



SECTION 32 REPORT Light

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1 Executive Summary

Excessive light spill or glare resulting from artificial lighting can detract from the character and amenity values associated with the local environment, particularly in urban areas where it affects a significant portion of the population. Lighting conflicts tend to more frequently arise in areas where light 'sensitive' activities are located in close proximity to land use with high light emittance.

The Operative District Plan generally manages lighting by applying different lighting standards in each zone. However, it does not include specific lighting objectives or policies, with lighting generally managed under the overall character and amenity values section of the Plan.

The Operative Plan provisions for managing lighting are generally effective in ensuring activities are not significantly adversely affecting the character and amenity values of various areas throughout the District, particularly residential areas. Given this, the Proposed Plan includes a discrete Lighting chapter containing objectives, policies and zone specific rules relating to light spill.

The key resource management issues for lighting are:

- Poorly-designed artificial lighting can result in adverse effects on amenity values and health and safety. For example, light spill and glare can interfere with the use or enjoyment of adjacent properties, and may cause sleep disturbance, or create a nuisance.
- Excessive or poorly directed lighting can also adversely affect traffic safety, and views of the night sky and its associated cultural values (as noted in Section 3.4).

The key changes introduced for lighting are:

- The introduction of Light chapter with objectives that set out the intent for activities that generate light spill and those that are sensitive to these matters.
- Two new policies to manage the effects of light spill that recognise the character of each zone, including how activities are designed and operated.
- The rules and standards that control light spill in the different zones have been retained with maximum light levels reflecting the sensitivity of zone to excessive light spill i.e. in the Residential Zone a higher level of amenity (lower light levels) is anticipated compared to industrial and special purpose zones.
- Non-compliance with the maximum light levels standards is proposed to be retained as a restricted discretionary activity.

The Proposed Plan provisions for Light are in accordance with updated and best-practice standards, ensuring the potential adverse effects of light are minimised and that the level of light spill is compatible with the local environment.

2 Introduction and Purpose

This report contains a section 32 evaluation of the objectives, policies and methods relating to Light Overspill in the Proposed New Plymouth District Plan. It is important that this report is read in conjunction with the section 32 overview report which contains further information and evaluation about the overall approach and direction of the District Plan review and Proposed District Plan.

Lighting is a key factor in the economic vitality and vibrancy of activities in the District and is often required at large industrial sites, ports, airports, carparks and sports facilities to enable operations and activities to occur after dark. It is also beneficial in improving health and safety, especially in public areas such as parks, car parks and walkways. However, the location, character (brightness, colour and intensity) and direction of lighting can result in light overspill onto adjoining properties and roads which, in turn, can have a significant impact on amenity values, their use and enjoyment and in terms of roads, public safety.

The report sets out the trends and issues for this topic, provides an overview of the statutory and policy context, along with specific consultation undertaken. The report also includes a review of the existing Plan provisions and an evaluation of alternatives to determine the most appropriate way(s) to achieve the purpose of the Resource Management Act ('RMA' or 'the Act') in relation to Light overspill.

3 Statutory and Policy Context

3.1 Resource Management Act

Section 5: Purpose of the Act

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

Sustainable management 'means managing the use, development, and protection of natural and physical resources to enable 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 provisions in the Light chapter are intended to recognise that artificial light performs an important operational and functional role for a range of activities that operate in the District while also ensuring that potential adverse effects on the environment are appropriately managed.

Section 6 of the RMA specifically requires that the Council recognise and provide for matters of national importance. There are no specific matters of national importance relevant to the lighting topic.

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) Maintenance and enhancement of amenity values.

(f) Maintenance and enhancement of the quality of the environment.

Light can adversely impact on amenity values by disturbing sleep patterns, affecting the ability to use and enjoy outdoor living spaces as well as causing health and well-being issues. The quality of the environment can also be adversely affected, especially in the residential environments where excessive light is not anticipated to be a dominant feature. Conversely, light can also have positive effects relating to the ambience and safety experienced in various environments such as public parks and walkways.

Section 8: Treaty of Waitangi

Section 8 of the RMA requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Tangata whenua, through iwi authorities have been consulted as part of the District Plan review process. This feedback has informed the section 32 evaluation, and the obligation to make informed decisions based on that consultation is noted.

3.2 Statutory Planning Documents

The following Statutory Planning Documents are relevant to the Light topic.

