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22nd October 2020

Resource Management
Kaikoura District Council
PO Box 6
KAIKOURA 7340

Dear Sirs

JOB NO 9453 – KAIKOURA COTTAGE MOTELS SUBDIVISION, HAPUKU ROAD, KAIKOURA

We enclose an application on behalf of D.T and R.S Travis seeking:

- resource consent for a two lot fee simple subdivision of rural land as shown on the enclosed Scheme Plan;
- resource consent for a unit title subdivision of Lot 2 as shown on the enclosed Unit Title Scheme Plan;
- land use consent to undertake residential activity within title areas of less than 2ha in the Rural Zone;
- approval pursuant to s243(e) of the RMA 1991 to surrender Easement D on DP 12005;
- approval pursuant to s221(3) of the RMA 1991 to cancel Consent Notice 213497.1.

Legal Description of Existing Property

Lot 1, DP 12005 (RT MB6C/52)

The above property is held by the applicants.

Site Description

The site is located at 7 Old Beach Road, Kaikoura.

The land is situated the Rural Zone of the Kaikoura District Plan. A copy of the relevant planning map is enclosed.

The land can generally be described as flat land located on the immediate outskirts of the Kaikoura residential area – the Residential A area is located on the south and east site boundaries.

The site is operated as Kaikoura Cottage Motels and contains 8 motel units, a laundry block, playground and a dwelling which is occupied by the applicants. The site boundaries are extensively landscaped.

The site has frontage on Athelney Road, Mill Road and Old Beach Road. All access to the site is via Old Beach Road. Athelney Road is State highway 1.

D41 is shown bisecting the site on the District Planning Maps. This requiring authority for this is NZ Transport Agency.

Title Encumbrances

- 213497.1 Consent Notice pursuant to Section 221(1) Resource Management Act 1991;
- Subject to a right to convey water in gross over part marked D on DP 12005 in favour of Kaikoura District Council.

Consent Notice 213497.1 requires that if any residential dwelling is constructed on Lot 1, DP 9944 that a septic tank must be installed to service the new building. Lot 1, DP 9944 is the underlying lot prior to the subdivision that created Lot 1, DP 12005.

Description of Activity

Subdivision

Stage 1

Freehold Subdivision

The applicant seeks resource consent for a two lot subdivision of the above property as follows:

Lot 1, being 983m² containing an existing dwelling

Lot 2, being 5946m² containing existing motel units and an accessory building (laundry)

Lot 1 will be retained by the applicants, Lot 2 will be unit title subdivided for residential/holiday home use as set out below.

Stage 2

Unit Title Subdivision

The applicant seeks resource consent for a unit title subdivision of Lot 2 of the above freehold subdivision in order to create:

- Principal Units 1 to 8 ranging in area from 211m² to 288m² containing cottages, curtilage area and a parking space
- Common Property containing access, open space, landscaping and manoeuvring space and a laundry building.

Land Use

Lot 2 is to be unit title subdivided for residential use and land use consent will be required for this. The purchase of the lots is to be restricted to Elderly Persons only. With an Elderly Person defined as a person over the age of 60 years. An encumbrance instrument will be registered on each of the Unit Titles restricting the sale and future sale of any unit to an Elderly Person.

Surrender of Easement

The surrender of easement D on DP 12005 is requested pursuant to Section 243e of the Resource Management Act 1991. The stormwater main has been diverted and no longer passes through the site.

Cancellation of Consent Notice

The cancellation of consent notice 213497.1 is requested pursuant to Section 221(3) of the Resource Management Act 1991. The consent notice requires that if Lot 1, DP 9944 is to be used for residential purposes, a building consent will not issue unless a septic tank is installed to service the new dwelling.

Lot 1, DP 9944 has been subdivided and the subsequent titles built on since the imposition of the consent notice. The existing title area is connected the reticulated network and the consent notice is no longer relevant to the site.

KAIKOURA DISTRICT PLAN

13.11.1 Controlled Subdivision Activities

Except as provided for in 13.11.2, 13.11.3 and 13.11.4 below, any subdivision which complies with all performance standards shall be a Controlled subdivision activity with Council's control being reserved to the following matters:

13.11.2 Discretionary Subdivision Activities

1. Any subdivision which does not comply with any one or more performance standards in rule 13.12.1 to 9 shall be a Restricted Discretionary Subdivision Activity, with the exercise of the Council's discretion being restricted to the matter(s) of non-compliance, in addition to any matters over which control has been reserved under 13.11.1.

13.12 Performance Standards

13.12.1 Allotment Size

- a. Allotments created by subdivision, including balance titles, shall not have a net area less than the net area specified for each zone in table 13.12.1.a below, except as provided for in 13.12.1.b and c below.*

Table 13.12.1.a.

Rural Zone	On any site outside the areas of Significant or Outstanding Landscape as identified on the Planning Maps, except in the Kaikoura Peninsula Tourism Zone 2 Hectares
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Each of Lots 1 and 2 is less than the minimum lot area of 2ha.

13.12.2 Water Supply

a. In Rural Zones (where new allotments for one or more visitor accommodation or residential unit are anticipated) and Residential, Ocean Ridge Comprehensive Living, Settlement, Tourism and Business zones where a Council or community reticulated water supply exists and has sufficient capacity, all new allotments (other than allotments for access, roads, utilities and reserves) shall be provided with a connection to the reticulated system, laid to the boundary of the allotment.

The Kaikoura District Council reticulated water supply runs past the site on Old Beach Road, Mill Road and Athelney Road. The site has an existing connection to the water supply network.

13.12.3 Sewage Disposal

a. In Residential, Ocean Ridge Comprehensive Living, Kaikoura Peninsula Tourism and Business Zones, 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.

b. In any zone other than Residential, Ocean Ridge Comprehensive Living, Kaikoura Peninsula Tourism or Business Zone, where subdivision is for 10 or more allotments, and residential units or commercial activities are proposed, a community sewerage system shall be provided and each lot shall be connected to the system, except where allotments are for access; roads; and utilities and reserves not requiring sewage disposal

The site is within the Rural Zone and less than 10 allotments are proposed. Rule 13.12.3 does not apply.

The site has existing connections to the reticulated wastewater network which passes the site frontage on Mill Road.

