

Submission form
PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN
Form 5 - Clause 6 of First Schedule, Resource Management Act 1991

Submission number
Office use only

(Instructions: Email anita.galland@rotorualc.nz with 'Proposed Plan Change 4 to the Rotorua District Plan Submission' in the subject line
OR
Post to The Chief Executive, Rotorua Lakes Council, Private Bag 3029, Rotorua 3046
OR
Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

CLOSING DATE FOR SUBMISSIONS: 5:00PM ON TUESDAY 18th JULY 2017

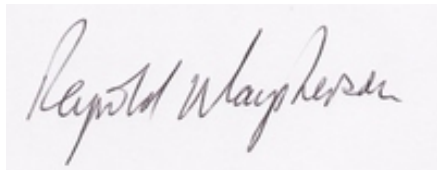
Full Name Of Submitter:	Reynold Macpherson	Address For Service: [Agent if applicable]	Secretary, Rotorua District Residents and Ratepayers (RDRR)
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It is understood that this submission will be made available on Council's website. It will also be made available at the RDRR's website and be otherwise publicized.

We wish to be heard in support of this submission to represent the interests and views of the near 500 members of the RDRR.

If others make a similar submission, **we will not** consider presenting a joint case with them at a hearing.

We can not gain an advantage in trade competition through this submission.



18 July 2017

Signature of submitter

Date

THIS IS A SUBMISSION ON THE PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN:

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
Change 1 New Noise Chapter	Support with amendment	<p>RDRR supports a new chapter in the Operative District Plan (ODP) because it recognizes that noise has the potential to cause annoyance and affect health, and must be regulated, and because it consolidates and advances previous provisions to cope with changed circumstances.</p> <p>In particular the RDRR endorses the recognition of 'reverse sensitivity' because it addresses the need to constrain or curtail lawfully established activity due to more recent activities and changed circumstances that generate sensitivities.</p> <p>'Reverse sensitivity' creates the need for the <u>retrospective evaluation</u> of cases where unanticipated technological changes or unexpected outcomes of a lawful activity justify the need to revisit and change or cancel a prior resource consent.</p>	<p><u>Amendment</u> requested to highlight another Key Environmental issue: The advent of online-managed and short-term accommodation operations in residential zones that can generate noise, disturb the peace, and detract from existing amenity values without contributing to tourism infrastructure.</p> <p><u>Amendment</u> requested to permit retrospective evaluation, modification and/ or cancellation of a resource consent.</p>
Change 2 Location of Noise Measurement	Support with amendment	<p>RDRR supports the revised measurement locations for the collection of standardized data to improve their validity and reliability.</p> <p>It, however, regards <u>the collection of qualitative data about noise as equally important</u> to evaluate amenity values in a diverse community (see RD1-RD5 in Appendix 1), and to inform the development of noise regulations. The validity and reliability of qualitative data will be dependent on taking local advice regarding the most suitable location.</p> <p>The reluctance of officials to accept qualitative data as legitimate was made explicit when a principal concerned about the health and learning of her students was described by them publicly as "aggressive", "antagonistic" and "political". To the RDRR it indicates an inappropriate attitude towards what should count as valid data and the need for rich qualitative data to be collected by elected representatives to assist with the interpretation of the situation. To do less would result in politically and socially naïve interpretations.</p> <p>The report on noise measured during the Lumbercube crisis has not been released even though the commercial sensitivity involved has long since lapsed and the measurement instrument and data collection were funded from the rates.</p>	<p><u>Amendment</u> requested to ensure that Council locates the collection of qualitative data about noise <u>with local advice</u> and uses reliable data gathering methods to understand local and cultural evaluations of amenity values related to noise.</p> <p><u>Amendment</u> requested to ensure that elected representatives work with officials to seek qualitative advice on health and amenity values about noise to help interpret local and cultural evaluations of amenity values related to noise (see Proposal 18).</p> <p><u>Amendment</u> requested to require Council to release reports on noise measures as soon as commercial sensitivities end..</p>
Changes 3 & 4 Reference to NZ Standards, New Definitions, and Exemptions	Support with amendment	<p>RDRR supports this change to improve coherence between local, regional and national jurisdictions. The absence of base-line measures of normal ambient noise in key locations prevents before and after comparisons. Making such baseline measurements at multiple sites in various weather conditions / days / time in Rotorua would also make better use of the \$30,000 instrument purchased and develop acoustic capacity on Council.</p>	<p><u>Amendment</u> requested to authorize the collection of normal ambient noise in potentially sensitive locations in a range of conditions to provide baseline for future comparisons.</p>
Change 5 Distinctions between Noise Generated and Received within the Same Zone, and Another Zone	Support with amendment	<p>RDRR supports these distinctions because they will assist implementation, <u>providing local advice is taken on the generation and reception of noise</u>. The choice of measurement location, even within a property, can yield significantly different results. Such local knowledge is to be valued.</p>	<p><u>Amendment</u> requested to ensure that local advice is sought regarding measurement locations.</p>
Change 6 Acoustic Treatment of Noise Sensitive Activities	Support with amendment	<p>RDRR supports the scientific measurement of noise to improve validity and reliability. It, however, regards the collection of qualitative data about noise as equally important to the subtle evaluation of amenity values in our diverse community (see Appendix 1). The treatment of noise <u>should not be restricted to acoustic treatments</u> and should be informed by engaging elected representatives who have a subtle appreciation of the values and culture of the residential area involved (RD1-RD5).</p>	<p><u>Amendment</u> requested to ensure that Council complements the acoustic treatment of noise sensitive activities with treatments that respond to local and cultural evaluations of amenity values related to noise, including health and residential peace (see Proposal 18).</p>
Change 7 Insertion of Assessment Criteria	Support with amendment	<p>RDRR supports the insertion of criteria as clarified but remains concerned that they do not cover instances where it is crucial to collect and consider qualitative data about amenity values, or where technological changes (as in the Lumbercube production processes) and in ICT-enabled changes (as in the Short-Term Accommodation business model) where accumulating complaints suggest the need for retrospective evaluation that may lead to a revised or new resource consent and application of regulations.</p>	<p><u>Amendments</u> of criteria and process specifically requested</p> <ol style="list-style-type: none"> 1. To cope with instances of technological changes leading to a significant number of complaints. 2. To modify criterion 7 to include the

