

**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

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

Dated: 13 MARCH 2024

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QUALIFICATIONS AND EXPERIENCE

- 1 My name is Anna Jane Bensemann.
- 2 I am a Senior Planner and Director of Baseline Group Marlborough, based in Blenheim. I hold a Bachelor of Science in Geography from Canterbury University and a Masters Degree in Applied Science majoring in Environmental Management from Lincoln University. I have over 15 years' planning experience in resource management, having worked for both local authorities and in private practice. I have held positions as a Policy Adviser for Federated Farmers, and as a Planner with; Davis Olgivie and Partners, Baseline Planning, Fiona Aston Consultants, Nelson City Council and Avanzar Consulting Limited, prior to Baseline Group Marlborough.
- 3 I have been asked by Kaikoura Business Park to give planning evidence as an expert in relation to the rezoning of 21 ha of rural zoned land to light industrial and to introduce a new planning zone, associated issues, objectives, policies and rules.
- 4 Kerry Penn, previously of Baseline Group in Christchurch prepared the original Plan Change application which I reviewed and made subsequential amendments to prior to lodging with Kaikoura District Council. I have been providing ongoing planning advice to Kaikoura Business Park.

Code of conduct for expert witnesses

- 5 I have read the Environment Court's Code of Conduct in the Environment Court of New Zealand Te Kōti Taiao o Aotearoa Practice Note 2023 and agree to comply with it. My qualifications as an expert are set out above. The matters addressed in my evidence are 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.

SCOPE OF EVIDENCE

- 6 In my evidence I address the following issues:

- (a) The nature of the proposed plan change and key changes arising from submissions and changes in legislation since the Plan Change was notified;
- (b) The key issues arising from the plan change including issues arising from submissions and the Section 42A report;
- (c) The policy framework including the operative district plan, the Regional Policy Statement and relevant operative National Policy Statements;
- (d) A review of the Section 32 analysis resulting from proposed changes to PC4;
- (e) An overall assessment of PC4 and conclusions.

7 My evidence addresses the planning related elements of the application. My evidence does not seek to repeat the information already submitted as part of this private Plan Change Request, nor the evidence of the other experts.

8 In preparing this statement of evidence I have considered the following documents:

- (a) Kaikoura District Council's Section 42A report prepared by Melanie Foote.
- (b) The Kaikoura District Plan
- (c) The National Policy Statement for Indigenous Biodiversity
- (d) The National Policy Statement for Freshwater Management
- (e) The National Policy Statement for Urban Development
- (f) The National Policy Statement for Highly Productive Land
- (g) The National Policy Statement for Electricity Transmission
- (h) The Canterbury Regional Policy Statement

9 In preparing this statement of evidence I have referred to the following supporting statements of evidence:

- (a) Mr. Andrew Carr of Carriageway Consultants (traffic assessment)

- (b) Mr. Timothy Heath of Property Economics (economic assessment)
- (c) Mr. Simon Marshall of Baseline Group (Servicing assessment)
- (d) Mr. Jeremy Trevathan of Acoustic Engineering Services (acoustic assessment)
- (e) Mr. Glen Wright of Stephenson and Turner Lighting (lighting assessment)
- (f) Ms. Kyra Xavia, Kaikoura Night Sky Working Group
- (g) Mr. Hamish Williams of Underground overground Archaeology (archaeological assessment)
- (h) Mr. Michael Nugent of Landtech Consulting (geotechnical assessment)
- (i) Ms. Helen Davies of Contaminated Land Solutions (PSI/DSI reports)
- (j) Ms. Liz Gavin on Boffa Miskell (landscape assessment)
- (k) Ms. Morgan Tracy-Mines of Wildlands (ecological assessment)
- (l) Mr. Geoffery Dunham of Dunham Consulting (soils and farm use assessment.)

INTRODUCTION AND UPDATES

The Proposed Plan Change

- 10 Plan Change 4 (PC4) is a privately initiated Plan Change made to the Operative Kaikoura District Plan (KDP) seeking to rezone 21.6 ha of Rural zoned land to provide for a light industrial park at 69 Inland Kaikoura Road.
- 11 An Outline Development Plan (ODP) has been prepared for the site and is included in Appendix A. It is noted this is the same ODP considered in the Section 42A report.
- 12 The proposal seeks to introduce a new Light Industrial Zone in the KDP, with associated objectives, policies, rules, and methods. Consequential amendments

to the Subdivisions Chapter, and Appendix 1 of the KDP have also been proposed.

- 13 PC4 seeks to provide zoned land in response to the identified need in the Kaikoura Long Term Plan to accommodate light industrial activities, which is currently lacking in Kaikoura. Key considerations include effects on existing residential or commercial activities, competition with other activities or detracting from the commercial centre of the town and ensuring an appropriate sense of amenity consistent with light industrial activities is achieved.
- 14 The key features of the ODP include the realignment of the Inland Kaikoura Road to create an entrance located approximately 140 m south of the current intersection, and to create a right-hand turn bay from State Highway 1 (SH1) to support southbound traffic turning onto Inland Kaikoura Road.
- 15 The ODP includes provision for 6 m wide landscaping strips, located at the interface of the development with adjoining Rural Zoned land and along the realigned Inland Kaikoura Road and SH 1 Road frontages.
- 16 The proposed rules package features controls on the type of activities which can locate within the zone. This is to ensure the primary purpose of the zone is for the intended light industrial activities is preserved, while providing for a limited amount of commercial, visitor accommodation, and food and beverage activities, necessary to support the light industrial activities. Limits as to the scale of these light industrial supporting activities have been included within the supporting zone rule framework, applicable to the ODP area.
- 17 PC4 also features standards relating to bulk and location of buildings, landscaping, outdoor storage, lighting, and noise. These are designed to enable the development of the light industrial zone in a manner which does not conflict with surrounding activities in different zones, or impact on the flight path of the Hutton Shearwater, which is known to fly over the site during migration¹.

¹ Refer to the evidence of Ms. Xavia and attached report on the Hutton Shearwater.

Traffic related updates

- 18 As part of further consideration of the use of the site for a future subdivision and discussions with Kaikoura District Council engineering staff, the applicant proposes to amend the location of the road alignment with the Inland Kaikoura Road. This has resulted in a necessary amendment to the ODP to allow for the application site road to connect to the Inland Kaikoura Road further north than the original proposed location. This will potentially result in more of the allotments within the development fronting the new Inland Kaikoura Road alignment which will retain its current 80 km/hr speed limit. A copy of the amended ODP is attached to my evidence as Appendix A.
- 19 Further to the submission from NZ Transport Agency/Waka Kotahi relating to the intersection with State Highway 1 (SH1) it is now proposed to amend the rules provisions to ensure there is no direct access to SH1 from allotments within the development, without a restricted discretionary status resource consent and consultation with the NZ Transport Agency/Waka Kotahi. This has resulted in consequential amendments to provisions in the subdivisions chapter also, to reflect this outcome as part of access for any future subdivision. A copy of the amended rules package is Attached to Appendix Six of the Section 42A officers report.
- 20 Rules are proposed to ensure light industrial activities do not operate from the site until such time as a right-hand turning bay from the State Highway into the new alignment of Inland Kaikoura Road is under construction. This gives confidence activities within the ODP site will not increase the load on the intersection until it is operational. During construction, Mr. Carr has noted² the area will be in a reduced speed environment relating to the construction activities, ensuring traffic safety is achieved during this time. The proposed rule framework allows for construction of buildings within the development prior to the installation of a right-hand turn bay, but not the operation of activities.

² Mr. Carr's evidence paragraphs 31 - 36

Lighting related updates

- 21 A number of changes to lighting requirements were recommended in the submission of Dr. Larry Fields. These recommendations have been further considered by Mr. Wright, in his lighting assessment, with recommended changes to the specific wording put forward by Dr. Fields. These recommendations are now incorporated in the amended rules framework in Appendix Six of the Section 42A officer report. These changes clarify the provisions of lighting and resolve some inconsistencies created by spelling errors.

Landscaping related updates

- 22 Ms. Gavin has recommended an additional policy to provide for the development of landscaping in a manner that suitably mitigates landscape effects for surrounding landowners. This is included as Policy 10 in the rules framework attached at Appendix Six of the Section 42A report. This policy is designed to give guidance and clarity for decision makers when considering activities in the proposed Light Industrial Zone.

Other amendments

- 23 The original servicing report for the site, proposed onsite stormwater discharge from the roading and hardstand areas of the site. Mr. Marshall has recommended an improved method of treating stormwater which is more appropriate to the site specific conditions. Therefore, Mr. Marshall outlines an alternative viable solution which involves piping stormwater to a first flush basin via a swale and then a clean water diversion with a final discharge to the Kowhai River.
- 24 This option utilises existing road reserve land to the east of the existing Inland Kaikoura Road formation for a suitably sized first flush basin and the outfall to the river. Resource consent from Environment Canterbury for the outfall and discharge are required to support this, and Baseline Groups Christchurch officer has lodged these applications for resource consent.

KEY ISSUES

Demand for Industrial Land

- 25 Kaikoura does not have industrial zoned land within the district (nor an existing industrial zone), and all industrial activities are required to seek a resource consent within business, residential or rural zones, regardless of scale or nature of effects. The lack of industrial zoning has seen a somewhat ad hoc development of industrial activities, intermingled with residential, commercial, and rural activities in their respective zones. This is likely to have resulted in resource consent conditions required to manage conflicts with land uses on adjacent properties including amenity and traffic management conflicts. This is highlighted in the Kaikoura Long Term Plan 2021 – 2031 which includes discussion on the feedback received from the community relating to the district plan review process³ and includes an acknowledgement of a lack of adequate land zoned for light industrial activities.
- 26 Mr. Heath prepared a report contained in Appendix 11 to the PC4 application providing an economic assessment in relation to the demand for light industrial zoned land out to 2031, the then 30-year timeframe. This report included an assessed need for an additional 14 – 17 ha of land for light industrial activities and noted a cluster of industrial activities within Beach Road north of the Lyell Creek⁴. This report also notes the dispersed nature of the remainder of the industry within the district. This is further addressed by Mr. Heath in his evidence.
- 27 The proposal seeks to rezone 21.6 ha of land for light industrial purposes, which exceeds the likely demand for this land over the 30-year horizon (of 17 ha). Mr. Heath has identified there are some minor economic costs of oversupplying Light Industrial Zoned land. He also notes this oversupply located adjacent to the balance of the Light Industrial Zone and would allow the market to have

³ Kaikoura District Council, Long Term Plan 2021 – 2031, Volume 1, Page 132

⁴ Kaikoura industrial Private Plan Change Economic Assessment dated July 2023, Section 5.2, Page 13

competitive land prices, and therefore he concludes this is an efficient location for surplus land⁵.

