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We cannot guarantee its accuracy and reliability as we have not checked, audited, or reviewed the information and all the intending purchasers are advised to conduct their own due diligence investigation into the same.

To the maximum extent permitted by law Ownly (REAA 2008) and Sold On Kapiti Limited does not accept any responsibility to any person for the accuracy of the information herein.

SOLD ON KĀPITI

11 September 2025

Margaret Groen

LAND INFORMATION MEMORANDUM (LIM)

The attached LIM provides you with information about 9 Takahe Drive, Paraparaumu.

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:

9 Takahe Drive, Paraparaumu

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	Margaret Groen
LIM number	L250955
Application date	08/09/25
Issue date	11/09/25

Property details

Property address	9 Takahe Drive, Paraparaumu
Legal description	LOT 76 DP 82068
Area (hectares)	0.0665

Valuation information

Valuation number	1527073900
Capital value	\$920,000
Land value	\$575,000
Improvements value	\$345,000

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 \$6,490.00
This includes Greater Wellington Regional Council rates

Next instalment date 09/12/25

Arrears for previous years \$0.00

Water rates \$296.17 last year (2024/25)

For the 2025/2026 rating year, all water used is charged at a volumetric rate of \$1.72 (incl GST) per cubic metre (1000 litres) on the water rates invoice, and a fixed annual charge of \$318.60 (incl GST) per separately used or inhabited part of a rating unit, is charged on the property rates invoice.

Water balance due \$0.00

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

24/02/25	BUILDING CONSENT 250057: Replacing existing monotek sheet exterior cladding: No Code Compliance Certificate has yet been issued
30/06/98	BUILDING CONSENT 980051: NEW DWELLING : Code Compliance Certificate issued 13/08/99

To date not all inspections for Building Consent 250057 have been undertaken and a Code Compliance Certificate has not been issued. Under the Building Act 2004 a new owner inherits the responsibility, including any outstanding fees, for this consent and any additional work that may be required before the Code Compliance Certificate can be issued. Please contact Council for further information.

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.

Swimming pools are inspected on a 3 yearly cycle to ensure their compliance with the Building Act 2004. This information was accurate at the time of the last inspection.

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: General Residential

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 \(kapiticoast.govt.nz\)](https://www.kapiti.coast.govt.nz/Operative-District-Plan-2021)

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 General Residential in the Operative District Plan (2021).

This property was created via subdivision in 1996 under resource consent RM950054. A copy of the Decision is provided with this LIM.

This property is shown to be subject to water and drainage, and appurtenant to rights of way and sewage drainage easements.

Copies of the Deposited Plan (DP 82068) 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 RM970254: 31 Additional residential lots, 3 reserve lots, and road to vest, earthworks for provision of fill material. (Found on related property: 1527050600)

RESOURCE CONSENT RM950054: Subdivision 23 Additional lots.

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.

Air Space Designation - land within the airport flight paths where height restrictions apply to buildings and trees as set out in the Operative District Plan (2021).

This property is located within the Horizontal Surface 50m AMSL, Operations Area of the Paraparaumu Airport. Refer to the Airport Plan and Surfaces maps of the Operative District Plan (2021).

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/search-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 in the 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 several 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 area 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

Part of the property is shown to be subject to and adjacent to a flood hazard in the Operative District Plan (2021), and the latest Flood Hazard Maps.

The flood hazard identified on the maps provided with this LIM is based on the projected future flooding risk to the property including climate change projections.

The maps show the projected flood extent arising from the 1% AEP or 1% Annual Exceedance Probability Flood Event (that is, a flood event that has a 1% probability of occurring in any one year, often referred to as a 1 in 100 year storm), incorporating the projected 2090 climate change impacts, in conjunction with a 20 year return period high tide.

The nature of the controls imposed by the District Plan depends on where individual sites are located within the 1 in 100 year flood extent which flood hazard map (operative or latest) is referenced in legislation or the District Plan, and which flood hazard category applies.

Part of the property is shown to be subject to and adjacent to ponding on the Operative District Plan (2021) Flood Hazard Maps, and the latest Flood Hazard Maps.

Ponding are areas where slower-moving flood waters could pond either during or after a flood event. A Ponding Area may be affected by a direct flood risk. Ponding can be associated with rivers and streams as well as the piped stormwater network. Ponding is a direct risk.

For further information on flood hazards please contact the Stormwater and Coastal Asset Manager on 0800 486 486.

Greater Wellington Regional Council holds flood hazard information relating to the major rivers and streams in the District. For further information on these flood hazards, please contact the Greater Wellington Regional Council (Flood Control Department) on 0800 496 734.

For information on minimum floor levels for buildings and the potential implications for building consents on this property please contact the Building Team on 0800 486 486.

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.

There is Council sewer reticulation available with a lateral. The location of the sewer lateral is shown on the services network plan. An as-built plan of private drainage is provided with this LIM. There is a Council sewer reticulation main within the property. The Council has access rights under the Local Government Act 1974.

Stormwater discharges to the kerb and channel. There is a Council stormwater main or open drain within the property. The Council has access rights under the Local Government Act 1974.

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.

Council has a potable water supply system available with an ordinary on demand metered water supply connection. The Council service valve (manifold/toby) is shown on the services network plan provided with this LIM.

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)

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

9 Takahe Drive, Paraparaumu (LOT 76 DP 82068)



0 10 20 Metres

Scale @ A4 - 1:500

Date Printed: September 8, 2025

Kāpiti Coast District Council accepts no responsibility for incomplete or inaccurate information contained on this map. Use of this website is subject to, and constitutes acceptance of the conditions set out in our disclaimer. This publication is copyright reserved by the Kāpiti Coast District Council. Cadastral and Topographic information is derived from Land Information New Zealand, CROWN COPYRIGHT RESERVED.



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



R.W. Muir
Registrar-General
of Land

Constituted as a Record of Title pursuant to Sections 7 and 12 of the Land Transfer Act 2017 - 12 November 2018

Identifier **WN48D/260**

Land Registration District **Wellington**

Date Issued 19 July 1996

Prior References

WN46A/272 WN46A/273

Estate Fee Simple
Area 665 square metres more or less
Legal Description Lot 76 Deposited Plan 82068

Original Registered Owners

Brian Groen

Interests

Appurtenant hereto is a right of way created by Court Order 8686

Appurtenant hereto are rights of way created by Court Order 8684

Appurtenant hereto are rights of way created by Court Order 8685

Subject to water and sewage drainage rights (in gross) over part marked B on DP 82068 in favour of Kapiti Coast District Council created by Transfer B529805.6 - 19.7.1996 at 3.25 pm

The easements created by Transfer B529805.6 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto is a right to sewage drainage specified in Easement Certificate B529805.8 - 19.7.1996 at 3.25 pm

The easements specified in Easement Certificate B529805.8 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Transfer B529805.9 - 19.7.1996 at 3.25 pm

Fencing Covenant in Transfer B638625.1 - 21.11.1997 at 9.22 am

B743984.3 Mortgage to ANZ Banking Group (New Zealand) Limited - 10.9.1999 at 3.25 pm

5841657.1 Partial Surrender of the rights of way created by Orders of Court 8684, 8685 & 8686 - 17.12.2003 at 9:00 am

6468163.1 Departmental dealing correcting the memorials by adding the right of way created by Order of Court 441042 and removing all superfluous entries pertaining to Orders of Court 8684, 8685 and 8686 - 22.6.2005 at 9:00 am

Appurtenant hereto is a right of way over part Ngarara West A80F (CFR WN25B/854) created by Order of Court 441042 - 4.9.1959 at 11:12 am

9059007.2 Transfer of Mortgage B743984.3 to Australia and New Zealand Banking Group Limited - 20.12.2012 at 5:48 pm

10866044.1 Transfer of Mortgage B743984.3 to DBS Bank (Hong Kong) Limited - 11.9.2017 at 8:49 am

12482869.1 Departmental dealing to give effect to Extinguishment of Easement 12168688.1 - 10.6.2022 at 7:01 am

12168688.1 Removal pursuant to Section 115 Land Transfer Act 2017 of the right of way created by Maori Land Court Order 441042 - produced 9.2.2022 at 12:32 pm and entered 10.6.2022 at 7:01 am

13317988.1 Discharge of Mortgage B743984.3 - 9.6.2025 at 1:21 pm

13303378.1 Transfer to Margaret Groen - 11.6.2025 at 10:47 am

References

Prior C/T 46A/272, 46A/273

Transfer No.

N/C. Order No. B.529805.5



REGISTER

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 19th day of July one thousand nine hundred and ninety-six under the seal of the District Land Registrar of the Land Registration District of WELLINGTON

WITNESSETH that **KOTUKU PARKS LIMITED** at Wellington

is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several acmeasurements a little more or less, that is to say: All that parcel of land containing **665 square metres** more or less situate in the District of Kapiti Coast being **Lot 76 on Deposited Plan 82068**

Assistant Land Registrar

Interests at date of Issue:

- Appurtenant hereto is a right of way over a) part Ngarara West A80D (CT 22D/276) and b) part Ngarara West A80F (CT 25B/854) - created by Orders of Court 8684, 8685 and 8686

B.529805.8 Easement Certificate pursuant to Section 90A Land Transfer Act 1952

TENEMENTS: DP 82068

NATURE	SERVIENT	DOMINANT
Sewage Drainage	Lot 75 "A"	Lot 76

- Appurtenant to the part formerly in CT 46A/272 is a right of way over part Ngarara West A80C (CT 48D/268) - created by Orders of Court 8684 and 8685

- 19.7.1996 at 3.25 p.m. (Subject to Section 243(a) Resource Management Act 1991)

- B.183670.3 Compensation Certificate pursuant to Section 19 of the Public Works Act 1951 - 22.11.1991 at 2.54 p.m. (affects the part formerly in CT 46A/273)

B.529805.9 Transfer to Kotuku Parks Limited, abovenamed - 19.7.1996 at 3.25 p.m.

B.529805.9 Transfer containing Restrictive Covenant

B.529805.6 Transfer grant of water and sewage drainage rights (in gross) over the part herein marked "B" on DP 82068 in favour of Kapiti Coast District Council - 19.7.1996 at 3.25 p.m. (Subject to Section 243(a) Resource Management Act 1991)

B638625.1 Transfer to Kim Adele Kennedy

Fencing Covenant in Transfer B638625.1

B638625.2 Mortgage to ASB Bank Limited all 21.11.1997 at 5.00 p.m.

B692713.2 Mortgage to ANZ Banking Corporation Limited all 10.11.1998 at 11.20.10

Measurements are Metric

- OVER -

Historical Search Copy Dated 08/09/25 12:06 pm, Page 4 of 5

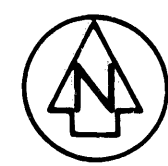
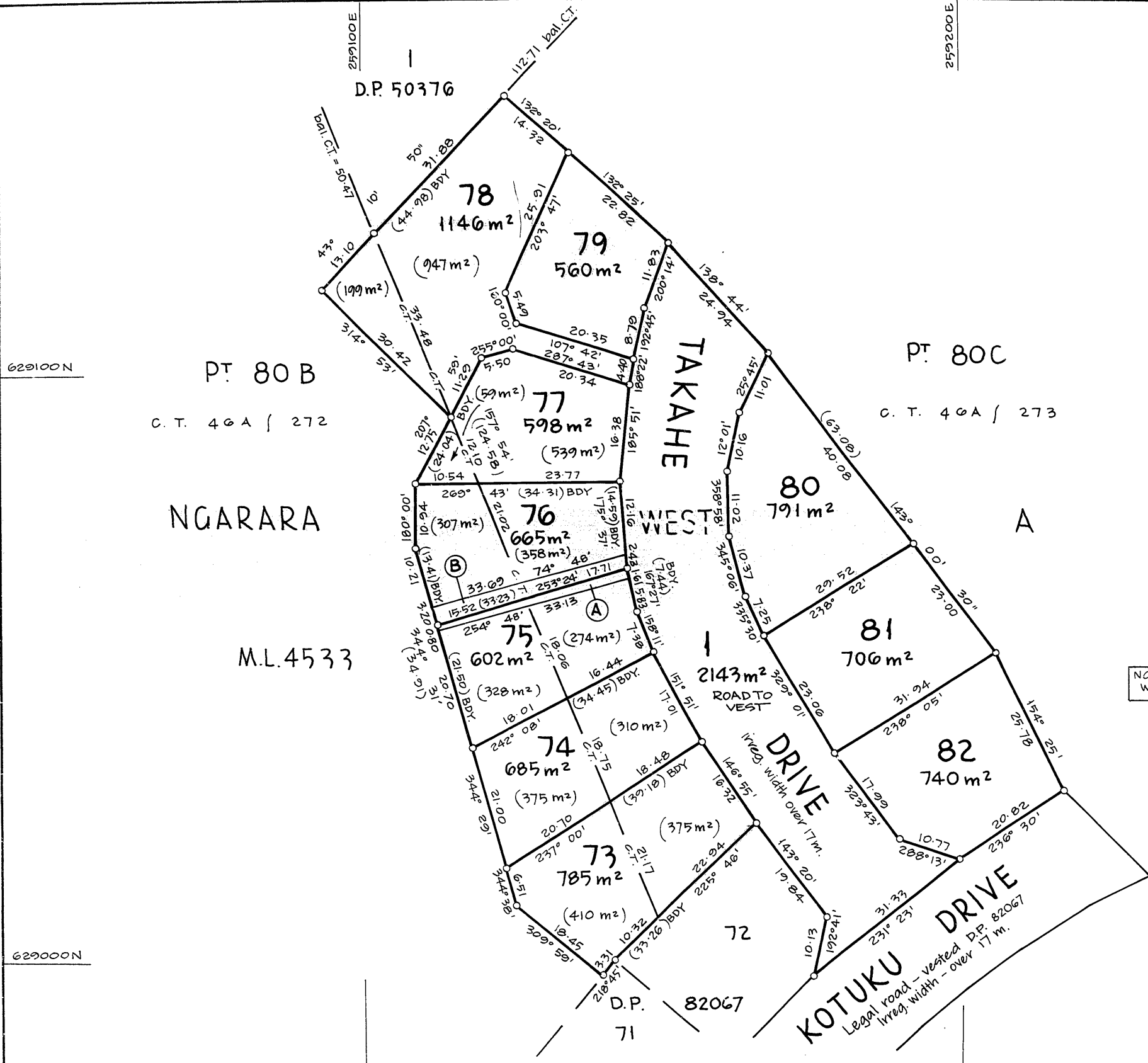
48D/260

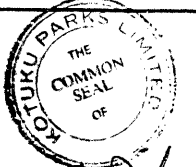
B743984.2 Transfer to Brian Groen

B743984.3 Mortgage to ANZ Banking
Group (New Zealand) Limited
all 10.9.1999 at 3.25.

for RGL
for RGL







REGISTERED PROPRIETOR

Approved pursuant to Sec. 223 of the Resource Management Act 1991 on the 4 day of April 1996 subject to the granting or reserving of the easements set out in the memorandum hereon.

