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19<sup>th</sup> March 2020

Resource Management  
Kaikoura District Council  
P O Box 6  
Kaikoura 7340

Dear Sirs

**JOB NO 9429 – PERCY SUBDIVISION, INLAND KAIKOURA ROAD, KAIKOURA**

We enclose an application on behalf of L.K and H.M Percy seeking:

- resource consent for a two lot subdivision of rural land as shown on the enclosed Scheme Plan;
- land use consent to retain an existing dwelling within each of the lot areas.

**Legal Description of Existing Property**

Lot 1, DP 6220 (RT MB3E/1351)

The above property is held by the applicants.

**Site Description**

The site is located 871 Inland Kaikoura Road, Kaikoura.

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

The land can generally be described as flat land located in a rural area with a mix of farm blocks and rural lifestyle properties.

There is an existing dwelling in the approximate middle of the property which was recently built by the applicant following the Kaikoura earthquake. There is another dwelling located at the eastern end of the site which was damaged during the earthquakes.

The site has two existing accessways off Inland Kaikoura Road.

**Description of Activity**

**Subdivision**

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

Lot 1, being 2447m<sup>2</sup> of rural land containing an existing dwelling and garage

Lot 2, being 8231m<sup>2</sup> of rural land containing an existing dwelling and shed

Lot 2 will be retained by the applicant, Lot 1 will be on-sold.

### Land Use

Land use consent is sought to locate a dwelling on each of the titles resulting from the subdivision. There are currently two dwellings on site and the subdivision boundaries have been arranged so that the dwellings fit well within the new lot boundaries.

The existing dwelling on Lot 1 was the original dwelling owned and occupied by the applicant and this dwelling was significantly damaged during the Kaikoura earthquakes in November 2016. Insurance paid for the construction of a new dwelling in the area of Lot 2 and this is currently owned and occupied by the applicant.

When the building consent application for the new dwelling was processed by Council it was stated that the original dwelling would be demolished and building consent for the new dwelling was issued on this basis. However the applicant has since determined that they would like to repair the original dwelling and on-sell the site as a rural lifestyle block.

As each lot will be less than 2 ha in area, land use consent is required in order to retain a dwelling in each of the proposed lots.

## **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.

There is no reticulated water supply within proximity of the subdivision site. Rule 13.12.2 does not apply.

#### *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 only two allotments are proposed. Rule 13.12.3 does not apply.

#### *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.

Each of Lots 1 and 2 has access to a road, being Inland Kaikoura Road. Each vehicle crossing is existing and complies with Council standards for rural accessways, other than sealing.

Inland Kaikoura Road is not subject to a road widening designation at the site frontage.

#### *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 Lot 1 is a well formed access and is sealed to the property boundary.

The existing vehicle crossing to Lot 2 is not currently sealed to the road boundary and will require some upgrade work to bring it up to standard.

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"> <li>— Farming</li> <li>— Residential activities</li> <li>— Home Occupations</li> <li>— Aquaculture</li> <li>— Forestry</li> <li>— And any other activity not listed as restricted or unrestricted discretionary.</li> </ul>	Activities are permitted subject to compliance with performance standards in rule 22.8.
Restricted Discretionary	<ul style="list-style-type: none"> <li>a. Visitor Accommodation</li> <li>b. Intensive Farming</li> <li>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.</li> <li>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.</li> </ul>	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"> <li>• effects on amenity values including noise and visual effects</li> <li>• any effects on traffic or pedestrian safety</li> <li>• provision for adequate servicing including sewerage disposal, water supply</li> <li>• effects on archaeological, cultural or</li> </ul>

	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.	historic sites or buildings <ul style="list-style-type: none"> <li>• site restoration</li> </ul> For e) only: Council's discretion restricted to those standards not complied with as indicated in table 22.8.
Unrestricted Discretionary	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.

