

SECTION 32 REPORT

Light
 May 2022

Table of Contents

1	Executive Summary	3
2	Introduction and Purpose	4
2.1	Purpose of report	4
2.2	Overview of topic.....	4
3	Statutory and Policy Context	5
3.1	Resource Management Act 1991	5
3.2	Higher order planning instruments	6
3.2.1	National Planning Standards.....	6
3.2.2	National Policy Statements.....	6
3.2.3	National Environmental Standards.....	6
3.2.4	Regional Policy Statement for Northland	6
3.3	Regional Plan for Northland	7
3.4	Iwi and Hapū Environmental Management Plans	8
3.5	Other Legislation and Policy Documents	8
3.5.1	Local Government Act 2002	8
3.5.2	Land Transport Act 1998.....	8
3.5.3	Policy #4110 – Street Lighting.....	8
3.6	Other Relevant Research and Documents.....	9
4	Current state and resource management issues.....	9
4.1	Context	9
4.2	Operative District Plan Approach	9
4.2.1	Summary of current management approach	9
4.2.2	Limitation with current approach.....	10
4.3	Key issues identified through consultation.....	10
4.3.1	Summary of issues raised through consultation.....	10
4.3.2	Summary of advice from iwi authorities.....	11
4.4	Summary of Resource Management Issues.....	11
5	Proposed District Plan Provisions.....	11
5.1	Strategic Objectives	11

5.2	Proposed Management Approach.....	11
5.3	Summary of proposed objectives and provisions.....	12
5.3.1	Summary of objectives and policies	12
5.3.2	Summary of provisions	12
5.3.3	Responding to advice from iwi authorities.....	12
6	Approach to Evaluation	13
6.1	Introduction.....	13
6.2	Evaluation of Scale and Significance.....	13
6.3	Summary of scale and significance assessment	14
7	Evaluation of Objectives	14
7.1	Evaluation of existing objectives	15
7.2	Evaluation of proposed objectives	15
8	Evaluation of Provisions to Achieve the Objectives	16
8.1	Introduction.....	16
8.2	Quantification of benefits and costs.....	17
8.3	Evaluation of options.....	18
8.3.1	Option 1: Status quo.....	18
8.3.2	Option 2: Proposed approach.....	19
9	Summary	21

1 Executive Summary

Lighting is a key factor in the economic vitality and vibrancy activities in the District and is often required at industrial sites, airports, carparks, rural industrial sites and sports facilities. This allows activities to operate after dark and provides for the health and safety of the public, especially in public areas such as parks, walkways, and urban streets. However, the location, character (brightness, colour and intensity) and direction of lighting can result in light spilling onto adjoining properties and roads. This can disrupt people's use and enjoyment of a place and result in adverse effects on the amenity values of a place.

The Operative District Plan (**ODP**) manages lighting as a district wide matter in Chapter 16 Signs and Lighting. The operative provisions are designed to provide for outdoor activities such as recreational activities and for safety purposes.

Currently the plan only manages lighting on land zoned Residential, Coastal Residential, Rural Living, Russell township, South Kerikeri Inlet, and Coastal living. The provisions set maximum luminance, design standards and include provisions that protect the state highways.

The key resource management issues for lighting are:

- Light spill or glare impacting on the amenity of neighbouring properties or land use. This includes effects between sites which have a similar land use (residential to residential), and between differing land uses (commercial activity to residential activity) effects light spill into living areas or bedrooms which can lead to disturbance of sleep patterns.
- Light spill or glare on the transport network. This can impact drivers or other road users by obscuring vision or causing distraction.
- Impacts on the character and amenity of the night sky in rural environment.

The changes to the Lighting provisions are part of the consolidated review of the ODP. The proposed provisions will address the requirements of the National Planning Standards 2019 (**Planning Standards**) and be reflective of any updated best-practice standards.

2 Introduction and Purpose

2.1 Purpose of report

This report provides an evaluation undertaken by the Far North District Council (**Council**) in preparation of district plan provisions for the Lighting Chapter in the Proposed Far North District Plan (**PDP**). This assessment is required under section 32 of the Resource Management Act 1991 (**RMA**).

Section 32 of the RMA requires Councils to examine whether the proposed objectives are the most appropriate to achieve the purpose of the RMA and whether the provisions (i.e. policies, rules and standards) are the most appropriate way to achieve the objectives. This assessment must identify and assess environmental, economic, social, and cultural effects, benefits and costs anticipated from the implementation of the provisions. Section 32 evaluations represent an on-going process in RMA plan development and a further evaluation under section 32AA of the RMA is expected throughout the review process in response to submissions received following notification of the PDP.

Lighting plays an important role in the economic vitality, safety, and vibrancy of a district. Lighting is often required at large industrial sites, ports, airports, carparks, and sports facilities to enable operations and activities to occur after dark. Lighting contributes to improving the health and safety of public areas, such as parks, carparks, and walkways. If not managed appropriately, the location, and nature (brightness, colour, and intensity) of lighting has the potential to significantly affect amenity values through light overspill.

