

# Decision following the hearing of a Plan Modification to the Auckland Unitary Plan under the Resource Management Act 1991



## Proposal

This plan change seeks to amend some of the temporary activity standards so that they are less onerous, and also amend the Pukekohe Park Precinct provisions to enable events on the afternoon of Anzac Day.

This plan modification is **APPROVED**, with modifications. The reasons are set out below.

<b>Plan modification number:</b>	<b>53</b>
<b>Site address:</b>	Plan Change 53 - Temporary Activities and Pukekohe Park Precinct
<b>Plan Change Initiator:</b>	Auckland Council
<b>Hearing commenced:</b>	Tuesday 16 March 2021, 9.30am.
<b>Hearing panel:</b>	Philip Brown
<b>Appearances:</b>	<p><u>For Council:</u> Phil Reid, Auckland wide Planning Manager Tony Reidy, Senior Policy Planner Liesl Dawson, ATEED Event Operations Manager Marie Jenkins, ATEED Screen Facilitation Manager Bevan Donovan, Hearings Advisor</p> <p><u>For the Submitters:</u> Marian Whitehead</p> <p><u>Local Boards:</u> Albert-Eden Local Board represented by Chairperson Margi Watson Waitematā Local Board represented by Alexandra Bonham Franklin Local Board tabled a statement</p>
<b>Hearing adjourned</b>	Tuesday 16 March 2021
<b>Hearing Closed:</b>	Thursday 18 March 2021

## Introduction

1. This decision is made on behalf of the Auckland Council (“**the Council**”) by Independent Hearing Commissioner Philip Brown (sitting alone), appointed and

acting under delegated authority under section 34A of the Resource Management Act 1991 (“**the RMA**”).

2. I have been given delegated authority by the Council to make a decision on Plan Change 53 (“**PC53**”) to the Auckland Council Unitary Plan Operative in Part (“**the Unitary Plan**”) after considering all the submissions, the section 32 evaluation, the reports prepared by the Council officers for the hearing, material and information provided to satisfy obligations for further evaluation under section 32AA, and evidence presented during the hearing of submissions.
3. PC53 is a Council-initiated plan change that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA).
4. The plan change was publicly notified on 24 September 2020 following a feedback process involving Iwi, as required by Clause 4A of Schedule 1. Notification involved a public notice, together with letters to directly affected landowners and occupiers adjacent to the Pukekohe Park Precinct alerting them to the plan change. The latter step was aimed at ensuring that those landowners and occupiers were made aware of the changes that related to amendments to the Precinct provisions.
5. The submission period closed on 22 October 2020. A summary of submissions received was notified for further submissions on 19 November 2020. A total of four submissions and two further submissions were made on the plan change.

## **SUMMARY OF THE PLAN CHANGE**

6. The proposed plan change is described in detail in the hearing report. A summary of key components of the plan change is set out below.
7. The objectives of PC53 are to:
  - (a) 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) 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; and
  - (c) Address a gap in the coastal temporary activity provisions.
8. PC53 seeks to provide some additional flexibility for temporary activities to occur as permitted activities (i.e. without triggering the need for a resource consent), while retaining a reasonable level of control over potential adverse effects. The amendments proposed to the Unitary Plan in order to achieve this outcome and give effect to the objectives noted above are summarised as:

- (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 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; and
  - (f) Align Anzac Day in the Pukekohe Park Precinct to the definition under the Anzac Day Act 1966.
9. PC53 proposes amendments to Unitary Plan Chapter E25 (Noise and vibration), Chapter E40 (Temporary activities), and Chapter I434 (Pukekohe Park Precinct). No other changes are proposed, and none of the amendments seek to alter the policy direction of the Unitary Plan.

## **HEARING PROCESS**

- 10. As the submitters to PC53 wishing to give evidence were not experts (or not submitting in their capacity as an expert) and did not identify expert representation, the pre-circulation of expert evidence was not required.
- 11. I did not undertake a site visit to inform my consideration of PC53 and the submissions received, as the plan change primarily addresses city-wide issues that are not attached to a specific location. The exception to this is the proposed amendment to the Pukekohe Park Precinct standard relating to motorsport noise, which proposes to alter the way in which Anzac Day is observed.
- 12. However, the change proposed would not provide for any physical alterations to the land within the Pukekohe Park Precinct and I did not consider that a site visit would be of assistance to me for that reason. Ms Whitehead, whose submission addressed the proposed change to the Pukekohe Park Precinct standards, agreed that there appeared to be no value in me conducting a site visit.

## **PROCEDURAL MATTERS**

13. There were no procedural matters that arose during the hearing or through the processing of the plan change. All submissions and further submissions were received within the relevant statutory time frames.

