

Officer's Report: Land Use Consent Application



KAIKŌURA
DISTRICT COUNCIL

Report to Delegated Authority

(Prepared in accordance with S 42A of the RMA)

Application Number:	SU-2023-1874-00 & LU-2023-1875-00
Applicant:	Vicarage Views Limited
Consent Sought:	Subdivision & Land Use
Address of Activity:	2 Mt Fyffe Road
Legal Description:	PT SEC 198 KAIKŌURA SUBURBAN RD & LOT 1 DP 3364 PT SEC 34 BLK X MT FYFFE SD
Valuation Number:	2107031900 & 2107031902

1. Professional Qualifications

My name is Zachary Burns, and I am a Resource Consents Officer for the Kaikōura District Council. I have a qualification of a Bachelor of Resource Environmental Planning (Hons) (BRP) from Massey University, having completed my studies in 2021. During my study, I undertook an internship under Whanganui District Council for the summer of 2020/2021 and continued to do so while completing my studies and writing my honours paper. Following completion of my studies, I was employed by Auckland City Council, unitary authority, and processed Resource Consents in the Mt Eden/Mt Albert area of Auckland. In June 2022, I was employed by Kaikōura District Council. I am a member of the New Zealand Planning Institute, from 2018-2021 as a Student Member and 2022-present as a graduate member. In total, I have been studying planning and resource management for 5 years, but a year and a half in a professional capacity.

I draw the attention of all parties to the fact that the purpose of this report is to make the Hearing and Applications Committee aware of all relevant information and issues that should be considered in deliberating on the proposal. It must be emphasised that any conclusions reached, or recommendations made in this report, are not binding to the Committee, and it should not be assumed that the Committee would reach the same conclusion in considering the evidence.

2. Description of the proposal

2.1 The location and surrounding environment

The subject site is located at the bottom of Mt Fyffe Road in the residential B zone. *Malcom Smith Consulting* has provided a description of the site which is as follows:

"The subject property is comprised in two separate RoT being MB1C/1433 Ltd and MB1C/1432. Copies of these are attached in Appendix B.

MB1C/1432 was part cancelled, leaving Pt Sec 34 Blk X Mount Fyffe SD in the ownership of the applicant with an area of 0.5542ha.

The applicant has commenced the process to define the Limited as to Parcel title, MB1C/1433 Ltd, which had two portions of land removed in both 1972 and 1981. The Applicant has had the new Land Transfer Plan LT 575959 Approved as to Survey by LINZ and is waiting the legal process to Deposit the new Record of Title. Lot 1 LT 575959 is 5.9204ha and has been allocated RoT 1058371.

The subject property therefore totals 6.4746 hectares.

There is one interest registered on RoT MC1C/1432, as shown below. The interest is an historical and redundant interest, as it deals with a reservation of coal on alienations of land from the Crown.

‘Subject to Sec 8 Coal Mines Amendment Act 1950 (affects Pt Sec 34 Blk X Mount Fyffe Survey District)’

There is no registration on either Record of Title restricting subdivision of the subject property.

The subject property was formerly the vicarage site for Kaikōura’s Anglican Church. This historic link has been a factor in the name of the applicant as well as the design and intent of the subdivision.

The subject property is approximately triangular in shape, with the railway line (and Ludstone Road) on its northern boundary. A Mainpower NZ substation is located in the northwest apex at the intersection of Ludstone and Mt Fyffe Roads. Mt Fyffe Road forms the western boundary, with the sealed carriageway terminating just beyond the entrance to the subject property. Farmland adjoins the southern boundary.

The subject property is located adjacent to the residential centre of Kaikōura. Existing residential development is located to the east of the subject property, accessed off Fyffe Avenue. The Sea Views

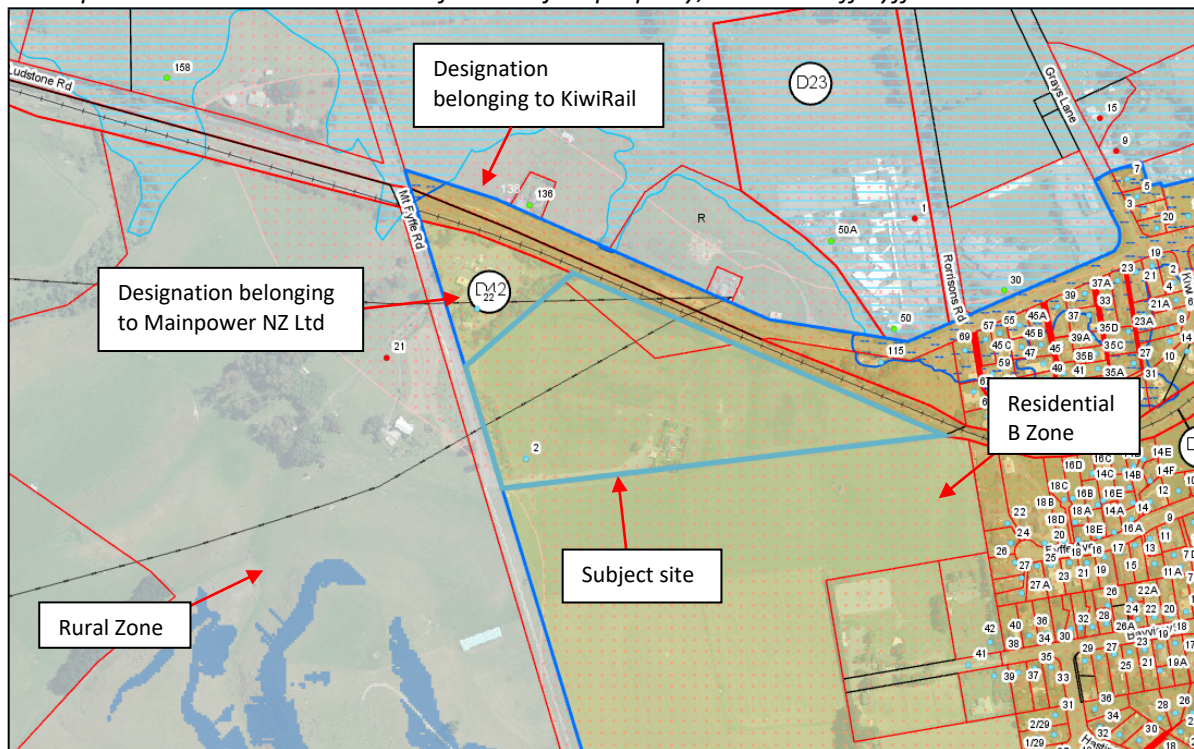


Figure 1: District Plan maps showing the subject site, and relevant surrounding overlays including designations and zonings

Subdivision is development of Residential B land to the south of the subject property, separated by pasture which is also zoned Residential B.

The subject property is approximately 700m inland from the coast. It is a gentle, north facing slope with a maximum elevation difference of 13m with the highpoint at the existing vehicle crossing on Mt Fyffe Road and the lowpoint near the Mainpower NZ substation. A small gully runs parallel to and just inside the Mt Fyffe Road boundary.

An area adjacent to Mt Fyffe Road has been “mounded” and planted with a number of plant species, as mitigation for the NCTIR temporary accommodation facility.

The subject property is rolling pasture, used for grazing cattle. It contains one residential dwelling and accessory buildings on the southern boundary. Retrolen's photographic data illustrates the main dwelling existing in the early 1940's.

Vehicle access to the site is via Mt Fyffe Road adjoining the southern boundary.

The subject property is presently "serviced" in so far as a wastewater connection extends into the eastern sector and then continues along the south boundary. This connection is a pressure pumping pipeline that was installed in conjunction with the recent NCTIR temporary accommodation facility. It discharges into the main gravity network, The connection is not in present use since the decommissioning of the temporary accommodation facility.

The existing dwelling has a separate and traditional "on-site" wastewater treatment and disposal system, which is to be decommissioned when the dwelling is removed.

There is no nearby stormwater pipeline network, and the site discharges stormwater in an overland flow sense via natural ephemeral "watercourses" resulting from the ground contours.

The Council water supply network extends within Mt Fyffe Road, and a connection is provided into the site about the southwest corner. This connection services the existing dwelling.

There is an existing overhead power supply that spans over the western portion of the subject property. The conductors supply both 11kVA and 33kVA "high voltage" power from the substation on the north side of Ludstone Road. The infrastructure is part of the Mainpower NZ power network.

As part of the recent NCTIR temporary accommodation facility, Mainpower NZ relocated and undergrounded an 11kVA powerline which used to run within the property between the above substation and a second substation adjoining to the west. The undergrounded conductor is not located within the subject property.

A Chorus communication network is in Mt Fyffe Road and underground connections extend to the existing dwelling.

There is a contoured ephemeral watercourse about the western side of the subject property that grades to the north and provides drainage to an existing culvert extending through the railway corridor and Ludstone Road to the north. Note that the contoured ephemeral watercourse has a catchment that extends into adjoining lands to the south and west.

There is a second contoured ephemeral watercourse through the mid portion of the subject property that also grades to the north and provides drainage to another existing culvert extending through the adjoining railway corridor and the turning east into open swales along the south side of Ludstone Road. Again, the contoured ephemeral watercourse has a catchment that extends into adjoining lands to the south.

A small portion of the site at the east corner grades to the north and provides drainage to a further existing culvert extending through the railway corridor. The catchment area is quite small, and it includes the east corner of the site and adjoining lands to the south.

The subject property is not located over an unconfined, semi-confined, or coastal confiner aquifer. In addition, there are no nearby bores as identified on the Environment Canterbury (ECAN) GIS.

Groundwater is estimated be at least 7m below ground level in the lower (north-eastern) part of the cite and at least 5m below ground level in the upper (south-western) part of the site.

The ground conditions of the property are well understood as there have been extensive geotechnical assessments for the former NCTIR temporary accommodation activity. The applicant has engaged Tetra Tech Coffey who were involved in this former activity, and they have provided an initial report on

the nature of the ground. Subsequent to the initial report, a supplementary report has been provided in relation to the potential for Karst formations within the property and further comments concerning potential liquefaction in the event of seismic activity. Both reports are attached in Appendix D.

In summary, Tetra Tech Coffey provide an opinion that the identified natural hazards are low risk so long as stormwater is appropriately controlled. The supplementary report considers the presence of 'open' karstic features (voids) below the site as low. Further, they consider that the subject property is unlikely to experience liquefaction triggering as the limestone typically weathers to clayey soils which are less susceptible to liquefaction.

Tetra Tech Coffey confirm that the site is suitable for development under s106 and in particular NZS3604:2011 type foundations.

Nearby activities can be summarised as follows:

- Mt Fyffe Road pastured farm area to the south of the application site, zoned Residential B. The property is owned by Lilian Alice Margetts and Wensley Margaret Smart*
- 21 Mt Fyffe Road residential dwelling within a pastured farm area to the west of the application site, zoned Rural. The property is also owned by Lilian Alice Margetts and Wensley Margaret Smart.*
- 22 Mt Fyffe Road residential dwelling and power substation to the west of the application site owned by Main Power New Zealand Ltd. Zoned Residential B with a Designation.*
- 136 Ludstone Road residential dwelling to the north of the application site, zoned Rural. The property is owned by Matthew Edward Jacobson and Genna Kaye Wells.*
- Ludstone Road pastured farm area to the north of the application site (Lots 1 and 2 DP 547624), zoned Rural. The property is owned by Cynthia Margaret Boyd.*
- Ludstone Road power substation to the north of the application site. The property is owned by Mainpower New Zealand Ltd. Zoned Rural.*
- 115 Ludstone Road is the Department of Conservation's Base Facility and is part of the Residential A Zone.*
- Coastal Pacific Railway to the north of the application site. The rail system is owned and operated by Kiwi Rail and is zoned Residential with a Designation.*

The subject property is in close proximity to various urban facilities and amenities. Kaikōura High School is approximately 175m from the site and on the corner of Ludstone and Rorrison's Roads. St Josephs School is also on Ludstone Road and approximately 240m from the site. The Public Hospital is approximately 1.5km away by road, and the town centre is approximately 850m by road.

Mt Fyffe Road is a Legal Road and comprises a formed and sealed carriageway varying in width generally 6m wide. The carriageway is typical "rural road" with side shoulders and shallow stormwater swales. The road narrows as it passes beneath the railway line, with north bound traffic to give way. The overbridge has a span between piers of 7.8m and has a height restriction of 4.0m. The Mt Fyffe and Ludstone intersection was upgraded to allow safe movement into and out of Mt Fyffe Road as a result of the NCTIR temporary accommodation facility resource consent. An assessment has been undertaken on the effects of traffic from the proposed, which attached in Appendix O.

The subject property is not recorded in ECan's Listed Land Use Register (LLUR) as shown in Appendix E. The land has likely been used as pasture for farm grazing purposes and historical aerial photographs support this. Please refer to the desktop assessment in Appendix F. As such, there is no expectation that any activities have occurred to give rise to ground contamination that may be harmful to humans.

The subject property is not within a Statutory Acknowledgement Area or Deed of Recognition. Nor is the subject property a known Cultural Heritage Site or archaeological/heritage site."

2.2 Council records

There are a number of consents Council has on file relating the subject site:

Consent LU-2017-1460-00 was issued in 2017 for the establishment of an accommodation facility to house workers undertaking restoration works following the 2016 earthquake. The activity was to include 75 accommodation units, with 4 bedrooms and ensuites, a kitchen/dining area, recreation building, gym, administration office, two laundries, ablution block and a managers accommodation (provided for with the existing dwelling that is on the site). The consent stated the facility was to only be in operation for 18 months. The consent application received affected party approval from KiwiRail, Mainpower and owners/occupants of 21 Mt Fyffe Road. The conditions of this consent included extending a temporary 50km/hr speed limit from the urban boundary to approximately 200m west of the Ludstone road/Mt Fyffe road intersection, however, the 40km/hr speed limit past the schools was not to be exceeded.

The second resource consent (1627) was to extend the use of the NCTIR worker accommodation.

LU-2017-1460-00 does not impact the proposed application, although it shows there is capacity for increased use/density of the site and provides background regarding traffic matters.

The Kaikōura County District Scheme review had the subject site regarded as a rural horticultural site in 1989, however, from the proposed transitional plan in 1998, the subject site had been planned as a residential site and this was carried through to the resulting Kaikōura District Plan that is currently enacted since 2008.

2.3 The proposal

The application has been set out by the applicant as follows

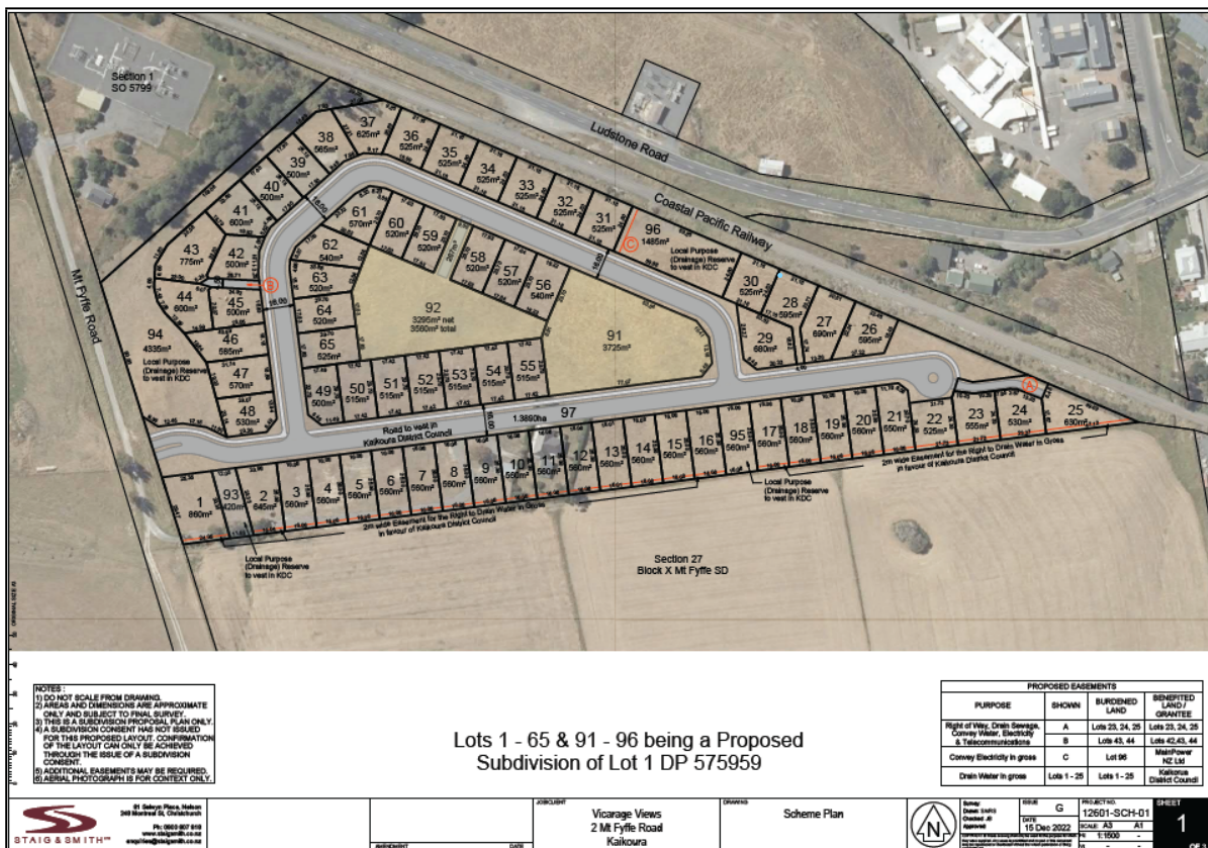


Figure 2: Scheme plan with satellite overview showing lots of the site as it currently is or was at the time of satellite image

“Subdivision

The overall proposal is to undertake a 67-allotment subdivision to provide separate fee-simple ownerships for the new allotments as shown in the snapshot below and the Scheme Plan in Appendix C. The Applicant also seeks to create associated Road to Vest (Proposed Lot 97) and Local Purpose Reserves (Proposed Lots 93-96).

Proposed Lots 1- 65 range from 500m² net area to 860m² net area, and with an average size of 553m². These allotments are proposed to be used for standard residential use with one dwelling per allotment.

Proposed Lots 91 and 92 are to have a net area of 3,725m² and 3,295m² respectively and are sought to be developed as a Multi-Unit Residential Complex (MURC) with up to 10 residential units per allotment.

Easements A and B are proposed as Rights of Way and to convey services for three allotments each, being Lots 23-25 and Lots 42-44 respectively.

The Local Purpose Reserves to vest (Proposed Lots 93-95) include overland flow paths from the land to the south of the application site, whilst Proposed Lots 94 and 96 are to accommodate a stormwater detention pond each addressing the subject development and the upstream rural use. The reserves vary in size and shape based on catchment requirements.

