

608 Change 60: Temporary Activities

Evaluation Overview

This report addresses submitter requests on the topic of temporary activities and wildfire risk in relation to temporary activities.

In summary, the Plan Change proposes new provisions that permit temporary activities subject to limits on duration, and temporary activities, that are public events, to exceed the zone noise rules for a limited period of time. The change also proposes provisions for managing temporary military training activities.

In total, 25 submitters submitted on the topic. In general terms, the submission requests relate to the duration limits on temporary activities, temporary activities in relation to fire risk, temporary military training activities and recreational activities.

Submissions Dealt with in this Report

C60.34.1	Hall, Peter	Chapter 17	Retain proposed changes relating to noise from temporary intermittent rural activity in 17.5.2.1(c); 17.6.2.1(c) and 17.7.2.1(d).
C60.34.2	Hall, Peter	Chapter 17	Include setbacks for recreational motorcycle riding from boundaries as follows: - 2,000m from a Residential zone boundary - 1,500m from a Rural Residential and Papakainga zone boundary, public and other buildings and activities sensitive to noise - 600m from a dwelling or an approved building location area in the Rural 1, 2 or 3 zones. as suggested in staff report titled 'Ombudsman's report on Motorcross Activities' dated 6th October 2011.
C60.806.35	NZ Transport Agency	16.1.6.1	Delete proposed condition 16.1.6.1(b).
C60.806.42	NZ Transport Agency	17.5.2.1	Delete proposed condition 17.5.2.1(p)(i).
C60.806.45	NZ Transport Agency	17.6.2.1	Delete proposed condition 17.6.2.1(p)(i).
C60.830.2	Fulton Hogan Ltd	2.2	Amend proposed definition of "temporary activity" by inserting a new point (c) to: "(c) works relating to the construction or maintenance of infrastructure (for example, roads, cycleways, footpaths and associated earthworks), and contracting works on private land."
<i>Support</i>		FC60.806.22	
C60.830.9	Fulton Hogan Ltd	17.5.2.1	Amend proposed conditions 17.5.2.1(p), (q) and (r) by clarifying the differences in application of these conditions against the application of current rule 16.8.2.1.
<i>Support</i>		FC60.806.27	
C60.830.10	Fulton Hogan Ltd	17.6.2.1	Amend proposed conditions 17.6.2.1(p), (q) and (r) by clarifying the differences in application of these conditions against the application of current rule 16.8.2.1.
<i>Support</i>		FC60.806.28	
C60.1089.1	Nelson Forests Ltd	2.2	Define the term 'recreational activity'.
<i>Support</i>		FC60.1196.5	
C60.1089.2	Nelson Forests Ltd	C60 GEN	Include Permitted and Restricted Discretionary standards for recreational activities in the proposed Plan Change.
<i>Support</i>		FC60.1196.6	
C60.1089.4	Nelson Forests Ltd	2.2	Amend the definition of 'temporary activity' to exclude 'dance parties' to ensure that outdoor dance parties are required to obtain resource consent.
C60.1089.26	Nelson Forests Ltd	16.8.2.2	Amend proposed permitted activity to include a further condition that requires preparation and adherence to a publicly available

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fire preparedness and management plan, including cancellation of an event when certain fire risk parameters are triggered.

