

**OFFICER'S REPORT FOR:** District Plan Committee

**SUBJECT:** Proposed District Plan Change 13 –  
Temporary Activities and Filming

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Council

**REPORT DATE:** 4 February 2010

**DATE OF HEARING:** 16 February 2010

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## **EXECUTIVE SUMMARY**

This Plan Change is the result of concerns regarding the lack of provisions in the District Plan for temporary activities and filming. Plan Change 13 adds provisions for temporary activities, such as concerts and festivals, temporary structures and filming activities to the General Rules Chapter of the District Plan.

Plan Change 13 was notified on 4 August 2009, with submissions closing on 1 September 2009. The summary of submissions was notified on 15 September 2009, with further submissions closing on 13 October 2009.

A total of 12 original submissions and 2 further submissions were received and they seek various forms of relief, including but not limited to:

- Retention/deletion/amendments to proposed provisions relating to duration, hours of operation, noise, waste and sanitation facilities.
- Amendments to proposed provisions for maintenance in recreation activity areas
- New provisions relating to reverse sensitivity.

A hearing of submissions received to Plan Change 13 is scheduled to commence on 16 February 2010.

The following report recommends that the Council accept or reject the submissions and further submissions for the reasons as outlined under section 4 (page 4) of this report and that the Plan Change be amended in accordance with Attachment 1 of this report.

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## **1. INTRODUCTION**

This report discusses and makes recommendations on submissions received in relation to Plan Change 13 – Temporary Activities and Filming (hereafter referred to as the Plan Change).

The relevant chapters in the City of Lower Hutt District Plan (referred to as the District Plan) which are affected by the Plan Change are:

- Chapter 3 Definitions;
- Chapter 7A General Recreation Activity Area;
- Chapter 7C River Recreation Activity Area;
- Chapter 7D Passive Recreation Activity Area;
- Chapter 14A Transport.

The following chapters are proposed to be added to the District Plan:

- Chapter 14J Temporary Activities; and
- Chapter 14K Filming.

Although this report is intended as a stand-alone document, a more in-depth understanding of the Plan Change, the process undertaken, and related issues may be gained by reading the Section 32 Evaluation and associated Plan Change documents as publicly notified in August 2009.

## **2. BACKGROUND**

This Plan Change is the result of concerns raised by the Hutt City Council Visitor Development Manager regarding the lack of support in the District Plan for filming activities. After investigating this concern, it was found it was appropriate to address the broader issue of temporary activities which includes temporary works in recreation areas, temporary buildings, temporary events and filming.

In preparing the Plan Change the following consultation was carried out:

- Consultation with officers from relevant divisions in Council;
- Consultation with officers from other Territorial Authorities;
- Consultation with stakeholders in the filming industry;
- Letters inviting discussion to relevant stakeholders in the community and the Minister for the Environment;
- Consultation with an expert in the field of traffic engineering; and
- Consultation with an expert in the field of acoustic engineering.

Plan Change 13 was notified on 4 August 2009, with submissions closing on 1 September 2009. The summary of submissions was notified on 15 September 2009, with further submissions closing on 13 October 2009.

A total of 12 original submissions and 2 further submissions were received with regard to the Plan Change.

### 3. LIST OF SUBMITTERS

The following submitters have lodged submissions on Plan Change 13:

Name of Original Submitters	Submission Reference	Page Number
Michael and Jane Curtis	1.1	6
Winstone Aggregates	2.1; 2.2	8, 41
Geraldine Mary Laing	3.1; 3.2; 3.3; 3.4; 3.5; 3.6	18, 19, 22, 34, 39
Leisure Active	4.1; 4.2; 4.3; 4.4; 4.5; 4.6; 4.7; 4.8	6, 14, 18, 19, 28, 45
New Zealand Historic Places Trust	5.1; 5.2; 5.3	6, 18, 30
Film New Zealand	6.1; 6.2; 6.3; 6.4; 6.5; 6.6; 6.7	6, 37, 39, 46
Film Wellington	7.1; 7.2; 7.3; 7.4; 7.5; 7.6; 7.7	6, 37, 39, 46
Hutt Ethnic Council	8.1	6
Wainuiomata Community Board	9.1	6
Petone Community Board	10.1	6
Vicky Fitchett	11.1; 11.2; 11.3; 11.4; 11.5; 11.6; 11.7; 11.8; 11.9; 11.10	6, 9, 10, 12, 14, 22, 23, 25, 31, 34
Jackson Street Programme and HV Community Arts	12.1	6

Name of Further Submitters	Submission Reference	Page Number
Film Wellington	13.1; 13.2; 13.3; 13.4; 13.5; 13.6; 13.7	8, 30, 34, 39, 41, 45
Film New Zealand	14.1; 14.2; 14.3; 14.4; 14.5; 14.6; 14.7	8, 30, 34, 39, 41, 45

### 4. ANALYSIS OF SUBMISSIONS AND RECOMMENDATIONS

The following sections of this report provide a brief summary of each submission and a recommendation in response to each of the decisions sought.

The submissions are addressed in groups based on issues or concerns raised and where the content of the submissions is the same or similar. The issues have been categorised under the relevant chapter in the District Plan. Where issues relate to more than one chapter, they have been grouped together (section 4.21 and 4.22, pages 41-45). In summarising submissions, the name of the submitter is shown in **bold**, with their submission number shown in normal font within [square brackets]. In summarising further submissions, the name of the further submitter is shown in ***bold italics***, with their submission number shown in italics within [square brackets].

Where amendments to the District Plan are recommended as a result of a submission, additional text is shown as underlined and text to be removed is shown as being ~~struck out~~.

Attached to this report as Attachment 1 are the revised amendments to the District Plan provisions further to the recommendations contained in this report.

Where changes are recommended as a result of submissions, the effectiveness and efficiency of such changes has been assessed in accordance with the requirements of Section 32 Evaluation of the Resource Management Act, in making that recommendation.

With respect to determining the scope of a submission, reference is made to Clause 6 of the First Schedule to the Resource Management Act 1991 (referred to as the Act) which states:

*“6. Making submissions*

*Any person, including the local authority in its own area, may, in the prescribed form, make a submission to the relevant local authority on a proposed policy statement or plan that is publicly notified under clause 5.”*

A submission on a plan change is therefore limited in that it must be “on” the plan change.

In the case of Plan Change 13 the purpose of the Plan Change was to address the need for temporary activities and filming to be provided for in the City of Lower Hutt. The issues addressed in Plan Change 13 relate to:

- Temporary works in recreation areas
- Temporary Activities
- Accessory construction buildings and storage
- Filming

Accordingly, for a submission to be deemed to be within the scope of Plan Change 13 the submission must relate to:

- Any one of the issues addressed in the Plan Change and detailed above; and
- Any other change to the District Plan as a result of the Plan Change.

## GENERAL

### 4.1 SUPPORT

#### 4.1.1 General Support

##### 4.1.1.1 Submissions

Submission Number	Recommendation
1.1, 4.1, 4.3, 4.8, 5.1 6.1, 6.2, 6.3, 7.1, 7.2, 7.3, 8.1, 9.1, 10.1, 11.1, 12.1	Accept in part

**Michael and Jane Curtis** [1.1], **Leisure Active** [4.1], [4.3], [4.8], **New Zealand Historic Places Trust** [5.1], **Film New Zealand** [6.1] [6.2] [6.3], **Film Wellington** [7.1] [7.2] [7.3], **Hutt Ethnic Council** [8.1], **Wainuiomata Community Board** [9.1], **Petone Community Board** [10.1], **Vicky Fitchett** [11.1] and **the Jackson Street Programme** and **Hutt Valley Community Arts** [12.1] submit general support for the Plan Change.

The following submissions submit support for the Plan Change:

**Michael and Jane Curtis** [1.1] are supportive of changes to the District Plan that will make it easier to hold special events, festivals and parades, temporary events and filming.

**Hutt Ethnic Council** [8.1] submit that they support the Plan Change as it endeavours to ensure that temporary activities and filming are adequately provided for in the District Plan and to ensure any adverse effects on the environment from temporary activities and filming are avoided, remedied or mitigated.

**Wainuiomata Community Board** [9.1] supports the Plan Change because the proposed provisions will make it easier to hold community events that are currently not undertaken due to the cost and inconvenience of obtaining resource consent and, as filming is an activity that can be beneficial for the community, they would like to see it become easier for filming to occur in the area.

**Petone Community Board** [10.1] supports the Plan Change.

**The Jackson Street Programme and Hutt Valley Community Arts** [12.1] support having provisions for temporary activities and filming in the District Plan because of the benefits of these types of activities for Hutt City.

The following submissions submit general support for the Plan Change subject to amendments to specific provisions:

**Leisure Active** [4.1], [4.3], [4.8] supports the proposed plan change subject to amendments to specific provisions as detailed in their submission.

**New Zealand Historic Places Trust** [5.1] is generally supportive of the Plan Change subject to the amendment that the potential effects of filming on heritage and culture are included as an issue in section 14K 1 – issues, objectives and policies.

**Film New Zealand** [6.1], [6.2], [6.3] and **Film Wellington** [7.1], [7.2], [7.3] support the intention to incorporate in the District Plan specific provisions relating to filming activities. In particular they support the proposed objectives and policies in Chapter 14K and the proposed permitted activity conditions, except in relation to waste.

**Vicky Fitchett** [11.1] is generally supportive of the Plan Change but has concerns in several areas (works necessary for management of reserves, river recreation, noise, sanitation facilities, waste, bulk and location and duration) and requests amendments to ensure consistency, clarification or to ensure environmental effects of temporary events and filming are mitigated.

#### **4.1.1.2 Discussion**

Five of the supporting submissions support the Plan Change as notified. The other submissions support the intention of the Plan Change but seek specific amendments.

While this report recommends some changes to the proposed rules in response to the submissions, in general it recommends that the intent and concepts of the Plan Change be adopted as notified.

Justification for the Plan Change and reasons for the recommended changes are provided throughout this report and in the Section 32 Evaluation. It has been concluded that the Plan Change, including recommended changes, is appropriate in terms of achieving the purpose of the Resource Management Act.

Accordingly it is recommended that the submissions be accepted in part, taking into consideration the recommendations made to amend the Plan Change as sought by other points of submission.

#### **4.1.1.3 Recommendation**

That the submissions of **Michael and Jane Curtis** [1.1], **Leisure Active** [4.1], [4.3], [4.8], **New Zealand Historic Places Trust** [5.1], **Film New Zealand** [6.1] [6.2] [6.3], **Film Wellington** [7.1] [7.2] [7.3], **Hutt Ethnic Council** [8.1], **Wainuiomata Community Board** [9.1], **Petone Community Board** [10.1], **Vicky Fitchett** [11.1] and **the Jackson Street Programme** and **Hutt Valley Community Arts** [12.1] be accepted in part.

Those parts of the submissions which are recommended to be accepted either relate to retaining and implementing the Plan Change as recommended in this report or consequentially amending the Plan Change as recommended in this report.

#### **4.1.1.4 Reason**

Some amendments to the Plan Change provisions are recommended within this report, however the Plan Change intent and concept as notified is recommended to remain unchanged and is considered the most appropriate in terms of achieving the purpose of the Act.

## 4.2 OPPOSITION

### 4.2.1 General Opposition

#### 4.2.1.1 Submissions

Submission Number	Recommendation
2.1	Reject
Further Submission Number	
13.1, 14.3	Accept

**Winstone Aggregates** [2.1] submit general opposition to the Plan Change.

**Winstone Aggregates** [2.1] considers that while the intent of the Plan Change has merit, the Plan Change as notified fails to recognise the potential for reverse sensitivity effects to arise from temporary activities and filming. Winstone Aggregates considers that the Plan Change as written is too loose, fails to address reverse sensitivity effects and overall is inconsistent with the Regional Policy Statement and fails to meet the purpose of the Resource Management Act 1991.

Winstone Aggregates seeks that the Plan Change be withdrawn and a new one prepared that addresses reverse sensitivity effects which may arise as a result of temporary activities and filming in close proximity to quarrying and other activities which are incompatible with such development. Alternatively, Winstone Aggregates suggests that appropriate amendments are made to the Plan Change to address the matters raised in their submission.

*Film Wellington* [13.1] and *Film New Zealand* [14.3] oppose the submission of Winstone Aggregates. The Plan Change is appropriate and addresses an important resource management issue.

#### 4.2.1.2 Discussion

It is considered that the issue of reverse sensitivity can be adequately addressed through amendments to the proposed provisions. Reverse sensitivity is discussed in section 4.21 (page 41) of this report.

Justification for the Plan Change and reasons for the recommended changes are provided throughout the report and in the notified Section 32 Evaluation. The consistency of the Plan Change with higher level planning documents has been assessed in the Section 32 Evaluation. It has been concluded that the Plan Change, including recommended changes, is appropriate in terms of achieving the purpose of the Act and is consistent with the Regional Policy Statement.

#### 4.2.1.3 Recommendation

That the submission of **Winstone Aggregates** [2.1] be rejected.

That the further submissions of *Film Wellington* [13.1] and *Film New Zealand* [14.3] be accepted.

#### 4.2.1.4 Reason

The issue of reverse sensitivity can be appropriately addressed by amendments to the proposed provisions as discussed in section 4.21 (page 41) of this report. Although amendments to the Plan Change provisions are recommended within this report, the Plan Change intent and concept as notified is recommended to remain unchanged and the Plan Change is considered appropriate in terms of achieving the purpose of the Act.



## RECREATION ACTIVITY AREAS

### 4.3 ALL RECREATION ACTIVITY AREAS

#### 4.3.1 Submission

Submission Number	Recommendation
11.4	Reject

**Vicky Fitchett** [11.4] submits that the provision for Council to undertake maintenance works such as track maintenance within Recreation Activity Areas would still be caught by the earthworks and Significant Natural Resources rules (in the General Rules section of the Plan). She requests Council address this issue carefully so that large bulk earthworks or vegetation clearance cannot be undertaken without the requirement for consent. She suggests that new rules for earthworks and vegetation clearance be introduced for such activities.

#### 4.3.2 Discussion

The submitter is correct that the General Rules, Chapter 14, would apply to maintenance works within Recreation Activity Areas. Permitted activity conditions within General, River and Passive Recreation (Rules 7A 2.1.1 (l), 7C 2.1.1 (b), 7D 2.1.1 (b)) require that all permitted activities comply with the General Rules, Chapter 14. The General Rules chapter contains provisions which apply to all Activity Areas, such as signs, noise, significant natural, cultural and archaeological resources, heritage buildings and structures, trees and earthworks. Minor maintenance works would require resource consent if they didn't comply with the general rules, for example exceeding the maximum permitted volume of earthworks. It is noted that large areas of land within the Recreation Activity Areas are located within Significant Natural Resources. Rule 14E 2.1 (b) allows for activities and works associated with the protection, preservation, enhancement and conservation of Significant Natural, Cultural and Archaeological Resources as a permitted activity; and some maintenance works may be permitted by this provision.

It is considered appropriate that the General Rules apply to maintenance activities within reserves in order to ensure that adverse effects on the environment are avoided, remedied or mitigated. The General Rules contain appropriate provisions to manage the environmental effects of activities, regardless of whether the activities are permanent or temporary. This is consistent with the existing District Plan provisions for Recreation Activity Areas and will contribute to achieving the Anticipated Environmental Results (Rule 7A 3) for the Recreation Activity Areas.

It is noted that the General Rules apply to all temporary activities and filming activities, except where specifically stated, being the car parking provision within Transport, Chapter 14A (Rules 14J 2.1.1 (h) and 14K 2.2 (h) require compliance with all other general rules).

