

Gore Proposed District Plan

Hearing Stream 5

Part 2: District Wide Matters - Light

Section 42A of the Resource Management Act 1991

Section 42A Report – Light

Table of Contents

Interpretation	3
Table 1: Abbreviations	3
Table 2: Submitters and Further Submitters Names Abbreviations	3
Table 3: List of Submitters	4
1. Executive Summary.....	5
2. Introduction	6
2.1 Author and qualifications	6
2.2 Code of Conduct	6
3. Scope of report and topic overview	6
4. Statutory considerations and planning framework.....	7
4.1 Resource Management Act 1991	7
4.2 Section 32AA evaluation	8
5. Background	8
5.1 Technical Reports	8
6. Consideration of submissions	10
6.1 Structure of the report	10
6.2 Overview of submissions.....	10
6.3 Format for consideration of submissions.....	11
6.4 General Whole Plan Submissions.....	11
6.5 Definition of ‘Artificial Outdoor Lighting’	11
6.6 General submissions on the Light Chapter.....	14
6.7 Submission seeking additional provision	16
6.8 LIGHT - Overview	17
6.9 Objective LIGHT-O1	17
6.10 Objective LIGHT-O2	17
6.11 Policy LIGHT-P1.....	18
6.12 Policy LIGHT-P2.....	20
6.13 Rules LIGHT-R1 and LIGHT-R2	21
6.14 Standards LIGHT-S1 and LIGHT-S2	23
7. Consequential and Minor Amendments.....	25
8. Conclusions and Closing Recommendations	26
8.1 Conclusions.....	26
8.2 Closing Recommendation.....	27

Appendices

Appendix A – track change amendments to chapter

Appendix B – Recommended response to submissions and further submissions

Interpretation

Abbreviations

Resource Management Act 1991	RMA or 'the Act'
Gore District Council	GDC or 'the Council'
Operative District Plan	ODP
Proposed District Plan	PDP
National Planning Standards 2019	PS
Southland Regional Policy Statement 2017	RPS
National Policy Statements	NPS
National Policy Statement on Highly Productive Land	NPS-HPL
National Policy Statement for Freshwater Management	NPS-FM
National Policy Statement for Urban Development	NPS-UD
National Environmental Standards	NES
National Environmental Standard for Freshwater 2020	NES-F
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	NES-CS
Permitted Activity	PA
Controlled Activity	CA
Restricted Discretionary Activity	RDA
Discretionary Activity	DA
Non-complying Activity	NCA

Submitters and Further Submitters Names Abbreviations

Contact Energy Limited	Contact Energy
KiwiRail Holdings Limited	KiwiRail
Ministry of Education	MOE
New Zealand Transport Agency Waka Kotahi	NZTA
Southland District Council	SDC
Southland Federated Farmers of New Zealand	Federated Farmers

List of Submitters

Submitter No.	Submitter Name
S40 & FS29	Silver Fern Farms
S60	Ronald Crispin
S68	John Baynes
S112 & FS14	Waka Kotahi NZ Transport Agency
S115	Kevin Robertson
S121	Alliance Group Limited
S125	Ministry of Education
S126	Federated Farmers
S132	KiwiRail Holdings Ltd
S140	Robina Johnston
S143	Rural Ratepayers Group
S144	Contact Energy Limited
S146	Southland District Council
S148	Alistair & Bernadette Hunt

1. Executive Summary

1. The Proposed District Plan (“PDP”) for Gore District was publicly notified on 31 August 2023. The PDP includes a Light chapter which contains objectives, policies, rules and standards to manage the effects of glare and light spill from artificial outdoor lighting.
2. A total of 58 submission points and 7 further submission points were received in relation to the Light chapter and definitions directly associated with Light. The majority of submissions supported or supported in part the provision with a range of amendments sought.
3. The key issues identified through submissions are as follows:
 - Ensuring consistency with the relevant New Zealand standard for Light
 - Specifically identifying rural production as an activity which benefits from artificial light and inclusion of additional provisions which recognise that rural production activities may require artificial outdoor lighting outside of normal operating hours.
 - Provide for management of glare, particularly in relation to potential effects on State Highways.
 - Inclusion of exemptions for rail signals from light spill limits.
 - That the definition of artificial outdoor lighting is clarified to relate only to electrically powered light sources.
4. The report has been prepared in accordance with Section 42A of the RMA and outlines recommendations in response to the issues that have been identified through submissions. The report is intended to assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP, and to provide submitters with an opportunity to understand how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.
5. As a result of submissions, a range of recommended changes have been made which are broadly summarised as follows:
 - Amendments to policies LIGHT-P1 and LIGHT-P2 to refer to ‘artificial outdoor lighting’ instead of ‘artificial lighting’ and to LIGHT-P2 to ensure the effects of ‘glare’ are appropriately managed.
 - Amendments to LIGHT-R1 to strengthen conditions relating to management of glare; exempt rail signs and wind turbines requiring lights by Civil Aviation Authority New Zealand; and allow for LIGHT-R1(2) and (3) to have a Restricted Discretionary pathway with matters of discretion limited to those listed in LIGHT-S1 and the effects on the transport network.
 - Amendments to LIGHT-S1 to require light spill to be measured at a boundary with the state highway and include a matter of discretion to allow for the consideration of actual or potential adverse effects of light spill and/or glare on the safe, efficient and effective operation of a road.
 - Amendment to LIGHT-S2 to allow for light spill to be measured at a road boundary and include a matter of discretion to allow for the consideration of actual or potential

adverse effects of light spill and/or glare on the safe, efficient and effective operation of a road.

