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5 September 2025

Jules Esther and Dana Peterson

LAND INFORMATION MEMORANDUM (LIM)

The attached LIM provides you with information about 142 Huia Street, Waikanae.

The information provided in this LIM has been gathered from all the information the Council holds on this property, as at the date of your application.

It is important to note that the Council has not undertaken an on-site inspection of the property and there may be information which is not known to Council - for example, illegal or unauthorised building or works on the property.

If you have any future plans to develop this property please contact us for advice about how to proceed and the process for obtaining the necessary approvals.

In addition to the information in this LIM you may be interested to find out more about the Kapiti Coast District. Information and advice on council services and our District Plan are available on our website: www.kapiticoast.govt.nz

Finally, if you have any questions about your LIM, please don't hesitate to contact us at kapiti.council@kapiticoast.govt.nz or 0800 486 486.



Steve Cody
Building Team Manager

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Land Information Memorandum (LIM)

Prepared by Kāpiti Coast District Council for the property located at:

142 Huia Street, Waikanae

Document information

This Land Information Memorandum (LIM) has been prepared for the purpose of section 44A of the Local Government Official Information and Meetings Act 1987 (LGOIMA). It is a summary of the information that we hold on the property. Each heading or 'clause' in this LIM corresponds to a part of section 44A of LGOIMA.

The information provided is based on a search of Council database records as at the date of your application and not an inspection of the property. There may be other information relating to the land which is unknown to Council, for example, illegal or unauthorised building or works on the property. Any person obtaining a LIM is solely responsible for ensuring that the land is suitable for a particular purpose.

Third party reports included in this LIM are for information only. We recommend independent advice before relying on them.

Application details

| | |
|-------------------------|--------------------------------|
| Applicant | Jules Esther and Dana Peterson |
| LIM number | L250936 |
| Application date | 01/09/25 |
| Issue date | 05/09/25 |

Property details

| | |
|--------------------------|---------------------------|
| Property address | 142 Huia Street, Waikanae |
| Legal description | Lot 1 DP 588843 |
| Area (hectares) | 1.1073 |

Valuation information

| | |
|---------------------------|-------------|
| Valuation number | 1490010401 |
| Capital value | \$1,070,000 |
| Land value | \$640,000 |
| Improvements value | \$430,000 |

Please note that these values are intended for rating purposes only.

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Attachments

- Glossary of Terms and Maps
- Aerial Photograph
- Deposited Plan/Record of Title
- District Plan Zones
- District Plan Precincts and other overlays
- District Plan Features
- District Plan Natural Hazards – Active Faults
- District Plan Natural Hazards – Flooding
- Latest Flood Hazards
- Resource Consents - Maps and Summary Detail (if applicable)
- Health and Alcohol Licenses
- Services Network
- As Built Drainage Plan (if applicable)
- Resource Consent documents (if applicable)
- Earthquake-Prone Building documents (if applicable)

1. Rates

In this section: information relating to any rates owing in relation to the property.

Rates are charged in four instalments for the period commencing 1 July and ending 30 June each year. Amounts stated are inclusive of GST.

| | |
|-----------------------------------|---|
| Current rates year | Current Rates Year 2025 to 2026 |
| Annual rates | The annual rates for 2025/26 rating year are \$3,854.63 This includes Greater Wellington Regional Council rates. |
| Next instalment date | 09/09/25 |
| Arrears for previous years | \$0.00 |
| Water rates | Not Applicable |
| Water balance due | Not Applicable |

For further information on this section, contact the Rates Team on 0800 486 486.

2. Consents, Certificates, Notices, Orders or Requisitions affecting the land and buildings

In this section: information concerning any consent, certificate, notice, order, or requisition affecting the land or any building on the land previously issued by Council; information required to be provided to a territorial authority under section 362T(2) of the Building Act 2004; and information concerning any certificate issued by a building certifier pursuant to the Building Act 1991 or the Building Act 2004.

Building Consents

- 16/11/23 BUILDING CONSENT 230728 : The requested building consent is just to separate a septic tank system currently serving two existing buildings to allow new titles to be consented : Code Compliance Certificate issued 26/01/24
- 30/07/13 BUILDING CONSENT 130379 : New single-level building. :
Code Compliance Certificate issued 23/09/14
AMENDMENT 130379A : House platform siting moved 2m WEST of that originally consented
- 20/07/10 BUILDING CONSENT 100497 : Install portable 50m2 Granny flat. Build kitset farm shed. Install septic tank & Lped field :
Code Compliance Certificate issued 29/07/11
AMENDMENT 100497A : 1. Increased bracing for foundation of cottage & deck. 2. Building a storage loft into 1 bay of the 4 bay shed.

Code Compliance Certificate is issued for the complete building consent, and this includes any amendments to that building consent.

Engineer's report

Further building may require an Engineer's soil report and, if necessary, a foundation design.

Wind

Indicative wind zones can be found at [BRANZ Map](#). Wind zones should be determined in accordance with the New Zealand Building Code.

For further information on this section, contact the Building Team on 0800 486 486.

Swimming Pools: Compliance with the Building Act 2004

No pool registered to this property.

For further information on this section, contact the Building Team on 0800 486 486.

Registered Environmental Health Premises and Licences

No information located.

For further information on this section, contact the Environmental Health Team on 0800 486 486.

3. Weathertightness

In this section: information notified to the Council under section 124 of the Weathertight Homes Resolution Services Act 2006.

The Council has received no correspondence from the Ministry of Business, Innovation and Employment in relation to this property.

4. Land use and Conditions

In this section: information relating to the use to which that land may be put, and conditions attached to that use.

Planning/Resource Management

District Plan Zone/Precinct/Development Area: Rural Lifestyle

The District Plan maps provided with this LIM provide a useful visual overview of the planning information provided in this LIM. However, the planning information provided is not exhaustive and reference to the Operative District Plan (2021) is recommended.

Full details of the relevant zone, precinct or development area requirements are contained within the Operative District Plan (2021) on our website [Operative District Plan 2021](https://www.kapiticoast.govt.nz/Operative-District-Plan-2021) ([kapiticoast.govt.nz/](https://www.kapiticoast.govt.nz/))

There may be policies or rules in the Greater Wellington Regional Council's Natural Resources Regional Plan (and/or a proposed change to that Plan) that regulate land use on this property. This Plan is available from the Greater Wellington Regional Council website www.gw.govt.nz/.

Questions about the impact of that Plan on this property should be made to the Greater Wellington Regional Council on 0800 496 734.

District Plan Features and Overlays

The Operative District Plan (2021) records which properties in the District have these special features and overlays located on them. Each feature and overlay is given a unique reference number or title. There are specific restrictions on development within or around many of these features. The District Plan Features Map provided with this LIM displays whether any of these features are on, or adjacent to, this property.

This property is zoned Rural Lifestyle in the Operative District Plan (2021).

This property was created via subdivision in 2024 under resource consent number RM200252 (Three lot subdivision creating two additional allotments and earthworks within 20-metres of a waterbody). A copy of the Decision is provided with this LIM.

A Section 221 Consent Notice was imposed as part of this subdivision which requires certain conditions to be complied with on an on-going basis. For detail refer to the attachments provided with this LIM.

This property is shown to be subject to a right of way, pedestrian right of way and rights to convey telecommunications and electricity easements. Copies of the Deposited Plan (DP 588843) and Record of Title are provided with this LIM.

It is recommended that the Record of Title is checked for any interests registered against the property such as easements or covenants.

Below is a list of resource consents issued in relation to this property and further detail can be found in the decision letters provided with this LIM.

RESOURCE CONSENT RM200252: Three lot subdivision creating two additional allotments and earthworks within 20-metres of a waterbody.

RESOURCE CONSENT RM090043: Proposed seven lot subdivision and associated earthworks (to be undertaken in two stages) at 142 and 160 Huia St, Waikanae.

There is no record of any further resource consents for this property. For information about any resource consents for surrounding properties refer to the Resource Consents map and Summary Details Report provided with this LIM.

If you are interested in reading the full resource consent files then these can be viewed at the Council administration building at 175 Rimu Road, Paraparaumu. Note: some resource consent files may be archived offsite; however these can be retrieved for you. Please call the Resource Consents Team on 0800 486 486 to check the availability of the files.

This property is adjacent to land which is shown to contain specific feature on it that is recorded in the Operative District Plan (2021).

This feature is:

Transportation Noise Effects Route - which includes designations for both State Highway No.1 (D0101) and Railway (D0301). This requires an acoustic design to new residential buildings or major additions.

There is no record of any identified cultural or archaeological sites contained on this site.

For further information on this section, contact the Resource Consents Team on 0800 486 486.

5. Special Features and Characteristics of the land

This section identifies information held by Council about:

- *natural hazards and the impacts of climate change that exacerbate natural hazards;*
- *potential natural hazards and potential impacts of climate change that exacerbate natural hazards; and*
- *information about other special features or characteristics of the land concerned, including information about the likely presence of hazardous contaminants that are known to Council, but are not apparent from its District Plan under the Resource Management Act 1991.*

Climate Change

Any available information regarding the potential impacts of climate change is currently contained in the natural hazard section.

Contaminated Sites

Greater Wellington Regional Council holds information on properties with a history of hazardous activity or industry. Refer to the Selected Land Use Register available on the Greater Wellington Regional Council website [Greater Wellington - Search Selected Land Use Register \(gw.govt.nz\)](https://www.gw.govt.nz/selected-land-use-register).

Natural Hazards

A Natural hazard is defined as any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affects human life, property, or other aspects of the environment.

If this property has been the subject of a Resource Consent or Building Consent since 1 July 2020 a geotechnical assessment may have been supplied with that application. A geotechnical report may contain advice about ground conditions at that site including liquefaction, slope stability assessment as well as commentary on ground bearing capacity. All available Building Consent geotechnical assessments are located in attached building files. Where available Resource Consent geotechnical assessments are referenced in attached resource consent decision documents, for further information contact the Resource Consents Team on 0800 486 486.

Coastal Erosion and Inundation Hazards

Council holds a number of reports that assess the possibility that areas of the Kāpiti Coast District shoreline may be susceptible to current and future coastal erosion and inundation. The available information on coastal hazards that are specific to the District are available on the following link: www.kapiticoast.govt.nz/coastal-science. The science of coastal erosion and inundation continues to develop as national and international best practice changes, and new information is released. The information received by Council will therefore outline different perspectives.

Currently, information specific to the Kapiti Coast District includes:

- Council-commissioned assessments by Jacobs NZ Ltd, including coastal area-specific risk assessments, a hazard and susceptibility assessment, and the coastal hazards GIS map viewer allowing you to assess how any particular property may be affected.
- A community commissioned coastal hazard risk assessment report by Dr Willem de Lange and related predicted shoreline maps.
- Advice from the Ministry for the Environment and the Department of Conservation on coastal hazard risk identification and management of coastal risks.

Council will consider the information and its possible impact on Kāpiti properties, as part of its review of coastal provisions in the Council's Operative District Plan. On 30 January 2025 Council resolved that this work is a priority to progress.

Earthquakes

Greater Wellington Regional Council holds information on earthquake risks in the Kapiti Coast District. This information, along with associated Earthquake Risk Maps, can be found on the Greater Wellington Regional Council website www.gw.govt.nz/.

Earthquake fault traces within the Kapiti Coast are mapped in the Operative District Plan (2021). These are shown (if applicable) on the District Plan Features Map provided with this LIM and are available on our website [Operative District Plan 2021 \(kapiticoast.govt.nz\)](http://Operative District Plan 2021 (kapiticoast.govt.nz)).

Fire

Due to its climate and geographical features, the Kapiti Coast District can be susceptible to risks of fire, including wildfire. More information on this risk can be found in the [District Plan](#), while mapping of the rural wildfire fire risk across the Wellington Region on the Greater Wellington Regional Council website ([GWRC rural wildfire risk](#)).

Liquefaction

Due to its geographic location and soil typology, the Kapiti Coast District may be susceptible to liquefaction in the event of an earthquake. More information on this risk can be found in the [District Plan](#), while mapping of [combined earthquake risk](#) including liquefaction, can be found on the Greater Wellington Regional Council website.

Tsunami Evacuation Zones

Tsunami Evacuation Zone Maps have been developed by the Greater Wellington Regional Council to assist emergency preparedness by identifying the areas residents may need to evacuate in the event of a tsunami.

Each map has three evacuation zones: red, orange and yellow. The updated tsunami evacuation maps for Kapiti can be viewed at the Council's website at www.kapiticoast.govt.nz/our-district/cdem/get-prepared/tsunami-zones/.

Other Information

No information located.

For further information on this section, contact the Resource Consents Team on 0800 486 486.

6. Other land and building classifications

In this section: This is information which, in terms of any other Act, has been notified to the Council by any statutory organisation having the power to classify land or buildings for any purpose.

No information located.

7. Private and Public stormwater and sewerage drains

In this section: Information on private and public stormwater and sewerage drains as shown in the Council's records.

Sewerage runs to a private on-site septic tank and effluent disposal field. An as-built plan of private drainage and site plan are provided with this LIM.

Stormwater discharges are via the water re-use tank(s) installed in accordance with the Council District Plan Water Demand Management Solution. Overflow from water re-use tank(s) is confined to site.

For further information on this section, contact the Plumbing & Drainage Team on 0800 486 486.

8. Drinking water supply

In this section: information on whether the land is supplied with drinking water and if so, whether the supplier is the owner of the land or a networked supplier; any conditions that are applicable; and any information the Council has about the supply.

There is no Council water supply system available. Water will be privately supplied. Private storage tank(s) should be a minimum of 30,000 litres.

For further information on this section, contact the Plumbing & Drainage Team on 0800 486 486.

9. Network utility information

In this section: information which has been notified to the Council by any network utility operator pursuant to the Building Act 1991 or the Building Act 2004.

Contact Electra for power availability and Vector for gas availability.

10. Other information about the property

In this section: information concerning the land and the property that the Council has the discretion to include if it considers it to be relevant.

Cultural and Archaeological

The settlement history of the Kapiti Coast suggests that there are still an unknown number of unidentified cultural and archaeological sites within the District and indeed these are still being discovered during earthworks from time to time. The Heritage NZ Pouhere Taonga Act 2014 provides for substantive penalties for unauthorised destruction or modification of an archaeological site.

More detail on what to look for and who to contact can be found on our website:

www.kapiticoast.govt.nz/Our-District/Tangata-Whenua

Development Impact Fees

Development Impact Fees consist of a combination of development contributions and financial contributions (including Reserves Contributions) from all new developments e.g. a new residential dwelling or a subdivision as well as new or expanded non-residential buildings.

Further information on the range of Development Impact Fees can be found on

[Development impact fees - Kāpiti Coast District Council \(kapiticoast.govt.nz\)](http://www.kapiticoast.govt.nz/Development-impact-fees-Kapiti-Coast-District-Council)

Glossary of Terms and Maps attached

Aerial Photograph

A birds-eye view in colour of the property and its surrounds.

Deposited Plan

Sometimes referred to as a 'Flats Plan' or 'Title Plan'. A Deposited Plan covers more than one lot (or property) and has a diagram showing the boundary distances and the land area. A Record of Title relates to a specific property and shows current owner and interests (such as mortgages, encumbrances and easements).

Building Information (if requested)

This includes any information Council holds about any structure that is on the lot (property), e.g. plumbing, drainage and floor plans and elevation drawings of the building and any alterations or additions to it, together with any code compliance certificates.

Services Network Map

Information on private and public stormwater and sewerage drains on the property as shown in Council's records.

Location of Health and Alcohol Licenses

This map shows the location of registered businesses in the neighbourhood that hold health and alcohol licenses.

Resource Consents

Included with this LIM are Reports and Maps of resource consents (if applicable that relate to the property) and a list of resource consents in the neighbourhood of the property that have been notified. The District Plan contains rules about different types of activities in different parts of the district. Anything not permitted by the Plan requires a resource consent. When a resource consent application is received the Council determines whether or not to notify it on the basis of the environmental effects under Section 95A-F of the Resource Management Act 1991.

Designation(s) (if applicable)

A designation is a planning technique used by Ministers of the Crown, councils and network utility operators approved as requiring authorities under section 167 of the Resource Management Act 1991. It provides for 'spot zoning' over a site, area or route in a district plan which authorises the requiring authority's work and activity on the site, area or route without the need for a land use resource consent.

District Plan

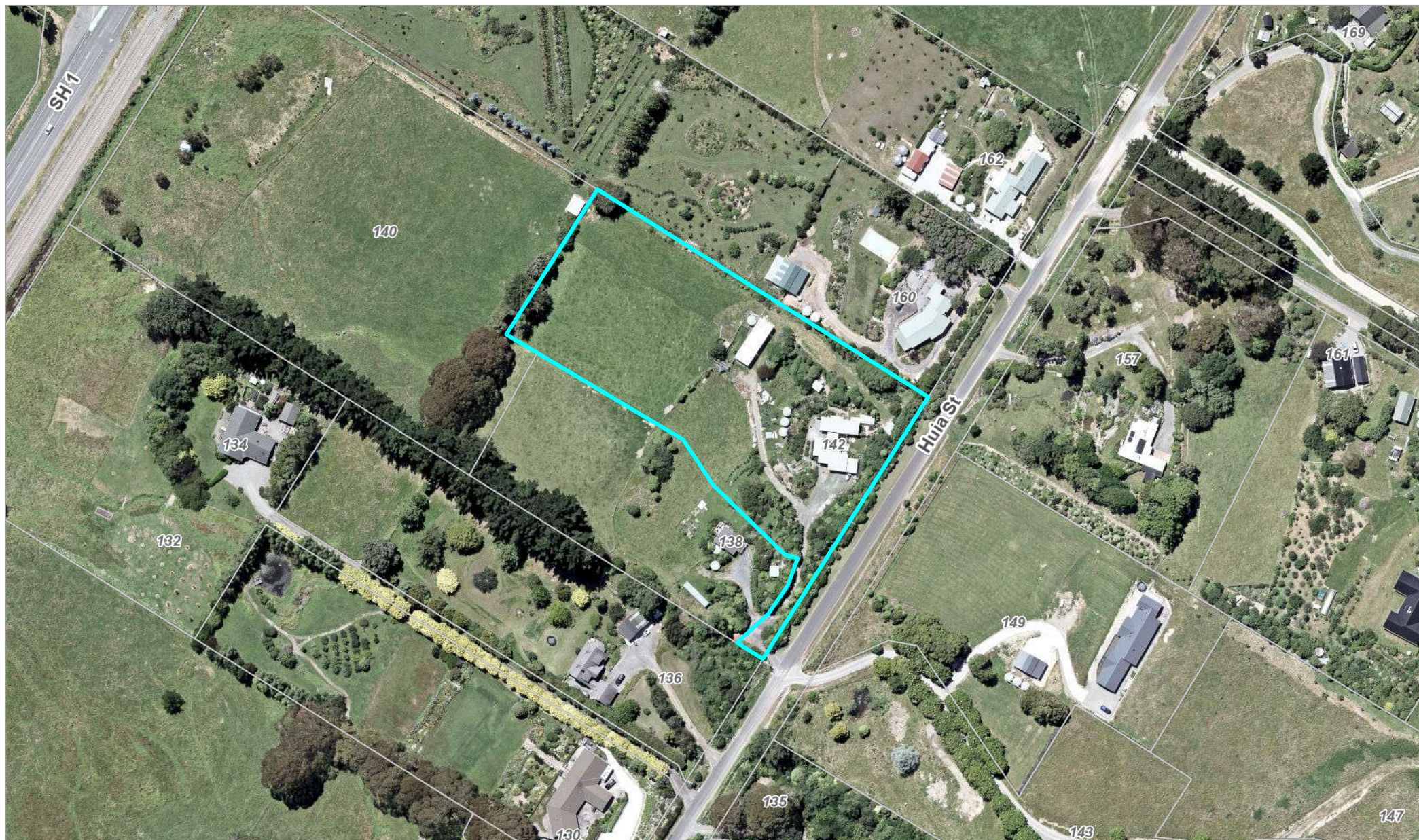
Every city and district council is required to have a District Plan under the [Resource Management Act 1991](#). The District Plan plays a big part in how Kapiti develops. The rules in the Plan determine what you can and can't do on your property without permission from Council - whether it be subdividing, renovating, building a new garage or deck, or starting a home business. This LIM includes maps which show the Zone, Precinct, or Development Area (if relevant), the Features, Overlays and the Natural Hazards that relate to the rules in the District Plan.

Latest Flood Hazards

To better understand the extent of the flood hazard risk in the District and to assist in the potential mitigation of this risk, Council has over the years undertaken a number of floodplain management investigations. This map shows the latest flood hazard information; these are not necessarily included in the Operative District Plan (2021). This information is particularly relevant if you are considering subdividing the land or constructing a building.

Aerial Photography

142 Huia Street, Waikanae (Lot 1 DP 588843)



0 40 80 Metres

Scale @ A4 - 1:2,000

Date Printed: September 1, 2025

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RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Historical Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **1163883**
Land Registration District **Wellington**
Date Issued 04 April 2024

Prior References
WND1/107

Estate Fee Simple
Area 1.1073 hectares more or less
Legal Description Lot 1 Deposited Plan 588843

Original Registered Owners

Jules Esther as to a 1/2 share
Dana Rachelle Peterson as to a 1/2 share

Interests

8434102.2 Mortgage to ASB Bank Limited - 22.4.2010 at 11:59 am
12967358.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 4.4.2024 at 4:51 pm
Subject to a right of way, right to convey telecommunications and electricity over part marked A on DP 588843 created by Easement Instrument 12967358.3 - 4.4.2024 at 4:51 pm
The easements created by Easement Instrument 12967358.3 are subject to Section 243 (a) Resource Management Act 1991
Subject to pedestrian right of way over part marked D on DP 588843 created by Easement Instrument 12967358.4 - 4.4.2024 at 4:51 pm
Subject to a right (in gross) to convey telecommunications over part marked A on DP 588843 in favour of Chorus New Zealand Limited created by Easement Instrument 12967358.5 - 4.4.2024 at 4:51 pm
The easements created by Easement Instrument 12967358.5 are subject to Section 243 (a) Resource Management Act 1991
Land Covenant in Covenant Instrument 12967358.6 - 4.4.2024 at 4:51 pm



Title Plan - DP 588843

| | |
|-----------------------------|---|
| Survey Number | DP 588843 |
| Surveyor Reference | 22687 Esther and Peterson |
| Surveyor | Brett William Horne |
| Survey Firm | Cuttriss Consultants Ltd |
| Surveyor Declaration | I Brett William Horne, being a licensed cadastral surveyor, certify that-- (a) this dataset provided by me and its related survey are accurate, correct and in accordance with the Cadastral Survey Act 2002 and Cadastral Survey Rules 2021; and (b) the survey was undertaken by me or under my personal direction. Declared on 09 Feb 2024 09:02 AM |

Survey Details

| | | | |
|----------------------------|--|-----------------------------|------------|
| Dataset Description | Lots 1 to 3 being a subdivision of Lot 10 DP 22652 | | |
| Status | Deposited | | |
| Land District | Wellington | Survey Class | Class B |
| Submitted Date | 09/02/2024 | Survey Approval Date | 21/02/2024 |
| | | Deposit Date | 04/04/2024 |

Territorial Authorities

Kapiti Coast District

Comprised In

RT WND1/107

Created Parcels

| Parcels | Parcel Intent | Area | RT Reference |
|------------------------------|------------------|-----------|--------------|
| Area E Deposited Plan 588843 | Covenant - Land | | |
| Lot 1 Deposited Plan 588843 | Fee Simple Title | 1.1073 Ha | 1163883 |
| Lot 2 Deposited Plan 588843 | Fee Simple Title | 0.6427 Ha | 1163884 |
| Lot 3 Deposited Plan 588843 | Fee Simple Title | 2.0983 Ha | 1163885 |
| Area A Deposited Plan 588843 | Easement | | |
| Area B Deposited Plan 588843 | Easement | | |
| Area C Deposited Plan 588843 | Covenant - Land | | |
| Area D Deposited Plan 588843 | Easement | | |
| Total Area | | 3.8483 Ha | |

Schedule / Memorandum

| | |
|-------------|-----------|
| Plan Number | DP 588843 |
|-------------|-----------|

| Memorandum of Easements (Pursuant to s243 Resource Management Act 1991) | | | |
|---|-------|--------------------------------------|---------------------------------------|
| Purpose | Shown | Burdened Land (Servient Tenement) | Benefited Land (Dominant Tenement) |
| Right of way, right to convey telecommunications, right to convey electricity | A | Lot 1 | Lots 2 and 3 |
| | B | Lot 2 | Lot 3 |

| Memorandum of Easements in Gross | | | |
|------------------------------------|-------|--------------------------------------|------------------------|
| Purpose | Shown | Burdened Land (Servient Tenement) | Grantee |
| Right to convey telecommunications | A | Lot 1 | Chorus New Zealand Ltd |
| | B | Lot 2 | |

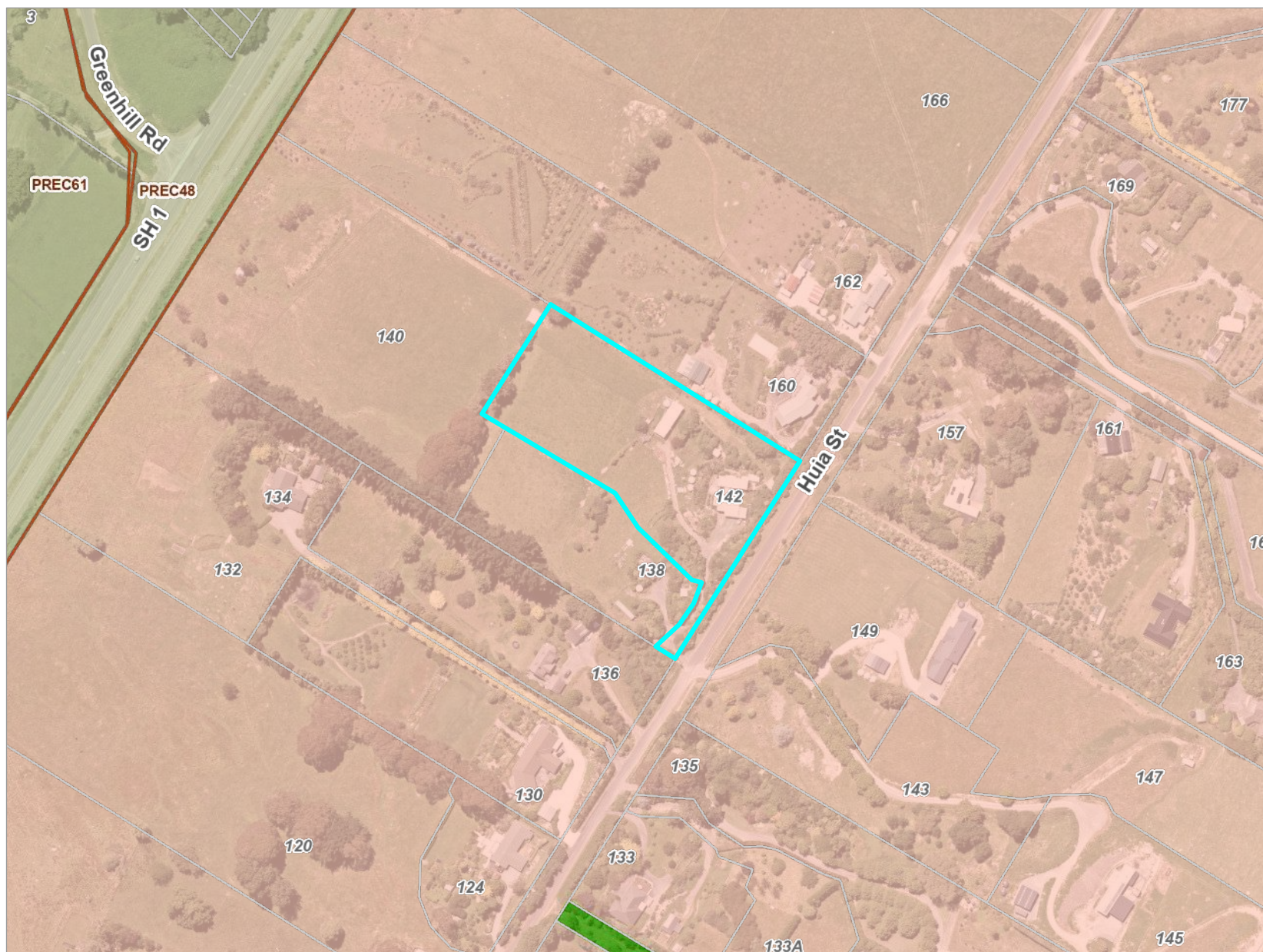
| Schedule of Easements | | | |
|-----------------------|-------|--------------------------------------|---------------------------------------|
| Purpose | Shown | Burdened Land (Servient Tenement) | Benefited Land (Dominant Tenement) |
| Pedestrian access | D | Lot 1 | Lot 2 |

Areas C and E are to be subject to restrictive covenants.





