

# Wairarapa Dark Sky Reserve – Outdoor Artificial Light Plan Change

S42A REPORT – REPORT ON SUBMISSIONS AND FUTHER SUBMISSIONS

SOUTH WAIRARAPA DISTRICT COUNCIL AND CARTERTON DISTRICT COUNCIL

17 MAY 2021



## List of Submitters and Further Submitters

Original Submitter	Submission Number
Powerco Limited	S1
Genesis Energy Limited	S2
Maritime New Zealand	S3
Greater Wellington Regional Council	S4
Waka Kotahi/NZ Transport Agency	S5
Under the Stars NZ Limited	S6
Wairarapa Sports Artificial Surface Trust	S7
South Wairarapa District Council	S8
Wairarapa Dark Sky Association	S9
Alan and Joyanne Stevens	S10
Further Submitter	Submission Number
Waka Kotahi/NZ Transport Agency	FS1
Genesis Energy Limited	FS2

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# 1 Introduction

1. This report is prepared under s42A of the Resource Management Act 1991. It has been prepared at the request of South Wairarapa District Council and Carterton District Council in relation to the Wairarapa Dark Sky Reserve – Outdoor Artificial Lighting Plan Change (the Plan Change)
2. This report analyses and responds to submissions received on those provisions proposed in the Plan Change.

## Qualifications and Experience

3. My name is Deborah Donaldson and I am a Senior Planner with Kāhu Environmental Limited, a resource management planning consultancy based in Martinborough in the Wairarapa. My qualifications and experience are as follows.
4. I hold a Bachelor of Laws and a Bachelor of Science (Major Geography) from Victoria University, Wellington. I have over 15 years of planning experience and have worked for private planning practices and local government in the United Kingdom, Australia and New Zealand.
5. The Wairarapa Dark Sky Reserve – Outdoor Artificial Lighting Plan Change was initiated by South Wairarapa District Council and Carterton District Council (the Council's). In late 2019 I was contracted by the Council's to:
  - Prepare the Plan Change (including the S32 Report)
  - Arrange public notification of the Plan Change, and
  - After the submission period had closed, provide recommendations in the form of a Section 42A report.

## Code of Conduct

6. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the 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 that I express.

7. I am authorised to give this evidence on the Council's behalf to the Wairarapa Dark Sky Reserve – Outdoor Artificial Lighting Plan Change hearings commissioners.

### **Conflict of Interest**

8. I confirm that I have no real or perceived conflict of interest.
9. I bring to the attention of readers the following relationship.

<b>Submitter</b>	<b>Relationship</b>
Wairarapa Dark Sky Association	<p>The chairperson of the Wairarapa Dark Sky Association, Viv Napier is my mother.</p> <p>I do not consider there is a conflict of interest in respect of this Plan Change. I have been engaged by the Council's to prepare the Plan Change. The Wairarapa Dark Sky Association have made a submission on the Plan Change.</p> <p>At the time of my engagement by the Council's to prepare the Plan Change, Viv Napier was not the chairperson of the Wairarapa Dark Sky Association and has taken on this position since the Plan change process was initiated by the Council.</p>

### **Preparation of this Report**

10. My role in the preparation of this report has been to review, provide analysis on, and make recommendations on the submissions and further submissions received by the Council in relation to the Plan Change.
11. The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions.

## **2 Overview of Plan Change**

### **The Plan Change Process**

12. The proposed Wairarapa Dark Sky Reserve – Outdoor Artificial Lighting Plan Change has been prepared and notified in accordance with section 74 of the RMA, and the first part of Schedule 1, which outlines the requirements for changing a District Plan.

### **Summary of Proposed Plan Change**

13. A comprehensive summary of the proposed Plan Change is provided in the s32 report that accompanied the Plan Change. In this section of the s42A report I provide a brief overview of the key elements of the Plan Change.
14. South Wairarapa District Council, along with Carterton and Masterton District Councils, are supporting an application by the Wairarapa Dark Sky Association (WDSA) for the Wairarapa to be certified as an International Dark Sky Reserve by the International Dark Sky Association (IDA).
15. Dark Sky Reserve certification could bring a number of positive benefits to the Wairarapa region including tourism (in particular winter tourism), cultural, environmental and educational benefits.
16. Light pollution is the biggest threat to gaining certification. To qualify as a dark sky reserve, light pollution within the region must be managed. The key criteria for achieving dark sky reserve status is that local authorities need to manage activities that need outdoor lighting.
17. A review of the operative Wairarapa Combined District Plan (WCDP) revealed that the provisions that control light emissions within the district do not specifically address light pollution that adversely effects the brightness and clarity of the night sky. The operative provisions also fail to meet the IDA requirements for dark sky reserve accreditation.
18. The Plan Change proposes amendments to some of the issues, policies and methods in the WCDP to manage light pollution.
19. Proposed changes to the WCDP include:



- Amendments to the Significant Resource Management Issues in Chapter 19 – General Amenity Values<sup>1</sup>.
- Amendments to policies within Chapter 19 – General Amenity Values. The proposed changes ensure that the effects of lighting on amenity are distinguished from the effects of lighting on the night sky. The proposed policies also highlight the importance of the night sky as an amenity value within the Dark Sky Management Area<sup>2</sup>.
- Amendments to the Methods and Anticipated Environmental Outcomes within Chapter 19 – General Amenity Values<sup>3</sup>.
- New rules within Chapter 21 – District Wide Land Use Rules, to introduce performance standards for outdoor artificial lighting within the Dark Sky Management Area to manage:
  - The light colour temperature of lights<sup>4</sup>;
  - Shielding and tilting of lights<sup>5</sup>; and
  - Provide an exemption to the light colour temperature and shielding and tilting performance standards, where lighting is controlled by motion sensors with limited duration<sup>6</sup>.
- New rules within Chapter 21 – District Wide Land Use Rules, to introduce performance standards within the Dark Sky Management Area to manage outdoor sports lighting at recreational facilities, in particular:
  - The light colour temperature of lights<sup>7</sup>;

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<sup>1</sup> Significant Resource Management Issue 19.2.4

<sup>2</sup> Policy 19.3.2(e) and (f)

<sup>3</sup> Method 19.3.4(g) and Anticipated Environmental Outcome 19.4(c)

<sup>4</sup> Rule 21.1.11(a)(ii)

<sup>5</sup> Rule 21.1.11(a)(iii)

<sup>6</sup> Rule 21.1.11(a)(iv)

<sup>7</sup> Rule 21.1.11(b)(i)

- The design of lighting in accordance with Australian Standard *AS 2560 Guide to sports lighting*<sup>8</sup>;
  - The luminous intensity from light fittings<sup>9</sup>;
  - Hours of operation of outdoor sports lighting<sup>10</sup>; and
  - Provide controls for outdoor sports lighting, including automatic curfew controls, local control and training/competition lighting<sup>11</sup>.
- Amendments to the Assessment Criteria contained within Chapter 22.1.17 – Artificial Light and Chapter 22.2.10 – Signs.
  - It is proposed that the amended performance standards will only apply to the South Wairarapa and Carterton Districts and as such a 'Dark Sky Management Area' has been identified that extends over the South Wairarapa and Carterton Districts. This area is identified in the 'Dark Sky Management Area' Map to be included in the Plan as Appendix 15.
  - Amendments to the definitions contained within Chapter 27 – Definitions.

