

NOTES FOR HEARING

GENERAL DISTRICT-WIDE MATTERS

Frida Inta S553 Buller Conservation Group S552
14 November 2023

Representing myself and Buller Conservation Group, I have read the reports of Briar Belgrove and Paul Wilson.

In the S42A Report, including Paul Wilson's comments:

Earthworks

Overview

At S42A paragraph 70. S553.137 and pTTPP 1st paragraph - my suggestion to include drainage hydraulics was rejected because it is a regional council issue. However, drainage hydraulics can change landscapes, creating slumps and sinkholes, which is a territorial issue.

O1

while ensuring that their adverse effects on the surrounding environment
~~are avoided, remedied or mitigated.~~ follow the adverse effects hierarchy

Although I recommend consistency in the TTPP by using 'the adverse effects hierarchy' instead of 'avoid, remedy or mitigate', I can see, in this objective 1 for instance (where Maria Bartlett brought it to my attention) that offsetting and compensation would not be allowed. But I wonder if using 'adverse effects hierarchy' would have a natural assumption that offsetting and compensation would not be allowed anyway within this permitted activity? This is an in-depth issue that will require expert advice, such as an experienced lawyer intricately familiar with the RMA and its case law.

Rules

In reference to the use of the word, site - within the pTTPP there are numerous meanings
- biodiversity site, creation of site, sites and areas of significance, site less than 4ha

archaeological site, access to any site, subdivide a lot with a site or area of significance, nett site area of the allotment, building site in a subdivision, the site is visible from the road,

Rules 3, 4. 500m³/site of land. maximum of 250m³/ site of land is disturbed....

There is no definition of 'site' in the plan. I presume 'site' refers to 'title' in the Earthworks rules, so the rules need to state 'title' in preference to 'site'.

s552/553.141 summary is wrong (R3 and R4 - per site or 10% whichever is the greater) so the s42 report para 144 got it wrong too.

1 I am asking only for 'site' to be replaced with 'title' to avoid confusion.

2 I am also concerned that a small title could see a lot of the land within it dug up, and if a few small titles were dug up that would be a LOT of land dug up at one time.

A solution could be either the volume stated in the rule, or 10% of the title, whichever is smaller.

R8

I appreciate that my suggestion to include natural character was accepted.

LIGHT

Overview

No reference to this in either the S42A or the Wilson Report.

I wanted to include 'neighbourhoods' but instead 'the immediate area' was instated.

My recommendation is that:

.....it may adversely affect the amenity of **neighbourhoods**, neighbouring properties and light sensitive areas; result in a reduction or loss of views of the night sky, **cloud form and landscape views**; and **potentially** disturb wildlife

Proposed:

...it may adversely affect the amenity of **the immediate area**, neighbouring properties and light sensitive areas

1 **'immediate area'** is worse than nothing, case law will interpret it to mean within a property.

I am experiencing loss of nighttime peace and serenity through glaring streetlights 200 metres away shining right through my house. The introduction and use of LED streetlights

needs to be taken into account as my example shows they can adversely affect neighbourhoods

I wanted reduction or loss of views of 'cloud form and landscape views' added to views of the night sky

2 not only are views of the starry sky limited by light pollution but also cloud form and landscape outlines - these need to be included.

I want 'potential' deleted.

3 There is nothing 'potential' about disturbance to wildlife, it is common knowledge that night light DOES disturb wildlife

LIGHT-01

Artificial outdoor lighting enables night-time work, ~~rural productive production-activities~~, recreation activities, ~~sport~~, entertainment activities, transportation, ~~energy activities~~ and public health and safety.

Although not considered in my original submission, rural production IS night time work, so it is included in the former and does not need separate mention, the same for sport.

P1, P3 - removal of reference to ecosystems in P1 to P3 is acceptable

P3 (d)

d. Minimises adverse effects on indigenous biodiversity and avoids adverse effects on the significant habitats of light sensitive native fauna and the species themselves;

Significant habitats need protection and if there is light glare that is not protecting that habitat. Minimizing adverse effects on significant habitats is not acceptable, adverse effects need to be avoided

P3 S42A 224 S552/552.143, Mr Wilson para 29

New clause

P3; () **Minimizes light blindness caused by badly-directed light.**

See R1

R1

I object to the transformation of R1 because it is taking the power away from the reader trying to interpret the plan. In order to read a NZ/A standard a person must pay money, so the plan needs to state the intent of the relevant clause of the standard.

I support inclusion of R1 (4) ((5) is a typo error) - directing light to where it is intended to light up within site

R1,

advice note 1A (new note)

() minimize reflectivity off surfaces including pavements.

I find the s42A author's rationale concerning this flawed. She says that monitoring and on-going enforceability of my request to include reflectivity off pavements would be difficult and therefore an inclusion would be ineffective, but how much easier would it be to monitor and enforce any of the other clauses in P3? it may be easier to calculate the reflectivity off a pavement than adverse effects on the night sky.

