

Annexure B

Existing Resource Consents for RM125012V2 and RM155195V1

30 September 2016

PO Box 645 Nelson 7040
Phone: 03 546 0200
Fax: 03 546 0239

Nelson City Council
C/- Axel de Maupeou
PO Box 645
Nelson 7040

Resource Consent Numbers: 125012V1
and 155195V1
Contact: Jane Bayley
DD: 545 6883
Email: Jane@staigsmith.co.nz
www.nelson.govt.nz

Dear Axel

**DECISION ON NON-NOTIFIED RESOURCE CONSENTS
RM125012V1 and RM155195V1:**

Pursuant to Section 114 of the Resource Management Act 1991 ("the Act"), please find enclosed a copy of the Council's decision on your application for resource consent referred to above.

Section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal must be made in the prescribed form, must state the reasons for the appeals, the relief sought, state any matters required by regulations and must be lodged with both the environment Court and the Council within 15 working days of receiving this letter.

You may commence your activity immediately unless you lodge an appeal to this decision. However, it is important that you check the conditions of your consent carefully as some of them may require you to provide information and/or plans to the Council before you may commence your activity. In addition, in some cases you may also require other permits or building consents for your activity and these must be obtained before you can commence your activity.

Invoicing: An invoice will be posted out within the next working week (if not included with this decision letter).

Please feel free to contact me if you have any questions regarding any aspect of your consent or its conditions. My contact details are listed at the top of this letter.

Yours faithfully



Jane Bayley
Consultant Planner

DECISION ON APPLICATION TO CHANGE CONSENT CONDITIONS

Resource Consent number: RM125012V1

Pursuant to Sections 104B and 127 of the Resource Management Act 1991 ("the Act"), the Nelson City Council ("the Council") hereby **grants** the application to change conditions of resource consent to the Consent Holder being:

Nelson City Council

The activity to which this decision relates:

Variation of Condition 1 (specifically Table 1) of Resource Consent RM125012 to remove one event from "Church Steps / 1903 Square / Upper Trafalgar Street" area, as the Masked Parade/Carnival Event shall now be Consented by way of Resource Consent RM155195.

Location details:

Address of property: "Church Steps / 1903 Square / Upper Trafalgar Street"

Legal description: Legal Road Reserve

Certificate of title: N/A

CONDITIONS

The application to change Table 1 of Condition 1 of RM125012 is granted as follows:

Condition 1 is changed from:

- 1) The consent holder shall ensure that at each of the locations listed in Table 1 events shall only be conducted under this consent if:
 - a) the number of events does not exceed the stated number of events per year at each location,
 - b) all sound from events on a site (excluding sound from spectators) complies with the stated noise limit within any residential site, when measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1991, except that sections 4.4 and 4.5 of NZS6802 shall not apply and measurements shall not be adjusted for special audible characteristics or averaging.
[Amended by Consent Order 31 May 2013]
 - c) events and electrically amplified sound only occur between the times stated on the days stated, and
 - d) the event is operated in accordance with a Site Noise Management Plan (SNMP) or Event Noise Management Plan (ENMP) as specified.

Table 1 - Events

Location	Events per year	Noise limit	Times	Days	Plan
Trafalgar Park (sporting or recreational events)	7	65 dB L _{A10(15min)}	1100h – 2200h	Any	SNMP
Trafalgar Park (music and cultural performances) (New Year's Eve)	3	75 dB L _{A10(15min)}	1400h – 2200h	Any	ENMP
	2	75 dB L _{A10(15min)}	1700h – 2300h	Friday Saturday	ENMP
	1	75 dB L _{A10(15min)}	1900h – 0100h	Any	ENMP
Tahunanui Reserve (New Year's Eve)	4	65 dB L _{A10(15min)}	1400h – 2200h	Any	SNMP
	2	70 dB L _{A10(15min)}	1700h – 2230h	Friday Saturday	ENMP
	1	70 dB L _{A10(15min)}	1900h – 0100h	Any	ENMP
Fairfield Park	3	65 dB L _{A10(15min)}	1400h – 2200h	Any	SNMP
Church Steps / 1903 Square / Upper Trafalgar Street (New Year's Eve)	5	65 dB L _{A10(15min)}	1000h – 1700h	Any	SNMP
	4	60 dB L _{A10(15min)}	1400h – 2200h	Any	SNMP
	8	65 dB L _{A10(15min)}	1400h – 2200h	Any	SNMP
	2	65 dB L _{A10(15min)}	1000h – 2300h	Friday Saturday	ENMP
	1	65 dB L _{A10(15min)}	1900h – 0030h	Friday Saturday	ENMP
	1	65 dB L _{A10(15min)}	1900h – 0100h	Any	ENMP
Botanics Playing Field and Reserve	1	70 dB L _{A10(15min)}	1400h – 2200h	Any	SNMP
Saxton Oval Pavilion and Saxton Stadium (indoor events)	3	50 dB L _{A10(15min)}	1700h – 2300h	Any	SNMP
Trafalgar Centre	4	50 dB L _{A10(15min)}	1700h – 2300h	Any	ENMP

