

# **Wellington City Proposed District Plan**

## **Hearing Stream 7 – Temporary Activities, APP6 – Permitted Noise Standards for Temporary Activities and APP7 – Temporary Activities Event Management Plan.**

### **Section 42A of the Resource Management Act 1991**

## Document Information

**REPORT FOR:** **Independent Hearings Commissioners:**  
Trevor Robinson (Chair)  
Liz Burge  
David McMahon  
Robert Schofield

**SUBJECT:** **Wellington City Proposed District Plan –  
Temporary Activities, APP6 – Permitted  
Noise Standards for Temporary  
Activities and APP7 – Temporary  
Activities Event Management Plan.**

**PREPARED BY:** Hayden Beavis

**REPORT DATED:** 20/02/2024

**DATE OF HEARING:** 19/03/2024

## Executive Summary

- i. This report considers submissions received by Wellington City Council in relation to the relevant objectives, policies, rules, definitions, appendices and maps of the Wellington City Proposed District Plan as they apply to Temporary Activities chapter and Appendix 6 – Permitted Noise Standards for Temporary Activities (APP6).
- ii. There were a number of submissions and further submissions received on TEMP chapter and APP6. The submissions received were diverse and sought a range of outcomes. The report outlines recommendations in response to the issues that have emerged from these submissions. Submissions on other aspects of noise are addressed in the NOISE chapter s42A Report.
- iii. The following are considered to be the key issues in contention in the Temporary Activities chapter:
  - a. Temporary Military Training Activities; and
  - b. Temporary Emergency Services Training Activities.
  - c. Safety of the transport network.
- iv. This report addresses each of these key issues, as well as any other relevant issues raised in the submissions.
- v. Appendix A of this report sets out the recommended changes to the Temporary Activities chapter in full. These recommendations takes into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents.
- vi. The Temporary Activities chapter is also subject to a number of consequential amendments arising from submissions to the whole of the Proposed District Plan and other chapters.
- vii. For the reasons set out in the further evaluations that are incorporated throughout this report (meeting the RMA Section 32AA requirements), the proposed objectives and associated provisions, with the recommended amendments, are considered to be the most appropriate means to:
  - a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
  - b. Achieve the relevant objectives of the Proposed District Plan, in respect to the proposed provisions.

# Contents

Document Information.....	2
Executive Summary.....	3
Contents .....	4
Interpretation .....	7
Table 1: Abbreviations .....	7
1.0 Introduction .....	9
1.1 Purpose.....	9
1.2 Author and Qualifications .....	9
1.3 Code of Conduct .....	10
1.4 Key resource management issues in contention .....	10
1.5 Procedural Matters.....	10
2.0 Background and Statutory Considerations.....	12
2.1 Resource Management Act 1991.....	12
2.2 Schedule 1 and ISPP.....	12
2.3 Section 32AA.....	12
2.4 Trade Competition.....	13
3.0 Consideration of Submissions and Further Submissions.....	13
3.1 Overview.....	13
3.1.1 Report Structure .....	13
3.1.2 Format for Consideration of Submissions .....	14
3.2 Definitions .....	14
3.2.1 Matters raised by submitters .....	14
3.2.2 Assessment .....	15
3.2.3 Summary of recommendations .....	15
3.3 General Submissions.....	16
3.3.1 Matters raised by submitters .....	16
3.3.2 Assessment .....	17
3.3.3 Summary of recommendations .....	19
3.4 TEMP-P5 – Temporary Military Training Activities .....	19
3.4.1 Matters raised by submitters .....	19
3.4.2 Assessment .....	19
3.4.3 Summary of recommendations .....	20
3.5 TEMP-R1 – Temporary activities, excluding short term filming and temporary military training activities.....	20

3.5.1	Matters raised by submitters .....	20
3.5.2	Assessment .....	20
3.5.3	Summary of recommendations .....	20
3.6	TEMP-R3 – Temporary Military Training Activities .....	21
3.6.1	Matters raised by submitters .....	21
3.6.2	Assessment .....	22
3.6.3	Summary of recommendations .....	24
3.7	TEMP-R6 – Temporary buildings or structures ancillary to a temporary activity .....	26
3.7.1	Matters raised by submitters .....	26
3.7.2	Assessment .....	26
3.7.3	Summary of recommendations .....	26
3.8	TEMP-S1 – Maximum duration of a temporary activity excluding short-term filming activities and temporary military training activities.....	27
3.8.1	Matters raised by submitters .....	27
3.8.2	Assessment .....	27
3.8.3	Summary of recommendations .....	28
3.9	TEMP-S3 – Hours of Operation .....	29
3.9.1	Matters raised by submitters .....	29
3.9.2	Assessment .....	29
3.9.3	Summary of recommendations .....	29
3.10	TEMP-S6 - Temporary Military Training Activities .....	29
3.10.1	Matters raised by submitters .....	29
3.10.2	Assessment .....	30
3.10.3	Summary of recommendations .....	31
3.11	TEMP-S7 – Temporary building or structure .....	32
3.11.1	Matters raised by submitters .....	32
3.11.2	Assessment .....	33
3.11.3	Summary of recommendations .....	33
3.12	Appendix 6 – Permitted Noise Standards for Temporary Activities .....	33
3.12.1	Matters raised by submitters .....	33
3.12.2	Assessment .....	34
3.12.3	Summary of recommendations .....	38
3.12.4	Section 32AA .....	40
3.13	Appendix 7 – Temporary Activities Event Management Plan.....	40
3.13.1	Matters raised by submitters .....	40
3.13.2	Assessment .....	40
3.13.3	Summary of recommendations .....	40
4.0	Minor and inconsequential amendments.....	41

5.0	Conclusion .....	41
5.1	Recommendations .....	42
6.0	Appendix A: Recommended Amendments to the Temporary Activities Chapter, Appendix 6 - Permitted noise standards for temporary activities, and Appendix 7 - APP7 – Temporary Activities Event Management Plan .....	43
6.1	Appendix B: Recommended Responses to Submissions and Further Submissions on Temporary Activities Chapter, Appendix 6 - Permitted noise standards for temporary activities, and Appendix 7 - APP7 – Temporary Activities Event Management Plan .....	44

## Interpretation

**Table 1: Abbreviations**

<b>Abbreviation</b>	<b>Means</b>
the Act / the RMA	Resource Management Act 1991
the Enabling Act	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
the Council	Wellington City Council
the Operative Plan/ODP	Operative Wellington City District Plan
the Proposed Plan/PDP	Proposed Wellington City District Plan
GWRC	Greater Wellington Regional Council
NES	National Environmental Standard
NES-AQ	National Environmental Standards for Air Quality 2004
NES-CS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NES-FW	National Environmental Standards for Freshwater 2020
NES-MA	National Environmental Standards for Marine Aquaculture 2020
NES-PF	National Environmental Standards for Plantation Forestry 2017
NES--SDW	National Environmental Standards for Sources of Drinking Water 2007
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-UD	National Policy Statement on Urban Development 2020
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
PNRP	Proposed Wellington Natural Resources Plan (Decisions Version) 2019
RPS	Wellington Regional Policy Statement 2013
Spatial Plan	Spatial Plan for Wellington City 2021
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991
WFE	Weapons firing and/or explosives use

**Table 2: Abbreviations of Submitters' Names**

<b>Abbreviation</b>	<b>Means</b>
Dept of Corrections	Ara Poutama Aotearoa the Department of Corrections
DOC	Department of Conservation Te Papa Atawhai
FENZ	Fire and Emergency New Zealand
Foodstuffs	Foodstuffs North Island Limited
Forest and Bird	Royal Forest and Bird Protection Society
GWRC	Greater Wellington Regional Council
Harvey Norman	Harvey Norman Properties (N.Z.) Limited
Heritage NZ	Heritage New Zealand Pouhere Taonga
House Movers Association	House Movers section of the New Zealand Heavy Haulage Association Inc
KiwiRail	KiwiRail Holdings Limited
NZDF	New Zealand Defence Force
Oil companies	Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Limited
Oranga Tamariki	Oranga Tamariki – Ministry of Children
QEII	Queen Elizabeth the Second National Trust
RNZ	Radio New Zealand
Screen Production and Development Association	SPADA
Survey+Spatial	Survey+Spatial New Zealand (Wellington Branch)
Telco	Spark New Zealand Trading Limited, Chorus New Zealand Limited, Vodafone New Zealand Limited
Transpower	Transpower New Zealand Ltd
TROTR	Te Rūnanga o Toa Rangatira
Waka Kotahi	Waka Kotahi NZ Transport Agency
WE	Wellington Electricity Lines Limited
WIAL	Wellington International Airport Limited
Woolworths	Woolworths New Zealand Limited

