

OFFICER'S REPORT FOR:

Independent Hearing Commissioners:

Robert Schofield (Chair)

Loretta Lovell

Roger Maaka

Tim Aitken

Kate Taylor

Pip Burne

TOPIC:

District-Wide Matters – Light / Temporary Activities

PREPARED BY:

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REPORT DATED:

28 February 2022

DATE OF HEARING:

30 March to 1 April 2022

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Appendix A – Recommended Amendments to Plan Provisions

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

List of Submitters and Further Submitters addressed in this Report

Submitter Name	Submission Number(s)
Federated Farmers of New Zealand (Federated Farmers)	S121
Fire and Emergency New Zealand (FENZ)	S57
Horticulture New Zealand (Hort NZ)	S81
New Zealand Defence Force (NZDF)	S29
New Zealand Pork Industry Board (Pork Industry Board)	S42

Further Submitter Name	Further Submission Number(s)
NZ Pork Industry Board (Pork Industry Board)	FS6
Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird)	FS9
Silver Fern Farms Limited (Silver Fern Farms)	FS8
Transpower New Zealand Limited (Transpower)	FS18

1.0 Introduction

1.1 Qualifications and Experience

- 1.1.1 My full name is Rowena Clare Macdonald. I am a Principal Planner and Director of Sage Planning (HB) Limited, a planning consultancy comprising three Principal Planners/Directors established in 2015.
- 1.1.2 I hold a Bachelors degree in Resource and Environmental Planning (Honours) and am a full member of the New Zealand Planning Institute.
- 1.1.3 I have been a practicing planner for the past 25+ years. Prior to establishing Sage Planning, I was a planner with Works Consultancy Services/Opus International Consultants.
- 1.1.4 Sage Planning has been engaged by Central Hawke's Bay District Council as the lead planning consultants to assist with the full District Plan Review since August 2017.

1.2 Code of Conduct

- 1.2.1 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014, and that I have complied with it when preparing this report. Other than when I state that I am relying on the 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 that I express.
- 1.2.2 I am authorised to give this evidence on the Council's behalf to the Proposed District Plan Hearings Commissioners.

1.3 Conflict of Interest

- 1.3.1 I confirm that I have no real or perceived conflict of interest.

1.4 Involvement with the Proposed Plan

- 1.4.1 I was involved in scoping issues and preparing discussion documents for Council's District Plan Review Committee, engagement with the community, preparation of the Draft District Plan (notified in April 2019), reporting on informal submissions to the Committee and recommending amendments to the Draft Plan, and subsequent completion of the Proposed District Plan including preparation of the accompanying Section 32 Evaluation Reports.
- 1.4.2 I contributed to the various discussion documents and draft plan provisions relating to the light and temporary activity provisions, and to the Section 32 Remaining District Wide Chapters and Relocated Building Provisions Topic Report accompanying notification of the Proposed District Plan (PDP), generally.

1.5 Preparation of this Report

- 1.5.1 My role in the preparation of this report has been to review, provide analysis of, and make recommendations on the submissions and further submissions received in relation to the light and temporary activity provisions in the PDP (which mainly relate to the contents of the LIGHT – Light chapter, the TEMP – Temporary Activities chapter, and specific provisions of the NOISE – Noise chapter relating to temporary activities, as well as any associated definitions.
- 1.5.2 The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
- 1.5.3 Where I have recommended changes to the Proposed District Plan, I have assessed the changes in accordance with s 32AA Resource Management Act and provided an assessment at a level of detail corresponding to the scale and significance of the recommended change.

2.0 Scope of Report

2.1 Matters addressed by this Report

- 2.1.1 This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA). This report considers submissions that were received by the Council in relation to light and temporary activities (including temporary military training activities).

2.2 Overview of the Topic

- 2.2.1 The light provisions are contained within the LIGHT – Light chapter in the General District-Wide Matters section of the PDP. The purpose of the light provisions is to recognise and provide for activities with associated artificial lighting, while controlling the effects of light spill on the environment, such as impacts on residential properties and on people's health and wellbeing, particularly around potential sleep disturbance.
- 2.2.2 The temporary activities provisions are contained within the TEMP – Temporary Activities chapter in the General District-Wide Matters section of the PDP. Noise associated with temporary activities is also addressed here, contained in the NOISE – Noise chapter of the PDP. The purpose of the temporary activities provisions is to provide for short-term activities and events that contribute to the social, economic and cultural wellbeing and vibrancy of the community, while controlling the effects of temporary activities on the environment, such as unusual levels of noise and unusually high volumes of traffic.

2.3 Statutory Considerations

- 2.3.1 The PDP has been prepared in accordance with the RMA and, in particular, the requirements of section 74 (Matters to be considered by territorial authority) and section 75 (Contents of district plans).
- 2.3.2 As set out in the Section 32 Remaining District Wide Chapters and Relocated Building Provisions Topic Report, the key legislative requirement underpinning these provisions is section 31 of the RMA, which outlines the functions of territorial authorities under the Act, including:
- '(1)(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.'*

2.4 Procedural Matters

- 2.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with clause 8AA of Schedule 1 on the submissions relating to the light or temporary activities provisions prior to the finalization of this section 42A report.
- 2.4.2 No further consultation with any parties regarding the light or temporary activities provisions has been undertaken since notification of the provisions.

3.0 Consideration of Submissions Received

3.1 Overview of Submissions

- 3.1.1 As stated, this topic covers submissions received on the general district-wide 'LIGHT – Light' and 'TEMP – Temporary Activities' provisions, and on the provisions of the general district-wide 'NOISE – Noise' provisions specifically relating to temporary activities, and specific associated definitions.

Light

- 3.1.2 There are three (3) submitters and 3 further submitters across the topic of 'Light'.
- 3.1.3 Nine (9) original submission points, and 7 further submission points were received on the provisions relating to this topic.
- 3.1.4 Of the 9 original submission points, 5 submission points are in support.
- 3.1.5 The submission points on the LIGHT – Light chapter in the PDP are all from the rural sector and address provision for artificial outdoor lighting associated with primary production.

Temporary Activities

- 3.1.6 There are two (2) submitters and 1 further submitter across the topic of 'Temporary Activities' (including related noise provisions).
- 3.1.7 Twenty (20) original submission points, and 1 further submission point were received on the provisions relating to this topic.
- 3.1.8 Of the 20 original submission points, 11 submission points are in support.
- 3.1.9 The submission points in opposition can be generally divided into the following main groups:
 - Provision for temporary military training activities, including associated noise; and
 - Provision for temporary emergency services training activities.

3.2 Structure of this Report

- 3.2.1 I have structured the section 42A report under 'Key Issue' headings as follows:
 - Key Issue 1: Light Provisions
 - Key Issue 2: Noise Provisions Associated with Temporary Activities
 - Key Issue 3: Provision for Temporary Activities

4.0 Key Issue 1 – Light Provisions

4.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S42.032	New Zealand Pork Industry Board	LIGHT - Introduction	Amend	Amend the introduction as follows: 'Artificial lighting enables activities to occur beyond daylight hours, including night time work, primary production and recreation and entertainment activities, and can assist to improve the safety and security of people and property.'	Accept
.					
S121.100	Federated Farmers of New Zealand	LIGHT-O1	Support	Retain LIGHT-O1 as proposed.	Accept
FS9.100	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S42.033	New Zealand Pork Industry Board	LIGHT-O1	Support	Retain LIGHT-O1 as proposed.	Accept
.					
S121.101	Federated Farmers of New Zealand	LIGHT-P1	Support	Retain LIGHT-P1 as proposed.	Accept
FS9.101	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S42.034	New Zealand Pork Industry Board	LIGHT-P1	Support	Retain LIGHT-P1 as proposed.	Accept
.					
S121.102	Federated Farmers of New Zealand	LIGHT-R1	Support	Retain LIGHT-R1, on condition that the relief sought for LIGHT-S1 is accepted, or alternatively include a new permitted activity rule for primary production activities.	Accept in part (insofar as Rule LIGHT-R1 is retained)
FS9.102	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept in part
S81.092	Horticulture New Zealand	LIGHT-S1	Oppose	Amend LIGHT-S1 as follows: 'General Rural Zone / Rural Production Zone 1. The following light spill standard applies to all land uses other than for the purposes of illuminating a road: a. ... b. Between the hours of 2200 and 0700 hours any outdoor lighting must not be used in a manner that it causes: i. ... ii. An added illuminance in excess of 15 lux measured horizontally or vertically (at a height of 1.5m above the ground) at any point along any General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle-zoned boundary, or at any point along a line measured 20m from any side of a residential unit located on another site	Reject

				<p>within the General Rural or Rural Production Zones.</p> <p>c. ...</p> <p>d. Any outdoor lighting must be so selected, located, aimed, adjusted, and screened so as to direct such lighting away from any residential activity, visitor accommodation, community facility, rest home, marae, state highways and formed public roads.'</p>	
FS6.8	NZ Pork Industry Board		Support		Reject
S42.035	New Zealand Pork Industry Board	LIGHT-S1	Oppose	<p>Delete the requirements of LIGHT-S1(1)(b)(ii) and LIGHT-S1(1)(d) as follows:</p> <p>'b. Between the hours of 2200 and 0700 hours any outdoor lighting must not be used in a manner that it causes:</p> <p>...</p> <p>ii. An added illuminance in excess of 15 lux measured horizontally or vertically (at a height of 1.5m above the ground) at any point along any General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle-zoned boundary, or at any point along a line measured 20m from any side of a residential unit located on another site within the General Rural or Rural Production Zones.'</p> <p>and</p> <p>'d. Any outdoor lighting must be so selected, located, aimed, adjusted, and screened so as to direct such lighting away from any residential activity, visitor accommodation, community facility, rest home, marae, state highways and formed public roads.'</p>	Reject
FS8.041	Silver Fern Farms Limited		Support		Reject
S121.103	Federated Farmers of New Zealand	LIGHT-S1	Amend	<p>Amend LIGHT-S1 as follows:</p> <p>'Maximum level of light overspill General Rural Zone / Rural Production Zone</p> <p>1. The following light spill standard applies to all land uses other than for the purposes of illuminating a road and activities associated with primary production.</p> <p>...'</p>	Reject
FS6.9	NZ Pork Industry Board		Support		Reject
FS9.103	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept

4.2 Matters Raised by Submitters

Introduction

4.2.1 The Pork Industry Board (S42.032) seeks amendment to the introduction to the LIGHT – Light chapter to add reference to ‘primary production activities’ as benefiting from the use of artificial light to enable activities to occur beyond daylight hours, in addition to those activities that benefit that are already mentioned. They reason that the Introduction ‘*would be improved by recognising and enabling artificial outdoor lighting associated with primary production*’.