For the avoidance of doubt the noise limits in Table 1 shall not apply to sound from spectators.

[Amended by Consent Order 31 May 2013]

To:

- 1) The consent holder shall ensure that at each of the locations listed in Table 1 events shall only be conducted under this consent if:
 - a) the number of events does not exceed the stated number of events per year at each location,
 - b) all sound from events on a site (excluding sound from spectators) complies with the stated noise limit within any residential site, when measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1991, except that sections 4.4 and 4.5 of NZS6802 shall not apply and measurements shall not be adjusted for special audible characteristics or averaging.

[Amended by Consent Order 31 May 2013]
 - c) events and electrically amplified sound only occur between the times stated on the days stated, and
 - d) the event is operated in accordance with a Site Noise Management Plan (SNMP) or Event Noise Management Plan (ENMP) as specified.

Table 1 - Events

Location	Events per year	Noise limit	Times	Days	Plan
Trafalgar Park (sporting or recreational events)	7	65 dB L _{A10(15min)}	1100h – 2200h	Any	SNMP
Trafalgar Park (music and cultural performances) (New Year's Eve)	3	75 dB L _{A10(15min)}	1400h – 2200h	Any	ENMP
	2	75 dB L _{A10(15min)}	1700h – 2300h	Friday Saturday	ENMP
	1	75 dB L _{A10(15min)}	1900h – 0100h	Any	ENMP
Tahunanui Reserve (New Year's Eve)	4	65 dB L _{A10(15min)}	1400h – 2200h	Any	SNMP
	2	70 dB L _{A10(15min)}	1700h – 2230h	Friday Saturday	ENMP
	1	70 dB L _{A10(15min)}	1900h – 0100h	Any	ENMP
Fairfield Park	3	65 dB L _{A10(15min)}	1400h – 2200h	Any	SNMP
Church Steps / 1903 Square / Upper Trafalgar Street (New Year's Eve)	5	65 dB L _{A10(15min)}	1000h – 1700h	Any	SNMP
	4	60 dB L _{A10(15min)}	1400h – 2200h	Any	SNMP
	8	65 dB L _{A10(15min)}	1400h – 2200h	Any	SNMP
	2 1	65 dB L _{A10(15min)}	1000h – 2300h	Friday Saturday	ENMP
	1	65 dB L _{A10(15min)}	1900h – 0030h	Friday Saturday	ENMP
	1	65 dB L _{A10(15min)}	1900h – 0100h	Any	ENMP
Botanics Playing Field and Reserve	1	70 dB L _{A10(15min)}	1400h – 2200h	Any	SNMP
Saxton Oval Pavilion and Saxton Stadium (indoor events)	3	50 dB L _{A10(15min)}	1700h – 2300h	Any	SNMP
Trafalgar Centre	4	50 dB L _{A10(15min)}	1700h – 2300h	Any	ENMP

For the avoidance of doubt the noise limits in Table 1 shall not apply to sound from spectators. [Amended by Consent Order 31 May 2013 **and Variation RM125012V1 dated 30 September 2016**]

*A full updated copy of the resource consent conditions are attached to this decision as **APPENDIX A***

Resource Consent number: RM155195V1

Pursuant to Sections 104B and 127 of the Resource Management Act 1991 (“the Act”), the Nelson City Council (“the Council”) hereby **grants** the application to change conditions of resource consent to the Consent Holder being:

Nelson City Council

The activity to which this decision relates:

Variation of Conditions 1 and 4 of Resource Consent RM155195 to include a third sound stage at 1903 Square for the Masked Parade/Carnival Event, as part of removing reference to the Masked Parade/Carnival Event being under Resource Consent RM125012. All three sound stages will therefore operate under the one consent.

