

Section 42A Report

Resource Management Act 1991 Hearing Report – Plan Change 1 – Dark Skies

1.0 Introduction

1.1 Purpose of the Report

- 1.1.1 This report considers submissions received in relation to Plan Change 1 – Dark Skies (PC-1). It has been prepared in accordance with Section 42A of the Resource Management Act 1991 (RMA91) to assist the Regulatory and Consents Committee (RCC) with deliberations on submissions and further submissions in respect of PC-1.
- 1.1.2 This report includes recommendations to the RCC to accept, accept in part or reject individual submissions to incorporate submission points. Where appropriate, it also includes recommended amendments to the PC-1 provisions. Where any suggested amendment requires further evaluation in accordance with Section 32AA of the RMA91, that analysis is summarised within the paragraph titled '*reasons for recommendation*' as well as the Section 32 evaluation report attached at Appendix 1 and discussed further below.
- 1.1.3 The recommendations outlined in this report do not reflect a decision of the RCC. The RCC is not bound by the recommendations in this report.
- 1.1.4 Following the consideration of all the submissions, further submissions and supporting evidence presented at the Hearing, a decision report will be prepared outlining the decision made by the RCC in respect to each submission and the overall proposed PC-1.

1.2 Context of Plan Change 1 – Dark Skies

- 1.2.1 PC-1 was initiated by the Southland District Council (SDC) under Section 73(1A) of the RMA91 which states that a territorial authority may change a district plan in a manner set out in Schedule 1 of the Act.
- 1.2.2 The resource management issue to be addressed by this PC-1 is the protection, maintenance and enhancement of the environment and in particular the dark night sky on Stewart Island / Rakiura from the adverse effects of lighting associated with development.
- 1.2.3 In accordance with the provisions of Schedule 1 of the RMA91, prior to public notification Council undertook preliminary consultation by forwarding a copy of PC-1 for comment to the agencies listed below; as well as through workshops with key stakeholders held at Stewart Island / Rakiura on 13th and 14th May 2019.
- Agencies consulted within as per Clause 3 of Schedule 1 of the RMA91 include:
 - The Minister for the Environment
 - The Minister of Conservation

- Tangata whenua of the area, through Te Runanga o Ngai Tahu (iwi authority) and Te Ao Marama Inc (the agency authorised to represent Te Runaka o Awarua, Hokonui Runanga, Oraka/Aparima Runaka and Waihopai Runaka).
- The key stakeholders that Council has consulted with include:
 - Stewart Island Promotions Association
 - Department of Conservation
 - Venture Southland (now Great South)
 - Stewart Island / Rakiura Community Board
 - General Stewart Island Community, including parties with fishing interests
 - Southport
 - Owners and operators of Salmon Farms
 - Te Ao Marama Incorporated
 - Environment Southland
 - Stewart Island Airport owner and operator

- 1.2.4 In accordance with Schedule 1, Section 4A of the RMA91 Council undertook further preliminary consultation with Iwi prior to notification.
- 1.2.5 PC - 1 was publicly notified on 9th September 2019 and six submissions received by the closing date of 7th October 2019. One submission was received late on 9th October 2019. A Section 37 waiver of time limits for submission on PC – 1 has been granted for the submitter Airways Corporation of New Zealand Limited (Airways). In summary the submission by Airways and its content is considered material to the decision making process and accordingly Council recommends this submission be received. A copy of the Section 37 report is attached at Appendix 2.
- 1.2.6 The Summary of Submissions was publicly notified on 28th October 2019. No further submissions were received by the closing date of 11 November 2019.
- 1.2.7 Overall, submitters are in support of PC – 1 with several submitters seeking changes to the text of the provisions to take account of the type of business activity undertaken.