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



## 1.0 Introduction

### 1.1 Purpose

1. This report is prepared under section 42A of the Resource Management Act 1991 (the **RMA**) to:
  - a. Assist the Hearings Panel in their role as Independent Commissioners in making their recommendations on the submissions and further submissions on the Wellington City Proposed District Plan (the **PDP**); and
  - b. Provide submitters with information on how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.
2. This report considers submissions received by the Council in relation to the relevant objectives, policies, rules, definitions and appendices as they apply to the Temporary Activities chapter in the PDP.
3. This report discusses general issues, the original and further submissions received following notification of the PDP, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the PDP provisions or maps based on the assessment and evaluation contained in the report.
4. This report is intended to be read in conjunction with the Section 42A Assessment Report: Part A – Overview, which sets out the statutory context, background information and administrative matters pertaining to the District Plan review and PDP.
5. The Temporary Activities chapter of the PDP contains provisions which link to other parts of the PDP. The following listed chapters of the PDP are particularly relevant. This report will address these chapters as necessary.
6. Any other relevant parts of the PDP will be addressed in this report as necessary.
7. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report, or may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

### 1.2 Author and Qualifications

8. My full name is Hayden Callum Beavis. I am a Planning Advisor in the District Plan Team at Wellington City Council (the **Council**).
9. My role in preparing this report is that of an expert in planning.
10. I hold the qualification of Bachelor of Laws from Victoria University of Wellington. I am an Associate Member of the New Zealand Planning Institute.
11. I have 20 months experience in planning and resource management. I have experience working in Local Government for Long Term and Annual Planning processes as well as contracts management experience.

12. Since joining the District Plan Team in July 2022 I have been involved with the submissions and further submissions process, as well as varying degrees of input across many chapters notified under the ISPP process. Of particular note I had significant input into the Viewshafts, Commercial Zone, Subdivision and Noise chapters.
13. I am also the reporting officer on the Lighting chapter, and have acquired the Viewshaft chapter.

### **1.3 Code of Conduct**

14. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court, which came into effect on 1 January 2023. I have complied with the Code of Conduct when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
15. Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
16. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

### **1.4 Key resource management issues in contention**

17. 57 submission points and 5 further submission points were received on the provisions relating to this topic.
18. Key topics arising in the submissions and further submissions were:
  - a. Temporary Military Training Activities
  - b. Temporary Emergency Services Training Activities
19. The following provisions are not in contention or needing further consideration because there were no submissions on them:
  - a. TEMP-O1, TEMP-O2, TEMP-O3
  - b. TEMP-P1, TEMP-P2, TEMP-P6
  - c. TEMP-R2, TEMP-R5,
  - d. TEMP-S5,
20. The following provisions are not in contention or needing further consideration because they were all in support and seek that the respective provisions are retained as notified, and I do not recommend any changes to the provisions:
  - a. TEMP-P3, TEMP-P4,
  - b. TEMP-R4
  - c. TEMP-S4.

### **1.5 Procedural Matters**

21. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA

meetings or expert witness conferencing in relation to submissions on Temporary Activities chapter.

22. There are not considered to be any other procedural matters to note.

## 2.0 Background and Statutory Considerations

### 2.1 Resource Management Act 1991

23. 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.
24. As set out in Section 32 Evaluation Report Part 1 – Context to Evaluation and Strategic Objectives, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are discussed in detail within the Section 32 Evaluation Report for Temporary Activities.

### 2.2 Schedule 1 and ISPP

25. As detailed earlier in the section 42A Overview Report, the Council has chosen to use two plan review processes:
- a. The Intensification Streamlined Planning Process (ISPP) under Part 6 of Schedule 1 of the RMA for the intensification planning instrument (IPI). There are no appeal rights on ISPP provisions.
  - b. For all other PDP provisions and content, Part 1 of Schedule 1 process is used. Part 1 Schedule 1 provisions can be appealed.
26. For this topic, all provisions fall under the Part 1 Schedule 1 process.

### 2.3 Section 32AA

27. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

***32AA Requirements for undertaking and publishing further evaluations***

*(1) A further evaluation required under this Act—*

*(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*

*(b) must be undertaken in accordance with section 32(1) to (4); and*

*(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*

*(d) must—*

*(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*

*(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

*(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

28. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic is contained within the assessment of the relief sought in submissions of this report, as required by s32AA(1)(d)(ii).
29. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated. No re-evaluation has been undertaken if the amendments have not altered the policy approach.

## **2.4 Trade Competition**

30. Trade competition is not considered relevant to the provisions of the PDP relating to this topic.
31. There are no known trade competition issues raised within the submissions.

## **3.0 Consideration of Submissions and Further Submissions**

### **3.1 Overview**

32. There were 13 submitters who collectively made 64 submission points on this topic, including Appendix 6 and Appendix 7.
33. There were 4 further submitters who collectively made 5 further submission points.

#### **3.1.1 Report Structure**

34. Submissions on this topic raised a number of issues that have been grouped into sub-topics within this report. Some of the submissions are addressed under a number of topic headings based on the topics contained in the submission. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submissions to which they relate.
35. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission-by-submission approach. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified.
36. Recommended amendments are contained in the following appendices:
  - a. Appendix A – Recommended Amendments to the Temporary Activities Chapter, Appendix 6 and Appendix 7 of the PDP.

b. Appendix B – Recommended Responses to Submissions and Further Submissions on Temporary Activities Chapter, Appendix 6 and Appendix 7 of the PDP.

37. The following evaluation should be read in conjunction with the summaries of submissions and further submissions, and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in Appendix B. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Temporary Activities chapter with recommended amendments in response to submissions as Appendix A.
38. This report only addresses definitions that are specific to this topic. Definitions that relate to the PDP generally have been addressed in Hearing Stream 1 and the associated section 42A report.

### 3.1.2 Format for Consideration of Submissions

39. For each identified topic, the consideration of submissions has been undertaken in the following format:
- Matters raised by submitters;
  - Assessment; and
  - Summary of recommendations.
40. The recommended amendments to the relevant parts of the PDP are set out in Appendix A of this report where all text changes are shown in a consolidated manner.
41. I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.

## 3.2 Definitions

### 3.2.1 Matters raised by submitters

42. Fire and Emergency New Zealand [273.19, 273.18] (Supported by New Zealand Defence Force [FS104.2]) seek that the definition of Temporary Activities is amended as follows:

#### **Temporary Activities**

means any short term activities that are primarily held outdoors, on public or private land and that are intended to have a limited duration and incidence. This includes non-permanent ancillary buildings and structures associated with temporary activities.

Temporary activities include:

1. Festivals, and exhibitions;
2. Fairs, carnivals and temporary markets;
3. Parades and ceremonies;
4. Council organised public firework displays;
5. Any short-term filming;
6. Public meetings;
7. Sporting and recreation events and associated temporary parking; and
8. Site offices for construction projects.

It excludes:

1. temporary military training activity; and

## 2. temporary emergency services training activity.

43. Massey University [253.2] seek that the definition of “Temporary Activities” is retained as notified.
44. Wellington International Airport Limited [406.43, 406.44] (Supported by Guardians of the Bays Inc [FS44.18, FS44.19] and Board of Airline Representatives of New Zealand Inc [FS139.32, FS139.33]) seek that the definition of “Temporary Activities” is amended to include a timeframe that provides clarity around a “short term” activity and crange and building wrap as a specific listed matter.
45. New Zealand Defence Force [423.4] support the definition of Temporary Military Training Activities as notified.

### 3.2.2 Assessment

46. In response to FENZ [273.19, 273.18], I reject their submission point because the addition of an exception for temporary military training activities and temporary emergency services training activities would not work with the way the rule framework is laid out. The general approach is where a specific activity needs bespoke provisions, the general rule will make an exception for that activity. But if a general rule needs to apply to that bespoke provision, no exception will be made and the specific activity will be captured because it’s included within the definition of temporary activity.
47. For example, TEMP-R1 - *temporary activities, excluding short term filming and temporary military training activities* (“The general temporary activities rule”) regulates Temporary Activities generally, and will capture everything classified as a temporary activity. This rule is not intended to regulate TMTA’s, and as such an exception is written into the rule title, and TMTA’s have a bespoke rule in TEMP-R3.
48. The objective and policy framework rely on the inclusion of TMTAs within the Temporary Activity definition to provide for TMTAs. If TMTAs were excluded from the definition of Temporary Activities, then TEMP-O2 would not apply to TMTAs. Likewise TEMP-P2, which is a matter of discretion for the Restricted Discretionary status under TEMP-R3, would not apply to TMTAs if they were excluded from the definition. Specifically for temporary emergency services training activities, I recommend rejecting this framework in this report so it should not be written into the exception in the definition here.
49. In response to WIAL [406.43, 406.44], I reject this submission point. Temporary Activities vary in length and putting a strict length within the definition may exclude certain activities from being captured under the chapter. “Short-term” is interpreted as “Non-permanent”, and then the standards will respond to the activity based on their length. Timeframes for various temporary activities are more efficiently managed in rules and standards, not in the definition of what temporary activities are. On the matter of crange wrap, the definition is intentionally left open and would capture crange wrap – I do not consider it necessary to add to the definition.