Variation of Condition 6 of Resource Consent RM155195 to extend the duration of the Amplified Event at The Main Sound Stage and Second Sound Stage until 10pm, whilst reducing the duration of the 1903 Square Sound Stage from 11pm to 10pm.

Location details:

Address of property: 1903 Square and Hardy Street, Nelson

Legal description: Legal Road Reserve

Certificate of title: N/A

CONDITIONS

The application to change conditions 1, 4 and 6 of RM155195 is granted as follows:

Condition 1 is changed from:

- 1 The Masked Parade shall be carried out in accordance with the application lodged with Council on 17 June 2015, and the following conditions of consent. Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

To:

- 1 The Masked Parade shall be carried out in accordance with the application lodged with Council on 17 June 2015, **Variation RM155195v1 lodged with Council on 13 September 2016** and the following conditions of consent. Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail. **[Amended by Variation RM155195V1 dated 30 September 2016]**

Condition 4 is changed from:

- 4 The Second Sound Stage shall be position to the West of the Hump at the Hardy St/Hope St Intersection.

To:

- 4 The Second Sound Stage shall be position to the West of the Hump at the Hardy St/Hope St Intersection. **The Third Sound Stage shall be located at 1903 Square.**
[Amended by Variation RM155195V1 dated 30 September 2016]

Condition 6 is changed from:

- 6 The Noise Generating Event for the Masked Parade shall comply with the following Noise Levels at a Residential Zoned Boundary:

(i)	<i>Main Stage – Public address during Parade from 5pm</i>	65dB _{L_{A10(15min)}}	85dB _{L_{AFmax}}	
(ii)	<i>Both Stages – Entertainment 6.30pm-9.30pm</i>	65dB _{L_{A10(15min)}}	85dB _{L_{AFmax}}	
(iii)	<i>Outside these times -</i>	Daytime	53dB _{L_{Aeq}}	75dB _{L_{AFmax}}
		Night time	43dB _{L_{Aeq}}	75dB _{L_{AFmax}}

To:

- 6 The Noise Generating Event for the Masked Parade shall comply with the following Noise Levels at a Residential Zoned Boundary:

(i)	<i>Main Stage – Public address during Parade from 5pm</i>	65dB _{L_{A10(15min)}}	85dB _{L_{AFmax}}	
(ii)	<i>Both All Stages – Entertainment 6.30pm-9.3010pm</i>	65dB _{L_{A10(15min)}}	85dB _{L_{AFmax}}	
(iii)	<i>Outside these times -</i>	Daytime	53dB _{L_{Aeq}}	75dB _{L_{AFmax}}
		Night time	43dB _{L_{Aeq}}	75dB _{L_{AFmax}}

[Amended by Variation RM155195V1 dated 30 September 2016]

A full updated copy of the resource consent conditions are attached to this decision as
APPENDIX B

BACKGROUND AND PROPOSAL

The application (received on 13 September 2016) is for a variation to two existing Resource Consents which enabled amplified noise events.

Resource Consent RM125012 (issued in October 2012) enables a number of amplified noise events to occur around various sites of Nelson. One such area is the Church Steps / 1903 Square / Upper Trafalgar St area. Under Table 1 of the consent, two events were consented at this location to occur between the hours of 10am and 11pm. One of the two events which operated under this reference, was the Masked Parade/Carnival Event.

Resource Consent RM155195 was issued in August 2015 for the Masked Parade/Carnival Event to relocate the Main Stage to the Corner of Hardy St and Trafalgar St and to have a second stage be located by the Hardy St/ Hope St intersection. These stages were consented to operate until 9.30pm.

Although Resource Consent RM155195 was meant as a replacement to the event permitted in RM125012, Table 1 of RM125012 was not altered, and therefore technically the Council would be able to include an extra event. This has caused some anxiety amongst Submitters on Resource Consent RM125012.

This was never the Council's intent. Rather their intent was that the 1903 Square stage remain as a Third Stage as part of that Masked Parade/Carnival Event to provide three separate areas of entertainment.

The proposal therefore seeks to remove from Resource Consent RM125012, one amplified noise event occurring between the hours of 10am and 11pm from the Church Steps / 1903 Square / Upper Trafalgar St area. This requires a Change to Condition 1 of Resource Consent RM125012.

