

# SECTION 32 REPORT

## Temporary Activities

May 2022

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## 1 Executive Summary

Temporary activities contribute to a vibrant District and enhance the social, economic, and cultural wellbeing of communities. They provide the opportunity to celebrate local culture and heritage, and bring the community together for special events. Temporary activities are also likely to support the local economy where special events may also bring visitors and give an opportunity for local businesses to participate or provide accommodation and other services.

Their adverse effects are of a temporary nature that can generally be managed and are appropriate in most locations of the District. Key changes in the proposed management approach from the Operative District Plan (**ODP**) are:

- Improved provision for temporary buildings and activities associated with construction and demolition.
- Temporary activities are a permitted activity in all zones; except the Natural Open Space, General Residential, Settlement and the Rural Residential zones; provided their scale is up to 500 persons on the site each day and operating between 0630 hours and 2200 hours.
- Providing for temporary military training activities across the District, rather than only in some rural areas.
- Setting a duration of up to 31 days per year for temporary military training activities rather than a duration that is unspecified.
- Greater duration of temporary activities for events (two days per event on two occasions per year, rather than one event in any twelve-month period for up to two days).
- Road controlling authority approval required (parking and access) for most temporary activities.
- Provision for aircraft and helicopter movements in all zones for emergency services (including civil defence), military conservation activities.
- Provision for temporary network utilities in all zones for up to 12 months.
- Temporary motorsport activity in the Rural Production zone is a restricted discretionary activity if it meets performance standards.

An evaluation of the proposed objectives and provisions for temporary activities has been carried out in accordance with section 32 of the RMA. This evaluation has concluded that the objectives are the most appropriate way to achieve the purpose of the RMA and the provisions are the most appropriate way to achieve the objectives, as they will support a vibrant District and enhance the social, economic, and cultural wellbeing of communities.

## 2 Introduction and Purpose

### 2.1 Purpose of report

This report provides a summary of the evaluation undertaken by the Far North District Council (**Council**) in preparation of district plan provisions for the 'Temporary Activities' chapter in the PDP. This assessment is required under section 32 of the Resource Management Act 1991 (**RMA**).

Section 32 of the RMA requires councils to examine whether the proposed objectives are the most appropriate to achieve the purpose of the RMA and whether the provisions (i.e. policies, rules and standards) are the most appropriate way to achieve the objectives. This assessment must identify and assess environmental, economic, social, and cultural effects, benefits and costs anticipated from the implementation of the provisions. Section 32 evaluations represent an on-going process in RMA plan development. A further evaluation under section 32AA of the RMA is expected throughout the review process in response to feedback received following notification of the PDP.

### 2.2 Overview of topic

Temporary activities are provided for in a specific chapter of the PDP, namely in Part 2 – District-wide Matters – General District-Wide Matters. Temporary activities may include events or activities that provide public benefit that add to the vibrancy of the District such as sports events, concerts, and markets. There may also be temporary activities providing for military training or emergency services, or temporary structures used in construction or demolition projects. While there may be potential for adverse effects such as noise, traffic, or temporary inconvenience by their nature temporary activities are limited in the scale of their effects and their duration.

Key changes in the proposed management approach from the ODP are:

- Allow for a wider range of temporary activities including temporary network utilities and larger ancillary buildings for construction and demolition;
- Enable temporary activity in more locations in the district, and not just parts of the rural environment, and more frequently;
- Provide for motorsport activity as a restricted discretionary activity in the Rural Production zone subject to performance standards; and
- Require road controlling authority approval as a performance standard for most temporary activities.

The National Planning Standards (**Planning Standards**) have determined that a standalone chapter in Part 2 – District-Wide Matters – General District-Wide Matters is necessary for temporary activities in a district plan. No definition is provided for temporary activities in the Planning Standards, but there is a definition for temporary military training activity. A definition of temporary activities is included in the PDP:

*“means an activity that is temporary and limited in duration. It may include carnivals; concerts; fairs; festivals and events; markets and exhibitions; public meetings; parades; special events; sporting events; filming activities; temporary military training activities; temporary motorsport activities; and emergency response training by ambulances, Civil Defence, Coast Guard New Zealand, Fire and Emergency New Zealand, New Zealand Police, Land Search and Rescue, or Surf Life Saving New Zealand. It also includes buildings and structures accessory to temporary activities, temporary car parking areas, and the ancillary activities associated with the temporary activities”.*

## 3 Statutory and Policy Context

### 3.1 Resource Management Act 1991

The **Section 32 Overview Report for the PDP** provides a summary of the relevant statutory requirements in the RMA relevant to the PDP. This section provides a summary of the matters in Part 2 of the RMA (purpose and principles) of direct relevance to temporary activities.

Section 74(1) of the RMA states that district plans must be prepared in accordance with the provisions of Part 2. The purpose of the RMA is the sustainable management of natural and physical resources which is defined in section 5(2) of the RMA as:

*“...sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety while –*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

To achieve the purpose of the RMA, all those exercising functions and powers under the RMA are required to:

- Recognise and provide for the matters of national importance identified in section 6
- Have particular regard to a range of other matters in section 7
- Take into account the principles of the Treaty of Waitangi in section 8 of the RMA.

The following section 6 matters of national importance are directly relevant to temporary activities:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) the protection of protected customary rights:*
- (h) the management of significant risks from natural hazards.*

Since temporary activities will be limited to short periods of time, they are likely to be more acceptable and more readily accommodated provided they do not have long term consequences for these section 6 matters.

