

BEFORE THE KAIKOURA DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991 (“RMA” or “the Act”)

AND

IN THE MATTER of applications under section 88 of the Act to the **Kaikoura District Council** by **Vicarage Views Limited** for resource consents for a 67 allotment Subdivision and Land Use to build a dwelling on each residential allotment (**SU-2023-1874-00 and LU-2023-1875-00**)

EVIDENCE OF JANE BAYLEY ON BEHALF OF VICARAGE VIEWS LTD

PLANNING

Dated 12 April 2023

By: Jane Bayley
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1.0 INTRODUCTION

- 1.1 My full name is Jane Rushton Bayley. I am a Resource Management Planning Consultant and hold the qualification of Master of Regional and Resource Planning from Otago University.
- 1.2 I have 23 years experience as a Planner and Resource Management Consultant. This experience includes as a Council Planner with the Buller District Council from 2000 through to the start of 2008, when I moved into private practice. I have been employed as a Resource Management Consultant at Staig & Smith Ltd which is a Surveying, Land Development and Planning Consultancy based in Nelson since 2008.
- 1.3 I am familiar with and have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note and I agree to comply with it. My evidence is within my area of expertise, however where I make statements on issues that are not in my area of expertise, I will state whose evidence I have relied upon. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.
- 1.4 I was engaged by the Applicant in February 2022 to prepare a resource consent application. I have undertaken one site visit, viewing the application site, the township, Seaviews Subdivision and the proposed IAF Link through to Ocean Views Subdivision.
- 1.5 I acknowledge that the Kaikoura District Council (the Council) have reviewed the Kaikoura District Plan (KDP) and changed its layout to reflect the National Policy Standards as part of Natural Hazards Plan Change 3. Whilst this process was undertaken prior to lodging the Resource Consent Application, the Council had not published the updated version of the District Plan until February this year. As such, the Resource Consent application document refers to the original nomenclature of the Objectives, policies and rules. I note that the s42A report refers to the newly published updated version of the District Plan.

2.0 PURPOSE AND SCOPE OF EVIDENCE

- 2.1 This evidence is given on behalf of Vicarage Views Limited (the Applicant). The application, as notified, applied for:
- a. Subdivision Consent to create 67 vacant residential allotments (Proposed Lots 1 – 65, 91 and 92) and new Roads and Reserves to Vest (SU-2023-1874-00);
 - b. Land Use consent to construct one residential unit on Proposed Lots 1-65 generally in accordance with Residential A standards and to create a Multi Unit Residential Complex (MURC) for up to 10 residential units on each of Proposed Lots 91 and 92 (LU-2023-1875-00).
- 2.2 The Applicant sought a standard term for term for the consents.

- 2.3 This evidence addresses the planning assessment of the activities sought in relation to the Kaikoura District Plan (KDP), the Resource Management Act 1991 (RMA) and its regulations.
- 2.4 In preparing this evidence, I have read the following documents:
- The Application and Assessment of Environmental Effects
 - A copy of all submissions
 - Council's Section 42A (s42A) assessment
 - Expert evidence from the Applicant's Technical Team
- 2.5 The scope of my evidence is as follows:
- Section 3.0 Application description
 - Section 4.0 The Site and Environs
 - Section 5.0 Details of the Proposed Development
 - Section 6.0 KDP Zoning Framework and Status of the Activity
 - Section 7.0 Assessment of Relevant Policy Statement and Plans
 - Section 8.0 Part 2 of the Resource Management Act
 - Section 9.0 National Policy Direction
 - Section 10.0 Assessment of Effects
 - Section 11.0 Notification and Submissions
 - Section 12.0 Commentary on s42A Recommended Conditions
 - Section 13.0 Conclusion

3.0 APPLICATION

As Notified

- 3.1 The Applicant has applied for two consent types, being the subdivision of the application site and a land use to undertake residential activities on each allotment, both in accordance with the density and coverage rules similar to Residential A / Medium Density Residential Precinct Performance Standards as follows:
- a. Subdivision Consent to create 67 vacant residential allotments (Proposed Lots 1 – 65, 91 and 92) with a minimum net area of 500m², and new Roads and Reserves to Vest (SU-2023-1874-00);
 - b. Land Use consent to construct one residential unit on Proposed Lots 1-65 generally in accordance with Residential A / Medium Density Residential Precinct Performance Standards and to create a Multi Unit Residential Complex (MURC) for up to 10 residential units on each of Proposed Lots 91 and 92 (LU-2023-1875-00).
- 3.2 A Multi Unit Residential Complex is a cluster of residential units, whether standalone or duplexes, in this instance with up to 10 residential units. The premise of a MURC to provide an alternative housing opportunity, whether this maybe rental under a single ownership or as a unit title, and the aim is to provide

a more affordable housing type. One such intended user of a MURC maybe Kainga Ora or Elderly Persons Housing.

- 3.3 The Applicant sought a standard term for term for the consents.

Amendments to the application post Submissions, s42A report and Applicant's Expert Evidence

- 3.4 Following receipt of both the Submissions and Council's s42A Report, the Applicant seeks to amend the proposal out outlined below.
- 3.5 The Applicant's Traffic Expert, Mr. Boarreto has assessed the submission raised by Submitter #16 (Margetts and Smart) in relation to line of sight at the Submitters vehicle crossing and the s42A report. To ensure adequate sight lines and safe stopping distances as well as to reduce potential conflict of users along Mt Fyffe Road as a result of the increased traffic volume, the Applicant agrees with the Submitter that the posted speed limit on Mt Fyffe Rd south of the junction with Ludstone Rd remain at its present limit of 30 km/h and amends the application accordingly. In addition, the Applicant seeks that the internal roading speed limit also be set at 30km/h.
- 3.6 The Applicant acknowledges that additional resource consents are required from ECan to be able to give effect to the subdivision consent. Namely an on-going discharge consent for stormwater as the application site is outside of Council's Global Stormwater Consent. In addition, consents are required for construction works.
- 3.7 The Applicant is in the process of applying for a Discharge to Air Consent for the construction earthworks. A Dust Management Plan has been prepared, attached, which addresses items in the submission of Submitters 16 (Margetts and Smart) and 45 (MoE) who sought a copy of this.
- 3.8 As part of the Discharge to Air Consent, an Erosion and Sediment and Control Plan (ESCP) is currently being drafted. The Applicant will provide a copy of the ESCP and the Decision to the Council once issued.
- 3.9 The Applicant is also in the process of applying for consent to temporary discharge of construction stormwater. The Applicant will provide a copy of the Decision to the Council once issued.
- 3.10 The Applicant will also supply copies of the air discharge and construction-phase stormwater discharge consents prior to commencement of preparation works, such as removal of trees, demolition of the dwelling and Mt Fyffe Road upgrade.
- 3.11 In regards to the latter, the Applicant may provide to Council a set on Engineering Plans for the Mt Fyffe Road upgrade prior to the Engineering Plans for the works within the application site. This will then enable the Applicant to commence the external works whilst the reticulation Stormwater Discharge Consent is being processed by ECan.

- 3.12 The Applicant acknowledges that a Stormwater Discharge Consent is required from ECan for the on-going operation of the stormwater reticulation from the application site as the application site is located outside of Kaikoura District Council's Global Stormwater Consent for Kaikoura. Based on the Comments within the s42A Report from the Council's Planner, the Council's Engineering Staff are seeking clarification about the hydraulic effects of the stormwater discharge. The Applicant is working with Council regarding the discharge consent, and accept that Council will be an affected party to the discharge.
- 3.13 The Applicant will provide a copy of the Stormwater Discharge Consent Decision to the Council prior to Engineering Plan approval from Council to give effect to the consent. Once the Consent is approved, the Applicant will seek to transfer the Stormwater Discharge Consent to Council.
- 3.14 I note that the above ECan consents were not sought at the time of applying for subdivision consent, as the Applicant wanted some certainty as to the subdivision prior to formalising the Discharge applications.
- 3.15 The application included a number of the volunteered provisions that complied with Permitted Performances Standards as set out in the KDP, such as building height. Within the s42A report, the Council's Planning Officer does not support conditioning activities which comply with Permitted Performances Standards. The Applicant acknowledges and accepts this.
- 3.16 The Applicant seeks an amendment as to when the Land Use Consent commences. The Applicant seeks a standard lapse term of five years, but seeks that this commence at the time that titles are issued, which provides a full five year lapse term from the time that titles are issued. This then means that purchasers of individual allotments within the subdivision are not adversely impacted by a reduced term to build on the allotments.

4.0 DESCRIPTION OF APPLICATION SITE AND SURROUNDING AREA

Application Site

- 4.1 The application site is comprised of two separate appellations within two Records of Title (RT), which were attached in the Application. RT MB1C/1432, which has been part cancelled¹, contains Pt Sec 34 Blk X Mount Fyffe SD being an area of 0.5543ha. RT 1058371 contains Lot 1 LT 575959, which is 5.9204ha. The total application area is therefore 6.4747 hectares.

¹ Lot 1 DP 3364 was taken for buildings of General Government (the DoC Service Centre) on 5.06.1972, while the tip of the triangle was taken on 19.03.1981 for the adjacent substation.



- 4.2 The physical description of the application site was outlined in Part 3 of the application document and has been accepted in the Council’s s42A report.
- 4.3 I note that as a result of the Council’s changes to the KDP, the Zoning name of the application site has changed in accordance with the National Planning Framework from Residential B to Low Density Residential Precinct.

Surrounding environment

- 4.4 The KiwiRail Coastal Pacific Railway line, Designation D31, is located immediately adjacent to the northern boundary of the application site. To the north of which is Ludstone Road, a Collector Road. To the north of Ludstone Road is a Mainpower Zone Substation, and Rural Zone land.
- 4.5 To the north-west of the application site is Mainpower’s Kaikoura Substation, which is located in the northwest apex at the intersection of Ludstone and Mt Fyffe Roads. This is shown on the KDP Planning Maps as Designation D42.
- 4.6 Mt Fyffe Road is located along the western boundary of the application site and its ~6m wide sealed carriageway terminates just beyond the existing access to the site. Mt Fyffe Road is referred to in Council’s Roding Bylaw as a Collector Road, although Mt Fyffe Road south only serves three properties. The carriageway is typical “rural road” with side shoulders and shallow stormwater swales. The Mt Fyffe Road formation narrows as it passes beneath the railway line, with north-bound traffic subject to a “Give way”. The Overbridge has a span between piers of 7.8m and the formed carriageway at this point is 4.6m wide with shoulders to separate the carriageway and the piers. The Overbridge has a height restriction of 4.0m.
- 4.7 To the west of Mt Fyffe Road is Rural Zone land. This land is part of the farm of Submitter 16 (Margetts and Smart) and includes their dwelling.
- 4.8 To the south of the application site is additional Residential B / Low Density Residential Precinct land, 18ha of which is part of Submitter 16’s farm. This land is currently used as grazing for cattle.

- 4.9 To the east of the application site is Residential A land, which is developed.
- 4.10 Kaikoura High School is approximately 175m east of the site as the crow flies, but for children to walk or bike to school, the application site is around 885m from the school, which may be around a 10 - 15 minute walk. St Josephs School is a further 120m down Ludstone Road.
- 4.11 Kaikoura District Council have obtained a \$7.8M package from the Government from the infrastructure Acceleration Fund (IAF) for a proposed infrastructure project that enables connection from two different sites, including Vicarage Views and an expansion of the Ocean Ridge subdivision. The first phase of the project is a footpath connecting Vicarage Views to the schools on Ludstone Road and the town centre, and the initial stage of a cycleway path connecting Ludstone Road to Ocean Ridge.
- 4.12 Details of the IAF footpath design along Mt Fyffe Road is attached in Mr. Boarreto's Evidence, as has been requested by Submitter 16 (Margetts and Smart).
- 4.13 Although not within the Council's Planning Maps, the application site located within a 2km wide strip along the coast line between Kekerengu River to Kaikōura Peninsula which is identified as Wāhi Tapu, Wāhi Taonga in ECan's Rūnanga Sensitive Areas map.

5.0 DETAILS OF THE PROPOSED DEVELOPMENT

- 5.1 The application includes two types of consents: the first being the 67 lot subdivision; and the second being a land use consent for future development of the allotments for residential activities.

SUBDIVISION

Layout

- 5.2 The proposed subdivision layout is shown in **Appendix C** of the Application, and consists of 67 residential allotments with associated easements and five allotments to vest in Council. The s42A report supports the layout.
- 5.3 Proposed Lots 1- 65 range from 500m² net area to 860m² net area, with an average size of 553m². Proposed Lots 91 and 92 are to have a net area of 3,725m² and 3,295m² respectively.
- 5.4 Proposed Lots 23-25 shall be accessed via Right of Way A, while Proposed Lots 42-43 shall be accessed via Right of Way B. Both Rights of Way have a legal width of 4.5m.
- 5.5 Proposed Lot 28 is a rear allotment with a 4m access strip, and Proposed Lot 92, also a rear allotment for the future MURC, has a 9m wide access strip to serve up to 10 dwellings.

- 5.6 The application includes four utility Local Purpose Reserves to vest. Proposed Lots 93-95 include overland flow paths from the land to the south of the application site. 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. The Applicant acknowledges that as part of the final design requirements for the reticulation Stormwater Discharge Consent, that the Utility Reserves may require some slight adjustment in area.
- 5.7 Proposed Lot 97 is to vest as Legal Road, with a legal width of 16m. Proposed Lot 97 is wider at the entrance from Mt Fyffe Road and the eastern boundary to provide a statement entrance and landscaping areas.
- 5.8 Pre-application, the Council 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. This has been shown on the Scheme Plan. The s42A report supports this on Page 48 however within Appendix I, the Council Planner recommends in Condition 5 that all Easements in Gross be 3m wide. The Applicant seeks to retain the southern drainage Easement as 2m wide.
- 5.9 An easement will be required to convey electricity through Proposed Lot 96. This easement is 3m wide, and shall be an Easement in Gross in favour of the Network Provider. I note that an easement to drain sewer is not required through Proposed Lot 96 as the allotment is to vest as a Local Purpose Reserve for Utilities.

External Roading Layout

- 5.10 As a part of the subdivision, the Applicant volunteered to widen the carriageway within Mt Fyffe Road to 8m width, with the exception of the length of road under the Railway over bridge where the current formation is appropriate to ensure a safety offset from the piers which are 7.8m apart.
- 5.11 I note that there was some discrepancy between the Urban Connection report annexed to the application and the written application as to what was being proffered, as Urban Connection recommended the full length of the existing formation be widened to 8m, whilst I applied to retain the existing formation.
- 5.12 I note that in the s42A report the Council Planner Officer comments that the whole length of the road is to be widened to 8m. However, in an email dated 4 April 2023, attached as **Appendix 1** to my evidence, the Officer has noted that this was an error, and that he supports retaining the existing formation under the Railway Over Bridge. This is further supported in our Expert Traffic Assessment.
- 5.13 Urban Connection recommend that the Applicant install a flag light at the Mt Fyffe / Ludstone intersection, and the s42A report supports this.
- 5.14 In the application, Urban Connection recommended that a speed limit of 40km/h was appropriate along Mt Fyffe Road and the internal subdivision. Following

Submission 16 (Margetts and Smart), both the S42A report and Mr. Boarreto recommends a retention of the reduced 30km/h speed limited along both Mt Fyffe Road and the internal subdivision. The lower speed environment along Mt Fyffe Road means that the sight lines and safe stopping distances to the Submitter 16's vehicle crossing will be compliant and no additional road works are required.

- 5.15 The Applicant noted that the Council, as part of its IAF project, would upgrade the footpath along the eastern side of Mt Fyffe Road. A copy of the approved Council Plan is attached in the Mr. Boarreto's Evidence.

Internal Roding Layout and Landscaping

- 5.16 The internal roding network is within Proposed Lot 97 which is to be vested as Legal Road. The road and footpath, as shown in Appendix G of the application, has been designed to generally comply with the NZS4404 E22 standards. This includes a 16m legal width with an 8m wide carriageway, enabling on street parking, and with a 2m wide footpath on one side. The s42A report supports this design standard and this is reflected in the recommended conditions.
- 5.17 The cul-de-sac contains a 9.5m diameter turning circle, which is more than Council's performance standard, and as such the Council's Planning Officer has not recommended a condition.
- 5.18 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, and Urban Connection in their Traffic Evidence support a speed environment of 40km/h or less. To be consistent with the changes recommended along Mt Fyffe Road, Mr. Boarreto recommends amending the internal speed limit to 30km/h, which will ensure sight lines and safe stopping distances are compliant. This is supported by the s42A report.
- 5.19 Submitter 16 (Margetts and Smart) seek an internal connection from the subdivision to Section 27 Block X Mt Fyffe Survey District. The Council's s42A have not considered this as a requirement and the Applicant supports this. I note that the Subdivision layout includes two Local Purpose Reserves, Proposed Lots 93 and 95, which in the future if Council considers an internal access link required could be considered for such use.
- 5.20 Within the Legal Road Reserve, the Applicant seeks to undertake landscaping which includes planting of both street trees and small plant species suitable for roadside berms etc, carriageway treatment and a lychgate across the footpath at the entrance into the subdivision, with built in seating along the road reserve and a second larger landscaped area at the eastern end of the road reserve. The s42A report confirms that the landscaping as set out within the application is appropriate and have conditioned this.

Street lighting

- 5.21 Street lighting will be provided within the new road network as shown in Appendix G of the Application. The Applicant accepts the comments made by Submitter 3 (Dark Skies Kaikoura) and is happy to volunteer the standards as

a condition of Consent subject to Council's Engineering Department supporting its inclusion.

- 5.22 I note that the Council's Planning Officer has not recommended this as a Condition within the Roding provisions of the Subdivision Consent, he has included a general Advice Note in the Land Use consent on Page 70 of the s42A report requiring purchasers of the Lots to ensure compliance with Responsible Lighting Guidelines for Kaikoura.
- 5.23 The Applicant volunteers this as a roading condition in the Subdivision Consent.

Road naming

- 5.24 The s42A report has not commented on Road Naming, as this needs to go through to the Council's Naming Committee.
- 5.25 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. The first Anglican church was St James which was built in 1870 by Misters Dodimead and Westerby on land that was sold from Hugh Trimble. The first Anglican Minister to Kaikoura was Thomas Porritt.
- 5.26 The Applicant's preference would be to name the two internal roads St James Avenue and Porritt Crescent.

Vehicle Access

- 5.27 The Applicant has sought that, except for Rights of Way and rear allotments, the formation of vehicle crossings be deferred until the allotments are built upon. The s42A report supports this, and has recommended the inclusion of a Condition within the Land Use Consent on Page 70, which I accept.
- 5.28 In relation to the Right of Way formations, the Council's Planning Officer has supported a 2.75m wide movement lane with no turning area, and has recommended the inclusion of a Condition within the Land Use Consent on Page 70 to prove manoeuvring is achieved, which I accept.

Urban Services – Stormwater

- 5.29 In a pre-application meeting, the Council's Engineering Department indicated that they would like to have a 2m wide Easement in Gross for the drainage of stormwater along a proposed drain on the southern boundary of the application site. This has been incorporated into the subdivision along Proposed Lots 1-25. The s42A report accepts this on Page 48, but then the recommended condition 5 on page 66 requires all Easements in Gross to be 3m wide. The Applicant seeks that the 2m wide easement along the back of Lots 1-25 is retained.
- 5.30 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.

