

SECTION 32 REPORT

Proposed Plan Change: Plan Modification No. 9

Central Area District Plan – Temporary Activities

1.0 Introduction

The purpose of this report and the documents contained in the attachments are to fulfil Council's statutory obligations under s32 of the Resource Management Act 1991 which requires a consideration of alternatives, benefits and costs.

The plan change considers the alternatives, benefits and costs of the changes proposed and ensures adverse effects are adequately avoided, remedied or mitigated. An assessment of the relevant effects is included below in this report. It should be noted that the plan change only proposes a refinement to the existing controls within the district plan and not a wholesale change of direction for the provision of temporary activities or the central area district plan. Therefore the analysis on whether the proposed amendments to the policies and rules are the most appropriate for achieving the objectives of the precinct (including efficiency and effectiveness assessments) is based on the premise that the existing objectives, policies and rules have already been through this analysis and have been approved by Council. The amendments proposed, therefore are not required to undergo the full analysis that would normally be undertaken for a district plan or plan change.

There has been an analysis of alternatives undertaken to the provisions proposed in the plan change and it is emphasised that for the purposes of section 32 RMA, this report and all the documents contained in the attachments need to be read together and in whole.

Consequently, and in order to avoid the unnecessary repetition of the supplementary documents, the following analysis references those documents where necessary within the parameters of section 32, but does not summarise them. If a more detailed description is required of the analysis undertaken, it is recommended that the reader refers to each relevant attachment.

2.0 Purpose and Reasons For Plan Change

The underlying purpose of Proposed Plan Change 9 is to enable the continued use of the central area of Auckland City as a live and vibrant place through the facilitation of temporary activities, such as public performances, events and artworks.

The temporary use of such land within the Central Area will facilitate the efficient use and management of a valuable land resource. The central area district plan already contains objectives and the policies, rules and other methods to achieve this overall purpose and these have been in operation for a period of 10 years (the provisions were first publicly notified in 1997 and became operative in 2005). Recent analysis and consultation has indicated there is a need to review the existing provisions in order to better achieve the overall Events Strategy of Auckland City Council. In doing so Council must be careful to

consider the alternatives, benefits and costs of such a change and ensure adverse effects are adequately avoided, remedied or mitigated. It should be noted that the plan change only proposes a refinement to the existing controls with the central area district plan and not a wholesale change of direction for temporary activities.

3.0 Background Analysis

3.1 Historical issues

The size of the central area is 433 hectares approximately and is located within the centre of Auckland on the waterfront. Its location is at the junction of a number of arterial transport routes of the region including the northern motorway, southern motorway, north-western motorway, Tamaki Drive, passenger ferry routes and the rail network. Accordingly, the central area is extremely accessible for occupants of the Auckland Region and is the most ideal location for events, public performances, exhibitions and the like.

Over the past three to four years Auckland City Council has been reviewing the way in which it can be more competitive and attractive to events. This investigation included several background studies aimed at investigating what measures make a successful event city. Concerns were initially raised after Auckland City was unable to secure resource consent for the V8 streetrace and following the difficulty encountered in trying to secure consent for the Cirque de Soleil at Victoria Park. It was also highlighted by the loss of the Volvo Ocean Race stop in Auckland. After initial discussions with the events industry, it became apparent that a high level of frustration was being experienced by hosts of events due to the consenting and approval process. Additionally, Council's internal processes in facilitating events were also of concern to the industry.

3.2 Auckland CBD Into The Future Strategy

Making the CBD lively with events also accords with the Council's *Auckland's CBD Into the Future Strategy* (see Attachment B). Following some research and consultation, a Council project team released the strategy and associated concept vision detailing a vision for the Central Area, along with five desired outcomes and the strategies by which Auckland City plans to achieve the outcomes. One of the key outcomes proposed to deliver the CBD Strategy is the creation of a vibrant and dynamic CBD. The actual outcome is:

"A place that feels like the heart and expresses the soul of Auckland.

People's experience of Auckland's CBD will reflect the energy of Auckland as one of the most cosmopolitan cities of the Pacific. The CBD's character will be distinctively 'Auckland'. This will be evident in the ethnic and cultural diversity of the people in the CBD, the kinds of events, the artworks and the architecture.

The council plans to protect and promote the city's heritage and to ensure that all new developments look and feel distinctively 'Auckland'. Artworks, events and street activity will be actively encouraged in a bid to bring life back to the streets."

This is proposed to be achieved by implementing the following sub-strategies:

- the development of a city events strategy;

- the development of high-quality international standard open spaces and streetscapes that meets the needs of users.
- ensuring public access to and public enjoyment of the waterfront.
- improving the ease of moving in and around the Central Area.
- ensuring the Central Area is a safe place for people to work, live and visit.
- plan for and encourage new quality residential developments whilst balancing the need for commercial and business growth.
- plan for and facilitate more mixed-use development.
- promote the distinctive character of the quarters of the Central Area.

