

Te Tai o Poutini Plan – Section 32 Evaluation

Report Seven General District Wide
Matters – Ngā Kaupapa ā-Rohe Whanui

Noise - Ngā Oro

Light - Ngā Rama

Signs - Ngā Tohu

Earthworks - Te Huke Whenua

Temporary Activities - Ngā Mahi Taupua



Te Tai o Poutini
PLAN

A combined district plan for the West Coast

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Executive Summary

Section 32 of the RMA requires objectives in District Plan proposals to be examined for their appropriateness in achieving the purpose of the Resource Management Act 1991 ('the Act' or 'the RMA'), and the policies and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness and risk in achieving the objectives.

The analysis set out in this report is to fulfil the obligations of the Council under s32 of the RMA. This section 32 evaluation report relates to the evaluation of options for the management of General District Wide Matters through the combined district plan for the West Coast – Te Tai o Poutini Plan.

This s32 is made up of five parts

- Noise,
- Light,
- Signs
- Earthworks, and
- Temporary Activities

These chapters apply District-wide.

Noise

This section 32 evaluation report relates to the evaluation of options for the management of noise (which includes vibration) effects through Te Tai o Poutini. The noise provisions are proposed to be contained in a single Noise Chapter as set out in the National Planning Standards. Activities which generate noise have the potential to adversely affect the health and safety of people and amenity values. Furthermore, incompatible activities located near to each other can result in reverse sensitivity effects.

The general approach to the management of noise in the operative District Plans is maintained but updated to ensure greater clarity and consistency with relevant New Zealand Standards and the National Planning Standards.

Management of reverse sensitivity effects is also identified as an issue to be more consistently addressed across the District Plan.

The proposed noise provisions will assist the TTPP Committee to fulfil its statutory functions and responsibilities as required by the RMA through the following proposed objectives, policies and rules:

- Objectives to protect the health and wellbeing of people and their amenity values from significant levels of noise, and to protect important infrastructure from reverse sensitivity effects.
- Policies and Rules that address the management considerations relevant to noise, including:
 - Setting noise limits relevant to each zone;
 - Permitting noise emissions from activities (where the zone noise limits are met consistent with the anticipated amenity outcomes for the area);
 - Expressly permitting land use noise emitting activities where such noise is necessary, anticipated or permitted by other legislation or where it complies with New Zealand Standards for management of noise
 - Limits on the location, frequency and duration of specific noise generating activities;
 - Protection of the district's important infrastructure from reverse sensitivity effects including the State Highway and Railway Network, Airports and Aerodromes There is a broadly consistent approach which requires that noise sensitive activities within identified noise overlays close to the noise source be avoided and that noise sensitive activities be acoustically insulated within identified outer contours;
 - Protection of the established Westport rifle range from reverse sensitivity effects by managing noise sensitive activities in the vicinity.
 - Enabling Temporary Military Training Activities (TMTA) provided specified parameters are met such as setbacks and managing the frequency and duration of noise from temporary activities.

- Updated references to the current versions of the NZ Standards NZS 6801:2008 and NZS 6802:2008, which is a mandatory direction of the National Planning Standards
- Updated primary acoustic parameter to dB LAeq rather than dB LA10 in accordance with NZS 6802:2008 and International Guidance
- Standardising day time and night time hours (when the day time and night time zone noise limits apply) across the three districts
- Updated and new definitions, abbreviations and references to New Zealand Standards. Definitions include: the National Planning Standards definitions for LAeq, LAF(max), Noise, Notional Boundary and the definition of Sensitive Activity.

Light

This section 32 evaluation report relates to the evaluation of options for the management of light spill, glare and sky glow effects through Te Tai o Poutini Plan. Provisions for managing light are located in a district wide Light chapter as required by the National Planning Standards.

Lighting effects creating nuisance or reduction in amenity values have the potential to result from obtrusive light spill and glare. Excessive upward spill or waste light can also result in sky glow which can adversely affect the visibility of the night sky, reducing opportunities for star gazing and which can have an adverse effect on nocturnal species and ecosystems.

The general approach to the management of light and glare in the operative District Plans is proposed to be largely maintained but updated to improve clarity and consistency.

Impacts of artificial light on wildlife, natural character and the view of the night sky are also identified as being important to the West Coast and that the effects of sky glow should also be managed through the Proposed TTPP. This report further evaluates the resource management issues, including a review of the operative District Plan provisions and evaluation of alternatives.

The Light Chapter will assist the TTPP Committee to fulfil its statutory functions and responsibilities as required by the Act through the following proposed objectives, policies and rules:

- Two objectives which support appropriate use of artificial outdoor lighting and seek that it is located, designed and operated so that it does not create adverse effects on health and safety, views of the night sky and nocturnal native fauna.
- Policies which provide for artificial outdoor lighting where this is appropriate and enable it where it is associated with temporary activities, emergency response or to support public health and safety. Policy controlling the intensity, location and direction of artificial outdoor lighting where it may have adverse effects.
- Rules that: set maximum lux level limits specific to zones, but updated to improve clarity and consistency with AS/NZ 4282:2019, require lighting to be directed away from adjacent properties and roads to manage glare, control artificial outdoor lighting for the purpose of reducing impacts on native wildlife, outstanding coastal natural character, upward waste light and minimising sky glow.

Signs

A prominent feature of modern-day cities and districts, signs are important for identifying and promoting businesses and services and perform a key role in advertising events and other community activities. Road and traffic signs are vital in providing a safe public environment. However, without appropriate management, signage can compromise the safety of motorists, cyclists and pedestrians and adversely affect the environment, particularly its visual amenity.

The Operative District Plans contain complex provisions for signs within each of the zones. In some instances, this approach has led to adverse outcomes such as overcrowding, inappropriate location of large signs and multiple signage on properties. In other locations signs appear to be excessively regulated to a level not commensurate with their environmental effects.

Substantial changes to the signs provisions are proposed which bring them in step with modern planning practice. These include:

- Developing a stand-alone chapter for signs in accordance with the National Planning Standards
- Specific objectives, policies and rules for signs across a range of zones that recognise the different character and amenity values.
- A requirement for most signs to be located entirely on the site to which they relate.
- Specific standards for signs on heritage buildings and items that acknowledge the legislative requirement to protect historic heritage from inappropriate development.
- Subject to effects standards such as size, height and number most signage types continue to be permitted.

The proposed provisions will better ensure that signage is consistent with the objectives of TTPP but allow the flexibility of design and style to create diversity and interest in the environment.

Earthworks

This section 32 evaluation report relates to the district wide earthworks chapter of the Proposed Te Tai o Poutini Plan (TTPP). Earthworks considerations contained within this report excludes any earthworks taking place within any overlay areas.

Earthworks are not specifically regulated outside of sensitive environments in the Operative District Plans so the proposed approach puts in place some regulation that recognises in particular the amenity impacts that arise from large scale earthworks. The provisions also however recognise that earthworks are a necessary part of many primary production and infrastructure activities and provides a permissive approach outside of sensitive environments for earthworks in rural areas in particular.

The key changes from the operative District Plans are:

- General permitted activity standards for all earthworks that seek to ensure significant adverse effects do not occur
- Within urban, rural lifestyle and settlement zones, limits on volumes of earthworks to be undertaken at any one time
- Earthworks activities that don't meet the permitted standards will be assessed as restricted discretionary activities and will be subject to matters of discretion relating to adverse dust, visual amenity and drainage as well as the effects on critical infrastructure, the road network, natural and cultural values.

The Earthworks (District Wide) Chapter will assist the TTPP Committee to fulfil its statutory functions and responsibilities as required by the RMA through the following proposed objectives, policies and rules.

- A single objective recognizing the need for earthworks to facilitate development whilst ensuring that the adverse amenity effects are minimised.
- Policies that enable temporary, small-scale and subdivision related earthworks, and that manage adverse effects on amenity, cultural and ecological values.
- Rules that: permit earthworks activities subject to complying with standards that reflect the nature of the zone and the location, purpose and timeframes associated with the earthworks activities; and provide for earthworks as restricted discretionary activities where the permitted activity standards are not complied with.
- Definitions that reflect national planning standards.

Temporary Activities

This section 32 evaluation report relates to the district wide temporary activities chapter of the Proposed TTPP. Temporary activities are important for allowing local communities to provide for their health and wellbeing, as well as promoting a positive sense of place.

The nature, scale, location and duration of these activities differ greatly, ranging from community, cultural, recreational, entertainment, and agricultural events.

Temporary activities provide positive contributions to a community's overall vibrancy, prosperity and sense of place, as they allow for a variety of activities to be carried out that the community can participate in and enjoy. Temporary activities include short term events such as galas, festivals, markets or concerts which include any associated structures and buildings.

Other temporary activities support the building and construction industry and allow communities to recover from natural disasters and adverse events.

Temporary military training activities are another type of temporary event that allows New Zealand's military services to function effectively and support the community in the defence of New Zealand as well as assisting in natural disasters and other emergencies.

Freedom camping has been identified as a specific issue that needs to be addressed in relation to Temporary Activities. While in much of the West Coast, Freedom Camping is appropriately managed by Bylaws produced under the Freedom Camping Act, these Bylaws do not apply to Waka Kotahi – NZTA land.

The operative district plans provisions are in need of updating. They contain insufficient policy direction to support appropriate temporary activity rules. The Grey and Westland Rules are also vague, and outside of temporary military training activities, it would be difficult to determine compliance with these.

The Temporary Activities Chapter will assist the TTPP Committee to fulfil its statutory functions and responsibilities as required by the RMA through the following proposed objectives, policies and rules.

- Introduction of a stand alone temporary activities chapter
- An objective that recognises the benefits of temporary activities and their contribution to community wellbeing
- Introduction of four policies in relation to temporary activities that enable temporary activities with minor and transitory effects and manage adverse effects on amenity and the environment
- Rules that permit: temporary military training activities, temporary buildings ancillary to construction and demolition, temporary motorsport activities, temporary residential buildings following an emergency declaration, freedom camping on land adjacent to the state highway network and a range of other temporary activities such as events and community markets.

Part One: Noise

1.0 Overview and Purpose

This s32 evaluation report should be read in conjunction with the s32 'Overview Report', which also includes an overview of the s32 legislative requirements, the methodology and approach to the s32 evaluations and the process that the TTPP Committee has undertaken to date through the development of Te Tai o Poutini Plan, including consultation and engagement.

This section 32 evaluation report relates to the evaluation of options for the management of noise (which includes vibration)¹ effects through Te Tai o Poutini. The noise provisions are proposed to be contained in a single Noise Chapter as set out in the National Planning Standards.

1.1 Introduction to the Resource Management Issue

Noise can have an adverse effect on people's health by disturbing sleep and concentration and impacting on general wellbeing and can affect amenity values. The Councils have a duty under section 31(d) of the RMA to control the emission of and mitigate the effects of noise.

Reverse sensitivity effects can result from incompatible activities located near each other. For example, important infrastructure such as the Airports are important for social and economic well-being as the airports provide critical links, into and out of the West Coast. Noise sensitive activities which locate near the airports could result in the use and development of such facilities being constrained.

Reverse sensitivity effects can also arise in relation to noise sensitive activities locating near the State Highway and Railway Network, and adjacent to the established Westport Rifle Range. However, noise producing activities should also minimise their adverse effects on the surrounding environment.

1.2 Regulatory and Policy Direction

1.2.1 Part 2 of the RMA

In carrying out a s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. In achieving this purpose, authorities need also to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in s7, and take into account the principles of the Treaty of Waitangi referred to in s8.

A number of provisions have been included in the Noise Topic in response to the requirements in Part 2, including:

- s5 - managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety;
- s7(b) - the efficient use and development of natural and physical resources;
- s7(c) - the maintenance and enhancement of amenity values; and,
- s7(f) - maintenance and enhancement of the quality of the environment; and
- s8 - principles of the Treaty of Waitangi.

There are no specific s6 matters of national importance of relevance to the Noise Topic.

In relation to sections 5, 7 and 8, the provisions of the Noise Chapter are intended to recognise that noise is a consequence of a range of activities that operate in the district where the potential adverse effects on the environment need to be appropriately managed.

Noise can adversely impact on amenity values for example by disturbing sleep, and affecting the ability to use outdoor living spaces and to open windows.

The general quality of the environment can also be adversely affected, especially in more sensitive environments such as residential zones, where noise is not anticipated to be a dominant characteristic of the zone.

Other sections of the RMA

Section 16 of the RMA requires that every occupier of land (including any premises and any Coastal Marine Area), and every person carrying out an activity in, on, or under a water body or the Coastal Marine Area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level; and that a national environmental standard, plan, or resource consent made or granted for the purposes of any of sections 92, (and 12, 13, 14, 15, 15A, and 15B) may prescribe noise emission standards.

Section 17 states that every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried out by or on behalf of the person.

Section 31 sets out the functions of territorial authorities and in particular s31(1)(d) provides councils with the ability to control the emission of noise and the mitigation of the effects of noise.

Section 326(1)(a) addresses the meaning of 'excessive noise', which means any noise that is under human control and of such a nature as to unreasonably interfere with peace, comfort, and convenience of any person (other than a person in or at the place from which the noise is being emitted), but does not include any noise emitted by: -aircraft being operated during, or immediately before or after, flight; - vehicles being driven on a road (within the meaning of section 2(1) of the Land Transport Act 1998); or - trains, other than when being tested (when stationary), maintained, loaded, or unloaded.

Excessive noise includes noise that exceeds a standard for noise prescribed by a National Environmental Standard; and may include noise emitted by: a musical instrument; or an electrical appliance; or a machine, however powered; or a person or group of persons; or an explosion or vibration.

1.2.2 National Instruments

There are two National Environmental Standards of relevance to noise. This includes the National Environmental Standard for Telecommunications Facilities 2016 (NESTF) and the National Environmental Standard for Electricity Transmission Activities 2009 (NESET).

The NESTF sets noise limits for telecommunication cabinets.

Section 24 (Noise limits for cabinet in road reserve) states that if the cabinet is located in a residential zone or an adjoining road reserve, the noise limits for the cabinet are: 50 dB day time (7am to 10pm) and 40 dB/65dB LAFmax night time (10pm to 7am). For any other cabinet the noise limits are 60dB at any time and 65LAFmax at night time. Measurement and assessment of noise is in accordance with NZS 6801 and 6802. If a building containing a habitable room is within 4m of the road reserve where the cabinet is located, the noise must be measured at a point that is 1m from the side of the building or on the vertical plane of the side of the building. In any other case, the noise must be measured at a point that is at least 3m from the cabinet; and within the boundaries of land adjoining the road reserve where the cabinet is located.

Section 25 (Noise limits for cabinet not in road reserve) applies to a cabinet not located in a road reserve and is complied with if the cabinet is installed and operated in accordance with the district plan rules about noise from a facility at the place where the cabinet is located.

The only reference to noise levels in the NESET is in relation to construction activity relating to an existing transmission line whereby it is permitted if it complies with NZS 6803:1999 Acoustics - Construction Noise. The Proposed TTPP does not impose more restrictive requirements on these activities relative to the NESTF or NESET.

The Proposed TTPP only seeks to manage telecommunication cabinets not subject to the NESTF. The Energy and Infrastructure Chapter permits transmission lines and has no noise restrictions, and therefore noise is managed by the NESET. Overall, no further evaluation is required under s32(4)

1.2.3 National Planning Standards and/or Guidance Documents

National Planning Standards

The Ministry for the Environment National Planning Standards contain the following aspects of relevance to this topic:

1. District Plan Structure Standard - This Standard specifies that provisions relating to noise (which includes vibration) are to be contained in a separate section within Part 2 - District-Wide Matters. These provisions may include:
 - noise provisions (including noise limits) for zones, receiving environments or other spatially defined areas;
 - requirements for common significant noise generating activities;
 - sound insulation requirements for sensitive activities and limits to the location of those activities relative to noise generating activities (33);
 - Any noise-related metrics and noise measurement methods must be consistent with 15. Noise and vibration metrics Standard (34). - The Noise chapter must include cross-references to any relevant noise provisions under the Energy, infrastructure and transport heading (35).
2. District-wide Matters Standard: - The provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be located in one or more chapters under the Energy, infrastructure and transport heading and the provisions may include: noise-related metrics and noise measurement methods relating to energy, infrastructure and transport, which must be consistent with the 15. Noise and vibration metrics Standard; the management of reverse sensitivity effects between infrastructure and other activities (5. b and c);
3. Format Standard - The unique identifier for the Noise Chapter is NOISE.
4. Mapping Standard - There is a specified Noise control boundary overlay symbol
5. Definitions Standard - There are a number of relevant noise abbreviations and definitions including LA90, LAeq, LAF (max), Ldn, Lpeak, noise, noise rating level, notional boundary, peak particle velocity, special audible characteristic
6. Noise and Vibration Metrics Standard - Any rule to manage noise emissions must be in accordance with the mandatory noise measurement methods and symbols in the applicable New Zealand Standards incorporated by reference into the planning standards. Any plan rule to manage noise emissions must be consistent with the mandatory assessment methods in section 6 Rating Level and section 7 LMAX of New Zealand Standard 6802:2008 Acoustics - Environmental noise, provided the type of noise emitted is within the scope of 6802:2008. - Any plan rule to manage damage to structures from construction vibration must be consistent with the metrics for peak particle velocity (ppv) in ISO-4866:2010 – Mechanical vibration and shock.

Guide to the management of effects on noise sensitive land use near to the state highway network (NZTA, September 2015, Version 1.0)

The purpose of this NZTA guidance is to promote good practice for the management of noise sensitive land use activities near state highways consistent with NZS 6806:2010 Acoustics - road traffic noise - new and altered roads. This guidance has been taken into account in the drafting of the State Highway and Railway Network provisions. <https://www.nzta.govt.nz/assets/resources/effects-on-noise-sensitive-land/effects-on-noise-sensitiveland-use.pdf>

Quality Planning Guidance on Managing Noise

The Ministry for the Environment produces and publishes RMA guidance on the Quality Planning website which includes material about managing noise. The guidance focusses on managing noise in mixed-use urban areas and provides an explanation of noise effects and how noise is quantified and assessed, an overview of relevant legislation and managing noise effects, and provides an overview of the techniques that local authorities might use in managing noise in mixed use environments. <https://www.qualityplanning.org.nz/node/165>

1.2.4 Other Legislation

Building Act 2004 and Building Code 1992

Controls the construction of buildings including preventing undue noise transmission between activities in the same building, and the insulation of new buildings and the use of double glazing to reduce the effects of external noise sources.

Health Act 1956 (sections 29-35)

Enables the District Councils to deal with nuisance noise and vibration that is likely to be injurious to public health.

1.2.4 Regional Policy and Plans

The West Coast Regional Policy Statement (WCRPS) became operative in 2020. The WCRPS provides an overview of the resource management issues in the region and provides a policy framework to achieve integrated management of natural and physical resources, including directions for provisions in district and regional plans which must be given effect to.

The chapters of the WCRPS relevant to the noise topic are Chapter 4 (Resilient and Sustainable Communities) Chapter 5 (Use and Development of Resources) and Chapter 6 (Regionally Significant Infrastructure). None of these chapters provide explicit direction or guidance on how noise is to be managed. The WCRPS direction is instead focused on providing a high-level framework for the ongoing use and development of regionally significant infrastructure (Policy 5.2, 6.2, 6.4 and 6.6) along with the provision for development in appropriate locations (Policy 5.1) and ensuring settlement amenity is maintained (Policy 4.4).

1.2.5 Poutini Ngāi Tahu Iwi Management Plans

The RMA requires that when preparing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (section 74(2A)). There are three iwi management plans on the West Coast/Te Tai o Poutini – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Mahinapua Management Plan.

While these documents focus on specific issues they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values.

2.0 Resource Management Issue and Analysis

2.1 Background

The generation of noise is often an intrinsic part of the operation and function of the diverse range of activities that operate on the West Coast, but it may cause adverse effects on character, amenity and the health and wellbeing of people and communities, such as causing sleep disturbance. Noise is often identified as an annoyance and is a common cause of complaint and issues of reverse sensitivity with noise are very prevalent nationally.

Noise effects can vary considerably depending on the frequency, time and characteristics of the noise, its duration, and the distance between the noise source and receiver. Background levels of noise and the level of acceptability or sensitivity to noise vary depending on the receiving environment.

Noise may cause adverse effects depending on when and where the noise occurs in relation to other activities, its duration, the characteristics of the noise including the sound pressure level (loudness) and frequency (pitch), its steadiness, and whether it has special audible characteristics (noise that is tonal or impulsive). The sensitivities of an individual and their expectations are other factors that determine the level of annoyance. The background sound level in different environments also influences the level of acceptability to noise, which varies throughout the district.

Where noise sensitive activities are established near existing noise-generating activities, or areas where higher noise levels are to be expected, reverse sensitivity effects can arise, potentially resulting in the existing noise-generating activities being constrained, in terms of their ongoing operation or

expansion. This is a particular concern for important services and community facilities, including the Airports, Stadiums, State Highway, Railway Corridor and the Ports, which could be constrained if reverse sensitivity effects arise.

The three operative District Plans have a fairly similar approach to Noise - currently there are no specific objectives. The Buller Plan has a separate section for noise standards while the Westland and Grey Plans include these within the zone standards rather than considering this matter separately as required by the national planning standards.

2.2 Evidence Base – Research, Consultation, Information and Analysis undertaken

2.2.1 Research

The current District Plans have been reviewed, technical advice and assistance from various internal and external experts has been commissioned and utilised, along with internal workshops and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

| | |
|-------------------------|---|
| Title | Te Tai o Poutini Plan Technical Update: Noise Provisions. Report to Te Tai o Poutini Plan Committee June 2021 |
| Author | Lois Easton |
| Brief Synopsis | This report considers the issues around noise and proposes potential Objectives, Policies and Rules |
| Link to Document | https://tppp.nz/wp-content/uploads/2021/06/TTPP-Agenda-29-June-2021.pdf |

| | |
|-------------------------|---|
| Title | Consultant Advice West Coast Airports – Proposed Noise Boundaries 16 May 2022 |
| Author | Steve Peakall, Marshall Day Acoustics |
| Brief Synopsis | This memo outlines the acoustic modelling work undertaken by Marshall Day for the Hokitika Airport; Westport Airport; Greymouth Aerodrom and Karamea Aerodrome. It outlines the approach to noise boundary development for the airports, and details recommendations in relation to the Plan based on the NZ Standards. |
| Link to Document | https://tppp.nz/technical-reports/ |

| | |
|-------------------------|---|
| Title | Consultant Advice Franz Josef Heliport – Proposed Noise Boundaries 16 May 2022 |
| Author | Steve Peakall, Marshall Day Acoustics |
| Brief Synopsis | This memo outlines the acoustic modelling work undertaken by Marshall Day for the Franz Josef Heliport. It outlines the approach to noise boundary development for the airports, and details recommendations in relation to the Plan based on the NZ Standards. |
| Link to Document | https://tppp.nz/technical-reports/ |

2.2.2 Consultation and Engagement

Te Tai o Poutini Plan has been the subject of significant consultation and community engagement. Within that the noise standards and the development of the noise contours for the four airports and Franz Josef heliport have been the subject of specific targeted consultation with key infrastructure stakeholders including Kiwirail, Waka Kotahi – NZTA and the airport authorities at Westport, Karamea, Greymouth, Hokitika and Franz Josef.

