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14<sup>th</sup> October 2014

The General Manager  
Invercargill City Council  
Private Bag 90104  
INVERCARGILL 9840

**ATTENTION: The Director, Environmental & Planning Services**

Dear Sir

**JOB NO 3199– MASON SUBDIVISION, RETREAT ROAD, INVERCARGILL**

We enclose an application by Mr G.D Mason seeking resource consent for:

- a three lot subdivision of rural residential land as shown on the enclosed Scheme Plan.
- land use consent to locate a dwelling on each of proposed Lots 2 and 3 and for the existing dwelling on Lot 1.

Legal Description of Existing Property

Part Lot 3, Deeds Plan 96 (C.T SL186/267).

The above land is held by Mr J.M and Mrs A.C Speight.

Site Description

The site is located at 41 Retreat Road, Invercargill.

Part Lot 3, Deeds Plan 96 is located within the Rural Sub-Area of the District Plan and is identified as an area of versatile soils.

The site is generally flat land, with a dwelling and various sheds located to the west of the property with the remainder in pasture. A large hedge is located along the length of the western boundary with various trees scattered throughout the property. A tennis court is located in the north western corner of the property.

The surrounding area is characterised by rural residential development in particular the Inverurie Development which is located on the western side of Retreat Road.

Description of Activity

The application seeks resource consent to subdivide Part Lot 3, Deeds Plan 96 to create the following allotments:

Lot 1, being 1.036 ha of rural residential land containing an existing dwelling

Lot 2, being 4372m<sup>2</sup> of bare rural residential land

Lot 3, being 4344m<sup>2</sup> of bare rural residential land

Lot 1 will be retained by the current owners. Lots 2 and 3 will be transferred to the applicant.

The applicant proposes to connect to the sewer main located at the intersection of Bainfield Road and Retreat Road. This will require a pumped sewer line to be run along Retreat Road to the southern boundary of proposed Lot 2. The costs of running the pumped sewer line to the southern boundary of Lot 2 will be borne by the applicant.

### District Plan Provisions

#### 1. Subdivision

The development will result in three residential allotments located within the Rural Sub-Area of the District Plan. Rule 4.29.1 states that except as provided for in paragraphs 4.29.2 - 4.29.10 subdivision shall be a **controlled activity**.

The proposal has the effect of making an existing land use discretionary, therefore, by virtue of Rule 4.29.3, the proposed subdivision also becomes a **discretionary activity**.

#### 2. Residential Activity

Rule 4.40(1) of the District Plan states that in the Rural Sub-Area the maximum density for residential activities is one residence per two hectares under contiguous ownership. Pursuant to Rule 4.40(4) where an activity cannot meet the standards in Rule 4.40(1) the activity is a restricted discretionary activity. The construction of residential dwellings on Lots 2 and 3 and the location of the existing dwelling on Lot 1 is therefore a **restricted discretionary activity** under the District Plan.

Overall the application is assessed as a **discretionary activity**.

### Operative District Plan – Objectives and Policies

#### Section 3.12 Subdivision of Land

*Objective 1 – to enable the subdivision of land to be undertaken in accordance with the specific objectives for areas and resources of the City.*

*Objective 2 – to enable the subdivision of land to occur, while at the same time ensuring that any adverse effects of subdivision and associated development are avoided, remedied or mitigated.*

*Policy B Effects – to ensure in the creation of new allotments any adverse effects on natural, ecological, cultural or heritage values or transportation infrastructure are avoided, remedied or mitigated.*

*Policy C Rules – to regulate the size of subdivision and the appropriate location of new allotments in areas where adverse effects of more intensive land use activities have been identified.*

*Section 3.14 Amenity Values - Policy (B)(9) – Rural Sub-Area*

*Noise and vibration - Low noise levels, particularly at night, except for agricultural activities, and recognising that some parts of the Sub-Area are subject to higher levels of noise generated by transportation activities. Low to moderate density of traffic. Proximity to large scale industrial development*

*Glare - Low levels of glare*

*Lightspill - Low levels of lightspill*

*Wind - Natural wind effects not increased by land use activities*

*Height of structures - Control of the height of structures to maintain*

*Private open space and density -The opportunity to have large areas of open space*

*Landscaping - On a scale appropriate to site size and orientation*

*Public open space - Proximity to areas of public open space*

*Policy (B)(9)(a) – Residential Activities on larger land allotments or existing Certificates of Title where Council’s reticulated sewerage system, which has spare capacity is provided.*

It is considered that the proposed subdivision is in accordance with the objectives and policies for Amenity. The proposed subdivision retains the feeling of open space in the Retreat Road area with the proposed allotments being of significant area and in keeping with development on neighbouring sites. The addition of two allotments which may contain residential allotments will not unduly affect transport or glare/lightspill in the area and will not contribute significantly to noise in the area. Overall the area surrounding the site of the proposed subdivision has seen a gradual shift away from the traditionally rural to a more lifestyle block/rural residential nature. The proposed subdivision will have minimal effect on the amenity of the area.

