Kaikōura District Plan - PC5 – Response to Hearing Panel Questions

24th September 2024

(i)The Hearing Panel wish to understand the relationship between this plan change (PC5) and Plan Change 4, i.e. do the new rules apply to the Light Industrial zone (LIZ) which has its own Lighting rules, and the requirements of Appendix 1 (7) of the Kaikoura District Plan. The rules for the LIZ seem to be more restrictive for the LIZ than what is being introduced via PC5. Is that correct?

PC4 introduces LIZ-S8, which applies a standard for lighting within the Light Industrial Zone (LIZ). This standard relates to light spill, measured in lux at the boundary of the property.

PC5 proposes LIGHT-SX, which applies to all zones, including the LIZ. LIGHT-SX manages the shielding of lighting and the colour temperature of lighting (which is measured in kelvins), These standards are combined require lighting to be directed downwards (not upwards) and that bulbs used are a warmer (orange) lighting, reducing have adverse effects from lighting on the night sky.

The standards in the lighting chapter are to work in tandem together. One manages light nuisance (lux) and the others manages light spill (shielding and kelvins). One is not more restrictive than the other as they manage different things.

KDP Appendix 1 (7) (a) *states:*

(v) All light fittings when installed shall not project any light at or above the height of their light source.
(iv) - All light emitted from light fittings shall have a correlated colour temperature of 2700K (Kelvin) or less. 2200K with minimum colour rendering index of 70 preferred.

Clause (iv) requires lighting in the Kaikōura Business Park Outline Development Plan area is 2700k or less. This is more restrictive than the general lighting standard proposed in LIGHT-SX, however this is a positive outcome. It demonstrates that industrial areas are able to meet dark sky requirements, and therefore it should be achievable elsewhere in the district. It is not a problem that PC5 is more restrictive, as it is specific within the Kaikōura Outline Development Plan area (the LIZ).

It is noted that the LIGHT-SX standards apply across zones. A 3000k level was proposed in PC5 as it meets the Dark Sky International requirements, and will provide more flexibility for landowners and businesses, enabling a larger range of lighting that would meet the requirements. The intention of PC5 was to ensure that the minimum Dark Sky requirements were met for accreditation, however, KDST will continue to encourage using bulbs with lower kelvin levels KDST's information brochure on

of the new rules is consistent with PC4 rules by encouraging 2,700k or less (although clearly setting the maximum requirement for 3,000k). See attached.

LIZ-8 requires lighting to comply with Appendix 1 (7) b. The lighting rules in Appendix 1 (7) b are consistent with (albeit a little more restrictive) than the lighting rules that apply across all zones, introduced by PC5.

(ii) The new illuminated sign provisions seem to be potentially problematic in terms of the LIZ in that there seem to be two different rules applying. Proposed Rule SIGN-R(2) creates a Discretionary Activity status for all zones apart from the Commercial and Mixed-uses zones i.e. the LIZ would seem to be captured by this rule. However, the LIZ has its own rules on Outdoor illuminated signs some of which it seems are permitted activities if they meet Appendix 1 (7) b.

Signs are managed by a variety of regulations, for example, the structure of sign is managed by the Building Code, with the District Plan addressing lighting and the bylaw addressing nuance matters. As PC4 was notified before the PC5, some differences have occurred between the two plan changes. This has been noted in the PC4 decision at para 4.13:

"The Hearings Panel also noted that the Dark Skies Plan Change (PC5) had recently been notified and sought an assessment of its objectives and policies against PC4, whilst noting their weight at this point in time was limited. Ms Bensemann provided that assessment, noting that the policies specify outdoor lighting use colour temperatures of 3,000 K or lower and that PC4 includes requirements for 2,700 K or lower which she therefore considered to be consistent. She noted that the only aspect of PC5 which may need to be reconciled through its plan change processing, was a lack of reference to the LIZ for cross referencing purposes, should the commissioners approve PC4. This she said could be easily rectified through a minor amendment to PC5 during its processing. On this basis we consider PC4 is not inconsistent with the objectives and policies of PC5."

Essentially this problem is a timing issue and could be addressed by a future plan change, at present however the difference as outlined in Table 1 are not significant and still lead to very similar outcomes.

Table 1 - Outdoor Illuminated Signs Appendix 1(7)(b) and Table Sign S1

Outdoor Illuminated Signs Appendix 1(7)(b) This standard only applies to the Light Industrial Zone (LIZ)	**Table Sign S1** The standard for SIGNS-S1 only applies within the Commercial and mixed use zones.
Outdoor illuminated signs: - *Self-illuminated signs and billboards (with an internal light source) are not permitted.* - *Signs that are to be illuminated shall have a matt surface with dark background.* - *Signs to be illuminated by shielded downlights, light fittings when installed shall not project any light at or above the height of their light source, lights to be dimmable and lighting intensities set to the*	1. The luminance levels of internally illuminated signs shall not exceed 100candelas per square metre (cd/m2) between the hours of sunrise and sunset; and 2. 2. No illuminated signs shall operate outside the hours of the activity for which the sign relates; 3. Illuminated signs shall not exceed 4m2 in area; and 4. Any external illumination of a sign:

minimum intensities required for the sign to be legible from the adjacent road. - *Sign illumination shall not to operate between 11 pm and 5 am*	i. Shall not be from an upward facing light source; ii. Shall be from a light source that is shielded from above in such a manner that the edge of the shield is below the whole of the light source; and iii. Shall be focused only on the sign to be illuminated

Unforuntly given the nature of the submission received on PC5, no scope exists to address this difference.