3.3 Chronology

Council Initiatives

A number of initiatives were underway at the time specific investigation into amending the district plan was requested by Council. These included the preparation of an events strategy, the preparation of a CBD Public Artwork Strategy and a report on the need for a major outdoor event space within Auckland's CBD. However, before an analysis of what changes (if any) needed to be made to the district plan, it was recommended by the Council's Economic Development & Sustainable Business Committee (2 March 2005) that significant background analysis be undertaken to determine the type and frequency of events that the City should be attempting to attract. The resolution of that committee was as follows:

8. MAJOR EVENTS UNDER THE DISTRICT PLAN

- A. That a comprehensive change to the District Plan for events, activities and structures be considered but not until the following matters relating to the events strategy have been finalised and reported back to the committee with recommendations:
- Event locations and calendar.
 - Types of desired events.
 - Changes to event facilitation procedures, including proactively securing consents.
 - Possible customer focussed one stop shop assistance.
 - Council's structures and delegations for managing, co-ordinating, fast tracking and attracting events.
 - The desirability of a generic statement in the District Plan about Auckland City being event friendly.
- with a target date of May 2005.
- B. That issues and options regarding public artwork locations, consent requirements and procedures be reported to the Arts, Culture and Recreation Committee.

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This work would then inform the changes (if any) to the district plan that would be needed.

The particular actions were:

- The completion of an events strategy for Auckland that sets out the type and frequency of events desired;
- The completion of the CBD Public Artwork Strategy;
- An events location map and calendar;
- Changes to the events facilitation procedures, including proactively securing events;
- The possibility of a customer focussed one stop shop approach to events facilitation; and
- A review of Council structures and delegations for managing, coordinating, fast tracking and attracting events.

The Auckland City Events Strategy (see Attachment C) was adopted in May 2005 and contained five main aims as follows:

- Support Auckland's unique identity, and Pacific flavour
- Acknowledge the importance of events as a major economic driver for Auckland city
- Support a flourishing economy
- Contribute to a strong sense of place through arts, culture and recreation
- Increase Auckland city's profile, nationally and internationally.

The aims are supported by goals, strategies and actions. The three main goals are:

- Focus on developing the council as a more event-friendly organisation
- Include strategies and guiding principles for a calendar of events, which apply citywide, although the signature events are largely located in the CBD
- Developing venues and outdoor spaces for large events.

In order to give effect to the events strategy and actions therein, an Events Steering Team was formulated from senior officers throughout the Council. This team later developed into the Strategic Cross Organisation Team for Events. A number of actions have been given effect to and a comprehensive events calendar has been developed. The proposed plan change is also one of the actions from the strategy. Accordingly, senior officers now meet to discuss events related issues as they arise.

In conjunction with the Events Strategy, the CBD Public Activity Strategy (see Attachment E) was developed. This is a document that aims to enliven the streets and public spaces of the central area and develop infrastructure that supports street level activities. The strategy has two predominant goals which are:

- Support street-level activity in the CBD that engages the public and adds life and buzz to the city;
- Develop the infrastructure to support events and activities in the CBD.

Review of Temporary Activities/Events controls

In 2006 a review of the statutory tools applicable for events was undertaken by Leijnen Consultants Limited (see Attachment F). The review investigated the district plan, bylaws, permits, approvals and other authorisations that could be utilised in controlling/permitting events. In addition, a number of other Council's regulatory mechanisms for events were investigated, these include Wellington City Council, Melbourne City Council and Sydney City Council. These council's included a range of regulatory mechanisms ranging from planning controls, bylaws, permits and dedicated Council Events Departments.

The Leijnen report reviewed all aspects of the Auckland District Plan, including the central area section, Isthmus section and the Hauraki Gulf Islands section. Overall the report suggested a hybrid approach may be best with a combination of planning controls and bylaws. The proposed plan change incorporates changes to better facilitate events whilst appropriately considering potential adverse effects. In conjunction permits/approvals are also required. Additionally, in order to facilitate an efficient approval process for events, a specific City Events Group has been established within Council. To an extent this Group facilitates the one stop shop approach advocated within the Events Strategy and by the Economic Development and Sustainable Business committee back in 2005.

District Plan review for Public Artworks

In March 2005, Barker and Associates Limited prepared a report investigating the existing provision for public artworks within the district plan (see Attachment G). In general the district plan provides for such works through various mechanisms ranging from height controls for buildings (which include artworks) to specific locational controls for public spaces. The report concluded that it would be appropriate to review district plan provisions to permit public artwork in appropriate locations and review certain aspects of the Building Act 2004.

CBD Public Artwork Development Plan

This plan identifies sites as new development opportunities within the CBD for both public and privately funded public art (see Attachment H). It promotes the premise of a design process that will offer a wide range of opportunities for artists, craftspeople and the community to contribute to the streetscape, open space and built environments in the CBD.

