

Proposed District Plan Change 13

TEMPORARY ACTIVITIES AND FILMING

Summary of Submissions

Publicly Notified:

15 September 2009

Further Submissions Close:

13 October 2009 at 5.00pm

City of Lower Hutt District Plan – Proposed District Plan Change 13

Temporary Activities and Filming

Summary of Submissions

	Submission Number	Sub- mission Reference	Provision/Issue	Support/ Oppose	Submission Summary	Decision(s) Requested	Wish to be heard
Michael and Jane Curtis [REDACTED] Lower Hutt	RM16-4-13S-001	1.1	Entire Plan Change	Support	Support changes to the District Plan that will make it easier to hold special events, festivals and parades, temporary activities and filming. The submitter is involved in the tourism industry and sees the changes as much needed.	-	Y
K M Bligh Winstone Aggregates PO Box 17-195 Greenlane Auckland	RM16-4-13S-002	2.1	Entire Plan Change	Oppose	Oppose the Plan Change as while the intent of the change has merit, it fails to address the potential for adverse reverse sensitivity effects that may arise where temporary activities and filming seek to locate close to mineral extraction and processing activities. The Plan Change as written is too loose and overall is inconsistent with the Regional Policy Statement and fails to meet the purpose of the Resource Management Act 1991.	Withdraw the Plan Change and prepare a new one that addresses reverse sensitivity effects which may arise as a result of temporary activities and filming in close proximity to quarrying and to other activities which are incompatible with such development.	Y
		2.2	Reverse Sensitivity	-	There is the potential for reverse sensitivity effects to arise where temporary activities and filming locate in close proximity to mineral extraction and processing activities. Quarries generate effects (e.g. blasting vibration) which some temporary and filming activities can be susceptible to (e.g. horse riding events or filming requiring very low background noise). As a consequence these activities could seek to limit the noise/vibration from the quarry which could limit the operations of the quarry thereby limiting its production capacity.	Alternatively, make appropriate amendments to the Plan Change to include provisions which give effect to the points raised in the submission. In particular, a rule that requires any filming or temporary activity within 500m of a mineral extraction and processing site to be a restricted discretionary activity and add <i>Reverse Sensitivity</i> to the matters over which discretion is restricted.	
Geraldine Mary Laing [REDACTED] Lower Hutt	RM16-4-13S-003	3.1	Rule 14J 2.1.1 (a) Permitted Activity Conditions – Duration	Oppose	The duration of temporary activities on a site is undefined and potentially exposes residents or business to continuous noise at high decibel levels for a period of 3 days.	Add new sub-clause in 14J 2.1.1 (a) Duration: <u>“(iii) The activity area site location shall be at the discretion of the Council”</u>	N

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		3.2	Rule 14J 2.1.1 (b) Permitted Activity Conditions – Hours of operation	Oppose	Some residents expect a quiet period on 7am Saturday/Sunday, not exposure to 70dBa after a hard week.	-	
		3.3	Rule 14J 2.1.1 (d) Permitted Activity Conditions - Noise	Oppose	No decibel level has been set for non-residential sites. Many people are unaware of the harmful effects of loud noise on hearing for young children who may be present at an activity.	-	
		3.4	14K 2.1 Permitted Activities – New Provision	-	-	Seeks new rule under 14K 2.1 Permitted Activities <i>“(b) No filming activity will be allowed within 500 metres of a residential area.”</i> Or failing the above being considered, seeks new rule: <i>“(b) No filming activities will be allowed within 500 metres of a residential area which is contiguous to a site already classed as a “permitted activity”.</i>	
		3.5	Rule 14K 2.2 (a) and (c) Permitted Activity Conditions – Duration and Noise	Oppose	Continuous noise induces stress and strong antagonism to the source and is harmful to health. 14K 2 Rules have the potential to remove any protection of health and amenity from a large number of people. There is nothing in the proposed amendments to prevent the maximum noise level being maintained throughout the whole duration of filming, up to 30 days. The proposed permitted noise levels will exceed NZS 6801:2008 “acoustics and measurement of environmental sound” guidelines 8.6.2 “for the reasonable protection of health and amenity associated with use of land for residential purposes”.	Amend 14K 2.2 (c) Noise to read <i>“Any noise resulting from filming activities shall not exceed 60dBA L10 and Lmax65 when measured at any boundary”</i>	

