

Is sunlight an amenity?

Does it fit within the definition of amenity?

The District Plan tells us that amenity has the same meaning as “amenity values” in the Act.

That definition requires it to be a quality or characteristic that “*contribute(s) to peoples appreciation of (an area’s) pleasantness, aesthetic coherence, and cultural and recreational attributes*”.

But sunlight is much more fundamental than just *pleasantness and aesthetics*. It’s a matter of health. (Seasonal Affective Disorder). It is something that not just contributes to, but sustains, the health of the occupants of a dwelling. And that’s why, in my submission, it is captured under “health” within the definition of sustainable management in section 5 – which I have set out for you.

By way of comparison, I’d like you to think for a moment about how we deal with issues like air-pollution and noise.

We don’t start by saying that clean air is an amenity or that quiet is an amenity. We start by saying that air quality is a health issue. And because it is a health issue we prevent people from introducing pollutants that would reduce or adversely affect clear air.

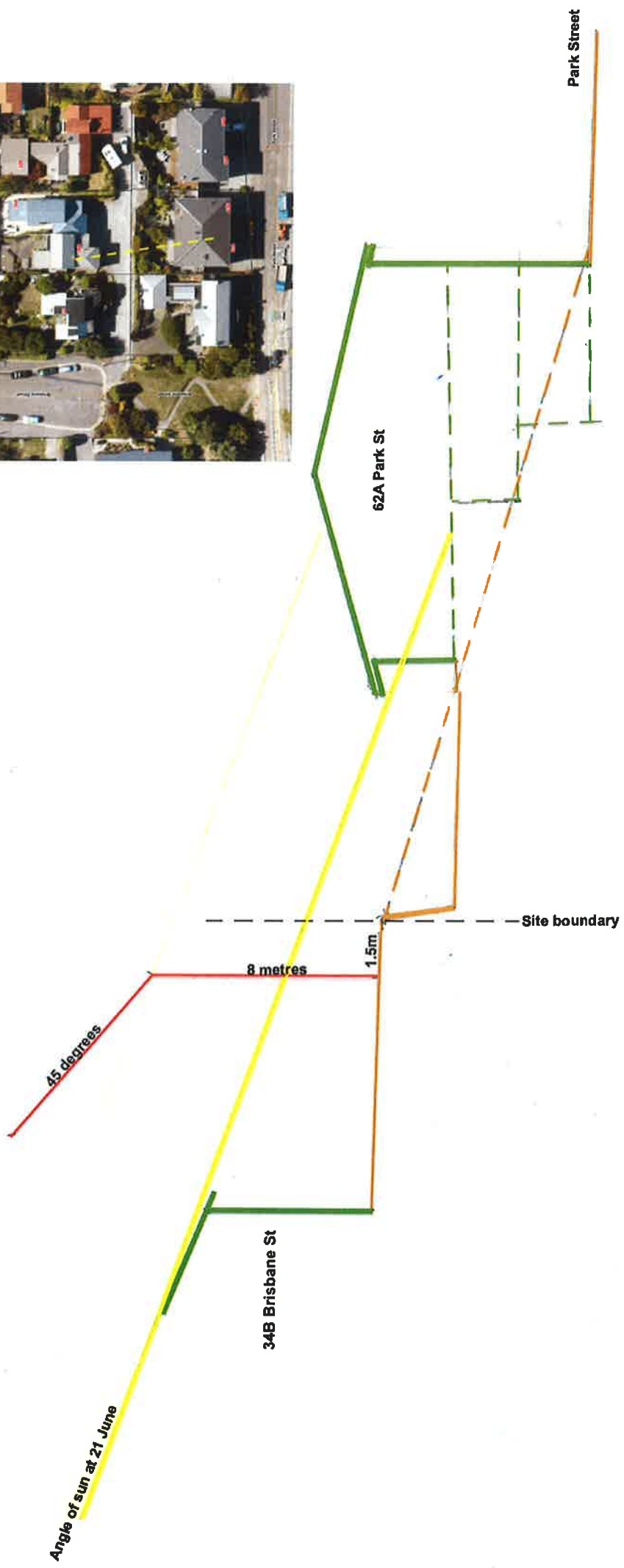
Similarly, we don’t start by saying that quiet is an amenity? Because we now know that loud or repetitive noise can be a health issue (it can cause hearing loss and lead to sleep disorders) we start by preventing people from establishing noise making activities (like panel beaters) in residential areas. We even prohibit them. We also set time limits so that other noise cannot continue during the hours that people need sleep – because that is a health issue.

