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## Section 42A Officer's Report – General District Wide Matters: Light, Earthworks and Temporary Activities

### Appendix 1 - Recommended Provisions

Recommended amendments to the provisions in response to submissions are shown in ~~strikethrough~~ and underline.

Corrections to recommended provisions appended to the section 42A report are shown in ~~strikethrough~~ and underline.

Additional recommended amendments in response to submitter evidence are shown in ~~strikethrough~~ and underline.

Amendments in response to evidence presented at the General District Wide Matters, Part 1 earthworks, light and temporary Activities hearing are shown in ~~strikethrough~~ and underline.

## EW

## Earthworks - Te Huke Whenua

### Overview

Earthworks are usually an essential prerequisite for development. Earthworks are the physical works that modify land so that it can be used for living, business, and recreation purposes, farming and forestry and the construction and maintenance of infrastructure. The scope and scale of earthworks range from large bulk earthworks, which can alter the landform and its topography, to small and discrete areas of works most often associated with minor development.

Earthworks can adversely affect amenity values (visual, dust nuisance, noise and traffic), natural environment values (such as indigenous biodiversity, habitat, environmental quality and landscape) and result in changes to natural landforms. Earthworks can cause changes to the appearance and character of the neighbourhoods they are located in and can impact on people's experience of their environment.

### Other relevant Te Tai o Poutini Plan provisions

In addition to the provisions in this chapter, earthworks ~~and land disturbance~~ are also subject to additional provisions in some zone chapters and a number of Part 2: District-Wide Matters chapters, including:

- **District Wide Chapters** – Energy, Infrastructure and Natural Hazards Chapters have provisions in relation to earthworks.
  - **Overlay Chapters** - the Overlay Chapters have earthworks provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and Margins of Waterbodies ; Natural Hazards; and the Coastal Environment. ~~Where earthworks are located within an overlay area (as identified in the planning maps) then the relevant overlay chapter provisions apply.~~
  - **Earthworks Associated with Mineral Extraction** - the rules that apply to mineral extraction
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~~activities are located in the Zone and Overlay Chapters have provisions which manage mineral extraction and its ancillary activities. The Earthworks rules within this chapter do not apply to mineral extraction, mineral prospecting or mineral exploration. have provisions in relation to mineral extraction and its ancillary activities including earthworks.~~

### Other relevant regulations

A number of other regulatory and non-regulatory methods also manage the effects of earthworks. For instance, certain earthworks carried out as part of building work are subject to the New Zealand Building Code and may require a building consent under the Building Act 2004, and earthworks in the vicinity of electrical infrastructure are regulated under the New Zealand Code of Practice for Electrical Safe Distances (NZCEP 34:2001).

Earthworks ~~and land disturbance~~ affecting archaeological sites may also require authorisation under the Heritage New Zealand Pouhere Taonga Act 2014. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. If you wish to do any work that may affect an archaeological site you must obtain an authority from Heritage New Zealand before you begin.

Earthworks may need additional resource consents from the West Coast Regional Council under the Regional Land and Water or Coastal Plans for the West Coast/Te Tai o Poutini, or under the National Environmental Standard for Freshwater 2020 including earthworks that may result in silt or sediment contamination of water or those which will affect wetlands.

Where earthworks associated with the removal of contaminated land and soil are undertaken, the provisions of the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil for Human Health will also apply.

The National Environmental Standard for Plantation Forestry 2017 regulates earthworks for plantation forestry and these rules do not apply to those works.

### Earthworks Objectives

<b>EW - O1</b>	To provide for earthworks to facilitate subdivision, use and development of the West Coast/Te Tai o Poutini's land resource, while ensuring <del>that their</del> adverse effects on the <del>surrounding</del> environment are avoided, <u>remedied</u> or mitigated.
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### Also the Strategic Objectives and Policies

#### Earthworks Policies

<b>EW - P1</b>	Enable <del>temporary and small scale</del> earthworks for the subdivision, use and development of land, the provision of <u>infrastructure utilities</u> , and hazard mitigation, while managing those with the potential to create <u>significant</u> adverse effects.
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<b>EW - P2</b>	Manage the effects of earthworks to <del>minimise</del> <u>avoid, remedy or mitigate</u> impacts on landscape character, amenity, natural features, <del>water quality</del> , biodiversity, cultural and heritage sites and the quality of the environment.
<b>EW - P3</b>	Require the use of accidental discovery protocols to mitigate the potential risk <del>to</del> <u>of</u> earthworks to archaeological sites and sites and areas of significance to Māori and archaeological sites that are not scheduled in the Plan.
<b>EW - P4</b>	Protect critical infrastructure and natural hazard defences from the adverse effects of earthworks.