The draft TTPP was released for public feedback in January 2022 and there was some feedback provided on the Noise Chapter. The chapter was amended following feedback as outlined in a report to the Committee on 17th May 2022.

| | |
|-------------------------|---|
| Title | Te Tai o Poutini Plan Noise Provisions – Report to Te Tai o Poutini Plan Committee 17 May 2022 |
| Author | Lois Easton |
| Brief Synopsis | This report considers feedback on the draft Plan noise provisions and proposes amendments to the provisions. |
| Link to Document | https://tppp.nz/wp-content/uploads/2022/05/TTPP-Agenda-17-May-2022.pdf |

RMA Schedule 1 Consultation

The RMA requires councils to undertake pre-notification consultation with those parties identified in Schedule 1, clause 3, during the preparation of a proposed district plan. These parties include:

- the Minister for the Environment;
- those other Ministers of the Crown who may be affected by the proposed plan;
- local authorities who may be so affected; and
- the tangata whenua of the area who may be so affected, through iwi authorities.

As a result of this consultation, written feedback was received from Department of Conservation, Department of Internal Affairs, Te Rūnanga o Ngāi Tahu and the Ministry for the Environment.

No specific feedback was provided on the Noise topic.

2.2.3 Poutini Ngāi Tahu Advice

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāti Mahaki o Makaawhio are the two papatipu rūnanga on the West Coast/Te Tai o Poutini. They are collectively known as Poutini Ngāi Tahu. No specific advice on noise matters has been provided by Poutini Ngāi Tahu – though the adverse noise effects of the Franz Josef heliport have been raised as a concern by the kaiwhakahaere of Ngāti Mahaki o Makaawhio.

2.3 Operative District Plan Provisions

2.3.1 Buller District Plan

There are no specific noise objectives or policies, the most relevant objective and policy are as follow:

Objective 4.3.27.1. To facilitate the "intermingling" of land use activities within the District's settlements and towns to the extent that this is compatible with protection of amenity values and the sustainability of existing natural and physical resources in urban areas.

Policy 4.3.28.2. The adverse effects of industrial and commercial operations, including noise, traffic, glare, shading, vibration, odour, effluent and waste emissions shall be minimised.

Section 7.8 of the plan contains the rules noise standards for the Buller District as follow:

7.8.1 The following maximum noise levels measured at the stated times at the boundary of any land used for a residential activity shall not be exceeded:

- Monday to Friday – 8.00 am to 11.00 pm 55dBA L10
- Saturday – 8.00 am to 6.00 pm 55dBA L10

- At all other times including any public holiday 45dBA L10, Lmax 75dBA

7.8.2. Provided these limits shall not apply where there is any residential activity on the same site in the Industrial Zone. Road traffic noise is also exempt from these standards.

There are also specific noise standards for the boundary of any site in the Industrial, Port and Cement Production Zone:

- Monday to Friday – 8.00 am to 11.00 pm 60dBA L10
- Saturday – 8.00 am to 6.00 pm 60dBA L10
- At all other times including any public holiday 50dBA L10

The standards also specify that:

- Sound levels shall be measured in accordance with New Zealand Standard 6801:1991 "Measurement of Sound" and assessed in accordance with the provisions of New Zealand Standard 6802:1991 "Assessment of Environmental Sound".
- Noise associated with helicopter landing areas shall be measured and assessed in accordance with the provisions of New Zealand Standard 6807:1994 "Noise Management and Land Use Planning for Helicopter Landing Areas". Helicopter operations shall be conducted so that the limits in Table 1 of New Zealand Standard 6807:1994 are not exceeded.
- Construction noise emanating from any site shall not exceed the limits recommended in, and be measured and assessed in accordance with the provisions of New Zealand Standard 6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance, and Demolition Work".
- Noise shall be measured with a sound level meter complying with the International Standard IEC 651 (1979): Sound Level Meters Type 2.

Buller Plan Change 133-145

The Buller District Council released Plan Change 133-145 in 2016 as a package of plan changes relating to the rolling review of the Buller District Plan. These Plan Changes were not progressed beyond the notification stage, as by that time it was clear that the district plans on the West Coast/Te Tai o Poutini were going to be combined as a result of recommendations from the Local Government Commission. The plan changes proposed to replace the objectives and policies of the operative Buller District Plan with new objectives and policies. There were no specific policies which addressed or mentioned noise.

2.3.2 Grey District Plan

There are no specific noise objectives or policies, the most relevant objectives and policies are as follow:

Objective 17.3.1 (in relation to the Township Environmental Area) The management of the resources in the townships in a manner that provides for the social and economic well-being of the people and communities without creating adverse effects.

Objective 18.3.1 (in relation to the Rural Residential Environmental Area) The management of resources in a manner that enables low-density development to be carried out without creating adverse effects.

Objective 20.3.1 (In relation to Commercial and Industrial Environmental Areas) The efficient use of commercial and industrial areas including the port area, to serve the needs of the District in a manner that maintains a standard of amenity appropriate to the area and which will not compromise the amenity of adjoining areas.

Objective 16.3.3 To retain the amenities and character of the residential area.

Policy 12.4.5 Development in the vicinity of the Greymouth aerodrome should not compromise flight paths and take steps to mitigate the adverse effects of aircraft noise.

Policy 18.4.2 (In relation to the Rural Residential Environment) Activities should be allowed provided they do not result in adverse effects relating to such matters as noise, vehicle movements and odour.

Policy 19.4.5 (In relation to the Rural Environment) Activities should not adversely affect the amenities of the rural area or adjoining properties in terms of such matters as effluent disposal, noise, traffic generation, air emissions, odour, shading and visual impact.

Policy 20.4.2 Activities should not create adverse effects beyond the boundaries of the commercial and industrial areas particularly in respect of residential environments.

Policy 3.4.2 Utilities should, among other matters, provide for:

g. Their operation in an environmentally acceptable manner in such matters as air quality, noise, traffic and visual impact.

In relation to rules, noise standards only apply to non-residential activities.

Within the Residential Environmental Area the standards are:

- Monday - Friday 2100 hrs to 0700 hrs 45dBA L10; 0700 hrs to 2100 hrs 55dBA L10
- Saturday - 1700 hrs to 0800 hrs 45dBA L10; 0800 hrs to 1700 hrs 55dBA L10
- Sundays - 45dBA L10 all days and 75dBA Lmax between 2100 hrs and 0700 hrs.
- Vibration from any site due to blasting shall not exceed a peak particle velocity of 5mm/sec measured in the frequency range 3-12 Hz at the notional boundary of any dwelling, resthome, hospital or school.
- Airblast over pressure from blasting shall not exceed a peak sound pressure level of 120 dBC at the notional boundary of any dwelling, resthome, hospital or school.

Within the Township Environmental Area standards are the same as the Residential Environment Area except that "noisier" hours extend to 2100 hrs on Saturday.

Within the Rural – Residential Environmental Area standards are the same as the Residential Environment Area except the "noisier" hours extend to 2200 hours Monday – Friday.

Within the Rural Environmental Area standards are the same as the Residential Environment Area except that "noisier" hours extend to 2200 hrs Monday – Saturday and the 75dBA Lmax occurs between 2200 hrs and 0700 hrs.

Within the Commercial and Industrial Environmental Areas there are very complex provisions for noise depending on different Environmental Area boundaries with differing times of day for the noisier/quieter times depending on the Environmental Area. Maximum noise levels during "noisy times" are 60 dBA L10 in the Commercial Environmental Area and 65 dBA L10 in the Industrial Environmental Area. Maximum noise levels in "quiet" times are 50dBA in the Commercial Environment Area and 65dBA L10 (except at residential boundaries) in the Industrial Environmental Area.

The Grey Plan requires that construction noise shall be measured and assessed in accordance with the provisions of NZS 6803: 1999 Acoustics-Construction Noise.

Noise associated with helicopter landing areas shall not exceed the limits in Table 1 of, and shall be measured and assessed in accordance with the provisions of NZS 6807:1994 Noise management and land use planning for helicopter landing areas

Noise from Temporary Military Training Activities in the Rural Environmental Area is provided for as follows:

- Temporary military training activities provided that they shall be conducted so that the following noise limits are not exceeded when assessed at any point within the notional boundary of any dwelling.

| (Any Day) | L10 | L95 | Lmax |
|-----------------|-----|-----|------|
| 0630 – 0730 hrs | 60 | 45 | 70 |
| 0730-1800 hrs | 75 | 60 | 90 |
| 1800-2000 hrs | 70 | 55 | 85 |
| 2000 – 0630 hrs | 55 | | |

- Impulse noise resulting from the use of ammunition, explosives or explosive simulators shall not exceed 122 dBC (peak).

Exemptions to noise standards are:

- Intermittent residential activities, such as lawn mowers, machinery or equipment operated and maintained in accordance with the manufacturer's specifications and used on an intermittent basis (e.g. spraying, harvesting, etc). All such equipment shall be operated and maintained in accordance with the requirements of Section 16 of the Resource Management Act 1991.
- Any warning device used by emergency services.
- People noise at recreational activities, such as sporting events or the noise from children at school. This does not include any amplified noise.
- Any activity on the same site as a noise source being assessed.

The Grey Plan has requirements for noise insulation where residential development could be affected by high noise generating activities. This includes a rule requiring that any dwelling constructed between State Highway 7 and Kaiata Creek within Kaiata Park must be built to a standard whereby traffic noise does not exceed 35dBA Leq (24 hours) in any bedroom or 40 dBA Leq (24 hours) in an other habitable room – alternative ventilation must be provided if these standards are not able to be met with the windows open.

2.3.3 Westland District Plan

There are no specific noise objectives or policies, the most relevant objective and policies are as follow:

Objective 3.4.2 To ensure that activities located adjacent to infrastructure resources do not adversely affect the safe and efficient use of those resources.

Objective 3.9.2 To provide for the "intermingling" of land use activities within Westland's settlements and towns, where this does not detrimentally impact on the amenities, health and safety of residents and workers.

Policy 4.2.A A range of activities should be able to locate in the urban areas provided that any adverse effects on the environment or neighbouring land uses are avoided, remedied or mitigated.

Policy 4.4.A The effects of activities which can have significant adverse effects on amenities and the well being of residents shall generally be avoided, remedied or mitigated.

Policy 4.6.C The formation, construction and maintenance of any transport, communications or other service facilities should be carried out in a manner which maintains environmental quality.

In relation to rules, the noise standards vary by zone as follows:

In the Residential Mixed Zone, Small Settlement Zone, Coastal Settlement Zone

- Monday – Friday 0700 – 2000 hrs and 0700 - 1800 hrs Saturday 55dBA L10 at any point within the boundary of a residential activity
- all other times including public holidays 45dBA L10 at any point within the boundary of a residential activity

In the Residential Mixed Zone the following standard also applies:

- on any day between 10.00 p.m. & 7.00 a.m. the next day. 70dBA Lmax

In the Commercial Zone

- Monday – Friday 0700 – 2000 hrs and 0700 - 1800 hrs Saturday 55dBA L10 at any point within the boundary of a residential activity
- all other times including public holidays 45dBA L10 at any point within the boundary of a residential activity
- on any day between 10.00 p.m. & 7.00 a.m. the next day. 75dBA Lmax

In the Industrial/Commercial Zone

- Monday – Friday 0700 – 2000 hrs and 0700 - 1800 hrs Saturday 60dBA L10 at any point within the boundary of a residential activity

- all other times including public holidays 50dBA L10 at any point within the boundary of a residential activity
- on any day between 10.00 p.m. & 7.00 a.m. the next day. 75dBA Lmax

In the Tourist Zone:

- Monday – Friday 0700 – 2200 hrs and 0700 - 1800 hrs Saturday 55dBA L10 at any point within the boundary of a residential activity
- all other times including public holidays 45dBA L10 at any point within the boundary of a residential activity

In the Rural Zone:

- Monday – Friday 0700 – 2100 hrs and 0700 - 1800 hrs Saturday 55dBA L10 at any point within the notional boundary of a residential activity
- all other times including public holidays 45dBA L10 at any point within the notional boundary of a residential activity
- Within the Rural Zone these standards do not apply to forestry or agricultural activities

Noise standards are also provided for Temporary Military Training Activities as follows:

| (Any Day) | L10 | L95 | Lmax |
|---|-----|-----|------|
| 0630 – 0730 hrs | 60 | 45 | 70 |
| 0730-1800 hrs | 75 | 60 | 90 |
| 1800-2000 hrs | 70 | 55 | 85 |
| 2000 – 0630 hrs | 55 | | |
| Noise resulting from the use of explosives is not to exceed 122 dBA | | | |

Road traffic noise is excluded from all noise standards.

All measurements are to be taken and assessed in accordance with the NZ Standards 6801: 1991 "Measurement of Sound" and 6802: 1991 "Assessment of Environmental Sound". The noise shall be measured with a sound level meter complying with the international standard IE 651 (1979): Sound Level Meter, Type 2.

2.3.4 Analysis of combined operative district plan approaches

The operative district plans' provisions are in considerable need of updating. They contain insufficient policy direction to support appropriate noise rules, and the rules themselves rely on out-of-date metrics (L10) and in the case of the Grey District Plan in particular are very complex. There is also considerable variability in noisy hours vs quiet hours across zones, and across the three districts.

2.4 Analysis of Best Practice – How Other Councils are Addressing the Same Issue

A review of current practice in respect of this matter has been undertaken, together with a review of the following District Plans:

- Timaru District Plan (2nd Generation Draft)
- Selwyn District Plan (2nd Generation Proposed)
- Porirua District Plan (2nd Generation Proposed)
- New Plymouth District Plan (2nd Generation Proposed)
- Far North District Plan (2nd Generation Proposed)
- Nelson Unitary Plan (2nd Generation Draft)

In summary, the findings of the review with respect to the second-generation plans are:

- All of these plans reference the current 2008 New Zealand Standards (NZS 6801:2008 and NZS 6802:2008) and use LAeq as the main noise parameter.

- The plans also refer to other New Zealand Standards for measurement and emission of noise in relation to specific activities and types of noise generating activities,
- The period of higher noise during the daytime varies considerably across the three operative plans. During weekdays this is 15 hours in Buller, and 10 hours on Saturday, in Westland this varies between 13 hours and 15 hours during the week depending on the zone, and in Grey this is between 14 and 15 hours during the week.
- A key difference is that the other plans apply the noise limits of the receiving zone at the boundary of receiving sites; however, within West Coast operative plans this is treated in a variable fashion and many of the noise limits apply at any point beyond the boundary of the site where the noise is generated.
- Where airports (and other high noise environments such as ports) are located within other districts specific noise control boundaries are in place and used to manage reverse sensitivity effects on these important infrastructure.
- All modern plans have acoustic insulation requirements to address noise from rail and NZTA roading networks.

2.5 Summary of Issues Analysis

The analysis indicates that the Operative District Plans are inconsistent with the NZ Standards and the National Planning Standards and need updating to be more aligned with these documents.

In summary, the key issues with the existing provisions include:

- Reference to outdated NZ Standards and acoustic parameters
- Inconsistent day and night time hours which determine when day and night time noise limits apply
- The current noise limits are determined by the zoning of the site generating the noise and not the site receiving it
- Better management of noise at the interface between zones and of reverse sensitivity
- No NZTA and Kiwirail provisions to manage reverse sensitivity
- No noise contour overlays in place for airports
- Updated definitions and abbreviations.

3.0 Scale and Significance Evaluation

The level of detail undertaken for the evaluation of the Proposed TTPP provisions has been determined by an assessment of the scale and significance of the implementation of these provisions. The scale and significance assessment considers the environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following, namely whether the provisions:

| | Minor | Low | Medium | High |
|--|-------|-----|--------|------|
| Degree of change from the Operative Plans | | | x | |
| Effects on matters of national importance (s6 RMA) | x | | | |
| Scale of effects – geographically (local, district wide, regional, national) | | | | x |
| Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?) | | | x | |
| Scale of effects on those with particular interests, e.g. Tangata Whenua | | x | | |

| | | | | |
|---|--|--|---|--|
| Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice? | | | x | |
| Likelihood of increased costs or restrictions on individuals, businesses or communities | | | x | |

3.1 Explanation Summary

The level of detail of analysis in this report is moderate. Noise is an intrinsic part of activities in the Districts where the potential effects (primarily in relation to amenity values) are understood. It is important to ensure that activities continue to be provided for, but that updated, clearer and more consistent provisions are implemented to ensure the adverse noise effects of new or expanded facilities on the West Coast are appropriately managed.

4.0 Evaluation

4.1 Evaluation of Objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

| Existing Objectives | Appropriateness to Achieve the Purpose of the Act |
|--|---|
| Buller District Plan Objective: No specific objectives related to noise – noise considered as amenity values within Objective 4.3.27.1 | The operative Plans' objectives provide no specific direction for noise provisions although to some extent they provide a broader direction in terms of amenity related matters and health and safety. |
| Grey District Plan Objective: No specific objective related to noise. A range of objectives that relate to maintenance of amenity values – 17.3.1, 18.3.1, 20.3.1 and 16.3.3 | The existing objectives in the broader context of providing for a variety of activities and ensuring 'pleasantness' are not inappropriate; however, the objectives are considered too generic to provide any useful guidance |
| Westland District Plan Objective: No specific objective related to noise. Generally falls within matters considered by Objectives 3.4.2. and 3.9.2. | <p>The objectives are also inconsistent and do not apply across every zone - consolidating the objectives in a single district-wide chapter and applying them West Coast-wide will be more efficient.</p> <p>It is necessary to develop more specific objectives that recognise the need to manage adverse noise effects on the amenity or health of people consistent with the receiving environment and reverse sensitivity.</p> <p>Given the requirement under the National Planning Standards for a separate noise chapter and provisions, they are not considered appropriate to achieve the purpose of the Act and new objectives as outlined below are proposed.</p> |
| Proposed TTPP Objectives: Noise Chapter | <p>The objectives are considered the most appropriate way to achieve the purpose of the RMA because they:</p> <ul style="list-style-type: none"> Recognise the effects of noise on the health and wellbeing of people and amenity values and seek |

| | |
|---|---|
| <p>NOISE – O1 The benefits of noise generating activities are provided for in a way that is compatible with the role, function and character of each zone and does not compromise community health, safety and wellbeing</p> <p>NOISE – O2 The function and operation of existing and permitted future noise generating activities and community infrastructure are not compromised by adverse effects, including reverse sensitivity effects, from noise-sensitive activities</p> <p>NOISE – O3 The health and wellbeing of people and communities are protected from significant levels of noise.</p> | <p>to protect people and the environment from significant levels of noise while recognising that noise cannot be completely eliminated.</p> <ul style="list-style-type: none"> • Recognise there is the potential for conflict between noise generating community infrastructure activities and other sensitive land uses that needs to be managed. • Is a more effective West Coast-wide means of addressing the resource management issues identified within this s32 report than the alternative option. • More clearly reflects the TTPP Committee’s obligations under s31 of the RMA than the alternative option, and gives effect to the relevant Part 2 matters, namely ss7(b), 7(c) and 7(f) |
|---|---|

| Evaluation of Alternative Option | Appropriateness to Achieve the Purpose of the Act |
|--|---|
| <p>Each zone chapter includes objectives on noise that specifically recognise the character, purpose and amenity values of the zone.</p> | <p>Although the objectives would provide for explicit consideration of amenity values and that associated adverse effects are managed at an appropriate level relative to the character and purpose of each zone, they would overlook wider quality of the environment considerations implicit in section 7(f) RMA (e.g. health and safety). This approach (i.e. objectives in each chapter) would also be contrary to directions in the National Planning Standards and create unnecessary repetition.</p> |
| <p>Summary</p> <p>The proposed objectives seek to manage the adverse effects of noise on the amenity and health of people, consistent with the anticipated outcomes of the receiving environment (i.e. zone character and amenity), and to specifically manage reverse sensitivity effects in relation to noise producing important infrastructure.</p> <p>The proposed objectives will replace a number of objectives across the three operative district plans reducing complexity, and are concisely worded. Furthermore, the objectives address the resource management issues which have been identified, while being consistent with the Strategic Objectives that are relevant to this topic. Overall, the objectives will facilitate a resource management approach that is clearer and more efficient and effective.</p> | |

4.2 Evaluation of Policies and Rules in relation to Noise

4.2.1 Description of the Proposed Provisions

There are four policies in relation to noise that:

1. Outline the circumstances where noise generation is appropriate and seek to enable this
2. Identify how sensitive activities in higher noise environments should be located and designed
3. Specify the management of noise within the Airport Noise Contour Boundary
4. Outline the approach to management of noise effects generated by activities.

In terms of the Rules in relation to noise:

There are general standards set for all activities that require the following NZ Standards to be met:

- NZS 6801:2008 Acoustics - Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise except where more specific requirements apply
- NZS6803:1999 Acoustics – Construction noise
- NZS 6808: 2010 Acoustics Wind Farm Noise
- NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Area

There is a list activities identified as being exempt from noise standards including:

- Intermittent residential activities and residential activities on the same site, emergency sirens, and noise associated with emergency services, people noise at recreational events and educational facilities, vehicle noise on roads, trains on train lines, road construction work, agricultural machinery, aircraft and equipment used seasonally or intermittently, non-commercial motorised watercraft, impulsive sounds, audible bird scaring devices, rifle ranges within the Rifle Range Protection Area, noise from temporary activities between 7am and 10pm.

