

2012

Monitoring Report for Section 19 of the District Plan

Relocated buildings

Temporary activities ancillary to building and construction

Temporary military training

Temporary storage

Temporary events

Temporary utilities



Policy and Planning

Queenstown Lakes District Council

January 2012

Executive Summary

Section 19 of the Queenstown Lakes District Plan relates to six types of temporary activities:

1. Relocated buildings
2. Temporary activities ancillary to building and construction work
3. Temporary military training
4. Temporary storage
5. Temporary events
6. Temporary utilities

This monitoring report is in accordance with section 35 of the Resource Management Act and assesses the effectiveness and efficiency of the Section 19 objectives, policies, rules and assessment matters.

With regard to the Section 19 objectives and policies, monitoring has found the single objective to be too general to be effective, as it largely repeats section 5 of the Resource Management Act. The two policies were found to be only moderately effective because they are directed at the Council as plan writer, rather than providing meaningful guidance for processing consents that fall outside of the permitted temporary activity limits.

A number of areas of uncertainty were found with regard to the Section 19 rules. A number of sections were confusing or unclear, and minor changes would significantly enhance effectiveness. The reference to Clause G1 of the Building Code for determining the number of toilets at outdoor events was confirmed to be incorrect by the Department of Building and Housing.

The large number of assessment matters were also reviewed, and a number were identified as being covered under separate legislation, and could be removed.

The monitoring report concludes with a summary of ten key findings that should be further considered as part of the section 32 process associated with the District Plan review.

Contents

1.	Introduction	4
2.	What is Section 19 of the District Plan	4
3.	How was Section 19 created?	5
4.	How much activity does Section 19 enable?	5
4.1	Relocated Buildings	5
4.2	Temporary Buildings Ancillary to Building and Construction Work	6
4.3	Temporary Military Training	6
4.4	Temporary Storage	6
4.5	Temporary Events	6
4.6	Temporary Utilities	7
5.	How many Section 19 temporary activities have occurred?	8
6.	What does Section 19 seek to achieve?	9
7.	How effective are the Section 19 Objective, Policies, Rules and Assessment Matters?	9
7.1	Effectiveness of the Objective	9
7.2	Effectiveness of the Policies	9
7.3	Effectiveness of the Rules	10
7.3.1	Rules relating to Relocated buildings	11
7.3.2	Rule Relating to Temporary Military Training	13
7.3.3	Rule Relating to Temporary Storage	13
7.3.4	Rules Relating to carnivals, fairs, galas, market days, tents and marquees, meetings, exhibitions, parades, rallies, filming, cultural and sporting events, concerts, shows, musical and theatrical festivals and entertainment.	13
7.3.5	Rules relating to Temporary Utilities	15
7.3.6	Site Standard – Glare	16
7.3.7	Site Standard – Sanitation	16
7.4	Effectiveness of the assessment matters	17
7.5	Notification / non-notification provisions	21
7.6	Section 19 rules being missed	21
8.	How efficient are the Section 19 provisions?	22
8.1	How many resource consents have been triggered?	22
8.2	Average cost of processing resource consents (2003–2011)	23
8.3	Notification / Non-notification of applications	24
8.4	Summary with regard to efficiency	25
9.	Conclusion	25

1. Introduction

Section 35 of the Resource Management Act states that:

***Every local authority shall monitor-
...[(b)] the efficiency and effectiveness of policies, rules, or other methods....***

and take appropriate action (having regard to the methods available to it under this Act) where this is shown to be necessary.

This report fulfils the requirements of section 35(b) in relation to the Section 19 of the Queenstown Lakes District Plan, which manages relocated buildings, temporary buildings and temporary activities. This report monitors the effectiveness and efficiency of the Section 19 objectives, policies and rules. The assessment matters and notification provisions have also been monitored.

Findings in this report will assist in informing the review of the Queenstown Lakes District Plan, due to be publicly notified in October 2013.

2. What is Section 19 of the District Plan

Section 19 covers the following six activities:

1. Relocated buildings
2. Temporary activities ancillary to building and construction work
3. Temporary military training
4. Temporary storage
5. Temporary events
6. Temporary utilities

The 'purpose' statement for section 19 states:

This rule has been included to provide clarity of and flexibility for temporary activities within the District that are limited in either scale or duration and have no more than minor effects.

The 'purpose' statement is somewhat unclear as it refers to a single 'rule' and does not recognise that some Section 19 activities such as relocated buildings are not necessarily temporary.

3. How was Section 19 created?

A District Plan Section on relocated buildings, temporary activities and temporary events was created as part of the 1995 Proposed District Plan. There were only three submitters on this section of the plan, being the Ministry of Defence, the Ministry of Education, and Southern Crown Health Enterprise.

