

13.6.2.1.4b The port company shall undertake a noise monitoring programme to ensure that noise from port related activities comply with condition 13.6.2.1.4a at the Port Noise Control Line. This monitoring will be undertaken in accordance with the Port Noise Management Plan and the information shall be reported to Wellington City Council.

13.6.2.1.4c The port company shall produce and at all times operate in accordance with a Port Noise Management Plan, which shall include but is not limited to the matters set out in Appendix 14. The Port Noise Management Plan shall be developed to the satisfaction of Wellington City Council and Greater Wellington Regional Council.]^{VAR3}

Note, aspects of these measurement and assessment criteria for electronic sound systems are different from and take precedent over the corresponding criteria that are set out in the Definition Section of this Plan for 'Noise Emission Level'.

Temporary Activity Noise

13.6.2.1.5 For the Central Area (including the Lambton Harbour Area, but excluding the Wellington Regional Stadium site), temporary activities are not subject to the noise standards stated in standards 13.6.2.1.1 and 13.6.2.1.3. This exemption applies between the hours of:

- 9am to 9pm each day (Sunday to Thursday)
- 9am to 10pm (Friday and Saturday).

On New Years Eve temporary activities are not subject to the noise standards stated in standards 13.6.2.1.1 and 13.6.2.1.3 between the hours of 9am on 31st December to 1am the following day.

For emergency work, nothing in the noise rules shall be used to prevent emergency work from taking place. Such work would arise from the need to protect life or limb or minimise or prevent loss or serious damage to property or minimise or prevent environmental damage.

Wellington Regional Stadium Noise - Special Entertainment Events

13.6.2.1.6 The noise emission levels specified in 13.6.2.1.1, 13.6.2.1.3 and Appendix 5 shall not apply to special entertainment events provided:

13.6.2.1.7 There shall be no more than six events in each calendar year. Each event shall not exceed 11 hours in any 24 hour period.

13.6.2.1.8 Noise generating equipment used as part of a special entertainment event shall be designed, tested and operated to not exceed:

7am - 12 noon	55dBA (L ₁₀)
12noon - 11pm	75dBA(L ₁₀)
11pm - 7am	45dBA(L ₁₀) and 75dBA(L _{max})

when measured over any 5 minute period at a position:

- (i) within 1 metre of the physical roadside edge at the South corner of Davis Street and Hobson Street; and
- (ii) at a site on the East side of, and between 20 metres and 30 metres from the North end of Frandi Street. The measurement position

Chapter 13. Central Area Rules

Guide to Rules

NOTE: The following table is intended as a guide only and does not form part of the District Plan. Refer to specified rules for detailed requirements.

P refers to Permitted Activities, C to Controlled Activities, DR to Discretionary Activities (Restricted) and DU to Discretionary Activities (Unrestricted).

Uses/Activities	Rule	P	C	DR	DU
Any activity (with some exceptions) subject to conditions	13.1.1	●			
Activities not complying with conditions for Permitted Activities	13.3.1			●	
Any activity or building involving the provision of more than 70 parking spaces	13.3.3			●	
Street car race events subject to conditions	13.1.3	●			
Critical facilities in a Hazard Area	13.3.4			●	
Any activity listed in Section 3.5.2.2 (Hazardous Substances)	13.2.3		●		
Any activity on contaminated sites	13.4.3				●
The creation of vacant land, open land or parking areas	13.4.2				●
Helicopter landing areas	13.4.5				●
Commercial Sex Activities in the Courtenay Character Area	13.4.6				●
Buildings	Rule	P	C	DR	DU
The construction, alteration of, or addition to buildings or structures unless otherwise specified, subject to conditions	13.1.2	●			
The construction, alteration of, or addition to buildings and structures not complying with conditions for Permitted Activities or Controlled Activities	13.3.2			●	
The construction or alteration of and addition to buildings and structures in terms of design, external appearance and siting	13.2.1		●		
The construction, alteration of, or addition to buildings and structures exceeding a gross floor area of 30m ² within a Hazard (Fault Line) Area	13.3.5			●	
Minor additions and alterations to existing buildings in the Lambton Harbour Area	13.3.6			●	
Pedestrian bridges, buildings and structures over roads	13.4.1				●
The construction of new buildings or structures in the Lambton Harbour Area	13.4.7				●
The development of new or the modification of existing open space in the Lambton Harbour Area	13.4.8				●
Subdivision	Rule	P	C	DR	DU
Subdivision except for company lease, cross lease and unit title subdivision, subject to conditions	13.1.4	●			
Subdivision not being a Permitted or Controlled Activity	13.4.4				●
Company lease, cross lease and unit title subdivision	13.2.2		●		
Heritage	Rule	P	C	DR	DU
Activities affecting heritage items	21.0	●	●		●
Utilities	Rule	P	C	DR	DU
Utilities	23.0	●	●	●	●

Schedule of Appendices

Number	Appendix
1	Noise
2	Vehicle Parking Standards
3	Loading Standards
4	Site Access for Vehicles
5	Central Area Viewshafts
6	Panoramic View
7	Wind
8	Frontages Where Verandahs and Display Windows are Required
9	Noise Insulation Construction Schedule
10	Queens Wharf Special Height Area

13. CENTRAL AREA RULES

The following rules apply in the Central Area and include the rules for Earthworks (Chapter 30), Contaminated Land (Chapter 32) and Heritage (Chapter 21)

13.1 Permitted Activities

Section 13.1 describes which activities are permitted in the Central Area provided that they comply with any specified conditions.

Where Residential or Open Space Areas are situated within the Central Area Boundary as defined on the Planning Maps, the relevant Residential or Open Space objectives, policies or rules will apply to those Residential and Open Space Areas as the case may be (refer to Parts 5 and 6 and Parts 16 and 17 respectively).

Note: In the Central Area and Suburban Centre Areas the definition for sensitive activities and uses includes residential activities.

13.1.1 Any activity, except for:

- those specified as **Controlled Activities, Discretionary Activities (Restricted) or Discretionary Activities (Unrestricted)**
- those activities listed in the **Third Schedule to the Health Act 1956**
- **helicopter landing areas**
- **[commercial sex activities within the Courtenay Character Area]^{PC2}**

is a Permitted Activity provided that it complies with the following conditions:

13.1.1.1 Noise

13.1.1.1.1 Noise emission levels when measured at or within the boundary of any site or at the outside wall of any building on any site, other than the site from which the noise is emitted, shall not exceed the following:

At all times	60dBA (L10)
At all times	85dBA (Lmax)

13.1.1.1.2 Where it is impractical to measure outside the building, measurements shall be made inside (with windows closed). Where indoor measurements are made, the noise limits stated above shall be reduced by 15dB

- 13.1.1.1.3 In relation to rule 13.1.1.1.2 where activities have been noise-proofed in the vicinity of the site, to protect noise sensitive uses (including residential use), then this shall not allow activities to increase noise emission levels above those that would apply if the noise-proofing had not been undertaken.
- 13.1.1.1.4 Any activity occurring within the Central Area when measured from any land or premises outside that area shall comply with the noise levels stated in Appendix 1.
- [13.1.1.1.5 For the Lambton Harbour Area, temporary activities such as sporting, recreational, entertainment, cultural or similar events and outdoor gatherings are not subject to the noise standards stated in Rule 13.1.1.1.1. For such events Council will use its power under the Act to ensure that the general duty under sections 16 and 17 to avoid unreasonable noise and avoid, remedy or mitigate any adverse effects of activities on the environment is met.]^{v22}

The noise rule seeks to protect amenities between activities and to protect the amenities of Residential and public space areas around the Central City area. Council aims to maintain or improve the Central Area noise environment by means of noise rules.

[These noise limits apply to all other sites in the Central Area including sites used for residential purposes for which no stricter emission controls shall be applied. Acoustic insulation is required for noise sensitive activities in buildings within Central Areas to mitigate the potential adverse effects on such uses in accordance with rule 13.1.2.12.]^{PC23}

For the Operational Port Area, the noise rules from the Transitional District Plan have been carried forward on an interim basis as part of Appendix 1. Council and CentrePort will jointly take steps to initiate a change to the Plan to implement the NZS 6809:1999 “Acoustics- Port Noise Management and Land Use Planning” in conjunction with Wellington Regional Council after the Plan is operative.

[In the case of the Lambton Harbour Area the rule acknowledges that some temporary activities and events may exceed the noise limits specified in the rule. While accepting that such events may occur from time to time, Council will nevertheless exercise its general duty under sections 16 and 17 of the Act.]^{v22}

13.1.1.2 Discharge of contaminants

The discharge of contaminants to land, air or water is a Regional Council responsibility and activities causing discharges may need to obtain a relevant consent from the Regional Council. However, every person has a general duty under Section 17 of the Act to avoid, remedy or mitigate the adverse effects of activities. Where adverse effects are generated the Council will use its enforcement powers as appropriate to protect the environment.

13.1.1.3 Dust

13.1.1.3.1 Activities must not create a dust nuisance. A dust nuisance will occur if:

- there is visible evidence of suspended solids in the air beyond the site boundary; or

R215 Noise

Rules Number: R215

Sound emissions from any activity when measured at or within the boundary of any *site** or at the outside wall of any building* on any site, other than the *site** from which the sound is emitted, shall not exceed the following:

At all times 65 dBA L10

At all times L max: the lower of L95 background sound level plus 30dBA, or 80dBA

Sound emissions from any activity when measured at or within the boundary of any *site** in the Residential Zone, shall not exceed the following:

7am to 6pm 55 dBA L10

6pm to 7am 45 dBA L10 Lmax: the lower of L95 background sound level plus 30dBA, or 70 dBA

Where it is impractical to measure outside the *building**, measurements shall be made inside (with windows closed). Where indoor measurements are made, the noise limits stated above shall be reduced by 15dB.

Temporary activities such as sporting, recreational, entertainment, cultural or similar events and outdoor gatherings, with the prior approval of the territorial authority, are not subject to the noise standards stated in this rule. For such events *Council** will use its powers under the Act to ensure that the general duty under sections 16 and 17 to avoid unreasonable noise of activities on the *environment** are met.

The above noise standards shall not apply to temporary military training activities* as these activities are subject to separate standards contained in the General Rules.

