

**Auckland Council District Plan  
(Auckland City Central Area Section)**

**Plan Modification no. 9: plan change  
Under Section 73 of the Resource Management Act 1991**

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File No. 314/219009

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**Proposed Plan Change 9 amends** existing Part 15.5 General Rules and other related parts of the partially operative Auckland City District Plan (Central Area Section 2004) as outlined below:

Text to be inserted shown as underlined. Text to be deleted shown as ~~struck out~~.

**Part A: Amendments to Part 15.5 General Rules**

**1. Amend Clause 15.5.1.3 Temporary Activities as follows:**

**i) Amend clause 15.5.1.3A. as follows:**

**15.5.1.3 Temporary Activities**

**15.5.1.3A**

For the purposes of this rule, development controls of the district plan do not apply, except in Part 10 Heritage or unless otherwise stated below

**15.5.1.3A.1**

**Permitted Activities**

Notwithstanding anything to the contrary in this Plan, except Part 10 Heritage, any of the following ((a) to (e)) shall be permitted activities throughout the Central Area. Notwithstanding anything to the contrary in this Plan, except Part 10 Heritage, any of the following ((a) to (e)) shall be permitted activities throughout the Central Area. Except for subclauses ~~a) c) and d)~~ of the Permitted Activities, clause 15.5.1.3A.1 does not apply to the Viaduct harbour Precinct (refer part 14.7 for Viaduct harbour precinct provisions) of the Permitted Activities, clause 15.5.1.3A.1 does not apply to the Viaduct Harbour Precinct (refer Part 14.7 for Viaduct Harbour Precinct provisions)

- a) Offices, storage sheds, scaffolding and falsework, storage yards, builders' workshops and buildings or activities of a similar character where such buildings or activities are:
- i) incidental to a building or construction project; and
  - ii) limited to the duration of the project or for a period not exceeding 24 months (~~whichever is the lesser~~).
- b) Events ~~Public performances, meetings, private functions on publicly owned or controlled land, parades, sporting events, exhibitions, film shoots, markets and activities of a similar character, including associated parking and buildings, provided that:~~

- i) the activities and associated structures do not occupy any venue for more than 5 days, inclusive of time required for the establishment and removal of all structures and activities associated with the activity and which comply with (iii) below.
- ii) the activities and associated structures do not occupy any venue for more than 5 days but not more than 21 days, inclusive of time required for the establishment and removal of all structures and activities associated with the activity, subject to obtaining an Event Permit for the particular activity, and which comply with (iii) below:
- iii) where the activities include the use of amplified sound systems generating noise levels which exceed the activities:
- (a) comply with the applicable general noise levels specified in clause 7.6 -3 and other referenced clauses of the Plan noted in clause 7.6.2; or
- (b) or, where they exceed the levels in (a) are subject to comply with the following additional standards:
- a limit of six noise events in any 12 month period in any one venue; and
  - the cumulative duration of the noise event shall not exceed 6 hours; and
  - the noise event, including sound checks, shall start no earlier than 409.00am and shall finish no later than 11pm Sunday to Thursday inclusive, midnight Fridays and Saturdays and 1.00am New Year's Day; or
- (c) or, where occurring in Quarter Area 7 of Wynyard Quarter comply with the separate noise levels for special events in part 14.9.

For the purpose of this rule "noise event" means a temporary activity that exceeds the general noise levels under clause 7.6 -3 of the Plan for a cumulative duration of not more than 6 hours within any 24 hour period.

- c) Any display suites, temporary storage, stack of goods or materials for a period not exceeding six months.
- d) Any temporary static or non-noisy installations (e.g. artworks) for a period not more than 60 days inclusive of time required for the establishment and removal of all associated structures and activities.
- e) Any activity or structure associated with a "Major Event" for which an Event Permit has been obtained subject to compliance with rule 15.5.1.3A.1(b)(iii).