It soon became apparent that the provisions were very limited in terms of temporary activities, given the number and type of temporary activities taking place within the District. Variation 10 was therefore initiated, and the decision was issued in February 2003. One appeal was received from Remarkables Park Limited (RPL). RPL sought that parts of the Remarkables Park Special Zone be excluded from the limits on the number of persons who can attend indoor and outdoor events. Section 19 was made fully operative seven months later by the Environment Court in decision C134/2003 on 22 September 2003.

4. How much activity does Section 19 enable?

A summary of what is currently enabled by Section 19 is set out below:

4.1 Relocated Buildings

Any relocated building (except those related to building and construction work, or accessory buildings under 30m²) requires a discretionary activity consent. It must also comply with the normal site and zone standards relating to setbacks from boundaries that apply in the zone to which it is being relocated.

Figure 1: Example of a consented relocated building – the former Millers Flat Church, Arrowtown



4.2 Temporary Buildings Ancillary to Building and Construction Work

Temporary buildings associated with building and construction work are permitted provided that they do not exceed 50m² in gross floor area and are limited to a duration of 12 months or the duration of the construction period, whichever is the lesser.

Figure 2: Examples of temporary buildings ancillary to building & construction work



4.3 Temporary Military Training

Temporary buildings and the activity of temporary military training carried out pursuant to the Defence Force Act 1990 are permitted. A 12 month limit applies.

4.4 Temporary Storage

Any temporary storage or stacking of goods or materials, other than for farming purposes, is permitted provided that it does not remain on site for longer than 3 months.

4.5 Temporary Events

The following temporary activities are permitted

1. carnivals,
2. fairs,
3. galas,
4. market days,
5. tents and marquees,
6. meetings,
7. exhibitions,
8. parades,

9. rallies,
10. filming,
11. cultural and sporting events,
12. concerts,
13. shows,
14. musical and theatrical festivals and entertainment,
15. tents and marquees and
16. uses similar in character

provided that:

- (a) There is a limit of 500 people for an activity within a building
- (b) There is a limit of 200 people for an activity undertaken outside
- (c) The activity does not remain on site for longer than 7 days
- (d) The activity complies with the relevant noise standards of the zone

If any of (a) – (d) are exceeded, the application becomes a discretionary activity.

Figure 3: Temporary events which required resource consent – Winter Festival & a market day near Earnslaw Park



4.6 Temporary Utilities

Temporary utilities required for emergency service, or that are ancillary to temporary activities such as events, are permitted provided that they do not exceed 10m in height or remain on site for longer than 3 months.

Figure 4: Temporary cellphone tower being erected in California to assist fire fighting



5. How many Section 19 temporary activities have occurred?

Using a keyword search (because temporary activity rules are not zone based) revealed that over the last 10 years (2002 – 2011) the following numbers of resource consents relating to Section 19 temporary activities have been granted:

Section 19 Activity*	Number of consents found using keyword search between 2002 – 2012
Relocated buildings (discretionary activity)****	126
Temporary Buildings ancillary to building and construction work that exceed permitted size / time limits	1
Temporary Military Training that exceeded 12 months or involved buildings on site for longer than 12 months	0
Temporary storage (which exceeds size or time limits)	3
Temporary Events (which may include temporary buildings) that exceed permitted limits on numbers / noise / duration ** ***	71
Temporary utilities that exceed 10m in height or are not ancillary to other permitted temporary activities	2
TOTAL	205*

NOTE:

* A keyword search relies on certain words being used in the description of the application. If a keyword like 'event' is missing, it will not show up in the search.

** Some consents are for more than one event.

***A number of consents for events were withdrawn as they were not lodged / issued prior to the event taking place.

**** Generally excludes variations and outline plans of works.

6. What does Section 19 seek to achieve?

Section 19 has just one objective as set out below, despite the section of the District Plan relating to six distinct temporary activities:

Objective 1 – Amenity

Relocatable buildings, temporary buildings and temporary activities located and operated to minimise any adverse effects on the environment.

7. How effective are the Section 19 Objective, Policies, Rules and Assessment Matters?

7.1 Effectiveness of the Objective

The single objective for Section 19 is set out in the section above. The objective is not very effective due to its generality.

The objective adds little to, and effectively repeats section 5 (purpose) of the Resource Management Act, which requires adverse effects to be avoided, remedied or mitigated. The heading for Objective 1 also states ‘amenity, when the wording of the objective actually relates to “any adverse effect on the environment”, not just amenity effects.

Due to its generality, it does not provide a clear objective in terms of what the Council is seeking to achieve for each of the six distinct temporary activities. It identifies the three separate activities that together cover the six matters managed under Section 19, and simply seeks to ‘minimise any adverse effects on the environment’, which is very general.

While all of the six activities covered by section 19 are temporary, they do generate different effects and have different issues that the objective does not deal with.

7.2 Effectiveness of the Policies

The two policies for Section 19 of the District Plan are set out below with a comment on each.

- 1 *To require consent to a discretionary activity for the external appearance of any relocatable building, with emphasis on compatibility with the amenity of the surrounding locality.***

This policy is considered to be moderately effective.