- 28 The ODP area is a discrete area of land located between existing 2 ha Rural Zoned lifestyle blocks and the existing Inland Kaikoura Road and is held in a single land ownership. Given these features, and Mr. Heath's evidence I am of the opinion the additional land area, beyond the 30-year horizon, is appropriately located and will not have a significant adverse effect on the efficient operation of the proposed zone, or the Kaikoura town centre commercial sector.

Impact on Kaikoura Commercial Zones

- 29 In his evidence, Mr. Heath notes there are economic benefits to co-locating light industrial activities in a single location to provide for an economy of scale, and to agglomerate effects of these activities, which might not be suited within other areas of the township.
- 30 In terms of non-light industrial activities, Mr. Heath's original report attached as Appendix 11 to PC4 (as notified) identified the needs for some limits to the nature and scale of activities within the ODP area, to avoid an adverse impact on the commercial centre of Kaikoura. This recommendation has been reflected in the proposed PC4 zone framework (Policies and rules).
- 31 Of note Mr. Heath recommended retail outlets selling clothing be fully restricted, and as such, PC4 provides for these activities by way of a resource consent as a non-complying activity under Rule LIZ – R9.
- 32 Mr. Heath has also recommended commercial activities make up no more than 1,500 m² GFA within the ODP area, Food and Beverage make up to more than 1,000 m² GFA and retail (other than clothing outlets) make up no more than 500 m² GFA of the ODP area. Mr. Heath recommends exceeding these limits should be considered as a discretionary activity.
- 33 The applicant has a number of potential businesses interested in locating in the ODP area, which has driven some amendments to these figures within the final

⁵ Mr. Heath's evidence paragraph 37 - 38.

rules package of PC4. The original framework Mr. Heath was addressing, included a separate category for office activities, beyond commercial activities. On the basis of Mr. Heath's report, the rules package of PC4 was amended to provide for office activities within the rule relating to commercial activities to avoid confusion, and Rule 10 referred to on Page 28 of the economic report in Appendix 11 to the plan change has been removed. Table 1 below shows the resulting areas proposed compared to Mr. Heath's recommendation and the resultant activity status if these limits are exceeded.

Activity	Recommended area (GFA)	Recommended activity status	Proposed area (GFA)	Proposed activity status
Commercial activity*	1,500 m ²	Discretionary	1,500 m ²	Discretionary
Food and Beverage outlet*	1,000 m ²	Discretionary	800 m ²	Discretionary
Retail activity*	500 m ²	Discretionary	1,500 m ²	Non-complying
Retail clothing outlet	Nil	Non-complying	Nil	Non-complying

* Not ancillary to a light industrial activity.

- 34 In his evidence, Mr. Heath has confirmed these changes are appropriate, and confirmed the proposal will not have an adverse effect on the commercial centre of Kaikoura⁶.

Loss of Productive Soils

- 35 The ODP area includes 3.8 ha of Land Use Class 2 Soils, as identified by Mr. Dunham in his report and evidence. The balance of the site is identified as Land Use Class 6 soils. The effect of the proposed plan change is to make this land unavailable for productive use and utilise this for urban purposes. As discussed earlier, and within the Evidence of Mr. Heath, there is a need for additional light industrial land within Kaikoura District.
- 36 Mr. Dunham has examined the productive value of the Land Use Class 2 soils exclusive of the Land Use Class 6 soils, to determine if this more highly productive land is appropriate to be rezoned for light industrial purposes.

⁶ Mr. Heath's evidence paragraph 64

- 37 His evidence examines the current limitations of the site overall and notes a lack of power and access to water for irrigation purposes as being key cost factors required to make the site productive. Mr. Dunham draws the conclusion the cost of installing power to service an irrigation pump, which is required for most effective rural activities (horticulture, viticulture, dairy farming), is cost prohibitive when compared with the potential annual return from these activities.
- 38 Mr. Dunham also considers activities which would not require irrigation such as dry stock sheep or cattle, arable cropping (no irrigation required) and hay production. His analysis concludes on the 3.8 ha of land, arable farming and dry stock sheep might break even, while dry stock cattle would result in a loss. Production of hay is likely to have a small net profit, however this is so small as to not be a viable option eight out of ten years due to climatic variations⁷.
- 39 In addition, the area of Land Use Class 2 soil is effectively land locked, with no access provided via the Kowhai Downs lifestyle development, and no access through adjoining land to the State Highway. The only access to this site is from the Inland Kaikoura Road via the balance of the Plan Change area.
- 40 Mr. Heath has considered Mr. Dunham's evidence, and from an economic perspective has concluded the economic impact of repurposing the PC4 land for industrial uses would be minimal to the performance and growth potential of the district's primary production activities⁸.
- 41 Based on the existing pattern of development to the north and west of the area of Land Use Class 2 soils, being lifestyle sized sections of 2 ha in area each, it is unlikely this land, if retained for farming purposes would be utilised for land based primary production. Rather it would be utilised as additional 2 ha sections. The minimum allotment size in the Rural Zone in Kaikoura is currently 2 ha. Once a dwelling and curtilage have been established this reduces the farmable area to less than 2 ha. By Mr. Dunham's assessment this is unlikely to yield reasonable farming results. In my experience, from undertaking planning

⁷ Mr. Dunham's evidence paragraph 69.

⁸ Paragraph 70 of Mr. Heath's evidence.

work in both the Canterbury Plains, and Marlborough, smaller land holdings around 2 ha in area are used more as lifestyle properties rather than productive farming units. Also in my experience, this can give rise to affects from normal farming activities on adjoining land affecting the amenity of new owners to land used for lifestyle activities. New landowners typically are not aware normal farming activities generate noise, smell, and heavy vehicle operations, thus leading to reverse sensitivity effects. This is a matter often advocated on by Federated Farmers to proposed District Plans to support rural farmers being able to lawfully operate.

- 42 Taking into consideration the above discussion, I note there is limited access arising from the surrounding development, including intended light industrial land to the east within the balance of the ODP area. The small size of the Land Use Class 2 land in question has limited opportunities for fiscal return from farming activities, and the cost of providing power and irrigation to this site is prohibitive for establishing more intensive farming or horticulture activities. For these reasons, it is my view including the 3.8 ha of Land Use Class 2 soils within the land to be rezoned, on the balance results in a more efficient use of land, compared to excluding the area of Land Use Class 2 soils.

Amenity and Local Character effects

- 43 Landscape evidence from Ms. Gavin identifies the site is currently characterised with typical rural character, open spaces and a lack of dominance of built form. She acknowledges the existing rural environment provides a minimum allotment size of 2 ha and rights for one dwelling and one ancillary dwelling per site. She notes the permitted building height of 12 m and the required setbacks from road and property boundaries contained in the existing rural zone of the KDP. She also notes this zone provides for rural lifestyle, forestry and farming activities⁹.
- 44 Ms. Gavin notes the proposed plan change will result in a change in landscape effects and will not maintain rural character amenity values, largely due to the

⁹ Ms. Gavins evidence paragraphs 24 - 26

increase in height, bulk and likely site coverage¹⁰. Ms. Gavin notes the proposed landscaping will mitigate the visual effect of built form in the foreground and is further supported by the reduced visibility from SH 1 offered by existing Lot 19 along the road frontage of the site and the existing Stock Effluent Disposal Site on the corner of SH1 and the existing Inland Kaikoura Road alignment.

- 45 Ms. Gavin has made a further recommendation to include a new policy which further guides the way landscaping should occur and will aid in mitigating effects of the change in landscape and visual effects in the area. Ms. Gavin concludes the effects for adjoining properties will be low – moderate and will be moderate for views from the State Highway when parallel to the site¹¹.
- 46 I note the submissions received in opposition to the plan change based on amenity values have been resolved by the applicant and these submissions have subsequently been withdrawn. I also note there are 105 submissions in support of the redevelopment of the plan change site, indicating a change in the landscape in this area will not generate adverse impacts.
- 47 Relying on Ms. Gavins evidence, and the observations of the submissions received, I concur with the Section 42A report¹² that there will be a change to the appearance of the site from the proposal, and given the mitigation offered this is acceptable.

Transport

- 48 The traffic effects arising from the development of the site have been considered in the reports appended to the Plan Change application, and in the evidence of Mr. Andy Carr, a traffic engineer. Mr. Carr has completed a number of traffic surveys to fully understand the existing environment in this area and concluded a right hand turning bay into the Inland Kaikoura Road from State Highway 1 is required at present, prior to any development of the application site. In addition, Mr. Carr has identified a traffic safety risk arising from the current location of the Inland Kaikoura Road and separation to the Stock

¹⁰ Ms. Gavin's evidence Paragraph 31

¹¹ Ms. Gavin's evidence Paragraph 67

¹² Section 42A Report Paragraphs 80 - 81

Effluent Disposal Site (STED's) access and the current location of the Inland Kaikoura Road, close to the bridge over the Kowhai River which creates further potential conflict.