## 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 the notional boundary of the adjoining Residential unit.	No lighting will be directed towards nearby residential units.  Complies
2. Noise	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: 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 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.	It is not expected that noise limits from the lots will exceed the maximums set in Table 22.8.  Complies
3. Height of Buildings	12m maximum except were located within riparian areas - refer rule 22.8.15.	The maximum height of 12m is not exceeded on either lot.  Complies
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 6m<sup>2</sup> 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 6m<sup>2</sup> 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>Each dwelling is located at least 25 metres from any neighbouring dwelling.</p> <p>Each dwelling is located at least 10 metres from any neighbouring dwelling.</p> <p>Each dwelling is located at least 5m from any neighbouring dwelling.</p> <p>There is no commercial forestry activity within 50 metres of either dwelling.</p> <p>Complies</p>
5. Density	a. Each residential unit shall be located on a site with the following minimum	

	<p>net area:</p> <p><b>i.</b> Outside the areas of Significant or Outstanding Landscape, as identified on the Planning Maps, except in the Kaikoura Peninsula Tourism Zone – 2ha.</p> <p><b>ii.</b> 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>b.</b> Notwithstanding (a) an ancillary residential unit may be established in accordance with rule 22.8.6.</p> <p><b>c.</b> 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><b>i.</b> 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><b>ii.</b> The associated land area incorporating the residential unit has a minimum dimension of 140m, and</p> <p><b>iii.</b> 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 100m<sup>2</sup> 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>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>	<p>The activity will not create an ancillary residential unit.</p> <p>N/A</p>
7. Residential curtilage	<p>Residential curtilage shall not exceed 2000m<sup>2</sup> on any site.</p>	<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> <p>— where buildings are 6m<sup>2</sup> or less in gross floor area or;</p> <p>— where the exceptions under rule 22.10.2 apply.</p>	<p>Each of the existing dwellings is 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> <p>— 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;</p> <p>— where the treatment standard specified in (a) above is not</p>	<p>A new wastewater disposal system will need to be established on Lot 1. The new system and the existing system on Lot 2 will comply with the standards.</p> <p>Complies</p>

	<p>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;</p> <ul style="list-style-type: none"> <li>— 20m between any sewerage disposal system and any stream, river, lake, wetland or coastal water.</li> </ul> <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>	
10. Gravel extraction	<p>Gravel extraction shall not exceed cumulatively 1000m<sup>3</sup> 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>	<p>No gravel extraction is required to be undertaken.</p> <p>N/A</p>
11. Intensive farming	<p>Activities involving intensive farming and accessory buildings shall be located at least 50 metres from any residential unit.</p>	<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> <ul style="list-style-type: none"> <li>a. Clearance of cumulatively more than 100m<sup>2</sup> in any one hectare of indigenous forest:           <ul style="list-style-type: none"> <li>— on alluvial land or limestone substrate;</li> <li>— within Outstanding and Significant Landscape Areas and;</li> <li>— where the indigenous forest is comprised of coastal broadleaved vegetation</li> </ul> </li> <li>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.</li> </ul> <p>2. Rule 22.8.13.1 shall not apply to any of the following activities:</p> <ul style="list-style-type: none"> <li>a. removal of 50m<sup>3</sup> 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;</li> <li>b. clearance of indigenous forest planted specifically for the purposes of commercial, protection or conservation forestry or;</li> <li>c. trimming of trees associated with the operation and maintenance of existing tracks and utilities, utility buildings and utility support structures or;</li> <li>d. removal of trees which are dangerous to human life or property or;</li> <li>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.</li> </ul>	<p>No indigenous vegetation clearance will be undertaken.</p> <p>N/A</p>
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> <ul style="list-style-type: none"> <li>a. clearance of indigenous vegetation from any wetland where the wetland has an area exceeding 2000m<sup>2</sup> (including estuaries) or;</li> <li>b. clearance of more than 100m<sup>2</sup> of indigenous vegetation in any one hectare in any 5 year period where the vegetation is:</li> </ul>	<p>N/A</p>