- 5.31 The subdivision includes providing laterals to the boundary or net of each allotment. The Council's s42A report does not comment on whether they accept the conceptual layout of the reticulation.
- 5.32 The Council's Planning Officer on Page 45 of the s42A report noted that the application was "Silent on the Secondary overland flow paths that will be required to carry flows when piped inlets are blocked during extreme events". On Page 3 of the Land Development Concept Design Report in Appendix G of the application, Secondary Flow Paths were commented upon: *In a major storm event and/or blockage of the primary stormwater system secondary flows have been designed to flow within the road carriageway and discharge into the detention pond in Lot 96, or along the existing channel in Lot 94.* At a meeting with Council's Engineer on 11 April 2023, this was discussed, and considered to be adequate.
- 5.33 The Council's s42A report comments upon the stormwater consent requirements which are subject to an ECan application, and are outside of this application process. The Applicant acknowledges that Council is the 'owner' of the Council's Global Discharge Consent, and that Council is an affected party to that process.
- 5.34 The Council's Planning Officer also noted concern "regarding the quality of discharges". At a meeting with Council's Engineer on 11 April 2023, it was noted that appropriate conditions will be included in the Construction Stormwater Consent regarding treatment of construction stormwater to the satisfaction of the Council. This response was considered to be adequate.
- 5.35 The Applicant has designed the subdivision to include two detention ponds in Proposed Lots 94 and 96 to attenuate stormwater to ensure that the development runoff will not exceed pre-development flows, at a detention rate of 3 hours. The s42A report notes that Council still has concerns regarding potential hydraulic effects on the downstream discharge areas and that a reconsideration may be required such that the discharge rate is less than pre-development flow rates. As part of the application to ECan for the reticulation Stormwater Discharge Consent, the Applicant will demonstrate the mitigation of these effects. This may result in needing to resize the detention ponds which in turn may result in minor amendments to the subdivision layout.
- 5.36 In relation to the treatment of reticulation Stormwater Discharge Consent, the Applicant is liaising with Council's Engineer regarding treatment options. Details of the final treatment will be part of the application to ECan for the reticulation Stormwater Discharge Consent.

Urban Services – Wastewater

- 5.37 The subdivision includes a gravity wastewater network to collect wastewater from the proposed allotments and discharge it to the existing reticulated network in Ludstone Road. The proposed network will comprise individual lateral pipelines into each allotment and main pipelines generally within the Roads.

- 5.38 The sewer will extend through Proposed Lot 96, a Local Purpose Utility Reserve, as such an easement is not considered a requirement through this allotment.
- 5.39 The sewer will extend beneath the Coastal Pacific Railway and discharge into the existing pipeline within Ludstone Road.
- 5.40 The Council's s42A has not noted any issues in relation to the proposed wastewater system, with laterals to the boundary or net of each allotment.

Urban Services - Water Supply

- 5.41 A pressure water supply network will be installed to convey domestic water to all of the proposed allotments. The new network will connect into the Kaikoura Urban Water Supply from the existing water supply network in Mt Fyffe Road.
- 5.42 Within the roading network, Fire Fighting provisions will be installed.
- 5.43 The Council's s42A has not noted any issues in relation to the proposed wastewater system, with laterals to the boundary or net of each allotment.

Electricity

- 5.44 The application includes undergrounding Mainpower NZ's existing overhead 11 and 33kVA lines through Proposed Lot 96 and within Road Reserve. The Council's s42A accepts this and notes that an easement will be required through Proposed Lot 96.
- 5.45 Local electricity supply will require ground mounted distribution boxes which will be provided at the Road boundaries.
- 5.46 The Applicant volunteers the provision of electricity to the boundary or net of each allotment. The Council's s42A conditions reflect this.
- 5.47 For proposed Lots 91 and 92, the Applicant volunteers installing capacity for 10 connections.

Communications

- 5.48 The Applicant has liaised with Chorus for the provision of telecommunications to all of the proposed allotments. The new network (fibre cables and associated infrastructure etc) will be installed within the new Roads and provision of services will be provided at the Road boundaries or the net of the allotment. The Council's s42A conditions reflect this.

Railway Corridor

- 5.49 The Applicant has liaised with KiwiRail 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.
- 5.50 A Consent Notice requested by KiwiRail and accepted by the Applicant to be registered on the titles in relation to future building design to ensure sound mitigation built into future dwellings. The Council's s42A conditions reflect this.

- 5.51 KiwiRail also request a private “No Complaint” Covenant on the titles of those lots within the 100m Railway Noise Buffer. The Council’s s42A report recommends that this be a Consent Notice. The Applicant acknowledges this and accepts the condition.

Fencing

- 5.52 The Applicant volunteered that on the southern boundary of the subdivision site that a farm fence, of at least a five-strand post and wire type shall be installed. The Applicant also volunteers a Consent Notice on Lots 1-25 requiring the ongoing maintenance of the fence, while Section 27 Block X Mt Fyffe Survey District is used as a farm. The Council’s s42A conditions reflect this.

Construction Earthworks

- 5.53 The Applicant has volunteered conditions in relation to the construction of the subdivision, namely around the hours of operation and noise levels.
- 5.54 Submitter 45 (MoE) noted concern about construction traffic and the impacts on School Drop off and Pick up times. The Applicant accepts these comments and volunteers a Condition restricting heavy vehicles from commuting past Kaikoura High School during these times, and volunteers the use of alternative routes.
- 5.55 As noted above, the Applicant is in the process of applying for a Discharge to Air Consent for the construction earthworks. A Dust Management Plan has been prepared, attached, which addresses items in the submission of Submitters 16 (Margetts and Smart) and 45 (MoE) who sought a copy of this.
- 5.56 Also as noted above, as part of the Discharge to Air Consent, an Erosion and Sediment and Control Plan (ESCP) is being drafted that details of the Recommended Conditions have been presented to the Applicant. The Applicant will provide a copy of the ESCP and the Decision to the Council once issued.
- 5.57 The Applicant notes that some works may be able to be undertaken prior Engineering Plan approval, such as the removal of trees and the demolition of the dwelling. In additional, the Applicant may lodge separate Engineering Plans for the upgrade to Mt Fyffe Road so that these works commence while ECan is processing the reticulation Stormwater Consent.

LAND USE – SINGLE DWELLING LOTS 1-65

- 5.58 The Applicant seeks to enable the greatest housing options within the Green areas on the Land Use Plan attached as Sheet 2 in Appendix C of the application by reflecting the permitted performance standard within the Residential A / Medium Density Residential Precinct in relation to Density and Coverage, and also seeking to breach side boundary setback in identified situation.

Density, site coverage and height of dwellings

- 5.59 The Applicant seeks one dwelling for Lots 1-65, all of which are under the permitted density standard for Residential B / Low Density Residential Precinct. The Council's Planning Officer accepts the application to have one dwelling per allotment and a density rate similar to the Residential A / Medium Density Residential Precinct performance standards.
- 5.60 The Applicant seeks to increase site coverage to 35%, which is consistent with the Residential A / Medium Density Residential Precinct performance standards. The Council's Planning Officer accepts this.
- 5.61 The Applicant noted compliance with the permitted height standard for Residential B/ Low Density Residential Precinct Zone, of 8m. The reason the Applicant applied for this was so that Council would consider the effects of increased density and site coverage thus considering the amenity of bulk and height on the subdivision. The Council's Planning Officer recommends declining the volunteered condition on building height as this is a permitted standard, and the Applicant acknowledges and accepts this.

Setbacks

- 5.62 The Applicant has sought to reduce the side boundary setbacks against Local Purpose Reserves, Rights of Way and accesses to rear sites to 1m, as outlined below.
- a. Lots 1, 2, 16, 17, 39, 31, 47 and 48 to have a 1m setback from Local Purpose Reserves.
 - b. Lots 27, 29, 42, 45, 58 and 59 to have a 1m setback from neighbouring accessways / Rights of Way.
- 5.63 The reason for this reduction to boundary setbacks is that these areas are not part of an outdoor living space which requires a larger diameter, and building up to those boundaries will not adversely affect other residential activities in relation to daylight or privacy. The 1m setback complies with fire rating standards.
- 5.64 In particular for Proposed Lot 48, the reduced setback from Proposed Lot 94 will enable slightly greater room to build on a site which is restricted by two road boundaries.
- 5.65 The Council's Planning Officer recommends declining the breach to the setbacks as this is not a matter of discretion.

- 5.66 The Applicant seeks that the Commissioners consider this dispensation as sought as the s42A does not provide an assessment as to why a breach to the setback rules cannot occur. As assessed above, effects associated with the dispensation are negligible.

Building up to boundary with common wall and recession planes

- 5.67 The Applicant sought to provide clarity for purchasers should duplexes be built where part of the dwellings had a common wall at the boundary.

- 5.68 The KDP's performance standards enable building up to the boundary where buildings on adjoining sites share a common wall along a site boundary. As part of our volunteered conditions, we sought to clarify that where this occurred, recession planes were not triggered. The Council, have advised in an email dated 4 April 2023, that this is the case, as referenced in 5.12 above.

Garages close to the road

- 5.69 The Applicant volunteered that where garages have their door parallel to the road, that the garage is to be setback 5m from the road boundary. The reason for this is so that vehicles parking in front of the garage are located off the road reserve. The Council's processing officer does not support the inclusion of this condition, and seeks to rely instead on the permitted front boundary setback. The Applicant acknowledges this and accepts Council's recommendation.

Accesses

- 5.70 The Applicant has sought that, except for Rights of Way and rear allotments, the formation of vehicle crossings deferred until the allotments are built upon. The volunteered condition is supported in the s42A report.

- 5.71 On allotments accessed via Right of Way, at the time of building consent, manoeuvring plans are to be providing to confirm that turning room is available on site. The volunteered condition is supported in the s42A report.

Powerline setbacks

- 5.72 At a pre-application meeting, Council's Planning Team advised that setback from a powerline defined on the KDP Planning Maps requires a 20m offset regardless of the voltage of the line. The Council's Planning Officer has however concluded the setback rules are not triggered as the lines are not 66kV, and I support this.

LAND USE LOTS 91-92 MULTI UNIT RESIDENTIAL COMPLEX

- 5.73 Specific provisions were sought for Proposed Lots 91 and 92 to be able to be developed as Multi Unit Residential Complexes (MURC). This is shown as Yellow/Hatched areas on the Land Use Plan attached as Sheet 2 in Appendix C of the application

Density, site coverage and height of dwellings

- 5.74 The Applicant has sought 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 building height of 5.5m. The Council's Planning Officer accepts these provisions.
- 5.75 The Applicant also sought to be able to build up to 35% site coverage to be able to create the 10 units on the site. The Council's Planning Officer recommends declining this provision on Page 48 of the s42A report, as the application is "unclear" about why 35% coverage is required.
- 5.76 Proposed Lot 91 is 3725m², which at 35% would enable 10 units of around 130m². While Proposed Lot 92, with a net area of 3295m², would enable 10 units of around 115m². I consider it reasonable for the MURCs to have 35% coverage to provide smaller, single storey units. The Applicant retains this provision for the Commissioners to consider.

Recession planes

- 5.77 The Applicant sought to provide clarity for purchasers that recession planes do not have effect between units within the allotment. Council's Planning Officer has confirmed that recession planes only impact allotment boundaries and this is how they would interpret the rule. The s42A report notes that a specific deviation to the rule is not required, which the Applicant is happy to accept.

Setbacks

- 5.78 The Applicant sought to reduce the side boundary setbacks of Proposed Lots 91 and 92 against Proposed Lots 50 - 65 in order to make most practical use of the MURC. The Council's Planning Officer recommends declining this provision on Page 48.
- 5.79 MURC are likely to be designed to have an internal focus for outdoor living with communal space. Therefore, a 2m setback from side boundaries is not likely to be used for outdoor living space. Compliance with recession planes will still be a requirement, and having a 1m setback from the exterior boundary will ensure compliance with fire rating.
- 5.80 The Applicant seeks that the Commissioners consider this dispensation sought for the reasons stated above.

Outdoor Living Spaces

- 5.81 The Council's Planning Officer accepts the application to deviate from the operative District Plan Performance Standards MURC housing on Proposed Lots 91 and 92, so that the scale of Outdoor Living Space is dependent 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.

Garages close to the road, access and parking

- 5.82 As with Proposed Lots 1-65, the Applicant volunteers that garages with doors parallel to the road be setback 5m from the road boundary. The Applicant accepts the recommendation in the s42A report which notes that this is not required.
- 5.83 The Applicant has sought 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 Council's Planning Officer has only reflected this in the s42A for Proposed Lot 92 which has a dog leg on Page 48.
- 5.84 The Applicant requests that the Commissioners to consider this volunteered provision for Proposed Lot 91.
- 5.85 The KDP requires two car parks per dwelling. The proposed MURC housing on Proposed Lots 91 and 92 has been considered to be available for affordable housing types, possibly for elderly or state housing. In which case, the number of cars per dwelling is likely to be one, explaining why the Applicant has sought to breach the parking standard. The Council's Planning Officer recommends declining this provision on Page 48 as it is not a matter of discretion. The Applicant seeks that the Commissioners consider this dispensation sought, as providing the required number of carparks will have a greater impact on amenity within the MURC.
- 5.86 The Applicant also volunteers one additional visitor park on site per 5 residential units. The Council's Planning Officer recommends declining this provision on Page 48 as it is not a matter of discretion. The Applicant retains this volunteered provision for the Commissioners to consider.
- 5.87 As the MURCs will serve more than one dwelling, the Applicant has volunteered that parking areas are sealed. The Council's Planning Officer recommends declining this provision on Page 48 as it is not a matter of discretion. The Applicant retains this volunteered provision for the Commissioners to consider.
- 5.88 At the time of developing the site, manoeuvring plans are to be providing to confirm that turning room is available on site. The s42A report supports this, and has recommended the inclusion of a Condition within the Land Use Consent on Page 70, which I accept.

MURC Waste Management

- 5.89 As the MURCs will have up to 10 units, it possible that there will be a community waste collection system. As such, the Applicant has volunteered 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. The s42A report accepts this provision.

6.0 KDP ZONING FRAMEWORK AND STATUS OF THE ACTIVITY

- 6.1 I acknowledge that the Kaikoura District Council (the Council) have reviewed the Kaikoura District Plan (KDP) and changed its layout to reflect the National Policy Standards as part of Natural Hazards Plan Change 3. Whilst this process was undertaken prior to lodging the Resource Consent Application, the Council had not published the updated version of the District Plan until February this year. As such, the Resource Consent application document refers to the original nomenclature of the Objectives, policies and rules. I note that the s42A report refers to the newly published updated version of the District Plan.
- 6.2 For the ease of the Commissioners, I have cross referenced the changes from the original plan version and the updated National Policy Standard compliant version. **Appendix 2** to my evidence reflects the changes to the nomenclature of the Rules.
- 6.3 I accept the assessment undertaken by Council's Planning Officer in the s42A report, in relation to the activities being sought and the assessment against the KDP rules.
- 6.4 I agree with the Council's Planning Officer that both the subdivision and land use are a Restricted Discretionary Activity.

7.0 ASSESSMENT OF RELEVANT POLICY STATEMENT AND PLANS

- 7.1 As above, for the ease of the Commissioners, I have cross referenced the changes from the original plan version and the updated National Policy Standard compliant version. **Appendix 3** to my evidence reflects the changes to the nomenclature of the Objectives and Policies.
- 7.2 The applications are Restricted Discretionary Activities, and the Commissioners needs to consider the application sought in relation to the matters of discretion. The Commissioners also need to consider the relevant objectives and policies in relation to the matters of discretion.
- 7.3 In relation to the KDP, the relevant Objectives and Policies that are triggered by the subdivision and land use consent relate to Urban Growth in relation to the Urban Growth, Servicing the subdivision, Amenity in relation to the number of allotments and housing development, transportation generated from the subdivision and natural hazards.

Urban Growth

UFD-O1 To provide for urban growth where any adverse effects on natural and physical resources are mitigated, avoided, or remedied.

UFD-P7 To provide for a comprehensive living environment just west of Kaikōura Township.

UFD-P23 To provide for existing and proposed visitor accommodation activities as well as additional affordable housing.

- 7.4 The Applicant seeks to provide affordable housing opportunities, and through the combination of the two housing types seeks to provide a comprehensive living environment.
- 7.5 The Applicant acknowledges that development and delay costs to obtain consents as well as the costs to develop the subdivision, are all costs which get added to the cost of allotments. Furthermore, I note that the cost of building is always increasing. Affordability is therefore enhanced by increasing the number of allotments so that the cost of development may be spread over more sections. Proposed Lots 91 and 92 are also being created to enable MURCs, which will be a more affordable form of development.

GRZ-P9 To enable higher density development to be established in areas where this is appropriate.

- 7.6 This policy seeks to enable higher density development. The KDP has two Residential Zones, Medium and Low Density Residential Precinct. The application site is in the Low Density Residential Precinct, however is in close proximity to the School hub, and therefore higher density is considered to be suitable. The Applicant does acknowledge the Rural Zone across both Mt Fyffe and Ludstone Roads, but the subdivision has been designed with setbacks. The IAF pedestrian link will enable children to access the schools on foot or by bike in a manner safer than most of the Medium Density Residential Precinct which accesses the School via the State Highway. It is therefore considered that this site is appropriate for higher density development.

Infrastructure

UFD-02 To encourage an urban form where existing physical infrastructure and energy is used efficiently and where any adverse effects on natural and physical resources, including infrastructure, are mitigated, avoided, or remedied.

UFD-P3 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.

UFD-P8 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.

UFD-P11 To ensure that population and visitor growth does not place undue demand on existing infrastructure and services.

- 7.7 The Applicant has designed the subdivision with full reticulation of services to the boundary or net of each allotment. The Council has advised that there is capacity within the networks, albeit that the treatment and discharge of stormwater will require a separate consent from ECan. The proposal is considered to be directly consistent with UFD-P8 as it provides for additional development with the existing urban form of Kaikoura.

SUB-02 To provide essential services at the time of subdivision, subject to any adverse effects on the environment from the provision of these services being mitigated, avoided or remedied.

SUB-P2 Require infrastructure for subdivisions

- 1. To require upon subdivision, that new lots within Residential, Settlement, and 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.*
- 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.*
- 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 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.*

7.8 The Applicant has designed the subdivision will full reticulation of services to the boundary or net of each allotment.

7.9 The application site has limited ability for walking and cycling linkages, as a result of the railway line along the northern boundary, however the site will connect into the IAF walkway and cycleway upgrade both along Mt Fyffe and Ludstone Roads to ensure connection to the Schools and existing footpath networks.

7.10 The Applicant has designed the subdivision to ensure that drainage channels are within Utility Reserves, which provide passive connection to the south.

SUB-O4 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.

SUB-P4 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.

7.11 The Applicant has designed the subdivision to ensure that secondary flow path and detention ponds are within Reserves. The legal road corridor in Proposed Lot 97 is widened at the eastern end to provide for passive recreation within a landscaped area, and street furniture is proposed along the road network.

NH-O3 2. New critical infrastructure avoids High Flood Hazard Areas, unless this is not possible or is impractical when considering operational and technical constraints and therefore is designed to maintain its integrity and ongoing function during and after natural hazard events or can be reinstated in a timely manner.

