

Annexure B

A copy of Council's decision - Recommendation of Independent Commissioners (Extracts) and Decision Version of Chapter 35

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 8

Report and Recommendations of Independent Commissioners Regarding
Chapter 30, Chapter 35 and Chapter 36

Commissioners

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PART C: CHAPTER 35 - TEMPORARY ACTIVITIES AND RELOCATED BUILDINGS

7. PRELIMINARY

7.1. General Submissions

395. Two submissions²⁹⁹ supported the Chapter generally. No reasons were given by either submitter. As we recommend changes to various provisions in the chapter, we recommend these submissions be accepted in part.

396. Millbrook Country Club Ltd³⁰⁰ supported the temporary activity provisions in the Chapter and considered the use of permitted activity standards was particularly efficient. Sean and Jane McLeod³⁰¹ also supported the temporary activity rules, but provided no explanation. They also generally supported the objectives and policies for temporary activities. Again, as we do recommend changes to these provisions, we recommend these submissions be accepted in part.

7.2. 35.1 – Purpose

397. There were no submissions specifically on this section, other than the general submissions discussed above. One consequential amendment is required as a result of recommendations on submissions on relocated buildings, but we will discuss that when dealing with those submissions.

398. On reviewing the section we have identified potential ambiguities in the first paragraph which need clarification. The first sentence sets out the purpose of the temporary activity provisions as being to enable a number of activities. The list commences with “temporary events”, then lists three activities which are by their nature temporary: filming; construction activities and military training. However, it then lists “utilities” and “storage”.

399. As we understand it, having considered the objectives, policies and rules in the Chapter, the intention is that provision is made for temporary utilities and temporary storage. We consider the purpose statement should be clarified by inserting temporary before each of “utilities” and “storage” so as to avoid any misunderstanding as to the effect of this chapter. We consider such an amendment to be a minor change of no substantive effect under Clause 16(2).

8. 35.2 OBJECTIVES AND POLICIES

8.1. Objective 35.2.1 and Policies

400. As notified these read:

Objective *Temporary Events and Filming are encouraged and are undertaken in a manner that ensures the activity is managed to minimise adverse effects.*

35.2.1.1 *Recognise and encourage the contribution that temporary events and filming make to the social, economic and cultural wellbeing of the District’s people and communities.*

35.2.1.2 *Permit small and medium-scale events during daytime hours, subject to controls on event duration, frequency and hours of operation.*

²⁹⁹ Submissions 19 and 21

³⁰⁰ Submission 696

³⁰¹ Submission 391, supported by FS1211

- 35.2.1.3 *Recognise that purpose-built event facilities are designed to cater for temporary activities.*
- 35.2.1.4 *Recognise that for public spaces, temporary events are anticipated as part of the civic life of the District.*
- 35.2.1.5 *Require adequate infrastructure, waste minimisation, traffic management, emergency management, security, and sanitation facilities to be available to cater for anticipated attendants at large-scale temporary events and filming.*
- 35.2.1.6 *Ensure temporary activities do not place an undue restriction on public access.*
- 35.2.1.7 *Recognise that noise is an anticipated component of temporary events and filming, while protecting residential amenity from undue noise during night-time hours.*
- 35.2.1.8 *Enable the operation of informal airports in association with temporary community events and filming, subject to minimising adverse effects on adjacent properties.*
- 35.2.1.9 *Require all structures associated with temporary events and filming to be removed at the completion of the activity, and any damage in public spaces to be remediated.*

401. The submissions on this objective and related policies were as follows:
- a. Support/retain Objective 35.2.1³⁰²;
 - b. Retain Policy 35.2.1.1³⁰³;
 - c. Amend Policy 35.2.1.2 by including “weddings” and “temporary functions” and deleting the daytime hours limitation³⁰⁴;
 - d. Retain Policy 35.2.1.5³⁰⁵;
 - e. Amend Policy 35.2.1.7 so it is aimed at protecting residential activities in residential zones rather than residential amenities³⁰⁶;
 - f. Retain Policy 35.2.1.8³⁰⁷;
 - g. Include a new policy concerning airspace around Queenstown and Wanaka airports³⁰⁸.
402. Ms Banks explained that the inclusion of weddings and temporary functions in Policy 35.2.1.2 was unnecessary as they fell within the definition of temporary activities³⁰⁹. She also explained that Policy 35.2.1.2, as notified, was designed to support the rule framework that specifies circumstances in which temporary activities can be exempt from noise limits. In her opinion, to delete the daytime hours limitation would undermine that framework and potentially make all temporary activities subject to noise rules of the zone they were located in³¹⁰. She did not support those changes. Ms Black appeared in support of Submissions 607, 615 and 621 but

³⁰² Submissions 197 and 433 (opposed by FS1097, FS1117)

³⁰³ Submission 433, opposed by FS1097, FS1117

³⁰⁴ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁰⁵ Submission 719

³⁰⁶ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁰⁷ Submission 719

³⁰⁸ Submission 433, supported by FS1077, opposed by FS1097, FS1117

³⁰⁹ Kimberley Banks, Section 42A Report, paragraph 11.20

³¹⁰ *ibid*, paragraph 11.21

did not discuss any of the amendments sought by those submissions to Policy 35.2.1.2 or to Policy 35.2.1.7.

403. Turning to the issue of the airspace around Queenstown and Wanaka airports, as well as seeking a new policy, the submission also sought the inclusion of a new rule requiring restricted discretionary activity consent for temporary activities to breach the airports' obstacle limitation surfaces ("OLSs"). We deal with the policy and the rule as one issue.
404. Ms Banks questioned the need for specific restrictions in this chapter relating to the OLSs around the two airports when designations were in place to protect those OLSs³¹¹. Ms O'Sullivan, appearing in support of Submission 433, generally agreed with Ms Banks' conclusion, but suggested that an advice note could be included in the Chapter to advise those contemplating undertaking temporary activities that breaching the OLSs at Queenstown and Wanaka airports would require consent of the relevant requiring authority.
405. In her Reply Statement, Ms Banks accepted the suggestion of an advice note in Section 35.3.2 and helpfully suggested that showing the OLSs for Queenstown airport on the Planning Maps would also assist users. She included a draft version of the maps showing the various surfaces.
406. We agree that it is helpful to include information where plan users are likely to see it, but we consider the mapping solution proposed by Ms Banks would lead to the maps being too cluttered with information to be helpful. The inclusion of a note in this Chapter would be more practical. We recommend to the Council that the additional policy and rule sought not be accepted, but that the following advice note be included in Section 35.3.2:

Obstacle limitation surfaces at Queenstown or Wanaka Airport:

Any person wishing to undertake an activity that will penetrate the designated Airport Approach and Land Use Controls obstacle limitation surfaces at Queenstown or Wanaka Airport must first obtain the written approval of the relevant requiring authority, in accordance with section 176 of the Resource Management Act 1991.

407. In the absence of any evidence in respect of the other submissions seeking changes to these policies, we recommend that Objective 35.2.1 and associated policies be adopted as notified.

8.2. **Objective 35.2.2 and Policies**

408. As notified, these read:

Objective Temporary activities necessary to complete building and construction

35.2.2.1 *Ensure temporary activities related to building and construction work are carried out with minimal disturbance to adjoining properties and on visual amenity values.*

35.2.2.2 *Provide for small-scale retail activity to serve the needs of building and construction workers.*

35.2.2.3 *Require temporary activities related to building and construction to be removed from the site following the completion of construction, and any damage in public spaces to be remediated.*

³¹¹ *ibid*, Section 9

409. The only submission³¹² on these provisions supported the retention of the objective. We recommend that submission be accepted and Objective 35.2.2 and associated policies be adopted as notified.

8.3. **Objective 35.2.3 and Policy 35.2.3.1**

410. As notified, these read:

Objective *Temporary Military Training is provided for to meet the needs of the New Zealand Defence Force.*

35.2.3.1 *Enable temporary military training to be undertaken within the District.*

411. The only submissions³¹³ on these supported the provisions. Ms Banks recommended an amendment to the objective so as to make it outcome focussed. We agree that her recommended objective is phrased as an objective and the changes are no more than minor grammatical changes. We recommend those changes be made in accordance with Clause 16(2) such that Objective 35.2.3 reads:

Objective *Temporary Military Training Activities are provided for.*

412. We recommend that Policy 35.2.3.1 be adopted as notified.

8.4. **Objective 35.2.4 and Policy 35.2.4.1**

413. As notified, these read:

Objective *Temporary Utilities needed for other temporary activities or for emergencies are provided for.*

35.2.4.1 *Enable short-term use of temporary utilities needed for other temporary activities or for emergency purposes.*

414. The only submissions on these supported them and sought their retention³¹⁴. We recommend they be adopted as notified.

