

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE
KAIKOURA DISTRICT COUNCIL**

IN THE MATTER OF

The Resource Management Act 1991 (**RMA** or
the Act)

AND

IN THE MATTER OF

Proposed Plan Change 4 (**PC4**) to the Kaikoura
District Plan (**KDP** or **the Plan**) brought by
Kaikoura Business Park Limited (**KBP**)

AND

IN THE MATTER OF

The Hearing of Submissions and Further
Submissions on PC4

**FURTHER EVIDENCE OF ANNA JANE BENSEMANN FOR THE APPLICANT
KAIKOURA BUSINESS PARK LIMITED**

Dated: 9 APRIL 2024

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Iwi Management Plan

- 1 The notified plan change request included an assessment of Te Poha o Tohu Raumati (the Iwi Management Plan), at pages 41 – 43, a copy of which is attached in Appendix 1 to this evidence for ease of reference.
- 2 This assessment could be further added to through the following:
- 3 The Iwi Management Plan includes ngā take (issues) and ngā kaupapa (policies) in part 3 of the plan. Section 3.1 includes non-geographic specific provisions and section 3.4 includes provisions specific to the Kaikoura area, including the application site. Relevant aspects of these provisions have been considered below where they were not otherwise addressed in the original assessments.
- 4 Section 3.1.3 addresses amenity values and Policy 1 notes where it may be recommended by Runanga that light suppression and/or height restrictions on buildings to protect amenity values including celestial darkness are appropriate. In this case the celestial darkness is of importance for the flight path of the Hutton Shearwater and has been addressed as part of this plan change. This includes a requirement¹ that outdoor lighting is on a motion sensor with a 5 minute or less timer, to ensure lights are only on when required, and this provision applies in all weather conditions (including foggy conditions).
- 5 Policy 4 of this section encourages suitable screening devices such as indigenous plant species, which has been adopted throughout the proposed plan change.
- 6 Provisions contained in Section 3.4.1 relate to residential development and includes policies relating to subdivision. While the proposal is not to achieve residential outcomes, the theme of these policies are still useful to consider. They seek early consultation with Runanga, to protect and enhance natural, ecological and cultural values, to consider effects from future buildings, and associated servicing, and consideration of archaeological sites. In this case,

¹ Refer to Proposed Amendment 2 to the *Appendix 1 – Landscape, Amenity and Energy efficiency Guidelines* at provision 7 (a) (vi).

these features have been considered and embedded into the proposed plan change provisions.

- 7 Section 3.4.2 relates to land use consents and buildings, and includes recognition of cultural heritage sites, along with accidental discovery protocols associated with earthworks. The site has been considered as not likely to contain archaeological sites of significance, and accidental discovery protocols are standard practice and usually a condition around this is included as a subdivision condition.
- 8 Policy 10 specifically seeks to ensure the scale and siting of buildings does not unreasonably detract from the natural landscape and character of the Kaikoura area. The proposal includes mitigation measures to ensure landscape values are not impacted, including native planting and separation distances.
- 9 Policy 11 relates to appropriate stormwater management and sewerage management. These features have been confirmed in principle, with onsite wastewater and stormwater disposal able to occur appropriately, however the details of these features will be confirmed as part of the subdivision consent.
- 10 Section 3.4.3 relates to business growth and development and have been considered in the attached assessment from the original application.
- 11 Section 3.4.8 relates to sewage disposal specifically and seeks appropriate solutions are achieved. These provisions encourage the separation of greywater for reuse and preference for disposal to land as opposed to water. Given the site is not designed for residential use, actual greywater is likely to be more limited consistent with the outcomes of these provisions (i.e. no household showering and food prep waste).
- 12 Section 3.4.11 relates to water quality and seeks to avoid water for the discharge of contaminants and avoid compromising water quality as a result of water abstractions. In this case, the proposal results in a reduction in the water take and use required, and stormwater solutions seek to treat stormwater to remove contaminants prior to any discharge.
- 13 Section 3.4.16 relates to rongoā (traditional medicinal plants) and includes a policy which seeks to support the restoration and enhancement of ecosystems

where rongoā are found. In this case, the resulting landscaped buffers offered will effectively be located on private land, and as Ms. Gavin noted, the opportunity to undertake cultural harvesting is limited due to health and safety concerns.

- 14 Section 3.4.17 relates to cultural landscapes and seeks to increase the ability of tangata whenua to participate in the management of cultural landscapes and to protect restore and enhance indigenous biodiversity and mahinga kai opportunities. In this case, extensive consultation has been undertaken with tangata whenua to gauge support and embed key principles into the plan change. The opportunity for increased biodiversity and cessation of dairy farming practices supports this. While the site will change in appearance, the mitigation offered by landscaping assists in ensuring the cultural landscape is maintained and improved from that currently experienced.
- 15 This assessment does not include any consideration of the use of any area for stormwater management within the existing Inland Kaikoura Road reserve, as the details of this are to be confirmed as part of the Subdivision resource consents process and associated regional Council consents which are subject to change. Please refer to my discussion on stormwater below to further explain this.
- 16 Based on the above assessment and that undertaken within the original plan change request, it is my view the proposed rezoning application recognises and provides where possible for the values and features identified within Te Poha o Tohu Raumati, as they are expressed by Ngāti Kuri in this document.