The Common Seal of the Kapiti Coast District Council is affixed hereto in the presence of:



Mayor

General Manager

NEW C.T. ALLOCATIONS	
LOT NO	C.T.
73	48D/257
74	48D/258
75	48D/259
76	48D/260
77	48D/261
78	48D/262
79	48D/263
80	48D/264
81	48D/265
82	48D/266
NGARARA WEST A	PT 80B 48D/267
PT 80C	48D/268

MEMORANDUM OF EASEMENTS				
PURPOSE	SHOWN	SERVITEN	DOMTEN	GRANTEE
sewage drainage	A	Lot 75	Lot 76	Kapiti Coast District Council
Water drainage	B	Lot 76		
sewage drainage				

LOT 1 TO VEST IN THE KAPITI COAST DISTRICT COUNCIL

TO BE READ IN CONJUNCTION WITH D.P. 82067

Total Area 9421 m²

Comprised in C.T. 46A / 272 (PT.)
C.T. 46A / 273 (PT.)

I, Ian Murray Prentice
Registered Surveyor and holder of an annual practising certificate (or who may act as a registered surveyor pursuant to section 25 of the Survey Act 1986) hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.

Dated at Wellington this 16th day of APRIL 1996 Signature *[Signature]*

Field Book Reg 9(3) Traverse Book 548 p. 93-198
Reference Plans DPs 79411, 50376, 71990, 82067
M.L. 4533
Examined G Arthur. Correct R Lander

Approved as to Survey
13/6/96
Chief Surveyor

Deposited this 19th day of APRIL 1996
Registrar

File 95-044
Received 29/04/1996
Instructions
82068

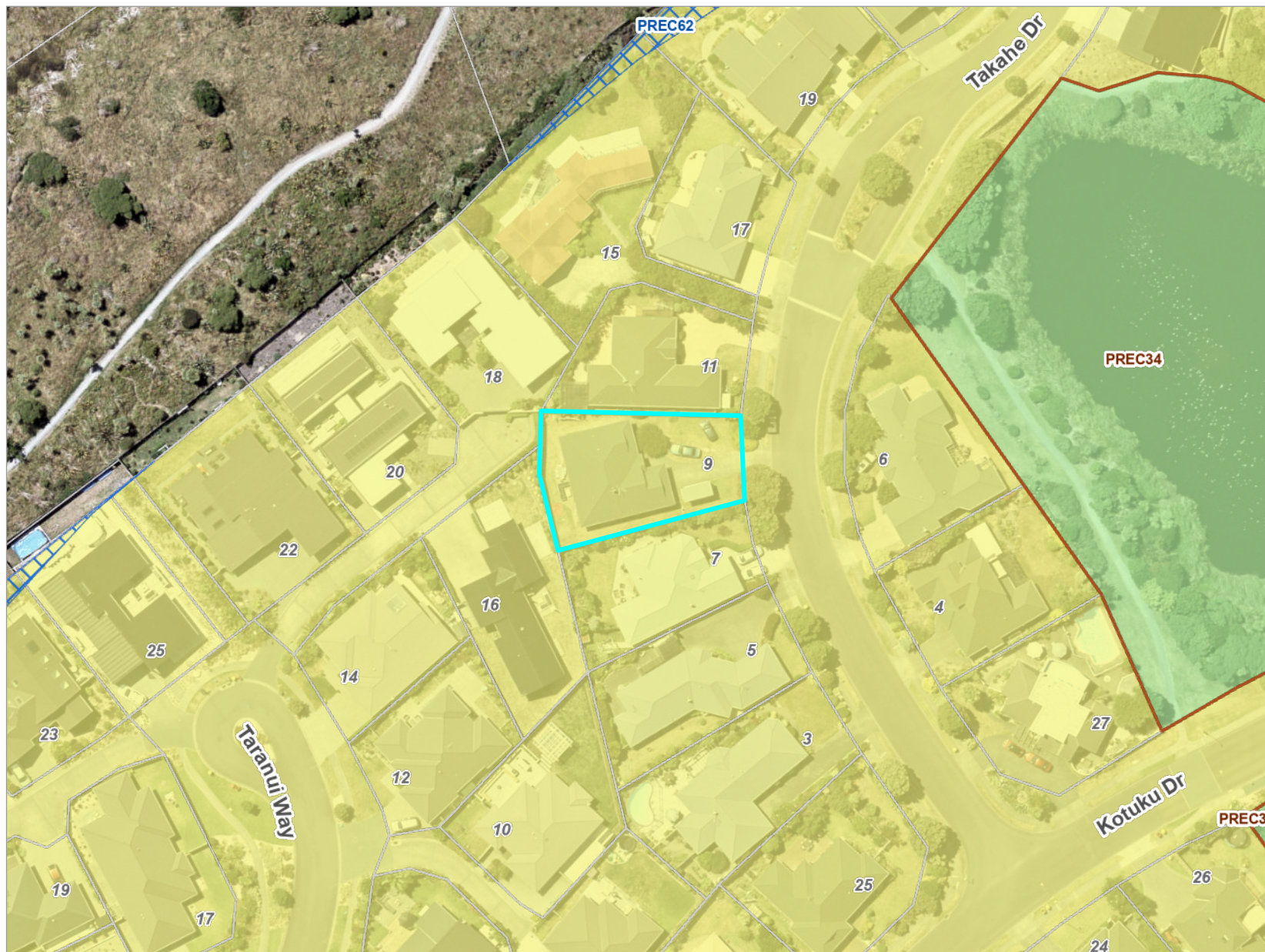
LAND DISTRICT WELLINGTON
SURVEY BLK. & DIST. III KAPITI
NZMS 261 SHT RECORD MAP No

LOTS 1 & 73-82 BEING SUBDIVISION OF
PART NGARARA WEST A80B & A80C

TERRITORIAL AUTHORITY KAPITI COAST DISTRICT
Surveyed by TRUEBRIDGE CALLENDER BEACH LTD
Scale 1:500 Date FEBRUARY 1996

Operative District Plan 2021 - Zones and Precincts

9 Takahe Drive, Paraparaumu (LOT 76 DP 82068)



Key to map symbols

-  Precinct
-  Coastal Qualifying Matter Precinct
-  General Residential Zone
-  Open Space Zone



0 20 40 Metres

Scale @ A4 - 1:1,000

Date Printed: September 8, 2025

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

9 Takahe Drive, Paraparaumu (LOT 76 DP 82068)



Key to map symbols

 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.



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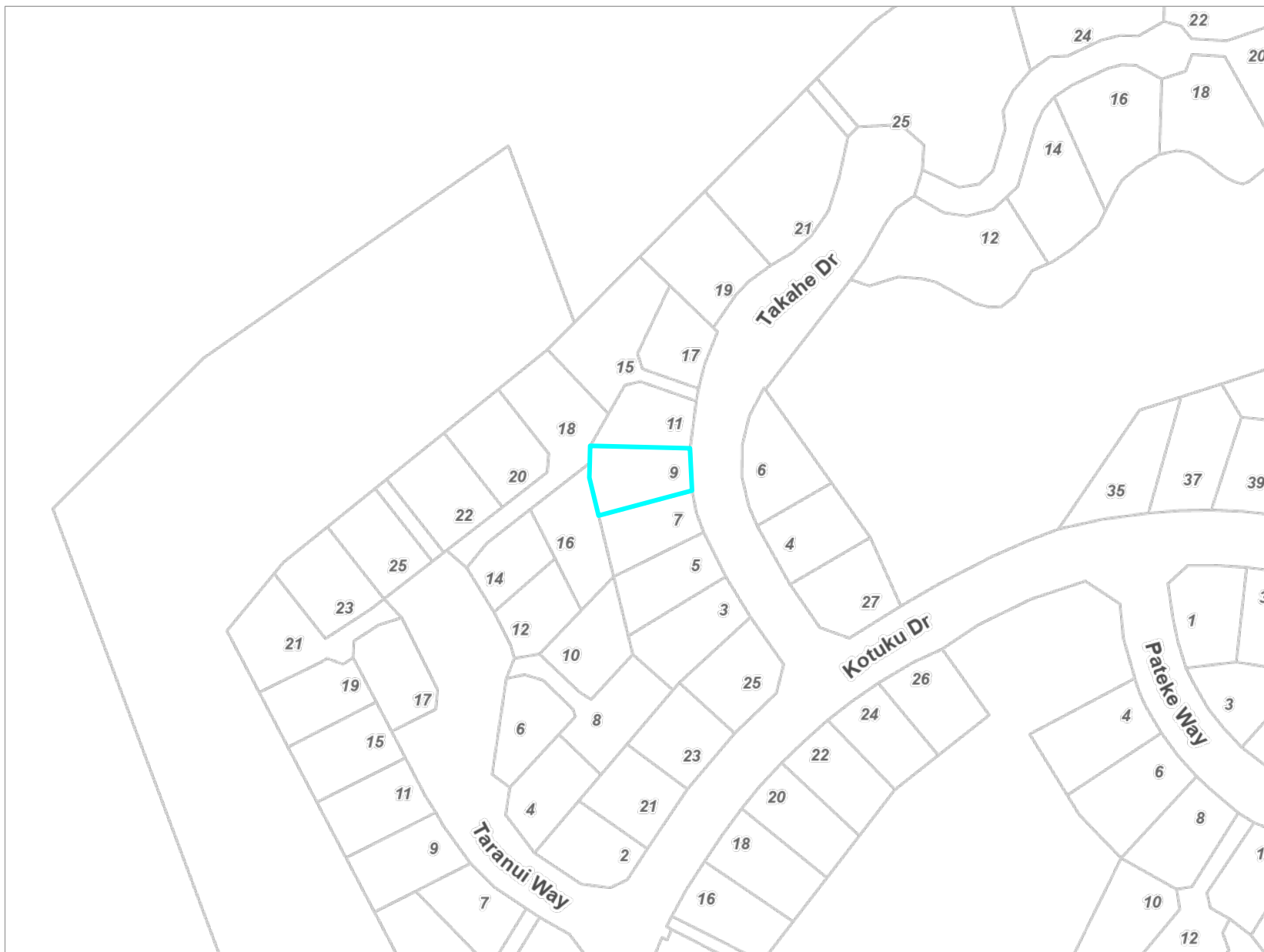
Scale @ A4 - 1:2,000

Date Printed: September 8, 2025

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Operative District Plan 2021 - Designations & Miscellaneous Features

9 Takahe Drive, Paraparaumu (LOT 76 DP 82068)



Key to map symbols

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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Operative District Plan 2021 - Natural Features

9 Takahe Drive, Paraparaumu (LOT 76 DP 82068)



Key to map symbols

-  Ecological Sites
-  Outstanding Natural Features and Landscapes
-  Area of Outstanding Natural Character