The following section 7 matters will remain relevant even when the effects are for temporary activities:

- (a) Kaitiakitanga:
  - (aa) The ethic of stewardship:
- (b) The efficient use and development of natural and physical resources:
- (c) The maintenance and enhancement of amenity values:
- (d) Intrinsic values of ecosystems:
- (e) *maintenance and enhancement of the quality of the environment:*

(f) any finite characteristics of natural and physical resources.

## 3.2 Higher order planning instruments

Section 75(3) of the RMA requires district plans to give effect to higher order planning instruments - National Policy Statement (**NPS**), the New Zealand Coastal Policy Statement (**NZCPS**), Planning Standards, and the relevant Regional Policy Statement (**RPS**). The **Section 32 Overview Report** provides a more detailed summary of the relevant RMA higher order planning instruments relevant to the PDP.

The sections below provide an overview of provisions in higher order planning instruments directly relevant to temporary activities.

### 3.2.1 National Planning Standards

Section 75(3)(ba) of the RMA requires that district plans give effect to the Planning Standards. The Planning Standards were gazetted in April 2019. The purpose of the standards is to assist in achieving the purpose of the RMA and improve consistency in the structure, format and content of RMA plans.

The standards and directions in the Planning Standards are of direct relevance to the topic since they require temporary activities as a specific chapter in Part 2, District-Wide Matters – General District-Wide Matters and include a definition of temporary military training activities.

### 3.2.2 National Policy Statements

Section 75(3)(a) of the RMA requires that district plans give effect to any NPS. The following NPS is directly relevant to temporary activities:

- New Zealand Coastal Policy Statement 2010 (**NZCPS**)

The section below provides a summary of the key provision in the NZCPS that is to be given effect to for temporary activities.

<b>NZCPS</b>	
<b>Policy 19 (3)</b>	Walking access

In summary, there is only one specific reference in the NZCPS policies that requires the PDP to:

- Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where it is necessary for temporary activities or special events.

### 3.2.3 National Environmental Standards

Section 44 of the RMA requires local authorities to recognise National Environmental Standards (**NES**) by ensuring plan rules do not conflict or duplicate provisions in a NES. The following NES will remain relevant to temporary activities:

- National Environmental Standards for Storing Tyres Outdoors (**NESSTO**)
- National Environmental Standards for Freshwater (**NESF**)
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NESCS**)

A temporary motorsport activity may involve the storage of tyres outdoors beyond the allowable quantities in the NESSTO.

Changes to overland flows or to freshwater including stormwater discharges and earthworks within riparian areas or near to wetlands may require resource consent since there is no provision for temporary effects in the NESF.

Earthworks for temporary activities that affect a 'piece of land' that exceed the permitted volume thresholds will require a resource consent under the NESCS.

It is assumed that the types of temporary activities considered in the PDP will by their nature be of limited duration, and that the following are most relevant to permanent activities rather than temporary activities, regional rules, or are for types of activities that are unlikely to fall within the provisions of temporary activities:

- National Environmental Standards for Air Quality
- National Environmental Standards for Electricity Transmission Activities
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards for Marine Aquaculture
- National Environmental Standards for Sources of Human Drinking Water
- National Environmental Standards for Plantation Forestry

### 3.2.4 Regional Policy Statement for Northland

Section 75(3)(c) of the RMA requires district plans to 'give effect' to any RPS. The RPS for Northland was made operative on 14 June 2018.

The RPS contains objectives and policies that relate to regional matters for the form of development in the regional context and in the Coastal Environment; protecting Natural Character, Outstanding Natural Features, Outstanding Natural Landscapes, Historic Heritage; and managing risk particularly in relation to Natural Hazards. Since the application is broad and at a regional level, there is unlikely to be conflict with the provisions for temporary activities, particularly if there are no long-term effects on these matters. Consideration of whether temporary activities are relevant to these matters is necessary, mainly in relation to earthworks and sensitive locations, but unlikely to arise if there are no permanent structures.

### 3.3 Regional Plan for Northland

Section 75(4)(b) of the RMA states that any district must not be inconsistent with a regional plan for any matter stated in section 30(1) of the RMA. The operative Northland Regional Plans and proposed Northland Regional Plan are summarised in the **Section 32 Overview Report**. There are no regional plan provisions that are directly relevant to temporary activities if there are no physical works provided for.

### 3.4 Iwi and Hapū Environmental Management Plans

When preparing and changing district plans, section 74(2A) of the RMA requires Council to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the District.

At present there are 14 iwi planning documents accepted by Council which are set out and summarised in the Section 32 Overview Report, namely:

- Ngāti Kuri Environmental Management Plan
- NgaiTakoto Environmental Plan
- Ahipara Takiwā Management Plan
- Haititaimarangai Marae Hapū Development Plan
- Te Runanga o Whaingaroa Environmental Management Plan
- Ngāti Rēhia Hapū Environmental Management Plan
- Ngāti Torehina Hapū Environmental Management Plan
- Kororareka Marae Society Hapū Environmental Management Plan
- Ngāti Kuta ki Te Rawhiti Environmental Management Plan
- Ngāti Hine Iwi Environmental Management Plan
- Ngātiwai Iwi Environmental Policy Document
- Ngāti Rangī Hapū Management Plan

- Ngā Hapū o Te Wahapū o Te Hokianga nui a Kupe Hapū Environmental Management Plan
- Te Roroa Iwi Environmental Policy Document

The key issues in these plans that have been taken into account in the preparation of the provision for temporary activities are as follows:

- The role of kaitiakitanga in the use and development of taonga; and
- Statutory acknowledgements, wahi tapu, coastal environment, and sensitive locations as appropriate for temporary activities with additional standards in the coastal environment and resource overlays.

