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**Section 32 Report for the Proposed Waitomo District Plan**

**Section 32 Report – Temporary Activities**

SUMMARY OF ISSUES	RESOURCE MANAGEMENT ACT 1991	NATIONAL DIRECTION	REGIONAL POLICY STATEMENTS	IWI MANAGEMENT PLANS CONT...
<p>The temporary activities chapter addresses the following issues:</p> <ul style="list-style-type: none"> <li>The Operative Waitomo District Plan (ODP) does not generally recognise temporary events and activities; exceptions being exceedance of the noise limits for temporary military training activities and temporary signs. As such, there is no direction on the management of the effects of temporary events and activities, and they are subject to the same zone standards as longer-term land use activities. The resource consent team have identified this lack of direction in the district plan as a plan implementation issue.</li> <li>There are a wide range of temporary activities and events that happen in the District including markets and fundraising events (including the annual Muster). There are also temporary activities such as commercial filming, emergency management activities (including training) and temporary construction of buildings. These events and activities have wide ranging social and economic benefits to the District's and its communities.</li> <li>Temporary events and activities contribute to social, economic and community well-being, including to the vitality and vibrancy of the Waitomo District.</li> <li>Temporary events and activities create short term and/or cumulative adverse effects, including noise and light pollution on the character and amenity of the receiving environment.</li> </ul>	<p><b>Section 5</b> This chapter promotes sustainable management by enabling a range of temporary activities that will benefit the economic and social needs of current and future generations.</p> <p><b>Section 6 RMA</b> There are no section 6 matters relevant to this topic / issue.</p> <p><b>Section 7 RMA</b> The following provisions in section 7 are relevant:</p> <p>Section 7(b) the efficient use and development of natural and physical resources.</p> <p>Temporary events and activities, cumulatively, affect how resources are used and developed including transport and the transport network, public open space, community facilities and the town centres.</p> <p>Section 7(c) The maintenance and enhancement of amenity values.</p> <p>Temporary events and activities affect amenity values and environmental qualities valued by the community in the locations they occur including on reserves. This includes noise and lighting effects generated by the activity, effects on the transport network, and the effect of the movement of people to and from temporary events and activities through sensitive environments such as residential areas.</p> <p><b>Section 8 RMA</b> There are no section 8 matters relevant to this chapter.</p>	<p>There are six National Policy Statements (NPSs) currently in place:</p> <ul style="list-style-type: none"> <li>New Zealand Coastal Policy Statement 2010</li> <li>NPS for Electricity Transmission 2008</li> <li>NPS for Renewable Electricity Generation 2011</li> <li>NPS for Freshwater Management 2020</li> <li>NPS on Urban Development 2020</li> <li>NPS for Highly Productive Land 2022</li> </ul> <p>There are also 8 National Environmental Standards (NESs) currently in place:</p> <ul style="list-style-type: none"> <li>NES for Air Quality 2004</li> <li>NES for Sources of Human Drinking Water 2007</li> <li>NES for Telecommunication Facilities 2016</li> <li>NES for Electricity Transmission Activities 2009</li> <li>NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011</li> <li>NES for Plantation Forestry 2017</li> <li>NES for Freshwater 2020</li> <li>NES for Storing Tyres Outdoors 2021</li> </ul> <p>There are no National Policy Statements or National Environmental Standards relevant to this topic.</p> <p><b>Relevant case law considered</b> There is no case law relevant to this chapter.</p>	<p>There are no objectives or policies in the Waikato Regional Policy Statement or Manawātū-Whanganui One Plan directly relevant to temporary events and activities. The objectives and policies contained in these documents are relevant insofar as temporary events and activities may from time to time occur or be proposed within areas identified as significant or holding specific values. The regional provisions relating to the coastal environment, historic heritage, indigenous ecosystems and landscapes are implemented by other district wide chapters of the PDP and are discussed in the relevant section 32 reports.</p>	<p><b>The Waikato Tainui Environment Management Plan 2018 (WTEP)</b></p> <p>The WTEP contains the following provisions relevant to temporary events and activities:</p> <p>Objective 25.3.3 - Land use and development has positive environmental and cultural effects.</p> <p>Policy 25.3.3.1 - To ensure that land use and development, particularly new land use and development, has positive environmental and cultural effects.</p> <p>It is considered that the proposed provisions including those within the Hapori Whanui Chapter take into account the above objective and policy in the WTEP, as they seek to ensure that temporary activities are provided for while minimising adverse environmental effects.</p>
<p><b>OPERATIVE WAITOMO DISTRICT PLAN</b></p>			<p><b>IWI MANAGEMENT PLANS</b></p>	<p><b>OTHER RELEVANT PLANS OR LEGISLATION</b></p>
<p>The ODP does not generally recognise temporary events and activities; exceptions being exceedance of the noise limits for temporary military training activities and temporary signs.</p>			<p>We are required to take into account planning documents recognised by an iwi authority and lodged with the territorial authority, and there are many provisions in these documents relevant to Māori cultural and customary uses. These activities are provided for in Hapori Whanui Chapter.</p>	<ul style="list-style-type: none"> <li>The Waitomo District Comprehensive Reserve Management Plan.</li> <li>The Reserves Act 1977.</li> </ul>
<p><b>SCALE &amp; SIGNIFICANCE</b> s32(1)(c)</p>				<p><b>STRATEGIC DIRECTION</b></p>
<p>The assessment is based on eight factors outlined in Ministry for the Environment's guidance on section 32 reports. Each factor is scored in terms of its scale and significance (where 1 is low and 5 is high).</p> <p>Reason for Change: 2 Problem / Issue: 1 Degree of Shift from Status Quo: 2 Who and How Many Affected, Geographic Scale of Effects: 2</p>				<p>The following objective from the Strategic Directions chapter of the PDP are relevant to this topic:</p> <p><b>SD-05:</b> Compatible activities with similar effects and functions are zoned together and new development is directed towards the appropriate zones to ensure that land use and subdivision:</p> <ol style="list-style-type: none"> <li>Are consistent with the anticipated character and amenity values of the areas where they are located; and</li> </ol>