NH-P8 1. Enable the operation, maintenance, replacement, repair and upgrading of existing critical infrastructure in Flood Assessment Overlays only where the infrastructure does not increase flood risk on another site;

2. Provide for operation, maintenance, replacement, repair and upgrading of existing critical infrastructure in all other identified Natural Hazard Overlays;

3. *Manage new critical infrastructure in all Natural Hazard Overlays which are outside of High Flood Hazard Areas to ensure that there is a low risk to life and property damage;*
4. *Avoid new critical infrastructure in High Flood Hazard Areas unless:*
5. *Avoidance is impossible or impracticable when considering operational and technical constraints, in which case critical infrastructure must be designed to maintain, as far as practicable, its integrity and ongoing operation during and after natural hazard events, or be able to be reinstated in a timely manner; and*
6. *The critical infrastructure does not significantly increase the natural hazard risk to life on the site, or increase risk to life and property on another site*

7.12 The application site is outside of the flood zones, however Council's s42A report has noted concern about the downstream hydraulic effects as site naturally drains north across Ludstone Road which is within the Flood Hazard Area.

7.13 The subdivision has been designed with stormwater detention to ensure that post development flows do not exceed pre-development flows. On going liaison with Council in regards to the treatment and disposal of stormwater is required as part of the ECan consents. The Applicant accepts draft condition 20 requiring consent being sought for the discharge of stormwater, which will need to address the downstream effects.

Amenity

UFD-O4 To provide for sustainable development, including tourism in a way which avoids or mitigates adverse effects on Kaikōura's amenity values and distinctive character.

UFD-P4 To provide for peripheral urban development where the adverse effects on other activities are able to be avoided or mitigated.

UFD-P17 To encourage development to proceed in accordance with the design guidelines in Appendix 1.

7.14 The application site is zoned Residential, and the Applicant seeks to develop the land to provide additional allotments, to cater for the shortage of housing opportunities within Kaikoura. A number of the submitters noted that increased housing stock is required for tourism staff.

7.15 The legal road corridor in Proposed Lot 97 is widened at the eastern end to provide for passive recreation within a landscaped area. This area has been carefully designed to ensures views to the coast are retained, thereby mitigating the impact on this particular aspect of amenity.

7.16 The application site, and land to the south is zoned Residential B / Low Density Residential Prescient. The land is currently used for farming activities, and the Council's Planning Officer notes a change to the amenity as a result of the subdivision. Whether the application meets with the Controlled Performance Standards or not, any subdivision will have a change to the current amenity, however it is to be expected within the zone that the amenity will change to being residential in nature. It is therefore considered that the change to the amenity and character is within keeping of the zoning.

7.17 The application site is located on the edge of the residential zone and does adjoin other zones and activities.

7.18 To the north is the railway line. The Applicant has consulted with KiwiRail and obtained written approval for the activity, with two volunteered conditions in relation to reverse sensitivity matters, which the Council's s42A adopts as conditions.

7.19 A setback has been provided from the subdivision to Mt Fyffe Road with a reserve. This provides both a visual and physical buffer between the residential activities and the rural zone. The exception to this is Proposed Lot 1.

SUB-O3 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.

SUB-P3 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.

7.20 Proposed Lots 1-65, 91 and 92 have been designed to accommodate residential activities, whilst the utility reserves have been designed to accommodate the stormwater flows and detention areas required to meet pre-development flow rates.

SUB-O6 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.

SUB-P6 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 improve amenity, reduce erosion and reduce the amount of run-off.

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.

7.21 The subdivision design has been designed with the triangular roading network to create mostly north facing allotments so as to make greatest use of solar gain. The vegetation around the existing dwelling will be removed, and additional planting will occur within the roading network, especially around the entrance and eastern open space area. Detention ponds are proposed which will provide open space.

7.22 Mitigation is proposed within the Landscape Plan in Appendix J of the application which will provide for a unique and pleasant space, while the utility reserves will create and openness within the site.

7.23 Physical development of the subdivision will be undertaken in a manner to control run-off. An ESCP will be provided to Council at the time of the engineering plans.

OSZ-O1 To provide open space, recreational areas and facilities that are equitably distributed or conveniently located throughout the district to meet the diverse needs of residents and visitors.

7.24 The subdivision itself does not include a playground area, however Proposed Lot 97 has been designed with passive recreation features with roadside seating and the passive landscaped area at the eastern boundary which looks

out to the coast. A planting plan is included in the application which will have a mixture of trees and shrubs and open lawn.

7.25 Walkway connections are limited beyond the subdivision as a result of the Railway Reserve however the site will be linked via the IAF shared pathway along Mt Fyffe and Ludstone Roads which will connect the site to both the Schools and Ocean Views. The proposal includes open space linkages through Proposed Lots 93 and 95 to the south.

7.26 The road carriageway will be 8m enabling some on street parking, however the allotments all being 500m² and above will have sufficient room on site to accommodate parking. The Applicant seeks to limit parking within the MURCs on Proposed Lots 91 and 92, based on the premise that these are affordable housing and as such, expenditure on cars is limited. One car park is proposed per dwelling unit on these two allotments.

GRZ-O1 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.

GRZ-O2 To provide for a diverse range of living environments expressed in built form, density of development and housing types.

GRZ-P3 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:

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 and open space is maintained which is compatible with the anticipated residential environment.

GRZ-P8 To enable a mixture of housing styles in residential areas provided the amenity of these areas is not adversely affected.

GRZ-P10 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.

7.27 The application site is zoned Residential B / Low Density Residential Precinct. While the proposed allotments are smaller than the controlled standard for the zone, the allotments are all of sufficient size to accommodate residential activities while at the same time retaining opening spaces. For instance, the smaller 500m² allotments may have a dwelling up to 175m², which along with parking leaves around 200m² of open space for outdoor living or planting.

7.28 The subdivision design includes areas for landscaping to mitigate effects on the amenity and character within the application site and the overall character and open space for neighbouring properties will not be compromised give the open spaces within the reserves.

7.29 Whilst the subdivision is creating similar sized allotments within the development, the proposal also enables a diversity of sites which are not commonly available throughout the Kaikoura, as a large portion of the Residential A / Medium Density Residential Precinct remains in larger

allotments. Proposed Lots 91 and 92 are being created for the future MURC, which provides further diversity, for a dwelling of around 115m².

7.30 The above GRZ objectives and policies are also discussed in Ms Wilkins' landscape and visual effects evidence. I agree with her analysis and conclusion that the proposal is consistent with these objectives and policies.

7.31 Some exceptions aside, the KDP seeks to not place restrictions on residential activities. The Applicant however seeks to breach site coverage, and setbacks. The Applicant seeks to restrict building height on proposed Lots 91 and 92 to single storey.

LIGHT-P2 To ensure the level of noise and lighting is compatible with a comprehensive living environment and avoids adverse effect of celestial darkness and the behaviours of seabirds in particular Hutton's Shearwaters.

GRZ-P4 To ensure noise and lighting spill do not adversely affect the amenity enjoyed on residential sites.

7.32 The Applicant seeks that road lighting shall comply with the Dark Light provisions. The s42A recommends a condition on the land use consent, that at the time of developing the allotments that this provision is also met. The Applicant supports this as an advice note.

Traffic Safety

UFD-P2 To ensure additional urban growth does not adversely affect traffic safety and efficiency of the State Highway.

UFD-P9 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.

7.33 The subdivision is accessed by Mt Fyffe Road. To ensure that the road environment remains safe due to the narrow section under the over bridge, and due to the undulating nature of the road, a reduced speed environment of 30km/h is recommended by Mr. Boarreto. Within the subdivision, this is also recommended which will ensure that sight lines and safe stopping distances are met for between the intersections.

TRAN-O1 To provide for the safe and efficient use of the District's existing and future transportation infrastructure.

TRAN-P1 Promote, protect, and improve efficiency and safety of the transport network

1. To promote the efficient use of all roads 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.

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.

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.

- 7.34 The proposal includes widening Mt Fyffe Road to the Council's recommended traffic lane width of 8m. The internal road shall be formed to this standard as well, with a 2m wide footpath. From the subdivision, a shared pathway will be installed along Mt Fyffe Road and down Ludstone Road to Kaikoura High School and the existing footpath network.
- 7.35 There is more than sufficient room available on Proposed Lots 1-65 for two car parks, and turning room available for those accessed via Right of Ways. The location of the vehicle crossings shall be determined by the purchasers who shall install the crossings to best suit their building design.
- 7.36 The Applicant has applied to breach the on-site parking requirements for the MURC land use on Proposed Lots 91 and 92. As discussed above, these housing types are the more affordable style development, and typically those needing such housing types do not have two cars. As such, one car park per dwelling is considered to be adequate. Additional on-site parking for visitors is proposed, so as to reduce the impact on the roading network.

TRAN-O2 To avoid remedy or mitigate actual and potential adverse effects of transportation.

TRAN-P2 Manage the environmental effects of transportation

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.
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.

TRAN-O3 To maintain and provide for access and ease of pedestrian and vehicle movement throughout the District.

TRAN-P3 Ensure maintenance and provision of access

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.

- 7.37 The application site is physically restrained in relation to access opportunities as a result of the railway line. Mr. Boarreto has provided evidence that shows that the proposed roading layout, and the proposed improvements to Mt Fyffe Road, along with a lowered speed environment to 30km/h will mitigate the effects of increased traffic volumes from the subdivision.

- 7.38 Proposed Lot 97 has been designed with passive recreation features with roadside seating and the passive landscaped area at the eastern boundary which looks out to the coast. The landscaping plan in Appendix J of the application shows a mixture of trees and shrubs as well as open lawn consistent with TRAN-P2.6.
- 7.39 There is more than sufficient room available on Proposed Lots 1-65 for two car parks, and turning room available for those accessed via Right of Ways. The location of the vehicle crossings shall be determined by the purchasers who shall install the crossings to best suit their building design.
- 7.40 The Applicant has applied to breach the on-site parking requirements for the MURC land use on Proposed Lots 91 and 92. These housing types are the more affordable style development, and typically those needing such housing types do not have two cars. As such, one car park per dwelling is considered to be adequate. Additional on-site parking for visitors is proposed, so as to reduce the impact on the roading network.

GRZ-P2 To maintain the amenity of residential areas by ensuring sufficient on-site parking and manoeuvring areas for vehicles are established.

- 7.41 There is more than sufficient room available on Proposed Lots 1-65 for two car parks, and turning room available for those accessed via Right of Ways. The location of the vehicle crossings shall be determined by the purchasers who shall install the crossings to best suit their building design.
- 7.42 The Applicant has applied to breach the on-site parking requirements for the MURC land use on Proposed Lots 91 and 92. These housing types are the more affordable style development, and typically those needing such housing types do not have two cars. As such, one car park per dwelling is considered to be adequate. Additional on-site parking for visitors is proposed, so as to reduce the impact on the roading network.

Hazards

UFD-P1 To accommodate additional urban development only where the risk from flooding, land instability and coastal erosion or inundation are low.

SUB-O1 Subdivision is:

- 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.*

SUB-P1 Control subdivisions affected by natural hazards

- 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.*

NH-01 New land use and development is managed in areas subject to natural hazards to ensure that natural hazard risk is avoided or mitigated to an acceptable level.

- 7.43 The application site is outside of Flood hazard and tsunami risk areas, and the Section 106 Geotechnical assessment in Appendix D of the application identifies that the site is suitable for subdividing. Further, it is considered that the subject property is unlikely to experience liquefaction.
- 7.44 Overall, it is considered that the proposed subdivision and land use activities are consistent with the Objectives and Policies of the operative District Plan.
- 7.45 The Application includes an assessment against the Canterbury Regional Policy Statement the Canterbury Land and Water Regional Plan, and I consider the proposal is able to meet with the objectives and policies.
- 7.46 The Applicant acknowledges the requirement to obtain a consents for the construction of the subdivision as well as the stormwater reticulation.

8.0 PART 2 OF THE RESOURCE MANAGEMENT ACT

- 8.1 The application includes an assessment against Part 2 of the RMA and I consider the proposal is able to meet with Sections 6-8.
- 8.2 The s42A report considers that the proposal is deemed to be a sustainable and efficient use of residentially zoned land.

9.0 NATIONAL POLICY DIRECTION

- 9.1 Section 104 (1)(b)(i) of the Act requires the Council have regard to any relevant provisions of a National Environmental Standard, whilst Section 104(1)(b)(iii) of the Act requires the Council have regard to any relevant provisions of a National Policy Statement. The application includes an assessment against the relevant National Environmental Standards and National Policy Statements and concludes that the proposal is consistent with the national direction.
- 9.2 The s42A report does not provide any alternative assessment.

10.0 ASSESSMENT OF EFFECTS

- 10.1 The effects of the subdivision and land use have been discussed within the Application document. Below is an assessment of additional matters raised in the s42A assessment and Submissions, or changes made to the application.

Traffic Effects

- 10.2 Mr. Boarreto has applied trip generation from the subdivision and the two housing types, at 821 vpd and 88 vph in the peak hour. The vehicle trips predicted to be generated by the site, have been applied to the existing traffic flows along the roading network. The Assessment considers that the existing network has capacity to accept the additional flows, although recommendations are recommended to improve the Mt Fyffe and Ludstone Roads Intersection.
- a. flag lighting is recommended to be provided to increase overall safety in dark conditions due to increased traffic flows generated by the development.
 - b. Kaikoura District Council is recommended to consider updating the intersection control on the north side of the Ludstone Road/Mt Fyffe Road intersection to stop control.
 - c. Kaikoura District Council is recommended to consider trimming/removing overgrown vegetation in the vicinity of the Ludstone Road/Mt Fyffe Road intersection and permanently maintaining it
- 10.3 Mr. Boarreto notes that Mt Fyffe Road south, requires upgrading to comply with the requirements of the Kaikoura District Plan for primary vehicle access considering the increase in traffic volumes. South of the overbridge, it is therefore recommended that the road be widened to an 8m carriageway.
- 10.4 At the overbridge, Mr. Boarreto notes that no adverse effects are expected to be generated due to increased traffic volumes through the single-lane section, given the low probability of departures and arrivals occurring simultaneously.
- 10.5 The internal roading layout, including the proposed new public road, complies with or exceeds the requirements of the Kaikōura District Plan and the speed limit of 30 km/h is to be adopted and extended through the site which ensures separation distances between intersections.
- 10.6 In relation to Traffic Movements on Ludstone Road through the School Zone, Mr. Boarreto acknowledges the development's AM peak period (8 to 9 am) is expected to coincide with the school start, however the development's PM peak period will differ from the school finish and the effect on the school finish times are expected to be less than minor. His Evidence considers that no adverse effects on road safety or capacity are therefore anticipated as a result of the traffic to be generated by the development in addition to the existing traffic flows on Ludstone Road.
- 10.7 The Applicant notes that, depending on timing of ECan's processing of the reticulation Stormwater Consent, they may lodge separate Engineering Plans for the upgrade to Mt Fyffe Road so that these works commence at an earlier stage to the internal engineering works.

Shared Footpath along Mt Fyffe Road

- 10.8 A formal shared-use path has recently been designed for Mt Fyffe Road and Ludstone Road. This shared path will connect pedestrians and cyclists from the application site to Ludstone Road. From Ludstone Road, pedestrians and cyclists will be able to walk or cycle to both east towards school and the township and west to Ocean Ridge. The construction of Stage 1, being Mt Fyffe Road and east on Ludstone Road is expected to start in 2023.
- 10.9 At the railway overbridge, the shared path is proposed to be separated from the road carriageway, with the path designed on the eastern side of the overbridge's eastern pier.
- 10.10 Mr. Boarreto's evidence includes the designed shared-use path along Mt Fyffe Road.

Construction Traffic

- 10.11 Submitter 45 (MoE) raised traffic issues in regard to the construction traffic and traffic movements to be generated by the development. In particular traffic movements caused by heavy vehicles during construction will cross over the school vicinity and have an adverse effect on the safety of students, staff and visitors accessing Kaikoura High School.
- 10.12 Mr. Boarreto supports the provision that heavy vehicles not use the Ludstone Road route to and from the site between 8.15 – 9.15am and 2.45 – 3.25pm; and that during those times, heavy vehicles are to use an alternative route.

Construction works

- 10.13 The Applicant notes that some works may be able to be undertaken prior Engineering Plan approval, such as the removal of trees and the demolition of the dwelling.
- 10.14 In additional, the Applicant may lodge separate Engineering Plans for the upgrade to Mt Fyffe Road so that these works commence while ECan is processing the reticulation Stormwater Consent, which will be required for finalise the engineering detail for the internal works.

Vehicle Crossings

- 10.15 Mr. Boarreto advises that vehicle crossings are to be sealed and between 3 and 6m wide and vehicle crossings for corner lots are to be provided from the lower volume road.

Internal Lighting

- 10.16 The proposed internal lighting design includes lighting at the intersection with Mt Fyffe Road and no flag lighting is required.

Landscaping

- 10.17 Within the Legal Road Reserve, the Applicant seeks to undertake landscaping which includes planting of both street trees and small plant species suitable for roadside berms etc, carriageway treatment and a lychgate across the footpath at the entrance into the subdivision, with built in seating along the road reserve and a second larger landscaped area at the eastern end of the road reserve.

- 10.18 The s42A report confirms that the landscaping as set out within the application is appropriate and have conditioned this.
- 10.19 The Council has advised the Applicant that they do not want to be party to on-going conditions requiring planting plans. The Applicant has therefore included a Landscaping Guideline of Suitable Plants which is to be provided with the Sale and Purchase agreements.

Landscape Character and Amenity

- 10.20 Ms Wilkins notes that, as the application site is zoned residential, residential activity is anticipated at the site and therefore largely under the provisions of the KDP, the activity will be able to be absorbed into the context of the receiving environment. Given the adjoining zoning to the south, she concludes that the increased density of the subdivision will have a **low** effect on the landscape values.

Amenity of housing

- 10.21 Submitter 16 (Margetts and Smart) noted concern about the visual changes from their dwelling. Ms Wilkins recognises the importance of regarding the potential visual impacts from the application in the context of the anticipated zoning at this site, being residential.
- 10.22 The zoning permits buildings up to 8m in height, and the Applicant is not seeking to breach this. Ms Wilkins therefore considers that as a result of the increased density, any additional permeation of the views to the surrounding views out upon the mountains and sea is not anticipated beyond that which would be permitted under the performance standards of the zone and that any visual impacts on surrounding rural-residential viewing audiences will be **low-moderate** at worst.

Setback from reserves Lots 1-65

- 10.23 The KDP requires setbacks from boundaries, other than roads, to be 2m. The reason for setback is to provide greater setback between residential units for privacy and ensuring daylight angles are met. Within the subdivision, a number of sections adjoin Local Purchase Reserves. The Applicant seeks to enable buildings within 1m of these boundaries, whilst still complying with daylight angles.
- 10.24 The Applicant also seeks to be able to reduce the setbacks for building close to Rights of Way or access strips as the presence of a building within 1m of an access will not impact on privacy or daylight angles.
- 10.25 The Council's Planning Officer has recommended to decline the setback reductions on the basis that this is not a matter of discretion. The Applicant has specifically applied to breach this condition, and seeks that the Commissioners consider this dispensation as sought.