The first part of the policy is indeed achieved, in that a discretionary consent is required for relocatable buildings. However the first part of the policy is not really a policy, or is unnecessary, because the rules determine the activity status of applications, not the policies.

The second part of the policy does provide some guidance for applications, emphasising that they need to be compatible with the amenity of the surrounding locality.

- 2 *To set detailed rules for the time limit, size of temporary buildings and operation of temporary activities.***

This policy is ineffective. It is directed at the Council as plan writer, rather than providing direction for the processing of resource consent applications.

There are indeed detailed rules about time limits and size of temporary buildings, and the operation of temporary activities, but there is no statement or policy guidance for determining those resource consent applications that break the rules. As noted in the following section, Section 19 also lacks a clear direction as to what activity status is given to temporary activities that break size or time limits, or a clear statement that if the limits are exceeded, the activity is no longer 'temporary', and the zone rules apply.

7.3 Effectiveness of the Rules

At a general level, a problem exists with the rules in that it is unclear what activity status is given to an application that breaches the limits for any of the six temporary activities that are managed. For example, Rule 19.2.2.3(c) relates to temporary storage and states:

Any temporary storage or stacking of goods or materials, other than for farming purposes, that does not remain on the site for longer than 3 months and does not exceed 50m² in gross floor area.

If someone wants to store something for more than 3 months, Section 19 of the District Plan does not tell the reader what the activity status becomes. Lakes Environmental have interpreted this by saying that the zone provisions then apply. E.g. if the storage is for longer than 3 months, but the site is in an Industrial zone, you go to the rules of the Industrial zone, and it is therefore permitted, as storage is part of an industrial activity. Section 19 is deficient in that it does not give the reader a clear direction as to what happens when the permitted activity rules are exceeded.

Section 19 has two site standards. Section 19 also does not have the normal statement that any activity which breaches a site standard requires consent as a restricted discretionary activity.

7.3.1 Rules relating to Relocated buildings

A number of issues have been identified regarding the effectiveness of the rule relating to relocated buildings:

1. This rule (19.2.1.2) states that “any” relocated building requires resource consent as a discretionary activity. The only exception is for accessory buildings under 30m², “except where located in the front yard of a site in any residential zone”. This exception was presumably provided so that a garden shed or similar structure could be relocated within a site without having to get a resource consent.

However this exception has meant that shipping containers can be located on a residential property without a consent, so long as it is not located in the front yard, complies with the required setbacks from boundaries (from which accessory buildings are often exempt), and is less than 30m².

This has come as a surprise to some residents, and does seem inconsistent with rules relating to temporary activities ancillary to building and construction work (refer below), which are only allowed to be on site for the duration of a construction period, or 12 months, whichever is lesser. As a shipping container is not ‘residential’ in appearance, unlike a garden shed, and consequently it can give rise to adverse effects on amenity values that were not necessarily anticipated when the rule was written. This should be considered as part of the District Plan review.

Figure 5: A permitted relocated building near a boundary in a residential zone.



2. A number of consents were issued for relocating a building *within* a site. For example, moving a house on a section to subdivide it and fit another house in. In situations such as this, where a building is already located on a *site*, and provided the new location of the building meets the required setbacks from boundaries, consideration could be given to making this type of relocation a permitted activity. This would reflect the fact that the building being relocated

within a site was already lawfully established on the site, and could comply with the relevant bulk and location controls in its new position.

3. The intent of the relocated building rule was presumably to ensure an older building with a poor external appearance was not relocated into a newer area that would give rise to adverse effects on amenity values. However consent for a relocated building is also required if a dwelling is constructed *off-site* as a new-build, and relocated onto the property, the rule stating “any” relocated building requires consent. Consideration could be given to whether new builds that have been constructed elsewhere should require a relocated building consent. Lakes Environmental are currently interpreting the District Plan in a way that ‘new builds’ relocated on to a site do not require consent.
4. The District Plan definition of what is a ‘building’ is relevant. A number of problems have been identified with the current definition and its application to things such as permanently occupied caravans.
5. Rule 19.2.1.2 sits at the front of the rules section, separate from the other rules. Consequently it can be missed by readers of the District Plan, and should be moved to sit with the other rules.

7.3.1 Rules Relating to Temporary Activities Ancillary to Building and Construction Work

This rule states that:

Any temporary building, office, storage shed, workshop, scaffolding, safety fences and other similar buildings and activities that are:

- *Ancillary to a building or construction project and located on the same site; and*
- *Do not exceed 50m² in gross floor area; and*
- *Are limited to the duration of the construction project, or a period of 12 months, whichever is lesser.*

The effectiveness of this rule is limited for a number of reasons:

- a. It limits the placement of temporary buildings to a maximum of twelve months. However temporary buildings associated with construction activity are an anticipated part of a construction activity. As a site under construction is in a state of flux, the 12 month limit seems arbitrary, because adverse effects will not suddenly arise after twelve months when a 2 – 3 year construction project is underway.
- b. The time limit however has positives when considering a site such as “Hendo’s Hole” at Five Mile, where construction activity has been abandoned for several years. Without a time limit, the temporary buildings could remain on site indefinitely.