**ii) Amend clause 15.5.1.3A Restricted Controlled Activities as follows:**

**15.5.1.3A.2**

**Restricted Controlled Discretionary Controlled Activities [8/1]**

Except as provided for by section 94C(2) of the Act, the following ~~controlled~~ restricted discretionary controlled activity will be considered without public notification or the need to obtain the written approval of or serve notice on affected persons, ~~subject to compliance with the Part 6 development control rules for the location.~~

Clause 15.5.1.3A.2 does not apply to the Viaduct Harbour Precinct (refer Part 14.7 for Viaduct Harbour Precinct provisions)

- a) ~~Events~~ Public performances, meetings, private functions on publicly owned or controlled land, parades, sporting events, exhibitions, film shoots, markets and activities of a similar character, including associated parking and buildings, where the activities occupy any venue for more than 5 days but not exceeding 20 21 days, inclusive of time required for the establishment and removal of all structures and

~~activities associated with the activity, subject to obtaining an Event Permit for the particular activity, and provided that:~~

- ~~i) the activities:~~
- ~~(a) comply with the applicable general noise levels specified in clause 7.6 and other referenced clauses of the Plan;~~
  - ~~(b) or, where they exceed the levels in (a) comply with following standards: where the activities include the use of amplified sound systems generating noise levels which exceed the general noise levels specified in clause 7.6.3 of the Plan, they are subject to the following additional standards:~~
    - ~~• a limit of six noise events in any 12 month period in any one venue; and~~
    - ~~• the cumulative duration of the noise event shall not exceed 6 hours; and~~
    - ~~• the noise event, including sound checks, shall start no earlier than 10.00am and shall finish no later than 11 pm Sunday to Thursday inclusive, midnight Fridays and Saturdays and 1.00am New Year's Day.~~
  - ~~(c) or, where occurring in Quarter Area 7 of Wynyard Quarter comply with the separate noise levels for special events in part 14.9.~~

~~For the purpose of this rule "noise event" means a temporary activity that exceeds the general noise levels under clause 7.6.3 of the Plan for a cumulative duration of not more than 6 hours within any 24 hour period.~~

~~b) Events, including associated parking and buildings, where the activities occupy any venue for more than 5 days but not more than 21 days, inclusive of time required for the establishment and removal of all structures and activities associated with the activity, where an Event Permit for the particular activity is not obtained, but provided that:~~

- ~~i) the activities:~~
- ~~(a) comply with the applicable general noise levels specified in clause 7.6 and other referenced clauses of the Plan noted in clause 7.6.2;~~
  - ~~(b) or, where they exceed the levels in (a) comply with following standards:~~
    - ~~• a limit of six noise events in any 12 month period in any one venue; and~~
    - ~~• the cumulative duration of the noise event shall not exceed 6 hours; and~~
    - ~~• the noise event, including sound checks, shall start no earlier than 9.00am and shall finish no later than 11 pm Sunday to Thursday inclusive, midnight Fridays and Saturdays and 1.00am New Year's Day.~~
  - ~~(c) or, where occurring in Quarter Area 7 of Wynyard Quarter comply with the separate noise levels for special events in part 14.9.~~

~~For the purpose of this rule "noise event" means a temporary activity that exceeds the general noise levels under clause 7.6.3 and other referenced clauses of the Plan as noted in clause 7.6.2 for a cumulative duration of not more than 6 hours within any 24 hour period.~~

~~b) Any activity or structure associated with a "Major Event", for which an Event Permit has not been obtained, except as otherwise provided for in the district plan, subject to compliance with 15.5.1.3A.2(ba)(i).~~

## **Assessment Criteria**

The Council will have regard to the assessment criteria set out below when considering an application under sections 104 and ~~104~~CA 104A of the Act:

- a) The visual impact of the activity and, in particular, extent to which the external appearance of any buildings associated with the activity are mitigated by design elements, screening or other remedial measures.

- b) The extent to which the activity may give rise to adverse effects, including traffic, noise, and lighting, on sites in the vicinity and the extent to which any of those effects are avoided, remedied or mitigated.
- c) The extent to which the location, ~~size~~, scale and intensity of the activity itself and any proposed associated parking, including provision for public transportation, affects the efficiency of traffic movements and the safety of pedestrians.

### **Consent Conditions**

In granting consent to an application for a ~~controlled~~ restricted discretionary ~~controlled~~ activity the Council may impose conditions relating to the following:

- a) The location and external appearance of any buildings associated with the activity.
- b) The hours of operation and the duration for which consent is given.
- c) Control of noise and lighting levels.
- d) Measures to be implemented to minimise traffic congestion and protect traffic and pedestrian safety.