- Amend the definition of ‘artificial outdoor lighting’ to ensure the definition is clear that in relation to signs it is only the illumination of any sign which is captured by the definition.

2. Introduction

2.1 Author and qualifications

6. My name is Victoria Emily Jane Woodbridge, I am the author of this report. I am employed by The Property Group as a Principal Planner. I hold a Bachelor of Arts (Honors) English and Media Studies from the University of Glamorgan, UK and a Masters in Urban and Regional Planning from the University of Westminster, UK. I have over 15 years’ experience in planning and resource management, including policy development and associated report and evidence preparation.
7. I have been engaged as a contractor by Gore District Council to assist in the District Plan review and prepare the draft and proposed District Plans. I have been involved in the preparation of the Light Chapter, including the drafting of the Section 32 Evaluation report.
8. I have other relevant experience including Council initiated Plan Changes and variations for Tasman District Council, Far North District Council and private Plan Changes for several private clients.

2.2 Code of Conduct

9. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel. The opinions expressed in this evidence are based on my qualifications and experience and are within my area of expertise. If I rely on the evidence or opinions of another my evidence will acknowledge that position.
10. I am authorised to give this evidence on the Council’s behalf to the Proposed District Plan hearing commissioners (“Hearings Panel”).

3. Scope of report and topic overview

11. This report considers the submissions and further submissions that were received by the Council in relation to the Light chapter of the PDP. In addition, the provisions in the following chapters relating to the management of light are also addressed:

- a. Part 1: Interpretation – Definitions

12. The assessment of submissions will generally follow this format:

- a. Submission information
 - b. Analysis of submissions
 - c. Recommendation and any amendments
 - d. Where an amendment is recommended a section 32AA assessment is provided.
13. Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions are shown by way of strikeout and underlining. **Appendix A** of this report contains a copy of the Light chapter with all recommended amendments are shown by way of strikeout and underlining.
14. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors.
15. Clause 10(2)b of the RMA allows decisions on the PDP to include matters relating to consequential alterations to the PDP which are necessary, relevant or arising from submissions. I consider that this would include any consequential amendments to the PDP based on previous Section 42A report recommendations.

4. Statutory considerations and planning framework

4.1 Resource Management Act 1991

16. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
- a. Section 74 – Matters to be considered by territorial authorities; and
 - b. Section 75 – Content of District Plans.
17. As set out in the Section 32 Evaluation Report for Light there are a number of higher order planning documents and other relevant plans which have provided direction and guidance for the preparation of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are outlined in that Section 32 Report. The Section 42A Introduction, General Provisions and Strategic Direction Report also provides an overview of the relevant Statutory considerations, higher order planning documents and other relevant plans and policies.
18. It is not considered necessary to repeat the detail of the relevant RMA sections and higher order documents in this report as these are covered within the relevant Section 32 Evaluation Report. However, where a higher order document is considered particularly relevant to the assessment of submissions or where there have been amendments to higher documents relevant to this topic these are discussed below.

4.2 Section 32AA evaluation

19. Any recommended amendments to provisions since the initial section 32 evaluation was undertaken are evaluated in accordance with section 32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) further evaluation required under this Act-

- (a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
- (b) must be undertaken in accordance with section 32(1) to (4); and*
- (c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
- (d) must—*
 - (i) published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*
 - (ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

(2) To avoid doubt an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

(3) In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.

20. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the topics of this report is contained within the assessment of the relief sought in submissions in section 3, as required by s32AA(1)(d)(ii).
21. The section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

5. Background

22. The Section 42A Introduction, General Provisions and Strategic Direction Report includes details of the PDP notification, submission statistics etc. The Section 32 Evaluation Report for the Light Chapter outlines the development of the provisions and provides a comprehensive analysis of the provisions.

5.1 Technical Reports

23. No technical reports were prepared or considered in relation to the drafting of the PDP light chapter. However, consideration was given to the relevant Australian / New Zealand standard

for the management of artificial light - AS/NZS 4282:2019 Control of Obtrusive Effects of Outdoor Lighting which has now been superseded by AS/NZS 4282:2023.

24. The purpose of the standard is to provide a basis for assessment of the potential obtrusive effects of outdoor lighting, this includes light falling onto surrounding properties, the brightness of luminaires in the field of view of nearby residents and glare to users of the transport system as well as the effects on astronomical observations and environmentally sensitive areas.¹

25. There are a number of types of lighting where the standard does not apply, including lighting for:

- a. Lighting for entertainment and festivals that is designed for a performance or an event that operates outside of curfew hours, and for a regularly occurring event that operates for an interval of not more than 30 minutes each night, excluding sports lighting.
- b. Emergency warning, way finding lights / marker lights, navigation lights, all traffic signals, traffic signage and vehicle headlights, including working lights mounted on moving vehicles and plant.
- c. Lighting for aviation safety.
- d. Flags that are required to be lit at night by government protocol
- e. Public lighting as defined by the standard and temporary lighting (other than (a) which operates for less than one month, unless the relevant authority specifies that the standard applies.

