

**Queenstown Lakes District Proposed District Plan**  
**Section 32 Evaluation**  
**Variation to Proposed District Plan 26 August 2015**

For:  
**Glare Provisions**

And consequential Variations to Proposed District Plan 26 August 2015:

**Chapter 7 – Lower Density Suburban Residential Zone**

**Chapter 8 – Medium Density Residential Zone**

**Chapter 9 – High Density Residential Zone**

**Chapter 12 – Queenstown Town Centre**

**Chapter 13 – Wanaka Town Centre**

**Chapter 14 – Arrowtown Town Centre**

**Chapter 15 – Local Shopping Centre**

**Chapter 16 – Business Mixed Use**

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## 1. EXECUTIVE SUMMARY

- 1.1. This variation addresses 3 issues in relation to the glare aspect of the following Stage 1 chapters of the Proposed District Plan ('PDP')
- Chapter 7 –Low Density Suburban Residential Zone ('LDSR Zone')
  - Chapter 8 –Medium Density Residential Zone ('MDR Zone')
  - Chapter 9 –High Density Residential Zone ('HDR Zone')
  - Chapter 12 – Queenstown Town Centre ('QTC')
  - Chapter 13 –Wanaka Town Centre ('WTC')
  - Chapter 14 – Arrowtown Town Centre ('ATC')
  - Chapter 15 – Local Shopping Centre Zone ('LSCZ')
  - Chapter 16 – Business Mixed Use Zone ('BMUZ')
- 1.2. The variation to the glare provision will assist the Council to fulfil its statutory functions and responsibilities as required by the Resource Management Act 1991 ('the Act' or 'the RMA'). The new provisions are considered to be an appropriate way to achieve sustainable management of the environment and the purpose of the Act, as they would ensure the effects of glare on amenity values and the environment are managed in a way which is easier to implement to achieve compliance through the consenting process.
- 1.3. This variation seeks to vary the non-compliance of the rule from non-complying to restricted discretionary, and vary the rules to ensure better management of the effects of glare and protect amenity values and the night sky. The proposed provisions are considered to be the most appropriate way to achieve the objectives and purpose of the variation as the benefits of implementation outweighs the costs, and will be effective at achieving the outcomes sought by the variation.

## 2. INTRODUCTION

- 2.1. Section 32 of the Act requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness and risk in achieving the objectives.
- 2.2. This variation proposes three key changes:
- a) Changes to the non-compliance status from non-complying to restricted discretionary across all relevant chapters. Additional matters of discretion that addresses the effects of glare on amenity values, transport network and the night sky.

- b) Changes to the provision in Chapters 12-16, to remove part of the notified rule related to building materials.
  - c) Variation to Policy 15.2.2.3 Local Shopping Centre Zone, to include principles of CPTED, and to ensure consistency across the chapters
- 2.3. The purpose of this variation is to introduce to the PDP, a variation to the glare standards that aim to improve clarity in plan implementation. This variation also recommends associated variations to PDP Chapters listed in paragraph 1.1 of this report.
- 2.4. Addressing the changes set above will result in a more appropriate regime of managing the effects of activities in the relevant zones listed in paragraph 1.1, and is consistent with achieving the purpose of the Act.

### 3. STRUCTURE OF THE REPORT

- 3.1. Section 32 of the Resource Management Act 1991 (**'the Act'** or **'the RMA'**) requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives (MFE, 2014). This report fulfils the obligations of the Council under section 32 of the Act. The analysis set out below (Sections 5-11 of this report) should be read together with the text of the chapters listed in paragraph 1.1 of this report.
- 3.2. This report provides an analysis of the policy response proposed by the variation as required by s32 of the RMA, using the following sections:
- a) **Consultation** undertaken, including engagement with iwi authorities on the proposal.
  - b) An overview of the applicable **Statutory Policy Context**.
  - c) A description of the **Resource Management Issues** being addressed by the proposal.
  - d) An assessment of the **scale and significance** of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.
  - e) A **level of detail** that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal (Section 32(1)(c)) (Section 8);
  - f) An **Evaluation** against s32 of the RMA, including
    - (a) Whether the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (Section 32(1)(a)).
    - (b) Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives of the proposal (Section 32(1)(b)), including:

- i. identifying other reasonably practicable options for achieving the objectives
- ii. assessing the efficiency and effectiveness of the provisions in achieving the objectives, including consideration of risk of acting or not acting, and
- iii. summarising the reasons for deciding on the provisions

#### 4. CONSULTATION

- 4.1. Consultation with Aukaha, who also provide advice on behalf of Te Ao Mārama, was undertaken between 9 July and 28 July 2019. Aukaha did not request any changes to the draft provisions and did not provide any comment regarding this proposal.