### **iii) Amend clause 15.5.1.3A Discretionary Activities as follows:**

#### **15.5.1.3A.3**

#### **Restricted Discretionary Activities**

Clause 15.3.2.6 does not apply to rules a) and b) below. The normal tests of notification of an application under section 93 and 94 of the Act shall apply.

Clause 15.5.1.3A.3 does not apply to the Viaduct Harbour Precinct (refer Part 14.7 for Viaduct Harbour Precinct provisions)

- a) Events ~~Public performances, meetings, private functions on publicly owned or controlled land, parades, sporting events, exhibitions, film shoots, markets and activities of a similar character,~~ including associated parking and buildings, where the activities occupy any venue for more than 2021 days, inclusive of time required for the establishment and removal of all structures and activities associated with the activity shall be a restricted discretionary activity (except as otherwise provided for above).
- b) Events, including any activity associated with a Major Event, where the relevant noise rule is not met shall be a restricted discretionary activity.

### **Assessment Criteria**

An application for a restricted discretionary activity shall be accompanied by an assessment of the environmental effects of the proposed activity in terms of the ~~relevant criteria contained in Part 15 and the following~~ assessment criteria:

- a) The visual impact of the activity and, in particular, extent to which the external appearance of any buildings associated with the activity are mitigated by design elements, screening or other remedial measures.
- b) The extent to which the activity may give rise to adverse effects, including traffic, noise and lighting ~~and overshadowing~~, on sites in the vicinity and the extent to which any of those effects are avoided, remedied or mitigated.

- c) The extent to which the location, scale and intensity of the activity itself and any proposed associated parking, including provision for public transportation, affects the efficiency of traffic movements and the safety of pedestrians.
- d) The effects on scheduled buildings, objects, heritage properties, places of special value, conservation areas, trees, archaeological features and Maori heritage sites, and the extent to which any adverse effects are avoided, remedied or mitigated.

### **Consent Conditions**

In granting consent to an application for a restricted discretionary activity the Council may impose conditions relating to the following:

- a) The location and external appearance of any buildings associated with the activity.
- b) The hours of operation and the duration for which consent is given.
- c) Control of noise and lighting levels.
- c) Measures to be implemented to minimise traffic congestion and protect traffic and pedestrian safety.
- d) Scheduled buildings, objects, heritage properties, places of special value, conservation areas, trees, archaeological features and Maori heritage sites.

~~**In granting consent to an application for a discretionary activity, the Council may impose conditions, restrictions and prohibitions as it thinks fit, including conditions which require positive effects on the environment so as to offset any adverse effects associated with the activity. Such conditions may relate to, but are not limited to, the conditions set out in Clauses 15.3.1.2 (d) and 15.3.1.5.**~~

### **Explanation**

*The purpose of the rule is to provide for a range of common temporary activities and associated buildings that otherwise might not be allowed by the Plan rules. The rule provides flexibility for a range of temporary activities recognising the Central Area's role as a focus for major development projects and for a range of entertainment and celebratory activities. The rule recognises that there are potential adverse effects from such activities which need to be avoided, remedied or mitigated depending upon their scale and duration. Such effects are adequately addressed through the resource consent or event permit process – an open and transparent process regulated through the Auckland City Council Bylaw, which is constituted under the Local Government Act. The event permit process will enable effects such as traffic, public and pedestrian safety and public access to be appropriately addressed. Additionally the rule will enable activities associated with Major Events such as the Rugby World Cup 2011, which have an Event Permit, to occur without further assessment. The rule will also enable temporary activities that have not obtained an event permit or are of a longer duration or do not comply with the noise controls to be appropriately assessed in terms of potentially adverse environmental effects through the resource consent process. A number of such events will be permitted activities by virtue of other rules in the district plan and such events will not require a resource consent under this rule.*

## Part B - Amendments to Part 14.7: Viaduct Harbour Precinct

1. Amend policy 14.7.3.1 (c) by adding “including events” after “...range of activities”.

2. Amend clause 14.7.6.3 Temporary Activities as follows:

i) Add the following Note:

Note 1: For the purpose of this rule, except where otherwise stated, Waitemata Plaza and Market Place as defined on Precinct Plan D, the promenade area of Precinct Area 2 (excluding Te Wero and the Eastern Viaduct) and Te Wero and the Eastern Viaduct are all separate venues.

