



**NAPIER**  
CITY COUNCIL  
*Te Kaunihera o Ahuriri*

# SECTION 42A REPORT

## Hearing Stream 2 – LIGHT: Report on submissions and further submissions on the Proposed Napier City District Plan

Report Date: 21<sup>st</sup> October 2024

Hearing Date: 2<sup>nd</sup> and 3<sup>rd</sup> December 2024

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Subject: Proposed Napier City District Plan  
Hearing Stream 2, *Light*

## Executive Summary

- i. This report considers submissions received by Napier City Council in relation to the relevant objectives, policies, rules, standards, definitions, and appendices of the Proposed Napier City District Plan as they apply to the LIGHT chapter in the Proposed District Plan.
- ii. There were a number of submissions and further submissions received in relation to these parts of the Proposed District Plan. The submissions received were varied and sought a range of outcomes. The purpose of this report is to provide the Hearings Panel with a summary and an analysis of the submissions received on the relevant chapters and to recommend possible amendments to the Proposed Plan in response to those submissions.
- iii. There is only one key issue in contention with respect to the relevant chapters:
  - a. *Effects of Outdoor & Artificial Light*
- iv. This report addresses this key issue, as well as any other relevant issues raised in the submissions. There are a number of matters not in contention or needing further consideration, for example where no submissions were received in relation to an objective, policy, rule or standard. It is recommended that these matters are adopted as notified and no further consideration of them is required, with the exception of any consequential changes that need to be made as a result of submissions.
- v. **Appendix A** of this report sets out the recommended drafting amendments ('track changes') to the various relevant chapters in a consolidated manner. These recommendations take into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents. References to a submitter number, submission point and abbreviation for their title provide the scope for each recommended change (including consequential changes in response to recommended relief on primary submission points). Where no amendments are recommended to a provision, submission points that sought the retention of the provision without amendment are not referenced.
- vi. **Appendix B** of this report sets out the recommended responses to submissions by way of a summary table of submissions for each of the particular relevant chapters.
- vii. This report is to be read in conjunction with the Section 42A Report Part 1 – Strategic Direction<sup>1</sup> and with the Section 42A – Overview Report.

These reports provide background information including the review process undertaken, consultation carried out, statutory context, procedural, and administrative matters relating to the plan review to inform the Hearings Panel, submitters and general public of the steps taken to reach the hearings stage and to inform the strategic direction of the Proposed District Plan.
- viii. Where Proposed District Plan provisions are recommended for amendment as a result of submissions, the reasoning for the amendments is given in the hearing report, including the reasons outlined under Section 32AA to consider the appropriateness of the proposed provisions and the benefits and costs of any policies, rules or other methods.

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<sup>1</sup> [Section-42A-Report-Strategic-Direction.pdf](#)

## Interpretation

Abbreviations used throughout this s42 reports and supporting documents are as set out in *Tables 1 and 2* below.

**Table 1: Abbreviations**

<b>Abbreviation</b>	<b>Means</b>
HBRC	Hawkes Bay Regional Council
HNZPTA	Heritage New Zealand Pouhere Taonga Act 2014
NES	National Environmental Standard
NES-AQ	National Environmental Standards for Air Quality 2004
NES-CS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NES-FW	National Environmental Standards for Freshwater 2020
NES-MA	National Environmental Standards for Marine Aquaculture 2020
NES-PF	National Environmental Standards for Plantation Forestry 2017
NES-SDW	National Environmental Standards for Sources of Drinking Water 2007
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NMP	Noise Management Plan
NPS	National Policy Statement or else National Planning Standards, MFE 2019 depending upon context
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPSIB	National Policy Statement for Indigenous Biodiversity 2023
NZCPS	New Zealand Coastal Policy Statement 2010
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NPS-UD	National Policy Statement on Urban Development 2020
RPS	Hawkes Bay Regional Policy Statement (contained in the RRMP)
RRMP	Hawkes Bay Regional Council Regional Resource Management Plan (2006)
SOSM	Site of Significance to Māori
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991
the Act / the RMA	Resource Management Act 1991

the Building Act / BA	Building Act 2004
the Council / NCC	Napier City Council
the Enabling Act / RMA-EHS	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
the Operative Plan/ODP	Operative Napier City District Plan
the Proposed Plan/PDP	Proposed Napier City District Plan

**Table 2: Abbreviations of Submitters and Further Submitters Names addressed in this report**

<b>Abbreviation</b>	<b>Means</b>
DOC	Department of Conservation Te Papa Atawhai
FENZ	Fire and Emergency New Zealand
Forest and Bird	Royal Forest and Bird Protection Society
HBAL	Hawke's Bay Airport Limited (HBAL)
Heritage NZ	Heritage New Zealand Pouhere Taonga
KiwiRail	KiwiRail Holdings Limited
NZDF	New Zealand Defence Force
Fuel companies	Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Limited
Port of Napier	Port of Napier Limited
Ravensdown	Ravensdown Limited
Telco	Spark New Zealand Trading Limited, Chorus New Zealand Limited, VodafoneNew Zealand Limited
Transpower	Transpower New Zealand Ltd
Waka Kotahi	Waka Kotahi NZ Transport Agency

In addition, references to submissions includes further submissions, unless otherwise stated.

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**APPENDIX A - Recommended Amendments to Plan Provisions**

**APPENDIX B - Summary of Recommended Responses to Submissions and Further Submissions**

# 1. Introduction

## 1.1 Purpose of the Section 42A Report

1. This report has been prepared under section 42A of the Resource Management Act 1991 (“RMA”). It discusses the various issues raised by submissions and makes recommendations on either retaining the Proposed District Plan (“PDP”) provisions without amendment or making amendments to the PDP in response to those submissions in order to assist the Hearings Panel in drafting the Council’s decisions on the LIGHT.
2. It considers submissions received by Napier City Council in relation to the relevant strategic directions, objectives, policies, rules, definitions, and appendices as they apply to the relevant chapters in the PDP. The report outlines recommendations in response to the key issues that have emerged from these submissions.
3. This report discusses general issues or topics arising, the original and further submissions received following notification of the PDP, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the PDP provisions based on the preceding assessment and evaluation contained in the report. Where necessary, other parts of the PDP have been addressed in this report.
4. The conclusions reached and recommendations made in this report are not binding on the Hearings Panel. It should not be assumed that the Hearings Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

## 1.2 Author, Code of Conduct and Supporting Evidence

5. My name is Jeriel Sajan and I am employed by the Council as a Policy Analyst. My qualifications include a Bachelor of Business Studies, 2019, Eastern Institute of Technology and Master of Public Policy, 2024, University of Auckland.
6. I have over 2 years’ experience working as a resource management policy analyst.
7. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court in 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
8. The scope of my evidence relates to Light. Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
9. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given the reasons for those opinions.
10. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### 1.3 Procedural Matters

11. At the time of writing this report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on the Light Chapter.

## 2. Statutory Considerations and Planning Framework

### 2.1 Overview

12. As set out in the Section 42A Report Part 1 Strategic Direction, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP, including in relation to this topic. This report details all relevant consultation and includes a comprehensive assessment of the statutory considerations considered prior to public notification of the PDP, as well as changes to the planning framework in the intervening period. For efficiencies in reporting, this has not been repeated within this topic specific report. Where higher order documents are specifically relevant to the analysis on submissions, this has been addressed in the assessment of submissions by issue/theme in this report.
13. In addition to the Part 1 Strategic Direction report, the following Section 32 Evaluations Reports are relevant to the relevant provisions that will be addressed in this S42A report:
  - [www.napier.govt.nz/assets/Proposed-District-Plan/Section-32-Reports/Section-32-Report-Part-2-Light.pdf](http://www.napier.govt.nz/assets/Proposed-District-Plan/Section-32-Reports/Section-32-Report-Part-2-Light.pdf)

### 2.2 Section 32AA

14. Section 32 of the RMA requires that the objectives of the proposal be examined for their appropriateness in achieving the purpose of the RMA, and the provisions (policies, rules, standards or other methods) of the proposal are to be examined for their efficiency, effectiveness and risk. The effects of new policies and rules on the community, the economy, cultural, historic heritage matters and the environment needs to be clearly identified and assessed as part of this examination.
15. Where changes are proposed to the as-notified provisions, a further assessment needs to be undertaken to confirm that the new provisions are appropriate at a level of detail that corresponds to the scale and significance of the changes.
16. Where there is a significant departure from the notified PDP provisions, I have undertaken a S32AA evaluation in respect to the recommended amendments in my assessment on a topic basis within the analysis of submissions.

### 2.3 Strategic Objectives

17. The strategic objectives of the Proposed District Plan provide a framework for ensuring a consistent policy direction for all chapters. The strategic objectives particularly relevant to this topic are:
  - SD-HH-O1: Character, culture, heritage, and landscapes  
Napier's distinctive character, culture, heritage, and landscapes are recognised, celebrated, maintained, protected, and enhanced.
  - SD-SRCC-O3: Natural systems  
The functions of natural systems are protected from inappropriate subdivision, use, and development.



- SD-SRCC-O4: Ecology  
Significant indigenous vegetation, significant habitats of indigenous fauna, biodiversity, and waterways are maintained and enhanced.
- SD-TW-O3: Sites of significance to Māori  
The relationship of tangata whenua with their cultural heritage and with the natural and physical environment is recognised and provided for.
- SD-TI-O1: Enabling infrastructure  
Infrastructure that supports economic growth, including the port, airport, transportation, and electricity transmission networks, is enabled and protected.
- SD-TI-O2: Transport  
Napier's transport network optimises connectivity, public health and safety, and encourages active and public transport modes.
- SD-TI-O3: Managing adverse effects of infrastructure  
The adverse effects of infrastructure are managed with regard to the economic, social, environmental and cultural benefits and the technical and operational needs of infrastructure.
- SD-TI-O4: Significant infrastructure and reverse sensitivity  
Significant infrastructure operates efficiently and safely and is protected from incompatible development and activities that may create reverse sensitivity effects.

18. The above strategic objectives have been considered alongside the higher order planning documents and legislation when informing the analysis of submissions in this report, including the s32AA assessments.

## 2.4 Trade Competition

19. There are no known trade competition issues raised within the submissions.

# 3. Consideration of Submissions and Further Submissions

## 3.1 Overview

20. In total, there were 16 submissions raising 43 submission points in relation to *Light* and 19 further submission points.

21. Submissions on the provisions relevant to this topic raised a number of issues which have been grouped into sub-themes within the applicable parts of this S42A report. Some of the submissions are addressed under a number of headings based on the topics contained in the submission. 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.

22. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission-by-submission approach. I have organised the evaluation in accordance with common themes that appear on the residential chapters in the PDP as notified.

23. 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. Specific recommendations on each submission / further submission are contained in **Appendix B**.

24. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves, the applicable S32 Reports, and the overlays and maps on the ePlan. 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 recommendation are set out in the body of this report. I have provided a marked-up version of the residential chapters with recommended amendments in response to submissions as **Appendix A**.
25. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission. In general, further submissions may not be specifically mentioned.
26. This report only addresses definitions that are specific to the residential provisions in the PDP. Where Definitions relate to more than one topic they have been addressed in Hearing Stream 7 and the associated S42A Report.
27. For each identified topic, the consideration of submissions has been undertaken in the following format:
  - Matters raised by submitters;
  - Assessment; and
  - Summary of recommendations and consequential amendments in Appendix A.

## 4. Submissions on *LIGHT*

### 4.1 Issue #1 – Out of Scope Submissions

#### 4.1 *Matters raised by submitters*

28. Sera Chambers (FS 560.198.190) opposes the changes proposed by HBAL, particularly regarding the transparency of their actions and the lack of public consultation. The submitter highlights concerns over new flight paths implemented without notifying affected residents, increased flight activity, and the resulting noise impacts. They argue that HBAL and other entities involved, such as Airways and Marshall Day, have not been open or transparent about their plans and the associated noise impacts. They also opposes the roll-over of Airport Purposes designations without public visibility, arguing that such changes favour the airport's strategic interests over the wider community. The submitter requests that Napier City Council ensure greater accountability and transparency, prioritising the community's well-being over the interests of the airport and related entities.

I consider this to be out of scope as the submission from Sera Chambers (FS 560.198.190) does not relate to lighting. It focuses on issues regarding flight paths, noise impacts, and the lack of transparency and consultation from HBAL and other associated entities. The concerns raised pertain to noise pollution, flight operations, and airport designations rather than light or lighting standards. I note the submitter has made this submission and further submission on the relevant topics within the PDP.

## 4.1 Issue #2 – Effects of Outdoor & Artificial Light

### 4.1.2 Issues & Objectives

#### *Matters raised by submitters*

29. Port of Napier (202.19) supports LIGHT-I2 because they consider that appropriate lighting activities, including navigation aids, are essential for maritime safety and the operational needs of the Port, and seeks to retain LIGHT-I2 as notified. This is supported by Golden Bay FS35.202.19.
30. KiwiRail (168.87), Ravensdown (246.71), and Port of Napier (202.20) support Objective LIGHT-O1 because they consider artificial lighting essential for operational and functional purposes, necessary for ensuring the safety and security of people and properties, vital for 24-hour industrial operations such as Napier Works, and critical for Napier Port's operational needs, and seek to retain the objective as notified.
31. Ravensdown (246.72) supports Objective LIGHT-O2 because they consider it important that artificial lighting does not detract from the character and amenity of areas, and seeks to retain the objective as notified.