13.12.4 Energy Supply, Telephone Systems and High Voltage Electricity Transmission Lines

a. All new allotments in the Residential, Ocean Ridge Comprehensive Living, Settlement, Tourism and Business Zones 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. Refer to Section 10, Utilities Rules, for standards relating to lines.

Power and telecom services are currently available to each of Lots 1 and 2.

13.12.5 Preservation of Vegetation

Any protected tree, or group of trees, listed in Appendix D, shall be preserved and a Consent Notice shall be registered requiring continual preservation as an ongoing condition for approval to the allotment containing such trees.

There are no identified protected trees on the subject site.

13.12.6 Property Access - General

a. Every allotment shall have a frontage or legal access to an existing road or to a new road. Vehicle crossings shall be provided in terms of the vehicle crossing provisions of the Transportation Rules.

b. Where the existing frontage road is subject to a road widening designation, provision shall be made to enable the Council to acquire such land when required, by separately defining the parcels of land.

There is an existing formed access to the site off Old Beach Road. This will be retained by each of Lots 1 and 2.

Old Beach and Mill Road are not subject to a road widening designation at the site frontage. Athleney Road is subject to a road widening designation for State highway – NZTA is the requiring authority and has not requested that the designated area be shown as a separately defined parcel.

13.12.8 Property Access (refer also to Section 12, Transport)

a. Vehicle Access

i. All vehicle access to fee simple title allotments, cross leases, unit titles or leased premises shall be in accordance with the standards set out in table 13.12.8.a.i below, except that this rule shall not apply to:

— Vehicle crossings directly onto individual sites, which do not involve an access (refer to the definition of “access”), and

b. Minimum height clearance for vehicle access shall be 4.5m.

c. All vehicle access onto sealed roads or service lanes shall be in accordance with the vehicle crossing provision of the Transportation Rules (Rule 12.8.2).

d. Within a Residential, Ocean Ridge Comprehensive Living, Settlement or Business Zone, where a vehicle access serves more than one allotment, it shall be formed and sealed.

e. Where a vehicle access serves more than 6 allotments in a Residential, Settlement or Business Zone or more than 10 allotments in any other zone, access shall be provided by way of a road, except that this rule does not apply to the Kaikoura Peninsula Tourism Zone.

f. No new vehicle access shall be laid out or constructed with a gradient on any part of its length steeper than 1 in 6. Where such new accesses are curved, the gradient shall be measured on the inside kerb alignment.

g. Where curves of a private vehicular access have a radius of less than 50m, the gradient on any part of its length shall not be steeper than 1 in 8, except that in the Ocean Ridge Comprehensive Living Zone the gradient on any part of its length shall not be steeper than 1 in 6.

The existing vehicle crossing to Lots 1 and 2 is a well formed access and is sealed to the property boundary.

No new accessways are to be formed as a result of this subdivision.

The subdivision is assessed as a restricted discretionary activity pursuant to Rule 13.11.2.

Section 22 – Rural Zones

22.7 Activities

Activities specified in the following table shall be assessed as permitted, restricted discretionary, or unrestricted discretionary as shown.

Table 22.7

Status	Activity	Conditions
Permitted	<ul style="list-style-type: none"> – Farming – Residential activities – Home Occupations – Aquaculture – Forestry – And any other activity not listed as restricted or unrestricted discretionary. 	Activities are permitted subject to compliance with performance standards in rule 22.8.
Restricted Discretionary	<ul style="list-style-type: none"> a. Visitor Accommodation b. Intensive Farming c. Take off or landing of aircraft except for any of the following: emergencies; rescue; fire fighting; civil defence; farming; private (non-commercial) use; activities carried out by the New Zealand Defence Force. d. The construction of any second or subsequent residential unit(s) on any site, which cannot comply with all of the performance standards 22.8. e. Any permitted activity which does not comply with one or more of the performance standards in 22.8, unless specified as a restricted or unrestricted discretionary activity. 	Subject to compliance with performance standards in rule 22.8. Council's discretion restricted to any performance standard not complied with and the following (where applicable): <ul style="list-style-type: none"> • effects on amenity values including noise and visual effects • any effects on traffic or pedestrian safety • provision for adequate servicing including sewerage disposal, water supply • effects on archaeological, cultural or historic sites or buildings • site restoration For e) only: Council's discretion restricted to those standards not complied with as indicated in table 22.8.
Unrestricted Discretionary	<ul style="list-style-type: none"> a. Industrial Activities b. Commercial Activities, except where listed as a permitted activity. c. Mineral Prospecting d. Mineral Extraction 	Discretion is not restricted to any particular matter. The performance standards in 22.8 will be used as a guide when assessing applications for unrestricted discretionary activities.

The use of Lot 1 and Units 1 to 8 for Residential Activity, is classified as a permitted activity in Table 22.7 where the activity complies with the performance standards in Rule 22.8.

22.8 Performance Standards

Table 22.8

	Standard	Proposal
1. Lighting	Exterior lights shall be directed away from adjacent residential units and roads and shall not result in lux spill which exceeds 3 lux maximum (horizontal and vertical) onto adjoining residential units, measured at any point more than 2m inside	No lighting will be directed towards nearby residential units. Complies