CBD Public Open Spaces Plan - Draft

This plan sets out how the city will enhance and improve the CBD as a place for people first and foremost, through the provision and design of open space (see Attachment I). Its aim is an open space network that reflects the city's origins, aspirations, diversity and lifestyle. This plan sets the direction and actions we need to follow to maximise the contribution of the city's public open spaces to council's vision of Auckland as the 'First City of the Pacific'. The plan also indicates that the larger open spaces are best suited to larger more intensive uses/events and smaller parks, plazas and squares are more suited to passive or less intensive activities.

Industry Workshops

During the past three years, a number of workshops have been held with interested events industry stakeholders. The first workshop was designed to obtain feedback from the stakeholders on the issues they face when holding different types of events. It became apparent that there is a high level of concern that the duration of events for permitted activities was too short to accommodate even simple events. Predominantly, the main issue is that the inclusion of pack in/pack out days means that very few events can meet the five day limit. Additionally, the requirement to comply with development controls for temporary activities is overly restrictive. Also the requirement to go through the resource consent process does not always suit temporary activities as the majority of event details are decided close to event and leave little time to incorporate into the consent process.

Additionally, many events appear to be better suited to complying with performance standards eg: obtaining an event permit, to ensure effects are controlled in a manner that is

more conducive to facilitating the event, as opposed to through the resource consent process. That is, more events could be permitted activities subject to performance standards as opposed to restricted controlled activity resource consents subject to conditions.

After the workshop, Council officers investigated and workshopped various outcomes that might better facilitate events whilst ensuring adverse effects were also appropriately addressed. One of the key questions is whether the resource consent process is the most efficient method for providing for events or whether other methods such as bylaws, permits etc. were a more appropriate regulatory method.

4.0 Temporary Activities Plan Change Overview

4.1 Existing District Plan Provisions

The provisions for temporary activities are currently set out in Part 15.5 General rules of the District Plan in addition to additional provisions within Part 14.7 - Viaduct Harbour precinct, Part 14.6 - Britomart precinct and Part 14.9 - Wynyard Quarter (proposed provisions).

The temporary activities provisions are generally set out as permitted activities, restricted controlled activities and discretionary activities. Temporary activities allow for activities and buildings associated with construction, military exercises, public performances, events, display suites etc. and are based on duration. The duration also includes pack in and pack out days. There are also currently overlaying provisions that also apply, e.g. the heritage provisions, the open space provisions, development controls and noise controls. Therefore, a comprehensive assessment of the district plan is required to fully analyse and understand the consent requirements for temporary activities.

Essentially, an event for up to five days duration is a permitted activity, from five days and up to 20 days is a restricted controlled activity (effects restricted to hours of operation, noise, lighting traffic). Any event over 20 days and/or which infringes the noise controls (including noise event controls) is a full discretionary activity.

There are slight variations for the Viaduct Harbour precinct, Wynyard Quarter and the Britomart precinct. Viaduct Harbour is slightly more restrictive given its sensitive receiving environment, while Wynyard Quarter and Britomart are more event friendly owing to the strong visitor focus and lively locality emphasis placed on them.

The current noise provisions allow for 'noise events' in certain areas. The noise events are afforded more flexible noise controls whilst containing restrictions on duration, hours of operation and Lmax levels.

The existing provisions were developed as part of the most recent district plan review. This district plan review was notified in 1997 and made operative in 2005. The provisions are generally activity rules with some references to development controls.

4.2 Proposed Plan Change

It should be noted from the outset, that the proposed plan change only deals with a refinement of the existing rules and is not an attempt to re-define the entire district plan planning approach to temporary activities. Additionally, the plan change aims to rationalise the provision for events throughout the CBD, so that there is not a significant difference

between the provision for events in areas such as Viaduct Harbour Precinct. It is, however, still recognised that some additional provisions within Viaduct Harbour are warranted given its mixed residential/commercial environment.

As a result of consultation and research on other Council's temporary activity implementation techniques the following are the predominant changes that are suggested in the temporary activities plan change.

- Any temporary activity up to 5 days is a **permitted** activity – subject to compliance with noise controls.
- Any temporary activity between 5 days and 21 days is a **permitted** activity subject to an event permit being obtained and noise controls being complied with. This amendment will enable a broader range of temporary activities as permitted activities but will ensure adverse effects are adequately addressed through the event permit process – an open and transparent process regulated through the Auckland City Council Bylaw, which is constituted under the Local Government Act. This process will enable effects such as traffic, public and pedestrian safety and public access to be appropriately addressed without a duplication of process or assessment.
- Any temporary activity between 5 days and 21 days is a **restricted discretionary** activity where no event permit has been obtained or performance standards (such as toilet location, special yards and parking within the Viaduct Harbour Precinct) have not been met but noise controls are complied with.
- Any temporary activity that is longer than 21 days is a **restricted discretionary** activity where an event permit has been obtained and noise controls are complied with.
- Any temporary activity that is longer than 21 days is a **discretionary** activity where an event permit has not been obtained.
- Any temporary activity of any duration that does not comply with the noise controls, including the noise event provisions will require a **discretionary** activity consent.