HBAL (198.50) opposes Objective LIGHT-O2 because they believe the current objective does not adequately address the risks that poorly managed lighting poses to aircraft safety. They seek to amend LIGHT-O2 to ensure that artificial lighting is appropriately located, designed, and operated to prioritise aircraft safety, in addition to preserving character and amenity values. Amend as follows:

**LIGHT-O2: Adverse effects of artificial lighting on aircraft safety and the amenity and character of areas**

Artificial lighting is located, designed, and operated to maintain aircraft safety, character and amenity values.

32. HBAL (198.49) opposes the overall lighting objectives in the chapter, arguing that they do not sufficiently consider the risks to aircraft safety from poorly managed lighting. They request a reworking of the Light chapter to ensure that aircraft safety is explicitly included in the objectives and policies, better aligning the chapter with the needs of aviation safety, with no specific relief sought.
33. DOC (253.45) seeks to amend the LIGHT chapter because they consider that artificial lighting adversely affects Long-tailed bats, a Threatened – Nationally Critical species, and seeks to include a requirement in the chapter to avoid adverse effects on indigenous biodiversity in order to meet the no net loss standard required by the NPS-IB.

#### *Assessment*

34. In response to submissions 202.19, 168.87, 246.71, 202.20, and 246.72, I consider it appropriate to retain provisions LIGHT-I2, Objective LIGHT-O1, and Objective LIGHT-O2 insofar as no other relief has been sought, as they effectively address the purpose of the LIGHT chapter. These provisions ensure that artificial lighting is managed appropriately, taking into account the operational, safety, and functional requirements of key infrastructure such as ports and industrial operations. They also ensure that lighting does not detract from the character and amenity of different areas, which aligns with the objectives of the chapter.
35. In response to submissions 198.49 and 198.50 from Hawke's Bay Airport Limited, which seek the amendment of Objective LIGHT-O2 to specifically address aircraft safety, I acknowledge that there is indeed a gap in the current objectives regarding the effects of artificial light on aircraft and, more broadly, the transport network. The current objectives do

not fully capture the potential adverse effects of artificial lighting on transport activities, including air, road, and rail networks.

I consider that the introduction of a new objective is necessary, but rather than focusing solely on aircraft, it should address the impact of artificial light on the entire transport network. This broader approach would ensure that all modes of transport, including aviation, roadways, and rail systems, are appropriately considered in relation to lighting effects, ensuring a comprehensive framework that provides clear direction for managing safety and operational efficiency across the transport sector.

### **S32AA Evaluation**

As notified, the PDP did not include a specific objective addressing the impacts of artificial lighting on the transport network, including air, road, and rail. Submissions (198.49, 198.50) identified the need for clearer direction on managing the adverse effects of artificial lighting on transport safety, particularly in relation to aircraft. Upon review, it is evident that while Policy LIGHT-P3 addresses some aspects of transport safety, there is a gap at the objective level to explicitly guide the management of lighting effects across the entire transport network.

The introduction of a new objective that provides clear direction on managing the effects of artificial lighting on the transport network, including road, rail, and air travel, will strengthen the existing framework and address the concerns raised by submitters. The objective will provide a broader framework that ensures lighting standards are aligned with the safe and efficient operation transport.

The inclusion of this new objective will ensure that the transport network’s safety and efficiency are explicitly considered in lighting standards. It will also guide the development of more specific policies and rules, ensuring that the lighting needs of different transport sectors (e.g. airports, highways, and railways) are appropriately balanced with other land-use activities. This will enhance the effectiveness and efficiency of the plan in achieving its overarching objectives related to safety, infrastructure, and amenity protection.

Environmental	The new objective promotes sustainable lighting design by mitigating adverse effects on sensitive ecological areas, particularly where transport infrastructure intersects with conservation zones. It ensures that lighting supports both safety and environmental preservation, fostering a balanced approach to transport-related activities.
Economic	By providing clear guidance on managing lighting across the transport network, the objective enhances operational efficiency and reduces the risk of costly disruptions. While infrastructure providers may face moderate compliance costs for lighting adjustments, these are outweighed by long-term benefits, including fewer accidents and improved safety across transport systems. Additionally, the objective helps avoid financial losses from potential transport disruptions due to poorly managed lighting.
Social	This objective strengthens public safety by reducing glare and light spill that could impair visibility, thus lowering the risk of accidents across roadways, railways, and air travel. It also protects residential amenity by ensuring transport-related lighting is managed to minimize disturbance to nearby communities.
Cultural	While there are no direct cultural effects anticipated, the careful management of lighting will contribute to the protection of cultural landscapes, ensuring that transport infrastructure does not encroach upon or disrupt culturally significant areas.

The inclusion of this new objective brings significant benefits by providing clear guidance on managing the effects of artificial lighting on transport networks. It effectively balances public safety, transport efficiency, and environmental protection, addressing a critical gap in the current framework.

Introducing this objective ensures that lighting standards are aligned with the safe and efficient operation of air, road, and rail networks. It strengthens the plan's capacity to protect public safety, reduce environmental impacts, and maintain the functionality of key infrastructure. The proposed objective is expected to yield positive environmental, social, and economic outcomes with minimal additional costs to infrastructure providers, offering long-term benefits to both the community and transport systems.

36. In response to submission 253.45 from DOC, I acknowledge that the effects of artificial lighting on indigenous biodiversity, particularly for species like the Long-tailed bat (a Threatened – Nationally Critical species), are significant and need to be carefully managed. However, I consider that the integration of biodiversity concerns, including the no net loss standard required by the NPS-IB, will be addressed more comprehensively in the forthcoming Plan Variation for the Ecosystems and Indigenous Biodiversity chapter. Given this, I recommend deferring the analysis of this submission until the broader biodiversity provisions are considered in that context, ensuring a holistic approach that balances lighting management with indigenous biodiversity protection.

### *Summary of recommendations*

37. Hearing Stream 2 Recommendation 1: Accept 202.19, 168.87, 246.71, 202.20, and 246.72 to retain LIGHT-I2, Objective LIGHT-O1, and Objective LIGHT-O2. Accept in part submissions 198.49 and 198.50. Reject 253.45 to defer to the Eco Variation.

### **4.1.3 Policies**

#### *Matters raised by submitters*

38. KiwiRail (168.88) support Policy LIGHT-P1 because they consider it enables appropriate levels of artificial lighting for operational and functional purposes, and seeks to retain the policy as proposed.
39. Ravensdown (246.73) seeks to amend Policy LIGHT-P1 because they consider it should also include references to security and safety lighting to ensure consistency with Objective LIGHT-O1, and seeks to amend the policy to include operational, functional, security, and safety purposes while maintaining the character and amenity of zones.
  - Amend Policy LIGHT-P1 as follows:  
Allow an appropriate level of artificial lighting for operational, and functional, security and safety purposes while maintaining the predominant character and amenity of each zone.
40. HBAL (198.51) opposes LIGHT-P1 because they consider poorly managed lighting poses risks to aircraft safety, and seeks to amend the policy to reflect aircraft safety concerns alongside operational and functional lighting purposes. Amend as follows:
  - **LIGHT-P1: Adverse effects of artificial lighting on aircraft safety and the amenity and character of areas**  
Allow an appropriate level of artificial lighting for operational and functional purposes while maintaining aircraft safety and the predominant character and amenity of each zone.
41. Ravensdown (246.74) supports LIGHT-P2 because they consider the mechanisms in the policy effectively address regulatory controls for artificial lighting, and seeks to retain the policy as notified.

42. NZ Transport Agency Waka Kotahi (277.77) supports LIGHT-P2 because they consider the 'avoid' directive in subclause d. provides strong direction to manage the effects of artificial lighting on the transport network and seeks to retain the policy as notified.

43. KiwiRail (168.89) supports LIGHT-P2 because they consider the policy appropriately ensures that artificial lighting is located, designed, and operated in a way that supports the safe and efficient operation of the transport network, and seeks to retain the policy as proposed.

44. HBAL (198.52) oppose LIGHT-P2 because they consider the chapter needs to better reflect the risks of poorly managed lighting on aircraft safety, and seeks to amend the policy to manage adverse lighting effects on aircraft safety. Amend as follows:

- **LIGHT-P2: Adverse effects of artificial lighting**

Artificial lighting is located, designed, and operated to:

- a) avoid light spill and glare creating a nuisance in residential and open space zones;
- b) control the maximum level of light overspill;
- c) manage adverse light spill effects on adjacent properties to ensure that the health and safety of people and views of the night sky are not reduced, and
- d) avoid adverse effects on the safety of the transport network, including aircraft.

45. Port of Napier (202.21) supports LIGHT-P3 because they consider navigation aids are necessary for maritime safety and the operational needs of the Port, and seeks to retain LIGHT-P3 as notified.

46. HBAL (198.53) opposes LIGHT-P3 because they consider poorly managed lighting poses risks to aircraft safety, and seeks to amend the policy to include aircraft safety alongside traffic and navigation aids. Amend as follows:

- **LIGHT-P3: Appropriate lighting activities**

Recognise the positive effects of lighting for the safety of the community by enabling:

- a) traffic signals and navigation aids;
- b) ~~lights of vehicles, trains and aircraft, and~~
- c) temporary lighting for the purposes of emergency response.

KiwiRail (FS 234.198.53) oppose submission 198.53 because they consider that artificial lighting for temporary works, such as night-time track maintenance, is essential for the safe operation of the rail network, and they believe such lighting should be classified as a permitted activity under LIGHT-P3, as it relates to managing outdoor lighting and safety for rail operations rather than focusing solely on aircraft safety.

47. KiwiRail (168.90) seeks to amend LIGHT-P3 because they consider rail signals should be included for safety purposes, and seeks to amend the policy to enable traffic and rail signals. Amend as follows:

Recognise the positive effects of lighting for the safety of the community by enabling:

- a. traffic and rail signals and navigation aids;
- b. lights of vehicles, trains and aircraft, and
- c. temporary lighting for the purposes of emergency response.

## Assessment

48. In response to submissions 168.88, 246.73, regarding Policy LIGHT-P1, I consider that a minor amendment to include the terms “security and safety” is appropriate. This amendment would enhance the provision by clarifying that lighting serves both operational and safety purposes across sectors without needing to specifically mention aircraft safety at the policy level. While I acknowledge the concerns raised by Hawke’s Bay Airport Limited (198.51), I do not believe a specific reference to aircraft safety is necessary within LIGHT-P3. Instead, I consider it more appropriate to clarify and strengthen LIGHT-P2, which already addresses the adverse effects of artificial lighting on the safety of the transport network. Aircraft safety is an integral part of this broader network, and the policy as currently drafted ensures that all transport modes, including aviation, are covered without requiring a separate reference to aircraft.
49. In response to submissions 246.74, 277.77, and 168.89, I consider that Policy LIGHT-P2, as notified, sufficiently addresses the need to manage the adverse effects of lighting on the transport network. The policy provides clear mechanisms to regulate artificial lighting while prioritizing safety and operational efficiency. However, in response to submission 198.52 from Hawke’s Bay Airport Limited, I find it appropriate to add a specific reference to aircraft within the term “transport network.” This amendment would enhance clarity by explicitly recognizing aircraft as part of the transport network without altering the policy’s overall intent. It ensures that the policy fully addresses the safety requirements for all modes of transport, including road, rail, and air. I do not consider a s32AA assessment necessary as this change is a minor clarification that does not materially alter the policy.
50. In response to submission 198.53 from Hawke's Bay Airport Limited, I consider that the light emitted from vehicles, trains, and aircraft is regulated through external safety standards, which are outside the scope of the District Plan. As such, the Council has little to no ability to manage the effects of these lights, rendering the proposed amendment inefficient and unnecessary. It would be more appropriate to delete these references from Policy LIGHT-P3 to avoid an ineffective and redundant policy.
- However, in response to KiwiRail's further submission (FS 234.198.53), I acknowledge the need to address their concerns regarding lighting for night-time track maintenance, which is essential for the safe operation of the rail network. To that end, I consider it appropriate to amend LIGHT-P3(c) to include a reference to “works for the purpose of maintenance for the transport network.” This addition would provide clarity and ensure that lighting for essential maintenance activities, including rail, is appropriately recognized within the policy, without unnecessarily broadening its scope to include aspects already regulated through other means.
51. In response to submissions 202.21, 168.90, 198.53, I consider that Policy LIGHT-P3, with the suggested amendment from 168.90 to include “rail signals,” is appropriate. This amendment ensures that safety provisions for rail infrastructure are explicitly included alongside traffic signals and navigation aids. The inclusion of rail signals reinforces the operational and safety needs of KiwiRail while maintaining the policy’s broad application to critical infrastructure. This amendment aligns with the objectives of the chapter and ensures that rail safety is adequately provided for, alongside other essential transport networks.
52. Furthermore, these amendments do not require a s32AA assessment, as it does not materially alter the intent or scope of the policies but rather clarifies it.

