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## 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 #:**234

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

**Submitter:**

Marist Holdings (Greenmeadows) Ltd

**Address for service:**

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Mitchell Daysh Limited PO Box 149 Napier 4140  
New Zealand

**Email:** philip.mckay@mitchelldaysh.co.nz

**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

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**Point 234.1**

**Section:** PREC5 - Mission Landscape and Visitor Precinct

**Sub-section:** PREC5 - Mission Landscape and Visitor Precinct - Rules Table

**Provision:**

PREC5-R3: Concert and entertainment events (including associated buildings and structures)

**PREC5-R3A**

**PREC5-R3B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Where:**

**Matters of discretion are:**

1. The concert and entertainment event takes place within the 'concert venue' or 'concert stage' identified on the Structure Plan in APP7(a), where permanent structures accessory to concerts and events may be erected.
2. The number of concert and entertainment events that may occur in a calendar year must not exceed five.
3. The duration of the event must not exceed a period of 24 hours for concerts.
4. Any amplified sound equipment must not be operated during the following hours:
  - a. Sunday to Thursday inclusive 10.00 p.m. hours to 10.00 a.m. (the following day);
  - b. Fridays and Saturdays 12.00 a.m. hours to 10.00 a.m. (the following day), and
  - c. except that on 1<sup>st</sup> January of any calendar year this is extended to 01.00 a.m.
5. Any sound checks that include testing and balancing of sound systems, sound equipment and vocal checks by performers must not:
  - a. exceed a cumulative period of 6 hours, and
  - b. commence before 09.00 a.m. hours on any day and shall be completed by 7.00 p.m. hours on any day of the temporary activity.
6. Amplified sound equipment operated outside of the hours specified in (4) above must not exceed 85 dB  $L_{Aeq(15\text{ min})}$  at any point beyond the Mission Development Area boundary.

1. Character of the Mission Development Area;
2. Landscape character;
3. Public health and safety;
4. Amenity values;
5. Safe and efficient operation of the integrated transportation network, and
6. Reverse sensitivity.

**Sentiment:** Amend

**Submission:**

PREC5-R3A (2) is sought to be amended so that there is the opportunity to host smaller events at the concert venue in addition to no more than 5 significant events. Smaller events could include smaller music concerts or other outdoor entertainment events that are not music concerts such as comedy shows, recitals, drama or acrobatic performances, light shows, dog trials, or sports events. An anticipated attendance of 12,000 people or more is considered an appropriate definition of a significant event.

## Relief sought

2. The number of concert and entertainment events that may occur in a calendar year must not exceed five **significant events with attendances of greater than 12,000 people.**

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### Point 234.2

**Section:** PREC5 - Mission Landscape and Visitor Precinct

**Sub-section:** PREC5 - Mission Landscape and Visitor Precinct - Rules Table

#### Provision:

PREC5-R3: Concert and entertainment events (including associated buildings and structures)

#### PREC5-R3A

#### PREC5-R3B

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Restricted Discretionary

#### Where:

#### Matters of discretion are:

1. The concert and entertainment event takes place within the 'concert venue' or 'concert stage' identified on the Structure Plan in APP7(a), where permanent structures accessory to concerts and events may be erected.
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    - a. Sunday to Thursday inclusive 10.00 p.m. hours to 10.00 a.m. (the following day);
    - b. Fridays and Saturdays 12.00 a.m. hours to 10.00 a.m. (the following day), and
    - c. except that on 1<sup>st</sup> January of any calendar year this is extended to 01.00 a.m.
  5. Any sound checks that include testing and balancing of sound systems, sound equipment and vocal checks by performers must not:
    - a. exceed a cumulative period of 6 hours, and
    - b. commence before 09.00 a.m. hours on any day and shall be completed by 7.00 p.m. hours on any day of the temporary activity.
  6. Amplified sound equipment operated outside of the hours specified in (4) above must not exceed 85 dB  $L_{Aeq(15\ min)}$  at any point beyond the Mission Development Area boundary.
1. Character of the Mission Development Area;
  2. Landscape character;
  3. Public health and safety;
  4. Amenity values;
  5. Safe and efficient operation of the integrated transportation network, and
  6. Reverse sensitivity.