### 3.5 Other Legislation and Policy Documents

When preparing or changing a district plan, section 74(2)(b)(i) of the RMA requires Council to have regard to management plans and strategies prepared under other Acts to the extent that it has a bearing on resource management issues of the District. The **Section 32 Overview Report** provides a more detailed overview of strategies and plans prepared under legislation that are relevant to PDP. This section provides an overview of other strategies and plans directly relevant to temporary activities.

#### 3.5.1 Long Term Plan – Community Outcomes

The community outcomes identified through the Long-Term Plan under the Local Government Act 2002 (LGA 2002) are relevant to temporary activities. The community outcomes are as follows:

- ***Communities that are healthy, safe, connected and sustainable*** - *Our aspiration is that communities have access to everything that they need to have a good quality of life. We have the freedom of opportunity and choice in the way that we live. We know our communities and can participate in all that they have to offer.*
- ***Connected and engaged communities prepared for the unexpected*** - *Our communities are aware, informed and well-equipped to be able to respond to an unexpected event. We are resilient and know that we can look to each other to get through whatever comes our way. This is our strength.*
- ***Proud, vibrant communities*** - *Our communities celebrate who they are and where they live. We embrace and respect the diversity within our communities and take pride in our unique places and spaces. We are working together to achieve our aspirations.*
- ***Prosperous communities supported by a sustainable economy*** - *Our communities are unlocking the potential of our district and are empowered to pursue opportunities. We are leveraging our valuable resources and producing quality products that will directly support our communities. Our communities are known for quality, for manaakitanga and for prosperity.*
- ***A wisely managed and treasured environment that recognises the special role of tangata whenua as kaitiaki*** - *Our natural resources are valued and are thriving. We are safeguarding them for the future and ensuring that they are being used sustainably. We are actively seeking balance in the environment to maintain its life-sustaining properties for everybody to enjoy.*
- ***We embrace and celebrate our unique culture and heritage and value it as a source of enduring pride*** - *Our unique culture and heritage define our journey as a district. We embrace and respect all cultures within our communities, and we are proud of our unique history.*

The temporary activities provisions align with these community outcomes since they provide the opportunity to celebrate local culture and heritage, and bring the community together for special events. Temporary activities are also likely to support the local economy where special events may also bring visitors and give an opportunity for local businesses to participate or provide accommodation and other services.



### 3.5.2 Any Bylaw

Of the 18 bylaws in effect<sup>1</sup> the following bylaws are those that may be directly relevant to temporary activities:

- Alcohol Control Bylaw
- Nuisances Bylaw
- Parking and Traffic Bylaw
- Vehicles on Beaches Bylaw
- Control of Earthworks Bylaw

These bylaws may impose additional requirements on components of temporary activities, and the provisions of the PDP do not override bylaws or cause conflict with them. The overview to the 'Temporary activities' chapter of the PDP specifically notes that there may be requirements to comply with bylaws.

### 3.5.3 Any other relevant legislation e.g. Building Act, Local Government Act

Temporary activities involving buildings and structures will be required to meet the Building Act 2004, except there are some exclusions to the definition of building e.g, network utility operator systems external to a building and pylons, free-standing towers and poles, scaffolding used for construction, containers, and falsework.

Legislative requirements under the Health Act, Reserves Act and other legislation including licensing for the sale of alcohol and food will continue to apply to events for temporary activities (Sale and Supply of Alcohol Act 2014, Food Act 2014). Where events, such as carnivals and fairs, involve a ride or attraction it will be subject to the registration and certification process of the Amusement Devices Regulations 1978.

The overview to the 'Temporary activities' chapter of the PDP specifically notes that there may be requirements of additional legislation with some of these examples listed.

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<sup>1</sup> [Bylaws Far North District Council \(fndc.govt.nz\)](http://fndc.govt.nz)

## 4 Current state and resource management issues

This section provides an overview of the current approach to manage temporary activities through the ODP, and key issues raised through consultation. It concludes with a summary of the key resource management issues for temporary activities to be addressed through the PDP.

### 4.1 Operative District Plan Approach

#### 4.1.1 Summary of current management approach

The current approach to temporary activities in the ODP is based on:

- Definitions for ‘temporary events’<sup>2</sup> and ‘temporary military training activity’<sup>3</sup>.
- The definition for ‘building’ only applies to permanent tents, marquees, or air supported canopies and excludes temporary buildings associated with the construction of a building if they do not exceed a 3m height or 15m<sup>2</sup> in area. It also applies to any building that requires a Building Consent.
- Provision for temporary signs is included within Chapter 16 Signs and Lighting.
- There are different noise limits for temporary events and temporary military training activities.
- No provision for temporary military training activities or temporary events in the urban environment (Residential, Commercial and Industrial zones).
- No provision for temporary military training activities or temporary events in the coastal environment (General Coastal, Coastal Living, Coastal Residential and South Kerikeri Inlet zones).
- No provision for temporary military training activities or temporary events in the recreation/conservation environment (Recreational Activities and Conservation zones).
- In the rural environment provision is made for temporary military training activities or temporary events only in the Rural Production zone (not in the Rural Living or Minerals zones).
- Temporary events are permitted activities that meet the following performance standards:
  - Do not have a duration of more than two days;
  - Operate within 0630 hours and 2200 hours;
  - Do not involve the assembly of more than 500 persons on each day;
  - Comply with the excavation and filling rules of chapter 12.3; and
  - Have a traffic management plan (including parking) approved by either Council or Waka Kotahi NZ Transport Agency that has been lodged at least 20 days prior to the event.

A temporary event need not comply with the zone rules nor the traffic, parking, and access provisions of Chapter 15.1. A temporary event must otherwise comply with the District wide rules and those matters specified within the rule itself. However, the performance standards for temporary events do not apply to temporary military training activities and temporary structures associated with the temporary events.