## Summary of recommendations

53. Hearing Stream 2 Part 2 Recommendation 2: Accept in part submissions 168.88 ,246.73, and 198.51 and amend P1. In relation to LIGHT-P2, accept submissions 246.74, 277.77, and 168.89, and accept in part submission 198.52 to amend P2. In relation to LIGHT-P3, accept submission, 202.21, 168.90, FS 234.198.53.1, and 198.53, and amend P3.

### 4.1.3 Rules

#### Matters raised by submitters

54. Amelia Longley (222.133) supports LIGHT-R1: Outdoor lighting because they consider the provision for outdoor lighting is appropriate and seeks to retain LIGHT-R1 as notified.
55. Ravensdown (246.75) supports LIGHT-R1 because they consider the rule appropriately provides for artificial lighting when standards and height/yard requirements are met, and seeks to retain LIGHT-R1 as notified.
56. Port of Napier (202.22) supports LIGHT-R2: Traffic signals and navigation aids; lights of vehicles, trains and aircraft; and temporary lighting for the purposes of emergency response because they consider navigation aids are essential for maritime safety and operational needs, and seeks to retain LIGHT-R2 as a permitted activity as notified.
57. KiwiRail (168.91) seeks to amend LIGHT-R2 because they consider rail signals should be included for safety purposes, and seeks to amend LIGHT-R2 to include traffic and rail signals, navigation aids, and temporary lighting for emergency response. Amend as follows:
- LIGHT-R2: Traffic and rail signals and navigation aids; lights of vehicles, trains and aircraft; and temporary lighting for the purposes of emergency response.
58. NZ Transport Agency Waka Kotahi (NZTA) (277.78) seeks to amend LIGHT-R1 because they consider outdoor lighting should account for potential adverse effects on the safety and efficiency of the transport network, and seeks to add a matter of discretion regarding road and highway safety.
- Add the following matter of discretion:  
...3. Effects on the safety of road users and the state highway network.
- KiwiRail (FS 233.277.78) supports the submission by NZTA but they consider the relief should also encompass rail users and train drivers, and seeks to allow the submission with broader relief.
59. HBAL (198.54) oppose LIGHT-R2 because they consider the chapter insufficiently addresses the risks poorly managed lighting poses to aircraft safety, and seeks a reworking of the rule to reflect aircraft safety concerns.
- Amend as follows:  
LIGHT-R2: Traffic signals and navigation aids;~~lights of vehicles, trains and aircraft~~; and temporary lighting for the purposes of emergency response.



## Assessment

60. In response to submissions 222.133 and 246.75 regarding LIGHT-R1, I consider the rule appropriate as notified. The rule ensures that outdoor lighting is regulated in accordance with relevant height and yard requirements across different zones, maintaining a balance between operational needs and safety. Both submitters support retaining the rule as it provides clarity and compliance with established standards.
61. In response to NZTA's submission (277.78), I recommend adding a matter of discretion related to road safety and the state highway network. This ensures that outdoor lighting near transport corridors does not create adverse effects, aligning the rule with broader transport safety concerns.
62. In response to submissions 202.22, 168.91, and 198.54 regarding LIGHT-R2, I consider it appropriate to amend the rule to incorporate several of the proposed changes. I recommend reworking LIGHT-R2, as proposed by Hawke's Bay Airport Limited (198.54), to remove references to lights from vehicles, trains, and aircraft because these are managed through external safety standards outside the scope of the District Plan. Including these references would be redundant and inefficient as noted in the assessment for P3. However, I support amending LIGHT-R2 to include emergency lighting and maintenance works for the transport network, ensuring the rule comprehensively covers safety needs across roads, rail, and other infrastructure. Additionally, I support KiwiRail's (168.91) request to include "rail signals" to cover critical rail infrastructure. These changes will ensure that safety is prioritized in all relevant transport activities.
63. These amendments do not require a s32AA assessment, as they do not materially alter the intent or scope of the rules but rather clarify and improve them to ensure they better meet operational and safety needs.

## Summary of recommendations

64. Hearing Stream 1 Part 2 Recommendation 3: In relation to LIGHT-R1, submissions 222.133 and 246.75 are accepted, and submission 277.78 is accepted in part to add a matter of discretion for road safety and the state highway network. For LIGHT-R2, submission 168.91 is accepted in part to include "rail signals" and "emergency lighting and maintenance works for the transport network." Submission 198.54 from Hawke's Bay Airport Limited is accepted to rework LIGHT-R2.

#### 4.1.4 Standards and Assessment Criteria

##### Matters raised by submitters

65. NZ Transport Agency Waka Kotahi (277.79) seeks to amend LIGHT-S1 because they consider the current threshold for glare effects is too high and inconsistent with LIGHT-P2, and seeks to amend LIGHT-S1 to avoid adverse effects from outdoor lighting on residential activities, road users, or aircraft.
- Amend LIGHT-S1 as follows:  
b/c. outdoor lighting must be selected, located, aimed, adjusted, screened, and maintained to ensure that glare resulting from the lighting does ~~not cause~~ significant avoid adverse effects on the occupants of residential activities, road users, or aircraft.
- KiwiRail (FS 233.277.79) supports the intent of the NZTA submission because they consider the relief should also include rail users and train drivers, and seeks to allow the submission with broader relief. Napier City Council Events Manager (FS 307.277.79) supports the submission to the extent that it doesn't compromise McLean Park, because they consider the needs of the city's premier facility should be provided for, and seeks to allow the submission in part.
66. NZ Transport Agency Waka Kotahi (277.80) seeks to amend LIGHT-S1 because they consider that adverse glare effects on road safety and the efficiency of the transport network need to be better mitigated, and seeks to add "effects on safety and efficiency of the state highway network and the extent to which these can be mitigated" as a matter of discretion.
- Add the following matter of discretion:  
Effects on safety and efficiency of the state highway network and the extent to which these can be mitigated
67. Ministry of Education Te Tāhuhu o Te Mātauranga (231.31) seeks to amend LIGHT-S1 because they consider using the term 'habitable room' rather than 'habitable space' provides consistency in the plan, and seeks to amend the provision for light spill and lighting design accordingly.
- Amend to:  
**Light spill and lighting design**  
All Residential Zones and all Open Space, Sports Parks, and Conservation Zones (except for McLean Park Sports Stadium)
    1. Light spill conditions for all land uses other than for the purposes of illuminating a road:
      - c. between the hours of 10.00 p.m. and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a ~~habitable space~~ room within a building located on any other site), and
      - d. outdoor lighting ....
68. KiwiRail (168.92) seeks to amend LIGHT-S1 because they consider the exemption for this standard should include rail corridors as well as roads, and seeks to amend the standard to read "for the purposes of illuminating a road or rail corridor."
- Amend as follows:
    1. Light spill conditions for all land uses other than for the purposes of illuminating a road or rail corridor:
69. Amelia Longley (222.134) supports LIGHT-S1 because they consider the rules appropriately provide for outdoor lighting, and seeks to retain LIGHT-S1. Fuel Companies (FS 476.222.134) support the submission for outdoor lighting.

70. Ravensdown (246.76) seeks to amend LIGHT-S1 because they consider an exception for lighting required for health and safety purposes, similar to road illumination, may be necessary, and seeks to amend the standard to include lighting for health and safety purposes.

- Amend Standard LIGHT-S1 as follows:
  - 1 Light spill conditions for all land uses other than for the purposes of illuminating a road and to meet health and safety requirements ...

71. Napier City Council Event Manager (170.9 and 170.10) seeks to amend LIGHT-S1 because they consider it advantageous to allow more time for safely packing down equipment after events and seeks to increase the number of days in the Stadium Zone to 5 and extend the duration to 12:00AM.

72. Port of Napier (202.23) seeks to amend Light-S1 because they consider the Matters of discretion in the Operative Plan to be preferable, particularly as it includes health and safety requirements, and seeks to amend Light-S1.

- Amend Light-S1: Light spill and lighting design Standard Matters of discretion as follows:

Matters of discretion are:

  1. Effects on residential amenity and road safety and the extent to which these can be mitigated, and
  2. Design, location, and external appearance of the artificial lighting, including the support structure(s), and.
  3. The effects on traffic safety
  4. The positive effects on pedestrian safety
  5. The effects on the health, safety and wellbeing of people.

KiwiRail (FS 235.202.23) supports submission 202.23 because they consider that restrictions on lighting standards could adversely affect the efficient movement of freight by rail, potentially delaying the loading and unloading of freight trains and impacting customer delivery requirements, and seeks to allow the submission.

73. Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd (180.7) opposes LIGHT-S1 because they consider it unclear whether the light spill standards apply in the PORTZ Zone, and seeks to amend the standard to explicitly state that it does not apply to the Port Zone.

- **Amend** Standard LIGHT-S1 to include the following statement:  
'This standard does not apply to sites located in the PORTZ – Port Zone.'

74. Ravensdown (246.78 and 246.77) opposes LIGHT-S3 because they consider the 25m height limit for light support structures in the General Industrial Zone inconsistent with the zone's height limits, and seeks to amend the height limit to align with the specific height limits of each industrial zone or precinct.

- Amend LIGHT-S3 Table 1: Maximum height of light support structures in a zone as follows:

...

All Industrial Zones and Precincts – Must not exceed 25 in height the zone or precincts' maximum height limits, and no height limit applies when no maximum height applies in the zone or precinct.

75. Sera Chambers (150.118) seeks to amend LIGHT-S3 Table 1 because they consider that Stadium, Airport, and Port zones require height limits to allow adjoining landowners to be notified and have their say, and seeks to amend the standard to include height limits for these zones. Golden Bay (FS 37.150.118), Hawke's Bay Airport Limited (FS 270.150.118), Napier City Council (FS 310.150.118), and Napier Port (FS 447.150.118) oppose adding height limits in the PORTZ, Airport, and Stadium Zones, citing adequate provisions and operational needs, while Sera Chambers (FS 559.150.118) supports adding height limits to notify and mitigate impacts on neighboring landowners.
76. Port of Napier (202.24) opposes LIGHT-S3 Table 1 because they consider that the 25-meter height limit for light support structures in the General Industrial Zone may be insufficient for operational needs, and seeks to delete the 25-meter height limit to allow for taller light support structures where necessary.
77. Port of Napier (202.25) supports LIGHT-S3 Table 1 because they consider that the "No height limit" for light support structures in the Port Zone is appropriate for operational purposes, and seeks to retain the "No height limit" as notified.
78. Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd (180.8) opposes LIGHT-S3 Table 1 because they consider the table is unclear about which height limits apply to Special Purpose Zones, and seeks to rearrange the table for clarity, ensuring the 20m limit only applies in certain zones.
79. Port of Napier (202.26) seeks to amend LIGHT-AC1 because they consider the criteria should clarify any unique characteristics of the site, and seeks to amend LIGHT-AC1 to include a reference to the necessity of artificial lighting for operational and functional requirements.
80. Alan Petersen (187.37) seeks to amend the light spill standards for commercial, industrial, and rural zones because they consider it important to minimise light spill on residential areas within the Port Noise Zones, and seeks to ensure that this is reflected in the standards. Port of Napier (FS 451.187.37) supports the submission, stating that light spill standards are adequately addressed in the PDP, while Golden Bay (FS 36.187.37) opposes it, seeking clarification that light spill standards do not apply to Port sites.

## Assessment

81. In response to submissions regarding LIGHT-S1, several submitters, including NZ Transport Agency Waka Kotahi (277.79, 277.80), KiwiRail (168.92, FS 233.277.79, FS 235.202.23), Ministry of Education (231.31), Ravensdown (246.76), and Napier City Council Event Manager (170.9, 170.10), raised concerns about light spill, glare, and safety. The suggested amendments are appropriate, as they enhance the management of lighting impacts on residential areas, road, rail users, and aircraft, while also improving the safety and operational effectiveness of key infrastructure. Specifically, in response to submissions 170.9 and 170.10, which seek to extend lighting duration in the Stadium Zone for event pack-down until midnight for five days, I support this change. It provides necessary flexibility for safe event management at McLean Park without compromising public safety or operational needs.
82. In response to Ravensdown's submission (246.76) regarding an exemption for health and safety lighting, I support the intention but believe that unrestricted lighting could negatively impact neighboring properties. Therefore, health and safety lighting should still require a resource consent process to evaluate and manage any adverse effects, such as light spill or glare, ensuring a balance between operational needs and the amenity of surrounding areas.

83. In response to submission 187.37 from Alan Petersen, which seeks to amend light spill standards for commercial, industrial, and rural zones to reduce impacts on residential areas within the Port Noise Zones, I note the PDP did not explicitly clarify the application of LIGHT-S1 to the Port Zone. However, it was intended that lighting standards for the Port align with industrial and commercial zones. Given this, I recommend that light spill standards follow the same approach as for industrial and commercial zones, with separate provisions for the Port Zone to ensure clarity and minimize impacts on residential areas, while supporting the operational needs of the Port.

