

# Sharalyn Fraser *Agency*

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26 September 2025

Stephanie Peach

### **LAND INFORMATION MEMORANDUM (LIM)**

The attached LIM provides you with information about 51 Paul Faith Lane, Te Horo.

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](http://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](mailto: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:

**51 Paul Faith Lane, Te Horo**

### 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

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<b>Applicant</b>	Stephanie Peach
<b>LIM number</b>	L250988
<b>Application date</b>	17/09/25
<b>Issue date</b>	26/09/25

### Property details

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<b>Property address</b>	51 Paul Faith Lane, Te Horo
<b>Legal description</b>	LOT 18 DP 405220 C/T 418182
<b>Area (hectares)</b>	2.3906

### Valuation information

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<b>Valuation number</b>	1487140025
<b>Capital value</b>	\$1,490,000
<b>Land value</b>	\$600,000
<b>Improvements value</b>	\$890,000

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

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*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.

<b>Current rates year</b>	Current Rates Year 2025 to 2026
<b>Annual rates</b>	The annual rates for 2025/26 rating year are \$4,496.49 This includes Greater Wellington Regional Council rates
<b>Next instalment date</b>	09/12/25
<b>Arrears for previous years</b>	\$0.00
<b>Water rates</b>	Not Applicable
<b>Water balance due</b>	Not Applicable

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

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

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*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

- |          |   |
|----------|---|
| 23/12/21 | BUILDING CONSENT EX0292 : Build a 1 bay pole shed under exemption - importance level 1 : No Code Compliance Certificate has yet been issued. : Document released 18/01/22 |
| 01/06/10 | BUILDING CONSENT 100272 : Single level dwelling as per plan. : Code Compliance Certificate issued 16/11/11<br>BUILDING CONSENT AMENDMENT 100272A : Revised bracing        |
| 28/07/08 | BUILDING CONSENT 080625 : Shed : Code Compliance Certificate issued 04/06/09<br>BUILDING CONSENT AMENDMENT 080625A : New Drainage showing septic tank                     |

Discretionary Exemption The Building Act 2004 allows for certain types of building work to be exempt from the need to obtain a building consent. This exemption EX0292 relates to work for which the Council approved a discretionary exemption under Schedule 1 of the Building Act. A Discretionary Exemption does not receive a Code Compliance Certificate.

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

### Engineer's report

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

### Wind

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

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

### Swimming Pools: Compliance with the Building Act 2004

No pool registered to this property.

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



## Registered Environmental Health Premises and Licences

No information located

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

## 3. Weathertightness

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*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

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*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 Rural

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.kapiticoast.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/](https://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 are 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 Rural in the Operative District Plan (2021).

This property is located within PRECINCT 48 - Rural Dunes Precinct.  
There are specific provisions in the Operative District Plan (2021) for this Precinct.

This property was created via subdivision in 2008 under resource consent number RM040393 (Rural hamlet subdivision and land use associated with earthworks at 747 State Highway One, Te Horo). A copy of the Decision is provided with this LIM.

Section 221 Consent Notices were imposed as part of this subdivision and previous subdivision of the underlying Lot (Parent Title) which require certain conditions to be complied with on an on-going basis. For detail refer to the attachments provided with this LIM.

This property is shown to be appurtenant to drainage rights. Copies of the Deposited Plan (DP 405220) 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 RM040393: Rural hamlet subdivision and land use associated with earthworks at 747 State Highway One, Te Horo.

RESOURCE CONSENT RM040013: FAITH FARM - Rural 6 Lot Subdivision.

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.

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

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*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 located in attached building files. Where available Resource Consent geotechnical assessments are referenced in attached resource consent decision documents, for further information contact the Resource Consents Team on 0800 486 486.

### **Coastal Erosion and Inundation Hazards**

Council holds a number of reports that assess the possibility that areas of the Kāpiti Coast District shoreline may be susceptible to current and future coastal erosion and inundation. The available information on coastal hazards that are specific to the District are available on the following link: [www.kapiticoast.govt.nz/coastal-science](https://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/](http://www.gw.govt.nz/).

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

### Fire

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

### Liquefaction

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

### Tsunami Evacuation Zones

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

Each map has three evacuation zones: red, orange and yellow. The updated tsunami evacuation maps for Kapiti can be viewed at the Council's website at [www.kapiticoast.govt.nz/our-district/cdem/get-prepared/tsunami-zones/](http://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 a stream corridor on the Operative District Plan (2021) Natural Hazard Maps, and the latest Flood Hazard Maps.

A stream corridor flood hazard is the minimum area able to contain a flood of up to a 1% AEP event magnitude and enable flood water to safely pass to the stream confluence or the sea.

It includes flood and erosion prone land immediately adjacent to the stream. 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

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*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

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

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

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

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

## 8. Drinking water supply

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

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

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

## 9. Network utility information

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*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

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*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](http://www.kapiticoast.govt.nz/Our-District/Tangata-Whenua)

### **Development Impact Fees**

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

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

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

## Glossary of Terms and Maps attached

### **Aerial Photograph**

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

### **Deposited Plan**

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

### **Building Information** (if requested)

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

### **Services Network Map**

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

### **Location of Health and Alcohol Licenses**

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

### **Resource Consents**

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

### **Designation(s)** (if applicable)

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

### **District Plan**

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

### **Latest Flood Hazards**

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



# Aerial Photography

51 Paul Faith Lane, Te Horo (LOT 18 DP 405220 C/T 418182)



0 40 80 Metres

Scale @ A4 - 1:2,000

Date Printed: September 18, 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** **418182**  
**Land Registration District** **Wellington**  
**Date Issued** 08 August 2008

**Prior References**  
376241

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**Estate** Fee Simple  
**Area** 2.3906 hectares more or less  
**Legal Description** Lot 18 Deposited Plan 405220  
**Original Registered Owners**  
Faith Farm Estate Limited

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**Interests**

Appurtenant hereto are drainage rights created by Transfer 71097  
Subject to Section 59 Land Act 1948  
6305883.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 9.2.2005 at 9:00 am  
6305883.12 Mortgage to (now) Westpac New Zealand Limited - 9.2.2005 at 9:00 am  
6305883.13 Mortgage to CML Nominees Limited - 9.2.2005 at 9:00 am  
6393675.1 Variation of Mortgage 6305883.12 - 22.4.2005 at 9:00 am  
6956212.6 Partial surrender of the drainage rights created by Transfer 71097 - 20.7.2006 at 9:00 am  
6956212.5 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 20.7.2006 at 9:00 am  
7901901.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 8.8.2008 at 9:00 am  
Land Covenant in Easement Instrument 7901901.11 - 8.8.2008 at 9:00 am  
7912817.1 Discharge of Mortgage 6305883.12 - 26.8.2008 at 9:45 am  
7912817.2 Discharge of Mortgage 6305883.13 - 26.8.2008 at 9:45 am  
7912817.3 Transfer to Stephanie Ann Peach, Beverley Peach and Glenn Ian Peach - 26.8.2008 at 9:45 am  
8561907.1 Departmental dealing correcting the number of Partial Surrender of Easement 6956212.6 from 6956212.6 to 6956212.2 - 5.8.2010 at 2:26 pm  
11027593.1 Transmission to Stephanie Ann Peach and Glenn Ian Peach as survivor(s) - 1.3.2018 at 1:34 pm





# Digital Title Plan - DP 405220

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<b>Survey Number</b>	DP 405220
<b>Surveyor Reference</b>	19955 Faiths
<b>Surveyor</b>	Nicola Kate Todd
<b>Survey Firm</b>	Cuttriss Consultants Ltd (Kapiti)
<b>Surveyor Declaration</b>	I Nicola Kate Todd, being a person entitled to practise as a licensed cadastral surveyor, certify that - (a) The surveys to which this dataset relates are accurate, and were undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyor-General's Rules for Cadastral Survey 2002/2; (b) This dataset is accurate, and has been created in accordance with that Act and those Rules. Declared on 05/06/2008.

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## Survey Details

<b>Dataset Description</b>	LOTS 13-22, 24 & 25 BEING A SUBDIVISION OF LOT 29 DP 394017		
<b>Status</b>	Deposited		
<b>Land District</b>	Wellington	<b>Survey Class</b>	Class II Cadastral Survey
<b>Submitted Date</b>	05/06/2008	<b>Survey Approval Date</b>	17/06/2008
		<b>Deposit Date</b>	08/08/2008

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## Territorial Authorities

Kapiti Coast District

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## Comprised In

CT 376241

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## Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Lot 13 Deposited Plan 405220	Fee Simple Title	1.5538 Ha	418177
Lot 14 Deposited Plan 405220	Fee Simple Title	1.4944 Ha	418178
Lot 15 Deposited Plan 405220	Fee Simple Title	1.6713 Ha	418179
Lot 16 Deposited Plan 405220	Fee Simple Title	1.5145 Ha	418180
Lot 17 Deposited Plan 405220	Fee Simple Title	2.5074 Ha	418181
Lot 18 Deposited Plan 405220	Fee Simple Title	2.3906 Ha	418182
Lot 20 Deposited Plan 405220	Fee Simple Title	2.9986 Ha	418184
Lot 21 Deposited Plan 405220	Fee Simple Title	1.1771 Ha	418185
Lot 22 Deposited Plan 405220	Fee Simple Title	4.2879 Ha	418186
Lot 24 Deposited Plan 405220	Fee Simple Title	24.1817 Ha	418187
Lot 25 Deposited Plan 405220	Vesting on Deposit for Road	1.3180 Ha	
Marked A Deposited Plan 405220	Easement		
Marked B Deposited Plan 405220	Easement		
Marked C Deposited Plan 405220	Easement		
Marked E Deposited Plan 405220	Easement		



# Digital Title Plan - DP 405220

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## Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Marked F Deposited Plan 405220	Easement		
Marked G Deposited Plan 405220	Easement		
Marked H Deposited Plan 405220	Land Covenant		
Marked I Deposited Plan 405220	Land Covenant		
Marked J Deposited Plan 405220	Land Covenant		
Marked K Deposited Plan 405220	Land Covenant		
Marked L Deposited Plan 405220	Land Covenant		
Marked M Deposited Plan 405220	Land Covenant		
Marked N Deposited Plan 405220	Land Covenant		
Marked O Deposited Plan 405220	Land Covenant		
Marked P Deposited Plan 405220	Land Covenant		
Lot 19 Deposited Plan 405220	Fee Simple Title	1.8329 Ha	418183
<b>Total Area</b>		46.9282 Ha	

Land Registration District

**WELLINGTON**

Plan Number

**DP 405220**

Territorial Authority (the Council)

**KAPITI COAST DISTRICT COUNCIL****Memorandum of Easements**

<b>Purpose</b>	<b>Shown</b>	<b>Servient Tenement</b>	<b>Dominant Tenement</b>
Right of Way	A	Lot 24	Lot 23 DP 394017, Lots 1 & 3 DP 335543
Right of Way	B	Lot 17	Lots 19 & 20
Right to convey electricity	C	Lot 20	Lots 17 & 19
Right to convey telecommunications and computer media	E	Lot 13	Lots 14, 15 & 16
	F	Lot 14	Lots 15 & 16
	G	Lot 15	Lot 16

**Schedule of Easements**

<b>Purpose</b>	<b>Shown</b>	<b>Servient Tenement</b>	<b>Dominant Tenement</b>
Right of Way	A	Lot 24	Lot 2 DP 335543

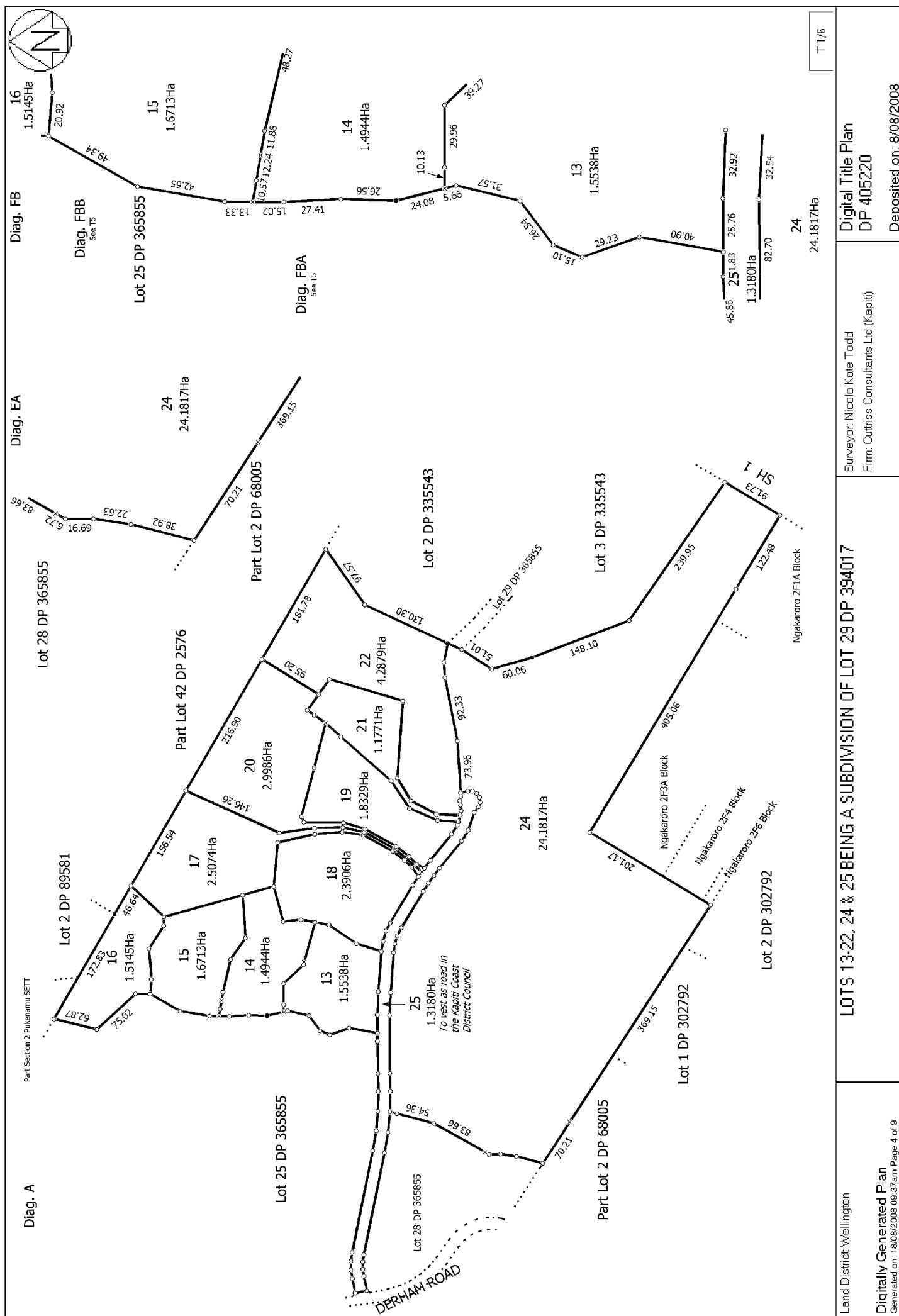
**Memorandum of Easements in Gross**

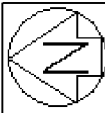
<b>Purpose</b>	<b>Shown</b>	<b>Servient Tenement</b>	<b>Grantee</b>
Right of Way	E	Lot 13	Kapiti Coast District Council
	F	Lot 14	
	G	Lot 15	
Right to convey electricity	B	Lot 17	Electra Limited
	C	Lot 20	
	E	Lot 13	
	F	Lot 14	
	G	Lot 15	
Right to convey telecommunications and computer media	B	Lot 17	Telecom New Zealand Limited
	C	Lot 20	
	E	Lot 13	
	F	Lot 14	
	G	Lot 15	

**Areas H to M subject to consent notice.****Areas N, O, P are subject to land covenant.**

Certifying parties must sign or initial this box

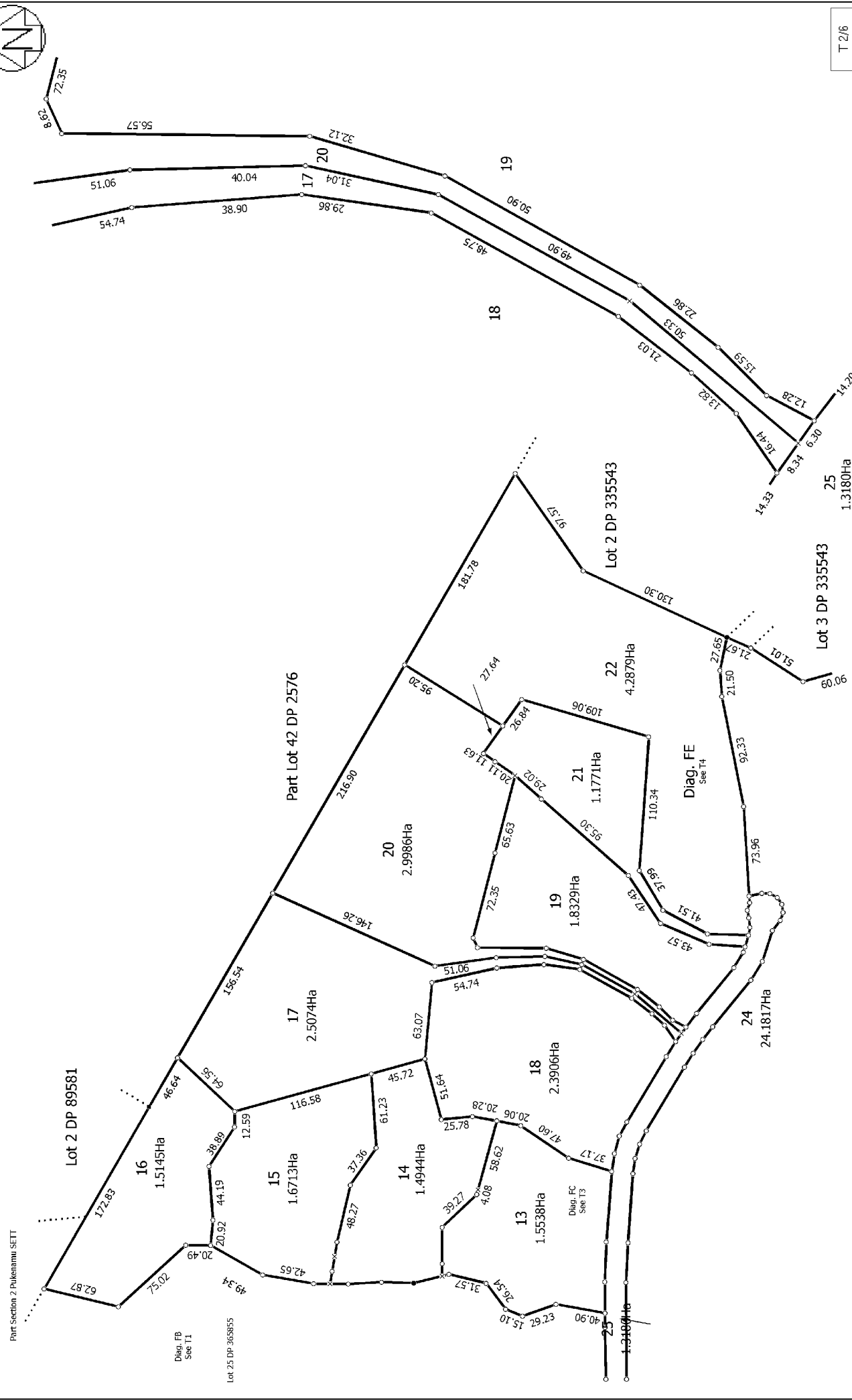
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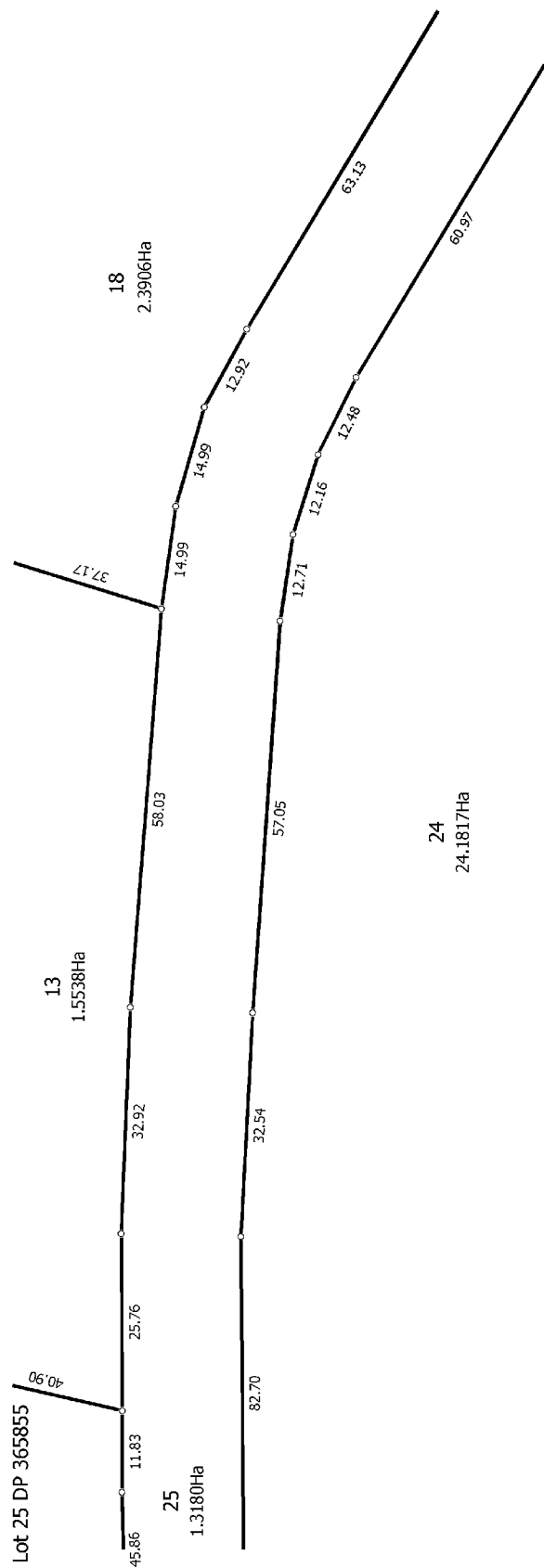
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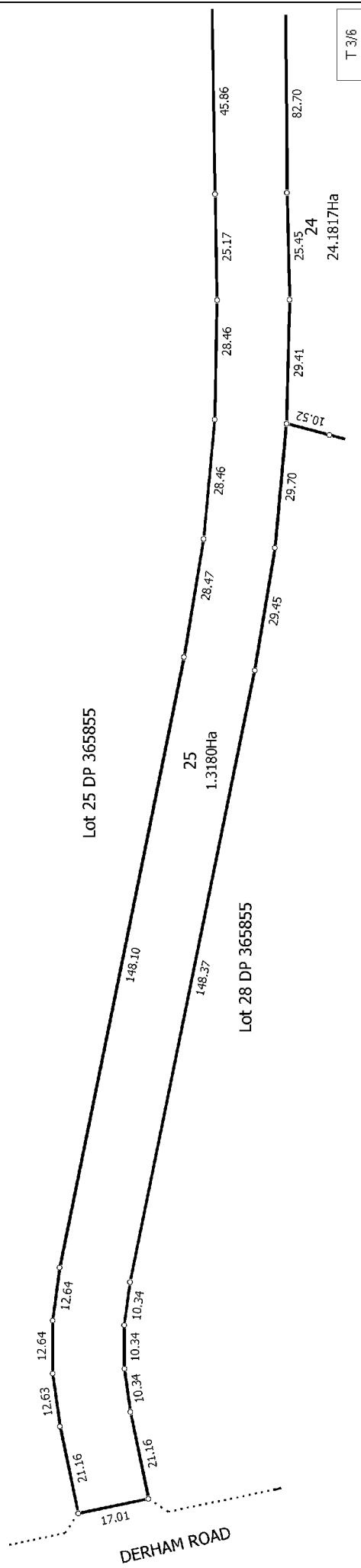


T 2/6

Land District Wellington	LOTS 13-22, 24 & 25 BEING A SUBDIVISION OF LOT 29 DP 394017	Surveyor: Nicola Kate Todd Firm: Outtriss Consultants Ltd (Kaiti)	Digital Title Plan DP 405220
Digitally Generated Plan Generated on: 18/08/2008 09:37am Page 5 of 9		Deposited on: 8/08/2008	



