

**Chapter 54****TEMPORARY ACTIVITIES****54.1 RESOURCE MANAGEMENT ISSUES**

The following resource management issues have been identified as significant within Napier City in respect of Temporary Activities.

**54.1.1 The need to provide for temporary activities occurring in the City.**

The community is generally accepting of the need for short to medium term accessory buildings and use of land where it is associated with construction and building works. Such buildings and areas of land may be necessary for temporary offices, workshops, storage sheds and yards. However, as with all buildings – whether temporary or not – the bulk and location of such buildings can have adverse effects on the surrounding environment, particularly on amenity values.

Temporary events such as, concerts, parades, festivals, meetings, exhibitions occur on a regular basis on sites throughout the City. The Plan needs to provide for such activities to recognise their contribution to the community and the City. The temporary nature of such activities, (often less than five days) generally minimises the adverse effects the event may have on the surrounding environment. Consequently, many events of short duration are tolerated by parts of the community while other members enjoy what the event has to offer.

To ensure that the number, scale and intensity of temporary events does not increase to a level beyond which the effects of the event are more than of a temporary duration and have more than a minor effect, the Council wishes to manage the effects of temporary events and their operations.

Similarly, the nature and diversity of military training exercises need to be provided for within the Plan. To ensure any adverse effects arising from military training exercises are avoided, remedied or mitigated, a set of clear parameters needs to be developed to manage the wide range of exercises that may occur from time to time within the City.

**OBJECTIVES, POLICIES AND METHODS****Objective 54.2**

To ensure the adverse effects of any temporary events on the environment are avoided, remedied or mitigated.

*This objective relates to Issue 54.1.1.*

**Policies**

To meet this objective the Council will:

54.2.1 Control the effects of temporary events on the environment.

54.2.2 Restrict the scale, intensity, location, duration and frequency of temporary events.

**Principal Reasons for Adopting Objective and Policies**

*The Council recognises that temporary events may produce only effects of a limited duration. However, the Council also recognises that if left uncontrolled the effects of temporary events can be considered more than minor. Therefore the Council wishes to establish controls and maintain acceptable levels for temporary land uses that do not create a nuisance or adverse effects on areas surrounding the temporary land use.*

**Methods**

- (1) District Plan Rules.
- (2) Council Bylaws.

**Reasons for Methods**

*Rules in the District Plan establish the levels of temporary event land use that are appropriate throughout the City, while ensuring that adverse effects of the event on the surrounding environment are avoided, remedied or mitigated. Simultaneously, Council bylaws establish further rules for temporary events in relation to matters such as litter disposal, the sale of food, site selection etc.*

**54.3 ANTICIPATED ENVIRONMENTAL RESULTS**

- (1) The avoidance, remedying or mitigation of adverse effects of temporary event land uses on the environment.
- (2) The occurrence of temporary events throughout the City that do not create any adverse effects on the environment.