Lots 1 - 3 are to be subject to a consent notice.

Operative District Plan 2021 - Zones and Precincts

142 Huia Street, Waikanae (Lot 1 DP 588843)



Key to map symbols

-  Precinct
-  General Rural Zone
-  Rural Lifestyle Zone
-  Natural Open Space Zone



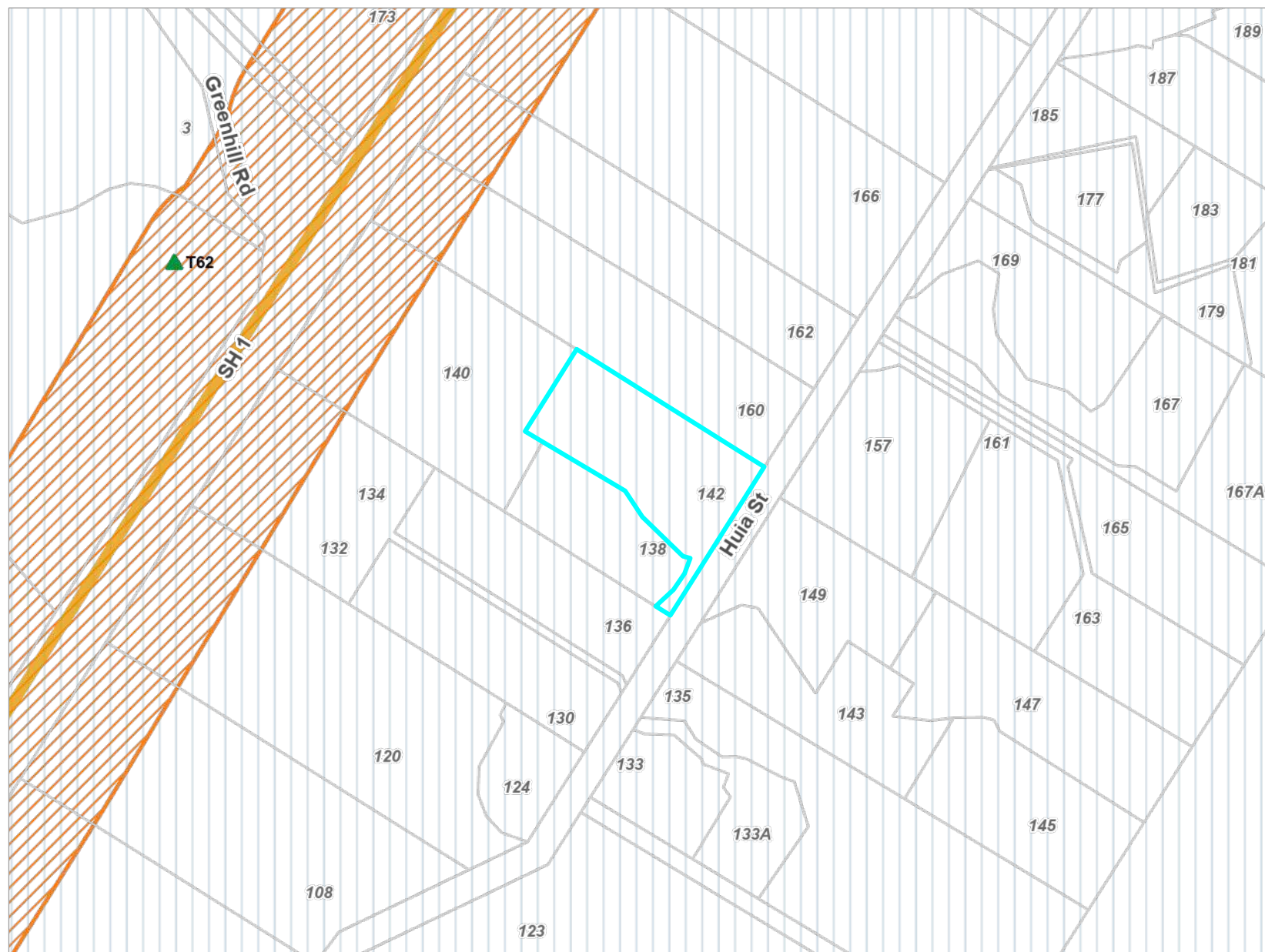
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Operative District Plan 2021 - Historical, Cultural, Infrastructure & Districtwide

142 Huia Street, Waikanae (Lot 1 DP 588843)



Key to map symbols

- Strategic Arterial Routes (or SH1)
- Notable Trees
- Noise Corridor
- Coastal Environment

The 'Key to map symbols' column above will be empty if no relevant District Plan Features are present in the area shown on this map.



0 90 180 Metres
Scale @ A4 - 1:4,000

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Operative District Plan 2021 - Designations & Miscellaneous Features

142 Huia Street, Waikanae (Lot 1 DP 588843)



Key to map symbols

 Designation

The 'Key to map symbols' column above will be empty if no relevant District Plan Features are present in the area shown on this map.

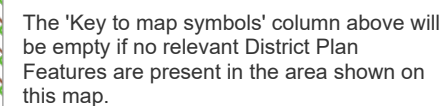
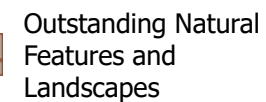


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142 Huia Street, Waikanae (Lot 1 DP 588843)



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Operative District Plan 2021 - Natural Hazards

142 Huia Street, Waikanae (Lot 1 DP 588843)



Key to map symbols

-  Uncertain Poorly Constrained
-  Stream Corridor
-  Ponding Area

The 'Key to map symbols' column above will be empty if no relevant District Plan Features are present in the area shown on this map.



0 90 180 Metres
Scale @ A4 - 1:4,000

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Latest Flood Hazards

142 Huia Street, Waikanae (Lot 1 DP 588843)



Key to map symbols

- Stream Corridor
- Ponding

The 'Key to map symbols' column above will be empty if no Flood Hazards are present in the area shown on this map.



0 120 240 Metres
Scale @ A4 - 1:5,000

Date Printed: September 1, 2025

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Resource Consents Map

142 Huia Street, Waikanae (Lot 1 DP 588843)

Key to map symbols

 Resource Consents



The 'Key to map symbols' column above will be empty if no Resource Consents are present in the area shown on this map.



0 40 80 Metres

Scale @ A4 - 1:2,000

Date Printed: September 1, 2025

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Resource Consents Report

| Resource Consent Number | Location | Valuation Number | Property Legal Description | Consent Type | Consent Proposal | Notified Yes/No | Hearing Yes/No | Consent Status | Decision Date | App.Date |
|-------------------------|---------------------------|------------------|-----------------------------------|--------------|--|-----------------|----------------|-----------------|---------------|------------|
| 070224 | 130 Huia Street, Waikanae | 1490010201 | LOT 2 DP 87596 | LD | Earthworks for building platform, garden area and football | N | N | Decision Issued | 31/7/2007 | 18/7/2007 |
| 110055 | 157 Huia Street, Waikanae | 1490014500 | LOT 1 DP 83499 - INT IN ROW | LD | 2 Lot subdivision at 157 Huia Street, Waikanae | N | N | s.224 Issued | 19/4/2011 | 5/4/2011 |
| 090043 | 142 Huia Street, Waikanae | 1490010401 | Lot 1 DP 588843 | SN | Proposed seven lot subdivision and associated earthworks (to | N | N | Decision Issued | 24/7/2009 | 16/3/2009 |
| 110165 | 157 Huia Street, Waikanae | 1490014500 | LOT 1 DP 83499 - INT IN ROW | LD | Earthworks to create a driveway and building site at 157 | N | N | Decision Issued | 10/11/2011 | 12/10/2011 |
| 110148 | 160 Huia Street, Waikanae | 1490010600 | LOT 11 DP 22652 BLK VI KAITAWA SD | SD | Freehold 2 lot subdivision at 160 Huia Street, Waikanae | N | N | s.224 Issued | 17/10/2011 | 19/9/2011 |
| 130153 | 138 Huia Street, Waikanae | 1490010402 | Lot 2 DP 588843 | LD | Earthworks associated with construction of building platform | N | N | Decision Issued | 5/9/2013 | 2/9/2013 |
| 140075 | 143 Huia Street, Waikanae | 1490014700 | LOT 22 DP 22652 BLK VI KAITAWA SD | LSD | Four lot rural residential subdivision and earthworks to | N | N | s.224 Issued | 25/6/2014 | 29/4/2014 |

| Resource Consent Number | Location | Valuation Number | Property Legal Description | Consent Type | Consent Proposal | Notified Yes/No | Hearing Yes/No | Consent Status | Decision Date | App.Date |
|-------------------------|---------------------------|------------------|-----------------------------------|--------------|--|-----------------|----------------|----------------------|---------------|------------|
| 190007 | 149 Huia Street, Waikanae | 1490014703 | LOT 1 DP 525147 | LDR | To undertake earthworks that do not meet the permitted | N | N | Decision Issued | 1/3/2019 | 29/1/2019 |
| 190225 | 124 Huia Street, Waikanae | 1490010100 | LOT 1 DP 548885 | SDR | Undertake a two lot rural residential subdivision | N | N | Letter Generated | 1/11/2019 | 19/9/2019 |
| 200252 | 142 Huia Street, Waikanae | 1490010401 | Lot 1 DP 588843 | SDR | Three lot subdivision creating two additional allotments and | N | N | s.224 Issued | 9/3/2022 | 23/11/2020 |
| 210059 | 133 Huia Street, Waikanae | 1490014902 | LOT 1 DP 585198 | SN | Undertake a two lot rural residential subdivision, land use | N | N | Letter Generated | 14/7/2021 | 26/3/2021 |
| 950342 | 157 Huia Street, Waikanae | 1490014500 | LOT 1 DP 445258 CT 559706 | SC | 2 ADDITIONAL LOTS | N | N | s.221 Consent Notice | 31/10/1995 | 16/10/1995 |
| 970171 | 157 Huia Street, Waikanae | 1490014500 | LOT 21 DP 22652 BLK VI KAITAWA SD | LD | EARTHWORKS FOR PRIVATE DRIVE AND HOUSE AND GARAGE SITE. | N | N | Decision Issued | 12/6/1997 | 21/5/1997 |
| 990052 | 132 Huia Street, Waikanae | 1490010200 | LOT 9 DP 22652 BLK VI KAITAWA SD | SD | TWO ADDITIONAL RURAL LOTS | N | N | s.224 Issued | 1/4/1999 | 19/2/1999 |
| PB250006 | 143 Huia Street, Waikanae | 1490014700 | LOT 2 DP 525147 | PB | Construct new single storey dwelling which encroaches the | N | N | Decision Issued | 3/4/2025 | 5/3/2025 |

Health and Alcohol Licenses

142 Huia Street, Waikanae (Lot 1 DP 588843)



Key to map symbols

The 'Key to map symbols' column above will be empty if no Health and Alcohol Licences are present in the area shown on this map.



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Services Network

142 Huia Street, Waikanae (Lot 1 DP 588843)



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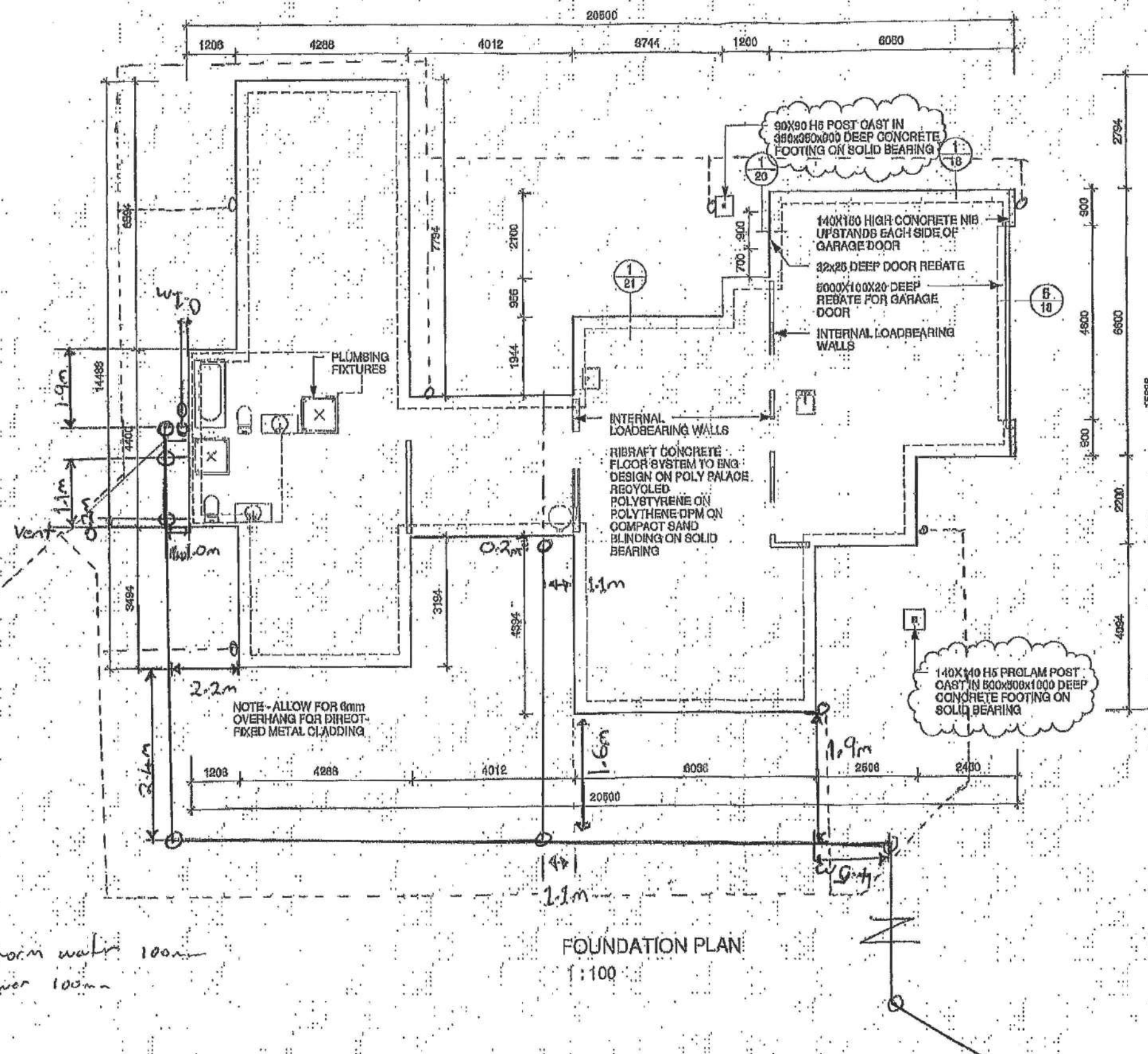
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- FOUNDATION NOTES**
- THIS PAGE IS TO BE READ IN CONJUNCTION WITH SHEET 02 - CONSTRUCTION NOTES FOR ADDITIONAL INFORMATION
 - ALL CONCRETE TO BE 20MPa UNLESS SPECIFIED OTHERWISE BY ENGINEER - ALL CONCRETE TO CONTAIN RECYCLED GLASS AGGREGATE TO MAX % ALLOWABLE
 - ALL REINFORCING MESH TO BE GRADE 600E
 - FIBRAFT CONCRETE FLOOR SYSTEM TO ENGINEERS DESIGN
 - FOUNDATION DETAILS TO ENGINEERS DESIGN
 - REFER TO ENGINEERS DWGS FOR SAWCUT LOCATIONS
 - THIS SITE IS IN EXPOSURE ZONE 0:
 - ALL STRUCTURAL FIXINGS IN SHELTERED LOCATIONS TO BE HOT DIP GALVANISED, AND IN EXPOSED SITUATIONS TO BE TYPE 304 S.S.
 - ALL FIXINGS IN CONTACT WITH TIMBER TREATED WITH A COPPER BASED PRESERVATIVE ARE TO BE TYPE 304 S.S. IN EXPOSED OR SHELTERED LOCATIONS, AND HOT DIPPED GALVANISED IN CLOSED SITUATIONS



Phone: 04 904 59 59

| | | | |
|--|------------|-------------|--------|
| 4 | 28/7/13 | KODG RFL's | |
| Rev | Date | Description | |
| Proposed House for Esther & Peterson 142 Hula St Waikanae | | | |
| Lot 10 DP: 22862 | | | |
| A.D architecture | | | |
| Tel 04 298 5662 PO Box 1585, Paraparaumu Beach info@adarchitecture.co.nz www.adarchitecture.co.nz | | | |
| FOUNDATION PLAN | | | |
| BUILDING CONSENT | | | |
| DO NOT SCALE DRAWING | | | |
| Job | Date | Rev | Sheet |
| 11090 | APRIL 2013 | 4 | (A3) 0 |



**WRIGHT
TANKS LTD**



HAWKE'S BAY
REGIONAL COUNCIL
APPROVED
DESIGNER
ANDREW WRIGHT
Sewerage works
Waterworks Engineering
Solutions



NZCTMA
APPROVED

BC230728
Further Information Received
16/11/2023



Building location and design approximate only. Please see architectural plans for exact details

As Built plans are drawn off the supplied drawing from the sub contractor. Wright Tanks Ltd do not survey the site and therefore take no responsibility for the accuracy of such plots.

Plans are drawn off a supplied drawing. Wright Tanks Ltd do not survey the site for boundary dimensions or building and driveway location. These are approximate and may vary to exact locations. See architectural site plan for exact measurements and locations. Wright Tanks Ltd therefore take no responsibility for the accuracy of such dimensions.

Site Plan to be read in conjunction with the enclosed site inspection report.

| | |
|-----------|-----------------------------------|
| Name: | J Esther & D Peterson |
| Address: | 142 Huia St. Waikanae |
| Drawn By: | S.K |
| Scale: | Do Not Scale |
| Date: | 10/11/2023 |
| Ref #: | LOT 10 DP 22652 BLK VI KAITAWA SD |
| Signed: | |

fp: 0800 253 273
t: 06 353 6157 E: 06 353 3020
PO Box 4777 Palmerston North 4442
email: admin@wrighttanks.co.nz
www.wrighttanks.co.nz

This design remains the property of Wright Tanks Limited and may not be altered, reproduced or installed (wholly or in part) by any person not accredited as a Wright Tanks Limited approved installer.

KEY

⑧

5000 Filter Siphon

●

sewer inspection

—

100mmØ UPVC Sewer

Dana Peterson
142 Huia Street, Waikanae
Installed by Wright Tanks Ltd, 14th December 2023

BC230728
Received by
Kapiti Coast District Council
18/12/23
via Email



Dana Peterson
142 Huia Street, Waikanae
Installed by Wright Tanks Ltd, 14th December 2023

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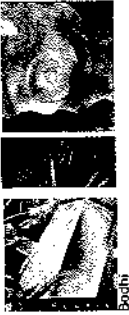
Kapiti Coast District Council

Private Bag 601
Paraparaumu 5254

Tel. (04) 296 4700

Fax (04) 296 4830
or 0800 486 486

E: kapiti.council@kapiticoast.govt.nz
W: www.kapiticoast.govt.nz



24 July, 2009

Graham Owles Family Trust
C/- Wigley & Roberts Ltd
P O Box 30-239
LOWER HUTT
Attention : Graham Wigley

Dear Graham Owles Family Trust

**RM090043: PROPOSED SEVEN LOT SUBDIVISION IN TWO STAGES
AT 142 AND 160 HUIA ST, WAIKANAE**

We are pleased to enclose your Resource Consent for the above planning application.

As you will see from the Resource Consent there are a number of conditions that need to be complied with.

If you do not agree with the conditions of your consent you may object and have the matter considered by Hearing Commissioners. This is done by lodging an objection in accordance with Section 357 of the Resource Management Act 1991. Please note that, if you do wish to object, you must advise the Resource Consents Manager within 15 working days from the date of receiving this consent.


There is no deposit for an objection. However, a fee of \$200.00 (including GST) is required if Council's Subdivisional Engineer is involved. Time and costs will also be charged unless waived by the Hearing Commissioners and if an objection is upheld there will be no charges; if upheld in part then a proportion of costs will be charged.

Please note also that this consent will lapse within 5 years of the date of issue of this decision unless it is given effect to within that time. You may apply for an extension of the consent before the consent lapses. Council may grant an extension if it is satisfied that the criteria set out in Section 125 of the Resource Management Act 1991 are met.

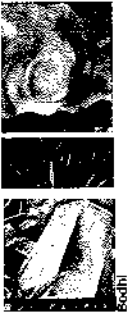
If you have any concerns or enquiries about the conditions please do not hesitate to contact me on (04) 2964 782.

Thank you for dealing with the Kapiti Coast District Council.

Yours sincerely



Wayne Gair
Principal Planner - Subdivisions



**RESOURCE CONSENT UNDER
PART VI OF THE RESOURCE MANAGEMENT ACT 1991
CONSENT NO: RM090043**

| | |
|---------------------------------|--|
| APPLICANT: | Graham Owles Family Trust |
| LOCATION OF ACTIVITY: | 142 and 160 Huia Street, Waikanae [Lots 10 and 11 DP 22652 (CsT WND1/107 and WN986/42)] |
| DESCRIPTION OF ACTIVITY: | Subdivision of 7 Rural-Residential Allotments and associated earthworks to construct shared vehicle access |

DECISION:

That officers acting under authority delegated from the Council and pursuant to Sections 104, 104B and 104D of the Resource Management Act 1991 **grant** consent for a seven lot subdivision of the land at 142 & 160 Huia Street, Waikanae [Lots 10 and 11 DP 22652] in two stages comprising:

- ♦ Firstly, two allotments, being Lot 2 and the balance of the land shown on plan 9344/2; and
- ♦ Secondly, a subdivision of the balance allotment resulting from stage one as set out above into 6 further rural-residential allotments and one access Lot or Right of Way, as shown on Wigley and Roberts Limited Plan number 9344/2 subject to the following conditions which were imposed under sections 108 and 220 of the Resource Management Act 1991.

Conditions:

General Conditions pertaining to both stages:

Monitoring and Review

1. The consent holder shall notify the Council's Compliance Team of the start and completion dates of the stages of the works in writing 48 hours before the works are carried out. The consent holder shall fill out and return (by fax (04) 2964-830 or by post to Private Bag 601, Paraparaumu) the form that is attached to the decision letter.
2. The consent holder shall pay to the Kapiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and the actual costs of materials or services which may have to be obtained.

*Please refer to Kapiti Coast District Council's current schedule of Resource Management fees for guidance on the current hourly rate chargeable for Council's staff.

General

3. The e-survey dataset shall be in conformity with the approved subdivision plans prepared by Wigley and Roberts numbered 9344/2, 9344/2a and 9344/2b, except where modified as a consequence of any of the following conditions of consent.
4. The consent holder shall pay Council Engineering Fees of \$500 plus \$300 per lot, (Stage 1 and Stage 2 total of \$2,600 GST inclusive) for work that may be required for plan approvals, site inspections and consent compliance monitoring prior to the Section 224(c) certification for either stage of the subdivision.
Extra fees may apply in accordance with the Engineering Fees Schedule adopted by Council from 01 July 2008.
Note: The current charge out rate is \$100.00 (GST included).
5. The consent holder shall comply with the requirements of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005.
6. The consent holder shall advise the names of the Developer's or Owner's Representative or Representatives appointed in terms of Clause B(ii) of Part 3 of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005 prior to the commencement of work, but no later than one month from the date of issue of this consent.
7. The consent holder shall advise the names and their professional qualifications and experience of Suitably Qualified Persons required in terms of Clause B(iii) of Part 3 of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005. If the Council considers any of the nominated persons are not acceptable then the consent holder shall nominate alternative persons, or the Council may require the consent holder to employ a specified Suitably Qualified Person or Persons at the consent holders cost. Suitably Qualified Persons are required for, but not necessarily limited to, the following areas:
 - Foundation recommendation
 - Stormwater and flood issue
 - On-site Wastewater disposal
 - Rural water supply.

Conditions pertaining to Stage 1: Proposed Lot 2 and the balance land (Lots 1 and 3 to 7 inclusive), otherwise described below as proposed Lot 9

Engineering

8. The consent holder shall supply to Council the following reports by suitably qualified person(s) detailing site investigation work, findings and recommendations, for a proposed building site on the balance land (proposed Lot 9):
 - Foundation analysis. If specifically designed foundations are required in accordance with Building Act 2004, then the Council will issue a Consent Notice under Section 221 of the Resource Management Act recording the specifically designed foundations are required.
 - On-site stormwater disposal, which shall be in accordance with Part 3 Section E of the Council's Subdivision and Development Principles and Requirements. The recommended design shall be prepared by a suitably qualified person and shall be provided with any building consent application in Lot 9. Soakage tests shall be undertaken and support the design, the results of which shall accompany the design when lodged with the Council.

- On-site wastewater treatment and disposal, which shall be in accordance with Part 3 Section F of the Council's Subdivision and Development Principles and Requirements.
- On-site water supply, which shall be in accordance with Part 3 Section G of the Council's Subdivision and Development Principles and Requirements.

The findings and recommendations of the reports on stormwater, wastewater and water supply shall be included in a Consent Notice to be issued by Council pursuant to Section 221 of the Resource Management Act 1991.

9. The consent holder shall ensure the availability of electric power and telecommunication connection for Lot 9.

Administration

10. The consent holder shall supply a copy of the e-survey dataset and shall list and indicate how each condition has been met to the satisfaction of the Council when applying for a S224(c) certificate with respect to Stage 1.

Stage 2: Subdivision of proposed Lot 9 into 6-residential lots (Lots 1, 3, 4, 5, 6, and 7) and 1-access lot (Lot 8) or the creation of a Right of Way over that land shown as Lot 8

Reserves

11. A Reserves Contribution is exigible and has been assessed at \$11,692.70 inclusive of GST for 5 additional units of demand. Payment of the Reserves Contribution must be made to the Kapiti Coast District Council prior to the issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991.

Engineering

12. The Totara Tree located at the eastern end of proposed Lot 8 / Right of Way shall be retained and no trimming, cutting or works that would adversely impact the integrity or health of the tree is permitted.
13. The consent holder shall submit to Council for approval copies of the plans and specifications for the engineering development in accordance with the Paragraph 1 of Schedule 1 contained in Part 4 of the Council's Subdivision and Development requirements. No work shall commence until the plans and specifications have been approved by the Council in writing.
14. The consent holder shall supply to Council a report by a suitably qualified person detailing site investigation work and findings together with recommendations for foundation design for the proposed building sites on Lots 1, 3, 4, 5, 6 and 7. If specifically designed foundations are required in accordance with Building Act 2004, then the Council will issue a Consent Notice under Section 221 of the Resource Management Act recording the specifically designed foundations are required.
15. Should a waahi tapu or other cultural site be unearthed during earthworks/excavation, the contractor and or owner shall:
 - a. cease operations;
 - b. inform local iwi – Te Ati Awa ki Whakarongotai;
 - c. inform NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required;
 - d. take appropriate action, after discussion with the NZHPT, Council and iwi to remedy damage and/or restore the site.

Note: In accordance with the Historic Places Act 1993, where an archaeological site is present (or uncovered), an authority from NZ Historic Places is required if the site is to be modified in any way.

16. Where the existing land or vegetative cover is disturbed, suitable ground cover shall be established as soon as practicable following earthworks or within 5 days of completion whichever shall occur first. For this condition "suitable ground cover" means application of basecourse, topsoil, grassing or mulch, or another type of application to the satisfaction of the Council.
17. The access lot / right-of-way (Lot 8) shall be formed, metalled and sealed to a minimum width of 3-metres with a 0.5m width metalled shoulder at both road sides and with a provision of a sealed passing bay. The consent holder shall include in the right-of-way engineering drawings submission to Council for approval the following aspects:
- Alignment, elevations and cross sections of the right-of-way;
 - The right-of-way entrance at the road berm;
 - Design of the passing bay;
 - Details of Road drainage; and
 - Any safety fencing associated with the access lot/Right of Way related to the adjacent watercourse.