26. The standard also includes requirements around the control of glare which is defined as:

1.4.4 Glare

Condition of vision in which there is discomfort or a reduction in ability to see, or both, caused by an unsuitable distribution or range of luminance, or to extreme contrasts in the field of vision.

1.4.4.1 Disability glare

Glare that impairs the visibility of objects without necessarily causing discomfort.

1.4.4.2 Discomfort glare

Glare that causes discomfort without necessarily impairing the visibility of objects.

NOTE: Both disability and discomfort glare may be present concurrently.

27. A point of difference from the 2019 standard is that in the 2023 standard environmental receivers are now considered to recognise the impact artificial light can have on plants, animals and ecosystems as well as human receivers. However, the standard notes that complying with the requirements within the standard will benefit environmental receivers through a reduction in light spill but will not necessarily ameliorate impacts where protected species and communities are located on, or adjacent to, the site.

¹ AS/NZS 4282:2023

6. Consideration of submissions

6.1 Structure of the report

28. Submissions on the Light Chapter have raised a number of issues which have been grouped by Plan provision within this report, where there are a limited number of submissions on Plan provisions these may be grouped if there are common themes. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate.
29. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on a provisions-based approach, as opposed to a submission-by-submission approach. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified.
30. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in **Appendix B**.
31. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapter with recommended amendments in response to submissions as **Appendix A**.
32. This report only addresses definitions and submissions on mapping specifically relevant to this topic. Definitions that relate to more than one topic and general mapping submissions have been addressed in the Section 42A Introduction, General Provisions and Strategic Direction Report.

6.2 Overview of submissions

33. A total of 58 submission points and 7 further submissions are addressed in this report. A list of submitters on this Light is provided at the start of the report.
34. Over half the submissions were in support of the provisions and sought no amendments. However, the other half sought relatively minor amendments with one technical correction identified.
35. The submissions broadly related to the following matters:
- Ensuring consistency with the relevant New Zealand standard for Light.

- Specifically identifying rural production as an activity which benefits from artificial light and inclusion of additional provisions which recognise that rural production activities may require artificial outdoor lighting outside of normal operating hours.
- Provide for management of glare, particularly in relation to potential effects on State Highways.
- Inclusion of exemptions for rail signals from light spill limits.
- That the definition of artificial outdoor lighting is clarified to relate only to electrically powered light sources.

6.3 Format for consideration of submissions

36. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:

- Matters raised by submitters;
- Assessment;
- Summary of recommendations; and
- Section 32AA assessment.

37. The recommended amendments to the relevant chapters are set out in **Appendix A** of this report where all text changes are shown in a consolidated manner.

6.4 General Whole Plan Submissions

Matters raised by Submitters

38. General submissions in support of the PDP from Hokonui Rūnanga (s139.093), McNabb Management Ltd (s103.031) and Transpower New Zealand Ltd (s101.103) were received. These submissions support the whole Plan except for their requested changes in the specific submissions.

Assessment and Recommendation

39. I acknowledge the support from the submissions. I accept them in part to the extent that I've recommended changes in this report.

6.5 Definition of 'Artificial Outdoor Lighting'

Matters raised by Submitters

40. Silver Fern Farms (s40.004) and Alliance Group Ltd (s121.005) seek an amendment to the definition to delete reference to signs on the basis that non-illuminated signs could be captured by the definition and result in unintended consequences. The submitters consider that the reference to 'any' exterior illumination would be sufficient to capture illumination associated with signs. NZTA (FS14.001) supports in part the submission from Silver Fern Farms (s40.004) and considers that the definition should be reworded to include only internally and externally illuminated signs.

41. Federated Farmers (s126.08), Kevin Robertson (s115.009), Ronald Crispin (s60.11), Rural Ratepayers Group (s143.020), Alistair & Bernadette Hunt (s148.021) and John Baynes (s68.129) support the definition in part but seek an amendment to clarify lighting is from ‘electrically powered’ means and delete reference to non-residential indoor lighting and the inclusion of signs.

any electrically-powered exterior or ~~non-residential interior~~ lighting and/or sign that emits directly into the outdoor environment. ~~and includes signs.~~

42. Silver Fern Farms (FS29.007, FS29.008, FS29.009, FS29.0010, FS29.011 and FS29.012) support in part Federated Farmers (s126.08), Kevin Robertson (s115.009), Ronald Crispin (s60.11), Rural Ratepayers Group (s143.020), Alistair & Bernadette Hunt (s148.021) and John Baynes (s68.129) and agree that the definition is imprecise and risks unintended consequences. However, Silver Fern Farms also considers that the relief sought to include reference to ‘and / or sign’ is not necessary.

