

**QLDC Council**  
**26 February 2015**

**Report for Agenda Item: 10**

**Department:**

**Planning and Development**

**District Plan Review: Noise, Temporary Activities and Utilities and Renewable Energy**

**Purpose**

- 1 To present the following proposed District Plan provisions for Council's acceptance:
  - Noise (Chapter 49)
  - Temporary Activities (Chapter 17)
  - Utilities and Renewable Energy (Chapter 45)
  - The accompanying Section 32 Evaluation reports.

**Recommendation**

- 2 *That Council:*
  - a. **Note** the contents of this report and in particular:
    - i. The Resource Management issues associated with the current provisions.
    - ii. The RMA Section 32 evaluations.
  - b. **Agree** to accept the Noise, Temporary Activities, and Utilities and Renewable Energy provisions.
  - c. **Note** that these provisions will be brought back for Council's final approval along with others forming Stage 1 of the District Plan Review, prior to statutory consultation and public notification anticipated in May 2015.
  - d. **Authorise** officers to make further minor changes to the Section 32 Evaluation reports and provisions without further recourse to the Council, where this is necessary to:
    - i. Ensure consistent numbering and formatting of the proposed District Plan text; and
    - ii. To fix identified minor errors and / or omissions.
    - iii. Ensure continuity with other proposed provisions.

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11/02/2015

## Background

- 3 The provisions within the operative District Plan that address Noise, Temporary Activities and Utilities and Renewable Energy have been the subject of environmental monitoring which addressed the effectiveness of the Plan.
- 4 The District Plan Review was formally (and legally) commenced by a resolution of Council in April 2014. The Review adopts a changed approach to the structure and philosophy of the District Plan and is led by the Strategic Directions chapter.
- 5 The Operative District Plan has a dedicated Utilities chapter (Chapter 17). Temporary Activity provisions are contained within the Relocated Buildings, Temporary Buildings and Temporary Activities chapter (Chapter 19). Noise provisions are not contained within a single chapter, but spread through the various zone provisions. Renewable Energy provisions are within the District Wide Issues Chapter 4.
- 6 The proposed provisions retain Utilities as a dedicated chapter, and bring Renewable Energy provisions into it. Temporary Activities retains a dedicated chapter however the provisions relating to relocated buildings are removed (they will be regulated in the Residential and Rural sections of the Proposed District Plan). Noise provisions are centralised into one chapter, with the exception of the noise provisions relating to town centres which will sit within the Town centres chapter. The reasons for this are the relative complexity of the town centre noise provisions (and the difficulty in reconciling them within the structure of the Noise chapter), and the fact that noise issues sit as a central planning issue in the town centres.
- 7 The changes to the way the provisions are structured broadly seek to make the Plan more legible, targeted and concise. A more enabling approach is also sought, however subject to strong design and environmental standards.

- 8 This approach was presented at a Council workshop in October 2014, and Councillors were circulated draft provisions for feedback in late January / early February 2015.
- 9 The resource management issues that are relevant to the various provisions stem from:
- a. Monitoring and review of the Operative District Plan
  - b. Community consultation
  - c. Specific consultation with parties working in the area of temporary events and activities, including representatives of the film industry.
- 10 A full list of the relevant documents that inform the analysis of issues and options considered is contained within the individual appended section 32 reports.
- 11 Guidance for the approach to these evaluations has come from the proposed Strategic Directions Chapter, with the following goals and objectives having relevance to the chapters reviewed:

<b>Goal 1:</b>	<b><i>To develop a prosperous, resilient and equitable economy</i></b>
<b>Obj. 2:</b>	<i>To recognise, develop and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka central business areas</i>
<b>Obj. 3:</b>	<i>To enable the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities.</i>
<b>Obj. 5:</b>	<i>To maintain and promote the efficient operation of the District's infrastructure, including designated Airports.</i>
<b>Goal 2:</b>	<b><i>A quality built environment taking into account the character of individual communities</i></b>
<b>Obj. 1:</b>	<i>To achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.</i>
<b>Pol. 1.3:</b>	<i>Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.</i>

### **Issues and options considered**

- 12 The issues which were identified and proposed measures to address the issues vary for each of the Plan components reviewed. These are addressed in turn below.