(refer Attachment A for a Summary of Proposed Changes)

In addition the following general changes are proposed:

- Temporary activities need not be subject to other provisions of the district plan such as the public open space rules or development controls (height, coverage for example)) as these are best suited to apply to permanent activities. The only exception to this is that the heritage rules will continue to apply.
- Provision is made for temporary static or non-noisy installations (e.g. artworks) for up to 60 days as a permitted activity.
- Simplification of the Viaduct Harbour Precinct temporary activity rules so that they are similar to the rest of the central area, whilst retaining the important performance standards relating to toilet location, special yards and parking.
- Provision is made for events associated with Major Events, such as Rugby World Cup 2011, as a permitted activity where an event permit is obtained and noise controls are complied with or a restricted discretionary activity, where no event permit is obtained and noise controls are complied with. Given the importance to the image of New Zealand internationally from major events it is considered acceptable that where an event permit is obtained that the event is a permitted activity. However, where an event does not obtain an event permit, a restricted discretionary activity resource consent is required. However, importantly, the words “except as otherwise provided for in the district plan” are added to the end of rule 15.5.1.3A(c) (for restricted discretionary activities) to clarify that if another rule in the district plan

provides for the event as a permitted activity then a restricted discretionary activity resource consent under this rule is not required.

- The restricted controlled activity status has been removed.
- The benefit of obtaining an event permit from Auckland City Council as provided for under the Auckland City Consolidated bylaw is reflected in the district plan and avoids the need for a resource consent that would otherwise duplicate the same assessment and result in higher compliance costs that would otherwise be required.
- Definitions are added for Events, Event Permit and Major Event and recognition of the City's Events Strategy is made in the objectives and policies

One of the broader changes proposed within the temporary activities framework is to include definitions for events and related activities. In this way more clarity around what is and what is not considered to be an event can be achieved. In particular, activities such as weekly markets are not considered to be an event as they occur week in week out and become more of a permanent activity as opposed to a temporary activity. Therefore markets create effects on the receiving environments in nearby proximity that are more regular than one off temporary activities. Accordingly markets should undergo the usual district plan and resource consent tests for regular or permanent activities.

In summary, the proposed changes will assist in solving the issues raised through the consultation process and will address a number of the strategic aims and goals that Council has set in its review of events facilitation through the city. It is considered that the event permit process will enable sufficient assessment of traffic and operational effects (through the requirement of a traffic and site management plan) that the resource consent process would otherwise analyse. It should still be noted that for the temporary activities that still require resource consents, there will be suitable levels of assessment undertaken through that process.

5.0 Environmental Effects

In accordance with the information requirements for the plan change the following analysis considers the anticipated environmental effects resulting from the proposed amendments. The scale and significance of the assessment is limited to matters associated with the changes proposed. It is acknowledged that the proposed plan change will enable a variety of activities to occur over a longer time frame, therefore the following analysis anticipates the effects from such activities. An assessment of the relevant effects is provided below.

Character & Amenity

Over the past few years the CBD has developed dramatically with a significant increase in the number of full time employees (65,000 to 72,000) and residents (1989 – 1,500 to current – approx 35,000) (ref:Census 2005.) As a result of this the economic success and usage of the CBD has increased dramatically. The CBD is an area where a mixture of activities is supported and promoted. Residential activities are encouraged to be incorporated with commercial activities and the CBD Into the Future Strategy encourages the area to be a 24/7 activity locality with a strong support for events, retail activities and food and beverage premises.

The refinement of the temporary activity provisions will improve the character and amenity of the CBD as it will become lively with events, offer activities for occupants to partake in and will generally improve people's appreciation of the area.

In terms of the amenity of the occupants, it is considered that suitable consideration of effects will be able to be undertaken through the events permit process, the development controls/performance standards or the resource consent process. In addition the temporary nature of the activities mean that the effects are generally short term and not permanent in nature. Further, as occupants of the CBD, it is accepted that a higher level of tolerance for temporary activities, particularly events, needs to be accepted and that it is unrealistic to expect amenity levels of a typical suburban neighbourhood.

In terms of late night amenity issues for CBD occupants it is considered that the event management plan required as part of the event permit process can control such issues by limiting the time, duration and closure of the event. It can also ensure event patrons are steered away from sensitive receiving environments. Where resource consents are required, consent conditions can also achieve these outcomes.