Objectives and Policies

4.2.2 Federated Farmers (S121.100 & S121.101) and the Pork Industry Board (S42.033 & S42.034) support retention of Objective LIGHT-O1 and Policy LIGHT-P1 as proposed, on the basis that the objective ‘*acknowledges activities can have a functional requirement to use artificial light*’ and the policy ‘*is working to provide for usual and anticipated activities within specified zones*’. Forest & Bird (FS9.100 & FS9.101) has further submitted in opposition to all Federated Farmers’ submissions.

Rule LIGHT-R1 and Standard LIGHT-S1

4.2.3 Federated Farmers (S121.102) support retention of Rule LIGHT-R1, subject to acceptance of their accompanying submission (S121.103) to exclude activities associated with primary production from the light spill standard – as below. Forest & Bird (FS9.102 & FS9.103) oppose all Federated Farmers’ submissions.

LIGHT-S1 Maximum level of light overspill	
General Rural Zone Rural Production Zone	<ol style="list-style-type: none"> 1. The following light spill standard applies to all land uses other than for the purposes of illuminating a road and activities associated with primary production: <ol style="list-style-type: none"> a. Between the hours of 2200 and 0700 hours any outdoor lighting must not cause an added illuminance in excess of 125 lux, measured horizontally or vertically at any point 2 metres within the boundary of any adjoining site which is zoned General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle. b. Between the hours of 2200 and 0700 hours any outdoor lighting must not be used in a manner that it causes: <ol style="list-style-type: none"> i. An added illuminance in excess of 15 lux measured horizontally or vertically (at a height of 1.5m above the ground) at any window of an adjoining building within a General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle zoning; ii. An added illuminance in excess of 15 lux measured horizontally or vertically (at a height of 1.5m above the ground) at any point along any General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle-zoned boundary, or at any point along a line measured 20m from any side of a residential unit located on another site within the General Rural or Rural Production Zones. c. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations of a similar nature which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of such outdoor lighting. d. Any outdoor lighting must be so selected, located, aimed, adjusted, and screened so as to direct such lighting away from any residential activity, visitor accommodation, community facility, rest home, marae, state highways and formed public roads.

4.2.4 Federated Farmers considers amendments are required to Standard LIGHT-S1 to better implement Objective LIGHT-O1 and Policy LIGHT-P1 for the following reasons:

‘...ensure normal and anticipated farming activities can continue without unreasonable conditions. This is particularly important as farmers and contractors need to operate around the clock during peak lambing, calving and harvest seasons, and need to illuminate their work at night. The notified standards should not apply to primary production activities given the intermittent and temporary nature of the activities and the effects which should be considered normal and anticipated within a rural zone’ and ‘The notified standards should not apply to primary production activities given the intermittent and temporary nature of the activities. The relief sought will better implement the direction of LIGHT-O1 and LIGHT-P1 and is consistent with planning approach adopted for NOISE which exempts vehicles and mobile machinery associated with primary production activities from the Noise standards’.

- 4.2.5 In addition, Hort NZ, the Pork Industry Board, and Silver Fern Farms also seek, or support, other amendments to Standard LIGHT-S1.
- 4.2.6 Hort NZ (S81.092) seeks to delete clauses 1(b)(ii) and (d) from Standard LIGHT-S1, as follows:

LIGHT-S1 Maximum level of light overspill	
<p>General Rural Zone Rural Production Zone</p>	<p>1. The following light spill standard applies to all land uses other than for the purposes of illuminating a road:</p> <ul style="list-style-type: none"> a. Between the hours of 2200 and 0700 hours any outdoor lighting must not cause an added illuminance in excess of 125 lux, measured horizontally or vertically at any point 2 metres within the boundary of any adjoining site which is zoned General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle. b. Between the hours of 2200 and 0700 hours any outdoor lighting must not be used in a manner that it causes: <ul style="list-style-type: none"> i. An added illuminance in excess of 15 lux measured horizontally or vertically (at a height of 1.5m above the ground) at any window of an adjoining building within a General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle zoning; ii. An added illuminance in excess of 15 lux measured horizontally or vertically (at a height of 1.5m above the ground) at any point along any General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle zoned boundary, or at any point along a line measured 20m from any side of a residential unit located on another site within the General Rural or Rural Production Zones. c. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations of a similar nature which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of such outdoor lighting. d. Any outdoor lighting must be so selected, located, aimed, adjusted, and screened so as to direct such lighting away from any residential activity, visitor accommodation, community facility, rest home, marae, state highways and formed public roads.

- 4.2.7 Hort NZ considers that ‘these provisions could unreasonably impact on existing operations, if a new residential unit established (for example). Existing primary production should not be subject to these standards’.
- 4.2.8 The Pork Industry Board (FS6.9 & FS6.8) agrees with both Federated Farmers and Hort NZ submissions on Standard LIGHT-S1.
- 4.2.9 In a similar vein, the Pork Industry Board (S42.035), supported by Silver Fern Farms (FS8.041), seeks to remove application of the light standard to residential units on other sites within the rural zones, and to limit the requirement to direct outdoor lighting away from other activities to apply to state highways and formed public roads only, as follows:

LIGHT-S1 Maximum level of light overspill	
<p>General Rural Zone Rural Production Zone</p>	<p>1. The following light spill standard applies to all land uses other than for the purposes of illuminating a road:</p> <ul style="list-style-type: none"> a. Between the hours of 2200 and 0700 hours any outdoor lighting must not cause an added illuminance in excess of 125 lux, measured horizontally or vertically at any point 2 metres within the boundary of any adjoining site which is zoned General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle. b. Between the hours of 2200 and 0700 hours any outdoor lighting must not be used in a manner that it causes: <ul style="list-style-type: none"> i. An added illuminance in excess of 15 lux measured horizontally or vertically (at a height of 1.5m above the ground) at any window of an adjoining building within a General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle zoning; ii. An added illuminance in excess of 15 lux measured horizontally or vertically (at a height of 1.5m above the ground) at any point along any General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle-zoned boundary, or at any point along a line measured 20m from any side of a residential unit located on another site within the General Rural or Rural Production Zones. c. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations of a similar

- nature which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of such outdoor lighting.
- d. Any outdoor lighting must be so selected, located, aimed, adjusted, and screened so as to direct such lighting away from ~~any residential activity, visitor accommodation, community facility, rest home, marae,~~ state highways and formed public roads.

- 4.2.10 The Pork Industry Board considers this standard would only be reasonable in the case of existing residential units, and states the following reasons for the amendments sought:

'...noting that the proposed subdivision provisions would introduce Lifestyle Sites adjacent existing primary production activity and constrain an existing rural production activity.

Similarly, in the case of residential activity, visitor accommodation, community facility, rest home, marae, it would be unreasonable to apply this standard to an existing primary production activity. Existing use rights would not be sufficient to avoid conflict and reverse sensitivity operational constraints.'

- 4.2.11 Silver Fern Farms agrees with the Pork Industry Board that the artificial light spill standard requires amendment 'to ensure lawfully established rural activities are not constrained by consenting requirements and reverse sensitivity issues if lifestyle sites and sensitive uses establish in rural areas where light spill is an existing feature of rural activities'.

4.3 Analysis

- 4.3.1 The submissions on the LIGHT – Light chapter are all from rural sector interests, and generally seek to recognise and enable artificial outdoor lighting associated with primary production with limited constraint.

Introduction

- 4.3.2 It is accepted that primary production activities do sometimes need to illuminate their work at night with artificial lighting. On that basis, I agree that including primary production as an example in the Introduction to the LIGHT – Light chapter is reasonable and would assist by recognising the use of artificial outdoor lighting in primary production. I recommend the following amendment accordingly:

Introduction

This chapter contains provisions that apply to artificial lighting.

Artificial lighting enables activities to occur beyond daylight hours, including night time work, **primary production**, and recreation and entertainment activities, and can assist to improve the safety and security of people and property.

However, artificial lighting can result in adverse effects on the occupiers and users of adjoining sites and the transport network if not carefully designed due to light spill and glare. If it impacts on residential properties it can affect people's health and wellbeing, particularly if it causes sleep disturbance.

The provisions allow adequate lighting to support activities and enable safety and security for people and communities, while managing potential adverse effects beyond the site.

Objective LIGHT-O1 and Policy LIGHT-P1

- 4.3.3 There are no other submissions relating to these two provisions, and the further submissions of Forest & Bird arguably have no relevance to submissions in support of provisions in this instance. Therefore, no further analysis is required.

Rule LIGHT-R1 and Standard LIGHT-S1

- 4.3.4 Rule LIGHT-R1 requires compliance with Standard LIGHT-S1 to be a Permitted Activity. Standard LIGHT-S1 outlines maximum levels of light overspill differentiated for the various zones, including standards specific to the General Rural and Rural Production Zones.
- 4.3.5 The standard applying in these rural zones applies to all land uses other than for the purposes of illuminating a road (street lighting is excluded for obvious safety reasons), and imposes a night-time threshold within the boundary of any adjoining site with a residential zoning, and thresholds at any window of an adjoining building with a residential zoning or 20m from any side of a residential unit located on another site within these rural zones. The standard also requires outdoor lighting to be directed away from any residential activity or other similarly sensitive activities, or from roads.

- 4.3.6 In my opinion, this standard already takes into account the working rural setting, imposing more lenient added illuminance thresholds than for land uses within residential zones (the thresholds for these rural zones are equivalent to that being applied to the General Industrial Zone, in fact).
- 4.3.7 The submitters are concerned to ensure normal and anticipated farming activities can continue without unreasonable constraints. As stated above, I accept that primary production activities may need to operate around the clock at times, requiring the use of artificial lighting. However, I am not sure when such lighting would pose so significant an overspill as to exceed the standards imposed for these rural zones, triggering the need for resource consent. I am also aware that, unlike noise, there are ways to select, locate, aim, adjust, and screen lighting so as to direct it in such a way as to avoid excessive light overspill – sports playing fields and carparking areas are examples of this, where lighting systems can be designed to have minimal light overspill into neighbouring residential dwellings, that can be successful even in an urban residential setting. It would be of assistance if the submitters could give some examples in practice of lighting associated with primary production that would likely exceed the thresholds applying in the rural zones, or situations where such lighting is not able to be located or directed to meet these thresholds, at the Hearing. In the meantime, I do not accept that primary production activities should be exempt from lighting overspill standards.
- 4.3.8 With respect to the submissions seeking to delete aspects of the standard that relate to added illuminance received 20m from the side of a residential unit located on another site within these rural zones, I understand the concern is about the potential for the establishment of new residential dwellings (or other similarly sensitive activities) on nearby sites to constrain existing primary production activities, and a concern that existing use rights would not be sufficient to avoid conflict and reverse sensitivity operational constraints.
- 4.3.9 Again, I consider the standards already apply a differential to these rural zones that reflect the working rural environment, and the likely scenario of primary production activities using artificial lighting in such a way as to routinely exceed the thresholds has not been established in my opinion. Therefore, I do not support the amendments sought in this regard. I do note however, that the minimum setback of buildings (excluding accessory buildings) from internal boundaries in the rural zones is 15m (refer Standards GRUZ-S5(2), RPROZ-S6(2) & RLZ-S5(1)) which does build in a degree of buffer to some extent.