Note 2: For the purpose of this rule the development controls in section 14.7.7 or Part 6 of the district plan do not apply unless otherwise stated in rule 14.7.6.3 below.

Temporary Activities permitted in the Viaduct Harbour Precinct are those listed in Part 15 clause 15.5.1.3 of this plan, with the exception of clause 15.5.1.3A.1 (a) (b) (c) and (e), clause 15.5.1.3A.2 and clauses 15.5.1.3B and 15.5.1.3A.3.

ii) Amend clause 14.7.6.3A Permitted Activities

1. Events Public performances, meetings, parades, sporting events, exhibitions, film shoots, and activities of a similar character, excluding including associated parking and buildings, tents, marquees and air supported canopies, tables and seating and structures where the activities do not occupy any venue for more than 5 days, inclusive of time required for the establishment and removal of all buildings, tents, marquees and air supported canopies, tables, seating and structures associated with the activity subject to the following standards:

a) The activities shall comply with the general noise level under clause 7.6 of the Plan, except that for no more than 15 noise events in total within the Viaduct Harbour Precinct (regardless of venue) in any calendar year (1 January to 31 December inclusive) those levels may be exceeded subject to the following :

i) The general noise level under clause 7.6.3 may be exceeded for a cumulative duration of not more than 6 hours within any 24 hour period for a noise event; and

ii) The maximum noise levels shall be:

- For no more than 3 of the 15 noise events and for a cumulative duration of not more than 3 of the total 6 hours permitted in paragraph i) above (exclusive of one sound check of no more than one hour duration prior to each event) shall be:

85dBA L<sub>10</sub>  
90dBA L<sub>01</sub>  
80dB L<sub>10</sub> at 63 Hz  
80dB L<sub>10</sub> at 125Hz

(high noise level)

- At all times during the 15 noise events shall be:

75dBA L<sub>10</sub>

80dBA L<sub>01</sub>  
80dB L<sub>10</sub> at 63 Hz  
80dB L<sub>10</sub> at 125 Hz

(medium noise level)

- ~~• 75dBA L<sub>10</sub> and 80dBA L<sub>01</sub> (medium noise level) for no more than 12 of the 15 noise events; and~~
- ~~• 85dBA L<sub>10</sub> and 90dBA L<sub>01</sub> (high noise level) for a cumulative duration of not more than 3 of the total 6 hours permitted in paragraph i) above exclusive of one sound check of no more than one hour duration prior to each event, and for no more than 3 of the 15 noise events.~~

Except as provided elsewhere in this clause, noise levels shall be measured in accordance with the requirements of NZS6801:1991 "Measurement of Sound" and shall be assessed in accordance with NZS6802:1991 "Assessment of Environmental Sound" except that Clause 4.4 shall not be used.

The medium and high noise levels shall be determined from the logarithmic average of the L10 values for any measurement periods not exceeding 15 minutes during the event. The L1 values shall be determined from the logarithmic average of the L1 values for representative periods not exceeding 15 minutes within the timeframe of the event. The noise levels shall not be exceeded by more than 5 dBA for medium noise levels and 3dBA for high noise levels in any representative measurement period not exceeding 15 minutes during the noise event.

(iii) Within Waitemata Plaza and Market Square as shown on Precinct Plan D the following additional restrictions apply:

- there shall be no high noise level events; and
- there shall be no more than 2 noise events in any 4 week period; and
- of the total 15 noise events there shall be no more than 6 in any one calendar year and the general noise level under clause 7.6.3 shall not be exceeded for a cumulative duration of more than 3 hours for any one noise event.

For the purpose of these restrictions above Waitemata Plaza and Market Square are counted as a single venue.

(iv) Noise levels exceeding the standard in clause 7.6.3, including sound checks, shall start no earlier than 9.00am and shall finish no later than 10.30 pm Sunday to Thursday inclusive, 11.00pm Friday and Saturday and 1.00am New Year's Day; and

(v) Not less than 4 weeks prior to the commencement of the noise event, the organiser shall notify the Council in writing:

- the names and types of the acts and whether they are anticipated to be within the medium noise level or high noise level as defined in (i) above.
- The person(s) and procedures for monitoring of compliance with noise levels
- The nominated alternative date in the event of postponement due to the weather

(vi) The Council will keep a record of all Noise Events held and provide this information upon reasonable request.

