



TAURANGA CITY COUNCIL

CITY PLAN SECTION 32 REPORT

Chapter 4 – Amenity Provisions (Signage, Noise, Temporary Activities, Lighting and Permitted Intrusions)



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1. INTRODUCTION

The Council is required under section 32 of the Resource Management Act 1991 (the RMA) to carry out an evaluation of alternatives, costs and benefits, and efficiency and effectiveness of the various components of the proposed City Plan.

Section 32 of the Act requires that the evaluation must examine:

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.

An evaluation must also take into account:

- (a) the benefits and costs of policies, rules, or other methods; and
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

This report fulfils the obligations of the Council under s32 of the RMA. The following is a section 32 analysis in regard to the provisions that relate to managing amenity namely noise, lighting, temporary events, signage and aspects of built form.. It should be read together with the text of the proposed City Plan itself.

2. PURPOSE OF THE CHAPTER

Chapter 4 provides a central reference point for city wide activities. A large part of this chapter is dedicated to the provisions that govern activities that have the potential to adversely affect the amenity values of people and community and also the quality of the environment.

Under the purpose and principles of the RMA the Council has an obligation to provide for sustainable management (section 5) and to ensure the amenity values and the quality of the environment are maintained and enhanced.

The activities (and their associated issues) addressed under this report relate to signs, noise, temporary activities, lighting and permitted building intrusions.

3. RECORD OF DEVELOPMENT OF PROVISIONS

3.1 Background Research

Review of Operative District Plan

The review of the operative provisions relating to amenity found that the majority of those provisions were essentially performing well. As such most of these provisions have been rolled over with some being brought up to date to reflect current accepted industry practice, for example the noise provisions or amended where necessary so they remain functional, for example the permitted building intrusions. Some new provisions have been introduced to addresses new direction or 'gaps' in the operative plan and these are identified in the Section 4 of this report.

Tauranga Street Use and Public Places Bylaw 2005 (www.tauranga.govt.nz)

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This bylaw governs the location of signs in public places. The extent of the provisions within this bylaw have been considered in the drafting of the signage provisions to ensure there is no duplication of process.

Tauranga District Plan – Review of Noise Controls (Marshall Day Acoustics August 2008)

Marshall Day Acoustics Ltd were commissioned to provide an initial review of the District Plan noise standards. Their findings are summarised as follows:

- The current use of L10 noise measurement should be changed to Leq to align with best practice.
- References to New Zealand Noise Standards are out of date.
- Residential noise standards are too restrictive for urban areas.
- Introduce noise standards to manage night time construction noise.
- The support for seasonal construction restrictions in the Mount high rise area.
- The Port Noise Contours should be reviewed in consultation with the Port.
- Additional standards to address reverse sensitivity adjacent to major roads.

The majority of these recommendations have been adopted in the draft provisions. Further work was undertaken with the Port of Tauranga to determine an appropriate management regime for their operations and amenity of surrounding residential properties. In terms of introducing additional noise standards along major roads discussions with Elected Members resulted in this not being developed further.

Port of Tauranga District Plan Review Noise Controls (Hegley Acoustics 2009)

This report was commissioned by the Port of Tauranga to further investigate some of the issues identified in the Marshal Day Acoustics Ltd report and assist with the development of draft plan content. The changes suggested by the Port were to adjust the units of sound measurement that in effect provide for the realistic operation of the port in a way that ensured the amenity of neighbouring residential properties were maintained. Given the Council noise experts were satisfied with this approach these provisions have been adopted through the draft content.

New Zealand Standard Acoustics – Environmental Noise (NZS6802:2008) (www.standards.co.nz)

These are the most recent industry standards for measuring environmental noise. These standards are reflected in the revised draft noise provisions.

New Zealand Standard Acoustics – Port Noise Management and Land Use Planning (NZS6809:1999) (www.standards.co.nz)

This is the most recent standard for considering port noise management through a district plan. The draft plan provisions are consistent with the approaches identified in this standard.

Tauranga Airport Master Plan 2005 (www.tauranga.govt.nz)

The objective of this master plan was to identify an airfield layout plan for 2024 to meet the expected aviation demand and taking into account surrounding infrastructure and facilities. As part of this process the appropriateness of the operative airport noise rules was considered. Based on noise reading at the time and likely future noise associated with General Rules - Amenity Provisions (Noise, Signage, Temporary Activities, Lighting and Permitted Intrusions) 5

forecast growth the report concluded that the airport was operating within its airport noise contours and that noise impacts were unlikely to become significantly worse during the planning horizon.

3.2 Consultation Outcomes

General

In August of 2008 general consultation of issues associated with the provisions relating to amenity and options to address these issues was undertaken. The relevant feedback received is summarised as follows:

- Include energy efficient options for houses being built.
- The District Plan should be more enabling.
- Review noise standards.
- Review the rules relating to signage.

In April of 2009 a community feedback exercise was undertaken on draft content for the City Plan. Following this process there was no relevant feedback received on the noise, lighting, temporary activity, signage or permitted intrusion provisions.

Tangata Whenua

Throughout June and July 2008 hui were held at specific marae throughout the city to discuss the proposed plan and issues identified to date. The only issue raised in relation to these provisions was airport noise.

External Key Stakeholders

Development Community

Meetings were held with the development community in March 2009 to discuss draft plan content. No significant issues were raised in relation to provisions relating to amenity.

