

Officer's Report: Land Use Consent Application



KAIKŌURA
DISTRICT COUNCIL

Report to Delegated Authority

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

Application Number:	SU-2022-1874-00 & LU-2022-1875-00
Applicant:	Vicarage Views Limited
Consent Sought:	Subdivision & Land Use
Address of Activity:	2 Mt Fyffe Road, Kaikōura
Legal Description:	PT SEC 34 BLK X MT FYFFE SD & PT SEC 198 KAIKŌURA SUBURBAN RD Lot 1 DP 575959
Valuation Number:	2107031900 & 2107031902

Preamble

The Vicarage Views is a notified resource consent application that was subject to 74 submissions. pursuant to Section 34A of the Resource Management Act 1991 Council provided delegation to Graham Taylor (Commissioner - Chair), Ted Howard (Commissioner – Community Member) Mā-rea Clayton (Commissioner – understanding of tikanga Māori) to hear this application. A hearing was set for 27th April 2023. Prior to the hearing council obtained either affected person approval or the written confirmation that submitters no longer wish to be heard. No hearing is now required. In response to this on 26th April Commissioners issued a minute (Minute 1) which confirms:

- A hearing is no longer required under s100(b)
- A hearing is unnecessary to determine the applications under s.100(a)
- The hearing has been cancelled
- expert planning witnesses are to conference and prepare an agreed set of draft conditions, and where agreement on conditions is not met, to each advise in writing their reasons for disagreement with the inclusion or otherwise of any proposed condition, to be submitted to the Council no later than 5pm, Friday 12 May.
- Council reporting office, Mr Burns is to provide an amended s.42A report incorporating updated conditions and recommendation formatted for the Panel to consider and determine under delegated authority, by 5pm, Friday 19 May.

In response to this minute as the Commissioners still have the delegated authority to make the decision on the application he report has been produced for signing by Commissioners. Agreed conditions are attached in Appendix 1.

1. Description of the proposal

1.1 The location and surrounding environment

The proposal is located at the 2 Mt Fyffe Road, the very southern end of Mt Fyffe Road, approximately 5 minutes' drive from the Kaikōura Township. On the northern boundary there is a designation belonging to KiwiRail. On the North-Western boundary there is another designation belonging to Mainpower NZ Limited, and is a transfer station. Along with this are high voltage power lines that run across the subject site.

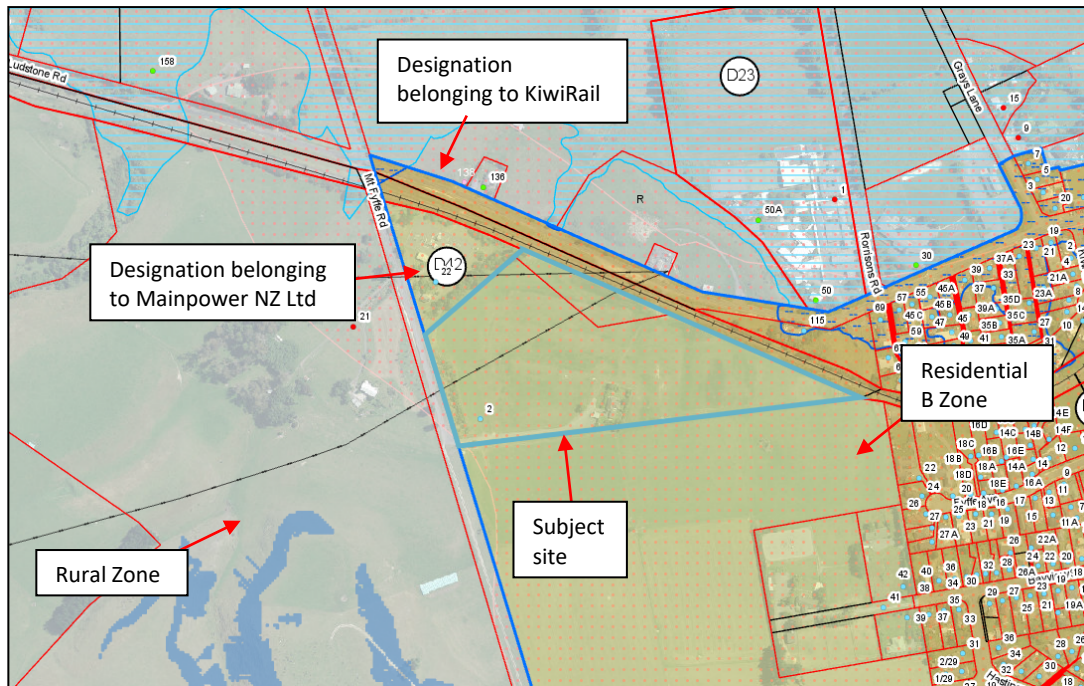


Figure 1: District Plan maps showing the subject site, and relevant surrounding overlays including designations and zones

There are few overlays that relate to the site, one of which refers to liquefaction damage being possible, but requiring further geotechnical investigation to determine the true potential.

Towards the Eastern boundary, there is a medium density/residential A zoned area, which is developed, and to the Southern boundary is undeveloped low-density/Residential B area, also presently being used for rural activities as well as the site on the western boundary, owned by the same people. The intersection used to access the site is approximately 1 kilometre from the intersection of Ludstone Road and State Highway 1 and approximately 600 metres from the Rorroris Road intersection where there are several schools located.

1.2 Council records

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

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

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

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

The Kaikōura County District Scheme review had the subject site regarded as a rural horticultural site in 1989, however, from the proposed transitional plan in 1998, the subject site had been planned as

a residential site and this was carried through to the resulting Kaikōura District Plan that is currently enacted since 2008.

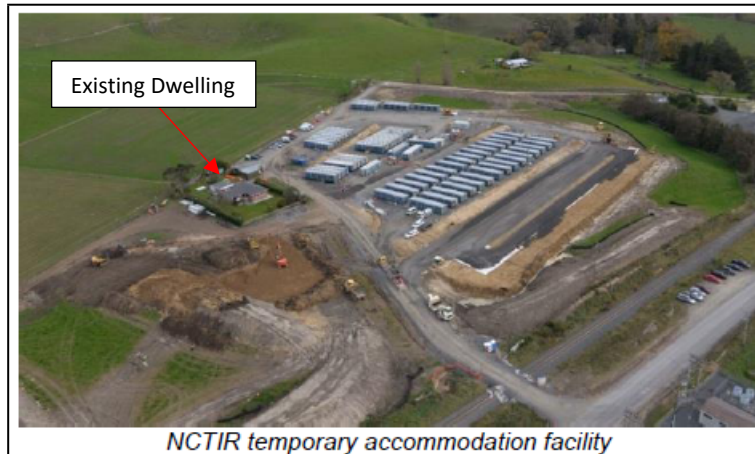


Figure 2: Image supplied in the AEE of the NCTIR ‘Village’

1.3 The proposal

The applicant seeks to create 67 new residential lots across the site of approximately 7.2 hectares, as shown from the measurements on the Record of Titles. Along with the proposed residential lots, there are 4 lots proposed for Local purpose reserves to vest in KDC (Kaikōura District Council) for the particular purpose of drainage. A final lot is reserved for Road to vest in KDC.

Lots 1-65 are proposed to be roughly compliant with the standards set out for Residential A/Medium residential zoning, with an average lot size of approximately 553m², the smallest being 500m² and the largest being 860m² and then 775m², these lots are intended to serve one dwelling each for the future and there are two right of ways/easements proposed to ensure access to some of the lots (Lots 23-25 & Lots 42-44).

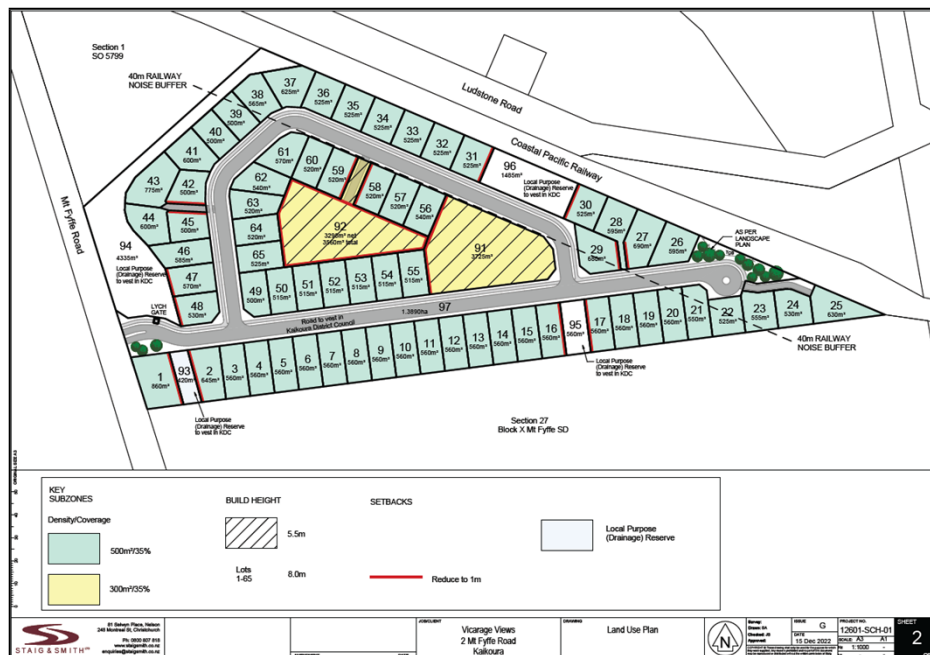


Figure 3: Proposed scheme plan for the site

The remaining two (2) residential lots being proposed are a total of 3560m² (Lot 92 including access) and 3725m² (Lot 91, no access proposed), are intended to be Multi Unit Residential Complex (MURC)

proposing to serve up to 10 residential units each allotment. The overall intention, specified in discussion with the applicant, is for these sites to be used for elderly housing with available car parking.

The proposed lot for roading is approximately 1.389ha, creating an approximately 16m wide area of roading and a sidewalk to be proposed. Along with this, the four (4) local purpose reserves, the largest being 4335m² and the smallest being 420m².

It is proposed that the existing dwelling on the site is to be demolished, as well as any accessory buildings and the existing on-site wastewater treatment and disposal system will be decommissioned. Construction earthworks will be required to be undertaken in two (2) stages. Preparation works, such as sediment controls, etc, in order to be able to make a start on works whilst awaiting the approval of the stormwater consent. Construction earthworks will then take place once this is complete, including earthworks for roading, infrastructure, etc.