Visual Effects and Public Access To Open Spaces

Often temporary activities are located on public open spaces and involve the erection of tents, marquees, stalls, displays and artworks etc. This has the potential to create adverse visual effects and restrict full public access to areas of open space. It is considered that any potential adverse effects can be mitigated by the event permit process or by the resource consent process. The assessment criteria for resource consents particularly address this issue. However, it is considered that either process will give adequate consideration of access to public open space and visual effects. In most cases, public access to parts of the public space will be maintained and/or passage through the public space is available.

In general temporary structures are limited in size compared to permanent structures and do not create significant visual effects. Where such structures do become large, they are generally removed within a number of days, thereby mitigating potentially adverse effects. The temporary nature of the activities is therefore considered to be a significant factor in ensuring that such effects are minor.

Traffic

The predominant change from the current planning framework to that proposed in the plan change is to increase the number of days of permitted events to 21 days, where an event permit has been obtained. The event permit requires the submission of a traffic management plan to deal with the potential traffic effects of the event. The traffic management plan will outline temporary roading changes, pedestrian and vehicular manoeuvring areas and other relevant traffic management measures depending on the type and size of the event. Such a traffic management plan would also have been required in the previous planning regime as part of the requirements of the resource consent process. The removal of the resource consent requirement will enable a less cumbersome regulatory approval process for the event facilitator without compromising consideration of traffic effects. It is considered that the event permit process provides a more streamlined and efficient outcome as opposed to the resource consent process, whereby effectively the same outcome is achieved. Also the temporary nature of the activities is considered to be a factor in ensuring that such effects are minor.

Heritage

During the preparation of the plan change consideration was given to an amendment to the heritage provisions, which involved an opportunity for the temporary activity facilitator to provide a heritage impact statement outlining the potential heritage effects of the proposed temporary activity. It was envisaged that if there were no heritage effects on the scheduled item, then the event could proceed without the need for a heritage resource consent. If there were potential effects then the usual heritage rules would apply and a resource consent will be required.

The proposed change was discussed at length with Council's heritage division but it was considered that the proposed regime raised too many uncertainties and could not guarantee appropriate consideration would be given to the protection of the CBD's scheduled items. Additionally, concern was raised that the heritage impact statement process would not allow the opportunity to adequately evaluate the potential effects in each case. Accordingly, the status quo will remain, whereby a resource consent will be required for temporary activities in or on scheduled items.

Noise

Apart from allowances for static, non-noisy temporary installations such as artworks, noise is likely to be the most contentious issue in relation to temporary activities. For this reason the noise controls remain unchanged from the existing operative planning controls. Activities are still required to comply with the district plan noise controls or the specific noise event controls. It is considered that the retention of the existing controls will ensure that any adverse effects are acceptable. Also the temporary nature of the activities is considered to be a factor in ensuring that such effects are minor. Any activities that infringe the noise controls (including noise event controls) will require a full discretionary activity resource consent.

Lighting

The vast majority of temporary activities only utilise limited lighting that can be akin to street lighting. Where substantial lighting is proposed any adverse effects can be dealt with through the event permit process or the resource consent process. Also the temporary nature of the activities is considered to be a factor in ensuring that such effects are minor. In general lighting is not considered to be a significant issue in the provision of temporary activities, however existing bylaw controls on lux levels will assist in providing appropriate control of this issue.

Signage

Signage will continue to be considered through the Council bylaw, which deals with signage in public places.

Summary

Overall, it is considered that any effects associated with the proposed plan change are adequately avoided, remedied or mitigated.

6.0 Part II, sections 31, 32, 72 and 76 of the Resource Management Act

6.1 Statutory requirements

Part II of the Act underpins the exercise of functions, duties and powers. Section 5 states that the purpose of the Act is to promote the sustainable management of natural and physical resources. "Sustainable management" means:

“...managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while-

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

Section 6 sets out matters of national importance, while Section 7 sets out certain other matters to which persons exercising functions and powers under the Act are required to have particular regard.

Section 8 requires taking into account the principles of the Treaty of Waitangi in relation to managing the use, development and protection of natural and physical resources.

Section 74(1) of the RMA states as follows:

A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part II, its duty under section 32, and any regulations.

Section 31 sets out the council's functions for the purpose of giving effect to the Act. The council's functions include:

“The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district” and

“the control of any actual or potential effects of the use, development or protection of land”.

Section 72 states as follows:

The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.

The following provisions of section 76 are also relevant:

- (1) A territorial authority may, for the purpose of –*
 - (a) Carrying out its functions under this Act; and*
 - (b) Achieving the objectives and policies of the plan, -*
Include rules in a district plan.
- ...*
- (3) In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities, including, in particular, any adverse effect.*

In achieving the purpose of the Act, the council must carry out an evaluation under section 32 of the RMA before publicly notifying a plan change. Section 32(3) and (4) state as follows:

- (3) An evaluation must examine –*

- (a) *the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and*
 - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives*
- (4) *For the purposes of this examination, an evaluation must take into account*
-
- (a) *the benefits and costs of policies, rules, or other methods; and*
 - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

In addition, section 76 of the Local Government Act 2002 states that every decision of a council must be made in accordance with decision making tests and processes specified.