Permitted Activities are:

- Location of sensitive activities provided they meet appropriate internal noise standards:
 - a. within 80m of a State Highway with a posted speed of 70kph or greater and within 40m of a State Highway with a posted speed of less than 70 kph,
 - b. Within 40m of a railway line
 - c. Within the 50 dBA Noise Contour boundary of Franz Josef Heliport or the 55dba Noise Contour boundary of the four Airports
 - d. Within any Commercial and Mixed Use, Industrial, Airport, Port, Hospital, Buller Coalfield or Mineral Extraction Zone
- Emission of noise for temporary military training activities
- Emission of noise within different zones whereby
 - a. Noise standards are expressed in L_{Aeq} (15min) and L_{AFmax}
 - b. "Noisy" hours are aligned with the hours of operation for Permitted Non-Residential Activities within Residential, Natural Open Space and Settlement Zones (7am – 7pm Mon- Fri and 8am -5pm weekends and public holidays
 - c. Noisy hours in the Rural, Rural Lifestyle, Māori Purpose, Future Urban, Sport and Recreation and Open Space Zones reflect the extended hours where noisier activities would be expected – from 7am -10pm Mon-Fri and 8am – 8pm weekends and within these zones the noise standards must be met at the notional boundary of any sensitive activity
 - d. Noisy hours in the Commercial and Mixed Use, Hospital, Stadium Zones and Settlement Centre Precinct of 6am – 11pm Monday – Friday and 7am -10pm Weekends and public holidays
 - e. Noisy hours within the Industrial Zones of 7am to 10pm on all days and with a higher threshold of 60dBA L_{Aeq} (15min)
 - f. Noisy hours within the Buller Coalfield Zone and Mineral Extraction Zone being 7am – 10pm Mon-Fri, weekends and public holidays.
 - g. Within the Port Zone noise emission is in accordance with NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning
 - h. Within the Airport Zone noise emission is in accordance with NZS 6805: 1992 Airport Noise Management and Land Use Planning for the four airports and NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas for Franz Josef Heliport with maximum noise levels for aircraft engine testing and aircraft/helicopter operations

Where Permitted Activity Standards are not met, the activity is a Restricted Discretionary Activity,

4.2.2 Evaluation of Options around Noise Management

| Option | Benefits | Costs | Efficiency and Effectiveness | Risk of acting/not acting |
|---|--|---|--|--|
| <p>Option A: status quo</p> <p>Buller: One quality of the environment policy that addresses noise alongside a range of other amenity concerns.</p> <p>Emission of noise is generally a Permitted Activity in all zones subject to meeting relevant standards, with non-compliance with the standards treated as a Non-complying Activity</p> <p>Grey District: Five quality of the environment policies that addresses noise alongside a range of other amenity concerns.</p> <p>Emission of noise is generally a Permitted Activity in all zones subject to meeting relevant standards, with non-compliance with the standards treated as a Discretionary Activity.</p> <p>The rules also specifically identify several activities that need to comply with a range of NZ Standards.</p> | <ul style="list-style-type: none"> Rules are known and have been operating without significant concern for the last 20 years. Quality of the environment and amenity values are maintained to an extent. | <ul style="list-style-type: none"> Costs to landowners/activity operators in applying for consents and associated time/uncertainty. Rules/standards may potentially limit the extent of noise generation where it is an essential part of an activity, thereby imposing potential constraints on business operations and community/sporting events. Reliance on NZ Standards that have been superseded. Absence of explicit management of noise sensitive activities in certain areas increases the likelihood of reverse sensitivity conflicts, which may in turn result in constraints on existing noise generating activities and restrict their efficient operation | <ul style="list-style-type: none"> The current rule/standard framework does not clearly reflect the amenity and character related outcomes anticipated in each zone, thereby reducing its effectiveness in managing noise levels that may detract from the amenity values and character within these zones and reverse sensitivity effects. | <p>The risk of acting on these status quo provisions is that:</p> <ul style="list-style-type: none"> The current policy framework lacks detail and specific direction on appropriate or inappropriate activities The current policy framework does not recognise the requirements of the National Planning Standards or what is regarded as good practice in modern planning. The resource management issues relating to reverse sensitivity and managing noise to a level compatible with the local environment would be inadequately addressed. It would also result in TTPP Committee inadequately complying with the provisions of Part 2 (particularly section 7(f)) and section 31 of the RMA. |

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| <p>Westland District: Three quality of the environment policies that address noise alongside a range of other amenity concerns.</p> <p>Emission of noise is generally a Permitted Activity in all zones subject to meeting relevant standards, with non-compliance with the standards treated as a Discretionary Activity.</p> <p>The rules also specifically identify several activities that need to comply with a range of NZ Standards.</p> | | | | <p>Overall it is considered that there is sufficient information to act based on the review of current noise provisions and the technical advice received.</p> |
| <p>Option B: Proposed Plan: Introduce policies that clearly outline the Plan approach to managing noise.</p> <p>Include standards to manage the emission of noise.</p> <p>Non-compliance with most noise standards is treated as a restricted discretionary activity, with associated assessment matters</p> | <ul style="list-style-type: none"> • Enables businesses and the community to generate a level of noise that is compatible with the role, function, and predominant character of the local environment. • Noise generation is controlled/managed to ensure that the adverse effects on the environment (including reverse sensitivity effects) are minimised. • Quality of the environment and the amenity values and | <ul style="list-style-type: none"> • The permitted noise standards may not fully manage noise to a level that is acceptable to all parties. • May incur additional compliance costs to landowners/ activity operators in applying for consents, particularly in relation to noise sensitive activities, and associated time/ uncertainty. • Rules/standards may potentially limit the extent of noise | <ul style="list-style-type: none"> • The proposed rules and standards are effective as they are clearly measurable and explicitly set out what is permitted. They also provide a high level of certainty as they clearly identify the trigger for consent, this being set at a level that ensures potential effects on amenity values and the character of individual zones on the West Coast are minimised. | <ul style="list-style-type: none"> • The risk of acting is considered to be low - moderate as there is technical advice to support the changes to refer to the site boundary as well as the notional boundary and require acoustic insulation for noise sensitive activities. • The risk of not acting on these provisions would result in the TTPP Committee failing to comply with the provisions of Part 2 of the RMA (particularly section |

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| | <p>character of individual zones is maintained or enhanced.</p> <ul style="list-style-type: none"> • Provides relevant triggers to assess the adverse effects of noise on the environment within individual zones • Provides certainty to businesses, community and TTPP Committee on the extent of noise generation allowed. • Recognises the different character of, and amenity anticipated, in individual zones through the introduction of tailored standards. • All rules and standards are clearly laid out in a single chapter with a clear framework to manage noise generating activities. • Non-compliance is generally treated as a restricted discretionary activity, and there is certainty over the matters that the Council will consider. | <p>generation where it is an essential part of an activity, thereby imposing potential constraints on business operations and community/sporting events.</p> | <ul style="list-style-type: none"> • The proposed option is also an efficient method of achieving the objectives given the identified costs and the associated issues with the current provisions. | <p>7(f)), and the likely loss of amenity values and the quality of the environment within individual zones. The implementation issues explained in the abovementioned sections (including reference to outdated standards) would also continue.</p> <ul style="list-style-type: none"> • It is considered that there is sufficient information on which to base the proposed policies and methods. |
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| | <ul style="list-style-type: none"> • Reduces the potential for reverse sensitivity which provides for the ongoing and efficient use of existing buildings and activities, including the airport and port. • Protects occupants of buildings for new noise sensitive activities from higher noise levels, thus contributing to their and health and safety and general wellbeing. | | | |
| Option C: Permissive approach (i.e. unrestricted noise) | <ul style="list-style-type: none"> • Enables unlimited noise generation to occur, which supports economic wellbeing by enabling activities to operate without undue restriction. • Provides certainty to businesses, community and Council through allowing unrestricted generation of noise. • Negligible compliance costs as noise generation would be permitted. | <ul style="list-style-type: none"> • Risk that excessive noise could generate significant adverse effects, resulting in loss of amenity and potential impacts on the general wellbeing and health of the community in general and noise sensitive activities in particular. • Would fail to avoid, remedy or mitigate potential adverse effects of noise on the environment. • Creates uncertainty for the community regarding the type, frequency, volume, location and duration | <ul style="list-style-type: none"> • The proposal would be effective in enabling activities to generate noise levels that support their operational and functional requirements. • However, as there would be negligible control over potential adverse effects the TTPP Committee would fail to meet its Part 2 and section 31 RMA obligations | <ul style="list-style-type: none"> • The risk of acting on this option is that it would result in the TTPP Committee failing to comply with the provisions of Part 2 (particularly section 7(c) and 7(f)) and section 31 RMA, and the likely loss of amenity values and quality of the environment. • It is considered that the risk of acting on these provisions outweighs the risk of not acting, and that there is sufficient information to act based on the review of |

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| | | <p>of noise that could be generated near their properties or on an adjacent site.</p> <ul style="list-style-type: none"> Limited ability to place reliance on s16 and s17 RMA to control the effects of excessive noise. | | current noise provisions |
| <p>Quantification</p> <p>Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p> | | | | |
| <p>Summary:</p> <p>The above table demonstrates that Option B is the most appropriate method for achieving the objectives relating to management of the effects of noise emissions on the West Coast.</p> <p>The existing regulatory approach (Option A), particularly at a policy level, is too generic and lacks sufficient specificity and clarity to effectively and efficiently address the resource management issues and to achieve the proposed objectives identified, particularly at individual, zone-specific level.</p> <p>Consequently, an alternative approach is proposed that explicitly reflects and responds to the distinctive character and amenity values of individual zones, introduces noise insulation standards for noise sensitive activities in a number of higher noise emission environments (e.g. adjacent to state highways/rail corridors, Airport noise control boundaries, Town Centres/ Industrial Zones), updates references to the New Zealand Standards to bring the plan in line with best-practice and other second-generation District Plans throughout New Zealand.</p> | | | | |

5.0 Summary

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as:

- A separate Noise chapter provides for a simpler plan structure that is particular to noise and is aligned with the National Planning Standards.
- The objective and policies ensure noise is compatible with the local environment and does not adversely affect noise sensitive activities. In addition, they ensure that new noise sensitive activities are located or designed to minimise conflict and reverse sensitivity effects with noise generating activities.
- Permitted activity rules that allow activities to generate certain levels of noise to enable them to effectively and efficiently function, subject to meeting relevant rules and associated effects standards. Where these levels are exceeded, resource consent is required to enable an assessment of appropriateness and any associated adverse effects.
- Restricted Discretionary Activity rules that manage activities that do not meet the permitted activity standards, along with associated matters of discretion that enable the potential adverse effects of noise on the character of the surrounding environment, amenity values, sleep and health to be addressed and proposed mitigation measures to be considered.
- The Proposed TTPP refers to updated New Zealand Standards to bring the plan in line with best-practice and other second-generation District Plans throughout New Zealand

Overall, it is considered that the set of proposed provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.

Part Two Light

6.0 Overview and Purpose

This s32 evaluation report should be read in conjunction with the s32 'Overview Report', which also includes an overview of the s32 legislative requirements, the methodology and approach to the s32 evaluations and the process that the TTPP Committee has undertaken to date through the development of Te Tai o Poutini Plan, including consultation and engagement.

6.1 Introduction to the Resource Management Issue

Lighting is a key factor in the economic vitality and vibrancy of activities on the West Coast and is often required at large industrial sites, ports, airports, carparks and sports facilities to enable operations and activities to occur after dark. It is also beneficial in improving health and safety, especially in public areas such as parks, car parks and walkways. However, the location, character (brightness, colour and intensity) and direction of lighting can result in light overspill onto adjoining properties and roads which, in turn, can have a significant impact on amenity values, their use and enjoyment and in terms of roads, public safety.

Excessive light spill or glare resulting from artificial lighting can detract from the character and amenity values associated with the local environment, particularly in urban areas where it affects a significant portion of the population. Lighting conflicts tend to more frequently arise in areas where light 'sensitive' activities are located in close proximity to land use with high light emittance.

The report sets out the trends and issues for this topic, provides an overview of the statutory and policy context, along with specific consultation undertaken. The report also includes a review of the existing Plan provisions and an evaluation of alternatives to determine the most appropriate way(s) to achieve the purpose of the Resource Management Act ('RMA' or 'the Act') in relation to Light overspill.

6.2 Regulatory and Policy Direction

6.2.1 Part 2 of the RMA

In carrying out a s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. In achieving this purpose, authorities also need to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in s7, and take into account the principles of the Treaty of Waitangi referred to in s8. A number of provisions have been included in the Light Chapter in response to the requirements in Part 2, including: Section 6, which identifies matters of national importance. Those relevant to this chapter are: (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development: (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development: (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga). Section 7, which identifies other matters. Those relevant to this chapter are: (c) the maintenance and enhancement of amenity values: (f) maintenance and enhancement of the quality of the environment.

Section 8, where all persons exercising functions and powers under the RMA shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The above matters are relevant to the Light chapter because lighting effects can create nuisance and reduction in amenity values as a result of obtrusive light spill and glare. Sky glow can also adversely effect the visibility of the night sky which can reduce opportunities for star gazing and can have an adverse effect on nocturnal species. Celestial darkness is important to tangata whenua and their cultural connection to the environment and is also an important attribute to some outstanding natural features and landscapes within the

West Coast which should be protected. The Light chapter seeks to address the resource management issues identified above and achieve the purpose and principles contained in Part 2 of the RMA.

6.2.2 National Planning Standards and/or Guidance Documents

The Ministry for the Environment National Planning Standards (November 2019) contain the following aspects of relevance to this topic: 1. Section 4. District plan structure Standard - This specifies that provisions relating to Light are to be contained in a separate section within Part 2 - General district-wide matters. 2. Section 7. District-wide matters Standard - This specifies that if provisions for managing light are addressed, they must be located in the Light chapter. These provisions may include: a. Provisions for light spill and glare (including light spill limits) for different zones, receiving environments or other spatially defined area b. Specific requirements for common significant light generating activities. 3. Section 14. Definitions Standard - This standard specifies mandatory definitions to improve plan consistency across the country. There are no specific light related definitions in the Standard.

6.2.3 Regional Policy and Plans

The West Coast Regional Policy Statement (WCRPS) became operative in 2020. The WCRPS provides an overview of the resource management issues in the region and provides a policy framework to achieve integrated management of natural and physical resources, including directions for provisions in district and regional plans which must be given effect to.

The chapters of the WCRPS relevant to the light topic are Chapter 4 (Resilient and Sustainable Communities) Chapter 5 (Use and Development of Resources) and Chapter 6 (Regionally Significant Infrastructure). Neither of these chapters provide explicit direction or guidance on how noise is to be managed. The WCRPS direction is instead focused on providing a high-level framework for the ongoing use and development of regionally significant infrastructure (Policy 5.2, 6.2, 6.4 and 6.6) along with the provision for development in appropriate locations (Policy 5.1) and settlement amenity is maintained (Policy 4.4).

6.2.4 Poutini Ngāi Tahu Iwi Management Plans

The RMA requires that when preparing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (section 74(2A)). There are three iwi management plans on the West Coast/Te Tai o Poutini – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Mahinapua Management Plan.

While these documents focus on specific issues they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values.

6.2.5 New Zealand Standards

There are NZ Standards that cover all types of outdoor activity lighting including public spaces, workplaces, sporting venues and obtrusive light. Some of the Standards have prescriptive requirements, while others only provide general guidance of a descriptive nature

The most relevant light spill standard which has informed the drafting of the District Plan rules is AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting, which replaces the previous version that the current District Plan light spill rules are based on (AS4282:1997).

Other New Zealand standards, such as AS/NZS1158.1.2:2010 Lighting for roads and public spaces and AS/NZS1680.4:2017 Interior and workplace lighting, provide standards relevant to the lighting requirements of particular activities, but do not specifically consider the effects of that lighting on other sites, apart from providing some general guidance.

7.0 Resource Management Issue and Analysis

7.1 Background

Artificial outdoor lighting enables work, recreation, and entertainment activities to occur beyond normal daylight hours, and also provides additional safety and security to sites and associated activities. However, unless used with care lighting can result in adverse effects.

There are three main types of obtrusive or adverse lighting effects that can cause nuisance to nearby residents, users of adjacent areas, wildlife, and astronomical observation. These are:

- Light spill
- Glare
- Sky Glow

Light spill can be obtrusive or beneficial depending on application and can be generally described as light that strays beyond defined areas or boundaries. In certain situations, high levels of light spill can cause problems for people as it may be obtrusive, particularly where light spills into properties or enters habitable rooms. Other forms of artificial outdoor lighting, particularly wide area floodlighting, can also cause excessive light spill that may adversely affect residents within their own properties and land transport corridor users such as pedestrians, cyclists, and motorists. Conversely some degree of light spill can be beneficial, especially on arterial roads and state highways, where a certain level of light spill is required to illuminate the surrounding area for safety reasons.

Glare occurs when a light source directs a large percentage of the total light output directly into the eyes of an observer (e.g., motorist, pedestrian, or resident). Glare can be disabling and/or uncomfortable and sensitivity to glare can vary based on a person's health and age. Glare is also a key consideration for wildlife impacts – particularly night flying species such as petrels.

Sky glow is the result of stray light being scattered in the atmosphere either directly or reflected from the ground surface. Direct upward waste light can be reduced by careful light fitting selection, design, and orientation, however there will always be some reflected light contributing to sky glow that cannot be fully controlled or mitigated. Excessive sky glow is a problem for astronomers (and other night sky observers) because it reduces contrast and obscures the night sky so that they cannot identify stars and other celestial forms.

The three operative plans have a similar approach to Light – currently there are no specific objectives. The Buller Plan has a separate section for light standards while the Westland and Grey Plans include these within the zone standards rather than considering this matter separately as required by the national planning standards.

7.2 Evidence Base – Research, Consultation, Information and Analysis undertaken

7.2.1 Research

The current District Plans have been reviewed, technical advice and assistance from various internal and external experts has been commissioned and utilised, along with internal workshops and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

| | |
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| Title | Te Tai o Poutini Plan Technical Update: Light Provisions. Report to Te Tai o Poutini Plan Committee June 2021 |
| Author | Lois Easton |
| Brief Synopsis | This report considers the issues around light and proposes potential Objectives, Policies and Rules |
| Link to Document | https://tppp.nz/wp-content/uploads/2021/06/TTPP-Agenda-29-June-2021.pdf |

7.2.2 Consultation and Engagement

Te Tai o Poutini Plan has been the subject of significant consultation and community engagement. Within that the light standards have been part of the consultation with infrastructure stakeholders as well as discussions with natural environment stakeholders – particularly as regards impacts on night flying wildlife.

The draft TTPP was released for public feedback in January 2022 and there was some feedback provided on the Light Chapter. This chapter was amended following feedback as outlined in a report to the Committee on 29th March 2022.

| | |
|-------------------------|---|
| Title | Te Tai o Poutini Plan: Technical Report Feedback on the Draft Plan: Report to Te Tai o Poutini Plan Committee 29 April 2022 |
| Author | Lois Easton |
| Brief Synopsis | This report brings the feedback on the draft Plan and recommends amendments to the Plan in response to that feedback. |
| Link to Document | https://tppp.nz/wp-content/uploads/2022/03/TTPP-Agenda-29-March-2022.pdf |

The RMA requires councils to undertake pre-notification consultation with those parties identified in Schedule 1, clause 3, during the preparation of a proposed district plan. These parties include:

- the Minister for the Environment;
- those other Ministers of the Crown who may be affected by the proposed plan;
- local authorities who may be so affected; and
- the tangata whenua of the area who may be so affected, through iwi authorities.

As a result of this consultation, written feedback was received from Department of Conservation, Department of Internal Affairs, Te Rūnanga o Ngāi Tahu and the Ministry for the Environment.

No specific feedback was provided on the Light topic.

7.2.3 Poutini Ngāi Tahu Advice

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāti Mahaki o Makaawhio are the two papatipu rūnanga on the West Coast/Te Tai o Poutini. They are collectively known as Poutini Ngāi Tahu. No specific advice on light matters has been provided by Poutini Ngāi Tahu.

7.3 Operative District Plan Provisions

7.3.1 Buller District Plan

There are no specific light objectives or policies, the most relevant objective and policy are as follow:

Objective 4.3.27.1. To facilitate the "intermingling" of land use activities within the District's settlements and towns to the extent that this is compatible with protection of amenity values and the sustainability of existing natural and physical resources in urban areas.

Policy 4.3.28.2. The adverse effects of industrial and commercial operations, including noise, traffic, glare, shading, vibration, odour, effluent and waste emissions shall be minimised.

Section 7.9.4 of the plan contains the light rules for the Buller District as follow:

7.9.4.1. All exterior lighting shall be designed, installed and maintained so that:

7.9.4.1.1. Light emitted does not cause a distraction or glare which could create a traffic hazard on any road, or interfere with the correct operation of navigational aids;

7.9.4.1.2. There is no adverse effect on residents or activities adjacent to the area being illuminated.

Any activity shall ensure that no greater than a 10 lux spill (horizontal or vertical) of light shall enter any adjoining property, measured 2.0 metres inside the boundary of the adjoining site.

7.9.4.3. Scenically Sensitive Commercial Zone

7.9.4.3.1. Lights will be hooded/shrouded so as to direct light spill downwards;

7.9.4.3.2. The lights will be mounted 900mm above ground (except where placed above doorway entrances) and will be located above areas of low reflectivity. Typically, this means locations within landscaped areas or above gravelled paths. In all cases, lights will be sited a minimum of 300mm from any hard standing or paved areas.

Buller Plan Change 133-145

The Buller District Council released Plan Change 133-145 in 2016 as a package of plan changes relating to the rolling review of the Buller District Plan. These Plan Changes were not progressed beyond the notification stage, as by that time it was clear that the district plans on the West Coast/Te Tai o Poutini were going to be combined as a result of recommendations from the Local Government Commission. The plan changes proposed to replace the objectives and policies of the operative Buller District Plan with new objectives and policies. There were no specific policies which addressed or mentioned light.

7.3.2 Grey District Plan

There are no specific light objectives or policies, the most relevant objectives and policies are as follow:

Objective 17.3.1 (in relation to the Township Environmental Area) The management of the resources in the townships in a manner that provides for the social and economic well-being of the people and communities without creating adverse effects.

Objective 18.3.1 (in relation to the Rural Residential Environmental Area) The management of resources in a manner that enables low-density development to be carried out without creating adverse effects.

Objective 20.3.1 (In relation to Commercial and Industrial Environmental Areas) The efficient use of commercial and industrial areas including the port area, to serve the needs of the District in a manner that maintains a standard of amenity appropriate to the area and which will not compromise the amenity of adjoining areas.

Objective 16.3.3 To retain the amenities and character of the residential area.

Policy 16.4.2 (Residential Environmental Area) Non – residential activities should be allowed provided that:

1. The adverse effects on residential amenities are avoided, remedied or mitigated, particularly as it relates to scale, glare, odour, and vehicle movements.