Diag. D

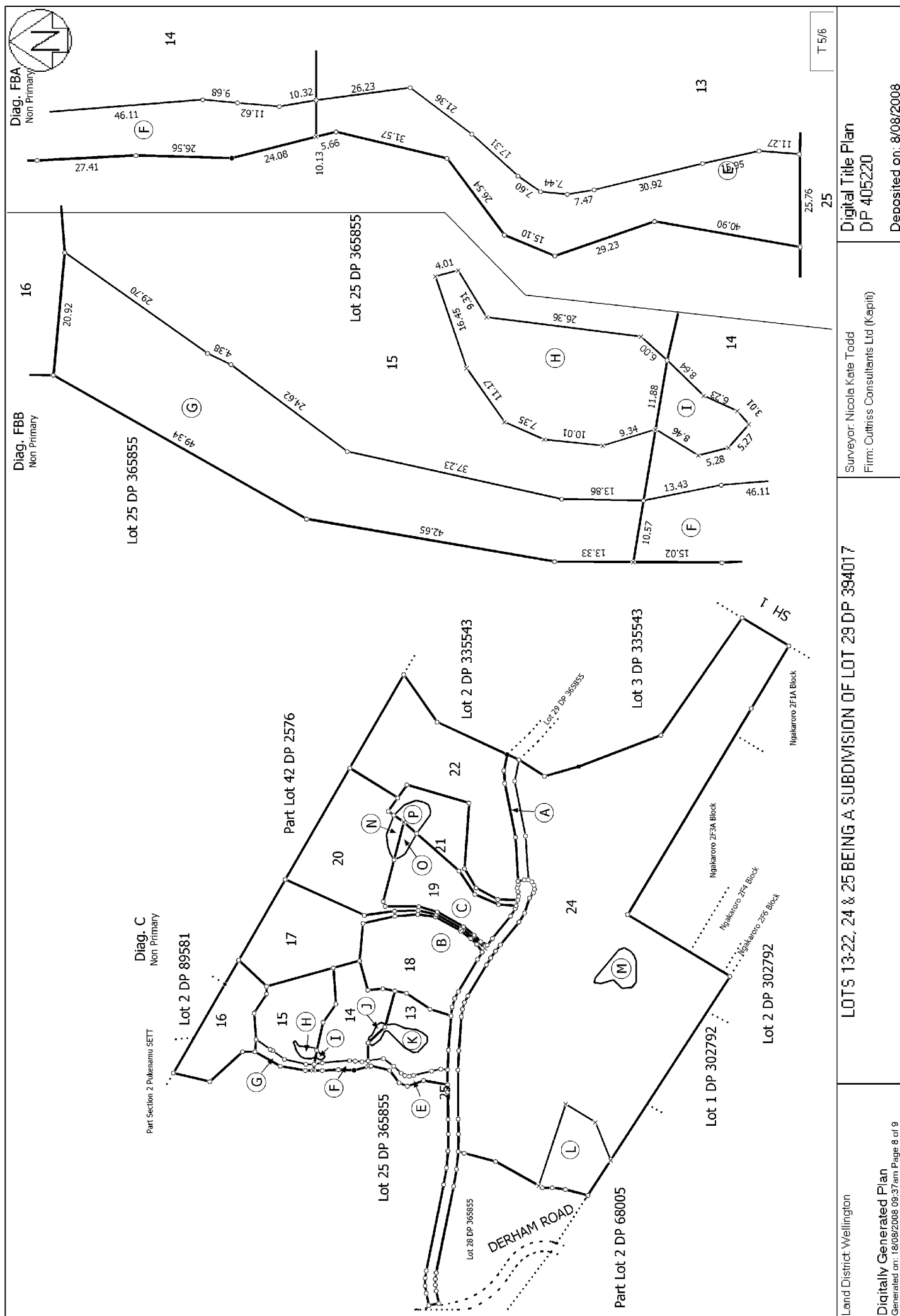


T 3/6

Land District: Wellington	LOTS 13-22, 24 & 25 BEING A SUBDIVISION OF LOT 29 DP 394017	Surveyor: Nicola Kate Todd Firm: Cuttriss Consultants Ltd (Kapiti)	Digital Title Plan DP 405220
Digitally Generated Plan Generated on: 18/08/2008 09:37am Page 6 of 9		Deposited on: 8/08/2008	



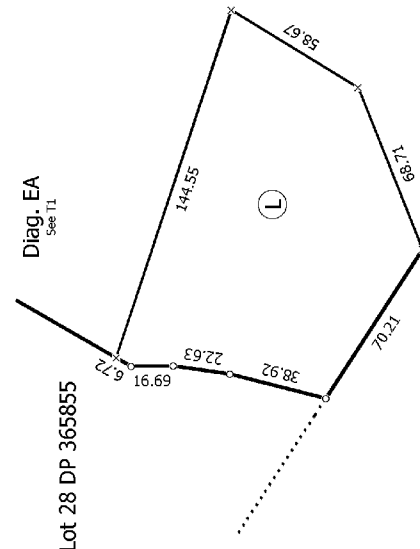






Diag. E  
Non Primary

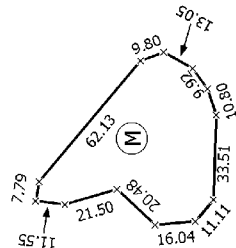
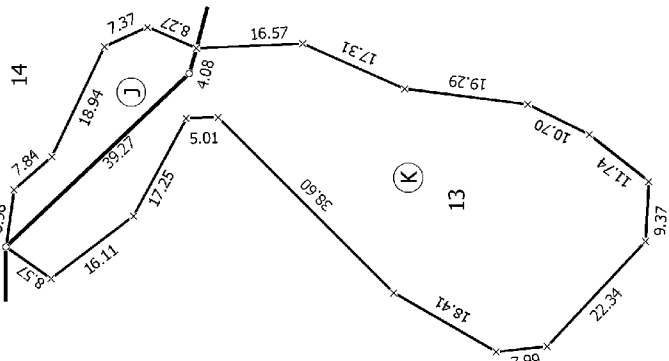
Diag. EA  
See T1



Lot 28 DP 365855

Part Lot 2 DP 68005

Diag. FAA  
Non Primary



24

Ngakaroro 2F3A Block

Ngakaroro 2F4 Block

Lot 1 DP 302792

18

17

20

19

25

T 6/6

Land District Wellington

Digitally Generated Plan

Generated on: 18/08/2008 09:37am Page 9 of 9

LOTS 13-22, 24 & 25 BEING A SUBDIVISION OF LOT 29 DP 394017

Surveyor: Nicola Kate Todd  
Firm: Outtriss Consultants Ltd (Kaiti)

Digital Title Plan  
DP 405220



Deposited on: 8/08/2008

# Operative District Plan 2021 - Zones and Precincts

51 Paul Faith Lane, Te Horo (LOT 18 DP 405220 C/T 418182)



## Key to map symbols

-  Precinct
-  General Rural Zone



0 70 140 Metres  
Scale @ A4 - 1:3,000

Date Printed: September 18, 2025

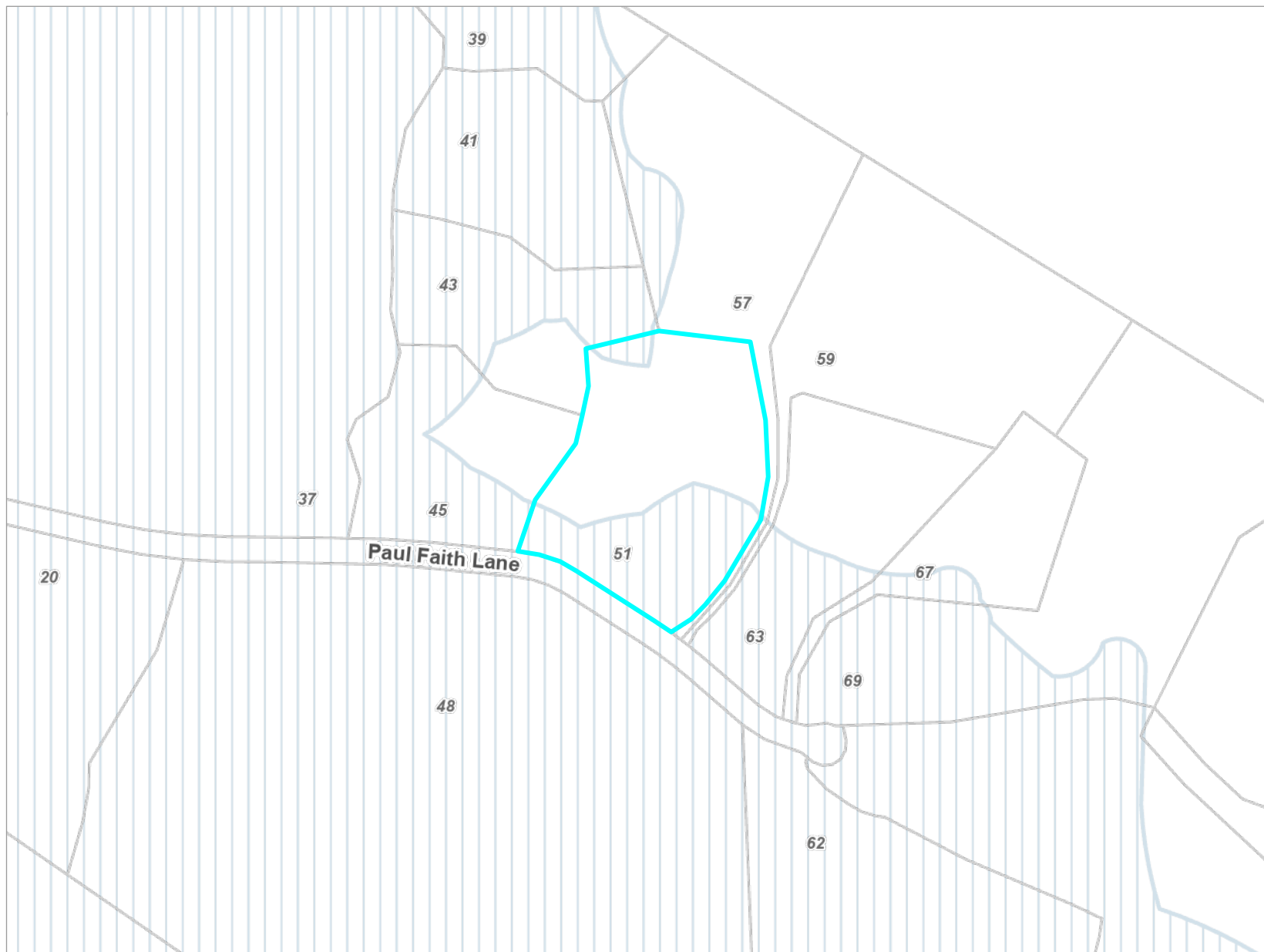
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# Operative District Plan 2021 - Historical, Cultural, Infrastructure & Districtwide

51 Paul Faith Lane, Te Horo (LOT 18 DP 405220 C/T 418182)

## 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.



0 90 180 Metres

Scale @ A4 - 1:4,000

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# Operative District Plan 2021 - Designations & Miscellaneous Features

51 Paul Faith Lane, Te Horo (LOT 18 DP 405220 C/T 418182)



## Key to map symbols

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0 90 180 Metres

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# Operative District Plan 2021 - Natural Features

51 Paul Faith Lane, Te Horo (LOT 18 DP 405220 C/T 418182)



## Key to map symbols

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0 90 180 Metres

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# Operative District Plan 2021 - Natural Hazards

51 Paul Faith Lane, Te Horo (LOT 18 DP 405220 C/T 418182)



## Key to map symbols

- Stream Corridor
- Ponding Area

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



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Scale @ A4 - 1:4,000

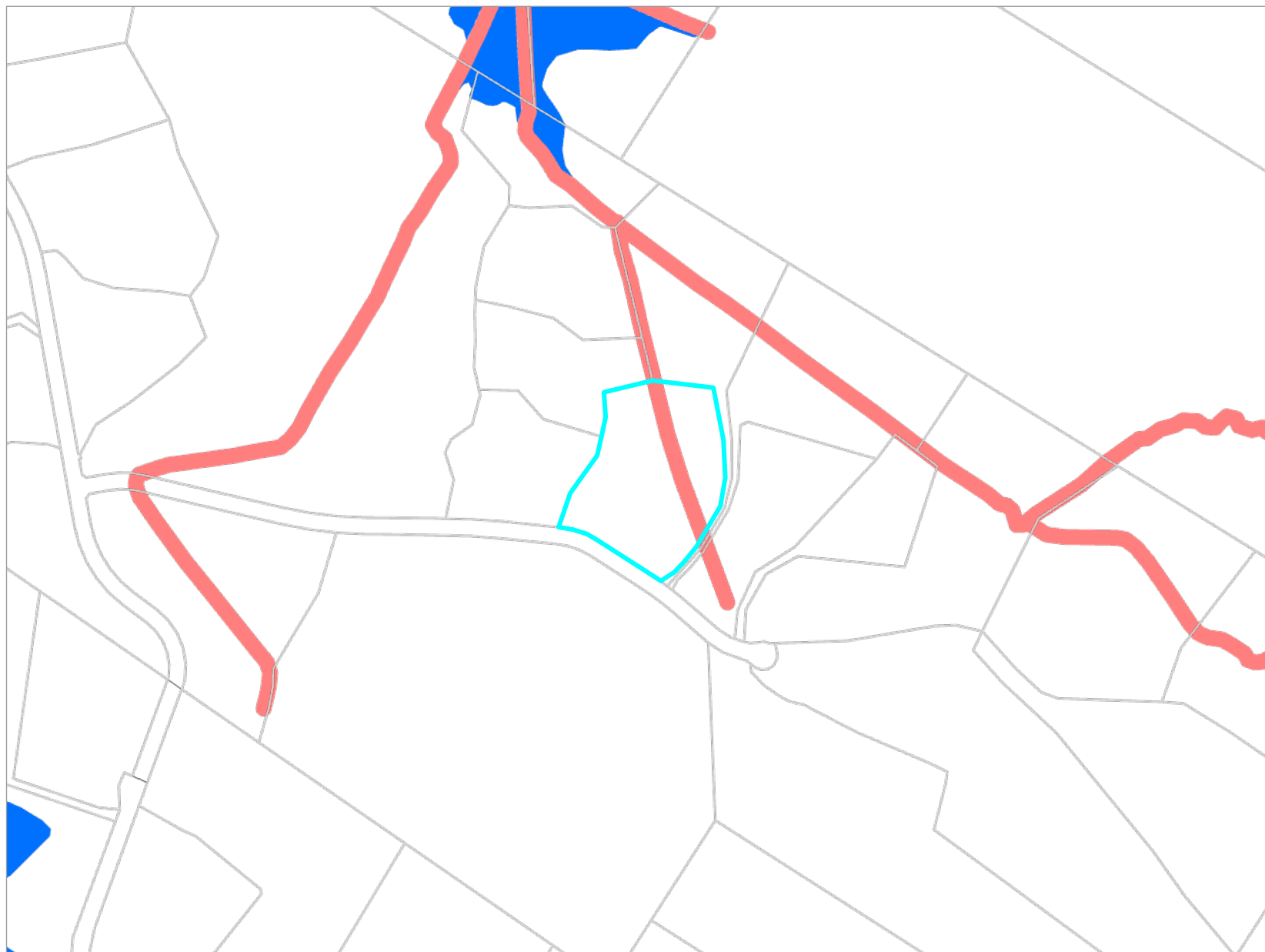
Date Printed: September 18, 2025

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# Latest Flood Hazards

51 Paul Faith Lane, Te Horo (LOT 18 DP 405220 C/T 418182)



## Key to map symbols

- Stream Corridor
- Ponding

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



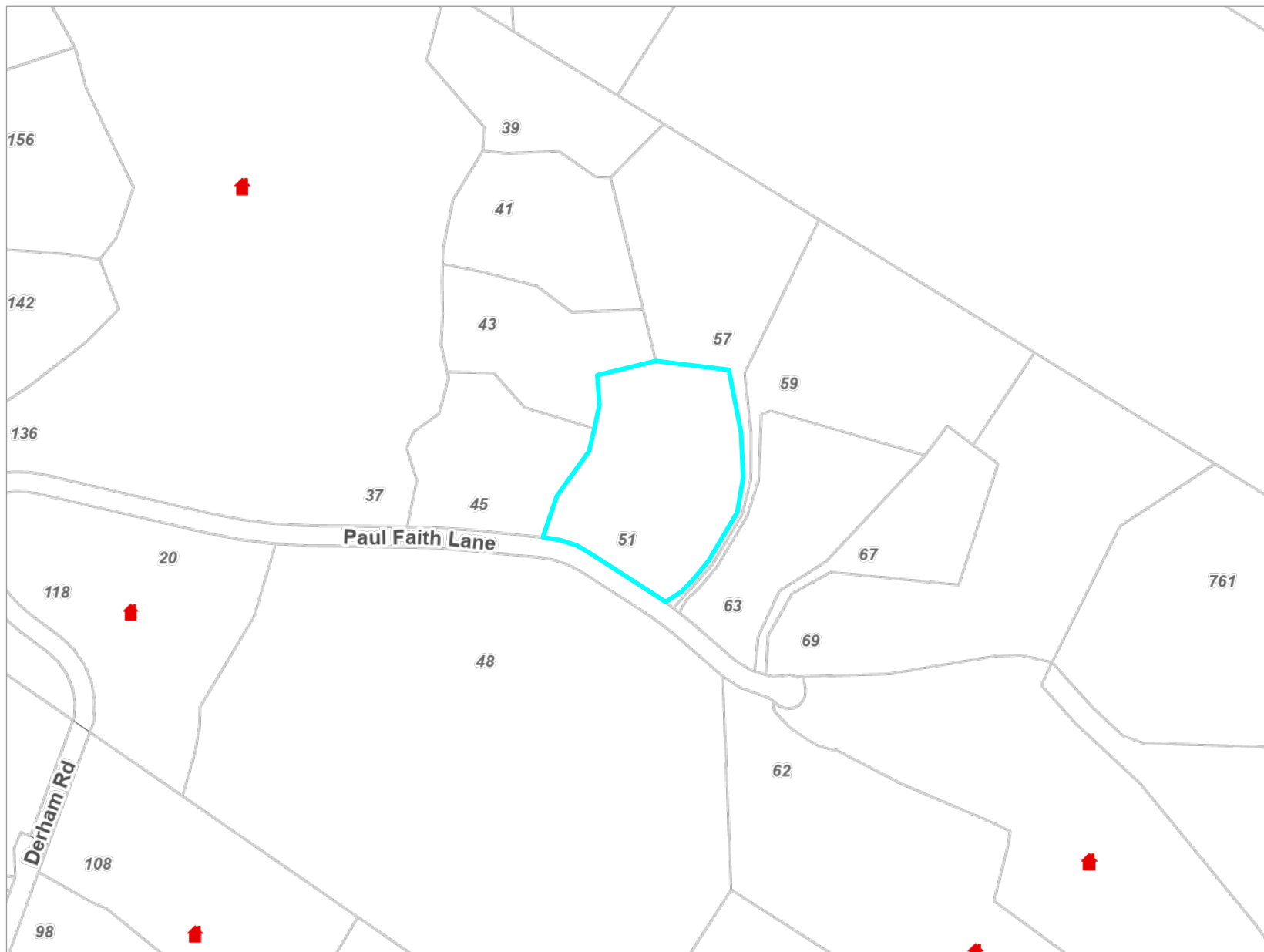
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Date Printed: September 18, 2025

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# Resource Consents Map

51 Paul Faith Lane, Te Horo (LOT 18 DP 405220 C/T 418182)



## Key to map symbols

 Resource Consents

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



0 120 240 Metres

Scale @ A4 - 1:5,000

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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
120158	37 Paul Faith Lane, Te Horo	1487140015	Lots 25 and 28 DP 36585 5 C/T 266995	SD	Proposed 2 lot subdivision at 118 and 136 Derham Road,	N	N	s.224 Issued	8/4/2013	13/11/2012
100078	37 Paul Faith Lane, Te Horo	1487140015	Lots 25 and 28 DP 36585 5 C/T 266995	SD	Proposed 3 lot subdivision at Paul Faith Lane, Te Horo	N	N	Decision Issued	15/6/2010	22/4/2010
110090	37 Paul Faith Lane, Te Horo	1487140015	Lots 25 and 28 DP 36585 5 C/T 266995	LC	To relocate a house older than 15 years to 136 Derham Road,	N	N	Decision Issued	22/6/2011	1/6/2011
210118	20 Paul Faith Lane, Te Horo	1487140017	LOT 2 DP 464702	LDR	Undertake the construction of a shed on a rural site that	N	N	Decision Issued	13/7/2021	31/5/2021
210013	62 Paul Faith Lane, Te Horo	1487140031	LOT 1 DP 575582	SN	Undertake a two lot rural dunes subdivision	N	N	Application Returned incomplete		27/1/2021
210083	62 Paul Faith Lane, Te Horo	1487140031	LOT 1 DP 575582	SN	Undertake a two lot rural dunes subdivision	N	N	s.224 Issued	9/6/2021	21/4/2021

# Health and Alcohol Licenses

51 Paul Faith Lane, Te Horo (LOT 18 DP 405220 C/T 418182)



## 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.



0 90 180 Metres

Scale @ A4 - 1:4,000

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# Services Network

51 Paul Faith Lane, Te Horo (LOT 18 DP 405220 C/T 418182)



## Key to map symbols

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



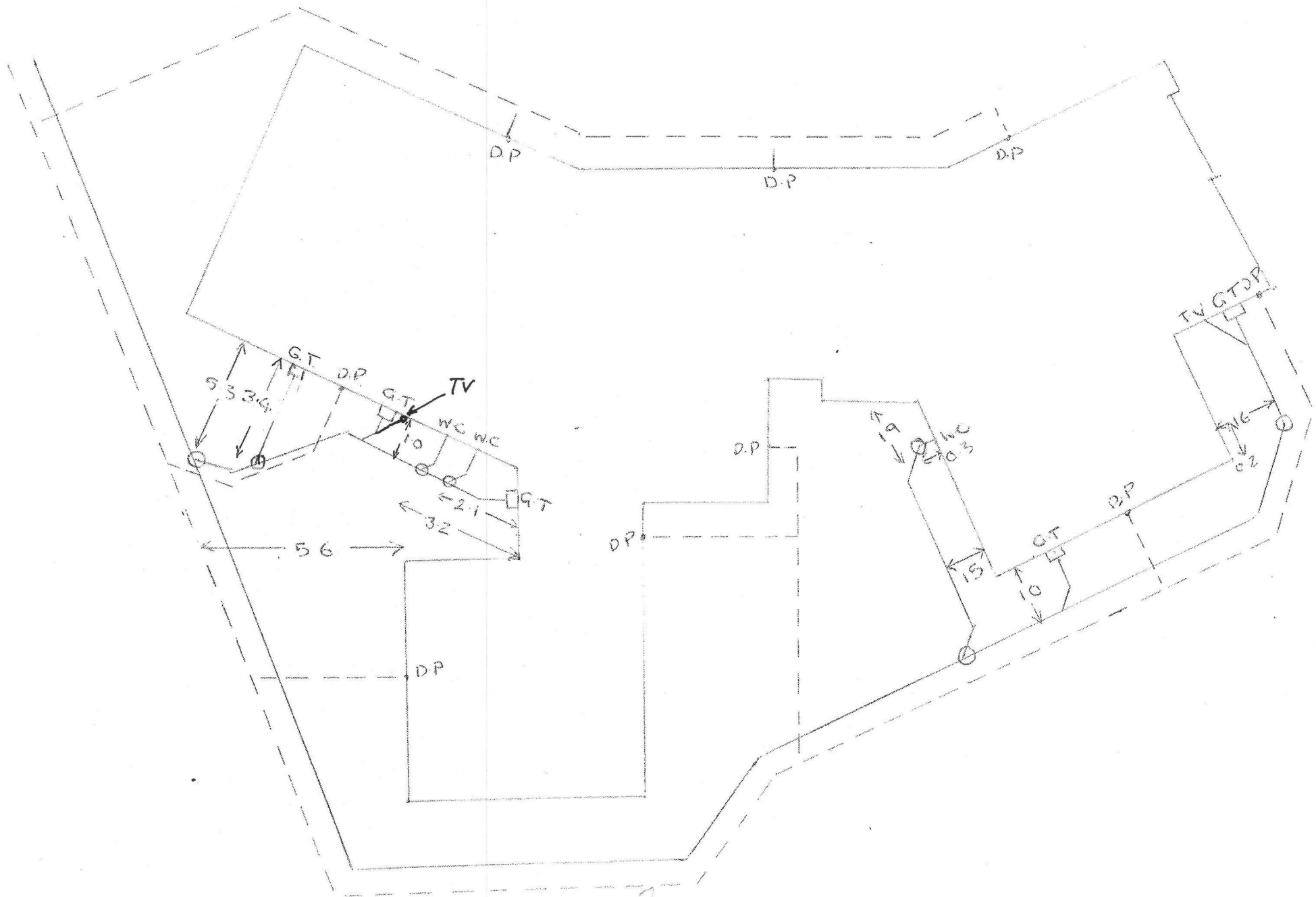
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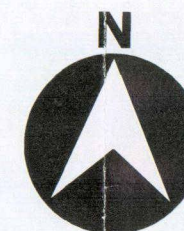
TE HORO





No.	AMENDMENT	NAME	DATE

# Faith Farm Cottage Subdivision



## AREA SCHEDULE:

Lot 1	3.65ha
Lot 2	4.34ha
Lot 3	3.64ha
Lot 4	0.54ha
Lot 5	1.05ha
Lot 6	104.50ha

**TOTAL: 117.72ha**

## NOTES:

1. Contours at 2.5m intervals. Source: KCDC
- 2.
- 3.
- 4.
- 5.

## SCHEDULE OF EXISTING EASEMENTS

PURPOSE	SHOWN	SER. & DOM. TEN.	CREATED BY

## PROPOSED MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT & DOMINANT TENEMENTS
R.O.W	A	Lot 6, Lot 1, Lot 2

## SCHEDULE OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENTS	GRANTEE

**APPLICANT:** Pritchard Group Limited

**REGISTERED PROPRIETORS:** Pritchard Group Limited  
Amanda Robinson

**COMPRISED IN:** 27c/834  
37b/852

**PREPARED BY:** Pritchard Group Limited

**SCALE:** 1:7000 (A3) **DATE:** 15.01.04

**DRAWING NUMBER:** SC.1.FC.1



Telephone: (06) 364 7293  
Facsimile: (06) 364 5142  
e-mail: [pgl@pritchardgroup.co.nz](mailto:pgl@pritchardgroup.co.nz)  
web: [www.pritchardgroup.co.nz](http://www.pritchardgroup.co.nz)  
20 Addington Road, RD1 Otaki, New Zealand.