4.4 Recommendations

- 4.4.1 For the reasons outlined above, I recommend that the LIGHT – Light chapter be amended (as outlined in Recommended Amendments below).
- 4.4.2 I recommend that the following submission(s) be **accepted**:
- Pork Industry Board, S42.032, S42.033, S42.034
 - Federated Farmers, S121.100, S121.101
- 4.4.3 I recommend that the following submission(s) be **accepted in part**:
- Federated Farmers, S121.102
- 4.4.4 I recommend that the following submission(s) be **rejected**:
- Pork Industry Board, S42.035
 - Hort NZ, S81.092
 - Federated Farmers, S121.103

4.5 Recommended Amendments

- 4.5.1 I recommend the following amendment is made:

Introduction

This chapter contains provisions that apply to artificial lighting.

Artificial lighting enables activities to occur beyond daylight hours, including night time work, **primary production**, and recreation and entertainment activities, and can assist to improve the safety and security of people and property.

However, artificial lighting can result in adverse effects on the occupiers and users of adjoining sites and the transport network if not carefully designed due to light spill and glare. If it impacts on residential properties it can affect people's health and wellbeing, particularly if it causes sleep disturbance.

The provisions allow adequate lighting to support activities and enable safety and security for people and communities, while managing potential adverse effects beyond the site.

4.6 Section 32AA Evaluation

- 4.6.1 In my opinion, the amendment recommended to the Introduction to the LIGHT – Light chapter is not a significant departure from the PDP as notified, and will improve the effectiveness of provisions without changing the policy approach. Therefore, s32AA re-evaluation is not warranted in this instance.

5.0 Key Issue 2 – Noise Provisions Associated with Temporary Activities

5.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S29.006	New Zealand Defence Force	NOISE-R1	Support	Retain NOISE-R1(1) as notified.	Accept
.					
S29.007	New Zealand Defence Force	NOISE-S5	Support	Retain NOISE-S5(9) as notified.	Accept
.					
S29.008	New Zealand Defence Force	NOISE-S5	Amend	Retain NOISE-S5(16-18) as notified with the following minor amendment: 'Helicopter Landing Areas (other than those for temporary military training activities)'	Accept
.					
S29.009	New Zealand Defence Force	NOISE-S5	Support	Retain NOISE-S5(19-22) as notified.	Accept
.					
S29.010	New Zealand Defence Force	NOISE-S5	Amend	Retain NOISE-S5(31-34) as notified, with the following amendment: '34. Helicopter landing areas: a. Must comply with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. b.–35. Noise levels will be measured in accordance with NZS6801:2008 Acoustics - Measurement of Sound.'	Accept
.					

5.2 Matters Raised by Submitters

- 5.2.1 In summary, NZDF supports, with two minor amendments, Rule NOISE-R1 and Standard NOISE-S5 as they relate specifically to temporary military training activities in the NOISE – Noise chapter, on the basis that they recognise the importance of temporary military training activities (TMTAs) to the community, including its functional and operational requirements, and thereby exclude such activities from relevant noise limits in the PDP. There are no further submissions in relation to these submission points.
- 5.2.2 Minor amendment is sought to make sub-clause 34(b) of Standard NOISE-S5(31-34) (Temporary Military Training Activities) its own separate clause 'so the requirement for noise to be measured in accordance with NZS6801:2008 applies to all TMTA, not just helicopter landing areas' and to specifically exclude helicopter landing areas associated with temporary military training activities from Standard NOISE-S5(16-18) (Helicopter Landing Areas) as they 'are already provided for in the specific TMTA noise standards and should therefore be excluded from this standard'.
- 5.2.3 Note: there are a number of submissions on the NOISE – Noise chapter that are addressed in the Section 42A Topic Report dealing with submissions on noise and signs generally (being addressed alongside this report as part of Hearing Stream 2), and a number of submissions related to noise specifically associated with primary production activities (e.g. stock, vehicles and mobile machinery associated with primary production; audible bird scaring devices, frost fans, rural airstrips etc) that will be addressed separately as part of Hearing Stream 3.

5.3 Analysis

- 5.3.1 I agree with the amendment sought to Standard NOISE-S5 sub-clauses (16) to (18) relating to 'Helicopter Landing Areas', and recommend insertion of the additional wording proposed to specifically exclude helicopter landing areas associated with TMTAs, given they are already provided for in sub-clause 34.

5.3.2 I also agree with the amendment sought to sub-clause 34(b) of Standard NOISE-S5 (that noise levels will be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound), and recommend making it a separate sub-clause to clarify the application of this requirement across all TMTAs, not just ‘helicopter landing areas’. I consider this was possibly an error, and was intended to be as sought by this submitter.

5.4 Recommendations

5.4.1 For the reasons outlined above, I recommend that Standard NOISE-S5 be amended (as outlined in Recommended Amendments below).

5.4.2 I recommend that the following submission(s) be **accepted**:

- NZDF, S29.006, S29.007, S29.008, S29.009, S29.010

5.5 Recommended Amendments

5.5.1 I recommend the following amendments are made:

NOISE-S5 Specific Activities exempt from the Noise Limits in NOISE-S4.													
<i>Note: Regardless of the exemptions below, all land uses are subject to section 16 and Part 12 of the RMA.</i>													
...													
<p>Helicopter Landing Areas <u>(other than those for temporary military training activities)</u></p>	<p>16. The day-night average sound level (Ldn) generated by helicopter movements (excluding emergency aviation movements, and agricultural aviation movements for up to 14 days in any calendar year) must not exceed 50 dB Ldn measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural and Rural Production Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.</p> <p>17. Noise may be averaged over periods of seven consecutive days and the averaged value must not exceed 50 dB Ldn, and in any case the limit must not be exceeded by 3 dB on any day.</p> <p>18. Helicopter noise must be measured and assessed in accordance with the provisions of NZS 6807:1994 – Noise management and land use planning for helicopter landing areas.</p>												
...													
<p>Temporary military training activities</p>	<p>31. Weapons firing and/or the use of explosives:</p> <ul style="list-style-type: none"> a. Notice is provided to the Council at least 5 working days prior to the commencement of the activity. b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity: <ul style="list-style-type: none"> i. 0700 – 1900 hours: 500m ii. 1900 – 0700 hours: 1,250m c. Where the minimum separation distances specified above cannot be met, then the activity must comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity: <ul style="list-style-type: none"> i. 0700 – 1900 hours: 500m ii. 1900 – 0700 hours: 1,250m <p>32. Mobile noise sources:</p> <ul style="list-style-type: none"> a. Must comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics – Construction Noise, with reference to ‘construction noise’ taken to refer to mobile noise sources. b. Note: Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment. <p>33. Fixed (stationary) noise sources:</p> <ul style="list-style-type: none"> a. Must comply with the noise limits set out in the table below when measured at the notional boundary of any building housing a noise sensitive activity. <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #ADD8E6;">Time (Monday to Sunday)</th> <th style="background-color: #ADD8E6;">L_{Aeq} (15 min)</th> <th style="background-color: #ADD8E6;">L_{AEP(max)}</th> </tr> </thead> <tbody> <tr> <td>0700 – 1900 hours</td> <td style="text-align: center;">55 dB</td> <td style="text-align: center;">N/A</td> </tr> <tr> <td>1900 – 2200 hours</td> <td style="text-align: center;">50 dB</td> <td></td> </tr> <tr> <td>2200 – 0700 hours</td> <td style="text-align: center;">45 dB</td> <td style="text-align: center;">75 dB</td> </tr> </tbody> </table>	Time (Monday to Sunday)	L _{Aeq} (15 min)	L _{AEP(max)}	0700 – 1900 hours	55 dB	N/A	1900 – 2200 hours	50 dB		2200 – 0700 hours	45 dB	75 dB
Time (Monday to Sunday)	L _{Aeq} (15 min)	L _{AEP(max)}											
0700 – 1900 hours	55 dB	N/A											
1900 – 2200 hours	50 dB												
2200 – 0700 hours	45 dB	75 dB											

	<p>b. Note: Fixed (stationary) noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.</p> <p>34. Helicopter landing areas:</p> <p>a. Must comply with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.</p> <p>b. Noise levels will be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound.</p> <p>35. <u>Noise levels will be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound.</u></p>
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5.6 Section 32AA Evaluation

- 5.6.1 In my opinion, the amendments recommended to Standard NOISE-S5(16-18) & (34) are not a significant departure from the PDP as notified, and will improve the effectiveness of provisions without changing the policy approach. Therefore, s32AA re-evaluation is not warranted in this instance.

