Cardrona Alpine Resort Limited is accepted by the Council. Has an interest in the proposal that is greater than the interest the general public has.	Reject		
621.111		Real Journeys Limited	35.2.1.2	Not Stated	Amend policy as follows: Permit weddings, temporary functions and small and medium-scale events during daytime hours, subject to controls on event duration, frequency and hours of operation.	Reject		
719.151		NZ Transport Agency	35.2.1.5	Other	Support but add additional rule Retain Policy 35.2.1.5 as proposed and add an additional rule to give effect to this Policy.	Reject		The default Discretionary status(Rule 35.4.1) captures any temporary event which does not comply with the permitted criteria, Policy 35.2.1.5 then informs the assessment - an additional rule to capture the intent of the policy is not necessary as temporary events will be either Permitted or Discretionary. Further, Temporary events on public land will be managed via bylaw processes. Health & Safety and Emergency Management are managed under other legislation.
607.43		Te Anau Developments Limited	35.2.1.7	Not Stated	Amend policy as follows: Recognise that noise is an anticipated component of temporary events and filming, while protecting <u>residential activities in residential zones residential amenity</u> from undue noise during night-time hours.	Reject		
615.41		Cardrona Alpine Resort Limited	35.2.1.7	Oppose	Amend policy as follows: Recognise that noise is an anticipated component of temporary events and filming, while protecting <u>residential activities in residential zones residential amenity</u> from undue noise during night-time hours.	Reject		
615.41	FS1105.41	Cardrona Valley Residents and Ratepayers Society Inc	35.2.1.7	Support	Support all aspects of the Cardrona Alpine Resort Limited submission and seek that the relief sought by Cardrona Alpine Resort Limited is allowed by the Council, to ensure: • The resort is able to continue to cater for guests of all abilities and disciplines so that it remains the most diverse ski-field in New Zealand and remains a premier resort for snow sports in Australasia. • The resort is able to develop, operate, maintain and upgrade its network of infrastructure, accommodation, food and beverage service, retail and mountain based tourism activities. • The resort is able to operate year round and continue to invest in and grow new four season visitor attractions activities, with significant growth in the provision of summer activities.	Reject		
615.41	FS1137.42	Kay Curtis	35.2.1.7	Support	Seeks that the relief sought by Cardrona Alpine Resort Limited is accepted by the Council. Has an interest in the proposal that is greater than the interest the general public has.	Reject		

Appendix 2 to the Section 42A report for Chapter 35 - Temporary Activities and Relocated Buildings

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
621.112		Real Journeys Limited	35.2.1.7	Not Stated	Amend policy as follows: Recognise that noise is an anticipated component of temporary events and filming, while protecting residential activities in residential zones residential amenity from undue noise during night-time hours.	Reject		
719.152		NZ Transport Agency	35.2.1.8	Other	Support but add additional rule Retain Policy 35.2.1.8 as proposed and add an additional rule to give effect to this policy.	Reject		Submission point seeks a rule to address effects on the State Highway from informal airports. Informal airports are addressed by Rule 35.4.9 which sets criteria around hours and duration. As also reflected in Councils 42A Report for Chapter 21 (Rural Zone), it is noted that the designated aerodromes such as Queenstown and Wanaka airports are close to, if not adjacent to, roads and State highways and driver distraction is not known to be a fundamental issue from these busy airports or to the State Highway. Informal airports associated with temporary events are also infrequent in occurrence. It is also noted that NZTA did not submit on the Informal Airport provisions of Chapter 21.
197.24		Jeffrey Hylton	35.2.2 Objective 2	Support	Supports the objective.	Accept		
197.25		Jeffrey Hylton	35.2.3 Objective 3.	Support	Supports the objective.	Accept		
197.25	FS1211.2	New Zealand Defence Force	35.2.3 Objective 3.	Support	Agrees to undertake training to meet its statutory obligations under the Defence Act 1990, and believes it is important for maintaining the health and safety of communities and national security. States that is appropriate for military training to be specifically provided for in the policy framework. Believes that temporary military activities are unique and distinct from temporary activities, and it is appropriate for them to be provided for by a separate objective. Seeks this provision to be allowed.	Accept		
1365.2		New Zealand Defence Force	35.2.3 Objective 3.	Support	Support as notified and ensure temporary military activities are provided for separately from temporary activities, in recognition of the difference between these two types of activities	Accept		
1365.3		New Zealand Defence Force	35.2.3.1	Support	Support as notified and ensure temporary military activities are provided for separately from temporary activities, in recognition of the difference between these two types of activities	Accept		
635.77		Aurora Energy Limited	35.2.4 Objective 4	Support	Retain Objective 35.2.4	Accept		
635.77	FS1211.3	New Zealand Defence Force	35.2.4 Objective 4	Support	Agrees that it is appropriate to provide for the use of temporary utilities associated with temporary activities, including military training activities.	Accept		
1365.4		New Zealand Defence Force	35.2.4 Objective 4	Support	Appropriate to provide for the use of temporary utilities associated with temporary activities, including TMTAs	Accept		
635.78		Aurora Energy Limited	35.2.4.1	Support	Retain Policy 35.2.4.1	Accept		
635.78	FS1211.4	New Zealand Defence Force	35.2.4.1	Support	Agrees that it is appropriate to provide for the use of temporary utilities associated with temporary activities, including military training activities.	Accept		
1365.5		New Zealand Defence Force	35.2.4.1	Support	Appropriate to provide for the use of temporary utilities associated with temporary activities, including TMTAs	Accept		
197.26		Jeffrey Hylton	35.2.5 Objective 5	Support	Supports the objective.	Reject		
607.45		Te Anau Developments Limited	35.2.5 Objective 5	Not Stated	Amend Objective as follows Temporary Storage is provided for in rural areas, <u>visitor and resort zones.</u>	Accept in Part		
615.43		Cardrona Alpine Resort Limited	35.2.5 Objective 5	Oppose	Amend Objective as follows Temporary Storage is provided for in rural areas, <u>visitor and resort zones.</u>	Accept in Part		
615.43	FS1105.43	Cardrona Valley Residents and Ratepayers Society Inc	35.2.5 Objective 5	Support	Support all aspects of the Cardrona Alpine Resort Limited submission and seek that the relief sought by Cardrona Alpine Resort Limited is allowed by the Council, to ensure: • The resort is able to continue to cater for guests of all abilities and disciplines so that it remains the most diverse ski-field in New Zealand and remains a premier resort for snow sports in Australasia. • The resort is able to develop, operate, maintain and upgrade its network of infrastructure, accommodation, food and beverage service, retail and mountain based tourism activities. • The resort is able to operate year round and continue to invest in and grow new four season visitor attractions activities, with significant growth in the provision of summer activities.	Accept in Part		
615.43	FS1137.44	Kay Curtis	35.2.5 Objective 5	Support	Seeks that the relief sought by Cardrona Alpine Resort Limited is accepted by the Council. Has an interest in the proposal that is <u>greater than the interest the general public has.</u>	Accept in Part		
621.114		Real Journeys Limited	35.2.5 Objective 5	Not Stated	Amend Objective as follows Temporary Storage is provided for in rural areas, visitor and resort zones.	Accept in Part		
519.62		New Zealand Tungsten Mining Limited	35.2.5.1	Not Stated	Amend policy 35.2.5 as follows: *Permit temporary storage related to farming activity, <u>exploration and prospecting.</u>	Reject		
519.62	FS1015.98	Straterra	35.2.5.1	Support	I support this submission in its entirety as providing appropriately for minerals and mining activities in the District, in a way that is consistent with the letter and intent of the RMA.	Reject		
519.62	FS1356.62	Cabo Limited	35.2.5.1	Oppose	All the relief sought be declined	Accept		
600.142		Federated Farmers of New Zealand	35.2.5.1	Support	Policy 35.2.5.1 is adopted as proposed.	Reject		

Appendix 2 to the Section 42A report for Chapter 35 - Temporary Activities and Relocated Buildings

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
600.142	FS1034.142	Upper Clutha Environmental Society (Inc.)	35.2.5.1	Oppose	The Society OPPOSES the entire submission and seeks that the entire submission is DISALLOWED.	Reject		
600.142	FS1209.142	Richard Burdon	35.2.5.1	Support	Support entire submission	Reject		
607.46		Te Anau Developments Limited	35.2.5.1	Not Stated	Amend policy as follows: Permit temporary storage related to farming, transport, tourism and visitor accommodation activities-y.	Reject		
607.47		Te Anau Developments Limited	35.2.5.1	Not Stated	Amend policy as follows: Ensure temporary storage not required for farming, transport, tourism and visitor accommodation activities purposes is of short duration and size to protect the visual amenity values of the area in which it is located.	Reject		
615.44		Cardrona Alpine Resort Limited	35.2.5.1	Oppose	Amend policy as follows: Permit temporary storage related to farming, transport, tourism and visitor accommodation activities-y.	Reject		
615.44	FS1105.44	Cardrona Valley Residents and Ratepayers Society Inc	35.2.5.1	Support	Support all aspects of the Cardrona Alpine Resort Limited submission and seek that the relief sought by Cardrona Alpine Resort Limited is allowed by the Council, to ensure: • The resort is able to continue to cater for guests of all abilities and disciplines so that it remains the most diverse ski-field in New Zealand and remains a premier resort for snow sports in Australasia. • The resort is able to develop, operate, maintain and upgrade its network of infrastructure, accommodation, food and beverage service, retail and mountain based tourism activities. • The resort is able to operate year round and continue to invest in and grow new four season visitor attractions activities, with significant growth in the provision of summer activities.	Reject		
615.44	FS1137.45	Kay Curtis	35.2.5.1	Support	Seeks that the relief sought by Cardrona Alpine Resort Limited is accepted by the Council. Has an interest in the proposal that is greater than the interest the general public has.	Reject		
621.115		Real Journeys Limited	35.2.5.1	Not Stated	Amend policy as follows: Permit temporary storage related to farming, transport, tourism and visitor accommodation activities y.	Reject		
621.116		Real Journeys Limited	35.2.5.1	Not Stated	Amend policy as follows: Ensure temporary storage not required for farming, transport, tourism and visitor accommodation activities purposes is of short duration and size to protect the visual amenity values of the area in which it is located.	Reject		
615.45		Cardrona Alpine Resort Limited	35.2.5.2	Oppose	Amend policy as follows: Ensure temporary storage not required for farming, transport, tourism and visitor accommodation activities purposes is of short duration and size to protect the visual amenity values of the area in which it is located.	Reject		
615.45	FS1105.45	Cardrona Valley Residents and Ratepayers Society Inc	35.2.5.2	Support	Support all aspects of the Cardrona Alpine Resort Limited submission and seek that the relief sought by Cardrona Alpine Resort Limited is allowed by the Council, to ensure: • The resort is able to continue to cater for guests of all abilities and disciplines so that it remains the most diverse ski-field in New Zealand and remains a premier resort for snow sports in Australasia. • The resort is able to develop, operate, maintain and upgrade its network of infrastructure, accommodation, food and beverage service, retail and mountain based tourism activities. • The resort is able to operate year round and continue to invest in and grow new four season visitor attractions activities, with significant growth in the provision of summer activities.	Reject		
615.45	FS1137.46	Kay Curtis	35.2.5.2	Support	Seeks that the relief sought by Cardrona Alpine Resort Limited is accepted by the Council. Has an interest in the proposal that is greater than the interest the general public has.	Reject		
126.6		Hunter Leece / Anne Kobienia	35.2.6 Objective 6	Oppose	Amendments and strengthening requirements to the use of relocated used building to reflect the objective and not produce the undesirable outcomes exhibited in recent local examples.	Accept in Part		
197.27		Jeffrey Hylton	35.2.6 Objective 6	Support	Supports the objective.	Accept in Part		
383.69		Queenstown Lakes District Council	35.3 Other Provisions and Rules	Other	Delete provision 35.3.2.4. The note clarifying that the respective provisions in the zone apply is superfluous because there is an provision in Rule 35.4.2.	Reject		Clarification note has instead been deleted from Rule 35.4.2
837.1		R Buckham	35.3.2 Clarification	Other	Support in part. 35.3.2 Clarification – this section requires an additional clarification to prevent the cross-over in assessment between the temporary activity provisions and the rules for the zone. A new matter is proposed below: 35.3.2.6 Any activity that falls to be a permitted activity under this chapter is not required to be considered under the provisions relating to the underlying zone.	Reject		
837.1	FS1211.5	New Zealand Defence Force	35.3.2 Clarification	Support	Supports in part. Believes that while clarification of the rule framework is supported, it would be useful to further clarify that other District Wide rules do not apply to temporary activities, including TMTA. Agrees that temporary activities will potentially still be subject to rules related to permanent earthworks, buildings and structures, etc. Seeks this provision to be allowed with amendments.	Reject		
837.1	FS1342.1	Te Anau Developments Limited	35.3.2 Clarification	Support	Allow relief sought to the extent that it does not undermine or prevent the relief originally sought by Te Anau Developments (unless otherwise agreed through the submission process)	Reject		
837.1	FS1211.12	New Zealand Defence Force	35.3.2 Clarification	Support	Believes that this new matter provides the necessary clarification to prevent potential duplication of assessment between the temporary activity provisions and the underlying zone rules. Considers it appropriate.	Reject		
1365.6		New Zealand Defence Force	35.3.2 Clarification	Support	Clarify that District Wide rules do not apply to temporary activities, including TMTAs	Reject		
383.70		Queenstown Lakes District Council	35.4 Rules - Activities	Other	Delete Rule 35.4.3, Delete Rule 35.4.4. and Amend Rule 35.4.2 to that it applies to relocated buildings in both rural and residential zones. The deletion of rules 35.4.3 and 35.4.4 will require changes to the numbering of proceeding rules.	Accept in Part		
383.71		Queenstown Lakes District Council	35.4 Rules - Activities	Other	Amend bullet point 4 to state: "No site shall be used for any temporary event more than 7 times in any calendar 12 month period".	Accept		

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Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
383.71	FS1097.258	Queenstown Park Limited	35.4 Rules - Activities	Oppose	Temporary activities play an important role in the District and should be supported.	Reject		
433.107		Queenstown Airport Corporation	35.4 Rules - Activities	Other	<p>Insert the following new rule:</p> <p><u>Rule 35.4.X Temporary Events</u> <u>Temporary Airshows at Wanaka Airport provided that:</u> •The event only occurs between the hours of 0600-2000; •The event shall not take place for more than 12 days (including set up and removal); and, •The airshow operator has provided notice to the Council of the details pertaining to the Airshow. The relevant noise standards for the Zone shall not apply.</p> <p>Activity Status P</p>		Deferred to Hearing Stream Designations & Business	
433.107	FS1097.393	Queenstown Park Limited	35.4 Rules - Activities	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.		Deferred to Hearing Stream Designations & Business	
433.107	FS1117.153	Remarkables Park Limited	35.4 Rules - Activities	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.		Deferred to Hearing Stream Designations & Business	
496.2		House Movers Section of New Zealand Heavy Haulage Association (Inc)	35.4 Rules - Activities	Not Stated	<p>Suggested drafting to give effect to this submission (or the same or similar effect but without limiting the relief sought):</p> <p>Suggested Rules Permitted Activity Standards for Relocated Buildings i. Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling. ii. A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. iii. The building shall be located on permanent foundations approved by building consent, no later than 2 months of the building being moved to the site. iv. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Without limiting (iii) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations. v. The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the 12 month period. - A suggested pre-inspection report (as a non-statutory form)- as attached to the original submission as Schedule 2- Suggested Pre-Inspection Report - Expressly provide in the proposed plan (whether in the definitions or in the activity rules) for the demolition and removal and re-siting of buildings as a permitted activity in all areas and zones, except in relation to any scheduled identified heritage buildings, or any properly established conservation heritage precinct.</p>	Accept in Part		
496.2	FS1340.47	Queenstown Airport Corporation	35.4 Rules - Activities	Oppose	<p>All relocatable dwellings should be subject to the performance standards of the zone to which they will be located, including the necessary requirement to provide acoustic treatment within the OCB. QAC submits that this relief should not be allowed.</p>		Deferred to Hearing Stream Residential	
607.48		Te Anau Developments Limited	35.4 Rules - Activities	Not Stated	<p>Insert new rule to permit temporary activities (including storage) carried out within the Cardrona Ski Activity Area and the Walter Peak Rural Visitor Zone</p>	Accept in Part		
607.50		Te Anau Developments Limited	35.4 Rules - Activities	Not Stated	<p>Insert new rule to permit any temporary food/beverage retail activity, for the direct purpose of serving people at temporary events and functions. Suggested wording is as follows: <u>Temporary food/beverage retail activity.</u> <u>Any temporary food/beverage retail activity, for the direct purpose of serving people at temporary events and functions is a permitted activity.</u></p>	Reject		

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Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
615.48		Cardrona Alpine Resort Limited	35.4 Rules - Activities	Oppose	Insert new rule to permit any temporary food/beverage retail activity, for the direct purpose of serving people at temporary events and functions. Suggested wording is as follows: <u>Temporary food/beverage retail activity</u> <u>Any temporary food/beverage retail activity, for the direct purpose of serving people at temporary events and functions is a permitted activity.</u>	Reject		
615.48	FS1105.48	Cardrona Valley Residents and Ratepayers Society Inc	35.4 Rules - Activities	Support	Support all aspects of the Cardrona Alpine Resort Limited submission and seek that the relief sought by Cardrona Alpine Resort Limited is allowed by the Council, to ensure: • The resort is able to continue to cater for guests of all abilities and disciplines so that it remains the most diverse ski-field in New Zealand and remains a premier resort for snow sports in Australasia. • The resort is able to develop, operate, maintain and upgrade its network of infrastructure, accommodation, food and beverage service, retail and mountain based tourism activities. • The resort is able to operate year round and continue to invest in and grow new four season visitor attractions activities, with significant growth in the provision of summer activities.	Reject		
615.48	FS1137.49	Kay Curtis	35.4 Rules - Activities	Support	Seeks that the relief sought by Cardrona Alpine Resort Limited is accepted by the Council. Has an interest in the proposal that is greater than the interest the general public has.	Reject		
806.225		Queenstown Park Limited	35.4 Rules - Activities	Other	While the intention to reduce complexity for temporary events is supported, ensure that the controls imposed by the landowner (QLDC and DoC) which exempt activities from complying with standards are adequate to ensure that the effects of events held on public land are managed appropriately. Ensure there is a consistent management approach for all events, whether or not they are on public or private land.	Accept		Consession processes apply for activities on DoC land. Activities on council land need to consider council by-laws, in addition to compliance with legislation regulating the supply of food and beverages
615.46		Cardrona Alpine Resort Limited	35.4.2	Oppose	Insert new rule to permit temporary activities (including storage) carried out within the Cardrona Ski Activity Area and the Walter Peak Rural Visitor Zone	Reject		
615.46	FS1105.46	Cardrona Valley Residents and Ratepayers Society Inc	35.4.2	Support	Support all aspects of the Cardrona Alpine Resort Limited submission and seek that the relief sought by Cardrona Alpine Resort Limited is allowed by the Council, to ensure: • The resort is able to continue to cater for guests of all abilities and disciplines so that it remains the most diverse ski-field in New Zealand and remains a premier resort for snow sports in Australasia. • The resort is able to develop, operate, maintain and upgrade its network of infrastructure, accommodation, food and beverage service, retail and mountain based tourism activities. • The resort is able to operate year round and continue to invest in and grow new four season visitor attractions activities, with significant growth in the provision of summer activities.	Reject		
615.46	FS1137.47	Kay Curtis	35.4.2	Support	Seeks that the relief sought by Cardrona Alpine Resort Limited is accepted by the Council. Has an interest in the proposal that is greater than the interest the general public has.	Accept in Part		
126.7		Hunter Leece / Anne Kobienia	35.4.4	Other	Strengthening the requirements for compliance with the objective 35.2.6 by imposing a bond to encourage compliance and penalise in the case of non compliance.	Reject		
600.144		Federated Farmers of New Zealand	35.4.4	Support	Policy 35.2.5.2 is adopted as proposed.	Reject		
600.144	FS1034.144	Upper Clutha Environmental Society (Inc.)	35.4.4	Oppose	The Society OPPOSES the entire submission and seeks that the entire submission is DISALLOWED.	Reject		
600.144	FS1209.144	Richard Burdon	35.4.4	Support	Support entire submission	Reject		
373.61		Department of Conservation	35.4.5	Support	Retain as notified.	Accept		
373.61	FS1347.78	Lakes Land Care	35.4.5	Oppose	Opposes oversteering as a vegetation clearance definition. Assures that it is a management practice used to improve grazing species.		Deferred to Hearing Stream Rural	Addressed in Rural Hearing Stream.
519.63		New Zealand Tungsten Mining Limited	35.4.5	Not Stated	Amend rule 35.4.5 to delete 'a shipping container'	Accept in Part		
519.63	FS1015.99	Straterra	35.4.5	Support	I support this submission in its entirety as providing appropriately for minerals and mining activities in the District, in a way that is consistent with the letter and intent of the RMA.	Accept in Part		
519.63	FS1356.63	Cabo Limited	35.4.5	Oppose	All the relief sought be declined	Accept in Part		
438.40		New Zealand Fire Service	35.4.8	Support	Retain 35.4.8 as notified	Reject		
607.49		Te Anau Developments Limited	35.4.8	Not Stated	Amend rule to exclude activities carried out with the Cardrona Ski Activity Area, Walter Peak Rural Visitor Zone. Suggested wording is as follows: Any other Temporary Events, provided that: • 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 12 times in any calendar 12 month period • 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. <u>This rule does not apply to temporary activities undertaken within the Cardrona Ski Activity Area or the Rural Visitor Zone Walter Peak.</u>	Reject		

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Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
615.47		Cardrona Alpine Resort Limited	35.4.8	Oppose	Amend rule to exclude activities carried out with the Cardrona Ski Activity Area, Walter Peak Rural Visitor Zone. Suggested wording is as follows: Any other Temporary Events, provided that: • 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 12 times in any calendar 12 month period • 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. <u>This rule does not apply to temporary activities undertaken within the Cardrona Ski Activity Area or the Rural Visitor Zone Walter Peak.</u>	Reject		
615.47	FS1105.47	Cardrona Valley Residents and Ratepayers Society Inc	35.4.8	Support	Support all aspects of the Cardrona Alpine Resort Limited submission and seek that the relief sought by Cardrona Alpine Resort Limited is allowed by the Council, to ensure: • The resort is able to continue to cater for guests of all abilities and disciplines so that it remains the most diverse ski-field in New Zealand and remains a premier resort for snow sports in Australasia. • The resort is able to develop, operate, maintain and upgrade its network of infrastructure, accommodation, food and beverage service, retail and mountain based tourism activities. • The resort is able to operate year round and continue to invest in and grow new four season visitor attractions activities, with significant growth in the provision of summer activities.	Reject		
615.47	FS1137.48	Kay Curtis	35.4.8	Support	Seeks that the relief sought by Cardrona Alpine Resort Limited is accepted by the Council. Has an interest in the proposal that is greater than the interest the general public has.	Reject		
621.118		Real Journeys Limited	35.4.8	Not Stated	Amend rule to exclude activities carried out with the Cardrona Ski Activity Area, Walter Peak Rural Visitor Zone. Suggested wording is as follows: Any other Temporary Events, provided that: • 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 12 times in any calendar 12 month period • 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. <u>This rule does not apply to temporary activities undertaken within the Cardrona Ski Activity Area or the Rural Visitor Zone Walter Peak.</u>	Reject		
719.153		NZ Transport Agency	35.4.8	Support	Retain	Accept in Part		35.4.8 amended by Submission #383
837.2		R Buckham	35.4.8	Other	Support in part. Amend as follows: Any other Temporary Events provided that: • 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 <u>0030</u> . Set up and pack down outside of these hours is permitted • No site shall be used for any temporary event more than 24 <u>12</u> times in any calendar 12 month period • 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 <u>for activities between the hours of 0800 to 2000, whereas the noise standards for the zone will apply outside of these hours.</u>	Reject		
837.2	FS1127.1	Rene Kampman	35.4.8	Oppose	I seek that part of the submission be disallowed. I seek that the Council revert to what was proposed in the district plan namely: -The event does not operate outside the hours of 0800 to 2000. Setup and pack down outside of these hours is permitted -No site shall be used for any temporary activity more than 12 times in any calendar year. - For the purpose of this the relevant noise standards of the zone shall apply.	Accept in Part		
837.2	FS1342.2	Te Anau Developments Limited	35.4.8	Support	Allow relief sought to the extent that it does not undermine or prevent the relief originally sought by Te Anau Developments (unless otherwise agreed through the submission process)	Reject		

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Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
837.3		R Buckham	35.4.9	Other	Support in part. Amend as follows: Temporary Events Informal airports for rotary wing aircraft flights in association with the use of a site for temporary public events provided that: • The informal airport is only used during the hours of 0800 – 2000 • No site shall be used for an informal airport for more than 207 days in any calendar year • No site shall be used for an informal airport more than four 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). For the purpose of this Rule: The relevant noise standards of the Zone shall not apply.	Reject		
837.3	FS1127.2	Rene Kampman	35.4.9	Oppose	I seek that the submission in part be disallowed. That the Council revert to and include the following: -No site shall be used for an informal airport for more than 7 days in any calendar year. -No site shall be used for an informal airport more than one day in any calendar month	Accept		
373.62		Department of Conservation	35.4.10	Support	Retain as notified.	Accept		
373.62	FS1347.79	Lakes Land Care	35.4.10	Oppose	Opposes oversewing as a vegetation clearance definition. Assures that it is a management practice used to improve grazing species.		Deferred to Hearing Stream Rural	Addressed in Rural Hearing Stream.
607.51		Te Anau Developments Limited	35.4.12	Not Stated	Amend rule as follows: Temporary Construction-Related Activities Any temporary building (including a Relocated Building), scaffolding, crane, safety fences, and other similar structures and activities that are: (i) • 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. (ii) • Associated with the construction (including reconstruction, repair, maintenance, upgrading) of vessel survey work undertaken in relation to the "TSS Earnslaw" and associated buildings and structures including slipway at Kelvin Peninsula; • Associated with the construction (including reconstruction, repair, maintenance, upgrading) of buildings, structures and infrastructure with the Rural Visitor Zone Walter Peak and Cardrona Ski Activity Area.	Reject		
615.49		Cardrona Alpine Resort Limited	35.4.12	Oppose	A m end rule as follows: Temporary Construction-Related Activities Any temporary building (including a Relocated Building), scaffolding, crane, safety fences, and other similar structures and activities that are: (i) • 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. (ii) • Associated with the construction (including reconstruction, repair, maintenance, upgrading) of vessel survey work undertaken in relation to the "TSS Earnslaw" and associated buildings and structures including slipway at Kelvin Peninsula; • Associated with the construction (including reconstruction, repair, maintenance, upgrading) of buildings, structures and infrastructure with the Rural Visitor Zone Walter Peak and Cardrona Ski Activity Area.	Reject		
615.49	FS1105.49	Cardrona Valley Residents and Ratepayers Society Inc	35.4.12	Support	Support all aspects of the Cardrona Alpine Resort Limited submission and seek that the relief sought by Cardrona Alpine Resort Limited is allowed by the Council, to ensure: • The resort is able to continue to cater for guests of all abilities and disciplines so that it remains the most diverse ski-field in New Zealand and remains a premier resort for snow sports in Australasia. • The resort is able to develop, operate, maintain and upgrade its network of infrastructure, accommodation, food and beverage service, retail and mountain based tourism activities. • The resort is able to operate year round and continue to invest in and grow new four season visitor attractions activities, with significant growth in the provision of summer activities.	Reject		
615.49	FS1137.50	Kay Curtis	35.4.12	Support	Seeks that the relief sought by Cardrona Alpine Resort Limited is accepted by the Council. Has an interest in the proposal that is greater than the interest the general public has.	Reject		