	<ul style="list-style-type: none"> <li>— tall tussock communities dominated by the genus <i>Chionochloa</i> or;</li> <li>— vegetation located on dunelands, beds of rivers or lakes or rocklands, including bluffs or;</li> <li>— non-forest coastal broadleaved vegetation</li> </ul> <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"> <li>— 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.</li> </ul> <p>2. Rule 22.8.14.1 shall not apply to any of the following activities:</p> <ul style="list-style-type: none"> <li>a. clearance of indigenous vegetation which has been planted and managed specifically for the purposes of harvesting or clearance or;</li> <li>b. the trimming of trees associated with the operation, maintenance, replacement and upgrading of existing tracks, utilities, utility buildings and utility support structures or;</li> <li>c. removal of vegetation which is dangerous to human life or property or;</li> <li>d. clearance of re-growth indigenous vegetation growing beneath existing commercial forestry plantations.</li> </ul>	
15. Riparian management	<p>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:</p> <ul style="list-style-type: none"> <li>a. earthworks, except for flood protection works, shall not exceed 10m<sup>3</sup> in any one hectare in any 5 year period or have a maximum depth of cut or fill exceeding 0.5m and;</li> <li>b. buildings or utility buildings shall not exceed 9m<sup>2</sup> in area and/or 2m in height and;</li> <li>c. vegetation clearance shall not exceed 100m<sup>2</sup> 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.</li> </ul>	<p>There are no lakes, rivers, streams, wetland or coastal areas within or near to the site.</p> <p>N/A</p>
16. Separation Distance, High Voltage Electricity Transmission Line	<p>No building shall be located within 20m of the centre line of any electricity transmission line with a voltage of 66kV or higher.</p>	<p>There are no high voltage lines in close proximity.</p> <p>N/A</p>
17. Drinking water	<p>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.</p>	<p>Each lot will obtain water from the pipeline which runs over Section 17, Block II, Greenburn SD.</p> <p>Complies</p>
18. Waste Disposal	<p>All activities, other than residential activities, in the Rural Zone shall comply with the Waste Management Protocol in</p>	<p>Each lot will comply with the waste management protocol.</p>



	Appendix G.	Complies
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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 proposed subdivision is considered to be in accordance with the objectives and policies relating to natural hazards. The site is not located within an area identified as being subject to flood water inundation and the site is set well back from the coast and is an area of flat land.

##### *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. There is no reticulated wastewater supply near to the site and on-site disposal will be used. The report prepared by Smart Alliances has shown that each lot has suitable area and soil conditions to allow on site disposal. There are no water bodies within close proximity to the site which might be affected by on-site wastewater disposal.

##### *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.*

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.

##### *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 on each lot enable good access to sunlight and suitable areas for outdoor living space.

### *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.*

The site is an existing rural lifestyle property. There are no known sources of contamination, either current or historic, on the site.

## **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.*

The density of dwellings in the immediate area will be higher than anticipated in the District Plan as a result of the proposed activity. The two dwellings are existing so the effects on the local environment resulting from the increased density can be readily appreciated.

The privacy and outlook of neighbouring properties will not be unreasonably detracted from. The nearest dwelling, outside of the site area is approximately 140 metres from the closest dwelling within the site.

The location of large hedgerows along the majority of the site boundary ensures views from the road are not primarily of built form.

The density as proposed is not out of keeping within the neighbouring environment, with two dwellings located on the neighbouring property at 897 and 911 Inland Kaikoura Road and various dwellings to the east being located less than 100 metres from each other, particularly around 677 to 695 Inland Kaikoura Road.



Canterbury Maps aerial view showing clusters of dwellings in each direction from site.

There will be no effect on rural activities being undertaken on surrounding properties.

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.