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		3.6	Rule 14K 2.2 Permitted Activity Conditions – New Condition	-	Submitter has experienced filming activity in a house opposite her own and a security guard removed local's parking spaces.	Insert permitted activity condition: <i>“(h) Traffic: Where non-metered traffic spaces are required, the operator of the filming activity shall contribute to the Council an amount commensurate with its commercial area parking fees.”</i> And Amend numbering of <i>“(h) General Rules:”</i> to be <i>“(i) General Rules:”</i>	
Duncan Donald Chisholm	RM16-4-13S-004	4.1	Entire Plan Change	Support in part	Generally supports goals and objectives of the plan change.	Adopt Plan Change subject to final wording.	Y
Leisure Active Hutt City Council Private Bag 31912 Lower Hutt		4.2	Rule 14J 2.1.2 (a) Permitted Activity Conditions – Maximum Duration	Support in part	-	Suggests the proposed provisions include terms and conditions regarding the maintenance of temporary buildings and structures. These terms and conditions would be a means of minimising safety risks and establishing an acceptable standard for aesthetic appearance of temporary buildings and structures.	
		4.3	Rule 14J 2.1.1 Permitted Activity Conditions	Support	Supports that there is not a maximum number of participants.	-	
		4.4	Rule 14J 2.1.1 Permitted Activity Conditions	Support in part	Suggests that consideration be given to the development of permitted activity terms and conditions as a flow on from not restricting the number of participants. Events attracting large crowds may present adverse effects (beyond that of excess waste) on the surrounding environment and communities.	Council may want to consider implementing other conditions as required. These may include: <ul style="list-style-type: none"> • Traffic and parking management • Security and Crowd Control 	

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						<ul style="list-style-type: none"> • First Aid and Emergency Management • Portable Sanitation • Public notification 	
		4.5	Rule 14J 2.1.1 (a) Permitted Activity Condition - Duration	Oppose	<p>Maximum site occupancy of 5 days is not consistent with set up and pack down requirements for pre-existing Council run events, such as the Petone Winter Carnival.</p> <p>A total duration of the temporary activity of 3 days on a site will be too limiting on the scope of future Council run events e.g. Rugby World Cup 2011 events.</p>	Recommends Option C from the Section 32 Analysis: <i>“To have a maximum occupancy of 10 consecutive days and a total duration of the temporary activity of 5 days on a site”.</i>	
		4.6	Rule 14J 2.1.1 (b) Permitted Activity Condition – Hours of Operation	Oppose	The hours of operation proposed are not consistent with the set up and pack down requirements of pre-existing Council run events, such as the Hutt City Triathlon, the Petone Winter Carnival and the Jackson Street Fiesta.	<p>Specify hours of operation that temporary activities must operate for each day of the week (including set up and pack down), being Sunday to Thursday 6am to 11pm and Friday and Saturday 6am to 12 midnight. Also include special extension hours to 1am the following day for New Years Eve.</p> <p>An additional option is to restrict the period in which any amplified sound may be emitted OR heavy machinery operated (ie: generators, carnival rides etc), being Sunday to Thursday 7am to 10pm and Friday and Saturday 7am to 11pm.</p>	
		4.7	Rule 14J 2.1.1 (g) And Rule 14K 2.2 (g) Permitted Activity Condition – Waste	Oppose	The terms Waste Minimisation and Waste Management do not provide clear enough definitions of what will be required. Minimisation implies that the event organiser must make every effort to reduce event related waste (i.e. reuse, reduce, recycle), whereas Management implies that the event	Recommends Rule 14J 2.1.1 (g) and Rule 14K 2.2 (g) be amended to say <i>“A <u>Waste Minimisation and Management Plan is required for all filming and temporary activities</u>”.</i>	