<i>Support</i>		FC60.4057.1	
C60.1089.27	Nelson Forests Ltd	16.8.2.3	Amend proposed controlled activity to include a further condition that requires preparation and adherence to a publicly available fire preparedness and management plan, including cancellation of an event when certain fire risk parameters are triggered.
<i>Support</i>		FC60.4057.2	
C60.1089.28	Nelson Forests Ltd	16.8.20	Amend proposed principal reasons to include 'wildfire' in alignment with the amended additional permitted consent conditions and matters for control.
<i>Support</i>		FC60.4057.3	
C60.1089.29	Nelson Forests Ltd	Chapter 17	Amend temporary activity proposals in 17.5.2.1(p) and (r) and in 17.6.2.1(p) and (r) in areas of high wildfire risk (shown as an overlay on the planning maps) to require temporary activities to obtain a restricted discretionary level consent, including conditions that provide for the cancellation of an event should fire risk parameters be triggered.
C60.1089.30	Nelson Forests Ltd	Chapter 17	Delete reference to fire risk management in the note to the proposed temporary activity in 17.5.2.1(p) and (r) and in 17.6.2.1(p) and (r) and replace with wildfire management being a condition of a permitted activity in low fire risk areas or a matter for restricted discretion in areas of high wildfire risk.
C60.1196.3	Waimea Rural Fire Authority	16.8.2	Amend 16.8.2.2 and 16.8.2.3 to include reference to consideration of "wild fire risk" in relation to temporary military activities.
<i>Support</i>		FC60.4057.4	
C60.1196.4	Waimea Rural Fire Authority	16.8	Amend temporary activity rules to refer temporary activities that occur in high fire risk areas, between 1 October and 30 April, as restricted discretionary (see also submission point 5).
<i>Support</i>		FC60.1089.4	
C60.1196.5	Waimea Rural Fire Authority	C60 GEN	Amend maps to include a new special layer that identifies high fire risk areas.
<i>Support</i>		FC60.1089.5	
C60.2864.58	Horticulture New Zealand	17.6.2.1	Retain the exemption for temporary rural and animal production activities from Noise conditions.
<i>Support</i>		FC60.4011.12	
C60.3592.8	Golden Bay Community Board	Chapter 17	Amend temporary activities provisions to exclude motocross practise activity or the establishment of casual racing tracks as a permitted activity.
C60.3995.1	Blithe, Thora	Chapter 17	Retain provisions that clarify regulations around noise from associated events that are temporary activities.
C60.3995.2	Blithe, Thora	17.6.2.1	Amend rule 17.6.2.1 to limit noisy activities such as motor cross where the activity involves regular use of a constructed practice track without neighbours consent.
C60.4006.1	Cousins, John & Anstey, Colleen	Chapter 17	Retain the proposed rule 17.6.2.1(c) and 17.5.2.1(c) for noise that clarifies exemptions for intermittent or temporary rural plant and animal production activities.
C60.4006.2	Cousins, John & Anstey, Colleen	Chapter 17	Insert a new condition for regulating recreational motorcycle use: "Recreational Motorcycle Use Where the activity is recreational motorcycle use then it must achieve the following setbacks: (i) Distance from a Residential Zone boundary – 2,000 metres.

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(ii) Distance from a Rural Residential Zone or Papakainga Zone boundary, school, church, public hall, marae, recreation ground, or other area with frequent public use – 1,500 metres.
 (iii) Distance from a dwelling on another site in a Rural 1, Rural 2 or Rural 3 zone, or in relation to Rural 3 Zone, distance from any building location as approved on a survey plan of subdivision – 600 metres.”

C60.4023.1	Hancock Forest Management (NZ) Ltd	2.2	Include a definition for “recreational activity”.
<i>Support</i>		FC60.1196.9	
C60.4023.2	Hancock Forest Management (NZ) Ltd	Chapter 17	Provide for recreational activities as Permitted and Restricted Discretionary activities.
C60.4023.4	Hancock Forest Management (NZ) Ltd	2.2	Clarify whether or not “dance parties” are included in the definition of “temporary activity.”
<i>Support</i>		FC60.1196.10	
C60.4023.23	Hancock Forest Management (NZ) Ltd	16.8.2	Insert a new condition into 16.8.2.2 and a new matter of control into 16.8.2.3 to require the preparation of and adherence to a publically available fire preparedness and management plan, which would include the cancellation of the event should certain fire risk parameters be triggered.
<i>Support</i>		FC60.1196.13	
C60.4023.25	Hancock Forest Management (NZ) Ltd	Chapter 17	Amend proposed rules 17.5.2.1 and 17.6.2.1 to require temporary activities in areas of high wildfire risk to obtain consent as a Restricted Discretionary activity. conditions should include the cancellation of the event should certain fire risk parameters be triggered.
<i>Support</i>		FC60.1196.15	
C60.4023.26	Hancock Forest Management (NZ) Ltd	C60 GEN	Map areas of high wildfire risk.
<i>Support</i>		FC60.1196.16	
C60.4023.27	Hancock Forest Management (NZ) Ltd	Chapter 17	Amend proposed rules 17.5.2.1 and 17.6.2.1 to delete the reference to fire risk management and ensure that wildfire is referenced as a condition of Permitted temporary activities in low risk areas or a matter of Restricted Discretion for Restricted Discretionary activities in high risk areas.
<i>Support</i>		FC60.1196.17	
C60.4026.1	Harwood, Marjory L	Chapter 17	Delete the proposed changes that discourage or restrict motorcycle and motor sports activities.
C60.4027.3	Harwood, Shane	C60 GEN	Delete the proposed changes that discourage or restrict motorcycle and motor sports activities.
C60.4029.3	Hodgson, Antony	2.2	Include the word ‘festivals’ in the proposed definition of temporary activity, point (b).
C60.4031.1	Jacobson, Julie	16.8	Delete temporary military training proposals in proposals 16.8.2.2 and 16.8.2.3.
<i>Oppose</i>		FC60.4057.5	
C60.4034.24	Kebbell, John	Chapter 17	Amend temporary activities provisions to exclude motocross practise activity or the establishment of casual racing tracks as a permitted activity.
C60.4043.1	Lewis, Robert	Chapter 17	Retain proposed changes relating to noise from temporary intermittent rural activity in 17.5.2.1(c), 17.6.2.1(c) and 17.7.2.1(d).
C60.4043.2	Lewis, Robert	Chapter 17	Include setbacks for recreational motorcycle riding from boundaries as follows:

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- 2,000m from a Residential zone boundary
 - 1,500m from a Rural Residential and Papakainga zone boundary, public and other buildings and activities sensitive to noise
 - 600m from a dwelling or an approved building location area in the Rural 1, 2 or 3 zones.
- As suggested in staff report titled 'Ombudsman's report on Motorcross Activities' dated 6 October 2011.