8.5. **Objective 35.2.5 and Policies**

415. As notified these read:

Objective *Temporary Storage is provided for in rural areas.*

35.2.5.1 *Permit temporary storage related to farming activity.*

35.2.5.2 *Ensure temporary storage not required for farming purposes is of short duration and size to protect the visual amenity values of the area in which it is located.*

416. Submissions on these sought:

- a. Support Objective 35.2.5³¹⁵;
- b. Amend Objective 35.2.5 to include visitor and resort zones³¹⁶;
- c. Support Policy 35.2.5.1³¹⁷;

³¹² Submission 197

³¹³ Submissions 197 (supported by FS1211) and 1365

³¹⁴ Submissions 635 (supported by FS1211) and 1365

³¹⁵ Submission 197

³¹⁶ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³¹⁷ Submission 600, supported by FS1209, opposed by FS1034

- d. Amend Policy 35.2.5.1 to permit storage for exploration and prospecting³¹⁸;
 - e. Amend Policy 35.2.5.1 to permit storage for transport, tourism and visitor accommodation activities³¹⁹;
 - f. Amend Policy 35.2.5.2 to include reference to transport, tourism and visitor accommodation activities³²⁰.
417. Ms Banks discussed the submissions by the Real Journeys group³²¹ and concluded that the objective was too limiting in that it restricted temporary storage to rural areas. She did not consider any change was needed to the policies. Ms Black supported the amendment to the objective.
418. We heard no evidence in respect of the amendment sought by NZ Tungsten Mining Limited³²².
419. We agree with Ms Banks' recommended amendment to the objective. When the policies are viewed in the context of the rule to implement them (Rule 35.4.16) it is apparent that the rule and policies in combination apply in all zones. We are also of the view that there is no need to amend the policies in the manner suggested by the Real Journeys group. The policies provide a distinction that means that there is to be no limitation on storage for farming purposes, but limitations on storage for other purposes.
420. It is useful to consider Rule 35.4.16 at this time. As notified this rule provided for the following as a permitted activity:
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.
- Note: Any temporary storage which fails to meet this permitted activity rule is subject to the rules of the relevant Zone.*
421. Three submissions on this rule sought that the note also exclude the Rural Visitor Zone Walter Peak and the Cardrona Ski Activity Area³²³. Ms Banks considered that the purpose of this Chapter was to provide for temporary activities throughout the district, not include or exempt certain zones³²⁴.
422. We agree with Ms Banks that the provisions should be designed for general application. Matters specific to a zone should be included in the provisions of that zone. We also note that to accept the submitters' relief would mean they could not rely on it for temporary storage in the locations specified. We doubt that was the submitters' intention.
423. We do have some concerns with the construction of this rule. It is clear that it provides for non-farming activities to have temporary storage of goods subject to the time and area limitations in the rule. That clearly implements Policy 35.2.5.2. What the rule does not do is implement temporary storage related to farming, and it appears that, by application of Rules

³¹⁸ Submission 519, supported by FS1015, opposed by FS1356

³¹⁹ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³²⁰ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³²¹ Submissions 607, 615 and 621

³²² Submission 519

³²³ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³²⁴ Kimberley Banks, Section 42A Report, paragraph 11.30

35.4.1, such activity is actually a discretionary activity. That represents a failure to implement Policy 35.2.5.1.

424. We also are concerned about the use of an advice note to effectively state the non-compliance status of an activity failing to meet a standard. In our view this rule needs to be reviewed and rewritten to implement the relevant policies and to clearly state as a rule at what point specific zone rules apply. There is no scope in the submissions that enable us to recommend any changes to correct these problems. We recommend the Council consider a variation to remedy them.

425. Returning to Objective 35.2.5, we recommend it read:
Objective Temporary Storage is provided for.

426. We recommend the policies be adopted as notified.

8.6. Relocated Buildings

427. It is sensible to consider the objectives, policies and rules for relocated buildings in a single discussion. House Movers³²⁵ lodged a broad submission seeking the replacement of provisions relating to relocated buildings, focused on reducing the complexity of obtaining consents for relocated buildings in the District. Mr Leece and Ms Koblenia³²⁶, on the contrary, sought that the objective and rules be focussed on minimising the effects on residential amenity values from relocated buildings being located in the District.

428. As notified, the objective (35.2.6) and policies relevant to this topic read:
Objective Relocated buildings are located and designed to maintain amenity and provides a positive contribution to the environment.

35.2.6.1 *Relocated buildings provide a quality external appearance, and are compatible with the amenity of the surrounding environment.*

35.2.6.2 *Provision of wastewater, stormwater and water infrastructure minimises adverse effects.*

429. As notified, the rules provided for two tiers of relocated buildings in residential zones:

- a. The following were provided for as permitted activities:
 - i. a new build relocated residential unit that has been purpose built for relocation
 - ii. a shipping container
 - iii. an accessory building under 30m² in gross floor area that is not a shipping container
 - iv. the repositioning of an existing lawfully established residential unit, residential flat or accessory building within its own site.
- b. The relocation of any building that had previously been designed, built and used for residential purposes (but not purpose built for relocation) was a controlled activity with the matters of control reserved to:
 - i. the reinstatement works that are to be completed to the exterior of the building
 - ii. the timeframe for placing the building on permanent foundations and the closing in of those foundations

³²⁵ Submission 496, opposed by FS1340

³²⁶ Submission 126

- iii. the nature of other works to be undertaken to ensure the building is compatible with the amenity values of the area
 - iv. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.
430. In a rural zone, all relocated buildings and shipping containers, to a maximum of one per site, were a controlled activity with the matters of control as for the residential controlled activity.
431. In addition to the broad submissions noted above:
- a. One submission supported Objective 35.2.6³²⁷;
 - b. One submissions supported Rule 35.4.4³²⁸; and
 - c. One submissions sought the rewrite of Rule 35.4.2 and the deletion of Rules 35.4.3 and 35.4.4³²⁹;
 - d. One submissions sought the deletion of the term “shipping containers” from Rule 35.4.4³³⁰.
432. The relief sought by Submission 383 was that all relocated buildings, other than a shipping container or an accessory building smaller than 36m², would be controlled activities in all zones.
433. Ms Banks discussed these provisions at some length in her Section 42A Report³³¹. It was her conclusion at that point that:
- a. Relocated buildings should be treated the same across all zones;
 - b. Controlled activity consent should be required for all relocated buildings;
 - c. Shipping containers should be removed from these rules and treated as buildings (as per the definition of “building”);
 - d. The definition of “relocated building” exclude pre-fabricated buildings delivered dismantled to a site;
 - e. The concern of QAC³³² that relocated buildings be appropriately insulated was covered by the requirement that the provisions of the relevant zone apply in addition to the relocation provisions.
434. At the hearing, Mr Ryan presented submissions on behalf of House Movers, and Mr Scobie tabled a brief of evidence. Mr Ryan’s submissions were, in essence, that relocated buildings should be provided for as permitted activities subject to a number of performance standards, relying on the Environment Court’s decision³³³ in Central Otago District regarding rules for relocated dwellings. In that decision, the Environment Court concluded that, in the absence of identifiable differences in effects, relocated buildings should not be treated differently to *in situ* built housing.

³²⁷ Submission 197

³²⁸ Submission 600, supported by FS1209, opposed by FS1034

³²⁹ Submission 383

³³⁰ Submission 519, supported by FS1015, opposed by FS1356

³³¹ Pages 10 -24

³³² FS1340

³³³ New Zealand Heavy Haulage Association Inc v Central Otago District Council, C45/2004

435. The performance standards Mr Ryan submitted should apply to the a permitted activity for relocated buildings were³³⁴:
- a. *Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have been previously designed, built and used as a dwelling.*
 - b. *A building pre-inspection report prepared by a licenced building practitioner shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the buildings.*
 - c. *The building shall be located on permanent foundations approved by building consent, no later than 2 months of the building being moved to the site.*
 - d. *All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Without limiting (b) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.*
 - e. *The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the 12 month period.*
436. It was Mr Ryan’s submission that the standards were enforceable, had the advantage of being known in advance, and had lower transaction fees than a consent application. Of particular concern of the House Movers was the QLDC submission³³⁵ seeking the imposition of financial bonds. Mr Ryan did agree that relocated buildings should comply with the applicable zone standards, including noise insulation where required. He thus accepted the point raised by QAC.
437. Mr Scobie’s evidence described the house moving process and provided us with an example “Building Pre-Inspection Report for Relocation”. Mr Scobie also attached to his evidence a map showing the activity status for relocated building for each district in the country.
438. In her Reply Statement, Ms Banks maintained her opinion that relocated buildings should be a controlled activity. She had undertaken a review of consents for relocated buildings since 2014. These numbered 30, and were generally subject to fairly standard conditions. These usually required reinstatement within a 6-month timeframe. She was not satisfied that the pre-inspection report proposed by Mr Ryan would be an effective way of managing the defined issues the controlled activity rule is designed to address. She also was concerned that enforcement of standards for a permitted activity would require a high level of monitoring.
439. We have given this issue considerable thought. As the district has a high cost of housing, we do not want to discourage activities which may facilitate the provision of more affordable homes. However, we can see that the regime promoted by House Movers may have consequences for the Council that may not occur in other districts. We agree with Ms Banks that permitted activities should not require monitoring or processing effort to ensure that standards are complied with. While we recognise that the PDP contains a number of standards for permitted activities, when one is dealing with buildings, those generally relate to the location of the building on the site, and in some instances exterior finishes. Those matters are readily dealt with off building permit plans. However, the performance standards proposed by House Movers would require the Council to undertake monitoring for up to 12 months to

³³⁴ Adapted from the C45/2004

³³⁵ Submission 383

ensure the reinstatement work had been carried out, at the Council's cost, with no ability to recoup that cost.