In relation to the rules, light spill and glare standards are applied at the zone level. The following standards apply:

- Residential, Township, Rural Residential and Rural Environmental Areas
 - No activity shall result in a greater than 2.5 lux spill (horizontal and vertical) of light onto any adjoining property, measured at any point more than 2m inside the boundary of the adjoining property or the closest window to the adjoining property, whichever is the closest.
- Commercial and Industrial Environmental Areas
 - All exterior lighting shall be directed away from adjacent properties and roads so as to avoid any adverse effects on the neighbourhood and on traffic safety.
 - No activity shall result in greater than a 10 lux spill (horizontal and vertical) of light on to any adjoining property within the Commercial Environmental Area, measured 2m inside the boundary of any adjoining property. and
 - For sites adjoining a Residential Environmental Area, no activity shall result in greater than a 2.5 lux spill (horizontal and vertical) of light, measured 2m inside the boundary of any adjoining residential property or the closest window in the adjoining property, whichever is the closest
- Utilities
 - No activity shall result in a greater than 2.5 lux spill (horizontal and vertical) of light onto any adjoining property, measured at any point more than 2m inside the

boundary of the adjoining property or the closest window to the adjoining property, whichever is the closest.

Where the Permitted Activity standards are not met, the activity is a Discretionary Activity.

7.3.3 Westland District Plan

There are no specific light objectives or policies, the most relevant objective and policies are as follow:

Objective 3.4.2 To ensure that activities located adjacent to infrastructure resources do not adversely affect the safe and efficient use of those resources.

Objective 3.9.2 To provide for the “intermingling” of land use activities within Westland’s settlements and towns, where this does not detrimentally impact on the amenities, health and safety of residents and workers.

Policy 4.2.A A range of activities should be able to locate in the urban areas provided that any adverse effects on the environment or neighbouring land uses are avoided, remedied or mitigated.

Policy 4.4.A The effects of activities which can have significant adverse effects on amenities and the well-being of residents shall generally be avoided, remedied or mitigated.

Policy 4.6.C The formation, construction and maintenance of any transport, communications or other service facilities should be carried out in a manner which maintains environmental quality.

In relation to rules, light standards are included within the zone provisions. The same standards apply in all zones as follow:

- Maximum 10 lux spill to a residential property
- All exterior lighting shall be designed, installed and maintained so that light emitted does not cause a distraction or glare which could create a traffic hazard on any road.

Where Permitted Activity standards are not met, the activity is a Non-complying activity.

7.3.4 Analysis of combined operative district plan approaches

The operative district plans’ provisions are in need of updating. They contain insufficient policy direction to support appropriate light rules. They also do not consider issues of impact of glare on wildlife and in the case of the Westland Plan rules in particular are vague and it would be difficult to determine compliance with these.

7.4 Analysis of Best Practice – How Other Councils are Addressing the Same Issue

A review of current practice in respect of this matter has been undertaken, together with a review of the following District Plans:

- Timaru District Plan (2nd Generation Draft)
- Selwyn District Plan (2nd Generation Proposed)
- Porirua District Plan (2nd Generation Proposed)
- New Plymouth District Plan (2nd Generation Proposed)
- Far North District Plan (2nd Generation Draft)
- Nelson Unitary Plan (2nd Generation Draft)

The approach taken by other Councils to this matter varies. Because of the national planning standards, all the plans have objectives and policies for light and glare. In most cases these recognise that there are light sensitive areas for amenity reasons, but also that light impacts on natural character, and some cases impacts on night sky and ecosystem health.

7.5 Summary of Issues Analysis

The analysis indicates that providing appropriate objectives and policies which recognise the issues around light, glare and sky glow on the West Coast are needed. A standardised approach across the West Coast is identified as being appropriate.

8.0 Scale and Significance Evaluation

The level of detail undertaken for the evaluation of the Proposed TTPP provisions has been determined by an assessment of the scale and significance of the implementation of these provisions. The scale and significance assessment considers the environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following, namely whether the provisions:

| | Minor | Low | Medium | High |
|---|-------|-----|--------|------|
| Degree of change from the Operative Plans | | x | | |
| Effects on matters of national importance (s6 RMA) | x | | | |
| Scale of effects – geographically (local, district wide, regional, national) | | | x | |
| Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?) | | | x | |
| Scale of effects on those with particular interests, e.g. Tangata Whenua | | x | | |
| Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice? | | x | | |
| Likelihood of increased costs or restrictions on individuals, businesses or communities | | x | | |

8.1 Explanation Summary

The level of detail of analysis in this report is low. Light is an intrinsic part of activities on the West Coast where the potential effects (primarily in relation to amenity values) are understood. It is important to ensure that activities continue to be provided for, but that updated, clearer and more consistent provisions are implemented to ensure the adverse light, glare and skyglow effects of new or expanded facilities on the West Coast are appropriately managed.

9.0 Evaluation

9.1 Evaluation of Objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

| Existing Objectives | Appropriateness to Achieve the Purpose of the Act |
|--|--|
| Buller District Plan Objective: No specific objectives related to light – noise considered as amenity values within Objective 4.3.27.1 | The operative Plans' objectives provide no specific direction for light provisions although to some extent they provide a broader direction in terms of amenity related matters and health and safety. |

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| <p>Grey District Plan Objective: No specific objective related to light. A range of objectives that relate to maintenance of amenity values – 17.3.1, 18.3.1, 20.3.1 and 16.3.3</p> | <p>The existing objectives in the broader context of providing for a variety of activities and ensuring 'pleasantness' are not inappropriate; however, the objectives are considered too generic to provide any useful guidance</p> |
| <p>Westland District Plan Objective: No specific objective related to light. Generally falls within matters considered by Objectives 3.4.2. and 3.9.2.</p> | <p>The objectives are also inconsistent and do not apply across every zone - consolidating the objectives in a single district-wide chapter and applying them West Coast-wide will be more efficient.</p> <p>It is necessary to develop more specific objectives that recognise the need to manage adverse light effects on the amenity of people, health and safety, biodiversity and the dark sky.</p> <p>Given the requirement under the National Planning Standards for a separate light chapter and provisions, they are not considered appropriate to achieve the purpose of the Act and new objectives as outlined below are proposed.</p> |
| <p>Proposed TTPP Objectives: Light Chapter</p> <p>LIGHT – O1 Artificial outdoor lighting enables night-time work, rural productive activities, recreation activities, sport, entertainment activities, transportation and public health and safety.</p> <p>LIGHT – O2 Artificial outdoor lighting is located, designed and operated to maintain the character and amenity values within zones, so that it does not adversely affect the health and safety of people, the safe operation of the transport network, protects views of the night sky, the habitats and ecosystems of nocturnal native fauna and the species themselves.</p> | <p>The objectives are considered the most appropriate way to achieve the purpose of the RMA because they:</p> <ul style="list-style-type: none"> • Recognise the benefits of artificial outdoor lighting and its contribution to community and economic activities. • Recognise the effects of outdoor light on amenity values, wildlife and the environment – and the need for artificial outdoor light to be managed so that it does not adversely affect these values, the health and safety of people and the transport network. • Is a more effective West Coast-wide means of addressing the resource management issues identified within this s32 report than the alternative option. • More clearly reflects the TTPP Committee's obligations under s31 of the RMA than the alternative option, and gives effect to the relevant Part 2 matters, namely ss7(b), 7(c) and 7(f) |

| Evaluation of Alternative Option | Appropriateness to Achieve the Purpose of the Act |
|--|---|
| <p>Each zone chapter includes objectives on light that specifically recognise the character, purpose and amenity values of the zone.</p> | <p>Although the objectives would provide for explicit consideration of amenity values and that associated adverse effects are managed at an appropriate level relative to the character and purpose of each zone, they would overlook wider quality of the environment considerations implicit in section 7(f) RMA (e.g. health and safety). This approach (i.e. objectives in each chapter) would also be contrary to directions in the National Planning Standards and create unnecessary repetition.</p> |
| <p>Summary</p> | |

The proposed objectives seek to manage the adverse effects of light on the amenity, health and safety of people, and adverse effects on the environment consistent with the anticipated outcomes of the receiving environment (i.e. zone character and amenity), and to specifically manage adverse effects on the environment particularly as relate to wildlife and views of the night sky.

The proposed objectives will replace a number of objectives across the three operative district plans reducing complexity, and are concisely worded. Overall, the objectives will facilitate a resource management approach that is clearer and more efficient and effective.

9.2 Evaluation of Policies and Rules in relation to Light

9.2.1 Description of the Proposed Provisions

There are three policies in relation to light that:

1. Outline the circumstances where artificial outdoor lighting is appropriate
2. Identify situations where artificial outdoor lighting is enabled
3. Outline the approach to management of light effects generated by activities.

In terms of the Rules in relation to light:

There are general standards set around the direction of light away from adjoining and adjacent properties and roads. There is also a requirement to use NZS 4282 Control of the Obtrusive Effects of Outdoor Lighting for measurement and assessment.

Permitted Activities are:

- Artificial outdoor lighting in all zones, with higher lux levels provided for in zones where artificial outdoor lighting is necessary to their function.
- Providing for higher artificial light levels between 7am and 10pm and lower levels between 10pm and 7am
- Requiring shielding and colour correction, and no operation of lights between 10pm and 7am the following day within the Outstanding Coastal Natural Character overlay.

Restricted Discretionary Activities are:

- Activities where Permitted Activity light levels are exceeded, outside of the Outstanding Coastal Natural Character Overlay

Discretionary Activities are:

- Activities where Permitted Activity light levels are exceeded, within the Outstanding Coastal Natural Character Overlay

9.2.2 Evaluation of Options around Light Management

| Option | Benefits | Costs | Efficiency and Effectiveness | Risk of acting/not acting |
|--|--|--|---|--|
| <p>Option A: status quo</p> <p>Buller: One quality of the environment policy that addresses light alongside a range of other amenity concerns.</p> <p>Emission of light is generally a Permitted Activity in all zones subject to meeting relevant standards, with non-compliance with the standards treated as a Non-complying Activity</p> <p>Grey District: Five quality of the environment policies that addresses light alongside a range of other amenity concerns.</p> <p>Emission of light is generally a Permitted Activity in all zones subject to meeting relevant standards, with non-compliance with the standards treated as a Discretionary Activity.</p> <p>Westland District: Three quality of the environment policies that address light alongside a range of other amenity concerns.</p> | <ul style="list-style-type: none"> Rules are known and have been operating without significant concern for the last 20 years. Quality of the environment and amenity values are maintained to an extent. | <ul style="list-style-type: none"> Costs to landowners/activity operators in applying for consents and associated time/uncertainty. Rules/standards may potentially limit the extent of light emission where it is an essential part of an activity, thereby imposing potential constraints on business operations and community/sporting events. Absence of explicit management of environmental effects other than on residential activities and transport networks may result in adverse effects on wildlife and loss of natural character associated with dark skies. | <ul style="list-style-type: none"> The current rule/standard framework does not clearly reflect the amenity and character related outcomes anticipated in each zone, thereby reducing its effectiveness in managing light emissions that may detract from the amenity values and character within these zones and lead to adverse environmental effects on wildlife and natural character. | <p>The risk of acting on these status quo provisions is that:</p> <ul style="list-style-type: none"> The current policy framework lacks detail and specific direction on appropriate or inappropriate activities The current policy framework does not recognise the requirements of the National Planning Standards or what is regarded as good practice in modern planning. The resource management issues relating to natural character and protection of indigenous biodiversity would be inadequately addressed. It would also result in TTPP Committee inadequately complying with the provisions of Part 2 (particularly section 7(f)) and section 31 of the RMA. |

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| <p>Emission of light is generally a Permitted Activity in all zones subject to meeting relevant standards, with non-compliance with the standards treated as a Discretionary Activity.</p> <p>The rules also specifically identify several activities that need to comply with a range of NZ Standards.</p> | | | | <p>Overall it is considered that there is sufficient information to act based on the review of current light provisions and the technical advice received.</p> |
| <p>Option B: Proposed Plan:</p> <p>Introduce policies that clearly outline the Plan approach to managing light.</p> <p>Include West Coast wide standards to manage light spill, glare and sky glow effects.</p> <p>Non-compliance with most light standards is treated as a restricted discretionary activity, with associated assessment matters</p> <p>Within areas of Outstanding Coastal Natural Character non-compliance with light standards is a Discretionary Activity.</p> | <ul style="list-style-type: none"> • Enables businesses and the community to utilise artificial outdoor light in a way that is compatible with the role, function, and predominant character of the local environment. • Light emission is controlled/managed to ensure that the adverse effects on the environment are minimised. • Quality of the environment and the amenity values and character of individual zones is maintained or enhanced. • Provides relevant triggers to assess the adverse effects of light on the environment within individual zones and areas of Outstanding coastal natural character | <ul style="list-style-type: none"> • The permitted light standards may not fully manage light to a level that is acceptable to all parties. • May incur additional compliance costs to landowners/ activity operators in applying for consents, particularly in relation to light sensitive activities, and associated time/ uncertainty. • Rules/standards may potentially limit the extent of light emission where it is an essential part of an activity, thereby imposing potential constraints on business operations and community/sporting events. | <ul style="list-style-type: none"> • The proposed rules and standards are effective as they are clearly measurable and explicitly set out what is permitted. They also provide a high level of certainty as they clearly identify the trigger for consent, this being set at a level that ensures potential effects on amenity values and the character of individual zones on the West Coast are minimised. • The proposed option is also an efficient method of achieving the objectives given the identified costs and the associated issues with the current provisions. | <ul style="list-style-type: none"> • The risk of acting is considered to be low as there is technical advice to support standardising the light emission levels and times, and on ways to reduce light spill and sky glow • The risk of not acting on these provisions would result in the TTPP Committee failing to comply with the provisions of Part 2 of the RMA (particularly section 7(f)), and the likely loss of amenity values and the quality of the environment within individual zones. • It is considered that there is sufficient information on which to base the proposed policies and methods. |

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| | <ul style="list-style-type: none"> • Provides certainty to businesses, community and TTPP Committee on the extent of light emission allowed. • Recognises the different character of, and amenity anticipated, in individual zones through the introduction of tailored standards. • All rules and standards are clearly laid out in a single chapter with a clear framework to manage light emitting activities. • Non-compliance is generally treated as a restricted discretionary activity, and there is certainty over the matters that the Council will consider. • Reduces the potential for adverse effects on wildlife and outstanding coastal natural character. | | | |
| Option C: Permissive approach (i.e. unrestricted noise) | <ul style="list-style-type: none"> • Enables unlimited light emission to occur, which supports economic wellbeing by enabling activities to operate without undue restriction. • Provides certainty to businesses, community and Council through allowing | <ul style="list-style-type: none"> • Risk that excessive light spill and glare could generate significant adverse effects, resulting in loss of amenity and potential impacts on the general wellbeing and health of the community in general, impacts on road safety and adverse effects | <ul style="list-style-type: none"> • The proposal would be effective in enabling activities to generate light levels that support their operational and functional requirements. • However, as there would be negligible control over potential adverse effects TTPP Committee would fail | <ul style="list-style-type: none"> • The risk of acting on this option is that it would result in the TTPP Committee failing to comply with the provisions of Part 2 (particularly section 7(c) and 7(f)) and section 31 RMA, and the likely loss of amenity |

| | | | | |
|--|--|---|--|--|
| | <p>unrestricted emission of light.</p> <ul style="list-style-type: none"> • Negligible compliance costs as light emission would be permitted. | <p>on wildlife and coastal natural character.</p> <ul style="list-style-type: none"> • Would fail to avoid, remedy or mitigate potential adverse effects of light on the environment. • Creates uncertainty for the community regarding the type, brightness and location of artificial outdoor light that could be generated near their properties or on an adjacent site. | <p>to meet its Part 2 and section 31 RMA obligations</p> | <p>values and quality of the environment.</p> <ul style="list-style-type: none"> • It is considered that the risk of acting on these provisions outweighs the risk of not acting, and that there is sufficient information to act based on the review of current light provisions |
| <p>Quantification</p> <p>Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p> | | | | |
| <p>Summary:</p> <p>The above table demonstrates that Option B is the most appropriate method for achieving the objectives relating to management of the effects of light emissions on the West Coast.</p> <p>The existing regulatory approach (Option A), particularly at a policy level, is too generic and lacks sufficient specificity and clarity to effectively and efficiently address the resource management issues and to achieve the proposed objectives identified, particularly at individual, zone-specific level.</p> <p>Consequently, an alternative approach is proposed that explicitly reflects and responds to the distinctive character and amenity values of individual zones, introduces light management requirements in areas where sensitive wildlife and outstanding coastal natural character occurs, updates references to the New Zealand Standards to bring the plan in line with best-practice and other second-generation District Plans throughout New Zealand.</p> | | | | |

10.0 Summary

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as:

- A separate Light chapter provides for a simpler plan structure that is particular to light and is aligned with the National Planning Standards.
- The objective and policies ensure artificial outdoor lighting is compatible with the local environment and does not adversely affect the amenity of areas, or result in adverse effects on light sensitive wildlife or outstanding coastal natural character.
- Permitted activity rules that allow activities to emit certain levels of light spill to enable them to effectively and efficiently function, subject to meeting relevant rules and associated effects standards. Where these levels are exceeded, resource consent is required to enable an assessment of appropriateness and any associated adverse effects.
- Restricted Discretionary Activity rules that manage most of the activities that do not meet the permitted activity standards, along with associated matters of discretion that enable the potential adverse effects of light spill on the character of the surrounding environment, amenity values, sleep and health to be addressed and proposed mitigation measures to be considered.
- Discretionary Activity rules that manage activities that do not meet the permitted activity standards in areas of outstanding coastal natural character.
- The Proposed TTPP refers to updated New Zealand Standards to bring the plan in line with best-practice and other second-generation District Plans throughout New Zealand

Overall, it is considered that the set of proposed provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.

Part Three Signs

11.0 Overview and Purpose

This s32 evaluation report should be read in conjunction with the s32 'Overview Report', which also includes an overview of the s32 legislative requirements, the methodology and approach to the s32 evaluations and the process that the TTPP Committee has undertaken to date through the development of Te Tai o Poutini Plan, including consultation and engagement.

11.1 Introduction to the Resource Management Issue

A prominent feature of modern-day cities and districts, signs are important for identifying and promoting businesses and services and perform a key role in advertising events and other community activities. Road and traffic signs are vital in providing a safe public environment. However, without appropriate management, signage can compromise the safety of motorists, cyclists and pedestrians and adversely affect the environment, particularly its visual amenity. The Operative District Plan contains complex provisions for signs within each of the Environment Areas (zones). This approach has led to adverse outcomes such as overcrowding, inappropriate location of large signs and multiple signage on properties.

The key resource management issues relating to Signs are:

- Signs contribute to the vitality and vibrancy of the district and support tourism.
- Signs can adversely affect the character and amenity values of the local environment, as well as the values of buildings and structures upon which they are placed.
- Signs can create a distraction for drivers, potentially impacting on the safety of all road users and efficiency of the roading network.

11.2 Regulatory and Policy Direction

11.2.1 Part 2 of the RMA

In carrying out a s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA.

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

In achieving this purpose, authorities also need to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in s7, and take into account the principles of the Treaty of Waitangi referred to in s8.

A number of provisions have been included in the signs topic in response to the requirements in Part 2, including: s7(b) - the efficient use and development of natural and physical resources; s7(c) - the maintenance and enhancement of amenity values; and, s7(f) - maintenance and enhancement of the quality of the environment.

The potential and actual effects associated with signs include the potential to adversely affect on amenity values and the quality of the environment.

11.2.2 National Instruments

The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) relates to the management of existing electricity transmission lines. Clauses 23 and 24 set out permitted and restricted discretionary standards for signs affixed to transmission line support structures. There is a note in the Signs Chapter overview which explains that the NESETA manages the size and area of signs on a transmission line support structure of an existing transmission line to identify the structure or its owner, or to help with safety or navigation. There are no other relevant National Policy Statements or National Environmental Standards.

11.2.3 National Planning Standards and/or Guidance Documents

National Planning Standards

The National Planning Standards (NPS) require that signs provisions are addressed in a district-wide Signs Chapter.

It is noted that there is a degree of ambiguity whereby the NPS also requires provisions associated with temporary events to be addressed in a separate Temporary Activities Chapter. This s32 and the associated signs provisions address temporary signs associated with temporary activities and real estate advertising. There is a cross-reference in the Temporary Activities Chapter to alert Plan users to the district-wide chapters, which includes signs.

The NPS also contains the following definitions of 'sign' and 'official sign', with the proposed TTPP adopting these definitions:

Sign means any device, character, graphic or electronic display, whether temporary or permanent, which

- a) is for the purposes of:
 - i. identification of or provision of information about any activity, property or structure or an aspect of public safety;
 - ii. providing directions; or
 - iii. promoting goods, services or events; and
- b) is projected onto, or fixed or attached to, any structure or natural object; and
- c) includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice.

Official sign means all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety.

Bylaw 2010 NZTA (Signs on State Highways) Bylaw

NZTA's Bylaw for Signs on State Highways prohibits advertising and other unofficial signs on highways road reserve. Advertising signs on state highways require written consent from the NZTA unless the sign is behind the kerb line of any state highway in any area where a 50km/hr or lesser speed limit applies. This recognises that signs can be difficult to read and can create a safety hazard, particularly in high speed environments.

Advertising signs alongside state highways road reserve are of interest to the NZTA if they are visible from the highway. However, the NZTA has no jurisdiction to make rules or bylaws beyond the state highways. The NZTA's primary concern is to avoid, remedy or mitigate the creation of risks to the safety of road users. NZTA likes to be involved in the resource consent process for signs within the 70km/hr or higher speed limit environment where those signs do not meet the rules in district plans.

11.2.4 Regional Policy and Plans

The West Coast Regional Policy Statement (WCRPS) became operative in 2020. The WCRPS provides an overview of the resource management issues in the region and provides a policy framework to achieve integrated management of natural and physical resources, including directions for provisions in district and regional plans which must be given effect to.

The chapters of the WCRPS relevant to the signs topic are Chapter 4 (Resilient and Sustainable Communities) Chapter 5 (Use and Development of Resources) and Chapter 6 (Regionally Significant Infrastructure). None of these chapters provide explicit direction or guidance on how signs are to be managed. The WCRPS direction is instead focused on providing a high-level framework for the ongoing use and development of regionally significant infrastructure (Policy 5.2, 6.2, 6.4 and 6.6) along with the provision for development in appropriate locations (Policy 5.1) and settlement amenity is maintained (Policy 4.4).

11.2.5 Poutini Ngāi Tahu Iwi Management Plans

The RMA requires that when preparing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the

district (section 74(2A)). There are three iwi management plans on the West Coast/Te Tai o Poutini – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Mahinapua Management Plan.

While these documents focus on specific issues they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values.

12.0 Resource Management Issue and Analysis

12.1 Background

Signs provide an important function by communicating information and providing direction. They are common within road reserves providing information to drivers and pedestrians.

However, signs have the potential to distract drivers especially those that do not clearly deliver information or a message, use flickering lighting or moving parts. Such signs can pose a risk to the safety of road users.