**Infrastructure**

*Objective 1 – to ensure that infrastructure is provided so as to meet the economic, social, health and safety needs of individuals and the community.*

*Policy (A) – to recognise the benefits, and necessity, to individuals and the community from the provision of infrastructure.*

The proposed subdivision is considered to be in accordance with the objectives and policies for Infrastructure with the existing reticulated sewer network able to be connected to at the intersection of Bainfield and Retreat Roads. As the applicant is willing to extend the reticulated sewer to the southern boundary of Lot 2 the extension will also be at no cost to the Council. Similarly all lots are able to connect to the reticulated water supply with stormwater being retained on site for irrigation or fire-fighting purposes as required.

## Soil Resource

*Objective 3.7.1 – to safeguard the life supporting capacity of the District’s soil resource to meet the reasonably foreseeable needs of future generations.*

*Policy 3.7.2 – Sustainability - to encourage sustainable land management practices that safeguard the life-supporting capacity of the soil resource, including avoidance, mitigation, or remedying the adverse effects of land use activities.*

The proposed subdivision meets the objectives and policies for Soil Resource. Although the property is identified as being located in an area of versatile soils which are considered to be Invercargill's best quality soils, the site of the proposed subdivision is now of such a size that agricultural use can at best be small scale. The surrounding land uses are also predominately lifestyle blocks. The proposed subdivision ensures residential use is consolidated and makes best use of the available land in its current form.

## Proposed Invercargill City District Plan

The Issues, Objectives and Policies of the Proposed Invercargill City District Plan notified on 24<sup>th</sup> August 2013 are now in effect and the following paragraphs assess the proposed subdivision against the relevant provisions of the proposed plan.

The site is located within the Residential 3 Zone of the Proposed Plan.

### Subdivision:

*Objective 2: Subdivision and development maintains and enhances the character and amenity of Invercargill.*

*Objective 8: Subdivision of land is undertaken in accordance with the objectives for zones.*

### Residential 3 Zone

*Objective 1: Lifestyle housing is provided for, offering some of the experience of country living in areas zoned adjoining and adjacent to the urban area of Invercargill*

*Objective 2: Adverse effects of urban development on the environment are avoided, remedied or mitigated.*

*Objective 5: Provision is made for a segment of the housing market which desires the opportunity to build new, larger houses on greenfield sites but within reach of urban services.*

*Objective 6: The amenity values of the Residential 3 Zone are maintained and enhanced.*

*Policy 1: To provide for lifestyle estate housing by zoning areas adjoining and adjacent to the existing urban area for housing on lots larger than 1,500 square meters and which can be connected to the Invercargill City Council reticulated sewerage system.*

The proposed subdivision is considered to be in accordance with the Objectives and Policies for the Residential 3 Zone. Each of the proposed lots is significantly larger than the required minimum allotment area of 1500m<sup>2</sup>. Future dwellings on Lots 2 and 3 are able to be located in such a way that the ambience of rural lifestyle living is not adversely affected. The existing vegetation on the site and on adjoining properties provides additional visual separation between any future dwellings and the existing dwellings in the vicinity.

The Proposed Plan has now passed the submissions period and it is noted that no submissions in opposition to the zoning of this area as Residential 3 Zone with the accompanying objectives, policies and rules were received. Council's Roading Manager did however submit that the plan should be amended to 'enable the Council to extend services within this area at its discretion'. This amendment was proposed on the basis of the references in the Proposed Plan 'that extensions to infrastructure will not be possible until 1 July 2018.' In particular Rule 3.9.3 states 'any extension to the Council's reticulated services existing as at 30 July 2013 and shown in Appendix XI is a non-complying activity.' Effectively the inclusion of Rule 3.9.3 without any amendment to acknowledge the requirements of the proposed Residential 3 Zone to connect to the reticulated sewerage system precludes the ability of any subdivision in this proposed zone to be able to comply with the rules of the Plan.

The applicant has also acknowledged the costs involved in extending the sewerage reticulation and has stated that the costs to extend the system will be borne by the applicant. (*See Services – Wastewater below*).

## **ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS**

### Private Open Space and Density

The subdivision provides for an existing dwelling on Lot 1 with a site area of 1.036 hectares and a proposed dwelling on each of Lots 2 and 3 with site areas of 4372m<sup>2</sup> and 4344m<sup>2</sup> respectively.

The Private Open Space and Density rules of the plan require a maximum of one residence per 2 ha under contiguous ownership. The proposed subdivision will not comply with this requirement however the development is in keeping with the density of dwellings in the surrounding area in particular the Inverurie and Barlow developments located immediately opposite the applicants land.