1.3 Section 32 Evaluation

- 1.3.1 Prior to notification, SDC completed an evaluation of PC-1 in accordance with Section 32 of the RMA91. The Section 32 report provides the basis for the ‘why’ of a plan change; requiring the objectives in a plan change proposal to be examined for their appropriateness in achieving the purpose of the RMA91; and the policies and methods of a proposal to be examined for their costs, benefits, efficiency, effectiveness and risk in achieving the objectives.
- 1.3.2 Evaluation in terms of Section 32 is ongoing, and must be undertaken to confirm the appropriateness of any plan change. As noted above, where required, recommendations in this report which differ from the notified provisions are to be supported by further evaluation in terms of Section 32AA of the RMA91. In this instance no recommendations in this report differed from that which was notified. Therefore no further evaluation pursuant to Section 32AA of the RMA91 is required in this instance.

1.4 National Planning Standards (NPS)

- 1.4.1 In June 2018, the Ministry for the Environment (MfE) released 18 draft national planning standards relevant to various resource management policy statements and plans in New Zealand. Following consultation the first set of NPS were gazetted on 3 May 2019 with an updated version released November 2019 consisting of minor changes.
- 1.4.2 The purpose of the NPS is to improve consistency in plan and policy statement structure, format and content. SDC is subject to an overall timeframe to implement the NPS. SDC has chosen to not implement the NPS as it relates to this plan change but to delay this process until a later date when a more comprehensive review of the District Plan will be undertaken.

1.5 How to read this report

- 1.5.1 Sections 2.0 and 3.0 of this report analyse the submissions received on PC-1, providing recommendations on whether to accept, accept in part, or reject each submission and associated submission points.
- 1.5.2 Appendix 3 includes the relevant sections of the District Plan with subsequent amendments to reflect the recommendations made in this report based on the submissions received. Where amendments have been proposed to the wording of the plan based on submissions, additions have been shown as underlined, and deletions have been shown as ~~crossed out~~.

1.6 Index of Submitters

- 1.6.1 This index of the submitters references the relevant section(s) of this report where their submissions have been discussed. No further submissions were received.

Submitter number	Submitter name	Relevant paragraph of this report
1	Anthony Musson	2.9.1
2	Sanford Limited	2.1.2; 2.1.4; 2.2.5; 2.3.2; 2.4.2; 2.5.4; 2.6.5; 2.7.1; 2.8.1
3	Real Journeys	2.2.5; 2.3.5; 2.6.5
4	Department of Conservation	2.1.2; 2.2.2; 2.3.2; 2.4.2; 2.5.2; 2.6.2; 2.7.1
5	Bridget Carter	2.1.2; 2.1.4; 2.2.2; 2.3.2; 2.4.2; 2.5.2; 2.6.2; 2.7.1; 2.8.1
6	Kevin Carter	2.1.2; 2.1.4; 2.2.2; 2.3.2; 2.4.2; 2.5.2; 2.6.2; 2.7.1; 2.8.1
7	Airways Corporation of New Zealand Limited (“Airways”)	2.6.5

1.6 How are the submissions analysed?

- 1.6.1 The submissions are analysed following the order of the District Plan. Each submission is broken down into submission points. This means that each submission may relate to several different provisions and as such the submitter will feature multiple times throughout the analysis section.
- 1.6.2 The submissions received for a provision are initially summarised in table format as shown below. To keep track of the submitter's submission points, each submitter is allocated a number as shown in the 'index of submitters' above and then a corresponding number for the submission point. Where a submitter has requested a decision from Council, a number has also been allocated to the 'request':

Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Sanford Limited (2.3)	Support	Reject
<p>Decision requested (2.3.1): Amend wording of Policy URB.8 to recognize that Big Glory Bay is an established marine farming zone where lights are to be used for fin fish farm management, health and safety and safe navigation.</p>		

Submission point

Submitter's number

Decision request

- 1.6.3 A subsequent paragraph is entitled '*Reasons for recommendation*' and provides the reasons why a recommendation(s) on a submission point has been made.