	<i>the notional boundary of the adjoining Residential unit.</i>	
2. Noise	<p>All activities shall be conducted so that the following noise limits are not exceeded during any time period for assessment within the following time frames:</p> <p>Monday to Saturday 7am to 11pm 50dBA Leq At all other times 40dBA Leq On any day between 11pm and 7am the following day 70dBA Lmax</p> <p>For the purpose of this rule, the measurement and assessment position shall be at any point within any other site in the Rural Zone, or at any point within any residential site within the Settlement Zone, or at any point with the Residential Zone.</p>	<p>It is not expected that noise limits from the lots will exceed the maximums set in Table 22.8.</p> <p>Complies</p>
3. Height of Buildings	12m maximum except were located within riparian areas - refer rule 22.8.15.	<p>The maximum height of 12m is not exceeded on any unit.</p> <p>Complies</p>
4. Residential unit separation	<p>a. Residential units shall not be located closer than 25m to any other residential unit unless an ancillary residential unit is established in accordance with performance standard 22.8.6.</p> <p>b. Buildings which exceed 6m² in area and which are not residential units shall not be located closer than 10m to any residential unit on an adjoining site.</p> <p>c. Buildings 6m² in area or less shall not be located closer than 5m to any residential unit on an adjoining site.</p> <p>d. Residential units shall not be located closer than 50 metres to any Commercial Forestry activity unless the written consent of the adjoining property owner is deposited with the Council or unless the forestry land and the residential unit are in the same ownership.</p>	<p>All cottages are located less than 25 metres from each other and following the unit title subdivision will be on adjoining sites.</p> <p>Does not comply</p> <p>There is no commercial forestry activity within 50 metres of either dwelling. N/A</p>
5. Density	<p>a. Each residential unit shall be located on a site with the following minimum net area:</p> <p>i. Outside the areas of Significant or Outstanding Landscape, as identified on the Planning Maps, except in the Kaikoura Peninsula Tourism Zone – 2ha.</p> <p>ii. Within the areas of Significant or Outstanding Landscape, as identified on the Planning Maps, except in the Kaikoura Peninsula Tourism Zone – 4ha.</p> <p>b. Notwithstanding (a) an ancillary residential unit may be established in accordance with rule 22.8.6.</p> <p>c. On any site with an area greater than the area specified in a), more than one residential unit may be established on that site, provided that:</p> <p>i. Each residential unit shall have an associated land area which complies with the performance standards under Section 13.12 for the Rural Zone as if subject to a subdivision, and</p> <p>ii. The associated land area incorporating the residential unit has a minimum dimension of 140m, and</p> <p>iii. The residential unit shall comply with all the performance standards under 22.8, except 22.8.5a) does not apply.</p>	<p>The sites are located outside the areas of Significant or Outstanding Landscape and each site is less than 2ha.</p> <p>Does not comply</p>
6. Ancillary Residential Unit	<p>One ancillary residential unit may be established on a rural site, provided that all of the following conditions are met:</p> <p>a. The ancillary residential unit is less than 100m² in gross floor area,</p> <p>b. The ancillary residential unit is located within 25m of the residential unit on the same site,</p>	<p>The activity will not create an ancillary residential unit.</p> <p>N/A</p>

	<p>c. The ancillary residential unit shall comply with all the performance standards under 22.8, except for the purposes of 22.8.5, one ancillary unit may be established in conjunction with any complying residential unit.</p> <p>d. The use of the ancillary residential unit is incidental to the residential unit, and</p> <p>e. A shared effluent disposal system is utilised for both units.</p> <p>Note: Where one of more of these conditions cannot be met, the activity is deemed to be a second residential unit on the site. See table 22.7 Restricted Discretionary Activity, d).</p>	
7. Residential curtilage	Residential curtilage shall not exceed 2000m ² on any site.	<p>Each site will comply with the maximum curtilage area</p> <p>Complies</p>
8. Road boundary separation	<p>No building shall be located closer than the following minimum distances to any road boundary:</p> <p>a. buildings used for retail sales - 25m;</p> <p>b. all other buildings - 10m</p> <p>except that this rule does not apply:</p> <ul style="list-style-type: none"> — where buildings are 6m² or less in gross floor area or; — where the exceptions under rule 22.10.2 apply. 	<p>The cottage in principle unit 1 is closer than 10m from the road boundary. This was built under an existing land use consent.</p> <p>All other existing dwellings are located at least 10 metres from the road boundary.</p> <p>Complies</p>
9. Sewage disposal separation distances.	<p>a. Sewage disposal systems shall comply with the following minimum separation distances:</p> <ul style="list-style-type: none"> — 50m separation up gradient, or 30m separation in any other direction, between any sewerage disposal system with treatment to a standard of 1000 or less faecal coliforms per 100ml, and any domestic water supply intake or; — where the treatment standard specified in (a) above is not met, 500m separation up gradient, or 300m separation in any other direction, between any sewerage disposal system not specified in 7(a) and any domestic water supply intake; — 20m between any sewage disposal system and any stream, river, lake, wetland or coastal water. <p>b. Sewage disposal systems shall be separated from any dwelling or habitable building not on the same site as the disposal system, by a minimum of 100m upgradient of the dwelling or habitable building or 50m on any other direction.</p>	<p>All lots have an existing connection to wastewater network.</p> <p>Complies</p>
10. Gravel extraction	Gravel extraction shall not exceed cumulatively 1000m ³ in any one hectare within any two year period, except that this rule does not apply to gravel extraction relating to the maintenance or flood control of any waterbody or drain.	<p>No gravel extraction is required to be undertaken.</p> <p>N/A</p>
11. Intensive farming	Activities involving intensive farming and accessory buildings shall be located at least 50 metres from any residential unit.	<p>No intensive farming is to be undertaken</p> <p>N/A</p>
13. Indigenous forest clearance	<p>1. Clearance of indigenous forest shall not exceed the following thresholds, unless permitted under rule 22.8.13.2:</p> <p>a. Clearance of cumulatively more than 100m² in any one hectare of indigenous forest:</p>	No indigenous vegetation clearance will be undertaken.