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Degree of Impact on or Interest from Maori: 2 Timing and Duration of Effects: 1 Type of Effect: 1 Degree of Risk or Uncertainty: 1  <b>Total (out of 40): 12</b>				2. Efficiently use natural and physical resources in order to meet the community's and the environment's needs both now and in the future; and 3. Recognise existing lawful activities and protect their ongoing operation from incompatible activities.  <b>UNCERTAINTIES AND RISKS s32(2)(c)</b> The degree of risk and uncertainty is low risk as areas are well managed by legislation.
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<b>OBJECTIVE(S) s32(1)(a)</b>
<p><b>Relevance</b> – The objectives address the relevant resource management issues and ensure consistency with section 31(1)(a) of the RMA, the management of the effects of use, development or protection of land and section 31(d) the control of the emission of noise and mitigation of the effects of noise. Consistent with the National Planning Standards, and with the purpose and principles of the RMA. The potential adverse effects of the development of temporary events and activities on the matters in section 7(b) and (c) are addressed by the proposed chapter objectives.</p> <p><b>Usefulness</b> – Outlines where and how temporary events and activities can occur, and how they will be managed, this will guide decision making when considering a resource consent application under section 104 of the RMA. The objectives clearly articulate an outcome and are drafted in plain english and active language.</p> <p><b>Reasonableness</b> – The objectives do not create increased costs to the community. Furthermore, direct costs such as resource consent fees will be reduced because of the clear articulation of where and how temporary activities can occur. While there is a moderate likelihood of adverse effects occurring in the absence of these provisions, their impact on people, communities, amenity and other physical resources is likely to be limited in duration.</p> <p><b>Achievability</b> – The objectives are limited to managing the adverse environmental effects of temporary activities.</p> <p><b>Are the objectives the most appropriate way to achieve the Purpose of the Act?</b>                  The proposed objectives are considered to meet the tests of relevance, usefulness, reasonableness and achievability. The objectives are the most appropriate way to achieve the purpose of the RMA because they:</p> <ul style="list-style-type: none"> <li>• Provide for a wide range of temporary events and activities.</li> <li>• Ensure that temporary events and activities are undertaken in accordance with the zone objectives.</li> </ul>

<b>PROVISIONS s32(1)(b)</b>
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<b>EFFICIENCY &amp; EFFECTIVENESS s32(1)(b)(ii), 32(2)(a)(i), s32(2)(a)(ii)</b>	<b>ALTERNATIVES s32(1)(b)(i)</b>
<p><b>Benefits Anticipated</b></p> <p><u>Environmental</u>                  The provisions will appropriately manage adverse environmental effects through rules, including consent conditions. By linking the provisions of the Waitomo District Comprehensive Reserve Management Plan to this chapter, important reserve and open space areas in the District will be consistently managed. Other chapters will manage nuisance effects and natural hazard risk.</p> <p><u>Economic</u>                  The provisions recognise the positive benefits of temporary events and activities which can include increased economic activity. Temporary events and activities can result in increased localised economic activity and 'low entry' markets for small scale or start-up businesses. The provision for temporary commercial activities will help for fundraising and continued provision of community services. The provisions for filming recognise the importance of this industry to the District with the associated local economic benefits. Temporary events and activities can additionally create access to employment opportunities. A clearer regulatory framework will reduce costs for those groups and businesses involved in temporary events and activities. The provisions will contribute to the vibrancy of the District including town centres.</p> <p><u>Social</u>                  Social cohesion can be improved through community and cultural-based temporary events and activities. Social activity and ability for social interaction can be increased through temporary activities, especially community and cultural-based events. Increased cultural, leisure and recreational opportunities from temporary activities such as school fairs, markets, cultural events. Fundraising through temporary events or activities is also important for the ongoing viability of educational and community organisations and facilities.</p> <p><u>Cultural</u>                  Groups can express and celebrate their culture through temporary activities and events.</p> <p><b>Costs Anticipated</b></p> <p><u>Environmental</u>                  The provisions enable temporary events and activities to occur in appropriate zones. This will enable a wide range of activities in all locations, and will generate effects on amenity, particularly residential amenity, as well as on the character of neighbourhoods. However, it is considered that these effects will only be temporary in nature. It will also affect the safety and efficiency of the transport network. The provisions seek to manage the intensity of temporary activities by controlling their duration and hours of operation, effects from traffic generation will be managed through requiring traffic managements plans where expected traffic generations exceeds a specified number of vehicle movements, along with variable controls used to reflect the sensitivity of the receiving environment. These controls still permit a degree of adverse effect on amenity, traffic and the transport network, as well as nuisance effects in terms of noise and light. There will be parts of the</p>	<p>For the purpose of this evaluation, the Council has considered the following potential options:                  1. The proposed provisions; and                  2. The status quo.</p> <p>The ODP provisions are not considered to be efficient or effective in achieving the objectives.</p> <p>In order to identify other reasonably practicable options, the Council has undertaken the following:</p> <ul style="list-style-type: none"> <li>- Reviewed other relevant district plan provisions for activities within Temporary Activities Chapters;</li> <li>- Sought feedback from Council asset managers in terms of infrastructure.</li> <li>- Collated feedback from discussions with iwi</li> </ul> <p>Status quo: There is currently no temporary events and activities in the ODP. Currently the ODP only provides for temporary events or activities in the Noise Chapter for temporary military activities and signs.</p> <p>It is considered that the proposed objectives are the most relevant, useful, reasonable and achievable option. It will also better give effect to the purpose and principles of the RMA and aligns with best practise drafting for objectives than the alternatives.</p>