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<sup>2</sup> TEMPORARY EVENTS A temporary event is an infrequent event held outside a dedicated venue such as a showground or sports field which occurs no more frequently than once in any twelve month period on a particular site. It can encompass entertainment, cultural, educational and sporting events. It includes temporary removable structures associated with the event but does not include permanently licensed premises or Temporary Military Training Activities.

<sup>3</sup> TEMPORARY MILITARY TRAINING ACTIVITY Temporary Military Training Activity means a temporary military activity, which may include an activity on the surface of any waterbody, undertaken for Defence purposes. Defence purposes are those in accordance with the Defence Act 1990.

#### 4.1.2 Limitation with current approach

The Council has reviewed the current ODP approach, which has been informed by technical advice, internal workshops and feedback from the community and stakeholder feedback.

A number of limitations with the current ODP approach have been identified through this process, including the provision for temporary activities and temporary military training activities only in the Rural Production zone when there is a need for these activities in other zones.

## 4.2 Key issues identified through consultation

The **Section 32 Overview Report** provides a detailed overview of the consultation and engagement Council has undertaken with tangata whenua, stakeholders and communities throughout the District to inform the development of the PDP and the key issues identified through this consultation and engagement. This section provides an overview of key issues raised through consultation in relation to temporary activities.

### 4.2.1 Summary of issue raised through consultation

There was a low level of interest in temporary activities from the community through consultation and engagement of the PDP. Feedback was received from the New Zealand Defence Force (NZDF), Spark and Waka Kotahi NZ Transport Agency, and the greatest number of points were from the NZDF. Feedback through this process were:

- Temporary military training activities supported by the NZDF except changes sought to objectives and policies to manage adverse effects rather than to minimise them.
- Temporary activities have primacy over designations based on the structure of the plan.
- NZDF seek controlled activity status where temporary military training activities do not meet the standards, and additional provisions for minor earthworks, temporary damming and bridges, and additional time for set-up and pack-down beyond the 31 days permitted.
- Scale of temporary activities supported by Waka Kotahi based on the requirements for road controlling authority approval.
- Temporary network utilities supported by Spark given their need to deploy additional infrastructure to serve events or seasonal peak demand.

### 4.2.2 Summary of advice from iwi authorities

Section 32(4A)(a) of the RMA requires that evaluation reports include a summary of advice on a proposed plan received from iwi authorities. The **Section 32 Overview Report** provides an overview of the process to engage with tangata whenua and iwi authorities in the development of the PDP and key issues raised through that process. In relation to temporary activities, iwi authorities commented as follows:

- The overview does not recognise that temporary activities can adversely affect cultural values and ecological values if they are poorly located.
- Include ecological values and cultural values within the matters listed in TA-02.
- Amend the matters of discretion for TA-R7 'temporary buildings and structures within a resource overlay or coastal environment'.

Section 5 of this report outlines how the proposed management approach responds to this advice in accordance with section 32(4A)(b) of the RMA.

## 4.3 Summary of Resource Management Issues

Temporary activities were not identified as significant resource management issues (SMRI) in the development of the PDP since by their very nature they are of temporary duration and with temporary effects. The SMRI relate to broad issues that are most applicable to longer term activities and permanent development. However, there are some SMRI that remain relevant and should not be compromised even with temporary activities where they are likely to have permanent effects on:

- Heritage Management
- Indigenous Biodiversity
- Coastal Management
- Outstanding Landscapes and Features
- Significant Natural Areas

For those reasons, the standards that apply to temporary activities should be tailored to ensuring that any associated adverse effects are also temporary.

## 5 Proposed District Plan Provisions

The proposed provisions are set out in the Part 2, – District-Wide Matters – General District-Wide Matters – Temporary activities of the PDP. These provisions should be referred to in conjunction with this evaluation report.

### 5.1 Strategic Objectives

The PDP includes a strategic direction section which is intended to set out high level direction for the PDP and guidance on how best to implement outcomes sought by the PDP. The strategic objectives of direct relevance to temporary activities are:

- **SD-CP-O3:** The District's diverse cultures and communities are celebrated and cultural heritage recognised.
- **SD-SP-O3:** Encourage opportunities for fulfilment of our cultural, spiritual, environmental, and economic wellbeing.
- **SD-ECP-O1:** A high-earning diverse local economy, which is sustainable and resilient to economic downturns, with the District's Māori economy making a significant contribution.

These strategic objectives are of relevance since temporary activities provide for events that can provide an opportunity for communities to come together for events, bring visitors to the District, and make a contribution to the local economy.

### 5.2 Proposed Management Approach

This section provides a summary of the proposed management approach for temporary activities focusing on the key changes from the ODP. The **Section 32 Overview Report** outlines and evaluates general differences between the PDP provisions and the ODP, including moving from an effects-based plan to a 'hybrid plan' that includes effects and activities-based planning, and an updated plan format and structure to align with the national planning standards.

The main changes in the overall proposed management approach are:

- Improved provision for temporary buildings and activities associated with construction and demolition.
- Temporary activities are permitted activity in all zones; except the Natural Open Space, General Residential, Settlement, Kororāreka Russell Township and the Rural Residential zones; provided their scale is up to 500 persons on the site each day and operating between 0630 hours and 2200 hours.
- Providing for temporary military training activities across the District, rather than only in some rural areas.
- Setting a duration of up to 31 days per year for temporary military training activities rather than a duration that is unspecified.
- Greater duration of temporary activities for events (two days per event on two occasions per year, rather than one event in any twelve-month period for up to two days).
- Road controlling authority approval required (parking and access) for most temporary activities.
- Provision for aircraft and helicopter movements in all zones for emergency services (including civil defence), military, and conservation activities.
- Provision for temporary network utilities in all zones for up to 12 months.
- Temporary motorsport activity in the Rural Production zone is a restricted discretionary activity if it meets performance standards.