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Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
621.120		Real Journeys Limited	35.4.12	Not Stated	Amend rule as follows: Temporary Construction-Related Activities Any temporary building (including a Relocated Building), scaffolding, crane, safety fences, and other similar structures and activities that are: (i) • 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. (ii) • Associated with the construction (including reconstruction, repair, maintenance, upgrading) of vessel survey work undertaken in relation to the "TSS Earnslaw" and associated buildings and structures including slipway at Kelvin Peninsula; • Associated with the construction (including reconstruction, repair, maintenance, upgrading) of buildings, structures and infrastructure with the Rural Visitor Zone Walter Peak and Cardrona Ski Activity Area.	Reject		
607.52		Te Anau Developments Limited	35.4.13	Not Stated	Amend rule as follows: Temporary Related Activities Any temporary food/beverage retail activity, for the direct purpose of serving people at temporary events and functions or workers of an active building or construction project.	Reject		
615.50		Cardrona Alpine Resort Limited	35.4.13	Oppose	Amend rule as follows: Temporary Related Activities Any temporary food/beverage retail activity, for the direct purpose of serving people at temporary events and functions or workers of an active building or construction project.	Reject		
615.50	FS1105.50	Cardrona Valley Residents and Ratepayers Society Inc	35.4.13	Support	Support all aspects of the Cardrona Alpine Resort Limited submission and seek that the relief sought by Cardrona Alpine Resort Limited is allowed by the Council, to ensure: • The resort is able to continue to cater for guests of all abilities and disciplines so that it remains the most diverse ski-field in New Zealand and remains a premier resort for snow sports in Australasia. • The resort is able to develop, operate, maintain and upgrade its network of infrastructure, accommodation, food and beverage service, retail and mountain based tourism activities. • The resort is able to operate year round and continue to invest in and grow new four season visitor attractions activities, with significant growth in the provision of summer activities.	Reject		
615.50	FS1137.51	Kay Curtis	35.4.13	Support	Seeks that the relief sought by Cardrona Alpine Resort Limited is accepted by the Council. Has an interest in the proposal that is greater than the interest the general public has.	Reject		
621.121		Real Journeys Limited	35.4.13	Not Stated	Amend rule as follows: Temporary Related Activities Any temporary food/beverage retail activity, for the direct purpose of serving people at temporary events and functions or workers of an active building or construction project.	Reject		
1365.7		New Zealand Defence Force	35.4.14	Support	Retain permitted activity rule for TMTAs	Accept		
635.79		Aurora Energy Limited	35.4.15	Support	Retain Rule 35.4.15	Accept		
607.53		Te Anau Developments Limited	35.4.16	Not Stated	Amend rule as follows: Temporary Storage 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 50m ² in gross floor area. Note: Any temporary storage which fails to meet this permitted activity rule is subject to the rules of the relevant Zone. <u>This rule does not apply to the Rural Visitor Zone Walter Peak or Cardrona Ski Activity Area.</u>	Reject		
621.122		Real Journeys Limited	35.4.16	Not Stated	Amend rule as follows: Temporary Storage 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 50m ² in gross floor area. Note: Any temporary storage which fails to meet this permitted activity rule is subject to the rules of the relevant Zone. This rule does not apply to the Rural Visitor Zone Walter Peak or Cardrona Ski Activity Area.	Reject		
433.108		Queenstown Airport Corporation	35.5 Rules - Standards	Other	Insert the following new standard: <u>Rule 35.5.X Temporary structure</u> <u>All temporary buildings and structures (including cranes) shall not penetrate the Airport Approach and Land Use Controls of Figures 1 to 4.</u> Activity Status <u>RD</u> <u>Discretion is restricted to the potential adverse effects on the safe and efficient operation of aircraft arriving and departing from Queenstown or Wanaka Airport.</u>	Reject		

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Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
433.108	FS1097.394	Queenstown Park Limited	35.5 Rules - Standards	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		This submission point is unrelated to PC35
433.108	FS1117.154	Remarkables Park Limited	35.5 Rules - Standards	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		This submission point is unrelated to PC35
496.3		House Movers Section of New Zealand Heavy Haulage Association (Inc)	35.5 Rules - Standards	Not Stated	- In the event that demolition and or removal and re-siting of buildings is not a permitted activity due to non-compliance with performance standards, then as a default rule, provide for relocation of dwellings and buildings no more restrictively than a restricted controlled activity, provided that such application be expressly provided for on a non-notified, non-service basis.	Reject		
496.3	FS1340.48	Queenstown Airport Corporation	35.5 Rules - Standards	Oppose	All relocatable dwellings should be subject to the performance standards of the zone to which they will be located.	Accept		
607.55		Te Anau Developments Limited	35.5 Rules - Standards	Not Stated	Insert new rule to permit glare from lighting used for health and safety. Suggested wording is as follows: <u>Glare from lighting used for the purposes of health and safety is a permitted activity.</u>	Accept in Part		
607.55	FS1097.562	Queenstown Park Limited	35.5 Rules - Standards	Support	It is important to enable lighting for the purposes of health and safety.	Accept in Part		The rule, as notified, is not intended to restrict lighting for health and safety purposes. However to give effect to this submission an amendment has been recommended to this rule to remove reference to "fixed exterior" lighting, recognising that lighting for events, or for health and safety reasons, may not be 'fixed'.
607.54		Te Anau Developments Limited	35.5.1	Not Stated	Amend rule as follows: Relocated Buildings A shipping container has had any signage removed and is painted out where used on a site for a period exceeding two <u>three</u> months.	Accept in Part		This rule has been deleted as a consequential amendment to #496. Refer s42A report.
615.52		Cardrona Alpine Resort Limited	35.5.1	Oppose	A m e n d rule as follows: Relocated Buildings A shipping container has had any signage removed and is painted out where used on a site for a period exceeding two <u>three</u> months.	Accept in Part		This rule has been deleted as a consequential amendment to #496. Refer s42A report.
615.52	FS1105.52	Cardrona Valley Residents and Ratepayers Society Inc	35.5.1	Support	Support all aspects of the Cardrona Alpine Resort Limited submission and seek that the relief sought by Cardrona Alpine Resort Limited is allowed by the Council, to ensure: • The resort is able to continue to cater for guests of all abilities and disciplines so that it remains the most diverse ski-field in New Zealand and remains a premier resort for snow sports in Australasia. • The resort is able to develop, operate, maintain and upgrade its network of infrastructure, accommodation, food and beverage service, retail and mountain based tourism activities. • The resort is able to operate year round and continue to invest in and grow new four season visitor attractions activities, with significant growth in the provision of summer activities.	Accept in Part		This rule has been deleted as a consequential amendment to #496. Refer s42A report.
615.52	FS1137.53	Kay Curtis	35.5.1	Support	Seeks that the relief sought by Cardrona Alpine Resort Limited is accepted by the Council. Has an interest in the proposal that is greater than the interest the general public has.	Accept in Part		This rule has been deleted as a consequential amendment to #496. Refer s42A report.
621.123		Real Journeys Limited	35.5.1	Not Stated	Amend rule as follows: Relocated Buildings A shipping container has had any signage removed and is painted out where used on a site for a period exceeding two three months.	Accept in Part		This rule has been deleted as a consequential amendment to #496. Refer s42A report.
607.56		Te Anau Developments Limited	35.5.2	Not Stated	Amend rule to exclude glare from lighting used for health and safety. Suggested wording is as follows: Glare All fixed exterior lighting shall be directed away from adjacent sites and roads. Discretion is restricted to the following: • the effect of lighting on the amenity of adjoining properties. <u>This rule shall not apply to glare from lighting used for health and safety purposes.</u>	Accept in Part		

Appendix 2 to the Section 42A report for Chapter 35 - Temporary Activities and Relocated Buildings

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
615.53		Cardrona Alpine Resort Limited	35.5.2	Oppose	Amend rule to exclude glare from lighting used for health and safety. Suggested wording is as follows: Glare All fixed exterior lighting shall be directed away from adjacent sites and roads. Discretion is restricted to the following: • the effect of lighting on the amenity of adjoining properties. <u>This rule shall not apply to glare from lighting used for health and safety purposes.</u>	Accept in Part		
615.53	FS1105.53	Cardrona Valley Residents and Ratepayers Society Inc	35.5.2	Support	Support all aspects of the Cardrona Alpine Resort Limited submission and seek that the relief sought by Cardrona Alpine Resort Limited is allowed by the Council, to ensure: • The resort is able to continue to cater for guests of all abilities and disciplines so that it remains the most diverse ski-field in New Zealand and remains a premier resort for snow sports in Australasia. • The resort is able to develop, operate, maintain and upgrade its network of infrastructure, accommodation, food and beverage service, retail and mountain based tourism activities. • The resort is able to operate year round and continue to invest in and grow new four season visitor attractions activities, with significant growth in the provision of summer activities.	Accept in Part		
615.53	FS1137.54	Kay Curtis	35.5.2	Support	Seeks that the relief sought by Cardrona Alpine Resort Limited is accepted by the Council. Has an interest in the proposal that is greater than the interest the general public has.	Accept in Part		
621.125		Real Journeys Limited	35.5.2	Not Stated	Amend rule to exclude glare from lighting used for health and safety. Suggested wording is as follows: Glare All fixed exterior lighting shall be directed away from adjacent sites and roads. Discretion is restricted to the following: • the effect of lighting on the amenity of adjoining properties. This rule shall not apply to glare from lighting used for health and safety purposes.	Accept in Part		
433.109		Queenstown Airport Corporation	35.6 Rules – Non Notification	Other	Insert a new notification parameter as follows: <u>7.6.3 Notice shall be served on the requiring authority for Queenstown or Wanaka Airport for applications which do not comply with Rule 35.5.X [Temporary Structures as noted above].</u>	Reject		
433.109	FS1097.395	Queenstown Park Limited	35.6 Rules – Non Notification	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Accept in Part		
433.109	FS1117.155	Remarkables Park Limited	35.6 Rules – Non Notification	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Accept in Part		

Appendix 2 to the Section 42A report for Chapter 35 - Temporary Activities and Relocated Buildings - Definitions

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
243.45		Christine Byrch		Other	Rewrite the definitions based on the following comments: Temporary Activities - improve the wording.	Accept in part		
243.45	FS1224.45	Matakauri Lodge Limited		Oppose	The submitter opposes this submission and considers that the Proposed District Plan and Visitor Accommodation Sub-zone is an appropriate method to recognise and enable visitor accommodation on Lot 2 DP 27037. Seeks it to be disallowed.		Addressed in Rural hearing stream	
243.46		Christine Byrch		Other	Rewrite the definitions based on the following comments: Temporary Events - 'uses similar in character' to what? Unit - you refer to 'visitor accommodation unit' but this is not defined anywhere.	Reject	Definition of Unit deferred to Residential Hearing stream	Definition is intentionally non-prescriptive in relation to Temporary Events, as the range of activities occurring within temporary events is broad, and by their nature effects are temporary. As such, this submission is rejected.
243.46	FS1224.46	Matakauri Lodge Limited		Oppose	The submitter opposes this submission and considers that the Proposed District Plan and Visitor Accommodation Sub-zone is an appropriate method to recognise and enable visitor accommodation on Lot 2 DP 27037. Seeks it to be disallowed.		Deferred to Hearing Stream Rural, Deferred to the Hearing on Mapping	
1365.1		New Zealand Defence Force	2.2 Definitions	Support	Request to use the following definition for 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"	Accept		
496.4		House Movers Section of New Zealand Heavy Haulage Association (Inc)	2.2 Definitions	Not Stated	the definitions section of the plan to accord with trade practice and usage so as to distinguish between the activities of removal, re-siting, and relocation of dwellings and buildings. - Expressly provide in the proposed plan (whether in the definitions or in the activity rules) for the demolition and removal and re-siting of buildings as a permitted activity in all areas and zones, except in relation to any scheduled identified heritage buildings, or any properly established conservation heritage precinct. Suggested drafting to give effect to this submission is as follows (or the same or similar effect but without limiting the relief sought): Definitions "Relocated Building means any previously used building which is transported in whole or in parts and re-located from its original site to its destination site; but excludes any pre-fabricated building which is delivered dismantled to a site for erection on that site." "Removal of a Building means the shifting of a building off a site" "Relocation of a Building means the placement of a relocated building on its destination site" "Re-siting of a Building" means shifting a building within a site.	Accept		
519.7		New Zealand Tungsten Mining Limited	2.2 Definitions	Not Stated	Amend the definition of Temporary Activity as follows: '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: - Temporary events - Temporary filming - Temporary activities related to building construction - <u>Temporary exploration and prospecting</u> - Temporary military training - Temporary storage - Temporary utilities - Temporary use of a site as an 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.'	Reject		
519.7	FS1356.7	Cabo Limited	2.2 Definitions	Oppose	All the relief sought be declined	Accept in part		

Appendix 2 to the Section 42A report for Chapter 35 - Temporary Activities and Relocated Buildings - Definitions

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
519.7	FS1015.43	Straterra		Support	I support this submission in its entirety as providing appropriately for minerals and mining activities in the District, in a way that is consistent with the letter and intent of the RMA.	Reject		
607.44		Te Anau Developments Limited	2.2 Definitions	Not Stated	Insert definition for "temporary storage"	Reject		
		Cardrona Alpine Resort Limited	2.2 Definitions	Oppose	Insert definition for "temporary storage"	Reject		
615.42	FS1105.42	Cardrona Valley Residents and Ratepayers Society Inc	2.2 Definitions	Support	Support all aspects of the Cardrona Alpine Resort Limited submission and seek that the relief sought by Cardrona Alpine Resort Limited is allowed by the Council, to ensure: <ul style="list-style-type: none"> • The resort is able to continue to cater for guests of all abilities and disciplines so that it remains the most diverse ski-field in New Zealand and remains a premier resort for snow sports in Australasia. • The resort is able to develop, operate, maintain and upgrade its network of infrastructure, accommodation, food and beverage service, retail and mountain based tourism activities. • The resort is able to operate year round and continue to invest in and grow new four season visitor attractions activities, with significant growth in the provision of summer activities. 	Reject		
615.42	FS1137.43	Kay Curtis	2.2 Definitions	Support	Seeks that the relief sought by Cardrona Alpine Resort Limited is accepted by the Council. Has an interest in the proposal that is greater than the interest the general public has.	Reject		
		Real Journeys Limited	2.2 Definitions	Not Stated	Definitions Insert definition for "temporary storage"	Reject		Temporary storage is included as one type of "temporay activity", as per the definition. A further definition of this use is not considered necessary, and the rules (notified 35.4.16) set limits around the scale/duration of temporary storage, which provide some limit around the scope of what it includes.
635.8		Aurora Energy Limited	2.2 Definitions	Support	The definition for Temporary Activities is supported and is to be retained.	Accept in part		Definition of Temporary Activity is largely retained as notified but has been amended to refer to "informal airports" and remove reference to "certain community events" as this wording lacked clarity.
433.33		Queenstown Airport Corporation	2.2 Definitions	Support in part	"Temporary Activity" - Amend the definition to include airshows.	Reject		

Appendix 3. Section 32 Report



Section 32 Evaluation Report

Temporary Activities & Relocated Buildings

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Section 32 Evaluation Report: Temporary Activities & Relocated Buildings

1. Strategic Context

Council is preparing a new District Plan under Section 74 of the Resource Management Act 1991(RMA or the Act). Section 74(1) of the RMA sets out matters which are to be considered by territorial authorities when preparing or changing district plans. That section states that any change to district plans must be in accordance with the functions for territorial authorities set out in section 31, the provisions of Part 2, the duties under section 32, and any regulations.

Section 74(2) of the Act requires that when preparing or changing a district plan, a territorial shall have regard to:

- (a) *any –*
 - (i) *Proposed regional policy statement; or*
 - (ii) *Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*

- (b) *any-*
 - (i) *Management plans and strategies prepared under other Acts; and*
 - (ii) *Repealed*
 - (ia) *Relevant entry [on the New Zealand Heritage List/Rarangi Korero required by the Heritage New Zealand Pouhere Taonga Act 2014]; and*
 - (iii) *Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),— to the extent that their content has a bearing on resource management issues of the district; and*

- (c) *The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*

Section 74(2A) requires that when preparing or changing a district plan a territorial authority must take into account:

Any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

Section 75 of the Act details the requirements for the content of district plans. Section 75 of the Act states that:

- (3) *A district plan must give effect to –*
 - (a) *any national policy statement; and*
 - (b) *any New Zealand coastal policy statement; and*
 - (c) *any regional policy statement.*

- (4) *A district plan must not be inconsistent with -*
 - (a) *a water conservation order; or*
 - (b) *a regional plan for any matter specified in section 30(1).*

Consideration has been given to the matters detailed in sections 74 and 75 of the Act, as outlined in Sections 2 to 5 below.

2. National Planning Documents

National Policy Statements

There are currently four operative national policy statements which the District Plan must give effect to. These include:

- The New Zealand Coastal Policy Statement 2010
- The National Policy Statement for Renewable Electricity Generation 2011
- The National Policy Statement for Freshwater Management 2011
- The National Policy Statement for Electricity Transmission 2008

It has been determined that none of these policy statements are relevant to the proposed Temporary Activities & Relocated Buildings chapter.

National Environmental Standards

National environmental standards are regulations made under section 43 of the RMA. They can prescribe technical standards, methods or other requirements for environmental matters. In some circumstances, local authorities can impose stricter standards. There are currently five National Environmental Standards in effect:

- Air quality
- Sources of human drinking water
- Telecommunications facilities
- Electricity transmission
- Assessing and managing contaminants in soil to protect human health

It has been determined that none of these national environmental statements are relevant to the proposed Temporary Activities & Relocated Buildings chapter.

3. Regional Planning Documents

Regional Policy Statement

Section 75 of the Act requires that a district plan prepared by a territorial authority must “give effect to” any operative Regional Policy Statement. The operative Otago Regional Policy Statement 1998 (RPS, 1998), administered by the Otago Regional Council, is the relevant regional policy statement to be given effect to within the District Plan.

For the purposes of this section 32 report the RPS for Otago has been reviewed. In general the RPS contains only very general policy guidance that would not have any direct bearing on the existing and proposed temporary activities or relocated buildings. However the RPS does contain objectives and policies in relation to waste minimisation and recycling (objectives 13.4 and policies 13.5), which can have a bearing on the management of temporary activities. Additionally, the RPS contains policies relating to the form and quality of the built environment (Chapter 9), of relevance to the management of relocated buildings. These are:

Matter	Objectives	Policies
To promote sustainable management of the built environment and infrastructure, as well as avoiding or mitigating against adverse effects on natural and physical resources.	9.4.1 to 9.4.3	9.5.4 and 9.5.5

The Temporary Activities and Relocated Buildings Chapter is consistent with the operative provisions of the RPS in that it seeks to manage Temporary Activities and Relocated Buildings to avoid adverse effects on the built environment.

Proposed Otago Regional Policy Statement

Section 74 of the Act requires that a District Plan must “*have regard to*” any proposed regional policy statement. It is noted that the ORC is currently in the process of reviewing the RPS 1998.

The Proposed RPS was released for formal public notification on the 23 May 2015. The Proposed RPS does not contain any specific policy relevant to Temporary Activities or Relocated Buildings, however, it does contain general provisions relating to the management of amenity within urban and rural environments. The following provisions of the Proposed RPS are considered relevant to this Chapter.

Matter	Objectives	Policy
Urban areas are well designed, sustainable and reflect local character	3.7	3.7.1

The Temporary Activities and Relocated Buildings Chapter has had regard to the Proposed RPS and the above objective and policy by establishing provisions to ensure that the positive effects of these activities are realised and enabled; while ensuring potential adverse effects can be suitably managed to ensure appropriate integration with the existing environment and built form.

Regional Plans

There are four operative regional plans within the Otago Region relating to air, water, coast and waste. The purpose of the Otago Regional Plan: Air is to promote the sustainable management of the air resource in the Otago region. The Otago Regional Plan: Water is for the use, development and protection of Otago's rivers, lakes, aquifers and wetlands. The Otago Regional Plan: Coast is relevant to the coastal marine area. The Otago Regional Plan: Waste applies to solid waste management, including waste minimisation. This chapter does not seek to address any matters that are managed under the Otago Regional Plans for Air, Water and the Coast. The minimisation of waste is addressed in proposed provisions, therefore the Regional Plan: Waste is relevant to this chapter. The provisions aim to minimise waste generated at source, and maximise the opportunities for reuse, recycling, and recovery of waste materials.

4. Iwi Management Plans

Kai Tahu Ki Otago Resource Management Plan

The Kai Tahu Ki Otago Resource Management Plan (2005) (NRMP) is the principal planning document for Kai Tahu Ki Otago (KTKO) ((KTKO is used to describe the four Papatipu Runanga and associated whanau and ropu of the Otago Region). Chapter 5 of the NRMP identifies issues, objectives and policies for the Otago Region as a whole, and includes the following objectives:

- i. *The rakātirataka and kaitiakitaka of Kāi Tahu ki Otago is recognised and supported.*
- ii. *Ki Uta Ki Tai management of natural resources is adopted within the Otago region.*
- iii. *The mana of Kāi Tahu ki Otago is upheld through the management of natural, physical and historic resources in the Otago Region.*
- iv. *Kāi Tahu ki Otago have effective participation in all resource management activities within the Otago Region.*
- v. *The respective roles and responsibilities of Manawhenua within the Otago Region are recognised and provided for through the other objectives and policies of the Plan.*

Chapter 10 of this plan sets out objectives and policies as they are relevant to the Clutha/Mata-au Catchment, which the District is contained. No objectives or policies within the NRMP are directly relevant to the Temporary Activities & Relocated Buildings chapter.

Ngai Tahu Ki Murihiku Natural Resource and Environmental Iwi Management Plan (2008)

The Ngai Tahu Ki Murihiku Natural Resources and Environmental Iwi Management Plan (Murihiku Plan) was issued in 2008 and consolidates Ngai Tahuki Murihiku values, knowledge and perspectives on natural resources and environmental management issues. The Murihiku Plan identifies kaitiakitanga, environmental and social, economic, health and wellbeing outcomes that need to be recognised when considering the proposed chapter. The proposed chapter will not offend any of the relevant objectives and policies.

5. Section 32 Evaluation

All District Plan changes must be evaluated as directed by section 32 of the RMA. Section 32(1) and (2) specifies what the evaluation must examine.

- (1) *An evaluation report required under this Act must—*

- (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
 - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

Section 32(3) relates to “amending proposals”. As Council is issuing a new proposed District Plan, this section is not considered relevant.

6. Resource Management Issues

This review seeks to address a number of key issues (detailed below), to enable a more permissive approach to temporary activities with an acceptable level of effects, to avoid duplication of regulatory processes (both within Council and Crown entities). The review also seeks to improve on identified issues associated with operative provisions applying to Relocated Buildings, by providing for certain Relocated Buildings to be established without the need for resource consent – where complying with site design standards (setbacks, building height, site coverage).

The proposed provisions retain the operative District Wide approach to Temporary Activities and Relocated Buildings by keeping these within a single chapter to avoid duplication across individual zones.

The review also aims to clarify and strengthen existing provisions by providing clear objectives and policies, and to make the Plan easier to understand and administer.

The resource management issues set out in this section have been identified from the following sources:

- Monitoring Report for Section 19 of the operative District Plan (January 2012) (**Attachment 4**)
- Consultation brochure on temporary activities (excluding temporary events) sent to persons identified as being involved in temporary activities.
- Consultation brochure on temporary events sent to known event organisers
- Summary of feedback received from consultation brochures
- Research Report titled ‘Queenstown Lakes District Council Management of Informal Airports’ April 2012. Prepared by Southern Planning Group Ltd.
- Simpson Grierson legal check / review of Report titled ‘Queenstown Lakes District Council Management of Informal Airports’ April 2012. Prepared by Southern Planning Group Ltd.
- The Auckland Film Protocol (draft)
- Comparison with numerous other District Plan provisions elsewhere in New Zealand
- Safety Planning Guideline for Events December 2003. Prepared by NZ Police, St John, NZ Fire Service, and Ministry of Civil Defence and Emergency Management.
- Zero Waste Events – Zero Waste Guide for Events. Prepared by the Queenstown Lakes District Council
- Zero Waste Production – A Green Screen Guide & Directory for Film Production
- Queenstown Lakes District Council Events Strategy 2013 - 2017

- Consultation with QLDC Event Facilitators, QLDC Property Manager APL Property, QLDC Resource Consenting Planners, QLDC Reserves Department, The Department of Conservation, NZTA, and the Film Otago/Southland Executive Manager
- District Plan Review Section 32 Analysis: Temporary Activities Report, January 2013 (**Attachment 5**).

The key resource management issues include:

- The review identified that the location of 'relocated buildings' provisions in a chapter that is otherwise restricted to 'temporary activities' has in some cases led to confusion and poor legibility. However, the provisions are also very specific in nature, are infrequently applied, and maintain a consistent regulatory approach across the District. For these reasons, it is proposed to retain their location within a single district wide chapter to maintain the established and understood approach.
- The 'Monitoring Report for Section 19 of the operative District Plan' (January 2012) (**Attachment 4**) and the supporting 'District Plan Review Section 32 Analysis: Temporary Activities Report', January 2013 (**Attachment 5**) identified the following issues associated with the approach to Relocated Buildings under Section 19 of the Operative District Plan:
 - The relocated buildings rule excludes accessory buildings, which would include shipping containers. This may not have been anticipated when the rule was written, because they have recently become popular as a storage option, and the appearance of shipping containers is quite different to other 'residential' accessory buildings, such as a garden shed.
 - An issue has arisen about whether the activity of relocating an existing lawfully established building within its own site should be a permitted activity, provided the relocated building complies with the relevant site and zone standards. A number of consents were issued for relocating a building within a site.
 - An issue has arisen about whether 'new build' relocations require resource consent or are permitted. Consideration should be given to whether new builds that have been constructed elsewhere specifically for the purpose of residential accommodation should require resource consent.
 - A number of problems were identified with the definition of a 'Building' and its application to structures like caravans and shipping containers.
- The single objective and two policies of the Operative District Plan are not well suited to the six diverse types of temporary activities covered under the existing section 19, nor the additional temporary activity proposed (for example, temporary use of a site as an airport for community events). The two policies are ineffective due to their generality and the fact that they were directed at the Council as plan writer, rather than providing guidance for the consenting process.
- Temporary events and temporary filming on public conservation land requires a concession from the Department of Conservation. It has been viewed as a double up that Council can sometimes also require resource consent for temporary events and temporary filming, when the landowner and manager of the Conservation Estate has already given permission.
- Temporary events are often held on Council-owned and managed recreation land and require numerous approvals from different Council departments. This has led to the impression of over-regulation whereby there is a requirement seek a resource consent from one Council department, despite the event having been approved and encouraged by another department.
- An issue is the number of persons permitted at outdoor events (<200) before a resource consent is required, as the limits are quite low and adverse effects do not appear to arise at this number.
- An issue is with regard to the permitted duration of temporary events (currently up to 7 days) and the use of a cap on the total number of events on a site (currently due to interpretation issues it is difficult to know if there is a cap on the total number of temporary events a site may be used for).
- In terms of the rules relating to licensed events, an issue is whether having a blanket discretionary activity status for any event that involves the sale of alcohol is necessary, given that the sale of alcohol is regulated under the Sale and Supply of Alcohol Act 2012.