	<p>— on alluvial land or limestone substrate; — within Outstanding and Significant Landscape Areas and; — where the indigenous forest is comprised of coastal broadleaved vegetation</p> <p>b. Clearance of cumulatively more than 1ha of indigenous forest in any 3 year period per title or 15% of the title area, whichever is the lesser.</p> <p>2. Rule 22.8.13.1 shall not apply to any of the following activities:</p> <p>a. removal of 50m³ or less of roundwood per 10 year period per Certificate of Title from any area of indigenous forest (including windthrown and standing dead trees), for non-commercial use, or for use by Te Runanga o Ngai Tahu for cultural purposes (eg building of waka) or;</p> <p>b. clearance of indigenous forest planted specifically for the purposes of commercial, protection or conservation forestry or;</p> <p>c. trimming of trees associated with the operation and maintenance of existing tracks and utilities, utility buildings and utility support structures or;</p> <p>d. removal of trees which are dangerous to human life or property or;</p> <p>e. clearance of kanuka or manuka species less than 8m in height and with forest cover of less than 80% of the area to be cleared.</p>	N/A
14. Indigenous vegetation clearance	<p>1. Clearance of indigenous vegetation shall not exceed the following thresholds, unless permitted under rule 22.8.14.2:</p> <p>a. clearance of indigenous vegetation from any wetland where the wetland has an area exceeding 2000m² (including estuaries) or;</p> <p>b. clearance of more than 100m² of indigenous vegetation in any one hectare in any 5 year period where the vegetation is:</p> <ul style="list-style-type: none"> — tall tussock communities dominated by the genus <i>Chionochloa</i> or; — vegetation located on dunelands, beds of rivers or lakes or rocklands, including bluffs or; — non-forest coastal broadleaved vegetation <p>Note: this rule does not apply to vegetation that is dominated by one of more of the pioneer species of manuka, kanuka, tauhinu, matagouri, bracken, fern, silver tussock or tall fescue.</p> <ul style="list-style-type: none"> — non indigenous vegetation on alluvial land, limestone substrate, and within Outstanding and Significant Landscape Areas. This rule does not apply to vegetation that is dominated by one or more of the pioneer species manuka, kanuka, tauhinu, matagouri, bracken, fern, silver tussock or tall fescue. <p>2. Rule 22.8.14.1 shall not apply to any of the following activities:</p> <p>a. clearance of indigenous vegetation which has been planted and managed specifically for the purposes of harvesting or clearance or;</p> <p>b. the trimming of trees associated with the operation, maintenance, replacement and upgrading of existing tracks, utilities, utility buildings and utility support structures or;</p> <p>c. removal of vegetation which is dangerous to human life or</p>	N/A

	<i>property or;</i> <i>d. clearance of re-growth indigenous vegetation growing beneath existing commercial forestry plantations.</i>	
15. Riparian management	<i>On any land within the bed of any lake, river or stream or; within any naturally occurring wetland or; within 20m of the margin of the coast or any wetland or; within 10m of the bed of any river, stream, or lake:</i> <i>a. earthworks, except for flood protection works, shall not exceed 10m³ in any one hectare in any 5 year period or have a maximum depth of cut or fill exceeding 0.5m and;</i> <i>b. buildings or utility buildings shall not exceed 9m² in area and/or 2m in height and;</i> <i>c. vegetation clearance shall not exceed 100m² in any one hectare in any one year, except that this does not apply to the clearance of noxious plants or plant pests, maintenance or upgrading of existing tracks and fence lines, or the trimming of trees ancillary to the operation, maintenance, and upgrading of utilities, utility buildings and utility support structures.</i>	There are no lakes, rivers, streams, wetland or coastal areas within or near to the site. N/A
16. Separation Distance, High Voltage Electricity Transmission Line	<i>No building shall be located within 20m of the centre line of any electricity transmission line with a voltage of 66kV or higher.</i>	There are no high voltage lines in close proximity. N/A
17. Drinking water	<i>All residential units and visitor accommodation units shall be connected to potable water supply in accordance with “NZ Drinking Water Standards 2000”, or any subsequent amendment or replacement to those standards.</i>	Each lot will obtain water from the reticulated network. A new connection shall be established for Lot 1. Complies
18. Waste Disposal	<i>All activities, other than residential activities, in the Rural Zone shall comply with the Waste Management Protocol in Appendix G.</i>	N/A

The use of the existing units for residential activity does not comply with the separation requirements of 22.8(4); and the minimum net site area of 2ha for a residential unit Rule 22.8(5). The land use activity is assessed as a restricted discretionary activity pursuant to Rule 22.7.

Overall Assessment

The subdivision is assessed as a restricted discretionary activity pursuant to Rule 13.11.2 and the land use activity is assessed as a restricted discretionary activity pursuant to Rule 22.7. Overall the proposed activity is assessed as a **restricted discretionary activity**.

Relevant Objective and Policies – Kaikoura District Plan

Section 13.2 – Subdivision

Natural Hazards

13.2.1 Objective 1

To avoid subdivision in localities where it is likely to increase risk to people or property from erosion, sea level rise, subsidence, slippage or inundation from any source, unless this risk can be remedied, avoided or mitigated without significant adverse effects on the environment.

The site has been partially identified by Environment Canterbury as being at High Hazard risk of flood inundation during a 500 year flood event. The area identified is the western half of the site and includes Principal Units 4 to 8. Objective 13.2.1 seeks to avoid subdivision in localities where it is likely to increase risk to people of property from inundation unless the risk can be remedied, avoided or mitigated. The emphasis in this objective is 'where it is likely to increase risk'. There will be no increase in risk from flood inundation as a result of the subdivision as all buildings are existing and the activity type, the housing of humans within the units will remain unchanged as a result of the subdivision.

Infrastructure and Contributions

13.3.1 Objective 2

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

The objectives and policies relating to infrastructure and contributions are met by the proposed development. The site has existing connections to reticulated water, stormwater and sewer services. A separate water connection will be established to Lot 1.

Site Suitability

13.4.1 Objective 3

To provide for allotments which are suitable for a range of sustainable land uses, except where special sites are required as provided for in Issue 4.

13.4.2 Policies

- 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 Issue 4.*
- 2. To ensure that subdivisions in the 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 Kaikoura Peninsula Tourism Zone 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 Kaikoura Peninsula.*

The subdivision and land use activities are considered to be in accordance with the objectives and policies for site suitability. The lot areas are of a size and shape which is suitable for the intended use and which reflect the existing development on site.

The site is located in the Rural Zone of the District Plan and the level of development on the site is not strictly in accordance with the aims for the Rural Zone. However the site is already fully developed and no additional dwellings/units are proposed on the site as a result of the subdivision and land use applications.

The site immediately adjoins the Urban Zone and the residential area of Kaikoura on the southern boundary. The existing density of dwellings/units on the site is not out of keeping with the neighbouring environment to the south and east. Development to the north and west is more typically rural in nature with larger areas of open space and greater separation between dwellings.

The density of development will not change as a result of the activity and is not out of place in the environment as the site directly adjoins the built up urban zone. The site appears as an extension of the urban zone when viewed from surrounding roads.

There will be no effect on rural activities being undertaken on surrounding properties and the use of the site for residential or holiday home use will have similar effects as the current motel units and residential dwelling do.



Canterbury Maps aerial view showing the Kaikoura Urban Zone to the south and east of the site and rural zoned land to the north and west.