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<p>existing community who consider these permitted levels of activity to be inappropriate, especially in residential areas. Property owners not benefitting from the temporary event or activity may perceive the nuisance and traffic effects associated with the activity as being unacceptable to the peaceful enjoyment of their property and neighbourhood. The temporary noise event provisions may create adverse noise nuisance to residents living near to the relevant Open Space and Natural Open Space Zones where these are enabled. However, this is unlikely, as the provisions seek to manage these adverse environmental effects appropriately.</p> <p><u>Economic</u> Temporary events and activities involving retail activities, cultural and entertainment events can result in loss of sales to established, permanent retail and entertainment businesses. Temporary events and activities can result in the relocation of consumer expenditure away from existing commercial centres. Events or activities that do not meet the standards will need to go through the resource consent process which will generate a compliance cost for applicants. There will be a cost to the Council in administering the new provisions, particularly in relation to processing consent applications; albeit the fair and reasonable costs of this can be recouped from the applicant.</p> <p><u>Social</u> There may be reduced opportunities for leisure and recreation associated within parks, reserves and other public places because of temporary events and activities occurring in these sites. However, this is unlikely.</p> <p><u>Cultural</u> It is unlikely there will be a cultural cost to these provisions.</p>	
<p><b>QUANTIFICATION OF BENEFITS &amp; COSTS</b> s32(2)(b)</p>	
<p>Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified. Given the assessment of the scale and significance of the proposed provisions, specific quantification of the benefits and costs in this report is considered neither necessary, beneficial nor practicable in relation to this topic.</p>	
<p><b>EFFICIENCY &amp; EFFECTIVENESS</b> s32(1)(b)(ii)</p>	
<p>Section 32(1)(b)(ii) requires assessing the efficiency and effectiveness of the provisions in achieving the objectives:</p> <p><u>Efficiency</u> The provisions will achieve the objectives at the highest net benefit to the community. Overall, the direct and indirect benefits, as set out above, outweigh the costs to sections of the community, landowners and business owners. The provisions will provide a clearer regulatory framework, than the status quo, to manage temporary activities and events across the Waitomo District.</p> <p><u>Effectiveness</u> The provisions are the most effective method for meeting the objectives as they best recognise and provide for temporary events and activities, whilst ensuring the appropriate management of their adverse effects. They recognise the social, economic and cultural benefits to the community of temporary events and activities, but with necessary safeguards to manage environmental and nuisance effects. This regulatory regime directly addresses the positive benefits of temporary events activities, and the adverse effects of temporary events and activities. The provisions are also effective in linking the provisions of the Waitomo District Comprehensive Reserve Management Plan to the PDP therein providing a consistent approach between the documents. The methods also rely on established processes such as the use of traffic management plans and the role of the Council’s infrastructure services property team to manage the effects of temporary events and activities.</p>	
<p><b>REASONS FOR PROVISIONS</b> s32(1)(b)(iii)</p>	
<p>Section 32(1)(b)(iii) requires a summary of the reasons for deciding on the provisions: The proposed provisions are considered to be the most appropriate approach to achieve the objectives of this Chapter. The provisions appropriately give effect to higher order policy documents, including being consistent with the purpose and principles of the RMA, particularly section 7(b) and (c). They are considered to be efficient and effective, as the identified costs are acceptable, while providing benefits, particularly indirect social and economic benefits. They best recognise and provide for the positive effects of temporary events and activities, while managing their potential adverse environmental effects. The provisions provide certainty for applicants and the community. This is achieved through a regulatory regime with clear policy direction and appropriate activity status settings. The rules and standards implement these policies to ensure their adverse effects will be acceptable.</p>	