35% coverage for MURC

- 10.26 The proposed MURC housing on Proposed Lots 91 and 92 seeks to have 35% built coverage, which is consistent with the Residential A / Medium Density Residential Precinct performance standards.
- 10.27 Proposed Lot 91 is 3725m², which at 35% built coverage, would enable 10 units of around 130m². On Proposed Lot 92, with a net area of 3295m², would enable 10 units of around 115m².
- 10.28 I consider it reasonable for the MURCs to have 35% coverage to provide smaller, single storey units. The increased site coverage enables a variety of housing design options, which may include single bedroom with carport, or two bedrooms with no carport for instance.

Setback from neighbours MURC

- 10.29 On Lots 91 and 92, the Applicant applied for a reduction to side boundary setbacks in relation to the Proposed Lots 50 – 65. This reduction to a 1m setback has been sought in order to make most practical use of the MURC.
- 10.30 The MURCs are likely to be designed to have an internal focus with communal outdoor living space, as well as a personal outdoor living space.
- 10.31 The Council's Planning Officer has accepted the sliding scale Outdoor Living Space based on the number of bedrooms. Depending on orientation of the residential unit and its living room, the personal outdoor living space may be either between the unit and the external boundary, or internal to the subdivision. If the latter, then to make the most use of both private and public space, the Applicant seeks to be able to position residential units 1m from the property boundary.
- 10.32 The Applicant notes that any building would need to comply with recession planes. I note that a 1m setback from the exterior boundary will ensure compliance with fire rating provisions.
- 10.33 The effects of this reduction to setbacks is internal to the subdivision, and as such, purchasers to the allotment enter into buying the allotments knowing that residential units on Proposed Lots 91 and 92 may be within 1m of the boundary.

Number and Sealing of Car Parks on MURCs

- 10.34 The proposed MURC housing on Proposed Lots 91 and 92 has been considered to be available for affordable housing types, possibly for elderly or affordable housing. In both scenarios, the number of cars per residential units is likely to be one. For this reason, the Applicant has applied to breach the parking standard to have only one car park per residential unit.
- 10.35 In addition, the Applicant has proposed to mitigate visitor parking by volunteering to one additional visitor park on site per 5 residential units. Based on 10 residential units, there will be 12 on-site car parks.
- 10.36 As the MURCs are based around a communal housing type, and for the more affordable housing range, parking is a consideration.

10.37 To mitigate the effects of traffic flows within the MURCs, the parking areas are volunteered to be sealed, which reduces maintenance and also reduces dust and potential health and safety issues.

Stormwater

10.38 The Councils Planning Officer has noted a lack of consideration to the effects of stormwater.

10.39 At a meeting with Council's Engineer on 11 April 2023, the following two matters were considered to be adequately addressed.

10.40 In relation to secondary flow paths, Page 3 of the Land Development Concept Design Report in Appendix G of the application, notes that *In a major storm event and/or blockage of the primary stormwater system secondary flows have been designed to flow within the road carriageway and discharge into the detention pond in Lot 96, or along the existing channel in Lot 94.*

10.41 In relation to treatment of runoff during construction, appropriate conditions will be included in the temporary discharge of construction stormwater.

10.42 There remain two matters which require additional assessment when applying for the Stormwater Discharge Consent for the on-going operation of the stormwater reticulation from the application site.

10.43 The Applicant has designed the subdivision to include two detention ponds in Proposed Lots 94 and 96 to attenuate stormwater to ensure that the development runoff will not exceed pre-development flows, at a detention rate of 3 hours. The s42A report notes that Council still has concerns regarding potential hydraulic effects on the downstream discharge areas and that a reconsideration may be required such that the discharge rate is less than pre-development flow rates. As part of the application to ECan for the reticulation Stormwater Discharge Consent, the Applicant will demonstrate the mitigation of these effects. This may result in needing to resize the detention ponds which in turn may result in minor amendments to the subdivision layout.

10.44 In relation to the treatment of reticulation Stormwater Discharge Consent, the Applicant is liaising with Council's Engineer regarding treatment options. Details of the final treatment will be part of the application to ECan for the reticulation Stormwater Discharge Consent.

11.0 NOTIFICATION AND SUBMISSIONS

11.1 Prior to lodging the application, the Applicant obtained the written approvals from the following parties. The approvals were lodged in Appendix N of the application.

11.2 The application was submitted to Council on 16 December 2022 and the application was acknowledged by Council on 10 January 2023.

11.3 The Applicant requested Public Notification. The application was publicly notified on 2 February 2023 and the submission period closed on 3 March 2023. Council received 74 submissions in total. The s42A report did not note whether any submissions were received after the close of submissions and submissions forwarded by Council did not include date stamps.

11.4 The Council's s42A details in the submissions extensively. A break down is shown below:

	Support in Full	Support in Part	Object in Part	Object in Full	Total
Number of Submitters	70	2	1	1	74

11.5 70 Submitters fully supported the application and noted matters such as providing for housing shortage within Kaikoura; providing opportunity for more affordable housing and housing opportunities for tourism industry staff; as well as housing progression for elderly residents to buy smaller easier care sections. The location of the subdivision was also considered to be a positive matter.

11.6 Of the four submissions which raised matters of interest for the Commissioners, below is a quick breakdown of the submissions:

- a. Submitter 1 (Dunnett) is concerned about landscaping, and notes only 28 street trees, however the Landscape Plan does show more planting of shrubs etc throughout the application site.
- b. Submitter 3 (Kaikoura Dark Sky Trust) supports dark skies, and the Applicant is happy to volunteer conditions on the street and flag lighting, should Council's Engineering Department agree to adopt these standards.
- c. Submitter 16 (Margetts and Smart) opposes in full the application and seeks that it be declined. More assessment on this submission is provided below.
- d. Submitter 45 (MoE) seeks to ensure construction effects do not adversely impact the school environment and these are supported by the Applicant.

11.7 Of the five submitters who indicated that they wish to be heard, below is a quick breakdown of their submission position.

	Support in Full	Support in Part	Object in Part	Object in Full	Total
Number of Submitters to be heard	3		1	1	5

- a. Submitter 16 (Margetts and Smart) – Objects in Full
- b. Submitter 17 (Lister) – Supports in Full
- c. Submitter 45 (MoE) – Objects in Part
- d. Submitter 72 (Roche) – Supports in Full
- e. Submitter 73 (Skinner) – Supports in Full

11.8 A description of, and the Applicant's response to, the submissions in more detail follows:

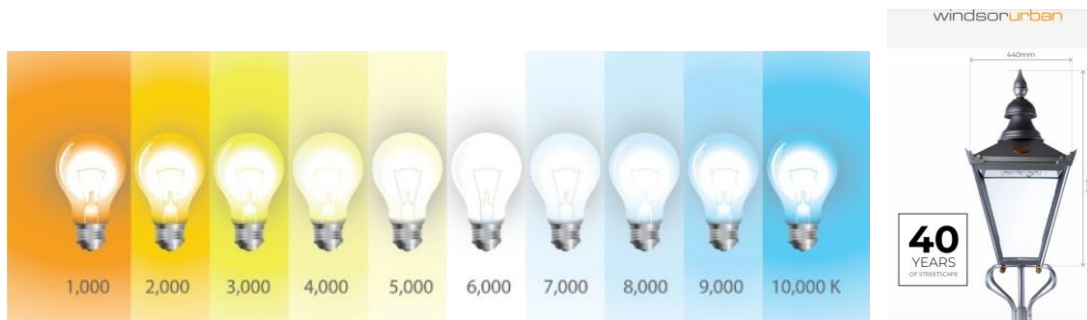
The Kaikoura Dark Sky Trust

11.9 The Applicant advised The Kaikoura Dark Sky Trust that they will use a street light model that would achieve:

- A horizontal cut off to prevent upward emissions
- 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

11.10 In Appendix G of the application, the Applicant has noted that their preferred lighting choice is the Windsor Urban model Karori 7032 25W LED. The Karori model is a heritage style lamp, shown below. BetaCom who are the lighting supplier is able to provide the lighting in 25W LED.

11.11 From the Plans in Appendix G of the application, I note that the 25W LED has a Warm colour temperature of 2300k.



11.12 The Applicant acknowledges that the requested Condition from the Submitter is subject to Council's approval either in Conditions or at the Engineering Plan approval stage.

Barry Dunnett

11.13 Mr Dunnett is concerned about the loss of the existing trees around the curtilage of the existing dwelling. He is concerned about the lack of replanting within the subdivision proposed.

11.14 The Applicant included a Draft Landscaping Design for the subdivision in Appendix J of the application. Within the lots to vest, the Landscaping Design Plans includes planting of 1,645m² in a mixture of shrubs and bushes, with 28 street trees, and grassed berms and flat lawn areas by the head of the cul-de-sac 4,400m².

11.15 It is noted that Appendix J only mentions 28 trees, however there is to be 1,645m² planted in a mixture of shrubs and bushes which is not recognised by the Submitter. I note that street trees need to be considered in relation to line of sight and road safety.

11.16 The Applicant acknowledges that Council, as eventual owner of the road reserves, needs to approve the conceptual landscaping plans as part of the Conditions or at the Engineering Plan approval stage.

- 11.17 Mr Dunnett would also like to see that landscape plans are required for each allotment, setting out a guideline of suitable plants.
- 11.18 The Applicant is happy to provide a Landscaping Guideline of Suitable Plants with their Sale and Purchase agreements, however does not want to limit purchasers in their own landscaping designs.

The Ministry of Education

- 11.19 The Ministry of Education (MoE), on behalf of Kaikoura High School, are concerned about the construction activities and their impacts on the Kaiako (teachers) and rangatahi (pupils) from increased heavy traffic movements to dust and vibration of construction activities and the length of time the construction may be occurring.
- 11.20 In relation to the effects on dust, the Ministry submit that a Construction Management Plan, Dust Management Plan and Erosion Sediment and Control Plan should be provided to Council prior to issue of the consent.
- 11.21 Attached as **Appendix 4** is the Applicant's Draft Dust Management Plan, whilst The ESCP is being prepared for the construction air and stormwater consents required from ECan. The Construction Management Plan will be prepared by the contractor to be employed by the Applicant upon issue of consent, and are subject to Council's Engineering Department approving said plan. The Applicant is happy to provide the approved plans to the Submitter upon their approval.
- 11.22 The Ministry submit that a traffic management plan be required for heavy vehicle movements, presumably through the construction period, limiting traffic movements past Kaikoura High School during School Drop Off and Pick Up times, and acknowledging the reduced speed limit during these times.
- 11.23 The Applicant is willing to volunteer a condition that during construction of the subdivision, heavy vehicles will not use the transport route past Kaikoura High School during the School drop off and pick up periods of 8.15am – 9.15am and 2.45pm-3.25pm. Any construction traffic required delivered during these times, shall use alternative routes to avoid Kaikoura High School.
- 11.24 The Applicant recognises both the posted and temporary speed limits along Ludstone Road and compliance with these speed limits is a requirement of all road users.
- 11.25 The Ministry are also concerned about increased traffic along Ludstone Road resulting from the subdivision and seeks an amended Traffic Assessment to consider the effects on the School, its Kaiako (teachers) and rangatahi (pupils). Mr. Boarreto accepts that traffic volumes from the subdivision will increase past the school during the morning hour peak traffic flows, however the afternoon peak traffic flows will be after the school pick up times. Given the standard of Ludstone Road, no adverse effects on road safety or capacity are anticipated

as a result of the traffic to be generated by the development in addition to the existing traffic flows on Ludstone Road.

- 11.26 The Ministry also sought further detail regarding the potential and actual flooding effects on Ludstone road. The Applicant has undertaken a stormwater assessment for the development of the application site and has designed stormwater detention basins to attenuate waters during rainfall events to the pre-development flow rates.

LA Margetts and WM Smart Partnership

- 11.27 The Submitter requests a copy of the Dust Control Plan. Attached as **Appendix 4** is the Applicant's Draft Dust Management Plan.
- 11.28 The Submitter considers that the whole length of Mt Fyffe Road be widened and sealed to an 8m physical width, including under the KiwiRail Overbridge as they consider that the portion of the road which narrows is a safety issue. Mr. Boarreto notes that the separation between the road carriageway and the overbridge piers is required to reduce the risks of collisions with the overbridge, and accommodate stormwater drainage and road delineation, and also notes that there will be a very low likelihood of conflicts between vehicles at this point.
- 11.29 The Submitter requests a copy of the shared pathway from the subdivision to Ludstone Road. In particular their concern relates to the potential conflict around the KiwiRail Overbridge location. A copy of the IAF Shared pathway is included in the Mr. Boarreto's Evidence.
- 11.30 The Submitter requests the applicant consult with the Anglican Church prior to naming of the roads. The Applicant notes that road naming is a separate process to the resource consenting process, and must go before Council's Road Naming Committee.
- 11.31 The Submitter is concerned about the type of housing potential in within the application site and seek to restrict this to avoid "Social Housing" and the perceived social behaviour attributed to it. The Applicant is seeking a subdivision and land use consent to build on each allotment. It is not seeking to limit who they sell the sections to or whether the sections are to be owners or rentals. In my opinion, such a condition would be inappropriate.
- 11.32 The Submitter is concerned about the proffered condition about recession planes. The Applicant agrees to withdraw this portion of the application.
- 11.33 The Submitter seeks a new boundary fence with pet proofing by way of mesh, and hot wire. The Applicants have volunteered that a stock proof fence be provided along the common boundary with Section 27 Block X Mt Fyffe Survey District and a Consent Notice that the fence is to be maintained whilst that allotment is used for farming purposes. This satisfies the Fencing Act requirements.
- 11.34 The Submitter is concerned about reserve sensitivity, and in particular the maintenance of the view from their dwelling. In her evidence, Ms Wilkins

recognises the importance of regarding the potential visual impacts from the application in the context of the anticipated zoning at this site, being residential. Ms Wilkins therefore considers that as a result of the increased density, any additional permeation of the views to the surrounding views out upon the mountains and sea is not anticipated beyond that which would be permitted under the performance standards of the zone and that any visual impacts on surrounding rural-residential viewing audiences will be **low-moderate** at worst.

- 11.35 The Submitter is concerned about reserve sensitivity for their farming activities including using the road to transport stock. While not considered necessary given the minimal potential for reverse sensitivity to occur, the Applicant is prepared to consider a Rural Emanations Easement in favour of Section 27 Block X Mt Fyffe Survey District in relation to the current farming activities. When undertaken droving of stock, the farmer will need to use the common law requirements for shifting stock. A fence will not be put across the entrance into the subdivision road.
- 11.36 The Margetts are concerned about Mt Fyffe Road formation and their vehicle crossing. The traffic Engineer has estimated the visibility to the south from 21 Mt Fyffe Road at 65m. Based on a reduced speed limit of 30km/h, the available visibility exceeds car stopping sight distances for a 50 km/h design speed given by *Austrroads Guide to Road Design Part 3: Geometric Design* and therefore safe turning movements are expected to be undertaken to and from this driveway.
- 11.37 The Margetts seek internal connections through the application site to Section 27 Block X Mt Fyffe Survey District. The application includes two parcels of land to vest in Council as Local Purpose Reserves.

12.0 COMMENTARY ON S42A RECOMMENDED CONDITIONS

- 12.1 The Applicant's technical experts have reviewed the S42A recommended conditions, and have a number of comments. Of note are a number of volunteered conditions that have not been adopted by Council, which the Applicant would like to have as specific conditions for neighbours to feel certain about the effects.
- 12.2 Attached in **Appendix 5** to my evidence is the assessment of the conditions as volunteered by the Applicant and reported upon within the s42A report, along with comments regarding changes sought.
- 12.3 In response to the conditions, some minor wording changes are sought, whilst a number of conditions as volunteered remain available for the Commissioners to consider.
- 12.4 A 'clean' copy of the conditions, as set out within the s42A report is then appended.

13.0 CONCLUSION

- 13.1 My evidence has considered the Application, all submissions, the s42A Report and Recommended Conditions and the Applicant's Expert Evidence.
- 13.2 The additional technical evidence which is being pre-circulated with my evidence confirms that the effects of the activities being sought will have a minor or less than effect on the environment, subject to the conditions being volunteered to mitigate the effects.
- 13.3 The Application, the s42A Recommendation Report and my additional evidence above consider the activity in light of the Objectives and Policies of the various national environmental standards, national policy statements and the KDP. It is considered that the proposal achieves the relevant provisions of those instruments.
- 13.4 It is my conclusion that the Commissioners are able to approve the amended application before them under Section 104C.



Jane Bayley
Resource Management Consultant

12 April 2023

Appendix 1 – Planning Evidence

Email from Council' Planning Officer

From: Zach Burns <zach.burns@kaikoura.govt.nz>
Sent: Tuesday, April 4, 2023 9:40 AM
To: William Loppe (KPMO) <william.loppe@kpmo.co.nz>
Cc: Matt Hoggard <matt.hoggard@kaikoura.govt.nz>
Subject: 1874 & 1875 Report queries

Kia ora William,

Matt gave me a call (he has COVID unfortunately), the reference to the my recommendation to decline the volunteered condition that setbacks and recession planes do not apply to buildings that share a common wall comes from:

GRZ-S4 – Building setback

No buildings shall be located closer than 2m to any internal boundary unless the following apply:

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

Matt also mentioned confusion around the widening of the road. I made a typo in the report. It was meant to be up to the single-lane section as per the traffic report's recommendation.