C60.4046.6	McCarthy, Beth	Chapter 17	Ensure recreational motor sport activities require limited notified resource consent.
C60.4053.1	MudWood, Amira Mudfaery	Chapter 17	Retain temporary event provisions in 17.5.2.2(r)(ii) and 17.6.2.2.(r)(ii) but extend hours from 8.00 am – 6.00 pm to 8.00 am - 10.00 pm.
<i>Oppose</i>		FC60.1196.3	
C60.4053.2	MudWood, Amira Mudfaery	Chapter 17	Retain temporary event provisions in 17.5.2.2(r)(ii) and 17.6.2.2.(r)(ii) but extend period from 2 days to 3-5 days with consent of neighbours.
<i>Oppose</i>		FC60.1196.4	
C60.4057.1	New Zealand Defence Force	2.2	Retain proposed definition of 'temporary military training activity' as notified.
C60.4057.4	New Zealand Defence Force	16.8.2.2	Retain Permitted Activities (Temporary Military Training Activities) as notified.
C60.4057.5	New Zealand Defence Force	16.8.2	Retain Figure 16.8A: Noise Controls table but replace the words "approved by Council" with "provided to Council".
C60.4057.6	New Zealand Defence Force	16.8.2.3	Retain proposed Controlled activity rule.
C60.4057.7	New Zealand Defence Force	16.8.20	Retain proposed Principal Reasons for Rules.
C60.4061.3	Pearson, Debbie & Mark	Chapter 17	Retain proposals in 17.5.2.1(p) and (q) and 17.6.2.1(p) and (q) for temporary activities.
<i>Oppose</i>		FC60.1196.1	
C60.4061.4	Pearson, Debbie & Mark	Chapter 17	Retain in 17.5.2.1(r) and 17.6.2.1(r) proposals for temporary events.
<i>Oppose</i>		FC60.1196.2	
C60.4064.1	Pope, Jannine	Chapter 17	Delete new temporary activity and event proposals in 17.5.2.1(p)-(r) and 17.6.2.1(p)-(r) in so far as they affect motor sport .
C60.4064.2	Pope, Jannine	Chapter 17	Delete temporary event proposals in 17.5.2.1(r) and 17.6.2.1(r) in so far as they restrict motor sport events and replace with provisions that align with the adjoining Marlborough Council District plan rules.
C60.4075.1	Smith, Shanti	Chapter 17	Retain proposed changes in 17.5.2.1(c), 17.6.2.1(c) and 17.7.2.1(d) relating to noise from temporary intermittent rural activity.
C60.4075.2	Smith, Shanti	Chapter 17	Include setbacks for recreational motorcycle riding from boundaries as follows: <ul style="list-style-type: none"> - 2,000m from a Residential zone boundary - 1,500m from a Rural Residential and Papakainga zone boundary, public and other buildings and activities sensitive to noise - 600m from a dwelling or an approved building location area in the Rural 1, 2 or 3 zones. As suggested in staff report titled 'Ombudsman's report on

Motorcross Activities' dated 6 October 2011.

C60.4087.1	Waters, Bronwyn	Chapter 17	Delete proposed temporary activity condition in 17.5.2.1(p) and 17.6.2.1(p).
C60.4088.1	Waters, Mason	Chapter 17	Delete proposed temporary activity condition in 17.5.2.1(p) and 17.6.2.1(p).
C60.4089.1	Waters, Peter	Chapter 17	Delete proposed temporary activity condition in 17.5.2.1(p) and 17.6.2.1(p).

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A. Evaluation

1.0 Affected Plan Provisions

The Plan Change introduces new rules that allow temporary activities for all purposes subject to performance standards relating to the duration of the activity in the Rural 1 and 2 zones (17.5.2.1(p) and (q) and 17.6.2.1(p) and (q)).

The Change also introduces a new provision that exempts temporary public events in the Rural 1 and 2 zones from the zone noise rules for a maximum period of two consecutive days per site, per annum between the hours of 8.00 am – 6.00 pm only. (17.5.2.1(r) and 17.6.2.1(r)).

The Change also permits temporary military training activities in all zones subject to performance standards relating to minimum separation distances at specified times or, alternatively, approval of a noise management plan by Council which includes provision for a programme of notification to potentially affected parties (16.8.2 and 16.8.3).

