

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

Key:

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

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

35 Temporary Activities and Relocated Buildings

35.1 Purpose

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

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

35.2 Objectives and Policies

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

Policies

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

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

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

Policies

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

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

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

Policy

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

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

Policy

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

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

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

Policies

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

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

Comment [KB3]: #496, #126

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

Comment [KB4]: #496, #126

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

Comment [KB5]: #496

35.3 Other Provisions and Rules

35.3.1 District Wide

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

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

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

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

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

35.3.2 Clarification

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

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

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

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

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

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

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

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

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

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

Comment [KB8]: Right of Reply, Section 5

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

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

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

35.3.2.569 The following abbreviations are used within this Chapter.

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

35.4 Rules - Activities

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

Comment [KB10]: Right of Reply, para 3.5

Comment [KB11]: #496, #383

Comment [KB12]: #383

Comment [KB13]: #383, #126

Comment [KB14]: Clarification

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

	Temporary Activities and Relocated Buildings	Activity Status
	<p>such risk can be avoided or sufficiently mitigated[†].</p> <p>This rule does not apply to buildings for Temporary Construction-Related Activities, as addressed in Rules below.</p> <p>For the purpose of this rule Relocated Buildings shall also be subject to the rules of the Zone they are located in and any applicable District Wide rule. In particular, rules relating to Buildings or Structures apply.</p>	
		<p>Comment [KB15]: #496</p> <p>Comment [KB16]: #383</p>
35.4.4	<p>Relocated Building in a Rural Zone being a maximum of one per site and for the:</p> <ul style="list-style-type: none"> • Relocation of any building • A shipping container <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • the reinstatement works that are to be completed to the exterior of the building • the timeframe for placing the building on permanent foundations and the closing in of those foundations • the nature of other works to be undertaken to ensure the building is compatible with the amenity values of the area • Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated[†]. <p>For the purpose of this rule Relocated Buildings shall also be subject to the rules of the Zone they are located in and any applicable District Wide rule. In particular, rules relating to Buildings or Structures apply.</p>	G
35.4.53	<p>Temporary Events held on public conservation land, including the use of the land as an informal airport, which holds a valid concession for the temporary event.</p> <p>For the purpose of this rule the relevant noise standards of the Zone shall not apply.</p>	P
35.4.64	<p>Temporary Events held within a permanent, purpose-built, hotel complex, conference centre, or civic building.</p>	P
35.4.75	<p>Temporary Events held on Council-owned public recreation land, provided that:</p> <ul style="list-style-type: none"> • Noise Events do not occur during hours in which the night-time noise limits of the relevant Zone(s) are in effect, except for New Year's 	P

Comment [KB17]: #383

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

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

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

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

Comment [KB19]: #383

Comment [KB20]: Clarification

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

Comment [KB22]: #383

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

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

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

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

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

35.5 Rules - Standards

	Standards for activities	Non-compliance status																																																
35.5.1	<p>Relocated Buildings</p> <p>A shipping container has had any signage removed and is painted out where used on a site for a period exceeding two months.</p>	NC																																																
35.5.21	<p>Glare</p> <p>All fixed exterior lighting shall be directed away from adjacent sites and roads.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> the effect of lighting on the amenity of adjoining properties. 	RD																																																
35.5.32	<p>Waste Management</p> <p>All temporary events with more than 500 participants at any one time, and temporary filming with more than 200 participants, shall undertake the event in accordance with the Council's Zero Waste Events Guide, including the submission of a completed 'Zero Waste Event Form'.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> the ability to minimise and manage waste from the event. 	RD																																																
35.5.43	<p>Sanitation</p> <p>All temporary events with an anticipated attendance of up to 500 shall provide a <u>minimum</u> number of toilet facilities in accordance with the below table, or have ready access to the same number of publicly-accessible toilets within a 150m walk from the event.</p> <table border="1" data-bbox="284 1601 959 1899"> <thead> <tr> <th rowspan="2">People Attending</th> <th colspan="8">Duration of Event (hours)</th> </tr> <tr> <th>1-2</th> <th>3</th> <th>4</th> <th>5</th> <th>6</th> <th>7</th> <th>8+</th> </tr> </thead> <tbody> <tr> <td>1-50</td> <td>1</td> <td>1</td> <td>1</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> </tr> <tr> <td>51-100</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> <td>3</td> <td>3</td> <td>3</td> </tr> <tr> <td>101-250</td> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>4</td> <td>4</td> <td>6</td> </tr> <tr> <td>251-500</td> <td>4</td> <td>4</td> <td>4</td> <td>6</td> <td>6</td> <td>6</td> <td>8</td> </tr> </tbody> </table>	People Attending	Duration of Event (hours)								1-2	3	4	5	6	7	8+	1-50	1	1	1	2	2	2	2	51-100	2	2	2	2	3	3	3	101-250	3	3	3	3	4	4	6	251-500	4	4	4	6	6	6	8	RD
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Comment [KB24]: Consequential amendment as a result of #496

Comment [KB25]: #607, FS1097

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

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

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

35.6.1.1 Temporary filming.

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

DEFINITIONS

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

Comment [KB26]: #496

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

Comment [KB27]: #496

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

Comment [KB28]: #496

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

Comment [KB29]: #1365

Temporary Activities

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

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

Comment [KB30]: #243

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

Comment [KB31]: #243

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

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

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

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

[\(a\) Food and Beverage](#)

[\(b\) Sale of Alcohol](#)

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

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

TEMPORARY ACTIVITIES & RELOCATED BUILDINGS 35

Building

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

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

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

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

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

Comment [KB33]: Right of Reply, Section 10

Comment [KB34]: Clarification