### 3 Statutory Considerations

20. Before a plan change request can be incorporated into a District Plan it must fulfil a number of statutory requirements set down in the Resource Management Act, including:

- Part II, comprising Section 5, Purpose and Principles of the Act; Section 6, Matters of National Importance; Section 7, Other Matters; and Section 8, Treaty of Waitangi;
- Section 31, Functions of Territorial Authorities;

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<sup>8</sup> Rule 21.1.11(b)(ii)

<sup>9</sup> Rule 21.1.11(b)(iii)

<sup>10</sup> Rule 21.1.11(b)(iv)

<sup>11</sup> Rule 21.1.11(b)(v) and (vi)



- Section 32, Duty to consider alternatives, assess benefits and costs;
  - Section 74, Matters to be considered by territorial authorities; and
  - Section 75, Contents of district plans.
21. The Environment Court in *Colonial Vineyard Ltd v Marlborough District Council*<sup>12</sup> provides a comprehensive summary of the mandatory requirements for a plan change under the RMA. Analysis of the degree to which the Plan Change is consistent with these matters is undertaken within the body of the s32 report and in the report below the where relevant to assist the commissioner.
22. The purpose of this assessment is to determine whether the provisions of the Plan Change should be confirmed, amended or deleted, after consideration of the alternative provisions and relief sought in submissions.
23. Where changes are recommended to the provisions of the plan as a result of a submission, an analysis of the proposed changes has been undertaken in accordance with s32AA of the RMA.

## 4 Consideration of submissions received

### Procedural matters

24. Pre-hearing meetings were conducted between the Council and submitters at the direction of the Independent Hearings Commissioner, Mr Jason Jones<sup>13</sup>. Prehearing meetings were undertaken in accordance within Schedule 1, Clause 8AA(1) of the RMA, with respect to submissions on the Plan Change.
25. A summary of the pre-hearing process, details of discussions, and agreed outcomes is available was provided to the Commissioner, and all submitters<sup>14</sup>.

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<sup>12</sup> ENV-2012-CHC-108,[2014] NZEnvC 55

<sup>13</sup> Proposed Plan Change for the Wairarapa International Dark Sky Reserve – Outdoor Artificial Lighting – Minute 1 of Commissioner, 6<sup>th</sup> April 2021 (<https://swdc.govt.nz/wairarapa-international-dark-sky-reserve-outdoor-artificial-lighting-plan-change>)

<sup>14</sup> Memo – Record of Pre-Hearing discussions on the Wairarapa International Dark Sky reserve – Outdoor Artificial Lighting Plan Change, 4<sup>th</sup> May 2020. (<https://swdc.govt.nz/wairarapa-international-dark-sky-reserve-outdoor-artificial-lighting-plan-change>)

## Structure of this report

26. Given the small number of submissions, I have responded to submissions as a group where the submissions support the plan change as notified; and individually where submissions have requested particular changes to the provisions.
27. Where changes are recommended to the provisions of the plan as a result of a submission, s32AA analysis is provided,

## Overview of submissions

28. Ten submissions and two further submissions were received on the Wairarapa Dark Sky Reserve – Outdoor Artificial Lighting Plan Change.
29. Four submissions were received in full support of the Plan Change.
30. Six of the submissions supported in principle the intention of the Plan Change, but requested some amendments to the rules proposed.

## 5 Submissions in support

### Submissions

31. The four submissions in support of the proposed Plan Change as notified were received from:

Original Submitter	Submission Number
Greater Wellington Regional Council	S4
Under the Stars NZ Limited	S6
Wairarapa Dark Sky Association	S9
Alan and Joyanne Stevens	S10

### Analysis

32. The submissions support the proposed Plan Change for the following reasons:

- The Plan Change will help minimise lighting impacts on the natural environment in the South Wairarapa District<sup>15</sup>.
- The proposed Plan Change is a prerequisite for Wairarapa Dark Sky Association's (WDSA) key goal of achieving International Dark Sky Reserve status for the Wairarapa. Without this Plan Change the criteria applied by the International Dark Sky Association for accrediting the Wairarapa as a reserve would not be met<sup>16</sup>.
- The Greater Wellington Regional Council (GWRC) currently runs free stargazing and bushwalk nights promoting dark skies as a public service. These changes and the proposed Dark Sky Reserve will ensure that the park continues to be able to run these events in the future and will protect the Taonga which is the night sky<sup>17</sup>.
- The Plan Change will also help new astronomy businesses take a foot hold in the Wairarapa, and for established ones to continue to grow, providing new jobs and boosting the economy<sup>18</sup>.
- Darker skies have been proven to aid better quality sleep, healthier body routines and increase wellbeing. Avoiding blue and white light at night is vital for humans and the environment<sup>19</sup>.
- The Plan Change strikes an appropriate balance between supporting the use of artificial light at night when needed for the purposes of safety or recreation and limiting the inappropriate use of artificial light in circumstances when light does not increase safety or have a specific functional purpose<sup>20</sup>.

## Recommendations

33. The submissions support the proposed Plan Change as notified.

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<sup>15</sup> Greater Wellington Regional Council (S4/001, S4/002 and S4/003)

<sup>16</sup> Wairarapa Dark Sky Association (S9/001) and Alan and Joyanne Stevens (S10/001)

<sup>17</sup> Greater Wellington Regional Council (S4/001, S4/002 and S4/003)

<sup>18</sup> Under the Stars NZ Ltd (S6/001)

<sup>19</sup> Under the Stars NZ Ltd (S6/001)

<sup>20</sup> Wairarapa Dark Sky Association (S9/001)

34. These submitters were also provided the opportunity to review outcomes agreed through pre-hearing discussions with other submitters and the Council<sup>21</sup>.
35. Given the general nature of the support in these submissions, which are non-specific to particular provisions, I consider these submissions are unaffected by the recommended changes to the Plan Change provisions outlined within Sections 6 and 7 below.
36. I therefore recommend that the submissions of Greater Wellington Regional Council (S4/001, S4/002 and S4/003), Wairarapa Dark Sky Association (S9/001), Under the Stars NZ Ltd (S6/001) and Alan and Joyanne Stevens (S10/001) are **accepted**.

## 6 Submissions requesting amendments

### Submissions

37. Six submissions were received that requested changes to the provisions proposed as part of the Plan Change. These submissions were received from:

Original Submitter	Submission Number
Powerco Limited	S1
Genesis Energy Limited	S2
Maritime New Zealand	S3
Waka Kotahi/NZ Transport Agency	S5
Wairarapa Sports Artificial Surface Trust	S7
South Wairarapa District Council	S8

<sup>21</sup> Proposed Plan Change for the Wairarapa International Dark Sky Reserve – Outdoor Artificial Lighting – Minute 2 of Commissioner, 5<sup>th</sup> May 2021 (<https://swdc.govt.nz/wairarapa-international-dark-sky-reserve-outdoor-artificial-lighting-plan-change>)

38. Each of the submissions requests a change to the provisions of the Plan contained within either Chapter 21 - District Wide Land Use Rules or Chapter 22 - Assessment Criteria of the Plan.
39. I deal with each submission in turn below.