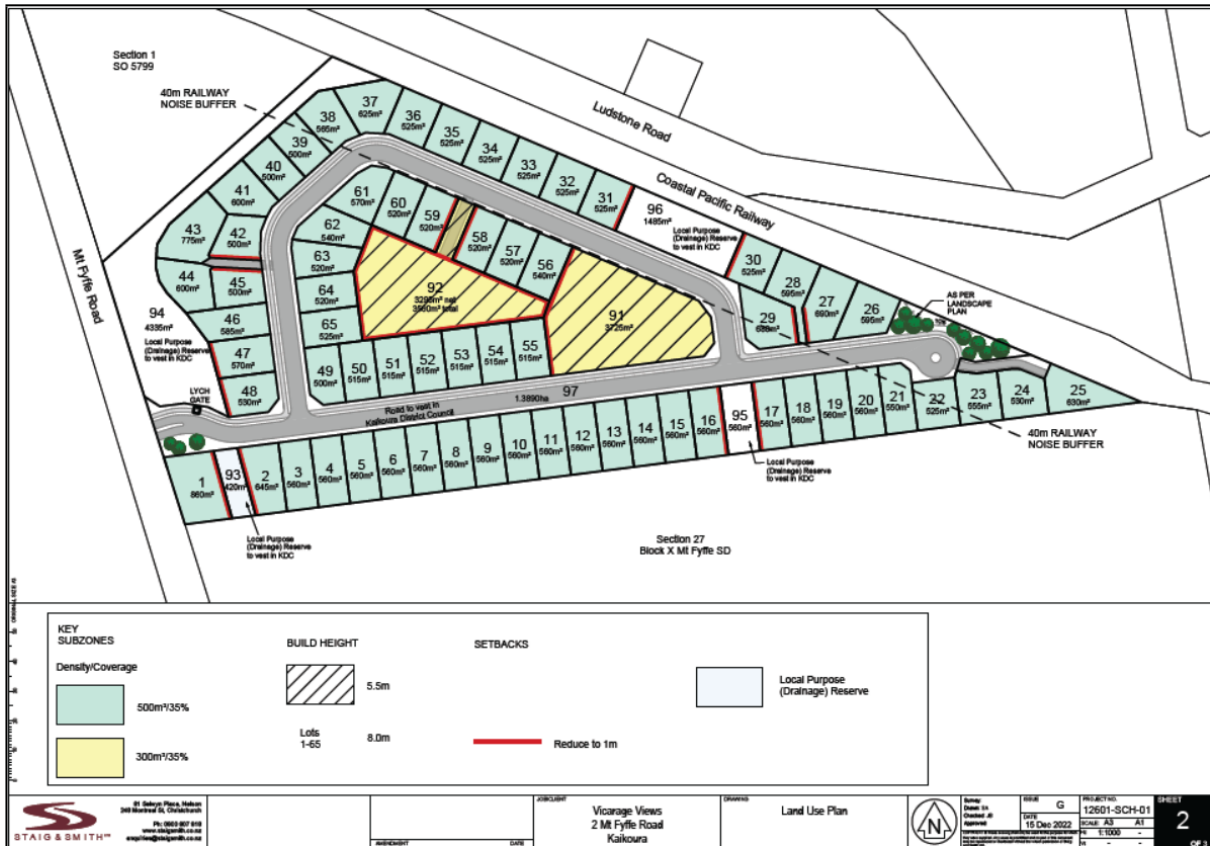


Figure 3: Scheme plan showing sizes and divisions of lots, as well as height control area, reserves and large, higher density lots

Council has requested a 2m wide drainage easement in Gross along the southern boundary of the subject property to drain stormwater to Proposed Lots 93 and 95.

An easement will be required to convey electricity and communications through Proposed Lot 96.

*The Road to Vest, Proposed Lot 97, has been designed to be 16m wide, in general accordance with NZS4404:2010 Land Development and Subdivision Infrastructure (NZS4404) standards for an E22 road design. Proposed Lot 97 is wider at the entrance from Mt Fyffe Road and the eastern boundary to provide a statement entrance and landscaping areas, as recommended in the Proposed Land Development Concept Design Report in **Appendix G** and the Landscape Report in **Appendix J**.*

The subdivision development can be described on terms of the following items.

Existing Buildings, Service and Vegetation Removal.

The existing dwelling and associated accessory buildings will be removed. These demolition works will also involve the disconnection of the present services, and the decommissioning of the on-site wastewater treatment and disposal system.

The vegetation about the existing dwelling will be removed. Some of the existing vegetation about Mt Fyffe Road will also be removed. This vegetation is presently about the “mounded area” beside the east side of Mt Fyffe Road and will not be compatible with the final landscaping and entrance features proposed for the development.

Construction Earthworks

Earthworks are proposed to service the proposed subdivision and provide for two detention basins within the subject property to ensure that post-development flows do not exceed pre-development flow rates. Works are also proposed to ensure that within the subject property all discharges are able to be achieved by gravity means.

The earthworks exercise will comprise a site strip and stockpile of the organic “topsoil” layer about a portion of the site where ground levels will be altered. The stockpiles will be located centrally within the site and the soils will be tidily mounded and compacted to minimise sediment runoff and dust nuisance. Note that some of the organic “topsoil” may be removed from the site where it is surplus or unsuitable to the development.

*Conceptual details of the earthworks as shown on Sheets 2 and 3 of the Proposed Land Development Concept Design Plans in **Appendix G**. Note that the maximum depth of excavations will be in the order of 2m with a typical excavation depth of 0.7m. The maximum depth of fills will be in the order of 3.5m with a typical fill depth of 1.5m.*

The Applicant volunteers that at the time of applying for Engineering Plan approval, that a Detailed Dust, Erosion and Sediment Control Plan (DESCP) will be included in the plan set.

Roading

External to the subject property, in Appendix O, Urban Connection recommend that the carriageway within Mt Fyffe Road be widened to 8m wide to accommodate the additional traffic flows, except under the Railway over bridge where the current formation is appropriate. A Flag light is recommended at the intersection with Ludstone Road.

Urban Connection acknowledges that Council is undertaking a project to provide a Shared Pathway along both the southern side of Ludstone Road and the eastern side of Mt Fyffe Road which will connect the subject property within the existing footpath network on Ludstone Road.

Urban Connection recommend that the Council considers reducing the posted speed limit on Ludstone Road in the vicinity of the intersection with Mt Fyffe Road to 50 km/h.

Within the subject property, the subdivision includes the provision of a new roading network. The main road is aligned parallel to the south boundary with a 9.5m diameter turning circle in the cul-de-sac. A secondary Road will “crescent” off the above Road. Both of these Roads will vest with Council.

*The proposed Roads have been designed to generally comply with the NZS4404 E22 standards. This includes a 16m legal width with an 8m carriageway, enabling on street parking, and with a 2m wide footpath on one side, as shown in the Proposed Land Development Concept Design Report in **Appendix G**.*

The proposed internal intersection of the two roads will breach the setback between intersections, with the first intersection being ~65m back from Mt Fyffe Road.

Note that street lighting will be provided within the new Roads as shown in the Proposed Land Development Concept Design Report in Appendix G.

Urban Connection recommend a posted speed limit of 40km/h on Mt Fyffe Road and within the subdivision is recommended as suitable for this residential area.

The Applicant appreciates the naming of new Roads is addressed by Council once a Subdivision Consent has issued. When this occurs, the Applicant will continue discussions with Council and work towards agreed Road names. To be in keeping with the historic occupation of the site, the Applicant proposes that road names have an historic link to the Anglican Church.

Continuing to connect with the Vicarage theme, the Applicant seeks to construct an entrance structure into the subdivision over the footpath in the form of a lychgate. This will link the subdivision to the pastoral care notion of community.

Vehicle Access.

A shared private Right of Way access is proposed about the eastern corner of the site. Right of Way A will extend from the cul-de-sac head and will provide access to three allotments (Proposed Lots 23 – 25). A second shared Right of Way access is proposed to the west of the site and will provide access to two allotments (Proposed Lots 43 and 44) with an opportunity for a 3rd lot (Proposed Lot 42) to also have access if required. The Applicant proposes to form and seal these Rights of Way.

The Applicant seeks to not form a turning head on the two Rights of Way as required by NZS4404, as all allotments have sufficient room “on site” to enable turning.

A wide private accessway leg will be provided for Proposed Lot 92; where 10 residential units as a MURC are proposed. The Applicant proposes to form the associated vehicle crossing to the boundary.

The Applicant seeks to not form vehicle crossings to the remaining allotments, instead leaving this to the purchasers upon determining proposed building design and placement. A Consent Notice is volunteered advising that the crossings are to be formed to Council’s standards.

*Urban Connection recommend in their Traffic Impact Assessment attached as **Appendix O** that vehicle crossings for corner allotments are to be provided from the lower volume road. Urban Services – Stormwater.*

A gravity stormwater network will be provided to collect stormwater from all of the proposed allotments, Roads and private access’s and discharge it into the Council network via pipelines beneath the Coastal Pacific Railway and open swales in Ludstone Road.

*The Applicant has sought to ensure that the development runoff from the subject property will not exceed pre-development flows. The Applicant has consulted with Council over the stormwater requirements, and the Council has sought on site detention. The proposed Stormwater layout is shown on Sheet 4 of the Proposed Engineering Works in **Appendix G**.*

*The proposed stormwater design has been peer reviewed by Storm Environmental Ltd and a report from them is also attached in **Appendix G**.*

The network will comprise individual lateral pipelines into each allotment, sumps within the carriageways of the new Roads and private access's, main pipelines generally within the Roads and two detention ponds in Proposed Lots 94 and 96 that have been designed to ensure adequate sizing and volume capacity.

The first detention pond is Proposed Lot 94 will capture water from the catchment above the application site. No additional stormwater is being directed into this gully

The second, larger detention pond is located within Proposed Lot 96. The location of the detention pond is by a low point which collects stormwater and drains under the rail corridor via an existing culvert. The Applicant proposes to undertake works within the rail corridor to extend the entrance of the existing culvert into the subject property, thereby removing detention within the corridor.

*Council has also indicated that they would like to have an Easement in Gross for the drainage of stormwater along a proposed drain on the southern boundary of the subject property, as shown on Lots 1-25 on the Subdivision Proposal Plan on Sheet 1 of **Appendix C**.*

Note that the existing discharges through the west portion of the site will remain, and the development will not add to the same to any material extent. The new Road extending off Mt Fyffe Road will incorporate a culvert structure to enable discharges from the catchment to the south and west to continue.

Urban Services – Wastewater

A gravity wastewater network will be provided to collect wastewater from the proposed allotments and discharge it to the existing reticulated network in Ludstone Road, as shown on Sheet 5 of the Proposed Engineering Works in Appendix G.

The proposed network will comprise individual lateral pipelines into each allotment and main pipelines generally within the Roads. The system will then extend beneath the Coastal Pacific Railway and discharge into the existing pipeline within Ludstone Road.

Urban Services - Water Supply

*A pressure water supply network will be provided to convey domestic water to all of the proposed allotments. This will comprise mains and submains within the new Roads, and individual connections to each allotment, as shown on Sheet 6 of the Proposed Engineering Works in **Appendix G**.*

The new network will connect into the Kaikōura Urban Water Supply from the existing water supply network in Mt Fyffe Road.

Note that the new network will also provide firefighting capability; fire hydrants will be provided on the water mains.

Electricity

The Applicant is liaising with Mainpower NZ for the provision of power supplies to all of the proposed allotments.

There are existing overhead 11 and 33kVA lines crossing the subject property which run from the Ludstone Road Substation, across the railway corridor and then extend south to Mt Fyffe Road and beyond. These lines are to be undergrounded through the proposed subdivision. An easement will be included on Proposed Lot 96, and then the lines will be located within the Road Reserves. The lines will reconnect with the existing power pole on Mt Fyffe Road.

The new network (cables and transformers etc) to service each allotment within the subdivision will be installed within the new Roads and distribution boxes will be provided at the Road boundaries. Ducts

will be provided the Rights of Way to enable power cables to be laid to the net area of those allotments using the same.

*The nature of the new power supplies will be in terms of Mainpower NZ's reticulation requirements. All new reticulation will be underground as shown in the concept servicing plans attached in **Appendix H**.*

Communications.

The Applicant is also liaising with Chorus for the provision of communications to all of the proposed allotments. The new network (fibre cables and associated infrastructure etc) will be installed within the new Roads and "connections" will be provided at the Road boundaries. Ducts will be provided within all private accesses to enable communications cables to be laid to the net area of those allotments using the same.

*The nature of the new communication supplies will be in terms of Chorus's reticulation requirements, which requires upgrading the fibre network and extend it within Mt Fyffe Road, as shown in the concept servicing plans attached in **Appendix I**. All new reticulation will be underground.*

Railway Corridor

As infrastructure works will cross the Coastal Pacific Railway corridor, a Deed of Grant is required to occupy KiwiRail land. The Applicant has been consulting with KiwiRail regarding this.

Two matters were raised, one in relation to the Deed of Grant process in relation to services crossing the corridor, and the second in relation to future land use in relation to reserve sensitivity.

*The Applicant has provided KiwiRail with copies of the Proposed Engineering Works in **Appendix G** and has advised KiwiRail that once consent is issued, they will undertake a topographic survey around the existing swale on either side of the twin 600mm pipes to allow the detailed design to proceed. The engineering design for the detention pond will ensure that there will be no ponding of water about the scruffy dome manhole from the existing reticulation. The engineering plan will be provided to KiwiRail for approval, as required by the Property Grant process.*

Reserves

A total of four Local Purpose Reserves are proposed within the development. These are all for the primary purpose of accommodating portions of the stormwater network and enabling the continuation of the existing overland flow type stormwater discharges from the catchments to the south and west.

The Road Reserves will primarily accommodate the new roadways, and will also accommodate some of the landscape features, about the main entrance from Mt Fyffe Road and about the turning facility at the east corner of the site.

Landscaping

*The Applicant proposes a number of landscape features to enhance the amenity of the development. Details of the landscaping features are attached in **Appendix J**.*

The features include carriageway treatments, decorative walls about the Road boundaries for the main Mt Fyffe Road entrance and intersections with built in seating, vegetation planting within the Road corridors, and themed structures about the Road footpath and turning facility. Note that the landscaping features will be located within the Road corridors and not within the proposed allotments.

Continuing to connect with the Vicarage theme, the Applicant seeks to construct an entrance into the subdivision over the footpath in the form of a lychgate. This will link the subdivision to the pastoral care notion of community.

Future Land Uses within the Vacant Allotments

The Applicant does not intend to build dwellings within the subdivision themselves. However, to provide certainty to Council and the community as to the on-going development nature of the subdivision, the Applicant seeks to obtain a Land Use Consent to waive some of Council's Residential B Planning Standards and also to volunteer some additional standards.

Density, Building Coverage and Height

The Applicant seeks to use two development types when considering the future residential activities within the proposed allotments.

Housing Type 1 is associated with Proposed Lots 1-65. This housing type provides the most flexible opportunities on the allotments depending on purchasers needs, enabling development with a maximum site coverage of 35% and a maximum build height of 8m, being the same as the permitted standards within the Residential A Zone. This is shown as Green areas on the Land Use Plan attached as Sheet 2 in **Appendix C**.

Housing Type 2 is associated with Proposed Lots 91 and 92. This is sought to be a MURC – a multi unit residential complex. The Applicant seeks to have up to 10 residential units as a MURC on each of Proposed Lots 91 and 92, or a yield of one residential unit per 300m², with a maximum site coverage of 35% and a volunteered maximum build height of 5.5m. This is shown as Yellow/Hatched areas on the Land Use Plan attached as Sheet 2 in **Appendix C**.

As such, the Applicant seeks to waive the density requirements from the Residential B performance standard of 25%, to a Residential A performance standard that enables a maximum site coverage of 35%.

The Applicant seeks that Lots 1-65 comply with the Residential B performance standard that enables building up to 8m high, whilst they volunteer a limited building height restriction of 5.5m on Proposed Lots 91-92 for the MURC.

The Applicant also volunteers a density of one dwelling per allotment on Proposed Lots 1-65 (shown Green) and as part of a MURC for up to 10 dwellings on Proposed Lots 91 and 92 (shown Yellow), or one residential unit per 300m².

Ownership of Multi Unit Residential Complex (MURC)

There is an expectation that individual ownership of each of the residential units within each MURC will be required once the units have been erected. The nature of the land tenure may be via a Unit Title Development (UTD), and each residential unit will comprise a Principal Unit, and Accessory Unit for parking if not attached to the dwelling. A Body Corporate will be formed as part of the UTD and this will provide for the ongoing management of MURC.

It is important to note that any such subdivision under the UTD format is not part of this application. If and as the MURC's are developed and require separate ownership, a separate subdivision application will be prepared and submitted to Council for processing and approval. Clearly the subdivision proposal details will fully reflect the details of the MURC.

Setbacks

The Applicant seeks to comply with Front Boundary Setbacks, as well as side and rear boundary setbacks, with some minor exceptions.

The Applicant seeks to reduce the side boundary setbacks against either reserves, Rights of Way or accesses to rear sites to 1m. Details of which sites are affected by this reduction are shown as red lines on the Land Use Plan attached as Sheet 2 in **Appendix C**. The reason for this reduction to boundary

setbacks is that these areas are not part of an outdoor living space and will not be adversely affected by in terms of daylight or privacy.

The Applicant also seeks to reduce the side boundary setbacks to 1m within proposed Lots 91 and 92.

Recession Planes

The Applicant seeks to comply with Recession Planes as set out in the operative District Plan, with a noted exception.

The Applicant volunteers a new performance standard, that where there is a common wall between buildings on adjoining lots, Recession Planes do not apply.

In relation to the MURCs on Proposed Lots 91 and 92, the Applicant seeks that Recession Planes only relate to the perimeter of the property boundary and not within the site.

Garage Setbacks

The Applicant volunteers a new performance standard in relation to garages. The Applicant volunteers that where the garage door is to open parallel with the road boundary, the garage door is to be setback a minimum of 5m from the front boundary. This is to enable adequate parking on the driveway in front of the garage.

Kaikōura District Plan Powerline setbacks

There is an existing overhead 11 and 33kVA electricity line crossing the subject property which is recorded in the Planning Maps as a 66kVA line. An additional line is also recorded along the boundary of the subject property with the Railway Corridor. The latter has already been relocated off the subject property and undergrounded.

As part of the subdivision, the Applicant will replace the existing overhead 11 and 33kVA lines with underground lines located within Council Reserves. As such, a building setback from the lines is not required.

The Council has advised that as a technicality, as the electricity lines are recorded on the District Plan Planning Maps, even though the subdivision will remove the lines, a consent is required to build within 20m of the same.

Outdoor Living Spaces

For Housing Type 1 allotments, being the Green areas shown on the Land Use Plan attached as Sheet 2 in **Appendix C**, the Applicant proposes that Outdoor Living Spaces shall be provided in accordance with the provisions of the operative District Plan, being 70m² with a diameter of 5m.

For the MURC housing on Housing Type 2, being the Yellow areas shown on the Land Use Plan attached as Sheet 2 in **Appendix C**, the Applicant seeks a waiver from the operative District Plan Performance Standards. The Applicant seeks a varying scale of Outdoor Living Space, depending on the number of bedrooms provided for each residential unit as follows.