3.2.1 National Planning Standards

Released in April 2019, the purpose of the National Planning Standards (planning standards) is to improve consistency in plan and policy statement structure, format and content.

The standards were introduced as part of the 2017 amendments to the Resource Management Act 1991 (RMA). Their development is enabled by sections 58B–58J of the RMA. They support implementation of other national direction such as national policy statements and help people to comply with the procedural principles of the RMA.

As discussed in the Overview Report, the Proposed District Plan will give effect to the planning standards. Of particular relevance is the application of the planning template “District-Wide Matters” which has been applied in preparing the Light chapter.

3.3 Regional Policy Statement

Under Section 75(3)(c) of the RMA, the District Plan must give effect to the Regional Policy Statement. The Taranaki Regional Policy Statement 2010 (RPS) currently does not contain any specific direction relating to lighting. However, it recognises that there are distinct amenity values associated with urban and rural environments, with the objective and policies relating to ‘maintaining and enhancing amenity values’ being of particular relevance to this topic:

Maintaining and Enhancing Amenity Values:

- *AMY Objective 1: To recognise the positive contributions of appropriate use and development in terms of providing for the maintenance and enhancement of amenity values in the Taranaki region, while avoiding, remedying or mitigating the adverse effects of inappropriate use and development on amenity values.*
- *AMY Policy 1: The adverse effects of resource use and development on rural and urban amenity values will be avoided, remedied or mitigated and any positive effects on amenity values promoted. Any positive effects of appropriate use and development will be fully considered and balanced against adverse effects.*

Those qualities and characteristics that contribute to amenity values in the Taranaki region include:

- (a) Safe and pleasant living environment free of nuisance arising from excessive noise, odours and contaminants, and from traffic and other risks to public health and safety;*
- (c) A visually pleasing and stimulating environment.*

Related to the above-mentioned objective and policy, territorial authorities are also advised to consider the following method:

- *AMY METH 8: Include in district plans and on resource consents, provisions or conditions promoting the maintenance and enhancement of rural and urban amenity values.*

3.4 Iwi Environmental Management Plans

For the purposes of the District Plan Review, Iwi Environmental Management Plans need to be taken into account under Section 74 (2A) of the RMA. The relevant iwi management plans are:

- 3.4.1 Taiao, Taiora: An Iwi Environmental Management Plan for the Taranaki Rohe (2018) (lodged with Council), which includes:
 - An issue about the effect of light pollution on the night sky and obscuring the view of stars is a Ranginui rāua ko Tāwhirimātea issue – affecting the relationship between Taranaki Iwi and the sky and air. In response to this issue, the Proposed Plan includes an objective that seeks to ensure that ‘adverse light spill effects which compromise ... views of the night sky are avoided, remedied or mitigated’.
- 3.4.2 Tai Whenua, Tai Tangata, Tai Ao, Te Atiawa Iwi Environmental Management Plan (2019) (in draft, not yet lodged with Council), which includes:
 - An issue regarding the effects of light, noise, odour and visual pollution which can generate adverse effects on Ta Atiawa’s taonga species and their health and wellbeing.
 - An objective to ensure the effects of light, noise, odour, radiation and visual pollution are managed in a manner that does not impact the environment, species, and on health and wellbeing or cause nuisance to Te Atiawa’s people.
 - Policies to reduce light, noise and visual pollution, including the adoption of clean technologies, require monitoring to ensure compliance with existing standards and conditions of consents, planting of site-specific native trees which provide bird corridors as well as screening for obtrusive developments.

- 3.4.3 The Maniapoto Iwi Environmental Management Plan (Ko Tā Maniapoto Mahere Taiao) (2016) (under revision, not yet lodged with Council), which includes an 'action' to ensure that rules for light and/or noise pollution do not limit customary use activities, places or events.
- 3.4.4 Ngāti Mutunga Iwi Environmental Management Plan (2014 update) (under revision, not yet lodged with Council), which includes section on light, odour, noise and visual pollution (page 16), including:
- An issue relating to the potential for visual intrusion from too much light, and an objective to ensure that light, smells, noise and visual pollution do not reach levels which have an adverse impact on our people or environment.
 - Policies to encourage restrictions on the installation of artificial lighting. Light should not reach levels which alter the rural nature of the rohe, or make it difficult to see the stars at night.

The direction in these Iwi Management Plans, in relation to lighting, has been taken into account in the evaluation below.