The provisions for Lighting are currently contained within Chapter 16 of the ODP, which also manages signage within the District. The Planning Standards have introduced a prescribed structure of district plan documents to improve consistency across the country. The new structure requires signs and lighting to be considered and presented separately which refines the scope of the Lighting provisions and associated section 32 evaluation reports. The changes to the Lighting provisions as part of the consolidated review of the ODP will address the requirements of the Planning Standards.

2.2 Overview of topic

Lighting is a key factor in the economic vitality and vibrancy activities in the District and is often required at industrial sites, airports, carparks, rural industrial sites and sports facilities. This allows activities to operate after dark and provides for the health and safety of the public, especially in public areas such as parks, walkways, and urban streets. However, the location, character (brightness, colour, and intensity) and direction of lighting can result in light spilling onto adjoining properties and roads. This can disrupt people's use and enjoyment of a place and result in adverse effects on the amenity values of a place.

The changes in provisions pertaining to lighting are part of a consolidated review of the Far North District Plan. The provisions proposed in this assessment involve the introduction of a separate lighting chapter into the district plan. Currently these provisions are contained within the same chapter as the signage provisions.

3 Statutory and Policy Context

3.1 Resource Management Act 1991

The **Section 32 Overview Report** for the PDP provides a summary of the relevant statutory requirements in the RMA relevant to the PDP. This section provides a summary of the matters in Part 2 of the RMA (purpose and principles) of direct relevance to this topic.

Section 74(1) of the RMA states that district plans must be prepared in accordance with the provisions of Part 2. The purpose of the RMA is the sustainable management of natural and physical resources which is defined in section 5(2) of the RMA as:

“...sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables 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.”*

To achieve the purpose of the RMA, all those exercising functions and powers under the RMA are required to:

- Recognise and provide for the matters of national importance identified in section 6
- Have particular regard to a range of other matters in section 7
- Take into account the principles of the Treaty of Waitangi in section 8 of the RMA.

The following section 6 matters are directly relevant to the Lighting Chapter:

- (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
- (b) the protection of Outstanding Natural Features and Landscapes from inappropriate subdivision use, and development
- (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga

In particular, inappropriate lighting has the potential to impact the amenity of an area, particularly areas with identified landscape or natural feature values. 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

The following section 7 matters are directly relevant to the Lighting Chapter:

- (c) the maintenance and enhancement of amenity values
- (f) maintenance and enhancement of the quality of the environment

These matters are relevant to the Lighting Chapter as when lighting is not managed appropriately it has the potential to create nuisance and reduce amenity values and generate adverse effects on the quality of the environment.

Section 8 of the RMA requires that all persons exercising functions and powers under it take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

3.2 Higher order planning instruments

Section 75(3) of the RMA requires district plans to give effect to higher order planning instruments - National Policy Statement (NPS), the New Zealand Coastal Policy Statement (NZCPS), National Planning Standards (Planning Standards), and the relevant Regional Policy Statement (RPS). The **Section 32 Overview Report** provides a more detailed summary of the relevant RMA higher order planning instruments relevant to the PDP. The sections below provide an overview of provisions in higher order planning instruments directly relevant to the Lighting Chapter.

3.2.1 National Planning Standards

Section 75(3)(ba) of the RMA requires that district plans give effect to the Planning Standards. The Planning Standards were gazetted in April 2019 and the purpose is to assist in achieving the purpose of the RMA and improve consistency in the structure, format and content of RMA plans.

The Planning Standards require that the provisions for lighting are set out in a standalone district-wide Lighting Chapter. This section 32 report and the associated lighting provisions reflect the requirements of the Planning Standards.

3.2.2 National Policy Statements

Section 75(3)(a) of the RMA requires that district plans give effect to the NPS. A NPS is prepared under the RMA to help local government decide how competing national benefits and local costs should be balanced. In this instance, there are no NPS considered directly relevant to the consideration of the proposed provisions for the Light chapter.

3.2.3 National Environmental Standards

Section 44 of the RMA requires local authorities to recognise the National Environmental Standards (NES) by ensuring plan rules do not conflict or duplicate with provisions in a NES. Upon review it is considered that there are no NES relevant to the Light topic.

3.2.4 Regional Policy Statement for Northland

Section 75(3)(c) of the RMA requires district plans 'give effect' to any RPS. The RPS was made fully operative on 14 June 2018. The RPS does not contain any references or objectives specific to lighting, however the 'Regional Form Development Guidelines' and 'Regional Urban Design Guidelines'¹ are strongly represented throughout the RPS provisions. These appendices are designed to ensure appropriate consideration is given at the time of development to the role of the location of existing and planned infrastructure, the appropriateness of an environment (urban or rural) as well as addressing design elements associated with a proposal. There is a relationship between the Lighting Chapters and urban design, amenity values, health and safety, and the vibrancy of town. The following sections of the RPS are relevant for the development of the Light provisions:

Northland RPS	
Objective 3.6	Economic Activities relates to reverse sensitivity and sterilisation in relation to primary production activities, industrial land uses, mining, existing and planned regionally significant infrastructure.
Objective 3.7	Regionally Significant Infrastructure refers to recognition and protection of regionally significant infrastructure because of its in enhancing Northlands's economy and for the purposes of health and safety.
Objective 3.11	Regional Form seeks that Northland has sustainable built environments that effectively integrates infrastructure with subdivision, use and development, a sense of place, identity and a range of lifestyle, employment, and transport choices. The explanation associated with this

¹ Regional Policy Statement for Northland, 2016, Appendix 2 Regional Development and Design Guidelines.

	objective acknowledges that rural settings are largely made up of businesses (including but not limited to primary production and their support industries) and the objective seeks development that is compatible with surrounding uses and values, is served by an appropriate level of infrastructure, and is appropriate within the context of the surrounding environment.
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These references to the character and amenity values, the need to support economic activities, regionally significant infrastructure and ensure good regional form, encouraging renewable energy and energy conservation are broadly relevant to the management of artificial lighting within the District. The proposed lighting provisions are considered to give effect to the relevant RPS provisions.

3.3 Regional Plan for Northland

Section 75(4)(b) of the RMA states that any district must not be inconsistent with a regional plan for any matter stated in section 30(1) of the RMA. The Operative Northland Regional Plans (**ORP**) and Proposed Northland Regional Plans (**PRP**) are summarised in the **Section 32 Overview Report**.

There are a number of Regional Plans for Northland that have been developed under the RMA. These include the Regional Water and Soil Plan (**RWSP**), Regional Air Quality Plan (**RAQP**) and the Operative Regional Coastal Plan (**RCP**). The RWSP and RAQP contain no specific objectives, policies or rules which relate to artificial lighting.

In the RCP, lighting is a matter included for consideration in relation to aquaculture activities and with respect to the placement of structures within the Coastal Marine Area (**CMA**). Lighting is also subject to a general performance standard (31.3.13 in RCP) as outlined below:

- (b) All lighting associated with activities in the coastal marine area shall not by reason of its direction, colour or intensity, create:
 - i. a hazard to navigation and safety; or
 - ii. a hazard to traffic safety on wharves, ramps, and adjacent roads; or
 - iii. a nuisance to other users of the surrounding coastal marine area or adjacent land.³

In addition, in the Marine 3 (Marine Farming) Management Area there is also an additional clause requiring that lighting does not create “...an inconsistency with the Maritime New Zealand document “Guidelines for Aquaculture Management Areas and Marine Farms” produced in December 2005 (and any subsequent relevant amendments).” Consideration of these matters has been undertaken to ensure there is no overlap between regional and district plans.

The PRP combines the ORP applying to the CMA, land and water and air, into one combined plan. References to lighting in the PRP are limited, however the objectives and policies make general reference to amenity and character.

With respect to lighting the PRP provides for additions and alterations to structures in the CMA, in particular, bridges-including bridge road lighting (attached to bridges) as a permitted activity subject to general conditions. The general conditions at section ‘C.1.8 Coastal works general conditions’ require lighting to comply with the below controls where located in the CMA:

“...Lighting:

22) all lighting associated with activities in the coastal marine area must not by reason of its direction, colour or intensity, create:

- a) a hazard to navigation and safety, or a hazard to traffic safety, wharves, ramps and adjacent roads, or
- b) a nuisance to other users of the surrounding coastal marine area or adjacent land, ...”

Notwithstanding the above references in the relevant regional plans, the topic of lighting is not a key focus of these documents and as a result it is considered that the proposed Lighting provisions will not be inconsistent with any provisions within them.

3.4 Iwi and Hapū Environmental Management Plans

When preparing and changing district plans, Section 74(2A) of the RMA requires Council to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present there are 14 iwi planning documents accepted by Council which are set out and summarised in the **Section 32 Overview Report**.

There are limited references to lighting in these Iwi/Hapū Management Plans (IMP). Where lighting was discussed in the plans, it was in relation to the impact of artificial light on celestial darkness. This is addressed in the Lighting provisions and is identified as something that requires management in the provision of artificial lighting.

The direction in these iwi management plans, in relation to lighting, has been taken into account in the evaluation.

3.5 Other Legislation and Policy Documents

When preparing or changing a district plan, section 74(2)(b)(i) of the RMA requires council to have regard to management plans and strategies prepared under other Acts to the extent that it has a bearing on resource management issues of the district. The **Section 32 Overview Report** provides a more detailed overview of strategies and plans prepared under legislation that are relevant to PDP. This section provides an overview of other strategies and plans directly relevant to the Lighting Chapter.

3.5.1 Local Government Act 2002

The Local Government Act 2002 (**LGA**) enables local authorities to make and implement bylaws. Section 145 of the LGA provides for local authorities to make general bylaws for the purpose of protecting the public from nuisance, promoting and maintaining public health and safety and minimising the potential for offensive behaviour in public places. Sections 146 and 147 provide for the creation of more specific bylaws.

The Far North District has 24 bylaws that manage a range of activities occurring on private and public land. The Control of the Use of Public Places Bylaw has some provisions that regulate illuminated signs on public land and the Control of Vehicle Crossings Bylaw also mentions lighting vehicle crossing points while they are under construction.