**KEY:**

External boundaries	—
Proposed boundaries	—
Existing Dwellings	■
Existing Farm buildings	■
Contour Lines	—
To be amalgamated	●
R.O.W	—

**APPLICATION UNDER SECTION 88 RESOURCE MANAGEMENT ACT 1991 FOR SUBDIVISION CONSENT**  
**PROPOSED SUBDIVISION OF Pt Sec 5 BLK11 SO 21818 & LOT 1, D.P. 62585**

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**KAPITI COAST DISTRICT COUNCIL  
DECISION REPORT FOR SUBDIVISION CONSENT**

<b>APPLICANT:</b>	<b>Pritchard Group Ltd</b>
<b>LOCATION:</b>	<b>737-757 State Highway One, Te Horo</b>
<b>LEGAL DESCRIPTION:</b>	<b>Lot 1 DP 62585 and Pt Sec 5 Blk 11 SO 21818</b>
<b>ZONE:</b>	<b>Rural</b>
<b>TYPE OF CONSENT:</b>	<b>4 Lot subdivision</b>
<b>ACTIVITY STATUS:</b>	<b>Discretionary activity</b>
<b>SCHEME PLAN:</b>	<b>Pritchard Group Ltd, Drawing number SC.1.FC.1, dated 15.01.04</b>
<b>DETERMINED AS NON-NOTIFIED BY: April Peckham and Wayne Gair</b>	

## **1. SITE DESCRIPTION**

The site is located on the western side of State Highway One, just south of Te Horo. The site has a total area of 116.172 hectares. The site is located within the coastal dune environment as shown on the Kapiti Coast District Plan Rural Subdivision maps. The topography of the site is typical of the coastal dune environment, with the height of the land varying between 5.0m above mean sea level (MSL) to 37.5m above MSL. There are large dune formations running through the site in two main ridgelines.

There are areas of lower lying landforms on the property. The largest of these lower lying areas runs from the eastern boundary which adjoins State Highway One inland.

Three dwellings are located on the site and are situated within a lower lying area towards the front (eastern) boundary. All three dwellings gain access off State Highway One. The two northern most dwellings gain access to the property via an existing farm track that leads to the farm buildings located approximately 300m back from the front boundary. The third dwelling gains access via a vehicle crossing located closer to the southern boundary of the site.

The applicant has identified that a tributary of the Mangaone Stream runs through the property. The property however is not subject to flooding as shown on the District Plan Flood Hazard maps.

The property is surrounded by other rural zoned properties on all boundaries of the site.

## **2. PROPOSAL**

This proposal is for a four Lot rural subdivision located on State Highway One, Te Horo. The subdivision will involve the creation of 3 smaller lots located close to the front boundary, and the



creation of a large balance lot, incorporating all of the land to the rear of the site and a small area of land to the front of the section.

Lot 1 is proposed to be 3.65ha in area, and will be located in the north-eastern corner of the site. One of the existing dwellings on the site which is located on the northern side of the existing driveway (also used as the farm track), will be incorporated into Lot 1.

Lot 2 will be situated to the west of Lot 1 on the northern boundary of the site. It will be 4.34ha in area, and will also incorporate an existing dwelling on the site which is situated next to the farm sheds at the end of the driveway/farm track, which leads to the milking sheds.

Lot 3 will be 4.18ha and will be located slightly closer to the southern boundary of the site. Lot 3 will be a front site utilising the existing access off State Highway One. The existing farm buildings located on the site will be incorporated into Lot 3 and will be located to the rear of proposed Lot 3.

Lot 6 will be the balance Lot of the subdivision. The area of the Lot will be 105.55ha. The Lot will not incorporate any of the existing dwellings on the parent Lot, therefore will create development rights for this newly created lot. The existing driveway that serves the two most northern dwellings and the existing farm dwellings will be incorporated into Lot 6. An easement will be created over it creating a right of way for the use of Lots 1 and 2 also.

Access to proposed Lots 1, 2 and 6 will be from the existing vehicle crossing and driveway to the north of the site. A right of way will be created over Lot 6 for this. Access to proposed Lot 3 will be from the existing vehicle crossing off State Highway One, situated closer to the southern boundary of the site.

A number of streams run through the property, however the property is not shown to be affected by flooding on the District Plan Flood Hazard Maps.

### **3. DISTRICT PLAN**

The site is within the Rural zone. Subdivision is a discretionary activity in this zone (Rural Hamlet).

The relevant objectives and policies of the Plan are as follows:

#### **RURAL ZONE**

##### **OBJECTIVE 1.0 - GENERAL**

**ENSURE THAT ANY ADVERSE EFFECTS OF ACTIVITIES ON THE NATURAL AND PHYSICAL ENVIRONMENT OF RURAL AREAS AND OF RURAL BASED ACTIVITIES BEYOND THIS ENVIRONMENT ARE AVOIDED, REMEDIED OR MITIGATED WITH PARTICULAR REGARD TO SUSTAINING THE LIFE SUPPORTING CAPACITY OF THE RESOURCES OF THE LAND TO MEET THE NEEDS OF FUTURE GENERATIONS.**

## **POLICY 1(A) - NATURAL ENVIRONMENT - IDENTIFICATION AND PROTECTION**

Identify and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.

## **POLICY 1(B) - NATURAL ENVIRONMENT- USE AND DEVELOPMENT**

Ensure the adverse effects of rural use and development on the natural environment are avoided, remedied or mitigated.

### **SUBDIVISION AND DEVELOPMENT**

#### **RURAL SUBDIVISION**

##### **OBJECTIVE 1.0 - GENERAL**

ENSURE THAT SUBDIVISION AND CONSEQUENT DEVELOPMENT MAINTAINS AND ENHANCES THE ENVIRONMENTAL CHARACTER AND ASSOCIATED AMENITY VALUES OF RURAL AREAS, LIFE SUPPORTING CAPACITY OF RESOURCES TO MEET THE NEEDS OF FUTURE GENERATIONS AND AVOIDS, REMEDIES OR MITIGATES ADVERSE EFFECTS ON THE NATURAL AND PHYSICAL ENVIRONMENT, PARTICULARLY, THE COASTAL ENVIRONMENT.

##### **POLICY 2**

Ensure the Coastal Dune environment is not adversely affected by intensive development and associated adverse environmental effects resulting from the subdivision of land including natural areas and open spaces into multiple allotments.

##### **POLICY 3**

Ensure areas of visually sensitive open space and natural areas in the Coastal Dune environment are retained in large allotments while allowing for more intensive development where there is undulating topography and where development can be accommodated in a sensitive manner within the Coastal environment.

##### **POLICY 13**

Protect the natural contour of the land, including the substantially unmodified features of the landscape, sites of ecological significance, coastal sand dunes, wetlands and interdunal hollows from the adverse effects of subdivision and consequent development.

##### **POLICY 15**

Ensure that rural subdivisions adjoining State Highway 1 avoid, remedy or mitigate any adverse effects on the safe and efficient operation of the Highway.

The proposal is considered to be consistent with these objectives and policies, for the reasons discussed in the Assessment Section below.

## **4. NOTIFICATION ANALYSIS**

Sections 93 and 94 of the Resource Management Act 1991 define which resource consent applications do not require notification. As the application is for a discretionary activity, it need not be notified provided that any adverse effects on the environment will be minor and that the written approval of all parties that would be adversely affected has been obtained.

Based upon a site visit, it is considered that the only affected party to the proposal is Transit as the proposed subdivision is adjacent to State Highway One. Transit provided their written approval to the proposal in a letter dated 12 February 2004. They had no objection to the proposed layout of the subdivision.

No other parties are considered to be adversely affected by the proposal due to three dwellings already being located on the site, and the subdivision only creating rights to build one additional dwelling, which will be on proposed Lot 6. The distance of the site from neighbouring dwellings is also considered to be significant. It is also considered that the overall effects of the proposal will be minor, as the proposal complies with all of the controlled and discretionary activity standards of the District Plan for subdivision.

As the adverse effects on the environment are no more than minor, and the only adversely affected party has given their written approval to the proposal, notification is not warranted in this case.

The application has been discussed with the Te Ati Awa Executive, who raised no concerns with the proposal.

In addition there are no special circumstances under section 94(C) of the Act that warrant the public notification of this application. Accordingly, this application has been processed on a non-notified basis after assessing the file RM040013.

## **5. ASSESSMENT**

The proposal must be assessed as a discretionary activity. The assessment criteria for discretionary activities are as follows:

- The matters set out in section 104 of the Resource Management Act 1991;
- The provisions made for complying with the Permitted and Discretionary Activity standards;
- The impact of the proposal on the natural and physical environment;
- The impact of the proposal on Maori ancestral lands, water, sites, waahi tapu and other taonga;
- The scale of the proposed development and the impact on the character of the locality;
- The regard given to the avoidance or mitigation of natural hazards;
- The provisions made to mitigate any adverse effects the proposal may have on the environment.

There is also provision for conditions to be placed on any consent for a discretionary activity that:

- avoid, remedy or mitigate any effects resulting from the matters stated above;
- limit the duration of the consent;
- allow the effects of the activity to be monitored and the consent to be reviewed.

It is considered that the design and density of the development is in keeping with the objectives and policies of the Plan. The subdivision facilitates development of a form consistent with the existing character of this coastal dune environment within the rural zone.

### **Lot Size**

All Lots meet the discretionary activity standards for Lot size for subdivision - Rural Hamlets in the coastal dune environment, which states that the minimum Lot size is 4000m<sup>2</sup> with an average Lot size of 4ha. The subdivision must have a balance farm Lot of at least 20ha.

The smallest area of the four proposed Lots is Lot 1 which will consist of 3.65ha. The average Lot size of the proposed subdivision is 29.43ha. The proposed balance Lot will meet the 20ha minimum as it is to be 105.55ha. As the proposed subdivision complies with the above standards, the proposal will therefore comply with the discretionary activity standard for Lot size.

### **Building Sites**

A number of streams run through the property. However, each Lot within the subdivision will be capable of providing a number of flood free building sites above the estimated 1% flood event, meeting the controlled activity standard for building sites. Proposed Lots 1, 2 and 3 already have dwellings on them which are free from flooding on the site. With regards to proposed Lot 6, there are numerous flood free building sites available.

### **Access and Traffic**

Access to proposed Lots 1, 2 and 6 will be via a right of way that will be created over the existing driveway that serves the 2 northern dwellings on the site and the farm buildings. This existing vehicle crossing and driveway is located on the eastern boundary of the site slightly closer to the northern boundary.

Separate access to Lot 3 will be provided for over the existing vehicle crossing closer to the southern boundary of the site. The proposed subdivision will create no additional vehicle crossings onto State Highway One than what already exists on the site.

There may be a slight increase in traffic generation due to the subdivision. However, it is considered that it will not have a significant impact on existing traffic movements experienced in this area due to three dwellings already being located on the site, and the subdivision will only allow for the construction of one additional dwelling as of right.

A consent notice will be imposed on the titles as part of this subdivision to ensure that any variation to vehicular accesses from the site must be approved by both Transit and the Kapiti Coast District Council.

### **Amenity**

The subdivision of the site into 4 Lots only creates the right to construct one additional dwelling, this being in proposed Lot 6. Therefore, as three existing dwellings are located on the site, it is considered that any adverse effects created from the proposal on the surrounding rural environment will be no more than minor.

There are a number of potential house sites on Lot 6. Some of these could be situated to the front of the site, whilst others could be situated to the rear. Wherever the potential dwelling will be built, it will have to comply with the District Plan's bulk and location requirements. This consequently will ensure that the amenity of the surrounding residential environment will be maintained.

### **Natural Environment**

The effects of the proposed subdivision on the environment are considered to be no more than minor. No earthworks are proposed to take place with the subdivision. The site is not identified under the District Plan as an outstanding landscape.

### **Effects on Adjoining Landowners**

The effects on adjoining landowners will be no more than minor with the granting of the proposed subdivision. Three dwellings currently exist on the site, and the subdivision will only create the right for one additional dwelling to be constructed. This will be on Lot 6, the balance Lot for the subdivision, so it may not necessarily be constructed in an area that will be visible from the road. If it was however, it will still need to comply with the bulk and location standards under the District Plan, consequently mitigating any adverse effects that may arise from the additional development right.

Transit have given their written approval to the proposal. It has been determined that they are the only adversely affected party by the proposed subdivision, as the site adjoins State Highway One. As the subdivision will be making use of the two existing vehicle crossings to the property, no additional crossings will be constructed therefore causing an adverse effect on traffic using the State Highway.

### **Financial Contributions**

Financial contributions are applicable to this subdivision pursuant to Part E of the District Plan. Appropriate conditions have been devised.

## **6. CONCLUSION**

Given that the only adversely affected party by the proposed development has given their written approval to the proposal, and the proposal is in keeping with the relevant objectives and policies of the District Plan. The proposal is in accordance with the purpose and principles of the Resource Management Act 1991. Overall, the adverse effects on the environment are no more than minor. I am therefore of the opinion that consent can be granted in terms of section 104 of the Act.

## **7. DECISION: APPROVED**

That officers acting under Delegated authority from Council and pursuant to Section 104(B) of the Resource Management Act 1991, **GRANT** a Subdivision Consent for a four Lot rural subdivision at 737-757 State Highway One, Te Horo (Lot 1 DP 62585 and Pt Sec 5 Blk 11 SO 21818) subject to the following conditions:

1. The proposal must be in accordance with the plans by Pritchard Group Ltd, Drawing number SC.1.FC.1, dated 15.01.04, and date stamped approved by Council on 23/03/04, except for Lots 3 and 4 (hereafter called Lot 3) shall be shown as one Lot, and Lots 5 and 6 (hereafter called Lot 6) shall be shown as one Lot.
2. Vehicular accesses to State Highway One from Lots 1, 2 and 6 must be via the right of way as shown as A on the plan by Pritchard Group Ltd, Drawing number SC.1.FC.1, dated 15.01.04. Any variation must be approved by both Transit NZ and the Kapiti Coast District Council.

**Advice Note:** A consent notice under section 221 of the Resource Management Act 1991 will be issued by Council to ensure that this condition is complied with on an ongoing basis.

3. The consent holder shall pay Council engineering fees of \$562.50, plus \$216 per lot, (total \$1,426.50 GST inclusive) for work that may be required for plan approvals, site inspections and consent compliance monitoring prior to the section 224(c) certification of the subdivision  
Extra fees may apply in accordance with the engineering fees schedule adopted by Council from 12 December 2002.  
Note: The current charge out rate is \$72.00 (GST inclusive) per hour
4. The consent holder shall make a financial contribution of \$420.00 (total \$840.00 GST inclusive) for every new lot created towards a Community Facilities Fund prior to the section 224(c) certification of the subdivision
5. The consent holder shall make a financial contribution of \$2,463.50 (total \$4,927.00 GST inclusive) for every new lot created towards a Roads and Bridges Fund prior to the section 224(c) certification of the subdivision
6. The consent holder shall pay a reserves contribution of \$3854.00 prior to the section 224(c) of the subdivision.
7. The consent holder shall comply with the requirements of the Kapiti Coast District Council Code of Practice for Subdivision and Development unless alternative means of compliance with requirements are submitted by the consent holder and approved by the Subdivision Engineer
8. The consent holder shall submit to Council for approval three copies of the plans and specifications for the engineering development. No work shall commence until the plans and specifications have been approved by the Subdivision Engineer in writing
9. The consent holder shall either:-
  - (a) Certify that a building site is available on lot 5/6 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 600mm below the surface level of the ground. The certificate shall be accompanied by the site investigation report by the suitably qualified person
  - Or
  - (b) Supply to Council a report by the suitably qualified person detailing site investigation work and findings together with recommendations for foundation design for lot 5/6.  
In cases within the provisions of the clause (b) above, a Consent Notice under Section 221 of the Resource Management Act 1991 will be issued by Council recording the soil conditions and foundation recommendations on the certificate of title.
10. A bench mark, level reference point, with respect to mean sea level, (Wellington) shall be provided within close vicinity of the subdivision to the approval of the Subdivision Engineer
11. Earthworks shall be kept to a minimum to ensure the least disturbance to the landform
12. Where the existing land or vegetative cover is disturbed, suitable ground cover shall be established as soon as practicable following earthworks or within 5 days of completion whichever shall occur first. For this condition "suitable ground cover" means application

of basecourse, topsoil, grassing or mulch, or another type of application to the satisfaction of the Subdivision Engineer

13. Should there be potential for wind-blown sand, soil or other material to be transported onto other properties the consent holder shall erect suitable fabric fencing (sarlun cloth or similar) or take other acceptable mitigation measures, to the satisfaction of the Subdivision Engineer

Note: The consent holder shall not use water from Council watermains for mitigation measures

14. The consent holder shall not remove soil support from adjacent lots

15. All batters shall be self-supporting

16. Should a waahi tapu or other cultural site be unearthed during earthworks the operator and/or owner shall :-

- (a) cease operations;
- (b) inform local iwi (Ngati Raukawa);
- (c) inform the NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required;
- (d) Take appropriate action, after discussion with the NZHPT, Council and iwi to remedy damage and/or restore the site.

Note:

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

17. All lots shall have drive-on access no steeper than 1 in 5 to a permitted, notional, nominated or existing house site, unless otherwise approved by the Subdivision Engineer

18. The right-of-way shall be formed and metalled. The entrance at the road berm (CP 82) shall be formed, metalled and sealed in accordance with Diagram C (low use access Standard) of the Transit Planning Manual with a radius flare of 12m

19. The entrance at the road berm (CP 83) to lots 3/4 shall be formed, metalled and sealed in accordance with Diagram C (low use access Standard) of the Transit Planning Manual with a radius flare of 9m

20. A rural numbering post shall be provided for each lot. This condition will be satisfied by the payment of \$33.75 (GST inclusive) per lot

21. A report shall be provided to Council by a suitably qualified person which addresses the suitability of on site wastewater treatment and disposal for lot 5/6. The form of wastewater treatment and disposal on site that will be approved shall be practicable and environmentally acceptable. Site investigations and tests shall relate to the nominated building site. The report shall include recommendations for the preferred method(s) of on site wastewater treatment and disposal. The recommendations for and constraints on the provision of wastewater treatment and disposal shall be included in a consent notice to be issued by Council pursuant to section 221 of the Resource Management Act 1991. The consent notice shall include reference to the owners' responsibility to maintain and monitor their wastewater disposal so that any adverse effects on the environment are minor.

Note:

On-site wastewater treatment and disposal system shall be designed, constructed and operated to meet the following performance criteria:

- (i) It shall be designed with sufficient wastewater retention time to enable adequate treatment in relation to any constraints identified in the site investigation;
  - (ii) The wastewater shall be evenly distributed to the entire filtration surface of the disposal field;
  - (iii) The bottom of the wastewater disposal system shall be sufficiently above the groundwater at its highest level, in relation to any constraints identified in the site investigation, to prevent any contamination of groundwater;
  - (iv) The area available for on-site treatment shall be appropriate for the volume of the discharge and any constraints identified in the site investigation.
22. A report shall be provided to Council, by a suitably qualified person, on the condition and effectiveness of the existing on-site effluent disposal systems on lots 1, 2 and 3/4. If there are any adverse environmental effects which are more than minor, recommendations shall be included in the report for any necessary upgrading or remedial works. The suitably qualified person will be responsible for advising Council in writing, that any improvements or remedial work has been carried out in accordance with the recommendations contained in the report. Council will issue a consent notice pursuant to Section 221 of the Resource Management Act to record on the titles of lots 1, 2 and 3/4, the owner's responsibility to maintain and monitor their effluent disposal system so that any adverse effects on the environment are minor
23. A report shall be provided to Council by a suitably qualified person which addresses the means of providing, maintaining and monitoring a water supply for each lot that provides a minimum storage of 30,000 litres, or other minimum storage approved by the Subdivision Engineer. The recommendations for and constraints on the provision of water supply shall be included in a consent notice to be issued by Council pursuant to section 221 of the Resource Management Act 1991. The consent notice shall include reference to the owners' responsibility to maintain and monitor their water supply so that any adverse effects on the environment are minor
24. Power and telecommunication services to each lot shall be provided to the approval of the Subdivision Engineer
25. Easements are required over any rights of way and/or communal services where these pass through the lots in the subdivision.  
The Subdivision Engineer may require other easements.  
Easements shall be shown on the land transfer title plan and any documents shall be prepared by solicitors at the consent holder's expense
26. The consent holder shall supply a copy of the title plan and shall list and indicate how each condition has been met to the satisfaction of the Resource Consents Manager
27. All costs arising from any of the above conditions shall be borne by the consent holder.

**Advice Notes**

1. The consent holder should not encroach onto adjacent land owned by others without having first obtained their written consent.
2. Contravention of the Land Drainage Act is not permitted and natural drainage patterns are to be preserved.



### REASONS FOR DECISION:

1. The proposal has been assessed against the provisions of the Kapiti Coast District Plan and Council is satisfied that the proposal is in accordance with the objectives and policies of this Plan.
2. Council is satisfied that the proposal is in accordance with Part II of the Resource Management Act 1991, particularly as it relates to the sustainable management of the land resource and maintaining the amenity value of the site and surrounding area.
3. Council is satisfied that any adverse environmental effects of the proposal will be minor or are avoided, remedied or mitigated by the conditions of this resource consent. There were no parties, in the opinion of Council, considered to be potentially affected by the proposal.

**Report prepared by: April Peckham**

### APPLICATION: GRANTED



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April Peckham  
Resource Consents Planner  
Delegated Officer



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Wayne Gair  
Senior Resource Consents Planner  
Delegated Officer



FILE: RM040013

25 March 2004

Pritchard Group Limited  
20 Addington Road  
RD1  
OTAKI

Attention: Jo Dash

Dear Jo

**RM040013: FOUR LOT RURAL SUBDIVISION, 737-757 STATE HIGHWAY ONE, TE HORO**

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

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

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

The deposit for an objection is \$370 (including GST) plus an extra \$144 if Council's Subdivisional Engineer will be involved. Other staff time and costs will also be charged unless waived by the Hearing Commissioners. If an objection is upheld the deposit will be refunded in full; if upheld in part then half the deposit will be refunded.

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

You are also advised that before development can take place, you will need to obtain all other necessary consents and permits, including those under the Building Act 1991, and comply with all relevant Council Bylaws.

**Kapiti Coast District Council**

**Phone (04) 904 5700, Fax (04) 904 5830** 175 Rimu Road, Private Bag 601, Paraparaumu. Website [www.kcdc.govt.nz](http://www.kcdc.govt.nz)

If you have any concerns or enquiries about the conditions please do not hesitate to contact me on 9045 - 814.

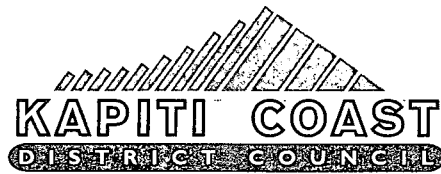
Thank you for dealing with the Kapiti Coast District Council.

Yours faithfully

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

April Peckham

**RESOURCE CONSENTS PLANNER**



## **RESOURCE CONSENT NUMBER: RM040013**

That officers acting under delegated authority from council and pursuant to Section 104B of the Resource Management Act 1991 **GRANT** consent to

### **PRITCHARD GROUP LTD, 20 ADDINGTON ROAD, RD1, TE HORO**

for a four Lot rural subdivision at 737-757 State Highway One, Te Horo (Lot 1 DP 62585 and Pt Sec 5 Blk 11 SO 21818) subject to the following conditions:

1. The proposal must be in accordance with the plans by Pritchard Group Ltd, Drawing number SC.1.FC.1, dated 15.01.04, and date stamped approved by Council on 23/03/04, except for Lots 3 and 4 (hereafter called Lot 3) shall be shown as one Lot, and Lots 5 and 6 (hereafter called Lot 6) shall be shown as one Lot.
2. Vehicular accesses to State Highway One from Lots 1, 2 and 6 must be via the right of way as shown as A on the plan by Pritchard Group Ltd, Drawing number SC.1.FC.1, dated 15.01.04. Any variation must be approved by both Transit NZ and the Kapiti Coast District Council.

**Advice Note:** A consent notice under section 221 of the Resource Management Act 1991 will be issued by Council to ensure that this condition is complied with on an ongoing basis.

3. The consent holder shall pay Council engineering fees of \$562.50, plus \$216 per lot, (total \$1,426.50 GST inclusive) for work that may be required for plan approvals, site inspections and consent compliance monitoring prior to the section 224(c) certification of the subdivision  
Extra fees may apply in accordance with the engineering fees schedule adopted by Council from 12 December 2002.  
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7. The consent holder shall comply with the requirements of the Kapiti Coast District Council Code of Practice for Subdivision and Development unless alternative means of compliance with requirements are submitted by the consent holder and approved by the Subdivision Engineer

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**Phone (04) 904 5700, Fax (04) 904 5830** 175 Rimu Road, Private Bag 601, Paraparaumu. Website [www.kcdc.govt.nz](http://www.kcdc.govt.nz)

8. The consent holder shall submit to Council for approval three copies of the plans and specifications for the engineering development. No work shall commence until the plans and specifications have been approved by the Subdivision Engineer in writing

9. The consent holder shall either:-

(a) Certify that a building site is available on lot 5/6 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 600mm below the surface level of the ground. The certificate shall be accompanied by the site investigation report by the suitably qualified person

Or

(b) Supply to Council a report by the suitably qualified person detailing site investigation work and findings together with recommendations for foundation design for lot 5/6.

In cases within the provisions of the clause (b) above, a Consent Notice under Section 221 of the Resource Management Act 1991 will be issued by Council recording the soil conditions and foundation recommendations on the certificate of title.

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

11. Earthworks shall be kept to a minimum to ensure the least disturbance to the landform

12. Where the existing land or vegetative cover is disturbed, suitable ground cover shall be established as soon as practicable following earthworks or within 5 days of completion whichever shall occur first. For this condition "suitable ground cover" means application of basecourse, topsoil, grassing or mulch, or another type of application to the satisfaction of the Subdivision Engineer

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Note:

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

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Note:

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- (i) It shall be designed with sufficient wastewater retention time to enable adequate treatment in relation to any constraints identified in the site investigation;
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owner's responsibility to maintain and monitor their effluent disposal system so that any adverse effects on the environment are minor

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The Subdivision Engineer may require other easements.  
Easements shall be shown on the land transfer title plan and any documents shall be prepared by solicitors at the consent holder's expense
26. The consent holder shall supply a copy of the title plan and shall list and indicate how each condition has been met to the satisfaction of the Resource Consents Manager
27. All costs arising from any of the above conditions shall be borne by the consent holder.

