



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

SECTION 42A REPORT

Hearing Stream 2 - Part 2 – TEMP - Temporary Activities: Report on submissions and further submissions on the Proposed Napier City District Plan

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Document Information

Report for:

Hearings Panel:

Robert Schofield (Chair)
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Subject:

Proposed Napier City District Plan

Hearing Stream 2, *Temporary Activities*

Executive Summary

- i. This report considers submissions received by Napier City Council in relation to the relevant objectives, policies, rules, standards, definitions, and appendices of the Proposed Napier City District Plan as they apply to the Temporary Activities chapter in the Proposed District Plan namely the:
- ii. There were a number of submissions and further submissions received in relation to these parts of the Proposed District Plan. The submissions received were varied and sought a range of outcomes. The purpose of this report is to provide the Hearings Panel with a summary and an analysis of the submissions received on the relevant chapters and to recommend possible amendments to the Proposed Plan in response to those submissions.
- iii. There is only one key issue in contention with respect to the relevant chapters:
 - a. *Enabling Temporary Activities as Appropriate*
- iv. This report addresses this key issue, as well as any other relevant issues raised in the submissions. There are a number of matters not in contention or needing further consideration, for example where no submissions were received in relation to an objective, policy, rule or standard. It is recommended that these matters are adopted as notified and no further consideration of them is required, with the exception of any consequential changes that need to be made as a result of submissions.
- v. **Appendix A** of this report sets out the recommended drafting amendments ('track changes') to the various relevant chapters in a consolidated manner. These recommendations take into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents. References to a submitter number, submission point and abbreviation for their title provide the scope for each recommended change (including consequential changes in response to recommended relief on primary submission points). Where no amendments are recommended to a provision, submission points that sought the retention of the provision without amendment are not referenced.
- vi. **Appendix B** of this report sets out the recommended responses to submissions by way of a summary table of submissions for each of the particular relevant chapters.
- vii. This report is to be read in conjunction with the Section 42A Report Part 1 – Strategic Direction¹ and with the Section 42A – Overview Report.

These reports provide background information including the review process undertaken, consultation carried out, statutory context, procedural, and administrative matters relating to the plan review to inform the Hearings Panel, submitters and general public of the steps taken to reach the hearings stage and to inform the strategic direction of the Proposed District Plan.

- viii. Where Proposed District Plan provisions are recommended for amendment as a result of submissions, the reasoning for the amendments is given in the hearing report, including the reasons outlined under Section 32AA to consider the appropriateness of the proposed provisions and the benefits and costs of any policies, rules or other methods.

¹ [Section-42A-Report-Strategic-Direction.pdf](#)

Interpretation

Abbreviations used throughout this s42 reports and supporting documents are as set out in *Tables 1 and 2* below.

Table 1: Abbreviations

Abbreviation	Means
HBRC	Hawkes Bay Regional Council
HNZPTA	Heritage New Zealand Pouhere Taonga Act 2014
NMP	Noise Management Plan
NPS	National Policy Statement or else National Planning Standards, MFE 2019 depending upon context
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPSIB	National Policy Statement for Indigenous Biodiversity 2023
NZCPS	New Zealand Coastal Policy Statement 2010
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NPS-UD	National Policy Statement on Urban Development 2020
P1 Sch1	Part One Schedule 1 Process
RCEP	Regional Coastal Environment Plan 2014 (RCEP) Mahere Taiao Taha Moana ā-Rohe
RPS	Hawkes Bay Regional Policy Statement (contained in the RRMP)
RRMP	Hawkes Bay Regional Council Regional Resource Management Plan (2006)
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991
the Act / the RMA	Resource Management Act 1991
the Building Act / BA	Building Act 2004
the Council / NCC	Napier City Council
the Enabling Act / RMA-EHS	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
the Operative Plan/ODP	Operative Napier City District Plan
the Proposed Plan/PDP	Proposed Napier City District Plan

Table 2: Abbreviations of Submitters and Further Submitters Names addressed in this report

Abbreviation	Means
Dept of Corrections	Ara Poutama Aotearoa the Department of Corrections
DOC	Department of Conservation Te Papa Atawhai
FENZ	Fire and Emergency New Zealand
HBRC	Hawkes Bay Regional Council
KiwiRail	KiwiRail Holdings Limited
NZDF	New Zealand Defence Force
Fuel companies	Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Limited
Oranga Tamariki	Oranga Tamariki – Ministry of Children
Ravensdown	Ravensdown Limited
Telco	Spark New Zealand Trading Limited, Chorus New Zealand Limited, Vodafone New Zealand Limited
Transpower	Transpower New Zealand Ltd
Waka Kotahi	Waka Kotahi NZ Transport Agency

In addition, references to submissions includes further submissions, unless otherwise stated.

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APPENDIX A - Recommended Amendments to Plan Provisions

APPENDIX B - Summary of Recommended Responses to Submissions and Further Submissions

1. Introduction

1.1 Purpose of the Section 42A Report

1. This report has been prepared under section 42A of the Resource Management Act 1991 (“RMA”). It discusses the various issues raised by submissions and makes recommendations on either retaining the Proposed District Plan (“PDP”) provisions without amendment or making amendments to the PDP in response to those submissions in order to assist the Hearings Panel in drafting the Council’s decisions on Temporary Activities
2. It considers submissions received by Napier City Council in relation to the relevant strategic directions, objectives, policies, rules, definitions, and appendices as they apply to the relevant chapters in the PDP. The report outlines recommendations in response to the key issues that have emerged from these submissions.
3. This report discusses general issues or topics arising, the original and further submissions received following notification of the PDP, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the PDP provisions based on the preceding assessment and evaluation contained in the report. Where necessary, other parts of the PDP have been addressed in this report.
4. The conclusions reached and recommendations made in this report are not binding on the Hearings Panel. It should not be assumed that the Hearings Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

1.2 Author, Code of Conduct and Supporting Evidence

5. My name is Jeriel Sajan and I am employed by the Council as a Policy Analyst. My qualifications include a Bachelor of Business Studies, 2019, Eastern Institute of Technology and Master of Public Policy, 2024, University of Auckland.
6. I have over 2 years’ experience working as a resource management policy analyst.
7. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court in 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
8. The scope of my evidence relates to Temporary Activities. Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
9. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given the reasons for those opinions.

10. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.3 Procedural Matters

11. At the time of writing this report there has been one prehearing conference with submitters Amelia Longley (NCC Parks and Reserves Team) and the NCC Event Manager to clarify submissions where they are conflicting.

2. Statutory Considerations and Planning Framework

2.1 Overview

12. As set out in the Section 42A Report Part 1 Strategic Direction, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP, including in relation to this topic. This report details all relevant consultation and includes a comprehensive assessment of the statutory considerations considered prior to public notification of the PDP, as well as changes to the planning framework in the intervening period. For efficiencies in reporting, this has not been repeated within this topic specific report. Where higher order documents are specifically relevant to the analysis on submissions, this has been addressed in the assessment of submissions by issue/theme in this report.
13. In addition to the Part 1 Strategic Direction report, the following Section 32 Evaluations Reports are relevant to the relevant provisions that will be addressed in this S42A report:
 - www.napier.govt.nz/assets/Proposed-District-Plan/Section-32-Reports/Section-32-Report-Part-2-Noise-and-Temporary-Activities.pdf

2.2 Section 32AA

14. Section 32 of the RMA requires that the objectives of the proposal be examined for their appropriateness in achieving the purpose of the RMA, and the provisions (policies, rules, standards or other methods) of the proposal are to be examined for their efficiency, effectiveness and risk. The effects of new policies and rules on the community, the economy, cultural, historic heritage matters and the environment needs to be clearly identified and assessed as part of this examination.
15. Where changes are proposed to the as-notified provisions, a further assessment needs to be undertaken to confirm that the new provisions are appropriate at a level of detail that corresponds to the scale and significance of the changes.
16. Where there is a significant departure from the notified PDP provisions, I have undertaken a S32AA evaluation in respect to the recommended amendments in my assessment on a topic basis within the analysis of submissions.

2.3 Strategic Objectives

17. The strategic objectives of the Proposed District Plan provide a framework for ensuring a consistent policy direction for all chapters. The strategic objectives particularly relevant to this topic are:
 - a. Objective SD-UFD-O8: Social and community facilities:
Social and community facilities support the well-being of all members of our growing community.
 - b. Objective SD-UFD-O10: Quality environment
Attractive, safe and healthy environments to live, work and play.

18. The above strategic objectives have been considered alongside the higher order planning documents and legislation when informing the analysis of submissions in this report, including the s32AA assessments.

2.4 Trade Competition

19. There are no known trade competition issues raised within the submissions.

3. Consideration of Submissions and Further Submissions

3.1 Overview

20. In total, there were 13 submissions raising 22 submission points in relation to Temporary Activities and 14 further submission points.
21. Submissions on the provisions relevant to this topic raised a number of issues which have been grouped into sub-themes within the applicable parts of this S42A report. Some of the submissions are addressed under a number of headings based on the topics contained in the submission. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate.
22. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission-by-submission approach. I have organised the evaluation in accordance with common themes that appear on the TEMP chapter in the PDP as notified.
23. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. Specific recommendations on each submission / further submission are contained in **Appendix B**.
24. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves, the applicable S32 Reports, and the overlays and maps on the ePlan. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission / s, the evaluation and recommendation are set out in the body of this report. I have provided a marked-up version of the residential chapters with recommended amendments in response to submissions as **Appendix A**.
25. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission. In general, further submissions may not be specifically mentioned.
26. This report only addresses definitions that are specific to the residential provisions in the PDP. Where Definitions relate to more than one topic they have been addressed in a future Hearing Stream and the associated S42A Report.
27. For each identified topic, the consideration of submissions has been undertaken in the following format:
 - Matters raised by submitters;
 - Assessment; and
 - Summary of recommendations and consequential amendments in Appendix A.

28. I recommend these late submissions be accepted as they were received sufficiently in advance of preparing this report so as to not impact on the analysis undertaken.

4. Submissions on Temporary Activities

4.1 Issue #1 – Enabling Temporary Activities as Appropriate

4.1.1 General Policy Direction

Matters raised by submitters

A number of submitters support the policy direction for managing temporary activities and seeks that it is retained as notified.

29. Ravensdown (246.89) supports TEMP-O2 because they consider it appropriately recognises the role of temporary buildings and structures in construction while ensuring adverse effects are managed beyond the construction areas, and seeks that it is retained as notified.
30. Waka Kotahi (277.104) supports TEMP-O1 and TEMP-O2 because they consider these objectives recognise the need for temporary activities, including for construction, and seeks that they are retained as notified.
31. Waka Kotahi (277.105) supports TEMP-O1 and TEMP-O2 because they recognise the importance of temporary activities in enabling construction while managing associated impacts, and seeks that they are retained as notified.
32. Ravensdown (246.90) supports TEMP-P1 because they consider it enables construction activities, which supports the city's development, redevelopment, and economic viability, and seeks that it is retained as notified.
33. Ravensdown (246.91) supports TEMP-P2 because they consider it provides for construction activities in the city while acknowledging the need to manage potential adverse effects, and seeks that it is retained as notified.
34. Waka Kotahi (277.107) supports TEMP-P4 because they consider it appropriately manages the effects of temporary activities on the transport network, and seeks that it is retained as notified.