An issue is the use of zone-based noise limits for managing noise from temporary events. Providing specific noise limits for temporary events and temporary filming, rather than the zone noise limits (which will almost always be breached).

- In terms of the site standards for temporary events, the reference to Clause G1 of the Building Code is incorrect and needs to be replaced with an appropriate system for determining the number of toilets required at an event.
- In terms of the rule relating to temporary events, monitoring indicated the effectiveness of the existing rule would be enhanced by stating that tents and marquee's are not deemed to be 'indoor' venues.
- For the rules relating to activities associated with construction activity, consideration could be given to removing the 50m² and twelve month time limit and providing for them to remain for the duration of the construction project. This is because temporary buildings associated with construction activity are an anticipated part of a construction site.
- Large-scale construction projects are often located in areas not serviced by permanent retail activity to provide for the food/drink needs of construction workers. This is likely to have resulted in unnecessary trip generation for construction workers.
- In terms of the rule relating to temporary storage, the rule is very broad, only excluding farming purposes. Section 19 of the District Plan lacks a statement directing a reader to the activity status of a proposal that breaches this rule, or the site standards, and requires a statement directing them to the relevant zone rules. A similar issue arises with the temporary utilities rule, which is that temporary utilities are subject to the utilities chapter if the temporary utilities rule cannot be complied with.
- An issue is the large amount of assessment matters contained within the chapter, often duplicating requirements of other legislation, for example *'compliance with food hygiene standards and regulations.'*

7. Purpose and Options

The Operative Relocated Buildings, Temporary Buildings & Temporary Activities chapter does not contain one over-arching purpose, but individually refers to providing for relocated buildings and to enable flexibility for temporary activities within the District that are limited in either scale or duration and have no more than minor adverse effects.

The proposed chapter is still intended to apply to both Temporary Buildings and Relocated Buildings as both being matters relevant to address at a District Wide level. However a centralised purpose statement has been proposed which addresses the specific resource management issues of each activity.

The proposed chapter recognises that temporary events and filming are important to the economic, social, and cultural vitality of the District, and are therefore encouraged. The establishment of Relocated Buildings within the District can also have positive benefits however their appearance and intended use must be compatible with the existing environment and amenity.

The proposed chapter will both provide for temporary activities currently permitted, and adopt a more permissive approach where, on balance, the outcome sought is considered to outweigh adverse effects.

The following sections of this report have been provided in order to fulfil the statutory requirements of section 32 of the RMA.

8. Evaluation of proposed Objectives - Section 32 (1) (a)

Section 32(1)(a) of the RMA requires the evaluation to examine the extent that a new objective is the most appropriate way to achieve the purpose of the Act. Six new objectives are proposed as part of this proposed chapter. This section of the report considers the new objectives in the context of the purpose of the Act.

The purpose of the Act demands an integrated planning approach and direction:

Section 5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The remaining provisions in Part 2 of the Act, particularly section 7, provide a framework within which objectives are required to achieve the purpose of the Act and provisions are required to achieve the relevant objectives. Section 7 (abbreviated below) is particularly relevant to this proposed chapter:

Section 7 Other Matters

In achieving the purpose of this Act, all persons exercising functions and power under it, in relation to managing the use, development, and protecting of natural and physical resources, shall have particular regard to –

- (b) *the efficient use and development of natural and physical resources:*
- (c) *the maintenance and enhancement of amenity values:*
- (f) *maintenance and enhancement of the quality of the environment:*

The following objectives serve to address the Temporary Activities and Relocated Building issues identified in this report.

Proposed Objective	Appropriateness
<p>35.2.1</p> <p>Temporary Events and Filming are encouraged and are undertaken in a manner that ensures the activity is managed to minimise adverse effects.</p>	<p>This objective acknowledges the significant benefits that temporary events and filming provide communities within the District. This objective also acknowledges that without adequate management, temporary events and filming can result in substantial adverse effects.</p> <p>The Queenstown Lakes District Council Events Strategy 2013 - 2017 (refer to Attachment 1) has been designed to guide the growth, development and delivery of events in the District over the next 10 years (2013-2023), with the specific goal of extending the flow of economic and social benefits of events. The strategy identifies four main benefit streams associated with events:</p> <ul style="list-style-type: none"> • Economic benefits <p>Direct economic benefits to the District result from increased visitor spending with a higher than average spend, and event income sourced from outside the region.</p> <ul style="list-style-type: none"> • Branding and exposure <p>Large-scale events are a cost effective means of promotion.</p> <ul style="list-style-type: none"> • Social well-being <p>A balanced event portfolio makes for a more vibrant and interesting place to live.</p> <ul style="list-style-type: none"> • Legacy benefits <p>Events can position a town or district on the global stage and act as a catalyst</p>

	<p>for change. Long terms legacy benefits can also result including infrastructure, local knowledge, resources, and business/trade benefits.</p> <p>With respect to economic benefits, major events such as Warbirds Over Wanaka and Winterfest have been estimated to result in an overall economic impact of \$21.6 million¹ and \$57 million², however smaller events can too provide substantial economic benefits.</p> <p>The NZ Local Government Filming Protocol identifies the economic benefits associated with filming, including job creation, support for local businesses, and support for maintaining places of scenic and heritage value.</p> <p>However both temporary events and filming can and will result in adverse effects including nuisance, disruption, restriction to public access, waste and infrastructure demands, and displacement to other visitors. However these adverse effects are, in isolation, generally temporary. Overall the positive effects are considered to outweigh adverse effects when carefully managed.</p> <p>The operative objective relating to temporary activities does not seek to directly encourage temporary events/filming, but takes an approach of accepting these activities will happen, subject to minimising any adverse effects on the environment.</p> <p>This lead objective is therefore considered to be consistent with Section 5 of the Act in that it will allow for the communities in our District to provide for their social, economic, and cultural well-being while avoiding, remedying, or mitigating any adverse effects of activities on the environment.</p> <p>Given that events and filming is generally of a temporary nature, Objective 35.2.1 will not be inconsistent with any of the matters within Section 6, or other matters outlined in Section 7 of the RMA.</p> <p>Objective 35.2.1 will align with the Proposed Strategic Directions Chapter, being the enhancement of the social, cultural, and economic wellbeing of the District.</p> <p>Objective 35.2.1 is not directly relevant to the objectives and policies of the Otago Regional Policy Statement.</p>
<p>35.2.2</p> <p>Temporary activities necessary to complete building and construction work are provided for.</p>	<p>Activities necessary to complete building and construction work are an anticipated part of any construction project. The operative provisions do provide for construction-related temporary activities. Examples including permitting the use of temporary buildings and structures used for construction, whereby these would otherwise often require a resource consent.</p> <p>Development (and therefore the need for associated building/construction work) is governed in other parts of the District Plan. Objective 35.2.2 seeks to continue to enable the continued use of these temporary activities to enable completion of construction and building projects.</p> <p>Objective 35.2.2 specifically relates to these activities whereby under the operative provisions, these activities are incorporated into a single objective that addresses all temporary activities. This objective will provide clarity that this set of activities is distinctly different from other temporary activities.</p> <p>In relation to Section 5 of the Act, Objective 2 will enable the management of natural and physical resources to enable people and communities to provide for their social, economic, and cultural well-being and for their health and</p>

¹ See Reference 1

² See Reference 2

	<p>safety.</p> <p>Objective 35.2.2 will not be inconsistent with any of the matters outlined in Sections 6 or 7 of the RMA, as the activity is directly associated with development governed under other District Plan provisions.</p> <p>Objective 35.2.2 is not directly relevant to the objectives and policies of the Otago Regional Policy Statement.</p>
<p>35.2.3</p> <p>Temporary Military Training is provided for to meet the needs of the New Zealand Defence Force.</p>	<p>Objective 35.2.3 has been designed to provide flexibility to the New Zealand Defence Force to undertake military training to suit their needs.</p> <p>The operative provisions do provide for temporary military training. However similar to temporary construction-related activities, there is no clear and specific objective to provide for this activity.</p> <p>In relation to Section 5 of the Act, Objective 35.2.3 will enable the management of natural and physical resources to enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety.</p> <p>Objective 35.2.3 will not be inconsistent with any of the matters of national importance within Section 6, or other matters outlined in Section 7 of the RMA.</p> <p>Objective 35.2.3 is not directly relevant to the objectives and policies of the Otago Regional Policy Statement.</p>
<p>35.2.4</p> <p>Temporary Utilities needed for other temporary activities or for emergencies are provided for.</p>	<p>Temporary activities (events and filming in particular) require temporary utilities (including lighting, electricity generation, water storage etc). Objective 35.2.4 is intended to continue to provide for these utilities, whereby they would otherwise require a resource consent under the utilities rules of the District Plan.</p> <p>Temporary utilities are also required in an emergency situation, as evidenced by the recent Canterbury Earthquakes. Given the hazard-prone nature of the District, retaining provision for these utilities is important to achieve the purpose of the Act.</p> <p>Objective 4 will not be inconsistent with any of the matters of national importance within Section 6, or other matters outlined in Section 7 of the RMA.</p> <p>Objective 35.2.4 is relevant in respect to Policy 11.5.2 of the RPS; and Objective 3.2 of the Proposed RPS, being the ability to take action to mitigate adverse effects of natural hazards, and the response to natural hazards on human life, infrastructure, and property.</p>
<p>35.2.5</p> <p>Temporary Storage is provided for in rural areas.</p>	<p>Temporary storage is often required in various situations and is therefore provided for under the operative provisions. Objective 35.2.5 is intended to retain provision for this storage, while specifically differentiating between regular storage of goods and materials and those associated with farming.</p> <p>Storage associated with farming activities are generally located within rural areas and are more readily anticipated than storage in other areas.</p> <p>Objective 35.2.5 will align with Goals 3.2.4 and 3.2.5 of the Proposed Strategic Directions Chapter, being the protection of landscape and amenity values and the enhancement of the social, cultural, and economic wellbeing of the District.</p> <p>Objective 35.2.5 will not be inconsistent with any of the matters of national importance within Section 6, or other matters outlined in Section 7 of the RMA.</p> <p>Objective 35.2.5 is not directly relevant to the objectives and policies of the</p>

	Otago Regional Policy Statement.
35.2.6 Relocated Buildings are located and designed to maintain amenity and provide a positive contribution to the environment.	Relocated Buildings may be used for a range of purposes and can be a cost-effective means of providing accommodation or storage. Such buildings should satisfy the same general appearance standards as new buildings. This policy seeks to enable relocated buildings where these are compatible with the amenity of the surrounding environment. This objective is consistent with Goal 3.2.3 of Strategic Direction relating to the maintenance of a quality built environment. The objective is also consistent with the urban design principles of the Proposed RPS.

The above objectives have been considered against Part 2 of the Act, the RPS (operative and proposed), and the draft Strategic Direction chapter of the proposed plan. When compared against the objectives of the operative District Plan, the proposed objectives are considered the most appropriate method of achieving the purpose of the Act. They will enable the communities within the District to provide for their social, economic, and cultural well-being and for their health and safety while avoiding, remedying, or mitigating any adverse effects of the activities on the environment.

9. Evaluation of broad options for achieving Objectives Section 32 (1) (b)(i)

As required by section 32(1)(b)(i) RMA, the following section considers various broad options to address the issues identified in Section 6 of this report, in order to determine if they are therefore the most appropriate way of achieving the new objectives. Recommendations are made as to the most appropriate course of action in each case. For the purposes of this assessment, the issues have been broadly grouped into the following categories:

Issue 1: Encouraging Temporary Events and Filming to be undertaken within the District

In addressing Issue 1, Option 1 generally seeks to retain the operative District Plan provisions as they stand. Option 2 seeks to amend and improve the operative provisions to encourage temporary events and filming, where appropriate, while managing adverse effects. Option 3 would be a comprehensive review to the operative provisions whereby minimal or no regulation would be imposed on these activities.

Issue 2: Enabling activities associated with construction and building work to be successfully undertaken while minimising adverse effects.

In addressing Issue 2, Option 1 again seeks to retain the operative District Plan provisions as they stand. Option 2 seeks to amend and improve the operative provisions by better tailoring the provisions to the reality of building and construction activities. Option 3 seeks to provide for a comprehensive change to the existing provisions to enable unrestricted building and construction work.

Issue 3: Meeting the needs of the New Zealand Defence Force within the District.

In addressing Issue 3, Option 1 again seeks to retain the operative District Plan provisions as they stand. Option 2 seeks to amend and improve the operative provisions by better tailoring the current provisions to meet the needs of the New Zealand Defence Force, and Option 3 seeks a comprehensive review by specifically prescribing standards for the activities of the Defence Force.

Issue 4: Ensuring temporary utilities are specifically enabled when associated with all temporary activities and emergencies.

In addressing Issue 4, Option 1 again seeks to retain the operative District Plan provisions as they stand. Option 2 seeks to amend and improve the operative provisions by addressing areas of the existing provisions that area seen as either deficient, or overly-restrictive when compared to their adverse effects. Option 3 sees a comprehensive review of the regulatory management of temporary utilities.

Issue 5: Enabling short-term storage of goods and materials

In addressing Issue 5, Option 1 again seeks to retain the operative District Plan provisions as they stand. Option 2 seeks to amend and improve the operative provisions by providing greater control over temporary storage. Option 3 seeks a comprehensive review of the management of temporary storage, including reviewing provision for farming-related storage.

Issue 6: Enabling certain Relocated Buildings to be undertaken without the need for resource consent where these maintain amenity.

In addressing Issue 6, Option 1 relates to retaining the operative District Plan provisions as they currently stand for relocated buildings. Option 2 seeks to amend and improve the operative provisions by providing greater scope for certain low risk relocated building activities to occur without the need for resource consent. Option 3 seeks a comprehensive review of the management of relocated buildings, including the establishment of more rules to control the scale and form of buildings, and inclusion of zone specific rules throughout the District Plan.

Broad options considered for achieving the objectives (Section 32(1)(b)(i))

Issue 1: Temporary Events and Filming are encouraged and are undertaken in a manner that ensures the activity is managed to minimise adverse effects (Objective 35.2.1)

Option 1: Retain the provisions of the operative District Plan.

Option 2: Amend and improve the operative provisions, where appropriate, to encourage temporary events and filming while at the same time avoiding adverse effects.

Option 3: Comprehensive review of the operative provisions whereby providing for minimal or no regulation for these activities to encourage temporary events and filming.

	Option 1: Status quo/ No change	Option 2: Amend operative provisions, where appropriate, to encourage temporary events and filming while at the same time avoiding adverse effects.	Option 3: Comprehensive review to the operative provisions whereby minimal or no regulation would be imposed on these activities.
Cons	<ul style="list-style-type: none"> • The operative District Plan rules relating to temporary events and filming are complex and difficult to navigate - a key issue as identified in the Council's own Events Strategy. • The current provisions result in regulatory duplication between different departments of the Council, and the Department of Conservation. • The current thresholds for the need to obtain resource consent for a temporary event are too low and often not associated with substantial adverse effects. • The current provisions are outdated and refer incorrectly to other legislation (Building Act and Sale and Supply of Liquor Act). • Zone based noise limits are an impractical approach to managing the effects of 	<ul style="list-style-type: none"> • Has costs associated with going through the District Plan Review process (but this is required by legislation). • A degree of regulation designed to avoid adverse effects will always have associated costs and regulatory chill to discourage temporary events and filming. 	<ul style="list-style-type: none"> • Has costs associated with going through the District Plan Review process (but this is required by legislation). • Temporary activities and filming can and do result a wide scope of adverse effects. Removing the ability for the Council to retain general control over events and filming will not be a responsible action from the Council where the community will be subject to these effects. • A high cost to the Council dealing with the adverse effects of unrestricted activities in future.

	temporary events and filming, where public tolerance of these activities is greater.		
Pros	<ul style="list-style-type: none"> Retains the established approach which the public, film organisers, and event organisers are familiar with. Ensures that most medium-sized events are assessed in detail through the resource consent process with better ability to micro-manage adverse effects. Low cost for Council. 	<ul style="list-style-type: none"> Generally retains the established approach which the public, film organisers, and event organisers are familiar with. Enquiries with the Council are likely to still occur, helping to encourage a relationship between these parties and the Council. Ability to enhance the existing provisions by providing greater flexibility for the ability of temporary events and filming to be undertaken, with less of these activities requiring a resource consent. Monitoring and consultation with relevant parties has identified key areas where targeted changes can be made to result in substantial, balanced progress toward resolving the issue. 	<ul style="list-style-type: none"> Will provide for near-unrestricted ability to undertake temporary events and filming and therefore much more likely to attract these activities to the District. Little need for pre-planning of events in conjunction with the Council ensures less work for event and filming organisers.
Ranking	3	1	2

Option 1 would generally allow the familiarity of users of the Temporary Activities provisions to remain but would not address the resource management issues identified in Section 6.

Option 2 recognises that some of the existing provisions of the operative District Plan are effective, however there are significant amendments which could further improve their effectiveness. Option 2 is therefore the most reasonably practicable option for achieving the objectives and addressing the resource management issues identified in Section 6.

Option 3 would most significantly depart from the operative provisions. While a high level of flexibility would be afforded to event and filming activities, the adverse effects resulting from this flexibility would likely result in new significant issues and effects that do not arise with the current provisions.

Option 2 is considered the most reasonably practicable option for achieving the objective of the proposed chapter

Issue 2: Enabling construction and building work to be successfully undertaken while minimising adverse effects (Objective 35.2.2)

Option 1: Retain the provisions of the Operative District Plan.

Option 2: Amend and improve the operative provisions by better tailoring the provisions to the reality of building and construction activities.

Option 3: Comprehensive change to the existing provisions to enable unrestricted building and construction work.

	Option 1: Status quo/ No change	Option 2: Amend and improve existing provisions to better tailor the provisions to reflect the reality of building and construction work	Option 3: Comprehensive change to allow for unrestricted activities associated with building and construction work
Cons	<ul style="list-style-type: none"> • The operative provisions impose arbitrary limits on certain construction activities, despite these limits not being necessarily related to adverse effects. • The current provisions fail to adequately meet the needs of building and construction workers. 	<ul style="list-style-type: none"> • Has costs associated with going through the District Plan Review process (but this is required by legislation). • Would result in a change from the status quo – Plan users would need to become familiar with new provisions. • Amendments would be based on the current nature of the building and construction industries and these industries may change in future 	<ul style="list-style-type: none"> • Has costs associated with going through the District Plan Review process (but this is required by legislation). • Opens up a part of the plan which is currently settled. • Would remove the ability for the Council to manage construction activity where adverse effects are resulting over extended periods.
Pros	<ul style="list-style-type: none"> • Maintains the established approach which parties are familiar with. • Low cost for Council. • Some provisions of the operative District Plan are working well. 	<ul style="list-style-type: none"> • Some provisions of the operative District Plan are working well, but could be improved with further minor amendments. • These minor amendments would bring the District Plan provisions into line with the realities of building and construction industries, especially given the wide nature and variety of construction projects. 	<ul style="list-style-type: none"> • Avoids the need for an additional resource consent process whereby many, but not all, developments are already subject to this process. • A small encouragement to construction and building activity - commonly recognised to stimulate economic growth.
Ranking	2	1	3

Option 1 would generally allow the familiarity of users of the provisions to remain but would not address the resource management issues identified in Section 6.

Option 2 recognises that some of the existing provisions are effective, however further amendments to these provisions to enable a more responsive form of management of effects is likely to result in more effective sustainable management.

Option 3 does not recognise that activities associated with construction and building activity can have adverse effects over the long term. Removing the current regulatory control in this regard would not promote sustainable management.

Option 2 is considered the most reasonably practicable option for achieving the objective of the proposed chapter.

Issue 3: Meeting the needs of the New Zealand Defence Force within the District (Objective 35.2.3).

Option 1: Retain the provisions of the Operative District Plan.

Option 2: Tailor the current provisions to meet the specific needs of the New Zealand Defence Force.

Option 3: Comprehensive review by specifically prescribing standards for the activities of the Defence Force.

	Option 1: Status quo/ No change	Option 2: Tailoring the current provisions to meet the specific needs of the New Zealand Defence Force.	Option 3: Comprehensive review by specifically prescribing standards for the activities of the Defence Force.
Cons	<ul style="list-style-type: none"> The operative provisions provide little ability for the Council to control the activities of the New Zealand Defence Force. 	<ul style="list-style-type: none"> Has costs associated with going through the District Plan Review process (but this is required by legislation). Would likely result in additional restriction to the activities of the Defence Force as the operative provisions are permissive. May require resource consents to be obtained for activities needed to benefit the wider good. 	<ul style="list-style-type: none"> Has costs associated with going through the District Plan Review process (but this is required by legislation). Would likely result in additional restriction to the activities of the Defence Force as the operative provisions are permissive. May require resource consents to be obtained for activities needed to benefit the wider good.
Pros	<ul style="list-style-type: none"> Maintains the established approach which parties are familiar with. Low cost for Council. The relevant provisions of the operative District Plan are working well. No apparent issues have arisen with the current provisions. 	<ul style="list-style-type: none"> Would provide more certainty for the Council and communities within the District as to what activities may be undertaken. 	<ul style="list-style-type: none"> Would provide more certainty for the Council and communities within the District as to what activities may be undertaken.
Ranking	1	2	3

Option 1 is considered to be appropriate as there were no resource management issues relating to Temporary Military Training in Section 6.

Options 2 and 3 would provide further certainty to the Council and communities as to what Military Training activities could be undertaken. However this will be in detriment of the wider good and will result in additional restrictions to the activities of the Defence Force.

Option 1 is considered the most reasonably practicable option for achieving the objectives of the proposed chapter.

Issue 4: Ensuring temporary utilities are specifically enabled when associated with all temporary activities and emergencies (Objective 35.2.4).

Option 1: Retain the provisions of the Operative District Plan.

Option 2: Amend and improve the operative provisions that are either deficient, or overly-restrictive when compared to their adverse effects.

Option 3: Comprehensive review of the regulatory management of temporary utilities.

	Option 1: Status quo/ No change.	Option 2: Amend and improve the operative provisions that are either deficient, or overly-restrictive when compared to their adverse effects.	Option 3: Comprehensive review of the regulatory management of temporary utilities
Cons	<ul style="list-style-type: none"> • The operative provisions impose arbitrary limits on certain temporary utilities that are not directly associated with adverse effects. • Specific limits on the use of a temporary utility associated with an emergency are not the most appropriate method to achieve sustainable management. 	<ul style="list-style-type: none"> • Has costs associated with going through the District Plan Review process (but this is required by legislation). 	<ul style="list-style-type: none"> • Has costs associated with going through the District Plan Review process (but this is required by legislation). • The relevant provisions of the operative District Plan are working well and minor changes could resolve the existing issues.
Pros	<ul style="list-style-type: none"> • Maintains the established approach which parties are familiar with. • Low cost for Council. • The relevant provisions of the operative District Plan are working relatively well. • No significant issues have arisen with the current provisions; however this may be a result of a lack of monitoring, the temporary nature of the activity, and lack of large-scale emergencies. 	<ul style="list-style-type: none"> • This approach would allow for minor 'tweaking' of provisions to ensure that the intent of the objective is being addressed while retaining elements of the provisions that are working well. 	<ul style="list-style-type: none"> • Would provide more certainty for the Council and communities within the District as to what activities may be undertaken.
Ranking	2	1	3

Option 1 is an option worthy of consideration, however would not address the minor issues identified with the operative provisions.

Option 2 would largely retain the provisions that are working well, and correct those that could be further refined.

Option 3 would impose an unnecessary obligation on the Council to reformulate policy that, in general, is working well.

Option 1 is considered the most reasonably practicable option for achieving the objective.

Issue 5: Enabling temporary storage of goods and materials (Objective 35.2.5).

Option 1: Retain the provisions of the Operative District Plan.

Option 2: Amend and improve the operative provisions by providing greater control over temporary storage.

Option 3: Comprehensive review of the management of temporary storage, including reviewing provision for farming-related storage.

	Option 1: Status quo/ No change.	Option 2: Amend and improve the operative provisions by providing greater control over temporary storage.	Option 3: Comprehensive review of the management of temporary storage, including reviewing provision for farming-related storage
Cons	<ul style="list-style-type: none"> • Would not provide the opportunity for a more detailed review of the operative provisions. 	<ul style="list-style-type: none"> • Has costs associated with going through the District Plan Review process (but this is required by legislation). • The relevant provisions of the operative District Plan are working well and changes could result in unanticipated issues. 	<ul style="list-style-type: none"> • Has costs associated with going through the District Plan Review process (but this is required by legislation). • The relevant provisions of the operative District Plan are working well and changes could result in unanticipated issues.
Pros	<ul style="list-style-type: none"> • Maintains the established approach which parties are familiar with. • Low cost for Council. • The relevant provisions of the operative District Plan are working relatively well. • No significant issues have been identified with the current provisions. 	<ul style="list-style-type: none"> • This approach would allow for minor ‘tweaking’ of provisions to ensure that the intent of the objective is being addressed. 	<ul style="list-style-type: none"> • Would provide more certainty for the Council and communities within the District as to what storage may be undertaken.
Ranking	1	2	3

Option 1 would retain provisions that are considered to be working well.

Option 2 would amend provisions to provide greater control over temporary storage. However this is not considered to be necessary given that the operative provisions have been determined to be working well.

Option 3 would impose an unnecessary obligation on the Council to reformulate policy that, in general, is working well.

Option 1 is considered the most reasonably practicable option for achieving the objective.

Issue 6: Enabling certain Relocated Buildings to be undertaken without the need for resource consent where these maintain amenity

Option 1: Retain the provisions of the Operative District Plan.

Option 2: Amend and improve the operative provisions by enabling low risk relocated buildings as a permitted or controlled activity, and retain rules within a District Wide chapter.

Option 3: Comprehensive review of the management of relocated buildings, including greater control by the inclusion of zone specific rules and policy.

