

I hereby give notice that a hearing by commissioners will be held on:

Date: 16 March 2021
Time: 9.30am
Meeting room: Reception Lounge
Venue: Level 2, Auckland Town Hall
301-303 Queen Street, Auckland

PLAN MODIFICATION 53
HEARING REPORT
TEMPORARY ACTIVITIES STANDARDS AND
PUKEKOHE PARK PRECINCT

COMMISSIONER

Chairperson Philip Brown

Bevan Donovan
HEARINGS ADVISOR

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WHAT HAPPENS AT A HEARING

Te Reo Māori and Sign Language Interpretation

Any party intending to give evidence in Māori or NZ sign language should advise the hearings advisor at least ten working days before the hearing so a qualified interpreter can be arranged.

Hearing Schedule

If you would like to appear at the hearing please return the appearance form to the hearings advisor by the date requested. A schedule will be prepared approximately one week before the hearing with speaking slots for those who have returned the appearance form. If changes need to be made to the schedule the hearings advisor will advise you of the changes.

Please note: during the course of the hearing changing circumstances may mean the proposed schedule may run ahead or behind time.

Cross Examination

No cross examination by the applicant or submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions of the applicant or submitters. Attendees may suggest questions to the commissioners and they will decide whether or not to ask them.

The Hearing Procedure

The usual hearing procedure is:

- **The chairperson** will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- The **reporting officer** may be asked to provide a brief overview of the plan change.
- **Submitters** (for and against the application) are then called upon to speak. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
 - Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
 - Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated in the notification letter.
- **Council Officers** will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- **The chair** will outline the next steps in the process and adjourn or close the hearing.
- If adjourned the hearing panel will decide when they have enough information to make a decision and close the hearing. The hearings advisor will contact you once the hearing is closed.

Please note

- that the hearing will be audio recorded and this will be publicly available after the hearing
- catering is not provided at the hearing.

A NOTIFIED PLAN MODIFICATION TO THE AUCKLAND UNITARY PLAN BY AUCKLAND COUNCIL

TABLE OF CONTENTS		PAGE NO.
Reporting officer's report		5 - 38
Appendix One	Plan Change 53: Temporary Activities and Pukekohe Park Precinct (As Notified)	39 - 46
Appendix Two	Plan Change 53: Section 32 Report	47 - 118
Appendix Three	Relevant Legislative and Policy Framework	119 - 132
Appendix Four	Submissions and Further Submissions	133 - 152
Appendix Five	Recommended Changes to Plan Change 53 (includes the proposed changes that did not receive a submission together with recommended changes as a result of accepting submissions)	153 - 160
Appendix Six	The Management of Horses during fireworks	161 - 172
Appendix Seven	Evidence presented by Richard Lindsay for Sport New Zealand during the IHP Hearings of Submissions on IHP 040 – Lighting, Noise and Vibration (15 July 2015)	173 - 190
Appendix Eight	Auckland Transport Memo	191 - 204

Reporting officer, Tony Reidy, Planner

Reporting on proposed plan modification 53 which seeks to amend some of the temporary activity standards to make them less onerous and also amend the Pukekohe Park precinct to enable events on the afternoon of Anzac Day.

APPLICANT: AUCKLAND COUNCIL

SUBMITTERS:	
Page 135	Derek Balle
Page 138	Waka Kotahi NZTA
Page 142	Auckland Tourism, Events and Economic Development (ATEED)
Page 145	New Zealand Defence Force

FURTHER SUBMITTERS:	
Page 147	Derek Balle
Page 150	Marian Whitehead



Hearing Report for Proposed Plan Change 53: Temporary Activity Standards and Pukekohe Park Precinct

Section 42A Hearing Report under the Resource Management Act 1991

Report to: The Hearing Commissioner

Date: 16 March 2021

Subject Proposed Plan Change 53: Temporary Activity Standards and Pukekohe Park Precinct

File: Section 42A Hearing Report – Proposed Plan Change 53

File Reference U:\CPO\RLP\FC\LUP\OP PLANS\AUPModifications-Plan changes\PC 053 – Temporary Activity Standards and Pukekohe Park Precinct

Report Author Tony Reidy, Senior Policy Planner, Regional, North, West & Islands Planning, Plans and Places

Report Approver Eryn Shields, Team Leader, Regional, North, West & Islands Planning, Plans and Places

Summary of Proposed Plan Change 53 (PC53)

Plan subject to change	Auckland Unitary Plan 2016 (Operative in part)
Number and name of change	Proposed Plan Change 53: Temporary Activity Standards and Pukekohe Park Precinct
Status of Plan	Operative in part
Type of change	Council initiated proposed plan change
Committee date of approval (or adoption) for notification	Planning Committee – 3 September 2020
Parts of the Auckland Unitary Plan affected by the proposed plan change	E40 Temporary activities E25 Noise and vibration I434 Pukekohe Park Precinct
Date draft proposed plan change was sent to iwi for feedback	14 July 2020
Date of notification of the proposed plan change and whether it was publicly notified or limited notified	24 September 2020 Publicly Notified
Plan development process used – collaborative, streamlined or normal	Normal
Submissions received (excluding withdrawals)	4
Date summary of submissions notified	20 November 2020
Number of further submissions received (numbers)	2
Legal Effect at Notification	Nil
Main issues or topics emerging from all submissions	<ul style="list-style-type: none"> • Fireworks at Pukekohe Park Precinct • Transport and Traffic Management Plan • Definition of Anzac Day • Temporary Military Training Activities

Contents

	Executive Summary	4
1.0	Background and Existing Plan Provisions	6
2.0	Hearing and Decision Making Considerations	6
3.0	Statutory and Policy Framework	7
3.1	Resource Management Act 1991	7
3.2	National Policy Statements and National Environmental Standards or Regulations	12
3.3	Auckland Unitary Plan (Operative in Part) 2016	12
3.4	Other Relevant Legislation	13
3.5	Auckland Plan	16
3.6	Other Management Plans, Strategies and Bylaws	17
4.0	Consultation	19
4.1	Local Board Feedback	19
4.2	Iwi Consultation and Feedback	22
4.3	Auckland Transport Feedback	22
5.0	Analysis of Submissions and Further Submissions	23
5.1.1	Submission on Fireworks at Pukekohe Park Precinct	24
5.1.2	Submission on Transport and Traffic Management Plan	26
5.1.3	Submission on Definition of Anzac Day	29
5.1.4	Submission on Temporary Military Training Activities	32
6.0	Conclusions	33
7.0	Recommendations	33
8.0	Signatories	34

Attachments

Attachments	
Appendix 1	Plan Change 53: Temporary Activities and Pukekohe Park Precinct (as publicly notified)
Appendix 2	Section 32 Report
Appendix 3	Relevant Legislative and Policy Framework
Appendix 4	Submissions and Further Submissions
Appendix 5	Recommended Changes to Plan Change 53
Appendix 6	The Management of Horses during Fireworks in New Zealand, G. Gronqvist, C. Rogers and E. Gee, Massey Equine, Institute of Veterinary, Animal and Biomedical Sciences, Massey University, 9 March 2016
Appendix 7	Evidence presented by Richard Lindsay for Sport New Zealand during the Auckland Unitary Plan Independent Hearing Panel hearings of submissions on Topic 040 – Lighting, Noise and Vibration (15 July 2015)
Appendix 8	Auckland Transport Memo

Abbreviations

Abbreviation	Meaning
AUP	Auckland Unitary Plan 2016 (Operative in Part)
NZCPS	New Zealand Coastal Policy Statement 2010
PC53	Proposed Plan Change 53
RMA	Resource Management Act 1991

EXECUTIVE SUMMARY

1. Proposed Plan Change 53 ('PC53') seeks to:
 - a. To ensure the AUP's management of temporary activities (in particular – events and filming) strikes an appropriate balance between enabling temporary activities to occur whilst avoiding or mitigating adverse environmental effects.
 - b. To ensure the tools used to manage temporary activities result in an efficient process and avoid any unnecessary duplication between (for example) the Event Permit requirements, Film Auckland Protocols and the methods in the AUP.
 - c. To address a gap in the coastal temporary activity provisions.
2. The plan change process set out in Schedule 1 of the Resource Management Act 1991 (the 'RMA') was adhered to in developing PC53.
3. PC53 was notified on 24 September 2020. The closing date for submissions was 22 October 2020. 4 submissions were received. Further submissions were notified on 19 November 2020 and closed on 3 December 2020. Two further submissions were received.
4. In preparation for the hearing on PC53, this hearing report has been prepared in accordance with section 42A of the RMA.
5. This report considers the issues raised by submissions on PC53 and the Section 32 Assessment. The discussion and draft recommendations contained in this report are intended to assist the Hearing Commissioners, and those persons or organisations that lodged submissions on the plan change. The recommendations contained within this report are not the decision of the Hearing Commissioners.
6. The report also forms part of council's ongoing reporting obligations, which are to consider the appropriateness of the proposed provisions, as well as benefits and costs of any policies, rules or other methods, as well as the consideration of issues raised by submissions on PC53.
7. A report in accordance with section 32 of RMA has also been prepared for this purpose and is attached in **Appendix 2**. This 'Section 32 evaluation report' and associated documentation related to PC53, is on the council's website and should be considered in making decisions on PC53.
8. It is recommended that PC53 be approved, subject to the following amendments as a result of submissions (further amendments are in red and underlined):

i) ***E40.6.2 Traffic associated with temporary activities***

Where ~~a~~An event in a rural zone or Future Urban Zone ~~must not~~ generates more than 500 vehicle movements per day on adjacent roads a Transport and Traffic Management Plan (prepared by a suitably qualified and experienced person and authorised by Auckland Transport or Waka Kotahi (where there is a potential impact on the State Highway network), shall be prepared and implemented and undertaken in accordance with the authorised Transport and Traffic Management Plan.

Note: the traffic generation threshold of 500 vehicle movements per day includes vehicle movements associated with the event plus those associated with the establishment and removal of structures/facilities of the temporary activity.

ii) **I434.6.1. Motorsport activities noise**

(1) *There must not be any use of the track by motor vehicles, except for vehicles undertaking track or facility maintenance or repairs, in all of the following circumstances:*

(a) *from 24 December to January 2 inclusive;*

(b) *on Good Friday, Easter Sunday and Anzac Day (note: Anzac Day shall be observed in accordance with the Anzac Day Act 1966, except where Anzac Day falls on a Sunday, it shall also be observed until 1pm.);*

(c) *on Mondays, Tuesdays or more than two Wednesdays of any month except for category E events;*

(d) *Five days before and after a Category A event except that the track can be used for one Category E event within each five day period; and*

(e) *Three days before and after a Category B event except that the track can be used for one Category E event within each three day period.*

1. BACKGROUND AND EXISTING PLAN PROVISIONS

9. PC53 proposed to make changes to the temporary activity standards and to Pukekohe Park precinct.
10. The objectives of this plan change evaluation were:
 - a. To ensure the Unitary Plan's management of temporary activities (in particular – events and filming) strikes an appropriate balance between enabling temporary activities to occur whilst avoiding or mitigating adverse environmental effects.
 - b. To ensure the tools used to manage temporary activities result in an efficient process and avoid any unnecessary duplication between (for example) the Event Permit requirements, Film Auckland Protocols and the methods in the Unitary Plan.
 - c. To address a gap in the coastal temporary activity provisions.
11. The relevant AUP provisions are identified in Attachment 3. This includes the AUP's Regional Policy Statement and district plan objectives and policies.

2. HEARING AND DECISION MAKING CONSIDERATIONS

12. Clause 8B of Schedule 1 of the RMA requires that a local authority shall hold hearings into submissions on its proposed plan.
13. A Hearing Commissioner has been delegated by the Team Leaders in Plans and Places (on 5 February 2021) to determine council's decisions on submissions on PC53 under section 34 of the RMA. The Hearing Commissioner will not be recommending a decision to the council, but will be issuing the decision directly.
14. In accordance with section 42A of the RMA, this hearing report seeks to assist the Hearing Commissioner in hearings and deliberations.
15. This report summarises and discusses submissions received on PC53. It makes recommendations on whether to accept, in full or in part; or reject, in full or in part; each submission. This report also identifies what amendments, if any, should be made to address matters raised in submissions. Any conclusions or recommendations in this report are not binding on the Hearing Commissioners.
16. The Hearing Commissioner will consider all the information in submissions together with evidence presented at the hearing.
17. This report has been prepared by the following author(s) and draws on technical advice provided by the following evaluative and technical experts:

Author and Section 32 Evaluation Report (Auckland Council) Tony Reidy (Senior Policy Planner)

Technical experts – ATEED Liesl Dawson (Event Operations Manager)
Marie Jenkins (Screen Facilitation Manager)

3. STATUTORY AND POLICY FRAMEWORK

18. The RMA requires that unitary authorities consider a number of statutory and policy matters when developing proposed plan changes.
19. PC53 was developed and the submissions were considered under the relevant statutory and policy matters. The following section summarises this statutory and policy framework. More detail is contained in **Appendix 3**.

3.1. RESOURCE MANAGEMENT ACT 1991

20. Part 2 of the RMA sets out the purpose of the RMA. Consistency with Part 2 is discussed in more detail in the 'Section 32 Evaluation reports' attached in **Appendix 2**. I rely on the analysis contained in the Section 32 reports for PC53.
21. PC53 is a change to district level provisions within the AUP. As such, sections 31, 32, 73, 74, 75 and 76 of the RMA set out specific provisions that must be considered in the preparation of plan changes and these are considered for PC53. These are summarised in Table 2 below and are detailed in **Appendix 3**.

Table 2: Sections of the Resource Management Act 1991 to be considered

Relevant Act/ Policy/ Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 31	Functions of territorial authorities in giving effect to the RMA
Resource Management Act 1991	Section 32	Requirements preparing and publishing evaluation reports. This section requires councils to consider the alternatives, costs and benefits of the proposal
Resource Management Act 1991	Section 73	Sets out Schedule 1 of the RMA as the process to prepare or change a district plan
Resource Management Act 1991	Section 74	Matters to be considered by a territorial authority when preparing a change to its district plan. This includes its functions under section 31, Part 2 of the RMA, national policy statements, other regulations and other matters
Resource Management Act 1991	Section 75	Outlines the requirements in the contents of a district plan
Resource Management Act 1991	Section 76	Outlines the purpose of district rules, which is to carry out the functions of the RMA and achieve the objectives and policies set out in the district plan. A district rule also requires the territorial authority to have regard to the actual or potential effects (including adverse effects), of activities in the proposal, on the environment
Resource Management Act 1991	Schedule 1	Sets out the process for the preparation and change of policy statements and plans by local authorities

22. The mandatory requirements for plan preparation under the RMA are comprehensively summarised by the Environment Court in *Long Bay-Okura Great Park Society Incorporated and Others v North Shore City Council* (Decision A078/2008)¹. The Court set out the following measures in this case for evaluating objectives, policies, rules and other methods.

Decision A078/2008:

A. General requirements

1. *A district plan (change) should be designed to accord with, and assist the territorial authority to carry out - its functions so as to achieve, the purpose of the Act.*
2. *When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement.*
3. *When preparing its district plan (change) the territorial authority shall:*
 - (a) *have regard to any proposed regional policy statement;*
 - (b) *not be inconsistent with any operative regional policy statement.*
4. *In relation to regional plans:*
 - (a) *the district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) [or a water conservation order]; and*
 - (b) *must have regard to any proposed regional plan on any matter of regional significance etc.;*
5. *When preparing its district plan (change) the territorial authority must also:*
 - *have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities;*
 - *take into account any relevant planning document recognised by an iwi authority; and*
 - *not have regard to trade competition;*
6. *The district plan (change) must be prepared in accordance with any regulation (there are none at present);*
7. *The formal requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters.*

B. Objectives [the section 32 test for objectives]

8. *Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.*

C. Policies and methods (including rules) [the section 32 test for policies and rules]

9. *The policies are to implement the objectives, and the rules (if any) are to implement the policies;*
10. *Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for*

¹ Subsequent cases have updated the Long Bay summary, including *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55.

achieving the objectives of the district plan taking into account:

- (a) the benefits and costs of the proposed policies and methods (including rules); and*
- (b) 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.*

D. Rules

11. *In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.*

E. Other statutes:

- 12 *Finally territorial authorities may be required to comply with other statutes. Within the Auckland Region they are subject to:*
- The Reserves Act 1974*
 - the Hauraki Gulf Maritime Park Act 2000;*
 - the Waitakere Ranges Heritage Area Act 2008*
 - the Local Government (Auckland) Amendment Act 2004.*

23. These requirements have been applied (with any necessary modifications from changes in legislation), since the Long Bay decision.
24. In the *Appealing Wanaka Inc v Queenstown Lakes District Council* (2015) NZEnvC 139 appeal, the Environment Court suggested that, apart from the formal requirements as to what a plan must (and may) contain, the sections outlined above impose three sets of positive obligations when preparing or changing a plan.
25. These are:
- to ensure the plan or change accords with the council's functions, including management of the effects of development, use and protection of natural and physical resources in an integrated way;
 - to give proper consideration to Part 2 of the RMA and the lists of relevant statutory documents; and
 - to evaluate the proposed plan or change under section 32 of the RMA.

LEGAL AND STATUTORY CONTEXT RELEVANT TO SUBMISSIONS

26. An analysis of the jurisdiction for changes sought by submissions and/or any specific legal issues associated with submissions has been included in the section of this report that addresses submissions. However, the council's broad approach to jurisdiction is outlined in this section, which has been prepared with the assistance of council's legal providers.
27. The council must act in accordance with the RMA when preparing or changing a policy statement or plan. The starting point is that a policy statement or plan must be prepared by the relevant local authority "in the manner set out in Schedule 1" to the RMA.
28. Schedule 1 of the RMA and subsequent case law indicates that the submission and appeal process in relation to a plan change is confined in scope. Submissions must be on the plan change in support of or in opposition to particular provisions and cannot

raise matters unrelated to what is proposed. If a submitter seeks changes to the proposed plan, then the submission should set out the specific amendments sought. The publicly notified summary of submissions enables others who may be affected by the amendments sought in submissions to participate either by opposing or supporting those amendments, but such further submissions cannot introduce additional matters. The council's decisions must be in relation to the provisions and matters raised in submissions, and any appeal from a decision of a council must be in respect of identified provisions or matters.

29. If required, the Environment Court's role then is to hold a hearing into the provision or matter referred to it and make its own decision on that within the same framework as the council.
30. Two jurisdictional issues arise in this context, first in respect of when a submission is "on" a plan change, and second in respect of the council's jurisdiction to make changes to the plan arising from submissions on Plan Change 53. Each of these jurisdictional issues is discussed further below.

When is a submission "on" a plan change?

31. Under Schedule 1, cl 6(1) persons described in the clause "may make a submission on" a plan change. If a submission is not "on" the plan change, the council has no jurisdiction to consider it.
32. The leading authorities on the question of when a submission is "on" a plan change are the High Court's decisions in *Clearwater Resort Ltd v Christchurch City Council*, and *Palmerston North City Council v Motor Machinists Ltd*. In *Motor Machinists* the High Court referred to its earlier decision in *Clearwater* and confirmed that a two-limbed test must be satisfied:
 1. for a submission to be on a plan change it must address the proposed plan change itself, that is it must address the alteration of the status quo brought about by that change; and
 2. it must also be considered whether there is a real risk that persons directly or potentially directly affected by the additional changes proposed in the submission have been denied an effective response to those additional changes in the plan change process.
33. In *Motor Machinists* the High Court described the first limb as the "dominant consideration", involving consideration of both "the breadth of alteration to the status quo entailed in the proposed plan change, and whether the submission then addresses that alteration." The Court noted two potential ways of analysing this. One way is to ask whether the submission raises matters that should have been addressed in the s 32 evaluation and report. If so, the submission is unlikely to fall within the ambit of the plan change. Another way is to ask whether the management regime for a particular resource is altered by the plan change. If it is not, then a submission seeking a new management regime for that resource is unlikely to be "on" the plan change.
34. In relation to the second limb the Court noted that overriding the reasonable interests of people and communities "by a submissional side-wind would not be robust, sustainable management". Given the other options available, which include seeking resource consent, seeking a further public plan change, or seeking a private plan change, the Court determined that "a precautionary approach to jurisdiction imposes no unreasonable hardship." The Court, however, noted that there is less risk of offending

the second limb in the event that a change is merely consequential or incidental, and adequately assessed in the existing Section 32 Evaluation Report.

The scope of Plan Change 53

35. Plan Change 53 introduces amendments within Chapters E25. Noise and vibration, E40 Temporary activities and I434 Pukekohe Park Precinct. The plan change intends to retain the current policy direction of the AUP. Section 3.0 of the Section 32 Evaluation Report for PC53 noted that the objectives of the plan change evaluation are to:

1. To ensure the Unitary Plan's management of temporary activities (in particular – events and filming) strikes an appropriate balance between enabling temporary activities to occur whilst avoiding or mitigating adverse environmental effects.
2. To ensure the tools used to manage temporary activities result in an efficient consenting process and avoid any unnecessary duplication between (for example) the Event Permit requirements, Film Auckland Protocols and the methods in the AUP.
3. To Investigate the most appropriate method to manage temporary activities on sites of Significance to Mana Whenua (i.e. Unitary Plan v resource consent vs event permit)
4. To address a gap in the coastal temporary activity provisions.
5. To enable appropriate responses to temporary emergency events.

36. Objectives 3 and 5 did not form part of the eventual plan change.

37. One submitter – D. Balle, has raised an issue relating to fireworks that I consider is out of scope. This issue is discussed further in section 5.1.1 of this report.

Jurisdiction to make amendments arising from submissions

38. Under Schedule 1, cl 10 the council must give a decision on the provisions and matters raised in submissions on Plan Change 53.

39. In *Countdown Properties (Northlands) Ltd v Dunedin City Council* the High Court considered a number of issues arising out of the plan change process under the RMA, including the decision making process in relation to submissions under cl 10.

40. The High Court rejected the submission that the scope of the local authority's decision making power under cl 10 is limited to no more than accepting or rejecting a submission. In rejecting this submission the Court observed:

Councils customarily face multiple submissions, often conflicting, often prepared by persons without professional help. We agree with the Tribunal that councils need scope to deal with the realities of the situation. To take a legalistic view that a council can only accept or reject the relief sought in any given submission is unreal. As was the case here, many submissions traversed a wide variety of topics; many of these topics were addressed at the hearing and all fell for consideration by the council in its decision.

41. Ultimately the Court confirmed that the paramount test is whether any amendment made to the plan change as notified goes beyond what is reasonably and fairly raised in submissions on the plan change. The Court acknowledged that this will usually be a question of degree to be judged by the terms of the proposed change and the content of the submissions.

42. Subsequent cases have clarified that the assessment of whether any amendment was reasonably and fairly raised in the course of submissions should be approached in a realistic workable fashion rather than from the perspective of legal nicety. The “workable” approach requires the local authority to take into account the whole relief package detailed in each submission when considering whether the relief sought had been reasonably and fairly raised in the submissions.
43. In *Re an application by Vivid Holdings Ltd*² the Environment Court summarised the approach to establishing jurisdiction to make amendments arising from submissions on a plan change:
1. A submitter must raise a relevant “resource management issue” in its submission;
 2. Then, any decision of the council must be:
 - i. fairly and reasonably within the general scope of:
 - (a) an original submission; or
 - (b) the proposed plan as notified; or
 - (c) somewhere in between;
 - ii. provided that the summary of the relevant submission was fair and accurate and not misleading.

Summary regarding jurisdictional issues

44. In summary, in reaching a decision on PC53 the Commissioner will have to consider the following jurisdictional issues:
1. First, whether each submission is “on” PC53 by applying the tests established by the High Court in *Clearwater* and *Motor Machinists*.
 2. Second, whether any changes to the AUP are fairly or reasonably within the general scope of:
 - (a) an original submission; or
 - (b) PC53 as notified; or
 - (c) somewhere in between.
45. A critical consideration relates to fairness, and whether affected persons have been deprived of the right to be heard. A precautionary approach is required to the consideration of submissions proposing more than incidental or consequential further changes to a notified proposed plan change.

3.2. NATIONAL POLICY STATEMENTS AND NATIONAL ENVIRONMENTAL STANDARDS OR REGULATIONS

46. There are no National Policy Statements or National Environmental Standards or Regulations relevant to PC53.

3.3. AUCKLAND UNITARY PLAN (OPERATIVE IN PART) 2016

47. For a plan change, the relevant regional policy statement and plans are also required to be considered in the preparation and in the analysis of the submissions for PC53.

² Decision No.C86/99

48. Table 3 below lists the relevant regional policy statement and regional plan matters as well as district level provisions relevant to PC53.

Table 3: Relevant regional policy statements and district provisions in Auckland Unitary Plan

Relevant Act/ Policy/ Plan	Section	Matters
Auckland Unitary Plan – Regional Policy Statement	B2.7	Open space and recreation facilities
Auckland Unitary Plan – Regional Policy Statement	B.3.3	Transport
Auckland Unitary Plan – Regional Policy Statement	B8.3	Coastal Environment – Subdivision, use and development
Auckland Unitary Plan – Regional Policy Statement	B8.4	Coastal Environment – Public access and open space
Auckland Unitary Plan – Auckland - wide	E25	Noise and vibration
Auckland Unitary Plan – Auckland - wide	E27	Transport
Auckland Unitary Plan – Auckland - wide	E40	Temporary activities
Precincts	I434	Pukekohe Park Precinct

49. The relevant objectives and policies from both the Regional Policy Statement and district provisions (Auckland – wide rules and the Pukekohe Park precinct) are listed in Appendix 3.

3.4. OTHER RELEVANT LEGISLATION

Waitakere Ranges Heritage Area Act 2008

50. Under the Waitakere Ranges Heritage Area Act 2008, the Waitakere Ranges are identified as a heritage area. When preparing District Plans, under s11 council must give effect to the purpose of the Act and its objectives.

11 District plans

(1) When preparing or reviewing a district plan that affects the heritage area, the Council must give effect to the purpose of this Act and the objectives.

(2) The requirements in subsection (1) are in addition to the requirements in sections 74, 75, and 79 of the Resource Management Act 1991.

(3) When evaluating a proposed district plan, change, or variation that affects the heritage area, the Council must examine whether the plan, change, or variation is the most appropriate way to achieve the objectives (having regard to the purpose of this Act).

(4) The requirements in subsection (3) are in addition to the requirements in section 32(3) of the Resource Management Act 1991.

51. The purpose of the Act is:

3 Purpose

(1) *The purpose of this Act is to—*

(a) recognise the national, regional, and local significance of the Waitakere Ranges heritage area; and

(b) promote the protection and enhancement of its heritage features for present and future generations.

(2) To this end, the Act—

(a) establishes the Waitakere Ranges heritage area; and

(b) states its national significance; and

(c) defines its heritage features; and

(d) specifies the objectives of establishing and maintaining the heritage area; and

(e) provides additional matters for the Auckland Council and certain other persons to consider when making a decision, exercising a power, or carrying out a duty that relates to the heritage area.

52. The Waitakere Ranges Heritage Area has a separate overlay (Waitakere Ranges Heritage Area overlay) under the AUP. This overlay mainly addresses subdivision in the Waitakere Ranges.

53. In terms of temporary activities, the Waitakere Ranges Heritage Area overlay has separate standards relating to filming (D12.6.1). The overlay does not manage any other temporary activities. The Waitakere Ranges Local board is able to approve/decline temporary activities through its role as landowner and via the Trading and Events in Public Places Bylaw 2015.

Hauraki Gulf Marine Park Act 2000

54. Section 3 sets out the purpose of the Act, which is to:

(a) integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:

(b) establish the Hauraki Gulf Marine Park:

(c) establish objectives for the management of the Hauraki Gulf, its islands, and catchments:

(d) recognise the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands:

(e) establish the Hauraki Gulf Forum

55. The purpose of the Hauraki Gulf Marine Park is:

32 Purposes of Hauraki Gulf Marine Park

The purposes of the Hauraki Gulf Marine Park are—

(a) to recognise and protect in perpetuity the international and national significance of the land and the natural and historic resources within the Park:

(b) to protect in perpetuity and for the benefit, use, and enjoyment of the people and communities of the Gulf and New Zealand, the natural and historic resources of the Park including scenery, ecological systems, or natural features that are so beautiful, unique, or scientifically important to be of national significance, for their intrinsic worth:

(c) to recognise and have particular regard to the historic, traditional, cultural, and spiritual relationship of tangata whenua with the Hauraki Gulf, its islands and coastal areas, and the natural and historic resources of the Park:

(d) to sustain the life-supporting capacity of the soil, air, water, and ecosystems of the Gulf in the Park.

56. The Hauraki Gulf Marine Park Act 2000 does not manage temporary activities.

57. A regional council must ensure that any part of a regional policy statement or a regional plan that applies to the Hauraki Gulf, its islands, and catchments, does not conflict with sections 7 and 8.

58. Sections 7 & 8 of the Hauraki Gulf Marine Park Act 2000 state:

7 Recognition of national significance of Hauraki Gulf

(1) The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.

(2) The life-supporting capacity of the environment of the Gulf and its islands includes the capacity—

(a) to provide for—

(i) the historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and

(ii) the social, economic, recreational, and cultural well-being of people and communities:

(b) to use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation:

(c) to maintain the soil, air, water, and ecosystems of the Gulf.

8 Management of Hauraki Gulf

To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are—

(a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments:

(b) the protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:

(c) the protection and, where appropriate, the enhancement of those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship:

(d) the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources:

(e) the maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand:

(f) the maintenance and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand.

59. The proposed changes to E40 Temporary activity provisions and to E25 Noise and vibration do not conflict with sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000.

3.5. AUCKLAND PLAN 2050

60. The Auckland Plan is a spatial plan prepared under section 79 of the Local Government (Auckland Council) Act 2009. It is a relevant strategic document that council should have regard to under section 74(2) of the RMA. The Auckland Plan was “refreshed” in 2018. Some of the long-term goals of the Auckland Plan which are relevant to PC53, are summarised in Table 5 below.

Table 5: Relevant sections of the Auckland Plan 2050

Outcome	Directives and Focus Areas	Relevance to PC 53
Outcome: Belonging and Participation	Directive 1: Foster an inclusive Auckland where everyone belongs. Focus area 1: Create safe opportunities for people to meet, connect, participate in, and enjoy community and civic life. Focus area 5: Recognise, value and celebrate Aucklanders’ differences as a strength. Focus area 7: Recognise the value of arts, culture, sport and recreation to the quality of life.	PC53 makes it easier for temporary activities to occur by increasing the duration of noise events and removing the traffic and transport plan in rural areas as a trigger for a resource consent. It also enables events to occur on the afternoon of Anzac Day at Pukekohe Park.
Māori Identity and Wellbeing	Directive 4: Showcase Auckland’s Māori Identity and vibrant Māori culture. Focus area 6: Celebrate Māori culture and support te reo Māori to flourish	Temporary activities include events and festivals that celebrate Māori culture. PC53 makes it easier for temporary activities to occur (as discussed above).
Outcome: Transport and access	Directive 3: Maximise safety and environmental protection. Focus area 4: Make walking, cycling and public transport preferred	PC53 removes the traffic and transport plan in rural areas as a trigger for a resource consent.

	choices for many more Aucklanders Focus area 6: Move to a safe transport network free from death and serious injury.	A traffic and transport plan is still required for events in rural and future urban zones exceeding 500 vmpd however and can also be required under the Trading and Events in Public Places by-law 2015.
Outcome: Opportunity and Prosperity	Directive 1: Create the conditions for a resilient economy through innovation, employment growth and raised productivity. Focus area 2: Ensure regulatory planning and other mechanisms support business, innovation and productivity growth. Focus area 3: Advance Māori employment and support Māori business and iwi organisations to be significant drivers of Auckland's economy.	PC53 makes it easier for temporary activities to occur by increasing the duration of noise events and removing the traffic and transport plan in rural areas as a trigger for a resource consent. It also enables events to occur in the afternoon of Anzac Day at Pukekohe Park. Temporary activities include events and festivals that celebrate Māori culture and/or a run by Māori business and iwi organisations.

61. PC53 is, in my opinion, consistent with the above directives and focus areas of the Auckland Plan.

3.6. OTHER MANAGEMENT PLANS, STRATEGIES AND BYLAWS

Reserve Management Plans

62. Reserve Management Plans may have objectives and policies and rules that affect temporary activities. These provide an additional layer of management that must be taken into account. For example, the Regional Parks Management Plan 2010 (which is currently being reviewed) contains the following objective and policies on filming in regional parks:

13.5.3 Filming

Objective 13.5.3: To facilitate filming in the regional parks, where this activity is in accordance with objective 13.1.1.

Policy:

13.5.3.1 Manage filming in regional parks as a discretionary activity (excluding filming undertaken for personal use and for no financial reward), in accordance with the general policies in section 13.5.1. (Note: section 13.5.1 contains Discretionary activities – general policies)

13.5.3.2 Provide guidelines for the use of a park or a location within a park, to be issued alongside consents and circulated to all involved in filming, and may include guidelines on education, tangata whenua and monitoring.

13.5.3.3 Develop in collaboration with the film industry a code of conduct or protocol for filming on regional parks that provides clear guidelines and parameters in relation to such things as: the use of park land, stewardship of vegetation and landscapes, use of images of parkland for commercial gain, vehicle management, and the use of structures.

13.5.3.4 Support the concept of establishing a one-stop shop to manage film activity on regional parks and becoming a film friendly council.

13.5.3.5 Improve the promotion of appropriate parks, education of the film industry filming, administration and monitoring programmes as part of the move to a one-stop shop.

13.5.3.6 Maintain a transparent charging rationale for filming in accordance with section 13.1.8 and communicate this to the film industry. (Note: section 13.1.8 contains Fees and charges policies)

Iwi Management Plans

63. There are iwi management plan's potentially affected by this plan change. For example Ngati Whatua Orakei's recently revised iwi management plan 2018. Iwi however have indicated through consultation that they do not wish to be involved in the plan change.

Trading and Events in Public Places Bylaw 2015

64. There are processes operating outside of the AUP to control events occurring in public places. All events on public land require permission from Auckland Council through an event permit process under the Trading & Events in Public Places (TEPP) Bylaw (2015). Under the TEPP Bylaw an 'event' means an organised temporary activity that takes place on one or more days that is outside the normal expected use of a site and includes an organised gathering, parade, protest, wedding, private function (which is independent of premises), festival, concert, celebration, multi venue sports event of a significance scale, fun run, marathon, duathlon or triathlon.
65. Depending on the nature of the event proposal, relevant stakeholders will need to provide their approval. Commonly, approval is required from:
- Council's Parks, Sport & Recreation Department – for events on a park, reserve
 - Council's Environmental Health Department- for events that include amplified sound; food stalls
 - Auckland Council District Licensing Authority – for events that are selling/supplying alcohol and/or are in a liquor ban area, a special liquor licence is required.
 - Auckland Transport – for events on roads or streets or events that will affect the normal traffic/pedestrian flow. Where there are road closures and/or parking restrictions organisers are required to provide a traffic management plan that will be sent to Auckland Transport for approval.
 - Council's Bylaws and compliance – event signage
 - Council's Solid Waste Department – for events that require a waste management plan
 - Building consent from Council's Resource Consent Department – for events that require consent for a temporary structure
 - Health and Safety – Health and safety plans for large events require approval from an internal H&S advisor.
66. Each stakeholder will comment on the section of the event that relates to their area and/or provide approval. Specific conditions, such as noise levels, times and duration can be included as part of the approval. Once all approvals are received, the facilitator will create a document entitled "Event Advice". This document includes agreed details for the event and an Event Permit. Any conditions from stakeholders are included in the Event Advice and/or Event Permit.

67. The Trading and Events in Public Places Bylaw 2015 is currently being reviewed but as that is not completed, the bylaw as it currently stands has been used as the relevant bylaw.

Film Auckland Protocol

68. The Film Auckland Protocol was adopted by Auckland Council's Environment and Community Committee on 10 September 2019.

69. The Auckland Film Protocol sets out:
- Council's commitment to enabling filming in Auckland and expectations of how filmmakers will operate/ behave when filming in the region
 - information for filmmakers about the policies, plans and rules that apply when filming in public open spaces across Auckland
 - an overview of the process of applying for a permit to film in public open spaces – a process that is administered by Council's regional film office, Screen Auckland.

70. The protocol states the following in respect of resource consent considerations:

“Due to the often temporary nature of filming, a resource consent is not usually required to carry out filming within Auckland. However, filming projects involving the long-term use of the same site are much more likely to require a resource consent. Resource consent criteria are currently determined by the Auckland Unitary Plan and the Hauraki Gulf Islands District Plan. Go to the Auckland Council website to view the Auckland Unitary Plan and the Hauraki Gulf Islands District Plan maps and other information . Screen Auckland's film facilitation team can assist with providing contact details for planning staff who have experience working with the screen production industry”.

4. CONSULTATION

71. A summary of consultation undertaken as part of the preparation of PC53 is outlined in the Section 32 Reports, attached in **Appendix 2** of this report.