The Subdivision Engineer may approve alternative forms of pavement and/or surfacing.

18. A rural numbering post shall be provided for each lot. This condition will be satisfied by the payment of \$40.50 (GST inclusive) per lot.
19. The consent holder shall submit a report with respect to the provision of on-site stormwater disposal for Lots 1, 3, 4, 5, 6 and 7 in accordance with the principles contained in Part 3 Section E of the Council's Subdivision and Development Principles and Requirements for approval by the Council. The recommended design(s) shall be prepared by a suitably qualified person and shall be provided with any building consent application for each lot. Soakage tests shall be undertaken and support the design, the results of which shall accompany the design(s) when lodged with the Council.

The recommendations for and constraints on the provision of on-site stormwater disposal will be included in a Consent Notice to be issued by Council pursuant to Section 221 of the Resource Management Act 1991. The Consent Notice shall include reference to the owners' responsibility to maintain and monitor their stormwater disposal so that any adverse effects on the environment are minor.

20. The consent holder shall provide adequate provision for the control of any stormwater run-off during the right-of-way earthwork operations to the satisfaction of the Council. Silt retaining structures shall be installed adjacent the stream and maintained throughout the duration of the works.

Note: The consent holder's attention is drawn to the Wellington Regional Council Publication "Erosion and Sediment Control Guidelines for the Wellington Region". Applying the appropriate recommended treatments from this publication is a means of compliance with this condition.

21. A report shall be provided to Council by a suitably qualified person, which addresses the suitability of on site wastewater treatment and disposal on Lots 1, 3, 4, 5, 6 and 7. The form of wastewater treatment and disposal on site shall be in accordance with the principles and requirements of Part 3 Section F of the Council's Subdivision and Development Principles and Requirements. Site investigations and tests shall relate to the nominated building site on each lot.

The report shall include recommendations for the preferred method(s) of on-site wastewater treatment and disposal. The recommendations for and constraints on the provision of wastewater treatment and disposal will be included in a Consent Notice to be issued by Council pursuant to Section 221 of the Resource Management Act 1991. The Consent Notice shall include reference to the owners' responsibility to maintain and monitor their wastewater disposal so that any adverse effects on the environment are minor.

22. A report shall be provided to Council by a suitably qualified person in relation to the provision of water supply on Lots 1, 3, 4, 5, 6 and 7. The report shall be in accordance with Part 3 Section G of the Council's Subdivision and Development Principles and Requirements. The recommendations for and constraints on the provision of the water supply shall be included in a Consent Notice to be issued by Council pursuant to Section 221 of the Resource Management Act 1991. The Consent Notice shall include reference to the owners' responsibility to maintain and monitor their water supply system so that any adverse effects on the environment are minor.
23. The subdivision shall be provided with fire fighting facility by providing water storage with an unimpeded access within a 90-metre distance to any building. A minimum of a 7,000-litre fire fighting water storage is to be provided if dwelling units are equipped with a sprinkler system installed to an approved standard.
- If no sprinkler systems are installed, static water supply shall be at least 45,000-litres dedicated for fighting purposes. The fire fighting water supply shall meet the requirements of SNZ PAS 4509:2008 – NZFS Fire Fighting Water Supplies Code Practice. The applicant shall consult with the NZ Fire Service to assist in meeting the requirements of SNZ PAS 4509:2008.
- Other alternative fire fighting solutions will be accepted if accompanied by the written approval of the District's Rural Fire Officer.
- Note: Upon the issue of the certificate pursuant to Section 224(c) of the Resource Management Act 1991 or such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify the above to be registered against the Certificate of Title for each lot.
24. The consent holder shall provide each lot with electric power and telecommunication connection.
25. The consent holder shall not remove soil support from adjacent lots.
26. All batters shall be self-supporting.
27. The consent holder shall submit to the Council for approval a Landscape Plan for the development covering the access lot, Lot 8. It includes a stream margin planting plan to improve the water quality, bank protection and amenity value of the stream. Landscape work shall be completed in accordance with the approved Landscape Plan.
28. The small hay shed currently straddling the proposed boundary between Lots 5 and 8 shall be removed from the site or relocated as appropriate.

Legal

29. In order to provide legal access to Lots 5, 6 and 7, one of the following two options may be exercised at the discretion of the consent holder:
- Lot 8 shall be incorporated within one or more of Lots 5, 6 and 7 and mutual Rights of Way created over that part of the land currently shown as Lot 8 on plan number 9344/2 to provide Rights of Way in favour of Lots 5, 6 and 7 as appropriate; or
 - Lot 8 shall be shown as an access lot on the e-survey dataset and the e-survey dataset shall be endorsed with the following amalgamation condition:
"That lot 8 hereon (legal access) be held as to three undivided equal one third shares by the owners of Lots 5, 6 and 7 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith. RGL reference 819235."

30. Easements are required over any rights of way and communal, private and public services where these pass through the lots in the subdivision and the easements shall be subject to the provisions of section 243 of the Resource Management Act 1991. The Council may require other easements. Any easement documents shall be prepared by solicitors at the consent holder's expense.

Administration

31. The consent holder shall supply a copy of the e-survey dataset and shall list and indicate how each condition has been met to the satisfaction of the Council when applying for a s224(c) certificate for Stage 2.

Advice Notes

- Pursuant to section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.
- It is the consent holder's responsibility to comply with any conditions imposed on this resource consent prior to and during (as applicable) exercising this resource consent.
- Please note that a resource consent is not a consent to build. A building consent must be issued prior to any building work being undertaken.
- All costs arising from any of the above conditions shall be borne by the consent holder.
- The consent holder should not encroach onto adjacent land owned by others without having first obtained their written consent.
- Contravention of the Land Drainage Act is not permitted and natural drainage patterns are to be preserved.
- The consent holder shall seek advice from the Greater Wellington Regional Council if resource consent is required for the construction of the culvert stream crossing. If required, the consent holder shall obtain the resource consent before carrying out the construction works.
- Development contributions will be required pursuant to Section 198 of the Local Government Act 2002 and the 2009/2010 Council's Development Contributions Policy when creating new allotments. Are calculated as follows:
There is no additional allotment to be created by this resource consent during Stage 1 and accordingly, no development contributions are required for this stage.
There are 5 additional allotments to be created during Stage 2 and the following development contributions must be paid before the issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991 with respect to stage 2 of the development:

| | | |
|--|--------------------|-------------------|
| ♦ Community Facilities | 5 lots @ \$3327.75 | \$16638.75 |
| ♦ Roads / CWB | 5 lots @ \$1867.50 | \$9337.50 |
| ♦ Total development contributions payable for Stage 2 | | \$25976.25 |

Reasons for Conditions:

- The reason for Conditions 1 and 2 is to ensure that compliance with the conditions of this resource consent is conducted effectively and without cost to the Council.
- The reason for Condition 3 is to ensure that the activity does not go beyond the scope of the application.
- The reason for conditions 4 to 7 is to ensure that the engineering aspects of the project are satisfactorily managed.

- The reason for conditions 8 and 9 is to ensure that any engineering aspects of stage one are satisfactorily managed
- The reason for condition 10 is to aid administration of stage one
- The reason for condition 11 is to provide for Reserves in the district.
- The reason for conditions 12 to 28 is to ensure that any engineering and construction related aspects of stage two are satisfactorily managed
- The reason for conditions 29 and 30 is to ensure that appropriate rights of access are provided to the allotments
- The reason for condition 31 is to aid administration of stage two.

Reasons for Decision:

In accordance with Sections 104, 104B and 104D of the Resource Management Act 1991, the actual and potential effects associated with the proposed activity have been assessed and are outlined above. It is considered that the adverse effects of the proposed activity on the environment will be minor and that the proposed activity is not contrary to the Objectives and Policies of the Kapiti Coast District Plan.

| | |
|------------------------|---|
| APPLICATION: | Granted subject to conditions for the reasons concluded above. |
| CONSENT NUMBER: | RM090043 |
| DATE: | 24 July, 2009 |



Wayne Gair
Principal Planner-Subdivisions

23 July, 2009

**KAPITI COAST DISTRICT COUNCIL
NOTIFICATION & SECTION 104 DECISION REPORT**

| | |
|---------------------------|---|
| Applicant: | Graham Owles Family Trust |
| Site Address: | 142 and 160 Huia Street, Waikanae |
| Legal Description: | Lots 10 and 11 DP 22652 (CsT WND1/107 & WN986/42) |
| Proposal: | 7 Lot subdivision and associated earthworks to construct shared vehicle access |
| Land Owner: | GG Owles, M J Owles & L A Adams |
| Zone: | Rural (Rural Residential policy area) |
| Activity Status: | Non-Complying |

Report prepared by: Wayne Gair, Principal Planner-Subdivisions

Report peer reviewed by: Colin Bridges, Principal Planner-Land Use

1.0 PREAMBLE

This report provides an analysis of the resource management issues relating to notification status and the Council's Section 104 decision in respect of the activity proposed under resource consent application RM090043.

2.0 SITE DESCRIPTION & RESOURCE CONSENT HISTORY

The land at 142 and 160 Huia Street, Waikanae is held in two separate titles containing 3.8483 hectares and 3.8402 hectares, respectively.

The site slopes down from Huia Street, Waikanae towards the west, flattening off somewhat towards the lower reaches where it abuts the North Island Main Trunk Railway. The property is generally covered in pasture and a mixture of trees, largely aligned along fencelines about the mid point between the road and the railway to provide shelter. The fence pattern is predominantly rectangular with a series of gates clearly designed to assist the management of stock.



The Site at 142 & 160 Huia Street

An existing dwelling, located on the upper slopes of 160 Huia Street is accessed via a well graded gravel drive which provides a circular flow around the dwelling and access to garaging under the western (lower) side of it.

The carriageway in Huia Street, where it fronts the property is straight and relatively level, rising towards the north and is adjoined by a wide grass berm fronting the applicant's property.



Entrance to 160 Huia Street



Huia Street, looking south

The land is held in two certificates of title and the common boundary between them is adjoined on its southern side by an incised watercourse which appears to run throughout the year. This watercourse enters the property from a culvert under the carriageway in Huia Street.



Close view of central watercourse, near Huia St.



Central watercourse near upper end of site (Huia Street)



Central watercourse, looking east (lower part of site)



Central watercourse, looking west towards Railway / SH1

Similarly, along the southern boundary of the entire property, a watercourse flows down from Huia Street to the western side of the property where it abuts the Railway. This watercourse

is also sharply incised and also shows evidence of considerable quantities of water flowing within it in heavy rainfall events.



Southern watercourse, looking west near centre of site



Central watercourse, looking east near centre of site

The property falls from the legal road boundary in a fairly regular inclined plane towards the west and has a total height difference across the land in this direction of approximately 42 metres. In the lower reaches of the slope, where it eases off and flattens out somewhat there is evidence of intermittent and significant water flows across the land and evidence of significant ground water seepage during the wetter months of the year. Several Pukeko, Canadian Geese and Ducks were visible on the lower portions of the land, tending to confirm the impression that this is far from the driest site in the district.

That portion of the property adjacent to the North Island Main Trunk Railway could be described as an ephemeral wetland and is bounded, within the railway land by the lower reaches of the watercourse which runs along the southern side of the property and then turns at right angles, heading north along the western property boundary where it continues under the railway and adjacent State Highway 1 towards the west some 70 metres to the north of the intersection of State Highway 1 and Greenhill Road.



Ephemeral watercourse at southwest of site



Ephemeral wetland near Railway / SH1



Ephemeral watercourse at northwest of site



Pines centre south of site – ephemeral watercourse

2.1 Written Approvals

Written approvals have been received from the following:

- | | |
|---|---|
| ▪ 132 Huia Street – (Lot 1 DP 87596) | Donald Ian Vaughan Carol Anne Vaughan Roger Holmes Miller |
| ▪ 134 Huia Street – (Lot 3 DP 87596) | Alan Price Maureen Price |
| ▪ 157 Huia Street – (Lot 1 DP 83499) | Roger Burns |
| ▪ 162-166 Huia Street – (Lot 12 DP 22652) | Rae Hensley Miet |

3.0 THE PROPOSAL

It is proposed to develop the 7.6885 hectares site in two stages as follows:

- Stage 1 will comprise Lot 2, containing the existing dwelling as one allotment with the remainder of the land being held in one certificate of title as a balance allotment. No on site works are proposed to be undertaken to complete stage 1.
- Stage 2 will comprise the development of the balance land resulting from stage 1 into 6 allotments which will also result in the creation of an access lot or a Right of Way to serve proposed Lots 5, 6 and 7. The creation of the Right of Way will, of necessity result in earthworks being carried out for its construction within 20 metres of a waterbody and thus land use consent is also sought for this aspect of the development.

The location of the proposed allotment boundaries has been largely dictated by topographical constraints to create a generally rectangular pattern creating 7 rural residential allotments with the following features:

- 4 allotments fronting Huia Street with a length of approximately 150 metres and widths between 57 and 64 metres. The areas of these allotments vary between 0.87 and 0.97 hectares, with the largest containing the existing dwelling (proposed lot 2);
- The proposed boundaries between the new allotments in the upper portion of the development and those closer to the railway line have been located along the existing fence lines which are adjacent to the lines of trees (predominantly *Macrocarpa*) that are a feature of the site;
- Three allotments located on the lower reaches of the land adjacent to the North Island Main Trunk Railway which range from 1.26 to 1.37 hectares in area;
- A centrally located access lot (or possibly Right of Way) located between proposed lots 2 and 3 and to the south of the watercourse between the two existing titles which will provide practical and legal access to the lower lots (lots 5 to 7);
- As a consequence of the creation of the access lot/right of way to serve lots 5 to 7 it will be necessary to construct the carriageway to serve the proposed lots. A land use consent will therefore be required to allow the earthworks involved in the construction within 20 metres of a water body and the installation of a 450millimetre diameter culvert at the lower end of the driveway to facilitate access to lots 6 and 7.

The proposed first stage of the development will not result in the creation of any additional units of demand as the land is already held in two certificates of title.

4.0 DISTRICT PLAN PROVISIONS

The Kapiti Coast District Plan sets out the status of the activity within rules, that is whether they are permitted, controlled, discretionary, non-complying or prohibited. The Objectives and Policies contained in the District Plan are also important in decision making as they are to be taken into account in the evaluation of the activities.

4.1 Kapiti Coast District Plan

The property is zoned Rural under the Kapiti Coast District Plan and is not subject to any form of heritage or ecological site listing. The site is located in the Rural-Residential Subdivision policy area.

4.2 Relevant Rules and Standards

The Rules and Standards, which have the most relevance to this application are:

Rule D.2.1.3(B) Subdivision (xi), operating in conjunction with the controlled activity standards at D.2.2.3(B) Subdivision(iv) Lots in the Rural Residential Areas effectively would deem the subdivision aspect of the proposal to be a non-complying activity, as it does not comply with all of the provisions of the District Plan Standards at D.2.2.3(B) Subdivision(iv)(a) and (b).

Rule D.2.1.4(i) which deems all activities which are not permitted, controlled, discretionary or prohibited to be classed as non-complying, operating in conjunction with the permitted activity standards at D.2.2.1 Earthworks(i) as earthworks are proposed within 20 metres of a water body.

The above rules and standards which are of relevance with respect to this particular application seek to address the following issues:

- The minimum allotment area must be 1 hectare – Lots 1 to 4 and Lot 8 do not meet this standard;
- Each front allotment must have a minimum frontage of 30 metres – Lot 8 does not meet this standard;
- Protection of water resources (with respect to provision of a potable water supply and also the disposal of wastewater);
- Earthworks on slopes in excess of 28 degrees or within 20 metres of a water body – while the proposed earthworks do not exceed 100m³ in volume or propose to alter the level of the ground by more than 1 metre, they are less than 20 metres from a water body and therefore default to non-complying status; and
- Protection of Heritage and ecological features.

4.3 Relevant Objectives and Policies

The following Objectives and Policies apply to this application, the full text is available for reference in the Kapiti Coast District Plan:

C.2.1 - Rural Zone, Objective 1.0 – General

Policy 1(B), which relates to the Use and Development of the Natural Environment

C.7.2 – Rural Subdivision and Development, Objective 1.0

Policy 6, which endeavours to ensure that rural residential development is only permitted on land which is unsuitable for future residential subdivision

Policy 9, which endeavours to ensure that subdivision and development do not jeopardise the sustainability of water quantity and quality

- Policy 10, which endeavours to control soil and or water contamination from on-site sewage systems
- Policy 11, which endeavours to ensure that rural residences can access adequate supplies of potable water
- Policy 13, which endeavours to protect the natural contour of the land
- Policy 14, which endeavours to encourage the protection of native vegetation
- C.11.1 A – Natural Environment , Objective 1.0
 - Policy 5, which endeavours to ensure that the effects of subdivision and development do not significantly alter the water tables of significant wetlands and lakes
 - Policy 11, which endeavours to maintain and enhance natural landscape values of the District
 - Policy 14, which endeavours to encourage the treatment of surface water and stormwater runoff in subdivisions
- C.7.3 – Earthworks, Objective 1.0
 - Policy 1, which sets the general assessment criteria for considering the effects of earthworks
- C.7.4 – Subdivision and Development Principles and Requirements, Objective 1.0
 - Policy 1, which endeavours to ensure that best environmental practice and innovation in design are incorporated into any development
 - Policy 2, which relates to watercourse management
 - Policy 3, which endeavours to avoid the effects related to the installation of network utilities above ground

5.0 SECTION 104 PROVISIONS

In considering the merits of an application, the provisions of Section 104 of the Resource Management Act 1991 must be considered. Section 104 sets out the matters that the Council must have regard to when considering an application for resource consent. The provisions of Section 104 that have the most relevance to this application include:

104(1)(a) Any actual or potential effects on the environment of allowing the activity; and

104(1)(b) Any relevant provisions of –

- (i) A national policy statement;
- (ii) A New Zealand coastal policy statement;
- (iii) A regional policy statement or proposed regional policy statement;
- (iv) A plan or proposed plan; and

104(1)(c) Any other matters the Council considers relevant and reasonably necessary to determine the application.

Section 104(2) states that when forming an opinion for the purposes of Section 104(1)(a) a consent authority may disregard an adverse effect of the activity on the environment if the District Plan permits an activity with that effect.

Section 104B is concerned with applications for discretionary or non-complying activities.

Section 104B states that after considering an application for a resource consent for a discretionary or non-complying activity, a consent authority-

- (a) May grant or refuse the application; and
- (b) If it grants the application, may impose conditions under Section 108.

Section 104D is concerned with particular restrictions on applications for non-complying activities.

Section 104D(1) states that despite any decision made for the purpose of Section 93 in relation to minor effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either-

- (a) The adverse effects of the activity on the environment (other than any effect to which 104(3)(b) applies) will be minor; or
- (b) The application is for an activity that will not be contrary to the objectives and policies of-
 - (i) The relevant plan, if there is a plan but no proposed plan in respect of the activity; or
 - (ii) The relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
 - (iii) Both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

Section 104D(2) states that to avoid doubt, Section 104(2) applies to the determination of an application for a non-complying activity.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Methods of analysis to determine what will be the environmental effects of the activity have focused on site visits, studies of Council held data and feedback from other relevant Council departments.

The site is zoned rural and has an overlay of Rural Residential for subdivision purposes. The minimum lot size for subdivision in this area is 1 hectare. This is a discretionary activity standard and if the standard is met, the subdivision is deemed to be a discretionary activity. However, failure to meet the discretionary activity standard renders the proposal to be a non-complying activity.

It is noted that the following statement is made in Part C.7.2 of the Kapiti Coast District Plan and appears to encapsulate Council's intentions with respect to subdivision development of land that is zoned as "Rural Residential", such as the subject site:

RURAL RESIDENTIAL LOTS

The Council considers that subdivision should be allowed in certain areas in the district to enable people who seek to live in a rural environment but not necessarily on a farm. The land which is considered suitable is characterised by having small scale rural activities such as horse riding, hobby gardening and farming in close proximity to urban facilities. It is envisaged that this land will never be zoned residential or used for purely residential uses or be fully serviced. In these areas where the land is already closely subdivided and developed, is close to an urban area but physically separated, and is not likely to be suitable for future intensive residential development, it is proposed to maintain the existing character through subdivision controls that reflect the density of development.

The bisection of the site by a line of trees parallel to and about 150 metres to the west of the road frontage has made this the logical location for the proposed boundaries between the upper and lower allotments (i.e. between Lots 1 to 4 and Lots 5 to 7). Again, topography has promoted the proposed location of the central driveway (or access lot/right of way) serving Lots 5 to 7 along the line of the incised watercourse running from the road frontage to

the west between proposed Lots 2 and 3. At its lower end, the vehicle access construction will require the removal of a small hay shed which straddles the boundary between Lot 5 and Lot 8 and also intrudes into the access lot/Right of Way.

The applicant's consultant has provided an alternate plan of subdivision which complies with the discretionary activity standards with respect to the size of the proposed allotments (Plan number 9344/1) and, while this does not provide an argument for disregarding the effect of such a development under section 94A(a), it does give some indications as to the acceptable limits for the proposed activity in terms of the expressed intent of the District Plan. The applicant's alternate plan shows a development of 7 rural residential allotments which differ from the intended subdivision in the detail only as to the location of the internal boundaries between the allotments and could be expected to create effects from the development that are almost identical to the actual proposal as shown on the suite of plans numbered 9344/2, 9344/2a and 9344/2b.

The limit of activity that can be disregarded under sections 93A(a) or 104(2) of the Resource Management Act 1991 is the erection of one additional dwelling house on 142 Huia Street, provided that it complies with the bulk and location provisions of the District Plan.

As this proposal seeks the creation of 5 additional allotments and vehicular access to serve them, the effects of the total development would appear to be:

- **Amenity / Density of development**

The development site and those adjacent to it are zoned Rural with a rural-residential subdivision policy overlay, thus creating the expectation of the development of lots of around 1 hectare in size. As a result, the expectation of Council and landowners in the immediate vicinity is that the anticipated level of development of a site of a total land area of just over 7.6 hectares would be 7 rural-residential lots.

This is the density of development that is proposed and it is noted that several other developments in the near vicinity of the subject site either have been developed in this manner or have development proposals at this level approved.

It is, however, significant in the context of the District Plan and the expected level of community involvement with such developments that the District Plan categorises this form of development, where it complies with the Plan standards, as a full Discretionary proposal and does not provide for it as a Controlled activity. The creation of the additional allotments will have potential adverse effects with respect to potential loss of privacy and amenity for the immediate adjoining owners who would have a resulting expectation of involvement in the consent process.

- **Design of Subdivision**

The design of a possible subdivision development as shown on plan 9344/1 would create 7 rural-residential allotments that would comply with the discretionary activity standards as far the allotment design is concerned. The development proposed on plans 9344/2, in respecting the topographical constraints offered by the site in the location of the lines of trees and adjacent fences, on the other hand, does not and thus elevates the proposal to the non-complying category.

I have reached the conclusion that externally, it would be difficult to see additional adverse effects created by the non-complying development as opposed to the discretionary proposal for the following reasons:

- The proposed density (i.e. number of proposed lots) is the same as a discretionary subdivision;

- The amount of traffic potentially generated would be no different as the number of lots has not increased with the non-complying proposal;
- The retention of the trees on site is more likely with the non-complying proposal, given that they are located along the boundary lines of the proposed lots and thus it could be argued that the effects of the non-complying proposal are potentially less than a subdivision that met all of the discretionary activity standards.

A side issue with respect to the design of the proposal is the inclusion of an allotment to be held in shared ownership by those lots using it as access. This requires an amalgamation condition to be imposed to give effect to the proposal in this form and the appropriate consultation has been carried out with Land Information New Zealand to allow the imposition of a suitable condition. The past differences in administration between such "access lots" appear to have been largely negated by the enactment of section 298 of the Property Law Act 2007 which incorporates very similar provisions to those applicable to Rights of Way in section 297 with respect to issues relating to the rights of access and maintenance obligations etc. It is therefore appropriate to provide for both lawful options to facilitate the creation of access to Lots 5, 6 and 7 (i.e. Right of Way or Access Lot).

▪ **Access and Traffic Effects**

The addition of 4 more vehicular access points on to Huia Street will meet Council's standards with respect to site distances as the road carriageway is straight and although slightly undulating easily provides in excess of 70 metres (the minimum required by Table II of Part J of the District Plan) of visibility from any potential vehicle access point on any of the proposed allotments.

The addition of 5 potential households to Huia Street entering and exiting the carriageway in the 70kph area does not appear to be out of keeping with the expectations created by several other, similar, developments in the neighbourhood and there is no evidence that there are any capacity issues with the width or style of carriageway provided within the legal road.

The design of the proposed 4 metre wide carriageway within the Access Lot/Right of Way is shown in the application plans to provide for a well graded transition from the public carriageway down to the maximum gradient of the vehicle access which will then descend at 1 in 5 until flattening out at a distance of approximately 30 metres from the road carriageway in Huia Street to 1 in 8, where it then follows the general slope of the land as it currently exists. The proposed shape of the vehicle access to Lots 5 to 7 where it enters the legal road will provide good site lines for vehicles entering and exiting Huia Street and will involve filling of the roadside berm by up to approximately 0.5 metres to achieve this.

Visually, the impact of the proposed works will be minor, see also comments with respect to Construction and Earthworks effects below.

▪ **Construction and Earthworks Effects**

The construction of the proposed vehicle access within proposed Lot 8 will create some very minor effects from:

- The importation of approximately 40m³ of material to form the base of the carriageway;
- Removal of some vegetation adjacent to the road in Huia Street to create the access, noting that the chosen alignment of the vehicle access will avoid the necessity for the removal of a Totara Tree within proposed Lot 8;
- Possible siltation effects on the watercourse within Lot 8; and
- The noise of the machines working during the construction phase.

The District Plan contains the following assessment criteria for earthworks (Policy 1 of Section C.7.3) which contains useful guidance for assessing the effects of earthworks.

- *The extent to which any earthworks may impact on prominent or visually sensitive landforms, including the coastal marine area, ridgelines, dunes, escarpments, native vegetation, wetlands and waterbodies and the effects of earthworks on water quality*

The earthworks will have a visual effect, in the short term as the activity is undertaken, and longer-term there is the visual effect of a new formed driveway on the site. The site does not contain any visually sensitive landforms, although it is visible from State Highway 1.

- *The extent to which any cut or fill can be restored or treated to resemble natural landforms. Council will seek to avoid the creation of unnatural scar faces*

The proposed earthworks are minor in volume in the context of this type of subdivision. I consider that the earthworks can be finished in such a way to avoid un-natural scar faces or landforms. The end result of appropriately contoured earthworks can be ensured by imposing suitable conditions requiring the consent holder to comply with the Council's best practice methods.

- *The extent of screening by vegetation*

The site of proposed earthworks will not be screened by any vegetation, although it is not considered in this context to be significant as the adverse visual effects of earthworks will only be temporary and the end result will be an enhanced landscape relative to its current appearance.

- *The extent to which any cut or fill will remove existing vegetation, alter existing landforms, affect water quality through siltation or affect existing natural features such as waterbodies*

The proposed earthworks will have no more than minor effect on the landform and any potential adverse effects on water quality will be able to be mitigated to such an extent that the effects are no more than minor.

- *The provision of acceptable roading gradients, practicability of drainage systems, minimum site building levels, drive on access to all lots and creation of practical reserve areas*

Earthworks will enable practical drive-on access to Lots 5 to 7.

- *The necessity for carrying out the works*

In the context of this consent the proposed earthworks are necessary to provide practical drive-on access to Lots 5 to 7.

- *Whether the earthworks proposed increase or decrease flood hazards*

It is expected that the proposed earthworks will not result in an increase in flood hazards.

- *The outcome of consultation with Tangata Whenua in accordance with the requirements contained in the Fourth Schedule of the Resource Management Act 1991*

Council staff have consulted with representatives of Te Ati Awa ki Whakarongotai, who have had the opportunity to provide input to this application and have recommended standard conditions to ensure that if any cultural sites are present that they are protected as far as is practicable.

It is my conclusion that the above effects are limited in scope and that, as a result of the location of the proposed vehicle access within the development, will be very limited with respect to the owners and occupiers of adjacent properties.

▪ **Wastewater Disposal**

Evidence has been provided with this application demonstrating that the adverse effects of on site wastewater disposal can be mitigated or avoided by the methods used for on site disposal. Similar developments in Huia Street, where similar slopes and soil types are experienced have also successfully installed on site wastewater disposal systems that do not appear to be creating any adverse effects on the environment.