The roading will link with the Mt Fyffe Road (South), approximately 340m from the intersection of Mt Fyffe Road and Ludstone Road and will include the underpass of the railway bridge. It is proposed that the speed limit in this area will remain 30km/h.

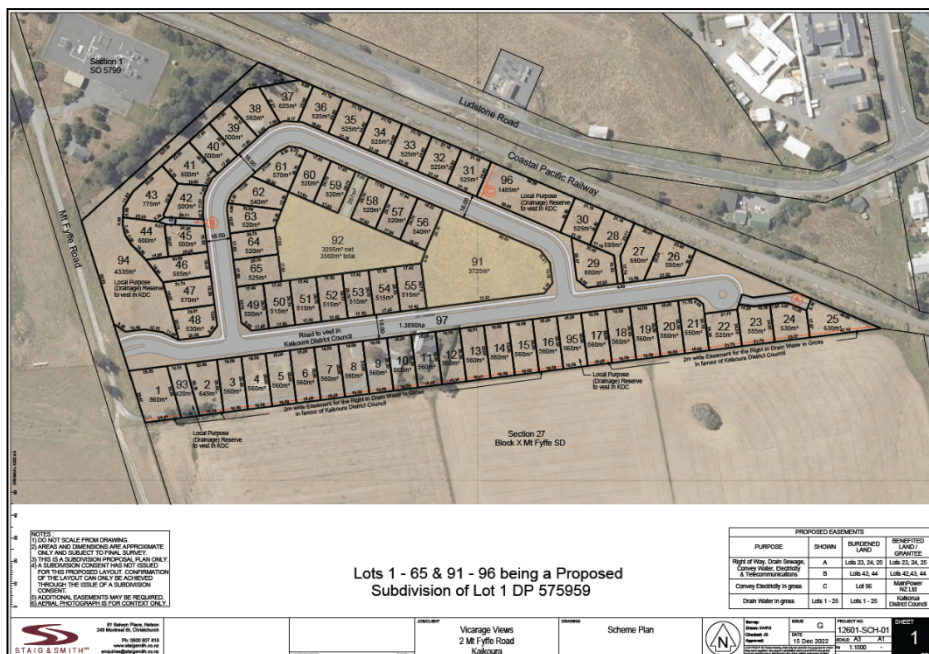


Figure 4: Satellite view of the proposed scheme plan

2. Reasons for application – District Plan Requirement

2.1 Zoning

Kaikōura District Plan: Residential B/Low-Density Residential Zone

2.2 Activity status and relevant rules

Kaikōura District Plan	
Relevant Rule	Proposal
TRAN - Transport	
TRAN-S2 – Vehicle Crossings	Vehicle crossings proposed for right of ways (Lots 23-25 and 42-44) and also a private access for Lot 92 (MUCR lot)
<p>TRAN-S4 – High Traffic generating activities Any high traffic generating activity (i.e., an activity which generates more than 100 vehicle movements per day) is a restrict Discretionary activity with Council’s Discretion restricted to the following matters:</p> <ol style="list-style-type: none"> Effects on traffic, pedestrian and cyclist safety Effects of vehicle movements on amenity values of any residential units Effects of vehicle movements on any surrounding land uses <p>Efficiency of roads and state highways</p>	As the proposal is for 67+ new residential dwellings, there will be more than 100 vehicle movements per day
<p>TRAN-S5 – Intersections</p> <ol style="list-style-type: none"> Spacing between intersections – All intersections shall be designed and located such that the minimum spacing between successive intersections in not less than the minimum distance specified in TRAN Table 5 Minimum sight distances from intersections – Unobstructed sight distances, in accordance with the minimum sight distances specified in TRAN Diagram 6 shall be available from all intersections 	<ol style="list-style-type: none"> Spacing between the intersections seems to be acceptable with the minimum distance required to be 160m spacing between intersections on a road with a legal speed limit of 60km/hr – complies Minimum sight distances are required to be at least 115m along roads with a legal speed limit of 60km/hr – the traffic impact assessment states that this <u>does not comply</u>.
SUB – Subdivision Activities	
<p>SUB-R1 – Subdivision of land in all zones – controlled where compliance is achieved (below) – does not comply – discretion restricted to matters of non-compliance and matters of control listed in SUB-R1(1)</p>	<p>Matters of discretion: Matters of non-compliance – Allotment sizes</p> <p>Control:</p> <ul style="list-style-type: none"> - Allotment size & dimensions - Subdivision design - Roading, access, and vehicle crossings

	<ul style="list-style-type: none"> - Natural hazards - Earthworks - Water supply - Stormwater disposal - Sewage disposal - Trade waste disposal - Energy supply and telecommunications - Vegetation and landscape - Easements - Building location - Soil Contamination
SUB – Subdivision Performance Standards	
i) Allotment sizes a. Residential A – 500m ² b. Residential B – 1000m ²	Site is residential B zoned – minimum lot size of 1000m ² – does not comply
ii) Water supply	Can comply – council reticulated system available
iii) Sewage disposal a. Each new allotment shall be provided with a sewerage connection to the boundary of the allotment, except where allotments are for access; roads; and utilities and reserves not requiring sewage disposal	Can comply – council reticulated system available
iv) Energy supply, telephone systems and high voltage electricity transmission lines a. New allotments shall be provided with connections to electric supply and telecommunications systems to the boundary of the allotment except where allotments are for access, roads. Utilities or reserves	Existing overhead powerlines will be moved underground
v) Preservation of vegetation	No vegetation required to be preserved – removal proposed, and some more planting also proposed
vi) Property access	Complies – Each lot is to have road frontage – vehicle crossing will be done at the time of building consent
GRZ – General Residential Zone Performance Standards	
GRZ-S1 – Density No residential unit shall be located on a site having a net site area less than the following:	Does not comply – average site size for proposed lots is 553m ² for lots 1-67 For lots 91 & 92 there are more than 10 residential units to be proposed for each lot –

<ol style="list-style-type: none"> 1. Medium density (residential A) Residential precinct – 500m² minimum, except that for multi-unit developments or more units, the average net site area of all units shall not be less than 500m² 2. Low density (residential B) residential precinct – 1000m² minimum, except that for multi-unit developments of two or more units, the average net site area shall not be less than 1000m² 	<p>proposed lots are roughly 1000m²</p>
<p>GRZ-S2 – Maximum building height 8m maximum all other areas</p>	<p>Applicant has proposed that a height restriction of 5.5m be placed on all units on lots 91 & 92</p>
<p>GRZ-S4 – Building setbacks from side boundaries No buildings shall be located closer than 2m to any internal boundary unless exceptions apply</p>	<p>Applicant has requested that for Lots that share a boundary with local purpose reserves and right of ways shall have a minimum required setback from side boundaries by 1m This is also request for lots 91 & 92</p>
<p>GRZ-S7 – Maximum height in relation to boundary No part of any building shall intrude into a height in relation to boundary constructed from points measured 2.5m above internal boundaries as shown in Appendix 3, unless exempt under Appendix 3. Where the land immediately adjoining the site, boundary forms part of an access, the height in relation to boundary shall be calculated from the far side of the right-of-way or access strip</p>	<p>The applicant requests that this standard does not apply where there is a common wall between buildings on adjoining lots and that this does not apply to the MURCs on Lot 91 & 92</p>
<p>GRZ-S8 – Maximum building coverage <ol style="list-style-type: none"> 1. Medium density residential precinct (Residential A) – 35% maximum 2. Low density residential precinct (Residential B) – 25% maximum </p>	<p>The applicant has requested that lots maximum building coverage be 35%</p>
<p>GRZ-S9 – Outdoor living space Outdoor living space shall be provided as follows: <ol style="list-style-type: none"> 1. 70m² minimum area with minimum dimension of 5m for each residential unit 2. 10m² minimum area and minimum dimension of 2m for each visitor accommodation unit 3. 10m² minimum area and minimum dimension of 2m for each elderly person’s housing unit </p>	<p>Applicant has provided alternatively standards regarding lots 91 & 92</p>
<p>GRZ-S13 – Setback, high voltage electricity transmission line No building shall be located within 20m of the centre line of any electricity</p>	<p>Does not comply – applicant is proposing to place power lines underground – protected by an easement</p>

transmission line with a voltage of 66kV or higher	
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2.3 Overall Status of Activity

Subdivision Status – **Restricted Discretionary Activity**

Land Use Status – **Restricted Discretionary Activity**

Overall Application Status – **Restricted Discretionary**

Matters of Control for the subdivision is restricted to the following:

- Allotment size and dimensions
 - Allotment dimensions of subdivisions in the Commercial Zone
 - Size and dimensions of allotments for access, utilities, reserves and roads
 - Size and dimensions of allotments for heritage items and archaeological sites
- Subdivision design
 - Relationship and orientation of allotments
 - The location of walkways and cycleways
 - The provision and/or use of stormwater channels and wetland areas
 - The degree to which subdivision design, including the location of roads and reserves recognises and provides for existing high voltage electricity transmission lines so that reasonable access to the lines is maintained
- Roading, access, and vehicle crossings
 - The location, alignment, and pattern of roading or service lanes
 - The location and provision of access to allotments for vehicles, cycles and pedestrians
 - Any financial contributions to be made by the applicant
 - Road reserves and provision for future subdivision on adjoining land
 - The standard of construction required for roading, access and vehicle crossings, other than as required by SUB-S6 to SUB-S8
 - Street lighting
 - Naming of private vehicular access
 - Protection of road reserves and vehicle crossings
 - Requirement for seal, in relation to any road where on any part of its length it has a gradient steeper than 1 in 8 and in relation to any private access with a gradient of steeper than 1 in 6 on any part of its length
 - Any environmental effects of providing access
 - Provision of access strips
 - Provision of esplanade reserves or strips
 - The purpose of the esplanade strip provision
- Natural hazards – Liquefaction within the Liquefaction hazard overlay, with matters of control restricted to:
 - Geotechnical recommendation from a site-specific geotechnical assessment of liquefaction hazard, including testing of soils;
 - Location, size and design of the subdivision, roads, access, services;
 - Recommendations for foundations for future buildings;
 - Remediation and ground treatment
- Earthworks
 - Effect on the stability of land