	Option 1: Status quo/ No change.	Option 2: Amend and improve	Option 3: Comprehensive review
Cons	<ul style="list-style-type: none"> • Would not provide the opportunity for a more detailed review of the operative provisions. • Applies a ‘blanket’ Discretionary status approach which does not effectively address the range of uses of relocated buildings. • Would not address the current need for resource consent to relocate a building within its existing site. • Would not address identified issues with accessory buildings that are a shipping container • Does not distinguish between the different effects associated with new builds versus buildings previously used for residential purposes • May discourage use of relocated buildings as a cost effective means of providing housing supply or storage solutions. 	<ul style="list-style-type: none"> • Has costs associated with going through the District Plan Review process (but this is required by legislation). • The relevant provisions of the operative District Plan are understood and changes could result in unanticipated issues. • Potential risk of non-compliance (and associated enforcement) resulting from a more enabling approach where parties do not understand all applicable site design rules. • May result in greater use of relocated buildings and shipping containers within residential environment, with potential amenity effects if not suitably located and designed. 	<ul style="list-style-type: none"> • Has costs associated with going through the District Plan Review process (but this is required by legislation). • Widespread changes could result in unanticipated issues. • Over-regulation, if too detailed or specific, could increase the risk of non-compliance and therefore result in the need for resource consent. • As an infrequent resource management issue in this District, the benefits of over-regulation may not be consistent with the costs of implementation and enforcement. • Would introduce unnecessary complication and duplication throughout the zones of the Proposed District Plan.
Pros	<ul style="list-style-type: none"> • Maintains the established approach which parties are familiar with. • Low cost for Council. 	<ul style="list-style-type: none"> • Addresses identified issues with operative approach to relocated buildings. • Reduces consent burden (and associated costs) on the community and Council for low risk activities. • Enables a more simplified regulatory approach to be applied to certain low risk relocated building activities that maintain amenity. 	<ul style="list-style-type: none"> • Would provide more certainty for the Council and communities within the District as to specific rules applying to relocated buildings within each zone. • May allow greater scrutiny of the design of relocated buildings. • May support easier interpretation of the District Plan by keeping rules related to relocated buildings together in the same zone

		<ul style="list-style-type: none"> • Will support the use of relocated buildings as a cost effective means of providing housing supply or storage solutions – contributing to the social and economic wellbeing of the community. • Enables a higher activity status to be applied to other relocated buildings where these are used for a purpose other than residential, and/or may have adverse effects on other environments such as rural landscapes and town centres. • Amenity would be maintained by ensuring that permitted activities are still required to comply with amenity controls (setbacks, height, site coverage) of the applicable zone. 	chapter.
Ranking	1	2	3

Option 1 would retain provisions that are established and understood.

Option 2 would amend provisions to provide scope to enable low risk relocated buildings in a residential environment as a permitted activity; and apply a higher activity status to activities that have the potential for adverse effects. This would address identified issues with the operative provisions and reduce the number of consents required.

Option 3 would require the need for increased regulation for an activity which occurs infrequently and may not warrant zone specific rules and policy. Also establishes a new zone specific approach to this District Wide issue that the community is unfamiliar with.

Option 2 is considered the most reasonably practicable option for addressing the identified issue. Option 2 amends the operative blanket Discretionary status for all relocated buildings; to an approach which enables certain low risk activities to be either Permitted or Controlled.

10. Scale and Significance Evaluation – Section 32(1)(c)

The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provision for Temporary Activities in the District Plan. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- Result in a significant variance from the existing baseline (Section 32(3)).
- Have effects on matters of national importance.
- Adversely affect those with specific interests, e.g., Tangata Whenua.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.

The changes proposed to the regulation of Temporary Activities and Relocated Buildings have been identified through the results of community feedback, monitoring reports, and consideration to the number of consents which have been received and their outcome.

As the proposed changes have been undertaken to address specific issues, and otherwise retain the general principles of operative provisions, the level of evaluation within this report is moderate. Specific detailed analysis has been undertaken of the results of monitoring and has directly informed the proposed changes. It is also noted that amendments to the regulation of relocated buildings were considered and accepted by Council in 2013, however were to be implemented as part of the current review.

11. Evaluation of the proposed provisions Section 32 (1)(b)(ii)

Under section 32(2)(a) an assessment under section 32(2)(1)(b)(ii) must identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for —

- (i) *economic growth that are anticipated to be provided or reduced; and*
- (ii) *employment that are anticipated to be provided or reduced; and*

With respect to this proposed chapter the following assessments have been commissioned for other elements of the District Plan review, but are relevant for the proposed chapter:

- Research Report titled 'Queenstown Lakes District Council Management of Informal Airports' April 2012. Prepared by Southern Planning Group Ltd. (refer **Attachment 3**);

The necessary assessment of the proposed policies, rules and other methods under sections 32(1)(b)(ii) and (2)(a), is provided below. The policies, rules and other methods that are specific to Temporary Activities and Relocated Buildings have been assessed for their appropriateness in achieving the proposed objectives for the zone and the overarching Strategic Direction chapter of the proposed plan.

The proposed new policies and methods outlined in this section seek to replace and improve on the operative policies of the District Plan.

(See also Table detailing broad options considered in Section 6, above)

Issue 1: Encouraging Temporary Events and Filming to be undertaken within the District

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

Summary of proposed provisions that give effect to these objectives:

- Temporary events and filming (including the associated use of the land for helicopter landings) are a permitted activity on conservation land where a valid concession is held for the event.
- Temporary events held within certain purpose-built event facilities are a permitted activity.
- Temporary events held on Council owned recreation land are a permitted activity, except for noise events outside of daytime hours.
- Greater provision for temporary events on private land, being a permitted activity (up to 500 people) with controls on the hours and duration of these events.
- Allowing limited provision for helicopter landings when used for community events in which the general public is able to attend.
- Greater provision for temporary filming in rural areas, subject to controls on the scale and duration of the activity.
- Excluding temporary events and filming from the noise limits of the District Plan, with excessive noise to be dealt with under s16 of the RMA.

Issue 2: Enabling activities associated with construction and building work to be successfully undertaken while minimising adverse effects.

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

Summary of proposed provisions that give effect to these objectives:

- Temporary construction-related activities, including limited retail activity to serve the needs of construction workers, is a permitted activity provided the activity is limited to the duration of the active construction project.

Issue 3: Meeting the needs of the New Zealand Defence Force within the District.

Proposed Objective 35.2.3: Temporary Military Training is provided for to meet the needs of the New Zealand Defence Force.

Summary of proposed provisions that give effect to these objectives:

- Temporary military training activities (including temporary buildings) are a permitted activity provided the activity is removed from the site upon completion of the training.

Issue 4: Ensuring temporary utilities are specifically enabled when associated with all temporary activities and emergencies.

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

Summary of proposed provisions that give effect to these objectives:

- Temporary utilities that are required for another permitted temporary activity or an emergency service are a permitted activity.

Issue 5: Enabling short-term storage of goods and materials

Proposed Objective 35.2.5: Temporary Storage is provided for in rural areas.

Summary of proposed provisions that give effect to these objectives:

- Small-scale temporary storage or stacking of goods or materials (not related to farming) is a permitted activity.

Issue 6: Enabling certain Relocated Buildings to be undertaken without the need for resource consent where these maintain amenity

Proposed Objective 35.2.6: A Relocated Building is located and designed to maintain amenity and provides a positive contribution to the environment.

Summary of proposed provisions that give effect to these objectives:

- Permitted activity status for certain relocated buildings in a residential environment, being a maximum of 1 per site, including new build residential units/houses, a shipping container and the repositioning of an existing building within a site.
- Controlled activity status for relocated buildings that are not new builds, and located in a rural or residential environment; and for a shipping container in a rural zone.

- Discretionary default status for all other relocated buildings that are not permitted or controlled.
- Inclusion of shipping container within the definition of a building
- Clarifying exceptions for accessory buildings do not apply to shipping containers
- Rule requiring that any shipping container has had any signage removed or painted out where used on a site for a period exceeding two months.

Proposed provisions	Environmental, Economic, Social and Cultural Costs	Environmental, Economic, Social and Cultural Benefits	Effectiveness, Efficiency & Appropriateness
<p>Policy 35.2.1.1</p> <p><i>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.</i></p>	<p>Potential for temporary events and filming to be given priority over activities within the District. However given the significant benefits associated with temporary events and filming, this cost is considered to be small.</p> <p>Temporary events and filming do result in adverse effects. This policy will see the Council adopting the approach of accepting these effects on the community as appropriate, given the significant benefits that these activities bring to the District. However there will be a proportion of the community that does not value these benefits. Therefore this policy will disadvantage this proportion.</p> <p>These activities do generate a number of environmental costs, for example waste and pollution. Encouraging these activities will inherently result in an increase to these costs if not managed correctly.</p>	<p>Temporary events and filming are commonly recognised to result in significant economic, social, and cultural benefits.</p> <p>The Council's Events Strategy (refer Attachment 1 - page 1) has identified the key benefits which events bring to the District. The strategy also identifies action points, including:</p> <ul style="list-style-type: none"> • Developing the District as an event-friendly destination. • Maximise and measure the economic benefits that events bring to the District. • Enhancing the District's reputation as a leading events destination • Minimising barriers to events in the District. <p>This policy will be consistent with the Events Strategy and seek to encourage these benefits.</p>	<p>This policy is considered to be highly effective in achieving Objective 45.3.1 as it sets a framework whereby the benefits of these activities are encouraged. This is a change from the operative policies that take a precautionary, restrictive approach.</p> <p>This policy is efficient and appropriate as it provides a clear intent of what it is trying to achieve with little ambiguity.</p>
<p>Policy 35.2.1.2</p> <p><i>Permit small and medium-scale events during daytime</i></p>	<p>As identified above, temporary events do result in adverse effects. Therefore permitting small and medium-scale events, despite controls on duration, frequency, and hours of operation, will restrict the</p>	<p>This policy represents that balance between encouraging these events and managing adverse effects. Large-scale events result in greater adverse effects (traffic management, noise, and nuisance)</p>	<p>This policy is considered effective to achieve the balance of encouraging temporary events while at the same time detailing the key controls that are needed</p>

<p><i>hours, subject to controls on event duration, frequency and hours of operation.</i></p>	<p>Council's ability to manage and minimise these adverse effects.</p> <p>However the operative provisions currently allow for these costs. The policy will permit these costs for small and medium-scale events, and therefore the Council will retain the ability to control the costs of large-scale events.</p>	<p>and require more careful management.</p> <p>This policy will also reduce the need for event organisers to apply for a resource consent (average cost of \$1400) for many events, particularly community events, whereby these costs are often funded by the ratepayer through the Council's In-Kind sponsorship fund.</p>	<p>to ensure adverse effects are managed.</p> <p>One limitation to the efficiency of this policy is the reference to daytime hours - whereby the hours of daylight in our District greatly vary and in the middle of summer extend after 10pm. This policy can be seen to be ambiguous in this regard, however can be clarified by relevant methods.</p> <p>Overall this policy is considered to be an appropriate mechanism to encourage events that generally result in little adverse effects.</p>
<p>Policy 35.2.1.3</p> <p><i>Recognise that purpose-built event facilities are designed to cater for the activity.</i></p>	<p>Purpose-built event facilities may be designed to cater for a specific kind of event (i.e. conferences) but not an event that will result in very different adverse effects (a large rock concert). This may result in environmental and social costs to nearby residents of the facility.</p>	<p>This policy will assist in encouraging the widespread benefits of temporary events previously identified.</p> <p>New event facilities and significant changes to existing facilities are generally subject to the resource consent process. Removing a second layer of regulatory processes will result in an economic benefit for the event organiser/facility owner.</p>	<p>This policy will be effective and efficient in recognising that certain purpose-built event facilities are generally designed to manage the adverse effects associated with events.</p> <p>The proposed policy has been assessed the most appropriate way of achieving the objective.</p>
<p>Policy 35.2.1.4</p> <p><i>Recognise that for public spaces, temporary events are anticipated as part of the civic life of the District.</i></p>	<p>Public spaces vary in nature, size, setting, and location. Temporary events are anticipated in some of these locations more than others (i.e. Earnslaw/Pembroke Parks in comparison to a small residential 'pocket parks'). Therefore the costs associated with this policy will vary depending on the particular public place; however costs include a greater and more sustained impact on neighbouring/nearby residents.</p>	<p>Public activity in civic places directly contributes toward the social, economic, and cultural wellbeing of the communities within the District.</p> <p>This policy sets a clear direction that temporary events are to be encouraged in public places. A potential benefit is that temporary events may be more likely to use public spaces as opposed to private spaces. Event activity in public spaces is generally more anticipated by the</p>	<p>This policy will be effective and efficient as it clearly outlines that event activity is to be encouraged in civic spaces.</p> <p>The proposed policy has been assessed the most appropriate way of achieving the objective.</p>

	However it is the responsibility of the Council to manage and administer these public spaces (outside of District Plan processes).	community.	
<p>Policy 35.2.1.5</p> <p><i>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.</i></p>	<p>No significant costs have been identified with this policy. This policy will ensure adverse effects of events and filming are managed and minimised in order to ensure the wider costs are reduced.</p>	<p>This policy will have significant benefits by minimising the environmental, social, economic, and cultural costs of temporary events and filming.</p> <p>The operative provisions seek to ensure the adverse effects on the environment from temporary events are minimised. This policy will provide further guidance to the public as to the kind of mitigation measures needed to ensure the costs of the activity are reduced to an acceptable level.</p>	<p>This policy has been designed to replace a large amount of assessment matters in the operative provisions and will be efficient and logical to administer.</p> <p>The proposed policy has been assessed the most appropriate way of achieving the objective.</p>
<p>Policy 35.2.1.6</p> <p><i>Ensure temporary activities do not place an undue restriction to public access.</i></p>	<p>No significant costs have been identified with this policy. Public access is widely accepted to be important, however will sometimes be restricted during temporary activities.</p> <p>One cost of this policy is that it may discourage temporary events and filming in areas where there is a high level of public movement, however this is considered to be counter-balanced by the word 'undue'.</p>	<p>This policy will direct attention to the need to ensure public access is not unduly restricted as a result of temporary activities.</p> <p>Therefore it will enable communities not involved in the activity to provide for their environmental, economic, social, and cultural wellbeing which is considered to be a significant benefit.</p>	<p>This policy will be effective in ensuring consideration is given to retaining public access at larger-scale events, filming, and construction activity.</p> <p>It is appropriate to recognise public access as important to the wellbeing of the community and will contribute toward managing and minimising the overall adverse effects of the activity.</p> <p>The word 'undue' provides for a degree of restriction to public access, where considered appropriate, in order to ensure this policy will not undermine the objective of encouraging temporary events and filming.</p>

<p>Policy 35.2.1.7</p> <p><i>Recognise that noise is an anticipated component of temporary events and filming, while protecting residential amenity from undue noise during night-time hours.</i></p>	<p>Noise is almost always a component of temporary events and filming, with the nature and intensity of noise varying widely with each particular occurrence of the activity.</p> <p>This policy seeks to set a clear direction that noise associated with temporary events and filming needs to be afforded a lower level of scrutiny, given the temporary nature of the activity.</p> <p>This will inherently result in a cost to the wellbeing of residents not partaking in the activity. However the policy mitigates the most significant part of this cost - being undue noise during night-time hours.</p>	<p>The operative provisions seek to ensure noise conforms to the relevant 'regular' noise rules of the District Plan, despite public tolerance for irregular noise associated with events being greater than a sustained noise over an extended period, particularly during daytime hours.</p> <p>The relevant noise limits of the District Plan are measured at either the notional or physical boundaries of the site. Any form of significant non-residential noise near these boundaries may break the noise limits, despite often resulting in very little effects. The operative provisions require a temporary event/filming activity to be in compliance with the noise limits in order to be a permitted activity.</p> <p>This policy will have a significant benefit in reducing the need for event/filming organisers to obtain expert acoustic assessment in many circumstances; however will retain a level of protection for residential amenity.</p>	<p>The policy will be effective in recognising that one of the current constraints to the encouragement of events and filming is the actual or perceived incompatibility of the activity with residential amenity.</p> <p>The policy is considered to be efficient in addressing the most significant effects associated with noise - being a conflict with night-time residential amenity.</p> <p>The proposed policy has been assessed the most appropriate way of achieving the objective.</p>
<p>Policy 35.2.1.8</p> <p><i>Enable the operation of informal airports in association with temporary community events and filming, subject to minimising adverse effects on adjacent landowners.</i></p>	<p>The use of land as an informal airport for helicopter landings is a core component of many temporary filming and event activities.</p> <p>However it is recognised that the operation of these airports will result in social and cultural costs to the nearby residents who are not partaking in the activity.</p> <p>These costs are counterbalanced by the policies ability to minimise adverse effects on these parties.</p>	<p>Enabling the use of the site as an informal airport will provide significant benefits by creating provision for a component of the activity that is often necessary to achieve the desired environmental, economic, social and cultural outcomes.</p> <p>The policy seeks to ensure that informal airports are only a part of community events whereby the costs of the activity are outweighed by the benefit of the wider good.</p> <p>Given the remote and mountain nature of</p>	<p>The proposed policy will be effective and efficient in providing for those circumstances where the use of helicopters associated with temporary events and filming is desirable, and will benefit the wider good.</p> <p>The proposed policy has been assessed the most appropriate way of achieving the objective.</p>

		the District, the use of helicopters associated with filming is necessary and often results in very little adverse effects.	
<p>Policy 35.2.1.9</p> <p><i>Require all structures associated with temporary events and filming to be removed at the completion of the activity.</i></p>	<p>The only identified cost for this policy is the economic cost to event and filming organisers being required to restore the site at the cessation of their activity.</p> <p>However it is considered unlikely that this cost would represent a barrier to achieving the objective of encouraging temporary events and filming.</p>	<p>This policy would result in significant benefits by providing direction that the effects of a temporary activity are to remain 'temporary'.</p> <p>Temporary events and filming often require a considerable amount of temporary structures. These structures will result in adverse visual, amenity, and potentially safety effects if abandoned on site upon completion of the activity.</p>	<p>This policy is considered to be effective and efficient as it will provide direction that the clean-up and restoration of a site is the responsibility of the filming/event organiser.</p> <p>The proposed policy has been assessed the most appropriate way of achieving the objective.</p>
<p>Policy 35.2.2.1</p> <p><i>Ensure temporary activities related to building and construction work are carried out with minimal disturbance to adjoining properties and on visual amenity values.</i></p>	<p>This policy may potentially result in a cost to the efficient and timely delivery of subdivisions, housing, and other projects. However this cost is not considered to be significant and is in line with good construction management practice.</p>	<p>This policy will result in significant environmental, economic and social benefits by ensuring that construction activities do not create excessive adverse effects on both neighbouring properties and the wider communities.</p>	<p>This policy is generally consistent with the operative provisions and is considered to be an efficient and effective means to give effect to the objective.</p> <p>The proposed policy has been assessed the most appropriate way of achieving the objective.</p>
<p>Policy 35.2.2.2</p> <p><i>Provide for small-scale retail activity to serve the needs of building and construction workers.</i></p>	<p>The proposed policy would provide for small-scale retail activity to resolve the needs of construction workers (i.e. lunches, coffee).</p> <p>This policy would result in an economic cost to other businesses. However this cost is considered to be small (given the temporary nature of construction) and will likely be driven by the market.</p>	<p>This policy will result in significant social and environmental benefits by creating the possibility for on-site retail activity for construction workers, whereby these workers would currently be required to drive several kilometres to the nearest zoned retail land.</p> <p>Recent examples of where this provision would be of benefit are the development of large-scale, remote subdivisions at Shotover Country and Jacks Point.</p> <p>The policy would represent a benefit by</p>	<p>This policy is considered to be effective and efficient in providing for the needs of building and construction workers and reduce some of the current social and environmental costs associated with construction.</p> <p>The proposed policy has been assessed the most appropriate way of achieving the objective.</p>

		reducing the social, economic, and environmental effects of trip generation.	
<p>Policy 35.2.2.3 <i>Require temporary activities related to building and construction to be removed from the site following the completion of construction.</i></p>	<p>The only identified cost for this policy is the economic cost to the property developer/owner being required to remediate the site of construction-related activities at the cessation of construction activity.</p> <p>However it is considered unlikely that this cost would represent a barrier to building or construction projects.</p>	<p>This policy would result in benefits to the wider community, being that the effects of construction are removed from the site upon completion of the project; therefore removing the associated social and economic costs.</p>	<p>This policy is considered to be effective and efficient in that it will ensure temporary construction-related activities remain 'temporary'.</p> <p>The proposed policy has been assessed the most appropriate way of achieving the objective.</p>
<p>Policy 35.2.3.1 <i>Enable temporary military training to be undertaken within the District.</i></p>	<p>No significant costs have been identified as this policy will not change the operative provisions. Monitoring has not identified any issues with the operative provisions in this regard.</p>	<p>This policy would provide benefits for the New Zealand Defence Force. The ability for the Defence Force to undertake their activities in the District without undue regulation through the District Plan will in turn result in benefits for the wider community.</p>	<p>This policy is considered to be effective and efficient in that it clearly sets out that the activities of the New Zealand Defence Force are not to be overly regulated through the District Plan.</p> <p>The proposed policy has been assessed the most appropriate way of achieving the objective.</p>
<p>Policy 35.2.4.1 <i>Enable short-term use of temporary utilities needed for other temporary activities or for emergency purposes.</i></p>	<p>No significant costs have been identified in relation to this policy given that the use of utilities associated with other permitted temporary activities are largely perceived to be part-and-parcel of the wider activity.</p> <p>The use of temporary utilities during an emergency are likely to be critical in ensuring the emergency can be responded to and therefore are unlikely to have associated costs in the context of the wider emergency situation.</p>	<p>This policy would provide benefits to those undertaking a permitted temporary activity by ensuring that one component of the wider activity is not subject to separate regulation.</p> <p>Providing for the express use of temporary utilities during an emergency situation will result in significant environmental, economic, social and cultural benefits by assisting the community toward a resolution of the situation.</p>	<p>This policy is considered to be effective and efficient in that it clearly provides for temporary utilities in appropriate situations and avoids a conflict with the provisions of the utilities chapter of the District Plan.</p> <p>The proposed policy has been assessed the most appropriate way of achieving the objective.</p>

<p>Policy 35.2.5.1 <i>Permit temporary storage related to farming activity.</i></p>	<p>No significant costs have been identified as the policy will provide for an activity already permitted by the operative provisions.</p>	<p>This policy recognises that temporary storage relating to farming activity has long been a core component of the rural pastoral context. This policy will retain the current benefits provided by the District Plan to those associated with farming activity.</p>	<p>This policy is considered to be effective and efficient in that it clearly identifies that temporary storage related to farming activity is an anticipated part of the rural environment. The policy has been assessed the most appropriate way of achieving the objective.</p>
<p>Policy 35.2.5.2 <i>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.</i></p>	<p>No significant costs have been identified as the policy will provide for an activity already permitted by the operative provisions.</p>	<p>This policy will retain the current benefits to the community, being that there is limited provision for temporary storage not related to farming activities.</p> <p>The policy will also seek to provide social, cultural, and environmental benefits by ensuring that temporary storage will not result in long-term costs.</p>	<p>This policy is considered to be effective and efficient as it clearly sets out the context in which non-farming related temporary storage is appropriate. The policy has been assessed the most appropriate way of achieving the objective.</p>
<p>Policy 35.2.6.1 <i>A Relocated Building provides a quality external appearance, and is compatible with the amenity of the surrounding environment.</i></p>	<p>No significant costs have been identified. The policy will provide for consideration of relocated buildings with regards to the potential effects on amenity.</p>	<p>The policy will provide for consideration of relocated buildings with regards to the potential effects on amenity. The policy integrates previous policies under the operative District Plan, as well as the additional changes that were proposed by Council. The policy provides sufficient scope to assess both positive and potential adverse effects associated with Relocated Buildings.</p>	<p>This policy is considered to be effective and efficient as it provides for sufficient scope to consider both positive and potential adverse effects associated with relocated buildings. It supports a more enabling regulatory approach, but whilst recognising in some cases the amenity effects of relocated buildings may require the need for a more detailed assessment.</p>
<p>35.2.6.2 <i>Provision of three waters infrastructure minimises adverse effects.</i></p>	<p>No significant costs have been identified. The policy provides for consideration to the extent to which relocated buildings can be effectively integrated with existing infrastructure. Costs may be associated with the lack of specificity associated with this policy.</p>	<p>The policy provides for consideration to the extent to which relocated buildings can be effectively integrated with existing infrastructure, and scope to require further analysis/investigation where there are potential effects such as to the environment or the efficient operation of infrastructure.</p>	<p>This policy is considered to be effective and efficient as it provides for consideration of the impacts on relocated buildings on existing infrastructure networks.</p>

<p>Rule 35.4.2 and Rule 35.4.3</p> <p>In a Residential Zone, moving from a fully Discretionary regime to a permitted, controlled and discretionary regime for relocated buildings.</p>	<p>Small risk that a more enabling status will result in a significant increase in the use of relocated buildings and potentially shipping containers; with potential amenity effects. However other site design rules, including building height, setbacks, and site coverage will provide for amenity controls, and consent will be triggered where amenity controls are breached. The addition of Rule 35.5.1 also provides additional control over the appearance of shipping containers.</p> <p>The change from discretionary to permitted or controlled means a reduction in the amount of control over certain relocated buildings, and loss of the ability to decline an inappropriate relocation. This assumes that conditions of a controlled activity consent can ensure a relocated building is brought up to a suitable standard.</p>	<p>Provides for 'new build' residential units as permitted activities in a residential environment, recognising they have been purpose built for relocation.</p> <p>Provides for relocation of any building that has been previously being designed, built and used for residential purposes as a controlled activity. This recognises that work can usually be undertaken to bring a building up to standard, and that this work can be controlled through conditions of a controlled activity consent. Controlled activity status may reduce the cost of consent.</p> <p>Recognises that monitoring showed no relocated building consents were declined.</p>	<p>It is not considered effective or efficient to require discretionary activity consent for all relocated buildings. The proposed change of permitting some relocations, having a controlled activity status for others, and discretionary for the remainder better targets the activity status to the effects associated with the type of relocation.</p>
<p>Rule 35.4.4</p> <p>In a Rural zone, moving from a fully Discretionary regime to a controlled regime for all relocated buildings, where a maximum of one per site – or Discretionary otherwise.</p>	<p>Rule still requires resource consent for any relocated building within a Rural zone, with associated time and cost implications for landowners. This may discourage use of relocated buildings in circumstances where they may provide a beneficial outcome – however is consistent with other rules for buildings and structures within a rural zone which also require consent.</p>	<p>Controlled activity regime recognises that relocated buildings may have effects on the rural landscape; however acknowledges that can usually be undertaken to bring a building up to an appropriate standard, and that this work can be controlled through conditions of a controlled activity consent. Controlled activity status may reduce the cost of consent.</p> <p>Discretionary regime for more than one relocated building per site addresses the potential risk of multiple relocated buildings being used for non-residential</p>	<p>It is not considered effective or efficient to require discretionary activity consent for all relocated buildings. The proposed change of having a controlled activity status for one relocated building per site, and discretionary otherwise, better targets the activity status to the effects associated with the type of relocation.</p>

		purposes in a rural environment.	
<p>Rules 35.4.5 & 35.4.10</p> <p>Permitting temporary events and filming (including the use of helicopters) held on public conservation land where a valid concession is held</p>	<p>Small risk of an event/filming activity which has a valid concession from the Department of Conservation (DoC) giving rise to adverse effects on the environment and not adequately assessed when granting a concession. The Council can no longer manage this activity under the District Plan.</p>	<p>Will avoid duplication of consent processes under the Conservation Act and the Resource Management Act.</p> <p>Will remove the need for a resource consent (average cost of \$1400) where the landowner and manager of the conservation estate deem an event to be acceptable and appropriate.</p>	<p>It is both effective and efficient to avoid duplication with consenting processes under the Conservation Act. If the Department of Conservation has issued a concession for an event on the conservation estate, there is no need to duplicate this through the resource consent process. It is extremely unlikely Council would decline consent if the landowner (DOC) who is responsible for managing the conservation estate had granted a concession.</p>
<p>Rule 35.4.6</p> <p>Permitting temporary events in certain purpose-built facilities</p>	<p>Small risk of an event within a purpose-built facility resulting in greater adverse effects than were originally considered when the facility was established.</p>	<p>Will provide benefits by removing the need for a resource consent to be obtained for a specific event where such events are generally anticipated.</p>	<p>It is both effective and efficient to recognise that purpose built event facilities are designed to cater for the activity and it is inefficient to require additional resource consent processes in this regard. The certain 'purpose built facilities' selected are those either generally in Council ownership, or large-scale complexes. This will be effective in preventing significant adverse effects resulting from owners of other facilities (i.e. café's, wool sheds) submitting that their facility is 'purpose built'.</p>
<p>Rule 35.4.7</p> <p>Permitting temporary events held within Council-owned reserve land, (except night-time noise events) and excluding temporary activities from the noise limits</p>	<p>This rule would effectively permit the majority of events held on Council-owned recreation land, thereby not requiring any resource consent.</p> <p>The Council currently has several departments involved in the management of temporary events on Council land (Events Office, Operations Department, Planning Department, Building</p>	<p>This rule would result significant benefits toward the objective of encouraging temporary events within the District.</p> <p>This rule would remove the cost of the resource consent process (often funded by the Council via the In-Kind fund), and importantly, the time taken for an event application to progress through the</p>	<p>The removal of the resource consent process to assess and manage these events on Council land would require changes to internal Council processes to ensure matters currently assessed by the Planning Department (for example, the provision of toilets) is managed by these other departments.</p> <p>Discussion with staff in the Council's</p>