Ecological, Conservation, Heritage and Ngai Tahu Values

13.6.1 Objective 5

At the time of subdivision, to avoid, remedy or mitigate adverse effects on sites having ecological, conservation or, heritage values or on sites of importance to Ngai Tahu.

The site is not known to be a site of ecological, conservation, heritage value or a site of importance to Ngai Tahu. Accidental discovery protocol will apply and the subdivision and land use activities are considered to be in accordance with the objectives and policies of 13.6.

Subdivision Design and Amenity

13.7.1 Objective 6

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.

The lot layout and building locations and orientation on each lot enable good access to sunlight and suitable areas for outdoor living space. There will be no change to built form on the site.

Contaminated Sites

13.8.1 Objective 7

To ensure that subdivision of potentially contaminated sites is either avoided or undertaken so that there is no increase in risk to human health from contaminants.

There are no known sources of contamination, either current or historic, on the site. The site has been operated as a residential and visitor accommodation site for some time.

Section 22 – Rural

22.2.1 Objective 1 - Rural Amenity and Quality of the Environment

To encourage and provide for activities that sustain the amenity and environmental values which are part of the rural environment and which maintain and enhance the quality of the rural environment, while recognising that parts of the Rural Zone are also a working environment involving activities such as farming and forestry.

22.2.2 Policies

1. *To ensure that effects from the scale and siting of development (building height, building setbacks and building density) are managed so that:*
 - a. *development will not unreasonably detract from the privacy or outlook of neighbouring properties.*
 - b. *sites remain open and with a rural character as viewed from roads;*
 - c. *the character and scale of buildings is compatible with existing development within the surrounding rural area.*
 - d. *the effects of an activity on one site do not have a significant adverse effect on activities on another site.*

No new buildings are proposed as a result of the proposed subdivision and the activity as proposed will result in a change in ownership structure rather than a change in built form. Policy 22.2.2 seeks to ensure effects from the scale and siting of buildings, including height, setbacks and density are managed. As the development has been consented under EnvC 141/2003 and all buildings are constructed there will be no change to the existing amenity of the Rural Zone or the neighbouring Residential Zone.

The development of the site is considered to be in accordance with objectives and policies relating to rural amenity.

2. *To ensure the colour of buildings in rural areas does not detract from the overall visual amenity of the rural environment.*

The colours of the dwellings are relatively natural and do not detract from overall visual amenity of the rural environment. No changes are proposed to the units.

3. *To retain an open and spacious character in the rural areas of the District, with a dominance of open space and plantings over buildings, and where the potential for conflict between activities is minimised.*

The activity does not increase the density of buildings in the area with no new buildings proposed for the site. The site is generally surrounded by plantings designed to provide for maintenance on site and to reduce visual effects from neighbouring properties and from the surrounding roads. The large setback between the state highway and the units also maintains a level of open space along the western boundary.

4. *To maintain clear distinctions between urban and rural areas through zoning and the provision of performance standards to assist in protecting the character and quality of the rural area.*

The site immediately adjoins the Urban Zone of Kaikoura. Although the lot areas proposed are significantly less than the 2ha area anticipated for the Rural Zone the scale of development can be considered to be in keeping with the surrounding environment.

5. *To avoid or mitigate the effects of activities that cause unpleasant living or working conditions for people in the rural community, or that have significant adverse effects on the quality of the environment.*

The proposed freehold and unit title subdivision of this site will not result in unpleasant living or working conditions for other residents of the rural community and will not create significant adverse effects on the quality of the environment.

6. *To avoid, remedy or mitigate the effects of earthworks, vegetation clearance, forestry and the establishment of buildings near rivers, streams, lakes and wetlands, in order to protect: the natural*

character of these areas; natural conservation, amenity and landscape values; and to maintain or enhance water quality.

7. *To recognise the role of the Canterbury Regional Council in controlling activities in policy 6, and to encourage and implement integrated management of those activities to avoid duplication.*
8. *To avoid, remedy or mitigate the adverse effects on the environment associated with gravel extraction and mineral extraction.*

No earthworks or clearance of forestry is required and the site is not located near to any waterways.

9. *To allow rural areas to continue to be used for farming, horticulture and forestry activities and for commercial activities where appropriate.*

The subdivision or use of the site for residential activity will not result in any impediment to normal rural activities being undertaken in the locality

22.3.1

Objective 2 To maintain and enhance the ecological integrity, functioning, natural character, and cultural, recreational and amenity values of the coastal environment, wetlands, lakes, rivers and their margins and to protect these values from inappropriate subdivision, use and development.

The site is set back from the coastline, behind existing residential properties. There will be no change to built form as a result of the proposed activity and no consequential effects on the recreation and amenity values of the coastal environment.

22.4.1

Objective 3 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna, and associated biodiversity, from adverse effects of activities.

Objective 4 To ensure that indigenous vegetation is managed in a sustainable manner, particularly those types of vegetation that are sensitive to development, not well represented or are a special feature of the district.

The site does not contain and is not located close to an area of significant indigenous vegetation or habitat of indigenous fauna. There will be no effect on biodiversity as a result of the proposed activity.

The objectives and policies of the rural zone seek to provide for good amenity both on site and for surrounding sites while allowing normal rural activities to be undertaken and protecting the natural environment. The proposed subdivision and land use activities are not contrary to these aims and the activity is considered to be in general accordance with the objectives and policies of the Kaikoura District Plan.

ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS

Rural Zone

Subject to compliance with performance standards in rule 22.8. Council's discretion restricted to any performance standard not complied with and the following (where applicable):

- *effects on amenity values including noise and visual effects*
- *any effects on traffic or pedestrian safety*
- *provision for adequate servicing including sewerage disposal, water supply*
- *effects on archaeological, cultural or historic sites or buildings*
- *site restoration*
- *For e) only: Council's discretion restricted to those standards not complied with as indicated in table 22.8.*

Density

The proposed subdivisions breach the density provisions of the Rural Zone with each lot and subsequent unit title being significantly below the minimum lot area of 2 ha for the Rural Zone. There is no increase in built form proposed as part of the application and although the activity on Lot 2 and within the unit titles will change from visitor accommodation to residential use the visual representation of that density, the buildings on site, will not alter as a result of the subdivisions.