Assessment

43. In response to the submissions from Silver Fern Farms (s40.004), Alliance Group Ltd (s121.005) and NZTA (FS14.001), I acknowledge the issue raised by the submitters in relation to signage. However, the purpose of definitions is to assist Plan users and as such the definition should be clear as to the intent. The reference to “and includes signs” is intended to acknowledge that signs can be illuminated and that illumination would be considered ‘artificial outdoor lighting’ and therefore subject to the provisions within the Chapter. However, I accept that as proposed the wording does not make that implicitly clear and as such, I recommend an amendment to the definition to clarify that it is the lighting associated with signs which falls within the definition and not the sign itself.
44. In response to the submissions from Federated Farmers (s126.08), Kevin Robertson (s115.009), Ronald Crispin (s60.11), Rural Ratepayers Group (s143.020), Alistair & Bernadette Hunt (s148.021) and John Baynes (s68.129) and Silver Fern Farms (FS29.007, FS29.008, FS29.009, FS29.0010, FS29.011 and FS29.012) I consider the matter raised in relation to the inclusion of the wording ‘and includes signs’ is addressed above.
45. In relation to the request to include ‘electrically powered’ in the definition, the submission considers that ‘artificial’ should cover electrical power and that as proposed the definition cannot realistically be called an appropriate definition for artificial outdoor lighting. I am unclear exactly what concerns the submitters have with the definition in relation to electrical power.
46. The dictionary definition of ‘artificial’ is *“made by people, often as a copy of something natural.”*² By virtue of this definition I consider the definition of artificial outdoor lighting would exclude natural light sources such as bonfires. However, regardless of how a light is powered it has the potential to generate light spill and glare and as such the definition should be suitably

² Cambridge Dictionary [ARTIFICIAL | English meaning - Cambridge Dictionary](#)

broad to reflect these potential effects. I do not consider it appropriate or necessary to limit the definition to only include light sources which are electrically powered.

47. Federated Farmers (s126.08), Kevin Robertson (s115.009), Ronald Crispin (s60.11), Rural Ratepayers Group (s143.020), Alistair & Bernadette Hunt (s148.021) and John Baynes (s68.129) have also sought to delete the reference to ‘non-residential interior’ lighting. The submitters consider that this would reflect the fact that large buildings, more likely commercial or industrial buildings, may have high levels of internal illumination and given these operations may run overnight there is the potential for these internal light sources to general light spill or glare onto adjoining sites, particularly at zone interfaces and zones with lesser setback requirements.
48. However, I note that in the rural zones buildings are required to have greater setbacks to boundaries which is likely to reduce the risk of non-compliant light spill from internal light sources. Furthermore, it is noted that the definition of ‘outdoor lighting’ in AS/NZS 4282:2023 includes “interior lighting that emits directly into the outdoor environment”. Therefore, in my opinion retaining the reference to ‘non-residential interior’ within the definition ensures consistency with AS/NZS 4282:2023. Overall, I do not consider it appropriate to delete reference to interior lighting.

Recommendation

49. I recommend, for the reasons given above, that the definition of ‘artificial outdoor lighting’ is amended as follows:

Any exterior or non-residential interior lighting that emits directly into the outdoor environment and includes lighting associated with signs.

50. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

51. The following evaluates the recommendation to amend the definition of ‘artificial outdoor lighting’ under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for confusion around the requirement for signs to be artificial outdoor lighting if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective than the notified version of the PDP.

6.6 General submissions on the Light Chapter

Matters raised by Submitters

- 52. Contact Energy (s144.010 & s144.012) seeks consistency with other regulations and standards which may relate to lighting and to ensure that the provisions within the Light chapter do not conflict with any other more specific provisions relating to renewable electricity generation.
- 53. Southland District Council (s146.067) supports the entire chapter.
- 54. Robina Johnston (s140.008) seeks a reduction in light pollution, particularly in relation to the beacon lights on wind turbines.

Assessment

- 55. In response to Robina Johnston (s140.008) no amendments are considered necessary as the provisions are appropriate to manage light pollution as outlined in the Section 32 Evaluation Report. Lighting on wind turbines serves a functional health and safety purpose. The Civil Aviation Authority of New Zealand (CAA) set minimum conditions for lighting wind turbines over 60m in height and include requirement for the type and intensity of lighting which is required with lighting not permitted to be shielded below the horizontal plane.³
- 56. In response to Contact Energy (s144.010 & s144.012) I consider that the provisions are generally consistent with AS/NZS 4282:2024 'Control of the obtrusive effects of outdoor lighting'. As noted above the CAA have minimum standards for lighting of wind turbines and I acknowledge that the requirements of LIGHT-R1(2) and (3) would conflict with the CAA requirements for wind turbines over 60m in height. I therefore consider it appropriate to amend LIGHT-R1 to provide an exemption from LIGHT-R1(2) and (3) for wind turbines.

..... Except this rule does not apply to:

(a) Traffic signals and navigation aids;

(b) Lights of vehicles, trains and aircraft; ~~or~~

(c) Temporary lighting for the purposes of emergency response; or

(d) Lighting on wind turbines over 60 metres in height where compliance with Civil Aviation Authority New Zealand lighting standards is required.

- 57. The support of Southland District Council (s146.067) is acknowledged and accepted.