Council's obligations in terms of Sections 76 and 32 of the RMA are assessed as follows:

6.2 The extent to which each objective is the most appropriate way to achieve the purpose of the Act.

The purpose of the Act, as outlined in section 5, is '*to promote the sustainable management of natural and physical resources*', with '*sustainable management*' meaning managing the use, development, and protection of natural resources in a way, or at a rate which enables people and communities to provide for their social, economic, and cultural wellbeing and for their safety while sustaining the potential of natural and physical resources; safeguarding ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The existing objectives and policies are already operative within the district plan and these provisions and have been tested through the submission, hearing and appeal process. That process was concluded in 2004, accordingly, the provisions have only been operative for a short period of time. Additional objectives and policies are however proposed for the Wynyard Quarter, via Proposed Plan Change 4.

There are no significant changes or additions proposed to the objectives or policies relating to temporary activities as part of this proposed plan change. An amendment to the Part 3 Resource Management of District Plan is proposed in order to reflect the importance of events to the CBD. In terms of the changes to the rules, it is considered these are the most appropriate way to achieve the purpose of the Act for the following reasons:

- The refinement of the permitted activity status category enables activities to be undertaken without resource consent where effects can be appropriately managed through the event permit process.
- The restricted discretionary activity process allows Council to adequately manage effects, conduct full enquiries on effects over which it has restricted its discretion to, to impose conditions of resource consent applications and refuse consent to applications where necessary.
- The amendment to the timeframes for the temporary activities is considered appropriate as the 21 day period equates exactly to three weeks and allows for pack in/pack out over weekend periods.

- The facilitation events associated with Major Events such as Rugby World Cup 2011 will promote sustainable management of this world wide significant event.
- The amendment of the Viaduct Harbour precinct provisions so that they are similar to the CBD-wide temporary activities will ensure the district plan is easier to understand and there are not a plethora of differing provisions.

Collectively therefore, the proposed amendments reflect the most appropriate ways of achieving the Act's purpose of promoting the sustainable management of natural and physical resources in this location.

6.3 Whether having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives

The intention to amend the temporary activities provisions of the Central Area Section of the District Plan reflects changes in the demands to host temporary activities within the CBD. This is in accordance with Council strategic direction as set out in the CBD Into the Future document and Council's Events Strategy.

It is considered the amendment of the rules to enable the consideration of an event permit is an efficient and effective method for facilitating temporary activities. The event permit process requires measures such as traffic management plans, site management plans and health and safety considerations. Given that such analysis has been undertaken by another department of Council, it is considered unnecessary to duplicate the assessment through the resource consent process. It is therefore efficient and effective and will significantly improve the cost benefit ratio for the community. Additionally, given that these activities are temporary, effects are generally short lived and not of permanent nature.

6.4 Benefits and costs of policies, rules or other methods

The adoption of this planning approach wherein the amendment to the rules provides for temporary activities that have event permits will result in benefits to both Council and temporary activity facilitators. This will be achieved through the avoidance of duplication of process. Additionally, for the public, the revised provisions will still ensure adequate assessment of adverse effects.

The revised approach allows a combination of resource management techniques with Local Government Act techniques including utilisation of the Auckland Consolidated bylaw. Additionally, a review of other Council's techniques was undertaken, including Melbourne City Council, Wellington City Council and Sydney City Council. These councils included a range of regulatory mechanisms ranging from planning controls, bylaws, permits and dedicated Council Events Departments.

Furthermore, the Leijnen report reviewed all aspects of the Auckland District Plan, including the central area section, Isthmus section and the Hauraki Gulf Islands section. Overall the report suggested a hybrid approach may be best with a combination of planning controls and bylaws. The proposed plan change incorporates changes to better facilitate events whilst appropriately considering potential adverse effects. In conjunction permits/approvals are also required.

Additionally, in order to facilitate an efficient approval process for events, a specific City Events Group has been established within Council. To an extent, this Group facilitates the one stop shop approach advocated within the Events Strategy and by the Economic Development & Sustainable Business committee back in 2005.

Overall, there is considered to be certain and sufficient information in regard to temporary activities and the wider plan change to ensure the amendments proposed are appropriate.