2.3.1.1 Reasons for recommendation to accept

2.0 Analysis of Submissions

2.1 SIGNAGE CHAPTER

2.1.1 Rule SIGN.2

2.1.2 The following submissions were received:

Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Sanford Limited (2.1)	neutral	Noted
Decision requested (2.1.1): None		
Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Department of Conservation (4.1)	Support	Accept
Decision requested (4.1.1): Retain as notified		
Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Bridget Carter (5.1)	Support	Accept
Decision requested (5.1.1): Accept proposed change		
Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Kevin Carter (6.1)	Support	Accept
Decision requested (6.1.1): Implement proposed change		

2.1.2 Reasons for recommendation to accept

Proposed Rule SIGN.2 seeks to treat all illuminated signage on Stewart Island /Rakiura as a Restricted Discretionary Activity requiring resource consent. In this instance three submitters support this provision and seek the provision to be retained as notified. One submission is neutral. Given the provision enables the objectives of PC-1 to be met, it is considered appropriate to accept the submissions in support and note the neutral submission.

2.1.3 Rule SIGN.4(5)

2.1.4 The following submissions were received:

Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Sanford Limited (2.2)	Neutral	Noted
Decision requested (2.2.1): None		
Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Bridget Carter (5.2)	Support	Accept
Decision requested (5.2.2): Accept proposed change		

Submitter/Further submitter	Support/oppose/neutral	Recommendation
Kevin Carter (6.2)	Support	Accept
Decision requested (6.2.3): Implement proposed change		

2.1.5 Reasons for recommendation to accept

The intention of current Rule SIGN.4(5) is to regulate the illuminance level of lights at the boundary of a property ie measure the amount of light falling onto a surface and thus understand the effects on adjoining landowners. Presently, the word luminance is used instead of illuminance and this is technically incorrect.

2.1.6 Proposed Rule SIGN.4(5) seeks to correct this technical inaccuracy which the submitters support. It is therefore recommended that the submissions are accepted as this will correct the technical inaccuracy and overall facilitate the objectives of PC-1 to be met.

2.2 URBAN ZONE CHAPTER

2.2.1 Policy URB.8

2.2.2 The following submissions were received:

Submitter/Further submitter	Support/oppose/neutral	Recommendation
Department of Conservation (4.2)	Support	Accept
Decision requested (4.2.1): Retain as notified		
Submitter/Further submitter	Support/oppose/neutral	Recommendation
Bridget Carter (5.3)	Support	Accept
Decision requested (5.3.1): Accept proposed change		
Submitter/Further submitter	Support/oppose/neutral	Recommendation
Kevin Carter (6.3)	Support	Accept
Decision requested (6.3.1): Implement proposed change		

2.2.3 Reasons for recommendation to accept

Proposed Policy URB.8 seeks to guide and provide scope for decision making when a resource consent is required for development in the Stewart Island/Rakiura Urban Zone. In essence, proposed Policy URB.8 encourages development that maintains or enhances the dark quality of the night sky on Stewart Island / Rakiura.

2.2.4 DoC, Bridget Carter and Kevin Carter support proposed Policy URB.8 seeking Council to retain the proposed provision as notified. Given proposed Policy URB.8 will facilitate the objectives of PC-1 to be met, it is recommended that the above submissions are accepted.

2.2.5 The following submissions were received:

Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Sanford Limited (2.3)	Support	Reject
Decision requested (2.3.1): Amend wording of Policy URB.8 to recognize that Big Glory Bay is an established marine farming zone where lights are to be used for fin fish farm management, health and safety and safe navigation.		
Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Real Journeys Limited (3.1)	Support	Reject
Decision requested (3.1.1): That Policy URB.8 provides for safety flood lighting for the loading and unloading of submitters vessels at Halfmoon Bay, Golden Bay, Little Glory Cove in the hours of darkness; and for the ability to safely use the submitters moorings in the hours of darkness at Halfmoon Bay.		