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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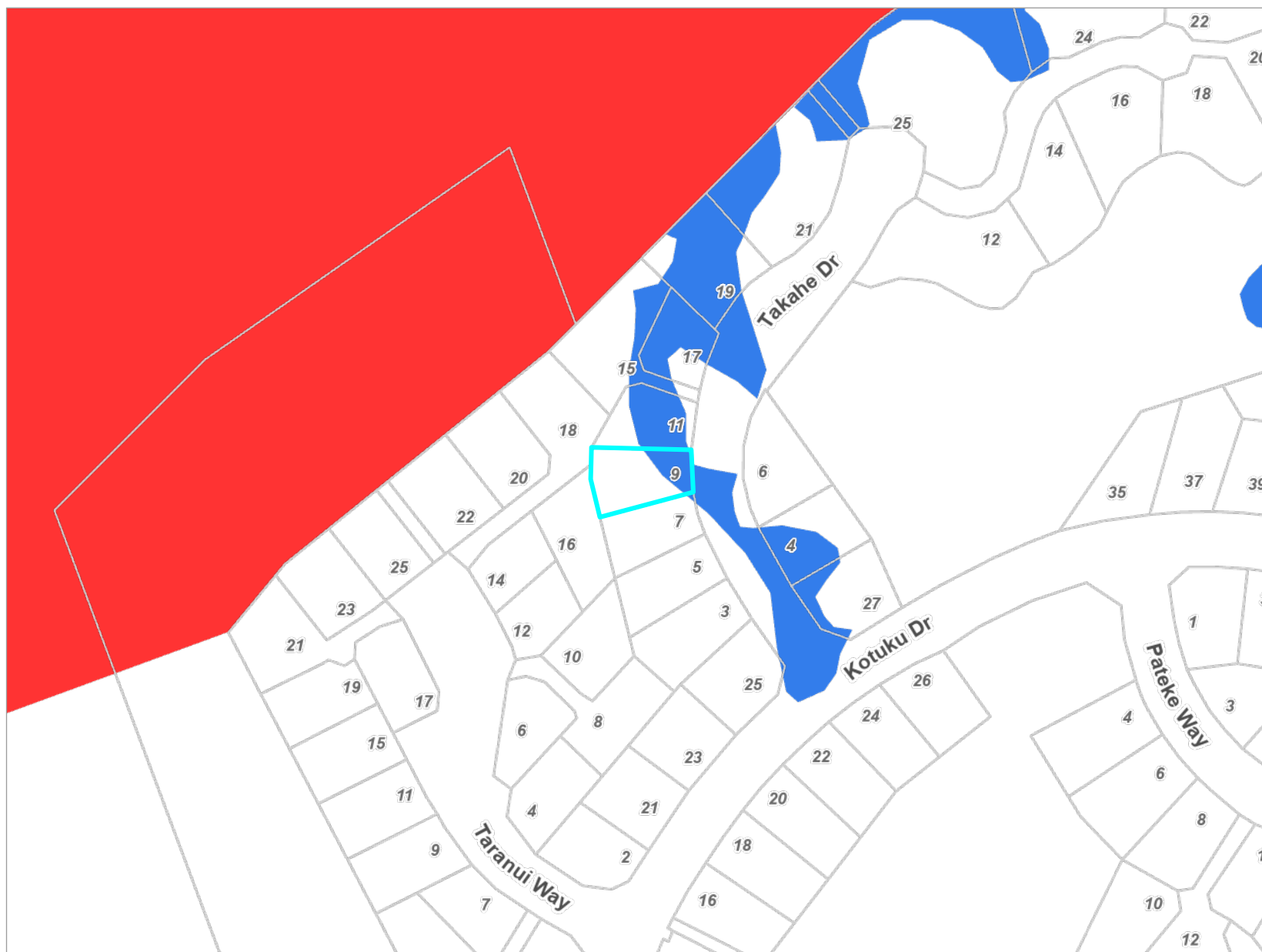
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Operative District Plan 2021 - Natural Hazards

9 Takahe Drive, Paraparaumu (LOT 76 DP 82068)



Key to map symbols

- River 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.



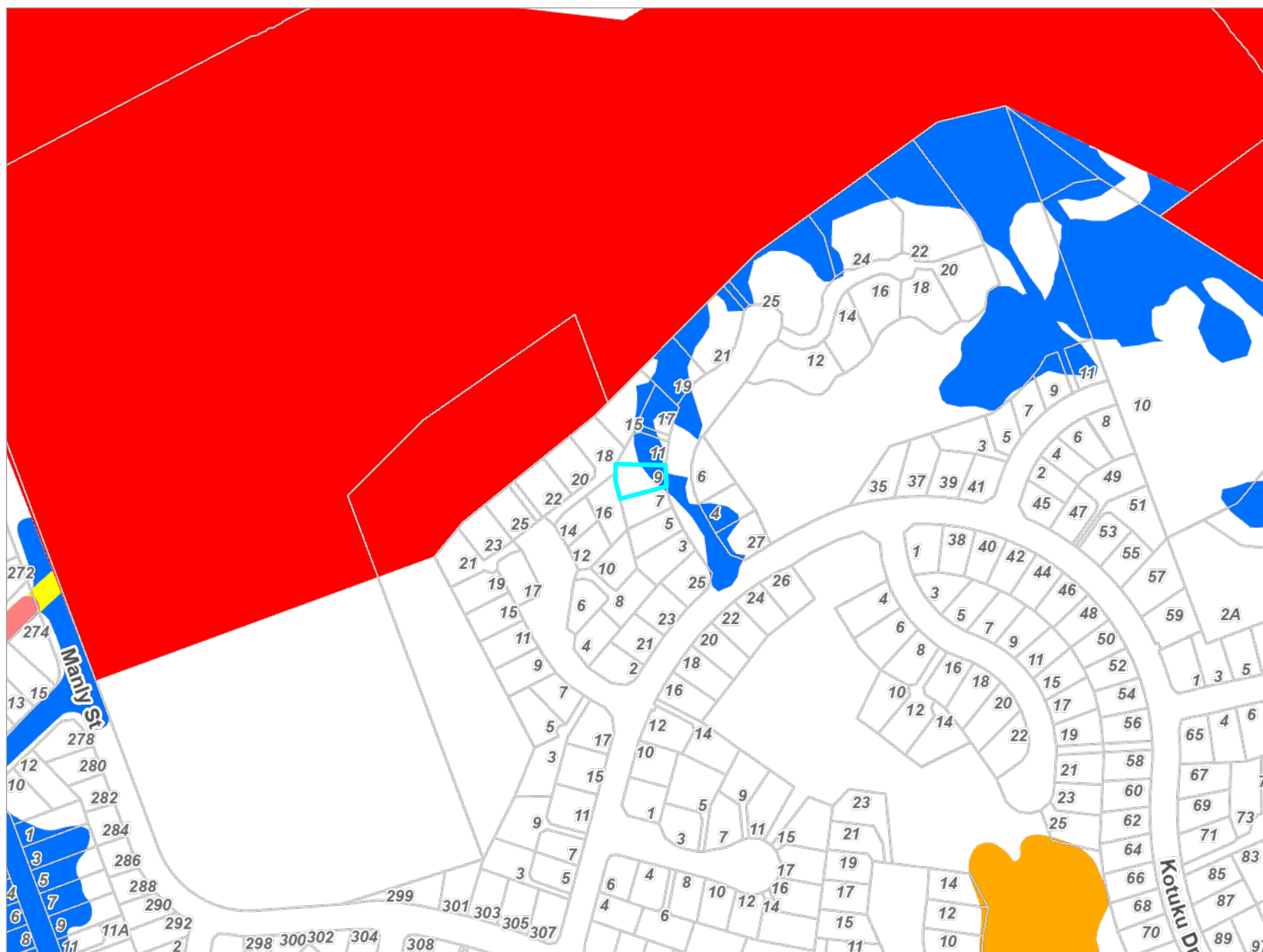
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Latest Flood Hazards

9 Takahe Drive, Paraparaumu (LOT 76 DP 82068)



Key to map symbols

- River Corridor
- Stream Corridor
- Overflow Path
- Storage
- Ponding

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



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Scale @ A4 - 1:4,000

Date Printed: September 8, 2025

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Resource Consents Map

9 Takahe Drive, Paraparaumu (LOT 76 DP 82068)



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.



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Scale @ A4 - 1:1,200

Date Printed: September 8, 2025

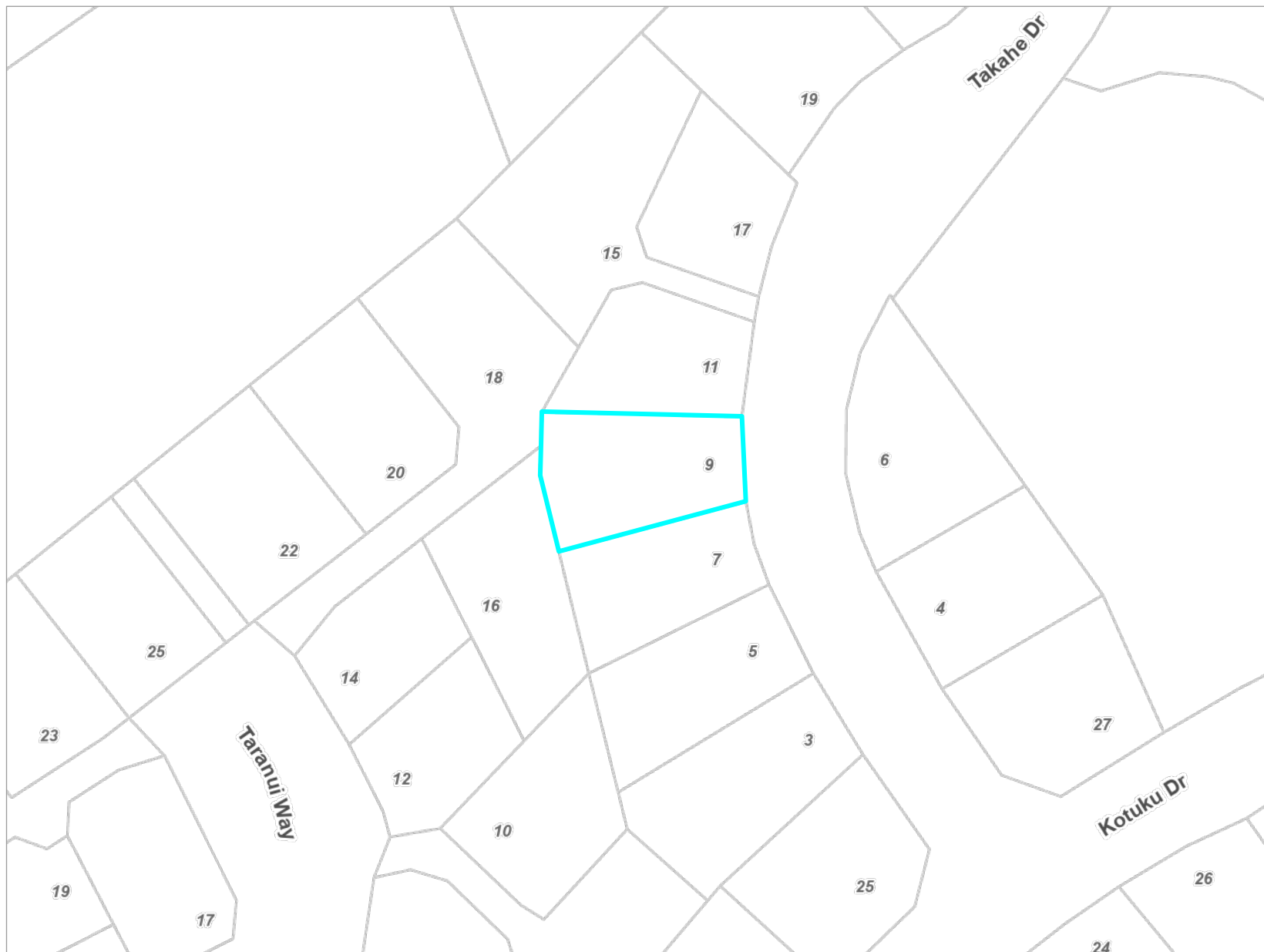
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Resource Consents Report

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
010331	3 Takahe Drive, Paraparaumu	1527073600	LOT 73 DP 82068	LD	PROPOSED PERGOLA ENCROACHING 3M SIDE YARD	N	N	Decision Issued	4/12/2001	8/11/2001
160003	18 Taranui Way, Paraparaumu Beach	1527098232	LOT 158 DP 440919 CT 548501	LD	Construct a dwelling that encroaches the 3 metre rear site	N	N	Decision Issued	20/1/2016	11/1/2016
960334	6 Takahe Drive, Paraparaumu	1527079000	LOT 80 DP 82068	LC	TO BUILD A DWELLING THAT HAS HEIGHT and SIDE YARD ENCROACHMENT	N	N	Decision Issued	30/8/1996	26/8/1996
980338	27 Kotuku Drive, Paraparaumu	1527079200	LOT 82 DP 82068	LD	ENCROACHMENT OF FRONT BOUNDARY TO 3.4M	N	N	Decision Issued	14/9/1998	27/8/1998