6.0 Key Issue 3 – Provision for Temporary Activities

6.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S29.019	New Zealand Defence Force	[General]	Support	Not stated.	Accept
S57.010	Fire and Emergency New Zealand	Definitions	Amend	Add new definition as follows: 'TEMPORARY EMERGENCY SERVICES TRAINING ACTIVITY means a temporary activity undertaken for the training of any component of Fire and Emergency New Zealand for any emergency purpose. An emergency purpose are those purposes which enable Fire and Emergency New Zealand to achieve its main functions under sections 11 and 12 of the Fire and Emergency New Zealand Act 2017.'	Reject
S57.011	Fire and Emergency New Zealand	TEMPORARY EVENT (Definition)	Amend	Amend the definition of 'Temporary Event' as follows: 'the short term or intermittent use of any land, buildings and structures for an activity not carried out on the site on a regular basis, or the carrying out of an activity outside the limits on hours or scale prescribed in Plan standards. It excludes temporary military training activity, temporary emergency services training activity and short-term social or cultural gatherings where these are ancillary to a permitted activity or in compliance with the standards and terms for permitted activities. Any event for which a Special Licence under the Sale of Liquor Act 2012 is required will be deemed to be a temporary event.'	Reject
S29.002	New Zealand Defence Force	TEMPORARY EVENT (Definition)	Support	Retain definition as notified.	Accept
S29.003	New Zealand Defence Force	TEMPORARY MILITARY TRAINING ACTIVITY (Definition)	Support	Retain definition as notified.	Accept
S29.016	New Zealand Defence Force	NH-APP1	Amend	Retain NH-APP1 - Building Importance Categories (BIC) as notified, with the following amendment: 'BIC 1: [...] Examples: a. Farm buildings, isolated structures and towers in the Rural Zones, not otherwise identified as BIC 2, 3 or 4.	Accept

				<p>b. Fences, masts, walls, in-ground swimming pools.</p> <p>c. Other structures with a gross floor area of 30m² or less.</p> <p>d. Temporary buildings or structures associated with TMTA.'</p>	
.					
S29.018	New Zealand Defence Force	ASW-R1	Amend	<p>Retain ASW-R1 as notified with the following amendment:</p> <p>'Use of motorised craft on the surface of rivers and lakes</p> <p>On Horseshoe Lake or Lake Whatuma</p> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to engines that are less than 5 horsepower, except for engines associated with temporary military training activities.</p> <p>...'</p>	Reject
.					
S29.011	New Zealand Defence Force	TEMP-O1	Support	Retain objective as notified.	Accept
.					
S57.096	Fire and Emergency New Zealand	TEMP-O2	Support	Retain TEMP-O2 as notified.	Accept
.					
S57.097	Fire and Emergency New Zealand	TEMP-P1	Support	Retain TEMP-P1 as notified.	Accept
.					
S29.012	New Zealand Defence Force	TEMP-P1	Support	Retain policy as notified.	Accept
.					
S29.013	New Zealand Defence Force	TEMP-P4	Support	Retain policy as notified.	Accept
.					
S29.014	New Zealand Defence Force	TEMP-R3	Amend	<p>Retain TEMP-R3 as notified, with the following modifications:</p> <p>'Temporary military training activities</p> <p>All Zones</p> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. a period of 31 days, excluding set-up or pack-down activities, which can occur up to one week prior to commencement and up to one week following completion of the temporary military training activity.</p> <p>b. Compliance with:</p> <p>i. NOISE-S1 (measurement and assessment of noise); and</p> <p>ii. NOISE-S5(31), NOISE-S5(32), NOISE-S5(33), and NOISE-S5(34) and NOISE-S5(35) (noise limits specific to temporary military training activities).</p> <p>e. Compliance with:</p> <p>i. EW-S1 (slope);</p> <p>ii. EW-S2 (extent of earthworks);</p> <p>iii. EW-S3 (vertical extent of earthworks);</p> <p>iv. EW-S4 (site reinstatement);</p>	Accept

				v. EW-S5 (control of silt and sediment); vi. EW-S6 (earthworks within the National Grid Yard); and vii. EW-S8 (electrical safety distances). d. No permanent structures must shall be constructed, unless otherwise permitted by the plan.	
FS18.28	Transpower New Zealand Limited		Oppose in part	The submission point be disallowed in part in so far as it relates to vi.EW-S6 (earthworks within the National Grid Yard).	Reject
S29.015	New Zealand Defence Force	TEMP-R3	Oppose	Amend the default activity status of Restricted Discretionary (TEMP-R3(2)) and replace with a Controlled Activity status where a Temporary Military Training Activity does not comply with the permitted activity performance standards. Also, amend the matters of control as follows: 'a. The extent to which the activity impacts on amenity values of the surrounding area, including any noise generated. b. The extent to which buildings and structures can be mitigated by screening or other remedial measures. c. The effects on infrastructural services. d. The effects of traffic generated by the activity on the surrounding area and on the safety and efficiency of the road network. e. The provision of safe and efficient vehicular access and on-site parking to avoid, remedy or mitigate potential adverse traffic effects. f. The hours of operation, duration and frequency of the temporary military training event/activity . g. The size and position of buildings and structures.	Accept in part
S57.098	Fire and Emergency New Zealand	TEMP-RXX (new rule)	Amend	Add a new rule in the 'TEMP - Temporary Activities' chapter, as follows: TEMP-R4 Temporary emergency services training activities All Zones 1. Activity Status: PER Where the following conditions are met: a. Limited to: i. a period of two days, excluding set-up or pack-down activities, which can occur up to one week prior to commencement and up to one week following completion of the temporary emergency services training activity. 2. Activity status where compliance not achieved: N/A'	Accept in part

6.1.1 In summary, the submissions relating to Temporary Activities are exclusively related to provision for 'temporary military training activities', and provision for 'temporary emergency services training activities'.

6.2 Matters Raised by Submitters

Provision for 'Temporary Military Training Activities'

- 6.2.1 In the general introduction to their submission, NZDF (S29.019) notes that the points identified in their submission are matters of detail but submits broad support for the approach to temporary military training activities (TMTA) in the PDP, and they are pleased to see NZDF activities are appropriately provided for. They consider the inclusion of a district-wide TEMP – Temporary Activities chapter in the PDP is '*efficient plan-making*'. There is no particular relief sought, therefore this submission point is merely noted, with no further analysis required.
- 6.2.2 NZDF (S29.002, S29.003, S29.011, S29.012, S29.013) supports the definitions in the PDP for 'Temporary Event' and 'Temporary Military Training Activity', and supports Objective TEMP-O1, Policy TEMP-P1 and Policy TEMP-P4, as notified.
- 6.2.3 However, NZDF (S29.014 & S29.015) seeks amendments to Rule TEMP-R3 relating to 'temporary military training activities' to amend the standards to be complied with for Permitted Activities, and to alter the activity status for activities that do not meet the standards from Restricted Discretionary to Controlled, and limiting the matters for control to the effects related to the remaining standards (i.e. noise and earthworks), as follows:

TEMP-R3 Temporary military training activities	
<p>All Zones</p> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited:</p> <p>i. a period of 31 days, excluding set-up or pack-down activities, which can occur up to one week prior to commencement and up to one week following completion of the temporary military training activity.</p> <p>b. Compliance with:</p> <p>i. NOISE-S1 (measurement and assessment of noise); and</p> <p>ii. NOISE-S5(31), NOISE-S5(32), NOISE-S5(33), and NOISE-S5(34) <u>and NOISE-S5(35)</u> (noise limits specific to temporary military training activities).</p> <p>c. Compliance with:</p> <p>i. EW-S1 (slope);</p> <p>ii. EW-S2 (extent of earthworks);</p> <p>iii. EW-S3 (vertical extent of earthworks);</p> <p>iv. EW-S4 (site reinstatement);</p> <p>v. EW-S5 (control of silt and sediment);</p> <p>vi. EW-S6 (earthworks within the National Grid Yard); and</p> <p>vii. EW-S8 (electrical safety distances).</p> <p>d. No permanent structures must be constructed, <u>unless otherwise permitted by the plan.</u></p>	<p>2. Activity status where compliance not achieved: CONRDIS</p> <p>Matters over which control is reserved discretion is restricted:</p> <p>a. The extent to which the activity impacts on amenity values of the surrounding area, including any noise generated.</p> <p>b. The extent to which buildings and structures can be mitigated by screening or other remedial measures.</p> <p>c. The effects on infrastructural services.</p> <p>d. The effects of traffic generated by the activity on the surrounding area and on the safety and efficiency of the road network.</p> <p>e. The provision of safe and efficient vehicular access and on-site parking to avoid, remedy or mitigate potential adverse traffic effects.</p> <p>f. The hours of operation, duration and frequency of the temporary <u>military training event/activity.</u></p> <p>g. The size and position of buildings and structures.</p>

- 6.2.4 Reasons given are that the measurement and assessment of noise is already stipulated in the noise-specific standards in Standard NOISE-S5, and the majority of the earthworks standards do not need to be listed, as temporary military training activities are required to comply with the other rules within Part 2 of the PDP, including the EW – Earthworks chapter (e.g. Rule EW-R7). The reasons given for the change in activity status to 'Controlled' is that '*NZDF must undertake training in order to fulfil its statutory obligations under the Defence Act. Controlled activity status provides certainty to NZDF that an activity can proceed and allows Council the control to ensure effects are appropriately managed*'.
- 6.2.5 Transpower (FS18.28) opposes the amendment proposed by NZDF only as it relates to clause 1(c)(vi) being 'EW-S6 (earthworks within the National Grid Yard)' for the following reasons:

'Transpower understands the New Zealand Defence Force are not disputing the need to comply with the standard, rather than reference within TEMP-R3 is not required. Related to concerns raised in its original

submission regarding linkages between the plan chapters and various plan provisions, Transpower is not clear if rule EW-S6 will be otherwise captured by 'Temporary military training activities'. The rule linkages are ambiguous and open to interpretation. If EW-S6 is otherwise captured and would apply, Transpower has no concerns with deletion from TEMP-R3. However if not, it opposes the submission point and seeks retention of the reference.'

- 6.2.6 Other NZDF submissions specific to temporary military training activities (TMTA) are also addressed in this report – albeit in different chapters of the PDP (namely, the NH – Natural Hazards and the ASW – Activities on the Surface of Water chapters) – so that they can all be addressed together in the one report.
- 6.2.7 NZDF (S29.016) seeks to retain Appendix NH-APP1 relating to building importance categories in applying the rules in the NH – Natural Hazard chapter, but with an amendment to specifically add ‘temporary buildings or structures associated with temporary military training activities’ to the examples of BIC 1 category buildings and structures, as follows:

Building Importance Category (BIC)	Description	Examples
1	Structures presenting a low degree of hazard to life and other property	<ul style="list-style-type: none"> a. Farm buildings, isolated structures and towers in the Rural Zones, not otherwise identified as BIC 2, 3 or 4. b. Fences, masts, walls, in-ground swimming pools. c. Other structures with a gross floor area of 30m² or less. d. <u>Temporary buildings or structures associated with temporary military training activities.</u>

- 6.2.8 NZDF consider the intent of this rule is appropriate, however ‘currently it is not entirely clear what BIC category temporary buildings would be within. As any TMTA buildings are temporary and in place for less than 31 days (as required by permitted activity rule TEMP-R3) they represent a low vulnerability and therefore it should be explicit that they are classified as BIC 1 under NH-APP1 – Building Importance Categories (BIC)’.
- 6.2.9 NZDF (S29.018) also seeks to amend Rule ASW-R1 (which limits use of motorised craft on the surface of Horseshoe Lake or Lake Whatuma) in the ASW – Activities on the Surface of Water chapter, to exempt application of the rule to ‘engines associated with temporary military training activities’, as follows:

ASW-R1 Use of motorised craft on the surface of rivers and lakes		
On Horseshoe Lake or Lake Whatuma	1. Activity Status: PER Where the following conditions are met: a. Limited to engines that are less than 5 horsepower, <u>except for engines associated with temporary military training activities.</u> <i>Note: This does not apply to the use of small motorized, remotely-controlled craft, operated by suitably qualified persons, for river monitoring purposes.</i>	2. Activity status where compliance not achieved: DIS

- 6.2.10 NZDF consider that ‘it is possible that TMTA would include the use of small boats (e.g. rigid inflatable boats) on these lakes. These generally have motors greater than 5hp. Given any such activity will be temporary, TMTA should be excluded from this standard’.