Ngā mihi | Kind regards,
Zach Burns | Grad NZPI | 03 319 5026 ext. 269 | Planner
www.kaikoura.govt.nz | PO Box 6, 96 West End, Kaikoura, 7300
"Moving Kaikōura forward"



Appendix 2 - Planning Evidence

Cross Reference of Rules between the original KDP and updated National Policy Standard Compliant version

	COMPLY WITH KDP PERMITTED	VOLUNTEERED CONDITION	BREACH KDP RC REQUIRED
Subdivision			
Lot Size 13.12.a SUB-S1	Lots 91 and 92 over 1,000m ²		Subzone A: minimum 500m ² as per Scheme Plan
Rights of Way 13.1.2.8.1 13.12.8.a Sub-s8.4	RoW A and B have legal width of 4.5m	Consent notice: At the time of Building Consent on the lots served by Rights of Way, the purchaser shall demonstrate turning room so vehicles exit in a forwards direction.	
Road width 13.1.2.7.a SUB-S7.1	16m Legal width 8m formed width	Upgrade Mt Fyffe Road to 8m width	
Reserves 13.12.b Sub-s1	Reserves as per Scheme Plan		
Roading			
Legal Width 13.1.2.7.a 13.1.2.7.b SUB-S7.1	16m complies with NZS 4404 E22		2m wide footpath
Intersection 12.8.5.a Trans-s5	Eastern intersection of crescent complies	Posted speed limit of 40 km/h	Western intersection of crescent from Mt Fyffe Rd is ~58m as per Engineering Plans
Sight lines at intersections 12.8.5.b Trans-s5	Eastern intersection of crescent complies	Posted speed limit of 40 km/h	Western intersection of crescent from Mt Fyffe has sight line of ~58m to Mt Fyffe Rd
Formation 13.1.2.7.b 13.1.2.7.c Sub-s7.2 & 3	8m wide sealed carriageway includes parking	Berms to include landscaping as per Landscape Plans	One 2m wide footpath as per Engineering Plans
Cul-de-sac 13.1.2.7.d SUB-S7.4	Cul-de-sac designed with 10m radius		
Street Lighting 10.5.1.c EI-S1	Shall be on poles within Road Reserve		
Road Names 13.1.2.7.e SUB-s7.5		St James Drive / Avenue and Porritt Crescent	
<i>Structures on Roads Bylaw</i>	<i>No rule in KDP</i>		<i>Installation of Pedestrian lychgate as entrance feature into Vicarage Views and bench seating in berms as per Landscape Plans</i>

	COMPLY WITH KDP PERMITTED	VOLUNTEERED CONDITION	BREACH KDP RC REQUIRED
Services			
Building setback from Power Lines 10.5.1.a.i 10.5.1.m 10.6.1.i 18.7.15 GRZ-s13	11kV, 33kV and local lines to be buried through subdivision	3m wide easements provided through Reserves.	Seek consent to build within 20m of designated powerline route as shown on Map 45.
Transformers 10.5.1.b.i. 10.6.1.ii EI-S1 and 4	Transformers will be ground based and within Road Reserve		
Electricity and communication connection 13.1.2.4 SUB-4.1 EI-S1	Ducting shall be provided to the net of each allotment		
3 Waters 10.5.1.f 13.1.2.3 18.7.13 SUB-S2.1 SUB-S3.1	Connections shall be provided to the net of each allotment		
Access			
Rights of Way 13.12.8.a Sub-s8.4	Form Subzone A Rights of Way servicing 3 lots: Legal minimum width 4m and formed width 3.5m	Consent notice that in Subzone A each Right of Way user shall provide details of on site turning at BC stage so no reversing onto street.	Subzone A Rights of Way have no turning head. Each allotment to provide on site turning so no reversing onto street
Vehicle crossings 12.8.1.a 12.8.1.b 13.1.2.6 SUB-S6.1 SUB-S8	Form Rights of Way and Rear allotment vehicle crossings	Consent notice that each allotment shall form and seal vehicle crossing to the boundary to Council standards, a minimum width of 3m	
Land Use			
Build Coverage 18.7.4 GRZ-S8.2			35% net area
Building Height 18.7.6 GRZ-S2.3	Subzone A 8m	Subzone B 5.5m	
Landscaping 18.7.7 GRZ-S10	N/A for residential activities		
Outdoor Living Space 18.7.8 GRZ-S9	Subzone A 70m ² and 5m diameter		Subzone B for MURC: Min 10m ² with 2m min diameter for 1 bed unit. Min 20m ² with 3m min diameter for 2 bed unit. Min 30m ² with 4m min diameter for 3+ bed unit. Up to 5m ² of Outdoor Living Space may be roofed and one side may be enclosed to provide sheltered area.

	COMPLY WITH KDP PERMITTED	VOLUNTEERED CONDITION	BREACH KDP RC REQUIRED
Land Use Continued			
Residential Density 18.7.9 GRZ-S1.2		Maximum total residential units over whole site 85	Subzone A 1 unit per 500m ² or Title Enable MURC within Subzone B: 1 unit / 300m ² to a maximum of 10 units on Proposed Lots 91 and 92
Recession Planes 18.7.10 GRZ-S7	As per KDP		Where buildings are joined at boundaries, recession planes are not applicable Subzone B for MURC: Recession planes for adjacent properties only, not required within the MURC
Internal boundary setbacks 18.7.11 GRZ-S4			Subzone A: Where buildings are joined at boundaries, internal setbacks are not applicable. Subzone A: 1m off reserves/rights of way and accesses <i>Effects Lots 1, 2, 16, 17, 27, 29, 30, 31, 42, 45, 47, 48, 58, 59</i> Subzone B: 1m setback from adjoining properties
Front boundary setbacks 18.7.12 GRZ-S5	4.5m	Consent notices that garages with a door parallel to the road shall be setback 5m from the boundary to enable parking in front of the garage	
Setback KDC powerline 18.7.15 GRZ-S13		Reroute and bury 11kVa and 33kVa lines through reserves.	20m setback from Designation
Waste management 18.7.16 GRZ-S14		In Subzone B for MURC: All waste which is stored outside shall be screened from public view and adjacent residential properties.	
Access 12.8.1.a 12.8.1.b 13.1.2.6 13.12.8.a 13.12.8.e Trans-s2 Trans-s4	Each allotment shall form and seal vehicle crossing to the boundary to Council standards, a minimum width of 3m.		Subzone B for MURC: Rights of way shall be formed in accordance with KDP except a Right of Way may serve up to 10 residential units with legal width 9m and formed with of 5.5m.

	COMPLY WITH KDP PERMITTED	VOLUNTEERED CONDITION	BREACH KDP RC REQUIRED
Land Use Continued			
Parking Spaces 12.8.1.a.i Trans-s1	Subzone A 2 car parks per residential unit	Subzone B for MURC: 1 guest park per 5 units	Subzone B 1 car park per residential unit
Parking finish 12.8.1.g Trans-s1.7	Subzone A All weather surface	Subzone B for MURC: Sealed surface	
Manoeuvring 12.8.1.e Trans-s1.5		Subzone B for MURC: Manoeuvring room provided so no reversing onto street	Rights of Way A and B, no turning head. Each allotment to provide on site turning so no reversing onto street
Acoustic mitigation alongside rail corridor	<i>No rule</i>	Consent Notice volunteered for KiwiRail re vibration, internal noise levels and No Complaints	
Garages	<i>No rule</i>	Consent Notice that garage doors, if parallel to the legal road, are to be setback 5m from the front boundary.	
Fences	<i>No rule</i>	Consent Notice on Lots 1-25, requiring retention of farm fence along southern boundary whilst the neighbour parcel is still be used for farming practices	
Engineering		Engineering Plans shall be submitted to Council for certification prior to works commencing. As built plans shall be approved prior to s223.	
Earthworks EW-R1		A DESCPC shall be certified by GeoProfessional prior to commencing works. A copy provided to Council. All earthworks involving filling will be carried out in accordance with the standards in NZS4431:2022	

APPENDIX 3 – PLANNING EVIDENCE

Cross reference of Objectives and Policies between the
Original KDP and the updated National Policy Standard compliant version

(as outlined by s42A report)

Chapter 5 : Tangata Whenua Values

<p>Objective 1 TW Partnership Objective</p>	<p>Effective partnership between the Council & Te Runanga o Ngai Tahu through its kaitiaki Papatipu Runanga, Te Runanga o Kaikoura, in the management of the District's natural & physical resources in recognition of the principles of the Treaty of Waitangi, the relationship of the tangata whenua & with their ancestral lands, water, sites, waahi tapu, & other taonga, & in accordance with kaitiakitanga</p>	<p>The subject property is not within a Statutory Acknowledgement area and it has been heavily modified through the NCTIR Village development. As such, the Applicant has not consulted with tangata whenua over the application.</p>
<p>Policy 5.2.3.1 TW-P1</p>	<p>To develop a system of on-going consultation with Te Runanga o Ngai Tahu through its kaitiaki Papatipu Runanga, Te Runanga o Kaikoura, relating to all resource management responsibilities of the Council with which the tangata whenua have a particular interest.</p>	<p>The application site located within a 2km wide strip along the coast line between Kekeregu River to Kaikōura Peninsula in ECan's Rūnanga Sensitive Areas map.</p>
<p>TW-P2</p>	<p>To provide for tangata whenua involvement in the Council's decision-making process regarding resource management issues within the District by having representation on Council Committees. Particular regard will be given to Statutory Acknowledgment Areas and Tribal properties.</p>	<p>The overland flow paths are all protected by way of reserves to vest, and may be enhanced with plantings which will improve the mauri and wairua of its downstream catchment.</p>
<p>Policy 5.2.3.3 TW-P3</p>	<p>To recognise & provide for those sites of past Maori occupation & use in the District, & implement procedures for tangata whenua involvement regarding any proposed excavation or construction in & around those identified areas, or in the case of the discovery of any burial sites or Maori artefacts.</p>	<p>The Applicant volunteers to undertake construction in accordance with an Accidental Discovery Protocol, which requires consultation with iwi upon any discovery of a cultural site. A consent notice is to be registered to advise the owners of the allotments, of this on-going requirement.</p>
<p>Policy 5.2.3.4 TW-P4</p>	<p>To maintain & enhance tangata whenua access to & use of the District's forests & significant waterbodies, wetlands, high country & coastal areas, having regard to their status as taonga, & traditional importance as sources of mahinga kai.</p>	<p>The Applicant volunteers to undertake construction in accordance with an Accidental Discovery Protocol, which requires consultation with iwi upon any discovery of a cultural site. A consent notice is to be registered to advise the owners of the allotments, of this on-going requirement.</p>

Chapter 6 : Recreation and Open Space

<p>Objective 1 OSZ-O1</p>	<p>To provide open space, recreational areas & facilities that are equitably distributed or conveniently located throughout the district to meet the diverse needs of residents & visitors.</p>	<p>Through the use of roads and reserves around the overland flow paths and detention areas, around 32% of the site is open space.</p>
<p>Policy 6.2.2.1 OSZ-P1</p>	<p>To develop or facilitate the development & maintenance of a wide variety of recreation areas & facilities, ranging from indoor facilities to neighbourhood & District recreation areas, in locations that are convenient & accessible for the anticipated users.</p>	<p>Specific recreation areas have not been identified, rather passive recreational areas such as seating, have been designed into the Road Reserve and around the top of the cul-de-sac.</p>
<p>Policy 6.2.2.2 OSZ-P2</p>	<p>To take into consideration the following matters when deciding whether to acquire or receive land for recreation areas, or whether to dispose of existing areas: a. the amount of use the land is likely to get & whether the activities that could potentially take place on the land can be easily accommodated elsewhere; b. whether the land has or is able to have, legal & physical access & how close the land is to people who will use it; c. the amount of other land serving the same or similar functions in the same area & the ability of such other areas to accommodate additional use; d. the role of land in providing access linkages, for example, walkway & cycleway links.; e. the size of the land & its ability to accommodate its likely or intended use including the provision of car parking.; f. the role of the land in providing open space & plantings which enhance the amenity of the environment or which protect significant landscapes or views; g. the proximity of the land to river margins, lake shores, wetlands or the coast & its role in providing for public access to or along such waterbodies for the protection of the natural values of the water margins or the maintenance of water quality & aquatic habitats; h. any effect of the recreational area on the natural character of the coastal environment, wetlands, lakes & rivers & their margins; i. the role of the land in protecting & enhancing significant areas of indigenous vegetation, habitats of indigenous fauna & trout & salmon, or the margins of lakes, rivers, wetland & the coast; j. the role of the land & the buildings or structures on it in protecting historic & cultural values of significance to the District's communities.</p>	<p>Although not riparian streams, the Applicant will protect the ephemeral overland flow paths by way of reserves to vest, and will enhance them with plantings.</p>
<p>Policy 6.2.2.3 OSZ-P3</p>	<p>To require financial contributions towards public recreation areas & facilities from subdivision & development in urban areas to provide for the following: a. additional neighbourhood parks including waterfront areas, walkways & cycleways. needed as a result of additional household & visitor accommodation growth across the District; b. additional recreation areas to enhance the visual amenity of the built environment; c. development & maintenance of existing land set aside for neighbourhood parks & recreation areas.</p>	
<p>Objective 2 ASW-O1</p>	<p>To provide for activities on the surface of water where adverse effects on other activities & on amenity, ecological functioning & habitat values are adequately avoided, remedied or mitigated.</p>	
<p>Policy 6.3.2.4 ASW-P4</p>	<p>To encourage the use of riparian plantings in & along the margins of waterbodies to control surface runoff.</p>	

Chapter 7 : Development and Tourism

Objective 1 UFD-O1	To provide for urban growth where any adverse effects on natural & physical resources are mitigated, avoided, or remedied	<p>The subject property has been zoned Residential B, suitable for residential development.</p> <p>A geotechnical assessment of the subject property has been undertaken in Appendix D, and the site has been deemed as having a low natural hazard.</p> <p>The site is accessed from Ludstone Road, a collector road. The intersection and roading design has been considered to meet safety standards, with the recommendation of a Flag Light. Mt Fyffe Road is to be upgraded.</p> <p>The proposed subdivision has been developed with the philosophy of providing affordable housing opportunities. In relation to the Applicant, this can only be addressed in terms of the cost of the land and any impediments imposed on the future land use. Importantly, the proposed layout has taken into account its north facing aspect to ensure that residential units are able to make the most benefit of passive solar gain.</p> <p>The proposed subdivision will enable additional housing stock to become available for both permanent residents, holiday makers as well as the seasonal staff for tourism operators.</p> <p>Policy 7.2.2.7 seeks to provide comprehensive living. The application seeks to provide a mixture of this with smaller section sizes and two MURCs.</p> <p>The proposal works are around the existing infrastructure and the railway corridor. Solutions which are acceptable to both Mainpower NZ, Council staff and KiwiRail have been drafted in the land use and engineering plans.</p>
Policy 7.2.2.1 UFD-P1	To accommodate additional urban development only where the risk from flooding, land instability & coastal erosion or inundation are low.	
Policy 7.2.2.2 UFD-P2	To ensure additional urban growth does not adversely affect traffic safety & efficiency of the State Highway.	
Policy 7.2.2.3 UFD-P3	To ensure that additional urban growth does not adversely impact on the ability of the drinking water supply & sewerage systems to protect public health.	
Policy 7.2.2.4 UFD-P4	To provide for peripheral urban development where the adverse effects on other activities are able to be avoided or mitigated	
Policy 7.2.2.5 UFD-P5	To ensure that any proposals for urban growth respect the obligations under the Treaty of Waitangi, & the needs of Te Runanga o Ngai Tahu.	
Policy 7.2.2.7 UFD-P7	To provide for a comprehensive living environment just west of Kaikoura Township	
Objective 2 UFD-O2	To encourage an urban form where existing physical infrastructure & energy is used efficiently & where any adverse effects on natural & physical resources, including infrastructure, are mitigated, avoided, or remedied.	
Policy 7.3.2.1 UFD-P8	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.	
Policy 7.3.2.2 UFD-P9	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.	
Policy 7.3.2.4 UFD-P11	To ensure that population & visitor growth does not place undue demand on existing infrastructure & services.	
Objective 3 UFD-O3	To provide for a pattern of land use that promotes a close relationship between areas having different characteristics while recognising the distinction between commercial & non-commercial activities.	
Objective 4 UFD-O4	To provide for sustainable development, including tourism in a way which avoids or mitigates adverse effects on Kaikoura's amenity values & distinctive character.	
Policy 7.5.2.1 UFD-P14	To encourage developers & tourist operators to undertake activities in a manner which recognises & enhances Kaikoura's "small coastal village" character	
Policy 7.5.2.3 UFD-P6	To promote & encourage building design & tourist facilities which reflect & incorporate elements of a small coastal village.	
Policy 7.5.2.4 UFD-P17	To encourage development to proceed in accordance with the design guidelines in Appendix F.	
Policy 7.6.2.2 UFD-P19	To recognise & encourage the opportunities for new tourist & non-tourist activities throughout the District.	
Policy 7.6.2.5 UFD-P22	To balance the economic importance of tourism & associated growth opportunities with the needs of the community & the desire to retain Kaikoura's small coastal village character.	

Chapter 8 : Natural Hazards **Chapter replaced in Plan Change 3**

<p>NH-O1</p>	<p>New land use and development is managed in areas subject to natural hazards to ensure that natural hazard risk is avoided or mitigated to an acceptable level.</p>	<p>A geotechnical assessment of the subject property has been undertaken in Appendix D, and the site has been deemed as having a low natural hazard and is suitable for residential development.</p> <p>The Reserves to Vest, being Proposed Lots 93-96, have been designed to ensure that a Q₁₀₀ is contained within the allotment boundaries. Detention ponds have been designed to ensure that post development flows do not exceed pre-development flows.</p> <p>Standard building code requirements will be required for minimum floor levels.</p>
<p>NH-O3</p>	<p>1. Upgrading maintenance and replacement of existing critical infrastructure, and non-critical infrastructure, and new non-critical infrastructure, within all-natural hazard overlays is enabled where the infrastructure does not increase the risk to life or property from natural hazard events, or transfer the risk to another site; and 2. New critical infrastructure avoids High Flood Hazard Areas, unless this is not possible or is impractical when considering operational and technical constraints and therefore is designed to maintain its integrity and ongoing function during and after natural hazard events or can be reinstated in a timely manner.</p>	
<p>NH-O4</p>	<p>Hazard mitigation works that may adversely affect people, property and the environment is avoided in the first instance and mitigated where such works are necessary.</p>	
<p>NH-P1</p>	<p>1. Identify areas that may be susceptible to natural hazards through the use of natural hazard overlays, and use the most up to date information available to provide site specific natural hazard assessments; 2. Recognise that climate change will alter the frequency and severity of some natural hazard events, and ensure that natural hazard assessments, and any mitigation works take into account the effects of climate change</p>	
<p>NH-P2</p>	<p>Take a risk-based approach to managing natural hazards commensurate with the scale of development, whereby the level of risk is assessed as the combination of the likelihood of a natural hazard event occurring and the consequences of that event – for people and communities, property and infrastructure.</p>	
<p>NH-P8</p>	<p>1. Enable the operation, maintenance, replacement, repair and upgrading of existing critical infrastructure in Flood Assessment Overlays only where the infrastructure does not increase flood risk on another site; 2. Provide for operation, maintenance, replacement, repair and upgrading of existing critical infrastructure in all other identified Natural Hazard Overlays; 3. Manage new critical infrastructure in all Natural Hazard Overlays which are outside of High Flood Hazard Areas to ensure that there is a low risk to life and property damage; 4. Avoid new critical infrastructure in High Flood Hazard Areas unless: 5. Avoidance is impossible or impracticable when considering operational and technical constraints, in which case critical infrastructure must be designed to maintain, as far as practicable, its integrity and ongoing operation during and after natural hazard events, or be able to be reinstated in a timely manner; and 6. The critical infrastructure does not significantly increase the natural hazard risk to life on the site, or increase risk to life and property on another site</p>	

NH-P12	Provide for land use and development for Hazard Sensitive Buildings outside of High Flood Hazard Areas where it can be demonstrated that; <ul style="list-style-type: none"> a. the nature of the activity means the risk to life and potential for damage from flooding is acceptable; or b. the activity is ancillary to the existing main development; or c. buildings are located above the flood level, as determined by a Flood Hazard Assessment Certificate so that the risk to life is acceptable and potential for property damage from flooding is mitigated; and d. the risk to surrounding properties is not significantly increased. 	
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Chapter 9 : Hazardous Substances

Objective 1 HAZS-O1	To prevent adverse effects on the environment or public health & safety arising from the use, manufacture, storage, transportation, & disposal of hazardous substances in the District.	The subject property is not considered to be a "Piece of Land" under the NES-CS.
Policy 9.2.2.6 HAZS-P6	To ensure that land previously affected by hazardous substances is not used for activities where the health & safety of the community could be compromised.	

