



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Decision No. 3

Lightspill

Hearings Committee

Councillor Darren Ludlow (Chair)

Councillor Neil Boniface

Councillor Graham Sycamore

Keith Hovell

11 October 2016

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INTRODUCTION

We have been appointed by the Invercargill City Council to consider and issue decisions on the submissions lodged to the Proposed Invercargill City District Plan. In this decision we consider the submissions lodged to those provisions dealing with Lightspill.

The Resource Management Act 1991 sets out various matters that impact on our considerations and deliberations. The key provisions are Sections 5 - 8, 32, 75 and 76 of the Act, and the Second Part of the First Schedule to the Act. The Section 42A Report prepared for the Committee considered these matters in detail and we have had regard to those matters. Where the statutory provisions are of particular significance we have referred to them within this Decision.

In this Decision, the following meanings apply:

"The Council" means the Invercargill City Council.

"FS" means Further Submission.

"Further Submitter" means a person or organisation supporting or opposing a submission to the Proposed Plan.

"The Hearings Committee" or "the Committee" means the District Plan Hearings Committee established by the Council under the Local Government Act.

"NZAS" means New Zealand Aluminium Smelters Ltd.

"the Oil Companies" means Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd.

"Operative Plan" or "Operative District Plan" means the Invercargill City District Plan 2005.

"Proposed Plan" or "Proposed District Plan" means the Proposed Invercargill City District Plan 2013.

"RMA" means the Resource Management Act 1991.

"Submitter" means a person or body lodging a submission to the Proposed Plan.

At the commencement of the hearings, Crs Boniface and Ludlow declared an interest as Directors of PowerNet Limited, Cr Sycamore declared an interest as a Director of Invercargill City Holdings Limited and Commissioner Hovell declared a conflict of interest in relation to submissions lodged by Cunningham Properties Limited. The Councillors and Commissioner took no part in deliberations in relation to the submissions of the submitters referred to.

THE HEARING TO CONSIDER SUBMISSIONS TO THE PROPOSED PLAN

The hearing to consider the submissions lodged to the matters set out in this decision was held in the Council Chambers on 5 May 2014.

Section 42A Report

The Hearings Committee received a report from Joanna Shirley, Policy Planner with the Invercargill City Council. In her report, Mrs Shirley outlined that the Proposed Plan seeks to control the adverse effects of lighting by managing the level of lightspill generated at the boundary of a site, with the maximum level of lightspill determined by the amenity anticipated for each zone.

Mrs Shirley noted that the 13 submissions and two further submissions received on the lightspill provisions of the Proposed Plan were in general support of the policies and rules, but some minor amendments were sought. She recommended various changes in response to these. She also referred to a submission from KiwiRail Holdings Ltd requesting a minor amendment to Rule 3.11.4(A) so that effects on the railway corridor were considered in assessing applications.

In response to questions from the Committee, Mrs Shirley agreed that in addition to the potential adverse effects of lightspill on the railway corridor, regard should also be given to other transport modes.

Submitters Attending the Hearing

No submitters attended the hearing.

Material Tabled at the Hearing

NZAS

Katherine Viskovic of Chapman Tripp, advised on behalf of New Zealand Aluminium Smelters Ltd (NZAS) that in relation to Submission 71.37 which had sought the addition of the word "inappropriate" to Smelter Zone Policy 6, the recommendation in the Section 42A Report was opposed. She expressed the view that the amendment recommended to the policy in response to the submission was more restrictive than before, by requiring avoidance of adverse effects from lightspill. Adoption of the wording in the submission was requested.

Ms Viskovic also advised that reference to "no limit" in Rule 3.11 was supported, as was the recommendation to retain the provision.

South Port Ltd

Kirsty O'Sullivan of Mitchell Partnerships Limited, advised on behalf of South Port that Seaport Zone Policy 6 and Rule 3.11 were supported, as were the recommendations in relation to these provisions.

Invercargill Airport Ltd

Kirsty O'Sullivan of Mitchell Partnerships Limited, also advised on behalf of Invercargill Airport Ltd that the recommendation to alter Policy 9 of the Airport Protection Zone was accepted.

The Oil Companies

Karen Blair of Burton Consultants, on behalf of the Oil Companies, advised support for the recommendation to accept their further submission (FS24.9) to Submission 24.53 by South Port to retain Policy 2.42.3.6 without change.