6.5 National and regional planning documents

Section 75(2) of the Resource Management Act 1991 states:

- (2) *A district plan must give effect to any national policy or a New Zealand coastal policy statement and must not be inconsistent with-*
 - (a) *a water conservation order; or*
 - (b) *the regional policy statement; or*
 - (c) *a regional plan for any matter specified in section 30(1).*

In this respect, Proposed Change 7 to the Auckland Regional Policy statement, introduced through the Local Government (Auckland) Amendment Act 2004, is most relevant containing the following strategic policies regarding urban design and activity:

"2.6.8 Strategic Policies Urban Design

1. The design of new Urban Areas and the management and promotion of change in existing urban areas is to occur so that:

- (a) There is a diversity of urban environments (including building types and densities) and living choices for individuals and communities;*
- (b) Buildings, public spaces and road corridors contribute to a vibrant, liveable and attractive environment with a sense of place;*
- (c) Buildings and places with heritage and cultural value are protected;*
- (d) Urban environments have a logical, permeable and safe structure of connected routes for all modes of transport, including walking and cycling;*
- (e) Public transport, roading, cycling and walking networks are integrated with each other and the land uses they serve;*
- (f) Roads within higher density areas should be designed to provide a pleasant environment for pedestrians and residents;*
- (g) There is long-term protection of public open space, and improvement in the quality, quantity and distribution of local open space;*
- (h) Iconic and outstanding Auckland urban landscapes are protected and other urban landscapes that contribute to local character and identity are managed to ensure critical values remain;*
- (i) Remaining natural features and their relationship with built elements is recognised and protected, and where, appropriate enhanced;*
- (j) A positive contribution is made to the environmental health of urban streams, the harbours, beaches and their catchments, including through improved storm water and waste water management;*
- (k) Public access to and along stream, coastal and foreshore environments is protected and, where possible, enhanced;*
- (l) Conflicts between incompatible land uses are avoided, remedied or mitigated;*
- (m) In areas of high density where new development is exposed to high noise levels (internally and externally), and diminished air quality, higher building standards should be required:*

(n) Urban design acknowledges the importance of energy, water and materials efficiency and conservation to the sustainable management of natural and physical resources.”

The policies are aimed at creating high quality environments that are active and provide for the social, economic and cultural well being of the community. Each strategic policy has been implemented through a variety of controls within the district plan and the proposed temporary activities plan change will not be contrary to the regional provisions. With respect to the consistency of the temporary activities plan change with the regional policy statement, the policy statement supports high intensity development within Auckland’s CBD and increased intensity of activity, whilst adequately considering adverse effects.

It is considered that the Proposed Plan Change is not inconsistent with, and assists the implementation the relevant Strategic Policies listed in the Auckland Regional Policy Statement.

7.0 Consultation

A number of various consultation processes have been undertaken in determining an appropriate temporary activities framework for the future (refer Attachment D for a summary of consultation). These are outlined below.

CBD Into the Future Strategy

Considerable consultation was undertaken for this document, including submissions, workshops and public consultation sessions and meetings with key stakeholders. This document has, as one of its outcomes, “A place that feels like the heart and expresses the soul of Auckland.”

Events Strategy

The city events strategy was also widely consulted on and contains a comprehensive action plan. One of these actions is to provide an event friendly district plan. This plan change is in support of that action.

Industry Workshops

During the past three years, a number of workshops have been held with interested events industry stakeholders. The first workshop was designed to obtain feedback from the stakeholders on the issues they face when holding different types of events. It became apparent that there is a high level of concern that the duration of events for permitted activities was too short to accommodate even simple events. Predominantly, the main issue is that the inclusion of pack in/pack out days means that very few events can meet the five day limit and thus require a resource consent, often unnecessarily. Additionally, the requirement to comply with development controls for temporary activities is overly restrictive. Also the requirement to go through the resource consent process does not always suit temporary activities as the majority of event details are decided close to event and leave little time to incorporate into the consent process.

Additionally, many events appear to be better suited to complying with performance standards eg: obtaining an event permit, to ensure effects are controlled in a manner that is more conducive to facilitating the event, as opposed to through the resource consent process. That is, more events could be permitted activities subject to performance

standards as opposed to restricted controlled activity resource consents subject to conditions.

After the workshop, Council officers investigated and workshopped various outcomes that might better facilitate events whilst ensuring adverse effects were also appropriately addressed. A list of workshop attendees is attached within the consultation attachment to this report.

Other initiatives

More recently Council has placed an article on the upcoming proposed plan change details in Cityscene. An e-newsletter has also been distributed to stakeholders outlining the main aspects of the proposed plan change and providing the opportunity for feedback.

8.0 Conclusions

The proposed plan modification has been prepared in order to facilitate temporary activities within Auckland's CBD, whilst ensuring potentially adverse effects are appropriately avoided, remedied or mitigated. The proposed amendments to the rules introduce a different framework within which temporary activities can be accommodated. Sufficient consultation, assessment of alternatives and costs/benefit analysis has been undertaken in order to arrive at the current proposed changes.