The proposal seeks to incorporate a Third Stage at the 1903 Square under Resource Consent RM155195, and to have all three stages operating until 10pm. This requires a Change of Conditions to Conditions 1, 4 and 6 of Resource Consent RM155195.

Although the variation seeks to increase the event duration under Resource Consent RM155195 from 9.30pm until 10pm, under Resource Consent RM125012 the Council were consented to operate until 11pm, therefore the event will be brought back from 11pm until 10pm.

By changing the two consents, and including all Stages associated with the Masked Parade/Carnival Event into one consent, this clarifies what conditions pertain to the event. The variation also removes any uncertainty as to the number of events permitted under Resource Consent RM125012.

No changes are proposed in relation to noise levels, and therefore at the Residential Zone boundary, there shall be no noticeable change to noise levels.

PLAN RULES AFFECTED

According to the Nelson Resource Management Plan, the following apply to the subject property:

RM125012

Zoning:	1903 Square	Open Space Recreational
Overlays:	1903 Square	CR14, Heritage Precinct
Rules:	1903 Square	OSr.37.2
Status:	Discretionary Activity in accordance with Section 127(3)(a) of the Act.	

RM155195

Zoning	1903 Square	Hardy Street
Overlays	Open Space Recreational	Inner City Centre
Rules	CR14, Heritage Precinct	N/A
	OSr.37.2	ICr.42A.3 and ICr.43.3

Status: Discretionary Activity in accordance with Section 127(3)(a) of the Act.

REASONS FOR THE DECISION

1. The Applicant seeks to vary two of its Resource Consents which enable amplified noise events.
2. In 2015, the Council sought Resource Consent RM155195 as a replacement consent for the Masked Parade/Carnival Event. However, they did not remove an event from Resource Consent RM125012. This variation will achieve that, thus ensuring that there is not an unintended additional amplified noise event available to the Council at the Church Steps / 1903 Square / Upper Trafalgar St area.
3. As part of Resource Consent RM155195, it was sought to relocate the Main Stage and include a new stage. It was the intention of the Applicant to retain the 1903 Square Stage as well, thus having three stages. This was not clear within the application for Resource Consent RM155195. This proposal seeks to have all the amplified noise activities for the Masked Parade/Carnival Event in one consent.
4. Although the proposal will have three stages operating rather than the original two, the effects are not considered to be more than minor. The three stages are within reasonably close proximity, therefore the noise levels at each stage will need to be lower than the consented noise levels so as to not interfere with the sound at each Stage. Further, the noise levels within Condition 6 at the Residential Zone boundary are not altering, therefore the combined sound from all three stages must comply with the noise levels at the boundary and there will be no discernible change.
5. The hours of operation between the two consents differs. Under from Resource Consent RM125012, the event is consented until 11pm, whilst Resource Consent RM155195 consented a 9.30pm finish. The Applicant seeks to adjust the timing of all amplified noise activities associated with the Masked Parade/Carnival Event to occur until 10pm. This is an hour earlier than approved in Resource Consent RM125012. Although increasing the closing time from Resource Consent RM155195, the 10pm finish is consistent with the daytime hours, as per Rules ICr.42 and ICr.43. It is therefore considered that the finish time of 10pm is appropriate for the site and the effects are not more than minor.
6. The Council therefore considers that the adverse effects of the activity on the environment will be no more than minor and there are no persons adversely affected by this proposal.
7. The activity is considered to be consistent with the relevant objectives and policies contained in the Nelson Resource Management Plan and the Nelson Regional Policy Statement.
8. The Council has taken into account the relevant principles outlined in sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as set out in section 5.

This application to change conditions is **granted** on 30 September 2016 under delegated authority from Nelson City Council by:



Craig Welsh
Independent Commissioner

APPENDIX A

Full and Updated Conditions for Resource Consent RM125012, as updated by

- Consent Order dated 31 May 2013
- Variation RM125012V1 dated 30 September 2016

- 1) The consent holder shall ensure that at each of the locations listed in Table 1 events shall only be conducted under this consent if:
- a) the number of events does not exceed the stated number of events per year at each location,
 - b) all sound from events on a site (excluding sound from spectators) complies with the stated noise limit within any residential site, when measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1991, except that sections 4.4 and 4.5 of NZS6802 shall not apply and measurements shall not be adjusted for special audible characteristics or averaging.
[Amended by Consent Order 31 May 2013]
 - c) events and electrically amplified sound only occur between the times stated on the days stated, and
 - d) the event is operated in accordance with a Site Noise Management Plan (SNMP) or Event Noise Management Plan (ENMP) as specified.