MATTERS REQUIRING PARTICULAR CONSIDERATION

Smelter Zone Policy 6

NZAS in Submission 71.37 opposes the wording of this policy seeking rewording to focus on the management of "inappropriate" lightspill. Mrs Shirley in the Section 42A Report recommended rejection of this submission for the reason that the *"proposed wording is too vague, leaving the policy open to debate over what is considered to be 'inappropriate' lightspill"*. She did however recommend a different rewording of the policy. As noted above, NZAS opposed this noting the amendment recommended resulted in a policy that

was more restrictive than before. NZAS sought adoption of the wording in the submission.

The Committee accepted the criticism of NZAS with regard to the wording recommended in the Section 42A Report on the basis that the rewording went beyond the scope of the submission lodged. Equally however, the Committee agreed with Mrs Shirley that the inclusion of the word “inappropriate” would result in a vague provision and debate as to its meaning and effect. The Committee therefore resolved to reject the submission and leave the policy as worded. It considered the wording as notified was clear and concise providing direction for the implementation and administration of the Proposed Plan.

Clarification of the term “transportation network” in Rule 3.11.4(A)

KiwiRail Holdings Limited in Submission 79.27 has requested that Rule 3.11.4(A) be amended to include specific consideration of effects on the railway corridor when assessing any resource consent required under this rule. Mrs Shirley in her Section 42A Report agreed that managing the effects of lightspill on the transportation network, including the railway corridor, is important to ensure safety of the transport users and the maintenance of amenity values. She therefore recommended accepting the submission and amending the rule as sought.

At the hearing, in response to questions from the Committee, Mrs Shirley agreed that it was appropriate to consider potential adverse effects on all modes of transport. As a consequence, the Committee resolved to adopt such a generic approach.

SECTION 32 EVALUATION

Requirements

The Committee was advised by Mrs Shirley that Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan, and that a Report was released at the time of notification of the Proposed Plan in compliance with those provisions. The Committee was also advised that Section 32AA of the RMA requires a further evaluation to be released with decisions outlining the costs and benefits of any amendments made after the Proposed Plan was notified, with the detail of the assessment corresponding to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the changes made to the Proposed Plan.

As the Committee understands its obligations, it is required to:

- (i) Assess any changes made to objectives to determine whether they are the most appropriate way to achieve the purpose of the RMA.
- (ii) Examine any changes made to the policies and rules to determine whether they are the most appropriate way to achieve the objectives of the Proposed Plan. This includes:
 - Identifying the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth)
 - Identifying other reasonably practicable options for achieving the objectives; and
 - Assessing the efficiency and effectiveness of the provisions in achieving the objectives.

The Committee however, is not required to assess in accordance with Section 32 of the RMA any changes to the issues and/or explanatory text of provisions.

Assessment

This decision:

- Replaces the word "minimise" with "avoid, remedy or mitigate the adverse effects" in Policy 9 in Section 2.20.3 and Policy 8 in each of Sections 2.34.3, 2.36.3, 2.40.3 and 2.41.3.
- Includes reference to various modes of transport in Rule 3.11.4(A) and policies in Sections 2.34.3, 2.36.3, 2.40.3, 2.41.3, 2.42.3 and 2.43.3.

The Committee noted that lightspill is covered in the Amenity section of the original Section 32 report and in the Zone Specific Issues section. We consider the amendments made are only of a minor nature and do not raise any significant matters outside of the original evaluation report. Having particular regard to the Section 42A Report of Mrs Shirley the amendments to the policies and rule are considered to be the most appropriate way to achieve the objectives of the Proposed Plan relating to the District Wide and Zone Specific Amenity Values.

Dated at Invercargill this 11th day of October 2016



Councillor Darren Ludlow (Chair)



Councillor Neil Boniface



Councillor Graham Sycamore



Keith Hovell

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
AIRPORT OPERATIONS ZONE - 2.19.3 Policy 9 Lightspill	
<p>103.33 - Invercargill Airport Ltd The submitter supports this policy, however believes it may be better as a District Wide policy rather being specific to the Airport Operations Zone.</p> <p><u>Decision sought:</u> Insert policy having similar effect as a District Wide policy in either the Transportation section (2.17) or Infrastructure Section (2.9) of the District Wide part of the Plan.</p>	<p>Decision 3/1 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The submitter supports the policy and requests no change to it. 2. Policies on lightspill are considered in each of the zones. 3. Lightspill from activities close to Invercargill Airport is a reverse sensitivity issue, and this is recognised as an effect that requires management in Section 2.17 Transportation Objective 1(C) and Policies 5 and 9.
AIRPORT PROTECTION ZONE - 2.20.3 Policy 9 Lightspill	
<p>103.48 - Invercargill Airport Ltd The submitter supports this policy, but believes it may be better as a District Wide policy rather being specific to the Airport Protection Zone.</p> <p><u>Decision sought:</u> Insert policy having similar effect as a District Wide policy in either the Transportation Section (2.17) or Infrastructure Section (2.9) of the District Wide part of the Plan.</p>	<p>Decision 3/2 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The submitter supports the policy and requests no change to it. 2. Policies on lightspill are considered in each of the zones. 3. Lightspill from activities close to Invercargill Airport is a reverse sensitivity issue, and this is recognised as an effect that requires management in Section 2.17 Transportation Objective 1(C) and Policies 5 and 9.