The Plan Change clarifies that the operative Plan provisions, excepting any intermittent or temporary rural activity from the zone noise standards, apply only to “plant and animal” rural production activity (17.5.2.1(c) and 17.6.2.1(c) 17.7.2.1 (d)).

By way of context, currently the operative Plan provides for temporary activities in very limited circumstances:

- Temporary activities are permitted that are ‘ancillary or incidental to building and construction work for a period of 12 months or the duration of the activity whichever is the lesser’ (General rule 16.8.2.1); and
- Galas, fetes, craft fairs and recreation and sporting activities are permitted in the Recreational Zone (17.10.2.1);
- Commercial activities (the definition of which currently excludes recreation, community and home occupation activities) are Discretionary activities in Rural 1, 2, 3 and Rural Residential zones.
- Community activities are Restricted Discretionary activities in the Rural 1, 2, 3 and Rural Residential zones.

Also by way of context, currently, the operative Plan contains no provisions particular to recreational motorcycling. Council policy for the sport is set out in the ‘Code of Practice for the Recreational Use of Motorbikes’. The Code provides guidance to all stakeholders and to Council when considering action in terms of the ‘excessive noise’ section 326 of the Resource Management Act.

2.0 Issues

2.1 Temporary Activities and Events Permitted Subject to Duration Limits

Seven submitters requested that the provisions that permit temporary activities subject to conditions relating to duration (17.5.2.1(p) and 17.6.2.1(p)) are deleted because the provision places an unreasonable requirement on activities (for example, regular road maintenance, sport and recreation, gardening) that would otherwise be Permitted to obtain a consent (due to the restrictions on duration) without addressing any particular environmental effect.

Staff accept these requests and note that if an activity has adverse effects such as noise, odour or dust, Plan standards apply.

Two submitters requested that the proposed temporary public event provisions are retained and one

submitter that the duration and noise exemptions are extended (17.5.2.1(r) and 17.6.2.1(r)). Staff consider the proposed event provisions strike an appropriate balance between providing adequate opportunity for events, while limiting adverse effects on the surrounding environment.

Two submitters requested that the proposed Rural 1 and 2 zone temporary activity provisions and the operative Plan Chapter 16.8 temporary activity provisions are better integrated or the differences between the provisions clarified. Staff accept these requests.

One Submitter requested that the word “festival” is specifically included within the definition of ‘temporary activity’. This request is accepted.

Two submitters requested that Council defines the word “recreation” and provides for Plan standards to manage recreation activities and that outdoor dance parties are required to obtain consent. In line with the discussion above, staff consider that such activities are better managed through Plan provisions that manage a particular environmental effect, such as noise.

2.2 Wildfire Risk and Temporary Activities including Events

Three submitters (C60.1196.4, C60.1089.29 and C60.4023.27) are concerned that unregulated (Permitted) temporary activities in the Rural 1 and 2 zones will increase the risk of wildfire, particularly in areas of high wildfire risk and during the summer months (1 October – 30 April). The submitters note that if no consent is required, the potentially affected public and appropriate authorities may have no knowledge of an event. One of these submitters also notes that there is no legislative ability under the Rural Fires Act or regulations to manage this type of activity.

These submitters requested that: (i) high wildfire risk areas in the District are identified through the application of a spatial layer on the planning maps; and (ii) that temporary activities/events in low risk areas are Permitted activities subject to a condition of a publicly available fire risk preparedness and management plan, including cancellation of an activity/event when fire risk parameters are triggered; and that temporary activities/events in high risk areas have Restricted Discretionary consent activity status, with one submitter limiting the high risk period to 1 October – 30 April and requesting that the reference to fire risk management in the note to the conditions be removed.

New Zealand manages the risk of wildfire primarily through the Forest and Rural Fire Act 1977 (FRFA) and the fire authorities established in terms of that Act. Before the proposed Change, the Plan, which does provide for the avoidance of natural hazards, had not provided specifically for the avoidance and management of wildfire risk other than in relation to dwellings. Due to the nature of the risk, which is weather driven, the question arises whether the FRFA provides a better vehicle to manage this risk in a systematic way across the country rather than through various provisions in 60 plus district plans. Staff note sections 12 and 18 of the Act which provide for fire authorities to carry out fire control measures within a district and section 32 of the Act which enables a fire authority to exclude persons from entering exotic forests where fire hazard conditions exist. Currently the Fire and Emergency New Zealand Bill is before parliament, which is expected to improve the ability of fire authorities to manage fire and emergency effectively. Council has recently transferred its authority to manage or monitor fire risk in the Tasman District to the Waimea Rural Fire Authority.