- 49 As a result of Mr. Carr's findings PC4 proposes to realign Inland Kaikoura Road through the application site, shifting the connection with SH1 approximately 140 m southwest along SH1. It is proposed the intersection relocation, inclusive of a right hand turn bay on SH 1, is to be under construction prior to the operation of any activities permitted in the proposed Light Industrial Zone.
- 50 Further restrictions on sites accessing directly onto SH1 have also been incorporated, and when combined with existing transport provisions in the KDP, relating to setbacks of accesses from intersections, ensures a safe traffic environment is achieved.
- 51 In Mr. Carr's view, the proposed road realignment, inclusive of a right hand turn bay, along with the restrictions on access from properties to SH1 directly and for the first 60 m into the development from SH1¹³ will ensure any traffic related effects are appropriately mitigated through the ODP and rules framework and acceptable in this environment.

Lighting effects – Hutton Shearwater

- 52 The proposal includes specific lighting controls which are contained within the zone rules and standards, rather than within the Lighting chapter of the Kaikoura District Plan. These provisions seek to minimise the night sky lighting projecting upwards from the development, recommended by lighting experts and confirmed in Ms Xavia's evidence and attached report from Wellbird Kaikoura Wildlife Hospital. This includes provisions relating to outdoor lighting, outdoor illuminated signs and interior lighting where there are windows and skylights in buildings. In addition, the standards include provisions to manage light spill at zone boundaries to minimise effects on neighbouring properties.
- 53 Mr. Wright has concluded in his evidence the proposed lighting provisions will achieve the intended outcome of minimising potential effects on adjoining land

¹³ This assumes the speed limit on SH1 does not drop below 80 km/hr in accordance with existing KDP rules.

and reducing the skyward projection of light from activities and buildings within the Light Industrial Zone¹⁴.

- 54 Attached to Ms. Xavia's evidence is a report from Wellbird Kaikoura Wildlife Hospital. This includes discussion of the impact of lighting on the flight path of the Hutton Shearwater, which includes the effect of lighting along roads resembling a reflection from the sea, making birds believe the road is the sea and crash landing. This appears to be a particular problem during foggy conditions when the stars are not available for the birds to navigate.
- 55 Ms. Xavia has concluded the measures contained in the proposed plan change to shield lighting, make it downward only, and reduce external night time light spill will be sufficient to avoid significant adverse effects on the flight path of the bird¹⁵.

Ecological effects

- 56 An ecological assessment has been undertaken by Ms. Tracey-Mines of Wildlands with supporting evidence also provided. Ms. Tracey-Mines has assessed the site contains little flora and indigenous vegetation values, except where they have been planted within the site. Based on the grasses contained within the site, she has assessed the site may contain habitat supporting the Waiharakeke Skink, which are identified as At Risk – Declining. Ms. Tracey-Mines confirms the site has low ecological value for habitat for avifauna (birds) and may contain some habitat for New Zealand Mantis. Ms Tracey-Mines also confirms there is ample alternative habitat for avifauna and mantis in the surrounding area¹⁶.
- 57 Ms. Tracey-Mines has assessed the effect of the proposal on the ecological values she has identified and noted that further surveys are required, at the time of subdivision consenting, to confirm if skink are present on the site. However, she notes the opportunity to mitigate during development and may include restoration of lizard habitat in other areas of the property.

¹⁴ Mr. Wright's Evidence Paragraph 32 - 33

¹⁵ Ms. Xavia's evidence paragraph 17

¹⁶ Refer to Wildlands Report Section 10

58 Ms. Tracey-Mines has confirmed the habitat values identified have low ecological value due to the highly modified nature of the site, and the prevalence of exotic vegetation outside of planted areas. Relying on the ecological assessment and evidence provided by Ms. Tracey-Mines, I am of the opinion the loss of ecological values will be low and acceptable in this case.

Infrastructure

59 Mr. Marshall has provided an overview of the existing and now amended infrastructure solutions for the site. This includes the use of a new water take and use from the existing bore on the site which has been issued a consent from Environment Canterbury under CRC240090. Approved CRC240090 includes a community water supply protection area, protecting groundwater from activities which have the potential to contaminate the soils and groundwater. This water supply is designed to support the future development of the light industrial zone and the existing Kowhai Downs 2 ha blocks.

60 Mr. Marshall has outlined the methods for managing stormwater on the site and I note resource consent applications have been lodged with Environment Canterbury to enable this (recently allocated Ecan consent numbers CRC243081 CRC243082). Mr. Marshall has highlighted how this system can work for the management and disposal of stormwater from the site. It will require resource consent from Kaikoura District Council as well.

61 Mr. Marshall has also addressed sewerage disposal from the site. An existing community wastewater system has been established to service the Kowhai Downs 2 ha allotments and is a privately managed system. It is proposed to vary this consent to extend this system to support flows from the application site. This variation has been filed with Environment Canterbury and accepted for processing under consent numbers CRC242957, CRC242958, and CRC242959.

62 Infrastructure development of the site will include earthworks across the site, managed by the provisions of any applicable rules within the Land and Water Plan, and through any conditions of a subdivision consent from Kaikoura District Council. It is Mr. Marshall's view as long as erosion and sediment

controls are applied as part of any earthworks on the site, the effects of the development will be minor.

- 63 It is Mr. Marshall's view these infrastructure systems are sufficient to service future development of the site and have been designed in accordance with best practice. In my experience of developments of this type, meeting best practice design solutions ensures adverse effects on the environment are appropriately managed from the delivery of infrastructure to the site. Given this I am confident any effects arising from the proposed servicing will appropriately be managed through the resource consents processes and any actual effects will be mitigated to be no more than minor.

Natural Hazards

- 64 Mr. Marshall has provided an updated flood hazard assessment for the site from Environment Canterbury which shows the overland flow paths through the site from a potential break out upstream in the Kohawi River. This updates the report provided in the original Plan Change application. In his evidence he has identified overland flow paths can be accommodated through the proposed road network and managed to ensure there is no risk to life or property from the future development of the site¹⁷.
- 65 Mr. Marshall has also considered the potential tsunami risk to the site and noted there is a low likelihood of risk, and any actual effects can be managed through subdivision construction and future built form¹⁸.
- 66 A geotechnical assessment has also been provided from Mr. Nugent and has provided evidence as to the geotechnical risk associated with the site. His evidence notes there is a low potential for liquefaction across the site¹⁹, and is low risk of geotechnical hazards in accordance with Section 106 of the RMA²⁰.
- 67 Relying on the evidence supplied with respect to risks from natural hazards, I consider any risk can be appropriately mitigated through standard subdivision, and building consent processes, to the extent effects will be minor. The

¹⁷ Mr. Marshall's evidence Paragraph 45.

¹⁸ Mr. Marshall's evidence Paragrph 48

¹⁹ Mr. Nugent's evidence, paragraph 20.

²⁰ Mr. Nugent's evidence, paragraph 24.

processes to achieve these outcomes are already in the relevant legal frameworks.

Contaminated land

68 The site includes some areas of contaminated land, typical of former rural uses of the site. The evidence of Ms. Davies identifies the remediation pathway forward to ensure any adverse effects arising from the presence of contaminated land on the site will be less than minor. In my experience with developments of this type, following the clear pathways set through the National Environment Standard ensures appropriate outcomes are achieved. The scale of contamination on the site is small and discrete making it financially achievable as part of the development of the site.

STATUTORY ASSESSMENT

69 The Section 42A reporting officer has on the preparation of a plan change (sections 74 and 75 of the RMA) and Councils functions under Section 31 of the RMA. I concur with these assessments and see no need to further comment.

70 I note the Section 42 A reporting officer has also considered the provisions of Te Poha o Tohu Raumati – Te Runanga o Kaikoura Environmental Management Plan²¹. I agree with this assessment also and see no need to further comment. I note that ongoing consultation over the development has occurred throughout the development of this plan change and is reflected in the letter attached in Appendix 18 of the Plan Change application providing approval in principle. While Ngāti Kuri have not provided written approval to the plan change as a whole, they also have not made a submission.

National Policy Statement – Highly Productive land

71 The National Policy Statement for Highly Productive Land (NPS – HPL) came into effect in late 2022 and has a primary objective of *“Highly Productive land is protected for use in land based primary production, both now and for future generations.”*

²¹ Paragraphs 117 - 121

- 72 Policy 5 requires urban rezoning of highly productive land is avoided, unless provided for in the implementation methods of the NPS.
- 73 Kaikoura District Council is not considered as a Tier 1 or 2 council in the context of the NPS – HPL (which relies on the NPS – Urban Development for this definition). Therefore, rezoning of land is only provided for, if the measures contained in implementation method 3.6 (4) can be achieved, which are as follows:
- (a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and*
 - (b) there are no other reasonably practicable and feasible options for providing the required development capacity; and*
 - (c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*
- 74 Mr. Heath has provided evidence identifying a need for additional light industrial zoned land within the Kaikoura District in the order of 18 ha²² to meet the likely demands for the district in the next 30-year timeframe under the high growth scenario. Mr. Heath also notes some oversupply of zoned land will enable competitive market prices and allow for demand beyond the 30-year horizon in an appropriate location. Relying on Mr. Heath's assessment of development capacity, it is my opinion provision (a) has been satisfied.
- 75 Mr. Heath has also undertaken an analysis of alternative locations in proximity to Kaikoura Township where such demand might be accommodated²³. Mr. Heath's analysis is there are no other reasonably practicable and feasible options for providing this capacity due to limits arising from other HPL land, or the potential for reverse sensitivity effects, and topographic constraints for non-HPL land between Kaikoura and the Ocean Ridge development. Land beyond existing HPL land is further from the Kaikoura Township than the subject site. I

²² Mr. Heath's evidence, paragraph 35.

²³ Mr. Heath's evidence, paragraphs 75 – 80.

concur with Mr. Heath there are no other reasonably practicable and feasible options for providing the required development capacity, and therefore I consider part (b) has been satisfied.