The sections below provide a high-level summary of the objectives, policies, and rules and other methods for temporary activities.

## 5.3 Summary of proposed objectives and provisions

This section provides a summary of the proposed objectives and provisions which are the focus of the section 32 evaluation in sections 7 and 8 of this report.

### 5.3.1 Summary of objectives

The proposed management approach for temporary activities includes objectives that:

- Recognise that temporary activities contribute to a vibrant District and enhance social, economic, and cultural wellbeing of communities (TA-O1).
- Seeks to minimise onsite and off-site adverse effects on the purpose, character, and amenity values of the zone, and the safety and efficiency of the transport network (TA-O2).

### 5.3.2 Summary of provisions

For the purposes of section 32 evaluations, 'provisions' are the *"policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change"*.

The proposed management approach for temporary activities includes policies that:

- Recognise that temporary activities can provide positive social, cultural and economic effects for people and the community (TA-P1).
- Ensure that temporary activities are appropriately managed in the receiving environment by providing for them where they are for a limited duration, do not result in permanent adverse effects, and do not adversely affect the transport network. (TA-P2).
- Allow for temporary motorsport activities in the Rural Production zone where they are for a limited duration, do not adversely affect the transport network, and do not result in excessive noise and dust effects (TA-P3).
- Outline matters to be considered when assessing proposals for a temporary activity (TA-P4).

The proposed management approach for temporary activities includes rules and standards that:

- Allow for temporary activities in all zones except the Natural Open Space, General Residential, Settlement and the Rural Residential zones.
- Limit the duration and frequency of temporary activities.
- Limit the scale of temporary activities to a maximum of 500 persons on the site each day.
- Limit the hours for the temporary activity to between 0630 to 2200 hours each day.
- Require that any ancillary building or structure be removed within seven days of the activity finishing.
- Require road controlling authority approval.
- Allow for temporary military training activities and emergency services training activities in all zones for up to 31 days per year and subject to other performance standards.
- Allow for temporary buildings and structures permitted for construction.
- Allow for the demolition of buildings or structures permitted.
- Allow aircraft and helicopter movements (land and take-off) for emergency services (including civil defence), military, or conservation activities.
- Allow for temporary network utilities for up to 12 months and subject to 2m minimum setback requirement in the General Residential or Rural Settlement zones.
- Require a resource consent for temporary motorsport activities as a restricted discretionary activity in the Rural Production zone.

The proposed management approach for temporary activities does not involve additional methods to implement and give effect to the objectives.

### 5.3.3 Responding to advice from iwi authorities

Section 32(4A) of the RMA requires evaluation reports to summarise advice received from iwi authorities on a proposed plan and the response to that advice, including any provisions that are intended to give effect to the advice.

Section 4.2.2 of this report provides a summary of the advice received from Te Runanga O Te Rarawa on temporary activities. The proposed management approach responds to this advice as follows:

- Part 2 - District-wide matters still applies to any temporary activity when determining if consent is required, including historic heritage, sites and areas of significance to Māori, ecosystems and indigenous biodiversity, earthworks, and the Treaty settlement land overlay. Therefore, it is not considered necessary to amend the overview to indicate that temporary activities can adversely affect cultural values and ecological values if they are poorly located.
- For the same reason as above, ecological values and cultural values have not been included within the matters listed in TA-02.
- Rule TA-R7 'temporary buildings and structures within a resource overlay or coastal environment' has been deleted from the chapter as the coastal environment and overlays (Treaty settlement land overlay and Mineral extraction overlay) sit in Part 2 and still apply.

## 6 Approach to Evaluation

### 6.1 Introduction

The overarching purpose of section 32 of the RMA is to ensure all proposed statements, standards, regulations, plans, or changes are robust, evidence-based and are the most appropriate, efficient, and effective means to achieve the purpose of the RMA. At a broad level, section 32 requires evaluation reports to:

- Examine whether the objectives in the proposal are the most appropriate to achieve the purpose of the RMA.
- Examine whether the provisions are the most appropriate way to achieve the objectives through identifying reasonably practicable options and assessing the efficiency and effectiveness of the provisions, including an assessment of environmental, economic, social and cultural benefits and costs.

These steps are important to ensure transparent and robust decision-making and to ensure stakeholders and decision-makers can understand the rationale for the proposal. There are also requirements in section 32(4A) of the RMA to summarise advice received from iwi authorities on the proposal and the response to that advice through the provisions.

### 6.2 Evaluation of Scale and Significance

Section 32(1)(c) of the RMA requires that evaluation reports contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of this proposal. This step is important as it determines the level of detail required in the evaluation of objectives and provisions so that it is focused on key changes from the status quo.

The scale and significance of the environmental, economic, social and cultural effects of the provisions for temporary activities are evaluated in the table below.