**S32AA Evaluation**

As notified, the LIGHT-S1 standards set requirements for managing light spill and glare across various zones, ensuring minimal impact on residential areas, road users, and operational activities. Several submissions sought amendments to these standards. The proposed changes to LIGHT-S1 involve refining the glare thresholds, introducing exemptions for health and safety lighting subject to resource consent, and clarifying lighting standards in specific zones, such as McLean Park and the Port Zone. The changes are intended to improve the management of lighting impacts on residential areas, road users, rail users, and aircraft while maintaining the operational efficiency of key infrastructure. Additionally, the light spill standards for the Port Zone are to be separated and clarified to align with the industrial and commercial zones.

The recommended changes would improve both the effectiveness and efficiency of achieving the objectives of the lighting chapter. By refining the glare thresholds, clarifying exemptions for health and safety, and improving clarity regarding how different zones are managed, the provisions are better aligned with the needs of transport networks, operational activities, and surrounding environments. These changes are consistent with the overarching objectives of protecting residential amenity, ensuring safety, and supporting key infrastructure operations without compromising their functionality.

I consider that the proposed changes:

- Will ensure the adverse effects of lighting on residential areas, road users, and aircraft are managed effectively, thus enhancing safety and maintaining amenity values.
- Will better achieve the objectives of the LIGHT chapter, ensuring clarity around exemptions and thresholds in zones like McLean Park and the Port Zone, providing for their unique operational needs.
- Are not inconsistent with the relevant notified objectives and policies of the PDP and, in fact, strengthen the alignment with these objectives by refining the standards to accommodate key feedback from submissions.

The environmental, economic, social and cultural effects, and costs and benefits of the recommended amendments, as they vary from the existing PDP Evaluation Report, are below. The effects are loosely grouped into four categories for convenience, but have some category overlap.

Environmental	The amendments will reduce light spill and glare in sensitive areas such as residential zones and open spaces, helping to protect natural environments and wildlife. However, operational zones and networks such as ports and roads often need increased lighting flexibility, potentially leading to higher localised environmental impacts.
Economic	The refined standards will improve cost-efficiency for infrastructure providers by reducing operational constraints in key areas like ports and roads. While stricter controls in residential areas may increase compliance costs for some, the overall economic benefits of safer, more efficient lighting for essential services outweigh these potential costs. The allowance for health and safety lighting ensures critical operations are not financially burdened by overly restrictive standards.

Social	The changes will enhance residential amenity by minimising disruptive light spill and glare, contributing to better living conditions in affected areas. While there may be short-term costs or disruptions for some public spaces or businesses adapting to stricter standards, these impacts are outweighed by long-term improvements in public safety and quality of life. The flexibility for operational lighting in transport and infrastructure ensures community and worker safety is maintained without undue inconvenience.
Cultural	The proposed changes are not expected to have significant cultural impacts, as they pertain primarily to industrial zones. Any potential cultural effects will be managed through existing environmental and cultural controls

The proposed amendments to LIGHT-S1 are significant to that both the safety and functionality of key areas are maintained while protecting the character and amenity of sensitive zones. These changes are expected to have positive environmental, social, and economic effects without introducing significant costs or inefficiencies.

84. In response to submissions regarding LIGHT-S3 height standards, Submissions from Ravensdown (246.78), Sera Chambers (150.118), Port of Napier (202.24, 202.25), and Golden Bay (180.8) requested amendments to the light structure height standards in LIGHT-S3 Table 1. I recommend largely retaining the rule as notified, as the current height limits are suitable for the operational needs of various zones. However, I agree with Ravensdown (246.78) that height limits in the General Industrial Zone should align with the underlying zone height limits to ensure consistency and avoid imposing unnecessary restrictions where the underlying zone already specifies this. This amendment will provide flexibility while maintaining alignment across industrial zones. For zones such as the Port, Stadium, and Airport (150.118, 202.24, FS submissions), I recommend retaining the "No height limit" provision, as these areas have unique operational requirements that justify this flexibility. Introducing height limits in these zones could compromise their essential functions.

In response to Golden Bay's (180.8) request for clarification in Special Purpose Zones, I recommend rearranging the table to specify "Other Special Purpose Zones" where the 20m height limit applies. This improves clarity without altering the intent of the rule, and I do not consider this amendment significant enough to warrant a s32AA assessment.

**S32AA Evaluation: LIGHT-S3: Alignment of Industrial Zones Height Limits with Underlying Zone**

As notified, LIGHT-S3 Table 1 sets a 25-meter maximum height limit for light support structures in all Industrial Zones. However, this limit is inconsistent with the operational needs and nature of activities in these zones, where other structures often have no such height limit. Ravensdown (246.78) seeks to amend the height limit for light support structures to align with the standards applicable to other structures in Industrial Zones, providing a more coherent and practical approach.

The recommended amendment ensures that lighting infrastructure can meet operational needs without imposing extra restrictions, while maintaining adequate controls to protect residential amenity and surrounding environments. It improves both the effectiveness and efficiency of the lighting chapter, reducing the need for consent processes for light structures exceeding 25 meters when appropriate for the zone.

Environmental	Aligning light structures with operational needs removes unnecessary restrictions, and environmental impacts can be managed through existing light spill and glare rules. Taller structures may create visual impacts, but these can be mitigated through site-specific assessments and design controls
Economic	Aligning height limits leads to more efficient industrial development by reducing compliance costs and consent applications. It also increases operational flexibility, supporting smoother operations. Taller light structures may incur minimal costs, but these are offset by the reduced administrative burden and improved efficiency.
Social	Aligning height limits allows industrial activities to continue without compromising community safety or amenity, while existing light spill and glare controls protect residential areas. Minor visual impacts may occur from taller structures, but these are mitigated through design and other provisions.
Cultural	The amendments safeguard culturally significant areas by managing lighting in a way that addresses both operational needs and cultural values. While there is a risk of negative impacts from operational lighting near these areas, the provision for case-by-case assessments will help ensure that cultural values are protected,

85. In response to submission (202.26) regarding LIGHT-AC1, I find the proposed amendments generally appropriate but recommend broadening the criteria to apply across various sectors, not just focusing on ports. Expanding the criteria to cover “operational and/or functional purposes” more generally would ensure that lighting needs across all zones are adequately addressed. Additionally, balancing functionality with amenity is critical. The design and location of lighting should consider its impact on residential areas, public spaces, and natural landscapes, ensuring lighting impacts are evaluated on a case-by-case basis. This would provide a more comprehensive approach while noting the operational requirements of different zones.

### Summary of recommendations

#### 1. Hearing Stream 2 Part 2 Recommendation 4:

- In relation to LIGHT-S1:
  - i. Accept submission 277.79 to amend the threshold for glare effects.
  - ii. Accept FS 233.277.79 to include rail users in the standard’s consideration of adverse effects.
  - iii. Accept in part FS 307.277.79 to ensure McLean Park’s operational needs are accommodated while considering glare effects.
  - iv. Accept submission 277.80 to include road safety and efficiency as a matter of discretion.
  - v. Accept submission 231.31 to change “habitable space” to “habitable room.”
  - vi. Accept submission 168.92 to amend the standard to include exemptions for rail corridors.
  - vii. Accept submission 246.76 to allow lighting for health and safety purposes.
  - viii. Accept submission 202.23 to include health and safety as a matter of discretion.
  - ix. Accept in part submission 170.9 and 170.10 to increase the number of days for packing down equipment in the Stadium Zone to 5 days and extend the lighting duration to midnight.
  - x. Accept submission 180.7 to exclude the Port Zone from light spill standards.
  - xi. Accept in part submission 187.37 to ensure alignment with industrial and commercial zones.

- xii. Accept in part submission 202.24 to match Industrial Zone light structure height limits with the underlying zones.
- In relation to LIGHT-S3 Table 1:
  - i. Accept in part submission 246.78 to align the height limits for light support structures in the General Industrial Zone (and other Industrial Zones) with the underlying zone height limits.
  - ii. Reject submission 150.118 seeking to impose height limits on Stadium, Airport, and Port Zones.
  - iii. Accept submission 202.25 to retain "No height limit" in the Port Zone.
  - iv. Accept in part submission 180.8 to rearrange the table for clarity regarding "Other Special Purpose Zones."
- In relation to LIGHT-AC1:
  - i. Accept in part submission 202.26 to include "operational and/or functional purposes" more broadly across all zones.

## 5. Minor and Inconsequential Amendments

2. Pursuant to Schedule 1, Clause 16(2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
3. Any minor and inconsequential amendments relevant to the <relevant zones> will be listed in the appropriate sections of this S42A report.
4. The recommended amendments are set out in the 'track changes' versions of the applicable chapters, which are provided at **Appendix A**.



## 6. Conclusion

5. As discussed further within Parts 2 to 5 of this S42A Report, a wide range of submissions and further submissions have been received with respect to the residential provisions within the PDP. Submissions have been analysed, with my recommendations set out at **Appendix A** and **B**.
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in Appendix A of this report.
7. For the reasons set out in the S32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
  - Achieve the purpose of the Resource Management Act 1991 (“RMA”) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
  - Achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

### *Recommendations:*

8. I recommend that:
  - The Independent Hearings Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix B** of this report; and
  - The PDP is amended in accordance with the changes recommended in **Appendix A** of this report.

## APPENDIX A - Recommended Amendments to Plan Provisions

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### LIGHT - Light

#### Introduction

This chapter contains provisions relating to artificial outdoor lighting throughout the city. Artificial lighting plays an important functional and operational role for a range of activities and enables activities to occur and operate safely beyond daylight hours such as night-time work, rural productive activities, recreation activities, sport, and entertainment activities. It is also important for movement and transportation and assists in improving the overall safety and security of people and property.

This chapter ensures that artificial lighting is designed, located, and managed to prevent the potential adverse effects of light spill and glare. Light spill and glare have the potential to adversely affect the use and enjoyment of adjacent properties, create nuisance, interfere with views of the night sky and associated cultural values, and impact the safety and health of the public as well as the transport network, if not designed, located, or managed appropriately.

#### Issues

##### LIGHT-I1: Adverse effects of artificial lighting

Artificial light that is not appropriately located and/or designed can result in adverse effects. Light spill and/or glare can interfere with the use or enjoyment of other property and create a nuisance. It can have adverse effects on the wellbeing of people if it causes sleep disturbance. Light spill and glare can also adversely affect amenity values (for example, views of the night sky) and traffic safety.

##### LIGHT-I2: Appropriate lighting activities

Artificial lighting plays an important functional role in many activities and can have positive effects on safety and security, including by providing navigational aids, street lighting, and vehicle lights.

#### Objectives

##### LIGHT-O1: Appropriate lighting activities

Enable activities to use artificial lighting for operational and functional purposes and to provide for the security and safety of people and property.

*Relates to LIGHT-I2*

##### LIGHT-O2: Adverse effects of artificial lighting on the amenity and character of areas

Artificial lighting is located, designed, and operated to maintain character and amenity values.

*Relates to LIGHT-I1*

##### LIGHT-O3: Adverse effects of artificial lighting on the transport network

The adverse effects of artificial lighting on the safety, efficiency, and functionality of the transport network—including air, road, and rail—are managed to ensure safety, minimise disruption, and ensure the functional and operational needs of transport infrastructure.

*Relates to LIGHT-I1*

**Commented [JS1]:** Hawke's Bay Airport Limited 198.49 and 198.50

## APPENDIX A - Recommended Amendments to Plan Provisions

### Policies

#### LIGHT-P1: Adverse effects of artificial lighting on the amenity and character of areas

Allow an appropriate level of artificial lighting for operational and functional, security and safety purposes while maintaining the predominant character and amenity of each zone.

Commented [JS2]: Ravensdown (246.73)

Relates to LIGHT-O1 and LIGHT O2

#### LIGHT-P2: Adverse effects of artificial lighting

Artificial lighting is located, designed, and operated to:

- a. avoid light spill and glare creating a nuisance in residential and open space zones;
- b. control the maximum level of light overspill;
- c. manage adverse light spill effects on adjacent properties to ensure that the health and safety of people and views of the night sky are not reduced, and
- d. avoid adverse effects on the safety of the transport network, including air, road and rail.

Commented [JS3]: HBAL (198.51); HBAL (198.52)

Relates to LIGHT O2

#### LIGHT-P3: Appropriate lighting activities

Recognise the positive effects of lighting for the safety of the community by enabling:

- a. traffic and rail signals and navigation aids;
- ~~b. lights of vehicles, trains and aircraft, and~~
- c. temporary lighting for the purposes of emergency response, or maintenance for the transport network.

Commented [JS4]: KiwiRail 168.90

Commented [JS5]: HBAL 198.53

Commented [JS6]: Kiwirail FS 234.198.53

Relates to LIGHT-O1

## APPENDIX A - Recommended Amendments to Plan Provisions

### LIGHT - Light - Rules Table

All rules apply throughout the city and are in addition to the specific zone, precinct, overlay, and district-wide rules unless otherwise stated.