- Min area 10m² with 2m min diameter for a 1 bedroom unit.
- Min area 20m² with 3m min diameter for a 2 bedroom unit.
- Min area 30m² with 4m min diameter for a 3 + bedroom unit.
- Up to 5m² of Outdoor Living Space may be roofed and one side may be enclosed to provide a sheltered area.

Fencing

The Applicant volunteers a new performance standard in relation to fencing along the southern boundary of the subject property, to be registered as a Consent Notice on the Records of Titles. Whilst the property to the south of the subject property is being used for rural purposes, the southern boundary fencing of Proposed Lots 1-25 shall be a farm fence, of at least a five-strand post and wire type.

Railway Corridor

In consultation with KiwiRail, the Applicant volunteer's new performance standards in relation to noise and vibration restrictions within proximity to the railway corridor.

The Applicant seeks to retain the existing permitted building setback from rear boundaries of 2m.

*The Applicant volunteers that a Consent Notice be registered on the Records of Title of those properties within the 40m Railway Noise Buffer, as shown on the Land Use Plan attached as Sheet 2 in **Appendix C** with the following requirements:*

- *New buildings or alterations to existing buildings containing noise sensitive activities, must be designed, constructed, and maintained to achieve train-traffic vibration levels complying with class C of Norwegian Standard NS 8176.E:2005 "Vibration and Shock – Measurement of vibration in buildings from land based transport and guidance to evaluation of its effects on human beings".*
- *Indoor design noise level as a result of noise from Rail traffic must not exceed the following levels:*
 - (i) *Bedrooms: 35dBLAeq(1h)*
 - (ii) *Other habitable spaces: 40dBLAeq(1h)*
 - (iii) *If windows must be closed to achieve the design noise levels in above, the building must be ventilated to meet clause G4 of the Building Code (Schedule 1)*

The Applicant also volunteers a "No Compliant" Covenant be registered on the titles of those lots within the 100m Railway Noise Buffer.

MURC Access

The operative District Plan has a limitation through NZS4404 that the number of users off a shared access is limited to 6. The Applicant seeks that for the MURC developments on Proposed Lots 91 and 92, that up to 10 users are able to be accessed off a shared access.

The operative District Plan requires that where more than 2 residential units share an access, there shall be a turning area provided to ensure vehicles exit in a forward direction. At the time of developing Lots 91 and 92, such matters will need to be taken into consideration.

In addition, the operative District Plan requires two car parks per residential unit. The Applicant seeks that for the MURC developments on Proposed Lots 91 and 92, that one car park is provided per residential unit. The Applicant volunteers a dedicated visitors park be provided for every 5 residential units.

MURC Waste Management

The Applicant volunteers that for the MURC developments on Proposed Lots 91 and 92, that all waste which is stored outside shall be screened from public view and adjacent residential properties."

As the applicant has expressed in the application, the applicant has been in discussion with the council throughout preparation of the consent. However, I have not been included in the discussion, and therefore feel I can make an impartial recommendation on this application.

3. Reasons for application – District Plan Requirement

3.1 Zoning

Kaikōura District Plan: **Residential B/Low Density Residential**

3.2 Activity status and relevant rules

Kaikōura District Plan	
Relevant Rule	Proposal
TRAN – Transport Activities	
<p>TRAN-R1 – Activities complying with TRAN standards – Where compliance is not achieved with one or more of TRAN-S1 to TRAN-S8, unless specified otherwise by another rule in this chapter</p> <p>Matters of discretion – the matters of discretion of the standard(s) not met</p>	<p>Non-compliance below</p>
TRAN-S – Transport Performance Standards	
<p>TRAN-S2 – Vehicle crossings</p> <p>1. Vehicle crossings to be provided in all zones</p> <ol style="list-style-type: none"> a. Every site with frontage and/or vehicle access to a formed road shall be provided with a complying vehicle crossing except that no vehicle crossing shall provide vehicle access onto or off a strategic arterial where frontage and/or legal access is available from another road b. Vehicle access to a formed road shall only be provided by way of a complying vehicle crossing <p>2. Design, formation and sealing of vehicle crossings</p> <ol style="list-style-type: none"> a. A formed and drivable surface shall be provided between the carriageway of the road and the road boundary of the site or lot d. The crossing widths TRAN Table 2: crossing widths shall apply to all zones <p>4. Refer TRAN Table 3: Vehicle crossing location standard and TRAN Diagrams A and B</p> <p>Non-notification: Resource consents in relation to TRAN-S2 shall not be notified, except where the activity is adjacent to a</p>	<p>There are no current vehicle crossings proposed for this application – the application has requested that vehicle crossings are not formed until the time of building consent.</p>

<p>State Highway. Where the activity is adjacent to the State Highway, the resource consent shall be notified only if affected party approvals cannot be obtained</p>	
<p>TRAN-S4 – High Traffic generating activities Any high traffic generating activity (i.e., an activity which generates more than 100 vehicle movements per day) is a Restricted Discretionary Activity with Council’s discretion restricted to the following matters:</p> <ol style="list-style-type: none"> a. Effects on traffic, pedestrian and cyclist safety b. Effects of vehicle movements on amenity values of any residential units c. Effects of vehicle movements on any surrounding land uses d. Efficiency of roads and state highways 	<p>As the proposal is for 67+ new residential dwellings, there will be more than 100 vehicle movements per day – as a result, a traffic impact assessment has been requested and provided</p> <p>Due to this standard, this shall be a matter of discretion for the application</p>
<p>TRAN-S5 – Intersections</p> <ol style="list-style-type: none"> 1. Spacing between intersections All intersections shall be designed and located such that the minimum spacing between successive intersections is not less than the minimum distance specified in TRAN Table 5. The distance shall be measured from the centre of one intersection to the centre of the succeeding intersection, parallel to the centreline of the road In the general rural zone where the legal speed limit for the road is 100km/hr, the above standard shall apply regardless of the side of the road on which the intersections are located. On roads in other zones, the above standard shall apply to intersections on the same side of the road only. 2. Minimum sight distances from intersections Unobstructed sight distances, in accordance with the minimum sight distances specified in TRAN Diagram 6 shall be available from all intersections All sight distance measurements shall be undertaken in accordance with the relevant diagram in TRAN Appendix 3 	<ol style="list-style-type: none"> 1. Spacing between the intersections seems to be acceptable with the minimum distance required to be 160m spacing between intersections on a road with a legal speed limit of 60km/hr – complies 2. Minimum sight distances are required to be at least 115m along roads with a legal speed limit of 60km/hr – the traffic impact assessment states that this does not comply.
SUB – Subdivision Activities	
<p>SUB-R1 – Subdivision of land in all zones except the Marine Facilities Zone –</p>	<p>Non-compliance with below</p>

<p>Restricted discretionary where non-compliance is not achieved with SUB-S1 to SUB-9</p>	
<p>SUB-S Subdivision Performance Standards</p>	
<p>SUB-S1 – Minimum Allotment sizes</p> <p>1. All allotments must comply with the minimum allotment size set out below:</p> <ul style="list-style-type: none"> a. Medium Density/Residential A – 500m² b. Low density/Residential B – 1000m² <p>Except the average net allotment area of all lots shall not be less than the minimum areas specified above, provided that no one lot is less than 350m² in area in the medium density residential precinct, and 750m² in area in the Low Density Residential Precinct</p>	<p>Does not comply – lots sizes are all below 1000m² and furthermore, the average lot size is approximately 553m²</p>
<p>SUB-S2 – Water supply</p> <p>1. In the general rural zone (where new allotments for one or more visitor accommodation or residential unit are anticipated) and Residential, settlement, and commercial zones and Kaikōura Peninsula Tourism and Ocean Ridge Development Areas where a Council or community reticulated water supply exists and has sufficient capacity, all new allotments (other than allotments for access, roads, utilities and reserves) shall be provided with a connection to the reticulated system, laid to the boundary of the allotment</p> <p>Excepts:</p> <p>2. In any zone (except the Lifestyle Living Area shown on the Outline Development Plan for the Kaikōura Peninsula Tourism Development Area in DEV1 Appendix 1 where a Council or Community reticulated water supply has insufficient capacity to service the new lots:</p> <ul style="list-style-type: none"> a. All new allotments serving 25 or fewer people for less than 60 days per year shall be provided with a potable water supply, and b. all new allotments serving more than 25 people for more than 60 days per year shall be provided with a community drinking water supply 	<p>A pressure water supply network to be provided to convey domestic water to all proposed allotments. This will comprise mains & submains within the new roads, and individual connections to each allotment</p> <p>Network will connect into the Kaikōura Urban Water supply – from existing network on Mt Fyffe Road</p> <p>Firefighting capability will be provided – fire hydrants will be provided on the water mains</p>

<p>Except that this shall not include allotments for access, roads, utilities and reserves</p>	
<p>SUB-S3 – Sewage disposal</p> <ol style="list-style-type: none"> 1. In residential and commercial zones and ocean ridge and Kaikōura Peninsula Tourism Development Areas, each new allotment shall be provided with a sewerage connection to the boundary of the allotment, except where allotments are for access; roads; and utilities and reserves not requiring sewage disposal 2. In any other that Residential and Commercial Zones and Ocean Ridge and Kaikōura Peninsula Tourism Development Areas, where subdivision is for 10 or more allotments, and residential units or commercial activities are proposed, a community sewerage system shall be provided and each lot shall be connected to the system, except where allotments are for access; roads; and utilities and reserves not requiring sewage disposal 	<p>Gravity wastewater network will be provided and discharge it to the reticulated network in Ludstone Road</p> <p>Network will comprise individual lateral pipelines into each allotment & main pipelines generally within roads. Discharge will be into the existing pipeline within Ludstone Road</p>
<p>SUB-S4 – Energy supply, telephone systems and high voltage electricity transmission lines</p> <ol style="list-style-type: none"> 1. All new allotments in the Residential, Settlement, and Commercial Zones and Ocean Ridge and Kaikōura Peninsula Tourism Development Areas shall be provided with connections to electric supply and telecommunications systems to the boundary of the allotment except where allotments are for access, roads, utilities, or reserves. Refer to the EI – Energy and Infrastructure chapter for standards relating to lines 2. High Voltage Electricity Transmission Lines – No new allotments shall be created, either wholly or partially, within 20m of the centre line of any electricity transmission line with a voltage of 66kV or higher, except that this rule shall not apply to the Ocean Ridge Development Area where DEV2-S17 applies 	<p>Existing overhead 11 and 33kVA lines that cross over the property – therefore does not comply However, applicant has been in discussions with Mainpower NZ for power to be underground. These currently run from the Ludstone Road substation neighbouring the subject site</p> <p>Right of ways proposed to enable power cables to be laid to the new area</p>
<p>SUB-S5 – Preservation of vegetation</p> <ol style="list-style-type: none"> 1. Any protected tree, or group of trees, listed in TREE Appendix 1, shall be preserved and a Consent Notice shall be registered requiring continual 	<p>Not applicable – there is no existing protected information</p>

<p>preservation as an ongoing condition for approval to the allotment containing such trees</p>	
<p>SUB-S6 – Property access (General)</p> <ol style="list-style-type: none"> 1. Every allotment shall have a frontage or legal access to an existing road or to a new road. Vehicle crossings shall be provided in terms of the vehicle crossing provisions of the TRAN - Transportation chapter. 2. Where the existing road frontage is subject to a road widening designation, provision shall be made to enable the Council to acquire such land when required, by separately defining the parcels of land. 	<p>Each allotment to have frontage, however, the applicant has requested that vehicle crossings be formed at the time of building consent</p>
<p>SUB-S7 – Property Access (Roads)</p> <ol style="list-style-type: none"> 1. All new roads shall be laid out and vested in the Council, in accordance with the standards set out in SUB - Table 2: Road classification and pavement structure. 2. The carriageway of all new roads laid out and vested in accordance with a above shall be formed and sealed. 3. Footpaths shall be constructed as a sealed strip, of asphaltic concrete or concrete, of 1.4m width within the berm. All areas of berms not sealed in footpath are to be formed in grass 4. In the General Residential Zone, Ocean Ridge Development Area, Settlement Zone, and General Rural Zone, cul-de-sac shall be constructed with turning heads of 9 metres radius, measured kerb face to kerb face. 5. All new roads vested upon subdivision of land shall be given distinctive names not already in use with the area covered by the District Council. The name shall be agreed to by the Council. 6. No new road shall be laid out or constructed with a gradient on any part of its length steeper than 1 in 8, except that in the Ocean Ridge Ocean Ridge and Kaikōura Peninsula Tourism Development Areas the gradient on any part of its length shall not be steeper than 1 in 6. Where such new roads are curved, the gradient shall be measured on the inside kerb alignment. 	<p>Does not comply –</p> <ol style="list-style-type: none"> 1. New roads are not laid out in accordance with SUB-Table 2 – roads are to be 8m wide with 2m footpaths – 12m total 2. Carriage way width does not comply – should be formed and sealed 3. Complies 4. Not applicable 5. Should comply 6. Should comply

SUB-S8 – Property Access

1. Vehicle Access

a. All vehicle access to fee simple title allotments, cross leases, unit titles or leased premises shall be in accordance with the standards set out in SUB - Table 3: Vehicle access, excluding Kaikōura Peninsula Tourism Development Area below, except that this rule shall not apply to:

i. Vehicle crossings directly onto individual sites, which do not involve an access (refer to the definition of “access”), and

ii. The Kaikōura Peninsula Tourism Development Area.

b. In the Kaikōura Peninsula Tourism Development Area all vehicle access to and within fee simple title allotments, cross leases, unit titles or leased premises shall be in accordance with the standards set out in SUB - Table 4: Vehicle access for Kaikōura Peninsula Tourism Development Area, below.

2. Minimum height clearance for vehicle access shall be 4.5m.

3. All vehicle access onto sealed roads or service lanes shall be in accordance with the vehicle crossing provision of the rules in TRAN - Transport.

4. Within a General Residential, Settlement or Commercial Zone, or Ocean Ridge Development Area where a vehicle access serves more than one allotment, it shall be formed and sealed.

5. Where a vehicle access serves more than 6 allotments in a General Residential, Settlement or Commercial Zone or more than 10 allotments in any other zone, access shall be provided by way of a road, except that this rule does not apply to the Kaikōura Peninsula Tourism Development Area.

6. No new vehicle access shall be laid out or constructed with a gradient on any part of its length steeper than 1 in 6. Where such new accesses are curved, the gradient shall be measured on the

1. Does not comply – applicant has requested that vehicle crossings are addressed at the time of building consent and shall be done at the expense of the proprietor

2. Should comply

3. Should comply

4. Should comply

5. Complies

6. Should comply

7. Should comply

8. Not applicable

<p>inside kerb alignment.</p> <p>7. Where curves of a private vehicular access have a radius of less than 50m, the gradient on any part of its length shall not be steeper than 1 in 8, except that in the Ocean Ridge Development Area the gradient on any part of its length shall not be steeper than 1 in 6.</p> <p>8. Within the Kaikōura Peninsula Tourism Development Area crossfalls on the carriageway shoulders and swale drains shall not exceed 3:1 (H:V) between the outer edge of each traffic lane and the centreline of the swales.</p>	
<p>SUB-S9 – Esplanade Provision</p>	<p>Not applicable</p>
<p>GRZ – General Residential Zone</p>	
<p>GRZ-R1 – Residential activities and keeping of domestic livestock – Permitted where – compliance is achieved with GRZ-S1 to GRZ-S11</p> <p>Restricted discretionary where – compliance is not achieved with GRZ-S1 to GRZ-S11 – matters of discretion of any standard that is not met</p>	<p>See below</p>
<p>GRZ-S General Residential Standards</p>	
<p>GRZ-S1 – Density No residential unit shall be located on a site having a net site area less than the following:</p> <ol style="list-style-type: none"> 1. Medium density (residential A) Residential precinct – 500m² minimum, except that for multi-unit developments or more units, the average net site area of all units shall not be less than 500m² 2. Low density (residential B) residential precinct – 1000m² minimum, except that for multi-unit developments of two or more units, the average net site area shall not be less than 1000m² 	<p>Does not comply</p>
<p>GRZ-S2 – Maximum building height</p> <ol style="list-style-type: none"> 1. 5.5m maximum in height control area A 2. 11m maximum height in height control area B Torquay Street, provided that buildings in height control area B do not break the skyline when viewed from the mean high water tide mark along The Esplanade foreshore, between 	<p>Applicant has suggested height control areas in certain areas at the time of building consent</p>

<p>Memorial Gardens and the New Wharf 3. 8m maximum all other areas</p>	
<p>GRZ-S3 Sky-lining – Low density residential precinct</p>	<p>Not applicable</p>
<p>GRZ-S4 – Building setbacks from side boundaries No buildings shall be located closer than 2m to any internal boundary unless the following exceptions apply:</p> <ol style="list-style-type: none"> 1. Accessory buildings, which are not used for human habitation, may be located closer to an internal boundary subject to the following conditions: <ol style="list-style-type: none"> a. Buildings shall not be located closer than 0.5m from an internal boundary and; b. All stormwaters shall be contained within the site and; c. The total length of walls of accessory buildings facing, and located within 2m of, each internal boundary shall: <ol style="list-style-type: none"> i. Not exceed 6.0m in length, and ii. Not contain any windows 2. Where buildings on adjoining sites share a common wall along a site boundary, no boundary setback is required along that part of the boundary covered by such a wall. 3. Eaves, porches, chimneys, bay windows, stairways, steps, landings, and balconies may intrude into the internal boundary setback subject to the following limits: <ol style="list-style-type: none"> a. eaves may intrude into the setback by no more than 0.6m; b. porches and windbreaks opposite a doorway may intrude into the setback by no more than 0.9m provided that such porches and windbreaks are no longer than 1.8m parallel to the boundary; c. bay windows may intrude into the setback by no more than 0.6m parallel to the boundary; d. chimneys may intrude into the setback by no more than 0.6m parallel to the boundary provided that the chimney is of no greater width parallel to the boundary than 1.8m; e. external stairways, landings and 	<p>This is not currently a matter of non-compliance, however, the applicant has requested removal of boundary setback standards for a number of the lots</p>