#### 4.3.3 Recommendation

That the submission of **Vicky Fitchett** [11.4] be rejected.

#### 4.3.4 Reason

It is appropriate that the General Rules within the District Plan apply to temporary works necessary for the maintenance of reserves. This is consistent with the approach taken in the District Plan, where the General Rules apply to all activity areas. Overall, this approach is considered to be the most appropriate to avoid, remedy or mitigate adverse effects and to achieve the Anticipated Environmental Results identified in the District Plan.

## 4.4 PASSIVE RECREATION ACTIVITY AREA

### 4.4.1 Submission

Submission Number	Recommendation
11.2	Accept

**Vicky Fitchett** [11.2] notes that there is inconsistency in the Plan Change where all other Recreation Activity Areas except the Passive Recreation Activity Area are proposed to be amended to allow for maintenance works of reserve land by Hutt City Council as a permitted activity. She submits that maintenance works on reserve land should be a permitted activity in all Recreation Activity Areas.

### 4.4.2 Discussion

The Passive Recreation Activity Area generally consists of reserve land in the Eastern Hills, Stokes Valley and Wainuiomata Hills. The District Plan identifies the importance of protecting areas of the city with high conservation and amenity values within the Passive Recreation Activity Area. Maintenance activities within reserve areas identified as Passive Recreation Activity Areas will be necessary, just as maintenance is necessary in the General and River Recreation Activity Areas.

The background to the way in which the District Plan has dealt with maintenance within reserves has been investigated. Works necessary for the management of any river or stream by the Wellington Regional Council or Hutt City Council was included as a permitted activity within the General Recreation and River Recreation Activity Area as a result of a submission from Wellington Regional Council to the Proposed City of Lower Hutt District Plan, 1995. It is not recorded why a similar provision was not also added to the Passive Recreation Activity Area or why maintenance of reserve areas was not specified as a permitted activity. However, at the time it may have been considered sufficiently clear that maintenance of reserves would be a permitted activity falling under the definition of recreation activities. As recorded in the decisions on the Proposed District Plan, in response to a submission from the Tararua Tramping Club (PPDP96\579 D42 seeking retention of 6A 2.1.1 (i)) reasons for accepting, "*there are responsibilities for ongoing maintenance of all recreation and open space areas. Due to the emphasis placed on the need to maintain the open space nature of the City, it is considered appropriate to provide rules that do not unfairly restrict the maintenance of recreation activity areas*". As such, although the District Plan rules do not specifically identify maintenance within reserves as a permitted activity, the intention appears to be that maintenance within reserves is a permitted recreation activity. However, some interpretation issues have subsequently arisen and as such, it was considered necessary to clarify that maintenance within reserves is a permitted activity to ensure the rules are applied consistently.

It is recommended that maintenance within reserves be added as a permitted activity as maintenance works are necessary within reserves identified as Passive Recreation Activity Areas and for consistency with the General and River Recreation Activity Areas.

We note that the use of the term 'reserves' in the proposed amended provision is suitable given there is a wide understanding of the term and as its inclusive of, but not limited to, parks and public open spaces. In 2004, the Council established a Reserves Policy that includes the commercial use of land managed as reserves. This policy includes classifications of reserves within Lower Hutt being: active (sports grounds), passive (neighbourhood, amenity horticulture, destination), conservation (esplanade, scenic, bush, heritage) and special (cemeteries, utility, facility). The plan change intends the word 'reserve' to include the above classifications, however it must be noted that these are generic types of reserve and do not reflect the classification status that reserves may have under the Reserves Act 1977.

The emphasis of the submission on maintenance has highlighted that the intention of the Plan Change was to provide for maintenance within reserves as a permitted activity. In light of this we note that the Plan Change provisions (Rules 7A 2.1 (e) and 7C 2.1 (a)) have carried through the use of the term 'management' from the District Plan. The concept of maintenance falls within the understanding of the broader concept of 'management' however maintenance is a more accurate term for the types of activities which are appropriate as permitted activities within reserves. The types of activities which could be carried out as part of permitted reserve maintenance include track maintenance, clearing fallen, dead or dangerous vegetation, planting vegetation and maintenance of existing structures and

buildings. In order to clarify that the proposed provisions refer to maintenance, rather than wider management activities, we recommend that the relevant provisions within General, River and Passive Recreation Activity Areas be amended accordingly.

The other Recreation Activity Area is the Special Recreation Activity Area. It is not necessary to add the provision of maintenance within reserves to the Special Recreation Activity Area. The Special Recreation Activity Area rules are for particular areas (Petone Foreshore, Seaview Marina and Hutt Park Visitor Accommodation) which provide for and manage the effects of these specific activities. No changes are proposed to the provisions for the Special Recreation Activity Areas.

#### **4.4.3 Recommendation**

That the submission of **Vicky Fitchett** [11.2] is accepted.

And that the Plan Change be amended as follows:

*Passive Recreation Activity Area:*

##### **7D 2 Rules**

##### **7D 2.1 Permitted Activities**

- (a) *Parks, reserves and picnic areas.*
- (b) *Walkways.*
- (c) *Landscape furniture.*
- (d) *Informal recreation, excluding all types of motorised recreation activities except those used for the purpose of farming and maintenance.*
- (e) *Works necessary for the management of any river or stream by the Wellington Regional Council or Hutt City Council and maintenance activities within reserves by Wellington Regional Council or Hutt City Council.*

And consequential amendments to the General and River Recreation Activity Area provisions as follows:

*General Recreation Activity Area:*

##### **7A 2 Rules**

##### **7A 2.1 Permitted Activities**

- (a) *Recreation activities and ancillary activities.*
- (b) *Any farming activity in the Belmont Regional Park, including grazing, cropping, market gardens, orchards and nurseries, but excluding intensive farming.*
- (c) *At the Bracken Street Depot, Bracken Street, Petone, Section 979 Hutt District, SO 33425 -*
  - (i) *Plant propagation, and associated office functions and buildings.*
  - (ii) *The storage and maintenance of equipment for the purposes of maintaining parks and reserves.*
- (d) *Landscape furniture.*
- (e) *Works necessary for the management of any ~~reserve~~, river or stream by the Wellington Regional Council or Hutt City Council and maintenance activities within reserves by Wellington Regional Council or Hutt City Council.*

## River Recreation Activity Area

### 7C 2 Rules

#### 7C 2.1 Permitted Activities

- (a) Works necessary for the management of any ~~reserve~~, river or stream by the Wellington Regional Council or the Hutt City Council and maintenance activities within reserves by Wellington Regional Council or Hutt City Council.
- (b) All recreation and leisure activities, but excluding motorised activities.
- (c) Landscape furniture.
- (d) On the land identified in DP 72284 but excluding that area identified as 'G' and shown on Appendix River Recreation 1, extraction activities limited to extraction, processing, storage, removal, ancillary earthworks, removal and deposition of overburden and rehabilitation works, and ancillary administrative activities

#### 4.4.4 Reason

The recommended amendments are appropriate as allowance for maintenance within reserves in the Passive Recreation Activity Area is consistent with the approach taken for the General and River Recreation Activity Areas within the Plan Change. In addition, the proposed amendments clarify that maintenance works are a permitted activity within reserves. The proposed amendments will allow maintenance activities within reserves which will contribute to achieving the Anticipated Environmental Results identified within these Recreation Activity Areas (Chapters 7A, 7C and 7D).

## 4.5 RIVER RECREATION ACTIVITY AREA

### 4.5.1 Submission

Submission Number	Recommendation
11.3	Reject

**Vicky Fitchett** [11.3] submits that discretionary activity Rule 7C 2.2 (a), motorised recreation activities on the surface of rivers, would conflict with the proposed temporary activity rules if a jet sprinting event were to be held on the river. She submits that the effects of such an activity would be controlled by proposed temporary activity rules or by consent from Greater Wellington Regional Council (if stream works are required to be undertaken).

### 4.5.2 Discussion

District Councils have responsibility for managing the effects of activities on the surface of water. Section 9 of the Resource Management Act includes, in the definition of land, the surface of water on lakes or rivers. A number of District Plans have provisions to manage activities on the surface of water. The activities which District Plans seek to manage on the surface of water are generally motorised water sport and recreation activities and motorised craft for commercial activities. The effects that District Councils seek to address through provisions managing activities on the surface of water are fairly wide in scope and emphasise different matters from the Regional Council, such as the maintenance and enhancement of amenity values, public access, the protection of the water bodies' capacity for use and avoidance of potential conflict with other uses of the water body.

The River Recreation Activity Area covers the rivers in Lower Hutt, including the Hutt River, Wainuiomata River and the Orongorongo River. The River Recreation Activity Area seeks to ensure that activities that occur on the surface and margins of rivers have no more than minor adverse effects on natural and ecological qualities and access to these areas is maintained (Provision 7C 1.1.1). The policies for the River Recreation Activity Area include controlling the use of motorised boating activities on the surface of rivers, ensuring that recreation activities on the surface of rivers and margins have no more than minor effects on the stability of river banks and the natural and

ecological qualities of rivers and allowing low impact recreation activities, such as fishing and swimming. Rule 7C 2.2 (a) of the District Plan provides for motorised recreation activities on the surface of rivers as discretionary activities.

The submitter's interpretation of the proposed rules is that a motorised temporary activity involving recreation on a river that was permitted by the proposed provisions in Rule 14J 2 would actually require resource consent as a discretionary activity under Rule 7C 2.2 (a) for a motorised recreation activity on the surface of a river. However, the correct interpretation is that if the temporary motorised recreation activity met the temporary activity definition and met all the permitted activity conditions within Rule 14J 2, it would be a permitted activity. Rule 7C 2.2 (a) would not apply because the activity falls within the General Rules, Chapter 14, which apply to all activity areas.

It is considered that their temporary nature and the proposed permitted activity conditions for temporary activities will adequately manage the effects of temporary motorised recreation on the surface of water, for example, rules controlling duration, noise, and site clean up. Overall, no amendments are required to the Plan Change as a result of this submission.

The Plan Change does not involve any changes to Rule 7C 2.2 (a). It is appropriate for motorised recreation activities on the surface of rivers which do not fall within the temporary activity rules to be assessed as discretionary activities in order to ensure that the natural and ecological qualities of rivers are maintained and enhanced.

#### **4.5.3 Recommendation**

That the submission of **Vicky Fitchett** [11.3] is rejected.

#### **4.5.4 Reason**

Temporary motorised recreation activities on the surface of water which meet the rules within 14J 2 would be permitted activities. This is considered to be appropriate given their temporary nature and as the proposed permitted activity conditions for temporary activities would apply. It is also appropriate that Rule 7C 2.2 (a) remains unchanged as it controls the effects on the environment of permanent motorised recreation activities on the surface of water.

## ACCESSORY CONSTRUCTION BUILDINGS AND STORAGE

### 4.6 MAXIMUM DURATION

#### 4.6.1 Submission

Submission Number	Recommendation
4.2	Reject

**Leisure Active** [4.2] suggests that the proposed provisions include terms and conditions regarding the maintenance of temporary buildings and structures as a means of minimising safety risks and establishing an acceptable standard of aesthetic appearance of temporary buildings and structures.

#### 4.6.2 Discussion

It is considered that an additional permitted activity requiring the maintenance of temporary buildings would not be necessary given the temporary nature of the buildings and structures. Structural and safety aspects of temporary buildings and structures would be dealt with under the Building Act 2004, if a building consent was required. The temporary nature of the buildings would contribute to reducing adverse effects on visual amenity values. We note that if the temporary buildings and structures were of acceptable standard and appearance there would be little justification for requiring their removal from the site. However, given the recommendation in section 4.7 below (to delete the proposed rules for accessory construction buildings and storage) no further discussion in relation to submission [4.2] is relevant.

#### 4.6.3 Recommendation

That the submission of **Leisure Active** [4.2] is rejected.

#### 4.6.4 Reason

Additional permitted activity conditions for the maintenance of accessory buildings and structures would not be necessary given their temporary nature. However, the recommendation in section 4.7 below addresses the issue of accessory buildings and storage and consequently the relief sought from submission [4.2] is no longer relevant.

### 4.7 BULK AND LOCATION

#### 4.7.1 Submission

Submission Number	Recommendation
11.8	Reject

**Vicky Fitchett** [11.8] submits that there is often little room for construction sheds on construction sites and they often need to be located on the boundary. She considers it would be better if temporary construction buildings were exempt from complying with the bulk and location rules, providing they meet size and duration requirements.

#### 4.7.2 Discussion

The submission considers that temporary construction buildings and temporary storage structures should be exempt from complying with the bulk and location rules, providing they meet size and duration requirements. This would mean that temporary buildings would not need to comply with the permitted activity conditions for the activity area in which they are located, such as yard setbacks, height, recession planes and site coverage. We note that there is no proposed size restriction for temporary buildings under the proposed permitted activity conditions (Rule 14J 2.1.2).

It is considered that temporary buildings which did not have to comply with bulk and location provisions would have potential adverse effects, particularly on residential amenity values, such as visual effects and shading of adjoining properties. As temporary construction buildings would be allowed to remain on a site until three months after the completion of construction (which could be a

significant amount of time, such as one year), it would be inappropriate for these buildings to be exempt from the development controls.

There may be benefits of exempting temporary construction buildings and temporary storage structures of a limited size from the bulk and location rules, such as flexibility for sites where space is constrained. However, other options were not considered in the Section 32 Evaluation. It is considered appropriate to undertake a thorough analysis of the issues associated with exempting temporary buildings and structures from the bulk and location rules given the potential for adverse effects on residential amenity values. As there is not an opportunity within this Plan Change to undertake the research and consultation necessary relating to this issue, it is recommended that the proposed provisions for accessory construction and storage be deleted and for this issue to be reviewed at a later stage as part of a separate plan change process.

#### **4.7.3 Recommendation**

That the submission of **Vicky Fitchett** [11.8] is rejected.

That the provisions for accessory construction buildings and storage be deleted as follows:

### **Chapter 3 - Definitions**

- Building:** means any structure or part of a structure, whether temporary or permanent, movable or immovable, but for the purposes of this Plan excludes:
- (a) any fence not exceeding 2 metres in height;
  - (b) any retaining wall not exceeding 1.2 metres in height;
  - (c) satellite dishes with a diameter not exceeding 0.6m and antennas 2.5m above the maximum height permitted in the activity area or the rules in Chapter 13 - Utilities.
  - (d) all structures less than 1.2 metres in height and 20m<sup>2</sup> in area;
  - (e) all tents and marquees erected on a temporary basis for a period not exceeding 3 months;
  - (f) all signs, as defined in this Plan;
  - ~~(g) accessory construction buildings and storage.~~

#### **~~Accessory construction buildings and storage:~~**

~~Buildings or structures located temporarily on a site and used in association with construction or building works, such as a site office on a construction site, or used for storage, such as storage of goods during residential additions or when moving house.~~

### **Chapter 14J - Temporary Activities**

#### **Introduction**

Temporary activities include a wide range of temporary events, such as concerts, festivals and markets, ~~and temporary buildings for construction and storage.~~ Temporary events are varied in nature and scale; they could be one-off events or regular occurrences which are planned well in advance, they are usually relatively short in duration and often involve activities outside of normal working hours, such as evenings and weekends. Temporary activities are necessary to satisfy a wide range of social, cultural and economic needs and as such, should be provided for in a flexible manner while ensuring any adverse effects on the environment are appropriately managed.