Criteria	Comment	Assessment
Raises any principles of the Treaty of Waitangi	Where associated effects are temporary and of limited duration, it is unlikely to raise principles of the Treaty of Waitangi.	Low
Degree of change from the ODP	Greater provision for temporary military training activities in all parts of the District and for temporary activities in most zones rather than just rural areas.	Medium
Effects on matters of national importance	Where associated effects are temporary and of limited duration, it is unlikely to affect matters of national importance.	Low
Scale of effects – geographically (local, district wide, regional, national).	District-wide, but of limited duration. Temporary construction and demolition effects are necessary for continued development.	Low
Scale of people affected – current and future generations (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).	District-wide application with benefits for current and future generations.	High
Scale of effects on those with	Generally positive effects for all communities and	Low



Criteria	Comment	Assessment
specific interests, e.g., Tangata Whenua	special interests since the provisions are enabling and allow them to organise events or undertake a range of temporary activities.	
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	Limited potential for policy risk where associated effects are temporary and of limited duration, but some locations may be more sensitive than others.	Low

### 6.3 Summary of scale and significance assessment

Overall, the scale and significance of the effects from the proposal is assessed as being **low**. Consequently, a low level of detail is appropriate for the evaluation of the objectives and provisions for temporary activities in accordance with section 32(1)(c) of the RMA.

This evaluation focuses on the key changes in the proposed management approach from the ODP. Minor changes to provisions for clarification and to reflect new national and regional policy direction are not included in the evaluation in sections 7 and 8 below.

## 7 Evaluation of Objectives

Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. The assessment of the appropriateness of the objectives for temporary activities is against four criteria to test different aspects of ‘appropriateness’ as outlined below. No assessment has been made of the existing objective framework as the OPD does not have a stand-alone temporary activities chapter.

Criteria	Assessment
Relevance	<ul style="list-style-type: none"> <li>Is the objective directly related to a resource management issue?</li> <li>Is the objective focused on achieving the purpose of the RMA?</li> </ul>
Usefulness	<ul style="list-style-type: none"> <li>Will the objective help Council carry out its RMA functions?</li> <li>Does the objective provide clear direction to decision-makers?</li> </ul>
Reasonableness	<ul style="list-style-type: none"> <li>Can the objective be achieved without imposing unjustified high costs on Council, tangata whenua, stakeholders, and the wider community?</li> </ul>
Achievability	<ul style="list-style-type: none"> <li>Can the objective be achieved by those responsible for implementation?</li> </ul>

Section 32 of the RMA encourages an holistic approach to assessing objectives rather than necessarily looking at each objective individually. This recognises that the objectives of a proposal generally work inter-dependently to achieve the purpose of the RMA. As such, both objectives for temporary activities are included in the evaluation below.

<b>Objective TA-O1:</b> Temporary activities contribute to a vibrant District and enhance social, economic, and cultural wellbeing of communities.	
<b>Relevance</b>	<ul style="list-style-type: none"> <li>The objective is directly related to a resource management issue since it is enabling temporary activities.</li> <li>The objective is focused on achieving the purpose of the RMA since it relates to the social, economic, and cultural wellbeing of communities.</li> </ul>
<b>Usefulness</b>	<ul style="list-style-type: none"> <li>The objective will help Council carry out its RMA functions in promoting positive outcomes for its communities.</li> <li>The objective will provide clear direction to decision-makers to recognise the benefits of temporary activities and why they should be considered separately from permanent uses and development.</li> </ul>
<b>Reasonableness</b>	<ul style="list-style-type: none"> <li>The objective can be achieved without imposing unjustified high costs on Council, tangata whenua, stakeholders, and the wider community since it recognises the positive benefits relating to temporary activities and enabling them.</li> </ul>
<b>Achievability</b>	<ul style="list-style-type: none"> <li>The objective can be achieved by those responsible for implementation.</li> </ul>
<b>Overall evaluation</b>	
The objective outlines the benefits of enabling temporary activities and meets the relevant criteria.	

<b>Objective TA-O2:</b> Temporary activities can take place while managing on-site and off-site adverse effects on:	
a. the purpose, character and amenity values of the zone, and b. the safety and efficiency of the transport network.	
<b>Relevance</b>	<ul style="list-style-type: none"> <li>The objective is directly related to a resource management issue since it is related to managing the effects of temporary activities.</li> <li>The objective is focused on achieving the purpose of the RMA where the effects of temporary activities are appropriately managed.</li> </ul>

<b><i>Usefulness</i></b>	<ul style="list-style-type: none"> <li>• The objective will help Council carry out its RMA functions while removing barriers when the effects of temporary activities will generally be acceptable.</li> <li>• The objective will provide clear direction to decision-makers of the performance standards to be met and the effects to be managed.</li> </ul>
<b><i>Reasonableness</i></b>	<ul style="list-style-type: none"> <li>• The objective can be achieved without imposing unjustified high costs on Council, tangata whenua, stakeholders, and the wider community since it recognises the positive benefits relating to temporary activities and enabling them and avoiding delay or unnecessary costs or process.</li> </ul>
<b><i>Achievability</i></b>	<ul style="list-style-type: none"> <li>• The objective can be achieved by those responsible for implementation.</li> </ul>
<p><b><u>Overall evaluation</u></b></p> <p>The objective is focussed on minimising adverse effects and this approach meets the relevant criteria. The objective would be improved if it were to manage adverse effects, rather than minimise adverse effects since that is a more accurate description of the approach.</p>	

## 8 Evaluation of Provisions to Achieve the Objectives

### 8.1 Introduction

Section 32(1)(b) of the RMA requires the evaluation report to examine whether the provisions are the most appropriate way to achieve the objectives by:

- (i) *identifying other reasonably practicable options for achieving the objectives; and*
- (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) *summarising the reasons for deciding on the provisions.*

When assessing the efficiency and effectiveness of the provisions in achieving the objectives, section 32(2) of the RMA requires that the assessment:

- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
  - (i) *economic growth that are anticipated to be provided or reduced; and*
  - (ii) *employment that are anticipated to be provided or reduced; and*
- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

This section provides an assessment of reasonably practicable options and associated provisions (policies, rules, and standards) for achieving the objectives in accordance with these requirements. This assessment of options is focused on the key changes from the status quo as outlined in the 'proposed management approach' in Section 5.2 of this report.