			<p>enjoyment of any residential accommodation</p> <ol style="list-style-type: none"> 3. To modify criterion 10 include guidance drawn from robust qualitative data 4. To modify criterion 12 to include the interface with residential peace 5. To modify criterion 16 to include "robust qualitative evidence of cultural norms about health and amenity values, especially residential peace".
Change 8 Insertion of Reference Time Interval	Support	RDRR supports these distinctions because they will assist implementation.	
Change 9 Airport Noise Intrusion	Support	RDRR supports this change because it will assist implementation.	
Change 10 Amalgamation of Existing Definitions	Support	RDRR supports this amalgamation because it will assist implementation.	
Change 11 Insertion of Advisory Note	Support	RDRR supports this insertion because it will assist implementation.	
Change 12 Deletion of Assessment Matters re Helicopters	Support with amendment	RDRR supports this deletion due to redundancy but notes the need to anticipate the possible noise and other problems around drone technology.	<u>Amendments</u> to cope with potential instances of drone technology leading to complaints about noise.
Change 13 Insertion of Performance Standard for Construction Noise	Support	RDRR supports this insertion because it will assist implementation.	
Change 14 Deletion of Redundant Sub-Rule	Support	RDRR supports this deletion due to redundancy.	
Change 15 Consequential Amendments	Support	RDRR supports this deletion due to redundancy.	
ADDITIONAL PROPOSED PROVISIONS	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
Change 16 Adopt Kiwi principles of policy making when reviewing and revising regulations.	Support	<p>The Section 32 evaluation did not recognize the equal human rights of residents and ratepayers to noise regulations or justify itself by reference to agreed principles of policy making. Such principles are needed to ensure that <u>policy review processes do not and/ or are not seen to be biased.</u></p> <p>The current approach to evaluating and revising regulations could be improved by being made <u>more reflective of principles drawn from representative democracy and the Treaty of Waitangi.</u></p> <p><u>The principles of representative democracy</u> include citizen participation, equality before the law, political freedom and tolerance, accountability, transparency, economic freedom, control of the abuse of power, human and property rights, and the rule of law.</p> <p><u>The principles of the Treaty of Waitangi</u> include partnership (defined as working together to develop strategies), participation (involvement in decision-making, planning, development and delivery) and protection (safeguarding outcomes and cultural concepts, values and practice).</p> <p>To gain greater unity and coherence in the Rotorua community, the RDRR suggests that <u>these principles be combined and elevated to the status of being human rights of all citizens.</u></p>	<u>Amendment requested:</u> Formally adopt the principles of representative democracy and the Treaty of Waitangi <u>and define these principles as human rights of all Kiwis in Rotorua.</u>
Change 17 Adopt a quadruple bottom-line approach to developing regulations to achieve sustainable prosperity.	Support	<p>The PPC4 is, understandably, an amalgam of criteria and processes used in the past to regulate noise in Rotorua, including resource consenting. These regulations have 'grown like Topsy' over time <u>without reference to long term purposes that determine scope.</u></p> <p>RDRR proposes that regulations and resource consenting in Rotorua reflect a balanced concern for four dimensions in order to achieve sustainable prosperity:</p>	<u>Amendment requested:</u> Formally adopt quadruple bottom-line policy making <u>to determine the purpose and scope of all Council policy reviews, including regulations.</u>