- 76 With respect to part (c) of method 3.6 (4), Mr. Heath has undertaken an assessment of the economic effects associated with the rezoning, and utilising the evidence of Mr. Dunham, has considered the economic effects of the loss of the HPL land from production. He has concluded the economic benefits of rezoning the site outweigh the economic costs.
- 77 Considering other benefits, the proposal creates additional employment in the district, and supports a location away from existing residential activity for light industrial activities to locate, which is a positive social benefit arising from the proposed plan change. This is supported by the overwhelming number of submissions received in support of the proposed plan change citing the employment benefit to the district.
- 78 The proposal also includes environmental benefits by creating landscaped areas around the plan change site and along new road frontages which can support the habitat for native fauna, including lizards and birds, which may colonise these greenspaces over time. From a cultural perspective, Ngāti Kuri have been consulted as part of the plan change process and have not raised any significant cultural costs or benefits of the plan change.
- 79 In terms of environmental loss associated with the loss of highly productive land, Mr. Dunham has established in his evidence²⁴ the area of HPL land within the site is limited in its potential productivity due to constraints from access to water and power to support water use. Without these features, the HPL land can support some small-scale supplementary feed hay or baleage activities in a feasible and cost-effective manner. However, the contribution such an activity would have to the district is so small, in my view, it would not generate a noticeable social or environmental loss. Ngāti Kuri have been consulted on the plan change and have not raised any concerns with the loss of highly productive land.

²⁴ Refer to Mr. Dunham's evidence, paragraphs 53 – 64.

- 80 Based on the above assessment I consider the environmental, social, cultural and economic benefits of the proposed rezoning outweigh the environmental, social, cultural and economic costs from the loss of Highly Productive land for land based primary production. Therefore, it is my opinion provision (c) has also been satisfied.
- 81 Implementation method 3.6(5) requires the spatial extent of any urban zone covering HPL is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment. In this case, Mr. Heath has considered there are few alternative locations, which provide the same outcomes as the application site. Relying on this evidence and previous assessments in my evidence relating to the effect on Kaikoura's town centre, I consider the rezoning will provide for a well-functioning urban environment.

National Policy Statement on Urban Development

- 82 The National Policy Statement on Urban Development 2020 (NPS – UD) came into effect in 2020 and subsequently updated May 2022. This NPS provides objectives and policies for planning for well-functioning urban environments under the RMA.
- 83 The NPS – UD defines urban environments as follows:
- Urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:*
- a) is, or is intended to be, predominantly urban in character; and*
 - b) is, or is intended to be, part of a housing and labour market of at least 10,000 people.*
- 84 Based on this definition and relying on the population data provided by Mr. Heath in his evidence, Kaikoura does not appear to be considered as an Urban Environment. As the definition of Tier 3 Authority relies on the definition of urban environment it would also appear Kaikoura District Council is not a Tier 3 Authority and is not subject to any of the provisions contained in the NPS – UD. Mackenzie District Council is another authority which finds itself in this category.
- 85 Nevertheless, the NPS – UD provides useful guidance for Kaikoura District Council to support it in becoming an urban environment under the definition

above. The provisions of the NPS – UD were considered in the plan change and includes key concepts from the objectives and policies as follows:

- (a) Well-functioning urban environments,*
- (b) Providing land where there are employment opportunities and there is demand for business zoned land,*
- (c) Planning decisions take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi),*
- (d) Decisions are responsive to proposals that would supply significant development capacity, and*
- (e) urban environments support reductions in greenhouse gas emissions and are resilient to effects of climate change.*

86 The proposal seeks to provide part of the well-functioning urban environment for Kaikoura by providing a zone that enables light industrial activities and assists in avoiding such activities within residential and commercial zones of Kaikoura where the risks from reverse sensitivity or adverse effects on amenity is increased.

87 The proposed plan change site seeks to provide slightly more than the likely long-term (30 year) demand for light industrial zoned land in Kaikoura, as determined by Mr. Heath in his evidence, and the demand for specific light industrial zoned land is identified in Kaikoura Long Term Plan.

88 The applicant has consulted early with Ngāti Kuri and taken into account the advice provided throughout the plan change development and maintains an ongoing relationship with the applicant. This supports the principles of the Treaty of Waitangi and recognises the important role Ngāti Kuri have in this small community. A record of some of this consultation is attached in Appendix 18 of the Plan Change Application.

89 The proposal would supply significant development capacity within Kaikoura for light industrial activities and may potentially free up land within other existing business zones for commercial activities to support the town centre. This is achieved without impact on Council's planned infrastructure as it places no reliance on existing infrastructure.

- 90 The site, although 5 km from Kaikoura, is relatively close to the labour source likely to be working within this development area located in Kaikoura town, keeping greenhouse gas emissions to an appropriate level. The site is not located in an area where it is likely to be subject to effects of climate change.
- 91 For Tier 1, 2 and 3 Councils, Section 3.3 (1) of the NPS – UD requires them to provide sufficient capacity to meet the demand for business land from different sectors in the short, medium and long term. The proposal achieves this outcome in terms of Light Industrial Zoned land in Kaikoura. The proposal includes methods to ensure the site can be serviced for infrastructure, including an approved consent for a community water supply water take and use.

National Policy Statement for Indigenous Biodiversity

- 92 The National Policy Statement for Indigenous Biodiversity (NPS-IB) came into effect on 7 July 2023, and seeks to maintain indigenous biodiversity across Aotearoa New Zealand so there is at least no overall loss in indigenous biodiversity after the commencement date. An ecological assessment from Ms. Tracey-Mines identifies the site may contain a habitat for the Waiharakeke grass skink which can be found in highly modified sites, including exotic pasture and gardens. These skinks are classified as At Risk (declining) and if present on the site mean the site meets the criteria under the NPS – IB to be considered as a Significant Natural Area (SNA).
- 93 Clause 3.16 of the NPS-IB sets out the how to manage effects on biodiversity outside of SNA's when considering new subdivision, use or development.
- 94 Any adverse effects on indigenous biodiversity from a development must be managed by applying the effects management hierarchy. This hierarchy is defined as follows:

Effects management hierarchy means an approach to managing the adverse effects of an activity on indigenous biodiversity that requires that:

- (a) adverse effects are avoided where practicable; then*
- (b) where adverse effects cannot be avoided, they are minimised where practicable; then*

- (c) *where adverse effects cannot be minimised, they are remedied where practicable; then*
- (d) *where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible; then*
- (e) *where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then*
- (f) *if biodiversity compensation is not appropriate, the activity itself is avoided.*

95 In this case, it has not been determined if there are skink present on the site. However, should it transpire the skink are present, I have considered the implications on this below.

96 Kaikoura District Council has not undertaken a plan change to identify SNA's into its District Plan in accordance with the NPS-IB. However, if in the future this occurs, and the application site is included based on Ms Tracey-Mines report, then development of the site is considered under Clause 3.10.

97 Clause 3.11 of the NPS – IB include exemptions to the provision of 3.10 (2), and at part (1)(b) includes an exemption where there is a functional need or operational need for the new subdivision, use or development in that location. The Kaikoura Long Term Plan and the submissions to this proposed plan change have identified a clear need for additional light industrial zoned land within Kaikoura. Mr. Heath has further confirmed around 17 ha is required to meet the demand for growth, which is encouraged to be provided through the NPS – UD. Given these features I consider there is a need for Kaikoura to grow and provide new light industrial zoned land within the district.

98 The question is if there is a functional or operational need for it to be at this site. In assessing this I have considered what a new area of Light Industrial Zone land requires in order to be successful. It needs to be relatively close to the existing urban form of Kaikoura to enable efficient access, but not so close it generates adverse effects on the primary residential areas, such as noise or visual amenity effects. The site needs to be close to primary transport links,

which is principally State Highway 1 in Kaikoura. The site needs to be relatively flat to ensure it meets the needs of light industrial activities in terms of access, parking, loading space, and minimising earthworks associated with built form location. Ideally the site would not occupy land classified as Highly Productive under the NPS – HPL to avoid conflict with that legislation, and ideally the site would not include land which contains extensive coastal environment or extensive areas of indigenous vegetation, to avoid conflict with legislation relating to these environments. The site also needs to be able to be serviced for infrastructure without placing a burden on Kaikoura District Council existing infrastructure.

- 99 Based on these features, land located north of the township includes highly productive land currently utilised for extensive farming activities, which may also contain the skink²⁵. Land between the existing Kaikoura urban form and Ocean Ridge contains undulating terrain, and land further inland than the application site is not easily accessible to State Highway 1. Given this the application site meets the operational needs of a new light industrial activity location being close to Kaikoura urban form and close to primary access links. The application site also meets the functional needs by being relatively flat to provide for appropriate light industrial activities, is an appropriate distance from Kaikoura residential zones, can easily and efficiently be serviced for infrastructure and is sufficiently close enough to support the economic centre of Kaikoura township.
- 100 Clause 3.11 (1) (c) also provides for where there are no practicable alternative locations for the new subdivision use or development. The above discussion, supported by the evidence of Mr. Heath in relation to Highly Productive Land considerations also demonstrates there are no practicable alternative locations for this development. Therefore, I consider the proposal can satisfy the exemptions provided by Clause 3.11 (1) (b) and (c) and are exempt from complying with Clause 3.10 (2).

²⁵ Refer to report attached to Ms Tracey-Mines Evidence, section 7.

- 101 Nevertheless, the provisions of 3.10 (3) and (4) are still required to be complied with. Clause 3.10(3) seeks adverse effects are managed through applying the effects management hierarchy, and Clause 3.10(4) includes details as to the method of applying the effects management hierarchy.
- 102 Ms. Tracey-Mines has identified the need to first determine if skink is present on the site through a survey. If skink is present, then a management plan is required under the Wildlife Act. This may include incorporating lizard reserves or lizard friendly planting.