3.5 Other Legislation, Standards and Policy Documents

No other legislation, standards or policy documents are relevant to the Light topic.

3.6 Local Policies, Plans and Strategies

3.6.1 New Plymouth District Strategic Framework

The vision for the New Plymouth Strategic Framework is Building a Lifestyle capital (He Whakatutu Haupū Rawa Hei Ahua Noho). The community outcomes this will achieve are: Putting people first (Aroha kit e Tangata), Caring for our place (Manaaki whenua, manaaki tangata, haere whakamua) and Supporting a prosperous community (Awhi mai, Wahi atu, tatou katoa).

3.6.2 New Plymouth District Council Blueprint

The Blueprint does not specifically address light overspill but does address growth and industry, both of which are of relevance given the importance of lighting in the context of night time operations, safety and amenity.

4 Context, Research and Trends

4.1 Operative District Plan Approach

4.1.1 Context

The Operative District Plan became operative in August 2005. As described in the Overview Report, the Operative Plan is an effects-based plan and standards are used within each Environment Area (zone) to determine what is appropriate, based on the character and amenity values that the community seeks to protect. In applying this approach to lighting there are rules and standards for each Environment Area that reflect their associated character and amenity values. There is no specific lighting chapter.

4.1.2 Operative Plan Provisions

The 'Management Strategy' of the Operative District Plan sets out the policy approach to managing light overspill in each 'Environment Area' as part of a broader framework focussed on character and amenity values. Relevant objectives and policies include the following:

- **Objective 1** - To ensure activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities.
- **Policy 1.1** - Activities should be located in areas where their effects are compatible with the character of the area.
- **Policy 1.2** - Activities within an area should not have adverse effects that diminish the amenity of neighbouring areas, having regard to the character of the receiving environment and cumulative effects.
- **Objective 2** - To avoid, remedy or mitigate the adverse effects of light overspill and glare, noise, and the consumption of liquor on amenity values and health.
- **Policy 2.1** - Light overspill should not result in adverse effects on amenity values and community health.
- **Policy 2.2** - Activities should not result in adverse effects on amenity values, community health and safety due to glare from artificial light, flaring or reflected light.

The associated methods to implement the above policies are:

- Rules specifying standards relating to lighting applying to all activities;
- Information and education advice on possible management techniques to address reverse sensitivity issues.

Light overspill is managed according to the nature and character of the zone (i.e. a higher level of light spill is anticipated in industrial and business zones than in residential zones). For example, up to 10 lux of light spill is permitted over sites in the Residential Environment Area, whereas 20 lux is permitted in the Business, Industrial and Open Space Environment Areas and 10 lux is the permitted maximum measured at the notional boundary of the Rural Environment Area.

Non-compliance with the maximum standards specified is a Restricted Discretionary Activity under the Operative District Plan.

4.2 Other methods

There are no other methods that the Council uses to manage lighting overspill effects. It is noted that Section 17 of the RMA 'duty to avoid, remedy or mitigate adverse effects' could be used for enforcement in the case that objectionable adverse lighting effects are occurring.

4.3 State of the Environment

4.3.1 Resource Consent Trends/Data

Between 2008 and 2017, the Council received one resource consent application relating to lighting, illustrating that there appear to be no observable trends or issues relating to the lighting topic.

4.4 Effectiveness of the Operative District Plan Approach

To date there have been no complaints recorded by Council specifically related to light overspill or the efficacy of the current light overspill provisions. In addition, as there has only been one resource consent application relating to lighting, there is limited pressure for higher levels of lighting. These two measures could indicate the Operative District Plan is effectively managing excessive light. Regardless, some issues have been noted with the current approach as detailed in the table below.

Issue	Comment	Response
Issue 1: No specific objective or policy framework for lighting.	The Operative Plan currently excludes specific policy direction regarding the management of light overspill. Instead, this is merged with more generic policies relating to amenity values. This lack of specific policy direction can result in uncertainty or ambiguity on how excessive lighting is to be assessed for a resource consent application.	Revise the objective and policy framework to include lighting specific policy framework, including the benefits and adverse effects.
Issue 2: Reference to out of date technical standards.	There is a notable absence of relevant guidance/standards to inform the measurement and assessment of light in accordance with best practice.	Include references to contemporary and best-practice standards and descriptors.