3.5.2 Land Transport Act 1998

The Land Transport Act (**LTA**) is applicable to the management of structures, lights and signs within road corridors and looks to promote safe road user behaviour and vehicle safety.

The proposed lighting provisions are considered to support the use of appropriate lighting to support the safety of road users and pedestrians and is considered to align with the intent of the LTA.

3.5.3 Policy #4110 – Street Lighting

The Far North District identified in the last Long Term Plan 2018-2028 (LTP) 1,682 street lights across the District. Policy #4110 Street Lighting is a Council policy that outlines the design standards and specifications that should be followed when erecting street lighting, by Council, Waka Kotahi New Zealand Transport Agency (**Waka Kotahi**) and developers. It also outlines different funding and financial considerations for the streetlight network.

The policy identifies that lighting needs to be designed so as not to impact on the transport network as well as compliment the neighbourhood character and to minimise light spill. The proposed provisions are considered to be consistent with this Council policy.

3.6 Other Relevant Research and Documents

The Council has reviewed the current District Plan, commissioned technical advice and assistance from various internal and external experts and utilised this, along with internal workshops and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions.

This advice includes the following:

Title	Author	Brief synopsis
Northland Transport Alliance Design Manual – Street Lighting	LDP Ltd – Independent Electrical Illumination Engineers	Guidance for those involved with the design, management and installation of public lighting. The manual was prepared for the Northland Transport Alliance to allow a consistent approach to the management of lighting in public places, particularly as it relates to the transport network.

4 Current state and resource management issues

This section provides an overview of the relevant context for lighting, the current approach to manage lighting through the ODP, and key issues raised through consultation. It concludes with a summary of the key resource management issues for the Lighting Chapter to be addressed through the PDP.

4.1 Context

The ODP manages lighting as a district wide matter in Chapter 16 Signs and Lighting. The operative provisions are designed to provide for outdoor activities such as recreational activities and for safety purposes.

Currently the plan only manages lighting on land zoned Residential, Coastal Residential, Rural Living, Russell township, South Kerikeri Inlet and Coastal Living. The provisions set maximum luminance, design standards and include provisions that protect the state highways.

There will be some changes to the Lighting chapter, namely introducing Lighting provisions into the rural environment and a general update to align with the Planning Standards. The intent of the operative provisions remains valid and forms the basis of these proposed provisions.

Plan Change 19 Signs and Lighting was made operative in 2017. Although the plan change included lighting, it largely focussed on signs and only consequential changes to the lighting provisions were made.

4.2 Operative District Plan Approach

4.2.1 Summary of current management approach

The Lighting provisions are currently contained in the same chapter as the provisions for signage. The objectives and policies of Chapter 16 seek to maintain and enhance amenity and heritage values while providing for a wide range of lighting activities in a number of locations; and ensure the safe and efficient operation of the transport and infrastructure network.

Lighting is provided for as a permitted activity where it meets the following standards:

- a) Outdoor lighting used by, or in association with, any activity, including any illuminated sign, shall not exceed the following limits:
 - i. between 0700hrs and 2200hrs the use of any outdoor lighting shall not cause an added luminance in excess of 25Lux measured horizontally or vertically at any point on the boundary of any adjacent site zoned Residential, Coastal Residential, Rural Living, Russell Township, South Kerikeri Inlet or Coastal Living;
 - ii. between 2200hrs and 0700hrs the following day the use of any outdoor lighting shall not cause an added luminance in excess of 10Lux measured horizontally or vertically at any point 2m within the boundary of any adjacent site zoned Residential, Coastal Residential, Rural Living, Russell Township, South Kerikeri Inlet or Coastal Living.
- b) All outdoor lighting, except street lighting, shall be directed away from roads and any adjacent sites zoned Residential, Coastal Residential, Rural Living, Russell Township, South Kerikeri Inlet or Coastal Living. Street lighting shall be designed and constructed in accordance with the AS/NZS 1158, NZS 4404:2002 “Land Development and Subdivision Engineering” and Council’s “Engineering Standards and Guidelines” (June 2004 – Revised 2009).
- c) Any activity which involves lighting and is situated on a site adjacent to a State Highway and within 50m of the carriageway is permitted provided that all exterior lighting on properties adjacent to State Highways is in accordance with Australian Standard No. 4282-1997 “Control of Obtrusive Effects of Outdoor Lighting”.

Non-compliance with the permitted activity standards is generally a restricted discretionary activity.

4.2.2 Limitation with current approach

The Council has reviewed the current operative district approach, and identified some limitations with the current operative district plan approach, including:

- The operative district plan does not currently align with the universal light standards AS/NZS1158 series.
- The provisions do not align with the National Planning Standards.
- The provisions were circulated to an Operations Specialist – Lighting at Northland Transportation Alliance (‘NTA’) for comment. NTA provided the NTA Design Manual Street Lighting which is a guide for the management of lighting design and installation in public places, namely the transport network. At the time of writing, this manual has not been formally adopted, however the design standards will be incorporated into Council’s Engineering Standards and considered in the drafting of the provisions for the Lighting Chapter.