## **Powerco Limited**

### **Submission**

40. Powerco Limited (Powerco) (S1/001) submitted that the District Plan should be drafted to ensure appropriate provision is made for the on-going operation and maintenance of Powerco's network, including ensuring that works can occur during night-time hours without undue restriction.
41. Powerco opposes the amendments to Rule 21.1.11(a) insofar as they could restrict works that need to be undertaken during hours of darkness. Routine work is not generally undertaken at night, however extraordinary or emergency repair work may need to be. In order to undertake such work safely, illumination of the work site would be required. For above ground assets, this illumination may be directed upwards.
42. Powerco therefore seek to add an exemption to Rule 21.1.11(a), as follows (or such other additional or consequential relief as is necessary to achieve consistency with the relief sought):
- (v) Night-time works undertaken by a network utility operator are exempt from complying with standards (ii) and (iii) above.
43. Powerco's submission (S1/001) is supported in the further submissions of Waka Kotahi (FS1/001) and Genesis (FS2/001).
44. Genesis seek that the relief sought by Powerco should be broadened to include works that may be undertaken by a Wind Energy Facility, not just network utility operators.
45. Waka Kotahi sought a similar but more specific exemption to that sought by Powerco Ltd. Waka Kotahi consider the generic relief sought by Powerco would address the relief sought by Waka Kotahi with the same or similar environmental outcomes.

## Analysis

46. Works of the nature described by Powerco are a permitted activity under Rule 21.1.24. Rule 21.1.24 provides for the 'construction, maintenance and upgrading of network utilities and energy generation facilities' which meet the permitted activity standards.
47. I note however that the standards within Rule 21.1.24 do not control outdoor artificial light, nor does the rule provide for an exemption to other District-wide standards within Chapter 21. For this reason, works undertaken in accordance with Rule 21.1.24 would also need to meet the standards for outdoor artificial light contained within Rule 21.1.11(a).
48. I can understand that Powerco, Waka Kotahi and Genesis are concerned that the application of the proposed provisions could impact the ability to undertake the construction, maintenance and upgrading of network utilities and wind energy generation facilities at night, outside of any of designations.
49. For this reason, I consider that providing an exception for night-time works for the construction, maintenance and upgrading of network utilities and wind energy generation facilities is appropriate. There are activities that would be anticipated, and essential in ensuring the continued supply of infrastructure services. In addition, this exemption will apply to activities that are likely to be of a very temporary nature, causing minimal light pollution with little impact on dark sky.
50. Pre-hearing discussions between Powerco, Waka Kotahi, Genesis and the Council facilitated the agreement of an exemption to be included within Rule 21.1.11(a) that addresses the concerns of all parties.

## Recommendation

51. I recommend that the submission of Powerco (S1/001) is **accepted in part** and Rule 21.1.11(a) amended to read;

Exemption

*(v) Night-time works for the construction, maintenance and upgrading of network utilities and energy generation facilities undertaken by a network utility operator or wind energy facility operator are exempt from complying with standards (ii) and (iii) above.*

52. I recommend that the further submissions of Waka Kotahi (FS1/001) and Genesis (FS2/001) are **accepted in part**.
53. A s32AA analysis of the proposed amendment is contained within Section 7 of this report.

## Waka Kotahi NZ Transport Agency

### Submission

54. A submission was received from Waka Kotahi NZ Transport Agency (Waka Kotahi) (S5/001 and S5/003) in support of the proposed Plan Change. Waka Kotahi state within their submission that the provisions are unlikely to prevent or interfere with Waka Kotahi carrying out its statutory functions and obligations.
55. Waka Kotahi support the Plan Change as notified, however have requested the consideration of an amendment to Rule 21.1.11(a) (S5/002) to provide an exception for road worksite construction light, that reads:

Exception:

(v) Temporary worksite light for state highway and road construction and maintenance purposes which may be in place for the duration of a project exceeding 12 months.

### Analysis

56. In the cases where the construction period will exceed a 12 month period and will occur outside a Waka Kotahi designation, a resource consent application would be required.
57. I do not think it would be onerous on Waka Kotahi, as part of a resource consent application, to include an assessment of effects of the lighting proposed to be used. In addition, as noted within the submission of Waka Kotahi this is an activity that is unlikely to occur very often, so is unlikely to pose significant extra work/costs for Waka Kotahi.
58. It is noted that Waka Kotahi have made a further submission in support of the submission from Powerco (S1/001). Waka Kotahi consider that the



more generic relief sort by Powerco would address the relief sort by Waka Kotahi.

59. As outlined within the assessment of Powerco's submission above, I consider that there is a need to provide an exemption to the proposed outdoor lighting rules, to allow network utility operators to undertake the construction, maintenance and upgrading of network utilities and energy generation facilities at night. I also consider that this could equally apply to the works required to be undertaken by Waka Kotahi outside their designations.
60. For the reasons outlined above I do not consider that there is a need to provide the specific exception sought by Waka Kotahi. I do however consider, in line with their further submission, that the relief sort by Powerco (S1/001) will provide the necessary exemption to address the concerns raised by Waka Kotahi.

## Recommendation

61. I recommend that the submission of Waka Kotahi (S5/002) is **rejected**. I recommend that Rule 21.1.11(a) is amended as outlined within paragraph 51 of this report.
62. I recommend that the submissions of Waka Kotahi (S5/001 and S5/003) are **accepted**.

## Genesis and Maritime New Zealand

### Submissions

63. Genesis owns and operates the Hau Nui Wind Farm (Hau Nui), located approximately 20km south of Martinborough and within the proposed Dark Sky Management Area.
64. As a general submission point (S2/004), Genesis supports the intent of the proposed Plan Change and the potential benefits an International Dark Sky Reserve may bring to the Wairarapa region. However, as currently drafted, Genesis is concerned that the proposed Plan Change may unintentionally restrict the future development of Hau Nui and other wind farm potential within the region.

65. Whilst wind turbines do not require outdoor artificial lighting in general, new or replacement turbines may trigger the need for aircraft warning lights in accordance with Civil Aviation Rules. The light colour, intensity, and duration are specified by the Civil Aviation Rules subject to the scale and build of the fixed structure, given the important civil aviation safety requirement.
66. Genesis considers the proposed Plan Change should explicitly provide for outdoor artificial lighting within the Dark Sky Management Area that are required by the applicable Civil Aviation Rules.
67. Genesis (S2/002) seeks to add a further exemption to Rule 21.1.11(a), as follows;

*(v) Lighting as required by the applicable Civil Aviation Rules.*

68. Or (S2/003) the addition of a further assessment criteria to Rule 22.1.17, as follows;

*(viii) Requirement for lighting under the applicable Civil Aviation Rules.*

69. Maritime New Zealand has national and international obligations under the Maritime Transport Act 1994 to provide appropriate aids to navigation (AtoN) around the New Zealand coast.
70. An AtoN is designed to assist with safe navigation and thereby reduce the risk of loss of life and protect the environment. An AtoN is manufactured to meet international standards for colour and intensity to ensure they are effective and efficient in their design. Maritime New Zealand maintains two AtoN's within the proposed Dark Sky Management Area, being Cape Palliser and Honeycomb Rock lighthouses.
71. Maritime New Zealand generally support the proposed Plan Change, however they seek changes to the provisions to ensure that safe navigation of ships can be maintained.
72. Maritime New Zealand consider that the standards proposed to be included in the District Plan will conflict with the international standards which Maritime New Zealand must comply with when providing AtoNs. Further, if Maritime New Zealand was to comply with the proposed standards when

providing AtoNs, it may have an adverse effect on the environment by potentially creating a shipping hazard.