440. We also note that the controlled activity process gives the applicant the opportunity to propose or request conditions that may be more appropriate to their circumstances than the fixed performance regime would do. Under that regime, to vary any of the standards would require a full discretionary activity consent. We note at this point that House Movers' submission did suggest that failure to meet the permitted activity standards should require a non-notified controlled activity consent. This was not covered in Mr Ryan's submissions and we conclude he chose not to pursue that part of the submission. We cannot see how a failure to meet performance standards can be satisfactorily managed by the Council through a consent process which requires the grant of consent and application of conditions limited to pre-stated matters, which would most likely restate the performance standards.

441. Ms Banks recommended that Objective 35.2.6 be rephrased as

Relocated buildings maintain amenity and minimise the adverse effects of relocation and reinstatement works.

442. We consider that captures succinctly the purpose of the Council's involvement in the process of relocation. We did not understand Mr Ryan to suggest that relocated buildings should not achieve that outcome. We understood his submission to be that the outcome could be achieved by the performance standards he proposed

443. We consider the controlled activity rule as proposed by Ms Banks in her Reply Version provides the appropriate balance between the need for certainty by the applicant along with minimal transaction costs, and the ability of the Council to adequately manage the resources of the District, both in terms of achieving the objectives the PDP sets out, and in fulfilling its monitoring role. We consider it the most effective and efficient means of achieving the reworded objective.

444. Having concluded that the controlled activity regime is the most appropriate means of managing relocated buildings, we agree with Ms Banks' recommended wording for Policy 35.2.6.1 and her redrafted Rule 35.4.2. We recommend the Council adopt the wording of Objective 35.2.6 as set out above, and the wording of Policy 35.2.6.1 as set out below. We recommend that Policy 35.2.6.2 be deleted as unnecessary.

35.2.6.1 Provide for relocated buildings where adverse effects associated with the relocation and reinstatement are managed to provide a quality external appearance, and are compatible with the amenity of the surrounding area.

445. We recommend that Relocated Buildings be listed in Rule 35.4.2 as controlled activities, with control reserved to:

- a. *The reinstatement works required to the exterior of the building and the timeline to execute such works;*
- b. *The timeframe for placing the building on permanent foundations and the closing in of those foundations;*
- c. *The nature of other works necessary to the relocated building to ensure the building is compatible with the amenity values of the area.*

446. Consistent with our general approach of listing permitted activities first, we recommend this rule be renumbered to 35.4.13. We have set out the provisions in full in Appendix 2.

8.7. Summary

447. We have set out in Appendix 2 the recommended objectives and policies. In summary, we regard the combination of objectives recommended as being the most appropriate way to achieve the purpose of the Act in this context, while giving effect to, and taking into account, the relevant higher order documents, the Strategic Direction Chapters and the alternatives open to us. The suggested new policies are, in our view, the most appropriate way to achieve those objectives.

8.8. 35.3 – Other Provisions and Rules

448. There were three submissions on this section:

- a. Delete 35.3.2.4 as it duplicates Rule 35.4.2³³⁶;
- b. Provide that any activity that is a permitted activity under this Chapter is not required to comply with the applicable zone rules³³⁷;
- c. Clarify that other District Wide Rules do not apply to temporary activities³³⁸;

449. Ms Banks considered these three submissions and concluded that:

- a. It was more helpful to have all the clarifications in one place;
- b. The notified wording of 35.3.2.3 made it clear that temporary activities did not need consents under zone rules; and
- c. That it would be useful to include a further clarification confirming that the Chapter 36 Noise provisions applied in circumstances specified by the temporary activity rules³³⁹.

450. In her Reply Statement Ms Banks additionally suggested further advice notes:

- a. Advising that the pre-fabricated buildings delivered dismantled to a site were not considered relocated buildings;
- b. Advising that food and beverages, and the sale of alcohol, were not regulated by the temporary event rules;
- c. The advice note regarding the OLSs discussed above.

451. Our amendments to this section are minor points of clarification consistent with the overall approach taken in other chapters. We agree with Ms Banks' response to the submissions and the addition of advice notes. We have changed Ms Banks' note regarding relocated buildings to make it clear that a newly built house constructed off-site and moved on to a site does not fall within the definition of relocated building. Her definition's reference to "dismantled" seemed to imply that pre-fabricated buildings needed to be dismantled again and re-fabricated on-site. We are sure that was not the intention.

452. Our other clarification, as with other chapters, is to identify that 35.3.2.1 through to 35.2.3.5 are rules for explanatory purposes, as opposed to the advice notes that follow the rules.

³³⁶ Submission 383

³³⁷ Submission 837, supported by FS1211, FS1342

³³⁸ Submission 1365

³³⁹ Kimberley Banks, Section 42A Report, Section 15

9. 35.4 – RULES - ACTIVITIES

9.1. Rule 35.4.1

453. This rule, as notified, set as a discretionary activity:
Any other Activity not listed in this table.

454. There were no submissions directly on this rule, although as noted in the discussion on relocated buildings above, House Movers did seek a different provision in respect of relocated buildings not complying with the standards proposed by that submitter.

455. In response to our questioning during the hearing, Ms Banks carefully considered the relationship of this rule and the non-compliance status of standards in Section 35.5 in some detail in her Reply Statement³⁴⁰. As a consequence of that analysis, she concluded plan users would be assisted by some modifications to this rule to make it clear that it was where an activity was a temporary activity or relocated building that did not satisfy the requirements of the table in Rule 35.4 that this rule took effect. She considered this a clarification that did not make any substantive regulatory changes.

456. We agree with Ms Banks that some amendment to this rule is helpful. We agree with her that the amendments are for clarification purposes and come within Clause 16(2). We have modified her wording a little to make the intent clearer. We recommend the rule be reworded as follows:

Any Temporary Activity or Relocated Building not otherwise listed as a permitted or controlled activity in this table.

457. We recommend that rule remain a discretionary activity. Consistent with our overall approach listing the rules with permitted activities first, followed by the more restrictive categories, we recommend this rule be the final rule in the table rather than the first, and consequently renumbered as 35.4.14.

9.2. Rules 35.4.2 to 35.4.4

458. These have been dealt with in our discussion of relocated buildings in section 8.6 above.

9.3. Rule 35.4.5 – Temporary Events

459. As notified, this rule made it a permitted activity for temporary events to occur on public conservation land subject to a valid concession for the event being held. The rule specified that the relevant noise standards for the zone did not apply.

460. The only submission on this rule supported its retention³⁴¹, and there were no recommended amendments from Ms Banks. We recommend a minor grammatical change in relation to the application of noise standards such that it states “do not apply” in place of “shall not apply”. We consider this to be a minor change with no change in regulatory effect which can be made under Clause 16(2). Other than that change, we recommend the rule be adopted as notified and renumbered 35.4.1.

9.4. Rule 35.4.6 – Temporary Events

461. As notified this rule provided as a permitted activity for temporary events held with permanent, purpose built, hotel complexes, conference centres or civic buildings.

³⁴⁰ Kimberley Banks, Reply Statement, Section 3

³⁴¹ Submission 373

462. There were no submissions on this rule and we recommend it be adopted as notified, but renumbered as 35.4.2.

9.5. **Rule 35.4.7 – Temporary Events**

463. As notified this rule provided for, as a permitted activity, temporary events held on Council-owned public recreation land. The activity did not need to comply with the zone noise rules, however “noise events” were not to occur during hours when the night-time noise rules of the relevant zone were in effect, other than on New Year’s Eve.

464. “Noise event” is defined in Chapter 2 as

Noise Event Means an event, or any particular part of an event, whereby amplified sound, music, vocals or similar noise is emitted by the activity, but excludes people noise.

