

DIRECTIONS OF THE HEARINGS PANEL

PC22

MINUTE 1

- [1] The Panel members have read the Section 42A Report: Plan Change 22 – Light dated 15 February 2023.
- [2] We have a number of questions for the author of that Report that are attached to this Minute.
- [3] We would appreciate written answers being provided to those questions on or before Friday 10 March 2023 to enable us to consider the author’s responses prior to the hearing scheduled to commence on 20 March 2023.
- [4] We would appreciate it if the author’s written response repeats each question and provides the answer immediately below the question.
- [5] We direct that:
 - a) this Minute and the author’s written answers are posted on Council’s Plan Change 22 webpage; and
 - b) the Hearings Administrator alerts submitters on Plan Change 22 to the posting of both the Minute and the written answers.
- [6] The Panel may of course have further questions for the Section 42A Report author that will be posed verbally at the hearing.



Rob van Voorthuysen

Independent Commissioner – Chair - on behalf of the DPR Hearings Panel members

22 February 2023

Paragraph	Panel Questions
33	<p>You recommend that clause 1 of the Objective could be amended to refer to “amenity values and health”.</p> <ul style="list-style-type: none"> ▪ Would it be clearer if any additional wording was: “... amenity values; <u>human safety and well-being</u>; and ...” <p>Given that ‘health’ is arguably a subset of ‘well-being’ and lighting is often intended to address safety issues?</p> <ul style="list-style-type: none"> ▪ In your review of other district plans, do they specifically include reference to health as distinct from amenity values?
34	<p>You state that the “controls on lighting, albeit applied for other purposes, will also inadvertently manage some ecological effects”.</p> <ul style="list-style-type: none"> ▪ Can you please provide more detail about the ecological effects that may inadvertently be managed by the controls on lighting?
34 & 50 (c)	Please confirm minor typos, that ‘lightning’ should be ‘lighting’.
46	<p>You refer to the Opuha submission that pivot irrigators are not “buildings” under the Plan’s definitions and reference Opuha’s existing use rights argument.</p> <ul style="list-style-type: none"> ▪ Do you agree with either of those points? ▪ Can you please explain why you either agree or disagree with those points?
47	<p>You reach a view that submissions (5) and (14) should be rejected.</p> <ul style="list-style-type: none"> ▪ To what extent did you consider the submission of Opuha in arriving at this view?
53	<p>While acknowledging the utility of the proposed new rule LIGHT-R4, would it be clearer if the new rule drew on existing RMA phraseology (such as in section 237) and read:</p> <p style="text-align: center;"><i><u>Temporary Outdoor Lighting During Periods of Emergency or Public Risk Likely to Cause Loss of Life, Injury, or Serious Damage to Property for Emergency Purposes, including the Safe and Efficient Operation of Infrastructure during a Natural Hazard Event</u></i></p> <p>Would this alternative wording</p> <ul style="list-style-type: none"> ▪ Have beneficial wider application in the circumstances it addresses? ▪ Avoid the need to refer specifically to infrastructure? ▪ With the ‘likely to cause’ wording, avoid the need to define “emergency”, given that any definition which lists activities risks missing activities out (either existing activities or future as yet unknown activities)?
57	<p>You identify that the Selwyn District Plan includes a specific rule for outdoor lighting for roads and public pedestrian accessways and cycleways, which is subject to the standards.</p> <ul style="list-style-type: none"> ▪ Do you know why the Selwyn District Plan decided to provide a separate rule for Street lights? ▪ Do you think there should be a separate rule for Street lights or is inclusion in LIGHT-R1 Outdoor Lighting <u>Not Otherwise Listed</u> sufficient.
60	<p>It is possibly unclear how LIGHT-R1 as notified is intended to work.</p> <ul style="list-style-type: none"> ▪ Is any outdoor lighting that is not listed under the word “Where” a Permitted Activity not subject to any conditions or standards? ▪ If the answer to the preceding question is YES, how do the additional words in the rule title assist. For example, with those additional words it could be argued that the rule does not apply to the listed activities, which would defeat the purpose of the rule?

Paragraph	Panel Questions
64	<p>Given your comment regarding "... the lighting meets the proposed standards ..." would it be clearer if LIGHT-P1(2) referred directly to LIGHT - TABLE 1 and read:</p> <p><i><u>"it complies with the Receiving Zone standards in LIGHT-TABLE 1 is compatible with the zone in which any light spill or glare is received"</u></i></p>
66	<ul style="list-style-type: none"> ▪ Do the terms 'road' and 'roading network' include pedestrian walkways and cycleways? ▪ If not, would cyclists and pedestrians be covered by Policy P1? ▪ Should they be? <p>The answers may also be relevant to Light-S5 as assessed in paragraph 92 of the Section 42A Report.</p> <p>In Policy P1(1) the word 'traffic' is proposed to be replaced by 'road users'.</p> <ul style="list-style-type: none"> ▪ Should MD2(b)(iii) also be changed from 'traffic' to 'road user' safety for consistency? ▪ Is there scope to make this change?
80	<ul style="list-style-type: none"> ▪ With regard to streetlights, is LIGHT-S1 sufficiently certain? <p>For example, it could be argued that an 'adjacent road' is the road immediately adjacent to the streetlight that the streetlight is intended to illuminate.</p> <ul style="list-style-type: none"> ▪ Would it be clearer if LIGHT-S1 read: <p><u>"All fixed exterior lighting shall be directed away from any adjacent roads, residential properties and lakes, with the exception of streetlights which may be directed towards the road that they are intended to illuminate."</u></p>
103	<p>You reject the submission point of B. King (18) and state that you do not consider it necessary.</p> <ul style="list-style-type: none"> ▪ Can you please explain why you think the submitter's suggestion is unnecessary?