<p>unenclosed balconies may intrude into the setback by no more than 0.9m provided that the landing or balcony does not exceed 1.8m in length; and</p> <p>4. Where an internal boundary of a site immediately adjoins an access or part of an access, which is owned or partly owned with that site, or has a registered right-of-way over it in favour of that site, the minimum building setback from that internal boundary shall be 1m.</p> <p>5. Buildings, other than principal residential buildings, designed and/or used for the housing of domestic livestock or other animals shall be separated from internal boundaries as follows:</p> <ul style="list-style-type: none"> a. Poultry and other birds: 5.0m b. Dogs: 5.0m c. Pigs: 50m d. Other animals associated with farming: 25m 	
<p>GRZ-S5 – Building setbacks from road boundaries</p>	<p>Not applicable at this stage</p>
<p>GRZ-S6 – Building setbacks from waterbodies</p>	<p>Not applicable at this stage</p>
<p>GRZ-S7 – Maximum height in relation to boundary</p> <p>No part of any building shall intrude into a height in relation to boundary constructed from points measured 2.5m above internal boundaries as shown in Appendix 3, unless exempt under Appendix 3.</p> <p>Where the land immediately adjoining the site, boundary forms part of an access, the height in relation to boundary shall be calculated from the far side of the right-of-way or access strip.</p> <p>Exceptions:</p> <ul style="list-style-type: none"> a. Chimneys, solar panels, ventilation shafts, roof water tanks, lift and stair shafts and spires, poles and masts, provided they do not exceed any relevant height limits specified in the District-Wide or Zone rules, and provided that their maximum dimension measured parallel to the boundary under consideration does not exceed 3m 	<p>Not applicable at this stage – applicant has made a request that will be irrelevant as the proposed is already a rule in the district plan</p>

<p>b. A gable or hip end may penetrate the recession lines in Residential, Ocean Ridge Comprehensive Living Zone and Settlement Zones where a single gable or hip end with a base of 7.5m or less (excluding eaves) is parallel to a boundary and a recession line strikes no lower than halfway between the eaves and ridge line.</p>	
<p>GRZ-S8 – Maximum building coverage 1. Medium density residential precinct (Residential A) – 35% maximum 2. Low density residential precinct (Residential B) – 25% maximum</p>	<p>Not currently applicable – however, applicant has requested standard be changed to 35% in the residential B/Low density residential zone</p>
<p>GRZ-S9 – Outdoor living space Outdoor living space shall be provided as follows: 1. 70m² minimum area with minimum dimension of 5m for each residential unit 2. 10m² minimum area and minimum dimension of 2m for each visitor accommodation unit 3. 10m² minimum area and minimum dimension of 2m for each elderly person’s housing unit</p>	<p>Not applicable at this stage of the consent – part of this will not be compliant within the MUCR lots</p>
<p>GRZ-S10 – Landscaping</p>	<p>Not applicable at this stage in this context</p>
<p>GRZ-S11 – Heavy vehicle storage</p>	<p>Not applicable</p>
<p>GRZ-S12 – Sewage disposal system separation</p>	<p>Not applicable</p>
<p>GRZ-S13 – Setback, high voltage electricity transmission line No building shall be located within 20m of the centre line of any electricity transmission line with a voltage of 66kV or higher</p>	<p>Does not comply</p>
<p>GRZ-S14 – Waste management</p>	<p>Not applicable</p>

3.3 Overall Status of Activity

The status of the subdivision and land use application under the Kaikōura District Plan is a **Restricted Discretionary Activity**

The matters to which council’s discretion is restricted to the following:

- Transport
 - Vehicle crossings
 - Carriage way widths
 - High traffic generating activities

- Effects on traffic, pedestrian and cyclist safety
 - Effects of vehicle movements on amenity values of any residential units
 - Effects of vehicle movements on any surrounding land uses
 - Efficiency of roads and state highways
 - Intersections
 - Sight distances from intersections
- Subdivision (Matters of control)
 - Allotment size & dimensions
 - Size and dimensions of allotments for access, utilities, reserves and roads
 - Subdivision design
 - Relationship and orientation of allotments
 - The location of walkways and cycleways
 - The provision and/or use of stormwater channels and wetland areas
 - The degree to which subdivision design, including the location of roads and reserves recognises and provides for existing high voltage electricity transmission lines so that reasonable access to the lines is maintained
 - Roading, access, and vehicle crossings
 - The location, alignment and pattern of roading or service lanes
 - The location and provision of access to allotments for vehicles, cycles and pedestrians
 - Any financial contributions to be made by the applicants
 - Road reserves and provision for future subdivision on adjoining land
 - The standard of construction required for roading, access and vehicle crossings, other than as required by SUB-S6 to SUB-S8
 - Street lighting
 - Naming of private vehicular access
 - Protection of road reserves and vehicle crossings
 - Requirement for seal, in relation to any road where on any part of its length it has a gradient steeper than 1 in 8 and in relation to any private access with a gradient of steeper than 1 in 6 on any part of its length
 - Any environmental effects of providing access
 - Provision of access strips
 - Provision of esplanade reserves or strips
 - The purpose of the esplanade strip provisions
 - Natural hazards

Liquefaction within the liquefaction hazard overlay, with matters of control restricted to:

 - Geotechnical recommendations from a site-specific geotechnical assessment of liquefaction hazard, including testing of soils;
 - Location, size and design of the subdivision, roads, access, services;
 - Recommendations for foundations for future buildings
 - Remediation and ground treatment
 - Earthworks
 - Effects on the stability of land
 - Whether appropriate safeguards are in place to avoid contact with or flashovers from high voltage electricity transmission lines, and effects on the stability of support structures
 - Water supply
 - The supply of potable water in any zone from a reticulated water supply system which is not owned by the Council, or where no reticulated supply is available

- The supply of potable water in any zone, where a Council reticulated system does not have sufficient capacity
 - Water supplies for firefighting purposes
 - The standard of water supply infrastructure installed in subdivision, and the adequacy of existing supply systems outside the subdivision
 - Any financial contributions required in respect of water supply
 - The quantity of water to be supplied
 - The need for potable water to be supplied or consent notices be imposed in the General Rural Zone
 - The aesthetics and quality of potable water supplied
- Stormwater Disposal
 - The capacity of existing and proposed stormwater infrastructure and disposal systems
 - The effectiveness and environmental impacts of any measures proposed for mitigating the effects of stormwater run-off, including the control of water-borne contaminant, litter, and sediments
 - The location, scale, and construction of stormwater infrastructure
 - Any financial contributions required in respect to stormwater disposal
- Sewage disposal
 - The method of sewage disposal and treatment systems where a community or public reticulation and treatment is not available
 - The capacity of, and impacts on, the existing reticulated sewage disposal system
 - The location and environmental effects of the proposed sewage system
 - Any financial contributions that may be required in respect of sewage provision
 - Whether an individual, or a joint connection, is required
 - The need for reticulated sewage disposal and/or treatment in the General Rural Zone
- Trade waste disposal
 - The disposal of trade waste
- Energy supply and telecommunications
 - The adequacy and standard of electrical utility installation
 - The adequacy and standard of telecommunications installation
- Vegetation and Landscape
 - The preservation of vegetation and landscape
 - The impact of the subdivision on the Rural Amenity and Landscape character
 - Any financial contributions that may be required to offset adverse effects on vegetation or landscape
- Easements
 - The need to create easements for any purpose
- Building location
 - The location of buildings and floor height
 - The extent of separation between building platforms and existing high voltage transmission lines, taking into account the requirements of NZECP:34 or any subsequent code of practice
- Soil contamination
 - Whether the site contains any known contaminants
 - The nature and extent of any soil contamination and risk to human health
 - Any mitigation or decontamination measures

- Whether a site has the potential to be contaminated from past or existing activities
- Subdivision Matters of discretion restricted to:
 - Allotment sizes & dimensions
 - Subdivision design
 - Roading, access and vehicle crossings
- General Residential
 - Density
 - Maximum building height – due to proposed conditions – height restriction proposed for Lots 91 & 92
 - Building coverage – due to proposed changes
 - Setback, high voltage electricity transmission line

4. Notification

In deciding if the adverse effects will have or likely have effects that are more than minor (s95D) for the purpose of notification Council must:

1. Disregard any effects on people:
 - Who own or occupy the land in, on, or over the activity,
 - Any land adjacent to that land
 - Who have given written approval
2. Must disregard any effects that do not relate to:
 - a. matters under control or for which discretion is restricted to
 - b. restriction of national environment standard reserves control or restricts discretion to
3. Must disregard trade competition and the effects of trade competition
4. May disregard the effects of the activity if rule or national standard permits activity with that effect

[95A] Public notification of consent applications

(1) A consent authority must follow the steps set out in this section, in the order given, to determine whether to publicly notify an application for a resource consent.

Step 1: mandatory public notification in certain circumstances

- (2) Determine whether the application meets any of the criteria set out in subsection (3) and,—
- (a) if the answer is yes, publicly notify the application; and
 - (b) if the answer is no, go to step 2.

(3) The criteria for step 1 are as follows:

- (a) the applicant has requested that the application be publicly notified;
- (b) public notification is required under [section 95C](#);
- (c) the application is made jointly with an application to exchange recreation reserve land under [section 15AA](#) of the Reserves Act 1977.

Step 2: if not required by step 1, public notification precluded in certain circumstances

- (4) Determine whether the application meets either of the criteria set out in subsection (5) and,—
- (a) if the answer is yes, go to step 4 (step 3 does not apply); and
 - (b) if the answer is no, go to step 3.

(5) The criteria for step 2 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification;
- (b) the application is for a resource consent for 1 or more of the following, but no other, activities:
 - (i) a controlled activity;
 - (ii) *repealed*;
 - (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity;
 - (iv) *repealed*

(6) *repealed*

Step 3: if not precluded by step 2, public notification required in certain circumstances

- (7) Determine whether the application meets either of the criteria set out in subsection (8) and,—
- (a) if the answer is yes, publicly notify the application; and
 - (b) if the answer is no, go to step 4.

(8) The criteria for step 3 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification;
- (b) the consent authority decides, in accordance with [section 95D](#), that the activity will have or is likely to have adverse effects on the environment that are more than minor.

Step 4: public notification in special circumstances

- (9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and, —
- (a) if the answer is yes, publicly notify the application; and
 - (b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under [section 95B](#).

[95B] Limited notification of consent applications

- (1) A consent authority must follow the steps set out in this section, in the order given, to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under [section 95A](#).

Step 1: certain affected groups and affected persons must be notified

- (2) Determine whether there are any—
- (a) affected protected customary rights groups; or
 - (b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).
- (3) Determine—
- (a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in [Schedule 11](#); and
 - (b) whether the person to whom the statutory acknowledgement is made is an affected person under [section 95E](#).

- (4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).

Step 2: if not required by step 1, limited notification precluded in certain circumstances

- (5) Determine whether the application meets either of the criteria set out in subsection (6) and, —
- (a) if the answer is yes, go to step 4 (step 3 does not apply); and
 - (b) if the answer is no, go to step 3.
- (6) The criteria for step 2 are as follows:
- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification;
 - (b) the application is for a resource consent for the following, but no other, activities:
 - (i) a controlled activity that requires consent under a district plan (other than a subdivision of land):

Step 3: if not precluded by step 2, certain other affected persons must be notified

- (7) Determine whether, in accordance with [section 95E](#), the following persons are affected persons:
- (a) in the case of a boundary activity, an owner of an allotment with an infringed boundary;
- (8) In the case of any other activity, determine whether a person is an affected person in accordance with [section 95E](#).
- (9) Notify each affected person identified under subsections (7) and (8) of the application.

Step 4: further notification in special circumstances

- (10) Determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited

notification under this section (excluding persons assessed under [section 95E](#) as not being affected persons), and,—

- (a) if the answer is yes, notify those persons; and
- (b) if the answer is no, do not notify anyone else.

Assessment of notification in accordance with sections 95A, 95C and 95D of the RMA	
<u>RMA Requirements</u>	<u>Assessment of proposal</u>
<i>Step 1: mandatory public notification in certain circumstances</i>	
Determine if any of the following apply, and if yes notify the application: (a) the applicant has requested that the application be publicly notified: (b) public notification is required under section 95C : (c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.	(a) The applicant has requested that the application be publicly notified (b) N/A (c) N/A Result: Public notification to be required as per the applicant’s request
<i>Step 2: if not required by step 1, public notification precluded in certain circumstances</i>	
Determine if either of the following apply, and if yes go to step 4 (skip step 3): (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification: (b) the application is for a resource consent for 1 or more of the following, but no other, activities: (i) a controlled activity: (ii) <i>Repealed</i> (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity: (iv) <i>Repealed</i>	(a) N/A – no national environmental standards precludes public notification (b) N/A Result: Notification not precluded by step 2 – proceed to step 3.
<i>Step 3: if not precluded by step 2, public notification required in certain circumstances</i>	
Determine whether the application meets either criteria, and if yes publicly notify the application: (a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification: (b) the consent authority decides, in accordance with section 95D , that the activity will have or is likely to have adverse effects on the environment that are more than minor.	As per step 2 - No consideration of step 3 (a) N/A – no national environmental standards require notification. (b) N/A Result: Notification not required by step 3 – proceed to step 4.

<i>Step 4: further notification in special circumstances</i>	
Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified	No special circumstances exist
Conclusion	Public notification to be undertaken as per the applicants request
Assessment of affected parties (sections 95E –G) and limited notification in accordance with sections 95 and 95B of the RMA	
<i>Step 1: certain affected groups and affected persons must be notified</i>	
Determine whether there are any— (2a) affected protected customary rights groups; or (2b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity). Determine— (3a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11 ; and (3b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E .	(2a) N/A (2b) N/A (3a) N/A (3b) N/A
<i>Step 2: if not required by step 1, limited notification precluded in certain circumstances</i>	
Determine whether the application meets either of the criteria (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification: (b) the application is for a resource consent for either or both of the following, but no other, activities: (i) a controlled activity that requires consent under a district plan (other than a subdivision of land): (ii) a prescribed activity (see section 360H(1)(a)(ii)).	(a) N/A (b) N/A Result: Limited Notification not precluded by step 2 – proceed to step 3.
<i>Step 3: if not precluded by step 2, certain other affected persons must be notified</i>	
Determine whether, in accordance with section 95E , the following persons are affected persons: (a) in the case of a boundary activity, an owner of an allotment with an infringed boundary; and (b) in the case of any activity prescribed under section 360H(1)(b) , a prescribed person in	As per step 2 - No consideration of step 3 (a) N/A – not a boundary activity (b) N/A – not a prescribed activity (8) No persons considered affected

respect of the proposed activity. (8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E .	Result: Limited notification not required by step 3 – proceed to step 4.
Step 4: further notification in special circumstances	
Determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification	No special circumstances exist
Conclusion	Public Notification is to be undertaken

The following table assesses the proposal in terms of section 95 of the Resource Management Act in matters relating to notification.

Submissions

The application was notified to the public on Thursday 2nd February 2023 and submissions closed on the Friday 3rd March 2023.

There were no issues encountered throughout the notification process.

A total number of 74 submissions were received, which follow:

1. B. Dunnett 39 Adelphi Tce

Supports application in part

Summary of submission

- More vegetation is to be removed than planted
- “a desert of rooves & asphalt”
- Climate change impacts – ensure there is still some vegetation to ensure tree cover and other benefits of vegetation

2. M. Madden – No address

Supports application in full

Summary of submission

- Housing is much needed – affordable, freeing up
- rentals for whanau needing to get away from temporary housing – More permanent housing
- Allow for movement and progression

3. Kaikōura Dark Skies Trust – No address

Supports application in part

Summary of submission

- Contacted by William Loppe for consultation on street lighting.
- Lighting goals that should set a precedent for future developments & the community
- Application has not mentioned listed aspects, but Loppe has assured that Vicarage Views will incorporate all discussed features:
 - Horizontal cutoff to prevent upward emission
 - Rear shielding
 - Warm colour temperature (2200K) to remove blue light wavelengths
 - Central management system to control light intensity
 - A movement activated feature on all units to reduce energy wastage

4. M. Chambers – No address

Supports application in full

Summary of submission

- [Submitter] Could be considered a trade competitor
- Affordable & retiree housing in critical short supply
- Location of proposal next best site after location of new fire department
- Proximity to services, town, shops, school etc
- Outside natural hazard zones
- Even on smaller sites – amenity can be preserved
- An asset to town
- Essential addition for diverse community

5. G. C. Harmon – No address

Supports application in full

Summary of submission

- Ideal location – schools and town centre within (access to amenities)
- walking distance
- Affordable housing

6. J. Wyatt – 59 Kotuku Rd

Supports application in full

- Is an employer, school board, two other trusts – proposal is vital for Kaikōura
- An opportunity to attract people to fill growing vacancies
- Need to generally improve the town – aide in the housing shortage
- Fulfil Council (community lead) ambition for Kaikōura – a great place to work and live

7. B. Harmon – 32 Koura Bay Dr

Supports application in full

Summary of submission

- Provided no comments

8. R. Munro – 39 Marsden Rd (Nelson)

Supports application in full

Summary of submission

- Possible and likely resident in favour of development
- Close to town centre and walking distance to schools – ideal and underutilised area
- Will improve the housing shortage crises & contribute to housing the community
- Higher density development will allow for additional new homes
- Tap into more cost effective home ownership and cultivate a local community within the development
- Attract addition skilled workers to the area & young families – contribute to Kaikōura's existing infrastructure

9. F. Ibbotson – 192 Esplanade

Supports application in full

Summary of submission

- Town needs affordable houses in town particularly to attract and retain staff. If business does well, so does the town.
- Vital to have housing for aged population

10. S. Wyatt – 59 Kotuku Rd

Supports application in full

Summary of submission

- Massive housing shortage in Kaikōura
- Any initiative that provides and assists a solution and benefits the wider community is good
- Location is good for proximity to amenities

11. Janice Dreaver – 94 Beach Rd

Supports application in full

Summary of submission

- Will fill a gap in offering a choice of good, cost efficient, warm, and healthy housing
- Proximity to hospital, doctors, schools, and other essential services
- Dire housing shortage within affordable residential homes & support for elderly
- Development will assist in filling gaps
- Huge asset for economic and employment growth
- Lack of rentals continues to put pressure on an already stressed sector

12. R. Ensor – 10 Greenburn Way

Supports application in full

Summary of submission

- Location and proximity to schools, town centre and any initiative that provides for Kaikōura housing shortage improving town wider community

13. F & S Syme – 75 Harnetts Roads

Supports application in full

Summary of submission

- Proximity to schools, town centre & hospital ideal for elderly housing & affordable & new housing
- Close to essential services – for elderly who want to retain independence
- Assist people in getting on the housing ladder
- Freeing up rental properties for seasonal workers & new people moving to Kaikōura for permanent work
- Staff find it difficult to find places to live and therefore, businesses lose employees
- Good for local businesses and potential for new businesses & amenities

14. The Joiner Shop Kaikōura – 19 Beach Rd

Supports application in full

Summary of submission

- Submission was exactly the same as F & S Syme (above)

15. A. Evans – No address

Supports application in full

Summary of submission

- Location and proximity to schools, town centre, & any initiative that provides or assists in
- Kaikōura housing shortage providing accommodation for employees, first home buyers and elderly wanting to downsize

16. D. Margetts on behalf of L. Margetts & W. M Smart Partnership – 21 Mt Fyffe Rd

Opposes application in full – wishes to be heard

Summary of submission

- Want a copy of the detailed dust plan
- Do not consider the current road width under the railway bridge is suitable