Cultural narrative

- 17 The commissioners indicated during the course of the hearing the Plan Change Proposal may lack some cultural narrative. While I acknowledge the planning provisions appear to lack cultural narrative, this was principally due to the strong level of consultation undertaken with Ngāti Kuri during the preparation of the plan change include the intended outcome of rules to manage effects.
- 18 Section 9.3 of the original plan change request includes a description of the consultation undertaken with Ngāti Kuri representatives. This work was undertaken by the applicant. Dennis Thompson of Kaikoura Business Park has

provided a synopsis of this consultation which I have attached in Appendix 2. Further to this, an original Cultural Impact Assessment² provided as part of a resource consent application to Kaikoura District Council proposed for the subdivision of the site (prior to the plan change process) is attached in Appendix 3. While this does not reflect the actual proposal of this Plan Change request, it does provide confirmation of the engagement with Runanga for the development of this site.

- 19 As a result of this consultation, the proposal includes landscaping comprised of native species. The site is acknowledged as being ideally placed through its physical characteristics away from waterbodies and not containing evidence of historical artifacts. These features, although not explicitly identified as achieving cultural values, meet the expectations of Ngāti Kuri, as understood through consultation directly and through reading the values contained in the Iwi Management Plan.
- 20 Should there be scope to include it, Ms Foote, Mr. Hoggard and I have proposed additional words to objective LIZ – O3 Effects of industrial activities - to better reflect the outcomes of consultation with Runanga. The wording has been adapted from the Christchurch District Plan and will also provide direction for the application of the Light Industrial Zone to other sites in the district as part of future plan changes. I have also included the recommendation from Commissioner Solomon to include cultural amenity values into the policy relating to landscaping. In my view, including these provisions will better express the cultural narrative intended for the Plan Change.

Stormwater

- 21 The application included a stormwater solution for onsite stormwater disposal, which after engineering design investigations, an alternative off site solution was presented by Mr. Marshall in his evidence to the hearing. It is unusual to have such detailed information available about the method of disposal at a plan

² This is the Document Mr. Watherston referenced during the course of the hearing.

change hearing, and this reflects the work the applicant has undertaken parallel to the plan change process.

- 22 The application submitted to Environment Canterbury (ECan) seeks to create a stormwater pond encompassing the current formed road area at the end of Inland Kaikoura Road. This design has not been approved by ECan at this stage and is likely to be modified based on initial feedback from ECan staff³. It is very common that the original submitted design may need to be varied for a range of reasons, and should it transpire Kaikoura District Council, or NZTA/Waka Kotahi are not accepting of the final design because they have other plans for this space, then the ECan consent will need to be varied accordingly. I note the designation in the Kaikoura District Plan (KDP) shows NZTA/Waka Kotahi have designation over much of this area (see image 1 below)



Image 1: NZTA/Waka Kotahi Designation in KDP

- 23 In my experience these detailed design matters are appropriately managed through the subdivision design and resource consents process. This is when Council's assets and roading engineers are able to (and are funded to through resource consent cost recovery processes) consider these matters in greater

³ Mr. Marshall confirmed 4 April 2024 of this indication.

detail. In response to questions from the Commissioners during the course of the hearing, Mr. Marshall indicated the area required for attenuation can easily be redesigned away from the road formation of the current Inland Kaikoura Road through deepening the other portion of the pond, or other suitable engineering solutions as part of the subdivision resource consent process. These may include a solution within the ODP area.

- 24 Given this, the area indicated in Mr. Marshall's evidence is the correct area as per the consent filed with ECan but is subject to further modification if required through the subdivision resource consents process. In any case Mr. Marshall has confirmed there is an engineering solution available for stormwater. In further discussion with Mr. Marshall he notes the intention to retain as much native vegetation as possible from this area as part of any future design in accordance with the recommendations from Consultation with Ngāti Kuri. Mr. Marshall noted in his evidence, and I have observed from my visits to the area there appears to be a prevalence of weeds among this vegetation.

Dark Skys Plan Change 5

- 25 The Dark Skys Plan Change 5 (PC5) to the Kaikoura District Plan was notified on 7 March 2024 with submissions still to close. While it's not certain what the final version of this plan change will be its useful to consider if there are any conflicts arising between PC5 and PC4.
- 26 PC5 seeks to make changes to the existing Light and Sign Chapters of the KDP. It introduces one new objective and one new policy in the Light Chapter to manage the effects of exterior lighting on the night sky. The policies specify outdoor lighting uses colour temperatures of 3,000 K or lower. PC4 includes requirements for 2,700 K or lower and is therefore considered to be consistent.
- 27 PC5 standards proposed for light in all zones provides some exceptions to lighting requirements, which includes motion activated switches limiting the duration to less than five minutes. PC4, makes reference to up to five minutes, creating the same effect.
- 28 PC5 includes changes to the provisions to limit the lighting of signs, which causes no conflict with PC4. PC4 relied on the existing signage provisions, and the proposed amendments do not impact on this.

29 The only aspect of PC5 which may need to be reconciled through its plan change processing, is a lack of reference to the Light Industrial zone for cross referencing purposes, should the commissioners approve PC4. This can easily be rectified through a minor amendment to PC5 during its processing, with Mr. Hoggard is confident can occur by way of a staff submission to PC5.

Other Matters

30 Commissioners raised a number of questions/concerns with the proposed rules package. These matters have been included in the amended rules framework attached in Appendix 4 to this evidence. This has been prepared by Ms. Foote, Mr. Hoggard and I, in a collaborative manner via an online meeting held on Thursday 4 April 2024. The provisions where amended have been conferred by all three parties, and reasons for changes provided within comments to the document. Where there is disagreement, we have provided this in the commentary, although it is noted there were not significant areas of disagreement.

Anna Jane Bensemenn



Date: 9 April 2024

Attachments:

Appendix 1: PC4 assessment of IMP
Appendix 2: Statement from Kaikoura Business Park
Appendix 3: Cultural Impact Assessment
Appendix 4: Amended Rules Package.