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					organiser is responsible for clean-up and disposal of event related waste (i.e. provision of bins, rubbish removal).		
		4.8	All other proposed changes	Support	All other proposed changes are supported.	Adopt all other proposed changes.	
Sacha Gilbert New Zealand Historic Places Trust – Pouhere Taonga PO Box 19173 Wellington	RM16-4-13S-005	5.1	Entire Plan Change	Support in part	Generally supportive of the Plan Change subject to amendments. Explains the importance of properly managing the effects of temporary activities and filming given they are becoming more common occurrences and often occur in places of outstanding natural or architectural beauty with cultural and heritage values. Notes the importance of heritage protection under the RMA and the historic heritage values of Lower Hutt in relation to both Maori and European settlement.	-	N
		5.2	14J Temporary Activities	Support	Supports provisions relating to culture and heritage in section 14J Temporary Activities. It is a vital first step to identify as an issue in <i>Issues, objective and policies</i> , that temporary activities can have adverse effects on culture and heritage. By including 14J 2.1.1 (h) – that temporary activities must comply with all other general rules, Council is directing those undertaking temporary activities to comply with the existing section 14E – significant natural, cultural and archaeological resources. All temporary activities that fall within the restricted discretionary category consider the effects on cultural and heritage values and link these activities back to complying with all other general rules. These provisions will prompt decision makers to identify the negative effects that can occur, in respect of temporary activities, to cultural and historic heritage.	The provisions relating to culture and heritage as proposed in section 14J Temporary Activities be adopted.	
		5.3	14K Filming	Support in part	Supports the inclusion of heritage and cultural concerns into section 14K Filming, specifically that filming must comply with all	The provisions relating to culture and heritage as proposed in section 14K	

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					<p>other general rules (14K 2.2 (h)) and that all filming within the restricted discretionary category consider the effects on cultural and heritage values. These provisions will go some way to prompt decision makers to identify the negative effects that can occur in respect of filming to cultural and historic heritage.</p> <p>However, there is no mention of culture and heritage concerns in the issue, objectives and policies section (14K 1) which gives the impression those effects on heritage and culture by filming are not a significant issue. The connection and identification of culture and heritage into the issues section would confirm that the effects on culture and heritage are important issues for Lower Hutt and provide better protection to culture and heritage.</p>	Filming are adopted with the change that the possible effects on heritage and culture by filming is included as an issue in section 14K 1 Issues, objectives and policies.	
Judith McCann Film New Zealand PO Box 24142 Wellington	RM16-4-13S-006	6.1	Entire Plan Change	Support in part and oppose in part	Supports the intention to incorporate in the District Plan specific provisions relating to filming.	Approve the Plan Change as it relates to filming subject to the amendments requested.	Y
		6.2	Objective 14K 1.1 and Policies 14K 1.1 (a) and (b)	Support	The objective and policies appropriately recognise and provide for filming.	-	
		6.3	Objective 14K 1.2 and Policy 14K 1.2 (a)	Support	The objective and policy appropriately recognises and provides for maintaining the amenity values of the locality in which the filming activity takes place.	-	
		6.4	Rule 14K 2.2 (a) to (f) Permitted Activity Conditions	Support	Supports permitted activity conditions 14K (a) to (f) relating to duration, structures, noise, site restoration, light spill and glare and dust and wind blown debris.	-	
		6.5	Rule 14K 2.2 (g) Permitted Activities Condition - Waste	Oppose	While not disagreeing with the overall responsibility (on the filming industry) to minimise waste, the preparation of a 'waste minimisation plan' should not be a condition of permitted activities under Rule 14K 2.2. It would not be consistent with permitted activity status under the RMA, for example it	Remove from Rule 14K 2.2 the requirement to prepare a waste minimisation plan.	