**RULES**

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

## DISTRICT WIDE TEMPORARY EVENTS – ACTIVITY TABLE

PERMITTED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities
<p><b>54.4 Temporary Activities Incidental to Building and Construction Works</b></p> <p>1. Any temporary activity for such purposes as a temporary office, storage shed, storage yard, builders' workshop, safety fences, and other similar buildings and uses of land that are incidental to a building or construction project is a permitted activity provided that:</p> <p>a) The length of time for the temporary activity must not exceed the duration of the building or construction project or 12 months, whichever is the lesser.</p> <p>b) Any building incidental to a building or construction project must not exceed 50m<sup>2</sup> in gross floor area.</p> <p>c) All buildings must comply with the yards, height and height in relation to boundary conditions in the respective zone's condition table.</p>	<p>The Council will restrict its discretion to the matters in Rule 54.10 including the following:</p> <ul style="list-style-type: none"> <li>- The effects on amenity values.</li> <li>- The duration of the temporary activity.</li> <li>- The extent to which buildings and structures can be mitigated by screening or other remedial measures.</li> <li>- The effects on infrastructural services.</li> </ul>
<p><b>54.5 Carnivals, Circuses, Exhibitions, Festivals, Filming, Meetings, Parades, Recycling Depots, Sporting Events</b></p> <p>1. Any temporary activity for such purposes as carnivals, circuses, exhibitions, festivals, filming, meetings, parades, concerts, musicals, theatrical festivals/entertainment, recycling depots, sporting events, and similar purposes, including commercial activities ancillary to the activity, is a permitted activity, unless otherwise provided for, provided that:</p> <p>a) The number of temporary activities that may occur on any one site in a calendar year must not exceed 5*;</p> <p>b) Occupation of the site for the erection and removal of all structures and land uses associated with the temporary activity must not exceed 5 days additional to the duration of the temporary activity;</p> <p>c) The duration of the temporary activity (including onsite accommodation) must not exceed a period of:</p> <p>i) 24 hours for concerts, musicals, theatrical festivals/entertainment;</p> <p>ii) 5 days for a sporting event; and</p> <p>iii) 3* days for all other temporary activities included in this rule</p> <p>d) All associated buildings and structures must comply with the yards and height in relation to boundary conditions in the respective zone's condition table;</p> <p>e) Any amplified sound equipment must not be operated during the following hours:</p> <p>Sunday to Thursday inclusive 2200 hours to 1000 hours (the following day)  Fridays and Saturdays 2400 hours to 1000 hours (the following day)</p> <p>Except that on 1<sup>st</sup> January of any calendar year, this is extended from 0100 hours.</p>	<p>The Council will restrict its discretion to the matters in Rule 54.10 including the following:</p> <ul style="list-style-type: none"> <li>- The effects of traffic on the surrounding area.</li> <li>- The effects on parking in the surrounding areas.</li> <li>- The extent to which buildings and structures can be mitigated by screening or other remedial measures.</li> <li>- The hours of operation, duration and frequency of the temporary activity.</li> <li>- The effects (including cumulative effects) on amenity values.</li> <li>- The effects on infrastructural services.</li> <li>- The effects on heritage values.</li> </ul>

<p>f) Any sound checks that include testing and balancing of sound systems, sound equipment and vocal checks by performers must not:</p> <ul style="list-style-type: none"> <li>i) Exceed a cumulative period of 6 hours.</li> <li>ii) Commence before 0900 hours on any day and shall be completed by 1900 hours on any day of the temporary activity.</li> </ul> <p>g) Amplified sound equipment operated outside of the hours specified in (e) above, must not exceed 90 dB LAeq (15 min) at any point beyond the site boundary.</p> <p>h) When an activity requires access from a State Highway the activity must comply with the Traffic Access Sight Lines diagram in Appendix 21 and all parking must be provided onsite.</p> <p>i) *Exception – Up to 18 Temporary Activities included in this rule shall be permitted per calendar year, per site, in the Foreshore Reserve Zone, the Marine Parade Recreation Zone, and Anderson Park.</p> <p>j) *Exception - The maximum duration of activities defined in 1(c)(iii) above, in the Foreshore Reserve Zone, the Marine Parade Recreation Zone, and Anderson Park, shall be 15 consecutive days.</p>					
<p><b>54.6 Sporting events at McLean Park</b></p> <p>1. Any sporting event, including commercial activities ancillary to the activity, is a permitted activity provided that:</p> <ul style="list-style-type: none"> <li>a) All associated buildings and structures must comply with the yards and height in relation to boundary conditions in the Sports Park Zone’s condition table;</li> <li>b) Any amplified sound equipment must not be operated during the following hours:   <table border="0" style="margin-left: 20px;"> <tr> <td style="padding-right: 20px;">Sunday to Thursday inclusive</td> <td>2200 hours to 1000 hours (the following day)</td> </tr> <tr> <td>Friday and Saturdays</td> <td>2400 hours to 1000 hours (the following day)</td> </tr> </table> </li> <li>c) Amplified sound equipment operated outside of the hours specified in (b) above, must not exceed 90 dB LAeq (15 min) at any point beyond the site boundary.</li> <li>d) Any sound checks that include testing and balancing of sound systems, sound equipment and vocal checks must not: <ul style="list-style-type: none"> <li>i) Exceed a cumulative period of 6 hours.</li> <li>ii) Commence before 0900 hours on any day and shall be completed by 1900 hours on the day of the temporary activity.</li> </ul> </li> </ul> <p>NOTE: There is no restriction on the number or duration of sporting events at McLean Park.</p>	Sunday to Thursday inclusive	2200 hours to 1000 hours (the following day)	Friday and Saturdays	2400 hours to 1000 hours (the following day)	<p>The Council will restrict its discretion to the matters in Rule 54.10 including the following:</p> <ul style="list-style-type: none"> <li>- The effects of traffic on the surrounding area.</li> <li>- The effects on parking in the surrounding areas.</li> <li>- The extent to which buildings and structures can be mitigated by screening or other remedial measures.</li> <li>- The hours of operation, duration and frequency of the temporary activity.</li> <li>- The effects (including cumulative effects) on amenity values.</li> <li>- The effects on infrastructural services.</li> <li>- The effects on heritage values.</li> </ul>
Sunday to Thursday inclusive	2200 hours to 1000 hours (the following day)				
Friday and Saturdays	2400 hours to 1000 hours (the following day)				
<p><b>54.7 Temporary Military Training Exercises</b></p> <p>1. Temporary Military Training Activities are permitted provided they comply with the limits set out in the table below:</p>	<p>The Council will restrict its discretion to the matters in Rule 54.10 including the following:</p> <ul style="list-style-type: none"> <li>- The effects on amenity values.</li> <li>- The sound level likely to be generated.</li> </ul>				