LIGHT-R1: Outdoor lighting	
<p><b>LIGHT-R1A</b></p> <p><b>Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. The activity complies with Light Standards S1, S2, and Light Table 1, and</li> <li>2. Any support structure associated with lighting must comply with conditions relating to yards, and height in relation to boundary in the relevant zone.</li> </ol>	<p><b>LIGHT-R1B</b></p> <p><b>Activity Status where conditions are not met:</b> Restricted Discretionary</p> <p><b>Matters of discretion are:</b></p> <ol style="list-style-type: none"> <li>1. Effects on residential amenity, and</li> <li>2. Design, location, and external appearance</li> <li>3. <u>Effects on the safety of road users and the transport network</u></li> </ol>
<p><b>LIGHT-R2: Traffic <del>and rail</del> signals and navigation aids, <del>lights of vehicles, trains and aircraft, and</del> and temporary lighting for the purposes of emergency response or <u>maintenance for the transport network</u></b></p>	
<p><b>Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. There are no activity conditions or standards to be met.</li> </ol>	
<p><b>LIGHT-R3: Activities not otherwise provided for</b></p>	
<p><b>Activity Status:</b> Discretionary</p>	

Commented [JS7]: NZTA 277.78

Commented [JS8]: KiwiRail 168.91

Commented [JS9]: HBAL 198.53

Commented [JS10]: Kiwirail FS 234.198.53

## APPENDIX A - Recommended Amendments to Plan Provisions

### LIGHT - Light - Standards Table

Activities must comply with all of the following activity standards set out below:

LIGHT-S1: Light spill and lighting design		
<p>All Residential Zones and all Open Space, Sports Parks, and Conservation Zones (except for McLean Park Sports Stadium)</p> <p><b>Purpose:</b> to protect residential amenity; to support well-being and safety of people.</p>	<p>1. Light spill conditions for all land uses other than for the purposes of illuminating a road or <u>rail corridor</u></p> <p>a. between the hours of 10.00 p.m. and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable <u>space room</u> within a building located on any other site), and</p> <p>b. outdoor lighting must be selected, located, aimed, adjusted, screened, and maintained to ensure that glare resulting from the lighting <u>does not cause significant avoids</u> adverse effects on the occupants of residential activities, road users, or aircraft.</p> <p>2. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the</p>	<p><b>Matters of discretion are:</b></p> <p><del>1.</del> 1. Effects on residential amenity <u>and road safety and the extent to which these can be mitigated;</u></p> <p>2. Design, location, and external appearance <u>of the artificial lighting, including the support structure(s), and</u></p> <p>3. Whether the lighting is necessary for operational or functional purposes.</p> <p>4. <u>The effects on traffic safety</u></p> <p>5. <u>The effects on the health, safety and wellbeing of people.</u></p>

Commented [JS11]: Kiwirail 168.92

Commented [FL14]: Which submission seeks the removal of this matter of discretion? I would think it's important to keep this

Commented [JS15]: NZTA 277.80

Commented [JS12]: Ministry of Education 231.31

Commented [JS16]: Port of Napier 202.23

Commented [JS13]: NZTA 277.79

**APPENDIX A - Recommended Amendments to Plan Provisions**

	<p>added illuminance, if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the effect of weather conditions on illuminance:</p> <p>a. the standards for light must be measured and assessed in accordance with Standard AS / NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting.</p>	
<p>All Commercial, Industrial, and Rural Zones and Precincts</p> <p><i>Purpose: to protect residential amenity; to support wellbeing and safety of people.</i></p>	<p>1. Light spill conditions for all land uses other than for the purposes of illuminating a road or <u>rail corridor, and to meet health and safety requirements:</u></p> <p>a. between the hours of 10.00 p.m. and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 15 lux, measured horizontally or vertically as an average (at a height of 1.5 m above ground level) at any point beyond the zone boundary;</p> <p>b. between the hours of 10.00 p.m. and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable <u>space room</u> in a</p>	<p><b>Matters of discretion are:</b></p> <ol style="list-style-type: none"> <li>1. Effects on residential amenity, and</li> <li>2. Design, location, and external appearance.</li> <li>3. <u>Effects on safety and efficiency of the state highway network and the extent to which these can be mitigated effects on traffic safety</u></li> </ol>

Commented [JS17]: Kiwirail 168.92

Commented [JS18]: Ravensdown 246.76

Commented [JS21]: NZTA 277.80

Commented [JS19]: Ministry of Education 231.31

**APPENDIX A - Recommended Amendments to Plan Provisions**

	<p>building within a residential zone), and</p> <p>c. the outdoor lighting must be so selected, located, aimed, adjusted, screened and maintained to ensure that glare resulting from the lighting does <del>not cause significant</del> <b>avoid</b> adverse effects on the occupants of residential activities, road users, or aircraft.</p> <p>2. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the weather conditions on illuminance:</p> <p>a. the standards for light must be measured and assessed in accordance with Standard AS / NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting.</p>	

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**APPENDIX A - Recommended Amendments to Plan Provisions**

<p>Port Zone</p> <p><b>Purpose:</b> to protect residential amenity; to support wellbeing and safety of people.</p>	<ol style="list-style-type: none"> <li>1. Light spill conditions for all land uses other than for the purposes of illuminating a road or <b>rail corridor</b> <ol style="list-style-type: none"> <li>a. between the hours of 10.00 p.m. and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 15 lux, measured horizontally or vertically as an average (at a height of 1.5 m above ground level) at any point beyond the zone boundary;</li> <li>b. between the hours of 10.00 p.m. and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable <b>space room</b> in a building within a residential zone), and</li> <li>c. the outdoor lighting must be so selected, located, aimed, adjusted, screened and maintained to ensure that glare resulting from the lighting does <b>not cause significant avoid</b> adverse effects on the occupants of residential activities, road users, or aircraft.</li> </ol> </li> <li>2. Where the measurement of any added illuminance cannot be made because</li> </ol>	<p><b>Matters of discretion are:</b></p> <ol style="list-style-type: none"> <li>4. Effects on residential amenity, and</li> <li>5. Design, location, and external appearance.</li> </ol>
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Commented [JS22]: Kiwirail 168.92

Commented [JS25]: Alan Petersen (187.37)

Commented [JS23]: Ministry of Education 231.31

Commented [JS24]: NZTA 277.79



**APPENDIX A - Recommended Amendments to Plan Provisions**

	<p>any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the weather conditions on illuminance:</p> <p>3. the standards for light must be measured and assessed in accordance with Standard AS / NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting.</p>	
<p>Stadium Zone</p> <p><b>Purpose:</b> to protect residential amenity while supporting the overall wellbeing and safety of people during temporary events at the McLean Park Sports Stadium.</p>	<p>1. Light spill conditions for all activities, other than for the purposes of illuminating a road or <b>rail corridor</b> shall not exceed:</p> <ul style="list-style-type: none"> <li>a. between the hours of 10.00 p.m and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable <b>space room</b> within a building located on any other site);</li> <li>b. the above hours may be exceeded for a maximum of five days in any calendar year, provided that between the hours of 12.00 p.m. and 7.00 a.m the following day</li> </ul>	<p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>1. Effects on residential amenity, and</li> <li>2. Design, location, and external appearance.</li> <li>3. <b>Effects on safety and efficiency of the state highway network and the extent to which these can be mitigated effects on traffic safety</b></li> </ul>

Commented [JS26]: Kiwirail 168.92

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**APPENDIX A - Recommended Amendments to Plan Provisions**

	<p>any outdoor lighting does not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable <del>space room</del> within a building located on any other site), and</p> <p>c. the outdoor lighting must be so selected, located, aimed, adjusted, screened, and maintained to ensure that glare resulting from the lighting <del>does not cause significant</del> <b>avoids</b> adverse effects on the occupants of residential activities, road users, or aircraft.</p> <p>2. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the effect of weather conditions on illuminance:</p> <p>a. the standards for light must be measured and assessed in accordance with</p>	
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Commented [JS28]: Ministry of Education 231.31

Commented [JS29]: NZTA 277.79

## APPENDIX A - Recommended Amendments to Plan Provisions

	Standard AS / NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting.	
<b>LIGHT-S2: Height of light support structures</b>		
All Zones <i>Purpose: to protect residential amenity; and to provide for wellbeing and safety of people.</i>	<ol style="list-style-type: none"> <li>Complies with the maximum height in Table 1.</li> <li>Support structures for lighting must not exceed the Airport Height Control Designation in Appendix 1.</li> </ol>	<b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>Effects on residential amenity, and</li> <li>Design, location, and external appearance.</li> </ol>
<b>LIGHT-S3 Table 1: Maximum height of light support structures in a zone</b>		
All Residential Zones and Precincts	Must not exceed 15 m in height	
All Industrial Zones and Precincts	Must not exceed <del>25 m in height</del> <b>exceed the height standards in the underlying zone or precinct</b>	
All Commercial Zones and Precincts	Must not exceed 20 m in height	
All Rural Zones	Must not exceed 20 m in height	
All Open Space Zones	Must not exceed 10 m in height	
Sport and Active Recreation Zone	Must not exceed 25 m in height	
Boat Harbour Zone	Must not exceed 10 m in height	
Stadium Zone	No height limit	
Port Zone	No height limit	
Airport Zone	No height limit	
All <del>other</del> Special Purpose Zones	Must not exceed 20 m in height	

**Commented [JS31]:** Port of Napier 202.24; Ravensdown 246.78

**Commented [JS32]:** Golden Bay 180.8

### Assessment criteria

When considering an application, the Council will have regard to the relevant objectives and policies of this plan; the purpose of the rules and standards, and regard will also be had to the relevant assessment criteria set out below.

#### LIGHT-AC1: All activity infringements

##### General

- Whether artificial lighting is necessary for an operational and/or functional purpose that will achieve the objectives and policies of the chapter.
- Any unique characteristic of the site.
- The purpose of the rule requirement, including whether an infringement of the standards contained in this chapter will more effectively achieve the purpose having regard to the specific site characteristics.

## APPENDIX A - Recommended Amendments to Plan Provisions

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- d. Where more than one standard will be infringed, the cumulative effects of all infringements considered together.

### *Design, location, and external appearance*

- a. The extent to which the lighting design and location is compatible with the role, function and predominant character of the area.
- b. Whether the design of lighting and any associated areas to be illuminated:
  - i. maintains the streetscape qualities, especially where these are within or adjacent to a residentially zoned area;
  - ii. contributes to the safety of people;
  - iii. reduces the amenity and character of the area;
  - iv. may have cumulative effects that contribute to unnecessary light spills, and
  - v. maintains the safe and efficient operation of the transport network.
- c. Whether the breach of height, yard, or height in relation to boundary has adverse effects on any residential property.
- d. The prominence of the site and effects on significant public views, night skies, and any important natural areas or landscapes.
- e. Whether hours of operation may have positive effects or mitigate potential effects on people and property.
- f. Whether artificial lighting is necessary for an operational and/or functional purpose that supports the safe and efficient operation of activities across all zones, in accordance with the objectives and policies of this chapter.
- g. Any unique characteristic of the site, including its location within residential, industrial, or special-purpose zones, and the broader impact on public views, natural landscapes, and transport networks.

Commented [JS33]: Port of Napier 202.26

## Appendix B – Summary of Recommended Responses to Submissions and Further Submissions

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
LIGHT - Light / - Standards Table/LIGHT-S3 Table 1: Maximum height of light support structures in a zone	Sera Chambers	150.118	Amend	Considers that Stadium, Airport, and Port zones require height limits to allow adjoining landowners to be notified and be able to have their say on this, to allow the enjoyment of property rights as a guiding principle and the options to have the impact mitigated by the entity impacting the enjoyment.	amend the standard to include height limits for Stadium, Airport, and Ports Zones.	Open Submission	Reject
LIGHT - Light / - Standards Table/LIGHT-S3 Table 1: Maximum height of light support structures in a zone	Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd	FS 37.150.118	Oppose	The submitter requests that the provisions are amended to specify height limits for light support structures in the PORTZ Zone, GB's interpretation that the provisions do not apply to Port sites and its request that this be clarified in the Proposed Plan.	Disallowed		Accept
LIGHT - Light / - Standards Table /LIGHT-S3 Table 1: Maximum height of light support structures in a zone	Hawke's Bay Airport Limited ("HBAL")	FS 270.150.118	Oppose	Airport Activities within the Airport Zone are appropriately provided for by the proposed provisions (as modified by HBAL's original submission).	Disallowed		Accept
LIGHT - Light / - Standards Table/LIGHT-S3 Table 1: Maximum height of light support structures in a zone	Napier City Council Events Manager	FS 310.150.118	Oppose	This may risk the ability of McLean Park, being the City's premier facility, to develop as a required.	Disallowed		Accept
LIGHT - Light / - Standards Table/LIGHT-S3 Table 1: Maximum height of light support structures in a zone	Port of Napier Limited (Napier Port)	FS 447.150.118	Oppose	The submitter is too broad in nature and intent with their submission. The intent of the PDP is enabling to Napier Port, a critical and significant infrastructure.	Disallowed		Accept
LIGHT - Light / - Standards Table/LIGHT-S3 Table 1: Maximum height of light support structures in a zone	Sera Chambers	FS 559.150.118	Support	Agree with submitter. Refer full submission 150 from Sera Chambers.  Oppose further submission provided by Ellen Robotham from Mitchell Daysh Limited on behalf of Hawke's Bay Airport Ltd (HBAL).  Oppose Airport Activities within the Airport Zone are appropriately provided for by the proposed provisions (as modified by HBAL's original submission).  Stadium, Port and Airport Zone must have height limits otherwise how can adjoining landowners be notified and be able to have their say on this, to allow their enjoyment of property rights as a guiding principle and the option to have the impact mitigated by the entity impacting the enjoyment.	Allowed		Reject
LIGHT - Light /Objectives /LIGHT-O1: Appropriate lighting activities	KiwiRail Holdings Limited	168.87	Support	Supports this objective that provides for artificial lighting to be used for operational and functional purposes and to provide for the security and safety of people and properties.	Retain as proposed.	Open Submission	Accept