## 14J 2 Rules

### 14J 2.1 Permitted Activities

(a) Temporary activities

~~(b) Accessory construction buildings and storage~~

#### ~~14J 2.1.2 Permitted Activities – Conditions for accessory construction buildings and storage in all activity areas~~

##### ~~(a) Maximum duration~~

~~Accessory construction buildings and storage must only be used in association with a permitted activity on the site and must be removed from the site within three months of the completion of the building or construction works or if used for temporary storage for any other reason, within three months of being placed on the site.~~

~~**Except** that where accessory construction buildings and storage are not visible from any public road or are not visible from any adjoining properties or where they are within a commercial or business activity area, the maximum duration shall not apply.~~

##### ~~(b) Bulk and location~~

~~All accessory construction buildings and storage must comply with the permitted activity conditions of the Activity Area in which they are located.~~

##### ~~(c) General Rules~~

~~Compliance with all other General Rules.~~

### 14J 2.2 Restricted Discretionary Activities

(a) In all activity areas any temporary activity which does not comply with any one or more of the Permitted Activity Conditions.

~~(b) In all activity areas any accessory construction buildings and storage which do not comply with any one or more of the Permitted Activity Conditions.~~

#### 14J 2.2.1 Matters in which Council has restricted its discretion and standards and terms

~~(a) In all activity areas any temporary activity which does not comply with any one or more of the Permitted Activity Conditions.~~

(i) Amenity values

- The nature, duration, hours of operation and frequency of the activity and any cumulative effects on amenity values.
- The noise effects of the proposal, including the nature of the noise and the duration of any amplified sound.
- The visual, dust, light-spill and glare, odour and vibration effects of the activity and the effectiveness of any mitigation measures proposed.

(ii) Environment

- The extent to which the environment in and surrounding the site is sensitive to modification.
- The effects on the natural environment including natural landscapes, native vegetation and habitats and fauna.
- The effect of the activity on public recreational values.
- The effects on cultural and heritage values.

(iii) Waste, health and safety

- The effects on the environment of the waste generated by the activity.



- The effectiveness and efficiency of the Waste Minimisation Plan for the temporary activity in terms of reduction in waste and enabling reuse and recycling.
  - The manner in which sanitary facilities are managed.
  - The potential effects relating to hazards, including natural hazards and risk from hazardous facilities and, if relevant, whether they are taken into account and addressed.
  - The provision for appropriate emergency management if the proposal may endanger public safety.
- (iv) Traffic
- The traffic effects of the activity on the safety and efficiency of the surrounding road network.
  - The provision for vehicle access, servicing and car parking and the potential impacts on the environment and the road network.
  - The provision of temporary traffic management measures to mitigate the traffic effects of the proposal.
  - The effects of traffic and car parking on the amenity of the surrounding area.
  - The provision made for pedestrian access and safety.
  - The provision made for encouraging the use of alternative transport modes to the activity such as public transport, cycling and walking.

**~~(b) In all activity areas any accessory construction buildings or storage which do not comply with any one or more of the Permitted Activity Conditions.~~**

~~Amenity values:~~

- ~~— Whether the appearance, scale and condition of buildings or structures will be sympathetic to the site and the neighbourhood.~~
- ~~— The duration in which the buildings or structures will be located on the site and whether it is associated with works or construction which will be undertaken within a specific time period.~~
- ~~— The ability of the buildings or structures to be screened on the site and the effectiveness of any other mitigation measures proposed.~~

#### **4.7.4 Reason**

It is appropriate to delete the proposed provisions relating to accessory construction buildings and storage as it is considered that there may be other options for addressing this issue that have not been identified in the Section 32 Evaluation. Additional investigation and consultation regarding this issue is required which can not be undertaken within this plan change process. We note that the issues relating to temporary construction and temporary storage buildings and structures are not urgent and this matter can wait until a later stage for a more detailed review.

## TEMPORARY ACTIVITIES

### 4.8 CULTURE AND HERITAGE

#### 4.8.1 Submission

Submission Number	Recommendation
5.2	Accept

The **New Zealand Historic Places Trust** [5.2] supports provisions relating to culture and heritage as proposed in section 14J Temporary Activities because it will prompt decision makers to identify the negative effects that can occur, in respect of temporary activities, to cultural and historic heritage. They support the inclusion of provisions relating to culture and heritage due to the importance given to heritage protection by the RMA. They seek that the provisions relating to culture and heritage as proposed in section 14J –Temporary Activities are adopted.

#### 4.8.2 Discussion

The submission agrees with one of the Plan Change's intents, which is to recognise that temporary activities can have adverse effects on culture and heritage. The submission also recognises that if an activity falls within the restricted discretionary status, adverse effects on culture and historic heritage can be assessed.

#### 4.8.3 Recommendation

That the submission of the **New Zealand Historic Places Trust** [5.2] be accepted.

#### 4.8.4 Reason

It is important to provide decision makers with a tool that will help identify if a temporary activity would have adverse effects on cultural values and historic heritage.

## 4.9 DURATION

#### 4.9.1 Submissions

Submission Number	Recommendation
3.1	Reject
4.5	Reject

**Geraldine Mary Laing** [3.1] opposes the proposed permitted activity condition because it is undefined and could potentially expose residents or businesses to continuous noise at high decibel levels for a period of three days. She requests that a new sub clause is added in Chapter 14J 2.1.1 (a) Duration: *"(iii) The activity area site location shall be at the discretion of the Council"*.

**Leisure Active** [4.5] submits that the proposed five day, maximum site occupancy is not consistent with set up and pack down requirements for pre-existing Council run events, such as the Petone Winter Carnival, and would also be too limiting on the scope of future Council run events, such as the events associated with the Rugby World Cup 2011. Leisure Active recommends that Option C from the Section 32 Evaluation be adopted *"To have a maximum occupancy of 10 consecutive days and a total duration of the temporary activity of 5 days on a site"*.

#### 4.9.2 Discussion

With respect to submission [3.1], while we agree that the basis of this submission has merit, the relief sought is not recommended as it is not considered best planning practice. To amend the permitted activity condition 14J 2.1.1 (a) Duration to include *"(iii) The activity area site location shall be at the discretion of the Council"* does not provide certainty to District Plan users and potential resource consent applicants. It is considered that the submitters concerns about continuous noise exposure are addressed in section 4.10 (Hours of Operation, page 19) and 4.11 (Noise, page 22) of this report.

Submission [4.5] supports option C in the Section 32 Evaluation. Option C would have a maximum occupancy of ten consecutive days and a total duration of the temporary activity of five days on a site. The submission refers to 2011 Rugby World Cup activities as the kind of activities that should determine the District Plan approach to duration. However the World Cup events are likely to be at the extreme end of the event spectrum. Large scale, infrequent events should not determine permitted activity status requirements which need to be cognisant of residential amenity values.

Council's Consultant Acoustic Engineer, Nigel Lloyd, has advised that a duration of five days would not be appropriate for temporary activities as a permitted activity if noise limits were to be generated up to 70dBA L<sub>10</sub> and 80dBA L<sub>max</sub> throughout the period. We concur with the advice from Council's Consultant Acoustic Engineer, that it would not be appropriate to provide for temporary activities to generally occur as permitted activities for a longer duration than three days at allowable noise limits of 70dBA L<sub>10</sub> and 80dBA L<sub>max</sub>. There are also other adverse effects on the environment, such as amenity and traffic related effects arising from temporary activities and these effects would not be acceptable if they occurred for a longer duration. As outlined in the Section 32 Evaluation, the provisions allowing for three days duration (with five days total occupation) would enable a wide range of temporary activities to locate and operate in Lower Hutt which means there is a potential for economic gains to the city. The proposed total occupation of five days would, in most cases, be adequate to allow for the set up and pack up activities required for permitted temporary activities. The proposed provisions would also result in less resource consent applications, which is beneficial to both applicants and the Council in terms of cost and time. Overall, it is considered appropriate to permit a maximum duration of three days and maximum occupation of five days because it is effective in enabling a range of temporary activities in Lower Hutt and effective in managing environmental effects.

Further investigation was done into the permitted duration rules of other District Councils. Taupo, Wellington, Kapiti and Porirua Councils all specify a maximum of three days as being permitted in certain zones. Hamilton City Council permits temporary activities for 48 hours on a site in any calendar year. Timaru and Queenstown Lakes Council's are more permissive, allowing for seven days total duration (including set up and pack up). The proposed three day duration in this Plan Change reflects the most common duration permitted by our sample councils.

In summary, the proposed provision for permitted temporary activities of three days duration is recommended to be retained as proposed in the Plan Change.

#### **4.9.3 Recommendation**

That the submissions of **Geraldine Mary Laing** [3.1] and **Leisure Active** [4.5] be rejected.

#### **4.9.4 Reason**

With regards to submission [3.1], it is not considered appropriate for discretion over duration of temporary activities to be a permitted activity condition as it would not provide the level of certainty required in District Plan rules.

With regards to submission [4.5], a permitted temporary event of up to five days with an allowable noise limit of 70dBA L<sub>10</sub> and 80dBA L<sub>max</sub> is not considered appropriate because of the potential for significant adverse effects on the environment to occur. It is appropriate that the effects on the environment of temporary activities of longer durations be assessed through a resource consent process.

### **4.10 HOURS OF OPERATION**

#### **4.10.1 Submissions**

Submission Number	Recommendation
3.2	Accept in part
4.6	Accept in part

**Geraldine Mary Laing** [3.2] opposes the proposed hours of operation as some residents expect a quiet period at 7am Saturday/Sunday, not exposure to 70dBA after a hard week.

**Leisure Active** [4.6] opposes the proposed hours of operation as they 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. Leisure Active requests hours of operation are specified for each day of the week (including set up and pack down) as follows:

Sunday to Thursday	6am – 11pm
Friday and Saturday	6am – 12 midnight

Leisure Active submits that the provisions should also include special extension hours to 1am the following day for New Years Eve. It is noted that the Plan Change already has an exception for the 31<sup>st</sup> of December which would allow temporary activities to finish at 1.00am the following day (rule 14J 2.1.1 (b)).

Leisure Active submits that an additional option is to restrict the period in which any amplified sound may be emitted or heavy machinery operated (generators, carnival rides etc), being:

Sunday to Thursday	7am – 10pm
Friday and Saturday	7am – 11pm

#### **4.10.2 Discussion**

Submission Reference [3.2]:

The proposed hours of operation provision for temporary activities (Rule 14J 2.1.1 (b)) requires that all temporary activities only operate between the hours of 7.00am and 10.00pm from Sunday to Thursday inclusive; and between the hours of 7.00am and 11.00pm on Fridays and Saturdays.

It is submitted that the duration of temporary activities would be too long at three days, and that 7am would be too early to commence activities at 70dBA on Saturdays and Sundays. No specific relief was sought by this submitter on these matters with respect to temporary activities.

Advice regarding the hours of operation provision has been obtained from Council's Consultant Acoustic Engineer, Nigel Lloyd. Mr Lloyd advises that the District Plan currently treats Sundays as deserving of stricter noise rules because in Rule 14C 2.1(d) the lower (night time) levels are applied to Sundays. However, is it appropriate to allow temporary activities to operate on Sundays because Sundays are important leisure days for the wider population. It is equally appropriate to provide some respite from noise on a Sunday morning. With respect to Saturday mornings, the District Plan treats Saturday mornings the same as any other day.

Mr Lloyd advises that temporary activities should be restricted (other than set up and pack up, see discussion for submission [4.6] below) before 8.30am on Sundays. We agree with the advice of Mr Lloyd and recommend that the hours of operation for Sundays be amended to 8.30am to 10.00pm in order to protect residential amenity values.

In addition, Mr Lloyd has advised that, given the recommended hours of operation for temporary events there is no need to apply the  $L_{max}$  limit in proposed Rule 14J 2.1.1 (d). This control is primarily to protect against sleep disturbance. As such it is recommended that the 80dBA  $L_{max}$  limit be deleted.

Submission reference [4.6]:

The proposed hours of operation provision Rule 14J 2.1.1 (b), does not provide additional time for set up and pack up activities for temporary activities. As such, set up and pack activities would need to occur within the hours of operation specified.

The submission seeks to change the hours of operation for temporary activities by allowing an earlier start by one hour in the morning (from 7am to 6am) and extending them by one hour in the evening (from 10pm to 11pm Sunday to Thursday and from 11.00pm to midnight on Fridays and Saturdays) to allow for set up and pack down activities. The submission identifies the tension that occurs at such events where pack up inevitably occurs when the event ends and can extend into the early hours of

the morning (depending on the size of the event). The submission identifies that amplified sound or heavy machinery operations could be made more restrictive.

Council's Consultant Acoustic Engineer, Mr Lloyd, advises that set up and pack up activities, and sound testing, can be treated separately to the temporary activity and can arguably represent construction, demolition and maintenance work in terms of the District Plan (which are controlled by District Plan Rule 14C 2.1 (f)). Mr Lloyd recommends that provision for set up and pack up activities be added to the hours of operation rule for temporary activities. We concur with the advice from Mr Lloyd. Given the nature of temporary set up and pack up activities, it is considered appropriate that additional allowance be made for them to occur. As such, it is recommended that the hours of operation be amended to provide for an additional hour for set up and pack up activities.

#### **4.10.3 Recommendation**

That the submissions of **Geraldine Mary Laing** [3.2] and **Leisure Active** [4.6] be accepted in part.

Those parts of the submission which are recommended to be accepted relate to amending the time a temporary activity commences on Sundays and the hours of operation of set up and pack up of activities. Those parts of the submissions which are not recommended to be accepted relate to amending the total duration of a temporary activity and amending the time a temporary activity commences on Saturdays.

And that the Plan Change be amended as follows:

#### **14J 2.1.1 (b) Hours of Operation**

~~All temporary activities shall only operate (including set up and pack up activities) between the hours of 7.00am and 10.00pm from Sunday to Thursday inclusive; and between the hours of 7.00am and 11.00am on Fridays and Saturdays.~~

~~Exception:~~

~~On December 31<sup>st</sup> of any calendar year the finish time of temporary activities may be extended to 1.00am the following day.~~

All temporary activities shall only operate between the hours of:

1. Mondays to Thursday inclusive – 7.00am to 10.00pm
2. Fridays and Saturdays – 7.00am to 11.00pm
3. Sundays – 8.30am to 10.00pm

Associated set up and pack up activities shall only operate between the hours of 6.00am and 11.00pm from Sunday to Thursday inclusive; and between the hours of 6.00am and midnight on Fridays and Saturdays.

~~Exception:~~

~~On December 31<sup>st</sup> of any calendar year the finish time of temporary activities may be extended to 1.00am the following day.~~

#### **4.10.4 Reason**

It is appropriate to provide additional protection for residential amenity values by restricting temporary activities (other than set up) before 8.30am on Sundays. The recommended start time of 8.30am on Sundays achieves a reasonable balance between providing for temporary activities on Sundays and maintaining residential amenity values. It is appropriate to treat set up and pack up activities separately to temporary activities in terms of hours of operation.

## 4.11 NOISE

### 4.11.1 Submissions

Submission Number	Recommendation
3.3	Accept
11.5	Accept

**Geraldine Mary Laing** [3.3] opposes Rule 14J 2.1.1 (d) Noise and states that no decibel level has been set for non-residential sites. She submits that many people are unaware of the harmful effects of loud noise on hearing for young children who may be present at an activity.

**Vicky Fitchett** [11.5] seeks that the wording for Rule 14J 2.1.1 (d) Noise be clarified to provide greater certainty. She states that 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 (for example an apartment within the Central Commercial Activity Area).

### 4.11.2 Discussion

Submission [3.3] states that no decibel level has been set for non-residential sites. The submission notes that shop, office, business and farming staff should not have to cope with the proposed maximum noise level, especially as there is nothing in the proposed Plan Change to prevent the noise level being maintained throughout the whole allowable duration – up to 30 days.