Port of Tauranga

Several discussions have been held with the Port of Tauranga regarding their future growth demands and the operative port noise contours. At present the port is regularly failing to meet the current noise requirements although this is addressed through bi-annual meetings of the Port Noise Monitoring Committee (consisting of port and council staff and community representatives). The Port is aware of this and has engaged an acoustic consultant to address the issue. The Port has signalled that they wish to work closely with Council staff as part of the review process to ensure that future port noise restrictions meet the aspirations of the Port and expectations of nearby residents.

Tauranga City Airport

A meeting was held with the Airport Manager to discuss any changes necessary to accommodate future airport growth with specific reference to airport noise controls. No changes to the operative provisions were identified at the time and no further correspondence was received through the informal consultation process.

Internal Key Stakeholders

Discussions were held with key staff involved in monitoring roles across the Council to identify key issues and possible solutions.

3.3 Council Meetings

Strategy and Policy Committee Meeting 23 June 2008

Issues discussed:

- Controls over noise levels

Meeting Outcomes:

- Investigate the effectiveness of existing controls and consider introducing more comprehensive and specific controls.

Strategy and Policy Committee Meeting – 18 December 2008

Issues discussed:

- How should Port Noise be managed over the life of the next District Plan?
- Should more restrictive construction noise standards be introduced for the downtown Mount high rise area?
- Should there be more control over the frequency of temporary events?
- Should there be more comprehensive 'reverse sensitivity' requirements for residential activities in proximity to high noise environments?

Meeting Outcomes:

- Work closely with the Port of Tauranga and community representatives to identify noise levels that meet future port growth demands and maintain appropriate residential amenity levels
- Status Quo – restricted to 'music' events.
- Status Quo - limited to business port and airport zones.
- Investigate introducing restrictions on construction noise during the Christmas holiday period

Strategy and Policy Committee Meeting – 10 March 2009

The purpose of this meeting was to discuss key changes and draft plan content with Elected Members prior to community engagement for informal submission.

No significant changes were made to draft chapter at this stage.

Strategy and Policy Committee Meeting – June 2009

Issues Discussed:

- Construction in the Mount downtown area
- Permitted Intrusions.
- Temporary activities.
- Temporary signage

Meeting Outcomes:

General Rules - Amenity Provisions (Noise, Signage, Temporary Activities, Lighting and Permitted Intrusions) 7

- Construction noise requirements have been introduced for the Mount Maunganui high rise area over the Christmas period – refer Rule 4.8.1.9.
- Permitted height intrusions now include air conditioning units and solar panels.
- Permitted side yard intrusions now include rain tanks.
- New Temporary Activity provisions are included for the Strand / Waterfront area. This recognises future direction for this area by providing a permissible envelope for activities anticipated under the water front master plan.
- The requirement for temporary signs to comply with the underlying zone sign rules has been removed.

3.4 Relevant Legislation, Strategies and Policy

3.4.1 Legislation

Resource Management Act 1991 (the RMA)

The sections of the RMA considered relevant to amenity are identified as follows:

Section 5 – Purpose of the Act

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The amenity provisions are considered to be consistent with the purpose of the Act.

Section 7 – Other Matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to:

- (c) *the maintenance and enhancement of amenity values*
- (f) *maintenance and enhancement of the quality of the environment*
- (j) *the benefits to be derived from the use and development of renewable energy.*

The amenity provisions will ensure that both amenity values and the quality of the environment will be maintained and enhanced and that the benefits of renewable energy use can be realised.

Section 16 – Duty to avoid unreasonable noise

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- (1) *Every occupier of land.....shall adopt the best practical option to ensure that the emission of noise from that land or water does not exceed a reasonable level.*
- (2) *Subjection (1) does not limit the right of any local authority.....to prescribe noise emission standards in plans made....*

The noise rules recognise these statutory provisions of the RMA.

3.4.2 Policy

Territorial authorities are required to give effect to a regional policy statement under section 75(3) of the RMA. The provisions of the policy statements relevant to subdivision are identified below.

Environment Bay of Plenty Regional Policy Statement

Chapter 6 – Land

6.3.1(a) Objective

The adoption of sustainable land use and management practices.

6.3.1(b) Policies

6.3.1(b)(i) To sustain the potential of land resources to meet the reasonably foreseeable needs of current and future generations.

6.3.1(b)(iii) To avoid, remedy or mitigate adverse effects on the environment associated with the inappropriate subdivision, use, and development of land.

6.3.1(b)(viii) To manage the use and development of land resources in a way which enables people and communities to provide for their social, economic and cultural well-being.

Chapter 13 – Physical Resources / Built Environment

13.3.1(a) Objective

A built environment that enables efficient use, development and protection of natural and physical resources while avoiding, remedying and mitigating adverse effects on the environment.

13.3.1(b) Policies

13.3.1(b)(i) To promote the integrated management and efficient use of physical resources and the built environment within the region and across the region's boundaries.

13.3.1(b)(vi) To avoid or reduce the adverse effects on the environment, relating to the use and development of the built environment and the construction, operation, and decommissioning of physical resources and infrastructure.

3.4.3 Strategies

SmartGrowth (www.smartgrowthbop.org.nz)

SmartGrowth has been developed as the guiding document that ensures integrated long term growth management within the sub-region. There are several principles relevant to the amenity provisions:

Residential Development

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Principle 1 – Opportunities for live, work and play are actively promoted

Principle 3 – Amenity values are safeguarded

Business

Principle 5 – Business land and the activities on that land should be developed in a manner that does not lead to adverse effects on the environment.