#### **Advice Notes**

1. The consent holder should not encroach onto adjacent land owned by others without having first obtained their written consent.
2. Contravention of the Land Drainage Act is not permitted and natural drainage patterns are to be preserved.

#### **REASONS FOR DECISION:**

1. The proposal has been assessed against the provisions of the Kapiti Coast District Plan and Council is satisfied that the proposal is in accordance with the objectives and policies of this Plan.
2. Council is satisfied that the proposal is in accordance with Part II of the Resource Management Act 1991, particularly as it relates to the sustainable management of the land resource and maintaining the amenity value of the site and surrounding area.
3. Council is satisfied that any adverse environmental effects of the proposal will be minor or are avoided, remedied or mitigated by the conditions of this resource consent. There were no parties, in the opinion of Council, considered to be potentially affected by the proposal.

**APPLICATION: APPROVED 25 March 2004**



**April Peckham**

**RESOURCE CONSENTS PLANNER**

To:

19<sup>th</sup> May 2005

**CHAIRPERSON AND MEMBERS  
HEARINGS COMMITTEE**

**APPLICATION FOR RESOURCE CONSENT: RM040393**

**HEARING DATE: MAY 19, 2005**

<b>1.1 Applicant:</b>	Pritchard Group Limited
<b>1.2 Address/Location:</b>	747-757 State Highway 1, Te Horo
<b>1.3 Legal Description:</b>	Part Section 5, Blk II, Kaitawa SD
<b>1.4 Zoning:</b>	Rural
<b>1.5 Special Features:</b>	Coastal Dune Policy Area
<b>1.6 Activity Status:</b>	Discretionary
<b>1.7 Plan references:</b>	Pritchard Group Limited, Drawing Number SC.5.FH.1, and dated 25/01/05

**2.0 REPORTING OFFICER**

2.1 Ian Carstens, Resource Consents Planner.

**3.0 DESCRIPTION OF PROPOSAL**

The applicant seeks to subdivide an 105 hectare rural property in Te Horo to create two rural hamlet developments. The consents applied for are as follows:

Subdivision consent for:

- 2 rural hamlets with a total of 23 lots and 2 balance lots. The applicant has also requested that the proposal be undertaken in 4 stages, where each hamlet would be either completed in 1 or 2 stages.

Landuse consent for:

- Formation of two roads
- Earthworks construction for the above with the estimated volume of earthworks being approximately 24,000m<sup>3</sup> cut and 46,400m<sup>3</sup> of compacted fill mainly recontouring along the road alignments and right of way development for vehicular access and lot formation to form house platforms and waste disposal sites
- Landuse consent for earthworks within 20 metres of a waterbody. This work requires undertaking restoration work by way of “meandering” a tributary of the Mangaone Stream that runs through proposed lots 16, 17, 20 and 22 and the creation of two lakes to create a more natural environment.



3.3 Details of the two Hamlets to be created are as follows:

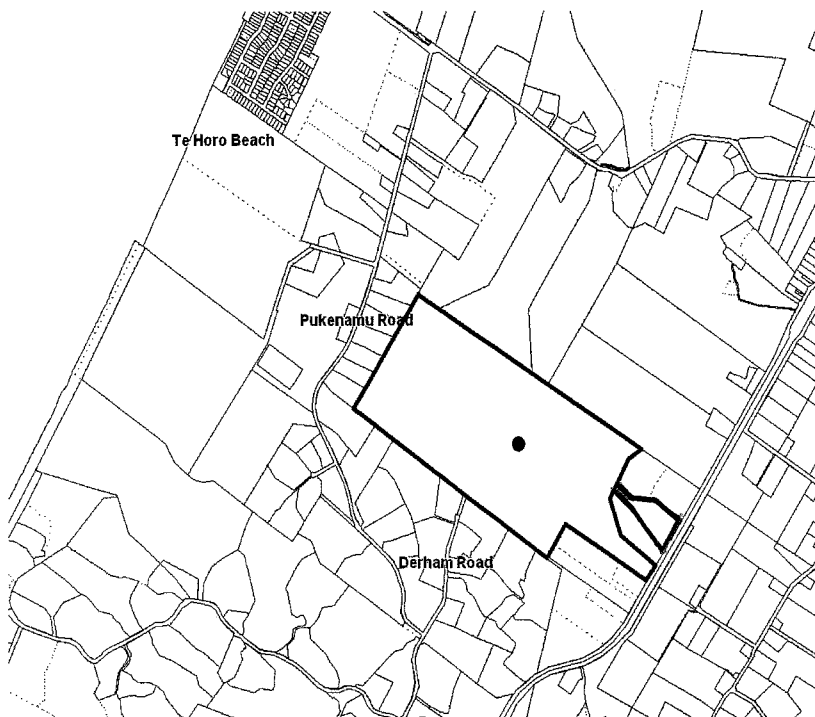
- Hamlet 1 comprises 12 lots ranging in size from 1.54ha to 5.27ha. The balance lot has an area of 21.47ha. The two parts of the balance lot (Lot 25) will be amalgamated and held in one title.
- Hamlet 2 comprises 11 lots ranging in size from 1.27ha to 4.67ha. The balance lot has an area of 23.49ha.

3.5 Details of the subdivision are provided on the subdivision plan titled Pritchard Group Limited Scheme Plan, Drawing Number SC.5.FH.1 and dated 25/01/05. (Attachment 1)

3.7 The hamlet lots would be staged and the applicant has requested that this proposed subdivision be completed for up to four stages (Attachment 2). The stages would be as follows:

Stage 1- Lots 1-4 and 6  
Stage 2- Lots 5, 7-12  
Stage 3- Lots 13-16, and  
Stage 4- Lots 17-24

3.8 Vehicular access to the site would be from an extension off Derham Road. This road would have a legal width of 17 metres with a sealed width of 5.5 metres. This road would fork to the left forming a cul-de sac of about 390 metres in length, accessing cluster one, and also to the right for about 750 metres in length, providing access to the second cluster. Rights of ways would provide access to the lots within the two clusters. There are four proposed rights of way in this development, one is located in cluster 1 and three are located in cluster 2. The applicant has also provided a road to vest (lot 26) on the proposed Scheme Plan to improve the connectivity with the land to the north for possible future development.



#### **4.0 BACKGROUND TO THIS APPLICATION**

- 4.1 A revision of the proposal was undertaken by the applicant as a result of the issues raised in a staff project team meeting. This involved the issues such as the improving the overall connectivity of the site, walkways, cycleways and bridleways, stormwater and providing earthworks/no build exclusion zones.
- 4.2 To the east of this existing dairy unit a coastal dune rural subdivision creating three additional lots has taken place. The Resource Consent is held under RM040013 by Pritchard Group Limited. The consent was issued on a non notified basis on the 25 March 2004 subject to 27 conditions.

#### **5.0 SITE**

- 5.1 The site is located on the western side of State Highway One, just south of Te Horo, and has a total area of 105.6021 hectares. The site is located in the coastal dune policy area as shown on Kapiti Coast District Plan Rural Subdivision maps.
- 5.2 The site is located to the east of Te Horo Beach, positioned some 1400m at the closest point from Te Horo Beach. The property is not visible from the beach.
- 5.3 The topography of the property is characterized by the formation of large undulating sand dunes. The large inland dune formations run into two main ridgelines with large areas of interdunal formation. This is typical topography of the coastal dune environment, with the height of the land varying between 5.0 above mean sea level (MSL) to 37.5 metres above MSL.
- 5.4 Immediately to the north west of the site, there are seven rural residential properties. The balance of surrounding land is rural with some rural-residential development to the east of State Highway One and to the south of Pukenu Road.
- 5.6 While the existing development along Derham Road is largely rural in character, there are extensive areas of rural-residential development along both Te Horo Beach Road and Pukenu Road. Notwithstanding this rural-residential development, the overall character of the existing environment is rural within a coastal context.
- 5.7 The vegetation within the site is largely pasture. However, there is a small stand of Manuka which has started to regenerate located in a low-lying area on the southern boundary adjacent to Derham Road. The natural landscape of the site has been modified through dairy farming of the land area including the development of farm tracks and assorted farming facilities within this property.
- 5.8 The applicant proposes to create two dune lakes in the lower lying interdunal hollows. The lakes would be excavated to a depth of approximately 2.5 metres below the water table level. These lakes can be seen on the Scheme plan, drawing number SC.5.FH.1 and dated 25/01/05 (Attachment 1).

- 5.9 There are no significant streams or wetlands within the site. The site contains a series of modified watercourses which form tributaries of the Mangaone Stream. The main tributary which runs through Lots 16, 17, 20 and 22 has been straightened and channeled through the site.
- 5.10 Visually the site is not readily visible from Te Horo Beach or indeed the Te Horo Beach settlement. The rural-residential houses on Pukenu Road adjacent to the site are generally oriented towards the coast and therefore face away from the subject site.
- 5.11 The District Wide Zone maps show high voltage transmission lines through the western part of property. The transmission lines appear to traverse the proposed Lots 7 and 8 on the western boundary of this subdivision development. Due to the topography of the site it is likely that the property may contain unidentified cultural sites. Standard earthwork conditions are recommended to ensure that works stop and Iwi and Historic Places Trust are informed in the event of a cultural site being discovered during the earthworks should the proposed development be approved.

## 6.0 DISTRICT PLAN

- 6.1 The site is zoned Rural in the Kapiti Coast District Plan. The rules of the District Plan provide for Rural Hamlet developments as a discretionary activity where the relevant subdivision standards can be complied with. The proposal is assessed against these standards in Table 6.1 below.

**Table 6.1: Compliance with Discretionary Activity Standards**

Discretionary Activity Standard	Comment	Compliance
<b>(i)(a) Rural Hamlets – Coastal Dune Area</b>	The site is within the Coastal Dune Policy Area.	Yes
<b>(b) Lot Area and Location</b> <ul style="list-style-type: none"> <li>Minimum lot 4000m<sup>2</sup></li> <li>Average size 4ha</li> <li>Balance lot 20ha</li> <li>Maximum of 12 lots</li> <li>Parent title over 15ha</li> <li>Cluster of more than 3 lots</li> </ul>	All these requirements are met.	Yes Yes Yes Yes Yes Yes
<b>(c) Further Subdivision</b>	Each new lot will have a consent notice preventing further subdivision	Yes
<b>(d) Siting of Buildings and Access</b> <ul style="list-style-type: none"> <li>Common access</li> <li>Nominal dwellings</li> <li>Balance Farm Lots</li> <li>Siting of Buildings</li> </ul> <p>(i) Buildings within 100m of seaward title boundary</p> <p>(ii) Siting near ridges</p> <p>(iii) Buildings within 500m not obtrusive</p>	<p>Access available to all lots</p> <p>Balance lots to be farmed</p> <p>The buildings are not visible from the mean high water springs. Not applicable</p> <p>Nominal houses comply</p> <p>Not applicable</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

(iv) Yards	All lots will comply. Any future buildings other than dwellings will be subject to the permitted activity standards of the District Plan	Yes
<b>(e) Protection of Balance Farm Lots</b>	Balance lots not to be held in common	Does not apply
<b>(f) Compliance with General Standards D.2.2.2 Subdivision (iii)</b>		
<b>(a) Rural Lots Fronting onto State Highway 1</b>	None of the lots have legal access to the State Highway. This will be covered by a condition of consent	Does not apply

<b>(b) Rear Lots Fronting Roads Other than State Highway 1</b> Up to 4 sites may gain access via a jointly owned ROW, access strips not less than 6 m wide and splayed frontage not less than 12 m.	Complies with right of way standard (no more than four lots). Engineering conditions of consent will ensure the minimum width and formation requirements are met.	Complies
<b>(c). Access Lots</b>	Not Applicable	Does not apply
<b>(d). Roads</b>	Complies, 17 metres wide, conditions of consent will address details of seal etc.	Yes
<b>(e). Building Sites-</b> each Lot shall provide a building site above 1% flood event & comply 'siting of building' standards.	The property is not known to be subject to a flood hazard. All building sites will enable compliance with the siting of building standards.	Yes
<b>(f). Protection of Water Resources</b>	This requirement shall be addressed through engineering conditions of consent for water supply and waste water disposal.	Yes
<b>(g). Protection of Heritage Features</b>	No known heritage features. Conditions of consent will ensure that the correct procedures are followed in the event of a cultural site being discovered.	Does not apply
<b>(h). Esplanade Reserves/Strips –</b> compliance with Part H of district plan.	This subdivision proposal does not trigger the esplanade reserve/strip provisions. This is because the streams are less than 3 metres in width and do not pass through lots less than 4 hectares in area. Therefore, esplanade reserve/strips are not required in this case.	N/A
<b>(i). Underground Services</b>	Proposal involves construction of a new road, subdivision engineer conditions of consent will address the requirement for underground reticulation of all electric and telecommunication services.	Yes

6.2 As demonstrated in the above table, the application meets all the relevant standards, and therefore is a discretionary activity.

## **6.3 District Plan Assessment Criteria**

6.3.1 The District Plan contains the following assessment criteria for discretionary activities:

- The matters set out in section 104 of the Resource Management Act 1991;
- The provisions made for complying with the Permitted and Discretionary Activity standards;
- The impact of the proposal on the natural and physical environment;
- The impact of the proposal on Maori ancestral lands, water, sites, waahi tapu and other taonga;
- The scale of the proposed development and the impact on the character of the locality;
- The regard given to the avoidance or mitigation of natural hazards;
- The provisions made to mitigate any adverse effects the proposal may have on the environment.

6.3.2 There is also provision for conditions to be placed on any consent for a discretionary activity that:

- avoid, remedy or mitigate any effects resulting from the matters stated above;
- limit the duration of the consent;
- allow the effects of the activity to be monitored and the consent to be reviewed.

6.3.3 The Rural Subdivision and Earthworks policies include useful commentary and assessment criteria when considering a rural hamlet proposal. Attachment 3 includes these parts of the District Plan.

## **6.4 Rural Subdivision**

6.4.1 The proposal is a discretionary activity subdivision, which complies with the standards prescribed within the District Plan. Rural Subdivision Policy 3 of the District Plan requires areas of visually sensitive open space and natural areas in the coastal dune environment to be retained in large allotments while allowing for more intensive development where there is undulating topography and where development can be accommodated in a sensitive manner.

6.4.2 The area is within mostly flat and some rolling dune topography where building and earthworks exclusion zones could mitigate any adverse visual effect. This could be achieved by prohibiting any future dwelling or accessory building to be sited on the highest part of the dune formations most visible from Te Horo Beach Road, or the alteration of the natural topography providing screening within interdunal hollows. The lots are at least a distance of 1400 metres from the coast and therefore are not visible from the beach. With suitable conditions the subdivision will not have an adverse effect on the natural character of the coastal environment.

6.4.3 In addition to the building exclusion zones imposed as part of this consent, restrictions contained within the District Plan in relation to siting of buildings will ensure the development is in accordance with Rule D.2 Siting of Buildings (ii) by restricting the height to be less than 3m above the ridge of the dune.

## **6.5 Coastal Environment**

- 6.5.1 Consequent policies provide for minimal disturbance to land, sensitive positioning of buildings and minimal disturbance to vegetation (Policies 1, 5, 6, and 7). These policies are achieved through performance standards. There would be only minimal visual and landscape effects consequential on allowing the subdivision. The subdivision has been arranged such that dwellings would not be visible in an otherwise natural landscape from various parts of the beach. The dominant ridgeline is to be protected by way of a no build and earthworks exclusion zone.

### **6.5.2 Objectives and Policy Summary**

In conclusion, based on the above, it is considered the proposal is consistent with objectives and policies of the District Plan.

## **7.0 ACTIVITY STATUS**

- 7.1 There are four components to this proposal:

1. The construction of a two new roads to provide access to the development. This is regarded as a Controlled Activity pursuant to Rule D.2.1.2(v) and pursuant to this rule, Council reserves control over:
  - The route of the road
  - Financial contributions
  - Design and construction of the road.
2. Earthworks that exceed the standards contained in Rule D.2.2.1 are categorised as discretionary activities under D.2.1.3(B)(i)
3. Subdivision in the Coastal Dune Environment Area is categorised in the District Plan as a Discretionary Activity subject to compliance with the standards contained in Rule D.2.2.3
4. Earthworks within 20 metres of a waterbody is a Discretionary Activity under Rule D.2.1.3 (B) (Does not comply with permitted activity standards for earthworks)

- 7.2 The proposal, overall, is to be regarded as a Discretionary Activity under the provisions of the Kapiti Coast District Council District Plan.

## **8.0 STATUTORY CONSIDERATIONS**

- 8.1.1 The application was formally received by Council on 20 December 2004. After receiving further information notice of the application was served on affected parties pursuant to section 94(1) of the Resource Management Act 1991 on 18 February 2005. Submissions for the proposal closed on 18<sup>th</sup> March 2005. Council received 13 submissions and a petition within the statutory timeframe.



## **8.2 Relevant Sections of the Resource Management Act 1991**

8.2.1 Subject to Part II, when considering a resource consent application and any submissions received, s104 of the Act requires the Council to have regard to the following relevant matters—

- Any actual and potential effects on the environment of allowing the activity; and
- Any relevant regulations; and
- Any relevant national policy statement, New Zealand coastal policy statement, regional policy statement, and proposed regional policy statement; and
- Any relevant objectives, policies, rules, or other provisions of a plan or proposed plan; and
- Any relevant regional plan or proposed regional plan, where the application is made in accordance with a district plan; and
- Any other matters considered relevant and reasonably necessary to determine the application.

8.2.2 The proposal is for a discretionary activity, for which a consent authority may grant or refuse consent pursuant to s104B and (if granted) may impose conditions under section 108.

## **8.3 Regional Policy Statements and Plans**

8.3.1 The Wellington Regional Policy Statement, in its objectives and policies relating to coastal development seeks to preserve the natural character of the coastal environment

8.3.2 The Proposed Regional Soil Plan does not control the disturbance of soil or vegetation when such activities are related to subdivisional works or to the creation of roads.

8.3.3 The Regional Discharges to Land Plan allows for discharges of stormwater subject to conditions and as this proposal is expected to lie within the normal parameters that apply to such developments, that this activity is permitted.

Similarly, the discharge from on-site sewage disposal is not expected to exceed 1300 litres per day per site and accordingly, that this also, is a permitted activity. The submission raised by Greater Wellington Regional Council did not raise this as a concern.

8.3.4 The Regional Freshwater Plan, which allows discharges of stormwater to fresh water under certain conditions, are deemed not to apply as a result of compliance with the Freshwater Plan provisions.

8.3.5 As the land that is the subject of this application lies outside the Coastal Marine Area, the Regional Coastal Plan has no application to this proposal.

## 8.4 Long Term Consultative Community Plan – “Choosing Futures”

The community plan is a general guidance document which provides Council with a long-term strategic focus or leadership vision of how Council wishes to work with the community and sets priorities for the next 20 years. It provides a summary of the desired outcomes for the district. I have researched the seven ‘Outcomes’ of the community plan, and in my opinion the relevant portions of the “Choosing Futures” document are:

- Outcome 1: *“there are healthy natural systems which people can enjoy”*, - with particular reference to the design of the subdivision, the provision of alternative access via the walkway, cycleway and bridleway network and also to the management of stormwater and its effects;
- Outcome 2: *“local character is retained within a district”*, - with particular reference to heritage issues, the design of any buildings and infrastructure and to the provision of a range of choices for housing and land use;
- Outcome 4: *“the district’s resources are used wisely”*, - with particular reference to the design of the development.

In summary, I am of the opinion that the proposal is not contrary to the key outcomes of the Community Plan.

## 8.5 Financial Contributions

8.5.1 The financial contributions applicable to this development pursuant to the provisions of Part E of the Kapiti Coast District Council District Plan with respect to each new allotment being created are:

- |                          |           |
|--------------------------|-----------|
| • Community Facilities   | \$949.50  |
| • Roads                  | \$1573.00 |
| • Reserves Contributions | \$1963.50 |

8.5.2 The above fee schedule came into effect from July 1, 2004 and it is now Council’s practice to use the provisions of the Local Government Act 2002 to require development impact fees for all but Reserve Contributions.

## 9.0 SUBMISSIONS

9.1 Thirteen submissions and a signed petition have been received and a list of the submitters and the issues raised by them follow. Copies of all the submissions comprise Attachment 4.

1. **Chris and Debra Harrington** (submission in opposition)  
Date Received: 24<sup>th</sup> February 2005

Issues:

- Access through Derham Road will further increase traffic using the present exit onto State Highway 1 at Te Hapua Road junction.
- Recommends that the new subdivision should exit with a slip lane onto State Highway 1 only. The only access to Derham Road should be a bridle path.

2. **Transpower** (submission in support with conditions)  
Transpower have requested Council to include 9 conditions and 2 advice notes.

Date Received: 25th February 2005

Issues:

- Location of buildings and structures would have a number of adverse effects on the transmission lines; namely flashovers and/or contact with the conductors
- Loss of physical access to supporting structures( towers)
- Earthworks carried out during the construction of the proposed right of way, could result in the raising of the ground levels, thus reducing the vertical distance between the transmission lines and the ground
- Effects of dust emissions resulting from this proposal can cause potential contamination of the insulators on the support structures

3. **Shane Peter and Eileen Louise Walker** (submission in support)

Date Received: 9<sup>th</sup> March 2005

Issues:

- Supports the inclusion of a connecting road link to the northwest of the subdivision
- Supports strict controls on septic tank disposal fields a result of downstream effects on water quality

4. **Amanda and Shelia Robinson** (submission in support)

Date Received: 10<sup>th</sup> March 2005

Issues:

- Attractive subdivision which will enhance the area

5. **Department of Conservation** (submission in support with conditions)

Date Received: 14<sup>th</sup> March 2005

Issues:

- Potential introduction of pest fish and other threats to the tributary of the Mangaone Stream that runs through the site
- The small stand of manuka located on the southern boundary adjacent to Derham Road in the balance area to be legally protected through the subdivision process in the form of a consent notice or a private covenant
- Applicant undertakes restoration work including meandering and native planting a tributary of the Mangaone Stream to help restore natural habitats

6. **Robert Glensor Julie Laurich** (Submission in opposition with petition of 9 additional people)

Date Received: 14<sup>th</sup> March 2005

Issues:

- Oppose the opening and extension of Derham Road to access the new subdivision
- Road safety issues in relation to vehicle accidents on the junction of Morrison and Derham Road and Te Hapua Road area would result as an increase of traffic movement from this proposal
- Construction noise as a result of developing this section
- Alternative accesses into the subject site are more appropriate and available and should come off Pukenu Road or State Highway 1

A petition was arranged by the submitter in this submission. The following persons who signed the submission are as follows:

Date Received: 15<sup>th</sup> March 2005

- |                                  |                          |
|----------------------------------|--------------------------|
| • Julie Laurich & Robert Glensor | 85 Derham Road, Te Horo  |
| • Debbie Laing                   | 98 Derham Road, Te Horo  |
| • Chris and Debra Harrington     | 40 Derham Road, Te Horo  |
| • Colin Mowbray                  | 6 Derham Road, Te Horo   |
| • Janine Wilson                  | 56 Derham Road, Te Horo  |
| • Dec and Louise Graves          | 82 Derham Road, Te Horo  |
| • Laurel and Kevin Dunstan       | 74 Derham Road, Te Horo  |
| • Adele Wyatt and Mark Watson    | 76 Derham Road, Te Horo  |
| • Jutta Kress and Mark Howell    | 108 Derham Road, Te Horo |
| • Stuart and Jen Becker          | 55 Derham Road, Te Horo  |
| • Phillip Quinn                  | 25 Derham Road, Te Horo  |
| • Donna Kinkade                  | 80 Derham Road, Te Horo  |

The above landowners/occupiers at 6 Derham Road, Te Horo and 25 Derham Road, Te Horo were not determined as adversely affected in my assessment of effects and notice was not served on these parties, therefore they are not a parties to this proposal.

7. **Alan and Rita Toney** (submission in support)

Date Received: 16<sup>th</sup> March 2005

Issues:

- Alan and Rita Toney also included a signed agreement with the applicant which is external to the consideration of the application by Council.