Other submissions seek a change in policy direction in relation to this issue. In summary, the relief sought are:

35. Department of Conservation (253.80) seeks to amend the TEMP chapter because they consider that temporary activities in sensitive environments, such as the Open Space Zone and Natural Open Space Zones, need explicit objectives and policies to protect indigenous biodiversity, habitats, and ecosystems. They seek to amend the chapter to include new objectives and policies for biodiversity protection. Ahuriri Regional Park Joint Committee FS 302.253.80 supports the submission in principle but requests involvement in developing provisions, particularly regarding the appropriate activities in the Te Whanganui Ā Orotū Special Zone.

36. Department of Conservation (253.107) seeks to amend TEMP-O1 because they consider it necessary to include protections for indigenous and migratory biodiversity during temporary activities in sensitive environments. They seek to amend TEMP-O1 to include impacts on natural resources, in addition to established activities.
37. Department of Conservation (253.108) amends the TEMP chapter because they consider that explicit mention of managing effects on biodiversity is needed to ensure the NPS-IB is implemented. They seek to amend TEMP-P1 to include consideration of natural resources in addition to established activities.
38. Waka Kotahi (277.106) seeks to amend the TEMP chapter with the insertion of a new objective TEMP-O5 to address traffic safety because they consider that temporary events near state highways must be managed to ensure the safe and efficient operation of the transport network.
 - Insert new objective as follows:
TEMP-O5: Traffic Safety
Temporary activities are sufficiently managed to maintain the safe and efficient operation of the land transport network

Assessment

39. In response to submissions 246.89, 277.104, and 277.105, I consider it appropriate to retain Objectives TEMP-O1 and TEMP-O2, which recognise the necessity of temporary activities, in construction, while ensuring adverse effects are managed. I note that in relation to TEMP-O1, it is recommended in response to a different submission that this objective be retained but with the addition of the words 'and the environment'.
40. In response to submissions 246.90, 246.91, and 277.107, I consider it appropriate to retain Policies TEMP-P1, and TEMP-P4, which enable construction and temporary activities while managing their effects on the transport network and the surrounding environment. I do consider a minor amendment to TEMP-P2 is required to broaden the scope of the consideration of adverse effects on the environment, as well as established activities in response to submission 253.108.
41. In response to submissions 253.80, 253.107, and 253.108, I consider these are appropriate because they call for amendments that protect indigenous biodiversity and natural resources during temporary activities. Although the variation on ecosystems and indigenous biodiversity will address adverse effects on these values, it is appropriate for these matters to be thread throughout the Plan, where they are sufficient broad to encompass a wider range of effects on the environment, so that these matters are taken into consideration when addressing specific activities. Submission 253,80 seeks to amend the TEMP chapter to enable greater consideration of the natural environment, specifically to give effect to the NPS-IB and NZCPS. Specific submission points include submission 253.107 which seeks to amend TEMP-O1 and submission 253.108 which seeks to amend TEMP-P1 I consider it appropriate to include consideration of the natural environment in TEMP-O1 but at a broader scale, references 'the environment' instead. I also consider that similar changes are needed to the policies, however I believe this is more appropriately provided by TEMP-P2, with an addition that is broader than the relief sought, and references 'the environment'. Changes recommended include:

TEMP-O1: Adverse effects arising from temporary activities

Temporary activities contribute to the vibrancy of the city while managing potential impacts on established activities, including on businesses and residents, and on the environment.

Relates to TEMP-I3

TEMP-P2: Adverse effects arising from temporary activities

Manage temporary activities to maximise the positive effects on city vibrancy while minimising effects on established activities and the environment.

Relates to Relates to TEMP-O1, TEMP-O2 and TEMP-O3

As the relief sought by these submissions, and recommended changes to provisions all relate to the same matters and are contained throughout the chapter, I have provided a section 32AA evaluation at the end of this report.

42. In response to submission 277.106, I consider this is appropriate because it seeks to introduce an additional objective, TEMP-O5, addressing traffic safety during temporary events. However, I consider the scope of the objective should be broadened to encompass the effects of temporary activities on the transport network as a whole, rather than focusing solely on state highways. This would ensure that the safe and efficient operation of the entire transport network, including local roads and other transport infrastructure, is maintained.

Section 32AA Evaluation

The PDP identifies the impact of temporary activities on the transport network as an issue (TEMP-I1) and addresses it through Policy (TEMP-P4). However, there is a gap in the objectives related to this matter. The introduction of TEMP-O5 fills this gap by explicitly stating the need to manage all potential adverse effects of temporary activities on the transport network, not just traffic safety on state highways. This addition is effectively a minor change, as it aligns with the existing issue (TEMP-I1) and policy (TEMP-P4) and plugs a policy framework gap by providing an objective where one was missing. TEMP-O5 clarifies the intent of the chapter, ensuring that both local roads and state highways are considered, which improves the plan's clarity and efficiency in managing traffic safety and the overall operation of the transport network during temporary activities.

TEMP-O5 supports the PDP's strategic objectives by safeguarding the functionality of the transport network while allowing for temporary activities, ensuring a balance between development and infrastructure management.

Environmental	TEMP-O5 will help reduce the environmental impact of traffic disruptions by ensuring efficient traffic flow and minimising congestion during temporary activities.
Economic	TEMP-O5 will protect economic productivity by preventing delays and disruptions on the transport network that could affect businesses, workers, and freight operations. Ensuring smooth traffic flow during temporary activities helps avoid economic losses related to congestion or road safety issues. May introduce additional compliance requirements for organizers of temporary activities, particularly those with low traffic impacts. Could increase administrative steps for obtaining approvals, potentially delaying smaller-scale events.
Social	The objective will help maintain public safety and accessibility, ensuring that residents and visitors can safely navigate the transport network during temporary activities. This benefits the wider community by reducing the risk of accidents and traffic-related issues.

Cultural	Although TEMP-O5 does not directly impact cultural activities, it ensures that temporary activities, including those with cultural significance, can proceed without compromising transport safety or efficiency.
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Benefits:

- Clarifies the intent of the Temporary Activities chapter to manage adverse effects on the transport network.
- Ensures the safe and efficient operation of the transport network, benefiting both the community and businesses.
- Reduces the likelihood of traffic congestion, accidents, and delays during temporary activities.
- Provides clearer guidance for developers and event organizers on managing traffic impacts.

I consider that the introduction of TEMP-O5 is appropriate because it clarifies the intent of the Temporary Activities chapter to manage the adverse effects of temporary activities on the entire transport network. This ensures that both safety and efficiency are prioritised, and the transport network functions effectively during these activities. The benefits of maintaining a safe and efficient transport network outweigh the potential costs related to additional compliance requirements. The recommended change aligns with the broader objectives of the PDP and enhances its ability to effectively manage infrastructure impacts.

Summary of recommendations

43. Hearing Stream 2 TEMP Recommendation 1: Accept submission 277.105 in relation to TEMP-O1. Accept in part submissions 246.89 and 277.104 in relation to TEMP-O2. Accept submissions 246.90 and 277.107 as appropriate to retain Policies TEMP-P1 and TEMP-P4, and accept in part submission 246.91 in relation to retaining TEMP-P2. Accept in part submissions 253.80, 253.107, and 253.108 to broaden the scope of consideration of effects to 'environment'. Accept in part submission 277.106 to introduce a new objective.

4.1.2 Temporary Buildings and Structures

Matters raised by submitters

44. Sera Chambers (150.144) seeks to amend TEMP-R1 because they consider adjoining landowners should be notified and given the opportunity to have their say on temporary structures, especially when structures are in place for up to 12 months, to allow for the mitigation of any impacts on their enjoyment of property rights, and seeks amendments to include such provisions.
 - a. Sera Chambers (FS 549.150.144) seeks to support submission 150 because they consider adjoining landowners should be notified and able to have their say about temporary structures, ensuring transparency and accountability from developers and authorities, and seeks support for all related submissions.
 - b. Sera Chambers (FS 559.150.144) seeks to support all further submissions relating to adjoining landowners' rights and notification, ensuring that property rights are respected, and seeks support for full transparency and inclusion of public input.
 - c. Napier City Council Events Manager (FS 310.150.144) opposes submission 150 if the relief sought is intended to apply to TEMP-R2A because they consider that the effects of temporary activities are already appropriately managed and seeks that the relief sought is disallowed.

- d. New Zealand Helicopter Association (FS 326.150.145) opposes submission 150 because they consider that the NZDF must operate across New Zealand to protect national interests, and the relief sought should be disallowed entirely.
 - e. New Zealand Defence Force (FS 394.150.145) opposes submission 150 because they consider that temporary military training must occur in various environments, including residential and rural areas, with minimal adverse effects, and seeks that the relief sought is disallowed.
45. Ravensdown (246.92) seeks to amend TEMP-R1A because they consider the 50m² gross floor area and the 12-month timeframe for temporary construction structures to be too restrictive, particularly for larger or longer-term projects, and seeks an increase in the permitted timeframe to 18 months and adjustments to the floor area restrictions.
46. Waka Kotahi (277.108) seeks to amend TEMP-R1 because they consider temporary construction activities on land adjacent to state highways must be managed to prevent traffic effects, and seeks to add a note that approval from the NZ Transport Agency may be necessary for such activities. Amend as follows:

NOTES:

1. Approval from the NZ Transport Agency may be necessary for temporary construction activities located within or on land adjacent to the state highway road reserve.

47. Department of Conservation (253.109) seeks to amend TEMP-R1 because they consider temporary activities in sensitive environments, such as the Open Space Zone, require explicit mention of biodiversity protection, and seeks new objectives and policies that protect indigenous and migratory species during temporary events in line with the effects management hierarchy or NZCPS Policy 11.

Assessment

48. In response to submission 150.144, I consider this is inappropriate because the existing provisions for temporary activities already balance the need to manage impacts on the receiving environment, including the rights of landowners. Adding further notification requirements, particularly for structures in place for up to 12 months, could complicate the process and delay important construction activities. While the concern for landowner rights is valid, the current framework provides sufficient oversight without introducing additional administrative burdens.
49. In response to submission 246.92, I consider this is inappropriate because extending the timeframe for temporary structures from 12 to 18 months, and increasing the floor area beyond 50m², could lead to significant adverse effects on the receiving environment. The current 12-month limit is reasonable for mitigating the impact of these structures, and allowing larger structures or longer timeframes would increase the risk of prolonged disruptions to neighboring properties and the environment. Therefore, it is important to retain the existing controls to ensure these structures remain genuinely temporary. However, I would be open to reconsidering my views should Ravensdown provide evidence demonstrating that a period of more than 12 months is essential for temporary construction-related structures.