4.5 Effectiveness of Other Methods

The effectiveness of other methods listed in Section **Error! Reference source not found**. RMA are limited in terms of their use to manage the effects of light on their own, without a supportive regulatory approach.

4.6 Other Relevant Research/Documents

There is no other relevant research or documentation relevant to the lighting topic.

5 Consultation

Extensive consultation has been undertaken as part of this District Plan Review process with key stakeholders and the local community - refer to the General Overview Section 32 Report for details on the methods that were used to carry out that consultation. The feedback received on the lighting provisions was limited, with Port Taranaki being the only stakeholder to provide specific feedback on the provisions. Port Taranaki indicated that it supported the draft noise and light overspill provisions (previously part of one combined chapter) but the Port needs to confirm the location of its noise contours.

5.1 Consultation with Iwi Authorities

Ngā Kaitiaki consider that the effects of light overspill are broader than those currently managed in the Operative District Plan, with the impact of activities that result in adverse effects on amenity being more pronounced in different zones (for example, light generated from flare pits at night time in the rural environment). Consequently,

the proposed objectives and policies and associated nuanced standards will assist in ensuring that existing amenity values in different areas are appropriately maintained.

6 Key Resource Management Issues

The key resource management issue for lighting are:

- Poorly-designed artificial lighting can result in adverse effects on amenity values and health and safety. For example, light spill and glare can interfere with the use or enjoyment of adjacent properties, and may cause sleep disturbance, or create a nuisance.
- Excessive or poorly directed lighting can also adversely affect traffic safety, and views of the night sky and its associated cultural values (as noted in Section 3.4).

7 Proposed District Plan Provisions (Objectives, Policies and Methods/Rules)

The proposed provisions are set out in the Light chapter of the Proposed New Plymouth District Plan. These provisions should be referred to in conjunction with this evaluation report.

7.1 Strategic Objectives

Strategic objectives HC 1 and 3 in relation to historic and cultural matters, strategic objectives TW 11 and 12 in relation to tangata whenua matters, and strategic objectives UFD 19 – 23 in urban form and development matters are also relevant to the light provisions.

7.2 Provisions

In summary, the proposed provisions comprise:

- The introduction of a district wide chapter that specifically provides for lighting and management of the adverse effects of light overspill (in accordance with the National Planning Standards: 'District Plan structure' standards).
 - Objectives and policies that provide for adequate lighting to support activities and enable safety and security, while ensuring that potential adverse effects are minimised and the level of light spill is compatible with the local environment.
 - Permitted activity rules that allow activities to generate certain levels of light overspill to enable them to effectively and efficiently function subject to meeting relevant rules and associated effects standards. Where these levels are exceeded, resource consent is required as a Restricted Discretionary activity to enable an assessment of appropriateness and any associated adverse effects.
 - Matters of discretion that enable the potential adverse effects of light overspill on the character of the surrounding environment, amenity values, sleep and health to be addressed and proposed mitigation measures to be considered.

8 Approach to Evaluation

Section 32 (s32) of the RMA is integral to ensuring transparent, robust decision-making on RMA plans and policy statements (proposals).

It requires that:

- New proposals must be examined for their appropriateness in achieving the purpose of the RMA.
- The benefits and costs, and risks of new policies and rules on the community, the economy and the environment need to be clearly identified and assessed.
- All advice received from iwi authorities and the response to the advice needs to be summarised.
- The analysis must be documented, so stakeholders and decision-makers can understand the rationale for policy choices.

8.1 Evaluation of Scale and Significance

	Minor	Low	Medium	High
Degree of change from the Operative Plan		✓		
Effects on matters of national importance	✓			
Scale of effects – geographically (local, district wide, regional, national).		✓		
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).		✓		
Scale of effects on those with specific interests, e.g., Tangata Whenua		✓		
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?		✓		
Likelihood of increased costs or restrictions on individuals, communities or businesses.		✓		

8.2 Explanation Summary

In summary:

- Overall the degree of change from the Operative Plan is low. The proposed provisions provide a more cohesive and clear provision structure, the current light spill rules and standards have effectively been rolled over from the Operative District Plan.
- The proposal does not directly relate to any matter of national importance in section 6 of the RMA.
- The proposal does not relate to a strategic matter in the Blueprint.