- c. A further issue relates to the size limit of 50m². This would be quite small for larger construction sites that involve multiple contractors, for example Kowarau Falls Station.

7.3.2 Rule Relating to Temporary Military Training

The rule permits temporary military training provided that any buildings do not remain on site for longer than 12 months or the duration of the project. Section 5 of this report notes that no consents have been obtained for temporary military training since 2002. This suggests that either all military training activities have been undertaken within the permitted activity rule without the need for resource consent, or that no military training has been undertaken. This rule is therefore likely to be effective.

7.3.3 Rule Relating to Temporary Storage

The rule relating to temporary storage is set out below:

Any temporary storage or stacking of goods or materials, other than for farming purposes, that does not remain on the site for longer than 3 months and does not exceed 50m² in gross floor area.

The rule is very broad, only excluding storage for farming purposes. As noted in section 7.3 of this report, section 19 lacks a statement directing a reader to the activity status of a proposal that breaches this rule, or, directing them to the relevant zone rules. i.e. that permanent storage is managed under the zone rules.

7.3.4 Rules Relating to carnivals, fairs, galas, market days, tents and marquees, meetings, exhibitions, parades, rallies, filming, cultural and sporting events, concerts, shows, musical and theatrical festivals and entertainment.

As noted in section 4.5, the following limits apply to the 16 permitted temporary activities listed above:

- (a) There is a limit of 500 people for an activity within a building
- (b) There is a limit of 200 people for an activity undertaken outside
- (c) The activity does not remain on site for longer than 7 days
- (d) The activity complies with the relevant noise standards of the zone

Reviewing the effectiveness of this rule has identified a number of issues, as described below:

1. Often marquees or tents are used to host events. Marquees and tents fall within the District Plan definition of a 'building'. The current wording of the rule would therefore mean that marquees and tents are eligible for the higher limit of 500 persons as they are within a 'building'. However a marquee or tent does not

- provide any form of sanitary facilities such as toilets, and forms a very poor acoustic barrier, and noise effects can be considerable when compared to a genuine 'indoor' venue, such as a hotel or the Queenstown Events Centre. Consideration could be given to clarifying that marquees and tents are not deemed to be 'indoor' venues for the purpose of this rule.
2. Feedback has been received that the outdoor event limit of 200 people before a resource consent is too low. For example, a large wedding held in a garden could exceed 200 people, and require a resource consent. Further research should be undertaken to better determine at what number of people adverse effects are generated. For example, 200 people can be comfortably accommodated within Earnslaw Park, and this would require a resource consent.
 3. Consideration could be given to taking some areas out of the 'temporary activity' section of the District Plan, and making specific provision for them as permanent activities in the zone rules. For example, providing for events on the Village Green or Earnslaw Park along with specific conditions to suit holding events at those sites. This would recognise that some areas are well set up to host events, and have the infrastructure in place, such as proximity to public toilets and private toilets in cafes bars and restaurants.
 4. The requirement that temporary activities comply with the noise standards for the zone is questioned. By their nature, temporary events are typically noisy, and in the Queenstown Town Centre, noise limits are relatively low. This means that any form of crowd noise would easily exceed the limits and require resource consent. Given that any noise effects associated with temporary activities are temporary in duration, consideration could be given to more permissive noise standards within certain hours than those used for permanent activities in the zones. Unfortunately there is no New Zealand Standard for managing and measuring event noise. In some respects it is similar to another type of temporary activity, construction noise, which does have a separate New Zealand Standard.
 5. The graph below illustrates that of the 71 resource consents for temporary events identified over the period 2002 – 2012, none were for events held predominantly indoors. This suggests that either:
 - a. the 500 person limit for indoor events is sufficient such that consents are not required, or
 - b. it could reflect the fact that Queenstown does not have many venues capable of accommodating more than 500 people. Therefore almost every single event that required consent was held outside.
 - c. People are not applying for consent for indoor events.

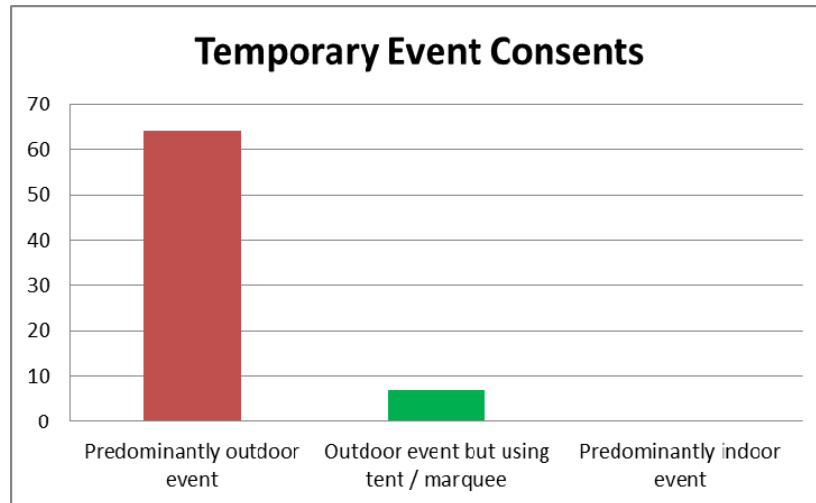


Figure 6: 151 people pictured on part of the Village Green. The Village Green can comfortably accommodate more than 200 people, but would require consent for an event if more than 200 attended.