50. In response to submission 277.108, I consider this is appropriate because adding a note for NZTA approval in cases where temporary construction activities are adjacent to state highways helps to maintain traffic safety and coordination. This amendment ensures that applicants are aware of the parallel NZTA approvals process for works that impact state highways, making it a reasonable addition to the existing rule. I do not consider this requires a s32AA assessment because the proposed change is a clarification of process rather than a substantive change in policy direction, and it does not alter the overall intent or objectives of the existing rule.
51. In response to submission 253.109, I consider that a broader consideration of the impact on the environment is appropriate in the context of TEMP-R1 within the matters of discretion.

Summary of recommendations

52. Hearing Stream 2 Part 2 Recommendation 2: Reject 150.144 and 246.92. Accept 277.108 to a TEMP-R1. Accept in part submission 253.109.

4.1.3 Temporary Noise Events

Matters raised by submitters

53. Amelia Longley, Parks and Reserves, NCC (222.128) seeks to amend TEMP-R2A because they consider the relationship between the Stadium Zone rules and the general temporary noise events rules needs clarification, including the number of permitted noise events and the use of consistent terminology. They seek amendments to clarify the relationship between rules and standards for noise events, adjust the number of permitted events, and ensure consistent language and definitions. They seek the following changes:

TEMP-R2A

Activity Status: Permitted

Where:

1. The number of temporary noise events that may occur on any one site in a calendar year must not exceed five except that:
 - a. In the Stadium Zone, there is no restriction on the number of sporting events (subject to Rule STADZ-R2). Up to ~~ten~~ six non-sporting temporary noise events shall be permitted per calendar year within the Stadium Zone, and
 - b. Up to 18 temporary noise events shall be permitted per calendar year per site in the Marine Parade Recreation Control area, the Open Space Zone – coastal environment, and in Anderson Park provided that the maximum duration of individual temporary noise events within each area shall be ~~15 consecutive days~~ no more than:
 - i. 24 hours for concerts/entertainment
 - ii. 5 consecutive days for a sporting event; or
 - iii. 3 days for all other temporary activities under this rule.

TEMP-R2B

Activity Status where activity conditions are not met: Restricted Discretionary

Matters of discretion are:

1. City vibrancy;
2. Quality ~~living environments~~ amenity for adjacent residents;
3. Safe and efficient integrated transport network, and
4. Resilience and infrastructure.

Napier City Council Events Manager (FS 305.222.128) seeks to oppose amendments to TEMP-R2A as proposed by Amelia Longley because they consider that the proposed changes could limit McLean Park's ability to accommodate events that no other facility in the city can handle. They seek to disallow the proposed amendments. Napier Events Manager (FS 308.222.128) seeks to oppose amendments to TEMP-R2A proposed by Amelia Longley because they consider these changes could jeopardise McLean Park's ability to accommodate key events for the city. They seek to disallow the proposed amendments.

54. Sera Chambers (150.145) seeks to amend the rule for temporary noise events because they consider that excessive noise is damaging to health, and landowners should be notified and have their say, particularly regarding military training and the use of explosives. They seek amendments to limit military training in residential areas and ensure notification for adjoining landowners to mitigate the impact on their enjoyment of property rights.
55. Napier City Council Event Manager (170.6) seeks to amend TEMP-R2A because they consider that stages for concerts at venues like Church Road should remain in place for longer periods to avoid disruptions and costs. They seek to amend the rule to allow stages to remain for up to 35 days, with no more than three additional events occurring within this period. Sera Chambers FS 521.170.6 considers that the wording of the provision is contradictory and implies 15 consecutive days of 24 hour noise.
56. Napier City Council Event Manager (170.7) seeks to amend TEMP-R2 because they consider that temporary structures for noise events should be exempt from certain height restrictions, as long as shading effects are not impacted. They seek to delete the requirement for temporary noise event structures to comply with the height standards in the applicable zone.
57. Sera Chambers (FS 521.170.7) seeks to amend Rule TEMP-R2 because they consider the number and duration of temporary noise events should be clearly defined to protect property rights and provide clarity on how long structures will remain in place. They seek amendments to ensure limits on the number of events and their duration, as well as rewording to protect residents' rights.
58. Hawke's Bay Airport Limited (FS 359.170.7) seeks to amend TEMP-R2 because they consider that temporary activities near airport flight paths should consider Obstacle Limitation Surfaces (OLS) to ensure safety. They seek to allow amendments that consider OLS impacts while also disallowing elements that would negatively affect airport safety.
59. Department of Conservation (253.110) seeks to amend TEMP-R2 because they consider that temporary activities in sensitive environmental areas should include provisions for protecting indigenous biodiversity, and there should be explicit mention of the impacts of such events on flora and fauna. They seek to amend the rule to include new objectives and policies that ensure protection for biodiversity during temporary events.
60. Department of Conservation (253.111) seeks to amend TEMP-R3B because they consider that managing temporary noise events in natural open spaces should take into account the impact on indigenous and migratory biodiversity. They seek to amend matters of discretion to include consideration of biodiversity impacts during temporary noise events.
61. Hawke's Bay Airport Limited (198.157) seeks to amend the provisions to ensure that temporary activities near airport flight paths consider Obstacle Limitation Surfaces (OLS), as temporary structures could be erected quickly and without warning, potentially interfering with airport operations, and seeks that such activities are managed to prevent appearance within the OLS.

62. Fire and Emergency New Zealand (288.57) seeks to amend the Temporary Activities chapter by adding a new rule (TEMP-R4) to allow emergency services training activities, including live fire training, as permitted activities across all zones.

Add a new rule as follows:

TEMP-R4: Temporary emergency services training activities

All Zones

Activity Status: PER

Assessment

63. In response to submission 222.128, I consider this amendment is appropriate because clarifying the relationship between the Stadium Zone rules and the general temporary noise event rules will improve consistency and reduce confusion in event planning. Ensuring a clear distinction between rules specific to the Stadium Zone and the general temporary noise event rules will help event organisers better understand and comply with regulations, leading to more effective management of noise events.

However, I recommend that, instead of duplicating rules about temporary activities and temporary noise events across both the Stadium Zone and Temporary Activities chapters, the sub-rules related to the Stadium Zone should be moved to the Stadium Zone chapter itself. This would ensure that rules related to temporary activities in the Stadium Zone are addressed directly within that chapter, providing clarity and avoiding confusion. Provisions for the Stadium Zone should prevail in cases of inconsistency, as they are more specific to the unique needs of that area. For example, Rule TEMP-R2A should reference STADZ-R4 instead of STADZ-R2 to ensure alignment with the correct provisions. Moving the Stadium-related rules into the Stadium chapter would also ensure that all rules specific to the Stadium Zone are in one place, further improving clarity and coherence.

64. Regarding condition 1(b) of Rule TEMP-R2A, I agree that the current wording is too permissive, allowing for events to last up to 270 days per year in sensitive areas such as the Marine Parade Recreation Control Area, the Open Space Zone – coastal environment, and Anderson Park. This is inconsistent with the intent of the Temporary Activities chapter, which is to manage adverse effects. I recommend reducing the maximum duration of temporary noise events in these sensitive areas to five days to better align with the chapter's objectives and to limit the potential impacts on the surrounding environment and community.

I do not consider a s32AA assessment is necessary, as the recommended amendments focus on improving clarity and consistency between provisions rather than making substantive changes to the policy framework. These amendments align the Temporary Activities and Stadium Zone chapters without altering the underlying intent of the Temporary Activities chapter.

65. In response to submission 150.145, I consider this is inappropriate because councils are required to make provisions for the military activities and limiting these activities may hinder their ability to conduct necessary training in diverse environments. Military training is essential for national interests, and adding restrictions for temporary military training activities, especially regarding noise in residential areas, could slow down approvals and create additional administrative hurdles. While there is a legitimate concern for excessive noise affecting residents, I consider the requirement to comply with NOISE-R8 appropriately addresses these concerns.

66. In response to submission 170.6, I consider this is appropriate with the proposed extension of the occupation period to 35 days, as it would reduce logistical burdens and costs for event organizers, especially for venues hosting multiple events in close succession. While Church Road is mentioned specifically, I believe the rule should apply broadly without singling out specific venues, ensuring fairness across different locations.

This extended period would enable more events to take place during peak seasons, such as summer, contributing to a vibrant city atmosphere, which aligns with the objectives of the chapter. Importantly, while the occupation time is extended, the event limits still apply, meaning there is a cap on the number of events within the given period, thus avoiding overuse of the site. Even if structures remain for up to 35 days, the event limits per site (such as five events per year) still govern how long the site is actively used for noise-producing activities.

Additionally, it's important that the existing provisions relating to height and height-in-relation-to-boundary standards are retained. This ensures that effects on neighbouring properties, particularly visual and shading impacts on neighbouring residents, are managed appropriately. The extended period for structures should not translate to increased negative effects on adjacent properties, and the current controls effectively mitigate this risk.

In terms of the occupation period, under the current rule, if structures remain for up to 35 days, and with the maximum duration for an individual temporary noise event being set at 24 hours for concerts or up to five days for sporting events, it's possible that a site could host multiple events across the 35-day period. However, since event limits (such as five events per site per year) still apply, the structure could only host the allowed number of events within this timeframe. If event organizers split events, the structures could be up for multiple, spaced-out events, but the total number of events and their durations are still governed by the existing limits.

Given these factors, I recommend approval of this submission, with the understanding that the extended 35-day occupation period, when combined with the existing event limits and the height-in-relation-to-boundary provisions, will strike a balance between enabling more events and mitigating impacts on surrounding communities.

S32AA Evaluation

The notified provision of TEMP-R2A allows a 10-day occupation period for the erection and removal of temporary structures related to noise events. The proposed amendment extends the occupation period to 35 days while maintaining the number and duration of events, noise limits, and height restrictions. The change improves the chapter's purpose by offering event organizers flexibility, reducing the need to repeatedly set up and dismantle structures, which promotes vibrant spaces without increasing disruption to the receiving environment. The extended period enhances efficiency by cutting logistical costs for venues hosting consecutive events. It remains effective as existing noise and height controls ensure impacts on neighboring properties are still managed.

Consideration of effects

Social	The proposed change provides social benefits by facilitating more frequent community events and enhancing the vibrancy of public spaces. The inclusion of provisions to manage noise and maintain height limits ensures that the extended occupation period will not lead to greater environmental impacts on adjacent properties or residential areas.
Cultural	Cultural benefits include enabling more events that celebrate local culture and attract visitors, contributing to the area's overall appeal.
Environmental	The environmental effects are mitigated by retaining the existing noise and height controls, ensuring that extended structure periods do not negatively affect the surrounding area. Socially, this benefits the community by allowing more events, while still considering residents' well-being through retained protections.
Economic	The economic impact is positive, as the extended occupation period will reduce operational costs for venues and event organizers by allowing them to leave structures in place between events. This enables venues to host more events without incurring the costs of repeatedly setting up and taking down infrastructure, which can, in turn, support local businesses by attracting visitors over a longer period.