Table 1 - Events

Location	Events per year	Noise limit	Times	Days	Plan
Trafalgar Park (sporting or recreational events)	7	65 dB L _{A10(15min)}	1100h – 2200h	Any	SNMP
Trafalgar Park (music and cultural performances) (New Year's Eve)	3	75 dB L _{A10(15min)}	1400h – 2200h	Any	ENMP
	2	75 dB L _{A10(15min)}	1700h – 2300h	Friday Saturday	ENMP
	1	75 dB L _{A10(15min)}	1900h – 0100h	Any	ENMP
Tahunanui Reserve (New Year's Eve)	4	65 dB L _{A10(15min)}	1400h – 2200h	Any	SNMP
	2	70 dB L _{A10(15min)}	1700h – 2230h	Friday Saturday	ENMP
	1	70 dB L _{A10(15min)}	1900h – 0100h	Any	ENMP
Fairfield Park	3	65 dB L _{A10(15min)}	1400h – 2200h	Any	SNMP
Church Steps / 1903 Square / Upper Trafalgar Street (New Year's Eve)	5	65 dB L _{A10(15min)}	1000h – 1700h	Any	SNMP
	4	60 dB L _{A10(15min)}	1400h – 2200h	Any	SNMP
	8	65 dB L _{A10(15min)}	1400h – 2200h	Any	SNMP
	1	65 dB L _{A10(15min)}	1000h – 2300h	Friday Saturday	ENMP
	1	65 dB L _{A10(15min)}	1900h – 0030h	Friday Saturday	ENMP
	1	65 dB L _{A10(15min)}	1900h – 0100h	Any	ENMP
	1	65 dB L _{A10(15min)}	1900h – 0100h	Any	ENMP
Botanics Playing Field and Reserve	1	70 dB L _{A10(15min)}	1400h – 2200h	Any	SNMP
Saxton Oval Pavilion and Saxton Stadium (indoor events)	3	50 dB L _{A10(15min)}	1700h – 2300h	Any	SNMP
Trafalgar Centre	4	50 dB L _{A10(15min)}	1700h – 2300h	Any	ENMP

For the avoidance of doubt the noise limits in Table 1 shall not apply to sound from spectators. [Amended by Consent Order 31 May 2013 and Variation RM125012V1 dated 30 September 2016]

- 2) Sound from events after 2200h shall comply with a noise limit of 85 dB L_{AFmax} within any residential site, when measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1991.
- 3) Sound from all ancillary activities outside the times stated in Table 1 shall comply with a noise limit of 45 dB $L_{A10(15min)}$ within any residential site, when measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1991, except that Sections 4.4 and 4.5 of NZS 6802 shall not apply and measurements shall not be adjusted for special audible characteristics or averaging.
- 4) The consent holder shall prepare, maintain, and operate in accordance with an Events Management Plan (EMP) for all events. As a minimum, the EMP shall include:
 - a) A process for determining if a specific proposed event should operate under this resource consent,
 - b) A booking form to be used for all events including:
 - i. event name and location,
 - ii. proposer name and contact details,
 - iii. date of event,
 - iv. start and finish times of the event,
 - v. start and finish times of amplified sound (including sound checks),
 - vi. anticipated number of participants,
 - vii. description of the type of event,
 - viii. details of the proposed sound system(s),
 - ix. description of proposed use of the sound system,
 - x. sketch and description of proposed sound system layout in relation to residential sites, including the number, location and orientation of loudspeakers,
 - xi. name and contact details of sound system operator,
 - xii. name and contact details of sound system contractor,
 - xiii. name and contact details of designated on-site contact person who is responsible for ensuring the noise limits are met throughout the event,
 - xiv. details of how amplified sound will be managed and what noise control measures will be carried out to reduce the noise impact, and
 - xv. details of any other potentially noisy activities that are proposed to occur on site as part of the event.
 - c) A reference table of expected sound emission levels for a typical range of events,
 - d) A schedule of sites that are subject to this consent, including each site's previous use for events, preferred locations for events within the site, size, proximity to residential sites, and a 'noise sensitivity' rating,
 - e) The process for making an assessment of likely compliance of each event with condition 1, on the basis of information in b), c) and d),
 - f) The process for advising event proposers of acceptance or rejection of an event,
 - g) Information to be provided to proposers of accepted events, as a minimum including:
 - i. the noise limit,
 - ii. responsibilities of the event proposer,
 - iii. noise monitoring requirements,
 - iv. sound system calibration requirements,
 - v. good practice advice on minimising noise emissions,
 - vi. details for access, lighting, car parking, security, litter and other related matters,