8. **New Zealand Historic Places Trust**

Date Received: 17<sup>th</sup> March 2005

Issues:

- Inform applicant on the provisions of the Historic Places Trust Act 1993 with regard to archaeological sites
- Highlight historic heritage sites in the area
- Strongly advises that the applicant undertakes a professional archaeological assessment for this subdivision development

9. **Deborah Jean Laing** (submission in opposition)

Date Received: 17<sup>th</sup> March 2005

Issues:

- Oppose granting access to the subdivision by extending Derham Road will impact on both the quietness and safety of the area
- Noise and dust arising from the construction phase of the subdivision
- Alternative access Pukenu Road is an option
- Increased traffic generation as a result of this subdivision
- Increased run-off as a result of this subdivision

10. **Greater Wellington Regional Council** (submission in support with conditions)

Date Received: 18<sup>th</sup> March 2005

Issues:

- That a restoration plan be prepared by the applicant, in consultation with Wellington Regional Council, to address the appropriate form, planting and future management of the proposed lakes
- Equipment to create the lakes be effectively cleaned, to remove any pest plant species, prior to it being brought onto the site

11. **Mark Howell** (submission in opposition)

Date Received: 18<sup>th</sup> March 2005

Issues:

- Increased traffic from construction as a result of proposal
- Increased risk to traffic and road safety
- Opposes extension of Derham Road, if granted would like to see speed bumps or judder bars in the extension
- Increase in dust, wind blown sand and mud from earthworks going to impact air quality to residents
- Rural character and amenity

12. **Stuart and Jenny Becker** (submission in opposition)

Date Received: 18<sup>th</sup> March 2005

Issues:

- Traffic noise and safety issues
- Impact of water use on existing bore users

13. **Donna Kinkade and Darren Minnoch** (submission in opposition)

Date Received: 18<sup>th</sup> March 2005

Issues:

- Increased traffic along Derham Road
- Access of the new development shall come from State Highway 1
- Potential to increase flooding and affect neighbouring properties

## **10.0 PRE-HEARING MEETING**

- 10.1.1 A Pre-Hearing meeting was conducted in the Kapiti Coast District Council Chambers, Paraparaumu on April 19, 2005.
- 10.1.2 Representatives of some of the parties to the application (including five submitters) were present at this meeting and it was characterised by a generally positive and constructive approach adopted by all present.
- 10.1.3 The developer and his consultant explained the approach to the development and the design parameters incorporated in it. Each submitter, in turn, raised issues of concern to them:

## **11.0 ASSESSMENT OF THE PROPOSAL**

- 11.1 The key issues raised by consideration of the objectives and policies of the District Plan, the policy intentions expressed by the Community through the Long Term Consultative Community Plan and by the input from the submitters to this proposal are:

- Traffic
- Rural character and amenity
- Visual effects
- Ecological Importance
- Wastewater/Water
- Earthworks
- Bridleways/Walkways/Cycleways
- Dust and Windblown Material and Noise from Construction

## **11.2 Traffic**

- 11.2.1 The submission process brought to light a number of concerns local residents have about the current roading infrastructure in the area. As a result of this, Council Officers halted the consent process and requested that the applicant commission a traffic impact report for the proposed development. The applicant consequently employed Gary Clark from Trafficconcepts to carry out the study which was presented to Council Officers and all submitters in April 2005 prior to the pre hearing meeting. It should be noted that the author of the report is recognized by Council Officers as being suitably qualified to prepare such evidence. The report comprises Attachment 5.

- 11.2.2 The Traffic concepts report states:

*“that the existing traffic volumes along Derham Road have been estimated at around 50 vehicles per day. The expected daily traffic volumes to be generated by the site are estimated at around 150 vehicles per day. The report further states that while the increase may be noticeable in terms of vehicles using the road, it is well within the practical capacity of the road and would not have any effects in terms of safety or efficiency of the road network”.*



- 11.2.4 There were also issues raised by the submitters regarding the possibility of alternative access through the existing rights of way off State Highway 1, Te Horo. The Traffic Concepts report states:

*“The site access has been carefully considered and alternative site accesses have been evaluated as part of the resource consent process. As noted above, the site has legal frontage to State Highway, some 1.6 kilometres north of Te Hapua Road. The State Highway along the frontage of the development is a limited access road with any site access proposal requiring Transit NZ approval.*

*There have been recent changes to the Land Transport Management Act and the responsibility of Transit NZ. Transit NZ has an obligation to protect the national highway as an arterial route, which requires alternative solutions to be considered. Under the provision of this Act, Transit NZ has the authority to restrict access to ‘Limited Access Roads’ when reasonable and practicable alternative access is available. This alternative access is available through the existing intersection provided at Te Hapua Road/State Highway 1. This meets Transit NZ requirements with regard to a reasonable and practicable alternative access. Accordingly Transit NZ is not prepared to allow an access point from State Highway 1.*

*The alternative access to the site is via an extension from Derham Road which has been previously approved by Kapiti Coast District Council subject to conditions. The new road will extend into the site and provide access to individual lots”.*

- 11.2.4 There was concern expressed by the submitters regarding the road safety element as a result of this 25 lot rural hamlet subdivision. The Traffic report that was commissioned by the applicant brought up the issue of road safety. The report states:

*“that the current level of safety on the surrounding road network is considered to be very good with few reported crashes and most of the crashes that are reported being damage only. The increased traffic flows arising from this development are not expected to change the current levels of safety experienced by other road users”.* Furthermore, the consultant states *“that the increase in the traffic on lightly trafficked roads can have benefits with regard to road safety due to the presence of more vehicles”.*

- 11.2.5 Council’s Subdivision Engineer has provided the following comments with respect to the findings of the report:

*“The report states that in engineering terms there is capacity in Derham road for the increase in traffic flows as a result of the development. The author (Gary Clarke) also recommends changes to the priorities of the existing intersections that lead to the development from State Highway One, I have consulted with Councils Roading Engineer who, in conjunction with Council’s Roading Consultant agrees with the changes so I have proposed a condition which takes into account the recommendations of the Traffic Impact Report.*

*The applicant has reached an agreement with the owners of 107 Derham Road (Lot 1 DP 69082) regarding the construction of a bund which is partially located within their property and the existing road reserve adjacent to their property. Council Officers are satisfied that the proposed cross section as depicted on the Pritchard Group plan Drawing DR 02 makes allowances for both vehicular and non vehicular traffic and includes provision for stormwater control.*

*After initial consultation with Council Officers the applicant has incorporated a road reserve which will enable the proposed road to connect to the north should this land be developed in the future. This will provide more options for both vehicular and non-vehicular road users in the future”.*

- 11.2.5 In light of this assessment, in my opinion the traffic and safety effects of this proposal could be mitigated through the recommended conditions of consent.

### **11.3 Rural Character and Amenity**

- 11.3.1 The subject site is located within an existing rural area adjacent to rural/residential areas within close proximity to the small coastal community of Te Horo and surrounding areas of this subject site. There is a significant amount of rural residential development along Pukenu Road and Te Horo Beach Road which has been developed as a result of earlier subdivision consents.

- 11.3.2 Currently the site could contain a single dwelling, a family flat and accessory buildings as a permitted activity. The proposed subdivision would allow for 25 dwellings, each with a family flat and accessory buildings as a permitted activity.

- 11.3.3 A component of the existing character referred to by the submitters is the quiet, peaceful nature of the existing environment. The short term effect of this will be the construction noise resulting from the subdivision from plant machinery and house development. This is discussed below under the construction effects arising from the subdivision proposal. There are also potential effects due to noise of a more permanent nature for the existing residents. The increased activity associated with home occupation on the sites will be likely to produce a different noise character. However, the undulating nature of the topography, the lot layout (with larger lots adjacent to most existing residences), proposed landscaping of the dune lakes and stream corridor margins and the indicative house sites will mitigate many of the long-term noise effects in this locality.

- 11.3.4 Another point to discuss is the reverse sensitivity issues surrounding this proposal. This issue was not raised by submissions but is important to discuss as an assessment effect. The property is an existing dairy farm unit where the nearby residents could have experienced reverse sensitivity with this intensive farming. The introduction of semi rural lifestyle blocks may mitigate these effects arising from this activity. However, some reverse sensitivity issues such as noise and odour from agricultural activities that may affect future landowners with the 2 balance lots are likely to remain for rural use.

- 11.3.5 The proposed lots are located in a cluster formation with the large balance lots of the two hamlets providing open areas to be retained in rural pastoral use. It is considered that the layout of the lots and physical topography of the site will appropriately allow for the establishment of a clustered development as intended by the District Plan subdivision standards.

#### 11.4 Visual effects

- 11.4.1 The principal environmental effect on the existing rural character would arise from the potential for new dwellings or buildings to be located in such a way that they become visually obtrusive within the rural coastal landscape. It is considered that the design of the proposed lots has had regard to creating minimal visual effects in terms of providing access to the lots.

- 11.4.2 The applicant has proposed building and earthworks exclusion zones on the top of the dune systems, these are intended, to mitigate the potential visual effects by protecting the natural landform. These exclusion zones apply to Lots 3,4,6,12,13,14,15,24 and 25. These areas can be seen on the Scheme Plan drawing number SC.5.FH.1 dated 25/01/05 (Attachment 1).

- 11.4.4 The most western boundary of the site is located approximately 1400m from the beach and no building could be visible from the Te Horo Beach area because of the large natural dune landforms on the subject site as well as the significant separation distance from the beach. In addition, the proposed earthworks and building exclusion zones will help mitigate the visual effects of the development. Therefore in my opinion the proposal complies with the relevant objectives and policies of the district plan with respect to siting of buildings in the coastal dune environment.

- 11.4.5 The proposal involves the creation of two lakes with associated planting. These lakes would be positioned over the boundary of Lots 7 and 8 and within Lots 19, 20, 21 and 22. In my opinion, the lakes should create a positive visual effect within the hamlet environment. The realignment of the streams, would also require the planting of riparian areas. Department of Conservation has given the following comments in their submission:

*“The re-creation of dune lakes is a good idea and would provide an interesting landscape feature and habitat for waterfowl. The creation of a lake and planting of indigenous vegetation around the new lake margins will enhance the area’s wildlife value”*

Department of Conservation have also raised concerns regarding the potential for the lakes to provide habitat for pest fish. These concerns are addressed under Section 11.5.4 of this Report.

- 11.4.6 The proposed route of the roads follows the lower lying areas between the dunes. This would ensure the dunes and the natural landforms would not be altered dramatically as a result of the roads. The visual impact of the proposal on the landscape would be a change from the existing landform but not outside the objectives and policies of the district plan for the rural zone and rural subdivision.

## **11.5 Ecological Importance**

- 11.5.1 The small stand of manuka referred to in paragraph 5.7 and in the Department of Conservation submission is that should the application be approved a consent notice could be placed on the title of Lot 24 to provide legal protection to the stand and to ensure that it is not cleared by future landowners. Furthermore, Tim Park (Council officer-Bio-diversity Co-ordinator) as done a site visit and recommended that the protection of the manuka shrubland and wetland area should be required as part of the subdivision proposal. It is recommended that conditions to address this has been included as part of the consent.
- 11.5.2 The Department of Conservation has requested through a submission and consultation with the applicant the applicant undertakes restoration work by way of “meandering” a tributary of the Mangaone Stream that runs through lots 16, 17, 20 and 22, to help create a more natural environment. The applicant has been granted consent from the Regional Council for the associated earthworks within the stream corridor of the main drain running through the northern boundary of the site. The proposal seeks to re-create small areas of native vegetation and meanders within an already modified landscape. Planting of native species such as cabbage trees and flaxes around the meanders of the drains will provide stability to the soils and enhance the local ecology of the surrounding landscape. A recommended condition of consent (51) requires planting and maintenance of riparian areas.
- 11.5.3 The creation of areas of native vegetation and restoring parts of the open drain into a more natural environment will result in reducing the number of straight drains running through the site by adding meanders to waterways. This will help the waterway become more natural with eddies and shade, through further planting, to help encourage fish life and provide new habitats for these fish species.
- 11.5.4 In my opinion, the formation of dune lakes can provide an aesthetically pleasing and desirable landscape feature and habitat for waterfowl and many fish species; however they can pose a threat to adjoining waterways as they may become a source of pest fish and pest plants. The Department of Conservation has recommended that wording is placed on all titles to alert future landowners to the threat that exotic fish pose and the costs that will be associated for their removal. After investigation, I have concluded that this is outside the functions and powers of Council, and therefore no condition has been recommended.
- 11.5.5 The creation of lakes and planting of indigenous vegetation around the new restoration lakes margins will enhance the area’s wildlife value. Greater Wellington Regional Council has requested a restoration plan be prepared in consultation with them. A recommended condition of consent has been included to ensure that this takes place if the consent is approved.
- 11.5.6 The property is not identified as containing any significant indigenous vegetation, and is not identified as being a significant ecological or geological site within the district plan. It is considered that the main effects on the environment will be a significant change in the appearance of the site as a result of the change from an undeveloped open landscape to a subdivided and developed rural environment.

Having said this, this type of development is anticipated and allowed for by the district plan. In my opinion, the proposed subdivision is likely to have a net overall positive effect on the natural vegetation.

## **11.6 Wastewater/Water**

11.6.1 The Subdivisional Engineer has provided the following comments:

11.6.2 *"The applicant as part of their application engaged Hamish Wells to recommend waste water treatment options for the new lots. The report recommends the use of low pressure sub-surface irrigation systems (LPSSIR) for lots where there is a potential for relatively high ground water levels. LPSSIR systems utilise a higher level of treatment so that the effluent may be used for irrigation*

*The applicant's proposals are satisfactory and an appropriate consent condition is recommended to cover construction and future operation of a wastewater treatment and disposal scheme".*

Therefore, all wastewater concerns can be addressed through the recommended engineering conditions of consent

11.6.3 The applicant proposes that potable water supply will be by way of rainwater collection into 25,000 litre tanks, with water from existing bores available for stock and irrigation. This has been assessed by the Subdivisional Engineer and has been included as a recommended condition of consent.

11.6.4 Use of bores is controlled by the GWRC through a permit system. They set the maximum take and monitor the use and effects of bores. The permits require renewal from time to time. The current maximum extraction rates still apply to the new development and as such there is no adverse effect on existing residents.

## **11.7 Earthworks**

11.7.1 The earthworks assessment criteria in the District Plan have been used for this evaluation.

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

The proposed works will not adversely affect the landform and visual amenity of the area, once they have been completed and surplus material recontoured and vegetated. In addition, the earthworks exclusion zones which will be required will mitigate visual impact.

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

Once grassing of the earthworked areas and creation of the roads and right of ways take place there will be minimal unnatural scar faces.

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

The earthworks will not remove any significant vegetation and is unlikely to affect the Mangaone Stream as long as good earthworks practice is observed. The engineering conditions are imposed to ensure this.

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

The Subdivision Engineers are satisfied with this proposal subject to the standard earthworks conditions.

- 11.7.7 It is likely that the earthworks would result in dust and windblown material if not managed correctly, therefore the suggested conditions of consent would require the consent holder to submit an earthworks management plan to Council for approval prior to commencing any works on the site under this consent. The management plan needs to address the following matters:

- Windblown soil
- Erosion and sediment control
- The control of noise and other construction effects
- A monitoring program for effects of the earthworks on and off site
- The discovery of any unrecorded archaeological sites

- 11.7.8 The New Zealand Historic Places Trust has strongly advised that an archaeological assessment is undertaken by the applicant as a result of their submission. Due to the fact that there are no recorded archaeological sites on this property, the recommended engineering conditions will ensure that these sites are protected.

The conditions of consent aim to significantly reduce the potential adverse effects which can arise as a result of earthworks. Meeting the earthworks conditions of consent is the responsibility of the consent holder. This could be achieved through good site management and planning. In the event of the conditions not being met, Council's Compliance Officer would follow up all complaints and take the appropriate enforcement action under the Resource Management Act 1991 to ensure the consent holder meets the conditions.

## **11.8 Bridleways/Cycleway/Walkways**

- 11.8.1 The site is located in an area where the conceptual cycleway, walkway, bridleway indicative network shows a confluence of routes. These routes are suggestions from the advisory group which generally follow waterways. The provision of opportunities for alternative transport is a key outcome of the Cycleway, Walkway, and Bridleway Strategy. The intention of the 'network' is

to aid council staff and land developers in their planning to encourage provision for these activities.

- 11.8.2 A number of the submitters have indicated at the pre-hearing meeting that they ride horses or walk along Derham Road and are concerned that additional traffic from this subdivision will make these activities hazardous.
- 11.8.3 Council would like to see the provision of earthworks to provide 3.5m for an off road path within the legal road along both the branches of the road extension to allow for an adequate connection in future. This unsealed path should have a slope no greater than 1:5 with a cross fall no greater than 1:50. The path should be a minimum of 2m from the hard shoulder or 2.5m from the edge of seal. The earthworks and grassing of this area along all legal roads could be required as a condition of consent.

## **11.9 Dust and Windblown Material and Noise from Construction**

- 11.9.1 Temporary effects from dust, windblown material and noise from construction will be addressed through engineering conditions of consent which would require wetting down of exposed areas to reduce dust and controlling hours of operation from machinery to mitigate noise. In my opinion, conditions of consent could address these potential adverse effects.
- 11.9.2 The Transpower submission raised concern about dust hazard or nuisance which may affect the Bunnythorpe- Haywards A and Bunnythorpe- Haywards B high voltage transmission lines which run through the western part of the site. They have requested a condition requiring the applicant to submit a dust management plan to Council for approval prior to any works being undertaken which could create this hazard. A recommended engineering condition of consent will address this.
- 11.9.3 Transpower also raised concerns over the distance for future buildings from the high voltage transmission lines running through proposed lots 7 and 8. They requested that a condition be imposed requiring that no *“buildings and structures, or any part of a building or structure must not be located within 11 metres vertically and 22.5 metres horizontally of the conductors on the Bunnythorpe- Haywards A transmission line”*. In light of Transpower’s submission they have stated that they would like to be heard at the hearing, where their specific requirements for the high voltage transmission lines for this site can be addressed. A recommended condition of consent (53) has been drafted, but it is expected will be subject to modification following consideration of Transpower’s submission.

## **11.10 Effects Summary**

The proposed hamlet development reflects the intentions of the District Plan by allowing people to live within the coastal environment where such development is designed in a sensitive manner. It is considered that the environmental effects of the proposed rural hamlet development, including traffic, rural character/amenity, earthworks and visual effects are no more than minor, and can be mitigated through the imposition of consent conditions.



## 12.0 SECTION 106 OF THE RESOURCE MANAGEMENT ACT 1991

Section 106 of the Act deals with the Council's responsibility in relation to considering subdivision where there is some risk of material damage arising from a natural hazard. Section 106 of the Act states:

### 106. Consent authority may refuse subdivision consent in certain circumstances

(1) Despite section 77B, a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—

- (a) the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or
- (b) any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; or
- (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

(2) Conditions under subsection (1) must be—

- (a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and
- (b) of a type that could be imposed under section 108.

After a full assessment, I believe the application meets the requirements of section 106.

## 13.0 NATIONAL AND REGIONAL POLICY STATEMENTS AND PLANS

13.1.1 There are no national or regional policy statements and plans considered relevant to this proposal.

## 14.0 OTHER MATTERS

14.1.2 Power and telecommunications are able to be provided to the subdivision and it is recommended that where ever possible these should be underground so as to reduce visual pollution.

## 15.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

### 15.1 Section 5 - Purpose

Section 5 of the Act states:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

15.1.1 The Council needs to consider the potential effects of allowing a higher density development within the District, including positive and negative, long and short term. It is considered that this proposal represents the provision of a higher density rural development where the effects on the environment can be avoided and mitigated.

15.1.2 Rural Hamlets such as this proposal retains the open space by allowing the grouping of dwellings in the interdunal hollows. It is relevant to consider that a range of densities at certain locations assists in the sustainable management of the Districts natural and physical resources. For these reasons it is considered that this development is in accordance with the principles and purpose of the Act.

## **15.2 Section 6 – Matters of National Importance**

It is considered that there are no matters of national importance relating to this application.

## **15.3 Section 7 – Other Matters**

In terms of section 7 the following are considered relevant:

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

As discussed previously it is considered that the proposed development allows for the efficient use and development of the physical rural zoned land resource, while maintaining and enhancing the existing amenity of the surrounding environment. Therefore it is considered that the proposal is also in accordance with section 7 of the Act.

## **15.4 Section 8**

Iwi Representatives have been consulted with regard to the application, and they have raised no concerns with Council.

## **15.5 Part II – Summary**

In conclusion, it is considered the proposal is not contrary to Part II of the Resource Management Act 1991.

## 16.0 CONCLUSION

- 16.1 The subdivision facilitates development of a form consistent with the existing character of the rural zone. The proposed lots have minimal adverse effects on the amenity values of the neighbourhood. The imposition of recommended conditions of consent and the rule provisions of the District Plan can ensure that any adverse environmental effects of subsequent building development on the lots are avoided, remedied or mitigated. The proposed subdivision is in keeping with the relevant policies and objectives of the District Plan, and will not compromise the development and character of the wider rural area. In conclusion, I consider that the proposal will have no more than minor adverse effects on the environment and I recommend accordingly that this resource consent can be granted subject to conditions.

## 17.0 RECOMMENDATION

That the Resource Consents Hearings Committee **grant** consent for the application by Pritchard Group Limited to undertake a development of the site at 747-757 State Highway 1, Te Horo (Part Section 5, Blk II, Kaitawa SD) which incorporates the following components:

- The construction of a new road to provide access to the development. This is regarded as a Controlled Activity pursuant to Rule D.2.1.2(v)
- Earthworks that exceed the standards contained in Rule D.2.2.1 are categorised as discretionary activities under D.2.1.3(B)(i)
- Subdivision in the Coastal Dune Environment Area is categorised in the District Plan as a Discretionary Activity subject to compliance with the standards contained in Rule D.2.2.3
- Earthworks within 20 metres of a waterbody is a Discretionary Activity under Rule D.2.1.3 (B)

If the Committee determines that consent should be granted to this proposal, then it is recommended that the consent should be subject to the following conditions:

### General:

1. The title plan or e - survey data set must generally conform to the subdivision consent proposal shown on Pritchard Group Limited, Drawing Number. SC.5.FH.1, dated 25/01/05 and submitted with application no. RM040393.
2. The earthworks and roading must generally conform with the proposal shown on Pritchard Group Limited , Earthworks plan, Drawing Number FH-EW-01-A3, dated 9/04/05 and submitted with this application no. RM040393.

## Engineering:

3. For each separate application for 224(C) the consent holder shall pay Council engineering fees of \$562.50, plus \$216 per rural lot, (GST inclusive) for work that may be required for plan approvals, site inspections and consent compliance monitoring prior to the section 224(c) certification of the subdivision  
Extra fees may apply in accordance with the engineering fees schedule adopted by Council from 12 December 2002.

Note: The current charge out rate is \$72.00 (GST inclusive) per hour

4. The consent holder shall make a reserves contribution of \$1963.50 (total \$47,124.00 GST Inclusive) for every new lot created towards a Reserves Fund prior to the section 224(c) certification of the subdivision

Note: There are 25 lots minus one existing lots giving 24 new lots

The consent holder shall comply with the requirements of the Kapiti Coast District Council Code of Practice for Subdivision and Development unless alternative means of compliance with requirements are submitted by the consent holder and approved by the Subdivision Engineer.

5. The consent holder shall submit to Council for approval three copies of the plans and specifications for the engineering development. No work shall commence until the plans and specifications have been approved by the Subdivision Engineer in writing.

6. The consent holder shall employ a suitably qualified person experienced in soils engineering to supervise, test and certify any compaction, filling, slopes and batters.

The Council's Subdivision Engineer shall be advised of the intended suitably qualified person. If that person is not acceptable then Council shall have the right to require the consent holder to employ a specified suitably qualified person at the consent holder's cost.

7. The consent holder 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 Schedule 2A NZS 4404:2004, Land Development and Subdivision Engineering, and confirm that a safe bearing pressure of soil supporting foundations is not more than 600mm below the surface level of the ground. The certificate shall be accompanied by the site investigation report by the suitably qualified person.

Or

(b) Supply to Council a report by the suitably qualified person detailing site investigation work and findings together with recommendations for foundation

design for each allotment.

In cases within the provisions of the clause (b) above, a Consent Notice under Section 221 of the Resource Management Act 1991 will be issued by Council recording the soil conditions and foundation recommendations on the certificate of title

8. An Earthworks management plan that addresses all potential adverse effects of the proposed earthworks shall be submitted for the approval of the Council's Subdivision Engineer. No work shall commence until the management plan has been approved. The earthwork plan is to comply with the Wellington Regional Council Publication – "Erosion and Sediment Control Guidelines for the Wellington Region", specifically referring to silt control. The management plan will need to address at least the following matters:
  - Windblown soil (with particular regard to the Transpower High voltage transmission lines)
  - Storm water and sediment run-off
  - Progressive top soiling and re-vegetation immediately following completion of each stage of the works
  - The control of noise and other construction related effects
  - A monitoring program for effects of the earthworks on and off site
  - The discovery of an unrecorded archaeological site.
9. The consent holder shall comply with the requirements of the New Zealand Electrical Code of Practice (NZECP34:2001).
10. Earthworks shall be in accordance with the Pritchard Group plan Faiths Earthworks Plan FH-EW-01 Rev 1
11. Each Rural lot shall have a site for a building platform at a reduced level no lower than the current flood level arising from the 1 in 100 year flood event as advised by Greater Wellington Regional Council.
12. Any habitable buildings constructed on any lot shall have their floor level no lower than the flood level arising from the 1 in 100 year flood event current at the time of building, as advised by Greater Wellington Regional Council.

A Consent Notice under section 221 of the Resource Management Act 1991 will be issued by the Council recording this requirement for each affected lot.
13. Earthworks shall be kept to a minimum to ensure the least disturbance to the landform
14. Earthworks shall comply with the requirements of the current issue of NZS 4431.
15. Where the existing land or vegetative cover is disturbed, suitable ground cover shall be established as soon as practicable following earthworks or within 5 days of completion whichever shall occur first. For this condition "suitable ground cover" means application of base course, topsoil, grassing or mulch, or another type of application to the satisfaction of the Subdivision Engineer.

16. Should there be potential for wind-blown sand, soil or other material to be transported onto other properties the consent holder shall erect suitable fabric fencing (sarlou cloth or similar) or take other acceptable mitigation measures, to the satisfaction of the Subdivision Engineer  
Note: The consent holder shall not use water from Council watermains for mitigation measures
17. The consent holder shall not remove soil support from adjacent lots
18. All batters shall be self-supporting
19. Should a waahi tapu or other cultural site be unearthed during earthworks the operator and/or owner shall :-
- (a) cease operations;
  - (b) inform local iwi (Ngati Raukawa);
  - (c) inform the NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required;
  - (d) Take appropriate action, after discussion with the NZHPT, Council and iwi to remedy damage and/or restore the site.

Note:

In accordance with the Historic Places Act 1993, where an archaeological site is present (or uncovered), an authority from the NZ Historic Places Trust is required if the site is to be modified in any way. Council recommends that a section 12 archaeological authority is obtained prior to commencing earthworks.