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
OTATARA ZONE - 2.34.3 Policy 8 Lightspill RESIDENTIAL 1 ZONE - 2.36.3 Policy 13 Lightspill RURAL 1 ZONE - 2.40.3 Policy 12 Lightspill RURAL 2 ZONE - 2.41.3 Policy 11 Lightspill	
<p>65.73, 65.78, 65.86, 65.88 - ICC Environmental and Planning Services Support subject to amendment of drafting error as the submitter considers the Council should not be taking responsibility for minimising lightspill.</p> <p><u>Decision sought:</u> Amend wording: To minimise <u>prevent nuisance from</u> lightspill.</p>	<p>Decision 3/3 These submissions are accepted in part.</p> <p>Amendments to District Plan Amend the following to read:</p> <ul style="list-style-type: none"> • Airport Protection Zone 2.20.3 Policy 9 Lightspill • Otatara Zone 2.34.3 Policy 8 Lightspill • Residential 1 Zone 2.36.3 Policy 13 Lightspill • Residential 2 Zone 2.38.3 Policy 13 Lightspill • Residential 3 Zone 2.39.3 Policy 13 Lightspill • Rural Zone 2.40.3 Policy 12 Lightspill <p>To minimise <u>avoid, remedy or mitigate the adverse effects of</u> lightspill.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1 The word "minimise" and the phrase sought by the submitter do not accurately reflect the provisions of the RMA. 2 The amendment better reflects the role of the Council. 3 A consequential change for consistency is also required to other policies as set out above.
SEAPORT ZONE - 2.42.3 Policy 6 Lightspill	
<p>24.53- South Port NZ Ltd Support. Retain.</p> <p>FS24.9 - Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd support Submission 24.53 and consider that the policy and explanation appropriately recognise that while floodlighting and security lighting are an essential feature of port and cargo handling</p>	<p>Decision 3/7 This submission is noted.</p> <p>Amendments to District Plan None required.</p>

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>facilities, lightspill does need to be managed in relation to practicably minimising nuisance for residential areas.</p>	<p>Reason</p> <ol style="list-style-type: none"> 1. The submitter and further submitter support the provision and do not request any change to it. 2. Decision 3/10 has resulted in a minor change to Policy 6 but does not alter its intent.
SMELTER ZONE - 2.43.3 Policy 6 Lightspill	
<p>71.37 - NZAS Ltd Oppose in part. The submitter seeks a minor amendment, noting that they require lighting 24 hours a day, but understand that it is important to manage the effects of this on residential activities.</p> <p><u>Decision sought:</u> Amend Policy 6 as follows:</p> <p>To manage the effects of <u>inappropriate</u> lightspill from the aluminium smelting activities and associated operations on nearby residential areas.</p>	<p>Decision 3/8 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons As discussed on page 2, the addition of the word "inappropriate" would result in a vaguely worded policy with uncertain meaning.</p>
DISTRICT WIDE RULE – 3.11 LIGHTSPILL	
<p>105.6 - ICC Environmental Health and Compliance Services The submitter supports the inclusion of rules on lightspill. They acknowledge the importance of light in terms of security but also acknowledge that light can cause a nuisance.</p> <p>24.62 - South Port NZ Ltd Support.</p> <p>28.6 - Harvey Norman Properties (NZ) Ltd and Harvey Norman Stores (NZ) Pty Ltd The submitter supports this provision as it allows for an increased lux level to reflect the amenity and activities anticipated in the proposed Business 3 Zone.</p>	<p>Decision 3/9 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitters and further submitter support the rule and do not request any change to it.</p>