- b) No toilets shall be located in Market Square or Waitemata Plaza except in the area shown on Precinct Plan E.
2. Events ~~Public performances, meetings, sporting events, exhibitions, film shoots, markets and activities of a similar character, including associated parking and buildings, tents, marquees and air supported canopies, tables, seating and structures are permitted activities where the activities occupy any venue for no more than 5 days but not more than 21 5-days, inclusive of time required for the establishment and removal of all buildings, tents, marquees and air supported canopies, tables, seating and structures associated with the activity, subject to the following standards:~~
- ~~a) All buildings, tents, marquees, air supported canopies and structures associated with the activity shall comply with the maximum height limits under clause 14.7.7.1., except that on Te Wero and that part of the Eastern Viaduct defined as Precinct Area 2, the maximum height shall be 7 metres.~~
- a) An Event Permit has been obtained for the particular activity;
- ~~b) Within Waitemata Plaza and Market Square as shown on Precinct Plan D and within the promenade area of Precinct Area 2 (excluding Te Wero and the Eastern Viaduct) buildings, tents, marquees, air supported canopies, tables, seating and structures associated with the activity shall comply with the maximum coverage control under clause 14.7.7.6~~
- ~~e) b) No buildings, tents, marquees, air supported canopies, tables, seating and structures associated with the activity shall be permitted within the 10 metre special yard shown on Precinct Plan D (Waitemata Plaza)~~
- c) The activities shall comply with the general noise level under clause 7.6.3 of the Plan, except as provided for in noise controls set out in 14.7.6.3A.1(a) above.
- ~~d) The activities shall comply with the general noise level under clause 7.6.3 of the Plan, except that for no more than 15 noise events in any calendar year (1 January to 31 December inclusive) those levels may be exceeded subject to the following :~~
- ~~i) The general noise level under clause 7.6.3 may be exceeded for a cumulative duration of not more than 6 hours within any 24 hour period for a noise event; and~~
- ~~ii) The maximum noise levels shall be:~~
- ~~• 75dBA L10 and 80dBA L1 (medium noise level) for at least 12 of the 15 noise events; and~~
  - ~~• 85dBA L10 and 90dBA L1 (high noise level) for a cumulative duration of not more than 3 of the total 6 hours permitted in paragraph i) above exclusive of one sound check of no more than one hour duration prior to each event, and for no more than 3 of the 15 noise events.~~
- ~~— Except as provided elsewhere in this clause, noise levels shall be measured in accordance with the requirements of NZS6801:1991 “Measurement of Sound” and shall be assessed in accordance with NZS6802:1991 “Assessment of Environmental Sound”.~~
- ~~— The medium and high noise levels shall be determined from the logarithmic average of the L10 values for any measurement periods not exceeding 15 minutes during the event. The L1 values shall be determined from the logarithmic average of the L1 values for representative periods not exceeding 15 minutes within the timeframe of the event. The noise levels shall not be exceeded by more than 5 dBA for medium noise levels and 3dBA for high~~

~~noise levels in any representative measurement period not exceeding 15 minutes during the noise event.~~

~~(iii) Within Waitemata Plaza and Market Square as shown on Precinct Plan D the following additional restrictions apply:~~

- ~~• There shall be no high noise level events; and~~
- ~~• There shall be no more than 2 noise events in any 4 week period; and~~
- ~~• Of the total 15 noise events there shall be no more than 6 in any one calendar year and the general noise level under clause 7.6.3 shall not be exceeded for a cumulative duration of more than 3 hours for any one noise event.~~

~~— For the purpose of these restrictions Waitemata Plaza and Market Square are counted as a single venue.~~

~~(iv) Noise levels exceeding the standard in clause 7.6.3, including sound checks, shall start no earlier than 10.00am and shall finish no later than 10.30 pm Sunday to Thursday inclusive, 11.00pm Friday and Saturday and 1.00am New Year's Day; and~~

~~(v) Not less than 4 weeks prior to the commencement of the noise event, the organiser shall notify the Council in writing:~~