It is therefore my conclusion that the adverse effects of on site wastewater disposal will be minor.

Staging of the development:

The applicants wish to complete the development in two distinct stages as follows:

1. Creation of two lots comprising proposed Lot 2 (this contains the existing dwelling and the paddock immediately to the west of it) with the balance of the land being shown as one allotment. This stage does not involve any earthworks or construction and does not create any additional units of demand as the land is already held in two separate certificates of title. Verification will, however be required with respect to foundation requirements for any proposed dwelling and provision will be required for electrical and telecommunications connections.
2. A subdivision of the balance land resulting from the completion of stage one into 6 lots. The completion of this stage will require the removal of the small hay barn located at the western end of proposed Lot 8 (access lot), the construction of the vehicular access within proposed Lot 8, which includes all of the proposed earthworks etc., provision of services (electricity, telecommunications) to the proposed Lots

The effects of stage one of the development will be minimal and thus the conditions required to manage those effects are also relatively restricted in their scope.

Almost all of the effects of the development will occur with the creation of stage 2 and thus the array of conditions that are required to manage the impact of this stage are somewhat more comprehensive.

Conclusion:

I have reached the conclusion that the actual and potential adverse effects of this proposed subdivision and associated earthworks are no more than minor and that any effects can be managed by the imposition of suitable conditions of consent.

7.0 PART II MATTERS

Any consideration under Section 104(1) is subject to Part II of the Act. Part II sets out the purposes and principles of the legislation. In addition, Part II requires Council to recognise and provide for matters of national importance (Section 6); have particular regards to other matters (Section 7); and to take into account the principles of the Treaty of Waitangi (Section 8).

Section 5-Purpose

Section 5(1) states that the purpose of the Act is to promote the sustainable management of natural and physical resources.

It is my conclusion that the proposal is in accordance with the purpose of the Act as set out in section 5.

Section 6-Matters of National Importance

Section 6 establishes seven matters which must be recognised and provided for by all persons exercising functions and powers under the Act.

It is my conclusion that there are no matters of national importance that need to be addressed within the context of this proposal.

Section 7-Other Matters

Section 7 establishes eleven matters which all persons exercising functions and powers under the Act shall have particular regard to.

In terms of the other matters which shall be given particular regard, as already discussed in the Assessment of Effects section of this report, the following matters have been included in the consideration of this application:

- (b) the efficient use and development of natural and physical resources;
- (c) the maintenance and enhancement of amenity values;
- (f) maintenance and enhancement of the quality of the environment.

Section 8-Treaty of Waitangi

The proposal is in accordance with the principles of te Tiriti o Waitangi and this has been confirmed through the consultation that has taken place with representatives of te Ati Awa ki Whakarongotai who requested the inclusion of standard earthworks conditions into the consent.

8.0 NOTIFICATION DECISION

On 26 March, 2009 Council staff acting under authority delegated by the Council, resolved under Sections 93 and 94 of the Resource Management Act 1991 that the application need not be notified. The reasons for this decision were:

1. The applicant did not request that the application be publicly notified;
2. The effects of the activity will be no more than minor, for the reasons discussed above under the heading "Assessment of Environmental Effects";
3. The written approval of all potentially affected parties has been obtained. Following is a list of those affected parties:
 - 132 Huia Street – (Lot 1 DP 87596) Donald Ian Vaughan
Carol Anne Vaughan
Roger Holmes Miller
 - 134 Huia Street – (Lot 3 DP 87596) Alan Price
Maureen Price
 - 157 Huia Street – (Lot 1 DP 83499) Roger Burns
 - 162-166 Huia Street – (Lot 12 DP 22652) Rae Hensley Miet
4. No special circumstances exist in relation to the application that requires it to be notified.

9.0 SECTION 104D ASSESSMENT

Section 104D(1)(a) and (b) of the Act is a threshold test, and both limbs of the test must be considered, when assessing applications for non-complying activities even if they are being processed on a limited or non-notified basis.

Consent may only be granted if at least one of the following tests is passed.

- i. Notwithstanding any decision regarding the scale of adverse effects made for the purpose of Section 93, It is considered that the adverse effects of the activity on the environment (other than any effect to which Section 104(3)(b) applies) will be minor.
- ii. It is considered that the application is for an activity that will not be contrary to the objectives and policies of the Kapiti Coast District Plan.

The application passes the 104D tests and consent may be granted under Section 104B.

10.0 RECOMMENDATION/DECISION

That officers acting under authority delegated from the Council and pursuant to Sections 104, 104B and 104D of the Resource Management Act 1991 **grant** consent for a seven lot subdivision of the land at 142 & 160 Huia Street, Waikanae [Lots 10 and 11 DP 22652] in two stages comprising:

- ♦ Firstly, two allotments, being Lot 2 and the balance of the land shown on plan 9344/2; and
- ♦ Secondly a subdivision of the balance allotment resulting from stage one as set out above into 6 further rural-residential allotments and one access Lot or Right of Way, as shown on Wigley and Roberts Limited Plan number 9344/2 subject to the following conditions which were imposed under sections 108 and 220 of the Resource Management Act 1991.

Conditions:

General Conditions pertaining to both stages:

Monitoring and Review

1. The consent holder shall notify the Council's Compliance Team of the start and completion dates of the stages of the works in writing 48 hours before the works are carried out. The consent holder shall fill out and return (by fax (04) 2964-830 or by post to Private Bag 601, Paraparaumu) the form that is attached to the decision letter.
2. The consent holder shall pay to the Kapiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and the actual costs of materials or services which may have to be obtained.

*Please refer to Kapiti Coast District Council's current schedule of Resource Management fees for guidance on the current hourly rate chargeable for Council's staff.

General

3. The e-survey dataset shall be in conformity with the approved subdivision plans prepared by Wigley and Roberts numbered 9344/2, 9344/2a and 9344/2b, except where modified as a consequence of any of the following conditions of consent.

4. The consent holder shall pay Council Engineering Fees of \$500 plus \$300 per lot, (Stage 1 and Stage 2 total of \$2,600 GST inclusive) for work that may be required for plan approvals, site inspections and consent compliance monitoring prior to the Section 224(c) certification for either stage of the subdivision.
Extra fees may apply in accordance with the Engineering Fees Schedule adopted by Council from 01 July 2008.
Note: The current charge out rate is \$100.00 (GST included).
5. The consent holder shall comply with the requirements of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005.
6. The consent holder shall advise the names of the Developer's or Owner's Representative or Representatives appointed in terms of Clause B(ii) of Part 3 of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005 prior to the commencement of work, but no later than one month from the date of issue of this consent.
7. The consent holder shall advise the names and their professional qualifications and experience of Suitably Qualified Persons required in terms of Clause B(iii) of Part 3 of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005. If the Council considers any of the nominated persons are not acceptable then the consent holder shall nominate alternative persons, or the Council may require the consent holder to employ a specified Suitably Qualified Person or Persons at the consent holders cost. Suitably Qualified Persons are required for, but not necessarily limited to, the following areas:
 - Foundation recommendation
 - Stormwater and flood issue
 - On-site Wastewater disposal
 - Rural water supply.

Conditions pertaining to Stage 1: Proposed Lot 2 and the balance land (Lots 1 and 3 to 7 inclusive), otherwise described below as proposed Lot 9

Engineering

8. The consent holder shall supply to Council the following reports by suitably qualified person(s) detailing site investigation work, findings and recommendations, for a proposed building site on the balance land (proposed Lot 9):
 - Foundation analysis. If specifically designed foundations are required in accordance with Building Act 2004, then the Council will issue a Consent Notice under Section 221 of the Resource Management Act recording the specifically designed foundations are required.
 - On-site stormwater disposal, which shall be in accordance with Part 3 Section E of the Council's Subdivision and Development Principles and Requirements. The recommended design shall be prepared by a suitably qualified person and shall be provided with any building consent application in Lot 9. Soakage tests shall be undertaken and support the design, the results of which shall accompany the design when lodged with the Council.
 - On-site wastewater treatment and disposal, which shall be in accordance with Part 3 Section F of the Council's Subdivision and Development Principles and Requirements.

- On-site water supply, which shall be in accordance with Part 3 Section G of the Council's Subdivision and Development Principles and Requirements.

The findings and recommendations of the reports on stormwater, wastewater and water supply shall be included in a Consent Notice to be issued by Council pursuant to Section 221 of the Resource Management Act 1991.

9. The consent holder shall ensure the availability of electric power and telecommunication connection for Lot 9.

Administration

10. The consent holder shall supply a copy of the e-survey dataset and shall list and indicate how each condition has been met to the satisfaction of the Council when applying for a S224(c) certificate with respect to Stage 1.

Stage 2: Subdivision of Lot 9 into 6-residential lots (Lots 1, 3, 4, 5, 6, and 7) and 1-access lot (Lot 8) or the creation of a Right of Way over that land shown as Lot 8

Reserves

11. A Reserves Contribution is exigible and has been assessed at \$11,692.70 inclusive of GST for 5 additional units of demand. Payment of the Reserves Contribution must be made to the Kapiti Coast District Council prior to the issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991.

Engineering

12. The Totara Tree located at the eastern end of proposed Lot 8 / Right of Way shall be retained and no trimming, cutting or works that would adversely impact the integrity or health of the tree is permitted.
13. The consent holder shall submit to Council for approval copies of the plans and specifications for the engineering development in accordance with the Paragraph 1 of Schedule 1 contained in Part 4 of the Council's Subdivision and Development requirements. No work shall commence until the plans and specifications have been approved by the Council in writing.
14. The consent holder shall supply to Council a report by a suitably qualified person detailing site investigation work and findings together with recommendations for foundation design for the proposed building sites on Lots 1, 3, 4, 5, 6 and 7. If specifically designed foundations are required in accordance with Building Act 2004, then the Council will issue a Consent Notice under Section 221 of the Resource Management Act recording the specifically designed foundations are required.
15. Should a waahi tapu or other cultural site be unearthed during earthworks/excavation, the contractor and or owner shall:
 - a. cease operations;
 - b. inform local iwi – Te Ati Awa ki Whakarongotai;
 - c. inform NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required;
 - d. take appropriate action, after discussion with the NZHPT, Council and iwi to remedy damage and/or restore the site.

Note: In accordance with the Historic Places Act 1993, where an archaeological site is present (or uncovered), an authority from NZ Historic Places is required if the site is to be modified in any way.

16. Where the existing land or vegetative cover is disturbed, suitable ground cover shall be established as soon as practicable following earthworks or within 5 days of completion whichever shall occur first. For this condition "suitable ground cover" means application of basecourse, topsoil, grassing or mulch, or another type of application to the satisfaction of the Council.
17. The access lot / right-of-way (Lot 8) shall be formed, metalled and sealed to a minimum width of 3-metres with a 0.5m width metalled shoulder at both road sides and with a provision of a sealed passing bay. The consent holder shall include in the right-of-way engineering drawings submission to Council for approval the following aspects:
- o Alignment, elevations and cross sections of the right-of-way;
 - o The right-of-way entrance at the road berm;
 - o Design of the passing bay;
 - o Details of Road drainage; and
 - o Any safety fencing associated with the access lot/Right of Way related to the adjacent watercourse.

The Subdivision Engineer may approve alternative forms of pavement and/or surfacing.

18. A rural numbering post shall be provided for each lot. This condition will be satisfied by the payment of \$40.50 (GST inclusive) per lot.
19. The consent holder shall submit a report with respect to the provision of on-site stormwater disposal for Lots 1, 3, 4, 5, 6 and 7 in accordance with the principles contained in Part 3 Section E of the Council's Subdivision and Development Principles and Requirements for approval by the Council. The recommended design(s) shall be prepared by a suitably qualified person and shall be provided with any building consent application for each lot. Soakage tests shall be undertaken and support the design, the results of which shall accompany the design(s) when lodged with the Council.

The recommendations for and constraints on the provision of on-site stormwater disposal will be included in a Consent Notice to be issued by Council pursuant to Section 221 of the Resource Management Act 1991. The Consent Notice shall include reference to the owners' responsibility to maintain and monitor their stormwater disposal so that any adverse effects on the environment are minor.

20. The consent holder shall provide adequate provision for the control of any stormwater run-off during the right-of-way earthwork operations to the satisfaction of the Council. Silt retaining structures shall be installed adjacent the stream and maintained throughout the duration of the works.

Note: The consent holder's attention is drawn to the Wellington Regional Council Publication "Erosion and Sediment Control Guidelines for the Wellington Region". Applying the appropriate recommended treatments from this publication is a means of compliance with this condition.

21. A report shall be provided to Council by a suitably qualified person, which addresses the suitability of on site wastewater treatment and disposal on Lots 1, 3, 4, 5, 6 and 7. The form of wastewater treatment and disposal on site shall be in accordance with the principles and requirements of Part 3 Section F of the Council's Subdivision and Development Principles and Requirements. Site investigations and tests shall relate to the nominated building site on each lot.

The report shall include recommendations for the preferred method(s) of on-site wastewater treatment and disposal. The recommendations for and constraints on the provision of wastewater treatment and disposal will be included in a Consent Notice to be issued by Council pursuant to Section 221 of the Resource Management Act 1991.

The Consent Notice shall include reference to the owners' responsibility to maintain and monitor their wastewater disposal so that any adverse effects on the environment are minor.

22. A report shall be provided to Council by a suitably qualified person in relation to the provision of water supply on Lots 1, 3, 4, 5, 6 and 7. The report shall be in accordance with Part 3 Section G of the Council's Subdivision and Development Principles and Requirements. The recommendations for and constraints on the provision of the water supply shall be included in a Consent Notice to be issued by Council pursuant to Section 221 of the Resource Management Act 1991. The Consent Notice shall include reference to the owners' responsibility to maintain and monitor their water supply system so that any adverse effects on the environment are minor.

23. The subdivision shall be provided with fire fighting facility by providing water storage with an unimpeded access within a 90-metre distance to any building. A minimum of a 7,000-litre fire fighting water storage is to be provided if dwelling units are equipped with a sprinkler system installed to an approved standard.

If no sprinkler systems are installed, static water supply shall be at least 45,000-litres dedicated for fighting purposes. The fire fighting water supply shall meet the requirements of SNZ PAS 4509:2008 – NZFS Fire Fighting Water Supplies Code Practice. The applicant shall consult with the NZ Fire Service to assist in meeting the requirements of SNZ PAS 4509:2008.

Other alternative fire fighting solutions will be accepted if accompanied by the written approval of the District's Rural Fire Officer.

Note: Upon the issue of the certificate pursuant to Section 224(c) of the Resource Management Act 1991 or such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify the above to be registered against the Certificate of Title for each lot.

24. The consent holder shall provide each lot with electric power and telecommunication connection.
25. The consent holder shall not remove soil support from adjacent lots.
26. All batters shall be self-supporting.
27. The consent holder shall submit to the Council for approval a Landscape Plan for the development covering the access lot, Lot 8. It includes a stream margin planting plan to improve the water quality, bank protection and amenity value of the stream. Landscape work shall be completed in accordance with the approved Landscape Plan.
28. The small hay shed currently straddling the proposed boundary between Lots 5 and 8 shall be removed from the site or relocated as appropriate.

Legal

29. In order to provide legal access to Lots 5, 6 and 7, one of the following two options may be exercised at the discretion of the consent holder:
- Lot 8 shall be incorporated within one or more of Lots 5, 6 and 7 and mutual Rights of Way created over that part of the land currently shown as Lot 8 on plan number 9344/2 to provide Rights of Way in favour of Lots 5, 6 and 7 as appropriate; or
 - Lot 8 shall be shown as an access lot on the e-survey dataset and the e-survey dataset shall be endorsed with the following amalgamation condition:

"That lot 8 hereon (legal access) be held as to three undivided equal one third shares by the owners of Lots 5, 6 and 7 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith. RGL reference 819235."

30. Easements are required over any rights of way and communal, private and public services where these pass through the lots in the subdivision and the easements shall be subject to the provisions of section 243 of the Resource Management Act 1991. The Council may require other easements. Any easement documents shall be prepared by solicitors at the consent holder's expense.

Administration

31. The consent holder shall supply a copy of the e-survey dataset and shall list and indicate how each condition has been met to the satisfaction of the Council when applying for a s224(c) certificate for Stage 2.

Advice Notes

- Pursuant to section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.
- It is the consent holder's responsibility to comply with any conditions imposed on this resource consent prior to and during (as applicable) exercising this resource consent.
- Please note that a resource consent is not a consent to build. A building consent must be issued prior to any building work being undertaken.
- All costs arising from any of the above conditions shall be borne by the consent holder.
- The consent holder should not encroach onto adjacent land owned by others without having first obtained their written consent.
- Contravention of the Land Drainage Act is not permitted and natural drainage patterns are to be preserved.
- The consent holder shall seek advice from the Greater Wellington Regional Council if resource consent is required for the construction of the culvert stream crossing. If required, the consent holder shall obtain the resource consent before carrying out the construction works.
- Development contributions will be required pursuant to Section 198 of the Local Government Act 2002 and the 2009/2010 Council's Development Contributions Policy when creating new allotments. Are calculated as follows:

There is no additional allotment to be created by this resource consent during Stage 1 and accordingly, no development contributions are required for this stage.

There are 5 additional allotments to be created during Stage 2 and the following development contributions must be paid before the issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991 with respect to stage 2 of the development:

| | | |
|--|--------------------|-------------------|
| ♦ Community Facilities | 5 lots @ \$3327.75 | \$16638.75 |
| ♦ Roads / CWB | 5 lots @ \$1867.50 | \$9337.50 |
| ♦ Total development contributions payable for Stage 2 | | \$25976.25 |

Reasons for Conditions:

- The reason for Conditions 1 and 2 is to ensure that compliance with the conditions of this resource consent is conducted effectively and without cost to the Council.
- The reason for Condition 3 is to ensure that the activity does not go beyond the scope of the application.
- The reason for conditions 4 to 7 is to ensure that the engineering aspects of the project are satisfactorily managed.
- The reason for conditions 8 and 9 is to ensure that any engineering aspects of stage one satisfactorily managed
- The reason for condition 10 is to aid administration of stage one
- The reason for condition 11 is to provide for Reserves in the district.
- The reason for conditions 12 to 28 is to ensure that any engineering and construction related aspects of stage two are satisfactorily managed
- The reason for conditions 29 and 30 is to ensure that appropriate rights of access are provided to the allotments
- The reason for condition 31 is to aid administration of stage two.

Reasons for Decision:

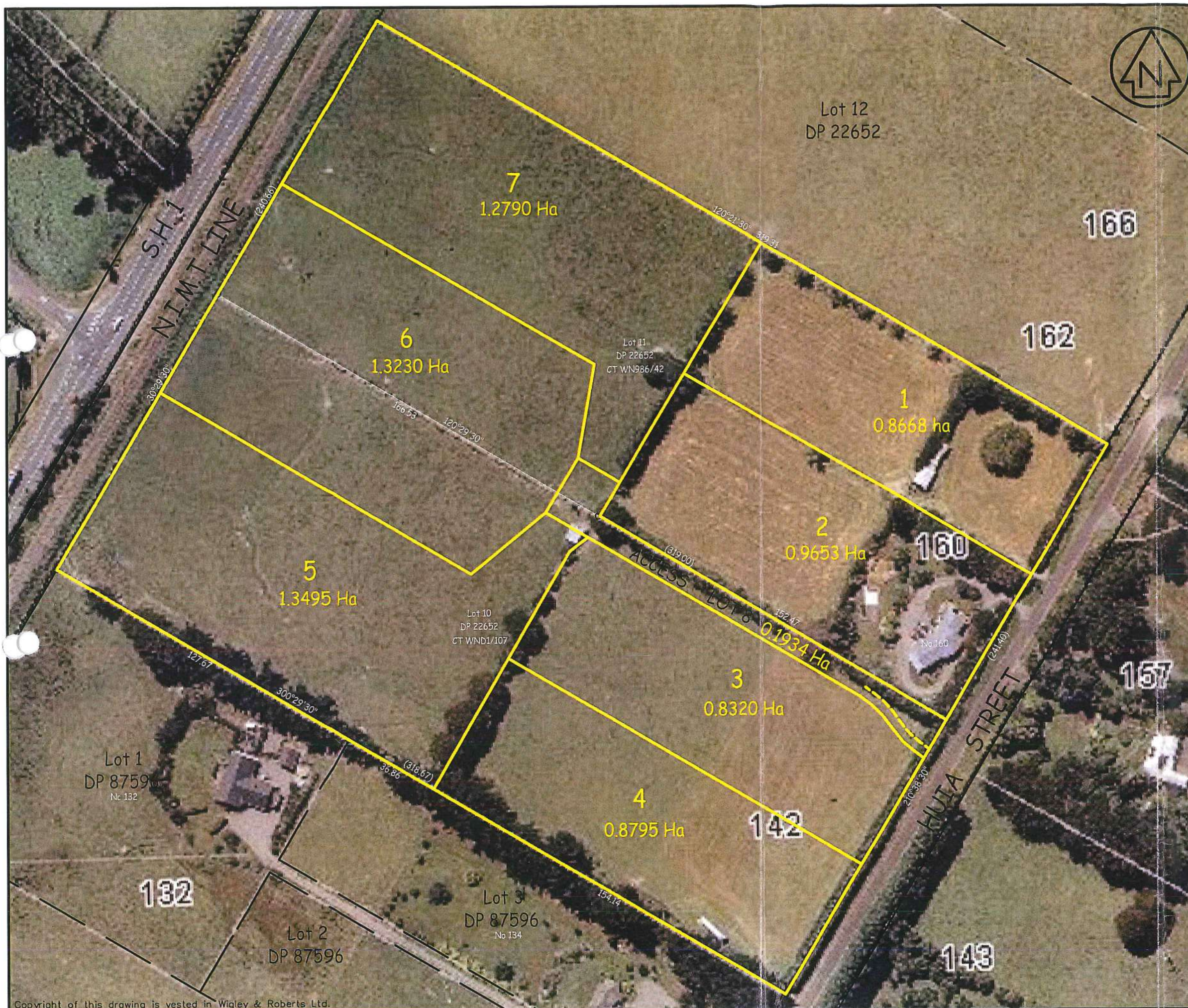
In accordance with Sections 104, 104B and 104D of the Resource Management Act 1991, the actual and potential effects associated with the proposed activity have been assessed and are outlined above. It is considered that the adverse effects of the proposed activity on the environment will be minor and that the proposed activity is not contrary to the Objectives and Policies of the Kapiti Coast District Plan.

APPLICATION: Granted subject to conditions for the reasons concluded above.
CONSENT NUMBER: RM090043
DATE: 24 July, 2009

“That the above recommendation be adopted under delegated authority”


Wayne Gair
Principal Planner-Subdivisions


Colin Bridges
Principal Planner-Land Use



NOTES :

- 2) NO Services have been plotted. These should be verified on site before construction commences.
- 3) Total Area = 3.8483 ha (Lot 10)
& 3.8402 ha (Lot 11) Total 7.6885 ha
- 4) Comprised in C.T. WND1/107 (Lot 10)
& WN986/42 (Lot 11)
- 5) If compliance with residential rules (e.g. sunlight access planes) is nearing council's allowable limits, then we recommend that additional levels be taken at critical points.
- 6) Underground Electrical cables, Telecommunication cables, & Gas pipes have not been investigated as part of this survey
- 7) Zoned Rural Residential on Map 03 (appendix G) of the District Plan.
- 8) This plan was prepared for Graham Owles Family Trust for the purpose of a scheme plan and is not to be used for any other purpose or by any other party without the consent of Wigley & Roberts Ltd.

RM 090043
FINAL APPROVED PLANS
24.07.09

[illegible]

CLIENT :
GRAHAM OWLES FAMILY TRUST

ADDRESS :
160 HUIA STREET "EXTENSION"
WAIKANAĒ

PROPOSED SUBDN
OF LOTS 10 & 11
DP 22652

WIGLEY & ROBERTS LTD

REGISTERED PROFESSIONAL SURVEYORS
1st FLOOR, 15-17 DUDLEY STREET
LOWER HUTT
P.O. BOX 30 239 LOWER HUTT
PHONE (04) 5699217
FAX (04) 5699266
EMAIL : mroberts@wrsurvey.co.nz



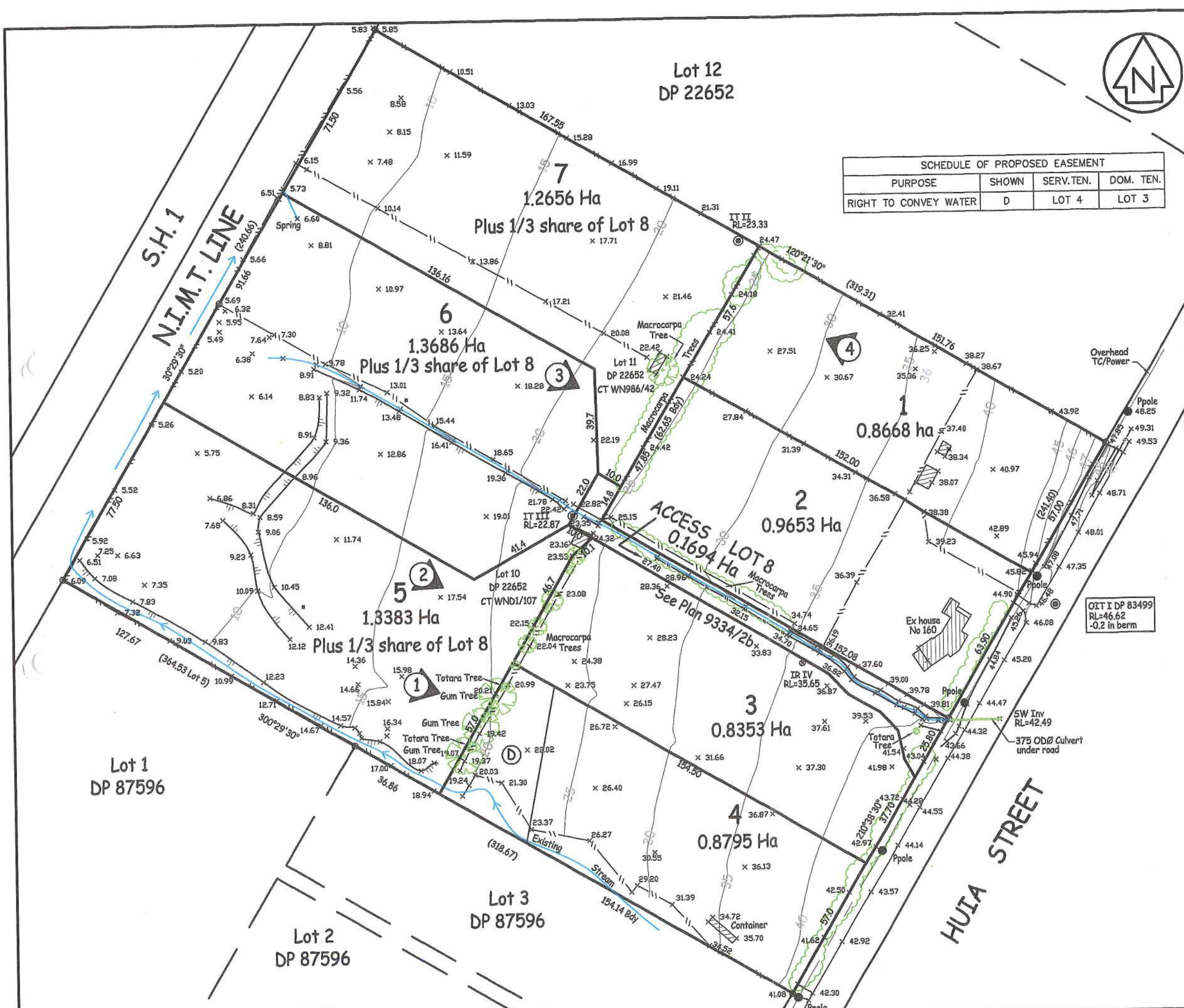
SCALE (A1) : 1 : 1000

DATE : OCTOBER 2008

SURVEYED : ML

DRAWN : ML

PLAN NO: 9344/2



- NOTES :
- 1) Levels are in terms of FALSE ORIGIN
ORIGIN OIT V LT 58788 RL=50.00
 - 2) NO Services have been plotted. These should be verified on site before construction commences.
 - 3) Total Area = 3.8483 ha (Lot 10) & 3.8402 ha (Lot 11) Total 7.6885 ha
 - 4) Comprised in C.T. WND1/107 (Lot 10) & WN986/42 (Lot 11)
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 - 9) See 'Heights Hidden' for additional heights
 - 10) See 'Contours Hidden' for additional contours