4.3 Key issues identified through consultation

The **Section 32 Overview Report** provides a detailed overview of the consultation and engagement Council has undertaken with tangata whenua, stakeholders and communities throughout the district to inform the development of the PDP and the key issues identified through this consultation and engagement. This section provides an overview the consultation undertaken.

4.3.1 Summary of issues raised through consultation

There was a low level of interest in Lighting from the community through consultation and engagement of the PDP. In particular, only one submission on the Draft District Plan (**Draft Plan**) was received in relation to the lighting provisions which sought provisions that provided for long-tailed bat protection including limits to lighting at night within areas used by the bats.

4.3.2 Summary of advice from iwi authorities

Section 32(4A)(a) of the RMA requires that evaluation reports include a summary of advice on a proposed plan received from iwi authorities. The Section 32 Overview Report provides an overview of the process to engage with tangata whenua and iwi authorities in the development of the PDP and key issues raised through that process. Two pieces of feedback were received in relation to light. This feedback was around minimising adverse effects of light on indigenous fauna.

4.4 Summary of Resource Management Issues

Based on the analysis of relevant context and current management approach the key resource management issues for the Lighting Chapter to be addressed through the PDP are:

- Light spill or glare impacting on the amenity of neighbouring properties or land use. This includes effects between sites which have a similar land use (residential to residential), and between differing land uses (commercial activity to residential activity). Light can spill into living areas or bedrooms which can lead to disturbance of sleep patterns.
- Light spill or glare on the transport network, can impact drivers or other road users by obscuring vision or causing distraction.
- Impacts on the character and amenity of the night sky in rural environment.

Section 3.4 above provided a summary of the key concerns and issues raised in hapū and iwi environmental management plans.

Section 5 of this report outlines how the proposed management approach responds to this advice in accordance with section 32(4A)(b) of the RMA.

5 Proposed District Plan Provisions

The proposed provisions are set out in the Lighting Chapter of the PDP. These provisions should be referred to in conjunction with this evaluation report.

5.1 Strategic Objectives

The PDP includes a strategic direction section which is intended high level direction for the PDP and guidance on how best to implement the Council's community outcomes set out in its Long Term Plan.

There are no Strategic Objectives that provide explicit direction regarding the management of lighting. Rather, lighting forms part of the wider outcomes sought through the following Strategic Objectives as an integral component of business, community, and infrastructure activities, where the need for, and benefits of, lighting must be balanced with the amenity outcomes anticipated.

5.2 Proposed Management Approach

This section provides a summary of the proposed management approach for the Lighting Chapter focusing on the key changes from the ODP. The **Section 32 Overview Report** outlines and evaluates general differences between the PDP provisions and ODP, includes moving from an effects-based plan to a 'hybrid plan' that includes effects and activities-based planning and an updated plan format and structure to align with the national planning standards.

The main change in the overall proposed management approach is that the provisions for lighting will be separate to the provisions for signage in order to align with the Planning Standards.

The sections below provide a high-level summary of the objectives, policies, and rules and other methods for the Lighting Chapter.

5.3 Summary of proposed objectives and provisions

This section provides a summary of the proposed objectives and provisions which are the focus of the section 32 evaluation in section 7 and 8 of this report.

5.3.1 Summary of objectives and policies

The proposed management approach for the Lighting Chapter includes objectives and policies which recognise, avoid, remedy and mitigate the effects of light spill, while recognising the role lighting plays in supporting economic, social and cultural wellbeing. In particular:

- 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 receiving environment.

5.3.2 Summary of provisions

For the purposes of section 32 evaluations, 'provisions' are the *"policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change"*.

The proposed management approach for the Lighting Chapter also involves the following methods to implement and give effect to the objectives:

- Permitted activity rules allow activities to generate certain levels of light overspill to enable them to effectively function. Performance standards allow for thresholds of light during the night and day, and where they cannot be complied with a resource consent is required.
- Permitted activity rules for temporary lights for emergency purposes.
- Restricted discretionary activity status for activities that do not meet the permitted activity performance standards.
- Matters of discretion that enable the potential adverse effects of light spill on the character of the surrounding environment, amenity values, sleep and health to be addressed and proposed mitigation measure to be considered.

5.3.3 Responding to advice from iwi authorities

Section 32(4A) of the RMA requires evaluation reports to summarise advice received from iwi authorities on a proposed plan and the response to that advice, including any provisions that are intended to give effect to the advice. Section 4.3.2 of this report provides a summary of advice received from iwi authorities on the light chapter.

Te Runanga O te Rarawa provided the following feedback on the Draft Plan for the Light Chapter:

- The inclusion in the overview and objectives that light can also adversely affect wildlife such as kiwi, bats, gecko, ruru (morepork) and other nocturnal species including insects. This matter was addressed by including a sentence in the light chapter overview, but an additional objective has not been included.