Businesses, including home occupations, need to (at a minimum) signal their location to customers and clients, by using signs that display their name, brand and services, and direct patrons and deliveries to parking and any servicing areas. The scale and design of business signs will vary depending on the type of business and the environment in which it is located.

Residential and rural amenity values are generally more sensitive to signs, yet there is still a function and demand for some signs. Likewise, parks and community facilities also require signage to provide visitors and users with information about facilities and hours of operation. Examples of signs used for parks and community facilities, are freestanding entrance signs, maps of the area, plaques on buildings, and information on community events.

Temporary signage e.g. real estate signs, community notices and election signs are generally anticipated and accepted but can adversely affect amenity values if the duration, scale and number of such signage is not reasonably managed.

While signs play an important role in the effective functioning of towns (particularly commercial activities) and rural areas, they can also sometimes diminish the amenity of areas. Oversized or inappropriately located signs can detract from buildings and dominate their surroundings.

Effects from signs can extend beyond the subject site to neighbours and to an entire street, affecting the overall streetscape, depending on how inappropriately designed and located the sign is. In addition, too many signs can clutter a building, site and/or a street.

12.2 Evidence Base – Research, Consultation, Information and Analysis undertaken

12.2.1 Research

The current District Plans have been reviewed, technical advice and assistance from various internal and external experts has been commissioned and utilised, along with internal workshops and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

| | |
|-------------------------|---|
| Title | Te Tai o Poutini Plan Technical Update: Sign Provisions. Report to Te Tai o Poutini Plan Committee May 2021 |
| Author | Lois Easton |
| Brief Synopsis | This report considers the issues around signs and proposes potential Objectives, Policies and Rules |
| Link to Document | https://tpp.nz/wp-content/uploads/2021/05/Agenda-TTPP-Committee-25-May-2021.pdf |

12.2.2 Consultation and Engagement

Te Tai o Poutini Plan has been the subject of significant consultation and community engagement. Within that the sign provisions have been part of the consultation with infrastructure stakeholders as well as discussions with natural environment stakeholders – particularly as regards impacts on outstanding natural landscapes.

The draft TTPP was released for public feedback in January 2022 and there was some feedback provided on the Signs Chapter. This chapter was amended following feedback as outlined in a report to the Committee on 29th March 2022.

| | |
|-------------------------|---|
| Title | Te Tai o Poutini Plan: Technical Report Feedback on the Draft Plan: Report to Te Tai o Poutini Plan Committee 29 April 2022 |
| Author | Lois Easton |
| Brief Synopsis | This report brings the feedback on the draft Plan and recommends amendments to the Plan in response to that feedback. |
| Link to Document | https://tppp.nz/wp-content/uploads/2022/03/TTPP-Agenda-29-March-2022.pdf |

The RMA requires councils to undertake pre-notification consultation with those parties identified in Schedule 1, clause 3, during the preparation of a proposed district plan. These parties include:

- the Minister for the Environment;
- those other Ministers of the Crown who may be affected by the proposed plan;
- local authorities who may be so affected; and
- the tangata whenua of the area who may be so affected, through iwi authorities.

As a result of this consultation, written feedback was received from Department of Conservation, Department of Internal Affairs, Te Rūnanga o Ngāi Tahu and the Ministry for the Environment.

No specific feedback was provided on the Signs topic.

12.2.3 Poutini Ngāi Tahu Advice

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāti Mahaki o Makaawhio are the two papatipu rūnanga on the West Coast/Te Tai o Poutini. They are collectively known as Poutini Ngāi Tahu. No specific advice on sign matters has been provided by Poutini Ngāi Tahu.

12.3 Operative District Plan Provisions

12.3.1 Buller District Plan

There are no specific sign objectives or policies, the most relevant objectives and policy are as follow:

Objective 4.2.5.2.1 To provide for the efficient development, operation and maintenance of infrastructure throughout the District, while avoiding, remedying or mitigating adverse effects.

Objective 4.2.5.2. To protect infrastructure resources from the adverse effects of activities located adjacent to, or in association with, the facility.

Objective 4.3.6.1. To recognise, and where possible, protect the distinctive character and heritage values of Buller settlements from the adverse effects of inappropriate development.

Policy 4.3.7.5 Commercial advertising shall be controlled in order to ensure that it harmonises with the architecture of buildings and the streetscape.

Section 7.7 contains the sign rules for the Buller District. These are detailed and complex but provide for a range of Permitted Activities. Where permitted activity standards are not met signs are Controlled Activities, Discretionary Activities, Non – complying Activities and Prohibited Activities.

Permitted Activities include:

- official signs

- direction signs less than 0.5m² in size
- temporary signs for a range of activities where these are less than 1m² in size
- temporary signs for events of up to 3m² with a maximum of 5 signs/event
- erection of one sign/site of up to 1.5m² in the Residential Zone
- signs in the Commercial Zone where no more than 30% of any road facing fascia wall is covered + 1 freestanding sign/site, 2 portable signs/site and a maximum of 1m² of flashing/rotating/intermittent or animated signs
- verandah signs in the Commercial Zone subject to detailed design criteria
- signs in the Industrial Zone of up to 3m²/site

Controlled Activities are:

- signs in the Scenically Sensitive Commercial Area

Discretionary Activities are:

- signs in the Paparoa Character Area, Natural Environments Character Area or Scenically Sensitive Residential Area with a maximum of 1 sign/site
- signs not meeting Permitted or Controlled Standards in other zones except where these are Non-complying or Prohibited

Non-complying Activities are:

- Permanent remote signs
- More than 1 sign/site in the Paparoa Character Area, Natural Environments Character Area or Scenically Sensitive Residential Area

Prohibited Activities are:

- Flashing, animated signs in the road corridor of a road with a speed limit of 80kph or greater or adjacent to a railway
- Illuminated signs that could dazzle road users or train drivers
- Signs on vehicles where this is the primary purpose of the vehicle.

Buller Plan Change 133-145

The Buller District Council released Plan Change 133-145 in 2016 as a package of plan changes relating to the rolling review of the Buller District Plan. These Plan Changes were not progressed beyond the notification stage, as by that time it was clear that the district plans on the West Coast/Te Tai o Poutini were going to be combined as a result of recommendations from the Local Government Commission. The plan changes proposed to replace the objectives and policies of the operative Buller District Plan with new objectives and policies. There were no specific policies which addressed or mentioned signs.

12.3.2 Grey District Plan

The operative Grey Plan contains a signs chapter with Objectives and Policies. There is one objective and three policies as follows:

Objective 8.3.1 Traffic safety and the visual amenity of the District are not adversely affected by signs and outdoor advertising.

Policy 8.4.1 Visitor/Information Signs should be in accordance with the West Coast Development Group (WCDG) and West Coast Regional Council and New Zealand Transport Agency sign design guidelines.

Policy 8.4.2 Signs should relate to a particular activity or use of land or buildings on the site and have dimensions that are appropriate to the surrounding environment.

Policy 8.4.3. Signs should be simple, clear in the message conveyed, and not cluttered and should be located according to safety criteria.

Appendix 2 of the Grey Plan contains the Signs Rules that are applicable throughout the district as well as detailed signs provisions for each zone.

Permitted Activities include:

- traffic signs
- signs for public purposes
- temporary signs for a range of activities where these are less than 2m² in size
- erection of one sign/site in the Residential, Rural Residential and Rural Environmental Areas with a maximum size of 0.5m² in the Residential, 1.4m² in the Rural Residential and 2m² in the Rural Environmental Area where the size of lettering is restricted for signs in the Rural Environmental Area depending on the road speed
- signs in the Commercial, Industrial and Township Environmental Areas with detailed standards around verandahs and projection towards the road and where the size of lettering is restricted for signs in the Township Environmental Area depending on the road speed

Where signs do not meet the Permitted Activity standards they are a Discretionary Activity.

12.3.3 Westland District Plan

There are no specific signs objectives in the Westland Plan, however there are three objectives with some relevance to the topic.

Objective 3.4.2 To ensure that activities located adjacent to infrastructure resources do not adversely affect the safe and efficient use of those resources.

Objective 3.9.1 To identify, protect and enhance the distinctive Westland character of the District's settlements.

Objective 3.10.3 To ensure that land uses, buildings and development have regard to the natural landscapes in which they are located or seek to be located.

There are four specific policies for signs.

Policy 4.4.F. To ensure that signs are appropriate to the character of the area and do not detract from the amenity values of that environment.

Policy 4.4.G To avoid a proliferation of signs which have the potential to result in cumulative adverse effects on amenity values.

Policy 4.6.G. To ensure that signs do not adversely affect traffic safety by confusing, distracting, or obstructing the views of motorists or pedestrians, or by obstructing roads or footpaths, particularly in proximity to intersections.

Policy 4.6.H To avoid a proliferation of signs which have the potential to result in cumulative adverse effects on traffic safety.

The rules for signs in the Westland Plan are split between the zone rules (where maximum number/area of signs is identified/) and Section 8.2 where the Signs standards are outlined.

Maximum number of signs/area varies:

- 1m² 1 sign/site in the Residential, Settlement and Coastal Settlement Zone,
- 2m² 1 sign/site in the Rural Zone
- 2m²/site in the Tourist Residential Zone
- an unlimited number of signs allowed in the industrial, commercial and tourist zones.

The signs standards in 8.2 are:

- Signs may be illuminated but may not be flashing, revolving or retro-reflective.
- Signs shall have neat and uncluttered lettering.
- Signs must relate to a facility or activity in the District. Signs shall be erected on the property to which they relate except for any sign advertising forthcoming sporting, religious or cultural events (including general or local body elections) provided that the sign shall be displayed for not more than 3 months before and shall be removed within 10 days after the event.
- Signs shall be sited so that they do not restrict visibility to and from intersections and property accesses.
- Signs shall not conflict with the colour combinations or shape of traffic control signs.
- Signs and support structures shall be well maintained.

In some instances there is a Discretionary Activity which allows for an additional sign/area, otherwise more/larger signs are a Non-complying activity.

Where the signs standards are not met, these are Non-complying Activities.

12.3.4 Analysis of combined operative district plan approaches

The operative District Plans take a variable approach to regulation of signs with the Buller District Plan being the most restrictive, and the Westland District Plan the most enabling. This is evident in outcomes on the ground – Westport town centre has a relatively low level of signage compared with Hokitika, and there is very extensive signage found in Fox Glacier and Franz Josef, with many tourism businesses having more than 10 signs per site.

The sheer amount of signage in the three districts makes monitoring of new and unconsented signs a difficult and costly resource-intensive task. Therefore, monitoring and enforcement of signs is generally undertaken on a complaint basis and monitoring of resource consent conditions.

12.4 Analysis of Best Practice – How Other Councils are Addressing the Same Issue

A review of current practice in respect of this matter has been undertaken, together with a review of the following District Plans:

- Timaru District Plan (2nd Generation Draft)
- Selwyn District Plan (2nd Generation Proposed)
- Porirua District Plan (2nd Generation Proposed)
- New Plymouth District Plan (2nd Generation Proposed)
- Far North District Plan (2nd Generation Proposed)
- Nelson Unitary Plan (2nd Generation Draft)

It is fair to say that there is a very wide range of variability as to how each of the plans reviewed deal with signs - although most plans do have extensive rules for signs.

A key common approach is that there are a range of signs and matters which apply across the district, then specific signs standards for each zone.

Common themes across the plans reviewed are:

- All Plans have strong controls on avoiding off-site signage.
- All Plans include controls on trailer or vehicle-based signage where its primary purpose is as a medium for advertising rather than being incidental to the every-day use of that vehicle.
- All Plans adopt a restrictive approach to signage in residential and rural zones, reflecting the more sensitive nature of these environments.
- All Plans include provision for temporary signage associated with one-off events. The nature of these controls however varies considerably between Plans in terms of the limits on number, size, and duration.
- The policy approaches set out in the reviewed District Plans generally focus on the need to control signage in sensitive locations/ achieve certain amenity outcomes, and to maintain traffic safety.

12.5 Summary of Issues Analysis

The analysis identified the key issues for signs as being the need to recognise and provide for signs due to the wide range of business, community, and health and safety benefits of signs.

Such enablement does however need to be balanced against the need to concurrently manage the extent and effects of signs in more sensitive environments due to the adverse effects on amenity, character, and traffic safety that can be generated by inappropriately designed and located signs.

The management of effects from non-site related signs, traffic safety, and temporary activity signs was likewise identified as an issue for the West Coast.

13.0 Scale and Significance Evaluation

The level of detail undertaken for the evaluation of the Proposed TTPP provisions has been determined by an assessment of the scale and significance of the implementation of these provisions. The scale and significance assessment considers the environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following, namely whether the provisions:

| | Minor | Low | Medium | High |
|---|-------|-----|--------|------|
| Degree of change from the Operative Plans | | | x | |
| Effects on matters of national importance (s6 RMA) | x | | | |
| Scale of effects – geographically (local, district wide, regional, national) | | x | | |
| Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?) | | | x | |
| Scale of effects on those with particular interests, e.g. Tangata Whenua | | | x | |
| Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice? | | x | | |
| Likelihood of increased costs or restrictions on individuals, businesses or communities | | x | | |

13.1 Explanation Summary

The level of detail of analysis in this report is low/moderate.

Signs are an integral and necessary component of many activities across a range of zones or contexts. They have numerous functions that go well beyond advertising, such as signs for direction or warning. Signs are a long-established element in the districts, especially in the commercial and industrial areas and therefore the potential effects of this activity (primarily in relation to amenity and transport safety) are well understood. It is therefore important to ensure that appropriately designed signs are provided for, whilst also putting in place controls to ensure that the adverse effects of new signs in the district are appropriately managed.

A more detailed consideration of the scale and significance of the provisions is summarised as follows:

- The inclusion of signs provisions in District Plans is a common feature of such plans found throughout New Zealand, with the control of signs also being anticipated as a district-wide matter as per the direction of the National Planning Standards. The management of signs through TTPP is a legitimate response to TTPP Committee fulfilling its role and function under the RMA.

- The effects of signs are primarily related to localised amenity considerations. As such the signs topic does not have regional significance. Whilst signs are found throughout the West Coast, it is not one of the key resource management issues of the West Coast.
- Signs do not generally have a significant effect on s6 matters. Any effects, should they occur, are likely to be in relation to areas with identified outstanding landscape or natural character values, or historic heritage. The management of signs in such environments is able to be managed through the provisions of both the signs chapter and also those chapters that provide explicit direction on Outstanding Natural Landscapes and heritage.
- Signs can have a beneficial effect on people’s health and safety through providing warning and directions. Such signs therefore need to be appropriately enabled to ensure they can adequately fulfil their function. Inappropriately located signs near intersections can conversely obscure transport-related signals or cause a distraction to motorists.
- Significant change in character and amenity can occur if signs are poorly managed. Such signs can result in a proliferation of displays that create visual clutter and can change the amenity of especially more sensitive rural or residential environments to one that has a more overt commercial character. That said, signs are generally a supporting element to the primary activity occurring on sites and therefore do not lead the change in character or amenity but instead are usually an ancillary element in broader changes or urban development that are occurring.
- Those parties with a particular interest in signs tend to be industry groups, strategic infrastructure providers, and large-scale commercial land owners. Provided the signs provisions are designed to appropriately provide for signs, whilst maintaining a level of amenity appropriate to the surrounding context, there should not be any adverse effects on interested parties.
- Feedback from Poutini Ngāi Tahu on this topic has identified that there are some Sites and Areas of Significance to Māori where signs should not be erected, and this is provided for in the rules.
- Signs are inherently transitory in that they can be readily removed or changed to reflect changing business or advertising needs. Safety and directional messaging can likewise be readily modified to respond to changing circumstances. As such, signs as a topic does not have any long-term or irreversible effects that would limit or preclude the ability of future generations to adopt a different management approach to signs.
- Signs management is not explicitly addressed in any higher order documents, beyond a general requirement in the National Planning Standards that signs provisions be located within a district-wide chapter.

13.0 Evaluation

13.1 Evaluation of Objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

| Existing Objectives | Appropriateness to Achieve the Purpose of the Act |
|---|--|
| Buller District Plan Objectives: No specific objective related to signs. A range of objectives that relate to maintenance of amenity values – 4.2.5.1, 4.2.5.2 and 4.3.6.1 | The Buller and Westland operative Plans’ objectives provide no specific direction for sign provisions although to some extent they provide a broader direction in terms of amenity related matters and health and safety. The Buller and Westland objectives in the broader context of providing for a variety of activities and ensuring ‘pleasantness’ are not inappropriate; however, the objectives |
| Grey District Plan Objective 8.3.1 Traffic safety and the visual amenity of the District are not adversely affected by signs and outdoor advertising. | |
| Westland District Plan Objectives: No specific objective related to signs. A range of objectives that relate to maintenance of amenity values and the quality of the environment – 3.4.2, 3.9.1 and 3.10.3. | |

| | |
|---|---|
| | <p>are considered too generic to provide any useful guidance</p> <p>The Buller and Westland objectives partially achieve the purpose of the RMA in that they address effects on amenity values and the character of the zones, addressing the issue of signs adversely affecting the character and amenity values of the local environment.</p> <p>However, a gap exists in that they do not recognise and respond to the issues that signs can result in road safety issues and that signs have positive effects on the vitality and vibrancy of the district. Therefore, they do not consider people’s ability to provide for their social, economic and cultural wellbeing or their health and safety.</p> <p>The objectives do not apply across every zone - consolidating the objectives in a single district-wide chapter and applying them West Coast-wide will be more efficient.</p> <p>The Grey District Plan Objective provides a good starting point for an appropriate objective for inclusion in a combined plan.</p> <p>Given the requirement under the National Planning Standards for a separate sign chapter and provisions, they are not considered appropriate to achieve the purpose of the Act and new objectives as outlined below are proposed.</p> |
| <p>Proposed TTPP Objective:</p> <p>Signs Chapter</p> <p>SIGN – O1 Signs contribute to the social, cultural and economic wellbeing of the West Coast/Te Tai o Poutini while:</p> <ol style="list-style-type: none"> 1. Supporting the needs of business, infrastructure and community activities; 2. Ensuring that the character and amenity values of the surrounding area are maintained or enhanced and protected from any adverse visual and amenity effects; and 3. Maintaining public safety. | <p>This objective is considered the most appropriate way to achieve the purpose of the RMA because it:</p> <ul style="list-style-type: none"> • gives specific recognition to the overarching goal of contributing to the social, cultural and economic wellbeing of the West Coast. • directly addresses the key resource management issues identified, it provides plan users and decision makers with certainty as to the outcomes that are appropriate under TTPP provisions, and is considered reasonable and achievable. • Is a more effective West Coast-wide means of addressing the resource management issues identified within this s32 report than the alternative option. |

| | |
|--|--|
| | <ul style="list-style-type: none"> • More clearly reflects the TTPP Committee's obligations under s31 of the RMA than the alternative option, and gives effect to the relevant Part 2 matters, namely ss7(b), 7(c) and 7(f) |
|--|--|

| Evaluation of Alternative Option | Appropriateness to Achieve the Purpose of the Act |
|---|--|
| Do not include specific provisions for signage on the West Coast. | This option does not consider managing the adverse effects of signage such driver distraction and loss of visual amenity in sensitive environments. It also gives little guidance on expected outcomes to decision makers assessing resource consent applications for signage. This option does properly recognise the social and economic values signs can contribute to a district, including community identity but would not deliver on the requirements of section 5 the RMA. |
| <p>Summary</p> <p>Signage is important to the West Coast's economic and social vitality, but it can impact on the overall amenity of the district if not managed appropriately. The proposed objective will achieve the purpose of the RMA as it is a clear statement of intent that provides for signs in a range of zones while appropriately managing the effects of signage on the environment.</p> | |

13.2 Evaluation of Policies and Rules in relation to Signs

13.2.1 Description of the Proposed Provisions

There are six policies in relation to signs that:

1. Identity sign types that should be enabled
2. Identify that landscape, natural character and amenity values of various locations should be protected from adverse effects from large numbers of signs
3. Set out requirements in relation to safety
4. Enable temporary signage
5. Require a relationship between the sign and the site it is located on
6. Support the use of bilingual signage and use of Poutini Ngāi Tahu place names

In terms of rules in relation to signs:

There are general standards that all Permitted signs must meet that provide for transport safety

In all zones the following types of signs are Permitted Activities:

- Official signs
- Traffic and railway signs
- Temporary signs
- Community signs
- Signs not visible from a road, public open space, residential or settlement zone site
- Interpretation signs for scheduled features
- Footpath signs
- Verandah signs

Alongside this there are specific permitted activities for signs in all zones. The size and number of signs allowed for in a zone varies, with one sign per site of 1m² in residential zones, whereas in Commercial and Mixed Use Zones, Industrial Zones, Port Zone and Settlement Zone Settlement Centre Precinct there is no maximum number of signs but a maximum area of 3m² or 10% of the façade area of a building that can be affixed with signs.

Controlled Activities are:

- Traffic and Railway Signs not meeting Permitted Activity Standards

Restricted Discretionary Activities are:

- Other signs not meeting Permitted Activity standards that are not located in scheduled natural and cultural features within overlays, Residential Zones or the Coastal Settlement Precinct.

Discretionary Activities are:

- Signs not meeting Permitted Activity standards located within scheduled features in the overlays, Residential Zones or the Coastal Settlement Precinct.

As well as the National Planning Standards definitions of sign and official sign, there is a definition of Community Sign.