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Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
LIGHT - Light /Policies /LIGHT-P1: Adverse effects of artificial lighting on the amenity and character of areas	KiwiRail Holdings Limited	168.88	Support	Supports this policy that enables the appropriate level of artificial light for operation and functional purposes.	Retain as proposed.	Open Submission	Accept in part
LIGHT - Light/Policies/LIGHT-P2: Adverse effects of artificial lighting	KiwiRail Holdings Limited	168.89	Support	Supports this policy which requires artificial lighting to be located, designed and operated to ensure the safe and efficient operation of the transport network.	Retain as proposed.	Open Submission	Accept in part
LIGHT - Light/Policies/LIGHT-P3: Appropriate lighting activities	KiwiRail Holdings Limited	168.90	Amend	Supports this policy but seeks inclusion of rail signals.	Amend as follows: Recognise the positive effects of lighting for the safety of the community by enabling: a. traffic <u>and rail</u> signals and navigation aids; b. lights of vehicles, trains and aircraft, and c. temporary lighting for the purposes of emergency response.	Open Submission	Accept
LIGHT - Light / - Rules Table	KiwiRail Holdings Limited	168.91	Amend	Supports this rule but seeks inclusion of rail signals.	Amend as follows: LIGHT-R2: Traffic <u>and rail</u> signals and navigation aids; lights of vehicles, trains and aircraft; and temporary lighting for the purposes of emergency response.	Open Submission	Accept in part
LIGHT- Light/Standards Table	KiwiRail Holdings Limited	168.92	Amend	Supports this standard for light spill and lighting design but seeks amendment to the exemptions for this standard to include rail as well as roads.	Amend as follows: 1. Light spill conditions for all land uses other than for the purposes of illuminating a road <u>or rail corridor</u> :	Open Submission	Accept
LIGHT - Light/LIGHT - Lighting - Standards Table	Napier City Council Event Manager	170.9	Amend	Considers it advantageous to enable packing down of equipment following activities in a safe environment.	Amend so as to increase the number of days in LIGHT-S1: Stadium Zone 1(b) to 5 days and the duration to 12.00pm.	Open Submission	Accept
LIGHT - Light/LIGHT - Light - Standards Table	Napier City Council Event Manager	170.10	Amend	Considers it necessary to enable packing down of equipment following activities in a safe environment.	Seeks to amend to increase the number of days in LIGHT-S1: Stadium Zone 1(b) to 5 days and the duration to 12.00pm for to Section SO 9752 the Church Road concert venue.	Open Submission	Accept in part
LIGHT - Light/LIGHT - Light - Standards Table/LIGHT- S1: Light spill and lighting design	Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd	180.7	Oppose	Considers that it is unclear from the table whether light spill and lighting design requirements set out in Standard LIGHT-S1 apply in the PORTZ Zone. Notes that it is assumed that it is not intended that such standards do apply in the PORTZ Zone given the operational needs of this area and that the PORTZ Zone is not mentioned in the left hand column. Supports if assumption is correct but seeks an explicit statement to this effect would provide additional clarity and certainty.	<b>Amend</b> Standard LIGHT-S1 to include the following statement: <u>'This standard does not apply to sites located in the PORTZ – Port Zone.'</u>	Open Submission	Accept
LIGHT - Light/LIGHT - Light - Standards Table	Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd	180.8	Oppose	Notes that the table indicates that for 'All Special Purpose Zones' the maximum height of light support structures in a zone must not exceed 20m in height, but also states that for the 'Port Zone' no height limit applies. Notes that it is assumed that the second, more specific reference is the correct one, where the PORTZ Zone is concerned. Seeks rearranged table for clarity.	<b>Amend</b> LIGHT-S3 Table 1 by rearranging it to clarify that the 20m height limit only applies in Special Purpose Zones other than those specifically listed (where no height limit applies).	Open Submission	Accept

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Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
LIGHT - Light/LIGHT - Light - Standards Table	Alan Petersen	187.37	Amend	Light spill for all commercial, industrial, and Rural Zones and Precincts – Agree with item c. in regard to residential activities. The Port needs to ensure light spill is minimised on residential areas in the Port Noise Zones.	Light spill for all commercial, industrial, and Rural Zones and Precincts – Agree with item c. in regard to residential activities. The Port needs to ensure light spill is minimised on residential areas in the Port Noise Zones.	Open Submission	Accept in part
LIGHT - Light/LIGHT - Light - Standards Table	Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd	FS 36.187.37	Oppose	The submitter requests that Port is subject to light spill standards, contrary to GB's position, GB's interpretation that the provisions do not apply to Port sites and its request that this be clarified in the Proposed Plan.	Disallowed		Accept in Part
LIGHT - Light/LIGHT - Light - Standards Table	Port of Napier Limited (Napier Port)	FS 451.187.37	Support	Port's position is that light spill standards are adequately provided for by the intent in the PDP.	Allowed		Accept in Part
LIGHT - Light /General /General	Hawke's Bay Airport Limited (HBAL)	198.49	Oppose	<p>Civil Aviation regulations largely govern lighting requirements within the aircraft operational areas of Hawke's Bay Airport. Beyond these areas, both within the Airport Zone and beyond, poorly managed lighting can pose a significant safety risk to aircraft on approach and take off.</p> <p>As currently drafted, the objectives within the Light chapter focus on operational and functional purposes, safety security and amenity. Subsequent policies, rules and methods make either tacit or explicit reference to the potential effects of lighting on aircraft, as well as the effects of aircraft lighting.</p> <p>As drafted, insufficient recognition is afforded to the potential effects of lighting on aircraft safety and a disconnect exists between the objectives, policies and methods. The objectives do not recognise the potential effect of poorly managed lighting on aircraft operations. The policies and standards seek to avoid adverse effects of lighting on the safety of aircraft, however it is unclear which objective such provisions are giving effect to. The matters of discretion do not include consideration of aircraft safety effects, despite being included as a standard, nor do the assessment criteria applying to discretionary activities.</p> <p>There are significant gaps within the lighting framework as it relates to the potentially adverse effect on aircraft operations and safety and seeks that the Light chapter be reworked to address the matters raised above and the relevance of policies and rules that seek to enable lighting vehicles, trains and aircraft and considers this is best left to the relevant legislation that governs each are questioned.</p>	No relief sought.	Open Submission	Accept in part

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Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
LIGHT - Light /Objectives /LIGHT-O2: Adverse effects of artificial lighting on the amenity and character of areas	Hawke's Bay Airport Limited (HBAL)	198.50	Oppose	<p>The chapter needs to appropriately reflect the risk of poorly managed lighting on aircraft safety. Civil Aviation regulations largely govern lighting requirements within the aircraft operational areas of Hawke's Bay Airport.</p> <p>Beyond these areas, both within the Airport Zone and beyond, poorly managed lighting can pose a significant safety risk to aircraft on approach and take off.</p> <p>As currently drafted, the objectives within the Light chapter focus on operational and functional purposes, security, safety and amenity. Subsequent policies, rules and methods make either tacit or explicit reference to the potential effects of lighting on aircraft, as well as the effects of aircraft lighting.</p> <p>As drafted, insufficient recognition is afforded to the potential effects of lighting on aircraft safety and a disconnect exists between the objectives, policies and methods. The objectives do not recognise the potential effect of poorly managed lighting on aircraft operations. The policies and standards seek to avoid adverse effects of lighting on the safety of aircraft, however it is unclear which objective such provisions are giving effect to. The matters of discretion (which apply when a standard is breached) do not include consideration of aircraft safety effects, despite being included as a standard, nor do the assessment criteria applying to discretionary activities.</p> <p>There are significant gaps within the lighting framework as it relates to the potentially adverse effect on aircraft operations and safety and seeks that the Light chapter be reworked to address the matters raised above. The relevance of policies and rules that seek to enable lighting vehicles, trains and aircraft and considers this is best left to the relevant legislation that governs each are questioned.</p>	<p>Amend as follows:</p> <p>LIGHT-O2: Adverse effects of artificial lighting on <u>aircraft safety</u> and the amenity and character of areas</p> <p>Artificial lighting is located, designed, and operated to maintain <u>aircraft safety</u>, character and amenity values.</p>	Open Submission	Accept in part
LIGHT - Light /Policies /LIGHT-P1: Adverse effects of artificial lighting on the amenity and character of areas	Hawke's Bay Airport Limited (HBAL)	198.51	Oppose	<p>The chapter needs to appropriately reflect the risk of poorly managed lighting on aircraft safety. Civil Aviation regulations largely govern lighting requirements within the aircraft operational areas of Hawke's Bay Airport.</p> <p>Beyond these areas, both within the Airport Zone and beyond, poorly managed lighting can pose a significant safety risk to aircraft on approach and take off.</p> <p>As currently drafted, the objectives within the Light chapter focus on operational and functional purposes, security, safety and amenity. Subsequent policies, rules and methods make either tacit or explicit reference to the potential effects of lighting on aircraft, as well as the effects of aircraft lighting.</p> <p>As drafted, insufficient recognition is afforded to the potential effects of lighting on aircraft safety and a disconnect exists between the objectives, policies and methods. The objectives do not recognise the potential effect of poorly managed lighting on aircraft operations. The policies and standards seek to avoid adverse effects of lighting on the safety of aircraft, however it is unclear which objective such provisions are giving effect to. The matters of discretion (which apply when a standard is breached) do not include consideration of aircraft safety effects, despite being included as a standard, nor do the assessment criteria applying to discretionary activities.</p> <p>There are significant gaps within the lighting framework as it relates to the potentially adverse effect on aircraft operations and safety and seeks that the Light chapter be reworked to address the matters raised above. The relevance of policies and rules that seek to enable lighting vehicles, trains and aircraft and considers this is best left to the relevant legislation that governs each are questioned.</p>	<p>Amend as follows:</p> <p>LIGHT-P1: Adverse effects of artificial lighting on <u>aircraft safety</u> and the amenity and character of areas</p> <p>Allow an appropriate level of artificial lighting for operational and functional purposes while maintaining <u>aircraft safety</u> and the predominant character and amenity of each zone.</p>	Open Submission	Reject



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Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
LIGHT - Light /Policies /LIGHT-P2: Adverse effects of artificial lighting	Hawke's Bay Airport Limited (HBAL)	198.52	Oppose	<p>The chapter needs to appropriately reflect the risk of poorly managed lighting on aircraft safety. Civil Aviation regulations largely govern lighting requirements within the aircraft operational areas of Hawke's Bay Airport.</p> <p>Beyond these areas, both within the Airport Zone and beyond, poorly managed lighting can pose a significant safety risk to aircraft on approach and take off.</p> <p>As currently drafted, the objectives within the Light chapter focus on operational and functional purposes, security, safety and amenity. Subsequent policies, rules and methods make either tacit or explicit reference to the potential effects of lighting on aircraft, as well as the effects of aircraft lighting.</p> <p>As drafted, insufficient recognition is afforded to the potential effects of lighting on aircraft safety and a disconnect exists between the objectives, policies and methods. The objectives do not recognise the potential effect of poorly managed lighting on aircraft operations. The policies and standards seek to avoid adverse effects of lighting on the safety of aircraft, however it is unclear which objective such provisions are giving effect to. The matters of discretion (which apply when a standard is breached) do not include consideration of aircraft safety effects, despite being included as a standard, nor do the assessment criteria applying to discretionary activities.</p> <p>There are significant gaps within the lighting framework as it relates to the potentially adverse effect on aircraft operations and safety and seeks that the Light chapter be reworked to address the matters raised above. The relevance of policies and rules that seek to enable lighting vehicles, trains and aircraft and considers this is best left to the relevant legislation that governs each are questioned.</p>	<p>Amend as follows:</p> <p>LIGHT-P2: Adverse effects of artificial lighting</p> <p>Artificial lighting is located, designed, and operated to:</p> <ol style="list-style-type: none"> <li>avoid light spill and glare creating a nuisance in residential and open space zones;</li> <li>control the maximum level of light overspill;</li> <li>manage adverse light spill effects on adjacent properties to ensure that the health and safety of people and views of the night sky are not reduced, and</li> <li>avoid adverse effects on the safety of the transport network, <u>including aircraft</u>.</li> </ol>	Open Submission	Reject
LIGHT - Light /Policies /LIGHT-P3: Appropriate lighting activities	Hawke's Bay Airport Limited (HBAL)	198.53	Oppose	<p>The chapter needs to appropriately reflect the risk of poorly managed lighting on aircraft safety. Civil Aviation regulations largely govern lighting requirements within the aircraft operational areas of Hawke's Bay Airport.</p> <p>Beyond these areas, both within the Airport Zone and beyond, poorly managed lighting can pose a significant safety risk to aircraft on approach and take off.</p> <p>As currently drafted, the objectives within the Light chapter focus on operational and functional purposes, security, safety and amenity. Subsequent policies, rules and methods make either tacit or explicit reference to the potential effects of lighting on aircraft, as well as the effects of aircraft lighting.</p> <p>As drafted, insufficient recognition is afforded to the potential effects of lighting on aircraft safety and a disconnect exists between the objectives, policies and methods. The objectives do not recognise the potential effect of poorly managed lighting on aircraft operations. The policies and standards seek to avoid adverse effects of lighting on the safety of aircraft, however it is unclear which objective such provisions are giving effect to. The matters of discretion (which apply when a standard is breached) do not include consideration of aircraft safety effects, despite being included as a standard, nor do the assessment criteria applying to discretionary activities.</p> <p>There are significant gaps within the lighting framework as it relates to the potentially adverse effect on aircraft operations and safety and seeks that the Light chapter be reworked to address the matters raised above. The relevance of policies and rules that seek to enable lighting vehicles, trains and aircraft and considers this is best left to the relevant legislation that governs each are questioned.</p>	<p>Amend as follows:</p> <p>LIGHT-P3: Appropriate lighting activities</p> <p>Recognise the positive effects of lighting for the safety of the community by enabling:</p> <ol style="list-style-type: none"> <li>traffic signals and navigation aids;</li> <li><del>lights of vehicles, trains and aircraft, and</del></li> <li>temporary lighting for the purposes of emergency response.</li> </ol>	Open Submission	Reject