Noise Standards for Temporary Military Training Activities			
Type of military noise source	Noise Control Standards		
	Time (Monday to Sunday)	Separation distance required to any dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes	
1. Live firing of weapons and single or multiple explosive events	0700 to 1900 hours	At least 1500m	Less than 1500m if conditions (a) and (c) below are complied with
	1900 to 0700 hours	At least 4500m	Less than 4500m if conditions (b) and (c) below are complied with
2. Firing of blank ammunition	0700 to 1900 hours	At least 750m	Less than 750m if conditions (a) and (c) below are complied with
	1900 to 0700 hours	At least 2250m	Less than 2250m if conditions (b) and (c) below are complied with
<p>Conditions to be complied with if minimum separation distances for sources (1) and (2) cannot be met:</p> <p>(a) Daytime sound levels do not exceed a peak sound pressure level of 120 dBC when measured at or within the 20 metre notional boundary of any dwelling, residentially zoned site, building used for residential, educational or health care purposes.</p> <p>(b) Night time sound levels do not exceed a peak sound pressure level of 90 dBC when measured at or within the 20 metre notional boundary of any dwelling, residentially zoned site, building used for residential, educational or health care purposes.</p> <p>(c) The activity is undertaken in accordance with a Noise</p>			

- The nature and frequency of the noise including any special audible characteristics.
- The length of time for which specified noise levels is exceeded, especially at night.

	<p>Management Plan prepared by a suitably qualified expert and approved by Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain:</p> <ul style="list-style-type: none"> <li>• A description of the site and activity including times, dates, and nature and location of the proposed training activities.</li> <li>• Methods to minimize the noise disturbance at noise sensitive receiver sites such as selection of location, orientation, timing of noisy activities to limit noise received at sensitive receiver sites.</li> <li>• A map showing potentially affected noise sensitive sites and predicted peak sound pressure levels for each of these locations.</li> <li>• A programme for notification and communication with the occupiers of affected noise sensitive sites prior to the activities commencing, including updates during the event.</li> <li>• A method for following up any complaints received during or after the event, and any proposed de-briefing meetings with Council.</li> </ul>	
<p><b>3. Mobile noise sources, excluding sources (1) and (2)</b></p>	<p>Compliance with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics – Construction Noise, with reference to ‘construction noise’ taken to refer to other, mobile sources.</p>	
<p><b>Note:</b> mobile noise sources (other than firing of weapons) include sources such as personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment.</p>		
<p><b>4. Fixed (stationary) noise sources, excluding sources (1) and (2)</b></p>	<p><b>Time (Monday to Sunday)</b></p>	<p><b>Noise level at the 20 metre notional boundary of any dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes</b></p>
	<p>0700 to 1900 hours</p>	<p>55 dB L<sub>Aeq</sub> (min)</p>
	<p>1900 to 2200 hours</p>	<p>50 dB L<sub>Aeq</sub> (15 min)</p>
	<p>2200 to 1700 hours the next day</p>	<p>45 dB L<sub>Aeq</sub> (15 min)</p>
<p><b>Note:</b> fixed (stationary) noise sources (other than firing of weapons and explosives) include noise sources such as power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.</p>		

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

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

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

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

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

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

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

**4. Temporary Military Training Exercises**

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

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

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