

## **E40. Temporary activities**

### **E40.1. Background**

Temporary activities contribute to Auckland's vibrancy and to the social, cultural and economic well-being of communities. Temporary activities also enable filming and training activities to be undertaken.

Temporary activities may restrict public access and have adverse effects on amenity values, communities and the natural environment. To manage these effects the Plan contains rules for temporary activities on land and in the coastal marine area, and the particular effects of various activities are managed through bylaws. Events on public land or water must also obtain an event licence or permit under the relevant bylaws.

### **E40.2. Objectives [rcp/dp]**

- (1) Temporary activities and events contribute to a vibrant city and enhance the social, environmental, economic and cultural well-being of communities.
- (2) Temporary activities are located and managed to mitigate adverse effects on amenity values, communities and the natural environment.
- (3) Temporary activities are managed to minimise any adverse effects on the use and enjoyment of open space.
- (4) Temporary activities involving large numbers of people predominantly occur in the Business – City Centre Zone, the Business – Metropolitan Centre Zone and the Auckland Domain.
- (5) Temporary activities for training purposes are undertaken in appropriate locations so that amenity values are maintained and any adverse effects are avoided, remedied or mitigated.

### **E40.3. Policies [rcp/dp]**

- (1) Enable temporary activities and associated structures, provided any adverse effects on amenity values are avoided, remedied or mitigated, including by ensuring:
  - (a) noise associated with the activity meets the specified standards;
  - (b) activities on adjacent sites that are sensitive to noise are protected from unreasonable or unnecessary noise;
  - (c) noise from outdoor events using electronically amplified equipment is controlled through limiting the times, duration and the frequency of events;
  - (d) waste and litter are effectively managed and minimised; and
  - (e) any restrictions on public access or other users of open space areas are minimised, and any adverse effects are mitigated.

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- (2) Enable temporary activities for filming purposes, including associated film sets, while managing any adverse effects.
- (3) Control traffic generated by a temporary activity, including heavy traffic, so that it does not detract from:
  - (a) the capacity of the road to safely and efficiently cater for motor vehicles, pedestrians and cyclists; and
  - (b) the well-being of residents and reasonable functioning of businesses on surrounding sites.
- (4) Require any disturbance of the foreshore or seabed from a temporary activity to be remedied, unless this can be achieved by natural processes.
- (5) Require temporary activities involving large numbers of people to locate in areas where there is:
  - (a) capacity to safely host large numbers of people;
  - (b) sufficient parking where necessary;
  - (c) sufficient road network capacity for the event;
  - (d) capacity in the public transport network to service the event, or the ability for the event to be temporarily serviced by mass passenger transport; and
  - (e) the ability to avoid, remedy or mitigate adverse effects on the environment.
- (6) Manage the effects of temporary activities so that the values of any scheduled ecological, natural character, natural features, landscape, historic heritage or Mana Whenua areas are maintained, and any adverse effects on the natural environment are avoided, remedied or mitigated.
- (7) Manage the noise effects of temporary military training activities, and any adverse effects from other temporary training activities, so that amenity values are maintained.

### **E40.4. Activity table**

Table E401.4.1 Activity table specifies the activity status of temporary activities under section 9(3) and section 12 of the Resource Management Act 1991 unless the activity is subject to a specific rule in an overlay, zone or precinct.

The Auckland-wide transport provisions (Section E27 Transport) do not apply to temporary activities.

All other Auckland-wide provisions, including Sections E25 Noise and vibration and E24 Lighting apply, unless a more specific rule provides for an activity in this chapter.

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Note 1. The standards of the relevant zone in which the temporary activity is undertaken e.g. building height and yards, do not apply to the buildings and structures that are accessory to a temporary activity.

Note 2. The duration of the temporary activities specified in Table E401.4.1 and in the standards includes the time required to establish and remove all structures and activities associated with the activity and reinstate the site to its original condition.

**Note 3. These rules apply to temporary activities in the coastal marine area, other than:**

- rules for temporary military training activities (refer to Section F2 Coastal – General Coastal Marine Zone); and
- rules for temporary buildings including structures (refer to Section F2 Coastal – General Coastal Marine Zone).