### 3.2.3 Summary of recommendations

50. HS7-TEMP-Rec1: That submissions on definitions relating to Temporary Activities chapter are accepted/rejected as set out in Appendix B.

### 3.3 General Submissions

#### 3.3.1 Matters raised by submitters

51. Fire and Emergency New Zealand sought a provision framework for Temporary Emergency Services Training Activities – as they necessarily need to be addressed together, I will include all of the submission content here.
52. Fire and Emergency New Zealand [273.3] seek to add a new definition for “Temporary Emergency Services Training Activity” as follows :

Temporary Emergency Services Training Activity  
means a temporary activity undertaken for the training of any component of FENZ New Zealand for any emergency purpose. An emergency purpose are those purposes which enable FENZ New Zealand to achieve its main functions under sections 11 and 12 of the FENZ New Zealand Act 2017.

53. Fire and Emergency New Zealand [273.165] seek that a new bespoke emergency services policy is added, as follows:

TEMP-PX – Temporary Emergency Services Training Activities  
Enable temporary emergency services training activities in all zones provided any adverse effects are managed in accordance with community expectations.

54. Fire and Emergency New Zealand [273.166] seek that a new bespoke rule for emergency services training is added, as follows:

TEMP-RX-Temporary Emergency Services Training  
All Zones  
Activity status: Permitted  
Where:  
The activity is limited to 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.  
Activity status where compliance not achieved: N/A

55. FENZ [273.161] sought to add a new standard to the NOISE chapter – this was also used to assess Temporary Emergency Services Training Activity (TESTA) noise, which is why it is included here – as follows:

NOISE-S13



Noise emitted from Emergency Services Facilities and Temporary Emergency Services Training Activity within All Zones as received in other areas (All Zones) must not exceed the guideline residential upper noise limits set out at NZS 6802:2008 (Table 3 - Guideline residential upper noise limits), as identified below, unless otherwise permitted in accordance with NOISE-S1.

Table X – Guideline residential upper noise limits

<u>Daytime</u>	<u>55 dB LAeq (15 min) (15min)</u>
<u>Evening</u>	<u>50dB LAeq (15 min)</u>
<u>Night-time</u>	<u>45dB LAeq (15 min)</u>
<u>Night-time Lmax</u>	<u>75dB LAFmax</u>

56. The Gibson Group Limited [122.3] seek that the Temporary Activities chapter is retained as notified.
57. Paul Yates [26.1] and The Gibson Group Limited [122.1] supports short-term filming being managed externally through the screen wellington process.
58. Screen Production and Development Association (SPADA) [17.1, 17.2, 17.3] seek that the Temporary Activities chapter is retained as notified. SPADA and The Gibson Group Limited [122.2, 122.3] support consultation with iwi over temporary film activities on sites and areas of significance to Māori but oppose resource consenting for temporary film activities on sites and areas of significance to Māori.
59. Paihikara Ki Pōneke Cycle Wellington [302.30] seek that the temporary activity provisions prioritize the safety of vulnerable users over efficiency of the network.
60. Waka Kotahi NZ Transport Agency [370.257] seek that the chapter is amended to include trip generation triggers, above which the activity status of a temporary activity should be restricted discretionary, with discretion restricted to traffic and safety effects.
61. WIAL [406.494, 406.495] seek that a note is added to the introduction of the chapter, as follows:

Temporary activities involving temporary structures such as cranes in the vicinity of Wellington International Airport are also drawn to the requirements of the Wellington International Airport Obstacle Limitation Surface designation.

### 3.3.2 Assessment

62. On the matter of the provision set for TESTA noise [273.161, 273.166, 273.165, 273.3] – the submission raises some issues and I recommend rejecting this framework.

63. The proposed rule does not link to noise standards specific for the temporary activities chapter. Noise standards in their submission were addressed in the NOISE chapter 42A report<sup>1</sup>. This report rejected this framework for Emergency Services activities.
64. FENZ submitted NOISE standards that are slightly more permissive than the Permitted Noise Standards in Appendix 4 of the PDP, as notified. They are derived from the guideline residential upper noise limits set out at NZS 6802:2008 (Table 3 – Guideline residential upper noise limits) – but allow for compliance with higher noise limits provided in APP4 – Permitted Noise Standards where applicable.
65. Table 3 – Guideline residential upper noise limits in NZS 6802:2008 indicate generally acceptable noise limits and is consistent with the guideline values for community noise in specific environments published by the World Health Organization.
66. The requested noise limits would be similar to the limits within APP4 version recommended by the Hearing Panel for noise from Open Space and Recreation Zones to Residential Zones (55 dB Laeq (15 mins).
67. The Hearing Panel’s recommendations in the Noise Chapter include support for NOISE-S1 which states that maximum permitted activity noise levels are subject to any temporary activity exclusions. This means that temporary emergency services training noise standard is already very enabling under TEMP-S4.
68. Compared to the general temporary activities rules, the maximum duration provided by FENZ is shorter than what is provided for in all zones in TEMP-S1. The event set-up & take-down is longer, 5 days as opposed to 2 days either side of the event in all zones except the Waterfront Zone.
69. The submission also omits key elements to regulating temporary activities, including hours of operation, site restoration and how the activity is treated it does not meet the permitted activity status requirements.
70. Without evidence of the specific adverse effects arising from temporary emergency services training activities, it is hard to assess whether the submitted regulatory response is appropriate. The regulatory response is not a large deviation from what is otherwise provided in the Temporary Activities and Noise chapters and I am open to this framework due to the importance of training emergency services, however I would request further detail from FENZ in evidence on this matter to ensure that the framework is appropriate.
71. I acknowledge and accept the submissions from Paul Yates [26.1] and The Gibson Group Limited [122.1]. I note that while temporary buildings and structures for filming are managed under the PDP, the short-term filming activity itself is managed through a Film Permit Process separate from the district plan.
72. In response to SPADA [17.1 – 17.3], engagement with mana whenua including through an Event Management Plan is only required when the temporary film activity already requires a restricted discretionary resource consent because standards TEMP-S1, S2, S3 or S7 are not met. Simply being on a site of significance to Māori does not trigger a separate resource consent under this chapter. However, I note that the Sites and Areas of Significance to Māori chapter may also require a resource consent, if features are modified or destroyed, or new buildings/structures are added within these areas. Earthworks in these areas may also require a resource consent under the Earthworks chapter.
73. This level of control is appropriate for temporary activities which may, despite their temporary

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<sup>1</sup> Para 190 – Section 42A Report - NOISE

nature, risk causing long-term damage to these sites and areas of significance. This approach is also consistent with the strategic direction in the Historic Heritage and Sites and Areas of Significance to Māori Strategic Direction Chapter

- 74. In response to Paihikara Ki Pōneke Cycle Wellington [302.30], I agree with this submission point in part and this is reflected in my recommendations on their specific amendments to assessment criteria in the standards at paragraphs 118 – 119 of this report.
- 75. In response to Waka Kotahi NZ Transport Agency [370.257], the Transport chapter applies to the Temporary Activities chapter, as shown in the Other relevant District Plan provisions section of the introduction, with specific reference to TR-R2 – the Trip Generation provision.
- 76. TEMP-R1.1 does not otherwise require compliance with any traffic standards to be met, but if the requirements to be a permitted activity are not met, TEMP-R1.2 requires an Events Management Plan in Appendix 7, which includes a requirement for a traffic management plan.
- 77. In response to WIAL [406.494, 406.495], I reject the submission points. The OLS is a factor in most of the area specific and district wide matters that have the potential to impact heights. When selecting a site in the ePlan, it will note that the OLS applies (assuming the site intersects the OLS) and the height at which approval is required from WIAL on that site, if needed at all. I do not consider it necessary, in addition to these factors, to note that the OLS applies in the introduction to the chapter. “In the vicinity to Wellington International Airport” is also unclear, given that the OLS has the potential to impact heights far further than the natural interpretation of “In the vicinity of” and may imply that temporary structures or buildings outside of the natural interpretation of “vicinity” don’t need to assess against the requirements of the OLS, which is not necessarily correct.

### 3.3.3 Summary of recommendations

- 78. HS7-TEMP-Rec3: That no amendments are made to the Temporary Activities chapter in response to general submissions.
- 79. HS7-TEMP-Rec4: That general submissions on the Temporary Activities chapter are accepted/rejected as set out in Appendix B.