Chapter 10 : Utilities

<p>Objective 1 EI-O1</p>	<p>To provide for the establishment, use, maintenance & upgrading of utilities in a way that promotes sustainable management of natural & physical resources & which avoids, remedies or mitigates adverse effects on the environment.</p>	<p>The Applicant has consulted with Council's Engineering department over servicing:</p>
<p>Policy 10.2.2.3 EI-P3</p>	<p>To avoid, remedy or mitigate the adverse environmental effects arising from the construction, installation, operation, maintenance & upgrading of utilities to maintain the level of amenity expected within different areas & to enable people to provide for their health, safety & wellbeing.</p>	<p>Each allotment is to be provided with a connection or provision by way of ducting for: electricity, communications and reticulated water, sewer and stormwater.</p>
<p>Policy 10.2.2.5 EI-P5</p>	<p>Where practicable, to require the undergrounding of all lines within Residential, Comprehensive Living, Business, Tourism & Settlement zones & to encourage the systematic replacement of existing overhead lines with underground reticulation within all Zones</p>	<p>The subdivision has been designed to ensure that pre development and post development stormwater flows remain the same. This is to be achieved by way of detention ponds within Proposed Lots 94 and 96.</p>
<p>Objective 2 EI-O2</p>	<p>To provide for the health, safety, & well-being of people & their communities by making provision for the establishment, use, maintenance & upgrading of essential utility services.</p>	<p>The 11kVA and 33kVA lines are to be re-routed within the reserves and undergrounded. Removing both the visual effect and reducing the setback requirements for building, consistent with Policy 10.2.2.5. Any above ground transformer shall be ground mounted within road reserve. The works shall be undertaken in accordance with Mainpower NZ's requirements to ensure the least amount of disturbance to the network south of Kaikoura.</p>
<p>Policy 10.3.2.1 EI-P6</p>	<p>To recognise the need for maintenance, upgrading & future modification or extension of utilities to ensure their on-going use & efficiency.</p>	<p>A DESCOP shall be provided prior to works commencing.</p>
<p>Policy 10.3.2.4 EI-P9</p>	<p>To encourage development of utilities in areas where excess service capacity exists in order to promote the efficient use of physical resources.</p>	<p>The Applicant volunteers to vest and plant within Proposed Lots 93-96 which will protect and maintain overland flow paths. The detention shall only have minimal if any landscape planting.</p>
<p>Policy 10.3.2.5 EI-P10</p>	<p>To ensure the costs of establishing utilities are met by the developer &/or those that will use the utility.</p>	<p>A cut off drain along the southern boundary shall be protected by way of easement in favour of Council.</p>
<p>Policy 10.3.2.6 EI-P11</p>	<p>To ensure costs of upgrading & maintaining existing utilities are met by those who benefit from the utilities provided.</p>	
<p>Policy 10.3.2.7 EI-P12</p>	<p>To encourage community or public sewage reticulation & treatment in areas where it is necessary to enhance surface & groundwater quality, values of Te Runanga o Ngai Tahu &/or to lessen the risks to public health.</p>	
<p>Policy 10.3.2.8 EI-P13</p>	<p>Where water is required for human consumption, to require the supply of potable water, preferably through reticulation, to: — enhance reliability of supply; — ensure water quality is maintained & enhanced; & — ensure the values of Te Runanga o Ngai Tahu are not adversely affected.</p>	
<p>Policy 10.3.2.9 EI-P14</p>	<p>To ensure the provision of utilities to service new development prior to buildings being occupied & activities commencing.</p>	
<p>Policy 10.3.2.10 EI-P15</p>	<p>To maintain existing urban land drainage systems.</p>	
<p>Policy 10.3.2.11 EI-P16</p>	<p>To avoid reverse sensitivity issues between high voltage electricity transmission lines & residential activities in the Residential, Settlement & Rural Zones.</p>	
<p>Policy 10.3.2.12 EI-P17</p>	<p>To ensure upon subdivision in the Residential, Rural & Settlement zones that access to existing high voltage electricity transmission lines is not restricted or prohibited.</p>	

Chapter 11 : Landscape and Visual Amenity

Objective 1 NPL-O1	To protect areas of Outstanding Landscape Values from inappropriate subdivision, use & development.	<p>The subject property is not within an Outstanding Landscape or Outstanding natural feature, and is located below the terrace.</p> <p>The subject property is zoned for Residential use. Most of the subject property will comply with the permitted height, although the MURCs are to have a reduced, more affordable building height of 5.5m above finished ground level at the time of the s224 approval.</p> <p>Recession Planes and side boundary setbacks will ensure that view shafts are available through sections.</p> <p>Earthworks on the subject property are to be kept to a minimum in relation to servicing this site via gravity, which means a slight building up of the western sections to ensure adequate fall for stormwater and sewer.</p> <p>The existing bunding and planting alongside Mt Fyffe Road is to be retained except for the new entrance into the subject property, and may be extended along the road boundary if there excess fill.</p> <p>To encourage purchasers to adhere to the "Landscape Guidelines" in Appendix J, in particular in relation to energy efficiency and external colours.</p>
Objective 2 NPL-O2	To maintain & enhance areas having significant landscape values	
Objective 3 NPL-O3	To support & encourage the consideration of landscape qualities when landuse activities are undertaken.	
Policy 11.2.2.2 NPL-P1.2	To ensure that activities such as earthworks, vegetation clearance, tree planting & the establishment of buildings, utilities or structures do not adversely affect the values of outstanding natural features & landscapes.	
Policy 11.2.2.3 NPL-P1.3	To promote the maintenance, & where practicable the enhancement, of the landscape & visual amenity values of areas that have been identified as having significant landscape values.	
Policy 11.2.2.7 NPL-P1.7	To encourage landowners to adhere to the "Landscape Guidelines" in appendix F.	
Objective 6 NPL-O6	To protect the geological uniqueness of the Outstanding & Significant Landscape Areas from inappropriate use & development.	
Policy 11.4.2.1 NPL-P3.1	To recognise that the close proximity of the Seaward Kaikoura range to the coast is a unique geological feature.	
Policy 11.4.2.3 NPL-P3.3	To recognise the relationship between the underlying geology of the district & the dominant landscape features.	
Objective 7 NPL-O7	To retain the visual amenity values of the District.	
Policy 11.5.2.1 NPL-P4.1	To avoid built form which detracts from the visual amenity of the District.	
Policy 11.5.2.2 NPL-P4.2	To control the effects of activities in order to maintain & enhance the visual amenity values of the Kaikoura District.	

Chapter 12 : Transport

Objective 12.2.1 Tran-O1	To provide for the safe & efficient use of the District's existing & future transportation infrastructure.	<p>The external roading network has been assessed. Some minor improvements are recommended in terms of Mt Fyffe Road in relation to lighting, width and speed which have been adopted by the Applicant. The Traffic Impact Assessment in Appendix O also recommends that Council consider lowering the speed limit of Ludstone Road.</p>
Policy 12.2.2.1 Tran-P1-1	To promote the efficient use of all roads within the District by adopting & applying design & access standards within different zones of the District, based on the intended function of each road, & the expected vehicle generation.	
Policy 12.2.2.2 Tran-P1-2	To protect the efficiency of through traffic on State Highway 1 due to its role as a carrier of through traffic.	
Policy 12.2.2.4	To promote the efficient use of roads by ensuring the size, location & type of access to properties is appropriate.	

Tran-P1-4		<p>The Applicant has designed the proposed internal roading in accordance with the provisions of NZS4404. The road width is 8m wide which enables on road parking.</p> <p>There are two exceptions to the roading design, the first in relation of footpath design, to have one footpath of 2m in width. The second to reduce the western intersection spacing of the crescent. As the speed environment is slow from turning into the subject property, it is considered that the reduced intersection setback is suitable.</p> <p>Each allotment has sufficient frontage for access. The Applicant seeks to not form turning bays on the two Rights of Way as there is sufficient room on site for turning.</p> <p>Each of Proposed Lots 1-65 are of sufficient size to accommodate on site parking. The Applicant seeks reduced parking within the MURCs to one park per residential unit and visitor parking for every 5 units.</p> <p>Accesses are to be formed at the time of development, enabling purchasers to make the most use of their allotments.</p> <p>The subdivision has been designed so that there are no additional access links across the railway reserve.</p> <p>The Applicant takes on board the response from KiwiRail in relation to reverse sensitivity of the operation of the Railway network and volunteers conditions on building design and complaints.</p>
Policy 12.2.2.5 Tran-P1-5	To reduce congestion & loss of efficiency of roads by ensuring off-road parking & loading is provided for activities.	
Policy 12.2.2.6 Tran-P1-6	To promote & encourage cycling as a safe & efficient use of the Districts roads.	
Policy 12.2.2.10 Tran-P1-10	To support the new development of safe pedestrian links, & to upgrade existing pedestrian links, in order to promote & provide for the safe, direct & pleasant movement of pedestrians & to reduce short vehicle trips & congestion.	
Policy 12.2.2.11 Tran-P1-11	To improve connections between rail & other transport modes, particularly pedestrian access, to the commercial areas of the township.	
Policy 12.2.2.12 Tran-P1-12	To encourage any new urban development in Settlement Zones to locate within or on the periphery of existing settlements to reduce the length of, & need for, vehicle trips.	
Objective 12.3.1 Tran-O2	To avoid remedy or mitigate actual & potential adverse effects of transportation.	
Policy 12.3.2.1 Tran-P2-1	To encourage new residential development to locate within or on the periphery of existing settlements to reduce the length of & need for vehicle trips.	
Tran-P2-2	To enable people to establish workplaces in their homes to reduce the need for vehicle trips, provided other effects on the environment are minor.	
Policy 12.3.2.3 Tran-P2-3	To support the development of pedestrian & cycling links within the settlements & urban areas, having regard to the needs of disabled persons by making these facilities safe & pleasant.	
Policy 12.3.2.5 Tran-P2-5	To ensure new roads are designed to visually complement the surrounding area.	
Policy 12.3.2.6 Tran-P2-6	To encourage the incorporation of tree & landscape plantings within new roads & roading improvements, wherever possible, having due regard to traffic & pedestrian safety.	
Policy 12.3.2.7 Tran-P2-7	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 & waterbodies; outstanding landscapes & natural features; mahinga kai & taonga; & habitats of salmon & trout &; people & communities.	
Policy 12.3.2.8 Tran-P2-8	To ensure parking & loading associated with activities, does not adversely affect the amenity enjoyed by neighbours.	
Objective 12.4.1 Tran-O3	To maintain & provide for access & ease of pedestrian & vehicle movement throughout the District.	
Policy 12.4.2.1 Tran-P3-1	To encourage the development of pedestrian areas, walking routes, & cycleways, having regard to the needs of disabled persons.	
Policy 12.4.2.2 Tran-P3-2	To ensure access is available through the provision of new roads & related facilities.	

Chapter 13 : Subdivision

SUB-O1	Avoid natural hazard risks from subdivision Subdivision is: 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	The subject property is zoned for Residential use and the geotechnical assessment considers that the site is suitable for subdivision and development. The subject property is not a "Piece of Land" under the NES-CS.
Policy 13.2.21 SUB-P1-1	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	
Policy 13.2.2.2 SUB-P1-2	To avoid subdivision where there is a risk of erosion, subsidence, slippage, or inundation from coastal hazards, & 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.	Each allotment is of suitable size and width to accommodate residential units. The subdivision has been designed to be north facing to enable use of passive solar gain within housing design.
Policy 13.2.2.3 SUB-P1-3	To ensure that any remedial measures do not give rise to adverse effects on the environment.	
Policy 13.2.2.4 SUB-P1-4	In considering new subdivisions, Council will recognise the following: 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.	The subdivision has been designed so that the Q ₁₀₀ overland flow paths are contained within the proposed reserves to vest. The Applicant will enhance the stormwater reserves with plantings.
Policy 13.2.2.6 SUB-P1-6	In processing subdivision applications, to recognise the role of esplanade reserves and esplanade strips in the avoidance, remediation and mitigation of natural hazards.	The Applicant will also plant within the road reserve corridor to enhance the amenity of the subdivision.
Objective 2 SUB-O2	To provide essential services at the time of subdivision, subject to any adverse effects on the environment from the provision of these services being mitigated, avoided or remedied.	The proposed allotments shall be serviced to enable gravity discharge. Provision for both electricity and communications shall also be made to each allotment.
Policy 13.3.2.1 SUB-P2-1	To require upon subdivision, that new lots within Residential, Comprehensive Living, Settlement, Tourism & Business zones are provided with a means of connection to a Council or community reticulated water supply system, where available, & that water supplies are of a potable standard, & of sufficient capacity for anticipated land use & for firefighting purposes.	Where the allotments are accessed by Right of Way, services shall be provided to the net of the allotments.
Policy 13.3.2.2 SUB-P2-2	To require upon subdivision, that anticipated development is provided with a means of disposing of sanitary sewage & trade waste in a manner which is consistent with maintaining public health & where adverse effects on the environment are avoided.	It is noted that sufficient servicing shall be provided to the boundary of Proposed Lots 91 and 92 for the MURCs for 10 units on each site.
Policy 13.3.2.4 SUB-P2-4	Upon subdivision in Residential, Comprehensive Living, Settlement, Tourism & Business Zones, to require that all new lots are provided with a means of connection to a Council or community reticulated sewage disposal & treatment system, where such a system exists.	
Policy 13.3.2.6 SUB-P2-6	To require that underground reticulated energy & communication services are provided to lots within Residential, Comprehensive Living, Settlement, Tourism & Business Zones.	The Applicant has designed the proposed internal roading in accordance with the provisions of NZS4404. Each allotment has

Policy 13.3.2.7 SUB-P2-7	To require the integration of subdivision roading with the existing roading network in a manner which reflects expected traffic levels, & achieves safe & effective vehicular access to allotments.	<p>sufficient frontage for access. Accesses are to be formed at that the allotments are built on.</p> <p>The Applicant seeks to not form turning bays on the two Rights of Way as there is sufficient room on site for turning.</p> <p>The Applicant seeks reduced parking within the MURCs to one park per residential unit and visitor parkin for every 5 units.</p>
Policy 13.3.2.8 SUB-P2-8	To encourage the provision of pedestrian & cycle linkages where possible as well as linkages to & along water bodies.	
Policy 13.3.2.9 SUB-P2-9	To encourage the retention of natural open waterbodies & to require the disposal of stormwater in a manner that avoids inundation of land within or adjoining the subdivision & maintains or enhances the quality of surface & ground water.	
Objective 3 SUB-O3	To provide for allotments which are suitable for a range of sustainable land uses, except where special sites are required as provided for in Issue 4.	
Policy 13.4.2.1 SUB-P3-1	To require all allotments created as a result of subdivision to be of a size & shape which is suitable for a range of sustainable land uses, except where special sites are required as provided for in Issue 4.	
Objective 4 SUB-O4	To recognise the need for special lots to be created for activities where small lot sizes are required for activities such as utilities, recreation, roading & access or to protect values such as heritage, conservation or Ngai Tahu values.	
Policy 13.5.2.1 SUB-P4	To provide for small lots to be created to provide for activities such as utilities, recreation, roading or access & the protection of heritage, conservation & Ngai Tahu values.	
Objective 5 SUB-O5	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 Ngai Tahu.	
Policy 13.6.2.1 SUB-P5-1	To encourage the protection of sites of ecological, conservation, heritage value or sites of importance to Ngai Tahu at the time of subdivision through the use of mechanisms such as voluntary agreements, esplanade reserves, esplanade strips, access strips, conservation covenants, bonds & caveats.	
Policy 13.6.2.2 SUB-P5-2	To encourage the maintenance & enhancement of indigenous biodiversity within & adjacent to areas of subdivision.	
Objective 6 SUB-O6	To ensure subdivisions are designed & constructed to create a pleasant amenity, so that solar energy is taken advantage of & so that erosion is avoided.	
Policy 13.7.2.1 SUB-P6-1	At the time of subdivision, to encourage the retention of existing vegetation where possible & to consider alternative methods of run-off control, such as bunding & mechanical silt traps, in order to improve amenity, reduce erosion & reduce the amount of run-off.	
Policy 13.7.2.2 SUB-P6-2	To encourage subdivision design & construction which results in the creation of pleasant environments.	
Policy 13.7.2.3 SUB-P6-3	To encourage developers to take advantage of the benefits of solar energy wherever possible.	
Objective 7 SUB-O7	To ensure that subdivision of potentially contaminated sites is either avoided or undertaken so that there is no increase in risk to human health from contaminants.	

Chapter 15 : Historic Heritage and Tree Protection

Objective 1 HH-O1	To promote the conservation & preservation of the District's historic heritage, including: historic buildings, places & sites, waahi tapu & archaeological sites.	<p>The application site is not a recorded historic or archaeological site, and is not a Statutory Acknowledgment Area.</p> <p>The Applicant has taken on board the historic use of the site as the Anglican Vicarage, and tied this into the design philosophy of the subdivision to create a community based on pastoral or community care. Included in this is design features linking to various aspects of the church cultural including the road layout and proposed naming and the proposed entrance feature of the lychgate.</p> <p>The subject property does not contain any notable trees.</p>
Policy 15.2.2.1 HH-P1	To give suitable protection to heritage value of buildings, places, sites & areas, in consultation with the New Zealand Historic Places Trust, Te Runanga o Ngai Tahu, the Department of Conservation, the Kaikoura Historical Society, & the local community.	
Policy 15.2.2.2 HH-P2	To increase people's awareness of historic heritage values of the District by including an inventory in the Plan of significant historic heritage including heritage buildings, objects, places, & waahi tapu & archaeological sites.	
Policy 15.2.2.3 HH-P3	To encourage the use of protected buildings, sites & features in the District, while ensuring that their valued historic features are not altered or destroyed.	
Policy 15.2.2.4 HH-P4	To ensure that all development & building proposals in the vicinity of sites recorded by the New Zealand Archaeological Association does not adversely affect those sites, unless appropriate authorisations have been obtained from Kaikoura District Council & New Zealand Historic Places Trust & to advise Te Runanga o Ngai Tahu & the NZHPT of any development proposals relating to those sites.	
Policy 15.2.2.8 HH-P8	To recognise that heritage values may include historic, scientific, technological, aesthetic, cultural, spiritual, social, contextual & archaeological values.	
Policy 15.2.2.9 HH-P9	To ensure that any potential adverse effects on heritage values are taken into account in assessing applications.	
Policy 15.2.2.10 HH-P10	To encourage active public participation in the promotion, protection & preservation of heritage & cultural values throughout the district.	
Objective 2 TREE-O1	To protect & preserve the District's notable trees.	