Where amplified noise ceases during a particular event, the event is not longer considered a noise event.

465. There were no submissions in respect of this rule or the definition of noise event. Ms Banks recommended that the exclusion of the activity from zone noise standards be amended to refer to noise limits to ensure consistency throughout the Plan. We are unsure why she has recommended this alteration be made to this rule, but not to the previous rule, nor the following three rules.

466. We recommend the term remain “standard”. We do, however, consider the phrase needs to be changed to read “do not apply” consistent with our recommendation on rule 35.4.5.

467. Other than that amendment, which can be made under Clause 16(2), we recommend Rule 35.4.7 be adopted as notified, subject to being renumbered as 35.4.3.

468. We have Identified that the definition of Noise Event contains a typographical error in the second sentence, where the statement “the event is not longer” should read “the event is no longer”. We recommend to the Stream 10 Hearing Panel that this be corrected as a minor amendment using Clause 16(2).

9.6. **Rule 35.4.8 – Other Temporary Events**

469. As notified, this rule provided, as a permitted activity, for other temporary events subject to the following restrictions:

- a. *The number of persons (including staff) participating does not exceed 500 persons at any one time*
- b. *The duration of the temporary event does not exceed 3 consecutive calendar days (excluding set up and pack down)*
- c. *The event does not operate outside of the hours of 0800 to 2000. Set up and pack down outside of these hours is permitted*
- d. *No site shall be used for any temporary event more than 12 times in any calendar 12 month period*
- e. *All structures and equipment are removed from the site within 3 working days of the completion of the event*
- f. *For the purpose of this rule the relevant noise standards of the Zone shall not apply.*

470. Submissions on this rule sought the following:

- i. Retain the rule³⁴²;

³⁴² Submissions 438 and 719

- ii. Amend the noise exemption³⁴³
- iii. Extend the permitted hours of the activity³⁴⁴;
- iv. Exclude activities carried out in the Cardrona Ski Activity Area or Walter Peak Rural Visitor Zone³⁴⁵;
- v. Amend the fourth bullet point to limit activity to 7 times per year³⁴⁶;
- vi. Amend fourth bullet point to increase frequency permitted to 24 times per year³⁴⁷.

471. Ms Banks discussed these in her Section 42A Report. The only amendment she recommended was that the frequency of temporary events be reduced to 7 times per calendar year as requested by QLDC.
472. We agree with Ms Banks that the relief sought by the Real Journeys group³⁴⁸, that the Cardrona ski area and the Walter Peak Station Rural Visitor Zone be excluded from the rule, could lead to an excessive level of activity at either location relying on that activity being a temporary event. Ms Black, appearing for Real Journeys Ltd and Te Anau Developments Ltd, limited her discussion of this rule to the second bullet point. She contended that the 3 day limit, including set up and pack down was too short, pointing to activities such as the Queenstown Winter Festival or the Winter Games. We note that neither of these examples relates to the Walter Peak Rural Visitor Zone.
473. In our view, the Real Journeys group have misconstrued the purpose of this rule. It is to provide for truly temporary events locating in places where the temporary events are not the everyday activity for the site. Hence the list of limitations applying. As a permitted activity, we would not expect this rule to provide for every event an organisation may wish to hold. We consider that in circumstances where events do not meet the criteria listed in this rule, and they do not comply with the zone rules, it is appropriate for a consent to be required so that potential adverse effects on the environment can be appropriately managed. Finally on this issue, we note that the Walter Peak Rural Visitor Zone is an ODP zone and this Chapter does not apply to that zone.
474. Mr Buckham's submission³⁴⁹ sought to limit the period that temporary activities were exempt from the zone noise standards to 0800 hours to 2000 hours, and require compliance with the noise standards outside of those hours, while extending the permitted evening hours (third bullet point) from 8pm to 12:30am. He also sought to increase the frequency permitted to 24 per calendar year.
475. Dealing with frequency first, we note Ms Banks' comments that as notified, the rule could allow 6 days or more (including set up and pack down) per month and be beyond the scope of a temporary event³⁵⁰. We agree that if a single site is being used for events at that frequency and for that duration, it is not temporary. To double that, as Mr Buckham seeks, could lead to half the working days each month being dedicated to such events.

³⁴³ Submission 837, supported by FS1342, opposed by FS1127

³⁴⁴ *ibid*

³⁴⁵ Submissions 607, 615 (supported by FS1105, FS1137), 621

³⁴⁶ Submission 383

³⁴⁷ Submission 837, supported by FS1342, opposed by FS1127

³⁴⁸ Submissions 607, 615 and 621

³⁴⁹ Submission 837

³⁵⁰ Kimberley Banks, Section 42A Report, Section 13, p.37

476. We accept Ms Banks' recommendation that 7 times per calendar year is a reasonable level of temporary activity as a permitted activity.
477. We did not have the benefit of hearing from Mr Buckham, but perceive that his aim concerning the hours and noise limit amendments was to allow such activities to occur longer subject to compliance with noise standards. That was the rationale stated in the further submission by Te Anau Developments Ltd³⁵¹, although that was stated as applying to events going later than 10pm. Ms Black did not elaborate on this issue.
478. In the absence of any evidence in support of these changes justifying the need for them, or the adequacy of the proposed rules to ensure adverse effects do not spill over onto adjoining land, we see no reason to change them.
479. As a consequence, the only amendments we recommend to this rule are:
- a. Amend the fourth bullet point to limit occurrence to no more than 7 times per calendar year;
 - b. Consistent with our amendments to other rules, amend the final bullet point to say "do not apply" (under Clause 16(2));
 - c. Change bullet points to an alphanumeric list; and
 - d. Renumber the rule to 35.4.4.
480. The two relevant bullet points are recommended to read:
- d. *no site shall be used for any temporary event more than 7 times in any calendar year;*
 - f. *for the purpose of this rule the relevant noise standards of the Zone do not apply.*

9.7. Rule 35.4.9 – Temporary Events – Informal Airports

481. Although titled "Temporary Events" this rule actually provides for informal airports for rotary wing aircraft flights in association with the use of the site for temporary public events as a permitted activity. The activity is subject to the following criteria:
- *The informal airport is only used during the hours of 0800 – 2000*
 - *No site shall be used for an informal airport for more than 7 days in any calendar year*
 - *No site shall be used for an informal airport more than one day in any calendar month*
 - *The aircraft operator has notified the Council's Planning Department concerning the use of the informal airport.*
 - *The temporary community event must be open to the general public to attend (whether ticketed or not).*

For the purpose of this Rule:

The relevant noise standards of the Zone shall not apply.

482. There was on one submission on this rule³⁵². This sought that the activity be extended to all temporary events, be allowed to operate for 20 days per year, with no limit per month. No evidence was received in support of this submission.
483. In the absence of evidence, we are not prepared to extend this aspect of temporary events in the manner suggested by the submitter. We are satisfied that the Council has achieved a satisfactory balance with the combination of restrictions included in the rule.

³⁵¹ FS1342

³⁵² Submission 837, opposed by FS1127

484. Ms Banks did suggest some minor wording changes for clarification purposes. She suggested replacing “temporary public events” with “temporary events that are open to the general public” in the description of the activity. While we agree that clarifies the nature of the event, it brings into question whether the last bullet point is necessary if that change is made.
485. Ms Banks also recommended inserting “a total of” before “7 days” in the second bullet point. She considered this necessary to clarify that it was not intended that the days be consecutive³⁵³. We do not consider this change is necessary in this rule.
486. The only changes we recommend to this rule are minor grammatical and clarification changes relying on Clause 16(2). We recommend the rule, renumbered 34.5.5, read:
Informal airports for rotary wing aircraft flights in association with the use of a site for temporary public events that are open to the general public provided that:
- a. *The informal airport is only used during the hours of 0800 – 2000;*
 - b. *No site shall be used for an informal airport for more than 7 days in any calendar year;*
 - c. *No site shall be used for an informal airport more than one day in any calendar month;*
 - d. *The aircraft operator has notified the Council’s Planning Department concerning the use of the informal airport.*

For the purpose of this Rule the relevant noise standards of the Zone do not apply.

9.8. Rule 35.4.10 – Temporary Filming

487. As notified, this rule provided for temporary filming activities on public conservation land, including use as an informal airport, as a permitted activity provided a valid concession was held for the temporary filming.
488. This rule was supported by the Director-General, Department of Conservation³⁵⁴. Although a further submission in opposition to this submission was listed in the Schedule of Submissions³⁵⁵, that was directed to an unrelated matter.
489. We recommend the rule be adopted as notified subject to renumbering as 35.4.6.