13.2.2 Evaluation of Options around Signs

| Option | Benefits | Costs | Efficiency and Effectiveness | Risk of acting/not acting |
|---|--|---|---|---|
| <p>Option A: status quo</p> <p>Buller: One policy that addresses commercial advertising and harmonisation with the architecture of buildings and streetscape.</p> <p>Installation of signs is a Permitted Activity in all zones except Scenically Sensitive Residential and Commercial, Natural Environments Character Area and Paparoa Character Area. Permitted activities are subject to meeting relevant standards, with non-compliance with the standards treated as a Discretionary Activity.</p> <p>Some Non-complying and Prohibited Activities.</p> <p>Grey District: Three policies that address a range of matters around signs to support the rules.</p> <p>Installation of signs Permitted Activity in all zones subject to meeting relevant standards, with non-compliance with the</p> | <ul style="list-style-type: none"> • Rules are known and have been operating without significant concern for the last 20 years. • Quality of the environment and amenity values are maintained. • Most signage is controlled/managed to ensure that signs do not create adverse effects on the environment. • Certainty for businesses, community who are familiar with the type and scale of signage allowed. | <ul style="list-style-type: none"> • Costs to landowners/ activity operators in applying for consents and associated time/ uncertainty. • Rules/standards may potentially limit the number and size of signs where they support community /sporting activities. • Monitoring costs to enforce standards borne by the Councils. • Assessment matters are limited and constrain the matters that can be considered by the Council when processing applications. • Rules and standards are out of date. | <ul style="list-style-type: none"> • The status quo approach is inconsistent with the National Planning Standards that require a standalone chapter for signs. • Rules and standards are generally considered effective if they clearly set out what can occur as of right and what requires resource consent. While the current rules and standards are clearly stated, in some locations the standards have the potential to result in signage which detracts from the character and amenity values of the environment. • The current rules are inefficient due to the range of standards applying to signs, particularly across the within the Buller District and in relation to community signs. This could be generating the need for consents, where the effects could be appropriately managed | <p>Overall it is considered that there is sufficient information to act based on the review of current sign provisions and the technical advice received.</p> |

| | | | | |
|--|---|---|--|--|
| <p>standards treated as a Discretionary Activity.</p> <p>Westland District: Four policies that focus on avoiding a proliferation of signs, traffic safety and amenity values.</p> <p>Installation of signs is a Permitted Activity in all zones subject to meeting relevant standards, with non-compliance with the standards treated as a Non - complying Activity</p> | | | <p>through rules and standards in the TTPP.</p> | |
| <p>Option B: Proposed Plan:</p> <p>Introduce policies to:</p> <ul style="list-style-type: none"> • Enable some signs • Maintain landscape, natural character and amenity values and recognise the character and function of the different zones. • Manage effects on road safety. • Broaden the assessment matters to include location, visual amenity, natural character and landscape and impacts on surrounding activities. | <ul style="list-style-type: none"> • Ability for a range of signs to be erected by businesses and organisations, advertising goods, services and events. In turn, this supports way finding, economic activity, social and cultural wellbeing. • Signage is managed to ensure that signs minimise adverse effects on the environment. • Community signage generally is a Permitted Activity reducing unnecessary costs and improving community wellbeing | <ul style="list-style-type: none"> • Cost/time for the public in applying for consents and associated time/uncertainty. • Monitoring costs to enforce standards borne by Council. | <ul style="list-style-type: none"> • The proposed rules and standards are effective as they are clearly measurable and explicitly set out what is permitted. They also provide a high level of certainty as they clearly identify the trigger for consent, this being set at a level that ensures potential effects on amenity values and the character of individual zones on the West Coast are minimised. • The proposed option is also an efficient method of achieving the objectives given the identified costs and the associated issues with the current provisions. | <ul style="list-style-type: none"> • The Committee has sufficient information available to determine the proposed provisions associated with Option B as they have a good understanding of the nature of signs activities and the associated effects on the environment that are within their area of responsibility, including but not limited to the issues associated with the effects of amenity, character and traffic safety. • Feedback on the draft provisions supported the proposed approach and did not raise any fundamental |

| | | | | |
|---|--|---|---|--|
| | <ul style="list-style-type: none"> • Quality of the environment and amenity values are maintained or enhanced. • Provides a trigger to assess the adverse effects of signs on the environment. • Certainty for businesses, community and Council on the type and level of signage allowed. • All rules and standards are clearly laid out in a single chapter with a clear framework to manage signage. • Non-compliance is generally treated as a restricted discretionary activity, and there is certainty over the matters that the Council will consider. • Discretionary Activity in sensitive overlay areas reduces the potential for adverse effects on coastal natural character, outstanding landscapes and cultural heritage values. | | | <p>issues with acting in the manner proposed.</p> <ul style="list-style-type: none"> • There is therefore a low risk of acting in the manner proposed. |
| Option C: Permissive approach (i.e. unrestricted noise) | <ul style="list-style-type: none"> • High-level of certainty for businesses, community and Council on the type and number of signs allowed – unlimited. | <ul style="list-style-type: none"> • Risk that signs could generate significant adverse effects on character and amenity values, and road safety, through their proliferation. | <ul style="list-style-type: none"> • The proposal would be effective in enabling activities to establish signs, which would support economic and social wellbeing. | <ul style="list-style-type: none"> • The risk of acting on this option is that it would result in the TTPP Committee failing to comply with the provisions of Part 2 (particularly section 7(c) and 7(f)) and |

| | | | | |
|---|--|---|--|---|
| | <ul style="list-style-type: none"> • Enables signage which supports economic and social well-being • Limited controls and few consent costs as most signs are permitted. | <ul style="list-style-type: none"> • Potential adverse effects may not be addressed as required under the RMA and therefore the Committee may not meet its obligations under section 7 and section 31, and there would be limited ability to avoid, remedy or mitigate potential adverse effects on the environment. • Uncertainty for the community over the number, scale and type of signs that would establish. | <ul style="list-style-type: none"> • However, as there would be negligible control over potential adverse effects TTPP Committee would fail to meet its Part 2 and section 31 RMA obligations | <p>section 31 RMA, and the likely loss of amenity values and quality of the environment.</p> <ul style="list-style-type: none"> • It is considered that the risk of acting on these provisions outweighs the risk of not acting, and that there is sufficient information to act based on the review of current light provisions |
| <p>Quantification</p> <p>Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p> | | | | |
| <p>Summary:</p> <p>The above table demonstrates that Option B is the most appropriate method for achieving the objectives relating to management of the effects of signage on the West Coast.</p> <p>The existing regulatory approach (Option A), particularly at a policy level, is too generic and lacks sufficient specificity and clarity to effectively and efficiently address the resource management issues and to achieve the proposed objectives identified, particularly at individual, zone-specific level.</p> <p>The review of available options has concluded that the preferred approach is to establish a generally permissive approach to providing for signs while also ensuring that the potential effects of this activity do not adversely affect character and amenity values anticipated within the various zones across the Districts.</p> | | | | |

14.0 Summary

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as:

- A separate Signs Chapter provides for a simpler plan structure that reflects the National Planning Standards.
- The objective and policies set a framework to provide for and manage signs across a range of zones recognising their differing character and amenity values.
- Permitted activity rules and activity standards provide for signs that will not adversely impact on the district or relevant zone or are required under legislation for reasons of health and safety.
- Rules trigger resource consent requirements for signs that do not meet the permitted activity standards because of the potential impacts on the amenity values, landscape and natural character of the West Coast and/or the impacts on road safety. Different activity statuses apply to signs in the Commercial and Mixed-Use zones to those in the Residential and Rural zones because of their differing purposes and character.
- The permitted activity standards reflect and respond to the different types of signs and their associated characteristics, thus applying a more targeted approach to managing potential adverse effects.

Overall, it is considered that the set of proposed provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.

Part Four Earthworks

15.0 Overview and Purpose

This s32 evaluation report should be read in conjunction with the s32 'Overview Report', which also includes an overview of the s32 legislative requirements, the methodology and approach to the s32 evaluations and the process that the TTPP Committee has undertaken to date through the development of Te Tai o Poutini Plan, including consultation and engagement.

15.1 Introduction to the Resource Management Issue

Earthworks are usually an essential prerequisite for development. Earthworks are the physical works that modify land so that it can be used for living, business, and recreation purposes, farming and forestry and the construction and maintenance of infrastructure. The scope and scale of earthworks range from large bulk earthworks, which can alter the landform and its topography, to small and discrete areas of works most often associated with minor development.

Earthworks can adversely affect amenity values (visual, dust nuisance, noise and traffic) and result in changes to natural landforms. Earthworks can cause changes to the appearance and character of the neighbourhoods they are located in and can impact on people's experience of their environment.

15.2 Regulatory and Policy Direction

15.2.1 Part 2 of the RMA

In carrying out a s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA.

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

In achieving this purpose, authorities need also to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in s7 and take into account the principles of the Treaty of Waitangi referred to in s8.

A number of provisions have been included in the Earthworks (District Wide) Chapter in response to the requirements in Part 2, including: s7(a) – kaitiakitanga; s7(aa) – the ethic of stewardship; s7(b) – the efficient use and development of natural and physical resources; s7(c) – the maintenance and enhancement of amenity values; and, s7(f) – maintenance and enhancement of the quality of the environment.

Earthworks activities entail the modification, whether temporary or permanent, of the district's soil and land resource and the potential adverse effects associated with earthworks activities include the potential to adversely affect amenity, ecological and cultural values associated with an area.

15.2.2 National Instruments

The following national instruments are relevant to this topic:

1. National Policy Statement on Electricity Transmission 2008 (NPSET).
2. National Policy Statement for Freshwater Management 2020 (NPSFM).
3. National Environmental Standards for Electrical Transmission Activities 2009 (NESET).
4. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS).
5. National Environmental Standards for Telecommunication Facilities 2016 (NESTF).

The NESCS is directly relevant to the earthworks provisions of the proposed TTPP as it establishes a regulatory framework for the sampling of and disturbance (i.e., earthworks) of contaminated soils.

The NESET establishes a regulatory framework for earthworks activities associated with existing transmission lines, including providing for such earthworks as permitted activities, provided they do not breach regional rules.

The NESTF, while structured in a similar manner to the NESET, predominantly relates to matters beyond the scope of this topic in that it predominantly relies on regional rules to control earthworks related matters. However, it is noted the NESTF specifies that district plan natural hazard rules need not be taken into account when installing, removing or maintaining a telecommunication facility.

In the broader context, the NPSET and NPSFM are relevant to this topic as they establish a policy framework that it is appropriate to recognise in the development of the earthworks related policy framework of the proposed TTPP.

While the NESET does not contain any earthworks specific objectives and policies, the policy framework of the NPSET aims to ensure that the environmental effects associated with electricity transmission infrastructure is avoided, remedied or mitigated where possible. The NPSFM addresses issues relating to water quality and quantity in relation to New Zealand's waterbodies, including groundwater.

15.2.3 National Planning Standards and/or Guidance Documents

The following aspects of the National Planning Standards are relevant to this topic:

1. The definitions for 'cleanfill', 'earthworks' and 'land disturbance'.
2. Chapter Form (F-5).
3. Status of Rules and Other Text and Numbering Form Standard (F-6).
4. District -wide matters standard.

The National Planning Standards for 'cleanfill', 'earthworks' and 'land disturbance' are:

Cleanfill – means virgin excavated natural materials including clay, gravel, sand, soil and rock that are free of:

- a) combustible, putrescible, degradable or leachable components; b. hazardous substances and materials;
- b) products and materials derived from hazardous waste treatment, stabilisation or disposal practices;
- c) medical and veterinary wastes, asbestos, and radioactive substances;
- d) contaminated soil and other contaminated materials; and e) liquid wastes.

Earthworks – means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.

Land disturbance – means alteration or disturbance of land, (or any matter constituting the land including, soil, clay, sand and rock), that does not permanently alter the profile, contour or height of the land.

The District Plan Structure Standard and the District Wide Matters Standard includes direction that provisions managing earthworks are to be located in the 'Earthworks' chapter. MfE Guidance on the planning standards states that:

*When there are provisions that relate to two topics and there is not a clearly dominant District-wide matters chapter the council can determine the best location for these provisions, **depending on the primary outcomes sought**. For example, provisions that relate to signage on heritage buildings. These could be located in either a Historical heritage chapter or Signs chapter. In this case, the council **can choose the most logical location** but should provide cross-referencing from the provisions to the other relevant district-wide chapters so that they can be identified from either location.*

As such all earthworks provisions are located in the 'Earthworks' chapter, except where the primary outcome sought from a proposed provision is to protect values of an identified feature or overlay, in which case the provision (e.g. an earthworks rule) is located in the relevant overlay chapter. The

proposed earthworks provisions also use the standardised definitions of land disturbance or earthworks.

15.2.4 Regional Policy and Plans

West Coast Regional Policy Statement (RPS)

The RPS does not have specific provisions for earthworks, but there are many objectives and policies which are relevant to the topic – primarily in the Resilient and Sustainable Communities, Natural Features and Landscapes, Land and Water and Natural Hazards Sections.

West Coast Regional Land and Water Plan (RLWP)

The RLWP contains specific objectives, policies and rules for earthworks. The key provisions are as follow:

Objective 4.2.1 To avoid remedy or mitigate adverse effects from land disturbance so that the region's water and soil resources are sustainably managed.

Policy 4.3.1 To manage the disturbance of land and vegetation in order to avoid remedy or mitigate any adverse effects on:

- a) *The stability of land (e.g. slumping, subsidence, or erosion), river banks, and riverbeds and coastal margins;*
- b) *Water quality, including clarity, turbidity, and temperature changes, and in stream values;*
- c) *Changes in water level including water table;*
- d) *Public access to rivers, lakes, and their margins and the coast;*
- e) *Natural character, and aquatic ecosystems;*
- f) *Soil depth and soil fertility;*
- g) *The integrity of property, structures, or effects upon the operation or maintenance of regionally significant infrastructure;*
- h) *Cultural and recreational values; and*
- i) *Significant indigenous vegetation and significant habitats of indigenous fauna.*

Policy 4.3.2 To manage earthworks (for example, mining) to avoid effects on the environment where the activity may produce any of the following geochemical processes, above background levels:

- a) *Release of acid rock drainage;*
- b) *Precipitation of iron oxides;*
- c) *Release of heavy metals.*

Policy 4.3.4 To manage the maintenance of existing land drainage activity to avoid, remedy, or mitigate adverse effects on receiving water bodies or property.

Policy 4.3.5 Manage the development of new land drainage activities (including humping and hollowing) to ensure that:

- a) *Bed and bank stability of the receiving water body is maintained;*
- b) *Long-term water quality (including clarity, turbidity, and temperature changes) in the receiving water and in stream values (including aquatic ecosystems) are maintained;*
- c) *Sediment deposition is minimised and sediment armouring of the bed of any water body is avoided;*
- d) *The activity does not increase the flood flow carried by the receiving waters, so that it exceeds the carrying capacity of existing drainage structures, or result in inundation of any other persons property;*
- e) *The activity does not reduce the flow in the receiving water body by more than 10%; and*
- f) *The natural character of the coastal environment, wetlands, lakes and rivers and their margins, is protected from inappropriate use and development.*

Key Permitted Activities

- Humping and hollowing 5 ha/12 month period
- V-blading 10 ha/12 month period
- Earthworks in riparian margins max 25m² or 20 linear metres/200 metres

- On land less than 12 degrees earthworks for tracks, roads, railway lines, landings, firebreaks and network utilities or max 5000m³/landholding or hectare
- On land between 12-25 degrees slope earthworks for tracks, roads, railway lines, landings, firebreaks and network utilities or max 500m³/landholding or hectare
- On land exceeding 25 degrees and the Greymouth Earthworks Control Area 10m³/land holding in any 12 month period or network utility operations max 50m³ in any 100metres.
- Earthworks for maintenance or repair of tracks, roads, railway lines, landings, firebreaks and network utilities

15.2.5 Poutini Ngāi Tahu Iwi Management Plans

The RMA requires that when preparing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (section 74(2A)). There are three iwi management plans on the West Coast/Te Tai o Poutini – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Mahinapua Management Plan.

While these documents focus on specific issues they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values.

16.0 Resource Management Issue and Analysis

16.1 Background

Earthworks are regulated by both District and Regional Councils. The focus of regional regulation is effects on water quality and soil conservation (Section 30 matters) whereas the focus of district regulation is effects on land including matters such as amenity, nuisance effects, landscape, natural character, riparian areas, effects on cultural and historic heritage and avoidance of natural hazards.

The three operative District Plans all take a relatively light regulation of earthworks, and all have a different approach. None of the Plans have objectives or policies for earthworks, with a general approach of grouping the earthworks associated with an activity as part of the activity.

Bulk earthworks are regulated by the West Coast Regional Plan with a focus on discharges to water and soil conservation. These matters should not be duplicated in TTPP.

Some problems have been identified with the current very permissive regime in place on the West Coast in relation to matters relevant to TTPP, specifically:

- Earthworks in the residential environment and impacts on adjacent neighbours resulting from noise and vibration;
- Uncontrolled filling activities or earthworks on sections that have been left “rough” changing ground contour, altering overland flow paths and exacerbating flooding; and
- The problems of land contouring/hump and hollowing affecting drainage systems and creating localised stormwater and flooding problems.

16.2 Evidence Base – Research, Consultation, Information and Analysis undertaken

16.2.1 Research

The current District Plans have been reviewed, technical advice and assistance from various internal and external experts has been commissioned and utilised, along with internal workshops and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

| | |
|--------------|---|
| Title | Te Tai o Poutini Plan Technical Update: Earthworks Objectives and Policy. Report to Te Tai o Poutini Plan Committee April 2021 |
|--------------|---|

| | |
|---------------|-------------|
| Author | Lois Easton |
|---------------|-------------|

| | |
|-------------------------|---|
| Brief Synopsis | This report considers the issues around earthworks and proposes potential Objectives and Policies |
| Link to Document | https://tppp.nz/wp-content/uploads/2021/05/Agenda-Te-Tai-o-Poutini-Plan-Committee-Meeting-5-May-2021.pdf |

| | |
|-------------------------|---|
| Title | Te Tai o Poutini Plan Technical Update: Earthworks Rules. Report to Te Tai o Poutini Plan Committee July 2021 |
| Author | Lois Easton |
| Brief Synopsis | This report considers the issues around earthworks and proposes potential Rules. |
| Link to Document | https://tppp.nz/wp-content/uploads/2021/07/TTPP-Agenda-26-July-2021.pdf |

16.2.2 Consultation and Engagement

Te Tai o Poutini Plan has been the subject of significant consultation and community engagement. Within that the earthworks provisions have been part of the consultation with infrastructure stakeholders and the minerals sector.

The draft TTPP was released for public feedback in January 2022 and there was some feedback provided on the Earthworks Chapter. This chapter was amended following feedback as outlined in a report to the Committee on 29th March 2022.

| | |
|-------------------------|---|
| Title | Te Tai o Poutini Plan: Technical Report Feedback on the Draft Plan: Report to Te Tai o Poutini Plan Committee 29 April 2022 |
| Author | Lois Easton |
| Brief Synopsis | This report brings the feedback on the draft Plan and recommends amendments to the Plan in response to that feedback. |
| Link to Document | https://tppp.nz/wp-content/uploads/2022/03/TTPP-Agenda-29-March-2022.pdf |

The RMA requires councils to undertake pre-notification consultation with those parties identified in Schedule 1, clause 3, during the preparation of a proposed district plan. These parties include:

- the Minister for the Environment;
- those other Ministers of the Crown who may be affected by the proposed plan;
- local authorities who may be so affected; and
- the tangata whenua of the area who may be so affected, through iwi authorities.

As a result of this consultation, written feedback was received from Department of Conservation, Department of Internal Affairs, Te Rūnanga o Ngāi Tahu and the Ministry for the Environment.

No specific feedback was provided on the Earthworks topic.

16.2.3 Poutini Ngāi Tahu Advice

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāti Mahaki o Makaawhio are the two papatipu rūnanga on the West Coast/Te Tai o Poutini. They are collectively known as Poutini Ngāi Tahu. No specific advice on earthworks matters has been provided by Poutini Ngāi Tahu.

16.3 Operative District Plan Provisions

16.3.1 Buller District Plan

There are no specific earthworks objectives or policies. The most relevant objectives and policies are as follow:

Objective 4.2.5.1. To provide for the efficient development, operation and maintenance of infrastructure throughout the District, while avoiding, remedying or mitigating adverse effects.

Objective 4.4.4.1. To ensure that the overall integrity and character of the rural environment and productivity of rural land resources is protected while enabling rural communities to provide for their social, economic and cultural wellbeing.

Policy 4.2.6.2 To ensure that services are provided in a manner which does not have adverse effects on the environment, and which enables communities to provide for their health and safety.

Policy 4.4.5.2. Sustainable land management practices which maintain and/or enhance the productive values of soils and amenities and character of the rural area shall be encouraged and promoted.

In terms of Rules the Operative Buller Plan does not have specific stand-alone provisions for earthworks. Instead, earthworks are dealt with generally in association with another activity, or in relation to a specific activity within a zone. The rules are summarised in the table below:

| | |
|------------------------|---|
| Industrial Zone | Rule 5.2.6.1 Stormwater run-off associated with any permitted or controlled activity, including earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality |
| Port Zone | Rule 5.2.7.2 Stormwater run-off associated with any permitted or controlled activity, including earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality. |
| Cement Production Zone | Rule 5.3.4.2 Stormwater run-off associated with any permitted or controlled activity, including earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality. |
| Rural Zone | <p>Permitted Activities</p> <p>Rule 5.3.2.1.7.2 Any earthworks shall be incidental to a permitted, controlled, limited discretionary or discretionary activity.</p> <p>Controlled Activities</p> <p>Rule 5.3.2.2.1 Indigenous vegetation clearance and incidental earthworks (excluding natural wetlands) from 0.5ha up to 5.0ha per site, in total, over any continuous three year period.</p> <p>Rule 5.3.2.2.2 Advanced mineral exploration activities including geophysical surveys using explosives</p> <p>Restricted Discretionary Activities</p> <p>Rule 5.3.2.3.2 Indigenous forestry extraction and incidental earthworks (including the construction and formation of stockpiling areas, skid sites, access points and tracking) undertaken in accordance with an approval under Part IIIA of the Forests Act 1949.</p> <p>Rule 5.3.2.3.3 Mining and incidental earthworks.</p> <p>Rule 5.3.2.4.4 Indigenous vegetation clearance and incidental earthworks exceeding 5ha per site, in total, over a continuous three year period</p> |

| | |
|-------------------------------------|--|
| Paparoa Character Area | Permitted Activities Table 5.10 A Any earthworks to be incidental to a permitted or controlled activity. Discretionary Activities: 5.4.4.1. Any earthworks to be incidental to another activity and limited to a maximum volume of 100m ³ |
| Natural Environments Character Area | Permitted Activities 5.5.2.5. Any earthworks to be incidental to a permitted or controlled activity. Controlled Activities No activity may be carried out within 100m of the Mean High Water Spring mark Discretionary Activities 5.5.4.1 Any earthworks to be incidental to a discretionary activity |

Buller Plan Change 133-145

The Buller District Council released Plan Change 133-145 in 2016 as a package of plan changes relating to the rolling review of the Buller District Plan. These Plan Changes were not progressed beyond the notification stage, as by that time it was clear that the district plans on the West Coast/Te Tai o Poutini were going to be combined as a result of recommendations from the Local Government Commission. The plan changes proposed to replace the objectives and policies of the operative Buller District Plan with new objectives and policies. There were no specific policies which addressed or mentioned earthworks.

17.3.2 Grey District Plan

The Grey District Plan has no specific objectives or policies in relation to earthworks. Outside of the National Grid Buffer area there are also no rules specifically addressing earthworks within the Grey District Plan.

17.3.3 Westland District Plan

There are no specific earthworks objectives or policies. The most relevant objectives and policies are as follow:

Objective 3.8.2 To protect and maintain the productive potential of the higher quality soils in Westland District.