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>71.53 - NZAS Ltd Support. The submitter supports the inclusion of “no limit” in relation to the generation of lightspill in relation to the Smelter Zone.</p> <p>FS34.4 - ICC Environmental Health and Compliance Services supports Submissions 28.6 and 71.53.</p>	
<p>79.27 - KiwiRail Holdings Ltd Support with amendments. The submitter is concerned with the effects of lightspill on the users of the rail corridor. Amend 3.11.4 (A) by clarifying the term “transportation network” by including specific reference to the railway corridor.</p> <p>FS34.4 - ICC Environmental Health and Compliance Services support Submission 79.27.</p>	<p>Decision 3/10 This submission is accepted in part.</p> <p>Amendments to District Plan</p> <p>1. Amend Rule 3.11.4 to read:</p> <p style="padding-left: 40px;">Where an activity cannot meet the standards above, the activity is a restricted discretionary activity.</p> <p style="padding-left: 40px;">The matters over which the Council shall exercise its discretion are:</p> <p style="padding-left: 40px;">(A) The effect of the lightspill on the transportation network and <u>all associated modes of transport.</u></p> <p style="padding-left: 40px;">(B) <u>The effect of lightspill</u> on the amenities of properties nearby.</p> <p style="padding-left: 40px;">(C) The effect of the lightspill on the skyline.</p> <p>2. Add to:</p> <ul style="list-style-type: none"> • Business 3 Zone 2.24.3 Policy 9(B) Lighting • Industrial 1 Zone 2.29.3 Policy 8 Lightspill • Smelter Zone 2.43.3 Policy 6 Lightspill <p style="padding-left: 40px;"><u>and transportation networks</u></p> <p>3. Add to the Explanation of:</p> <ul style="list-style-type: none"> • Business 1 Zone 2.22.3 Policy 9 Lighting • Business 2 Zone 2.23.3 Policy 7 Lighting • Business 3 Zone 2.24.3 Policy 9 Lighting • Business 4 Zone 2.25.3 Policy 6 Lighting • Hospital Zone 2.27.3 Policy 7 Lighting • Industrial 1 Zone 2.29.3 Policy 8 Lightspill

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
	<ul style="list-style-type: none"> • Industrial 2 Zone 2.31.3 Policy 6 Lighting • Industrial 3 Zone 2.32.3 Policy 7 Lighting • Otatara Zone 2.34.3 Policy 8 Lightspill • Residential 1 Zone 2.36.3 Policy 13 Lightspill • Residential 2 Zone 2.38.3 Policy 13 Lightspill • Residential 3 Zone 2.39.3 Policy 13 Lightspill • Rural Zone 2.40.3 Policy 12 Lightspill • Seaport Zone 2.42.3 Policy 6 Lightspill • Smelter Zone 2.43.3 Policy 6 Lightspill <p><u>Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.</u></p> <p>4. Add to the Explanation of:</p> <ul style="list-style-type: none"> • Business 5 Zone 2.26.3 Policy 6 Lightspill <p>... or to the transportation networks, <u>including to aircraft, vehicles, trains, cyclists and pedestrians.</u></p> <p><i>[Note some policy numbers may have changed as a result of other decisions]</i></p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The amendment clarifies that the effects of lightspill on all transport modes, including vehicles, rail, cycling and walking will be assessed. 2. As a corollary, and for consistency, an addition to various policies and explanations is also required.

APPENDIX 1 - DECISIONS BY SUBMISSION

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SECTION 2 ISSUES, OBJECTIVES AND POLICIES

2.20 Airport Protection Zone

2.20.3 Policies

Policy 9 **Lightspill:** To ~~minimise~~ avoid, remedy or mitigate the adverse effects of lightspill.¹

***Explanation:** Lightspill has the potential to adversely affect the safe and efficient operation of the airport. Controls are required to ensure the effects of lightspill are managed.*

2.22 Business 1 (Central Business District) Zone

2.22.3 Policies

Policy 9 **Lighting:** To encourage the provision of lighting associated with businesses, and also amenity and security lighting, as ancillary to a vibrant and attractive Business 1 Zone while recognising the inevitability of moderate amounts of lightspill.

***Explanation:** Lighting can be necessary for security and can also be a legitimate way of promoting a premises or enterprise. However, lightspill causing nuisance to neighbouring properties can be an adverse environmental effect from business lighting. Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.² It is necessary that District Plans establish limits around the amount of lightspill that can occur as ancillary to a vibrant and attractive city centre.*

2.23 Business 2 (Suburban Shopping and Business) Zone

2.23.3 Policies

Policy 7 **Lighting:** To encourage the provision of lighting associated with businesses, and also amenity and security lighting, as ancillary to a vibrant and attractive Business 2 Zone while recognising the inevitability of moderate amounts of lightspill.