³ Civil Aviation Authority New Zealand, Lighting and Marking of Wind Farm Turbines 2 March 2020 [Civil Aviation requirements wind-farm-turbines.pdf](#)

Recommendation

58. For the reasons given above, I recommend that LIGHT-R1 is amended as follows:

- LIGHT-R1 Emission of artificial outdoor light
Activity status: Permitted
Where:
1. Any light spill complies with LIGHT-S1; and
 2. All artificial outdoor lighting is directed downward and shielded from above to ensure that all light shines below the horizontal.
 3. There is no external strobe, flashing or other intermittent lighting.
- Except this rule does not apply to:
- (a) Traffic signals and navigation aids;
 - (b) Lights of vehicles, trains and aircraft; ~~or~~
 - (c) Temporary lighting for the purposes of emergency response; or
 - (d) Lighting on wind turbines over 60 metres in height where compliance with Civil Aviation Authority New Zealand lighting standards is required.

59. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

60. The following evaluates the recommendation to amend LIGHT-R1 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for conflict with other legislative health & safety requirements if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective than the notified version of the PDP.

6.7 Submission seeking additional provision

Matters raised by Submitters

61. Federated Farmers (s126.130), Kevin Robertson (s115.131), Ronald Crispin (s60.133), Rural Ratepayers Group (s143.142), Alistair & Bernadette Hunt (s148.143) and John Baynes (s68.251) seek inclusion of an additional policy that recognises and enables certain rural and primary activities which may require artificial outdoor lighting outside of normal working hours under certain condition.

Assessment

62. In response to Federated Farmers (s126.130), Kevin Robertson (s115.131), Ronald Crispin (s60.133), Rural Ratepayers Group (s143.142), Alistair & Bernadette Hunt (s148.143) and John Baynes (s68.251) I note that LIGHT-P1 enables activities that require artificial outdoor lighting for operational and functional purposes, this would include rural / primary production activities.
63. However, the policy also recognise a balance between the functional and operational needs of activities and the character and amenity of the zone. The rural environment is a working environment, however, it is also an environment where dark sky viewing may occur due to reduced light pollution from street lights and from the higher density of development within the urban areas.
64. The PDP light spill levels for the rural zones adopted the Operative District Plan levels and to the best of my knowledge there have no compliance issues with these standards or requirements for resource consent for rural activities to breach these standards.
65. As with other requests to specifically provide for rural / primary production as a specifically identified activity, it should be noted that other activities will have a functional / operational need to operate outside of 'normal' operating hours, such as 24 hour service stations, large scale industrial activities etc. As noted elsewhere in this report, specifically providing bespoke provisions for one activity is inconsistent with the general approach to district wide matters, which should be read in conjunction with the zone provisions where the character and amenity for the zone is articulated.
66. In summary I do not consider a policy which specifically provides for rural and primary production activities as I consider policy LIGHT-P1 achieves that outcome because lighting for rural and primary production purposes would meet the operation and functional purpose test and be appropriate in the context of the rural zones character and amenity. Furthermore, LIGHT-P1 is an enabling policy which is given effect to by the rules and standards.

Recommendation

67. For the reasons given above, I recommend that the submission from Federated Farmers (s126.130), Kevin Robertson (s115.131), Ronald Crispin (s60.133), Rural Ratepayers Group (s143.142), Alistair & Bernadette Hunt (s148.143) and John Baynes (s68.251) to include a new policy is rejected.

68. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.8 LIGHT - Overview

Matters raised by Submitters

69. Federated Farmers (s126.126), Kevin Robertson (s115.127), Ronald Crispin (s60.129), Rural Ratepayers Group (s143.138), Alistair & Bernadette Hunt (s143.139) and John Baynes (s68.247) all seek that the overview acknowledges that rural production is enabled by artificial outdoor lighting.

Assessment and Recommendations

70. I acknowledge the matter raised by Federated Farmers (s126.126), Kevin Robertson (s115.127), Ronald Crispin (s60.129), Rural Ratepayers Group (s143.138), Alistair & Bernadette Hunt (s143.139) and John Baynes (s68.247). However, the overview as drafted refers to artificial outdoor lighting enabling “work, recreation and entertainment activities”..... Rural production is a subset of ‘work’ and in my view does not require separately listing in the Overview. A similar argument could be made for specifically listing a wide range of other activities, however, in my opinion this would make the sentence and Overview unnecessarily lengthy without real benefit. Therefore, no amendments are recommended in response to the matters raised by the submitters.

71. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.9 Objective LIGHT-O1

Matters raised by Submitters

72. Silver Fern Farms (s40.048), Alliance Group Ltd (s121.067), Federated Farmers (s126.128), KiwiRail (s132.089), Kevin Robertson (s115.129), Ronald Crispin (s60.131), Rural Ratepayers Group (s143.140), Alistair & Bernadette Hunt (s143.141) and John Baynes (s68.249) all support the objective and seek that it is retained as notified.

Assessment and Recommendations

73. As all submissions are in support of LIGHT-O1 I recommend it is retained as notified and that the submissions are acknowledged and accepted.

74. It is recommended that submissions and further submissions are accepted as shown in **Appendix B**.

6.10 Objective LIGHT-O2

Matters raised by Submitters

75. KiwiRail (s132.090) seek to retain the objective as notified.

76. Federated Farmers NZ (s126.126), Kevin Robertson (s115.127), Ronald Crispin (s60.129), Rural Ratepayers Group (s143.138), Alistair & Bernadette Hunt (s143.139) and John Baynes (s68.247) all support in part the objective and seek an amendment to include reference to enabling rural production as follows:

Artificial outdoor lighting is located, designed and operated to maintain the character and amenity values within zones, including the enablement of rural production, and so that it does not adversely affect the health and safety of people, the natural life cycles of indigenous species and the safe operation of the transport network and views of the night sky.