Provision for ‘Temporary Emergency Service Training Activities’

- 6.2.11 Like NZDF, FENZ (S57.096 & S57.097) also supports Objective TEMP-O1 and Policy TEMP-P1.
- 6.2.12 However, FENZ (S57.098) seeks provision for a new Permitted Activity rule in the TEMP – Temporary Activities chapter (S57.098) for ‘temporary emergency services training activities’, subject to duration time limits (limited to a period of two days, excluding set-up or pack-down of up to one week either side of the training event), as follows:

<u>TEMP-RXX Temporary emergency services training activities</u>	
<p>All Zones</p> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited:</p> <p>i. <u>a period of two days, excluding set-up or pack-down activities, which can occur up to one week prior to commencement and up to one week following completion of the temporary emergency services training activity.</u></p>	<p>2. Activity status where compliance not achieved: N/A</p>

6.2.13 FENZ submits that the addition of a specific rule for ‘temporary emergency services training activities’ is required for the following reasons:

‘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 and equipment training both on and off site.

Fire and Emergency’s Statement of Performance Expectations (SPE) 2020/21 confirms a commitment to the Government that all firefighters achieve a certain level of training. 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 and equipment training both on and off site. It is noted that ‘emergency service activities’ are provided for in the various zones of the district, however, does not explicitly provide for temporary emergency services training activities. Fire and Emergency therefore seeks that the PDP clearly provides Fire and Emergency the ability to undertake firefighting training activities throughout the district.

This will assure that any adverse effects of temporary activities are managed in accordance with community expectations.’

6.2.14 Related to the above, FENZ (S57.010 & S57.011) seeks the introduction of a new term with corresponding definition for ‘Temporary Emergency Services Training Activities’ along with an amendment of the definition for ‘Temporary Event’ to exclude such activities, as follows:

<u>TEMPORARY EVENT</u>	the short term or intermittent use of any land, buildings and structures for an activity not carried out on the site on a regular basis, or the carrying out of an activity outside the limits on hours or scale prescribed in Plan standards. It excludes temporary military training activity, <u>temporary emergency services training activity</u> and short-term social or cultural gatherings where these are ancillary to a permitted activity or in compliance with the standards and terms for permitted activities. Any event for which a Special Licence under the Sale of Liquor Act 2012 is required will be deemed to be a temporary event.
<u>TEMPORARY EMERGENCY SERVICES TRAINING ACTIVITY</u>	<u>means a temporary activity undertaken for the training of any component of Fire and Emergency New Zealand for any emergency purpose. An emergency purpose are those purposes which enable Fire and Emergency New Zealand to achieve its main functions under sections 11 and 12 of the Fire and Emergency New Zealand Act 2017.</u>

6.2.15 FENZ consider that the new definition sought (and amendment of the definition of ‘Temporary Event’) will ‘provide greater clarity to plan users’.

6.3 Analysis

Provision for ‘Temporary Military Training Activities’

6.3.1 The amendments sought to Rule TEMP-R3 relating to ‘temporary military training activities’ (TMTAs) are generally considered reasonable, on the basis that such activities are considered necessary to enable obligations under the Defence Act to be met, and given that they are of a temporary nature (reflected in the Permitted Activity limits around duration of the activity).

6.3.2 I concur that a Controlled Activity status provides certainty that the activity can proceed while allowing Council the control to ensure effects are appropriately managed, where the noise standards are not met.

Under that scenario, I am comfortable that noise, and hours of operation, duration and frequency, matters, are appropriate matters for control.

6.3.3 I note that there is a statement at the beginning of the rules in the TEMP – Temporary Activities chapter of the PDP as follows: *‘It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant to temporary activities’*. Therefore, TMTAs are clearly also subject to the district-wide EW – Earthworks chapter provisions in the PDP (including Standard EW-S6 Earthworks and Vertical Holes within the National Grid Yard). I agree that conditions relating to compliance with the earthworks standards are an unnecessary duplication, and can be deleted from Rule TEMP-R3 accordingly.

6.3.4 However, I do not consider a ‘Controlled’ activity status is reasonable to apply in situations where such activities exceed the ‘Permitted’ duration limits (as detailed in condition 1(a)) or where permanent buildings/structures (not otherwise permitted by the PDP) are constructed (condition 1(d)). In those situations, the activity potentially moves from being a temporary activity, to being more of a permanent or long-term activity, and I consider it reasonable that Council then has the ability to manage a broader range of effects and to have a level of discretion to grant or refuse an application as a ‘Restricted Discretionary’ activity.

6.3.5 I therefore recommend amendments to Rule TEMP-R3, as follows:

TEMP-R3 Temporary military training activities	
<p>All Zones</p> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Limited:</p> <ul style="list-style-type: none"> i. a period of 31 days, excluding set-up or pack-down activities, which can occur up to one week prior to commencement and up to one week following completion of the temporary military training activity. <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. NOISE-S1 (measurement and assessment of noise); and NOISE-S5(31), NOISE-S5(32), NOISE-S5(33), and NOISE-S5(34) and NOISE-S5(35) (noise limits specific to temporary military training activities). <p>c. Compliance with:</p> <ul style="list-style-type: none"> i. EW-S1 (slope); ii. EW-S2 (extent of earthworks); iii. EW-S3 (vertical extent of earthworks); iv. EW-S4 (site reinstatement); v. EW-S5 (control of silt and sediment); vi. EW-S6 (earthworks within the National Grid Yard); and vii. EW-S8 (electrical safety distances). <p>cd. No permanent structures must be constructed, <u>unless otherwise permitted by the Plan.</u></p>	<p>2. Activity status where compliance <u>with condition TEMP-R3(1)(b) is not achieved: CONRDIS</u></p> <p>Matters over which <u>control is reserved discretion is restricted:</u></p> <ul style="list-style-type: none"> a. The extent to which the activity impacts on amenity values of the surrounding area, including any noise generated. b. The extent to which buildings and structures can be mitigated by screening or other remedial measures. c. The effects on infrastructural services. d. The effects of traffic generated by the activity on the surrounding area and on the safety and efficiency of the road network. e. The provision of safe and efficient vehicular access and on-site parking to avoid, remedy or mitigate potential adverse traffic effects. f. The hours of operation, duration and frequency of the temporary <u>military training event/activity.</u> g. The size and position of buildings and structures. <p><u>3. Activity status where compliance with condition TEMP-R3(1)(a) and/or TEMP-R3(1)(c) is not achieved: RDIS</u></p> <p><u>Matters over which discretion is restricted:</u></p> <ul style="list-style-type: none"> a. <u>The extent to which the activity impacts on amenity values of the surrounding area, including any noise generated.</u> <u>b. The extent to which buildings and structures can be mitigated by screening or other remedial measures.</u> <u>c. The effects on infrastructural services.</u> <u>d. The effects of traffic generated by the activity on the surrounding area and on the safety and efficiency of the road network.</u> <u>e. The provision of safe and efficient vehicular access and on-site parking to avoid, remedy or mitigate potential adverse traffic effects.</u> <u>f. The hours of operation, duration and frequency of the temporary military training activity.</u> <u>g. The size and position of buildings and structures.</u>

6.3.6 Given they are temporary, I am comfortable with explicitly identifying ‘temporary buildings or structures associated with temporary military training activities’ as an example of BIC 1 category buildings and structures in the NH – Natural Hazards chapter of the PDP, to clarify that such temporary buildings or structures represent a low degree of hazard to life and other property, similar to the other BIC 1 examples already provided. Therefore, I recommend amendment to Appendix NH-APP1 Building Importance Categories, as follows:

Building Importance Category (BIC)	Description	Examples
1	Structures presenting a low degree of hazard to life and other property	a. Farm buildings, isolated structures and towers in the Rural Zones, not otherwise identified as BIC 2, 3 or 4. b. Fences, masts, walls, in-ground swimming pools. c. Other structures with a gross floor area of 30m ² or less. d. <u>Temporary buildings or structures associated with temporary military training activities.</u>

6.3.7 With respect to TMTAs on Horseshoe Lake and Lake Whatuma and application of Rule ASW-R1 in the ASW – Activities on the Surface of Water chapter of the PDP, I note that both lakes are sensitive ecological environments – Horseshoe Lake is identified as Significant Natural Area SNA-210, and Lake Whatuma is identified as SNA-262 & SNA-263 and as Significant Amenity Feature SAF-10.

6.3.8 The Hawke’s Bay Regional Policy Statement identifies Lake Whatuma as an outstanding water body and as a regionally significant indigenous wetland (refer Issue ECO-I1 in the ECO – Ecosystems and Indigenous Biodiversity chapter of the PDP). Lake Whatuma also has very strong cultural association – the area was first settled by Māori who prized the eeling at Lake Whatuma (refer Introduction to the GRZ – General Residential Zone chapter of the PDP), and Aorangi Māori Trust Board has co-management rights over the Department of Conservation land on the southern shore of the lake (refer ‘Ngā Reo o te Takiwa: Representative Voices’ in Ngā Tangata Whenua O Tamatea chapter in Part 1 of the PDP).

6.3.9 Therefore, in my view, it would be inappropriate to give TMTAs wholesale exemption to operate higher-powered boat engines on these highly sensitive waterbodies, merely on the basis that it is ‘possible’ that NZDF might use such engines on these lakes. Unless there is evidence presented at the Hearing of a need to carry out TMTAs in these specific locations, I consider other waterbody locations would be more appropriate for the carrying out of TMTAs on the surface of water. For these reasons, I do not support the exclusion from Rule ASW-R1(1)(a), as requested by NZDF, in this instance.

Provision for ‘Temporary Emergency Service Training Activities’

6.3.10 I concur that training (including live fire training and equipment training both on and off site as part of meeting community expectations around provision for firefighting) is an essential component of emergency services activities. In my view, the intent is that training is part and parcel of ‘emergency services activities’, which are provided for as Permitted Activities across all zones in the PDP (subject to standards).