Paul Wilson says that BCG suggestion that paved areas be taken into account when placing lights (S552.143) offers no solution and that P3 adequately covers BCG issue. P3 does not adequately cover it because reflection off paved surfaces really is an issue and it is not being addressed in this plan, contrary to the extant Buller District plan. LIGHT policies need to consider reflection off paved surfaces, and that needs to be a new clause in P3.

Very peculiarly a word search revealed that there is not one instance of the word 'reflect' in the LIGHT chapter., the nearest being in SIGN. Surely, if ever there was to be inclusion of the word 'reflect' in the plan, it would be in the LIGHT chapter, but no, my suggestion to include 'reflect' was rejected.

The same applies to 'glare', the nearest being in OSZ and TRANSPORT.

I asked that Christchurch City Council policy be included. It could be thus

() minimize glare

Or in the leading statement of P3 itself

Control the intensity, reflectivity, glare, location and direction of any artificial outdoor

lighting

Both words reflect glaring omissions from LIGHT as it stands

If these two terms, glare and reflectivity, were included in P3 that would adequately cover my concerns here.

R2

The distance inside a boundary has been deleted. No doubt the NZAS says something about that, but what? We need better, more comprehensive explanation As with R3 and R4 also.

R3

s42A says

Mr Wilson considers the Mineral Extraction Zone at his 67 et al He says that the provisions in the pTTPP are appropriate to manage light spill at the boundary of mineral extraction sites. The Mineral Extraction Zone is likely to be located in intrinsically dark environments, such that the effects of artificial lighting will be more pronounced than in brighter urban settings.

Mr Wilson says that R3 will adequately provide for industrial lighting.

At this time, and since expansion of the Stockton coalmine many years ago, the sky to the northeast of Stockton is painted a bright white at night, the lights are unnecessarily obtrusive and blinding to the night sky where i live in Seddonville, about 14km away as the falcon flies. The lights can be seen clearly from Karamea, 70km north. Obviously extant rules are not working, or being ignored. I can only hope that these rules will see an end to that obtrusive lighting.

TEMP

R8 S42A para 298

I say, 'Restricted discretionary should consider effects on wildlife'

S42A says at 297, ' In my opinion, matters of discretion in relation to potential effects on wildlife are not necessary due to the temporary nature of activities managed under TEMP-R8.'

In reply I say that temporary activities have the ability to create acute adverse effects on wildlife, no matter the short duration. i.e. there is a low probability but high-impact risk. It is such potential effects that resource consents need to address.

8.0 other Submissions

Genetic modification

S42A at 291.

Buller Conservation Group (S552.001) and Frida Inta (S553.001) raise concerns in relation to genetic modification at a district level and seek for this matter to be addressed under the District Plan. I understand this matter is addressed within District Plans elsewhere, for example Auckland, Far North, and Whangarei, however, in the absence of detailed planning evaluation or Section 32AA evaluation within the local context, I do not support amendments to the pTTPP to manage genetic modification.

I say that this is an important issue and a critical time for the need for it to be addressed at the district level. If there is no mention of it in the district plan we could see haphazard introduction of it to our region, with unacceptable consequences that may be hard or impossible to control. This plan is in denial over the issue and that is not acceptable.

The Far North district plan says

'there remains scientific uncertainty with respect to potential adverse effects of GMOs on natural resources and ecosystems. The risks could be substantial and certain consequences irreversible'.....' Local regulation can address key gaps that have been identified in the national regulatory regime for the management of GMOs, in particular the absence of liability provisions and the lack of a mandatory precautionary approach.'

We have a chance here to address the issue, and that needs to happen.

Colour temperature lighting

S42A para 243, Mr Wilson, at his75, addresses BCG/ Frida inta S552/553.150, where we seek to have 2,200K lighting in sensitive areas. He says we provide no rationale.

Our reasoning is that, and we did say in our submission that

Mckenzie DC has adopted that limit for its streetlights in order to minimize light escape and pollution in that dark sky area.

McKenzie DC says

1. All outdoor lighting shall be shielded from above in such a manner that the edge of the shield shall be below the whole of the light source, so that all the light shines below the horizontal.

All zones - The correlated colour temperature of outdoor lighting shall not exceed 2500 K.

McKDC also considers as discretionary the cumulative effects of light spill.

Mr Wilson says that 2200K lights are hard to source. I note that that doesn't seem to be a barrier to McKDC adopting them.

Mr Wilson quotes AS/NZS 4282 Appendix C

“two light sources may have the approximate equivalent colour temperature but it does not mean that they have the approximate equivalent light spectrum. Light spectrum can make a difference depending on the sensitivity of the biota.

I say we are talking standard LED (mainly street) lights here, and that means colour temperature is a substitute term for wavelength.

For wildlife it is generally accepted that the shorter wavelengths of light have the most adverse effects, or interfere with natural emissions of that wavelength

The proposed rule does not rule out using warmer colours but it would be good to mandate them in sensitive areas.

=====