		<ol style="list-style-type: none"> 1. <u>People</u> (quality of life for people, e.g., health, vigor, wellbeing, flourishing), 2. <u>Profit</u> (competitive productivity in producing and distributing goods and services for consumption and profit with scarce resource), 3. <u>Planet</u> (sustainable individual, community, and ecosystems survival across lifespans and generations) and 4. <u>Progress</u> (adaptive innovation in all aspects of people, profit, and planet, and innovations in being innovative). 	
Change 18 Adopt an action research methodology to improve Council's policy development processes and capacity building.	Support	<p><u>The current policy development process</u> used to refine noise regulations comprises</p> <ol style="list-style-type: none"> 1. a mandate being given to officials to manage the process, 2. officials conducting an evaluation of the current regulations, 3. officials consulting the community and public servants in other jurisdictions, 4. officials conducting workshops for elected representatives, 5. officials recommending revised regulations to Committees of Council (the Strategy, Policy and Finance Committee and the RMA Policy Committee) 6. Committees of Council submitting policy recommendations to Council for formal adoption. <p><u>Action research for policy making is recommended</u> because it is a disciplined process of inquiry conducted by and for those making and applying policies. The primary reasons for engaging elected representatives, expert officials and partnering stakeholders in action research is to help them improve policies and to refine their actions as policy makers. Action research is an endless cycle of</p> <ol style="list-style-type: none"> 1. selecting a focus (e.g, regulating noise), 2. clarifying current theories in use about the focus issue, 3. identifying research questions, 4. collecting data (especially solutions from elsewhere),¹ 5. analyzing data, 6. reporting results, 7. taking informed action, 8. evaluating outcomes, 9. reporting outcomes with recommendations to SP&F and RMAPC prior to Council regarding policy decisions, 10. selecting a focus ... 	<u>Amendment requested:</u> Formally adopt an action research methodology to engage elected representatives, officials and partners in policy development and in capacity building.
Change 19 Develop a progressive Compliance Strategy comprising Best Practice Guidelines, Intervention Guidelines, and Prosecution Guidelines.	Support	<p>The PPC4 does not</p> <ol style="list-style-type: none"> 1. provide guidance to short-term accommodation hosts or to Council's officials on industry best practices 2. specify intervention practices (e.g.s mediation, arbitration) for councillors and officials in cases where short-term accommodation hosts do not respond satisfactorily to complaints, and 3. specify liability and prosecution options available to Council. 	<u>Amendment requested:</u> Formally adopt a progressive Compliance Strategy that offers hosts Best Practice Guidelines, an Intervention Process to be followed by Councillors and Officials, and Prosecution Guidelines that detail legal liability and options available to Council. <u>Amendment requested:</u> Council provided periodic workshops for councillors and officials to clarify the new Compliance Strategy