## Appendix B – Summary of Recommended Responses to Submissions and Further Submissions

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)	Officer's Recommendation
LIGHT - Light /Policies /LIGHT-P3: Appropriate lighting activities	KiwiRail Holdings Limited	FS 234.198.53	Oppose	<p>KiwiRail has an operation need for artificial lighting for temporary works being carried out during low-light conditions, such as night-time track maintenance.</p> <p>KiwiRail considers the appropriate activity status for the general use of artificial lighting associated with the safe operation of the rail network is permitted activity.</p> <p>LIGHT S1 also relates to managing the adverse effects of outdoor lighting on aircraft.</p>	<p>Disallowed</p> <p>Reject submission</p>		Accept
LIGHT - Light / - Rules Table	Hawke's Bay Airport Limited (HBAL)	198.54	Oppose	<p>The chapter needs to appropriately reflect the risk of poorly managed lighting on aircraft safety. Civil Aviation regulations largely govern lighting requirements within the aircraft operational areas of Hawke's Bay Airport.</p> <p>Beyond these areas, both within the Airport Zone and beyond, poorly managed lighting can pose a significant safety risk to aircraft on approach and take off.</p> <p>As currently drafted, the objectives within the Light chapter focus on operational and functional purposes, security, safety and amenity. Subsequent policies, rules and methods make either tacit or explicit reference to the potential effects of lighting on aircraft, as well as the effects of aircraft lighting.</p> <p>As drafted, insufficient recognition is afforded to the potential effects of lighting on aircraft safety and a disconnect exists between the objectives, policies and methods. The objectives do not recognise the potential effect of poorly managed lighting on aircraft operations. The policies and standards seek to avoid adverse effects of lighting on the safety of aircraft, however it is unclear which objective such provisions are giving effect to. The matters of discretion (which apply when a standard is breached) do not include consideration of aircraft safety effects, despite being included as a standard, nor do the assessment criteria applying to discretionary activities.</p> <p>There are significant gaps within the lighting framework as it relates to the potentially adverse effect on aircraft operations and safety and seeks that the Light chapter be reworked to address the matters raised above. The relevance of policies and rules that seek to enable lighting vehicles, trains and aircraft and considers this is best left to the relevant legislation that governs each are questioned.</p>	<p>Amend as follows:</p> <p>LIGHT-R2: Traffic signals and navigation aids; lights of vehicles, trains and aircraft; and temporary lighting for the purposes of emergency response.</p>	Open Submission	Reject
LIGHT - Light /Issues /LIGHT-I2: Appropriate lighting activities	Port of Napier Limited	202.19	Support	<p>Considers Light - Issues - Light-I2: Appropriate lighting activities is appropriate given navigation aids are a requirement for maritime safety and for the functional and operation needs of the Port.</p>	<p>Retain Light - Issues - Light-I2: Appropriate lighting activities that notes the positive effects on safety by providing navigational aids as notified.</p>	Open Submission	Accept
LIGHT - Light /Issues /LIGHT-I2: Appropriate lighting activities	Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd	FS 35.202.19	Support	<p>Port of Napier seeks amendments to Coastal Environment issues (202.15), objectives (202.16), and policies (202.17) to specifically mention the Port and to the rules table (202.18) to insert cross-references to zone chapters including the PORTZ Zone. These reliefs tend to mirror GB's own.</p>	<p>Allowed</p> <p>To the extent that they are aligned, GB seeks that those reliefs be allowed in conjunction with the amendments sought by GB's original submission.</p>		Accept
LIGHT - Light /Objectives /LIGHT-O1: Appropriate lighting activities	Port of Napier Limited	202.20	Support	<p>Considers Light - Objectives - Light-O1: Appropriate lighting activities is appropriate given Napier Port requires artificial lighting for operational and functional purposes so this objective is supported and should be retained.</p>	<p>Retain Light - Objectives - Light-O1: Appropriate lighting activities in its entirety.</p>	Open Submission	Accept

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LIGHT - Light /Policies /LIGHT-P3: Appropriate lighting activities	Port of Napier Limited	202.21	Support	Considers Light-P3: Appropriate lighting activities Policy is appropriate given navigation aids are a requirement for maritime safety and for the functional and operational needs of the Port.	Retain Light-P3: Appropriate lighting activities that notes the positive effects on safety by providing navigational aids as was notified.	Open Submission	Accept
LIGHT - Light / - Rules Table	Port of Napier Limited	202.22	Support	Considers Light - Light-R2: Traffic signals and navigation aids; lights of vehicles, trains and aircraft; and temporary lighting for the purposes of emergency response is supported given navigation aids are a requirement for maritime safety and for the functional and operation needs of the Port.	Retain Light - Light-R2: Traffic signals and navigation aids; lights of vehicles, trains and aircraft; and temporary lighting for the purposes of emergency response as a Permitted Activity as per notification.	Open Submission	Accept in Part
LIGHT - Light/LIGHT - Light - Standards Table	Port of Napier Limited	202.23	Amend	Considers Light-S1: Light spill and lighting design Standard Matters of discretion from the Operative Plan to be preferable to that as notified in that it includes health and safety requirements.	Amend Light-S1: Light spill and lighting design Standard Matters of discretion as follows: Matters of discretion are: 1. Effects on residential amenity and road safety and the extent to which these can be mitigated, and 2. Design, location, and external appearance of the artificial lighting, including the support structure(s), and 3. The effects on traffic safety 4. The positive effects on pedestrian safety 5. The effects on the health, safety and wellbeing of people.	Open Submission	Accept in part
LIGHT - Light/LIGHT - Light - Standards Table	KiwiRail Holdings Limited	FS 235.202.23	Support	KiwiRail supports the deletion of the permitted standard as restrictions on the movement of freight on land near the rail corridor, could have an adverse effect on the efficient movement of freight by rail. For example, this standard could prevent the loading and unloading of freight trains for significant lengths of time meaning that customer delivery requirements and the efficient movement of freight would be restricted.	Allowed		Accept
LIGHT - Light/LIGHT - Light - Standards Table	Port of Napier Limited	202.24	Oppose	Opposes as Napier Port may require a light support structure greater than 25 metres in the General Industrial Zone and therefore discretion on this maximum is sought.	Delete All Industrial Zones 25m height limit in Light-S3 Table 1: Maximum height of light support structures in a zone as Napier Port may require a light support structure greater than 25 metres in the General Industrial Zone.	Open Submission	Accept in part
LIGHT - Light/LIGHT - Light - Standards Table	Port of Napier Limited	202.25	Support	Supports the "No height limit" in the Port Zone for Light-S3 Table 1: Maximum height of light support structures in a zone.	Retain the "No height limit" in the Port Zone for Light-S3 Table 1: Maximum height of light support structures in a zone as notified.	Open Submission	Accept
LIGHT - Light /Assessment criteria	Port of Napier Limited	202.26	Amend	Considers LIGHT-AC1: All activity infringements General should clarify b. any unique characteristics of the site.	Amend LIGHT-AC1: All activity infringements General to clarify b. any unique characteristics of the site as Napier Port supports any reference to the need for artificial lighting as a necessity for operational and / or functional requirements.	Open Submission	Accept
LIGHT - Light / - Rules Table	Amelia Longley	222.133	Support	Support rules that provide for outdoor lighting.	Retain LIGHT-R1.	Open Submission	Accept
LIGHT - Light/ - Standards Table	Amelia Longley	222.134	Support	Support rules that provide for Outdoor lightng.	Retain LIGHT-S1.	Open Submission	Accept

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LIGHT - Light/ - Standards Table	bp Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	FS 476.222.134	Support	Provision for outdoor lighting is appropriate.	Allowed		Accept in Part
LIGHT - Light/ - Standards Table	Ministry of Education Te Tāhuhu o Te Mātauranga ('the Ministry')	231.31	Amend	Supports the control of light spill hours of 10pm to 7am and the overall light spill and lighting design standards. Amend provision LIGHT-S1 to read 'habitable room' rather than habitable space to allow for consistency in the plan.	Amend to: <b>Light spill and lighting design</b> All Residential Zones and all Open Space, Sports Parks, and Conservation Zones (except for McLean Park Sports Stadium) 1. Light spill conditions for all land uses other than for the purposes of illuminating a road: c. between the hours of 10.00 p.m. and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable <del>space</del> room within a building located on any other site), and d. outdoor lighting ....	Open Submission	Accept
LIGHT - Light /Objectives /LIGHT-O1: Appropriate lighting activities	Ravensdown Limited (Ravensdown)	246.71	Support	Supports Objective LIGHT-O1: Appropriate lighting activities as artificial lighting is necessary for the reasons identified in this objective, including at industrial sites such as Ravensdown's Napier Works which operates 24-hours a day. For this reason, this objective is supported.	Retain Objective LIGHT-O1 as notified.	Open Submission	Accept
LIGHT - Light /Objectives /LIGHT-O2: Adverse effects of artificial lighting on the amenity and character of areas	Ravensdown Limited (Ravensdown)	246.72	Support	Supports Light-O2: Adverse effects of artificial lighting on the amenity and character of areas as it is agreed that it is also important that lighting is located, designed and maintained so it does not detract from character and amenity values. For this reason, this objective is supported.	Retain Objective LIGHT-O2 as notified.	Open Submission	Accept
LIGHT - Light /Policies /LIGHT-P1: Adverse effects of artificial lighting on the amenity and character of areas	Ravensdown Limited (Ravensdown)	246.73	Amend	Considers that Policy Light-P1: Adverse effects of artificial lighting on the amenity and character of areas should be amended as the policy only refers to lighting needed for operational and functional needs and does not refer to security and safety lighting. Therefore, amendments to the policy are requested to provide for consistency with Objective LIGHT-O1. In addition, allowing for security and safety lighting is important to Ravensdown given that it is required to provide such lighting at its sites.	Amend Policy LIGHT-P1 as follows: Allow an appropriate level of artificial lighting for operational, <del>and</del> functional, <u>security and safety</u> purposes while maintaining the predominant character and amenity of each zone.	Open Submission	Accept
LIGHT - Light /Policies /LIGHT-P2: Adverse effects of artificial lighting	Ravensdown Limited (Ravensdown)	246.74	Support	Supports Policy Light-P2: Adverse effects of artificial lighting as it is considered that the mechanisms identified within this policy reflect the matters to be considered when setting appropriate regulatory controls for artificial lighting.	Retain Policy LIGHT-P2 as notified.	Open Submission	Accept
LIGHT - Light / - Rules Table	Ravensdown Limited (Ravensdown)	246.75	Support	Supports Light - Rules Table LIGHT-R1: Outdoor lighting as Rule LIGHT-R1A permits artificial lighting provided Standards LIGHT-S1, LIGHT-S2 and Table 1 are complied with, and any support structures comply with yard and height in relation to boundary requirements. Where the requirements of Rule LIGHT- R1A are not complied with, a restricted discretionary land use consent is required (Rule LIGHT-R1B). Subject to the amendments requested to the LIGHT standards below, providing for artificial lighting, as proposed within this rule, is considered appropriate. Restricted discretionary activity is also appropriate in circumstances where the conditions of the permitted activity rule are not complied with.	Retain Rule LIGHT-R1 as notified.	Open Submission	Accept