73. Maritime New Zealand (S3/001) seeks the following amendments to provide an additional exemption to Rule 21.1.11(a)(iv):

Exemption

*Any lighting whose function is to ensure the safe navigation or operation of ships at sea.*

74. Alternatively, Maritime New Zealand (S3/002) seeks to include a definition of 'outdoor artificial light' that excludes any lighting whose function is to ensure the safe navigation or operational of ships at sea, or any other consequential amendments to the proposal required to give effect to the submission of Maritime New Zealand.
75. The submissions of Maritime New Zealand (S3/001 and S3/002) were supported by the further submission from Genesis (FS2/002 and FS2/004).

## Analysis

76. The submissions of Genesis and Maritime New Zealand both seek exemptions to the proposed provisions to provide for lighting that is required by other legislative requirements, being the Civil Aviation Act and the Maritime Transport Act.
77. The Civil Aviation Authority of New Zealand website ([www.aviation.govt.nz](http://www.aviation.govt.nz)) contains information in relation to 'Airspace Hazards'. The website identifies structures, such as cranes masts, windfarms and buildings that may be considered hazards within navigational airspace.
78. A windfarm or a 'wind energy facility' requires resource consent as a discretionary activity under the operative WCDP. New or replacement turbines would require resource consent as a discretionary activity under the WCDP.
79. Cape Palliser and Honeycomb Rock lighthouses are existing lighthouses. Cape Pallier lighthouse dates back to 1897 and is listed as a Heritage building in the District Plan (Hs004). There are no existing resource

consents that apply to either of these sites and they operate under existing use rights.

80. The new lighting rules proposed as part of the Plan Change would also apply if a new lighthouse or navigational aid was established on land. It is unlikely that a new navigational aid would meet the standards for a permitted activity (given the need for lighting above 3000k) and as such resource consent would be required.
81. As part of any resource consent assessment for a new wind energy facility, or a navigational aid, the Council will consider the matters outlined within Chapter 22 – Assessment Criteria, namely 22.1.17 applying to Outdoor Artificial Lighting.
82. Rule 22.1.17 (iii) requires the Council to consider 'the extent to which the light(s) are necessary for reasons of security, public amenity or safety (emphasis added).
83. I consider that lighting under the Civil Aviation Rules and Maritime Transport Legislation would be provided for by Rule 22.1.17(iii), as part of a resource consent application assessment. It is therefore recommended that the submission of Genesis (S2/003) is rejected and that Rule 22.1.17(iii) is retained as notified.
84. Within pre-hearing discussions, Genesis and Maritime New Zealand raised concern that, although unlikely, Civil Aviation or Maritime Transport legislation may be amended in the future to require existing structures to have new or additional lighting. In these situations, resource consent would be triggered, as lighting would not be able to meet the standards contained within Rule 21.1.11(a), and any new lighting may not be provided for under existing resource consents, or existing use rights.
85. For this reason and given the importance of civil aviation and maritime transport safety, I consider that it is appropriate that an exemption is provided for lighting required by civil aviation and maritime transport legislation.

## Recommendation

86. That submissions of Genesis (S2/001) and MNZ (S3/001) and the further submission of Genesis (FS2/002) are **accepted in part** and Rule 21.1.11(a) is amended to read;

Exemption

*(vi) Lighting on existing buildings or structures erected or maintained pursuant to civil aviation or maritime transport legislation are exempt from complying with standards (ii) and (iii) above.*

87. That submission of Genesis (S2/003) is **rejected** and Rule 22.1.17 is retained as notified.
88. That the submission of MNZ (S3/002) and further submission of Genesis (FS2/004) are **rejected** and Chapter 27 – Definitions is retained as notified.
89. That submission of Genesis (S2/004) is **accepted**.

## Wairarapa Sports Artificial Surface Trust

### Submission

90. A submission was received from the Wairarapa Sports Artificial Surface Trust (WSAST) (S7/001, S7/002 and S7/003) raising concern the provisions proposed within the Plan Change would be overly onerous for sports clubs.
91. The WSAST run the hockey complex at Clareville in the Wairarapa. The site is located within the proposed Dark Sky Management Area.
92. WSAST are concerned about the permitted activity standards within 21.1.11(b) Outdoor Lighting at Recreational Facilities, namely:
- (i) All outdoor sports lighting shall have a colour temperature of light emitted of 4000K (Kelvin) or lower.*
  - (iv) Outdoor sports lighting shall not operate between 10pm and 7am.*
  - (v) All outdoor sports lighting shall provide the following controls:*
    - (1) Automatic curfew controls to ensure lighting is off between 10pm and 7am.*
    - (2) Local control to turn lights on and off.*

*(3) If the lighting has a lighting level for competition, it shall also have a selectable lower level for training.*

93. Pre-hearing discussions assisted in narrowing the concerns of WSAST<sup>22</sup>. A record of pre-hearing discussions is attached at Appendix 4 of this report. The primary concerns of WSAST are;

- Ensuring that the Clareville Hockey complex is able to continue to use existing rights to operate, with no impediment to the future, and/or additional costs as a result of the proposed Plan Change.
- That the 4000K limit reduces the availability and affordability of lighting for sporting facilities, and
- A 10pm-7am curfew on sports lighting would hinder the ability to undertake early morning trainings that may occur from 6am in winter.

## **Analysis**

94. The Clareville Hockey Stadium (managed by WSAST) comprises of two hockey turfs. As outlined within the submission of WSAST, the first turf was established in 1992, and due to demand, a second turf was established in 2009. Both turfs have lighting to enable the turfs to be used in the evenings.

95. The turf established in 2009 is subject to Resource Consent 090030 issued by the Carterton District Council on the 6<sup>th</sup> June 2009. The conditions of the resource consent require that:

(1) The proposal be in general accordance within the application 090030 and plans submitted.

The details of the application include:

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<sup>22</sup> Proposed Plan Change for the Wairarapa International Dark Sky Reserve – Outdoor Artificial Lighting – Minute 1 of Commissioner, 6<sup>th</sup> April 2021 (<https://swdc.govt.nz/wairarapa-international-dark-sky-reserve-outdoor-artificial-lighting-plan-change>)

- Construction and installation of 8 lighting towers around the sports turf to allow sports to be played in the evenings and at other times of poor lighting for safety reasons.
- A plan showing the location of the turf and light towers.
- Lighting details as follows:
  - Light towers 18.100 meters in height
  - Luminaire details at 1.500 meters – 480 in middle of turf and 465 near sidelines
  - Lights will operate between the hours of 4.00pm to 9.30pm seven days a week.

96. There is no record of resource consent being obtained for the turf established in 1992.
97. A review of the Carterton District Plan that was operative in 1992, has revealed that within the Rural Environment Zone, recreational facilities that complied with all conditions were a permitted activity<sup>23</sup>.
98. A review of the conditions for permitted activities<sup>24</sup> required that 'light emissions measured for any site shall not exceed a measurement of 8lux (lumens per square meters) measured at 1.5m above ground level at the site boundary<sup>25</sup>.
99. There is no record of the site complying with the 8 lux measurement at the boundary but given the distance of the turf from the boundaries of the site (well over 100m to all boundaries), and that the turf lights are directed downwards to the playing surface, it is anticipated that the existing turf would comply with this standard. This opinion was confirmed by Mr Glen Wright, Principal Lighting Engineer at Stephenson Turner. Mr Wright confirmed that he is familiar within the characteristics of the lights installed at Clareville Hockey complex, namely to Phillips OptiVision floodlights. Mr

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<sup>23</sup> Rule 2.7.1(f) Carterton District Plan

<sup>24</sup> Rule 2.7.2 Carterton District Plan

<sup>25</sup> Rule 2.7.2.4 Carterton District Plan



Wright has designed and provided lighting assessment for other outdoor sports facilities with these floodlights in his role. Mr Wright stated that he would expect the site to comfortably comply with the 8 lux measurement at the boundary<sup>26</sup>.