¹ For example, the Tasman District Council's solution is recommended for consideration by Committees of Council because it offers relatively 'small government' by minimizing Council discretion in plain English, uses both quantitative and qualitative indicators and then relies on the good judgment of elected representatives to make consenting decisions. It is available at http://www.tasman.govt.nz/document/serve/17.1-Residential%20Zone%20Rules-2016-09-24.pdf?path=/EDMS/Public/Other/Policy/Plans/ResourceManagementPlan/TRMPTxt/Part_II_-_Land/Chapter_17_Sections/000000176829;
http://www.tasman.govt.nz/document/serve/17.8-Rural%20Residential%20Zone%20Rules-2016-12-10.pdf?path=/EDMS/Public/Other/Policy/Plans/ResourceManagementPlan/TRMPTxt/Part_II_-_Land/Chapter_17_Sections/000000176837;
http://www.tasman.govt.nz/document/serve/17.5-Rural%201%20Zone%20Rules-2016-12-10.pdf?path=/EDMS/Public/Other/Policy/Plans/ResourceManagementPlan/TRMPTxt/Part_II_-_Land/Chapter_17_Sections/000000176833
RDC-727715

APPENDIX 1: RESIDENTIAL ZONES IN ROTORUA ²

Zone	Code	Description
Residential 1 Low Density living	RD1	Low density residential areas, such as Ngōngōtahā, Kāwaha Point, Western Heights, Hillcrest, Springfield and Lynmore. There is a mix of single storey and two-storey houses of various styles and materials. There is a balance between the built and natural elements of the environment in this zone. There is a sense of space around buildings, which is enhanced by the landscaping on site and trees within the road reserve. Other characteristics include generally low levels of noise and low traffic levels.
Residential 2 Medium Density living	RD2	Medium density residential areas located close to the city centre. There is a mix of single storey and two-storey apartment style living, with limited outdoor space. The built environment is dominant and much of the space around buildings is taken up by hard surfacing for car parking and turning. There are few trees and shrubs that make an impact on the wider area and the zone is more reliant on the street trees to soften the built environment.
Residential 3 Ōhinemutu, Whakarewarewa, Ngāpuna	RD3	The cultural and historic villages of Ōhinemutu, Whakarewarewa and Ngāpuna. Dwellings within these areas are typically single story wooden buildings interspersed with geothermal activity and geothermal features. Ōhinemutu and Whakarewarewa villages are accessed through narrow roads and have the sense of being close-knit communities. Marae and associated communal buildings are dominant focal points. Each village contributes to the cultural historic heritage and identity of Rotorua.
Residential 4 Lakeside Settlements	RD4	Residential lakeside settlements including, for example Hamurana, Rotoiti, Ōkere Falls, Rotoehu and Rotomā. These areas consist of sites with low density development and high levels of outdoor open living space. Dwellings are often oriented to capitalise on lake views. A mix of freehold and leasehold land is present that supports a variety of building design and a range of residential activity such as baches, holiday homes and permanent living. The settlements themselves vary in size and character.
Residential 5 Residential Lifestyle (Wharenui Road area)	RD5	Rural-residential lifestyle specifically located within the area of the Wharenui Road Area Development Plan in Appendix 5. The intended character of the zone is one of relatively large lot sizes and space around and between buildings to be established by the imposition of performance standards for overall density.

² From the Residential Zone Chapter of the Operative District Plan, and clarified by the District Plan Maps available at http://www.rotorualakescouncil.nz/our-services/planningservices/districtplan/district_plan_maps/Pages/default.aspx