9.9. Rule 35.4.11 – Temporary Filming

490. This rule provided, as a permitted activity, for temporary filming on land other than conservation land, including using land as an informal airport as part of the filming activity, subject to the following limitations:
- *The number of persons participating in the temporary filming does not exceed 200 persons at any one time within the Rural Zone, 100 persons in the Rural Lifestyle and Rural Residential Zones, and 50 persons in any other zone*
 - *Within the Rural Zone, any temporary filming activity does not occur on a site, or in a location within a site, for a period longer than 30 days, in any 12 month period.*
 - *In any other Zone, any temporary filming activity does not occur on a site for a period longer than 30 days (in any 12 month period) with the maximum duration of film shooting not exceeding 7 days in any 12 month period.*
 - *All building and structures are removed from the site upon completion of filming, and any damage incurred in public places is remediated.*

³⁵³ Kimberley Banks, Reply Statement, paragraph 7.3

³⁵⁴ Submission 373

³⁵⁵ Section 42A Report, Appendix 2

- *The use of land as an informal airport as part of filming activity is restricted to the Rural Zone.*

For the purpose of this Rule:

The relevant noise standards of the Zone shall not apply to temporary filming and the associated use of the site as an informal airport. However Council will use its power under the Resource Management Act 1991 to control unreasonable and excessive noise.

491. There were no submissions on this rule and Ms Banks initially made no recommendations to change it. However, following our questions as to the meaning of the second and third bullet points, Ms Banks recommended the wording of those clauses be amended to clarify that there is no requirement that days be consecutive³⁵⁶. We agree with her recommended wording and agree that it a minor change that falls within the ambit of Clause 16(2). Subject to those changes, changing “shall” to “do” in the last clause, changing the bullet points to an alphanumeric list, and renumbering the rule as 35.4.7, we recommend the rule be adopted as notified. The full text is set out in Appendix 2.

9.10. **Rule 35.4.12 – Temporary Construction-Related Activities**

492. This rule provided for temporary construction-related activities, such as buildings, scaffolding and cranes, ancillary to a construction project as permitted activities.

493. The only submissions on this rule were from the Real Journeys group³⁵⁷. Their submissions sought that

- a. The rule also provide for construction of vessel survey undertaken in relation to the TSS Earnslaw and other associated structures; and
- b. Associated with construction of buildings, structure and infrastructure at Cardrona ski area and Walter Peak Rural Visitor Zone.

494. We are unsure of the rationale of the submitters given that the rule provides for temporary construction works as a permitted activity. Ms Black did not deal with this matter when she provided evidence.

495. In the absence of evidence we would only be speculating as to the intention of the submitters. We recommend the submissions be rejected and the rule be adopted as notified, subject to changing the bullet points to an alphanumeric list and renumbering as 35.4.8.

9.11. **Rule 35.4.13 – Temporary Construction-Related Activities**

496. This rule provided for, as a permitted activity, the provision of temporary food/beverage retail activities for the direct purpose of serving workers of an active building or construction site.

497. Again the only submitters were the Real Journeys group³⁵⁸. The submissions sought the inclusion of the words so that the activity was “for the direct purpose of serving people at temporary events and functions or workers of an active building or construction project”.

498. As with the previous rule, no evidence was led by the submitter on this rule. We consider the submitters have misconceived the purpose of the rule and appear to be attempting to alter it to create a totally different activity.

³⁵⁶ Kimberley Banks, Reply Statement, paragraph 7.3

³⁵⁷ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁵⁸ Submissions 607, 615 (supported by FS1105, FS1137) and 621

499. We recommend the submissions be rejected and the rule be adopted as notified, subject to renumbering as 35.4.9.

9.12. **Rule 35.4.14 – Temporary Military Training**

500. This rule provided for temporary military training as a permitted activity. The sole submission sought the retention of the rule³⁵⁹.

501. We agree and recommend the rule be adopted as notified, subject to being renumbered 35.4.10.

9.13. **Rule 35.4.15 – Temporary Utilities**

502. This rule provided for temporary utilities as a permitted activity. The sole submission sought the retention of the rule³⁶⁰.

503. We agree and recommend the rule be adopted as notified, subject to changing the bullet points to an alphanumeric list and the rule being renumbered 35.4.11.

9.14. **Rule 35.4.16 – Temporary Storage**

504. We have dealt with this in Section 8.5 above. We recommend that it be adopted as notified subject to being renumbered 35.4.12.

9.15. **Additional Rules Sought**

505. The Real Journeys group³⁶¹ sought the inclusion of two new activity rules:

- a. To permit temporary activities (including storage) carried out within the Cardrona ski area and the Walter Peak Rural Visitor Zone; and
- b. Provide a new Temporary food/beverage retail activity rule to permit the serving of people at temporary events and functions.

506. Ms Banks, in her Section 42A Report spent considerable time dealing with the various submissions by the Real Journeys group, including these two additional provisions³⁶². In contrast, Real Journeys group presented nothing to us at the hearing on these submissions. As we have noted above, Ms Black's evidence was limited to supporting Ms Banks' recommended change to Objective 35.2.5 and one clause of Rule 35.4.6. The lack of evidence has not assisted us in understanding what the submitters are either concerned about, or what they seek that is different from what the PDP provides.

507. In our view, the simple answer is that the temporary activity provisions as we are recommending them will apply in the Cardrona ski area. As the Walter Peak Rural Visitor Zone was not notified in Stage 1, these provisions will not immediately have effect on that land as it is not included in the PDP at present (nor, should we say, would any rule we could recommend specifically apply to that zone). At a subsequent stage, when the Walter Peak area is given a zoning in the PDP, then the temporary activity rules will apply there also. Thus, in one location what is sought in (a) is unnecessary, and in the other, it cannot be provided at present in any event.

³⁵⁹ Submission 1365

³⁶⁰ Submission 635

³⁶¹ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁶² Kimberley Banks, Section 42A Report, Section 11

508. As to (b), we do not understand why there needs to be an additional rule specifying that people can serve food and beverages at temporary events such as weddings. In our view, such serving is part of the event.
509. We recommend both of these submission points be rejected in all three submissions.
510. QPL³⁶³ sought that a consistent management approach be provided for all temporary events, whether on conservation land or private land. While a new rule was not explicitly sought, this seems the appropriate location to deal with this issue. As we understand it, where a temporary activity, whether an event or filming, is to be held on conservation land, a valid concession must be obtained. It seems appropriate to us that the applicants for such concessions need not apply additionally to the Council for a resource consent to have the same or similar matters dealt with.
511. Mr Young's submissions on this matter seems to imply that private land owners should be granted the same rights as the Council or Department of Conservation in hosting temporary events. Mr Young did not discuss the effect the Reserves Act or Conservation Act would have on applications to the Council or Department for temporary events on private land. Unfortunately, he did not attend the hearing so we were unable to discuss this matter with him, or how he his client saw that temporary events on private land were disadvantaged. Mr Fitzpatrick did not raise this matter when he appeared.
512. Ms Banks dealt with this matter in her Reply Statement³⁶⁴. She set out the process applicants for temporary events on Council reserve land must go through. It was her opinion, that the provisions in the PDP relating to temporary events on private land were more enabling than in the ODP, and that no further changes were required in response to this submission.
513. We agree with her assessment and recommend that this submission be rejected.

10. 35.5 – RULES – STANDARDS

10.1. Rule 35.5.1

514. As notified this rule set a requirement for shipping containers used as relocated buildings to have signage removed and to be painted where used on a site for more than 2 months. Non-compliance required consent as a non-complying activity.
515. The only submissions³⁶⁵ on this standard sought that the two months be changed to three months.
516. Ms Banks set out in the Section 42A Report why she considered shipping containers should not be considered different from any other building and noted that the definition of building in the PDP includes the use of shipping containers as buildings in certain circumstances³⁶⁶. She recommended this rule be deleted (along with other provisions relating to shipping containers) and that they be managed by the relevant zone rules. She identified that the House Movers submission provided scope for this deletion.

³⁶³ Submission 806

³⁶⁴ Kimberley Banks, Reply Statement, Section 8

³⁶⁵ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁶⁶ Kimberley Banks, Section 42A Report, paragraphs 7.40 to 7.50

517. We agree with Ms Banks' assessment of the issue. The rule appears anomalous when a controlled activity consent is required for any relocated building, and the matters of control include the external appearance. We recommend that the standard be deleted, accepting in part the submissions by the Real Journeys group.

10.2. Rule 35.5.2

518. This standard requires that all fixed exterior lighting be directed away from adjacent sites and roads. Failure to comply requires consent as a restricted discretionary activity with the Council's discretion limited to the effect of lighting on the amenity of adjoining properties.

519. The only submissions³⁶⁷ on this standard sought that it not apply to "glare from lighting used for health and safety purposes". The submitters also suggested the inclusion of an additional rule stating that the glare from such lighting was a permitted activity.