Note 4. In addition to the rules in this Plan, temporary activities are also subject to the other acts and bylaws. All events on public land or water must obtain an event licence or permit under the relevant bylaws.

Note 5. For the purposes of the following activity table, standards and assessment criteria, the reference to ‘the City Centre and Metropolitan Centres’ means:

- the Business - City Centre Zone, the Business – Metropolitan Centre Zone and public open spaces (including the open space zones) within the area bound by the Business – City Centre Zone and Business – Metropolitan Centre Zones;
- the Coastal - Marina Zone at Westhaven; and
- the coastal marine area within the City Centre precincts for Westhaven, Wynyard, Viaduct Harbour, Central Wharves and the Port precincts.

**Table E40.4.1 Activity table**

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
<b>Temporary Activities – General (temporary activities that are not provided for as a Specific Temporary Activity below)</b>			
(A1)	Temporary activities in public places for up to six consecutive days, outside of the City Centre and Metropolitan Centres	NA	P
(A2)	Temporary activities in public places for more than six consecutive days, outside of the City Centre and Metropolitan Centres	NA	D
(A3)	Temporary activities on private land for up to six days, but not for more than three consecutive days, in any 12 month period, outside of the City Centre and	P	P

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	Metropolitan Centres		
(A4)	Temporary activities on private land for more than six days, or for more than three consecutive days, in any 12 month period, outside of the City Centre and Metropolitan Centres	D	D
(A5)	Temporary activities in public places and on private land for up to 21 consecutive days within the area of the City Centre and Metropolitan Centres	P	P
(A6)	Temporary activities in public places and on private land for more than 21 consecutive days within the area of the City Centre and Metropolitan Centres	RD	RD
(A7)	Temporary activities in the Auckland Domain involving more than 20,000 people for up to 12 consecutive days, and up to three times between 2 October and 31 April	NA	P
(A8)	Temporary activities in the Auckland Domain not otherwise provided for	NA	RD
(A9)	Temporary activities in public places in the coastal marine area, for up to 14 consecutive days in a six-month period, outside of the City Centre and Metropolitan Centres	P	NA
(A10)	Temporary activities in public places in the coastal marine area outside of the City Centre and Metropolitan Centres not otherwise provided for	RD	NA
(A11)	Temporary activities in Significant Ecological Area - Marine -1 areas, Outstanding Natural Character areas, or Outstanding Natural Feature Type A, B, C, E, F and V areas	D	NA
<b>Specific Temporary Activities</b>			
(A12)	Noise events in public places	P	P
(A13)	Noise events on private land, outside of land within a residential zone	NA	RD
(A14)	Noise events on land within a residential zone	NA	D
(A15)	Filming activities up to, and including, 30 consecutive days	P	P
(A16)	Filming activities for more than 30 consecutive days	RD	RD
(A17)	Fund-raising events, including markets, up to six per site annually if undertaken by schools, churches, charities and community groups	P	P
(A18)	Temporary storage or stacking of goods for up to six consecutive months in any 24-month period within a residential zone	NA	P
(A19)	Temporary placement and use of shipping containers for one month in any 12 month period within a residential zone	NA	P

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(A20)	Temporary activities associated with building or construction, (including structures and buildings that are accessory activities), for the duration of the project, or up to 24 months, whichever is the lesser	NA	P
(A21)	Temporary activities (including accessory structures) on private land associated with construction or restoration projects for recreational purposes (for example the restoration of boats or caravans) for up to 12 months in any 24 month period	NA	P
(A22)	Lighting of fireworks	P	P
(A23)	Temporary military training activities	NA	P
(A24)	Specific temporary activities that are not provided as a permitted activity in rules (A12) to (A23)	RD	RD

### **E40.5. Notification**

- (1) Any application for resource consent for an activity listed in Table E40.4.1 Activity table will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### **E40.6. Standards**

All activities listed as permitted in Table E40.4.1 must comply with the following standards.