- Request that Mt Fyffe Rd be formed at 8m across its entire length including under the rail bridge
- Request a plan of the shared pathway from Vicarage views to Ludstone road intersection be provided
- Request consultation with vestry of St Peters church, Kaikōura when naming new streets
- Request consent notice/covenant between council and the land owner to preclude social housing
- Request decline of volunteered performance standard that where there is a common wall between building on adjoining lots, recession planes do not apply
- Request new fence be designed providing protection from farm grazing stock, pet proof, safe for Lots 1-25 – fence to be post and wire with full mesh fixed to Vicarage Views side, & two outrigger hot wires fixed mid height to farm side, fence to incorp warning signs to alert residents about electric fence risk and to stay out of paddocks at all times – applicant to pay
- No effects considered in the AEE regarding submitters farm – request an assessment of effects on views from residence of the sea, reverse sensitivity, no complaints covenant to protect continuing operation of farm
- Shares same access road – traffic impact assessment is deficient – no regard of vehicles exiting and entering submitters access
- Proposal suggests 40km/hr limit – the current is 30km/hr Request speed limit of 30km/hr & recontouring of road between VV and submitters driveway to even gradient and remove blind spot
- Request a connecting piece of land designated to allow for future vehicle access to adjacent residential B zoned land

17. W. Gray (Kaikōura Cycle Club) – 14 Takahanga Tce

Supports application in full

Summary of submission

- Excellent location close to schools & town
- Great place for retirees to build
- Will help grow Kaikōura community
- Linkage to Ocean Ridge for cyclists

18. C. Lister – No address

Supports application in full – wishes to be heard

Summary of submission

- Kaikōura needs investment in more housing
- Jobs created and ongoing
- Improvements to roading & footpaths

19. N. & M. Ross Family Trust – 8 Chance Haven

Supports application in full

Summary of submission

- Kaikōura needs more smaller sections available to meet a price point that more families can afford
- No current provision for elderly
- Lack of industry & minimal high income jobs, need smaller more affordable sections to encourage growth
- Land close to amenities, etc
- Good variety of lots/housing

20. R. Hunt – 13A West End

Supports application in full

Summary of submission

- Wishes to build in Vicarage Views
- Opportunity for affordable housing/sections
- Benefit community

21. R. Cullen – 3 Kotuku Rd

Supports application in full

Summary of submission

- Kaikōura needs more affordable housing

22. N. Robertson – 27 Avoca St

Supports application in full

Summary of submission

- Proximity to school & towns
- Improves town and wider community
- Aides in housing shortage and quality housing

23. S. Kavanagh – 7 Hapuku Road

Supports application in full

Summary of submission

- Proposal will help people – benefit the community
- Affordable – location
- Proximity to town/shops/hospital
- Aid in growing the building industry

24. D. Atoa – 35 Adelphi Tc

Supports application in full

Summary of submission

- Proximity to school, hospital & town
- Supports building industry

25. L. Waihirere – 203B Beach Rd

Supports application in full

Summary of submission

- v Great for housing
- Town is close
- Schools are close

26. R. Aikman – 148 Beach Rd

Supports application in full

Summary of submission

- Ongoing work for locals (building)
- Aid in housing shortage
- Near schools & town

27. M. Aikman – 148 Beach Rd

Supports application in full

Summary of submission

- Urgent housing needed
- Excellent location – close to schools & amenity
- Work for town – building & employment

- Moving town forward

28. J. Holzman – 2145 SH1

Supports application in full

Summary of submission

- Close to schools
- Support Kaikōura's building industries

29. K. Chann – 2024 (2025) SH1

Supports application in full

Summary of submission

- Town needs more houses
- Will keep town busy – economic boost
- More job opportunities

30. M. Pattison – 41 Koura Bay Dr

Supports application in full

Summary of submission

- The location to town is great
- Elevation is ideal for housing

31. G. D. Hunt – 2 Te Keepa Rd

Supports application in full

Summary of submission

- Great location for more housing

32. S. MacEwan – 5 Takahanga Tce

Supports application in full

Summary of submission

- Great for town and housing shortage

33. S. Giles – Red Swamp Rd

Supports application in full

Summary of submission

- Future employment

34. M. Burnett – 290 Red Swamp Rd

Supports application in full

Summary of submission

- Great for the town
- Site is ideal – close to schools & town
- Future employments

35. J. McInnes – 16 Miro Miro Dr

Supports application in full – wishes to be heard

Summary of submission

- Growth & development of the town
- Progress instead of re-gress

36. I. Stone – 41 Rakanui Rd

Supports application in full

Summary of submission

- Potential for more construction work
- Good location to schools and growing the community

37. B. Ensor – 40 Rakanui Rd

Supports application in full

Summary of submission

- Close to town, schools, shops, hospital
- Help with housing shortage and getting people into homes and ongoing employment in building/contracting industry

38. V. Hunt – 40 Rakanui Rd

Supports application in full

Summary of submission

- Will ease building issue in Kaikōura
- Family would support this
- Proximity to schools & town centre
- More affordable housing & elderly housing

39. L. Harnett – 42 Harnetts Road

Supports application in full

Summary of submission

- Provide good housing in great location
- Positive investment

40. K. Patlen – No address

Supports application in full

Summary of submission

- More affordable housing in a shortage
- Elderly allocations is important

41. D. Joyce – 87 Green Lane

Supports application in full

Summary of submission

- Provide much needed housing close to town &
- schools
- Affordable living
- Suitable lots for elderly
- Development will enhance town

42. L. Buurman – 96 Esplanade

Supports application in full

Summary of submission

- Offers different approach to housing than what is on offer already in Kaikōura
- Opportunities for broader cross-section of community to purchase or rent a property suited to their needs & abilities
- Much needed housing for staff – an ongoing challenge especially for those seeking rental accommodation close to town

43. J. Gray – 166A Esplanade

Supports application in full

Summary of submission

- Well needed housing opportunities for lower income households & retirement aged people looking to downsize but stay in town

44. B. J. Cooper – 138 South Bay Pde

Supports application in full

Summary of submission

- Good location relative to schools & town centre
- Good solution to housing shortage

45. J. Gemmell on behalf of The Ministry of Education – BECA ANZ Centre, 297 High St, Christchurch
Opposes application in part – wishes to be heard

Summary of submission

- Traffic safety and traffic noise effects
- Construction & associated roading, landscaping & earthworks result in dust, noise and vibration effects on the schools
- Heavy traffic movements for construction vehicles crossing entry point turning bay connecting Ludstone & Rorrisons Road for High School – potential congestion and safety effects

46. R. Gibson – 1481Z SH1

Supports application in full

Summary of submission

- Good location, proximity to schools and town centre
- Housing shortage
- Improving the town & community

47. R. Joyce – 87 Green Lane

Supports application in full

Summary of submission

- Improve extreme housing issues
- Provide income opportunities for Kaikōura trades people
- Great location for schools, shops, etc for Kaikōura families

48. S. Ibbotson – 192 Esplanade

Supports application in full

Summary of submission

- Great location – schools & town
- Kaikōura needs more affordable housing

49. L. de Vine – 151 Beach Rd

Supports application in full

Summary of submission

- Kaikōura has a lack of housing for elderly & others – proposal will cater for this
- Located close to schools & town
- Provide assets to improve town & community

50. A. Chappell – 7/78 Esplanade

Supports application in full

Summary of submission

- Location – Ideally placed for schools & town
- Will address the housing shortage for elderly and wider population

51. R. James – 40 Greenburn Way

Supports application in full

Summary of submission

- Location and close proximity to schools & town
- Helps with shortage of housing and opportunity for others to get into the housing market

52. M. Jansen – No address

Supports application in full

Summary of submission

- Location and proximity to schools & town
- Helps with housing crisis

53. Dennis Buurman – No address

Supports application in full

Summary of submission

- Kaikōura is attracting more business and opportunities for workers
- Change in lifestyle
- Desperate need for more suitable housing
- Ideal location

54. Susi Haverstock on behalf of the Kaikōura Housing Forum – 96 West End

Supports application in full

Summary of submission

- Much needed in Kaikōura District Affordable, sustainable housing to alleviate chronic shortfall of housing stock
- Supported by Penny Hamilton on behalf of Ministry of Social Development has supported this application in conjunction with Kaikōura Housing Forum

55. Beverley Chambers – No address

Supports application in full

Summary of submission

- Extreme housing shortage
- People choosing to Airbnb properties
- Desirable location – close to town, schools, hospital & other amenities
- Will benefit the wider community

56. Campbell Construction – 186 Mill Road

Supports application in full

Summary of submission

- Support with the housing shortage
- Location is close to all schools and town

57. M. Campbell – 278 Mt Fyffe Road

Supports application in full

Summary of submission

- Location & proximity to town and schools
- Great asset to town

58. R & T Ross – 103B Beach Rd

Supports application in full

Summary of submission

- Good development for town
- Providing affordable accommodation & industry for locals

59. D. Bassett – 3157 SH1

Supports application in full

Summary of submission

- Fully supports the proposed development – no further comment

60. D & M Stevenson – 58 West End

Supports application in full

Summary of submission

- Great development for the town
- Great for locals

61. G. Cooke – 299 South Bay Pde

Supports application in full

Summary of submission

- Fully support the proposed development – no further comment

62. G. Loppe & A. Avry – 43 Lovers Lane

Supports application in full

Summary of submission

- Kaikōura in dire need of quality affordable accommodation
- Mix of housing caters for different affordability matters
- Balanced mix of higher value houses with views will allow offsetting land development costs, enabling affordability for the remainder of the subdivision

63. Judith York – 12 Swyncombe Pl

Supports application in full

Summary of submission

- Close to schools & town centre
- Any initiative that provides in Kaikōura's dire housing situation & ongoing improvement should be supported

64. Joanna York – 145 Athelney Rd

Supports application in full

Summary of submission

- Town needs more housing especially affordable & elderly homes
- Affects can only positive
- Allow town to grow and people to stay

65. D. Valentin – 145 Athelney Rd

Supports application in full

Summary of submission

- Young worker who would like to buy an affordable property to stay in Kaikōura

66. A & J Hickey – 5 Clemett Crs

Supports application in full

Summary of submission

- Kaikōura needs further housing for town to progress

- Housing will be more affordable & location is handy to all amenities

67. Pastor B. O'Connor – 2 Beach Rd

Supports application in full

Summary of submission

- Enables a complete demographic, young-old – caters for wide demographic
- Responds to community housing needs in balanced & progressive way
- Mix of property ownership is innovative & much needed
- Seen needs for affordable housing

68. M. Welgus – Sudima Hotels South Island Regional Manager – 114 Esplanade

Supports application in full

Summary of submission

- Critical KDC facilitates this type of initiative supporting businesses – attracting & retaining staff
- Lack of quality & affordable housing is obstacle to Kaikōura growth – should be a priority
- KDC should take their responsibilities of operating under an outdated District Plan in accommodating the necessary departures to allow developers & investors to carry their projects out to current & accepted national standards

69. E. Duncan – Rodin Cars General Manager – 1201 Inland Rd, Mt Lyford

Supports application in full

Summary of submission

- Any growth & development initiatives for and within the town will help local industries
- Critical for future staff to find accommodation – cycle of contribution
- Smaller sized properties with full urban services will be efficient and effective to meet the present & future needs of residents
- Urban growth & development within existing urban limits & greater densities are aspects that need to be supported.
- New property characteristics will no doubt promote improved affordability

70. J. Chambers – No address

Supports application in full

Summary of submission

- Need of housing in the community
- Help support the community & businesses & families/people find somewhere to live in our area

71. M. Fissenden/Fissenden Brothers Ltd – 38B Titoki Dr

Supports application in full

Summary of submission

- Project will assist in Kaikōura housing shortage giving a range of housing options
- Location to schools & other community amenities
- Location is not flood prone

72. R. Roche – No address

Supports application in full – Wishes to be heard

Summary of submission

- Housing within Kaikōura is in short supply & not affordable
- Housing type & stock needs to be addressed for town to grow

73. M. Skinner – 280 Postmans Rd

Supports application in full – Wishes to be heard

Summary of submission

- Identified in numerous council plans need for further housing – socially, economically and care for elderly
- ‘Reimagine’ outlines actions & timelines for this & council has committed to (on several occasions) ‘Reimagine Kaikōura’ as core to town future – was done in detailed consultation with community & based of community’s needs & wants
- Reimagine Kaikōura (2017)
 - Community goal: strengthen community resilience, safety, wellbeing
 - Ensure everyone in community has essential needs met
 - Enhance quality of life for residents & visitors
 - Opportunity & action: meet housing needs – meet current & future needs incl. regulatory & non-regulatory methods. Current & future housing needs are understood & proactive responses developed, KD is affordable place to live, new & existing housing better able to withstand hazards
 - Elderly care encourages private sector to establish retirement village & dementia care facilities
 - Proposal checks all boxes – need for smaller units & facilities for elderly is vital. Older generation do not want to leave Kaikōura, but existing housing is not feasible to maintain – need to retain community members
 - Economic goals: establish strategic partnership attract investment, develop support structures to provide certainty around businesses & employment continuity, explore economic diversification to enhance economic & social resilience
 - Proposal is strategic partnership focused on attracting development
 - Lack of housing effects investment – cannot retain staff & business without housing workers – cost of building and operating increasing – projects not viable
 - Pre-EQ lack of housing means business could not attract staff. Constant call for housing supply
 - COVID highlighted social & economic impact of not having enough staff – businesses closing limiting tourism opportunities – detrimental to town development
 - Kaikōura continually talks about diversification but struggles due to challenges around housing & ability to attract new residents
 - Need to increase pop. And supply of housing if Kaikōura is to become education hub & marine research centre of excellence
 - Development attracts development
 - Reputation of being a challenge for developing project
 - KDC outline in reimagine Kaikōura, need for it own increased income streams. All council income streams are linked to this proposal
- POHA Project (2020)
 - Reflects community needs of elderly housing, business support, education & marine research centre
- Destination Management Plan (2022):
 - Highlights over 50% of pop is linked to tourism
 - Need to be ensuring it is supporting projects that support tourism & diversify economy
 - Proposal will encourage construction during period forecast for construction to drop off
 - Agriculture is backbone & keeps money cycling through economy – post-quake construction also keeps economy buoyant – need projects that can stimulate industry & continue to ensure diversity in economy
 - Housing needed to suit aging population for the future as well as housing to attract people

74. L. Brocker – 20 Cromer St

Supports application in full

Summary of submission

- Concerned about lack of available housing across all demographics – particular entry level
- Location of development is ideal

A pre-hearing meeting is not being undertaken, however, the applicant has taken it upon themselves to address some of the concerns that have been addressed.

5. Consideration of the proposal

Consideration of the proposal under sections 104 and 104C of the RMA.

The proposal is for a **Restricted Discretionary Activity** as shown in the above table; therefore, council may grant or refuse consent, however, matters of assessment are restricted to those of non-compliance.

A consent authority may impose conditions of the consent under section 108 only for those matters – over which discretion is restricted to in its plan or proposed plan.

5.1.1 Character and Amenity

The subject site, although located in the residential B zone/Low-density zone, is adjacent to the rural zone and next to a working farm across the road and on the southern boundary of the site. The character of the proposal is largely out of keeping with the surroundings but mostly in keeping with the existing zoning. The existing activity could be considered to be out of character for the zoning, given that it consists of one dwelling and is actively grazed by cattle.

The amenity, defined in the district plan and the resource management act 1991 is “those natural or physical qualities and characteristic of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”, is aimed to be complied with by the developer, who is seeking to ensure that the amenity of the site is to be retained in terms of keeping the views of the area. However, the largely open space area would becoming a dominantly urban location.

The adjacent area is relatively open space and rural in nature, the site is zoned as residential, albeit low density/residential B, and any further development of the site would not be in keeping with the surrounding environment. Residential development on this site would however be in keeping with the general policies and objectives on the subject site, given the residential zoning. In some parts, the proposal does not comply with the zoning due to the small, proposed sizes of the allotments. Should the proposed sites be aligned with the permitted sizes, there would be no concerns in regard to the proposed activity, except potentially in the similar scope of the increase in traffic activity.

5.1.2 Subdivision design

The design of the subdivision is suited to create a crescent type road that loops around the subject site. In the middle of this site, with some of the proposed lots, are the larger lots that are intended to be used as Multi-Unit Residential Complex (MURC) which is intended to be put in place for the aspect of elderly housing.

The design of the subdivision has been done in a way that maximises that most of the land without going below the 500m² threshold of the residential A zone, however the design is still non-compliant with the residential B zoning.

The applicant has undertaken the appropriate consultations in order to avoid having to build underneath high voltage powerlines by working with the designated authority/owners (Mainpower NZ), so the powerlines will be moved underground.

Two larger lots and a smaller lot have been reserved in order to aid with stormwater management. These reserved lots could possibly be used for community or passive recreation purposes, however their design as proposed is utilitarian and they have quite steep slopes. Nothing further has currently been proposed.

5.1.3 Earthworks

Earthworks will be necessary throughout this application, as the applicant has stated that the high voltage powerlines will be moved underground, there will be new roads in the area, there will be new service connections and there will be stormwater management systems.

A dust control plan will need to be put in place as a condition of this consent. Margetts & Smart Partnership, an affected party at 21 Mt Fyffe Road, have expressed concerns over this aspect as there will be adverse effects on their dwelling and farm. J. Gemmell on behalf of the Ministry of Education also raised concerns of effects that this would have on the nearby schools.

The applicant has stated, that because there are no buildings/dwellings to be proposed at this time, the individual lots will not be levelled. Therefore, earthworks will largely be restricted to the laying of new roads and services. However, there will also be cut, and fill undertaken for the detention basins. The application states that there will be approximately 5,000m³ of imported fill, which is a significant amount.

The applicant has also stated that at the time of engineering approval, details of earthworks extent, a DESC, noise limits, hours of operation, etc will be offered for approval by KDC.

5.1.4 Water supply

There is an accessible water supply for the subdivision to connect to. The network will be extended to the subdivision and the applicant has stated that the network will also serve water supplies for firefighting, with hydrants to be installed.

Council's Three Waters Engineer has raised no concerns in relation to the water supply. Given the site has been used for residential use on a similar scale before, in the form of the NCTIR Village, there is capacity for the water supply to provide for the proposal

5.1.5 Stormwater Management

The applicant has stated that the subject site is located outside of what is known as the "global consent" which covers parts of the town. The applicant has also stated that they are in the process of applying for a stormwater discharge consent.

The existing site contains at least three catchments. There are ephemeral run on flows and through flows. The conceptual design seeks to not alter the discharge rates from the western and eastern catchments. Additional flows are expected to be captured through the proposed reticulated network and discharged via the central discharge point through the railway corridor to Council's reticulation network. At this location that network is an open channel along Ludstone Road. The network eventually discharges into Lyell Creek. The application is silent on the secondary overflow paths that will be required to carry flows when piped inlets are blocked during extreme events.

While there are concerns regarding the quality of discharges, there are more concerns in relation to hydraulic effects on the existing discharge areas. The applicant's assessment has failed to demonstrate the effects that further discharges would have. Council sees two available options for the applicant to undertake which will be made conditional for the concerns of this consent.