In conclusion, the proposed amendment improves both the efficiency and effectiveness of the Temporary Activities chapter by facilitating the hosting of multiple events while retaining the necessary controls to manage environmental and social impacts. The extension of the occupation period is balanced by existing provisions that control the total number of events, noise impacts, and structure heights, ensuring that the change aligns with the broader objectives of the plan. Given the relatively minor nature of this change, it does not alter the policy framework significantly, but it does necessitate this brief s32AA evaluation to confirm its alignment with the chapter's purpose.

67. In response to submission 170.7, I consider this is inappropriate because removing height restrictions for temporary noise event structures could lead to unforeseen impacts on nearby properties, particularly regarding visual intrusion. Height restrictions serve as an important control to ensure that temporary structures do not have adverse effects on the surrounding environment, particularly in residential areas. In response to submission 198.157, I consider this is appropriate because ensuring that Obstacle Limitation Surfaces (OLS) are considered for temporary activities near airport flight paths is crucial for maintaining aviation safety and preventing potential conflicts with airport operations. This would protect both air traffic and ground-level activities, reducing the risk of accidents or disruptions. However, this requirement could limit flexibility for event organizers and introduce additional approval steps, which may discourage some temporary activities from being held near airports, potentially impacting community events or other beneficial activities. While some flexibility may be necessary for temporary event setups, removing the requirement altogether is not the right solution.

68. In response to submissions 253.110 and 253.111, I consider it appropriate to broaden the scope of what matters can be considered when considering an application for resource consent for a temporary activity. Presently, there is no ability to consider any effects on the environment, including the natural environment. Temporary activities may occur within sensitive environments such as parts, or in close proximity to sensitive habitats such as bird colonies or breeding/feeding areas. As noted above, I consider it more appropriate to include a general 'adverse effects on the environment' matter of discretion as opposed to a more specific reference to indigenous biodiversity and the coastal environment. I note that subsequent amendment to the Assessment Criteria is required to provide for the additional matters to be considered.

Section 32AA Evaluation

Whilst it is acknowledged that the very nature of temporary activities means that effects can be limited in scale and duration, and therefore often considered more favourably than permanent activities, temporary activities, where they are located close to sensitive environments, have the potential to significantly impact the environment, including the natural environment. Having the ability to consider the impact on the environment (more broadly) is considered appropriate within this context.

The changes recommended align with the Plans Strategic Objective and achieve an appropriate balance between enabling temporary activities and considering their impacts on the environment.

Costs and Benefits

Environmental	The amendment to TEMP-O2 and TEMP-P2, and the addition of matters of discretion in TEMP-R1-3 to address any broader effects on the environment would enable officers to consider the impacts a temporary activity may have on matters such as habitats, sensitive natural environments, and fauna, and the environment more generally. While this may result in additional considerations to be addressed by those undertaking the temporary activity, and for officers considering resource consents for temporary activities, I consider that the policy framework provides appropriate direction on the benefits that temporary activities bring while balancing any effects they may have on the environment.
Economic	Temporary activities have the potential to bring considerable economic benefits to Napier. However it is not appropriate to do so at the cost of the environment. These benefits need to be considered alongside the impacts they may. The recommended changes enable this consideration to be undertaken.
Social	Temporary activities have the potential to enrich the lives of residents and to bring visitors from outside the region of Napier. Whilst there are many social benefits that can be derived from temporary activities, including national security, the adverse effects on the environment must also be considered.

Cultural	Temporary activities add to the cultural vibrancy of Napier, however they also have the potential to impact on the environment and on cultural values if they are located or operated in a manner that is inappropriate. Noise and/or movement of people and vehicles can impact on sensitive species that may hold significant cultural values.
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Alternatives

Status quo – this option involves no change to the policy framework or rules to address possible adverse effects on the environment;

Relief sought by submitter – this option includes the inclusion of references to effects on indigenous biodiversity within the policy framework and rules;

Recommended option – this option includes the inclusion of references to possible adverse effects on the environment in both the policy framework and the rules.

I consider the recommended option to be the most efficient and effective for achieving the purpose the RMA and aligns with the Plans Strategic Objectives. Broadening references to the environment more generally enables the Plan User to consider all effects on the environment, and not just those specifically related to indigenous flora and fauna.

69. In response to FENZ 288.57, emergency response and firefighting training is not specifically provided for within the TEMP chapter, or within the underlying spatial chapters (eg. zones), and there is no ‘catch-all’ over-arching temporary activities rule that enable these sorts of activities subject to meeting standards. Having considered how other District Plans around the country provide for this activity, they are generally provided for through a ‘catch-all’ rule, rather than specifically provided for. I do consider it appropriate to provide for such activities within this chapter. I therefore recommend including a new rule for temporary emergency services training activities in all zones as a permitted activity, subject to meeting the yards, height, and height in relation to boundary standards of the underlying zone or overlay/precinct and the noise standards in NOISE-R7. With regards to any restriction on the duration of temporary activity, I consider it would be advantageous to understand from the submitter what duration would be required for such exercises and the hours they are likely to be undertaken before providing a recommendation on standards to restrict these matters. There will be subsequent amendments required to the Introduction should my recommendation be accepted, and I have provided these in Appendix A.

Section 32AA Evaluation

As noted above, the TEMP activity chapter does not provide for temporary emergency services training activities, and as such the provisions of the underlying zone would apply. Whilst this activity most closely aligns with ‘Community Activities’, this is not defined, and is not provided for within a number of zones. I understand that activities such as this can occur on both privately-owned and publicly-owned sites, with permission sought from the land owner irrespective of any District Plan provisions enabling such an activity.

Such activities are important for ensuring our emergency services are well-trained and experienced in addressing emergency events, and ready to respond in an emergency event. They provide for the health and wellbeing of the community. I consider it essential to provide for these activities, without the automatic requirement for apply for resource consent, while placing some restrictions that ensure the effects are managed.

The addition of a new rule aligns with the Plans Strategic Objectives, TEMP-O1 and TEMP-P3.

Costs and Benefits

Environmental	The addition of a new rule to provide for emergency services training includes some restrictions and matters of discretion to address the impacts on the environment.
Economic	Providing for such activities will provide for the health, wellbeing, and safety of people and communities, and will ensure that our emergency services can appropriately respond in emergency events. This often limits damage to property, and prevents or reduces harm to people. There is an economic costs to property damage, injury and death.
Social	Providing for such activities will provide for the health, wellbeing, and safety of people and communities, and will ensure that our emergency services can appropriately respond in emergency events.
Cultural	NA

Alternatives

Status quo – this option involves no change to the policy framework or rules to provide for emergency services training activities;

Relief sought by submitter – this option involves a new permitted activity rule introduced, with no conditions;

Recommended option – this option includes the inclusion of a new rule permitting emergency services training activities subject to meeting conditions relating to protecting amenity.

I consider the recommended option to be the most efficient and effective for achieving the purpose the RMA and aligns with the Plans Strategic Objectives, TEMP-O1 and TEMP-P3. I do consider that additional restrictions need to be added to this rule as conditions relating to duration and timing of the activities, and I request that the submitter provide more information on what is needed before making a recommendation on this matter.

Summary of recommendations

70. Hearing Stream 2 TEMP Recommendation 3: Accept submission 222.128 to amend Rule TEMP-R2A by clarifying the relationship between Stadium Zone rules and general temporary noise event rules. Reject submission 150.145 to limit military activities. Accept submission 170.6 with limitations to allow stages for up to 35 days with safeguards to minimize impacts on residents. Reject submission 170.7 to remove height restrictions for temporary structures. Accept in part submissions 253.110 and 253.111 to prioritize biodiversity protection in sensitive areas. Accept in part 288.57, noting that further information on the duration and timing of these activities is needed from FENZ.

5. Minor and Inconsequential Amendments

71. Pursuant to Schedule 1, Clause 16(2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
72. Any minor and inconsequential amendments relevant to the Temporary Activities Chapter will be listed in the appropriate sections of this S42A report.
73. The recommended amendments are set out in the 'track changes' versions of the applicable chapters, which are provided at **Appendix A**.

6. Conclusion

74. As discussed further within Parts 2 to 5 of this S42A Report, a wide range of submissions and further r submissions have been received with respect to the TEMP provisions within the PDP. Submissions have been analysed, with my recommendations set out at **Appendix A** and **B**.
75. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in Appendix A of this report.
76. For the reasons set out in the S32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- Achieve the purpose of the Resource Management Act 1991 ("RMA") where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - Achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

Recommendations:

77. I recommend that:
- The Independent Hearings Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix B** of this report; and
 - The PDP is amended in accordance with the changes recommended in **Appendix A** of this report.

APPENDIX A – Recommended Amendments to Plan Provisions

TEMP - Temporary Activities

Introduction

The purpose of the Temporary Activities chapter is to enable short-duration events such as sporting events, concerts, parades, festivals, conferences, exhibitions, military activities and temporary buildings associated with construction projects to be enabled occasionally throughout the city.

Temporary activities have the potential to significantly contribute to the quality and vibrancy of Napier city. Events provide entertainment and opportunity to bring people together to build community spirit. Temporary buildings and structures that enable construction projects contribute to growth and rejuvenation of urban areas.

However, temporary activities can also compromise the quality of urban areas through noise and lighting effects, effects on the transport network including accessibility to established activities, and demand for infrastructure capacity. The provisions of this chapter seek to maximise the benefits of temporary activities and minimise adverse effects so they can contribute to achieving 'Great Urban Areas' in Napier.

The temporary activities provisions provide for the following:

- a. Enabling temporary buildings and structures ancillary to construction activities, temporary noise events, and temporary military training activities;
- b. Enabling temporary activities that contribute to city vibrancy while minimising effects on established activities, including businesses and residents;
- c. Enabling temporary emergency services training activities while avoiding or minimising effects on neighbouring properties and the environment;
- d. Managing effects on the safety and efficiency of the integrated transport network;
- e. Managing effects on the quality of living environments adjacent to the activity, including consideration of noise, lighting, visual amenity, and property accessibility, and
- f. Infrastructure capacity to service the temporary activity.

Commented [FL1]: FENZ (288.57)

Other related chapters include:

- **Noise:** Temporary activities are subject to noise limits as set out in the Noise chapter. Cross-references are provided in the rules for easy reference;
- **Light:** Temporary activities are subject to provisions for artificial lighting set out in the Light chapter;
- **Signs:** To ensure signs are compatible with an area, their scale, number, illumination, motion, and placement are managed by the Signs chapter;
- **Transport:** The Transport chapter contains provisions relating to transport matters;
- **Coastal Environment:** The Coastal Environment chapter sets out additional objectives, policies and assessment criteria for activities and development on land located on the coast between mean high-water spring (MHWS) and the inland portion of the 'Coastal Environment' as mapped in the Hawkes Bay Regional Coastal Environment Plan (RCEP), and
- **Zones and Precincts:** Chapters for Zones and Precincts manage development and activities within each zone or precinct. Where temporary activities require resource consent, the provisions may require assessment of effects on established activities. The zone and precinct provisions may be relevant in interpreting the assessment criteria of this chapter.