#### **E40.6.1. Measurement of noise events**

- (1) Noise limits for noise events must be met 1m from any adjacent occupied building outside the venue used for a noise event.
- (2) Noise events in the City Centre must meet the noise limits both within and outside the City Centre.
- (3) The LAeq noise levels to be met are incidence noise levels averaged over the duration of the event but are not to include sound testing or balancing.
- (4) No corrections can be made to the measured incident noise level.
- (5) Crowd noise must not be included in any noise measurement.

#### **E40.6.2. Traffic associated with temporary activities**

- (1) An event in a rural zone or Future Urban Zone must not generate more than 500 vehicle movements per day on adjacent roads.

**E40.6.3. Temporary activities in public places in the coastal marine area, for up to 14 consecutive days in a six-month period, outside of the City Centre and Metropolitan Centres**

- (1) Temporary activities for up to 14 consecutive days in a six-month period in the coastal marine area must:
  - (a) not cause a hazard to safe navigation;
  - (b) remove any building material, spoil, construction equipment or litter associated with a temporary activity from the coastal marine area within 24 hours on completion of the activity;
  - (c) not be located in any Significant Ecological Area - Marine -1, Outstanding Natural Character area, or Outstanding Natural Feature Type A, B, C, E, F and V area; and
  - (d) remedy or restore any visible disturbance to the foreshore and seabed associated with a temporary activity (that cannot be achieved by natural processes) within seven days of completion of the event.

**E40.6.4. Noise events outside the City Centre and Metropolitan Centres**

- (1) Up to 15 noise events at a venue are permitted outside the City Centre and Metropolitan Centres in any 12 month period, provided that no more than two noise events occur in any seven-day period, and the noise event complies with all of the following:
  - (a) the noise event does not exceed six hours in duration, excluding two hours for sound testing and balancing that is undertaken between 9am and 7pm on the day of the event;
  - (b) the noise event does not exceed a noise level of 70dB LAeq and 80dBA LA01 except;
    - (i) three noise events can have a noise limit of 80dB LAeq and 90dBA LA01 for a maximum of three hours, excluding one hour for sound testing and balancing undertaken after 9am on the day of the event; and
    - (ii) three noise events in the Auckland Domain can be held with no noise limits applying.
  - (c) the noise event starts before 9am and ends by 11pm, except on New Year's Day where the noise event ends by 1am.

**E40.6.5. Noise events within the City Centre and Metropolitan Centres**

- (1) Up to 18 noise events at a venue are permitted within the City Centre and Metropolitan Centres any 12 month period, provided no more than two noise events occur in any seven-day period and the noise event complies with all of the following:

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- (a) the noise event does not exceed six hours in duration, excluding two hours for sound testing and balancing that is undertaken between 9am and 7pm on the day of the event;
- (b) the noise event does not exceed a noise level of 70dB LAeq and 80dBA LA01 except;
  - (i) three noise events can have a noise limit of 80dB LAeq and 90dBA L1 for a maximum of three hours, excluding one hour for sound testing and balancing undertaken between 9am and 7pm on the day of the event; and
  - (ii) three noise events can have a noise limit of 90dB LAeq and 95dBA L1, for a maximum of three hours, excluding one hour for sound testing and balancing undertaken between 9am and 7pm on the day of the event.
- (c) the noise event starts before 9am and ends by 11pm, except on New Year's Day where the noise event ends by 1am.

### **E40.6.6. Temporary storage or stacking of goods for up to six consecutive months in any 24-month period within a residential zone**

- (1) Temporary storage or stacking of goods for up to six consecutive months in any 24-month period within a residential zone must not result in any stack or material stored being greater than 2m high within 2m of the boundary of a site in a residential zone.

### **E40.6.7. Lighting of fireworks**

- (1) The lighting of fireworks must:
  - (a) be undertaken between 5pm and 10.30pm, except for New Year's Eve;
  - (b) may be undertaken between 5pm on New Year's Eve and 1am on New Year's Day; or
  - (c) may be undertaken between 5pm and 12am with an event licence or permit.

