
Submission on Napier City Proposed District Plan

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Napier City Council - Planning Unit

Date received: 15/12/2023

Submission Reference Number #:170

This is a submission on the following proposed plan (the **proposal**): Napier City Proposed District Plan

Submitter:

Napier City Council Event Manager

Address for service:

Cameron Drury
Stradegy Planning Ltd
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New Zealand

Email: cam@stradegy.co.nz

Attachments:

Submission supporting information.pdf

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **N/A**

Submission points

Point 170.1

Section: General

Sentiment: Amend

Submission:

The specific provisions of the Proposed Plan that this submission relates to:

- STADZ – Stadium Zone
- TEMP – Temporary Activities
- NOISE – Noise
- LIGHT – Light

Submissions points on specific provisions of the proposal are as outlined in the body of this submission.

The Napier City Council Event Manager submission is:

1. District Plan provisions need to enable opportunities for promoters to bring events to the region and the community to hold events for its social, cultural and recreational wellbeing.
2. The purpose of the submission is to:
 - Better provide for and enable the use of McLean Park and the Church Road concert area for events, including entertainment events, within suitable limits.
 - Accommodate the operational needs of events.
 - Retain Napier as an attractive opportunity for promoters to bring events to the City.
 - Recognize the economic value of events to the City.

Relief sought

The submission seeks amendments to the PDP to address the following key themes:

Facilitation of Temporary and Community Events.

Point 170.2

Section: SD - Overview

Sentiment: Amend

Submission:

Reasons:

The current strategic objectives of the District Plan addresses vibrancy, community and wellbeing in centre zones, and recognize social and community facilities. However, there is no recognition of the importance of events to the wellbeing of the community. The benefits of events should be recognised at the strategic level.

Relief sought

Relief sought:

Add a new objective and policy to the strategic direction chapter to recognize the wellbeing benefits from enabling events in the city.

Point 170.3

Section: STADZ - Stadium Zone

Sub-section: Introduction

Sentiment: Amend

Submission:

Reasons:

To improve clarity in relation to enabling events within the zone.

Relief sought

Relief sought:

Insert paragraph advising the Temporary Activity rules and standards (TEMP) apply over the area-specific Stadium Zone (STADZ) rules and standards.

Point 170.4

Section: STADZ - Stadium Zone

Sub-section: STADZ - Stadium Zone - Rules Table

Provision:

STADZ-R4: Entertainment activities

STADZ-R4A

STADZ-R4B

Activity Status: Permitted

Activity Status where activity conditions are not met:

Refer to NOISE-R1: Noise generation (general).

Where:

1. Entertainment activities:
 - a. The activity is not provided for by STADZ-R3;
 - b. The noise limits in NOISE-R1 apply, and
 - c. Up to six noise events are permitted in any 12-month period where Standard STADZ-S6 is complied with.

Sentiment: Amend

Submission:

Reasons:

To avoid contradiction.

Relief sought

Relief sought:

Amend 1(b) or 1(c) so that 1(b) does not contradict 1(c) i.e. the noise limits in STADZ-S6 supersede the noise limits in NOISE-R1.

Point 170.5

Section: STADZ - Stadium Zone

Sub-section: STADZ - Stadium Zone - Standards Table

Provision:

STADZ-S6: Noise events

Purpose: to enable a limited number of noise events in any 12-month period.

1. Noise generated from any noise event when measured within the boundary of any site in a residential zone must not exceed the levels below:
- Activity Status where standards are not met:** Restricted Discretionary

Time	Noise Levels	Matters of discretion are:
Saturdays, public holidays, and a Sunday preceding a public holiday	75 dB L _{Aeq1(5min)} For a duration of 6 hours	1. Purpose of the standard; 2. Public health, and 3. City vibrancy and community wellbeing.
7:00 a.m. to 10:00 p.m. All other days	75 dB L _{Aeq1(5min)} For a duration of 4 hours	
7:00 a.m. to 10:00 p.m.		2. Professional fireworks displays and helicopter flights are excluded from this standard. 3. Crowd noise is to be excluded from any assessment of compliance with these limits.