4.1 Local Board Feedback

72. There was feedback from 20/21 local boards on the proposed plan change. This is summarised in the table below:

In summary:

Local Board	Feedback
Albert-Eden	<p>a) does not support the newly proposed Plan Change 53 provisions that would increase the duration of temporary activities that are defined as noise events from six to eight hours, noting this is due to the experience from previous activities in the local board area where there have been significant effects from some noise activities on the amenity of neighbouring open space and residential areas; six hours is a significant period of time for amplified noise in most residential areas and our experience is that complaints have arisen regarding noise from commonly used sites, being Potters Park and Coyle Park even when events had been less than six hours; therefore events greater than six hours should continue to be required to apply for Resource Consent to ensure that impacts are assessed and are avoided, mitigated or minimised if necessary.</p> <p>b) support the introduction of a new noise rule for coastal temporary activities given some local board area parks and beaches are within the coastal marine area (CMA).</p> <p>(17/11/2020)</p>
Aotea/Great Barrier	Nil
Devonport - Takapuna	<p>a) receive the report Local board views on Plan Change 53 - Temporary Activities and Pukekohe Park precinct.</p> <p>(17/11/2020)</p>
Franklin	<p>a) endorse Plan Change 53 - Temporary Activities and Pukekohe Park precinct as follows:</p> <p>i. the proposed plan change is aligned with Franklin Local Board Plan 2020 Outcome 1: our strengths generate local opportunity and prosperity and Outcome 3: places and facilities are fit for purpose</p> <p>ii. suggest the plan change prevents activities involving fireworks as long as Pukekohe Park accommodates horses and while the area is home to several equine facilities</p> <p>iii. the plan change improves the financial viability of the venue by enabling the venue to operate on an equal playing field with other venues across the region and in North Waikato e.g. Hampton Downs</p> <p>iv. the board notes that the current plan provisions that excluded activity on ANZAC day forced the relocation of the supercars motor racing event, which is an important economic and community occasion.</p> <p>v. the plan change reflects an understanding of the local context, including need for events and activities that provide local jobs and local economic opportunity and as a response to significant growth in Auckland's southern edge and in the north Waikato.</p> <p>(24/11/2020)</p>
Henderson - Massey	<p>a) receive the Local board views on Plan Change 53 – Temporary Activities and Pukekohe Park Precinct report.</p> <p>((17/11/2020)</p>
Hibiscus and Bays	<p>a) support Plan Change 53 - Temporary Activities region wide and Pukekohe Park precinct.</p> <p>(19/11/2020)</p>
Howick	Indicated support for the proposed plan change at a

	local board workshop on 4 February 2021.
Kaipātiki	a) support the proposed changes to Plan Change 53 - Temporary Activities and Pukekohe Park precinct.
Māngere-Ōtāhuhu	i) generally support the proposed changes on Plan Change 53 - Temporary Activities and Pukekohe Park precinct to address compliance costs and discrepancies in temporary activity standards (18/11/2020)
Manurewa	a) support Plan Change 53 - Temporary Activities and Pukekohe Park precinct to address compliance costs and discrepancies in temporary activity standards (19/11/2020)
Maungakiekie-Tāmaki	a) provide the following feedback on Plan Change 53 - Temporary Activities and Pukekohe Park precinct: i) endorse a traffic management plan (as a permitted activity standard) for an event in a rural or Future Urban zone where more than 500 vehicles movements per day on adjacent roads as it enhances wellbeing, accessibility, and safety to our communities. (24/11/2020)
Ōrākei	a) receive the local board views on Plan Change 53 - Temporary Activities and Pukekohe Park precinct report. b) endorse its feedback on the proposed Plan Change 53 - Temporary Activity Standards and Pukekohe Park precinct as tabled. (see attachment) (24/11/2020)
Ōtara-Papatoetoe	a) are in support of the proposed changes on Plan Change 53 - Temporary Activities and Pukekohe Park precinct to address compliance costs and discrepancies in temporary activity standards (17/11/2020)
Papakura	a) support Plan Change 53 - Temporary Activities and Pukekohe Park precinct to address compliance costs and discrepancies in temporary activity standards (25/11/2020)
Puketāpapa	a) do not support the newly proposed Plan Change 53 provisions that would increase the duration of temporary activities that are defined as noise events from six to eight hours. b) support noise events of longer than six hours duration requiring a Resource Consent to ensure that impacts are assessed and are avoided, mitigated or minimized if necessary. c) support the introduction of a new noise rule for coastal temporary activities given some of our parks and beaches are within the CMA. (19/11/2020)
Rodney	a) receive the Plan Change 53 - Temporary Activities and Pukekohe Park Precinct report. (18/11/2020)
Upper Harbour	a) support Plan Change 53 - Temporary Activities and Pukekohe Park precinct. (19/11/2020)
Waiheke	a) note Plan Change 53 - Temporary Activities and Pukekohe Park precinct. (25/11/2020)
Waitākere Ranges	a) receive the report on Plan Change 53 - Temporary Activities and Pukekohe Park precinct. (26/11/2020)
Waitematā	i. Oppose increasing the time allowed for excess noise from temporary activities from six hours to

	<p>eight hours.</p> <p>ii.Support extending the definition of noise controls to cover temporary activities not otherwise currently covered.</p> <p>iii.Support the introduction of a new noise rule for coastal temporary activities given some of our parks and beaches are within the Coastal Marine Area. (17/11/2020)</p>
Whau	a) receive the Plan Change 53 report – Temporary Activities and Pukekohe Park Precinct. (25/11/20)

73. Local Board feedback falls into the following broad categories:

Feedback	Local Board
1. Support	Howick, Maungakiekie-Tāmaki, Otara – Papatoetoe, Papakura, Upper Harbour
2. Neutral (i.e. accepted the report)	Devonport – Takapuna, Henderson – Massey, Rodney, Waiheke, Waitakere Ranges, Whau
3. Oppose increases in the duration of temporary activities from 6 to 8 hours	Albert – Eden, Orakei, Puketapapa, Waitemata
4. No feedback	Aotea/Great Barrier

74. There is however no scope within the submissions received to make the changes requested by those Local Boards that are opposed to increasing the duration of temporary activities that are defined as noise events from six to eight hours. Local Boards do however have the ability to set limits on the duration of temporary activities on public land within their local board areas under the Trading and Events in Public Places Bylaw 2015.

4.2 Iwi Consultation and Feedback

75. A draft copy of the plan change was forwarded to all Auckland’s 19 iwi as required under Section 4A of the first schedule of the RMA 1991. Responses were received from Ngāti Whātua Ōrākei and Ngai Tai ki Tamaki.

76. Ngāti Whātua Ōrākei had no concerns with the proposed changes and did not need to engage further. Ngai Tai ki Tamaki advised that a potential concern is the MACCA (The Marine and Coastal Area Act – Takutai Moana) claims and legal processes. The proposed changes however do not impact on the activities able to be undertaken in the coastal marine area. They address a gap in the noise standards.

4.3 Auckland Transport Feedback

77. Under its functions as a Road Controlling Authority and Corridor manager for all public roads, Auckland Transport is required to:

- Ensure the safety of road users and those working in the road corridor;
- Minimise disruption and inconvenience for road users and adjoining residents and businesses;
- Avoid unnecessary disruption and cost through conflicts in the timing of works and activities;
- Protect the integrity of existing road and utility assets within the road corridor;
- Protect the rights of future users of the road corridor;

78. Ensure there is timely and accurate information available on works and activities on the network.
79. Auckland Transport are not a submitter to the plan change but they have provided feedback in the form of a memo (Appendix 8). Auckland Transport's key concerns/issues relate to the ability to ensure that the traffic generated by a temporary activity does not detract from the safety of the road network and well-being of surrounding residents.
80. Auckland Transport advise that the changes to remove traffic management and the definition of Anzac Day in the Pukekohe Park precinct has the potential to generate traffic effects. However, any event at the scale of the v8 Supercars would be captured through Auckland Transport's Temporary Traffic Management planning process which Auckland Transport (as road controlling authority) administers independently of RMA planning and the Trading and Events in Public Places Bylaw 2015.
81. The corridor access request (CAR) application process is the primary means of approving work in the road corridor and the primary non-RMA mechanism for requiring a Traffic Management Plan to manage temporary activities.
82. In addition, all events and filming on public land require permission from Council and other stakeholders including Auckland Transport through an event permit process under the Trading and Events in Public Places Bylaw (2015). There is no single trigger for requiring a Traffic Management Plan in this regime.
83. Auckland Transport have identified a potential risk about how Council will ensure compliance with the proposed Transport and Traffic Management Plan permitted activity standard. There is a possible risk where temporary activities generating more than 500 vehicle movements per day proceed without preparing a Transport and Traffic Management Plan when a resource consent is not required. To address this risk, Auckland Transport suggest that further wording amendments to the permitted activity standard be considered. In addition, Auckland Transport recommend that a note be added under "E40.6.2 Traffic associated with temporary activities", clarifying that the traffic generation threshold of 500 vehicle movements per day includes vehicle movements associated with the establishment and removal of structures/facilities of the temporary activity.

5.0 ANALYSIS OF SUBMISSIONS AND FURTHER SUBMISSIONS

84. The following sections of this report address the submissions received on PC53, discuss the relief sought in the submissions and make recommendations to the Hearing Commissioners. Submissions that address the same issues and seek the same relief have been grouped together under the following topic headings:
 - Fireworks in the temporary activity standards and/or at Pukekohe Park Precinct
 - Transport and Traffic Management Plan
 - Definition of Anzac Day
 - Temporary Military Training Activities.

5.1.1 Submission on Fireworks at Pukekohe Park Precinct

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
1.1	Derek Balle	Accept the plan change with amendments	FS01 – Derek Balle - support	Accept in part
1.2	Derek Balle	Remove lighting of fireworks as a permitted activity	FS01 – Derek Balle - support	Reject

Summary of submission and discussion

85. **Submission 1.1** seeks that the plan change be accepted with amendments. **Submission 1.2** requests that the lighting of fireworks be removed as a permitted activity in the temporary activity standards and/or the Pukekohe Park precinct.

86. The reasons why the proposed plan change is opposed are:

- *There are many properties containing horses located on Station Road and Yates Road, Pukekohe. We have over 20 bloodstock on our property at any given time;*
- *Within a 1 km radius of Pukekohe Park Raceway, there would be in excess of 400 horses at various properties. The Franklin Park Harness Racing training facility is adjacent to our property and is the hub of standardbred training in Pukekohe;*
- *Horses are extremely sensitive to noise and their natural panic response to unexpected loud noise and firework flashes in the sky can result in them running into fences and gates or thrashing out in loose boxes causing horrific injuries;*
- *Holding a pyrotechnic display at Pukekohe Park Raceway, which is less than 100m from the entrance of our property is very unsafe and potentially reckless.*

87. The submitter has also supported their submission with a further submission. In that further submissions they have stated:

- *We do not have any objection to such events taking place and the extension of operating hours to allow these events to take place as proposed in the plan change.*
- *Our only objection is to large pyrotechnic displays. Horses and fireworks simply do not mix.*
- *It is also not a matter of just relocating them for when such event may take place. This is a logistical impossibility and we are not the only property affected – there are large numbers of horses in the surrounding area of Pukekohe Park as there are established galloping and harness racing tracks in the immediate vicinity.*

88. The lighting of fireworks is a permitted activity under the temporary activity provisions.

89. Under the Pukekohe Park Precinct, professional fireworks displays meeting Standard I434.6.10 are also a permitted activity.

90. Standard I434.6.10 states:

I434.6.10. Professional fireworks displays

(1) Displays are limited to 3 in any 12 month period.

- (2) Displays must not exceed 15 minutes in duration.
- (3) Displays must be finished by 10:30pm.
- (4) Fireworks must be discharged at least 120 meters from any residential zone.
- (5) Displays must comply with 140dB L_{Zpeak} at any point in the audience area and within the boundary of any activity sensitive to noise.

91. The submitter raises valid concerns regarding the effects of fireworks on horses. Research undertaken by G Grangvist, C. Rodgers & E. Gee of the Massey Equine, Institute of Veterinary Animal and Biomedical Sciences, Massey University (2016) found that fireworks do adversely affect horses. The study found:

39% (1987/4765) of horses were anxious when hearing fireworks
 40% (1816/4765) were very anxious
 21% (965/4765) were not anxious

92. Most common behaviours of horses affected by fireworks were:

82% running
 35% breaking through fences in response to fireworks
 26% of horses received injuries associated with fireworks

93. The most common management strategies identified in the 2016 report were owners moving their horse(s) to a paddock away from the fireworks, and stabling or yarding them. However, approximately 30% reported these strategies were ineffective. Of the survey participants, 90% (996/1104) were against the sale of fireworks for private use.

94. Although the submitter does raise an issue that does have some planning merit, there are issues of scope as Proposed Plan Change 53 - Temporary Activities and Pukekohe Park precinct does not propose any amendments to the management of fireworks in the Auckland – wide temporary activity or Pukekohe Park precinct provisions.

95. As discussed in paragraph 31 “for a submission to be on a plan change it must address the proposed plan change itself, that is, it must address the alteration of the status quo brought about by that change”

96. The two ways of analysing whether a submission is on a plan change identified in the Motor Machinist case are:

- 1. *Whether the submission raises matters that should have been addressed in the Section 32 evaluation and report (and hasn't);*
- 2. *Whether the management regime for a particular resource is altered by the plan change. If not, then a submission seeking a new management regime for that resource is unlikely to be “on” the plan change.*

97. In respect of the above, the section 32 report does not address the status of fireworks or the associated standards. Likewise, the plan change does not alter the management regime for fireworks either throughout the region or at Pukekohe Park. Under both tests, the submission falls outside the scope of the plan change.

98. If a submission is not “on” the plan change, the council has no jurisdiction to consider it, even if the submission raises matters of planning merit. The status of fireworks will therefore need to be addressed via a future plan change process or in the review of the AUP.

Recommendations on submission

99. I recommend that **submission 1.1 be accepted in part** and **submission 1.2 be rejected** for the following reasons:

- Submission 1.1 is accepted in part to the extent that the plan change is recommended to be accepted, but there are amendments proposed
- The section 32 report does not address the management of fireworks or the associated standards
- Likewise, PC53 does not alter the management regime for fireworks throughout the region or at Pukekohe Park. Under both tests, the submission falls outside the scope of the plan change
- If a submission is not “on” the plan change, the council has no jurisdiction to consider it, even if the submission raises matters of planning merit.

100. There are no consequential amendments associated with this recommendation.

5.1.2 Submission on the Transport and Traffic Management Plan

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's recommendation
2.1	The NZ Transport Agency	Accept the plan change with amendments		Accept
2.2	The NZ Transport Agency	Add Waka Kotahi to the authorisers of a Transport and Traffic Management Plan in E40.6.2 where there is a potential impact on the State Highway network		Accept

Summary of submissions and discussion

101. **Submission 2.1** seeks that PC53 be accepted with amendments. **Submission 2.1** seeks that Waka Kotahi (New Zealand Transport Agency) be added to the authorisers of a Transport and Traffic Management Plan in E40.6.2 where there is a potential effect on the State Highway network.

102. The reasons given by Waka Kotahi why PC53 is recommended to be accepted with amendments are:

- *The provisions effectively remove the requirement for resource consent for activities generating more than 500 vehicle movements per day, provided a Transport and Traffic Management Plan is submitted to Council;*
- *Waka Kotahi would normally have the ability to comment on these resource applications through the normal notification procedures (if relevant), however this ability is now less clear;*
- *Where temporary activities have the potential to impact the State Highway network, Waka Kotahi should always have the ability to comment and provide feedback on temporary traffic management proposals.*

103. The rationale behind this aspect of the plan change is that currently any temporary activity that involves more than 500 vehicle movements per day in a Rural Zone or Future Urban Zone requires a resource consent. PC53 moves this “trigger for consent” to a standard. Under the proposed approach, temporary activities involving

more than 500 vehicle movements per day in a rural zone or Future Urban zone will still be required to submit a Transport and Traffic Management Plan that is then assessed and authorised by Auckland Transport (with Waka Kotahi to be also added) but a resource consent will not be required. The intention of the standard – that a Transport and Traffic Management Plan is submitted and assessed and approved if appropriate is still maintained, but without the timeframes and processing costs associated with the resource consent process.

104. The major recreation zone precincts have a similar approach in that there is a standard rather than a trigger that automatically requires a resource consent.
105. As an example, the Pukekohe Park precinct (one of the Major Recreation zone precincts) states:

1434.6.5. Traffic management

All activities must meet at least one of the following traffic management standards:

- (1) The activity and management of associated transport and traffic effects is undertaken in accordance with a Transport and Traffic Management Plan authorised by Auckland Transport;*
- (2) The activity generates a crowd of less than 5,000 people and does not require the closure of a public road.*

106. Waka Kotahi (New Zealand Transport Agency) have submitted that it should be involved in the process where state highways are potentially adversely affected. I support this change as it is the controlling authority for the state highway network throughout the country.
107. The Unitary Plan's requirement for a Transport and Traffic Management Plan is also duplicated in Trading and Events in Public Places Bylaw 2015. The relevant sections of that bylaw (which is currently being reviewed) are:

6 Requirement to hold an approval

(1) A person must hold an approval issued by the council to undertake the following activities in public places: (a) trading in a public place; (b) events; (c) filming.

10 Deciding an application

- (1) Subject to compliance with this clause, the council may grant (with or without conditions) or refuse any application for approval at its discretion.*
- (2) The decision to grant or refuse an application for an approval together with any conditions on the approval, must be made in accordance with any relevant guidelines approved by resolution of the council, specified under this bylaw from time to time.*
- (3) In deciding to grant or decline an application for approval the council must consider the following matters:*
- (a) the location of the activity and whether it is likely to cause a nuisance, obstruction or a hazard to pedestrians or vehicular traffic;*

...

11 Approval conditions

- (1) The conditions upon which an approval is granted may include, but are not limited to, the following:*
- (a) the designated times of operation (hours and days) including limitations on the hours of set up and pack down;*
- (b) the duration of the approval;*

(c) the location of the activity, taking into account the surrounding land uses and street layout and the minimum clear widths of footpaths required for pedestrian access;

(d) a requirement that the activity is not located in a public place (including near intersections, bus stops, vehicle crossings, accessways or service lanes) in a way that it is likely to cause a nuisance, unreasonable obstruction or hazard to pedestrian and vehicle access;

(e) that a continuous accessible path of travel is provided for;

(f) requiring compliance with a traffic management plan;

108. In addition, as previously discussed under section 4.3 Auckland Transport Feedback, it is recommended that a note be added under “E40.6.2 Traffic associated with temporary activities”, clarifying that the traffic generation threshold of 500 vehicle movements per day includes vehicle movements associated with the establishment and removal of structures/facilities of the temporary activity. Auckland Transport have also recommended that it be clarified that the Transport and Traffic Management Plan be prepared and implemented and undertaken in accordance with the authorised plan. Again, this is a matter of clarification.

Recommendation on submission

109. I recommend that **Submission 2.1 and 2.2 be accepted** for the following reasons:

- Submission 2.1 is accepted in that the PC53 is recommended to be accepted, but there are amendments proposed;
- Waka Kotahi (New Zealand Transport Agency) are the controlling authority for the state highway network throughout the country;
- As such, it should be involved in the process of assessing and approving/declining Transport and Traffic Management Plans where state highways are potentially adversely affected by temporary activities;
- As a result of the proposed change, temporary activities involving more than 500 vehicle movements per day in a rural zone or Future Urban zone will still be required to submit a Transport and Traffic Management Plan that is then assessed and authorised by Auckland Transport and where relevant, Waka Kotahi. The timeframes and processing costs associated with the resource consent process would however be avoided.

110. The consequential amendments associated with this recommendation are:

E40.6.2. Traffic associated with temporary activities

Where an event in a rural zone or Future Urban Zone must not generate more than 500 vehicle movements per day on adjacent roads a Transport and Traffic Management Plan (prepared by a suitably qualified and experienced person and authorised by Auckland Transport or Waka Kotahi (where there is a potential impact on the State Highway network), shall be prepared and implemented and undertaken in accordance with the authorised Transport and Traffic Management Plan.

Note: the traffic generation threshold of 500 vehicle movements per day includes vehicle movements associated with the event plus those associated with the establishment and removal of structures/facilities of the temporary activity.

5.1.3 Submission on the Definition of Anzac Day

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
3.1	Auckland Tourism, Events and Economic Development (ATEED)	Accept the plan change with amendments	FS02 – Marian Whitehead - Oppose	Accept
3.2	Auckland Tourism, Events and Economic Development (ATEED)	If Anzac falls on a Sunday, allow events to occur after 1pm while still allowing for Anzac Day to be observed	FS02 – Marian Whitehead - Oppose	Accept

Summary of submissions and discussion

111. **Submission 3.1** seeks that the plan change be accepted with amendments. **Submission 3.2** seeks that if Anzac Day falls on a Sunday, that events are allowed to occur after 1 pm, while still allowing for Anzac Day to be observed.

112. The reasons for the submission include:

- *Every six years, Anzac Day falls on a Sunday which means under the current proposed changes, events (like the Supercars at Pukekohe) would not be able to go ahead on the Sunday if it aligns completely with the Anzac Day Act 1966*
- *This could see the event removed from the calendar indefinitely*
- *The Australian Supercar Event is held over three days and under the current Unitary Plan, if Anzac Day falls on any of these, Pukekohe Park cannot hold the event (Pukekohe Park)*
- *Before the Unitary Plan came into effect, Supercars was held on Anzac Day with the support of the Returned Services Association (Pukekohe Park).*

113. A further submitter, M Whitehead opposes the submission on the following grounds:

- *The proposed change affects the observance and enjoyment of Anzac Day for the many inhabitants of Pukekohe who cannot avoid hearing the loud noise of motor racing at Pukekohe Park which disturbs our lives on many other weekends throughout the year.*
- *The provisions of the Pukekohe Park Precinct identify only a few days of the year when motor racing cannot occur, of which Anzac Day is one. These are the only days when Pukekohe residents can be assured that they will not be disturbed by the noise of motor racing. To allow motor racing on Anzac Day, whatever day it falls on, and especially Sunday, even if it is only after 1pm, takes away one of the few days of the year where Pukekohe residents can be certain there will not be motor racing noise and the associated activities including, loud speakers and music, and the noise of helicopters and other aircraft filming the event flying overhead. The few days of the year when no motor racing is allowed should be retained.*
- *The submissions indicates that racing on a Sunday would allow for the Supercars when Anzac Day falls on a Sunday every 6 years. In fact changing the*

provision in this way would allow any motor racing to occur on Anzac Day, not just the Supercars.

- The proposed Plan Change would result in the many inhabitants of Pukekohe being disturbed by noise on Anzac Day, for the benefit of a few. There appears no reason why Supercars, or any other motor racing cannot be scheduled to avoid racing on the whole of Anzac Day given that these dates are known well in advance.*
- The Proposed Change to align the meaning of Anzac Day in the Pukekohe Park Precinct Provisions to another Act, namely the Anzac Day Act 1966, only creates confusion for anyone trying to understand the provisions. The Anzac Day Act itself is not clear and also references other Acts like the Holidays Act and the Shop Trading Hours Act.*
- The reason for the current Plan provisions not allowing motor racing on Anzac Day and Good Friday etc. relates to the noise disturbance it creates for the inhabitants of Pukekohe and nearby residents who deserve to be able to enjoy and observe an important Public Holiday, that has real significance for many, in their homes without noise disturbance being imposed on them throughout the day. This is a different matter to Shop Trading Hours and Holidays where people may choose what activities they undertake including whether they wish to open their shop etc.*

114. PC53 proposes to align Anzac Day with the Anzac Day Act 1966 for the Pukekohe Park precinct. The intention was to enable events to occur on the afternoon of Anzac Day. This could include the Supercars at Pukekohe Park.
115. Under Section 3 – Observance of Anzac Day, the Anzac Day Act 1966 states:
*(1)Where Anzac Day falls on a Sunday it shall be observed as a Sunday.
(2)Where Anzac Day does not fall on a Sunday, it shall be observed up to 1 o'clock in the afternoon as if it were a Sunday, and after that hour on that day such activities shall be permitted as may lawfully take place after noon on a Saturday.*
116. As the submission points out, Anzac Day will fall on a Sunday once every six years (due to leap year). It next falls on a Sunday in 2021 and thereafter on Sunday 25 April, 2027. In order for events to occur at the Pukekohe Park precinct on a Anzac day Sunday afternoon once every six years, an exception needs to be made to the Anzac Day Act 1966.
117. As noted by Pukekohe Park, before the AUP came into effect, Supercars was held on Anzac Day with the support of the Returned Services Association. The events and sporting calendar has also changed significantly since 1966 when the Act came into force. Back then, most sporting events took place on a Saturday and hence the provision for Anzac Day to be observed until 1pm on a Saturday (or other day of the week, except Sunday).
118. In evidence presented by Richard Lindsay for Sport New Zealand during the Auckland Unitary Plan Independent Hearings Panel hearings of submissions on Topic 040 – Lighting, Noise and Vibration (15 July 2015) of the Proposed Auckland Unitary Plan (Appendix 6) he discussed the changing nature of sport, particularly on Sundays, as follows:

4.2 Population Change

(b) Increasing cultural diversity will grow demand for more globally popular sports or currently minor or marginal sports. It also poses the challenge of ensuring the private

and public benefits of sport are understood by new New Zealanders, particularly parents (p.4)

(c) As a result of increasing diversity the attitude to Sunday sport is no longer as sacrosanct as it used to be. Sundays are increasingly being seen by the majority as opportunities to recreate and reconnect with friends and family (p.4).

4.3 Society and Technological Change

(d) New Zealand is fast becoming a 24/7 society with subsequent impacts on sport and recreation provision. The traditional Monday to Friday work week is less relevant for many and this places increasing demand on sport and recreation provision outside of traditional/historic timing. For example, we have access to 24/7 fitness centres where people turn up, swipe themselves in, turn on the lights and exercise at time that suits rather than be committed to certain pockets of time which may not suit (p.4).

119. Allowing temporary activities/events to occur on a Sunday after 1pm on Anzac Day, still enables the day to be commemorated but does recognise the changing nature of society and its impact on sports and events.

Recommendations on submissions

120. I recommend that **Submissions 3.1 and 3.2 be accepted**, for the following reasons:
- Submission 3.1 is accepted in that the plan change is recommended to be accepted, but there are amendments proposed
 - Anzac Day will fall on a Sunday once every six years (due to leap year). It next falls on a Sunday in 2021 and thereafter on Sunday 25 April, 2027. In order for events to occur on a Sunday afternoon, an exception needs to be made to the Anzac Day Act 1966
 - The attitude to Sunday sport has changes since 1966. Sundays are increasingly being seen by the majority as opportunities to recreate and reconnect with friends and family and sports events are currently part of this when that was no so in 1966
 - The traditional Monday to Friday work week is less relevant for many in New Zealand's economy and this places increasing demand on sport and recreation provision outside of traditional/historic timing
 - Allowing temporary activities/events to occur on a Sunday after 1pm on Anzac Day, still enables the day to be commemorated but does recognise the changing nature of society and its changing approach to the timing of sports and events.
121. The consequential amendments associated with this recommendation are:

1434.6.1. Motorsport activities noise

(1) There must not be any use of the track by motor vehicles, except for vehicles undertaking track or facility maintenance or repairs, in all of the following circumstances:

(a) from 24 December to January 2 inclusive;

(b) on Good Friday, Easter Sunday and Anzac Day (note: Anzac Day shall be observed in accordance with the Anzac Day Act 1966, except where Anzac Day falls on a Sunday, it shall also be observed until 1pm.);

(c) on Mondays, Tuesdays or more than two Wednesdays of any month except for category E events;

- (d) Five days before and after a Category A event except that the track can be used for one Category E event within each five day period; and
 (e) Three days before and after a Category B event except that the track can be used for one Category E event within each three day period.

5.1.4 Submission on Temporary Military Training Activities

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's recommendations
4.1	New Zealand Defence Force	Approve the plan change without any amendments		Accept in part

Summary of submissions and discussion

122. **Submission point 4.1** supports PC53 and seeks that it be approved without any amendments.
123. The reasons provided by the submitter include:
- *The New Zealand Defence Force (NZDF) undertakes Temporary Military Training Activities (TMTA) throughout the country as an essential part of maintaining military capability;*
 - *Training in a variety of off-site environments is essential in order to train for real-world scenarios;*
 - *While TMTA are provided for under specific provisions and the proposed provisions will likely not affect NZDF's ability to carry out TMTA, NZDF nonetheless wishes to submit in support of the provisions identified in case there is any crossover or any changes that could affect TMTA resulting from the hearing process.*
124. PC53 does not propose to alter any of the temporary military training activities in E40.6.8. In addition, no submissions have been received that seek any changes to E40.6.8.
125. This hearing report does recommend making changes in response to other submissions in respect of the traffic and transport management plan requirements and the observance of Anzac Day at Pukekohe Park on a Sunday. For that reason, the NZDF submission is recommended to be accepted in part.

Recommendations on submissions

126. I recommend that **Submission 4.1 be accepted in part** for the following reasons:
- PC53 does not propose to alter any of the temporary military training activities in E40.6.8;
 - No submissions have been received that seek any changes to E40.6.8;
 - As a result of PC53 and submissions received, it is recommended that changes be made to the traffic and transport management plan requirements and the observance of Anzac Day at Pukekohe Park on a Sunday.
127. There are no consequential amendments associated with this recommendation.

6. CONCLUSIONS

128. Submissions have been received in support of, and in opposition to PC53. These submissions range support for the plan change without any amendments through to requests for changes.
129. Having considered all of the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PC53 should be adopted with the following amendments:

I434.6.1. Motorsport activities noise

(1) There must not be any use of the track by motor vehicles, except for vehicles undertaking track or facility maintenance or repairs, in all of the following circumstances:

(a) from 24 December to January 2 inclusive;

(b) on Good Friday, Easter Sunday and Anzac Day (note: Anzac Day shall be observed in accordance with the Anzac Day Act 1966, except where Anzac Day falls on a Sunday, it shall also be observed until 1pm.);

E40.6.2. Traffic associated with temporary activities

Where an event in a rural zone or Future Urban Zone must not generate more than 500 vehicle movements per day on adjacent roads a Transport and Traffic Management Plan (prepared by a suitably qualified and experienced person and authorised by Auckland Transport or Waka Kotahi (where there is a potential impact on the State Highway network), shall be prepared and implemented and undertaken in accordance with the authorised Transport and Traffic Management Plan.

Note: the traffic generation threshold of 500 vehicle movements per day includes vehicle movements associated with the event plus those associated with the establishment and removal of structures/facilities of the temporary activity.

130. The adoption of PC53 with the amendment outlined above:
- will assist the council in achieving the purpose of the RMA
 - is consistent with the Auckland Plan
 - is consistent with the AUP Regional Policy Statement.

7. RECOMMENDATIONS

131. That, the Hearing Commissioners accept, accept in part or reject submissions (and associated further submissions) as outlined in this report.
132. That, as a result of the recommendations on the submissions, the AUP be amended in accordance with the changes identified above and in Appendix 5.

8. SIGNATORIES

	Name and title of signatories	
Authors	Tony Reidy, Senior Policy Planner Regional, North, West & Islands Planning Plans and Places	
Reviewer / Approver	Eryn Shields – Team Leader, Regional, North, West & Islands Planning Plans and Places	

APPENDIX ONE

PLAN CHANGE 53: TEMPORARY ACTIVITIES AND PUKEKOHE PARK PRECINCT (AS NOTIFIED)

Attachment A – Proposed Changes to E40. Temporary activities, I434. Pukekohe Park Precinct & E25. Noise and vibration

(Note: the Background, Objectives and Policies are shown for context only. They are unaffected by the Proposed Plan Change)

E40.1. Background

Temporary activities contribute to Auckland's vibrancy and to the social, cultural and economic well-being of communities. Temporary activities also enable filming and training activities to be undertaken. Temporary activities may restrict public access and have adverse effects on amenity values, communities and the natural environment. To manage these effects the Plan contains rules for temporary activities on land and in the coastal marine area, and the particular effects of various activities are managed through bylaws. Events on public land or water must also obtain an event licence or permit under the relevant bylaws.

E40.2. Objectives [rcp/dp]

- (1) Temporary activities and events contribute to a vibrant city and enhance the social, environmental, economic and cultural well-being of communities.
- (2) Temporary activities are located and managed to mitigate adverse effects on amenity values, communities and the natural environment.
- (3) Temporary activities are managed to minimise any adverse effects on the use and enjoyment of open space.
- (4) Temporary activities involving large numbers of people predominantly occur in the Business – City Centre Zone, the Business – Metropolitan Centre Zone and the Auckland Domain.
- (5) Temporary activities for training purposes are undertaken in appropriate locations so that amenity values are maintained and any adverse effects are avoided, remedied or mitigated.

E40.3. Policies [rcp/dp]

- (1) Enable temporary activities and associated structures, provided any adverse effects on amenity values are avoided, remedied or mitigated, including by ensuring:
 - (a) noise associated with the activity meets the specified standards;
 - (b) activities on adjacent sites that are sensitive to noise are protected from unreasonable or unnecessary noise;
 - (c) noise from outdoor events using electronically amplified equipment is controlled through limiting the times, duration and the frequency of events;
 - (d) waste and litter are effectively managed and minimised; and
 - (e) any restrictions on public access or other users of open space areas are minimised, and any adverse effects are mitigated.
- (2) Enable temporary activities for filming purposes, including associated film sets, while managing any adverse effects.
- (3) Control traffic generated by a temporary activity, including heavy traffic, so that it does not detract from:
 - (a) the capacity of the road to safely and efficiently cater for motor vehicles, pedestrians and cyclists; and
 - (b) the well-being of residents and reasonable functioning of businesses on surrounding sites.

- (4) Require any disturbance of the foreshore or seabed from a temporary activity to be remedied, unless this can be achieved by natural processes.
- (5) Require temporary activities involving large numbers of people to locate in areas where there is:
- (a) capacity to safely host large numbers of people;
 - (b) sufficient parking where necessary;
 - (c) sufficient road network capacity for the event;
 - (d) capacity in the public transport network to service the event, or the ability for the event to be temporarily serviced by mass passenger transport; and
 - (e) the ability to avoid, remedy or mitigate adverse effects on the environment.
- (6) Manage the effects of temporary activities so that the values of any scheduled ecological, natural character, natural features, landscape, historic heritage or Mana Whenua areas are maintained, and any adverse effects on the natural environment are avoided, remedied or mitigated.
- (7) Manage the noise effects of temporary military training activities, and any adverse effects from other temporary training activities, so that amenity values are maintained.

E40.4. Activity table

Table E40.4.1 Activity table specifies the activity status of temporary activities under section 9(3) and section 12 of the Resource Management Act 1991 unless the activity is subject to a specific rule in an overlay, zone or precinct.

The Auckland-wide transport provisions (Section [E27 Transport](#)) do not apply to temporary activities.

All other Auckland-wide provisions, including Sections [E25 Noise and vibration](#) and [E24 Lighting](#) apply, unless a more specific rule provides for an activity in this chapter.

Note 1. The standards of the relevant zone in which the temporary activity is undertaken e.g. building height and yards, do not apply to the buildings and structures that are accessory to a temporary activity.

Note 2. The duration of the temporary activities specified in Table E40.4.1 and in the standards ~~includes~~ excludes the time required to establish and remove all structures and activities associated with the activity and reinstate the site to its original condition. The construction noise requirements in E25.6.28 shall apply to the establishment and removal of all structures and activities associated with the temporary activity and the reinstatement of the site to its original condition.

Note 3. These rules apply to temporary activities in the coastal marine area, other than:

- rules for temporary military training activities (refer to Section [F2 Coastal – General Coastal Marine Zone](#)); and
- rules for temporary buildings including structures (refer to Section [F2 Coastal – General Coastal Marine Zone](#)).

Note 4. In addition to the rules in this Plan, temporary activities are also subject to the other acts and bylaws. All events on public land or water must obtain an event licence or permit under the relevant bylaws.

Note 5. For the purposes of the following activity table, standards and assessment criteria, the reference to ‘the City Centre and Metropolitan Centres’ means:

- the Business - City Centre Zone, the Business – Metropolitan Centre Zone and public open spaces (including the open space zones) within the area bound by the Business – City Centre Zone and Business – Metropolitan Centre Zones;
- the Coastal - Marina Zone at Westhaven; and
- the coastal marine area within the City Centre precincts for Westhaven, Wynyard, Viaduct Harbour, Central Wharves and the Port precincts.

Table E40.4.1 Activity table

Activity		Coastal marine area (rcp)	Land (dp)
(A5)	Temporary activities in public places and <u>or</u> on private land for up to 21 consecutive days within the area of the City Centre and Metropolitan Centres	P	P
(A6)	Temporary activities in public places and <u>or</u> on private land for more than 21 consecutive days within the area of the City Centre and Metropolitan Centres	RD	RD

E40.6. Standards

All activities listed as permitted in Table E40.4.1 must comply with the following standards.

(Note: only those standards that are affected by the Proposed Plan Change are shown)

E40.6.2. Traffic associated with temporary activities

Where an event in a rural zone or Future Urban Zone must not generate more than 500 vehicle movements per day on adjacent roads a Transport and Traffic Management Plan (prepared by a suitably qualified and experienced person and authorised by Auckland Transport) shall be prepared and implemented.

E40.6.4. Noise events outside the City Centre and Metropolitan Centres

Up to 15 noise events at a venue are permitted outside the City Centre and Metropolitan Centres in any 12 month period, provided that no more than two noise events occur in any seven-day period, and the noise event complies with all of the following:

- (a) the noise event does not exceed ~~six~~ eight hours in duration, excluding;
 - (i) two hours for sound testing and balancing that is undertaken between 9am and 7pm on the day of the event; and
 - (ii) the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event.
- (b) the noise event (excluding the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event) does not exceed a noise limit of 70dB LAeq and 80dB LA01 except;

- (i) three noise events can have a noise limit of 80dB LAeq and 90dB LA01 for a maximum of three hours, excluding one hour for sound testing and balancing undertaken after 9am on the day of the event; and
- (ii) three noise events in the Auckland Domain can be held with no noise limits applying.
- (c) the noise event (excluding the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event) starts after 9am and ends by 11pm, except on New Year's Day where the noise event ends by 1am;
- (d) the noise limits applying to the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event do not exceed the construction noise requirements of E25.6.27, except that up to 10pm on all days except Sunday, the noise levels at activities sensitive to noise do not exceed 60dB LAeq and 75dB LAmax for up to 3 hours following the conclusion of the event when measured and assessed in accordance with the requirements of E25.6.1(3).

E40.6.5. Noise events within the City Centre and Metropolitan Centres

Up to 18 noise events at a venue are permitted within the City Centre and Metropolitan Centres any 12 month period, provided no more than two noise events occur in any seven-day period and the noise event complies with all of the following:

- (a) the noise event does not exceed six eight hours in duration, excluding;
 - (i) two hours for sound testing and balancing that is undertaken between 9am and 7pm on the day of the event;
 - (ii) the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event.
- (b) the noise event (excluding the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event) does not exceed a noise level of 70dB LAeq and 80dB LA01 except;
 - (i) three noise events can have a noise limit of 80dB LAeq and 90dB LA01 for a maximum of three hours, excluding one hour for sound testing and balancing undertaken between 9am and 7pm on the day of the event; and
 - (ii) three noise events can have a noise limit of 90dB LAeq and 95dB LA01, for a maximum of three hours, excluding one hour for sound testing and balancing undertaken between 9am and 7pm on the day of the event.
- (c) the noise event (excluding the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event) starts after 9am and ends by 11pm, except on New Year's Day where the noise event ends by 1am;
- (d) the noise limits applying to the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event do not exceed the construction noise requirements of E25.6.28.

I434. Pukekohe Park Precinct

(Note: the Precinct description is shown as context only. It is unaffected by the Proposed Plan Change)

I434.1. Precinct description

The Pukekohe Park Precinct provides specific planning controls for the use and development of Pukekohe Park. Pukekohe Park is located adjacent to Manukau Road in Pukekohe and was established in the 1920's. The site comprises approximately 73 hectares and provides facilities for motor sports and horse racing.

The zoning of the land within the Pukekohe Park Precinct is Special Purpose – Major Recreation Facility Zone. The overlay, Auckland-wide and zone objectives and policies apply in this precinct in addition to those listed below.

Refer to the planning maps for the location and extent of the precinct.

I434.6. Standards

(Note: only those standards that are affected by the Proposed Plan Change are shown)

All permitted, controlled or restricted discretionary activities listed in Table I434.4.1 must comply with the following activity standards unless otherwise stated.

I434.6.1. Motorsport activities noise

(1) There must not be any use of the track by motor vehicles, except for vehicles undertaking track or facility maintenance or repairs, in all of the following circumstances:

- (a) from 24 December to January 2 inclusive;
- (b) on Good Friday, Easter Sunday and Anzac Day (note: Anzac Day shall be observed in accordance with the Anzac Day Act 1966);
- (c) on Mondays, Tuesdays or more than two Wednesdays of any month except for category E events;
- (d) Five days before and after a Category A event except that the track can be used for one Category E event within each five day period; and
- (e) Three days before and after a Category B event except that the track can be used for one Category E event within each three day period.

E25. Noise and vibration

(Note: only those standards that are affected by the Proposed Plan Change are shown)

E25.6.14 Noise levels at the coastal interface [rcp/dp]

(1) The noise (rating) level generated by any activity in the coastal marine area or on a lake or river must not exceed the levels in Table E25.6.14.1 Noise levels at the coastal interface when measured within the boundary of a site in a residential zone or notional boundary of any site in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone; Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone.