7.3.5 Rules relating to Temporary Utilities

This rule states:

Any temporary utilities that:

- *Are required to provide an emergency service for a period no longer than 3 months, or*
- *Are ancillary to, and required in respect of, a permitted temporary activity specified in (a), (b) and (d) above; and*
- *Do not exceed a maximum building height of 10m.*

It is not possible to tell how many temporary utility activities have been successfully undertaken using the permitted activity rule. However a keyword search of resource consents has revealed two applications for temporary utilities have been lodged and granted by Lakes Environmental under Section 17 (Utilities) of the District Plan, because while being temporary, they were outside of the permitted activity rules for temporary utilities under Section 19. The two consents were for:

- RM040939, to establish, operate and maintain a temporary mobile phone site and ancillary equipment at Mt Earnslaw Station during filming of 'The Lion, the Witch and the Wardrobe'. The temporary mast was 20m high so was not eligible under the Section 19 rules.
- RM080609, to site non-permanent telecommunication equipment at the Kawarau Falls Station construction site. These antennae were small in size and would normally fall within the permitted activity rule. However because the size of the temporary buildings associated with the Kawarau Falls Station development exceeded 50m², they were not 'ancillary' to a permitted temporary activity as required by the rule.

It would therefore appear that in some instances when temporary utilities are required, they are not able to meet the permitted rules for temporary utilities, and consent is required under the Utilities chapter.

The 10m height limit seems relatively strict given the temporary nature of the utility. It would be prudent to consider whether the height limit is necessary were a time limit (e.g. 3 months) inserted instead.

The first part of the rule, relating to use in an emergency is complementary to section 330 of the RMA, which give specific special powers to network utility operators during emergency situations.

7.3.6 Site Standard – Glare

Site standard 19.2.2.4i states:

i Glare

All fixed exterior lighting shall be directed away from adjacent sites and roads.

This rule is effective and would be easy to comply with. It ensures stage lighting, or lighting for other outdoor night time events is directed away from adjacent sites and roads. Fixed exterior lighting as part of the six temporary activities is relatively rare.

7.3.7 Site Standard – Sanitation

A number of problems have been identified with site standard 19.2.2.4(ii) set out below:

ii Sanitation

All temporary activities that exceed a duration of 2 hours and do not have access to public or private toilet facilities shall provide sanitary facilities for the duration of the activity in accordance

with the NZ Building Code Clause G1. When using Clause G1 if the activity is not undertaken within a building the most appropriate building use shall be applied.

Problems include:

1. The Building Code Clause G1 referred to is not appropriate. G1 does not actually contain any standards for outdoor concerts. The Department of Building and Housing has confirmed that G1 was never designed to be a guide for temporary activities. For example, using G1 for a concert hosting 15,000 people (such as that in Gibbston Valley in 2011) the standard would require 368 WC pans (or 318 WC pans and 101 urinals) and 183 basins to be in compliance. That figure has been established by basing the activity on the standards for stadium/grandstand/sports venues which is probably the closest standard to use as it caters for large groups and alcohol and food is served.
2. The rule only appears to apply if there is no access to public or private toilets. Therefore if there is access to public or private toilets, whatever the number, other toilet provision in accordance with Building Code standards is not required. For example, an event with 5000 attendees on the Queenstown Recreation Ground would not require any toilets to be provided, as there are two public toilets on the corner of this ground.
3. It is accepted that toilet facility requirements should form part of the temporary activities section of the plan. It is less clear what facilities are required for different types of events. For example a concert versus a farmers market.

7.4 Effectiveness of the assessment matters

The assessment matters for relocated buildings are listed below and are considered to be effective.

- (a) *Whether the age, appearance and condition of the building will be compatible with buildings on adjoining properties and in the vicinity.***
- (b) *Whether the likely appearance of the building upon restoration or alteration, will be such as to ensure compatibility with buildings on adjoining properties and in the vicinity.***
- (c) *Whether the exterior materials used, and their condition are of an acceptable standard.***
- (d) *The likelihood that restoration work will be undertaken within a specified period.***
- (e) *Any requirement to impose a bond or other condition to ensure completion of restoration work, both structural and appearance, to an acceptable standard, including time frame with bonds.***

There are a large number of other assessment matters that appear to relate to temporary events. A specific statement in Section 19 that the remaining assessment

matters relate to temporary events would be useful. The assessment matters are listed below with a comment on each:

(a) *Amenity*

(i) *The duration, hours or frequency of the activity.*

This is considered to be an effective assessment matter as the hours of operation are critical to determining the effects of temporary events. The heading (a) above should refer to amenity “values”, as this is the term used in the RMA.

