

# STATEMENT OF PASSING OVER INFORMATION

**This information has been supplied by the vendor or the vendor's agents. Accordingly, Ownly (REAA 2008) and Sold On Kapiti Limited is merely passing over the information as supplied to us by the vendor or the vendor's agents.**

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

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

**SOLD ON KĀPITI**

4 April 2025

Hayden Armstrong

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

The attached LIM provides you with information about 1 Moss Lane, Paraparaumu.

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

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

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

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

**1 Moss Lane, Paraparaumu**

## Document information

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

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

## Application details

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<b>Applicant</b>	Hayden Armstrong
<b>LIM number</b>	L250412
<b>Application date</b>	27/03/25
<b>Issue date</b>	04/04/25

## Property details

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<b>Property address</b>	1 Moss Lane, Paraparaumu
<b>Legal description</b>	LOT 1 DP 380622 C/T 322928
<b>Area (hectares)</b>	0.2197

## Valuation information

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<b>Valuation number</b>	1530132105
<b>Capital value</b>	\$2,200,000
<b>Land value</b>	\$780,000
<b>Improvements value</b>	\$1,420,000

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 2024 to 2025
<b>Annual rates</b>	\$7,965.65
	This includes Greater Wellington Regional Council rates
<b>Next instalment date</b>	06/06/25
<b>Arrears for previous years</b>	\$0.00
<b>Water rates</b>	\$406.44 last year (2023/24)
	All water used is charged for at a volumetric rate of \$1.19 (incl. GST) per cubic metre (1000 litres) and a fixed annual charge of \$222.00 (incl. GST) per separately used or inhabited part of a rating unit, charged at a daily rate of \$0.6066, calculated on the number of days in each invoice period.
<b>Water balance due</b>	\$0.00

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

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

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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

13/08/20	BUILDING CONSENT 200241 : Pool and fence installation. : Code Compliance Certificate issued 22/03/22
12/06/14	BUILDING CONSENT 140327 : Construction of Double Garage : Code Compliance Certificate issued 17/03/15
16/11/10	BUILDING CONSENT 100805 : New Dwelling : Code Compliance Certificate issued 21/06/11 AMENDMENT 100805A : Bracing change from Ply to Gib.

Building Consent 100805 and 140327 have been granted under Section 72 of the Building Act 2004. A notification, that is registered against the title, identifies a hazard in respect to inundation.

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

SW2290: The last inspection, completed on 16/03/22 (final inspection for BC 200241) revealed that the barriers restricting access to the pool complied with the Building Act 2004.

It has not been possible to undertake an inspection of the small, heated pool at this property at this time to determine if the small, heated pool barrier is in accordance with the Building Act 2004. The Council cannot comment on the status of the small, heated pool barrier.

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

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

## Registered Environmental Health Premises and Licences

No information located.

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

## 3. Weathertightness

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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:

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 \(kapiticoast.govt.nz\)](http://Operative District Plan 2021 (kapiticoast.govt.nz))

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

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

### District Plan Features and Overlays

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

This property is zoned High Density Residential in the Operative District Plan (2021).

This property was created via subdivision in 2007 under resource consent number RM050345.

A copy of the Decision is provided with this LIM.

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

This property is subject to and/or appurtenant to a right of way, right to convey/drain water, gas, electricity, telecommunications and television transmission, right to drain sewage and rights to drain stormwater easements. Copies of the Deposited Plan (DP 380622) 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 for this property and further detail can be found in the decision letters provided with this LIM.

RESOURCE CONSENT RM050345: Five Lot Subdivision and land Use Consent for associated earthworks and reductio in setback form water bodies.

RESOURCE CONSENT RM100164: Earthworks to resite a building platform & create pond at 1&2 Moss Lane, Paraparaumu.

RESOURCE CONSENT RM210161: Undertake earthworks that do not meet the permitted activity standards.

There is no record of any further resource consents for this property.

For information about any resource consents for surrounding properties refer to the Resource Consents map and Summary Details Report provided with this LIM.

If you are interested in reading the full resource consent files then these can be viewed at the Council administration building at 175 Rimu Road, Paraparaumu.

Note: some resource consent files may be archived offsite; however, these can be retrieved for you. Please call the Resource Consents Team on 0800 486 486 to check the availability of the files.

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

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

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

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

## 5. Special Features and Characteristics of the land

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*In this section: information known to Council but not apparent from the district scheme under the Town and Country Planning Act 1977 or a district plan under the Resource Management Act 1991. It identifies each (if any) special feature or characteristic of the land concerned, including but not limited to potential erosion, avulsion, falling debris, subsidence, slippage, alluvion, or inundation, or likely presence of hazardous contaminants, being a feature or characteristic that is known to the Council.*

### 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%20District%20Plan%202021%20(kapiticoast.govt.nz).).

### 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 \(gw.govt.nz\)](http://Greater%20Wellington%20-%20Search%20Selected%20Land%20Use%20Register%20(gw.govt.nz).).

### 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](http://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.

## 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 flood hazards in the Operative District Plan (2021), and the latest Flood Hazard Maps.

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

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

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

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

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

The adjacent land and adjoining road carriageway (Rimu Road) are shown to be subject 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.

The adjoining road carriageway (Rimu Road) is shown to be subject to an overflow path in the Operative District Plan (2021) Natural Hazard maps, and the latest Flood Hazard Maps.

Overflow paths generally occur in lower-lying areas on the floodplain which act as channels for flood waters. They can be natural, or artificially formed, and are often characterised by fast flowing water during a flood event. An overflow path is a direct hazard.

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.*

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

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

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.*

Council has a potable water supply system available with an ordinary dual restricted metered water supply connection. Location of the Council service valve (manifold/toby) is shown on the services network plan provided with this LIM. One pipe goes to the dwelling; the second pipe is restricted and goes to top up the rainwater storage tank [600 litres/day].

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://Development impact fees - Kāpiti Coast District Council (kapiticoast.govt.nz))

## **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

1 Moss Lane, Paraparaumu (LOT 1 DP 380622 C/T 322928)



0 10 20 Metres  
Scale @ A4 - 1:500

Date Printed: March 27, 2025

Kapiti 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 Kapiti 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** **322928**

**Land Registration District** **Wellington**

**Date Issued** **17 May 2007**

**Prior References**

WN43B/739

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**Estate** Fee Simple

**Area** 2197 square metres more or less

**Legal Description** Lot 1 Deposited Plan 380622

**Original Registered Owners**

Trevor William Moss, Deanne May Babbe and Gordon Reginald Barratt

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**Interests**

Appurtenant hereto is a water drainage easement created by Transfer 311991 - 9.8.1948 at 2:22 pm

Subject to a water drainage easement over part marked P on DP 380622 created by Transfer 311991 - 9.8.1948 at 2:22 pm

Subject to a water drainage easement over part marked P on DP 380622 created by Transfer 315546 - 23.12.1948 at 10:15 am