## **RELEVANT STATUTORY PROVISIONS CONSIDERED**

14. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements are set out in detail in the Council's section 32 evaluation report and in the section 42A report prepared for the hearing, and it is not necessary to repeat that information in this decision. I note, however, that I am satisfied that the plan change has been prepared in accordance with all relevant statutory obligations and has been appropriately evaluated in a manner that meets the requirements of section 32 of the RMA.
15. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submissions, with that evaluation to be undertaken in accordance with section 32AA. With regard to section 32AA, it is noted that the evidence presented by submitters and Council effectively represents this assessment, and that material should be read in conjunction with this decision, where it has been determined that a change to PC53 should be made.

## **SUBMISSIONS**

16. Four submissions were received, from Derek Balle, The New Zealand Transport Agency (Waka Kotahi), Auckland Tourism, Events & Economic Development (ATEED), and New Zealand Defence Force (NZDF).
17. Mr Balle supported PC53 but sought removal of the lighting of fireworks as a permitted activity in the Temporary Activities standards.
18. Waka Kotahi is generally supportive of PC53, but sought an amendment to the proposed wording relating to Temporary Activities so that it can be involved in consideration of traffic management proposals associated with events that might impact on State Highways.
19. ATEED supports the plan change but requests that the proposed Pukekohe Park Precinct standard be amended to allow for events after 1.00pm if Anzac Day falls on a Sunday.
20. NZDF sought to have PC53 approved without amendments. Its support was intended to ensure that there were no changes arising through the PC53 process that would impact on its ability to undertake Temporary Military Training Activities.

21. Two further submissions were made, from Mr Balle in support of his own primary submission and from Marian Whitehead in opposition to the submission of ATEED. Mr Balle provided further detail of the impact of fireworks on horses, including the more than 20 bloodstock accommodated on his property located close to the Pukekohe Park raceway. Ms Whitehead opposed the amendments sought by ATEED as it would enable motor racing to occur on Anzac Day, which would impact on local residents' ability to observe and enjoy a day of significance to many.

## **SUMMARY OF EVIDENCE**

22. The Council planning officer's comprehensive section 42A report was prepared by Tony Reidy, an experienced Senior Policy Planner. It was circulated prior to the hearing and taken as read. No expert evidence was pre-circulated. Mr Reidy introduced the plan change through a helpful presentation that explained its purpose, highlighted the affected provisions and the reasons for the changes, and summarised the submissions and the feedback received from Local Boards and Auckland Transport.
23. The evidence presented at the hearing responded to the issues and concerns identified in the section 42A report, the plan change itself, and the submissions and further submissions received.
24. Ms Whitehead attended the hearing and presented a written statement of evidence. Ms Whitehead is an experienced planner but her appearance was in a personal capacity and she did not purport her statement to be expert evidence.
25. Ms Whitehead is a resident of Pukekohe and lives approximately 1km from the Pukekohe Park raceway. She described how noise from motor racing disturbs the residential amenity that would otherwise be enjoyed in her neighbourhood and is concerned that allowing motor racing on Anzac Day will significantly reduce residents' ability to observe, appreciate and enjoy that nationally significant day.
26. In her submission, Ms Whitehead pointed out that ATEED's requested amendment to provide for the Supercars event at Pukekohe over the Anzac Day weekend would enable any motor racing event to use that opportunity for racing on Anzac Day. However, in her evidence at the hearing Ms Whitehead acknowledged that the three-day Australian Supercars event appeared to make a worthwhile contribution to the Pukekohe businesses and the local economy.
27. In light of that, Ms Whitehead suggested an alternative relief that would limit the Anzac Day racing to the Australian Supercars event or a similar international event. This would continue to prevent national level events on Anzac Day, but she noted that those are likely to have more control over scheduling and make less of a contribution in terms of economic activity. Ms Whitehead's suggested wording sought that motor racing could not take place on Anzac Day "*except that the track can be used for multi-day international motor sport events from 1.00pm on Anzac Day.*"