- Whether appropriate safeguards are in place to avoid contact with or flashovers from high voltage electricity transmission lines, and effects on the stability of support structures
- Water supply
 - The supply of potable water in any zone from a reticulated water supply system, which is not owned by the Council, or where no reticulated supply is available
 - The supply of potable water in any zone, where a Council reticulated system does not have sufficient capacity
 - Water supplies for firefighting purposes
 - The standard of water supply infrastructure installed in subdivisions, and the adequacy of existing supply systems outside the subdivision
 - Any financial contributions required in respect of water supply
 - The quantity of water to be supplied
 - The need for potable water to be supplied or consent notices to be imposed in the General Rural Zone
 - The aesthetics and quality of potable water supplied
- Stormwater disposal
 - The capacity of existing and proposed stormwater infrastructure and disposal systems
 - The effectiveness and environmental impacts of any measures proposed for mitigating the effects of stormwater run-off, including the control of water-borne contaminants, litter, and sediments
 - The location, scale, and construction of stormwater infrastructure
 - Any financial contributions required in respect to stormwater disposal
- Sewage disposal
 - The method of sewage disposal and treatment systems where a community or public reticulation and treatment is not available
 - The capacity of, and impacts on, the existing reticulated sewage disposal system
 - The location and environmental effects of the proposed sewage system
 - Any financial contributions that may be required in respect of sewage provision
 - Whether an individual, or a joint connection, is required
 - The need for reticulated sewage disposal and/or treatment in the General Rural Zone
- Trade waste disposal
 - The disposal of trade waste
- Energy supply and telecommunications
 - The adequacy and standard of electrical utility installation
 - The adequacy and standard of telecommunications installation
- Vegetation and landscape
 - The preservation of vegetation and landscape
 - The impact of the subdivision on the Rural Amenity and Landscape character
 - Any financial contributions that may be required to offset adverse effects on vegetation or landscape
- Easements
 - The need to create easements for any purpose
- Building location
 - The location of buildings and floor height
 - The extent of separation between building platforms and existing high voltage transmission lines, taking into account the requirements of NZECP:34 or any subsequent code of practice
- Soil contamination

- Whether the site contains any known contaminants
- The nature and extent of any soil contamination and risk to human health
- Any mitigation or de-contamination measures
- Whether a site has the potential to be contaminated from past or existing activities

Matters of non-compliance:

- Allotment sizes
- Energy supply, telephone systems and high voltage electricity transmission lines
- High traffic generating activities
 - Effects on traffic, pedestrian and cyclist safety
 - Effects of vehicle movements on amenity values of any residential units
 - Effects of vehicle movements on any surrounding land uses
 - Efficiency of roads and state highways
- Minimum sight distances from intersections
- Residential Density
- Maximum building height
- Building setbacks from side boundaries
- Maximum building coverage
- Outdoor living space

3. Notification

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

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

[95A] Public notification of consent applications

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

Step 1: mandatory public notification in certain circumstances

(2) Determine whether the application meets any of the criteria set out in subsection (3) and,—

- (a) if the answer is yes, publicly notify the application; and
- (b) if the answer is no, go to step 2.

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

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

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

(4) Determine whether the application meets either of the criteria set out in subsection (5) and,—

- (a) if the answer is yes, go to step 4 (step 3 does not apply); and
- (b) if the answer is no, go to step 3.

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

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

(6) *repealed*

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

(7) Determine whether the application meets either of the criteria set out in subsection (8) and,—

- (a) if the answer is yes, publicly notify the application; and
- (b) if the answer is no, go to step 4.

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

(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:

(b) the consent authority decides, in accordance with [section 95D](#), that the activity will have or is likely to have adverse effects on the environment that are more than minor.

Step 4: public notification in special circumstances

(9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under [section 95B](#).

[95B] **Limited notification of consent applications**

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

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

1. Determine whether there are any—

(a) affected protected customary rights groups; or

(b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).

(3) Determine—

(a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in [Schedule 11](#); and

(b) whether the person to whom the statutory acknowledgement is made is an affected person under [section 95E](#).

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

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

(5) Determine whether the application meets either of the criteria set out in subsection (6) and,—

(a) if the answer is yes, go to step 4 (step 3 does not apply); and

(b) if the answer is no, go to step 3.

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

(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:

(b) the application is for a resource consent for the following, but no other, activities:

(i) a controlled activity that requires consent under a district plan (other than a subdivision of land):

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

(7) Determine whether, in accordance with [section 95E](#), the following persons are affected persons:

(a) in the case of a boundary activity, an owner of an allotment with an infringed boundary; and

(8) In the case of any other activity, determine whether a person is an affected person in accordance with [section 95E](#).

(9) Notify each affected person identified under subsections (7) and (8) of the application.

Step 4: further notification in special circumstances

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

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

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

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

Assessment of notification in accordance with sections 95A, 95C and 95D of the RMA	
<u>RMA Requirements</u>	<u>Assessment of proposal</u>
<i>Step 1: Mandatory public notification in certain circumstances</i>	
Determine if any of the following apply, and if yes notify the application: (a) the applicant has requested that the application be publicly notified: (b) public notification is required under section 95C (c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977	(a) The applicant has request the application be publicly notified
Conclusion	The application is to be publicly notified as per Step 1 (a) at the request of the applicant

Submissions

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

There were no issues encountered throughout the notification process.

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

<p>1. B. Dunnett 39 Adelphi Tce Supports application in part</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • More vegetation is to be removed than planted • “a desert of rooves & asphalt” • Climate change impacts – ensure there is still some vegetation to ensure tree cover and other benefits of vegetation 	<p>2. M. Madden – No address Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Housing is much needed – affordable, freeing up • rentals for whanau needing to get away from temporary housing – More permanent housing • Allow for movement and progression
<p>3. Kaikōura Dark Skies Trust – No address Supports application in part</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Contacted by William Loppe for consultation on street lighting. • Lighting goals that should set a precedent for future developments & the community 	<p>4. M. Chambers – No address Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • [Submitter] Could be considered a trade competitor • Affordable & retiree housing in critical short supply

<ul style="list-style-type: none"> • Application has not mentioned listed aspects, but Loppe has assured that Vicarage Views will incorporate all discussed features: <ul style="list-style-type: none"> ○ Horizontal cutoff to prevent upward emission ○ Rear shielding ○ Warm colour temperature (2200K) to remove blue light wavelengths ○ Central management system to control light intensity ○ A movement activated feature on all units to reduce energy wastage 	<ul style="list-style-type: none"> • Location of proposal next best site after location of new fire department • Proximity to services, town, shops, school etc • Outside natural hazard zones • Even on smaller sites – amenity can be preserved • An asset to town • Essential addition for diverse community
<p>5. G. C. Harmon – No address Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Ideal location – schools and town centre within (access to amenities) • walking distance • Affordable housing 	<p>6. J. Wyatt – 59 Kotuku Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Is an employer, school board, two other trusts – proposal is vital for Kaikōura • An opportunity to attract people to fill growing vacancies • Need to generally improve the town – aide in the housing shortage • Fulfil Council (community lead) ambition for Kaikōura – a great place to work and live
<p>7. B. Harmon – 32 Koura Bay Dr Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Provided no comments 	<p>8. R. Munro – 39 Marsden Rd (Nelson) Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Possible and likely resident in favour of development • Close to town centre and walking distance to schools – ideal and underutilised area • Will improve the housing shortage crises & contribute to housing the community • Higher density development will allow for additional new homes • Tap into more cost effective home ownership and cultivate a local community within the development • Attract addition skilled workers to the area & young families – contribute to Kaikōura’s existing infrastructure
<p>9. F. Ibbotson – 192 Esplanade Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Town needs affordable houses in town particularly to attract and retain staff. If 	<p>10. S. Wyatt – 59 Kotuku Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Massive housing shortage in Kaikōura • Any initiative that provides and assists a

<p>business does well, so does the town.</p> <ul style="list-style-type: none"> • Vital to have housing for aged population 	<p>solution and benefits the wider community is good</p> <ul style="list-style-type: none"> • Location is good for proximity to amenities
<p>11. Janice Dreaver – 94 Beach Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Will fill a gap in offering a choice of good, cost efficient, warm, and healthy housing • Proximity to hospital, doctors, schools, and other essential services • Dire housing shortage within affordable residential homes & support for elderly • Development will assist in filling gaps • Huge asset for economic and employment growth • Lack of rentals continues to put pressure on an already stressed sector 	<p>12. R. Ensor – 10 Greenburn Way Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Location and proximity to schools, town centre and any initiative that provides for Kaikōura housing shortage improving town wider community
<p>13. F & S Syme – 75 Harnetts Roads Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Proximity to schools, town centre & hospital ideal for elderly housing & affordable & new housing • Close to essential services – for elderly who want to retain independence • Assist people in getting on the housing ladder • Freeing up rental properties for seasonal workers & new people moving to Kaikōura for permanent work • Staff find it difficult to find places to live and therefore, businesses lose employees • Good for local businesses and potential for new businesses & amenities 	<p>14. The Joiner Shop Kaikōura – 19 Beach Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Submission was exactly the same as F & S Syme (above)
<p>15. A. Evans – No address Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Location and proximity to schools, town centre, & any initiative that provides or assists in • Kaikōura housing shortage providing accommodation for employees, first home buyers and elderly wanting to downsize 	<p>16. D. Margetts on behalf of L. Margetts & W. M Smart Partnership – 21 Mt Fyffe Rd Opposes application in full – withdrew wish to be heard</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Want a copy of the detailed dust plan • Do not consider the current road width under the railway bridge is suitable • Request that Mt Fyffe Rd be formed at 8m across its entire length including under the rail bridge • Request a plan of the shared pathway from Vicarage views to Ludstone road

	<p>intersection be provided</p> <ul style="list-style-type: none"> • Request consultation with vestry of St Peters church, Kaikōura when naming new streets • Request consent notice/covenant between council and the land owner to preclude social housing • Request decline of volunteered performance standard that where there is a common wall between building on adjoining lots, recession planes do not apply • Request new fence be designed providing protection from farm grazing stock, pet proof, safe for Lots 1-25 – fence to be post and wire with full mesh fixed to Vicarage Views side, & two outrigger hot wires fixed mid height to farm side, fence to incorp warning signs to alert residents about electric fence risk and to stay out of paddocks at all times – applicant to pay • No effects considered in the AEE regarding submitters farm – request an assessment of effects on views from residence of the sea, reverse sensitivity, no complaints covenant to protect continuing operation of farm • Shares same access road – traffic impact assessment is deficient – no regard of vehicles exiting and entering submitters access • Proposal suggests 40km/hr limit – the current is 30km/hr Request speed limit of 30km/hr & recontouring of road between VV and submitters driveway to even gradient and remove blind spot • Request a connecting piece of land designated to allow for future vehicle access to adjacent residential B zoned land
<p>17. W. Gray (Kaikōura Cycle Club) – 14 Takahanga Tce Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Excellent location close to schools & town • Great place for retirees to build • Will help grow Kaikōura community • Linkage to Ocean Ridge for cyclists 	<p>18. C. Lister – No address Supports application in full – withdrew wish to be heard</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Kaikōura needs investment in more housing • Jobs created and ongoing • Improvements to roading & footpaths
<p>19. N. & M. Ross Family Trust – 8 Chance Haven Supports application in full</p>	<p>20. R. Hunt – 13A West End Supports application in full</p>