- The applicant can, at their own expense, apply for a variation to Environment Canterbury to Kaikōura District Council's existing global consent to be extended to include the subject site; or
- The applicant can, at their own expense, obtain their own stormwater discharge consent through Environment Canterbury

Throughout this process, Council expects that the application will include confirmation that stormwater quality will meet current ECan requirements and that the proposed stormwater discharges will not cause additional adverse hydraulic effects downstream of the development. Currently Council cannot make further determination on the stormwater effects as the application has

only taken into consideration pre-development flows. Peak flow rates may need to be reduced below pre-development levels, to take account of delays through detention storage and increased runoff volumes from increases in impervious areas caused by development.

5.1.6 Easements

There are several easements as part of this proposal.

A right of way proposed to Drain Sewage, convey water, electricity, and communications which will burden lots 23-25 and benefit lots 23-25.

An easement to convey electricity in gross burdening lot 96 (local purpose reserve) which benefits MainPower NZ Ltd.

Lastly, there are easements proposed to drain water in gross, burdening lots 1-25 (along the southern boundary) and benefitting Kaikōura District Council.

5.1.7 Building location

There are no building locations proposed as part of this application.

5.1.8 Vehicle crossing

No vehicle crossings are proposed as part of this application. The applicant has requested that this will be left for future owners to cover at the time of building consent for dwellings.

5.2 Written Approval

Council may disregard any effect on a person who has given written approval to the relevant application.

Written approvals were obtained from several neighbours, however, the owners of 21 Mt Fyffe Road – Margetts & Smart did not provide their written approval, as a result the applicant requested the application to be publicly notified.

5.3 Trade Competition

The consent authority must not have regard to the effects on trade competition. No regard to trade competition has been made in the recommendation of this report.

5.4 Restricted Discretionary Activity 104C Resource Management Act 1991

1. When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which –
 - (a) A discretion is restricted in national environmental standards or other regulations:
 - (b) It has restricted the exercise of its discretion in its plan or proposed plan
2. The consent authority may grant or refuse the application
3. However, if it grants the application, the consent authority may impose conditions under section 108 for those matters over which –
 - (a) A discretion is restricted in national environmental standards or other regulations:
 - (b) It has restricted the exercise of its discretion in its plan or proposed plan.

5.5 Permitted baseline

The consent authority may disregard effect of the activity if a rule or national environmental standard.

The permitted baseline for this application is the standards set out in the General Residential Zones, in particular the low-density residential zone standards.

5.6 Assessment of effects

As mentioned in the above aspects, the site as it exists is an empty rural-like section. Therefore, any proposal for subdivision or changes in this location will likely have an effect on the surrounding area. The proposal is for design that is residential in nature, but higher density than what would be permitted, thus the application.

A significant aspect of the application is traffic. Given the site will result in 67+ dwellings, there will be significant increases in the generation of traffic and other aspects – noise, light and general activity taking place in the area, compared to what the permitted baseline would provide for in the case of Low density/Residential B zoning. These increases will occur mainly in response to the density providing non-complying density standards as the permitted standard for lot sizes in this area is 1000m² and the proposed average lot size is approx. 550m², nearly half the permitted. The neighbouring site to the south is also an undeveloped site within the Residential B/Low density residential zone and has the scope to undertake similar proposal.

However, across the road to the west is rurally zoned and registered on the same record of title as the southern boundary site and also functions as an existing farm, which also comes to neighbour Residential A/Medium density residential as well as the Seaview Subdivision that previously took place and that mostly followed the standards set out in the low-density residential zone.

Many of the submissions for the application, in support of the application have acknowledged that the site is in a great, under-utilised location in Kaikōura. Many of the submissions and the application touch on the fact that this is a great opportunity for more affordable housing to be created in the town and to aid in resolving the housing shortage that the town and country are facing. There are a number of uncontrollable factors, however. Affordability will not solely be determined by the applicant. There are also no restrictions on who would be able to purchase these properties, nor what is done with them. Furthermore, these are not matters on which this application can be considered on by Council.

Aspects in which the matters are restricted to are the traffic impacts, intersection placement, allotment sizes & dimensions, subdivision design, roading access, natural hazards, earthworks, three waters impacts and services/utilities, vegetation & landscape, easements, building location, generally residential standards in regard to density, maximum building height, building coverage and setback, high voltage transmission lines.

The applicant has proposed a number of conditions/consent notices for the activity in effort to offset the adverse effects and/or ensure there is efficient use of the land:

Condition/Consent Notice	Matter of discretion	Recommended as Approved/Declined	Condition or Consent notice
One residential unit on proposed lots 1-65	Yes	Approved	Consent notice
A maximum building height of 8m above ground level	Yes	Declined – Already existing rule in the district plan	N/A
A maximum site coverage of 35%	Yes	Approved	Consent notice
Lots 1, 2, 16, 17, 39, 31, 47 and 48 have a 1m setback from reserves	Yes	Declined	N/A
Lots 27, 29, 42, 45, 58 and 59 have a 1m building setback from neighbouring accessways	Yes	Declined	N/A
Setbacks and recession planes do not apply where there is a common wall between buildings on adjoining lots	Yes	Declined – already a rule in the district plan	N/A

A density of 1 residential unit per 300m ² or up to 10 residential units on both, lots 91 & 92	Yes	Approved – 10 units per lot	Consent notice
Maximum building height of 5.5m above ground level	Yes	Approved	Consent notice
A maximum site coverage of 35%	Yes	Declined – Unclear	N/A
1m building setback from neighbouring boundaries (lots 50-65)	Yes	Declined	N/A
Recession planes only relate to the perimeter of the property boundary and not within the site	Yes	Declined – recession planes only concern boundaries anyway	N/A
Outdoor living spaces shall comply with the following requirements <ul style="list-style-type: none"> • Min. area 10m² with 2m min. diameter for a 1 bedroom unit • Min area 20m² with 3m min. diameter for a 2 bedroom unit • Min. area 30m² with 4m diameter for a 3+ bedroom unit • Up to 5m² of outdoor living space may be roofed and one side may be enclosed to provide a sheltered area 	Yes	Approved	Condition
One car park is required per residential unit	No	Declined – not a matter of discretion	N/A
Where the garage door is to open parallel with the road boundary, the garage door is to be setback a minimum of 5m from the front boundary	Yes	Approved	Consent notice
A dedicated visitors park is to be provided for every 5 residential units	No	Declined – parking is not a matter of discretion	N/A
All parking areas are to be sealed	No	Declined – not a matter of discretion	N/A
On lot 92, the access may serve up to 10 residential units, and the driveway shall be formed and sealed to a 5.5m width	Yes	Approved	Condition
Turning room is to be provided on site so all vehicles exit the site in a forwards direction	Yes	Approved	Condition
All waste which is stored outside shall be screened from public view and adjacent residential boundaries	Yes	Approved	Consent notice
Subdivision is undertaken in accordance with the application	Yes	Approved	Condition
Lot 97 shall vest as legal road	Yes	Approved	Condition
Lots 93-96 shall vest as utility reserves	Yes	Approved	Condition
Easements as required for any services which crosses other land	Yes	Approved	Condition
A 2m wide water drainage easement in gross shall be registered on the southern boundary of Lots 1-25 in favour of council	Yes	Approved	Condition
A 3m wide easement shall be registered on Lot 96 in gross in favour of Mainpower for conveying electricity		Approved	Condition
A “No complaint” covenant be registered on the title	Yes	Approved	Consent

of those lots within 100m of the Railway Line (Lots 15-43 and 54-63 and lots 91 & 92)			notice
Mt Fyffe [Road] shall be upgraded to an 8m width, except under the overbridge, and a Flag light shall be installed at the intersection with Ludstone Road	Yes	Approved mostly – width under overbridge should be widened due to level of activity to be increased	Further consideration needed
Lot 97 shall be formed to [be] in general accordance with NZS4404 with a 8m wide carriageway with 2m wide footpath as shown on the engineering plans in Appendix C of the application	Yes	Approved	Condition
Landscaping and street furniture shall be installed as per the landscape concept plans in Appendix J of the application	Yes	Approved	Condition
Mt Fyffe Road and internal roads shall have a posted speed limit of 40km/h	Yes	Declined – 30km/hr would be better suited due to rural activities nearby	N/A
Rights of Way A and B shall have a minimum legal width of 4m and be formed 3.5m wide in general accordance with NZS4404 to the net of each allotment served with an exception that there is no turning area within the formation	Yes	Approved	Condition
Vehicle Crossings shall be formed and sealed to the boundary of Lots 28 and 92	Yes	Approved	Condition
The 11kVa and 33kVa electricity lines shall be undergrounded to the boundary/net of each allotment. A letter confirming provision has been made shall be provided from the Service Provider	Yes	Approved	Condition
Engineering Plans shall be provided to council prior to commencing works. <i>Advice note: a copy of the engineering plans shall be provided to KiwiRail</i>	Yes	Approved	Condition
As built plans shall be provided to Council upon completion of works	Yes	Approved	Condition
Construction activities shall occur between 7:00 am to 6:00 pm during weekdays and 7:30 am to 5:00 pm on Saturdays	Yes	Approved	Condition
Construction activities shall comply with noise standards as per NZS6803:1999 Acoustics – Construction noise	Yes	Approved	Condition
Prior to construction commencing, a Construction Management Plan shall be certified by Council. Works shall be undertaken in accordance with the certified Plan.	Yes	Approved	Condition
Prior to construction commencing, a Dust, Erosion and Sediment Control Plan shall be certified by Council. Works shall be undertaken in accordance with the certified Plan.	Yes	Approved	Condition
All earthworks shall be undertaken in accordance	Yes	Approved	Consent

with Accidental Discovery Protocols			Notice
All earthworks involving filling will be carried out in accordance with the standards in NZS4431:2022. A GeoProfessional will certify that any fill is in accordance with Appendix A of that standard	Yes	Approved	Condition
A GeoProfessional shall confirm that each residential allotment has an area suitable for the construction of residential buildings in accordance with NZS 4404:2010 Land development and subdivision infrastructure - Schedule 2A	Yes	Approved	Condition
Those properties within the 40m Railway Noise Buffer, as shown on the Land Use Plan attached as Sheet 2 in Appendix C of the application with the following requirements: <ul style="list-style-type: none"> New buildings or alterations to existing buildings containing noise sensitive activities, must be designed, constructed and maintained to achieve train-traffic vibration levels complying with class C of Norwegian Standard NS 8176.E:2005 "Vibration and Shock – Measurement of vibration in buildings from land based transport and guidance to evaluation of its effects on human beings". Indoor design noise level as a result of noise from Rail traffic must not exceed the following levels: <ol style="list-style-type: none"> Bedrooms: 35dB LAeq(1h) Other habitable spaces: 40dB LAeq(1h) If windows must be closed to achieve the design noise levels in above, the building must be ventilated to meet clause G4 of the Building Code (Schedule 1) 	Yes	Approved	Consent notice
All earthworks are to be undertaken in accordance with an Accidental Discovery Protocol, which requires consultation with Te-Runanga-o-Kaikoura upon any discovery of a cultural site	Yes	Approved	Consent notice
Lots 1 – 25 are to ensure that there is a farm fence of at least a five-strand post and wire type in good working order along the southern boundary for the period that Section 27 Block X Mt Fyffe Survey District is a farm	Yes	Approved	Condition
At the time of Building Consent on the lots served by Rights of Way, the proprietor shall demonstrate turning room, so vehicles exit in a forwards direction.	Yes	Approved	Consent notice
If garages are to have doors which are parallel to the legal road, the garage doors are to be setback 5m from the front boundary to enable parking in front of the garage.	Yes	Declined	N/A
At the time of actioning the Building Consent, the proprietor shall form and seal vehicle crossing to the boundary to Council standards, a minimum width of 3m.	Yes	Approved	Consent notice

5.6.1 Natural Hazards

It can be considered that the proposal will have minimal effects from natural hazards. The site is elevated therefore, flooding is not a concern and there is no debris inundation recorded for the site, however, liquefaction may have been a concern. Council maps show that liquefaction damage is unlikely, and this is furthered by the provided geotechnical report, which states that due to underlying limestone bedrock, there was no groundwater encountered and therefore, liquefaction damage is less likely.

5.6.2 Transport and High-generating activity

The activity as proposed will result in at least 67 new dwellings, therefore, inevitably resulting in more than 100 vehicle movements per day. Two (2) submissions acknowledged concerns that related to safety around the increased traffic. One (1) submission from J. Gemmell on behalf of the Ministry of Education, relating to the schools that are nearby, largely in reference to the construction traffic that will occur as a result of the subdivision. The other submission relating to this was from the neighbouring property belonging to the Margetts & Smart Partnership which currently functions as an active farm.

The submitters raise concerns that there is no regard to the nearby schools and the safety concerns that may accompany the subdivision, especially in regard to the school start and finish times. Further concerns relate to the neighbouring farming activity, which despite part of the neighbouring site having been rezoned in the early 2000s, remains undeveloped and an active farm. There will be continued rural activities taking place around the roads, be it stock movements or the coming and going of stock trucks etc.

A traffic impact assessment (TIA) was provided by *Urban Connection* and came to the conclusion that there would be an approximate increase of 905 vehicle movements per day and 88 in the peak hour. However, the development's traffic flows are expected to be absorbed in adjacent intersections and the existing roading network and the crash history has demonstrated no underlying safety issues. The report mentioned there has been one crash in approx. 10 years of the intersection which was labelled as a driver distraction coming out of the intersection. It is, in my opinion more likely to occur with the change of demographic using this road, that may be more distracted. Given the ranging demographics there would be a variety of distractions possible. However, the Traffic Impact assessment has regarded that there are no underlying safety concerns.

The TIA has also stated a shortfall of visibility at the Mt Fyffe Road and Ludstone Road intersection will result in adequate levels of safety with the current speed limit being 60km/h and recommends that the speed limit be reduced to 50km/h. This change of speed limit would, therefore, make the visibility compliant of what is required in the district plan.

Furthermore, the TIA has assessed the width of Mt Fyffe Rd between the new intersection and the Ludstone Rd intersection, including the single lane under the overbridge and has recommended that this all be widened to 8m. I agree with this recommendation although the applicant has only proposed widening the road between the new intersection and the overbridge pass.

The TIA further acknowledges that there are future plans for a shared path to connect the site along Mt Fyffe Rd and Ludstone Rd which would provide a safe route for foot traffic and cyclists.

The Traffic impact assessment has made the following final recommendations:

- Kaikōura District Council gives consideration to reducing the posted speed limit on Ludstone Road, in the vicinity of the Mt Fyffe Road intersection, to 50 km/h;
- Mt Fyffe Road is widened to 8 m wide between the site and the single-lane section (i.e. through the Railway Overbridge);

- Mt Fyffe Road is updated to stop control on the north side of the intersection with Ludstone Road;
- Flag lighting is provided at the Ludstone Road/Mt Fyffe Road intersection;
- Vegetation is trimmed/removed and permanently maintained at the Ludstone Road/Mt Fyffe Road intersection;
- Vehicle crossings are to be sealed and between 3 and 6 m wide;
- Vehicle crossings for corner lots are to be provided from the lower volume road;
- A minimum turning head radius of 9.5 m is to be constructed at the end of the road;
- The speed limit throughout the site is to be limited to 40 km/h at a maximum;

5.6.3 Subdivision – allotment sizes, dimensions & design

As previously stated, the site is currently undeveloped, holding one residential unit. Therefore, the result of a subdivision would likely have a variety of adverse effects. Given the permitted baseline for this location would be the Residential B Zone standards, also known as the Low-density residential zone, the site would have significant adverse effects as the subdivision proposal is more closely linked to the standards set out in the Residential A Zone, also known as the Medium-density residential zone. The sizes, dimensions and designs are not within keeping of the low-density character of the site.

5.6.4 Vegetation and landscape

One of the submissions raised concerns regarding the lack of vegetation and landscaping included in the proposal and also stated that the site will be losing more vegetation than what will be planted.

5.7 Kaikōura District Plan Objectives – assessment

Kaikōura District Plan	
UFD-O1 – Effects of urban growth To provide for urban growth where any adverse effects on natural and physical resources are mitigated, avoided, or remedied	Complies – adverse effects are intended to be mitigated – site is zoned residential, activity is within keeping. Physical resources should be largely unaffected
UFD-O2 – Efficient use of existing infrastructure and energy To encourage an urban form where existing physical infrastructure and energy is used efficiently and where any adverse effects on natural and physical resource, including infrastructure, are mitigated, or remedied	Complies – existing power and infrastructure would be extended and amended to accommodate for the proposal
UFD-O3 – Pattern of use between commercial and non-commercial activities	Not applicable
UFD-O4 – Provide for sustainable development To provide for sustainable development, including tourism in a way which avoids or mitigates adverse effects on Kaikōura’s amenity values and distinctive character	Complies – development is suited to the site – the site has been registered as residential for 15 years. Infrastructure is nearby and green space is still surrounding the site
UFD-O5 – Sustainable tourism growth	Not applicable
UFD-O6 – Enable visitor accommodation To recognise the need to provide visitor accommodation for visitors to the District while avoiding or mitigating the impact of increased visitor numbers on the sustainable management of the District’s resources	Can comply – visitor accommodation will be available following this application – however, many of the submissions and intentions of this proposal is for housing – however, visitor accommodation would still require a separate resource consent
UFD-P1 – Urban development avoids natural hazards	Complies – only concern raised was potentially liquefaction – however this is unlikely

To accommodate additional urban development only where the risk from flooding, land instability and coastal erosion or inundation are low	
UFD-P2 – Urban growth integrates with traffic safety and efficiency To ensure additional urban growth does not adversely affect traffic safety and efficiency of the State Highway	Does not comply – this does not affect SH1 however, surrounding roads would see significant affects – application suggests that Mt Fyffe Rd is to see an increase in 905 vehicle movements per day (vpd) from 20 vpd
UFD-P3 – Urban growth has appropriate infrastructure To ensure that additional urban growth does not adversely impact on the ability of the drinking water supply and sewerage systems to protect public health	Complies
UFD-P4 – Provide for peripheral urban development To provide for peripheral urban development where the adverse effects on other activities are able to be avoided or mitigated	Complies – urban edge of the township
UFD-P5 – Urban growth accounts for Treaty of Waitangi obligations To ensure that any proposals for urban growth respect the obligations under the Treaty of Waitangi, and the needs of Te Rūnanga o Ngā Tahu	Not applicable
UFD-P6 – Discourage unplanned urban growth To discourage unplanned urban growth between the coastal settlements to protect the amenity of coastal areas as viewed from the State Highway	Complies
UFD-P7 – Provide for a comprehensive living environment To provide for a comprehensive living environment just west of Kaikōura Township	N/A
UFD-P8 – Existing infrastructure is used efficiently To ensure that existing physical infrastructure is used efficiently by accommodating additional urban development within the existing urban areas or on the periphery of these areas	Complies
UFD-P9 – Reduce energy needs and consumption To reduce the need for the use of fossil fuels by accommodating additional urban development within existing urban areas or on the periphery of these areas	Could comply
UFD-P10 – Provide public facilities	Not applicable
UFD-P11 – Growth is within infrastructure capacity	Complies