RM 090043
FINAL APPROVED PLANS
24.07.09

| AMMENDMENTS | DATE |
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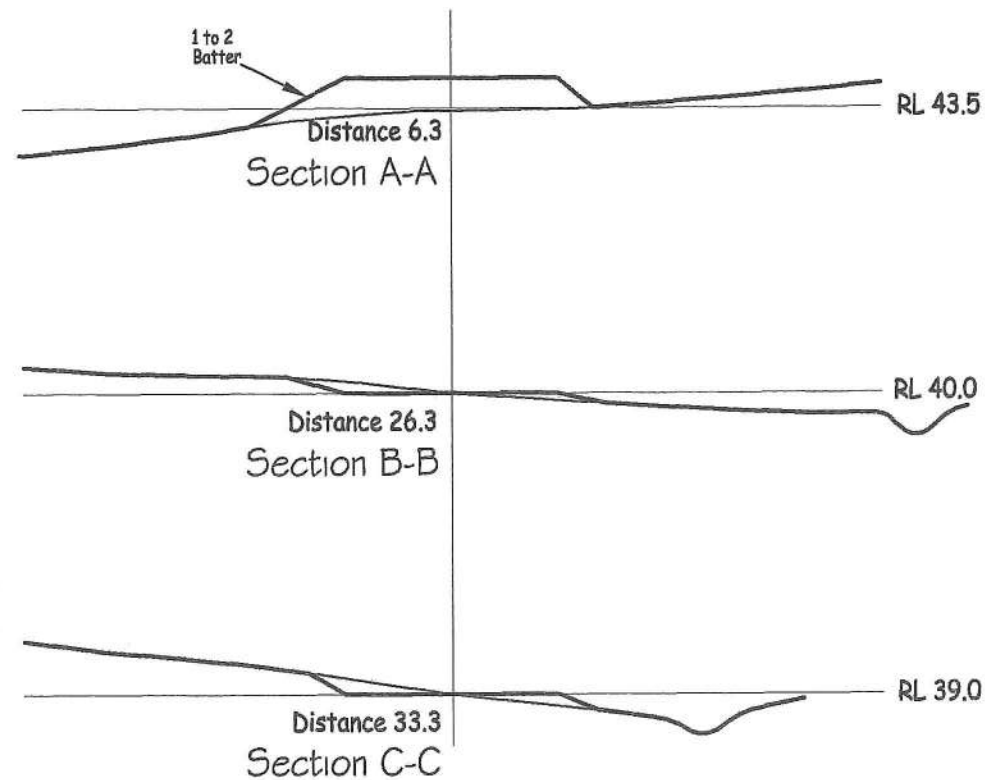
CLIENT :
GRAHAM OWLES FAMILY TRUST

ADDRESS :
142-160 HUIA STREET "EXTENSION"
WAIKANAE

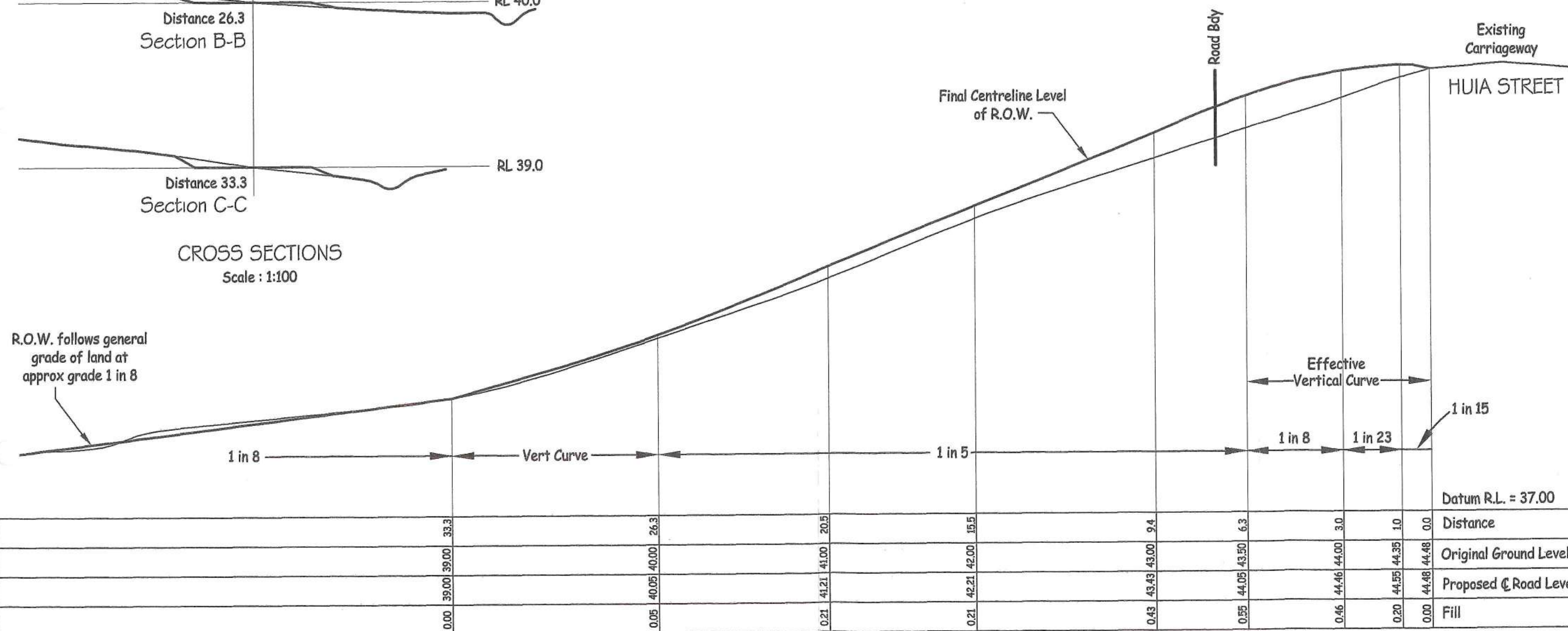
PROPOSED SUBDN
OF LOTS 10 & 11
DP 22652

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LOWER HUTT
P.O. BOX 30 239 LOWER HUTT
PHONE (04) 5699217
FAX (04) 5699266
EMAIL : mroberts@wrsurvey.co.nz

SCALE (A1) : 1 : 1000
DATE : OCTOBER 2008
SURVEYED : ML DRAWN : RJ
PLAN NO: 9344/ 2a



RM 090043
FINAL APPROVED PLANS
24/07/09



LONG SECTION ON C OF CARRIAGEWAY TO LOTS 5, 6 & 7

Scale : 1:100 Horizontal
1:50 Vertical

| AMMENDMENTS | DATE | CLIENT : GRAHAM OWLES FAMILY TRUST |
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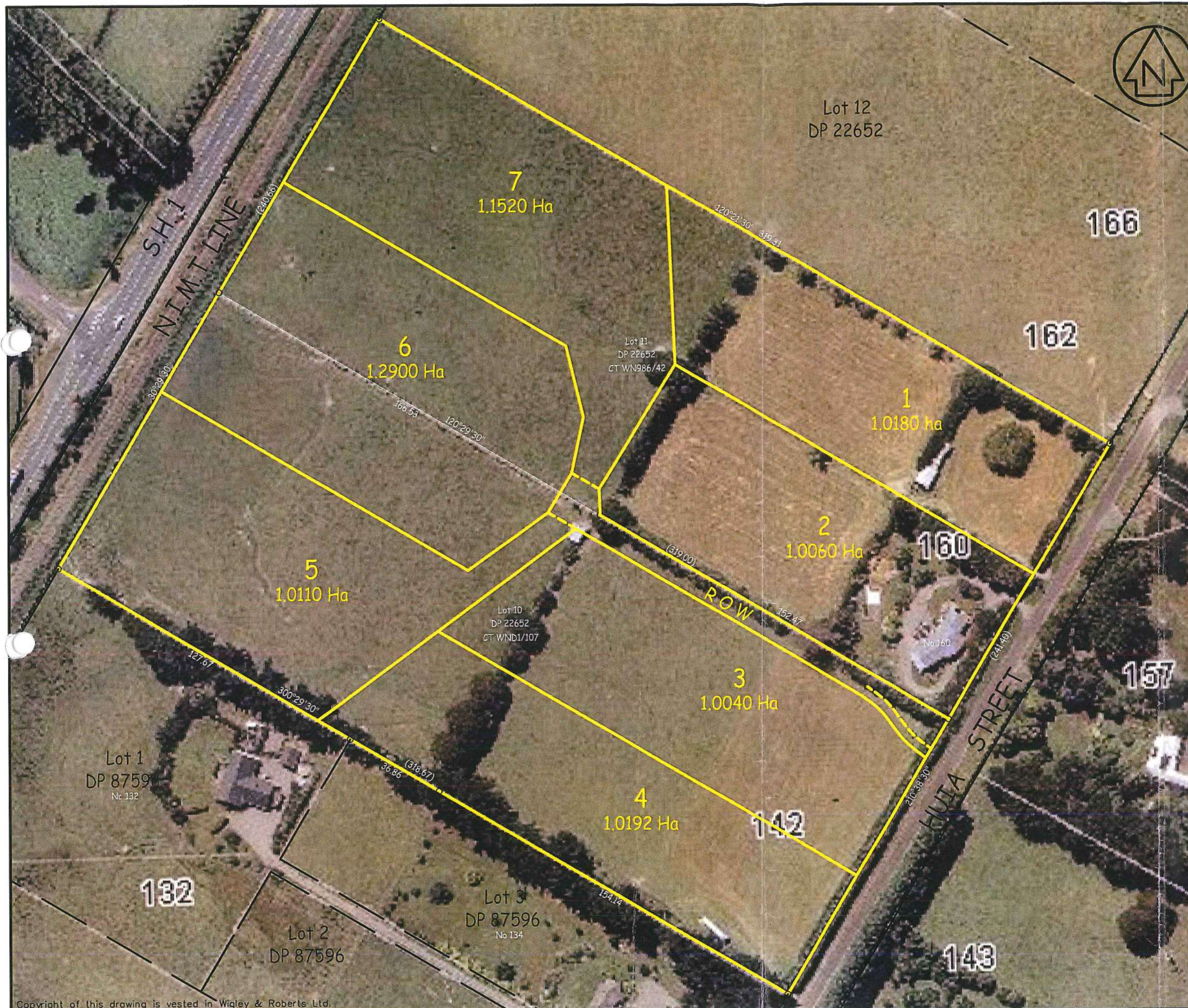
ADDRESS : 142-160 HUIA STREET
"EXTENSION", WAIKANAE

LONG SECTION & CROSS SECTIONS OF CARRIAGEWAY

Copyright of this drawing is vested in Wigley & Roberts Ltd.

WIGLEY & ROBERTS LTD
REGISTERED PROFESSIONAL SURVEYORS
1st FLOOR, 15-17 DUDLEY STREET,
LOWER HUTT
P.O. BOX 30 239 LOWER HUTT
PHONE (04) 5699217
FAX (04) 5699266
EMAIL : mroberts@wrsurvey.co.nz

SCALE (A2) 1:100 HORZ
1:50 VERT
DATE : DECEMBER 2008
SURVEYED : ML DRAWN : RJ
PLAN NO : 9344E
SHEET OF



- NOTES :
- 2) NO Services have been plotted. These should be verified on site before construction commences.
 - 3) Total Area = 3.8483 ha (Lot 10) & 3.8402 ha (Lot 11) Total 7.6885 ha
 - 4) Comprised in C.T. WND1/107 (Lot 10) & WN986/42 (Lot 11)
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| AMMENDMENTS | DATE |
|-------------|------|
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CLIENT :
GRAHAM OWLES FAMILY TRUST

ADDRESS :
160 HUIA STREET "EXTENSION"
WAIKANA

PROPOSED SUBDN
OF LOTS 10 & 11
DP 22652

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DATE : OCTOBER 2008

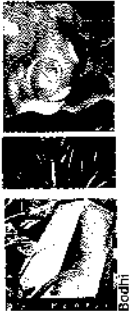
SURVEYED : ML DRAWN : ML

PLAN NO: 9344/1

Kapiti Coast District Council
Private Bag 601
Paraparaumu 5254

Tel. (04) 296 4700
Fax (04) 296 4830

E: kapiti.council@kapiticoast.govt.nz
W: www.kapiticoast.govt.nz



26 March, 2009

File: RM090043

Graham Owles Family Trust
c/- Wigley and Roberts
P O Box 30239
Lower Hutt

Attention: Graham Wigley

Dear Graham

**Proposed seven lot subdivision at 142 and 160 Huia Street,
Waikanae**

I attach the decision report prepared with respect to sections 93 and 94 of the Resource Management Act 1991 in relation to the above proposal.

As you will see from the recommendation and decision on page 9 of the report, Council can only consider the application on a non-notified non-service basis if and only if the written consent of the following parties has been obtained:

- M P Price – 136 Huia Street, Waikanae
- C A Vaughan and R H Miller – 134 Huia Street, Waikanae.




I draw your attention to my comments at the bottom of page 8 under the heading "Section 93B(3)" which explains why the written consent of these parties is required to allow us to further consider the application without service of notice on the potentially affected parties.

I am happy to discuss this with you or your client if it will assist the process of consideration of the proposal but have to advise that I will not be in the office from 30 March until 6 April, although from 1 April onwards, I will be available on the mobile number listed below.

Yours faithfully,



Wayne Gair
Principal Planner - Subdivisions

 phone DDI: 04 2964 782
 facsimile: 04 2964 830
 mobile: 027 4435 100

25 March, 2009

**KAPITI COAST DISTRICT COUNCIL
SECTIONS 93 & 94 - NOTIFICATION REPORT**

| | |
|---------------------------|---|
| Applicant: | Graham Owles Family Trust |
| Site Address: | 142 and 160 Huia Street, Waikanae |
| Legal Description: | Lots 10 and 11 DP 22652 (CsT WND1/107 & WN986/42) |
| Proposal: | 7 Lot subdivision and associated earthworks to construct shared vehicle access |
| Land Owner: | GG Owles, M J Owles & L A Adams |
| Zone: | Rural (Rural Residential policy area) |
| Activity Status: | Non-Complying |

Report prepared by: Wayne Gair, Principal Planner, Subdivisions

Report peer reviewed by: Colin Bridges, Principal Planner, Land Use

1.0 PREAMBLE

This report provides an analysis of the resource management issues relating to notification status in respect of the activity proposed under resource consent application RM090043.

2.0 SITE DESCRIPTION & RESOURCE CONSENT HISTORY

The land at 142 and 160 Huia Street, Waikanae is held in two separate titles containing 3.8483 hectares and 3.8402 hectares, respectively.

The site slopes down from Huia Street, Waikanae towards the west, flattening off somewhat towards the lower reaches where it abuts the North Island Main Trunk Railway. The property is generally covered in pasture and a mixture of trees, largely aligned along fencelines about the mid point between the road and the railway to provide shelter. The fence pattern is predominantly rectangular with a series of gates clearly designed to assist the management of stock.

An existing dwelling, located on the upper slopes of 160 Huia Street is accessed via a well graded gravel drive which provides a circular flow around the dwelling and access to garaging under the western (lower) side of it.

The land is held in two certificates of title and the common boundary between them is adjoined on its southern side by an incised watercourse which appears to run throughout the year. This watercourse enters the property from a culvert under the carriageway in Huia Street. Similarly, along the southern boundary of the entire property, a watercourse flows down from Huia Street to the western side of the property where it abuts the Railway. This watercourse is also sharply incised and also shows evidence of considerable quantities of water flowing within it in heavy rainfall events.

The carriageway in Huia Street, where it fronts the property is straight and relatively level, rising towards the north and is adjoined by a wide grass berm fronting the applicant's property.

The property falls from the legal road boundary in a fairly regular inclined plane towards the west and has a total height difference across the land in this direction of approximately 42 metres. In the lower reaches of the slope, where it eases off and flattens out somewhat there is evidence of intermittent and significant water flows across the land and evidence of significant ground water seepage during the wetter months of the year. Several Pukeko, Canadian Geese and Ducks were visible on the lower portions of the land, tending to confirm the impression that this is far from the driest site in the district.

That portion of the property adjacent to the North Island Main Trunk Railway could be described as an ephemeral wetland and is bounded, within the railway land by the lower reaches of the watercourse which runs along the southern side of the property and then turns at right angles, heading north along the western property boundary where it continues under the railway and adjacent State Highway 1 towards the west some 70 metres to the north of the intersection of State Highway 1 and Greenhill Road.

3.0 THE PROPOSAL

It is proposed to develop the 7.6885 hectares site in two stages as follows:

- Stage 1 will comprise Lot 2, containing the existing dwelling as one allotment with the remainder of the land being held in one certificate of title as a balance allotment. No on site works are proposed to be undertaken to complete stage 1.
- Stage 2 will comprise the development of the balance land resulting from stage 1 into 6 allotments which will also result in the creation of an access lot or a Right of Way to serve proposed Lots 5, 6 and 7. The creation of the Right of Way will, of necessity result in earthworks being carried out for its construction within 20 metres of a waterbody and thus land use consent is also sought for this aspect of the development.

The location of the proposed allotment boundaries has been largely dictated by topographical constraints to create a generally rectangular pattern creating 7 rural residential allotments with the following features:

- 4 allotments fronting Huia Street with a length of approximately 150 metres and widths between 57 and 64 metres. The areas of these allotments vary between 0.87 and 0.97 hectares, with the largest containing the existing dwelling (proposed lot 2);
- The proposed boundaries between the new allotments in the upper portion of the development and those closer to the railway line have been located along the existing fence lines which are adjacent to the lines of trees (predominantly *Macrocarpa*) that are a feature of the site;
- Three allotments located on the lower reaches of the land adjacent to the North Island Main Trunk Railway which range from 1.26 to 1.37 hectares in area;
- A centrally located access lot (or possibly Right of Way) located between proposed lots 2 and 3 and to the south of the watercourse between the two existing titles which will provide practical and legal access to the lower lots (lots 5 to 7);

- As a consequence of the creation of the access lot/right of way to serve lots 5 to 7 it will be necessary to construct the carriageway to serve the proposed lots. A land use consent will therefore be required to allow the earthworks involved in the construction within 20 metres of a water body and the installation of a 450millimetre diameter culvert at the lower end of the driveway to facilitate access to lots 6 and 7.

The proposed first stage of the development will not result in the creation of any additional units of demand as the land is already held in two certificates of title.

4.0 DISTRICT PLAN PROVISIONS

The site is in the Rural Zone, and within the Rural Residential Policy area for rural subdivisions. The following District Plan standards are relevant:

D.2.1.3 Discretionary Activities

- (xii) Subdivision where all the discretionary activity standards for subdivision are complied with.

D.2.2.1 Permitted Activity Standards

| District Plan Standard | Comment |
|--|---|
| Earthworks | <i>Does not comply as the earthworks will be within 20 metres of a waterbody although the proposed works will not involve a volume greater than 100m³ and a change in ground level greater than 1 metre.</i> |
| Parking, loading and access (Part J) | <i>Complies</i> |
| Controlled Activity Standards (General Subdivision Standards) | |
| Rear lots fronting roads other than SH1 | <i>Complies</i> |
| Building sites | <i>Complies</i> |
| Protection of water resources | <i>A report has been provided by a suitably qualified engineer demonstrating that a satisfactory means of on site disposal can be provided on this "poorly drained" site.</i> |
| Discretionary Activity Standards | |
| Lots in the Rural residential Area - Minimum Lot area of 1 hectare and minimum frontage of 30 metres | <i>Does not comply as the lots fronting Huia Street are all less than 1 hectare in area.</i> |

Taken as a whole, the application is for a Non-Complying Activity.

5.0 SECTION 93/94 ASSESSMENT

Section 93 Analysis:

Under section 93(1) of the Resource Management Act 1991 a consent authority is not required to publicly notify an application for resource consent in accordance with section 93(2) if the adverse effects of the activity on the environment are minor. The following assessment of environmental effects will identify the likely effects and their scale and intensity so that a determination under section 93 can be made.

Assessment of Environmental Effects:

The site is zoned rural and has an overlay of Rural Residential for subdivision purposes. The minimum lot size for subdivision in this area is 1 hectare. This is a discretionary activity standard and if the standard is met, the subdivision is deemed to be a discretionary activity. However, failure to meet the discretionary activity standard renders the proposal to be a non-complying activity.

The bisection of the site by a line of trees parallel to and about 150 metres to the west of the road frontage has made this the logical location for the proposed boundaries between the upper and lower allotments (i.e. between Lots 1 to 4 and Lots 5 to 7). Again, topography has promoted the proposed location of the central driveway (or access lot/right of way) serving Lots 5 to 7 along the line of the incised watercourse running from the road frontage to the west between proposed Lots 2 and 3. At its lower end, the vehicle access construction will require the removal of a small hay shed which straddles the boundary between Lot 5 and Lot 8, the access lot/Right of Way.

The applicant's consultant has provided an alternate plan of subdivision which complies with the discretionary activity standards with respect to the size of the proposed allotments (Plan number 9344/1) and, while this does not provide an argument for disregarding the effect of such a development under section 94A(a), it does give some indications as to the acceptable limits for the proposed activity in terms of the expressed intent of the District Plan. The applicant's alternate plan shows a development of 7 rural residential allotments which differ from the intended subdivision in the detail only as to the location of the internal boundaries between the allotments and could be expected to create effects from the development that are almost identical to the actual proposal as shown on the suite of plans numbered 9344/2, 9344/2a and 9344/2b.

The limit of activity that can be disregarded under section 93A(a) of the Resource Management Act 1991 is the erection of one additional dwelling house on 142 Huia Street, provided that it complies with the bulk and location provisions of the District Plan.

As this proposal seeks the creation of 5 additional allotments and vehicular access to serve them, the effects of the total development would appear to be:

- **Amenity / Density of development**

The development site and those adjacent to it are zoned Rural with a rural-residential subdivision policy overlay, thus creating the expectation of the development of lots of around 1 hectare in size. As a result, the expectation of Council and landowners in the immediate vicinity is that the anticipated level of development of a site of a total land area of just over 7.6 hectares would be 7 rural-residential lots.

This is the density of development that is proposed and it is noted that several other developments in the near vicinity of the subject site either have been developed in this manner or have development proposals at this level approved.

It is, however, significant in the context of the District Plan and the expected level of community involvement with such developments that the District Plan categorises this form of development, where it complies with the Plan standards, as a full Discretionary proposal and does not provide for it as a Controlled activity. The creation of the additional allotments will have potential adverse effects with respect to potential loss of privacy and amenity for the immediate adjoining owners who would have a resulting expectation of involvement in the consent process.

▪ **Design of Subdivision**

The design of a possible subdivision development as shown on plan 9344/1 would create 7 rural-residential allotments that would comply with the discretionary activity standards as far the allotment design is concerned. The development proposed on plan 9344/2, in respecting the topographical constraints offered by the site in the location of the lines of trees and adjacent fences, on the other hand, does not and thus elevates the proposal to the non-complying category.

I have reached the conclusion that externally, it would be difficult to see additional adverse effects created by the non-complying development as opposed to the discretionary proposal for the following reasons:

- The proposed density (i.e. number of proposed lots) is the same as a discretionary subdivision;
- The amount of traffic potentially generated would be no different as the number of lots has not increased with the non-complying proposal;
- The retention of the trees on site is more likely with the non-complying proposal, given that they are located along the boundary lines of the proposed lots.

▪ **Access and Traffic Effects**

The addition of 4 more vehicular access points on to Huia Street will meet Council's standards with respect to site distances as the road carriageway is straight and although slightly undulating easily provides in excess of 70 metres (the minimum required by Table II of Part J of the District Plan) of visibility from any potential vehicle access point on any of the proposed allotments.

The addition of 5 potential households to Huia Street entering and exiting the carriageway in the 70kph area does not appear to be out of keeping with the expectations created by several other, similar, developments in the neighbourhood and there is no evidence that there are any capacity issues with the width or style of carriageway provided within the legal road.

The design of the proposed 4 metre wide carriageway within the Access Lot/Right of Way is shown in the application plans to provide for a well graded transition from the public carriageway down to the maximum gradient of the vehicle access which will then descend at 1 in 5 until flattening out at a distance

of approximately 30 metres from the road carriageway in Huia Street to 1 in 8, where it then follows the general slope of the land as it currently exists. The proposed shape of the vehicle access to Lots 5 to 7 where it enters the legal road will provide good site lines for vehicles entering and exiting Huia Street and will involve filling of the roadside berm by up to approximately 0.5 metres to achieve this.

Visually, the impact of the proposed works will be minor, see also comments with respect to Construction and Earthworks effects below.

▪ **Construction and Earthworks Effects**

The construction of the proposed vehicle access within proposed Lot 8 will create some very minor effects from:

- The importation of 40m³ of material to form the base of the carriageway;
- Removal of some vegetation adjacent to the road in Huia Street to create the access, noting that the chosen alignment of the vehicle access will avoid the necessity for the removal of a Totara Tree within proposed Lot 8;
- Possible siltation effects on the watercourse within Lot 8; and
- The noise of the machines working during the construction phase.

The District Plan contains the following assessment criteria for earthworks (Policy 1 of Section C.7.3) which contains useful guidance for assessing the effects of earthworks.

- *The extent to which any earthworks may impact on prominent or visually sensitive landforms, including the coastal marine area, ridgelines, dunes, escarpments, native vegetation, wetlands and waterbodies and the effects of earthworks on water quality*

The earthworks will have a visual effect, in the short term as the activity is undertaken, and longer-term there is the visual effect of a new formed driveway on the site. The site does not contain any visually sensitive landforms, although it is visible from State Highway 1.

- *The extent to which any cut or fill can be restored or treated to resemble natural landforms. Council will seek to avoid the creation of unnatural scar faces*

The proposed earthworks are minor in volume in the context of this type of subdivision. I consider that the earthworks can be finished in such a way to avoid un-natural scar faces or landforms. The end result of appropriately contoured earthworks can be ensured by imposing suitable conditions requiring the consent holder to comply with the Council's best practice methods.

- *The extent of screening by vegetation*

The site of proposed earthworks will not be screened by any vegetation, although it is not considered in this context to be significant as the adverse visual effects of earthworks will only be temporary and the end result will be an enhanced landscape relative to its current appearance.

- *The extent to which any cut or fill will remove existing vegetation, alter existing landforms, affect water quality through siltation or affect existing natural features such as waterbodies*

The proposed earthworks will have no more than minor effect on the landform and any potential adverse effects on water quality will be able to be mitigated to such an extent that the effects are no more than minor.

- *The provision of acceptable roading gradients, practicability of drainage systems, minimum site building levels, drive on access to all lots and creation of practical reserve areas*

Earthworks will enable practical drive-on access to Lots 5 to 7.

- *The necessity for carrying out the works*

In the context of this consent the proposed earthworks are necessary to provide practical drive-on access to Lots 5 to 7.

- *Whether the earthworks proposed increase or decrease flood hazards*

It is expected that the proposed earthworks will not result in an increase in flood hazards.

- *The outcome of consultation with Tangata Whenua in accordance with the requirements contained in the Fourth Schedule of the Resource Management Act 1991*

Council staff have consulted with representatives of Te Ati Awa ki Whakarongotai, who have had the opportunity to provide input to this application and have recommended standard conditions to ensure that if any cultural sites are present that they are protected as far as is practicable.

It is my conclusion that the above effects are limited in scope and that, as a result of the location of the proposed vehicle access within the development, will be very limited with respect to the owners and occupiers of adjacent properties.

▪ **Wastewater Disposal**

Evidence has been provided with this application demonstrating that the adverse effects of on site wastewater disposal can be mitigated or avoided by the methods used for on site disposal. Similar developments in Huia Street, where similar slopes and soil types are experienced have also successfully installed on site wastewater disposal systems that do not appear to be creating any adverse effects on the environment.

It is therefore my conclusion that the adverse effects of on site wastewater disposal will be minor.

Conclusion:

I have reached the conclusion that the actual and potential adverse effects of this proposed subdivision and associated earthworks are no more than minor and that the proposal does not, therefore, need to be notified pursuant to section 93 of the Resource Management Act 1991.

Section 94C:

The applicant has not requested that the application be publicly notified and there are no special circumstances which could trigger the need for notification of the proposal.