6.3.11 ‘Emergency service activities’ are defined in the PDP as follows:

EMERGENCY SERVICE ACTIVITIES	those activities and associated facilities that respond to emergency call-outs, including police, fire, civil defence and ambulance services, but excluding health care facilities and hospitals.
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6.3.12 I can see that there is some ambiguity about whether training falls within ‘activities’ in the above definition, and it would be appropriate to clarify this. In my view, rather than create a separate new activity rule and accompanying definition to provide for ‘temporary emergency service training activities’ (where the proposed definition limits its application to *‘temporary activities undertaken for the training of any component of Fire and Emergency New Zealand for any emergency purpose’*), the definition of ‘emergency services activities’ could be amended to explicitly refer to associated training instead, as follows:

EMERGENCY SERVICE ACTIVITIES	those activities and associated facilities that respond to emergency call-outs, including police, fire, civil defence and ambulance services, <u>including associated training activities</u> , but excluding health care facilities and hospitals.
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6.3.13 I consider the above would provide greater clarity to plan users, including emergency service providers themselves, that training associated with emergency services activities is covered and is subject to the rules for ‘emergency service activities’ within the relevant zone.

6.4 Recommendations

6.4.1 For the reasons outlined above, I recommend that that Rule TEMP-R3 in the TEMP – Temporary Activities chapter, the definition of ‘Emergency Services Activities’, and Appendix NH-APP1 in the NH – Natural Hazards chapter, be amended (as outlined in Recommended Amendments below).

6.4.2 I recommend that the following submission(s) be **accepted**:

- NZDF, S29.002, S29.003, S29.011, S29.012, S29.013, S29.014, S29.016, S29.019
- FENZ, S57.096, S57.097

6.4.3 I recommend that the following submission(s) be **accepted in part**:

- NZDF, S29.015
- FENZ, S57.098

6.4.4 I recommend that the following submission(s) be **rejected**:

- NZDF, S29.018
- FENZ, S57.010, S57.011

6.5 Recommended Amendments

6.5.1 I recommend the following amendments are made:

Definitions:

EMERGENCY SERVICE ACTIVITIES	those activities and associated facilities that respond to emergency call-outs, including police, fire, civil defence and ambulance services, including associated training activities , but excluding health care facilities and hospitals.
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Appendix NH-APP1 in the NH – Natural Hazards chapter:

Building Importance Category (BIC)	Description	Examples
1	Structures presenting a low degree of hazard to life and other property	a. Farm buildings, isolated structures and towers in the Rural Zones, not otherwise identified as BIC 2, 3 or 4. b. Fences, masts, walls, in-ground swimming pools. c. Other structures with a gross floor area of 30m ² or less. d. <u>Temporary buildings or structures associated with temporary military training activities.</u>

TEMP – Temporary Activities chapter:

TEMP-R3 Temporary military training activities	
All Zones 1. Activity Status: PER Where the following conditions are met: a. Limited: i. a period of 31 days, excluding set-up or pack-down activities, which can occur up to one week prior to commencement and up to one week following completion of the temporary military training activity. b. Compliance with: i. NOISE-S4(measurement and assessment of noise); and NOISE-S5(31), NOISE-S5(32), NOISE-S5(33), and NOISE-S5(34) and NOISE-S5(35)	2. Activity status where compliance with condition TEMP-R3(1)(b) is not achieved: CONRDIS Matters over which control is reserved discretion is restricted: a. The extent to which the activity impacts on amenity values of the surrounding area, including any noise generated. b. The extent to which buildings and structures can be mitigated by screening or other remedial measures. c. The effects on infrastructural services. d. The effects of traffic generated by the activity on the surrounding area and on the safety and efficiency of the road network. e. The provision of safe and efficient vehicular access and on-site parking to avoid, remedy or mitigate potential adverse traffic effects. f. The hours of operation, duration and frequency of the temporary military training event/activity . g. The size and position of buildings and structures.

<p>(noise limits specific to temporary military training activities).</p> <p>c. Compliance with:</p> <ul style="list-style-type: none"> i. EW-S1 (slope); ii. EW-S2 (extent of earthworks); iii. EW-S3 (vertical extent of earthworks); iv. EW-S4 (site reinstatement); v. EW-S5 (control of silt and sediment); vi. EW-S6 (earthworks within the National Grid-Yard); and vii. EW-S8 (electrical safety distances). <p>cd. No permanent structures must be constructed, <u>unless otherwise permitted by the Plan.</u></p>	<p>3. Activity status where compliance with condition TEMP-R3(1)(a) and/or TEMP-R3(1)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. <u>The extent to which the activity impacts on amenity values of the surrounding area, including any noise generated.</u> b. <u>The extent to which buildings and structures can be mitigated by screening or other remedial measures.</u> c. <u>The effects on infrastructural services.</u> d. <u>The effects of traffic generated by the activity on the surrounding area and on the safety and efficiency of the road network.</u> e. <u>The provision of safe and efficient vehicular access and on-site parking to avoid, remedy or mitigate potential adverse traffic effects.</u> f. <u>The hours of operation, duration and frequency of the temporary military training activity.</u> g. <u>The size and position of buildings and structures.</u>
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6.6 Section 32AA Evaluation

- 6.6.1 In my opinion, the recommended amendment to recognise associated training activities are an integral part of emergency services activities, and to amend Rule TEMP-R3 relating to temporary military training activities, better provides for the essential nature of such training while allowing Council the control to ensure effects are appropriately managed.
- 6.6.2 I also consider the recommended amendment to the stated examples for Building Importance Category 1 in Appendix NH-APP1 to include temporary buildings or structures associated with temporary military training activities, is appropriate recognition of their low risk profile in terms of natural hazards, and provides greater clarity for plan users.
- 6.6.3 The above recommendations are considered to improve the effectiveness of provisions without changing the policy approach, therefore s32AA re-evaluation is not warranted.

7.0 Conclusion

7.1 Topic Conclusions

- 7.1.1 Submissions have been received in support of, and in opposition to the Proposed District Plan.
- 7.1.2 Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed District Plan should be amended as set out in Appendix A of this report.
- 7.1.3 I consider that the proposed provisions will be the most appropriate means to achieve the purpose of the Resource Management Act 1991, and achieve the relevant objectives of the Proposed District Plan in respect to the proposed provisions.

7.2 Topic Recommendations

- 7.2.1 I recommend that:
 - 1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
 - 2. The Proposed Central Hawke's Bay District Plan is amended in accordance with the changes recommended in Appendix A of this report.

APPENDIX A

Recommended Amendments to Plan Provisions

[tracked change amendments shown as ~~strikethrough~~ and underlined]

LIGHT – Light

Introduction

This chapter contains provisions that apply to artificial lighting.

Artificial lighting enables activities to occur beyond daylight hours, including night time work, **primary production**, and recreation and entertainment activities, and can assist to improve the safety and security of people and property. However, artificial lighting can result in adverse effects on the occupiers and users of adjoining sites and the transport network if not carefully designed due to light spill and glare. If it impacts on residential properties it can affect people's health and wellbeing, particularly if it causes sleep disturbance.

Commented [RM1]: S42.032 Pork Industry Board - Light & Temporary Activities Topic, Issue 1

The provisions allow adequate lighting to support activities and enable safety and security for people and communities, while managing potential adverse effects beyond the site.

Issues

LIGHT-I1 Artificial lighting can adversely affect amenity values and the health and safety of people and communities

Explanation

Light and/or glare from inappropriately positioned or designed artificial lighting can reduce people's ability to sleep, which in serious cases, can have an impact on people's health. It can also adversely affect the safe operation of the transport network. It is therefore important that artificial lighting is appropriately controlled.

Objectives

LIGHT-O1 Activities are able to use artificial lighting for operational and functional purposes and to provide for the security and safety of people and property.

LIGHT-O2 Artificial lighting is located, designed and operated to maintain the character and amenity values of the zone and the surrounding area, and in a way that does not compromise the health and safety of people, including the safe operation of the transport network.

Policies

LIGHT-P1 To provide for the appropriate level of artificial lighting for operational and functional purposes while maintaining the predominant character and amenity of each zone.

LIGHT-P2 Require artificial lighting to be located, designed and operated to:

1. control the extent and intensity of light spill beyond the site;
2. manage adverse light spill effects on other established uses and their operations;
3. minimise adverse effects on the health, safety and wellbeing of people and communities, including sleep disturbance; and
4. avoid adverse effects on the safety of the transport network.

Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities involving the emission of artificial light.

LIGHT-R1 Activities involving emission of light spill and glare

All Zones	1. Activity Status: PER Where the following conditions are met: <ol style="list-style-type: none"> a. Compliance with LIGHT-S1. 	2. Activity status where compliance not achieved: RDIS Matters over which discretion is restricted: <ol style="list-style-type: none"> a. The potential for light and/or glare associated with the activity to adversely affect adjacent residential activities or road safety, and the extent to which these effects can be avoided or mitigated.
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Standards

LIGHT-S1 Maximum level of light overspill

General Rural Zone Rural Production Zone	<ol style="list-style-type: none"> 1. The following light spill standard applies to all land uses other than for the purposes of illuminating a road: <ol style="list-style-type: none"> a. Between the hours of 2200 and 0700 hours any outdoor lighting must not cause an added illuminance in excess of 125 lux, measured horizontally or vertically at any point 2 metres within the boundary of any adjoining site which is zoned General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle. b. Between the hours of 2200 and 0700 hours any outdoor lighting must not be used in a manner that it causes: <ol style="list-style-type: none"> i. An added illuminance in excess of 15 lux measured horizontally or vertically (at a height of 1.5m above
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	<p>the ground) at any window of an adjoining building within a General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle zoning;</p> <ul style="list-style-type: none"> ii. An added illuminance in excess of 15 lux measured horizontally or vertically (at a height of 1.5m above the ground) at any point along any General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle-zoned boundary, or at any point along a line measured 20m from any side of a residential unit located on another site within the General Rural or Rural Production Zones. c. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations of a similar nature which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of such outdoor lighting. d. Any outdoor lighting must be so selected, located, aimed, adjusted, and screened so as to direct such lighting away from any residential activity, visitor accommodation, community facility, rest home, marae, state highways and formed public roads.
<p>Rural Lifestyle Zone</p> <p>Settlement Zone</p> <p>General Residential Zone</p> <p>Commercial Zone</p> <p>Large Lot Residential Zone (Coastal)</p>	<p>2. The following light spill standard applies to all land uses other than for the purposes of illuminating a road:</p> <ul style="list-style-type: none"> a. All external lighting must be shaded or directed away from any adjoining residential buildings or roads and must be less than 8 lux spill measured at a height of 1.5 metres above the ground at the boundary of the site. b. Any outdoor lighting must be so selected, located, aimed, adjusted, and screened so as to direct such lighting away from any residential activity, visitor accommodation, community facility, rest home, marae, state highways and formed public roads.
<p>General Industrial Zone</p>	<p>3. The following light spill standard applies to all land uses other than for the purposes of illuminating a road:</p> <ul style="list-style-type: none"> a. Between the hours of 2200 and 0700 any outdoor lighting must not cause an added illuminance in excess of 125 lux, measured horizontally or vertically at any point 2 metres within the boundary of any adjoining site which is zoned General Residential.