<p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Kaikōura needs more smaller sections available to meet a price point that more families can afford • No current provision for elderly • Lack of industry & minimal high income jobs, need smaller more affordable sections to encourage growth • Land close to amenities, etc • Good variety of lots/housing 	<p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Wishes to build in Vicarage Views • Opportunity for affordable housing/sections • Benefit community
<p>21. R. Cullen – 3 Kotuku Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Kaikōura needs more affordable housing 	<p>22. N. Robertson – 27 Avoca St Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Proximity to school & towns • Improves town and wider community • Aides in housing shortage and quality housing
<p>23. S. Kavanagh – 7 Hapuku Road Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Proposal will help people – benefit the community • Affordable – location • Proximity to town/shops/hospital • Aid in growing the building industry 	<p>24. D. Atoa – 35 Adelphi Tc Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Proximity to school, hospital & town • Supports building industry
<p>25. L. Waihirere – 203B Beach Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • v Great for housing • Town is close • Schools are close 	<p>26. R. Aikman – 148 Beach Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Ongoing work for locals (building) • Aid in housing shortage • Near schools & town
<p>27. M. Aikman – 148 Beach Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Urgent housing needed • Excellent location – close to schools & amenity • Work for town – building & employment • Moving town forward 	<p>28. J. Hollzman – 2145 SH1 Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Close to schools • Support Kaikōura’s building industries
<p>29. K. Chann – 2024 (2025) SH1 Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Town needs more houses 	<p>30. M. Pattison – 41 Koura Bay Dr Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • The location to town is great

<ul style="list-style-type: none"> • Will keep town busy – economic boost • More job opportunities 	<ul style="list-style-type: none"> • Elevation is ideal for housing
<p>31. G. D. Hunt – 2 Te Keepa Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Great location for more housing 	<p>32. S. MacEwan – 5 Takahanga Tce Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Great for town and housing shortage
<p>33. S. Giles – Red Swamp Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Future employment 	<p>34. M. Burnett – 290 Red Swamp Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Great for the town • Site is ideal – close to schools & town • Future employments
<p>35. J. McInnes – 16 Miro Miro Dr Supports application in full – wishes to be heard – withdrew wish to be heard</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Growth & development of the town • Progress instead of re-gress 	<p>36. I. Stone – 41 Rakanui Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Potential for more construction work • Good location to schools and growing the community
<p>37. B. Ensor – 40 Rakanui Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Close to town, schools, shops, hospital • Help with housing shortage and getting people into homes and ongoing employment in building/contracting industry 	<p>38. V. Hunt – 40 Rakanui Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Will ease building issue in Kaikōura • Family would support this • Proximity to schools & town centre • More affordable housing & elderly housing
<p>39. L. Harnett – 42 Harnetts Road Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Provide good housing in great location • Positive investment 	<p>40. K. Patlen – No address Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • More affordable housing in a shortage • Elderly allocations is important
<p>41. D. Joyce – 87 Green Lane Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Provide much needed housing close to town & schools • Affordable living • Suitable lots for elderly • Development will enhance town 	<p>42. L. Buurman – 96 Esplanade Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Offers different approach to housing than what is on offer already in Kaikōura • Opportunities for broader cross-section of community to purchase or rent a property suited to their needs & abilities • Much needed housing for stuff – an ongoing challenge especially for those seeking rental accommodation close to

	town
<p>43. J. Gray – 166A Esplanade Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Well needed housing opportunities for lower income households & retirement aged people looking to downsize but stay in town 	<p>44. B. J. Cooper – 138 South Bay Pde Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Good location relative to schools & town centre Good solution to housing shortage
<p>45. J. Gemmell on behalf of The Ministry of Education – BECA ANZ Centre, 297 High St, Christchurch Opposes application in part – withdrew wish to be heard</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Traffic safety and traffic noise effects Construction & associated roading, landscaping & earthworks result in dust, noise and vibration effects on the schools Heavy traffic movements for construction vehicles crossing entry point turning bay connecting Ludstone & Rorrison's Road for High School – potential congestion and safety effects 	<p>46. R. Gibson – 1481Z SH1 Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Good location, proximity to schools and town centre Housing shortage Improving the town & community
<p>47. R. Joyce – 87 Green Lane Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Improve extreme housing issues Provide income opportunities for Kaikōura trades people Great location for schools, shops, etc for Kaikōura families 	<p>48. S. Ibbotson – 192 Esplanade Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Great location – schools & town Kaikōura needs more affordable housing
<p>49. L. de Vine – 151 Beach Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Kaikōura has a lack of housing for elderly & others – proposal will cater for this Located close to schools & town Provide assets to improve town & community 	<p>50. A. Chappell – 7/78 Esplanade Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Location – Ideally placed for schools & town Will address the housing shortage for elderly and wider population
<p>51. R. James – 40 Greenburn Way Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Location and close proximity to schools & town 	<p>52. M. Jansen – No address Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Location and proximity to schools & town Helps with housing crisis

<ul style="list-style-type: none"> Helps with shortage of housing and opportunity for others to get into the housing market 	
<p>53. Dennis Buurman – No address Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Kaikōura is attracting more business and opportunities for workers Change in lifestyle Desperate need for more suitable housing Ideal location 	<p>54. Susi Haverstock on behalf of the Kaikōura Housing Forum – 96 West End Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Much needed in Kaikōura District Affordable, sustainable housing to alleviate chronic shortfall of housing stock Supported by Penny Hamilton on behalf of Ministry of Social Development has supported this application in conjunction with Kaikōura Housing Forum
<p>55. Beverley Chambers – No address Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Extreme housing shortage People choosing to Airbnb properties Desirable location – close to town, schools, hospital & other amenities Will benefit the wider community 	<p>56. Campbell Construction – 186 Mill Road Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Support with the housing shortage Location is close to all schools and town
<p>57. M. Campbell – 278 Mt Fyffe Road Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Location & proximity to town and schools Great asset to town 	<p>58. R & T Ross – 103B Beach Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Good development for town Providing affordable accommodation & industry for locals
<p>59. D. Bassett – 3157 SH1 Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Fully supports the proposed development – no further comment 	<p>60. D & M Stevenson – 58 West End Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Great development for the town Great for locals
<p>61. G. Cooke – 299 South Bay Pde Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Fully support the proposed development – no further comment 	<p>62. G. Loppe & A. Avry – 43 Lovers Lane Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> Kaikōura in dire need of quality affordable accommodation Mix of housing caters for different affordability matters Balanced mix of higher value houses with views will allow offsetting land development costs, enabling affordability

	for the remainder of the subdivision
<p>63. Judith York – 12 Swyncombe Pl Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Close to schools & town centre • Any initiative that provides 	<p>64. Joanna York – 145 Athelney Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Town needs more housing especially affordable & elderly homes • Affects can only positive • Allow town to grow and people to stay
<p>65. D. Valentin – 145 Athelney Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Young worker who would like to buy an affordable property to stay in Kaikōura 	<p>66. A & J Hickey – 5 Clemett Crs Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Kaikōura needs further housing for town to progress • Housing will be more affordable & location is handy to all amenities
<p>67. Pastor B. O’Connor – 2 Beach Rd Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Enables a complete demographic, young-old – caters for wide demographic • Responds to community housing needs in balanced & progressive way • Mix of property ownership is innovative & much needed • Seen needs for affordable housing 	<p>68. M. Welgus – Sudima Hotels South Island Regional Manager – 114 Esplanade Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Critical KDC facilitates this type of initiative supporting businesses – attracting & retaining staff • Lack of quality & affordable housing is obstacle to Kaikōura growth – should be a priority • KDC should take their responsibilities of operating under an outdated District Plan in accommodating the necessary departures to allow developers & investors to carry their projects out to current & accepted national standards
<p>69. E. Duncan – Rodin Cars General Manager – 1201 Inland Rd, Mt Lyford Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Any growth & development initiatives for and within the town will help local industries • Critical for future staff to find accommodation – cycle of contribution • Smaller sized properties with full urban services will be efficient and effective to meet the present & future needs of residents • Urban growth & development within 	<p>70. J. Chambers – No address Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Need of housing in the community • Help support the community & businesses & families/people find somewhere to live in our area

<p>existing urban limits & greater densities are aspects that need to be supported.</p> <ul style="list-style-type: none"> • New property characteristics will no doubt promote improved affordability 	<p>72. R. Roche – No address Supports application in full – Wishes to be heard</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Housing within Kaikōura is in short supply & not affordable • Housing type & stock needs to be addressed for town to grow
<p>71. M. Fissenden/Fissenden Brothers Ltd – 38B Titoki Dr Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Project will assist in Kaikōura housing shortage giving a range of housing options • Location to schools & other community amenities • Location is not flood prone 	<p>74. L. Bocker – 20 Cromer St Supports application in full</p> <p><u>Summary of submission</u></p> <ul style="list-style-type: none"> • Concerned about lack of available housing across all demographics – particular entry level • Location of development is ideal

73. M. Skinner – 280 Postmans Rd

Supports application in full – Withdrew wish to be heard

Summary of submission

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

The applicant undertook pre-hearing meetings with the parties that had submitted in opposition to the application, being Smart & Margetts Partnership and J. Gemmell on behalf of the Ministry of Education.

The applicant and the parties came to a private agreement prior to the hearing, the submitters notifying Council they no longer wish to be heard (Ministry of Education 24//04/23, Margetts & Smart 26/04/23). The remaining parties who were in support of the application and wished to be heard withdrew their requests upon being notified that the opposing submitters had provided their approval.

4. Consideration of the proposal

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

The proposal is for a **Restricted Discretionary activity** as shown in the above table; therefore, council may grant or refuse consent, but assessment is restricted to certain matters of control and discretion.

A consent authority may impose conditions of the consent under section 108 only for those matters – over which control is reserved in national environment standards or other regulations, or over which it has reserved its control or discretion in its plan or proposed plan.

4.1.1 Written Approval

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

Written approval was obtained from all adjacent neighbours to the site. Smart & Margetts Partnership Ltd and Ministry of Education provided their written approvals prior to the date of the hearing after coming to a private agreement with the applicant.

4.1.2 Restricted Discretionary Activity 104C Resource Management Act 1991

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

4.1.3 Permitted baseline

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

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

4.1.4 Character and Amenity

The subject site, although located in the residential B zone/Low-density zone, is adjacent to the rural zone and next to a working farm across the road and on the southern boundary of the site. The character of the proposal is largely out of keeping with the surroundings but mostly in keeping with

the existing zoning. The existing activity could be considered to be out of character for the zoning, given that it consists of one dwelling and is actively grazed by cattle.