Sentiment: Amend

Submission:

Reasons:

To better enable the use of McLean Park facilities to host community events.

Relief sought

Relief sought:

1. Include Fridays within the 6 hour duration allowance.
2. Extend the durations in both allowances to 11.00pm.

Point 170.6

Section: TEMP - Temporary Activities

Sub-section: TEMP - Temporary Activities - Rules Table

Provision:

TEMP-R2: Temporary noise events

TEMP-R2A

TEMP-R2B

Activity Status: Permitted

Activity Status where activity conditions are not met: Restricted Discretionary

Where:

Matters of discretion are:

1. The number of temporary noise events that may occur on any one site in a calendar year must not exceed five except that:
 - a. In the Stadium Zone, there is no restriction on the number of sporting events (subject to Rule STADZ-R2). Up to ten non-sporting temporary noise events shall be permitted per calendar year within the Stadium Zone, and
 - b. Up to 18 temporary noise events shall be permitted per calendar year per site in the Marine Parade Recreation Control area, the Open Space Zone – coastal environment, and in Anderson Park provided that the maximum duration of temporary noise events within each area shall be 15 consecutive days.
 2. Occupation of the site for the erection and removal of all structures and land uses associated with the temporary noise event must not exceed ten days additional to the duration of the temporary event.
 3. The duration of the temporary noise event (including onsite accommodation) must not exceed a period of:
 - a. 24 hours for concerts, musicals, theatrical festivals/entertainment;
 - b. Five days for a sporting event (this limit does not apply in the Stadium Zone), and
 - c. Three days for all other temporary noise events.
 4. All associated buildings and structures must comply with the yards, height and height in relation to boundary standards in the applicable zone.
 5. The noise limits in NOISE-R7 – Noise generated from temporary noise events apply.
 6. Where an activity requires access from a state highway, the activity must comply with the Traffic Access Sight Lines in the Code of Practice for Land Development and Subdivision Infrastructure and all parking must be provided on site.
1. City vibrancy;
 2. Quality living environments;
 3. Safe and efficient integrated transport network, and
 4. Resilience and infrastructure.

Sentiment: Amend

Submission:

The specific provisions of the proposal this submission relates to:

TEMP-R2A(2)

Reasons:

To allow a stage to remain in place at the Church Road concert venue where multiple concerts may occur in short succession to avoid costs and nuisance disruption of packing out just to pack in again within a short period of time.

Relief sought

Relief sought:

Amend (2) to allow a stage to remain erected on Section SO 9752 for a period of 35 days provided no more than three additional events occur outside this period.

Point 170.7

Section: TEMP - Temporary Activities

Sub-section: TEMP - Temporary Activities - Rules Table

Provision:

TEMP-R2: Temporary noise events

TEMP-R2A

TEMP-R2B

Activity Status: Permitted

Activity Status where activity conditions are not met: Restricted Discretionary

Where:

Matters of discretion are:

1. The number of temporary noise events that may occur on any one site in a calendar year must not exceed five except that:
 - a. In the Stadium Zone, there is no restriction on the number of sporting events (subject to Rule STADZ-R2). Up to ten non-sporting temporary noise events shall be permitted per calendar year within the Stadium Zone, and
 - b. Up to 18 temporary noise events shall be permitted per calendar year per site in the Marine Parade Recreation Control area, the Open Space Zone – coastal environment, and in Anderson Park provided that the maximum duration of temporary noise events within each area shall be 15 consecutive days.
 2. Occupation of the site for the erection and removal of all structures and land uses associated with the temporary noise event must not exceed ten days additional to the duration of the temporary event.
 3. The duration of the temporary noise event (including onsite accommodation) must not exceed a period of:
 - a. 24 hours for concerts, musicals, theatrical festivals/entertainment;
 - b. Five days for a sporting event (this limit does not apply in the Stadium Zone), and
 - c. Three days for all other temporary noise events.
 4. All associated buildings and structures must comply with the yards, height and height in relation to boundary standards in the applicable zone.
1. City vibrancy;
 2. Quality living environments;
 3. Safe and efficient integrated transport network, and
 4. Resilience and infrastructure.