The submitter of [11.5] questions whether Rule 14J 2.1.1(d) applies to a residentially zoned property or a property which contains a residential activity but is not within a residential activity zone (for example an apartment within the Central Commercial Activity Area). This confusion could also exist with land in a Rural Activity Area on which a dwelling is constructed.

The proposed noise provision, Rule 14J 2.1.1 (d), states that any noise resulting from temporary activities shall not exceed 70 dBA L10 and Lmax80 when measured at any residential site boundary. Council's Consultant Acoustic Engineer, Mr Lloyd, advises that it is appropriate to set a noise limit for commercial areas which may include noise sensitive business activities or residential activities. We concur with the advice from Mr Lloyd and recommend that the noise rule be amended to include noise limits for commercial areas. It is appropriate to amend the noise provision by adding that the maximum noise limit for temporary activities shall not be exceeded at the boundary of any site within a Commercial and Business Activity Area other than the site of the temporary activity. This amendment will provide suitable protection for noise sensitive activities within these areas.

As discussed above, it is recommended that the noise rule be applied at the boundary of sites within commercial and business areas. Council's Consultant Acoustic Engineer, Mr Lloyd, also recommends that the noise rule be applied at the notional boundary of dwellings in rural activity areas. Mr Lloyd advises that the notional boundary is a line 20 metres from the façade of the dwelling or the site boundary if that is closer and is used to protect residential amenity where that amenity exists at and near to rural dwellings (this concept would need to be defined in the District Plan). Mr Lloyd notes that the District Plan noise limits are otherwise applied at the site boundaries in the Rural Activity Areas and this is appropriate because it protects land that could be subject to future residential development. This is not an issue where the activity is of a temporary nature. Mr Lloyd advises that Rule 14J 2.1.1 (d) should be further amended by changing the words "*at any residential site boundary*" to "*at any point within any other site in a Residential Activity Area and at any point within the notional boundary of any dwelling in the General Rural Activity Area*". Mr Lloyd, also advises that the recommended wording is also generally in accordance with NZS6802:1999 Acoustics – Assessment of Environmental Noise.

Consideration has been given to the use of 'General Rural Activity Area' as recommended above and, if the recommendation to amend this rule was accepted, whether the Rural Residential Activity Area should be considered a 'Residential Activity Area' for the purposes of applying Rule 14J 2.1.1 (d). The provisions for the Rural Residential Activity Area are within Chapter 8, Rural of the District Plan. The Rural Residential Activity Area is considered to be more rural in character than residential. As such, it is considered that rural residential amenity values can be protected and maintained effectively through use of the notional boundary concept. It is recommended that Rule 14J 2.1.1(d) be amended by changing the words "*at any residential site boundary*" to "*at any point within any other*

site in a Residential Activity Area and at any point within the notional boundary of any dwelling in a Rural Activity Area”.

It is also considered that submission [11.5] provides for these amendments to also be applied to Rule 14K 2.2 (c) Noise. It is appropriate that these amendments are also applied to filming activities for consistency and in order to provide protection for amenity values.

Mr Lloyd also advises that set up and pack up activities should be treated separately to the temporary activity (as discussed in section 4.10 (page 19) of this report). We concur with the advice from Mr Lloyd and recommend that the noise provision be amended to clarify that set up and pack activities can be treated separately to the temporary activity.

#### **4.11.3 Recommendation**

That the submission of **Geraldine Mary Laing** [3.3] be accepted.

That the submission of **Vicky Fitchett** [11.5] be accepted.

That Rule 14J 2.1.1(d) is amended as follows:

##### ***Rule 14J 2.1.1(d) Noise***

*Any noise resulting from temporary activities shall not exceed 70dBA L<sub>10</sub> and 80dBA L<sub>max</sub> when measured at any point within any other site in a Residential Activity Area and at any point within the notional boundary of any dwelling in a Rural Activity Area. Any noise resulting from temporary activities shall not exceed 70dBA L<sub>10</sub> at the boundary of any site within a Commercial or Business Activity Area other than the site of the temporary activity.*

*The notional boundary is defined as a line 20 metres from any side of a dwelling, or the legal boundary of the site where this is closer to the dwelling.*

*Associated set up and pack up activities are deemed to be construction activities in terms of Rule 14C 2.1(f). Sound testing for the temporary activity shall be permitted as part of the set up activities but if undertaken on the day before the temporary activity commences then the sound testing shall end no later than 3 hours after the sound testing commences (e.g. if the sound testing starts at 10am it shall finish by 1pm).*

#### **4.11.4 Reason**

The amended wording clarifies Rule 14J 2.1.1(d) and ensures that the noise limits are applied appropriately within residential and rural activity areas. The amenity values of rural activity areas can be protected and maintained effectively through use of the notional boundary concept. It is appropriate to amend the noise provision to include noise limits for commercial areas on the grounds that the rule confers a permitted activity baseline and it is appropriate to set a noise limit for commercial areas which may include noise sensitive business activities or residential activities.

## **4.12 SANITATION FACILITIES**

### **4.12.1 Submission**

Submission Number	Recommendation
11.6	Reject

**Vicky Fitchett** [11.6] submits that the sanitation permitted activity condition is too vague and is concerned how an applicant would show that Rule 14J 2.1.1 (f) has been met. She seeks that the wording of Rule 14J 2.1.1 (f) be clarified to provide greater certainty.

#### **4.12.2 Discussion**

The proposed sanitation facility provision (Rule 14J 2.1.1 (f)) states that all temporary activities shall be undertaken to ensure that sanitary facilities to service the activity are provided on the site for the duration of the activity to the satisfaction of the Council.

District Plans need to be provide certainty over whether an activity is permitted or requires resource consent and that the rules can be applied in a consistent manner. Although the sanitation facility provision is useful to convey that sanitation facilities are required, it is agreed that the phrase 'to the satisfaction of the Council' does not provide sufficient certainty. The proposed provision creates uncertainty as to what the standard or threshold is and how it will be measured, for example, the rule does not explain the number of sanitation facilities required. If the rule was to be retained, it is considered that a standard that can be measured would need to be included in the provision so that the number and type of sanitary facilities for a temporary activity could be calculated.

However, it is difficult to find an appropriate standard to refer to. For example, there is no relevant New Zealand Standard. There is a New Zealand Standard for Public Toilets, NZS 4241:1999, which covers the safety and design of permanent public toilets. This standard advises that if permanent public toilets are not available, then an adequate number of portable toilets should be provided. The Building Act contains provisions to deal with insanitary buildings. New Zealand Building Code Clause G1, Personal Hygiene, has been used by the Queenstown Lakes District Council in their temporary activity rules. The rule requires that temporary activities provide sanitary facilities in accordance with the NZ Building Code Clause G1 and states that when using Clause G1, if the activity is not undertaken within a building, the most appropriate building use shall be applied.

However, it is considered that the use of NZ Building Code Clause G1 creates a rule which is overly complicated. Those temporary activities which are not inside buildings are the kind of activities which are more likely to require the provision of temporary sanitary facilities. As Clause G1 is written for buildings, the rule would require an interpretation from someone familiar with the application of the Building Code as to which building use should be applied to the temporary activity. In most cases, this would involve seeking advice from Council Officers on how to apply the sanitary facilities provision. This indicates that this rule is not easily understandable and therefore it is not recommended that a similar rule be used in the proposed provisions for filming and temporary activities.

In addition, a review of other District Plans has shown that most District Council's with provisions for temporary activities do not include a sanitation facility rule. Rather, sanitation requirements are dealt with by other, non-statutory processes within Council (such as liquor licence applications which could require assessment of sanitation facilities) or bylaws.

In addition, it is considered that the risk of adverse effects on the environment of the District Plan not controlling sanitation facilities is low given that a number of the larger scale temporary activities are events organised by the Hutt City Council or are held on Council land. In both cases Council officers have input into the event and would have the opportunity to require that appropriate sanitation facilities are provided. The non-Council run temporary activities are also not considered a significant risk given that outside events would generally be smaller scale and event holders are likely to choose to provide sanitation facilities for the benefit of participants.

In conclusion, the relief sought by the submitter cannot be pursued further given the difficulties in creating an appropriate rule with sufficient certainty. It is recommended that the sanitation provision be deleted as the provision does not provide adequate certainty. It is also considered that it is not necessary to replace the sanitation provision as there is low potential for adverse effects on the environment and as there is potential for other Council processes (outside of the District Plan) to manage sanitation facilities at temporary events.

The management of sanitary facilities is included in the assessment criteria for restricted discretionary temporary activities and filming activities (Rule 14J 2.2.1 (a) (iii)). It is appropriate that this assessment criteria be retained as the effects on the environment relating to inadequate sanitation facilities is a relevant effect on the environment of larger scale events and filming activities. However, it is recommended that the wording of these assessment criteria be amended in order to clarify that sanitary facilities are required. A consequential change is also required to the filming restricted discretionary assessment criteria, Rule 14K 2.3.1 (iii), for the same reason.



### **4.12.3 Recommendation**

That the submission from **Vicky Fitchett** [11.6] be rejected.

That Council officer's are instructed to carry out further investigation into the other options available outside of the District Plan to require sanitation facilities at temporary events.

That the sanitation facilities provision be deleted as follows:

Delete Rule 14J 2.1.1 (f)

**~~(f) Sanitation facilities:~~**

~~All temporary activities shall be undertaken to ensure that sanitary facilities to service the activity are provided on the site for the duration of the activity to the satisfaction of the Council.~~

Amend Rule 14J 2.2.1 (a) (iii) and Rule 14K 2.3.1 (iii) as follows:

- (iii) Waste, health and safety
  - The effects on the environment of the waste generated by the activity.
  - The effectiveness and efficiency of the Waste Minimisation Plan for the temporary activity in terms of reduction in waste and enabling reuse and recycling.
  - ~~- The manner in which sanitary facilities are managed. The provision for adequate sanitation facilities to service the activity.~~
  - The potential effects relating to hazards, including natural hazards and risk from hazardous facilities and, if relevant, whether they are taken into account and addressed.
  - The provision for appropriate emergency management if the proposal may endanger public safety.

### **4.12.4 Reason**

Given the difficulties in creating a suitable rule with sufficient certainty, the low potential for adverse effects on the environment and potential for sanitation facilities to be required by other Council processes, it is appropriate that the sanitation facility permitted activity condition be deleted.

## **4.13 WASTE**

### **4.13.1 Submission**

Submission Number	Recommendation
11.7	Reject

**Vicky Fitchett** [11.7] is supportive of the Waste Minimisation Plan provision Rule 14K 2.2 (g), but is concerned about the wording of the rule. She questions how the Waste Minimisation Plan would be assessed by the Council and asks if a Waste Minimisation Plan was not up to standard, how would it be judged?

### **4.13.2 Discussion**

Proposed Rule 14J 2.1.1 (g) Waste requires that a Waste Minimisation Plan be provided to the Council prior to the operation of the temporary activity and that the temporary activity be carried out in accordance with the Waste Minimisation Plan. The rule doesn't require an approval process for the Waste Minimisation Plan, only that the plan is provided to the Council and the activity is undertaken in accordance with that plan. The intention of the proposed rule was to encourage temporary activities to minimise their waste. The Section 32 Evaluation explains that the emphasis of the rule was on

education because event and film organisers would be responsible for creating an achievable Waste Minimisation Plan for them selves.

Waste minimisation is desirable and is consistent with the direction given in Hutt City Council's Environmental Sustainability Strategy. Temporary events and filming activities can generate significant volumes of waste which could be minimised by reducing use of materials, avoiding generating waste in the first place, and recycling and reusing materials where possible. By reducing waste valuable resources can be conserved and the adverse effects on the environment can be reduced, such as greenhouse gases from landfills and pollution from litter. There is the potential for waste minimisation to be promoted and encouraged by way of a bylaw or through non-statutory measures, such as the events strategy. A review of other District Plans with rules for temporary activities shows that other Council's tend to favour non-statutory methods of encouraging waste minimisation, such as guidelines and directories of recycling services, or bylaws to require waste management plans for temporary events.

We agree with the submitter that the proposed rule has the potential to result in a level of uncertainty which is inappropriate in a District Plan. There must be certainty over whether a proposal complies with rules in a plan and that the rules are applied in a consistent manner. Consideration has been given to amending the wording of the provision in order to provide certainty. For the rule to be functional and provide greater certainty, the provisions would need to detail specifically what is required by a Waste Minimisation Plan, either within the permitted activity condition itself or in an appendix to the proposed temporary activity chapter. However, this would not fully resolve the uncertainty created by the provision as issues relating to the assessment and enforcement of the Waste Minimisation Plan would remain. As such, it is considered that the proposed waste provision should be deleted from the plan change. It is considered that the best option at the present time is for the Council to pursue other non-District Plan methods to promote waste minimisation.

It is considered appropriate to retain assessment criteria relating to waste minimisation for those temporary activities which fall within the restricted discretionary category, such as events over three days in duration, as waste generation is a relevant effect on the environment. The submissions request that specific guidance be provided on the scope and detail of a Waste Minimisation Plan required for restricted discretionary filming activities (submission reference [6.7] and [7.7], [4.8] of this report). It is appropriate that Rule 14J 2.2.1 (iii) also be amended to provide specific guidance on what is required for a Waste Minimisation Plan for restricted discretionary temporary activities.

#### **4.13.3 Recommendation**

That the submission of **Vicky Fitchett** [11.7] be rejected.

That Council officer's are instructed to carry out further investigation into methods outside of the District Plan to reduce waste from temporary activities and to promote waste minimisation.

That permitted activity condition 14J 2.1.1 (g) be deleted as follows:

#### **14J 2.1 Permitted Activity Conditions**

##### **14J 2.1.1**

##### **~~(g) Waste:~~**

- ~~(i) A Waste Minimisation Plan shall be provided to the Council prior to the operation of the temporary activity.~~
- ~~(ii) The temporary activity shall be carried out in accordance with the Waste Minimisation Plan.~~

That Rule 14J 2.2.1 be amended as follows:

#### **14J 2.2.1 Matters in which Council has restricted its discretion and standards and terms**

**(a) In all activity areas any temporary activity which does not comply with any one or more of the Permitted Activity Conditions.**

- (i) Amenity values

- The nature, duration, hours of operation and frequency of the activity and any cumulative effects on amenity values.
- The noise effects of the proposal, including the nature of the noise and the duration of any amplified sound.
- The visual, dust, light-spill and glare, odour and vibration effects of the activity and the effectiveness of any mitigation measures proposed.

(ii) Environment

- The extent to which the environment in and surrounding the site is sensitive to modification.
- The effects on the natural environment including natural landscapes, native vegetation and habitats and fauna.
- The effect of the activity on public recreational values.
- The effects on cultural and heritage values.

~~(iii) Waste, health and safety~~

- ~~- The effects on the environment of the waste generated by the activity.~~
- ~~- The effectiveness and efficiency of the Waste Minimisation Plan for the temporary activity in terms of reduction in waste and enabling reuse and recycling.~~
- The extent to which the activity is designed to provide for the minimisation of waste through a Waste Minimisation Plan that shall include:

- An explanation of the waste minimisation goal or target for the activity.
- Where practicable, an estimation of the types and volumes of waste which the activity could generate.
- The steps that will be taken to avoid waste generation, such as utilising reusable and recyclable materials.
- A description of facilities for storage of recycling and non-recyclable waste during the activity. Where possible, the provision for collection of organic wastes for composting. Details could include the number of bins to be provided, servicing arrangements, quality control measures for ensuring contamination of recycling is kept to a minimum.
- A description of the method for the waste and recyclable material to be collected from the site and arrangements for delivering materials to be reused, recycled and disposed of.
- The arrangements for site clean up, including removal of litter.
- A description of communication to be undertaken before and during the event to support the reduction of waste and recycling. For example, the use of media and volunteers.
- The arrangements made for post-event waste analysis and reporting of that information to Council.