#### 5. STATUTORY POLICY CONTEXT

- 5.1. The relevant requirements of the RMA, the Local Government Act 2002, and the two iwi management plans<sup>1</sup> that apply in the District have been given appropriate regard in the preparation of this proposal. There are no National Policy Statements or National Environment Standards relevant to this proposal. The relevant provisions of the Otago Regional Policy Statement, both operative and proposed, have been considered in the preparation of this proposal. This proposal is required to give effect to the operative provisions of the RPS and have regard to the proposed provisions.
- 5.2. These national and regional level documents have been considered in the preparation of the PDP, including the relevant chapters that are subject to this variation. The PDP provisions are considered to appropriately implement and give effect to these documents. There are no provisions in these documents that require additional consideration in the case of this variation, over and above consideration of the provisions of the PDP.
- 5.3. The proposed variations to the glare provisions outlined have been developed in accordance with QLDC's function under Section 31 to manage the potential adverse effects of urban growth and development
- 5.4. Resolving the various issues within the notified provision of *glare* will ensure that the provision is clear, unambiguous and useful to plan users, which will effectively enable sustainable management and this variation to be used as a means to achieve the purpose of the Act.

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<sup>1</sup> *The Cry of the People, Te Tangi a Tauira*: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008), and *Kāi Tahu ki Otago* Natural Resource Management Plan 2005 (KTKO NRMP 2005)

- 5.5. Sustainable management under the RMA includes enabling social, economic and cultural wellbeing for present and future generations. The RPS and PRPS emphasises on the need for resource management decisions to recognise that the wellbeing of the community depends on the use, development and protection of natural and physical resources. Several objectives and policies within the RPS and PRPS are relevant to the variation to the glare provision, and recognises the need to avoid significant adverse effects of activities and ensuring that urban developments are designed in a way which relates well to the surrounding environment and contributes positively to the community and the place.
- 5.6. The changes to the notified provision of *glare* that are considered here-in are for administrative purposes. The changes enable more effective and efficient implementation of the objectives and provisions considered in the various s32 analyses for Stage 1,2 and 3 of the District Plan Review, which include assessments of the degree of consistency with the RPS and PRPS. As such, it is not considered necessary to duplicate that analysis, other than to confirm that the proposed changes give effect to the operative RPS and have regard to the PRPS

#### **Proposed District Plan – Notified 26 August 2015**

- 5.7. The following objectives and policies (or parts thereof) of the PDP (Part 2 Strategic) are relevant to the glare provisions, and the affected Chapters listed in Section 1.1 of this report. The provisions within the chapters should take into account and give effect to these higher order provisions:

#### **Strategic Direction Chapter 3**

<b>Objective or provision</b>	<b>Detail</b>
Objective 3.2.3	A quality built environment taking into account the character of individual communities

#### **Urban Development Chapter 4:**

<b>Objective or provision</b>	<b>Detail</b>
4.2.2.9	Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting “Crime Prevention Through Environmental Design”.
4.2.2.10	Ensure lighting standards for urban development avoid unnecessary adverse effects on views of the night sky

**Low Density Residential Zone:**

<b>Objective or provision</b>	<b>Detail</b>
<b>Objectives</b> 7.2.5	Community activities serving the needs of people within the zone locate within the zone on sites where adverse effects are compatible with residential amenity values
<b>Policies</b> 7.2.5.1	Enable the establishment of community activities where adverse effects on residential amenity values including noise, traffic, lighting, glare and visual impact can be avoided or mitigated

**Medium Density Residential Zone:**

<b>Objective or provision</b>	<b>Detail</b>
<b>Objectives</b> 8.2.6	Community activities serving the needs of people within the zone locate within the zone on sites where adverse effects are compatible with residential amenity values
<b>Policies</b> 8.2.6.1	Enable the establishment of community activities where adverse effects on residential amenity values including noise, traffic, lighting, glare and visual impact can be avoided or mitigated

**High Density Residential Zone:**

<b>Objective or provision</b>	<b>Detail</b>
<b>Objectives</b> 9.2.3	High density residential development maintains a minimum of existing amenity values for neighbouring sites as part of positively contributing to the urban amenity values sought within the zone
9.2.3.2	Ensure the amenity values of neighbours are adequately maintained

**Queenstown Town Centre Zone:**

<b>Objective or provision</b>	<b>Detail</b>
12.2.3	An increasingly vibrant Town Centre that continues to prosper while maintaining a reasonable level of residential amenity within and beyond the Town Centre Zone

12.2.3.5	Ensure that the location and direction of lights in the Town Centre does not cause significant glare to other properties, roads and public spaces and promote lighting design that mitigates adverse effects on views of the night sky.
12.2.4.3	Minimise opportunities for anti-social behaviour through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of streetscapes, car parking areas, public and semi-public spaces, access ways/pedestrian links/ lanes, and landscaping

#### Wanaka Town Centre

Objective or provision	Detail
13.2.5	Appropriate limits are placed on town centre activities to minimise adverse environmental effects within and beyond the Town Centre
13.2.5.3	Ensure that the location and direction of lights in the Town Centre does not cause significant glare to other properties, roads and public spaces and promote lighting design that mitigates adverse effects on views of the night sky.
13.2.6.3	Minimise opportunities for anti-social behaviour through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of streetscapes, car parking areas, public and semi-public spaces, access ways/pedestrian links/ lanes, and landscaping

