
Plan Change 16 – Inner City Noise – operative date

1. Purpose of Report

- 1.1 To recommend that Council approves Plan Change 16 – Inner City Noise as operative pursuant to Clause 20(1) of the First Schedule of the Resource Management Act 1991 (RMA).

2. Delegations

- 2.1 Council has the power under the RMA to make these changes to the Nelson Resource Management Plan operative.

3. Recommendation

THAT the report Plan Change 16 – Inner City Noise – operative date (A1265196) and its attachments (A1206051) and (A1254607) be received.

AND THAT Council resolves to make the provisions within the commissioners decision on Plan Change 16 – Inner City Noise (A1206051) operative on 1 December 2014, pursuant to Clause 20(1) of the First Schedule of the Resource Management Act 1991.

4. Discussion

- 4.1 Plan Change 16 – Inner City Noise proposed a package of methods in the Nelson Resource Management Plan that assist with the management of noise in the Central City. This package recognises the needs of both those that receive the noise and those that produce it.
- 4.2 The Plan Change was notified on 7 September 2013 with 15 submissions and two further submissions received. Council delegated decision making powers to a Hearing Panel consisting of Independent Commissioner David McMahon (Chair) and Councillors Davy and Barker. The hearing was held on 2 May 2014.
- 4.3 The decision was notified on 5 July 2014 and no appeals were received.

4.4 In summary the Plan Change, as per decisions of the Hearing Panel, has the following amendments to the Nelson Resource Management Plan:

- Introduce permitted activity requirements for new bedrooms in residential units, in the Inner City Zone, to be acoustically insulated to reduce noise entering these sleeping areas.
- Require new or extended 'noise generating activities' to apply for a resource consent to allow for consideration of noise issues.
- Plan provision retaining control over night time maximum noise level (LAFmax).
- Retain and amend the rule controlling noise at properties in the Residential Zone.
- Use the unreasonable and excessive noise provisions of the Resource Management Act 1991 (RMA) to manage and enforce noise within the Inner City Zone rather than the current noise rule ICr.42.
- Non-regulatory approaches including ongoing education, negotiation and mediation.

5. Options

5.1 The Plan Change has been developed under the provisions of the First Schedule of the RMA. Options for the content of the Plan Change have been considered through the Section 32 evaluation process under the RMA. The Plan Change provisions within the decision are currently 'treated as operative' under Section 86F of the RMA.

6. Assessment of Significance against the Council's Significance Policy

6.1 This is not a significant decision in terms of Council's Significance Policy.

7. Alignment with relevant Council Policy

7.1 This Plan Change achieves the objectives of Council's RMA planning documents and also supports the vision of Nelson 2060. In particular Theme One: A sustainable city of beauty and connectivity which includes the statement '*The central city is a vibrant, attractive place in which people live, work and play*'.

7.2 There are no identified impacts on Council's Long Term Plan or Annual Plan.

7.3 The recommendation and subsequent decision, is consistent with previous Council decisions in developing this Plan Change.

7.4 There are no additional, or unbudgeted, costs associated with this recommendation and subsequent decision.

8. Consultation

- 8.1 The Plan Change has been subject to the First Schedule RMA consultation processes. Those people and agencies with an interest in the Plan Change have been consulted and have had the opportunity to make submissions.
- 8.2 To make the Plan Change operative Council needs to notify the operative date in the Nelson Mail and send copies to the parties identified in Clause 20, First Schedule of the RMA.

9. Inclusion of Māori in the decision making process

- 9.1 Iwi have been consulted on this Plan Change as required under the First Schedule of the Resource Management Act 1991.

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Attachments

- Attachment 1: Commissioners' Decision Plan Change 16 Inner City Noise
17 June 2014 - [A1206051](#)
- Attachment 2: Plan Change 16 Inner City Noise – Council Seal page -
[A1254607](#)