100. Carterton District Council also confirmed that there have been no complaints regarding lighting associated within the Clareville Hockey Turf.
101. The Hockey turf has continued to operate since 1992, and as such it is considered that the turf is more than likely to have existing use rights to continue to operate.
102. The 1992 turf would only be subject to the proposed rules within the District Plan if the light/activity was changed and that resulted in a change to the character, intensity, and scale of the effects which existed before the proposed plan was notified<sup>27</sup>. Otherwise, the turf can continue to operate under existing use rights.
103. For these reasons, both of the existing turfs at The Clareville Hockey Stadium can continue to operate as they are currently. The 1992 turf under existing use rights, and the 2009 turf in line with the conditions of the resource consent issued by the Council. I do not consider the proposed Plan Change will affect the operations of the Clareville Hockey Stadium.
104. If, however a new turf, or sports facility is proposed, the intention of the Plan Change provisions is to make it easier for sports facilities to erect sports lighting as a permitted activity. If sporting facilities can comply with the proposed standards this will reduce time and costs associated with consenting for such activities.
105. During pre-hearing discussions WSAST raised concern that the provisions of the Plan Change, may result in increased future costs for new or existing sporting facilities. Their concern focused on the current availability and cost of lighting to meet the 4000K requirement in Rule 21.1.11(a)(ii), stating

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<sup>26</sup> Email from Mr Glen Wright (Principal Lighting Engineer at Stephenson Turner) to Mrs Debbie Donaldson (s42A reporting officer) dated 10th December 2020.

<sup>27</sup> s10 RMA

that from recent experience, obtaining lighting 4000K or less is more expensive and difficult to obtain than lighting that is 5000K or over.

106. WSAST sought an increase in the maximum lighting level from 4000K to 5700K to enable a wider range and price level of lighting to be available for sport facilities.
107. The International Dark Sky Association has produced guidelines for outdoor sports lighting. The International Dark Sky Association - Criteria for Community-friendly Outdoor Sports Lighting v1.0<sup>28</sup>, provides for lighting to a level 5700K to meet international dark sky requirements.
108. I consider that it is important that lighting is available and affordable for facilities, in particular given that sporting facilities that are often run by clubs or trusts with limited funding and resources. A 5700K limit would provide for a range of lighting at varying price points, while also ensuring that the requirements of the International Dark Sky Association, for Dark Sky Reserve accreditation can be met. The Wairarapa Dark Sky Society confirmed through pre-hearing discussions, support for this amendment.
109. During pre-hearing discussions WSAST also raised concern that a 10pm-7am curfew on sports lighting as proposed by the Plan Change, may hinder the ability to undertake early morning winter trainings at sporting facilities. For this reason, WSAST sought an amendment to the provision contained within Rule 21.1.11(b)(iv) and (v) to enable lighting from 6am.
110. Given that there are other standards proposed within 21.1.11(b) that will manage the level of lighting and light spill, it is considered that providing for lighting from 6am is unlikely to have adverse amenity effects. In addition, it is not anticipated that there will be adverse effects on the darkness of the night sky, given it is a time of day that is approaching sunrise. In a practical sense, the use of lighting would only be required from 6am in the mornings over the winter months.
111. The Wairarapa Dark Sky Society stated as part of pre-hearing discussions, that in practice the number of sports grounds that will actually use this

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<sup>28</sup> <https://www.darksky.org/ida-accepting-applications-for-community-friendly-sports-lighting-design-certification/>

exception on any one day is likely to be quite small. In addition, while this activity may interfere with Matariki viewing for people who are located directly to the west of a sports ground, it is anticipated that these locations would generally not be the preferred place to gather for the viewing of Matariki rising. The Wairarapa Dark Sky Society confirmed support for this amendment.

## Recommendation

112. I recommend that the submissions of Wairarapa Sports Artificial Surface Trust (S7/001, S7/002 and S7/003) are **accepted in part**.
113. I recommend that Rule 21.1.11(b) is amended to read (**Red text** – Notified provisions, **Blue text** – changes recommended in s42A report);
  - (i) All outdoor sports lighting shall have a colour temperature of light emitted of ~~4000~~ 5700K Kelvin or lower.
  - (vi) Outdoor sports lighting shall not operate between 10pm and ~~7~~6am.
  - (vii) All outdoor sports lighting shall provide the following controls. Automatic curfew controls to ensure the lighting is off between 10pm and ~~7~~6am.

## South Wairarapa District Council

### Submission

114. A submission was received from South Wairarapa District Council (S8/001) fully supporting the intent of the proposed Plan Change and the benefits an International Dark Sky Reserve may bring to the Wairarapa region.
115. The submission (S8/001) however highlighted that since the Plan Change was notified, the Council has discovered that the proposed rules for Outdoor Artificial Lighting, as drafted, inadvertently may control lighting from vehicles and lighting mounted to vehicles - for example, lights from vehicles used while undertaking primary production activities in the Rural Zone.
116. Lighting from vehicles is paramount for safety in the evenings. In addition, vehicle lighting allows primary production and other activities to occur in evenings.
117. In this regard, South Wairarapa District Council (S8/001) seeks the following amendments to Rule 21.1.11(a):

Exception

(viii) Lighting from or mounted to moveable vehicles.

118. The submission was supported by a further submission from Genesis (FS2/003)

## Analysis

119. Reviewing the proposed provisions, I consider that the proposed rules for Outdoor Artificial Lighting, as drafted, would control lighting from vehicles and lighting mounted to vehicles.
120. I agree with the Council that lighting from vehicles is paramount for safety in the evenings and allowing primary production and other activities to occur in the evenings.
121. I consider that that vehicle lighting or lighting mounted to vehicles will have very limited impact on the Dark Sky.

## Recommendation

122. That the submission of South Wairarapa District Council (S8/001) and the further submission from Genesis (FS2/003) are **accepted** and Rule 21.1.11(a) is amended to include a new exemption to read:

Exception

(vii) Lighting from or mounted to moveable vehicles.

## 7 S32AA Evaluation

123. This report recommends that amendments are made to the proposed Plan Change provisions.
124. The proposed amendments can be summarised as;
- Exemptions to the provisions contained within Rule 21.1.11(a); and
  - Amendments to the provisions contained within Rule 21.1.11(b) for sport lighting.

125. This section of the report provides a s32AA evaluation of the recommended changes.

### **Exemptions to the provisions contained within Rule 21.1.11(a)**

126. This report recommends the following exemptions to the provisions contained within Rule 21.1.11(a);

(v) Night-time works for the construction, maintenance and upgrading of network utilities and energy generation facilities undertaken by a network utility operator are exempt from complying with standards (ii) and (iii) above.

(vi) Lighting on existing buildings or structures erected or maintained pursuant to civil aviation or maritime transport legislation are exempt from complying with standards (ii) and (iii) above.

(vii) Lighting from or mounted to moveable vehicles.

### **Effectiveness and Efficiency**

127. The proposed exemptions are effective and efficient in achieving the objectives of the Plan. The plan seeks to ensure that the amenity values of the district, and that the brightness and clarity of the night sky within the Dark Sky Management Area is protected<sup>29</sup>. The exemptions provided will ensure that;

- Essential activities (ie vehicle use) can operate without unnecessary restriction;
- Infrastructure can be constructed, maintained and upgraded as required; and
- Legislative requirements to ensure safety can be achieved.