- The manner in which sanitary facilities are managed.
- The potential effects relating to hazards, including natural hazards and risk from hazardous facilities and, if relevant, whether they are taken into account and addressed.
- The provision for appropriate emergency management if the proposal may endanger public safety.

(v) Traffic

- The traffic effects of the activity on the safety and efficiency of the surrounding road network.
- The provision for vehicle access, servicing and car parking and the potential impacts on the environment and the road network.

- The provision of temporary traffic management measures to mitigate the traffic effects of the proposal.
- The effects of traffic and car parking on the amenity of the surrounding area.
- The provision made for pedestrian access and safety.
- The provision made for encouraging the use of alternative transport modes to the activity such as public transport, cycling and walking.

**4.13.4 Reason**

The proposed waste permitted activity condition does not provide sufficient certainty and as such it is appropriate that the proposed rule be deleted. It is appropriate that the Council investigate other non-District Plan methods to the reduce waste generated by temporary activities.

The amendment to the waste minimisation assessment criteria for temporary activities which are restricted discretionary is necessary in order to provide sufficient guidance on the detail required for the Waste Minimisation Plan and is consistent with the recommended amendments to the provisions for filming activities, as discussed in section 4.18 (page 34) of this report.

**4.14 GENERAL: PERMITTED ACTIVITY CONDITIONS**

**4.14.1 Submission**

Submission Number	Recommendation
4.4	Reject

**Leisure Active** [4.4] supports that no maximum number of participants has been set for permitted activities but seeks that Council consider implementing other permitted activity conditions for temporary activities. The submitter suggests additional permitted activity conditions relating to traffic and parking management, security and crowd control, first aid and emergency management, portable sanitation and public notification.

**4.14.2 Discussion**

The submitter requests that other permitted activity conditions be added to Rule 14J 2.1.1. It is considered that additional permitted activity conditions are not necessary. The permitted activity conditions which are recommended to be retained are considered to be adequate to manage the adverse effects of permitted temporary activities involving any number of participants. The proposed permitted activity conditions for temporary activities cover duration, hours of operation, light spill and glare, noise, dust and wind blown debris (the proposed permitted activity conditions for sanitation facilities and waste are recommended to be deleted for the reasons discussed above).

The submitter suggests that permitted activity conditions be added to manage traffic and parking, security and crowd control, first aid and emergency management, portable sanitation and public notification. It is not considered appropriate to add additional permitted activity conditions as these matters relate to effects or issues which are either non-resource management issues or are best dealt with by way of other methods outside of the District Plan. For example, traffic issues which arise from temporary activities and filming would largely affect the operation of roads or road reserves. This can be controlled by Council as the road controlling authority. Activities requiring road closures and use of roads require a separate approval process from the Road and Traffic division of the Council which will address safety and efficiency of the road network. Sanitation has been discussed in section 4.12 (page 23) above. Security, crowd control, first aid and emergency management would be more appropriately dealt with via other Council processes or non-statutory measures, such as part of criteria for approval for holding events on Council land or, for private events, as part of guidelines available to the public.

With regards to public notification of temporary activities requiring resource consent, the provisions of the Resource Management Act and Section 17 of the District Plan apply. Another interpretation of this submission may be in regards to notifying members of the public about the occurrence of permitted

temporary activities, for example, requiring a letter drop to residents within a certain radius prior to the operation of the activity. This is considered to be unnecessary given the proposed permitted activity conditions, such as duration and noise, and inappropriate due to the uncertain nature of such a provision, such as difficulties with determining the sites required to be notified.

#### **4.14.3 Recommendation**

That the submission from **Leisure Active** [4.4] be rejected.

#### **4.14.4 Reason**

It is considered that additional permitted activity conditions for the issues suggested by the submitter are not necessary or are not appropriate for permitted activity conditions in the District Plan.

## FILMING

### 4.15 CULTURE AND HERITAGE

#### 4.15.1 Submissions

Submission Number	Recommendation
5.3	Accept
Further Submission Number	
13.7	Reject
14.1	

The **New Zealand Historic Places Trust** [5.3] submits that there is no mention of culture and heritage in the issue, objectives and policies section of the proposed filming chapter (14K 1). The New Zealand Historic Places Trust comments that heritage and culture would be required to be considered as the significant natural, cultural and archaeological resources rules apply and if the filming activity is restricted discretionary. The New Zealand Historic Places Trust requests that culture and heritage be included as an issue in 14K 1, as it is in Chapter 14J 1 (Temporary Activities) to provide a clear link between the issues, objectives, policies and the rules and confirm that the effects on culture and heritage are important issues for Lower Hutt.

*Film Wellington* [13.7] and *Film New Zealand* [14.1] oppose the submission by the New Zealand Historic Places Trust and request that in the absence of specific relief sought, the Plan Change remain as notified.

#### 4.15.2 Discussion

The proposed rules for both temporary activities and filming activities seek to ensure that any adverse effects on the environment are avoided, remedied or mitigated. The proposed provisions recognise that temporary activities and filming activities can have adverse effects on cultural and heritage values. For example, the rules for both temporary activities and filming require that all temporary activities and filming activities comply with Chapter 14, including the rules for Heritage Buildings and Structures and for Significant Natural, Cultural and Archaeological Resources. Restricted discretionary temporary activities and filming must consider the effects on cultural and heritage values (proposed Rule 14J 2.2.1 (ii)).

The submitter is concerned that the issue, objective and policies provision 14K 1.1 does not specifically identify culture and heritage as an issue to be managed. It is noted that examples of adverse environmental effects that need to be managed accordingly are included in the explanation and reasons section, such as potential loss of cultural and recreation values. However, we agree that a specific reference to adverse effects on heritage and culture within the issues section would better clarify the link between the objectives, policies and rules.

As the plan change intends to recognise that both temporary activities and filming activities can have adverse effects on cultural and heritage values, as well as other types of adverse environmental effects, it is considered appropriate that the effects on cultural and heritage values, and other environmental effects, such as noise and traffic, be identified under the Issue for provision 14K 1.1. This doesn't change the intention of the Plan Change or the effect of the rules but it is appropriate to better clarify the proposed provisions. It is also consistent with the wording of Issue 14J 1.1 for temporary activities.

#### 4.15.3 Recommendation

That the submission of the **New Zealand Historic Places Trust** [5.3] is accepted.

That the further submissions of *Film Wellington* [13.7] and *Film New Zealand* [14.1] be rejected.

That the issues, objectives and policies in Chapter 14K Filming are amended as follows:

#### 14K Filming

##### 14K 1 Issues, Objectives and Policies

##### 14K 1.1 Enabling film making activities while managing environmental impacts

## Issue

Filming can have positive economic, social, cultural and environmental effects. However, filming can also have adverse environmental effects if not managed well. Provision needs to be made for filming activities within the city while ensuring that any adverse effects, such as noise, traffic, recreation, heritage, cultural and visual effects, are adequately avoided, remedied or mitigated.

### 4.15.4 Reason

It is considered appropriate to strengthen the links between the issues, objectives and policies and the rules for filming activities. Identifying specific potential adverse effects of filming activities within the issue section is consistent with the wording used for Chapter 14J and clarifies that adverse effects on the environment from filming activities, including effects on cultural and heritage values, is an important issue.

## 4.16 DURATION

### 4.16.1 Submission

Submission Number	Recommendation
11.9	Reject

**Vicky Fitchett** [11.9] seeks amendments to the wording of the duration permitted activity condition in order to prevent filming activities occurring for 30 days, then another 30 days on the same site, with only a short break in between. The submitter asks what would constitute a break in filming duration. The submitter is concerned that if filming takes a few days break after one filming period of 30 days, another 30 days of filming could occur on the site, which could lead to quite significant effects on local residents.

### 4.16.2 Discussion

The submitter is concerned that there is no requirement for a break between filming activities. In other words, the submitter is concerned that filming could take place for 30 days at a location and then, with the shortest of breaks, could recommence for another 30 days.

The Section 32 Evaluation provides background to the options for permitted duration for filming activities. In addition, the Local Government New Zealand document entitled 'NZ Local Government Filming Protocol' published in November 2002, recommends that filming up to one month's duration in any one calendar year be a permitted activity. The Filming Protocol notes that this would mean that, in most cases, location filming associated with commercials and documentaries, which can take approximately 10 days to shoot, and other short off-set shoots associated with dramas and films would not need resource consent. While, short films, feature films and TV drama series which are generally expected to run for a minimum of two or three months would be required to obtain resource consent.

In determining the appropriate permitted duration for filming activities we have also taken into account that the effects on the environment of temporary filming are often minimal. For example, noise effects are generally tolerable for a short amount of time during the day, structures and sets are often not required for short periods of filming, where they are required they are quickly removed following completion of filming, minimising impacts on the landscape and amenity values. Traffic associated with temporary filming is transient in nature and on-road traffic can be managed through Council processes such as road side parking controls and traffic management plans. Film makers generally like to leave sites as they found them as they may wish to use the site again in the future. In addition it is noted that the duration of filming activities of up to 30 days as permitted activities can not be considered in isolation because all of the other permitted activity conditions apply to each filming activity. The other permitted activity conditions as recommended to be amended in this report, such as the noise provision, work together to control the adverse effects of temporary filming activities.

Potentially, the most difficult issue to determine are long-term cumulative effects of filming, such as the popularity of particular filming sites and locations resulting in detracting from the character of an

area, particularly for private land. However, it is considered unlikely that sites on private land would be subject to frequent temporary filming activities and therefore the risk of adverse cumulative effects is low. It is more likely that popular filming locations would be public spaces, such as parks, reserves and roads. However, filming on public land requires Council's consent as land owner, which can deal with any overuse of public spaces or impacts on recreational amenity values and also avoid adverse cumulative effects.

Overall, Rule 14K 2.2 (a) Duration, along with the other permitted activity conditions, is considered appropriate, balancing the need to protect residential amenity values and the environment while facilitating the economic benefits of filming. The Section 32 Evaluation recognises that the duration a site is occupied for filming can have adverse effects on residential amenity values of neighbouring properties, on environmental quality and displace other users of a site. Providing for a maximum duration for the filming activity helps to manage these effects on the environment. The duration rule of 30 days acts as a trigger to ensure that larger scale filming activities, those likely to have adverse environmental effects, are able to be assessed through a resource consent process.

It is important to emphasise that the filming provisions relate to each individual filming activity. As such the proposed duration rule does not restrict multiple filming operators on a site, in other words each individual filming activity is allowed a maximum of 30 days. This provides flexibility for filming while managing effects and ensuring that filming activities longer than 30 days require resource consent. Permitted activity conditions such as controls on noise and lighting will manage the environmental effects of the temporary filming activities. Filming activities over 30 days will fall within the restricted discretionary category and will be assessed against a number of criteria, including criteria relating to the protection of residential amenity values, such as '*the nature, duration, hours of operation and frequency of the activity and any cumulative effects on amenity values*' (Rule 14K 2.3.1 (i)).

It is considered unrealistic that a large scale filming activity which requires longer than 30 days would attempt to utilise a site for 30 days (which includes set up, filming and pack down), then the same filming activity recommence after a short break. Aside from being unpractical, it would be apparent to the Council that the filming activity was not a temporary activity of 30 days and therefore resource consent would be required.

Scenarios permitted by the proposed duration rule include; a filming activity occurring for up to 30 days on a site, and after only a short break, a separate filming activity occurring on the same site for another 30 days. Or, multiple, unrelated filming activities, each of up to 30 days in duration could occur on the same site at the same time or overlap. The proposed duration rule would allow these situations to occur as permitted activities. Although there is potential for adverse cumulative effects to occur if a particular site was used frequently for filming activities, it is considered that the probability of adverse cumulative effects is sufficiently low given the infrequent occurrence of filming activities and the nature of filming (for example it is unlikely that multiple filming activities would want to film at the same time at the same site as they often require isolation, quiet conditions, seclusion, privacy etc). Taking into account the benefits of providing flexibility for filming activities and the low risk that filming activities will occur frequently on sites, on balance the proposed duration provision is considered to be appropriate.

The alternative methods for controlling the duration of permitted filming activities have been considered. A review of District Plans for other City Councils with provisions for temporary activities and filming, including Council's located in the Wellington Region, found that a diverse range of rules are used to control the maximum duration of permitted filming activities. A summary of this review is shown below in Table 1.

District or City Council	Duration - permitted activity condition
Hamilton	The total duration of all events on the site (excluding preparation time) shall not exceed <u>48 hours in any calendar year.</u>
Napier	Total occupation of the site must not exceed 12 days and the duration must not exceed a <u>period of 3 days.</u> The number of temporary activities that may



	occur on any one site in a calendar year <u>must not exceed 5.</u>
Kapiti	Temporary events and associated structures, where the event is for <u>6 hours or less in duration</u> , during the hours of 7am and 10pm, and occurs <u>no more than once in any three month period.</u>
Porirua	Within the Recreation Zone, a temporary noise event shall not be held on any one site on more than <u>2 occasions in any calendar month.</u>
Queenstown	<u>7 days</u> maximum event duration (maximum number of people of 200 outside and 500 inside a building).
Taupo	Any temporary activity, being an activity of up to a total of <u>three operational days in any one calendar year</u> , which exceeds any performance standard(s), is a permitted activity.
Timaru	No activity or building remains on the site for longer than <u>7 days</u> at any one time and no site is used more than <u>2 times in any one year.</u>
Upper Hutt	The total duration of a temporary event shall not exceed <u>6 days</u> and the occupation of a site for any temporary event (including set-up and pack-up times) shall not exceed 10 days in total.
Waitakere	An Activity associated with filming, carnivals, fairs, public meetings, concerts and sporting events except in the <i>Roads Environment</i> , provided that the activity shall not be carried out on the <i>site</i> longer than <u>30 days in any one calendar year:</u>
Wellington	Temporary activities (includes filming) less than <u>3 days duration</u> are permitted.  There is an exemption in Lambton Harbour Area, where temporary activities less than 1 month in duration are permitted.

**Table 1: Review of duration rules for temporary activities and filming in District Plans**

The intention of the Plan Change is to provide flexibility for temporary activities and filming to occur in Lower Hutt. A restriction on the number of times an activity can occur on a site does not provide the desired level of flexibility and also creates an additional complication, in that the number of times that a filming activity occurred on a site in the time period (being a year or a certain number of months) would have to be recorded. In addition, as discussed above, there is a low potential for filming activities to occur frequently on the same site. Should filming activities occur at a site on numerous occasions it is considered that their adverse effects can be adequately controlled by the proposed permitted activity conditions, in particular, the rules controlling noise. As such, it is considered unnecessary to amend the rule by adding restrictions on the number of times that filming activities can occur on a site in a certain time period.

Although it is not considered necessary that the proposed duration provision restrict the number of times that a filming activity can use a site, given the concern raised by the submitter regarding this matter, it is appropriate to ensure that all parts of the temporary filming activity, including site restoration, are contained within a 30 day period. As such, an amendment is recommended to the definition of filming activity to include the setting up and packing up of film sets and associated facilities and site clean up and restoration. In addition, it is recommended that the permitted activity condition for site restoration be deleted, as this rule would be redundant if site restoration is required as part of the 30 day filming activity.