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

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

4.1.5 Subdivision design

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

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

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

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

4.1.6 Earthworks

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

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

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

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

The purpose of the earthwork proposed are preparation works – whilst awaiting for stormwater consent approval from Environment Canterbury. This would largely be sediment control work. Once the stormwater consent is obtained and plans are approved, construction works will be undertaken, this will be for infrastructure including roading and moving powerlines underground.

4.1.7 Water supply

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

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

4.1.8 Stormwater disposal

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

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

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

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

Throughout this process, Council expects that the application will include confirmation that stormwater quality will meet current ECan requirements and that the proposed stormwater discharges will not cause additional adverse hydraulic effects downstream of the development. Currently Council cannot make further determination on the stormwater effects as the application has only taken into consideration pre-development flows. Peak flow rates may need to be reduced below pre-development levels, to take account of delays through detention storage and increased runoff volumes from increases in impervious areas caused by development and Council has concerns that the proposal will breach the existing global stormwater consent held with Environment Canterbury.

4.1.9 Sewage disposal

Council engineers have raised no concerns in relation to sewage disposal, as the Council reticulated system has capacity for the development to connect.

4.1.10 Easements

There are several easements as part of this proposal.

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

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

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

4.1.11 Building location

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

4.1.12 Vehicle crossing

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

4.2 Assessment of Effects

As discussed in the above aspects, the site exists as an empty site with a singular dwelling surrounded by rural landscapes. Therefore, any proposal for subdivision or changes in this location will likely have an effect on the surrounding area. The proposal is designed to be medium-density residential in nature, more so that what would be permitted. Despite this, previous uses of this land in the form of being a temporary accommodation village for workers as part of the earthquake recovery efforts, show that higher density living here is possible, especially with the correct infrastructure to support the activity.

Traffic is a significant change in the activity being proposed. The site will contribute 67+ new households to using Mt Fyffe Road [South] which is currently only being used by agricultural vehicles servicing the existing neighbouring farm and one other residential unit. This will result in more than 100 new vehicle movements per day, also in close proximity to the schools in the area. Although, appropriate management plans and traffics plans proposed, ensure that effects can be mitigated. The increase in units will also see an increase in noise (especially during construction), light and general activity taking place, in comparison to what the permitted baseline would be for a low-density zoned area.

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

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

4.2.1 Natural Hazards

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

4.2.2 Transport and High Traffic-generating activity

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

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

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

Furthermore, the TIA has assessed the width of Mt Fyffe Rd between the new intersection and the Ludstone Rd intersection, including the single lane under the overbridge and has recommended that this all be widened to 8m. I agree with this recommendation although the applicant has only proposed widening the road between the new intersection and (but not including) the railway bridge.

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

The Traffic impact assessment has made the following final recommendations:

- Kaikōura District Council gives consideration to reducing the posted speed limit on Ludstone Road, in the vicinity of the Mt Fyffe Road intersection, to 50 km/h;
- Mt Fyffe Road is widened to 8 m wide between the site and the single-lane section (i.e. through the Railway Overbridge);
- Mt Fyffe Road is updated to stop control on the north side of the intersection with Ludstone Road;
- Flag lighting is provided at the Ludstone Road/Mt Fyffe Road intersection;
- Vegetation is trimmed/removed and permanently maintained at the Ludstone Road/Mt Fyffe Road intersection;
- Vehicle crossings are to be sealed and between 3 and 6 m wide;

- Vehicle crossings for corner lots are to be provided from the lower volume road;
- A minimum turning head radius of 9.5 m is to be constructed at the end of the road;
- The speed limit throughout the site is to be limited to 40 km/h at a maximum;

4.2.3 Subdivision – allotment sizes, dimensions & design

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

4.3 Kaikōura District Plan Objectives – assessment

Kaikōura District Plan	
UFD-O1 – Effects of urban growth To provide for urban growth where any adverse effects on natural and physical resources are mitigated, avoided, or remedied	Complies – adverse effects are intended to be mitigated – site is zoned residential, activity is within keeping. Physical resources should be largely unaffected
UFD-O2 – Efficient use of existing infrastructure and energy To encourage an urban form where existing physical infrastructure and energy is used efficiently and where any adverse effects on natural and physical resource, including infrastructure, are mitigated, or remedied	Complies – existing power and infrastructure would be extended and amended to accommodate for the proposal
UFD-O3 – Pattern of use between commercial and non-commercial activities	Not applicable
UFD-O4 – Provide for sustainable development To provide for sustainable development, including tourism in a way which avoids or mitigates adverse effects on Kaikōura’s amenity values and distinctive character	Complies – development is suited to the site – the site has been registered as residential for 15 years. Infrastructure is nearby and green space is still surrounding the site
UFD-O5 – Sustainable tourism growth	Not applicable
UFD-O6 – Enable visitor accommodation To recognise the need to provide visitor accommodation for visitors to the District while avoiding or mitigating the impact of increased visitor numbers on the sustainable management of the District’s resources	Can comply – visitor accommodation will be available following this application – however, many of the submissions and intentions of this proposal is for housing – however, visitor accommodation would still require a separate resource consent
UFD-P1 – Urban development avoids natural hazards To accommodate additional urban development only where the risk from flooding, land instability and coastal erosion or inundation are low	Complies – only concern raised was potentially liquefaction – however this is unlikely
UFD-P2 – Urban growth integrates with traffic safety and	Does not comply – this does not

<p>efficiency</p> <p>To ensure additional urban growth does not adversely affect traffic safety and efficiency of the State Highway</p>	<p>affect SH1 however, surrounding roads would see significant affects – application suggests that Mt Fyffe Rd is to see an increase in 905 vehicle movements per day (vpd) from 20 vpd</p>
<p>UFD-P3 – Urban growth has appropriate infrastructure</p> <p>To ensure that additional urban growth does not adversely impact on the ability of the drinking water supply and sewerage systems to protect public health</p>	<p>Complies</p>
<p>UFD-P4 – Provide for peripheral urban development</p> <p>To provide for peripheral urban development where the adverse effects on other activities are able to be avoided or mitigated</p>	<p>Complies – urban edge of the township</p>
<p>UFD-P5 – Urban growth accounts for Treaty of Waitangi obligations</p> <p>To ensure that any proposals for urban growth respect the obligations under the Treaty of Waitangi, and the needs of Te Rūnanga o Ngā Tahu</p>	<p>Not applicable</p>
<p>UFD-P6 – Discourage unplanned urban growth</p> <p>To discourage unplanned urban growth between the coastal settlements to protect the amenity of coastal areas as viewed from the State Highway</p>	<p>Complies</p>
<p>UFD-P7 – Provide for a comprehensive living environment</p> <p>To provide for a comprehensive living environment just west of Kaikōura Township</p>	<p>N/A</p>
<p>UFD-P8 – Existing infrastructure is used efficiently</p> <p>To ensure that existing physical infrastructure is used efficiently by accommodating additional urban development within the existing urban areas or on the periphery of these areas</p>	<p>Complies</p>
<p>UFD-P9 – Reduce energy needs and consumption</p> <p>To reduce the need for the use of fossil fuels by accommodating additional urban development within existing urban areas or on the periphery of these areas</p>	<p>Could comply</p>
<p>UFD-P10 – Provide public facilities</p>	<p>Not applicable</p>
<p>UFD-P11 – Growth is within infrastructure capacity</p> <p>To ensure that population and visitor growth does not place undue demand on existing infrastructure and services</p>	<p>Complies</p>
<p>UFD-P12 – Provide for commercial areas</p>	<p>Not applicable</p>
<p>UFD-P13 – Limit mobile vendor locations</p>	<p>Not applicable</p>
<p>UFD-P14 – Encourage development in line with Kaikōura’s character</p>	<p>Not applicable</p>
<p>UFD-P15 – Provide for tourist activities where appropriate</p>	<p>Not applicable</p>
<p>UFD-P16 – Building design and tourist facilities</p> <p>To promote and encourage building design and tourist facilities which reflect and incorporate elements of a small coastal village</p>	<p>Not applicable</p>
<p>UFD-P17 – Design guidelines</p>	<p>Can comply</p>

TO encourage development to proceed in accordance with the design guidelines in Appendix 1	
UFD-P18 – Tourism development	Not applicable
UFD-P19 – New tourist and non-tourist activities	Not applicable
UFD-P20 – Sustainable tourist activities	Not applicable
UFD-P21 – Operation and expansion of tourist activities	Not applicable
UFD-P22 – Balance tourism and growth with existing character	Not applicable
UFD-P23 – Visitor accommodation and affordable housing To provide for existing and proposed visitor accommodation activities as well as additional affordable housing	Should comply – the intention of the proposal is for affordable housing
UFD-P24 – Control effects of visitor accommodation	Not applicable
UFD-P25 – Effects of visitor accommodation	Not applicable
TRAN-O1 – Efficiency and safety of transportation infrastructure To provide for the safe and efficient use of the District’s existing and future transportation infrastructure	Can comply – should roads be correctly designed and accessed
TRAN-O2 – Manage effects of transportation To avoid, remedy or mitigate actual and potential adverse effects of transportation	Traffic report states that the proposal exceeds requirements of district plan
TRAN-O3 – maintenance and provision of access To maintain and provide for access and ease of pedestrian and vehicle movement throughout the district	Traffic report states it complies
TRAN-P1 – Promote, protect, and improve efficiency and safety of the transport network 1. To promote the efficient use of all roads within the District by adopting and applying design and access standards within different zones of the District, based on the intended function of each road, and the expected vehicle generation. 2. To protect the efficiency of through traffic on State Highway 1 due to its role as a carrier of through traffic. 3. To improve the safety of local traffic and pedestrians on Beach Road due to its role as a local road and business area. 4. To promote the efficient use of roads by ensuring the size, location and type of access to properties is appropriate. 5. To reduce congestion and loss of efficiency of roads by ensuring off-road parking and loading is provided for activities. 6. To promote and encourage cycling as a safe and efficient use of the Districts roads. 7. To provide for the continued operation of the Kaikōura Airfield and lawfully established helipads. 8. To recognise the Airfield as an important transport node in the District and to avoid, remedy, and mitigate effects of reverse sensitivity on airfield operations. 9. To require all business activities to provide adequate and convenient car-parking for customers and staff. 10. To support the new development of safe pedestrian links,	1. Can comply 2. Not applicable 3. Not applicable 4. Can comply – does not with small carriageway at rail overbridge 5. Likely to cause more traffic congestion due to proximity of schools and small road and intersection 6. Does not comply at this stage 7. Not applicable 8. Not applicable 9. Can comply 10. Can comply 11. Not applicable 12. Complies – not a settlement zone but on periphery of main township