The use of the sites is for residential use by Elderly Persons with this to be enforced by way of an encumbrance on the new Unit Titles. While this is a more permanent occupation of the units by one party, the effect on neighbouring properties will be similar to the effects resulting from the existing visitor accommodation use. The Kaikoura Cottage Motels had a high occupancy rate and the differences between residential use and visitor accommodation use for neighbouring landowners are likely to be minimal and potentially even positive with a stable neighbour.

Traffic or pedestrian safety

There will be no adverse effects on traffic or pedestrian safety resulting from the proposed activity. The site has one existing accessway on to Old Beach Road which will be retained for use by the dwelling on Lot 1 and all units. The access is well formed with a pull in area on both sides of Old Beach Road allowing vehicles to pull off the road before entering the site if necessary. Old Beach Road is a low traffic environment and conflicts between road users are not expected.



The legal and formed width of the access is 5.55m. Easement B as shown on the Memorandum of Easements on the Scheme Plan provides for right of way over Lot 2 in favour of Lot 1. The access width allows for two cars to pass each other safely when entering or exiting the site.

There is an existing sealed footpath (not shown in image) linking the site to the Urban Zone of Kaikoura.

Within the site vehicular access to each unit is provided via the circular driveway. A parking space is located within the principal unit of the each unit title. It is noted that a new parking space will need to be created on the eastern side of the unit on principal unit 7. There is sufficient space available for this car park space. The

driveway is fully sealed with an average width of 6 metres allowing vehicles to safely pass each other when circulating through the site.

NZ Transport Agency

NZ Transport Agency were contacted in relation to the proposed subdivision as the site has frontage on to Athelney Road which is State highway 1. The site does not have vehicle access directly on to the State highway and no access on to the highway is proposed. NZTA commented as follows:

Waka Kotahi NZ Transport Agency is the requiring authority for designation D41 under the Kaikōura District Plan. Details of the designation are provided in the table below:

Designation Reference	Requiring Authority	Designation Purpose	Legal Description Area
D41	Transit New Zealand	State Highway Purposes	State Highway 1: Mill Road Intersection: As shown on Planning Maps

D41 partially traverses the site as the designation is wider than the existing road reserve at this location to provide for possible future road widening.

Waka Kotahi NZ Transport Agency has reviewed the proposal and is satisfied that the proposed activity is unlikely to have an adverse effect on the ability of Waka Kotahi to maintain and operate State highway 1, as is the purpose of the designation. Written approval is provided under Section 176(1)(b) of the Resource Management Act 1991, for works within Designation 41: State Highway 1 – Mill Road intersection of the Kaikoura District Plan.

It is considered that there will be no adverse effects on the roading network as a result of the proposed subdivisions.

Adequate servicing

The site has existing connections to Kaikoura District Councils reticulated water and sewer services.

Sewer

The site connects to the sewer main within Mill Road, just south of the site, with a private main then running through the approximate centre of the site. Laterals run off this main to each of the units. The dwelling within Lot 1 is also connected to the sewer via a lateral running to the private main within the site. An easement for right to convey sewer over Lot 2 in favour of Lot 1 is shown in the Memorandum of Easements on the Scheme Plan.

Water

The site is connected to the reticulated water supply running along Mill Road with the internal main following the same path as the sewer private main running through the centre of the site.

The dwelling on Lot 1 is connected to this private main, and a new connection to the water main in Old Beach Road will need to be established. The connection between Lots 1 and 2 will be removed and capped at the property boundary.

Stormwater

Stormwater from the units and the driveway is currently directed to a stormwater sump and soakpit located to the west of the site. Any secondary overland flow not captured by the sump flows out to the stormwater ditch running along the eastern side of Athelney Road (SH 1).

Stormwater from the existing dwelling will be directed to a soakpit within Lot 1.

Power and telecom

The site has existing connections to power and telecom services. It is understood the Principal Units do not currently have telecom connections and due to the holiday home nature of the units it is expected that owners will prefer mobile services. If landline connections are required the units have the ability to connect to telecom services along Old Beach Road.

The site is able to be adequately serviced to ensure there is no adverse effect on the environment as a result of the proposed activity.

Effects on archaeological, cultural or historic sites or buildings

There are no known archaeological, cultural or historic sites or buildings on the site or in the immediate area of the activity. There will be no adverse effects on heritage as a result of the proposed activity.

Site Restoration

No site restoration is proposed as part of the activity.

Subdivision

Any subdivision which does not comply with any one or more performance standards in rule 13.12.1 to 9 shall be a Restricted Discretionary Subdivision Activity, with the exercise of the Council's discretion being restricted to the matter(s) of non-compliance, in addition to any matters over which control has been reserved under 13.11.1.

Allotment Size and Dimensions

Size and dimensions of allotments for access, utilities, reserves and roads

The issue of site density has been discussed in detail in the assessment of Rural Zone rules above. The freehold subdivision creates Lot 1 which contains the existing dwelling and suitable outdoor living areas. Lot 2 is to be unit title subdivided with each of the existing motel units to be located within a principal unit with the remainder of the site held in Common Property providing open space/recreation areas, vehicle access and landscaping throughout the site.

The subdivision will result in lot areas which are significantly less than those permitted by the District Plan within the Rural Zone, however the subdivision is being undertaken around existing buildings with no new buildings proposed as part of the application.

Each lot and unit title is able to be adequately serviced as described above and suitable parking and manoeuvring is provided on site. The reduced allotment size is considered to have a less than minor effect on the environment.

Subdivision Design

The proposed lots are under the required area for the Rural Zone but have been designed around the existing and proposed buildings on site. All buildings are located in accordance with the bulk and location requirements of the District Plan and allow for the ongoing use of each lot and unit title as currently occurs or for residential use to occur in the unit title areas.

Lot 1 and each of the unit titles has a suitable area of outdoor living space available clear of any on-site manoeuvring areas.

Roading, Access and Vehicle Crossings

Each of Lots 1 and the Unit Title areas has access to a legal road which is well formed and which provides for safe access and egress of the road. The width of the driveway and pull over areas at the vehicle crossing ensure there will be no adverse effects on the roading network as a result of the proposed subdivision.