Assessment

77. In response to Federated Farmers NZ (s126.126), Kevin Robertson (s115.127), Ronald Crispin (s60.129), Rural Ratepayers Group (s143.138), Alistair & Bernadette Hunt (s143.139) and John Baynes (s68.247) I consider that the proposed amendment is an unnecessary and inappropriate addition to the Objective. Rural production is an activity and Objective LIGHT-O1 relates to the use of artificial outdoor lighting by activities. Objective LIGHT-O2 relates to managing character and amenity values in association with the use of artificial outdoor lighting.
78. Rural production, as an activity, is part of the character and anticipated amenity of the rural zones and does not require specific mention in this objective, in the same way that other activities typical of zones are not listed and instead the Objective relies on the Zone chapters to articulate the anticipated character and amenity of zones.

Recommendations

79. I recommend, for the reasons given above, that LIGHT-O2 is retained as notified.
80. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.11 Policy LIGHT-P1

Matters raised by Submitters

81. Silver Fern Farms (s40.049), Alliance Group (s121.068), MOE (s125.037) and KiwiRail (s132.091) all support the policy and seek to retain it as notified.
82. NZTA (s112.103) supports the policy in part but seeks clarification as to whether the word 'outdoor' should be inserted to be consistent with terminology used throughout the rest of the chapter in relation to 'artificial outdoor lighting'. This would result in the following amendment:

Enable activities that generate an appropriate level of artificial outdoor lighting for operational and functional purposes while maintaining the predominant character and amenity of each zone.

Assessment

83. The support from Silver Fern Farms (s40.049), Alliance Group (s121.068), MOE (s125.037) and KiwiRail (s132.091) is acknowledged and accepted.
84. In response to NZTA (s112.103) I agree that inserting the word 'outdoor' would be appropriate to maintain consistency and align with the defined term of 'artificial outdoor lighting'.

Recommendation

85. I recommend, for the reasons given above, that LIGHT-P1 is amended as follows, the amendment also means that the words 'artificial outdoor lighting' should be italicised to identify that the term is defined within the PDP.

Enable activities that generate an appropriate level of *artificial outdoor lighting* for operational and functional purposes while maintaining the predominant character and amenity of each zone.

86. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

87. The following evaluates the recommendation to amend LIGHT-P1 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for inconsistency and confusion with the defined terms used within the PDP if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective than the notified version of the PDP.

6.12 Policy LIGHT-P2

Matters raised by Submitters

88. KiwiRail (s132.090) seeks to retain the policy as notified.
89. NZTA (s112.105) supports in part the policy but seeks an amendment to include 'glare' as well as light spill to make the intent of the policy more explicit and recognise that both light spill and glare are applicable in the context of artificial outdoor lighting and both are defined within the PDP. They also seek to add 'outdoor' to artificial lighting and request the following relief by way of an amendment to the policy:

Require artificial outdoor lighting to be located, designed and operated to:

1. control the maximum level of light spill and glare;
2. manage adverse light spill and glare effects to:

Assessment

90. In response to NZTA (s112.105) I agree that referring to 'glare' within the policy would be appropriate and would align with the matters of discretion for LIGHT-S1 which refer to 'glare'. In my opinion glare, in addition, to light spill, could have adverse effects on character and amenity values as well as health and safety effects therefore it is appropriate that it is considered as matter to be managed in relation to the control of artificial outdoor lighting.

91. Furthermore, I acknowledge that 'glare' is defined within the PDP as follows:

Means the discomfort or impairment of vision experienced when parts of the visual field are excessively bright in relation to the general surroundings or as a result of reflected sunlight or artificial outdoor lighting.

92. The reference to artificial outdoor lighting means it is appropriate that glare is managed through the Light Chapter provisions. However, I note that the PDP does not include any rules or standards to control the maximum level of glare. NZTA have submitted on standards LIGHT-S1 and LIGHT-S2 seeking to include a requirement to manage glare. The amendment sought to LIGHT-P1(1) would therefore align with any amendments to LIGHT-S1 and LIGHT-S2 (refer to paragraphs 87-89).

93. The Australian / New Zealand standard AS/NZS 4282:2023 includes requirements and recommendations for managing the effects of glare on the transport system and transport signalling systems therefore including provisions to specifically manage glare would be consistent with AS/NZS 4282:2023.

94. Therefore, I agree with the relief sought by NZTA to add 'outdoor' to artificial lighting to align with the definition within the PDP and ensure consistency and clear understanding. This would also mean the words 'artificial outdoor lighting' should be italicised to identify that the term is defined within the PDP.

Recommendations

95. I recommend, for the reasons given above, that the policy is amended as follows:

Require *artificial outdoor lighting* to be located, designed and operated to:

1. control the maximum level of *light spill and glare*;
2. manage adverse *light spill and glare* effects to:
 - (a) maintain people's ability to view the night sky and protect intrinsically dark landscapes.
 - (b) protect the health and well-being of people, ecosystems and indigenous species.
 - (c) ensure safe and efficient operation of the *transport network*.

96. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

97. The following evaluates the recommendation to amend LIGHT-P2 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for the policy to be inconsistent with the matters of discretion if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objectives than the notified version of the PDP.