Tauranga Tomorrow

Council's community outcome document identifies the future vision for Tauranga with a focus on improving social, economic, environmental and cultural well being. The amenity provisions help to deliver the outcomes sought through this strategy.

4. ISSUES

4.1 Summary of Issues

The geography of the City and the existing pattern of land use combined with the pressure of growth have resulted in a compact living environment. As population growth and the intensity of living increases, the amenity value expectations and demands of the population will also increase.

Some of the key issues facing the City over the next 10 years is the need to meet and provide for these expectations, ensuring that the mix of uses within close proximity to each other, but which are not necessarily compatible with each other, are managed appropriately to avoid the issue of reverse sensitivity, and ensuring the City can still provide a vibrant living environment.

4.2 Issue 1: Noise generated by land use activities have the potential to adversely affect amenity values through annoyance and nuisance and through reverse sensitivity.

4.2.1 Issue Statement

Noise is an environment effect that has the potential to cause annoyance and affect health. It is often identified as a nuisance and is a frequent cause of complaints, often related to reverse sensitivity. The varied mix of land use activities across the City includes an airport, a port, a speedway, strategic road infrastructure and a mix of residential, rural and commercial and industrial activities. Noise emission is an intrinsic part of the operation and function of these activities and it is important that that these activities can generate a level of noise which is appropriate for their day to day operation.

One particular issue that has come to light recently is the affect of construction noise in high density residential environments. The most recent example of these potential adverse effects was highlighted through the construction of the apartments at 11 Maunganui Road. Whilst this was this was generally accepted by the community the construction continued through the Christmas holiday period and adversely affected the amenity values and quality environment associated with the Mount as a holiday destination. As such specific provisions are proposed to address this.

4.2.2 Objectives

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This table identifies the appropriateness of the listed objectives in achieving the purpose of the RMA.

Objective Number	Objective	Appropriateness
4.5.1.1	<p><i>Objective – Noise</i></p> <p><i>The generation of noise is reasonable for the nature and scale of individual activities and minimises annoyance and disturbance on surrounding activities and sensitive zones.</i></p>	<p><i>These objectives are:</i></p> <ul style="list-style-type: none"> • <i>Relevant in sustainably managing physical resources in a way that provides for the social and economic well being of people and community while mitigating adverse effects on the environment, and in terms of section 7(c) and (f) which relate to the maintenance and enhancement of amenity values and the quality of the environment.</i> • <i>Useful in providing a framework that will address the issue.</i> • <i>Achievable through the proposed policies and methods.</i> • <i>Reasonable to enable noise effects within the City to be managed in a way that is consistent with the purpose and principles of the RMA.</i>
4.5.1.2	<p><i>Objective – Reverse Sensitivity</i></p> <p><i>To avoid noise-sensitive activities where they will be located in existing high-noise environments and the adverse effects of that noise cannot be reasonably mitigated</i></p>	

4.2.3 Policies, Methods, Alternatives and EREs

The relationship between the objectives and policies are described below:

- Objective 4.5.1.1 is addressed through Policies 4.5.1.1.1.1, 4.5.1.1.2, 4.5.1.1.3 and 4.5.1.1.4.
- Objective 4.5.1.2 is addressed through Policies 4.5.1.2.1 and 4.5.1.2.2.

The relationship between the methods that implement these policies are described in more detail in the table below. An assessment of the alternative to the preferred approach is also discussed.

Policies	<i>Policy 4.5.1.1.1 – Noise from Non-Residential Activities and</i>
	<i>Policy 4.5.1.1.2 – Mitigation of Cumulative Noise Effects at Tauriko</i>
	<i>Policy 4.5.1.1.3 – Rural Noise and Disturbance</i>
	<i>Policy 4.5.1.1.4 – Airport and Port Noise</i>
	<i>Policy 4.5.1.2.1 – Reverse Sensitivity: Residential Activities in the Business Zone</i>
	<i>Policy 4.5.1.2.2 – Reverse Sensitivity: Activities in Proximity to the Port and Airport</i>

General Rules - Amenity Provisions (Noise, Signage, Temporary Activities, Lighting and Permitted 11 Intrusions)

Methods	<p><i>Chapter 20 – Special Use Zone – Baypark</i></p> <p><i>This chapter provides specific policies and methods for managing activities within this which interrelate with the specific noise provisions in Chapter 4.</i></p>
	<p><i>Temporary Activities</i></p> <p><i>The noise restrictions for temporary activities are specifically identified under the provisions of that chapter and are discussed in more detail in section 4.4. of this report.</i></p>
	<p><i>Rule 4.5.2 – Permitted Activity Rules</i></p> <p><i>These rules identify the permitted noise levels for activities and include:</i></p> <ul style="list-style-type: none"> <i>• Noise levels considered appropriate for permitted activities for the purpose of maintaining amenity values in the underlying zone;</i> <i>• Specific noise requirements for commercial activities in Papamoa and Bethlehem that are in close proximity to residential activities.</i> <i>• Specific acoustic treatment requirements for residential activities that locate in the commercial zone to avoid reverse sensitivity effects;</i> <i>• Specific noise provisions for the Port of Tauranga, Tauranga Airport and Baypark which balance the unique noise generating characteristics of these activities with the need to maintain the amenity of the zones surrounding these activities.</i> <i>• Location specific noise requirements for cabinets in the Road Zone which recognise sensitive zones.</i> <i>• Requiring compliance with the New Zealand Standard construction noise and restricting construction noise in the high density residential areas of the Mount main beach area.</i> <p><i>Noise levels for specific zones have been updated to reflect NZS 6802:2008.</i></p>
	<p><i>Rule 4.5.3 – Restricted Discretionary Activity Rules</i></p> <p><i>The purpose of these rules are:</i></p> <ul style="list-style-type: none"> <i>• To enable the adverse effects of any non-compliance with a permitted rule to be considered; and</i> <i>• To manage residential, educational and health centre activities where they are proposed to be located within such a distance to Tauranga Airport that they are likely to be subject to adverse noise effects resulting in reverse sensitivity issues.</i> <p><i>Conditions can then be applied to any consent granted to ensure</i></p>