In my submission, we should, likewise, be preventing people from doing things that would prevent sunlight getting through to residents and their homes. Not because it is an amenity - but because it is a health issue.

Even if you conclude that sunlight is an amenity I want you to recognise that it is not like views or streetscape. It is fundamental and can’t just be traded away in the way that views or street trees can be (legitimately) traded off for density.

Brian and Chris Fitzpatrick







3:13pm 9 July 2025

Right to light



Right to light is a form of easement in English law that gives a long-standing owner of a building with windows a right to maintain an adequate level of illumination. The right was traditionally known as the doctrine of "ancient lights".

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Part 2 Purpose and principles

5 Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their **health** and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

7 Other matters

In achieving the purpose of this Act, **all persons exercising functions and powers under it**, in relation to managing the use, development, and protection of natural and physical resources, **shall have particular regard to**—

- (a) kaitiakitanga:
- (aa) the ethic of stewardship:
- (b) the efficient use and development of natural and physical resources:
 - (ba) the efficiency of the end use of energy:
- (c) the maintenance and enhancement of **amenity values**:
- (d) intrinsic values of ecosystems:
- (e) *[Repealed]*
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) **the benefits to be derived from the use and development of renewable energy.**

2 Interpretation

Amenity values means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes

Seasonal Affective Disorder

<https://mentalhealth.org.nz/conditions/condition/seasonal-affective-disorder>

What are our bottom lines:

It is essential that we protect the sunlight that we have at least to the extent that it is ensured by the existing height limits.

- Do not remove recession planes on south boundaries for south facing sloping sites. (I may not have scope for the whole district so accept that being limited to the part of the MDRZ that we submitted on).
- Set height limits that are reasonable for south facing sloping sites.
- Retain / reinstate the following assessment matter for breaches of height and recession planes on south facing slopes:
Any sunlight, shading or privacy effects created by the proposal on adjacent or lower sites to the south and their occupants.
- Provide for limited notification on affected owners in respect of breaches of the height or recession plane standards.

We would be happy to see the whole area remain MDRZ (with the v/a overlay on the northern portion).

We would accept the southern half of the area being retained as MDRZ.

We are proposing as an alternative the attached changes to Rules 9.5.1 and 9.5.3 because we can see that that is how other exclusions have been dealt with.

Add to 9.5.1

	Standards for activities located in the High Density Residential Zone	Non-compliance status
9.5.1	9.5.1.6 Within the areas specified on the District Plan web mapping application between Park St, Brisbane St and Hobart St, a building height of 8 metres.	N/C <u>or</u> RD Discretion is restricted to: Items a) – g) above and; h) any sunlight, shading or privacy effects created by the proposal on adjacent or lower sites to the south and/or their occupants.

Add to 9.5.3

	Standards for activities located in the High Density Residential Zone	Non-compliance status
9.5.3	<p>9.5.3.4 Rule 9.5.3.1 does not apply to the land within the areas specified on the District Plan web mapping application between Park St, Brisbane St and Hobart St.</p> <p>9.5.3.5 At the land within the areas specified on the District Plan web mapping application between Park St, Brisbane St and Hobart St from 3 metres above ground a 35 degree recession plane applies at the southern boundary.</p>	<p>N/C or RD Discretion is restricted to: Items a) – c) above</p>