Health and Alcohol Licenses

9 Takahe Drive, Paraparaumu (LOT 76 DP 82068)



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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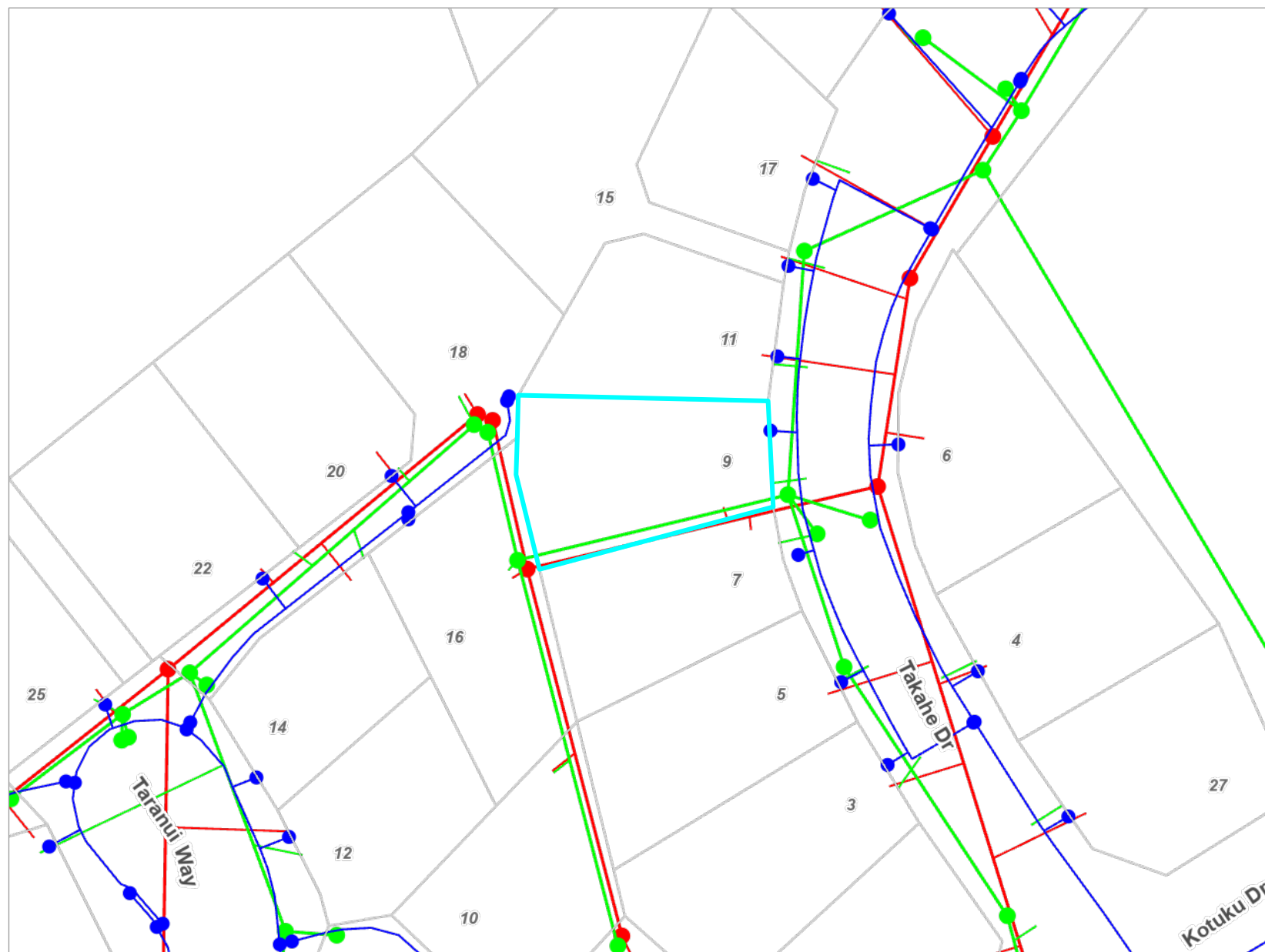
Scale @ A4 - 1:1,000

Date Printed: September 8, 2025

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Services Network

9 Takahe Drive, Paraparaumu (LOT 76 DP 82068)



Key to map symbols

- WS Node
- WS Pipe
- SW Point
- SW Pipe
- SW Lateral
- WW Point
- WW Pipe
- WW Lateral

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

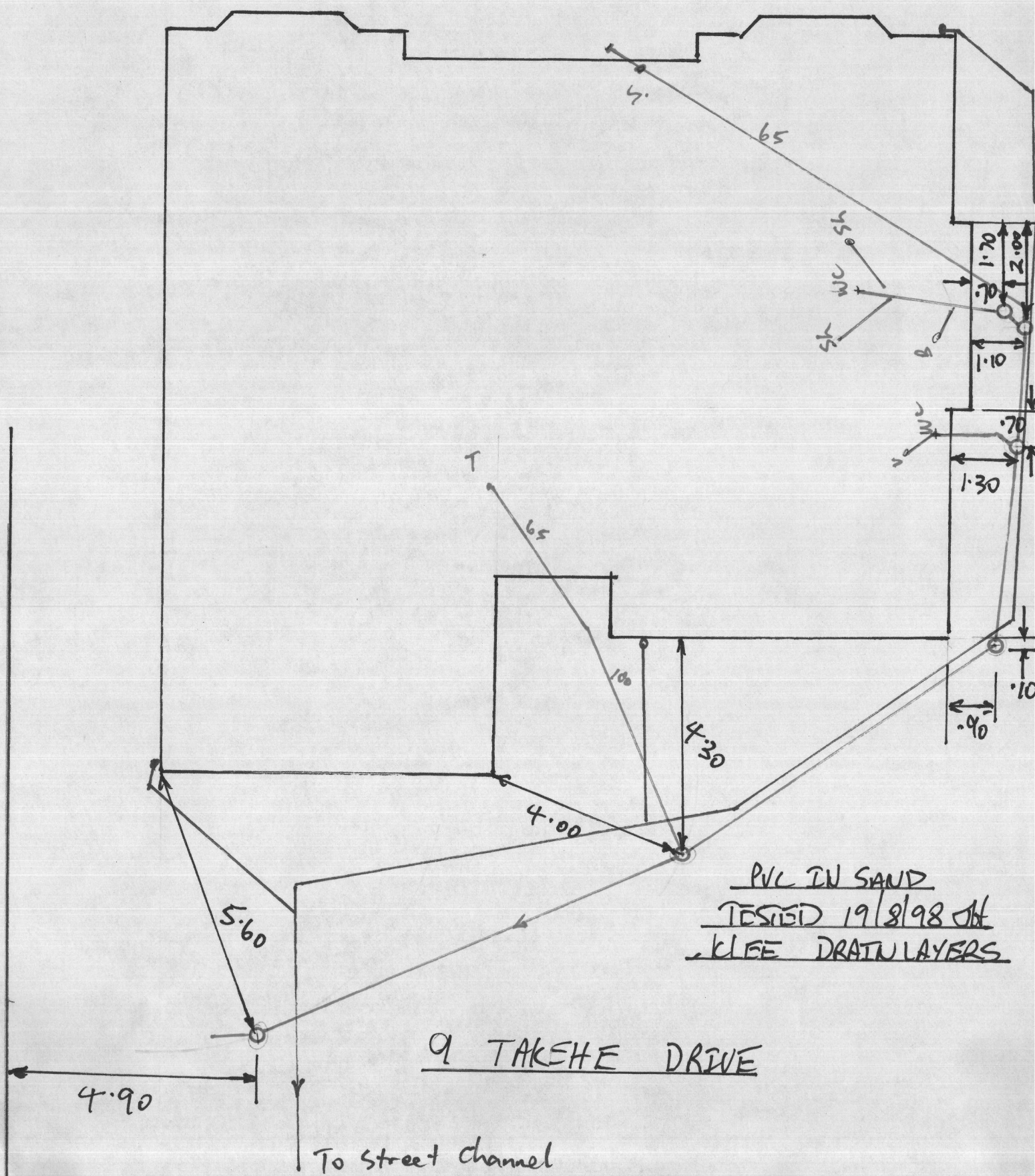


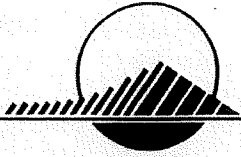
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Scale @ A4 - 1:800

Date Printed: September 8, 2025

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KAPITI COAST DISTRICT COUNCIL

FILE NO P950054
DP 584

11 April, 1995

Truebridge Callender Beach Ltd
PO Box 13142
WELLINGTON

Dear Sirs

**SCHEME PLAN P950054 PROPOSED SUBDIVISION AT KOTUKU DRIVE,
PARAPARAUMU FOR KOTUKU PARK LTD**

I advise that pursuant to Section 105 of the Resource Management Act 1991, Council approves Scheme Plan P950054 subject to the following conditions:

1. The Developer's Representative is to supply a copy of the title and survey data plans and is to list and indicate how each condition has been met to the satisfaction of Regulatory Services Manager.
2. The subdivider shall demonstrate to the satisfaction of the Regulatory Services Manager that the land:
 - (a) is not subject to erosion, subsidence, slippage or inundation; or
 - (b) can be protected against erosion, subsidence, slippage or inundation, in terms of Section 106 of the Resource Management Act.
3. Plans and specifications for engineering development of the subdivision shall be submitted and approved by Council prior to the commencement of the engineering work. Approved engineering plans shall be supplied in triplicate and as-built plans supplied in duplicate.
4. The payment of Council engineering fees of \$171 (GST inclusive).

Ngarara Building, Rimu Road,
Private Bag 601,
Paraparaumu.
Telephone (04) 298-5139
Fax (04) 297-2563

5. The subdivider shall either:

- (a) Certify that a building site is available on each allotment on which buildings of the type permitted may be erected using foundations not requiring specific design in terms of the Building Act 1991.

This certification shall be in the form of Appendix B NZS 4404:1981 Code of Practice for Urban Subdivision and confirm that a safe bearing pressure of soil supporting foundations is not more than 600 mm below the surface level of the ground. The certificate shall be accompanied by the site investigation report of the Soils Engineer.

or

- (b) Supply to Council a report detailing site investigation work and findings together with recommendations for foundation design whether or not for buildings not requiring specific design in terms of the Building Act 1991.

In cases within the provisions of the clause (b) above, a Consent Notice under Section 221 of the Resource Management Act 1991 shall be issued by Council noting the soil conditions, site investigation details and foundation recommendations.

A separate topographical plan shall be forwarded with the Engineer's report indicating contours prior to placement of filling and on completion. Such contours to be at not greater than 500mm intervals and the scale of the plan to be 1:500. The plan shall also show the position and approximate level of all test locations including test borings.

Attention is drawn to the Council requirement that:

"All building consent plans shall show contours of the ground surface and the presence of peat or steep banks over the whole lot and immediately adjacent land. Such contours shall be at not more than 500mm intervals. This requirement shall apply regardless of the need for earthworks or earthfilling."

- 6. The payment of road inspection fee of \$165.40 (GST inclusive).
- 7. A sign post and/or name plate shall be provided and this shall be satisfied by the payment of the appropriate fee. The new road name is to be shown on the survey plan. (Refer to Clause B.3.2, Code of Practice).

Three road names per street shall be forwarded to Council for approval.

- 8. Lot 1 shall vest as Road. Kotuku Drive extension shall not be less than 18 metres wide with a carriageway width of 9 metres.

The side road between Lots 49 and 69 shall be extended to include the entire frontage of Lot 69. This road and the road between Lots 72 and 82 shall be not less than 17 metres wide with an 8 metre wide carriageway. All roads shall be formed, metalled and two-coat sealed, provided with kerb and channel, footpaths and temporary sealed turning circles in the vicinity of Lots 82/115 and Lots 79/80. The requirement for a second coat seal shall be met by lodging a cash contribution with Council calculated at \$2.25 per m2 of the area of the first coat seal subject to the Transit NZ subsidy (otherwise \$3.94 per m2).

Alternatively, a prime/seal coat and asphaltic concrete paving may be approved by the Subdivisional Engineer. All work shall comply with Council's standard requirements. Berms are to be completed to the satisfaction of the Subdivisional Engineer.

Tree planting in the road reserve in accordance with Council's Code of Practice for Urban Subdivision (Section D.4.10) shall be incorporated in the road design (planting work shall be bonded to minimise construction damage).

9. A concrete vehicle crossing shall be provided for Lots 78 and 109. Alternative forms of paving or sealing may be acceptable. In some instances additional paving and/or sealing may be required. All work shall be to the approval of the Subdivisional Engineer.
10. A piped stormwater system is to be provided to service the subdivision. This shall include the drainage of any surfacewater trapped on adjoining land by earthworks within the subdivision and the piping of all open drains, all at no cost to Council and to the approval of the Subdivisional Engineer.
11. Earthworks shall be kept to a minimum to ensure the least disturbance to the landform. Where the existing land form or vegetative cover is disturbed, ground cover is to be established immediately following earthworks and with a minimum of delay to ensure the wind erosion of soil, sand or other material does not become a nuisance.
12. Earthworks shall comply with the requirements of the current issue of NZS 4431.

The land form shall be preserved as far as practicable having regard to the necessity to satisfy the requirements of Section 106 of the Resource Management Act 1991 to the satisfaction of the Subdivisional Engineer.

Any proposed earthworks shall be limited to the subject site. Any borrow or disposal areas for cut and/or fill operations outside of the area of this scheme plan application will be subject to a separate earthworks consent and the payment of the \$171 application fee.

13. All sections shall have drive-on access no steeper than 1 in 5.
14. Underground power and telecommunication services shall be provided to the satisfaction of the Subdivisional Engineer including the installation of streetlighting standards and lamps. The streetlighting layout shall comply with NZS 6701:1983. Transformer sites shall be specifically provided for by recessing the front boundary of lots and including the area within road reserve.

15. The subdivision shall be reticulated for sewage disposal and high pressure water. All lots shall be provided with individual service connections and fire-fighting requirements shall comply with the Fire Services Code of Practice.
16. The subdivider shall provide and install pipes for gas supply to service the subdivision.
17. Any easements required by Council for drainage or other services shall be shown on the land transfer title plan. Easements are to be shown over any communal services where these pass through residential lots.