20. The consent holder shall notify Iwi in writing a minimum of 48 hours prior to undertaking any earthworks on the site and shall facilitate the observation by Iwi of those earthworks
21. The suitably qualified person shall confirm in writing prior to the section 224(c) certification of the subdivision that all the earthworks conditions of this consent have been met.
22. A topographical plan shall be provided showing contours at no greater than 1 metre intervals prior to and on completion of earthworks. The scale of the plan shall be 1:500 and two copies shall be provided. The plan shall also show the position and approximate level of all test locations including test borings. Where appropriate the plan should accompany any engineering reports by the suitably qualified person.

Notes:

In situations where earthworks have been required to bring land to above recommended building levels, for flood mitigation purposes, as built contours and spot levels shall be at suitable detail to clearly show the extent of land brought above the recommended building levels and the levels of that land.

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 earth filling.”

23. All lots shall have drive-on access no steeper than 1 in 5 to a permitted, notional, nominated or existing house site, unless otherwise approved by the Subdivision Engineer.
24. Rights-of-way shall, as a minimum, be formed and metalled. The entrance at the road berm shall be formed, metalled and sealed in accordance with a design included within the engineering drawings to be submitted to Council for the Subdivision Engineer's approval.
25. The new roads shall be 17 metres wide and vested in Council. They shall be formed, metalled and second coat sealed to Council standard requirements. The sealed carriageway shall be a minimum of 6 metres wide. Turning circles shall be provided for both roads.

The requirement for a second coat seal may be met by lodging a cash contribution with Council calculated at \$6.50 (GST inclusive) per square metre of the area of first coat seal.

A prime/seal coat and asphaltic concrete paving may be approved by the Subdivision Engineer.

26. The consent holder shall prepare a street lighting plan for the development and submit to the Subdivision Engineer for approval. As a minimum, street lights are required at the intersections of the new roads and the existing roads and at the cul-de-sac heads. Street lights are to be installed in accordance with the approved plan and are to be fitted with anti-glare shields.
27. A rural numbering post shall be provided for each lot. This condition will be satisfied by the payment of \$40.00 (GST inclusive) per lot
28. The consent holder shall carry out the recommended works as specified in sections 6.2, 6.3 and 6.4 in the Trafficconcepts Ltd Traffic Impact report – Missions Country Estate Derham Road Kapiti Dated April 2005
29. The consent holder shall submit a road safety audit report to determine any speed restrictions, traffic control requirements and any other traffic safety requirements for the roads within the subdivision. This report shall be submitted at the time engineering drawings are submitted for approval. The audit shall be undertaken by a suitably qualified person and the audit recommendations incorporated into the works, unless otherwise approved by the Subdivision Engineer.
30. The consent holder shall provide all signs and install all road markings in compliance with Transit New Zealand manual RT5, Guidelines for Rural Road Marking and Delineation, unless otherwise approved by the Subdivision Engineer. The associated costs of legalising any no stopping lines, give way and compulsory stops and other signs that are required shall be met by the consent holder
31. Three names per new road shall be forwarded to Council for approval. The approved name of each new road shall be shown on the survey plan. To meet the requirement for sign posts and/or name plates to be provided for



each road the consent holder shall pay a fee of \$250 (GST inclusive) per required sign

32. The consent holder shall submit a stormwater disposal design for approval by the Subdivision Engineer. Construction shall be in accordance with the approved plan.
33. The recommendations for and constraints on the provision of wastewater treatment and disposal as documented in the Hamish Wells Report submitted with the Application shall be included in a consent notice to be issued by Council pursuant to section 221 of the Resource Management Act 1991. The consent notice shall include reference to the owners' responsibility to maintain and monitor their wastewater disposal so that any adverse effects on the environment are minor
34. A report addressing the means of providing, maintaining and monitoring water supply for each lot with a minimum storage of 25,000 litres shall be provided to Council by a suitably qualified person. The recommendations for and constraints on the provision of water supply shall be included in a consent notice to be issued by Council pursuant to section 221 of the Resource Management Act 1991. The consent notice shall include reference to the owners' responsibility to maintain and monitor their water supply so that any adverse effects on the environment are no more than minor.
35. To meet fire fighting requirements, 4,500 litre easily identifiable concrete water tanks shall be provided. The tanks shall be located so that any fire risk is no more than 200 metres from a water tank, and, where possible, they shall be located in the road reserve. If located other than on road reserve then appropriate easements will be required.
36. Power and telecommunication services to each lot shall be provided to the approval of the Subdivision Engineer. Where ever possible these services shall be underground.
37. "As built" plans of any services to be handed over to the Council, adequately dimensioned to show the relationship of such services to the lot boundaries shall be supplied by the consent holder and to the approval of the Subdivision Engineer.
38. The consent holder shall provide Council with an itemised schedule of quantities and costs, for those services and assets which are to vest in Council.
39. Easements are required over any rights of way and/or communal services where these pass through the lots in the subdivision.

The Subdivision Engineer may require other easements.

Easements shall be shown on the land transfer title plan and any documents shall be prepared by solicitors at the consent holder's expense.

40. Lot 27 shall vest as a 17m wide road reserve and shall be fenced with a 7 wire post and wire fence or equivalent along the reserve boundaries with lots 8 and 9. Alternative fencing and finishing may be approved by the Subdivision Engineer

41. The consent holder 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. The consent holder shall enter into a bond or cash deposit of \$500 per lot subject to the covenant on application for the 224(c) certificate. The bond will be refunded once evidence is submitted that the covenants have been registered on the appropriate titles
42. The consent holder shall supply a copy of the title plan and shall list and indicate how each condition has been met to the satisfaction of the Resource Consents Manager.

**Contributions:**

43. The consent holder shall pay a total Reserves Contribution of \$47,124.00 (GST Inclusive). The reserves contribution corresponding to the number of allotments shown on the survey plan for each stage at a rate of \$1963.50 (GST Inclusive) per allotment shall be paid prior to the execution of any certificate pursuant to section 224(c) of the Resource Management Act 1991.

**Amalgamation:**

44. "That Lot 1b hereon as shown on the Scheme Plan Drawing Number SC.5.FH.1 be amalgamated with Lot 25 hereon and that both parcels of land are held in the same Certificate of Title (LINZ Reference Number 442524)"

The survey plan must be endorsed accordingly.

**Legal:**

45. The existing dune landform within the areas identified within Lots 4, 6 and 15 are considered to be dominant ridgelines. No part of any building or structure shall be located, or earthworks undertaken (except that work to establish and maintain vegetation may be carried out), within the areas identified as 'Building and Earthworks Exclusion Zones' depicted on the approved scheme plan. This level is from and above 27.5 msl within these said lots. This is to mitigate the potential adverse visual effects of development on the natural character of the dunes. The 'Building and Earthworks Exclusion Zone' shall be identified by numbers and/or letters on the survey plan to facilitate precise identification on each title to issue.

**Please Note:**

Upon the issue of the Certificate pursuant to Section 224 of the Resource Management Act 1991 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify the above condition be registered against the Certificates of Title to issue in respect to Lots 4, 6 and 15 of this subdivision.

46. The existing dune landform within the areas identified within Lots 3, 12, 13, 14, 24 and 25 are considered to be dominant ridgelines. No part of any

building or structure shall be located, or earthworks undertaken (except that work to establish and maintain vegetation may be carried out), within the areas identified as 'Building and Earthworks Exclusion Zones' depicted on the approved scheme plan. This level is from and above 32.5 msl within these said lots. This is to mitigate the potential adverse visual effects of development on the natural character of the dunes. The 'Building and Earthworks Exclusion Zone' shall be identified by numbers and/or letters on the survey plan to facilitate precise identification on each title to issue.

Please Note:

Upon the issue of the Certificate pursuant to Section 224 of the Resource Management Act 1991 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify the above condition be registered against the Certificates of Title to issue in respect to Lots 3,12,13,14, 24 and 25 of this subdivision.

47. The consent holder shall construct a 7 wire post and batten fence around the entire perimeter of the wetland area as shown on the plan titled 'Wetland to be Protected (Missions Estate- Attachment 6 of the Planners Report)' to exclude all stock to the satisfaction of the Resource Consents Manager. The perimeter fence will be inspected by Council prior to the Section 224(c) certification for Stage 2 of the subdivision as shown on the Missions Country Estate Staging plan contained within the file RM040393.
48. The wetland area as defined on the plan titled 'Wetland to be Protected (Mission Estate- Attachment 6 of the Planners Report)' shall be surveyed and shown on the title plan prior to the Section 223 certification of stages 2 and 4 of the subdivision as shown on the Missions Country Estate Staging plan contained within the file RM040393.
49. Evidence may be provided which confirms that the upgrading and maintaining of the fence and the ongoing management of the wetland area as shown on the title plan shall be addressed as part of a covenant with the QEII Trust or the Department of Conservation. Should this be provided, the consent notice will not be required and Council will accept a secured bond or cash deposit to the value of \$5000 in lieu of the registration of the covenant on the titles of Balance area 1b (Lot 25) and balance area 2 (Lot 24) as shown on the Missions Country Estate staging plan to enable the section 224(c) certification of Stage 2 and 4 of the subdivision. A copy of the completed covenant and evidence shall be provided to Council which confirms that the covenant has been registered on the titles of balance area 1b (lot 25) and balance area 2 (lot 24) prior to the release of the cash deposit or bond.

Alternatively, a consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be prepared by Council to be placed on the title of balance area 1b (lot 25) and lot 24 which records the following requirements to be complied with on an ongoing basis:

**Conditions for consent notice:**

- (1). It shall be the ongoing responsibility of the owners of balance area 1b (Lot 25) and balance area 2 (Lot 24) as shown on the approved subdivision plans to maintain a 7 wire post and batten fence to a standard to prevent stock from entering the wetland area at all times.
  - (2) It shall be the ongoing responsibility of the owners balance area 1b (Lot 25) and balance area 2 (Lot 24) shown on the approved subdivision plans to control environmental weeds within the wetland area which are referred to in the Regional Pest Management Strategy.
  - (3). Within the wetland area as identified on the plan titled 'Wetland to be Protected (Mission Estate)' the following activities shall be prohibited:
    - All buildings and structures
    - All stock
    - Vehicles
    - Fire or any device or activity which could result in a fire
    - Earthworks (except for earthworks necessary to construct and maintain the fence required by condition 49).
    - The damage, removal, destruction, felling of any indigenous vegetation unless the species involved are identified by the Department of Conservation, the QEII National Trust, or Greater Wellington Regional Council as being an ecological threat to the site, and its removal is recommended by one of these authorities as a necessary part of the successful ongoing management of the site.
50. The consent holder shall supply a revegetation/restoration plan for the wetland area as identified on plan "Wetland to be protected (Missions Estate-Attachment 6)" using locally sourced natives. The plan shall be prepared by an appropriately qualified ecologist or landscape architect. This plan must be approved by Council and the planting completed prior to the section 224 (c) certification of Stage 4 of Hamlet 2 as defined on the plans titled "Wetland to be Protected (Mission Estate)". Council may accept a secured bond or cash deposit to the value of \$5000 in lieu of the planting being carried out to allow for seasonal variations in planting.
51. The consent holder shall prepare a restoration plan, in consultation with the Greater Wellington Regional Council, to address the appropriate form, planting and future management of the proposed dune lakes prior to the section 224 (c) certification of Stage 2 of Hamlet 1 and Stage 4 of Hamlet 2 as shown on the plan titled "Missions Country Estate Staging Plan" contained in the file RM040393
52. The consent holder shall provide a planting plan for the riparian areas using locally sourced native species suitable for riparian environments which are to be planted along the stream where it runs through proposed lots 16, 17, 20 and 22 to the satisfaction of the Resource Consents Manager. The plan shall be approved and the planting carried out prior to the Section 224(c) certification of

stages 3 and 4 of Hamlet 2 as shown on the plan titled "Missions Country Estate Staging Plan" contained in the file RM040393.

Council will issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 to be registered on the titles of Lots 16, 17, 20 and 22 as shown on the approved scheme plan which requires the owners of the lots to maintain the planting in accordance with the approved planting plan.

Note: Council may accept a secured bond or cash deposit to the value of \$5000 in lieu of the planting being carried out to address seasonal variations in planting.

53. Any siting of buildings or structures or any part of a building on the proposed lots 7 and 8 shall not be located within 11 metres vertically and 22.5 metres horizontally of the conductors on the Bunnythorpe-Haywards A transmission line

#### **Monitoring:**

54. The consent holder shall notify the Council's Compliance Officer in writing 48 hours before the consent is carried out. The consent holder shall fill out and return (by fax 04 9045815 or post Private Bag 601, Paraparaumu) the form attached to the decision letter.
55. That the consent holder shall pay to the Kapiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions [or review of consent conditions], or supervision of the resource consent as set in accordance with section 36 of the Resource Management Act 1991. These costs\* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained.

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

#### **Advice Notes**

1. The Survey Plan must be certified in accordance with Section 223 and land use given effect to within 5 years of the granting of this Consent, or within such extended period of time pursuant to Sections 125 and 37, as Council may allow.
2. A certificate pursuant to Section 224 will be issued following compliance with all of the conditions of subdivision consent set out above, and payment of all relevant charges and levies.
3. Rights of objection to the conditions specified above may be exercised pursuant to Section 357(2) by the consent holder. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this

notification or within such extended period as Council in any special case may allow.

4. The following development contributions are required for every new rural lot pursuant to section 198 of the Local Government Act 2002 and the 2004/2005 Council's Development Contributions Policy:

Community Facilities	\$22,788.00(24 x allotments@\$949.50 GST Inclusive)
Roads	\$37,752.00(24 x allotments@\$1,573.00GST Inclusive)
<b>Total</b>	<b>\$60,540.00</b>

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

5. This Land use consent incorporates the approval for Earthworks required under the Kapiti Coast District Council Earthworks Bylaw
6. The consent holder should not encroach onto adjacent land owned by others without having first obtained their written consent.
7. Contravention of the Land Drainage Act is not permitted and natural drainage patterns are to be preserved.
8. The design of farm access entranceways, including boundaries, to a rear lot are required to be in accordance with Section J, Diagram 3 of the Kapiti Coast District Plan

Report prepared by:



Ian Carstens  
Resource Consent Planner

May 11<sup>th</sup>, 2005

Peer review by:



Trevor Garnett  
Acting Resource Consents Manager.



Wayne Gair  
Senior Resource Consents Planner

**IN THE MATTER OF**      the Resource Management Act 1991  
**AND**  
**IN THE MATTER OF**      an application for subdivision and land use  
   consents

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**DECISION OF THE HEARING COMMITTEE  
FOR APPLICATION: RM040393**

**Applicant:** Pritchard Group Limited

Crs. Ammundsen (Chairperson), Strachan and Wooding

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**Date of Hearing:** 19 May 2005



**Applicant's Name:** Pritchard Group Limited

**Address/Location:** 737 – 757 State Highway 1, Te Horo

**Legal Description:** Part Section 5 Blk II Kaitawa S D

**Zoning:** Rural

**Special Features:** Coastal Dune Policy Area

**Activity Status:** Discretionary

**Reporting Officer:** Ian Carstens, Resource Consents Planner  
Kapiti Coast District Council (“the Planner”)

## THE PROPOSAL

The applicant has sought consent to develop the 105 hectare rural property in Te Horo to create two rural hamlet developments. The consents sought are:

- a fee-simple subdivision of the land;
- land use consent associated with the formation of two new roads to serve the subdivision;
- land use consent for earthworks related to the subdivision, being approximately 24,000m<sup>3</sup> cut and 46,400m<sup>3</sup> of compacted fill to effect the recontouring along the road alignments, rights of way and lot formation to create house platforms and waste disposal sites; and
- land use consent for earthworks within 20 metres of a waterbody, which is related to the restoration work associated with “meandering” a tributary of the Mangaone Stream and the creation of two lakes.

Details of the two Hamlets to be created are as follows:

- Hamlet 1 comprises 12 lots ranging in size from 1.54ha to 5.27ha. The balance lot has an area of 21.47ha. The two parts of the balance lot (Lot 25) will be amalgamated and held in one title.
- Hamlet 2 comprises 11 lots ranging in size from 1.27ha to 4.67ha. The balance lot has an area of 23.49ha.

Consent has been sought to proceed with the development in up to four stages, and at the hearing the applicant requested that flexibility be allowed in the composition of those stages in order to meet market demand and to cope with circumstances that may arise during the course of the construction of the proposal. In general terms the stages in which the development is to proceed are as follows:

- Stage 1 Lots 1 – 4 and 6;
- Stage 2 Lots 5 and 7 – 12;
- Stage 3 Lots 13 – 16; and
- Stage 4 Lots 17 – 24.

Vehicular access to the site is proposed from an extension off Derham Road. This road extension would have a legal width of 17 metres with a sealed width of 5.5 metres. The proposed road would fork to the left forming a cul-de sac of about 390 metres in length, accessing cluster one, and also to the right for about 750 metres in length, providing access

to the second cluster. Rights of way are proposed that would provide access to the lots within the two clusters. There are four proposed rights of way in this development, with one being located in cluster 1 while three are proposed to be located in cluster 2. The applicant has also provided a road reserve to vest (lot 27 on the Scheme Plan) to improve the connectivity with the land to the north for possible future development.

It is intended that wastewater and stormwater will be disposed to ground, with any required facility being implemented at the time of house construction. Roof collection will provide potable water for the new dwellings.

It is intended to restrict certain activities within specific areas of the new allotments, and these restrictions relate to: earthworks for the construction of buildings, protection of the wetland area and the establishment and maintenance of amenity planting. Further mitigation measures are proposed by the subdivider, and are more fully described in the application documents and summarised in the planner's report.

## **THE SITE**

The planner comprehensively describes the site and surrounds in section 5 of his report. The Committee visited the site and noted that the site is dominated by two large undulating dunes and areas of interdunal formation typical of the coastal dune environment. The committee also noted that the predominant vegetation cover comprised pasture and grass but that there is a small stand of regenerating manuka in a low lying area near the southern boundary adjacent to Derham Road.

## **DISTRICT PLAN**

The land is located within the Rural Zone of the Kapiti Coast District and is also identified in the Plan as being within the Coast Dune Policy Area.

The Committee is satisfied that the status of the proposed activity has been correctly determined by the planner as outlined in section 7 of his report and that under the rules of the District Plan resource consents are required as follows:

- The construction of the new road is an activity specifically provided for as a controlled activity under Rule D.2.1.2(v).
- The earthworks required to modify parts of the landform that exceed the permitted activity limits contained in Rule D.2.2.1 are categorised as a discretionary activity under D.2.1.3(b)(i)
- Subdivision in the Coastal Dune Environment Area is categorised as a discretionary activity subject to compliance with the standards contained in Rule D.2.2.3
- Earthworks within 20 metres of a waterbody is a discretionary activity under Rule D.2.1.3(B).

The Committee agrees with the planner that the proposal should be considered as a bundle of activities and therefore assesses it as a discretionary activity.

## **PRE-HEARING MEETING**

The Committee notes that a pre-hearing meeting was held in the Kapiti Coast District Council Chambers on April 19, 2005 and that the planner reported that a positive and constructive approach was adopted by the five submitters that were present and also by the applicants' representatives.

## **SUBMISSIONS**

The Committee has read all the submissions made on the application. The Committee agrees with the planner's assessment of the issues raised by the thirteen submitters, one of which also included a petition signed by 9 additional people, two of whom were not served notice of the proposal. It is noted that there were six submissions in opposition, six in support, several with conditions attached to that support and one neutral submission and that the issues raised by the submitters can be summarised as follows:

- Traffic issues in Derham and other roads serving the subdivision and the immediate area and the loss of safety and amenity that will result;
- Preference for road access to the development from State Highway One;
- Preference that access be provided to Pukenu Road instead of Derham Road;
- Increased risk to traffic and road safety;
- Risks associated with construction traffic
- Noise and dust arising from the construction of the proposal;
- Increased runoff resulting from the development;
- Potential to increase flooding as a result of the development;
- Impact of water use on existing bore users;
- Effects of wastewater disposal on ground water quality;
- Location of buildings and their potential effects with respect to existing transmission lines;
- Potential loss of access to transmission line supporting structures;
- Safety effects resulting from earthworks in the vicinity of transmission lines, including dust effects;
- The need to prevent the introduction of pest fish into the existing waterways on site;
- The need for a restoration plan to address plating and future management of the proposed lakes;
- Need to protect the existing small stand of Manuka on site;
- The need for restoration and "meandering" work on the tributary to the Mangaone Stream to restore and protect natural habitats;
- Effects of the proposed development on any historic sites in the area

The Committee heard the submissions made by those parties to the consent that appeared at the hearing and noted that in general the form of the development as proposed was supported by most submitters but that the issues relating to traffic safety (including the effects on equestrian traffic), water supply (with respect to bore supply) and safety issues relating to existing electricity transmission lines.

## **INTRODUCTION TO HEARING COMMITTEE'S ASSESSMENT**

As noted above, the proposal is a discretionary activity under the rules of the District Plan, and thus the scope of the assessment of effects is not limited only to specific matters, and nor is it limited to the issues raised by submitters. There may be matters not raised by submitters that the Committee needs to consider.

For assessing this application the Committee is mindful of the policy direction as expressed in the District Plan, in so much as this document expresses the aspirations of the community. The Committee has therefore referred to the objectives and policies as guidance as to whether an adverse effect is to be regarded as minor. The Committee agrees with the planner that the relevant objectives and policies of the District Plan are those included in Attachment Three to his report. Under section 104(1) of the Act the Committee is also obligated to consider the purpose and principles of the Resource Management Act ('the Act') which along with the provisions of the District Plan and the provisions of other statutory documents, such as the Long Term Council Community Plan and the Wellington Regional Policy Statement, comprise a framework for assessing the effects of the proposal. The provisions of the Act and the related documents, which were analysed by the planner, have been taken into account in the assessment that follows. All the matters that the Committee considers to be relevant are discussed under the various headings below.

## **ASSESSMENT**

### **Traffic**

The submission process brought to light a number of concerns local residents have about the current roading infrastructure in the area and this issue was further addressed by those who attended the hearing.

Evidence was presented by a Traffic Engineer on behalf of the applicant that demonstrated that the traffic impact resulting from the subdivision development will be minor as the potential carrying capacity of the roading network is significantly higher than the demands that will be made by the proposed subdivision in addition to the existing residents in the area. This assessment was based on existing traffic data supplied by the Kapiti Coast District Council and an analysis of this in accordance with accepted methodology.

The Committee heard from the submitters about their concerns about the increase in traffic that will result from the proposed development and in particular one of the submitters had conducted his own traffic survey over one weekend prior to the hearing and the results of this survey tended to indicate that the recorded traffic events were perhaps lower than current usage.

The Committee notes the following in respect of the traffic issue from the evidence available:

- Access to State Highway One is not favoured by Transit New Zealand because there is an alternative access to the development possible;
- The proposed measures to deal with modifications to the signage on adjacent intersections will allow the potential capacity of the roading network to be better utilised;
- The perceived problems associated with the traffic capacity of the roading network are already in existence and are not as a result of the proposed development.

It is apparent that the roading network as it exists has sufficient capacity to serve the needs of the existing community and the proposed development and that the effects of the additional traffic from the subdivision development will be minor.

### **Rural Character and Amenity, Visual Effects and Ecological Issues**

The attractiveness and natural values of an area can be adversely affected both in terms of pleasantness and character by more intensive subdivision and the inevitable construction of buildings in the new allotments.

The applicant has satisfactorily endeavored to keep modifications to the landform to an absolute minimum, and has proposed measures to ensure that new buildings and related activities will be appropriately located. The Committee is satisfied that the conditions recommended by the planner will ensure that there are obligations imposed upon future owners. Some excavation is proposed but this is not prominently located and the applicant can be required to restore a natural profile and to revegetate the disturbed ground.

The Committee noted that the form of the subdivision proposal complies in all respects with the discretionary activity standards of the District Plan with respect to Rural Hamlet developments and concurred with the planner's assessment with respect to rural character and amenity. The Committee also noted the measures proposed by the applicant to control the visual effects of development in the Coastal Dune Environment and concurs with the proposed measures contained in the report to manage any potential visual effects.

Overall, and on balance, the Committee is satisfied that the subdivision will not significantly impact upon the coastal environment and related landform and that the design of the proposal and the mitigation measures proposed as a part of the application will serve to address the effects in a way that will minimize the impact of the development.

### **Wastewater / Water**

The Committee concurred with the advice from the planner and the Subdivisions Engineer with respect to the provision of wastewater and water services to serve the proposed allotments, but considers that additional water supply storage would be desirable, given the potential demand in the summer months and the comments made by submitters at the hearing in this regard.

### **Earthworks**

The Committee noted that the design of the proposed development has incorporated measures to avoid the creation of unnatural scar faces in any earthworks and that the quantum of earthworks involved in the proposal has been kept to a minimum. The Committee also noted with pleasure that the proposal also includes measures to "meander" the stream and to return it to a more natural appearance upon completion of the works

### **Bridleways / Cycleways / Walkways**

The inclusion of provision for the Bridleways/Cycleways/Walkways network in the design of the development is strongly supported by the Committee and the planner's comments in this regard are endorsed.

### **Construction Effects**

The Committee concurs with the conclusions of the planner with respect to the construction effects of the proposal, which in general, will have minimal effect outside the site and will be for a limited duration. The submissions of Transpower have given rise to possible modifications to conditions to mitigate the construction effects with respect to the impact on the existing transmission lines.

### **Heritage and Cultural Issues**

The Committee notes that there are no known cultural sites of significance listed in the District Plan in relation to the development site and that Iwi representatives have been consulted in this regard without any concerns being raised.

The Committee is confident that a condition can be imposed to ensure any construction work is undertaken in an appropriate manner.

### **Reserves and Infrastructure**

The subdivision of the land and the inevitable use of the new lots for residential purposes will place a greater demand on the public reserves, open space land and the council's infrastructure. Section E of the District Plan outlines the circumstances where financial contributions are required. The financial contributions applicable to this subdivision are detailed in the planner's report and comprise payments for: community facilities (\$949.50); roads (\$1573.00); and, reserves (\$1963.50). It is now the Council's practice to use the provisions of the Local Government Act 2002 to require development impact fees for all but reserve contributions.