- b. Between the hours of 2200 and 0700 any outdoor lighting must not be used in a manner that it causes:
 - i. An added illuminance in excess of 15 lux measured horizontally or vertically (at a height of 1.5m above the ground) at any window of an adjoining building within a General Residential Zone or Rural Lifestyle Zone;
 - ii. An added illuminance in excess of 15 lux measured horizontally or vertically (at a height of 1.5m above the ground) at any point along any General Residential or Rural Lifestyle-zoned boundary, or at any point along a line measured 20m from any side of a residential unit located within the General Rural or Rural Production Zones.
- c. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations of a similar nature which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of such outdoor lighting.
- d. Any outdoor lighting must be so selected, located, aimed, adjusted, and screened so as to direct such lighting away from any residential activity, visitor accommodation, community facility, rest home, marae, state highways and formed public roads.

TEMP – Temporary Activities

The provisions in this chapter override the respective Zone provisions in Part 3 Area-Specific Matters, unless otherwise specified in this chapter.

Introduction

Temporary activities are short-term activities and events that contribute to the social, economic and cultural well-being of the community and can encourage vibrancy and diversity within the community. Temporary activities can be musical, cultural, theatrical, recreational or sporting in nature and include events such as concerts, festivals, parades, displays, sports matches, ceremonies, filming, markets, and exhibitions, that can be one-off or repeat short-term events. Temporary activities can also support construction works and be associated with training exercises. Temporary activities are generally held outdoors and/or in public places, and sometimes involve associated temporary buildings and structures.

Temporary activities have the potential to generate adverse effects, particularly from unusual levels of noise and unusually high volumes of traffic, and from temporary restrictions on public access to public places. However, any inconvenience or nuisance that may arise from these activities tends to be tolerated by the community and neighbouring properties because the activities and their effects are short-term in nature.

Objectives

- TEMP-O1** Temporary activities enhance and contribute to community connectedness, a vibrant district and the social, environmental, economic and cultural well-being of communities.
- TEMP-O2** Temporary activities are planned, located and managed to minimise on-site and off-site adverse effects.

Policies

- TEMP-P1** Allow temporary activities provided that their effects are appropriately managed.
- TEMP-P2** Manage the frequency, scale and duration of temporary activities and their associated effects, including:
1. the number of events that can occur on any one site in a calendar year;
 2. the duration and hours of operation of the event;
 3. the bulk and location of temporary structures and buildings associated with the event, and
 4. compliance with the relevant traffic, noise, signs and lighting standards.

TEMP-P3

Require temporary activities to demonstrate that the activity's effects will be managed appropriately, including by:

1. controlling traffic and parking effects to ensure the transport network can continue to operate safely and efficiently and to maintain, as far as practicable, the amenity values of any roads providing access to the temporary activity;
2. managing noise and light overspill effects to minimise, as far as practicable, any adverse effects on the amenity of surrounding properties;
3. ensuring adequate services are provided to cater for the activity, including toilets, first aid, potable water supply, fire safety and emergency egress;
4. arranging suitable waste disposal mechanisms, including waste minimisation and recycling options; and
5. providing information about the event to surrounding properties that may be affected by any adverse effects generated by the activity.

TEMP-P4

Ensure that temporary activities that exceed permitted noise levels demonstrate the noise effects are appropriate, having regard to:

1. the existing ambient noise levels and the character and amenity of the adjacent properties;
2. the length of time that permitted noise levels will be exceeded, particularly at night;
3. the maximum level of noise likely to be generated, its nature, character and frequency, and the disturbance this may cause to surrounding properties;
4. the extent to which the noise effects can be appropriately mitigated;
5. the positive effects associated with the event; and
6. the potential adverse effects on the amenity values and health and safety of the surrounding properties, including cumulative effects.

TEMP-P5

Ensure that temporary activities that exceed traffic generation levels demonstrate the event's traffic effects are appropriate, having regard to:

1. the location, scale and intensity of the activity;
2. the duration, hours, times and day/s of the week on which the event will occur;
3. the capacity of the road network to safely and efficiently cater for motor vehicles, pedestrians and cyclists;
4. the capacity of the location or venue to safely host the number of people including provision of sufficient parking;

5. the ability of businesses on surrounding properties to continue to reasonably function;
6. the extent to which the traffic effects can be appropriately mitigated;
7. the positive effects associated with the event; and
8. the potential adverse effects on the amenity values and health and safety of the surrounding properties, including cumulative effects.

Rule Overview Table

Use/activity	Rule Number
Temporary buildings ancillary to a building or other construction project	TEMP-R1
Temporary events	TEMP-R2
Temporary military training activities	TEMP-R3

Rules

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant to temporary activities.

Note: In respect of temporary signs, refer to rule SIGN-R3 (temporary signs for community, educational and recreational events and during building construction).

TEMP-R1 Temporary buildings ancillary to a building or other construction project		
All Zones	1. Activity Status: PER Where the following conditions are met: <ol style="list-style-type: none"> a. Limited to: <ol style="list-style-type: none"> i. maximum gross floor area of 50m² per site, and ii. the duration of the project or a 12-month period, whichever is the lesser. 	2. Activity status where compliance not achieved: RDIS Matters over which discretion is restricted: <ol style="list-style-type: none"> a. The extent to which the activity impacts on amenity values of the surrounding area. b. The extent to which buildings and structures can be mitigated by screening or other remedial measures.

		<ul style="list-style-type: none"> c. The effects on infrastructural services. d. The size and position of buildings and structures.
TEMP-R2 Temporary events		
All Zones	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Compliance with: <ul style="list-style-type: none"> i. TEMP-S1; ii. TEMP-S2; iii. TEMP-S3; iv. TEMP-S4; v. TEMP-S5; and vi. TEMP-S6. 	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The extent to which the activity impacts on amenity values of the surrounding area, including any noise generated. b. The extent to which buildings and structures can be mitigated by screening or other remedial measures. c. The effects on infrastructural services. d. The effects of traffic generated by the activity on the surrounding area and on the safety and efficiency of the road network. e. The provision of safe and efficient vehicular access and on-site parking to avoid, remedy or mitigate potential adverse traffic effects. f. The hours of operation, duration and frequency of the temporary event/activity. g. The size and position of buildings and structures.

TEMP-R3 Temporary military training activities

All Zones

1. Activity Status: PER

Where the following conditions are met:

- a. Limited to:
 - i. a period of 31 days, excluding set-up or pack-down activities, which can occur up to one week prior to commencement and up to one week following completion of the temporary military training activity.
- b. Compliance with:
 - i. ~~NOISE-S1 (measurement and assessment of noise); and~~
 - ii. ~~NOISE-S5(31), NOISE-S5(32), NOISE-S5(33), and NOISE-S5(34), and NOISE-S5(35) (noise limits specific to temporary military training activities).~~
- c. ~~Compliance with:~~
 - i. ~~EW-S1 (slope);~~
 - ii. ~~EW-S2 (extent of earthworks);~~
 - iii. ~~EW-S3 (vertical extent of earthworks);~~
 - iv. ~~EW-S4 (site reinstatement);~~
 - v. ~~EW-S5 (control of silt and sediment);~~
 - vi. ~~EW-S6 (earthworks within the National Grid Yard); and~~

2. Activity status where compliance with condition TEMP-R3(1)(b) is not achieved: CONRDIS

Matters over which control is reserved discretion is restricted:

- a. The extent to which the activity impacts on amenity values of the surrounding area, including any noise generated.
- b. ~~The extent to which buildings and structures can be mitigated by screening or other remedial measures.~~
- c. ~~The effects on infrastructural services.~~
- d. ~~The effects of traffic generated by the activity on the surrounding area and on the safety and efficiency of the road network.~~
- e. ~~The provision of safe and efficient vehicular access and on-site parking to avoid, remedy or mitigate potential adverse traffic effects.~~
- f. ~~The hours of operation, duration and frequency of the temporary military training event/activity.~~
- g. ~~The size and position of buildings and structures.~~

- vii. EW S8 (electrical safety distances);
- d.c. No permanent structures must be constructed, unless otherwise permitted by the Plan.

3. Activity status where compliance with conditions TEMP-R3(1)(a) and/or TEMP-R3(1)(c) is not achieved: RDIS

Matters over which discretion is restricted:

- a. The extent to which the activity impacts on amenity values of the surrounding area, including any noise generated.
- b. The extent to which buildings and structures can be mitigated by screening or other remedial measures.
- c. The effects on infrastructural services.
- d. The effects of traffic generated by the activity on the surrounding area and on the safety and efficiency of the road network.
- e. The provision of safe and efficient vehicular access and on-site parking to avoid, remedy or mitigate potential adverse traffic effects.
- f. The hours of operation, duration and frequency of the temporary military training activity.
- g. The size and position of buildings and structures.

Commented [RM1]: S29.014 & S29.015 NZDF - Light & Temporary Activities Topic, Key Issue 3

Standards

TEMP-S1 Frequency	
General Residential Zone Large Lot Residential Zone (Coastal) Settlement Zone	1. The number of temporary events on a site must not exceed six in any 12-month calendar period.
All Other Zones	2. Unlimited.
TEMP-S2 Duration	
All Zones	1. The duration of the event (excluding setting up and pack down of any associated structures and buildings and the restoration of the site) must not exceed a period of 3 consecutive days.
TEMP-S3 Noise	
All Zones	1. Compliance with NOISE-S1 (measurement and assessment of noise) and NOISE-S5 (noise limits specific to temporary events) for the site on which the temporary event is located.
TEMP-S4 Traffic and Parking	
All Zones	1. All parking associated with the temporary event must be accommodated on the site or by other off-street arrangements. 2. Compliance with TRAN-S5 (vehicle access), TRAN-S6 (distance of vehicle access from road intersections), TRAN-S7 (distance of vehicle access from railway level crossings) and TRAN-S8 (safe sightline distances) for the site on which the temporary event is located.
TEMP-S5 Notification	
Circuses, Concerts, Musicals, Exhibitions, Festivals, Filming, Parades and	1. The Council must receive notification of these temporary events at least 10 days prior to the event taking place.

Sporting Events Only	
TEMP-S6 Restoration of the Site	
All Zones	1. All structures and other works accessory to an event must be removed and the site returned to its original condition, including the removal of all waste and other rubbish associated with the event, within 5 working days after the activity has ceased.