## Earthworks Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

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## Permitted Activities

EW - R1

### Earthworks Land Disturbance General Standards

**All Permitted activities must comply with the following relevant standards.**

1. Earthworks must not exceed a maximum depth or height above ground level of 1.5m measured vertically within 1.5m of a boundary except where these are undertaken by a network utility operator for the purpose of:
  - a. Pole foundations;
  - b. Backfilled trenches; or
  - c. Installation of services by trenchless methods such as directional drilling;
  - d. Installation of underground equipment as part of the electricity supply or distribution network;
  - e. Achieving safe separation between conductors and the ground; or
  - f. Stockpiles required for network utility or critical infrastructure maintenance, operation, repair, upgrade, or installation of new network utilities.
2. All imported fill must consist of cleanfill material;
3. Erosion and sediment control measures must be ~~put in place~~ designed, installed and maintained for the duration of earthworks to avoid sediment run-off from earthworks activities entering a Council reticulated network or into waterbodies;
4. No diversion of stormwater and overland flow shall occur beyond the site boundary and water must not be diverted to adjacent properties or the road;
5. Any earthworks within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001);
6. No earthworks are to be undertaken on or within 10m of any public natural hazard mitigation structure unless under the written approval has been obtained from the relevant local government agency; and
7. In the event of discovery of any sensitive or archaeological material that the Accidental Discovery Protocol outlined in Appendix Four must be followed.
8. Rule EW-R1 does not apply to earthworks associated with mineral extraction, mineral exploration, or mineral prospecting.

**Advice Notes:**

9. Earthworks are also regulated by the West Coast Regional Land and Water Plan and the NES - Freshwater 2020 administered by the West Coast Regional Council.

**Activity status where compliance not achieved:**

Restricted  
Discretionary

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10. Earthworks undertaken in areas of contaminated land are subject to the Rules in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.	
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**Activity Status Permitted**

Where:

1. All standards in Rule EW - R1 are complied with; and
2. These earthworks are:
  - a. ~~Are~~ Associated with the construction of an approved building platform and access; or
  - b. ~~These are earthworks~~ Are associated with an approved subdivision consent; or
  - c. ~~These are earthworks~~ Are associated with an approved well or bore; or
  - d. ~~These are eEarthworks, including stockpiles~~ Are required for repair, maintenance, operation, upgrading and establishment of network utility or critical infrastructure, and may include stockpiles; or maintenance, operation, repair, upgrade, or installation of new network utilities including public roads; or
  - e. ~~These a~~ Are earthworks associated with installation of swimming pools; or
  - f. ~~The earthworks a~~ Are for interments in a cemetery or urupā;
  - g. ~~The earthworks a~~ Are for natural hazard mitigation structures constructed by a statutory agency or their authorised contractor; or
  - h. ~~The earthworks a~~ Are test pits for geotechnical or contaminated land assessment where the land is reinstated within 48 hours; or
  - i. ~~They are earthworks within the National Grid Yard where:~~
    - i. ~~Any earthworks must not exceed a depth or fill from original ground level of 300mm, except for:~~
      - A. ~~Earthworks for a network utility or as part of a renewable electricity generation activity; and~~
      - B. ~~Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.~~
3. Rule EW-R2 does not apply to earthworks associated with mineral extraction, mineral exploration, or mineral prospecting.

**Advice Notes:**

1. Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters of this Plan.
2. Earthworks undertaken in areas of contaminated land are subject to the Rules in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

**Activity status where compliance not achieved:**

Restricted Discretionary

Refer Overlay Chapters for Earthworks Rules in relation to these overlay areas.

<b>EW - R3</b>	<b>Earthworks in the GRUZ - General Rural Zone, RLZ - Rural Lifestyle Zone, any INZ - Industrial Zone, FUZ - Future Urban Zone, AIRPZ - Airport Zone, any OSRZ - Open Space and Recreation Zone and the MPZ - Māori Purpose Zone</b>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All standards in Rule EW - R1 are complied with; and</li> <li>2. These are ancillary earthworks for: <ol style="list-style-type: none"> <li>i. A Permitted Activity, except that in the Rural Lifestyle Zone a maximum of 500m<sup>2</sup>/site of land is disturbed in any 12 month period; or</li> <li>ii. <u>Natural Open Space Zone a maximum of 250m<sup>2</sup>/site of land is disturbed in any 12 month period and a maximum of 200m<sup>3</sup> of material is transported off site in any 12 month period, and there is a maximum 1m change of existing ground level; and or;</u></li> <li>iii. An Energy Activity, Network Utility Operation or Transport Activity.</li> </ol> </li> <li>3. Where the earthworks are undertaken within an Overlay Chapter area these earthworks meet the Permitted Activity standards for the relevant Overlay chapter.</li> <li>4. <u>Rule EW-R3 does not apply to earthworks associated with mineral extraction, mineral exploration, or mineral prospecting.</u></li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Restricted Discretionary where standard 1 and 2 are not complied with.</p> <p>Refer to the relevant Overlay Chapter where standard 3 is not complied with.</p>	