The information required for Council to assess such an option is not presently available. We invite submitters to provide us with information in support of the submissions, i.e., (a) spatial layer for the TRMP planning maps showing low and high fire risk areas with a supporting risk assessment; (b) description of what the submitters consider to be an adequate fire risk preparedness and management plan; and (c) description of the fire risk parameters that would trigger the cancellation of an event.

2.3 Temporary Military Training Activities

One submitter (C60.4057.1 - .7) supported the proposed provisions for temporary military training activities but requested that the word “approval” be changed to the word “provision”. The submitter also supported the submissions of others that fire risk preparedness is referred to in the provisions. Two submitters requested that the Permitted activity provisions are subject to a condition of a publicly available fire risk preparedness and management plan, including cancellation of an activity when fire risk parameters are triggered. Staff accept these requests as the New Zealand Defence Force is required to carry out military training in order to fulfil its statutory obligations under the Defence Act and training activities involving the use of fire arms generate a risk of wildfire.

One submitter requested that these provisions are deleted from the Change, which staff do not accept due to the NZDFs statutory obligations.

2.4 Recreational Motorcycling

Four submitters requested the deletion of temporary activity provisions in so far as they limit recreational motorsport. These requests are addressed in paragraph 2.1 above. A further eight submitters have requested that recreational motorcycle riding be restricted primarily through setbacks from rural dwellings and from Residential and Rural Residential zone boundaries. Setbacks of 600m from a dwelling in the Rural 1, 2 and 3 zones, 1,500m from Rural Residential and Papakainga zones and 2,000m from the Residential zone are suggested by three submitters. Also six submitters supported the amendments to the zone noise rule that clarify that the exemption for temporary or intermittent activities applies only to plant and animal production activities.

Recreational motorcycling has received significant attention by Council in the recent past, primarily due to noise effects. Although the noise adversely affects complainants, due to the nature of the activity, on measurement, due to various factors, the noise frequently falls within the ambit of the zone noise standards. The noise is challenging to monitor and manage as the location and level of the noise is neither stable nor constant. The activity moves around the site, occurs over a widely varying and dynamic acoustic range, and the activity occurs only during the day. This means that all of the other noise making activities like other machinery, bird song, insect noise, animal noise, neighbourhood activities and high levels of road noise will impact and severely interfere with the accuracy and technical ability to obtain the measurement. Also Council's ability to respond timeously to noise complaints in the further regions of the District, such as Golden Bay, is limited. To address the issues, Council negotiated a voluntary code with which the organised district motorcycling community generally complies.

As a result of a 2011 Ombudsman's report on motorcross in the District, staff assessed the options for Council and identified several possible courses of action including: (i) amendments to the rural zone noise rules to clarify that the exemption for temporary or intermittent activities applies only to those associated with plant and animal production (attended to in this Change); (ii) the updating of the voluntary Code of Practice for the Recreational Use of Motorbikes to better accommodate the concerns of affected residents and (iii) introducing a minimum setback rule for motorcycle tracks from dwellings on adjoining properties and to the Residential and Rural Residential zones of at least 600 metres.

3.0 Options

In the light of the issues raised, the following options are assessed:

3.1 Temporary Activities and Events Permitted subject to Duration Limits - Option 1

Retain operative Plan provisions for temporary activities by deleting the Plan definition of 'temporary activity' and provisions that permit temporary activities subject to conditions restricting duration (17.5.2.1(p) and 17.6.2.1(p)) in favour of a planning approach that regulates specific temporary activities that are likely to generate adverse effects such as temporary military training activities and recreational motorcycling.

The benefit of the option is that all manner of regular everyday activities that cause no adverse effects will continue to be Permitted unless restricted by a Plan standard regulating an identified adverse effect such as noise, dust, odour or another law, such as trespass, applies.

The risk of the option is that some activities that may warrant regulation due to the nature of their effects, remain permitted. This could be managed through Plan provisions that address the particular characteristics and effects of a specific activity, for example temporary military training activities and recreational motorcycling.

3.2 Wildfire Risk and Temporary Activities including Events - Option 2A

Retain proposed Plan provisions that permit temporary public events in the Rural 1 and 2 zones subject to conditions that: (i) for any one site, the zone noise limits are exceeded for not more than two days within any 12-month period and this exceedance occurs only between the hours of 8:00 am and 6:00 pm; (ii) any temporary building or structure that is used is removed at the end of the event; and additionally, (iii) the event is set back 600m from adjoining internal boundaries.

The benefits of this option is that it distinguishes between private activities (private dance party as opposed to a dance party advertised for general public admission). An event advertised for public admission forewarns the public about the event. The setback from adjacent internal boundaries will reduce the effects of noise on potentially affected neighbours.

The risk of temporary noise effects on neighbours remains, but is limited to day time hours for two days in any one year and the setback.