Table E25.6.14.1 Noise levels at the coastal interface

Time	Noise level
7am-10pm	50dB LAeq
10pm-7am	40dB LAeq

	75dB L _{AFmax}
--	-------------------------

- (2) The noise levels in Standard E25.6.14(1) above do not apply to:
- (a) the operational requirements of vessels (including cargo vessels, tugs, passenger liners, naval vessels and commercial fishing vessels); and
 - (b) temporary activities in E40 Temporary activities defined as “noise events”.

APPENDIX TWO

PLAN CHANGE 53: SECTION 32 REPORT

Proposed Plan Change 53 – Temporary Activity Standards & Pukekohe Park Precinct

to the Auckland Unitary Plan (Operative in
part)

**SECTION 32
EVALUATION REPORT
Temporary Activities**



Table of Contents

	Executive Summary	4
	The Objectives of the Plan Change Evaluation	4
	Unitary Plan's Approach to Temporary Activities	4
	The Event Permit	4
	Rationale for the Plan Change Evaluation	5
	Plan Change Components	5
	Options Considered and the Recommended Options	6
	Scope of the Plan Change Evaluation	7
1.0	Introduction	8
1.1	Section 32 Evaluation	8
1.2	The Evaluation Approach	8
2.0	The Issues(s)	10
2.1	The Issue/Problem Definition	10
2.2	Background to the Issues	11
2.2.1	Temporary Activity Controls in the Auckland Unitary Plan	11
2.2.2	Temporary Activities on Sites of Significance to Mana Whenua	12
2.2.3	Coastal Temporary Activities and Noise	13
2.2.4	Temporary Emergency Works	13
2.3	The Scale and Significance of the Issue	15
2.3.1	Temporary Activity Controls in the Auckland Unitary Plan	15
2.3.2	Temporary Activities on Sites of Significance to Mana Whenua	15
2.3.3	Coastal Temporary Activities and Noise	16
2.3.4	Temporary Emergency Works	17
3.0	Objectives	18
4.0	Background	19
4.1	The Auckland Unitary Plan	19
4.1.1	The Proposed Auckland Unitary Plan (PAUP)	19
4.2	Auckland Unitary Plan Evidence	20
4.2.1	Chloe Trenouth's Evidence (on behalf of Auckland Council)	20
4.2.2	Phillip Mitchell's Evidence (on behalf of the IMSB)	21
4.3	The Event Permit Process	22
4.4	Film Auckland Protocol	23
5.0	Statutory Evaluation Under the Resource Management Act 1991	25
5.1	Overall Broad Judgement Against Part 2 of the RMA	25
5.2	The Relevance of the Issues to Other Sections of the Act	27
6.0	National and Regional Planning Context	28
6.1	Relevance to National Policy Statements	28
6.1.1	New Zealand Coastal Policy Statement 2010	28
6.2	Relevance to Any Particular Acts	29
6.2.1	Hauraki Gulf Marine Park Act 2000	29
6.2.2	Waitakere Ranges Heritage Area Act 2008	30
6.3	Relevance to Any Particular Plans	31
6.3.1	Maori Plan 2017	31
6.3.2	Auckland Plan 2018	33
6.3.3	Auckland Unitary Plan 2016 – Regional Policy Statement	34
6.4	Relevance to Any Particular Bylaws	39
6.4.1	Trading and Events in Public Places Bylaw 2015	39
7.0	Engagement & Consultation	42
7.1	Relevant Sections of the RMA and Local Government Act	42

7.2	Engagement with Mana Whenua	43
7.3	Engagement with Councilors and Local Boards	44
7.4	Council Group Views	45
8.0	Development of Possible Options	47
8.1	Description of Options	47
8.2	The Options	49
8.2.1	Issue 1 - Temporary Activity Controls	50
8.2.2	Issue 2 - Temporary Activities on Sites of Significance to Mana Whenua	50
8.2.3	Issue 3 - Gap in Noise Rules for Coastal Temporary Activities	51
8.2.4	Issue 4 - Temporary Emergency Activities	51
9.0	Assessment of Options	52
9.1	Evaluation Criteria	52
9.2	Evaluation Scoring	53
9.3	The Evaluation	53
9.3.1	Issue 1 - Temporary Activity Standards	54
9.3.2	Issue 2 - Temporary Activities on Sites of Significance to Mana Whenua	55
9.3.3	Issue 3 - Gap in Noise Rules for Coastal Temporary Activities	58
9.3.4	Issue 4 - Temporary Emergency Activities	58
10.0	Recommended Options and Reasons	60
10.1	Recommended Options	60
10.1.1	Issue 1 - Temporary Activity Standards	60
10.1.2	Issue 2 - Temporary Activities on Sites of Significance to Mana Whenua	60
10.1.3	Issue 3 - Coastal Temporary Activities and Noise	61
10.1.4	Issue 4 - Temporary Emergency Activities	61
10.2	Rationale for Recommended Options	61
10.2.1	Issue 1 - Temporary Activity Standards	61
10.2.2	Issue 2 - Temporary Activities on Sites of Significance to Mana Whenua	61
10.2.3	Issue 3 - Gap in Noise Rules for Coastal Temporary Activities	61
10.2.4	Issue 4 - Temporary Emergency Activities	62
10.3	What is Within Scope/Out of Scope	62
10.3.1	Within Scope	62
10.3.2	Out of Scope	62
11.0	Conclusion	62

List of Attachments

Attachment 1 - Information Used

Attachment 2 - Examples of Temporary Activities Requiring Resource Consent

Attachment 3 - Proposed Changes to E40 - Temporary Activities, I434 - Pukekohe Park Precinct & E25 - Noise and Vibration

Executive Summary

Objectives

The objectives of this plan change evaluation are:

1. To ensure the Unitary Plan's management of temporary activities (in particular – events and filming) strikes an appropriate balance between enabling temporary activities to occur whilst avoiding or mitigating adverse environmental effects.
2. To ensure the tools used to manage temporary activities result in an efficient process and avoid any unnecessary duplication between for example the Event Permit requirements, Film Auckland Protocols and the methods in the Unitary Plan.
3. To Investigate the most appropriate method to manage temporary activities on sites of Significance to Mana Whenua (i.e. Unitary Plan v resource consent vs event permit)
4. To address a gap in the coastal temporary activity provisions.
5. To enable appropriate responses to temporary emergency events.

Unitary Plan's Approach to Temporary Activities

Temporary activities are defined in the Unitary Plan as:

An activity that:

- *is outside the normal expected use of a site (or area within the coastal marine area);*

And

- *has a start and end date and time.*

The definition includes a wide range of activities and events including filming activities at temporary locations and activities accessory to that filming, activities accessory to a building or construction project, (such as scaffolding, fencing, offices or storage sheds), concerts, parades, and sporting events.

Under the Unitary Plan, temporary activities are generally permitted activities subject to compliance with the relevant standards relating to:

- number of consecutive days the event can occur;
- the number of events;
- noise;
- traffic (in rural and future urban areas only);
- the temporary storage or stacking of goods;
- lighting of fireworks; and
- temporary military training activities.

The Event Permit

There are also processes and methods operating outside of the Unitary Plan to manage events occurring in public places. All events on public land require permission from Council under the Trading & Events in Public Places (TEPP) Bylaw 2015 through an event permit process.

Under the TEPP Bylaw an 'event' means an organised temporary activity that takes place on one or more days that is outside the normal expected use of a site and includes an organised gathering, parade, protest, wedding, private function (which is independent of premises), festival, concert, celebration, multi venue sports event of a significance scale, fun run, marathon, duathlon or triathlon.

Rationale for the Plan Change Evaluation

The objectives and policies associated with temporary activities still remain valid. The benefits of temporary activities – social, cultural, economic, quality of life, are still recognised. As is the duty to avoid adverse effects – noise, traffic, sites of significance to mana whenua.

This plan change evaluation focuses on the appropriateness of some of the Unitary Plan standards and whether the Unitary Plan, resource consent processes, bylaw or other mechanisms are more appropriate.

Auckland Council's Event Facilitation, Arts Community and Events team (ATEED) have advised that the new Unitary Plan Temporary Activity provisions (operative in November 2016) are triggering the need for a number of resource consents. This is doubling up in some areas, in their opinion, on the event permit process. They have asked if the standards in particular can be reviewed. Areas of ATEED's concern are:

1. Pack-in and pack-out duration and associated noise levels
2. Duration of a temporary activity
3. Noise limits
4. Traffic associated with temporary activities (in rural and future urban areas)
5. The definition of Anzac Day
6. Temporary activities on sites and places of significance to Mana Whenua

An analysis of resource consent processing costs for temporary activity consents for 2018 indicate that cost can range from \$4500 - \$10,000 with an average cost of just under \$6000. These figures exclude the cost of putting the application together and advice from experts such as noise, traffic etc.

In addition to the issues raised by ATEED, a gap in the coastal temporary activity provisions and an anomaly in the Temporary Activities Activity Table have been identified by Council staff.

The Auckland Emergency Management Team (part of the Customer and Community Services Department) have raised an issue about the ability to undertake emergency works and the need to apply for retrospective resource consents under the RMA in response to emergency activities or events (such as the Christchurch and Kaikoura earthquakes). They have asked if the temporary activity provisions could be expanded to provide for temporary emergency works.

Plan Change Components

There are four components to this plan change evaluation:

Issue 1 – Temporary Activity Standards (pack in and pack out duration and associated noise levels, duration of temporary activities, traffic management and the definition of Anzac Day in the Pukekohe Park precinct)

Issue 2 – Temporary activities on Sites of Significance to Mana Whenua Overlay

Issue 3 – Coastal Temporary Activities

Issue 4 – Temporary Emergency Works

Options Considered and the Recommended Options

Issue 1 – Temporary Activity Standards

Option 1 – No change/status quo

Option 2 – Amendments to the standards relating to pack in and pack out duration and associated noise levels, the duration of temporary activities, traffic management and the definition of Anzac Day in the Pukekohe Park precinct to provide more flexibility
(Recommended)

Option 3 – Global resource consent

Issue 2 – Sites of Significance to Mana Whenua Overlay

Option 1 – No change/status quo

Option 2 – Enable all temporary activities as a permitted activity on sites of significance to mana whenua but subject to engagement with iwi and approval (if appropriate) through the event permit process

Option 3 – Enable certain temporary activities as permitted activities e.g. those that involve no buildings or structures, food preparation, toilet facilities etc. e.g. capping ceremony (Aotea Square), parades (Queen Street). Remainder require resource consent

Option 4 – “Global” resource consent **(Recommended)**

Option 5 – Rely on existing use rights for certain long held activities (but only if the scale of these activities remains the same or similar)

Issue 3 – Coastal Temporary Activities

Option 1 – No change/status quo

Option 2 – Plan change to adding an additional noise standard in E40 for activities that generate noise but are not noise events **(Recommended)**

Issue 4 – Temporary Emergency Activities

Option 1 – No change/status quo – rely on the provisions of the Resource Management Act 1991

Option 2 – Plan change to specifically provide for temporary emergency activities as a permitted activity, under the temporary activity provisions.

Option 3 – Amendments to the RMA. **(Recommended)**

Scope of the Plan Change Evaluation

Within scope

- Amendments to the temporary activity controls relating to pack in and pack out duration and associated noise levels, the duration of temporary activities, traffic management and the definition of Anzac Day in the Pukekohe Park precinct to provide additional flexibility;
- Temporary activities on Sites and Places of Significance to Mana Whenua;
- A new noise rule for coastal temporary activities; and
- Temporary emergency activities.

Out of scope

- Providing for freedom camping as a permitted activity in the relevant Open Space zones (this will be the subject of a separate evaluation)
- Changes to the Trading and Events in Public Places (TEPP) Bylaw;
- Changes to the Auckland Council's Freedom Camping Bylaw;
- Changes to legislation (although this evaluation could form the basis for part of a wider Auckland Council submission);
- Any "global resource consent" application; and
- Establishing whether existing use rights apply to any event.

Section 1.0 Introduction

This report is prepared as part of the evaluation required by Section 32 of the Resource Management Act 1991 (**'the Act'**) for Proposed Plan Change XX (**PPCXX**) to the Auckland Unitary Plan (Operative in Part) (**AUP**).

This Section 32 Report assesses possible changes to the Temporary Activity provisions.

1.1 Section 32 Evaluation

Section 32 of the Act requires that before adopting any objective, policy, rule or other method, the Council shall carry out an evaluation to examine:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Act, and
- Whether, having regard to their efficiency and effectiveness through the consideration of other options and with reference to the existing provisions, the policies, rules or other methods are the most appropriate for achieving the objective.

The evaluation must also take into account:

- The benefits and costs of policies, rules, or other methods; and
- 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.

1.2 The Evaluation Approach

This section outlines how the proposed plan change has been evaluated. The rest of this report will follow the evaluation approach described in the table below. In accordance with section 32(6) of the RMA and for the purposes of this report:

- i. the 'proposal' means this component of the Plan Change;
- ii. the 'objectives' means the objectives of the Plan Change – that is:
 1. To ensure the Unitary Plan's management of temporary activities (in particular – events and filming) strikes the right balance between enabling temporary activities to occur whilst avoiding or mitigating adverse environmental effects.
 2. To ensure the tools used to manage temporary activities result in an efficient management process and avoid any unnecessary duplication between for example the Event Permit requirements, Film Auckland protocols and the Unitary Plan.
 3. To Investigate the most appropriate method to manage temporary activities on sites of Significance to Mana Whenua (i.e. Unitary Plan v resource consent v event permit)
 4. To address a gap in the coastal temporary activity provisions.
 5. To enable appropriate responses to temporary emergency events, and
- iii. the 'provisions' means the method(s) used to give effect to the above objectives – in this case the temporary activity standards.

Sections of this report	Evaluation Approach
Section 2: The Issues	This section explains the resource management issue(s) and why there is a need to resolve them.
Section 3: Objectives	This section will outline the purpose of PC53.
Section 4: Background	This section provides background to the resource management issue(s). It includes the development of the Auckland Unitary Plan's temporary activity provisions, key pieces of evidence, the event permit process and Film Auckland Protocol.
Section 5: Statutory Evaluation Under the Resource Management Act 1991	This section evaluates the relevance of PC53 to Part 2 (sections 5-8) and other relevant parts / sections of the RMA.
Section 6: National and Regional Planning Context	This part of the report evaluates the relevance of PC53 against the national and local planning context.
Section 7: Engagement and Consultation	This section outlines the engagement and consultation undertaken in preparing PC53. It also includes a summary of all advice received from iwi authorities (as required by section 32(4)(a) of the RMA) and local boards on PC53.
Section 8: Development of Possible Options	This section identifies the criteria used to select potential options for consideration to address the resource management issue(s) and to achieve the objectives of the plan change. Initial high-level options are identified followed by more specific options for each of the issue(s).
Section 9: Assessment of Options	In accordance with section 32(1)(b) and (2) of the RMA, this section examines whether the options appropriately achieve the objectives of the AUP and the sustainable management purpose of the RMA. The options are assessed by their efficiency and effectiveness, costs, benefits and risks to resolve the RMA issue(s).
Section 10: Recommended Option(s) and Reasons	In accordance with subsections 32(1)(a) and (1)(b)(iii) of the RMA, this section examines the extent to which the objectives of the proposal (PC53) are the most appropriate way to achieve the purpose of the RMA. This section outlines the reasons for and scope of PC53.
Section 9: Conclusion	This section concludes that PC53 is the most efficient, effective and appropriate means of addressing the resource management issues identified.

This section 32 evaluation report will continue to be refined and/or added to in response to any consultation feedback provided to the council, any new information received and as the plan change advances through the plan change process (e.g. the hearing report and decision are also part of the section 32 analysis).

Section 2.0 The Issue(s)

2.1 The issue(s)/problem definition

Four issues have been raised by different Council Departments in relation to “temporary activities”.

The issues are:

1. Temporary activity standards in the Auckland Unitary Plan – some of the temporary activity standards are onerous and are triggering the need for costly and time-consuming resource consents (issue raised by ATEED)
2. Temporary activities, (including filming) on Sites of Significance to Mana Whenua and the appropriate management methods (issue raised by ATEED)
3. A gap in the coastal temporary activities and noise from activities that are not “noise events” (issue raised by Plans and Places)
4. Provision for temporary emergency works over and above that provided for under Emergency Works Section of the Resource Management Act (sections 330 – 330B) (issue raised by the Auckland Emergency Management team)

Temporary activities are defined in the Auckland Unitary Plan as “

An activity that:

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

Includes:

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

Excludes:

- *markets;*

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

Temporary activities or events on public land require an event permit in addition to any planning requirements *under the Trading & Events in Public Places (TEPP) Bylaw.*

2.2 Background to the Issues

2.2.1 Temporary activity controls in the Auckland Unitary Plan

The Auckland Unitary Plan states that:

Temporary activities contribute to Auckland's vibrancy and to the social, cultural and economic well-being of communities. Temporary activities also enable filming and training activities to be undertaken.

Temporary activities may restrict public access and have adverse effects on amenity values, communities and the natural environment. To manage these effects the Plan contains rules for temporary activities on land and in the coastal marine area, and the particular effects of various activities are managed through bylaws. Events on public land or water must also obtain an event licence or permit under the relevant bylaws. (E40.1)

Temporary activities or events on public land require an event permit in addition to any planning requirements under the Trading & Events in Public Places (TEPP) Bylaw 2015.

Auckland Council's Event Facilitation, Arts Community and Events team have advised that the Unitary Plan's Temporary Activity standards are triggering the need for a number of consents. This is doubling up, in their opinion, on the event permit process. They have asked if the standards in particular can be reviewed. Areas of concern are:

1. Pack-in and pack-out duration and associated noise levels
2. Duration of a temporary activity
3. Noise limits
4. Traffic associated with temporary activities in rural and future urban zones
5. The definition of Anzac Day

The pack in and pack out and noise limits issues have been partly addressed through Plan Change 14: Improving consistency of provisions in Chapter D Overlays, Chapter E Auckland – wide, Chapter J Definitions, Appendix 2 and Appendix 17 of the Auckland Unitary Plan (Operative in part). This plan change excluded the time required to establish and remove all structures and activities associated with noise events and to reinstate the site to its original condition prior to the noise event from the noise standards. It also applied the construction noise standards to pack in and pack out. There is however a note (Note 2) prior to the Temporary Activities "Activity Table" that requires amendment to be consistent with the changes introduced by PC14.

The duration of a temporary activity "noise event" is six hours. ATEED has requested that this be increased to 7-8 hours.

The requirement in rural and future urban zones for a resource consent for events generating more than 500 vehicle movements per day is also of concern to ATEED. ATEED advises that it currently has film productions with up to 500 crew operating in rural and future urban areas.

2.2.2 Temporary activities on Sites of Significance to Mana Whenua

Under the Unitary Plan, Sites and Places of Significance to Mana Whenua are managed by an overlay as described below:

D21. Sites and Places of Significance to Mana Whenua Overlay

D21.1. Background

The Sites and Places of Significance to Mana Whenua Overlay applies to sites and places that have been scheduled and protected for their significance to Mana Whenua. A schedule of the sites and places of significance is provided in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule. Sensitive information regarding the significance of the sites and places to Mana Whenua may be subject to special protocols.

Sites and places of significance to Mana Whenua have tangible and intangible cultural values in association with historic events, occupation and cultural activities. Mana Whenua values are not necessarily associated with archaeology, particularly within the highly modified urban landscape where the tangible values may have been destroyed or significantly modified.

Mana Whenua are aware of many other sites and places that may be equally or more significant, and acknowledge that there may be shared interests over scheduled locations. It is intended to identify further sites and places nominated by Mana Whenua through future plan changes including those identified through other legislation.

Some sites and places of significance to Mana Whenua may also be scheduled as historic heritage. These sites and places are identified in Schedule 14 Historic Heritage Schedule, Statements and Maps.

Temporary activities, including filming are a restricted discretionary activity on any Site of Significance to Mana Whenua.

The matters of discretion for temporary activities are limited to:

- (1) *the effects of the proposal on the values and associations of Mana Whenua with the site or place, including effects on the context of the local history and whakapapa.*
- (2) *the nature, location, design and extent of the proposal.*
- (3) *the purpose and necessity for the works and any alternatives considered.*
- (4) *the provisions of any relevant iwi planning document.*

The assessment criteria are:

- (1) *Policies D21.3(1), D21.3(2) and D21.3(3).*
- (2) *the extent to which the proposal:*

(a) provides for the relationship of the site or place with Mana Whenua in the context of local history and whakapapa, if appropriate, through:

(i) the design and location of proposed structures;

(ii) landscaping and vegetation including removal and replanting; and

(iii) landform and modification.

(c) considers the appropriate location of temporary activities to avoid, remedy or mitigate adverse effects on values and associations of Mana Whenua with the site or place.

2.2.3 Coastal temporary activities and noise

The Plan and Places Department has identified a gap in the coastal temporary activity provisions.

In the noise chapter of the Auckland – wide provisions (E25: Noise and vibration), the coastal interface rule (E25.6.14) states that it does not apply to temporary activities but in the temporary activities (E40), the noise rules relate only to noise events. There was meant to be a noise standard in E40 – Temporary Activities, for temporary activities that generate noise but are not defined as a noise event – they should have to meet the usual noise limits. This “gap” could be addressed by either adding another noise standard in E40 or by amending the exclusion clause in E25 so that it excludes “noise events” but not other temporary activities.

2.2.4 Temporary emergency works

Sections 330 & 330A of the RMA address the undertaking of emergency works in response to an adverse effect on the environment or any sudden event causing or likely to cause loss of life, injury, or serious damage to property.

Section 330 Emergency works and power to take preventive or remedial action, states:

(1) Where—

(a) any public work for which any person has financial responsibility; or

(b) any natural and physical resource or area for which a local authority or consent authority has jurisdiction under this Act; or

(c) any project or work or network utility operation for which any network utility operator is approved as a requiring authority under section 167; or

*(ca) any service or system that any lifeline utility operates or provides—
is, in the opinion of the person, authority, network utility operator, or lifeline utility,
affected by or likely to be affected by—*

(d) an adverse effect on the environment which requires immediate preventive measures; or

(e) an adverse effect on the environment which requires immediate remedial measures; or

(f) any sudden event causing or likely to cause loss of life, injury, or serious damage to property—

the provisions of sections 9, 12, 13, 14, and 15 shall not apply to any activity undertaken by or on behalf of that person, authority, network utility operator, or

lifeline utility to remove the cause of, or mitigate any actual or likely adverse effect of, the emergency.

(1A) Subsection (1) applies whether or not the adverse effect or sudden event was foreseeable.

(2) Where a local authority or consent authority—

(a) has financial responsibility for any public work; or

(b) has jurisdiction under this Act in respect of any natural and physical resource or area—

which is, in the reasonable opinion of that local authority or consent authority, likely to be affected by any of the conditions described in paragraphs (d) to (f) of subsection (1), the local authority or consent authority by its employees or agents may, without prior notice, enter any place (including a dwellinghouse when accompanied by a constable) and may take such action, or direct the occupier to take such action, as is immediately necessary and sufficient to remove the cause of, or mitigate any actual or likely adverse effect of, the emergency.

(2A) Sections 9, 12, 13, 14, and 15 do not apply to any action taken under subsection (2).

(3) As soon as practicable after entering any place under this section, every person must identify himself or herself and inform the occupier of the place of the entry and the reasons for it.

(4) Nothing in this section shall authorise any person to do anything in relation to an emergency involving a marine oil spill or suspected marine oil spill within the meaning of section 281 of the Maritime Transport Act 1994.

*(5) In this section and section 330A, **lifeline utility** means a lifeline utility within the meaning of section 4 of the Civil Defence Emergency Management Act 2002 other than a lifeline utility that is a network utility operator to which subsection (1)(c) applies.*

Where emergency works have been taken under S330 of the RMA, section 330A requires retrospective resource consent(s) (where required) to be applied for as follows:

330A Resource consents for emergency works

(1) Where an activity is undertaken under section 330, the person (other than the occupier), authority, network utility operator, or lifeline utility who or which undertook the activity shall advise the appropriate consent authority, within 7 days, that the activity has been undertaken.

(2) Where such an activity, but for section 330, contravenes any of sections 9, 12, 13, 14, and 15 and the adverse effects of the activity continue, then the person (other than the occupier), authority, network utility operator, or lifeline utility who or which undertook the activity shall apply in writing to the appropriate consent authority for any necessary resource consents required in respect of the activity within 20 working days of the notification under subsection (1).

(3) If the application is made within the time stated in subsection (2), the activity may continue until the application for a resource consent and any appeals have been finally determined.

The Auckland Emergency Management Response and recovery team has asked whether the temporary activity provisions of the Unitary Plan can be amended so that retrospective consent(s) are not required.

The above issues involve striking an appropriate balance between enabling temporary activities to occur whilst appropriately managing adverse environment effects.

In addition, the issues involve determining what is the appropriate method of management & control – Unitary Plan provisions, resource consent process, existing use rights (for long held events) or event permit or a combination of some or all of these methods.

2.3 The scale and significance of these issues

2.3.1 Temporary activities in the Auckland Unitary Plan

The Auckland Unitary Plan provisions became operative in part on 15 November 2016.

ATEED advise there are approximately 1600 – 1800 events annually. Not all these require an event permit.

In 2017 there were 1379 event permits issued while in 2018 there were 1438 event permits. (Note: these figures exclude events permitted by ATEED and RFA and in some cases, one permit may include multiple events.

According to resource consent data, 18 events required a resource consent in 2018 and 14 events in 2019. These figures do not show those events that did not take place due to applicants being dissuaded from applying having reviewed the resource consent requirements.

An analysis of resource consent processing cost for temporary activity consents for 2018 indicate that cost can range from \$4500 - \$10,000 with an average cost of just under \$6000. These figures exclude the cost of putting the application together and advice from experts such as noise, traffic etc.



2.3.2 Temporary activities on Sites and Places of Significance to Mana Whenua

There are currently 75 sites and places of significance to Mana Whenua. Proposed Plan Change 22 (currently going through the plan change process) seeks to add an additional 30 sites and places (initially this was 31 sites but one site has been withdrawn from the Plan

Change). All temporary activities are a restricted discretionary activity on sites and places of significance to Mana Whenua.

Sites and places of significance to Mana Whenua include Victoria Park, Albert Park and portions of Tamaki Drive and Queen Street – these are all popular locations for events and temporary activities.

These sites and places are extremely important to Mana Whenua. Often a site or place is of significance to more than one iwi as a result of overlapping rohe. The sites and places may have different values to different iwi. In addition, there are potentially different effects associated with different temporary activities e.g. a graduation parade down Queen Street v filming on a maunga.

Only a small number of sites have been identified. There is ongoing work to assess and add to the sites and places of significance to Mana Whenua.



The Trading and Events in Public Places Bylaw (2015) does not contain any requirement to consult with iwi, nor does the “criteria” for deciding on applications (section 10) specifically refer to effects on sites and places of significance to Mana Whenua. It does refer more generally to the “impacts on the surrounding environment”.

ATEED advise that film permits typically take 3-5 working days to obtain from Screen Auckland. Obtaining a resource consent for filming purposes is not possible within this timeframe and would have an adverse effect on the industry.

2.3.3 Coastal temporary activities and noise

Many temporary activities occur in the coastal marine area. For example large scale swimming events, triathlons, waka ama. Many of these are not defined as “noise events”.

A noise event is defined in the Auckland Unitary Plan as: “An event that exceeds the general noise controls for a site or area within the coastal marine area (CMA) either in level or duration”.

It is appropriate that temporary activities in the CMA do have a noise control at the coastal interface. This will assist in managing the effects of activities of temporary activities on amenity values.

2.3.4 Temporary emergency works

Emergency works typically are required in response to events that have a potential effect of low probably (e.g. a natural disaster) which has a high potential impact.

Natural hazards

- frequently, such as flooding, coastal erosion (including the effects of sea-level rise), freshwater erosion and land instability; and.
- less frequently, such as wildfires, volcanic activity, tsunamis, earthquakes and meteorological hazards such as cyclones, tornadoes and drought

Recent examples in the Auckland region include tornadoes (1991, 2011, 2012) and flooding.



(Flooding in the Auckland suburb of Kohimarama – Jan 2018)

On the National scale – Christchurch earthquakes (2011), Kaikoura earthquake (2016), Waimea valley wildfire (2019) southern South Island flooding (2020) are examples of natural events where an emergency response has been required.

Auckland Council manages natural hazards by:

- identifying hazard zones on planning maps
- asking for site evaluations and engineering work to assess and reduce risk in areas of identified land instability or areas prone to flooding by stormwater or sea
- controlling activities in areas likely to experience these hazards
- limiting or prohibiting structures in areas of known risk
- requiring more intensive engineering design where necessary.

The management response for specific natural hazards is highly dependent on the nature, location and effects of the particular hazard, and the community in which the hazard is located.

Some risks from events with low probability but high potential impact (e.g. volcanic activity, tsunamis and earthquakes) cannot be addressed through land use planning and may be

better addressed through measures put in place by emergency management groups such as Civil Defence and Emergency Management.

These measures include education, warning systems and emergency preparedness.

As a result of climate change there is likely to be a greater frequency and intensity of climatic events.

Section 3.0 Objective(s)

The Auckland Unitary Plan objectives for temporary activities are:

E40. Temporary activities

E40.2. Objectives [rcp/dp]

- (1) Temporary activities and events contribute to a vibrant city and enhance the social, environmental, economic and cultural well-being of communities.*
- (2) Temporary activities are located and managed to mitigate adverse effects on amenity values, communities and the natural environment.*
- (3) Temporary activities are managed to minimise any adverse effects on the use and enjoyment of open space.*
- (4) Temporary activities involving large numbers of people predominantly occur in the Business – City Centre Zone, the Business – Metropolitan Centre Zone and the Auckland Domain.*
- (5) Temporary activities for training purposes are undertaken in appropriate locations so that amenity values are maintained and any adverse effects are avoided, remedied or mitigated.*

The Auckland Unitary plan objectives for Sites of Significance to Mana Whenua are:

D21. Sites and Places of Significance to Mana Whenua Overlay

D21.2. Objective [rcp/dp]

- (1) The tangible and intangible values of scheduled sites and places of significance to Mana Whenua are protected and enhanced.*
- (2) Scheduled sites and places of significance to Mana Whenua are protected from inappropriate subdivision, use and development, including inappropriate modification, demolition or destruction.*

This section 32 report involves analysing the most appropriate method(s) to give effect to the above Unitary Plan objectives, having regard to the requirements of the RMA and the National and Regional Planning context (i.e. National Policy Statements, other Acts, Maori Plan 2017, Auckland Plan 2018, Auckland Unitary Plan 2016).

The objectives of this evaluation are therefore to:

1. To ensure the Unitary Plan's management of temporary activities (in particular – events and filming) strikes an appropriate balance between enabling temporary activities to occur whilst avoiding or mitigating adverse environmental effects.

2. To ensure the tools used to manage temporary activities result in an efficient process and avoid any unnecessary duplication between for example the Event Permit requirements, Film Auckland Protocols and the methods in the Unitary Plan.
3. To Investigate the most appropriate method to manage temporary activities on sites of Significance to Mana Whenua (i.e. Unitary Plan v resource consent vs event permit)
4. To address a gap in the coastal temporary activity provisions.
5. To enable appropriate responses to temporary emergency events.

Section 4.0 Background

4.1 The Auckland Unitary Plan

The Unitary Plan became operative in part ¹on 15 November 2016.

The temporary activities provisions sit under the 'Auckland Wide: General' section of the Unitary Plan in Section E40, and apply region wide across all zones. Overlays and precincts take precedence over the Auckland – wide provisions, in accordance with Rule G.2.1 (unless otherwise stated), while other Auckland-wide and zone provisions are intended to apply alongside these provisions.

The objectives and policies for temporary activities relate to providing for a wide range of temporary activities, avoiding adverse effects, disturbance to public open space qualities, appropriate locations and military training activities.

4.1.1 The Proposed Auckland Unitary Plan (PAUP)

A total of 59 submitters made 110 submission points on the temporary activity's provisions and the associated definition.

The submissions raised matters under the following broad themes:

- a) Interaction with other provisions
- b) Duration and frequency of temporary activities
- c) Temporary activities on private land
- d) Military training activities
- e) Temporary activities definition
- f) Other amendments.

The key recommendations/changes made by the Independent Hearings Panel for changes to the proposed Temporary activities provisions were:

- i. The objectives and policies as amended are appropriate for the purpose of enabling temporary activities Auckland-wide.
- ii. Clarification of the relationship between the proposed Auckland Unitary Plan provisions and bylaws dealing with trading and events in public places.
- iii. Endorsement of the Council's policy shift providing for temporary activities on private land on the same basis as similar activities in public places.

¹ There were 108 appeals to either the High Court or Environment Court at this point in time.

iv. Amendments to the activity table and standards to better enable events, filming and other temporary activities in public places and on private land. This includes deletion of the rule setting trip-generation thresholds for filming in residential zones inserted at mediation.

v. Amendments to better enable temporary military training activities in recognition of the importance of defence to public safety.

vi. Amendments to improve the relationship between these provisions and the management of the effects of temporary activities in the coastal marine area.

The Council accepted the recommendations of the Independent Hearings Panel and issued its decision. There were no appeals by submitters in respect of the Council's decisions on the temporary activity provisions.

4.2 Auckland Unitary Plan – Evidence on Sites of Significance to Mana Whenua

4.2.1 Chole Trenouth's Evidence (on behalf of Auckland Council)

The key points in the relevant evidence on the topic of temporary activities and Sites and Places of Significance to Mana Whenua is:

- *Only 61 SSMW are identified in the PAUP reflecting 46 legacy sites and 15 additional sites nominated through feedback to the March 2013 Draft Auckland Unitary Plan.*
- *These sites are identified as significant and the policy approach seeks to avoid significant adverse effects on the values and associations of Mana Whenua with these sites.*
- *Protection for SSMW is achieved through the notified rules by requiring resource consent for most activities as a discretionary activity on or within 50m of a SSMW, with exceptions provided for minor activities as permitted.*
- *The notified provisions identified temporary activities that include toilets, changing rooms or land disturbance on SSMW as a restricted discretionary activity. The intention of the provisions is to provide for a lesser activity status for those temporary activities on SSMW where the effects relate to intangible effects because the landscape is either highly modified or no archaeology exists.*
- *Temporary activities are primarily managed by Auckland-wide provisions across all zones in Chapter H6.5. Generally activities are permitted or restricted discretionary subject to specified time periods, traffic and noise controls. The SSMW overlay overrides the Auckland-wide provisions.*
- *IMSB raised concern at the mediation that effects on values by temporary activities other than toilets also needed to be considered, including for example food preparation and eating. IMSB was of the view that the temporary activity rule relates to all aspects of a temporary activity and not just those that include toilets and changing rooms.*
- *In my opinion the intention of the notified temporary activity rule was clearly to manage only those temporary activities that include toilets and changing rooms. Temporary activities on all other SSMW were not specifically identified because the*

intention was that these would be picked up under the activities relating to buildings and earthworks, effectively being a discretionary activity.

- I have considered the issues raised and I propose changes to apply the temporary activity rule to all sites, not just site exceptions, to provide greater clarity. I consider a restricted discretionary status for temporary activities that include toilets and changing rooms to be appropriate because it is consistent with the overall approach to temporary activities in the Auckland-wide provisions. As a restricted discretionary activity, the CIA process will be required, providing the opportunity for Mana Whenua to recommend conditions to manage the cultural impacts of locating toilets and changing rooms on SSMW.*
- Given that temporary activities generally occur on public land, I consider it appropriate for the broader concerns of IMSB to be addressed through management plans and agreements with the relevant Council Department or Council Controlled Organisation to enable site specific responses.*
- In my opinion a resource consent process is not the most efficient and effective way of addressing the effects on Mana Whenua values for temporary activities that are often permitted by the Auckland-wide provisions and by their nature have temporary effects. This in my view is consistent with RPS B5.4 Policy 4, which requires the temporary nature of the adverse effect to be taken into account.*

4.2.2 Phillip Mitchell's Evidence (On behalf of the IMSB)

The relevant evidence on the topic of temporary activities and Sites and Places of Significance to Mana Whenua is:

- I support most of the SSMW provisions contained in Council's strikethrough version. However, there are some provisions on which I disagree, and which I consider require amendment. They include:
(b) The deletion of the rule which requires resource consent for a change of activities within a SSMW, and the breadth of activities captured by the Temporary Activities rule.*
- With respect to the notified Temporary Activity rule, Ms Trenouth has deleted it, and replaced it with two rules, one addressing land disturbance (in the earthworks chapter) and the following rule addressing the Temporary Activity itself, in the SSMW chapter:*

<i>Temporary activities where the activity involves toilets (including portaloos) or changing facilities</i>	<i>RD</i>
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- It is apparent that there are numerous Temporary Activities that could have significant adverse effects on the values and associations of Mana Whenua with SSMW. Only managing toilets and changing facilities (as Ms Trenouth's rule does) is going to be of limited effectiveness in protecting the values and associations of Mana Whenua with SSMW from significant adverse effects.*

- *In my view what is needed is for the owner / occupier of land within a SSMW to put together a set of protocols / conditions in consultation with Mana Whenua, for how temporary activities should be undertaken in those areas (identifying areas where cooked food will not be taken, toilets will not be placed, acceptable signage etc.). The question is to what extent rules in the PAUP need to require a resource consent to ensure that process happens.*
- *I consider that the simplest way is to have restricted discretionary activity status for all Temporary Activities on SSMW, with discretion restricted to effects on the values and associations of Mana Whenua with the SSMW.*

4.3 The Event Permit Process

There are processes operating outside of the Unitary Plan to control events occurring in public places. All events on public land require permission from Council through an event permit process under the Trading & Events in Public Places (TEPP) Bylaw (2015). Under the TEPP Bylaw an 'event' means an organised temporary activity that takes place on one or more days that is outside the normal expected use of a site and includes an organised gathering, parade, protest, wedding, private function (which is independent of premises), festival, concert, celebration, multi venue sports event of a significance scale, fun run, marathon, duathlon or triathlon.

Depending on the nature of the event proposal, relevant stakeholders will need to provide their approval. Commonly, approval is required from:

- Council's Parks, Sport & Recreation Department – for events on a park, reserve
- Council's Environmental Health Department- for events that include amplified sound; food stalls
- Auckland Council District Licensing Authority – for events that are selling/supplying alcohol and/or are in a liquor ban area, a special liquor licence is required.
- Auckland Transport – for events on roads or streets or events that will impact the normal traffic/pedestrian flow. Where there are road closures and/or parking restrictions organisers are required to provide a traffic management plan that will send to Auckland Transport for approval.
- Council's Bylaws and compliance – event signage
- Council's Solid Waste Department – for events that require a waste management plan
- Building consent from Council's Resource Consent Department – for events that require consent for a temporary structure
- Health and Safety – Health and safety plans for large events require approval from an internal H&S advisor.

Each stakeholder will comment on the section of the event that relates to their area and/or provide approval. Specific conditions, such as noise levels, times and duration can be included as part of the approval. Once all approvals are received, the facilitator will create a document entitled event advice. This document includes agreed details for the event and an

event permit. Any conditions from stakeholders are included in the event advice and/or permit.

Note: the Trading and Events in Public Places Bylaw does not specifically reference engagement or consultation with iwi, but ATEED states that this does occur.