28. The hearing was also attended by Margi Watson, Chairperson of the Albert-Eden Local Board, and by Alexandra Bonham representing the Waitemātā Local Board. Ms Watson stated that the Board supported the introduction of the new noise rule for coastal temporary activities, but opposed any amendment that would increase the duration of temporary activities from six hours to eight hours. Ms Bonham raised similar concerns in relation to the proposal to increase the permitted duration of temporary activities.
29. Both Ms Watson and Ms Bonham advised that parks and open spaces within their respective local board areas were under significant pressure to accommodate events given their central location within the region. They noted that residents in their areas were subject to significant noise from such events and from other sources such as hospitality businesses. Both board representatives considered that any events exceeding six hours in duration should continue to be required to obtain resource consent to ensure that impacts are assessed and properly managed.
30. In addition to the appearances at the hearing by Ms Watson and Ms Bonham, a brief written statement was tabled from the Franklin Local Board. The statement recorded the Board's support for PC53, and in particular the proposal to enable motor racing at Pukekohe Park raceway after 1.00pm on Anzac Day to ensure that such events are not cancelled or lost to the region. The Board also expressed some support for Mr Balle's concern about the potential for fireworks displays to affect horses in the vicinity of the Pukekohe Park Precinct.
31. Mr Reidy was given an opportunity to respond to matters arising from the evidence and from the local board feedback, and address questions that I had regarding the proposed wording of the amended provisions comprised in PC53. Liesl Dawson, Event Operations Manager from ATEED, also responded as required to matters that related to her role.
32. Mr Reidy noted that he agreed with Ms Whitehead's suggested amendment relating to Anzac Day motor racing, and Ms Dawson also stated that it meets the intent of ATEED's submission and she would support it.
33. With regard to my question as to whether Auckland Transport and/or Waka Kotahi should be authorising or certifying a Transport and Traffic Management Plan, Mr Reidy considered that 'authorising' was appropriate and consistent with the use of that term elsewhere in the Unitary Plan.
34. In relation to the proposed changes to the permitted duration of events, Mr Reidy acknowledged the concerns of the Waitemātā and Albert-Eden local boards but considered the eight-hour duration strikes an appropriate balance between the operational needs of events and the amenity of residents. He noted that the local boards have powers under the Trading and Events in Public Places Bylaw 2015 to authorise events on public land and set limits on their duration.

## **PRINCIPAL ISSUES IN CONTENTION**

35. Having considered the submissions and further submissions received, the hearing report, the evidence presented at the hearing and the Council officers' response to questions, the following principal issues in contention have been identified:
- Whether it is appropriate to enable motor racing at the Pukekohe Park Precinct on Anzac Day and, if so, under what terms;
  - Whether the maximum permitted duration of temporary activities should be extended from six hours to eight hours; and
  - Whether there is jurisdiction to manage fireworks displays within the scope of PC53.

## **FINDINGS ON THE PRINCIPAL ISSUES IN CONTENTION**

36. Currently, the standards of the Pukekohe Park Precinct do not allow motor racing on Anzac Day. PC53 seeks to enable racing in the Precinct on Anzac Day by aligning the standard with the Anzac Day Act 1966.
37. However, the Anzac Day Act 1966 would not provide for racing on a Sunday where Anzac Day falls on that day of the week. This would occur once every six years, and the advice received from ATEED is that a disruption of this nature would likely be enough to prevent the Australian Supercars from basing its New Zealand three-day event at Pukekohe.
38. Mr Reidy proposed an amendment to the standard in response to this issue, to the effect that Anzac Day shall be observed until 1.00pm where it falls on a Sunday. However, as Ms Whitehead pointed out, this amendment would enable any motor racing to occur on an Anzac Day Sunday and not just the Australian Supercars event.
39. Ms Whitehead's proposed alternative amendment would limit the exception to international events such as the Australian Supercars. I am persuaded that this provides for an outcome that strikes an appropriate balance between the economic benefits of major events and the need to limit noise to provide reasonable amenity for local residents. I note that Mr Reidy and Ms Dawson agreed.
40. The Waitematā Local Board and Albert-Eden Local Board expressed concerns with regard to the proposal to extend the maximum permitted duration of events (as did the Ōrākei and Puketāpapa local boards, although they were not represented at the hearing). These concerns, and the reasons for them, are noted and acknowledged.
41. However, amendments to a proposed plan change can only be made if the change is sought through a submission or further submission. In this case, none of the submissions received raise that particular issue or seek a change of that nature and the feedback from the local boards does not constitute a submission.

