

**AUCKLAND CITY DISTRICT PLAN
(Isthmus Section- Operative 1999)**

Plan Change under Section 73 of the
Resource Management Act 1991

PLAN CHANGES: PLAN MODIFICATIONS No. 005 and 006

Operative date: 3 April 2002

File No. G1900-005

4A.1.C. Temporary Activities

NB Compliance with the following rules does not remove the need to comply with all other applicable Acts, regulations, bylaws and rules of law, including Reserve Management Plans made under the Reserves Act 1977.

(i) Permitted Activities

The following temporary activities are permitted in all zones, except the Open Space 5 zone and Pollen Island, where they comply with the provisions of Part 4A (General Rules), 5B (Coastal), 5C (Heritage) and 5E (Hazardous Facilities). In the case of land zoned Open Space 5 governed by a concept plan the following temporary activities are provided for except where the same activities are already provided for in a concept plan in which case the provisions of the concept plan apply.

In the case of the Ellerslie Racecourse:

- *the following temporary activities are provided for except where the same activities are already provided for in a particular Area as defined in the Concept Plan in which case the provisions of that Area of the Concept Plan apply; and*
 - *the noise controls specified in the Concept Plan for the Ellerslie Racecourse shall apply to the following temporary activities.*
- (a) Offices, storage sheds, scaffolding and falsework, storage yards, builders' workshops and buildings or uses of a similar character where such buildings or uses are:
- (i) required for a building or construction project; and
 - (ii) limited to the duration of the project or for a period not exceeding 12 months (whichever is the lesser)
- (b) Activities including meetings, parades, sporting events, exhibitions, filming, festivals and activities of a similar character, including associated parking and structures, provided that:
- (i) such activities and structures do not occupy any venue for more than 5 days, inclusive of time required for establishing and removing all structures and activities associated with the activity
 - (ii) the activity does not occur for greater than a total of 3 days
 - (iii) the cumulative duration of the activity does not exceed 12 hours per day

- (iv) all associated structures meet District Plan zonal height and required yards
 - (v) any associated amplified entertainment shall start no earlier than 10.00am and shall finish no later than 10.30pm Sunday to Thursday inclusive or 11.00pm Fridays and Saturdays.
 - (vi) sound testing and balancing of all sound systems including vocal checks by performers shall cumulatively not exceed 6 hours and shall not commence before 9am on any day and shall be completed by 7 pm on the day of the activity.
 - (vii) The maximum noise level arising from the activity measured at or within the boundary of any residential zoned property shall not exceed 75dBA L10 and 85dBA L1.
- (c) Open Air Fairs and Markets involving the gathering of people for the purchase and sale of goods including school fairs and markets and associated parking and structures and may include entertainment, provided that:
- (i) the activity and structures do not occupy any venue for more than 3 days, inclusive of time required for establishing and removing all structures and activities associated with the activity
 - (ii) the activity does not occur for greater than one day with the cumulative duration of the activity not exceeding 12 hours
 - (iii) the use of any venue is limited to 6 activities in any 12 month period
 - (iv) all associated structures meet District Plan zonal height and required yards
 - (v) any amplified entertainment shall start no earlier than 10.00am and shall finish no later than 10.30pm Sunday to Thursday inclusive or 11.00pm Fridays and Saturdays
 - (vi) sound testing and balancing of all sound systems including vocal checks by performers must be undertaken within the time specified for amplified entertainment
 - (vii) the maximum noise level arising from the activity measured at or within the boundary of any residential zoned property shall not exceed 75dBA L10 and 85dBA L1.
- (d) Private Functions including weddings and private picnics and parties involving the gathering of people for an activity or entertainment including associated parking and structures provided that:
- (i) the activity is held at Cornwall Park or on public land eg. roads and parks
 - (ii) the duration of the activity shall not exceed 12 hours in total
 - (iii) any amplified entertainment shall start no earlier than 10.00am and shall finish no later than 10.30pm Sunday to Thursday inclusive or 11.00pm Fridays and Saturdays

- (iv) sound testing and balancing of all sound systems including vocal checks by performers must be undertaken within the time specified for amplified entertainment
 - (v) the maximum noise level arising from the activity measured at or within the boundary of any residential zoned property shall not exceed 75dBA L10 and 85dBA L1.
- (e) Public Performances involving the use of a venue for the gathering of people for concerts and entertainment including associated parking and structures provided that:
- (i) such activities and structures do not occupy any location for more than 5 days, inclusive of time required for establishing and removing all structures and activities associated with the public performance
 - (ii) the activity does not occur for greater than one day with the cumulative duration of the activity not exceeding 12 hours
 - (iii) all associated structures meet District Plan zonal height and required yards
 - (iv) any amplified entertainment shall start no earlier than 10.00am and shall finish no later than 10.30pm Sunday to Thursday inclusive or 11.00pm Fridays and Saturdays
 - (v) sound testing and balancing of all sound systems including vocal checks by performers shall cumulatively not exceed 6 hours and shall not commence before 9am on any day and shall be completed by 7 pm on the day of the public performance.
 - (vi) The maximum noise level arising from the activity measured at or within the boundary of any residential zoned property shall not exceed 75dBA L10 and 85dBA L1.
- (f) Temporary structures for the purpose of constructing a boat, a caravan or other artefact associated with private leisure time or a retirement pursuit which is not intended in any way as a commercial enterprise provided that such activities do not occupy any location for more than 12 months, where:
- (i) the written consent of the owner of the abutting land and such other persons as the Council considers may be affected has been obtained unless, in the opinion of the Council, such consent has been arbitrarily or unreasonably withheld; and
 - (ii) any such consent specifies sufficient information to indicate clearly that the owner consenting is fully informed of the proposal, its size, its method of construction and finish, and its estimated duration;
- except that only one temporary structure shall be permitted in respect of a particular site.
- (g) Any temporary storage and stacking of goods (including containers) or materials for a period not exceeding six months, provided that all storage and stacks of goods and materials comply with the relevant District Plan zone height and any required yards.