## 3.4 TEMP-P5 – Temporary Military Training Activities

### 3.4.1 Matters raised by submitters

- 80. New Zealand Defence Force [423.21] seek that TEMP-P5 is amended as follows:

<b>TEMP-P5</b>	<p><b>Temporary military training activities</b></p> <p>Enable temporary military training activities in appropriate locations, <del>where they remedy or mitigate their</del> adverse effects on the amenity values of the site and the surrounding area. <del>remedied or mitigated.</del></p>
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### 3.4.2 Assessment

- 81. In response to NZDF [423.21], I agree with the recommended rewording of this provision. I recommend a minor amendment to the proposed wording, as below:

Enable temporary military training activities in appropriate locations, where ~~they remedy or mitigate their~~ adverse effects on the amenity values of the site and the surrounding area are remedied or mitigated.

### 3.4.3 Summary of recommendations

82. HS7-TEMP-Rec5: That TEMP-P5 is amended as follows:

<b>TEMP-P5</b>	<p><b>Temporary military training activities</b></p> <p>Enable temporary military training activities in appropriate locations, where <del>they remedy or mitigate their</del> adverse effects on the amenity values of the site and the surrounding area <u>are remedied or mitigated</u>.</p>
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83. HS7-TEMP-Rec6: That submissions on TEMP-P5 are accepted/rejected as set out in Appendix B.

## 3.5 TEMP-R1 – Temporary activities, excluding short term filming and temporary military training activities

### 3.5.1 Matters raised by submitters

84. Massey University [253.15] and NZDF [423.22] seek that TEMP-R1 is retained as notified.

### 3.5.2 Assessment

85. I acknowledge Massey University’s support for this rule. I note that TEMP-R1.2 lists TEMP-P6 as a matter of discretion. TEMP-P6 addresses special entertainment events at the Basin and Wellington Regional Stadium, which are regulated under TEMP-R5 and not TEMP-R1. I recommend that TEMP-P6 is removed as a matter of discretion from TEMP-R1.2 because no temporary activity that would need to consider TEMP-P6 is going to be addressed under TEMP-R1.2. This amendment does not have submission scope, but it is an alteration of minor effect pursuant to RMA Schedule 1 Clause 16(2).

86. As a result of making an amendment to the provision, I reject the submission points [253.15] and [423.22] in part.

### 3.5.3 Summary of recommendations

87. HS7-TEMP-Rec7: Recommend that TEMP-R1 is amended as follows:

<b>TEMP-R1</b>	Temporary activities, excluding short term filming and temporary military training activities
All Zones	1. ...

	All Zones	<p>2. Activity status: Permitted</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance with the requirements of TEMP-R1.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <p style="padding-left: 40px;">1. The matters in TEMP-P1, TEMP-P2, TEMP-P3, TEMP-P4, <del>and</del> TEMP-P5 <del>and</del> TEMP-P6;</p> <p>...</p>
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88. HS7-TEMP-Rec8: That submissions on TEMP-R1 are accepted/rejected as set out in Appendix B.

### 3.6 TEMP-R3 – Temporary Military Training Activities

#### 3.6.1 Matters raised by submitters

89. New Zealand Defence Force [423.24, 423.23, 423.26, 423.28] seeks that TEMP-R3.1 is amended to explicitly provide for temporary military training activities as a permitted activity in all zones subject to compliance with permitted activity standards.

90. The specifics of how the New Zealand Defence Force [423.25, 423.27, 423.29, 423.31 and 423.32] seeks to amend TEMP-R3 is as follows:

TEMP-R3	Temporary military training activities
<del>Open Space Zones</del> <del>-</del> <del>Rural Zones</del> <del>-</del> <del>Port Zone</del> <del>-</del> <del>General Industrial Zone</del> <del>All Zones</del>	<p>3. Activity status: Permitted</p> <p>Where:</p> <p>4. Compliance with TEMP-S6 is achieved; and</p> <p>5. No permanent structures are constructed <u>unless provided for elsewhere in this plan as a permitted activity (or resource consent is obtained for the structure)</u>; and</p> <p>6. Noise does not exceed the levels in APP6 - Noise Standards for Temporary Military Training Activities.</p>
<del>Open Space Zones</del> <del>-</del> <del>Rural Zones</del> <del>-</del> <del>Special Purpose</del> <del>Port Zone</del>	<p>7. Activity Status: <del>Restricted discretionary Controlled</del></p> <p><del>Matters of Discretion are:</del></p> <p><del>1. The matters in TEMP-P2 and TEMP-P6;</del></p>

	<p><del>General Industrial Zone</del></p> <p><u>All Zones</u></p>	<p><del>2. The extent and effect of non-compliance with any relevant Standard as specified in the associated assessment criteria for the infringed Standards;</del></p> <p><del>3. The proposed location, duration, hours, times and days of the week on which the activity will occur; and</del></p> <p><del>4. The provision of information to local residents regarding the proposed activity and its hours and duration.</del></p> <p><del>Notification status: An application for resource consent made in respect of rule TEMP-R3.2 is precluded from being publicly notified.</del></p>
	<p><del>All other Zones</del></p>	<p><del>8. Activity Status: <b>Restricted discretionary</b></del></p> <p><del>Matters of Discretion are:</del></p> <p><del>1. The matters in TEMP-P2 and TEMP-P6;</del></p> <p><del>2. The proposed location, duration, hours, times and days of the week on which the activity will occur; and</del></p> <p><del>3. The provision of information to local residents regarding the proposed activity and its hours and duration.</del></p> <p><del>Notification status: An application for resource consent made in respect of rule TEMP-R3.3 must be publicly notified.</del></p>

### 3.6.2 Assessment

91. Previous assessment has brought to my attention that TEMP-P6 is a matter of discretion within TEMP-R3. TEMP-P6 addresses special entertainment events specifically, and it is likely that this was a drafting error and TEMP-P5 – the TMTA specific policy – was intended to be a matter of discretion. I recommend that the policy references are amended to TEMP-P5. This amendment does not have submission scope, but it is correction of a minor error pursuant to RMA Schedule 1 Clause 16(2).
92. On the matter of temporary buildings and structures - general temporary activities (Those captured under TEMP-R1) have their temporary buildings and structures regulated under TEMP-R6, which requires compliance with TEMP-S7. TEMP-S7 states that any temporary buildings or structures can be erected 2 weeks prior to the Temporary Activity and must be removed up to 2 weeks after the TA. TEMP-R6/S7 stay silent on permanent structures, which means they will be regulated by the zone provisions applicable to the site. TEMP-R6 makes an exception for TMTA's.
93. Temporary structures and buildings for TMTA's are regulated by TEMP-R3, which states that *No permanent structures are constructed*. It is necessary to consider this in conjunction with TEMP-S6 (TMTA standard) which also states that TMTA's must return their site to their original condition after the TMTA is completed.
94. These two approaches differ in two key aspects. Firstly, temporary structures and buildings

ancillary to TMTA's would create inconsistency with the zone-based provisions regulating permanent structures. This could add a consenting requirement on otherwise permitted permanent structures from being built during the TMTA. Whilst this is a niche issue, it is not the intended outcome and can be easily solved by regulating TMTA's under the general temporary buildings and structures rules.

95. Secondly, it stays silent on temporary buildings and structures. The chapter intends to permit temporary buildings and structures where they are constructed and removed within a reasonable time either side of the temporary activity. This too can be solved by regulating TMTA's under the general temporary buildings and structures rule.
96. I recommend amending TEMP-R3 to reflect this change, as shown on the summary of recommendations. Amendments required for TEMP-R6 will be included in the section on TEMP-R6 summary of recommendations.
97. On the matter of prefacing "Port Zone" with "Special purpose", I disagree. Generally throughout the plan, special purpose zones are not prefaced with "Special purpose" so I recommend to retain this as "Port Zone". This does however raise the point that it is referred to as "Special Purpose Port Zone" elsewhere in the chapter, and I recommend to amend these to "Port Zone" for consistency. Although my recommendation on applicable zones would remove the reference entirely so this is unnecessary regardless.
98. I disagree with the Controlled status for any TMTA that does not meet the permitted activity status. The potential effects and degree of such effects from a TMTA that does not meet the requirements for a permitted activity status are too unclear to write effective matters of control, nor have NZDF provided any matters of control for the activity status.
99. In response to [423.24] seeking to have TMTA be a permitted activity in all zones, I disagree in part.
100. NZDF submitted a twofold approach to managing noise from weapons and explosives use in TMTA's. Either approach can be used to achieve permitted activity status.
101. The first approach is peak sound level limits of either 85dBC during the day, or 95dBC at night. Both are measured at the notional boundary of a noise-sensitive activity.
102. The second approach is a use of a minimum separation distance (MSD) from noise-sensitive activities. These were determined by measuring the noise from their "Worst-case scenario" weapons systems (Stated in submission to be 81mm Mortars) used in TMTAs and determining a physical distance at which the peak sound levels from the first approach were met. Modelling for the information provided in the notified plan was based on the Howitzer as the worst-case noise scenario, resulting in 1500/4500m MSD during the day/night. In submission, it was pointed out that the mortars were now the worst-case noise scenario (quieter than Howitzers), which is why the MSD's have been remodelled and reduced to 500/1250m<sup>2</sup>.
103. Whilst I appreciate that the MSD will make it easier to operate TMTAs, I do not think they are feasible within the urban area of Wellington. The urban area within Wellington is densely packed with residential activity, which qualifies as a noise-sensitive activity. This is primarily filled with MRZ, HRZ and centres zones. There are zones within the urban area whose purpose isn't to facilitate residential activity, dissuading it to various degrees. But these zones – such as the Sports and Active Recreation Zone – tend to be bordered by the zones that primarily focus on residential activity which means the minimum separation distance overlaps with these zones. This results in most of the urban area not meeting the 500m MSD, or anything larger.