2.2.6 Reasons for recommendation to reject

Sanford Limited and Real Journeys Limited support proposed Policy URB.8, but have requested changes to the text. Sanford Limited requests the text to be amended to recognise that Big Glory Bay is an established marine farming zone where lights are used for fin fish management, health and safety and navigation. Real Journeys Limited seek changes to the text to reflect that lights will be used at their moorings, as well as for the loading and unloading of their vessels at Halfmoon Bay, Golden Bay and Little Glory Cove.

2.2.7 In this instance the Sanford Limited fish farming operation falls outside of the District Plan’s jurisdiction as stipulated under the RMA91, because it is sited within the Coastal Marine Area (CMA) which is regulated by the Regional Council. PC-1 does not apply to the submitters existing activities within the CMA. This submission point is noted and recommended to be rejected.

2.2.8 The activities of Real Journeys Limited that are undertaken from a wharf or jetty are also not within the jurisdiction of the District Plan. It is noted that SDC is responsible for issuing building consents for the wharves and jetties and any buildings or structures that are erected within this space. However, the Regional Council regulates the use of wharves, jetties (and any associated lighting) through the Coastal Plan. It is recommended therefore that the RCC notes this submission point but rejects it.

2.2.9 In terms of any activity of either submitters which may occur within the jurisdiction of the District Plan ie occur on ‘land’, it is not considered necessary to make specific reference to the submitters activities within the proposed policy provision because district plan development best practice dictates that any potential inclusion or exemption would be best dealt with via the rule framework. It is further noted that the submitters will have existing use rights as it relates to any current land based activities.

2.3.1 Rule URB.5(8)

2.3.2 The following submissions were received:

Submitter/Further submitter	Support/oppose/neutral	Recommendation
Sanford Limited (2.4)	Neutral	Accept
Decision requested (2.4.1) : None		
Submitter/Further submitter	Support/oppose/neutral	Recommendation
Department of Conservation (4.3)	Support	Accept
Decision requested (4.3.1) : Retain as notified		
Submitter/Further submitter	Support/oppose/neutral	Recommendation
Bridget Carter (5.4)	Support	Accept
Decision requested (5.4.1) : Accept proposed change		
Submitter/Further submitter	Support/oppose/neutral	Recommendation
Kevin Carter (6.4)	Support	Accept
Decision requested (6.4.1) : Implement proposed change		

2.3.3 Reasons for recommendation to accept

Proposed General Standard Rule URB.5(8) sets specific lighting requirements that relate to the spill of light, the direction of lighting, the type of lighting fixtures used and the colour temperature of lights. The proposed rule would require any lighting, not subject to existing use rights, to meet these requirements or a resource consent sought.

2.3.4 The above submitters support proposed Rule URB.5(8) and seek the provision to be retained as notified. Given this provision will facilitate the objectives of PC – 1 to be met, it is recommended that the submissions from Sanford Limited, DoC, Bridget Carter and Kevin Carter be accepted.

2.3.5 The following submission was received:

Submitter/Further submitter	Support/oppose/neutral	Recommendation
Real Journeys Limited (3.2)	Neutral	Reject
Decision requested (3.2.1): That Rule URB.5(8) provides for safety flood lighting for the loading and unloading of submitters vessels at Halfmoon Bay, Golden Bay, Little Glory Cove in the hours of darkness; and for the ability to safely use the submitters moorings in the hours of darkness at Halfmoon Bay.		

2.3.6 Reasons for recommendation to reject

Real Journeys Limited has requested Council to consider amending Rule URB.5(8) to reflect the operational use of flood lighting for safety reasons during the hours of darkness. As noted previously in paragraph 2.4.1.6 the jurisdiction of the District Plan does not extend into the CMA where the submitters activity of loading and unloading a vessel would occur.

2.3.7 It is worth noting, however, the safe and efficient operation of the submitters operations is considered a valid consideration. It is not the intention of the provision to compromise safety across jurisdictional boundaries. Should the submitter undertake any part of their activity within the jurisdiction of the District Plan, suitable lighting design solutions are available that will meet District Plan and submitter requirements. Furthermore, Councils lighting expert Mr Paul Wilson of Xyst Limited can provide further information in respect to available lighting options.