<b>EW - R4</b>	<b>Earthworks in any RESZ - Residential Zone, the NCZ - Neighbourhood Centre Zone or SETZ - Settlement Zone</b>	
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. All standards in Rule EW - R1 are complied with; and</li> <li>2. Where the earthworks are undertaken within an Overlay Chapter area these earthworks meet the Permitted Activity standards for the relevant Overlay area;</li> <li>3. These are ancillary earthworks for an Energy Activity, Network Utility Operation or Transport Activity; and</li> <li>4. Where earthworks are undertaken for any other activity: <ol style="list-style-type: none"> <li>a. A maximum of 250m<sup>2</sup>/site of land is disturbed in any 12 month period;</li> <li>b. A maximum of 200m<sup>3</sup> of material is transported off site in any 12 month period; and</li> <li>c. There is a maximum 1m change of existing ground level.</li> </ol> </li> <li>5. <u>Rule EW-R4 does not apply to earthworks associated with mineral extraction, mineral exploration, or mineral prospecting.</u></li> </ol> <p><b>Advice Note:</b> Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.</p>		<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p> <p>Refer to the relevant Overlay Chapter where standard 2 is not complied with.</p>
<b>EW - R5</b>	<b>Earthworks in any COMZ - Commercial and Mixed Use Zone, SVZ - Scenic Visitor Zone, HOSPZ - Hospital Zone or STADZ - Stadium Zone</b>	
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. All standards in Rule EW - R1 are complied with; and</li> <li>2. Where the earthworks are undertaken within a Overlay Chapter area these meet the Permitted Activity standards for the relevant overlay area; and</li> <li>3. These are ancillary earthworks for an Energy Activity, Network Utility Operation or Transport Activity; and</li> <li>4. Where earthworks are undertaken for any other activity a maximum of 1000m<sup>2</sup>/site or land is disturbed in any 12 month period.</li> </ol> <p><b>Advice Note:</b> Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.</p>		<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p> <p>Refer to the relevant Overlay Chapter where standard 2 is not complied with.</p>
<b>EW - R6</b>	<b>Earthworks in the BCZ - Buller Coalfield Zone and MINZ - Mineral Extraction Zone</b>	
<b>Activity Status Permitted</b>		<b>Activity status where</b>



<p>Where:</p> <ol style="list-style-type: none"> <li>All standards in Rule EW - R1 are complied with; and</li> <li>Where the earthworks are undertaken within a Overlay Chapter area these need to meet the Permitted Activity standards for the relevant overlay area.</li> <li><u>Rule EW-R6 does not apply to earthworks associated with mineral extraction, mineral exploration, or mineral prospecting.</u></li> </ol> <p><b>Advice Note:</b></p> <ol style="list-style-type: none"> <li>Rules in relation to mineral extraction, <u>mineral exploration and mineral prospecting and ancillary activities</u> can be found in the relevant zone rules.</li> </ol>	<p><b>compliance not achieved:</b></p> <p>Controlled Activity under the relevant zone rule - Rule BCZ - R5 or MINZ - R6</p> <p>Refer to the relevant Overlay Chapter where standard 2 is not complied with.</p>
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<b>EW – RX</b>	<b>Earthworks and vertical holes within the National Grid Yard</b>
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<p><b><u>Activity Status Permitted</u></b></p> <p>Where:</p> <ol style="list-style-type: none"> <li><u>Earthworks and vertical holes do not:</u> <ol style="list-style-type: none"> <li><u>Exceed 300mm in depth within 6m of the outer visible edge of a National Grid support structure;</u></li> <li><u>Exceed 3m in depth between 6m and 12m of the outer visible edge of a National Grid support structure;</u></li> <li><u>Result in a reduction of the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001;</u></li> <li><u>Compromise the stability of any National Grid support structures; and</u></li> <li><u>Result in the loss of vehicular access to a National Grid support structure.</u></li> </ol> </li> <li><u>Earthworks and vertical holes for the following activities are exempt from compliance with EW-RX.1(a) to (d) and (b):</u> <ol style="list-style-type: none"> <li><u>Earthworks or vertical holes, excluding mining and quarrying, that are undertaken by a network utility operator as defined by the Resource Management Act 1991;</u></li> <li><u>Agricultural or domestic cultivation;</u></li> <li><u>The repair, sealing or resealing of a vehicle access, <del>or</del> farm track, footpath, or driveway;</u></li> <li><u>Vertical holes not exceeding 500mm in diameter that are more than 1.5m from the outer edge of a National Grid pole or stay wire, or are a post hole for a farm fence or horticulture structure more than 6m from the visible outer edge of a National Grid tower</u></li> </ol> </li> </ol>	<p><b><u>Activity status where compliance not achieved:</u></b></p> <p><u>Restricted Discretionary Non-complying</u></p> <p><b><u>Notification</u></b></p> <ol style="list-style-type: none"> <li><u>An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</u></li> </ol> <p><u>When deciding whether any person is affected in relation to this rule for the purposes of section 95E of the RMA, the Council will give specific consideration to any adverse effects on Transpower New Zealand Limited.</u></p>
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foundation; and

- e. Any other earthwork Earthworks and vertical holes or land disturbance activities subject to a dispensation from Transpower under New Zealand NZECP 34:2001.