<p>of the District Plan.</p>	<p>Department, and Regulatory Department). There is potential for significant environmental, economic, social and cultural costs should these events not be adequately managed by these departments, in absence of the resource consent process.</p> <p>The noise limits of the zone do not apply to these events; however the Council will retain its power under sections 16 - 17 and 326 – 328 of the Resource Management Act to control unreasonable and excessive noise. Significant costs could result should this not be administered effectively, and the determination of what is ‘excessive’ and ‘unreasonable’ is open to interpretation and provides less certainty for event operators.</p>	<p>approval process.</p> <p>Discussions with the QLDC Event Office has uncovered that the presence of the resource consent process is a detriment to encouraging events, as the process is seen as another hurdle to pass before an event can commence. The proposed method will address this.</p> <p>As there will be no specified noise limits, the rule avoids the need for an expert acoustic report to be submitted with consent applications for events that breach the zone noise limits (technically every event within a residential area, town centre or in close proximity to a dwelling would breach the zone based noise limits).</p> <p>Allows for easier enforcement. Complainants about noise can simply call the Council and a noise control officer can investigate the noise source and determine whether it is unreasonable / excessive. This is considered as a benefit over having granted a resource consent to breach a noise limit, and then receiving a complaint, and actually determining whether the consent is being complied with through a monitoring device, which can be difficult.</p> <p>Council-owned recreation land forms a component of the civic fabric of the communities within the District and additional noise from these areas is not considered to be unanticipated, particularly during daytime hours.</p> <p>Requiring a resource consent for noise events during night time hours will have</p>	<p>Events Office, APL Property (who manage several Council reserves), and the General Manager of Operations have led to the determination that this form of management would be achievable.</p> <p>With respect to noise, the method of using the relevant provisions of the Act to control excessive noise is considered to be effective, whereby a responsive nature of noise management is more appropriate in day time hours.</p> <p>The use of zone-based noise limits does not reflect the nature of temporary events, which are typically louder than the zone noise limits, but of short duration. Furthermore louder noise is generally an anticipated part of a temporary event, and people are generally more tolerant of louder noise if it is of short duration.</p> <p>It is considered more efficient to recognise temporary events can be loud but are generally of a shorter duration, and use the sections 16 – 17 and 326 – 328 of the RMA to control noise. Under these provisions anyone making unreasonable or excessive noise can be fined up to \$10,000. If excessive noise is not reduced to a reasonable level straight away, following the issue of an excessive noise direction, a noise control officer accompanied by a Police officer may enter the premises and:</p> <ul style="list-style-type: none"> • remove whatever is causing the noise, or • render the equipment inoperable, or • lock away or seal whatever is causing
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		<p>the benefit in proving Council Planners with the ability to assess the wellbeing of neighbouring/nearby residents during these activities.</p> <p>An additional benefit is that there would be greater provision for enabling events on New Year's Eve, whereby very different effects occur into the early hours of the morning in comparison to any other day of the year.</p>	<p>the noise, or</p> <ul style="list-style-type: none"> • take any other steps needed to reduce the noise. <p>A fine of up to \$10,000 can also be issued if for failure to comply with a direction to reduce the noise to a reasonable level.</p> <p>It is considered both effective and efficient to use sections 16 and 17 and the excessive noise provisions (s326-328) to manage temporary event noise for events.</p>
<p>Rule 35.4.8</p> <p>Increase in number of participants for outdoor events from 200 to 500, increase the permitted occurrence of events within a 12-month period, removing the distinction between indoor and outdoor events, removing the relevant noise standards of the Zone in relation to the event, and removing any reference to the Sale of Liquor.</p>	<p>Events that have people attending of between 200 and 500 will no longer be managed through a resource consent process, but will need to meet conditions of the permitted activity rule and site standards, including waste management and provision for toilet facilities.</p> <p>For events that have between 200 and 500 people attending, the Council will no longer have the ability to require waste management, will likely lead to less waste from events being recycled. However as the Council owns most of the sites where events are commonly held, it can still require this as landowner.</p> <p>For events that have between 200 and 500 people attending, the Council will no longer have the ability to put a traffic management plan in place; however any road closures, delays, or diversions will still require a traffic management plan to be approved by the Council's Road Corridor Engineer. The Council's Road Corridor Engineer has not raised concerns with the effects of a 500 person event on</p>	<p>Will remove the need for a resource consent for small and medium sized events held between 0800 and 2100 which are unlikely to generate significant adverse effects on the environment. Large events (deemed as being more than 500 people) will still need resource consent. The rule will also mean a single threshold for both indoor and outdoor events.</p> <p>Most small-medium scale events are not greater than 3 consecutive days, and the proposed rule will overall provide for a greater number of events that can be undertaken within a 12-month period.</p> <p>The proposed cap on temporary events (to an average of one temporary event on a site per month) ensures adverse effects on amenity values are intermittent rather than continuous. Provides certainty as to the total number of temporary events that can be held on a private site over a 12 month period.</p> <p>The average cost of a resource consent for a temporary event is \$1400. Events</p>	<p>Feedback and monitoring indicated that the 200 person threshold at which a resource consent was required to hold an outdoor event was considered too low. Adverse effects were not necessarily arising at the 200 person threshold that justified the need for a resource consent. Almost all consent applications for events were granted on a non-notified basis raising the issue of whether consent is always needed at the 200 person threshold. It is considered more efficient (and effective in terms of targeting actual adverse effects) to increase the threshold to 500 persons. Advice received from people involved in the event industry suggested that 500 persons is a more appropriate limit at which management through the resource consent process may be required.</p> <p>The increase in the threshold to 500 persons before consent is required is considered more efficient because the cost associated with the resource consent process (\$1400) was putting people off</p>

	<p>the road network.</p> <p>The duration of a particular event will be reduced from 7 days (under the operative provisions), to 3 consecutive days, which will restrict the ability for longer events to be undertaken without a resource consent.</p> <p>The Council will no longer to have the ability to directly control noise associated with events through a specific rule, as has been described in the assessment for Rule 45.4.2.3.</p> <p>No costs have been identified with respect to removing the need for consent to sell or supply liquor as part of an event. This process is managed by the Council's Liquor Licencing Department via a Special Licence Application under the Sale and Supply of Alcohol Act 2012.</p>	<p>with between 200 and 500 persons will no longer face this cost.</p> <p>Will make it easier to hold a small to medium sized event, and therefore make the Queenstown Lakes District more events friendly.</p> <p>Will enable the community to provide for their social and economic well being without causing significant adverse effects on the environment.</p> <p>As described in the assessment for Rule 45.4.2.3, the removal of prescribed noise limits relating to temporary activities will result in a number of benefits toward achieving the objective of encouraging events while managing their effects.</p> <p>Removing the requirement for a resource consent to be obtained for the sale and supply of liquor at an event will avoid regulatory duplication with the Sale and Supply of Alcohol Act 2012, as assessed by the Council's Liquor Licencing Department.</p>	<p>holding small and medium sized events.</p> <p>The increase in the threshold to 500 persons before consent is required is considered more effective because adverse effects were not necessarily arising with just 200 people. Raising the threshold to 500 means consent is required when adverse effects are likely to arise.</p> <p>It is considered both effective and efficient to remove the distinction in participant numbers between indoor and outdoor events, and have a single threshold in terms of participant numbers when resource consent is required.</p> <p>The increase of the number of permitted events within a 12-month period to one per month is a much more effective mechanism than the operative provisions.</p> <p>It is considered both effective and efficient to use sections 16 and 17 and the excessive noise provisions (s326-328) to manage temporary event noise for events.</p> <p>It is considered effective and efficient to leave the assessment of alcohol at events to the Council's Liquor Department.</p>
<p>Rule 35.4.9</p> <p>Provision for the use of helicopters associated with community events</p>	<p>Could cause disruption to residential amenity values.</p>	<p>Enables flights in association with temporary community events, subject to strict controls on hours of operation, occurrence, and notice being given the Council.</p> <p>Avoids the need for a resource consent application and associated costs.</p> <p>Ensures these adverse effects associated</p>	<p>Temporary community events occasionally include use of land as an airport, almost always for a helicopter take-off and landing. For example, the New Zealand Golf Open held at The Hills featured Sir Bob Charles arriving by helicopter to present the winner's trophy.</p> <p>It is considered both effective and efficient</p>

		<p>with helicopter movements are a result of events that benefit the wider good (community events) and not specific private interests.</p> <p>Disruptions to residential amenity values can be minimised through controls on hours of operation and occurrence of flights</p>	<p>to enable a number of flights in association with temporary events, subject to strict controls on hours of operation and notice being given to the Council. The small number of flights, the one occurrence per month limit, and the fact that the site is already being used for a temporary event, means significant adverse effects are unlikely to arise.</p>
<p>Rule 35.4.11 Provision for limited temporary filming</p>	<p>The proposed rule provides for a greater duration of temporary filming that can be undertaken without a resource consent in comparison to the operative rule.</p> <p>The maximum permitted number of people partaking in the activity will remain the same as the operative provisions, and therefore no significant costs have been identified.</p> <p>Costs include the extended duration of filming and helicopter landings in the Rural General Zone (30 days per 12-month period) adversely affecting rural amenity, farming practices, and traffic noise effects.</p> <p>Cost of the overall filming activity in all other zones (being extended to 30 days within a 12-month period), with the maximum 'shooting days' remaining at 7 per year. Costs include effects on residential amenity during the set-down/pack-up times, and general disruption.</p> <p>Costs associated with having no prescribed noise limits and using sections 16-17 and 362-328 of the RMA to control noise, similar to that explained for Rule</p>	<p>Discussion with Kevin Jennings (Executive Manager: Film/Otago Southland) has uncovered that the increase to the maximum permitted duration of filming activity will result in significant social, economic, and cultural benefits for the filming industry. Mr Jennings has advised that the vast majority of productions do not exceed a total of 30 days filming (including set-up and pack down).</p> <p>A more permissive rule than the operative provisions will ensure less resource consents are needed, but more importantly, less demand on time to gain the necessary approvals.</p> <p>Mr Jennings has advised that the majority of effects associated with filming occur during 'shooting', therefore retaining a 7 day limit for 'shooting' in all other zones will help to protect residential amenity and disruption.</p> <p>Enabling the provision for helicopter landings as part of filming activities will assist in encouraging and implementing filming activities in the District.</p> <p>Significant benefits associated with having</p>	<p>It is considered both effective and efficient to enable a more permissive method to controlling temporary filming activities through the District Plan, in order to achieve the objective.</p> <p>It has been identified that the Rural General Zone, with generally large site sizes, is the most capable of accommodating an increase. The majority of filming is undertaken within the Rural General Zone, and therefore targeting these areas to encourage filming is considered to be the most efficient.</p> <p>Enabling the use of helicopters associated with filming is considered efficient as they are often used. Ensuring these helicopter movements are restricted to the Rural General Zone will protect residential amenity.</p> <p>It is considered effective and efficient to enable the limited expansion of filming activity in other zones, however to retain the current limit on the period of filming which generates the most adverse effects (shooting). This provision will enable sufficient time for set-up and pack-down which is likely to result in less costs, and is</p>

	45.2.3.	no prescribed noise limits and using sections 16-17 and 362-328 of the RMA to control unreasonable noise, similar to that explained for Rule 45.2.3.	therefore appropriate.
<p>Rules</p> <p>35.4.1</p> <p>Maintaining full discretionary activity status should permitted activity standards for Temporary Events and Filming not be met.</p>	No costs identified as there is no change from the operative provisions in this regard.	By nature temporary events and filming involve a large number of unique characteristics and therefore a large variety of potential adverse effects. Maintaining the current discretionary regime will provide the Council with the ability to assess all relevant effects and implement any required mitigation measures as part of the resource consent process.	<p>It is considered effective and efficient to retain the operative discretionary regime in order to create a legible and succinct chapter. To propose a controlled or restricted discretionary regime would require a large number of matters of control/discretion and associated assessment matters, while a non-complying status would not achieve the objectives of the chapter.</p> <p>The discretionary regime allows for an adaptive approach to suit the processing a particular proposal.</p> <p>These rules are considered to be an appropriate method to achieve the Objectives.</p>
<p>Rules</p> <p>35.4.12 and 35.4.13</p> <p>Permitting construction-related buildings and activities associated with an 'active' construction project, including temporary food beverage retail activity.</p>	<p>No significant costs have been identified as it is unusual for buildings associated with building and construction work to remain on site after construction has ceased, however it avoids construction buildings being stored or left on abandoned construction projects.</p> <p>The costs associated with removing a specific rule on the permitted duration of these activities or GFA of temporary buildings are considered to be negligible in the context of the overall construction project.</p> <p>No significant costs will be associated with</p>	<p>Avoids buildings being left on a site when construction has been completed or abandoned, and removes an arbitrary limit on the maximum size of temporary buildings. This limit has no relationship to the size of the site or project.</p> <p>Prevents an unnecessary resource consent process to retain construction buildings on a site when they are actively needed.</p> <p>Temporary retail activity for construction workers will have significant benefits by reducing the need for workers to travel (often several kilometres) for basic</p>	<p>The proposed rule will be similar to the operative provisions; however will not retain a specific reference to the permitted GFA of temporary buildings, or maximum duration they may be left on site.</p> <p>These provisions have been proven to be ineffective on larger construction projects and non-compliance often results (despite there being little adverse effects).</p> <p>Provision for temporary retail activity is likely to be highly effective at providing for the needs of construction workers with minimal effects.</p> <p>The proposed rules are therefore</p>

	temporary retail activity for construction purposes - seen as a part of the wider construction project and will be market-driven.	necessities.	considered to be effective, efficient, and appropriate.
Rule 35.4.14 Temporary Military Training	No significant costs have been identified as the operative rule will remain and has been determined to be working effectively.	The rule will continue to provide for the needs of the New Zealand Defence Force.	The proposed rule is considered to be effective, efficient, and appropriate to serve the needs of the New Zealand Defence Force.
Rule 35.4.15 Temporary Utilities	No significant costs have been identified as the rule will generally remain the same as the operative rule. While the maximum height of a utility associated with other temporary activities and maximum duration of emergency-related utilities will be removed, this is unlikely to result in any substantial costs.	The changes to this rule will result in the benefit of removing two restrictions that have been determined to be unnecessary and are a hindrance to the ability for communities to maintain their environmental, economic, social and cultural wellbeing.	The amended rule is considered to be effective and efficient in ensuring temporary utilities which are part of a wider temporary activity, or needed for an emergency, are not subject to undue regulation. This rule is considered to be an appropriate mechanism to achieve the objective.
Rule 35.4.16 Temporary Storage	No significant costs have been identified as the rule will generally remain the same as the operative rule.	The rule will continue to allow for communities to provide for their environmental, economic, social and cultural wellbeing by allowing for small-scale temporary storage (that is not associated with farming).	The proposed rule is considered to be effective, efficient, and appropriate to achieve the objective.
Rule 35.5.1 Relocated Buildings	A cost is imposed in terms of requiring that shipping containers have the signage removed or painted out before they can be used in a residential area. This cost is likely to be relatively low.	Removes unsightly signage from shipping containers before they are used in a residential environment. The rule supports the more enabling approach to shipping containers within residential and rural zones, by ensuring that any signage has been removed and the structure is painted to.	It is considered both effective and efficient to require signage to be removed from shipping containers because they are not residential in appearance and can give rise to adverse effects on residential amenity values.

<p>Rule 35.5.2 Glare</p>	<p>No significant costs have been identified as the rule will generally remain the same as the operative rule.</p>	<p>The rule will continue to provide the benefit of avoiding glare from lighting associated with temporary activities. Therefore there will be a benefit to the amenity and social wellbeing of the community.</p>	<p>The proposed rule is considered to be effective, efficient, and appropriate to achieve the objectives of the chapter and to minimise adverse effects.</p>
<p>Rule 35.5.3 Waste Management</p>	<p>Costs identified include additional cost to event and filming organisers, both in monetary terms to ensure a higher diversion of waste from landfill, and in terms of additional time to complete a Zero Waste Event form.</p> <p>An additional cost of the rule is that small-scale events and filming will not be required to undergo this process and therefore there may be an increased environmental cost. However this cost is no greater than the operative provisions.</p>	<p>Undertaking medium-sized temporary events and filming in accordance with the principles of waste management and minimisation will result in significant environmental benefits associated with the management and reduction of waste.</p> <p>This rule has been informed by the Regional Policy Statement (objectives 13.4 and policies 13.5) and will therefore assist temporary events and filming within the District to give effect to the RPS.</p>	<p>This rule is overall considered to be effective in ensuring the effects of temporary activities and filming are minimised, and promotes the District as one where more sustainable practice is promoted as part of a important industries.</p> <p>The 'Zero Waste' form process is considered to be far more efficient than requiring a resource consent process to manage effects in this regard.</p> <p>Given the need to require waste management is clearly outlined in the Regional Policy Statement, this method is considered to be appropriate.</p>
<p>Rule 35.5.4 Sanitation</p>	<p>No significant costs have been identified - sanitation is considered a key component of temporary events. The operative provisions contain a requirement for sanitation, however reference an incorrect standard.</p>	<p>The requirement to ensure there will be a minimum availability of toilet facilities will result in significant benefits and ensure event organisers carefully consider provision for these facilities.</p> <p>The rule allows for toilets to be provided in publicly-accessible facilities within a short distance from the event. This will prove beneficial where the event is held in close proximity to existing facilities that are available for public use i.e. within Council-owned public toilets in a park, or on private</p>	<p>This rule is considered effective in setting out the minimum number of required toilet facilities. This table has been compiled from the recommendations of the Ministry of Civil Defence and Emergency Management³ and further refined from data based on a University of Missouri - St Louis study, given that the NZ Guidelines do not address toilet provision for less than 500 attendees.</p> <p>This rule is considered to be efficient as it enables flexibility to the provision of toilets</p>

³ Ministry of Civil Defence & Emergency Management (2003), *Safety Planning Guidelines for Events*, Wellington: New Zealand

		land whereby the owner consents to the use of these facilities for the event.	and is unlikely to place onerous restrictions on the ability to undertake temporary events. Given that the scope of permitted temporary event activities will be increasing, this rule is considered appropriate to achieve the objectives of the chapter.
45.6 Non-notification of applications for Temporary Filming	Costs associated with the affected parties not being involved in the consent process.	<p>This rule provides for the non-notification of resource consent applications for temporary filming.</p> <p>This creates economic efficiencies through the avoidance of consent delays. All activities which cannot achieve the permitted activity requirements default to a fully discretionary activity, therefore decision makers have the ability to decline consent should the effects be considered too great.</p>	<p>This provision is considered effective as it provides certainty around notification, however does not preclude the decision makers consideration of effects on other parties.</p> <p>The rule is efficient in that it removes potential delays in the consenting process.</p> <p>The method is considered to be the most appropriate way of achieving the objective.</p>
Proposed Definitions	No significant costs have been identified.	<p>The new definitions are considered necessary to ensure consistent interpretation of the objectives, policies and rules of the draft chapter.</p> <p>The definitions are largely an enhanced and clarified reincarnation of the operative provisions where several issues were identified.</p> <p>Two new definitions have been added to ensure efficient administration of the District Plan which is considered to be a benefit.</p>	<p>The proposed definitions will assist with the efficient administration of the District Plan by clearly defining the activities to which they relate. It will be effective in determining the activity status of an activity.</p> <p>These provisions are therefore considered to be the most appropriate way of achieving the objective.</p>

12. Efficiency and effectiveness of the provisions

The above provisions are drafted to specifically address the resource management issues identified with the current provisions, and to enhance those provisions that already function well. A number of areas of the existing chapter have been removed to aid the readability of the Plan by keeping the provisions at a minimum, whilst still retaining adequate protection for the resource. The overall purpose of the chapter is to enable temporary activities to occur within the District while ensuring the associated adverse effects are minor, and temporary in nature.

By simplifying and clarifying the intent of the objectives, policies and rules (the provisions), the subject matter becomes easier to understand for users of the Plan both as applicant and processing planner. Removal of technical or confusing wording also encourages correct use. With easier understanding, the provisions create a more efficient consent process by reducing the number of consents required and by expediting the processing of those consents.

Finally the overall direction of the chapter is to become more permissive than the operative provisions, given the desirability of encouraging temporary events, filming, and other activities that result in little long-term effects. The provisions also provide for a more enabling approach to certain Relocated Buildings, recognising that they may provide a cost effective accommodation or storage solution.

13. The risk of not acting

Section 32(2)(c) of the Act requires, in the evaluation of the proposed policies and methods, the consideration of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

The proposed changes have been undertaken to address specific issues identified through the monitoring of operative provisions, and feedback provided by the community. Overall, there is considered to be sufficient information about the subject matter to support the changes made.

Nonetheless, the risk of not acting in this case is the stifling of growth and wellbeing of the District whereby temporary events and filming provide significant environmental, social, economic, and cultural benefits to the community. Other temporary activities also enable people to provide for their wellbeing and assist in giving effect to other components of the District Plan. Monitoring has identified clear issues with the operative provisions which are addressed by the proposed chapter.

It is considered that there is sufficient information available to demonstrate that the operative provisions are difficult to understand and administer by both the Council and general public, are often overly-restrictive, duplicate other regulatory processes, and often undermine the ability for the communities within the District to provide for their wellbeing while at the same time meeting the purpose of the Act.

Overall, the risk of not acting would be of far greater consequence than the risk of acting.

Attachments

Attachment 1 - The Queenstown Lakes District Council Events Strategy 2013 - 2017 - [link](#)

Attachment 2 - Research Report titled 'Queenstown Lakes District Council Management of Informal Airports' April 2012. Prepared by Southern Planning Group Ltd - [link](#)

Attachment 3 - Monitoring Report for Section 19 of the operative District Plan (January 2012) - [link](#)

Attachment 4 - District Plan Review Section 32 Analysis Temporary Activities Report: January 2013 - [link](#)

Appendix 4. Section 32AA Evaluation of the Recommended Changes

Appendix 4
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 (ie as per the revised chapter). The section 32AA assessment then follows in a separate table underneath each of the provisions.

Recommended Amendments to Objective 35.2.3

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

Appropriateness (s32(1)(a))

The recommended change to the objective is considered appropriate as it ensures the objective is more direct, and removes unnecessary length, noting that a new definition of “Temporary Military Training Activities” (TMTA’s) has been recommended. The new definition limits TMTA’s to the activities of the New Zealand Defence Force.

Recommended Deletion of Objective 35.2.5

35.2.5 Objective – Temporary Storage is provided for. ~~in rural areas~~

Appropriateness (s32(1)(a))

The objective, as notified, was not appropriate as it is limited in application to temporary storage *in rural areas*. Whereas the intent for the chapter is to provide for temporary storage in all zones. The proposed amendment therefore widens the scope to the objective to apply to all areas and zones and is considered appropriate in supporting the effective implementation of the plan.

Recommended Amendments to Objective 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

Appropriateness (s32(1)(a))

The revised definition is appropriate as it limits the outcome to the effects of relocated buildings which are sought to be managed by the chapter.

Recommended Amendments to Policies 35.2.6.1 and 35.2.6.2

35.2.6.1 ~~Provide for r~~Relocated 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.

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

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> Requires update to the notified PDP provisions Limits the scope of the policy to indicate that relocated buildings will only be provided for where adverse effects are managed and accordingly could result in more stringent regulation of relocated buildings leading to increased resource consent costs. 	<ul style="list-style-type: none"> Policy 35.2.6.1 is more direct and integrated with the effects of relocated buildings which are sought to be managed by the PDP. Removes reference to 3 waters infrastructure, as the regulation of services does not fall within purpose of the chapter, which is confined to regulating amenity effects of relocated buildings. 	<ul style="list-style-type: none"> Amendments to these policies better gives effect to the purpose of the chapter

Recommended new Clarification 35.3.2.4

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 apply.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> Adds to the length and content of the PDP Requires update to the notified PDP provisions 	<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. 	<ul style="list-style-type: none"> Improves the efficient implementation of the PDP through greater clarity.

Recommended Amendment to Rule 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 306m² 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>P</p>
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Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Requires update to the notified PDP provisions. • Potential for increased adverse effects on the environment as associated with the removal of additional regulation of shipping containers and accessory buildings (in addition to that for “buildings”). 	<ul style="list-style-type: none"> • Removes “a new build relocated residential unit that has been purpose built for relocation” as this type of building is excluded from the definition of a “Relocated Building” and therefore not regulated by Chapter 35. • Removes reference to shipping containers and accessory buildings as such activities are better regulated by the provisions in the relevant zone chapters. • Removes reference to the repositioning of a unit, flat or accessory building as the regulation of such activities is not within the intended scope of Chapter 35. For clarity, recognising interpretation issues in the past, definitions of “re-siting” and “removal” have been added, and expressly excluded from the definition of a “relocated building” – refer below. • Applies a consistent approach for permitted relocated 	<ul style="list-style-type: none"> • Improves the efficient implementation of the PDP through removing inconsistencies in the chapter, improving clarity, and removing unnecessary clarification

	<p>buildings across the district, reducing the potential for unnecessary consent triggers, and improving ease of implementation of the PDP, and recognising that zone specific controls will apply to bulk, scale and location effects.</p> <ul style="list-style-type: none"> • Removes clarification note for temporary construction related activities as this provided unnecessary explanation and length, as the rules identify the activity status for temporary construction related activities. 	
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Recommended amendment to Rule (notified 35.4.3; redrafted 35.4.2)	
<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 <u>the reinstatement works required to the exterior of the building and the timeframe to execute such works</u> • the timeframe for placing the building on permanent foundations and the closing in of those foundations • the nature of other works <u>necessary to the relocated building</u> 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 mitigated⁴. <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>	C

Costs	Benefits	Effectiveness & Efficiency
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⁴ ~~Policies that guide the assessment of proposals on land affected by natural hazards are located in Chapter 28.~~

<ul style="list-style-type: none"> • Requires update to the notified PDP provisions • Confirms that relocated buildings require resource consent in all cases in a residential zone, resulting in costs to applicants. • Removes explicit need to consider natural hazards as part of the resource consent, and removes the ability of council to place conditions on such potential effects when considering the effects of relocated buildings. 	<ul style="list-style-type: none"> • Deletion of “in a Residential Zone” Provides for a consistent approach to the regulation of relocated buildings across all zones of the district, recognising that the zone provisions still apply and will address bulk, scale and location effects. • Clarifies that the timeframe to complete exterior finish is also a matter of control. • Removes clarification note for temporary construction related activities as this provided unnecessary explanation and length, as the rules identify the activity status for temporary construction related activities • Removes the clarification note referencing the zone provisions, as this is addressed by clarification 35.3.2.4. • Removes reference to natural hazards as a matter of control, as this is not directly related to the effects of relocated buildings, and places an additional restriction on controlled activities which does not exist for permitted activities. 	<ul style="list-style-type: none"> • Improves the efficient implementation of the PDP through greater clarity; and removing unnecessary clarification. • Removes complexity associated with different regulatory approaches in rural versus residential zones.
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Recommended Deletion of Rule 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 mitigated⁴. 	<p>6</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.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Requires update to the notified PDP provisions • Potential environmental and landscape effects associated with removal of separate distinction for rural zones and as a result of making the rules less restrictive in the rural zone. 	<ul style="list-style-type: none"> • Consequential change to give effect to amendments to rule (notified 35.4.3 ;redrafted 35.4.2) addressed above. • Deletion of this rule enables, in combination with 35.4.3, a consistent approach to the regulation of relocated buildings across all zones of the district, recognising that in the rural zone, building platforms still apply, and the zone provisions still apply and will address bulk, scale and location effects. • Removal of separate regulation for shipping containers, recognising these are covered by the definition of “building” and managed in accordance with zone provisions for “buildings” in the PDP. 	<ul style="list-style-type: none"> • Improves the efficient implementation of the PDP through greater clarity; and removing unnecessary clarification. • Removes complexity associated with different regulatory approaches in rural versus residential zones.