6.13 Rules LIGHT-R1 and LIGHT-R2

Matters raised by Submitters

98. Silver Fern Farms (s40.050), NZTA (s112.104) and Alliance Group (s121.069) all support LIGHT-R1 and seek that it is retained as notified.

99. KiwiRail Holdings Ltd (s132.093) seek an amendment to LIGHT-R1 to include an exemption for rail signals as well as traffic signals as follows:

.....Except this rule does not apply to:

- (a) Traffic and rail signals, and navigation aids.....

100. NZTA (s112.106) supported LIGHT-R2 and seek that it is retained as notified.

Assessment

101. The support for LIGHT-R1 from Silver Fern Farms (s40.050), NZTA (s112.104) and Alliance Group (s121.069) is acknowledged and accepted subject to the amendments recommended to respond to other submissions.
102. In response to KiwiRail (s132.093) I agree that it would be appropriate for LIGHT-R1 to exempt light from rail signals which are required for management of the rail network and safe operation of rail activities.
103. The support from NZTA (s112.106) for LIGHT-R2 is acknowledged and accepted.

Recommendation

104. I recommend, for the reasons given above, that the rule is amended as follows (refer to **Appendix A** for full text):

.....Except this rule does not apply to:

(a) Traffic and rail signals, and navigation aids.....

105. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

106. The following evaluates the recommendation to amend under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for inadvertent restrictions on the safe and efficient operation of the rail network if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective / purpose of the Act than the notified version of the PDP.

6.14 Standards LIGHT-S1 and LIGHT-S2

Matters raised by Submitters

107. Silver Fern Farms (s40.0510) and Alliance Group (s121.070) support LIGHT-S1 and seek that it is retained as notified.
108. NZTA (s112.107 and s112.108) opposes in part LIGHT-S1 and LIGHT-S2 and seeks amendments to both standards to address the adverse effects of light spill and glare from artificial outdoor lighting onto State Highways. The relief sought to include reference to NS/NZS 4282:2023 which is the New Zealand and Australian Standard that outlines best practice in controlling the obtrusive effects of outdoor lighting.

Assessment

109. As noted elsewhere in this report the management of glare within the Light chapter is appropriate to be consistent with AS/NZS 4282:2023 which provides recommendations in relation to managing the effects of glare on the transport network.
110. I acknowledge the concerns raised by NZTA in relation to the effects of light spill and glare onto the state highway. I consider an amendment to the conditions relating to where light spill is measured should be sufficient to ensure the effects of light spill onto the state highway is managed. However, I consider this amendment is only required to LIGHT-S1(1) as LIGHT-S1(2) and (3) require measurement at the site boundary which would ensure light spill to any road is captured anyway as the road boundary is a site boundary⁴. LIGHT-S1(1), however, is more specific that the measurement is at the notional boundary of any dwelling of building with a sensitive activity, therefore this would not include any road:
1. The maximum level of *light spill* from any *site* measured at the *notional boundary* of any dwelling or *building* accommodating a *sensitive activity* or the boundary with a state highway must not exceed 5 lux (in both the horizontal and vertical planes).
111. LIGHT-S2(5) excludes roads from the maximum light spill levels, an amendment to include roads would address the concerns raised by NZTA:
5. Have a maximum level of light spill that does not exceed the horizontal or vertical illuminance level of 10 lux between 06:00 and 22:00 on an adjoining site zoned Rural or Residential and 25 lux on an adjoining site zoned Commercial, Mixed Use, or Industrial, ~~excluding~~ including roads; and
112. In light of the amendments to LIGHT-S1 and LIGHT-S2 I consider it would be appropriate to include a matter of discretion for each standard relating to the effects of light spill and glare

⁴ Gore Proposed District Plan – Part 1: Interpretation – Definitions “*boundary means any boundary of the net site area. Site boundary shall have the same meaning as boundary. Internal boundary means any boundary of the net area of a site other than a road boundary. Road boundary means any boundary of a site abutting a legal road, other than an accessway or service lane, or contiguous to a boundary of a road designation.....*”

on the safe and efficient operation of roads. This matter of discretion will align with policy LIGHT-P2 if amended in accordance with my recommendation, and LIGHT-O2 which seeks to ensure the safe operation of roads is not adversely affected from the effects of artificial outdoor lighting.

113. In addition, as a consequence of considering how 'glare' is managed within the Light Chapter, I have reviewed the mechanics of LIGHT-R1 which contains three permitted activity conditions. The second condition requires "*all artificial outdoor lighting is directed downward and shielded from above to ensure that all light shines below the horizontal.*" This condition is likely to ensure that glare did not occur because lights are angled downwards. However, noting the wording in AS/NZS 4282:2023, I think strengthening the wording of condition 2 to require lighting to also be directed away from, or screened from, other properties or public spaces, such as roads would be appropriate to control glare.
114. I note that non-compliance with LIGHT-R1(2) results in a Discretionary Activity status. However, an alternative approach may be more appropriate to ensure more specific consideration is given to the adverse effects of glare on the transport network.
115. I therefore, recommend amendments to LIGHT-R1 as a consequential amendment under Clause 10(2)b of the RMA to respond to the submissions from NZTA on glare and align with the recommendations on those specific points from NZTA which have been addressed throughout this report.