Reason

The noise rules seek to protect amenities between activities and to protect the amenities of residential and public space areas. In the Riverfront Zone the rule acknowledges that some temporary activities and events, approved by Council, may exceed the noise limits specified in the rule. While accepting that such events may occur from time to time, Council* will nevertheless exercise its general duty under sections 16 and 17 of the Act.*

These conditions shall be read with and are subject to the provisions of Noise (Reference A4).

* refer to definitions

Status: Proposed

Related Information

Method(s)

- M276 Define a Riverfront Zone
- M277 To adopt rules for the Riverfront Zone

Zone(s)

- Riverfront

Please note: When printing, some highlighting may not be shown

PART 4A - GENERAL RULES

This Part sets out general rules and rules which apply to a range of activities which may establish throughout the Isthmus and includes:

- Compliance Requirements;
- Activities Provided For Throughout The Isthmus;
- Prohibited Activities;
- Designations;
- Network Utility Services.

4A.1 COMMON RULES

A. General Duty to Comply

(i) No person may use any land in a manner that contravenes a Clause in the Plan unless the activity is expressly allowed by a resource consent, or is an existing use allowed by Section 10 of the Act.

(ii) A resource consent for a non-complying activity shall be obtained for:

Any activity, including the erection of a building or use of any land or building which is:

(a) not specifically provided for as a permitted, controlled or discretionary activity in the parts of the Plan applying to the location of the activity, and

(b) is not located on a road.

B. Duty to Avoid, Remedy or Mitigate Adverse Effects

Every person has a duty to avoid, remedy or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is in accordance with a rule in this Plan, or a resource consent granted, or an activity lawfully existing prior to 1 October 1991.

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 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.



PART 4A - GENERAL RULES

- (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 7pm 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 e.g. 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 7pm 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.
- (h) Temporary military training activities, involving military personnel and transport, where the following are met:
- The written consent of the owner of the property has been obtained;
 - Immediately adjacent land owners/occupiers likely to be affected and the Manager, City Planning have been notified in writing at least one week in advance;
 - The particular training activity at any given site is limited to a period not exceeding 12 consecutive days, with the total number of days on which training activities are carried out per year not exceeding 100 days;
 - No more than two training activities are carried out within a 5km radius of each other within any 12 month period, and in the case of any such activities carried out within a 5km radius of a previous activity there shall be a period of at least seven consecutive days between each of those training activities;
 - During any training activity the use of guns, mortars or any other explosive device shall occur only within a maximum of two periods of up to 2 consecutive days each, with a minimum of four days between each such 2 day period;
 - The activity does not require the construction of permanent structures, and any temporary structures comply with the development controls of the zone in which the activity is located;
 - Earthworks, if any, comply with the provisions of this Plan; and
 - The noise level arising from the activity (including any element of the activity involving use of heavy vehicles or similar equipment and use of water by motor boats or

similar equipment and the landing, taking-off or hovering of aircraft), shall not exceed the following limits:

- (aa) When measured within the boundary of any residentially zoned property (other than any such property on which the activity itself is taking place);

Table 1

Monday to Saturday	7.00am - 10.00pm	L _{eq} 50dBA
Sunday & Public Holidays	9.00am - 6.00pm	
At all other times	L _{eq} 40dBA L _{max} 75dBA	

- (bb) When measured within the boundary of any business or Mixed Use zoned property (other than any such property on which the activity itself is taking place);

Table 2

	Business Zones						
	1	2	3	4	5	5a	6
7.00am to 10.00pm	55 dBA L _{eq}	55 dBA L _{eq}	60 dBA L _{eq}	60 dBA L _{eq}	70 dBA L _{eq}	70 dBA L _{eq}	70 dBA L _{eq}
10.00pm to 7.00am	45 dBA L _{eq}	45 dBA L _{eq}	55 dBA L _{eq}	55 dBA L _{eq}	70 dBA L _{eq}	70 dBA L _{eq}	70 dBA L _{eq}

and

- (cc) In no case shall noise exceed a peak overall sound pressure level of 128dB when measured within any residentially or business or Mixed Use zoned land (other than any such property on which the activity itself is taking place);

Provided that in relation to (aa), (bb) above, all dBA levels referred to in Table 1 and Table 2 respectively shall be increased by 10dBA each during any 2 day period during which guns, mortar or any other explosive device may be used as referred to in paragraph (f)(v) above.



PART 4A - GENERAL RULES

The above noise levels in (aa), (bb) and (cc) shall be measured in accordance with the requirements of the NZS 6801:1991 Measurement of Sound. The L_{eq} for all sources shall be calculated over any 8 hour period from measurements made during that period.

(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

Temporary carparking areas are a restricted controlled activity (refer Clause 4.3.2.5 for public notification and service requirements) 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 which 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.

D. Construction Noise

Where any building or construction work is undertaken on a site the following noise provisions are to be complied with.

Construction work has the same meaning as in Clause 1.3.1 of NZS 6803P:1984. "The measurement and assessment of noise construction, maintenance and demolition work."

- (a) Noise resulting from construction work shall not exceed a reasonable level as determined by reference to NZS 6803P:1984. For construction work noise received in residentially zoned areas, the upper limits prescribed by Table 1 of the standard shall apply.

Table 1 shall also be applied to kindergartens, schools and tertiary institutions, hotel and motel accommodation, libraries, and cultural centres, irrespective of their zoning.

For construction work noise received in business and Mixed Use zone zoned land, the upper limits prescribed by Table 2 of the standard shall apply.

Where external measurement of noise is impractical or inappropriate, the provisions of Table 3 shall apply.

When explosives are used on a construction site, noise created shall not exceed a peak overall sound pressure level of 128dBa or 122dBc.

- (b) Where the construction work is of 15 days duration or less the permitted noise levels may be 5dBA above those specified by Tables 1, 2 and 3. If the construction work exceeds 18 weeks duration the permitted noise levels shall be reduced by 5dBA.
- (c) Noise reduction procedures will be required when the noise levels measured 1.0m from the most exposed window or door and 1.2m to 1.5m above the relevant floor level of any adjacent occupied site with a residential or business or Mixed Use activity zoning exceed the limits of Table 1, Table 2 or 3 or Clause 5.1.2 so that the noise is reduced to the appropriate level.
- (d) Noise shall be measured as at the boundary of any affected site in accordance with Section 3 and reported in accordance with Section 4 of NZS 6803P:1984. The

noise shall be measured with a sound level meter complying at least with the International Standard IEC 651 (1979): Sound Level Meters, Type 1.

These standards shall not apply to emergency construction work.

- (e) Where the Council is satisfied that the construction work cannot be carried out during normal working hours the Council may set other noise limits as are appropriate in the circumstances.
- (f) In circumstances where construction work is of a large scale and/or duration or occurs in an area of very low background noise, the Council may require a noise management plan to be prepared and submitted by a qualified acoustic engineer engaged by the applicant certifying these noise performance standards will be complied with.

Explanation

Noise from construction work is generally of a limited duration and the community will usually tolerate higher noise levels than occur from other activities, provided the noise is no louder than necessary to complete the task, is of a limited duration, and occurs during the appropriate time. NZS 6803P defines the wide variety of activities that are included in construction work, provides methods for the measurement, assessment and prediction of construction noise, and provides guidance in making construction activities more acceptable to the community.

Large-scale construction work, construction work occurring over a long period of time, or construction work occurring in very quiet areas may have a significant adverse impact on amenities unless activities are controlled by careful planning as provided for by a noise management plan. Construction work exceeding 18 weeks must meet lower noise levels to mitigate this impact.

E. Maintenance and Condition of Land and Buildings

- (a) No building shall be so constructed or finished or left unfinished so that its external appearance would detract from the amenity values of the neighbourhood, or tend to depreciate the value of adjacent land.
- (b) Sites of demolished buildings and structures shall be sown with appropriate groundcover or landscaped within three months of demolition except that this time limit will be extended to six months where a building consent or a resource consent relating to the site has been applied for or development not requiring a building consent or resource consent has commenced.
- (c) All earthworks or areas of bare earth but not including rock not being worked for three months or more shall



- iii) that the activity does not hinder or restrict public access to the water's edge except as may be permitted from time to time within the terms of conservation covenants.

Explanation

These activities are necessary for the operation of marine activities but they should not unduly restrict public access to the waters edge. They are also capable of generating adverse effects and hazards and these need to be controlled.

- f) For the assessment of applications for quick vehicle servicing the Council will need to be satisfied that the activity meets the criteria set out in Clause 5.6.3.1(b).

Explanation

Quick vehicle service facilities may have adverse effects on traffic generation, noise and visual amenity. The extent and nature of these effects is often site specific but it is considered that there is room for a single quick vehicle service facility within the Precinct on Fanshawe Street. The Council does not wish to specify the exact site but will consider the extent and nature of the effects of any proposal in the specified area together with the development controls and the means by which any effect may be avoided or mitigated.

14.7.6.3 TEMPORARY ACTIVITIES

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 clauses 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.

The following additional temporary activities apply in the Viaduct Harbour Precinct.

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.

A. Permitted Activities

1. Events 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 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:

- 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 L₁₀

90dBA L₀₁

80dB L₁₀ at 63 Hz

80dB L₁₀ at 125Hz

(high noise level)

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

75dBA L₁₀

80dBA L₀₁

80dB L₁₀ at 63 Hz

80dB L₁₀ at 125Hz

(medium noise level)

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.

- 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 shall not be exceeded for a cumulative duration



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of more than 3 hours for any one noise event.

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

iv) Noise levels exceeding the standard in clause 7.6, 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, 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 more than 5 days but not more than 21 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) An Event Permit has been obtained for the particular activity;
- 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 noise controls set out in 14.7.6.3A.1a) above.
- d) No toilets shall be located in Market Square or Waitemata Plaza except in the area shown on Precinct Plan E.

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

f) No part of any venue in Precinct Area 2 that has been occupied by an event may be reoccupied by another event within a period of five days after the end of the event.

g) Consultation must be undertaken with the majority freehold land owner within the Viaduct Harbour Precinct.

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

3. 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).

4. 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.

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

B. Restricted Controlled Activities

The following restricted controlled activities 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 95A(4) of the Act.

- 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.2b) - f) is achieved.
- 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.1a).



Assessment Criteria

The Council will have regard to the assessment criteria set out below when considering an application under section 104 and 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, 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 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 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.

