



Section 32 Report for the Proposed Waitomo District Plan

Section 32 Report – Light

SUMMARY OF ISSUES	RESOURCE MANAGEMENT ACT 1991	NATIONAL DIRECTION	REGIONAL POLICY STATEMENTS	IWI MANAGEMENT PLANS CONT...
<p>The light chapter addresses the following issues:</p> <ul style="list-style-type: none"> If artificial lighting is not properly located, installed and designed it can have adverse effects on people. It can affect people’s sleep and can result in glare. Poorly designed artificial lighting can affect traffic safety. Artificial lighting can affect the character and amenity of an area, particularly in remote locations where there is no light pollution and a high level of dark sky visibility. 	<p>Section 5 RMA 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.</p> <p>Lighting can contribute to the safety of communities.</p> <p>Section 6 RMA The following provisions in section 6 are relevant to lighting, mainly because inappropriate lighting has the potential to adversely affect these features:</p> <p>Section 6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:</p> <p>Section(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:</p> <p>Section 6(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga).</p> <p>These matters have been considered in the development of this chapter.</p> <p>Section 7 RMA The following clauses are relevant in section 7: Section 7(c) the maintenance and enhancement of amenity values.</p> <p>Section 7(f) maintenance and enhancement of the quality of the environment.</p>	<p>There are six National Policy Statements (NPSs) currently in place:</p> <ul style="list-style-type: none"> New Zealand Coastal Policy Statement 2010 NPS for Electricity Transmission 2008 NPS for Renewable Electricity Generation 2011 NPS for Freshwater Management 2020 NPS on Urban Development 2020 NPS for Highly Productive Land 2022 <p>There are also 8 National Environmental Standards (NESs) currently in place:</p> <ul style="list-style-type: none"> NES for Air Quality 2004 NES for Sources of Human Drinking Water 2007 NES for Telecommunication Facilities 2016 NES for Electricity Transmission Activities 2009 NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 NES for Plantation Forestry 2017 NES for Freshwater 2020 NES for Storing Tyres Outdoors 2021 <p>The only document that references lighting is the NES for Electricity Transmission Activities 2009 which enables lighting as part of a “temporary structure”.</p> <p>Relevant case law considered</p> <p>There was no relevant case law in relation to this chapter.</p>	<p>The Waikato Regional Policy Statement addresses light spill in the context of reverse sensitivity, particularly implementation method 6.1.2 which requires local authorities to have particular regard to the potential for reverse sensitivity when assessing resource consent applications, preparing, reviewing or changing district or regional plans and development planning mechanisms such as structure plans and growth strategies. In particular, consideration should be given to discouraging new sensitive activities locating near existing and planned land uses.</p> <p>The development principles in section 6A also encourage the adoption of sustainable design technologies, such as low-energy street lighting.</p> <p>Section 12C identifies night-time values as a measure of natural coastal character: reflecting the extent to which lights, noise, perceived activities and exposure to the sky’s star-field affect the perceived naturalness of the coastal environment.</p> <p>Objective 3.21 states that the qualities and characteristics of areas and features, which are valued for their contribution to amenity, are to be maintained and enhanced.</p> <p>There are numerous objectives and policies in both the Waikato Regional Policy Statement and the Manawatū-Whanganui One Plan relating to the protection of section 6 matters including outstanding natural landscapes and features, areas of significance to Māori, the natural character of the coastal environment, wetlands, lakes and rivers, and historic heritage etc. In order to protect the values of these features and items, lighting needs to be limited in power output and location.</p>	<p>The Waikato Tainui Environment Management Plan 2018 (WTEP) addresses lighting in the following provisions: Policy 23.3.1.1 Policy: To ensure that the quality of any discharge to air is retained at a level such that it does not compromise human health, amenity values, or property. Methods: (h) Manage the effects on amenity values of an area due to contaminants, dust, odour, light, or noise. Particular areas of amenity value include, but are not limited to: (ii) The Waikato River and its tributaries, banks, and immediate environs; (iii) Marae and papakāinga; (iv) Sight lines to important features in the landscape, water bodies, wāhi tapu and other sites of significance; and (v) The coastline.</p> <p>It is considered that the proposed provisions have taken into account the WTEP by limiting the level of lighting in all zones.</p>
<p>OPERATIVE WAITOMO DISTRICT PLAN</p>	<p>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 residential environments where excessive light is not anticipated to be a dominant feature.</p> <p>The above matters are relevant to the Light chapter because lighting effects can create nuisance and reduction in amenity values as a result of obtrusive light spill and glare. Sky glow can also adversely affect the visibility of the night sky which can reduce opportunities for star gazing and can have an adverse effect on nocturnal species. Celestial darkness is important to tangata whenua and their cultural connection to the environment and is also an important attribute to some outstanding natural features and landscapes within the Waitomo District which should be protected.</p> <p>Conversely, light can also have positive effects relating to the ambience and safety experienced in various environments such as public parks and walkways.</p>		<p>IWI MANAGEMENT PLANS</p> <p>We are required to take into account planning documents recognised by an iwi authority and lodged with the territorial authority. The provisions in the Maniapoto Iwi Environment Management Plan (MEMP) 2018 relevant to lighting are as follows: 12.3.1.1 Policy: People and taonga are protected from the adverse effects of discharges to air. Actions: Ensure rules for light and/or noise pollution do not limit customary use activities, places or events</p> <p>It is considered that the proposed provisions have appropriate regard to the MEMP by excluding lighting associated with temporary events from needing to comply with the standards.</p>	<p>OTHER RELEVANT PLANS OR LEGISLATION</p> <p>There are NZ Standards that cover all types of outdoor activity lighting including public spaces, workplaces, sporting venues and obtrusive light. Some of the Standards have prescriptive requirements, while others only provide general guidance of a descriptive nature.</p> <p>The most relevant light spill standard which has informed the drafting of the District Plan rules is AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting, which replaces the previous version that the current District Plan light spill rules are based on (AS4282:1997).</p> <p>Other New Zealand standards, such as AS/NZS1158.1.2:2010 Lighting for roads and public spaces and AS/NZS1680.4:2017 Interior and workplace lighting, provide standards relevant to the lighting requirements of particular activities, but do not specifically consider the effects of that lighting on other sites, apart from providing some general guidance.</p>
<p>There is no specific chapter or provisions to manage lighting in the Operative District Plan.</p>				