APPENDIX A – Recommended Amendments to Plan Provisions

Issues

TEMP-I1: Adverse effects arising from temporary activities

Temporary activities make an important contribution to the community and the city. However, they can generate adverse effects, albeit of short duration, on amenity values and the safe and efficient operation of the integrated transportation network. The temporary nature of such activities, (often less than five days) generally minimises the adverse effects on the surrounding environment. Consequently, many temporary activities 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 activities do not increase to a level beyond which the effects of the activity are more than of a temporary duration and have more than a minor effect, the Council wishes to manage the effects of temporary activities and their operations.

TEMP-I2: Adverse effects arising from temporary military training activities

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.

TEMP-I3: Adverse effects arising from temporary buildings and structures that enable construction projects

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.

Objectives

TEMP-O1: Adverse effects arising from temporary activities

Temporary activities contribute to the vibrancy of the city while managing potential impacts on established activities including on businesses and residents.

Relates to TEMP-I1

TEMP-O2: Adverse effects arising from temporary buildings and structures that enable construction

Temporary buildings and structures ancillary to construction activities are managed to minimise effects on businesses and residents, and the environment.

Relates to TEMP-I3

TEMP-O3: Adverse effects arising from temporary military training activities

Temporary military training activities are enabled in the city while managing potential environmental, public health and safety effects.

Relates to TEMP-I2

TEMP-O4: Resilience and infrastructure

Temporary activities are serviced and managed to avoid additional flooding effects and impacts on public and environmental health.

Commented [FL2]: DoC (253.80 and 253.107)

APPENDIX A – Recommended Amendments to Plan Provisions

Relates to TEMP-I1 and I3

TEMP-O5: Transport Network Safety

TEMP-O5: Temporary activities are sufficiently managed to maintain the safe and efficient operation of the land transport network.

Relates to TEMP-I1 and I3

Commented [JS3]: NZTA 277.106

Policies

TEMP-P1: Enabling temporary activities

Enable temporary activities including temporary noise events, construction, and temporary military training activities.

Relates to TEMP-O1, TEMP-O2 and TEMP-O3

TEMP-P2: Adverse effects arising from temporary activities

Manage temporary activities to maximise the positive effects on city vibrancy while minimising effects on established activities and the environment.

Relates to Relates to TEMP-O1, TEMP-O2 and TEMP-O3

Commented [FL4]: DoC (253.80 and 253.108)

TEMP-P3: Adverse effects from temporary activities on residents

Manage the effects of temporary activities on the quality of the living environment for surrounding residents, including consideration of:

- a. Duration of the activity and hours of operation;
- b. Frequency of events on any one site;
- c. Noise and lighting generation;
- d. Visual effects from temporary buildings or structures, including visual dominance and shading, and
- e. Property accessibility including consideration of traffic and car parking management.

Relates to TEMP-O1, TEMP-O2 and TEMP-O3

TEMP-P4: Adverse effects arising from temporary activities on the transport network

Manage the effects of temporary activities on the safe and efficient operation of the integrated transport network including by:

- a. Locating temporary activities in areas where there is the capacity to host the anticipated number of people, including sufficient parking and road capacity or the ability for the event to be temporarily serviced by mass passenger transport.

Relates to TEMP-O1, TEMP-O2 and TEMP-O3

TEMP-P5: Resilience and infrastructure

Ensure potential public health, environmental health, and flooding effects of temporary activities are minimised including by requiring sufficient infrastructure provision and/or mitigation measures be in place to accommodate expected infrastructure demand.

Relates to TEMP-O4

APPENDIX A – Recommended Amendments to Plan Provisions

TEMP - Temporary Activities - Rules Table

All rules throughout the city are in addition to the specific zone, precinct, overlay, and district-wide rules unless otherwise stated.

TEMP-R1: Temporary buildings and structures ancillary to construction activity	
<p>TEMP-R1A</p> <p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The temporary building or structure: <ol style="list-style-type: none"> a. is for such purposes as a temporary office, storage shed, storage yard, builders' workshop, safety fence, and other similar buildings and uses of land that are incidental to a construction project; b. is no more than 50 m² in gross floor area, and c. complies with the yards, height, and height in relation to boundary standards in the applicable zone. 2. The temporary building or structure is removed within one month of the completion of the construction project or within 12 months from when it was first placed on the site, whichever is the lesser. 3. The noise and vibration limits in NOISE-R2 — Construction noise and vibration apply. <p>NOTES: <u>1. Approval from the NZ Transport Agency may be necessary for temporary construction activities located within or on land adjacent to the state highway road reserve.</u></p>	<p>TEMP-R1B</p> <p>Activity Status where activity conditions are not met: Restricted Discretionary</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. City vibrancy; 2. Quality living environments; 3. Safe and efficient integrated transport network, and 4. Resilience and infrastructure.
TEMP-R2: Temporary noise events	
<p>TEMP-R2A</p> <p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The number of temporary noise events that may occur on any one site in a calendar year must not exceed five except that: <ol style="list-style-type: none"> a. In the Stadium Zone, there is no restriction on the number of sporting events (subject to Rule STADZ-R24). Up to <u>ten-six</u> non-sporting temporary noise events shall be permitted per calendar year within the Stadium Zone, and 	<p>TEMP-R2B</p> <p>Activity Status where activity conditions are not met: Restricted Discretionary</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. City vibrancy; 2. Quality <u>living environments amenity for adjacent residents;</u> 3. Safe and efficient integrated transport network, <u>and;</u> 4. Resilience and <u>infrastructure;</u> 5. <u>Effects on the environment</u>

Commented [J55]: NZTA 277.108

Commented [FL8]: DoC (253.110)

APPENDIX A – Recommended Amendments to Plan Provisions

<p>b. Up to 18 temporary noise events shall be permitted per calendar year per site in the Marine Parade Recreation Control area, the Open Space Zone — coastal environment, and in Anderson Park provided that the maximum duration of <u>individual</u> temporary noise events within each area shall be <u>15 consecutive days-no more than:</u></p> <ul style="list-style-type: none"> i. <u>24 hours for concerts, musicals, theatrical festivals/entertainment;</u> ii. <u>Five days for a sporting event (this limit does not apply in the Stadium Zone), and</u> iii. <u>Three days for all other temporary noise events.</u> <p>2. Occupation of the site for the erection and removal of all structures and land uses associated with the temporary noise event must not exceed <u>35 ten</u> days additional to the duration of the temporary event.</p> <p>3. The duration of the temporary noise event (including onsite accommodation) must not exceed a period of:</p> <ul style="list-style-type: none"> a. 24 hours for concerts, musicals, theatrical festivals/entertainment; b. Five days for a sporting event (this limit does not apply in the Stadium Zone), and c. Three days for all other temporary noise events. <p>4. All associated buildings and structures must comply with the yards, height and height in relation to boundary standards in the applicable zone.</p> <p>5. The noise limits in NOISE-R7 — Noise generated from temporary noise events apply.</p> <p>6. Where an activity requires access from a state highway, the activity must comply with the Traffic Access Sight Lines in the Code of Practice for Land Development and Subdivision Infrastructure and all parking must be provided on site.</p>	
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Commented [JS6]: NCC Event Manager 170.6

Commented [JS7]: Amelia Longley 222.128

APPENDIX A – Recommended Amendments to Plan Provisions

TEMP-R3: Temporary military training activity	
<p>TEMP-R3A</p> <p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The noise limits in NOISE-R8 — Noise generated from temporary military training activities apply. 	<p>TEMP-R3B</p> <p>Activity Status where activity conditions are not met: Restricted Discretionary</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> City vibrancy; Quality living environments; Safe and efficient integrated transport network and; Resilience and infrastructure; and <u>Effects on the environment.</u>
TEMP-R4: Temporary emergency services training activities	
<p>TEMP-R4A</p> <p>Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <u>All associated buildings and structures must comply with the yards, height and height in relation to boundary standards in the applicable zone or precinct/overlay; and</u> <u>The noise limits in NOISE-R7 — Noise generated from temporary noise events are met.</u> 	<p>TEMP-R4B</p> <p>Activity status where activity conditions are not met: Restricted Discretionary</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> <u>Quality living environments;</u> <u>Safe and efficient integrated transport network;</u> <u>Resilience and infrastructure;</u> and <u>Effects on the environment.</u>

Commented [FL9]: FENZ (288.57)

Assessment criteria

When considering an application, the Council will have regard to the relevant objectives and policies of this plan; the purpose of the rules and standards, and regard will also be had to the relevant assessment criteria set out below:

TEMP-AC1: All temporary activities not meeting permitted conditions (TEMP-R1 - Temporary construction activities, TEMP-R2 - Temporary events, and TEMP-R3 - Temporary military training activities)

City vibrancy

- The extent to which the temporary activity will contribute to the vibrancy of the city.

Quality living environments

- The extent to which the nature, duration, hours of operation, and structures associated with the temporary activity would compromise the amenity values for residents of the surrounding area, including consideration of noise, lighting, shading, visual dominance, and property accessibility.

APPENDIX A – Recommended Amendments to Plan Provisions

Safe and efficient integrated transport network

- c. The extent to which:
- i. the anticipated traffic generation from the temporary activity will impact on the safety and efficient operation of the surrounding integrated transport network;
 - ii. the temporary activity can be accessed by a range of transport modes, and
 - iii. car parking associated with the temporary activity can be adequately managed to minimise effects on the safe and efficient operation of the integrated transport network.
- d. Whether a traffic management plan is prepared for large-scale events to ensure methods are in place to minimise potential adverse effects on the integrated transport network and on accessibility to established activities, including businesses and residents.

Resilience and infrastructure

- e. Whether the temporary activity can be sufficiently serviced by water, wastewater, and stormwater infrastructure without generating adverse effects beyond the property boundary, including flooding.

Environmental effects

- f. The extent to which the temporary activity avoids or mitigates effects on the natural environment, including flora and fauna and habitats.