42. As a consequence, scope does not exist for the amendments sought by the local boards and I have no ability to alter that part of PC53 in response to the concerns raised. Although I need go no further than that and am not obliged to assess the merits of the proposal to extend the duration of events, I do record that this proposal has been appropriately evaluated through the section 32 process and has been developed in accordance with the correct statutory procedure.
43. I also note that the local boards retain control over events that would be undertaken on public land and have an ability to set limits on their duration. These powers stem from the Trading and Events in Public Places Bylaw 2015.
44. The remaining matter in contention relates to Mr Balle's submission and further submission that sought to restrict fireworks displays within the Pukekohe Park Precinct. Mr Balle raises a legitimate point about the impact of fireworks on the health and wellbeing of horses, and it is especially pertinent as the Precinct is located within an area that is heavily associated with the bloodstock industry.
45. However, as Mr Reidy pointed out, Mr Balle's request also runs into a jurisdictional barrier and cannot be addressed through consideration of PC53. That is because the plan change did not propose any changes to the provisions that relate to fireworks displays, which are a permitted activity where the relevant standards are met. Case law<sup>1</sup> has clearly established that a submission must be 'on' the plan change (that is, relate to the matters that are proposed to be amended) and scope will not exist to amend provisions that were not part of the changes proposed.
46. For this reason, I am unable to grant the relief sought by Mr Balle. The matters he has raised would need to be addressed by way of a subsequent plan change or through the review of the Unitary Plan.
47. PC53 also included several other amendments that are not contested. I have considered those aspects of the plan change and I am satisfied that the proposed amendments are appropriate and meet the relevant statutory requirements. Some minor wording changes are required in my view for grammatical reasons, and I have made those amendments through this decision. Those amendments are inconsequential in terms of the effect of PC53 and no issue as to scope arises.
48. In summary, I have reached the following conclusions in relation to the submissions and further submissions received:
- Mr Balle's submission supporting PC53 is **accepted in part**, but his request for amendments to the temporary activity provisions relating to fireworks displays is **rejected** as it is beyond scope;
  - Waka Kotahi's submission supporting PC53 with amendments is **accepted**, and its request to amend the provisions so that it can review and authorise a Transport and Traffic Management Plan that may impact on the State Highway network is also **accepted**;

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<sup>1</sup> As set out in the section 42A report.



- ATEED's submission supporting PC53 with amendments is **accepted in part**, and its request for amendments that provide for motor racing after 1.00pm on Anzac Day, where that falls on a Sunday, is also **accepted in part**;
- NZDF's submission to approve PC53 without amendments is **accepted in part** (although it is noted that neither PC53 as notified or the amendments affect the ability of NZDF to undertake Temporary Military Training Activities);
- The further submissions of Marian Whitehead opposing those aspects of PC53 that facilitate motor racing on Anzac Day are **accepted in part** to the extent described above in this decision.

## STATUTORY PROVISIONS

49. The RMA sets out a range of matters that must be addressed when considering a plan change, as identified in the section 32 report accompanying the notified plan change.
50. I also note that section 32 clarifies that analysis of efficiency and effectiveness is to be at 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.
51. Having considered the evidence and relevant background documents, I am satisfied, overall, that PC53 has been developed in accordance with the relevant statutory and policy matters. The plan change will clearly assist the Council in its effective administration of the Unitary Plan.
52. I have considered the amendments arising from submissions (particularly the amendment pertaining to Anzac Day in response to Ms Whitehead's suggestion) in the context of the further evaluation required under section 32AA. I consider that the amended provisions meet the requirements of the RMA, give effect to Unitary Plan objectives, and are appropriate having regard to the benefits and costs of the effects anticipated from their implementation.

## DECISION

53. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, Proposed Plan Change 53 to the Auckland Unitary Plan (Operative in Part) be approved, subject to the modifications as set out in this decision. All amendments to the Unitary Plan provisions arising from PC53 (as amended through this decision) are contained in **Attachment A**.
54. Submissions on the plan change are accepted and rejected in accordance with this decision. In general, these decisions follow the recommendations set out in the Council's section 42A report, except as identified above in relation to matters in contention.

55. The reasons for the decision are that Plan Change 53:
- (a) will assist the Council in achieving the purpose of the RMA;
  - (b) is consistent with the Auckland Regional Policy Statement;
  - (c) is consistent with the provisions of Part 2 of the RMA;
  - (d) is supported by necessary evaluation in accordance with section 32 and section 32AA; and
  - (e) will help with the effective implementation of the Unitary Plan.



**Philip Brown**  
**Independent Commissioner**

**Date:** 30 April 2021

## **Appendix A – Changes to Plan Change 53 (Includes changes that did not receive a submission together with changes as a result of accepting submissions and further 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 openspaces (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 <del>and</del> <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 <del>and</del> <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 and/or Waka Kotahi (where there is a potential impact on the State Highway network)) shall be prepared, and the event shall be 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  $L_{Aeq}$  and 80dB  $L_{A01}$  except;
  - (i) three noise events can have a noise limit of 80dB  $L_{Aeq}$  and 90dB  $L_{A01}$  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  $L_{Aeq}$  and 75dB  $L_{Amax}$  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, except that the track can be used for multi-day international motor sport events from 1.00pm on Anzac Day;
  - (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”.