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<sup>2</sup> [Para 33, Statement of Evidence of Darran Humpheson for New Zealand Defence Force](#)

104. Below is an example of the resulting area captured by a 1250m setback from buildings containing residential activity. This does not account for all properties containing a residential activity within the boundaries, but goes far enough to establish that the urban area and much of the General Rural Zone to the West and southwest of the City and northern suburbs is contained within this 1250m setback, and a small portion of Takapu Valley.



105. I appreciate that this does leave a significant portion of land available for the permitted activity status pathway within the General Rural Zone and Open Space Zones. As such I consider it appropriate to retain those zones open for this pathway, but otherwise WFE (Weapons firing and/or explosives use) should be pushed to Restricted Discretionary.
106. TMTAs that do not include WFE are appropriate as a permitted activity in all zones should they comply with the requirements of the permitted activity status. As addressed in the assessment of Appendix 6 at section 3.12, I agree that adverse effects of TMTAs that don't include WFE are accounted for in the standards provided.
107. This requires consequential amendments to TEMP-R3 to account for the difference on treatment for TMTAs that involve WFE, and those that don't. This is done by having two permitted activity statuses; one for TMTAs involving WFE, which only applies to the general rural zone, and open space zones. The second applies to all zones, and excludes the use of WFE. They are otherwise the same. I have also amended the Restricted Discretionary rules to reflect this applicable zone change.

### 3.6.3 Summary of recommendations

108. HS7-TEMP-Rec9: Recommend that TEMP-R3 is amended as follows:

TEMP-R3	Temporary military training activities
<p><u>All Zones (Except for</u> Open Space Zones <u>and</u></p>	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p>



	<p><u>General Rural Zones)</u> <del>Port Zone</del> <del>General Industrial Zone</del></p>	<p>a. Compliance with TEMP-S6 is achieved; and <del>b. No permanent structures are constructed; and</del> c. <del>b.</del> Noise does not exceed the levels in APP6 - Noise Standards for Temporary Military Training Activities. <del>d. The activity is not Weapons Firing and/or Explosives use.</del></p>
	<p><u>Open Space Zones</u> <u>General Rural Zones</u></p>	<p>2. <u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance with TEMP-S6 is achieved; and</u> b. <u>Noise does not exceed the levels in APP6 - Noise Standards for Temporary Military Training Activities.</u></p>
	<p>Open Space Zones <u>General Rural Zone</u> <del>Special Purpose Port Zone</del> <del>General Industrial Zone</del></p>	<p>3. Activity status: <b>Restricted Discretionary</b></p> <p>Where:</p> <p>a. Compliance with the requirements of TEMP-R3.42 cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> <li>1. The matters in TEMP-P2 and TEMP-P65;</li> <li>2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for infringed standards;</li> <li>3. The proposed location, duration, hours, times and days of the week on which the activity will occur; and</li> <li>4. The provision of information to local residents regarding the proposed activity and its hours and duration.</li> </ol> <p>Notification status: An application for resource consent made in respect of rule TEMP-R3.23 is precluded from being publicly notified.</p>
	<p><u>All Zones (Except for Open Space Zones and General Rural Zones)</u></p>	<p>4. Activity status: <b>Restricted Discretionary</b></p> <p>Where:</p> <p>a. Compliance with the requirements of TEMP-R3.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> <li>1. The matters in TEMP-P2 and TEMP-P65;</li> </ol>

		<ol style="list-style-type: none"> <li>2. <u>The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for infringed standards;</u></li> <li>3. The proposed location, duration, hours, times and days of the week on which the activity will occur; and</li> <li>4. The provision of information to local residents regarding the proposed activity and its hours and duration.</li> </ol> <p>Notification status: An application for resource consent made in respect of rule TEMP-R3.43 must be publicly notified.</p>
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109. HS7-TEMP-Rec10: That submissions on TEMP-R3 are accepted/rejected as set out in Appendix B.

### 3.7 TEMP-R6 – Temporary buildings or structures ancillary to a temporary activity

#### 3.7.1 Matters raised by submitters

110. There were no specific submissions on this provision, although assessment of this provision is required as a result of the response to submissions from New Zealand Defence Force [423.25, 423.27, 423.29, 423.31 and 423.32].

111. Massey University [253.17] and NZDF [423.34] seek to retain TEMP-R6 as notified.

#### 3.7.2 Assessment

112. As a result of my recommendation on TEMP-R3 to amend how TMTAs operate, subsequent amendments to TEMP-R6 are required to remove the exception for TMTAs, and ensure that the rule applies to all zones that Temporary Activities which engage this rule can operate. These are reflected in the summary of recommendations. See the assessment at paragraphs 93 - 97 for further detail.

#### 3.7.3 Summary of recommendations

113. HS7-TEMP-Rec11: That TEMP-R6 – Temporary buildings or structures – is amended as follows:

<b>TEMP-R6</b>		<b>Temporary buildings or structures ancillary to a temporary activity</b>
	All Zones	<ol style="list-style-type: none"> <li>1. Activity status: <b>Permitted</b></li> </ol> <p>Where:</p> <ol style="list-style-type: none"> <li>a. Compliance with TEMP-S7 is achieved.</li> </ol> <p><del>This rule does not apply to temporary military training activities.</del></p>

114. HS7-TEMP-Rec12: That submissions on TEMP-R6 are accepted/rejected as set out in Appendix B.

### 3.8 TEMP-S1 – Maximum duration of a temporary activity excluding short-term filming activities and temporary military training activities

#### 3.8.1 Matters raised by submitters

115. Massey University [253.18] and NZDF [423.35] seek to retain TEMP-S1 as notified.

116. Paihikara Ki Pōneke Cycle Wellington [302.32, 302.31] seek to amend TEMP-S1 as follows:

TEMP-S1	Maximum duration of a temporary activity excluding short-term filming activities and temporary military training activities	
-	-	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> <li>1. The extent to which the nature, intensity and scale of the activity adversely effects:               <ol style="list-style-type: none"> <li>a. Amenity values; and</li> <li>b. The <u>safety and</u> efficiency of the transport network, including on pedestrians and cyclists <u>and cycle and micromobility facilities</u>.</li> </ol> </li> </ol>
-	-	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> <li>1. Adverse effects on:               <ol style="list-style-type: none"> <li>a. Amenity values of the surrounding properties;</li> <li>b. Pedestrian health and safety; and</li> <li>c. The <u>safety and</u> efficiency of the transport network, <u>and cycle and micromobility facilities</u>;</li> </ol> </li> </ol> <p>...</p>
-	-	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> <li>1. Adverse effects on:               <ol style="list-style-type: none"> <li>a. Amenity values of the surrounding properties;</li> <li>b. Pedestrian health and safety; and</li> <li>c. The <u>safety and</u> efficiency of the transport network, <u>and cycle and micromobility facilities</u>;</li> </ol> </li> </ol> <p>...</p>

#### 3.8.2 Assessment

117. In response to Paihikara Ki Pōneke Cycle Wellington [302.32], I accept the submission in part. I agree that cycle and micromobility facilities are an important consideration in the transport

network. However *Transport Network* as defined in the PDP already includes cycle and micromobility, and it would create unnecessary repetition to include it again in this assessment criteria.

<b>TRANSPORT NETWORK</b>	<p>means all public rail, public roads, public pedestrian, <i>cycle and micromobility facilities</i>, public transport and associated infrastructure. It includes:</p> <ul style="list-style-type: none"> <li>a. Train stations;</li> <li>b. Bus stops;</li> <li>c. Bus shelters; and</li> <li>d. Park and Ride areas.</li> </ul>
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118. I agree that safety of the transport network is an important consideration with temporary activities because of their potential to impact the transport network, and recommend that safety is added in addition to the existing consideration of the transport network.