2.3.8 Given Rule URB.5(8) facilitates the objectives of PC-1 to be met and that there are design solutions available to provide for District Plan compliant lighting, it is recommended that the submission point from Real Journeys be noted but rejected.

2.4 INDUSTRIAL ZONE CHAPTER

2.4.1 Rule IND.4(6)

2.4.2 The following submissions were received:

Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Sanford Limited (2.5)	Support	Accept
Decision requested (2.5.1): None		
Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Department of Conservation (4.4)	Support	Accept
Decision requested (4.4.1): retain as notified		
Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Bridget Carter (5.5)	Support	Accept
Decision requested (5.5.1): Accept proposed change		
Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Kevin Carter (6.5)	Support	Accept
Decision requested (6.5.1): Implement proposed change		

2.4.3 Reasons for recommendation to accept

Proposed Rule IND.4(6) seeks a change to the existing General Industrial Standard IND.4(6) to include lighting controls which specifically relate to the Industrial Zone on Stewart Island/Rakiura.

2.4.4 All submitters support proposed IND.4(6) and request that the provision be retained as notified. Proposed Rule IND.4(6) will provide for the objectives of PC-1 to be met. The submissions are therefore recommended to be accepted.

2.5 FIORDLAND / RAKIURA ZONE CHAPTER

2.5.1 Rule FRZ.2

2.5.2 The following submissions were received:

Submitter/Further submitter	Support/oppose/neutral	Recommendation
Department of Conservation (4.5)	Support	Accept
Decision requested (4.5.1): Retain as notified		
Submitter/Further submitter	Support/oppose/neutral	Recommendation
Bridget Carter (5.6)	Support	Accept
Decision requested (5.6.1): Accept proposed change		
Submitter/Further submitter	Support/oppose/neutral	Recommendation
Kevin Carter (6.6)	Support	Accept
Decision requested (6.6.1): Implement proposed change		

2.5.3 Reasons for recommendation to accept

Proposed Rule FRZ.2 will facilitate the objectives of PC-1 to be met through the addition of a matter for control assessing lighting effects as part of any resource consent application for a controlled activity. DoC, Bridget Carter and Kevin Carter support proposed FRZ.2 and seek no changes to the provision. It is recommended that these submission points be accepted.

2.5.4 The following submissions were received:

Submitter/Further submitter	Support/oppose/neutral	Recommendation
Sanford Limited (2.6)	Support	Reject
Decision requested (2.6.1): submitter seeks amendments to the District Plan so as to specifically recognize the need and role of lights for fin fish management.		

2.5.5 Reasons for recommendation to reject

Sanford Limited is overall supportive of proposed FRZ.2 and advises that whilst progress has been made towards reducing light pollution they wish the proposed provision to provide for lights that are to be used as part of fin fish management. The submitter's comments are noted, however, no change to the provision as notified is required to reflect the submission as Sanford Limited's operation is outside of the jurisdiction of the District Plan. It is therefore recommended that the submission point in support from Sanford Limited be noted but rejected.

2.5.6 Furthermore, there are suitable lighting design solutions available to provide for any part of the submitters future activity should it occur within the jurisdiction of the District Plan. Councils lighting expert Mr Paul Wilson of Xyst Limited can provide further comment in respect to available lighting options.

2.6.1 Rule FRZ.5(4)

2.6.2 The following submissions were received:

Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Department of Conservation (4.6)	Support	Accept
Decision requested (4.6.1): retain as notified		
Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Bridget Carter (5.7)	Support	Accept
Decision requested (5.7.1): Accept proposed change		
Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Kevin Carter (6.7)	Support	Accept
Decision requested (6.7.1): Implement proposed change		

2.6.3 Reasons for recommendation to accept

Proposed General Standard FRZ.5(4) sets specific requirements that relate to the spill of light, the direction of lights, the type of lighting fixtures used and the colour temperature of lights. The proposed rule would require any lighting, not subject to existing use rights, to meet the requirements or a resource consent sought.