<p>and to upgrade existing pedestrian links, in order to promote and provide for the safe, direct, and pleasant movement of pedestrians and to reduce short vehicle trips and congestion.</p> <p>11. To improve connections between rail and other transport modes, particularly pedestrian access, to the commercial areas of the township.</p> <p>12. To encourage any new urban development in Settlement Zones to locate within or on the periphery of existing settlements to reduce the length of, and need for, vehicle trips.</p>	
<p>TRAN-P2 – Manage the environmental effects of transportation</p> <p>1. To encourage new residential development to locate within or on the periphery of existing settlements to reduce the length of and need for vehicle trips.</p> <p>2. To enable people to establish workplaces in their homes to reduce the need for vehicle trips, provided other effects on the environment are minor.</p> <p>3. To support the development of pedestrian and cycling links within the settlements and urban areas, having regard to the needs of disabled persons by making these facilities safe and pleasant.</p> <p>4. To promote the use of transport modes which have low adverse environmental effects.</p> <p>5. To ensure new roads are designed to visually complement the surrounding area.</p> <p>6. To encourage the incorporation of tree and landscape plantings within new roads and roading improvements, wherever possible, having due regard to traffic and pedestrian safety.</p> <p>7. To ensure any adverse effects arising from road or railway maintenance, protection, upgrading, construction or realignment on the following are avoided, remedied or mitigated: significant habitats of indigenous fauna, indigenous plants; the natural character of the coastal environment and waterbodies; outstanding landscapes and natural features; mahinga kai and taonga; and habitats of salmon and trout and; people and communities.</p> <p>8. To ensure parking and loading associated with activities, does not adversely affect the amenity enjoyed by neighbours</p>	<p>1. Complies</p> <p>2. Can comply – home occupation/business standards will still apply</p> <p>3. Does not quite comply – little provision for pedestrian access to the development</p> <p>4. Does not comply due to the above</p> <p>5. Should comply</p> <p>6. Can comply</p> <p>7. Should comply</p> <p>8. Should comply</p>
<p>TRAN-P3 – Ensure maintenance and provision of access</p> <p>1. To encourage the development of pedestrian areas, walking routes, and cycleways, having regard to the needs of disabled persons</p> <p>2. To ensure access is available through the provision of new roads and related facilities</p>	<p>Somewhat complies – sidewalks to be proposed within the subdivision – little provision of pedestrian or cycling access to the subdivision</p>
<p>SUB-O1 – Avoid natural hazard risks from subdivision Subdivision is:</p>	<p>Complies</p>

<ol style="list-style-type: none"> 1. Avoided in areas where the risk to life or property from natural hazards is unacceptable; and 2. Managed in other areas to ensure that the risk of natural hazards to people and property is appropriately mitigated 	
<p>SUB-02 – Provide services at subdivision To provide essential services at the time of subdivision, subject to any adverse effects on the environment from the provision of these services being mitigated, avoided or remedied</p>	Complies
<p>SUB-03 – Sites are suitable for a range of sustainable land uses To provide for allotments which are suitable for a range of sustainable land uses, except where special sites are required as provided for in SUB-I4</p>	Complies – Range of activities and uses and designs made available
<p>SUB-04 – Provide for special lots To recognise the need for special lots to be created or activities where small lot sizes are required for activities such as utilities, recreation, roading and access or to protect values such as heritage, conservation or Ngāi Tahu values</p>	Special lots being provided in the form of drainage reserves, elderly housing and roads
<p>SUB-05 – Protect natural, cultural, and heritage values At the time of subdivision, to avoid, remedy or mitigate adverse effects on sites having ecological, conservation or, heritage values or on sites of importance to Ngāi Tahu</p>	Complies
<p>SUB-06 – Ensure subdivision design and amenity To ensure subdivisions are designed and constructed to create a pleasant amenity, so that solar energy is taken advantage of and so that erosion is avoided</p>	Complies
<p>SUB-07 – Avoid contaminated land risks from subdivision To ensure that subdivision of potentially contaminated sites is either avoided or undertaken so that there is no increase in human health from contaminants</p>	Complies
<p>SUB-P1 – Control subdivisions affect by natural hazards</p> <ol style="list-style-type: none"> 1. To avoid or control subdivision where there is a 0.2% or higher probability that people or property will be affected by flooding from rivers in any one year. 2. To avoid subdivision where there is a risk of erosion, subsidence, slippage, or inundation from coastal hazards, and where the effects from such risks cannot be avoided or suitably mitigated. In respect of subdivision within the coastal environment, consideration will be given to possible future sea level rise. 3. To ensure that any remedial measures do not give rise to adverse effects on the environment. 4. In considering new subdivisions, Council will recognise the following: <ol style="list-style-type: none"> a. the integrity of natural systems, such as beaches, dunes and wetlands, that are a natural defence to erosion and/or inundation b. the ability of natural features such as beaches, dunes and wetlands, to protect subdivision and 	Complies with all – minimal threat of natural hazard in this location

<p>Development</p> <p>c. that new subdivision in the coastal environment should be located and designed so that the need for hazard protection works is avoided.</p> <p>5. In considering subdivisions, to recognise that some natural features may migrate inland as the result of dynamic coastal processes, including sea level rise.</p> <p>6. In processing subdivision applications, to recognise the role of esplanade reserves and esplanade strips in the avoidance, remediation and mitigation of natural hazards.</p> <p>7. Subdivision for new hazard sensitive buildings shall:</p> <ul style="list-style-type: none"> i. Be managed in Urban High Flood Hazard Areas and avoided/mitigated in Non-Urban High Hazard Areas, as well as managed outside of High Flood Hazard Areas. ii. Be avoided/or mitigated within the Fault Avoidance Overlay iii. Be managed within all natural hazard overlays other than those referred to in Clause i and ii above, to ensure that the natural hazard risk is acceptable iv. Be managed in areas of the district that are subject to natural hazards, but are not identified as within a natural hazards overlay, to ensure that the risk to life and property from natural hazards is acceptable. v. Be managed to ensure that development is not likely to require new or upgraded community scale hazard mitigation works 	
<p>SUB-P2 – Require infrastructure for subdivisions</p> <p>1. To require upon subdivision, that new lots within Residential, Settlement, and Commercial zones and Kaikōura Peninsula Tourism and Ocean Ridge Development Areas are provided with a means of connection to a Council or community reticulated water supply system, where available, and that water supplies are of a potable standard, and of sufficient capacity for anticipated land use and for firefighting purposes.</p> <p>2. To require upon subdivision, that anticipated development is provided with a means of disposing of sanitary sewage and trade waste in a manner which is consistent with maintaining public health and where adverse effects on the environment are avoided.</p> <p>3. Upon subdivision in rural areas, to ensure that lots are provided with the ability to connect to a potable water supply where visitor accommodation or residential units are anticipated.</p> <p>4. Upon subdivision in Residential, Settlement, and Commercial Zones Kaikōura Peninsula Tourism and Ocean Ridge Development Areas, to require that all new lots are provided with a means of connection to a Council or</p>	<p>Complies with all but Stormwater – further action required</p>

<p>community reticulated sewage disposal and treatment system, where such a system exists.</p> <ol style="list-style-type: none"> 5. To require that adequate provision is made for the supply of reticulated energy and communication services to new rural lots when required, and to encourage these services to be underground where practicable. 6. To require that underground reticulated energy and communication services are provided to lots within Residential, Settlement, and Commercial Zones and Kaikōura Peninsula Tourism and Ocean Ridge Development Areas. 7. To require the integration of subdivision roading with the existing roading network in a manner which reflects expected traffic levels and achieves safe and effective vehicular access to allotments. 8. To encourage the provision of pedestrian and cycle linkages where possible as well as linkages to and along water bodies. 9. To encourage the retention of natural open waterbodies and to require the disposal of stormwater in a manner that avoids inundation of land within or adjoining the subdivision and maintains or enhances the quality of surface and ground water. 10. To avoid subdivision in the Marine Facilities Zone so as to retain the use of this area for appropriate marine activities and public use. 	
<p>SUB-P3 – Require lots to be of a suitable size and shape</p> <ol style="list-style-type: none"> 1. To require all allotments created as a result of subdivision to be of a size and shape which is suitable for a range of sustainable land uses, except where special sites are required as provided for in SUB-I4 2. To ensure that subdivisions in the General Rural Zone are of a sufficient shape and size in order to maintain and enhance rural amenity values. 3. To ensure that all allotments outside the Building Platform Location Areas in the Kaikōura Peninsula Tourism Development Area are of a sufficient size which is suitable for a range of sustainable rural land uses and are of a sufficient size to maintain the natural and open space character of the Kaikōura Peninsula 	<p>Complies – range of residential accommodation can be provided within this residentially zoned space</p>
<p>SUB-P4 – Provide for special lots To provide for small lots to be created to provide for activities such as utilities, recreation, roading or access and the protection of heritage, conservation and Ngāi Tahu values</p>	<p>Special lots provided for roading, drainage and intended to serve as elderly housing sections</p>
<p>SUB-P5 – Encourage subdivisions to protect natural, cultural and heritage values</p> <ol style="list-style-type: none"> 1. To encourage the protection of sites of ecological, conservation, heritage value or sites of importance to Ngāi Tahu at the time of subdivision through the use of mechanisms such as voluntary agreements, esplanade reserves, esplanade strips, access strips, conservation 	<p>Complies – the proposal intends to retain most of the natural views - reserves are in place to cater for drainage</p> <p>Planting is existing – further planting is encouraged and</p>