C. Restricted Discretionary Activities

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

- 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 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).

- 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 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 lighting levels.
- e) Measures to be implemented to minimise traffic congestion, protect traffic and pedestrian safety, and maintain public access.



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- f) Scheduled buildings, objects, heritage properties, places of special value, conservation areas, trees, archaeological features and Maori heritage sites.

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 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.

14.7.7 RULES - DEVELOPMENT CONTROLS

In addition to the development control rules of this section, all development within the Precinct is subject to the following rules of Part 6 - Development Controls:

Clause 6.2.1(a)(iii) Mt Eden View Protection Planes

Clause 6.3 Admission of Sunlight to Public Places

Clause 6.7.2.5 Heritage Floor Space Bonus

Clause 6.9 Verandahs

Clause 6.11 Screening

Clause 6.12 Wind Environment Control

Clause 6.13 Glare Control

An application to modify the special character frontage control or exceed the maximum permitted height rule may

be considered under Clause 15.3.1.2(b) as a restricted discretionary activity.

An application for a non-complying activity will be required to modify:

- the site intensity control
- special yard
- view shafts.

14.7.7.1 MAXIMUM HEIGHT

- (a) Subject to the bonus roof height provisions under clause 14.7.7.1(b) the height of any building shall not exceed the specified maximums shown on Precinct Plan B.

- (b) Bonus Roof Height

This control applies in Precinct Area 1 only, except that there shall be no bonus roof height on the site described as Lot 1 DP 200465 and shown with a maximum height of 5m on Precinct Plan B.

The maximum heights under clause 14.7.7.1(a) may be exceeded for roofs, including rooftop projections, where consent is granted to an application for a restricted controlled activity. Consent will be granted where the Council is satisfied that the form and design of the roof and rooftop projections meet the following standards and assessment criteria:

Standards:

The height bonus will apply where the roof, including any rooftop projections:

- a) exceeds the maximum heights under Clause 14.7.7.1(a) by no more than 2 metres; and
- b) does not result in the maximum floor area ratio for the development being exceeded.

Assessment criteria

- c) The roof profile design and composition should be considered as part of, and contribute to the overall architectural form of the building. Emphasis should be on avoiding any adverse effects on the design and appearance of the building when viewed from streets and other public spaces and from over looking buildings.
- d) Rooftop projections including towers, turrets, chimneys, lift towers, machinery rooms, water towers or finials should be screened or incorporated in an architecturally attractive manner as part of the overall design of the building.

Note 1: The bonus will be considered for separate parts of a roof where they extend above the maximum height limits.



expressly allowed by a resource consent, or is an existing use allowed by section 10 of the Act.

- b) A resource consent shall be obtained for any activity, including the erection of a building or use of any land or building which is not specifically provided for as a permitted, controlled or discretionary activity in the parts of the Plan applying to the location of the activity, and is not located on a road.

Note: Section 2 of the Act defines "non-complying activity" in such a way that any activity requiring a resource consent under Clause 15.5.1.1(b) will be a non-complying activity.

15.5.1.2 DUTY TO AVOID, REMEDY OR MITIGATE ADVERSE EFFECTS

Every person has a duty to avoid, remedy or mitigate any adverse effect on the environment arising from an activity carried on by, or on behalf of, the person, whether or not the activity is in accordance with a rule in this Plan, or a resource consent granted, or an activity lawfully existing prior to 1 October 1991.

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. Except for subclause a), c) and d) of the Permitted Activities, clause 15.5.1.3A.1 does not apply to the Viaduct Harbour Precinct (refer to 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.
- b) Events, 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 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) 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; or
- b) where they exceed the levels in (a) comply with the following:
 - 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; or
- c) 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 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).

15.5.1.3A.2

Restricted Controlled Activities

Except as provided for by section 95A(4) of the Act, the following restricted controlled activity will be considered without public notification or the need to obtain the written approval of or serve notice on affected persons.



PART 15 - GENERAL PROVISIONS, PROCEDURES AND RULES

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, 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. 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(a)(i).

Assessment Criteria

The Council will have regard to the assessment criteria set out below when considering an application under sections 104 and 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, 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 restricted 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.

15.5.1.3A. 3

Restricted Discretionary Activities

Clause 15.3.2.6 does not apply to rules a) and b) below. The 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, including associated parking and buildings, where the activities occupy any venue for more than 21 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 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 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.
- d) Measures to be implemented to minimise traffic congestion and protect traffic and pedestrian safety.
- e) Scheduled buildings, objects, heritage properties, places of special value, conservation areas, trees, archaeological features and Maori heritage sites.

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.

15.5.1.3B

Notwithstanding anything to the contrary in this Plan (except that this rule does not apply to the Viaduct Harbour Precinct), temporary military training activities shall be a permitted activity throughout the Central Area where they meet the following standards:

- a) The written consent of the owner of the property on which the temporary military training activity is to occur shall be obtained;
- b) Immediately adjacent land owners / occupiers to the activity likely to be affected by the activity and the Manager City Planning shall be notified in writing at least one week in advance of the activity;
- c) The particular military training activity at any given site shall be limited to a period not exceeding 3 consecutive days with the total number of days on which the training activities are carried out per year shall not exceed 21 days;
- d) Not more than two training activities shall be carried out within 250 metres of each other within any 12 month period, and in the case of any such activities carried out within a 250 metre radius of a previous activity there shall be a period of at least one month between those training activities;
- e) The use of helicopters during a training activity shall only occur between the hours of 6.00am and 11.00pm;
- f) The use of guns, mortars, explosive or pyrotechnic devices shall not occur between midnight and 5am;
- g) Impulse noise arising from the use of guns, mortars, explosives or explosive simulators shall not exceed a peak sound level of 122dBC when measured 1 metre from the boundary of any building in a Residential Precinct, or any building used for residential accommodation that has been approved by Council consent.

For the purpose of this rule temporary military training activity means a temporary activity undertaken by units of the New Zealand Defence Force in order to maintain operational activities. Temporary military training activities are undertaken in accordance with the Defence Act 1990. A temporary military training activity may include low level helicopter support flying in accordance with all civil aviation regulations and the hours of operation set out in this rule. A temporary military training activity can include Tactical Exercises Without Troops (TEWTs – planning exercises which can be generally described as an academic exercise, involving resolution of military problems and presentation of solutions), counter-terrorism training (eg rappelling on the outside of buildings, use of pyrotechnics)



Part 4 – General rules

3. The disposal of waste products resulting from the use of radioactive materials, and any package or container that has contained radioactive material where the radioactive material exceeds the level that is specified as an exempt activity in part 2 of the Radiation Protection Regulations 1982.

Note: There are also some other prohibited activities identified in other parts of the Plan, such as in part 7 – Heritage.

Explanation

These activities have been defined as prohibited in recognition of the potential adverse effects that may arise within the environment of the islands. All of these activities are considered incompatible with the outstanding conservation and heritage values of the islands, and to provide for such activities to establish would severely compromise those values. These activities should never occur within any part of the islands in any circumstances.

4.5 Temporary activities

4.5.1 Objective

To permit activities that occur for relatively short periods of time, while limiting their effects on neighbouring properties.

Policies

1. By limiting the time periods for the use of ancillary structures and the storage of materials associated with a construction activity.
2. By limiting the time periods for the construction of boats, caravans and other objects in the open air, as a leisure activity.
3. By limiting the duration of events.
4. By setting noise standards for temporary activities that use electronically amplified entertainment and controlling the start and finishing times, duration and frequency at which such entertainment can be used outdoors at any one venue.

4.5.2 Resource management strategy

The Plan recognises that events and functions are an important part of community life and may not readily fit within the standard controls applying to the land unit or settlement area. The Plan therefore provides specific rules which enable events, functions and other temporary activities (including construction activities) to occur in a controlled manner. Controls placed on the start and finishing times of performances, events or functions on private or public land and restrictions on their duration will limit their adverse effects including the amount of noise produced. Specific rules have been applied to heritage items to control the potential for adverse effects stemming from temporary activities on these items.

4.5.3 Permitted activities

The following temporary activities are permitted in all settlement areas and land units, with the exception of landforms 1, 2 and 4 and on any scheduled item(s) and its scheduled site surrounds:

1. Offices, storage sheds, portable toilets, builders' workshops and site offices, scaffolding and falsework, and other buildings or structures of a similar character and the storage of construction materials where such buildings or materials are:
 - a. Required for a construction project; and
 - b. Limited to the duration of the project or to 12 months (whichever is the lesser).
2. Events, including performances, meetings, private or public functions, parades, sporting events, exhibitions, film shoots, markets and fairs and activities of a similar character, including associated parking, buildings or other structures, provided that:

- a. The events and temporary buildings or other temporary structures do not occupy a venue for more than five days, including the time required for establishing and removing all temporary buildings and structures associated with the event.
 - b. The event does not occur for more than three days.
 - c. Any associated electronically amplified entertainment complies with all of the following:
 - i. It starts no earlier than 10am.
 - ii. It finishes no later than 10.30pm between Sunday and Thursday, 11pm on Fridays and Saturdays and 1am on New Years Day.
 - iii. It does not exceed five hours in duration.
 - d. Sound testing and balancing of all sound systems including vocal checks by performers complies with all of the following:
 - i. It does not cumulatively exceed two hours.
 - ii. It does not commence before 9am on any day.
 - iii. It is completed by 7pm on the day of the performance.
 - e. The L_{eq} noise level and L_1 noise level arising from the event does not exceed 75dBA L_{eq} or 85dBA L_1 when measured at the notional boundary of any adjacent site with a residential use.
 - f. The outdoor use of the venue does not exceed six events which use electronically amplified entertainment in any 12 month period.
3. Any display suites or show homes, temporary storage, stacks of goods or materials (other than construction materials provided for in (1) above) for a period not exceeding six months.
 4. Temporary structures which are not inside a permanent building, for the purpose of constructing a boat, caravan or other object associated with private leisure time which is not intended in any way as a commercial venture, provided that such temporary structures:
 - a. Must not occupy any site for more than 36 months.
 - b. Must meet all of the yard requirements applying in the land unit or settlement area within which they are located.

4.5.4 Restricted discretionary activities

Any temporary activity which is of a non-repetitive and short term nature and is not otherwise provided for as a permitted activity or discretionary activity is a restricted discretionary activity.