Any easement that is required by the Subdivisional Engineer is to be prepared by solicitors at the owner's expense.
18. "As built" plans of all services adequately dimensioned to show the relationship of such services to the lot boundaries shall be supplied by the subdivider and to the approval of the Subdivisional Engineer.
19. Any lot boundary which will be common with the designated conservation/scientific reserve shall be fenced with a 1.5 metre high post 3 wire and hurricane mesh fence. Alternative types of fencing may be approved by the Subdivisional Engineer.
20. The subdivider shall enter into a fencing covenant to ensure that Council shall not be liable for, or called upon to erect or maintain or contribute towards the cost of erection or maintenance of any fence along reserve boundary(ies).
21. The subdivider shall comply with the requirements of the Kapiti Coast District Council Code of Practice for urban subdivision.
22. A bench mark, level reference point, with respect to mean sea level, shall be provided within the immediate vicinity of the subdivision to the approval of the Subdivisional Engineer.
23. The Developer shall contribute \$669 (GST inclusive) per new lot created towards the cost of upgrading the sewage treatment plant in Paraparaumu.
24. All costs arising from any of the above conditions shall be at the expense of the subdivider.

Yours faithfully



C Thomson
PLANNER, INVESTIGATIONS

NL



The Chairperson and Members
SUBDIVISIONS MEETING

**SCHEME PLAN P950054 PROPOSED SUBDIVISION AT KOTUKU DRIVE,
PARAPARAUMU FOR KOTUKU PARK LTD**

Scheme Plan P950054 attached shows a proposed subdivision of 23 residential lots being a further stage in the Kotuku Park subdivision. The land is zoned Residential A in the Transitional District Plan. All the lots have frontage to road to vest and comply with the requirements of the Transitional District Plan. The scheme is in accordance with the overall concept plan for the subdivision and is similar to a previously approved scheme plan affecting the same site. The surveyor advises that the subject land is generally of a very gentle contour and was recently largely earthworked as part of the preceding subdivision stage. A low lying area at the northern end of the subdivision has to be built up to comply with the Regional Council's recommendations for flood mitigation. Reserve contribution requirements are met by the terms of a reserves agreement between Kotuku Park Ltd and Council and the associated compensation certificate registered against the subdivision titles.

RECOMMENDATION

That pursuant to Section 105 of the Resource Management Act 1991, Council approve Scheme Plan P950054 subject to the following conditions:

1. The Developer's Representative is to supply a copy of the title and survey data plans and is to list and indicate how each condition has been met to the satisfaction of Regulatory Services Manager.
2. The subdivider shall demonstrate to the satisfaction of the Regulatory Services Manager that the land:
 - (a) is not subject to erosion, subsidence, slippage or inundation; or
 - (b) can be protected against erosion, subsidence, slippage or inundation, in terms of Section 106 of the Resource Management Act.
3. Plans and specifications for engineering development of the subdivision shall be submitted and approved by Council prior to the commencement of the engineering work. Approved engineering plans shall be supplied in triplicate and as-built plans supplied in duplicate.
4. The payment of Council engineering fees of \$171 (GST inclusive).
5. The subdivider shall either:
 - (a) Certify that a building site is available on each allotment on which buildings of the type permitted may be erected using foundations not requiring specific design in terms of the Building Act 1991.

This certification shall be in the form of Appendix B NZS 4404:1981 Code of Practice for Urban Subdivision and confirm that a safe bearing pressure of soil supporting foundations is not more than 600 mm below the surface level of the ground. The certificate shall be accompanied by the site investigation report of the Soils Engineer.

or

- (b) Supply to Council a report detailing site investigation work and findings together with recommendations for foundation design whether or not for buildings not requiring specific design in terms of the Building Act 1991.

In cases within the provisions of the clause (b) above, a Consent Notice under Section 221 of the Resource Management Act 1991 shall be issued by Council noting the soil conditions, site investigation details and foundation recommendations.

A separate topographical plan shall be forwarded with the Engineer's report indicating contours prior to placement of filling and on completion. Such contours to be at not greater than 1 metre intervals and the scale of the plan to be 1:500. The plan shall also show the position and approximate level of all test locations including test borings.

Attention is drawn to the Council requirement that:

"All building consent plans shall show contours of the ground surface and the presence of peat or steep banks over the whole lot and immediately adjacent land. Such contours shall be at not more than 1 metre intervals. This requirement shall apply regardless of the need for earthworks or earthfilling."

- 6. The payment of road inspection fee of \$165.40 (GST inclusive).
- 7. A sign post and/or name plate shall be provided and this shall be satisfied by the payment of the appropriate fee. The new road name is to be shown on the survey plan. (Refer to Clause B.3.2, Code of Practice).

Three road names per street shall be forwarded to Council for approval.

- 8. Lot 1 shall vest as Road. Kotuku Drive extension shall not be less than 18 metres wide with a carriageway width of 9 metres.

The side road between Lots 49 and 69 shall be extended to include the entire frontage of Lot 69. This road and the road between Lots 72 and 82 shall be not less than 17 metres wide with an 8 metre wide carriageway. All roads shall be formed, metalled and two-coat sealed, provided with kerb and channel, footpaths and temporary sealed turning circles in the vicinity of Lots 82/115 and Lots 79/80. The requirement for a second coat seal shall be met by lodging a cash contribution with Council calculated at \$2.25 per m² of the area of the first coat seal subject to the Transit NZ subsidy (otherwise \$3.94 per m²).

Alternatively, a prime/seal coat and asphaltic concrete paving may be approved by the Subdivisional Engineer. All work shall comply with Council's standard requirements. Berms are to be completed to the satisfaction of the Subdivisional Engineer.

Alternatively, a prime/seal coat and asphaltic concrete paving may be approved by the Subdivisional Engineer. All work shall comply with Council's standard requirements. Berms are to be completed to the satisfaction of the Subdivisional Engineer.

9. A concrete vehicle crossing shall be provided for Lots 78 and 109. Alternative forms of paving or sealed may be acceptable. In some instances additional paving and/or sealing. All work shall be to the approval of the Subdivisional Engineer.
 10. A piped stormwater system is to be provided to service the subdivision. This shall include the drainage of any stormwater trapped on adjoining land by earthworks within the subdivision and the piping of all open drains, all at no cost to Council and to the approval of the Subdivisional Engineer.
 11. Where the existing land form or vegetative cover is disturbed, ground cover is to be established immediately following earthworks and with a minimum of delay to ensure the wind erosion of soil, sand or other material does not become a nuisance.
 12. Earthworks shall comply with the requirements of the current issue of NZS 4431.
- NS The land form shall be preserved as far as practicable having regard to the necessity to satisfy the requirements of Section 106 of the Resource Management Act 1991.
- any proposed earthworks shall be limited to the subject site. Any borrow or disposal areas for cut and/or fill operations outside of the area of this scheme plan application will be subject to a separate earthworks consent and the payment of the \$171 application fee.
13. All sections shall have drive-on access no steeper than 1 in 5.
 14. Underground power and telecommunication services shall be provided to the satisfaction of the Subdivisional Engineer including the installation of streetlighting standards and lamps. The streetlighting layout shall comply with NZS 6701:1983. Transformer sites shall be specifically provided for by recessing the front boundary of lots and including the area within road reserve.
 15. The subdivision shall be reticulated for sewage disposal and high pressure water. All lots shall be provided with individual service connections and fire-fighting requirements shall comply with the Fire Services Code of Practice.
 16. The subdivider shall provide and install pipes for gas supply to service the subdivision.
 17. Any easements required by Council for drainage or other services shall be shown on the land transfer title plan. Easements are to be shown over any communal services where these pass through residential lots.

Any easement that is required by the Subdivisional Engineer is to be prepared by solicitors at the owner's expense.

18. "As built" plans of all services adequately dimensioned to show the relationship of such services to the lot boundaries shall be supplied by the subdivider and to the approval of the Subdivisional Engineer.
19. Any lot boundary which will be common with the designated conservation/scientific reserve shall be fenced with a 1.5 metre high post 3 wire and hurricane mesh fence. Alternative types of fencing may be approved by the Subdivisional Engineer.
20. The subdivider shall enter into a fencing covenant to ensure that Council shall not be liable for, or called upon to erect or maintain or contribute towards the cost of erection or maintenance of any fence along the reserve boundary(ies).
21. The subdivider shall comply with the requirements of the Kapiti Coast District Council Code of Practice for urban subdivision.
22. A bench mark, level reference point, with respect to mean sea level, shall be provided within the immediate vicinity of the subdivision to the approval of the Subdivisional Engineer.
23. All costs arising from any of the above conditions shall be at the expense of the subdivider.

Report prepared by :



C Thomson
PLANNER, INVESTIGATIONS

6 April 1995

28 September, 1995

To: Manager, Planning

S.357 OBJECTION TO PROPOSED SUBDIVISION (STAGE 3B), KOTUKU PARKS LTD, PARAPARAUMU

The Surveyor has objected to condition 4 (\$171 per allotment) and condition 23 (\$669 upgrading contribution).

COMMENT

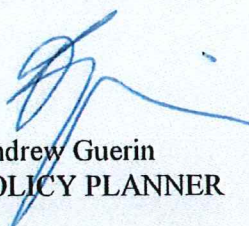
Condition 4 has been drafted incorrectly as it does not have "per new lot created" and should be amended.

Condition 23 should be amended to reflect the new calculation being \$213.75 (G.S.T. inclusive).

RECOMMENDATION

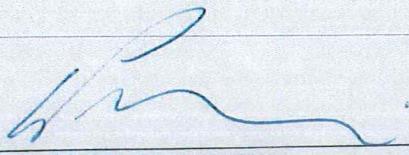
1. That the objection to conditions 4 and 23 be allowed and the conditions amended as follows:
 4. The payment of Council engineering fees of \$171 (G.S.T. inclusive) per new lot created.
 23. The developer shall contribute \$213.75 (G.S.T. inclusive) for every lot created towards the cost of upgrading the sewage treatment plant in Paraparaumu.

Report Prepared by


Andrew Guerin
POLICY PLANNER

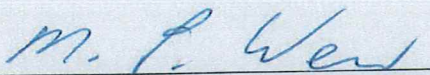
28 September, 1995

DECISION
Accepted/~~Declined~~

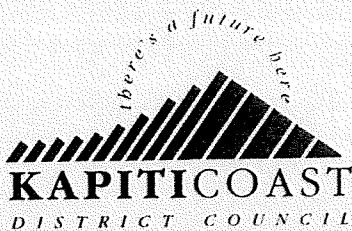


MANAGER, PLANNING

28/9/95.



REGULATORY SERVICES MANAGER



29 September, 1995

File: RM950054

Truebridge Callender Beach LTD
P O Box 13142
WELLINGTON

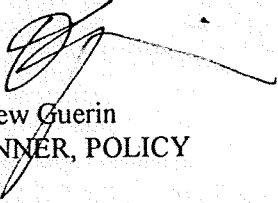
FOR : I M Prentice

**RE: S357 Objection to proposed subdivision (stage 3B), Kotuku Parks Ltd,
Paraparaumu.**

I advise that Council has considered your objection to conditions 4 & 23 and the objections have been upheld. The conditions are amended as follows;

4. The payment of Council engineering fees of \$171 (G.S.T. inclusive) per new lot created.
- 23 The developer shall contribute \$213.75 (G. S. T. inclusive) for every lot created towards the cost of upgrading the sewage treatment plant in Paraparaumu.

Yours faithfully



Andrew Guerin
PLANNER, POLICY

To Chairperson and Members
HEARING COMMITTEE

APPLICATION FOR RESOURCE CONSENT: RM 970254

ADDENDA TO PLANNING REPORT:

This addenda to my planning report is required to correct a small number of typographical errors within the report and to reflect information I have received that has resulted in the need to amend a statement within paragraph 10.7.2.

1. **Submissions:**

Misspelling of a submitters name shown as Graham Bound but should have been Graham Brand.

2. **Paragraph 9.1:**

Second sentence Proposed Regional Landscape Plan referred to instead of Proposed Regional Soil Plan.

3. **Paragraph 10.7.2:**

Third sentence the words "and the developer have also been" should be deleted and the sentence amended so that it reads as follows "It should be noted however that Council has been corresponding with Kapakapanui to address their concerns with respect to the consultation process."

This amendment is required to reflect a misinterpretation of a conversation I had with one of the developers representatives.

4. **Paragraph 10.10.1:**

The Subdivisions engineer's recommended conditions have been amalgamated into the report rather than as a separate document.

5. **Paragraph 12.3:**

Fifth bullet point is to be amended to read as follows, "The conditions will at least result in:

- consultation with tangata whenua in respect to the discovery of any unrecorded cultural sites."

6. **Condition 44:**

Condition 44 is to be amended as follows,

44. Should any unrecorded cultural site be unearthed during earthworks, the developer shall:
- (a) cease operations;
 - (b) inform local iwi;
 - (c) inform the New Zealand Historic Places Trust (NZHPT);
 - (d) take appropriate action, after discussion with the NZHPT, Council and Tangata Whenua, to remedy the damage.

7. **Wellington Regional Council:**

Wellington Regional Council have amended condition 11 of their earthworks consent and have requested that the amendment be circulated at the hearing.