4.4 Film Auckland Protocol

This was adopted by Auckland Council's Environment and Community Committee on 10 September 2019.

The Auckland Film Protocol sets out:

- Council's commitment to enabling filming in Auckland and expectations of how filmmakers will operate/ behave when filming in the region;
- information for filmmakers about the policies, plans and rules that apply when filming in public open spaces across Auckland;
- an overview of the process of applying for a permit to film in public open spaces – a process that is administered by Council's regional film office, Screen Auckland.

Relevant sections of the protocol include:

3.2 Compliance with relevant plans, policies, bylaws, and rules Production companies must comply with Auckland Council plans, policies, bylaws, and rules in relation to conduct in public open space. These include, but are not limited to, alcohol bans, animal control, vehicles on beaches, signage rules and smokefree areas. Maintaining responsible and positive behaviour when filming in public open space is important to ensure ongoing access to these locations. Production companies planning to use signage, including directional signage such as location arrows, should also make themselves aware of the Signage Bylaw in place throughout the region, and any relevant Unitary Plan rules relating to signage. Up-to-date information concerning council plans, policies and bylaws can be found on Auckland Council's website¹¹ and on the Auckland Transport website¹², or Screen Auckland can advise.

4.3.1 Filming on Auckland's tūpuna maunga (volcanic cones)

In July 2014, Government passed legislation to provide Treaty of Waitangi redress for the shared interests of 13 Auckland iwi and hapū in relation to 14 tūpuna maunga (ancestral mountains, also referred to as Auckland's volcanic cones), motu (islands) and land within Tāmaki Makaurau (Auckland). Auckland's volcanic cones (tūpuna maunga) come under the administration of the Tūpuna Maunga Authority o Tāmaki Makaurau Authority (Tūpuna Maunga Authority). The Authority is independent of Auckland Council.

Under the terms of the settlement, the tūpuna maunga are vested in mana whenua, public access is maintained, each maunga will remain a reserve, and the council will continue to be responsible for the routine management of the maunga, under the direction of the Tūpuna Maunga Authority. The tūpuna maunga sites, and in particular the tihi (summit), are considered tapu (sacred) and regard is given to this when considering applications to film on the tūpuna maunga. All commercial filming

on the maunga requires the approval of the Tūpuna Maunga Authority. Screen Auckland facilitates all requests for approval to film on the tūpuna maunga. Each application is assessed on a case-by-case basis in relation to the objectives and policies that apply to the tūpuna maunga¹⁹ and proposed content. Approval to film will be subject to conditions and restrictions set by the Tūpuna Maunga Authority.

4.7 Heritage considerations

Historic heritage reinforces our sense of history, belonging, identity and place. Historic heritage places are likely to have specific restrictions on their use that may impact on timeframes and costs. This will be pointed out by Screen Auckland's film facilitation team at the point of initial inquiry, and assistance will be given to mitigate effects or locate an alternative site if necessary. Historic heritage places can include historic buildings, archaeological sites, places of significance to Māori and notable trees. Some historic heritage places are protected by legislation. Some historic heritage places are protected in the Auckland Unitary Plan . Depending on the nature of the proposal, resource consent may be required for filming on sites protected in the Auckland Unitary Plan. An Authority from Heritage New Zealand may be required for proposals that take place on archaeological sites. Information on places protected in the Auckland Unitary Plan can be found on the Auckland Council website. The types of issues for filmmakers to consider in relation to sites that are significant to Māori include, but are not necessarily limited to:

- the use of indigenous knowledge and any reference to iwi;*
- misuse or misappropriation of iwi history, stories or legends;*
- inappropriate representation or use of culturally significant images or sites; this can include, but is not limited to, the subject of filming or the depiction of the site (e.g. digitally adapting the appearance of a site in a way that is considered inappropriate).*
- use of culturally significant sites including maunga, marae and places included in the Sites and Places of Significance to Mana Whenua schedule in the Auckland Unitary Plan.*

4.8 Resource consent considerations

Due to the often temporary nature of filming, a resource consent is not usually required to carry out filming within Auckland. However, filming projects involving the long-term use of the same site are much more likely to require a resource consent. Resource consent criteria are currently determined by the Auckland Unitary Plan and the Hauraki Gulf Islands District Plan. Go to the Auckland Council website to view the Auckland Unitary Plan and the Hauraki Gulf Islands District Plan maps and other information . Screen Auckland's film facilitation team can assist with providing contact details for planning staff who have experience working with the screen production industry.

4.8.3 Possible triggers for resource consents

The following site-related issues are likely to trigger the need for a resource consent:

- excessive lighting;*

- *excessive noise;*
- *excessive earthworks;*
- *removal of protected vegetation;*
- *close proximity to the coast or other waterbodies;*
- *close proximity to residential zones;*
- *inadequate carparking capacity;*
- *absence of a loading bay;*
- *the amount of traffic generated;*
- *heritage related issues;*
- *hours of operation;*
- *exceeding the days for a temporary activity or other standards that apply to permitted activities.*

Section 5.0 Statutory Evaluation Under the Resource Management Act 1991 (RMA)

5.1 Overall broad judgement against Part 2 of RMA

The potential options to address the issues raised are assessed against the relevant provisions of the Resource Management Act 1991.

Section 5 of the RMA describes the purpose of the Act. This is:

- (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.*

Temporary activities assist people and communities to meet their social, economic and cultural well-being. Temporary activities may also be undertaken to enhance the environment e.g. beach clean-ups, stream restoration. At the same time, it is recognised there are adverse effects associated with some temporary activities e.g. noise associated with concerts.

7 Other matters

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

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) [Repealed]

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy.

Temporary activities require management in order to achieve Kaitiakitanga (guardianship or management of the environment), the ethic of stewardship (responsible planning and management of resources – air, land and water), the efficient use and development of natural and physical resources (in this case land and water in particular), the maintenance and enhancement of amenity values (temporary activities both enhance amenity values and have the potential to give rise to adverse environmental effects), and the maintenance and enhancement of the quality of the environment (adverse effects associated with temporary activities).

8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The Treaty principles² include the following:

Partnership - the Treaty signified a partnership between the races' and each partner had to act towards the other 'with the utmost good faith which is the characteristic obligation of partnership'. The obligations of partnership included the duty to consult Māori and to obtain the full, free, and informed consent of the correct right holders in any transaction for their land.

Reciprocity - the partnership is a reciprocal one, involving fundamental exchanges for mutual advantage and benefits. Māori ceded to the Crown the Kāwanatanga (governance) of the country in return for a guarantee that their tino rangatiratanga (full authority) over their land, people, and taonga would be protected. Māori also ceded the right of pre-emption over their lands on the basis that this would be exercised in a

² Waitangi Tribunal website, justice.govt.nz

protective manner and in their own interests, so that the settlement of the country could proceed in a fair and mutually advantageous manner.

Active protection - the Crown's duty to protect Māori rights and interests arises from the plain meaning of the Treaty, the promises that were made at the time (and since) to secure the Treaty's acceptance, and the principles of partnership and reciprocity. The duty is, in the view of the Court of Appeal, 'not merely passive but extends to active protection of Māori people in the use of their lands and waters to the fullest extent practicable', and the Crown's responsibilities are 'analagous to fiduciary duties'. Active protection requires honourable conduct by, and fair processes from, the Crown, and full consultation with – and, where appropriate, decision-making by – those whose interests are to be protected.

Equity - The obligations arising from kawanatanga, partnership, reciprocity, and active protection required the Crown to act fairly to both settlers and Māori – the interests of settlers could not be prioritised to the disadvantage of Māori. Where Māori have been disadvantaged, the principle of equity – in conjunction with the principles of active protection and redress – requires that active measures be taken to restore the balance.

Equal treatment - The principles of partnership, reciprocity, autonomy, and active protection required the Crown to act fairly as between Māori groups – it could not unfairly advantage one group over another if their circumstances, rights, and interests were broadly the same.

The implications of section 8 of the RMA for temporary activities can be summarised as:

- active protection of Māori people in the use of their lands and waters to the fullest extent practicable
- early engagement with iwi to test possible options, especially the issue of temporary activities and their effects on sites and places of significance to Mana Whenua.

5.2 The relevance of the plan change to other sections of the RMA

There are relevant sections of the RMA that must be considered in context of the proposed plan change. These are:

- *Section 30 – Functions of regional councils under this Act*
- *Section 31 – Functions of territorial authorities under this Act*
- *Section 60 – Preparation and change of regional policy statements*
- *Section 61 – Matters to be considered by regional council (policy statements)*
- *Section 62 – Contents of regional policy statements*
- *Section 63 – Purpose of regional plans*
- *Section 65 – Preparation and change of other regional plans*
- *Section 66 – Matters to be considered by regional councils (plans)*
- *Section 67 – Contents of regional plans*
- *Section 68 – Regional rules*
- *Section 72 – Purpose of district plans*
- *Section 73 – Preparation and change of district plans*

- *Section 74 - Matters to be considered by territorial authority*
- *Section 75 – Contents of district plans*
- *Section 76 – District rules*
- *Section 79 – Review of policy statements and plans*
- *Section 80 – Combined regional and district documents*

Relevance to the above sections

Sections 30 and 31 of the RMA specify the functions of regional and territorial authorities, and the PAUP, as a combined plan, performs both of these functions. The temporary activity provisions relate only to district plan functions, although the proposed changes in landuse will affect the functioning of regional plan provisions which give effect to section 30(1) functions.

Specifically, these functions include:

- (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region;
- (b) In respect of any coastal marine area in the region, the control (in conjunction with the Minister of Conservation) of land and associated natural and physical resources;
- (c) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district; and
- (d) The control of any actual or potential effects of the use, development, or protection of land.

Section 80 of the RMA sets out the approach to which local authorities may prepare, implement, and administer the combined regional and district documents. Auckland Council has a combined regional and district plan called the Auckland Unitary Plan (AUP).

Section 6.0 National and Regional Planning Context

6.1 Relevance to National Policy Statements

6.1.1 New Zealand Coastal Policy Statement 2010

The relevant sections of the New Zealand Coastal Policy Statement 2010 for temporary activities are:

Objective 1

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- *maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;*
- *protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and*
- *maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.*

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;
- some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;
- functionally some uses and developments can only be located on the coast or in the coastal marine area;
- the coastal environment contains renewable energy resources of significant value;
- the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;
- the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;
- the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and
- historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.

Temporary activities therefore need to safeguard or protect the values of the coastal environment.

6.2 Relevance to any particular Acts

6.2.1 Hauraki Gulf Marine Park Act 2000

The relevant sections of the Hauraki Gulf Marine Park Act 2000 for temporary activities are:

3 Purpose

The purpose of this Act is to—

- (a) integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:*
- (b) establish the Hauraki Gulf Marine Park:*
- (c) establish objectives for the management of the Hauraki Gulf, its islands, and catchments:*
- (d) recognise the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands:*
- (e) establish the Hauraki Gulf Forum.*

32 Purposes of Hauraki Gulf Marine Park

The purposes of the Hauraki Gulf Marine Park are—

- (a) to recognise and protect in perpetuity the international and national significance of the land and the natural and historic resources within the Park:*
- (b) to protect in perpetuity and for the benefit, use, and enjoyment of the people and communities of the Gulf and New Zealand, the natural and historic resources of the Park*

including scenery, ecological systems, or natural features that are so beautiful, unique, or scientifically important to be of national significance, for their intrinsic worth:

(c) to recognise and have particular regard to the historic, traditional, cultural, and spiritual relationship of tangata whenua with the Hauraki Gulf, its islands and coastal areas, and the natural and historic resources of the Park:

(d) to sustain the life-supporting capacity of the soil, air, water, and ecosystems of the Gulf in the Park.

Temporary activities therefore need to recognise and protect the land and natural and historic resources associated with the Hauraki Gulf Marine Park. This includes the relationship of tangata whenua with the Hauraki Gulf, its islands and coastal areas, and the natural and historic resources of the Park.

6.2.2 Waitakere Ranges Heritage Area Act 2008

The relevant sections of the Waitakere Ranges Heritage Area Act 2008 for temporary activities are:

3 Purpose

(1) The purpose of this Act is to—

(a) recognise the national, regional, and local significance of the Waitakere Ranges heritage area; and

(b) promote the protection and enhancement of its heritage features for present and future generations.

8 Heritage area objectives

The objectives of establishing and maintaining the heritage area are—

(a) to protect, restore, and enhance the area and its heritage features:

(b) to ensure that impacts on the area as a whole are considered when decisions are made affecting any part of it:

(c) to adopt the following approach when considering decisions that threaten serious or irreversible damage to a heritage feature:

(i) carefully consider the risks and uncertainties associated with any particular course of action; and

(ii) take into account the best information available; and

(iii) endeavour to protect the heritage feature:

(d) to recognise and avoid adverse potential, or adverse cumulative, effects of activities on the area's environment (including its amenity) or its heritage features:

(e) to recognise that, in protecting the heritage features, the area has little capacity to absorb further subdivision:

(f) to ensure that any subdivision or development in the area, of itself or in respect of its cumulative effect,—

(i) is of an appropriate character, scale, and intensity; and

(ii) does not adversely affect the heritage features; and

(iii) does not contribute to urban sprawl:

(g) to maintain the quality and diversity of landscapes in the area by—

(i) protecting landscapes of local, regional, or national significance; and

(ii) restoring and enhancing degraded landscapes; and

- (iii) managing change within a landscape in an integrated way, including managing change in a rural landscape to retain a rural character:*
- (h) to manage aquatic and terrestrial ecosystems in the area to protect and enhance indigenous habitat values, landscape values, and amenity values:*
- (i) to recognise that people live and work in the area in distinct communities, and to enable those people to provide for their social, economic, environmental, and cultural well-being:*
- (j) to provide for future uses of rural land in order to retain a rural character in the area:*
- (k) to protect those features of the area that relate to its water catchment and supply functions:*
- (l) to protect in perpetuity the natural and historic resources of the Waitakere Ranges Regional Park for their intrinsic worth and for the benefit, use, and enjoyment of the people and communities of the Auckland region and New Zealand.*

11 District plans

- (1) When preparing or reviewing a district plan that affects the heritage area, the Council must give effect to the purpose of this Act and the objectives.*
- (2) The requirements in subsection (1) are in addition to the requirements in sections 74, 75, and 79 of the Resource Management Act 1991.*
- (3) When evaluating a proposed district plan, change, or variation that affects the heritage area, the Council must examine whether the plan, change, or variation is the most appropriate way to achieve the objectives (having regard to the purpose of this Act).*
- (4) The requirements in subsection (3) are in addition to the requirements in section 32(3) of the Resource Management Act 1991.*

Temporary activities therefore need to be undertaken in a manner that protects the Waitakere Ranges Heritage Area’s environment and its heritage features and avoids adverse potential or cumulative effects of activities.

6.3 Relevance to any Particular Plans

6.3.1 Maori Plan 2017

The Maori Plan for Tamaki Makaurau was prepared by the Independent Maori Statutory Board (IMSB). It records what Maori in the region have said is important to them and provides a framework for understanding Maori development aspirations and monitoring progress towards desired cultural, economic, environmental and social outcomes.

Issues of Significance that are relevant to the consideration of temporary activities are:

Wellbeing Area	Issues of Significance	Commentary on the Relevance to the Issues
Environment	Sites of Significance – Mana Whenua are enabled to maintain and protect sites of significance to reaffirm connections to the whenua and preserve for future generations.	There are some Temporary Activities that could have significant adverse effects on the values and associations of Mana Whenua with SSMW if not properly managed.

	Customary Rights – hapu and whanau are empowered to exercise a range of customary rights by a Council that understands, respects and genuinely considers the customary rights of hapu and whanau.	Some temporary activities could impact on the ability for hapu and whanau to exercise their customary rights
	Environmental Resilience, Protection and Management – Māori are empowered and treasured in their customary role as kaitiaki over lands, cultural landscapes, sites of significance and wahi tapu.	There are some Temporary Activities that could have significant adverse effects on the values and associations of Mana Whenua with SSMW if not properly managed.
	Resource Consents – Māori actively and meaningfully contribute to the resource consent decision making process that is simple, efficient and value for money.	Requiring a resource consent for temporary activities on SSMW provide iwi with an opportunity to be involved in the decision making process. Note: the Trading and Events in Public Places Bylaw does not specifically refer to engagement with iwi and conditions to address adverse effects on SSMW but it is understood this occurs.
	Built Environment - Māori cultural values, history and heritage are reflected within the built environment through design, architecture and the inclusion of uniquely Māori design principles in public spaces.	There are some Temporary Activities that could have significant adverse effects on the values and associations of Mana Whenua with SSMW if not properly managed.
Social	Engagement/Consultation/Inclusion in Decision making – Māori are empowered to actively and meaningfully contribute to the development of Auckland, through consultation and inclusion in decision-making processes and future plans.	Requiring a resource consent for temporary activities on SSMW provide iwi with an opportunity to be involved in the decision making process. Note: the Trading and Events in Public Places Bylaw does not specifically refer to engagement with iwi and conditions to address adverse effects on SSMW
Economic	Treaty Settlements – Council recognises the importance and value of Treaty Settlements and is proactive in engaging with iwi to understand Council's role in fulfilling the objectives of Treaty Settlements.	Requiring a resource consent for temporary activities on SSMW provide iwi with an opportunity to be involved in the decision making process. Note: the Trading and Events in Public Places Bylaw does not specifically refer to engagement with iwi and conditions to address adverse effects on SSMW
	Tourism – Māori are actively supported to participate in tourism opportunities and recognised for the unique value-add to the Auckland tourism sector	The temporary activity provisions of the Unitary Plan may also apply to Maori related events and tourism opportunities e.g. waka ama, cultural events
Cultural	Arts & Culture – Māori are enabled to continue to practice our unique cultural heritage, to ensure the	The temporary activity provisions of the Unitary Plan may also apply to Maori related events and tourist

	retention and protection of matauranga Māori across Tamaki Makaurau.	opportunities e.g. waka ama, cultural events
	Distinctive Identity – Māori retain a sense of place and identity, and the wider community understands the value of diversity and embraces out unique culture	There are some Temporary Activities that could have significant adverse effects on the values and associations of Mana Whenua with SSMW if not properly managed.

6.3.2 Auckland Plan 2018

The table below list the priorities and directives of the Auckland Plan (Auckland’s non-statutory spatial planning document). The Auckland Plan refresh was approved by Auckland Council on 5 June 2018.

Outcome	Directives and Focus Areas	Commentary on the Relevance to the Issues
Outcome: Belonging and Participation	<p><i>Direction 1: Foster an inclusive Auckland where everyone belongs.</i></p> <p><i>Focus area 1: Create safe opportunities for people to meet, connect, participate in, and enjoy community and civic life.</i></p> <p><i>Focus area 5: Recognise, value and celebrate Aucklanders' differences as a strength.</i></p> <p><i>Focus area 7: Recognise the value of arts, culture, sport and recreation to the quality of life.</i></p>	Temporary activities – in particular events and festivals can create a sense of belonging and enable people and communities to come together. They add to the quality of life.
Outcome: Māori identity and well-being	<p><i>Direction 1: Advance Māori wellbeing.</i></p> <p><i>Direction 2: Promote Māori success, innovation and enterprise.</i></p> <p><i>Direction 4: Showcase Auckland's Māori identity and vibrant Māori culture.</i></p> <p><i>Focus area 6: Celebrate Māori culture and support te reo Māori to flourish</i></p>	<p>There are two considerations:</p> <p>i). Temporary activities enable events that celebrate Maori culture</p> <p>The Auckland Plan states: “Auckland will continue to provide, invest in and support opportunities that celebrate Māori identity and heritage.</p> <p><i>Continued expansion and resourcing is needed for events, and activities associated with</i></p>

		<p><i>Māori events, such as Matariki. Celebrations steeped in Māori culture can ignite all cultures in Auckland to celebrate their relationship with the land”.</i></p> <p>ii) There are some Temporary Activities that could have significant adverse effects on the values and associations of Mana Whenua with SSMW if not properly managed.</p>
Outcome: Environment and Cultural Heritage	<p><i>Direction 1: Ensure Auckland’s natural environment and cultural heritage is valued and cared for.</i></p> <p><i>Focus area 4: Protect Auckland’s significant natural environments and cultural heritage from further loss</i></p>	There are some Temporary Activities that could have significant adverse effects on the values and associations of Mana Whenua with SSMW if not properly managed.
Outcome: Opportunity and Prosperity	<p><i>Direction 1: Create the conditions for a resilient economy through innovation, employment growth and raised productivity.</i></p> <p><i>Focus area 2: Ensure regulatory planning and other mechanisms support business, innovation and productivity growth</i></p>	<p>Temporary activities – in particular events, make a significant contribution to the Auckland economy.</p> <p>Temporary activities are subject to management through the AUP and the Trading and Events in Public Places bylaw. Other bylaws are also relevant. A key issue is ensuring the right mix and level of regulation to enable temporary activities whilst managing potential adverse effects.</p>

Table 6: Auckland Plan Directives and Focus Areas

6.3.3 Auckland Unitary Plan 2016 - Regional Policy Statement

Table 7 below identifies the relevant Auckland Unitary Plan Regional Policy Statement objectives and policies relating to urban growth, the built environment and open space and recreation and assesses the relevance of these to temporary activities.

RPS Chapter	Relevant objective or policy	Commentary on the Relevance to the Issues
B2.2. Urban growth and form	B2.2.1. Objectives <i>(1) A quality compact urban form that enables all of the following: (a) a higher-quality urban environment; (c) better use of existing infrastructure and efficient provision of new infrastructure; (e) greater social and cultural vitality; (g) reduced adverse environmental effects.</i>	Temporary activities enable “greater social and cultural vitality”.
B2.7 Open space and recreation facilities	B2.7.1(1) <i>Recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities.</i>	Temporary activities cater for some of the recreational needs of people and communities.
	B2.7.2(1) <i>Enable the development and use of a wide range of open spaces and recreation facilities to provide a variety of activities, experiences and functions.</i>	An “enabling” approach to temporary activities provides for a variety of activities and experiences on open space in particular.
E40. Temporary activities	E40.2. Objectives [rcp/dp] <i>(1) Temporary activities and events contribute to a vibrant city and enhance the social, environmental, economic and cultural well-being of communities.</i>	An “enabling” approach to temporary activities contributes to a vibrant city and enhance the social, environmental, economic and cultural well-being of communities.
	<i>(2) Temporary activities are located and managed to mitigate adverse effects on amenity values, communities and the natural environment.</i>	The existing temporary activity standards distinguish between the city centre & metro centres and “other areas”. They are more enabling in the city centre and metro centres.
	<i>(3) Temporary activities are managed to minimise any adverse effects on the use and enjoyment of open space.</i>	The existing temporary activity standards manage the following effects of activities – noise, duration, frequency, timing, traffic in rural and future urban zones only, and the lighting of fire works. The Trading and Events in public Places Bylaw enables management of a number of other effects associated with the use of a park or reserve, food, alcohol, traffic, signage, waste, temporary structures and health and safety.

		Temporary activities on Sites of Significance to Mana Whenua have a separate management approach i.e. a resource consent is required.
	<i>(4) Temporary activities involving large numbers of people predominantly occur in the Business – City Centre Zone, the Business – Metropolitan Centre Zone and the Auckland Domain.</i>	The existing temporary activity standards distinguish between the city centre & metro centres and “other areas”. Specific provisions also apply to the Auckland Domain.
E40.3. Policies	<p><i>(1) Enable temporary activities and associated structures, provided any adverse effects on amenity values are avoided, remedied or mitigated, including by ensuring:</i></p> <p><i>(a) noise associated with the activity meets the specified standards;</i></p> <p><i>(b) activities on adjacent sites that are sensitive to noise are protected from unreasonable or unnecessary noise;</i></p> <p><i>(c) noise from outdoor events using electronically amplified equipment is controlled through limiting the times, duration and the frequency of events;</i></p> <p><i>(d) waste and litter are effectively managed and minimised; and</i></p> <p><i>(e) any restrictions on public access or other users of open space areas are minimised, and any adverse effects are mitigated.</i></p>	<p>Temporary activities are provided for as permitted activities subject to compliance with the relevant standards.</p> <p>These standards include – noise, duration, frequency, timing, traffic in rural and future urban zones and the lighting of fire works.</p> <p>The Trading and Events in public Places Bylaw enables management of a number of other effects associated with the use of a park or reserve, food, alcohol, traffic, signage, waste, temporary structures and health and safety.</p> <p>Temporary activities on Sites of Significance to Mana Whenua have a separate management approach i.e. a resource consent is required.</p>
	<i>(2) Enable temporary activities for filming purposes, including associated film sets, while managing any adverse effects.</i>	<p>Filming activities are a permitted activity for up to and including 30 consecutive days.</p> <p>Filming activities exceeding this standard are a restricted discretionary activity.</p> <p>Filming activities are also subject to the Film Auckland Protocol.</p> <p>Filming activities on Sites of Significance to Mana Whenua are currently a restricted discretionary activity and require a resource consent (they fall within the wider definition of temporary activity)</p>
	<i>(3) Control traffic generated by a temporary activity, including heavy traffic, so that it does not detract from:</i>	Traffic associated with a temporary activity is only managed in the Unitary Plan for events in rural areas or future urban areas where there is more than 500 vehicle movements per day.

	<p>(a) <i>the capacity of the road to safely and efficiently cater for motor vehicles, pedestrians and cyclists; and</i></p> <p>(b) <i>the well-being of residents and reasonable functioning of businesses on surrounding sites.</i></p>	<p>Otherwise the Trading and Events in Public Places Bylaw can require approval for events on roads or streets or events that will impact the normal traffic/pedestrian flow.</p>
	<p>(4) <i>Require any disturbance of the foreshore or seabed from a temporary activity to be remedied, unless this can be achieved by natural processes.</i></p>	<p>The Trading and Events in Public Places Bylaw enables consideration of impacts on the “environment” and appropriate mitigation measures associated with a temporary activity. Approval conditions include c) the location of the activity.</p>
	<p>(5) <i>Require temporary activities involving large numbers of people to locate in areas where there is:</i></p> <p>(a) <i>capacity to safely host large numbers of people;</i></p> <p>(b) <i>sufficient parking where necessary;</i></p> <p>(c) <i>sufficient road network capacity for the event;</i></p> <p>(d) <i>capacity in the public transport network to service the event, or the ability for the event to be temporarily serviced by mass passenger transport; and</i></p> <p>(e) <i>the ability to avoid, remedy or mitigate adverse effects on the environment.</i></p>	<p>The temporary activity provisions distinguish between locations within the City Centre and Metropolitan Centres and outside these areas.</p> <p>There is generally greater flexibility within the City Centre and Metropolitan Centres than outside these areas with a greater number of noise events and higher (more enabling of greater noise) noise standards.</p> <p>In addition, the Trading and Events in Public Places Bylaw can require approval for events on roads or streets or events that will impact the normal traffic/pedestrian flow.</p>
	<p>(6) <i>Manage the effects of temporary activities so that the values of any scheduled ecological, natural character, natural features, landscape, historic heritage or Mana Whenua areas are maintained, and any adverse effects on the natural environment are avoided, remedied or mitigated.</i></p>	<p>Temporary activities are currently a restricted discretionary activity on Sites of Significance to Mana Whenua. The resource consent process enables an assessment of the effects of such activities on the values of these sites and places and if consent is granted, appropriate conditions.</p> <p>There are no additional controls for scheduled ecological, natural character, natural features, landscape, historic heritage features/areas, except:</p> <ul style="list-style-type: none"> • Filming activities in the Waitakere Ranges Heritage Area Overlay must comply with additional standards • Temporary buildings and structures and signs including those accessory to a temporary activity in the Historic Heritage Overlay must comply with additional standards

		<p>Section 10 (deciding an application) of The Trading and Events in Public Places Bylaw 2015 states:</p> <p>(3) In deciding to grant or decline an application for approval the council must consider the following matters:</p> <p><i>(c) the impacts on the surrounding environment and users as a result of noise, smell, glare, light spill, appearance or any other effects and; whether these impacts have been appropriately mitigated;</i></p>
D21. Sites and Places of Significance to Mana Whenua Overlay	D21.2. Objective (1) The tangible and intangible values of scheduled sites and places of significance to Mana Whenua are protected and enhanced.	Temporary activities are currently a restricted discretionary activity on sites of significance to Mana Whenua. The resource consent process enables an assessment of the effects of such activities on the values of these sites and places and the opportunity to apply appropriate conditions if consent was to be granted.
	(2) Scheduled sites and places of significance to Mana Whenua are protected from inappropriate subdivision, use and development, including inappropriate modification, demolition or destruction.	Temporary activities are currently a restricted discretionary activity on sites of significance to Mana Whenua. The resource consent process enables an assessment of the effects of such activities on the values of these sites and places and the opportunity to apply appropriate conditions if consent was to be granted.
	D21.3. Policies (2) Avoid significant adverse effects on the values and associations of Mana Whenua with sites and places of significance to them.	<p>Temporary activities are currently a restricted discretionary activity on sites of significance to Mana Whenua. The resource consent process enables an assessment of the effects of such activities on the values of these sites and places and the opportunity to apply appropriate conditions if consent was to be granted.</p> <p>Sites may be valued for different reasons by different iwi. As the term “temporary activities” encompasses a wide range of activities, the effects may vary from activity to activity depending on the nature of the activity and its size/scale.</p>
	(3) Require subdivision, use and development, where adverse effects on sites and places of significance cannot practicably be avoided, to remedy or mitigate those adverse effects by: (a) enhancing the values of the scheduled site or place of significance and the relationship of Mana Whenua with their tāonga, commensurate with the scale and nature of the proposal;	Temporary activities are currently a restricted discretionary activity on sites of significance to Mana Whenua. The resource consent process enables an assessment of the effects of such activities on the values of these sites and places, an assessment of alternatives (where appropriate) and the opportunity to either decline consent, or if approved, to impose appropriate conditions.

	<p>(c) recognising and providing for the outcomes articulated by Mana Whenua through an assessment of environmental effects with Mana Whenua and within iwi planning documents;</p> <p>(d) demonstrating consideration of practicable alternative methods, locations or designs that would avoid or reduce the impact on the values of scheduled sites and places of significance to Mana Whenua; and</p> <p>(e) demonstrating consideration of practical mechanisms to maintain or enhance the ability to access and use the scheduled site or feature for karakia, monitoring, customary purposes and ahikā roa by Mana Whenua.</p>	
	<p>(5) Recognise that some activities may have such significant adverse effects on Mana Whenua values that they are culturally inappropriate when considering the nature of the scheduled site or place of significance and associated values.</p>	<p>Temporary activities are currently a restricted discretionary activity on sites of significance to Mana Whenua. The resource consent process enables an assessment of the effects of such activities on the values of these sites and places and the opportunity to either decline consent, or if approved, to apply appropriate conditions.</p>
	<p>(11) Require an assessment of environmental effects where proposed works may have adverse effects on the values associated with sites or places of significance to Mana Whenua.</p>	<p>Temporary activities are currently a restricted discretionary activity on sites of significance to Mana Whenua. The resource consent process enables an assessment of the effects of such activities on the values of these sites and places and the opportunity to either decline consent, or if approved, to apply appropriate conditions.</p>

Table 7: Auckland Unitary Plan RPS Objectives and Policies

6.4 Relevance to any Particular Bylaws

6.4.1 Trading and Events in Public Places Bylaw 2015

The Trading and Events in Public Places Bylaw controls events in public places. It sets up the process for the event permit requirements. Relevant sections of the Trading and Events in Public Places bylaw are:

4 Purpose

(1) *The purpose of this bylaw is to provide for the control of events and trading in public places by:*

- (a) regulating trading activities and the conduct of persons selling or offering goods or services in public places by requiring approval from the council, Auckland Transport or other council-controlled organisation;*
- (b) regulating events and filming in roads and other public places by requiring operators to obtain an approval;*
- (c) setting general and specific conditions for trading and events in public places to ensure that appropriate standards of health and safety, pedestrian and vehicle access and visual amenity are maintained;*
- (d) prescribing for fees in respect of any approval in relation to matters specified in subclauses (1)(a) and (b).*

5 Interpretation

(1) *In this bylaw, unless the context otherwise requires,—*

event means an organised temporary activity that takes place on one or more days including an organised gathering, parade, protest, wedding, private function (which is independent of premises), festival, concert, celebration, multi-venue sports event of a significant scale, fun run, marathon, duathlon or triathlon. For the purposes of this bylaw an indoor performance, indoor private function, tasting and sampling activity, giveaway, market, sports practice or training is not an event.

6 Requirement to hold an approval

(1) *A person must hold an approval issued by the council to undertake the following activities in public places:*

- (a) trading in a public place;*
- (b) events;*
- (c) filming.*

10 Deciding an application

(1) *Subject to compliance with this clause, the council may grant (with or without conditions) or refuse any application for approval at its discretion.*

(2) *The decision to grant or refuse an application for an approval together with any conditions on the approval, must be made in accordance with any relevant guidelines approved by resolution of the council, specified under this bylaw from time to time.*

(3) *In deciding to grant or decline an application for approval the council must consider the following matters:*

- (a) the location of the activity and whether it is likely to cause a nuisance, obstruction or a hazard to pedestrians or vehicular traffic;*
- (b) the specifications of any furniture, structures, equipment, vehicles and other items to be used for the activity;*
- (c) the impacts on the surrounding environment and users as a result of noise, smell, glare, light spill, appearance or any other effects and; whether these impacts have been appropriately mitigated;*
- (d) the suitability of a person to hold an approval taking into account any known past operational issues and the applicant's experience and track record;*

- (e) where applicable, whether an applicant is a registered charity or a member of a registered organisation;*
 - (f) whether the activity is consistent with Auckland Council policies and plans, including but not limited to, the Auckland Plan, Smokefree Policy, local alcohol and gambling policies.*
- (4) Any person who has an application declined or revoked by the council must apply in writing for a review of the decision and the council may review it accordingly.*

11 Approval conditions

(1) The conditions upon which an approval is granted may include, but are not limited to, the following:

- (a) the designated times of operation (hours and days) including limitations on the hours of set up and pack down;*
- (b) the duration of the approval;*
- (c) the location of the activity, taking into account the surrounding land uses and street layout and the minimum clear widths of footpaths required for pedestrian access;*
- (d) a requirement that the activity is not located in a public place (including near intersections, bus stops, vehicle crossings, accessways or service lanes) in a way that it is likely to cause a nuisance, unreasonable obstruction or hazard to pedestrian and vehicle access;*
- (e) that a continuous accessible path of travel is provided for;*
- (f) requiring compliance with a traffic management plan and/or any waste management and minimisation plan;*
- (g) requiring compliance with any guidelines or policies for shared space areas;*
- (h) specifications on the use of any furniture, structures, equipment, vehicles and other items associated with the activity;*
- (i) safety, health and hygiene requirements;*
- (j) the requirement for public liability insurance;*
- (k) restrictions on the use of amplified music/sound;*
- (l) requiring compliance with Auckland Council policies and plans, including but not limited to, the Auckland Plan, Smokefree Policy, local alcohol and gambling policies.*

(2) Notwithstanding subsection(1) any trading activity involving use of the footpath must maintain a minimum unobstructed footpath width of no less than 1.8 metres.

23 Events and Filming

(1) In addition to decisions regarding an application for approval as specified in Clause 10 the council will consider the following matters when assessing an application for an event or filming approval:

- (a) whether there is a prior booking of the public place and the two events or, filming activities, cannot reasonably take place at the same time, or*
- (b) whether there will be significant disruption to traffic flows or public passage, or*
- (c) any impacts on public safety.*

Explanatory note: Film approval applications are handled by Screen Auckland, which is the film office for the Auckland region and operates as part of Auckland Tourism Events and Economic Development.

Section 7.0 Engagement and Consultation

7. 1 Relevant Sections of Resource Management Act and Local Government Act

Schedule 1 of the Resource Management Act 1991 contains the process for the preparation, change and review of policy statements and plans.

Section 1A – Mana Whakahono a Rohe, requires that a proposed policy statement or plan must be prepared in accordance with any applicable Mana Whakahono a Rohe.

At the time of preparing this plan change, Auckland Council had not entered into any Mana Whakahono a Rohe with iwi. One request had been received however from Nga Tai Ki Tāmaki and work is well advanced on a Mana Whakahono a Rohe.

During the preparation of a proposed policy statement or plan, the local authority concerned shall consult—

- (a) the Minister for the Environment; and*
 - (b) those other Ministers of the Crown who may be affected by the policy statement or plan; and*
 - (c) local authorities who may be so affected; and*
 - (d) the tangata whenua of the area who may be so affected, through iwi authorities; and*
 - (e) any customary marine title group in the area.*
- (2) A local authority may consult anyone else during the preparation of a proposed policy statement or plan.*
- (4) In consulting persons for the purposes of subclause (2), a local authority must undertake the consultation in accordance with section 82 of the Local Government Act 2002.*

Section 82 of the Local Government Act outlines the principles of consultation. These are:

82(1) Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:

- (a) that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons;*
- (b) that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority;*
- (c) that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented;*
- (d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons;*

(e) that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:

(f) that persons who present views to the local authority should have access to a clear record or description of relevant decisions made by the local authority and explanatory material relating to the decisions, which may include, for example, reports relating to the matter that were considered before the decisions were made.

(2) A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1).

Under section 3B - Consultation with iwi authorities, of the first schedule (of the RMA)

For the purposes of clause 3(1)(d), a local authority is to be treated as having consulted with iwi authorities in relation to those whose details are entered in the record kept under section 35A, if the local authority—

(a) considers ways in which it may foster the development of their capacity to respond to an invitation to consult; and

(b) establishes and maintains processes to provide opportunities for those iwi authorities to consult it; and

(c) consults with those iwi authorities; and

(d) enables those iwi authorities to identify resource management issues of concern to them; and

(e) indicates how those issues have been or are to be addressed.

4A Further pre-notification requirements concerning iwi authorities

(1) Before notifying a proposed policy statement or plan, a local authority must—

(a) provide a copy of the relevant draft proposed policy statement or plan to the iwi authorities consulted under clause 3(1) (d); and

(b) have particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities.

(2) When a local authority provides a copy of the relevant draft proposed policy statement or plan in accordance with subclause (1), it must allow adequate time and opportunity for the iwi authorities to consider the draft and provide advice on it.

7.2 Engagement with Mana Whenua / iwi authorities

A draft copy of the plan change was forwarded to all Auckland's 19 iwi as required under Section 4A of the first schedule above.

Responses were received from Ngāti Whātua Ōrākei and Ngai Tai ki Tamaki.

Ngāti Whātua Ōrākei had no concerns with the proposed changes and did not need to engage further. Ngai Tai ki Tamaki advised that a potential concern is the MACCA (The Marine and Coastal Area Act – Takutai Moana) claims and legal processes. The proposed changes do not impact on the activities able to be undertaken in the coastal marine area. They address a gap in the noise standards.

Consultation has also been undertaken with the Independent Māori Statutory Board.