Given the above, illuminated signs in the LIZ will be captured by the SIGN-R(2) as a Discretionary activity.

The LIZ does not include a standard for permitted activities for signage, as in most cases, signs will be managed by the Kaikōura District Council – Signs Bylaw 2023.

The signs bylaw states '*that compliance with this Bylaw does not remove the need to comply with any other Act, regulation, rules of law, or any operative or proposed plan under the Resource Management Act 1991 or any other bylaw*.' The rules within the SIGN chapter proposed by PC5 that control illuminated signs, provide signage specific rules, that must be complied with.

For the Business and Mixed-Use Zones, illuminated signs are permitted, subject to meeting the Standards in SIGNS-S1. For all other illuminated signs, including the LIZ, illuminated signs will require resource consent as a Discretionary activity. Appendix 1 (7) b would be used by the Council has a relevant matter as part of any s104 assessment of the activity, along with assessment against the Objectives and Policies in the SIGNS and LIZ chapters of the plan (and any other relevant provisions).

(iii) The Hearing Panel want some further explanation around rule SIGN-S(X) 1 in which "the luminance levels of internally illuminated signs shall not exceed 100 candelas per square metre (cd/m2) between the hours of sunrise and sunset". The Hearing Panel is unclear what this means and how it is to be measured and monitored. We note that on page 41 of the S32 report, at the 4th paragraph it states "The proposed provisions are easy to monitor and enforce. Monitoring can be undertaken by council compliance officers with minimal additional training needed. Can this be further clarified as we note monitoring was raised in a submission and it is unclear to us just how this will occur.

Candela limits only apply to internally illuminated signs (i.e digital signs), so there tends to be less of these than regular signs, or externally illuminated signs. There are not a lot of digital signs in the district and existing ones primary relate to motels and business that have later hours of operation.

PC5 includes a requirement that internally illuminated signs have a resection on candelas, as this is a specific requirement from the DSI for Dark Sky accreditation. Candelas per square meter (luminance) is measured using a luminance meter. If there were signs that raised concern and required compliance checking and enforcement. Food and Health Services Senior Environmental

Officer, Ian Shaw, has been contacted regarding this matter and has verbally advised the calculation is possible with current light meters.

While compliance and enforcement are important, another method will be using education undertaken by the Trust and Council working together to educate businesses on the requirements for signs, prior to them being put up.

(iv) The Hearing Panel notes that Building Code G8 of the New Zealand Building Code requires that buildings have enough artificial light to ensure the safety of people. This includes *exitways, access routes, and common spaces must have a minimum illuminance of 20 lux at floor level*. Does this create a conflict with the rules of PC5?

Building Code G8 only applies within buildings. The proposed PC5 Rules only apply to outdoor lighting.

The new rules require shielded lights of 3000 Kelvin. The rules within the operative District Plan restrict levels of outdoor lighting to 3 lux at the boundary of a neighbouring property.

Lux a measurement of the level of light projected on a surface whereas Kelvins are the measure of the lights colour temperature. They manage different things. Lights will all have the kelvins specified on their box, some will have diagrams that enable you to determine what the lux will be at certain distances from the light. Otherwise, it can be calculated from lighting design software.

Inappropriate light spill from indoors can be addressed at the design stage, through appropriate design (such as windows and placement of lights).

(v) Finally, the Hearing Panel notes that PC5 deletes reference to "noise" _in LIGHT-P1 and LIGHT-P2 which seems sensible, but the corresponding deletion of 'lighting' in NOISE-P1 and NOISE-P2 is not proposed. We want to understand whether this might be considered under clause 16 of the First Schedule of the Resource Management Act which enables a local authority to make an amendment, without using the process in that schedule, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

This approach is considered appropriate to ensure the provisions in the operative KDP are consistent with the new rules. The Council will look to make a minor amendment to the existing provisions in the Noise chapter of the KDP through Clause 16 of RMA, this is currently delegated to CEO and Staff and can occur as and when required, as marked below.

NOISE-P1	**Manage noise effects on residential amenity**
To ensure noise ~~and lighting spill~~ does not adversely affect the amenity enjoyed on residential sites.	
NOISE-P2	**Manage noise effects on sensitive fauna**
To ensure the level of noise ~~and lighting~~ is compatible with a comprehensive living environment and avoids effect of celestial darkness and the behaviours of seabirds, in particular, Hutton's Shearwaters.	