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	<i>potential adverse effects are mitigated</i>
	<p>Rule 4.5.4 – Discretionary Activity Rules</p> <p><i>This rule provides the ability to consider the adverse noise effects of activities that are not otherwise provided for as permitted, restricted discretionary or prohibited activities on a case by case basis and apply any relevant conditions.</i></p>
	<p>Rule 4.5.5 – Prohibited Activity Rules</p> <p><i>The purpose of these rules is to prevent the location of new residential and educational activities, or extensions to those activities, occurring in close proximity to the Port of Tauranga and Tauranga Airport where the noise levels within these environments is not able to be mitigated.</i></p>
Costs	<ul style="list-style-type: none"> • <i>Financial cost to developers through restricting construction times in the Mount high density areas.</i>
Benefits	<ul style="list-style-type: none"> • <i>Noise levels are updated to be consistent with recognised best practice and the National Environmental Standard for roadside cabinet.</i> • <i>Provides a proactive framework for managing the potential adverse effects of noise.</i>
Risk	<i>The risk of implementing these policies and methods is low given that they are essentially a roll over of the operative plan approach with some amendments to reflect other new provisions in the Plan or best practice and central government direction.</i>
Efficiency	<i>The proposed policies and methods are efficient as they provide a clearly identify noise levels that are acceptable throughout the City.</i>
Effectiveness	<i>The proposed policies and methods provide an effective framework for managing noise through identifying acceptable benchmarks and enabling the adverse effects of noise to be considered.</i>
Appropriateness	<i>The proposed policies and methods are considered appropriate to address the issue, deliver the objective and provide for the sustainable management of land whilst maintaining the quality of the environment, including amenity values.</i>

Alternative 1	<p>Managing noise through section 17 of the RMA</p> <p>Under this alternative noise provisions would be removed from the Plan.</p>
Costs	<ul style="list-style-type: none"> • <i>A reactive approach relying on statutory provisions.</i> • <i>Uncertainty for landowners and developers through the Plan not providing any direction on acceptable levels of noise and noise management.</i> • <i>Significant increase in time and cost for Council in needing to monitor noise and respond to complaints.</i>

Benefits	<i>A greater degree of flexibility for land owners and developers.</i>
Risk	<i>This alternative presents a significant risk to the ability of the Council to maintain and enhance amenity values and the quality of the environment in the interests of people and the community.</i>
Efficiency	<i>This alternative is not considered to represent an efficient method of noise management.</i>
Effectiveness	<i>This alternative is not considered to provide an effective framework that enables the Council to proactively manage noise.</i>
Appropriateness	<i>This alternative is not considered to be appropriate in addressing the issue, delivering the objective or fulfilling the statutory requirements of the RMA.</i>

For the proposed policies and methods, the following EREs are anticipated:

- Noise is effectively managed and noise levels meet the amenity expectations of people and the community.

4.2.4 Monitoring Proposed Plan Provisions

ERE	Indicator	Evaluation of Plan Effectiveness
Noise is effectively managed and noise levels meet the amenity expectations of people and the community.	Complaints and monitoring database.	Number of complaints received by the Council and monitoring undertaken in relation to noise

4.3 Issue 2: The location and intensity of lighting associated with land use activities and advertising can adversely affect amenity values and the health and safety of the community.

4.3.1 Issue Statement

Artificial light associated with security, health and safety or advertising can create a nuisance where light spill adversely affects people's amenity and can create a hazard to people's well being where it may be inappropriately located within the transport network.

The review of the operative plan did not identify any significant shortcomings in the current provisions and therefore these rules have essentially been rolled over.

4.3.2 Objectives

This table identifies the appropriateness of the listed objective in achieving the purpose of the RMA.

Objective Number	Objective	Appropriateness
4.7.1.1	<i>Objective – Lighting</i>	<i>This objective is:</i>

	<p><i>To avoid the adverse effects of lighting from activities and any associated buildings, structures and signs on the surrounding environment.</i></p>	<ul style="list-style-type: none"> • <i>Relevant in sustainably managing the built environment in a way that provides for the social and economic well being of people and community while mitigating adverse effects on the environment, and in terms of section 7(c) and (f) which relate to the maintenance and enhancement of amenity values and the quality of the environment.</i> • <i>Useful in providing a framework that will address the issue.</i> • <i>Achievable through the proposed policies and methods.</i> • <i>Reasonable to enable the potential adverse effects of artificial light within the City to be managed in a way that is consistent with the purpose and principles of the RMA.</i>
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4.3.3 Policies, Methods, Alternatives and EREs

The relationship between the objective and policies is described below:

- Objective 4.7.1.1 is addressed through Policies 4.7.1.1.1.1 and 4.7.1.1.2.