3.3 Wildfire Risk and Temporary Activities including Events - Option 2B

This is the above option with the addition of a condition that, from 1 October to 30 April, a fire risk preparedness and management plan is provided to the Waimea Rural Fire Authority and adjacent landowners which provides sufficient detail to satisfy the purposes for which it is required and includes: (i) an evacuation plan, (ii) provision for on-site fire equipment that will be in a complete state of readiness at all times.

The benefit of this option is that the relevant stakeholders will be forewarned of the event.

The risks are that inadequate plans may be prepared and provided and that the restrictive condition may be disproportionate to the risk as currently information concerning high and low risk fire risk areas is not available.

3.4 Recreational Motorcycling - Option 3A

Require tracks used for or in connection with recreational motorcycling to be set back 600m from the nearest dwelling in the Rural 1, 2, 3 and Rural Residential zones and 600m from boundaries to the Rural Residential, Papakainga and Residential zones.

In addition, as a further follow up action, Council review the Code to bring it in line with this recommendation.

The benefit of this option is that it is likely to reduce the effects of noise from recreational motorcycling on neighbouring dwellings in specific situations without unduly restricting the sport as a whole. Such a condition would not affect existing tracks due to existing use rights but would improve the situation in the future, in that it would limit track development and track riding close to neighbouring dwellings. Also it aligns with the approach outlined in Option 1 of allowing temporary activities but managing specific temporary activities with particular effects such as noise that disturbs neighbours but does not exceed the zone noise rules.

The risk is that due to topographic factors (such as hill slope) and the prevailing wind conditions, the setbacks may be too restrictive or insufficient to address the effects.

3.5 Recreational Motorcycling - Option 3B

Council commit to a reconsideration of the matters raised by submitters in a separate review of recreational motorcycling.

Prior to this Plan Change, Council addressed issues arising from recreational motorcycling activity as a separate topic and, in doing so, consulted directly with all the relevant stakeholders – the motorsport community and members of the community adversely effected by the activity.

The benefit of this option is that a separate inquiry into recreational motorcycling acknowledges the current non-regulatory response to the issue (Voluntary Code of Practice for the Recreational Use of Motorbikes) which is supported by the organised motorcross community and would enable a review of the full range of both regulatory and non-regulatory options.

The risk is that Council will take no further action.

3.6 Recreational Motorcycling - Option 3C

Retain the status quo.

The risk of this option is that recreational motorcycling is a sport that is growing in popularity. Noise from the sport is challenging to monitor and manage, and Council has limited noise management resources. Recreational motorcycling on small rural lots within about 600m of dwellings causes complaints and the number of complaints is likely to increase as the number of dwellings in rural areas increases. A setback for recreational motorcycling from dwellings in the rural zones is likely to reduce the number of complaints into the future.

4.0 Preferred Options

On consideration of the requests, further requests and the issues raised, staff prefer the options set out below.

As per Option 1 above, revert to operative Plan provisions for temporary activities by deleting the proposed definition of 'temporary activity' and proposed provisions that permit temporary activities subject to conditions limiting duration (17.5.2.1(p) and 17.6.2.1(p)) in favour of a planning approach that regulates specific temporary activities that are likely to generate adverse effects.

This option allows all manner of regular every day temporary activities that cause no adverse effects to continue as Permitted activities until restricted by a Plan standard regulating an identified adverse effect such as noise, dust, odour or another law, such as trespass, applies.

As per option 2B above, define and permit temporary events that are public, subject to conditions that provide for limited exceedance from zone noise rules, setbacks from neighbours and fire risk preparedness. This allows 'once off' temporary events with potentially adverse effects but for a limited period, subject to conditions that manage these effects.

As per option 3A above, introduce a setback of 600m from the nearest dwelling in the Rural 1, 2, 3 and Rural Residential zones and of 600m to a Rural Residential, Papakainga or Residential zone boundary for tracks used for or in connection with recreational motorcycling. Following the Plan change, Council review the Code to bring it in line with this recommendation.

B. Staff Recommendations

1. Revert to operative Plan provisions for temporary activities by deleting the proposed temporary activity provisions that permit temporary activities subject to conditions relating to duration in the Rural 1 and 2 zones in favour of a planning approach that regulates specific temporary activities that are likely to generate adverse effects.
2. Define and retain the provisions that permit temporary events that are advertised for public admission in the Rural 1 and 2 zone, subject to additional conditions that will reduce adverse noise effects on neighbouring properties and fire risk.
3. Allow changes requested to temporary military training provisions that provide for fire risk and more correctly reflect the Permitted activity status of the provision.
4. Introduce a setback of 600m from the nearest dwelling in the Rural 1, 2, 3 and Rural Residential zones and 600m to a Rural Residential, Papakainga or Residential zone boundary for tracks used for or in connection with recreational motorcycling.
5. Following the notification of the Plan change, Council commit to a review of the Code of Practice for the Recreational Use of Motorbikes to bring it in line with recommendation 4 above.
6. Improve alignment of the provisions that manage temporary activities in different sections of the Plan.