National Policy Statement on Freshwater Management

- 103 The National Policy Statement on Freshwater Management 2020 (NPS-FM) and provides a national framework for regional and territorial authorities to manage freshwater. As set out in the application, the proposal takes into consideration freshwater objectives and policies through an already secured water supply for the development under approved Environment Canterbury consent CRC240909. This consent imposes a Community Water Protection Zone which aids in ensuring this water supply quality is secured for the development.
- 104 Mr. Marshall has also set out in his evidence²⁶ changes to the proposed method of discharging stormwater, which requires resource consents from Environment Canterbury and includes a discharge to the Kowhai River after treatment. This consenting process is designed to ensure the quality of water discharged is consistent with the outcomes sought in the NPS – FM. Each of the regional consents required and sought for the development of this site have included consultation with Ngāti Kuri, prior to lodging the consent to ensure any concerns are addressed early and effectively and is also consistent with Policy 2 of the NPS.

National Policy Statement on Electricity Transmission

- 105 The National Policy Statement on Electricity Transmission (NPS – ET) 2008 requires development provides for the management of the transmission lines. The site includes a 66 kV line through the northern part of the site. The existing

²⁶ Mr. Marshall's evidence, paragraphs 25 – 38.

subdivision provisions of the Kaikoura District Plan (at Standard SUB – S4) identifies any subdivision within 20 m of the transmission lines requires consent as a restricted discretionary activity, with consideration of the proximity to the transmission lines required. This will ensure the NPS – ET is considered at the time of development of the site.

National Environmental Standards

- 106 The site is subject to specific National Environmental Standards (NES) relating to air quality, contaminated land and freshwater as discussed in the Plan Change Application, pages 21 – 22.
- 107 The National Environment Standard (NES – CS) relating to contaminated soils is triggered at the time of undertaking a subdivision, earthworks or change of land use where there is potential for a site to have been subject to activities giving rise to persistent contamination in soils. Ms. Davies has indicated such land exists on this site and would trigger the need to consider the NES – CS. Ms. Davies concludes light industrial development of the site can occur with appropriate remediation measures in line with the relevant NES. In my experience with land development on rural land, this is usually managed at the time of subdivision.
- 108 Based on my experience with subdivision and development, any issues relating to contaminated soil identified on the site, as a result of former rural uses, can be adequately identified at the time of subdivision through a Detailed Site Investigation any remediation require undertaken as part of the future development of land.

Canterbury Regional Policy Statement

- 109 The Canterbury Regional Policy Statement (CRPS) was assessed in detail in the original plan change application. My view is this assessment demonstrates the proposal is appropriate in the context of the CRPS, as it provides for a well-integrated development that serves the needs of the Kaikoura community and ensures appropriate use and development of natural and physical resources. Key features include the provision of a right hand turn bay from SH1 making the site accessible, and the provision of external and road boundary landscaping utilising native species enhance the level of biodiversity at the site

and providing an appropriate level of amenity for surrounding rural land. The development is in proximity to the township of Kaikoura, largely avoids highly productive land, and includes a rules framework to prevent undermining the economic centre of Kaikoura and manage onsite and cross zone boundary effects.

- 110 A submission was received from Environment Canterbury which was neutral in its position and did not wish to be heard at a hearing. In that submission it was noted the proposal was generally consistent with the objectives and policies of the CRPS and goes on to list those particular provisions which are applicable.
- 111 A further submission from Mr. Matt Hoggard labelled Staff Submission raised concern with the proposals ability to comply with Policy 5.3.5 relating to infrastructure servicing. This submission was withdrawn after the applicant obtained a water take and use consent which included a community drinking water supply protection zone from Environment Canterbury.
- 112 Chapter 9 of the CRPS includes specific provisions relating to ecosystems and indigenous biodiversity, and these are generally consistent with the provisions of the NPS – IB. The ecological assessment of Ms. Tracey-Mines identifies if Waiharakeke grass skink are present on site, then the site will meet the significance criteria of the CRPS, and the provisions of Chapter 9 will apply, as will the requirements of the Wildlife Act. In my experience, such matters are addressed through the subdivision consents process, having regard to the Wildlife Act.
- 113 Relying on the original assessment of the CRPS from the proposed plan change, and confirmed by the submission from Environment Canterbury, it is my opinion the proposal is generally consistent with the CRPS.

Kaikoura District Plan

- 114 An assessment of the proposal in the context of the Kaikoura District Plan (KDP) has been undertaken in section 6 of the Plan Change application and highlights the lack of provision for light industrial activities within the plan. Since the plan change was lodged, the format of the KDP has been updated to meet the provisions of the National Planning Framework, thus changing the numbering of the provisions relative to the assessment. However, the content of these

provisions has not changed, and I can affirm as per the original assessment there are no relevant provisions for light industrial activities within the existing planning framework.

- 115 Of merit to consider, is how the proposed new zone aligns with the provisions of the new Urban Form and Development Chapter of the KDP. This chapter now includes six objectives and 25 Policies which give direction as to where and how urban growth should occur.
- 116 Objective UFD – O1 seeks to provide for urban growth where adverse effects on natural and physical resources are managed. The proposal is able to be accommodated where risks from natural hazards are low (Policy UFD – P1). The overall design achieves integration with the road environment through an improved roading layout (Policy UFD – P2) and includes appropriate infrastructure, with capacity to provide for the development (Policies UFD – P3 and UDF - P11). The development of land for light industrial activities was signalled as a need in the Kaikoura Long Term Plan and is therefore not unplanned (UFD – P6).
- 117 Objective UDF – O2 seeks efficient use of existing infrastructure and energy. The development is largely self sufficient in terms of providing the necessary infrastructure, and the development includes confirmation of access to power for the site.
- 118 UDF – O3 seeks to provide for a pattern of land use that promotes a close relationship between areas having different characteristics while recognising the distinction between commercial and non-commercial activities. This objective highlights the tension between the need for people to live close to their place of employment, but the need to have these activities separated sufficiently to avoid adverse effects on residential areas. The proposal provides for light industrial activities close to Kaikoura Town Centre, and close to South Bay with approximately 5 km travel distance. This is sufficient to ensure short travel times to keep energy needs at an appropriate level (Policy UFD – P9) and providing for commercial areas (Policy UDF – P12), insofar as permitted by the proposed Light Industrial Zone. It is my view, for Kaikoura the location of the

site south of the Kaikoura township, is an appropriate distance to give effect to Objective UDF – O3.

- 119 Objective UDF – O4 seeks to provide for sustainable development which avoids adverse effects on Kaikoura’s amenity values and distinctive character. UFD – P14 seeks to encourage development in line with Kaikoura’s character. The proposal includes landscaping made up of native species around the zone boundaries of the site, including along the State Highway, to ensure the character is maintained and enhanced. Close consultation with local Runanga has ensured the overall design of future development aligns with their goals, including the implementation of native planting. This will provide for the character of the township to be maintained through this rezoning.
- 120 Overall, I consider the proposal is well aligned with the outcomes sought by the Urban form and development chapter of the KDP. Furthermore, in drafting the planning framework proposed to be incorporated into the KDP, I took the opportunity to discuss the provisions in detail with both the Section 42A officer, and Mr. Matt Hoggard the Strategy, Policy and District Plan Manager of Kaikoura District Council, with amendments to earlier drafts made, ensuring consistency between the proposal provisions, and those of the existing KDP.

SECTION 32 ANALYSIS AND UPDATE

- 121 Since the original Section 32 Assessment was completed, changes to the objectives, policies and rules have been made. I consider it would be beneficial for the decision maker to consider an updated Section 32 Assessment which better represents the final form of the plan change and is included in Appendix B. This assessment considers the proposed plan change in light of the key issue it is seeking to address, provides an analysis the proposed objectives of the plan change in the context of the Part 2 RMA matters, and provides a more detailed assessment of the proposed policies and rules. This assessment is attached in Appendix B to my evidence.

RESPONSE TO MATTERS RAISED BY SUBMITTERS AND IN SECTION 42A REPORTS

- 122 The plan change received a large number of submissions and further submissions, many of which were in support. Of those received four

submissions were received from adjoining landowners in opposition to the plan change, with a variety of further submissions relating to these. However, since these were received, the applicants have been in negotiation with these neighbours and all four have since withdrawn, along with all associated further submissions.

- 123 Private agreements for the benefit of some landowners have been established, without the need for further amendments to the plan change, to support these agreements. Should these adjoining landowners sell, the benefit from these private agreements will cease, and the provisions of the District Plan at the time will apply in relation to setbacks along adjoining boundaries. Future owners will have the opportunity to undertake due diligence at the time of purchasing, and thus will know the site adjoins a light industrial zone and development can occur in accordance with the planning framework of the Light Industrial Zone.
- 124 The Section 42A reporting officer has recommended embedding these provisions into the proposed planning framework. Given the size of the Plan Change site and my experience with developments, it will take years for the site to become fully developed with buildings. Once established, it is unlikely that significant changes will be made to buildings. The civil agreements in place will service the existing landowners of adjoining land to alleviate their concerns. Given the issue of amenity arises when change occurs, any effect on future owners of these sites will be no different to other adjoining landowners who were aware of the proposed development at the time of purchasing their properties. Therefore, I do not consider it necessary to include the amendments as recommended in the Section 42A report.

Waka Kotahi/New Zealand Transport Agency

- 125 A submission was received from Waka Kotahi/ NZTA which included four primary concerns as follows:
- a. *Certainty as to the timing of new road location and inclusion of right hand turning bay for safety improvements, relative to increased use of the site for activities permitted in the proposed light Industrial Zone.*
 - b. *Concern as to the impact on entrances to the stock effluent disposal site (STED)*

- c. *Concern relating to vehicle access on Inland Kaikoura Road within 60 m of the intersection with SH 1 and concern relating to direct access to SH 1 from within the application site.*
- d. *Concern relating to the location of the site south of Kaikoura increasing vehicle kilometres travelled.*

126 In response to these concerns Mr. Carr has undertaken discussions with Waka Kotahi/NZTA and amended rules proposed to give effect to their concerns, as reflected in the amended rules package.