The relationship between the methods that implement these policies are described in more detail in the table below. An assessment of the alternative to the preferred approach is also discussed.

<p>Policies</p>	<p><i>Policy 4.7.1.1.1 – Advertising</i></p>
	<p><i>Policy 4.7.1.1.2 – Light Spill</i></p>
<p>Methods</p>	<p><i>Chapter 20 – Special Use Zone – Baypark</i></p> <p><i>This chapter provides specific policies and methods for managing activities within this which interrelate with the specific light provisions in Chapter 4.</i></p>
	<p><i>Temporary Activities</i></p> <p><i>The artificial light restrictions for temporary activities are specifically identified under the provisions of that chapter and are discussed in more detail in section 4.4. of this report.</i></p>
	<p><i>Rule 4.7.2 – Permitted Activity Rules</i></p> <p><i>These rules identify the permitted light levels for zones throughout</i></p>

	<i>the City. The purpose of these rules is to ensure that lighting associated with activities within these zones do not adversely affect the amenity values of uses within other sensitive zones or the safe and efficient functioning of the transport network.</i>
	<i>Rule 4.7.3 – Restricted Discretionary Activity Rules</i> <i>The purpose of this rule is to enable the adverse effects of non-compliance with the permitted rules to be considered.</i>
	<i>Rule 4.7.4 – Discretionary Activity Rules</i> <i>This rule provides the ability to consider the adverse effects of artificial light that is not otherwise provided for as permitted or restricted discretionary activity on a case by case basis.</i>
Costs	<i>No significant costs anticipated given the policies and methods are essentially a roll over of operative plan provisions.</i>
Benefits	<i>The proposed policies and methods maintain the operative plan approach to managing the potential adverse effects of artificial light.</i>
Risk	<i>No significant issues were identified through a review of the operative plan provisions therefore it is considered that the risk of implementing the proposed policies and methods is low.</i>
Efficiency	<i>The proposed policies and methods are considered to be efficient having regard to the costs, benefits and the risks.</i>
Effectiveness	<i>The proposed policies and methods continue to provide and effective framework to manage the potential adverse amenity effects of artificial light.</i>
Appropriateness	<i>The proposed policies and methods are appropriate in addressing the issue, delivering the objective and fulfilling the purpose and principles of the RMA.</i>

Alternative 1	Do nothing – No artificial light provisions
Costs	<ul style="list-style-type: none"> • <i>Potential adverse effects on amenity values cannot be considered.</i> • <i>Uncertainty for landowners and developers through the Plan not providing any direction on acceptable levels of noise and noise management.</i> • <i>Significant increase in time and cost for Council in needing to monitor noise and respond to complaints.</i>
Benefits	<i>A greater degree of flexibility for land owners and developers.</i>
Risk	<i>This alternative presents a significant risk to the ability of the Council to maintain and enhance amenity values and the quality of the environment in the interests of people and the community.</i>
Efficiency	<i>This alternative is not considered to represent an efficient method of managing artificial light spill.</i>

Effectiveness	<i>This alternative is not considered to provide an effective framework that enables the Council to proactively manage artificial light spill.</i>
Appropriateness	<i>This alternative is not considered to be appropriate in addressing the issue, delivering the objective or fulfilling the statutory requirements of the RMA.</i>

For the proposed policies and methods, the following EREs are anticipated:

- Amenity values and the quality of the environment are maintained.

4.3.4 Monitoring Proposed Plan Provisions

ERE	Indicator	Evaluation of Plan Effectiveness
Amenity values and the quality of the environment is maintained	Complaints and monitoring database.	Number of complaints received by the Council and monitoring undertaken in relation to light

4.4 Issue 3: The location, scale, intensity and duration of temporary events can adversely affect the health, safety and well being of the community.

4.4.1 Issue Statement

Temporary events such as concerts, parades, festivals and exhibitions occur on a regular basis throughout the City. The temporary nature of these activities generally minimises the adverse effects the event may have on the surrounding environment and as such are tolerated for the most part by the community. Although there is a need to ensure the number, scale and intensity of temporary events will not generate a significant level of adverse effects this must be balanced against the benefits temporary activities have to the community and creating a vibrant city.

4.4.2 Objectives

This table identifies the appropriateness of the listed objective in achieving the purpose of the RMA.

Objective Number	Objective	Appropriateness
4.6.1.1	<i>Objective – Temporary Activities The provision of temporary activities that meet the needs of the community and contribute to creating a vibrant city.</i>	<i>This objective is:</i> <ul style="list-style-type: none"> • <i>Relevant in sustainably managing the built environment in a way that provides for the social, economic and cultural well being of people and community while mitigating adverse effects on the environment, and in terms of section 7(c) and (f) which relate to the maintenance and enhancement of amenity</i>

General Rules - Amenity Provisions (Noise, Signage, Temporary Activities, Lighting and Permitted 17 Intrusions)

		<p><i>values and the quality of the environment.</i></p> <ul style="list-style-type: none"> • <i>Useful in providing a framework that will address the issue.</i> • <i>Achievable through the proposed policies and methods.</i> • <i>Reasonable to enable the potential adverse effects of temporary activities to be managed in a way that is consistent with the purpose and principles of the RMA.</i>
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4.4.3 Policies, Methods, Alternatives and EREs

The relationship between the objective and policies is described below:

- Objective 4.6.1.1 is addressed through Policies 4.6.1.1.1 and 4.6.1.1.2.