## Restricted Discretionary Activities

~~EW - R7~~

~~Earthworks within the National Grid Yard Not Meeting Rule EW - R2~~

~~Activity Status Restricted Discretionary~~

~~Activity status where compliance not achieved: N/A~~

~~Discretion is restricted to:~~

- ~~a. Effects on the operation, maintenance, upgrading and development of the National Grid;~~
- ~~b. The risk to the structural integrity of the National Grid support structure (s);~~
- ~~c. Any impact on the ability to access the National Grid;~~
- ~~d. Management of stormwater and overland flow;~~
- ~~e. Any adverse effects on landscape, amenity, natural features, water quality, cultural and heritage sites, biodiversity and habitat of indigenous flora and fauna, and the quality of the environment;~~
- ~~f. The risk of electrical hazards affecting public or individual safety and the risk of property damage; and~~
- ~~g. The outcome of any consultation with the owner and operator of the National Grid.~~

EW - R8

Earthworks in any Zone not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Activity status where compliance not achieved: N/A

Discretion is restricted to:

- a. The impact of earthworks on visual amenity, landscape and natural character, outlook and privacy;
- b. Potential dust nuisance, sedimentation, land instability, contamination and erosion effects on surrounding land uses;
- c. Effects that result from the stockpiling in terms of visual amenity, landscape context and character, views, outlook, overlooking and privacy;
- d. The effectiveness of proposed management or mitigation measures to minimise any potential adverse effects beyond the property boundary of the activity;
- e. Any changes to the patterns of surface drainage or subsoil drains that could result in a higher risk of drainage problems, inundation run-off, flooding, or raise the water table;
- f. The impact of earthworks on critical infrastructure;
- g. The impact on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks;
- h. Any adverse effects on landscape and natural character, amenity, natural features, water quality, cultural and heritage sites, biodiversity and habitat of indigenous flora and fauna, including mahinga kai species, and the quality

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of the environment;

- i. The impact on stormwater infrastructure and any overland flow paths; and
- j. The impact on any natural hazards infrastructure and the effectiveness of its operation.

**Advice Notes:**

Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.



# LIGHT Light - Ngā Rama

## Overview

Artificial outdoor lighting enables work, recreation, and entertainment activities to occur beyond normal daylight hours. It also enables night-time activities to be conducted safely and provides for site security. However, if outdoor lighting is poorly designed, controlled, located or orientated, it may adversely affect the amenity of the receiving environment immediate area, neighbouring properties and light sensitive areas; result in a reduction or loss ~~loss or reduction~~ of views of the night sky; and potentially disturb wildlife. It may also affect human health and/or safety.

The provisions for artificial outdoor lighting provide for adequate lighting to support activities and site security, while minimising potential adverse effects.

## Light Objectives

<b>LIGHT - O1</b>	Artificial outdoor lighting enables night-time work, <u>primary rural</u> <del>productive</del> <u>production</u> activities, recreation activities, sport, entertainment activities, transportation, <u>energy activities</u> and public health and safety.
<b>LIGHT - O2</b>	Artificial outdoor lighting is located, designed and operated to: <ul style="list-style-type: none"> <li>a. <del>maintain</del> <u>Maintain</u> the character and amenity values within zones,</li> <li>b. <u>the natural character of the coastal environment and outstanding natural features and landscapes</u>,</li> <li>c. <del>so that it does not</del> <u>Not</u> adversely affect the health and safety of people, <u>and</u> the safe operation of the transport network,</li> <li>d. <u>Protect and maintain the Recognise the values and</u> <u>qualities</u> views of the <u>dark</u> night sky <u>in light sensitive areas</u>,</li> <li>e. <u>Protect significant habitats of indigenous fauna and the species themselves and maintain</u> <del>Maintain</del> the habitats <u>and ecosystems</u> of nocturnal <u>other</u> <u>indigenous</u> <u>vegetation and native</u> fauna and the species themselves.</li> </ul>

## Also the Strategic Objectives and Policies

## Light Policies

<b>LIGHT - P1</b>	Provide for the use of artificial outdoor lighting that: <ul style="list-style-type: none"> <li>a. Allows people and communities to enjoy and use sites and facilities during night time hours and contributes to the security and safety of private and public spaces;</li> <li>b. Maintains the character and amenity values of the zone <del>and surrounding area</del>;</li> <li>c. Supports the social, cultural, and economic wellbeing or health and safety of people and communities, including road safety; <u>and</u></li> </ul>
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	<p>d. <del>Minimises sky glow and light spill; and</del></p> <p>e. <del>Protects</del> <u>Minimises the adverse effects on the health and well-being of people; and</u></p> <p>f. <del>Protects ecosystems; and</del></p> <p>g. <u>Recognises the functional or operational requirements need of activities.</u></p>
<b>LIGHT - P2</b>	<p>Enable artificial outdoor lighting where this is:</p> <p>a. Of short duration outside of daylight hours associated with temporary activities; and</p> <p>b. Artificial outdoor lighting for the purpose of emergency response or public health and safety.</p>