Recommendation:

That the application **need not be publicly notified** in accordance with Section 93 of the Resource Management Act 1991.

Reported and Recommended by:


Wayne Gair, Principal Planner, Subdivisions

Date: 25-03-09

Decision:

That the above recommendation be adopted.

Delegated Officer (Peer Reviewer):


Colin Bridges, Principal Planner, Land Use

Date: 26-03-09

Section 94 Analysis

In accordance with section 94 of the Act where public notification is not required under section 93(1) of the Act the consent authority must serve notice on those persons who are adversely affected by the activity unless all adversely affected parties provide their written approval.

Section 94B:

The following parties may be adversely affected by the proposed activity for the reasons concluded above under the heading "Assessment of Environmental Effects":

- | | | |
|------------------------------------|-----------------|----------------|
| • R H Miet | 162-166 Huia St | Lot 12 DP |
| 22652 | | |
| • R Burns | 157 Huia St | Lot 1 DP 83499 |
| • A W & M P Price | 136 Huia St | Lot 3 DP 87596 |
| • D I & C A Vaughan and R H Miller | 134 Huia St | Lot 1 DP 87596 |

Section 94B(3):

The written approval of all parties considered to be adversely affected by the proposed activity has not been obtained. It is noted that the written consent of the following parties has not been obtained:

- | | | |
|------------------------------|-------------|----------------|
| • M P Price | 136 Huia St | Lot 3 DP 87596 |
| • C A Vaughan and R H Miller | 134 Huia St | Lot 1 DP 87596 |

It appears that the applicants may have been under the impression that the written consent of one of the registered owners to each property was sufficient and that each of the parties from whom written consent was obtained had effectively spoken for the other registered owners. Regrettably, experience has shown that this assumption is incorrect and that the written consent of all registered owners is required before section 94A(c) of the Resource Management Act 1991 can have effect.

Section 94B(3)(c):

In relation to the above, it is not considered unreasonable to obtain the written approval of the three parties listed above and if they can be obtained, it will not be necessary to serve notice of the application on any party, thus allowing the proposal to be considered on a non notified/non service basis.

Recommendation:

That the application be processed on a **non-notified** basis in accordance with Section 94 of the Resource Management Act 1991 if and only if the written consent of . M P Price, C A Vaughan and R H Miller can be obtained. Should the written consent of these parties prove to be unobtainable, then the application must be considered on a **service of notice (limited notified)** basis in accordance with Section 94 of the Resource Management Act 1991, and that it be served on all parties identified under Section 94B above.

Reported and Recommended by:



Wayne Gair, Principal Planner, Subdivisions

Date: 25-03-09

Decision:

That the above recommendation be adopted.

Delegated Officer (Peer Reviewer):



Colin Bridges, Principal Planner, Land Use

Date: 26-03-09

09 March 2022

Jules Esther & Dana Peterson
C/- Cuttriss Consultants Ltd
PO Box 386
Paraparaumu 5254

Dear Jules Esther & Dana Peterson

RM 200252: Three lot subdivision creating two additional allotments and earthworks within 20-metres of a waterbody.

We are pleased to enclose the decision on your Resource Consent application.

As you will see from the decision, there are a number of conditions that need to be complied with.

If you do not agree with the conditions of your consent you may lodge an objection with the Council in accordance with Section 357 of the Resource Management Act 1991. The objection would be heard by Hearing Commissioners. Please note that, if you do wish to object, you must advise the Resource Consents Manager no later than 15 working days from the date of receiving this consent.

If you have any concerns regarding the conditions please contact me prior to lodging an objection to discuss on 04-801 6862 as it may be possible to make minor amendments or corrections outside of the objection process.

If the deposit paid at the time of lodging your resource consent application has not been sufficient to cover the Council's costs of considering your application you will receive an invoice in the next few weeks.

Please note that this consent will lapse within 5 years of the date of issue of this decision unless it is given effect to within that time. You may apply for an extension of the consent before the consent lapses. Please contact the Council to find out more if you wish to do this.

The Resource Consents Team is continually working to improve the service we provide and would appreciate your feedback. We would be grateful if you could please take the time to complete an online survey.

Yours sincerely



Kathleen Haylock
Consultant Planner

**RESOURCE CONSENT UNDER PART VI OF THE
RESOURCE MANAGEMENT ACT 1991
CONSENT NO: RM200252**

| | |
|---------------------------------|--|
| APPLICANT: | Jules Esther & Dana Peterson |
| LOCATION OF ACTIVITY: | 142 Huia Street, Waikanae |
| DESCRIPTION OF ACTIVITY: | Three lot subdivision creating two additional allotments and earthworks within 20-metres of a waterbody. |

DECISION:

That the undersigned officers, acting under authority delegated from the Council and pursuant to Sections 104 and 104C of the Resource Management Act 1991, hereby grant consent for the proposal being a three-lot fee simple subdivision creating two additional allotments and earthworks within 20-metres of a waterbody at 142 Huia Street, Waikanae (LOT 10 DP 22652 Blk VI Kaitawa SD) subject to the following conditions which were imposed under Sections 108 and 220 of the Resource Management Act 1991.

Conditions:

General

1. The proposed activity shall be undertaken in general accordance with the plans prepared by Cuttriss Consultants Limited titled "Proposed Subdivision Lot 10 DP 22652 142 Huia Street Waikanae Scheme Plan", dated 07/20, revision G, stamped "Final Approved Plans RM200252" dated 8 March 2022 and specifications lodged with the application RM200252 and the further information supplied by Cuttriss Consultants Limited except where modified by conditions of consent.
2. The e-survey dataset shall be in general conformity with the INSERT plans prepared by Cuttriss Consultants Limited titled "Proposed Subdivision Lot 10 DP 22652 142 Huia Street Waikanae Scheme Plan", dated 07/20, revision G, stamped "Final Approved Plans RM200252" dated 9 March 2022 lodged with the application RM200252 except where modified by conditions of consent.

3. The consent holder shall comply with the requirements of the Kapiti Coast District Council's Subdivision and Development Principles and Requirements 2012, unless alternatives are proposed by the consent holder and accepted by the Council's Development Engineer.

Note 1: *The subdivision may be undertaken and certified in any number of stages, provided that:*

- *All fees related to the relevant stage have been paid; and*
- *All works associated with the allotments in the relevant stage, including any balance allotment, have been fully constructed and serviced and all relevant conditions related to servicing have been met.*

Note: 2 *To allow flexibility in staging, the proposed work carried out for each stage will be identified on a plan and provided to Council. If changes to the proposed work carried out under each stage are made, engineering drawings will be resubmitted showing the revised staging of work.*

4. Fencing will be provided 3 metres from the stream if the land adjacent to that boundary is used for grazing of livestock damaging to stream health, specifically those specified in the Resource Management (Stock Exclusion) Regulations 2020 namely dairy cattle, beef cattle grazed intensively, or pigs. As a further precaution any other grazing species will be excluded from entering the stream, and in both instances native species will be planted in the riparian strip to afford shelter and nutrient filtering for the stream

Fees, Levies and Contributions

5. A Reserve Contribution is payable and has been assessed at \$7,082.70, inclusive of GST per additional allotment (total **\$14,165.40** GST inclusive).
The contribution must be paid prior to the issue of any certificate pursuant to section 224(c) of the Resource Management Act 1991.
6. Prior to the issue of a Section 224(c) certificate under the Resource Management Act 1991, the consent holder shall pay Council Engineering Fees of \$628.00 plus \$314.00 per lot [total \$1,570.00 GST inclusive] for work that may be required for plan approvals, site inspections and consent compliance monitoring, plus any further monitoring charge or changes to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

Engineering

7. Prior to works commencing, the consent holder shall submit copies of the plans and specifications for the engineering development for approval to the satisfaction of the Council's Development Engineer. The engineering development must be in

accordance with the relevant sections of the Kapiti Coast District Council's Subdivision and Development Principles and Requirements, 2012.

Note: *Engineering drawings shall contain sufficient detail to clearly illustrate the proposal to enable assessment of compliance with the Kapiti Coast District Council's Subdivision and Development Principles and Requirements, 2012 and to enable accurate construction.*

8. No works shall commence until the plans under condition 7 above are approved by the Council's Development Engineer.
9. Prior to works commencing, the consent holder shall provide the Council's Development Engineer with the names of the Developer's or Owner's Representative(s) appointed in terms of Clause B(ii) of Part 3 of the Kapiti Coast District Council's Subdivision and Development Principles and Requirements, 2012.
10. Prior to works commencing, the consent holder shall provide the names and professional qualifications of any Suitably Qualified Persons required in terms of Clause B(iii) of Part 3 of the Kapiti Coast District Council's Subdivision and Development Principles and Requirements 2012 to the Council's Development Engineer. Suitably Qualified Persons are required for, but not necessarily limited to, the following area:
 - Civil Engineering

Note: *If the Council considers any of the nominated persons are not acceptable then the consent holder shall nominate alternative persons, or the Council may require the consent holder to employ a specified Suitably Qualified Person or Persons at the consent holders cost.*

Stages of works

11. Prior to commencement of the following stages of work, the consent holder shall notify Council's Development Engineer so that the Council's Development Engineer, or their authorised representative, are able to be present on site to inspect certain stages of the works. These stages are as follows:
 - Commencement of works or recommencement after a substantial lapse;
 - Completed earthworks and prepared subgrade;
 - Finished base course;
 - Final inspection.

Earthworks

12. Prior to works commencing, the consent holder shall submit an Earthworks Management Plan (EMP) in accordance with the additional requirements of Schedule 2 contained in Part 2 of the Kapiti Coast District Council's Subdivision and

Development Principles and Requirements 2012, for approval to the satisfaction of the Council's Development Engineer.

13. The consent holder must ensure that no nuisance effect, including dust, may be caused by discharge of material beyond the boundary of the subject site. For the avoidance of doubt material includes but is not limited to silt, sediment, vegetation and aggregate.
14. Where the existing land or vegetative cover is disturbed, the consent holder shall establish suitable ground cover as soon as practicable following earthworks or within 5 days of completion of any earthworks, whichever shall occur first. For this condition "suitable ground cover" means application of basecourse, topsoil, grassing or mulch, or another type of application to the satisfaction of Council's Development Engineer.
15. The consent holder shall make adequate provision for the control of stormwater run-off during the construction period and shall apply the appropriate recommendations found in Greater Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region" and "Small earthworks – Erosion and sediment control for small sites to the satisfaction of the Council's Development Engineer. Silt retaining structures or ponding areas shall be constructed and maintained throughout the duration of the works to the satisfaction of the Council's Development Engineer.
16. The consent holder shall ensure that all vehicles exiting the site do not track material onto the road.

Foundation Design

17. Prior to the issue of a Section 224(c) certificate the consent holder shall supply to the satisfaction of the Council's Development Engineer a report by a suitably qualified person detailing site investigation work and findings together with recommendations for foundation design for Lots 2 & 3.

Note: *If specifically designed foundations may be required in accordance with the Building Act 2004, then a Consent Notice under Section 221 of the Resource Management Act will be issued with a Section 224(c) certificate, prepared by Council at the cost of the consent holder, to facilitate the recording of this condition which is to be complied with on an on-going basis.*

Three-Waters Infrastructure

18. The consent holder or future owners of Lots 2 & 3 shall comply with the following:

- a) On-site wastewater disposal for Lots 2 & 3 shall be in general accordance with the findings, recommendations and constraints contained within the Cuttriss report titled "Indicative Site Suitability for Onsite Effluent Disposal Report" dated 17 November 2021.
- b) The owner is responsible to maintain and monitor their wastewater disposal so that any adverse effects on the environment are less than minor.

Note: Condition 18 above shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 and registered against the new Computer Freehold Register for Lots 2 & 3. The Section 221 consent notice shall be prepared by Council at the cost of the consent holder. The Section 221 consent notice shall be issued with the Section 224(c) certificate to facilitate the recording of this condition which is to be complied with on an on-going basis.

19. The consent holder shall ensure that an effluent disposal system for the new subdivisions will be managed via an on-site treatment system of Council approved design, and evapo-transpiration field inaccessible to grazing stock, planted in flax, shrubs and trees including primarily native species, located at least 20 metres from either stream, with gravitational flow toward the centre of the property.
20. The consent holder shall ensure that water supply and fire fighting requirements for Lots 2 & 3 shall be in accordance with the Cuttriss report titled "Potable Water Supply and Firefighting Report", dated 30 October 2020, submitted with the application.
21. The consent holder shall ensure that on site storm water disposal for Lots 2 & 3 shall be in accordance with the Cuttriss report titled "Indicative Site Suitability Report for Onsite Stormwater Disposal", date 17 November 2021.

As a secondary overflow path is not available or is through private property, on-site storm water disposal needs to be designed to cater for a 100 year return event which discharges at a rate no greater than the undeveloped 2 year return event.

Note: In the event that the stormwater disposal system is not installed prior to the issue of the 224(c) certificate, a Consent Notice under Section 221 of the Resource Management Act will be issued to facilitate the recording of this condition, which is to be complied with on an on-going basis. The Consent Notice shall include reference to the following:

- the indicative stormwater disposal design as an option for compliance;
- the owners' responsibility to construct a system to meet the above performance standard;
- the owners' responsibility to maintain the system on an on-going basis to meet the above performance standard as it applied at the time of approval.

22. The consent holder shall ensure that all stormwater discharges and roof catchment rainwater tank overflows will be directed to a disposal area inaccessible to grazing stock and planted in flax or other evergreen moisture tolerant species, commencing at least six metres from the nearest stream.

Roading

23. The consent holder shall ensure that the right-of-way shall be formed and metalled to a minimum width of 3.0 metres. The entrance at the road berm shall be formed, metalled and sealed between the carriageway edge and the road boundary.
24. The consent holder shall ensure that the right of way will be designed so that stormwater falling on the right of way surface is directed to a planted swale which will provide initial treatment before any overflow reaches the stream. Fast-growing native species that offer food for native birds such as harakeke (flax), karamu, manuka, lacebark and wineberry will be included.

Other infrastructure

25. The consent holder shall ensure that new underground power and telecommunication services shall be provided to the boundary of Lots 2 & 3 to the satisfaction of the Council's Development Engineer.

Upon completion of works:

Engineering

26. Completion documentation, shall be submitted in support of an application for Section 224(c) certification in accordance with Part 1 of NZS4404 and Part 4, Schedule 1 of the Kapiti Coast District Council Subdivision and Development Principles and Requirements, 2012. The consent holder shall provide Council with an itemised schedule of quantities and costs, for any assets that are to vest in Council.

Administration

27. The consent holder shall supply a copy of the title sheets of the e-survey dataset and shall list and indicate how each condition has been met to the satisfaction of the Council.

Easements

28. Easements are required over any rights of way and communal, private and public services where these pass through the lots in the subdivision. This consent is condition on the easements being granted or reserved and they must be subject to section 243 of the Resource Management Act 1991.

Note: *The proposed easement and right of way areas, and the proposed land covenant area must be clearly shown and delineated on the scheme plan.*

Advice Notes:

- The consent holder shall notify the Council's RMA Compliance Officer of the start and completion dates of the works in writing 48 hours before the works are carried out. The consent holder shall fill out and return (by email to the duty compliance officer at compliance.dutyofficer@kapiticoast.govt.nz, or by fax to (04) 2964 830 or by post to Private Bag 60601, Paraparaumu) the form that is attached to the decision letter.
- The consent holder shall pay to the Kapiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and the actual costs of materials or services which may have to be obtained.
- *Please refer to Kapiti Coast District Council's current schedule of Resource Management fees for guidance on the current hourly rate chargeable for Council's staff.
- Under Section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.
- It is the consent holder's responsibility to comply with any conditions imposed on this resource consent prior to and during (as applicable) exercising this resource consent.
- Please note that a resource consent is not a consent to build. A building consent must be issued prior to any building work being undertaken.
- As the new allotments are located within a Transportation Noise Effects Route any future residential development on the new allotment will be required to be constructed in accordance with NOISE-R14.
- If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.
- The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety in Employment Act 1992 regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.

- Should a waahi tapu or other cultural site be unearthed during earthworks the contractor and/or owner is required under the Heritage New Zealand Pouhere Taonga Act 2014:-
 - cease operations;
 - inform local Iwi (Te Ati Awa ki Whakarongotai)
 - inform the Heritage New Zealand and apply for an appropriate authority if required;
 - Take appropriate action, after discussion with Heritage New Zealand, Council and Iwi to remedy damage and/or restore the site.

Note: *In accordance with the Heritage New Zealand Pouhere Taonga Act 2014, where an archaeological site is present (or uncovered), an authority from Heritage New Zealand is required if the site is to be modified in any way.*

- A separate application is required for a building consent if any earth-retaining structure is intended as part of this work and the wall is higher than 1.5 metres or is subject to surcharging.
- It is the on-going responsibility of the owners of Lots 2 and 3 to provide, maintain and monitor the installation and operation of an individual household water supply in accordance with the Ministry of Health's publication 'Household water supplies, the selection, operation, and maintenance of individual household water supplies' (revised April 2006) that provides a minimum storage capacity of 30,000 litres.
- Works within the legal road will only be approved where they comply with Council procedures and processes which are set out below:
 - a. Before undertaking work in the legal road you must make a Corridor Access Request (CAR) and receive a Works Access Permit (WAP) from us. Some examples of activities requiring a permit are:
 - trenching works;
 - footpaths and entranceways;
 - work within the berm or shoulder of the road; and
 - tree work scaffolding and crane work.
 - b. Before any excavations are undertaken a "Before U Dig" inquiry must be made to check for locations of any underground services. This is a web based service that you or your contractor use to get plans and information emailed out to you. This also provides the mechanism for you to make a Corridor Access Request and provide us with a Traffic Management Plan to protect your site, contractors, and the public during operations. Corridor

Access Requests require 5 working days' notice before work can commence and Traffic Management Plans for road closures and events must be received 42 working days in advance of the closure or event. Please note: The "Before U Dig" service has no information on council's buried water, wastewater or stormwater assets. Our mapping tools show the location of the buried council assets.

- c. Work must be undertaken in accordance with Councils guides and standard drawings. Examples of forms, guides and standards drawings An information sheet, application form and standard drawings (engineering plans) are available for download or print from the Council website and examples include:
 - Vehicle Installation Information;
 - Vehicle Crossing Application Form;
 - Roding Standard Drawings; and
 - Vehicle Crossing Guidelines
- Development Contributions will be required pursuant to Section 198 of the Local Government Act 2002 and the Council's 2020/2021 Development Contribution Policy when creating new allotments. The contributions will be calculated and levied for each additional allotment created by this resource consent in accordance with the fees that apply at the time the consent was lodged. The fees are listed below:

| Items | Fees including GST(NZD) |
|-------------------------------------|-------------------------|
| Roding - District | \$2,063.83 |
| Stormwater - District | \$512.30 |
| Stormwater - Waikanae | \$544.00 |
| Community Infrastructure - District | \$1,754.36 |
| Total | \$4,874.49 |

There are two additional allotments created by this Resource Consent.

The contributions must be paid prior to the issue of any certificate pursuant to Section 224(c) of the Resource Management Act 1991 (please refer also to Section 208 of the Local Government Act 2002).

Reasons for Decision:

In accordance with Sections 104 and 104C of the Resource Management Act 1991, the actual and potential effects associated with the proposed activity have been assessed and are outlined above.

I consider that the adverse effects of the proposed activity on the environment will be less than minor and that the proposed activity is not contrary to the Objectives and Policies of the Kapiti Coast Operative and Proposed District Plans.

A full copy of the reasons for granting consent is contained in the decision report.

A handwritten signature in black ink, appearing to read 'S Banks', with a stylized flourish at the end.

Sarah Banks
Senior Resource Consents Planner



| REVISION DETAILS | | NAME | DATE |
|------------------|---------------|------|-------|
| C | LOTS ADJUSTED | ECM | 10/20 |
| D | LOTS ADJUSTED | ECM | 10/20 |
| | | | |
| | | | |

- NOTES:
- THIS PLAN IS TO BE USED FOR RESOURCE CONSENT PURPOSES ONLY & IS NOT TO BE RELIED UPON FOR ANY OTHER PURPOSE WITHOUT THE CONSENT OF CUTTRISS CONSULTANTS LIMITED.
 - DIMENSIONS AND AREAS SHOWN ON THIS SCHEME PLAN WILL BE SUBJECT TO FINAL LAND TRANSFER SURVEY
 - COORDINATES ARE IN TERMS OF NEW ZEALAND GEODETIC 2000 DATUM, WANGANUI CIRCUIT.
 - A-B DENOTES EXISTING AND PROPOSED EASEMENT AREAS. NOT ALL INTERESTS ON THE RECORD OF TITLE MAY BE SHOWN ON THIS PLAN, AND SHOULD BE INVESTIGATED FURTHER.
 - AREA SHOWN AS B TO BE SUBJECT TO LAND COVENANT.
 - SERVICES HAVE BEEN LOCATED ON SITE WHERE POSSIBLE, OTHERWISE SHOWN FROM KDCDC RECORDS, AND SHOULD BE VERIFIED ON SITE
 - BOUNDARY LEVELS FOR DETERMINATION OF CRITICAL RECESSION PLANES MUST BE CONFIRMED PRIOR TO ANY APPLICATION FOR BUILDING CONSENT
 - BOUNDARY INFORMATION HAS BEEN SOURCED FROM INFORMATION PROVIDED BY GRIP LTD & HAS NOT BEEN VERIFIED ON SITE
 - ALL ELECTRONIC CAD DATA MUST BE READ IN CONJUNCTION WITH THESE NOTES

| MEMORANDUM OF EASEMENTS | | | |
|--|-------|---------------|-----------------|
| Purpose | Shown | Burdened Land | Benefitted Land |
| Right of way, right to convey electricity, telecommunications & computer media | A | Lot 1 | Lots 2 & 3 |
| | B | Lot 2 | Lot 3 |

Cuttriss
Surveyors. Engineers. Planners.

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CLIENT
ESTHER & PETERSON

PROJECT
**PROPOSED SUBDIVISION
LOT 10 DP 22652
142 HUIA STREET
WAIKANAE**

SCHEME PLAN

| SCALE | | | REDUCED SCALE | | |
|------------|------|-------|---------------------|---|--|
| A1 - 1:500 | | | A3 - 1:1000 | | |
| | NAME | DATE | DRAWING NUMBER | | |
| FIELDWORK | | | 22687 SCH | | |
| DESIGNED | NKT | 07/20 | | | |
| DRAWN | JAO | 07/20 | | | |
| CHECKED | ECM | 07/20 | | | |
| | | | SHEET 1 OF 1 SHEETS | | |
| | | | REVISION | G | |

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TO:

The RMA Compliance Officer
Kāpiti Coast District Council
Private Bag 60601
PARAPARAUMU
Email: compliance.dutyofficer@kapiticoast.govt.nz

| | |
|------------------------|---|
| Application No: | RM200252 |
| Site Address: | 142 Huia Street, Waikanae LOT 10 DP 22652 BLK VI KAITAWA SD |
| Proposal: | Three lot subdivision creating two additional allotments and earthworks within 20-metres of a waterbody. |

Construction will take place on (date):

Owner's Contact Details

Name:

Postal Address:

Telephone:

Mobile:

Contractor's Contact Details (e.g. house relocation contractors)

Name:

Telephone:

Mobile:

SIGNED:

.....
NAME

.....
DATE

9 March 2022

Notification and s104 report for resource consent(s) under the Resource Management Act 1991(RMA)

| | |
|---|--|
| Application No: | RM200252 |
| Applicant: | Jules Esther & Dana Peterson |
| Site Address: | 142 Huia Street, Waikanae |
| Legal Description: | LOT 10 DP 22652 Blk VI Kaitawa SD |
| Site Area: | 3.8483 m ² |
| Applicant's Address for Service: | C/- Cuttriss Consultants Ltd PO Box 386 Paraparaumu 5254 |
| Proposal: | Three lot subdivision creating two additional allotments and earthworks within 20-metres of a waterbody. |
| Operative District Plan Zone: | Rural |
| Proposed District Plan Zone: | Rural Lifestyle Zone |
| Activity Status: | Subdivision - Restricted Discretionary Land Use - Restricted Discretionary |

Report prepared by: Kathleen Haylock, Consultant Planner
Report peer reviewed by: Sarah Banks, Senior Resource Consents Planner

Date consent application received: 23/11/2020
Further information requested: 14/12/2020
Further information received: 18/11/2021

1 EXECUTIVE SUMMARY

This report provides an analysis of the resource management issues relating to notification status and the Council's Section 104 decision for the activity proposed under resource consent application RM200252. The decisions at sections 8 and 13 are to:

- Consider the proposed development on a non-notified basis (section 8); and
- Grant consent to the proposed activity being a three lot subdivision creating two additional allotments and earthworks within 20-metres of a waterbody (section 13) subject to a number of conditions as set out at the end of this report.

1.1 Application documents (plans and reference documents)

The following information has been provided with the application:

- Application form and Assessment of Environmental Effects (AEE) prepared by Cuttriss Consultants Limited and dated November 2020. The AEE concludes that the effects on the environment will be less than minor;
- Plans prepared by Cuttriss Consultants Limited and dated 07/20; and
- Other additional information prepared by Cuttriss Consultants Limited and dated 23 December 2020 and 18 November 2021.

2 THE PROPOSAL

2.1 Description of Proposal

The applicant has provided a description of the proposal which I consider to be accurate and adopt:

Resource consent is sought for a three-lot fee-simple subdivision of 142 Huia Street, Waikanae creating two additional allotments. Land-use consent is also sought for earthworks which do not comply with the permitted activity standards.

Subdivision

Proposed Lot 1 will have an area of 1.13ha and will be located to the east of the subject site. Following the subdivision, the proposed allotment will contain the primary dwelling and large farm building to the north.

Proposed Lot 2 will have an area of 6,420m² and will be located in the south-east of the subject site. Following the subdivision, the secondary dwelling ("minor flat") will be contained with the allotment.

Proposed Lot 3 will have an area of approximately 2.080ha and will be located to the west of the subject site. The area marked "B" on the scheme plan, is to be registered under a private land covenant as a no build zone. The purpose of this covenant area is to protect the native vegetation planted in this area.

Earthworks

In order to facilitate the construction of the proposed access arrangement, earthworks will need to be undertaken. The works will be isolated to the south-eastern portion of the site and will be restricted to scraping of the existing surface, with some larger cuts required to flatten an existing inland bank. These works will not exceed one metre in

depth or 100m³ in volume, but they will be undertaken within 20 metres of a stream which runs along the property's southern boundary.

Figure 1 below shows the proposed scheme plan for the application.



Figure 1: Proposed scheme plan

The applicant has provided a full description of the proposal in terms of servicing in the resource consent addendum dated 18 November 2021 which I also consider to be accurate and adopt:

Water Supply

Proposed Lots 1 and 2 have existing on-site water supply associated with the existing buildings on the site. Proposed Lot 3 will be vacant at the time of subdivision so there is no need for water storage tanks at this stage. Future construction of a dwelling will require a roof collection system, firefighting supply and water storage tanks in accordance with the recommendations in the Potable Water Supply and Firefighting Report attached to the original application.

Sewage Disposal

Proposed Lots 1 has an existing septic tank for the on-site effluent disposal associated with the existing dwelling and this is proposed to remain unchanged. A new drainage field is required however to ensure that the disposal area remains with the new lot boundaries. Following consultation with Te Ātiawa ki Whakarongotai, the on-site effluent disposal from proposed Lots 2 and 3 will be disposed of via an approved on-site treatment system to an evapo-transpiration field. The disposal areas will be planted in flax, shrubs and trees including primarily native species, located at least 20 metres

from either stream running parallel to the northern and southern boundaries, with overflow disposed of via gravitational flow toward the centre of the site. An updated on-site effluent disposal report has been attached at **Appendix 2**.

Stormwater Reticulation

Proposed Lots 1 and 2 has existing on-site stormwater disposal associated with the existing buildings. Stormwater disposal for proposed Lot 3 will be via storage through attenuation tanks, with overflow discharged to either a local watercourse or to a flow level spreader. Attenuation tanks may be combined with potable water supply tanks. Details have been provided in the Indicative Site Suitability Report for Onsite Stormwater Disposal Report attached at **Appendix 3**.

Power and Telecommunications

Proposed Lots 1 and 2 are serviced with existing power and telecommunications and no changes are required to this arrangement. Proposed Lot 3 will be provided with power and telecommunications from the road boundary to the east (Huia Street) via an underground connection.