## Noise

13 The noise issues which were identified and which are addressed through the proposed amendments are:

- For the large part, noise is being regulated appropriately in the District. The noise standards and provisions of the Operative District Plan were amended / updated relatively recently through Plan Change 27A, which was made operative in October 2011.
- Further areas identified as requiring updating in accordance with best New Zealand practice and standards included: approaches to noise from voices and vehicles at schools and pre-schools; regulation of noise from stationary equipment such as heat pumps; regulation of noise in Industrial zones; and audible bird scaring devices.

## Temporary Activities

14 The issues pertaining to temporary activities which were identified and which are addressed through the proposed amendments are:

- The regulation of relocated buildings sits uncomfortably within a chapter concerned with the regulation of temporary activities.
- Many temporary activities – especially larger events occurring in key urban public spaces - require resource consent approval, even though they are occurring in spaces where events are central to civic life
- Related to the above, the impacts from such events can be adequately managed through Council event management processes.
- Many temporary activities are required to satisfy District Plan noise standards which are inherently difficult to comply with
- Such existing noise standards do not recognise the central role that bigger public events play in the civic life of the district's urban centres, and over-prioritise amenity values relative to the social, economic and cultural well-being of communities.
- Provisions relating to both temporary events and filming activities – important economic activities for the district – are overly restrictive relative to the adverse effects these activities typically generate.
- Notwithstanding the above issues, it is recognised that temporary activities have the potential to generate unacceptable impacts and the need for bottom-lines in terms of standards is acknowledged.
- Minor amendments to the regulation of temporary activities relating to construction and temporary utilities are needed to remove unnecessary

restriction when the overall extent of adverse effects is considered to be small.

### **Utilities and Renewable Energy**

15 The issues pertaining to temporary activities which were identified and which are addressed through the proposed amendments are:

- The Government has issued a number of relevant National Policy Statements including the National Policy Statement for Renewable Energy Generation 2011 (NPS-REG) and the National Policy Statement on Electricity Transmission 2008 (NPS-ET).
- The NPS-REG confirms that renewable electricity generation, regardless of scale, makes a crucial contribution to the well-being of New Zealand, its people and the environment. Any reductions in existing renewable energy generation will compromise the achievement of the Government's renewable electricity target of 90% of electricity from renewable sources by 2025.
- Therefore the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities throughout New Zealand, and the associated benefits of renewable electricity generation, are matters of national significance.
- In light of this, the key message emerging from the NSP\_REG is that local authorities are required to adopt a positive and proactive policy response to renewable electricity generation activities in plans. The Operative District Plan does not sufficiently fulfil this requirement.
- The NPS-ET facilitates the operation, maintenance, upgrading and development of the electricity transmission network and complements the NPS-REG. The NPS-ET seeks to ensure that, in providing for the transmission of electricity within a district and in managing the effects of the transmission network on the environment, the operational and long-term development requirements of the network are appropriately recognised.
- Arising from this, the transmission corridor (Frankton to Cromwell) requires mapping.
- The Operative District Plan does not explicitly recognise and provide for Small and Community-Scale Distributed Electricity Generation and Solar Water Heating.

### **Financial Implications**

16 There are no budget or cost implications resulting from the decision. The work is accounted for in already approved budgets.

## **Local Government Act 2002 Purpose Provisions**

17 The proposed provisions are considered to be consistent with the LGA purpose provisions (ss10, 11, 11A) summarised as:

- Activity (local democracy, infrastructure, local public services or performance of regulatory functions);
- Quality (efficient, effective and appropriate to present and future circumstances); and, or
- Economic (most cost-effective for households and businesses).

## **Council Policies**

18 No formal Council Policies have been considered. However discussion has occurred with relevant Council staff regarding procedures in terms of event management.

## **Consultation**

19 Consultation has occurred with event operators, representatives of the film industry, and Council staff involved in the management of temporary events.

## **Publicity**

20 No media statement or public communication is required.

## **Attachments**

All attachments circulated separately

- A Chapter 49 – Noise
- B Chapter 45 – Temporary Activities
- C Chapter 17 – Utilities and Renewable Energy
- D Section 32 Evaluation Report – Noise
- E Section 32 Evaluation Report – Temporary Activities
- F Section 32 Evaluation Report – Utilities and Renewable Energy