Section 32 Report – Light

<p>SCALE & SIGNIFICANCE s32(1)(c)</p> <p>The assessment is based on eight factors outlined in Ministry for the Environment’s guidance on Section 32 reports. Each factor is scored in terms of its scale and significance (where 1 is low and 5 is high).</p> <p>Reason for Change: Problem / Issue: 2 Degree of Shift from Status Quo: 2 Who and How Many Affected, Geographic Scale of Effects: 2 Degree of Impact on or Interest from Māori: 2 Timing and Duration of Effects: 2 Type of Effect: 2 Degree of Risk or Uncertainty:1</p> <p>Total (out of 40): 13</p>	<p>Section 8 RMA</p> <p>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.</p>			<p>STRATEGIC DIRECTION</p> <p>There are no strategic objectives of particular relevance to the management of lighting.</p> <hr/> <p>UNCERTAINTIES AND RISKS s32(2)(c)</p> <p>The degree of risk and uncertainty is low. The absence of provisions for lighting means that enforcement officers have to rely on s17 of the RMA to manage any complaints of inappropriate lighting.</p>
--	--	--	--	---

<p>OBJECTIVE(S) s32(1)(a)</p> <p>Relevance – The objectives address the relevant resource management issues. Objective Light-O1 sets the direction for lighting and is focused on managing the adverse effects that can arise from lighting. Objective Light-O2 also recognises the importance of lighting for night-time working, recreation and entertainment.</p> <p>Usefulness – These objectives will guide the decision makers to both manage adverse effects on the health, safety and amenity values of people but to also enable work, recreation and entertainment activity to occur.</p> <p>Reasonableness – Provisions in relation to light spill and glare will not result in unjustifiably high costs on the community as they seek to provide a framework for considering consent applications which is consistent with AS/NZ 4282:2019. Provisions in relation to addressing effects on visibility of the night sky seek to provide a practical approach across the district which recognises different light sources and do not impose restrictions that are unreasonably onerous or unnecessary. 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 PDP.</p> <p>Achievability – The outcomes are within the scope of Council’s responsibilities and can be realistically achieved through regulations at a district level.</p> <p>Are the objectives the most appropriate way to achieve the Purpose of the Act? The proposed objectives are considered to meet the tests of relevance, usefulness, reasonableness and achievability. The objectives are the most appropriate way to achieve the purpose of the RMA because they 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. The objectives are specific about the kind of amenity values and outcomes that are sought to be managed through the PDP, while recognising the functional and safety requirements for lit sites.</p>