<p>covenants, bonds and caveats.</p> <p>2. To encourage the maintenance and enhancement of indigenous biodiversity within and adjacent to areas of subdivision</p>	<p>would be advised for in the conditions</p>
<p>SUB-P6 – Policies to subdivision design and amenity</p> <p>1. At the time of subdivision, to encourage the retention of existing vegetation where possible and to consider alternative methods of run-off control, such as bunding and mechanical silt traps, in order to improve amenity, reduce erosion and reduce the amount of run-off.</p> <p>2. To encourage subdivision design and construction which results in the creation of pleasant environments.</p> <p>3. To encourage developers to take advantage of the benefits of solar energy wherever possible.</p> <p>4. To enable subdivision of allotments for residential and other uses in the Ocean Ridge Development Area provided that:</p> <p>a. The number and location of residential and other allotments are strictly controlled through rules and an Outline Development Plan for the Zone, in order to avoid any inappropriate development which would significantly diminish the conservation, amenity, and landscape values associated with this area; and,</p> <p>b. Requirements are put in place to ensure the establishment and maintenance of native restoration plantings and the maintenance of open space areas so that the development is in sympathy with the amenity and landscape values of the area; and,</p> <p>c. Provision is made for cycle tracks, pedestrian walkways and parks and reserves within the zone; and,</p> <p>d. The location of curtilage and building areas and vehicular access are to be selected so as to reduce the volume or extent of earthworks</p>	<p>Complies</p> <p>1. Fringe vegetation mostly retained</p> <p>2. Complies – proposal designed to ensure views are retained</p> <p>3. Complies</p> <p>4. Not applicable</p>
<p>SUB-P7 – Policies relating to contaminated land</p> <p>1. To identify any potential contaminated sites at the time of subdivision.</p> <p>2. To avoid subdivision of contaminated sites where risk to human health or exposure to people is increased as a result of the subdivision or as a result of any future activities resulting from the subdivision.</p> <p>3. To provide for subdivision of contaminated sites only where risk to human health is not increased, or where contamination can be remedied to an appropriate level.</p>	<p>Complies – no contaminated land</p>
<p>EW-O1 – Managing adverse effects of earthworks</p> <p>To avoid, remedy or mitigate adverse effects from earthworks on waterbodies, the Coastal Marine Area, landscapes values, land stability, flooding potential of the site and neighbouring properties, and cultural heritage sites</p>	<p>Complies – earthworks plan provided and dust management plan to be approved prior to commencement of any works</p>
<p>EW-O2 – Cross references to earthworks objectives in other chapters</p> <p>Refer: NFL-O1, GRUZ-O1, GRUZ-O2, GRUZ-O3, MFZ-O1</p>	<p>Not applicable</p>

<p>GRZ-O1 – Provide for residential amenity To provide an essentially low density, small scale residential environment within the Kaikōura urban area with a dominance of open space and planting over buildings, and where the pleasantness and amenity of the residential area is maintained and enhanced</p>	Complies
<p>GRZ-O2 – Provide a range of living environments To provide for a diverse range of living environments expressed in built form, density of development and housing types</p>	Complies – different sized allotments are proposed to suit a range of housing
<p>GRZ-P1 – Provide for compatible non-residential activities To enable the establishment of non-residential activities in residential areas within Kaikōura urban area, in circumstances where:</p> <ol style="list-style-type: none"> a. The predominant use of the site remains residential; and b. The activity is compatible in terms of its potential effects on those of a residential nature 	Complies
<p>GRZ-P2 – Provide for on-site parking and manoeuvring To maintain the amenity of residential areas by ensuring sufficient on-site parking and manoeuvring for vehicles are established</p>	Parking – not applicable Manoeuvring should be complied with
<p>GRZ-P3 – Preserve residential amenity values To ensure that the design and siting of development (building height, building coverage, recession lines, setbacks, and provision of outdoor living areas) is controlled so that:</p> <ol style="list-style-type: none"> a. Development will not unreasonably deny neighbouring properties sunlight, daylight, views or; b. Ample on-site provision of outdoor living space oriented to the sun exists; and c. An open and attractive scene exists; and <p>A character and scale of buildings an open space is maintained which is compatible with the anticipated residential environment</p>	Complies – proposal aims to keep site relatively open and height restrictions in the middle of the proposal ensure that development is not built up too high
<p>GRZ-P4 – Limit noise and light effects To ensure noise and lighting spill do not adversely affect the amenity enjoyed on residential sites</p>	Should comply
<p>GRZ-P5 – Limit incompatible activities To avoid activities within the residential areas of the Kaikōura urban area which are incompatible with residential activities and to maintain an appropriate level of residential amenity</p>	Complies
<p>GRZ-P6 – Avoid development that adversely affects residential amenity and character To avoid or mitigate development which would detract from the predominant character, scale and amenity of the particular residential environment</p>	Does not comply – the scale of the proposal is out of character within the zone, but the activity is in character – ultimately, residential amenity is increased
<p>GRZ-P7 – Promote Zero Waste policy To promote Council’s “Zero Waste” policy by promoting and encouraging the reduction, reuse and recycle of unwanted materials</p>	Complies
<p>GRZ-P8 – Enable a mix of housing types</p>	Complies

To enable a mixture of housing styles in residential areas provided the amenity of these areas is not adversely affected	
GRZ-P9 – Enable higher densities To enable higher density development to be established in areas where this is appropriate	Complies
GRZ-P10 – Limit bulk and location performance standards To place no restrictions on building design in residential areas, other than in respect of matters such as height in relation to boundary, height, setbacks, and percentage coverage.	Complies – building height restrictions to be imposed on MURC lots
GRZ-P11 – Restrict building height on waterfront sections	Not applicable
GRZ-P12 – Allow additional building height on Torquay Street	Not applicable

4.4 Other Matters

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

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

Other matters that I have assessed this on is the future of the Kaikōura Town. Where there is a significant shortage of housing and accommodation for those that what to remain in Kaikōura for longer term. There, in my experience in this town, is no better location for a residential development to take place, albeit higher density than what is intended, it will ideally open up either the rental market or the ownership market. Not only this, it provides an opportunity, from what I have gathered listening to the applicant talk about the proposal, for the older demographics to remain within the area, be able to be independent but also have access to important amenities and also be in close proximity to help each other or to receive help.

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

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

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

areas such as the Heretaunga Street development in Palmerston North that has undertaken higher density living, for the elderly that want to remain independent.

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

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

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

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

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

4.5 Summary

On the basis of the above, it is considered that the effects of the activity on the environment will be no more than minor, and Council may grant or refuse consent under sections 104, 104C and 106 of the RMA 1991 and impose conditions under section 108.

Kaikōura District Council has undertaken discussions with the applicant's Planner, Jane Bayley, coming to an agreement in all conditions featured in Appendix I. A preliminary agreement on the conditions was made on 12/05/23 as required by Commissioner Taylor and final agreement on the conditions was agreed upon on 15/05/23.

5. Summary and conclusions

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

Consent is granted pursuant to section 104, 104C, 106 and 108 of the Resource Management Act 1991 to subdivide PT SEC 34 BLK X MT FYFFE SD & PT SEC 198 KAIKŌURA SUBURBAN RD Lot 1 DP 575959 into 72 lots as set out in the application SU-2022-1874-00 & LU-2022-1875-00 subject to the conditions in Appendix I.

Reported by Zachary Burns, Planning officer

Approved by

Signed: 
Commissioner Graham Taylor

Date: 23/04/2023

Signed: 

Date: 23/04/2023

Commissioner Mā-rea Clayton

Signed: 

Date: 23/04/2023

Commissioner Ted Howard

All acting under delegated authority by the Kaikōura District Council

Appendix I

Conditions

Subdivision:

General Conditions

1. The proposal shall proceed in general accordance with application and the accompanying site plan titles stamped Plan Approval 1874 held at Kaikōura District Council with the exception with compliance to the conditions below.

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

2. In accordance with section 128 of the Resource Management Act 1991, the Kaikōura District Council may review any or all of the conditions of this consent by giving notice of review during June in any year after granting consent for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this consent, which were not foreseen at the time of application or where it was not appropriate to deal with at that time.
3. The consent holder shall meet all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent.
4. All services (water, stormwater, sewer, electricity, communications) traversing lots other than those being served by the service and not situated within a public road, shall be protected by easements. All such easements, including any amendments found necessary during the final engineering design shall be granted and reserved.
5. A Memorandum of Easement for Rights of Way shall be registered as per the Scheme Plan.
6. Except as provided by Condition 7 below, all Council utility schemes (water, stormwater, sewer) existing or created located within the proposed lots shall be protected by an easement in gross in favour of the Kaikōura District Council of no less than 3m wide. All such easements must be accessible by legal road or local purpose reserve.
7. A Right to Drain Water shall be registered in favour of the Kaikōura District Council as Easement In Gross along the southern boundary of Lots 1-25, connecting to the Local Purpose Reserves. The easement shall be no less than 3m wide on Lots 1-21 and no less than 2m wide on Lots 22-25.

Advice note: The Consent Holder has volunteered this condition.

8. A "No Complaint" Covenant be registered on the titles of those lots within the 100m setback from the Railway line.

Advice note: The Consent Holder has volunteered this condition.

9. A "No Complaint" Covenant in relation to farming activities in favour of Section 27 Block X Mt Fyffe Survey District (being part RT MB5A/1012) shall be registered on Lots 1-25.

Advice note: The Consent Holder has volunteered this condition.

Accidental Discovery Protocol

10. The Accidental Discovery Protocol set out in Appendix 3 to the decision shall be followed at all times. The consent holder is responsible to ensure that all contractors are aware of and follow the Accidental Discovery Protocol.

As-Builts

11. The consent holder shall submit to Council as-built drawings of all new Council Services, Rights of Way and Roads created.
12. As Built plans shall be electronic files (e.g. .dwg or .dxf files) showing all works and information as detailed in NZS 4404:2010 Schedule 1D
13. Plans shall be certified by a suitably-qualified person stating that they are a true and accurate record
14. Where the new services connect with the existing services the location, depth and orientation of the existing services shall be confirmed on the as-built plans.
15. Above ground existing services shall also be identified on the As-built plans. Where known, the location of existing underground service shall also be shown.

Water and Sewer Connections

16. The Consent Holder shall provide connections to Kaikōura District Council's water and sewer systems to the boundary or net of each allotment
17. No construction of water or sewer connections shall begin prior to written approval by the Kaikōura District Council.

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

Engineering Standards

18. The consent holder shall ensure that all engineering works for the subdivision conform to NZ4404:2010 *Standards for Land Development and Subdivision Engineering* or any subsequent amendment to this standard.

Advice note: Two sets of Engineering Plans may be issued should the Consent Holder wish to separate the works to upgrade Mt Fyffe Road as required by required in Condition 31.

Advice Note: The Consent Holder has volunteered to provide a copy of the approved Engineering plans to KiwiRail for their information

19. Prior to any construction work being undertaken, the consent holder must obtain written approval by the Kaikōura District Council for any variation from NZ4404:2010 *Standards for Land Development and Subdivision Engineering* or any subsequent amendment to this standard
20. The Consent Holder shall provide to the Council a copy of the Discharge to Air, the Construction Stormwater Discharge Consents and the Operational Stormwater Discharge Application or Consents with the Engineering Plans so Council can confirm compliance with the same.

Where any modification to the Application is required by the Operational Stormwater Discharge Consent Decision, the Consent Holder must re-submit amended Engineering Plans for Council approval.

Advice note: The Consent Holder has volunteered this condition.