520. Ms Banks did not discuss this in her Section 42A Report, but did recommend deleting "fixed exterior" from the rule based on Submission 607 and FS1097.

521. We are unsure what this standard is designed to regulate. The Section 32 Assessment suggests it is related to temporary activities³⁶⁸ but one would not expect temporary activities to have fixed exterior lighting. Rather, one would expect temporary lighting.

522. We do not agree with Ms Banks' recommendation as that appears to do the opposite to what the submitters sought, by widening the effect of the standard to apply to all lighting. We doubt that there is scope for such a change.

523. The submitters presented no evidence or comment on this provision. We are hesitant to provide a blanket exemption for a category of lighting that is for "health and safety purposes" as that could include all lighting at a temporary event.

524. The only amendment we recommend is a minor grammatical change relying on Clause 16(2) to change "shall" to "must". In our view, the imperative of "must" is more appropriate language in a standard.

525. We recommend the rule be adopted as notified, subject the minor amendment described above and renumbering it as 35.5.1, but that the Council re-examine what the purpose of the standard is, and in the light of the results of that consideration, whether it is necessary or appropriately framed.

10.3. Rules 35.5.3 and 35.5.4

526. These rules provide standards for, respectively, waste management and sanitation. There were no submissions on these standards. Again we recommend the term "shall" be changed to "must", but otherwise recommend they be adopted as notified and renumbered 35.5.2 and 35.5.3 respectively.

11. RULES – NON-NOTIFICATION

527. This provision exempts temporary filming from requiring the written consent of other persons and from limited or public notification.

³⁶⁷ Submissions 607 (supported by FS1097), 615 (supported by FS1105, FS1137) and 621
³⁶⁸ page 40

528. The only submission on this was by QAC³⁶⁹ in relation to the issue of temporary activities piercing the OLSs. We have dealt with the issue above in Section 8.1 and concluded an advice note was the appropriate solution to the issue and that deals with QAC's submission on this provision as well.

529. We recommend the provision be adopted as notified.

11.1. Summary of Conclusions on Rules

530. We have set out in Appendix 2 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that the rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 35, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

12. CHANGES SOUGHT TO DEFINITIONS

12.1. Introduction

531. Submitters on this Chapter also lodged submissions on a number of notified definitions and also sought the inclusion of several new definitions. In accordance with the Hearing Panel's directions in its Second Procedural Minute dated 5 February 2016, we heard evidence on these definitions and have considered them in the context of the rules which apply them. However, to ensure a consistent outcome of consideration of definitions, given the same definition may be relevant to a number of hearing streams, our recommendations in this part of the report are to the Hearing Stream 10 Panel, who have overall responsibility for recommending the final form of the definitions to the Council. As the recommendations in this section are not directly to the Council, we have listed the wording we are recommending for these definitions in Appendix 5.

532. We have already dealt with the definition of "Noise Event", which was not subject to any submissions. We will not repeat that discussion here.

12.2. Relocated Buildings

533. As notified, Chapter 2 contained the following definitions relevant to relocated buildings:
Relocated/Relocatable Building means a building which is removed and re-erected on another site, but excludes new buildings that are purpose built for relocation.

Relocatable Means not constructed for permanent location on any particular site and readily capable of removal to another site.

Relocation In relation to a building, means the removal and resiting of any building from any site to another site.

534. House Movers³⁷⁰ sought the PDP include the following definitions, which the submitter stated was consistent with the industry's usage:

Relocated Building means any previously used building which is transported in whole or in parts and re-located from its original site to its destination site; but excludes any pre-fabricated building which is delivered dismantled to a site for erection on that site.

Removal of a Building means the shifting of a building off a site.^[17]

³⁶⁹ Submission 433, opposed by FS1097, FS1117

³⁷⁰ Submission 496

Relocation of a Building means the placement of a relocated building on its destination site.³⁷¹

Re-siting of a Building means shifting a building within a site.

535. Ms Banks discussed these proposed definitions and considered adoption of them in part would assist in alleviating interpretation difficulties that have arisen under the ODP using the definitions as notified³⁷¹. Mr Ryan³⁷² did not take any issue with Ms Banks' modified definitions at the hearing.
536. We largely agree with Ms Banks' opinion on the value of amending these definitions. We do also recommend some further minor changes to the definition of Relocated Building. We consider the exclusion of pre-fabricated buildings needs to be clarified such that it applies to newly created prefabricated buildings, and that the requirement they be dismantled for transport be removed. While "dismantled" may mean a small degree of dismantling, we would not want such a term to be construed as requiring a prefabricated building be deconstructed for transport then re-fabricated on site. That would amount to placing such buildings in the same category as prefabricated roof trusses. We consider the definition is less open to perverse interpretations if the exclusion reads "any newly prefabricated building which is delivered to a site for erection on that site".
537. We do not agree with Ms Banks that it unnecessary to replace the notified definition of "Relocation". Given the recommended new definition of "Re-siting", the use of that term within the definition of "Relocation" will create further ambiguity and confusion. We consider that deleting "and resiting" from that definition removes that potential problem.
538. As a result, we recommend to the Stream 10 Panel that the definitions of "Relocated Building" and "Relocation" be amended as set out below, and that new definitions of "Removal" and "Re-siting" be included in Chapter 2 in the form set out below.

Relocated/Relocatable Building means a building which is removed and re-erected on another site, but excludes any newly prefabricated building which is delivered to a site for erection on that site. This definition excludes Removal and Re-siting

Relocation In relation to a building, means the removal of any building from any site to another site.

Removal of a Building means the shifting of a building off a site.

Re-siting of a Building means shifting a building within a site.

12.3. Temporary Activities

539. The notified definition reads:
- Temporary Activities Means the use of land, buildings, vehicles and structures for activities of short duration and are outside the usual use of a site, that include the following:*
- Temporary events

³⁷¹ Kimberley Banks, Section 42A Report, paragraphs 16.1 to 16.7

³⁷² Submissions of Counsel for House Movers, dated 14 September 2016

- Temporary filming
- Temporary activities *related to building and construction*
- Temporary military *training*
- Temporary storage
- Temporary *utilities*
- Temporary *use of a site as an airport for certain community events*
- *A temporary activity does not include the extension of an activity authorised by a resource consent where in contravention to any conditions of the resource consent.*

540. Submissions on this definition sought:

- a. Improve the wording³⁷³;
- b. Include airshows³⁷⁴;
- c. Include “temporary exploration and prospecting”³⁷⁵;
- d. Retain³⁷⁶.

541. Related to this definition, submissions also sought the inclusion of definitions of:

- a. Temporary Military Training Activity³⁷⁷; and
- b. Temporary Storage³⁷⁸.

542. Ms Banks agreed that the wording of the definition of “Temporary Activities” could be improved and recommended modification of the last bullet point and deletion of the final paragraph³⁷⁹. She also considered that the QAC request to include airshows should be provided for in the relevant zone, rather than in this definition³⁸⁰.

543. In response to our questioning at the hearing, Ms Banks undertook a further evaluation of the definition, including examining how the activity has been defined in other districts in New Zealand and Australia³⁸¹. She concluded that the definition should not attempt to define the duration of temporary activities, rather that should be left to the rules. She did, however, conclude that further improvements could be made to the wording.

544. Before turning to Ms Banks’ recommended wording, we need to deal with the submission seeking the inclusion of “temporary exploration and prospecting” in the definition. We heard no evidence regarding this from either Ms Banks, the submitter or the further submitters.

545. New Zealand Tungsten Mining Ltd also sought the inclusion of definitions of “exploration” and “prospecting”. Reviewing those as requested, we do see that those activities are implicitly temporary. We make no recommendation on those requests by the submitter, but are

³⁷³ Submission 243

³⁷⁴ Submission 433

³⁷⁵ Submission 519, supported by FS1015, opposed by FS1356

³⁷⁶ Submission 635

³⁷⁷ Submission 1365

³⁷⁸ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁷⁹ Kimberley Banks, Section 42A Report, paragraph 16.10

³⁸⁰ *ibid*, paragraph 16.11

³⁸¹ Kimberley Banks, Reply Statement, Section 2

satisfied that there is no value in amending the definition of “temporary activities” to refer to them. We recommend to the Stream 10 Panel that submission be refused.

