

# GILBERT HAYMES & ASSOCIATES LTD

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## Section 88 Resource Management Act

### Application for Resource Consent to Subdivide and Land Use over Lot 3 DP 303944

For: M. W. Dineen — 71 Skevingtons Road, Kaikoura

### Assessment of Environmental Effects

19<sup>th</sup> May 2020

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#### 1. Introduction

The applicant M. W. Dineen owns a rural property on the northern side of Skevingtons Road, described as Lot 3 DP 303944. This 3.68 hectare property has a dwelling and associated sheds established on the north eastern corner, with vehicle access off Skevingtons Road at the eastern end of the road frontage.

The property is virtually flat, with a slight elevation south to north. Surrounding properties consist of similar size rural allotments with a larger rural allotment on the opposite side of Skevingtons Road.

#### 2. Proposal

Pursuant to the Resource Management Act, 1991, the Fourth Schedule of that Act, and the Kaikoura District Plan (KDP) this application is for a Subdivision Consent to create two smaller sized rural allotments.

The subdivision will result in the following allotment configurations:

- Lot 1, being approximately 1.76 hectares in area, is a bare block.
- Lot 2, being approximately 1.92 hectares in area, has the existing dwelling established on it.

Refer to Scheme Plan, Gilbert Haymes & Associates Ltd drawing Job Ref 20162221, dated 10 February 2020.

Approval to the subdivisions will result in one additional title.

This application also includes a request for a Land Use consent to allow for residential dwellings to be erected or remain established on allotment areas below the prescribed density requirement.

The applicant has identified areas on each of the proposed allotments where build activity can take place, with a 'no build' covenant to be registered over the rest of the land. The restriction effectively restricts the residential curtilage area on Lot 1 to 1400m<sup>2</sup>. The covenant will include a building height restriction within Lot 1 of 5.5 metres and the restriction of the tree height along the north western boundary to be less than 3 metres.

These restrictions are being put in place to protect views of the adjoining properties to the west.

The applicant intends to erect a six-bay shed on Lot 1 with a sleepout to be established in one of the bays of the shed (ie 6m x 4.5m sleepout). A toilet and shower will be included in the shed. The sleepout will be used as interim accommodation by the applicant until such time as a dwelling is established on the site. The sleepout will remain in place following the construction of the house and used as a third bedroom when required. This building activity will be undertaken within the identified area on the scheme plan.

#### **Services:**

**Access** – Lot 1 will utilise an existing access gateway off Skevingtons Road. The adjoining Skevingtons Road formation is gravel.

Lot 2 will utilise the existing formed entranceway off Skevingtons Road. The adjoining Skevingtons Road formation is sealed.

**Water Supply** – both allotments will utilise the water supply from the Kincaid Water Scheme, with the current 4 units allocated to the property to be split. A new water connection will be required.

**Effluent Disposal** – a septic tank and effluent field system is in place servicing the existing dwelling. A similar system is proposed when a dwelling is established in Lot 1. The approximate location of the existing and proposed septic tank and effluent field locations are shown on the scheme plan.

**Power & Telephone** – these services are not required to be put in place for a rural allotment. An electricity supply is available to both sites.

### **3. District Plan – Kaikoura District Plan**

The subject land is zoned Rural on the Kaikoura District Plan planning maps (Map 37).

The land is outside of areas identified as having significant landscape and is not within 100 linear metres of the Coastal Marine area (rule 13.11.2.3e).

Rule 13.12 contains the performance standards for subdivision, and in those standards matters such as access, utilities, roads and reserves, heritage items, water supply, sanitary sewerage disposal, energy supply and telephone systems, preservation of vegetation and property access, are required to be addressed.

Rule 13.12.1.a, allotment areas within the Rural Zone on land outside the areas of significant or outstanding landscape may have a minimum allotment area of 2 hectares.

As has been stated the proposed allotments are not within the significant or outstanding landscape overlay, however the proposed allotment areas are slightly below the above minimum area requirement.

Rule 13.12.2 Water Supply – requires allotments to be connected to a Council reticulated water supply if available. A connection to the Kincaid Water Supply Scheme is in place to the property, which a new connection required for the additional allotment.