128. The proposed exemptions are also effective in ensuring the Council can meet the outcomes sought in Objective 16.3.1 and 16.3.4 of the WCDP, by enabling the efficient development, maintenance and operation of network utilities, and encouraging energy efficiency and the generation of energy from renewable sources.

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<sup>29</sup> Wairarapa Combined District Plan – Objective 19.3.1 and Policy 19.3.2(f)

### **Costs and Benefits (environmental, economic, social, cultural)**

129. There will be very minimal effects on the dark sky as a result of these exemptions, in particular because these activities are likely to be temporary in nature. There would be significant costs to individuals and business if the use of vehicles was restricted in the evenings. There would also be costs to individuals and businesses, if there was disruption to infrastructure services.
130. These exemptions will avoid triggering unnecessary and timely resource consenting requirements for activities that are essential and will not result in adverse effects on the night sky.
131. Including these exemptions will aid interpretation of the plan and ensure that there is no confusion as to whether the proposed provisions apply to vehicles, construction, maintenance and upgrading of infrastructure, or lighting required by other legislation.

### **Amendments to the provisions contained within Rule 21.1.11(b)**

132. This report recommends that Rule 21.1.11(b) is amended to read;
  - (ii) All outdoor sports lighting shall have a colour temperature of light emitted of ~~4000~~ 5700K Kelvin or lower.
  - (ix) Outdoor sports lighting shall not operate between 10pm and ~~7~~6am.
  - (x) All outdoor sports lighting shall provide the following controls. Automatic curfew controls to ensure the lighting is off between 10pm and ~~7~~6am.

### **Effectiveness and Efficiency**

133. The provisions will ensure that the brightness and clarity of the night sky within the Dark Sky Management Area is protected<sup>30</sup>, but in doing so also ensure that sports lighting is enabled to allow important recreational activities within the district to take place.
134. The provisions are effective in ensuring that general amenity values are maintained and enhanced, to assist the Council in achieving the outcomes sought in Objective 19.3.1 of the WCDP. Enabling standards that allow

<sup>30</sup> Wairarapa Combined District Plan – Objective 19.3.1 and Policy 19.3.2(f)

flexibility in the type and price of sports lighting will ensure that provisions are efficient in meeting the objectives of the Plan.

### **Costs and Benefits (environmental, economic, social, cultural)**

135. There will be a cost to sports lighting facilities in erecting lighting to meet the standards within the Plan, however it is not anticipated that these costs will be higher than current cost for replacing or erecting new sports lighting.
136. The provisions provide flexibility, providing standards to protect the dark sky, while ensuring a range of lighting options for sports lighting will be available at varying price points.

### **Conclusions and recommendations**

137. This report provides an assessment of submissions received in relation to the Wairarapa Dark Sky Reserve – Outdoor Artificial Lighting Plan Change.
138. As a result of this assessment, changes have been recommended to the provisions contained within Chapter 21 – District Wide Land Use Rules.
139. I consider that the submissions on this chapter as set out in Appendix 1 below, should be accepted, accepted in part or rejected; for the reasons set out in Sections 5, 6 and 7 above.
140. I recommend that provisions in Chapter 21 – District Wide Land Use Rules be amended as set out in Appendix 2 below, for the reasons set out in Sections 5, 6 and 7 above.
141. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, for the reasons set out in the Section 32AA evaluation in Section 7 of this report.



Debbie Donaldson

Consultant Planner – Kāhu Environmental Limited

17 May 2021



## Disclaimer

We have used various sources of information to write this report. Where possible, we tried to make sure that all third-party information was accurate. However, it's not possible to audit all external reports, websites, people, or organisations. If the information we used turns out to be wrong, we can't accept any responsibility or liability for that. If we find there was information available when we wrote our report that would have altered its conclusions, we may update our report. However, we are not required to do so.

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Prepared by:

Debbie Donaldson LLB BSc  
Senior Planner

VERSION	DATE	AUTHOR	REVIEWER	COMMENTS
1	1/12/20	DD	AC	Minor Amendments
2	2/12/20	DD	AC	Draft to Council
3	7/01/21	DD		Minor Amendments
4	17/05/21	DD		Amendments to Council

## Appendix 1 – Table of Submission and Further Submission Points

Submitter	Submission Point Number	Plan section	Provision	Officer recommendation on submission	Further Submission Point Number	Further Submitter	Officer recommendation on further submission
Powerco Limited	S1/001	Chapter 21- District Wide Land Use Rules	21.1.11(a)	Accept in part	FS1/001	Waka Kotahi NZ Transport Agency	Accept in part
					FS2/001	Genesis Energy Limited	Accept in part
Genesis Energy Limited	S2/004	All of Plan	Other	Accept			
Genesis Energy Limited	S2/003	Chapter 22 - Assessment Criteria	22.1.17 - Outdoor Artificial Light	Reject			

Genesis Energy Limited	S2/002	Chapter 21- District Wide Land Use Rules	21.1.11 - Outdoor Artificial Light	Accept in part			
Maritime New Zealand	S3/002	Chapter 27 - Definitions	27 - Definitions	Reject	FS2/004	Genesis Energy Limited	Reject
Maritime New Zealand	S3/001	Chapter 21- District Wide Land Use Rules	21.1.11(a)(iv)	Accept in part	FS2/002	Genesis Energy Limited	Accept in part
Greater Wellington Regional Council	S4/002	Chapter 21- District Wide Land Use Rules	21.1.11(a)(ii)	Accept			
Greater Wellington Regional Council	S4/003	Chapter 21- District Wide Land Use Rules	21.1.11(a)(iv)	Accept			
Greater Wellington	S4/001	Chapter 21- District	21.1.11(a)(iii)	Accept			

Regional Council		Wide Land Use Rules					
Waka Kotahi/NZ Transport Agency	S5/002	Chapter 21- District Wide Land Use Rules	21.1.11(a)	Reject			
Waka Kotahi/NZ Transport Agency	S5/001	Chapter 19 - General Amenity Values	19.3.4(g)	Accept			
Waka Kotahi/NZ Transport Agency	S5/003	Chapter 22 - Assessment Criteria	22.1.17 - Outdoor Artificial Light	Accept			
Under the Stars NZ Ltd	S6/001	All of Plan	Other	Accept			
Wairarapa Sports Artificial Surface Trust	S7/002	Chapter 21- District Wide Land Use Rules	21.1.11(b)(iv)	Accept in part			

Wairarapa Sports Artificial Surface Trust	S7/003	Chapter 21- District Wide Land Use Rules	21.1.11(b)(v)	Accept in part			
Wairarapa Sports Artificial Surface Trust	S7/001	Chapter 21- District Wide Land Use Rules	21.1.11(b)(i)	Accept in part			
South Wairarapa District Council	S8/001	Chapter 21- District Wide Land Use Rules	21.1.11(a)	Accept	FS2/003	Genesis Energy Limited	Accept
Wairarapa Dark Sky Association	S9/001	All of Plan	Other	Accept			
Alan & Joyanne Stevens	S10/001	All of Plan	Other	Accept			

## **Appendix 2 - Track Changes Version of Recommended Amendments to Chapter 21- District Wide Land Use Rules**

Red text – Notified provisions

Blue text – Recommended changes from s42A Report.