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 increase the density of dwellings in the immediate rural area however this does not cause a conflict between activities and as the buildings can be considered to be somewhat clustered this retains the remainder of the immediate area in open space. The hedgerow along the site frontage is effective at screening the dwellings from the road and the significant views remain to the north, towards to hills.

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 is located well outside the nearest urban area in the Kaikoura District. Although the lot areas proposed are 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. The effects on rural amenity are reduced through the clustering of building on the site and the provision of large hedges which effectively screen each lot from view form the road.

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 location of one additional dwelling at 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 buildings are 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 retention of both dwellings on this site 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 not located within 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 activity breaches the density performance standard for the Rural Zone where the minimum lot area and minimum site area for residential dwellings is 2ha. The area of Lot 1 is 2447m<sup>2</sup> and the area of Lot 2 is 8231m<sup>2</sup> both below the minimum area standards. However, the effects of this when taking into account the local context can be considered to be minor.

The surrounding properties consist of similar levels of density with dwellings located in clusters further in both directions along Inland Kaikoura Road. Both dwellings are setback from the road boundary behind large existing hedgerows and are largely not visible to vehicles travelling west on Inland Kaikoura Road.



Streetview image showing access to Lot 1 at left of photo and large established hedge along the road frontage.

The dwelling on Lot 2 can be seen when travelling east for a short period of time, and plantings along the road frontage at this end of the site are currently establishing and will soon be of a height where views are diminished further. Both dwellings are single storey and the materials and colours used are in the neutral range and typical of dwellings in the area.



Streetview image of dwelling on Lot 2.

*New plantings can be seen along the road and to the west of the dwelling with established hedge at the left of the image.*

There will be no effect on any external parties relating to noise or visual effects. Both the existing dwellings are located a significant distance from neighbouring dwellings.

#### **Traffic or pedestrian safety**

There will be no adverse effects on traffic or pedestrian safety resulting from the proposed activity. Each lot has an existing vehicle crossing and the location of these will not be changed. The vehicle crossings have good visibility in both directions down Inland Kaikoura Road which is a straight flat section of road in the site vicinity.

There are very few pedestrians in the rural environment and no adverse effects are anticipated to result as a consequence of the proposed subdivision and land use activities.

#### **Adequate servicing**

Each of Lots 1 and 2 will obtain water supply from the existing pipeline which extends over Section 17, Block II, Greenburn Survey District. The water line connects to a chlorinated cooperative district scheme which was designed to cater for the local community. A new easement for water supply over Lot 1 in favour of Lot 2 is shown on the Memorandum of Easements on the Scheme Plan.

Wastewater disposal will be on-site. The applicant obtained a site and soil evaluation from Smart Alliances at the time they constructed the dwelling on Lot 2 and this report assessed the site as suitable for on-site wastewater disposal. Smart Alliance have undertaken a subsequent assessment for on-site wastewater disposal on each lot. The system on Lot 2 is functioning well and no upgrades are required. The system on Lot 1 is old and crosses a title boundary. As such a new wastewater system will need to be installed on Lot 1. The assessment found that the site is suitable for on-site wastewater disposal. A copy of the report prepared by Smart Alliance is attached.

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 allotments are each of suitable area to allow for the adequate disposal of wastewater on site, safe vehicle entry and egress and will not affect the efficient operation of the rural environment.

### **Subdivision Design**

The proposed lots are under the required area for the Rural Zone but reflect existing land use in the area and has 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 efficient use of each lot.

Each lot has suitable area available of outdoor living space while allowing for manoeuvring areas.

Any effects resulting from the location of two dwellings in relatively close proximity to each other will be internal to the subdivision and the ability to retain an existing dwelling for residential use in the Kaikoura area is a good use of an existing resource which would otherwise need to be sent to landfill.

### **Roading, Access and Vehicle Crossings**

Each of Lots 1 and 2 has an existing access off Inland Kaikoura Road as shown on the Scheme Plan. Each access is located with good separation from the other and with good visibility in both directions along Inland Kaikoura Road.