Rule 13.12.3 Sewage Disposal – Individual septic tank systems will be utilised on each site.

Rule 13.12.4 Energy Supply & Telephone Systems – are not required in this zone. An electricity supply is in place in this locality.

Rule 13.12.5 Preservation of Vegetation – there are no protected trees on this site.

Rule 13.12.6 – Property Access (general) – states that every allotment shall have a frontage or access to an existing road or new road. The resultant titles will have separate vehicle access in place off Skevingtons Road.

Rule 13.12.8 – Property Access – directs you to Section 12, Transport, Rule 12.8.2, which sets out the standard of vehicle crossings required to each site. Both existing vehicle crossings will require upgrading to meet these standards.

Rule 13.12.9 Esplanade Provision – this site does not have any water bodies that qualify for esplanade reserves or strips.

Rule 13.11.2.1 states that any subdivision which does not comply with any one or more of the above performance standards shall be a restricted discretionary subdivision activity. The non-compliance of the minimum area requirements means this proposal is to be assessed as a restricted discretionary activity.

Rule 12.8.2- requires every site with a frontage or access to a formed road to be provided with a complying vehicle crossing. The existing vehicle crossings to each of the resultant titles are in place. Both access formations will need to be upgraded to meet Councils required standards.

Chapter 13 'Subdivision' establishes seven issues that are associated with subdivision and need to be addressed.

**Issue 1 – Natural Hazards:**

The land within this proposal has not been identified as being subject to flooding on the planning maps of the Kaikoura District Plan.

The subdivision is unlikely to increase risk to people or property from erosion, sea level rise, subsidence, slippage or inundation from any source.

**Issue 2 – Infrastructure and Contributions:**

The Kaikoura District Council is not currently requiring the payment of contributions. A new water connection will be required to the Kincaid Water Scheme.

**Issue 3 – Site Suitability:**

A geotechnical investigation report undertaken by Procerto has confirmed that the site is suitable for building on. See attached report. The proposed subdivision will result in suitable rural sites on this relatively flat land.

**Issue 4 – Special Lots:**

Not relevant to this application.

### **Issue 5 – Ecological, Conservation, Heritage and Ngai Tahu Values:**

The Kaikoura District Plan has not identified any ecological or conservation values to be considered on the land in question.

We are not aware of any heritage and Ngai Tahu values to be considered on the land in question, however, the applicant is aware that Council may consult with Iwi regarding this subdivision. Archaeological sites have identified in close proximity to this property.

### **Issue 6 – Subdivision Design and Amenity:**

The proposed new title boundaries have been placed to meet the requirements of the applicant and the District Plan.

### **Issue 7 – Contaminated Sites:**

In terms of the National Environmental Standards, no production land is being lost, therefore a NES assessment is not required. No sites of interest were identified on a site visit.

The proposed subdivision activity is to be considered as a Restricted Discretionary Activity under rule 13.11.2.1 of the Kaikoura District Plan, because the minimum area requirements in this zone are not able to be met.

Chapter 22 – sets out the rules within the Rural Zone

Rule 22.7 – lists farming and residential activities as a permitted use of this site.

Rule 22.8 lists the Performance Standards that need to be met for a residential activity.

Table 22.8.5 'Density' – requires a residential unit to be located on a site with a minimum area of 2 hectares outside of areas of significant or outstanding landscape.

All the standards within this rule can be met except for the density requirements, as both of the proposed allotments are less than 2 hectares in area.

## **4. Adjoining Owner Consents**

The applicant has gained consents from the following adjoining landowners: -

- I Bradshaw & J M Wadsworth – 61A Skevingtons Road
- M A Boyce & K J Boyce-Campbell – 61 Skevingtons Road
- R D Harris & L M Thomas – 59 Skevingtons Road
- A M & J L W M Van Rooyen – 408 State Highway No 1
- HT & MJ Adams – 343 Old Beach Road

The applicant has sent these consents directly to Council which are on file.