**Sentiment:** Amend

**Submission:**

PREC5-R3(3) The set up of a major concert event can take 2 - 3 weeks, with another week required for the pack down. This set up and pack down process takes place well back from the Church Road frontage (over 250m) with no significant adverse effects on neighbours. Certainty is therefore sought that this process is not restricted by the event duration condition.

**Relief sought**

3. The duration of the event must not exceed a period of 24 hours for attended concerts and events. For the avoidance of doubt, the set up and pack up time is not restricted by this condition.

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**Point 234.3**

**Section:** PREC5 - Mission Landscape and Visitor Precinct

**Sub-section:** PREC5 - Mission Landscape and Visitor Precinct - Rules Table

**Provision:**

PREC5-R3: Concert and entertainment events (including associated buildings and structures)

**PREC5-R3A**

**PREC5-R3B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Where:**

**Matters of discretion are:**

1. The concert and entertainment event takes place within the 'concert venue' or 'concert stage' identified on the Structure Plan in APP7(a), where permanent structures accessory to concerts and events may be erected.
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  - b. Fridays and Saturdays 12.00 a.m. hours to 10.00 a.m. (the following day), and
  - c. except that on 1<sup>st</sup> January of any calendar year this is extended to 01.00 a.m.
5. Any sound checks that include testing and balancing of sound systems, sound equipment and vocal checks by performers must not:

1. Character of the Mission Development Area;
2. Landscape character;
3. Public health and safety;
4. Amenity values;
5. Safe and efficient operation of the integrated transportation network, and
6. Reverse sensitivity.

- a. exceed a cumulative period of 6 hours, and
  - b. commence before 09.00 a.m. hours on any day and shall be completed by 7.00 p.m. hours on any day of the temporary activity.
6. Amplified sound equipment operated outside of the hours specified in (4) above must not exceed 85 dB  $L_{Aeq}(15 \text{ min})$  at any point beyond the Mission Development Area boundary.

**Sentiment:** Amend

**Submission:**

PREC5-R3(4) There have been examples where Mission concerts have been held on public holidays such as Waitangi Day, which did not fall on a Friday or Saturday. In such circumstances it would be reasonable for the hours applying to Friday's and Saturday's to also apply to public holidays.

**Relief sought**

4. Any amplified sound equipment must not be operated during the following hours:

- a. Sunday to Thursday inclusive 10.00 p.m. hours to 10.00 a.m. (the following day);
- b. Fridays, ~~and Saturdays,~~ **and Public Holidays** 12.00 a.m. hours to 10.00 a.m. (the following day), and
- c. except that on 1<sup>st</sup> January of any calendar year this is extended to 01.00 a.m.

**Point 234.4**

**Section:** PREC5 - Mission Landscape and Visitor Precinct

**Sub-section:** PREC5 - Mission Landscape and Visitor Precinct - Rules Table

**Provision:**

PREC5-R3: Concert and entertainment events (including associated buildings and structures)

**PREC5-R3A**

**PREC5-R3B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Where:**

**Matters of discretion are:**

1. The concert and entertainment event takes place within the 'concert venue' or 'concert stage' identified on the Structure Plan in APP7(a), where permanent structures accessory to concerts and events may be erected.
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6. Reverse sensitivity.

following hours:

- a. Sunday to Thursday inclusive 10.00 p.m. hours to 10.00 a.m. (the following day);
  - b. Fridays and Saturdays 12.00 a.m. hours to 10.00 a.m. (the following day), and
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  - b. commence before 09.00 a.m. hours on any day and shall be completed by 7.00 p.m. hours on any day of the temporary activity.
6. Amplified sound equipment operated outside of the hours specified in (4) above must not exceed 85 dB  $L_{Aeq(15 \text{ min})}$  at any point beyond the Mission Development Area boundary.