Each of the proposed allotments is of sufficient size to allow the maximum site coverage requirement, for sites less than 0.5ha, of 40% to be adhered to.

Each lot will easily comply with the maximum residential density of one residence per 2000m<sup>2</sup> under contiguous ownership as required under the rules for the Residential 3 Zone in the Proposed District Plan.

### Permeable Surfaces

Rule 3.37.27 of the Proposed Plan is now in effect and requires that each allotment has a minimum permeable surfaces area of 30% of the gross site area.

Development on each of Lots 2 and 3 will be able to comply with this requirement. Lot 1 which already contains a dwelling and other built form complies with this requirement.

### Height

Rule 4.39.1 of the District Plan allows a maximum height of 10 metres in the Rural Sub-Area. Rule 4.39.1 also states that Infogram 7 (recession planes) applies in the Rural Sub-Area for sites with an area less than 0.5ha.

Any future dwelling on Lots 2 and 3 will be able to comply with height restrictions as set out in Rule 4.39.1.

The existing dwelling on Lot 1 complies with the maximum height and recession plane standards.

### Vehicular Access and Legal Frontage

The existing vehicle crossing as indicated on the Scheme Plan by Easement A will provide access to Lots 1 and 3 from Retreat Road and has a legal and formed width of 6 metres.

Easement A provides for Right of Way access for Lot 3 over Lot 1 as shown in the Memorandum of Easements on the enclosed Scheme Plan.

A new vehicle crossing will be constructed to Council's standards to provide access to Lot 2 from Retreat Road. The proposed vehicle crossing will have a minimum width of 3.6 metres and will be constructed at the time it is required.

Lots 1 to 3 will each have adequate legal frontage on Retreat Road.

Retreat Road is classified as a Local Road and is an 80km/hr sealed road.

### Services

#### Power and Telecommunications

Lot 1 is currently connected to electricity and telecommunication connections from Retreat Road. Both services are available for connection to Lots 2 and 3 from Retreat Road.

#### Water Supply

Water supply for Lots 1 to 3 will be via individual 20mm connections to the existing Council 250mm water main which runs along Retreat Road.

Firefighting water supply for Lot 1 will be via on-site water storage tank. Lots 2 and 3 are both within range of existing fire hydrants located on Retreat Road.

#### Wastewater

Currently the existing dwelling on Lot 1 disposes of wastewater via on-site disposal, with the treatment system and disposal field located entirely within the boundaries of Lot 1.

The applicant proposes that each of Lots 1 to 3 will be connected to Council's existing reticulated sewer system. The nearest connection point is located near the intersection of Retreat Road and Bainfield Road. The applicant will construct, at their own cost, a pumped sewer main up the western side of Retreat Road to the southern boundary of Lot 2 to allow for each of Lots 1 to 3 to be connected to the reticulated

system. Each of Lots 1 to 3 will be required to install a single chamber septic tank with cutter pump at the time of building, or in the case of Lot 1 prior to s224c certification and connect this system to the pumping main.

Connection to the existing Council reticulated sewer system is seen as the preferable method of waste water management for the subdivision, avoiding the need for installation of individual on-site waste disposal systems for each lot.

We are not aware that there is any capacity issue relating to connecting three new rural residential allotments to Council's reticulated sewer system. The pumping main will have capacity to support additional connections in future if required and it is intended that the main will vest in Council on completion to allow Council to manage future connections to the sewer main. However if Council does not wish the line to vest in Council then the applicant is happy to retain the main as a private line for the use of Lots 1 to 3.

Easement A allows for the right to drain sewage and water, the right to convey water, electricity, telecommunications and computer media over Lot 1 in favour of Lot 3. Lot 2 will connect to services directly off Retreat Road.

It is noted that Rule 3.37.23 of the proposed District Plan states that it is a non-complying activity to extend Council's reticulated sewerage services in the Residential 3 Zone prior to 1 July 2018. The retention of the new line in private ownership would not result in an extension of Council services however if Council accepts the vesting of the main then this extension would be a non-complying activity under the Proposed District Plan. Accordingly an assessment of the effects of breaching this rule is provided.

The non-complying activity status allows Council to permit the extension of the reticulated sewer if the 'gateway test' under Section 104D of the Resource Management Act. Council must be satisfied that either the adverse effects of the activity on the environment will be minor or that that proposed activity will not be contrary to the objectives and policies of a plan or proposed plan. If either of these limbs is able to be passed then the gateway test can be passed and the application is eligible for approval. The proposal to extend the reticulated sewer network to the boundary of Lot 2 at the applicants cost passes both of these gateway tests as follows:

The connection of the existing dwelling and new dwellings within proposed Lots 1 to 3 to a reticulated sewer network can only have positive effects on the environment with on-site disposal of wastewater being considered problematic in some areas of Invercargill, particularly on smaller sites. The relevant objectives and policies in relation of disposal of wastewater are as follows:

### *Operative Plan*

#### Subdivision

Objective 2 – To enable the subdivision of land to occur, while at the same time ensuring that any adverse effects of subdivision and associated development are avoided, remedied or mitigated.