To ensure that population and visitor growth does not place undue demand on existing infrastructure and services	
UFD-P12 – Provide for commercial areas	Not applicable
UFD-P13 – Limit mobile vendor locations	Not applicable
UFD-P14 – Encourage development in line with Kaikōura’s character	Not applicable
UFD-P15 – Provide for tourist activities where appropriate	Not applicable
UFD-P16 – Building design and tourist facilities To promote and encourage building design and tourist facilities which reflect and incorporate elements of a small coastal village	Not applicable
UFD-P17 – Design guidelines TO encourage development to proceed in accordance with the design guidelines in Appendix 1	Can comply
UFD-P18 – Tourism development	Not applicable
UFD-P19 – New tourist and non-tourist activities	Not applicable
UFD-P20 – Sustainable tourist activities	Not applicable
UFD-P21 – Operation and expansion of tourist activities	Not applicable
UFD-P22 – Balance tourism and growth with existing character	Not applicable
UFD-P23 – Visitor accommodation and affordable housing To provide for existing and proposed visitor accommodation activities as well as additional affordable housing	Should comply – the intention of the proposal is for affordable housing
UFD-P24 – Control effects of visitor accommodation	Not applicable
UFD-P25 – Effects of visitor accommodation	Not applicable
TRAN-O1 – Efficiency and safety of transportation infrastructure To provide for the safe and efficient use of the District’s existing and future transportation infrastructure	Can comply – should roads be correctly designed and accessed
TRAN-O2 – Manage effects of transportation To avoid, remedy or mitigate actual and potential adverse effects of transportation	Traffic report states that the proposal exceeds requirements of district plan
TRAN-O3 – maintenance and provision of access To maintain and provide for access and ease of pedestrian and vehicle movement throughout the district	Traffic report states it complies
TRAN-P1 – Promote, protect, and improve efficiency and safety of the transport network 1. To promote the efficient use of all roads	1. Can comply 2. Not applicable 3. Not applicable

<p>within the District by adopting and applying design and access standards within different zones of the District, based on the intended function of each road, and the expected vehicle generation.</p> <ol style="list-style-type: none"> 2. To protect the efficiency of through traffic on State Highway 1 due to its role as a carrier of through traffic. 3. To improve the safety of local traffic and pedestrians on Beach Road due to its role as a local road and business area. 4. To promote the efficient use of roads by ensuring the size, location and type of access to properties is appropriate. 5. To reduce congestion and loss of efficiency of roads by ensuring off-road parking and loading is provided for activities. 6. To promote and encourage cycling as a safe and efficient use of the Districts roads. 7. To provide for the continued operation of the Kaikōura Airfield and lawfully established helipads. 8. To recognise the Airfield as an important transport node in the District and to avoid, remedy, and mitigate effects of reverse sensitivity on airfield operations. 9. To require all business activities to provide adequate and convenient car-parking for customers and staff. 10. To support the new development of safe pedestrian links, and to upgrade existing pedestrian links, in order to promote and provide for the safe, direct, and pleasant movement of pedestrians and to reduce short vehicle trips and congestion. 11. To improve connections between rail and other transport modes, particularly pedestrian access, to the commercial areas of the township. 12. To encourage any new urban development in Settlement Zones to locate within or on the periphery of existing settlements to reduce the length of, and need for, vehicle trips. 	<ol style="list-style-type: none"> 4. Can comply – does not with small carriageway at rail overbridge 5. Likely to cause more traffic congestion due to proximity of schools and small road and intersection 6. Does not comply at this stage 7. Not applicable 8. Not applicable 9. Can comply 10. Can comply 11. Not applicable 12. Complies – not a settlement zone but on periphery of main township
<p>TRAN-P2 – Manage the environmental effects of transportation</p> <ol style="list-style-type: none"> 1. To encourage new residential development to locate within or on the periphery of existing settlements to reduce the length of and need for vehicle trips. 2. To enable people to establish workplaces in 	<ol style="list-style-type: none"> 1. Complies 2. Can comply – home occupation/business standards will still apply 3. Does not quite comply – little provision for pedestrian access to the development 4. Does not comply due to the above 5. Should comply

<p>their homes to reduce the need for vehicle trips, provided other effects on the environment are minor.</p> <ol style="list-style-type: none"> 3. To support the development of pedestrian and cycling links within the settlements and urban areas, having regard to the needs of disabled persons by making these facilities safe and pleasant. 4. To promote the use of transport modes which have low adverse environmental effects. 5. To ensure new roads are designed to visually complement the surrounding area. 6. To encourage the incorporation of tree and landscape plantings within new roads and roading improvements, wherever possible, having due regard to traffic and pedestrian safety. 7. To ensure any adverse effects arising from road or railway maintenance, protection, upgrading, construction or realignment on the following are avoided, remedied or mitigated: significant habitats of indigenous fauna, indigenous plants; the natural character of the coastal environment and waterbodies; outstanding landscapes and natural features; mahinga kai and taonga; and habitats of salmon and trout and; people and communities. 8. To ensure parking and loading associated with activities, does not adversely affect the amenity enjoyed by neighbours 	<ol style="list-style-type: none"> 6. Can comply 7. Should comply 8. Should comply
<p>TRAN-P3 – Ensure maintenance and provision of access</p> <ol style="list-style-type: none"> 1. To encourage \the development of pedestrian areas, walking routes, and cycleways, having regard to the needs of disabled persons 2. To ensure access is available through the provision of new roads and related facilities 	<p>Somewhat complies – sidewalks to be proposed within the subdivision – little provision of pedestrian or cycling access to the subdivision</p>
<p>SUB-O1 – Avoid natural hazard risks from subdivision</p> <p>Subdivision is:</p> <ol style="list-style-type: none"> 1. Avoided in areas where the risk to life or property from natural hazards is unacceptable; and 2. Managed in other areas to ensure that the risk of natural hazards to people and property is appropriately mitigated 	<p>Complies</p>
<p>SUB-O2 – Provide services at subdivision</p> <p>To provide essential services at the time of</p>	<p>Complies</p>

<p>subdivision, subject to any adverse effects on the environment from the provision of these services being mitigated, avoided or remedied</p>	
<p>SUB-O3 – Sites are suitable for a range of sustainable land uses To provide for allotments which are suitable for a range of sustainable land uses, except where special sites are required as provided for in SUB-I4</p>	<p>Complies – Range of activities and uses and designs made available</p>
<p>SUB-O4 – Provide for special lots To recognise the need for special lots to be created or activities where small lot sizes are required for activities such as utilities, recreation, roading and access or to protect values such as heritage, conservation or Ngāi Tahu values</p>	<p>Special lots being provided in the form of drainage reserves, elderly housing and roads</p>
<p>SUB-O5 – Protect natural, cultural, and heritage values At the time of subdivision, to avoid, remedy or mitigate adverse effects on sites having ecological, conservation or, heritage values or on sites of importance to Ngāi Tahu</p>	<p>Complies</p>
<p>SUB-O6 – Ensure subdivision design and amenity To ensure subdivisions are designed and constructed to create a pleasant amenity, so that solar energy is taken advantage of and so that erosion is avoided</p>	<p>Complies</p>
<p>SUB-O7 – Avoid contaminated land risks from subdivision To ensure that subdivision of potentially contaminated sites is either avoided or undertaken so that there is no increase in human health from contaminants</p>	<p>Complies</p>
<p>SUB-P1 – Control subdivisions affect by natural hazards</p> <ol style="list-style-type: none"> 1. To avoid or control subdivision where there is a 0.2% or higher probability that people or property will be affected by flooding from rivers in any one year. 2. To avoid subdivision where there is a risk of erosion, subsidence, slippage, or inundation from coastal hazards, and where the effects from such risks cannot be avoided or suitably mitigated. In respect of subdivision within the coastal environment, consideration will be given to possible future sea level rise. 3. To ensure that any remedial measures do not give rise to adverse effects on the environment. 	<p>Complies with all – minimal threat of natural hazard in this location</p>

<p>4. In considering new subdivisions, Council will recognise the following:</p> <ul style="list-style-type: none"> a. the integrity of natural systems, such as beaches, dunes and wetlands, that are a natural defence to erosion and/or inundation b. the ability of natural features such as beaches, dunes and wetlands, to protect subdivision and Development c. that new subdivision in the coastal environment should be located and designed so that the need for hazard protection works is avoided. <p>5. In considering subdivisions, to recognise that some natural features may migrate inland as the result of dynamic coastal processes, including sea level rise.</p> <p>6. In processing subdivision applications, to recognise the role of esplanade reserves and esplanade strips in the avoidance, remediation and mitigation of natural hazards.</p> <p>7. Subdivision for new hazard sensitive buildings shall:</p> <ul style="list-style-type: none"> i. Be managed in Urban High Flood Hazard Areas and avoided/mitigated in Non-Urban High Hazard Areas, as well as managed outside of High Flood Hazard Areas. ii. Be avoided/or mitigated within the Fault Avoidance Overlay iii. Be managed within all natural hazard overlays other than those referred to in Clause i and ii above, to ensure that the natural hazard risk is acceptable iv. Be managed in areas of the district that are subject to natural hazards, but are not identified as within a natural hazards overlay, to ensure that the risk to life and property from natural hazards is acceptable. v. Be managed to ensure that development is not likely to require new or upgraded community scale hazard mitigation works 	
<p>SUB-P2 – Require infrastructure for subdivisions</p> <p>1. To require upon subdivision, that new lots within Residential, Settlement, and</p>	<p>Complies with all but Stormwater – further action required</p>

Commercial zones and Kaikōura Peninsula Tourism and Ocean Ridge Development Areas are provided with a means of connection to a Council or community reticulated water supply system, where available, and that water supplies are of a potable standard, and of sufficient capacity for anticipated land use and for firefighting purposes.

2. To require upon subdivision, that anticipated development is provided with a means of disposing of sanitary sewage and trade waste in a manner which is consistent with maintaining public health and where adverse effects on the environment are avoided.
3. Upon subdivision in rural areas, to ensure that lots are provided with the ability to connect to a potable water supply where visitor accommodation or residential units are anticipated.
4. Upon subdivision in Residential, Settlement, and Commercial Zones Kaikōura Peninsula Tourism and Ocean Ridge Development Areas, to require that all new lots are provided with a means of connection to a Council or community reticulated sewage disposal and treatment system, where such a system exists.
5. To require that adequate provision is made for the supply of reticulated energy and communication services to new rural lots when required, and to encourage these services to be underground where practicable.
6. To require that underground reticulated energy and communication services are provided to lots within Residential, Settlement, and Commercial Zones and Kaikōura Peninsula Tourism and Ocean Ridge Development Areas.
7. To require the integration of subdivision roading with the existing roading network in a manner which reflects expected traffic levels and achieves safe and effective vehicular access to allotments.
8. To encourage the provision of pedestrian and cycle linkages where possible as well as linkages to and along water bodies.
9. To encourage the retention of natural open waterbodies and to require the disposal of

<p>stormwater in a manner that avoids inundation of land within or adjoining the subdivision and maintains or enhances the quality of surface and ground water.</p> <p>10. To avoid subdivision in the Marine Facilities Zone so as to retain the use of this area for appropriate marine activities and public use.</p>	
<p>SUB-P3 – Require lots to be of a suitable size and shape</p> <p>1. To require all allotments created as a result of subdivision to be of a size and shape which is suitable for a range of sustainable land uses, except where special sites are required as provided for in SUB-I4</p> <p>2. To ensure that subdivisions in the General Rural Zone are of a sufficient shape and size in order to maintain and enhance rural amenity values.</p> <p>3. To ensure that all allotments outside the Building Platform Location Areas in the Kaikōura Peninsula Tourism Development Area are of a sufficient size which is suitable for a range of sustainable rural land uses and are of a sufficient size to maintain the natural and open space character of the Kaikōura Peninsula</p>	<p>Complies – range of residential accommodation can be provided within this residentially zoned space</p>
<p>SUB-P4 – Provide for special lots</p> <p>To provide for small lots to be created to provide for activities such as utilities, recreation, roading or access and the protection of heritage, conservation and Ngāi Tahu values</p>	<p>Special lots provided for roading, drainage and intended to serve as elderly housing sections</p>
<p>SUB-P5 – Encourage subdivisions to protect natural, cultural and heritage values</p> <p>1. To encourage the protection of sites of ecological, conservation, heritage value or sites of importance to Ngāi Tahu at the time of subdivision through the use of mechanisms such as voluntary agreements, esplanade reserves, esplanade strips, access strips, conservation covenants, bonds and caveats.</p> <p>2. To encourage the maintenance and enhancement of indigenous biodiversity within and adjacent to areas of subdivision</p>	<p>Complies – the proposal intends to retain most of the natural views - reserves are in place to cater for drainage</p> <p>Planting is existing – further planting is encouraged and would be advised for in the conditions</p>
<p>SUB-P6 – Policies to subdivision design and amenity</p> <p>1. At the time of subdivision, to encourage the retention of existing vegetation where possible and to consider alternative methods of run-off control, such as bunding and mechanical silt traps, in order to</p>	<p>Complies</p> <ol style="list-style-type: none"> 1. Fringe vegetation mostly retained 2. Complies – proposal designed to ensure views are retained 3. Complies 4. Not applicable

<p>improve amenity, reduce erosion and reduce the amount of run-off.</p> <ol style="list-style-type: none"> 2. To encourage subdivision design and construction which results in the creation of pleasant environments. 3. To encourage developers to take advantage of the benefits of solar energy wherever possible. 4. To enable subdivision of allotments for residential and other uses in the Ocean Ridge Development Area provided that: <ol style="list-style-type: none"> a. The number and location of residential and other allotments are strictly controlled through rules and an Outline Development Plan for the Zone, in order to avoid any inappropriate development which would significantly diminish the conservation, amenity, and landscape values associated with this area; and, b. Requirements are put in place to ensure the establishment and maintenance of native restoration plantings and the maintenance of open space areas so that the development is in sympathy with the amenity and landscape values of the area; and, c. Provision is made for cycle tracks, pedestrian walkways and parks and reserves within the zone; and, d. The location of curtilage and building areas and vehicular access are to be selected so as to reduce the volume or extent of earthworks 	
<p>SUB-P7 – Policies relating to contaminated land</p> <ol style="list-style-type: none"> 1. To identify any potential contaminated sites at the time of subdivision. 2. To avoid subdivision of contaminated sites where risk to human health or exposure to people is increased as a result of the subdivision or as a result of any future activities resulting from the subdivision. 3. To provide for subdivision of contaminated sites only where risk to human health is not increased, or where contamination can be remedied to an appropriate level. 	Complies – no contaminated land
<p>EW-O1 – Managing adverse effects of earthworks</p> <p>To avoid, remedy or mitigate adverse effects from earthworks on waterbodies, the Coastal Marine Area, landscapes values, land stability, flooding potential of the site and neighbouring</p>	Complies – earthworks plan provided and dust management plan to be approved prior to commencement of any works

properties, and cultural heritage sites	
<p>EW-O2 – Cross references to earthworks objectives in other chapters Refer: NFL-O1, GRUZ-O1, GRUZ-O2, GRUZ-O3, MFZ-O1</p>	Not applicable
<p>GRZ-O1 – Provide for residential amenity To provide an essentially low density, small scale residential environment within the Kaikōura urban area with a dominance of open space and planting over buildings, and where the pleasantness and amenity of the residential area is maintained and enhanced</p>	Complies
<p>GRZ-O2 – Provide a range of living environments To provide for a diverse range of living environments expressed in built form, density of development and housing types</p>	Complies – different sized allotments are proposed to suit a range of housing
<p>GRZ-P1 – Provide for compatible non-residential activities To enable the establishment of non-residential activities in residential areas within Kaikōura urban area, in circumstances where:</p> <ul style="list-style-type: none"> a. The predominant use of the site remains residential; and b. The activity is compatible in terms of its potential effects on those of a residential nature 	Complies
<p>GRZ-P2 – Provide for on-site parking and manoeuvring To maintain the amenity of residential areas by ensuring sufficient on-site parking and manoeuvring for vehicles are established</p>	Parking – not applicable Manoeuvring should be complied with
<p>GRZ-P3 – Preserve residential amenity values To ensure that the design and siting of development (building height, building coverage, recession lines, setbacks, and provision of outdoor living areas) is controlled so that:</p> <ul style="list-style-type: none"> a. Development will not unreasonably deny neighbouring properties sunlight, daylight, views or; b. Ample on-site provision of outdoor living space oriented to the sun exists; and c. An open and attractive scene exists; and d. A character and scale of buildings an open space is maintained which is compatible with the anticipated residential environment 	Complies – proposal aims to keep site relatively open and height restrictions in the middle of the proposal ensure that development is not built up too high

GRZ-P4 – Limit noise and light effects To ensure noise and lighting spill do not adversely affect the amenity enjoyed on residential sites	Should comply
GRZ-P5 – Limit incompatible activities To avoid activities within the residential areas of the Kaikōura urban area which are incompatible with residential activities and to maintain an appropriate level of residential amenity	Complies
GRZ-P6 – Avoid development that adversely affects residential amenity and character To avoid or mitigate development which would detract from the predominant character, scale and amenity of the particular residential environment	Does not comply – the scale of the proposal is out of character within the zone, but the activity is in character – ultimately, residential amenity is increased
GRZ-P7 – Promote Zero Waste policy To promote Council’s “Zero Waste” policy by promoting and encouraging the reduction, reuse and recycle of unwanted materials	Complies
GRZ-P8 – Enable a mix of housing types To enable a mixture of housing styles in residential areas provided the amenity of these areas is not adversely affected	Complies
GRZ-P9 – Enable higher densities To enable higher density development to be established in areas where this is appropriate	Complies
GRZ-P10 – Limit bulk and location performance standards To place no restrictions on building design in residential areas, other than in respect of matters such as height in relation to boundary, height, setbacks, and percentage coverage.	Complies – building height restrictions to be imposed on MURC lots
GRZ-P11 – Restrict building height on waterfront sections	Not applicable
GRZ-P12 – Allow additional building height on Torquay Street	Not applicable

5.8 Other Matters

When considering an application for resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application.

This application has been assessed with regard to *Te Poha o Tohu Raumati (TPOTR) -Te Rūnanga o Kaikōura Environmental Management Plan* within the scope of the discretions and has been found to be in general accordance with this plan.

Other matters that I have assessed this on is the future of the Kaikōura Town. Where there is a significant shortage of housing and accommodation for those that what to remain in Kaikōura for longer term. There, in my experience in this town, is no better location for a residential development to take place, albeit higher density than what is intended, it will ideally open up either the rental market or the ownership market. Not only this, it provides an opportunity, from what I have gathered

listening to the applicant talk about the proposal, for the older demographics to remain within the area, be able to be independent but also have access to important amenities and also be in close proximity to help each other or to receive help.