**Sentiment:** Amend

**Submission:**

PREC5-R3(5) Experience in hosting the Mission Concert is that sometimes there is a need for sound checks to continue through until 9.00pm the night before a show. Often performers don't get in until late in the afternoon the day before an event. The extra hours would be very useful for ensuring that the show is set to go the next day.

**Relief sought**

5. Any sound checks that include testing and balancing of sound systems, sound equipment and vocal checks by performers must not:

- a. exceed a cumulative period of 6 hours, and
- b. commence before 09.00 a.m. hours on any day and shall be completed by 7.00 p.m. hours on any day ~~of the temporary activity,~~  
**except may continue until no later than 9.00 p.m. hours on the evening before the day of the concert or event.**

**Point 234.5**

**Section:** PREC5 - Mission Landscape and Visitor Precinct

**Sub-section:** PREC5 - Mission Landscape and Visitor Precinct - Rules Table

**Provision:**

PREC5-R3: Concert and entertainment events (including associated buildings and structures)

**PREC5-R3A**

**PREC5-R3B**

**Activity Status:** Permitted

**Activity Status where activity conditions are not met:** Restricted Discretionary

**Where:**

**Matters of discretion are:**

1. The concert and entertainment event takes place within the 'concert venue' or 'concert stage' identified on the Structure Plan in APP7(a), where permanent structures accessory to concerts and events may be erected.
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    - c. except that on 1<sup>st</sup> January of any calendar year this is extended to 01.00 a.m.
  5. Any sound checks that include testing and balancing of sound systems, sound equipment and vocal checks by performers must not:
    - a. exceed a cumulative period of 6 hours, and
    - b. commence before 09.00 a.m. hours on any day and shall be completed by 7.00 p.m. hours on any day of the temporary activity.
  6. Amplified sound equipment operated outside of the hours specified in (4) above must not exceed 85 dB  $L_{Aeq(15 \text{ min})}$  at any point beyond the Mission Development Area boundary.
1. Character of the Mission Development Area;
  2. Landscape character;
  3. Public health and safety;
  4. Amenity values;
  5. Safe and efficient operation of the integrated transportation network, and
  6. Reverse sensitivity.

**Sentiment:** Amend

**Submission:**

PREC5-R3(6) Certainty is required that compliance is not required with the provisions of the Noise Chapter when this condition is complied with. Sometimes it is possible that a sound check could breach this noise limit, it is therefore requested that sound checks within the specified times are also exempt from the noise limit.

**Relief sought**

6. Amplified sound equipment operated outside of the hours specified in (4) or (5) above must not exceed 85 dB  $L_{Aeq(15 \text{ min})}$  at any point beyond the Mission Development Area boundary. **For the avoidance of doubt, concert and entertainment activities in compliance with this condition are also exempt from the noise limits in the Noise Chapter.**

**Point 234.6**

**Section:** SCHED3 - Historic heritage items

**Sub-section:** SCHED3 - Heritage Items Schedule

**Provision:**

Ref.	HNZ	Name	Address	Legal Description	Heritage Group
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No.	Category		
20	La Grande Maison (Mission Estate Winery) & observatory base	198 Church Road	Part Lot 1 DP 27138 B

**Sentiment:** Oppose

**Submission:**

Heritage item 20, 'La Grande Maison (Mission Estate Winery) & observatory base' should be deleted from SCHED3 - Historic heritage items. These items are not included in any Heritage New Zealand Pouhere Taonga Schedule and are adequately protected by other regulatory mechanisms. In this regard the observatory base is a recorded archaeological site, while the building referenced as La Grande Maison, is protected by various PDP objective, policy, and assessment criteria provisions in the DEV3 Mission Development Area and PREC5-Mission Landscape and Visitor Precinct Chapters.