<b>LIGHT - P3</b>	<p>Control the intensity, location and direction of any artificial outdoor lighting to:</p> <p>a. Ensure that any artificial outdoor lighting avoids conflict with existing light sensitive areas and uses;</p> <p>b. Internalise light spill within the site where the outdoor lighting is located;</p> <p>c. <u>Minimises</u> <u>Avoid, remedy or mitigate</u> adverse effects on views of the night sky and intrinsically dark landscapes including in areas of outstanding coastal natural character, <del>while recognising the functional or operational needs of the area or activity;</del></p> <p>d. <u>Minimises</u> <u>Avoid</u> adverse effects on the significant habitats of <u>light sensitive native indigenous</u> fauna and the species themselves <u>and</u> <u>avoid, remedy or mitigate adverse effects on the habitats of other indigenous vegetation and fauna and the species themselves;</u> <del>and</del></p> <p>e. <u>Minimises</u> <u>Avoid, remedy or mitigate</u> adverse effects on the health and safety of people and communities in the surrounding area; <u>and</u></p> <p>f. <u>Maintains ecosystems.</u></p>
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## Light Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

## Permitted Activities

<b>LIGHT - R1</b>	<b>All Zones: General Permitted Activity Standards</b>
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<p><b>All activities must comply with the following relevant standards Where Activity Status is Permitted</b></p> <p>All artificial outdoor lighting must:</p> <ol style="list-style-type: none"> <li>1. Be directed so that light is emitted away from any adjoining and adjacent properties;</li> <li>2. Be directed so that light is emitted away from any state highway or arterial or principal roads, or any oncoming traffic; and</li> <li>3. Where an activity is located on a site which adjoins or is separated by a road from a different zone, the activity on the site must meet the relevant zone standards for light for the adjoining zone at the zone boundary.</li> </ol> <p><b>Advice Notes:</b></p> <ol style="list-style-type: none"> <li>1. Lighting limits must be measured and assessed in accordance with AS/NZS 4282 Control of the Obtrusive Effects of Outdoor Lighting.</li> <li>2. <del>Where conformance with the limits set out in the Rules in this chapter is to be determined by calculation, the calculation must be undertaken by a person who is professionally qualified and competent in the discipline of illuminating engineering.</del></li> <li>3. <u>For measurement of light levels in NOSZ - Natural Open Space Zone, SETZ - PREC 23 - Settlement Zone - Coastal Settlement Precinct, and in All Zones where the site falls within the Outstanding Coastal Natural Character Overlay, the calculation plane shall be taken at the property boundary.</u></li> </ol>	<p><b>Activity Status Where Compliance Not Achieved:</b></p> <p><u>Restricted Discretionary</u> <u>N/A</u></p>
<ol style="list-style-type: none"> <li>4. <del>Any calculation for the purposes of these Rules must be based on a maintenance factor of 1.0 (i.e. no depreciation shall be taken into account for reduction in light levels over time).</del></li> <li>5. <u>All exterior lighting shall be directed towards the area within the site that is intended to be illuminated.</u></li> </ol>	
<p><b>LIGHT - R2</b></p>	<p><b>Artificial Outdoor Lighting in the TCZ - Town Centre, MUZ - Mixed Use, COMZ - Commercial, PORTZ - Port, HOSZ - Hospital, STADZ - Stadium, AIRPZ- Airport and all INZ - Industrial Zones</b></p>

<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Outdoor artificial lighting must not exceed the following vertical <del>or horizontal</del> light levels: <ol style="list-style-type: none"> <li>a. 7.00am – 10.00pm: 25 Lux;</li> <li>b. 10.00pm – 7.00am: 10 Lux in the PORTZ - Port Zone and all INZ - Industrial Zones ; and</li> <li>c. 10.00pm - 7am: 5 Lux in the TCZ - Town Centre, MUZ - Mixed Use, COMZ - Commercial, HOSZ - Hospital, STADZ - Stadium, AIRPZ - Airport and all INZ –Industrial Zones;</li> <li>d. <del>The above standards a-c shall be measured 2m inside the boundary of any adjoining site or the closest window in the adjoining property, whichever is the closest to the light source.</del></li> </ol> </li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Restricted Discretionary</p>
<p><b>LIGHT – R3</b></p>	<p><b>Artificial Outdoor Lighting in the NOSZ – Natural Open Space Zone, SETZ – PREC 3 2 – Settlement Zone – Coastal Settlement Precinct, and in All Zones where the site falls within the Outstanding Coastal Natural Character Overlay, Outstanding Natural Landscapes Overlay and Outstanding Natural Features Overlay</b></p>
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Artificial outdoor lighting must not exceed the following vertical or horizontal light levels: <ol style="list-style-type: none"> <li>a. 7.00am – 10.00pm: 2 Lux; and</li> <li>b. 10.00pm – 7.00am: 1 Lux; where</li> <li>c. This is measured at the boundary of the site.</li> </ol> </li> <li>2. Where the artificial outdoor lighting is located within the Outstanding Coastal Natural Character Overlay it must: <ol style="list-style-type: none"> <li>a. <del>Be fully shielded and mounted in a horizontal position or use a controlled optic;</del></li> <li>b. Have a colour corrected temperature of no greater than 3000K (warm white); and</li> <li>c. <del>Be installed in a manner that precludes operation between 10pm and 7am the following day.</del></li> </ol> </li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Restricted Discretionary except Discretionary where this is within the Outstanding Coastal Natural Character Overlay; Outstanding Natural Landscapes Overlay and Outstanding Natural Features Overlay</p>
<p><b>LIGHT – R4</b></p>	<p><b>Artificial Outdoor Lighting in locations not provided for in Rule LIGHT – R2 or LIGHT – R3</b></p>