Recommended amendment to Rule (notified 35.4.8; redrafted 35.4.6)

<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 <u>7</u> times in any calendar 12 month period • 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
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Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Reduces the frequency by which a temporary event can occur in any one year, possibly triggering consents with associated time and costs. • Requires update to the notified PDP provisions 	<ul style="list-style-type: none"> • Recognises that this chapter provides for “temporary” activities outside the typical use of a site. The previous allowance of one event per month, of potentially up to 6 days (including pack up) is regular in occurrence and suggests a more permanent use of a site which should be authorised as such. • Reduction to 7 times per 12 months recognises the event is infrequent, and any effects on surrounding properties are not a regular (monthly) occurrence. 	<ul style="list-style-type: none"> • Improves the effectiveness of the PDP through ensuring that events provided for in Chapter 35 are limited to events of an infrequent, temporary nature.

Recommended amendment to Rule (notified 35.4.9 redrafted 35.4.7)

<p>Temporary Events</p> <p>Informal airports for rotary wing aircraft flights in association with the use of a site for temporary public events <u>that are open to the general public</u> 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 7 days in any calendar year • No site shall be used for an informal airport more than one day 	P
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<p>in any calendar month</p> <ul style="list-style-type: none"> • 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>		
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Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Requires update to the notified PDP provisions 	<ul style="list-style-type: none"> • Provides minor clarification over the meaning of "public" such that the general public must be able to attend for the permitted criteria of the rule to apply. 	<ul style="list-style-type: none"> • Improves the effectiveness of the PDP through ensuring clarity over meaning of provisions

Recommended deletion of Rule 35.5.1		
Relocated Buildings	NG	
A shipping container has had any signage removed and is painted out where used on a site for a period exceeding two months.		

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Requires update to the notified PDP provisions • Removes the requirement for painting of shipping containers which may mitigate some of the adverse effects of their use 	<ul style="list-style-type: none"> • Supports deletion of the regulation of relocated buildings under Rules (notified 35.4.2) and (notified 35.4.4) and removes specific reference to shipping containers • Avoids insertion of a rule which is time limited and lacks clarity, potentially causing implementation issues • Avoids insertion of a rule which is reliant on monitoring to determine permitted status (or non compliance) 	<ul style="list-style-type: none"> • Deletion of Rule 35.5.1 is considered to improve the effectiveness of the plan through ensuring shipping containers do not get mistakenly considered alongside relocated buildings.

Recommended amendment to Rule (notified 35.5.2; redrafted 35.5.1)
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Glare

All ~~fixed exterior~~ lighting shall be directed away from adjacent sites and roads.

Discretion is restricted to the following:

- the effect of lighting on the amenity of adjoining properties.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Requires update to the notified PDP provisions • Broad application of the rule, and non specification to the purpose of lighting, may make it more difficult to enforce the rule. 	<ul style="list-style-type: none"> • Recognises that lighting associated with events may not be “fixed exterior” lighting (which implies a more permanent type of lighting) and may be portable or temporary lighting. Removal of this term will avoid confusion and potentially poor amenity outcomes. • Retains broadness to the rule such that it applies to lighting for practical needs of the event, but also for health and safety purposes (as requested by submitters 607, 615) • Retains recognition that lighting from events can have significant effects on adjoining properties if not appropriately designed and located. 	<ul style="list-style-type: none"> • Removes unnecessary limitations on the restriction of lighting for temporary events, and supports the effectiveness of Chapter 35 in encouraging temporary events.

Recommended amendment to definition of Relocated Building and recommended new definitions of Removal and Re-sitting

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**.

Removal – “Removal of a Building means the shifting of a building off a site

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

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Requires update to the notified PDP provisions • Clarification adds to the length of the PDP. • Limits the exclusion to “prefabricated buildings”, and not, “new buildings that are purpose built for relocation” generally. The definition contained within the notified PDP may be wider in 	<ul style="list-style-type: none"> • As advanced by submitter 496 (HMA) this amendment to the definition clarifies that removal and re-siting of buildings are not intended to be regulated by Chapter 35, and also that the ‘Monitoring report for Section 19 of the District Plan’ (2012) identified that a number of consents had been triggered in the past for 	<ul style="list-style-type: none"> • Improves the effectiveness of the PDP through greater clarity; and may avoid unnecessary consents being triggered.

<p>application and, restricting this may result in increased resource consent costs for relocated buildings.</p>	<p>moving a building within its own site.</p> <ul style="list-style-type: none"> • Retains this clarification within the definitions, rather than the chapter, as inclusion within the chapter would suggest the activity of re-siting and removal is regulated (even if permitted) and would require policies and rules to be added to Chapter 35. • More clearly and directly specifies exclusion of “prefabricated buildings”, as opposed to the notified definition which is more general. 	
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Recommended new definition “Temporary Military Training Activity (TMTA)”

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"

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Requires update to the notified PDP provisions • Adds to the length of the PDP. 	<ul style="list-style-type: none"> • Clarifies that TMTAs are only those undertaken under the Defence Act 1990, and therefore that these activities are only undertaken by the New Zealand Defence force. 	<ul style="list-style-type: none"> • Improves the effectiveness of the PDP through greater clarity

Recommended amendment to the definition of “Temporary Activities”

Temporary Activities

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:

- 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.

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Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Requires update to the notified PDP provisions 	<ul style="list-style-type: none"> • Corrects inconsistent terminology and aligns with defined terms of the PDP for “informal airport” and removes reference to “certain community events” which is not further qualified • Removes unnecessary clarification note • Removes reference to temporary storage, which has been recommended to be deleted from the chapter provisions. 	<ul style="list-style-type: none"> • Improves the effectiveness of the PDP through greater clarity

Recommended amendment to the definition of “Building”
<p>Building</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>Notwithstanding the definition set out in the Building Act 2004, a building shall include:</p> <ul style="list-style-type: none"> • Any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for <u>a residential accommodation unit</u> for a period exceeding 2 months.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Requires update to the 	<ul style="list-style-type: none"> • Removes possible ambiguity 	<ul style="list-style-type: none"> • Improves the effectiveness of

notified PDP provisions	through use of the word “accommodation” which could be open to interpretation. • Clarifies that the structure becomes a building if associated with a “residential unit” which is defined by the PDP.	the PDP through greater clarity
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**Appendix 5. Monitoring Report for Section 19 of the District Plan
(QLDC, 2012)**

2012

Monitoring Report for Section 19 of the District Plan

Relocated buildings

Temporary activities ancillary to building and construction

Temporary military training

Temporary storage

Temporary events

Temporary utilities



Policy and Planning

Queenstown Lakes District Council

January 2012

Executive Summary

Section 19 of the Queenstown Lakes District Plan relates to six types of temporary activities:

1. Relocated buildings
2. Temporary activities ancillary to building and construction work
3. Temporary military training
4. Temporary storage
5. Temporary events
6. Temporary utilities

This monitoring report is in accordance with section 35 of the Resource Management Act and assesses the effectiveness and efficiency of the Section 19 objectives, policies, rules and assessment matters.

With regard to the Section 19 objectives and policies, monitoring has found the single objective to be too general to be effective, as it largely repeats section 5 of the Resource Management Act. The two policies were found to be only moderately effective because they are directed at the Council as plan writer, rather than providing meaningful guidance for processing consents that fall outside of the permitted temporary activity limits.

A number of areas of uncertainty were found with regard to the Section 19 rules. A number of sections were confusing or unclear, and minor changes would significantly enhance effectiveness. The reference to Clause G1 of the Building Code for determining the number of toilets at outdoor events was confirmed to be incorrect by the Department of Building and Housing.

The large number of assessment matters were also reviewed, and a number were identified as being covered under separate legislation, and could be removed.

The monitoring report concludes with a summary of ten key findings that should be further considered as part of the section 32 process associated with the District Plan review.

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1. Introduction

Section 35 of the Resource Management Act states that:

***Every local authority shall monitor-
...[(b)] the efficiency and effectiveness of policies, rules, or other methods....***

and take appropriate action (having regard to the methods available to it under this Act) where this is shown to be necessary.

This report fulfils the requirements of section 35(b) in relation to the Section 19 of the Queenstown Lakes District Plan, which manages relocated buildings, temporary buildings and temporary activities. This report monitors the effectiveness and efficiency of the Section 19 objectives, policies and rules. The assessment matters and notification provisions have also been monitored.

Findings in this report will assist in informing the review of the Queenstown Lakes District Plan, due to be publicly notified in October 2013.

2. What is Section 19 of the District Plan

Section 19 covers the following six activities:

1. Relocated buildings
2. Temporary activities ancillary to building and construction work
3. Temporary military training
4. Temporary storage
5. Temporary events
6. Temporary utilities

The 'purpose' statement for section 19 states:

This rule has been included to provide clarity of and flexibility for temporary activities within the District that are limited in either scale or duration and have no more than minor effects.

The 'purpose' statement is somewhat unclear as it refers to a single 'rule' and does not recognise that some Section 19 activities such as relocated buildings are not necessarily temporary.

3. How was Section 19 created?

A District Plan Section on relocated buildings, temporary activities and temporary events was created as part of the 1995 Proposed District Plan. There were only three submitters on this section of the plan, being the Ministry of Defence, the Ministry of Education, and Southern Crown Health Enterprise.

It soon became apparent that the provisions were very limited in terms of temporary activities, given the number and type of temporary activities taking place within the District. Variation 10 was therefore initiated, and the decision was issued in February 2003. One appeal was received from Remarkables Park Limited (RPL). RPL sought that parts of the Remarkables Park Special Zone be excluded from the limits on the number of persons who can attend indoor and outdoor events. Section 19 was made fully operative seven months later by the Environment Court in decision C134/2003 on 22 September 2003.

4. How much activity does Section 19 enable?

A summary of what is currently enabled by Section 19 is set out below:

4.1 Relocated Buildings

Any relocated building (except those related to building and construction work, or accessory buildings under 30m²) requires a discretionary activity consent. It must also comply with the normal site and zone standards relating to setbacks from boundaries that apply in the zone to which it is being relocated.

Figure 1: Example of a consented relocated building – the former Millers Flat Church, Arrowtown



4.2 Temporary Buildings Ancillary to Building and Construction Work

Temporary buildings associated with building and construction work are permitted provided that they do not exceed 50m² in gross floor area and are limited to a duration of 12 months or the duration of the construction period, whichever is the lesser.

Figure 2: Examples of temporary buildings ancillary to building & construction work



4.3 Temporary Military Training

Temporary buildings and the activity of temporary military training carried out pursuant to the Defence Force Act 1990 are permitted. A 12 month limit applies.

4.4 Temporary Storage

Any temporary storage or stacking of goods or materials, other than for farming purposes, is permitted provided that it does not remain on site for longer than 3 months.

4.5 Temporary Events

The following temporary activities are permitted

1. carnivals,
2. fairs,
3. galas,
4. market days,
5. tents and marquees,
6. meetings,
7. exhibitions,
8. parades,

9. rallies,
10. filming,
11. cultural and sporting events,
12. concerts,
13. shows,
14. musical and theatrical festivals and entertainment,
15. tents and marquees and
16. uses similar in character

provided that:

- (a) There is a limit of 500 people for an activity within a building
- (b) There is a limit of 200 people for an activity undertaken outside
- (c) The activity does not remain on site for longer than 7 days
- (d) The activity complies with the relevant noise standards of the zone

If any of (a) – (d) are exceeded, the application becomes a discretionary activity.

Figure 3: Temporary events which required resource consent – Winter Festival & a market day near Earnslaw Park



4.6 Temporary Utilities

Temporary utilities required for emergency service, or that are ancillary to temporary activities such as events, are permitted provided that they do not exceed 10m in height or remain on site for longer than 3 months.

Figure 4: Temporary cellphone tower being erected in California to assist fire fighting



5. How many Section 19 temporary activities have occurred?

Using a keyword search (because temporary activity rules are not zone based) revealed that over the last 10 years (2002 – 2011) the following numbers of resource consents relating to Section 19 temporary activities have been granted:

Section 19 Activity*	Number of consents found using keyword search between 2002 – 2012
Relocated buildings (discretionary activity)****	126
Temporary Buildings ancillary to building and construction work that exceed permitted size / time limits	1
Temporary Military Training that exceeded 12 months or involved buildings on site for longer than 12 months	0
Temporary storage (which exceeds size or time limits)	3
Temporary Events (which may include temporary buildings) that exceed permitted limits on numbers / noise / duration ** ***	71
Temporary utilities that exceed 10m in height or are not ancillary to other permitted temporary activities	2
TOTAL	205*

NOTE:

* A keyword search relies on certain words being used in the description of the application. If a keyword like 'event' is missing, it will not show up in the search.

** Some consents are for more than one event.

***A number of consents for events were withdrawn as they were not lodged / issued prior to the event taking place.

**** Generally excludes variations and outline plans of works.

6. What does Section 19 seek to achieve?

Section 19 has just one objective as set out below, despite the section of the District Plan relating to six distinct temporary activities:

Objective 1 – Amenity

Relocatable buildings, temporary buildings and temporary activities located and operated to minimise any adverse effects on the environment.

7. How effective are the Section 19 Objective, Policies, Rules and Assessment Matters?

7.1 Effectiveness of the Objective

The single objective for Section 19 is set out in the section above. The objective is not very effective due to its generality.

The objective adds little to, and effectively repeats section 5 (purpose) of the Resource Management Act, which requires adverse effects to be avoided, remedied or mitigated. The heading for Objective 1 also states ‘amenity, when the wording of the objective actually relates to “any adverse effect on the environment”, not just amenity effects.

Due to its generality, it does not provide a clear objective in terms of what the Council is seeking to achieve for each of the six distinct temporary activities. It identifies the three separate activities that together cover the six matters managed under Section 19, and simply seeks to ‘minimise any adverse effects on the environment’, which is very general.

While all of the six activities covered by section 19 are temporary, they do generate different effects and have different issues that the objective does not deal with.

7.2 Effectiveness of the Policies

The two policies for Section 19 of the District Plan are set out below with a comment on each.

- 1 To require consent to a discretionary activity for the external appearance of any relocatable building, with emphasis on compatibility with the amenity of the surrounding locality.**

This policy is considered to be moderately effective.

The first part of the policy is indeed achieved, in that a discretionary consent is required for relocatable buildings. However the first part of the policy is not really a policy, or is unnecessary, because the rules determine the activity status of applications, not the policies.

The second part of the policy does provide some guidance for applications, emphasising that they need to be compatible with the amenity of the surrounding locality.

- 2 To set detailed rules for the time limit, size of temporary buildings and operation of temporary activities.**

This policy is ineffective. It is directed at the Council as plan writer, rather than providing direction for the processing of resource consent applications.

There are indeed detailed rules about time limits and size of temporary buildings, and the operation of temporary activities, but there is no statement or policy guidance for determining those resource consent applications that break the rules. As noted in the following section, Section 19 also lacks a clear direction as to what activity status is given to temporary activities that break size or time limits, or a clear statement that if the limits are exceeded, the activity is no longer 'temporary', and the zone rules apply.

7.3 Effectiveness of the Rules

At a general level, a problem exists with the rules in that it is unclear what activity status is given to an application that breaches the limits for any of the six temporary activities that are managed. For example, Rule 19.2.2.3(c) relates to temporary storage and states:

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.

If someone wants to store something for more than 3 months, Section 19 of the District Plan does not tell the reader what the activity status becomes. Lakes Environmental have interpreted this by saying that the zone provisions then apply. E.g. if the storage is for longer than 3 months, but the site is in an Industrial zone, you go to the rules of the Industrial zone, and it is therefore permitted, as storage is part of an industrial activity. Section 19 is deficient in that it does not give the reader a clear direction as to what happens when the permitted activity rules are exceeded.

Section 19 has two site standards. Section 19 also does not have the normal statement that any activity which breaches a site standard requires consent as a restricted discretionary activity.

7.3.1 Rules relating to Relocated buildings

A number of issues have been identified regarding the effectiveness of the rule relating to relocated buildings:

1. This rule (19.2.1.2) states that “any” relocated building requires resource consent as a discretionary activity. The only exception is for accessory buildings under 30m², “except where located in the front yard of a site in any residential zone”. This exception was presumably provided so that a garden shed or similar structure could be relocated within a site without having to get a resource consent.

However this exception has meant that shipping containers can be located on a residential property without a consent, so long as it is not located in the front yard, complies with the required setbacks from boundaries (from which accessory buildings are often exempt), and is less than 30m².

This has come as a surprise to some residents, and does seem inconsistent with rules relating to temporary activities ancillary to building and construction work (refer below), which are only allowed to be on site for the duration of a construction period, or 12 months, whichever is lesser. As a shipping container is not ‘residential’ in appearance, unlike a garden shed, and consequently it can give rise to adverse effects on amenity values that were not necessarily anticipated when the rule was written. This should be considered as part of the District Plan review.

Figure 5: A permitted relocated building near a boundary in a residential zone.



2. A number of consents were issued for relocating a building *within* a site. For example, moving a house on a section to subdivide it and fit another house in. In situations such as this, where a building is already located on a *site*, and provided the new location of the building meets the required setbacks from boundaries, consideration could be given to making this type of relocation a permitted activity. This would reflect the fact that the building being relocated

within a site was already lawfully established on the site, and could comply with the relevant bulk and location controls in its new position.

3. The intent of the relocated building rule was presumably to ensure an older building with a poor external appearance was not relocated into a newer area that would give rise to adverse effects on amenity values. However consent for a relocated building is also required if a dwelling is constructed *off-site* as a new-build, and relocated onto the property, the rule stating “any” relocated building requires consent. Consideration could be given to whether new builds that have been constructed elsewhere should require a relocated building consent. Lakes Environmental are currently interpreting the District Plan in a way that ‘new builds’ relocated on to a site do not require consent.
4. The District Plan definition of what is a ‘building’ is relevant. A number of problems have been identified with the current definition and its application to things such as permanently occupied caravans.
5. Rule 19.2.1.2 sits at the front of the rules section, separate from the other rules. Consequently it can be missed by readers of the District Plan, and should be moved to sit with the other rules.

7.3.1 Rules Relating to Temporary Activities Ancillary to Building and Construction Work

This rule states that:

Any temporary building, office, storage shed, workshop, scaffolding, safety fences and other similar buildings and activities that are:

- *Ancillary to a building or construction project and located on the same site; and*
- *Do not exceed 50m² in gross floor area; and*
- *Are limited to the duration of the construction project, or a period of 12 months, whichever is lesser.*

The effectiveness of this rule is limited for a number of reasons:

- a. It limits the placement of temporary buildings to a maximum of twelve months. However temporary buildings associated with construction activity are an anticipated part of a construction activity. As a site under construction is in a state of flux, the 12 month limit seems arbitrary, because adverse effects will not suddenly arise after twelve months when a 2 – 3 year construction project is underway.
- b. The time limit however has positives when considering a site such as “Hendo’s Hole” at Five Mile, where construction activity has been abandoned for several years. Without a time limit, the temporary buildings could remain on site indefinitely.

- c. A further issue relates to the size limit of 50m². This would be quite small for larger construction sites that involve multiple contractors, for example Kawarau Falls Station.

7.3.2 Rule Relating to Temporary Military Training

The rule permits temporary military training provided that any buildings do not remain on site for longer than 12 months or the duration of the project. Section 5 of this report notes that no consents have been obtained for temporary military training since 2002. This suggests that either all military training activities have been undertaken within the permitted activity rule without the need for resource consent, or that no military training has been undertaken. This rule is therefore likely to be effective.

7.3.3 Rule Relating to Temporary Storage

The rule relating to temporary storage is set out below:

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.

The rule is very broad, only excluding storage for farming purposes. As noted in section 7.3 of this report, section 19 lacks a statement directing a reader to the activity status of a proposal that breaches this rule, or, directing them to the relevant zone rules. i.e. that permanent storage is managed under the zone rules.

7.3.4 Rules Relating to 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.

As noted in section 4.5, the following limits apply to the 16 permitted temporary activities listed above:

- (a) There is a limit of 500 people for an activity within a building
- (b) There is a limit of 200 people for an activity undertaken outside
- (c) The activity does not remain on site for longer than 7 days
- (d) The activity complies with the relevant noise standards of the zone

Reviewing the effectiveness of this rule has identified a number of issues, as described below:

1. Often marquees or tents are used to host events. Marquees and tents fall within the District Plan definition of a 'building'. The current wording of the rule would therefore mean that marquees and tents are eligible for the higher limit of 500 persons as they are within a 'building'. However a marquee or tent does not

- provide any form of sanitary facilities such as toilets, and forms a very poor acoustic barrier, and noise effects can be considerable when compared to a genuine 'indoor' venue, such as a hotel or the Queenstown Events Centre. Consideration could be given to clarifying that marquees and tents are not deemed to be 'indoor' venues for the purpose of this rule.
2. Feedback has been received that the outdoor event limit of 200 people before a resource consent is too low. For example, a large wedding held in a garden could exceed 200 people, and require a resource consent. Further research should be undertaken to better determine at what number of people adverse effects are generated. For example, 200 people can be comfortably accommodated within Earnslaw Park, and this would require a resource consent.
 3. Consideration could be given to taking some areas out of the 'temporary activity' section of the District Plan, and making specific provision for them as permanent activities in the zone rules. For example, providing for events on the Village Green or Earnslaw Park along with specific conditions to suit holding events at those sites. This would recognise that some areas are well set up to host events, and have the infrastructure in place, such as proximity to public toilets and private toilets in cafes bars and restaurants.
 4. The requirement that temporary activities comply with the noise standards for the zone is questioned. By their nature, temporary events are typically noisy, and in the Queenstown Town Centre, noise limits are relatively low. This means that any form of crowd noise would easily exceed the limits and require resource consent. Given that any noise effects associated with temporary activities are temporary in duration, consideration could be given to more permissive noise standards within certain hours than those used for permanent activities in the zones. Unfortunately there is no New Zealand Standard for managing and measuring event noise. In some respects it is similar to another type of temporary activity, construction noise, which does have a separate New Zealand Standard.
 5. The graph below illustrates that of the 71 resource consents for temporary events identified over the period 2002 – 2012, none were for events held predominantly indoors. This suggests that either:
 - a. the 500 person limit for indoor events is sufficient such that consents are not required, or
 - b. it could reflect the fact that Queenstown does not have many venues capable of accommodating more than 500 people. Therefore almost every single event that required consent was held outside.
 - c. People are not applying for consent for indoor events.

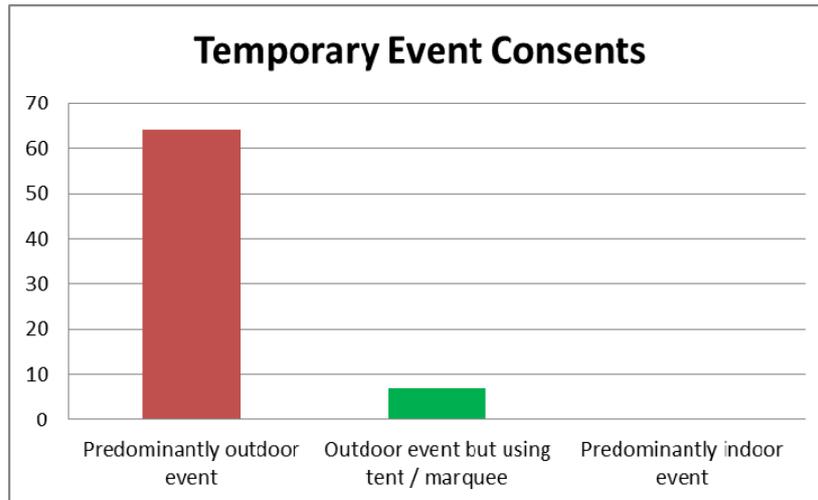


Figure 6: 151 people pictured on part of the Village Green. The Village Green can comfortably accommodate more than 200 people, but would require consent for an event if more than 200 attended.



7.3.5 Rules relating to Temporary Utilities

This rule states:

Any temporary utilities that:

- *Are required to provide an emergency service for a period no longer than 3 months, or*
- *Are ancillary to, and required in respect of, a permitted temporary activity specified in (a), (b) and (d) above; and*
- *Do not exceed a maximum building height of 10m.*

It is not possible to tell how many temporary utility activities have been successfully undertaken using the permitted activity rule. However a keyword search of resource consents has revealed two applications for temporary utilities have been lodged and granted by Lakes Environmental under Section 17 (Utilities) of the District Plan, because while being temporary, they were outside of the permitted activity rules for temporary utilities under Section 19. The two consents were for:

- RM040939, to establish, operate and maintain a temporary mobile phone site and ancillary equipment at Mt Earnslaw Station during filming of 'The Lion, the Witch and the Wardrobe'. The temporary mast was 20m high so was not eligible under the Section 19 rules.
- RM080609, to site non-permanent telecommunication equipment at the Kawarau Falls Station construction site. These antennae were small in size and would normally fall within the permitted activity rule. However because the size of the temporary buildings associated with the Kawarau Falls Station development exceeded 50m², they were not 'ancillary' to a permitted temporary activity as required by the rule.

It would therefore appear that in some instances when temporary utilities are required, they are not able to meet the permitted rules for temporary utilities, and consent is required under the Utilities chapter.

The 10m height limit seems relatively strict given the temporary nature of the utility. It would be prudent to consider whether the height limit is necessary were a time limit (e.g. 3 months) inserted instead.

The first part of the rule, relating to use in an emergency is complementary to section 330 of the RMA, which give specific special powers to network utility operators during emergency situations.

7.3.6 Site Standard – Glare

Site standard 19.2.2.4i states:

i **Glare**

All fixed exterior lighting shall be directed away from adjacent sites and roads.

This rule is effective and would be easy to comply with. It ensures stage lighting, or lighting for other outdoor night time events is directed away from adjacent sites and roads. Fixed exterior lighting as part of the six temporary activities is relatively rare.