6627714.2 Mortgage to Mortgage Holding Trust Company Limited - 31.10.2005 at 9:00 am

7374887.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 17.5.2007 at 9:00 am

Subject to a right to drain sewage in gross over part marked B on DP 380622 in favour of Kapiti Coast District Council created by Easement Instrument 7374887.5 - 17.5.2007 at 9:00 am

The easement created by Easement Instrument 7374887.5 is subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto is a right of way, right to convey water, gas, electricity, telecommunications and television transmission, right to drain sewage and rights to drain stormwater created by Easement Instrument 7374887.6 - 17.5.2007 at 9:00 am

The easements created by Easement Instrument 7374887.6 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 7610559.1 - 12.11.2007 at 9:00 am

Land Covenant in Easement Instrument 7610559.2 - 12.11.2007 at 9:00 am

8562911.1 Discharge of Mortgage 6627714.2 - 13.8.2010 at 2:32 pm

8562911.2 Transfer to Peter James Goodenough-Bayly and Holly Melissa Goodenough-Bayly - 13.8.2010 at 2:32 pm

8562911.3 Mortgage to Westpac New Zealand Limited - 13.8.2010 at 2:32 pm

8708902.1 Variation of Consent Notice 7374887.2 pursuant to Section 221(5) Resource Management Act 1991 - 7.3.2011 at 12:07 pm

8711726.1 Notification that a building consent issued pursuant to Section 72 Building Act 2004 identifies inundation as a natural hazard - 8.3.2011 at 7:00 am

9723621.1 Discharge of Mortgage 8562911.3 - 16.5.2014 at 2:17 pm

9723621.2 Transfer to Ramon Mark Diggelmann, Joy Hilda Diggelmann and Link Trustee Services No.18 Limited - 16.5.2014 at 2:17 pm

9723621.3 Mortgage to ANZ Bank New Zealand Limited - 16.5.2014 at 2:17 pm

9799658.1 Notification that a building consent issued pursuant to Section 72 Building Act 2004 identifies inundation (potential Ponding area) as a natural hazard - 31.7.2014 at 7:00 am

11062796.1 Discharge of Mortgage 9723621.3 - 27.4.2018 at 12:37 pm

11062796.2 Transfer to Hayden John Armstrong and Jennie Maree McKinnel - 27.4.2018 at 12:37 pm

11062796.3 Mortgage to ANZ Bank New Zealand Limited - 27.4.2018 at 12:37 pm

12883920.1 Discharge of Mortgage 11062796.3 - 27.11.2023 at 3:47 pm

12883920.2 Change of Name of Jennie Maree McKinnel to Jennie Maree Armstrong - 27.11.2023 at 3:47 pm

12883920.3 Mortgage to Bank of New Zealand - 27.11.2023 at 3:47 pm

# Digital Title Plan - DP 380622

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**Survey Number** DP 380622

**Surveyor Reference** 19143 - Moss

**Surveyor** Nicola Kate Todd

**Survey Firm** Cuttriss Consultants Ltd (Kapiti)

**Surveyor Declaration** 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 02/04/2007.

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## **Survey Details**

**Dataset Description** LOTS 1 - 5 BEING A SUBDIVISION OF PART LOT 1 DP 48648

**Status** Deposited

**Land District** Wellington

**Survey Class** Class I Cadastral Survey

**Submitted Date** 02/04/2007

**Survey Approval Date** 02/04/2007

**Deposit Date** 17/05/2007

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## **Territorial Authorities**

Kapiti Coast District

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## **Comprised In**

CT WN43B/739

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## **Created Parcels**

<b>Parcels</b>	<b>Parcel Intent</b>	<b>Area</b>	<b>CT Reference</b>
Lot 1 Deposited Plan 380622	Fee Simple Title	0.2197 ha	322928
Lot 2 Deposited Plan 380622	Fee Simple Title	0.2040 ha	322929
Lot 3 Deposited Plan 380622	Fee Simple Title	0.5135 ha	322930
Lot 4 Deposited Plan 380622	Fee Simple Title	0.3294 ha	322931
Lot 5 Deposited Plan 380622	Fee Simple Title	0.2727 ha	322932
Marked A Deposited Plan 380622	Easement		
Marked B Deposited Plan 380622	Easement		
Marked C Deposited Plan 380622	Easement		
Marked E Deposited Plan 380622	Easement		
Marked F Deposited Plan 380622	Easement		
Marked G Deposited Plan 380622	Easement		
Marked H Deposited Plan 380622	Easement		
Marked I Deposited Plan 380622	Easement		
Marked J Deposited Plan 380622	Easement		
Marked K Deposited Plan 380622	Easement		
Marked L Deposited Plan 380622	Easement		
Marked M Deposited Plan 380622	Easement		
Marked D Deposited Plan 380622	Easement		
Marked N Deposited Plan 380622	Easement		
Marked O Deposited Plan 380622	Easement		



# Digital Title Plan - DP 380622

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## Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Marked P Deposited Plan 380622	Easement		
<b>Total Area</b>		1.5393 ha	

# Schedule / Memorandum

Land Registration District

**WELLINGTON**

Plan Number

**DP 380622**

Territorial Authority (the Council)

**KAPITI COAST DISTRICT COUNCIL**

## Schedule of Existing Easements

Purpose	Shown	Servient Tenement	Creating Document
Water drainage	N	Lot 2	TE 311991 & TE 315546
	O	Lot 2	
	P	Lot 1	

## Memorandum of Easements

Purpose	Shown	Servient Tenement	Dominant Tenement
Right of way. Right to convey water, gas, electricity, telecommunications and television transmission. Right to drain sewage and stormwater.	A	Lot 3	Lots 1, 2, 4, 5
Right to drain stormwater	G	Lot 3	Lots 1, 2, 4, 5
	H	Lot 3	Lots 1, 2, 4, 5
	I	Lot 4	Lots 1, 2, 3, 5
	J	Lot 5	Lots 1, 2, 3, 4
	L	Lot 2	Lot 1, 3, 4, 5

## Memorandum of Easements in Gross

Purpose	Shown	Servient Tenement	Grantee
Right to convey electricity supply	A	Lot 3	Electra Limited
Right to convey gas	A	Lot 3	Vector Gas Limited
Right to convey telecommunications and television transmission	A	Lot 3	Telecom New Zealand Limited
Right to convey water	A	Lot 3	Kapiti Coast District Council
Right to drain stormwater	D, E, K, N	Lot 2	
	F	Lot 3	
Right to drain sewage	A	Lot 3	
	B	Lot 1	
	C, K	Lot 2	
	M	Lot 5	

Areas H, I and J are also subject to land covenants.

