

## APPENDIX C: SECTION 32AA EVALUATION

### Introduction

This section 32AA evaluation relates to the recommended amendments to the Light chapter and supports the discussion, analysis and recommendation in the section 42A report.

A section 32AA evaluation is only required for changes recommended since notification; if there is no change to the notified version, a section 32AA evaluation is not required. The level of detail in this report needs to be at a level of detail that corresponds to the scale and significance of the changes recommended.

The section 32AA evaluation has been structured to focus on the one key recommended change – to introduce direction to consider the impacts of artificial outdoor lighting on indigenous biodiversity. As the recommended changes to the Overview text are not made to a statutory section of the Light chapter, these changes are not evaluated in this report.

### Amendments to address effects on indigenous biodiversity

Below are the objectives that are recommended for the Light chapter. Having considered a range of options, including retaining unchanged the notified objectives of the PDP, these objectives are the most appropriate way to achieve the purpose of the RMA, as demonstrated in the table below. The objective of the proposal is to manage the effect of artificial lighting on indigenous biodiversity.

Evaluation of objectives	
Part 2 RMA	Comment
Section 5 Purpose	The objective is consistent with the direction in section 5(2)(b) and (c) to balance the needs of people and communities to provide for their health and safety (an essential aspect of managing artificial outdoor lighting) with the need to safeguard the life supporting capacity of ecosystems and avoiding, remedying, or mitigating any adverse effects of activities on the environment.
Section 6 Matters of national importance	Section 6(c) requires a district plan to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance. The objective ensures that there is recognition of the effect of artificial lighting and therefore achieves section 6(c).  Indigenous biodiversity is often a taonga and therefore the protection from the effects of artificial light will also achieve section 6(e).

Evaluation of objectives	
Part 2 RMA	Comment
Section 7 Other matters	Section 7(d) requires a district plan to have particular regard to the intrinsic values of ecosystems and section 7(f) requires consideration of the need to maintain and enhance the quality of the environment. The objective appropriately recognises sections 7(d) and (f).
Section 8 Treaty of Waitangi	The objective of the proposal notified does not raise any issues with the principles of the Treaty of Waitangi.

## Identification of Options to Achieve the Objectives

The following reasonably practicable options have been identified for providing objective level support for managing the effects of artificial outdoor lighting on indigenous biodiversity:

**Option 1** – Retain Light chapter policies and rules as notified

**Option 2** – Amend LIGHT-P2 and the matters of discretion of LIGHT-R1 to allow decision makers to consider the potential adverse effects of artificial outdoor lighting on indigenous biodiversity

**Option 3** – Same as Option 2, but with an added permitted condition in LIGHT-R1 to require resource consent when an area of indigenous biodiversity is in close proximity to a proposed artificial outdoor light source

**Option 4** – Reduce the permitted level of lux for areas of indigenous biodiversity.

### Preferred Option

As discussed in Topics 3 and 4 of the section 42A report, the Light policies and matters of discretion as notified do not sufficiently recognise that artificial outdoor lighting can adversely affect areas containing indigenous biodiversity, including the habitats of indigenous fauna such as nocturnal insects, birds and bats that can be disturbed by artificial lighting at night. As this is a relevant resource management effect that a district plan is directed to manage under Part 2 of the RMA, Option 1 is not the preferred option.

Both Options 2 and 3 include amendments to LIGHT-P2 and the matters of discretion in LIGHT-R1 to direct a decision maker to consider if any areas of indigenous biodiversity will be adversely affected when processing a resource consent for an infringement of LIGHT-R1. This is an appropriate response and will provide additional protection for areas of indigenous biodiversity when artificial outdoor lighting is proposed that fails to comply with the lux level specified in LIGHT-R1.

The key difference between Options 2 and 4 is whether an additional permitted condition is required in LIGHT-R1 to require compliance with the lux standard in other areas that could contain indigenous biodiversity, such as in the coastal environment, Outstanding Natural Landscapes and/or Features or

in mapped areas of significant indigenous biodiversity. As set out in the section 42A report, there are difficulties with introducing a new permitted condition as no evidence has been provided to demonstrate that a 10 lux permitted threshold would effectively manage adverse effects on indigenous biodiversity and, as there are no specific areas of indigenous biodiversity mapped in the PDP, there is no boundary or point where a lux level could be measured to achieve compliance with a permitted activity standard. For this reason, Option 4 is not preferred at this stage without additional evidence in support.

Option 3 is more of a blanket requirement whereby all artificial lighting within a specified distance from significant indigenous biodiversity would require resource consent. Given that areas of significant indigenous are not identified in the PDP, this option would be difficult to implement.

Overall, it is considered that Option 2 will best achieve the objective.

## Evaluation of Preferred Option Against Objective

This section contains an evaluation of the preferred option identified above.

<b>Evaluation of Preferred Option Against Objective(s)</b>		
	<b>Costs</b>	<b>Benefits</b>
<b>Environmental</b>	Will not protect indigenous biodiversity values in areas that do not contain residential dwellings.	Better protection of areas of indigenous biodiversity where there are infringements of LIGHT-R1 as the matter can be considered through the resource consent process.
<b>Economic</b>	Potential cost associated with ecology reports where there are infringements of LIGHT-R1 and the location is adjacent to an area known to be a habitat of indigenous fauna.	No identified economic benefits.
<b>Social</b>	No identified social costs.	Potential social benefits associated with better protection of areas of indigenous biodiversity as these areas are often valued by people and communities.
<b>Cultural</b>	No identified cultural costs.	Potential cultural benefits as indigenous fauna are a taonga to tangata whenua and the amendments will afford them better protection in some circumstances.

<b>Economic growth provided or reduced</b>	No impact on economic growth or potential reduction in growth
<b>Employment opportunities</b>	No potential employment opportunities identified
<b>Uncertain or insufficient info</b>	It is somewhat uncertain as to the extent of areas of indigenous biodiversity that the amended provisions will impact as these areas are not mapped. The extent of the impact will depend on where new artificial outdoor lighting is proposed, whether the lux level in LIGHT-R1 is exceeded and whether that location is in close proximity to an area of indigenous biodiversity. However, the potential impacts of artificial outdoor lighting on indigenous fauna, particularly nocturnal fauna, are well known and understood and introducing policy direction and matters of discretion recognising the potential for conflicts is preferable to the notified version of the Light chapter in the PDP where these matters were not explicitly recognised.
<b>Risk of acting or not acting</b>	Low risk of acting as no new permitted standards are proposed, meaning no additional resource consents will be required compared to under the Light chapter as notified. Only change will be the explicit direction to consider the potential adverse effects of artificial outdoor lighting on indigenous biodiversity in the instance that LIGHT-R1 is infringed and the proposed lighting is near an area containing indigenous biodiversity.
<b>Effectiveness</b>	
The proposed amendments will be more effective than the Light chapter provisions as notified as explicit mentions of indigenous biodiversity as a component of the wider 'environment', including references to the habitats of indigenous fauna, will increase the likelihood that potential adverse effects will be addressed through the resource consenting process where LIGHT-R1 is infringed.	
<b>Efficiency</b>	
The proposed amendments will be more efficient than the Light chapter as notified as the amendments target existing provisions to provide additional clarity without introducing additional consenting requirements or unreasonable new matters to consider when processing consents.	
<b>Summary</b>	
For the reasons set out above, Option 2 is the most efficient and effective option for achieving the objective of better recognising the potential adverse effects of artificial outdoor lighting on indigenous biodiversity. As such, Option 2 is the most appropriate option in accordance with section 32AA of the RMA.	