6 Approach to Evaluation

6.1 Introduction

The overarching purpose of section 32 of the RMA is to ensure all proposed statements, standards, regulations, plans or changes are robust, evidence-based and are the most appropriate, efficient and effective means to achieve the purpose of the RMA. At a broad level, section 32 requires evaluation reports to:

- Examine whether the objectives in the proposal are the most appropriate to achieve the purpose of the RMA
- Examine whether the provisions are the most appropriate way to achieve the objectives through identifying reasonably practicable options and assessing the efficiency and effectiveness of the provisions, including an assessment of environment, economic, social and cultural economic benefits and costs.

These steps are important to ensure transparent and robust decision-making and to ensure stakeholders and decision-makers can understand the rationale for the proposal. There are also requirements in section 32(4A) of the RMA to summarise advice received from iwi authorities on the proposal and the response to that advice through the provisions.

6.2 Evaluation of Scale and Significance

Section 32(1)(c) of the RMA requires that evaluation reports contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of this proposal. This step is important as it determines the level of detail required in the evaluation of objectives and provisions so that it is focused on key changes from the status quo.

The scale and significance of the environmental, economic, social and cultural effects of the provisions for the Lighting Chapter are evaluated in the table below.

Criteria	Comment	Assessment
Raises any principles of the Treaty of Waitangi	Lighting does not raise particular principles that relate to Te Tiriti o Waitangi / Treaty of Waitangi.	Low
Degree of change from the Operative Plan	Overall, the degree of change from the Operative Plan is minor to low. The proposed provisions align with the structure of the Planning Standards, and effectively enhance the existing provisions from the operative district plan.	Low
Effects on matters of national importance	The proposal does not directly relate to any matter of national importance in section 6 of the RMA.	Low
Scale of effects – geographically (local, district wide, regional, national).	The proposal will have a district wide effect as the provisions will apply across all zones and will affect the land with commercial, industrial and rural production zoning in terms of compliance but will benefit the public in terms of managing the impacts of light spill on amenity values, quality of the environment, health and wellbeing and the character of the zone.	Low

Criteria	Comment	Assessment
Scale of people affected – current and future generations (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).	As above, the provisions for lighting will affect the land with commercial, industrial and rural production zoning in terms of compliance but will benefit the public in terms of managing the impacts of light spill on amenity values, quality of the environment, health and wellbeing and the character of the zone.	Low
Scale of effects on those with specific interests, e.g., Tangata Whenua	Those parties with a specific interest in lighting are usually industry groups and commercial land owners’ providers. Consideration is given to ensuring that the Lighting provisions appropriately provide for artificial lighting, whilst maintaining a level of amenity appropriate to the surrounding context. As such, there should not be any adverse effects on interested parties.	Low
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?	The changes are in accordance with commonly accepted best practice, and consistent with approaches in other second-generation District Plans that have been produced in New Zealand. The RPS does not contain any specific references or objectives to lighting.	Low

6.3 Summary of scale and significance assessment

Overall, the scale and significance of the effects from the proposal is assessed as being low. Consequently, a low level of detail is appropriate for the evaluation of the objectives and provisions for the Lighting Chapter in accordance with section 32(1)(c) of the RMA. This evaluation focuses on key changes in the proposed management approach from the operative district plan - minor changes to provisions for clarification and to reflect new national and regional policy direction are not included in the evaluation in section 7 and 8 below.

7 Evaluation of Objectives

Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. The assessment of the appropriateness of the objectives for the Lighting Chapter is against four criteria to test different aspects of ‘appropriateness’ as outlined below.

Criteria	Assessment
Relevance	<ul style="list-style-type: none"> Is the objective directly related to a resource management issue? Is the objective focused on achieving the purpose of the RMA?
Usefulness	<ul style="list-style-type: none"> Will the objective help Council carry out its RMA functions? Does the objective provide clear direction to decision-makers?
Reasonableness	<ul style="list-style-type: none"> Can the objective be achieved without imposing unjustified high costs on Council, tangata whenua, stakeholders and the wider community?
Achievability	<ul style="list-style-type: none"> Can the objective be achieved by those responsible for implementation?

Section 32 of the RMA encourages a holistic approach to assessing objectives rather than necessarily looking each objective individually. This recognises that the objectives of a proposal generally work inter-dependently to achieve the purpose of the RMA. As such, the objectives for Light have been grouped in the evaluation below.

7.1 Evaluation of existing objectives

Existing Objectives:	
16.3.1: To maintain and enhance amenity and heritage values whilst providing for a wide range of sign and lighting activities in a number of locations.	
16.3.2: To ensure that the safe and efficient operation of the road transport and pedestrian network and other infrastructure will not be adversely compromised by sign and lighting activities.	
Relevance	Section 7(c) of the seeks maintain and enhance amenity values. The objectives seek to manage adverse effects of signs on heritage and amenity value, while recognising that there is a need to provide for lighting to support the wellbeing of the community and does this by enabling a wide range of sign and lighting activities.
Usefulness	The objectives relate to signage as well as lighting which can no longer be managed in the same chapter. Additionally, changes are required to align with the Planning Standards and for consistency in language and style across the plan.
Reasonableness	The safe and efficient operation of the transport network remains important. The intent of these objectives is still supported in the PDP provisions.
Achievability	The objectives are considered to be achievable.
Overall evaluation	
While the above objectives do not reflect the National Planning Standards, the intent of these objectives is still supported.	