Commented [FL10]: DoC (253.110 and 253.111)

Appendix B – Summary of Recommended Responses to Submissions and Further Submissions

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Changes to PDP
TEMP - Temporary Activities/Rules/TEMP-R1: Temporary buildings and structures ancillary to construction activity	Sera Chambers	150.144 (Renotified Submission)	Amend	Amend on the basis that adjoining landowners should have to be notified and be given the opportunity to have their say on temporary structures to allow the enjoyment of property rights as a guiding principle and the option to have the impact mitigated by the entity impacting the enjoyment, especially where the temporary buildings or structures ancillary to construction activity being installed next to an affected landowners property are going to be in place for 12 months.	Seeks to amend on the basis that adjoining landowners should have to be notified and be given the opportunity to have their say on temporary structures, and the option to have the impact mitigated by the entity impacting the enjoyment.	Open Submission	Reject
TEMP - Temporary Activities/Rules/TEMP-R1: Temporary buildings and structures ancillary to construction activity	Napier City Council Events Manager	FS 310.150.144	Oppose	Oppose if the relief sought is intended to apply to TEMP-R2A.	Disallowed The effects of temporary activities are already appropriately managed.		Accept
TEMP - Temporary Activities/Rules/TEMP-R1: Temporary buildings and structures ancillary to construction activity	Sera Chambers	FS 549.150.144	Support	Agree with submitter. Refer full submission 150 from Sera Chambers.	Allowed		Accept
TEMP - Temporary Activities/Rules/TEMP-R1: Temporary buildings and structures ancillary to construction activity	Sera Chambers	FS 559.150.144	Support	I support all of my further submissions. I oppose the Medium Density Housing Zone (MRZ) and seek to exclude Onekawa and Pirimai from this zone. I support all other submitters who oppose MRZ on their streets/areas and ask Council to exclude those submitters streets/areas from the proposed MRZ and the High Density Housing Zone (HDZ) where requested via formal PDP submissions. Adjoining landowners should be notified and able to have their say about impacts and mitigations within a designation or by an entity and the option to have any impacts mitigated by the entity e.g. by developers, NZTA, NCC, HBAL/Airways/aircraft, network utilities etc. This ensures that NCC are adhering to their vision of Enabling places and spaces where everybody wants to be. NCC needs to ensure that are fully open and transparent with their public and listen to their public. The Proposed District Plan is an important part of how NCC will move forward into the future. A lot of the community may not read or may not be aware of key changes that NCC intend to make, or the proposed submissions that submitters/entities have made, and they may not be aware of these changes until after NCC has made their decisions on the PDP. Napier ratepayers are trusting NCC to make the right choices, to be open and transparent and to put their interests first. Refer full submission from Sera Chambers 150 and further submission 549 and all further submissions provided to others and the submission attached.	Allowed		Reject
TEMP - Temporary Activities / - Rules Table	Sera Chambers	150.145	Amend	Amend on the basis that excess noise is damaging to health and noise limits should be monitored to ensure all entities are avoiding unnecessary exposure to adjoining landowners, including monitoring current flight paths over land. Rule require notice to be provided to Council at least five working days prior to the commencement of the activity but there is no mention of how often the training will occur or how the adjoining landowner should be notified and be able to have their say, to allow their enjoyment of property rights as a guiding principle and the option to have the impact mitigated by the entity impacting the enjoyment e.g. helicopter landing and temporary military activities/weapons being fired.	Seeks to amend so that where possible temporary military training should be completed outside of residential areas, especially with weapons firing and/or the use of explosives (rules currently allow in close proximity - 500m to 1,250m) and landowners should be notified and be able to have their say to allow their enjoyment of property rights as a guiding principle and the option to have the impact mitigated by the entity impacting the enjoyment e.g. helicopter landing and temporary military activities/weapons being fired.	Open Submission	Reject

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TEMP - Temporary Activities / - Rules Table	New Zealand Helicopter Association (NZHA)	FS 326.150.145	Oppose	The NZDF must be able to operate NZ-wide for national interests. This includes training in all environments for a range of deployments. Adopting a "not in my backyard approach" is not feasible. The NZDF should be enabled to protect our land.	Disallowed NZHA does not support this submitter's position and recommends it be disallowed entirely.		Accept
TEMP - Temporary Activities / - Rules Table	New Zealand Defence Force	FS 394.150.145	Oppose	Disallow submitter's relief. NZDF must undertake training in order to maintain armed forces to fulfil its statutory purposes under the Defence Act 1990. NZDF must train in a variety of environments, including residential and rural areas, for diversity and realism so that it is ready and able to respond in a wide range of situations. Temporary Military Training Activity (TMTA) includes a wide variety of activities with no or minimal adverse effects, which are similar to training activities conducted by other public service or commercial organisations, e.g. NZ Police, NZ Fire Service, various ambulance services, and search and rescue, For TMTA that generate noise effects, appropriate noise provisions have been developed by NZDF's expert technical consultants, and applied in various District Plans around the country. Requirements for notification included in those provisions are appropriate.	Disallowed		Accept
TEMP - Temporary Activities / - Rules Table	Sera Chambers	FS 549.150.145	Support	Agree with submitter. Refer full submission 150 from Sera Chambers.	Allowed		Reject
TEMP - Temporary Activities / - Rules Table	Napier City Council Event Manager	170.6	Amend	Considers that a stage should remain in place at the Church Road concert venue where multiple concerts may occur in short succession to avoid costs and nuisance disruption of packing out just to pack in again within a short period of time.	Amend TEMP-R2A 2. to allow a stage to remain erected on Section SO 9752 for a period of 35 days provided no more than three additional events occur outside this period.	Open Submission	Accept in Part
TEMP - Temporary Activities / - Rules Table	Sera Chambers	FS 521.170.6	Amend	1. The number of temporary noise events that may occur on any one site in a calendar year must not exceed five except that: <ul style="list-style-type: none"> a. In the Stadium Zone, there is no restriction on the number of sporting events (subject to Rule STADZ-R2). Up to ten non-sporting temporary noise events shall be permitted per calendar year within the Stadium Zone, and b. Up to 18 temporary noise events shall be permitted per calendar year per site in the Marine Parade Recreation Control area, the Open Space Zone – coastal environment, and in Anderson Park provided that the maximum duration of temporary noise events within each area shall be 15 consecutive days. 2. Occupation of the site for the erection and removal of all structures and land uses associated with the temporary noise event must not exceed ten days additional to the duration of the temporary event. 3. The duration of the temporary noise event (including onsite accommodation) must not exceed a period of: <ul style="list-style-type: none"> a. 24 hours for concerts, musicals, theatrical festivals/entertainment; b. Five days for a sporting event (this limit does not apply in the Stadium Zone), and c. Three days for all other temporary noise events. The above wording contradicts and implies that there can be up to 15 consecutive days of 24 hour noise. Please investigate re-wording to continue to allow the people of Napier the enjoyment of their property rights as a guiding principle and also providing clarity to residents on how long the associated buildings and structures would be in place that may impact the enjoyment of their property rights as a guiding principle.	Allow in part		Accept in Part

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TEMP - Temporary Activities / - Rules Table /TEMP-R2: Temporary noise events	Napier City Council Event Manager	170.7	Amend	Considers that it would better enable Temporary Activities to avoid the need for resource consent in relation to height infringements where the status will be temporary and height in relation to boundary controls are still met in respect to shading effects.	Delete the need for all associated buildings and structures (particularly stages) to comply with the height standards in the applicable zone.	Open Submission	Reject
TEMP - Temporary Activities / - Rules Table /TEMP-R2: Temporary noise events	Hawke's Bay Airport Limited ("HBAL")	FS 359.170.7	Amend	HBAL consider it important that temporary activities in the vicinity of the Airport flight paths need to include consideration of Obstacle Limitation Surfaces (OLS) to ensure that such activities, which can often be erected quickly and without much warning, do not appear within the OLS.	Allow in part Disallow in part		Accept in Part
TEMP - Temporary Activities / - Rules Table /TEMP-R2: Temporary noise events	Sera Chambers	FS 521.170.7	Amend	<p>1. The number of temporary noise events that may occur on any one site in a calendar year must not exceed five except that:</p> <p>a. In the Stadium Zone, there is no restriction on the number of sporting events (subject to Rule STADZ-R2). Up to ten non-sporting temporary noise events shall be permitted per calendar year within the Stadium Zone, and</p> <p>b. Up to 18 temporary noise events shall be permitted per calendar year per site in the Marine Parade Recreation Control area, the Open Space Zone – coastal environment, and in Anderson Park provided that the maximum duration of temporary noise events within each area shall be 15 consecutive days.</p> <p>2. Occupation of the site for the erection and removal of all structures and land uses associated with the temporary noise event must not exceed ten days additional to the duration of the temporary event.</p> <p>3. The duration of the temporary noise event (including onsite accommodation) must not exceed a period of:</p> <p>a. 24 hours for concerts, musicals, theatrical festivals/entertainment;</p> <p>b. Five days for a sporting event (this limit does not apply in the Stadium Zone), and</p> <p>c. Three days for all other temporary noise events.</p> <p>The above wording contradicts and implies that there can be up to 15 consecutive days of 24 hour noise.</p> <p>Please investigate re-wording to continue to allow the people of Napier the enjoyment of their property rights as a guiding principle and also providing clarity to residents on how long the associated buildings and structures would be in place that may impact the enjoyment of their property rights as a guiding principle.</p>	Allow in part		Accept in Part
TEMP - Temporary Activities /General /General	Hawke's Bay Airport Limited ("HBAL")	198.157	Amend	HBAL supports the reference to provisions within the various chapters of the proposed plan that recognise the height constraints imposed by the OLS. HBAL submits however, that temporary activities in the vicinity of the Airport flight paths also need to include consideration of these surfaces to ensure that such activities, which can often be erected quickly and without much warning, do not appear within the OLS	Temporary activities in the vicinity of the Airport flight paths need to include consideration of Obstacle Limitation Surfaces to ensure that such activities, which can often be erected quickly and without much warning, do not appear within the OLS.	Open Submission	Accept