- The proposal will have a district wide effect as the provisions apply across all zones and is likely to have an impact on the industrial/business community in terms of compliance but will benefit the public more generally in terms of managing the impact of light spill on amenity values, quality of the environment, health and wellbeing and the character of the zones.
- The changes are consistent with approaches in other second-generation District Plans that have been produced around New Zealand.
- Although the RPS does not directly address light spill it promotes the maintenance and enhancement of amenity values, including a safe and pleasant living environment free of nuisance arising from excessive noise, odours and contaminants, and from traffic and other risks to public health and safety.

Overall, it is considered that the scale and significance of the proposal is low. The level of detail in this report corresponds with the scale and significance of the environmental, economic and cultural effects that are anticipated from implementing the Light chapter provisions.

9 Evaluation of Objectives

Existing Objective(s)	Appropriateness to achieve the purpose of the Act
<p>Objective 2 <i>To avoid, remedy or mitigate the adverse effects of light overspill and glare, noise, and the consumption of liquor on amenity values and health.</i></p>	<p>In a broad way, the existing objective addresses the resource management issues of excessive lighting on amenity values and health. However, the existing objective does not address adverse effects of lighting on traffic safety or the night sky.</p> <p>In addition, although there is a clear emphasis on managing the adverse effects of light overspill, the objective fails to adequately provide for an appropriate level of lighting to support the operational and functional requirements of activities as well as to improve safety and security.</p> <p>The generic nature of this catch-all objective also overlooks the varied character and associated amenity values of the different environments located throughout the District. For example, a residential environment would generally anticipate less exposure to excessive light spill than an industrial one. Thus, the objective ignores the quality of the environment considerations implicit in section 7(f) RMA.</p> <p>Consequently, the objective is not sufficient to assist Council to control any actual or potential effects of use and development as required under section 31 RMA, or assist decision makers in determining the particular outcomes sought in relation to resource consent applications involving light overspill.</p>
Proposed Objective(s)	Appropriateness to achieve the purpose of the Act
<p><i>LIGHT-01</i></p> <p><i>Activities are able to use artificial lighting for operational and functional purposes and to provide for the security and safety of people and property.</i></p> <p><i>LIGHT-02</i></p> <p><i>Artificial lighting is located, designed and operated to maintain the character and amenity values within zones, and so that it does not adversely affect the</i></p>	<p>Sections 7(c) and (e) of the RMA direct Council to maintain and enhance amenity values and the quality of the environment. In the context of lighting, the proposed objectives provide for explicit consideration of amenity values, health and safety and 'visual pollution' of the night sky and that any associated adverse effects are managed at an appropriate level. Thus they give effect to both sections 7(c) and 7(f) of the RMA and taking into account the matters raised in the relevant Iwi Management Plans.</p> <p>The proposed objectives clearly anticipate and provide for an appropriate level of lighting to support the operational and functional requirements of activities and to improve safety and security. This supports the social and economic wellbeing of the district.</p>

<p><i>health and safety of people, the safe operation of the transport network and views of the night sky.</i></p>	<p>Additionally, the proposed objectives give effect to the policy direction in the RPS relating to the maintenance and enhancement of amenity values in the region relative to the existing objective (i.e. AMY Objective 1 and AMY Policy 1). They are considered reasonable in that they are unlikely to impose prohibitive costs on activities reliant on artificial light, will assist the Council to more effectively undertake its statutory obligations under section 31 RMA, and will provide more direction to assist decision makers in assessing applications involving light spill levels above that anticipated by the Plan.</p>
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<p>Evaluation of Alternative Options</p>	<p>Appropriateness to achieve the purpose of the Act</p>
<p>Each zone chapter includes objectives on light spill that specifically recognise the character, purpose and amenity values of the zone.</p>	<p>Although the objectives provide for explicit consideration of amenity values and that associated adverse effects are managed at an appropriate level relative to the character and purpose of each zone, they overlook wider quality of the environment considerations implicit in section 7(f) RMA (e.g. health and safety, 'visual pollution' of the night sky). This approach (i.e. objectives in each chapter) would also be contrary to directions in the National Planning Standards and would create unnecessary repetition.</p>
<p>Summary</p> <p>The proposed objectives achieve the purpose of the RMA as they recognise the social and economic contribution that utilisation of artificial light at night makes to the District, while ensuring that any associated adverse effects on the community and environment are appropriately managed. They also give effect to the RPS, particularly AMY Objective 1 and AMY Policy 1, and provide increased certainty regarding the anticipated outcomes sought under the District Plan in relation to light overspill.</p>	