2. Renumber (f) Temporary military activities as (h).

3. Include the following after (h) Temporary military training activities

(ii) Restricted Controlled Activity

The following temporary activity is a restricted controlled activity in all zones, except the Open Space 5 zone and Pollen Island, where it complies with the provisions of Part 4A (General Rules), 5B (Coastal), 5C (Heritage) and 5E (Hazardous Facilities). In the case of land zoned Open Space 5 governed by a Concept Plan the following temporary activity is provided for except where the same activity is already provided for in a concept plan in which case the provisions of the concept plan apply.

In the case of the Ellerslie Racecourse the following temporary activity is provided for except where the same activity is already provided for in a particular Area as defined in the Concept Plan in which case the provisions of that Area of the Concept Plan apply.

In this instance temporary carparking area means an area of land that is used for off-street parking of a temporary nature for participants and visitors to temporary activities or permitted activities.

Temporary carparking areas

Except as provided for by Section 94(5) of the Act, temporary carparking areas will be considered without notification or the need to obtain the written approval of affected persons, subject to compliance with Parts 4A, 5B, 5C and 5E.

Assessment Criteria

The Council will take into account the following assessment criteria when considering an application under sections 104 and 105 of the Act. In addition conditions may be imposed in relation to the following matters.

- a) The proposed hours of operation and duration of the activity.
- b) The extent to which the activity may give rise to adverse effects including noise on sites in the vicinity and the extent to which those effects are avoided, remedied or mitigated.
- c) The extent to the activity may give rise to adverse effects related to the activities of crowds using the carparking facility and the extent to which those effects are avoided, remedied or mitigated.
- d) The extent to which the activity may give rise to adverse traffic effects on the surrounding street network and the extent to which those effects are avoided, remedied or mitigated.
- e) The extent to which the activity may give rise to adverse effects related to disturbance of earth and vegetation on the site and any protection measures to be put in place to avoid, remedy or mitigate those effects.

(iii) Discretionary Activities

Any temporary activity that is not otherwise provided for as a permitted, controlled or discretionary activity in the relevant zone or concept plan provisions shall be a discretionary activity. An application for a 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 4A (General Rules), of the Plan and the following:

- a) The visual impact of the activity and, in particular, extent to which the external appearance of any structures associated with the activity or event are mitigated by screening or other remedial measures.
- b) The proposed hours of operation and duration of the activity.
- c) The extent to which the activity may give rise to adverse effects , including noise, lighting and overshadowing on sites in the vicinity and the extent to which any of those effects are avoided, remedied or mitigated.
- d) The extent to which the location, scale and intensity of the activity itself and any proposed associated parking affects the efficiency of traffic movements and the safety of pedestrians.
- e) 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.
- f) Of particular concern is the protection and maintenance of amenity values of adjacent residential land. Various methods can be used to ensure this, including the provision of buffer areas, separation distances and/or screening.

Where an adverse effect is identified, the Council may decline consent to the application or impose conditions designed to reduce or mitigate any adverse effect on the environment.

Explanation:

Provision has been made for a range of common temporary activities and associated structures that are not otherwise provided for by the Plan rules. The rule provides flexibility for a range of temporary activities recognising the Isthmus' role as a focus for major development projects and for a range of public and private 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. The Council may impose conditions to ensure that effects on the local environment, particularly residential areas, are addressed and in some cases where the effects can not be mitigated or avoided the activity may be refused consent.

Part B Amendment to Part 9 Open Space and Recreation Activity

1. Add to Clause 9.7.1 Activities in Open Space 1, 2, 3 and 4 zones -

	1	2	3	4
Large Scale Public Performances in the Auckland Domain		P	P	P

2. Insert the following after clause 9.8.1.8

9.8.1.9 Additional Controls for Large Scale Public Performances in the Auckland Domain

The following controls apply when the Auckland Domain is used for the gathering of people for large scale public performances for entertainment including associated parking and structures:

- such activities and structures do not occupy any location for more than 12 days, inclusive of time required for establishing and removing all structures and activities associated with the large scale public performance.
- the activity does not occur for greater than one day with the cumulative duration of any one activity not exceeding 12 hours
- the use of any site is limited to 3 activities in any 12 month period none of which shall be between 1 May and 1 October
- all associated structures meet District Plan zonal height and required yards
- amplified entertainment shall start no earlier than 10.00am and shall finish no later than 10.30pm Sunday to Thursday inclusive or 11.00pm Fridays and Saturdays
- Sound testing and balancing of all sound systems including vocal checks by performers shall cumulatively not exceed 6 hours and shall not commence before 10am on any day and shall be completed by 7 pm on the day of the large scale public performance.

Explanation

Provision has been made for public performances in the Auckland Domain. The rule provides flexibility for public performances recognising the Domain's role as a focus for these large scale activities. The rule recognises that there are potential adverse effects from such activities which need to be avoided, remedied or mitigated depending on their scale and duration and places controls on the activities in the Domain accordingly. It should be noted that this rule only applies for very large scale activities held at the Domain. Other smaller scale activities such as weddings and smaller public performances are provided for in Part 4A.1C of the Plan, Temporary Activities.