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TEMP - Temporary Activities / - Rules Table	Amelia Longley	222.128	Amend	<p>Clarify how clause R2A(1) of this rule relates to the rules and standards in the STADZ Zone (in particular rule STADZ-R4 and standards STADZ-R6) and amend to provide an integrated rule framework.</p> <p>Clarify the number of noise events for the Stadium. Six or ten and ensure provisions are consistent. Amend the number of events to be consistent (i.e. if the intention of the rules is that they apply to the same type of activities and is not to provide for six entertainment activities and 10 non-sporting temporary events).</p> <p>Use consistent terminology (sporting events / entertainment events /temporary noise events) and provide associated definitions where this clarify how to apply the rules.</p> <p>Condition 1(b) as the way it is currently worded is extremely permissive and would potentially allow for events running up to 270 days per year in the Marine Parade Recreation Contril Area, the Open Space Zone - coastal environment and Anderson Park.</p>	<p>Amend rule to clarify relationship to Rule STADZ -R4 and Standard STADZ-S6.</p> <p>Amend rule to clarify number of temporary noise events for the stadium zone.</p> <p>Amend condition 1(b) as sought (or words to that effect).</p> <p>Amend matter of discretion R2B(2) as sought.</p> <p>TEMP-R2A</p> <p>Activity Status: Permitted Where:</p> <ol style="list-style-type: none"> The number of temporary noise events that may occur on any one site in a calendar year must not exceed five except that: <ol style="list-style-type: none"> In the Stadium Zone, there is no restriction on the number of sporting events (subject to Rule STADZ-R2). Up to ten six non-sporting temporary noise events shall be permitted per calendar year within the Stadium Zone, and Up to 18 temporary noise events shall be permitted per calendar year per site in the Marine Parade Recreation Control area, the Open Space Zone – coastal environment, and in Anderson Park provided that the maximum duration of <u>individual</u> temporary noise events within each area shall be 15 no more than: <ol style="list-style-type: none"> 24 hours for concerts/entertainment 5 consecutive days for a sporting event; or 3 days for all other temporary activities under this rule. <p>TEMP-R2B</p> <p>Activity Status where activity conditions are not met: Restricted Discretionary Matters of discretion are:</p> <ol style="list-style-type: none"> City vibrancy; Quality living environments <u>amenity for adjacent residents</u>; Safe and efficient integrated transport network, and Resilience and <u>infrastructure</u>. 	Open Submission	Accept
TEMP - Temporary Activities / - Rules Table	Napier City Council Events Manager	FS 305.222.128	Oppose	This may risk the ability of McLean Park, being the City's premier facility, to accommodate certain events, that no other facilities within City could accommodate either.	Disallowed		Reject
TEMP - Temporary Activities / - Rules Table	Napier Events Manager	FS 308.222.128	Oppose	This may risk the ability of McLean Park, being the City's premier facility, to accommodate certain events, that no other facilities within City could accommodate either.	Disallowed		Reject
TEMP - Temporary Activities /Objectives	Ravensdown Limited (Ravensdown)	246.89	Support	Supports Objective TEMP-O2: Adverse effects arising from temporary buildings and structures that enable construction as recognising that temporary buildings and structures are associated with construction activities, while ensuring that such buildings and structures are managed so as to minimise effects beyond the construction areas, is an appropriate planning approach.	Retain Objective TEMP-O2 as notified.	Open Submission	Accept in Part
TEMP - Temporary Activities /Policies /TEMP-P1: Enabling temporary activities	Ravensdown Limited (Ravensdown)	246.90	Support	Supports Policy TEMP-P1: Enabling temporary activities as providing for, or enabling, construction activities within the city provides for city's ongoing development, redevelopment and thus economic viability and vibrancy.	Retain Policy TEMP-P1 as notified.	Open Submission	Accept
TEMP - Temporary Activities /Policies /TEMP-P2: Adverse effects arising from temporary activities	Ravensdown Limited (Ravensdown)	246.91	Support	Supports Policy TEMP-P2: Adverse effects arising from temporary activities as outlined above in relation to Policy TEMP-P1, enabling and providing for construction activities in the city has positive effects of the city. However, it is also acknowledged that it is important that the potential adverse effects associated with construction activities are appropriately managed.	Retain Policy TEMP-P2 as notified.	Open Submission	Accept

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TEMP - Temporary Activities / - Rules Table	Ravensdown Limited (Ravensdown)	246.92	Amend	<p>Considers Temporary Activities - Rules Table TEMP-R1A: Temporary buildings and structures ancillary to construction activity should be amended as while the intent of the permitted activity rule restrictions is supported, there are issues with aspects of these restrictions, particularly larger, and thus longer term, construction activities. The issues relate the proposed 50m2 gross floor area restriction and the proposed 12-month permitted activity timeframe for construction activities. In relation to the area restriction under Condition 1(b), it is considered that a total gross floor area of 50m2 for ancillary temporary buildings and structures, particularly for large scale projects, is very small. In addition, the restriction is not required given the complementary restrictions provided in Conditions (1)(a) and (c).</p> <p>Condition (2) requires temporary buildings or structures associated with construction activities to be removed, either one month after the completion of the construction activity, or 12 months after they were placed on site, whichever is the lesser. In effect, given that ancillary buildings and structures are often the first things established at a construction site (and the last to be removed), this condition effectively restricts permitted construction activities to 12 months. This timeframe does not reflect the timeframes associated with larger, or more complex construction activities, nor does it accommodate restrictions that may be associated with the colder months of year, or weather slowing down construction activities. For this reason, a longer permitted activity construction period of 18 months is proposed.</p>	<p>Amend Rule TEMP-R1A as follows: TEMP-R1A Activity Status: Permitted Where:</p> <ol style="list-style-type: none"> The temporary building or structure: <ol style="list-style-type: none"> is for such purposes as a temporary office, storage shed, storage yard, builders' workshop, safety fence, and other similar buildings and uses of land that are incidental to a construction project; is no more than 50 m2 in gross floor area, and complies with the yards, height, and height in relation to boundary standards in the applicable zone. The temporary building or structure is removed within one month of the completion of the construction project or within 182 months from when it was first placed on the site, whichever is the lesser. The noise and vibration limits in NOISE-R2 – Construction noise and vibration apply. 	Open Submission	Reject
TEMP - Temporary Activities /General /General	Department of Conservation	253.80	Amend	<p>The submitter considers that temporary activities can occur in the Open Space Zone and the Natural Open Space Zones. There are currently no objectives or policies in the TEMP chapter that provide for restrictions on managing events in the environments despite the sensitivity that those environments can have depending on the time of year due to flora and fauna.</p> <p>Considers that explicit mention of managing effects on indigenous and migratory indigenous biodiversity, habitats, and ecosystems is needed to ensure that the NPS-IB is implemented.</p> <p>The Ecosystems and Indigenous Biodiversity chapter is yet to be implemented, which would likely assist the TEMP chapter, but measures need to be inserted now to ensure that indigenous biodiversity is not harmed in the interim.</p>	<p>Seeks to amend the chapter to include new objectives and policies that provide for the protection of indigenous biodiversity during temporary events in line with the effects management hierarchy or NZCPS Policy 11.</p> <p>Amend TEMP-O1 and TEMP-P1 to refer to impacts on not only established activities, but also on natural resources.</p> <p>And Amend matters of discretion in TEMP-R1B, 2B, and 3B to include the consideration of indigenous biodiversity.</p>	Open Submission	Accept in Part
TEMP - Temporary Activities /General /General	Ahuriri Regional Park Joint Committee	FS 302.253.80	Amend	<p>Support in principle – however the Joint Committee wishes to be involved in the development of provisions to address the point, specifically having regard to the range of appropriate activities in the Te Whanganui Ā Orotū Special Zone.</p>	Allow in part		Reject
TEMP - Temporary Activities /Objectives / TEMP-O1: Adverse effects arising from temporary activities	Department of Conservation	253.107	Amend	<p>The submitter considers that temporary activities can occur in the Open Space Zone and the Natural Open Space Zones. There are currently no objectives or policies in the TEMP chapter that provide for restrictions on managing events in the environments despite the sensitivity that those environments can have depending on the time of year due to flora and fauna.</p> <p>Considers that explicit mention of managing effects on indigenous and migratory indigenous biodiversity, habitats, and ecosystems is needed to ensure that the NPS-IB is implemented.</p> <p>The Ecosystems and Indigenous Biodiversity chapter is yet to be implemented, which would likely assist the TEMP chapter, but measures need to be inserted now to ensure that indigenous biodiversity is not harmed in the interim.</p>	<p>Seeks to amend the chapter to include new objectives and policies that provide for the protection of indigenous biodiversity during temporary events in line with the effects management hierarchy or NZCPS Policy 11.</p> <p>Amend TEMP-O1 to refer to impacts on not only established activities, but also on natural resources.</p>	Open Submission	Accept in Part

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TEMP - Temporary Activities /Policies / TEMP-P1: Enabling temporary activities	Department of Conservation	253.108	Amend	<p>The submitter considers that temporary activities can occur in the Open Space Zone and the Natural Open Space Zones. There are currently no objectives or policies in the TEMP chapter that provide for restrictions on managing events in the environments despite the sensitivity that those environments can have depending on the time of year due to flora and fauna.</p> <p>Considers that explicit mention of managing effects on indigenous and migratory indigenous biodiversity, habitats, and ecosystems is needed to ensure that the NPS-IB is implemented.</p> <p>The Ecosystems and Indigenous Biodiversity chapter is yet to be implemented, which would likely assist the TEMP chapter, but measures need to be inserted now to ensure that indigenous biodiversity is not harmed in the interim.</p>	<p>Seeks to amend the chapter to include new objectives and policies that provide for the protection of indigenous biodiversity during temporary events in line with the effects management hierarchy or NZCPS Policy 11.</p> <p>Amend TEMP-P1 to refer to impacts on not only established activities, but also on natural resources.</p>	Open Submission	Accept in Part
TEMP - Temporary Activities /TEMP - Temporary Activities - Rules Table / TEMP-R1: Temporary buildings and structures ancillary to construction activity	Department of Conservation	253.109	Amend	<p>The submitter considers that temporary activities can occur in the Open Space Zone and the Natural Open Space Zones. There are currently no objectives or policies in the TEMP chapter that provide for restrictions on managing events in the environments despite the sensitivity that those environments can have depending on the time of year due to flora and fauna.</p> <p>Considers that explicit mention of managing effects on indigenous and migratory indigenous biodiversity, habitats, and ecosystems is needed to ensure that the NPS-IB is implemented.</p> <p>The Ecosystems and Indigenous Biodiversity chapter is yet to be implemented, which would likely assist the TEMP chapter, but measures need to be inserted now to ensure that indigenous biodiversity is not harmed in the interim.</p>	<p>Seeks to amend the chapter to include new objectives and policies that provide for the protection of indigenous biodiversity during temporary events in line with the effects management hierarchy or NZCPS Policy 11.</p> <p>Amend matters of discretion in TEMP-R1B to include the consideration of indigenous biodiversity.</p>	Open Submission	Accept in Part
TEMP - Temporary Activities /TEMP - Temporary Activities - Rules Table / TEMP-R2: Temporary noise events	Department of Conservation	253.110	Amend	<p>The submitter considers that temporary activities can occur in the Open Space Zone and the Natural Open Space Zones. There are currently no objectives or policies in the TEMP chapter that provide for restrictions on managing events in the environments despite the sensitivity that those environments can have depending on the time of year due to flora and fauna.</p> <p>Considers that explicit mention of managing effects on indigenous and migratory indigenous biodiversity, habitats, and ecosystems is needed to ensure that the NPS-IB is implemented.</p> <p>The Ecosystems and Indigenous Biodiversity chapter is yet to be implemented, which would likely assist the TEMP chapter, but measures need to be inserted now to ensure that indigenous biodiversity is not harmed in the interim.</p>	<p>Seeks to amend the chapter to include new objectives and policies that provide for the protection of indigenous biodiversity during temporary events in line with the effects management hierarchy or NZCPS Policy 11.</p> <p>Amend matters of discretion in TEMP-R2B to include the consideration of indigenous biodiversity.</p>	Open Submission	Accept in Part
TEMP - Temporary Activities /TEMP - Temporary Activities - Rules Table / TEMP-R2: Temporary noise events	Department of Conservation	253.111	Amend	<p>The submitter considers that temporary activities can occur in the Open Space Zone and the Natural Open Space Zones. There are currently no objectives or policies in the TEMP chapter that provide for restrictions on managing events in the environments despite the sensitivity that those environments can have depending on the time of year due to flora and fauna.</p> <p>Considers that explicit mention of managing effects on indigenous and migratory indigenous biodiversity, habitats, and ecosystems is needed to ensure that the NPS-IB is implemented.</p> <p>The Ecosystems and Indigenous Biodiversity chapter is yet to be implemented, which would likely assist the TEMP chapter, but measures need to be inserted now to ensure that indigenous biodiversity is not harmed in the interim.</p>	<p>Seeks to amend the chapter to include new objectives and policies that provide for the protection of indigenous biodiversity during temporary events in line with the effects management hierarchy or NZCPS Policy 11.</p> <p>Amend matters of discretion in TEMP-R3B to include the consideration of indigenous biodiversity.</p>	Open Submission	Accept in Part