7. 3 Councillor & Local Board Engagement

A Councillor workshop on temporary activities was held on 6 March 2019. The primary purpose of that workshop was to discuss the future Plans and Places work programme and topics/issues that councillors would like to see investigated. Louella Pitt and Mikaela Otene from ATEED presented a summary of the issues ATEED was having with the temporary activity rules in the Unitary Plan and how many events were required to seek a resource consent. The key areas of concern were:

Noise Limits

- Under the AUP there are currently noise limits of 50db LAeq from Monday – Saturday 7am – 10pm and Sunday 9am – 6pm in residential zones (Standard E25.6.2);
- In the City Centre, Metro Centres, Town Centre and Mixed Use zones the noise limits are 65dB LAeq 7am – 11pm and 65dB LAeq (Standard E25.6.8);
- A specified number of Noise Events (15 – 18) are provided for under the temporary activity provisions for both inside and outside the City Centre and Metro Centres (Standards E40.6.4 & E40.6.5)
- Anyone that packs in/out outside these times and generates noise during the process greater than the applied lower noise level of 45db LAeq (construction noise standards) requires a resource consent;
- There is also a six hour noise duration limit on a live event;
- Event Facilitation recommends increasing the noise duration limits from six hours to seven or eight hours and increasing the lower noise level of 45db LAeq to 50db LAeq.

Duration

- The AUP currently applies restrictions of six days (including pack in/pack out) upon the duration in which an event can be onsite without the requirement for a resource consent;
- The requirement to obtain a resource consent for any activity longer than six days places considerable pressure (i.e time pressure to undertake the event and completed the pack in/pack out) upon events;
- To enable the community to activate public open spaces it would be the preference of Event Facilitation to enable the six-day duration period to be applicable to the event live period, excluding pack in and pack out durations (Plan Change 14 did exclude the time required to establish and remove all structures and activities associated with noise events and reinstate the site to its original condition prior to the noise event, from the noise event duration. The construction noise standards were also applied to pack in and pack out activities. It didn't address temporary activities not defined as noise events however;
- To enable appropriate consideration of pack in and pack out periods, Event facilitation suggested a matrix enabling pack in and pack out to reflect the scale of the event (e.g. up to 499 people attending – 12 hrs, 500-4,999 – 24 hrs & 5,000 and above – 48 hrs)

D21 Overlay – Sites of Significance to Mana Whenua

- ATEED cannot start the iwi engagement process without a resource consent application.

- Events such as weddings, school events or any other small-scale activity do not typically trigger resource consent requirements. However, where there is a Mana Whenua overlay resource consent would be required.
- Event Facilitation would suggest iwi consultation take place during the permitting process without a resource consent requirement

All twenty-one local boards were sent a memorandum on 17 July 2020 outlining the issues and a copy of the proposed plan change for their consideration and feedback.

Local boards are able to provide their formal feedback once submissions have closed. Those local boards that provide formal feedback will also have the opportunity to speak to their views at the hearing.

Formal feedback received from local boards will be included in the hearing report, along with the points raised by submitters.

7. 4 Council Group Views

Discussions have been held with Event Facilitation, Arts Community and Events, Auckland Council over the issues being experienced with the Unitary Plan in relation to temporary activities.

The role of Event Facilitation is to guide event organisers through the permitting process to ensure regulatory requirements are met. Event Facilitation are advocates for events to occur on public open space, enabling thriving communities. The Event Facilitator acts as the conduit for event organisers to key event stakeholders. Stakeholders are both internal (within Auckland Council) and external organisations.

The Trading and Events in Public Places Bylaw was introduced on 1 July 2015. The bylaw manages activities, including events, in public places fairly and consistently across the Auckland Region. Event permits are issued by Auckland Council Event Facilitation under the bylaw.

Event facilitation has provided feedback on the issues the community is experiencing with the Unitary Plan when undertaking events.

A further memo was received from ATEED on 10 March 2020 which raised the following issues including those relating to filming activities (which are a subset of temporary activities):

Sites and Places of Significance to Mana Whenua

- Film permits take 3-5 working days to obtain from Screen Auckland. Obtaining a resource consent for filming purposes is not possible in this timeframe so would have an adverse affect on the industry;
- Budget restrictions would also make it a challenge for industry to apply for resource consent;
- While applications for major evets have the lead in time due to the size and nature of the event, for smaller community events, the costs of processing the resource consent is becoming too prohibitive;
- The process of permitting an event is a robust one. The mitigations measures required through the resource consent process are often the same mitigations measures applied by the facilitators in order to permit the event.

Vehicle Movements

- Currently have film productions with up to 500 crew, potentially operating in a rural zone or future urban zone;
- This number is very low and doesn't allow for the community to attend events;
- It also doesn't allow for the number of required contractors and staff to work on the event;
- Through the event permitting process, it would be beneficial to mitigate the impact of traffic on the environment by engaging with local knowledge and Auckland Transport.

Noise Levels (noise level and construction activities particularly around pack in and pack out)

- While an event may not trigger a resource consent for the duration, noise or mana whenua overlay, it does because of the nature of the pack in/pack out of the event i.e. trucks used to deliver or remove infrastructure associated with the event;
- These effects are mitigated through the event permitting process by engaging with locally affected parties and stakeholders;
- The costs of applying for a resource consent for community events is costly and is resulting in events leaving the Auckland region, losing money for the Auckland economy

Anzac Day

- The Supercars Championship (V8 Supercars) was to be held at Pukekohe Park in 2020 (and again in 2021). However, under the Pukekohe Park precinct, this couldn't go ahead without a resource consent as racing was not permitted on Anzac Day;
- Under the Anzac Day Act 1966, where Anzac Day falls on a Saturday it is only observed until 1pm;
- ATEED would like to see the Unitary Plan changed to be the same as the Anzac Day Act 1966.

Maori Heritage team

Auckland Council's Maori Heritage team were asked if a plan change was not appropriate, could a "global resource consent" be used to address the issue of temporary activities on Sites and Places of Significance to Mana Whenua. The response is outlined below:

- The Māori Heritage team strongly oppose a global consent over any Māori heritage sites of significance;
- Cultural values differ between a mara kai (food garden) and an urupa (cemetery), and that tikanga differs between iwi/hapū;
- A 'one size fits all' (i.e. a global resource consent) approach actually doesn't work;
- The Māori Heritage team's understanding is that the vast majority of RD applications are processed quickly, iwi are consulted and the consent is granted under delegation by planners without hearing. Under permitted activity status, iwi may not be consulted – this goes against objectives of the Auckland Plan and Long Term Plan and obligations under the Treaty and RMA;

- The Māori Heritage team’s preference is that the status quo is retained – where individual resource consents are required for temporary activities on Sites and Places of Significance to Mana Whenua.

Section 8.0 Development of Possible Options

8.1 Description of options

The criteria used to select potential options for consideration to address the resource management issues and achieve the objectives are:

- I. Achievable/able to be implemented;
- II. Acceptable RMA practice;
- III. Timeliness – able to be implemented in a timely manner; and
- IV. Addresses the RMA issue.

The high-level options for addressing the four identified issues are:

- Option 1 – No change/status quo
- Option 2 – Plan Change
- Option 3 – Resource Consent
- Option 4 – Existing Use Rights
- Option 5 – Non Statutory Methods

A high level assessment of the options available against the criteria is set out in the table below:

Criteria	Option 1 – No change/status quo	Option 2 – Plan Change	Option 3 – resource consent	Option 4 – Existing Use Rights	Option 5 – Non statutory methods
<i>Achievable/able to be implemented</i>	<i>Yes - does not involve any change</i>	<i>Plan change required. Involves slight - substantial modification to the temporary activity standards</i>	<i>Resource Consent process is quicker than the Plan Change process. A consent is able to be sought for Temporary activities that do not comply with standards and temporary activities on Sites of Significance to Mana Whenua.</i>	<i>Applies only to lawfully established activities where the effects of the use are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified</i>	<i>Yes - does not require a plan change.</i>

			<p>Either a “global” consent could be sought for multiple temporary activities or individual consents.</p> <p>A global consent might not be able to capture all temporary activities</p>		
<p>Acceptable RMA practice</p>	<p>No change means that the triggers for resource consent in relation to temporary activities remain the same.</p> <p>Resource consent would continue to be required for any temporary activity on a Site of Significance to Mana Whenua.</p> <p>A gap would continue to exist for noise controls for temporary coastal activities.</p>	<p>Yes – just raises the threshold for when a consent is required but effects are still managed.</p> <p>It is acceptable RMA practice that a resource consent is required for temporary activities on Sites of Significance to Mana Whenua.</p> <p>Not appropriate that there is a gap for noise controls for temporary coastal activities.</p>	<p>Yes – the resource consent process is an acceptable method of managing the effects of temporary activities.</p>	<p>Yes – existing use rights are provided for under the RMA – section 10</p>	<p>Non-statutory methods are an acceptable resource management tool or method.</p>
<p>Timeliness – able to be implemented in a timely manner</p>	<p>No plan change so timeliness is not an issue.</p>	<p>A plan change can take significant time – depending on the number of submissions received and if there are any appeals.</p> <p>More substantial changes are likely to generate a greater number of submissions and potentially appeals.</p>	<p>A resource consent also takes a significant amount of time but less than a plan change.</p> <p>Onus lies with the applicant to prepare the resource consent application (this could be Ak Council’s events team or individual applicants)</p>	<p>Effective immediately, provided the activity has been lawfully established and the effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified</p>	<p>Non statutory methods are able to be implemented reasonably quickly, deepening on the method and the process of preparation and the availability of resources (including budgets). A bylaw for example has a similar preparation time to a plan change</p>

					<i>but there are no rights of appeal.</i>
<i>Addresses the RMA issue(s)</i>	<i>Does address the issue by managing temporary activities but the threshold is set at a level where many temporary activities require resource consent</i>	<i>A plan change option could provide some additional flexibility for temporary activities. It could also reduce the requirement for resource consent on Sites of Significance to Mana Whenua.</i>	<i>Resource consents are an acceptable means of departing from the temporary activity standards and for activities on Sites of Significance to Mana Whenua.</i>	<i>Only partly addresses the issues Enables existing, established events to continue (provided the effects of the use are the same or similar), may not afford appropriate protection to Sites of Significance to Mana Whenua. Doesn't address the issues relating to coastal temporary activities and temporary emergency activities.</i>	<i>Doesn't address the issue that the current temporary activity standards in the UP are not flexible enough.</i>

Table 8: Assessment of high level possible options against the selection criteria

All five broad options are valid RMA approaches and have strengths and weaknesses as outlined above. The issue is the efficiency and effectiveness of the options for each particular issue. This will be assessed in greater detail section 9 of this report.

8.2 The Options

The development of the options has been shaped by:

- Consideration of the context surrounding the issues (section 6)
- Results of engagement and consultation with iwi, Local Boards and the wider “Council Group”(section 7)
- Initial scoping of “high – level” possible options (the tools available to address the issues) (section 8)

8.2.1 Issue 1 – Temporary Activity Standards (excluding sites of significance to Mana Whenua)

Option 1 – No change/status quo

This option retains the status quo. This means that a resource consent would be required for any activity not meeting the temporary activity standards which include pack in and pack out duration and associated noise levels, the duration of activities, traffic management and the definition of Anzac Day for the Pukekohe Park precinct.

Option 2 – Minor amendments to the standards relating to noise limits & duration of activities to provide some additional flexibility.

This option involves some minor changes via a plan change to the temporary activity standards which include pack in and pack out duration and associated noise levels, the duration of activities and traffic. Events of a significant duration and/or those that generate substantial noise would still trigger the need for resource consent.

Option 3 – Global resource consent

This option involves ATEED applying for resource consent for a number of recurring events at known locations. A global consent would negate the need for specific one-off resource consent applications, but these would still be required for any events/activities not captured by the global consent.

Existing use Rights

Note: Existing use rights may apply to recurring temporary activities that were established prior to the Unitary Plan e.g. Auckland marathon. Activities must however have been lawfully established and the effects of the use the same or similar in character, intensity and scale to those which existing before the Unitary Plan became operative in part. Events that have increased in size annually may therefore not be able rely on existing use rights.

8.2.2 Issue 2 – Sites of Significance to Mana Whenua Overlay

Option 1 – No change/status quo

This option retains the status quo whereby any temporary activity, including filming, regardless of its character, scale, intensity and effects on a Site of Significance to Mana Whenua requires a limited discretionary resource consent.

Option 2 – Plan Change to enable all temporary activities as a permitted activity on sites of significance to mana whenua but subject to engagement with iwi under the Trading and Events in Public Places Bylaw 2015 and the ability to decline unsuitable applications through the event permit process (note: the ability to decline applications under the EPP Bylaw 2015 already exists).

This option involves amending the Unitary Plan's Sites of Significance to Mana Whenua overlay to make temporary activities permitted (currently restricted discretionary). Engagement with Man Whenua and management of the temporary activity would then occur through the Events Permit process. This would require an amendment to the Trading and Events in Public Places Bylaw 2015 to specifically refer to engagement & matters of consideration when deciding on an application when activities or events are proposed on sites of significance to Mana Whenua

Option 3 – Plan change to enable certain temporary activities as permitted activities e.g. those that involve no buildings or structures, food preparation, toilet facilities etc. e.g. capping ceremony (Aotea Square), parades (Queen Street). The remainder would require resource consent.

This option involves distinguishing between those temporary activities which have minimal effect due to the absence of buildings & structures, food preparation, alcohol, waste etc and those they do involve one or more of these elements. Those that have no or minimal adverse effects on the values of the sites can be a permitted activity, whilst those that do or potentially do can remain a limited discretionary activity.

Option 4 – “Global” resource consent

This option involves ATEED applying for a “global resource consent” for temporary activities on specific sites of significance to mana whenua. The consent could be for temporary activities generally (which could be difficult as the nature of the effects will be hard to specify) or could be for a range of specified activities that cover most instances. Conditions of the resource consent would provide opportunity to avoid adverse effects.

Note: Regional Facilities Auckland has lodged a resource consent for temporary activities/events on sites of significance to mana whenua on three of their sites/facilities. These involve:

Auckland Zoo: Nga Kauaewhatai (Schedule 12 site 004)

Aotea Square: Horotiu (Schedule 12 site 016*)

Western Springs: Wai Orea (Schedule 12 site 008)

Option 5 – Existing Use Rights

This option relies on existing use rights for well-established recurring activities which occur on Sites and Places of Significance to Mana Whenua e.g. Auckland marathon (part of Tamaki Drive is a site and place of significance). Activities must however have been lawfully established and the effects of the use the same or similar in character, intensity and scale to those which existing before the Unitary Plan became operative in part. Events that have increased in size over time may therefore not be able rely on existing use rights.

8.2.3 Issue 3 – Gap in noise rules for coastal temporary activities

Option 1 – No change/status quo

This option retains the status quo. This means that activities in the coastal marine area that are not defined as “noise events” have no applicable noise standards.

Option 2 – Plan Change to introduce a new noise rule for coastal temporary activities

This option addresses the gap in the provisions by introducing a noise standard or cross reference to a noise standard for activities in the coastal marine area that are not defined as noise events. (Note: noise events are defined in the Unitary Plan as “an event that exceeds the general noise controls for a site (or area within the coastal marine area) either in level or duration”).

8.2.4 Issue 4 – Temporary Emergency Activities

Option 1 – No change/status quo – rely on Section 330 – Emergency works and power to take preventative or remedial action, of the RMA.

This option continues with the status quo and reliance on Section 330 of the RMA to take the necessary action during an emergency.

Option 2 – Plan change to provide for “temporary emergency activities” as a permitted activity across the region (with a definition added).

This option involves a change to the Unitary Plan to specifically provide for “temporary emergency activities” as a permitted activity under the Temporary Activity provisions (which apply region wide).

Option 3 – Amendments to the RMA

This option involves lobbying Central Government (Ministry for the Environment) through the review of the RMA to provide greater powers when emergency activities are required in response to natural events/disasters.

The assessment of possible options against the selection criteria is outlined in the table below:

Section 9. Assessment of Options

9.1 Evaluation Criteria

The Tables below assesses the options for addressing the resource management issues against the evaluation criteria.

Sections of the RMA		Criteria
Appropriateness	s32(1)(a) and s32(1)(b) of the RMA	Is this option the most appropriate way in which to address the issue at hand? In doing so, is this option the most appropriate way to meet the objective(s) of the AUP and the purpose of the RMA?
Effectiveness	s32(1)(b)(ii) of the RMA	How successfully can this option address the issue? Does this option successfully meet the objectives of the AUP and the purpose of the RMA?
Efficiency	s32(1)(b)(ii) of the RMA	Does this option address the issue at lowest cost and highest net benefit?
Costs	s32(2) of the RMA	What are the social, economic, environmental or cultural costs and/or negative impacts that this option presents?
Benefits	s32(2) of the RMA	What are the social, economic, environmental or cultural benefits and/ or positive impacts that this option presents?

Risks	s32(2)(c) of the RMA	What are the risks of addressing this issue? What are the risks of not addressing this issue?
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Table 9: Criteria for the evaluation of options

9.2 Evaluation Scoring

Table 3 below contains a description of how the criteria are to be “scored”. This has been overlaid over the assessment.

Sections of the RMA	Ranking		
	Poor	Moderate	Strong
Appropriateness	Not appropriate in addressing issue	Somewhat addresses the issue	Appropriate in addressing the resource management issue
Effectiveness	Not effective in addressing issue	Somewhat effective in addressing issue	Addresses the issue effectively
Efficiency	Not efficient	Somewhat efficient	Efficient in addressing issue
Costs	Poses a high cost and/or had negative impact	Moderate costs and/or negative impacts	Little cost and/or negative impacts
Benefits	Little benefit and/or positive impacts	Moderate benefits and/or positive impacts	High benefit and/or positive impacts
Risks	High risks	Moderate risks	Low risk

Table 10: Evaluation rankings

9.3 The Evaluation

The evaluation of the possible options against the evaluation criteria is as follows:

9.3.1 Issue 1 – Temporary Activity Standards

Criteria	Option 1 – No change/status quo	Option 2 – Amendments to the controls relating to pack in and pack out duration and associated noise levels, duration of activities, traffic management and the definition of Anzac Day to provide greater flexibility	Option 3 – Global resource consent
Appropriateness	<p>Retaining the current approach is a valid option.</p> <p>It could be deemed appropriate given that the rules have only been in force since Nov 2016 and were the subject of the Unitary Plan process, including the hearing of submissions by the IHP.</p> <p>Is it the most appropriate option however?</p>	<p>Providing additional flexibility is also a valid approach.</p> <p>This option would result in adjusting the threshold (in terms of standards) slightly between what is a permitted activity and when resource consent would be required.</p>	<p>There is the potential to bundle together a number of temporary activities into a global resource consent to seek greater flexibility in terms of noise limits and duration.</p> <p>This is a valid resource management approach.</p>
Effectiveness	<p>Evidence from the Event Facilitation team and resource consent data indicates that a number of events now require a resource consent.</p>	<p>Adjusting the bar slightly between what is a permitted activity and when resource consent is required will be effective in enabling a greater number of temporary activities to occur (without the need for resource consent).</p>	<p>Able to clearly identify effects associated with known temporary activities on specific sites.</p> <p>Conditions can be applied to avoid, or mitigate those effects.</p> <p>Those events the subject of the global resource consent can then take place.</p>
Efficiency	<p>Requiring a large number of temporary activities to go through a resource consent process is not a very efficient process for both the event organiser(s) and Council (in terms of both ATEED and Resource Consents who would need to process multiple resource consent applications).</p>	<p>Adjusting the bar slightly between what is a permitted activity and when resource consent is required would result in a more efficient resource management process.</p> <p>A higher level of effects would however be permitted, so protection of amenity values would be lessened.</p>	<p>One global resource consent dealing with multiple temporary activities on many sites would represent a much more efficient process than the status quo.</p>

Costs	The time and costs associated with event organisers applying for multiple resource consents and the Council processing of those consents.	A reduced level of protection is afforded to the amenity values of sites in proximity to temporary activity locations..	The time and costs required to prepare a global resource consent. This is off set by the time and costs savings associated with the status quo – where multiple resource consents are required.
Benefits	A higher level of protection is afforded to the amenity values of sites in proximity to temporary activity locations.	Threshold for a resource consent can be set at level that enables certain temporary activities with no more than minor adverse effects to occur as a permitted activity. Reduces costs for some temporary activity organisers.	Affords a higher level of protection to the amenity values of sites in proximity to temporary activity locations as all temporary activities that exceed the current standards are subject to a resource consent.
Risks	Requiring a large number of temporary activities to go through a resource consent process. Not as many temporary activities take place and this lessens the “quality of life” for Aucklanders.	A higher level of effects would be permitted, so the protection of amenity values associated with nearby sites would be lessened.	Lengthy and costly process of putting the global resource consent together. It can only address those known temporary activities – so is not future proofed.

Table 11: Evaluation of possible options against the selection criteria – Temporary Activity Controls

9.3.2 Issue 2 – Sites of Significance to Mana Whenua Overlay

Criteria	Option 1 – No change/status quo	Option 2 – Enable all temporary activities as a permitted activity & use the Event Permit process to address Iwi Issues	Option 3 – Enable certain temporary activities as permitted activities/Remainder require consent	Option 4 – Global resource consent
Appropriateness	Any temporary activity on a site of Significance to Mana Whenua is a restricted discretionary activity and requires a	Removes the requirement for a resource consent. Event permit is a requirement under the	Difficult to distinguish which effects of activities should be “permitted” given the different values of different sites and overlapping rohe of	Able to clearly identify effects associated with known temporary activities on specific sites.

	<p>resource consent. The resource consent process enables an assessment of the effects of the activity on the values of the site and involvement of iwi in the process.</p>	<p>Trading & Events in Public Places Bylaw.</p> <p>Event permit process does not currently require engagement with iwi although this can occur.</p>	<p>iwi (where values may differ).</p> <p>Consent may still be required for certain aspects of a temporary activity, so no benefit to event organiser.</p>	<p>Conditions can be applied to avoid, or mitigate those effects.</p> <p>Iwi involvement in the resource consent process.</p> <p>RFA has applied for a global consent for three sites.</p>
Effectiveness	<p>Enables a through assessment of effects associated with a temporary activity on a site of significance to Mana Whenua.</p>	<p>Removes the requirement for a resource consent.</p> <p>Instead, relies on the event permit process to identify and manage adverse effects.</p> <p>No requirement currently in the event permit process to address effects on sites of significance to Mana Whenua – so a change to the event permit would be required.</p> <p>Removing the statutory requirement means there are no appeal rights by either party.</p>	<p>Less effective in protecting sites of significance to Mana Whenua.</p> <p>Difficulties in distinguishing which effects should be “permitted” and where given the many values associated with such sites and places and the differing views of iwi.</p>	<p>Ability to assess the effects of known temporary activities in known locations.</p> <p>Ability to manage adverse effects through conditions of consent.</p> <p>There will be some temporary activities in certain locations that won’t be able to be addressed upfront through a global resource consent.</p>
Efficiency	<p>Requiring every temporary activity on a site of significance to Mana Whenua to go through a resource consent process is not a very efficient process for both the event organiser(s) and iwi.</p> <p>Is efficient however in terms of protecting sites of significance to Mana Whenua</p>	<p>Avoids duplication of management – i.e. through the Unitary Plan and Event Permit process – so a more streamlined process.</p>	<p>Enables some temporary activities to be permitted.</p> <p>Certain aspects of a temporary activity may still trigger the need for resource consent.</p>	<p>One global resource consent dealing with multiple temporary activities on many sites of significance to Mana Whenua would represent a much more efficient process than the status quo.</p>

Costs	<p>The time and costs associated with applying for multiple resource consents.</p> <p>The costs applied on iwi in responding to multiple resource consent applications.</p>	<p>Removes the time and costs associated with the resource consent process.</p> <p>Relies on the Event Permit process only.</p> <p>Changes to the event permit would be required.</p> <p>There could be costs associates with the reduced protection of sites of significance to Mana Whenua</p>	<p>Removes the time and costs associated with the resource consent process for certain temporary activities (or certain effects).</p> <p>There will still be the costs of the resource consent process for those effects not enabled.</p>	<p>The time and costs required to prepare a global resource consent.</p> <p>This is off set by the time and costs savings associated with the status quo – where multiple resource consents are required.</p>
Benefits	<p>Affords a high level of protection for sites of significance to Mana Whenua as all temporary activities are subject to a resource consent.</p>	<p>Removes the duplication of processes.</p> <p>Iwi are still able to be involved but outside the statutory processes.</p> <p>To ensure iwi involvement is guaranteed, changes to the bylaw would be required.</p>	<p>Threshold for a resource consent can be set at level that enables certain temporary activities with less than minor adverse effects to occur as a permitted activity.</p> <p>Reduces costs for some temporary activity organisers.</p> <p>The costs applied to iwi in responding to multiple consents is lessened.</p>	<p>Affords a high level of protection for sites of significance to Mana Whenua as all temporary activities are subject to a resource consent.</p> <p>Efficiencies are gained by bundling together multiple temporary activities and/or multiple sites of significance to Mana Whenua together.</p>
Risks	<p>Temporary activities are costly to run, so not as many are undertaken.</p> <p>The costs applied to iwi in responding to multiple resource consent applications.</p>	<p>Relies on the bylaw to manage the effects associates with temporary activities.</p> <p>Removing the statutory requirement means there are no appeal rights by all parties.</p>	<p>That this option neither benefits iwi or the event organiser.</p> <p>Difficult to distinguish which effects of activities should be “permitted” given the different values of different sites and overlapping rohe of iwi.</p>	<p>Lengthy and costly process of putting the global resource consent together.</p> <p>It can only address those known temporary activities – so is not future proofed.</p>

Table 12: Evaluation of possible options against the selection criteria – Sites of Significance to Mana Whenua Overlay

9.3.3 Issue 3 – Gap in noise rules for coastal temporary activities

Criteria	Option 1 – No change/status quo	Option 2 – Introduce a new noise rule for coastal temporary activities
Appropriateness	A gap will still exist for activities in the coastal marine area in terms of noise standards.	Appropriate that temporary activities in the CMA do have a noise control at the coastal interface. If this is exceeded, then the activity is defined as a noise event and a different set of standards apply including the number, duration and noise limits for noise events
Effectiveness	Does not address the issue. The noise events standards will also not be triggered as a noise event is defined as an event that exceeds the general noise controls of a site either in level or duration.	Would address the issue by introducing a noise standard for temporary activities in the coastal marine area.
Efficiency	As no action is taken to address the issue, this is a zero cost option. This is off set by the fact that the issues are not addressed.	Option involves a plan change and the costs associated with that. These are reduced by bundling together the four temporary activity issues. Does address the issue in a cost effective manner.
Costs	Potential environmental (amenity values) costs of temporary activities in the coastal marine area with no relevant noise standards.	Costs associated with a plan change. The additional of a noise standard imposes an additional constraint on temporary activities in the CMA.
Benefits	There are benefits for temporary activities in the CMA as they do not need to comply with any noise standards at the coastal interface.	Appropriate that temporary activities in the CMA do have a noise control at the coastal interface. This will assist in managing the effects of temporary activities on amenity values.
Risks	Significant adverse effects which impact on the amenity values of adjacent residential or open space areas could occur from temporary activities. Council would be powerless to take action, other than that provided for under section 16 of the RMA (Duty to avoid unreasonable noise)	Restrictive standards are applied to temporary activities in the CMA (coastal interface) though the plan change process.

Table 13: Evaluation of possible options against the selection criteria – Gap in the noise rules for coastal temporary activities

9.3.4 – Issue 4 – Temporary Emergency Activities

Option 1 – No change/status quo – rely on Section 330 – Emergency works and power to take preventative or remedial action, of the RMA

Option 2 – Plan change to provide for “temporary emergency activities” as a permitted activity across the region (with definition added)

Option 3 – Amendments to the RMA

Criteria	Option 1 – No change/status quo – rely on section 330 of the RMA	Option 2 – Plan change to provide for “temporary emergency activities” as a permitted activity across the region (with a definition added)	Option 3 – Amendments to the RMA
Appropriateness	Does address the issue of works required after an “emergency/natural disaster”. Requires a retrospective resource consent to be applied for.	Temporary activities could be expanded to provide for “temporary emergency activities”. Would need to define exactly what these are (a definition would also be required).	Lessons learnt after Christchurch and Kaikoura could be factored into the RMA rewrite to provide greater powers and more appropriate timeframes to respond to an emergency/natural disaster.
Effectiveness	Section 330 has been reasonably effective in providing for responses to “emergency/natural disaster”. However the Kaikoura earthquake demonstrated that the requirement to lodge a resource consent within 20 working days was too short a time frame for an event of that scale.	There is already legislation in place but major events such as the Kaikoura earthquake have demonstrated that the timeframes are too tight. A plan change could be effective in addressing this issue and enabling certain works as permitted activities. There would be some duplication with the provisions of the RMA however and potentially any new provisions under the review of the RMA.	A review of the RMA is currently underway. This provides an opportunity to learn from events such as the Kaikoura earthquake and to amend the emergency provisions. These then would apply nationwide.
Efficiency	The statutory timeframes apply to all scale of emergencies. With a significant emergency where numerous emergency works may be required, the standard timeframes in the RMA are insufficient (based on the experiences at Kaikoura).	Individual TLA’s addressing this issue is not the lowest cost/greatest net benefit approach. Addressing the issue at the national level is more efficient. This is particularly so with the review of the RMA currently underway.	A rewrite of the legislation at the “national level” will be able to address the short comings of the current RMA timeframes. This addresses the issue nationally at the lowest cost and highest net benefit (as opposed to individual council undertaking plan changes)
Costs	With a significant emergency where numerous emergency works may be required, the standard timeframes in the RMA are insufficient. This potentially diverts resources away from the recovery.	Costs associated with a plan change and any appeals. Issue of consistency across the country if Auckland Council pursues a plan change approach to emergency works when the rest of the country relies on legislation (and recovery bills)	May get overlooked with the review of the RMA as this is only one of many issues to be addressed. There is always the option of a “recovery bill” where a “emergency occurs e.g. Hurunui/Kaikoura Earthquakes Recovery Bill

Benefits	<p>There is existing legislation in place. This applies to the country as a whole.</p> <p>It enables emergency works to be undertaken (although as mentioned above, the timeframes for applying for retrospective resource consents are too tight)</p>	<p>A plan change can run ahead of the reform of the RMA.</p> <p>Auckland Council can tailor the provisions to the Auckland situation and the likely emergencies/natural disasters it could encounter.</p>	<p>A rewrite of the legislation at the “national level” will be able to address the short comings of the current RMA timeframes. This addresses the issue nationally at the lowest cost and highest net benefit (as opposed to individual council undertaking their own plan changes)</p>
Risks	<p>There is existing legislation in place. This applies to the country as a whole.</p> <p>It enables emergency works to be undertaken (although as mentioned above, the timeframes for applying for retrospective resource consents are too tight)</p>	<p>The plan change runs counter to the what may come out of the reform of the RMA.</p> <p>Possible duplication of approaches – Unitary Plan and RMA.</p> <p>Plan change becomes stalled as a result of appeals.</p>	<p>The review of the RMA takes considerably longer than anticipated.</p> <p>The review of the RMA doesn’t address the current short comings in the provisions.</p> <p>A “nation – wide” approach is not as tailored to the potential threats/emergency works that Auckland could encounter/require.</p>

Table 14: Evaluation of possible options against the selection criteria – Temporary emergency activities

Section 10.0 Recommended Options and Reasons

10.1 Recommended Options

The following options are recommended. Only Issues 1 & 3 involve a plan change. Issue 2 involves a “global resource consent”, while issue 4 involves changes to legislation, specifically the RMA, which is currently under review. Auckland Council may wish to include temporary emergency activities in their submissions on the new RMA Bill when it is available for public submissions.

10.1.1 Issue 1 – Temporary Activity Standards

Option 2 – Plan Change for minor amendments to the temporary activity controls relating to pack in and pack out duration and associated noise levels, the duration of activities, traffic management and the definition of Anzac Day in the Pukekohe Park precinct to provide some additional flexibility.

(Note: Existing Use Rights - this option continues to be available for any event that can establish existing use rights)

10.1.2 Issue 2 – Sites of Significance to Mana Whenua Overlay

Option 4 – “Global” resource consent

(Note: in this context a “global resource consent” is a resource consent application that may involve more than one site and/or more than one temporary activity.)

10.1.3 Issue 3 – Gap in noise rules for coastal temporary activities

Option 2 – Plan Change to introduce a new noise rule for coastal temporary activities

10.1.4 Issue 4 – Temporary Emergency Activities

Option 3 – Amendments to the RMA

(Note: Auckland Council may need to submit on the replacement Resource Management Act to ensure this issue is adequately addressed)

10.2 Rationale for the recommended options

The rationale for the recommended options is:

10.2.1 Issue 1 – Temporary Activity Standards

- Adjusting the bar slightly between what is a permitted activity and when resource consent is required will be effective in enabling a greater number of temporary activities to occur (without the need for resource consent);
- Removes the time and costs associated with the resource consent process for those temporary activities that would be able to meet the new standards;
- Threshold for a resource consent can be set at level that enables certain temporary activities with no more than minor adverse effects to occur as a permitted activity;
- Reduces costs for some temporary activity organisers. This is particularly important for community fundraising events.

10.2.2 Issue 2 – Sites of Significance to Mana Whenua Overlay

- Able to clearly identify effects associated with known temporary activities on specific sites;
- Conditions can be imposed to avoid, or mitigate those effects;
- Iwi involvement in the resource consent process;
- A global resource consent dealing with multiple temporary activities on many sites of significance to Mana Whenua would represent a much more efficient process than the status quo, which involves a series of “one off” resource consent applications;
- Affords a high level of protection for sites of significance to Mana Whenua as all temporary activities continue to be subject to a resource consent.

10.2.3 Issue 3 – Gap in noise rules for coastal temporary activities

- Appropriate that temporary activities in the CMA do have a noise control at the coastal interface;
- If the noise standard is exceeded, then the activity is defined as a noise event and a different set of standards apply including the number, duration and noise limits for noise events;
- Addresses the issue in a cost-effective manner, particularly as the plan change is bundled with other changes.

10.2.4 Issue 4 – Temporary Emergency Activities

- Lessons learnt after Christchurch and Kaikoura could be factored into the RMA rewrite to provide greater powers and more appropriate timeframes to respond to an emergency/natural disaster;
- A rewrite of the legislation at the “national level” will be able to address the short comings of the current RMA timeframes;
- This addresses the issue nationally at the lowest cost and highest net benefit (as opposed to individual councils undertaking plan changes).

10.3 What is in scope/ out of scope

10.3.1 Within scope

- Minor amendments to the temporary activity controls relating to pack in and pack out duration and associated noise levels, duration of activities and traffic to provide some additional flexibility; and
- A new noise rule for coastal temporary activities.

10.3.2 Out of scope

- Providing for freedom camping as a permitted activity in the relevant Open Space zones (to be the subject of a separate plan change evaluation);
- Changes to the Trading and Events in Public Places (TEPP) Bylaw;
- Changes to the Auckland Council’s Freedom Camping Bylaw;
- Changes to legislation (although this paper could form the basis for part of a wider Auckland Council submissions);
- Any “global resource consent” application; and
- Establishing whether existing use rights exist for any event.

Section 11.0 Conclusion

The proposed plan change evaluation addresses issues raised in relation to temporary activities.

Section 32 of the Act requires that before adopting any objective, policy, rule or other method, the Council shall carry out an evaluation to examine:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Act, and
- Whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objective.

The evaluation must also take into account:

- The benefits and costs of policies, rules, or other methods; and

- 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.

A section 32 analysis of options has been undertaken in accordance with section 32(1)(b) and (2) of the RMA.

The options considered and the recommended options are:

Issue 1 – Temporary Activity Standards

Option 1 – No change/status quo

Option 2 – Amendments to the standards relating to pack in and pack out duration and associated noise levels, the duration of activities, traffic management and the definition of Anzac Day in the Pukekohe Park precinct to provide greater flexibility (**Recommended**)

Option 3 – Global resource consent

Issue 2 – Sites of Significance to Mana Whenua Overlay

Option 1 – No change/status quo

Option 2 – Enable all temporary activities as a permitted activity on sites of significance to mana whenua but subject to engagement with iwi and approval (if appropriate) through the event permit process

Option 3 – Enable certain temporary activities as permitted activities e.g. those that involve no buildings or structures, food preparation, toilet facilities etc. e.g. capping ceremony (Aotea Square), parades (Queen Street). Remainder require resource consent

Option 4 – “Global” resource consent (**Recommended**)

Option 5 – Rely on existing use rights for certain long held activities (but only if the scale of these activities remains the same or similar)

Issue 3 – Coastal Temporary Activities

Option 1 – No change/status quo

Option 2 – Plan change to adding an additional noise standard in E40 for activities that generate noise but are not noise events (**Recommended**)

Issue 4 – Temporary Emergency Activities

Option 1 – No change/status quo – rely on the provisions of the Resource Management Act 1991 (**Recommended**)

Option 2 – Plan change to specifically provide for temporary emergency activities as a permitted activity, under the temporary activity provisions.

These options are considered to best achieve Part 2 of the Resource Management Act 1991 and the purpose or objectives of relevant national and regional acts and/or planning documents. These include:

- New Zealand Coastal Policy Statement 2010;
- Hauraki Gulf Marine Park Act 2000
- Waitakere Ranges Heritage Area Act 2008
- Maori Plan 2017
- Auckland Plan 2018; and
- Auckland Unitary Plan 2016

List of Attachments

Attachment	Name of Attachment
A1	Information Used
A2	Examples of temporary activities requiring resource consent
A3	Auckland Unitary Plan Evidence

Attachment 1 - Information Used

The list of reports, documents and evidence that have been used in the development of this section 32 report are listed below:

Table 11: Information Used

Name of document, report, plan	How did it inform the development of the plan change
Unitary Plan evidence	
The Maori Plan 2017	Identifies issues of significance to Maori in Tamaki Makaurau
Auckland Plan 2050 (refresh) 2018	A refresh of Auckland’s high level strategic plan – contains directives and focus areas that are relevant to open space and recreation. Used to assess the appropriateness of the recommended option.
Auckland Unitary Plan 2016	Relevant sections of the Unitary Plan are used to assess the appropriateness of the recommended option. Evidence presented to the Independent Hearing Panel was used to provide background to some of the issues.
The following Legislation & National Policy Statements: Resource Management Act 1991 Local Government Act 2002 Reserves Act 1977, Hauraki Gulf Marine Park Act 2000, Waitakere Ranges Heritage Area Act 2008	Relevant sections of the legislation and national policy statements are used to assess the appropriateness of the recommended option.
The Trading and Events in Public Places Bylaw 2015, Film Auckland Protocol 2019	Relevant sections of the bylaw & protocol are used to assess the appropriateness of the recommended option.

Attachment 2 - Examples of Temporary Activities Requiring Resource Consent

(to be inserted)

Attachment 3 – Unitary Plan Evidence

4.2.1 Chole Trenouth’s Evidence (on behalf of Auckland Council)

The relevant evidence on the topic of temporary activities and Sites and Places of Significance to Mana Whenua is:

Only 61 SSMW are identified in the PAUP reflecting 46 legacy sites and 15 additional sites nominated through feedback to the March 2013 Draft Auckland Unitary Plan. These sites are identified as significant and the policy approach seeks to avoid significant adverse effects on the values and associations of Mana Whenua with these sites.

Protection for SSMW is achieved through the notified rules by requiring resource consent for most activities as a discretionary activity on or within 50m of a SSMW, with exceptions provided for minor activities as permitted.