2.6.4 DoC, Bridget Carter and Kevin Carter support the provision and request no changes to the existing text. Given this provision will facilitate the objectives of PC-1 to be met it is recommended to accept these submission points.

2.6.5 The following submissions were received:

Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Sanford Limited (2.7)	Support	Reject
Decision requested: to amend text to exclude lights from fin fish farming from Rule FRZ.5(4); and lights for fin fish management to be compliant with Maritime and Civil Aviation regulations and bylaws.		
Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Real Journeys Limited (3.3)	Support	Reject
Decision requested: That Rule FRZ.5 provides for safety flood lighting for the loading and unloading of submitters vessels at Halfmoon Bay, Golden Bay and Little Glory Cove in the hours of darkness; and for the ability to safely use the submitters' moorings in the hours of darkness at Halfmoon Bay.		

Submitter/ <i>Further submitter</i>	Support/oppose/neutral	Recommendation
Airways Corporation of New Zealand Limited (“Airways”) (7.1)	Neutral	Reject
<p>Decision requested (7.1.1): Amend wording of Rule to include that maritime and aviation navigational aids are to include all lighting within an airfield and lighting outside an airfield for safety purposes and/or to comply with Maritime and Civil Aviation Regulations and bylaws and are not required to comply with this rule. To include a definition of navigational aids.</p>		

2.6.6 Reasons for recommendation to reject

- 2.6.7 Sanford Limited seek to amend Rule FRZ.5(4) so that lights from fin fish farming are exempt from Rule FRZ.5(4) but compliant with maritime and civil aviation regulations and bylaws. Given Sanford Limited’s main operations are outside of the jurisdiction of the District Plan proposed Rule FRZ.5 is not applicable to the submitter.
- 2.6.8 Real Journeys Limited requests Council to amend the provision to provide for safety flood lighting for the loading and unloading of submitters vessels at Halfmoon Bay, Golden Bay and Little Glory Cove in the hours of darkness; and for the ability to safely use the submitters’ moorings in the hours of darkness at Halfmoon Bay.
- 2.6.9 Given both of the submitters activities occur within the CMA, Rule FRZ.5(4) is not applicable in this instance. Should any part of the submitters’ activities occur within the jurisdiction of the District Plan suitable lighting design solutions are available that would meet the requirements of the District Plan and the submitters. Councils lighting expert Mr Paul Wilson of Xyst Limited can provide further information in respect to available lighting options.
- 2.6.10 In summary given Rule URB.5(8) facilitates the objectives of PC-1 to be met and there are design solutions available to provide for any lighting within the District Plan jurisdiction, it is recommended that the submission points from Sanford Limited and Real Journeys Limited be noted but rejected.
- 2.6.11 ‘Airways’ seek changes to FRZ.5(4) to clarify that lights relating to airport activity are to be exempt from Rule FRZ.5(4) and that all lighting related to aviation which is inside or outside the airfield is exempt. It is considered that the existing text is explicit enough to infer that lighting used for the purposes of civil aviation (inside or outside of the airfield) are exempt from Rule FRZ.5(4) and that these lights must comply with Civil aviation regulations and bylaws. Given proposed Rule FRZ.5(4) will facilitate the objectives of PC-1 to be met, it is recommended to reject the submission point from Airways.
- 2.6.12 Airways also seek to include within the plan a broad definition of navigational aids. A definition of navigational aids was not included within the scope of the original PC-1 and as such this submission point cannot be considered.