***Explanation:** Lighting can be necessary for security and can also be a legitimate way of promoting a premises or enterprise. However, lightspill causing nuisance to neighbouring properties can be an adverse environmental effect from business lighting. Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.³ It is necessary that District Plans establish limits around the amount of lightspill that can occur as ancillary to a vibrant and attractive city centre.*

¹ Decision 3/3

² Decision 3/10

³ Decision 3/10

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

2.24 Business 3 (Specialist Commercial) Zone

2.24.3 Policies

Policy 9 Lighting:

- (A) To provide for lighting associated with businesses and activities within the area, including security lighting consistent with CPTED principles.
- (B) To manage the effects of lightspill on adjoining Residential Zones and transportation networks⁴.

Explanation: *Lighting can be necessary for security and can also be a legitimate way of promoting a premises or enterprise. However, lightspill causing nuisance to neighbouring properties can be an adverse environmental effect from business lighting. Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.*⁵ *It is necessary that District Plans establish limits around the amount of lightspill that can occur.*

2.25 Business 4 (Neighbourhood Shop) Zone

2.25.3 Policies

Policy 6 Lighting: To provide for lighting associated with businesses, and also amenity and security lighting, as ancillary to a vibrant and attractive area while recognising the inevitability of moderate amounts of lightspill.

Explanation: *Lighting can be necessary for security and can also be a legitimate way of promoting a premises or enterprise. However, lightspill causing nuisance to neighbouring properties can be an adverse environmental effect from business lighting. Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.*⁶ *It is necessary that District Plans establish limits around the amount of lightspill that can occur as ancillary to a vibrant and attractive area.*

2.26 Business 5 (Rural Service) Zone

2.26.3 Policies

Policy 6 Lightspill: To prevent nuisance from lightspill.

Explanation: *Security lighting is likely to be necessary in the zone, but needs to be designed in such a way that it does not cause a nuisance to neighbouring properties or to the transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians*⁷.

⁴ Decision 3/10

⁵ Decision 3/10

⁶ Decision 3/10

⁷ Decision 3/10

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

2.27 Hospital Zone

2.27.3 Policies

Policy 7 Lighting: To provide for moderate levels within the site to provide appropriate night-time illumination of buildings and car parking areas, whilst ensuring that low levels of lightspill are maintained at the boundaries of the Hospital Zone to protect the amenities of the adjoining residential neighbourhood.

Explanation: *The activities within the Hospital Zone operate 24 hours a day and it is important that the car parking area and the buildings are well lit. However, lightspill on to neighbouring properties can be a nuisance and an adverse environmental effect. ⁸Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians. It is necessary that the District Plan establishes limits around the amount of lightspill that can occur as a by-product to an operative hospital area.*

2.29 Industrial 1 (Light) Zone

2.29.3 Policies

Policy 8 Lightspill: To manage effects of lightspill on adjoining Residential Zones and transportation networks⁹.

Explanation: *Lighting can be necessary for security and can also be a legitimate way of promoting a premises or enterprise. However, lightspill on to neighbouring properties can be a nuisance and an adverse environmental effect. Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.¹⁰ It is necessary that the District Plan establishes limits around the amount of lightspill that can occur as a by-product to an operational industrial area.*

2.31 Industrial 2 (Urban) Zone

2.31.3 Policies

Policy 6 Lighting: To provide for lighting associated with businesses and activities within the area, including security lighting, whilst avoiding nuisance to other activities in the vicinity.

Explanation: *Lighting can be necessary for security and can also be a legitimate way of promoting a premises or enterprise. However, lightspill on to neighbouring properties can be a nuisance and an adverse environmental effect. Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.¹¹ It is necessary that the District Plan establishes limits around the amount of lightspill that can occur as a by-product of an operational industrial area.*

⁸ Decision 3/10

⁹ Decision 3/10

¹⁰ Decision 3/10

¹¹ Decision 3/10

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

2.32 Industrial 3 (Large) Zone

2.32.3 Policies

Policy 7 Lighting: To provide for lighting associated with businesses and activities within the area, including security lighting, whilst avoiding nuisance to other activities in the vicinity.