- vii. required complaint reporting, and
 - viii. contact details for Nelson City Council noise control and the consent holder,
 - h) Requirements for SNMPs and ENMPs,
 - i) Copies of all SNMPs and ENMPs, and
 - j) Event log.
- 5) Within 60 days of the date of this consent the consent holder shall submit the EMP to the Manager Planning and Consents, Nelson City Council.
 - 6) Prior to any events at each location in Table 1 the consent holder shall submit a SNMP prepared by an acoustics specialist to the Manager Planning and Consents, Nelson City Council. As a minimum a SNMP shall include:
 - a) details of numbers of events, noise limits, hours and days of operation for this location,
 - b) a description of expected activities and sound sources associated with each activity type, including sound system locations,
 - c) a site plan showing areas where loudspeakers and other significant sound sources should be located,
 - d) details of noise mitigation methods to be used to control noise from events to comply with noise limits at residential sites, and
 - e) a plan identifying nearby residential sites and buildings housing noise sensitive activities,
 - f) requirements for notifying neighbours about details of events, to include Nelson City Council after hours noise complaint telephone number,
 - g) procedures and requirements for noise monitoring and reporting, and
 - h) procedures for addressing to complaints.
 - 7) At least 21 days prior to any events requiring an ENMP, the consent holder shall submit an ENMP prepared by an acoustics specialist to the Manager Planning and Consents, Nelson City Council. As a minimum an ENMP shall include:
 - a) all details from the event booking form required by the EMP,
 - b) a site plan showing the location and orientation and height from the ground of any sound shell or speaker system and the approximate distance of the sound shell/speaker system from the nearest residential sites,
 - c) details of the sound system including methods for controlling noise emissions,
 - d) process for sound checks and sound system calibration,
 - e) a plan identifying nearby residential sites and buildings housing noise sensitive activities,
 - f) requirements for notifying neighbours about details of the event, to include Nelson City Council after hours noise complaint telephone number,
 - g) procedures and requirements for noise monitoring and reporting, and
 - h) procedures for addressing to complaints.
 - 8) The consent holder shall keep a log of all events held including:
 - a) event name and organiser,
 - b) event location, date and actual start and stop times
 - c) summary of noise monitoring results and actions taken to reduce any exceedance of the noise limit, and
 - d) details of any complaints and actions taken to address them.
 - 9) Events shall not be held under this consent until RM985339 has been surrendered.
 - 10) In accordance with Section 128 of the Resource Management Act 1991, the Nelson City Council may review the conditions of this resource consent. This review may be conducted annually in October for the duration of the consent, for the following purposes:

- a) To review the effectiveness of the resource consent conditions in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent,
- b) To consider the adoption by the consent holder of the best practicable option to remove or reduce adverse effects on the surrounding environment.

APPENDIX B

Full and Updated Conditions for Resource Consent RM155195, as updated by • Variation RM155195V1 dated 30 September 2016

Duration of Consent:

This consent expires in 8 years to be consistent with the Nelson City Council's other consents for special events. The expiry date is 4 August 2023.

CONDITIONS

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

1. The Masked Parade shall be carried out in accordance with the application lodged with Council on 17 June 2015, Variation RM155195V1 lodged with Council on 13 September 2016 and the following conditions of consent. Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail. [Amended by Variation RM155195V1 dated 30 September 2016]
2. The consent holder shall annually advise the Council's Monitoring Officer in writing, at least 3 working days prior to the Masked Parade, so that monitoring of the conditions of this consent can be undertaken. Please advise the consent number, RM155195V1.

Advice Note:

Failure to notify the Council as stated in the above condition may result in enforcement action.

A monitoring charge of \$100 has been included in your invoice, as conditions of consent requiring monitoring have been imposed. This charge covers the costs involved in the first hour of monitoring compliance with the consent conditions. Where additional monitoring costs are required to determine that conditions have been met, these will be charged as provided in the Council's Fees and Charges Schedule. Please contact the Council's Monitoring Officer, phone (03) 546 0381, when work commences on this consent, so that monitoring can be carried out. Please quote the consent number, RM155195V1.