The relationship between the methods that implement these policies are described in more detail in the table below. An assessment of the alternative to the preferred approach is also discussed.

Policies	<i>Policy 4.6.1.1.1 – Temporary Activities</i>
	<i>Policy 4.6.1.1.2 – Waterfront Temporary Activities</i>
Methods	<p><i>Rule 4.6.2 – Permitted Activity Rules</i></p> <p><i>These rules strike a balance between recognising and managing the temporary effects of temporary activities to ensure the amenity values of the underlying zone are maintained. The rules provide for:</i></p> <ul style="list-style-type: none"> • <i>General (city wide) temporary activities and include requirements to address traffic safety, noise (based on the nature of the activity), lighting, signage, location and duration.</i> • <i>Temporary activities occurring within the city centre waterfront which provide for the Council’s preference for this area to be a focus for larger scale events which create a vibrant hub; and</i> • <i>Military training activities subject to noise, duration and earthwork requirements.</i>
	<p><i>Rule 4.6.3 – Controlled Activity Rules</i></p> <p><i>This only provides for military training activities that do not comply with a permitted rule. Although military training activities are very infrequent within the City this activity status will provide certainty of process should these activities not be able to meet the permitted rules.</i></p>

	<p><i>Rule 4.6.4 – Restricted Discretionary Activity Rules</i></p> <p><i>The purpose of this rule is to enable the adverse effects of other temporary activities that do not comply with the permitted rules to be considered.</i></p>
	<p><i>Rule 4.6.5 – Discretionary Activity Rules</i></p> <p><i>This rule provides the ability to consider the adverse effects of temporary activities that are not otherwise provided for as permitted, controlled or restricted discretionary activities on a case by case basis.</i></p>
	<p><i>Rule 4.6.6 – Non-Complying Activity Rules</i></p> <p><i>The purpose of this rule is to ensure that structures associated with temporary activities that are located within the CHEPA comply with the permitted rules and do not damage the coastal environment.</i></p>
Costs	<ul style="list-style-type: none"> • <i>No significant costs expected from roll over of existing provisions.</i> • <i>Provisions for temporary activities in the Waterfront Sub-Zone are more generous to encourage events to occur within this area. This raises the level of potentially adverse effects.</i>
Benefits	<ul style="list-style-type: none"> • <i>Provides a two tiered approach to managing temporary activities which is consistent with the purpose of the chapters in the Plan.</i> • <i>Provides flexible rules to encourage community events within the city.</i> • <i>Facilitates Tauranga CBD becoming a vibrant hub.</i>
Risk	<i>Through not implementing these policies and methods there is a risk that community events are not attracted to the city which is potential detrimental to Tauranga’s social, economic and cultural well being.</i>
Efficiency	<i>The proposed policies and methods are efficient in clearly identifying the requirements that temporary activities must comply with.</i>
Effectiveness	<i>The proposed policies and methods provide an effective framework for managing the potential adverse effects of temporary activities.</i>
Appropriateness	<i>The proposed policies and methods are appropriate in addressing the issue, delivering the objective and fulfilling purpose and principles of the RMA.</i>

Alternative 1	Do nothing – No temporary activity provisions
Costs	<ul style="list-style-type: none"> • <i>Potential adverse effects on amenity values cannot be considered.</i> • <i>Uncertainty for landowners and developers through the Plan not providing any direction on acceptable levels of noise and noise management.</i> • <i>Significant increase in time and cost for Council in needing to monitor noise and respond to complaints.</i>

Benefits	<i>A greater degree of flexibility for land owners and developers.</i>
Risk	<i>This alternative presents a significant risk to the ability of the Council to maintain and enhance amenity values and the quality of the environment in the interests of people and the community.</i>
Efficiency	<i>This alternative is not considered to represent an efficient method of managing artificial light spill.</i>
Effectiveness	<i>This alternative is not considered to provide an effective framework that enables the Council to proactively manage artificial light spill.</i>
Appropriateness	<i>This alternative is not considered to be appropriate in addressing the issue, delivering the objective or fulfilling the statutory requirements of the RMA.</i>

For the proposed policies and methods, the following EREs are anticipated:

- Amenity values and the quality of the environment are maintained.
- Increase in number of events within the City.

4.4.4 Monitoring Proposed Plan Provisions

ERE	Indicator	Evaluation of Plan Effectiveness
Amenity values and the quality of the environment is maintained	Complaints and monitoring database	Number of complaints received by the Council and monitoring undertaken in relation to temporary activities.
Increase in number of events within the City	Annual events calendar	An increase in the number and type of events available to the community.

4.5 Issue 4: The location and scale of signage associated with identifying land use activities and advertising can adversely affect amenity values and traffic safety

4.5.1 Issue Statement

The size, location, nature and number of signs can have adverse effects on visual amenity, particularly where they are in close proximity to or opposite a sensitive zone; the values of heritage buildings and the safe and efficient functioning of the transport network where the sign is inappropriately located in close proximity to traffic signals.

4.5.2 Objectives

This table identifies the appropriateness of the listed objective in achieving the purpose of the RMA.