(ii) *The nature and intensity of the activity.*

This is an effective assessment matter closely related to the hours of operation and frequency as covered under the first assessment matter. The nature and intensity would refer to the number of attendees.

(iii) *The effect of the activity on the amenity of the neighbouring properties and surrounding community.*

This is an effective assessment matter for temporary events. Any nuisance elements will of course be temporary in duration. The assessment matter should refer to amenity “values”, as this is the term used in the RMA.

(iv) *The effect and intensity of nuisance elements on neighbouring properties; e.g. noise, dust, lighting, odour and vibration.*

This is an effective assessment matter. Any nuisance elements will of course be temporary in duration, however they could be of such a nuisance as to be too great even if temporary.

(v) *The hours of amplified music or sound.*

This is considered to be an effective assessment matter but almost duplicates, or is a subset of, assessment matter (i). Noise effects, whilst temporary in duration, have the potential to cause the most disturbance to adjoining residents.

(vi) *The impact of signage associated with the activity on the amenity of the community.*

Given that any signage will be temporary, it is likely that any impact on amenity of the community will also be temporary. The value of this assessment matter is questionable.

(vii) *Any adverse effect on the surrounding natural landscape, including native vegetation and fauna.*

This assessment matter is effective for temporary activities such as filming.

- (viii) *The effect of silt run-off or sedimentation from site work on the surrounding environment.***

This assessment matter would seem to relate to earthworks. There is no permitted amount of temporary earthworks under the Section 19 rules, and earthworks would be covered under the zone rules. The effectiveness of this assessment matter is therefore questioned.

- (ix) *The effect of the activity on the use normally made to any public place in respect of its use, character and conservation value.***

This is considered to be an effective assessment matter. Any effect on use of a public place will of course be temporary in duration.

- (b) *Health and Safety***
(i) *The ability to dispose of wastewater and refuse without adversely affecting the surrounding environment.*

This is considered to be a relevant assessment matter. This assessment matter is used by Lakes Environmental to require a waste management plan be prepared, that includes specifying how waste will be recycled as part of the event. Some events, such as Winter Festival, have adopted a zero waste policy. Consideration should be given to making this assessment matter a site standard requiring a waste management plan to be submitted.

- (ii) *The ability to supply potable water in compliance with the drinking-water standards for New Zealand, for the duration of the activity.***

This is considered to be a relevant assessment matter, however potable water could be provided by bottle in many instances.

- (iii) *The provision and location of adequate sanitation facilities throughout the duration of the activity in accordance with the Building Act.***

As noted in section 7.3.4, Clause G1 of the Building Code referred to in the site standard is incorrect. While adequate sanitation clearly must be provided, it is less clear whether the Building Act is the appropriate guideline for how many sanitary facilities are required.

- (iv) *Compliance with food hygiene standards and regulations.***

This assessment matter is not effective because it relates to matters covered under separate legislation and should not be duplicated through a resource consent process.

- (v) ***The appropriateness and control measures in place for the sale of liquor for consumption on the premises.***

This assessment matter is not effective because it relates to matters covered under separate legislation (Sale of Liquor Act) and should not be duplicated through a resource consent process.

- (vi) ***The ability to provide fire prevention and fire control measures.***

This assessment matter is not effective because it relates to matters covered under separate legislation (Building Act) and should not be duplicated through a resource consent process. If an event is outdoors, there is no requirement under the Building Act for fire prevention or control measures. In an event is indoors (including marquees), fire prevention and control has already been considered under the Building Act when the venue was constructed. It is useful as a flag to persons to think about

- (vii) ***The effect of the activity on the communities safety.***

This assessment matter is not considered to be effective due to its generality.

- (viii) ***Provision of an Emergency Management Plan which specifies a clear set of roles and procedures in the case of an accident or emergency.***

This assessment matter is only necessary for large outdoor temporary events. The effectiveness of the assessment matter could be improved by clarifying that an Emergency Management Plan is not required for indoor events such as a conference at a hotel. Specifying what type of emergencies are to be covered would also be helpful.

- (c) **Traffic**

- (i) ***The impact of traffic movement and parking associated with the activity on the safety and flow of traffic within the District and adjoining network.***

This assessment matter is generally only necessary for large outdoor temporary events, although some indoor events may also require an assessment of the impact.