2.7 DEFINITION – ‘Fully Shielded’

2.7.1 The following submissions were received:

Submitter/Further submitter	Support/oppose/neutral	Recommendation
Sanford Limited (2.8)	Neutral	Accept
Decision requested (2.8.1): none		
Submitter/Further submitter	Support/oppose/neutral	Recommendation
Department of Conservation (4.7)	Support	Accept
Decision requested (4.7.1): Retain as notified		
Submitter/Further submitter	Support/oppose/neutral	Recommendation
Bridget Carter (5.8)	Support	Accept
Decision requested (5.8.1): Accept proposed change		
Submitter/Further submitter	Support/oppose/neutral	Recommendation
Kevin Carter (6.8)	Support	Accept
Decision requested (6.8.1): Implement proposed change		

2.7.2 Reasons for recommendation to accept

2.7.3 A definition of ‘fully shielded light fixture’ is proposed. The purpose of the definition is to assist users with the interpretation of the various rules within PC-1. All submitters support the proposed definition. It is recommended that all submission points be accepted.

2.8 SCHEDULE 5 – Guidelines for Buildings in Stewart Island /Rakiura Urban Zone

2.8.1 The following submissions were received:

Submitter/Further submitter	Support/oppose/neutral	Recommendation
Sanford Limited (2.9)	Neutral	Accept
Decision requested (2.9.1): none		
Submitter/Further submitter	Support/oppose/neutral	Recommendation
Bridget Carter (5.9)	Support	Accept
Decision requested (5.9.1): Accept proposed change		
Submitter/Further submitter	Support/oppose/neutral	Recommendation
Kevin Carter (6.9)	Support	Accept
Decision requested (6.9.1): Implement proposed change		

2.8.2 Reasons for recommendation to accept

- 2.8.3 Schedule 5.10 – Guidelines for Buildings in Stewart Island / Rakiura Urban Zone, is proposed to be amended so as to include reference to Council’s lighting guidance information. The lighting guidance information is to be practical guidance on how to meet the District Plan provisions and is to include examples of acceptable light fixtures.
- 2.8.4 All submitters are either neutral or supportive of the proposed change to Schedule 5.10. Given the proposed changes will facilitate the objectives of PC-1 to be met, all submission points are recommended to be accepted.

2.9 General Comments

2.9.1 The following submission was received:

Submitter/Further submitter	Support/oppose/neutral	Recommendation
Anthony Musson (1.1)	unclear	Reject
Decision requested (1.1.1): unclear		

2.9.2 Reason for recommendation to reject

The following submitter has provided general comments and it is not clear as to which matters are relevant to PC-1. Accordingly given the lack of clarity a recommendation has been made to reject this submission in this instance.

3.0 Conclusion

- 3.1 The purpose of PC-1 is to address the adverse environmental effects that can arise due to inappropriate lighting design associated with development. PC – 1 applies to any new lighting associated with development and does not apply to existing lighting. Where appropriate Section 10 of the RMA91, which relates to existing use rights, may be applicable to any proposed new lighting.
- 3.2 In summary provision changes have been proposed to affect six chapters/sections of the operative Southland District Plan 2018. Six submissions were received by the close of submissions on 7th October 2019. One submission was received late on 9th October 2019 and is subject to a Section 37 waiver of time limits for submission(s). No further submissions were received.
- 3.2 Overall, submitters were supportive of the proposed provisions, with commentary around ensuring that aspects of the submitters operations were considered fully within the proposed provisions. More specifically as it relates to the submissions received from Sanford Limited and Real Journeys Limited, the current location of the submitters main activities are to occur within the CMA and not within the jurisdictional boundary of the District Plan. As such PC -1 is not applicable to these submitters.
- 3.3 However, it is noted that should any land based activities be undertaken by Sanford Limited and / or Real Journeys Limited within the District Plan jurisdictional boundary, it is considered that there are lighting design solutions available to address the concerns raised in their submissions.

- 3.4 The Section 32 evaluation report concludes that the objectives of PC – 1 achieve the purpose of the RMA91. Furthermore the proposed policy and rule provisions assist in achieving the overall objectives of the plan change which is to address adverse environmental effects of lighting associated with development. No submissions received have resulted in a fundamental change to the proposed provisions. Therefore PC -1 is considered to still achieve the purpose of the RMA91 and no changes have been made to the Section 32 evaluation report.