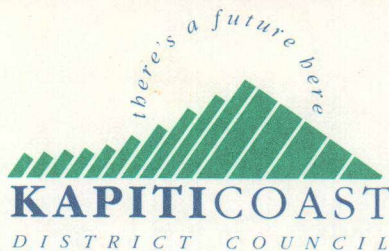


Dan Rodie 12/3/98
Resource Consents Planner

Additional Conditions to Resource Consent WGN 980048

6. The location, design, implementation and operation of the works shall be in general accordance with the consent application, and its associated plans and documents lodged with the Wellington Regional Council on 18 September 1997 and additional information received 26 September 1997 and 20 October 1997.
7. The Manager, Consents Management, Wellington Regional Council, shall be given a minimum of 48 hours notice prior to the works commencing.
8. The consent holder shall implement and operate efficient and effective methods of sediment retention and sediment run-off control.
9. The works shall remain the responsibility of the consent holder and shall be maintained to the satisfaction of the Manager, Consents Management, Wellington Regional Council.
10. All construction works shall be completed in the minimum time practicable.
11. If, during construction activities, the consent holder uncovers any skeletal remains, or similar material, operations shall cease in the vicinity immediately, and the consent holder shall notify the New Zealand Police and Ahi Awa ki Whakarangotei and, where appropriate, the New Zealand Historic Places Trust.
12. The Wellington Regional Council may review any or all of the conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act, at any time during the construction period to deal with any adverse effects on the environment which may arise from the exercise of this consent.





IN THE MATTER OF THE RESOURCE MANAGEMENT ACT 1991 AND AN
APPLICATION FOR SUBDIVISION AND LANDUSE CONSENTS

APPLICATION NO.: RM 970254

APPLICANT: Truebridge Callender Beach limited on behalf Kotuku Parks Limited

LANDOWNERS: Kotuku Parks Limited, F.T.K. Goodman and J.H.A. & T.G. Lopdell

SCHEME PLAN: 95-96-3 and 95-096-2A

LOCATION: Takahe Drive, Paraparaumu

LEGAL DESCRIPTION: Part Ngarara west A80C, A80D & A80E and Lot 1 DP 56172

TYPE OF APPLICATION: Subdivision and Land Use Consent (Earthworks)

ZONING: **Transitional District Plan** - Residential A
Proposed District Plan - Residential

ACTIVITY STATUS: Transitional District Plan : Controlled Activity
Proposed District Plan : Discretionary Activity

REPORTING OFFICER: Dan Rodie, Resource Consents Planner

DATE OF HEARING: Thursday, 12 March & 1 September 1998

PRESENT: Cr D. Ferrier (Chairperson)
Cr T. Jack
Cr H. Thomas
Cr E Matthews
Cr B Pope

IN ATTENDANCE:

Mr D. Rodie
Mr D. Bly, Subdivisional Engineer
Ms R. Cranshaw, Administration Assistant

For the applicant

Mr P. Saxton
Mr A. Fraser
Mr M Shannahan
Mr I Prentice
Mr G Prothoroe
Mr R O'Callaghan

Submitters

Helen Harrison
John Topliff (Otaihanga Progressive Association)
Tony Edwards & Jeff Gregory (Waikanae Estuary Guardians)
June rowland, Alison Pearce & Daphne Steel (Kapiti Environmental Action Inc.)
Manahi Baker, Susan Forbes, & Andrew Hastings (Kapakapanui)
J Cheese
Jean Luke

Alan Milne for M Greaves
John McLaughlan (Forest & Bird)
David Samuel
Geoff Hulbert, Rachael Puentener, Colin Miskelly & Ian Cooksley (Department of Conservation)
Kevin McNeil
Mr Scaife
R Fowles
Audery Ewan
Ani Parata (Wellington Conservation Board)

DECISION OF COMMITTEE

This is the decision of the Hearings Committee acting under delegated authority and pursuant to Section 105 of the Resource Management Act 1991.

THE APPLICATION

The application for subdivision and landuse consents was submitted to the Council on 14 July 1997 and publicly notified on 26 November 1997. The period within which submission could be made closed on 21 January 1997 and a total of 46 submissions were received during that period.

THE SITE AND LOCALITY

Site 1: Proposed Subdivision & Earthworks

The site is an area of land running to the north-east from the uncompleted portion of Takahe Drive that was constructed in the initial stages of the Kotuku Park development. Surrounding the site to the north-west and north-east are areas of wetland, saltmarsh, and dunes which are part of the Waikanae Estuary Scientific Reserve. The estuary is recognised within the Wetlands of Ecological and Representative Importance computer database as being a nationally significant wetland habitat for a wide diversity of bird species for nesting, roosting and feeding. The Wetlands of Ecological and Representative Importance computer database contains records on approximately 3,000 wetlands throughout New Zealand.

Between the north-western boundary of the site and the actual estuary there is an area 50 to 60 metres in width containing low lying dunes covered in predominately blackberry, grasses and boxthorn. An existing post and wire fence runs along this boundary of the site. To the north-east of the site is a significant area of saltmarsh which is separated from that boundary of the site by between approximately 20 to 40 metres of lowlying land which in the main is covered in a variety of low native vegetation and gorse.

Takahe Drive provides access to the southern end of the site and will ultimately be extended as part of this development. A gravel track also provides access from Otaihanga Road to the northern end of the site. This track also provides access to an existing single level bach which is located at the northeastern end of the site within proposed lots 130 and 146.

Vegetation within the site is made up of predominantly blackberry and gorse with some boxthorn and other low growing native vegetation. The landform within the site is typical of the unmodified coastal zone within the district, that is low undulating sand dunes. The dunes vary in height from 2 to 9 metres above MSL.

Site 2: Earthworks Site

The site which is required to be earthworked to provide fill material for the subdivision is some 300 to 500 metres to the east of the subdivision site.

It is proposed that two separate dune areas in that locality are to be cut down to provide fill material to raise the ground level within the subdivision site above the 1% flood event level. The finished ground level at Site 2 once the earthworks are completed is proposed to be 4.1 metres above M.S.L.

The dune area depicted as “Cut A” on the earthworks plan submitted with the application adjoins the Waikanae River oxbow. This dune rises steeply from the level of the oxbow to the gravel track leading to the Goodman and Lopdell properties and the subdivision site, being a difference in height of approximately 5 metres. The dune area then rises to a maximum height of 9 metres in the centre of the area and then slopes down on all sides to approximately 3 metres above M.S.L. The access track would need to be temporarily relocated during the earthworks. The other dune area to the south west of the access track, “Cut B” rises to approximately 16m above MSL. and is surrounded by dunes of similar height. Both dunes are predominantly covered in blackberry and pastoral grasses.

THE PROPOSAL

The proposed development encompasses:

- (i) The creation of 31 residential allotments ranging in size from 600m² to 1320m². The majority of the allotments would be in excess of 650m² and all but six of the allotments will have direct road frontage. All allotments to be created will comply with the subdivision and development standards within the relevant District Plans with respect to area, access, building area, etc. The finished level of the building platforms once earthworks are completed will generally vary from 3.8 to 4.0 metres above sea level, apart from the ground level within lots 140 to 144 which will rise from approximately 4 metres at the road side boundaries to 5 to 6 metres above sea level at the rear portion of these allotments.
- (ii) The creation of an allotment to vest as road, Takahe Drive extension. The road will meander between the allotments and will include three landscaped traffic islands. The middle and end island will incorporate 10 and 6 carparks respectively as part of this landscaping.
- (iii) The vesting of three allotments with Council as reserve to provide links to the adjoining reserve. Lot 2 is to vest in Council as part of the reserves agreement previously negotiated between the developer and Council.
- (iv) The carrying out of earthworks involving the lowering of the majority of the dunes within the subdivision site to a level of approximately 3.8 to 6 metres above sea level and the placing of fill material gained from within the subdivision site and from the earthworks site, referred to as Site 2 above, to create sites with ground levels above the 1% flood event. The dunes within Site 2 would be lowered by approximately 12 metres and resown with grasses on completion of the earthworks. The quantity of earthworks involved within all areas of the development will be in excess of 65,000 m³.
- (v) The applicant has requested that the standard two year period within which a subdivision should be completed be extended to four years to allow for the development to be staged.

THE HEARING

The Hearing Committee heard from the Council's Resource Consents Planner, the Subdivisional Engineer, the applicant, and his representatives, and the submitters present.

Mr Rodie gave a brief overview of the issues and his analysis of the proposal, as well as comments as to the relevance of his recommended conditions.

Mr Bly highlighted the non-standard conditions in his recommended conditions, particularly in relation to the finished ground level of proposed allotments as they would relate to the 1% flood event level.

Mr Saxton, the applicant's planning representative, spoke to the application. He outlined:

- the extent of consultation that had taken place with Department of Conservation and local whanau prior to the hearing;
- his interpretation of the District Plan provisions as they relate to the application;
- a brief assessment of the effects of the proposal; and
- his assessment of the relevance and acceptability of the consent conditions that had been recommended by the Council's Resource Consent Planner.

Mr Prentice, the applicant's surveyor, discussed the background of the Kotuku Parks development, addressed the main concerns raised within the submissions and also gave comment with respect to the recommended consent conditions.

Mr Protheroe, the applicant's landscape architect, spoke to his assessment of the proposal that had been submitted with the application and also commented on the recommended consent conditions.

Mr Shanahan, counsel for the applicant, outlined his interpretation of the status of the application with respect to the provisions of the Resource Management Act 1991.

All submitters present were then given the opportunity to speak to their submissions. A small number of submitters spoke in support of the proposal. However the vast majority of the submitters present expressed deep concern as to the potential adverse effects of the proposal particularly with respect to the landscape features of the site, the adjoining Waikanae Estuary Scientific Reserve and salt marsh, and the general amenity value this area provides.

The representatives of Kapakapanui and the Waikanae Estuary Guardians raised particular concerns with respect to the outcome of the archeological assessment of the site, consultation with tangata whenua, and matters relating to the Waikanae River flood levels and sea surge levels within the site. The Committee during a brief recess in the hearing decided that these matters were of particular relevance to this application and that in their

view further information was required so that a better understanding could be achieved. The hearing was therefore adjourned so that the applicant could obtain further information relating to these matters. The Committee released an interim decision and formal request for further information shortly after the hearing was adjourned, a copy of which is attached to this decision, as appendix 1.

The further information requested was received by Council on 10 July 1998 and circulated to all parties prior to the hearing being reconvened on 1 September 1998. At the reconvened hearing Council's resource consent planner and subdivisions engineer, the applicant's representatives, and the submitters present were given the opportunity to address this further information.

With respect to the matters relating to potential water levels due to flooding from Waikanae River and sea surge specific evidence was presented by Council's Subdivisions Engineer, Mr Don Bly, Mr R O'Callaghan on behalf of the applicant and Mr T Edwards on behalf of the Waikanae Estuary Guardians. The other submitters present were also given the opportunity to address this matter as it related to their submissions.

Mr O'Callaghan spoke first and his evidence contained data and tabulations culminating in a calculation of the required level of freeboard under certain flooding or tidal surge conditions based on data produced by Wellington Regional Council. Mr Edwards produced conflicting information although his variance from the evidence given by Mr O'Callaghan was limited to one or two pieces of data. At the request of the Chairman, Mr O'Callaghan conferred with the Wellington Regional Council (by telephone) and later reported the official basic data supplied by the Regional Council and used for his calculations was conservative and likely to be above the actual flood level in this area due to the width of the floodplain in the vicinity of the estuary.

DISTRICT PLAN CONSIDERATIONS

The district plans to be taken into account were identified and relevant sections cited in the Planning Officer's report. These are the Transitional District Plan and the Proposed District Plan.

The appeal period relating to the release on the 22 December 1997 of the decisions relating to the submissions received on the notified Proposed District Plan has closed, and there are no outstanding appeals relating directly to the applicable residential subdivision or development standards. Therefore, while section 405 of the Act specifically preserves the provisions of the Transitional District Plan in relation to subdivisions until the new plan is fully operative, the weight to be given to the plans is substantially towards the Proposed District Plan.

Transitional District Plan and Proposed District Plan:

All relevant objectives, policies and standards for development within the Residential zone were set out within the planning officers report.

Activity status:

The application is deemed to be a controlled activity under the provisions of the Transitional District plan and a discretionary activity under the Proposed District Plan. With respect to the Proposed District Plan the subdivision aspect of the proposal is deemed to be a controlled activity and the associated earthworks a discretionary activity.

Despite the submission made by Mr Shanahan, counsel for the applicant, to the contrary, the Committee agreed with the Planning Officer's assessment that the proposal should be assessed as a discretionary activity as the earthworks were an integral part of the subdivision and the project as a whole.

SECTION 104 CONSIDERATION

Section 104 sets out the matters that a consent authority must have regard to in determining whether to grant consent. The Committee carried out a comprehensive analysis of the application in relation to the relevant s104 matters of environmental effects and the provisions of the district plans.

Landscape Features:

The Committee agreed that both the subdivision and earthworks sites do contain landscape features of some merit, being the sand dune landforms, although the site is not within the area identified as outstanding landscape area within the Proposed District Plan. Having considered carefully the submissions presented, particularly the evidence presented by Mr Protheroe on behalf of the applicant, the Committee agreed that development within the sites would need to be carried out in such a way that the general landform of the coastal area, and the estuary environs in particular, was not lost completely.

It was considered that the sand dunes within the subdivision site could be modified to some extent without creating more than minor visual effects or the loss of more of the natural landform that could have been reasonably expected within land zoned for residential purposes.

Specifically, the Committee considered that retention of the sand dune within lots 140 - 144 in association with the retention of the general landform along the north-eastern boundary of the site as proposed by the applicant would preserve a substantial amount of the natural landform of the area. The preservation of this dune will result in the need to

redesign lots 141 - 144 and the road in this area. The Committee believed that preservation of this dune was of greater importance than the proposed traffic island and parking spaces within this area. It was decided that to adequately preserve the dune only two allotments should be created in this area and that the building platforms within these allotments should not be above the 6 metre contour.