<p><b>Activity Status Permitted</b> Where:</p> <p>1. Outdoor artificial lighting must not exceed the following vertical or horizontal light levels:</p> <ol style="list-style-type: none"> <li>7.00am – 10.00pm: 10 Lux; and</li> <li>10.00pm – 7.00am: 2 Lux;</li> <li>The above standards a-b shall be measured 2m inside the boundary of any adjoining site or the closest window in the adjoining property, whichever is the closest to the light source.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>
<p><b>LIGHT – RX1</b></p>	<p><b>Artificial Outdoor Lighting in all Residential Zones, SETZ – PREC 2 – Settlement Zone – Settlement Centre Precinct, SETZ – PREC 4 – Settlement Zone – Rural Residential Precinct, OSZ – Open Space Zone, and OSRZ - Open Space and Recreation Zone</b></p>
<p><b>Activity Status Permitted</b> Where:</p> <p>1. Outdoor artificial lighting must not exceed the following vertical light levels:</p> <ol style="list-style-type: none"> <li>7.00am – 10.00pm: 10 Lux; and</li> <li>10.00pm – 7.00am: 2 Lux.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>
<p><b>LIGHT – RX2</b></p>	<p><b>Artificial Outdoor Lighting in all Rural Sones and MINZ – Special Purpose Mineral Extraction Zone</b></p>
<p><b>Activity Status Permitted</b> Where:</p> <p>1. Outdoor artificial lighting must not exceed the following vertical light levels:</p> <ol style="list-style-type: none"> <li>7.00am – 10.00pm: 5 Lux; and</li> <li>10.00pm – 7.00am: 1 Lux.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>
<p><b>LIGHT – RX3</b></p>	<p><b>Artificial Outdoor Lighting in locations not provided for in Rule LIGHT - R2 or LIGHT – RX1 or LIGHT-RX2, and in locations within:</b></p> <ul style="list-style-type: none"> <li><u>the Outstanding Coastal Natural Character Overlay,</u></li> <li><u>Outstanding Natural Landscapes Overlay, and</u></li> <li><u>Outstanding Natural Features Overlay, or</u></li> <li><u>A distance of 15 kilometers landward of the Coastal Environment</u></li> </ul>

### Activity Status Permitted

#### Where:

1. Artificial outdoor lighting must not exceed the following vertical light levels:
  - a. 7.00am – 10.00pm: 2 Lux; and
  - b. 10.00pm – 7.00am: 1 Lux; where
  - c. This is measured at the boundary of the site.
2. Artificial outdoor lighting must:
  - a. Be fully shielded and mounted in a horizontal position;
  - b. Have a colour corrected temperature of no greater than 3000K (warm white)
3. Where the artificial outdoor lighting is located within the SETZ - PREC 3 - Settlement Zone - Coastal Settlement Precinct of Okarito it must:
  - a. Be fully shielded and mounted in a horizontal position;
  - b. Have a colour corrected temperature of no greater than 3000K (warm white); and
  - c. Be installed in a manner that precludes operation of lights greater than 500 lumens for durations greater than five minutes between 10pm and 7am the following day.
4. Where the artificial outdoor lighting is located within the Outstanding Coastal Natural Character Overlay it must:
  - a. Be fully shielded and mounted in a horizontal position;
  - b. Have a colour corrected temperature of no greater than 3000K (warm white); and
  - c. Be installed in a manner that precludes operation between 10pm and 7am the following day.

Activity status where compliance not achieved: Restricted Discretionary

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**Restricted Discretionary Activities**

<b>LIGHT - R5</b>	<b>Artificial Outdoor Lighting in any zone not meeting Permitted Activity Standards outside of the Outstanding Coastal Natural Character Overlay</b>
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**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

- a. The number, placement, design, height, colour, orientation and screening of light fittings and light support structures;
- b. The amount of light spill and sky glow and associated effects on views to the night sky;
- c. Effects on visual amenity;
- d. Effects on the safety of the transport network;
- e. Effects on established uses and their operation;
- f. Effects on coastal natural character;
- g. Effects on native wildlife; **and**
- h. Any positive effects generated from the use of artificial lighting;
- i. The functional or operational **need constraints and/or requirements** of the activity; **and**
- j. Other measures as identified in any Light Management Plan.