Each option is assessed in terms of the benefits, costs, and effectiveness and efficiency of the provisions, along with the risks of not acting or acting when information is uncertain or insufficient. For the purposes of this assessment:

- **effectiveness** assesses how successful the provisions are likely to be in achieving the objectives and addressing the identified issues
- **efficiency** measures whether the provisions will be likely to achieve the objectives at the least cost or highest net benefit to society.

The sections below provide an assessment of options (and associated provisions) for achieving the objectives in accordance with sections 32(1)(b) and 32(2) of the RMA.

### 8.2 Quantification of benefits and costs

Section 32(2)(b) of the RMA requires that, where practicable, the benefits and costs (environmental, economic, social and cultural) of a proposal are quantified. The requirement to quantify benefits and costs if practicable recognises it is often difficult and, in some cases, inappropriate to quantify certain costs and benefits through section 32 evaluations, particularly those relating to non-market values.

As discussed in Section 6.2, the scale and significance of the effects of proposed changes for temporary activities are assessed as being low. Therefore, exact quantification of the benefits and costs of the different options to achieve the objectives is not considered to be necessary or practicable for temporary activities. Rather this evaluation focuses on providing a qualitative assessment of the environmental, economic, social, and cultural benefits and costs anticipated from the provisions.

### 8.3 Evaluation of options

There are two options requiring evaluation:

1. Status quo;
2. Proposed approach.

#### 8.3.1 Option 1: Status quo

<i>Option 1: Provision for temporary activities only in parts of the Rural Environment.</i>		
<b>Benefits</b>	<b>Costs</b>	<b>Risk of acting / not acting</b>
<ul style="list-style-type: none"> <li>• As there would be no change to plan provisions, the existing controls are well understood by Council and Plan users.</li> <li>• There are economic benefits to the District where temporary activities draw visitors and create demand for local goods and services.</li> <li>• There are social benefits in providing for temporary activities where events bring the community together.</li> <li>• There are cultural benefits where events for temporary activities bring the community together or allow groups within the community in a way that celebrates their identity or promotes an understanding of different cultural heritage and backgrounds.</li> </ul> <p><b><u>Economic growth and employment opportunities</u></b></p> <ul style="list-style-type: none"> <li>• Economic growth and employment are possible with events that generate visitors to the District or allow local businesses to service temporary activities, but this is restricted to parts of the Rural Environment rather than all areas. A site is also restricted to one temporary event per year for up to two days duration in a 12-month period.</li> </ul>	<ul style="list-style-type: none"> <li>• There are temporary costs to the environment, but these immediately cease at the cessation of the activity. Costs could be changes to amenity, traffic generation, noise, and other similar effects on the environment on a temporary basis.</li> <li>• Temporary events are only permitted in some parts of the rural environment currently. When parks and public spaces or other zones provide better facilities for events there is an economic cost for obtaining resource consent.</li> <li>• The range of temporary activities is permitted with the status quo. Therefore, there are several public purposes (e.g., emergency management training) that may bear the economic costs of the resource consent process, or some temporary activities (e.g., construction or demolition) that may also face additional cost for what is an accepted part of development.</li> <li>• Temporary military training activities have a need for training in a range of settings including urban areas that are not currently provided for. This represents a social cost of reduced preparedness.</li> </ul>	<ul style="list-style-type: none"> <li>• The risk of acting to provide for temporary activities where the effects are also temporary and can be predicted and managed to an acceptable scale within a short duration is low. Temporary activities are reasonably certain with a good evidence base to support this approach.</li> <li>• The risk of not acting is to provide obstacles and barriers to temporary activities that may be unnecessary when the likely effects are known and can be effectively managed in most circumstances and the temporary activity will be for a short duration.</li> </ul>

	<ul style="list-style-type: none"> <li>Cultural costs are those associated with preventing the communities from coming together for temporary events to celebrate or recognise diverse backgrounds or shared experiences.</li> </ul> <p><b><u>Economic growth and employment opportunities</u></b></p> <ul style="list-style-type: none"> <li>Additional economic growth and employment opportunities will be lost if the allowable frequency of events is not increased or a wider range of locations are not available. Any barriers to providing for temporary events makes them less likely to occur.</li> </ul>	
<p><b><u>Effectiveness</u></b></p> <ul style="list-style-type: none"> <li>The option is partly effective in providing for temporary activities since it is restricted to some locations, an infrequent basis of one event per year, and a limited range of temporary activities. Temporary military training activities are also restricted to only parts of the rural environment when there is public benefit in extending this to other parts of the District. Therefore, the option is only partially effective as a result.</li> </ul>	<p><b><u>Efficiency</u></b></p> <ul style="list-style-type: none"> <li>The status quo is not efficient across the District. Although it enables temporary activities in limited circumstances, it is inefficient for temporary activities in other circumstances where effects can be appropriately managed without requiring resource consent.</li> </ul>	
<p><b><u>Overall evaluation</u></b></p> <p>On balance this option is not considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> <li>Some temporary activities are excluded (e.g., temporary network utilities)</li> <li>Locations for temporary activities are restricted to only parts of the rural environment</li> <li>The frequency of temporary activities is restricted to up to 2 days on one occasion per year and this is unnecessarily restrictive</li> <li>Unnecessary costs for resource consent applications for temporary activities where the effects can be managed and are generally accepted for short periods.</li> </ul>		