Temporary activities

13.13 The notified provisions identified temporary activities that include toilets, changing rooms or land disturbance on SSMW identified as a site exception in Appendix 4.1 as a restricted discretionary activity. The intention of the provisions is to provide for a lesser activity status for those temporary activities on SSMW where the effects relate to intangible effects because the landscape is either highly modified or no archaeology exists.

13.14 Temporary activities are primarily managed by Auckland-wide provisions across all zones in Chapter H6.5. Generally activities are permitted or restricted discretionary subject to specified time periods, traffic and noise controls. The SSMW overlay overrides the Auckland-wide provisions.

13.15 Relocation of the earthworks provisions into Chapter H4.2 has resulted in a consequential change that requires the deletion of the earthworks part of the rule, leaving only the toilets and changing rooms in the Activity table in Chapter J5.1.

13.16 The proposed amendment to address the consequential change for temporary activities was discussed in mediation and was generally supported by most parties. However, IMSB raised concern at the mediation that effects on values by temporary activities other than toilets also needed to be considered, including for example food preparation and eating. IMSB was of the view that the temporary activity rule relates to all aspects of a temporary activity and not just those that include toilets and changing rooms. IMSB therefore preferred the notified wording of the activity, which I have reflected in the track changes in Appendix B.

13.17 In my opinion the intention of the notified temporary activity rule was clearly to manage only those temporary activities that include toilets and changing rooms. Temporary activities on all other SSMW were not specifically identified because the intention was that these would be picked up under the activities relating to buildings and earthworks, effectively being a discretionary activity.

13.18 I have considered the issues raised and I propose changes to apply the temporary activity rule to all sites, not just site exceptions, to provide greater clarity. I consider a restricted discretionary status for temporary activities that include toilets and changing rooms to be appropriate because it is consistent with the overall approach to temporary activities in

the Auckland-wide provisions. As a restricted discretionary activity, the CIA process will be required, providing the opportunity for Mana Whenua to recommend conditions to manage the cultural impacts of locating toilets and changing rooms on SSMW. The earthworks associated with temporary activities are discussed in my primary evidence to Topic 041.

13.19 Given that temporary activities generally occur on public land, I consider it appropriate for the broader concerns of IMSB to be addressed through management plans and agreements with the relevant Council Department or Council Controlled Organisation to enable site specific responses. In my opinion a resource consent process is not the most efficient and effective way of addressing the effects on Mana Whenua values for temporary activities that are often permitted by the Auckland-wide provisions and by their nature have temporary effects. This in my view is consistent with RPS B5.4 Policy 4, which requires the temporary nature of the adverse effect to be taken into account.

4.2.2 Phillip Mitchell's Evidence (On behalf of the IMSB)

The relevant evidence on the topic of temporary activities and Sites and Places of Significance to Mana Whenua is:

5.14 I support most of the SSMW provisions contained in Council's strikethrough version. However, there are some provisions on which I disagree, and which I consider require amendment. They include:

- (a) Minor changes to Policy 2 to clarify that it does not fetter the clear policy direction in Policy 1 and 1A that certain adverse effects be avoided.
- (b) The deletion of the rule which requires resource consent for a change of activities within a SSMW, and the breadth of activities captured by the Temporary Activities rule.
- (c) The deletion of non-complying activity rules relating to land disturbance on a SSMW.
- (d) The inclusion of new policies and rules for infrastructure.

5.24 With respect to the notified Temporary Activity rule, Ms Trenouth has deleted it, and replaced it with two rules, one addressing land disturbance (in the earthworks chapter) and the following rule addressing the Temporary Activity itself, in the SSMW chapter:

<u>Temporary activities where the activity involves toilets (including portaloos) or changing facilities</u>	RD
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5.25 As outlined in paragraph 5.19 it is apparent that there are numerous Temporary Activities that could have significant adverse effects on the values and associations of Mana Whenua with SSMW. Only managing toilets and changing facilities (as Ms Trenouth's rule does) is going to be of limited effectiveness in protecting the values and associations of Mana Whenua with SSMW from significant adverse effects.

5.26 In my view what is needed is for the owner / occupier of land within a SSMW to put together a set of protocols / conditions in consultation with Mana Whenua, for how temporary activities should be undertaken in those areas (identifying areas where cooked food will not be taken, toilets will not be placed, acceptable signage etc.). The question is to what extent rules in the PAUP need to require a resource consent to ensure that process happens.

5.27 I consider that the simplest way is to have restricted discretionary activity status for all Temporary Activities on SSMW, with discretion restricted to effects on the values and associations of Mana Whenua with the SSMW. I have made amendments to do this in my strikethrough version of the rule.

APPENDIX THREE

**RELEVANT LEGISLATIVE AND POLICY
FRAMEWORK**

Appendix 3 – Relevant Legislative and Policy Framework

This appendix contains relevant legislative and policy frameworks that inform Proposed Plan Change 36. This is grouped under the subheadings of the titles of relevant documents.

The Resource Management Act 1991

Relevant Statutory Matters for Plan Changes

Contained in this section is:

Section 31	Functions of territorial authorities in giving effect to the Resource Management Act 1991
Section 32	Requirements preparing and publishing evaluation reports. This section requires councils to consider the alternatives, costs and benefits of the proposal
Section 73	Sets out Schedule 1 of the RMA as the process to prepare or change a district plan
Section 74	Matters to be considered by a territorial authority when preparing a change to its district plan. This includes its functions under section 31, Part 2 of the RMA, national policy statement, other regulations and other matter
Section 75	Outlines the requirements in the contents of a district plan
Section 76	Outlines the purpose of district rules, which is to carry out the functions of the RMA and achieve the objective and policies set out in the district plan. A district rule also requires the territorial authority to have regard to the actual or potential effect (including adverse effects), of activities in the proposal, on the environment
Schedule 1	Sets out the process for preparation and change of policy statements and plans by local authorities

Section 31 Functions of territorial authorities under this Act

- (1) *Every authority shall have the following functions for the purpose of giving effect to this Act in its district:*
- (a) *the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.....*
- (aa)..... to (e).....
- (f) *any other functions specific in this Act*
- (2)

Section 32 Requirements for preparing and publishing evaluation reports

- (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*

(3)- (6)

Section 73 Preparation and change of district plans

(1) *There must at all times be 1 district plan for each district, prepared in the manner set out in the relevant Part of Schedule 1*

(1A) *A district plan may be changed in the manner set out in the relevant Part of Schedule 1*

(1B) –

(5)

Section 74 Matters to be considered by territorial authority

(1) *A territorial authority must prepare and change its district plan in accordance with—*

(a) *its functions under section 31; and*

(b) *the provisions of Part 2; and*

(c) *a direction given under section 25A(2); and*

(d) *its obligation (if any) to prepare an evaluation report in accordance with section 32; and*

(e) *its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and*

(ea) *a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and*

(f) *any regulations.*

(2) – (3)

Section 74 Matters to be considered by territorial authority

- (1) A territorial authority must prepare and change its district plan in accordance with—
- (a) its functions under section 31; and
 - (b) the provisions of Part 2; and
 - (c) a direction given under section 25A(2); and
 - (d) its obligation (if any) to prepare an evaluation report in accordance with section 32; and
 - (e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and
 - (ea) a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and
 - (f) any regulations.

(2) – (3)

Section 75 Contents of district plans

- (1)- (2)
- (3) A district plan must give effect to-
- (a) any national policy statement; and
 - (b) any New Zealand coastal policy statement; and
 - (ba) a national planning standard; and
 - (c) any regional policy statement
- (4)- (5)

Section 76 District rules

- (1)- (2A)
- (3) In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect.
- (4)- (5)

Schedule 1 of the Resource Management Act 1991

- Clause 8B A local authority shall hold a hearing into submissions on its proposed policy statement or plan.....
- Clause 10
- (1) A local authority must give a decision on the provisions and matters raised in submissions, whether or not a hearing is held on the proposed policy statement or plan concerned
- (2) The decision—
- (a) must include the reasons for accepting or rejecting the submissions and, for that purpose, may address the submissions by grouping them according to—
 - (i) the provisions of the proposed statement or plan to which they relate; or
 - (ii) the matters to which they relate; and
 - (ab) must include a further evaluation of the proposed policy statement or plan undertaken in accordance with section 32AA; and
 - (b) may include—
 - (i) matters relating to any consequential alterations necessary to the

- proposed statement or plan arising from the submissions; and*
(ii) any other matter relevant to the proposed statement or plan arising from the submissions.
- (3) *To avoid doubt, the local authority is not required to give a decision that addresses each submission individually.*

Auckland Council Unitary Plan

Regional Policy Statement & District Plan

This section contains the following:

B2.7	Open space and recreation facilities
B3.3	Transport
B8	Coastal Environment
E25	Noise and vibration
E27	Transport
E40	Temporary Activities
F2	Coastal – General Coastal Marine Zone
I434	Pukekohe Park Precinct

B2.7 Open space and recreation facilities

B2.7.1 Objectives

- (1) Recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities.*
- (2) Public access to and along Auckland’s coastline, coastal marine area, lakes, rivers, streams and wetlands is maintained and enhanced.*
- (3) Reverse sensitivity effects between open spaces and recreation facilities and neighbouring land uses are avoided, remedied or mitigated.*

B2.7.2 Policies

- (1) Enable the development and use of a wide range of open spaces and recreation facilities to provide a variety of activities, experiences and functions.*
- (7) Avoid, remedy or mitigate significant adverse effects of land use or development on open spaces and recreation facilities.*
- (8) Avoid, remedy or mitigate significant adverse effects from the use of open spaces and recreational facilities on nearby residents and communities.*
- (9) Enable public access to lakes, rivers, streams, wetlands and the coastal marine area by enabling public facilities and by seeking agreements with private landowners where appropriate.*
- (10) Limit public access to and along the coastal marine area, lakes, rivers, streams and wetlands by esplanade reserves, esplanade strips or other legal mechanisms where necessary for health, safety or security reasons or to protect significant natural or physical resources.*

B3.3. Transport

B3.3.1. Objectives

- (1) *Effective, efficient and safe transport that:*
- (a) *supports the movement of people, goods and services;*
 - (b) *integrates with and supports a quality compact urban form;*
 - (c) *enables growth;*
 - (d) *avoids, remedies or mitigates adverse effects on the quality of the environment and amenity values and the health and safety of people and communities; and*
 - (e) *facilitates transport choices, recognises different trip characteristics and enables accessibility and mobility for all sectors of the community.*

B3.3.2. Policies

Managing transport infrastructure

- (1) *Enable the effective, efficient and safe development, operation, maintenance and upgrading of all modes of an integrated transport system.*
- (2) *Enable the movement of people, goods and services and ensure accessibility to sites.*

B8. Coastal environment

B8.3. Subdivision, use and development

B8.3.1. Objectives

- (1) *Subdivision, use and development in the coastal environment are located in appropriate places and are of an appropriate form and within appropriate limits, taking into account the range of uses and values of the coastal environment.*
- (2) *The adverse effects of subdivision, use and development on the values of the coastal environment are avoided, remedied or mitigated.*
- (3) *The natural and physical resources of the coastal environment are used efficiently and activities that depend on the use of the natural and physical resources of the coastal environment are provided for in appropriate locations.*
- (4) *Rights to occupy parts of the coastal marine area are generally limited to activities that have a functional need to locate in the coastal marine area, or an operational need making outside of the coastal marine area.*
- (5) *Uses and developments that have a need to locate on land above and below the mean high water springs are provided for in an integrated manner.*
- (6) *Conflicts between activities including reverse sensitivity effects are avoided, remedied or mitigated.*
- (5) *Uses and developments that have a need to locate on land above and below the mean high water springs are provided for in an integrated manner.*
- (6) *Conflicts between activities including reverse sensitivity effects are avoided, remedied or mitigated.*
- (6) *Conflicts between activities including reverse sensitivity effects are avoided, remedied or mitigated.*

B8.3.2. Policies

Use and development

- (1) *Recognise the contribution that use and development of the coastal environment make to the social, economic and cultural well-being of people and communities.*
- (3) *Provide for use and development in the coastal marine area that:*
 - (a) *have a functional need which requires the use of the natural and physical resources of the coastal marine area;*

- (b) are for the public benefit or public recreation that cannot practicably be located outside the coastal marine area;
 - (c) have an operational need making a location in the coastal marine area appropriate and that cannot practicably be located outside the coastal marine area; or
 - (d) enable the use of the coastal marine area by Mana Whenua for Māori cultural activities and customary uses.
- (4) Require subdivision, use and development in the coastal environment to avoid, remedy or mitigate the adverse effects of activities above and below the mean high water springs, including the effects on existing uses and on the coastal receiving environment.*
- (6) Consider the purposes for which land or water in the coastal environment is held or managed under any enactment for conservation or protection purposes and:*
- (a) avoid adverse effects that are significant in relation to those purposes; and*
 - (b) avoid, remedy or mitigate other adverse effects in relation to those purposes.*

B8.4. Public access and open space

B8.4.1. Objectives

- (1) Public access to and along the coastal marine area is maintained and enhanced, except where it is appropriate to restrict that access, in a manner that is sensitive to the use and values of an area.*
- (2) Public access is restricted only where necessary to ensure health or safety, for security reasons, for the efficient and safe operation of activities, or to protect the value of areas that are sensitive to disturbance.*
- (3) The open space, recreation and amenity values of the coastal environment are maintained or enhanced, including through the provision of public facilities in appropriate locations.*

B8.4.2. Policies

- (1) Subdivision, use and development in the coastal environment must, where practicable, do all of the following:*
 - (a) maintain and where possible enhance public access to and along the coastal marine area, including through the provision of esplanade reserves and strips;*
 - (b) be designed and located to minimise impacts on public use of and access to and along the coastal marine area;*
 - (c) be set back from the coastal marine area to protect public open space values and access; and*
 - (d) take into account the likely impact of coastal processes and climate change, and be set back sufficiently to not compromise the ability of future generations to have access to and along the coast.*
- (2) Provide for a range of open space and recreational use of the coastal environment by doing all of the following:*
 - (a) identifying areas for recreational use, including land-based facilities for those uses, where this ensures the efficient use of the coastal environment;*
 - (b) enabling the provision of facilities in appropriate locations that enhance public access and amenity values;*
 - (c) enabling Māori cultural activities and customary use; and*
 - (d) managing uses to avoid conflicts and mitigate risks.*
- (3) Restrict public access to and along the coastal marine area, particularly walking access, only where it is necessary to do any of the following:*
 - (a) protect public health and safety;*
 - (b) provide for defence, port or airport purposes;*
 - (c) protect areas with natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal, historic heritage and special character;*

- (d) protect threatened indigenous species;*
- (e) protect dunes, estuaries and other sensitive natural areas or habitats;*
- (f) have a level of security necessary to carry out an activity or function that has been established or provided for;*
- (g) provide for exclusive use of an area to carry out an activity granted an occupation consent under section 12 of the Resource Management Act 1991;*
- (h) enable a temporary activity or special event; or*
- (i) in other exceptional circumstances sufficient to justify the restriction.*

E25. Noise and vibration

E25.2. Objectives [rcp/dp]

- (1) People are protected from unreasonable levels of noise and vibration.*
- (2) The amenity values of residential zones are protected from unreasonable noise and vibration, particularly at night.*
- (4) Construction activities that cannot meet noise and vibration standards are enabled while controlling duration, frequency and timing to manage adverse effects.*

E25.3. Policies [rcp/dp]

- (1) Set appropriate noise and vibration standards to reflect each zone's function and permitted activities, while ensuring that the potential adverse effects of noise and vibration are avoided, remedied or mitigated.*
- (2) Minimise, where practicable, noise and vibration at its source or on the site from which it is generated to mitigate adverse effects on adjacent sites.*
- (8) Require activities to be insulated or protected, from unreasonable manmade noise and vibration emitted from the use and development of neighbouring lakes, rivers or the coastal marine area.*
- (9) Avoid, remedy or mitigate the adverse effects of noise in the rural environment, having regard to the working nature of this environment.*
- (10) Avoid, remedy or mitigate the adverse effects of noise and vibration from construction, maintenance and demolition activities while having regard to: (a) the sensitivity of the receiving environment; and*
- (b) the proposed duration and hours of operation of the activity; and*
- (c) the practicability of complying with permitted noise and vibration standards.*

E27. Transport

E27.2. Objectives

- (1) Land use and all modes of transport are integrated in a manner that enables:*
 - (a) the benefits of an integrated transport network to be realised; and*
 - (b) the adverse effects of traffic generation on the transport network to be managed.*
- (2) An integrated transport network including public transport, walking, cycling, private vehicles and freight, is provided for.*
- (4) The provision of safe and efficient parking, loading and access is commensurate with the character, scale and intensity of the zone.*
- (5) Pedestrian safety and amenity along public footpaths is prioritised.*

E27.3. Policies

- (1) Require subdivision, use and development which:*
 - (a) generate trips resulting in potentially more than minor adverse effects on the safe, efficient and effective operation of the transport network;*
 - (c) do not already require an integrated transport assessment or have been approved based on an integrated transport assessment*

to manage adverse effects on and integrate with the transport network by measures such as travel planning, providing alternatives to private vehicle trips, staging development or undertaking improvements to the local transport network.

E40. Temporary activities

E40.2. Objectives [rcp/dp]

- (1) Temporary activities and events contribute to a vibrant city and enhance the social, environmental, economic and cultural well-being of communities.*
- (2) Temporary activities are located and managed to mitigate adverse effects on amenity values, communities and the natural environment.*
- (3) Temporary activities are managed to minimise any adverse effects on the use and enjoyment of open space.*
- (4) Temporary activities involving large numbers of people predominantly occur in the Business – City Centre Zone, the Business – Metropolitan Centre Zone and the Auckland Domain.*
- (5) Temporary activities for training purposes are undertaken in appropriate locations so that amenity values are maintained and any adverse effects are avoided, remedied or mitigated.*

E40.3. Policies [rcp/dp]

- (1) Enable temporary activities and associated structures, provided any adverse effects on amenity values are avoided, remedied or mitigated, including by ensuring:
 - (a) noise associated with the activity meets the specified standards;*
 - (b) activities on adjacent sites that are sensitive to noise are protected from unreasonable or unnecessary noise;*
 - (c) noise from outdoor events using electronically amplified equipment is controlled through limiting the times, duration and the frequency of events;*
 - (d) waste and litter are effectively managed and minimised; and*
 - (e) any restrictions on public access or other users of open space areas are minimised, and any adverse effects are mitigated.**
- (2) Enable temporary activities for filming purposes, including associated film sets, while managing any adverse effects.*
- (3) Control traffic generated by a temporary activity, including heavy traffic, so that it does not detract from:
 - (a) the capacity of the road to safely and efficiently cater for motor vehicles, pedestrians and cyclists; and*
 - (b) the well-being of residents and reasonable functioning of businesses on surrounding sites.**
- (4) Require any disturbance of the foreshore or seabed from a temporary activity to be remedied, unless this can be achieved by natural processes.*
- (5) Require temporary activities involving large numbers of people to locate in areas where there is:
 - (a) capacity to safely host large numbers of people;*
 - (b) sufficient parking where necessary;*
 - (c) sufficient road network capacity for the event;*
 - (d) capacity in the public transport network to service the event, or the ability for the event to be temporarily serviced by mass passenger transport; and*
 - (e) the ability to avoid, remedy or mitigate adverse effects on the environment.**
- (6) Manage the effects of temporary activities so that the values of any scheduled ecological, natural character, natural features, landscape, historic heritage or Mana Whenua areas are maintained, and any adverse effects on the natural environment are avoided, remedied or mitigated.*
- (7) Manage the noise effects of temporary military training activities, and any adverse effects from other temporary training activities, so that amenity values are maintained.*

F2. Coastal – General Coastal Marine Zone

F2.14.2. Objectives [rcp]

- (1) The high public value of the coast and coastal marine area as open space area with free public access is maintained.*
- (2) Occupation rights are provided for in appropriate locations, and in appropriate circumstances for use and development that has a functional need to be located in the common marine and coastal area, and for infrastructure that has an operational need to be located below mean high water springs and cannot be practicably located on land.*
- (3) Limit exclusive occupation to where it can be demonstrated it is necessary for the efficient functioning of the use and development or is needed for public safety, and any loss of public access and use as a result is minimised and mitigation is provided where practicable.*
- (4) Efficient use is made of coastal marine area by consolidating use and development within appropriate areas, where practicable.*
- (5) Activities that do not have a functional or operational need to be undertaken in the common marine and coastal area are provided for within zones or precincts only where they can demonstrate:
 - (a) the need for a common marine and coastal area location;*
 - (b) they cannot practicably be located on land outside of the coastal marine area; and*
 - (c) they are consistent with the use and value of the area, including the adjacent land area, and do not compromise natural character, ecological, public access, Mana Whenua, historic heritage, or amenity values.**
- (6) Activities that do not have a functional or operational need to be undertaken in the coastal marine area do not unduly limit the use of areas for marine and port activities or result in adverse cumulative effects.*
- (7) Use and development in the coastal marine area is supported by all necessary land-based access and infrastructure.*
- (8) Short-term occupation that restricts public access for a limited period to enable special events and activities to be undertaken in the common marine and coastal area is allowed.*

F2.14.3. Policies [rcp]

- (1) Enable use and occupation of the common marine and coastal area to provide for use and development that:
 - (a) has a functional or operational need to be below mean high water springs and may require public access to be restricted; or*
 - (b) is necessary to provide for the use of the coastal marine area by Mana Whenua for Māori cultural activities and customary uses; and*
 - (c) will not compromise or limit the operation of existing activities that have occupation rights within the common marine and coastal area.**
- (2) Provide for exclusive occupation rights in the common marine and coastal area only where it can be demonstrated this is necessary for the efficient functioning of the use and development or is needed for public safety, and will enable the most efficient use of space by activities in the common marine and coastal area and require that the loss of public access and recreational use is mitigated.*
- (3) Avoid use and occupation of the common marine and coastal area by activities that do not have a functional need to be undertaken in the coastal marine area, unless the proposed use:*

- (a) can demonstrate it needs to be located in the common marine and coastal area and cannot practicably be located on land outside of the common marine and coastal area;
- (b) is consistent with the objectives and policies for the relevant zone or precinct;
- (c) will enhance amenity values and not conflict with marine activities; and (d) any necessary land-based infrastructure can be provided.
- (4) Avoid granting rights of exclusive occupation in areas with high public use and where it will have a significant adverse effect on public access and recreational use of the common marine and coastal area.
- (6) Provide for the use and occupation of the common marine and coastal area associated with the effective operation, maintenance, upgrading and development of the components of the electricity transmission network that have a functional or operational need to locate in the coastal marine area in appropriate areas.
- (7) Enable temporary occupation of the common marine and coastal area by structures or activities associated with events or temporary activities, while minimising adverse effects on public access, use, and ensuring safety.
- (10) Require any proposed use and development for activities in the common marine and coastal area to demonstrate that any necessary land-based access and infrastructure can be appropriately provided for.
- (11) Determine the appropriate duration for granting rights of occupation having regard to the:
- (a) extent of public use and access of the area and the impact of restrictions on the loss of public use and access;
- (b) level of investment in the development and need for security of tenure to ensure its financial and economic viability and/or long term public benefit;
- (c) land use and coastal development changes proposed in the vicinity through any statutory management strategies or plans that anticipate a change in public use and access in the area; and
- (d) term of other consents in the vicinity, and the strategic benefit of all consents in an area expiring simultaneously.
- (12) Allow temporary military training activities for defence purposes within the coastal marine area, provided:
- (a) there is no, damage to or destruction of sites scheduled in the: D17 Historic Heritage Overlay; D9 Significant Ecological Areas Overlay – Marine 1 and 2; D10 Outstanding Natural Features Overlay and Outstanding Natural Landscape Overlay; or D11 Outstanding Natural Character Overlay and High Natural Character Overlay;
- (b) adverse effects on coastal processes are mitigated; and
- (c) public access is maintained to and along the coastal marine area except where a restriction is necessary to protect public health and safety or where public access would be in conflict with the Defence Act 1990.
- (13) Avoid underwater explosives training:
- (a) in sites scheduled in the scheduled in the D17 Historic Heritage Overlay; D9 Significant Ecological Areas Overlay – Marine 1 and 2; D10 Outstanding Natural Features Overlay and Outstanding Natural Landscape Overlay; or D11 Outstanding Natural Character Overlay and High Natural Character Overlay;
- (b) where it will result in non-transitory or more than minor adverse effects on significant indigenous biodiversity; and
- (c) sites and places of significance or value to Mana Whenua.

I434. Pukekohe Park Precinct

I434.2. Objectives

- (1) Pukekohe Park is protected as a regionally and nationally important venue for motorsports activities and horse racing.

- (2) A range of activities compatible with, or accessory to, the primary activities are enabled.
- (3) The adverse effects of the operation of Pukekohe Park are avoided, remedied or mitigated as far as is practicable recognising that the primary activities will by virtue of their nature, character, scale and intensity, generate adverse effects on surrounding land uses which are not able to be fully internalised.

I434.3. Policies

- (4) Enable the safe and efficient operation of Pukekohe Park for its primary activities.
- (5) Protect the primary activities of Pukekohe Park from the reverse sensitivity effects of adjacent development.
- (6) Enable a range of accessory and compatible activities which:
- (a) avoid, remedy or mitigate adverse effects; and
 - (b) are of a character and scale which will not displace the primary activities.
- (7) Manage the adverse effects of the operation of Pukekohe Park, having regard to the amenity of surrounding properties.
- (8) Recognise that Pukekohe Park's primary activities may generate adverse effects that are not able to be fully internalised and may need to be further mitigated by limiting or controlling their scheduling, duration and frequency.

Other relevant legislation

Trading and Events in Public Places Bylaw 2015 (currently being reviewed)

APPENDIX FOUR
SUBMISSIONS AND FURTHER SUBMISSIONS

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Derek Balle

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

194 station Road Pukekohe
PO Box 95 Pukekohe

Telephone:

0274 313 909

Fax/Email:

derek@dbrs.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 53

Plan Change/Variation Name

Temporary Activities Standards and Pukekohe Park Precinct

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Temporary Activity standards

Or

Property Address

Pukekohe Park Precinct

Or

Map

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended

Yes

No

The reasons for my views are: See attached

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below | 1.1
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

Remove the lighting of fireworks as a permitted activity in the Temporary Activities standards. | 1.2

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing



Signature of Submitter
(or person authorised to sign on behalf of submitter)

24/09/2020

Date

Notes to person making submission:
 If you are making a submission to the Environmental Protection Authority, you should use Form 16B.
 Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.
 If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.
 I could / could not gain an advantage in trade competition through this submission.
 If you could gain an advantage in trade competition through this submission please complete the following:
 I am / am not directly affected by an effect of the subject matter of the submission that:
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition.

We are writing to formally advise you of our objection and concern regarding the proposed Auckland Council plan change PC53 – to one specific clause – Temporary Activities Standards – **the lighting of fireworks.**

We are one of many horse properties located on Station Road and Yates Road, Pukekohe and we have over 20 bloodstock on our property at any given time that would be greatly affected by a pyrotechnic display in the area. Holding such a display at Pukekohe Park Raceway, which is less than 100 metres from the entrance of our property, is very unsafe and potentially reckless.

Horses are extremely sensitive to noise and their natural panic response to unexpected loud noise, let alone huge firework flashes in the sky, can send them running into fences and gates, or thrash out in their loose boxes, causing horrific injuries. It would not be an exaggeration that within a 1 kilometre radius of Pukekohe Park Raceway, there would be in excess of 400 horses at various properties. The Franklin Park Harness Racing training facility is adjacent to our property and is the hub of standardbred training in Pukekohe.

We are happy to agree to the other terms in the proposed plan change. Noise from loud motor racing cars does not affect bloodstock and agree to the extension of hours for activities and noise.



Level 5, AMP Tower
 Customs Street West
 Private Bag 106602
 Auckland 1143
 New Zealand
 T 64 9 969 9800
 F 64 9 969 9813
www.nzta.govt.nz

FORM 5

Submission on a notified proposal for Plan Change 53 – Temporary Activities Standards and Pukekohe Precinct Park Resource Management Act 1991

20 October 2020

Auckland Council
 Plans and Places
 Private Bag 92300
 Auckland 1142
 Attn: John Duguid

Email: unitaryplan@aucklandcouncil.govt.nz

Name of submitter: The New Zealand Transport Agency

This is a submission on Plan Change 53 – Temporary Activities Standards and Pukekohe Precinct Park (**Plan Change**) to the Auckland Unitary Plan (operative in Part).

The New Zealand Transport Agency (**Waka Kotahi**) could not gain an advantage in trade competition through this submission.

Waka Kotahi role and responsibilities

Waka Kotahi is a Crown Entity established by Section 93 of the Land Transport Management Act 2003 (LTMA). Waka Kotahi's objective is to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest. Waka Kotahi's roles and responsibilities include:

- Managing the State Highway system, including planning, funding, designing, supervising, constructing, maintaining and operating the system.
- Managing funding of the land transport system, including auditing the performance of organisations receiving land transport funding.
- Managing regulatory requirements for transport on land and incidents involving transport on land.
- Issuing guidelines for and monitoring the development of regional land transport plans.

The Plan Change relates to activities that have the potential to impact on the safety and efficiency of State Highways around the Auckland region. Waka Kotahi's interest in this proposed Plan Change stems from its role as:

- A transport investor to maximise effective, efficient and strategic returns for New Zealand.

- A planner of the land transport network to integrate one effective and resilient network for customers.
- Provider of access to and use of the land transport system to shape smart efficient, safe and responsible transport choices.
- The manager of the State Highway system and its responsibility to deliver efficient, safe and responsible highway solutions for customers.

Government Policy Statement on Land Transport.

Waka Kotahi also has a role in giving effect to the Government Policy Statement on Land Transport (GPS). The GPS is required under the LTMA and outlines the Government's strategy to guide land transport investment over the next 10 years. The four strategic priorities of the GPS 2021 are safety, better travel options, climate change and improving freight connections. A key theme of the GPS is integrating land use, transport planning and delivery. Land use planning has a significant impact on transport policy, infrastructure and services provision, and vice versa. Once development has happened, it has a long-term impact on transport. Changes in land use can affect the demand for travel, creating both pressures and opportunities for investment in transport infrastructure and services, or for demand management. Likewise, changes in transport can affect land use.

Waka Kotahi gives effect to the GPS through a number of strategic plans including:

- Arataki – our ten-year view of the step changes and actions needed to deliver on the government's current priorities and long-term outcomes for the land transport system;
- Toitu Te Taiao – Our sustainability action plan. This notes two big challenges around reducing greenhouse gases and improving public health;
- Keeping Cities Moving – our national mode shift plan based around shaping urban form, making shared and active modes more attractive and influencing travel demand and transport choices.

Decision sought

Waka Kotahi are generally supportive of the Plan Change as it promotes a framework whereby temporary activities can occur with measures to ensure safe traffic management. However, we seek a minor amendment to ensure that temporary activities that occur on or near to State Highways are able to be considered by Waka Kotahi, where appropriate.

Decisions that Waka Kotahi seeks on the Plan Change are set out in its submissions contained in **Table 1**. Waka Kotahi Agency also seeks any consequential changes to the Plan Change required to give effect to the relief described in **Table 1**.

Hearings

Waka Kotahi wishes to be heard in support of its submission. If others make a similar submission, Waka Kotahi will consider presenting a joint case with them at a hearing.

Signature of person authorised to sign on behalf of Submitter:

A handwritten signature in black ink, appearing to read "Evan Keating". The signature is written in a cursive style with a large, stylized 'K'.

Evan Keating

Principle Planner

Waka Kotahi

Address for Service of person making submission:

NZ Transport Agency

Contact Person: Brendan Clarke

Email: Brendan.clarke@nzta.govt.nz

**Table 1: NZ Transport Agency Submission on Auckland Unitary Plan (OIP) Plan Change 53
Temporary Activities Provisions are Pukekohe Precinct Park**

Sub #	Provision Number	Reason for Submission	Relief Sought
1	E40.6.2. Traffic Associated with Temporary Activities	<p>The provisions effectively remove the requirement for resource consent for activities generating more than 500 vehicle movements per day, provided a Transport and Traffic Management Plan is submitted to Council.</p> <p>Waka Kotahi would normally have the ability to comment on these resource applications through the normal notification procedures (if relevant), however this ability is now less clear. Where temporary activities have the potential to impact the State Highway network, Waka Kotahi should always have the ability to comment and provide feedback on temporary traffic management proposals</p>	<p>Base text is PC51as notified, changes accepted. New text <u>underline</u> Deleted text through</p> <p>Support with amendment. Relief sought:</p> <p>E40.6.2: Where an event in a rural or Future Urban Zone generates more than 500 vehicle movements per day on adjacent roads a Transport and Traffic Management Plan (prepared by a suitably qualified and experienced person and authorised by Auckland Transport and/or Waka Kotahi where there is <u>potential impact on the State Highway network</u>) shall be prepared and implemented.</p>

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Liesl Ann Dawson

Organisation name: Auckland Tourism, Events & Economic Development (ATEED)

Agent's full name:

Email address: liesl.dawson@aucklandnz.com

Contact phone number:

Postal address:

Auckland
Auckland 1010

Submission details

This is a submission to:

Plan change number: Plan Change 53

Plan change name: PC 53: Temporary Activities Standards and Pukekohe Park Precinct

My submission relates to

Rule or rules:

Proposed Plan Change 53 Temporary Activity Standards and Pukekohe Park Precinct, particularly item - vi) align Anzac Day in the Pukekohe Park precinct to the definition under the Anzac Day Act 1966

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Every six years Anzac Day falls on a Sunday which means under the currently proposed changes, events (like Supercars at Pukekohe Park) would not be able to go ahead on the Sunday if it aligns completely with the Anzac Day Act 1966. This could see the event removed from the Auckland calendar indefinitely.

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: If Anzac Day falls on a Sunday, allow events to occur after 1pm while still allowing for Anzac Day to be observed.

Submission date: 20 October 2020

Supporting documents

Letter of support - Pukekohe Park Precinct.pdf

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



PukekohePark

COUNTIES RACING CLUB

PO Box 47
222-250 Manukau Road, Pukekohe
09 238 8049
info@pukekohepark.co.nz
www.PukekohePark.co.nz

20 October 2020

Auckland Council

To whom it may concern

Re: ATEED Submission on ANZAC Day Use of Pukekohe Park

Dear Sir/Madam

On behalf of the Counties Racing Club Incorporated I am writing to advise of our confirmation in agreeing to the ATEED proposed changes to ANZAC Day use in the Unitary Plan for the Pukekohe Park Precinct.

The Australian Supercar Event is held over three days and under the current Unitary Plan if ANZAC Day falls on any of these Pukekohe Park cannot hold the Event.

Before the Unitary Plan came into effect Supercars was held on ANZAC Day with the support of the Returned Services Association.

Yours sincerely

The Counties Racing Club Incorporated

A handwritten signature in blue ink, appearing to read 'Greg Mitchell', is written over a horizontal line.

Greg Mitchell
Secretary/General Manager

Contact details

Full name of submitter: New Zealand Defence Force

Organisation name: New Zealand Defence Force

Agent's full name: Rebecca Davies

Email address: rebecca.davies@nzdf.mil.nz

Contact phone number: 021445482

Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 53

Plan change name: PC 53: Temporary Activities Standards and Pukekohe Park Precinct

My submission relates to

Rule or rules:
Note 2 of Table 40.4.1
E40.6.2

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

The New Zealand Defence Force (NZDF) undertakes Temporary Military Training Activities (TMTA) throughout the country as an essential part of maintaining military capability. Training in a variety of off-site environments is essential in order to train for real-world scenarios. While TMTA are provided for under specific provisions and the proposed provisions will likely not affect NZDF's ability to carry out TMTA, NZDF nonetheless wishes to submit in support of the provisions identified in case there is any crossover or any changes that could affect TMTA resulting from the hearing process.

I or we seek the following decision by council: Approve the plan change without any amendments

4.1

Details of amendments:

Submission date: 22 October 2020

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Further Submission in support of, or opposition to, a notified proposed plan change or variation

Clause 8 of Schedule 1, Resource Management Act 1991
FORM 6



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Further Submission No:
Receipt Date:

Further Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Derek Bolle

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

194 station Road Pukekohe
PO Box 95 Pukekohe

Telephone:

0274 313909

Fax/Email:

derek@dbrs.co.nz

Contact Person: (Name and designation, if applicable)

Scope of Further Submission

This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number	PC 53
Plan Change/Variation Name	Temporary Activities Standards and Pukekohe Park Precinct

I support : Oppose (tick one) the submission of:

(Please identify the specific parts of the original submission)

(Original Submitters Name and Address)

Submission Number

Point-Number

Derek Bolle

1

1.1 & 1.2

194 station Road

Pukekohe

The reasons for my support / opposition are:

see attached.

(continue on a separate sheet if necessary)

I seek that:

the whole :

or part (describe precisely which part) the lighting of fireworks as a permitted activity in the temporary activities standards

of the original submission, be allowed

of Pukekohe Park. disallowed

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

Signature of Further Submitter
(or person authorised to sign on behalf of further submitter)

23 / 11 / 2020

Date

PLEASE COMPLETE THE FOLLOWING SECTION

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

Neighbouring property (one of many) to Pukekohe Park that has bloodstock present.

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

Notes to person making submission:

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

Submission 2

As previously stated below, we are happy with all the other proposed changes in the submission for Pukekohe Park with exception to the lighting of fireworks - detailed below.

We have lived in Station Road for 28 years and accept that Pukekohe Park has car racing and other events which create noise and additional event traffic. We do not have any objection to such events taking place and the extension of operating hours to allow these events to take place as proposed in the plan change.

Our only objection is to large pyrotechnic displays. Horses and fireworks simply do not mix.

It is also not a matter of just relocating them for when such event may take place. This is a logistical impossibility and we are not the only property affected – there are large numbers of horses in the surrounding area of Pukekohe Park as there are established galloping and harness racing tracks in the immediate vicinity.

Submission 1

We are writing to formally advise you of our objection and concern regarding the proposed Auckland Council plan change PC53 – to one specific clause – Temporary Activities Standards – **the lighting of fireworks**.

We are one of many horse properties located on Station Road, Golding Road and Yates Road, Pukekohe and we have over 20 bloodstock on our property at any given time that would be greatly affected by a pyrotechnic display in the area. Holding such a display at Pukekohe Park Raceway, which is less than 100 metres from the entrance of our property, is very unsafe and potentially reckless.

Horses are extremely sensitive to noise and their natural panic response to unexpected loud noise, let alone huge firework flashes in the sky, can send them running into fences and gates, or thrash out in their loose boxes, causing horrific injuries. It would not be an exaggeration that within a 1 kilometre radius of Pukekohe Park Raceway, there would be in excess of 400 horses at various properties. The Franklin Park Harness Racing training facility is adjacent to our property and is the hub of standardbred training in Pukekohe.

We are happy to agree to the other terms in the proposed plan change. Noise from loud motor racing cars does not affect bloodstock and agree to the extension of hours for activities and noise.

The following customer has submitted a Unitary Plan online further submission.

