

Before the Napier City Council

In the matter

of the Resource Management Act
1991 (**the Act**)

And in the matter

Of the Napier City Proposed District
Plan

Hearing Stream 2

- Temporary Events
- Light

**Statement of Planning Evidence of Cameron James Drury on Behalf of
Napier City Council Events Manager**

18 November 2024

INTRODUCTION

Qualifications and experience

- 1 My name is Cameron Drury. I graduated from Massey University with a Bachelor's degree in Environmental and Resource Planning in 2003 and have 20 years' professional planning experience.
- 2 I am currently a Principal Planner and Director of Strategy Planning Limited. Prior to this I have worked for a number of private consultancies as an Environmental Planner and both the Hawke's Bay Regional Council and Napier City Council as a Consents Planner.
- 3 I am a Full Member of the New Zealand Planning Institute.
- 4 I confirm I have read the applicable Section 42A Report.

Expert witness Code of Conduct

- 5 I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note dated 1 January 2023. I have read and agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

SUMMARY OF SUBMISSION POINTS AND SCOPE OF EVIDENCE

- 6 Relating to Chapters TEMP and LIGHT, Napier City Council Event Manager (NCC EM) submitted:
 - 6.1 That (rule) TEMP-R2A(2) be amended to allow associated buildings and structures to remain erected on Section SO 9752 (the Church Road Winery site) for a period of 35 days. The Officer's recommendation in the s42A report proposes amendments to the rule to provide for this, which I support.

- 6.2 That (rule) TEMP-R2A(4) should be amended to remove the need for all associated buildings and structures (particularly stages) to comply with the height standards in the applicable zone.
- 6.3 That (standard) Light-S1 be amended to increase the number of days in LIGHT-S1: Stadium Zone 1(b) to 5 days and the duration to 12.00pm (noting this should have referred to 12.00am – being midnight). The Officer's recommendation in the s42A report proposes amendments to the standard to provide for this, which I support.
- 6.4 That the same time period for which light spill limits may be exceeded in the case of the Stadium Zone also be applied to Section SO 9752 (the Church Road Winery site).
- 7 Further submissions were made to support the relief requested above.
- 8 In this evidence I will provide Planning analysis of the relief sought by BSL Ltd in relation to:
- (i) (rule) TEMP-R2A(4),
 - (ii) Applying the same time period for which light spill limits may be exceeded in the case of the Stadium Zone to the Church Road Winery site.
- 9 I will also consider the Officers recommendation of amending (rule) TEMP-R2(1)(a) to reduce the number of non-sporting temporary noise events per calendar year within the Stadium Zone from 10 to 6.

(Rule) TEMP-R2A(4)

- 10 (Rule) TEMP-R2A(4) provides for Temporary Noise Activities as a Permitted Activity, provided among other matters, that:
- All associated buildings and structures must comply with the yards, height and height in relation to boundary standards in the applicable zone.
- 11 The Church Road site is zoned Rural Lifestyle, meaning under (standard) RLZ-S2 a 6m setback from a side boundary would apply and under (standard) RLZ-S6 a 9m height limit. In the case of the Church Road site,

the erection of a stage would almost always trigger the 9m height limit and require a resource consent process – regardless of the (intended) enabling nature of the temporary activity rule framework.

12 Noting that the establishment of buildings and structures associated with a temporary activity would be for a temporary period, and provided yard setback and height in relation to boundary provisions were complied with, it was submitted that compliance with the height standards should be removed. This was on the basis that:

12.1 Compliance with the yard and height in relation to boundary provisions alone would result in a sufficient set back to avoid dominating views or compromising access to daylight,

12.2 Compliance with the height in relation to boundary provision will avoid unreasonable shading, and in respect to taller structures such as a stage, would drive a greater setback,

12.3 Stages and other structures and buildings that may be established for temporary periods are unlikely to affect the privacy of adjoining properties.

12.4 In the context of a temporary activity, triggering a resource consent process owing to height would be an unnecessary process and add further cost and uncertainty for event organisers where yard and height in relation to boundary provisions already act to manage effects on adjoining sites.