### 3.8.3 Summary of recommendations

119. HS7-TEMP-Rec13: That TEMP-S1 – Hours of Operation – is amended as follows:

TEMP-S1	Maximum duration of a temporary activity excluding short-term filming activities and temporary military training activities	
-	-	<p>Assessment criteria where the standard is infringed:</p> <ul style="list-style-type: none"> <li>1. The extent to which the nature, intensity and scale of the activity adversely effects: <ul style="list-style-type: none"> <li>a. Amenity values; and</li> <li>b. The safety and efficiency of the transport network, including on pedestrians and cyclists.</li> </ul> </li> </ul>
-	-	<p>Assessment criteria where the standard is infringed:</p> <ul style="list-style-type: none"> <li>2. Adverse effects on: <ul style="list-style-type: none"> <li>a. Amenity values of the surrounding properties;</li> <li>b. Pedestrian health and safety; and</li> <li>c. The <u>safety and</u> efficiency of the transport network;</li> </ul> </li> </ul> <p>...</p>
-	-	<p>Assessment criteria where the standard is infringed:</p> <ul style="list-style-type: none"> <li>2. Adverse effects on:</li> </ul>

		<ul style="list-style-type: none"> <li>a. Amenity values of the surrounding properties;</li> <li>b. Pedestrian health and safety; and</li> <li>c. The <u>safety and</u> efficiency of the transport network;</li> </ul> <p>...</p>
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120. HS7-TEMP-Rec14: That submissions on TEMP-S1 are accepted/rejected as set out in Appendix B.

### 3.9 TEMP-S3 – Hours of Operation

#### 3.9.1 Matters raised by submitters

121. Paul Yates [26.2] seeks that the hours of operation restrictions at TEMP-S3 are not applied to short film activities.

122. Massey University [253.19] seek to retain TEMP-S3 as notified.

#### 3.9.2 Assessment

123. In response to Paul Yates [26.2], I reject the submission point. I consider it unnecessary because TEMP-S3 does not apply to short term film activities. TEMP-S3 is only required for permitted activity status under TEMP-R1, which specifically excludes short-term filming because it is managed through an external Screen Wellington process.

#### 3.9.3 Summary of recommendations

124. HS7-TEMP-Rec15: I recommend that TEMP-S3 – Hours of Operation – is retained as notified.

125. HS7-TEMP-Rec16: That submissions on TEMP-S3 are accepted/rejected as set out in Appendix B.

### 3.10 TEMP-S6 - Temporary Military Training Activities

#### 3.10.1 Matters raised by submitters

126. New Zealand Defence Force [423.37, 423.38, 423.39, 423.40, 423.41, 423.42] seeks that TEMP-S6 is amended as follows:

TEMP-S6	Temporary Military Training Activities	
<del>Open Space Zones</del> <del>Rural Zone</del> <del>Port Zone</del> <del>General Industrial Zone</del> <u>All Zones</u>	1. The duration of a temporary military training activity must not exceed a period of <del>31</del> 14 consecutive days (excluding set up and pack down activities);  2. <del>No activity to be undertaken on Sundays;</del>	Assessment criteria where the standard is infringed:  <del>1. Adverse effects on:</del> <del>a. Pedestrian health and safety;</del> <del>b. The efficiency of the transport network;</del>

		<ol style="list-style-type: none"> <li>2. The proposed location, scale, intensity of the activity;</li> <li>3. The proposed duration, hours, times and day/s of the week on which the event will occur;</li> <li>4. The measures proposed to mitigate noise and light spill;</li> <li><del>5. The measures to address any effects from traffic generated by the activity, including effects on public transport and other activities at the location</del></li> <li><del>6. The measures to address pedestrian safety and to address any restrictions on public access; and</del></li> <li>7. The public must be notified no less than 14 working days prior to the temporary military training activities, including information about the proposed activity, its hours and duration.</li> </ol>
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### 3.10.2 Assessment

127. In response to NZDF, I disagree with the deletion of Assessment Criteria 1, 5 and 6. TMTAs anticipate the use of non-standard vehicles for certain activities. This includes the use of light and heavy vehicles, self-propelled equipment, and earthmoving equipment. Without any alternative provision within the submitted TMTA framework to consider adverse effects on pedestrian health and safety and the efficiency of the transport network, or evidence base to justify that this assessment criteria is not necessary, I recommend retaining this assessment criteria. This is particularly important given that the submission seeks to widen the scope of zones that these activities are permitted in.

128. I agree with the removal of the exception for Sundays. Upon review of the evidence base, there

is no evidence for this exception into the PDP and the removal was recommended by experts in evidence during Hearing Stream 5<sup>3</sup>. I recommend the exception for Sundays be removed.

- 129. In evidence on noise limits for TMTA in Appendix 6, provision is made to adjust noise limits based on the duration of the activities based on an assumed length of 31 days as recommended by Mr Syman. However no adjustment was made for TMTA’s involving the use of WFE to account for the increased duration of the TMTA’s – the amendments to the MSD were to account for a new worst case scenario for weapons.
- 130. Through the submission and evidence that NZDF have outlined a wide array of activities that may be categorized as TMTAs. Viewing these as a spectrum, on the lower end of adverse effects from TMTAs may be medical and dental services<sup>4</sup>, and on the other end would be WFE. Some adverse effects of the more significant TMTAs would be mitigated through complying with the proposed noise standards.
- 131. I agree with the recommendation to extend the duration of TMTA’s that don’t involve the use of WFE to 31 days, however I do not agree with the extension of TMTAs involving the use of WFE to 31 days.
- 132. In light of my recommended to expand some TMTAs to all zones as a permitted activity, I agree that TEMP-S6 should be amended to apply to all zones.
- 133. NZDF provided an updated notice period to council requirement in their submission on Appendix 6. In evidence, all experts agreed that this is a planning matter and not a standard, and that it should be rehomed to TEMP-S6. I recommend accepting the submitted recommendation for a 5-day notice period.

**3.10.3 Summary of recommendations**

- 134. HS7-TEMP-Rec17: I recommend that TEMP-S6 – Temporary Military Training Activities – is amended as follows:

TEMP-S6	Temporary Military Training Activities	
<p><del>Open Space Zones</del></p> <p><del>Rural Zone</del></p> <p><del>Port Zone</del></p> <p><del>General Industrial Zone</del></p> <p><u>All Zones</u></p>	<p>1. The duration of a temporary military training activity <u>involving weapons firing and/or the use of explosives</u> must not exceed a period of 14 consecutive days (excluding set up and pack down activities).</p> <p>2. <u>The duration of a temporary military training activity not involving weapons firing and/or the use of</u></p>	-

<sup>3</sup> Reference to Sean saying Sunday is ALLG

<sup>4</sup> Reference to the submissions page 1

	<p><u>explosives must not exceed a period of 31 consecutive days (excluding set up and pack down activities)</u></p> <p><del>3. No activity to be undertaken on Sundays;</del></p> <p>4. <u>3.</u> Temporary military training activities involving weapons firing or the use of explosives must:</p> <p>a. provide notice, and a noise management plan prepared by a suitably qualified acoustic engineer, to the Council at least <del>three</del> <u>five</u> working days prior to the commencement of the activity, with the notice specifying:</p> <p>...</p>	
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135. HS7-TEMP-Rec18: That submissions on TEMP-S6 are accepted/rejected as set out in Appendix B.

### 3.11 TEMP-S7 – Temporary building or structure

#### 3.11.1 Matters raised by submitters

136. Massey University [253.21] seek to retain TEMP-S7 as notified.

137. Paihikara Ki Pōneke Cycle Wellington [302.34. 302.22] seek to amend TEMP-S7 as follows:

TEMP-S7	Temporary building or structure
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	-	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> <li>1. Adverse effects on: <ol style="list-style-type: none"> <li>a. Pedestrian health and safety;</li> <li>b. The <u>safety and</u> efficiency of the transport network, <u>including cycle and micromobility facilities</u>; and</li> <li>c. Any restrictions on public access.</li> </ol> </li> <li>2. The proposed location, scale, intensity of the activity.</li> </ol>
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### 3.11.2 Assessment

138. In response to Paihikara Ki Pōneke Cycle Wellington [302.34] on the inclusion of cycle and micromobility facilities, I refer to my assessment at paragraph 118 and accept the inclusion of safety, but reject the inclusion of cycle and micromobility facilities.

### 3.11.3 Summary of recommendations

139. HS7-TEMP-Rec19: I recommend TEMP-S7 – Temporary Building or structure – is amended as follows:

TEMP-S7	Temporary building or structure	
	-	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> <li>1. Adverse effects on: <ol style="list-style-type: none"> <li>a. Pedestrian health and safety;</li> <li>b. The <u>safety and</u> efficiency of the transport network; and</li> <li>c. Any restrictions on public access.</li> </ol> </li> <li>2. The proposed location, scale, intensity of the activity.</li> </ol>

140. HS7-TEMP-Rec20: That submissions on TEMP-S7 are accepted/rejected as set out in Appendix B.

## 3.12 Appendix 6 – Permitted Noise Standards for Temporary Activities

### 3.12.1 Matters raised by submitters

141. Claire Nolan et al [275.40] seeks that APP6 is retained as notified.

142. NZDF [423.45, 423.46] seek that Table 26 – Noise standards for temporary military training activities is amended to be replaced with the standards provided in Appendix 3 of their original

submission. I note that through the NOISE hearing process, experts from both NZDF and WCC assessed this submission and made amendments. I will provide this content as I address each element of the noise standards below in assessment.