546. The amended definition of “temporary activities” recommended by Ms Banks read:
Temporary Activities Means the use of land, buildings, vehicles and structures for the following listed activities of short duration, limited frequency, and outside the regular day-to-day use of a site:
- a. Temporary events
 - b. Temporary filming
 - c. Temporary activities related to building and construction
 - d. Temporary military training
 - e. Temporary storage
 - f. Temporary utilities
 - g. Temporary use of a site as an informal airport
547. In large part we agree with Ms Banks that this wording is clearer as to what falls within the range of temporary activities. Our one concern is the amendment in respect of informal airports. As we read the rules in Section 35.4, the intention for informal airports is that they are allowed as a temporary activity when they are a component of a temporary event (Rule 35.4.5 as amended). Ms Banks’ amendment appears to widen that scope to include any temporary use of a site as an informal airport. We do not consider that change would have been contemplated by someone reading the submissions on this definition, so do not consider there is scope for such a broad amendment. We also doubt that it is a desirable outcome, but have no evidence one way or the other.
548. As a consequence, we agree with Ms Banks’ amendment save for the last bullet point, which we recommend should read:
549. *Temporary use of a site as an informal airport as a part of a temporary event*
550. We agree with Ms Banks that Ms Byrch’s submission³⁸² provides scope for this amendment. We recommend to the Stream 10 Panel that the definition of “temporary activities” be amended in accordance with Ms Banks’ recommendation subject to our revision to the final bullet point. We also recommend the Panel consider whether the use of alphanumeric lists should replace bulleted lists.
551. Associated with this definition is the request for a definition of “Temporary Military Training Activity”³⁸³. Ms Banks³⁸⁴ noted that notified Objective 35.2.3 stated that temporary military training is provided for (and our revised Objective 35.2.3 does not alter that outcome) and that the definition of “Temporary Activities” includes “temporary military training”, but nowhere is that defined. She agreed with the submitter that a new definition be included which read:
Temporary Military Training Activity (TMTA) means a temporary military activity undertaken for defence purposes. The term ‘defence purpose’ is as described in the Defence Act 1990
552. We agree, for the same reasons, that the new definition should be included. However, we consider the wording can be improved by removing repetition and improving grammar. We also note that the Defence Act 1990 does not explicitly describe ‘defence purposes’. Taking

³⁸² Submission 243

³⁸³ Submission 1365

³⁸⁴ Kimberley Banks, Section 42A Report, paragraphs 16.8 and 16.9

account of this, we recommend to the Stream 10 Panel that a new definition of Temporary Military Training Activity be included in the Plan and that it read:

Temporary Military Training Activity (TMTA) means a temporary military activity undertaken for defence purposes. Defence purposes are those in accordance with the Defence Act 1990.

553. The Real Journeys group³⁸⁵ sought that a new definition of “temporary storage” be included in Chapter 2. The submissions did not provide a proposed wording and Ms Black did not provide any explanation in her evidence. We are satisfied that Rule 35.4.12 (revised number) adequately explains what temporary storage is. We recommend to the Stream 10 Panel that these submissions be rejected.

12.4. Temporary Events

554. There were no submissions on this definition, but Ms Banks recommended the addition of an advice note to clarify that the sale of alcohol, and food and beverage hygiene standards and regulations, were not regulated by the PDP³⁸⁶. She recommended the addition of the following note:

Note - The following activities associated with Temporary Events are not regulated by the PDP:

- a. Food and Beverage
- b. Sale of Alcohol

555. We accept that is a helpful clarification and consider it is an amendment that can be made relying on Clause 16(2). We recommend to the Stream 10 Panel that this note be added to the definition of “Temporary Events”.

12.5. Definition of Building

556. In response to our questions at the hearing, Ms Banks undertook a careful consideration of the relationship of shipping containers to the definition of building³⁸⁷. Her final conclusion was that an additional exemption should be included in the definition of “Building” as follows:

- *Shipping containers temporarily located on a site for less than 2 months*

557. We are not in a position to know whether there is scope for such a change and do no more than bring the matter to the attention of the Stream 10 Panel for its consideration.

³⁸⁵ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁸⁶ Kimberley Banks, Reply Statement, paragraph 8.9

³⁸⁷ *ibid*, Section 10

35 TEMPORARY ACTIVITIES & RELOCATED BUILDINGS

35.1

Purpose

The purpose of the Temporary Activity provisions is to enable temporary events, filming, construction activities, military training, temporary utilities and temporary storage to be undertaken, subject to controls intended to minimise adverse effects. The provisions recognise that temporary activities, events and filming are important to the economic, social, and cultural vitality of the District, and are therefore encouraged.

The Relocated Building provisions primarily seek to ensure that the reinstatement of such buildings is compatible with the surrounding environment and amenity. The requirements of this chapter enable matters to be considered in addition to any specific controls for buildings and structures in the Zone Chapters and other relevant District Wide Chapters.

35.2

Objectives and Policies

35.2.1 Objective – Temporary Events and Filming are encouraged and are undertaken in a manner that ensures the activity is managed to minimise adverse effects.

Policies	<p>35.2.1.1 Recognise and encourage the contribution that temporary events and filming make to the social, economic and cultural wellbeing of the District’s people and communities.</p> <p>35.2.1.2 Permit small and medium-scale events during daytime hours, subject to controls on event duration, frequency and hours of operation.</p> <p>35.2.1.3 Recognise that purpose-built event facilities are designed to cater for temporary activities.</p> <p>35.2.1.4 Recognise that for public spaces, temporary events are anticipated as part of the civic life of the District.</p> <p>35.2.1.5 Require adequate infrastructure, waste minimisation, traffic management, emergency management, security, and sanitation facilities to be available to cater for anticipated attendants at large-scale temporary events and filming.</p> <p>35.2.1.6 Ensure temporary activities do not place an undue restriction on public access.</p> <p>35.2.1.7 Recognise that noise is an anticipated component of temporary events and filming, while protecting residential amenity from undue noise during night-time hours.</p> <p>35.2.1.8 Enable the operation of informal airports in association with temporary community events and filming, subject to minimising adverse effects on adjacent properties.</p> <p>35.2.1.9 Require all structures associated with temporary events and filming to be removed at the completion of the activity, and any damage in public spaces to be remediated.</p>
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35.2.2 Objective – Temporary activities necessary to complete building and construction work are provided for.

- Policies
- 35.2.2.1 Ensure temporary activities related to building and construction work are carried out with minimal disturbance to adjoining properties and on visual amenity values.
 - 35.2.2.2 Provide for small-scale retail activity to serve the needs of building and construction workers.
 - 35.2.2.3 Require temporary activities related to building and construction to be removed from the site following the completion of construction, and any damage in public spaces to be remediated.
-

35.2.3 Objective – Temporary Military Training Activities are provided for.

- Policy
- 35.2.3.1 Enable temporary military training to be undertaken within the District.
-

35.2.4 Objective – Temporary Utilities needed for other temporary activities or for emergencies are provided for.

- Policy
- 35.2.4.1 Enable short-term use of temporary utilities needed for other temporary activities or for emergency purposes.
-

35.2.5 Objective – Temporary Storage is provided for.

- Policies
- 35.2.5.1 Permit temporary storage related to farming activity.
 - 35.2.5.2 Ensure temporary storage not required for farming purposes is of short duration and size to protect the visual amenity values of the area in which it is located.
-

35.2.6 Objective – Relocated buildings maintain amenity and minimise the adverse effects of relocation and reinstatement works.

- 35.2.6.1 Provide for relocated buildings where adverse effects associated with the relocation and reinstatement are managed to provide a quality external appearance, and are compatible with the amenity of the surrounding area.

35.3

Other Provisions and Rules

35.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	Earthworks	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	Transport	30	Energy and Utilities
31	Signs	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	36	Noise	37	Designations
	Planning Maps				

35.3.2 Interpreting and Applying the Rules

- 35.3.2.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules.
- 35.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column applies. Where an activity breaches more than one Standard, the most restrictive status applies to the Activity.
- 35.3.2.3 The Rules of this Chapter relating to Temporary Activities take precedence over any other provision of the District Plan, with the exception of:
 - a. 26 Historic Heritage;
 - b. 31 Signs.
- 35.3.2.4 Notwithstanding 35.3.2.3, the Rules of this Chapter relating to Temporary Activities specify when the rules in Chapter 36 (Noise) do not apply.
- 35.3.2.5 For a Relocated Building, the provisions in this Chapter apply in addition to any relevant provision of any other Chapter.

Advice Notes

Relocated Buildings: Newly pre-fabricated buildings (delivered to a site for erection on that site) are excluded from the definition of Relocated Building, and are not subject to the rules of this chapter.

Temporary Events: The following activities associated with Temporary Events are not regulated by the District Plan:

- a. Food and Beverage;
- b. Sale of Alcohol.

Obstacle limitation surfaces at Queenstown or Wanaka Airport:

Any person wishing to undertake an activity that will penetrate the designated Airport Approach and Land Use Controls obstacle limitation surfaces at Queenstown or Wanaka Airport must first obtain the written approval of the relevant requiring authority, in accordance with section 176 of the Resource Management Act 1991.