**Activity status where compliance not achieved: N/A**

**Discretionary Activities**

<b>LIGHT - R6</b>	<b>Artificial Outdoor Lighting within the Outstanding Coastal Natural Character Overlay and not meeting the Permitted Activity Standards.</b>
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**Activity Status Discretionary**

**Activity status where compliance not achieved: N/A**

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## TEMP

# Temporary Activities - Ngā Mahi Taupua

Temporary events and uses such as, concerts, parades, festivals, fairs, meetings, sporting and special events and exhibitions occur on a regular basis throughout the West Coast and contribute to the community. Alongside these events temporary buildings and structures are often associated with larger construction works. The temporary nature of such activities generally minimises the adverse effects the event may have on the surrounding environment. Consequently, many events and activities of short duration are tolerated by parts of the community, while other members enjoy what the event has to offer.

To ensure that the number, scale and intensity of temporary activities does not increase to a level beyond which the effects are more than of a temporary duration and have minimal effects, the following objectives, policies and rules intend to manage the effects of temporary activities and their operations.

In addition to community focused events, temporary military training and emergency management services training exercises are also provided for within the Plan with a set of clear parameters to ensure any adverse effects are minimised and temporary in duration.

Temporary camping adjacent to the State Highway is also a matter which is regulated in these provisions. This is because land in that location is not subject to the Freedom Camping Bylaws of the three District Councils.

### Other relevant Te Tai o Poutini Plan provisions

In addition to the provisions in this chapter, temporary activities are also subject to additional provisions in some zone chapters and a number of Part 2: District-Wide Matters chapters, including:

- **Sites and Areas of Significance to Māori** - There are specific rules in relation to temporary events in the Sites and Areas of Significance to Māori Chapter.
- **Earthworks** - the Earthworks Chapter sets out the requirements in relation to earthworks, including for temporary activities.
- **Noise** - the Noise Chapter sets out the requirements into relation to noise.
- **Energy, Infrastructure and Transport** - provisions in relation to temporary network utilities and temporary energy activities are included within the Energy and Infrastructure Chapters of the Plan. [The rules within this chapter do not apply to energy and infrastructure activities.](#)
- **Overlay Chapters** - the Overlay Chapters have provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and Margins of Waterbodies ; Natural Hazards; and the Coastal Environment. Where temporary activities are located within an overlay area (as identified in the planning maps) then the relevant overlay chapter provisions apply.

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## Temporary Activities Objective

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<b>TEMP - O1</b>	To provide for temporary activities where they contribute to social, economic and cultural wellbeing of the West Coast <u>while minimising adverse effects.</u>
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## Also the Strategic Objectives and Policies

### Temporary Activities Policies

<b>TEMP - P1</b>	Enable temporary construction and demolition structures while minimising their adverse effects on amenity values of adjacent sites.
<b>TEMP - P2</b>	Enable temporary military training and emergency management training activities while ensuring that adverse effects on amenity values, safety and the environment are <del>minimised</del> <u>avoided, remedied or mitigated.</u>
<b>TEMP - P3</b>	Enable a wide range of temporary events on the West Coast recognising their positive contribution to community wellbeing in locations where these do not adversely affect natural or cultural values, <u>or transport safety.</u>
<b>TEMP - P4</b>	Ensure that freedom camping activities undertaken <u>immediately adjoining</u> <del>in adjacent to</del> the State Highway road corridor are managed in a manner consistent with freedom camping in other parts of the relevant district.

### Temporary Activities Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

### Permitted Activities

<b>TEMP - R1</b>	<b>Temporary and Military Training Activities and Emergency Management Training</b>
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<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. These are for a maximum of 31 <u>consecutive</u> days per year (excluding set up and pack down activities) ;</li> <li>2. No permanent structures are erected unless they are lawfully established in accordance with relevant zone and overlay chapter rules in this Plan;</li> <li>3. <u>There is no outdoor artificial lighting during the tāiko/Westland petrel breeding season, from 1 November to 15 January</u></li> <li>4. No earthworks are undertaken except where they are in accordance with relevant Earthworks and overlay chapter rules (or resource consent is obtained for the earthworks); and</li> <li>5. These do not occur on a Site or Area of Significance to Māori identified in Schedule Three <u>or Significant Natural Area identified in Schedule Four.</u></li> </ol>	<p><b>Activity status where compliance not achieved:</b> Controlled</p>
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<b>TEMP - R2</b>	<b>Temporary Buildings and Structures Ancillary to Construction and Demolition Activity</b>
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<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. These are removed within 1 month of the activity ceasing and the site reinstated to the original or better condition;</li> <li>2. The building or structure is located on the same site as the construction or demolition activity;</li> <li>3. Relevant zone Setback standards are met where the activity adjoins any Residential or Settlement Zone;</li> <li>4. <del>The building or structure is on the same site as the construction or demolition activity;</del></li> <li>5. Any temporary building is no more than 50m<sup>2</sup> in gross floor area where this adjoins a residential zone.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>
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<b>TEMP - R3</b>	<b>Temporary Motorsport Activities</b>
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**Activity Status Permitted**

Where:

1. There are no ancillary buildings or structures;
2. No earthworks or vegetation clearance are undertaken except where they are in accordance with relevant Earthworks and Overlay Chapter rules (or resource consent is obtained for the earthworks); and
3. Notice of the activity is provided to the relevant district council a minimum of 30 days prior to the event; and
4. The event occurs for a maximum of 3 days at one site in any one calendar year.