Matters of discretion

The council has restricted its discretion to considering the following matters:

1. Any adverse effects of temporary buildings or structures on visual amenity values including through physical dominance or overshadowing on adjacent sites.
2. The proposed hours of operation and duration of the activity.
3. Adverse effects from noise or lighting.
4. The location, scale and intensity of the activity.
5. Traffic and parking.
6. Any earthworks or vegetation clearance on the site.

Notification requirements

Except as provided for by section 94C(2) of the RMA, applications for a resource consent for a temporary activity under this clause (4.5.4) will be considered without public notification or the

need to obtain written approval of, or serve notice on, affected persons (in accordance with section 94D(2) and (3) of the RMA).

4.5.5 Discretionary activities

Any temporary activity which is of a non-repetitive and short term nature occurring on or in a scheduled heritage item or its scheduled site surrounds is a discretionary activity.

Assessment criteria for discretionary activities

The council's assessment of an application for a discretionary activity will include consideration of the following matters:

1. The extent to which any temporary buildings or structures required for the temporary activity, are likely to damage or adversely affect the scheduled item or its site surrounds.
2. The extent to which any people gathering for a temporary activity in or on a scheduled item or its site surrounds are likely to damage or adversely affect the scheduled item or its site surrounds.
3. The extent to which the temporary activity will reduce the heritage values for which the item has been scheduled.
4. The extent to which the temporary activity is consistent with the relevant objectives and policies for the heritage item.

4.6 Noise and vibration from construction activities

4.6.1 Explanation

The council has a responsibility under the RMA to control the emission of noise, including vibration, and to mitigate the effects of noise. Noise can have an adverse effect on the amenity values of an area and excessive noise can be detrimental to public health. As noise from construction projects is generally of a limited duration and by its nature is generally louder than other activities, communities will usually tolerate a higher noise level provided it is no louder than necessary and occurs on appropriate days and within appropriate hours of the day. The Plan therefore includes specific controls relating to noise and vibration from construction activities.

4.6.2 Noise from construction work

Noise resulting from construction work must comply with the following:

1. The noise as measured in all settlement areas and land units, with the exception of the commercial 5, 6 and 7 and the transport area of the Matiatia land unit, must not exceed the levels in **table 4.1**.
2. The noise as measured in commercial 5, commercial 7, and the transport area of the Matiatia land unit, must not exceed the levels in **table 4.2**.

Table 4.1

Time of the week	Time period	Duration of the work			
		Typical duration work ¹ (dBA)		Short-term duration work ² (dBA)	
		L _{eq}	L _{max}	L _{eq}	L _{max}
Weekdays	6.30am–7.30am	60	75	65	75
	7.30am–6.00pm	75	90	80	95
	6.00pm–8.00pm	70	85	75	90
	8.00pm–6.30am	45	75	45	75

- (c) The extent to which the proposal can meet the access, parking and manoeuvring conditions set out in *Chapter 24 Transportation Activity and Other Network Utility Rules*, and promotes safe and efficient use of the road network
- (d) The extent to which it is possible to effectively screen the proposal from the adjacent activities by means of landscaping and/or fencing
- (e) The extent to which it is possible to design, install or otherwise manage exterior lighting and noise effects so as to avoid nuisance to adjacent residential properties and can meet the relevant amenity conditions set out in *Chapter 19 Residential Activity Zone Rules*
- (f) Whether the stormwater disposal system is designed so as to collect and channel potentially contaminated stormwater to an interceptor
- (g) Whether the proposal is designed to meet the *hazardous substances* conditions set out in *Chapter 18 Hazardous Substances Rules*. Underground tanks should be so designed and installed in such a manner as to comply with the Code of Practice for Petroleum Storage.

11.3 General Rules for Subdivision and Land Use

11.3.1 Extension of Existing Activities

Where an activity existed at the time *the Plan* was publicly notified, and was not in compliance with the terms or conditions of *the Plan*, and where an extension to that activity is proposed, no account shall be taken of the existing activity's non-compliance in respect to:

- (a) Rules relating to *building height*, *overshadowing*, and *outlook for neighbours*
- (b) Rules relating to *setback from boundaries*, *roads or water bodies*
- (c) Rules relating to the *number and dimensions of carparking spaces*

provided the proposed extension to the existing activity shall comply with all the relevant rules in the zone in which the activity is to be sited.

11.3.1.1 Explanation and Principal Reasons

To allow existing activities to have some scope for expansion, while not increasing any adverse effect of non-compliance, this rule makes clear in respect of *the Plan's* environmental rules that compliance would be confined to the extension of the activities.

For example, an activity in the *Business Zone*, built without parking provision seeks to expand its *building area*. The original *building* requires 15 carparks under Plan rules and the extension another eight. The effect of the rules is to clarify that the eight carparks required by the extension be provided (in compliance with *the Plan*), but not the full 23 the original *building* plus the extension would otherwise be required to provide.

11.3.2 Combined Activities

Any *site* may be used for more than one activity at the same time, provided that all applicable Plan rules for each activity are complied with.

11.3.2.1 Explanation and Principal Reasons

This rule demonstrates that more than one activity is allowed on a single *site*. Where such a situation exists or is proposed, the combination of activities can not jointly exceed the maximum limits of any condition or standard specified in *the Plan* for any one activity.

11.3.3 Temporary Activities

11.3.3.1 Permitted Temporary Activities

Notwithstanding anything to the contrary in *the Plan*, but subject to Rule 17.3.5, the following shall be permitted activities in any Zone provided they meet the following standards²:

- (a) Any *temporary activities* (other than temporary military training) as defined in *Chapter 10 Definitions of the Plan*
- (b) Any *temporary activities* under Rule 11.3.3.1(a) shall comply with:
 - (i) The exterior lighting and *glare* rules applying to the zone in which it is to be located

² Temporary activities in the Road Zone are subject to approval from Council under the relevant bylaws and the Local Government Act.

- (ii) The *hazardous substances* rules and thresholds applicable to the zone in which the activity is to be located
- (iii) Rule 24.2.1.6 relating to *site* access and vehicle crossings.
- (iv) For *temporary activities* of three consecutive days or more in duration, a Traffic Management Plan shall be supplied to the Council prior to the commencement of the *temporary activity*. The plan shall include (without limitation) all site entry and access points, parking layout, pedestrian routes and traffic control measures that address any safety issues. The Traffic Management Plan must be prepared in consultation with, and agreed to by, Council prior to commencement of the activity. Where any *temporary activity* is proposed which would have direct access to a State highway, or be located on a site that has a *boundary* that adjoins a State highway, Transit New Zealand must be notified of the proposed activity not less than 10 days prior to its commencement, to enable any requirements of Transit New Zealand to be complied with.

Note: Under the Transit New Zealand Act 1989, Transit New Zealand has sole powers of control for all purposes of all State highways. Pursuant to those statutory powers, Transit may have particular requirements for managing the effects on State highways of temporary activities.

- (v) The noise disturbance rules applying to the zone in which it is to be located with the exception that any amplified sound system associated with any public event, gala, meeting etc: (excluding private domestic parties).
 - shall not, in the case of sound amplification systems where the principal purpose is entertainment through amplified sound, be used earlier than 1000 hours and shall finish no later than 2230 hours

Sunday to Thursday inclusive or 2300 hours
Fridays and Saturdays provided that sound testing and balancing of all sound systems including vocal checks by performers shall not cumulatively exceed 6 hours and shall not commence before 0900 hours on any day and shall be completed by 1900 hours on the day of the activity.

- the maximum noise level arising from the activity measured at or within the boundary of any residentially zoned property shall not exceed 70dBA L_{10} and 75dBA L_{max}
- No more than six events using sound amplification systems, where the principal purpose of the event is entertainment through amplified sound, shall take place at any one location in any 12 month period
- Sound amplification systems, where the principal purpose of the event is entertainment through amplified sound, shall not be used for more than one day with a cumulative duration of not more than 12 hours for any one event.
- Noise levels shall be measured and assessed in accordance with the requirements of New Zealand Standards NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound" or any superseding codes of practice and/or standards, except for the requirements specifically stated in this control.

- (c) Temporary buildings associated with an approved building or construction project shall:
- (i) not exceed 50m² in floor area and/or
 - (ii) remain on the site for longer than the duration of the project or in any event no longer than thirty consecutive days after the Code of Compliance Certificate for the subject building or construction works has been issued, where such a certificate is required by statute.
- (d) Use of a caravan or other mobile form of accommodation for the purpose of providing accommodation for residential purposes on the same site shall not exceed more than six continuous months of any calendar year.
- (e) Individual carnivals, fairs, galas, public meetings, filming, concerts, sporting and other special events and associated temporary buildings, structures and temporary cell sites for mobile telephone usage, shall not remain on the subject site for longer than a period of seven days in any calendar year.
- (f) Any *temporary activity* shall not be located within any Special Ecological Site.
- (g) Any temporary sign shall comply:
- (i) With the provisions relating to signs of the zone in which it is to be erected.
 - (ii) The following duration standards shall apply:
 - Real Estate Signs: - Displayed while the property is on the market and shall be removed not later than two weeks after the property has been sold.
 - Construction Site Signs: - Must relate to a construction project on site and shall be removed not later than two weeks after construction has been completed.
- Public Election Signs: - May be displayed six weeks before the election and must be removed no later than midnight on the day preceding election/polling day.
 - Public Notification - Statutory Requirement: - Displayed only for the time required by the relevant legislation.
 - Event Related Sign: - May be displayed within a period of four weeks before to three days after the event.
- (h) Any *temporary activity* which does not meet one or more of the Permitted Activity Conditions listed in Rule 11.3.3.1 (a)-(f) shall be a Limited Discretionary Activity. The activity shall be assessed against the relevant matters listed in Rules relating to the "Non Compliance with a Permitted Activity Condition or Controlled Activity Standard or Term" for Limited Discretionary Activities, for the zone in which the *temporary activity* is located.
- (i) Any temporary military training activity, notwithstanding anything to the contrary in *the Plan* shall be a permitted activity subject to the following conditions:
- (i) The written consent of the land owner has been obtained
 - (ii) The activity does not require mechanical *earthworks* unless provided for in *the Plan*
 - (iii) The activity is limited to a period not exceeding 31 days in any calendar year
 - (iv) The activity shall be conducted so as to ensure that noise from the *site* shall not exceed the following noise limits:
 - *Residential activity zones, Commercial Business Zone, and Rural Marae Community Zone:* the noise limits specified for the relevant zone

- Industrial *Business Zone*, Port *Business Zone*, Rural and Greenbelt Zones, Recreation and Leisure Zones, and the Conservation Zone: the noise limits specified in the following table, as measured at or within the *notional boundary* of any dwelling:

Time (Any Day)	Limits (dBA)		
	L ₁₀	L ₉₅	L _{max}
0630 - 0730	60	45	70
0730 - 1800	75	60	90
1800 - 2000	70	55	85
2000 - 0630	55		
Noise resulting from the use of small arms, explosives or explosive simulators shall not exceed 122 dBC			

- (j) Any activity described in 11.3.3.1(i) which does not meet one of the conditions listed in 11.3.3.1(i) shall be a controlled activity. Matters over which Council reserves its control for the purposes of this rule are:
- (i) The duration of the activity
 - (ii) The extent of the *earthworks* to be undertaken and any *reinstatement* of ground
 - (iii) The location, duration and frequency of any activity that would exceed the noise limits for the relevant zone
 - (iv) Imposition of any conditions in the above.
- (k) Any activity described in 11.3.3.1 located in the CHEPA, which does not comply with Rule 17.3.5 shall be a Non-complying Activity in accordance with Rule 17.1.