It was noted that a substantial buffer area varying in width from 40 - 90 metres exists between the subdivision site and the edge of the dunes and vegetation adjoining the estuary. The dunes and vegetation within this area are of heights similar to that of the finished ground level along the north-western boundary of the site. The Committee also noted that a buffer of between approximately 20 - 40 metres exists between the northern boundary of the subdivision site and the saltmarsh.

The Committee believed that the imposition of consent conditions that would require the provision of landscaping, a lower than usual maximum building height, greater building setbacks from boundaries, and the use of earhtone coloured cladding and roofing for buildings would also serve to lessen the visual effects of the development.

The Committee decided that the imposition of greater building setbacks from boundaries would, serve the purpose of protecting the batter slopes and the landscaping of them, and would also serve to lessen the visual and noise effects in relation to the saltmarsh where the buffer distance from the site is not as great. The imposition of a consent condition that would restrict buildings within the subdivision site to no greater than 4.5 metres above the finished ground levels would, in the Committee's opinion, ensure that buildings within this area would have no greater visual effects than in the previous stages of the development where a maximum building height of 8 metres was applicable.

With respect to the earthworks site the Committee considered that the dune depicted as "Cut A" served as a very important buffer between the area which would eventually be developed for residential purposes and the Waikanae River oxbow which has high ecological significance. It was also considered that the natural landform within this area is worthy of retention and that future development in this area should be designed to complement these features rather than eliminate them. On this basis the Committee decided that no earthworks should be allowed to occur within the area depicted as "Cut A" on plan 95-096/2 and that the dune within the area depicted as "Cut B" on that plan should not be cut down lower than the 9 metre contour level and should be finished to resemble a natural dune landform of that height.

In making this decision the Committee accepted that the applicant would have to gain fill material from other approved sources to enact the subdivision. The Committee considered that although this may introduce effects with respect to the truck movements required to transport the material that these would be temporary in nature and overall would be no more than minor.

Ecology:

With respect to the potential adverse effects that the proposed subdivision and the associated earthworks would have in relation to the ecology of the area, the Committee acknowledged that careful consideration of this aspect of the application was necessary due to the national importance of the adjoining Waikanae Estuary Scientific Reserve. The Committee gave consideration to all the evidence submitted by all parties.

The buffer area between the subdivision site and the Waikanae Estuary Scientific Reserve, as well as the qualified approval of the subdivision by the Department of Conservation, was the basis for the Committee concluding that the potential adverse effects that may be created on the ecology within the surrounding Waikanae Estuary Scientific Reserve could be either avoided or mitigated through consent conditions similar to those set out within the Department of Conservation submission and the Resource Consents Officers planning report. These conditions would encompass greater building set backs from boundaries than usual, the construction of a suitable boundary fence, provision of suitable landscaping, and stormwater discharge controls.

Archaeological Assessment:

The outcome of the archaeological assessment of both subdivision and earthworks site, and the obtaining of an authority pursuant to section 14 of the Historic Places Act 1993 to modify, damage or destroy all archeological sites within the development area from the Historic Places Trust was raised as matter of significance by Kapakapanui. The Committee agreed that sufficient information in this respect had not been submitted and on that basis further information relating to these matters was requested from the applicant, and consultation with Kapakapanui was recommended in relation to the outcome of the archaeological assessment. This information was received and duly considered at the reconvened hearing.

The depth of consultation that had taken place, both with respect to the outcome of the archaeological assessment and the assessment of the flood levels, was raised as an issue by both Kapakapanui and the Waikanae Estuary Guardians. The Committee considered that with respect to the matters specified sufficient consultation had taken place to adequately establish the positions of the parties involved. Agreement between the parties in relation to these matters was not necessarily the outcome the Committee expected to occur, although it would have been desirable.

The Committee accepted the applicant's submission that the authority granted by the Historic Places Trust was sufficient to allow them to carry out the proposed earthworks. The Committee noted that the conditions of the authority are such that Council need not impose any further conditions in this regard. It was also noted that constant monitoring of the works by a person approved by the Trust was required, as was the carrying out of the works "in conformity with any cultural protocols or monitoring requirements as may be advised by tangata whenua."

The Committee considers that the developer should be required to notify Council's Resource Consents Compliance Officer and representatives of the local tangata whenua, including Kapakapanui, at least 72 hours prior to the commencement of any earthworks. Also, with the applicant's agreement, representatives of Kapakapanui should be allowed access to the site to monitor the works, under suitable conditions to ensure safety.

Potential for Flooding and Sea Surge:

Having heard and considered all the evidence relating to the potential flood levels that may occur within the site either from the Waikanae River or sea storm surge, or a combination of both the Committee was of the opinion that the information and evidence produced by Mr O'Callaghan was totally credible whereas that produced by Mr Edwards contained much material which was not totally relevant to the issues related to the Waikanae Estuary and the proposed subdivision.

The Committee noted that the Council's Subdivisions Engineer, representatives from both Truebridge Callender Beach Limited and the Wellington Regional Council had discussed this matter at length with Mr Edwards and, although the former parties were all in agreement that the calculated flood levels were accurate, Mr Edwards would not accept they were correct.

The Committee was convinced that Mr O'Callaghan had used the most up to date and accurate data available from the Wellington Regional Council to calculate finished ground levels within the subdivision site so that they would be above the water level of the 1% flood event predicted for that area in conjunction with a 5% annual probability sea surge. Although the acceptable ground levels for the allotments and road calculated by Mr O'Callaghan were below that depicted on the plans submitted with the application, the Committee accepted the Planning Officers recommendation that the higher levels be used to provide further freeboard in the event of a major flood.

Stormwater Discharge:

Concern was raised by submitters with respect to the possibility of discharge from the subdivision site polluting the adjoining salt marsh. The applicant provided evidence that confirmed that during normal winter conditions the lakes would cater for the additional flow from the subdivision without discharging directly into the adjoining salt marsh. The Committee accepted this evidence and considered that suitable conditions of consent as recommended by the Council's Subdivisions Engineer would ensure that filtration of stormwater discharge occurred, and that under normal winter occurrences, such as a 10% annual probability storm event, no discharge to the adjoining Waikanae Estuary Scientific Reserve would occur.

Amenity Values:

It was evident to the Committee that the majority of the submitters valued deeply the amenity features of the Waikanae Estuary area. However, the Committee noted during their site visit that a buffer of a significant width exists between the site and the estuary and due to this buffer the development would not be overly obtrusive when viewed from the estuary. It was further considered that the effects on the amenity value of the area would be further reduced through the imposition of restrictions as to the height of buildings and the landscaping to be undertaken.

Regional Plans:

It is noted that the Wellington Regional Council withdrew its Regional Landscape Plan on the 22 September 1998. However, the Committee had undertaken consideration of the assessment of the proposal against the provisions of the Regional Landscape Plan as set out within the planning officers report. It was noted that the Waikanae River and estuary was classified as a regionally significant river landscape in the Proposed Regional Landscape Plan, and the estuary was stated as having high natural character.

The Committee noted with concern that the Regional Council have previously granted landuse consent to allow for the carrying out of the proposed earthworks on the basis that the proposed earthworks were not contrary to Part II and section 104 of the Act, and also the Proposed Regional Soil Plan and that it was stated within the report that the landscape values should be considered by Kapiti Coast District Council as part of the processing of the subdivision consent application.

Although the Regional Landscape Plan has no status with respect to this decision the Committee was satisfied that the landscape values were established both by the Proposed District Plan and the Committee's assessment of the site. The Committee considered that the planning officer's assessment of the proposal in relation to landscape remains valid, as do many concerns in the submissions. The Committee also considered that appropriate conditions of consent will mitigate the effects of the development to an extent that the completed proposal will be in accord with the Proposed District Plan and the Resource Management Act 1991.

District Plans - Policies and Objectives

The Committee had regard to District Plan objectives and policies that relate to this development in their assessment of the proposal. The Committee considered that those objectives and policies relating to the: Residential Zone C.1, Tangata Whenua C.6, Subdivision and Development C.7, the coastal environment C.9, Landscape C.10, and Ecology C.11 were particularly relevant.

The Committee accepted that this development is of a relatively low density compared with other development within the District and that it will provide a safe, pleasant and healthy place to live.

Having assessed the proposal and also the potential effects of it, the Committee agreed with the planning officer's assessment that granting of the subdivision and landuse consents applied for would not be contrary to the objectives and policies of the District Plans as long as certain conditions were imposed, and suitable mitigation measures are undertaken. In particular the Committee concurred with the planning officers assessment that the proposal as amended by appropriate conditions of consent will result in the preservation of sufficient dune formation to retain an acceptable amount of natural character when viewed from the surrounding area, and that the effects created by the development on the surrounding reserve and the visitors to it will eventually be mitigated by the landscaping that will be undertaken and by the imposition of restrictions with respect to the bulk and location of the dwellings to be constructed.

Code for Subdivision and Development:

The Committee considered that the Subdivisional Engineer had adequately addressed the relevant engineering issues and that his recommended conditions were in keeping with the provisions of Council's Code for Subdivision and Development.

The New Zealand Coastal Policy Statement:

The Committee in reaching their decision took into consideration the assessment of the proposal against the New Zealand Coastal Policy Statement within the planning officer's report.

Part II of the Resource Management Act 1991:

In considering the application against Part II of the Act, the Committee considers that the proposal will not be contrary to the purpose of the Act as set out within section 5 which is to promote sustainable management of natural and physical resources.

With respect to those relevant matters set out within sections 6 and 7 of the Act, the Committee agreed with the planning officer's assessment that the adverse effects relating to:

- the natural character of the coastal environment;
- the protection of significant habitats of indigenous fauna;
- the maintenance and enhancement of amenity values;
- intrinsic values of the surrounding ecosystems;

which may occur through the approval of this development will be mitigated by the imposition of appropriate conditions of consent.

The Committee considered that with respect to section 8 of the Act sufficient consultation with the local tanagta whenua had taken place to establish the extent of their concerns relating to the proposal. The Committee took these concerns into account when assessing the application.

Submissions:

The Committee took into consideration all the submissions received and the evidence in support of those submissions presented by the submitters present at the hearing.

The Committee accepts that certain members and groups within the District value highly the ecological, amenity and landscape features of the Waikanae Estuary, the Waikanae River and the area adjoining it. However, in assessing this application the Committee is aware that the sites which are the subject of this application have been zoned for residential purposes for many years and no submissions were received in relation to this zoning when the Proposed District Plan was notified in 1995. With this in mind, the Committee has assessed the application against the relevant District Plan and Resource Management Act provisions and, having regard to the submissions received, has decided that residential development of the site will be able to occur without significantly affecting people's appreciation of the estuary, the river and the land adjoining those features.

Conclusion:

After assessing all the evidence presented at the hearing, including the application documentation, and taking into consideration the submissions received, the Committee considers that the overall effects of the proposed development will be acceptable, subject to the imposition of appropriate consent conditions.

In summary, the Committee concludes that the proposed subdivision will be in accord with the provisions of the district plans and Part II of the Act. While there will be effects, the Committee considers that they will either be minor or will be acceptable in terms of the provisions of the district plans and the overall achievement of sustainable management. On that basis it was considered the Committee could grant subdivision consent for the proposal to proceed subject to the conditions of consent set out below.

DECISION:

RESOLVED: (Moved: Cr Pope; Seconded: Cr Ferrier)

That the Resource Consent Hearing Committee acting under delegated authority from Council and pursuant to section 105 of the Resource Management Act 1991 **Grants** subdivision and landuse consents for the proposal to subdivide and carry out earthworks as described within application No. RM 970254 and as depicted on scheme plans 95-96-3 and 95-096-2A subject to the following conditions:

CARRIED

Councillor Jack recorded his vote against the resolution.

Planning Conditions:

1. (i) The proposal shall proceed in accordance with the plan No.s 95-96-3 and 3A and 95-096-2A and information submitted with resource consent application No. RM 970254 except as outlined in the conditions below.

(ii) The developer shall have four years from the release of this decision in which to apply for the issue of a certificate pursuant to section 223 of the Resource Management Act 1991.

2. A landscape plan detailing the landscaping to be undertaken and vegetation to be planted within the site, including on the dune to be retained in the vicinity of lots 140 -144, and within the adjoining Waikanae Estuary Scientific Reserve shall be prepared in consultation with the Department of Conservation and submitted for the approval of the Resource Consent Manager prior to any construction work commencing on site. The plan shall include a planting programme, a species list and an estimated value of the total landscaping prepared by a recognised plant nursery. A bond or cash deposit of 150% of this amount will be required by Council to ensure the planting is carried out in accordance with the approved landscape plan. 75% of the bond or cash deposit will be refundable on completion of the planting the remaining 25% will be refunded after a further 18 months as long as it has been demonstrated that the planting is being maintained in accordance with the landscape plan.

Council shall issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 to ensure on-going maintenance of the landscaping is undertaken by the owners and occupiers of the relevant allotments.

3. All structures on any allotment within the subdivision shall:
 - (i) be no greater in height than 4.5 metres above the finished ground level within that allotment;
 - (ii) have cladding and roofing of earthtone colours only; and
 - (iii) All windows facing onto the Waikanae Estuary Scientific Reserve shall be glazed with non-reflective glass.