### 3.12.2 Assessment

143. NZDF have submitted bespoke noise standards that they seek to apply to temporary military training activities. This is broken down into the following 4 noise standard categories:
- a. Weapons firing and/or the use of explosives;
  - b. Mobile noise sources;
  - c. Fixed (Stationary) noise sources; and
  - d. Helicopter landing areas.
144. Acoustic expert witness Sean Syman addressed submissions on APP6 of the PDP from a technical perspective, including the submitted standards for TMTA's. Mr Syman provided comprehensive evidence on the NZDF submission and provided rebuttal evidence. Darran Humpheson, the acoustic expert for NZDF provided evidence in response and spoke to these matters at Hearing Stream 5.
145. At paragraph 102 – 108 of Recommendation Report 5A – Overview of General Matters and Noise, the IHP made recommendations on the technical content of Appendix 6 - Permitted noise standards for temporary activities. I will not be relitigating the assessment of the technical content of these submissions, and my assessment does not seek to contest these findings, only to address them from a planning perspective in the context of the Temporary Activities chapter.
146. I will address the submission according to the 4 categories listed above.
147. Weapons Firing and/or Explosives Use
148. I provide an explanation of the approach to noise standards for WFE submitted by NZDF at paragraphs 101 - 108. I do not contest the technical expertise that went into developing these standards by the experts, and these standards have been recommend being accepted by the IHP<sup>5</sup>. The standards for WFE are as follows:

WEAPONS FIRING AND/OR THE USE OF EXPLOSIVES

Notice is provided to the Council at least 5 working days prior to the commencement of the activity.

The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity:

0700 to 1900 hours: 500 m.

1900 to 0700 hours: 1,250 m.

Where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity:

0700 to 1900 hours: 95 dBC.

<sup>5</sup> Independent Hearings Panel Recommendation Report 5A – Overview and Noise at paragraph 102 – 108.

1900 to 0700 hours: 85 dBC.

149. I appreciate that the weapons systems used in TMTAs have changed since the PDP was developed and that it makes sense to amend the setbacks based on the updated weapons systems used, the “Loudest” being 81mm Mortars as provided in evidence by Mr Humpheson. I note that I have recommended the zones in which permitted activity status can be achieved using this system has been amended through my recommendations on TEMP-R3 at section 3.6.2.
150. The notice period to council requirement is addressed at paragraph 131, where I accept the recommendation to rehome the submitted notice period to council to TEMP-S6 and accept the 5-day period recommendation.
151. Beyond the amendments provided in TEMP-R3 and the notice period, I agree with this recommendation.
152. Mobile noise sources
153. As notified, Appendix 6 required compliance with tables 2 and 3 of NZS 6803:1999 – Construction Noise for mobile noise sources. Table 2 addresses the recommended upper limits for construction noise received in residential zones and dwellings in rural areas. Table 3 addresses the recommended upper limits for construction noise received in industrial or commercial areas for all days of the year.
154. Through the hearing stream 5 process, Mr Syman and Mr Humpheson provided evidence on the recommended TMTA mobile noise source limits. The final product of these discussions was the following table. The table, like NZS 6803:1999, is split between mobile noise limits for activities sensitive to noise and mobile noise levels for noise affecting any other activity. I will address these separately below.

The noise generated by mobile Temporary Military Training Activities must not exceed levels in Table 1 when measured at 1m from the façade of any occupied building that contains a noise sensitive activity.

Table 1 – Mobile noise limits for activities sensitive to noise

<u>Time of week</u>	<u>Time period</u>	<u>TMTA Noise limits</u>	
		<u>LAeq(15min)</u>	<u>LAmx</u>
<u>Weekdays</u>	<u>0630 – 0730</u>	<u>55</u>	<u>75</u>
	<u>0730 – 1800</u>	<u>70</u>	<u>85</u>
	<u>1800 – 2000</u>	<u>65</u>	<u>80</u>
	<u>2000 – 0630</u>	<u>45</u>	<u>75</u>
<u>Saturdays</u>	<u>0630 – 0730</u>	<u>45</u>	<u>75</u>
	<u>0730 – 1800</u>	<u>70</u>	<u>85</u>
	<u>1800 – 2000</u>	<u>45</u>	<u>75</u>
	<u>2000 – 0630</u>	<u>45</u>	<u>75</u>

<u>Sundays and public holidays</u>	<u>0630 – 0730</u>	<u>45</u>	<u>75</u>
	<u>0730 – 1800</u>	<u>55</u>	<u>85</u>
	<u>1800 – 2000</u>	<u>45</u>	<u>75</u>
	<u>2000 – 0630</u>	<u>45</u>	<u>75</u>

The noise generated by mobile Temporary Military Training Activities must not exceed the levels in Table 2 when measured at 1m from the façade of any occupied building that contains any other activity

Table 2 – Mobile noise levels for noise affecting any other activity

<u>Time period (Monday – Sunday)</u>	<u>&lt; 14 days duration</u> <u>LAeq(15min)</u>	<u>14 – 31 days duration</u> <u>LAmx</u>
<u>0730 – 1800</u>	<u>80</u>	<u>75</u>
<u>1800 – 0730</u>	<u>85</u>	<u>80</u>

No adjustments shall be made for duration or special audible character

Noise levels shall be measured in accordance with NZS 6801:2008.

This rule applies to use of mobile TMTA activities such as personnel carriers, light and heavy vehicles, self-propelled equipment and construction plant.

155. The limits agreed to in Table 1 above are equivalent to the “Long term duration” limits provided in table 2 of NZS 6803:1999. NZS 6803:1999 has more permissive noise limits for shorter term and typical duration of work. The agreed position above is therefore more restrictive than the notified plan as it requires the “Longer term” limits for any length of TMTA.
156. With regards Table 2- Mobile noise levels for noise affecting any other activity, the latest version of Table 2 provided by NZDF had the columns reversed, with the higher noise limits sitting with the 14 – 31 day duration, and the lower limits sitting in the <14 days category. As noted by Mr Syman in the NOISE right of reply and accepted by the IHP in IHP Recommendation Report 5A, it is presumed that this was a mistake which Mr Syman has corrected to have the higher noise limits in the lower duration, and higher limits in the longer duration.
157. The < 14 days limits provided mirror those found for the “short term duration” category within NZS 6803:1999, whilst the 14 – 31 day limits mirror the “Typical duration” limits. For the purpose of the standard, short term is up to 14 days, typical duration is from 14 days – 20 weeks. Long term means any duration exceeding 20 weeks.
158. In his statement of rebuttal evidence at paragraphs 13 – 15<sup>6</sup>, Mr Syman notes that there is no direction about how this noise should be measured, and no evidence as to why special audible character should not be accounted for and that in the absence of evidence for a different approach, that NZS 6802:2008 should be used to assess this noise. I have amended the tables to reflect this.
159. I agree with the statement defining some of the mobile TMTA activities, however I do not consider it suitable to include this as a standard. It is a non-exhaustive list and is guidance rather

<sup>6</sup> [Paragraphs 13 – 15, Statement of supplementary evidence of Sean Syman - Noise](#)

than a standard. I will include this as an advice note.

160. I accept the recommendations from Mr Humpheson and Mr Syman, noting the minor change to how the noise is measured. The limits provided are either equivalent to or less permissive than what NZS 6803:1999 provides, and where they are less permissive, this approach is accepted by NZDF<sup>7</sup>. This represents a minor deviation from the notified plan.

161. Fixed (Stationary) Noise Sources

162. Mr Syman for WCC and Mr Humpheson for NZDF agreed on a recommendation for the noise limits for Fixed (Stationary) Noise Sources from TMTA's. These only slightly differ from what was notified, with a minor lowering of the LAeq (15 mins) limit for 1900 – 2200. This position was adopted by the IHP in their recommendations in Report 5A. The agreed position is as follows:

<u>Fixed (Stationary) noise sources</u>		
<u>Shall 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*</u>		
<u>Time period (Monday – Sunday)</u>	<u>LAeq (15 mins)</u>	<u>LAFmax</u>
<u>0700 – 1900</u>	<u>55 dB</u>	<u>N/A</u>
<u>1900 – 2200</u>	<u>50dB</u>	
<u>2200 – 0700</u>	<u>45 dB</u>	
<u>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.</u>		

163. I recommend this be accepted, except for moving the note to an advice note at the beginning of the Appendix. Beyond this, I have no planning responses to this work conducted by the experts and make no recommendations beyond what has been provided.