35.3.2.5 The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

35.4 Rules - Activities

	Temporary Activities and Relocated Buildings	Activity Status
35.4.1	Temporary Events held on public conservation land, including the use of the land as an informal airport, which holds a valid concession for the temporary event. For the purpose of this rule the relevant noise standards of the Zone do not apply.	P
35.4.2	Temporary Events held within a permanent, purpose-built, hotel complex, conference centre, or civic building.	P
35.4.3	Temporary Events held on Council-owned public recreation land, provided that: a. Noise Events do not occur during hours in which the night-time noise limits of the relevant Zone(s) are in effect, except for New Year's Eve. For the purpose of this rule the relevant noise standards of the Zone do not apply.	P
35.4.4	Any other Temporary Events, provided that: a. the number of persons (including staff) participating does not exceed 500 persons at any one time; b. the duration of the temporary event does not exceed 3 consecutive calendar days (excluding set up and pack down); c. the event does not operate outside of the hours of 0800 to 2000. Set up and pack down outside of these hours is permitted; d. no site shall be used for any temporary event more than 7 times in any calendar year; e. all structures and equipment are removed from the site within 3 working days of the completion of the event; f. for the purpose of this rule the relevant noise standards of the Zone do not apply.	P

	Temporary Activities and Relocated Buildings	Activity Status
35.4.5	<p>Temporary Events</p> <p>Informal airports for rotary wing aircraft flights in association with the use of a site for temporary events that are open to the general public provided that:</p> <ul style="list-style-type: none"> a. the informal airport is only used during the hours of 0800 – 2000; b. no site shall be used for an informal airport for more than 7 days in any calendar year; c. no site shall be used for an informal airport more than one day in any calendar month; d. the aircraft operator has notified the Council’s Planning Department concerning the use of the informal airport. <p>For the purpose of this Rule the relevant noise standards of the Zone do not apply.</p>	P
35.4.6	<p>Temporary Filming</p> <p>Held on public conservation land, including the use of the land as an informal airport, which holds a valid concession for the temporary filming activity.</p>	P
35.4.7	<p>Temporary Filming, including the use of the land as an informal airport as part of that filming activity, provided that:</p> <ul style="list-style-type: none"> a. the number of persons participating in the temporary filming does not exceed 200 persons at any one time within the Rural Zone, 100 persons in the Rural Lifestyle and Rural Residential Zones, and 50 persons in any other zone; b. within the Rural Zone, any temporary filming activity on a site, or in a location within a site, is limited to a total of 30 days, in any calendar year; c. in any other Zone, any temporary filming activity is limited to a total of 30 days (in any calendar year) with the maximum duration of film shooting not exceeding a total of 7 days in any calendar year; d. all building and structures are removed from the site upon completion of filming, and any damage incurred in public places is remediated; e. the use of land as an informal airport as part of filming activity is restricted to the Rural Zone. <p>For the purpose of this Rule:</p> <p>The relevant noise standards of the Zone do not apply to temporary filming and the associated use of the site as an informal airport. However Council will use its power under the Resource Management Act 1991 to control unreasonable and excessive noise.</p>	P
35.4.8	<p>Temporary Construction-Related Activities</p> <p>Any temporary building (including a Relocated Building), scaffolding, crane, safety fences, and other similar structures and activities that are:</p> <ul style="list-style-type: none"> a. ancillary to a building or construction project and located on the same site; b. are limited to the duration of an active construction project; c. are removed from the site upon completion of the active construction project. 	P
35.4.9	<p>Temporary Construction-Related Activities</p> <p>Any temporary food/beverage retail activity, for the direct purpose of serving workers of an active building or construction project.</p>	P
35.4.10	<p>Temporary Military Training</p> <p>Temporary Buildings and Temporary Activities related to temporary military training carried out pursuant to the Defence Act 1990, provided any such activity or building does not remain on the site for longer than the duration of the project.</p>	P

	Temporary Activities and Relocated Buildings	Activity Status
35.4.11	<p>Temporary Utilities</p> <p>Any temporary utilities that:</p> <ul style="list-style-type: none"> a. are required to provide an emergency service; or b. are related to, and required in respect of, a permitted temporary activity specified in this chapter of the District Plan. 	P
35.4.12	<p>Temporary Storage</p> <p>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.</p> <p>Note: Any temporary storage which fails to meet this permitted activity rule is subject to the rules of the relevant Zone.</p>	P
35.4.13	<p>Relocated Building</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. the reinstatement works required to the exterior of the building and the timeframe to execute such works; b. the timeframe for placing the building on permanent foundations and the closing in of those foundations; c. the nature of other works necessary to the relocated building to ensure the building is compatible with the amenity values of the area. <p>This rule does not apply to buildings for Temporary Construction-Related Activities, as addressed in Rules below.</p>	C
35.4.14	Any temporary activity or relocated building not otherwise listed as a permitted or controlled activity in this table.	D

35.5 Rules - Standards

	Standards for Activities	Non- compliance Status
35.5.1	<p>Glare</p> <p>All fixed exterior lighting must be directed away from adjacent sites and roads.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effect of lighting on the amenity of adjoining properties.
35.5.2	<p>Waste Management</p> <p>All temporary events with more than 500 participants at any one time, and temporary filming with more than 200 participants, must undertake the event in accordance with the Council's Zero Waste Events Guide, including the submission of a completed 'Zero Waste Event Form'.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the ability to minimise and manage waste from the event.

	Standards for Activities	Non- compliance Status																																																
35.5.3	<p>Sanitation</p> <p>All temporary events with an anticipated attendance of up to 500 must provide a minimum number of toilet facilities in accordance with the below table, or have ready access to the same number of publicly-accessible toilets within a 150m walk from the event.</p> <table border="1" style="margin-left: 20px;"> <thead> <tr> <th style="background-color: #e67e22; color: white;">People Attending</th> <th colspan="7" style="background-color: #e67e22; color: white;">Duration of Event (hours)</th> </tr> <tr> <th style="background-color: #e67e22; color: white;"></th> <th style="background-color: #e67e22; color: white;">1-2</th> <th style="background-color: #e67e22; color: white;">3</th> <th style="background-color: #e67e22; color: white;">4</th> <th style="background-color: #e67e22; color: white;">5</th> <th style="background-color: #e67e22; color: white;">6</th> <th style="background-color: #e67e22; color: white;">7</th> <th style="background-color: #e67e22; color: white;">8+</th> </tr> </thead> <tbody> <tr> <td style="background-color: #e67e22; color: white;">1-50</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> <td style="text-align: center;">2</td> <td style="text-align: center;">2</td> <td style="text-align: center;">2</td> <td style="text-align: center;">2</td> </tr> <tr> <td style="background-color: #e67e22; color: white;">51-100</td> <td style="text-align: center;">2</td> <td style="text-align: center;">2</td> <td style="text-align: center;">2</td> <td style="text-align: center;">2</td> <td style="text-align: center;">3</td> <td style="text-align: center;">3</td> <td style="text-align: center;">3</td> </tr> <tr> <td style="background-color: #e67e22; color: white;">101-250</td> <td style="text-align: center;">3</td> <td style="text-align: center;">3</td> <td style="text-align: center;">3</td> <td style="text-align: center;">3</td> <td style="text-align: center;">4</td> <td style="text-align: center;">4</td> <td style="text-align: center;">6</td> </tr> <tr> <td style="background-color: #e67e22; color: white;">251-500</td> <td style="text-align: center;">4</td> <td style="text-align: center;">4</td> <td style="text-align: center;">4</td> <td style="text-align: center;">6</td> <td style="text-align: center;">6</td> <td style="text-align: center;">6</td> <td style="text-align: center;">8</td> </tr> </tbody> </table> <p>Advice Note</p> <p>Weather conditions, the amount of food and beverages consumed, and the availability of alcohol can increase toilet usage by 30% - 40%.</p>	People Attending	Duration of Event (hours)								1-2	3	4	5	6	7	8+	1-50	1	1	1	2	2	2	2	51-100	2	2	2	2	3	3	3	101-250	3	3	3	3	4	4	6	251-500	4	4	4	6	6	6	8	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the ability to provide adequate sanitation facilities for the event.</p>
People Attending	Duration of Event (hours)																																																	
	1-2	3	4	5	6	7	8+																																											
1-50	1	1	1	2	2	2	2																																											
51-100	2	2	2	2	3	3	3																																											
101-250	3	3	3	3	4	4	6																																											
251-500	4	4	4	6	6	6	8																																											

35.6

Rules - Non-Notification of Applications

35.6.1 Any application for resource consent for the following matters do not require the written approval of other persons and not be notified or limited-notified:

35.6.1.1 Temporary filming.