11.3.3.2 Explanation and Principal Reasons

Buildings, structures or activities of a temporary nature can be controlled largely by time limits, but also need to be considered under relevant zone amenity rules. This recognises the need for flexibility in handling numerous small-scale or one-off activities.

Limiting the scale and duration manages adverse effects both on the *site* and for adjoining properties.

The noise levels for temporary activities provide for the higher levels produced by amplified equipment often used in relation with temporary activities while restricting the hours where such a noise level is permitted.

11.3.4 Accessory Buildings on Vacant Sites

- (a) An *accessory building* to a principal activity may be erected on any *site* notwithstanding the principal activity has not started and provided the *accessory building* does not exceed 50m² in floor area and complies in all respects with the permitted activity conditions applicable to that *site*
- (b) An *accessory building* constructed in accordance with Rule 11.3.4(a) shall be required to be removed from a *site* if after 12 months significant progress has not been made in the *construction* or operation of the principal *building* or activity to which the *accessory building* relates.

11.3.4.1 Explanation and Principal Reasons

This rule clarifies that an *accessory building* may be erected before an activity to which it is an accessory has started. The size of the *accessory building* is limited to ensure adverse effects on neighbours and the neighbourhood are minimal.

11.3.5 Services Design Requirements for Subdivision and Development

Services proposed to be transferred to Council ownership as service assets shall be designed and constructed in accordance with the *Council's Code of Practice* for Development 1998, or in a manner which achieves the same engineering performance standards and engineering integrity as the provisions in the Code.

11.3.5.1 Explanation and Principal Reasons

The *Council's Code of Practice* for Development, details minimum engineering standards for assets that Council will take over as public assets. These standards ensure that certain minimum requirements are met and that the community does not receive assets which

: Volume 3 : Part 11 Health and Safety : 1.3 Specific rules - Noise control : 1.3.4 Special exceptions to these rules

Print Sub-clause

1.3.4 Special exceptions to these rules

Updated 24 November 2011

(a) Open Space 3 Zone (Ruapuna Raceway and Carrs Road Raceway)

Notwithstanding the provisions of Clause 1.3.3 and Table 1 the following exception shall apply:

Community standards

Any activity which exceeds the standard specified below, shall be a **discretionary activity** .

(i) Carrs Road Raceway

1. On not more than 120 days in any one calendar year, excluding Christmas Day and Boxing Day, operational noise levels shall not exceed 85dBA L_{max} and 65 dBA L₁₀ (1 hour) between 0900 and 1700 hours except that these noise limits shall apply between 0900 and 1800 hours for official kart racing events that are fixed in the published annual calendar of the Christchurch Kart Club.
2. Operational noise levels of 85dBA L_{max} and 65 dBA L₁₀ (1 hour) shall apply between the hours of 1300 and 1700 on one weekday in each week that is fixed in the published annual calendar of the Christchurch Kart Club.

For the purpose of this rule

- All noise levels are to be applied at the notional boundary of a residential unit, where "notional boundary" is defined in NZS6801:1991 "Measurement of Sound" as . . . "a line 20 metres from the facade of any rural dwelling or the legal boundary where this is closer to the dwelling."
- Any reference to weekday shall mean between Monday and Friday excluding public holidays.
- "Official kart racing events" shall mean those that comply as a KartSport New Zealand race meeting with a status of Group A to Group G event . Such events are identified, sanctioned and conducted in accordance with the KartSport New Zealand rules.

(ii) Ruapuna Raceway

Operational noise levels of 90dBA L_{max} and 65dBA L₁₀ (1 hour) to apply between the hours of 0900 and 2200 hours on any day of the calendar year, except that:

- for up to 200 days in any calendar year, the permitted levels shall be 95dBA L_{max} and 80dBA L₁₀ (1 hour), between the hours of 0900 and 2300;
- for up to 15 of those 200 days, these activities shall be permitted up to 2400 hours;
- on up to 5 of those 200 days, no L_{max} level shall be applied.

All levels are to be applied at the boundaries of the Park. At all other times, the levels of the Open Space 3 Zone shall apply.

(b) Entertainment Precinct (Durham Street/ Cambridge Terrace/Oxford Terrace between Hereford and Lichfield Streets).

Development Standard

In the case of the Entertainment Precinct, shown in Part 11, Appendix 1 of these rules, the sound level from public entertainment activities measured or assessed on an hourly basis at the boundaries of the precinct shall not exceed 60dBA L₁₀ at any time.

(c) Outdoor amplified music concerts and events

Community standards

Any activities which exceed the standards specified below, shall be a **discretionary activity** .

(i) Notwithstanding the provisions of Clause 1.3.2, the following exceptions shall apply to outdoor concerts and events in Jade Stadium, Queen Elizabeth II Park and Addington Showgrounds.

In the case of outdoor amplified music concerts or events undertaken outside any buildings, not exceeding 3 days in any one calendar year, the sound level from activities on the land measured or assessed on an hourly basis at any one of the standard monitoring sites shall not exceed 65dBA L₁₀ between the hours of 0900 and 2230 on any occasion and the maximum sound level at such a point shall not exceed 85dBA L_{max} during such times. Outside these days and times the levels shall meet those for the rest of the relevant zone.

(ii) Notwithstanding the provisions of Clause 1.3.3 and Table 1 the following exceptions shall apply to outdoor concerts and events in Hagley Park, City Mall, Victoria Square, New Regent Street, Cathedral Square and the Entertainment Precinct (as shown in Part 11, Appendix 1 of these rules). For the purpose of this rule City Mall shall exclude that area which falls within the Entertainment Precinct.

In the case of outdoor amplified music concerts or events undertaken outside any buildings, the sound level from activities on the land measured or assessed on an hourly basis at or beyond the boundary of

the site shall not exceed 65dBA L₁₀ on any occasion and the maximum sound level at such a point shall not exceed 85dBA L_{max} during such times.

Hagley Park	20 days of which no more than 10 days shall include music events extending beyond 10.30 pm.
Cathedral Square	120 days of which no days shall include music events extending beyond 10.30 pm.
City Mall	80 days of which no days shall include music events extending beyond 10.30 pm.
Victoria Square	20 days of which no days shall include music events extending beyond 10.30 pm.
New Regent Street	20 days of which no days shall include music events extending beyond 10.30 pm.
Entertainment Precinct	20 days within which music events may extend to 10.30pm, and further that on up to 10 of those days, music events may extend to 11.30 pm

Outside these days and times the levels shall meet those for the rest of the appropriate zone, except in the case of the Entertainment Precinct where the levels of rule 1.3.4(b) shall apply.

For the purpose of this rule, any reference to "days" shall mean "days in any calendar year".

(iii) Notwithstanding the provisions of Clause 1.3.3 and Table 1 the following exceptions shall apply to outdoor recreational activities permitted by Part 8 Clauses 9.3.4 (a) in Areas A of the Special Purpose (Wigram) zone.

In the case of recreation events in the above areas not exceeding a total of 30 days in any one calendar year, provided that no more than three events be held in any one calendar month, the sound level from activities on the land measured or assessed on an hourly basis at or beyond the boundary of the site shall not exceed 65dBA Leq(1hr) between the hours of 0900 and 2230 on any occasion and the maximum sound level at such a point shall not exceed 85dBA L_{max} during such times. Outside these days and times the levels shall meet those for the rest of the appropriate zone.

Clarification of clause 1.3.4(c) :

For the purposes of this rule, "outdoor amplified music concert or event" means any activity for any purpose, and undertaken outside any buildings which principally involves the use of musical amplification which is clearly audible at any other site or place, and includes any amplification system checks but excludes events at which music or music amplification is incidental to the primary activity, or is absent. "Standard monitoring sites" means at or within the boundaries of any residential premises within the following parameters;

Jade Stadium:

- 350m to 550m from the southern boundary of the park;
- 20m to 230m from the eastern boundary;
- 200m to 500m from the northern boundary of the park.

Queen Elizabeth II Park:

- 20m to 130m from the north-eastern boundary of the park.

Addington Showgrounds:

- Within 200m of the north-east boundary of the showgrounds.

(d) Temporary and short term events

Community standard

Any activity which exceeds the standards specified above shall be a discretionary activity **except that** :

Notwithstanding the provisions of Clause 1.3.3 and Table 1, the following exceptions shall apply to temporary or short term community events involving amplified music in the Cultural 1 Zone (Arts Centre only); the Cultural 2, 3 and 4 Zones; the Open Space 3B Zone (Riccarton and Addington Racecourses only); and the Open Space 2 Zone.

(i) Between the hours of 0900 and 1900 the sound level measured or assessed on an hourly basis at or beyond the boundary of the site, shall not exceed 65dBA L₁₀ on any occasion, and the maximum sound level at such a point shall not exceed 85dBA L_{max} , and:

(ii) This exemption shall only apply on a maximum of 3 days in any one calendar year and one day per month; and outside these days and times the standards specified in the relevant zones (Clause 1.3.3 and Table 1) shall apply.