Objective Number	Objective	Appropriateness
4.4.1.1	<i>Objective – Signs Signs are of a size, design and duration that meet the</i>	<i>This objective is:</i> <ul style="list-style-type: none"> • <i>Relevant in sustainably managing the built environment in a way that</i>

General Rules - Amenity Provisions (Noise, Signage, Temporary Activities, Lighting and Permitted 20 Intrusions)

	<p><i>community's needs while avoiding adverse effects on landscape character, amenity, heritage values and the safe and efficient functioning of the transport network.</i></p>	<p><i>provides for the social, economic and cultural well being of people and community while mitigating adverse effects on the environment, and in terms of section 7(c) and (f) which relate to the maintenance and enhancement of amenity values and the quality of the environment.</i></p> <ul style="list-style-type: none"> • <i>Useful in providing a framework that will address the issue.</i> • <i>Achievable through the proposed policies and methods.</i> • <i>Reasonable to enable the potential adverse effects of signage to be managed in a way that is consistent with the purpose and principles of the RMA.</i>
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4.5.3 Policies, Methods, Alternatives and EREs

The relationship between the objective and policies is described below:

- Objective 4.4.1.1 is addressed through Policies 4.4.1.1.1, 4.4.1.1.2, 4.4.1.1.3 and 4.4.1.1.4

The relationship between the methods that implement these policies is described in more detail in the table below. An assessment of the alternative to the preferred approach is also discussed.

<p>Policies</p>	<p><i>Policy 4.4.1.1.1 – Sign Location</i></p>
	<p><i>Policy 4.4.1.1.2 – Temporary Signs</i></p>
	<p><i>Policy 4.4.1.1.3 – Signs on Heritage Buildings</i></p>
	<p><i>Policy 4.4.1.1.4 – Signs and Traffic Safety</i></p>
<p>Methods</p>	<p><i>Rule 4.4.2 – Permitted Activity Rules</i></p> <p><i>These rules identify the permitted standards for temporary and permanent signs in relation to locations and zones throughout the City including the Tauriko Business Estate and built heritage. The rules relate to duration, illumination, size and location where the thresholds are intended to provide for a level of amenity or safety that is consistent with the underlying zone. For example signage rules for the Commercial and Industry Zones are more generous when compared to the Residential Zone and the location of signs within in proximity to traffic signs is restricted.</i></p>

	<p><i>Rule 4.4.3 – Restricted Discretionary Activity Rules</i></p> <p><i>These rules provide a framework for Council to assess the effects of signage that do not comply with the permitted rules.</i></p>
	<p><i>Rule 4.4.4 – Discretionary Activity Rules</i></p> <p><i>This rule provides the framework for Council to assess signage that is not otherwise provided for in the City Plan and is likely to generate adverse effects that are not anticipated.</i></p>
Costs	<i>The proposed provisions are for the most part a roll over of the operative rules. It is not anticipated that there will be any environmental, social or cultural costs associated with the proposed provisions.</i>
Benefits	<ul style="list-style-type: none"> • <i>Provides a central reference point for signage provisions.</i> • <i>Enables the effects of signs on built heritage to be considered.</i> • <i>Provides for signage on reserves to be governed by Council policy.</i>
Risk	<i>Given the majority of the proposed policies and methods are a roll over of operative provision the risk of implementing them is low.</i>
Efficiency	<i>The proposed policies and methods are efficient because they clearly identify the permitted levels of signage within a specific zone.</i>
Effectiveness	<i>The proposed policies and methods provide an effective framework for assessing the potential adverse effects of signage.</i>
Appropriateness	<i>The proposed policies and methods are appropriate in addressing the issue, delivering the objective and ensuring the purpose and principles of the RMA are fulfilled.</i>

Alternative 1	Do nothing – No signage provisions
Costs	<ul style="list-style-type: none"> • <i>Potential adverse effects on amenity values from inappropriate signage cannot be considered.</i> • <i>Uncertainty for landowners and developers through the Plan not providing any direction on acceptable levels of noise and noise management.</i> • <i>Significant increase in time and cost for Council through monitoring and enforcement.</i>
Benefits	<i>A greater degree of flexibility for land owners and developers.</i>
Risk	<i>This alternative presents a significant risk to the ability of the Council to maintain and enhance amenity values and the quality of the environment in the interests of people and the community.</i>
Efficiency	<i>This alternative is not considered to represent an efficient method of managing the potential adverse effects of signage..</i>
Effectiveness	<i>This alternative is not considered to provide an effective framework that enables the Council to proactively manage the potential adverse effects of signage.</i>

Appropriateness	<i>This alternative is not considered to be appropriate in addressing the issue, delivering the objective or fulfilling the statutory requirements of the RMA.</i>
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For the proposed policies and methods, the following EREs are anticipated:

- Amenity values and the quality of the environment are maintained.

4.5.4 Monitoring Proposed Plan Provisions

ERE	Indicator	Evaluation of Plan Effectiveness
Amenity values and the quality of the environment is maintained	Complaints and monitoring database	Number of complaints received by the Council and monitoring undertaken in relation to signage.

4.6 Issue 5: The design of buildings may include features or functional components that breach setback and overshadowing requirements but their design and scale is such that they not adversely affect amenity values.

4.6.1 Issue Statement

In general building bulk and scale is determined by the height, setback and overshadowing provisions of the relevant underlying zone. There will however be instances where it is appropriate for design features or building components that are integral to the design and function of a building to breach these provisions where their dimensions are not considered to have an adverse effect on the amenity of an adjoining property.

4.6.2 Objectives

This table identifies the appropriateness of the listed objective in achieving the purpose of the RMA.