10 Evaluation of Options to Achieve the Objectives

Options to achieve the District Plan objectives relating to Lighting	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<p>Option A: Proposed approach considered most appropriate to achieve the objectives.</p> <p>Introduce policies to manage the effects of lighting that recognises the individual character of each zone.</p> <p>Include standards to manage the emission of light spill.</p> <p>Non-compliance with the standards is treated as a restricted discretionary activity, with associated assessment matters.</p> <p>Guidance on how light should be measured and assessed (similar to other District Plans).</p>	<ul style="list-style-type: none"> Enables businesses and the community to generate a level of light that supports economic activity and social wellbeing. Light generation is controlled/managed to ensure that the adverse effects of light overspill on the environment are minimised. Quality of the environment and the amenity values and character of individual zones is maintained or enhanced. Provides relevant triggers to assess the adverse effects of light overspill on the environment within individual zones. Provides certainty to businesses, community and Council on the 	<ul style="list-style-type: none"> Costs to landowners/activity operators in applying for consents and associated time/uncertainty. Rules/standards may potentially limit the extent of light generation where it is an essential part of an activity thereby, imposing potential constraints on business operations and community/sporting events. Monitoring costs to enforce standards borne by Council. 	<p>The provisions give effect to AMY Objective 1 and AMY Policy 1 of the RPS.</p> <p>The proposed rules and standards are effective as they are clearly measurable and explicitly set out what is permissible; they also provide a high level of certainty as they clearly identify the trigger for consent, this being set at a level that ensures potential effects on amenity values and the character of individual zones in the District are minimised.</p> <p>The proposed option is also an efficient method of achieving the objectives given the identified costs and the associated issues with the current provisions.</p> <p>Further, the proposed provisions will be effective</p>	<p>The risk of not acting on these provisions would result in Council failing to comply with the provisions of Part 2 of the RMA (particularly section 7(f)), and the likely loss of amenity values and quality of the environment relevant to within individual zones.</p> <p>It is considered that there is sufficient information on which to base the proposed policies and methods.</p>

	<p>extent of light overspill allowed.</p> <ul style="list-style-type: none"> • Recognises the different character of, and amenity anticipated, in individual zones through the introduction of tailored standards. • All rules and standards are clearly laid out in a single chapter with a clear framework to manage light overspill. • Non-compliance is treated as a restricted discretionary activity, and there is certainty over the matters that the Council will consider. • Certainty to applicants on how Council expects lighting overspill to be measured and assessed, in accordance with best-practice standards. 		<p>in achieving the associated objectives as:</p> <ul style="list-style-type: none"> • The rule framework reflects the amenity anticipated in each zone by controlling the level of light overspill that can be generated. • The standards are aligned with the anticipated character and purpose of each zone. 	
<p>Option B: Status Quo Regulatory Approach</p> <p>No specific policy on light overspill, but merged with other policies in relation to amenity values. (E.g. generally, the emission of light spill is a</p>	<ul style="list-style-type: none"> • Most light generation is controlled/managed to ensure that light overspill does not create adverse effects on the environment. • Quality of the environment and 	<ul style="list-style-type: none"> • Costs to landowners/activity operators in applying for consents and associated time/uncertainty. • Rules/standards may potentially limit the extent of light 	<p>The provisions give limited effect to AMY Objective 1 and AMY Policy 1 of the RPS.</p> <p>Although the proposed rules and standards are effective at a general level, the provision framework doesn't clearly reflect the</p>	<p>The risk of acting on this option is that the resource management issues relating to provision of adequate lighting to support activities and enable safety and security and management of light spill to a level compatible</p>