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 existing access to Lot 1 is well formed with suitable splays to allow vehicles to turn into the access quickly.

The existing access to Lot 2 requires some upgrade works to bring it up to Council standard.

### **Natural Hazards**

The site is not identified as being subject to flood hazard and is not located near the coast. 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.

Each of Lots 1 and 2 have existing connections to power and telecom services.

### **Vegetation and Landscape**

Each of Lots 1 and 2 has a large existing hedgerow located along the street frontage that provides a significant level of screening from the dwellings to the road and vice versa. Planting has been undertaken along the road frontage at the western end of the property and along the fenceline in front of the house on Lot 2. As this vegetation grows this will shield the new dwelling on Lot 2 from view even further than as currently exists. Effects on visual amenity in the rural area are considered to be minor as a result of the proposed activity.

### **Easements**

Appropriate easements will be provided on the title plans. The existing easements will be brought down on the new titles and an easement for the right to convey water over Lot 1 in favour of Lot 2 is shown in the Memorandum of Easements on the Scheme Plan.

### **Building Location**

All buildings are located in accordance with the bulk and location requirements of the District Plan. Each building is at least 20 metres from the road boundary.

### **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 and land use activities will result in potential harm to human health, and no consents are considered to be required under the NES for land contamination.

### **Geotech**

Smart Alliance undertook a geotechnical assessment of the site and a copy of the resultant report is attached. The assessment concludes:

#### *Earthquake and subsidence*

*Being dominated by alluvial gravels we do not consider the subsoils at the site to be susceptible to liquefaction or lateral spreading.*

*The Mt Fyffe section of the Hope fault, being at over 1.5km from the site does not provide any increased geotechnical hazard to the property.*

*Should a building consent be lodged for a residential development on any of the newly created lot's in the future, standard site specific shallow geotechnical testing and analysis should be carried out once building plans are formed. This is not above any requirement for new building involving foundations in New Zealand.*

#### *Flooding*

*The property is shown to be outside the flood hazard areas shown in the Kaikoura District Plan maps. No threat of flood to the existing residential buildings at the property was found during the site investigation. Should a building consent be lodged for a residential development on any of the newly created lot's in the future, their location outside of these flood hazard maps should be confirmed.*

*The risk from the other geotechnical related natural hazards, such as erosion or landslide, are considered to be less than minor due to the location, geology and topography of the site.*

It is considered on the basis of this assessment that each of Lots 1 and 2 is suitable for use as lifestyle blocks when assessed against geotechnical considerations.

### **Consultation**

The applicant has consulted with neighbouring landowners and the written approval of the following parties has been received:

Bruce Ensor	727 Inland Kaikoura Road (holds 853 Inland Kaikoura Road)
Peter and Margaret Chapman	871 Inland Kaikoura Road
John and Michelle Faulks	891 Inland Kaikoura Road

These are all the neighbouring landowners which are considered affected by the proposed subdivision and land use activities. No other parties are considered to be affected and there are no special circumstances which might result in further notification of this decision under s95 of the Resource Management Act 1991.

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 MB3E/1351
3. A copy of the relevant planning map
4. LLUR
5. Smart Alliance Geotech and Wastewater disposal assessment
6. Spatial Map Print
7. Neighbours written approvals

The applicant has paid the application fee of \$1800.00 by bank deposit on 26<sup>th</sup> February using reference 'PercyRC

Address for service of applicant:

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C/- Bonisch Consultants  
P O Box 1262  
INVERCARGILL 9840  
Attn: Christine McMillan  
[christine@bonisch.nz](mailto:christine@bonisch.nz)

Address for service of applicant for invoicing any additional costs.

L.K and H.M Percy  
871 Inland Kaikoura Road  
RD 3  
KAIKOURA 7373  
[lh\\_percy@xtra.co.nz](mailto:lh_percy@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*