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					is uncertain which constitutes a waste minimisation plan and any Council approval process is unclear.		
		6.6	Rule 14K 2.3 (a) Restricted Discretionary Activities	-	Applications under Rule 14K 2.3 (a) for Restricted Discretionary Activities should be processed without service of notice.	Confirm that applications under Rule 14K 2.3 will come within the scope of Rule 17.2.2 (a) and be processed on a non-notified basis.	
		6.7	Rule 14K 2.3.1 (iii) Matters of Discretion – Waste	Support in part	The scope of a waste minimisation plan required under Rule 14K 2.3.1 (iii) should be made clear.	Provide specific guidance on the scope and detail of a waste minimisation plan required under Rule 14K 2.3.1 (iii).	
Delia Shanly Film Wellington PO Box 10-347 Wellington	RM16-4-13S-007	7.1	Entire Plan Change	Support in part and oppose in part	Supports the intention to incorporate in the District Plan specific provisions relating to filming.	Approve the Plan Change as it relates to filming subject to the amendments requested.	Y
		7.2	Objective 14K 1.1 and Policies 14K 1.1 (a) and (b)	Support	The objective and policies appropriately recognise and provide for filming.	-	
		7.3	Objective 14K 1.2 and Policy 14K 1.2 (a)	Support	The objective and policy appropriately recognises and provides for maintaining the amenity values of the locality in which the filming activity takes place.	-	
		7.4	Rule 14K 2.2 (a) to (f) Permitted Activity Conditions	Support	Supports permitted activity conditions 14K (a) to (f) relating to duration, structures, noise, site restoration, light spill and glare and dust and wind blown debris.	-	
		7.5	Rule 14K 2.2 (g) Permitted Activity Conditions - Waste	Oppose	While not disagreeing with the overall responsibility (on the filming industry) to minimise waste, the preparation of a 'waste minimisation plan' should not be a condition of permitted activities under Rule 14K 2.2. It is not consistent with permitted activity status under the RMA, for example it is uncertain which constitutes a waste minimisation plan and any Council approval process is unclear.	Remove from Rule 14K 2.2 the requirement to prepare a waste minimisation plan.	
		7.6	Rule 14K 2.3 (a) Restricted Discretionary	-	Applications under Rule 14K 2.3 (a) for Restricted Discretionary Activities should be processed without service of notice.	Confirm that applications under Rule 14K 2.3 will come within the scope of	

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			Activities			Rule 17.2.2 (a) and be processed on a non-notified basis.	
		7.7	Rule 14K 2.3.1 (iii) Matters of Discretion - Waste	Support in part	The scope of a waste minimisation plan required under Rule 14K 2.3.1 (iii) should be made clear.	Provide specific guidance on the scope and detail of a waste minimisation plan required under Rule 14K 2.3.1 (iii).	
Anita Mansell Hutt Ethnic Council [REDACTED] Lower Hutt	RM16-4-13S-008	8.1	Entire Plan Change	Support	Proposed Plan Change 13 endeavours to ensure that temporary activities and filming are provided for adequately in the District Plan and to ensure any adverse effects on the environment from temporary activities and filming are avoided, remedied or mitigated.	-	
Margaret Willard Wainuiomata Community Board [REDACTED] Lower Hutt	RM16-4-13S-009	9.1	Entire Plan Change	Support	Support the proposed changes because they will be make it easier to hold community events that are currently not undertaken because of the cost and inconvenience of obtaining resource consent. Agree that community events and activities are vital to the life of a vibrant community. Filming is an activity that can be beneficial for the community and we would like it to be easier for film companies to work in the area. The requirement for resource consent when permitted activity conditions are not met will act as a strong incentive to mitigate adverse environmental effects of any temporary activity or filming.	-	N
Gerald Davidson Petone Community Board [REDACTED] [REDACTED]	RM16-4-13S-010	10.1	Entire Plan Change	Support	Support Proposed Plan Change 13	Adopt the Plan Change.	N
Vicky Fitchett [REDACTED] Lower Hutt	RM16-4-13S-011	11.1	Entire Plan Change	Support in part	Support but have concerns in several areas where further clarification or changes are needed to ensure environmental effects of temporary events and filming are mitigated.	-	N
		11.2	Chapter 7D Passive Recreation Activity Area – Works	-	The other Recreation Activity Areas are proposed to be amended to allow for maintenance works of reserve land by Hutt	Allow for maintenance works in reserves by Hutt City Council in the River	