The site has frontage on to three legal roads, being Athelney Road (SH 1), Mill Road and Old Beach Road but has access on to Old Beach Road only. There will be no change to the access arrangements to the site as a result of the proposed subdivisions. NZ Transport Agency have provided written approval to the subdivision as detailed above and as provided in the attached letter.

Inland Kaikoura Road is a 100km/hr sealed road in the site vicinity with wide verges and is straight and flat in the site vicinity.

The speed environment on Old Beach Road and Mill Road is 50km/hr. On Athelney Road (SH 1) the speed limit is 50km/hr near to the Mill Road intersection before increasing to 100km/hr, approximately 35 metres from the intersection.

The number of vehicles utilising the access is unlikely to change as a result of the subdivisions, whether or not the Principal Units are used for residential or holiday home activity.

The effects on the roading network are considered to be negligible.

Natural Hazards

The site is identified as being subject to flood hazard on the District Council planning maps. Environment Canterbury were also consulted and provided comment on the flood hazard based on modelling undertaken by the Regional Council.

The advice was summarised as follows:

*The Kaikoura District Plan shows that the low-lying western portion of the property is in Flood Category 3a (susceptible to Kowhai River overflows), and partly in Flood category 2M*L* (susceptible to Middle Creek/Luke Creek overflows). The district plan requires any new dwellings constructed in these Flood Category areas to be built to, or above, the 500 year ARI flood level. These areas are also considered 'High Hazard' by the CRPS.*

*Areas where maximum modelled flood depths are less than 1 m are not considered 'High Hazard'. Based on the modelling, any new dwellings constructed in this area, with a finished floor level of **at least 9.3 m NZVD 2016**, would provide mitigation against a 500 year ARI flood event with 300mm freeboard. This would make recommended floor levels between ~0.6 and 1.3m above the ground level.*

A copy of the full letter and attachments is provided.



Image above shows the 'Indicative 500 year maximum ARI water depth for 7 Old Beach Road'.
 Note – ARI = Average Recurrence Interval (provided by ECan)

The image identifies the existing dwelling on Lot 1 and Principal Units 1, 2 and 3 as being located within the area where maximum flood water depth in a 500 year event is less than 1m and these units are not considered to be within a high hazard area.

Principal Units 4 to 8 and the bare land to the west is identified as being located within an area where maximum flood water depth may exceed 1m in a 500 year event and this area is considered to be High Hazard.

At the time the units and dwelling were built on the site, the Regional Council considered that the site was subject to Low Risk Flood Hazard. Through the resource consent process the Regional Council submitted that a minimum floor level of 7.75 metres (in terms of the Nelson Vertical Geodetic Datum) to avoid remedy or mitigate any effects from this flood risk.

Both the dwelling and the visitor accommodation units were subsequently built to this minimum floor level.

The Regional Council has since revised flood hazard information as discussed above with Principal Units 4 to 8 now being within the identified High Hazard area. While this new classification is noted, the units were built to the required minimum floor level set by ECan at the time of consent. Whether or not the units are occupied for visitor accommodation or residential use the existing risk remains the same. The proposed subdivisions can not be considered to increase the risk from flood hazard for residents of the site. The effects relating to flood hazard will remain the same whether or not the site is subdivided and therefore the adverse effects of the subdivision on flood hazard are considered to be negligible.

The property is flat and is not subject to erosion or subsidence.

The proposed subdivision will not increase the risk of hazards on the property or on surrounding land.

Earthworks

No earthworks are required to be undertaken on site.

Services

Servicing of each lot is discussed above.

All units and the existing dwelling are able to be adequately serviced to prevent any adverse effects on the environment. There will be no resultant effects on Councils reticulated services.

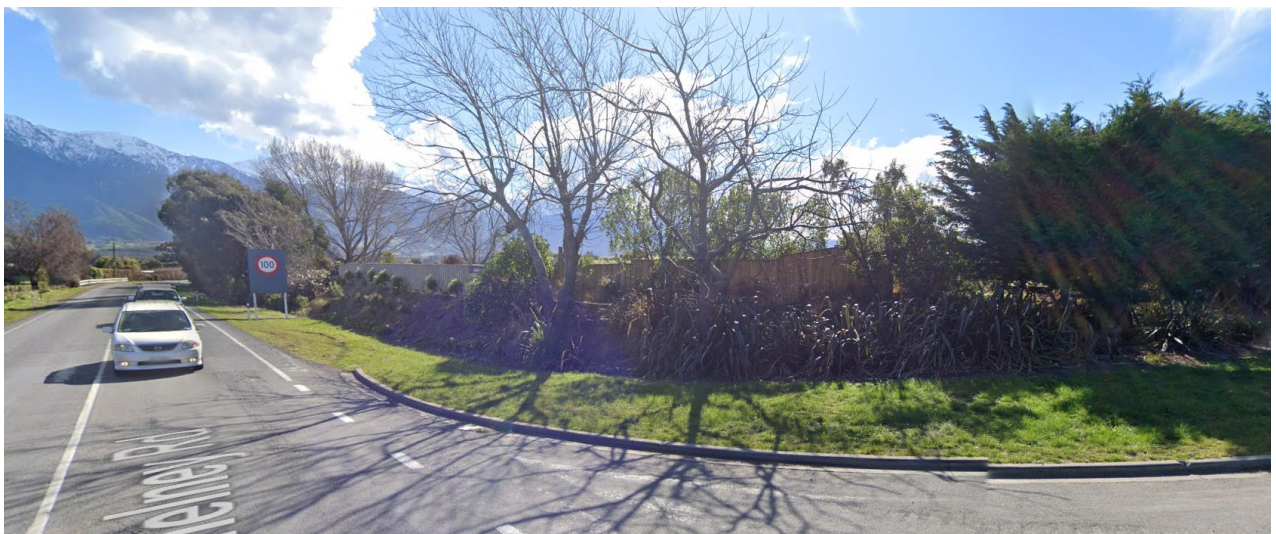
Vegetation and Landscape

The site has extensive landscaping along all property boundaries which has been undertaken in accordance with the approved landscape plan under Environment Court decision 141/2003. Along Mill Road is a trimmed Macrocarpa Hedge, Old Beach Road has a mix of plantings, with these being mainly natives, including flaxes and toi toi's. The northern site boundary is planted out in a mix of hedge and individual plants.