Access

Proposed Lot 1 will retain the existing vehicular access from Huia Street. Access to proposed Lots 2 and 3 will be provided from a shared right of way from Huia Street which will run along the southern boundary of proposed Lot 1, marked "A" and "B" on the attached scheme plan.

3 SITE AND SURROUNDING ENVIRONMENT

3.1 Site Description

The applicant has provided a description of the site which I consider to be accurate and adopt:

The rural property comprises a total area of 3.8 hectares and is situated on the northern end of Huia Street in the suburb of Waikanae (Figure 1). The surrounding area is typically rural in nature, with a distinct feeling of openness, comprised of small-scale rural activities utilised for lifestyle farming. The land to the south, however, comprises of smaller residential allotments denoted by its proximity to the Waikanae urban area.

The property contains two existing dwellings and a number of additional farm buildings (Figures 2 and 3 below). The slope of the land gradually falls from RL 54 at its eastern frontage to RL 16 at the property's western boundary over a distance of approximately 320 metres. The remainder of the property comprises expansive grassed areas with several pockets of trees which run along the southern and eastern boundaries and up through the centre of the site.

The application site is legally described as Lot 10 DP 22652 and held in Record of Title WND1/107.

There are no restrictions or interests registered on the Record of Title which affect Council's ability to grant consent to this application.

Site photos are shown below in figure 2, 3 and 4.



Figure 2: Photo of the site



Figure 3: Photo of the main dwelling on the site



Figure 4: Photo of the site

3.2 Surrounding Environment

As per the above site description, the surrounding area is comprised mainly of rural lifestyle properties with some smaller allotments, and the land to the south is low density residential in nature given it's proximity to the Waikanae urban area.

3.3 Consent History

There are no previous consent applications lodged for the subject site that are relevant to the proposal. It is noted that there was a historical subdivision consent issued for the site (RC090043), however given there are no consent notices registered on the title this is not considered to be relevant to the proposal.

3.4 External Consultation

Local Iwi

Ātiawa ki Whakarongotai Charitable Trust's (the Trust) were consulted in regard to the proposal. They provided the following comments to the application as lodged:

The Trust understands that the Site is located within close proximity to Hemi Matenga Reserve which is a site of significance to Ātiawa ki Whakarongotai (Ātiawa). It also notes that Proposed Works are located in close proximity to a Stream. The Trust reserves its position on the Proposed Works until further information has been provided from the Applicant. The Trust makes the following requests and comments regarding the Proposed Works:

- *The Trust requests the Applicant confirms which stream runs along the property's southern boundary.*
- *The Applicant has proposed that stormwater disposal for proposed Lots 2 and 3 will be via storage through attenuation tanks, with overflow discharged to either a local*

watercourse or to a flow level spreader. The Trust is against any overflow being discharged to the nearby stream as this has negative impacts on the health of the Stream and the species living within it. The Trust prefers the use of wetlands for stormwater management as this enhances the biodiversity of the area and provides habitat for native species rather than degrading it. Thus the Trust requests that the Applicant takes this approach into consideration.

- The Applicant has noted that there are no waahi tapu, archaeological or ecological sites on the application site. The proposal will adopt an accidental discovery protocol in the event a waahi tapu or another cultural site is discovered. The Trust agrees that the Site is not within any areas that are noted to possibly contain waahi tapu or archaeological sites. However, this cannot be definitively determined by the Applicant and therefore the Trust requests that regardless, the Applicant adopts the Trusts specific accidental discovery protocols as outlined in the Whakarongotai o te moana, Whakarongotai o te wā: Ātiawa ki Whakarongotai Kaitiakitanga Plan in the event an archaeological site or materials are discovered

- The Applicant notes that there are no notable trees, ecological sites, outstanding natural features, key indigenous trees, rare and/or threatened vegetation species identified within, or within proximity to, the proposed earthworks area. The Trust requests however if there is any native vegetation that will be removed or impacted as a result of the Proposed Works. If so, how does the Applicant intend to remedy the impact of removing native vegetation from the Site.

- The Trust notes that the Application states that the allotments are of a suitable size to use for personal farming uses but are not suitable for larger scale farming operations. If subdivision is for the purpose of personal farming then the Trust requests that the titles of the new lots contain conditions that state the Stream needs to be fenced off. The Trust also requests that this also states that any farm animals are kept 20m away from the Stream at the minimum to reduce the impact of excess nutrients running off into the stream next to the Site. If this is not abided by the Applicant runs the risk of degrading the mauri of the nearby stream which the Trust is strongly against.

- The Application notes that a septic tank will be installed with secondary treatment via evapo-transpiration or seepage trenches and beds to manage sewage on the proposed new lots. The Trust is opposed to this system as it has the potential to discharge to the ground water where it could then enter the nearby stream. The Trust prefers that the Applicant uses septic tanks and disposes of the waste to a proper facility as opposed to ground soakage through the trench system.

- The Trust requests that the Applicant abides by stringent erosion measures as the Trust is opposed to sediment entering the nearby stream.

The applicant has consulted further with The Trust who has confirmed that the concerns raised above have been addressed by the applicant, noting that they have not confirmed agreement with a condition offered by the applicant in regard to stock exclusion. The applicant has offered the following condition in this regard:

Fencing will be provided 3 metres from the stream if the land adjacent to that boundary is used for grazing of livestock damaging to stream health, specifically those specified in the Resource Management (Stock Exclusion) Regulations 2020 namely dairy cattle, beef cattle grazed intensively, or pigs. As a further precaution any other grazing species will be excluded from entering the stream, and in both instances native species will be planted in the riparian strip to afford shelter and nutrient filtering for the stream

4 DISTRICT PLANS

In November 2012, Council notified the Proposed District Plan (PDP). Following submissions, hearings and the releasing of decisions on 22 November 2017, there was an appeals period. The appeals period closed on 25 January 2018.

As of 26 January 2018, any provisions of the PDP not appealed are operative and the corresponding provisions of the Operative District Plan (ODP) 1999 fall away. The ODP objectives, policies and maps still have legal effect and must be considered when processing applications.

The District Plans are assessed below.

5 OPERATIVE DISTRICT PLAN PROVISIONS

5.1 Kapiti Coast Operative District Plan

The Kapiti Coast District Plan sets out the status of the activity within rules, that is whether they are permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited. The Objectives and Policies contained in the District Plan are also important in decision making as they are to be taken into account in the evaluation of the activities.

5.2 Operative District Plan Zoning and Overlays

The application site is located within the Rural Zone and the Noise Corridor under the Operative District Plan. The site is also classified under Rural, Residential Subdivision. No further notations are relevant to this application.

5.3 Operative District Plan Rules and Standards

None of the Operative District Plan rules and standards still having legal effect are relevant to the proposal.

5.4 Activity Status

None of the Operative District Plan rules and standards still having legal effect are relevant to the proposal.

6 PROPOSED KAPITI COAST DISTRICT PLAN 2012

6.1 The 'Proposed Plan'

On 29 November 2012, the Council publicly notified the Proposed District Plan 2012 (the Proposed Plan). The Proposed Plan included a full review of the Operative Plan provisions, and marks a major shift in the Council's approach to resource management in the District.

6.2 Proposed District Plan Zoning and Overlays

The site is zoned Rural Residential in the Proposed Plan. The site is also located within the Transportation Noise Effects Route, Coastal Environment and Transport Hierarchy – State Highway 1.

6.3 Proposed District Plan Rules and Standards

Land Use

Chapter 3 – Natural Environment

Permitted Activities:

3A.1.6 . Earthworks, excluding those listed in Rule 3A.1.8, in all areas except areas subject to flood hazards, outstanding natural features and landscapes, ecological sites, geological features, areas of outstanding natural character, areas of high natural character.

Standards

1. Earthworks must not be undertaken:

- a) on slopes of more than 28 degrees; or
- b) within 20 metres of a waterbody, including wetlands and coastal water.

Restricted Discretionary Activities:

3A.3.4. Earthworks not complying with one or more of the permitted activity standards in Rule 3A.1.6 or Rule 3A.1.8.

Subdivision

Chapter 7 – Rural Zones

Restricted Discretionary Activities

7A.3.2 Subdivision in all Rural Zones except the Future Urban Development Zone and subdivisions which are controlled activities under Rule 7A.2.2.

General Standards

- 1. a) all lots must meet natural hazard subdivision standards in Chapter 9 Hazards, including Rule 9B.3.3, and the relevant natural and coastal environment standards in Chapters 3 Natural Environment and 4 Coastal Environment, and the relevant historic heritage standards in Chapter 10;
- b) all lots must meet access and transport and infrastructure standards for subdivisions in Chapter 11;
- c) each lot must have a notional building area (capable of containing at least a 20-metre diameter circle) and access identified on the site plan; and
- d) A firefighting water supply must be provided which complies with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.
- e) Compliance with Table 12A.1- financial contributions.
- f) The Esplanade Reserve and Esplanade Strip provisions of Schedule 8.1 must be complied with.
- g) The maximum number of lots gaining legal and physical access via a right of way shall be 6.

Advice Note: Applicants should consult with Fire and Emergency New Zealand on a specific method of complying with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, as part of preparing an application.

2. Additional standards for the Rural Residential Zone:

- a) subdivisions must create lots with a minimum average area of 1ha across the subdivision and a minimum individual lot area of 4000m².

Chapter 11 – Infrastructure Services and Associated Resource use

Restricted Discretionary Activities

11B.3.1 Subdivision of land creating new lots in the rural zones, all open space zones, the private recreation and leisure zone and the river corridor zone, that complies with all restricted discretionary activity standards under Rules 7A.3.2 and 8.3.3.

6.4 Activity Status

Land Use

Earthworks are provided for as a Permitted Activity in all zones where they comply with the relevant Permitted Activity Standards. The proposed earthworks will be undertaken within 20 metres of a waterbody. As such, the proposal is a Restricted Discretionary Activity pursuant to Rule 3A.3.4.

Subdivision

Subdivision where one or more additional allotments are created in all Rural Zones is provided for as a Restricted Discretionary Activity where all Restricted Discretionary Activity Standards for subdivision are complied with. The application complies with all of the relevant subdivision standards. As such the application is a Restricted Discretionary Activity pursuant to Rule 7A.3.2.

Servicing subdivisions with one or more additional allotments in all Rural Zones that complies with all Restricted Discretionary Activity standards under Rules 7A.3.2 is provided for as a Restricted Discretionary Activity. The servicing of the proposed subdivision complies with all of the relevant standards. As such, the application is a Restricted Discretionary Activity pursuant to Rule 11B.3.2.

7 OVERALL ACTIVITY STATUS

Overall, the proposal is a Restricted Discretionary Activity.

8 NOTIFICATION

In considering whether or not notification is required, Sections 95A to 95E of the Resource Management Act 1991 must be considered. Sections 95F and G are not relevant to this application. Sections 95 to 95E are referenced below:

95 Time limit for public notification or limited notification

95A Public notification of consent applications

95B Limited notification of consent applications

95C Public notification of consent application after request for further information or report

95D Consent authority decides if adverse effects likely to be more than minor

95E Consent authority decides if person is affected person

For the full text of the above provisions, please refer to the Resource Management Act 1991.

8.1 Effects that must be disregarded

Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land must be disregarded.

The adjacent land includes the following properties:

- 160 Huia Street, Waikanae to the north;
- 136, 134 and 132 Huia Street, Waikanae to the south.

Any effect on a person who has given written approval to the application must also be disregarded. No written approvals were provided with the application.

8.2 Effects that may be disregarded – permitted baseline assessment

The permitted baseline refers to the adverse effects of permitted activities on the subject site.

In terms of the subdivision, the permitted baseline is not considered relevant given any subdivision requires resource consent.

In terms of the land use, any earthworks within 20m of a waterbody require resource consent and as such it is not considered there is a relevant permitted baseline in this regard.

8.3 Receiving environment

The effects of the activity are also required to be assessed against the “existing environment”. This includes existing use rights, existing activities carried out under existing consents and resource consents which have been granted where it appears those consents will be implemented. The concept of the existing environment refers to a state of affairs which a consent authority must determine and take into account when assessing the effects of allowing an activity; by contrast, the permitted baseline provide the authority with an optional means of measuring – or more appropriately excluding – adverse effects of that activity which would otherwise be inherent in the proposal.

The receiving environment is comprised of other rural residential development which is an anticipated form of development within this rural residential zone. It includes the two existing residential dwellings on the existing site, constructed under building permits in 2013 and 2010.

This is the reasonably foreseeable environment within which the adverse effects of the proposal are considered.

8.4 Adverse Effects

The applicant has provided an assessment of adverse effects which I consider to be accurate and adopt:

Land Use Effects

In regard to the earthworks, the activity is a Restricted Discretionary Activity under Rule 3A.3.4. These matters of discretion are considered in the applicant’s assessment below;

1. The degree of compliance with the Kāpiti Coast District Council Subdivision and Development Principles and Requirements 2012.

The proposed earthworks are associated with the construction of the proposed right of way to serve proposed Lots 2 and 3. The works will be isolated to the south-eastern corner of the application site and will be restricted to scraping of the existing surface, with some larger cuts required to flatten an existing inland bank. These works will not exceed one metre in depth or 100m³ in volume, but they will be undertaken within 20 metres of a stream which runs along the property’s southern boundary.

Earthworks-related effects such as dust/wind-blown dirt will be confined within the application site through the implementation of sediment control measures. Erosion and sediment controls will be installed for the duration of the construction to ensure surface runoff remains within the boundaries of the application site and do not enter the waterbody. The works do not require resource consent under the Regional Freshwater Plan or Proposed Natural Resources Plan.

Accidental Discovery Protocol will be followed in the event of an accidental discovery during the construction works.

Overall, the proposed earthworks will be undertaken in general accordance with the Kāpiti Coast District Council Subdivision and Development Principles and Requirements 2012.

2. The effects on water collection areas

The application site is not located within a water collection area.

3. The degree of compliance with any applicable Environmental Management Plan or Structure Plan applicable to the development

The application site is not subject to an Environmental Management Plan or Structure Plan.

4. Ecological Effects

There are no historic heritage features, notable trees, ecological sites, outstanding natural feature, key indigenous trees, rare or threatened vegetation species, geological features or areas of high natural character identified within, or within proximity to, the proposed earthworks area.

5. Visual and Amenity Effects

As outlined above, consent is sought for earthworks associated with the construction of a proposed right of way to proposed Lots 2 and 3. Any exposed earthworks are to be temporary in nature and will be sufficiently distanced, from neighbouring dwellings (approximately 45m from #136 and 135m from #160 huia Street, Waikanae). The visual impacts caused from the works associated with the construction of the proposed driveway are considered to be typical of the surrounding rural environment.

Construction noise will need to comply with the New Zealand Standard for Construction Noise and the earthworks will be appropriately managed to ensure the earthworks are contained within the works area.

Overall, any actual or potential adverse effects on adjacent properties arising from the proposed development are considered to be less than minor.

Subdivision Effects

As per the above assessment, the subdivision is a Restricted Discretionary Activity under rules 7A.3.2 and 11B.3.2. The matters of discretion under these rules are assessed below in the applicant's assessment which I consider to be accurate and adopt;

1. The design and layout of the subdivision including earthworks, the clustering of nominated building area and the suitability for primary production activities.

The application site is located within the Rural Residential Zone as identified under the Proposed District Plan. The surrounding built environment is characterised by the surrounding rural uses, as well as low-density residential development typical of the Rural Residential Zone.

The proposed subdivision has been designed around the existing uses on the site and will result in two additional allotments. Each lot is compliant with the relevant standards

and rules relating to size and will not result in any change or impact to the character and visual amenity of the local environment. The spacious character of the Rural Residential Zone will not be adversely impacted and will remain retained as no urban intensification is proposed as part of this application.

The subdivision proposal will allow for the potential use of the land in alignment with uses of neighbouring properties. The allotments are of a suitable size to use for personal farming uses but are not suitable for larger scale farming operations. It is considered that the development as proposed by this application allows for a greater capability of the allotments to provide a primary production.

Any future development will have to comply with the relevant bulk and location standards under the Proposed District Plan or outline how it will manage any effects. Each allotment has sufficient area to build, be adequately spaced and screened from adjacent properties.

2. The degree of compliance with the Kāpiti Coast District Council Subdivision and Development Principles and Requirements 2012.

As indicated by the several reports attached below, the proposed subdivision will be undertaken in accordance with Council's Subdivision and Development Principles and Requirements 2012.

3. The imposition of financial contributions in accordance with Chapter 12 of this Plan.

It is anticipated that financial contributions for two additional allotments will be required.

4. Vehicle access points onto legal road including the State Highway Network and any effects on the transport network.

Huia Street runs from an intersection with Ruru Street in the south to a cul-de-sac approximately 2.8 kilometres to the north. Towards the Waikanae township, the road is sealed and is large enough to accommodate two-way vehicle movements. The point just south of the Amokura Street interaction marks a transitional area from an 'urban' to a 'rural' environment where the centre line disappears and the speed limit increases from 50km/h to 60km/h.

The existing vehicle access point from Huia Street will remain to service an additional two allotments. The access point has site lines in excess of 100 metres in either direction and is located clear of any vehicular intersections and/or neighbouring driveways. The access spacing between the application site and the nearest neighbouring property at 136 Huia Street, is approximately 35 metres, which will not change following the proposal.

It is considered that the existing access point onto Huia Street is sufficient to service the new allotments, without causing any discernible effects to the local traffic network. Accordingly, any effects from the vehicle access point onto Huia Street will be less than minor.

5. The location of any building area relative to natural hazards, historic heritage features, ecological sites, geological features, outstanding natural features and landscapes.

There are no natural hazards, historic heritage features or geological features within the application property. While the application site is not located within an ecological site or Outstanding Nature Feature and/or Landscape, the Hemi Matenga Reserve is situated 350 metres to the east. The elevation of any future building on either allotment will not impede on this ecological site and the outstanding natural feature and landscapes overlay that it comprises of.

6. The provision of walking, cycle pathways and bridleways.

There is no walking, cycling pathways or bridleways proposed as part of the application. Likewise, Huia Street has no existing pathways and/or bridleways to connect to.

7. Consistency with relevant appendices and schedules to all Chapters of this Plan.

The application site is not subject to any relevant appendices or schedules of the Proposed District Plan which might impact the subdivision.

8. Provision of an adequate water supply for firefighting purposes.

*Refer to the Potable Water Supply and Firefighting Report attached at **Appendix 3** which outlines what provisions will be made to provide adequate water supply for firefighting purposes.*

9. The location of sensitive activity building sites to avoid, remedy or mitigate potential adverse reverse sensitivity effects on lawfully established primary production activities and intensive farming activities on adjoining properties.

The adjoining neighbouring properties are utilised for lifestyle farming only. Activities within these properties include the feeding, stock holding and the occasional fertilisation of paddocks.

It is likely that a person considering buying proposed Lot 2 or 3 would be aware of the existing rural uses (e.g. noise, smells, fertiliser use) around the allotment.

10. Effects on natural character in the coastal environment.

The application site is located near the Hemi Matenga Memorial Park, towards the north-east of the Waikanae suburban zone. The topography of this area is relatively steep, with the application site situated at the base of the protruding hill side. As such, the area is visible from the adjacent State Highway and small parts of the Waikanae coastal environment. While the density of the local environment will increase by the subdivision, the resulting average lot size in the Rural Residential Zone is approximately 1.2ha, thus within the 1ha Restricted Discretionary Activity threshold. As such, it is considered that any effects to the natural character of the coastal environment will be less than minor.

8.5 Conclusion on Adverse Effects

As per the assessment above, it is considered that the effects of the proposal are less than minor and no parties are considered to be adversely affected.

8.6 s95A Public Notification

(1) A consent authority must follow the steps set out in this section, in the order given, to determine whether to publicly notify an application for a resource consent.

Step 1: mandatory public notification in certain circumstances

(2) Determine whether the application meets any of the criteria set out in subsection (3) and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, go to step 2.

(3) The criteria for step 1 are as follows:

(a) the applicant has requested that the application be publicly notified:

(b) public notification is required under section 95C:

(c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

Step 2: if not required by step 1, public notification precluded in certain circumstances

(4) Determine whether the application meets either of the criteria set out in subsection (5) and,—

(a) if the answer is yes, go to step 4 (step 3 does not apply); and

(b) if the answer is no, go to step 3.

(5) The criteria for step 2 are as follows:

(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:

(b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).

Step 3: if not precluded by step 2, public notification required in certain circumstances

(7) Determine whether the application meets either of the criteria set out in subsection (8) and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, go to step 4.

(8) The criteria for step 3 are as follows:

(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.

Step 4: public notification in special circumstances


(9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.

Recommendation:

That the application need not be publicly notified in accordance with Sections 95A and 95C-95D of the Resource Management Act 1991 as the effects of the proposal are considered to be less than minor.

Reported and Recommended by:  Kathleen Haylock
Consultant Planner

Decision: *"That the above recommendation be adopted."*



Delegated Officer (Peer Reviewer): _____ Sarah Banks
Planner Senior Resource Consents

8.7 s95B Limited Notification

(1) A consent authority must follow the steps set out in this section, in the order given, to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

Step 1: certain affected groups and affected persons must be notified

(2) Determine whether there are any—

- (a) affected protected customary rights groups; or
- (b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).

(3) Determine—

- (a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and
- (b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.

(4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).

Step 2: if not required by step 1, limited notification precluded in certain circumstances

(5) Determine whether the application meets either of the criteria set out in subsection (6) and,—

- (a) if the answer is yes, go to step 4 (step 3 does not apply); and
- (b) if the answer is no, go to step 3.

(6) The criteria for step 2 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification;
- (b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land);

Step 3: if not precluded by step 2, certain other affected persons must be notified

(7) In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.

(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.

(9) Notify each affected person identified under subsections (7) and (8) of the application.

Step 4: further notification in special circumstances

(10) Determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons), and,—

(a) if the answer is yes, notify those persons; and

(b) if the answer is no, do not notify anyone else.

Recommendation:

That the application be processed on a non-notified basis in accordance with Sections 95B and 95E of the Resource Management Act 1991.

Reported and Recommended by: _____



Kathleen Haylock

Consultant Planner

Decision: “That the above recommendation be adopted.”



Delegated Officer (Peer Reviewer): _____

Sarah Banks

Senior Resource Consents

Planner

9 SECTION 104 ASSESSMENT

In considering the merits of an application, Section 104 of the Resource Management Act 1991 must be considered. Section 104 is set out below:

104 Consideration of applications

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—

(a) any actual and potential effects on the environment of allowing the activity; and

(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and

(b) any relevant provisions of—

(i) a national environmental standard:

- (ii) *other regulations:*
 - (iii) *a national policy statement:*
 - (iv) *a New Zealand coastal policy statement:*
 - (v) *a regional policy statement or proposed regional policy statement:*
 - (vi) *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- (2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*
- (2A) *When considering an application affected by section 124 [or 165ZH(1)(c)], the consent authority must have regard to the value of the investment of the existing consent holder.*
- (2B) *When considering a resource consent application for an activity in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, a consent authority must have regard to any resource management matters set out in that planning document.*
- (2C) *Subsection (2B) applies until such time as the regional council, in the case of a consent authority that is a regional council, has completed its obligations in relation to its regional planning documents under section 93 of the Marine and Coastal Area (Takutai Moana) Act 2011.*
- (3) *A consent authority must not,—*
- (a) *when considering an application, have regard to—*
 - (i) *trade competition or the effects of trade competition; or*
 - (ii) *any effect on a person who has given written approval to the application:*
 - (b) *[Repealed]*
 - (c) *grant a resource consent contrary to—*
 - (i) *section 107, 107A, or 217:*
 - (ii) *an Order in Council in force under section 152:*
 - (iii) *any regulations:*
 - (iv) *wāhi tapu conditions included in a customary marine title order or agreement:*
 - (v) *section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011:*
 - (d) *grant a resource consent if the application should have been notified and was not.*
- (4) *A consent authority considering an application must ignore subsection (3)(a)(ii) if the person withdraws the approval in a written notice received by the consent authority before the date of the hearing, if there is one, or, if there is not, before the application is determined.*
- (5) *A consent authority may grant a resource consent on the basis that the activity is a controlled activity, a restricted discretionary activity, a discretionary activity, or a non-complying activity, regardless of what type of activity the application was expressed to be for.*
- (6) *A consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application.*
- (7) *In making an assessment on the adequacy of the information, the consent authority must have regard to whether any request made of the applicant for further information or reports resulted in further information or any report being available.*

Sections 104A-104D set out particular restrictions on determining applications for controlled, restricted discretionary, discretionary, or non-complying activities. The relevant provisions are summarised below:

104C Particular restrictions for restricted discretionary activities

Section 104C states:

- (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.*

Section 104(6) allows the consent authority to decline a consent application if it has inadequate information to determine the application.

Adequate information was provided to process the application.

9.1 Internal Consultation

Development Engineer

Council's Development Engineer has reviewed the applicant and recommended conditions which have been included as part of this consent.

Roading Engineer

Council's Roothing Engineer has reviewed the application and had no concerns with the proposal.

9.2 Actual or potential effects on the environment

Section 104(1)(a) of the RMA requires the council to have regard to any actual and potential effects on the environment of allowing the activity. This includes both the positive and the adverse effects.

Methods of analysis to determine the actual or potential environmental effects of the activity have focused on site visits, studies of Council held data and feedback from other relevant Council departments.

Almost all of the effects related to the proposed development have been discussed in detail above at section 8 of this report. Aspects which have not already been covered are discussed below.

9.3 Positive Effects

The applicant has provided the following assessment of the positive effects of the proposal which I consider to be accurate:

The proposed subdivision will have positive effects in that it will result in the efficient use of a rural land resource which is in keeping with the local character and amenity. The proposal will also assist in increasing the District's supply of housing stock by providing a manageable site for future development.

9.4 Adverse Effects

The adverse effects of the proposal have been assessed above.

9.5 Summary of Actual and Potential Effects

The actual and potential effects of the proposal can be adequately avoided, remedied or mitigated by the imposition of the conditions outlined in the assessment above to ensure they are acceptable.

9.6 National Environmental Standards – s104(1)(b)(i)

There are currently six operative National Environmental Standards, these relate to the air quality, sources of drinking water, telecommunication facilities, electricity transmission activities, contaminants in soil and plantation forestry.

None of these are considered relevant to the proposal as it relates to the subdivision of a rural site which is not a known HAIL site.

9.7 National Policy Statements – s104(1)(b)(iii)

There are currently five operative National Policy Statements, these relate to the Coastal Environment, Urban Development, Freshwater Management, Renewable Electricity Generation and Electricity Generation.

While the site is located in the Coastal Environment Overlay in the District Plan, the NPSCS is not considered relevant to the proposal given the site's distance from the coast.

9.7.1 National Policy Statement on Urban Development (NPSUD)

The National Policy Statement on Urban Development 2020 (NPSUD) sets out the objectives and policies for planning for well-functioning urban environments under the Resource Management Act 1991.

The NPSUD came into effect on 20 August 2020.

The Kapiti Coast is a Tier 1 local authority and the NPSUD must be considered when making planning decisions that affect an urban environment.

Urban environment is defined in the NPSUD as:

any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- a) is, or is intended to be, predominantly urban in character; and*
- b) is, or is intended to be, part of a housing and labour market of at least 10,000 people.*

The following Objectives of the NPSUD are relevant to the proposal:

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

Objective 5: Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Objective 6: Local authority decisions on urban development that affect urban environments are:

- a) integrated with infrastructure planning and funding decisions; and
- b) strategic over the medium term and long term; and
- c) responsive, particularly in relation to proposals that would supply significant development capacity.

Objective 7: Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.

Objective 8: New Zealand's urban environments:

- a) support reductions in greenhouse gas emissions; and
- b) are resilient to the current and future effects of climate change.

The following Policies of the NPSUD are relevant to the proposal:

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- a) have or enable a variety of homes that:
 - i. meet the needs, in terms of type, price, and location, of different households; and
 - ii. enable Māori to express their cultural traditions and norms; and
- b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
- d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
- e) support reductions in greenhouse gas emissions; and
- f) are resilient to the likely current and future effects of climate change.