5. The noise limits in NOISE-R7 – Noise generated from temporary noise events apply.
6. Where an activity requires access from a state highway, the activity must comply with the Traffic Access Sight Lines in the Code of Practice for Land Development and Subdivision Infrastructure and all parking must be provided on site.

Sentiment: Amend

Submission:

The specific provisions of the proposal this submission relates to:

TEMP-R2A(4).

Reasons:

To better enable Temporary Activities and to avoid the need for resource consent in relation to height infringements where the status will be temporary and height in relation to boundary controls are still met in respect to shading effects.

Relief sought

Relief sought:

Remove the need for all associated buildings and structures (particularly stages) to comply with the height standards in the applicable zone.

Point 170.8

Section: NOISE - Noise

Sub-section: NOISE - Noise - Rules Table

Provision:

NOISE-R7: Noise generated from temporary events

NOISE-R7A

NOISE-R7B

Activity Status: Permitted

Activity Status where activity conditions are not met: Restricted Discretionary

Where:

Matters of discretion are:

1. Amplified sound equipment must only be operated between the hours of 10.00 a.m. to 11.00 p.m.
2. The following are exempt from compliance with clause 1 above:
 - a. on 31st December of any calendar year, amplified sound equipment may be used until 1.00 a.m. the following day.
3. Any sound checks that include testing and balancing of sound systems, sound equipment and vocal checks by performers must not:

1. Public health;
2. Amenity values, and
3. Vibrancy and community wellbeing.

- a. exceed a cumulative period of six hours, and
- b. commence before 9.00 a.m. on any day and shall be completed by 7.00 p.m. of any day of the temporary activity.

4. Noise generated from temporary events must not exceed 85 dB L_{Aeq} (5 min) when measured at any other site, except in the rural zones where the assessment point is at the notional boundary.

Where noise limits are specified as $L_{Aeq}(5 \text{ min})$, every five minute period shall comply with the stated limit. There shall be no adjustment for special audible character or duration in accordance with *NZS 6802:2008 Acoustics Environmental Noise*.

Note: Temporary activities are also subject to the Temporary Activities rules table of the general district-wide rules.

Sentiment: Amend

Submission:

The specific provisions of the proposal this submission relates to:

NOISE-R7A(4).

Reasons:

To enable McLean Park and the Church Road concert venues to accommodate a limited number of performances that may be characterized by infrequent and minor increase of noise above the 85 dB L_{Aeq} (5 min) limit.

Relief sought

Relief sought:

Increase the limit to 90 dB L_{Aeq} (5 min) for no more than 2 Temporary Events in Stadium Zone and on Section SO 9752.

Point 170.9

Section: LIGHT - Light

Sub-section: LIGHT - Light - Standards Table

Provision:

LIGHT-S1: Light spill and lighting design

All Residential Zones and all Open Space, Sports Parks, and Conservation Zones (except for McLean Park Sports Stadium)

1. Light spill conditions for all land uses other than for the purposes of illuminating a road:
 - 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 within a building located on any other site), and
 - b. outdoor lighting must be selected, located, aimed, adjusted, screened, and maintained to ensure that glare

Matters of discretion are:

1. Effects on residential amenity and road safety and the extent to which these can be mitigated;
2. Design, location, and external appearance of the artificial lighting, including the support structure(s), and
3. Whether the lighting is necessary for operational or functional purposes.

Purpose: to protect residential amenity; to support well-being and safety of people.

resulting from the lighting does not cause significant adverse effects on the occupants of residential activities, road users, or aircraft.

2. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the effect of weather conditions on illuminance:

- a. the standards for light must be measured and assessed in accordance with Standard AS / NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting.

All Commercial, Industrial, and Rural Zones and Precincts

Purpose: to protect residential amenity; to support wellbeing and safety of people.

1. Light spill conditions for all land uses other than for the purposes of illuminating a road:
 - 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 space 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 does not cause significant adverse effects on the occupants of residential activities, road users, or aircraft.

2. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance,

Matters of discretion are:

1. Effects on residential amenity, and
2. Design, location, and external appearance.

if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the weather conditions on illuminance:

- a. the standards for light must be measured and assessed in accordance with Standard AS / NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting.

Stadium Zone

Purpose: to protect residential amenity while supporting the overall wellbeing and safety of people during temporary events at the McLean Park Sports Stadium.

1. Light spill conditions for all activities, other than for the purposes of illuminating a road 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 within a building located on any other site);
 - b. the above hours may be exceeded for a maximum of three days in any calendar year, provided that between the hours of 11.00 p.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 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 adverse effects on the occupants of residential activities, road users, or aircraft.
2. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the effect of weather conditions on illuminance:
 - a. the standards for light must be measured and assessed in accordance with Standard AS / NZS 4282:2019 - Control of the Obtrusive

Matters of discretion are restricted to:

1. Effects on residential amenity, and
2. Design, location, and external appearance.

Sentiment: Amend

Submission:

Reasons:

To enable packing down of equipment following activities in a safe environment.

Relief sought

Relief sought:

Increase the number of days in LIGHT-S1: Stadium Zone 1(b) to 5 days and the duration to 12.00pm.

Point 170.10

Section: LIGHT - Light

Sub-section: LIGHT - Light - Standards Table

Provision:

LIGHT-S1: Light spill and lighting design

All Residential Zones and all Open Space, Sports Parks, and Conservation Zones (except for McLean Park Sports Stadium)

Purpose: *to protect residential amenity; to support well-being and safety of people.*

1. Light spill conditions for all land uses other than for the purposes of illuminating a road:

- 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 within a building located on any other site), and
- b. outdoor lighting must be selected, located, aimed, adjusted, screened, and maintained to ensure that glare resulting from the lighting does not cause significant adverse effects on the occupants of residential activities, road users, or aircraft.

2. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the effect of weather conditions on illuminance:

- a. the standards for light must be

Matters of discretion are:

1. Effects on residential amenity and road safety and the extent to which these can be mitigated;
2. Design, location, and external appearance of the artificial lighting, including the support structure(s), and
3. Whether the lighting is necessary for operational or functional purposes.

measured and assessed in accordance with Standard AS / NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting.

All Commercial, Industrial, and Rural Zones and Precincts

Purpose: to protect residential amenity; to support wellbeing and safety of people.

1. Light spill conditions for all land uses other than for the purposes of illuminating a road:
 - 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 space 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 does not cause significant adverse effects on the occupants of residential activities, road users, or aircraft.
2. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the weather conditions on illuminance:
 - a. the standards for light must be measured and assessed in accordance with Standard AS / NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting.

Matters of discretion are:

1. Effects on residential amenity, and
2. Design, location, and external appearance.

Stadium Zone

Purpose: to protect residential amenity while supporting the overall wellbeing and

1. Light spill conditions for all activities, other than for the purposes of illuminating a road 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,

Matters of discretion are restricted to:

1. Effects on residential amenity, and
2. Design, location, and external appearance.

safety of people during temporary events at the McLean Park Sports Stadium.

- measured horizontally or vertically as an average (at any window of a habitable space within a building located on any other site);
- b. the above hours may be exceeded for a maximum of three days in any calendar year, provided that between the hours of 11.00 p.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 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 adverse effects on the occupants of residential activities, road users, or aircraft.
2. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the effect of weather conditions on illuminance:
- a. the standards for light must be measured and assessed in accordance with Standard AS / NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting.

Sentiment: Amend

Submission:

Reasons:

To enable packing down of equipment following activities in a safe environment.

Relief sought

Relief sought:

Include provision to allow the same exemption provided for in LIGHT-S1: Stadium Zone 1(b) (as amended above) to Section SO 9752 (the Church Road concert venue).

Job Ref: 23195

15 December 2023

Napier City Council
Private Bag 6010
NAPIER 4142

Submission via Isoplan

Napier City Council Event Manager – Submission on Napier’s Proposed District Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991

This is a submission by Napier City Council Event Manager on Napier’s Proposed District Plan (“PDP”).