13 At the time of preparing the submission however, it was not realised that the Rural Lifestyle Zone does not contain a height in relation to boundary provision. To nevertheless provide for the relief sought, the height in relation to boundary provision contained in (standard) GRZ-S2 could be embedded in (rule) TEMP-R2(4), with reference to the height provision removed as follows:

4. All associated buildings and structures must comply with the yards, ~~height~~ and height in relation to boundary standards in the applicable zone. Where a zone does not have a height in relation to boundary standard, the following shall apply:

- a. Buildings and structures must not project beyond a 45 degree recession plane measured from a point 3 m vertically above ground level along site boundaries.
- b. Where the site abuts an entrance strip, access lot or Open Space and Recreation Zone, the furthest boundary of the entrance strip, access lot or Open Space and Recreation Zone may be deemed to be the site boundary for the purpose of clause (a) above.

14 In respect to s32AA, the following high-level analysis considers the costs and benefits of each of the options. Here it is considered that when (1), acknowledging the temporary nature of such activities generally minimizes adverse effects (TEMP-I1), (2), recognising the contribution of temporary activities to city vibrancy (TEMP-O1), and (3), developing a planning framework to 'enable' temporary events (TEMP-P1) and 'maximise' their 'positive effects' (TEMP-P2), the relief sought by NCC EM is the most effective and efficient approach in achieving the relevant Objectives and policies - and avoiding unnecessary regulation.

Option	Costs	Benefits
Option 1 – retain the height provision	<ul style="list-style-type: none"> • Likely to involve greater resource consent requirements resulting in greater costs, uncertainty and potential delay for event organizers. • The need to consider height infringements where height in relation to boundary provisions can be met is unlikely to contribute to the management of adverse effects. 	<ul style="list-style-type: none"> • Requires a resource consent process to consider actual or potential effects (also a cost).
Option 2 – delete the height provision and	<ul style="list-style-type: none"> • Removes the need for resource consent for 	<ul style="list-style-type: none"> • Avoids the need for resource consent

Option	Costs	Benefits
rely on the Height in relation to boundary provision	height infringements (also a benefit).	<p>where the effects of height can still be considered through managing structures according to the height in relation to boundary control.</p> <ul style="list-style-type: none"> • Reliance on the height in relation to boundary control still acts to manage the effects of built dominance and shading. • Removes uncertainty for event organizers. • Better enables temporary activities recognizing their temporary nature generally minimizes adverse effects. • Reduced regulatory costs.

Applying Light Spill Exemptions to Section SO 9752, Lot 47 DP 24913 and Lot 48 DP 24407 (the Church Road Winery site)

- 15 To enable packing down of equipment in a safe environment, it was submitted in relation to the Stadium Zone that (standard) Light-S1 be amended to increase the number of days in LIGHT-S1: Stadium Zone 1 (b) to 5 days and the duration to 12.00 a.m. (refer below). Likewise, it was submitted that this be applied to the Church Road Winery site too.

- 16 While the Officer’s recommendation in the s42A report proposes amendments to LIGHT-S1: Stadium Zone 1 (b) to provide for this in respect of the Stadium Zone (as outlined below), it is silent on how the Church Road site is to be managed.

1. Light spill conditions for all activities, other than for the purposes of illuminating a road or rail corridor shall not exceed:
 - a. between the hours of 10.00 p.m and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space room within a building located on any other site);
 - b. the above hours may be exceeded for a maximum of ~~three~~ five days in any calendar year, provided that between the hours of ~~11.00pm~~ 12.00 a.m. and 7.00 a.m the following day any outdoor lighting does not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable ~~space~~ room within a building located on any other site), and
 - c. the outdoor lighting must be so selected, located, aimed, adjusted, screened, and maintained to ensure that glare resulting from the lighting ~~does not cause significant~~ avoids adverse effects on the occupants of residential activities, road users, or aircraft.

17 The Church Road site is zoned Rural Lifestyle, meaning (standard) LIGHT-S1 (as it applies to All Commercial, Industrial, and Rural Zones and Precincts) would apply with light spill restrictions commencing at 10.00pm.

18 Noting that the Church Road winery site is a well established venue with concerts finishing in the evening hours, it follows that lighting would be required for the safe clean up and packing down of equipment. On the basis that only 5 temporary events are permitted to occur per calendar year, it would seem reasonable to extend the time when light spill limitations would otherwise commence.