(e) Special Purpose (Landfill) Zone

Notwithstanding the provisions of Clause 1.3.3 and Table 1 the following exception shall apply:

Any activity, which does not comply with any one or more of the critical standards for Group 2 Zones under Clause 1.3.3, shall be a non-notified controlled activity, with the Council's control limited to noise effects on recreational and residential activities.

1.3.3 Noise Standards

Updated 16 November 2009

(a) Any activity which complies with any relevant development or critical standards specified in Table 1 shall be a permitted activity.

(b) Development Standards

Any activity which does not comply with any relevant development standards specified in Table 1 shall be a discretionary activity, with the exercise of the Council's discretion limited to matters related to noise.

(c) Critical Standards

Any activity which does not comply with any relevant critical standards specified in Table 1 shall be a non-complying activity.

(d) Explanation of Noise Standards in Table 1

For the purposes of these rules, when sound emissions from any activity are being calculated, measured or assessed, the following sound classifications and descriptions shall be used with reference to NZS 6801 : 1991 "Measurement of Sound":

- | | |
|---|-------------------|
| (i) Steady sound | L_{10} (1 hour) |
| (ii) Steady sound operating over a 24 hour period | L_{dn} |
| (iii) Steady sound level with stepped variations of level | L_{eq} (1 hour) |
| (iv) Cyclic sound | L_{eq} (1 hour) |
| (v) Fluctuating sound | L_{eq} (1 hour) |
| (vi) Any sound emission | L_{max} |
| (vii) "Daytime" means 0700 - 2200 hours, except in the Rural (Quarry) Zone where it means 0700 - 1800 hours Mondays to Saturdays inclusive. | |
| (viii) "Night time" means 2200 - 0700 hours, except in the Rural (Quarry) Zone where it means 1800 - 0700 hours. | |
| (ix) "Sunday" means any Sunday or other day defined in New Zealand law as a Sunday. | |

Table 1

	Development Standards				Critical Standards			
Group 1 Zones (including scheduled activities) Refer Clause 1.3.2 (a)		Daytime	Night-time	Ldn		Daytime	Night-time	Ldn
	L 10	49dBA	42dBA	50dBA	L 10	60dBA	48dBA	59dBA
	L eq	50dBA	41dBA		L eq	57dBA	49dBA	
	L max	75dBA	65dBA		L max	85dBA	75dBA	
Group 2 Zones (including scheduled activities) Refer Clause 1.3.2 (b)	N/A				L 10	60dBA	48dBA	59dBA
					L eq	57dBA	49dBA	
					L max	85dBA	75dBA	
Group 3 Zones		Daytime	Night-time	Ldn	N/A			
Refer Clause 1.3.2 (c)	L 10	60dBA	48dBA	59dBA				
	L eq	57dBA	49dBA					
	L max	85dBA	75dBA					
Rural (Quarry) Zone and Open Space 3D (Isaac Conservation Park) Zone ICP/Q Activity Area only	N/A					Daytime Mon-Sat	Night-time and Sunday	Ldn
					L 10	55dBA	40dBA	54dBA
					L max	n/a	75dBA	

43.3.9 Noise

<p>Noise from any activity is a permitted activity if:</p> <ul style="list-style-type: none"> a) Noise generated by the activity, measured at the boundary of any other site in the Environment, does not exceed: <ul style="list-style-type: none"> i. 55 dBA L_{10} at any time; and b) Noise generated by the activity, measured at the boundary of the nearest site in a Living Environment, does not exceed: <ul style="list-style-type: none"> i. 50 dBA L_{10} between the hours of 0700 and 2200; and ii. 40 dBA L_{10} and 65 dBA L_{max}, between the hours of 2200 and 0700, except for emergency service vehicles and the operation of emergency service call-out sirens; c) Except that noise generated by any temporary activity in the environment may exceed the above limits on 12 calendar days of every year, providing it does not exceed 65 dBA L_{10} and 75 dBA L_{max} in a Living Environment; and d) Except where expressly provided elsewhere in this Plan, sound levels shall be measured in accordance with NZS 6801:1991 Measurement of Sound and assessed in accordance with NZS 6802:1991 Assessment of Environmental Sound; and e) Air blast over pressure does not exceed 120 dBC (peak), measured at the notional boundary of any residential unit. 	<p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity except that any activity seeking to exceed noise limits for a temporary activity in condition (c) is a discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> i. Maximum level of noise likely to be generated; ii. The nature and frequency of the noise, including any special audible characteristics; iii. Effect on nearby residential activities or other potentially noise sensitive activities within the Environment; iv. Likely time of noise level exceedance; v. Mitigation measures to reduce noise generation; and vi. Those additional matters listed in Chapter 2.3.3 of the Plan.
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43.3.10 Construction Noise

<p>Noise from any activity is a permitted activity if:</p> <ul style="list-style-type: none"> a) Noise from construction, maintenance and demolition work, meets the limits in NZS 6803:1999 Acoustics – Construction Noise; and b) Sound levels are to be measured in accordance with NZS 6803:1999 Acoustics – Construction Noise. 	<p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> i. Those matters set out for Noise in Table 43.3.9 above.
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18.11 INNER COMMERCIAL ZONE

18.11.1 Permitted Activities

The following activities shall be permitted activities provided they comply with the General Rules, where applicable:

18.11.1.1 Residential accommodation both visitor and permanent

Provided that:

- a) Accommodation is not situated on the ground floor level;

18.11.1.2 Small retail activities where the gross floor area is less than 500m²

Provided that:

- a) Retail activities may include restaurants, facilities for the sale of liquor (including alterations and additions to existing licensed buildings and expansion of existing licensed activities).

18.11.1.3 Outdoor entertainment and outdoor cafes

Note:

Outdoor entertainment and outdoor cafes must also comply with The Public Places Bylaw, 1995.

18.11.1.4 Installation or alteration of antennas, or support structures (other than network utility activities)

Refer to Chapter 24 – definition of network utility structure. Refer to the rules for network utilities in Chapter 8.

18.11.1.5 Offices

18.11.1.6 Alterations or additions to existing external facades of buildings that comply with the general rules

Refer to 10.7 and 10.11 for rules relating to signs.

18.11.1.7 Spiritual facilities

18.11.1.8 Meteorological activities

Provided that:

- a) Associated structures shall have a ground coverage of 50m² or less; and have a height not exceeding 15 metres;
- b) Site area shall be 500m² or less.

18.11.1.9 Temporary activities

Provided that:

- a) The activity shall be exempt from all the General Rules except noise.
- b) The activity shall comply with rules for noise specified in Rule 11.13.3 (Table 8).
- c) The duration of the activity (excluding military training) shall be a maximum of four days including set-up and dismantling time.

- d) An individual or business may not undertake the same temporary activity more than once in 60 days, on the same site.
- e) Activities shall only be conducted between 0700 - 2200 hours, where the site is located in or adjacent to a residential zone.

Note:

Attention is drawn to the requirements of the Building Act 2004. The necessary consents in terms of health and safety, can be obtained from the Environmental Health and Building Inspectorates of Council.

18.11.1.10 Erection of new buildings

Provided that:

- a) The building is not visible from any street, public place or land zoned residential or reserve.

18.11.1.11 Educational institutions (including early learning and daycare centres)

Provided that:

- a) The activity is not located at ground floor level

18.11.1.12 Indoor entertainment activities

Provided that:

- a) On sites where a continuous street façade is identified, it shall be maintained. This shall be achieved by the location of other permitted activities, such as cafes, retail or offices on the front facade, with entertainment activities located at the rear of the site. Although an entrance to the entertainment activity shall be permitted at the front of the site.
- b) The activity may include facilities for the sale of liquor (including alterations and additions to existing buildings and expansion of existing licensed activities).
- c) On sites having frontage marked as "continuous street façade" on the urban planning maps, the design capacity of the activity shall not exceed that of retail activities when calculated in terms of the parking requirements set out in Rule 15.4.1 (Table 7).

Refer to Urban Planning maps for continuous street façade.

18.11.2 Controlled Activities

18.11.2.1 Erection of new buildings visible from any street, public place or land zoned residential or reserve

Council shall limit its control to the matters a) and b) specified below:

- a) Design guidelines in Appendix 23
- b) Amenity values

18.11.2.2 Alterations or additions to existing external facades of buildings (not listed in Appendix 3 or 4) that do not comply with the general rules

Council shall limit its control to the matters a) and b) specified below:

- a) Design guidelines in Appendix 23
- b) Amenity values

Refer to 3.16 for rules relating to heritage items in Appendix 3 and 4. Refer to 10.7 and 10.11 for rules relating to signs.

		<p>a. 7.00am – 10.00pm 75dBA L_{eq}</p> <p>b. 10.00pm – 7.00am 65dBA L_{eq} and 90dBA L_{max}</p> <p>ii. The sound level (L_{eq}) shall not exceed 80dB in the 63Hz octave band range within the allotment boundary</p> <p>iii. The noise level arising from any activity measured within the boundary of any residential environment site or the notional boundary of any rural environment site shall not exceed the following limits:</p> <p>a. 7.00am – 10.00pm 55dBA L_{eq}</p> <p>b. 10.00pm – 7.00am 40dBA L_{eq} and 75dBA L_{max}</p> <p>iv. The noise levels shall be measured in accordance with the requirements of NZS6801:1999 Acoustics – Measurement of Environmental Sound and assessed in accordance with the requirements of NZS6802:1999 Assessment of Environmental Sound.</p> <p>v. All construction noise shall meet the requirements of New Zealand Standard NZS 6803:1999 Acoustics – Construction Noise.</p>
4c.1.8	Parking, Loading, and Access	In accordance with Section 6: Parking Loading and Access
4c.1.9	Signage	Must relate to the activity undertaken on the allotment.
4c.1.10	Maximum Odour	<p>i. There shall be no discharge of offensive or objectionable odour at or beyond the boundary of a site.</p> <p>ii. In determining whether an odour is offensive or objectionable, the Council shall have regard to the assessment guide contained in 7.7.</p> <p>Note: The Regional Council may also require that resource consent be obtained for discharges to air (including odour discharges).</p>
4c.1.11	Stormwater	<p>i. All stormwater from buildings and impermeable surfaces is to be disposed of on-site to meet a 10 year return period of 1 hour duration (45mm).</p> <p>ii. The function of existing secondary flow paths across the allotment shall be retained and the existing discharge point off the site shall remain unaltered as to position.</p> <p>iii. EXCEPTION: Stormwater from impermeable surfaces can be disposed of via a primary or secondary stormwater drainage system within an area identified on the Planning Maps as a Stormwater Disposal Area, provided Council authorisation has been given.</p>

4c.2 General Rules

4c.2.1 Any activity that:

- complies with all of the Performance Standards for the Town Centre Environment; and
- complies with all the District Wide Performance Standards, and
- is not identified as a discretionary activity within the Town Centre Environment; and

- iv. is not identified as a controlled, restricted discretionary or discretionary activity within the District Wide Rules,

is a **permitted activity**.