- ~~• the names and types of the acts and whether they are anticipated to be within the medium noise level or high noise level as defined in (i) above.~~
- ~~• The person(s) and procedures for monitoring of compliance with noise levels~~
- ~~• The nominated alternative date in the event of postponement due to the weather~~

~~(vi) The Council will keep a record of all Noise Events held and provide this information upon reasonable request.~~

~~ed) No toilets shall be located in Market Square or Waitemata Plaza except in the area shown on Precinct Plan E.~~

~~fe) No associated parking shall be located in Market Square or Waitemata Plaza as shown on Precinct Plan D.~~

~~gf) No part of any venue in Precinct Area 2 that has been occupied by an event building, tent, marquee or air supported canopy may be reoccupied by another event the same structure within a period of five days after the end of the event structure's removal.~~

~~H) For the purpose of this rule "noise event" means a temporary activity that exceeds the general noise levels under clause 7.6.3 of the Plan for a cumulative duration of not more than 6 hours within any 24 hour period.~~

3. Any temporary storage, stack of goods or materials on Te Wero for a period not exceeding six months.

4. Any activity or structure associated with a "Major Event" for which an Event Permit has been obtained subject to compliance with rule 14.7.6.3.A.1(a).

5. Offices, storage sheds, scaffolding and falsework, storage yards, builders' workshops and buildings or activities of a similar character where such buildings or activities are:

- i) Incidental to a building or construction project; and
- ii) Limited to the duration of the project or for a period not exceeding:
  - a) 24 months on Te Wero; or

- b) 6 months anywhere else in the Precinct.

**ii) Amend clause 14.7.6.3B Restricted Controlled Activities as follows:**

**~~Restricted Controlled Discretionary Controlled Activities~~**

~~The following controlled restricted discretionary controlled activities are subject to compliance with the standards of A2a) – g) above and will be considered without notification or the need to obtain the written approval of or serve notice on affected persons, except as provided for by section 94(C) of the Act.~~

~~Events Public performances, meetings, parades, sporting events, exhibitions, film shoots, markets and activities of a similar character, including associated parking and buildings, tents, marquees, air supported canopies, tables, seating and structures where the activities occupy any venue for more than 5 days but not exceeding 20 21 days, inclusive of time required for the establishment and removal of all buildings, tents, marquees, air supported canopies, tables, seating and structures associated with the activity and comply with the standards of 14.7.6.3A.2a) – f) above.~~

~~b)a)Events, including associated parking and buildings, tents, marquees, air supported canopies, tables, seating and structures, where the activities occupy any venue for more than 5 days but not more than 21 days (inclusive of time required for the establishment and removal of all structures and activities associated with the activity) where compliance with the performance standards set out in 14.7.6.3A.2ab) – bf) and 14.7.6.3A.2d) – f) above are not met, but provided that 14.7.6.3A.2c) is met/achieved.~~

~~e)b)Any activity or structure associated with a “Major Event”, for which an Event Permit has not been obtained, except as otherwise provided for in the district plan, subject to compliance with rule 14.7.6.3A.2c) 14.7.6.3A.1a).~~

**Assessment Criteria**

The Council will have regard to the assessment criteria set out below when considering an application under section 104 ~~and 104C-104A~~ of the Act:

- a) The visual impact of the activity on the amenities of the public space and the adjacent land uses and, in particular, the extent to which the external appearance of any buildings, tents, marquees, air supported canopies, tables, seating and structures associated with the activity are mitigated by design elements, screening or other remedial measures.
- b) The extent to which the activity may give rise to adverse effects, including noise, traffic, and lighting, on adjacent land uses and sites in the vicinity and the extent to which any of those effects are avoided, remedied or mitigated, including in relation to residential amenity.
- c) The extent to which the location, size, scale and intensity of the activity itself and any proposed associated parking, including provision for public transportation, affects the efficiency of traffic movements and the safety of pedestrians.
- d) Consultation must be undertaken with the majority freehold land owner within the Viaduct Harbour Precinct.