7.3.7 Site Standard – Sanitation

A number of problems have been identified with site standard 19.2.2.4(ii) set out below:

ii **Sanitation**

All temporary activities that exceed a duration of 2 hours and do not have access to public or private toilet facilities shall provide sanitary facilities for the duration of the activity in accordance

with the NZ Building Code Clause G1. When using Clause G1 if the activity is not undertaken within a building the most appropriate building use shall be applied.

Problems include:

1. The Building Code Clause G1 referred to is not appropriate. G1 does not actually contain any standards for outdoor concerts. The Department of Building and Housing has confirmed that G1 was never designed to be a guide for temporary activities. For example, using G1 for a concert hosting 15,000 people (such as that in Gibbston Valley in 2011) the standard would require 368 WC pans (or 318 WC pans and 101 urinals) and 183 basins to be in compliance. That figure has been established by basing the activity on the standards for stadium/grandstand/sports venues which is probably the closest standard to use as it caters for large groups and alcohol and food is served.
2. The rule only appears to apply if there is no access to public or private toilets. Therefore if there is access to public or private toilets, whatever the number, other toilet provision in accordance with Building Code standards is not required. For example, an event with 5000 attendees on the Queenstown Recreation Ground would not require any toilets to be provided, as there are two public toilets on the corner of this ground.
3. It is accepted that toilet facility requirements should form part of the temporary activities section of the plan. It is less clear what facilities are required for different types of events. For example a concert versus a farmers market.

7.4 Effectiveness of the assessment matters

The assessment matters for relocated buildings are listed below and are considered to be effective.

- (a) Whether the age, appearance and condition of the building will be compatible with buildings on adjoining properties and in the vicinity.***
- (b) Whether the likely appearance of the building upon restoration or alteration, will be such as to ensure compatibility with buildings on adjoining properties and in the vicinity.***
- (c) Whether the exterior materials used, and their condition are of an acceptable standard.***
- (d) The likelihood that restoration work will be undertaken within a specified period.***
- (e) Any requirement to impose a bond or other condition to ensure completion of restoration work, both structural and appearance, to an acceptable standard, including time frame with bonds.***

There are a large number of other assessment matters that appear to relate to temporary events. A specific statement in Section 19 that the remaining assessment

matters relate to temporary events would be useful. The assessment matters are listed below with a comment on each:

(a) Amenity

(i) The duration, hours or frequency of the activity.

This is considered to be an effective assessment matter as the hours of operation are critical to determining the effects of temporary events. The heading (a) above should refer to amenity “values”, as this is the term used in the RMA.

(ii) The nature and intensity of the activity.

This is an effective assessment matter closely related to the hours of operation and frequency as covered under the first assessment matter. The nature and intensity would refer to the number of attendees.

(iii) The effect of the activity on the amenity of the neighbouring properties and surrounding community.

This is an effective assessment matter for temporary events. Any nuisance elements will of course be temporary in duration. The assessment matter should refer to amenity “values”, as this is the term used in the RMA.

(iv) The effect and intensity of nuisance elements on neighbouring properties; e.g. noise, dust, lighting, odour and vibration.

This is an effective assessment matter. Any nuisance elements will of course be temporary in duration, however they could be of such a nuisance as to be too great even if temporary.

(v) The hours of amplified music or sound.

This is considered to be an effective assessment matter but almost duplicates, or is a subset of, assessment matter (i). Noise effects, whilst temporary in duration, have the potential to cause the most disturbance to adjoining residents.

(vi) The impact of signage associated with the activity on the amenity of the community.

Given that any signage will be temporary, it is likely that any impact on amenity of the community will also be temporary. The value of this assessment matter is questionable.

(vii) Any adverse effect on the surrounding natural landscape, including native vegetation and fauna.

This assessment matter is effective for temporary activities such as filming.

- (viii) *The effect of silt run-off or sedimentation from site work on the surrounding environment.***

This assessment matter would seem to relate to earthworks. There is no permitted amount of temporary earthworks under the Section 19 rules, and earthworks would be covered under the zone rules. The effectiveness of this assessment matter is therefore questioned.

- (ix) *The effect of the activity on the use normally made to any public place in respect of its use, character and conservation value.***

This is considered to be an effective assessment matter. Any effect on use of a public place will of course be temporary in duration.

- (b) *Health and Safety***
 - (i) *The ability to dispose of wastewater and refuse without adversely affecting the surrounding environment.***

This is considered to be a relevant assessment matter. This assessment matter is used by Lakes Environmental to require a waste management plan be prepared, that includes specifying how waste will be recycled as part of the event. Some events, such as Winter Festival, have adopted a zero waste policy. Consideration should be given to making this assessment matter a site standard requiring a waste management plan to be submitted.

- (ii) *The ability to supply potable water in compliance with the drinking-water standards for New Zealand, for the duration of the activity.***

This is considered to be a relevant assessment matter, however potable water could be provided by bottle in many instances.

- (iii) *The provision and location of adequate sanitation facilities throughout the duration of the activity in accordance with the Building Act.***

As noted in section 7.3.4, Clause G1 of the Building Code referred to in the site standard is incorrect. While adequate sanitation clearly must be provided, it is less clear whether the Building Act is the appropriate guideline for how many sanitary facilities are required.

- (iv) *Compliance with food hygiene standards and regulations.***

This assessment matter is not effective because it relates to matters covered under separate legislation and should not be duplicated through a resource consent process.

- (v) ***The appropriateness and control measures in place for the sale of liquor for consumption on the premises.***

This assessment matter is not effective because it relates to matters covered under separate legislation (Sale of Liquor Act) and should not be duplicated through a resource consent process.

- (vi) ***The ability to provide fire prevention and fire control measures.***

This assessment matter is not effective because it relates to matters covered under separate legislation (Building Act) and should not be duplicated through a resource consent process. If an event is outdoors, there is no requirement under the Building Act for fire prevention or control measures. In an event is indoors (including marquees), fire prevention and control has already been considered under the Building Act when the venue was constructed. It is useful as a flag to persons to think about

- (vii) ***The effect of the activity on the communities safety.***

This assessment matter is not considered to be effective due to its generality.

- (viii) ***Provision of an Emergency Management Plan which specifies a clear set of roles and procedures in the case of an accident or emergency.***

This assessment matter is only necessary for large outdoor temporary events. The effectiveness of the assessment matter could be improved by clarifying that an Emergency Management Plan is not required for indoor events such as a conference at a hotel. Specifying what type of emergencies are to be covered would also be helpful.

- (c) **Traffic**

- (i) ***The impact of traffic movement and parking associated with the activity on the safety and flow of traffic within the District and adjoining network.***

This assessment matter is generally only necessary for large outdoor temporary events, although some indoor events may also require an assessment of the impact.

- (ii) ***Where the activity is undertaken on land adjacent to or adjoining a State Highway the provision of a Traffic Management Plan in accordance with the Code of Practice for Temporary Traffic Management. A Traffic Management Plan should outline the following:***

- ***Parking layout;***
- ***Access on and off the site, including any foot traffic;***
- ***Provision of warning signs and cones for traffic control;***
- ***Names of traffic controllers, including a Site Traffic Management Supervisor;***

- ***Provision of high visibility safety clothing for persons involved in controlling traffic;***
- ***Contingency plan which specifies a clear set of roles and procedures in the case of a traffic accident or emergency.***

This assessment matter is generally only necessary for large outdoor temporary events undertaken on land adjoining a State Highway, although some large indoor events undertaken on land adjoining a State Highway may also require an assessment of the impact.

7.5 Notification / non-notification provisions

Unlike other sections of the District Plan, Section 19 does not have any guidance on notification or non-notification of applications.

Because temporary events are temporary in nature, there is often an assumption by applicants that they will be processed on a non-notified basis. Also in some instances applicants have already organised the event, including selling tickets, and then applied for consent assuming it was just a foregone conclusion.

However the Resource Management Act does not contain any special provisions relating to temporary activities, and local authorities are still legally obliged to consider resource consent applications under sections 95A – 95E including who is adversely affected, and if necessary, request their affected party approval.

This frequently puts affected neighbours into a difficult or powerful position because if their affected party approvals are not forthcoming, the time associated with processing the application on a notified or limited notified basis (70 working days – 14 weeks) usually means the consent will not be processed prior to the planned date for the event.

The difficulty with temporary activities is that they may well have significant effects but that these are of a short duration, and often there is no sign of a temporary activity having taken place once pack up is complete. For example, the NZSki ParkLife Invitational rail jam is held in Earnslaw Park each year. It is constructed entirely from scaffolding and is assembled and dismantled on site within a day of the event starting and finishing. Snow is brought in by a truck.

Recognising that effects of a limited duration are generally more tolerable to people than those of longer durations, as part of the upcoming District Plan review, it would be prudent to further investigate the possibility of specifying that certain temporary outdoor events will be processed on a non-notified basis, for example, day time events.

7.6 Section 19 rules being missed

Monitoring of section 19 has indicated a small number of resource consents where the section 19 rules have been overlooked. For example:

- RM070801: this application was to relocate a two bay implement shed within an existing site. Consent was granted as a controlled activity under Rule 8.2.2.2(i) of the Rural Lifestyle zone which relates to the “*addition, alteration or construction of buildings*” but not the relocation. The consent should have been processed under Rule 19.2.1.2i.
- RM110488, this application was to construct an addition to an existing dwelling and relocate an existing sleep out within the site. Consent was granted as a controlled activity under the rules of the Rural Residential zone, however a consent for a relocated building under Rule 19.2.1.2i should also have been listed.

The rule relating to other relocated buildings is potentially being missed because of its placement at the very start of the rules for Section 19. Normally the rules start later, following the zone purpose statement.

8. How efficient are the Section 19 provisions?

The financial cost of administering the provisions / processing resource consents has been evaluated based on an assessment of:

- Number of resource consents triggered by the rules
- Average cost of processing resource consents triggered by the rules; and
- Number of Environment Court appeals

8.1 How many resource consents have been triggered?

The six temporary activities covered by Section 19 occur in all zones, and a “keyword” search resulted in the following number of each category since the year 2002. Actual numbers may vary depending on whether the key word was used to describe the activity when the resource consent application was lodged.

Section 19 Activity	Number of consents found using keyword search between 2002 – 2012
Relocated buildings (discretionary activity)	127
Temporary Buildings ancillary to building and construction work that exceed permitted size / time limits	1
Temporary Military Training that exceeded 12 months or involved buildings on site for longer than 12 months	0
Temporary storage (which exceeds size or time limits)	3
Temporary Events (which may include temporary buildings) that exceed permitted limits on numbers / noise / duration	71
Temporary utilities that exceed 10m in height or are not ancillary to other permitted temporary activities	2
TOTAL	205

8.2 Average cost of processing resource consents (2003–2011)

When considering consent costs, it is important to note that for 5 of the 6 activities covered by Section 19, there is no cost implication because the rules provide for certain activities as permitted, and no resource consent is required.

This section of the report only considers where the permitted activity rules were not able to be met, and a consent is required, or in the case of relocated buildings, every building requires a consent.

Relocated buildings

Number of Consents	126
Range	\$242 - \$17,725
Average	\$1764
Median	\$1029

Temporary buildings ancillary to construction work (that exceed Section 19 permitted time / size limits)

Number of Consents	1
Range	N/A
Average	\$5320
Median	N/A

Temporary storage (that exceeds Section 19 permitted time / size limits)

Number of Consents	3
Range	\$1029 - \$3404
Average	\$1986
Median	\$1526

Temporary events (that exceed Section 19 permitted time / size limits)

Number of Consents	71
Range	\$395 - \$5518
Average	\$1401
Median	\$1088

Temporary Utilities (that exceed Section 19 permitted time / size limits)

Number of Consents	2
Range	\$732 - \$858
Average	\$795
Median	N/A

8.3 Notification / Non-notification of applications

Relocated buildings

Of the 126 consents processed, 6 were processed on a limited or fully notified basis.

Temporary buildings ancillary to construction work (that exceed Section 19 permitted time / size limits)

The 1 consent processed for temporary buildings ancillary to construction was processed on a non-notified basis.

Temporary storage (that exceeds Section 19 permitted time / size limits)

Of the 3 consents processed for temporary storage that exceeded the permitted activity rule, all were processed on a non-notified basis.

Temporary events (that exceed Section 19 permitted time / size limits)

Of the 71 consents processed for temporary events, only 1 application was processed on a notified basis.

Temporary Utilities (that exceed Section 19 permitted time / size limits)

Of the 2 consents processed for temporary utilities, both were issued on a non-notified basis.

8.4 Summary with regard to efficiency

The majority of consents for Section 19 activities are processed on a non-notified basis. In total, 205 consents for Section 19 related activities were identified, and 7 were notified, representing 3.4% of the total number of consents being processed on a notified basis. This is similar to the nationwide split recorded between notified and non-notified applications.

All relocated buildings require consent, and the median cost is \$1029. Only a small proportion are publicly notified, typically where a heritage building is being relocated. It is noted that relocating a heritage building is deemed to be a demolition under the Heritage rules of the District Plan, but is not excluded from the Section 19 relocated building rule.

The vast majority of the temporary buildings associated with construction are permitted, and therefore section 19 is considered to be efficient.

Most temporary storage activities are also likely to be permitted provided the storage occurs for less than 3 months. Only 3 consents have been issued for temporary storage, and the median cost was \$1526.

A large number of temporary events required resource consent. The median cost of obtaining a consent was \$1088. Only 1 consent was publicly notified. The monitoring did identify a number of consents for temporary events that were withdrawn because they were not lodged or issued prior to the event taking place.

The majority of temporary utilities are likely to be permitted provided they do not exceed 10m in height. Only two consents were granted for temporary utilities that exceed the height or time limits. The average cost of the two applications was \$795.

Due to the unique nature of Section 19 of the District Plan, it is difficult to make meaningful comparisons of these costs with other types of consent applications.

9. Conclusion

This monitoring report has identified a number of areas within Section 19 where the objective, policies, rules and assessment matters could be enhanced to improve the effectiveness and efficiency of the District Plan provisions.

Key findings of the monitoring include:

1. The single objective is not well suited to the six diverse types of temporary activities covered under Section 19.
2. The two policies were also found to be only moderately effective, or ineffective, due to their generality and the fact that they were directed at the Council as plan writer, rather than providing guidance for consents. For example, policy 2 is '*To set detailed rules for the time limit, size of temporary buildings and operation of temporary activities.*'
3. In terms of the rules, monitoring found that the placement of the relocated buildings rule at the front of the section was confusing and led to it occasionally being missed when resource consents were being processed.
4. In terms of specific rules for activities, the relocated buildings rule excludes accessory buildings, which would include shipping containers. This may not have been anticipated when the rule was written, because the appearance of shipping containers is quite different to other 'residential' accessory buildings, such as a garden shed. Consideration could also be given to making the activity of relocating an existing lawfully established building *within its own site* a permitted activity, provided they comply with the relevant site and zone standards. Making it clearer that 'new build' relocations are permitted would also increase the effectiveness of the District Plan.
5. For the rules relating to buildings associated with construction activity, consideration could be given to removing the 50m² and twelve month time limit and providing for them to remain for the duration of the construction project. This is because temporary buildings associated with construction activity are an anticipated part of a construction site. However any changes would have to refer to an 'active' construction project, to avoid buildings remaining on abandoned construction projects like at Five Mile.
6. In terms of the rule relating to temporary storage, the rule is very broad, only excluding farming purposes. As noted in section 7.3 of this report, Section 19 of the District Plan lacks a statement directing a reader to the activity status of a proposal that breaches this rule, or the site standards, and requires a statement directing them to the relevant zone rules.
7. In terms of the rule relating to temporary events, the effectiveness of the rule would be enhanced by stating that tents and marquee's are not deemed to be 'indoor' venues. As part of the future section 32 assessment, consideration could be given to increasing the limits on the number of persons permitted at outdoor events as the limits are quite low. Excluding events that are held indoors at hotels or other purpose built facilities should also be considered. Providing specific noise limits for events, rather than the zone noise limits (which will clearly be breached), would also enhance the effectiveness of the rule.
8. In terms of the site standards, the reference to Clause G1 of the Building Code is incorrect and needs to be replaced with an appropriate system for determining the number of portaloos required at an outdoor event.

9. In terms of the assessment matters, these could be reduced in number by eliminating those covered under other legislation. For example assessment matter (iv), concerning 'compliance with food hygiene standards and regulations' needs to occur but does not need to be duplicated through the resource consent process. .
10. As part of the future section 32 assessment, consideration should be given to whether some form of non-notification rule is appropriate for temporary events. This recognises that effects of a limited duration are generally more tolerable to people than those of longer durations.

Appendix 6 - QLDC Practice Note 7/2015 Relocated Buildings

PRACTICE NOTE 7/2015



INTERPRETATION OF THE 'RELOCATED BUILDING' RULE IN THE DISTRICT PLAN

THE QLDC DISTRICT PLAN

Relocated Buildings Rule 19.2.1.2 from the Temporary Activities chapter of the District Plan, states:

i Discretionary Activities

*As well as being subject to the Site and Zone Standards relating to buildings, any **relocated building** is a **Discretionary Activity** with the exercise of the Council's discretion being limited to the external appearance of the building in all zones.*

(Exception: This rule does not apply to accessory buildings under 30m² in gross floor area, except where located in the front yard of a site in any Residential Zone.)

The QLDC District Plan does not specifically define 'relocated' but defines 'relocation' as follows:

RELOCATION

In relation to a building, means the removal and resiting of any building from any site to another site.

Council's interpretation is that Rule 19.2.1.2 is applied to existing buildings that have been previously permanently established on a site, that are then relocated to a different site.

Council's interpretation is that the rule does not apply to new-build residential units that are purpose built for relocation, and then transported (in part or whole) and established upon a site. Examples include:

- A new residential unit built in a factory and transported to a vacant site (in sections or as a whole).
- A new residential unit built as part of a charity fundraising event or as part of an educational / training course that is then relocated onto a vacant site.

Consistent with the definition of the term 'relocation' above, the Council's interpretation of Rule 19.2.1.2 is that relocating a residential building within its own site does not trigger Rule 19.2.1.2. For example an existing house moved within its own site to make room for a second residential unit.

The relevant Site and Zone standards continue to apply to the relocated buildings.

Disclaimer: The information available in this practice note is for the purpose of providing general information on how the Council may interpret provisions of the Queenstown Lakes District Plan and is provided for the convenience of the public only. Queenstown Lakes District Council accepts no liability for use or misuse of this information.

Details that may be relevant to a user's particular circumstances may have been omitted. Users are advised to seek independent professional advice before applying any information contained on this site to their own particular circumstances. The Queenstown Lakes District Council shall not be held liable for any claim for any loss or damage as a result of reliance on the information contained in this practice note whether or not due to negligence on the part of the Queenstown Lakes District Council or its employees or contractors.

Appendix 7 Civil Aviation Rules (CAR) Part 77

Civil Aviation Rules



Part 77

CAA Consolidation

1 April 2014

Objects and Activities Affecting Navigable Airspace

DESCRIPTION

Part 77 prescribes rules for persons proposing to construct or alter a structure that could pose a hazard in navigable airspace.

Part 77 also prescribes rules regarding the use of a structure, lights, lasers, weapons, or pyrotechnics that could pose a hazard in navigable airspace.

This document is the current consolidated version of Part 77 produced by the Civil Aviation Authority, and serves as a reference only. It is compiled from the official ordinary rules that have been signed into law by the Minister of Transport. Copies of the official rule and amendments as signed by the Minister of Transport may be obtained from the Civil Aviation Authority or may be downloaded from the official web site at: www.caa.govt.nz

Bulletin

This Part first came into force on 1 April 1997 and now incorporates the following amendments:

Amendment	Effective Date
Amendment 1	5 August 2004
Amendment 2	22 June 2006
Amendment 3	25 March 2010
Amendment 4	1 April 2014

Summary of amendments:

Amendment 1 (98/CAR/1304)	Rules 77.1, 77.5 and 77.19 are revoked and replaced.
Amendment 2 (3/CAR/4)	Rules 77.5, 77.7, 77.9, 77.11, 77.13, 77.15, 77.19 are revoked and substituted.
Amendment 3 (9/CAR/1)	The definitions of Aerodrome , High power transmitter and Visual flight guide are revoked. Rule 77.25 is revoked and replaced.
Amendment 4 (13/CAR/1)	Rule 77.25 is revoked and replaced.

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77.1 Purpose

(a) Subject to paragraph (b), this Part prescribes rules for persons within the territorial limits of New Zealand, including the New Zealand Defence Force, proposing—

- (1) to construct or alter a structure that could constitute a hazard in navigable airspace; or
- (2) the use of a structure, lights, lasers, weapons, or pyrotechnics, that could constitute a hazard in navigable airspace.

(b) This Part does not apply to—

- (1) any member of the New Zealand Defence Force or any aircraft operated by the New Zealand Defence Force acting in connection with—
 - (i) any war or other like emergency; or
 - (ii) the defence of New Zealand and other New Zealand interests; or
 - (iii) aid to the civil power in time of emergency; or
 - (iv) the provision of any public service; or
 - (v) any operation performed within a restricted, danger, or military operating area designated under Part 71 for military purposes; and
- (2) activities to which Part 101 applies.

77.3 Definitions

In this Part—

Ground level at its site means the highest ground within a 600 m radius of the site:

ICAO document 8168–OPS/611 means the procedures for air navigation services and aircraft operations, approved and published by decision of the Council of the International Civil Aviation Organisation:

Navigable airspace means airspace at or above the minimum flight altitudes prescribed by or under the Civil Aviation Rules, including all legitimate low level operations but not including restricted, danger, and military operations areas activated for use by the New Zealand Defence Force:

NZS/AS 2211 means the New Zealand standards for laser safety approved by the Standards Authority under the provisions of the Standards Act 1988:

Obstacle limitation surface means airspace defined around an aerodrome that enables operations at the aerodrome to be conducted safely and that prevents the aerodrome from becoming unusable by the growth of obstacles around the aerodrome:

77.5 Notice of construction or alteration of structure

A person proposing to construct or alter a structure must notify the Director of the proposal in accordance with rule 77.13 if the proposed structure or alteration to a structure—

- (1) extends more than 60 m in height above the ground level at its site; or
- (2) exceeds the general tree height in the area by 18 m and is located in an area of low level aerial activity or other low flying activity, or in a low flying zone or low level route as prescribed under Part 71; or
- (3) is located below the approach or take-off surfaces of an aerodrome as outlined in figures A.1 and A.2 of Appendix A, and extends to a height greater than a surface, outlined in Appendix A, extending outward and upward at 1 of the following:
 - (i) a slope of 1:83 from the fan origin of the takeoff surface of a runway where the runway is used or intended to be used by aircraft with a MCTOW above 5700 kg;
 - (ii) a slope of 1:50 from the fan origin of the takeoff surface of a runway where the runway is used or intended to be used by aircraft with a MCTOW at or below 5700 kg;

- (iii) a slope of 1:25 from the nearest point of the safety area of a heliport; or
- (4) penetrates the conical, inner horizontal, or transitional side surface of an aerodrome as—
 - (i) outlined in figure A.1 of Appendix A; or
 - (ii) specified in Part 139; or
 - (iii) as defined in the local district scheme.

77.7 Notice of use of a structure discharging efflux, a light, or a laser

(a) A person proposing to use a structure must notify the Director of the proposal in accordance with rule 77.13 if—

- (1) the structure may discharge efflux at a velocity in excess of 4.3 m per second through an obstacle limitation surface of an aerodrome; or
- (2) the structure may discharge efflux at a velocity in excess of 4.3 m per second higher than 60 m above ground level.

(b) A person proposing to operate a light or a laser must notify the Director in accordance with rule 77.13 if—

- (1) because of its glare or affect on a pilot's vision, the light or laser is liable to endanger aircraft; or
- (2) for a laser, it would produce exposures in navigable air space exceeding the maximum permissible exposure defined for that laser in NZS/AS 2211; or
- (3) it is likely to endanger aircraft by being mistaken for—
 - (i) a light or part of a system of lights established or approved for display at or near an aerodrome; or
 - (ii) a light marking a hazard in navigable airspace.

77.9 Notice of use of weapons

A person, or a person representing an organisation, must notify the Director in accordance with rule 77.13 if the person or organisation proposes to use a weapon that fires or launches a projectile that has a trajectory higher than—

- (1) 45 m if within 4 km of an aerodrome boundary; or
- (2) 120 m if more than 4 km from an aerodrome boundary.

77.11 Notice of use of pyrotechnics

(a) A person must notify the Director in accordance with rule 77.13 if the person proposes to stage a pyrotechnics display that involves the firing or launching of a projectile that has a trajectory higher than—

- (1) 45 m if within 4 km of an aerodrome boundary; or
- (2) 120 m if more than 4 km from an aerodrome boundary.

77.13 Notice requirements

(a) Subject to paragraphs (b) and (c), a person required to notify the Director under rules 77.5, 77.7, 77.9, or 77.11 must complete form CAA 24077/01 and submit it to the Director at least—

- (1) 90 days before the proposed date of commencement of construction, or alteration, under rule 77.5; or
- (2) 5 working days before the proposed date of use under rules 77.7, 77.9, or 77.11.

(b) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration of a structure, or use of a structure, light, laser, weapon, or pyrotechnic—

- (1) the notice requirements in paragraph (a) do not apply; and
- (2) the person responsible for the construction, alteration, or use must complete form CAA 24077/01 and submit it to the Director within 5 working days after the construction, alteration, or use.

(c) A person proposing to use a light, laser, weapon, or pyrotechnic, in a control zone prescribed under Part 71 during times when the appropriate ATS is on watch—

- (1) is not required to provide notice under paragraph (a); and
- (2) must not use the light, laser, weapon, or pyrotechnic in the control zone without prior authorisation from the ATC unit responsible for that airspace which must be given at least 5 working days before the commencement of the use.

77.15 Additional notice requirements

(a) A person who is required to notify the Director under rules 77.5 and 77.7 must, if required by the Director, notify the Director in writing of the actual commencement date of the construction, alteration, or use, as applicable.

(b) A person who is required to notify the Director under rule 77.5 regarding the construction or alteration of a structure must notify the Director in writing within 5 working days when the structure has reached its greatest height.

(c) The notice required by paragraph (b) when the structure reaches its greatest height must include a registered surveyor's determination of the height and position of the structure, and proof of compliance with any marking and lighting requirements imposed by the Director under rule 77.21(d).

(d) A person who abandons a project to construct or alter a structure that is the subject of a notice under rule 77.5 must notify the Director in writing within 5 working days after the project is abandoned.

(e) A person who dismantles a structure or is responsible for a structure that is destroyed must, if the structure met the criteria for notification under rule 77.5, notify the Director in writing of the dismantling or destruction of the structure within 5 working days after the structure is dismantled or destroyed.

77.17 Aeronautical study

- (a) On receiving a notification under 77.5, 77.7, 77.9, or 77.11 the Director shall conduct an aeronautical study to determine whether the specific proposal, if executed, will constitute a hazard in navigable airspace.
- (b) In conducting the aeronautical study, the Director shall consult with such persons, industry representatives, representative groups, and organisations as the Director considers appropriate.