**Advice Note:**

It is the organiser's obligation to contact the relevant road controlling authority (Waka Kotahi New Zealand Transport Authority) if the activity is accessed from a State Highway, and the relevant District Council (if accessed from any other roads) to arrange an appropriate traffic management plan to avoid traffic safety hazards being generated from the activity.

**Activity status where compliance not achieved:**

Restricted Discretionary

**TEMP - R4**

**Temporary Residential Buildings Following an Emergency Declaration**

**Activity Status Permitted**

Where:

1. These are established following a Local, Regional or National State of Emergency declaration;
2. Notice of the activity is provided to the relevant district council prior to the temporary residential building being established;
3. Any temporary residential building is removed with 24 months of being established on the site;

**Activity status where compliance not achieved:**

Restricted Discretionary

4. A single temporary residential building is located on any property less than 500m<sup>2</sup> in size;
5. Any new access provided meets the requirements of Rule TRN - R1; and
6. Where multiple emergency residential buildings are located on the same site, then relevant zone Setback standards are met where the activity adjoins any Residential or Settlement Zone.

**TEMP - R5**

**Freedom Camping on land adjacent to the State Highway Network**

<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. This activity is in locations identified and signposted by <del>Waka Kotahi – New Zealand Transport Authority</del> or the relevant District Council as a designated Responsible Camping Site or Freedom Camping Site;</li> <li>2. Freedom camping at any one location or within 500m of the same location is limited to no more than two consecutive nights, and no more than 10 nights per 30-day period; and</li> <li>3. Freedom camping is limited to Certified Self-Contained Vehicles in accordance with NZS 5465:2001.</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Restricted Discretionary</p>
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<b>TEMP - R6</b>	<b>Other Temporary Activities and Buildings</b>
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<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. These are aircraft or helicopter movements; or</li> <li>2. <a href="#">These are temporary activities associated with a Māori Purpose Activity on Māori Purpose Zoned land; or</a></li> <li>3. Community markets occur a maximum of 1 day/week at any one site; or</li> <li>4. For other activities and events: <ol style="list-style-type: none"> <li>a. These are for a maximum of 3 times in any one year at one site;</li> <li>b. These only occur for a maximum of 3 consecutive days at any site;</li> <li>c. In all zones except the Open Space and Recreation Zones the relevant Permitted Activity NOISE and LIGHT standards are met; and</li> <li>d. In the Open Space and Recreation Zones a temporary activity may exceed the zone Permitted Activity NOISE and LIGHT standards on a site on one occasion in a 3 month period and for a maximum of 3 days; <a href="#">or</a></li> </ol> </li> </ol> <p><b>Advice Note:</b></p> <ol style="list-style-type: none"> <li>1. It is the organiser's obligation to contact the relevant road controlling authority (Waka Kotahi - NZ Transport Agency) if the activity is accessed from a State Highway, and the relevant District Council (if accessed from any other roads) to arrange an appropriate traffic management plan to avoid traffic safety hazards being generated from the activity.</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Restricted Discretionary</p>
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2. Temporary Events in a number of important cultural sites and locations are subject to rules in the Sites and Areas of Significance to Māori Chapter.	
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<b>Controlled Activities</b>
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<b>TEMP - R7</b>	<b>Temporary Military Training Activities and Emergency Services Training not meeting Permitted Activity Standards</b>
<b>Activity Status: Controlled</b>  <b>Matters of Control are:</b> a. Visual amenity <del>from</del> <u>of</u> neighbouring properties and public places <u>and significant habitats of indigenous fauna within Significant Natural Areas identified in Schedule Four, taking into account the duration, hours of operation and frequency of the activity;</u> b. Location and design; and c. Traffic safety.	<b>Activity status where compliance not achieved: N/A</b>

<b>Restricted Discretionary Activities</b>
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<b>TEMP - R8</b>	<b>Temporary Buildings and Structures Ancillary to a Construction and Demolition Activity not meeting Permitted Activity Standards</b>
<b>Activity Status Restricted Discretionary</b>  <b>Discretion is restricted to:</b> a. Effects on outlook, shading, loss of privacy and amenity to any nearby properties; and b. Location and design.	<b>Activity status where compliance not achieved: N/A</b>
<b>TEMP - R9</b>	<b>Other Temporary Activities and Buildings not meeting Permitted Activity Standards</b>

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**Activity Status Restricted Discretionary****Discretion is restricted to:**

- a. Waste disposal from any camping activity;
- b. Effects on natural and cultural values in the location;
- c. Traffic safety;
- d. Dust and sediment control;
- e. Ground stability; and
- f. Visual amenity from neighbouring properties and public places.

**Advice Note:**

1. It is the organiser's obligation to contact the relevant road controlling authority (Waka Kotahi - New Zealand Transport Authority) if the activity is accessed from a State Highway, and the relevant District Council (if accessed from any other roads) to arrange an appropriate traffic management plan to

**Activity status where compliance not achieved: N/A**

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avoid traffic safety hazards being generated from the activity.	
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