## Consent Conditions

In granting consent to an application for a ~~controlled~~ restricted discretionary controlled activity the Council may impose conditions relating to the following:

- a) The location, size and external appearance of any buildings, tents, marquees, air supported canopies, tables, seating and structures associated with the activity.
- b) The hours of operation and the duration for which consent is given.
- c) Control of noise and lighting levels.
- d) Measures to be implemented to minimise traffic congestion and protect traffic and pedestrian safety.

### iii) Delete clause 14.7.6.3C Restricted Discretionary Activities as follows:

#### ~~C. Restricted Discretionary Activities~~

~~An application to modify the height, coverage and special yard controls may be considered as a restricted discretionary activity under clause 15.3.1.2(b) of the Plan.~~

~~In addition to the assessment criteria set out in clause 15.3.1.2(b), the Council will have regard to the following assessment criteria:~~

- ~~a) The visual impact of the development control modification on the amenities of the public space and the adjacent land uses and, in particular, the extent to which the external appearance of any buildings, tents, marquees, air supported canopies, tables, seating and structures associated with the activity are mitigated by screening or other remedial measures.~~
- ~~b) The extent to which the development control modification may result in adverse impacts on public access to Precinct Area 2.~~

~~Consent conditions~~

~~See clause 15.3.1.2(d)~~

### iv) Amend clause 14.7.6.3D Discretionary Activities as follows:

#### ~~DC. Restricted Discretionary Activities~~

Clause 15.3.2.6 does not apply to rules a) and b) below. The normal tests of notification of an application under section 93 and 94 of the Act shall apply.

- a) Events Public performances, meetings, parades, sporting events, exhibitions, film shoots, markets and activities of a similar character, including associated parking and buildings, tents, marquees, air supported canopies, tables, seating and structures where the activities occupy any venue for more than the specified periods in B above 21 days, inclusive of time required for the establishment and removal of all buildings, tents, marquees, air supported canopies, tables, seating and structures associated with the activity shall be a restricted discretionary activity (except as otherwise provided for above) subject to compliance with the standards of A2d).
- b) Events, including any activity associated with a Major Event, where the relevant noise rule is not met shall be a restricted discretionary activity.

## **Assessment Criteria**

An application for a restricted discretionary activity shall be accompanied by an assessment of the environmental effects of the proposed activity in terms of the ~~relevant criteria contained in Part 15 and the following~~ assessment criteria:

- a) The visual impact of the activity on the amenities of the public space and the adjacent land uses and, in particular the extent to which the external appearance of any buildings, tents, marquees, air supported canopies, tables, seating and structures associated with the activity are mitigated by design elements, screening or other remedial measures.
- b) The extent to which the activity may give rise to adverse effects, including noise, traffic, heritage matters, lighting and overshadowing on adjacent land uses and sites in the vicinity and the extent to which any of those effects are avoided, remedied or mitigated, including in relation to residential amenity.
- c) The extent to which the location, scale and intensity of the activity itself and any proposed associated parking, including provision for public transportation, affects the efficiency of traffic movements, public access and the safety of pedestrians.
- d) The effects on scheduled buildings, objects, heritage properties, places of special value, conservation areas, trees, archaeological features and Maori heritage sites, and the extent to which any adverse effects are avoided, remedied or mitigated.
- e) The extent to which prior consultation has been undertaken with the majority freehold land owner within the Viaduct Harbour Precinct.

## **Consent Conditions:**

In granting consent to an application for a restricted discretionary activity the Council may impose conditions relating to the following:

- a) The location and external appearance of any buildings associated with the activity.
- b) The hours of operation and the duration for which consent is given.
- c) Control of noise.
- d) Control of ~~and~~ lighting levels.
- e) Measures to be implemented to minimise traffic congestion, protect traffic and pedestrian safety, and maintain public access.
- f) Scheduled buildings, objects, heritage properties, places of special value, conservation areas, trees, archaeological features and Maori heritage sites.