There is also a great opportunity to help those in need to have a roof over their head, whether it be temporary housing or social housing. However, the neighbouring parties have expressed desire that none of the housing be supplied to Kāinga Ora, and it also seems that the applicant also prefers to ensure that the development is for those that are willing to care for their property.

There is also no guarantee that the housing within this area will be affordable, given the fluctuating economic factors and costs of building. On top of opening the availability of housing, it cannot be determined who will purchase properties and what they will do with them. Many properties in Kaikōura are used for a visitor accommodation rather than a longer-term rental or they are used as 'holiday homes'. There is no determination as to what affordable housing is, and whether or not it will be accessible to those that require it, which relates to what many of the submissions were regarding [affordable housing, the housing shortage]. However, as previously mentioned, in my experience, such a high-density proposal is rarely offered within this area, and there are fewer locations better suited for this. This is a proposal that can greatly benefit the region in terms of investing in the future of Kaikōura.

Furthermore, there seems to be a national shift for higher density living, which is being encouraged with such legislation as the NPS-UD. With larger towns making the move toward upward growth and planning urban catchments, this may be the step in that direction for Kaikōura. A smaller step in terms of what the rest of the country is pushing towards, but a large step in the character of Kaikōura. There is also great opportunity in the form for housing for the elderly, to learn from other areas such as the Heretaunga Street development in Palmerston North that has undertaken higher-density living, for the elderly that want to remain independent.

A consent authority must not grant resource consent if the application should have been notified and was not. In my opinion, the application was properly assessed under section 95 of the RMA.

A consent authority may decline an application for resource consent on the grounds that it has inadequate information to determine the application. In my opinion, there is adequate information to determine this application.

The relevant sections of the Resource Management Act 1991 are discussed in Appendix II. The proposal is considered to be consistent with the purpose of the Resource Management Act 1991 (section 5, the sustainable management of natural and physical resources).

It is considered that the activity will not contravene sections 6, 7 or 8 of the Resource Management Act 1991.

This application is for a restricted discretionary activity under the Kaikōura District Plan. In respect of section 104C of Resource Management Act 1991, a consent authority may grant or refuse consent, it may impose conditions under section 108 for matters over which it has restricted its control in a Plan or Proposed Plan.

5.9 Summary

On the basis of the above, it is considered that the effects of the activity on the environment will be no more than minor with the exception of stormwater, and Council may grant consent under sections 104, 104C and 106 of the RMA 1991 and impose conditions under section 108, under the premise that a stormwater discharge consent is obtained whether it is extending the Kaikōura District Council global consent or its own stormwater discharge consent.

6. Summary and conclusions

- Resource consent is required under the Kaikōura District Plan for a **Restricted Discretionary** activity.
- The application has been processed on a **Publicly notified** basis under Section 95 of the RMA.
- It is considered that the application is consistent with the policy and objectives of the Kaikōura District Plan.
- It is considered that the application is consistent with and does not contravene the Purpose the Resource Management Act 1991 (section 5). It is considered that the application is consistent with the Principles of the Resource Management Act 1991 (sections 6, 7 and 8). The activity is therefore assessed as being consistent with, and not contravening Part II of the Act.
- Council may grant or refuse this consent under sections 104 and 104C of the RMA and may set conditions under matters it's restricted it control to under section 108 of the RMA.

Recommendation:

Consent is granted pursuant to section 104, 104C, 106 and 108 of the Resource Management Act 1991 to subdivide PT SEC 198 KAIKŌURA SUBURBAN RD & LOT 1 DP 3364 PT SEC 34 BLK X MT FYFFE SD into 67 lots as set out in the application SU-2023-1874-00 and LU-2023-1875-00 subject to the conditions in Appendix I.

Reported by

Zachary Burns

Date: 03 April 2023

Planning Officer



Appendix I

Conditions

Subdivision Conditions:

General Conditions

1. The proposal shall proceed in general accordance with application and the accompanying site plan titles stamped Plan Approval 1874 held at Kaikoura District Council with the exception with compliance to the conditions below.
2. In accordance with section 128 of the Resource Management Act 1991, the Kaikoura District Council may review any or all of the conditions of this consent by giving notice of review during June in any year after granting consent for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this consent, which were not foreseen at the time of application or where it was not appropriate to deal with at that time.
3. The consent holder shall meet all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent.
4. All services (water, stormwater, sewer etc.) traversing lots other than those being served by the service and not situated within a public road, shall be protected by easements. All such easements, including any amendments found necessary during the final engineering design shall be granted and reserved.
5. All Council utility schemes (water, stormwater, sewer etc.) existing or created located within the proposed lots shall be protected by an easement in gross in favour of the Kaikoura District Council of no less than 3m wide. All such easements must be accessible by legal road.
6. Stormwater from hardstand or roofed areas shall not discharge across the neighbouring boundaries, unless suitably protected by easements.

Accidental Discovery Protocol

7. The Accidental Discovery Protocol of the Kaikoura District Plan shall be followed at all times. See Appendix III.

Please note: Where during excavation or land disturbance, any archaeological artefact or human remains are accidentally discovered; work shall cease immediately, the site secured, and the Accidental Discovery Protocol process begun. Please review and begin the Protocol and contact the Kaikoura District Council immediately.

The consent holder is responsible to ensure that all contractors are aware of and follow the Accidental Discovery Protocol.

As-Builts

8. The consent holder shall submit to Council as-built drawings of all new services created.
9. Two A3 size copies of as-built plans and copies of the electronic files (e.g. .dwg or .dxf files) showing all works and information as detailed in NZS 4404:2010 Schedule 1D.
10. Plans shall be certified by a suitably-qualified person stating that they are a true and accurate record.
11. Where the new services connect with the existing services the location, depth and orientation of the existing services shall be confirmed on the as-built plans.

12. Above ground existing services shall also be identified on the As-built plans. Where known, the location of existing underground service shall also be shown

Water and Sewer Connections

13. The Consent Holder shall provide connections to Kaikoura District Council's water and sewer system to all lots.
14. No construction on water or sewer connections shall begin prior to written approval by the Kaikoura District Council.

Please Note: To obtain approval to form water and sewer connections, the consent holder shall submit the form Application for Change to Water Levels of Service to the Kaikoura District Council. Only contractors approved by Council may perform the final tapping into live mains.

Engineering Standards

15. The consent holder shall ensure that all engineering works for the subdivision conform to NZ4404:2010-Standards for Land Development and Subdivision Engineering or any subsequent amendment to this standard.
16. Prior to any work being undertaken, the consent holder must obtain written approval by the Kaikoura District Council for any variation from NZ4404:2010.

Telecom and Power Connection

17. The 11kVa and 33kVa electricity lines shall be undergrounded through the subject property.
18. Provision shall be made for Electricity and Communications to the boundary/net of each allotment. Letters confirming provision has been made shall be provided from the Service Providers.

Road Cutting

19. The consent holder shall not undertake physical works on the legal road without prior written approval of the Kaikoura District Council

Please Note: to obtain written approval to undertake work on a legal road, the consent holder shall submit the application form for Road Crossing/cutting to the Kaikoura District Council for approval.

Stormwater Management

20. The applicant, at their own expense, shall supply one of the following prior to the commencement of any earthworks:

EITHER

- A variation to Kaikōura District Council's existing global stormwater discharge consent from Environment Canterbury (CRC144682), to include the subject site;

OR

- A stormwater discharge consent specific to the site location from Environment Canterbury.

Roading

21. Lot 97 shall vest as a legal road

22. Mt Fyffe Road shall be upgraded to an 8m width including the pass underneath the overbridge, where there shall also be a flag light installed at the intersection with Ludstone Road
23. Lot 97 shall be formed to be in general accordance with NZS4404 with an 8m wide carriageway with 2m wide footpath as shown on the Engineering plans in Appendix C of the application
24. Landscaping and street furniture shall be installed as per the Landscape concept plans in Appendix J of the application
25. Mt Fyffe Road and all internal roads shall have a posted speed limit of 40km/h to ensure safety in conjunction with rural activities taking place, and the area around the Ludstone Road and Mt Fyffe Road intersection be a 50km/h posted speed limit.

Construction

26. Construction activities shall occur between 7:00 am and 6:00 pm during weekdays and 7:30 am and 5:00 pm on Saturdays
27. Construction activities shall comply with noise standards as per NZS 6803:1999 Acoustics – Construction noise
28. Prior to construction commencing, Construction Management Plan shall be certified by Council. Works shall be undertaken in accordance with the certified plan.
29. Prior to construction commencing, a Dust, Erosion and Sediment Control Plan shall be certified by Council. Works shall be undertaken in accordance with the certified Plan
30. All earthworks involving filling will be carried out in accordance with the standards in NZS4431:2022. A GeoProfessional will certify that any fill is in accordance with Appendix A of that standard
31. A GeoProfessional shall confirm that each residential allotment has an area suitable for the construction of residential buildings in accordance with NZS 4404:2010 Land development and subdivision infrastructure - Schedule 2A
32. Engineering plans shall be provided to Council prior to commencing works
Advice note: A copy of the Engineering plans shall be provided to KiwiRail

Consent Notices

33. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered at the consent holders expense against Lots 1-65 to address the non-compliance with density standards. The consent notice shall be worded as follows:
 - Only one (1) dwelling shall be located on each lot
 - No lot shall be further subdivided
 - There shall be a maximum site coverage of no more than 35% of each site
34. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered at the consent holders expense against Lots 91-92 to address non-compliance of density standards. The consent notice shall be worded as follows:
 - A density of 1 residential unit per 300m² up to 10 residential units each Lots 91 & 92 is permitted
 - A maximum height of 5.5m above ground level is permitted
 - Outdoor living spaces shall comply with the following requirements
 - a. Minimum area 10m² with 2m minimum diameter for a 1 bedroom unit

- b. Minimum area 20m² with a 3m minimum diameter for a 2 bedroom unit
 - c. Minimum area 30m² with a 4m minimum diameter for a 3 bedroom unit
 - d. Up to 5m² of outdoor living space may be roofed and one side may be enclosed to provide a sheltered area
- On Lot 92, the access may serve up to 10 residential units, and the driveway shall be formed and sealed to a 5.5m width
 - Turning room is to be provided on site so all vehicles exit the site in a forwards direction
 - All waste which is stored outside shall be screened from public view and adjacent residential properties
35. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered at the consent holders expense against Lots 14-43, 54-63 and 91-92 (all within 100m of the Railway line), to address concerns regarding the Railway line. The consent notice shall be worded as follows:
- A “No Complaint” covenant shall be registered against these lots in relation to the effects of the Railway Line.
36. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered at the consent holders expense against Lots 21-39 (within 40m of the Railway Noise buffer), to address the Railway Noise buffer. The consent notice shall be worded as follows:
- New buildings or alterations to existing buildings containing noise sensitive activities, must be designed, constructed and maintained to achieve train-traffic vibration levels complying with class C of Norwegian Standard NS 8176.E:2005 “Vibration and Shock – Measurement of vibration in buildings from land based transport and guidance to evaluation of its effects on human beings”
 - Indoor design noise level as a result from Rail traffic must not exceed the following levels:
 - (i) Bedrooms: 35dB_{L_{Aeq}(1h)}
 - (ii) Other habitable spaces: 40dB_{L_{Aeq}(1h)}
 - (iii) If windows must be closed to achieve the design noise levels in above, the building must be ventilated to meet clause G4 of the Building Code (Schedule 1)
 - All earthworks are to be undertaken in accordance with an Accidental Discovery Protocol, which requires consultation with Te-Runanga-o-Kaikoura upon any discovery of a cultural site.
 - Lots 1 – 25 are to ensure that there is a farm fence of at least a five-strand post and wire type in good working order along the southern boundary for the period that Section 27 Block X Mt Fyffe Survey District is a farm.
 - At the time of Building Consent on the lots served by Rights of Way, the proprietor shall demonstrate turning room, so vehicles exit in a forwards direction.
 - At the time of actioning the Building Consent, the proprietor shall form and seal a vehicle crossing to the boundary to Council standards, a minimum width of 3m.

The above conditions (17-18, 21-23 and 25-36) were volunteered by the applicant to mitigate the effects of the proposal on the surrounding environment

Land Use Conditions:

General Conditions

1. The proposal shall proceed in general accordance with the application and the accompanying site plan titles stamped Plan Approval 1875 and held at Kaikoura District Council with the exception with compliance to the conditions below:
2. In accordance with section 128 of the Resource Management Act 1991, the Kaikoura District Council may review any or all of the conditions of this consent by giving notice of review during June in any year after granting consent for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this consent, which were not foreseen at the time of application or where it was not appropriate to deal with at that time.
3. The consent holder shall meet all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent.
4. In accordance with section 35 of the Resource Management Act, monitoring of compliance with the consent will be undertaken by a council officer within six months of the date that the consent is given effect to.

5. A density of 1 residential unit per 300m² up to 10 residential units each Lots 91 & 92 is permitted

6. Lot 91 and 92 shall have a maximum height of 5.5m above ground level

7. Lots 91 to 92 outdoor living spaces shall comply with the following requirements
 - a. Minimum area 10m² with 2m minimum diameter for a 1 bedroom unit
 - b. Minimum area 20m² with a 3m minimum diameter for a 2 bedroom unit
 - c. Minimum area 30m² with a 4m minimum diameter for a 3 bedroom unit
 - d. Up to 5m² of outdoor living space may be roofed and one side may be enclosed to provide a sheltered area
8. On Lot 92, the access may serve up to 10 residential units, and the driveway shall be formed and sealed to a 5.5m width.

9. Turning room is to be provided on site so all vehicles exit the site in a forwards direction.

10. All waste which is stored outside shall be screened from public view and adjacent residential properties
 - At the time of Building Consent on the lots served by Rights of Way, the proprietor shall demonstrate turning room, so vehicles exit in a forwards direction.
 - At the time of actioning the Building Consent, the proprietor shall form and seal a vehicle crossing to the boundary to Council standards, a minimum width of 3m.

The above conditions (5-10) were volunteered by the applicant to mitigate the effects of the proposal on the surrounding environment

Advice Notes

Kaikōura Council has expressed its continued advocacy and support for the Kaikōura International Dark Skies working group (KIDS) as it strives to achieve International Dark Skies Accreditation for the District and reduce light pollution and protect the environment from the nuisance of unnecessary lighting. To ensure that your lighting is appropriate please see the Responsible Lighting Guidelines for Kaikoura which can be found at <https://kaikouradarksky.nz/>

You have the right of objection to the consent authority pursuant to section 357 of the Resource Management Act 1991 in respect to the above decision within fifteen working days of receipt of this decision. Should you wish to object to this decision please advise Kaikōura District Council in writing, setting out the reasons for your objections, within the above time limit.

Pursuant to section 125 of the Resource Management Act 1991 these consents will lapse on the expiry of 5 years after date of commencement of the consent, or such other date as provided for in the consent, unless:

- The consent is given effect to or;
- Application for an extension of time is made within 3 months after expiry of that period.

In accordance with section 127 of the Resource Management Act 1991, the consent holder at any time prior to the issue of a section 224 certificate may apply for the change or cancellation of any of the conditions of this consent.

Application forms for service connections and access are to be lodged with KDC and service approval fees paid prior to physical works commencing

This is not a building consent. You are still required to obtain a building consent before any building work commences.

Appendix II

Relevant Sections of the Resource Management Act 1991

Applications for resource consents are considered under sections 104, 106 and 108 of the RMA.

Section 104(1) sets out the matters to which the Council shall have regard when considering an application for resource consent. Subject to Part II of the Act, which contains the Act's purpose and principles, the following matters are relevant:

- any actual and potential effects on the environment of allowing the activity;
- any relevant provision of;
- a national policy statement;
- a New Zealand coastal policy statement;
- a regional policy statement or proposed regional policy statement;
- a plan or proposed plan; and
- any other matters that the consent authority considers relevant and reasonably necessary to determine the application.

In accordance with section 104(2) a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.

Under section 104(3) a consent authority must not-

- have regard to trade competition when considering an application:
- when considering an application, have regard to any effect on a person who has given written approval to the application:
- grant a resource consent contrary to provision of section 107 (Coastal Permits) or section 217(Water Conservation Order) or any Order in Council in force under section 152 (Coastal Permits), or under any regulations:
- grant a resource consent if the application should have been publicly notified and was not.

Under section 104(A),(B),(C),(D)(determination and restrictions on applications), council must grant consent for controlled activities. May grant or refuse applications for (restricted) discretionary and non-complying activities.

If the activity is non-complying under section 104(D) then it may only be granted if council is satisfied that either-

- The adverse effects of the activity on the environment (other than any effect to which section 104(3)(b) applies) will be minor; or
- The application is for an activity that will not be contrary to the objectives and policies of the relevant plans (operative or proposed).

Part II of the Resource Management Act

Any decision of the Council is subject to the provisions contained in Part Two of the Resource Management Act 1991. In considering the application, the consent authority must give pre-eminence to Part II of the Act.

Section 5 of the Act contains the purpose of the Act, which is to promote the sustainable management of natural and physical resources. Sustainable management is defined in the Act as:

“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 wellbeing and for their health and safety while-

Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”

Sections 6, 7, and 8 of the Resource Management Act (1991) outline the principles of the Act. All persons exercising functions and powers under the Act shall consider:

Matters of National Importance (s.6);

Other Matters (s.7); and

The Treaty of Waitangi (s.8).

Appendix III
**Accidental Discovery Protocol: Archaeological sites, archaeological areas,
historic areas or Waahi Tapu**

This rule does not apply to the Kaikōura Peninsula Tourism Zone and the Ocean Ridge Comprehensive Living Zone

Where, during earthworks on any site, any archaeological feature, artefact or human remains are accidentally discovered or are suspected to have been discovered, the following protocol shall apply:

- i. Immediately that it becomes apparent that a suspected archaeological site, burial site, waahi tapu or waahi taonga site has been uncovered, all excavation shall cease.

In cases other than suspected human remains

- ii. The contractor must shut down all machinery immediately, secure the area and advise the consent holder or proponent and Kaikōura District Council of the occurrence.
- iii. The consent holder or proponent must notify the Heritage NZ Trust so that the appropriate consent procedure can be initiated.
- iv. The consent holder or proponent must consult with a representative of the Te Rūnanga o Kaikōura to determine what further actions are appropriate to safeguard the site of its contents.

Where human remains are suspected

- v. The contractor must take steps immediately to secure the area in a way which ensures human remains are not further disturbed. The contractor shall advise the consent holder or proponent of the steps taken.
- vi. The contractor shall notify the Police of the suspected human remains as soon as practicably possible after the remains have been disturbed. The consent holder or proponent shall notify Te Rūnanga o Kaikōura and Heritage NZ within 12 hours of the suspected human remains being disturbed, or otherwise as soon as practically possible.
- vii. Excavation of the site shall not resume until the Police, Heritage NZ and the relevant Kaumatua have each given the necessary approvals for excavation to proceed.

Note: If any land use activity (such as earthworks, fencing or landscaping) is likely to modify, damage or destroy any archaeological site (whether recorded or unrecorded), an “authority” consent from Heritage NZ must also be obtained for the work to lawfully proceed.