164. Helicopter Landing Areas

165. In IHP Recommendation Report 5A – Overview and Noise at paragraphs 102 – 108, the IHP has recommended that Noise measurement, assessment criteria and the recommended limits provided in Table 1 of NZS 6807:1994 are appropriate for TMTA Helicopter Landing Pad activity, and that the land use planning section of NZS 6807:1994 should not be applicable for TMTA, as it is inappropriate to establish a helicopter noise boundary for a temporary activity. This reflects Mr Symans final recommendation in his statement of rebuttal evidence<sup>8</sup>. I also point to Mr Symans statement that no supporting evidence has been provided to support that specific controls are not required as the effects of infrequent TMTA helicopter movements are considered acceptable.

166. I have no further planning response from the Temporary Activities chapter and recommend the Helicopter Landing Areas standards are implemented, as follows:

<sup>7</sup> [Paragraph 52 of the Right of Reply responses of Mark Ashby - Noise](#)

<sup>8</sup> [Paragraph 17 – 18, Statement of supplementary evidence of Sean Syman - Noise](#)

**HELICOPTER LANDING AREAS**

Shall comply with Table 1 from NZS 6807:1994 – Noise Management and Land Use Planning for Helicopter Landing Areas.

Noise levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Sound.

**3.12.3 Summary of recommendations**

- 167. HS7-TEMP-Rec21: I recommend that Appendix 6 – Permitted Noise Standards for Temporary Activities – is amended as follows:

**Weapons firing and/or explosives use**

The temporary military training activity complies with the following minimum separation distances in Table 26.1 to the notional boundary of any building housing a noise sensitive activity:

Table 26.1 – Minimum separation distances for weapons firing and/or explosives use

<u>Time</u>	<u>Minimum separation distance</u>
<u>7.00am – 7.00pm</u>	<u>500m</u>
<u>7.00pm – 7.00am</u>	<u>1250m</u>

Where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure levels in table 26.2 when measured at the notional boundary of any building housing a noise sensitive activity:

**Table 26.2 – noise limits for weapons firing and/or explosives use**

<u>Time</u>	<u>Minimum separation distance</u>
<u>7.00am – 7.00pm</u>	<u>95 dBc</u>
<u>7.00pm – 7.00am</u>	<u>85 dBc</u>

**Mobile Noise Sources**

Advice note: Mobile Noise Sources applies to activities such as personnel carriers, light and heavy vehicles, self-propelled equipment and construction plant

The noise generated by mobile Temporary Military Training Activities must not exceed levels in table 26.3 when measured at 1m from the façade of any occupied building that contains a noise sensitive activity.

**Table 26.3 - Mobile noise limits for activities sensitive to noise**

<u>Time of week</u>	<u>Time period</u>	<u>TMTA Noise limits</u>	
		<u>LAeq(15min)</u>	<u>LAmx</u>
<u>Weekdays</u>	<u>0630 – 0730</u>	<u>55</u>	<u>75</u>

	<u>0730 – 1800</u>	<u>70</u>	<u>85</u>
	<u>1800 – 2000</u>	<u>65</u>	<u>80</u>
	<u>2000 – 0630</u>	<u>45</u>	<u>75</u>
<u>Saturdays</u>	<u>0630 – 0730</u>	<u>45</u>	<u>75</u>
	<u>0730 – 1800</u>	<u>70</u>	<u>85</u>
	<u>1800 – 2000</u>	<u>45</u>	<u>75</u>
	<u>2000 – 0630</u>	<u>45</u>	<u>75</u>
<u>Sundays and public holidays</u>	<u>0630 – 0730</u>	<u>45</u>	<u>75</u>
	<u>0730 – 1800</u>	<u>55</u>	<u>85</u>
	<u>1800 – 2000</u>	<u>45</u>	<u>75</u>
	<u>2000 – 0630</u>	<u>45</u>	<u>75</u>

The noise generated by mobile Temporary Military Training Activities must not exceed the levels in Table 26.4 when measured at 1m from the façade of any occupied building that contains any other activity.

**Table 26.4 - Mobile noise levels for noise affecting any other activity**

<u>Time period (Monday – Sunday)</u>	<u>&lt; 14 days duration</u>	<u>14 – 31 days duration</u>
	<u>LAeq(15min)</u>	<u>LAmx</u>
<u>0730 – 1800</u>	<u>80</u>	<u>75</u>
<u>1800 – 0730</u>	<u>85</u>	<u>80</u>

Noise levels shall be measured in accordance with NZS 6801:2008 Acoustics – Environmental Noise

#### **Fixed (Stationary) noise sources**

Advice 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.

Fixed (Stationary) noise sources shall comply with the noise limits set out in table 26.5 below when measured at the notional boundary of any building housing a noise-sensitive activity.

**Table 26.5 – fixed (stationary) noise source limits**

<u>Time period (Monday – Sunday)</u>	<u>LAeq (15 mins)</u>	<u>LAFmax</u>
<u>0700 – 1900</u>	<u>55 dB</u>	<u>N/A</u>
<u>1900 – 2200</u>	<u>50dB</u>	
<u>2200 – 0700</u>	<u>45 dB</u>	

#### **HELICOPTER LANDING AREAS**

Shall comply with Table 1 from NZS 6807:1994 – Noise Management and Land Use Planning for Helicopter Landing Areas.

Noise levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Sound.

HS7-TEMP-Rec22: That submissions on Appendix 6 are accepted/rejected as set out in Appendix B.

#### 3.12.4 Section 32AA

### 3.13 Appendix 7 – Temporary Activities Event Management Plan

#### 3.13.1 Matters raised by submitters

168. Nick Ruane [61.3] and Claire Nolan, James Fraser, Bidy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir [275.41] seek that Appendix 7 - Temporary Activities Event Management Plan is retained as notified.
169. Taranaki Whānui ki te Upoko o te Ika [389.135, 389.136] (Opposed by Te Rūnanga o Toa Rangatira [FS138.70, 389.136]) seek that Appendix 7 is amended to include "Taranaki Whānui hold ahi kā and primary mana whenua status in Wellington City." And that Appendix 7 is amended further to remove any other references to iwi.

#### 3.13.2 Assessment

170. In response to Taranaki Whānui ki te Upoko o te Ika [389.135, 389.136], I reject this submission point for the reasons given by Mr McCutcheon in Hearing Stream 1 on the same point about mana whenua status in Wellington City:

I do not agree with the amendments requested by Taranaki Whānui [389.24] as it would be inappropriate for the plan to specify a level of mana whenua status different to that identified through Treaty of Waitangi settlement legislation. In this case Taranaki Whānui ki te Upoko o te Ika and Ngāti Toa Rangatira both have mana whenua status.<sup>9</sup>

#### 3.13.3 Summary of recommendations

171. HS7-TEMP-Rec23: That Appendix 7 – Temporary Activities Event Management Plan – is retained as notified.
172. HS7-TEMP-Rec24: That submissions on Appendix 7 are accepted/rejected as set out in Appendix B.

<sup>9</sup> [Paragraph 487 - Hearing Stream 1 – Section 42A Report - Part 1, Plan wide matters and strategic direction.](#)



## 4.0 Minor and inconsequential amendments

173. Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
174. The following minor and inconsequential amendments relevant to this report are identified below and will be corrected:
- b. Amend the numbering of the standards to account for the lack of a TEMP-S2.
  - c. Amend references of mauri to mouri, as per the recommendation of the Independent Hearings Panel at paragraph 373 of IHP Recommendation Report 1A<sup>10</sup>.
175. The recommended amendments are set out in Appendix A.

## 5.0 Conclusion

176. This report has provided an assessment of submissions received in relation to the Temporary Activities Chapter, Appendix 6 - Permitted noise standards for temporary activities, and Appendix 7 - APP7 – Temporary Activities Event Management Plan.
177. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in Appendix A of this report.

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<sup>10</sup> [IHP Recommendation Report 1A](#)

## 5.1 Recommendations

178. I recommend that:

- a. The Independent Hearing Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
- b. The PDP is amended in accordance with the changes recommended in Appendix A of this report.

## **6.0 Appendix A: Recommended Amendments to the Temporary Activities Chapter, Appendix 6 - Permitted noise standards for temporary activities, and Appendix 7 - APP7 – Temporary Activities Event Management Plan**

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is underlined.
- Text recommended to be deleted from the PDP is ~~struck through~~.

## **6.1 Appendix B: Recommended Responses to Submissions and Further Submissions on Temporary Activities Chapter, Appendix 6 - Permitted noise standards for temporary activities, and Appendix 7 - APP7 – Temporary Activities Event Management Plan**

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The recommended responses to the submissions made on this topic are presented the table in Appendix B.