4c.2.2 Any temporary activity, being an activity of up to a total of three operational days in any one calendar year, which exceeds any performance standard(s), is a **permitted activity**, provided that:

- i. There are no new permanent structures constructed; and
- ii. Once the activity has ceased, the site (including vegetation and the surface of the ground of the site) is retained or re-instated to its condition prior to the activity commencing; and
- iii. An allowance of five non-operational days associated with the activity is not exceeded, during which time any breach of any performance standard(s) shall only be to the extent reasonably necessary to undertake any relevant aspect of the activity.

4c.2.3 Any activity which does not comply with one or more of the development control performance standards for permitted activities, is a **restricted discretionary** activity, with Council's discretion being restricted to only the matters on non-compliance specified in that standard.

4c.2.4 Any redevelopment which requires an increase in vehicle trips by 20 equivalent vehicle movements ^{See definitions} per day from a service lane is a **discretionary activity**.

4c.2.5 Any activity that is not a permitted, controlled activity or restricted discretionary activity, is a **discretionary activity**

4c.3 Subdivision Rules

4c.3.1 Provided that the activity has not been identified as a Restricted Discretionary, Discretionary or Non Complying activity by another rule in the plan, any subdivision in the Town Centre Environment which demonstrates compliance with all of the performance standards for the proposed future land use, or for which a land use resource consent has already been granted, is a **controlled activity**.

4c.3.2 Any subdivision of land for the sole purpose of providing for infrastructure, or access lots is a **controlled activity**.

For the purposes of Rule 4c.3.1 and 4c.3.2 the matters over which the Council reserves control for the purpose of assessment are:

- a. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, suitable building platforms to accommodate future complying buildings, and adequate management of stormwater.
- b. The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's Development Guidelines and Structure Plans.
- d. The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.
- e. Any actual or potential effects on areas or features of cultural, historic, landscape or natural value as identified in the plan.
- f. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.

RULES

All rules apply throughout the city but over-ride the relevant specific zone rules and district wide rules, unless otherwise stated.

DISTRICT WIDE TEMPORARY EVENTS – ACTIVITY TABLE

PERMITTED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities
<p>54.4 Temporary Activities Incidental to Building and Construction Works</p> <p>1. Any temporary activity for such purposes as a temporary office, storage shed, storage yard, builders' workshop, safety fences, and other similar buildings and uses of land that are incidental to a building or construction project is a permitted activity provided that:</p> <p>a) The length of time for the temporary activity must not exceed the duration of the building or construction project or 12 months, whichever is the lesser.</p> <p>b) Any building incidental to a building or construction project must not exceed 50m² in gross floor area.</p> <p>c) All buildings must comply with the yards, height and height in relation to boundary conditions in the respective zone's condition table.</p>	<p>The Council will restrict its discretion to the matters in Rule 54.10 including the following:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The duration of the temporary activity. - The extent to which buildings and structures can be mitigated by screening or other remedial measures. - The effects on infrastructural services.
<p>54.5 Carnivals, Circuses, Exhibitions, Festivals, Filming, Meetings, Parades, Recycling Depots, Sporting Events</p> <p>1. Any temporary activity for such purposes as carnivals, circuses, exhibitions, festivals, filming, meetings, parades, recycling depots, sporting events and similar purposes, including commercial activities ancillary to the activity, but excluding concerts, musical and theatrical festivals and entertainment, is a permitted activity provided that:</p> <p>a) The number of temporary activities that may occur on any one site in a calendar year must not exceed 5.</p> <p>b) Occupation of the site for the erection and removal of all structures and land uses associated with the temporary activity must not exceed 12 days in total.</p> <p>c) The duration of the temporary activity (including onsite accommodation) must not exceed a period of 3 days.</p> <p>d) All associated buildings and structures must comply with the yards and height in relation to boundary conditions in the respective zone's condition table.</p> <p>e) Any amplified sound equipment must not be operated during the following hours:</p> <p>Sunday to Thursday inclusive 2200 hours to 1000 hours (the following day).</p> <p>Fridays and Saturdays 2400 hours to 1000 hours (the following day).</p> <p>Except that on 1st January of any calendar year, this is extended from 0100 hours.</p>	<p>The Council will restrict its discretion to the matters in Rule 54.10 including the following:</p> <ul style="list-style-type: none"> - The effects of traffic on the surrounding area. - The effects on parking in the surrounding areas. - The extent to which buildings and structures can be mitigated by screening or other remedial measures. - The hours of operation, duration and frequency of the temporary activity. - The effects (including cumulative effects) on amenity values. - The effects on infrastructural services. - The effects on heritage values.

<p>f) Any sound checks that include testing and balancing of sound systems, sound equipment and vocal checks by performers must not:</p> <ul style="list-style-type: none"> i) Exceed a cumulative period of 6 hours. ii) Commence before 0900 hours on any day and shall be completed by 1900 hours on the day of the temporary activity. <p>g) When an activity requires access from a State Highway the activity must comply with the Traffic Access Sight Lines diagram in Appendix 21 and all parking must be provided onsite.</p> <p>NOTE: There is no onsite parking requirements in respect of temporary activities where access is from roads other than a State Highway.</p> <p>NOTE: This rule shall not apply to sporting events within the Sports Park Zone.</p>	
<p>54.6 Concerts, Musical and Theatrical Festivals/Entertainment</p> <p>1. Any temporary activity for such purposes as concerts, musical and/or theatrical festivals/entertainment and similar purposes, including commercial activities ancillary to the activity, is a permitted activity provided that:</p> <ul style="list-style-type: none"> a) The number of temporary activities that may occur on any one site in a calendar year must not exceed 5. b) Occupation of the site for the erection and removal of all structures and land uses associated with the event must not exceed 12 days in total. c) The duration of the event (including onsite accommodation) must not exceed a period of 24 hours. d) All associated buildings and structures must comply with the yards and height in relation to boundary conditions in the respective zone's condition table. e) Any associated amplified entertainment must not operate during the following hours: <ul style="list-style-type: none"> Sunday to Thursday inclusive 2230 hours to 1000 hours (the following day). Fridays and Saturdays 2400 hours to 1000 hours (the following day). <p>Except that on 1st January of any calendar year, this is extended from 0100 hours.</p> f) Any sound checks that include testing and balancing of all sound systems, sound equipment and vocal checks by performers must not: <ul style="list-style-type: none"> i) Exceed a cumulative period of 6 hours. ii) Commence before 0900 hours on any day and shall be completed by 1900 hours on the day of the temporary activity. g) Any noise arising from the temporary activity must not exceed a limit of 90 dBA L₁₀ at any point beyond the site boundary. 	<p>The Council will restrict its discretion to the matters in Rule 54.10 including the following:</p> <ul style="list-style-type: none"> - The effects of traffic on the surrounding area. - The effects on parking in the surrounding areas. - The extent to which buildings and structures can be mitigated by screening or other remedial measures. - The hours of operation, duration and frequency of the temporary activity. - The effects (including cumulative effects) on amenity values. - The effects on infrastructural services. - The effects on heritage values.

<p>h) When an activity requires access from a State Highway the activity must comply with the Traffic Access Sight Lines diagram in Appendix 21 and all parking must be provided onsite.</p> <p>NOTE: There is no onsite parking requirements in respect of temporary activities where access is from roads other than a State Highway.</p>																
<p>54.7 Temporary Military Training Exercises</p> <p>1. Any temporary activity for the purposes of a military training exercise is a permitted activity provided that:</p> <p>a) The duration of the training exercise must not exceed a period of 31 days.</p> <p>b) The training exercise must not require the construction, erection or placement of any permanent structure.</p> <p>c) The training exercise must not require permanent or mechanical earthworks, unless stated by a rule elsewhere in this Plan.</p> <p>d) All military training exercises must be conducted so as to ensure the noise limits in the following table are not exceeded at any point within the notional boundary of any residential activity, or education facility:</p> <table><tr><td>Time on any day</td><td>L₁₀ dBA</td><td>L_{max} dBA</td></tr><tr><td>0600 hours to 0730 hours</td><td>60</td><td>75</td></tr><tr><td>0730 hours to 1800 hours</td><td>75</td><td>90</td></tr><tr><td>1800 hours to 2000 hours</td><td>70</td><td>85</td></tr><tr><td>2000 hours to 0600 hours (the following day)</td><td>55</td><td>75</td></tr></table> <p>Provided that:</p> <p>i) The notional boundary is defined for the purposes of this rule as a line 20 metres from the facade of any dwelling unit or the site boundary where this is closer to the dwelling unit.</p> <p>e) Any impulsive noise arising from any use of explosives, ammunition, or pyrotechnics at any time, must not exceed a peak sound pressure level of 122 dBC.</p> <p>NOTE: The term "peak sound pressure level" expressed in dBC means the peak C-frequency weighted sound level and is a non-RMS value and different to L_{max} cited elsewhere in this Plan.</p> <p>f) The noise limits in rule 54.7.1(d) will not apply on not more than two occasions in any 12 month period where any exhibition or demonstration of military activities is open to the public and held between 1000 hours and 1700 hours.</p> <p>g) When an activity requires access from a State Highway the activity must comply with the Traffic Access Sight Lines diagram in Appendix 21 and all parking must be provided onsite.</p> <p>NOTE: There is no onsite parking requirements in respect of temporary activities where access is from roads other than a State Highway.</p>	Time on any day	L ₁₀ dBA	L _{max} dBA	0600 hours to 0730 hours	60	75	0730 hours to 1800 hours	75	90	1800 hours to 2000 hours	70	85	2000 hours to 0600 hours (the following day)	55	75	<p>The Council will restrict its discretion to the matters in Rule 54.10 including the following:</p> <ul style="list-style-type: none">- The effects on amenity values.- The effects on heritage values.- The duration of the training exercise.- The effects of any permanent structures and earthworks.- The effects on public health and safety.- The measures to avoid, remedy or mitigate any adverse effects on the environment.- The sound level likely to be generated.- The nature and frequency of the noise including any special audible characteristics.- The length of time for which specified noise levels is exceeded, especially at night.
Time on any day	L ₁₀ dBA	L _{max} dBA														
0600 hours to 0730 hours	60	75														
0730 hours to 1800 hours	75	90														
1800 hours to 2000 hours	70	85														
2000 hours to 0600 hours (the following day)	55	75														