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			necessary for management of reserves		City Council as a permitted activity. The Passive Recreation Activity Area should also be amended for consistency.	Recreation Activity Area as a permitted activity.	
		11.3	River Recreation Activity Area	-	Rule 7C 2.2 (a) would conflict with the proposed temporary activity rules if a jet sprinting event were to be held on the river. The effects of such an activity would be controlled by proposed temporary activity rules or by consent from Greater Wellington Regional Council (if in stream works are required to be undertaken).	-	
		11.4	Chapter 7 - Recreation Activity Areas – Works necessary for management of reserves	-	Notes that the provision for Council to undertake maintenance works such as track formation and vegetation maintenance would still be caught by the earthworks and Significant Natural Resource rules.	Address this issue carefully so that large bulk earthworks or vegetation clearance cannot be undertaken without the requirement for consent. New earthworks and vegetation clearance limits could be introduced for such activities.	
		11.5	Rule 14J 2.1.1 (d) Permitted Activity Conditions - Noise	Support in part	It is unclear whether this rule applies to a residentially zoned property or a property which contains a residential activity but is not within a residential activity zone (e.g. an apartment within the Central Commercial Activity Area).	Wording for this rule should be clarified to provide greater certainty.	
		11.6	Rule 14J 2.1.1 (f) Permitted Activity Conditions – Sanitation Facilities	Support in part	Rule is too vague and possibly ultra vires. Is there a NZ Standard for sanitation provisions or a formula which could provide greater certainty? Concerned with how an applicant would show that this rule has been met, for example if someone applied for a Certificate of Compliance for an event.	Wording of this rule needs to be clarified to provide greater certainty.	
		11.7	Rule 14J 2.1.1 (g) Permitted Activity Conditions - Waste	Support in part	This is a great idea and should be fully supported. Concerned about wording of this rule. What happens if someone provides a waste minimisation plan that is not up to standard – how would it be judged?	-	
		11.8	Rule 14J 2.1.2 (b) Permitted Activity Conditions – Bulk and location	Oppose	Asks why temporary construction buildings should comply with bulk and location rules? Notes that with construction sites there is often little room for construction sheds and they often need to be on the boundary.	Suggests it would be better if temporary construction buildings were exempt from complying with the bulk and location rules, providing they	

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					Otherwise the current rules do the same job.	meet size and duration requirements.	
		11.9	Rule 14K 2.2 (a) Permitted Activity Conditions - Duration	-	Asks what is considered a break in filming duration. If the filming takes a few days break could they then do another 30 days of filming on the site? This could lead to large effects on the local residents.	It would be appropriate if the wording regarding the duration of events was tightened.	
		11.10	Rule 14K 2.2 (c) Permitted Activity Conditions - Noise	-	As the current rule is written it is possible for the filming activities to generate a significant amount of noise 24 hours per day, which could generate significant adverse effects.	There should be hours of operation specified for maximum noise limits for filming to ensure the amenity values of the local environment are maintained.	
Robert Hutton and Annabel White Jackson Street Programme And Rachel Nankeville HV Community Arts [REDACTED] [REDACTED] Lower Hutt	RM16-4-13S-012	12.1	Entire Plan Change	Support	<p>Supports having specific provisions for temporary activities and filming. Hutt City should be promoting its natural and physical resources and encouraging community events. Being a signatory to the Film Friendly NZ initiative has no value unless Hutt City has provisions in place for it to work.</p> <p>Both temporary activities and filming can be beneficial for Hutt City in terms of:</p> <ul style="list-style-type: none"> • Marketing and promoting Hutt City. • Economic benefits generated from these activities. • Involvement of local communities. <p>There is potential right across Hutt City to grow the many community events that are held and to showcase our city. Disruption caused by these activities can be addressed by having processes in place in order for them to be kept to a minimum.</p>	Adopt the Plan Change.	Y