#### Arrowtown Town Centre Zone

Objective or provision	Detail
14.2.4	Appropriate limits are placed on town centre activities to minimise adverse environmental effects within and beyond the Town Centre
14.2.4.3	Ensure that the location and direction of lights in the Town Centre does not cause significant glare to other properties, roads and public spaces and promote lighting design that mitigates adverse effects on views of the night sky.
14.2.5.3	Minimise opportunities for anti-social behaviour through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of streetscapes, car parking areas, public and semi-public spaces, access ways/pedestrian links/ lanes, and landscaping



### Local Shopping Centre Zone

Objective or provision	Detail
15.2.1	Local Shopping Centres provide a focal point for a range of activities that meet the day to day needs of the community at a limited scale that supplements the function of town centres
15.2.3.3	Ensure that the location and direction of lights does not cause significant glare to other properties, roads and public spaces, and promote lighting design that mitigates adverse effects on views of the night sky.

### Business Mixed Use Zone

Objective or provision	Detail
16.2.1	An area comprising high intensity mix of compatible residential and non-residential activities is enabled
16.2.1.7	Ensure that the location and direction of lights does not cause significant glare to other properties, roads and public places and promote lighting design that mitigates adverse effects on views of the night sky and provide a safe and well-lit environment for pedestrians

### Other Council Documents Considered

5.8. The following Council documents and projects have informed this Section 32 evaluation.

- QLDC Southern Light Strategy Part A Strategy
- QLDC Southern Light Strategy Part B Technical Specifications
- A guide to reducing glare and reflection in the Queenstown Lakes District

5.9. Other documents:

- The New Zealand Urban Design Protocol
- CPTED

## 6. RESOURCE MANAGEMENT ISSUES

6.1. There are three key issues that this variation seeks to address

### ISSUE 1 – STRINGENT NOTIFIED PROVISION

6.2. Firstly, the notified glare provision is overly onerous as the notified non-compliance status of non-complying does not reflect the scale of the effect the provision addresses. The Hearing Panel recommended, through the course of hearings, that the Council should consider a variation to the glare provisions, by changing the non-complying activity status to restricted discretionary<sup>2</sup>. This will allow a more permissive provision and increase the likelihood of compliance against the provision. For plan consistency, it is recommended that this change in activity status be carried over to the other relevant zones.

### ISSUE 2 –BUILDING MATERIALS

6.3. At the Stream 8 Hearing on business chapters Report 11<sup>3</sup>, the Panel requested that the Council review the glare provision, specifically the deletion of the rule relevant to building materials for consistency and plan usability. The report recommends that the rule be deleted, as it is onerous, overly prescriptive and that the rule is too subjective.

#### Queenstown Town Centre

6.4. Ms. Jones, as part of her S42a report<sup>4</sup>, mentions that the notified rule 12.5.14.4 *glare* is the most appropriate way of achieving the objectives. The Queenstown Town Centre is considered a relatively shaded part of the District, glare is not a significant issue, and allowance of a range of colours and materials would add vibrancy and diversity to this highly urbanised area.

6.5. It is also mentioned that there is no direct objective or policy for glare in relation to building materials, and the part of the rule relating to building material, has been adequately captured by notified Rule 12.4.6.1 and the guidelines, which together, retain discretion over the matter yet offer considerable flexibility. Rule 12.4.6.1 is notified as follows:

***12.4.6 Buildings except temporary ‘pop up’ buildings that are in place for no longer than 6 months and permanent and temporary outdoor art installations***

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<sup>2</sup> [Hearing Panel Report 09A Stream 6 – Paragraph 688c](#)

<sup>3</sup> [Hearing Panel Report 11 Stream 8 –Paragraph 1047](#)

<sup>4</sup> [Section 42A Hearing Report – Chapter 12 Queenstown Town Centre](#)

*Buildings, including verandas, and any pedestrian link provided as part of the building/development*

*Discretion is restricted to:*

*a. consistency with the Queenstown Town Centre Special Character Area Design Guidelines (2015), (noting that the guidelines apply only to the Special Character Area);*

*b. external appearance, including materials and colours'*

*[...]*

*d. lighting;*

*[...]*

- 6.6. Based on the evidence and report, part of the rule regarding building material has been deleted. Based on this evidence, it is recommended that the subsequent zones should take a consistent approach.

#### **Wanaka Town Centre**

- 6.7. The notified rule 13.5.11.4 in relation to building material is considered to be overly onerous, as mentioned in the s42a report<sup>5</sup>. The part of the rule relating to building material has been adequately captured by the notified Rule 13.4.4 in relation to Buildings, and the Wanaka Town Centre Character Guideline 2011<sup>6</sup>. The Character Guideline has incorporated design advice, which sets out the principles in relation to colour. These include avoiding high glass and highly reflective finishes; use of stains and oils to reveal the natural grain of timber; and roof colour that blends with the natural environment. The recommendation for this rule is the same approach recommended in the Queenstown Town Centre, which adds consistency in the plan.