Certifying parties must sign or initial this box

**Sup Doc 564395 Schedu**

Cpy - 01/01, Pgs - 001,30/04/07,13:52



DocID: 411842817





Non Primary

Lot 2 DP 58664

Lot 3 DP 62399

Lot 1 DP 58664

5

1.03

4.08

7.87

11.53

21.72

3.00

10.71

13.31

16.44

15.34

19.73

106.33

1.21

38.34

38.34

67.39

90.7

17.00

PRIMU ROAD

FEAR ROAD (20.12 MILES)

Lot 4 DP 62399

4

16.81

1.70

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Diag. A

See T3

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Diag. C

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Diag. A  
Non Primary

(A)

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5.92

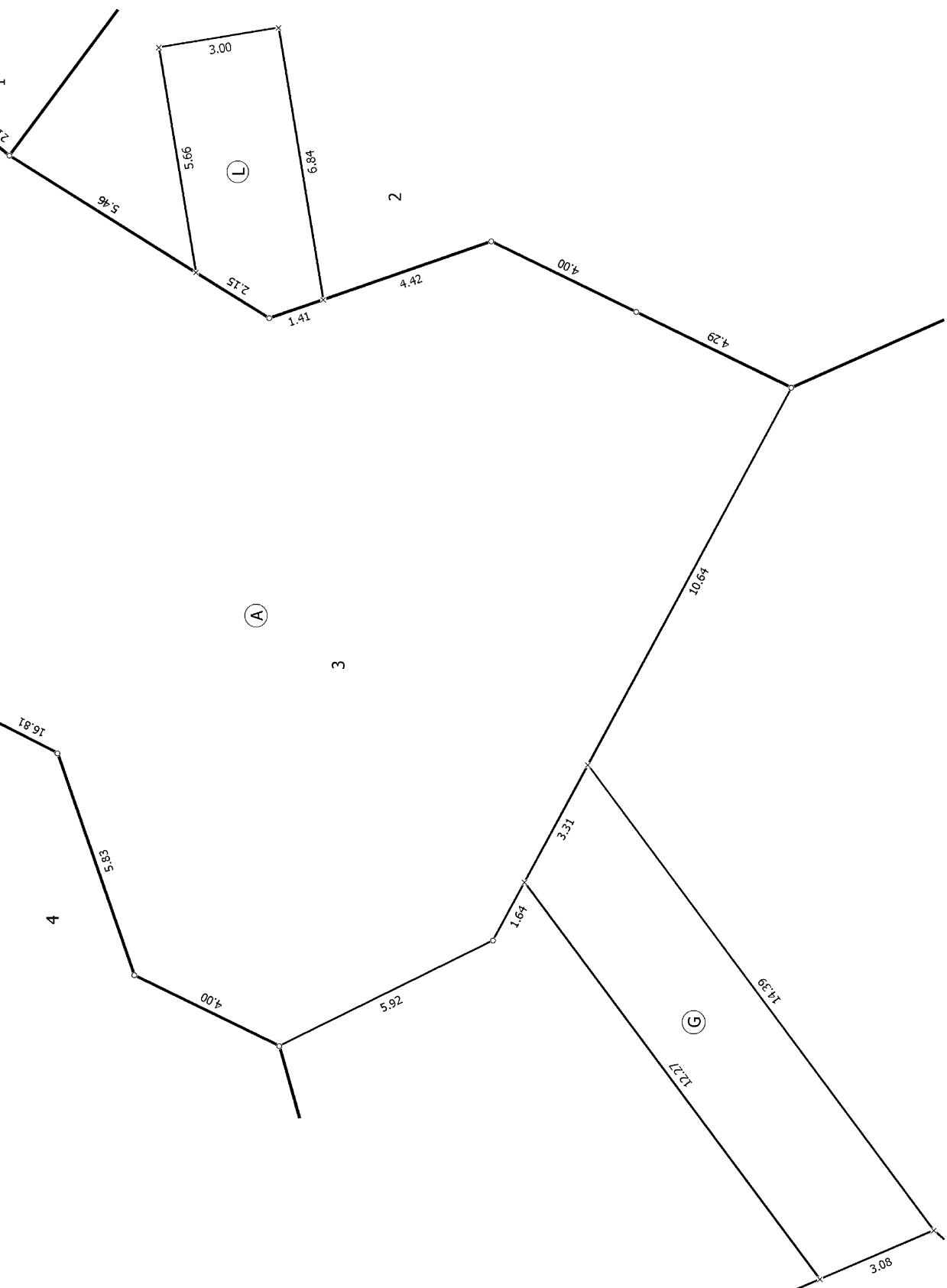
1.64  
3.31

(G)

12.21  
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10.64



Land District: Wellington  
Digitally Generated Plan  
Generated on: 05/06/2007 11:51am Page 6 of 7

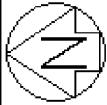
LOTS 1 - 5 BEING A SUBDIVISION OF PART LOT 1 DP 48648

Surveyor: Nicola Kate Todd  
Firm: Cuttiss Consultants Ltd (Kapiti)