127 Additionally, the existing transport rules of the operative Kaikoura District Plan include the required 60 m setback at both 100 km/hr and 80 km/hr speed zones sought by Waka Kotahi/NZTA in their submission.

128 With these amendments now proposed, it is understood Waka Kotahi are generally satisfied their concerns have been met.

Fire and Emergency New Zealand

129 Fire and Emergency New Zealand (FENZ) made a submission raising concerns with measures to minimise fire risk or spread within the site. This included concerns relating to water supply, access and use of low flammability species of plants.

130 After discussing this with FENZ, Mr. Marshall has detailed how the proposed water supply system can achieve the expected firefighting capacity for the site at his paragraphs 62 – 65 of his evidence.

131 With respect to access, it is noted the proposed carriageway widths and vehicle crossings within the current KDP achieve the access requirements FENZ were concerned with in their submission.

132 The submission also made reference to low flammability species, many of which are already within the proposed native landscaping restrictions, and so are able to address this concern.

133 It is understood since meeting with the applicant, FENZ no longer wish to be heard at a hearing. Based on the above, it is my view the proposal is able to give effect to the concerns raised by FENZ in an adequate manner.

CONCLUSION

- 134 The proposal seeks to create a new light industrial zone within the Kaikoura District Plan and then apply this zoning to a 21.6 ha site 5 km south of Kaikoura township on the Inland Kaikoura Road.
- 135 The proposed rezoning will have a positive effect on Kaikoura providing new employment opportunities and a specific location for light industrial activities to locate, resolving an issue identified in the Kaikoura Long Term Plan. There is a large volume of support from the Kaikoura community as evidenced through submissions, and little (if any) opposition.
- 136 The planning framework proposed offers controls and limits to ensure the development of the site does not undermine the economic centre of Kaikōura and provides mechanisms to mitigate effects on surrounding rural land uses. This includes a large amount of landscaping, noise controls, height and recession plane controls and setbacks to mitigate adverse cross boundary effects.
- 137 The location of the site offers good connection to both Kaikoura township and South Bay for access to employment, an improved intersection design and upgrade with SH1, and an opportunity to create improved biodiversity through boundary landscaping.
- 138 The potential for skinks to be located on the site can be confirmed prior to undertaking works on the site and appropriate mitigation measures can be resolved to ensure any actual effects are appropriate.
- 139 The Plan Change has been developed in consultation with local Runanga to support cultural values, which influenced the use of native species for landscaping areas proposed.
- 140 For the reasons set out in my evidence I consider PC4 meets the necessary threshold of the RMA and the policy framework supporting this legislation to enable the proposed new zone in the KDP and the rezoning of the application site.


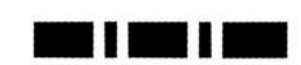




Anna Jane Bensemann

A handwritten signature in black ink, appearing to read 'AJB', written in a cursive style.

Date: 13 March 2024

Appendix A: Amended ODP

KEY

-  ODP Boundary
-  Proposed Primary Road (Relocated Inland Kaikoura Road)
-  Existing Power Line
-  Light Industrial Zone
-  Stock Effluent Disposal
-  6m Landscape Strip



Existing Inland Kaikoura Road

77m

152m

Inland Kaikoura Road

Scale 1:1500 @A1
 Date 05 Oct 2022
 Design
 Drawn EL
 Review MV&KP

A 24/11/22 Submission
 B 04/12/23 Submission

Rev.	Date	Amendment
Revision	B	
Sheet	1	

Appendix B: Updated Section 32 Assessment

1. Kaikoura District does not currently have industrial zoned land, with all industrial activities required to seek a resource consent within business, residential or rural zones, regardless of scale or nature of effects. The lack of industrial zoning has seen a somewhat ad hoc development of mixed use areas, with industrial activities intermingled with residential commercial and rural activities in their respective zones. This is likely to have resulted in conflicts between land uses on adjacent properties including amenity and traffic management conflicts, which will have been required to be managed through best practice mitigation at the time activities are established. This is highlighted in the Kaikoura Long Term Plan 2021 – 2031 which includes discussion on the feedback received from the community relating to the district plan review process (Page 132).
2. Therefore, the proposed plan change seeks to introduce a dedicated Light Industrial Zone to alleviate the pressure on existing zones, and to provide for industrial activities to occur with appropriate cross zone controls to manage amenity values, and to provide for appropriate access for heavy vehicles without creating conflicts with urban traffic. This key issue gave rise to the four identified issues in the plan change – Managing the effects of industrial activities; inadequate provision of land with industrial amenities; providing reasonable standard of amenity; and cumulative effects from non-light industrial activities.
3. Arising from these issues are the objectives to address these key issues in the context of Part 2 of the RMA. Section 32 (1) (a) requires an examination of the extent to which the Objectives are the most appropriate way to achieve the

purpose of the Act. This requires both consideration of the purpose of the Act (Part 2, Section 5 and supporting Sections 6, 7 and 8), and consideration of other ways of achieving the same or similar outcome. These objectives have been considered in the context of Section 32(1)(a) as follows:

Objective	Assessment of achieving purpose of Act.	Consideration of alternatives
<p>LIZ – O1 - Light Industrial Zone Purpose.</p> <p>The Light Industrial Zone Provides for a range of light industrial and other compatible activities which contribute to, and maintain, the social, cultural, and economic wellbeing of the Kaikōura District.</p>	<p><i>Providing enough zoned land for future growth is a key measure of sustainable management and influences how people and communities provide for their social, economic, and cultural wellbeing and health and safety (Section 5(2) RMA).</i></p> <p>This objective provides for Part 2 (5) (2) by ensuring there is a dedicated zone for light industrial activities and addressing the health and safety, amenity, and physical resource concerns associated with a lack of zoned land.</p> <p>This is also relevant to Section 7(b).</p>	<p>An option is to provide additional land zoned consistent with existing provisions in the KDP as Mixed-use Commercial Zone. The existing zone does not provide for industrial activities, and therefore requires ongoing individual resource consents. This will create more of the same problem experienced in existing Mixed-use Commercial Zone.</p>
<p>LIZ-O2 - Maintaining amenity values of adjoining zones.</p> <p>The amenity values of rural or urban areas adjoining the Light Industrial Zone are maintained, while recognizing the functional and operational requirements of light industrial activities.</p>	<p>This provides for amenity values in adjoining zones consistent with Part 2, Section 5 (2)(c).</p> <p>This also provides for outcomes sought in Section 7 (c).</p>	<p>Provisions could include specific setbacks and management methods within the Objective; however this does not provide for site specific features to be considered, or the specific nature of amenity values at any given location, including the nature of the receiving environment.</p>
<p>LIZ – O3- Managing effects of industrial activities.</p> <p>Adverse effects of industrial activities are avoided, remedied or mitigated.</p>	<p>This provides for Part 2, Section 5 (2) (a), (b) and (c), by seeking to manage the adverse effects of industrial activities.</p> <p>This also gives effect to Section 7(c) and (f) in relation to amenity values and quality of the environment.</p>	<p>An alternative could include more specific identification of the effects, however, being too specific might lead to unintended exclusions in consideration, meaning some effects are not appropriately managed.</p>
<p>LIZ-O4 - Development within an Outline Development Plan.</p>	<p>Areas to be rezoned are provided for through an outline development plan. This allows for the site-specific features to be considered. In</p>	<p>Generic provisions covering all the possibilities results in inefficiencies, or the need for alternative site-specific additional</p>

<p>Development within an Outline Development Plan must be undertaken in a manner consistent with the specific provisions contained within the Plan.</p>	<p>considering rezoning land the following are considered or identified:</p> <ul style="list-style-type: none"> • coastal areas, wetlands, and the margins of rivers and lakes (Section 6 (a)). • Outstanding Natural Landscapes or Features (Section 6 (b)). • significant indigenous vegetation and significant habitats of indigenous fauna (Section 6(c)). • public access to and along the coastal marine area, lakes, and rivers (Section 6 (d)). • Areas of importance to Māori (Section 6(e)). • Areas of historic Heritage (section 6 (f)). • Areas used for customary rights (Section 6 (g)). • Areas at risk from Natural Hazards (Section 6 (h)). • Habitat of Trout and Salmon (Section 7 (h)). <p>These site-specific features can appropriately be managed through alternative locations, setbacks or buffer areas, provision of landscaping and other site-specific measures to achieve the appropriate outcomes.</p>	<p>rules making the district plans long and unwieldy. The objective of having site-specific features managed through an outline development plan provides for site-specific management and takes into consideration the receiving environment of the development area.</p>
<p>LIZ-O5 - Avoid cumulative effects of non-light industrial activities.</p> <p>Avoid cumulative effects of non – light industrial activities establishing within this zone to prevent undermining the viability and function of the Kaikoura’s Town Centre.</p>	<p>Section 5 (2) (a) seeks to sustain the potential of natural and physical resources. Section 7 (g) requires regard to be had to finite characteristics of natural and physical resources. In this case it is important significant non-light industrial activities do not establish or relocate to the site at a scale that undermines the economic centre of Kaikoura township.</p>	<p>Complete avoidance of non-light industrial activities does not take into consideration the need to serve those employed in the zone for a variety of activities such as food and beverage, or the need for ancillary activities to support light industrial activities, representing the complexities of urban areas.</p> <p>Equally, not restricting the scale of light industrial activity permitted would potentially undermine the primary economic centre of Kaikoura.</p>

4. Section 32 (1) (b) requires an examination of whether the provision (Policies, rules and methods in accordance with definition provided under Section 32 (6)) are the most appropriate way to achieve the objectives (noted above). The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must if practicable quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.
5. Provisions have been bundled where they are expected to work together to achieve the objective(s). For efficiency, this evaluation focuses on the approach and the policies and rules which implement that approach as a package, rather than a detailed analysis of every provision.
6. Section 32(2)(b) requires if practicable the benefits and costs of a proposal are quantified. Given the assessment of the scale and significance of the proposed changes below, it is considered quantifying costs and benefits would add significant time and cost to the s32 evaluation processes, therefore exact quantification of the benefits and costs in this report was not considered necessary, beneficial or practicable.

Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives
<p>Relevant Objective:</p> <p><i>LIZ – O1 - Providing Light industrial Land</i></p> <p><i>The Light Industrial Zone Provides for a range of light industrial and other compatible activities which contribute to, and maintain, the social, cultural, and economic wellbeing of the Kaikōura District.</i></p> <p>Summary of Relevant provisions:</p>

Light Industrial Zone on the planning maps that identify the land subject to the report as being zoned Light Industrial.	
Efficiency and Effectiveness:	
Benefit:	Cost:
<p>Environmental: Additional land is rezoned which meets the specific needs of light industrial activities. Improved traffic environment through realignment of local road and upgrade to SH 1 intersection.</p>	<p>Environmental: The Light Industrial zoning will allow for a greater range of activities on the site and a much higher density of built form. There are a range of effects these activities will have on the environment. However, these have been considered in the technical assessments, and are either considered to be an acceptable change, or can be appropriately mitigated through the Proposed Plan's standards, or through proposed Outline Development plan requirements. Development of the land as anticipated under the proposed zoning would result in the loss of the soil as a resource available for use for primary production, some of which is Class 2 soils.</p>
<p>Economic: Industrial zoned land is made available to support the needs of the district into the future. Light industrial activities can locate without the need for a resource consent. Site will generate additional business which will boost the Kaikoura District Economy. Increased localised economic activity in Kaikoura. Greater potential for additional industrial employment opportunities and retention. Potential to diversify the Kaikoura economy.</p>	<p>Economic: Impact on the economic centre of Kaikoura if non-industrial activities relocate. Loss of rural farm land for productive use contributing to the local economy.</p>
<p>Social: Potential to improve the amenity of existing business, residential and rural zones by relocation of industrial activities.</p>	<p>Social: Minor potential reverse sensitivity effects on adjoining land owners from the location of light industrial activities.</p>
<p>Cultural: There is an opportunity to better recognise and provide for cultural values in the way the site is developed through clear upfront consultation.</p>	<p>Cultural: Development of the site has potential to uncover unknown archaeological artifacts previously not disturbed.</p>
Summary of Efficiency Assessment	
Overall, the anticipated benefits from rezoning the land to Light Industrial are considered to outweigh the costs. While the rezoning will result in the loss of land for primary production, this is outweighed by the benefits of its availability for industrial use. The land is the same Land Use Capability class as the surrounding area and is a very small portion of land when compared with what will remain	

available for rural economic use. In addition, the environmental and cultural costs arising from the potential effects of the development and use of the land for industrial activities are able to be minimised through implementation of the recommendations in the technical reports.	
Effectiveness Assessment	
<p>The proposed Light industrial zoning is considered to be the most effective means of achieving the objectives as it:</p> <ul style="list-style-type: none"> • Addresses the key resource management issues of lack of land available in the district. • Supports the districts economy. • Technical reports have confirmed it will not result in significant risks from natural hazards increasing. • Ngāti Kuri have been able to provide meaningful input. • The rezoning provides for sufficient feasible development capacity to meet the anticipated demand for light industrial activities in the district. • Technical reports identify how the rezoning can assist in improving the intersection with SH 1 reducing existing deficiencies arising from the proximity to the bridge over the Kowhai River. <p>Gives effect to relevant aspects of the CRPS by enabling a particular type of business activity in an appropriate zone. In terms of primary production, the small scale of the rezoning and the amount of remaining land in the district with the same land use capability class means resource relied on by the rural productive economy will be maintained, and the rezoning will not result in fragmentation of rural land.</p> <p>Adopts the key approach identified in the Long Term Plan and the community concerns highlighted in that plan.</p>	
Options less or not as appropriate to achieve the objective(s)	
<p>Option 1: Status quo</p> <p>Under this option, the existing rural zoning (and related provisions) applying to the sites would be retained.</p>	<p>While this has the benefit of retaining rural land for productive purposes, this option precludes additional rezoned land to meet the needs for light industrial activities highlighted through the Long Term Plan.</p>
<p>Option 2: Rezone to an existing Mixed-use/ Commercial zone.</p>	<p>Industrial activities would not be provided for, and resource consents would still be required for light industrial activities, not achieving the outcome sought of creating space for light industrial activities.</p>
Risk of acting or not acting	
<p>There is sufficient information to determine the zoning of additional industrial land in Kaikoura. Consideration of the rezoning has included a number of technical reports which have assessed servicing, lighting, noise, transport, economic, archaeological, flooding, geotechnical, contaminated land, and landscape matters. The approach proposed takes into account the technical advice. Therefore, there is a low risk of acting in the manner proposed.</p>	

Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives
<p>Relevant Objective:</p> <p><i>LIZ-O2 - Maintaining amenity values of adjoining zones.</i></p>

<p><i>The amenity values of rural or urban areas adjoining the Light Industrial Zone are maintained, while recognizing the functional and operational requirements of light industrial activities.</i></p>	
<p>Summary Relevant provisions:</p> <ul style="list-style-type: none"> • Proposed content of Outline Development Plan including boundary landscaping provisions. • Proposed Policies 3 and 4 • Proposed Standards with specific additional controls on built form and activities within proximity to adjoining properties within a different zone. 	
Efficiency and Effectiveness	
Benefit	Cost
<p>Environmental:</p> <p>Site specific controls through the Outline Development Plan enables the provision of landscaping, which creates ecological biodiversity not currently present on the site. The proposed controls will help ensure development of the area is appropriate to its context, including managing potential adverse effects of built development on neighbouring rural zoned properties, so the amenity values of these properties are maintained.</p>	<p>Environmental:</p> <p>The appearance of the site will change overtime from open rural farmland to more built form and landscaped boundaries.</p>
<p>Economic:</p> <p>None identified.</p>	<p>Economic:</p> <p>The provisions include controls and restrictions on the type and scale of development of the land and requirements that will impose additional costs (noise management, activity area restrictions). However, these have been identified within technical assessments as being appropriate to manage development of this area.</p>
<p>Social:</p> <p>Some proposed controls are intended to manage the interface between the proposed industrial area and surrounding Rural Zoned sites containing dwellings, as well as the appearance of the site from public areas such as roads. These controls will assist in maintaining and enhancing the attractiveness of the Kaikoura District as a place to live, visit and work.</p>	<p>Social:</p> <p>None identified.</p>
<p>Cultural:</p> <p>None identified.</p>	<p>Cultural:</p> <p>None identified.</p>
Summary of Efficiency Assessment	
<p>The anticipated benefits from the proposed provisions will outweigh the economic costs resulting from placing greater restrictions on development of this area. In addition, it is noted while the provisions impose economic costs associated with managing effects with neighbours, the economic</p>	

opportunities are still greater, even with these restrictions, than under the lack of industrial zone resulting in the need for site specific resource consents in alternative zones.	
Effectiveness Assessment	
The proposed provisions are considered to be the most effective means of achieving the objective(s) as together they will:	
<ul style="list-style-type: none"> • give effect to the CRPS by including provisions that ensure conflicts between incompatible activities are avoided, and the development maintains and enhances the character of the Kaikoura District. • Align with Kaikoura District Plan Strategic Objectives relating to Pattern of use between commercial and non-commercial activities (UFD – O3) and Provide for sustainable development (UDF - O4). • Achieve the outcome of providing a light industrial zone, while avoiding adverse effects on surrounding land. 	
Options less or not as appropriate to achieve the objective(s)	
Option 1: Status quo Under this option, the existing rural zoning (and related provisions) applying to the sites would be retained and resource consent for light industrial activities to occur on the site would be required.	Option 1 is not considered more appropriate to achieve the identified objectives, as the provisions for the Rural Zone do not address the matters identified in technical reports to manage the potential adverse effects of the use of the site for light industrial activities. As such, Rural Zone provisions would not respond to the area's physical features and cultural values in an integrated manner.
Option 2: Rezone to an existing Mixed-use/ Commercial zone.	Option 2 is not considered more appropriate to achieve the identified objectives as the rezoning would not provide for light industrial activities without the need for resource consents, and would enable additional commercial activities outside of Kaikoura, with the potential to undermine the economic centre of the township.
Risk of acting or not acting	
The Council has sufficient information to determine the additional provisions should be applied to the zoning of additional light industrial land in Kaikoura. The imposition of provisions, including the proposed Outline Development Plan is based on recommendations made in technical reports. Therefore, there is a low risk of acting in the manner proposed.	

Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives
Relevant Objective: <i>LIZ – O3 Managing effects of industrial activities.</i> <i>Adverse effects of industrial activities are avoided, remedied or mitigated.</i>
Relevant provisions:

<ul style="list-style-type: none"> Proposed Policies 2, 3, 5, 7, 8 and 9. Proposed Rules limiting types of activities and scale of activities permitted, including not providing for Heavy Industry. Proposed Standards relating to built form and location, provision of landscaping, management of noise and light spill and outdoor storage. 	
Efficiency and Effectiveness	
Benefit	Cost
Environmental: The provisions promote indigenous planting within the development which will have a positive effect on urban biodiversity values, and general amenity places in a work place environment.	Environmental: None identified.
Economic: Provides for light industrial activities without the need for a specialist resource consent.	Economic: The provisions include controls and restrictions on the type and scale of development of the land and requirements will impose additional costs. However, these have been identified within technical assessments as being appropriate to manage development of this area.
Social: Provisions are designed to manage effects between activities within the development areas to ensure onsite health and safety of people and ensure amenity values are maintained.	Social: None identified.
Cultural: Avoiding heavy industry is consistent with the provisions of the Iwi Management Plan relating to potential discharges to air and land.	Cultural: None identified.
Summary of Efficiency Assessment	
The anticipated benefits from the proposed provisions associated with a well-designed and integrated light industrial environment through landscaping and built form requirements will outweigh the economic costs resulting from placing greater restrictions on development of this area.	
Effectiveness Assessment	
The proposed provisions are considered to be the most effective means of achieving the objective(s) as together they will: <ul style="list-style-type: none"> give effect to the CRPS by including provisions that ensure conflicts between incompatible activities are avoided, and the development maintains and enhances the character of the Kaikoura District. Align with Kaikoura District Plan Strategic Objectives relating to Effects of Urban Growth (UFD – O1) and Provide for sustainable development (UDF - O4). 	