Recommendation

116. For the reasons given above I consider a consequential amendment to LIGHT-R1 to make the rule more explicit around the management of the effects of glare is appropriate as follows:

Activity status: Permitted

Where:

1. Any light spill complies with LIGHT-S1; ~~and~~
2. All artificial outdoor lighting is directed downward away from and/or screened from adjoining properties and roads and shielded from above to ensure that all light shines below the horizontal; ~~and~~
3. There is no external strobe, flashing or other intermittent lighting.....

Activity status where compliance not achieved with.....

LIGHT-R1(2) and LIGHT-R1(3): Restricted Discretionary

Matters over which discretion is restricted:

1. The matters within LIGHT-S1.
2. The actual or potential risk of any glare from artificial outdoor lighting creating a distraction or other impediment to the safe, effective and efficient operation of the transport network.

117. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

118. The following evaluates the recommendation to amend LIGHT-R1 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for glare to cause adverse environmental effects if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective than the notified version of the PDP.

7. Consequential and Minor Amendments

119. Clause 10(2)b of the RMA allows decisions on the PDP to include matters relating to consequential alterations to the PDP which are necessary, relevant or arising from submissions. The following are recommended consequential amendments to the PDP based on previous Section 42A report recommendations.
120. The Section 42 Introduction, General Provisions and Strategic Direction Report considered and assessed a submission point from Southland Federated Farmers (s126.181), Kevin Robertson (s115.182), Ronald Crispin (s60.184), Rural Ratepayers Group (s143.193), Alastair and Bernadette Hunt (148.194) and John Baynes (s68.302) to amend the wording of “wellbeing” to “well-being” to be consistent with the manner in which the word is expressed in Section 5 of the RMA. The recommendation in the report was to accept the submission point and throughout the PDP amend “wellbeing” to “well-being”. This requires some consequential minor amendments to the Sign Chapter. These amendments are reflected in **Appendix A**.
121. In the Rural Zones Section 42A report it was recommended to include a Note to acknowledge s4 of the RMA, for consistency, as the same assessment is applicable to all Crown activity, it is recommended to add this note to the Light Chapter:

[Note3 Work or activity of the Crown](#)

Section 4(3) of the RMA allows certain Crown activity to contravene a District Plan in relation to any work or activity on land held under the Conservation Act 1987 that is consistent with a conservation management strategy, a conservation management plan or management plan and does not have a significant effect beyond the boundary of that land. Accordingly, this chapter does not apply to Department of Conservation activities that meet section 4(3), but does apply to activities that do not meet section 4(3) of the RMA.

122. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. I consider that the references to AS/NZS 4282:2019 should be updated to refer to AS/NZS 4282:2023 as the effect of this correction would have a minor effect because the standard is referenced only in a Note rather than any actual provision within the Chapter. Accordingly, I recommend that Note 2 is updated as follows:

The standards for light must be measured and assessed in accordance with Standards AS/NZS 4282-~~2019~~ 2023 Control of the Obtrusive Effects of Outdoor Lighting.

8. Conclusions and Closing Recommendations

8.1 Conclusions

123. This report has provided an assessment of submissions received on the Light Chapter and associated definitions of the PDP.
124. There were a range of submissions generally in support of the chapter, however, some amendments were sought to amend the definition of artificial outdoor light, include an additional policy and amend the proposed policies, rules and standards to, in part, provide greater clarity in relation to the effects of glare and manage adverse effects on the road network.
125. Overall, I recommend that the provisions are amended as shown in **Appendix A** for the reasons set out in this report. The main changes recommended include:
- Amendments to policies LIGHT-P1 and LIGHT-P2 to refer to ‘artificial outdoor lighting’ instead of ‘artificial lighting’ and to LIGHT-P2 to ensure the effects of ‘glare’ are appropriately managed.
 - Amendments to LIGHT-R1 to strengthen conditions relating to management of glare; exempt rail signs and wind turbines requiring lights by Civil Aviation Authority New Zealand; and allow for LIGHT-R1(2) and (3) to have a Restricted Discretionary pathway with matters of discretion limited to those listed in LIGHT-S1 and the effects on the transport network.
 - Amendments to LIGHT-S1 to require light spill to be measured at a boundary with the state highway and include a matter of discretion to allow for the consideration of actual or potential adverse effects of light spill and/or glare on the safe, efficient and effective operation of a road.

- Amendment to LIGHT-S2 to allow for light spill to be measured at a road boundary and include a matter of discretion to allow for the consideration of actual or potential adverse effects of light spill and/or glare on the safe, efficient and effective operation of a road.
- Amend the definition of ‘artificial outdoor lighting’ to ensure the definition is clear that in relation to signs it is only the illumination of any sign which is captured by the definition.

126. I considered all submission and further submissions received and reviewed all statutory and non-statutory documents and planning instruments to inform my assessment and recommendations on each submission and further submission.

127. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken throughout this report.

8.2 Closing Recommendation

128. The Hearing Panel accept, accept in part, or reject all submissions (and associated further submissions) as outlined in **Appendix B** of this report.

Signed:

Name and Title	Signature	Date
Victoria Woodbridge Consultant Planner		19 August 2024