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TEMP - Temporary Activities /Objectives /TEMP-O1: Adverse effects arising from temporary activities	NZ Transport Agency Waka Kotahi (NZTA)	277.104	Support	Supports objectives TEMP-O1 and TEMP-O2 as they recognise the need for temporary activities, including for construction.	Retain as notified.	Open Submission	Accept in Part
TEMP - Temporary Activities /Objectives /TEMP-O2: Adverse effects arising from temporary buildings and structures that enable construction	NZ Transport Agency Waka Kotahi (NZTA)	277.105	Support	Supports objectives TEMP-O1 and TEMP-O2 as they recognise the need for temporary activities, including for construction.	Retain as notified.	Open Submission	Accept in Part
TEMP - Temporary Activities /Objectives /General	NZ Transport Agency Waka Kotahi (NZTA)	277.106	Amend	Seeks for Council to insert a new objective to ensure that temporary events do not compromise the safe and efficient operation of the land transport network. Notes that because state highways move traffic often at higher speeds, attention needs to be applied to traffic when operating temporary events that have access to a state highway. Recommends a new objective TEMP-O5 as relief sought.	Insert new objective as follows: TEMP-O5: Traffic Safety <u>Temporary activities are sufficiently managed to maintain the safe and efficient operation of the land transport network</u>	Open Submission	Accept in part
TEMP - Temporary Activities /Policies /TEMP-P4: Adverse effects arising from temporary activities on the transport network	NZ Transport Agency Waka Kotahi (NZTA)	277.107	Support	Supports P4 as it seeks to manage the effects of temporary activities on the safe and efficient operation of the transport network.	Retain as notified.	Open Submission	Accept
TEMP - Temporary Activities / - Rules Table /TEMP-R1: Temporary buildings and structures ancillary to construction activity	NZ Transport Agency Waka Kotahi (NZTA)	277.108	Amend	Supports rule TEMP-R1 however, the rule as drafted does not ensure any temporary construction on land located adjacent to a state highway will appropriately manage traffic effects.	Amend as follows: NOTES: <u>1. Approval from the NZ Transport Agency may be necessary for temporary construction activities located within or on land adjacent to the state highway road reserve.</u>	Open Submission	Accept
TEMP - Temporary Activities / - Rules Table /General	Fire and Emergency New Zealand	288.57	Amend	In order to ensure an efficient and effective emergency response, firefighter training is an essential activity undertaken by Fire and Emergency. Firefighter training may include live fire training (i.e., burning and putting out fires) and equipment training both on and off site. The annual Statement of Performance Expectations (SPE) confirms a commitment to the Government that all firefighters achieve a certain level of training. District Plans should not prevent Fire and Emergency training activities from being carried out. Fire and Emergency seeks provisions for emergency services training activities as permitted activities across all zones in order to better achieve the sustainable management purpose of the RMA and better enable Fire and Emergency to achieve its statutory function by facilitating firefighting and emergency response (including training for such circumstances).	Add a new rule as follows: TEMP-R4: Temporary emergency services training activities <u>All Zones</u> <u>Activity Status: PER</u>	Open Submission	Accept in Part

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TEMP - Temporary Activities/	Sera Chambers	FS 559.150	Support	<p>I support all of my further submissions.</p> <p>I oppose the Medium Density Housing Zone (MRZ) and seek to exclude Onekawa and Pirimai from this zone. I support all other submitters who oppose MRZ on their streets/areas and ask Council to exclude those submitters streets/areas from the proposed MRZ and the High Density Housing Zone (HDZ) where requested via formal PDP submissions.</p> <p>Adjoining landowners should be notified and able to have their say about impacts and mitigations within a designation or by an entity and the option to have any impacts mitigated by the entity e.g. by developers, NZTA, NCC, HBAL/Airways/aircraft, network utilities etc.</p> <p>This ensures that NCC are adhering to their vision of Enabling places and spaces where everybody wants to be.</p> <p>NCC needs to ensure that are fully open and transparent with their public and listen to their public. The Proposed District Plan is an important part of how NCC will move forward into the future. A lot of the community may not read or may not be aware of key changes that NCC intend to make, or the proposed submissions that submitters/entities have made, and they may not be aware of these changes until after NCC has made their decisions on the PDP. Napier ratepayers are trusting NCC to make the right choices, to be open and transparent and to put their interests first.</p> <p>Refer full submission from Sera Chambers 150 and further submission 549 and all further submissions provided to others and the submission attached.</p>	<p>Allowed.</p> <p>Supports the submitter's submission including all changes of wording and I seek that the whole further submission be allowed. Refer full submission from Sera Chambers 150 and further submission 549 and all further submissions provided to others and the submission attached.</p> <p>Refer to further submission 559.</p>		Reject
TEMP - Temporary Activities/	Sera Chambers	FS 560.198	Oppose	<p>Oppose all of points listed with further notes below:</p> <p>Oppose 198.136 and applicable to reference points above – The shape files sent to NCC on 18 June 2023 and again on 13 November 2023, have not been made available to the public to view as part of this consultation process so how does the public know what they are agreeing too in terms of an Airport Business Precinct and similar requests? Hawke's Bay Airport Limited (HBAL) and Airways Corporation of New Zealand (Airways) installed new flight paths over Napier on 30 November 2023 without advising affected residents. They were implemented on 30 November 2023, and more flight paths have been implemented in 2024. This has resulted in an increase of 20+ flights over and directly beside my property a day, the majority at under 1000m, with passenger numbers projected to double by 2030 (to 1 million passengers).</p> <p>HBAL and Airways choose not to own up to their error that they approved the Airways wholly owned Aeropath system without consulting affected residents. They say that their acoustic analyst, Marshall Day, says that the noise is reasonable.</p> <p>Refer https://www.planesensellington.com as an example of where the exact same issue has occurred – not consulting with affected residents on flight path changes and the issues that residents have been facing. Marshall Day was the acoustic specialist in this instance also, and upon reviewing the changes by actually measuring the noise in the impacted areas, found the noise impacts to be more significant than they forecasted. The website shows all of the same issues that decisions by Airways and Marshall Day have now repeated with HBAL.</p>	Disallowed		Reject

Appendix B – Summary of Recommended Responses to Submissions and Further Submissions

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				<p>I have been asking for answers, and I have asked for mitigation prior to implementation. I have been asking for mitigation since. HBAL advised via email on 26 June 2024 that they believe the noise is reasonable and for compliance with the Napier City District Plan, there is only a small change to current noise exposure (according to their email an increase of 6+ decibels a day for my property with no supporting report information). They have not installed a noise monitor outside my property as requested, they have not provided all information on how the acoustic analysis information was reached, and they have not provided a copy of the AirBiz report Hawke's Bay Assumptions Pack – Flight Tracks – dated 27 November 2019 as referenced in the Marshall Day Acoustics report dated 24 July 2023 which was originally requested on 9 May 2024. They have not been open and transparent with the community. They have not provided sufficient answers to my many OIA queries regarding the above.</p> <p>Airways Legal Counsel advised via email that on average I would receive 1-2 extra flights a day over my property. I have been keeping extensive records and I have many videos which show that this information is false. Based on data available on flightaware.com in May 2024 I received a total of 432 flights directly over or beside my property (average of 13.9 a day for the month - 23 flights in one day on 9 May) and in June 2024, up to 28 June 2024 I received a total of 601 flights directly over or beside my property (average of 21.4 over 28 days - 34 flights in one day on 21 June) and there were flights cancelled due to fog.</p> <p>Oppose 198.160 and applicable to reference points above - The HBAL's letter dated 20 April 2023 and the Notice of Requirement (NOR) requesting D173: Airport Purposes to be rolled over have not been made available to the public to view as part of this consultation process so how does the public know what they are agreeing too? D173: Airport Purposes should not be rolled over the Operative District Plan until its extent and what it is fully related to is known to the public. Oppose 198.163 and applicable to reference points above – HBAL seek that the mapped layer is amended to reflect the extent requested in Appendix 1 of the NOR lodged on 26 July 2023. This has not been made available to the public to view as part of this consultation process so how does the public know what they are agreeing too? Their submission advises of designation information including 4.139 that HBAL-2: Airport purposes ensures that the operation and function of the Airport can occur without consent, provided the specified conditions are met, and protected into the future. This means that the Airport can do what it likes. This is favouring a strategic asset over the wider community. The Te Tupu Ngatahi Supporting Growth Alliance in Auckland advised that in Auckland, once NORs are lodged with their Council the formal Resource Management Act 1991 process begins and Auckland Council decide whether a Notice of Requirement should be publicly notified. They advised that all of their projects are publicly notified which means people and groups are able to lodge submissions with Council and a public hearing is held where all submitters are able to be heard. HBAL should not be given consent to do what it likes when it is affecting the community. This was brought to the attention of Napier City Council as part of the suggested feedback to the Significance and Engagement Policy that any changes to a major asset should be publicly notified but was discounted. Land being defined in the District Plan has the same meaning as in section 2 of the RMA (as below):</p>			

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				<p>a. includes land covered by water and the airspace above land; and</p> <p>b. in a national environmental standard dealing with a regional council function under section 30 or a regional rule, does not include the bed of a lake or river; and</p> <p>c. in a national environmental standard dealing with a territorial authority function under section 31 or a district rule, includes the surface of water in a lake or river.</p> <p>Adjoining landowners should be notified and able to have their say on the enjoyment of adjoining property owners and their property rights as a guiding principle and the option to have the impact mitigated by the entity affecting their enjoyment.</p> <p>HBAL, Airways, Marshall Day, Mitchell Daysh Limited and all other entities that have contributed to the HBAL submission must be held accountable for providing a submission that is not open and transparent. Their requests for amendments, deletions or opposition likely favour their interests over the wider community or are not completely open and transparent. This includes areas where it lists making changes including not allowing certain development due to bird strikes, being exempt from trip generations and having no trip or bike provisions, creating an Airport Business Precinct, prioritising freight, requiring provision of acoustic treatment for residential activities in airport boundaries (without mitigation by the entity if they choose to change these boundaries or flight paths and with no consultation – and this includes outside of their airport boundaries and the noise and health/environmental impacts that they are generating to affected residents, especially upon take-off and landing), rolling over Appendix 7 of the Plan for their obstacle limitation surfaces for aircraft approaching and departing the airport at the expense of adjoining property owners, applying designations to areas at the expense of adjoining landowners and putting their interests first over the community - who as part stakeholders, should be considered in their decision making.</p> <p>I implore Napier City Council, who is a shareholder in HBAL, to do the right thing by their residents and to not allow any of the changes to the sections that this entity is proposing or has proposed to occur until the affects to the wider community are full reviewed. I also ask that Napier City Council put their community wellbeing first over strategic assets.</p>			