Policy 4.13.C

Ensure that the life supporting capacity of ecosystems is safeguarded and adverse effects of mineral related activities and associated earthworks on natural features and landscapes, indigenous vegetation and habitat, the natural character of the coast, waterways and their margins, historic and cultural sites, public access and amenity values are avoided, remedied or mitigated.

Policy 4.7.C The establishment of activities which degrade, erode or contaminate high quality soils should be avoided to safeguard their productive capabilities and to protect human and animal health and safety.

In terms of rules, there are also few specific earthworks provisions.

Earthworks associated with Temporary Military Training Activities where they are not provided for in another rule in the Plan are a Non-complying Activity.

Earthworks in the Rural Zone associated with mineral prospecting are permitted, where they are associated with Advanced mineral exploration they are a Controlled Activity. Mineral extraction in the Rural Zone is a Restricted Discretionary Activity.

17.3.4 Analysis of combined operative district plan approaches

Earthworks is a very lightly regulated activity within the three operative district plans. Generally, earthworks will be restricted by association with another activity (e.g. building, vegetation clearance etc). However, the feedback from public consultation, discussion with the district council technical staff and analysis, indicates that the lack of specific regulation is leading to adverse effects – particularly on amenity values from noise and vibration within urban areas, and on drainage systems in rural areas exacerbating flooding and creating problems for stormwater and roading infrastructure. Earthworks were also identified as a significant problem affecting historical and cultural resources, however this is discussed further and addressed in the Historical and Cultural Values report. Concerns around inappropriate disposal of contaminated soil also were identified through the consultation process, however this appears to arise largely from non-compliance with the NES – Contaminated Land rather than insufficient regulation at a district level.

17.4 Analysis of Best Practice – How Other Councils are Addressing the Same Issue

A review of current practice in respect of this matter has been undertaken, together with a review of the following District Plans:

- Timaru District Plan (2nd Generation Draft)
- Selwyn District Plan (2nd Generation Proposed)
- Porirua District Plan (2nd Generation Proposed)
- Southland (2nd Generation Operative)
- Central Hawkes Bay (2nd Generation Operative)

These plans were chosen as they were all second generation plans, with all but Porirua having extensive rural areas covered by their plans.

This review found that earthworks provisions in these plans for rural areas generally are quite permissive, however volume limits for earthworks beyond consent is required as the norm, and performance standards around cut and fill heights, slope, reinstatement and cleanfills are also the norm.

Other findings of the review were:

- Policy frameworks of these district plans are broadly similar and they aim to enable earthworks in appropriate locations while ensuring that controls are in place that will ensure that adverse effects on amenity values, land instability, soil erosion, flooding risk, and from contaminated land are appropriately managed.
- The district plans seek to allow earthworks in Rural Zones to an extent, while controlling earthworks more stringently in townships and urban areas

17.5 Summary of Issues Analysis

The potential effects of earthworks activities, namely effects on amenity values, and the approach to managing these effects are reflected in the relevant policy framework of the national and regional statutory planning documents. This is the case within the operative Buller District Plan, and to a lesser extent the operative Westland District Plan. There are negligible provisions restricting earthworks in the operative Grey District Plan.

The absence of clear policy and the minor nature of rules regulating the adverse effects of earthworks, particularly in Westland and Grey, was a matter of concern identified through public consultation and feedback from the district councils' infrastructure teams in particular. Concerns around unmanaged effects on water systems and flooding, as well as amenity effects on urban areas were the main issues identified.

18.0 Scale and Significance Evaluation

The level of detail undertaken for the evaluation of the Proposed TTPP provisions has been determined by an assessment of the scale and significance of the implementation of these provisions. The scale and significance assessment considers the environmental, economic, social and cultural

effects of the provisions. In making this assessment regard has been had to the following, namely whether the provisions:

| | Minor | Low | Medium | High |
|---|-------|-----|--------|------|
| Degree of change from the Operative Plans | | | | x |
| Effects on matters of national importance (s6 RMA) | | | x | |
| Scale of effects – geographically (local, district wide, regional, national) | | | x | |
| Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?) | | | x | |
| Scale of effects on those with particular interests, e.g. Tangata Whenua | | x | | |
| Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice? | | x | | |
| Likelihood of increased costs or restrictions on individuals, businesses or communities | | x | | |

18.1 Explanation Summary

The level of detail of analysis in this report is moderate-high. Earthworks are a component of many development activities which means that earthworks rules have the potential to affect a wide range of people within the district. While the effects associated with earthworks activities are well understood, it is important that adverse effects are appropriately managed, while also recognising that it is important to achieve a balance in terms of the level of intervention having considered the nature of the environment and the context of the potential effects that will arise. Additional consenting requirements associated with earthworks consents can impose additional costs, but the costs to the environment could also be high if activities are not appropriately managed.

The degree of change from the Operative District Plans is high, considering:

- The Committee is increasing the regulatory approach to manage the effects of earthworks, and is proposing new objectives, and a policy framework and rules specific to earthworks.
- The earthworks provisions are district wide and will affect all properties throughout the West Coast.
- The new maximum volume and depth standards for urban properties and settlements are significantly more restrictive than the current situation of no restrictions, but the provisions for rural zoned sites are a much less significant change.
- The geographic scale of effects applies to those who are undertaking earthworks activities or those who are experiencing the effects of earthworks activities (e.g. effects of instability, noise, dust, traffic or on visual amenity or stormwater runoff).
- The proposal does not relate to a s6 matter of national importance; however, the following Section 7 other matters are relevant; (c) maintenance and enhancement of amenity values, and (f) maintenance and enhancement of the quality of the environment.

- The proposed earthworks provisions are considered to be in accordance with best practice, and similar to the approach adopted in similar 2nd generation plans throughout New Zealand.
- Tangata whenua have expressed concern around the impacts of unrestricted earthworks on important cultural sites and wāhi tapu. This has primarily been addressed in the Sites and Areas of Significance to Māori chapter rather than as part of the general earthworks topic. In relation to general earthworks outside of important sites and wāhi tapu and other overlay areas the impacts on tangata whenua are generally low.
- The scale of effects on people and communities is moderate. The rules are simplified with reduced ambiguity meaning that plan implementation is likely to improve. More resource consents may be required under the revised framework, but these will generally be limited to those activities that are likely to generate adverse effects on the environment.

19.0 Evaluation

19.1 Evaluation of Objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

| Existing Objectives | Appropriateness to Achieve the Purpose of the Act |
|--|---|
| Buller District Plan Objectives: No specific objective related to earthworks. Two objectives that relate to maintenance of amenity values – 4.2.5.1 and 4.4.4.1 | The Buller and Westland operative Plans’ objectives provide no specific direction for earthworks provisions although to some extent they provide a broader direction in terms of some amenity and production related matters. These objectives are considered too generic to provide any useful guidance. |
| Grey District Plan: No relevant objectives. | The objectives do not apply across every zone - consolidating the objectives in a single district-wide chapter and applying them West Coast-wide will be more efficient. |
| Westland District Plan Objectives: No specific objective related to signs. One objective that relates to soils– 3.8.2. | The Grey District Plan has no guidance around earthworks and has effectively assumed this matter is sufficiently dealt with through regional provisions. The regional provisions do not address amenity issues in any way, and generally provide for unrestricted earthworks throughout the settlements and towns. Given the requirement under the National Planning Standards for a separate earthworks chapter and provisions, they are not considered appropriate to achieve the purpose of the Act and new objectives as outlined below are proposed. |
| Proposed TTPP Objective: Earthworks Chapter <i>EW – O1 To provide for earthworks to facilitate subdivision, use and development of the West Coast/Te Tai o Poutini’s land resource, while ensuring that their adverse effects on the surrounding environment are avoided or mitigated.</i> | This objective is considered the most appropriate way to achieve the purpose of the RMA because it: <ul style="list-style-type: none"> • Recognises that there are beneficial uses of earthworks and provides for these • Is a more effective West Coast-wide means of addressing the resource management issues identified within this s32 report than the alternative option. • The objective will sustain the potential of physical resources for current and future generations and maintain and enhance amenity values and the quality of the environment. The objective will achieve the purpose of the RMA. |

| Evaluation of Alternative Option | Appropriateness to Achieve the Purpose of the Act |
|---|--|
| Do not include specific provisions for earthworks. | This option does not consider managing the adverse effects of earthworks on amenity values and infrastructure that have been identified as key issues that need to be managed through TTPP provisions. This option would not deliver on the requirements of section 5 the RMA. |
| <p>Summary</p> <p>The proposed objective, Objective EW-O1, establishes the resource management aim for earthworks activities throughout the West Coast. The goal of this objective is to establish a reasonably permissive approach to providing for earthworks activities, while also ensuring that potential adverse effects of activities are well managed. The proposed objective addresses the resource management issues associated with earthworks activities in the district, while being consistent with the Strategic Objectives that are relevant to this topic. It will also facilitate a resource management approach that is effective and efficient in that it recognises that earthworks activities facilitate subdivision and land use and development activities in the district.</p> | |

19.2 Evaluation of Policies and Rules in relation to Earthworks

19.2.1 Description of the Proposed Provisions

There are four policies in relation to earthworks:

1. Enable temporary and small-scale earthworks for the subdivision, use and development of land, the provision of utilities, and hazard mitigation, while managing those with the potential to create significant adverse effects.
2. Manage the effects of earthworks to minimise impacts on landscape character, amenity, natural features, water quality, biodiversity, cultural and heritage sites and the quality of the environment.
3. Require the use of accidental discovery protocols to mitigate the potential risk to earthworks to archaeological sites and sites and areas of significance to Māori and archaeological sites that are not scheduled in the Plan.
4. Protect critical infrastructure and natural hazard defences from the adverse effects of earthworks.

In terms of rules in relation to earthworks:

Permitted Activities

There are general standards that Permitted Activities must comply with

- Restricting the depth and height above ground level of earthworks within 1.5m of a boundary except where these are for specific network utility operator activities
- Requiring that only cleanfill is used for fill
- Requiring erosion and sediment management purposes
- Requiring stormwater and overland flow to be managed on site
- Ensuring electrical safety within the vicinity of overhead electric lines
- Restricting earthworks within 10m of a public natural hazard defence structure
- Putting in place an accidental discovery protocol

In all zones there are a range of permitted earthworks

- For the construction of an approved building platform, approved subdivision, approved well or bore, earthworks for network utility or critical infrastructure maintenance, operation, repair, upgrade or installation of new network utilities, installation of swimming pools, interments for burials, natural hazard mitigation structures constructed by a statutory agency, geotechnical or contaminated land assessment
- Earthworks within the National Grid Yard are permitted within specific standards

- Ancillary earthworks for any energy activity, network utility operation or transport activity

Within the General Rural Zone, Rural Lifestyle Zone, Industrial Zones, Future Urban Zone, Airport Zone, Open Space and Recreation Zones and Māori Purpose Zone the following earthworks are also permitted:

- Ancillary earthworks for a permitted activity – except in the Rural Lifestyle Zone a maximum of 500m²/site can be disturbed per year

Within the Residential Zones, Neighbourhood Centre Zone and Settlement Zone the following earthworks are also permitted:

- Earthworks with a maximum land disturbance of 250m²/site/12 months and a maximum 200m³ of material is transported off site/12 months where there is a maximum 1m change of existing ground level.

Within the Commercial and Mixed-Use Zones, Scenic Visitor Zone, Hospital Zone and Stadium Zone additional permitted activities are:

- Earthworks with a maximum land disturbance of 1000m²/site/12 months.

Within the Buller Coalfield and Mineral Extraction Zones, all earthworks are a Permitted Activity where the general permitted activity standards are complied with.

Where Permitted Activity standards are not met, earthworks are a Restricted Discretionary Activity. Matters of Discretion focus on:

- Amenity, landscape character, outlook and privacy
- Dust, sedimentation, land instability, contamination and erosion
- Management and mitigation measures to limit adverse effects beyond the property boundary of the activity
- Changes in drainage – and risk of flooding and drainage problems
- Impacts on critical infrastructure and stormwater infrastructure
- Impacts on the road network of vehicle traffic generated as a result of the earthworks
- Adverse effects on the quality of the environment
- Impacts on natural hazards infrastructure
- Impacts on the National Grid

There are also definitions for Approved Building Platform and Cleanfill alongside the national planning standards definitions for Earthworks and Land Disturbance.

19.2.2 Evaluation of Options around Earthworks

| Option | Benefits | Costs | Efficiency and Effectiveness | Risk of acting/not acting |
|--|--|--|---|---|
| <p>Option A: status quo</p> <p>Buller: One policy that relates to infrastructure and the other the productivity of rural land and the character of the rural environment.</p> <p>A range of zone specific rules that focus on managing stormwater runoff from industrial sites as a result of earthworks, managing earthworks alongside other activities and restricting earthworks in the Paparoa and Natural Environments Character Areas where most earthworks are a Discretionary Activity.</p> <p>Grey District: No specific policies. Rules for earthworks only apply in the National Grid Yard.</p> <p>Westland District: Two policies that focus on protecting matters identified in s6 of the RMA alongside high quality soils.</p> <p>Zone specific rules that manage earthworks alongside other activities.</p> | <ul style="list-style-type: none"> Rules are known and have been operating for the last 20 years. | <ul style="list-style-type: none"> No policies or direction on the types of earthworks and associated effects that should be avoided, remedied or mitigated lacks detail, direction and certainty on what is or is not appropriate, and leads to inconsistent decision-making and varied outcomes. Monitoring shows the existing approach is resulting in varied outcomes in particular as relates to amenity issues in settlements and towns, and impacts on infrastructure and surface flooding. Lack of rules or assessment criteria for earthworks in proximity to boundaries is leading to issues around land stability and diversion of surface water or groundwater flows, creating adverse effects on the environment. High economic costs for remediation if earthworks cause instability or restrict stormwater flows that | <ul style="list-style-type: none"> The status quo approach is inconsistent with the National Planning Standards that require a standalone chapter for earthworks. Monitoring shows that the existing approach is not effectively or efficiently achieving the purpose of the RMA. Due to rule ambiguity, and limited scope of assessment criteria, the rules are not being effectively implemented The lack of direction in the plans leads to inconsistent decision - making and lack of control over certain activities <p>Therefore, this option is not considered to be the most efficient, effective or appropriate option to achieve the objective.</p> | <p>The risk of acting on these status quo provisions is that:</p> <ul style="list-style-type: none"> The current policy framework lacks detail and specific direction on management of effects of earthworks, and The rules are not effectively being implemented and/or the Councils' ability to manage certain effects is limited. <p>It is considered that the risk of acting on these provisions outweighs the risk of not acting. There is sufficient information not to act on this approach.</p> |

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|---|---|--|--|---|
| <p>Specific rule restricting earthworks associated with Temporary Military Training Activities.</p> | | <p>damage property or exacerbates flooding.</p> <ul style="list-style-type: none"> • Due to all of the above factors, there is greater potential for a reduction in visual amenity and quality of the environment. | | |
| <p>Option B: Proposed Plan: Introduce policies to:</p> <ul style="list-style-type: none"> • Enable some signs • Maintain landscape, natural character and amenity values and recognise the character and function of the different zones. • Manage effects on road safety. • Broaden the assessment matters to include location, visual amenity, natural character and landscape and impacts on surrounding activities. | <ul style="list-style-type: none"> • Small-scale earthworks that are unlikely to result in adverse environmental effects can occur without the need for resource consent. • The matters of discretion accurately reflect consideration of the full range of likely adverse effects from earthworks activities, which provides the Councils with greater control, proper assessment, and improved and effective management of the adverse effects of earthworks. • Certainty for neighbours that earthworks close to property boundaries will be managed and will not cause instability, collapse, or flooding. • Streamlined, simplified rules that are easier for plan users to interpret and apply. The reduction in ambiguity is expected to result in increased compliance and effective compliance monitoring. • Resource consent applications will generally be limited to | <ul style="list-style-type: none"> • Change in approach to earthworks, in the short term, may result in higher compliance costs and associated time and uncertainty for landowners involved in obtaining resource consents. | <ul style="list-style-type: none"> • The proposed rules and standards are effective as they are clearly measurable and explicitly set out what is permitted. They also provide a high level of certainty as they clearly identify the trigger for consent, this being set at a level that ensures potential effects on amenity values and the character of individual zones on the West Coast are minimised. • The proposed option is also an efficient method of achieving the objectives given the identified costs and the associated issues with the current provisions. | <ul style="list-style-type: none"> • The risk of acting on these provisions is low, considering the extent of issues experienced under the Operative District Plans framework and the proposal changes to address these matters. • The proposed approach is also generally consistent with other second-generation district plans throughout New Zealand. • Not acting on this approach may mean that the current implementation issues with the Operative Plan approach continue and incrementally result in loss of amenity values, adverse effects on instability and quality of the environment. <p>Overall, it is considered that there is sufficient information to act, and that risks of not</p> |

| | | | | |
|---|---|---|--|---|
| | <p>those activities that are likely to generate adverse effects on the environment.</p> <ul style="list-style-type: none"> • Reduced costs to community and council of remediating adverse effects (e.g. of fixing flooding or dealing with detrimental effects on infrastructure) • All rules and standards are clearly laid out in a single chapter with a clear framework to manage earthworks. • Non-compliance is generally treated as a restricted discretionary activity, and there is certainty over the matters that the Council will consider. | | | <p>acting are outweighed by the benefits of acting.</p> |
| <p>Option C: Methods outside the district plan – rely on Regional Provisions and the Building Act</p> | <ul style="list-style-type: none"> • Increased economic and development opportunities and flexibility for landowners/industry/developers as they are not subject to certain rules (e.g. increased development yield). • Fewer resource consent applications and associated time, cost and uncertainty for applicants (i.e. less cost and time for the Councils, ratepayers or landowners). | <ul style="list-style-type: none"> • No regulatory controls place the onus on private landowners to manage the adverse effects of earthworks. In turn, less certainty that the outcomes for earthworks would be achieved. • Reduction in visual amenity, attractiveness and quality of the environment, and increased risks of instability and flooding is highly likely. • Potential adverse effects may not be addressed as required under the RMA and therefore the | <ul style="list-style-type: none"> • No rules or performance standards would enable large-scale earthworks to occur with extensive recontouring of natural landforms, which could result in adverse effects including adverse instability and flooding effects. • This approach has no certainty and has the potential to result in significant adverse effects on visual amenity and quality of the environment. • No policies, rules or standards and reliance on | <ul style="list-style-type: none"> • The risk of acting on the non-regulatory approach means that Council may not be carrying out its duty/requirements under the RMA. • This approach may result in adverse effects on the environment and the safety of people. This would not maintain and enhance amenity values or the quality of the environment). <p>It is considered that there is sufficient information not to act on these provisions.</p> |

| | | | | |
|--|--|--|---|--|
| | | Committee may not meet its obligations under section 7 and section 31, and there would be limited ability to avoid, remedy or mitigate potential adverse effects on the environment. | non-regulatory methods is not considered effective to achieve the objective | |
| <p>Quantification</p> <p>Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p> | | | | |
| <p>Summary:</p> <p>The above table demonstrates that Option B is the most appropriate method for achieving the objective relating to management of the effects of earthworks on the West Coast.</p> <p>The existing regulatory approach (Option A), does not sufficiently manage the adverse effects of earthworks, particularly in towns and settlements and in relation to boundary effects including land instability and runoff. What earthworks provisions are in the operative plans do not have sufficient specificity and clarity to effectively and efficiently address the resource management issues and to achieve the proposed objective identified, particularly at individual, zone-specific level.</p> <p>The review of available options has concluded that the preferred approach is to establish a generally permissive approach for earthworks while also ensuring that the potential effects of this activity do not adversely affect infrastructure, safety and amenity values anticipated within the various zones across the West Coast.</p> | | | | |

20.0 Summary

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as:

- The objective and policies provide direction and certainty to plan users on the outcomes expected for earthworks.
- Permitted activity rules allow for small-scale earthworks associated with activities that are generally appropriate, small-scale, existing or anticipated, subject to certain standards which effectively manage the adverse effects associated with land instability, maximum cut depth or fill height, site reinstatement, control of silt and sediment, and accidental discovery protocol.
- Permitted activity rules allow all other earthworks (not associated with any listed activities) subject to the same standards, and additional standards relating to maximum volume (which vary depending on the sensitivity of the zone).
- The inefficiencies and implementation issues experienced under the Operative District Plans rule framework will be resolved in the proposed approach

Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.

Part Five Temporary Activities

21.0 Overview and Purpose

This s32 evaluation report should be read in conjunction with the s32 'Overview Report', which also includes an overview of the s32 legislative requirements, the methodology and approach to the s32 evaluations and the process that the TTPP Committee has undertaken to date through the development of Te Tai o Poutini Plan, including consultation and engagement.

21.1 Introduction to the Resource Management Issue

Temporary activities are important for allowing local communities to provide for their health and wellbeing, as well as promoting a positive sense of place.

The nature, scale, location and duration of these activities differ greatly, ranging from community, cultural, recreational, entertainment, and agricultural events.

Whilst these activities are infrequent or occur for a short duration, they can have adverse effects on the amenity of those areas in which they are located. These adverse effects can include noise, light spill and glare, visual amenity, traffic generation and parking, loss of access to public open spaces and waste generation. Cultural, heritage and ecological values can also be affected if temporary activities occur within sensitive environments.

The positive effects of temporary activities and their limited duration, to some extent, offsets their adverse effects. Amenity effects, such as noise, traffic and parking, can often be tolerated to a greater extent than if associated with a permanent activity. These activities therefore need to be managed according to their risk and persistence of effects. This will allow for the positive community outcomes associated with temporary activities to be realised without the burden of additional regulation and its associated costs.

21.2 Regulatory and Policy Direction

21.2.1 Part 2 of the RMA

In carrying out an s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. In achieving this purpose, authorities need also to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in s7 and take into account the principles of the Treaty of Waitangi referred to in s8.

A number of provisions have been included in the Temporary Activities chapter in response to the requirements of Part 2, including particularly s7(b) – the efficient use and development of natural and physical resources; s7(c) – the maintenance and enhancement of amenity values; and, s7(f) – maintenance and enhancement of the quality of the environment. Whilst temporary activities of short duration, they can adversely affect the amenity and the quality of the environment if not effectively managed. For these reasons, s7 considerations have been recognised and provided for within this report.

21.2.3 National Planning Standards and/or Guidance Documents

The Ministry for the Environment National Planning Standards (April 2019) contain the following aspects of relevance to this topic:

1. The District Plan structure includes General District-wide matters and the Temporary Activities chapter will sit under this. This chapter is to contain provisions to manage temporary activities, buildings and events.