The 30 day period is considered an appropriate length of time to allow set up, filming, pack up and site restoration for a small scale, temporary filming activity. In addition, given the concerns about the

30 day duration rule (which would allow temporary filming activities to occur any number of times on a site), it is considered appropriate that site restoration be required to be carried out within the 30 day period. The amendment to the definition of filming activity and the deletion of the site restoration rule are considered to be within the scope of the Plan Change given that they are closely linked to the duration rule. The amendment to the filming activity definition and the deletion of the site restoration rule will emphasise that the whole filming activity from set up to pack up, site clean up and restoration, must be contained within 30 days to meet the duration permitted activity condition. This contributes to restricting the scale of filming undertaken as a permitted activity and reinforces the temporary nature of a permitted filming activity.

#### **4.16.3 Recommendation**

That the submission of **Vicky Fitchett** [11.9] is rejected.

That Rule 14K 2.2 (d) be deleted as follows:

**(d) Site Restoration:**

~~Any site where filming activities occur shall be restored to its original condition or better within 15 days of the completion of the filming activity.~~

That the definition of filming activity be amended as follows:

### **Chapter 3 Definitions**

#### **Filming Activity:**

Is the recording of images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means) and the use of land associated with the filming activity including temporary construction, use and dismantling of structures and sets and all associated setting up and packing up of structures, equipment and materials, clean up and restoration of the site, but does not include:

- (a) still photography;
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, event or celebration;
- (c) recording images as a visitor or tourist for non commercial purposes;
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

#### **4.16.4 Reason**

No change is recommended to Rule 14K 2.2 (a) Duration for filming activities. The duration provision is considered the most appropriate rule to provide flexibility for temporary filming activities and ensure that filming activities of longer duration apply for resource consent as restricted discretionary activities. The recommended amendment to the definition of filming activity and the deletion of the site restoration rule will provide a further restriction to the scale of temporary filming activities and reinforce the temporary nature of permitted filming activities.

### **4.17 NOISE**

#### **4.17.1 Submissions**

Submission Number	Recommendation
3.5	Accept in part
11.10	Accept
Further Submissions Number	
13.4	Reject
14.6	

**Geraldine Mary Laing** [3.5] opposes the proposed noise rule for filming activities as 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”. She states that there is nothing in the proposed amendments to prevent the maximum noise level being maintained throughout the permitted duration of 30 days. She submits that the proposed filming rules have the potential to remove any protection for health and amenity of a large number of people. She seeks that Rule 14K 2.2 (c) be amended to read “*Any noise resulting from filming activities shall not exceed 60dBA  $L_{10}$  and  $L_{max}$  65dBA when measured at any boundary*”.

**Film Wellington** [13.4] and **Film New Zealand** [14.6] oppose the submission from Geraldine Mary Laing for the reason that the proposed limit of 70dBA  $L_{10}$  limit is appropriate and reasonable.

**Vicky Fitchett** [11.10] submits that the proposed rules would allow filming activities to generate a significant amount of noise 24 hours per day, which could generate significant adverse effects. She seeks that hours of operation be specified for maximum noise limits for filming to ensure the amenity values of the local environment are maintained.

#### **4.17.2 Discussion**

Submissions referenced 3.5 and 11.10 above identify that the proposed filming duration and noise rules would allow a high level of noise for up to 24 hours for up to 30 days and that this would have significant adverse effects on residential amenity values.

The Council has obtained acoustic advice from Consultant Acoustic Engineer, Nigel Lloyd, who advises that filming activities generating 70dBA  $L_{10}$  for a full period of 30 days, without limits applied to day or night time operations would represent a significant adverse impact on residential amenity. However, Mr Lloyd advises that it is appropriate that some relaxation of the noise limits is provided in the same way that it is appropriate for some relaxation of noise limits to be provided for temporary activities. We concur with the advice from Mr Lloyd and consider that the proposed rules are not appropriate as they would allow filming activities to operate at maximum noise levels for an unacceptable period of time, resulting in the potential for significant adverse effects on residential amenity values.

It is therefore recommended that the submission be accepted insofar as filming be a permitted activity for a 30 day period provided it can meet the District Plan noise limits set out in 14C of the District Plan for that locality, but that a daytime relaxation is provided in the same way that the relaxation in 14J 2.1.1(d) for temporary activities is allowed, with a duration limited to three days. The effect of this would be to allow filming activities to exceed District Plan noise limits for up to three days within a 30 day filming activity. It is also necessary to set hours of operation for the three day period in which filming activities would be allowed to operate at the higher noise level, in order to ensure that residential amenity values are maintained. This will be consistent with the provisions for temporary activities, which also have restricted hours of operation. It is appropriate for filming activities that exceed these noise limits and durations to require resource consent to allow the noise effects to be assessed.

It is recognised that filming activities require a high level of flexibility in their operations due to the nature of this industry. The proposed provisions seek to provide a balance between enabling filming activities and managing their environmental effects. The recommended noise provision is considered to be necessary to manage environmental effects, particularly the maintenance of residential amenity values, while allowing filming activities to occur. The proposed hours of operation in the recommended noise provision will not unduly restrict filming activities. Filming activities would still be able to occur outside the hours of operation specified, for example late at night or the early hours of the morning, providing the general noise rules are complied with, which would accommodate some temporary filming activities.

The recommended noise provision is consistent with the way temporary activities and filming is provided for in other District Plans in New Zealand. Three broad ways of providing noise rules have been identified from our sample councils below:

Compliance with the relevant noise standards of the activity area are required by Queenstown Lakes District Council, Hamilton City Council and Upper Hutt City Council (set up and pack up activities only).

Kapiti Coast, Porirua, Upper Hutt and Napier council's have set specific noise levels for amplified sound and temporary activities in different activity areas at different time brackets. Maximum noise levels range from 50dBA to 90dBA.

Waitakere City Council does not specify maximum noise levels for filming and Wellington City Council do not have noise standards for the Lambton Harbour area, but establish that the duty under Section 17 of the Act will prevent unreasonable noise levels. This is also the case for residential and open space activity areas.

In conclusion, it is recommended that the most appropriate way to ensure amenity values in each activity area are protected is to use the existing general noise rules in the District Plan, except for the allowance of three days as discussed above.

As discussed in section 4.11 above (page 22), it is also appropriate that the measurement location of noise levels be clarified by adding the other activity areas and the notional boundary concept, which is consistent with the provisions for temporary activities as recommended to be amended in this report.

A consequential change resulting from the above is the removal of the  $L_{max}$  limit. Council's Consultant Nigel Lloyd has advised that there is no need to apply the  $L_{max}$  limit where the activities are limited to daytime (not after 10.00pm). The  $L_{max}$  limit is primarily used to protect against sleep disturbance. It is therefore recommended that the  $L_{max}$  limit be deleted. The  $L_{max}$  limit is also recommended to be removed from Rule 14J 2.1.1 (d) Noise for temporary activities, as discussed in section 4.10 (page 19) above.

#### **4.17.3 Recommendation**

That the submission by **Vicky Fitchett** [11.10] be accepted.

That the further submissions of **Film Wellington** [13.4] and **Film New Zealand** [14.6] be rejected.

That the submission by **Geraldine Mary Laing** [3.5] be accepted in part.

That part of the submission that is recommended to be accepted relates to restricting the noise level of filming activities.

That Rule 14K 2.2(c) is amended as follows:

##### **14K 2.2(c) Noise**

*Filming activities shall comply with the District Plan noise limits for the activity area in which they are located except that on a maximum of 3 days within each filming activity (of up to 30 days) any noise resulting from filming activities shall not exceed 70dBA  $L_{10}$  and 80dBA  $L_{max}$  between the hours of 7.00am and 10.00pm measured at any point within any other site in a Residential, Commercial or Business Activity Area and at any point within the notional boundary of any dwelling in a Rural Activity Area.*

*The notional boundary is defined as a line 20 metres from any side of a dwelling, or the legal boundary of the site where this is closer to the dwelling.*

#### **4.17.4 Reason**

It is appropriate that filming activities be permitted for a 30 day period provided it can meet the District Plan noise limits set out in 14C of the District Plan for that locality, but a daytime relaxation is appropriate with a duration limited to three days. This is consistent with the approach taken in 14J

2.1.1(d) for temporary activities and will ensure that the noise effects on the environment of filming activities are managed.

## 4.18 WASTE

### 4.18.1 Submissions

Submission Number	Recommendation
6.5	Accept
7.5	
6.7	Accept
7.7	

**Film New Zealand** [6.5] and **Film Wellington** [7.5] oppose the proposed permitted activity condition because it is not consistent with permitted activity status under the Resource Management Act 1991. For example, it is uncertain what constitutes a waste minimisation plan and any Council approval process is unclear. Film New Zealand and Film Wellington seek that Rule 14K 2.2 (g) Waste be removed.

**Film New Zealand** [6.7] and **Film Wellington** [7.7] also request that specific guidance be provided on the scope and detail of a waste minimisation plan required under Rule 14K 2.3.1 (iii) Waste, health and safety.

### 4.18.2 Discussion

Proposed rule 14K 2.2 (g) Waste requires that a Waste Minimisation Plan be provided to the Council prior to the operation of the filming activity and that the filming activity be carried out in accordance with the Waste Minimisation Plan. We agree that the rule would result in a level of uncertainty that is not appropriate for a permitted activity condition. As such, it is recommended that the proposed waste permitted activity condition be deleted and that Council officers be instructed to investigate other methods for promoting waste minimisation associated with filming activities. The discussion within section 4.13 (page 23) of this report is relevant to submissions [6.5] and [7.5] and is not repeated here.

The submissions request that specific guidance be provided on the scope and detail of a waste minimisation plan required for filming activities which are restricted discretionary activities. A matter over which Council has restricted its discretion within Rule 14K 2.3.1 (iii) is *'the effectiveness and efficiency of the Waste Minimisation Plan for the activity in terms of reduction in waste and enabling reuse and recycling'*. Assessment criteria relating to waste minimisation is considered to be appropriate as filming activities over 30 days in duration could generate significant amounts of waste. Measures to manage waste on site and minimise waste, such as reduction, recycling, and reusing materials, could be addressed by way of a Waste Minimisation Plan. It is considered that the provision of specific guidance on the scope and detail of the Waste Minimisation Plan within Rule 14K 2.3.1 (iii) would provide assistance to both applicants and Council officers in interpreting what is required by this rule and in assessing the effects of filming activities.

### 4.18.3 Recommendation

That the submissions of **Film New Zealand** [6.5, 6.7] and **Film Wellington** [7.5, 7.7] be accepted.

That Rule 14K 2.1 (g) Waste be deleted:

#### **(g) Waste:**

- (i) ~~A Waste Minimisation Plan shall be provided to the Council prior to the operation of the filming activity.~~
- (ii) ~~The filming activity shall be carried out in accordance with the Waste Minimisation Plan.~~

That Rule 14K 2.3.1 (iii) be amended as follows:

14K 2.3.1 Matters in which Council has restricted its discretion and standards and terms

- (iii) Waste, health and safety
- ~~— The effects on the environment of the waste generated by the activity.~~
  - ~~— The effectiveness and efficiency of the Waste Minimisation Plan for the temporary activity in terms of reduction in waste and enabling reuse and recycling.~~
  - Waste Minimisation
  - The extent to which the activity is designed to provide for the minimisation of waste through a Waste Minimisation Plan that shall include:
    - An explanation of the waste minimisation goal or target for the activity.
    - Where practicable, an estimation of the types and volumes of waste which the activity could generate.
    - The steps that will be taken to avoid waste generation, such as utilising reusable and recyclable materials.
    - A description of facilities for storage of recycling and non-recyclable waste during the activity. Where possible, the provision for collection of organic wastes for composting. Details could include the number of bins to be provided, servicing arrangements, quality control measures for ensuring contamination of recycling is kept to a minimum.
    - A description of the method for the waste and recyclable material to be collected from the site and arrangements for delivering materials to be reused, recycled and disposed of.
    - The arrangements for site clean up, including removal of litter.
    - A description of communication to be undertaken before and during the event to support the reduction of waste and recycling. For example, the use of media and volunteers.
    - The arrangements made for post-event waste analysis and reporting of that information to Council.
  - The manner in which sanitary facilities are managed.
  - The potential effects relating to hazards, including natural hazards and risk from hazardous facilities and, if relevant, whether they are taken into account and addressed.
  - The provision for appropriate emergency management if the proposal may endanger public safety.

That Council officers be instructed to investigate other methods for encouraging filming activities to minimise waste.

#### **4.18.4 Reason**

The deletion of the waste minimisation rule is appropriate as the provision did not provide sufficient certainty. It is appropriate that Council investigate non-statutory methods to promote waste minimisation.

The amendment to the waste minimisation assessment criteria for filming activities which are restricted discretionary is necessary in order to provide sufficient guidance on the detail required for the Waste Minimisation Plan.

## 4.19 GENERAL: PERMITTED ACTIVITY CONDITIONS

### 4.19.1 Submissions

Submission Number	Recommendation
6.4	Accept in part
7.4	

**Film New Zealand** [6.4] and **Film Wellington** [7.4] support permitted activity conditions in Chapter 14K Filming that relate to duration, structures, noise, site restoration, light spill and glare and dust and wind blown debris (Permitted Activity Conditions 14K 2.2 (a) to (f)).

### 4.19.2 Discussion

The permitted activity conditions, such as duration, structures, noise, light spill and glare, dust and wind blown debris contribute to controlling the adverse effects on the environment of temporary filming activities. Amendments to Rules 14K 2.2 (c) and (d) are recommended in order to address other issues raised by submissions and these are discussed in sections 14.16 and 14.17 of this report (pages 31 and 34). The permitted activity conditions for filming activities are intended to avoid, remedy and mitigate the adverse effects on the environment of temporary filming activities, which is consistent with the purpose and principles of the Resource Management Act.

### 4.19.3 Recommendation

That the submissions of **Film New Zealand** [6.4] and **Film Wellington** [7.4] be accepted in part.

Those parts of the submissions that are recommended to be accepted relate to Rule 14K 2.2 (a), (b), (e) and (f), duration, structures, light spill and glare, dust and wind blown debris. Those parts of the submission which are not accepted relate to the permitted activity conditions for noise and site restoration given the amendments recommended to these rules.

### 4.19.4 Reason

The proposed permitted activity conditions and those recommended to be amended within this report are considered to be appropriate to control the adverse effects on the environment of temporary filming activities.

## 4.20 NEW FILMING PROVISIONS

### 4.20.1 Submissions

Submission Number	Recommendation
3.4	Reject
3.6	Reject
Further Submission Number	
13.3	Accept
14.5	
13.5	Accept
14.7	

**Geraldine Mary Laing** [3.4] requests a new rule under 14K 2.1 Permitted Activities “(b) No filming activity will be allowed within 500 metres of a residential area” or “(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’”.

**Film Wellington** [13.3] and **Film New Zealand** [14.5] oppose the submission by Geraldine Mary Laing. The 500 metre separation distance is excessive and would result in no filming activities taking

*place anywhere in a residential area or within 500 metre of a residential area. Other conditions (e.g: noise and lighting) will provide for the necessary amenity protection.*

**Geraldine Mary Laing** [3.6] requests the addition of a permitted activity condition in 14K 2.2 Permitted Activity Conditions “(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.*” And subsequently amend the numbering of “(h) General Rules:” to be “(i) General Rules:”

**Film Wellington** [13.5] and **Film New Zealand** [14.7] oppose the submission of **Geraldine Mary Laing**. *The matter is not relevant to have as a permitted activity condition. Council can exercise its discretion as the roading authority on a case by case basis outside of the District Plan (as the road controlling authority)*

#### **4.20.2 Discussion**

Submission [3.4] seeks that no filming activities be allowed within 500 metres of a residential area. The submitter is concerned about the potential adverse effects of filming activities on residential amenity values.