Google Streetview image looking north at the site from the Mill Road/Old Beach Road intersection.

Along the State highway boundary is a fence with plantings establishing along the State highway side of the fence. Fully grown trees bracket the north and south ends of the State highway frontage. There is a large setback area within the site from the state highway which contains additional plantings and open space.



Google Streetview image looking north down State highway 1 from the Mill Road intersection

Extensive plantings within the site and on the site boundaries effectively restrict views of the property from surrounding areas. There is no change proposed to built form within the development site and as such the effects on visual amenity in the area are considered to be minor as a result of the proposed subdivisions.

Easements

Known easement requirements are shown in the Memorandum of Easements on the Scheme Plan. Should any other required easements be identified during the subdivision process, these will be shown on the title plans.

Building Location

All buildings on site are located less than 25metres from each other and the north east corner of Principal Unit 1 is located less than 10 metres from the legal road boundary (approximately 7.5metres). The location of these dwelling and units was approved under land use and building consents and there is no change proposed to the built form as a result of the proposed subdivision.

The subdivision activity does not affect the location of buildings.

Soil Contamination

The Listed Land Use Register does not contain any record of potential land contamination on this site. The landowner is not aware of any potential sources of land contamination and the property has been residential land for some time. It is considered to be highly unlikely that the proposed subdivision will result in potential harm to human health, and no consents are considered to be required under the NES for land contamination.

Canterbury Regional Policy Statement

Objective 11.2.1 Avoid new subdivision, use and development of land that increases risks associated with natural hazards

Policy 11.3.1 Avoidance of inappropriate development in high hazard areas

To avoid new subdivision, use and development (except as provided for in Policy 11.3.4) of land in high hazard areas, unless the subdivision, use or development:

- 1. is not likely to result in loss of life or serious injuries in the event of a natural hazard occurrence; and*
- 2. is not likely to suffer significant damage or loss in the event of a natural hazard occurrence; and*
- 3. is not likely to require new or upgraded hazard mitigation works to mitigate or avoid the natural hazard; and*
- 4. is not likely to exacerbate the effects of the natural hazard; or*
- 5. Outside of greater Christchurch, is proposed to be located in an area zoned or identified in a district plan for urban residential, industrial or commercial use, at the date of notification of the CRPS, in which case the effects of the natural hazard must be mitigated; or*
- 6. Within greater Christchurch, is proposed to be located in an area zoned in a district plan for urban residential, industrial or commercial use, or identified as a "Greenfield Priority Area" on Map A of Chapter 6, both at the date the Land Use Recovery Plan was notified in the Gazette, in which case the effects of the natural hazard must be avoided or appropriately mitigated; or*
- 7. Within greater Christchurch, relates to the maintenance and/or upgrading of existing critical or significant infrastructure*

11.3.2 Avoid development in areas subject to inundation

In areas not subject to Policy 11.3.1 that are subject to inundation by a 0.5% AEP flood event; any new subdivision, use and development (excluding critical infrastructure) shall be avoided unless there is no increased risk to life, and the subdivision, use or development:

- 1. is of a type that is not likely to suffer material damage in an inundation event; or*

2. *is ancillary or incidental to the main development; or*
3. *meets all of the following criteria:*
 - (a) *new buildings have an appropriate floor level above the 0.5% AEP design flood level; and*
 - (b) *hazardous substances will not be inundated during a 0.5% AEP flood event;**provided that a higher standard of management of inundation hazard events may be adopted where local catchment conditions warrant (as determined by a cost/benefit assessment).*

Although the Kaikoura District Plan is considered to give effect to the Canterbury Regional Policy Statement, due to the identified High Hazard for the western part of the site, the policies and objectives relating to flood hazard are included for assessment as set out above. Objective 11.2.1 and supporting policies 11.3.1 and 11.3.2 are considered the most relevant to the application and direct that subdivision, use and development of land that increases the risk associated with natural hazards should be avoided. Each of these objectives and policies directs subdivision to be avoided unless there is no increased risk to life. Policy 11.3.2 also allows subdivision where the activity is 'ancillary or incidental to the main development'. As the site is fully developed with no intention to construct any new dwellings, the subdivision cannot be considered to increase the risk to life and is also considered ancillary to the main development. The activity is therefore considered to not be contrary to the objectives and policies of the Canterbury Regional Policy Statement relating to flood hazard.

Notification

Sections 95A and 95B of the Resource Management Act 1991 set out the steps that must be followed by Council in determining whether an applicant should be publicly or limited notified.

Section 95(A)(8) requires that an application be publicly notified if:

- (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.

Section 95(B)(7) requires that an application be limited notified if:

- (a) in the case of a boundary activity, an owner of an allotment with an infringed boundary; and
- (b) in the case of any activity prescribed under section 360H(1)(b), a prescribed person in respect of the proposed activity. or
- (8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.

S95E requires limited notification if the activity's adverse effects on the person are minor or more than minor (but are not less than minor).

The activity is not subject to a rule or national environmental standard that requires public or limited notification and the assessment of effects has determined the activity will have a less than minor effect on amenity in the surrounding environment. There are no special circumstances which would require public or limited notification, there will be no change to built form on the site. It is therefore considered that the application can be considered by Council without any requirement for public or limited notification.

In **summary** it is our submission that the adverse effects on the environment of granting consent to this application will be minor or less than minor. The proposal is thus in accord with the provisions of the Kaikoura District Plan.

Please find enclosed:

1. Scheme Plan
2. Search copy of RT MB6C/52
3. A copy of the relevant planning map
4. LLUR
5. Spatial Map Print

The applicant has paid the application fee of \$1800.00 by bank deposit on 28th February using reference 'TravisRC

Address for service of applicant:

D.T and R.S Travis
C/- Bonisch Consultants
P O Box 1262
INVERCARGILL 9840
Attn: Christine McMillan
christine@bonisch.nz

Address for service of applicant for invoicing any additional costs.

D.T and R.S Travis
7 Old Beach Road
RD 1
KAIKOURA 7371
kaikoura.cottages@xtra.co.nz

Please also forward to this office a copy of any invoice for additional costs of processing this application.

Please contact me if you require any further information.

Yours faithfully

BONISCH CONSULTANTS



Christine McMillan

encl