#### **Arrowtown Town Centre and Local Shopping Centre Zone**

- 6.8. Ms Bowbyes' S42A Report<sup>7</sup> recommends that part of the rule be deleted, specifically in relation to roof glare as nearly all surfaces, especially roofs that comprise of pressed steel (i.e. brands such as colour steel) emit a reflectance value to some degree. Even the more recessive colour steel colours have a light reflectance value in the order of 10% (Ironsand).

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<sup>5</sup> [Section 42A Hearing Report – Chapter 13 Wanaka Town Centre](#)

<sup>6</sup> [Wanaka Town Centre Character Guideline 2011](#)

<sup>7</sup> [Section S42A Hearing Report – Chapter 14 Arrowtown Town Centre](#)

## **Business Mixed Use Zone**

- 6.9. Similar to the reasons mentioned in the zones above, the S42A report<sup>8</sup> specified that the notified rule 16.5.10 is considered to be overly onerous. In addition the part of the rule in relation to building material has been adequately addressed by notified rule 16.4.4 in relation to Buildings, and the proposed Business Mixed Use Design Guide 2019, as part of stage 3 within the district plan review. For plan consistency, it is recommended that part of the rule be deleted.

### **ISSUE 3 –INCONSISTENT POLICY ACROSS CHAPTERS**

- 6.10. There is a lack of consistency between chapters specifically in relation to the Local Shopping Centre Zone chapter. The notified policy in relation to lighting and glare does not address principles of CPTED, similar to the other notified chapters. It is recommended, for plan consistency that the notified policy be varied to include CPTED.

## **7. SCALE AND SIGNIFICANCE EVALUATION**

- 7.1. The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to the following, namely whether the proposed objectives and provisions:

- Result in a significant variance from the existing baseline in the Proposed District Plan to the relevant chapters;
- Have effects of national importance
- Adversely affect those with specific interests
- Involve effects that have been considered implicitly or explicitly by higher order documents
- Impose increased costs or restrictions on individuals, communities or businesses
- Are more appropriate than the existing provisions.

- 7.2. The level of detail of analysis in this report is low, given this analysis is an evaluation for a variation to existing provisions, where the extent of changes are minimal and would only result in minor changes which will simplify the interpretation of provisions.

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<sup>8</sup> [Section 42A Hearing Report – Chapter 16 Business Mixed Use Zone](#)

7.3. In summary, the proposal will result in variance from the existing baseline, however in most instances the current approach to managing the effects of glare is retained

## 8. REASONABLY PRACTICABLE OPTIONS

**Option 1: Retain existing provision (PDP Status quo)**

Retain the current glare provision as they stand. Design matters and effects of glare managed within the rule and a non-complying activity status stands

**Option 2: Amend provision for both residential and business chapters comprehensively**

Amend activity status from non-complying to restricted discretionary, add matters of discretion and amend rule regarding building and roof materials

**Option 3: Delete glare standard and add into building standards**

Delete current glare provision and add into matters of discretion of building standard

**Option 4: Delete glare standard**

Delete current glare standard

	<b>Option 1: Status Quo</b>	<b>Option 2: Amend provision comprehensively</b>	<b>Option 3: Delete glare standard and add into a different standard</b>	<b>Option 4: Delete glare standard</b>
<b>Cost</b>	<p>Does not address the identified issue and would retain what appears as inconsistent and onerous and over prescriptive provisions</p> <p>Results in higher resource consent requirements</p> <p>More stringent rules, more difficult to obtain resource consent for activities which produce any glare</p> <p>Implementing stringent provisions in relation to design and building material requirements may result in a 'one size fits all' approach, which may not be appropriate in different contexts. The rule and the effects it addresses is specific and may not apply to all contexts.</p> <p>Takes a short-term view which does not consider the effects of having a provision which is difficult to implement</p>	<p>Would result in change from the status quo – Plan users would need to become familiar with new provisions</p>	<p>Additional matters of discretion may only address glare in relation to the standard it addresses, not the effects of surrounding areas i.e. public spaces, transport and amenity values.</p> <p>May lose the significance of the adverse effect of glare, by deleting the standard and adding a small part within an existing standard</p> <p>Cost to Council for varying through the Schedule 1 RMA process</p> <p>Not all chapters are consistent, and may result in the glare provision being lost within various standards across chapters, therefore increasing inconsistencies within the plan</p>	<p>Will lose the significance of the adverse effects of glare and may change the character of the areas if glare provisions were to be deleted.</p> <p>There is no other standard that will filter this effect, therefore the effects will not be managed appropriately.</p>

<b>Benefits</b>	<p>Retains the established approach which parties are familiar with</p> <p>Low cost for council. No cost required associated with formulating a guideline, evaluation report and plan change process to vary provision.</p> <p>Maintains strong planning regulation limiting the compliance of any glare, therefore ensuring strong protection of amenity values.</p>	<p>Simpler plan implementation, more flexibility in plan administration, non-compliant rule managed through matters of discretion</p> <p>Retains existing provision direction which parties are familiar with but improves the approach and administration of the provision</p>	No benefit identified	No benefit identified
<b>Ranking</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>4</b>