As required pursuant to section 32 of the Act an assessment has been undertaken of the objectives, policies, rules and methods contained in the plan modifications. This has resulted in the following conclusions:

- The proposed analysis adequately sets out the purpose and reasons for the plan change and it is considered that such an approach is justified.
- The section 32 report outlines the existing planning controls and gives sufficient detail on the impacts of the proposed plan change, including an assessment of the relevant effects and means to avoid, remedy or mitigate such effects.
- The relevant parts of section 32(3) and (4) have been explored in terms of the extent to which each objective is the most appropriate way to achieve the purpose of the Act and whether the policies, rules and methods are the most effective and efficient way of achieving the objectives.
- There is no risk from acting on uncertain or insufficient information, as there is adequate reliable information supporting the plan change.
- The existing objectives with only minor consequential changes are considered the most appropriate way of, achieving the purpose of the Act;
- The proposed rules and assessment criteria will assist Council in controlling the actual and potential effects of temporary activities, whilst providing an appropriate means of facilitating temporary activities.
- The costs and benefits of a variety of alternatives have been adequately considered as have relevant national and regional planning documents. When compared with other options, the proposed rules and assessment criteria are the most appropriate option for achieving the objectives.
- The Proposed Plan Change is entirely consistent with and give effect to strategic policies set out in the Auckland Regional Policy Statement. The provisions have no particular implications for national planning documents, although various matters of national importance are given effect to.

- Consultation has been undertaken in relation to the plan change and various related background documents referred to in the section 32report.

In summary, it is considered that adequate analysis has been undertaken and provided with this plan change to enable it to be publicly notified and for the public process associated with the plan change to commence.

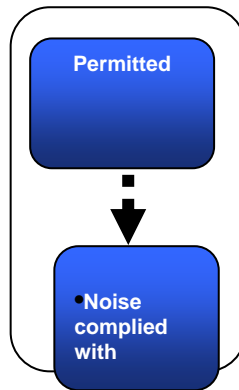
Attachments: Folder 1

Attachment A	Summary of Proposed changes
Attachment B	CBD into the Future document
Attachment C	Events Strategy
Attachment D	Consultation summary prepared by Vijay Lala of vjl consultants limited
Attachment E	CBD Public Activity Strategy
Attachment F	Leijnen Consultants Limited report, dated February 2005
Attachment G	District Plan Review for Public Artworks, prepared by Barker & Associates Limited, dated March 2005
Attachment H	CBD Public Artwork Development Plan
Attachment I	CBD Public Open Space Plan – draft
Attachment J	Event Permit Application form

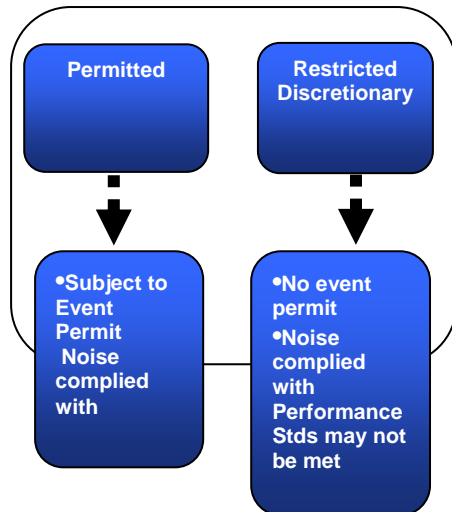
ATTACHMENT A
Summary of Proposed Changes

Summary

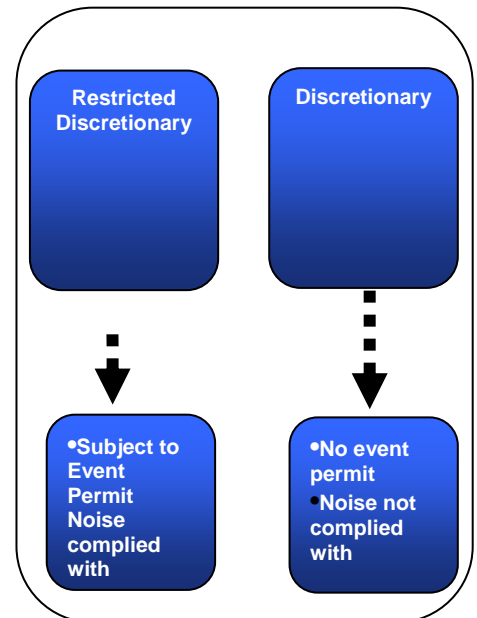
Up to 5 days



5 to 21 days



21 plus days



ATTACHMENT B
CBD Into the Future Document

ATTACHMENT C
Events Strategy

ATTACHMENT D
Consultation Summary

ATTACHMENT E

CBD Public Activity Strategy

ATTACHMENT F
Leijnen Consultants Limited Report 2006

ATTACHMENT G
District Plan Review For Public Artworks,
Barker & Associates Limited

ATTACHMENT H

CBD Public Artwork Development Plan

ATTACHMENT I

CBD Public Open Spaces Plan - Draft

ATTACHMENT J

Copy of Event Permit Application Form