- (ii) ***Where the activity is undertaken on land adjacent to or adjoining a State Highway the provision of a Traffic Management Plan in accordance with the Code of Practice for Temporary Traffic Management. A Traffic Management Plan should outline the following:***

- ***Parking layout;***
- ***Access on and off the site, including any foot traffic;***
- ***Provision of warning signs and cones for traffic control;***
- ***Names of traffic controllers, including a Site Traffic Management Supervisor;***

- ***Provision of high visibility safety clothing for persons involved in controlling traffic;***
- ***Contingency plan which specifies a clear set of roles and procedures in the case of a traffic accident or emergency.***

This assessment matter is generally only necessary for large outdoor temporary events undertaken on land adjoining a State Highway, although some large indoor events undertaken on land adjoining a State Highway may also require an assessment of the impact.

7.5 Notification / non-notification provisions

Unlike other sections of the District Plan, Section 19 does not have any guidance on notification or non-notification of applications.

Because temporary events are temporary in nature, there is often an assumption by applicants that they will be processed on a non-notified basis. Also in some instances applicants have already organised the event, including selling tickets, and then applied for consent assuming it was just a foregone conclusion.

However the Resource Management Act does not contain any special provisions relating to temporary activities, and local authorities are still legally obliged to consider resource consent applications under sections 95A – 95E including who is adversely affected, and if necessary, request their affected party approval.

This frequently puts affected neighbours into a difficult or powerful position because if their affected party approvals are not forthcoming, the time associated with processing the application on a notified or limited notified basis (70 working days – 14 weeks) usually means the consent will not be processed prior to the planned date for the event.

The difficulty with temporary activities is that they may well have significant effects but that these are of a short duration, and often there is no sign of a temporary activity having taken place once pack up is complete. For example, the NZSki ParkLife Invitational rail jam is held in Earnslaw Park each year. It is constructed entirely from scaffolding and is assembled and dismantled on site within a day of the event starting and finishing. Snow is brought in by a truck.

Recognising that effects of a limited duration are generally more tolerable to people than those of longer durations, as part of the upcoming District Plan review, it would be prudent to further investigate the possibility of specifying that certain temporary outdoor events will be processed on a non-notified basis, for example, day time events.

7.6 Section 19 rules being missed

Monitoring of section 19 has indicated a small number of resource consents where the section 19 rules have been overlooked. For example:

- RM070801: this application was to relocate a two bay implement shed within an existing site. Consent was granted as a controlled activity under Rule 8.2.2.2(i) of the Rural Lifestyle zone which relates to the “*addition, alteration or construction of buildings*” but not the relocation. The consent should have been processed under Rule 19.2.1.2i.
- RM110488, this application was to construct an addition to an existing dwelling and relocate an existing sleep out within the site. Consent was granted as a controlled activity under the rules of the Rural Residential zone, however a consent for a relocated building under Rule 19.2.1.2i should also have been listed.

The rule relating to other relocated buildings is potentially being missed because of its placement at the very start of the rules for Section 19. Normally the rules start later, following the zone purpose statement.

8. How efficient are the Section 19 provisions?

The financial cost of administering the provisions / processing resource consents has been evaluated based on an assessment of:

- Number of resource consents triggered by the rules
- Average cost of processing resource consents triggered by the rules; and
- Number of Environment Court appeals

8.1 How many resource consents have been triggered?

The six temporary activities covered by Section 19 occur in all zones, and a “keyword” search resulted in the following number of each category since the year 2002. Actual numbers may vary depending on whether the key word was used to describe the activity when the resource consent application was lodged.

Section 19 Activity	Number of consents found using keyword search between 2002 – 2012
Relocated buildings (discretionary activity)	127
Temporary Buildings ancillary to building and construction work that exceed permitted size / time limits	1
Temporary Military Training that exceeded 12 months or involved buildings on site for longer than 12 months	0
Temporary storage (which exceeds size or time limits)	3
Temporary Events (which may include temporary buildings) that exceed permitted limits on numbers / noise / duration	71
Temporary utilities that exceed 10m in height or are not ancillary to other permitted temporary activities	2
TOTAL	205

8.2 Average cost of processing resource consents (2003–2011)

When considering consent costs, it is important to note that for 5 of the 6 activities covered by Section 19, there is no cost implication because the rules provide for certain activities as permitted, and no resource consent is required.

This section of the report only considers where the permitted activity rules were not able to be met, and a consent is required, or in the case of relocated buildings, every building requires a consent.

Relocated buildings

Number of Consents	126
Range	\$242 - \$17,725
Average	\$1764
Median	\$1029

Temporary buildings ancillary to construction work (that exceed Section 19 permitted time / size limits)

Number of Consents	1
Range	N/A
Average	\$5320
Median	N/A

Temporary storage (that exceeds Section 19 permitted time / size limits)

Number of Consents	3
Range	\$1029 - \$3404
Average	\$1986
Median	\$1526

Temporary events (that exceed Section 19 permitted time / size limits)

Number of Consents	71
Range	\$395 - \$5518
Average	\$1401
Median	\$1088

Temporary Utilities (that exceed Section 19 permitted time / size limits)

Number of Consents	2
Range	\$732 - \$858
Average	\$795
Median	N/A

8.3 Notification / Non-notification of applications

Relocated buildings

Of the 126 consents processed, 6 were processed on a limited or fully notified basis.