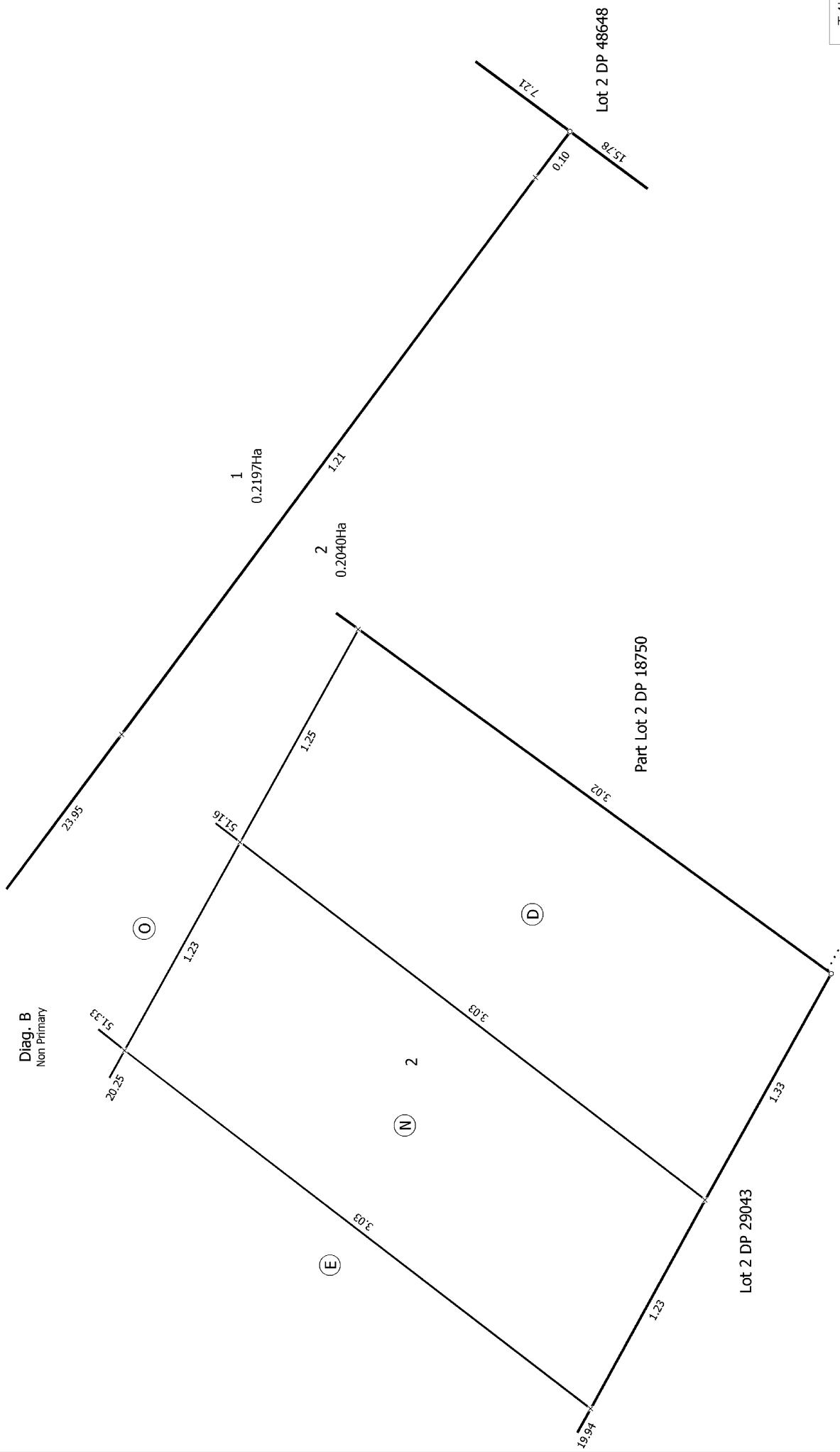
Digital Title Plan  
DP 380622

T 3/4

Deposited on: 17/05/2007



Diag. C



Land District Wellington

T 4/4

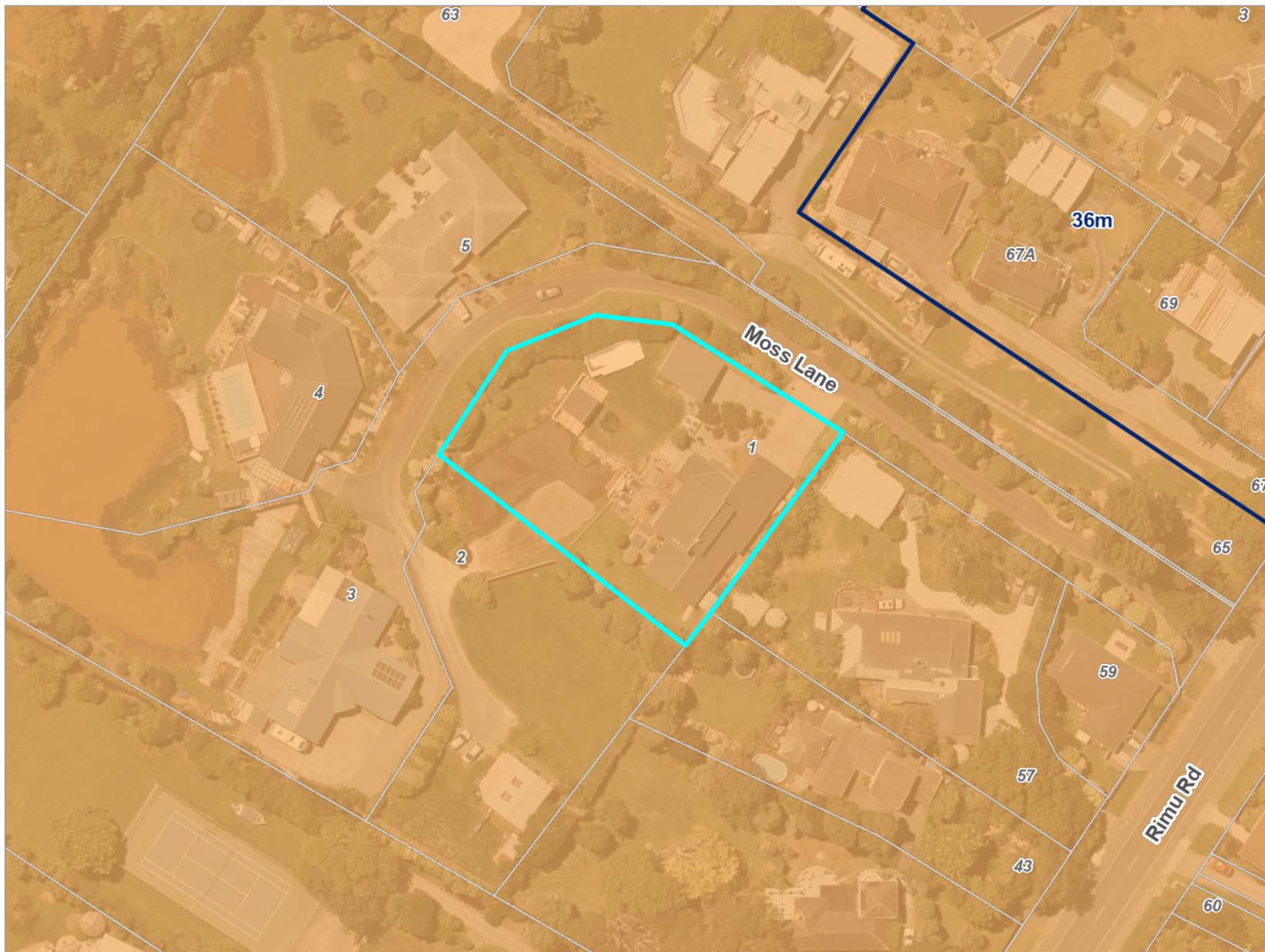
Digital Title Plan  
DP 380622

Surveyor: Nicola Kate Todd  
Firm: Cuttriss Consultants Ltd (Kantil)