C. Reasons

1. Deleting the proposed provisions that restrict the duration of temporary activities allows all manner of regular everyday temporary activities that cause no adverse effects to continue unrestricted unless limited by a Plan standard managing an identified adverse effect such as noise, dust or odour.
2. Temporary events that are advertised for public admission with potentially adverse effects, but for a limited period of time, remain Permitted activities without the necessity for obtaining resource consent but subject to additional conditions that are expected to reduce the adverse effects of noise on neighbouring properties and fire risk.
3. Better alignment of operative and proposed Plan provisions for temporary activities is expected to improve plan accuracy and legibility.
4. A setback for recreational motorcycle tracks used for or in connection with recreational motorcycling of 600m from dwellings and relevant zone boundaries is likely to reduce the effects of noise on neighbouring dwellings in specific situations without unduly restricting the sport as a whole.

D. Plan Amendments

Topic : 2.2

Delete definition of 'temporary activity' and replace with the following definition of event:

"Event means – any use of land or buildings that is of a non-repetitive, transient or intermittent nature of limited duration, and includes: sporting events, galas, market days, carnivals, shows, festivals, concerts and similar events."

Topic : 16.1.6.1

Delete proposed changes to condition (b).

Topic : 16.8.2

Add the following new rule:

"16.8.2.1A Permitted Activities (Temporary Activities that are Construction, Maintenance, or Demolition Work)

(a) The activity meets the noise limits provided for in NZS6803:1999 Acoustics – Construction Noise."

Topic : 16.8.2.2

Amend Figure 16.8A as follows:

1. Amend figure title to read: "Noise and Fire Risk Controls."
2. Amend section 1.1 to insert the following words after the word "Council":
"and where the use of live ammunition or pyrotechnics is proposed to the Waimea Rural Fire Authority".
3. Amend introductory phrase of 1.2 to delete the word "noise".
4. Amend 1.2(c) by replacing the words "approved by" in the first paragraph with the words "provided to" and replacing the phrase "prior to the activities commencing" in the 4th bullet point, with the phrase "before the activities commence".
5. Amend section 1.2 by adding a new condition after (c):
"(d) For temporary military training activities where the use of live ammunition or pyrotechnics is proposed, the activity is undertaken in accordance with a fire preparedness and management plan prepared by a suitably qualified expert and provided to the Waimea Rural Fire Authority and the adjacent landowners at least 15 working days before the activity commences. The fire preparedness and management plan shall as a minimum contain:
 - a description of the site and activity, including times, dates, nature and location of the proposed training activities.
 - an evacuation plan
 - provision for on-site fire equipment that will be in a complete state of readiness at all times."

Topic : 16.8.2.3

Insert an additional matter for control:

"(1B) Risk of wildfire"

Topic : 16.8.20

Insert the following words at the end of the last paragraph:

"The risk of fire from temporary military training activities which involve the use of live ammunition or pyrotechnics needs to be appropriately controlled within the District Plan."

Topic : Chapter 17

1. Delete conditions 17.5.2.1(p) and (q) and 17.6.2.1(p) and (q).
2. Amend conditions 17.5.2.1(r) and 17.6.2.1(r) as follows:
"(p) An event which is advertised for public admission meets the following conditions:
 - (i) for any one site, the zone noise limits are exceeded for not more than two days within any 12month period and this exceedance occurs only between the hours of 8:00 am and 6:00 pm
 - (ii) the activity is setback 600m from adjoining internal boundaries
 - (iii) any temporary building or structure that is used is removed at the end of the event
 - (iv) from 1 October to 30 April, a fire risk preparedness and management plan is provided to the Waimea Rural Fire Authority and adjacent landowners which provides sufficient detail to satisfy the purposes for which it is required and includes: (a) an evacuation plan, and (b) provision for on-site fire equipment that will be in a complete state of readiness at all times."
3. Amend note in conditions 17.5.2.1 and 17.6.2.1 to:
"Note: Other legislation or requirements relating to health, food safety, building and traffic management may need to be complied with."
4. Add a new condition 17.5.2.1(q), 17.6.2.1(q), 17.7.2.1(i):
"Recreational Motorcycling
Tracks used for or in connection with recreational motorcycling are set back at least 600 metres from a dwelling and at least 600 metres from a boundary where that boundary is to the Rural Residential, Papakainga or Residential zone."

Topic : 17.8.2.1

Add a new condition:

"Recreational Motorcycling

(p) Tracks used for or in connection with recreational motorcycling are set back at least 600 metres from a dwelling and at least 600 metres from a boundary where that boundary is to the Papakainga or Residential zone."