Methods

Methods, other than the above rules, for implementing the policies:

TEMP-M1 Council Bylaws

Temporary activities are also managed by Council bylaws, including Part 2 (Public Places), Part 4 (Trading in Public Places), Part 5 (Livestock Movement and Animals in Public Places), Part 6 (Solid Waste), Part 8 (Control of Advertising Signs), Part 23 (Trade Waste), Part 25 (Traffic), and Part 29 (Liquor Control in Public Places).

TEMP-M2 Local Government Act

Traffic Management Plans can also be required under the Local Government Act 2002 and Transport (Vehicular Traffic Road Closures) Regulations 1965.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

TEMP-AER1 Temporary events are enabled in a way that adds to the vibrancy of the District.

TEMP-AER2 Any adverse effects of temporary activities are managed in accordance with community expectations.

APPENDIX B

Summary of Recommended Responses to Submissions and Further Submissions

Table: Summary of Recommended Responses to Submissions and Further Submissions

Light

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S42.032	New Zealand Pork Industry Board	LIGHT - Introduction	Amend the introduction as follows: 'Artificial lighting enables activities to occur beyond daylight hours, including night time work, primary production and recreation and entertainment activities, and can assist to improve the safety and security of people and property.'	Accept	Yes
S42.033	New Zealand Pork Industry Board	LIGHT-O1	Retain LIGHT-O1 as proposed.	Accept	No
S42.034	New Zealand Pork Industry Board	LIGHT-P1	Retain LIGHT-P1 as proposed.	Accept	No
S42.035	New Zealand Pork Industry Board	LIGHT-S1	Delete the requirements of LIGHT-S1(1)(b)(ii) and LIGHT-S1(1)(d) as follows: 'b. Between the hours of 2200 and 0700 hours any outdoor lighting must not be used in a manner that it causes: ... ii. An added illuminance in excess of 15 lux measured horizontally or vertically (at a height of 1.5m above the ground) at any point along any General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle-zoned boundary, or at any point along a line measured 20m from any side of a residential unit located on another site within the General Rural or Rural Production Zones. ' and 'd. Any outdoor lighting must be so selected, located, aimed, adjusted, and screened so as to direct such lighting away from any residential activity, visitor accommodation, community facility, rest home, marae, state highways and formed public roads. '	Reject	No
FS8.041	Silver Fern Farms Limited		Allow		
S81.092	Horticulture New Zealand	LIGHT-S1	Amend LIGHT-S1 as follows: 'General Rural Zone / Rural Production Zone 1. The following light spill standard applies to all land uses other than for the purposes of illuminating a road: a. ... b. Between the hours of 2200 and 0700 hours any outdoor lighting must not be used in a manner that it causes: i. ... ii. An added illuminance in excess of 15 lux measured horizontally or vertically (ata height of 1.5m above the ground) at any point along any General Residential, Large Lot Residential (Coastal), Settlement, or Rural Lifestyle-zoned boundary, or at any point along a line measured 20m from any side of a residential unit located on another site within the General Rural or Rural Production Zones.	Reject	No

Proposed Central Hawke’s Bay District Plan

Officer’s Report: Natural Environment (including Coastal Settlements)

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			c. ... d. Any outdoor lighting must be so selected, located, aimed, adjusted, and screened so as to direct such lighting away from any residential activity, visitor accommodation, community facility, rest home, marae, state highways and formed public roads.		
FS6.8	NZ Pork Industry Board		Allow	Reject	
S121.100	Federated Farmers of New Zealand	LIGHT-O1	Retain LIGHT-O1 as proposed.	Accept	No
FS9.100	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.101	Federated Farmers of New Zealand	LIGHT-P1	Retain LIGHT-P1 as proposed.	Accept	No
FS9.101	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.102	Federated Farmers of New Zealand	LIGHT-R1	Retain LIGHT-R1, on condition that the relief sought for LIGHT-S1 is accepted, or alternatively include a new permitted activity rule for primary production activities.	Accept in part	No
FS9.102	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	
S121.103	Federated Farmers of New Zealand	LIGHT-S1	Amend LIGHT-S1 as follows: 'Maximum level of light overspill General Rural Zone / Rural Production Zone 1. The following light spill standard applies to all land uses other than for the purposes of illuminating a road and activities associated with primary production. ...'	Reject	No
FS6.9	NZ Pork Industry Board		Allow	Reject	
FS9.103	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	

Temporary Activities

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S29.006	New Zealand Defence Force	NOISE-R1	Retain NOISE-R1(1) as notified.	Accept	No
S29.007	New Zealand Defence Force	NOISE-S5	Retain NOISE-S5(9) as notified.	Accept	No
S29.008	New Zealand Defence Force	NOISE-S5	Retain NOISE-S5(16-18) as notified with the following minor amendment: 'Helicopter Landing Areas (other than those for temporary military training activities) '	Accept	Yes
S29.009	New Zealand Defence Force	NOISE-S5	Retain NOISE-S5(19-22) as notified.	Accept	No
S29.010	New Zealand Defence Force	NOISE-S5	Retain NOISE-S5(31-34) as notified, with the following amendment: '34. Helicopter landing areas: a. Must comply with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. b.-35. Noise levels will be measured in accordance with NZS6801:2008 Acoustics - Measurement of Sound.'	Accept	Yes
S29.002	New Zealand Defence Force	TEMPORARY EVENT (Definition)	Retain definition as notified.	Accept	No
S29.003	New Zealand Defence Force	TEMPORARY MILITARY TRAINING ACTIVITY (Definition)	Retain definition as notified.	Accept	No
S29.011	New Zealand Defence Force	TEMP-O1	Retain objective as notified.	Accept	No
S29.012	New Zealand Defence Force	TEMP-P1	Retain policy as notified.	Accept	No
S29.013	New Zealand Defence Force	TEMP-P4	Retain policy as notified.	Accept	No

Proposed Central Hawke’s Bay District Plan

Officer’s Report: Natural Environment (including Coastal Settlements)

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S29.014	New Zealand Defence Force	TEMP-R3	Retain TEMP-R3 as notified, with the following modifications: 'Temporary military training activities All Zones 1. Activity Status: PER Where the following conditions are met: a. Limited to: i. a period of 31 days, excluding set-up or pack-down activities, which can occur up to one week prior to commencement and up to one week following completion of the temporary military training activity. b. Compliance with: i. NOISE-S4 (measurement and assessment of noise); and ii. NOISE-S5(31), NOISE-S5(32), NOISE-S5(33), and NOISE-S5(34) and NOISE-S5(35) (noise limits specific to temporary military training activities). c. Compliance with: i. EW-S1 (slope); ii. EW-S2 (extent of earthworks); iii. EW-S3 (vertical extent of earthworks); iv. EW-S4 (site reinstatement); v. EW-S5 (control of silt and sediment); vi. EW-S6 (earthworks within the National Grid Yard); and vii. EW-S8 (electrical safety distances). d. No permanent structures must shall be constructed, unless otherwise permitted by the plan. '	Accept	Yes
FS18.28	Transpower New Zealand Limited		Allow in part The submission point be disallowed in part in so far as it relates to vi.EW-S6 (earthworks within the National Grid Yard)	Reject	
S29.015	New Zealand Defence Force	TEMP-R3	Amend the default activity status of Restricted Discretionary (TEMP-R3(2)) and replace with a Controlled Activity status where a Temporary Military Training Activity does not comply with the permitted activity performance standards. Also, amend the matters of control as follows: 'a. The extent to which the activity impacts on amenity values of the surrounding area, including any noise generated. b. The extent to which buildings and structures can be mitigated by screening or other remedial measures. c. The effects on infrastructural services. d. The effects of traffic generated by the activity on the surrounding area and on the safety and efficiency of the road network. e. The provision of safe and efficient vehicular access and on-site parking to avoid, remedy or mitigate potential adverse traffic effects. f. The hours of operation, duration and frequency of the temporary military training event/activity . g. The size and position of buildings and structures. '	Accept in part	Yes
S29.016	New Zealand Defence Force	NH-APP1	Retain NH-APP1 - Building Importance Categories (BIC) as notified, with the following amendment: 'BIC 1:	Accept	Yes

Proposed Central Hawke's Bay District Plan

Officer's Report: Natural Environment (including Coastal Settlements)

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			<p>[...] Examples: a. Farm buildings, isolated structures and towers in the Rural Zones, not otherwise identified as BIC 2, 3 or 4. b. Fences, masts, walls, in-ground swimming pools. c. Other structures with a gross floor area of 30m² or less. d. Temporary buildings or structures associated with TMTA.'</p>		
S29.018	New Zealand Defence Force	ASW-R1	<p>Retain ASW-R1 as notified with the following amendment: 'Use of motorised craft on the surface of rivers and lakes On Horseshoe Lake or Lake Whatuma 1. Activity Status: PER Where the following conditions are met: a. Limited to engines that are less than 5 horsepower, except for engines associated with temporary military training activities. ...'</p>	Reject	No
S29.019	New Zealand Defence Force	[General]	Not stated.	Accept	No
S57.010	Fire and Emergency New Zealand	Definitions	<p>Add new definition as follows: 'TEMPORARY EMERGENCY SERVICES TRAINING ACTIVITY means a temporary activity undertaken for the training of any component of Fire and Emergency New Zealand for any emergency purpose. An emergency purpose are those purposes which enable Fire and Emergency New Zealand to achieve its main functions under sections 11 and 12 of the Fire and Emergency New Zealand Act 2017.'</p>	Reject	No
S57.011	Fire and Emergency New Zealand	TEMPORARY EVENT (Definition)	<p>Amend the definition of 'Temporary Event' as follows: 'the short term or intermittent use of any land, buildings and structures for an activity not carried out on the site on a regular basis, or the carrying out of an activity outside the limits on hours or scale prescribed in Plan standards. It excludes temporary military training activity, temporary emergency services training activity and short-term social or cultural gatherings where these are ancillary to a permitted activity or in compliance with the standards and terms for permitted activities. Any event for which a Special Licence under the Sale of Liquor Act 2012 is required will be deemed to be a temporary event.'</p>	Reject	No
S57.096	Fire and Emergency New Zealand	TEMP-O2	Retain TEMP-O2 as notified.	Accept	No
S57.097	Fire and Emergency New Zealand	TEMP-P1	Retain TEMP-P1 as notified.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
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S57.098	Fire and Emergency New Zealand	TEMP-RXX (new rule)	Add a new rule in the 'TEMP - Temporary Activities' chapter, as follows: 'TEMP-R4 Temporary emergency services training activities All Zones 1. Activity Status: PER Where the following conditions are met: a. Limited to: i. a period of two days, excluding set-up or pack-down activities, which can occur up to one week prior to commencement and up to one week following completion of the temporary emergency services training activity. 2. Activity status where compliance not achieved: N/A'	Accept in part	Yes
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