Digitally Generated Plan  
Generated on: 05/06/2007 11:51am Page 7 of 7

# Operative District Plan 2021 - Zones and Precincts

1 Moss Lane, Paraparaumu (LOT 1 DP 380622 C/T 322928)



## Key to map symbols

 Height Variation Control Area

 High Density Residential Zone



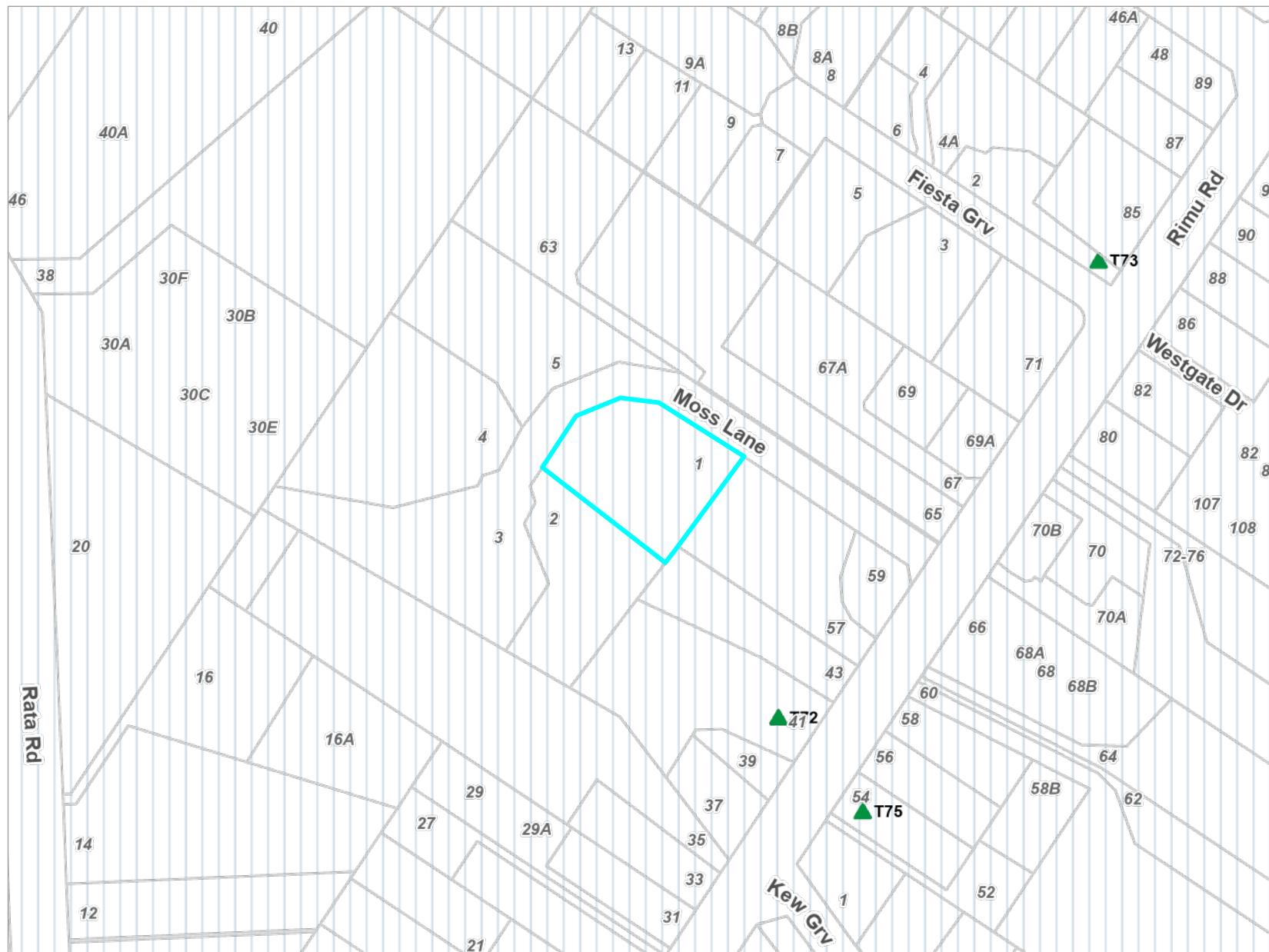
0 20 40 Metres  
Scale @ A4 - 1:1,000

Date Printed: March 27, 2025

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

1 Moss Lane, Paraparaumu (LOT 1 DP 380622 C/T 322928)



## Key to map symbols

- ▲ Notable Trees
- 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 40 80 Metres  
Scale @ A4 - 1:2,000

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# Operative District Plan 2021 - Designations & Miscellaneous Features

1 Moss Lane, Paraparaumu (LOT 1 DP 380622 C/T 322928)



## Key to map symbols

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



0 40 80 Metres  
Scale @ A4 - 1:2,000

Date Printed: March 27, 2025

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# Operative District Plan 2021 - Natural Features

1 Moss Lane, Paraparaumu (LOT 1 DP 380622 C/T 322928)



## Key to map symbols

- ▲ Key Indigenous Trees

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



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# Operative District Plan 2021 - Natural Hazards