F. Submission Recommendations

C60.34.1	Hall, Peter	Allow
C60.34.2	Hall, Peter	Allow In Part
C60.806.35	NZ Transport Agency	Allow
C60.806.42	NZ Transport Agency	Allow
C60.806.45	NZ Transport Agency	Allow
C60.830.2	Fulton Hogan Ltd	Allow In Part
<i>Allow in Part</i>	FC60.806.22	
C60.830.9	Fulton Hogan Ltd	Allow
<i>Allow</i>	FC60.806.27	
C60.830.10	Fulton Hogan Ltd	Allow
<i>Allow</i>	FC60.806.28	
C60.1089.1	Nelson Forests Ltd	Disallow
<i>Disallow</i>	FC60.1196.5	
C60.1089.2	Nelson Forests Ltd	Disallow
<i>Disallow</i>	FC60.1196.6	
C60.1089.4	Nelson Forests Ltd	Disallow
C60.1089.26	Nelson Forests Ltd	Allow In Part
<i>Allow in Part</i>	FC60.4057.1	
C60.1089.27	Nelson Forests Ltd	Allow In Part
<i>Allow in Part</i>	FC60.4057.2	
C60.1089.28	Nelson Forests Ltd	Allow
<i>Allow</i>	FC60.4057.3	
C60.1089.29	Nelson Forests Ltd	Disallow
C60.1089.30	Nelson Forests Ltd	Allow In Part
C60.1196.3	Waimea Rural Fire Authority	Allow
<i>Allow</i>	FC60.4057.4	
C60.1196.4	Waimea Rural Fire Authority	Disallow
<i>Disallow</i>	FC60.1089.4	
C60.1196.5	Waimea Rural Fire Authority	Disallow
<i>Disallow</i>	FC60.1089.5	
C60.2864.58	Horticulture New Zealand	Allow
<i>Allow</i>	FC60.4011.12	
C60.3592.8	Golden Bay Community Board	Allow In Part
C60.3995.1	Blithe, Thora	Allow
C60.3995.2	Blithe, Thora	Allow
C60.4006.1	Cousins, John & Anstey, Colleen	Allow
C60.4006.2	Cousins, John & Anstey, Colleen	Allow In Part
C60.4023.1	Hancock Forest Management (NZ) Ltd	Disallow
<i>Disallow</i>	FC60.1196.9	
C60.4023.2	Hancock Forest Management (NZ) Ltd	Disallow
C60.4023.4	Hancock Forest Management (NZ) Ltd	Allow In Part

<i>Allow in Part</i>	FC60.1196.10	
C60.4023.23	Hancock Forest Management (NZ) Ltd	Allow In Part
<i>Allow in Part</i>	FC60.1196.13	
C60.4023.25	Hancock Forest Management (NZ) Ltd	Disallow
<i>Disallow</i>	FC60.1196.15	
C60.4023.26	Hancock Forest Management (NZ) Ltd	Disallow
<i>Disallow</i>	FC60.1196.16	
C60.4023.27	Hancock Forest Management (NZ) Ltd	Disallow
<i>Disallow</i>	FC60.1196.17	
C60.4026.1	Harwood, Marjory L	Allow In Part
C60.4027.3	Harwood, Shane	Allow In Part
C60.4029.3	Hodgson, Antony	Allow
C60.4031.1	Jacobson, Julie	Disallow
<i>Allow</i>	FC60.4057.5	
C60.4034.24	Kebbell, John	Allow In Part
C60.4043.1	Lewis, Robert	Allow
C60.4043.2	Lewis, Robert	Allow In Part
C60.4046.6	McCarthy, Beth	Allow In Part
C60.4053.1	MudWood, Amira Mudfaery	Allow In Part
<i>Disallow</i>	FC60.1196.3	
C60.4053.2	MudWood, Amira Mudfaery	Allow In Part
<i>Disallow</i>	FC60.1196.4	
C60.4057.1	New Zealand Defence Force	Allow
C60.4057.4	New Zealand Defence Force	Allow In Part
C60.4057.5	New Zealand Defence Force	Allow In Part
C60.4057.6	New Zealand Defence Force	Allow In Part
C60.4057.7	New Zealand Defence Force	Allow In Part
C60.4061.3	Pearson, Debbie & Mark	Allow In Part
<i>Disallow</i>	FC60.1196.1	
C60.4061.4	Pearson, Debbie & Mark	Allow In Part
<i>Disallow</i>	FC60.1196.2	
C60.4064.1	Pope, Jannine	Allow In Part
C60.4064.2	Pope, Jannine	Allow In Part
C60.4075.1	Smith, Shanti	Allow
C60.4075.2	Smith, Shanti	Allow In Part
C60.4087.1	Waters, Bronwyn	Allow
C60.4088.1	Waters, Mason	Allow
C60.4089.1	Waters, Peter	Allow