It is considered appropriate that restrictions are placed on filming activities in order to protect residential amenity values. Amendments to the proposed provisions are recommended within this report to address the concerns relating to adverse effects of filming activities on residential amenity values, such as restricting noise and hours of operation. It is considered that the 500 metre restriction proposed by the submitter is unnecessary if the recommendations relating to noise in this report are accepted.

Further, it is considered inappropriate to apply a rule which disallows filming activities within 500 metres of residential areas. The adverse effects on residential amenity of temporary filming activities can vary greatly depending on the type and nature of the filming, whether the filming occurs at night, involves lighting or requires loud sounds. The proposed plan change seeks to control adverse effects of filming activities, such as noise and light spill, through permitted activity conditions, and other effects, such as traffic and character, through restricting filming activities to a temporary period of 30 days. It is considered that the proposed amendments to the provisions as recommended in this report will ensure that residential amenity is adequately protected.

Submission [3.6] requests that 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.

The Hutt City Council has controls and processes outside of the District Plan in order to manage the effects of traffic associated with temporary activities and filming on public roads. For example, if car parking associated with filming activities occurs on road reserve, the vehicles will need to comply with any parking restrictions for that road. Filming activities may require a Temporary Traffic Management Plan (if altering the normal operating conditions of the road such as closing part of a road or restricting kerb side car parking), which is formally assessed by Council.

In addition, given the temporary nature of filming activities, no on site car parking spaces are required to be provided by the District Plan. Advice has been obtained from Council’s Consultant Traffic Engineer, Bill Barclay, who is satisfied that the proposed exemption for filming and temporary activities from the car parking requirements is appropriate given their temporary nature. Overall, it is considered that the rule suggested by submission [3.6] is unnecessary.

#### **4.20.3 Recommendation**

That the submissions of **Geraldine Mary Laing** [3.4] and [3.6] are rejected.

***That the further submissions Film Wellington [13.3, 13.5] and Film New Zealand [14.5, 14.7] are accepted.***



#### **4.20.4 Reason**

In relation to submission [3.4], a rule which does not allow filming within 500 metres of residential areas is not considered appropriate or necessary. The recommended amendments to the permitted activity conditions are considered adequate to maintain residential amenity values.

In relation to submission [3.6], it is unnecessary for the Plan Change to include the additional rule for filming activities suggested by the submitter given the temporary nature of the effects on the environment and due to the other controls outside of the District Plan that the Council has as road controlling authority.

### **TEMPORARY ACTIVITIES AND FILMING**

#### **4.21 REVERSE SENSITIVITY**

##### **4.21.1 Submissions**

Submission Number	Recommendation
2.2	Accept in part
Further Submission Number	
13.2	Accept in part
14.4	

**Winstone Aggregates** [2.2] submits that the proposed Plan Change fails to recognise the potential for reverse sensitivity effects to arise from temporary activities and filming. Winstone Aggregates seeks amendments to the Plan Change that will address reverse sensitivity issues generated by temporary activities and filming activities that may locate close to a mineral extraction or processing site. Winstone Aggregates requests that the Plan Change be withdrawn or alternatively, that appropriate amendments be made to address reverse sensitivity effects. Specifically, they request a rule be added that requires any filming activity within 500m of a mineral extraction and processing site be a restricted discretionary activity and that reverse sensitivity be added to the matters over which discretion is restricted.

***Film Wellington** [13.2] and **Film New Zealand** [14.4] oppose the submission of Winstone Aggregates. A 500 metre buffer zone is excessive and beyond that which a quarry operator can reasonably expect to exert control over activities on adjoining properties.*

##### **4.21.2 Discussion**

The submission refers to four quarries in Lower Hutt. The Belmont Quarry and Dry Creek Quarry are both identified as Extraction Activity Areas in the District Plan. The Belmont Quarry is bounded by sites within the Rural Residential Activity Area where a number of activities, including all new dwellings and community activities, are restricted discretionary. The Belmont Regional Park is located to the north of the quarry. The Dry Creek Quarry is adjoined by the Belmont Regional Park on its North, East and South-West boundaries. There are residential properties further to the south of the Dry Creek Quarry and the Manor Park Golf Club.

The Extraction Activity Area has a number of permitted activity conditions, such as noise restrictions, and controls on dust, odour, light spill and glare and restrictions on the number of blasts per day. However, the permitted activity conditions do not necessarily contain all of the effects of the quarry within the boundaries of the quarry site, such as noise and vibration.

The other two quarries referred to by the submitter are at Petone Sand Spit, and the Orongorongo River, Wainuiomata. The Petone Sand Spit is within the River Recreation Activity Area where processing, storage, distribution and associated earthworks is discretionary [Rule 7C 2.2 (c)]. The site adjoins land within the General Recreation Activity Area (Hikoikoi Reserve) and is close to the industrial area of Port Road. The quarry at Wainuiomata is an easement along part of the banks of the Orongorongo River. The District Plan provides for extraction activities limited to extraction, processing, storage, removal, ancillary earthworks and removal and deposition of overburden and rehabilitation works [Rule 8B 2.1 (d) and 7C 2.1 (d)] subject to conditions, such as duration and hours

of operation [Rule 8B 2.1.1 (s)]. Quarrying at this site would require resource consent from the Greater Wellington Regional Council.

Reverse sensitivity arises where a new incompatible activity is introduced into an environment which has the potential to limit the operation of existing activities. The submitters concern is that there is the potential for reverse sensitivity effects to arise where these activities seek to locate in close proximity to mineral extraction and processing activities. For example some temporary activities and filming may be susceptible to noise and vibration effects from quarries, such as filming requiring low background noise.

It is recognised that some types of community and special events and filming activities could give rise to adverse reverse sensitivity effects if they took place close to Extraction Activity Areas or close to other incompatible activities such as industry, due to the sensitivity of some types of events and filming activities. We agree that it is important that activities are not unreasonably constrained by temporary activities and filming activities taking place in close proximity to them. However, there is considered to be low potential for temporary activities and filming activities to result in adverse reverse sensitivity effects given their temporary nature.

Council's Consultant Acoustic Engineer, Nigel Lloyd, has advised that temporary activities and filming activities are not considered to be noise sensitive by the Plan Change, i.e. they are provided with higher noise levels than other activities. As such it is unlikely that they would cause quarrying activities to be subject to more stringent noise requirements if any such activities were to establish close to a quarry.

Overall it is considered unnecessary for the Plan Change to require that any filming or temporary activity within 500 metres of a mineral extraction and processing site be a restricted discretionary activity. However, it is considered appropriate for temporary activities and filming which are restricted discretionary activities to address adverse reverse sensitivity effects, given their potential longer duration. Although the submitter raises the issue of reverse sensitivity in relation to quarrying, it is appropriate that the assessment criteria address reverse sensitivity effects in general, as other types of activities could be affected by the close proximity of sensitive types of temporary events and filming activities.

#### **4.21.3 Recommendation**

That the submission of **Winstone Aggregates [2.2]** be accepted in part.

That the further submission of **Film Wellington [13.2]** and **Film New Zealand [14.4]** be accepted in part.

That part of Winstone Aggregates submission that is recommended to be accepted relates to the creation of a restricted discretionary assessment criteria for the issue of reverse sensitivity. That part of the submission recommended to be rejected relates to the creation of a 500 metre restriction area around mineral extraction and processing sites.

That part of Film Wellington and Film New Zealand's submissions recommended to be accepted relates to the recommendation to reject the submission requesting a 500 metre buffer zone. That part of the submission recommended to be rejected relates to the request for total rejection of Winstone Aggregates submission [2.2].

That Rule 14J 2.2.1 be amended as follows:

#### **14J 2.2.1 Matters in which Council has restricted its discretion and standards and terms**

~~(a) In all activity areas any temporary activity which does not comply with any one or more of the Permitted Activity Conditions.~~

- (i) Amenity values
  - The nature, duration, hours of operation and frequency of the activity and any cumulative effects on amenity values.

- The noise effects of the proposal, including the nature of the noise and the duration of any amplified sound.
  - The visual, dust, light-spill and glare, odour and vibration effects of the activity and the effectiveness of any mitigation measures proposed.
- (ii) Environment
- The extent to which the environment in and surrounding the site is sensitive to modification.
  - The effects on the natural environment including natural landscapes, native vegetation and habitats and fauna.
  - The effect of the activity on public recreational values.
  - The effects on cultural and heritage values.
  - The extent to which the temporary activity may result in adverse reverse sensitivity effects on existing activities. The provision of adequate measures, such as separation distance and design of the temporary activity, to ensure that the temporary activity will not unduly limit the operation of any existing activity.
- (iii) Waste, health and safety
- The effects on the environment of the waste generated by the activity.
  - The effectiveness and efficiency of the Waste Minimisation Plan for the temporary activity in terms of reduction in waste and enabling reuse and recycling.
  - The manner in which sanitary facilities are managed.
  - The potential effects relating to hazards, including natural hazards and risk from hazardous facilities and, if relevant, whether they are taken into account and addressed.
  - The provision for appropriate emergency management if the proposal may endanger public safety.
- (iv) Traffic
- The traffic effects of the activity on the safety and efficiency of the surrounding road network.
  - The provision for vehicle access, servicing and car parking and the potential impacts on the environment and the road network.
  - The provision of temporary traffic management measures to mitigate the traffic effects of the proposal.
  - The effects of traffic and car parking on the amenity of the surrounding area.
  - The provision made for pedestrian access and safety.
  - The provision made for encouraging the use of alternative transport modes to the activity such as public transport, cycling and walking.

That Rule 14K 2.3.1 be amended as follows:

**14K 2.3.1 Matters in which Council has restricted its discretion and standards and terms**

- (i) Amenity values
- The nature, duration, hours of operation and frequency of the activity and any cumulative effects on amenity values.
  - The noise effects of the proposal, including the nature of the noise and the duration of any amplified sound.
  - The visual, dust, light-spill and glare, odour and vibration effects of the activity and the effectiveness of any mitigation measures proposed.
- (ii) Environment
- The extent to which the environment in and surrounding the site is sensitive to modification.
  - The effects on the natural environment including natural landscapes, native vegetation and habitats and fauna.
  - The effect of the activity on public recreational values.

- The effects on cultural and heritage values.
  - The extent to which the filming activity may result in adverse reverse sensitivity effects on existing activities. The provision of adequate measures, such as separation distance and design of the filming activity, to ensure that the filming activity will not unduly limit the operation of any existing activity.
- (iii) Waste, health and safety
- The effects on the environment of the waste generated by the activity.
  - The effectiveness and efficiency of the Waste Minimisation Plan for the temporary activity in terms of reduction in waste and enabling reuse and recycling.
  - The manner in which sanitary facilities are managed.
  - The potential effects relating to hazards, including natural hazards and risk from hazardous facilities and, if relevant, whether they are taken into account and addressed.
  - The provision for appropriate emergency management if the proposal may endanger public safety.
- (iv) Traffic
- The traffic effects of the activity on the safety and efficiency of the surrounding road network.
  - The provision for vehicle access, servicing and car parking and the potential impacts on the environment and the road network.
  - The provision of temporary traffic management measures to mitigate the traffic effects of the proposal.
  - The effects of traffic and car parking on the amenity of the surrounding area.
  - The provision made for pedestrian access and safety.
  - The provision made for encouraging the use of alternative transport modes to the activity such as public transport, cycling and walking.

#### **4.21.4 Reason**

Reverse sensitivity is a recognised effect under the Resource Management Act which can adversely affect the management of existing physical resources. It is appropriate that those temporary activities and filming activities which fall within the restricted discretionary criteria address any relevant adverse reverse sensitivity effects.

## 4.22 WASTE

### 4.22.1 Submissions

Submission Number	Recommendation
4.7	Reject
Further Submission Number	
13.6	Accept
14.2	

**Leisure Active** [4.7] opposes the provisions for waste in Chapter 14J Temporary Activities and Chapter 14K Filming as the separate terms 'Waste Minimisation' and 'Waste Management' do not provide clear enough definitions of what will be required. They submit that minimisation implies that the event organiser must make every effort to reduce event related waste whereas management implies that the event organiser is responsible for clean-up and disposal of event related waste. Leisure Active recommends Rule 14J 2.1.1 (g) and 14K 2.2 (g) be amended to "A *Waste Minimisation and Management Plan* is required for all filming and temporary activities".

**Film Wellington** [13.6] and **Film New Zealand** [14.2] oppose the submission of Leisure Active because the requirement to prepare, and get approval for, a waste minimisation plan undermines the status of a permitted activity. They request the requirement to prepare a waste minimisation plan for a permitted activity be deleted from the Plan Change.

### 4.22.2 Discussion

The submission does not oppose the requirement for a Waste Minimisation Plan but opposes the use of the term 'Waste Minimisation plan' as it does not imply that waste management is also required. We have considered the meanings of the terms waste management and waste minimisation. We agree that waste management and waste minimisation are different but related concepts. The Waste Minimisation Act, 2008, defines waste minimisation as *'the reduction of waste and the reuse, recycling, and recovery of waste and diverted material'*. Waste management and minimisation is defined as *'waste minimisation and treatment and disposal of waste'*. A 'Waste Management and Minimisation Plan' is defined as a waste management and minimisation plan adopted by a territorial authority.

While waste management is an important and necessary part of event and film organisation, the purpose of the waste provisions is to encourage temporary activities and filming to minimise their waste. Waste minimisation is the more complex issue to address and by using the title 'Waste Minimisation Plan', the emphasis is appropriately placed on waste minimisation. Overall, it is considered appropriate to retain the name 'Waste Minimisation Plan' within the restricted discretionary assessment criteria. In addition, if the recommended amendments to the waste restricted discretionary criteria are accepted, they will clarify the detail and information to be provided in a Waste Minimisation Plan. The recommended amendments discussed in sections 4.13 and 4.18 (pages 25 and 37) of this report, being the deletion of the permitted activity condition for a waste minimisation plan and the provision of amended assessment criteria for activities which fall within the restricted discretionary category, negate the need to address submission [4.7].

### 4.22.3 Recommendation

That the submission of **Leisure Active** [4.7] be rejected.

That the further submissions of **Film Wellington** [13.6] and **Film New Zealand** [14.2] be accepted.

### 4.22.4 Reason

It is appropriate to retain the requirement for a Waste Minimisation Plan within the restricted discretionary criteria, as discussed in sections 4.13 and 4.18 (pages 25 and 37) of this report. The use of the title 'Waste Minimisation Plan' gives appropriate emphasis to waste minimisation, highlighting its importance and promoting the need to minimise waste.

## MISCELLANEOUS

### 4.23 OTHER DISTRICT PLAN PROVISIONS

#### 4.23.1 Submission

Submission Number	Recommendation
6.6	Reject
7.6	

**Film New Zealand** [6.6] and **Film Wellington** [7.6] seek confirmation that resource consent applications under Rule 14K 2.3 (a) will come within the scope of Rule 17.2.2 (a) and be processed on a non-notified basis.

#### 4.23.2 Discussion

Those filming activities which do not meet the proposed permitted activity conditions will be assessed as restricted discretionary activities (Rule 14K 2.3 (a)). Restricted discretionary filming activities will be assessed against the matters over which Council has restricted its discretion within Rule 14K 2.3.1.

The Resource Management Act allows consent authorities to make rules specifying the activities which must be publicly notified or are precluded from being notified. Rule 17.2.2 (a) of the District Plan states that the consent of any persons need not be required and applications need not be publicly notified for restricted discretionary activities.