21. Engineering plans shall include a copy of the Dust Management Plan, ECSP and Construction Management Plan.

Advice note: The Consent Holder has volunteered to provide a copy of the Plans to Ministry of Education and Mr Margetts for their information

Telecom and Power Connection

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

Road Cutting

25. The consent holder shall not undertake physical works on Mt Fyffe legal road without prior written approval of the Kaikōura District Council.

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

Stormwater Management

26. Prior to the commencement of preparation earthworks, the Consent Holder, at their own expense, shall supply to the Council a consent from Environment Canterbury for the management of construction-phase discharges.

Advice note: Preparation Earthworks includes non-construction based earthworks such as sediment controls and stormwater diversion and treatment within the application site.

27. The Consent Holder, at their own expense, shall supply to the Council one of the following prior to the commencement of any construction earthworks within the application site:

EITHER

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

OR

- b) A stormwater discharge consent for Operational discharge specific to the site location from Environment Canterbury.

Advice note: Construction Earthworks includes construction of reticulated services and roading within the application site.

28. The Consent Holder shall install the stormwater system approved in Conditions 18 and 27 and shall provide connections to stormwater system to the boundary or net of each allotment

Utility Reserve

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

Roading

30. Lot 97 shall vest as Legal Road.
31. Mt Fyffe Road shall be upgraded to an 8m width south of the overbridge, and a Flag Light shall be installed at the intersection with Ludstone Road

32. Lot 97 shall be formed to be in general accordance with NZS4404 with an 8m wide carriageway and a 2m wide footpath as shown on the Engineering plans in Appendix C of the application.
33. Street Lighting in Lot 97 shall be installed as shown on the Engineering Plans in Appendix G of the application
34. Landscaping and street furniture shall be installed as per the Landscape concept plans in Appendix J of the application
35. Mt Fyffe Road (south) and the internal roads shall have a posted speed limit of 30km/h

Rights of Way

36. Rights of Way A and B shall have a minimum legal width of 4m and be formed 3.5m wide in general accordance with NZS4404 to the net of each allotment served with an exception that there is no turning area within the formation

Vehicle Crossings

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

Construction

38. Construction activities shall occur between 7:00 am and 6:00 pm during weekdays and 7:30 am and 5:00 pm on Saturdays
39. Construction activities shall comply with noise standards as per NZS 6803:1999 Acoustics – Construction noise
40. Construction traffic shall adhere to the following:
 - a) heavy vehicles shall not use the Ludstone Road route to and from the site between 8.15 – 9.15am and 2.45 – 3.25pm. During those times, heavy vehicles are to use an alternative route; and
 - b) All traffic users are to recognise the posted speed limits through the school zone of 160m west and 180m east of Rorrison's Road.

Advice note: The Consent Holder has volunteered this condition.

41. All earthworks involving filling will be carried out in accordance with the standards in NZS4431:2022 Code of Practice for Earth Fill for Residential Development. A GeoProfessional will certify that those lots which have had earth fill placed on them and any retaining structures, are suitable for residential development in accordance with Appendix 2 of that standard.
42. A GeoProfessional shall confirm that each residential allotment has an area suitable for the construction of residential buildings in accordance with NZS 4404:2010 Land development and subdivision infrastructure - Schedule 2A
43. The Consent Holder shall construct a new fence along the southern boundary of the application site. The fence shall be a high quality post and rail stock proof fence with two electric hot wires installed on the side of Section 27 Block X Mt Fyffe Survey District (being part RT MB5A/1012).

Advice note: The Consent Holder has volunteered this condition

Consent Notices

44. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered at the Consent Holder's expense against Lots 1-65 to address the non-compliance with density standards. The consent notice shall be worded as follows:

- a) Only one (1) dwelling shall be located on each lot.
- b) The maximum site coverage shall not exceed 35% on each lot.
- c) No lot shall be further subdivided, except that this consent notice does not apply to subdivision constituting a boundary adjustment where it does not result in the creation of additional Records of Title or is for the provision of a utility site, or where it is allowed as a permitted or controlled activity under the relevant Resource Management Plan.
- d) The construction of any dwelling shall comply with the requirements of land use consent LU-2023-1875 or subsequent consent.
- e) Where the allotment has two road frontages, the vehicle crossing shall be on the lower volume road.

45. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered at the Consent Holder's expense against Lots 91-92 to address non-compliance of density standards. The consent notice shall be worded as follows:

- a) A density of one (1) residential unit per 300m² or up to 10 residential units, shall be located on each of Lots 91 & 92.
- b) The maximum building height shall be 5.5m above finished ground level.
Advice note: The Consent Holder has volunteered this condition.
- c) The maximum site coverage shall not exceed 35% on each lot.
- d) The construction of any dwelling shall comply with the requirements of land use consent LU-2023-1875 or subsequent consent.
- e) The access may serve up to 10 residential units, and the driveway shall be formed and sealed to a 5.5m width.
- f) At the time of Building Consent on the lots, the proprietor shall demonstrate turning room, so vehicles exit the site in a forward direction.

46. A copy of the "No Complaint" covenant in relation to the effects of the Railway Line registered against those lots within 100m of the railway line shall be provided to Council for their information.

Advice note: The Consent Holder has volunteered this condition

47. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered at the Consent Holder's expense against Lots 21-39 (within 40m of the Railway Noise buffer), to address the Railway Noise buffer. The consent notice shall be worded as follows:

- a) New buildings or alterations to existing buildings containing noise sensitive activities, must be designed, constructed and maintained to achieve train-traffic vibration levels complying with class C of Norwegian Standard NS 8176.E:2005 "Vibration and Shock – Measurement of vibration in buildings from land based transport and guidance to evaluation of its effects on human beings";
- b) Indoor design noise level as a result from Rail traffic must not exceed the following levels:
 - i. Bedrooms: 35dB_{L_{Aeq}(1h)};
 - ii. Other habitable spaces: 40dB_{L_{Aeq}(1h)};

- iii. If windows must be closed to achieve the design noise levels in above, the building must be ventilated to meet clause G4 of the Building Code (Schedule 1).

Advice note: The Consent Holder has volunteered this condition.

48. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered at the Consent Holder's expense against all the allotments to set out any limitations identified in Schedule 2A, outlined in Condition 42.
49. A copy of the covenant in relation to maintaining a post and rail stock proof fence in good working order along the southern boundary along Lots 1 – 25 whilst Section 27 Block X Mt Fyffe Survey District operates as a farm shall be provided to Council for their information.

Advice note: The Consent Holder has volunteered this condition.

Land Use:

General Conditions

1. The proposal shall proceed in general accordance with application and the accompanying site plan titles stamped Plan Approval 1875 held at Kaikōura District Council with the exception with compliance to the conditions below:

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

2. In accordance with section 128 of the Resource Management Act 1991, the Kaikōura District Council may review any or all of the conditions of this consent by giving notice of review during June in any year after granting consent for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this consent, which were not foreseen at the time of application or where it was not appropriate to deal with at that time.
3. The consent holder shall meet all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent.
4. In accordance with section 35 of the Resource Management Act, monitoring of compliance with the consent will be undertaken by a council officer within six months of the date that the consent is given effect to.
5. This consent shall not commence until the Records of Title are issued for subdivision SU-2023-1874-00.

Advice note: The Consent Holder has volunteered this condition.

Lots 1-65

6. There shall be a maximum of one residential unit on Lots 1-65.
7. There shall be a maximum site coverage of 35% on Lots 1-65.
8. Buildings on Lots 1, 2, 16, 17, 39, 31, 47 and shall be set back at least 1m from Local Purpose Reserves.
9. Buildings on Lots 27, 29, 42, 45, 58 and 59 shall be set back at least 1m from neighbouring accessways

10. At the time of seeking Building Consent on the lots served by Rights of Way, the proprietor shall demonstrate turning room, so vehicles exit the Right of Way in a forwards direction.
11. At the time of actioning the Building Consent, the proprietor shall form and seal a vehicle crossing to the boundary to Council standards and a minimum width of 3m.

Advice Note: The proprietor shall submit an application, and obtain written approval, to undertake work on a legal road for Road Crossing from the Kaikōura District Council.

12. Habitable buildings within 40m Railway Noise Buffer, as shown on the Land Use Plan attached as Sheet 2 in Appendix C of the application with the following requirements:
 - a) New buildings or alterations to existing buildings containing noise sensitive activities, must be designed, constructed and maintained to achieve train-traffic vibration levels complying with class C of Norwegian Standard NS 8176.E:2005 “Vibration and Shock – Measurement of vibration in buildings from land based transport and guidance to evaluation of its effects on human beings”;
 - b) Indoor design noise level as a result from Rail traffic must not exceed the following levels:
 - i. Bedrooms: 35dB_{L_{Aeq}(1h)};
 - ii. Other habitable spaces: 40dB_{L_{Aeq}(1h)};
 - iii. If windows must be closed to achieve the design noise levels in above, the building must be ventilated to meet clause G4 of the Building Code (Schedule 1).

Advice note: The Consent Holder has volunteered this condition

Lots 91-92

13. A density of one (1) residential unit per 300m², up to a maximum of 10 residential units, shall be located on each of Lots 91 & 92.
14. Buildings shall have a maximum height of 5.5m above finished ground level on each of Lots 91 & 92.

Advice note: The Consent Holder has volunteered this condition

15. There shall be a maximum site coverage of 35% on each of Lots 91 & 92.
16. Buildings on Lots 91 and 92 shall be set back at least 1m from neighbouring boundaries (Lots 50-65).
17. Outdoor living spaces on Lots 91 and 92 shall comply with the following requirements:
 - a) Minimum area 10m² with 2m minimum diameter for a 1 bedroom unit;
 - b) Minimum area 20m² with a 3m minimum diameter for a 2 bedroom unit;
 - c) Minimum area 30m² with a 4m minimum diameter for a 3 bedroom unit;
 - d) Up to 5m² of outdoor living space may be roofed and one side may be enclosed to provide a sheltered area.

Advice note: The Consent Holder has volunteered this condition.

18. A minimum of one on-site carpark is required per residential unit.

19. One on-site, dedicated visitor carpark is to be provided for every 5 residential units.

Advice note: The Consent Holder has volunteered this condition.

20. All parking and access areas are to be sealed.

21. The access may serve up to 10 residential units, and the driveway shall be formed and sealed to a minimum of width of 4m.

Advice Note: Physical width shall increase as number of units increases on access, to a maximum width of 5.5m.

22. At the time of Building Consent being sought on the lots, the proprietor shall demonstrate turning room, so vehicles exit the site in a forwards direction.

23. All waste which is stored outside shall be screened from public view and adjacent residential properties.

Advice Notes:

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

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

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

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

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

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

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