PROVISIONS s32(1)(b)

<p>EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii), 32(2)(a)(i), s32(2)(a)(ii)</p> <p>Benefits Anticipated</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> Better management of artificial outdoor lighting Reduced adverse effects from light spill and glare on people Encourages the preservation of the night sky in important locations. There is also the ability to consider effects when light levels are exceeded, and resource consent is required. <p><u>Economic</u></p> <ul style="list-style-type: none"> Consent may be required if the rules and standards cannot be complied with. Light spill levels applicable to rural sites are not restrictive in recognition of the need to operate without undue constraint. Encourages the preservation of the night sky in the tourism zone of Waitomo Caves Village which is a commercially important location. <p><u>Social</u></p> <ul style="list-style-type: none"> Improved management of lighting effects will potentially improve the well-being of people. Lighting for safety such as streetlights and navigational lights are not limited. <p><u>Cultural</u></p> <ul style="list-style-type: none"> Lighting associated with temporary cultural events is not limited. Direct benefits as a result of reduced light pollution on the night sky, which enables connection to astrological features which often have important cultural meaning. <p>Costs Anticipated</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> There are no anticipated environmental costs 	<p>ALTERNATIVES s32(1)(b)(i)</p> <p>For the purpose of this evaluation, the Council has considered the following potential options:</p> <ol style="list-style-type: none"> The proposed provisions; and The status quo. The approaches of other district plans <p>The ODP approach which has no lighting provisions are not considered to be efficient or effective in achieving the objectives.</p> <p>In order to identify other reasonably practicable options, the Council has undertaken the following:</p> <ul style="list-style-type: none"> Reviewed other relevant district plan provisions for their approaches to managing lighting; Reviewed national best practice and guidance in terms of artificial lighting; and Sought feedback from the relevant Council staff.
---	---

Section 32 Report – Light

<p><u>Economic</u></p> <ul style="list-style-type: none"> • May limit the use of lighting to identify commercial activities. • Costs to obtain resource consents. <p><u>Social</u></p> <ul style="list-style-type: none"> • There are no anticipated social costs. <p><u>Cultural</u></p> <ul style="list-style-type: none"> • There are no anticipated cultural costs. <p>Economic growth opportunities There are unlikely to be any economic growth opportunities as a result of the provisions.</p> <p>Employment opportunities There are unlikely to be any employment opportunities as a result of the provisions</p>	
<p>QUANTIFICATION OF BENEFITS & COSTS s32(2)(b)</p>	
<p>Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified. Given the assessment of the scale and significance of the proposed provisions, specific quantification of the benefits and costs in this report is considered neither necessary, beneficial nor practicable in relation to this topic.</p>	
<p>EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii)</p>	<p>REASONS FOR PROVISIONS s32(1)(b)(iii)</p>
<p>Section 32(1)(b)(ii) requires assessing the efficiency and effectiveness of the provisions in achieving the objectives:</p> <p><u>Efficiency</u> The proposed provisions are achievable, and the benefits clearly outweigh the costs. They have a low associated risk as they will not result in irreversible or long term effects and the economic, social, cultural and environmental costs are low. The additional clarity provided by the PDP provisions with regards to managing light spill and glare will result in improved efficiency over the status quo.</p> <p><u>Effectiveness</u> The 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. This is considered to be an effective approach to achieving the objectives.</p>	<p>Section 32(1)(b)(iii) requires a summary of the reasons for deciding on the provisions: The proposed provisions are considered to be the most effective means of achieving the objectives as together they will:</p> <ul style="list-style-type: none"> • enable the Council to fulfil its statutory obligations, including duties imposed on the Council by section 31 of the RMA. • ensure that adverse effects from lighting are managed appropriately by rules which control new artificial outdoor lighting and therefore reduce the possibility that it will cause nuisance and/or a reduction in amenity values. • enable work, recreation and entertainment activities to occur beyond daylight hours acknowledging the functional and safety requirements for lit sites. • enable the Council to effectively administer its District Plan in a clear and consistent manner. • 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.