Temporary buildings ancillary to construction work (that exceed Section 19 permitted time / size limits)

The 1 consent processed for temporary buildings ancillary to construction was processed on a non-notified basis.

Temporary storage (that exceeds Section 19 permitted time / size limits)

Of the 3 consents processed for temporary storage that exceeded the permitted activity rule, all were processed on a non-notified basis.

Temporary events (that exceed Section 19 permitted time / size limits)

Of the 71 consents processed for temporary events, only 1 application was processed on a notified basis.

Temporary Utilities (that exceed Section 19 permitted time / size limits)

Of the 2 consents processed for temporary utilities, both were issued on a non-notified basis.

8.4 Summary with regard to efficiency

The majority of consents for Section 19 activities are processed on a non-notified basis. In total, 205 consents for Section 19 related activities were identified, and 7 were notified, representing 3.4% of the total number of consents being processed on a notified basis. This is similar to the nationwide split recorded between notified and non-notified applications.

All relocated buildings require consent, and the median cost is \$1029. Only a small proportion are publicly notified, typically where a heritage building is being relocated. It is noted that relocating a heritage building is deemed to be a demolition under the Heritage rules of the District Plan, but is not excluded from the Section 19 relocated building rule.

The vast majority of the temporary buildings associated with construction are permitted, and therefore section 19 is considered to be efficient.

Most temporary storage activities are also likely to be permitted provided the storage occurs for less than 3 months. Only 3 consents have been issued for temporary storage, and the median cost was \$1526.

A large number of temporary events required resource consent. The median cost of obtaining a consent was \$1088. Only 1 consent was publicly notified. The monitoring did identify a number of consents for temporary events that were withdrawn because they were not lodged or issued prior to the event taking place.

The majority of temporary utilities are likely to be permitted provided they do not exceed 10m in height. Only two consents were granted for temporary utilities that exceed the height or time limits. The average cost of the two applications was \$795.

Due to the unique nature of Section 19 of the District Plan, it is difficult to make meaningful comparisons of these costs with other types of consent applications.

9. Conclusion

This monitoring report has identified a number of areas within Section 19 where the objective, policies, rules and assessment matters could be enhanced to improve the effectiveness and efficiency of the District Plan provisions.

Key findings of the monitoring include:

1. The single objective is not well suited to the six diverse types of temporary activities covered under Section 19.
2. The two policies were also found to be only moderately effective, or ineffective, due to their generality and the fact that they were directed at the Council as plan writer, rather than providing guidance for consents. For example, policy 2 is *'To set detailed rules for the time limit, size of temporary buildings and operation of temporary activities.'*
3. In terms of the rules, monitoring found that the placement of the relocated buildings rule at the front of the section was confusing and led to it occasionally being missed when resource consents were being processed.
4. In terms of specific rules for activities, the relocated buildings rule excludes accessory buildings, which would include shipping containers. This may not have been anticipated when the rule was written, because the appearance of shipping containers is quite different to other 'residential' accessory buildings, such as a garden shed. Consideration could also be given to making the activity of relocating an existing lawfully established building *within its own site* a permitted activity, provided they comply with the relevant site and zone standards. Making it clearer that 'new build' relocations are permitted would also increase the effectiveness of the District Plan.
5. For the rules relating to buildings associated with construction activity, consideration could be given to removing the 50m² and twelve month time limit and providing for them to remain for the duration of the construction project. This is because temporary buildings associated with construction activity are an anticipated part of a construction site. However any changes would have to refer to an 'active' construction project, to avoid buildings remaining on abandoned construction projects like at Five Mile.
6. In terms of the rule relating to temporary storage, the rule is very broad, only excluding farming purposes. As noted in section 7.3 of this report, Section 19 of the District Plan lacks a statement directing a reader to the activity status of a proposal that breaches this rule, or the site standards, and requires a statement directing them to the relevant zone rules.
7. In terms of the rule relating to temporary events, the effectiveness of the rule would be enhanced by stating that tents and marquee's are not deemed to be 'indoor' venues. As part of the future section 32 assessment, consideration could be given to increasing the limits on the number of persons permitted at outdoor events as the limits are quite low. Excluding events that are held indoors at hotels or other purpose built facilities should also be considered. Providing specific noise limits for events, rather than the zone noise limits (which will clearly be breached), would also enhance the effectiveness of the rule.
8. In terms of the site standards, the reference to Clause G1 of the Building Code is incorrect and needs to be replaced with an appropriate system for determining the number of portaloos required at an outdoor event.

9. In terms of the assessment matters, these could be reduced in number by eliminating those covered under other legislation. For example assessment matter (iv), concerning 'compliance with food hygiene standards and regulations' needs to occur but does not need to be duplicated through the resource consent process. .
10. As part of the future section 32 assessment, consideration should be given to whether some form of non-notification rule is appropriate for temporary events. This recognises that effects of a limited duration are generally more tolerable to people than those of longer durations.