

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Proposed Plan Change 5 to the Kaikoura District Plan

LOCAL AUTHORITY **KAIKOURA DISTRICT COUNCIL**

MINUTE 2

MEMORANDUM OF COMMISSIONERS RELATING TO QUESTIONS

- 1 The Kaikoura District Council has pursuant to section 34A of the Resource Management Act 1991 (RMA), appointed a Hearing Panel to hear and make a recommendation to the Council on Proposed Plan Change 5 (Kaikōura International Dark Sky Places) to the Kaikoura District Plan.
- 2 The hearing was set down for the 24th of September 2024 in our Minute 1 subject to the Hearing Panel having any questions. Having reviewed the material associated with the plan change the Hearing Panel have identified some questions they wish to seek clarification on or answers to. Therefore, the hearing will proceed on the 24th of September at 9.30am as scheduled.
- 3 In order to help the process we have set out below questions that we have identified. This is not an exhaustive list and further questions may arise.

Questions

- 4 The following are the questions the Hearing Panel have identified to-date:
 - i. The Hearing Panel wish to understand the relationship between this plan change (PC5) and Plan Change 4, i.e. do the new rules apply to the Light Industrial zone (LIZ) which has its own Lighting rules, and the requirements of Appendix 1 (7) of the Kaikoura District Plan. The rules for the LIZ seem to be more restrictive for the LIZ than what is being introduced via PC5. Is that correct?
 - ii. The new illuminated sign provisions seem to be potentially problematic in terms of the LIZ in that there seem to be two different rules applying. Proposed Rule SIGN-R(2) creates a Discretionary Activity status for **all zones** apart from the Commercial and Mixed-uses zones i.e. the LIZ would seem to be captured by this rule. However, the LIZ has its own rules on Outdoor illuminated signs some of which it seems are permitted activities if they meet Appendix 1 (7) b.
 - iii. The Hearing Panel want some further explanation around rule SIGN-S(X) 1 in which *“the luminance levels of internally illuminated signs shall not exceed **100 candelas per square metre (cd/m²)** between the hours of sunrise and sunset”*. The Hearing Panel is unclear what this means and how it is to be measured and monitored. We note that on page 41 of the S32 report, at the 4th paragraph it states *“The proposed provisions are easy to monitor and enforce. Monitoring can be undertaken by council compliance officers with minimal additional training needed.* Can this be further clarified as we note monitoring was raised in a submission and it is unclear to us just how this will occur.
 - iv. The Hearing Panel notes that Building Code G8 of the New Zealand Building Code requires that buildings have enough artificial light to ensure the safety of people. This includes *exitways, access routes, and common spaces must have a minimum illuminance of 20 lux at floor level.* Does this create a conflict with the rules of PC5?
 - v. Finally, the Hearing Panel notes that PC5 deletes reference to “noise” in LIGHT-P1 and LIGHT-P2 which seems sensible, but the corresponding deletion of “lighting” in NOISE-P1 and NOISE-P2 is not proposed. We want to understand whether this might be considered under clause 16 of the First Schedule of the Resource Management Act which enables a local authority to make an amendment, without using the process in that schedule, to its proposed policy statement

or plan to alter any information, **where such an alteration is of minor effect**, or may correct any minor errors.



Dean Chrystal

Hearing Commissioner (Chair) on behalf of the Hearing Panel

20th September 2024