Council shall issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 noting the provisions of this condition.

4. (i) All structures on lots 116 - 127 shall be set back at least 5 metres from the reserve boundary or at least 1 metre from the top of the fill batter, whichever is the greater.
(ii) All structures on lots 128 - 130 & 146 shall be set back at least 10 metres from the reserve boundary.

Council shall issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 noting the provisions of this condition.

5. The allotment and roading layout in the vicinity of lots 140 to 144 shall be amended to allow for the retention of the dune formation in its current natural state within those allotments. Lots 141 and 142, and lots 143 and 144 shall be amalgamated so that only two building sites are required in the vicinity of the dune. No disturbance of the dune above the 6 metre contour level shall occur except within 2 metres of the foundation line of a building and to create the cut batter for the road. No part of any building platform shall be above the 6 metre contour line. The common boundary between the amalgamated allotments shall not cross the dune any higher than the 7 metre contour line. The fence on the common boundary between the amalgamated allotments shall be no higher than 900mm and shall be of unobtrusive design, being hurricane mesh or similar, not a close boarded wooden fence or other type of solid fence. It will be the ongoing responsibility of the owners and occupiers of these allotments to maintain the dune and landscaping of the dune.

Council shall issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 noting the provisions of this condition.

6. No earthworks or removal of native vegetation shall occur within 3 metres of the edge of the native vegetation adjoining the lake adjacent to Lots 145 and 146. The edge of this vegetation and the extent of the earthworks proposed in this vicinity shall be delineated on a plan which is to be submitted for approval by the Council's Resource Consents Manager prior to any construction commencing.

Council shall issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 noting the provisions of this condition.

7. A suitable structure of a design to be approved by Parks and Recreation Manager shall be placed along the road boundaries of Lots 147 and 148 to ensure that unauthorised vehicles and motor bikes cannot enter the reserve.

8. (i) A fence of similar design to that submitted to the reconvened hearing on 1 September 1998 by the Department of Conservation with no gates in it apart from at lot 2 shall be constructed at the applicant's cost along the boundary between the Waikanae Estuary Scientific Reserve and lots 2, 116 to 130, and 146 within six months of the completion of the earthworks on any of the above allotments. The purpose of the fence is to restrict people and domestic pets from wandering into the reserve.
- (ii) The fence shall be designed in consultation with the Department of Conservation and shall be approved by the Resource Consents Manager prior to construction commencing.
- (iii) It will be the responsibility of the owners of lots 116 to 130 and lot 146 to ensure that the boundary fence between those allotments and the Waikanae Estuary Scientific Reserve boundary is maintained on an on-going basis. No gates shall be allowed at any point along the fence at any time.

Council shall issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 noting the provisions of this condition.

9. Only one dwelling unit shall be constructed on any allotment within the subdivision.

Council shall issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 noting the provisions of this condition.

10. No further subdivision of any allotment within the development shall be allowed except for minor boundary adjustments as defined within the Proposed District Plan.

Council shall issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 noting the provisions of this condition.

11. (i) The sand dune adjoining the Waikanae River ox-bow depicted as Cut A on Plan No. 95-096-2A shall be preserved in its natural state.
(ii) The sand dune within cut area "B" shall be lowered no further than the 9 metre contour line.
(iii) The finished ground level contours of the cut area depicted as "Cut B" shall be designed to resemble the surrounding landform. Approval of the amended design shall be gained from Council's Subdivisions Engineer prior to earthworks commencing.
(iv) The fill material required to complete the earthworks within the subdivision site shall be obtained from alternative Council approved sources.

Engineering Conditions:

12. The Developer's Representative is to supply a copy of the title and survey data plans and is to list and indicate how each condition has been met to the satisfaction of the Resource Consents Manager.
13. The Developer shall demonstrate to the satisfaction of the Resource Consents Manager that the land:
- (a) is not subject to erosion, subsidence, slippage or inundation; or
 - (b) can be protected against erosion, subsidence, slippage or inundation, in terms of Section 106 of the Resource Management Act 1991.

14. Plans and specifications for engineering development of the subdivision (or development) shall be submitted to Council. No work shall commence until the Council has authorised in writing that it is permitted. Engineering plans which are acceptable to Council shall be supplied in triplicate and as-built plans supplied in duplicate.
15. The payment of Council engineering fees of \$171 (GST inclusive) per new lot created.
16. The Developer shall either:

- (a) Certify that a building site is available on each allotment on which buildings of the type permitted may be erected using foundations not requiring specific design in terms of the Building Act 1991.

This certification shall be in the form of Appendix B NZS 4404:1981 Code of Practice for Urban Subdivision and confirm that a safe bearing pressure of soil supporting foundations is not more than 600 mm below the surface level of the ground. The certificate shall be accompanied by the site investigation report of the Soils Engineer.

or

- (b) Supply to Council a report detailing site investigation work and findings together with recommendations for foundation design whether or not for buildings not requiring specific design in terms of the Building Act 1991.

In cases within the provisions of the clause (b) above, a Consent Notice under Section 221 of the Resource Management Act 1991 shall be issued by Council noting the soil conditions, site investigation details and foundation recommendations.

17. The payment of road inspection fee of \$165.40 (GST inclusive).
18.
 - i) A financial contribution of \$653 (GST inc.) for every new residential lot created towards the upgrading of the bulk water supply for Waikanae, Paraparaumu and Raumati.
 - ii) A financial contribution of \$213.75 (GST inc.) for every new residential lot created towards the upgrading of the Paraparaumu Sewage Treatment Plant.

19. Lot 1 is to vest as road, shall be not less than 17 metres wide and shall be formed, metalled and two-coat sealed, provided with kerb and channel, footpaths and turning circle. The carriageway shall be 8 metres wide and the requirement for a second-coat seal shall be met by lodging a cash contribution with Council calculated at \$2.25 (GST inclusive) per sqm of the area for first-coat seal subject to Transit New Zealand subsidy, otherwise it shall be \$3.94 per m². Alternatively, a prime/seal coat and asphaltic concrete paving may be approved by the Subdivisional Engineer. All work shall comply with Council's standard requirements. Berms are to be not less than 2 metres wide and completed to the satisfaction of the Subdivisional Engineer and shall include the planting of approved trees or shrubs.

Traffic calming devices shall be installed in the vicinity of Lot 2 in Takahe Drive to encourage the reduction of vehicle speeds on the road to vest.

The traffic island at the cul de sac will need to be modified to cater for vehicle parking and one-way traffic carriageway width shall be not less than 5 metres.

The Developer shall pay all costs in providing and installing the road signs required for traffic calming installations, the one-way vehicle movement (no entry and one way etc) carriageways, and "keep left" required at the traffic island.

20. A heavy duty concrete vehicle crossing shall be provided to serve lot 129 and the right-of-way.
21. A concrete vehicle crossing shall be provided to serve lots 132 and 133.
22. A piped stormwater system is to be provided to service the subdivision. This shall include the drainage of any surface water trapped on adjoining land by earthworks within the subdivision and the piping of all open drains, all at no cost to Council and to the satisfaction of the Subdivisional Engineer. The stormwater system shall include a filtration/sedimentation process so that sediments and pollutants are not discharged into the Waikanae Scientific Reserve or the saltmarsh.

The lakes shall cope with stormwater discharge from the 10% annual probability storm event (Q10) without overtopping. No stormwater shall be discharged to the Scientific Reserve. The existing stormwater discharge point at the proposed lot 2 shall be altered so that it discharges to the lakes.

23. Where the existing land form or vegetative cover is disturbed, ground cover is to be established immediately following earthworks and with a minimum of delay to ensure the wind erosion of soil, sand or other material does not become a nuisance.

24. All sections shall have drive-on access no steeper than 1 in 5.
25. Underground power and telecommunication services shall be provided to the satisfaction of the Subdivisional Engineer including the installation of streetlighting standards and lamps. The streetlighting layout shall comply with NZS 6701:1983. Transformer sites shall be specifically provided for by recessing the front boundary of lots and including the area within road reserve.
26. The subdivision shall be reticulated for sewage disposal and public water supply. All lots shall be provided with individual service connections and fire-fighting requirements shall comply with the Fire Services Code of Practice.

The water supply connection to each lot shall be provided with a meter manifold, surface box and fittings. The surface boxes for lots 129, 132, 133 and those at the frontage of the right-of-way designation shall be heavy duty.

27. The Developer shall provide and install pipes for gas supply to service the subdivision.
28. Rights-of-way are to be formed, metalled, two-coat sealed, provided with a kerb and channel on one side and a perimeter kerb on the other sides. The requirement for a second-coat seal shall be met by lodging a cash contribution with Council calculated at \$3.94 (GST inclusive) per sqm of the area for first-coat seal. Alternatively, a prime/seal coat and asphaltic concrete paving or other acceptable surfacing may be approved by the Subdivisional Engineer.
29. Any easements required by Council for drainage or other services shall be shown on the land transfer title plan. Easements are to be shown over any communal services where these pass through residential lots. Any easement that is required by the Subdivisional Engineer is to be prepared by solicitors at the developers expense.
30. The pedestrian accessway lots, lot 147 and lot 148, are to be vested in Council. They shall be paved in concrete or other approved paving material to a width of between 2.5 and 3.0 metres in width. They shall be also fenced on both sides with a close-boarded, 1.8 metre high timber fence and stained to the satisfaction of the Parks and Recreation Manager.

The side boundaries of Lot 2 shall be clearly delineated by the construction of a fence or similar structure of up to 0.8 metre in height to the satisfaction of the Parks and Recreation Manager.

31. The bach located over the lot 130/146 boundary shall be removed prior to the issue of a certificate pursuant section 224(c) of the Resource Management Act 1991.

32. "As built" plans of all services adequately dimensioned to show the relationship of such services to the lot boundaries shall be supplied by the Developer and to the approval of the Subdivisional Engineer.

33. The Developer shall enter into a fencing covenant to ensure that Council shall not be liable for, or called upon to erect or maintain or contribute towards the cost of erection or maintenance of any fence along the reserve boundary(ies).

Prior to the issue of a certificate pursuant to section 224 (c) of the Act the applicant's solicitor shall prepare the fencing covenant, submit it to Council for approval and provide an appropriate undertaking that the covenant will be registered against the relevant certificates of title.

34. The Developer shall comply with the requirements of the Kapiti Coast District Council Code of Practice for Subdivision and Development.

35. Each residential lot shall be no lower than RL 3.8 MSL, Wellington Datum, except as otherwise permitted by the Code of Practice for Subdivision and Development.

The road to vest shall be not lower than RL3.6 MSL Wellington Datum on the centreline.

36. A bench mark, level reference point, with respect to mean sea level (Wellington), shall be provided within the immediate vicinity of the subdivision to the approval of the Subdivisional Engineer.

37. The Developer's Representative is required to provide Council with an itemised schedule of quantities and costs, for those services and assets which are to vest in Council. This will involve water supply, sewerage, stormwater and roading assets including street lights.

38. a. Encroachment of earthworks onto adjacent land owned by others, is not permitted without having first obtained their written consent. This evidence shall be provided to Council prior to the commencement of any earthworks.

b. The removal of soil support from adjacent lots is not permitted.

c. All batters shall be self-supporting. Batter slopes shall not be steeper than 1 in 3 unless it can be demonstrated that these will be self-supporting and scour resistant.

- d. The natural drainage patterns shall be preserved and contravention of the Land Drainage Act is not permitted.
 - e. The Subdivisional Engineer will require the immediate erection of suitable fabric fencing (saron cloth or similar) if in his opinion it is warranted, to provide protection for adjacent property owners from wind-blown sand, soil or other material.
 - f. Where the existing land or vegetative cover is disturbed, suitable ground cover is to be established immediately following earthworks and with a minimum of delay to ensure the wind erosion of soil, sand and other material does not become a nuisance.
 - g. If there is any likelihood or possibility of water courses or ground water being contaminated or diverted, discussions are to be entered into with the Wellington Regional Council to ascertain whether or not a resource consent is required.
 - h. The developer shall provide temporary silt retention structures as set out within the Code for Subdivision and Development and as approved by the Subdivisions Engineer to ensure silt and sand run-off does not enter the Waikanae Estuary Scientific Reserve or the Council's stormwater system.
 - i. Cut area B shall be shaped to replicate dune formations, as a land form, when borrow material has been completed. (Flat platforms as a final land profile will not be acceptable, at these borrow areas.
39. The Developer shall notify Council's Resource Consents Compliance Officer and representatives of the local tangata whenua including Kapakapanui at least 72 hours prior to the commencement of any earthworks.

Prior to the commencement of any earthworks the developer shall also notify Council of the name and contact details of the archaeologist approved by the Historic Places Trust to monitor the works.

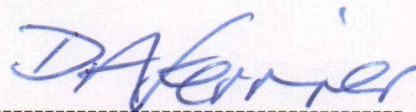
40. All costs arising from any of the above conditions shall be at the expense of the Developer.

Note:

- i) The Developer shall obtain all necessary Wellington Regional Council consents.
- ii) The Hearing Committee considers that with the applicant's agreement representatives of Kapakapanui should be allowed access to the site, under suitable conditions to ensure safety, to monitor the earthworks.

APPROVED by the Kapiti Coast District Council

SIGNED:



Chairperson (Planning and Environment Committee)

DATED at Paraparaumu this 8th day of October 1998.