<p>54.8 Temporary Network Utility Operations</p> <p>1. Any telecommunication or radio communication activity associated with an activity permitted by rules 54.5 or 54.6 of this chapter is a permitted activity, provided that:</p> <p>a) The duration of the activity shall be limited to no more than two days prior to the commencement of the temporary activity being serviced, and shall be removed from the site no more than two days after the temporary activity being serviced has completed.</p> <p>b) The Temporary Network Utility Operation must comply with Rule 53.22 Radio Frequency Exposures in the Network Utility Operations Condition Table.</p>	<p>The Council will restrict its discretion to the matters set out in Rule 53.12 of the Network Utilities Chapter.</p>
<p>CONTROLLED ACTIVITIES</p>	<p>Matters the Council will restrict its discretion to for restricted discretionary activities.</p>
<p>54.9 Controlled Activities</p> <p>1. There are no controlled activities in respect of temporary activities.</p>	
<p>RESTRICTED DISCRETIONARY ACTIVITIES</p>	<p>Matters the Council will restrict its discretion to for restricted discretionary activities.</p>
<p>54.10 Land Uses Not Complying With Conditions</p> <p>1. Any subdivision, use or development of land referred to in Rules 54.4 to 54.8 that does not comply with all of the relevant conditions in the Temporary Activities activity table is a restricted discretionary activity, unless stated by a rule elsewhere in this Chapter.</p>	<p>The Council will have regard to the relevant objectives and policies of the Plan and will restrict its discretion to:</p> <ul style="list-style-type: none"> - The matters identified in the second column of the Temporary Activities activity table. - The cumulative effect of non-compliance with more than one condition. - The matters set out in Chapter 1.6.5.
<p>DISCRETIONARY ACTIVITIES</p>	
<p>54.11 Discretionary Activities</p> <p>1. There are no temporary activities that are a discretionary activity.</p>	
<p>PROHIBITED ACTIVITIES</p>	
<p>54.12 Prohibited Activities</p> <p>1. There are no temporary activities that are a prohibited activity.</p>	

54.13 PRINCIPAL REASONS FOR RULES**1. Temporary Activities Incidental to Building and Construction Works.**

The occurrence of building and construction work throughout the City is widespread. Often associated with such works are temporary buildings, structures and area of land serving as storage, workspaces, offices, safety and security barriers and the like. The rule enables the temporary use of land and buildings for such purposes where they are incidental to any building or construction project. The conditions ensure that the duration of the temporary activity is finite and that in particular, any buildings and structures do not adversely affect the amenity values of the surrounding area.

2. Temporary Activities, including Carnivals, Exhibitions, Festivals, Filming, Meetings, Parades, Recycling Depots and Sporting Events

Provision has been made for the occurrence of these types of Temporary Activities, that are not otherwise provided for by Plan rules. This rule provides flexibility for a range of temporary land uses recognising the need for a range of public and private entertainment and celebratory land uses. The conditions apply as the Council recognises that there are potential adverse effects from such land uses, which need to be avoided, remedied or mitigated. The duration and frequency of such temporary events are limited to ensure that effects on the environment arising from prolonged and frequent events are avoided. These conditions also ensure that the effects on the local environment, particularly residential areas, are addressed.

3. Temporary Activities, including Concerts, Musical and Theatrical Entertainment.

The occurrence of these types of Temporary Activities is permitted provided certain conditions are met. The Council considers that the effects associated with the event, ie: effects on traffic, parking, noise, visual and amenity will be of a limited duration and therefore will be more tolerable to people. However, the frequency of such events on any one site can create adverse cumulative effects on surrounding land uses, particularly impacting on amenity values. The conditions for temporary activities such as concerts and entertainment, establish limits on the hours of operation and acceptable noise levels for the concerts and entertainment to ensure that the level and duration of these land uses does not cause more than minor adverse effects on the health, wellbeing and amenity values of the surrounding environment.

4. Temporary Military Training Exercises

Temporary military training exercises are provided for in most areas of the City as permitted activities, subject to certain conditions. Given the variety of exercises that the defence forces engage in, only a selection may have the potential to adversely effect the environment and surrounds in which the training exercises are undertaken. To ensure that any such adverse effects are appropriately managed, conditions have been imposed to limit the duration of military exercises and other effects that arise from some training exercises.

Some land uses associated with military training exercises are inherently noisy, but are of a temporary nature. Given that military training exercises are of some importance to the community in preparation for defence, emergency, and recovery purposes, temporary noise from such land uses is generally more tolerable to people.

The Plan has established limits to ensure that noise associated with temporary military training exercises does not exceed levels at given times which may cause adverse effects on the health, wellbeing and amenity values of the surrounding environment.

Rule 3.5 Temporary Activities

Rule Statement

This rule provides for temporary buildings and activities that might not be otherwise provided for within this District Plan. The rule clarifies the status of temporary buildings, structures, tents etc which may be required for temporary activities or for construction purposes, and also the status of other temporary activities like fairs and concerts. It is intended to provide for these uses in a flexible manner while mitigating and remedying any adverse effects on the environment.

Expected Outcome

Reasonable allowance made for temporary and transitory activities without significant adverse effects on the environment.

Means of Compliance

The following rules shall be read in conjunction with the standards and performance assessments in the relevant zone, and all other rules in the plan.

The activity status and standards in this rule may be modified by Overlay Rules in [Rule Section 2.0](#).

The activity status of a Permitted or Controlled Activity may be altered from the activity list below where the activity cannot meet one or more of the standards in this rule. For clarification of activity status, see [Rule 3.5.4](#) — Failure to Meet Standards.

Regard must be had to all Objectives and Policies which may be relevant to any proposed activity subject to this Rule. This includes, but shall not be limited to, Policy Section 7.4 Noise.

3.5.1 Activities

a) Permitted Activities

The following activities are Permitted Activities provided they comply with the standards in [Rule 3.5.2](#) and the relevant standards in [Rule 3.5.3](#) and where they are not otherwise provided for as a Permitted or Controlled Activity under this District Plan. Where otherwise provided for as a Permitted or Controlled Activity, the other District Plan provisions shall apply to the exclusion of these provisions.

- Temporary Structures and Works accessory to a event
- Temporary Structures and Works; incidental to a construction project
- Events
- Temporary landing/takeoff points for helicopters.

3.5.2 General Standards

The following general standards apply to all Permitted Activities.

a) Temporary Structures and Works Accessory to an Event

- i) All structures and other works, shall be removed and the site returned to its original condition 5 working days after the activity has ceased.
- ii) All structures and works shall be setback from the boundary in accordance with the relevant setbacks for the zone in which they are located.

3.5.3 Specific Standards

The following standards apply to the activities specified below.

a) Structures and Storage Incidental to a Construction Project

- i) Where the structures and storage are incidental to a construction project, the construction project shall be for an activity permitted by the plan or for an activity which has an approved resource consent.
- ii) Where structures and storage are incidental to a construction project all facilities shall be removed 6 months after the end of the project or after 12 months, whichever is earlier.

All other relevant building standards for the zone in which they are located shall be complied with.

b) Events

The following specific standards apply to events, excluding events on the Waikato River (refer to Rule 3.4 Activities on the Surface of Water).

- i) The total duration of all events on the site (excluding preparation time) shall not exceed 48 hours in any calendar year.
- ii) Total number of persons attending the event at any one time shall not exceed 1,000.
- iii) Events shall take place within the following hours:
 - 0700hr — 2230hr Sunday to Thursday
 - 0700hr — 2400hr Friday and Saturday

c) Temporary Landing/Takeoff Points for Helicopters

- i) Temporary landing/takeoff points for a helicopter for emergency purposes is permitted without being subject to further controls.
- ii) Temporary landing/takeoff points for helicopters for construction work is permitted, as required, for the duration of the construction work.
- iii) Temporary landing/takeoff points for helicopters on a site for any other activity shall not exceed a total of 5 days in any twelve month period, with a maximum consecutive use of 48 hours duration.

3.5.4 Failure to Meet Standards

- a) Activities which do not comply with any performance standard in Rule 3.5.2 or Rules 3.5.3 a) or b) are **Discretionary Activities**.
- b) Activities which do not comply with Rule 3.5.3 c) are **Non-Complying Activities**.

Performance Assessment

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, and to the following.

3.5.5 Assessment Criteria – Discretionary Activities

Discretionary activities will be assessed against, but not limited to, the assessment criteria below.

a) Events

- i) The extent to which the proposed hours of operation for the event would detrimentally affect the amenity of surrounding areas.
- ii) The extent to which an extension of the permitted duration of the event will have an adverse effect on the amenity of the surrounding area.
- iii) Whether the scheduling of events and the time elapsed between them adequately avoids or mitigates possible cumulative adverse effects on the amenity of the surrounding area.
- iv) The extent to which vehicular traffic and related parking generated by the activity is accommodated without loss of amenity, safety or causing traffic congestion.
- v) The extent to which the siting of structures would result in adverse effects on adjoining properties.

b) Scale, Siting and Design of Facilities Incidental to a Construction Project.

- i) The extent to which the scale and design of any facilities is compatible with the amenity of the surrounding area.
- ii) The extent to which the siting of any facility mitigates any adverse effect on the amenity of the surrounding area.
- iii) The extent to which an extension of the permitted duration of any facilities will have an adverse effect on the amenity of the surrounding area.
- iv) The extent to which any adverse amenity effect created by any facilities can be mitigated by landscaping and screening.