## **STATUTORY CONSIDERATIONS**

### **Section 104B – Discretionary Activities**

As we have noted above, the proposal has the status of a discretionary activity in terms of Rule D.2.2.3 of the District Plan. In order for consent to be granted to a discretionary activity, the consent authority must be tested against the provisions of section 104B of the Act. For discretionary activities, the Committee has authority to grant or refuse the application and if it grants the application, may impose conditions pursuant to section 108 of the Resource Management Act 1991.

Section 104(2) of the Act refers to disregarding any adverse effect if the plan permits an activity with that effect. The Committee notes that the proposed subdivision complies with the provisions of the Kapiti Coast District Council District Plan with respect to the Discretionary Rules and Standards.

All the relevant effects that could potentially arise from the proposal have been considered in this report above. The relevant policies and objectives of the District Plan have also been

sighted and considered, and those provisions have been used to give appropriate weight in determining the relativity of the effects.

### **Section 104 – Consideration of Application**

The Council may grant or refuse consent to a discretionary activity under section 104B of the Act and, if granted, may impose conditions under sections 108 and 220 of the Act.

Section 104(1) of the Act sets out matters to which a consent authority shall have regard in considering an application for resource consent. Any consideration under section 104(1) of the Act is subject to Part 2 of the Act.

Section 104(1) of the Act is correctly cited in the planner's report, and accordingly the Committee gave consideration to: effects on the environment; the objectives and policies of the District Plan; the provisions of other local and regional government documents; and, other matters it considered to be relevant.

### **National and Regional Policy Statements and Plans**

There are no national or regional policy statements or plans considered relevant to this proposal.

### **Part II of the Resource Management Act 1991**

Rural Hamlets such as this proposal retains the open space by allowing the grouping of dwellings in the interdunal hollows. It is relevant to consider that a range of densities at certain locations assists in the sustainable management of the Districts natural and physical resources. For these reasons it is considered that this development is in accordance with the principles and purpose of the Act.

### **Effects on the Environment**

The proposed hamlet development reflects the intentions of the District Plan by allowing people to live within the coastal environment where such development is designed in a sensitive manner. It is considered that the environmental effects of the proposed rural hamlet development, including traffic, rural character/amenity, earthworks and visual effects are no more than minor, and can be mitigated through the imposition of consent conditions.

In terms of its statutory obligations pursuant to section 104(1)(a), the Committee has come to this conclusion after giving due consideration to guidance and direction from the objectives and policies of the District Plan, consideration of the submission made on the proposal and after taking into account the measures proffered by the applicant to avoid or mitigate effects which can be reinforced and enforced by conditions of the consent.

### **Objectives and Policies of the District Plan**

The Committee was of the opinion that the appropriate Objectives and Policies of the District Plan had been identified by the planner in his report and that the proposed development is in accordance with the Rural and Coastal Dune Environment provisions of the District Plan in this regard. The Committee is also of the opinion that the design of the development is sensitive to the environment and is well planned, meeting Council's aspirations for developments of this type.



## **Other Relevant Matters**

Under section 104(1)(c) of the Act the Council may consider any other matters it considers relevant. These can include such matters as: precedent setting and the even-handed administration of the District Plan; other council documents such as the Long Term Council Community Plan ('the LTCCP'); and, the Council's Code for Subdivision and Development.

With respect to the provisions of the LTCCP, the Committee was of the opinion that the proposal meets the intent of that plan as expressed in Outcomes 1, 2 and 4 and is consistent with the community's vision as encompassed within the LTCCP.

The code of practice for subdivision and development sets parameters for the engineering design of any development. The planner's report includes a comprehensive commentary by the Council's subdivision engineer about the servicing and access proposals. The Committee agrees with his conclusion that conditions can be imposed to ensure that each allotment has adequate provisions for access and servicing, and this will address any relevant issues and ensure compliance with the code of practice.

## **Summary**

The Committee has evaluated the proposal under the relevant provisions of the Act. There is nothing to suggest that the subdivision consent should be refused in terms of hazards and access considerations under section 106 of the Act. After assessing all the relevant matters under section 104 of the Act the Committee considers that the resource consents can be granted pursuant to section 104B of the Act. Some environmental issues have been identified, but the Committee is satisfied that conditions can be imposed to mitigate or avoid those adverse effects.

## **Sections 108 and 220 – Conditions**

The proposal is categorised as a discretionary activity under the Resource Management Act 1991. As such the scope of matters that can be addressed by conditions is not limited or restricted. Nonetheless the Committee is aware that any condition must be fair and reasonable and must be for a resource management purpose. Having considered the matters raised in submissions and the evidence given at the hearing, the Committee largely agrees with the planner's recommended conditions, and considers that the conditions are justified in terms of sections 108 and 220 of the Act, and can be imposed accordingly.

Modifications are necessary, however to the following conditions to address issues raised in the course of the hearing for the reasons set out below:

- Condition 4, deleting reference to Reserves Contribution, as it is included in condition 43;
- Condition 5, to provide for the bridle track within legal road;
- Condition 10, to provide for a coordination of the design of the proposed lakes with the Greater Wellington Regional Council;
- Condition 14, to assist in the prevention of the introduction of pest plants etc. onto the site in the execution of the earthworks;
- Condition 19, removing the recommendation to obtain archeological authority prior to commencement of works;
- Condition 21, clarifying the "appointed soils engineer" as the suitably qualified person;
- Condition 34, increasing the volume of the required water storage to 30,000 litres;
- Condition 35, clarifying the preferred location to within legal road;

- Condition 51, modifying the reference from “restoration plan” to “planting plan”;
- Condition 53 has been modified to address the required separation distances from the Bunnythorpe-Haywards A and B transmission lines as requested by Transpower;
- Condition 54 is added to address issues related to separation distances from support structures relating to the transmission lines;
- Condition 55 is added to address safety issues relating to the use of machinery near the transmission lines;
- Condition 56 is added to ensure continued 4 wheel drive access to service the transmission lines;
- Condition 57 is added to protect the stability of the support structures for the transmission lines;
- Condition 58 is added to ensure that material is placed under the transmission lines in such a way as to compromise safety;
- Conditions 59 and 60 are added to limit activities that may create a dust nuisance with respect to the transmission lines;
- The monitoring conditions, (54 and 55) are renumbered 61 and 62 respectively as a consequence of the addition of conditions 54 to 60.

## DECISION

Resolved: Moved Cr. Strachan, Seconded: Cr. Wooding, Carried

That pursuant to section 104B of the Resource Management Act 1991 and after consideration of section 104 of the Resource Management Act 1991 the Hearing Committee acting under delegated authority **GRANTS** consent to the application by Pritchard Group Limited for subdivision and land use consents to undertake a development of the site at 747-757 State Highway 1, Te Horo (Part Section 5, Blk II, Kaitawa Survey District) which incorporates the following components:

- a fee-simple subdivision of the land in to Rural Hamlets as follows:  
Hamlet 1, comprising 12 lots ranging in size from 1.54ha to 5.27ha, and a balance lot with an area of 21.47ha in two parts. The two parts of the balance lot (Lot 25) will be amalgamated and held in one title.  
Hamlet 2, comprising 11 lots ranging in size from 1.27ha to 4.67ha and a balance lot with an area of 23.49ha.
- land use consent associated with the formation of two new roads to serve the subdivision;
- land use consent for earthworks related to the subdivision, being approximately 24,000m<sup>3</sup> cut and 46,400m<sup>3</sup> of compacted fill to effect the recontouring along the road alignments, rights of way and lot formation to create house platforms and waste disposal sites; and
- land use consent for earthworks within 20 metres of a waterbody, which is related to the restoration work associated with “meandering” a tributary of the Mangaone Stream and the creation of two lakes.

and that the consents be subject to the following conditions:

## General:

## **General:**

1. The title plan or e - survey data set must generally conform to the subdivision consent proposal shown on Pritchard Group Limited, Drawing Number. SC.5.FH.1, dated 25/01/05 and submitted with application no. RM040393.
2. The earthworks and roading must generally conform with the proposal shown on Pritchard Group Limited , Earthworks plan, Drawing Number FH-EW-01-A3, dated 9/04/05 and submitted with this application no. RM040393.

## **Engineering:**

3. For each separate application for 224(C) the consent holder shall pay Council engineering fees of \$562.50, plus \$216 per rural lot, (GST inclusive) for work that may be required for plan approvals, site inspections and consent compliance monitoring prior to the section 224(c) certification of the subdivision  
Extra fees may apply in accordance with the engineering fees schedule adopted by Council from 12 December 2002.  
Note: The current charge out rate is \$72.00 (GST inclusive) per hour
4. The consent holder shall comply with the requirements of the Kapiti Coast District Council Code of Practice for Subdivision and Development unless alternative means of compliance with requirements are submitted by the consent holder and approved by the Subdivision Engineer.
5. The consent holder shall submit to Council for approval three copies of the plans and specifications for the engineering development. No work shall commence until the plans and specifications have been approved by the Subdivision Engineer in writing.  
Note: Conceptual drawings ME.01 and ME.02 designs shall be incorporated into the engineering drawings to ensure a formed and grassed bridle track is included in the development. The final design and specification will be to the satisfaction of the Subdivisions Engineer.
6. The consent holder shall employ a suitably qualified person experienced in soils engineering to supervise, test and certify any compaction, filling, slopes and batters.  
The Council's Subdivision Engineer shall be advised of the intended suitably qualified person. If that person is not acceptable then Council shall have the right to require the consent holder to employ a specified suitably qualified person at the consent holder's cost.
7. The consent holder 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 Schedule 2A NZS 4404:2004, Land Development and Subdivision Engineering, and confirm that a safe bearing pressure of soil supporting foundations is not more than 600mm below the surface level of the ground. The certificate shall be accompanied by the site investigation report by the suitably qualified person; **or**
  - (b) Supply to Council a report by the suitably qualified person detailing site investigation work and findings together with recommendations for foundation design for each allotment.  
In cases within the provisions of the clause (b) above, a Consent Notice under Section 221 of the Resource Management Act 1991 will be issued by Council recording the soil conditions and foundation recommendations on the certificate of title

8. An Earthworks management plan that addresses all potential adverse effects of the proposed earthworks shall be submitted for the approval of the Council's Subdivision Engineer. No work shall commence until the management plan has been approved. The earthwork plan is to comply with the Wellington Regional Council Publication – "Erosion and Sediment Control Guidelines for the Wellington Region", specifically referring to silt control. The management plan will need to address at least the following matters:
  - Windblown soil (with particular regard to the Transpower High voltage transmission lines)
  - Storm water and sediment run-off
  - Progressive top soiling and re-vegetation immediately following completion of each stage of the works
  - The control of noise and other construction related effects
  - A monitoring program for effects of the earthworks on and off site
  - The discovery of an unrecorded archaeological site.
9. The consent holder shall comply with the requirements of the New Zealand Electrical Code of Practice (NZECP34:2001).
10. Earthworks shall be in accordance with the Pritchard Group plan Faiths Earthworks Plan FH-EW-01 Rev 1.

Note: The Earthworks Plan shall be prepared in consultation with Greater Wellington Regional Council to ensure that the lakes contain varying depths and shapes and have a shallow bench extending 3 metres from the shoreline.
11. Each Rural lot shall have a site for a building platform at a reduced level no lower than the current flood level arising from the 1 in 100 year flood event as advised by Greater Wellington Regional Council.
12. Any habitable buildings constructed on any lot shall have their floor level no lower than the flood level arising from the 1 in 100 year flood event current at the time of building, as advised by Greater Wellington Regional Council.

A Consent Notice under section 221 of the Resource Management Act 1991 will be issued by the Council recording this requirement for each affected lot.
13. Earthworks shall be kept to a minimum to ensure the least disturbance to the landform
14. Earthworks shall comply with the requirements of the current issue of NZS 4431 and all earthworking machinery shall be cleaned thoroughly before being brought onto the site.
15. Where the existing land or vegetative cover is disturbed, suitable ground cover shall be established as soon as practicable following earthworks or within 5 days of completion whichever shall occur first. For this condition "suitable ground cover" means application of base course, topsoil, grassing or mulch, or another type of application to the satisfaction of the Subdivision Engineer.
16. Should there be potential for wind-blown sand, soil or other material to be transported onto other properties the consent holder shall erect suitable fabric fencing (saron cloth or similar) or take

other acceptable mitigation measures, to the satisfaction of the Subdivision Engineer  
Note: The consent holder shall not use water from Council watermains for mitigation measures

17. The consent holder shall not remove soil support from adjacent lots
18. All batters shall be self-supporting
19. Should a waahi tapu or other cultural site be unearthed during earthworks the operator and/or owner shall :-
  - (a) cease operations;
  - (b) inform local iwi (Ngati Raukawa);
  - (c) inform the NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required;
  - (d) Take appropriate action, after discussion with the NZHPT, Council and iwi to remedy damage and/or restore the site.

Note:

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

20. The consent holder shall notify Iwi in writing a minimum of 48 hours prior to undertaking any earthworks on the site and shall facilitate the observation by Iwi of those earthworks
21. The appointed soils engineer shall confirm in writing prior to the section 224(c) certification of the subdivision that all the earthworks conditions of this consent have been met.
22. A topographical plan shall be provided showing contours at no greater than 1 metre intervals prior to and on completion of earthworks. The scale of the plan shall be 1:500 and two copies shall be provided. The plan shall also show the position and approximate level of all test locations including test borings. Where appropriate the plan should accompany any engineering reports by the suitably qualified person.

Notes:

In situations where earthworks have been required to bring land to above recommended building levels, for flood mitigation purposes, as built contours and spot levels shall be at suitable detail to clearly show the extent of land brought above the recommended building levels and the levels of that land.

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 earth filling.”

23. All lots shall have drive-on access no steeper than 1 in 5 to a permitted, notional, nominated or existing house site, unless otherwise approved by the Subdivision Engineer.
24. Rights-of-way shall, as a minimum, be formed and metalled. The entrance at the road berm shall be formed, metalled and sealed in accordance with a design included within the engineering drawings to be submitted to Council for the Subdivision Engineer's approval.

25. The new roads shall be 17 metres wide and vested in Council. They shall be formed, metalled and second coat sealed to Council standard requirements. The sealed carriageway shall be a minimum of 6 metres wide. Turning circles shall be provided for both roads.
- The requirement for a second coat seal may be met by lodging a cash contribution with Council calculated at \$6.50 (GST inclusive) per square metre of the area of first coat seal.
- A prime/seal coat and asphaltic concrete paving may be approved by the Subdivision Engineer.
26. The consent holder shall prepare a street lighting plan for the development and submit to the Subdivision Engineer for approval. As a minimum, street lights are required at the intersections of the new roads and the existing roads and at the cul-de-sac heads. Street lights are to be installed in accordance with the approved plan and are to be fitted with anti-glare shields.
27. A rural numbering post shall be provided for each lot. This condition will be satisfied by the payment of \$40.00 (GST inclusive) per lot
28. The consent holder shall carry out the recommended works as specified in sections 6.2, 6.3 and 6.4 in the Trafficconcepts Ltd Traffic Impact report – Missions Country Estate Derham Road Kapiti Dated April 2005
29. The consent holder shall submit a road safety audit report to determine any speed restrictions, traffic control requirements and any other traffic safety requirements for the roads within the subdivision. This report shall be submitted at the time engineering drawings are submitted for approval. The audit shall be undertaken by a suitably qualified person and the audit recommendations incorporated into the works, unless otherwise approved by the Subdivision Engineer.
30. The consent holder shall provide all signs and install all road markings in compliance with Transit New Zealand manual RT5, Guidelines for Rural Road Marking and Delineation, unless otherwise approved by the Subdivision Engineer. The associated costs of legalising any no stopping lines, give way and compulsory stops and other signs that are required shall be met by the consent holder
31. Three names per new road shall be forwarded to Council for approval.  
The approved name of each new road shall be shown on the survey plan  
To meet the requirement for sign posts and/or name plates to be provided for each road the consent holder shall pay a fee of \$250 (GST inclusive) per required sign
32. The consent holder shall submit a stormwater disposal design for approval by the Subdivision Engineer. Construction shall be in accordance with the approved plan.
33. The recommendations for and constraints on the provision of wastewater treatment and disposal as documented in the Hamish Wells Report submitted with the Application shall be included in a consent notice to be issued by Council pursuant to section 221 of the Resource Management Act 1991. The consent notice shall include reference to the owners' responsibility to maintain and monitor their wastewater disposal so that any adverse effects on the environment are minor

34. A report addressing the means of providing, maintaining and monitoring water supply for each lot with a minimum storage of 30,000 litres shall be provided to Council by a suitably qualified person. The recommendations for and constraints on the provision of water supply shall be included in a consent notice to be issued by Council pursuant to section 221 of the Resource Management Act 1991. The consent notice shall include reference to the owners' responsibility to maintain and monitor their water supply so that any adverse effects on the environment are no more than minor.
35. To meet fire fighting requirements, 4,500 litre easily identifiable concrete water tanks shall be provided. The tanks shall be located so that any fire risk is no more than 200 metres from a water tank, and, where possible, they shall be located in the legal road. If located other than on legal road then appropriate easements will be required.
36. Power and telecommunication services to each lot shall be provided to the approval of the Subdivision Engineer. Where ever possible these services shall be underground.
37. "As built" plans of any services to be handed over to the Council, adequately dimensioned to show the relationship of such services to the lot boundaries shall be supplied by the consent holder and to the approval of the Subdivision Engineer.
38. The consent holder shall provide Council with an itemised schedule of quantities and costs, for those services and assets which are to vest in Council.
39. Easements are required over any rights of way and/or communal services where these pass through the lots in the subdivision.

The Subdivision Engineer may require other easements.

Easements shall be shown on the land transfer title plan and any documents shall be prepared by solicitors at the consent holder's expense.
40. Lot 27 shall vest as a 17m wide road reserve and shall be fenced with a 7 wire post and wire fence or equivalent along the reserve boundaries with lots 8 and 9. Alternative fencing and finishing may be approved by the Subdivision Engineer
41. The consent holder 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. The consent holder shall enter into a bond or cash deposit of \$500 per lot subject to the covenant on application for the 224(c) certificate. The bond will be refunded once evidence is submitted that the covenants have been registered on the appropriate titles
42. The consent holder shall supply a copy of the title plan and shall list and indicate how each condition has been met to the satisfaction of the Resource Consents Manager.

**Contributions:**

43. The consent holder shall pay a total Reserves Contribution of \$47,124.00 (GST Inclusive). The reserves contribution corresponding to the number of allotments shown on the survey plan for each stage at a rate of \$1963.50 (GST Inclusive) per allotment shall be paid prior to the execution of any certificate pursuant to section 224(c) of the Resource Management Act 1991.  
Note: There are 25 lots minus one existing lot giving 24 new lots.

**Amalgamation:**

44. "That Lot 1b hereon as shown on the Scheme Plan Drawing Number SC.5.FH.1 be amalgamated with Lot 25 hereon and that both parcels of land are held in the same Certificate of Title (LINZ Reference Number 442524)"

The survey plan must be endorsed accordingly.

**Legal:**

45. The existing dune landform within the areas identified within Lots 4, 6 and 15 are considered to be dominant ridgelines. No part of any building or structure shall be located, or earthworks undertaken (except that work to establish and maintain vegetation may be carried out), within the areas identified as 'Building and Earthworks Exclusion Zones' depicted on the approved scheme plan. This level is from and above 27.5 msl within these said lots. This is to mitigate the potential adverse visual effects of development on the natural character of the dunes. The 'Building and Earthworks Exclusion Zone' shall be identified by numbers and/or letters on the survey plan to facilitate precise identification on each title to issue.

Please Note:

Upon the issue of the Certificate pursuant to Section 224 of the Resource Management Act 1991 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify the above condition be registered against the Certificates of Title to issue in respect to Lots 4, 6 and 15 of this subdivision.

46. The existing dune landform within the areas identified within Lots 3, 12,13,14,24 and 25 are considered to be dominant ridgelines. No part of any building or structure shall be located, or earthworks undertaken (except that work to establish and maintain vegetation may be carried out), within the areas identified as 'Building and Earthworks Exclusion Zones' depicted on the approved scheme plan. This level is from and above 32.5 msl within these said lots. This is to mitigate the potential adverse visual effects of development on the natural character of the dunes. The 'Building and Earthworks Exclusion Zone' shall be identified by numbers and/or letters on the survey plan to facilitate precise identification on each title to issue.

Please Note:

Upon the issue of the Certificate pursuant to Section 224 of the Resource Management Act 1991 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify the above condition be registered against the Certificates of Title to issue in respect to Lots 3,12,13,14, 24 and 25 of this subdivision.

47. The consent holder shall construct a 7 wire post and batten fence around the entire perimeter of the wetland area as shown on the plan titled 'Wetland to be Protected (Missions Estate-Attachment 6 of the Planners Report)' to exclude all stock to the satisfaction of the Resource Consents Manager. The perimeter fence will be inspected by Council prior to the Section 224(c) certification for Stage 2 of the subdivision as shown on the Missions Country Estate Staging plan contained within the file RM040393.



48. The wetland area as defined on the plan titled 'Wetland to be Protected (Mission Estate-Attachment 6 of the Planners Report)' shall be surveyed and shown on the title plan prior to the Section 223 certification of stages 2 and 4 of the subdivision as shown on the Missions Country Estate Staging plan contained within the file RM040393.

49. Evidence may be provided which confirms that the upgrading and maintaining of the fence and the ongoing management of the wetland area as shown on the title plan shall be addressed as part of a covenant with the QEII Trust or the Department of Conservation. Should this be provided, the consent notice will not be required and Council will accept a secured bond or cash deposit to the value of \$5000 in lieu of the registration of the covenant on the titles of Balance area 1b (Lot 25) and balance area 2 (Lot 24) as shown on the Missions Country Estate staging plan to enable the section 224(c) certification of Stage 2 and 4 of the subdivision. A copy of the completed covenant and evidence shall be provided to Council which confirms that the covenant has been registered on the titles of balance area 1b (lot 25) and balance area 2 (lot 24) prior to the release of the cash deposit or bond.

Alternatively, a consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be prepared by Council to be placed on the title of balance area 1b (lot 25) and lot 24 which records the following requirements to be complied with on an ongoing basis:

**Conditions for consent notice:**

- (1). It shall be the ongoing responsibility of the owners of balance area 1b (Lot 25) and balance area 2 (Lot 24) as shown on the approved subdivision plans to maintain a 7 wire post and batten fence to a standard to prevent stock from entering the wetland area at all times.
- (2). It shall be the ongoing responsibility of the owners balance area 1b (Lot 25) and balance area 2 (Lot 24) shown on the approved subdivision plans to control environmental weeds within the wetland area which are referred to in the Regional Pest Management Strategy.
- (3). Within the wetland area as identified on the plan titled 'Wetland to be Protected (Mission Estate)' the following activities shall be prohibited:
  - All buildings and structures
  - All stock
  - Vehicles
  - Fire or any device or activity which could result in a fire
  - Earthworks (except for earthworks necessary to construct and maintain the fence required by condition 49).
  - The damage, removal, destruction, felling of any indigenous vegetation unless the species involved are identified by the Department of Conservation, the QEII National Trust, or Greater Wellington Regional Council as being an ecological threat to the site, and its removal is recommended by one of these authorities as a necessary part of the successful ongoing management of the site.

50. The consent holder shall supply a revegetation/restoration plan for the wetland area as identified on plan "Wetland to be protected (Missions Estate-Attachment 6)" using locally sourced natives. The plan shall be prepared by an appropriately qualified ecologist or landscape architect. This plan must be approved by Council and the planting completed prior to the section 224 (c) certification of Stage 4 of Hamlet 2 as defined on the plans titled "Wetland to be Protected (Mission Estate)". Council may accept a secured bond or cash deposit to the value of \$5000 in lieu of the planting being carried out to allow for seasonal variations in planting.

51. The consent holder shall prepare a planting plan, in consultation with the Greater Wellington Regional Council, to address the appropriate form, planting and future management of the proposed dune lakes prior to the section 224 (c) certification of Stage 2 of Hamlet 1 and Stage 4 of Hamlet 2 as shown on the plan titled "Missions Country Estate Staging Plan" contained in the file RM040393
52. The consent holder shall provide a planting plan for the riparian areas using locally sourced native species suitable for riparian environments which are to be planted along the stream where it runs through proposed lots 16, 17, 20 and 22 to the satisfaction of the Resource Consents Manager. The plan shall be approved and the planting carried out prior to the Section 224(c) certification of stages 3 and 4 of Hamlet 2 as shown on the plan titled "Missions Country Estate Staging Plan" contained in the file RM040393.

Council will issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 to be registered on the titles of Lots 16, 17, 20 and 22 as shown on the approved scheme plan which requires the owners of the lots to maintain the planting in accordance with the approved planting plan.

Note: Council may accept a secured bond or cash deposit to the value of \$5000 in lieu of the planting being carried out to address seasonal variations in planting.

#### **Protection of Transmission Lines**

53. With respect to the Bunnythorpe-Haywards **A and B** transmission lines: the following separation distances shall apply:

A.) For proposed **Lot 7**:

- a). Buildings and structures, or any part of a building or structure located to the south of Tower 230 of the **Bunnythorpe-Haywards A** transmission line, must not be located within 11 metres vertically and 22.5 metres horizontally of the conductors on the **Bunnythorpe-Haywards A** transmission line. Please note that the distances specified must include an allowance for climatic conditions (i.e. maximum conductor swing and sag).
- b). Buildings and structures, or any part of a building or structure located to the north of Tower 230 of the **Bunnythorpe-Haywards A** transmission line, require engineering advice to determine the minimum safe distances from transmission line conductors.