	<b>Option 1: Status Quo</b>	<b>Option 2: Amend provision comprehensively</b>	<b>Option 3: Delete glare standard and add into a different standard</b>	<b>Option 4: Delete glare standard</b>
<b>Appropriateness and Effectiveness</b>	<p>This option would not achieve the certainty of plan administration that would be achieved by option 2.</p> <p>This option addresses standards in relation to glare, however is difficult to implement and the activity status may be overly stringent given the matter it addresses (effects of glare).</p> <p>The glare provisions as it stands within the PDP is ineffective as it only creates stringent standards, which makes plan implementation and administration difficult.</p>	<p>This option is the most appropriate and effective as it addresses the glare standard whilst ensuring that the standard is easier to implement.</p> <p>The standard is not overly stringent given the matter it addresses.</p>	<p>This option is ineffective as it creates inconsistencies between each chapter, as chapters do not contain the same standards due to the nature of the relevant zones.</p> <p>Therefore this option is inappropriate in addressing this issue</p>	<p>This option is ineffective as it does not address the effects of glare at all within the plan.</p> <p>Effects of glare are important, therefore needs to be addressed</p> <p>This option is inappropriate in addressing this issue</p>
<b>Efficiency</b>	<p>This approach is low cost as it would not require any changes to the plan, and no requirement to assess the option within an evaluation report. However, it would not address the identified issue, and therefore not an efficient option.</p>	<p>This approach is high cost as it would require a change through the Schedule 1 RMA process, however will be more efficient in the long term</p>	<p>This option is inefficient in addressing the issue</p>	<p>This option is inefficient in addressing the issue.</p>



## **9. EVALUATION OF PROPOSED OBJECTIVES SECTION 32(1)(a)**

- 9.1. Section 32(1)(a) requires an examination of the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act. The following objectives serve to address the key strategic issues in the District.
- 9.2. No objectives are being considered for the review; however, the objective of this variation is to provide glare provision which is clearer, unambiguous and will overcome various issues outlined in section 7 above.

## **10. EVALUATION OF THE PROPOSED PROVISIONS SECTION 32(1)(b)**

- 10.1. The proposed provisions are set out in Appendix B of this report.
- 10.2. Section 32(1)(b) of the Act requires an assessment of whether the proposed provisions (policies and methods) are the most appropriate way to achieve the objective or purpose of the proposal. This assessment must:
- Identify other reasonably practicable options for achieving the objectives
  - Assess the efficiency and effectiveness of the provisions in achieving the objectives, including consideration of the benefits and costs anticipated from the implementation of the provisions, and the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions
  - Summarise the reasons for deciding on the provisions
- 10.3. The following tables consider whether the proposed provisions are the most appropriate way to achieve the relevant objectives. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient. For the purposes of this evaluation the proposed provisions are grouped by the resource management issue.

## **11. EFFICIENCY AND EFFECTIVENESS OF THE PROVISIONS**

- 11.1. The proposed provisions strike an appropriate balance to achieve the integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. In doing so, the proposed provisions are more appropriate than the alternatives considered.

Provisions	Costs	Benefits	Efficiency and Effectiveness
<p><b>Residential Chapters</b></p> <p>No change in the glare standards for residential zone, except for non-compliance status of <u>Restricted Discretionary</u> and an additional matter of discretion which specifies the following:</p> <p><u>Discretion is restricted to:</u></p> <p><u>a. effects of lighting and glare on amenity values, the transportation network and the night sky</u></p> <p><b>Business Chapters</b></p> <p>Similar to residential chapters, an amendment to the non-compliance status of <u>Restricted Discretionary</u> and an additional matter of discretion which specifies the following:</p> <p><u>Discretion is restricted to:</u></p> <p><u>a. effects of lighting and glare on amenity values, the transportation network and the night sky</u></p>	<p><b>Environmental and Economic</b></p> <p>Activities which produce glare may create effects such as light pollution that can be incompatible with other activities and may disrupt residential amenity values. The notified provision holds a non-complying activity status is considered an overly prescriptive provision, making it difficult to obtain a resource consent for site specific applications. This may protect environmental values more, however, it is noted that the effects of glare from lighting is perceived as a minor effect and a non-complying activity status is overly onerous and will only add additional costs to consenting.</p>	<p><b>Economic and Social</b></p> <p>The proposed provision identifies specific matters of discretion in which the activity will be considered against. In applying this provision as a restricted discretionary activity, it provides certainty and a clear interpretation for plan users in what the Council assesses and decreases the likelihood of a s92 request. By applying a less onerous activity status, it will increase the likelihood of compliance for activities and will allow developments to be assessed at a case-by-case basis.</p> <p>There would be a social and cultural benefit from the implementation of the provisions, as there will be a clear and unambiguous provision which seeks to control emittance of glare. This provision addresses and respects sensitive environments such as the rural zone and protects views of the night sky.</p>	<p>The provision is considered efficient in costs, as it applies a less stringent activity status, increasing compliance for an activity with minor adverse effects on residential and business environments.</p> <p>The provision is an effective way in achieving the purpose of the proposal, which is to address the effects of glare in residential and business zones.</p> <p>The use of restricted discretionary activity status, is considered to be more efficient in comparison than requiring compliance with a non-complying activity status, which anticipates the activity to not occur in the area. The restricted discretionary activity status allows for enough regulation, whilst allowing for easier compliance at an ad-hoc basis, as effects are specifically outlined.</p>