Although Rule 17.2.2 (a) applies to temporary activities and filming, the Council can not give confirmation that resource consent applications for restricted discretionary activities will be processed on a non-notified basis because of provisions in the Resource Management Act which allow notification under certain circumstances regardless of any rules in a District Plan. For example, a consent authority must not publicly notify an application if a rule precludes public notification of the application, but the application must be publicly notified if requested by the applicant or if there are special circumstances (s 95A 3 (a)). There are other circumstances where notification is required, for example, if the Council has requested further information from the applicant and the applicant has refused to comply with this request (s 95C).

#### 4.23.3 Recommendation

That the submission of **Film New Zealand** [6.6] and **Film Wellington** [7.6] be rejected.

#### 4.23.4 Reason

The notification provisions of the Resource Management Act and Rule 17.2.2 (a) of the District Plan apply to the Plan Change.

## ATTACHMENT 1: RECOMMENDED AMENDMENTS

The recommendations would result in the following amendments to the Plan Change:

### Chapter 3 – Definitions

**Building:** means any structure or part of a structure, whether temporary or permanent, movable or immovable, but for the purposes of this Plan excludes:

- (a) any fence not exceeding 2 metres in height;
- (b) any retaining wall not exceeding 1.2 metres in height;
- (c) satellite dishes with a diameter not exceeding 0.6m and antennas 2.5m above the maximum height permitted in the activity area or the rules in Chapter 13 - Utilities.
- (d) all structures less than 1.2 metres in height and 20m<sup>2</sup> in area;
- (e) all tents and marquees erected on a temporary basis for a period not exceeding 3 months;
- (f) all signs, as defined in this Plan;
- ~~(g) accessory construction buildings and storage.~~

~~**Accessory construction buildings and storage:**~~

~~Buildings or structures located temporarily on a site and used in association with construction or building works, such as a site office on a construction site, or used for storage, such as storage of goods during residential additions or when moving house.~~

**Filming Activity:**

Is the recording of images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means) and the use of land associated with the filming activity including temporary construction, use and dismantling of structures and sets and all associated setting up and packing up of structures, equipment and materials, clean up and restoration of the site. but does not include:

- (a) still photography;
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, event or celebration;
- (c) recording images as a visitor or tourist for non commercial purposes;
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

### 7D - Passive Recreation Activity Area

#### 7D 2 Rules

#### 7D 2.1 Permitted Activities

- (a) Parks, reserves and picnic areas.
- (b) Walkways.
- (c) Landscape furniture.

- (d) Informal recreation, excluding all types of motorised recreation activities except those used for the purpose of farming and maintenance.
- (e) Works necessary for the management of any river or stream by the Wellington Regional Council or Hutt City Council and maintenance activities within reserves by Wellington Regional Council or Hutt City Council.

## **7A - General Recreation Activity Area**

### **7A 2 Rules**

#### **7A 2.1 Permitted Activities**

- (a) Recreation activities and ancillary activities.
- (b) Any farming activity in the Belmont Regional Park, including grazing, cropping, market gardens, orchards and nurseries, but excluding intensive farming.
- (c) At the Bracken Street Depot, Bracken Street, Petone, Section 979 Hutt District, SO 33425 -
  - (i) Plant propagation, and associated office functions and buildings.
  - (ii) The storage and maintenance of equipment for the purposes of maintaining parks and reserves.
- (d) Landscape furniture.
- (e) Works necessary for the management of any reserve, river or stream by the Wellington Regional Council or Hutt City Council and maintenance activities within reserves by Wellington Regional Council or Hutt City Council.

## **7C - River Recreation Activity Area**

### **7C 2 Rules**

#### **7C 2.1 Permitted Activities**

- (a) Works necessary for the management of any reserve, river or stream by the Wellington Regional Council or the Hutt City Council and maintenance activities within reserves by Wellington Regional Council or Hutt City Council.
- (b) All recreation and leisure activities, but excluding motorised activities.
- (c) Landscape furniture.
- (d) On the land identified in DP 72284 but excluding that area identified as 'G' and shown on Appendix River Recreation 1, extraction activities limited to extraction, processing, storage, removal, ancillary earthworks, removal and deposition of overburden and rehabilitation works, and ancillary administrative activities

## **Chapter 14J Temporary Activities**

### **Introduction**

Temporary activities include a wide range of temporary events, such as concerts, festivals and markets, ~~and temporary buildings for construction and storage.~~ Temporary events are varied in nature and scale; they could be one-off events or regular occurrences which are planned well in advance, they are usually relatively short in duration and often involve activities outside of normal working hours, such as evenings and weekends. Temporary activities are necessary to satisfy a wide range of social, cultural and economic needs and as such, should be provided for in a flexible manner while ensuring any adverse effects on the environment are appropriately managed.



#### 14J 2.1.1

### **Permitted Activities – Conditions for temporary activities in all activity areas**

#### **(b) Hours of Operation**

All temporary activities shall only operate between the hours of:

4. Mondays to Thursday inclusive – 7.00am to 10.00pm
5. Fridays and Saturdays – 7.00am to 11.00pm
6. Sundays – 8.30am to 10.00pm

Associated set up and pack up activities shall only operate between the hours of 6.00am and 11.00pm from Sunday to Thursday inclusive; and between the hours of 6.00am and midnight on Fridays and Saturdays.

Exception:

On December 31<sup>st</sup> of any calendar year the finish time of temporary activities may be extended to 1.00am the following day.

#### **(d) Noise**

~~Any noise resulting from filming activities shall not exceed 70dBA L<sub>10</sub> and L<sub>max</sub>80 when measured at any residential site boundary.~~

Any noise resulting from temporary activities shall not exceed 70dBA L<sub>10</sub> when measured at any point within any other site in a Residential Activity Area and at any point within the notional boundary of any dwelling in a Rural Activity Area. Any noise resulting from temporary activities shall not exceed 70dBA L<sub>10</sub> at the boundary of any Commercial or Business Activity Area site other than the site of the temporary activity.

The notional boundary is defined as a line 20 metres from any side of a dwelling, or the legal boundary of the site where this is closer to the dwelling.

Associated set up and pack up activities are deemed to be construction activities in terms of [District Plan] Rule 14C 2.1(f). Sound testing for the temporary activity shall be permitted as part of the set up activities but if undertaken on the day before the temporary activity commences then the sound testing shall end no later than 3 hours after the sound testing commences (e.g. if the sound testing starts at 10am it shall finish by 1pm).

#### **(f) Sanitation facilities:**

~~All temporary activities shall be undertaken to ensure that sanitary facilities to service the activity are provided on the site for the duration of the activity to the satisfaction of the Council.~~

#### **(g) Waste:**

- ~~(iii) A Waste Minimisation Plan shall be provided to the Council prior to the operation of the temporary activity.~~
- ~~(iv) The temporary activity shall be carried out in accordance with the Waste Minimisation Plan.~~

#### ~~14J 2.1.2~~

### ~~**Permitted Activities – Conditions for accessory construction buildings and storage in all activity areas**~~

#### ~~**(a) Maximum duration**~~

~~Accessory construction buildings and storage must only be used in association with a permitted activity on the site and must be removed from the site within three months of the completion of the building or construction works or if used for temporary storage for any other reason, within three months of being placed on the site.~~

~~Except that where accessory construction buildings and storage are not visible from any public road or are not visible from any adjoining properties or where they are within a commercial or business activity area, the maximum duration shall not apply.~~

~~(b) Bulk and location~~

~~All accessory construction buildings and storage must comply with the permitted activity conditions of the Activity Area in which they are located.~~

~~(c) General Rules~~

~~Compliance with all other General Rules.~~

## 14J 2.2 Restricted Discretionary Activities

(a) In all activity areas any temporary activity which does not comply with any one or more of the Permitted Activity Conditions.

~~(b) In all activity areas any accessory construction buildings and storage which do not comply with any one or more of the Permitted Activity Conditions.~~

### 14J 2.2.1 Matters in which Council has restricted its discretion and standards and terms

~~(a) In all activity areas any temporary activity which does not comply with any one or more of the Permitted Activity Conditions.~~

(i) Amenity values

- The nature, duration, hours of operation and frequency of the activity and any cumulative effects on amenity values.
- The noise effects of the proposal, including the nature of the noise and the duration of any amplified sound.
- The visual, dust, light-spill and glare, odour and vibration effects of the activity and the effectiveness of any mitigation measures proposed.

(ii) Environment

- The extent to which the environment in and surrounding the site is sensitive to modification.
- The effects on the natural environment including natural landscapes, native vegetation and habitats and fauna.
- The effect of the activity on public recreational values.
- The effects on cultural and heritage values.
- The extent to which the temporary activity may result in adverse reverse sensitivity effects on existing activities. The provision of adequate measures, such as separation distance and design of the temporary activity, to ensure that the temporary activity will not unduly limit the operation of any existing activity.

(iii) Waste, health and safety

- ~~— The effects on the environment of the waste generated by the activity.~~
- ~~— The effectiveness and efficiency of the Waste Minimisation Plan for the temporary activity in terms of reduction in waste and enabling reuse and recycling.~~
- The extent to which the activity is designed to provide for the minimisation of waste through a Waste Minimisation Plan that shall include:
  - An explanation of the waste minimisation goal or target for the activity.
  - Where practicable, an estimation of the types and volumes of waste which the activity could generate.

- The steps that will be taken to avoid waste generation, such as utilising reusable and recyclable materials.
- A description of facilities for storage of recycling and non-recyclable waste during the activity. Where possible, the provision for collection of organic wastes for composting. Details could include the number of bins to be provided, servicing arrangements, quality control measures for ensuring contamination of recycling is kept to a minimum.
- A description of the method for the waste and recyclable material to be collected from the site and arrangements for delivering materials to be reused, recycled and disposed of.
- The arrangements for site clean up, including removal of litter.
- A description of communication to be undertaken before and during the event to support the reduction of waste and recycling. For example, the use of media and volunteers.
- The arrangements made for post-event waste analysis and reporting of that information to Council.

~~— The manner in which sanitary facilities are managed. The provision for adequate sanitation facilities to service the activity.~~

- The potential effects relating to hazards, including natural hazards and risk from hazardous facilities and, if relevant, whether they are taken into account and addressed.
- The provision for appropriate emergency management if the proposal may endanger public safety.

(iv) Traffic

- The traffic effects of the activity on the safety and efficiency of the surrounding road network.
- The provision for vehicle access, servicing and car parking and the potential impacts on the environment and the road network.
- The provision of temporary traffic management measures to mitigate the traffic effects of the proposal.
- The effects of traffic and car parking on the amenity of the surrounding area.
- The provision made for pedestrian access and safety.
- The provision made for encouraging the use of alternative transport modes to the activity such as public transport, cycling and walking.

**~~(b) In all activity areas any accessory construction buildings or storage which do not comply with any one or more of the Permitted Activity Conditions.~~**

~~Amenity values:~~

- ~~— Whether the appearance, scale and condition of buildings or structures will be sympathetic to the site and the neighbourhood.~~
- ~~— The duration in which the buildings or structures will be located on the site and whether it is associated with works or construction which will be undertaken within a specific time period.~~
- ~~— The ability of the buildings or structures to be screened on the site and the effectiveness of any other mitigation measures proposed.~~

## Chapter 14K Filming

### 14K 1.1 Enabling film making activities while managing environmental impacts

#### Issue

Filming can have positive economic, social, cultural and environmental effects. However, filming can also have adverse environmental effects if not managed well. Provision needs to be made for filming activities within the city while ensuring that

any adverse effects, such as noise, traffic, recreation, heritage, cultural and visual effects, are adequately avoided, remedied or mitigated.

#### 14K 2.2 Permitted Activities – Conditions for filming in all activity areas

##### **(c) Noise**

~~Any noise resulting from filming activities shall not exceed 70dBA L<sub>10</sub> and L<sub>max</sub>80 when measured at any residential site boundary.~~

Filming activities shall comply with the District Plan noise limits for the activity area in which they are located except that on a maximum of 3 days within each filming activity (of up to 30 days) any noise resulting from filming activities shall not exceed 70dBA L<sub>10</sub> between the hours of 7.00am and 10.00pm measured at any point within any other site in a Residential, Commercial or Business Activity Area and at any point within the notional boundary of any dwelling in a Rural Activity Area.

The notional boundary is defined as a line 20 metres from any side of a dwelling, or the legal boundary of the site where this is closer to the dwelling.

##### **(d) Site Restoration:**

~~Any site where filming activities occur shall be restored to its original condition or better within 15 days of the completion of the filming activity.~~

##### **(g) Waste:**

~~(i) A Waste Minimisation Plan shall be provided to the Council prior to the operation of the filming activity.~~

~~(ii) The filming activity shall be carried out in accordance with the Waste Minimisation Plan.~~

#### 14K 2.3.1 Matters in which Council has restricted its discretion and standards and terms

##### (i) Amenity values

- The nature, duration, hours of operation and frequency of the activity and any cumulative effects on amenity values.
- The noise effects of the proposal, including the nature of the noise and the duration of any amplified sound.
- The visual, dust, light-spill and glare, odour and vibration effects of the activity and the effectiveness of any mitigation measures proposed.

##### (ii) Environment

- The extent to which the environment in and surrounding the site is sensitive to modification.
- The effects on the natural environment including natural landscapes, native vegetation and habitats and fauna.
- The effect of the activity on public recreational values.
- The effects on cultural and heritage values.
- The extent to which the filming activity may result in adverse reverse sensitivity effects on existing activities. The provision of adequate measures, such as separation distance and design of the filming activity, to ensure that the filming activity will not unduly limit the operation of any existing activity.

##### (iii) Waste, health and safety

- ~~— The effects on the environment of the waste generated by the activity.~~
- ~~— The effectiveness and efficiency of the Waste Minimisation Plan for the temporary activity in terms of reduction in waste and enabling reuse and recycling.~~
- The extent to which the activity is designed to provide for the minimisation of waste through a Waste Minimisation Plan that shall include:

- An explanation of the waste minimisation goal or target for the activity.
- Where practicable, an estimation of the types and volumes of waste which the activity could generate.
- The steps that will be taken to avoid waste generation, such as utilising reusable and recyclable materials.
- A description of facilities for storage of recycling and non-recyclable waste during the activity. Where possible, the provision for collection of organic wastes for composting. Details could include the number of bins to be provided, servicing arrangements, quality control measures for ensuring contamination of recycling is kept to a minimum.
- A description of the method for the waste and recyclable material to be collected from the site and arrangements for delivering materials to be reused, recycled and disposed of.
- The arrangements for site clean up, including removal of litter.
- A description of communication to be undertaken before and during the event to support the reduction of waste and recycling. For example, the use of media and volunteers.
- The arrangements made for post-event waste analysis and reporting of that information to Council.

~~— The manner in which sanitary facilities are managed. The provision for adequate sanitation facilities to service the activity.~~

- The potential effects relating to hazards, including natural hazards and risk from hazardous facilities and, if relevant, whether they are taken into account and addressed.
- The provision for appropriate emergency management if the proposal may endanger public safety.

(iv) Traffic

- The traffic effects of the activity on the safety and efficiency of the surrounding road network.
- The provision for vehicle access, servicing and car parking and the potential impacts on the environment and the road network.
- The provision of temporary traffic management measures to mitigate the traffic effects of the proposal.
- The effects of traffic and car parking on the amenity of the surrounding area.
- The provision made for pedestrian access and safety.
- The provision made for encouraging the use of alternative transport modes to the activity such as public transport, cycling and walking.

## ATTACHMENT 2: REPORT FROM ACOUSTIC ENGINEER