Prior to construction, the consent holder must submit to the Kapiti Coast District Council (and a copy to Transpower) a certificate from a suitably qualified electrical engineer confirming that any building or structure on Lot 7 complies with the minimum safe distances from the **Bunnythorpe-Haywards A** line as specified in Table 3 of the NZECP 34:2001.

- c). Buildings and structures, or any part of a building or structure must not be located within 11 metres vertically and 22.5 metres horizontally of the conductors on the **Bunnythorpe-Haywards B** transmission line. Please note that the distances specified must include an allowance for climatic conditions (i.e. maximum conductor swing and sag).

Where any part of a building or structure needs to be constructed within these restricted areas, the consent holder must submit to the Kapiti Coast District Council (and a copy to Transpower) a certificate from a suitably qualified electrical engineer confirming that the buildings or structures comply with the minimum safe distances specified in Table 3 of the NZECP 34:2001.

B) For proposed **Lot 8**:

- a). Buildings and structures, or any part of a building or structure located to the south of Tower 229 of the **Bunnythorpe–Haywards A** transmission line, require engineering advice to determine the minimum safe distances from transmission line conductors.

Prior to construction, the consent holder must submit to the Kapiti Coast District Council (and a copy to Transpower) a certificate from a suitably qualified electrical engineer confirming that any building or structure on Lot 8 complies with the minimum safe distances from the **Bunnythorpe–Haywards A** transmission line as specified in Table 3 of the NZECP 34:2001.

- b). Buildings and structures, or any part of a building or structure located to the north of Tower 229 of the **Bunnythorpe–Haywards A** transmission line, must not be located within 11 metres vertically and 22.5 metres horizontally of the conductors on the Bunnythorpe–Haywards A transmission line. Please note that the distances specified must include an allowance for climatic conditions (i.e. maximum conductor swing and sag).
- c). Buildings and structures, or any part of a building or structure located to the south of Tower 217 of the **Bunnythorpe–Haywards B** transmission line, must not be located within 11 metres vertically and 22.5 metres horizontally of the conductors on the Bunnythorpe – Haywards B transmission line. Please note that the distances specified must include an allowance for climatic conditions (i.e. maximum conductor swing and sag).
- d). Buildings and structures, or any part of a building or structure located to the north of Tower 217 of the **Bunnythorpe–Haywards B** transmission line, require engineering advice to determine the minimum safe distances from transmission line conductors.

Prior to construction, the consent holder must submit to the Kapiti Coast District Council (and a copy to Transpower) a certificate from a suitably qualified electrical engineer confirming that any building or structure on Lot 8 complies with the minimum safe distances from the **Bunnythorpe–Haywards A** line as specified in Table 3 of the NZECP 34:2001.

Where any part of a building or structure needs to be constructed within this restricted area, the consent holder must submit to the Kapiti Coast District Council (and a copy to Transpower) a certificate from a suitably qualified electrical engineer confirming that the buildings or structures comply with the minimum safe distances specified in Table 3 of the NZECP 34:2001.

54. Buildings or any part of a building on Lot 7 and Lot 8 must not be located within 12 metres of the closest visible edge of any high voltage transmission line support structure foundation.

Please Note: Upon the issue of the Certificate pursuant to Section 224 of the Resource Management Act 1991 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify the above condition be registered against the Certificates of Title to issue in respect to Lots 7 and 8 of this subdivision.

55. All machinery and mobile plant operated on Lot 7 and Lot 8 must maintain a minimum clearance distance of 4 metres from the transmission line conductors at all times.

Please Note: Upon the issue of the Certificate pursuant to Section 224 of the Resource Management Act 1991 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify the above condition be registered against the Certificates of Title to issue in respect to Lots 7 and 8 of this subdivision.

56. All buildings, structures and vegetation located on Lot 7 and Lot 8 must not be located to preclude existing 4-wheel drive access to the existing support towers on these lots.

Please Note: Upon the issue of the Certificate pursuant to Section 224 of the Resource Management Act 1991 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify the above condition be registered against the Certificates of Title to issue in respect to Lots 7 and 8 of this subdivision.

57. In the case of any tower supporting any conductor no person may excavate or otherwise interfere with any land:

- a) at a depth greater than 300mm within 6 metres of the tower; or
- b) at a depth greater than 3 metres between 6 metres and 12 metres of the outer edge of the visible foundation of the tower; or
- c) in such a way as to create an unstable batter.

Please Note: Upon the issue of the Certificate pursuant to Section 224 of the Resource Management Act 1991 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify the above condition be registered against the Certificates of Title to issue in respect to Lots 7 and 8 of this subdivision.

58. Excavated or other material shall not be stockpiled or deposited under or near the Bunnythorpe-Haywards A and Bunnythorpe-Haywards B transmission lines so as to reduce the vertical distance from the ground to the conductors to a distance less than:

- a) 7.5 metres vertically, across or along roads or driveways or on any other land traversable by vehicles;
- b) 6.0 metres vertically, on any land not traversable by vehicles due to inaccessibility; and
- c) 4.5 metres in any distance other than vertical on all land.

Please Note: Upon the issue of the Certificate pursuant to Section 224 of the Resource Management Act 1991 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify the above condition be registered against the Certificates of Title to issue in respect to Lots 7 and 8 of this subdivision.

59. The consent holder must ensure that the discharge of dust created on the subject site does not create any dust hazard or nuisance to the Bunnythorpe-Haywards A and Bunnythorpe-Haywards B high voltage transmission lines.

Please Note: Upon the issue of the Certificate pursuant to Section 224 of the Resource Management Act 1991 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify the above condition be registered against the Certificates of Title to issue in respect to Lots 7 and 8 of this subdivision.

60. Prior to the commencement of the activity on the site, the consent holder must submit a Dust Management Plan for the activity for the approval of the Consents Manager, Kapiti Coast District Council. In particular, the Dust Management Plan shall specify the potential dust sources and the mitigation measures to be undertaken to minimise dust in order to protect the

existing Bunnythorpe-Haywards A and Bunnythorpe-Haywards B 220kV high voltage transmission lines. The approved plan must subsequently be complied with.

Please Note: Upon the issue of the Certificate pursuant to Section 224 of the Resource Management Act 1991 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify the above condition be registered against the Certificates of Title to issue in respect to Lots 7 and 8 of this subdivision.

#### **Monitoring:**

61. The consent holder shall notify the Council's Compliance Officer in writing 48 hours before the consent is carried out. The consent holder shall fill out and return (by fax 04 9045815 or post Private Bag 601, Paraparaumu) the form attached to the decision letter.
62. That the consent holder shall pay to the Kapiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions [or review of consent conditions], or supervision of the resource consent as set in accordance with section 36 of the Resource Management Act 1991. These costs\* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained.

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

#### **Advice Notes**

1. The Survey Plan must be certified in accordance with Section 223 and land use given effect to within 5 years of the granting of this Consent, or within such extended period of time pursuant to Sections 125 and 37, as Council may allow.
2. A certificate pursuant to Section 224 will be issued following compliance with all of the conditions of subdivision consent set out above, and payment of all relevant charges and levies.
3. Rights of objection to the conditions specified above may be exercised pursuant to Section 357(2) by the consent holder. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as Council in any special case may allow.
4. The following development contributions are required for every new rural lot pursuant to section 198 of the Local Government Act 2002 and the 2004/2005 Council's Development Contributions Policy:

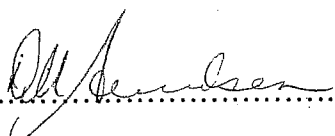
Community Facilities	\$22,788.00(24 x allotments@\$949.50 GST Inclusive)
Roads	\$37,752.00(24 x allotments@\$1,573.00GST Inclusive)
<b>Total</b>	<b>\$60,540.00</b>

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

5. This Land use consent incorporates the approval for Earthworks required under the Kapiti Coast District Council Earthworks Bylaw

6. The consent holder should not encroach onto adjacent land owned by others without having first obtained their written consent.
7. Contravention of the Land Drainage Act is not permitted and natural drainage patterns are to be preserved.
8. The design of farm access entranceways, including boundaries, to a rear lot are required to be in accordance with Section J, Diagram 3 of the Kapiti Coast District Plan.
9. The development may be staged in consultation with the Kapiti Coast District Council, provided that the balance lot is fully serviced and able to operate as an independent entity and all the relevant conditions have been met pertaining to the allotments being developed.

Signed:

  
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Cr. Diane Ammundsen  
Chairperson, Environmental and Regulatory Committee

Dated at Paraparaumu this 10<sup>th</sup> day of June, 2005.



**CONO 6305883.4 Consen**

Cpy - 01/01, Pgs - 002, 08/02/05, 12:11



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**CONSENT NOTICE PURSUANT TO SECTION 221  
OF THE RESOURCE MANAGEMENT ACT 1991**

**IN THE MATTER OF A PLAN LODGED FOR DEPOSIT UNDER  
NUMBER 335543  
AND RESOURCE CONSENT NO. RM 040013**

**(BEING THE SUBDIVISION OF PT SEC. 5 BLK II, KAITAWA S.D.  
and LOT 1 DP 62585),  
AT 737 - 757 STATE HIGHWAY NO. 1, TE HORO  
FOR PRITCHARD GROUP LIMITED**

**The Regional Regulatory Titles Officer at Wellington**

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

1. **With respect to Lots 1, 2 and 4:** Vehicular accesses to State Highway One from Lots 1, 2 and 4 must be via the Right of Way shown as "A" on DP335543. Any variation must be approved by both Transit New Zealand and the Kapiti Coast District Council.
2. **With respect to Lots 1, 2 and 3:** The following works shall take into account the findings contained within the report from Hamish Wells, Civil Engineer in relation to suitability for building, site effluent disposal and on site water supply for the "Proposed Subdivision of Faith Farm - 757 SH1 Te Horo" dated 24.04.04 and submitted to Council in relation to application No. RM040013:
  - the installation and ongoing management of any on site wastewater system in a manner that ensures that any adverse effects on the environment from the operation of the system are minor;
  - the provision, maintenance and monitoring of any on site water supply system that provides a minimum storage capacity of 30000 litres or other minimum storage approved by the Subdivision Engineer in a manner that ensures that any adverse effects on the environment from the operation of the system are minor.

**A copy of the above report is available on file RM040013 in Council's Resource Consents Office at any time the office is open to the public.**

**Kapiti Coast District Council**

**Phone (04) 904 5700, Fax (04) 904 5830 175 Rimu Road, Private Bag 601, Paraparaumu. Website [www.kcdc.govt.nz](http://www.kcdc.govt.nz)**

**There's a future here • Me huri whakamuri, ka titiro whakamua**

3. **With respect to Lot 4:** The following works shall take into account the findings contained within the report from Hamish Wells, Civil Engineer in relation to suitability for building, site effluent disposal and on site water supply for the "Proposed Subdivision of Faith Farm – 757 SH1 Te Horo" dated 24.04.04 and submitted to Council in relation to application No. RM040013:

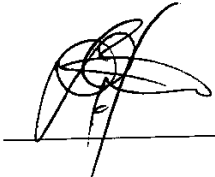
- the foundation design and construction for any new building or additions and alterations to a building;
- the installation and ongoing management of any on site wastewater system in a manner that ensures that any adverse effects on the environment from the operation of the system are minor;

Any on-site wastewater treatment and disposal system shall be designed, constructed and operated to meet the following performance criteria:

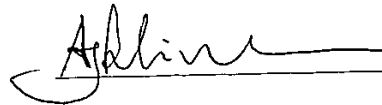
- (i) It shall be designed with sufficient wastewater retention time to enable adequate treatment in relation to any constraints identified in the site investigation;
  - (ii) The wastewater shall be evenly distributed to the entire filtration surface of the disposal field;
  - (iii) The bottom of the wastewater disposal system shall be sufficiently above the groundwater at its highest level, in relation to any constraints identified in the site investigation, to prevent any contamination of groundwater;
  - (iv) The area available for on-site treatment shall be appropriate for the volume of the discharge and any constraints identified in the site investigation.
- the provision, maintenance and monitoring of any on site water supply system that provides a minimum storage capacity of 30000 litres or other minimum storage approved by the Subdivision Engineer in a manner that ensures that any adverse effects on the environment from the operation of the system are minor.

A copy of the above report is available on file RM040013 in Council's Resource Consents Office at any time the office is open to the public.

Issued in respect of application No. RM040013 on this 15<sup>th</sup> day of October 2004.



Wayne Gair  
AUTHORISED OFFICER



Aidan Robinson  
AUTHORISED OFFICER





**CONSENT NOTICE PURSUANT TO SECTION 221  
OF THE RESOURCE MANAGEMENT ACT 1991**

**IN THE MATTER OF A PLAN LODGED FOR DEPOSIT UNDER  
NUMBER 365855  
AND RESOURCE CONSENT NO. RM 040393**

**(BEING THE SUBDIVISION OF LOT 4 DP 335543),  
AT DERHAM ROAD AND STATE HIGHWAY ONE, TE HORO  
FOR FAITH FARMS LIMITED**

**The Regional Regulatory Titles Officer at Wellington**

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

1. **With respect to Lots 1 to 12, 25 and 28:** The following works shall take into account the findings and recommendations within the Engineering Report prepared by Hamish Wells in relation to Faith Country Estate, Lots 1 to 12 and 25, submitted to Council in relation to application Number RM040393:
  - Foundation design and construction for any new building or additions and alterations to a building;
  - The installation and ongoing maintenance of any on-site wastewater treatment and disposal system, which shall be managed in a manner that ensures that any adverse effects on the environment are minor;
  - The provision, maintenance and monitoring of any water supply system that provides a minimum storage capacity of 30,000 litres. It is the ongoing responsibility of the owner to maintain and monitor the water supply so that any adverse effects on the environment are minor.

A copy of the engineering report is available in Council's Office at any time the office is open to the public.
2. **With respect to Lots 1 to 12, 25, 28 and 29:** Any habitable buildings constructed on any lot shall have their floor level no lower than the flood level arising from the 1 in 100 year flood event current at the time of building, as advised by Greater Wellington Regional Council.
3. **With respect to Lots 4, 5 and 6:** No part of any building or structure shall be located, or earthworks undertaken (except that work necessary to establish and maintain vegetation), within the following areas of the dominant dune landform (above 27.5 metres above mean sea level) identified on DP365855:
  - That part of Lot 4 shown as areas "F" and "G";
  - That part of Lot 5 shown as area "E";
  - That part of Lot 6 shown as areas "H" and "P".

**Kapiti Coast District Council**

**Phone (04) 904 5700, Fax (04) 904 5830** 175 Rimu Road, Private Bag 601, Paraparaumu. Website [www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz)

4. **With respect to Lots 3, 12 and 25:** No part of any building or structure shall be located, or earthworks undertaken (except that work necessary to establish and maintain vegetation), within the following areas of the dominant dune landform (above 32.5 metres above mean sea level) identified on DP365855:
- That part of Lot 3 shown as areas "I" and "J";
  - That part of Lot 12 shown as area "O";
  - That part of Lot 25 shown as areas "K" and "L".
5. **With respect to Lot 28:**
- (1) It shall be the ongoing responsibility of the owners of Lot 28 to maintain a 7 wire post and batten fence to a standard to prevent stock from entering the area shown as "A" on DP365855 (the wetland area) at all times.
  - (2) It shall be the ongoing responsibility of the owners of Lot 28 to control environmental weeds which are referred to in the Regional Pest Management Strategy within the area shown as "A" on DP365855 (the wetland area).
  - (3) Within the area shown as "A" on DP365855 (the wetland area) the following activities shall be prohibited:
    - all buildings and structures;
    - all stock ;
    - vehicles;
    - fire or any device or activity which could result in a fire;
    - earthworks (except for earthworks necessary to construct and maintain the fence required by condition 49);
    - the damage, removal, destruction, felling of any indigenous vegetation unless the species involved are identified by the Department of Conservation, the QEII National Trust, or Greater Wellington Regional Council as being an ecological threat to the site, and its removal is recommended by one of these authorities as a necessary part of the successful ongoing management of the site.
6. **With respect to Lot 7:**
- a) Buildings and structures, or any part of a building or structure located to the south of Tower 230 of the Bunnythorpe–Haywards A transmission line, must not be located within 11 metres vertically and 22.5 metres horizontally of the conductors on the Bunnythorpe–Haywards A transmission line. Please note that the distances specified must include an allowance for climatic conditions (i.e. maximum conductor swing and sag).
  - b) Buildings and structures, or any part of a building or structure located to the north of Tower 230 of the Bunnythorpe–Haywards A transmission line, require engineering advice to determine the minimum safe distances from transmission line conductors.  
Prior to construction, the consent holder must submit to the Kapiti Coast District Council (and a copy to Transpower) a certificate from a suitably qualified electrical engineer confirming that any building or structure on Lot 7 complies with the minimum safe distances from the Bunnythorpe–Haywards A line as specified in Table 3 of the NZECP 34:2001.
  - c) Buildings and structures, or any part of a building or structure must not be located within 11 metres vertically and 22.5 metres horizontally of the conductors on the Bunnythorpe–Haywards B transmission line. Please

note that the distances specified must include an allowance for climatic conditions (i.e. maximum conductor swing and sag).

Where any part of a building or structure needs to be constructed within these restricted areas, the consent holder must submit to the Kapiti Coast District Council (and a copy to Transpower) a certificate from a suitably qualified electrical engineer confirming that the buildings or structures comply with the minimum safe distances specified in Table 3 of the NZECP 34:2001.

Where any part of a building or structure needs to be constructed within this restricted area, the consent holder must submit to the Kapiti Coast District Council (and a copy to Transpower) a certificate from a suitably qualified electrical engineer confirming that the buildings or structures comply with the minimum safe distances specified in Table 3 of the NZECP 34:2001.

**7. With respect to Lot 8:**

- a) Buildings and structures, or any part of a building or structure located to the south of Tower 229 of the Bunnythorpe–Haywards A transmission line, require engineering advice to determine the minimum safe distances from transmission line conductors.

Prior to construction, the consent holder must submit to the Kapiti Coast District Council (and a copy to Transpower) a certificate from a suitably qualified electrical engineer confirming that any building or structure on Lot 8 complies with the minimum safe distances from the Bunnythorpe–Haywards A transmission line as specified in Table 3 of the NZECP 34:2001.

- b) Buildings and structures, or any part of a building or structure located to the north of Tower 229 of the Bunnythorpe–Haywards A transmission line, must not be located within 11 metres vertically and 22.5 metres horizontally of the conductors on the Bunnythorpe–Haywards A transmission line. Please note that the distances specified must include an allowance for climatic conditions (i.e. maximum conductor swing and sag).

- c) Buildings and structures, or any part of a building or structure located to the south of Tower 217 of the Bunnythorpe–Haywards B transmission line, must not be located within 11 metres vertically and 22.5 metres horizontally of the conductors on the Bunnythorpe – Haywards B transmission line. Please note that the distances specified must include an allowance for climatic conditions (i.e. maximum conductor swing and sag).

- d) Buildings and structures, or any part of a building or structure located to the north of Tower 217 of the Bunnythorpe–Haywards B transmission line, require engineering advice to determine the minimum safe distances from transmission line conductors.

Prior to construction, the consent holder must submit to the Kapiti Coast District Council (and a copy to Transpower) a certificate from a suitably qualified electrical engineer confirming that any building or structure on Lot 8 complies with the minimum safe distances from the Bunnythorpe–Haywards A line as specified in Table 3 of the NZECP 34:2001.

Where any part of a building or structure needs to be constructed within this restricted area, the consent holder must submit to the Kapiti Coast District Council (and a copy to Transpower) a certificate from a suitably qualified electrical engineer confirming that the buildings or structures comply with the minimum safe distances specified in Table 3 of the NZECP 34:2001.

**8. With respect to Lots 7 and 8:**

**Buildings or any part of a building must not be located within 12 metres of the closest visible edge of any high voltage transmission line support structure foundation.**

**All machinery and mobile plant operated on the land must maintain a minimum clearance distance of 4 metres from the transmission line conductors at all times.**

**All buildings, structures and vegetation located on Lots 7 & 8 must not be located to preclude existing 4-wheel drive access to the existing support towers on these lots.**

**In the case of any tower supporting any conductor no person may excavate or otherwise interfere with any land:**

- a) at a depth greater than 300mm within 6 metres of the tower; or**
- b) at a depth greater than 3 metres between 6 metres and 12 metres of the outer edge of the visible foundation of the tower; or**
- c) in such as way as to create an unstable batter.**

**Excavated or other material shall not be stockpiled or deposited under or near the Bunnythorpe–Haywards A and Bunnythorpe–Haywards B transmission lines so as to reduce the vertical distance from the ground to the conductors to a distance less than:**


- a) 7.5 metres vertically, across or along roads or driveways or on any other land traversable by vehicles;**
- b) 6.0 metres vertically, on any land not traversable by vehicles due to inaccessibility; and**
- c) 4.5 metres in any distance other than vertical on all land.**

**The consent holder must ensure that the discharge of dust created on the subject site does not create any dust hazard or nuisance to the Bunnythorpe–Haywards A and Bunnythorpe–Haywards B high voltage transmission lines.**

**Prior to the commencement of the activity on the site, the consent holder must submit a Dust Management Plan for the activity for the approval of the Consents Manager, Kapiti Coast District Council. In particular, the Dust Management Plan shall specify the potential dust sources and the mitigation measures to be undertaken to minimise dust in order to protect the existing Bunnythorpe–Haywards A and Bunnythorpe–Haywards B 220kV high voltage transmission lines. The approved plan must subsequently be complied with.**

Issued in respect of application No. RM 040393 on this 9<sup>th</sup> day of May, 2006.

  
Wayne Gair  
AUTHORISED OFFICER

  
Mike Mackiggan  
AUTHORISED OFFICER



**CONSENT NOTICE  
PURSUANT TO SECTION 221 OF  
THE RESOURCE MANAGEMENT ACT 1991**

**IN THE MATTER OF A PLAN LODGED FOR  
DEPOSIT UNDER NUMBER 405220  
AND RESOURCE CONSENT NO. RM040393**

**(BEING THE SUBDIVISION OF LOT 29 DP 394017),  
AT DERHAM ROAD, TE HORO  
FOR PRITCHARD GROUP LTD**

**CONO 7901901.2 Consen**

Cpy - 01/01, Pgs - 002, 07/08/08, 12:11



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**The Regional Regulatory Titles Officer at Wellington**

PURSUANT to Section 221 of the Resource Management Act 1991 the Kapiti Coast District Council hereby gives notice that it has consented to the subdivision and in respect to Lots 13 to 22 and Lot 24 the following conditions are to be complied with on a continuing basis:

1. **With respect to Lots 13 to 22 and Lot 24:** The following works shall take into account the findings and recommendations within the Report prepared by Hamish Wells in relation to Faith Country Estate, Lots 13-24, submitted to Council in relation to application Number RM040393:
  - (a) Foundation design and construction for any new building or additions and alterations to a building;
  - (b) The installation and ongoing maintenance of any on-site wastewater treatment and disposal system, which shall be managed in a manner that ensures that any adverse effects on the environment are minor;
  - (c) The provision, maintenance and monitoring of any water supply system that provides a minimum storage capacity of 30,000 litres. It is the ongoing responsibility of the owner to maintain and monitor the water supply so that any adverse effects on the environment are minor.

A copy of the report is available in Council's Office at any time the office is open to the public.

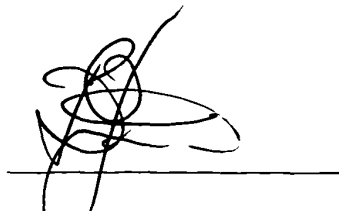
2. **With respect to Lots 13 to 22 and Lot 24:** Any habitable buildings constructed on this lot shall have their floor level no lower than the flood level arising from the 1 in 100 year flood event current at the time of building, as advised by Greater Wellington Regional Council.
3. **With respect to Lots 13, 14 15 and 24:** No part of any building or structure shall be located, or earthworks undertaken (except that work necessary to establish and maintain vegetation), within the following areas of the dominant dune landform identified on DP 405220:
  - (a) That part of Lot 15 shown as area "H" (above 27.5 metres above mean sea level);
  - (b) Those parts of Lot 14 shown as areas "I" and "J" (above 32.5 metres above mean sea level);

- (c) That part of Lot 13 shown as area "K" (above 32.5 metres above mean sea level).
- (d) That part of Lot 24 shown as area "M" (above 32.5 metres above mean sea level).
4. With respect to Lot 24 and in particular that part of Lot 24 shown as area "L" on DP 405220:
- (a) It shall be the ongoing responsibility of the owners of Lot 24 to maintain a 7 wire post and batten fence to a standard to prevent stock from entering the wetland area shown as "L" on DP 404220 at all times;
  - (b) It shall be the ongoing responsibility of the owners of Lot 24 to control environmental weeds which are referred to in the Regional Pest Management Strategy within the wetland area;
  - (c) Within the area shown as "L" on DP 405220 (the wetland area) the following activities shall be prohibited:
    - all buildings and structures;
    - all stock;
    - vehicles;
    - fire or any device or activity which could result in a fire;
    - earthworks (except for earthworks necessary to construct and maintain the fence referred to in Condition 4(a) above;
    - the damage, removal, destruction, felling of any indigenous vegetation unless the species involved are identified by the Department of Conservation, the QEII National Trust, or Greater Wellington Regional Council as being an ecological threat to the site, and its removal is recommended by one of these authorities as a necessary part of the successful ongoing management of the site.
5. With respect to Lots 16, 17, 20 and 22: It shall be the ongoing responsibility of the owners of these lots to maintain the planting in accordance with the approved planting plan labelled 'Mission Estate Landscape Plan to meet the requirements of Condition 52' submitted to Council in relation to application Number RM040393. A copy of the report is available in Council's Office at any time the office is open to the public.

Issued in respect of application No. RM040393 on this 18<sup>th</sup> day of June 2008.



Dean Philip Raymond  
AUTHORISED OFFICER



David Wayne Gair  
AUTHORISED OFFICER