The applicant does not consider that the adjoining landowners on the south eastern boundary (B K & L M Sumner – 89 Skevingtons Road) are affected by this proposal as the land adjoining this boundary is already fully developed and the house position on Lot 1 does not affect this property.

## 5. Assessment Effects on the Environment

- **Assessment of actual or potential effects on the environment**

It is considered that the proposed subdivision will have little actual or potential effect on the environment given the proposed allotment areas are close to minimum area requirements anticipated in the Kaikoura District Plan, therefore generally consistent with the objectives and policies of that plan.

- **Effect on those in the neighbourhood and wider community.**

Effects of this subdivision on the neighbourhood and wider community will be considered as no more than minor, given the proposed mitigating measures to protect the adjoining owners views.

- **Physical effects on the locality, including landscape and visual effects.**

Physical effects from the subdivision include the potential to erect an additional dwelling on this site. Restrictions to be placed on the development area within Lot 1 will lessen the physical effects.

- **Effects on ecosystems**

It is not envisaged that this proposal will have any effects on any ecosystems which may be established in this area.

- **Effects on natural and physical resources having special values.**

We do not expect any adverse effects on natural and physical resources having special values in this location.

- **Natural Hazards**

No effects from natural hazards resulting from the subdivision process have been identified.

- **Hazardous Substances**

This subdivision approval does not involve any hazardous substances.

- **Discharge of Contaminant – Nature and Sensitivity**

Not applicable for this proposal.

We consider that the requirements of the Fourth Schedule of the Resource Management Act 1991 to have been addressed.

## 6. Mitigation

Mitigation measures have been identified above and include: -

- Restricted building location and curtilage area of 1400m<sup>2</sup> within Lot 1
- Building height restriction of 5.5 metres on Lot 1
- Restricted height of trees to less than 3.0 metres along north western boundary of Lot 1
- No build area and height restriction identified within Lot 2
- The cladding on the proposed shed to be erected on Lot 1 is to be a green shade, as agreed to with the adjoining owners.
- Only one dwelling shall be permitted on Lot 1

## 7. Planning Instruments

This proposal is to be considered pursuant to Sec's 104, 104C, 106, 108 and 220 of the Resource Management Act, 1991, together with the provisions of the Kaikoura District Plan.

- 7.1** The Kaikoura District Plan has been prepared taking into account the requirements of the Regional Council's Regional Policy Statement. A new Canterbury Regional Policy Statement (CRPS) has been made operative since the Kaikoura District Plan was approved.

Chapter 11 of the CRPS addresses Natural Hazards, where there is one relevant objective as it relates to this proposal.

Objective 11.2.1 – to avoid new subdivision, use and development of land that increases risks associated with natural hazards.

The relevant policies under this objective seek to avoid inappropriate development within high risk areas, avoid development in areas subject to inundation, and promote a general risk management approach.

As has been stated no significant risks from natural hazards have been identified with this proposal.

- 7.2** The Objectives and Policies for the Rural Zone, which includes Chapter 22, dealing with rural environment issues.

Rule 22.2.1 objective 1 is relevant to this proposal which seeks 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 working environment involving activities such as farming and forestry.

Supporting Policies include:

To ensure that effects from the scale and siting of development are managed so that – development will not unreasonably detract from privacy or outlook of neighbouring properties, sites remain open and with a rural character as viewed from roads, the character and scale of buildings is compatible with existing development within the surrounding rural area, the effects on one site do not have a significant adverse effect on activities on another site.

This proposal is increasing the scale of development in this area, however given the proposed mitigating measures, no significant effects from activities on the sites have been identified. It is considered that the open rural character as viewed from the road will be maintained.

We consider that the Objectives and Policies of this section of the Plan are not being compromised given the existing development that has taken place in this area.

- 7.3** Chapter 8 deals with natural hazards. This proposal does not significantly increase any risks.
- 7.4** Sec 95A of the Resource Management Act 1991 gives Council discretion as to the public notification of a consent application.

