

Auckland Unitary Plan

# Standard Conditions Manual

## Hours of Operation & Number of Persons Onsite

### Disclaimer

*The information in this Standard Conditions Manual is, according to the Auckland Council's best efforts, accurate at the time of publication. Auckland Council makes every reasonable effort to keep it current and accurate. However, users of the Conditions Manual are advised that:*

- *Although the conditions are "standardised", in the sense that they should be applied consistently where they are required, this does not mean that they should all be applied in every instance. Applicants need to consider the nature of the activity, and the characteristics of the site and its surroundings in considering whether to apply each and every condition.*
- *The standard conditions should be used with caution as a starting point from which appropriate conditions for the individual consent should be drafted to align with the requirements of ss108, 108AA and 220 of the Resource Management Act 1991.*
- *Further guidance as to whether to apply the conditions are included in the guidance notes that accompanies each condition.*
- *Users should take specific advice from qualified professional people before undertaking any action as a result of information obtained in this Standard Conditions Manual.*
- *Auckland Council does not accept any responsibility for, or liability whatsoever whether in contract, tort, equity or otherwise (including negligence) arising from the use of, or reliance on, this Standard Conditions Manual. This includes, without limitation, any liability arising from any error, or inadequacy, deficiency, flaw in or omission from the information provided.*

# Conditions

## Condition 1: Hours of operation

The [insert specific activity] located [insert specific location, delete if not required] must be restricted to between the hours of:

XX [insert time] am and XX [insert time] pm Monday to  
Friday/Saturday/Sunday [delete two] inclusive

XX [insert time] am and XX [insert time] pm Saturday/Sunday [delete  
one or both] and all public holidays (and any following Monday on  
which that public holiday is observed)

### *Guidance Note:*

*Limits on hours of operation are imposed as a surrogate for other more direct controls on effects that are at issue (e.g. noise, vehicle movements), particularly where the activity is relatively low key, and where the costs of monitoring and complying with more direct controls might be overly onerous. Limits on hours of operation may also be imposed alongside other more direct controls. For example, the nature of the activity may warrant direct controls on noise, whereas controls on hours of operation may also be warranted (to mitigate other effects e.g. light spill). In such situations, the hours specified in each condition may diverge. Think about the effects that are at issue and choose the appropriate mix of conditions.*

*Limits on hours of operation may be a useful means of confirming the limited scope of approval and are relatively easy to monitor, but they should not be so constraining that they compromise the viability of the activity in question. Such limits should mimic the operational hours referred to in the application, unless there is good reason to be more restrictive.*

*Restricting the hours of operation is one way of ensuring that other uses and activities are not unreasonably disturbed or disrupted. Disturbance and disruption can arise where the activity is noisy, odorous, or generates high levels of traffic, for example. This may affect the amenity of other uses or activities that are sensitive in nature and/or that reasonably expect a reduced level of noise or other forms of disturbance or disruption outside normal working hours (e.g. residential areas).*

*If using condition (1), consider:*

*What aspect(s) of the operation give rise to the effects for which control is sought control e.g. where noise from a convention centre is concerned, is it early morning or late night deliveries, loading/unloading, or arrivals and departures by staff that are at issue, or later arrivals and earlier departures and the use of outside reception areas by patrons that are at issue, or both? Repeat the*

*condition as necessary to specifically cater for different activities and times (e.g. trade hours v. hours the facility is accessible by staff and other non-patrons).*

*Are there different uses on the subject site that need to be conditioned differently, in terms of hours of operation? e.g. a function room may need to be conditioned differently from a restaurant. If more than one use needs conditioning, then repeat the condition, each referring specifically to the relevant use, together with the unique hours of operation that apply.*

*To what extent the activity needs to be restricted on weekends (i.e. both Saturday and Sunday, just Sunday) and public holidays, or not at all? The appropriate specification of weekdays and public holidays will vary depending on the nature of the activities and the sensitivities of the surrounding environment.*

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## **Condition 2: Number of people**

The total number of people on the subject site at any one time must not exceed the limits specified in the following table:

<b>Activity</b>	<b>Maximum occupancy (patrons)</b>	<b>Maximum occupancy (non patrons)</b>	<b>Total</b>
[Insert specific activity e.g. restaurant, café]	[Insert upper limit]	[Insert upper limit]	
[Add or delete rows as necessary]			

### *Guidance Note:*

*Restricting the number of people able to be on site, associated with a particular activity, or in specific buildings on site, can be a means of ensuring that other uses and activities are not unreasonably disturbed or disrupted. It is not the number of people itself that is necessarily the issue in these situations. Rather, condition (2) indirectly addresses the general effects that a critical number of people can give rise to (e.g. noise, high levels of traffic).*

*Such effects may affect the amenity of other uses or activities that are sensitive in nature and/or that reasonably expect a reduced level of noise or other forms of disturbance or disruption outside normal working hours (e.g. residential areas). Limits on the number of people on site may be a useful means of confirming the limited scope of approval (for example, where a church located next to dwellings*

would cause disruption or disturbance were the congregation to increase beyond a certain size).

However, such conditions can be difficult to monitor, and cannot be so constraining that they compromise the viability of the activity in question. If the underlying issue directly relates to the specific disruption or disturbance created by noise or vehicle movements, then consider placing direct controls on those aspects of the activity instead. Controls on hours of operation (refer condition (1)) are a potentially simpler, more readily monitored type of condition than a control on occupancy. Think about the effects that are at issue and choose the appropriate mix of conditions.

In the table, distinguish between specific activities on site, where necessary (i.e. where differing occupancy rates apply). Only distinguish between groups of people where necessary. In restaurants and entertainment facilities, it may be necessary to distinguish between patrons and non-patrons, for example. In offices, any distinction is unlikely to necessary, and the columns in the table should be able to be merged.