1 Moss Lane, Paraparaumu (LOT 1 DP 380622 C/T 322928)



## Key to map symbols

- Stream Corridor
- Overflow Path
- Ponding Area

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



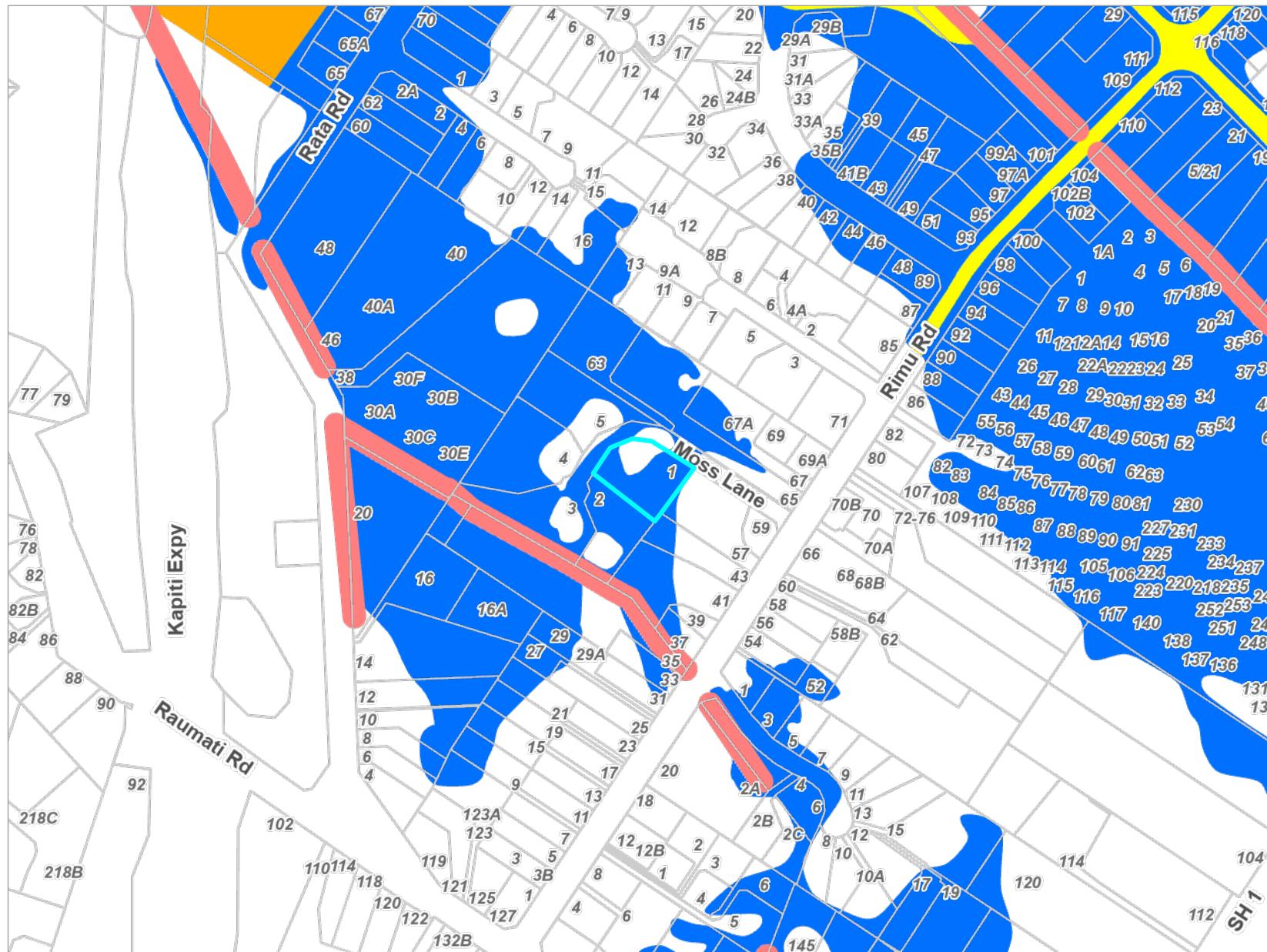
0 40 80 Metres  
Scale @ A4 - 1:2,000

Date Printed: March 27, 2025

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# Latest Flood Hazards

1 Moss Lane, Paraparaumu (LOT 1 DP 380622 C/T 322928)



## Key to map symbols

- Stream Corridor
- Overflow Path
- Storage
- Ponding

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

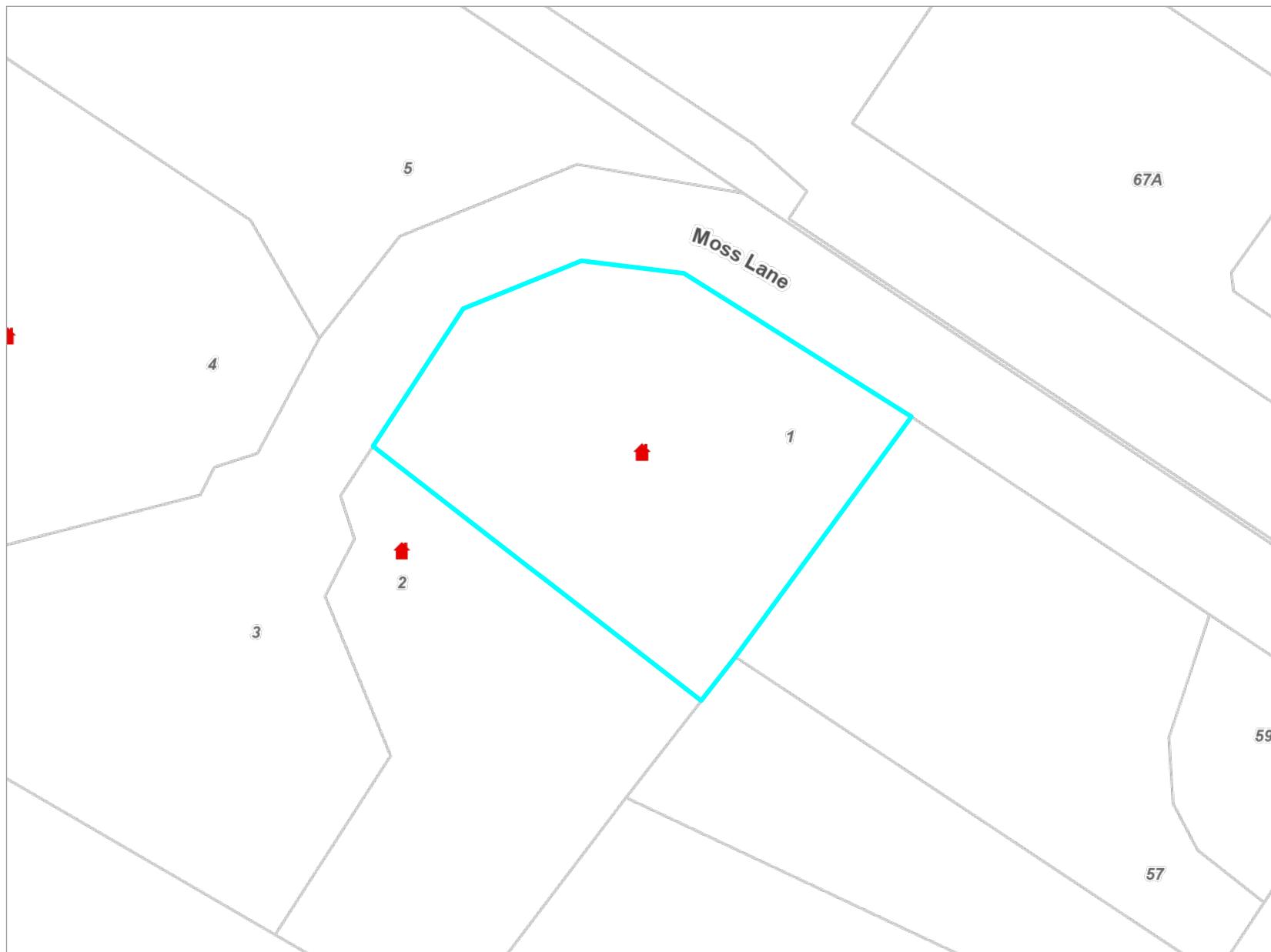


0 90 180 Metres  
Scale @ A4 - 1:4,000

Date Printed: March 27, 2025

# Resource Consents Map

1 Moss Lane, Paraparaumu (LOT 1 DP 380622 C/T 322928)



## 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 10 20 Metres  
Scale @ A4 - 1:750

Date Printed: March 27, 2025

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## Resource Consents Report

Resource Consent Number	Location	Valuation Number	Property Legal Description	Consent Type	Consent Proposal	Notified Yes/No	Hearing Yes/No	Consent Status	Decision Date	App.Date
050345	3 Moss Lane, Paraparaumu	1530132102	PT LOT 1 DP 48648 CT 43B/739	SD	To create four residential zoned lots and	N	N	Decision Issued	14/2/2006	22/11/2005
070366	39 Rimu Road, Paraparaumu	1530131801	LOT 1 DP 552971	SC	Application for internal yard encroachment; removal of 4	N	N	s.224 Issued	12/2/2008	27/11/2007
110018	41 Rimu Road, Paraparaumu	1530131900	LOT 2 DP 426103 C/T 502830	LD	Erect a relocatable art studio at 41 Rimu Road, Paraparaumu	N	N	Decision Issued	22/2/2011	7/2/2011
100164	1 Moss Lane, Paraparaumu	1530132105	LOT 1 DP 380622 C/T 322928	LD	Earthworks to resite a building platform and create pond at	N	N	Decision Issued	29/9/2010	10/9/2010
160116	69 Rimu Road, Paraparaumu	1530132300	LOT 1 DP 67274	SC	Two lot residential subdivision and internal yard	N	N	s.224 Issued	8/7/2016	7/6/2016
130145	4 Moss Lane, Paraparaumu	1530132103	LOT 4 DP 380622 C/T 322931	LC	Home Occupation at 4 Moss Lane, Raumati Beach	N	N	Decision Issued	4/9/2013	22/8/2013
200007	39 Rimu Road, Paraparaumu	1530131801	LOT 1 DP 552971	SN	Undertake a two lot residential subdivision of a site	N	N	Letter Generated	3/2/2020	13/1/2020