### 8.3.2 Option 2: Proposed approach

<i>Option 3 Broaden the types of temporary activities and their location and align with Planning Standards</i>		
<b>Benefits</b>	<b>Costs</b>	<b>Risk of acting / not acting</b>
<ul style="list-style-type: none"> <li>• There are benefits to the environment as the provisions seek to ensure that adverse effects from temporary activities are appropriately managed.</li> <li>• There are economic benefits to the District as temporary activities draw visitors and create demand for local goods and services. The proposed approach allows for a wider range of temporary activities and in more locations for additional benefits beyond the status quo.</li> <li>• There are social benefits in providing for temporary activities where events bring the community together. The proposed approach provides for a greater frequency of temporary activities and in additional locations, and enables a wider range of temporary activities to be undertaken.</li> <li>• There are cultural benefits where events for temporary activities bring the community together or allow groups within the community in a way that celebrates their identity or promotes an understanding of different cultural heritage and backgrounds.</li> </ul> <p><b><u>Economic growth and employment opportunities</u></b></p> <ul style="list-style-type: none"> <li>• Greater opportunities for economic growth and employment as the provisions better enable events that generate visitors to the District or allow local businesses to service temporary activities. The value of economic growth and employment opportunities is greater than the status quo by increasing the frequency, types of temporary activities, and expanding their location to most parts of the District.</li> </ul>	<ul style="list-style-type: none"> <li>• There are temporary costs to the environment, but these immediately cease when the temporary activity does. Costs could be changes to amenity, traffic generation, noise, and other similar effects on the environment on a temporary basis. There is a marginal increase of the temporary costs on the environment if the number of temporary activities increases.</li> <li>• As the range of temporary activities permitted is increased, so the economic costs of the resource consent process will be incurred on fewer occasions.</li> <li>• Temporary military training activities are permitted in a wider range of settings including urban areas that is not currently provided for under the Operative Plan. There are lower social costs by enabling greater preparedness.</li> <li>• Cultural costs are those associated with preventing the communities from coming together for temporary events to celebrate or recognise diverse backgrounds or shared experiences, but this is allowable on a greater number of occasions than the status quo.</li> </ul> <p><b><u>Economic growth and employment opportunities</u></b></p> <ul style="list-style-type: none"> <li>• The costs of fewer economic growth and employment opportunities will be lower than for the status quo where the allowable frequency of events is increased and to a wider range of locations. Reduced barriers to providing for temporary events</li> </ul>	<ul style="list-style-type: none"> <li>• The risk of acting to provide for temporary activities where the effects are also temporary and can be predicted and managed to an acceptable scale with a short duration is low. Experience with temporary activities means that broadly temporary activities are reasonably certain with a good evidence base to support this approach.</li> <li>• Not acting would put in place barriers to temporary activities that may be unnecessary when the likely effects are known and can be effectively managed in most circumstances and will be for a short duration.</li> </ul>

	<p>makes them more likely to occur. However, there may still be economic costs for temporary activities which require resource consent where the rules are not met.</p>	
<p><b><u>Effectiveness</u></b></p> <ul style="list-style-type: none"> <li>• This option is more effective than the status quo since it provides for temporary activities in more locations, increases the frequency of events per year, and increases the range of temporary activities allowed. It is also more effective using defined terms and additional definitions than Option 2. Temporary military training activities are permitted in more parts of the District when there is public benefit in extending this to other parts of the District. Therefore, the option is more effective than the status quo as a result.</li> </ul>	<p><b><u>Efficiency</u></b></p> <ul style="list-style-type: none"> <li>• Removing a requirement to apply for resource consent for temporary activities where the effects can be managed to an acceptable level removes the unnecessary cost of obtaining a resource consent with a high net benefit based on the analysis of benefits and risks. This has been recognised for a wider range temporary activities and locations in the District which represents greater efficiency than for the status quo. It is also more efficient in that it removes uncertainty of application of provisions through improved structure and consistency for the use of terms.</li> </ul>	
<p><b><u>Overall evaluation</u></b></p> <p>On balance this option is considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> <li>• A wider range of temporary activities are included than for the status quo, and it is further assisted by additional definitions or the use of existing defined terms, as well as further revisions to improve the structure and application of the provisions.</li> <li>• Provisions relating to earthworks and temporary activities in the resource overlay or coastal environment are unnecessary and should be removed.</li> <li>• Provisions relating to transport and temporary activities in the resource overlay or coastal environment are unnecessary and should be removed.</li> <li>• Designations should not be subordinate to temporary activities in the proposed structure since designations are listed as an exception to provisions in Part 3 where temporary activities take precedence.</li> <li>• It is not necessary to minimise the adverse effects of temporary activities, rather it is more appropriate to manage them.</li> <li>• Temporary buildings and structures for temporary military training activities should not be required to comply with bulk and location requirements since the effects are temporary.</li> <li>• Provisions relating to construction activity have been clarified to include demolition.</li> </ul>		



## 9 Summary

An evaluation of the proposed objectives and provisions for temporary activities has been carried out in accordance with section 32 of the RMA. This evaluation has concluded that the objectives are the most appropriate way to achieve the purpose of the RMA and the provisions are the most appropriate way to achieve the objectives for the following reasons:

- A wider range of temporary activities can be accommodated in more locations and more frequently with greater benefits and marginally increased costs as compared to the status quo.
- The PDP follows the district plan structure of the Planning Standards.
- Where the adverse effects of temporary activities are effectively managed and of limited duration without permanent effects, they are unlikely to conflict with national or regional planning instruments.
- It will provide the right balance between supporting temporary activities that contribute to a vibrant district, and provides for the District's communities, cultural, social and economic wellbeing, while still regulating activities that result in more than temporary adverse effects.