

Item:

File: 351/12/049

Ref: IK

Date: 15 November 2017

## Proposed Plan Change 44 to the Upper Hutt City Council District Plan (2004) Temporary Events

### 1.0 Purpose of Report

- 1.1. This report proposes a change to the Upper Hutt District Plan 2004 (the Plan) and seeks Council's endorsement to proceed with the preparation and notification of proposed Plan Change 44 – Temporary Events [‘the Plan Change’].
- 1.2. Attached as appendices to this report are:
  - **Appendix 1:** Section 32 Evaluation Report
  - **Appendix 2:** Proposed New Chapter

### 2.0 Background to the Proposed Plan Change

- 2.1. Proposed Plan Change 44 will update temporary event objectives and provisions to current best practice, and introduce new standards in response to how event organisers currently manage events, and issues identified in the evaluation of current provisions and historic consenting. Plan Change 44 has been prepared as part of the Rolling Review of the District Plan.
- 2.2. Section 79 of the RMA requires the Plan to be reviewed within every 10 years. The Plan Change therefore acts as a review of provisions since their introduction to the Plan in 2009, and also a response to section 1.4.3 of the District Plan to provide a more functional District Plan. Schedule 1 of the Act describes the process required for a Plan Change and the need to publicly notify the Plan Change should the recommendation be adopted.
- 2.3. The proposed Plan Change was informed by the evaluation of the current temporary event provisions, while also focusing on present event management practices. In the 20 month period since the beginning of 2016, at least 730 events were organised in Upper Hutt, with only a single resource consent being required / issued. Proposed changes to the District Plan therefore reflect current practices of event organisers and the limited resource consenting information available. Changes intend to provide greater clarity, and apply council's discretion to those specific areas of non-compliance.

### 3.0 Proposed Changes

- 3.1. The proposed amendments to the District Plan are described in the Section 32 Evaluation report (attached as Appendix 1), while the new proposed chapter is attached as Appendix 2.
- 3.2. The Plan Change updates standards and introduces changes to the following parts of the District Plan:
  - Chapter 2: Definitions
    - Insertion of new event-related definitions.
  - Chapter 8A: General Rules
    - Introduction of a new General Rules chapter intended to capture common rules found throughout the District, regardless of zone. Section 1 will contain the new temporary events provisions.
  - Chapter 15: Environmental Quality
    - Removal of event-related objectives and instead supplemented within the temporary events section of Chapter 8A.
  - Chapter 25A: Temporary Events
    - Complete removal of text and instead supplemented within the temporary events section of Chapter 8A.
- 3.3. The Plan Change will also update references to the existing Chapter 25A in the following chapters of the District Plan:
  - Chapter 18: Residential Rules
  - Chapter 19: Rural Rules
  - Chapter 20: Business Zone Rules
  - Chapter 21: Open Space Zone Rules
  - Chapter 22: Special Activity Zone Rules
  - Chapter 32: Rules for Noise and Vibration.
- 3.4. The proposed changes are part of the current 'Rolling Review' of the District Plan. The Rolling Review seeks to review the District Plan on a chapter-by-chapter basis and update the overall structure and format of the Plan. This chapter gives effect to the recent Plan Change 43 – Introductory Chapters – by assimilating related parts of the District Plan, and also to combine objectives, policies, and rules into a single chapter. This process and new structure is described in section 1.4.3 of the District Plan.
- 3.5. The changes proposed in this Plan Change largely maintain the enabling nature of temporary events in Upper Hutt and give effect to identified issues from the community and event organisers. As no significant issues have been identified, proposed changes seek to update existing provisions in line with current best-practice standards, and to provide greater clarity through additional provisions which address specific effects. Proposed changes have generally sought to:
  - Allow for events, generally, and give consideration to their contribution to the community and the anticipated adverse effects;
  - Create clearer rules for event duration, specifying the threshold for reoccurring events and the consenting requirements;
  - Provide further detail in acoustic requirements to meet current best-practice – setting a high consenting threshold for high noise levels;

- Recognise the positive contributions events have on the local economy, local arts and culture, and the community;
- Create new rules to permit event-related overnighting for staff and controlling all other event-related overnighting; and
- Create new rules to address light spill on residential properties and roads.

## 4.0 Statutory Provisions

4.1. Section 74(1)(a-f) of the RMA requires Council to prepare and undertake changes to the District Plan. This states that:

*“A territorial authority must prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, and a direction given under section 25A(2), its obligation (if any) to prepare an evaluation report in accordance with section 32, and its obligation to have particular regard to an evaluation report prepared in accordance with section 32, and a national policy statement, a New Zealand coastal policy statement, and a national planning standard, and any regulations.”*

4.2. Section 32 of the RMA requires consideration of alternatives and an assessment of the benefits and costs of adopting any objective, policy, rule or method in the District Plan. The section 32 evaluation must consider, amongst other matters:

- An examination of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act
- An examination of whether the provisions in the proposal are the most appropriate way to achieve the purpose of the Act by identifying other reasonably practical options for achieving the objectives of the plan change, assessing the effectiveness and efficiency of the provisions in achieving the objectives and; summarising the reasons for deciding on the provisions
- An assessment of the benefits and costs of the environmental, economic, social and cultural effects that are anticipated including the opportunities for economic growth and employment anticipated to be provided or reduced, and
- Where practical, this needs to quantify these benefits and costs and assess the risks of acting or not acting if there is uncertain or insufficient information.

4.3. A section 32 evaluation report has been undertaken and is attached in Appendix 1. The level of detail in the section 32 is in proportion to the scale and significance of the proposal, which is considered to of minor significance when compared to other plan changes.

## 5.0 Consultation

5.1. A number of different forms of pre-notification consultation were undertaken as part of this Plan Change process. This included consultation with event organisers through the means of an online survey, as well as discussions with internal (Council) stakeholders and Clause 3 and 4A parties, in accordance of the first Schedule of the RMA. The latter part of this notification was undertaken over late October to early November 2017, and invited parties to provide comment on the drafting process.

5.2. Local iwi authorities Ngāti Toa Rangatira and Taranaki Whānui ki Te Upoko o Te Ika were approached as part of the Clause 4A requirements to gauge their interest in evaluating preliminary temporary event provisions. Both iwi authorities were satisfied to simply be able to have their input through the public notification process.

5.3. No other consultation is required, aside from the public notification and submission process, mandated through RMA Schedule 1 process.

## 6.0 Legal and Financial Implications

6.1. As with any change to the District Plan, the proposed plan change will be open to appeal to the Environment Court, which would have financial implications for Council.

## 7.0 Conclusion

7.1. Plan Change 44 seeks to provide greater clarity and specificity in temporary event provisions, and create an assessment framework which is responsive to the scale of the event and associated effects. The Plan Change utilises current best practice and fulfils the Council's statutory obligations to review the District Plan.

## 8.0 Recommendations

8.1. **THAT** proposed Plan Change 44 to the Upper Hutt District Plan 2004 is publicly notified as soon as practicable in accordance with the requirements of the First Schedule of the Resource Management Act 1991. NOTE that due to the timing of the Christmas Holidays, this is not likely to occur until early January.

8.2. **THAT** Council authorise Officers to make any minor changes to the details of proposed Plan Change 44 should the need arise.

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