Although the original building was constructed in the 1880's at Meeanee and shifted to the current site in 11 sections in 1910, it has been altered significantly since that time, with the interior of the building being totally redeveloped, refurbishments to the exterior, and the roof subsequently being replaced. The building is a flagship of the Mission Estate and is not in the commercial interests of MHGL to remove, nevertheless MHGL would also like the ability to be able to make alterations to the building as required and as they have been doing successfully and responsibly since 1910, without requiring resource consent under the PDP Historic Heritage Provisions.

**Relief sought**

20 La Grande Maison (Mission Estate Winery) & observatory base 198 Church Road Part Lot 1 DP 27138 B

**Point 234.7**

**Section:** NOISE - Noise

**Sub-section:** NOISE - Noise - Standards Table

**Provision:**

**NOISE-S1: General noise limits**

	For all activities that are not expressly provided for elsewhere in this chapter, the following noise standards apply:					
	Zone	7a.m. to 7p.m. L <sub>Aeq</sub> (15min)	7p.m. to 10pm L <sub>Aeq</sub> (15min)	10p.m. to 7a.m. the following day L <sub>Aeq</sub> (15min)		10p.m. to 7a.m. the following day L <sub>AFmax</sub>
	Residential Zones	50 dB	45 dB	40 dB		70 dB
	City Centre Zone	60 dB	60 dB	50 dB Except 10.00 p.m. to midnight Thursday, Friday, Saturday and the day before a public holiday - 60 dB		80 dB
	Centres Zones (excluding City Centre Zone)	60 dB	60 dB	50 dB		80 dB
	Mixed Use Zone	60 dB	60 dB	50 dB		80 dB
	General Industrial Zone	70 dB	70 dB	70 dB		85 dB

**Matters of discretion are:**



**Purpose:** to enable activities anticipated in the zone while maintaining the public health and amenity effects that are expected in the zone.

Light Industrial Zone (incl Marine Industrial Precinct, Te Whanganui-a-Orotū (Ahuriri Estuary) Ecology and Stormwater Treatment Zone, Wastewater Treatment Precinct)	60 dB	60 dB	60 dB	85 dB
Rural Production Zone	55 dB	50 dB	45 dB	75 dB
Rural Lifestyle Zone	50 dB	45 dB	40 dB	70 dB
Open Space Zones	55 dB	50 dB	45 dB	75 dB
Airport Zone	55 dB	55 dB	45 dB	75 dB
Stadium Zone	55 dB	55 dB	45 dB	75 dB
Port Zone	Refer to Noise S3			
Tertiary Education Zone	55 dB	50 dB	45 dB	75 dB

1. Public health;
2. Amenity values, and
3. Functional and operational requirements.

1. Where noise generated by any activity on a site in one zone is received by any activity on a site in a different zone, the activity generating the noise must comply with the noise limits and standards of the zone at the receiving site.
2. Noise levels arising from activities must be measured and assessed in accordance with the New Zealand Standard *NZS 6801:2008 Acoustics Measurement of Environmental Sound* and the New Zealand Standard *NZS 6802:2008 Acoustics Environmental Noise* except where this chapter sets out more specific requirements.
3. Noise levels shall be measured and assessed at the following locations:
  - a. at or within the notional boundary for any site in the rural zones;
  - b. within the boundary of any site in a residential zone;
  - c. 1 m from the facade of any building in the Mixed Use, City Centre, or Centre Zone (as the incident noise level), and
  - d. at any point within the boundary of any site in any other zone.

**Sentiment:**

**Submission:**

PREC5-R3(6) Certainty is required that compliance is not required with the provisions of the Noise Chapter when this condition is complied with. Sometimes it is possible that a sound check could breach this noise limit, it is therefore requested that sound checks

within the specified times are also exempt from the noise limit.

### **Relief sought**

6. Amplified sound equipment operated outside of the hours specified in (4) or (5) above must not exceed 85 dB  $L_{Aeq(15\text{ min})}$  at any point beyond the Mission Development Area boundary. **For the avoidance of doubt, concert and entertainment activities in compliance with this condition are also exempt from the noise limits in the Noise Chapter.**