19 (Standard) LIGHT-S1 pertaining to 'All Commercial, Industrial, and Rural Zones and Precincts' is therefore proposed to be amended as follows:

1. Light spill conditions for all land uses other than for the purposes of illuminating a road or rail corridor and to meet health and safety requirements:

- a. between the hours of 10.00 p.m. and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 15 lux, measured horizontally or vertically as an average (at a height of 1.5 m above ground level) at any point beyond the zone boundary;
- b. between the hours of 10.00 p.m. and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable room in a building within a residential zone), and
- c. the outdoor lighting must be so selected, located, aimed, adjusted, screened and maintained to ensure that glare resulting from the lighting avoid adverse effects on the occupants of residential activities, road users, or aircraft.
- d. the above hours may be reduced on Section 1 SO 9752, Lot 47 DP 24913 and Lot 48 DP 24407 to between 12.00 a.m. and 7.00 a.m. for a maximum of five days in any calendar year.

20 In respect to s32AA, the following high-level analysis considers the costs and benefits of each of the options. Here it is considered that when developing a planning framework to meet the operational needs of temporary events, the relief sought by NCC EM is the most effective and efficient approach in achieving the relevant Objectives and Policies.

Option	Costs	Benefits
Option 1 – retain the light restrictions commencing at 10 p.m.	<ul style="list-style-type: none"> • Limits the period during which clean up and pack down activities can occur in a suitable lighting environment. • May require additional resource 	<ul style="list-style-type: none"> • Maintains a consistent approach to managing light spill regardless of landuse.

Option	Costs	Benefits
	consenting processes to facilitate the operational needs of temporary events – resulting in greater costs, uncertainty and potential delay for event organizers.	
Option 2 – delay the light restrictions commencing until 12.00 a.m.	<ul style="list-style-type: none"> • May result in additional light spill for 2 more hours 5 times a year. 	<ul style="list-style-type: none"> • Will enable clean up and pack down activities to occur in a suitable lighting environment – improving operations and logistics. • Better enables temporary activities recognizing their temporary nature generally minimizes adverse effects. • Reduced regulatory costs.

(Rule) TEMP-R2A(1)

21 In paragraph 63 of the Officers Report there is reference to moving sub-rules relating to the Stadium Zone (in the TEMP Chapter) to the Stadium Zone chapter to avoid duplication, provide clarity and avoid confusion.

63. In response to submission 222.128, I consider this amendment is appropriate because clarifying the relationship between the Stadium Zone rules and the general temporary noise event rules will improve consistency and reduce confusion in event planning. Ensuring a clear distinction between rules specific to the Stadium Zone and the general temporary noise event rules will help event organisers better understand and comply with regulations, leading to more effective management of noise events.

However, I recommend that, instead of duplicating rules about temporary activities and temporary noise events across both the Stadium Zone and Temporary Activities chapters, the sub-rules related to the Stadium Zone should be moved to the Stadium Zone chapter itself. This would ensure that rules related to temporary activities in the Stadium Zone are addressed directly within that chapter, providing clarity and avoiding confusion. Provisions for the Stadium Zone should prevail in cases of inconsistency, as they are more specific to the unique needs of that area. For example, Rule TEMPR2A should reference STADZ-R4 instead of STADZ-R2 to ensure alignment with the correct provisions. Moving the Stadium-related rules into the Stadium chapter would also ensure that all rules specific to the Stadium Zone are in one place, further improving clarity and coherence.

- 22 The notified version the Proposed District Plan provided for 6 'noise events' within the Stadium Zone in any 12-month period. Under the original structure of the Plan, these were in addition to the 10 non-sporting temporary noise events that could occur per calendar year under (rule) TEMP-R2(1)(a) – noting that the 6 'noise events' referred to in (rule) STADZ-R4A were subject to different noise limits than the 10 non-sporting temporary noise events under (rule) TEMP-R2(1)(a).
- 23 On the basis of the Officers recommendation in paragraph 63 of the Section 42A report, it would seem that the limit in (rule) STADZ-R4A has been moved across to TEMP-R2(1)(a) - with the effect of reducing the number of events that McClean Park is permitted to accommodate.
- 24 I consider this to be at odds with the purpose of McClean Park and will impact and limit the ability of the facility to host events.
- 25 It is my view that there is still conflict between the STADZ and TEMP chapters, and that decisions on the Officers recommendations on the TEMP chapter, or at least on (rule) TEMP-R2A(1)(a) should be deferred until they can be made alongside the STADZ Zone.

Cameron James Drury

18 November 2024