- (1) *A consent authority may, in its discretion, decide whether to publicly notify an application for a resource consent for an activity.*
- (2) *Despite subsection (1), a consent authority must publicly notify the application if*
  - (a) *it decides (under section 95D) that the activity will have, or is likely to have, adverse effects on the environment that are more than minor; or*
  - (b) *the applicant requests public notification of the application; or*
  - (c) *a rule or national environmental standard requires public notification of the application.*

- (3) *Despite subsections (1) and (2) (a), a consent authority must not publicly notify the application if –*
- (a) *a rule or national environmental standard precludes public notification of the application; and*
  - (b) *subsection (2) (b) does not apply.*
- (4) *Despite subsection (3), a consent authority may publicly notify an application if it decides that special circumstances exist in relation to the application.*

As has been stated the subdivision is to be considered as a Restricted Discretionary Activity. We consider that public notification is not required [Section 95A(2)(a)].

The applicant does not wish to publicly notify the application, and there is no rule or national environmental standard that requires public notification of the application.

- 7.5** 104 'Consideration of application' sets out the requirements that a consent authority must have regard to when considering a Resource Consent application, subject to Part 2 of the Act.

Sec 104(1)(a) requires the actual and potential effects on the environment to be addressed which has been assessed as part of the Fourth Schedule assessment of effects under Part 5.

Sec 104(1)(b)(iv) – all matters relevant to the Kaikoura District Plan have been addressed as part of this application.

There are no other parts of Sec 104 which require comments.

- 7.6** 104C 'Determination of applications for restricted discretionary activities'

*(1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—*

- (a) a discretion is restricted in national environmental standards or other regulations:*
- (b) it has restricted the exercise of its discretion in its plan or proposed plan.*

*(2) The consent authority may grant or refuse the application.*

*(3) However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters over which--*

- (a) a discretion is restricted in national environmental standards or other regulations:*
- (b) it has restricted the exercise of its discretion in its plan or proposed plan.*

- 7.7** **Sec 106 requires us to consider whether the site or use of the site could be subject to significant risk from natural hazards, which includes an assessment of the likelihood of natural hazards occurring, the material damage to land or structures that would result from natural hazards and any subsequent use of the land in respect of which the consent is sought that would accelerate, worsen or result in material damage to land or structures.**

It is considered that the subdivision does not increase any significant risk from natural hazards to land or structures.

This section of the act also requires that sufficient provision be made for legal and physical access to each allotment, which has been provided by existing access points off Skevingtons Road.

## **8. Part 2 of the Resource Management Act 1991**

This part of the act contains the purpose and principles of the Act.

The subdivision of this property and the residential use of the sites in the rural environment does not compromise the policies and objectives of the Kaikoura District and in my opinion also does not compromise the sustainable management of natural and physical resources. (Section 7)

The proposed subdivision provides for the applicants economic and social wellbeing, with still having regard to other matters identified in Section 5.

Section 8 requires the principles of the Treaty of Waitangi are taken into account. The proposal is not considered to impact upon any treaty principles. Based on the above, it is considered that the proposal is consistent with Part 2 of the Act.

## **9. Conclusion**

As has been stated, the proposed subdivision, although not meeting allotment area or site density requirements within the District Plan, is generally consistent with the objectives and policies of the Kaikoura District Plan. The overall proposal is to be considered as a Restricted Discretionary Activity as set out in the rules of the District Plan.

The assessment contained in this report has concluded that the proposal will have less than minor effects on the environment.

Potentially affected parties have given their consent to the proposed subdivision and subsequent land use.

Existing easements are in place over the property which include:

- A right to convey water over the Kincaid water pipeline appurtenant to the properties to the southeast. EC 215693.3
- A right to convey telecommunications in gross along the frontage of the property, T 215693.5
- A right to convey electricity in gross along the south eastern boundary of Lot 2, T 215693.4

Council may require an easement in gross over the Kincaid water pipeline.

The information provided to Council confirms the overall activity status, and therefore, approval of the subdivision can be granted under Section 104,104C, 106 and 108 of the Resource Management Act 1991 subject to the imposition of conditions.

**A J HAWKE**  
**Registered Professional Surveyor**

19 May 2020 Date