Policy (B) – Effects – to ensure in the creation of new allotments any adverse effects on natural, ecological, cultural or heritage values of transportation infrastructures are avoided, remedied or mitigated.

Policy (C) – Rules – to regulate the size of subdivision and the appropriate location of new allotments in areas where adverse effects of more intensive land use activities have been identified.

#### Amenity Values

Policy (B)(9)(a) – Residential Activities on larger land allotments or existing Certificates of Title where Council's reticulated sewerage system, which has spare capacity is provided.

### *Proposed Plan*

Objective 2 – Adverse effects of urban development on the environment are avoided, remedied or mitigated.

Objective 5 – Provision is made for a segment of the housing market which desires the opportunity to build new, larger houses on greenfield sites but within reach of urban services.

Policy 1 – to provide for lifestyle estate housing by zoning areas adjoining and adjacent to the existing urban area for housing on lots larger than 1500 square metres and which can be connected to the Invercargill City Council reticulated sewerage system.

Policy 8 – to require that properties in these zones connect to the Invercargill City Council reticulated sewerage system.

The applicant's proposal to extend the sewer reticulation network down the western side of the Retreat Road at their own cost meets the objectives and policies of both the Operative and Proposed District Plans. Both plans allow for subdivision of allotments in the respective zones if the properties can be connected to Council reticulated sewer network. The ability of these allotments to connect to reticulated services has been a significant factor in the consenting of subdivisions in the immediate area of the applicants subdivision, in particular the Inverurie Development.

It should also be noted that the wording of Rules 3.37.20 and 3.37.23 in the Proposed Plan would result in any new dwelling within the Residential 3 Zone being a non-complying activity until 1 July 2018.

### *Proposed Alternative*

If Council is not of a mind to allow the applicants to extend the sewer reticulation prior to 2018, the applicant promotes a condition of consent which would require a consent notice to be registered on the Computer Freehold Registers for Lots 2 and 3 to state that no building consent could be issued for any residential dwelling on those allotments unless the dwellings could be connected to a reticulated system.



The proposed Consent Notice will ensure that there would be no requirement to extend the services in the Residential 3 Zone and the application will therefore comply with Rule 3.27.23.

#### Stormwater

The applicant advocates the inclusion of water storage tanks for irrigation purposes on Lots 1 to 3 and on Lot 1 for fire fighting purposes. Stormwater will be directed to on-site storage tanks on each allotment.

#### Natural Hazards

The site is not identified by the relevant Hazard Information Map of the Operative District Plan as being at risk from riverine or stormwater inundation, sea level rise or storm surge.

The site is identified as a High Wind Zone by the Wind Zone Hazard Information Map of the District Plan.

The site is identified as being within a High Seismic Hazard Zone by the Seismic Hazard Information Map of the District Plan.

No other natural hazards are relevant to this application

#### Adverse Circumstances

We have not been made aware that the allotments contain any of the adverse circumstances contained in Section 106 of the Resource Management Act 1991.

We have not been made aware that the allotments contain any known land fill sites.

The applicant is not aware of any potential sources of land contamination. The site has been a rural residential allotment for a significant amount of time. Environment Southland have stated that do not hold any record of potential land contamination having occurred on the property in the past. A copy of this correspondence is enclosed.

#### Actual and Potential Effects

The size and shape of Lots 1 to 3 are appropriate for the proposed use of each allotment. The effects associated with the increase in site density above 1 dwelling per 2 hectares is in keeping with development in Retreat Road in particular the Inverurie Development which is located directly opposite the applicants property.

The proposed allotment areas are also in accordance with the Proposed Invercargill City District Plan. Each allotment can be connected to reticulated sewage and water supply services. Overall the adverse effects of the proposed subdivision are assessed as being minor or less than minor.

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 Invercargill City District Plan.

Please find enclosed:

1. Scheme Plan
2. Search copy of CFR SL186/267
3. Copies of the relevant planning maps
4. Correspondence from Environment Southland
5. Spatial Map Print
6. Applicant's cheque for deposit fee of \$1115.00

Address for service of applicant:

Mr G.D Mason  
C/- Bonisch Consultants  
PO Box 1262  
INVERCARGILL 9840  
Attn: Christine McMillan

Address for service of applicant for invoicing any additional costs:

Mr G.D Mason  
751C Queens Drive  
INVERCARGILL 9810

Please also forward 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*