## 21 DISTRICT WIDE LAND USE RULES

**NOTE:**

- (i) The permitted activity rules listed below shall apply within all Environmental Zones and Management Areas unless otherwise specified under the rules below.
- (ii) All of the listed permitted activities under this section shall also comply with the relevant standards for permitted activities specified within the underlying Environmental Zones and Management Areas unless otherwise stated in the rules below.

### 21.1 Permitted Activities

The following are permitted activities, provided they comply with the relevant standards for permitted activities specified below and within the underlying Environmental Zones and Management Areas.

#### 21.1.1 Notable Trees and Street Trees

- (a) Any activity affecting any tree listed in Appendix 1.4 which meets the following standards:

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- (i) No activity shall result in more than minor trimming of any tree in Appendix 1.4, where minor trimming means:
  - (1) The removal of broken branches, deadwood or diseased vegetation;
  - (2) The removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that the branches are touching those buildings, or structures, or interfering with those overhead wires or utility networks; or
  - (3) Other trimming necessary to maintain the health of a listed tree, certified by a person with an appropriate level of expertise.
- (ii) The minor trimming of any tree shall not adversely affect the health or appearance of the tree.
- (iii) No activity within the earth below the dripline of a listed tree shall result in:
  - (1) The destruction, removal or partial removal of the listed tree;
  - (2) The alteration of existing ground levels by excavation or deposition of soil including thrust boring and directional drilling;
  - (3) The covering of the ground by any building or structure or the storage of goods, including the parking of vehicles;
  - (4) The laying of any impervious surface; or

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- (5) The discharge of any toxic substance hazardous to the tree, unless a person with an appropriate level of expertise certifies that the health of the tree will not be adversely affected.

Policy 19.3.2(h)

**(b) Any activity affecting any street tree which meets the following standards:**

- (i) No activity shall result in more than minor trimming of any street tree, where minor trimming means:
  - (1) The removal of broken branches, deadwood or diseased vegetation;
  - (2) The removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that the branches are touching those buildings, or structures, or within the Growth Limit Zone for overhead wires or utility networks; and
  - (3) All trimming is to be certified by a person with an appropriate level of expertise.

Note: For the purposes of the above rule, the "Growth Limit Zone" is the area surrounding an overhead wire or network utility as specified in the Electricity (Hazards from Trees) Regulations 2003.

- (ii) The minor trimming of any tree shall not adversely affect the health or appearance of the tree.

Exception:

- (i) Any activity affecting a street tree is a permitted activity where the work is undertaken in accordance with the Council Street Tree Policy.

## 21.1.2 Sites of Historic Heritage Value

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**(a) Minor repairs and maintenance of any heritage item identified as a site of Historic Value in Appendix 1.7 which meet the following standards:**

- (i) The work is confined to conservation, reassembly, reinstatement, repair or stabilisation of the original character, fabric or detailing of the heritage item; and
- (ii) The work is carried out to the same design, using original or similar materials to those originally used and does not detract from the form, character and appearance of the heritage item.

Note: For the purpose of the above rule -

"Maintenance" means the protective care of a place.

A place of heritage value should be maintained regularly and preferably according to a conservation plan, except in circumstances where it is appropriate for places to remain without intervention. In relation to buildings and structures, maintenance means carrying out any work which:

- (1) is for the purposes of keeping the building and/or structure in good condition; and

- (2) does not result in any increase in the area of land occupied by the structure; and
- (3) does not change the character, scale and intensity of any effects of the structure on the environment (except to reduce any adverse effects or increase any positive effects) but does not include upgrading.

“Repair” means making good decayed or damaged material.

Repair of material or of a site should be with original or similar materials. Repair of a technically higher standard than the original workmanship or materials may be justified where the life expectancy of the site or material is increased, the new material is compatible with the old and any heritage value is not diminished.

*Note: This standard applies to the scheduled buildings and structures listed in the Schedule in Appendix 1.7. The Heritage Inventory held by the District Councils describes the key heritage features associated with each listed building and structure. These features may include external and internal items and attributes, as well as the land and features immediately surrounding the scheduled building or structure where such land and features are intrinsically related to or have an effect on the historic heritage values of the heritage item.*

*Note: The Historic Places Act 1993 provides for identification, protection, preservation and conservation of the nation’s historic and cultural heritage. An archaeological site is defined as a place associated with pre-1900 human activity and is able to provide evidence relating to the history of New Zealand. An authority is required from the New Zealand Historic Places Trust if there is reasonable cause to suspect an archaeological site (recorded or unrecorded) may be modified, damaged or destroyed when undertaking any activity. An authority from the Historic Places Trust is required for such activities whether or not the land on which the archaeological site may be present, is identified in the Plan, or resource consent has been granted.*

### 21.1.3 Historic Heritage Precincts

#### South Wairarapa District

**(a) Minor repairs and maintenance of any premises within the Historic Heritage Precincts listed in Appendix 1.8 which meet the following standards:**

- (i) The work is confined to conservation, reassembly, reinstatement, repair or stabilisation of the original character, fabric or detailing of the premises;
- (ii) The work is carried out to the same design, using original or similar materials to those originally used and does not detract from the form, character and appearance of the premises.
- (iii) For the South Wairarapa District, the work is consistent with the South Wairarapa Town Centres Design Guidelines in Appendix 8.

*Plan Change 4*

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Note: For the purpose of the above rule –

“Maintenance” means the protective care of a place.

A place of heritage value should be maintained regularly and preferably according to a conservation plan, except in circumstances where it is appropriate for places to remain without intervention. In relation to buildings and structures, maintenance means carrying out any work which:

- (1) is for the purposes of keeping the building and/or structure in good condition; and
- (2) does not result in any increase in the area of land occupied by the structure; and
- (3) does not change the character, scale and intensity of any effects of the structure on the environment (except to reduce any adverse effects or increase any positive effects) but does not include upgrading.

“Repair” means making good decayed or damaged material.

Repair of material of a site should be with original or similar materials. Repair of a technically higher standard than the original workmanship or materials may be justified where the life expectancy of the site or material is increased, the new material is compatible with the old and any heritage value is not diminished.

Advice Note: it is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. The applicant is advised to contact the New Zealand Historic Places Trust if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consenting process under the Historic Places Act 1993. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work to proceed lawfully. The Historic Places Act 1993 contains penalties for unauthorised site damage.

Plan Change 4

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**(b) Signs within the Commercial and Industrial Zones in the Historic Heritage Precincts listed in Appendix 1.8 which meet the following standards:**

- (i) No individual sign exceeds 2m<sup>2</sup> in area (all faces). Total signage on any one building shall not exceed 4m<sup>2</sup> in area.
- (ii) No sign is illuminated by any means other than directional lighting.
- (iii) Signs are located above verandahs but within the parapet height or suspended within verandahs.
- (iv) One free-standing sign per site, and shall not exceed 0.5m<sup>2</sup> in area (all faces).

Plan Change 4

## Masterton District

- (c) No works relating to any premises within the Historic Heritage Precincts in Appendix 1.8 except for works within the Queen Elizabeth Park Precinct which are provided for in the Park Management Plan (including amendments), and except for works within the Nopps and Norris Reserves in the Masters Crescent Precinct which are provided for in the respective Reserve Management Plans, and except for works otherwise excluded in the relevant Council's Heritage Inventory.

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### Exception:

- (i) All internal works to a building are exempt from complying with the above requirements, unless the building is listed in Appendix 1.7 as a Site of Historic Value (refer to Rule 21.1.2(a)) and the particular value of the interior is specified in the Heritage Inventory held by the Councils.