<ul style="list-style-type: none"> Achieve the outcome of providing a light industrial zone, while avoiding adverse effects between land within the zone. 	
Options less or not as appropriate to achieve the objective(s)	
<p>Option 1: Status quo</p> <p>Under this option, the existing rural zoning (and related provisions) applying to the sites would be retained.</p>	<p>Option 1 is not considered more appropriate to achieve the identified objectives, as the provisions for the Rural Zone do not address the matters identified in technical reports to manage the potential adverse effects of the use of the site for light industrial activities. As such, Rural Zone provisions would not respond to the needs of peoples health and safety and provide for amenity values in an integrated manner.</p>
<p>Option 2: Rezone to an existing Mixed-use/ Commercial zone.</p>	<p>Option 2 is not considered more appropriate to achieve the identified objectives as the rezoning would not provide for light industrial activities without the need for resource consents, and would enable additional commercial activities outside of Kaikoura, with the potential to undermine the economic centre of the township.</p>
Risk of acting or not acting	
<p>The Council has sufficient information to determine the additional provisions should be applied to the zoning of additional light industrial land in Kaikoura. The imposition of provisions is based on recommendations made in technical reports. Therefore, there is a low risk of acting in the manner proposed.</p>	

Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives	
<p>Relevant Objective:</p> <p><i>LIZ-04 - Development within an Outline Development Plan.</i></p> <p><i>Development within an Outline Development Plan must be undertaken in a manner consistent with the specific provisions contained within the Plan.</i></p> <p>Relevant provisions:</p> <p>Proposed contents of the Outline Development Plan.</p> <p>Policy 6.</p> <p>Rule 15 and Standard 6.</p> <p>Amendments to subdivision rules relating to including the provisions of the ODP into subdivisions considerations.</p>	
Efficiency and Effectiveness:	
Benefit:	Cost:
<p>Environmental:</p> <p>The requirement for consistency with the Outline Development Plan provides for consideration of</p>	<p>Environmental:</p>

<p>site specific matters in a way that ensure adverse effects are avoided. This includes effects of lighting on the flight path of the Hutten Shearwater (bird), adverse effects on surrounding rural neighbours relating to noise and visual effects. Mitigation using specific landscaping treatments is able to be provided, and requirement for road realignment and intersection upgrades to support the safe and efficient functioning of the road network are achieved.</p>	<p>The site is no longer available for rural production activities, including part of the site containing land use class 2 soils.</p>
<p>Economic: The ODP provides clear guidance as to the form and nature of future development of the site, which reduces costs associated with individual resource consents otherwise required to support light industrial activities. The rezoning of the site increases the opportunity for employment and for</p>	<p>Economic: There are costs to the developer associated with realigning the road network and intersection upgrades. Economic costs include restrictions on lighting including covering sky lights at night time.</p>
<p>Social: Additional development in Kaikoura provides for a sense of growth which contributes to the employment opportunities, economic diversity and a sense of progress, creating a positive community benefit.</p>	<p>Social: None identified.</p>
<p>Cultural: Opportunity for Ngāti Kuri to be engaged in the design and creation of the plan change, supporting their values and desired outcomes.</p>	<p>Cultural: The site has not been subject to significant earthworks in the past, with the potential to uncover unknown cultural artifacts. However, technical reports suggest such discovery is unlikely, and appropriate accidental discovery protocols are required to be followed under existing provisions.</p>
<p>Summary of Efficiency Assessment</p>	
<p>Overall, the anticipated benefits from rezoning the land to Light Industrial are considered to outweigh the costs. While the rezoning will result in the loss of land for primary production, this is outweighed by the benefits of its availability for industrial use. The land is the same Land Use Capability class as the surrounding area and is a very small portion of land when compared with what will remain available for rural economic use. In addition, the environmental and cultural costs arising from the potential effects of the development and use of the land for industrial activities are able to be minimised through implementation of the recommendations in the technical reports.</p>	
<p>Effectiveness Assessment</p>	
<p>The proposed ODP is considered to be the most effective means of achieving the objectives as it:</p> <ul style="list-style-type: none"> • Addresses the key resource management issues of lack of land available in the district. • Supports the districts economy through business and employment. 	

<ul style="list-style-type: none"> • Technical reports have confirmed it will not result in significant risks from natural hazards increasing. • Ngāti Kuri have been able to provide meaningful input. • The rezoning provides for sufficient feasible development capacity to meet the anticipated demand for light industrial activities in the district. • Technical reports identify how the rezoning can assist in improving the intersection with SH 1 reducing existing deficiencies arising from the proximity to the bridge over the Kowhai River. <p>Gives effect to relevant aspects of the CRPS by enabling a particular type of business activity in an appropriate zone. In terms of primary production, the small scale of the rezoning and the amount of remaining land in the district with the same land use capability class means resource relied on by the rural productive economy will be maintained, and the rezoning will not result in fragmentation of rural land.</p> <p>Adopts the key approach identified in the Long Term Plan and the community concerns highlighted in that plan.</p>	
Options less or not as appropriate to achieve the objective(s)	
Option 1: Status quo Under this option, the existing rural zoning (and related provisions) applying to the sites would be retained.	While this has the benefit of retaining rural land for productive purposes, this option precludes additional rezoned land to meet the needs for light industrial activities highlighted through the Long Term Plan.
Option 2: Rezone to an existing Mixed-use/ Commercial zone.	Industrial activities would not be provided for, and resource consents would still be required for light industrial activities, not achieving the outcome sought of creating space for light industrial activities.
Risk of acting or not acting	
The Council has sufficient information to determine the ODP and associated provisions. The imposition of provisions is based on recommendations made in technical reports. Therefore, there is a low risk of acting in the manner proposed.	

Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives	
Relevant Objective: <i>LIZ-05 - Avoid cumulative effects of non-light industrial activities.</i> <i>Avoid cumulative effects of non – light industrial activities establishing within this zone to prevent undermining the viability and function of the Kaikoura’s Town Centre.</i>	
Relevant provisions: Proposed policies including Policy 2, 8 and 9. Rules including standards limiting the scale of non-light industrial activities, or the scale of activities ancillary to light industrial activities.	
Efficiency and Effectiveness	
Benefit	Cost
Environmental:	Environmental:

<p>Economic: The limits ensure a range of activities can occur within the development area providing for a thriving economic area to form.</p>	<p>Economic: Some non-light industrial activity is permitted to occur which may be more attractive to established businesses in Kaikoura township who choose to relocate.</p>
<p>Social: By avoiding cumulative effects the site offers growth for the district which will have a flow on effect to support social wellbeing.</p>	<p>Social: None identified.</p>
<p>Cultural: None identified.</p>	<p>Cultural: None identified.</p>
Summary of Efficiency Assessment	
The benefits of ensuring cumulative effects of non-light industrial activities establishing within the zone are well managed through the provisions and reduce the potential costs to ensure the benefits outweigh any costs.	
Effectiveness Assessment	
The provisions are considered to be the most effective way of ensuring the concern around undermining Kaikoura's town centre are avoided. Specific limits to the scale of non-light industrial activities are specific, measurable, and relatively small compared to the overall size of the site. This will ensure there is not a proliferation of activities not intended to be located within the zone.	
Options less or not as appropriate to achieve the objective(s)	
<p>Option 1: Status quo Under this option, the existing rural zoning (and related provisions) applying to the sites would be retained.</p>	<p>This would preclude space available for light industrial activities and would not provide for the identified need.</p>
<p>Option 2: Rezone to an existing Mixed-use/ Commercial zone.</p>	<p>Industrial activities would not be provided for and the cumulative effect of other commercial activities locating in this area has the potential to severely undermine the economic centre of Kaikoura.</p>
Risk of acting or not acting	
Council has sufficient information, including the report and evidence of Mr. Heath to be confident the proposed method of controlling the proliferation of non-light industrial activities within the site will be appropriately managed. Therefore, there is a low risk of acting in the manner proposed.	

Scale and significance evaluation

- Section 32 (1)(c) requires an evaluation report contains a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects are anticipated from the implementation of the

proposal. In making this assessment regard has been had to the following factors and assessment.

	Low	Low – Moderate	Moderate	Moderate – High	High
Degree of change from the Operative Plan					√
Effects on matters of national importance (s6 RMA)	√				
Scale of effects – geographically (local, district wide, regional, national)		√			
Scale of effects on people (how many will be affected – single landowners, multiple landowners neighbourhoods, the public generally, future generations?)			√		
Scale of effects on those with particular interests, e.g. Tangata Whenua			√		
Degree of policy risk – does it involve effects have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	√				
Likelihood of increased costs or restrictions on individuals, businesses or communities.	√				

8. The level of detail of analysis in this report is moderate. The matters addressed in this topic are limited to the zoning of a discrete area of land in proximity to Kaikoura township. The zoning is anticipated to have limited effect outside of the township and immediately surrounding area. However, the zoning will significantly change the nature and scale of activities can occur on the site, and the anticipated character of the site and surrounding area. Facilitating light industrial development within this area also has the potential to adversely affect the surrounding environment and increases servicing requirements. The cost to

the environment, and particularly effects on neighbouring properties could therefore be high if activities within the site and the development of the area generally is not appropriately managed. To respond to these risks, the package of provisions applicable to this site have a specific focus on mitigating effects on adjoining neighbours and include an Outline Development Plan intended to guide the development. While the provisions directly affect the future landowner within the site, these are considered necessary to appropriately address the potential effects associated with the zoning.