Chapter 18 - Residential Zones

<p>Objective 1 GRZ-O1</p>	<p>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>	<p>The application site is zoned Residential, and the Applicant seeks to develop the land to provide additional allotments, to cater for the shortage of housing opportunities within Kaikoura.</p>
<p>Policy 18.2.2.1 GRZ-P1</p>	<p>To enable the establishment of non-residential activities in residential areas within Kaikōura urban area, in circumstances where: - The predominant use of the site remains residential; and - The activity is compatible in terms of its potential effects on those of a residential nature</p>	<p>The application site is zoned Residential B. Although smaller than the controlled standard for the zone, the allotments are all of sufficient size to accommodate residential activities with retaining opening spaces. Proposed Lots 91 and 92 are being created for the future MURC, which provides further diversity, for a dwelling of around 115m².</p>
<p>Policy 18.2.2.2 GRZ-P2</p>	<p>To maintain the amenity of residential areas by ensuring sufficient on-site parking and manoeuvring for vehicles are established</p>	<p>The Applicant however seeks to breach site coverage, and setbacks.</p>
<p>Policy 18.2.2.3 GRZ-P3</p>	<p>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: 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</p>	<p>The subdivision design has been designed with the triangular roading network to create mostly north facing to make greatest use of solar gain.</p>
<p>Policy 18.2.2.4 GRZ-P4</p>	<p>To ensure noise and lighting spill do not adversely affect the amenity enjoyed on residential sites</p>	<p>There is more than sufficient room available on Proposed Lots 1-65 for two car parks, and turning room available for those accessed via Right of Ways.</p>
<p>Policy 18.2.2.5 GRZ-P5</p>	<p>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</p>	<p>The location of the vehicle crossings shall be determined by the purchasers who shall install the crossings to best suit their building design.</p>
<p>Policy 18.2.2.6 GRZ-P6</p>	<p>To avoid or mitigate development which would detract from the predominant character, scale and amenity of the particular residential environment</p>	
<p>Policy 18.2.2.7 GRZ-P7</p>	<p>To promote Council's "Zero Waste" policy by promoting and encouraging the reduction, reuse and recycle of unwanted materials</p>	
<p>Objective 2 GRZ-O2</p>	<p>To provide for a diverse range of living environments expressed in built form, density of development and housing types</p>	
<p>Policy 18.2.3.1 GRZ-P8</p>	<p>To enable a mixture of housing styles in residential areas provided the amenity of these areas is not adversely affected</p>	
<p>Policy 18.2.3.2 GRZ-P9</p>	<p>To enable higher density development to be established in areas where this is appropriate</p>	
<p>Policy 18.2.3.3 GRZ-P10</p>	<p>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.</p>	



Dust Management Plan

Vicarage Views Subdivision
2 Mt Fyffe Road, Kaikoura

Prepared for KPMO.

Document control

Revision 0

Prepared by	Jessie Callaghan	04 April 2023
Reviewed by	Richard Ablitt	05 April 2023
Authorised by	Blair Gray	05 April 2023

Disclaimer:

This Dust Management Plan provides the key design outline for dust control measures to be provided on site. It is not possible at initial design stage to anticipate and include all site-specific design details, as some detail can only be included on the basis of in situ monitoring and adjustments. In order to be effective on site the plan will need to be implemented by a contractor experienced in sediment and erosion control and dust management. Ongoing monitoring will be required to assess its performance and make specific adjustments to its detail to respond to specific conditions on site and changes to those conditions. It is not suitable for unmonitored or unmanaged implementation or implementation by personnel who lack appropriate expertise and experience in erosion and sediment control. It is recommended that the dust management plan be monitored regularly by appropriately experienced personnel, who is to make such adjustments as are necessary to ensure its effective operation in view of the features, the condition or state of the site or changes to conditions on site.

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1 Introduction

This Dust Management Plan (DMP) describes methods to control dust during earthworks and construction activities associated with the development of a 67-lot residential subdivision. EnviroCo has been engaged by KPMO to prepare this DMP. It is intended for this to be a live document so revisions may occur as the site changes during the construction sequence.

All dust management methods and control strategies are in accordance with Kaikoura District Council (KDC) and Canterbury Air Regional Plan (CARP) Permitted Activity (PA) rules.

The Project Manager is responsible for the implementation of this DMP.

1.1 Objectives

The objectives of this DMP are to:

- Identify key issues and areas of concern and implement appropriate controls.
- Outline control measures to minimise exhaust emissions from equipment and vehicles.
- Provide best management strategies for dust control.
- Minimise any adverse effects.
- Ensure regulatory compliance with:
 - Resource consents (TBC), and;
 - Canterbury Air Regional Plan (CARP) rule 7.32.

1.2 Site identification and background

This plan has been prepared for the development of a 67-lot residential subdivision at 2 Mt Fyffe Road, Kaikoura, legally described as Lot 1 LT 575959, located approximately 1.0 kilometre west of Kaikoura township, **Figure 1**. The site is within a rural residential area with rural land uses to the north, south and west of site, with adjacent residential housing to the west. Along the northern perimeter of site is a railway line and Ludstone Road, to the East is rural paddocks and residential housing, to the south is adjacent paddocks, and to the west is Mt Fyffe Road, and a substation.

The New Zealand Soil Classification for the site is Fragic Perch-gley Pallic Soils¹. A geotechnical assessment was undertaken for Vicarage Views Subdivision by Tetra Tech Coffey². The assessment describes the sites subsoils to be Silty topsoil to 0.2m, engineered fill in the western portion of site to 1.0 / 1.5m, otherwise silt/ clay silt to 1.5m, followed by Amuri Formation - limestone bedrock. The site is not located over any unconfined, semi-confined or coastal confined aquifer and groundwater was not encountered during the geotechnical investigations. Groundwater is estimated be at least 7.0m below ground level in the lower (north-eastern) part of the site and at least 5.0m below ground level in the upper (south-western) part of the site. Variations in groundwater will occur in response to rainfall, runoff, and general yearly and seasonal variations.

¹ Canterbury Maps, Environment Canterbury Soil Types, Accessed 03 April 2023.

² Tetra Tech Coffey, Vicarage Views Subdivision Geotechnical Assessment Report, 12 May 2022.

A search of Environment Canterbury’s Listed Land Use Register noted that The Listed Land Use Register does not currently have any information about a Hazardous Activities and Industries List site at 2 Mt Fyffe Road³.



Figure 1: Site Location (Source Canterbury Maps)

1.3 Key issues

Key issues include:

- Working within 100m to existing properties residential properties and Kaikoura High School.
- The site has no shelter belt trees or existing perimeter protection.
- Exposed soils during earthworks activities have the potential to cause dust issues.

1.4 Sources of dust and emissions

During construction, the proposed works will involve the following potential sources of dust and emissions:

- Areas cleared of existing vegetation and grass cover.
- Earthmoving activities exposing bare earth.
- Stockpiling of excavated soils.
- Reinstatement of excavated soils and stockpiling of imported fill / aggregate.

³ Environment Canterbury, Listed Land Use Register Report (LLUR), dated 23 November 2022.

- Compaction of soils.
- Movement of vehicles across unsealed areas.

1.5 Key personnel

Key personnel involved in this project are tabulated below.

Table 1: Key contacts

Contact Numbers				
Name	Company	Position	Mobile	Email
William Loppe	KPMO	Project Manager	027 571 7399	William.loppe@kpmo.co.nz
TBC	TBC	Project Manager - Contractor	TBC	TBC
Richard Ablitt	EnviroCo	Senior Environmental Consultant	027 226 9294	Richard@enviroco.nz
Warren Sharp	EHS Support	Contaminated Land Specialist	027 700 7603	warren.sharp@ehs-support.com
TBC	ECan	Compliance Officer	TBC	TBC

2 Site Management

A number of measures and methodologies are required on this site to minimise the potential for adverse environmental effects. These measures are outlined below and should be used in addition to good housekeeping practices such as tidying, sweeping and securing the site after the completion of each day's activities.

2.1 Earthmoving and excavation management

Earthmoving activities have the potential to generate large amounts of dust. Planning earthworks and scheduling activities to minimise the amount of open soil at any one time will ensure the potential for dust generation is reduced.

The following practices are to be used:

- Minimise the amount of time the site is left cut or exposed. Focus on clearing in stages, maintaining naturally vegetated portions of the site as long as possible.
- Once ground works have been completed, stabilise the area as soon as possible. Stabilisation methods may include the use of soil polymers, hydroseeding or covering with geotextile fabric.
- Plan earth moving works so that they are completed just prior to the time they are needed.

- Observe weather conditions and do not commence or continue earthmoving works if conditions are unsuitable i.e., high winds.
- If possible, pre water the areas allocated for disturbance and the material that is being moved.
- Ensure finished surfaces are wetted and sealed with smooth drum roller to prevent erosion.
- Ensure the stabilised exit is maintained with clean ballast.

2.2 Site traffic control

Install instructions relating to traffic movement within the site by:

- Post signage, erect fencing and place barriers to direct traffic and prevent public access.
- Designate specific routes for access and works.
- Allocate off-site parking where possible with on-site access only under special circumstances.
- Set and enforce a maximum speed limit, e.g., 10 km/hr.

2.3 Perimeter controls

Physical barriers may be utilised for blocking the prevailing wind from generating airborne dust particles.

Screening materials, such as scrim/fabric, can be erected along the perimeter of the site to prevent any significant dust from blowing onto the adjacent properties, the northern and eastern perimeters would be most susceptible here. It will be important to use screening material with a porosity of 50% or less. Typically, the screening materials can be installed on security fencing (1.8m high).

When vehicles are exiting the site, dust can easily be deposited on paved surfaces, such as roads and footpaths, and become airborne through wind and traffic movements.

The following perimeter controls will be used:

- Stabilised site access – refer to the Erosion Sediment Control Plan⁴ for specifications.
- Geotextile fabric will be laid under gravel to prevent movement and mixing with the soil surface.
- Aggregate applied to the site yard and haul roads to provide an all-weather standard to minimise the potential for dust generation and sediment tracking by vehicle movements.
- Cleaning or sweeping of any soil deposits tracked onto paved surfaces.
- Stockpiling material at least 10m away from the site boundary.
- Ensure truck loads moving to and from site are covered.

Using the above measures in conjunction will greatly reduce the occurrence of material being tracked offsite or fugitive dust moving beyond the site boundary.

⁴ EnviroCo Erosion and Sediment Control Plan, Vicarage Views Subdivision, 03 April 2023.

2.4 Dust suppression

2.4.1 Water spray

This is a very effective short-term measure and inherently used as part of the earthwork's compaction process. This will be used to help control dust during temporary procedures, such as material movement, and to dampen disturbed areas. However, if other measures have been implemented correctly, the need for water spraying will be reduced.

Watercarts will be available during earthworks and used:

- During windy conditions and when dust has potential to cause nuisance;
- During excavation or site preparation works and when dust has potential to cause nuisance;
- Whenever materials are handled or moved and when dust has potential to cause nuisance;
- When vehicles are leaving the site and when dust has potential to cause nuisance.

2.4.2 Soil compaction

- The surface of the soil will be compacted using heavy machinery to prevent dust being picked up and blown away.
- The degree of surface compaction is determined by the moisture in the soil at the time of compaction, particle size distribution and the ground contact pressure (measured in pounds per square inch or psi) of equipment.
- Care must be taken when compacting the soil surface not to increase the risk of storm water run-off, tree death or decline (in locations where trees will be retained).
- Techniques such as subsoiling (deep ripping or tilling) can be used to re-establish the soil profile for replanting and grass stabilisation.

2.4.3 Polymer based stabilisation

Dust suppressant e.g., Dustop™, may be used to stop dust or stabilise soil in areas that will not be worked for an extended period of time. Dustop™ is a combination of polymers that are non-toxic and non-hazardous and form a surface crust. It can be applied through a water cart across, including over stockpiles, taking care not to discharge into the drains or beyond the boundary. Performance of the dust suppressant polymer will require monitoring and reapplication as necessary.

2.4.4 Vegetative stabilisation

Once ground works have been completed, topsoil can be laid and seeded. The most effective measures include seeding and regular watering of seeded areas to ensure good grass growth. Ensure the following are followed as control and mitigation measures:

- Retain existing ground cover where possible as the most economical and effective method of dust control.
- If soil is exposed, hand seeding, hydroseeding and direct seed drilling can be used to establish vegetation.
- Use organic fibre mat, such as coir or coconut matting, to protect surfaces from erosion leading to loss of fines and seed. Mattings will also contribute to moisture retention.

- If trees and plants must be removed and it is not possible for them to be replanted, consider chipping and using the material as mulch.

2.5 Stockpile management

Dust problems will be minimised by determining the best location and positioning of soil storage piles in advance. This, in turn, should reduce the need for other dust control measures. The following procedures will be followed:

- Locate piles in designated sheltered areas;
- Place the pile lengthwise into the wind;
- Minimise height of stockpiles to 3m and flatten tops (i.e. remove apexes that can be eroded more easily by wind actions);
- Minimise the slope of the upwind surface (2:1 or flatter);
- Limit pile sizes (1000t or 500m³);
- Shape the pile in accordance with guidelines to reduce wind erosion;
- Compact stockpile by tracking or excavator bucket tamping;
- Limit disturbance to the downwind side of the pile;
- Stabilise any long-term stockpiles with polymers or geotextile; and
- Use the last in – first out system of management.

2.6 Vehicle and plant emissions

The nature of works requires the use of heavy plant, trucks, cars and other combustion driven equipment. Emissions can exceed practical limits via uncontrolled/unnecessary plant and vehicle operation and idling, poorly maintained engines and older engine technologies. Besides the economic advantages of reducing fuel use and maintaining engine efficiencies, the project will aim to reduce the carbon footprint of its operations and promoting key movements in this area of environmental management.

The following controls and procedures will be established on site to reduce emissions and the potential for emissions to be carried on prevailing winds:

- All plant, vehicles and equipment mobilising to site will have current maintenance records and pre-delivery inspections;
- Plant will be appropriately sized to minimise the effort, number of plant and activity duration;
- Operators will be instructed to avoid plant idling outside of the required manufacturers warm up and run-down requirements of the machine;
- Plant efficiencies will be monitored and plant stood down or demobilised as required.

3 Task Specific Planning

Prior to the commencement of dust generating activities, namely clearing, stripping and stockpile management, an analysis of the specific tasks and activities will be undertaken and a plan developed showing the area of works and nominated controls and mitigating measures in line with this plan and weather conditions.

This task analysis plan will be communicated to staff through daily pre-start talks and subsequent toolbox discussions.

As the site evolves and the risk areas change, the plan will be amended and communicated to site staff during toolbox talks.

4 Incident Response Procedures

The contractor will advise EnviroCo of any dust issues as soon as possible, and EnviroCo will liaise with stakeholders, Environment Canterbury and the Pollution Hotline as required.

5 Complaints

The complaint procedure for dust is as follows:

- ECan Pollution Hotline complaints will be forwarded to EnviroCo for further investigation.
- Complaints made to the contractor will log the caller's name, contact details and the nature of their complaint and will be immediately forwarded to the Project Manager for action and resolution.
- The Project Manager will ring the complainant back as soon as practicable but within 24 hours to give an explanation of the activity, inform them steps taken to address their concerns and how these steps will resolve the issue.
- The Project Manager will notify the KDC representative, ECan, and EnviroCo of any dust complaints that require further action.

For on-going complaints or issues, the Project Manager may request additional air quality measurements by a qualified consultant targeting the specific dust source and time of day. As appropriate for the situation, a dust complaint investigation may include the following:

- Determining dust sources at time of complaint and measurement and assessment of dust levels from this activity;
- Determining best practicable mitigation options in conjunction with the project manager;
- Measure dust level following mitigation actions;
- Communicate with complainant;
- Report on findings and actions to the Project Manager.

In addition, a complaints register will be maintained at the Project Office which will be available for inspection by affected parties and Regulatory Officers during normal office hours.

6 Monitoring and Reporting

EnviroCo shall inspect the site once the sediment and control measures have been installed. During the construction phase, EnviroCo can assist by undertaking routine inspections to assess compliance with applicable resource consents (TBC), and CARP permitted activity rules. Site inspection reports detailing the site score and any maintenance required will be made available to staff by e-mail within 48 hours. The intention of the report is to provide guidance and advice where required. Additional advice during a significant weather event will be provided as requested.

- Daily visual surveillance of dust emissions, dust controls, plant emissions.
- Meteorological Data Collection may be collected daily. This includes weather and physical parameters such as wind speed, rain, temperature, humidity etc.

APPENDIX 5 – PLANNING EVIDENCE

Comments on Council’s s42A Appendix I Recommended Conditions

Subdivision Consent SU-2023-1874-00

s42A number	Applicant number	Volunteered Conditions As amended in Evidence	Council’s s42A Appendix I Council Conditions	Applicant’s Comments
		Administration		Relocate Condition 1-2 into an administrative section
2	1		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	Accept
3	2		The consent holder shall meet all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent	Accept
		General for s223 Approval		
1	3		<u>Except as amended by the conditions below,</u> 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 <u>If there is conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail.</u>	Accept, with minor amendment to wording

21	4		Lot 97 shall vest as a Legal Road	Accept
	5	Lots 93-96 shall vest as Local Purpose Reserves		As Volunteered
4	6	Easements are to be created over any services located outside the boundary of the allotment that they serve as Easements In Gross to the appropriate authority or Burdened to the appropriate allotment, and Easements shall be created over any Right of Way. Reference to easements shall be included on the title plan and endorsed as a Memorandum of Easements.	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.	Applicant prefers volunteered wording
5	7		Except as provided by Condition 8 below, all Council utility schemes (water, stormwater, sewer) 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.	Council noted pre application that a 2m drainage easement along Lots 1- 25 was required, as set out in Applicant Number 5 (highlighted to cross reference condition)
			Stormwater from hardstand or roofed areas shall not discharge across the neighbouring boundaries, unless suitably protected by easements	Not required. This is directed in Condition 4, and the wording of this relates to activities which are to occur after the Survey Plan is deposited. If Council want this condition, is best to be a Consent Notice.
	8	A 2m wide Right to Drain Water shall be registered in favour of the Kaikoura District Council as Easement In Gross along the southern boundary of Lots 1-25.		As Volunteered and supported in Main s42A evidence
	9	A 3m wide Right to Convey Electricity in favour of Mainpower Ltd shall be registered as Easement In Gross on Lot 96		As Volunteered
	10	A "No Complaint" Covenant be registered on the titles of those lots within the 100m setback from the Railway line.		As Volunteered. Council wants both a Covenant and Consent Notice.
		Roads		

19	11		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	Accept
22	12	Mt Fyffe shall be upgraded to an 8m width, south of the overbridge, and a Flag Light shall be installed at the intersection with Ludstone Road.	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	Council's Planning Officer has noted in email dated 4/4/2023 that he made an error and the works are required south of the over bridge
23	13		Lot 97 shall be formed to be in general accordance with NZS4404 with an 8m wide carriageway and a with 2m wide footpath as shown on the Engineering Plans in Appendix C of the application	Accept, with minor amendment to wording
	14	Street Lighting in Lot 97 shall be installed as shown on the Engineering Plans in Appendix G of the application		Volunteered Lighting Condition as per Submitter 3
24	15		Landscaping and street furniture shall be installed as per the Landscape concept plans in Appendix J of the application	Accept
25	16	Mt Fyffe Road (south) and the internal roads shall have a posted speed limit of 30km/h.	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	Conflict in the s42A report as the assessment of activities noted that a reduced speed of 30km/h would be better. Traffic Evidence also supports lower speed limit
		Rights of Way		
	18	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.		As volunteered
		Vehicle Crossings		
	19	Vehicle Crossings between 3m and 6m shall be formed and sealed to the boundary of Lots 28 and 92.		As volunteered