### **E40.6.8. Temporary military training activities**

- (1) Temporary military training activities involving weapons firing or the use of explosives must:
  - (a) provide notice, and a noise management plan prepared by a suitably qualified acoustic engineer, to the Council at least 48 hours prior to the commencement of the activity, with the notice specifying:
    - (i) whether the activity involves live firing and/or the use of explosives or firing of blank ammunition;

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- (ii) the location of the activity and the boundaries within which the activity will take place;
  - (iii) the distances to buildings used for activities sensitive to noise; and
  - (iv) the timing and duration of the activity.
- (b) meet the standards in Table E40.6.8.1 Temporary military training activities noise separation distances.

**Table E40.6.8.1 Temporary military training activities noise separation distances**

Type of military noise	Time (on all days)	Separation distance to activities sensitive to noise	
Live firing of weapons and single or multiple explosive events	7am to 7pm (day time)	1500m minimum	Less than 1500m if Standard E40.6.8(1) and (2) are complied with
	7pm to 7am (night time)	4500m minimum	Less than 4500m if Standard E40.6.8(1) and (3) are complied with
Firing of blank ammunition	7am to 7pm	750m minimum	Less than 750m if Standard E40.6.8(1) and (2) are complied with
	7pm to 7am	2250m minimum	Less than 2250m if Standard E40.6.8(1) and (3) are complied with

- (2) Day time noise levels must not exceed a peak sound level of 120dBC measured at or within the notional boundary of any activity sensitive to noise.
- (3) Night time noise levels must not exceed a peak sound level of 90dBC when measured at or within the notional boundary of any activity sensitive to noise.
- (4) Temporary military training activities involving mobile noise sources, other than those provided for in Table E40.6.8.1 Temporary military training activities noise separation distances, shall comply with the noise limits set out in Tables 2 and 3 in the New Zealand Standard on Acoustics – Construction Noise (NZS 6803:1999) with reference to ‘construction noise’ taken to refer to other, mobile noise sources.
- (5) Temporary military training activities involving stationary noise sources, other than those provided for in Table E40.6.8.1 Temporary military training activities noise separation distances, must not exceed the noise levels in when measured at or within the notional boundary of any activity sensitive to noise.

**Table E40.6.8.2 Noise levels for temporary military training stationary noise sources**

Time	Noise level
7am to 10pm	55dB $L_{Aeq(15\text{ min})}$
10pm to 7am on all days	45dB $L_{Aeq(15\text{ min})}$ 75dB $L_{AFmax}$



#### **E40.7. Assessment – controlled activities**

There are no controlled activities in this section.

#### **E40.8. Assessment – restricted discretionary activities**

##### **E40.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application for a temporary activity:

- (1) the effects from the noise, lighting, hours and duration of an activity;
- (2) the effects of the activity on traffic generation, parking, pedestrian safety and access; and
- (3) the effects of any disturbance to land, foreshore, seabed or vegetation associated with an activity.

##### **E40.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

- (1) the extent to which any significant adverse effects from the noise, lighting, hours and duration of an activity on the amenity values of surrounding properties can be mitigated through:
  - (a) the proposed location, duration, hours, times and day/s of the week on which the event will occur;
  - (b) the measures proposed to mitigate noise and light spill; and
  - (c) the measures proposed to manage levels of low-frequency noise or very loud noise, particularly for night time activities.
- (2) the extent to which the activity will have adverse effects on traffic movement, parking, public transport and pedestrian safety and access, and the extent to which these effects can be adequately addressed through:
  - (a) the location, scale and intensity of the activity;
  - (b) the duration, hours, times and day/s of the week on which the event will occur;
  - (c) the provision made to address any impacts from traffic generated by the activity, including impacts on public transport, and other activities at the location;
  - (d) addressing the need for, and if necessary, the provision of adequate parking; and
  - (e) the provision made for pedestrian safety and to address any restrictions on public access.

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- (3) the extent to which any land disturbance, earthworks or disturbance to the foreshore, seabed or vegetation resulting from a temporary activity can be avoided, remedied or mitigated.

### **E40.9. Special information requirements**

There are no special information requirements in this section.