Provisions	Costs	Benefits	Efficiency and Effectiveness
<p>Deletion of part of the rule in relation to building materials and deletion of part of the rule in relation to glare emitted from roofs, as follows:</p> <p><del>All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.</del></p> <p><b>And</b></p> <p><del>External building materials shall either be coated in colours which have a reflectance value of between 0 and 36% or consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.</del></p> <p>Except that:</p>	<p>There are considered to be no economic, social or environmental costs in the deletion of this part of the rule.</p>	<p><b><i>Economic and Social</i></b></p> <p>In the reports and evidence provided, it has been noted that it is almost impossible for a roof, which contains steel to emit no glare. In addition, the part of the rule regarding external building material limits the variety in building materials and colours that developments in the relevant business zones can apply. This constrains the potential for vibrancy in already highly urbanised areas. In addition relevant character and design guides address matters in relation to building materials, and addressing a similar matter in this standard is repetitive, overly prescriptive and difficult to implement,</p> <p>The proposed deletion of the rule in relation to roofs and external building materials will rid of repetitions in the plan, as this is addressed in a different standard,</p>	<p>The deletion of part of the rule in relation to building materials will create inconsistencies within the plan as there is no direct objective or policy in relation to the effects of glare in relation to building materials.</p>

<p><del>a. architectural features, including doors and window frames, may be any colour; and</del></p> <p><del>Roof colours shall have a reflectance value of between 0 and 20%.</del></p>		<p>through matters of discretion, within the plan. In applying this deletion, it will increase simplicity in plan implementation and compliance.</p>	
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Provisions	Costs	Benefits	Efficiency and Effectiveness
<p>Variation to Policy 15.2.2.3 Local Shopping Centre Zone, to include principles of CPTED</p> <p>Ensure that the location and direction of lights does not cause significant glare to other properties, roads and public places and promote lighting design that mitigates adverse effects on views of the night sky <b><u>and provide a safe and well-lit environment for pedestrians</u></b></p>	<p>There are considered to be no economic, social or environmental costs in the deletion of this part of the rule.</p>	<p>Additional policy strengthening safety and well-lit environments for pedestrians, also addressed through CPTED principles, will increase the safety of the community.</p>	<p>The addition of safe and well –lit environments for pedestrians into the Local Shopping Centre Zone policy will ensure consistency across the plan, and will make the rule more effective in implementing safety in the community.</p>

11.2 Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is considered that the analysis set out above in relation to the glare provisions is certain and sufficient, and there is no need to assess the risk of acting or not acting.

## 12. REASONS FOR DECIDING ON THE PROVISIONS

12.1. The proposed provisions are considered the most appropriate because:

- a) They are efficient and effective at achieving the purpose of the variation.
- b) The provisions are in accordance with the following relevant objectives and policies of the Proposed District Plan:
  - Chapter 3 – Strategic Direction
  - Chapter 4 – Urban Development
  - Chapter 5 – Tangata Whenua
  - Chapter 6 – Landscapes and Rural Character
  - Chapter 7 – Low Density Suburban Residential Zone
  - Chapter 8 – Medium Density Residential Zone
  - Chapter 9 – High Density Residential Zone
  - Chapter 12 – Queenstown Town Centre
  - Chapter 13 – Wanaka Town Centre
  - Chapter 14 – Arrowtown Town Centre
  - Chapter 15 – Local Shopping Centre
  - Chapter 16 – Business Mixed Use
- c) They are in accordance with the functions of territorial authorities in s31 of the RMA and the sustainable management purpose of Part 2 of the RMA.
- d) The proposed provisions implement an existing planning framework that gives effect to the operative Otago PRS.
- e) Regard has been had to the Proposed Otago RPS and account has been taken of the following documents:
  - Two Iwi Management Plans
  - QLDC Southern Light Strategy Part A Strategy
  - QLDC Southern Light Strategy Part B Technical Specifications
  - A guide to reducing glare and reflection in the Queenstown Lakes District
  - A guide to suitable building colours and materials in Rural zones
  - The New Zealand Urban Design Protocol
  - CPTED Principles

## APPENDICES

### APPENDIX A: NOTIFIED GLARE PROVISION COMPARISON

The changes to the notified provision of *glare* that are considered here-in are for administrative purposes. The changes enable more effective and efficient implementation of the objectives and provisions