2. There are no definitions for temporary activity or temporary accommodation.
3. There is a new definition of Temporary Military Training Activities (TMTA) which is as follows:

Temporary military training activity means a temporary activity undertaken for the training of any component of the New Zealand Defence Force (including with allied forces) for any defence purpose. Defence purposes are those purposes for which a defence force may be raised and maintained under section 5 of the Defence Act 1990 which are:

- a. the defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act;
 - b. the protection of the interests of New Zealand, whether in New Zealand or elsewhere;
 - c. the contribution of forces under collective security treaties, agreements, or arrangements;
 - d. the contribution of forces to, or for any of the purposes of, the United Nations, or in association with other organisations or States and in accordance with the principles of the Charter of the United Nations;
 - e. the provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency;
 - f. the provision of any public service
- There are no national guidance documents relevant to this topic.

21.2.4 Regional Policy and Plans

The West Coast Regional Policy Statement (WCRPS) became operative in 2020. The WCRPS provides an overview of the resource management issues in the region and provides a policy framework to achieve integrated management of natural and physical resources, including directions for provisions in district and regional plans which must be given effect to.

The chapters of the WCRPS relevant to the temporary activities topic are Chapter 4 (Resilient and Sustainable Communities) and Chapter 5 (Use and Development of Resources). Neither of these chapters provide explicit direction or guidance on how temporary activities are to be managed. The WCRPS direction is instead focused on providing a high-level framework for the ongoing use and development of regionally significant infrastructure (Policy 5.2, 6.2, 6.4 and 6.6) along with the provision for development in appropriate locations (Policy 5.1) and settlement amenity is maintained (Policy 4.4).

21.2.5 Poutini Ngāi Tahu Iwi Management Plans

The RMA requires that when preparing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (section 74(2A)). There are three iwi management plans on the West Coast/Te Tai o Poutini – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Mahinapua Management Plan.

While these documents focus on specific issues they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values.

22.0 Resource Management Issue and Analysis

22.1 Background

Parks, open spaces and other public places, can be temporarily transformed into special event venues, with mobile or temporary activities. Temporary activities can also sometimes occur on private premises (e.g. markets in a private carparking area).

These activities and events provide multiple benefits for people and businesses including bringing life to a neighbourhood and providing opportunities for entrepreneurs.

Temporary activities provide positive contributions to a community's overall vibrancy, prosperity and sense of place, as they allow for a variety of activities to be carried out that the community can

participate in and enjoy. Temporary activities include short term events such as galas, festivals, markets or concerts which include any associated structures and buildings.

Other temporary activities support the building and construction industry and allow communities to recover from natural disasters and adverse events.

Temporary military training activities are another type of temporary event that allows New Zealand's military services to function effectively and support the community in the defence of New Zealand as well as assisting in natural disasters and other emergencies.

Freedom camping has been identified as a specific issue that needs to be addressed in relation to Temporary Activities. While in much of the West Coast, Freedom Camping is appropriately managed by Bylaws produced under the Freedom Camping Act, these Bylaws do not apply to Waka Kotahi – NZTA land.

The three Councils have established responsible camping areas with toilet facilities and safe vehicle parking across the West Coast to support freedom camping. Monitoring staff are also employed to work with freedom campers so they are aware of appropriate behaviours and locations where freedom camping activity is supported.

Because of the nature of the roading network of the West Coast – whereby the State Highways are the spine and major roading network both along the coast, and into the mountain ranges, through exceedingly scenic locations, this has resulted in a regulatory loophole which has been substantially exploited by freedom campers. Effectively camping off the state highway is unregulated, and due to the extensive and remote network, there are a large number of laybys and pullover areas where freedom campers congregate.

All the attendant problems of waste disposal and loss of amenity values with large numbers of unrestricted campers have occurred as a consequence – particularly in some of the most popular tourism locations such as around the glaciers in South Westland, and further south, and in the Paparoas in Buller.

22.2 Evidence Base – Research, Consultation, Information and Analysis undertaken

22.2.1 Research

The current District Plans have been reviewed, technical advice and assistance from various internal and external experts has been commissioned and utilised, along with internal workshops and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

| | |
|-------------------------|---|
| Title | Te Tai o Poutini Plan Technical Update: Temporary Activity Provisions. Report to Te Tai o Poutini Plan Committee July 2021 |
| Author | Lois Easton |
| Brief Synopsis | This report considers the issues around temporary activities and proposes potential Objectives, Policies and Rules |
| Link to Document | https://tppp.nz/wp-content/uploads/2021/07/TTPP-Agenda-26-July-2021.pdf |

22.2.2 Consultation and Engagement

Te Tai o Poutini Plan has been the subject of significant consultation and community engagement. Within that the temporary activities provisions have been a relatively minor part of the consultation with infrastructure stakeholders, the Department of Conservation and district council staff.

The draft TTPP was released for public feedback in January 2022 and there was some feedback provided on the Temporary Activities Chapter.

Specific feedback was received from the NZ Defence Force around temporary military training activities and detailed provisions – consistent with a national approach, were provided, and included within the proposed TTPP as a result of this feedback.

This chapter was amended following feedback as outlined in a report to the Committee on 29th March 2022

| | |
|-------------------------|---|
| Title | Te Tai o Poutini Plan: Technical Report Feedback on the Draft Plan: Report to Te Tai o Poutini Plan Committee 29 April 2022 |
| Author | Lois Easton |
| Brief Synopsis | This report brings the feedback on the draft Plan and recommends amendments to the Plan in response to that feedback. |
| Link to Document | https://tpp.nz/wp-content/uploads/2022/03/TTPP-Agenda-29-March-2022.pdf |

The RMA requires councils to undertake pre-notification consultation with those parties identified in Schedule 1, clause 3, during the preparation of a proposed district plan. These parties include:

- the Minister for the Environment;
- those other Ministers of the Crown who may be affected by the proposed plan;
- local authorities who may be so affected; and
- the tangata whenua of the area who may be so affected, through iwi authorities.

As a result of this consultation, written feedback was received from Department of Conservation, Department of Internal Affairs, Te Rūnanga o Ngāi Tahu and the Ministry for the Environment.

No specific feedback was provided on the Temporary Activities topic.

22.2.3 Poutini Ngāi Tahu Advice

Once Poutini Ngāi Tahu had completed their identification of Sites and Areas of Significance to Māori significant thought and discussion occurred around temporary activities (particularly events) held on some of those sites. While this is mainly addressed in the Sites and Areas of Significance to Māori chapter there are also references to this in the Temporary Activities Chapter.

22.3 Operative District Plan Provisions

22.3.1 Buller District Plan

There are no specific temporary activities objectives or policies. Temporary activities are managed as part of the district- wide provisions in the Buller Plan.

These rules allow for:

6.2.18.1. Activities incidental to building and construction limited either to the duration of the project or a period of 12 months whichever is the lesser, and provided they comply with the noise limits set out in 7.8.

6.2.18.2. Sporting events, galas and activities of a similar character provided that they do not occur more than five days per year.

6.2.18.3. Temporary storage and buildings other than above limited in duration to six months.

6.2.20. Temporary Military Training Activities that comply with detailed standards

22.3.2 Grey District Plan

There are no specific temporary activities objectives or policies. Temporary activities are managed as part of the general zone provisions. The rules for temporary activities are:

- a Permitted Activity for Temporary Military Training Activities within the Rural Environment Area

- a Permitted Activity for Non-residential temporary activities in the Residential and Rural Residential Environmental Area
- Temporary activities are also excluded through some rules via the definition (effectively a rule within a definition)

The definition of temporary activities is:

Temporary Activity: means

- Any land use or structure of a short-term duration relating to sporting events, exhibitions, shows, galas, public meetings and uses of similar character provided that such activities are only for a period not exceeding three days at any one time and for no more than 3 times in any one year at any one site provided that any activity shall comply with the noise rules of the Environmental Management Area the activity is located in and;
- Ancillary activities to a building construction project, provided that any such building does not exceed 50m² in area, or remain on the site for longer than the duration of the project or twelve months, whichever is the lesser.

22.3.3 Westland District Plan

There are no specific temporary activities objectives or policies. Temporary activities are managed as part of the district- wide provisions. The rules for temporary activities are

- a Permitted Activity for Temporary Military Training Activities with standards
- other temporary activities are permitted without standards – though these are effectively included within the definition (effectively a rule within a definition)

The definition of temporary activities is:

Temporary activity means any land use or structure of a short-term duration of up to 12 months and buildings and scaffolding incidental to a construction project provided that they are dismantled within 5 days of the project's completion or 12 months, whichever is the lesser; sporting events, galas and uses of a similar character provided that they do not occur more than 5 days per year; hawkers carts and mobile shops which are licensed by the Council; and temporary buildings provided that they are moved off the site within 5 days.

22.3.4 Analysis of combined operative district plan approaches

The operative district plans provisions are in need of updating. They contain insufficient policy direction to support appropriate temporary activity rules. The Grey and Westland Rules are also vague and outside of temporary military training activities, it would be difficult to determine compliance with these.

22.4 Analysis of Best Practice – How Other Councils are Addressing the Same Issue

A review of current practice in respect of this matter has been undertaken, together with a review of the following District Plans:

- Timaru District Plan (2nd Generation Draft)
- Selwyn District Plan (2nd Generation Proposed)
- Porirua District Plan (2nd Generation Proposed)
- New Plymouth District Plan (2nd Generation Proposed)
- Timaru District Plan (2nd Generation Draft)
- Nelson Unitary Plan (2nd Generation Draft)

The approach taken by other Councils to this matter varies. Because of the national planning standards, all the plans have objectives and policies for temporary activities. Three of the plans focus on similar matters that were identified by the West Coast Councils technical staff as the main types of temporary activities found on the West Coast, being

- Temporary military training
- Temporary events
- Temporary construction support buildings

- Temporary buildings post disaster/recovery phase

22.5 Summary of Issues Analysis

The analysis indicates that providing appropriate objectives and policies which recognise the main temporary activities on the West Coast are needed. A standardised approach across the West Coast is identified as being appropriate.

23.0 Scale and Significance Evaluation

The level of detail undertaken for the evaluation of the Proposed TTPP provisions has been determined by an assessment of the scale and significance of the implementation of these provisions. The scale and significance assessment considers the environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following, namely whether the provisions:

| | Minor | Low | Medium | High |
|---|-------|-----|--------|------|
| Degree of change from the Operative Plans | | x | | |
| Effects on matters of national importance (s6 RMA) | x | | | |
| Scale of effects – geographically (local, district wide, regional, national) | | x | | |
| Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?) | | x | | |
| Scale of effects on those with particular interests, e.g. Tangata Whenua | | x | | |
| Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice? | | x | | |
| Likelihood of increased costs or restrictions on individuals, businesses or communities | | x | | |

23.1 Explanation Summary

The proposal does not directly relate to a s6 matter but s7 matters are relevant including (c) maintenance and enhancement of amenity values, and (f) maintenance and enhancement of the quality of the environment.

The geographic scale of effects applies to the whole West Coast though the effects of each temporary activity would typically be experienced in the immediate location. The wider community and Poutini Ngāi Tahu are likely to be positively affected by continued provision for vibrant entertaining events. The proposal could contribute to increased mitigation of effects upon neighbouring and adjacent sites (compared to the current situation in Westland District in particular) through controls in TTPP which apply to permitted activities.

The proposed temporary activity provisions are considered to be in accordance with best-practice, and similar to the approach adopted in similar 2nd generation plans throughout New Zealand which generally enable various types of temporary activities.

The level of detail of analysis in this report is low. Temporary Activities are a minor but important part of the range of activities on the West Coast where the potential effects (primarily in relation to amenity values) are understood. It is important to ensure that temporary activities continue to be provided for, but that updated, clearer and more consistent provisions are implemented to ensure adverse effects are appropriately managed.

24.0 Evaluation

24.1 Evaluation of Objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

| Existing Objectives | Appropriateness to Achieve the Purpose of the Act |
|---|---|
| Buller District Plan Objective: No specific objectives related to temporary activities | <p>The operative Plans' objectives provide no specific direction for temporary activities although to some extent they provide a broader direction in terms of amenity related matters and health and safety.</p> <p>The wider objectives in the operative plans do provide a broader context of providing for a variety of activities and ensuring 'pleasantness' are not inappropriate; however, the objectives are considered too generic to provide any useful guidance.</p> <p>A lack of objectives specific to temporary activities, and a lack of direction, may result in fewer events being provided, at a social, economic and cultural cost to the community.</p> <p>Given the requirement under the National Planning Standards for a separate temporary activities chapter and provisions, an objective as outlined below is proposed.</p> |
| Grey District Plan Objective: No specific objectives related to temporary activities | |
| Westland District Plan Objective: No specific objectives related to temporary activities | |
| <p>Proposed TTPP Objective:</p> <p>Temporary Activities Chapter</p> <p>TEMP - O1 <i>To provide for temporary activities where they contribute to social, economic and cultural wellbeing of the West Coast.</i></p> | <p>This objective is considered the most appropriate way to achieve the purpose of the RMA because it:</p> <ul style="list-style-type: none"> • Recognises the benefits of temporary activities and their contribution to community and economic wellbeing. • Will enable temporary activities to be undertaken if they support the needs of the community and manage adverse effects on the surrounding environment. This means that the temporary activity will not detract from the character of the zone it is to be situated in and will not result in excessive adverse effects upon the amenity of the surrounding environment. <p>The objective seeks to minimise any adverse effects both on and off site.</p> <p>The outcomes will achieve the purpose of the RMA by maintaining or enhancing amenity values and maintaining or enhancing the quality of the environment.</p> |

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| | <p>It will also contribute to the social, environmental, economic and cultural well-being of the community.</p> <p>The objective sets clear outcomes anticipated by TTPP in relation to temporary activities. Providing an objective specific to temporary activities, gives plan users and decision makers certainty as to what is appropriate under TTPP provisions. Thus, outcomes intended under both the RMA and TTPP are achieved.</p> |
|--|--|

| Evaluation of Alternative Option | Appropriateness to Achieve the Purpose of the Act |
|--|--|
| <p>Temporary activity objectives are separated into each potential effect including noise, light spill, traffic and visual amenity effects.</p> | <p>This option would achieve the purpose of the RMA in that it would address each potential effect of temporary activities upon the surrounding environment.</p> <p>This outcome means that all likely effects upon the surrounding environment would be well-considered and provided for under TTPP. However, there is a risk that this approach would require very detailed provisions, affecting the usability of the plan. While having separate objectives for each potential temporary activity effect would achieve the purpose of the RMA, it is not an efficient means of achieving the purpose of the RMA. Ensuring each potential effect can be managed through districtwide objectives is sufficient to provide decision makers with more certainty as to the appropriate outcomes</p> |
| <p>Summary</p> <p>The provision of temporary activities is important to the West Coast’s economic, social and cultural vitality and wellbeing but without management, could lead to adverse effects on the amenity values for surrounding communities. The proposed objectives will achieve the purpose of the RMA as they are clear statements of intent that provide for temporary activities in a range of zones, while appropriately managing the effects of temporary activities on the environment.</p> | |

24.2 Evaluation of Policies and Rules in relation to Temporary Activities

24.2.1 Description of the Proposed Provisions

There are four policies in relation to temporary activities that:

1. Enable construction and demolition activities
2. Enable temporary military and emergency management training
3. Provide for temporary events
4. Seek that freedom camping in the state highway corridor be managed consistently with the rest of the West Coast public lands.

In terms of the Rules in relation to temporary activities there are a range of Permitted Activities:

- Temporary military training activities
- Temporary buildings ancillary to construction and demolition
- Temporary motorsport activities
- Temporary residential buildings following an emergency declaration
- Freedom camping on land adjacent to the state highway network
- Other temporary activities – helicopter and aircraft movements, events, community markets

Temporary military training activities not meeting Permitted Activity standards are a controlled activity. Other temporary activities not meeting the permitted activity standards are restricted discretionary activities.

24.2.2 Evaluation of Options around Temporary Activities

| Option | Benefits | Costs | Efficiency and Effectiveness | Risk of acting/not acting |
|---|---|--|--|---|
| <p>Option A: status quo</p> <p>Buller:</p> <p>No specific policies. Temporary activities permitted where these are:</p> <ul style="list-style-type: none"> • Incidental to building and construction • Sporting events and galas • Temporary storage and other buildings • Temporary military training activities <p>Where permitted standards are not met activities are Discretionary Activities.</p> <p>Grey District:</p> <p>No specific policies. Temporary activities permitted</p> <ul style="list-style-type: none"> • Where these are temporary military training • Temporary events and buildings ancillary to a construction project in the residential and rural residential environment areas | <ul style="list-style-type: none"> • Rules are known and have been operating for the last 20 years. • Quality of the environment and amenity values are maintained to some extent. • Familiarity for event organisers, community and Council with existing Plan provisions and continuity of current approach. | <ul style="list-style-type: none"> • Not all temporary activities are covered by the definition of 'temporary event' leading to confusion as to the activity status of certain activities, potential loopholes in the plan provisions and adverse effects on the environment. • Uncertainty whether other types of temporary activities are permitted, or they could be unduly restricted. | <ul style="list-style-type: none"> • The Operative Plan approach is ineffective due to lack of awareness and interpretation issues. • Some types of temporary activities are effectively unregulated and causing some adverse effects. | <p>Overall, it is considered that there is sufficient information to make the decision not to proceed with this approach given the knowledge of Council staff, resource consent and complaints trends/ data, and survey data relating to temporary activities across the Districts.</p> |

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|--|---|--|---|---|
| <p>Where permitted standards are not met activities are Discretionary Activities.</p> <p>Westland:</p> <p>No specific policies</p> <p>Temporary activities permitted</p> <ul style="list-style-type: none"> • Where these are temporary military training • Temporary use of land or structure for up to 12 months • Buildings and scaffolding incidental to a construction project • Sporting events and galas • Hawkers carts and mobile shops • Temporary buildings in place for 5 days <p>Where permitted standards are not met activities are Discretionary Activities.</p> | | | | |
| <p>Option B: Proposed Plan:</p> <p>Introduce policies that clearly outline the Plan approach to managing temporary activities.</p> <p>Include West Coast wide standards to manage temporary activities that provide for a clear range of</p> | <ul style="list-style-type: none"> • Provides an ability for a range of temporary activities to occur as a permitted activity, resulting in reduced duplication with other Council approval processes. • Allows a greater number and range of temporary activities resulting in social, | <ul style="list-style-type: none"> • Though having more generic policy and rule provisions that apply West Coast Wide, there is a risk that effects on a specific zone may not be wholly recognised or considered. • Cost/time for operators of temporary activities in applying for consents when | <ul style="list-style-type: none"> • Rules and standards are generally considered effective if they clearly set out what can occur as of right and what requires resource consent. The proposed rules and standards are clearly stated, and the trigger for when resource consent is | <p>The risk of acting on these provisions is low as the type and effects of temporary activities on the West Coast is well understood.</p> <p>The limited number of complaints received about temporary activities suggests that temporary activities and</p> |

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| <p>Permitted Activities and escalation to a Controlled or Restricted Discretionary Activity when standards are not met.</p> <p>Include regulation of freedom camping on state highways so that this is consistently managed with the approach across the rest of the West Coast.</p> | <p>cultural and economic benefits.</p> <ul style="list-style-type: none"> • Greater flexibility and recognition of different types of temporary activities and targeted measures to ensure adverse effects are appropriately managed (e.g. temporary military training activities have their own noise standards) • amenity values are maintained or enhanced. • Allows for the consideration of social, economic and cultural benefits and recognises that events could be a source of economic growth and attraction to the West Coast. • Non-compliance with standards enables consideration of potential adverse effects on surrounding communities. • Certainty for community and Council on the type and scale of temporary activities allowed under the TTPP, and management required. • Lower compliance costs with permitting more temporary activities. <p>Benefits for post disaster</p> | <p>they do not comply with the relevant standards and associated time/uncertainty.</p> <ul style="list-style-type: none"> • Uncertainty or risk of consent requirement may deter some operators/organisers of temporary activities from pursuing the activity. | <p>required has been set to minimise potential effects on amenity values and the character of the zones of the West Coast.</p> <ul style="list-style-type: none"> • The proposed approach is tailored to specific temporary activities depending on their nature and level of effects. • It is considered that the proposed provisions will achieve the objectives in the Plan because: • Resource consent process provides an efficient and effective means to assess each temporary activity on a case-by-case basis where standards are not met. | <p>their effects are generally acceptable to and well tolerated by the community.</p> <p>There is sufficient information to act about the subject matter of the provisions to act.</p> |
|--|---|---|--|--|

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|--|---|---|--|---|
| | recovery as temporary housing will not require resource consent | | | |
| <p>Option C:</p> <p>Rely on methods outside the TTPP and other Zone and District Wide rules. (for example, Freedom Camping Bylaws, s16 RMA duty to avoid unreasonable noise, community awareness, responding to complaints)</p> | | <ul style="list-style-type: none"> Limited enforcement options for temporary events which do not require bylaw approvals. No enforcement option for freedom camping on state highway land. More resource consents required for activities such as temporary housing and temporary buildings. Costs for council in preparing and updating bylaws to ensure they are appropriately managing temporary events. | <ul style="list-style-type: none"> A bylaw could be effective in setting the standards for temporary activities across the Districts. However, it would need to consider a broad range of temporary activities and include controls on things such as scale and duration. There is no national standard or direction that manages temporary activity. Under a By-law, temporary events may not be subject to an assessment of environmental effects as required under the RMA. Therefore, a By-law may not be as effective at managing effects on amenity values and quality of the environment. | <p>It is considered that there is sufficient information not to act on this approach given that the existing bylaws have been found to have gaps in terms of the locations and activities they can regulate</p> |
| <p>Quantification</p> <p>Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p> | | | | |
| <p>Summary:</p> <p>The above table demonstrates that Option B is the most appropriate method for achieving the objectives relating to management of the effects of temporary activities on the West Coast.</p> | | | | |

The existing regulatory approach (Option A) lacks sufficient specificity and clarity and has some gaps in how it addresses the resource management issues and to achieve the proposed objectives identified.

Consequently, an alternative approach is proposed that recognises the types of temporary activities that are common on the West Coast and provides an enabling and standardised policy and rule framework that brings the plan in line with good practice and other second-generation District Plans throughout New Zealand.

25.0 Summary

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs arising from the TTPP development relating to the Temporary Activities (District Wide) Chapter provisions and the appropriateness of the current and proposed methods and rules having regard to their effectiveness and efficiency relative to other means in achieving the purpose of the Act.

The review of the Temporary Activities provisions of the operative West Coast district plans has determined that the retention of the existing framework does not provide an efficient or effective resource management approach. On this basis, it is proposed that new provisions be developed specific to temporary activities, including Temporary Military Training Activities, and for these to be grouped under one district-wide chapter. This ensures the policy direction is effective and can be more consistently applied than the operative district plans. These provisions are generally enabling of temporary activities with their short term nature and duration ensuring they do not cause significant adverse effects on the environment.