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LIGHT - Light/LIGHT - Light - Standards Table	Ravensdown Limited (Ravensdown)	246.76	Amend	Considers that Light - Standards Table LIGHT-S1: Light spill and lighting design should be amended as this Standard outlines the light spill requirements for all land use in the city, except where the lighting is for the purpose of illuminating the road. Based on Ravensdown's understanding, these standards seem to reflect standard practice and therefore are generally supported. However, it is considered that an exception, similar to that provided for in relation to illumination of roads, may also be required to accommodate lighting required for health and safety purposes (e.g., warning lights required on tall structures for aircraft safety purposes).	Amend Standard LIGHT-S1 as follows: 1 Light spill conditions for all land uses other than for the purposes of illuminating a road and to meet health and safety requirements: ...	Open Submission	Accept
LIGHT - Light / - Standards Table	Ravensdown Limited (Ravensdown)	246.77	Oppose	Opposes Light-S3 Table 1: Maximum height of light support structures in a zone as Standard LIGHT-S2 requires light support structures to comply with the maximum heights in Table 1 (Condition (1)), while Condition (2) requires support structures to not exceed the Airport Height Control Designation. Table 1 then identifies that the maximum height for such structures in all industrial zones and precincts is 25m. The 25m maximum height limit for light support structures in the GIZ is not supported by Ravensdown as it does not reflect the fact that in the GIZ there is no maximum height limit, except in the Ahuriri GIZ where the height limit is 24m. Light structure height limits should not be inconsistent with the zone height limits in Industrial zones.	Amend LIGHT-S3 Table 1: Maximum height of light support structures in a zone as follows: ... All Industrial Zones and Precincts – Must not exceed <del>25 m</del> <u>height the zone or precincts' maximum height limits, and no height limit applies when no maximum height applies in the zone or precinct</u>	Open Submission	Accept in part
LIGHT - Light/LIGHT - Light - Standards Table	Ravensdown Limited (Ravensdown)	246.78	Oppose	Opposes Light-S3: Table 1: Maximum height of light support structures in a zone as Standard LIGHT-S2 requires light support structures to comply with the maximum heights in Table 1 (Condition (1)), while Condition (2) requires support structures to not exceed the Airport Height Control Designation. Table 1 then identifies that the maximum height for such structures in all industrial zones and precincts is 25m. The 25m maximum height limit for light support structures in the GIZ is not supported by Ravensdown as it does not reflect the fact that in the GIZ there is no maximum height limit, except in the Ahuriri GIZ where the height limit is 24m. Light structure height limits should not be inconsistent with the zone height limits in industrial zones.	Amend LIGHT-S3 Table 1: Maximum height of light support structures in a zone as follows: ... All Industrial Zones and Precincts – Must not exceed <del>25 m</del> <u>height the zone or precincts' maximum height limits, and no height limit applies when no maximum height applies in the zone or precinct.</u>	Open Submission	Accept in part
LIGHT - Light / /General	Department of Conservation	253.45	Amend	The submitter considers that Long-tailed bats (Threatened – Nationally Critical) are adversely affected by artificial lighting. Considers that to protect indigenous biodiversity so that there is no net loss as required by the NPS-IB, the lighting chapter should include objectives, policies, and rules that enable their protection.	Seeks to amend the LIGHT chapter to include a requirement to avoid adverse effects on indigenous biodiversity.	Open Submission	Reject
LIGHT - Light/Policies / LIGHT-P2: Adverse effects of artificial lighting	NZ Transport Agency Waka Kotahi (NZTA)	277.77	Support	Supports the recognition of the adverse effects of artificial lighting in subclause d. Considers the 'avoid' directive sets strong directive to manage effects of artificial lighting on the transport network.	Retain as notified.	Open Submission	Accept
LIGHT - Light / - Rules Table	NZ Transport Agency Waka Kotahi (NZTA)	277.78	Amend	Seeks an additional matter of discretion is included to ensure adverse effects of outdoor lighting account for potential adverse effects of the safety and efficiency of the transport network.	Add the following matter of discretion: ...3. <u>Effects on the safety of road users and the state highway network.</u>	Open Submission	Accept
LIGHT - Light / - Rules Table	KiwiRail Holdings Limited	FS 233.277.78	Support	The intent of the submission is supported, but it is considered that relief should be broadened to encompass rail users/train drivers.	Allowed Accept Submission		Accept in Part

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LIGHT - Light/ - Standards	NZ Transport Agency Waka Kotahi (NZTA)	277.79	Amend	Seeks to amend sub-clause 1.b (All Residential Zones and all Open Space, Sports Parks, and Conservation Zones) and 1.c (All Commercial, Industrial, and Rural Zones and Precincts and Stadium Zone) to ensure adverse effects resulting from lighting are appropriate managed. Considers that the threshold for glare effects not causing a 'significant' adverse effect is too high and inconsistent with LIGHT-P2.	Amend LIGHT-S1 as follows: b/c. outdoor lighting must be selected, located, aimed, adjusted, screened, and maintained to ensure that glare resulting from the lighting does <del>not cause significant</del> <u>avoid</u> adverse effects on the occupants of residential activities, road users, or aircraft.	Open Submission	Accept
LIGHT - Light/ - Standards	KiwiRail Holdings Limited	FS 233.277.79	Support	The intent of the submission is supported, but it is considered that relief should be broadened to encompass rail users/train drivers.	Allowed  Accept Submission		Accept in Part
LIGHT - Light/ - Standards	Napier City Council Events Manager	FS 307.277.79	Support	Support to the extent that the relief sought in the original submission of the Napier City Council Event Manager is not compromised, otherwise oppose.	Allow in part  The needs of McLean Park, being the City's premier facility, should be provided for.		Accept in Part
LIGHT - Light / - Standards Table	NZ Transport Agency Waka Kotahi (NZTA)	277.80	Amend	Seek to add 'effects on road safety and the extent to which these can be mitigated' as a matter of discretion, to ensure adverse glare effects on the safety and efficiency of the transport network are appropriately considered.	Add the following matter of discretion: <u>Effects on safety and efficiency of the state highway network and the extent to which these can be mitigated</u>	Open Submission	Accept in Part
LIGHT - Light	Sera Chambers	FS 207.105 FS 214.168 FS 219.231 FS 227.180	Oppose	Opposes the submitter's submission.  Refer full submission 150 from Sera Chambers.	Disallowed  Refer full submission 150 from Sera Chambers.  Relates to Further Submissions 207, 214, 219, 227		Reject
LIGHT - Light	Sera Chambers	FS 549.150	Support	Agree with submitter.  Refer full submission 150 from Sera Chambers.  Same response to be added to points 198 – 205 and 208 – 215.	Allowed  Refer full submission 150 from Sera Chambers.  Further Submission point 549  Same response to be added to points 198 – 205 and 208 – 215.		Reject
LIGHT - Light	Sera Chambers	FS 550.198	Oppose	Opposes the submitter's submission. Refer full submission 150 from Sera Chambers.  Please also refer to information noted in my opposition to HBAL submission point 2.	Disallowed  Refer full submission 150 from Sera Chambers.  Further Submission point 550  Relates to Further Submission points 198.49-54		Reject

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LIGHT - Light	Sera Chambers	FS 560.198.190	Oppose	<p>Oppose all of points listed with further notes below:</p> <p>Oppose 198.136 and applicable to reference points above – The shape files sent to NCC on 18 June 2023 and again on 13 November 2023, have not been made available to the public to view as part of this consultation process so how does the public know what they are agreeing too in terms of an Airport Business Precinct and similar requests? Hawke's Bay Airport Limited (HBAL) and Airways Corporation of New Zealand (Airways) installed new flight paths over Napier on 30 November 2023 without advising affected residents. They were implemented on 30 November 2023, and more flight paths have been implemented in 2024. This has resulted in an increase of 20+ flights over and directly beside my property a day, the majority at under 1000m, with passenger numbers projected to double by 2030 (to 1 million passengers).</p> <p>HBAL and Airways choose not to own up to their error that they approved the Airways wholly owned Aeropath system without consulting affected residents. They say that their acoustic analyst, Marshall Day, says that the noise is reasonable.</p> <p>Refer <a href="https://www.planesensewellington.com">https://www.planesensewellington.com</a> as an example of where the exact same issue has occurred – not consulting with affected residents on flight path changes and the issues that residents have been facing. Marshall Day was the acoustic specialist in this instance also, and upon reviewing the changes by actually measuring the noise in the impacted areas, found the noise impacts to be more significant than they forecasted. The website shows all of the same issues that decisions by Airways and Marshall Day have now repeated with HBAL.</p> <p>I have been asking for answers, and I have asked for mitigation prior to implementation. I have been asking for mitigation since. HBAL advised via email on 26 June 2024 that they believe the noise is reasonable and for compliance with the Napier City District Plan, there is only a small change to current noise exposure (according to their email an increase of 6+ decibels a day for my property with no supporting report information). They have not installed a noise monitor outside my property as requested, they have not provided all information on how the acoustic analysis information was reached, and they have not provided a copy of the AirBiz report Hawke's Bay Assumptions Pack – Flight Tracks – dated 27 November 2019 as referenced in the Marshall Day Acoustics report dated 24 July 2023 which was originally requested on 9 May 2024. They have not been open and transparent with the community. They have not provided sufficient answers to my many OIA queries regarding the above.</p> <p>Airways Legal Counsel advised via email that on average I would receive 1-2 extra flights a day over my property. I have been keeping extensive records and I have many videos which show that this information is false. Based on data available on flightaware.com in May 2024 I received a total of 432 flights directly over or beside my property (average of 13.9 a day for the month - 23 flights in one day on 9 May) and in June 2024, up to 28 June 2024 I received a total of 601 flights directly over or beside my property (average of 21.4 over 28 days - 34 flights in one day on 21 June) and there were flights cancelled due to fog.</p>	Disallowed		Out of scope

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				<p>Oppose 198.160 and applicable to reference points above - The HBAL's letter dated 20 April 2023 and the Notice of Requirement (NOR) requesting D173: Airport Purposes to be rolled over have not been made available to the public to view as part of this consultation process so how does the public know what they are agreeing too? D173: Airport Purposes should not be rolled over the Operative District Plan until its extent and what it is fully related to is known to the public. Oppose 198.163 and applicable to reference points above – HBAL seek that the mapped layer is amended to reflect the extent requested in Appendix 1 of the NOR lodged on 26 July 2023. This has not been made available to the public to view as part of this consultation process so how does the public know what they are agreeing too? Their submission advises of designation information including 4.139 that HBAL-2: Airport purposes ensures that the operation and function of the Airport can occur without consent, provided the specified conditions are met, and protected into the future. This means that the Airport can do what it likes. This is favouring a strategic asset over the wider community. The Te Tupu Ngatahi Supporting Growth Alliance in Auckland advised that in Auckland, once NORs are lodged with their Council the formal Resource Management Act 1991 process begins and Auckland Council decide whether a Notice of Requirement should be publicly notified. They advised that all of their projects are publicly notified which means people and groups are able to lodge submissions with Council and a public hearing is held where all submitters are able to be heard. HBAL should not be given consent to do what it likes when it is affecting the community. This was brought to the attention of Napier City Council as part of the suggested feedback to the Significance and Engagement Policy that any changes to a major asset should be publicly notified but was discounted. Land being defined in the District Plan has the same meaning as in section 2 of the RMA (as below):</p> <ul style="list-style-type: none"> <li>a. includes land covered by water and the airspace above land; and</li> <li>b. in a national environmental standard dealing with a regional council function under section 30 or a regional rule, does not include the bed of a lake or river; and</li> <li>c. in a national environmental standard dealing with a territorial authority function under section 31 or a district rule, includes the surface of water in a lake or river.</li> </ul> <p>Adjoining landowners should be notified and able to have their say on the enjoyment of adjoining property owners and their property rights as a guiding principle and the option to have the impact mitigated by the entity affecting their enjoyment.</p> <p>HBAL, Airways, Marshall Day, Mitchell Daysh Limited and all other entities that have contributed to the HBAL submission must be held accountable for providing a submission that is not open and transparent. Their requests for amendments, deletions or opposition likely favour their interests over the wider community or are not completely open and transparent.</p>			



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				<p>This includes areas where it lists making changes including not allowing certain development due to bird strikes, being exempt from trip generations and having no trip or bike provisions, creating an Airport Business Precinct, prioritising freight, requiring provision of acoustic treatment for residential activities in airport boundaries (without mitigation by the entity if they choose to change these boundaries or flight paths and with no consultation – and this includes outside of their airport boundaries and the noise and health/environmental impacts that they are generating to affected residents, especially upon take-off and landing), rolling over Appendix 7 of the Plan for their obstacle limitation surfaces for aircraft approaching and departing the airport at the expense of adjoining property owners, applying designations to areas at the expense of adjoining landowners and putting their interests first over the community - who as part stakeholders, should be considered in their decision making.</p> <p>I implore Napier City Council, who is a shareholder in HBAL, to do the right thing by their residents and to not allow any of the changes to the sections that this entity is proposing or has proposed to occur until the affects to the wider community are full reviewed. I also ask that Napier City Council put their community wellbeing first over strategic assets.</p>			