3. In accordance with Section 128 of the Resource Management Act 1991, the Nelson City Council may review the conditions of this resource consent. This review may be conducted annually in May for the duration of the consent, for the following purposes:
 - a) To review the effectiveness of the resource consent conditions in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent,
 - b) To consider the adoption by the consent holder of the best practicable option to remove or reduce adverse effects on the surrounding environment.

Advice Note:

The review shall occur in May each year, to enable sufficient time for any changes to be made prior to the next 'Masked Parade Festival'.

4. The Second Sound Stage shall be position to the West of the Hump at the Hardy St/Hope St Intersection. The Third Sound Stage shall be located at 1903 Square. [Amended by Variation RM155195V1 dated 30 September 2016]
5. All amplified sound shall comply with the noise limits at the Residential Zoned Boundary, when measured and assessed in accordance with 6801:2008 and

NZS6802:2008, except that sections 4.4 and 4.5 of NZS6802 shall not apply, and measurements shall not be adjusted for special audible characteristics or averaging.

- 6 The Noise Generating Event for the Masked Parade shall comply with the following Noise Levels at a Residential Zoned Boundary:

(i) <i>Main Stage – Public address during Parade from 5pm</i>	65dB _{L_{A10(15min)}}	85dB _{L_{AFmax}}	
(ii) <i>All Stages – Entertainment 6.30pm-10pm</i>	65dB _{L_{A10(15min)}}	85dB _{L_{AFmax}}	
(iii) <i>Outside these times -</i>			
	Daytime	53dB _{L_{Aeq}}	75dB _{L_{AFmax}}
	Night time	43dB _{L_{Aeq}}	75dB _{L_{AFmax}}

[Amended by Variation RM155195V1 dated 30 September 2016]

7. A Noise Management Plan shall be provided to Council's Monitoring Officer annually, 21 days prior to the Masked Parade, prepared by an acoustics specialist, containing the following:

General Noise management

- a) date of the Masked Parade,
- b) start and finish times of amplified sound (including sound checks),
- c) details of the entertainment,
- d) details of the proposed sound system(s),
- e) sketch and description of the sound system layout in relation to residential sites, including the number, location, height and orientation of loudspeakers and other significant sound sources,
- f) name and contact details of sound system operator, and if different, sound system contractor,
- g) sound system calibration requirements,
- h) name and contact details of designated on-site contact person who is responsible for ensuring the noise limits are met throughout the event,
- i) details of how amplified sound will be managed and what noise control measures will be carried out to reduce the noise impact,
- j) details of any other potentially noisy activities that are proposed to occur on site as part of the event,
- k) noise monitoring requirements, and
- l) procedures for complaint recording, mitigation and reporting.

General Site management

- m) anticipated number of participants,
- n) details for traffic management,
- o) security,
- p) litter, and
- q) any other related matters

8. A copy of the Noise Management Plan shall be held at the premise during the Masked Parade and made available to Council staff as, and when, requested.

9. The Consent Holder shall annually provide the Council's Monitoring Officer a:
- a) summary of noise monitoring results and actions taken to reduce any exceedance of the noise limit, and
 - b) details of any complaints and actions taken to address them.

ADVICE NOTE(S)

1. The consent holder will be required to apply to Council for road closure for the event. Please contact Mark Hollows at 546 0335 or email at mark.hollows@ncc.govt.nz
2. This is not a building consent, and the Consent Holder shall meet the requirements of the Council for all Bylaws, Regulations and Acts.

3. This resource consent does not constitute an Approval for Road Closure. The ability to give effect to this consent shall be subject to obtaining specific Road Closure Approval.
4. This resource consent authorises only the activity described above. Any matters or activities not consented to by this consent or covered by the conditions above must either:
 - (a) comply with all the criteria of a relevant permitted activity in the Nelson Resource Management Plan (NRMP); or
 - (b) be allowed by the Resource Management Act 1991; or
 - (c) be authorised by a separate resource consent.
5. This consent is granted to the Consent Holder, but Section 134 of the Act states that such land use consent "attach to the land", and accordingly, may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "Consent Holder" in any conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
6. The Consent Holder should note that this resource consent does not override any registered interest on the property title.