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
210161	1 Moss Lane, Paraparaumu	1530132105	LOT 1 DP 380622 C/T 322928	LDR	Undertake earthworks that do not meet the permitted activity	N	N	Letter Generated	11/2/2022	16/7/2021
950150	3 Moss Lane, Paraparaumu	1530132102	PT LOT 1 DP 48648	SC	RE APPROVAL REFER SP 795	N	N	Decision Issued	28/6/1995	6/6/1995
CE200011	1 Moss Lane, Paraparaumu	1530132105	LOT 1 DP 380622 C/T 322928	LD	Marginal Exemption for the construction of a swimming pool	N	N	Application Returned incomplete		1/10/2020



#### Key to map symbols

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



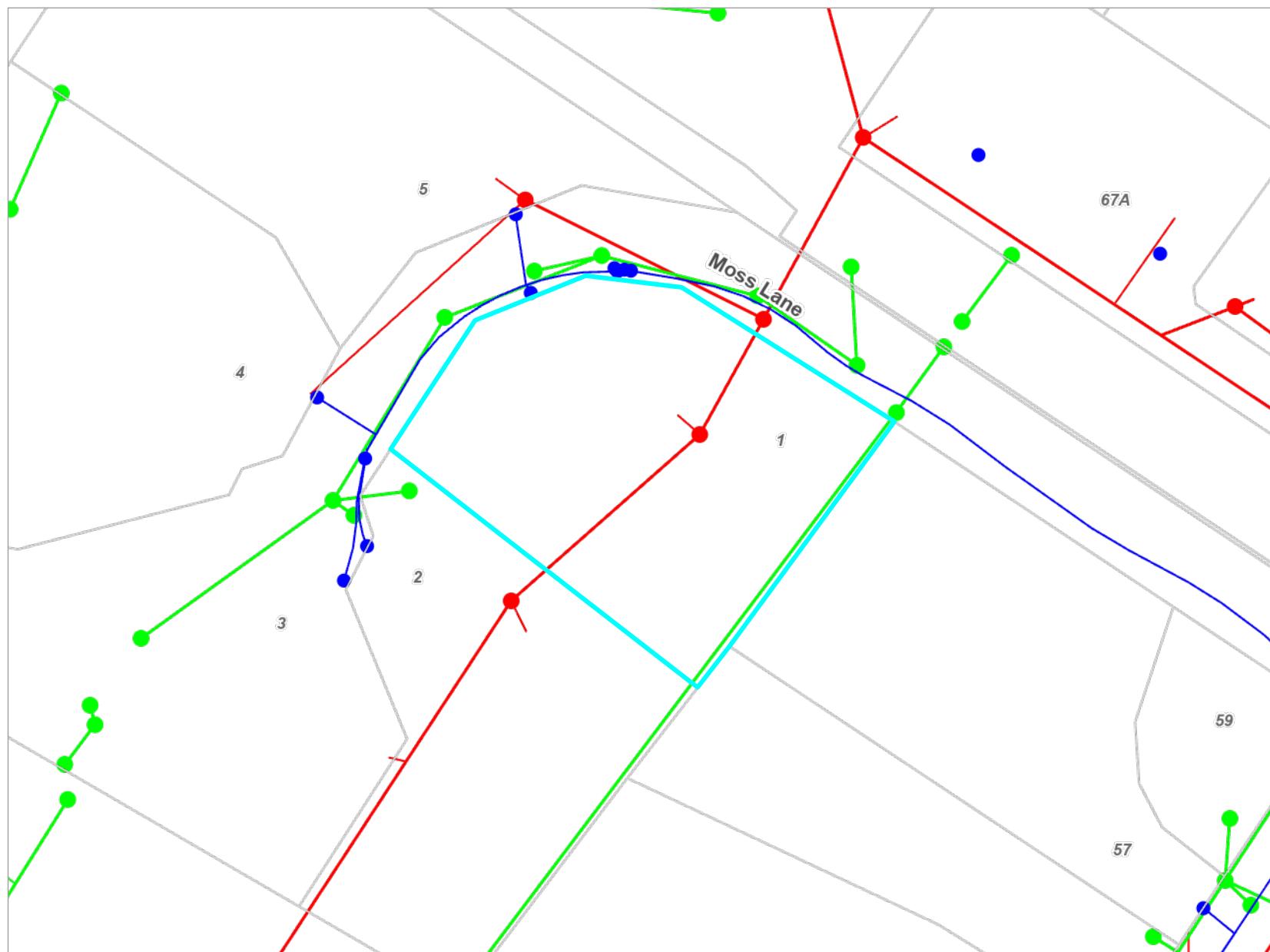
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Scale @ A4 - 1:1,000