Contact details

Full name of person making a further submission: Marian Whitehead

Organisation name:

Full name of your agent: Marian Whitehead

Email address: marianjw2@gmail.com

Contact phone number: 02102435102

Postal address:
58b Glasgow Rd

Pukekohe 2120

Submission details

This is a further submission to:

Plan change number: Plan Change 53

Plan change name: PC 53: Temporary Activities Standards and Pukekohe Park Precinct

Original submission details

Original submitters name and address:
Auckland Tourism, Events & Economic Development (ATEED)
c/- Liesl Ann Dawson

[liesl.dawon@aucklandnz.com](mailto:liesel.dawon@aucklandnz.com)

Submission number: 3.1 & 3.2

Do you support or oppose the original submission? I or we oppose the submission

Specific parts of the original submission that your submission relates to:
Point number 1 & 2

The reasons for my or our support or opposition are:

1. The submission seeks to allow motor racing at Pukekohe Park Raceway on Anzac Day if it is a Sunday after 1pm as well as Anzac Day that falls on other days of the week after 1pm. This affects the observance and enjoyment of Anzac Day for the many inhabitants of Pukekohe who cannot avoid hearing the loud noise of motor racing at Pukekohe Park which disturbs our lives on many other weekends throughout the year.

2. The provisions of the Pukekohe Park Precinct identify only a few days of the year when motor racing cannot occur, of which Anzac Day is one. These are the only days when Pukekohe residents can be assured that they will not be disturbed by the noise of motor racing. To allow motor racing on Anzac Day, whatever day it falls on, and especially Sunday, even if it is only after 1pm, takes away one of the few days of the year where Pukekohe residents can be certain there will not be motor racing noise and the associated activities including, loud speakers and music, and the noise of helicopters and other aircraft filming the event flying overhead. The few days of the year when no

motor racing is allow should be retained.

3. The submissions indicates that racing on a Sunday would allow for the Supercars when Anzac Day falls on a Sunday every 6 years. In fact changing the provision in this way would allow any motor racing to occur on Anzac Day, not just the Supercars.

4. The proposed Plan Change would result in the many inhabitants of Pukekohe being disturbed by noise on Anzac Day, for the benefit of a few. There appears no reason why Supercars, or any other motor racing cannot be scheduled to avoid racing on on the whole of Anzac Day given that these dates are known well in advance.

5. The Proposed Change to align the meaning of Anzac Day in the Pukekohe Park Precinct Provisions to another Act, namely the Anzac Day Act 1966, only creates confusion for anyone trying to understand the provisions. The Anzac Day Act itself is not clear and also references other Acts like the Holidays Act and the Shop Trading Hours Act.

6. The reason for the current Plan provisions not allowing motor racing on Anzac Day and Good Friday etc. relates to the noise disturbance it creates for the inhabitants of Pukekohe and nearby residents who deserve to be able to enjoy and observe an important Public Holiday, that has real significance for many, in their homes without noise disturbance being imposed on them throughout the day. This is a different matter to Shop Trading Hours and Holidays where people may choose what activities they undertake including whether they wish to open their shop etc.

7. For the above reasons I request that the submission be disallowed so that:

- a) the term Anzac Day in the Pukekohe Park Precinct provisions is retained as written and does not refer to the definition in the Anzac Day Act 1966.
- b) No motor racing is allowed on Anzac Day when it falls on a Sunday
- c) No motor racing is allowed on Anzac Day when it falls on Saturday or on any other day of the week.

I wish to be contacted in regard to a hearing or pre-hearing meeting, and to be given the opportunity to participate in a hearing or such other meeting.

I or we want Auckland council to make a decision to: Disallow the whole original submission

Submission date: 2 December 2020

Attend a hearing

I or we wish to be heard in support of this submission: Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

What is your interest in the proposal? I am the person representing a relevant aspect of the public interest

Specify upon which grounds you come within this category:

I am a resident of Pukekohe living in reasonably close proximity to the Pukekohe Park Raceway and I am regularly impacted by noise associated with motor racing at the Pukekohe Park Raceway

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority

- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

APPENDIX FIVE

**RECOMMENDED CHANGES TO PLAN CHANGE
53 (INCLUDES THE PROPOSED CHANGES
THAT DID NOT RECEIVE A SUBMISSION
TOGETHER WITH RECOMMENDED CHANGES
AS A RESULT OF ACCEPTING SUBMISSIONS)**

Appendix 5 – Recommended Changes to Plan Change 53 (Includes the proposed changes that did not receive a submission together with recommended changes as a result of accepting submissions)

Attachment A – Proposed Changes to E40. Temporary activities, I434. Pukekohe Park Precinct & E25. Noise and vibration

(Note: the Background, Objectives and Policies are shown for context only. They are unaffected by the Proposed Plan Change)

E40.1. Background

Temporary activities contribute to Auckland's vibrancy and to the social, cultural and economic well-being of communities. Temporary activities also enable filming and training activities to be undertaken. Temporary activities may restrict public access and have adverse effects on amenity values, communities and the natural environment. To manage these effects the Plan contains rules for temporary activities on land and in the coastal marine area, and the particular effects of various activities are managed through bylaws. Events on public land or water must also obtain an event licence or permit under the relevant bylaws.

E40.2. Objectives [rcp/dp]

- (1) Temporary activities and events contribute to a vibrant city and enhance the social, environmental, economic and cultural well-being of communities.
- (2) Temporary activities are located and managed to mitigate adverse effects on amenity values, communities and the natural environment.
- (3) Temporary activities are managed to minimise any adverse effects on the use and enjoyment of open space.
- (4) Temporary activities involving large numbers of people predominantly occur in the Business – City Centre Zone, the Business – Metropolitan Centre Zone and the Auckland Domain.
- (5) Temporary activities for training purposes are undertaken in appropriate locations so that amenity values are maintained and any adverse effects are avoided, remedied or mitigated.

E40.3. Policies [rcp/dp]

- (1) Enable temporary activities and associated structures, provided any adverse effects on amenity values are avoided, remedied or mitigated, including by ensuring:
 - (a) noise associated with the activity meets the specified standards;
 - (b) activities on adjacent sites that are sensitive to noise are protected from unreasonable or unnecessary noise;
 - (c) noise from outdoor events using electronically amplified equipment is controlled through limiting the times, duration and the frequency of events;
 - (d) waste and litter are effectively managed and minimised; and
 - (e) any restrictions on public access or other users of open space areas are minimised, and any adverse effects are mitigated.
- (2) Enable temporary activities for filming purposes, including associated film sets, while managing any adverse effects.
- (3) Control traffic generated by a temporary activity, including heavy traffic, so that it does not detract from:
 - (a) the capacity of the road to safely and efficiently cater for motor vehicles, pedestrians and cyclists; and

- (b) the well-being of residents and reasonable functioning of businesses on surrounding sites.
- (4) Require any disturbance of the foreshore or seabed from a temporary activity to be remedied, unless this can be achieved by natural processes.
- (5) Require temporary activities involving large numbers of people to locate in areas where there is:
- (a) capacity to safely host large numbers of people;
 - (b) sufficient parking where necessary;
 - (c) sufficient road network capacity for the event;
 - (d) capacity in the public transport network to service the event, or the ability for the event to be temporarily serviced by mass passenger transport; and
 - (e) the ability to avoid, remedy or mitigate adverse effects on the environment.
- (6) Manage the effects of temporary activities so that the values of any scheduled ecological, natural character, natural features, landscape, historic heritage or Mana Whenua areas are maintained, and any adverse effects on the natural environment are avoided, remedied or mitigated.
- (7) Manage the noise effects of temporary military training activities, and any adverse effects from other temporary training activities, so that amenity values are maintained.

E40.4. Activity table

Table E40.4.1 Activity table specifies the activity status of temporary activities under section 9(3) and section 12 of the Resource Management Act 1991 unless the activity is subject to a specific rule in an overlay, zone or precinct.

The Auckland-wide transport provisions (Section [E27 Transport](#)) do not apply to temporary activities.

All other Auckland-wide provisions, including Sections [E25 Noise and vibration](#) and [E24 Lighting](#) apply, unless a more specific rule provides for an activity in this chapter.

Note 1. The standards of the relevant zone in which the temporary activity is undertaken e.g. building height and yards, do not apply to the buildings and structures that are accessory to a temporary activity.

Note 2. The duration of the temporary activities specified in Table E40.4.1 and in the standards ~~includes~~ excludes the time required to establish and remove all structures and activities associated with the activity and reinstate the site to its original condition. The construction noise requirements in E25.6.28 shall apply to the establishment and removal of all structures and activities associated with the temporary activity and the reinstatement of the site to its original condition.

Note 3. These rules apply to temporary activities in the coastal marine area, other than:

- rules for temporary military training activities (refer to Section [F2 Coastal – General Coastal Marine Zone](#)); and
- rules for temporary buildings including structures (refer to Section [F2 Coastal – General Coastal Marine Zone](#)).

Note 4. In addition to the rules in this Plan, temporary activities are also subject to the other acts and bylaws. All events on public land or water must obtain an event licence or permit under the relevant bylaws.

Note 5. For the purposes of the following activity table, standards and assessment criteria, the reference to ‘the City Centre and Metropolitan Centres’ means:

- the Business - City Centre Zone, the Business – Metropolitan Centre Zone and public open spaces (including the open space zones) within the area bound by the Business – City Centre Zone and Business – Metropolitan Centre Zones;
- the Coastal - Marina Zone at Westhaven; and
- the coastal marine area within the City Centre precincts for Westhaven, Wynyard, Viaduct Harbour, Central Wharves and the Port precincts.

Table E40.4.1 Activity table

Activity		Coastal marine area (rcp)	Land (dp)
(A5)	Temporary activities in public places and <u>or</u> on private land for up to 21 consecutive days within the area of the City Centre and Metropolitan Centres	P	P
(A6)	Temporary activities in public places and <u>or</u> on private land for more than 21 consecutive days within the area of the City Centre and Metropolitan Centres	RD	RD

E40.6. Standards

All activities listed as permitted in Table E40.4.1 must comply with the following standards.

(Note: only those standards that are affected by the Proposed Plan Change are shown)

E40.6.2. Traffic associated with temporary activities

Where an event in a rural zone or Future Urban Zone ~~must not~~ generates more than 500 vehicle movements per day on adjacent roads a Transport and Traffic Management Plan (prepared by a suitably qualified and experienced person and authorised by Auckland Transport or Waka Kotahi (where there is a potential impact on the State Highway network), shall be prepared and implemented and undertaken in accordance with the authorised Transport and Traffic Management Plan.

Note: the traffic generation threshold of 500 vehicle movements per day includes vehicle movements associated with the event plus those associated with the establishment and removal of structures/facilities of the temporary activity.

E40.6.4. Noise events outside the City Centre and Metropolitan Centres

Up to 15 noise events at a venue are permitted outside the City Centre and Metropolitan Centres in any 12 month period, provided that no more than two noise events occur in any seven-day period, and the noise event complies with all of the following:

- (a) the noise event does not exceed ~~six~~ eight hours in duration, excluding;
 - (i) two hours for sound testing and balancing that is undertaken between 9am and 7pm on the day of the event; and
 - (ii) the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event.
- (b) the noise event (excluding the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event) does not exceed a noise limit of 70dB LAeq and 80dB LA01 except;
 - (i) three noise events can have a noise limit of 80dB LAeq and 90dB LA01 for a maximum of three hours, excluding one hour for sound testing and balancing undertaken after 9am on the day of the event; and
 - (ii) three noise events in the Auckland Domain can be held with no noise limits applying.
- (c) the noise event (excluding the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event) starts after 9am and ends by 11pm, except on New Year's Day where the noise event ends by 1am;
- (d) the noise limits applying to the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event do not exceed the construction noise requirements of E25.6.27, except that up to 10pm on all days except Sunday, the noise levels at activities sensitive to noise do not exceed 60dB LAeq and 75dB LAmax for up to 3 hours following the conclusion of the event when measured and assessed in accordance with the requirements of E25.6.1(3).

E40.6.5. Noise events within the City Centre and Metropolitan Centres

Up to 18 noise events at a venue are permitted within the City Centre and Metropolitan Centres any 12 month period, provided no more than two noise events occur in any seven-day period and the noise event complies with all of the following:

- (a) the noise event does not exceed ~~six~~ eight hours in duration, excluding;
 - (i) two hours for sound testing and balancing that is undertaken between 9am and 7pm on the day of the event;
 - (ii) the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event.
- (b) the noise event (excluding the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event) does not exceed a noise level of 70dB LAeq and 80dB LA01 except;
 - (i) three noise events can have a noise limit of 80dB LAeq and 90dB LA01 for a maximum of three hours, excluding one hour for sound testing and balancing undertaken between 9am and 7pm on the day of the event; and
 - (ii) three noise events can have a noise limit of 90dB LAeq and 95dB LA01, for a maximum of three hours, excluding one hour for sound testing and balancing undertaken between 9am and 7pm on the day of the event.
- (c) the noise event (excluding the time required to establish and remove all structures and activities associated with the noise event and reinstate the site to its original condition prior to the noise event) starts after 9am and ends by 11pm, except on New Year's Day where the noise event ends by 1am;
- (d) the noise limits applying to the establishment and removal of all structures and activities associated with the noise event and reinstating the site to its original condition prior to the noise event do not exceed the construction noise requirements of E25.6.28.

I434. Pukekohe Park Precinct

(Note: the Precinct description is shown as context only. It is unaffected by the Proposed Plan Change)

I434.1. Precinct description

The Pukekohe Park Precinct provides specific planning controls for the use and development of Pukekohe Park. Pukekohe Park is located adjacent to Manukau Road in Pukekohe and was established in the 1920's. The site comprises approximately 73 hectares and provides facilities for motor sports and horse racing.

The zoning of the land within the Pukekohe Park Precinct is Special Purpose – Major Recreation Facility Zone. The overlay, Auckland-wide and zone objectives and policies apply in this precinct in addition to those listed below.

Refer to the planning maps for the location and extent of the precinct.

I434.6. Standards

(Note: only those standards that are affected by the Proposed Plan Change are shown)

All permitted, controlled or restricted discretionary activities listed in Table I434.4.1 must comply with the following activity standards unless otherwise stated.

I434.6.1. Motorsport activities noise

(1) There must not be any use of the track by motor vehicles, except for vehicles undertaking track or facility maintenance or repairs, in all of the following circumstances:

(a) from 24 December to January 2 inclusive;

(b) on Good Friday, Easter Sunday and Anzac Day (note: Anzac Day shall be observed in accordance with the Anzac Day Act 1966 *except where Anzac Day falls on a Sunday, it shall also be observed until 1pm.*);

(c) on Mondays, Tuesdays or more than two Wednesdays of any month except for category E events;

(d) Five days before and after a Category A event except that the track can be used for one Category E event within each five day period; and

(e) Three days before and after a Category B event except that the track can be used for one Category E event within each three day period.

E25. Noise and vibration

(Note: only those standards that are affected by the Proposed Plan Change are shown)

E25.6.14 Noise levels at the coastal interface [rcp/dp]

(1) The noise (rating) level generated by any activity in the coastal marine area or on a lake or river must not exceed the levels in Table E25.6.14.1 Noise levels at the coastal interface when measured within the boundary of a site in a residential zone or notional boundary of any site in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone; Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone.

Table E25.6.14.1 Noise levels at the coastal interface

Time	Noise level
7am-10pm	50dB LAeq
10pm-7am	40dB LAeq 75dB LAFmax

(2) The noise levels in Standard E25.6.14(1) above do not apply to:

- (a) the operational requirements of vessels (including cargo vessels, tugs, passenger liners, naval vessels and commercial fishing vessels); and
- (b) temporary activities in E40 Temporary activities defined as “noise events”.

APPENDIX SIX

THE MANAGEMENT OF HORSES DURING FIREWORKS

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Article

The Management of Horses during Fireworks in New Zealand

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Simple Summary: The negative effects of fireworks on companion animals have been reported, but little has been documented on the impact on horses. Horse anxiety was commonly associated with fireworks, and 26% of owners reported horse injuries as a result of fireworks. Many management strategies were seen as ineffective. The majority of horse owners were in favour of a ban on the sale of fireworks for private use.

Abstract: Within popular press there has been much coverage of the negative effects associated with firework and horses. The effect of fireworks has been documented in companion animals, yet no studies have investigated the negative effects, or otherwise, of fireworks on horses. This study aims to document horse responses and current management strategies to fireworks via an online survey. Of the total number of horses, 39% (1987/4765) were rated as “anxious”, 40% (1816/4765) “very anxious” and only 21% (965/4765) rated as “not anxious” around fireworks. Running (82%, 912/1107) was the most common behaviour reported, with no difference between property type ($p > 0.05$) or location ($p > 0.05$). Possibly as a consequence of the high frequency of running, 35% (384/1107) of respondents reported having horses break through fences in response to fireworks and a quarter (26%, 289/1099) reported that their horse(s) had received injuries associated with fireworks. The most common management strategy was moving their horse(s) to a paddock away from the fireworks (77%) and to stable/yard them (55%). However, approximately 30% reported these management strategies to be ineffective. Of the survey participants, 90% (996/1104) were against the sale of fireworks for private use.

Keywords: fireworks; horses; anxiety; behaviour; fear

1. Introduction

In New Zealand, both public and private firework displays are common, especially during Guy Fawkes Day on 5 November. The Hazardous Substances and New Organisms Act 1996 govern the sale of fireworks for private use and limits sales to three days (2–5 November). However, while the sale of fireworks is restricted to only three days, there are no restrictions on the when fireworks can be used. Many countries, such as Canada, South Africa, Australia and Finland, have strict limitations or bans on private firework displays. A recent Parliamentary select committee rejected a ban on the private use of fireworks in New Zealand citing any changes as unnecessary and unenforceable [1]. The lack of change to the Hazardous Substances and New Organisms Act 1996 relating to the use of fireworks has prompted initiation of a subsequent petition calling for the ban of private use of fireworks [2]. The petition has the support of the New Zealand Police, Fire services and New Zealand Society for the Prevention of Cruelty to Animals (NZSPCA).

Previous studies have reported on fear behaviours in response to fireworks in companion animals both in New Zealand [3] and internationally [4]. Owners have reported negative effects of fireworks including escaping, vocalisation, urination or defecation, trembling and destructive behaviour.

Within the popular press and social media there has been much coverage of the negative effects associated with firework displays and horses [5]. Nevertheless, no studies appear to have investigated the possible problems, or otherwise, of fireworks on horses. Despite this lack of reporting in the peer reviewed literature, there are a number of publications from equestrian organisations and within the equestrian press providing guidelines on the management of horses and the negative effects of fireworks displays [6].

This lack of scientific literature on the topic may relate to the intensive management of horses within stables and therefore reduction in the exposure to the potentially noxious stimuli of fireworks. In November, in the United Kingdom approximately 70% of horses are stabled and 30% live outside. Of those horses that are stabled, almost 50% spend between 9 and 16 h inside daily [7]. The management of horses, even high level competition horses, in New Zealand is unique in that the temperate climate permits management of the horse at pasture year round [8]. This pastoral based management system may facilitate exposure to the visual, acoustic and olfactory stimuli of fireworks and be a reason for the perception that the private use of fireworks represents a hazard for horses at pasture.

In animals, fear responses to fireworks are believed to occur due to the intermittent and unpredictable high-intensity noise [9]. Cracknell and Mills (2008) report that the effects of secondary stimuli such as odours, light flashes and changes in barometric pressure on animals still remain largely unknown.

Horses are generally considered to be highly unpredictable flight animals [10] shown to be reactive to loud noises and flashing lights [11]. Fear is a reaction to perceived danger and is characterized by physiological and behavioural changes that heighten the individual's ability to deal with that danger [12,13]. Fear based behaviours in horses are numerous and include running, sweating and trembling [14]. Flight responses are particularly dangerous, with the potential to result in severe accidents of the horse and rider/handler [15].

At present, the lack of data on management strategies employed by horse owners, the perceived effectiveness of such changes and injuries encountered limits debate on the private use of fireworks and the consequences to horses. The aim of this study was to document horse responses and current management strategies to fireworks via an online survey.

2. Experimental Section

2.1. Questionnaire

Data were collected via an online survey using commercial survey software SurveyMonkey Audience (SurveyMonkey Inc.) (see supplementary file). The survey was initially distributed and "seeded" via six national and regional equestrian sport social media sites. The survey was open for 19 days from 14 October to 1 November 2015, prior to the first official day of the sale of fireworks for private use (2 November) in New Zealand.

The questionnaire could only be completed once per computer and all applicants remained anonymous. The survey was deemed to be low risk by the Massey University Human ethic committee and was registered as a low risk notification project.

The questionnaire consisted of 15 multi-choice and open ended questions in four categories covering property location and size, number of horses and primary use, the reaction of horses to fireworks in the previous year, preventative management and the occurrence of any injuries. Lastly, the participants were asked whether they were in favour of sale of firework for personal use.

2.2. Statistical Analysis

Data were described using simple descriptive statistics. In some instances the respondent may not have completed all questions and so the denominator for some questions may vary. For the data on anxiety and horses, the percentages reported here were based on the number of horses for which an anxiety score was given by the respondents. The distribution of property type, horse ownership, behaviour of horses during firework displays and owner support of the sale of fireworks for personal use were examined using a Chi squared test. The differences in behaviours reported between property types were tested using the Mann-Whitney test. Multivariate logistic regression was used to calculate the Odds Ratio (95% confidence intervals) of horse injury with property type and area of where the horse was kept. All statistical analyses were completed using the statistical software STATA 12 (StataCorp, TX, USA) and R 3.2.2 (Foundations for Statistical Computing, Vienna, Austria) with $p < 0.05$ set for significance.

3. Results

3.1. Demographics

Data were collected from 1111 respondents responsible for 6431 horses. It is estimated there are 110,000 horses in New Zealand and the AgriBase database identifies 13,072 properties with horses not identified as racing or commercial breeding properties [16]. Using these 13,072 properties as an approximate sampling frame, this represents a return rate of 9% (1111/13,072) of (non-racing) horse owners/properties in New Zealand. The majority of the respondents were from the North Island (89% 918/1111) and the greatest number of respondents were from the Auckland region (27%, 295/1111), followed by the Manawatu-Wanganui region (14%, 150/1111, Table 1).

Table 1. The total number and percentage (%) of respondents from the various regions in New Zealand and the number of property type (agistment ¹, farm ² or lifestyle ³) in the various regions.

Area	N Respondents	% NZ	N Agistment	N Farm	N Lifestyle
Auckland	295	26.6	55	27	213
Bay of Plenty	45	4.1	2	2	41
Canterbury	91	8.2	11	12	68
Gisborne	7	0.6	-	-	7
Hawke's Bay	38	3.4	6	3	29
Manawatu	150	13.5	15	32	102
Marlborough	17	1.5	-	3	14
Nelson	3	0.3	1	-	2
Northland	61	5.5	3	11	46
Otago	56	5.1	2	20	34
Southland	13	1.2	-	3	10
Taranaki	72	6.5	8	12	52
Tasman	4	0.4	-	-	4
Waikato	125	11.3	12	22	91
Wellington	125	11.3	14	20	89
West Coast	8	0.7	1	2	5

¹ Livery service; ² Commercial farming enterprise; ³ Small farm <4 ha in total area.

Approximately half the respondents identified themselves as living in an area consisting of predominantly lifestyle blocks (small farms < 10 ha, Table 2). Irrespective of the urban/rural classification, most respondents identified they lived and kept horses on lifestyle blocks (71%, 807/1107) with only 13% (130/1107) of respondents keeping horses on agistment properties (livery service). There were greater numbers of horses kept on an agistment property (15 (interquartile range IQR 7–26)) than on farms (commercial) or lifestyle blocks (5 IQR 3–10 vs. 4 IQR 2–6, $p < 0.001$). The number of horses owned by respondents also differed across property type, farm 4 (IQR 3–9), Lifestyle 4 (IQR 2–6),

and agistment 4 (IQR 1–12), ($p < 0.001$). The most common use of horses were for sport (show jumping, dressage and eventing) (43%, 1979/4575) followed by trekking (25%, 1137/4573) Pony Club (17%, 774/4575) and racing (7%, 321/4575). The remaining categories (hunting, endurance and western) accounted for approximately 3% each.

Of the total number of horses, 39% (1987/4765) were rated as “anxious”, 40% (1816/4765) “very anxious” and only 21% (965/4765) were rated as “not anxious” around fireworks or the Guy Fawkes period (Table 2). The levels of anxiety reported did not differ between property type (agistment, farm or lifestyle block, $p > 0.05$).

Table 2. The total number of respondents and horses according to location, property type and the behaviours exhibited during fireworks.

Categories	Total	Urban ¹		Semi-Rural ²		Lifestyle ³		Rural ⁴	
	n	n	%	n	%	n	%	n	%
Respondents	1111	80	7.2	271	24.4	517	46.5	242	21.8
Property type									
Farm		7	8.8	34	12.5	23	9.5	106	20.5
Lifestyle block		28	35.0	193	15.9	457	188.8	112	21.7
Agistment		45	56.3	43	71.2	36	14.9	23	4.4
Horses/respondents (median and IQR)		3 (2–8)		4 (2–7)		4 (2–5)		4 (2–7)	
Behaviours									
Fence walking		39	48.8	136	50.2	237	45.8	94	38.8
Running		67	83.8	223	82.3	444	85.9	179	74.0
Decreased appetite		17	21.3	62	22.9	86	16.6	30	12.4
Breaking through fences		37	46.3	108	39.9	170	32.9	69	28.5
Weaving		9	11.3	19	7.0	14	2.7	34	14.0
Bucking/rearing		29	36.3	100	36.9	157	30.4	72	29.8
Sweating		46	57.5	156	57.6	316	61.1	114	47.1
Trembling		39	48.8	137	50.6	266	51.5	92	38.0
Injuries									
YES		25	33.3	84	33.3	138	28.9	42	20.4
Anxiety (n horses)	4765	338		1226		2113		1088	
not anxious		44	13.0	219	17.9	382	18.1	320	29.4
anxious		166	49.1	513	41.8	892	42.2	355	32.6
very anxious		128	37.9	494	40.3	839	39.7	413	38.0
Against the sale of fireworks for personal use		78	97.5	243	89.7	473	91.5	202	83.5

¹ within a town/urban environment; ² adjacent to an urban area; ³ surrounded by lifestyle blocks; ⁴ surrounded by other large farms.

3.2. Adverse Horse Behaviour and Anxiety

The majority of respondents (1104/1111) reported that their horse(s) had previously exhibited at least one of the behaviours, listed in Figure 1, in response to fireworks. Running (82%, 912/1107) was the most common behaviour reported, with no significant difference between property type ($p = 0.412$) or location ($p = 0.068$). There were a group of behaviours with similar frequencies reported (trembling, sweating and fence walking). Similar frequencies of these behaviours were reported across property location identifiers (urban, semi-rural, lifestyle or rural). Possibly as consequence of the high frequency of running, 35% (384/1107) of respondents reported having horse(s) break through fences in response to fireworks.

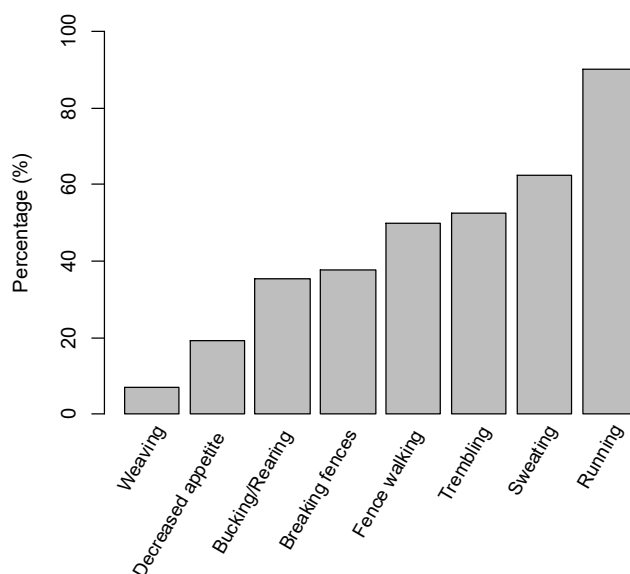


Figure 1. The percentage (%) of participants reporting that their horse(s) had exhibited the behaviors in association with fireworks.

A quarter (26%, 289/1099) of participants reported that their horse(s) had received injuries associated with fireworks. Multiple different injuries were reported; the most common were lacerations (40%, 194/289), strains/sprains (10%, 33/289) and broken limbs (7%, 11/289). The property type did not affect the odds of the horse(s) receiving injuries ($p > 0.05$, agistment = reference level, farm 1.5 (0.85–2.48), lifestyle 1.1 (0.71–1.7)). However, respondents that kept horses in rural areas were 0.6 (0.33–0.49) times as likely to report that their horses had received injuries due to fireworks, than respondents that kept horses in an area surrounded by lifestyle blocks ($p < 0.05$, reference level). The odds of horses receiving injuries did not differ between horses kept in semi-rural areas or urban areas compared with lifestyle blocks.

3.3. Duration of Firework Displays

Off the survey participants, 6% (63/1108) reported that their horse(s) had not been exposed to fireworks in the previous year. The remaining 94% (1045/1108) of survey respondents were asked the duration of time their horse(s) were exposed to intermittent fireworks. Thirty-three per cent (371/1108) reported fireworks continued for one or two weeks after Guy Fawkes, 26% (288/1108) for two or more months after Guy Fawkes, and 19% (209/1108) for up to a month after Guy Fawkes, while only 16% (177/1108) identified that their horse were exposed to fireworks only on Guy Fawkes Day.

3.4. Owner Management Strategies

The most common management strategy was the movement of the horse(s) to a paddock away from the fireworks (77% (779/1006)). However, 37% (374/779) reported this management strategy to be ineffective in reducing anxiety. Horse(s) had previously been stabled or yarded during fireworks by 55% (461/925) of respondents, but 30% (277/461) reported this to be ineffective. Only 30% (254/845) and 19% (152/808) of participants, respectively, had previously either moved their horse(s) off the property or sedated their horse(s) during fireworks. In both instances, 9% (73/254 and 66/152, respectively) of respondents deemed these approaches to be ineffective.

When asked about future management strategies, 20% (189/987) reported that they had no strategy planned. Of the participants, 55% (570/987) planned to move their horse(s) to a paddock further away from the fireworks, 24% (241/987) planned to stable or yard their horse(s), 12% (114/987)

planned to sedate them and 10% (95/987) move them off the property. Participants were able to report on several management strategies.

3.5. The Sale of Fireworks for Private Use

Of the survey participants 90% (996/1104) reported that they did not support the sale of fireworks for private use, while 10% (108/1104) supported it. The majority of participants did not support the sale of fireworks even if their horse(s) had not previously been injured due to fireworks ($\chi^2 = 17.917$, $df = 1$, $p < 0.05$). A greater proportion of participants that kept their horses on lifestyle blocks did not support the sale of fireworks for private use ($\chi^2 = 16.799$, $df = 2$, $p < 0.05$), compared to those who kept horses on farms or agistment.

4. Discussion

The distribution of responses to the online survey was similar to that obtained by Rosanowski, Cogger, Rogers, Benschop and Stevenson [16] using a generalised random-tessellation stratified sampling design and indicates good agreement and reflection of the distribution of horse ownership location within New Zealand. The overrepresentation of the North Island may reflect that the surveys were seeded initially from social media sources based in the Manawatu and the North Island of New Zealand. The high level of response from respondents on lifestyle blocks was reflected in the bulk of respondents keeping their horses on their own property, rather than using agistment/livery yards, as is an option in Western Europe. Lifestyle blocks are typically less than 4 ha and so within a geographical proximity to neighbours where fireworks displays would provide obvious visual and auditory stimuli. The majority of the respondents kept horses for sport, rather than racing, which reflects the initial sampling frame of the survey and the pattern of horse ownership previously reported in New Zealand [16].

The timing of the survey was intentional to provide an overview of what was planned as a course of action during the “fireworks season”. Sampling at this time provided minimisation of temporal bias, which is often a limitation in survey data the greater the duration between the event and the collection of the data. The survey was closed prior to the first official sale of fireworks and thus avoided bias in responses, or type of respondent, if adverse fireworks events were reported within the press. Motivation to complete the survey may have been greater in participants that had previously experienced an adverse event associated with fireworks. However, the large number of respondents should have attenuated this bias and implies that, within a pastoral management system, negative experiences with horses and fireworks are the norm rather than an exception. The inability to provide a tight definition around the term anxious and very anxious means some caution should be used when differentiating between these behaviour categories. Within the literature, fear and an ethogram for fear is well described. The use of a grading scale for stress could have been used to provide a tighter definition of the level of anxiety (stress) the horse experienced during fireworks displays [17]. However, in an attempt to increase opportunity for initiation and completion of the survey, the complexity of the anxiety was kept to simple low resolution descriptors. The objective of the survey was to obtain data on owners’ perceptions, and general management strategies of their horses in relation to fireworks and not precisely quantify the level of anxiety/arousal to fireworks. Within the literature there are data on between breed and between individual levels of responsiveness to stimuli. These can also be tempered by changes in management. This is an area of behaviour research that requires investigation and possibly translation/dissemination to provide pragmatic management strategies for New Zealand horse owners during fireworks season.

Almost 80% of survey participants reported that their horses became anxious or very anxious during firework displays, with the remaining rating their horses as not anxious. These results support research by Young, Creighton, Smith and Hosie [17] who reported that the sound of fireworks played from compact disk caused higher cortisol levels in horses than the sound of coat clippers or social isolation. The present results are also in agreement with the fact that the majority of respondents

described their horse(s) as presenting with, at least one, anxiety related behaviour during fireworks. The most common observation of “running” reflects the use of the flight response to escape noxious stimuli and the pasture based management system of horses in New Zealand. These factors are also reflected in the fact that almost 40% of respondents reported that their horse(s) had broken through fences.

A quarter of respondents reported that their horse(s) had received injuries they believed to be a result of the firework display. The injuries ranged from minor cuts and sprains to broken limbs resulting in death. The most prevalent injuries reported were lacerations varying from mild to severe. These injuries are possibly a reflection of the high percentage of horses reported to break through fences.

Respondents were asked whether, in previous years, they had moved their horse(s) to a paddock away from the fireworks displays, stable/yarded their horse(s), moved their horse(s) away from the property or sedated their horses during Guy Fawkes Day. Most owners had previously trialled a number of management strategies. The most prevalent management approaches were moving the horse(s) to a paddock further away from the fireworks or to stable/yard them. However, almost 40% deemed these methods unsuccessful in reducing anxiety. Nevertheless, these were also reported to be the two most common future management strategies, possibly as they are easier alternatives to relocating the horse off the property or sedation. It has previously been reported that the most common management methods of companion animals owners during fireworks are keeping the animals inside, comforting them, keeping blinds shut and distracting them with music [3]. The majority of these distraction strategies are not likely to be suitable for horses, especially in New Zealand where pastoral management systems are the norm. Moreover, trying to comfort or move a panicked horse can be dangerous for both the handler and the horse as they can charge blindly into humans, fences or other structures when highly aroused [15].

Habituation to repeatable stimuli often occurs with horses, as long as the behaviour is not reinforced with an adverse event [18,19]. The keeping of horses at pasture should permit exposure to fireworks and the opportunity for habituation. This may not, however, be occurring due to the generally focused exposure around the date of Guy Fawkes (November 5th) and then often intermittent exposure. A third of participants reported that they were exposed to fireworks for one or two weeks after Guy Fawkes. Another quarter of participants reported on exposure of two or more months after Guy Fawkes. However, the intermittent and possibly short bouts of exposure may not be enough to habituate horses. Furthermore, the lack of ability to plan and manage horses safely around fireworks has been cited repeatedly in social media and popular press articles [20].

The majority of participants reported that they did not support the sale of fireworks for personal use. This reflects the large number of participants who reported that their horse(s) have displayed anxiety and anxiety related behaviours during fireworks. It is possible that horse owners who have previously had negative experiences, such as injuries, were more motivated to respond to this survey. However, when asked whether the participants supported the sale of fireworks for private use, the majority answered “no”, regardless of whether their horse(s) had previously been injured due to fireworks or not. Moreover, the large sampling size should have damped a potential bias. A greater proportion of participants whose horses were kept at lifestyle blocks (as compared to farms and agistment) were against the sale of fireworks for personal use. This may be a reflection of the relative close proximity to neighbouring properties and perhaps a greater number of neighbouring properties.

5. Conclusions

This study is the first to address the issue of horses and fireworks in New Zealand. The article provides a framework for discussing and reviewing legislation in relation to firework use and the risks posed or perceived by horse owners during Guy Fawkes Day firework displays.

Supplementary Materials: The following are available online at www.mdpi.com/2076-2615/6/3/20/, Questionnaire: Owner management of horses during Guy Fawke's Day.

Author Contributions: Gabriella Gronqvist, Chris Rogers and Erica Gee had the original idea for the study and, with all co-authors carried out the design. Gabriella Gronqvist was responsible for recruitment and follow-up of study participants. Gabriella Gronqvist was responsible for data cleaning and Gabriella Gronqvist and Chris Rogers carried out the analyses. Gabriella Gronqvist drafted the manuscript, which was revised by all authors. All authors read and approved the final manuscript.

Conflicts of Interest: The authors declare no conflict of interest.

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APPENDIX SEVEN

**EVIDENCE PRESENTED BY RICHARD LINDSAY
FOR SPORT NEW ZEALAND DURING THE IHP
HEARINGS OF SUBMISSIONS ON IHP 040
– LIGHTING, NOISE AND VIBRATION
(15 JULY 2015)**

IN THE MATTER

of the Resource Management Act 1991 and the
Local Government (Auckland Transitional
Provisions) Act 2010

AND

IN THE MATTER

of the Proposed Auckland Unitary Plan

**STATEMENT OF EVIDENCE OF RICHARD LINDSAY FOR SPORT NEW
ZEALAND
TOPIC 040 – LIGHTING, NOISE AND VIBRATION**

15 JULY 2015

Contents

2. SCOPE OF EVIDENCE	2
3. SPORT NEW ZEALAND BACKGROUND	2
4. FUTURE OF SPORT AND RECREATION	3
5. SPORT NZ'S STRATEGIC APPROACH	5
6. CURRENT ISSUES RELATING TO SPORT AND RECREATION IN AUCKLAND 7	
7. THE IMPORTANCE OF THE UNITARY PLAN TO PROVIDE FOR SPORT AND RECREATION TO MEET THE NEEDS OF A GROWING AND DIVERSE POPULATION	9
8. CONCLUSION	10

EXECUTIVE SUMMARY

- A. Sport New Zealand has a leading role in New Zealand becoming the world's most successful sporting nation in terms of participation and performance.
- B. Sport and recreation are being delivered in an increasingly complex environment and are not immune to the effects of change in other sectors.
- C. Auckland's anticipated population growth will place extraordinary demand on sports organisations, recreation and sport services and facilities. Some sports in Auckland are already faced with shortages of available playing fields and facilities as a result of increased demand for access to their activities.
- D. It is especially important to ensure that changes to planning and provision regulations don't create unnecessary barriers to participation that make it more difficult for Aucklanders to participate and achieve in the recreation and sport activities of their choice.
- E. Overall, as New Zealand's largest urban centre, Auckland can impact Sport NZ's strategic outcomes more than any other region in New Zealand.

QUALIFICATIONS AND EXPERIENCE

- 1.1 My full name is Richard Lindsay. I am the Manager Facilities at Sport NZ. I have 23 years of industry related experience in sport, recreation and community development roles. In this time I have worked in a mix of not-for-profit, local government and central government organisations.
- 1.2 I hold a Bachelor's Degree in Parks, Recreation and Tourism from Lincoln University.
- 1.3 I hold a post-Graduate Diploma in Parks, Recreation and Tourism Management.