7.2 Evaluation of proposed objectives

Proposed Objectives:	
LI-01: Artificial outdoor lighting is designed and located to: <ul style="list-style-type: none"> a) minimise adverse effects; b) be compatible with the characteristics and qualities of the surrounding environment; and c) protect the amenity values of light sensitive areas. 	
LI-02: Artificial lighting is enabled while ensuring adverse effects do not compromise the health, safety and wellbeing of people and communities, including the transport network.	

Relevance	Sections 7(c) and (f) 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, and supports the health and safety of the community.
Usefulness	<p>The proposed objectives have particular regard to Section 5 and Sections 7(c) and (e) of the RMA for the following reasons:</p> <ul style="list-style-type: none"> • Providing for artificial lighting that support the economic and social vitality of the community. • Ensuring lighting is appropriate for the environment (zone and any overlay considerations) that they are established in. • Provide for lighting that supports the health and safety of our community. <p>These objectives are therefore considered useful.</p>
Reasonableness	<p>Section 5 of the RMA promotes the sustainable management of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety.</p> <p>This objective seeks to ensure artificial lighting is enabled where it supports operational and functional needs of activities. It also acknowledges the role lighting plays in providing for safety and security of people and property. It also supports the social and economic well-being of the district and community.</p>
Achievability	It is considered that the objectives are achievable as they acknowledge the function of artificial lighting while also providing directives to ensure that lighting does not adversely affect amenity values.
Overall evaluation	
<ul style="list-style-type: none"> • These objectives provide for the operational and functional need of artificial lighting to support economic and social wellbeing. • They also recognise the importance artificial lighting plays in providing for the community's health and safety in public places like car parks and parks. • The provisions also recognise that artificial lighting can have adverse effects on amenity values, character and the quality of receiving environments. This is recognised by have different thresholds that are appropriate for different zones. 	

8 Evaluation of Provisions to Achieve the Objectives

8.1 Introduction

Section 32(1)(b) of the RMA requires the evaluation report to examine whether the provisions are the most appropriate way to achieve the objectives by:

- (i) *identifying other reasonably practicable options for achieving the objectives; and*
- (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) *summarising the reasons for deciding on the provisions.*

When assessing the efficiency and effectiveness of the provisions in achieving the objectives, section 32(2) of the RMA requires that the assessment:

(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—

- (i) economic growth that are anticipated to be provided or reduced; and*
- (ii) employment that are anticipated to be provided or reduced; and*

- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

This section provides an assessment of reasonably options and associated provisions (policies, rules and standards) for achieving the objectives in accordance with these requirements. This assessment of options is focused on the key changes from the status quo as outlined in the 'proposed management approach' in section 8.3 of this report.

Each option is assessed in terms of the benefits, costs, and effectiveness and efficiency of the provisions, along with the risks of not acting or acting when information is uncertain or insufficient. For the purposes of this assessment:

- **effectiveness** assesses how successful the provisions are likely to be in achieving the objectives and addressing the identified issues
- **efficiency** measures whether the provisions will be likely to achieve the objectives at the least cost or highest net benefit to society.

The sections below provide an assessment of options (and associated provisions) for achieving the objectives in accordance with sections 32(1)(b) and 32(2) of the RMA.

8.2 Quantification of benefits and costs

Section 32(2)(b) of the RMA requires that, where practicable, the benefits and costs (environmental, economic, social and cultural) of a proposal are quantified. The requirement to quantify benefits and costs if practicable recognises it is often difficult and, in some cases, inappropriate to quantify certain costs and benefits through section 32 evaluations, particularly those relating to non-market values.

As discussed in section 6.2 of this report the scale and significance of the effects of proposed changes for the Lighting Chapter are assessed as being low. Therefore, exact quantification of the benefits and costs of the different options to achieve the objectives is not considered to be necessary or practicable for the Lighting Chapter. Rather this evaluation focuses on providing a qualitative assessment of the environmental, economic, social and cultural benefits and costs anticipated from the provisions.