		Electricity and Communications		
17	20		The 11kVa and 33kVa electricity lines shall be undergrounded through the subject property	Accept
18	21		Provision shall be made for Electricity and Communications to the boundary <u>or</u> net of each allotment. Letters confirming provision has been made shall be provided from the Service Providers.	Accept with minor correction
		Council Services		
13	22		The Consent Holder shall provide connections to Kaikoura District Council's water and sewer systems <u>to the boundary or net of each allotment</u> to all lots	Accept with minor correction
14	23		No construction on <u>of</u> 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	Accept with minor correction
20	24		The applicant <u>Consent Holder</u> , at their own expense, shall supply one of the following prior to the commencement of any earthworks <u>within the application site</u> : EITHER a. A variation to Kaikōura District Council's existing global stormwater discharge consent from Environment Canterbury (CRC144682), to include the subject site; OR b. A stormwater discharge consent specific to the site location from Environment Canterbury.	Accept with minor correction
	25	The Consent Holder shall install the stormwater system approved in Condition 23 and shall provide connections to stormwater system to the boundary or net of each allotment		Include condition requiring connection to the system installed in Condition 23 (highlighted to cross reference condition)

		Engineering Plans		
	26	Prior to the commencement of earthworks, the applicant, at their own expense, shall supply to the Council a consent from Environment Canterbury for the management of construction-phase discharges		Volunteered
32	27		<p>Engineering plans shall be provided to Council <u>for certifying</u> prior to commencing works <u>required in Conditions 11-24 above and works shall be undertaken in accordance with the certified plans.</u></p> <p>Advice note: <u>The Consent Holder shall provide to the Council a copy of the Discharge to Air, the Construction Stormwater Discharge and the Reticulation Stormwater Consents with the Engineering Plans so Council can confirm compliance with those consents.</u></p> <p><u>Two sets of Engineering Plans may be issued should the Consent Holder wish to separate the works to upgrade Mt Fyffe Road as required by required in Conditions 11, 12,15,16</u></p> <p>A copy of the <u>approved</u> Engineering plans shall be provided to KiwiRail <u>for their information</u></p>	<p>Accept with amendments to reference engineering works, and to enable to sets of plans if Consent Holder wishes to stage construction works</p> <p>Applicant volunteers to provide ECan Consents which will be needed for Engineering Design</p> <p>(highlighted to cross reference condition)</p>
15	28	All engineering works shall be designed and constructed in accordance with the conditions of this consent and NZ4404:2010 <i>Standards for Land Development and Subdivision Engineering</i> , or where not, as approved by Council	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	S42A Conditions 15 and 16 can be amended as per Volunteered Condition 26
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	Delete as adapted in Condition 28
	28	Engineering plans shall include a copy of the Dust Management Plan, ECSP and Construction Management Plan. Advice note: A copy of the Plans shall be provided to Ministry of Education and Mr Margetts for their information		Volunteer as per Submission from MOE

		As Built Plans		
8	30	As Built Plans shall be provided to Council upon completion of the physical works outlined in Conditions 11-24 above. Advice note: 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. Plans shall be certified by a suitably-qualified person stating that they are a true and accurate record	The consent holder shall submit to Council as-built drawings of all new services created.	Amend to refer to conditions to be included in As Built Plans (highlighted to cross reference condition)
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	Better suited as Advice note under As Built condition
10			Plans shall be certified by a suitably-qualified person stating that they are a true and accurate record	Better suited as Advice note
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	Not required as standard As Built data
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	Not required as standard As Built data
		Construction		
26	31		Construction activities shall occur between 7:00 am and 6:00 pm during weekdays and 7:30 am and 5:00 pm on Saturdays	Accept
27	32		Construction activities shall comply with noise standards as per NZS 6803:1999 Acoustics – Construction noise	Accept
28	33		Prior to construction commencing, <u>a</u> Construction Management Plan shall be certified by <u>provided to</u> Council for certification .	Accept with minor amendment
			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	Replaced above as these plans will form part of the Engineering Plans
	34	Construction traffic shall adhere to the following: a. heavy vehicles shall not use the Ludstone Road route to and from the site between 8.15 – 9.15am and 2.45 – 3.25pm. During those times, heavy vehicles are to use an alternative route. b. All traffic users are to recognise the posted speed limits through the school zone of 160m west and 180m east of Rorrison's Road.		Volunteer as per Submission from MOE
7	35		The Accidental Discovery Protocol <u>set out in Appendix A to these conditions of the Kaikoura District Plan</u> 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.	ADP conditions are set out in Appendix III to Report, but should be an Appendix or Schedule to the Conditions The advice note wording is unnecessary given the detailed step by step guide in the ADP.
		Certification		
30	36		All earthworks involving filling will be carried out in accordance with the standards in NZS4431:2022 <u>Code of Practice for Earth Fill for Residential Development</u> . A GeoProfessional will certify that <u>that those lots which have had earth fill placed on them and any retaining, are suitable for residential development</u> any fill is in accordance with Appendix <u>A-2</u> of that standard	Accept
31	37		A GeoProfessional shall confirm that each residential allotment has an area suitable for	Accept

			the construction of residential buildings in accordance with NZS 4404:2010 Land development and subdivision infrastructure - Schedule 2A	
		Consent Notices:		
33	38		<p>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:</p> <p>a. Only one (1) dwelling shall be located on each lot</p> <p>b. <u>No lot shall be further subdivided, except that this consent notice does not apply to subdivision constituting a boundary adjustment where it does not result in the creation of additional Records of Title or is for the provision of a utility site, or where it is allowed as a permitted or controlled activity under the relevant Resource Management Plan.</u></p> <p>c. <u>The construction of any dwelling shall comply with the requirements of land use consent LU-2023-1875 or subsequent consent</u></p> <p>b-d. <u>Where the allotment has two road frontages, the vehicle crossing shall be on the lower volume road</u></p> <p>c-e. <u>There shall be a maximum site coverage of no more than 35% of each site</u></p>	Amend to enable boundary adjustments and to refer to Land Use Consent
	39		<p>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:</p> <p>a. <u>A density of one (1) residential unit per 300m²m², up to 10 residential units, shall be located on each Lots 91 & 92 is permitted</u></p>	Amend to refer to Land Use Consent

			<p>a-b. The construction of any dwelling shall comply with the requirements of land use consent LU-2023-1875 or subsequent consent</p> <p>b. A maximum height of 5.5m above ground level is permitted</p> <p>c. Outdoor living spaces shall comply with the following requirements</p> <p>a. Minimum area 10m² with 2m minimum diameter for a 1 bedroom unit</p> <p>b. Minimum area 20m² with a 3m minimum diameter for a 2 bedroom unit</p> <p>c. Minimum area 30m² with a 4m minimum diameter for a 3 bedroom unit</p> <p>d. Up to 5m² of outdoor living space may be roofed and one side may be enclosed to provide a sheltered area</p> <p>d. 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</p> <p>e. Turning room is to be provided on site so all vehicles exit the site in a forwards direction</p> <p>f. All waste which is stored outside shall be screened from public view and adjacent residential properties</p>	
35	40		<p>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:</p> <p>A "No Complaint" covenant shall be registered against these lots in relation to the effects of the Railway Line.</p>	Accept
36	41		<p>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</p>	

			<p>buffer. The consent notice shall be worded as follows:</p> <p>a. 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".</p> <p>b. Indoor design noise level as a result of noise from Rail traffic must not exceed the following levels:</p> <p>(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)</p>	
	42	A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered at the consent holders expense against all the allotments any limitations identified in Schedule 2A, outlined in Condition 37		Volunteer than any Geotech recommendations be included on Consent Notices
BP 1 under 36			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.	Already included in conditions
BP 2 under 36	43		<p>A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered at the consent holders expense against <u>Lots 1 – 25</u></p> <p>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</p>	Accept

BP 3 under 36			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.	Land use condition
BP 4 under 36			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	Land use condition

Land Use Conditions LU2023-1875-00

s42A number	Applicant number	Volunteered Conditions	Council Conditions	Applicant's Comments
		General		
1	1		<u>Except as amended by the conditions below,</u> 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: <u>If there is conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail</u>	Accept with minor amendment
2	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	Accept
3	3		The consent holder shall meet all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent	Accept

4	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	Accept
	5	This consent shall not commence until the Records of Title are issued for subdivision SU-2023-1874-00.		Volunteer to ensure 5 year lapse period start on issue of title
		Lots 1-65		
	6	One residential unit on Proposed Lots 1-65		Require condition as breaching density
	7	A maximum site coverage of 35%		Require condition as breaching coverage
	8	Lots 1, 2, 16, 17, 39, 31, 47 and 48 have a 1m building setback from Reserves		Seek retention of breaching setback
	9	Lots 27, 29, 42, 45, 58 and 59 have a 1m building setback from neighbouring accessways		Seek retention of breaching setback
BP 1 under LU 10	10		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	Accept
BP 2 under LU 10	11		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.	Accept
	12	Habitable buildings within 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: a. 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		Volunteer inclusion on Land Use rules as well

		<p>and guidance to evaluation of its effects on human beings”.</p> <p>b. Indoor design noise level as a result of noise from Rail traffic must not exceed the following levels</p> <p>(i) Bedrooms: 35dBLAeq(1h)</p> <p>(ii) Other habitable spaces: 40dBLAeq(1h)</p> <p>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)</p>		
		Lots 91-92		
5	13		A density of <u>one (1)</u> residential unit per 300m2 up to 10 residential units, <u>shall be located on each Lots 91 & 92</u>	Accept with minor amendment
6	14		<u>Lot 91 and 92 Buildings</u> shall have a maximum height of 5.5m above ground level	Accept with minor amendment
	15	A maximum site coverage of 35%		Require condition as breaching coverage
	16	Building may be setback 1m from neighbouring boundaries (Lots 50-65)		Require condition as breaching setbacks
7	17		<p>Outdoor living spaces shall comply with the following requirements</p> <p>a. Minimum area 10m2 with 2m minimum diameter for a 1 bedroom unit</p> <p>b. Minimum area 20m2 with a 3m minimum diameter for a 2 bedroom unit</p> <p>c. Minimum area 30m2 with a 4m minimum diameter for a 3 bedroom unit</p> <p>d. Up to 5m2 of outdoor living space may be roofed and one side may be enclosed to provide a sheltered area</p>	Accept
	18	One car park is required per residential unit		Require condition as breaching car parks
	19	A dedicated visitors park is to be provided for every 5 residential units		Volunteered
	20	All parking and access areas are to be sealed		Volunteered

8	21		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.	Amend to be for both allotments
9	22		Turning room is to be provided on site so all vehicles exit the site in a forwards direction	Accept
	23		All waste which is stored outside shall be screened from public view and adjacent residential properties	Accept

APPLICANT ADAPTED CONDITIONS

(Note: crossing referencing is highlighted)

Subdivision SU-2023-1874-00 Conditions

General Conditions

1. Except as amended by the conditions below, the proposal shall proceed in general accordance with application and the accompanying site plan titles stamped Plan Approval 1874 held at Kaikoura District Council.

If there is conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail.

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. Easements are to be created over any services located outside the boundary of the allotment that they serve as Easements In Gross to the appropriate authority or Burdened to the appropriate allotment, and Easements shall be created over any Right of Way. Reference to easements shall be included on the title plan and endorsed as a Memorandum of Easements/
5. Except as provided by **Condition 21** below, 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. A "No Complaint" Covenant be registered on the titles of those lots within the 100m setback from the Railway line.

Accidental Discovery Protocol

7. The Accidental Discovery Protocol set out in Appendix A to these conditions shall be followed at all times. The consent holder is responsible to ensure that all contractors are aware of and follow the Accidental Discovery Protocol.

As-Builts

8. As Built Plans shall be provided to Council upon completion of the physical works outlined in **Conditions 9-10, 13-15, 19-20, 23-30** below.

Advice note: 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.

Plans shall be certified by a suitably-qualified person stating that they are a true and accurate record

Water and Sewer Connections

9. The Consent Holder shall provide connections to Kaikoura District Council's water and sewer systems to the boundary or net of each allotment.
10. No construction of 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

11. All engineering works shall be designed and constructed in accordance with the conditions of this consent and NZ4404:2010 *Standards for Land Development and Subdivision Engineering*, or where not, as approved by Council.
12. Engineering plans shall include a copy of the Dust Management Plan, ECSP and Construction Management Plan.
Advice note: A copy of the Plans shall be provided to Ministry of Education and Mr Margetts for their information

Telecom and Power Connection

13. The 11kVa and 33kVa electricity lines shall be undergrounded through the subject property.
14. Provision shall be made for Electricity and Communications to the boundary or net of each allotment. Letters confirming provision has been made shall be provided from the Service Providers.
15. A 3m wide Right to Convey Electricity in favour of Mainpower Ltd shall be registered as Easement In Gross on Lot 96

Road Cutting

16. 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

17. Prior to the commencement of earthworks, the applicant, at their own expense, shall supply to the Council a consent from Environment Canterbury for the management of construction-phase discharges.
18. The Consent Holder, at their own expense, shall supply to the Council one of the following prior to the commencement of any earthworks within the application site:
EITHER

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

OR

- b) A stormwater discharge consent specific to the site location from Environment Canterbury.
19. The Consent Holder shall install the stormwater system approved in **Condition 18** and shall provide connections to stormwater system to the boundary or net of each allotment.
 20. A 2m wide Right to Drain Water shall be registered in favour of the Kaikoura District Council as Easement In Gross along the southern boundary of Lots 1-25.

Utility Reserves

21. Lots 93-96 shall vest as Local Purpose Reserves.

Roading

22. Lot 97 shall vest as Legal Road.
23. Mt Fyffe Road shall be upgraded to an 8m width south of the overbridge, and a Flag Light shall be installed at the intersection with Ludstone Road.
24. Lot 97 shall be formed to be in general accordance with NZS4404 with an 8m wide carriageway and a 2m wide footpath as shown on the Engineering plans in Appendix C of the application.
25. Street Lighting in Lot 97 shall be installed as shown on the Engineering Plans in Appendix G of the application.
26. Landscaping and street furniture shall be installed as per the Landscape concept plans in Appendix J of the application.
27. Mt Fyffe Road (south) and the internal roads shall have a posted speed limit of 30km/h.

Rights of Way

28. 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.

Vehicle Crossings

29. Vehicle Crossings between 3m and 6m shall be formed and sealed to the boundary of Lots 28 and 92.

Construction

30. Construction activities shall occur between 7:00 am and 6:00 pm during weekdays and 7:30 am and 5:00 pm on Saturdays.
31. Construction activities shall comply with noise standards as per NZS 6803:1999 Acoustics – Construction noise.
32. Prior to construction commencing, a draft Construction Management Plan shall be provided to the Council for Certification. Works shall be undertaken in accordance with the certified plan.
33. Construction traffic shall adhere to the following:

- a) heavy vehicles shall not use the Ludstone Road route to and from the site between 8.15 – 9.15am and 2.45 – 3.25pm. During those times, heavy vehicles are to use an alternative route; and
 - b) All traffic users are to recognise the posted speed limits through the school zone of 160m west and 180m east of Rorrison's Road.
34. All earthworks involving filling will be carried out in accordance with the standards in NZS4431:2022 Code of Practice for Earth Fill for Residential Development. A GeoProfessional will certify that those lots which have had earth fill placed on them and any retaining, are suitable for residential development in accordance with Appendix 2 of that standard
35. 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.
36. Engineering plans shall be provided to Council for certifying prior to commencing works required in **Conditions 9-10, 13-15, 19-20, 23-30** and works shall be undertaken in accordance with the certified plans.
- Advice note: The Consent Holder shall provide to the Council a copy of the Discharge to Air, the Construction Stormwater Discharge and the Reticulation Stormwater Consents with the Engineering Plans so Council can confirm compliance with those consents.
- Two sets of Engineering Plans may be issued should the Consent Holder wish to separate the works to upgrade Mt Fyffe Road as required by required in **Conditions 23-28**.
- A copy of the approved Engineering plans shall be provided to KiwiRail for their information

Consent Notices

37. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered at the Consent Holder's expense against Lots 1-65 to address the non-compliance with density standards. The consent notice shall be worded as follows:
- a) Only one (1) dwelling shall be located on each lot.
 - b) No lot shall be further subdivided, except that this consent notice does not apply to subdivision constituting a boundary adjustment where it does not result in the creation of additional Records of Title or is for the provision of a utility site, or where it is allowed as a permitted or controlled activity under the relevant Resource Management Plan.
 - c) The construction of any dwelling shall comply with the requirements of land use consent LU-2023-1875 or subsequent consent.
 - d) Where the allotment has two road frontages, the vehicle crossing shall be on the lower volume road.
38. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered at the Consent Holder's expense against Lots 91-92 to address non-compliance of density standards. The consent notice shall be worded as follows:
- a) A density of one (1) residential unit per 300m², up to 10 residential units, shall be located on each Lots 91 & 92
 - b) The construction of any dwelling shall comply with the requirements of land use consent LU-2023-1875 or subsequent consent

- c) The access may serve up to 10 residential units, and the driveway shall be formed and sealed to a 5.5m width.
39. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered at the Consent Holder's 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) A "No Complaint" covenant shall be registered against these lots in relation to the effects of the Railway Line.
40. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered at the Consent Holder's 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:
- a) 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"
- b) Indoor design noise level as a result from Rail traffic must not exceed the following levels:
- (i) Bedrooms: 35dB_{LAeq(1h)}
- (ii) Other habitable spaces: 40dB_{LAeq(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)
41. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered at the Consent Holder's expense against all the allotments to set out any any limitations identified in Schedule 2A, outlined in **Condition 36**
42. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered at the Consent Holder's expense against Lots 1 – 25 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.

*The above **conditions (26, 34, 38, 39-43)** were volunteered by the applicant to mitigate the effects of the proposal on the surrounding environment*

Land Use LU2023-1875-00 Conditions:

General Conditions

1. Except as amended by the conditions below, 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.
If there is conflict between the information submitted with the consent application and any conditions of this consent, then the conditions of this consent shall prevail
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. This consent shall not commence until the Records of Title are issued for subdivision SU-2023-1874-00.

Lots 1-65

6. There shall be a maximum of one residential unit on Lots 1-65
7. A maximum site coverage of 35%
8. Buildings on Lots 1, 2, 16, 17, 39, 31, 47 and 48 may have a 1m building setback from Local Purpose Reserves
9. Buildings on Lots 27, 29, 42, 45, 58 and 59 may have a 1m building setback from neighbouring accessways.
10. 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
11. At the time of actioning the Building Consent, the proprietor shall form and seal a vehicle crossing to the boundary to Council standards and a minimum width of 3m
12. Habitable buildings within 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:
 - c. 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".

- d. Indoor design noise level as a result of noise from Rail traffic must not exceed the following levels
 - (iii) Bedrooms: 35dBLAeq(1h)
 - (iv) Other habitable spaces: 40dBLAeq(1h)
 - (v) 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)

Lots 91-92

- 13. A density of one (1) residential unit per 300m², up to a maximum of 10 residential units, shall be located on each of Lots 91 & 92
- 14. Buildings shall have a maximum height of 5.5m above finished ground level
- 15. A maximum site coverage of 35%
- 16. Buildings may be setback 1m from neighbouring boundaries (Lots 50-65)
- 17. Outdoor living spaces on Lots 91 and 92 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
- 18. One car park is required per residential unit
- 19. A dedicated visitors car park is to be provided for every 5 residential units
- 20. All parking and access areas are to be sealed
- 21. The access may serve up to 10 residential units, and the driveway shall be formed and sealed to a 5.5m width.
- 22. At the time of Building Consent on the lots, the proprietor shall demonstrate turning room, so vehicles exit in a forwards direction
- 23. All waste which is stored outside shall be screened from public view and adjacent residential properties

*The above **conditions (5-23)** 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.