- 1.4 I am a member of the New Zealand Recreation Association and am an Accredited Recreation Professional within this organisation.
- 1.5 My current role as Manager Facilities at Sport New Zealand has involved the development and implementation of the National Framework for Sporting Facilities.

2. SCOPE OF EVIDENCE

- 2.1 My evidence will address the following:
- (a) Sport New Zealand background.
 - (b) The future of sport and recreation.
 - (c) Sport New Zealand's Strategic Approach.
 - (d) Contribution to the Auckland Plan.
 - (e) Current issues relating to sport and recreation in the Auckland Region.
 - (f) The importance of the Unitary Plan to provide for sport and recreation to meet the needs of a growing and diverse population.
 - (g) Conclusion.

3. SPORT NEW ZEALAND BACKGROUND

- 3.1 Sport NZ is the government agency responsible for sport and recreation in New Zealand. The Sport NZ Group is comprised of three business arms – HPSNZ, Community Sport and Group Strategic Support. The Group's primary role within New Zealand's sporting system is to:

LEAD – having a clear vision for the future of New Zealand sport; understanding the mega-trends that impact the sport system; having an overview, and understanding, of our unique New Zealand system and advocating for those in it; championing the value of sport; and facilitating engagement with communities of interest to unlock new thinking.

ENABLE – developing and improving the five attributes of the sports system (see below) through the provision of world-leading specialist advice and resources, so they are better able to meet the needs of participants and athletes; connecting our partners to influencers and working with them to increase their credibility; and supporting partners facing challenges.

INVEST – investing, and co-investing, smartly for results in high performance and community sport, and across the system.

DELIVER – through High Performance Sport New Zealand (HPSNZ), delivering world-leading performance support to targeted athletes and teams.



Attributes of a world-leading system

4. FUTURE OF SPORT AND RECREATION

4.1 Small changes in society, the economy or regulation can have far-reaching effects in the sport and recreation sector. The following are some of the most significant strategic issues currently facing sport and recreation in New Zealand.

4.2 Population Change

- (a) In 11 years there will be more elderly Kiwis than young people. Sector organisations will need to meet the demand of a growing but still active older population, as well as cope with replacing large numbers of older workers as they retire.

- (b) Increasing cultural diversity will grow demand for more globally popular sports or currently minor or marginal sports. It also poses the challenge of ensuring the private and public benefits of sport are understood by new New Zealanders, particularly parents.
- (c) As a result of increasing diversity the attitude to Sunday sport is no longer as sacrosanct as it used to be. Sundays are increasingly being seen by the majority as opportunities to recreate and reconnect with friends and family.

4.3 Social and Technological Change

- (a) Digital technologies (especially social media) are providing traditional sports far wider access to both current and new membership and other commercialisation opportunities with free or low-cost technology that is easy to use (e.g. online broadcasting)
- (b) Increasing time being spent on technology, especially by young people, may see a decline in time spent participating in sport and recreation
- (c) Ability to connect with other participants and access coaching and expertise through technology will suit busy lifestyles, but presents a challenge for traditional club membership model.
- (d) New Zealand is fast becoming a 24/7 society with subsequent impacts on sport and recreation provision. The traditional Monday to Friday work week is less relevant for many and this places increasing demand on sport and recreation provision outside of traditional/historic timing. For example, we have access to 24/7 fitness centres where people turn up, swipe themselves in, turn on the lights and exercise at time that suits rather than be committed to certain pockets of time which may not suit.

4.4 Young People

- (a) Sedentary lifestyles, including increasing screen time, may lead to a decline in physical fitness and skill levels as well as a further increase in obesity

- (b) Schools, families and sports organisations are likely to need to change their approach in providing PE and sport opportunities for children to grow participation rates
- (c) On-going decline in quantity and quality of PE and sport in schools would have implications for future participation levels and skill levels.

4.5 Sustainability and capability of organisations

- (a) Sector organisations generally have a narrow income base and funding streams are highly competitive, so any changes in the regulatory environment (e.g. tax or ACC changes, safety requirements) can create challenges for the sector
- (b) With competing demands people are likely to have less time and this could result in less volunteers, who are the lifeblood of many sports clubs

4.6 Ethics and Integrity

- (a) The sport sector will need to be vigilant to the increasing global threat of criminal involvement in sport, e.g. match-fixing, doping
- (b) Wider ethical issues such as sports' connection with alcohol, strengthening child protection measures and athlete protection are also likely to require greater attention

4.7 Environmental Issues

- (a) There will be greater environmental demands and challenges for the sport sector, particularly for facilities and sports events (e.g. access to water, renewable energy).

5. SPORT NZ'S STRATEGIC APPROACH

- 5.1 Sport NZ launched its new strategic plan for 2015 -2020 in March 2015. This strategy charts a course for the next five years towards building a world-leading sport system that will allow New Zealand to be the world's most successful sporting nation in terms of participation and high performance outcomes. We will achieve this by ensuring that delivery is

participant-focused, our approach is system-led and by being performance-driven.

- 5.2 The strategy identifies four key focus areas:
- (a) Young people: Developing a love of sport at an early age is more likely to encourage a lifelong participation habit. A focus on developing physical, social and emotional skills through a 'physical literacy approach' will ensure all Kiwi kids have the skills and opportunities they need to be involved in sport for life.
 - (b) Local delivery (particularly in low-participation communities): The opportunity exists to increase sport uptake by improving local delivery. We will identify and prioritise population groupings where there is low or declining participation, and where barriers to greater participation exist.
 - (c) Competitive sport (including talent ID): The preservation of our sporting heritage and high participation rates will be dependent on our ability to sustain numbers of people participating in traditional sport competition structures and pathways, so this will continue to be a focus.
 - (d) Leading High Performance: To have the best chance of success, athletes need world-leading programs, support services and facilities, so they can focus solely on performance. We will work with targeted sports, athletes and teams, being athlete-focused, coach-led and performance-driven.
- 5.3 To support these priorities/focus areas Sport NZ will oversee a National Facilities Framework. We have become extremely aware of the importance of sporting facilities to growing participation and providing world-class training environments for our best athletes.
- 5.4 The framework aims to aid improved decision making about the provision, maintenance, and use of facilities particularly in ensuring they are fit-for-purpose, well-utilised, and future-proofed.

6. CURRENT ISSUES RELATING TO SPORT AND RECREATION IN AUCKLAND

- 6.1 Auckland is New Zealand's largest urban centre and represents over a third of the country's entire population. Participation rates in Auckland are therefore a major focus of Sport NZ and it is extremely important to understand the major contributors and barriers to physical exercise for Auckland-based Kiwis. At present, 78%¹ of Auckland residents actively participate in sport and recreation, once a week (the national figure is 74%). The Auckland Plan targets a 90% participation rate by 2040.
- 6.2 The impacts of population growth and ageing, changing immigration patterns, increasing diversity and increasing housing density on sport and physical activity are significant and more pronounced in Auckland.
- 6.3 As an example, 41% of all decile 1-3 school children live in Auckland. Our 2011 Young People's survey identified that areas of low socio-economic status tend to be associated with low participation levels, larger cost barriers to participation in sport, more time spent on sedentary activities and higher levels of obesity. For Sport NZ this means that there will be communities within Auckland that will be targeted as part of Sport NZ's new focus on low-participation communities, in order to achieve higher participation levels for both children and adults.
- 6.4 Auckland's anticipated population growth will place extraordinary demand on sports organisations, recreation and sport services and facilities. Some sports in Auckland are already faced with shortages of available playing fields and facilities as a result of increased demand for access to their activities. Sport NZ commissioned facility strategies for National Sport Organisations (NSOs). Without fail each strategy identified existing shortages/challenges in terms of current facility provision which has serious implications for community sport groups and their ability to meet future demand.
- 6.5 Sport NZ co-invested, with Auckland Council and the sporting codes, for a deeper dive into the existing facility situation in Auckland. Several of these studies identified a shortage of facilities with a worsening outlook into the future with population growth and the increasing

¹ Source: Sport NZ Active New Zealand Survey 2013/14

popularity of some of the sports i.e. rugby league, football, tennis, hockey, netball and aquatics. I include in **Attachment 1** an example of issues relating to Tennis and the likely impact of the noise provisions on this sport.

- 6.6 There is increased need for multi-sport facilities to cater for increased demand and to maximise the use of existing facilities such as the College Rifles Rugby Union Football and Sports Club. Additionally, people are looking to sports clubs and venues to facilitate a wider range of game formats and activities. There is pressure on council investment in facility development meaning there is a need to intensify the use of existing facilities, including extending the time range that they are available for use in order to meet demand. To facilitate this there needs to be acceptable and workable rules around noise and lighting. For example, when crowd noise is considered, children's' sport consistently exceeds proposed noise levels.
- 6.7 To this end Sport NZ has commissioned desktop research to collate information allowing us to make national and international comparisons. Our findings indicate that generally in other cities around the world (e.g. Melbourne, Adelaide and Dublin) and in New Zealand (Christchurch and Wellington):
- (a) noise standards do not include crowd noise
 - (b) there is no evidence of having separate noise and lighting standards applied to weekends and public holidays
 - (c) greater emphasis is placed on noise standards being applied to activities such as motor sport and use of loud hailers for example, over regular sport and recreation activities.
- 6.8 Improving partnerships between schools and their communities is being viewed as one solution to this problem although schools face their own issues with regard to opening up their grounds and facilities to the community. New Zealand has 2,143 state schools which include multi-purpose halls, gymnasiums, outdoor playing field and swimming pools. 65% of indoor courts are located on school grounds.

- 6.9 At present the rules governing lighting and noise are different for public open spaces and school grounds suggesting that perhaps in future there will be a need for greater consistency.
- 6.10 Interestingly, 35% of all sport activity is done within an indoor sport facility. This number is increasing and will lead to a future demand for more indoor facilities in Auckland to host these participants. At present, 40% of all sports participation is done outdoors with the majority of our team sports played outdoors in winter when lighting needs are greatest.
- 6.11 Research shows that sport and recreation provides social, economic, environmental and cultural benefits to the city of Auckland. The value added by the sport and recreation sector in Auckland is \$1.4 billion (2.1% of regional GDP). This includes the value added by income from employment in sport and recreation occupations, the value added by investing in sport and recreation education, and the value added by local council expenditure on new facilities. This increases to \$1.6 billion (2.4% of regional GDP) when the value added by volunteer services (hours and market value) is included.
- 6.12 Our Active NZ survey 2013/14 revealed that the number of Aucklanders volunteering in the previous 12 months increased to 28% with volunteers contributing more than 20 million hours to recreation and sport. This increasing statistic indicates the rising impact that volunteer contribution has on Auckland city.

7. THE IMPORTANCE OF THE UNITARY PLAN TO PROVIDE FOR SPORT AND RECREATION TO MEET THE NEEDS OF A GROWING AND DIVERSE POPULATION

- 7.1 The Unitary Plan will put in place rules and regulations that will impact on sport and recreation provision. It is our understanding that once in place these rules are unlikely to be revisited in the short term. Therefore we believe that:
- (a) it is especially important to ensure that changes to planning and provision regulations don't create unnecessary barriers to participation that make it more difficult for Aucklanders to participate and achieve in the recreation and sport activities of their choice.

- (b) There must be a 'future-proofing' focus as decisions made now must reflect the future needs of the city's sport and recreation participants not just the current needs.

7.2 As a consequence we are seeking due consideration be given to supporting as many people as possible to participate in sport and recreation through enabling changes to the timing and levels of both noise and lighting regulations around sporting facilities, in particular outdoor venues.

7.3 Some of the proposed changes will limit current provision. For example: a number of sports have been operating outside of the 9am to 6pm Sunday hours for several years now in order to meet participation demand. Our proposed changes provide alternative limits on noise and lighting that better reflect the current practice for providing sport and recreation i.e. 6am – 11 pm Monday to Sunday and Public Holidays.

8. CONCLUSION

8.1 Mercer's Quality of Living Survey cites recreation as one of the criteria used to determine the degree of liveability of cities around the world. Therefore the value of sport to Auckland Council's vision of Auckland becoming the most liveable city cannot be dismissed. In its own best interests Auckland Council must:

- (a) enable participation rather than create barriers to participation
- (b) put rules and regulations in place that are consistent with the aims of Auckland plan
- (c) manage safety without compromising participation
- (d) ensure that the use of recreation and sport assets is maximised.

8.2 Sport contributes to an area's sense of community by operating within and contributing to that community. Indeed, sport has successfully co-existed alongside other activities within communities throughout New Zealand for a very long time.

8.3 Times are changing and with it, the community's demand for sport and recreation opportunities to be delivered differently, particularly at a time

and place that suits participants. To meet this demand, and to maintain high levels of participation in sport and recreation, will require an increasingly flexible approach to provision, including availability of indoor and outdoor facilities and open spaces.

- 8.4 Community sport continues to be run almost entirely by volunteers. New Zealand prides itself on the contribution of volunteers which not only reduces costs and increases the availability of expertise but goes a long way towards developing and maintaining civic pride and a sense of community. Increasing the time required to complete compliance requirements and manage complex rules and regulations will likely have a detrimental effect on both the numbers of volunteers and the goodwill shared by them.

Richard Lindsay
15 July 2015

Attachment 1

Tennis in Auckland

Tennis has 2 Regional Sports Organisations (Tennis Auckland and Tennis Northern) that look after a combined total of 3 regional facilities, 4 sub-regional facilities, 89 clubs, 530 club courts that lay within the Auckland City Boundaries. There are nearly 19,000 regular tennis club participants within the Auckland region.

Tennis Auckland and Tennis Northern are responsible for promoting and managing the game of tennis which includes the organisation of tennis competitions for both junior and senior players as well as regional tournaments at the regional facilities. Currently 1,973 teams compete during the summer season utilising 65,697 court hours every weekday evening and on Saturday and Sunday. In addition to the regionally organised competition, clubs organise and run additional social club competitions year round in the evenings and on weekends.

The current landscape and issues

Tennis clubs are run and administered predominantly by volunteers and are often based in the heart of communities surrounded by residential properties. Most of our tennis clubs have been in their current location for over 70 years and have embraced their neighbours and local communities. Many of the clubs offer discounted membership prices to residents in the immediate vicinity to support the good will and relationships of neighbouring properties.

With such a demand on courts, weekend competition now runs on both Saturdays and Sundays starting from 8am and continues through the whole day. Finish times vary according to match formats, local community agreements and individual leases but will often exceed the proposed new hours of operation.

Tennis clubs individually run many activities on their facilities including coaching for all ages and abilities, organised social play during the day/evenings, social tournaments, courts used for regionally run competitions. In addition clubs will often hire out their facility to their members and local community groups for meetings, parties and functions that will fall outside of the clubs normal operating hours.

During the peak playing periods of evenings and weekends, clubs struggle to find additional time to pursue their current activities and any additional restrictions will not enable the tennis clubs to provide any additional services to their local communities.

The future challenges

The Auckland Regional Facilities Strategy for Tennis projects that an additional 6,232 people will regularly participate in tennis at a club by 2031 taking the total number of participants at club facilities to over 22,500 annually. The strategy also predicts that there will be a shortfall in club courts within certain areas that have been identified as high population growth areas. This will only put more pressure on tennis clubs to extend their playing times to enable participation for all. With clubs already struggling for time and additional facilities, any restrictions put in place now will have major consequences for clubs in the upcoming years.

Implications of proposed controls

Currently club competition and social mix-ins will be effected if the proposed hours of operation, lighting and noise control come into effect. Many of our multiple ethnic communities play on a Sunday evening bringing their families along to the tennis club and enjoying a social gathering for local tennis players and non-players alike.

As the regional competitions are not currently run during the public holiday weekends, this enables community clubs to run internal and open competitions. It is also a popular time to organise club open days where the local communities can come along to the club and enjoy all the activities on offer during the day and evening. Any restriction to the hours of operation on a Sunday or Public Holiday will have a detrimental effect to existing and future tennis playing and local communities.

Tennis is not regarded as a sport that produces much noise when being played. However there are certain times when noise is amplified. An example of this is when several matches are being played at the same time usually at a sub-regional facility. Club and local community supporters may also congregate when watching the premier tennis competition that is played on a Friday evening at clubs across the region. These matches will often also exceed the proposed hours of operations.

Changes sought to the Unitary Plan provisions

As the sport of tennis is run and administered predominantly by volunteers, any changes imposed need to be simple and consistent to enable our clubs to continue working with the community to offer a diverse range of options for all. With the current and future growth predications in Auckland, clubs will need additional hours to cope with demand.

Our ultimate goal is to enable more Aucklanders to access the sport of tennis at a time that suits the individual. In an ever changing modern city, people no longer just work 9am-5pm Monday to Friday and recreate at times to suit their work patterns. Careful consideration needs to be given to ensure equal sporting access to everyone, whether shift or office worker.

Due to all the information provided, as a sport tennis is seeking:

- Hours of operation are 6am-11pm regardless of the day of the week and include Public Holidays.
- Noise restriction be no less than 55 decibels and remain at that level at all times
- Lighting to be measured on light glare and spill, rather than illuminance of the playing surface

APPENDIX EIGHT
AUCKLAND TRANSPORT MEMO

Memorandum

To: Tony Reidy, Principal Planner, Plans and Places Auckland Council
From: Teresa George, Senior Planner & Kevin Wong-Toi, Principal Planner, Land Use Policy and Planning – Central, Auckland Transport
Date: 22nd December 2020
Subject: Plan Change 53 - Temporary Activity Standards & Pukekohe Park Precinct

1.0. BACKGROUND

- 1.1. Temporary activities are managed through the Auckland-wide provisions Chapter E40 of the Auckland Unitary Plan (Operative in Part) (AUP OP) to mitigate adverse effects on the amenity values, communities and the natural environment and the use and enjoyment of open space. The provisions ensure that these activities are managed on land and in the coastal marine area so that amenity values are maintained, and adverse effects are avoided, remedied or mitigated. Events on public land or water are also expected to obtain an event licence or permit under the relevant bylaws.
- 1.2. Auckland Council's Event Facilitation, Arts Community and Events team (ATEED) have advised that the new AUP (OP) Temporary Activity provisions are triggering the need for a number of resource consents. This is doubling up in some areas, in their opinion, on the event permit process. This plan change (PC53) looks further into the appropriateness of the AUP (OP) standards and whether the resource consent processes, bylaw or other mechanisms are more appropriate.
- 1.3. Concerns raised by ATEED include the following:
 - Pack-in and pack-out duration and associated noise levels
 - Duration of a temporary activity
 - Noise limits
 - Traffic associated with events in Rural and Future Urban zones generating >500 vpd would trigger a RD consent assessment
 - The definition of Anzac Day in relation to I434.6.1. Motorsport activities noise as it is applied to Pukekohe Park precinct
 - Temporary activities on sites and places of significance to Mana Whenua
- 1.4. ATEED's concerns are identified along with proposed changes the AUP (OP), Chapter E40 as part of PC 53.
- 1.5. This memorandum summarises Auckland Transport's position and recommendations on the proposed provisions.

2.0. PROPOSAL (PLAN CHANGE 53)

- 2.1. In response to the concerns raised, Council have proposed the following changes as part of PC53:
 - (a) Exclude the time required to establish and remove all structures and activities associated with the activity and reinstate the site to its original condition from the duration of temporary activities specified in Table E40.4.1 and to apply the construction noise standards in E25.6.28 to such activities;
 - (b) Amend rows A5 and A6 in the Temporary Activities "Activity Table" to refer to "temporary activities in public places or on private land" (i.e. recognising that public places and private land are mutually exclusive);

- (c) Require a Transport and Traffic Management Plan (as a permitted activity standard) for an event in a rural or Future Urban zone where more than 500 vehicle movements per day on adjacent roads are generated;
- (d) Increase the duration of those temporary activities that are defined as noise events (i.e. they exceed the noise standards for the zone) from six to eight hours;
- (e) Add a noise standard for temporary coastal activities that generate noise but are not defined as “noise events” in the noise chapter of the Auckland – wide provisions;
- (f) Align Anzac Day in the Pukekohe Park precinct to the definition under the Anzac Day Act 1966.

3.0. ISSUES (GENERAL)

- 3.1. Temporary activities, as defined in the AUP (OP) have the potential to generate adverse traffic effects. The AUP (OP) takes an Auckland-wide approach to management of temporary activities and seeks to enhance the social, economic, cultural, and quality of life benefits while managing adverse effects. Events are generally permitted under the AUP (OP) on public and private land subject to compliance with a number of standards including the duration (consecutive days); the number of events occurring, and the traffic that these events will generate (in rural and future urban areas only).
- 3.2. Auckland Transport’s key concerns/issues relate to the ability to ensure that the traffic generated by a temporary activity does not detract from the safety of the road network and well-being of surrounding residents.
- 3.3. Auckland Transport as a Road Controlling Authority also considers the ability to continue to maintain the operation of transport assets and facilities (including pedestrian accessibility), manage localised operational effects (including congestion) from temporary increased traffic volumes on the surrounding road network and the impact on typical commuter peak traffic, the safe and efficient operation of the transport network, the management of overspill parking, pedestrian safety, and access to and from the site as a result of such temporary events occurring (in the Future Urban zone and rural zones only).
- 3.4. There are other non-RMA operational related processes which may also trigger Auckland Transport’s involvement (bylaw & CAR process) e.g. an event generating less than 500vpd in the rural zone or Future Urban zone, or an event in any other zone complying with the E40 standards that requires the partial closure of the road reserve. Section 7 below provides further description of the non-RMA process.
- 3.5. The changes to remove traffic management and the definition of Anzac Day in the Pukekohe Park precinct has the potential to generate traffic effects, however any event at the scale of the V8 Supercars would be captured through Auckland Transport’s Temporary Traffic Management planning process which Auckland Transport (as road controlling authority) administers independently of RMA planning, and the Trading and Events in Public Places Bylaw 2015. The AUP (OP) confirms this requirement through the changes to the provisions set out in PC53.
- 3.6. Other issues identified by Council around: Temporary activities on Sites of Significance to Mana Whenua Overlay; Coastal Temporary Activities (relating to noise standard); and Temporary Emergency Works. The changes to the coastal noise standard do not have any direct implications on AT’s interests. The Global consent for Mana Whenua

and changes to RMA for emergency works are covered by alternative mechanisms to address issues/concerns relating the to operation of the transport network

3.7. See below Section 6 for direct risks/concern to Auckland Transport's interests.

4.0. FEEDBACK RECEIVED

4.1. AT's internal Traffic Events team and Development Planning Team were consulted on the proposed changes. A summary of feedback received from Auckland Transport teams as follows:

- Auckland Transport's Traffic Events Coordinators have reviewed the Plan Change and did not raise concerns. From an operational stand point, the Planned Events Manager does not foresee resourcing concerns with the amendments to E40.6.2.
- Auckland Transport's Development Planning team recommend that clarification is made around how a Transport and Traffic Management Plan is referenced to ensure consistent terminology is used that is generally understood in terms of standard industry practices. It is noted that PC 53 uses the term "Transport and Traffic Management Plan" which is consistent with other parts of the AUP (OP) such as the Major Recreation Facility Precinct provisions. As part of the wider AUP (OP) review it is suggested that this reference should be reviewed (if retained) to ensure consistency with any standard industry practices (e.g. Auckland Transport Code of Practice¹ or equivalent).

5.0. AUCKLAND TRANSPORT'S STATUTORY POWERS AND RESPONSIBILITIES

5.1. Auckland Transport's powers and responsibilities are set out in the Local Government (Auckland Council) Act 2009 ('LGACA'). The following section outlines the process by which AT manages the traffic effects generated by temporary activities.

Existing traffic management of temporary activities under the AUP (OP) (Planning)

5.2. Temporary activities are defined under Chapter J1 of the AUP (OP) and outlined in Appendix 1. These are managed under Chapter E40 of the 'Auckland-Wide: General' provisions and apply region-wide across all zones. Temporary activity standards manage the following effects of activities – noise, duration, frequency, timing, traffic in rural and future urban zones only, and the lighting of fireworks. The normal requirements of Chapter E27 (Auckland-wide transport provisions) do not apply to Temporary Activities.

5.3. Traffic associated with a temporary activity is currently managed under Chapter E40. An event in a rural or Future Urban zone requires (restricted discretionary) consent where it will generate more than 500 vehicle movements per day (standard E40.6.2(1)). Assessment Criteria E40.8.2(2) apply to the matters of discretion outlined in E40.8.1(2) – "effects of the activity on traffic generation, parking, pedestrian safety and access".

5.4. Filming activities within all zones (covers public² and private land) are a permitted activity for up to and including 30 consecutive days. Filming activities exceeding this standard are a restricted discretionary activity. Assessment Criteria E40.8.2(2) apply

¹ Traffic management plans (at.govt.nz)

² Defined under AUP (OP) and Trading & Events in Public Places (TEPP) Bylaw (2015) (Appendix-Table 2).

to the matters of discretion outlined in E40.8.1(2) – “effects of the activity on traffic generation, parking, pedestrian safety and access”.

- 5.5. Traffic Management Plans can be required to be submitted to the Road Controlling Authority and approved prior to an event as a condition of consent to enable the traffic effects of specific events on the road network to be considered and managed. An assessment under the AUP (OP) is not treated as an approval of the Traffic Management Plan and Auckland Transport would reserve the right to request further information and request changes when the Traffic Management Plan is formerly submitted for approval.

Existing temporary traffic management of temporary activities under LGA / RCA (operational)

- 5.6. There is a temporary traffic management process which Auckland Transport (as road controlling authority) administers independently of RMA planning. Under its functions as a Road Controlling Authority and Corridor Manager for all public roads, Auckland Transport is required to³:
- ensure the safety of road users and those working in the road corridor,
 - minimise disruption and inconvenience for road users and adjoining residents and businesses,
 - avoid un-necessary disruption and cost through conflicts in the timing of works and activities,
 - protect the integrity of existing road and utility assets within the road corridor,
 - protect the rights of future users of the road corridor,
 - ensure there is timely and accurate information available on works and activities on the network.

Auckland Transport’s Traffic Management process:

- 5.7. The corridor access request (CAR) application process is the primary means of approving work in the road corridor. A CAR application is required to be lodged for all activities that require either an excavation in the road corridor or vary the normal operating conditions of the road.
- 5.8. CAR/non-excavation corridor access request (NECAR) process is the primary non-RMA mechanism for requiring a Traffic Management Plan to manage temporary activities. See NECAR requirements –
- Placing a skip, bin or container in the road corridor.
 - Putting up a temporary scaffolding (mobile or fixed).
 - Using or parking machinery such as cranes, cherry pickers and water blasters.
 - Applying for a full or partial road or footpath closure to work on or above the road.
 - Non-excavation activities on Level LV, Level 1, Level 2 and Level 2L roads (if that activity does not affect the normal use of the road corridor).⁴

³ Auckland Transport Code of Practice (2013) Chapter 26 Corridor Access Management

⁴ Auckland Transport has identified the level of temporary traffic management applicable to each road or road section on the network. These levels have been determined by the traffic volume, posted speed limit and the road environment. Refer to Appendix 1 for explanation of each road level.

- 5.9. A Traffic Management Plan is required when the work/activity changes the normal operating conditions of any part of the road corridor (kerb to kerb), the work/activity will prevent normal pedestrian access along a footpath, the work/activity will prevent normal use of a driving or parking lane, or if an Auckland Transport contact requests this when responding to an application. If the proposed works could significantly impact the operation of the road network or result in a reduction on the capacity of the road during peak periods, a Traffic Impact Assessment will be required.

Event-specific Traffic Management (public land)

- 5.10. All events and filming on public land require permission from Council and other stakeholders including Auckland Transport through an event permit process under the Trading & Events in Public Places Bylaw (2015). The activities covered under the definition of event under this Bylaw are outlined in appendix 1.
- 5.11. Auckland Transport has the legal authority to close roads for event purposes under section 46⁵ of the Local Government (Auckland Council) Act 2009. That legislation also provides that Auckland Council is prohibited (s. 50) from exercising the functions and powers conferred on Auckland Transport; but that Auckland Transport may delegate its responsibilities (s. 54). This section is used to defer the event permitting process and initial interactions with promoters to Auckland Council or ATEED event facilitators; when the event is to be held on public land.
- 5.12. At present, ATEED are responsible for issuing Event Permits for events on public land. For events on roads or streets or events that will impact the normal traffic/pedestrian flow, including where there are road closures and/or parking restrictions organisers are required to provide a Traffic Management Plan that is sent to Auckland Transport for approval.
- 5.13. Auckland Transport is engaged by the relevant Auckland Council or ATEED event facilitator to participate in the event permitting process if the event is deemed to impact on the operation of the transport network. Traffic Management Plans at present can be required as a part of the permitting process for events.
- 5.14. There is no single trigger for requiring a Traffic Management Plan in this regime. Where an Initial Activity Proposal (IAP) identifies that the event will require road closures and/or will have significant effects on traffic movement, Auckland Transport requires that the organiser submit an event Traffic Management Plan for review. The Traffic Management Plan describes the extent of road closures and how business-as-usual traffic is proposed to be diverted. Accompanying a Traffic Management Plan in cases where road closures are required is a Corridor Access Request (CAR). For major events, the CAR process is handled in-house by Auckland Transport's Senior Traffic Events Coordinator in conjunction with Auckland Transport's Road Corridor Access (RCA) team.
- 5.15. Road closures would trigger a Traffic Management Plan requirement under the event permitting process, but other factors will also determine whether a Traffic Management Plan is required and how extensive it needs to be. These factors include crowd numbers, the layout of the venue, the time of day/week, the standard of public transport, activities in the road etc. Events are assessed on a case-by-case basis to determine what effects they will have on the road network. Traffic Management Plan requirements are subsequently tailored to the magnitude of the event's effects.

⁵ This section derives the relevant powers from section 346(1) and schedule 10(11) of the Local Government Act 1974.

Film Auckland Protocol

- 5.16. Film approval applications are handled by Screen Auckland, which is the film office for the Auckland region and operates as part of Auckland Tourism Events and Economic Development. Screen Auckland manage all film related activities and ATEED also have an events team that do the rest.
- 5.17. The requirements are outlined in the Auckland Film Protocol. Filming in public places in Auckland is controlled under the Auckland Council Trading and Events in Public Places Bylaw 2015. The size, impact and location of the filming activity determines whether a permit to film is required. Filming activities are required to apply for CAR/Traffic Management Plan where these will affect the normal operating conditions of the road.

6.0. KEY RISKS FOR AUCKLAND TRANSPORT/ AREAS OF CLARIFICATION

- 6.1. *Potential risk* – Auckland Transport’s resource capacity to process any increase in the submission of Transport and Traffic Management Plans under standard E40.6.2 arising from the Plan Change.

Assessment of risk –Based on internal feedback Auckland Transport is expected to have the capacity to process any increase in the submission of Transport and Traffic Management Plans under standard E40.6.2 arising from the Plan Change as part of business as usual practices.

- 6.2. *Potential risk* – To understand how Council will ensure compliance with the proposed Transport and Traffic Management Plan permitted activity standard. There is a possible risk where temporary activities generating more than 500 vehicle movements per day proceed without preparing a Transport and Traffic Management Plan when a resource consent is not required.

There are also related concerns that when a temporary activity triggers the permitted activity standard based on the proposed plan change, there is no certainty that the Transport and Traffic Management Plan will be authorised and applied before the event or temporary activity takes place. For example, there is no mechanism to condition any requirement to submit and approve a Transport and Traffic Management Plan prior to an event or temporary activity. To address this risk it is suggested that further wording amendments to the permitted activity standard be considered.

Assessment of risk –There is a Temporary Traffic Management planning process which Auckland Transport (as road controlling authority) administers independently of RMA planning, which will capture many of the larger temporary events in the definition. Events and filming on public land are captured through the Trading and Events in Public Places Bylaw 2015. Further consideration is needed from Council to provide greater certainty around applying a Transport and Traffic Management Plan to address transport effects through this permitted activity standard and/or any other available mechanisms to ensure these can be appropriately mitigated.

- 6.3. *Potential risk* - The plan change may result in an increase in frequency / occurrence (scale & intensity) of temporary increases in traffic.

Assessment of risk - The management of these impacts would be confined to the rural / future urban areas only. These roads are not the most intensively used from a capacity point of view of the network and they often are constructed to a rural standard (e.g. no pedestrian footpaths). Transport effects generated from temporary activities in the future urban areas and rural zones are likely to include additional localised traffic during pack-in/pack-out periods and pedestrian movements primarily within the site.

Auckland Transport would not typically expect that permanent mitigation would be required from an applicant to manage any adverse transport effects.

6.4. **CONCLUSION**

6.5. AT have reviewed Council's section 32 evaluation report and associated amendments to the provisions under PC53. Generally, the risks to AT are low in terms of managing the adverse effects on the transport network. There is a Temporary Traffic Management planning process which Auckland Transport (as road controlling authority) administers independently of RMA planning, which will capture many of the larger temporary events and filming activities in the definition.

6.6. AT's recommendations are as follows:

Clarification from Council as to how they will ensure compliance with a Transport and Traffic Management Plan permitted activity standard arising from the Plan Change if no resource consent is required. Further consideration of amendments to the wording of the proposed permitted activity standard is required to provide certainty that the Transport and Traffic Management Plan will be authorised and applied before the event or temporary activity takes place.

- As part of the next AUP (OP) review to consider the use of the term "Transport and Traffic Management Plan" to ensure consistency with any standard industry practices.
- Council to clarify how the term 'event' is defined under the AUP (OP) and whether standard E40.6.2 relates to 'events' as opposed to all 'temporary activities.' For example, how this term relates to specifically excluded activities such as markets under Chapter J of the AUP.
- To include an additional note under the "E40.6.2. Traffic associated with temporary activities" standard clarifying that the traffic generation threshold of 500 vehicle movements per day includes any vehicle movements associated with the establishment and removal of structures / facilities of the temporary activity.

6.7. AT looks forward to continuing involvement throughout the development of Plan Change 53.

Appendix

1. TTM Levels for Roads

Auckland Transport has identified the level of temporary traffic management (TTM) applicable to each road or road section on the network. These levels have been determined after taking into account the traffic volume, posted speed limit and the road environment.

There are 5 levels of temporary traffic management that are applicable to the network - Level LV, Level 1, Level 2L, Level 2 and Level 3.

- Level LV roads carry less than 500 vehicles per day (vpd) and require TTM measures as per COPTTM.
- Level 1 roads carry more than 500 vpd but less than 10,000 vpd and require TTM measures as per COPTTM.
- Level 2L roads are high volume roads carrying more than 10,000 vpd which have a posted speed limit of 50 km/h and a constrained road environment. The standard of TTM measures are as per Level 2 roads in COPTTM but with Level 1 'State Highway Standard' spacings for static operations.
- Level 2 roads are high volume roads carrying more than 10,000 vpd and require TTM measures as per COPTTM.
- Level 3 roads are high-speed, multi-lane roads carrying more than 10,000 vpd at a speed greater than 75 km/h and require TTM measures as per COPTTM.
- The default level is Level 1 for roads carrying less than 10,000 vpd and Level 2 for roads carrying more than 10,000 vpd. This applies to any roads or road sections that are not identified in the schedule of roads on the website.

Memorandum

2. Table comparing AUP (OP) (E40) with the Trading and Events in Public Places Bylaw 2015 (on public land)

	AUP Temp activities (E40)	Trading and Events in Public Places Bylaw 2015	Key differences/ overlaps
<p>Definitions</p>	<p>Definition of 'Temporary activity' under Chapter J1 of the AUP (OP). An activity that:</p> <ul style="list-style-type: none"> • is outside the normal expected use of a site (or area within the coastal marine area); • has a start and end date and time. <p>Includes:</p> <ul style="list-style-type: none"> • filming activities at temporary locations and activities accessory to that filming activity; • activities accessory to a building or construction project, such as scaffolding, fencing, offices or storage sheds; • Council Haz Mobile collections; • carnivals; • concerts; • fairs; • festivals and events; • public meetings; • parades; • special events; • sporting events; • overflow parking; 	<p>Bylaw covers the following activities:</p> <ul style="list-style-type: none"> • markets and stalls • mobile shops • outdoor dining • fundraising • offering commercial services • distributing promotional material or goods • outdoor displays • street performances and pavement artists • filming • events – defined as an organised temporary activity that is outside the normal expected use of a site (includes organised gathering, parade, protest, wedding, private function (which is independent of premises), festival, concert, celebration, multi venue sports event of a significance scale, fun run, marathon, duathlon or triathlon. 	<p>The bylaw Trading and Events in Public Places Bylaw 2015 (on public land) covers activities that have been excluded from the AUP (OP) definitions section for 'temporary activities.'</p> <p>Public Places are defined the same in both the Trading and Events in Public Places Bylaw 2015 and AUP (OP).</p>



Memorandum

	<ul style="list-style-type: none"> • temporary military training (land based only); • emergency response training, including live burns carried out by Fire and Emergency New Zealand; and • structures accessory to temporary activities. <p>Excludes:</p> <ul style="list-style-type: none"> • markets; • temporary military training activities within the coastal marine area; • temporary structures within the coastal marine area; and • temporary signs. <p>Definition of 'public places' under Chapter J1 of the AUP (OP) includes:</p> <p><i>'any road, footpath, public square, grass verge, berm, public gardens, reserves and parks, beaches, wharves, breakwaters, ramps and pontoons, foreshore and dunes, access ways, recreational grounds and sports fields.'</i></p>		
Provisions/ purpose	The AUP (OP) seeks to enable temporary activities for events and filming purposes, including associated film sets, while managing	The purpose of the bylaw is to provide for the control of events and trading in public places.	Events and filming activities are managed under both.



Memorandum

	<p>any adverse effects - noise, traffic, sites of significance to mana whenua.</p>	<p>All events and filming in public places require permission from Council through an event permit. The Council can require compliance with a traffic management plan if deem appropriate.</p>	<p>Trading & Events in Public Places (TEPP) Bylaw 2015 manages filming and events in public places only however this covers all areas of the Auckland Region (rural/future urban areas and non-rural/future urban areas). A permit is required for any event or filming activity and compliance with a Traffic Management Plan is required as part of the permit process. This may be < or> than 500vmpd.</p> <p>The AUP (OP) manages events and filming activities on rural and future urban areas (public and private land) only where these activities generate more than 500vmpd. If activities generate less than 5000vmpd or is outside the rural or future urban areas, the AUP (OP) is not triggered.</p>
<p>Standards</p>	<p>Temporary activities are generally permitted subject to compliance with a number of standards including traffic (in rural and future urban areas only). Resource consent (RD) is required where an event in a rural or FUZ zone (on both public and private land) will generate more than 500 vehicle movements per day (standard E40.6.2(1)).</p>	<p>Sets out general and specific conditions for trading and events in public places to ensure that appropriate standards of health and safety, pedestrian and vehicle access and visual amenity are maintained. In particular, The Council will consider whether there will be significant disruption to traffic flows or public passage, or any impacts on public safety.</p>	<p>Both can impose conditions requiring compliance with a Traffic Management Plan. Both consider the impact on traffic flow and public safety.</p>
<p>Assessment Criteria/ Approval Conditions</p>	<p>Consideration given to the effects that the traffic generated from the activity will have on parking, pedestrian safety, access and public transport. (E40.8.1(2) and E40.8.2(2)).</p>		



Memorandum



		A condition requiring compliance with a traffic management plan can be imposed.	
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