Objective Number	Objective	Appropriateness
4.8.1.1	<p><i>Objective – Permitted Instructions</i></p> <p><i>Design features and building components are able to breach height and setback requirements where their dimensions are not considered to have an adverse effect on amenity values.</i></p>	<p><i>This objective is:</i></p> <ul style="list-style-type: none"> • <i>Relevant in sustainably managing the built environment in a way that provides for the social, and economic well being of people and community while mitigating adverse effects on the environment, and in terms of section 7(c) and (f) which relate to the maintenance and enhancement of amenity values and the quality of the environment.</i> • <i>Useful in providing a framework that will address the issue.</i> • <i>Achievable through the</i>

General Rules - Amenity Provisions (Noise, Signage, Temporary Activities, Lighting and Permitted 23 Intrusions)

		<p><i>proposed policies and methods.</i></p> <ul style="list-style-type: none"> • <i>Reasonable to enable the potential adverse effects of built form and scale to be managed in a way that is consistent with the purpose and principles of the RMA.</i>
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4.6.3 Policies, Methods, Alternatives and EREs

The relationship between the objective and policy is described below:

- Objective 4.8.1.1 is addressed through Policy 4.8.1.1.1.1.

The relationship between the methods that implement this policy are described in more detail in the table below. An assessment of the alternative to the preferred approach is also discussed.

Policies	<i>Policy 4.8.1.1.1 – Permitted Intrusions</i>
Methods	<p><i>Rule 4.8.2 – Permitted Activity Rules</i></p> <p><i>These rules identify the type of intrusions are permitted to breach the side yard, height and overshadowing requirements and the extent to which this is permitted. The type of intrusions that are permitted have been broadly defined with the focus being on the dimensions of the intrusion and not what it specifically is. It is not the intention of these provisions be used to justify additional floors to be added to buildings etc.</i></p>
	<p><i>Discretionary Activity Rules for an underlying zone</i></p> <p><i>The purpose of this rule is to enable the potential adverse effects of building components or features that do not comply with the permitted rules to be considered on a case by case basis relevant to the underlying zone. This provides a more robust framework for the Council to recommend refusal where the adverse effects are considered to be more than minor.</i></p>
Costs	<ul style="list-style-type: none"> • <i>Enabling parts of buildings to extend into side yard, height and overshadowing requirements is potentially detrimental to amenity values.</i>
Benefits	<ul style="list-style-type: none"> • <i>Promotes a move away from a homogenous built environment by encouraging design variation.</i> • <i>Provides flexibility that enable design constraints of a site to be accommodated.</i> • <i>Provides for the use of renewable energy sources.</i>
Risk	<i>The risk of implementing this policy and methods is that it has the potential to encourage numerous intrusions which cumulatively could</i>

	<i>adversely affect amenity values and the quality of the environment</i>
Efficiency	<i>The proposed policy and methods are efficient because they clearly identify the extent to which design features or building components are able to breach other amenity provisions.</i>
Effectiveness	<i>The proposed policy and methods provide an effective framework to manage adverse effects on amenity values and the quality of the environment.</i>
Appropriateness	<i>The propose policy and methods are appropriate in addressing the issue, delivering the objective and being consistent with the purpose and principles of the RMA.</i>

Alternative 1	Do nothing – No intrusion provisions
Costs	<ul style="list-style-type: none"> • <i>No flexibility for landowners or developers to accommodate site constraints.</i> • <i>Uncertainty of outcome for landowners and developers where minor intrusions breach yard etc. requirements.</i> • <i>Time and cost for Council in having to assess parts of built form that are unlikely to generate any adverse effects.</i> • <i>More likely to create a homogenous built environment.</i> • <i>Does not encourage take up of alternative energy use.</i>
Benefits	<i>A potentially higher level of on site amenity between properties.</i>
Risk	<i>This alternative represents a risk adverse response which does not encourage diversity in the built environment and is potentially detrimental to the quality of the environment as a result.</i>
Efficiency	<i>This alternative is not considered to represent an efficient method of managing the building shape and form.</i>
Effectiveness	<i>This alternative does not provide an effective framework that enables the Council to manage building shape and form</i>
Appropriateness	<i>This alternative is not considered to be appropriate in addressing the issue, delivering the objective or ensuring that amenity values and the quality of the environment are maintained.</i>

For the proposed policies and methods, the following EREs are anticipated:

- *Amenity values and the quality of the environment are maintained.*

4.6.4 Monitoring Proposed Plan Provisions

ERE	Indicator	Evaluation of Plan Effectiveness
Amenity values and the quality of the environment is maintained	Complaints and monitoring database	Number of complaints received by the Council and monitoring undertaken in relation to buildings.

5. RECOMMENDED OBJECTIVES, POLICIES AND METHODS

General Rules - Amenity Provisions (Noise, Signage, Temporary Activities, Lighting and Permitted 25 Intrusions)

The amenity related issues relevant to the City have been considered in section 4 of this report and are related to:

- Signage
- Noise
- Temporary activities
- Lighting; and
- Built form

The preferred options available to address these issues have been considered against the alternative options. The proposed objectives have been found to be the most appropriate method of addressing the issues and the proposed policies and methods provide an efficient and effective framework for promoting sustainable management and ensuring that amenity values and the quality of the environment are maintained and enhanced

6. NOTIFICATION AND RECOMMENDED DECISIONS

This section to be completed following hearings.