~~In granting consent to an application for a discretionary activity, the Council may impose conditions, restrictions and prohibitions as it thinks fit, including conditions which require positive effects on the environment so as to offset any adverse effects associated with the activity. Such conditions may relate to, but are not limited to, the conditions set out in Clauses 15.3.1.2 (d) and 15.3.1.5.~~

## **Explanation**

*The purpose of the rule is to provide for a range of common temporary entertainment activities that otherwise might not be allowed by the Plan rules. The rule provides flexibility*

for a range of temporary entertainment activities recognising the Viaduct Harbour Precinct's attraction for a range of entertainment and celebratory activities. The rule recognises that there are potential adverse effects from such activities which need to be avoided, remedied or mitigated depending upon their scale and duration. Such effects are adequately addressed through the resource consent or event permit process – an open and transparent process regulated through the Auckland City Council Bylaw, which is constituted under the Local Government Act. The event permit process will enable effects such as traffic, public and pedestrian safety and public access to be appropriately addressed. Additionally the rule will enable events associated with Major Events such as the Rugby World Cup 2011, which have an Event Permit, to occur without further assessment. The rule will also enable temporary activities that have not obtained an event permit or are of a longer duration or do not comply with the noise controls to be appropriately assessed in terms of potentially adverse environmental effects through the resource consent process. A number of such events will be permitted activities by virtue of other rules in the district plan and such events will not require a resource consent under this rule.

**v) Delete clause 14.7.6.3E Non complying Activities as follows:**

**~~E Non-complying Activities~~**

~~An application to modify the standards in rule 14.7.6.3D or to exceed the noise levels in rule 14.7.6.3A2(d) will be considered as a non-complying activity.~~

**vi) Amend clause 14.7.6.3 Temporary Activities as follows:**

Temporary Activities permitted in the Viaduct Harbour Precinct are those listed in Part 15 clause 15.5.1.3 of this plan, with the exception of clause 15.5.1.3A.1(b) and (e), clause 15.5.1.3A.2 and clauses 15.5.1.3B and 15.5.1.3A.3.

**3. Amend Precinct Plan D as follows:**

**i) Amend notation applying to coverage control as follows:**

~~“Areas subject to coverage control (see clauses 14.7.6.3A2(b) and 14.7.7.6) and noise event control (see clause 14.7.6.3A23A.1(da)(iii))”~~

**4. Amend Precinct Plan E as follows:**

**i) Amend notation as follows:**

“Areas within which toilets associated with temporary activities may be located (see clause 14.7.6.3A.1(b) and 14.7.6.3A.2(ed))”

**Part C - Part 3 Resource Management**

**1. Amend clause 3.5.3 by adding a new policy (g) as follows:**

“(g) By encouraging the facilitation of events throughout the Central Area in accordance with the City’s Events Strategy.”

**2. Add a new paragraph to the end on clause 3.6.2 as follows:**

“The Central Area is an attractive and suitable location for the holding of events, public performances and other temporary activities. The various locations throughout the central area, such as the waterfront, Britomart and Aotea Square offer ideal places to encourage diverse activities that will appeal to and be accessible to Auckland’s multi-cultural society.”

3. **Add a new anticipated environmental result (h) to the end on clause 3.8.3 as follows:**

“(h) The Central Area will be a place that hosts a multitude of events that cater for all parts of Auckland City’s community and will enable Auckland City to be an event friendly city.”

#### **Part D – Part 14.2 Public Open Space Precincts**

1. **Amend rule 14.2A.10.2 as follows:**

Amend 7<sup>th</sup> box in table as follows:

“Public performances and associated buildings including stages and seating, ~~except as provided for in accordance with rule 15.5.1.3.~~”

#### **Part E – Part 16 Definitions**

1. **Amend the Definitions section as follows:**

- i) **Add a definition for “Event” in the Activities section of the Definitions Part as follows:**

**Event**

Temporary and organised activities including but not limited to organised gatherings, parades, protests, weddings, private functions (independent of premises), festivals, film shoots, concerts, celebrations, multi-venue sports events of significant scale, fun runs, marathons, duathlons, triathlons.

- ii) **Add a definition for “Event Permit” in the Activities section of the Definitions Part as follows:**

**Event Permit**

An Event Permit is a permit that is issued by Auckland City Council under its Consolidated Bylaw and includes a film permit.

- iii) **Add a definition for “Major Event” in the Activities section of the Definitions Part as follows:**

**“Major Event**

A Major Event is an event declared as a Major Event in accordance with the provisions of the Major Events Management Act 2007. The duration of the major event shall be limited to the duration of the actual Major Event plus four weeks before the commencement of the event and four weeks after the end of the event. ~~the protection period for the major event as set out in the Major Events Management Act 2007.~~”