77.19 Standards for determining hazards

- (a) The Director must determine a structure to be a hazard in navigable airspace if it is 120 m or higher above ground level at its site.
- (b) The Director must determine the use of a structure to be a hazard in navigable airspace if the structure will or may discharge efflux at a velocity in excess of 4.3 m per second through the obstacle limitation surfaces applicable to an aerodrome.
- (c) The Director must determine the use of a structure to be a hazard in navigable airspace if the structure will or may discharge efflux at a velocity in excess of 4.3 m per second higher than 120 m above ground level.
- (d) The Director must determine the use of a light to be a hazard in navigable airspace if an analysis discloses that its use will constitute a hazard in navigable airspace.
- (e) The Director may determine, based on the circumstances of each proposal, the use of a laser to be a hazard in navigable airspace if its use will produce exposures in navigable airspace exceeding the maximum permissible exposure defined for that laser in NZS/AS 2211.
- (f) The Director must determine the use of a weapon to be a hazard in navigable airspace if an analysis discloses that its use will constitute a hazard in navigable airspace.
- (g) The Director must determine the use of pyrotechnics to be a hazard in navigable airspace if an analysis discloses that their use will constitute a hazard in navigable airspace.
- (h) The Director may determine, based on the circumstances of each proposal, a structure to be a hazard in navigable airspace if—

- (1) it is located within an instrument flight procedures area that is specified in ICAO document 8168–OPS/611, including standard arrival routes, initial, intermediate, final, visual and missed approach segment areas, departure areas and standard instrument departure routes, and would result in—
 - (i) the vertical distance between any point on the structure and an established minimum instrument flight altitude within that area or segment being less than obstacle clearance required for the instrument flight procedure; or
 - (ii) additional or new ceiling or visibility restrictions or a change in flight procedures applicable to departures within that area; or
- (2) it is located within an IFR en-route obstacle clearance area, including evaluated routes on NZ en-route and area charts but excluding charted routes as published in the AIPNZ, and would necessitate an increase in an existing or planned minimum obstacle clearance altitude; or
- (3) it exceeds the general tree height by 18 m and is located in an area of low level aerial activity or other low flying activity, or in a low flying zone or low level route as prescribed under Part 71; or
- (4) it protrudes through the obstacle limitation surfaces of an aerodrome.

77.21 Determinations

(a) The Director shall, within 28 working days of receiving any notification under 77.13(a) for construction, alteration, or use of a structure, make a determination as to whether the proposed construction, alteration, or use, if executed, will be a hazard in navigable airspace and shall advise the notifier and any other person the Director considers could be affected by the determination.

(b) The Director shall, within 10 working days of receiving any notification under 77.13(a) for use of lights, lasers, weapons, or pyrotechnics, make a determination as to whether the proposed use, if executed, will be a hazard in navigable airspace and shall advise the notifier

and any other person the Director considers could be affected by the determination.

(c) The Director shall, within 4 working days of receiving any notification under 77.13(c), make a determination as to whether the proposed use of lights, lasers, weapons, or pyrotechnics, if executed, will be a hazard in navigable airspace and shall advise the notifier and any other person the Director considers could be affected by the determination.

(d) The Director shall base each determination upon the aeronautical study findings and may—

- (1) impose any conditions or limitations—
 - (i) for marking or lighting a structure as outlined in Appendix B; and
 - (ii) that ensure the hazard in navigable airspace is minimised; and
 - (iii) in determinations of no hazard in navigable airspace, considered necessary to minimise potential problems, such as the use of temporary construction equipment; and
- (2) specify additional notice requirements.

77.23 Compliance

Each person required by 77.5, 77.7, 77.9, or 77.11 to provide notice to the Director shall comply with any requirement, condition, or limitation imposed under 77.21(d).

77.25 Determination effective dates and periods

- (a) A determination regarding a proposed—
- (1) construction, alteration, or use of a structure notified under rule 77.13(a) becomes final 28 days after the date the determination is made under rule 77.21(a), unless a petition for review is received by the Director under rule 77.27(b); and
 - (2) use of lights, lasers, weapons, or pyrotechnics notified under rule 77.13(a) becomes final 5 working days before the proposed date

of use indicated to the Director on form CAA 24077/01, unless a petition for review is received by the Director under rule 77.27(b).

(b) Unless reviewed or extended under rule 77.29, a final determination of no hazard in navigable airspace made under this Part—

- (1) in respect of construction, alteration, or use of a structure, expires 18 months after the determination becomes final, or on the date the proposed construction, alteration, or use is abandoned, whichever is earlier; and
- (2) in respect of use of lights, lasers, weapons, or pyrotechnics, expires upon completion of use as indicated to the Director on form CAA 24077/01, or on the date the proposed use is abandoned, whichever is earlier.

(c) A determination of hazard that has become final—

- (1) under rule 77.25(a)(1) or rule 77.27(f)(2), regarding construction, alteration, or use of a structure, does not expire but may be revoked in writing by the Director; and
- (2) under rule 77.25(a)(2) or rule 77.27(f)(2), regarding use of lights, lasers, weapons, or pyrotechnics, expires upon completion of use as indicated on form CAA 24077/01 or the day after the date of use granted as extended by the Director.

77.27 Petitions for review of determinations of hazard

(a) Each person proposing the construction or alteration of a structure, or use of a structure, lights, lasers, weapons, or pyrotechnics, may petition the Director for a review of a determination of hazard made by the Director.

(b) Each petition for a review of a determination shall be submitted in writing, to be received by the Director prior to a determination becoming final under 77.25(a), and shall—

- (1) contain a full statement of the aeronautical basis upon which the petition is made; and

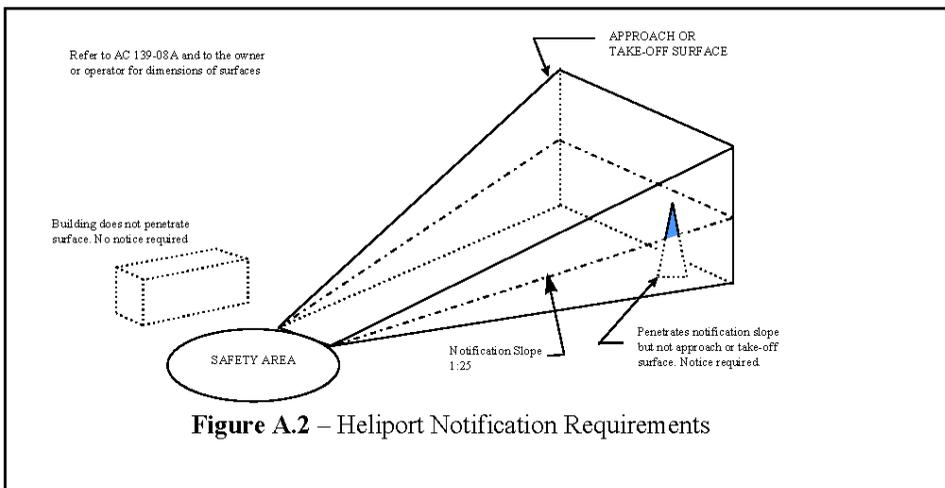
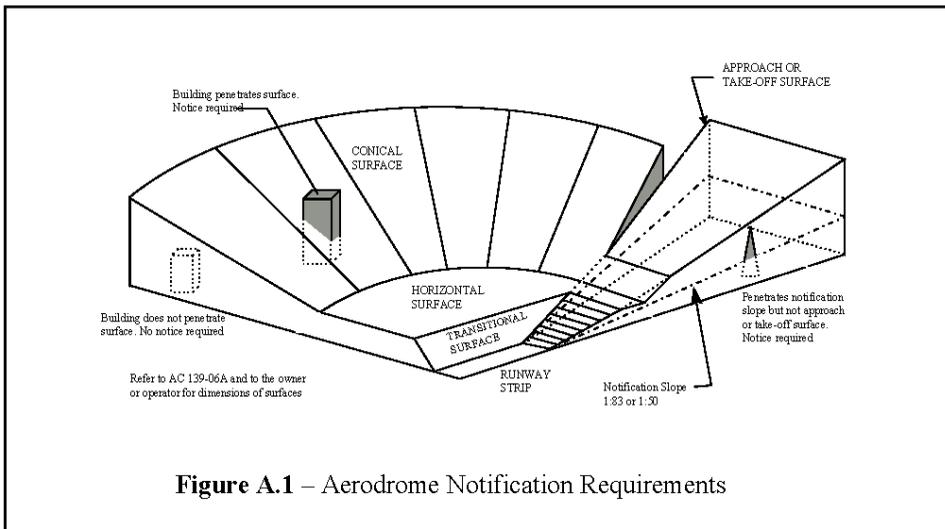
- (2) present new information or facts not previously considered or discussed during the aeronautical study, including valid aeronautical reasons why the determination, revision, or extension made by the Director shall be reviewed; and
 - (3) identify and explain the basis of the petition, if the petition for a review is based upon an error in reasoning, interpretation of procedures, application of hazard standards, or assumptions of fact.
- (c) A determination shall not become final until any petition for review filed in accordance with paragraph (b) has been dealt with by the Director.
- (d) The Director shall examine each petition, submitted in accordance with paragraph (b), and decide whether a review will be granted.
- (e) If a review is granted the Director shall—
- (1) inform the petitioner of the issues to be studied and reviewed if different to the issues presented in the petition or the determination; and
 - (2) take no longer to complete the review than was taken to make the determination under 77.21(a), (b), or (c) as applicable.
- (f) If the Director determines that a review is denied—
- (1) the petitioner shall be notified of the basis for the decision; and
 - (2) the determination shall become final at the time the review is denied or as prescribed under 77.25(a), whichever is the later.

77.29 Petition for review or extension of determinations of no hazard

- (a) Any person may petition the Director, in the case of a determination of no hazard in navigable airspace under this Part, to review the determination based on new facts that change the basis upon which it was made, or to extend the effective period of determination, if—

- (1) where applicable, the proposed construction or alteration of a structure has not started by actual structural work, such as the laying of a foundation, but not including excavation; and
 - (2) the petition is submitted at least 30 days before the expiration date of the final determination of no hazard in navigable airspace.
- (b) The Director, having made the determination of no hazard in navigable airspace, shall examine each petition presented and review the determination, or extend or affirm the original expiry date of the determination.
- (c) A final determination of no hazard in navigable airspace expiring—
- (1) under 77.25(b)(1) may be extended by the Director for periods of not more than six months at a time; and
 - (2) under 77.25(b)(2) may be extended by the Director for periods of not more than 14 days at a time.

Appendix A — Obstacle Notification Surfaces



Appendix B — Visual Aids for denoting obstacles

B.1 Obstacles

For the purpose of this Appendix the term obstacle is used to refer to those objects that the Director has determined to be a hazard under 77.21.

B.2 Obstacles to be marked or lighted

(a) A fixed obstacle that extends above the obstacle limitation surfaces required by Part 139 shall be marked and, if the aerodrome is used at night, lighted, except that—

- (1) the marking may be omitted when the obstacle is lighted by high-intensity obstacle lights by day; and
- (2) the lighting may be omitted where the obstacle is a lighthouse and an aeronautical study indicates the lighthouse light to be sufficient; and
- (3) such marking or lighting may be omitted when—
 - (i) the obstacle is shielded by another fixed obstacle already marked or lighted; or
 - (ii) for a circuit extensively obstructed by immovable objects or terrain, procedures have been established to ensure safe vertical clearance below prescribed flight paths; or
 - (iii) an aeronautical study shows the obstacle not to be of operational significance.

(b) A fixed obstacle that meets or exceeds any of the standards for determining hazards under 77.19, not included in paragraph (a), shall be marked or lighted except that—

- (1) the marking may be omitted when the obstacle is lighted by high-intensity obstacle lights by day; and
- (2) the lighting may be omitted where the obstacle is a lighthouse and an aeronautical study indicates the lighthouse light to be sufficient; and

- (3) the marking or lighting may be omitted when—
- (i) the obstacle is shielded by another fixed obstacle already marked or lighted; or
 - (ii) an aeronautical study shows the obstacle not to be of operational significance.

B.3 General

All fixed obstacles to be marked shall be coloured, but if this is impracticable, markers or flags shall be displayed on or above them, except that the obstacles that are sufficiently conspicuous by their shape, size, or colour need not be otherwise marked.

B.4 Use of colours

(a) An obstacle, if its projection on any vertical plane has both dimensions less than 1500 mm, shall be marked by a single conspicuous colour being orange or red, unless those colours merge with the background.

(b) An obstacle, if it has essentially unbroken surfaces and its projection on any vertical plane equals or exceeds 4500 mm in both dimensions, shall be marked by—

- (1) orange and white, or red and white, except where such colours merge with the background; and
- (2) a chequered pattern of squares of not less than 1500 mm and not more than 3000 mm on a side, the corners being of the darker colour. See figure B.1.

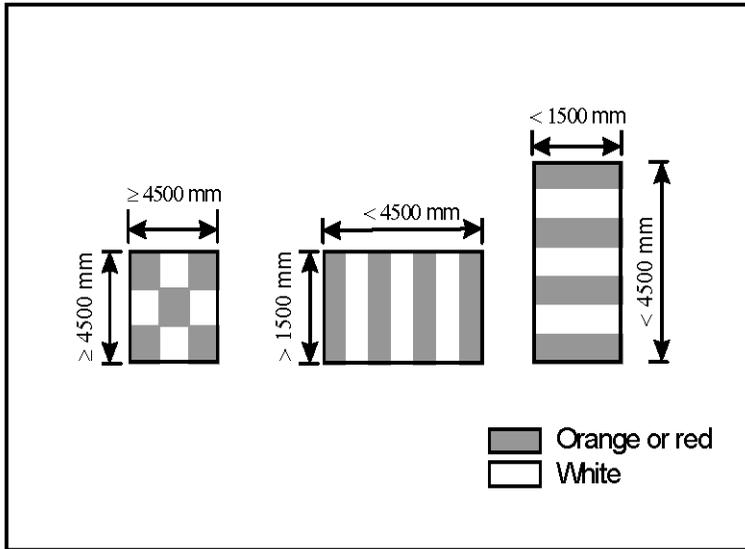


Figure B.1 – Basic marking patterns

- (c) An obstacle shall be marked by alternating contrasting coloured bands if—
- (1) it has essentially unbroken surfaces and has one dimension, horizontal or vertical, greater than 1500 mm, and the other dimension, horizontal or vertical, less than 4500 mm; or
 - (2) it is of skeletal type with either a vertical or a horizontal dimension greater than 1500 mm. See figure B.1.
- (d) The bands referred to in paragraph (c) shall—
- (1) be perpendicular to the longest dimension; and
 - (2) have a width approximately one seventh of the longest dimension or 30 m, whichever is less; and

- (3) be coloured orange and white unless those colours are not conspicuous when viewed against the background; and
- (4) be so placed that the bands on the extremities of the obstacle are of the darker colour.
- (e) Table B.1 shows a formula for determining band widths to ensure an odd number of bands, thus permitting the extreme bands to be of the darker colour. Also see Figure B.1.

Table B.1 – Band Widths

Longest dimension		Band width
Greater than	Not exceeding	
1.5 m	210 m	1/7 of longest dimension
210 m	270 m	1/9 of longest dimension
270 m	330 m	1/11 of longest dimension
330 m	390 m	1/13 of longest dimension
390 m	450 m	1/15 of longest dimension
450 m	510 m	1/17 of longest dimension
510 m	570 m	1/19 of longest dimension
570 m	630 m	1/21 of longest dimension

B.5 Use of markers

Markers displayed on or adjacent to obstacles shall—

- (1) be located in conspicuous positions so as to retain the general definition of the obstacle; and
- (2) be recognisable in all directions in which an aircraft is likely to approach the object, in clear weather, from a distance of at least—

- (i) 1000 m for an obstacle to be viewed from the air; and
- (ii) 300 m for an obstacle to be viewed from the ground; and
- (3) have a distinctive shape to the extent necessary to ensure they are not mistaken for markers employed to convey other information; and
- (4) be such that the hazard presented by the obstacle they mark is not increased.

B.6 Use of flags

- (a) Flags used to mark obstacles shall be—
 - (1) displayed around, on top of, or around the highest edge of, the object; and
 - (2) be such that the hazard presented by the obstacle they mark is not increased.
- (b) When flags are used to mark extensive obstacles or groups of closely spaced obstacles, they shall be displayed at least every 15 m.
- (c) Flags used to mark fixed obstacles shall—
 - (1) not be less than 600 mm by 600 mm; and
 - (2) be orange in colour or a combination of two triangular sections, one orange and the other white, or one red and the other white, except that where such colours merge with the background other conspicuous colours shall be used.
- (d) Flags used to mark mobile obstacles shall—
 - (1) not be less than 900 mm by 900 mm; and
 - (2) consist of a chequered pattern—
 - (i) each square having sides of not less than 300 mm; and
 - (ii) the colours of each square contrasting with each other and with the background against which they will be seen; and

- (iii) coloured orange and white, or red and white, except where such colours merge with the background.

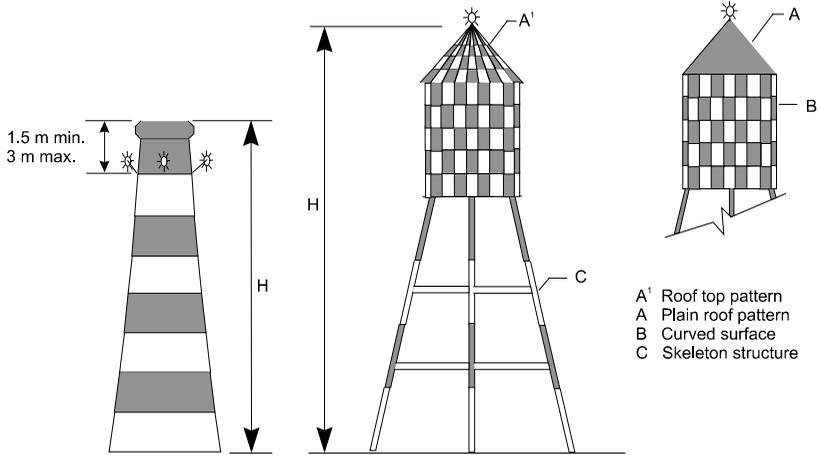
B.7 Use of obstacle lights

- (a) Where an obstacle is required to be lighted, it shall be by low-, medium-, or high-intensity obstacle lights, or a combination of such lights.
- (b) Light intensity shall be such that the hazard presented by the obstacle they mark is not increased.
- (c) Where the use of low-intensity obstacle lights would be inadequate or an early special warning is required, then medium or high-intensity obstacle lights shall be used.
- (d) Medium-intensity obstacle lights shall be used, either alone or in combination with low-intensity obstacle lights, where the obstacle is extensive or its height is greater than 45 m.
- (e) High-intensity obstacle lights are intended for day use as well as night use.
- (f) High-intensity obstacle lights shall be used to indicate the presence of an obstacle, if its height exceeds 150 m; or

B.8 Location of obstacle lights

- (a) Where lighting is required, at least one obstacle light shall be located at the top of the obstacle except in the case of a chimney type structure where the top lights shall be placed sufficiently below the top so as to minimise contamination by emissions.
- (b) Where the top of an obstacle is more than 45 m above the level of the surrounding ground, lights shall be provided at intermediate levels that—
 - (1) shall be spaced as equally as practicable between the top light and ground level; and
 - (2) if low-intensity or medium-intensity lights are used, are spaced no more than 45 m apart.
- (c) Where high-intensity obstacle lights are used on an obstacle the lights shall be spaced no more than 105 m apart.

- (d) The number and arrangement of lights at each level to be marked shall be such that the obstacle is marked from every angle in azimuth.
- (e) Where a light on an obstacle is shielded in any direction by another object, an additional or substitute light shall be provided on the obstacle in such a way as to retain its general definition.
- (f) The top light shall be placed—
- (1) to indicate the points or edges of the obstacle that are highest in relation to the obstacle limitation surface; and
 - (2) to indicate the points or edges of the obstacle that are highest in relation to sea level; and
 - (3) in the case of a chimney type structure, between 1500 mm and 3000 mm below the top (See Figs B.2 and B.3); and
 - (4) in the case of a guyed tower or antenna that should have a high intensity obstacle light at the top but where it is impracticable to do so, at the highest practicable point, and a medium-intensity obstacle light showing white mounted on the top.
- (g) An extensive obstacle or a group of closely spaced obstacles shall—
- (1) display top lights on the points or edges of the obstacles highest in relation to the obstacle limitation surface, so as to indicate the general definition and extent of the obstacles; and
 - (2) if two or more edges are of the same height, display lights on the edge nearest the landing area; and
 - (3) where low intensity lights are required, be spaced no more than 45 m apart; and
 - (4) where medium-intensity lights are required, be spaced no more than 90 m apart.



H is less than 45 m for the examples shown above.
For greater heights intermediate lights must be added as shown below.

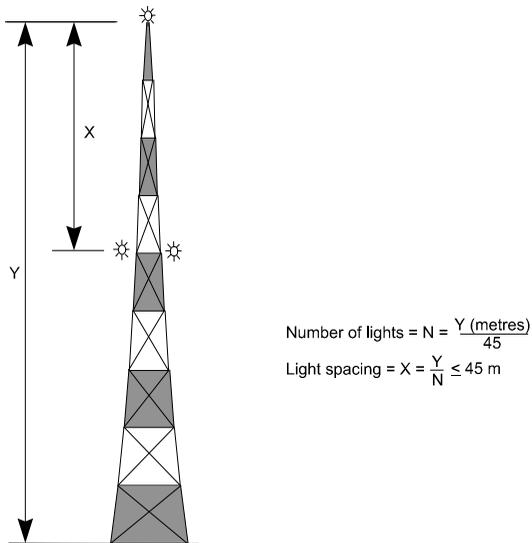


Figure B.2 – Examples of marking and lighting of tall structures

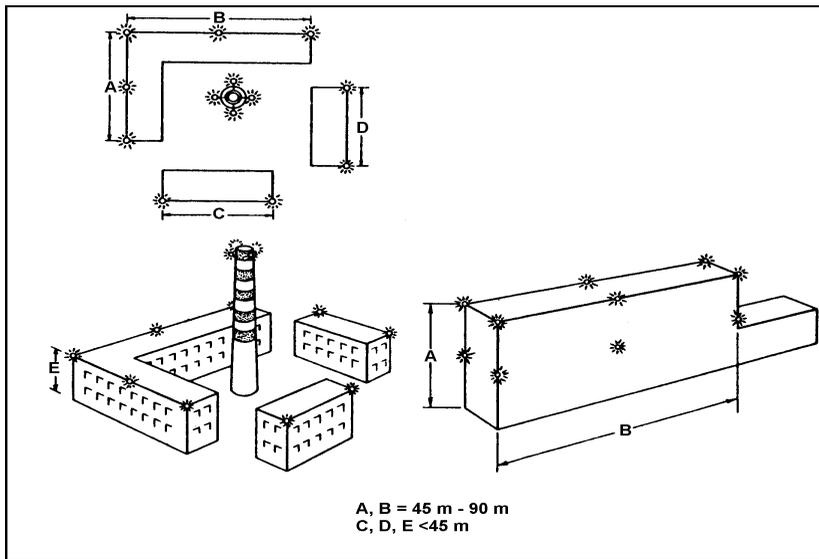


Figure B.3 – Lighting of buildings

B.9 Low-intensity obstacle light characteristics

(a) A low-intensity obstacle light on a fixed obstacle shall be a fixed red light having an intensity that is—

- (1) conspicuous in the surroundings in which it is placed; and
- (2) not less than 10 cd of red light.

(b) A low intensity obstacle light on a mobile obstacle shall—

- (1) be yellow or, if yellow is not suitable, red; and
- (2) flash at a frequency between 60 and 90 per minute; and
- (3) have an effective intensity not less than 40 cd of yellow or red light.

B.10 Medium-intensity obstacle light characteristics

A medium-intensity obstacle light shall—

- (1) be red except when used in conjunction with a high-intensity obstacle light, in which case it shall be white; and
- (2) flash at a frequency between 20 and 60 per minute; and
- (3) have an effective intensity of not less than 1600 cd of red light.

B.11 High-intensity obstacle light characteristics

A high-intensity obstacle light shall—

- (1) be white; and
- (2) flash simultaneously at a rate between 40 and 60 per minute; and
- (3) except when located on a tower supporting overhead lines, have an effective intensity that is variable and dependent on the background luminance as follows:

Background luminance	Effective intensity
above 500 cd/m ²	200 000 cd minimum
50 to 500 cd/m ²	20 000 cd ± 25%
less than 50 cd/m ²	2000 cd ± 25%

Appendix C — Shielding

(a) An object that is determined by the Director to be a hazard in navigable airspace may not be required to be marked or lighted if the Director considers the object to be shielded.

(b) An object that is a lower height than another object—

(1) already considered to be a hazard in navigable airspace; and

(2) that is marked by standard obstacle marking or lighting—

may be considered to be shielded by the other object.

(c) An aeronautical study may be required to determine whether an object that penetrates an obstacle limitation surface is shielded.

(d) A shielding object shall be permanent.

(e) For the purposes of paragraph (c) an object may be classed as permanent only if, when taking the longest view possible, there is no prospect of removal being practicable, possible, or justifiable, regardless of how the pattern, type, or density of air operations might change.

(f) Where the obstacle being shielded lies within the approach or take-off surface, or the transitional side or inner horizontal surface, it shall meet the criteria illustrated in figures C.1 and C.2 in relation to the shielding object.

(g) Where the obstacle lies outside of the areas referred to in paragraph (e) it may be considered shielded if located within 600 m of the shielding object.

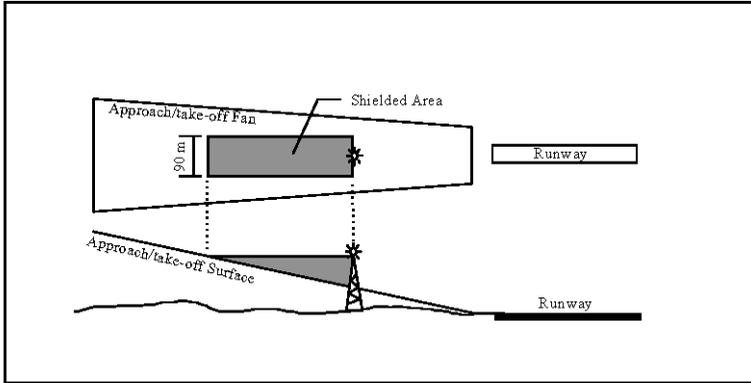


Figure C.1 - Shielding Approach and Take-off Surfaces

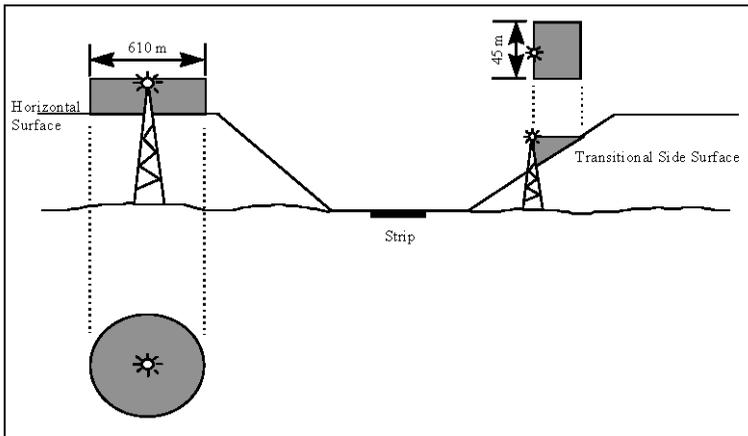


Figure C.2 - Shielding Transitional and Horizontal Surfaces