	<b>7 Lower Density Suburban Residential Zone</b>	<b>8 Medium Density Residential Zone</b>	<b>9 High Density Residential Zone</b>
<b>Location</b>	Standards for Activities in the Lower Density Suburban Residential Zone	Standards for activities located in the Medium Density Residential Zone	Standards for activities located in the High Density Residential Zone
<b>Title</b>	Glare	Glare	Glare
<b>Direction</b>	All exterior lighting shall be directed downward and away from the adjacent sites and roads.	All exterior lighting shall be directed downward and away from the adjacent sites and roads.	All exterior lighting shall be directed downward and away from the adjacent sites and roads.
<b>Maximum</b>	No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.	No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.	No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.
<b>Status</b>	NC	NC	NC

	<b>12 Queenstown Town Centre</b>	<b>13 Wanaka Town Centre</b>	<b>14 Arrowtown Town Centre</b>	<b>15 Local Shopping Centre</b>	<b>15 Business Mixed Use</b>
<b>Location</b>	Standards for activities located in the Queenstown Town Centre Zone	Standards for activities located in the Wanaka Town Centre Zone	Standards for activities located in the Arrowtown Town Centre Zone	Standards for activities located in the Local Shopping Centre Zone	Standards for activities located in the Business Mixed Use Zone
<b>Title</b>	Glare	Glare	Glare	Glare	Glare
<b>Direction</b>	All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and downward so as to limit the effects on views of the night sky.	All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and directed downward so as to limit the effects on views of the night sky.	All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places and directed downwards so as to limit the effects on views of the night sky.	all exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and directed downward so as to limit the effects on views of the night sky;	All exterior lighting installed on sites or buildings shall be directed away from adjacent sites, roads and public places, except footpath or pedestrian link amenity lighting and directed downward so as to limit the effects on views of the night sky.
<b>Maximum</b>	No activity in this zone shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any	No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining	No activity in this zone shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any	no activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining	No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining

	property within the zone, measured at any point inside the boundary of any adjoining property.	property within the Zone, measured at any point inside the boundary of any adjoining property.	property within the zone, measured at any point inside the boundary of any adjoining property.	property within the Zone, measured at any point inside the boundary of any adjoining property;	property within the Business Mixed Use Zone, measured at any point inside the boundary of any adjoining property.
	No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned High Density Residential measured at any point more than 2m inside the boundary of the adjoining property.	No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned residential measured at any point more than 2m inside the boundary of the adjoining property.	No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned Residential measured at any point more than 2m inside the boundary of the adjoining property.	no activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is in any Residential zone or Township Zone measured at any point more than 2m inside the boundary of the adjoining property;	No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is in a Residential Zone measured at any point more than 2m inside the boundary of the adjoining property.
<b>Building Materials</b>		External building materials shall either be coated in colours which have a reflectance value of between 0 and 36%; or consist of unpainted wood (including sealed or stained wood), unpainted stone,	All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.	all roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.	External building materials shall either:  a. be coated in colours which have a reflectance value of between 0 and 36%; or  b. consist of unpainted wood (including sealed or stained wood), unpainted stone,



		unpainted concrete, or copper.			unpainted concrete, or copper.
<b>Exception</b>		<p>Except that:</p> <p>a. architectural features, including doors and window frames, may be any colour; and</p> <p>b. roof colours shall have a reflectance value of between 0 and 20%.</p>			<p>Except that:</p> <p>a. architectural features, including doors and window frames, may be any colour; and roof colours shall have a reflectance value of between 0 and 20%.</p>
<b>Status</b>	NC	NC	NC	NC	NC

**APPENDIX B: VARIATIONS TO RELEVANT CHAPTERS**

**Variation to Stage 1 Chapter 7 Lower Density Suburban Residential:**

7.5 Rules - Standards

	Standards for activities in the Lower Density Suburban Residential Zone	Non-compliance status
7.5.13	<p>Glare</p> <p>7.5.13.1 All exterior lighting shall be directed downward and away from <del>the</del> adjacent sites and roads.</p> <p>7.5.13.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	<p><del>NC RD</del></p> <p><u>Discretion is restricted to:</u></p> <p><u>a. effects of lighting and glare on amenity values, the transportation network and the night sky</u></p>

**Variation to Stage 1 Chapter 8 Medium Density Residential:**

Underlined text for additions and ~~strike through~~ text for deletions.

8.5 Rules - Standards

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
8.5.11	<p>Glare</p> <p>8.5.11.2 All exterior lighting shall be directed downward and away from <del>the</del> adjacent sites and roads.</p> <p>8.5.11.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	<p><del>NC RD</del></p> <p><u>Discretion is restricted to:</u></p> <p><u>a. effects of lighting and glare on amenity values, the transportation network and the night sky</u></p>

**Variation to Stage 1 Chapter 9 High Density Residential:**

Underlined text for additions and ~~strike through~~ text for deletions.