Napier City Council’s Event Manager does not consider it can gain an advantage in trade competition through this submission.

The specific provisions of the Proposed Plan that this submission relates to:

- STADZ – Stadium Zone
- TEMP – Temporary Activities
- NOISE – Noise
- LIGHT – Light

Submissions points on specific provisions of the proposal are as outlined in the body of this submission.

The Napier City Council Event Manager submission is:

1. District Plan provisions need to enable opportunities for promoters to bring events to the region and the community to hold events for its social, cultural and recreational wellbeing.
2. The purpose of the submission is to:
 - Better provide for and enable the use of McLean Park and the Church Road concert area for events, including entertainment events, within suitable limits.
 - Accommodate the operational needs of events.
 - Retain Napier as an attractive opportunity for promoters to bring events to the City.
 - Recognize the economic value of events to the City.



3. The submission seeks amendments to the PDP to address the following key themes:
 - a. Facilitation of Temporary and Community Events.

Submission theme 1: Facilitation of Temporary and Community Events

4. Relief Sought:

Section	Subsection	Provision	Amend / Oppose / Support	Reasons	Relief sought
Strategic Direction	General	General	Amend	The current strategic objectives of the District Plan addresses vibrancy, community and wellbeing in centre zones, and recognize social and community facilities. However, there is no recognition of the importance of events to the wellbeing of the community. The benefits of events should be recognised at the strategic level.	Add a new objective and policy to the strategic direction chapter to recognize the wellbeing benefits from enabling events in the city.
STADZ	Introduction	General	Amend	To improve clarity in relation to enabling events within the zone.	Insert paragraph advising the Temporary Activity rules and standards (TEMP) apply over the area-specific Stadium Zone (STADZ) rules and standards
STADZ	Rules Table	STADZ-R4	Amend	To avoid contradiction	Amend 1(b) or 1(c) so that 1(b) does not contradict 1(c) i.e. the noise limits in STADZ-S6 supersede the noise limits in NOISE-R1.
STADZ	Standards Table	STADZ-S6	Amend	To better enable the use of McLean Park facilities to host community events.	Include Fridays within the 6 hour duration allowance.



					Extend the durations in both allowances to 11.00pm
TEMP	Rules Table	TEMP-R2A(2)	Amend	To allow a stage to remain in place at the Church Road concert venue where multiple concerts may occur in short succession to avoid costs and nuisance disruption of packing out just to pack in again within a short period of time.	Amend (2) to allow a stage to remain erected on Section SO 9752 for a period of 35 days provided no more than three additional events occur outside this period.
TEMP	Rules Table	TEMP-R2A(4)	Amend	To better enable Temporary Activities and to avoid the need for resource consent in relation to height infringements where the status will be temporary and height in relation to boundary controls are still met in respect to shading effects.	Remove the need for all associated buildings and structures (particularly stages) to comply with the height standards in the applicable zone.
NOISE	Rules Table	NOISE-R7A(4)	Amend	To enable McLean Park and the Church Road concert venues to accommodate a limited number of performances that may be characterized by infrequent and minor increase of noise above the 85 dB L _{Aeq} (5 min) limit.	Increase the limit to 90 dB L _{Aeq} (5 min) for no more than 2 Temporary Events in Stadium Zone and on Section SO 9752
LIGHT	Standards Table	LIGHT-S1	Amend	To enable packing down of equipment following activities in a safe environment.	Increase the number of days in LIGHT-S1: Stadium Zone 1(b) to 5 days and the duration to 12.00pm.
LIGHT	Standards Table	LIGHT-S1	Amend	To enable packing down of equipment following activities in a safe environment.	Include provision to allow the same exemption provided for in LIGHT-S1: Stadium Zone 1(b) (as amended above) to Section SO 9752



					(the Church Road concert venue).
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5. Napier City Council Event Manager wishes to be heard in support of its submission.

If others make a similar submission, Napier City Council Event Manager is happy to consider presenting a joint case at a hearing.

Yours Sincerely

Cameron Drury
Principal Planner, Director
E cam@stradegy.co.nz