## 21.1.4 Outstanding Landscapes

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- (a) Any activity or structure within an area identified as an Outstanding Landscape in Appendix 1.1 which meets the following standards:
- (i) Earthworks do not exceed 100m<sup>3</sup> per site in any 12 month period;
  - (ii) Structures are less than or equal to 200m<sup>2</sup> in total gross floor area per site.

## 21.1.5 Significant Natural Areas

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- (a) Maintenance of any listed area in the Schedule of Significant Natural Areas in Appendix 1.3 which is limited to:
- (i) The removal of broken branches, deadwood or diseased vegetation;
  - (ii) The pruning of branches which are part of the main structure of the tree that are interfering or overhanging buildings, but only up to 1.0 metres from the external walls or roof of that building;
  - (iii) The removal of vegetation to maintain existing fencelines and access across existing tracks;
  - (iv) The removal of vegetation to erect new fencelines around the perimeter of the Significant Natural Area.
  - (v) The minor trimming of vegetation within the Growth Limit Zones surrounding an existing overhead wire or existing network utility as specified in the Electricity (Hazards from Trees) Regulations 1993;
  - (vi) The removal of exotic species;
  - (vii) Activities are carried out subject to and in accordance with any specific covenants or other legal agreements entered into with the District Council, or Wellington Regional Council, or Department of Conservation, or QEII Trust;
  - (viii) The removal of plant pests identified in the Operative Wellington Region Plant Pest Management Strategy.

### 21.1.6 Indigenous Vegetation and Habitats

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- (a) Any activity involving disturbance, removal, damage or destruction ("modification") of kanuka, manuka and tauhinu.
- (b) Any activity involving disturbance, removal, damage or destruction ("modification") of naturally occurring indigenous vegetation (excluding kanuka, manuka and tauhinu) which is more than 4 metres high, or which has a trunk diameter of more than 30 centimetres measured at a height of 1.4 metres above the ground, provided that no more than 10% of the total area of indigenous vegetation is "modified" per site up to a maximum of 200m<sup>2</sup> in any 5 year period.
- (c) The removal of up to 50m<sup>3</sup> of timber per 10-year period per Certificate of Title for personal use.
- (d) The harvesting of indigenous timber undertaken in accordance with an approval under Part IIIA of the Forests Act 1949.
- (e) The disturbance, removal, damage or destruction of naturally occurring indigenous vegetation that has grown under the canopy of a plantation forest.
- (f) The clearance or modification of indigenous vegetation that has been planted and managed specifically for commercial production forestry, horticulture or agriculture purposes.
- (g) The disturbance or damage, but not destruction of naturally occurring indigenous vegetation as a consequence of harvesting of plantation forest, including where the harvesting involves:
  - (i) The lifting and/or dragging of logs;
  - (ii) The construction and maintenance of forestry roads and stream crossings.
- (h) The disturbance, removal, damage or destruction ("modification") of naturally occurring indigenous vegetation by any network utility operator to ensure the safety and integrity of any network utility or to maintain access to the network utility.
- (i) The disturbance, removal, damage or destruction ("modification") of naturally occurring indigenous vegetation associated with the maintenance of existing access tracks, fencelines and firebreaks and the construction of new fencelines and firebreaks.
- (j) Any activity involving disturbance, removal, damage or destruction ("modification") of indigenous vegetation and habitats necessary for the avoidance of imminent danger to human life or property.
- (k) Activities are carried out subject to and in accordance with any specific covenants or other legal agreements entered into with the District Council, or Wellington Regional Council, or Department of Conservation, or QEII Trust.

Note: An approval under Part IIIA of the Forests Act 1949 means the harvesting of indigenous timber carried out under an approved sustainable forest management plan or permit that has been approved by the Secretary of Forestry under Part IIIA of the Forests Act 1949 (as amended by the Forests Act Amendment Act 1993).

### 21.1.7 Wetland Restoration and Enhancement

- (a) Any planting of indigenous wetland species and removal of exotic species (including weed and pest removal) within a wetland.

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### 21.1.8 Reserves

- (a) The use and development of any Council or crown owned land for reserve purposes, recreational activities and facilities.
- (b) The use and development of any land managed in accordance with an Approved Reserve Management Plan.

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### 21.1.9 Significant Waterbodies

- (a) Earthworks within 25 metres of any Significant Waterbody listed in Appendix 1.9 for the following purposes:
  - (i) The maintenance of drains, fences, man-made dams, access tracks and roads;
  - (ii) Approaches to culverts.

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### 21.1.10 Activities on the Surface of Freshwater

- (a) Any activity, excluding motorised commercial recreation, on the surface of any freshwater body (including wetlands, rivers and lakes) which meets the following standard:
  - (i) Structures shall be:
    - (1) Less than 10 square metres in gross floor area; and
    - (2) Located on or above the surface of water for less than two months within a twelve-month period.

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Note: Activities on, under or over freshwater may require resource consent from the Wellington Regional Council.

### 21.1.11 **Glare and Outdoor** Artificial Light

- (a) The emission of **outdoor artificial** light (including glare) meets the following standards:
  - (i) A maximum artificial light level of 8 lux (lumens per square metre) measured at 1.5m above ground level at the site boundary.
  - (ii) Within the Dark Sky Management Area identified within Appendix 15, all outdoor lighting shall have a colour temperature of light emitted of 3000K Kelvin or lower.
  - (iii) Within the Dark Sky Management Area identified within Appendix 15, all outdoor lighting with a light output of 500 lamp

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lumens or greater shall be shielded or tilted so as to not emit any light at or above a horizontal plane measured at the light source.

Exceptions:

- (iv) Lighting controlled by motion-activated switches limiting the duration of illumination to less than five (5) minutes after activation are exempt from complying with standards (ii) and (iii) above.
- (v) Night-time works for the construction, maintenance and upgrading of network utilities and energy generation facilities undertaken by a network utility operator are exempt from complying with standards (ii) and (iii) above.
- (vi) Lighting on existing buildings or structures erected or maintained pursuant to civil aviation or maritime transport legislation are exempt from complying with standards (ii) and (iii) above.
- (vii) Lighting from or mounted to moveable vehicles.

**(b) Outdoor Sports Lighting at Recreation Facilities**

Within the Dark Sky Management Area identified within **Appendix 15**, the emission of light from outdoor sports lighting at Recreational Facilities which meets the following standards:

- (i) All outdoor sports lighting shall have a colour temperature of light emitted of ~~4000K~~ 5700K Kelvin or lower.
- (ii) Outdoor sports lighting shall be designed to the illumination levels recommended in Australian Standard AS 2560 Guide to sports lighting, all parts. Maximum permitted illumination level is to be that recommended for "Level 3" competition standard. The lighting designs initial levels shall not exceed the recommended average service illuminance level by more than 50% and shall meet the recommended uniformity.
- (iii) Luminous intensity from any light source for any viewing angles at 1.5m height, at a distance of 45m beyond the field shall not exceed 1000 candela.
- (iv) Outdoor sports lighting shall not operate between 10pm and ~~7~~6am.
- (v) All outdoor sports lighting shall provide the following controls:
  - (1) Automatic curfew controls to ensure the lighting is off between 10pm and ~~7~~6am.
  - (2) Local control to turn lights on and off.
  - (3) If the lighting has a lighting level for competition, it shall also have a selectable lower lighting level for training.