9.5 Rules - Standards

	Standards for activities located in the High Density Residential Zone	Non-compliance status
9.5.10	<p>Glare</p> <p>9.5.10.1 All exterior lighting shall be directed downward and away from <del>the</del> adjacent sites and roads.</p> <p>9.5.10.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	<p><del>NC</del> <u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <p><u>a. effects of lighting and glare on amenity values, the transportation network and the night sky</u></p>

**Variation to Stage 1 Chapter 12 Queenstown Town Centre:**

Underlined text for additions and ~~strike through~~ text for deletions.

12.5 Rules - Standards

	Standards for activities located in the Wanaka Town Centre Zone	Non-compliance status
12.5.13	<p>Glare</p> <p>12.5.13.2 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and so as to limit the effects on the night sky.</p> <p>12.5.13.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property.</p> <p>12.5.13.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned residential measured at any point more than 2m inside the boundary of the adjoining property.</p>	<p><del>NC RD</del></p> <p><u>Discretion is restricted to:</u></p> <p><u>a. effects of lighting and glare on amenity values, the transportation network and the night sky</u></p>

**Variation to Stage 1 Chapter 13 Wanaka Town Centre:**

Underlined text for additions and ~~strike through~~ text for deletions.

13.5 Rules - Standards

	Standards for activities located in the Wanaka Town Centre Zone	Non-compliance status
13.5.11	<p>Glare</p> <p>13.5.11.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and so as to limit the effects on the night sky.</p> <p>13.5.11.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property.</p> <p>13.5.11.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned residential measured at any point more than 2m inside the boundary of the adjoining property.</p> <p><del>13.5.11.4 External building materials shall either be coated in colours which have a reflectance value of between 0 and 36%; or consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.</del></p> <p>Except that:</p> <ul style="list-style-type: none"> <li><del>a. architectural features, including doors and window frames, may be any colour; and</del></li> <li><del>b. Roof colours shall have a reflectance value of between 0 and 20%.</del></li> </ul>	<p><del>NC RD</del></p> <p><u>Discretion is restricted to:</u></p> <p><u>a. effects of lighting and glare on amenity values, the transportation network and the night sky</u></p>

**Variation to Stage 1 Chapter 14 Arrowtown Town Centre:**

Underlined text for additions and ~~strike through~~ text for deletions.

14.5 Rules – Standards

	Standards for activities located in the Arrowtown Town Centre Zone	Non-compliance status
14.5.9	<p>Glare</p> <p>14.5.9.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and so as to limit the effects on the night sky.</p> <p>14.5.9.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property.</p> <p>14.5.9.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned residential measured at any point more than 2m inside the boundary of the adjoining property.</p> <p><del>14.5.9.4 All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.</del></p>	<p><del>NC RD</del></p> <p><u>Discretion is restricted to:</u></p> <p><u>a. effects of lighting and glare on amenity values, the transportation network and the night sky</u></p>

**Variation to Stage 1 Chapter 15 Local Shopping Centre Zone:**

Underlined text for additions and ~~strike through~~ text for deletions.

**Policy 15.2.3.3**

Ensure that the location and direction of lights does not cause significant glare to other properties, roads and public places and promote lighting design that mitigates adverse effects on views of the night sky **and provide a safe and well-lit environment for pedestrians**

**15.5 Rules**

	Standards for activities located in the Local Shopping Centre Zone	Non-compliance status
15.5.9	<p>Glare</p> <p><del>a.</del> <u>14.5.9.1</u> All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and so as to limit the effects on the night sky.</p> <p><del>b.</del> <u>14.5.9.2</u> No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property.</p> <p><del>c.</del> <u>14.5.9.3</u> No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned residential measured at any point more than 2m inside the boundary of the adjoining property.</p> <p><del>d.</del> <u>—————</u> All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.</p>	<p><del>NC RD</del></p> <p><u>Discretion is restricted to:</u></p> <p><u>a. effects of lighting and glare on amenity values, the transportation network and the night sky</u></p>

**Variation to Stage 1 Chapter 16 Business Mixed Use Zone:**

Underlined text for additions and ~~strike through~~ text for deletions

16.5 Rules - Standards

	Standards for activities located in the Business Mixed Use Zone	Non-compliance status
16.5.10	<p>Glare</p> <p>16.5.10.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and so as to limit the effects on the night sky.</p> <p>16.5.10.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property.</p> <p>16.5.10.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned residential measured at any point more than 2m inside the boundary of the adjoining property.</p> <p><del>16.5.10.4 External building materials shall either be coated in colours which have a reflectance value of between 0 and 36%; or consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.</del></p> <p>Except that:</p> <ul style="list-style-type: none"> <li><del>a. architectural features, including doors and window frames, may be any colour; and</del></li> <li><del>b. Roof colours shall have a reflectance value of between 0 and 20%.</del></li> </ul>	<p><del>NC RD</del></p> <p><u>Discretion is restricted to:</u></p> <p><u>a. effects of lighting and glare on amenity values, the transportation network and the night sky</u></p>