<p>Permitted Activity in all zones subject to meeting relevant standards, with non-compliance with the standards treated as a Discretionary or Restricted Discretionary Activity).</p> <p>No guidance/standard on how light should be measured and assessed.</p>	<p>amenity values are maintained to an extent.</p> <ul style="list-style-type: none"> • Provides a trigger to assess the adverse effects of light overspill on the environment. • Provides certainty to businesses, community and Council regarding the extent of light overspill allowed. 	<p>generation where it is an essential part of an activity, thereby imposing potential constraints on business operations and community/sporting events.</p> <ul style="list-style-type: none"> • Monitoring costs to enforce standards borne by Council. • Confusion over the status of activities as non-compliance with standards appears to be a Discretionary Activity but the tables also list 'matters to which Council has limited its discretion'. • Uncertainty on how light overspill should be measured and/or assessed 	<p>amenity and character related outcomes anticipated in each zone.</p>	<p>with the local environment would be inadequately addressed.</p> <p>It would also result in Council inadequately complying with the provisions of Part 2 (particularly section 7(f)) and section 31 RMA.</p> <p>It is considered that the risk of acting on these provisions outweighs the risk of not acting. There is also sufficient information not to act on this approach.</p>
<p>Option C: Permissive Regulatory Approach (e.g. permit all forms of light spill)</p>	<ul style="list-style-type: none"> • Enables any extent of light overspill to occur, which supports economic wellbeing by enabling activities to operate without undue restriction. • Provides certainty to businesses, community and Council through 	<ul style="list-style-type: none"> • Risk that excessive light overspill could generate significant adverse effects, resulting in loss of amenity and potential impacts on the general wellbeing and health and safety of the community, as well as cultural values associated with the 	<p>The proposal would be effective in enabling activities to generate light levels that would support their operational and functional requirements.</p> <p>However, as there would be negligible control over potential adverse effects the Council would fail to</p>	<p>The risk of acting on this option is that it would result in Council failing to comply with the provisions of Part 2 (particularly section 7(c) and 7(f)) and section 31 RMA, and the likely loss of amenity values and quality of the environment.</p>

	<p>allowing unrestricted light emission.</p> <ul style="list-style-type: none"> • Negligible compliance costs as generation of light overspill would be permitted. 	<p>ability to view the night sky without obstruction of lights</p> <ul style="list-style-type: none"> • Would fail to avoid, remedy or mitigate potential adverse effects on the environment. • Creates uncertainty for the community over the extent of any light overspill that could occur near their properties or on an adjacent site. • Limited ability to place reliance on s17 RMA to control light spill (it is more of an enforcement mechanism than a management technique). 	<p>meet its Part2 and section 31 RMA obligations.</p>	<p>It is considered that the risk of acting on these provisions outweighs the risk of not acting. There is sufficient information not to act on this approach.</p>
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Quantification

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. As the lighting standards are generally the same as the Operative District Plan, it is considered that the proposal is expected to generate a similar number of resource consent applications as experienced under the Operative District Plan.

Given the assessment of the scale and significance of the proposed changes above it is considered that further quantifying costs and benefits would add significant time and cost to the s32 evaluation processes. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.

Summary

The above table has demonstrated that Option A is the most appropriate method for achieving the objectives relating to management of light emissions in the District. The existing regulatory approach (Option B), particularly at a policy level, is too generic and lacks sufficient specificity and clarity to effectively and efficiently address the resource management issues identified, particularly at individual, zone specific level.

Consequently, an alternative approach is proposed that explicitly reflects and responds to the distinctive character and amenity values of individual zones, thus applying a more targeted approach to managing potential adverse effects. It is also the option that gives greatest effect to the RPS, particularly AMY Objective 1 and AMY Policy 1, it responds to the issues raised in Iwi Management Plans through greater policy direction, includes guidance on how to measure and assess the lighting standards (in accordance with best-practice), and provides increased certainty regarding the anticipated outcomes sought under the District Plan in relation to the management of light overspill.

11 Summary

This evaluation has been undertaken in accordance with Section 32 of the Act in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as:

- A separate Lighting chapter provides for a simpler plan structure that is particular to lighting, is consistent with best practice and is aligned with the National Planning Standards and the approach used in many other District Plans.
- Objectives and policies provide for adequate lighting to support activities and enable safety and security, while ensuring that potential adverse effects are minimised and the level of light spill is compatible with the local environment.
- A permitted activity rule allows activities to generate certain levels of light overspill to enable them to effectively and efficiently function, subject to meeting relevant effects standards. Where these levels are exceeded, resource consent is required to enable an assessment of appropriateness and any associated adverse effects.
- A Restricted Discretionary Activity rule provides for activities that do not meet the permitted activity standards, along with associated matters of discretion that enable the potential adverse effects of light overspill on the character of the surrounding environment, amenity values, sleep and health to be addressed, and proposed mitigation measures to be considered.
- The standards for light will be measured and assessed in accordance with updated and best-practice standards.
- The standards for light will be measured and assessed in accordance with updated and best-practice standards.

Overall, it is considered that the set of proposed provisions is the most appropriate given that the benefits outweigh the costs, and there are efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.