***Explanation:** Lighting can be necessary for security and can also be a legitimate way of promoting a premises or enterprise. However, lightspill on to neighbouring properties can be a nuisance and an adverse environmental effect. Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.¹² It is necessary that the District Plan establishes limits around the amount of lightspill that can occur as a by-product of an operational industrial area.*

2.34 Otatara Zone

2.34.3 Policies

Policy 8 Lightspill: To ~~minimise~~ avoid, remedy or mitigate the adverse effects of lightspill.¹³

***Explanation:** Lightspill (e.g. from a floodlight on a neighbouring property) can be a source of annoyance to residents. The character of the night sky, with its starscapes, cloud effects and occasional glimpses of the Aurora Australis, is also an amenity of Otatara and can be masked by light "pollution". Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.¹⁴*

2.36 Residential 1 Zone

2.36.3 Policies

Policy 13 Lightspill: To ~~minimise~~ avoid, remedy or mitigate the adverse effects of lightspill.¹⁵

***Explanation:** Lightspill (e.g. from security lighting) can be a source of annoyance to residents. The character of the night sky, with its starscapes, cloud effects and occasional glimpses of the Aurora Australis, is also an amenity of the residential areas of Invercargill and can be masked by light "pollution". Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.¹⁶*

¹² Decision 3/10

¹³ Decision 3/3

¹⁴ Decision 3/10

¹⁵ Decision 3/3

¹⁶ Decision 3/10

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

2.39 Residential 3 (Large Lot) Zone

2.39.3 Policies

Policy 13 Lightspill: To ~~minimise~~ avoid, remedy or mitigate the adverse effects of lightspill.¹⁷

***Explanation:** Lightspill (e.g. from a floodlight on a neighbouring property) can be a source of annoyance to residents. The character of the night sky, with its starscapes, cloud effects and occasional glimpses of the Aurora Australis, is also an amenity of these areas and can be masked by light “pollution”. Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.*¹⁸

2.40 Rural 4 Zone

2.40.3 Policies

Policy 12 Lightspill: To ~~minimise~~ avoid, remedy or mitigate the adverse effects of lightspill.¹⁹

***Explanation:** Lightspill (e.g. security lighting on a neighbouring property) can be a source of annoyance to residents. The character of the night sky, with its starscapes, cloud effects and occasional glimpses of the Aurora Australis, is also an amenity of rural areas and can be masked by light “pollution”. Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.*²⁰

2.42 Seaport 1 Zone

2.42.3 Policies

Policy 6 Lightspill: To manage the effects of lightspill from seaport and associated operations on nearby residential areas and the transportation network.

***Explanation:** Floodlighting and security lighting are an essential feature of port and cargo handling facilities, but it is both possible and necessary to avoid nuisance to residential areas. Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.*²¹

2.43 Smelter Zone

2.43.3 Policies

Policy 6 Lightspill: To manage the effects of lightspill from the aluminium smelting activities and associated operations on nearby residential areas and transportation networks²².

¹⁷ Decision 3/3

¹⁸ Decision 3/10

¹⁹ Decision 3/3

²⁰ Decision 3/10

²¹ Decision 3/10

²² Decision 3/10

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

Explanation: *Floodlighting and security lighting are an essential feature of smelter operations which must continue 24 hours a day, seven days a week, but it is both possible and necessary to avoid nuisance to residential areas across the harbour. Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.*²³

²³ Decision 3/10

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

SECTION THREE - RULES

3.11 Lightspill

3.11.1 All activities are to be designed, constructed and operated to comply with the following maximum levels of lightspill:

(A) Lightspill is to be measured and assessed in accordance with the Australian Standard AS 4282 1997: Control of the Obtrusive Effects of Outdoor Lighting.

3.11.2 The generation of lightspill, measured at the boundary of the site, shall not exceed the following:

Zone	Sunset through midnight to
Airport Operations	No limit
Airport Protection	5 lux
Business 1, Business 2, Business 3 <u>and Business 6</u>	10 lux
Business 4, Business 5	5 lux
Hospital	5 lux
Industrial 1, 1A	5 lux
Industrial 2, Industrial 3, Industrial 4	10 lux
Otatara	5 lux
Residential 1, Residential 1A, Residential 2, Residential 3	5 lux
Rural 1, Rural 2	5 lux
Seaport <u>1 and 2</u>	No limit
Smelter	No limit

3.11.3 At the boundaries of zones, the lightspill standard is to be the lower of the two levels.

3.11.4 Where an activity cannot meet the standards above, the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:²⁴

(A) The effect of the lightspill on the transportation network and all associated modes of transport.

(B) The effect of lightspill on the amenities of properties nearby.

(~~B~~C) The effect of the lightspill on the skyscape.

²⁴ Decision 3/10

Note: Underline indicates additions, strikethrough indicates deletions.