8.3 Evaluation of options

8.3.1 Option 1: Status quo

Option 1: Status Quo		
<ul style="list-style-type: none"> Retain existing provisions, only regulating artificial land adjacent to residential and living zoned land. 		
Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> Rolling over the existing provisions will ensure activities adjacent to residential and living zoned land are required to manage any light overspill generated from their sites. The light standards are already understood and familiar to plan users. The approach is not considered to be onerous and control activities that generate light spill when they are adjacent to land where residential activities are expected. The number of consent applications are low, which results in relatively low compliance costs for the community. 	<ul style="list-style-type: none"> The provisions only recognise that light overspill has adverse effects on residential, living zoned land and the state highway. The operative provisions share a chapter with the signage provisions which is inconsistent with the direction in the Planning Standards. This option doesn't recognise that residential activities can be located across many zones and artificial lighting can create disturbance across all zones. This option only protects amenity values and quality environments in specific environments. Provisions do not reference best practice lighting standards. 	<ul style="list-style-type: none"> The status quo provisions would be rolled over and retained. There is a risk that the existing provisions are not broad enough as they do not manage artificial lighting across all zones. Not acting has the potential to result in a loss of amenity values and can potentially impact quality environments. The risk of not acting has the potential in Council failing to comply with part 2 of the RMA, and as mentioned above the potential loss in amenity values and quality environments relevant within each zone.
<p>Effectiveness</p> <ul style="list-style-type: none"> The provisions are ineffective as they do not maintain the amenity values and quality of environments across the District. 	<p>Efficiency</p> <ul style="list-style-type: none"> The provisions are inefficient as they do not reference best practice lighting standards and are inconsistent with the direction in the Planning Standards for lighting to be dealt with in a separate chapter. 	
<p>Overall evaluation</p> <p>On balance this option is not considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> Although the status quo provisions provide some controls for mitigating the adverse effects of light spill on residential and living zones, they do not recognise that light spill can create obtrusive and disruptive adverse effects across all environments. The status quo does not provide broad controls that will ensure amenity values and quality environments will be maintained. It is considered that the risk of not acting has the potential in a loss of amenity values and quality environments in rural and urban environments. Consequently, 		

the option two is preferred.

- This option is inconsistent with the Planning Standards which direct that Lighting should be dealt with in a single chapter.

8.3.2 Option 2: Proposed approach

Option 2: Update Lighting Chapter

- Enhance existing approach by introducing provisions in the business zones and rural environments.
- Improve provisions to maintain amenity values and recognise the character and function of different zones.
- Include standards that manage scale and location of lighting in all zones.
- Manage effects on road safety.
- Tailored provisions that address the effects of artificial lighting specifically.
- Incorporate best practice lighting standards, specifically AS/NZS 1158 series.

Benefits

Costs

Risk of acting / not acting

- Updated provisions that reflect best practice and the latest lighting standards to manage light emissions.
- Targeted objectives, policies and rules that manage the effects of artificial lighting on the character of each zone or other amenity values that need to be protected.
- Enables business and community activities to generate a level of lighting to support the economic and social wellbeing of the community.
- Relevant triggers to assess the adverse effects of light overspill on the environment within individual zones.
- Provides certainty to business and community that they are able to use outdoor lighting.
- All rules and standards sit within a standalone chapter, thus aligning with the Planning Standards.
- Non-compliance with the permitted standards results in a restricted discretionary activity. This gives certainty over the process and matters that the Council is concerned with.

- Costs for resource consenting activities not covered by existing provisions
- New thresholds could potentially restrict the hours of operation of some activities not previously managed.
- Any monitoring and enforcement related costs.

- Not acting has the potential to result in a loss of amenity values and can potentially impact quality environments.
- The risk of not acting has the potential in Council failing to comply with part 2 of the RMA, and as mentioned above the potential loss in amenity values and quality environments relevant within each zone.
- It is considered that there is sufficient information on which to base the proposed policies and methods.

Effectiveness

- The proposed rules and standards are easily measurable which should provide some certainty for when consent is required or triggered.
- The proposed provisions ensure the character, amenity values and quality of environments are maintained and are considered effective in achieving the purpose of the objectives.

Efficiency

- The proposed provisions include adopting the AS/NZS1158 series. These are universal light standards which give certainty to plan users and land owners.
- The provisions align with the Planning Standards.

Overall evaluation

On balance this option is considered to be the most appropriate option to achieve the objectives because: The approach is not a significant departure from the operative provisions and provides continuity to the Council and community for how light overspill is managed

- Although it broadens the approach and introduces lighting controls for all zones, this is aligned with other second-generation plans throughout New Zealand.
- By incorporating the AS/NZS 1158 series, it brings in a common approach for measuring light and integrates design standards to ensure the road network and public places maintain their amenity values when artificial lighting is introduced.
- It is considered that the benefits outweigh the potential costs of these proposed provisions.

9 Summary

An evaluation of the proposed objectives and provisions for the Lighting Chapter has been carried out in accordance with section 32 of the RMA. This evaluation has concluded that the objectives are the most appropriate way to achieve the purpose of the RMA and the provisions are the most appropriate way to achieve the objectives for the following reasons:

- A separate Lighting Chapter provides for a simpler plan structure and reflects the Planning standards.
- The objectives and policies set a framework to provide for and manage Lights across a range of zones, recognising their differing character and amenity values.
- Permitted activity rules and activity standards provide for artificial lighting that will not adversely impact on the district or relevant zone or are required under legislation for reasons of health and safety.
- The standards for light will be measured and assessed in accordance with updated and best practice standards.
- Restricted discretionary activity rules provide for activities that do not meet the permitted activity standards, along with associated matters of discretion that enable potential adverse effects of light overspill on the character of the supporting environment, amenity values, sleep and health to be addressed.

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