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

- a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
- b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and
- c) building heights of least 6 storeys within at least a walkable catchment of the following:
 - i. existing and planned rapid transit stops
 - ii. the edge of city centre zones
 - iii. the edge of metropolitan centre zones; and

- d) *in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:*
 - i. *the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or*
 - ii. *relative demand for housing and business use in that location.*

Policy 6: *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*

- a) *the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- b) *that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
 - i. *may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - ii. *are not, of themselves, an adverse effect*
- c) *the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- d) *any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- e) *the likely current and future effects of climate change.*

Policy 8: *Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*

- a) *unanticipated by RMA planning documents; or*
- b) *out-of-sequence with planned land release.*

Policy 9: *Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:*

- a) *involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and*
- b) *when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and*
- c) *provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and*
- d) *operate in a way that is consistent with iwi participation legislation.*

Policy 11: *In relation to car parking:*

- a) *the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and*
- b) *tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.*

As per the above assessment, the proposal will also assist in increasing the District's supply of housing stock by providing a manageable site for future development and as such is considered to be consistent with the NPSUD.

9.8 Wellington Regional Policy Statement – s104(1)(b)(v)

The Wellington Regional Policy Statement (RPS) sets out the strategic framework for managing the use, development and protection of the natural and physical resources of the Wellington region in an integrated and co-ordinated manner.

The RPS provides an overview of the resource management issues for the region (within the regional council's functions under s.30 of the RMA), and states the policies and methods required to achieve the integrated management of the region's natural and physical resources. I am of the opinion that none of the Policies and Objectives of the RPS are relevant to this proposal.

9.9 Plan or Proposed Plan – s104(1)(b)(vi)

Operative District Plan

The following Objectives and Policies apply to this application:

C.7.4 – Subdivision and Development Principles and Requirements

Objective 1.0 – General

Policy 1 – Subdivision and Development Design

Policy 3 – Underground Services

C.7.2 Rural Subdivision and Development

Objective 1.0 – General

Policy 9 – Water Quality

Policy 10 – Sewage Systems

Policy 11 – Potable Water

C.7.3 Earthworks

Objective 1.0 Natural Landforms

Policy 1 – General Assessment Criteria

C.12.1 – Open Spaces and Reserves

Objective 1.0 – Identify Maintain and Enhance Recreation Resources

Policy 7 – Reserves Contributions

See the Operative District Plan for the complete text of the above Objectives and Policies.

Proposed District Plan Appeals Version

The following Objectives and Policies of the Proposed Plan are of particular relevance to this application:

Objectives:

2.1 – Tangata Whenua

2.3 – Development management

- 2.6 – Rural Productivity
- 2.9 – Landscapes, Features and Landforms
- 2.11 – Character and amenity
- 2.12 – Housing choice and affordability
- 2.13 – Infrastructure and services

Natural Environment Policies:

- 3.14 - Earthworks

Rural Zone Policies:

- 7.2 – Rural Character
- 7.8 – Growth Management
- 7.11 – Rural Residential Zone

Open Space Policies:

- 8.3 – Reserve Contributions

Infrastructure, Services and Associated Resource Use Policies:

- 11.4 – Managing adverse effects
- 11.16 – Hydraulic Neutrality
- 11.17 – Stormwater Quantity and Quality
- 11.19 – Water supply
- 11.20 – Wastewater
- 11.35 – Parking

General District-wide Policies:

- 12.1 – Provision of reserves and public open spaces
- 12.2 – Provision of infrastructure

For the full text of the above provisions, reference can be made to the Proposed Plan.

9.9.1 Summary

The applicant has provided the following assessment of the objectives and policies above which I consider to be accurate and adopt:

The Objectives and Policies of the Proposed District Plan are directive in the sense that they advocate for the protection of rural residential amenity and character while ensuring that any future development does not adversely affect the local rural or surrounding residential uses.

Policy 7.11 seeks to maintain the rural residential living environment while avoiding any potential effects to lawfully established rural uses. It is considered that the application site is suitable size to use for personal farming uses and is adequately distance from surrounding urban settlements

It is considered that any visual impact caused from the proposed works will be suitably mitigated and remedied through re-planting and covered by the future construction of the proposed right of way. Likewise, any potential adverse effects on natural landforms and waterbodies will be appropriately mitigated and managed through appropriate erosion and sediment controls.

Adequate provision has been made regarding the future servicing of each allotment.

Overall, it is considered that the proposal is consistent with the Objectives and Policies of the Proposed Kāpiti Coast District Plan.

A major theme of the Objectives and Policies of the Operative District Plan is maintaining and enhancing the environmental character and associated amenity values of the rural area, while ensuring adverse effects on the natural environment are avoided, remedied or mitigated. Any visual impact caused from the proposed works will be suitably mitigated and remedied and any potential adverse effects on natural landforms and waterbodies will be appropriately mitigated and managed through appropriate erosion and sediment controls.

Overall, it is considered that the application is aligned with the Objectives and Policies of the Operative District Plan.

In addition to the above, in regard to objective 2.1 relating to Tangata Whenua, consultation has been undertaken with Tangata Whenua, and conditions included in this consent which address concerns raised.

Wellington Regional Proposed Natural Resources Plan

The Proposed Natural Resources Plan for the Wellington Region was notified on 31 July 2015. I am of the opinion that, in this particular case, none of the provisions of the plan are relevant because there are no hazards on this site and no other provisions of the plan appear to apply.

9.10 Any Other Matters

Section 104(1)(c) provides that when considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application.

There are no other matters that are relevant to this application that need to be considered.

10 OTHER RELEVANT RESOURCE MANAGEMENT ACT SECTIONS

10.1 Section 106 of the Resource Management Act 1991

Section 106 provides for the consent authority to refuse consent in certain circumstances or to impose conditions to mitigate the effects which may arise from a series of natural hazards. Section 106 also deals with matters related to the provision of satisfactory access to allotments. Section 106 is set out below:

106 Consent authority may refuse subdivision consent in certain circumstances

- (1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—
 - (a) there is a significant risk from natural hazards; or
 - (b) [Repealed]
 - (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.
- (1A) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—
 - (a) the likelihood of natural hazards
 - (b) the material damage to land in respect of which the consent is sought, other than land, or structures that would result from natural hazards; and
 - (c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b)
- (2) Conditions under subsection (1) must be—
 - (a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and
 - (b) of a type that could be imposed under section 108.

The applicant has provided the following assessment of s106 which I consider to be accurate and adopt:

The property does not currently show any signs of subsidence, inundation, erosion, falling debris or slippage. The site is not identified in the Operative or Proposed District Plans as being within a Fault or Flood Hazard Area. The site is also not prone to liquefaction. Both legal and physical access can be provided to all allotments within this subdivision.

It is therefore considered that the matters outlined in Section 106 of the Act have been met and that Council's ability to grant resource consent to the proposed subdivision is not impacted by Section 106 of the Act.

10.2 Conditions of Resource Consents – s108 or s220

S.108AA Requirements of conditions of resource consents

- (1) A consent authority must not include a condition in a resource consent for an activity unless—
 - (a) the applicant for the resource consent agrees to the condition; or
 - (b) the condition is directly connected to 1 or both of the following:
 - (i) an adverse effect of the activity on the environment:
 - (ii) an applicable district or regional rule, or a national environmental standard; or
 - (c) the condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.
- (2) Subsection (1) does not limit this Act or regulations made under it.
- (3) This section does not limit section 77A (power to make rules to apply to classes of activities and specify conditions), 106 (consent authority may refuse subdivision consent in certain circumstances), or 220 (condition of subdivision consents).

(4) For the purpose of this section, a district or regional rule or a national environmental standard is applicable if the application of that rule or standard to the activity is the reason, or one of the reasons, that a resource consent is required for the activity.

(5) Nothing in this section affects section 108(2)(a) (which enables a resource consent to include a condition requiring a financial contribution).

Draft conditions were circulated to the Applicant's agent on 22 December 2021. The draft conditions were agreed to by return email on 21 February 2022.

10.3 Review Condition – s128

No review condition is recommended.

10.4 Financial Contribution Conditions

A Reserve Contribution is payable and has been assessed at \$7,082.70, inclusive of GST per additional allotment (total **\$14,165.40** GST inclusive).

10.5 Monitoring

No monitoring conditions will be included in this consent.

11 PART 2 MATTERS

Any consideration under Section 104(1) is subject to Part 2 of the Act. Part 2 sets out the purpose and principles of the Act. In addition, Part 2 requires the Council to recognise and provide for matters of national importance (Section 6); have particular regard to other matters (Section 7); and to take into account the principles of the Treaty of Waitangi (Section 8).

11.1 Section 5-Purpose

Section 5(1) states that the purpose of the Act is to promote the sustainable management of natural and physical resources.

The proposal is in accordance with Section 5 of the Act as it allows for the subdivision of a Rural Residential Site without having a detrimental impact on the environment or any neighbouring properties.

11.2 Section 6-Matters of National Importance

Section 6 establishes eight matters which must be recognised and provided for by all persons exercising functions and powers under the Act.

There are no relevant Matters of National Importance.

11.3 Section 7-Other Matters

Section 7 establishes eleven matters which all persons exercising functions and powers under the Act shall have particular regard to.

The proposal allows for the efficient use and development of a finite resource with reference to parts (b), (c) and (f) because this proposal allows for the subdivision of a Rural Residential Site without having a detrimental impact on the environment or any neighbouring properties.

11.4 Section 8-Treaty of Waitangi

The proposal is considered to be in accordance with the principles of te Tiriti o Waitangi as consultation has been undertaken with iwi and conditions will be included to address concerns raised

11.5 Conclusion on Part 2 matters

Overall, the proposal is consistent with Part 2 matters because this proposal for the subdivision of a Rural Residential Site without having a detrimental impact on the environment or any neighbouring properties.

12 RECOMMENDATION

That the undersigned officers, acting under authority delegated from the Council and pursuant to Sections 104 and 104C of the Resource Management Act 1991, hereby grant consent for the proposal being a three-lot fee simple subdivision creating two additional allotments and earthworks within 20-metres of a waterbody at 142 Huia Street, Waikanae (LOT 10 DP 22652 Blk VI Kaitawa SD) subject to the following conditions which were imposed under Sections 108 and 220 of the Resource Management Act 1991.

Conditions:

General

1. The proposed activity shall be undertaken in general accordance with the plans prepared by Cuttriss Consultants Limited titled "Proposed Subdivision Lot 10 DP 22652 142 Huia Street Waikanae Scheme Plan", dated 07/20, revision G, stamped "Final Approved Plans RM200252" dated 8 March 2022 and specifications lodged with the application RM200252 and the further information supplied by Cuttriss Consultants Limited except where modified by conditions of consent.
2. The e-survey dataset shall be in general conformity with the INSERT plans prepared by Cuttriss Consultants Limited titled "Proposed Subdivision Lot 10 DP 22652 142 Huia Street Waikanae Scheme Plan", dated 07/20, revision G, stamped "Final Approved Plans RM200252" dated 9 March 2022 lodged with the application RM200252 except where modified by conditions of consent.
3. The consent holder shall comply with the requirements of the Kapiti Coast District Council's Subdivision and Development Principles and Requirements 2012, unless alternatives are proposed by the consent holder and accepted by the Council's Development Engineer.

Note 1: *The subdivision may be undertaken and certified in any number of stages, provided that:*

- *All fees related to the relevant stage have been paid; and*
- *All works associated with the allotments in the relevant stage, including any balance allotment, have been fully constructed and serviced and all relevant conditions related to servicing have been met.*

Note: 2 *To allow flexibility in staging, the proposed work carried out for each stage will be identified on a plan and provided to Council. If changes to the proposed work carried*

out under each stage are made, engineering drawings will be resubmitted showing the revised staging of work.

4. Fencing will be provided 3 metres from the stream if the land adjacent to that boundary is used for grazing of livestock damaging to stream health, specifically those specified in the Resource Management (Stock Exclusion) Regulations 2020 namely dairy cattle, beef cattle grazed intensively, or pigs. As a further precaution any other grazing species will be excluded from entering the stream, and in both instances native species will be planted in the riparian strip to afford shelter and nutrient filtering for the stream

Fees, Levies and Contributions

5. A Reserve Contribution is payable and has been assessed at \$7,082.70, inclusive of GST per additional allotment (total **\$14,165.40** GST inclusive).
The contribution must be paid prior to the issue of any certificate pursuant to section 224(c) of the Resource Management Act 1991.
6. Prior to the issue of a Section 224(c) certificate under the Resource Management Act 1991, the consent holder shall pay Council Engineering Fees of \$628.00 plus \$314.00 per lot [total \$1,570.00 GST inclusive] for work that may be required for plan approvals, site inspections and consent compliance monitoring, plus any further monitoring charge or changes to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

Engineering

7. Prior to works commencing, the consent holder shall submit copies of the plans and specifications for the engineering development for approval to the satisfaction of the Council's Development Engineer. The engineering development must be in accordance with the relevant sections of the Kapiti Coast District Council's Subdivision and Development Principles and Requirements, 2012.

Note: *Engineering drawings shall contain sufficient detail to clearly illustrate the proposal to enable assessment of compliance with the Kapiti Coast District Council's Subdivision and Development Principles and Requirements, 2012 and to enable accurate construction.*

8. No works shall commence until the plans under condition 7 above are approved by the Council's Development Engineer.
9. Prior to works commencing, the consent holder shall provide the Council's Development Engineer with the names of the Developer's or Owner's Representative(s) appointed in terms of Clause B(ii) of Part 3 of the Kapiti Coast District Council's Subdivision and Development Principles and Requirements, 2012.
10. Prior to works commencing, the consent holder shall provide the names and professional qualifications of any Suitably Qualified Persons required in terms of Clause B(iii) of Part 3 of the Kapiti Coast District Council's Subdivision and Development Principles and Requirements 2012 to the Council's Development Engineer. Suitably Qualified Persons are required for, but not necessarily limited to, the following area:
 - Civil Engineering

Note: If the Council considers any of the nominated persons are not acceptable then the consent holder shall nominate alternative persons, or the Council may require the consent holder to employ a specified Suitably Qualified Person or Persons at the consent holders cost.

Stages of works

11. Prior to commencement of the following stages of work, the consent holder shall notify Council's Development Engineer so that the Council's Development Engineer, or their authorised representative, are able to be present on site to inspect certain stages of the works. These stages are as follows:
 - Commencement of works or recommencement after a substantial lapse;
 - Completed earthworks and prepared subgrade;
 - Finished base course;
 - Final inspection.

Earthworks

12. Prior to works commencing, the consent holder shall submit an Earthworks Management Plan (EMP) in accordance with the additional requirements of Schedule 2 contained in Part 2 of the Kapiti Coast District Council's Subdivision and Development Principles and Requirements 2012, for approval to the satisfaction of the Council's Development Engineer.
13. The consent holder must ensure that no nuisance effect, including dust, may be caused by discharge of material beyond the boundary of the subject site. For the avoidance of doubt material includes but is not limited to silt, sediment, vegetation and aggregate.
14. Where the existing land or vegetative cover is disturbed, the consent holder shall establish suitable ground cover as soon as practicable following earthworks or within 5 days of completion of any earthworks, whichever shall occur first. For this condition "suitable ground cover" means application of basecourse, topsoil, grassing or mulch, or another type of application to the satisfaction of Council's Development Engineer.
15. The consent holder shall make adequate provision for the control of stormwater run-off during the construction period and shall apply the appropriate recommendations found in Greater Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region" and "Small earthworks – Erosion and sediment control for small sites to the satisfaction of the Council's Development Engineer. Silt retaining structures or ponding areas shall be constructed and maintained throughout the duration of the works to the satisfaction of the Council's Development Engineer.
16. The consent holder shall ensure that all vehicles exiting the site do not track material onto the road.

Foundation Design

17. Prior to the issue of a Section 224(c) certificate the consent holder shall supply to the satisfaction of the Council's Development Engineer a report by a suitably qualified person detailing site investigation work and findings together with recommendations for foundation design for Lots 2 & 3.

Note: *If specifically designed foundations may be required in accordance with the Building Act 2004, then a Consent Notice under Section 221 of the Resource Management Act will be issued with a Section 224(c) certificate, prepared by Council at the cost of the consent holder, to facilitate the recording of this condition which is to be complied with on an on-going basis.*

Three-Waters Infrastructure

18. The consent holder or future owners of Lots 2 & 3 shall comply with the following:
- a) On-site wastewater disposal for Lots 2 & 3 shall be in general accordance with the findings, recommendations and constraints contained within the Cuttriss report titled "Indicative Site Suitability for Onsite Effluent Disposal Report" dated 17 November 2021.
 - b) The owner is responsible to maintain and monitor their wastewater disposal so that any adverse effects on the environment are less than minor.

Note: *Condition 18 above shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 and registered against the new Computer Freehold Register for Lots 2 & 3. The Section 221 consent notice shall be prepared by Council at the cost of the consent holder. The Section 221 consent notice shall be issued with the Section 224(c) certificate to facilitate the recording of this condition which is to be complied with on an on-going basis.*

19. The consent holder shall ensure that an effluent disposal system for the new subdivisions will be managed via an on-site treatment system of Council approved design, and evapo-transpiration field inaccessible to grazing stock, planted in flax, shrubs and trees including primarily native species, located at least 20 metres from either stream, with gravitational flow toward the centre of the property.
20. The consent holder shall ensure that water supply and fire fighting requirements for Lots 2 & 3 shall be in accordance with the Cuttriss report titled "Potable Water Supply and Firefighting Report", dated 30 October 2020, submitted with the application.
21. The consent holder shall ensure that on site storm water disposal for Lots 2 & 3 shall be in accordance with the Cuttriss report titled "Indicative Site Suitability Report for Onsite Stormwater Disposal", date 17 November 2021.

As a secondary overflow path is not available or is through private property, on-site storm water disposal needs to be designed to cater for a 100 year return event which discharges at a rate no greater than the undeveloped 2 year return event.

Note: *In the event that the stormwater disposal system is not installed prior to the issue of the 224(c) certificate, a Consent Notice under Section 221 of the Resource Management Act will be issued to facilitate the recording of this condition, which is to be complied with on an on-going basis. The Consent Notice shall include reference to the following:*

- *the indicative stormwater disposal design as an option for compliance;*

- *the owners' responsibility to construct a system to meet the above performance standard;*
 - *the owners' responsibility to maintain the system on an on-going basis to meet the above performance standard as it applied at the time of approval.*
22. The consent holder shall ensure that all stormwater discharges and roof catchment rainwater tank overflows will be directed to a disposal area inaccessible to grazing stock and planted in flax or other evergreen moisture tolerant species, commencing at least six metres from the nearest stream.

Roading

23. The consent holder shall ensure that the right-of-way shall be formed and metalled to a minimum width of 3.0 metres. The entrance at the road berm shall be formed, metalled and sealed between the carriageway edge and the road boundary.
24. The consent holder shall ensure that the right of way will be designed so that stormwater falling on the right of way surface is directed to a planted swale which will provide initial treatment before any overflow reaches the stream. Fast-growing native species that offer food for native birds such as harakeke (flax), karamu, manuka, lacebark and wineberry will be included.

Other infrastructure

25. The consent holder shall ensure that new underground power and telecommunication services shall be provided to the boundary of Lots 2 & 3 to the satisfaction of the Council's Development Engineer.

Upon completion of works:

Engineering

26. Completion documentation, shall be submitted in support of an application for Section 224(c) certification in accordance with Part 1 of NZS4404 and Part 4, Schedule 1 of the Kapiti Coast District Council Subdivision and Development Principles and Requirements, 2012. The consent holder shall provide Council with an itemised schedule of quantities and costs, for any assets that are to vest in Council.

Administration

27. The consent holder shall supply a copy of the title sheets of the e-survey dataset and shall list and indicate how each condition has been met to the satisfaction of the Council.

Easements

28. Easements are required over any rights of way and communal, private and public services where these pass through the lots in the subdivision. This consent is condition on the easements being granted or reserved and they must be subject to section 243 of the Resource Management Act 1991.

Note: *The proposed easement and right of way areas, and the proposed land covenant area must be clearly shown and delineated on the scheme plan.*

Advice Notes:

- The consent holder shall notify the Council's RMA Compliance Officer of the start and completion dates of the works in writing 48 hours before the works are carried out. The consent holder shall fill out and return (by email to the duty compliance officer at compliance.dutyofficer@kapiticoast.govt.nz, or by fax to (04) 2964 830 or by post to Private Bag 60601, Paraparaumu) the form that is attached to the decision letter.
- The consent holder shall pay to the Kapiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and the actual costs of materials or services which may have to be obtained.
- *Please refer to Kapiti Coast District Council's current schedule of Resource Management fees for guidance on the current hourly rate chargeable for Council's staff.
- Under Section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.
- It is the consent holder's responsibility to comply with any conditions imposed on this resource consent prior to and during (as applicable) exercising this resource consent.
- Please note that a resource consent is not a consent to build. A building consent must be issued prior to any building work being undertaken.
- As the new allotments are located within a Transportation Noise Effects Route any future residential development on the new allotment will be required to be constructed in accordance with NOISE-R14.
- If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.
- The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety in Employment Act 1992 regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.
- Should a waahi tapu or other cultural site be unearthed during earthworks the contractor and/or owner is required under the Heritage New Zealand Pouhere Taonga Act 2014:-
 - cease operations;
 - inform local Iwi (Te Ati Awa ki Whakarongotai)
 - inform the Heritage New Zealand and apply for an appropriate authority if required;
 - Take appropriate action, after discussion with Heritage New Zealand, Council and Iwi to remedy damage and/or restore the site.

Note: *In accordance with the Heritage New Zealand Pouhere Taonga Act 2014, where an archaeological site is present (or uncovered), an authority from Heritage New Zealand is required if the site is to be modified in any way.*

- A separate application is required for a building consent if any earth-retaining structure is intended as part of this work and the wall is higher than 1.5 metres or is subject to surcharging.
- It is the on-going responsibility of the owners of Lots 2 and 3 to provide, maintain and monitor the installation and operation of an individual household water supply in accordance with the Ministry of Health's publication 'Household water supplies, the selection, operation, and maintenance of individual household water supplies' (revised April 2006) that provides a minimum storage capacity of 30,000 litres.
- Works within the legal road will only be approved where they comply with Council procedures and processes which are set out below:
 - a. Before undertaking work in the legal road you must make a Corridor Access Request (CAR) and receive a Works Access Permit (WAP) from us. Some examples of activities requiring a permit are:
 - trenching works;
 - footpaths and entranceways;
 - work within the berm or shoulder of the road; and
 - tree work scaffolding and crane work.
 - b. Before any excavations are undertaken a "Before U Dig" inquiry must be made to check for locations of any underground services. This is a web based service that you or your contractor use to get plans and information emailed out to you. This also provides the mechanism for you to make a Corridor Access Request and provide us with a Traffic Management Plan to protect your site, contractors, and the public during operations. Corridor Access Requests require 5 working days' notice before work can commence and Traffic Management Plans for road closures and events must be received 42 working days in advance of the closure or event. Please note: The "Before U Dig" service has no information on council's buried water, wastewater or stormwater assets. Our mapping tools show the location of the buried council assets.
 - c. Work must be undertaken in accordance with Councils guides and standard drawings. Examples of forms, guides and standards drawings An information sheet, application form and standard drawings (engineering plans) are available for download or print from the Council website and examples include:
 - Vehicle Installation Information;
 - Vehicle Crossing Application Form;
 - Roding Standard Drawings; and
 - Vehicle Crossing Guidelines
- Development Contributions will be required pursuant to Section 198 of the Local Government Act 2002 and the Council's 2020/2021 Development Contribution Policy when creating new allotments. The contributions will be calculated and levied for each

additional allotment created by this resource consent in accordance with the fees that apply at the time the consent was lodged. The fees are listed below:

| Items | Fees including GST(NZD) |
|-------------------------------------|----------------------------|
| Roading - District | \$2,063.83 |
| Stormwater - District | \$512.30 |
| Stormwater - Waikanae | \$544.00 |
| Community Infrastructure - District | \$1,754.36 |
| Total | \$4,874.49 |

There are two additional allotments created by this Resource Consent.

The contributions must be paid prior to the issue of any certificate pursuant to Section 224(c) of the Resource Management Act 1991 (please refer also to Section 208 of the Local Government Act 2002).

13 DECISION

That the above recommendation be adopted under delegated authority.

Reasons for Decision:

In accordance with Sections 104 and 104C of the Resource Management Act 1991, the actual and potential effects associated with the proposed activity have been assessed and are outlined above.

I consider that the adverse effects of the proposed activity on the environment will be less than minor and that the proposed activity is not contrary to the Objectives and Policies of the Kapiti Coast Operative and Proposed District Plans.



Kathleen Haylock
Consultant Planner



Sarah Banks
Senior Resource Consents Planner

**CONSENT NOTICE
PURSUANT TO SECTION 221 OF
THE RESOURCE MANAGEMENT ACT 1991
IN THE MATTER OF A PLAN LODGED FOR
DEPOSIT UNDER NUMBER 588843
AND RESOURCE CONSENT NO. RM 200252**

(being the subdivision of Lot 10 DP 22652 BLK VI KAITAWA SD)
At 142 Huia Street, Waikanae
For Peterson Dana Rachelle and Esther Jules

The Regional Regulatory Titles Officer at Wellington

PURSUANT to Section 221 of the Resource Management Act 1991 the Kapiti Coast District Council hereby gives notice that it has consented to the subdivision and in respect to Lots 1-3 the following conditions are to be complied with on a continuing basis:

1. **With respect to Lots 1-3:** The consent holder must ensure fencing will be provided 3 metres from the stream if the land adjacent to that boundary is used for grazing of livestock damaging to stream health, specifically those specified in the Resource Management (Stock Exclusion) Regulations 2020 namely dairy cattle, beef cattle grazed intensively, or pigs. As a further precaution any other grazing species will be excluded from entering the stream, and in both instances native species will be planted in the riparian strip to afford shelter and nutrient filtering for the stream.
2. **With respect to Lots 2 and 3:** Foundation design and construction for any new building or additions and alterations to a building for Lot 2 and 3 shall take into account the findings and recommendations within the soil test report prepared by Cuttriss “ref 22687” dated 8 August 2022, submitted to Council in relation to application No. RM200252. A copy of the report is available in Council’s Office at any time the office is open to the public and is stored electronically under reference no. RESCON-1917568819-70243.
3. **With respect to Lots 2 and 3:** The consent holder or future owners of Lots 2 & 3 shall comply with the following:
 - a) On-site wastewater disposal for Lots 2 & 3 shall be in general accordance with the findings, recommendation and constraints contained within the Cuttriss report titled “Indicative Site Suitability for Onsite Effluent Disposal Report” dated 17 November 2021, submitted to Council in relation to application No. RM200252. A copy of the report is available in Council’s Office at any time the office is open to the public and is stored electronically under reference no. RESCON-1917568819-70189.

- b) The owner is responsible to maintain and monitor their wastewater disposal so that any adverse effects on the environment are less than minor.
4. **With respect to Lots 2 and 3:** The consent holder shall ensure that an effluent disposal system for the new subdivisions will be managed via an on-site treatment system of Council approved design, and evapo-transpiration field inaccessible to grazing stock, planted in flax, shrubs and trees including primarily native species, located at least 20 metres from either stream, with gravitational flow toward the centre of the property.
5. **With respect to Lots 2 & 3:** The consent holder shall ensure that water supply and firefighting requirements for Lots 2 & 3 shall be in accordance with the Cuttriss report titled "Potable Water Supply and Firefighting Report", dated 30 October 2020, submitted with the application. A copy of the report is available in Council's Office at any time the office is open to the public and is stored electronically under reference no. RESCON-1917568819-70188.
6. **With respect to Lots 2 & 3:** As a secondary overflow is not available or is through private property, on-site storm water disposal needs to be designed to cater for a 100 year return event which discharges at a rate no greater than the undeveloped 2 year return event.. Any stormwater disposal system must be designed and constructed in accordance with the principles contained in Part 3 Section E of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2012 and shall take into account the findings and recommendations within the report titled "Indicative Site Suitability Report for Onsite Stormwater Disposal" prepared by Cuttriss, dated 17 November 2021 and submitted to Council in relation to application No. RM200252. A copy of the report is available in Council's Office at any time the office is open to the public and is stored electronically under reference no. RESCON-1917568819-70190.
- It shall be the ongoing responsibility of the owner to construct and maintain a system which meets the above performance standard.
7. **With respect to Lots 2 & 3:** The consent holder shall ensure that all stormwater discharges and roof catchment rainwater tank overflows will be directed to a disposal area inaccessible to grazing stock and planted in flax or other evergreen moisture tolerant species, commencing at least six metres from the nearest stream.

Issued in respect of application No. RM 200252 on this 8th day of February 2024.



YVETTE REYNISH
AUTHORISED OFFICER



SAM BEADLE
AUTHORISED OFFICER