Date Printed: March 27, 2025

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## Services Network

1 Moss Lane, Paraparaumu (LOT 1 DP 380622 C/T 322928)



## Key to map symbols

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

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



0 10 20 Metres

Scale @ A4 - 1:800

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MINIMUM SIZE DRAIN 65MM  
"SWEPT "Y" JUNCTIONS TO BE USED

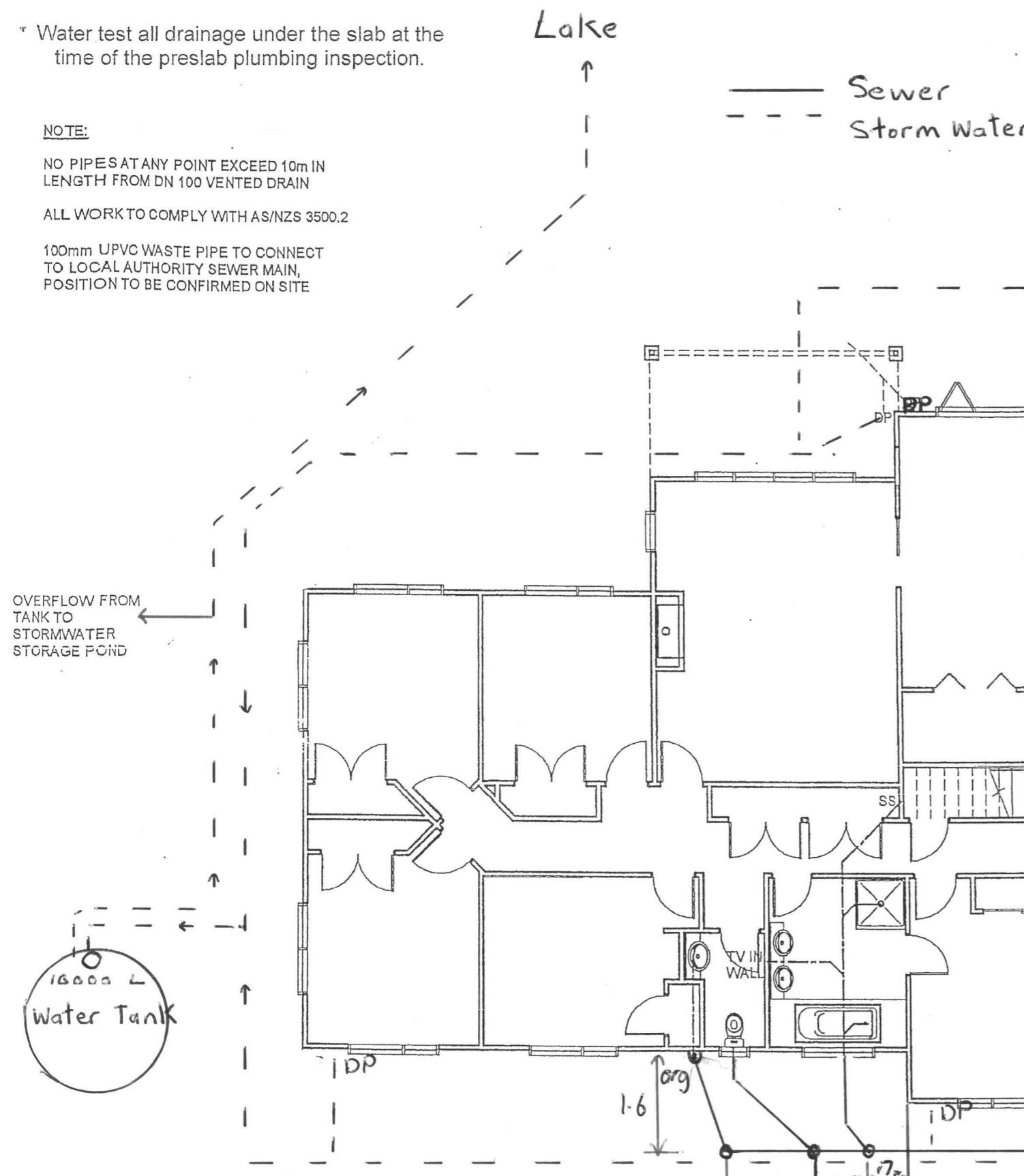
\* Water test all drainage under the slab at the time of the preslab plumbing inspection.

NOTE:

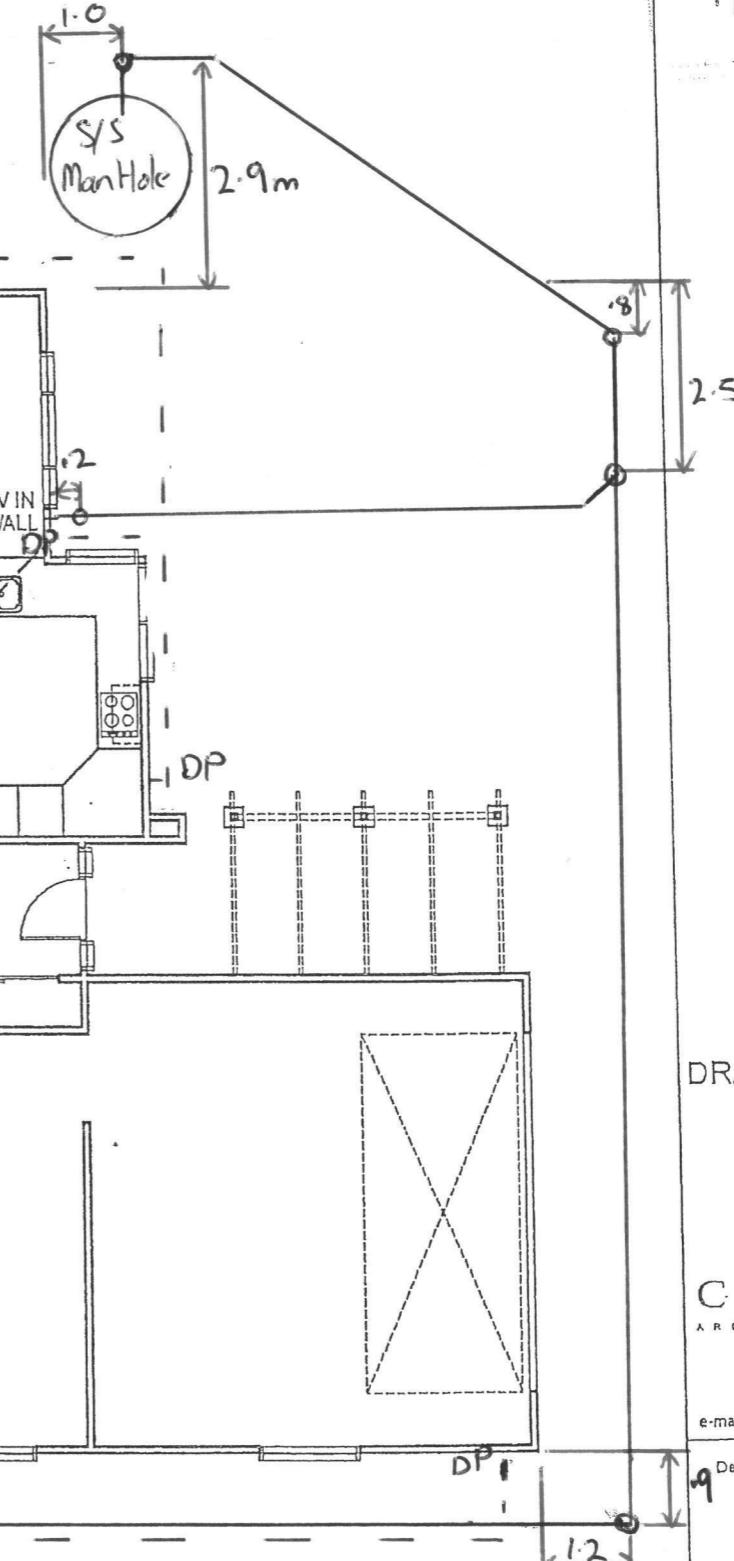
NO PIPES AT ANY POINT EXCEED 10m IN LENGTH FROM DN 100 VENTED DRAIN

ALL WORK TO COMPLY WITH AS/NZS 3500.2

100mm UPVC WASTE PIPE TO CONNECT TO LOCAL AUTHORITY SEWER MAIN, POSITION TO BE CONFIRMED ON SITE



ensure the tank used has water storage capacity of no less than 10,000lt.a producer statement from the tank manufacturer confirming this will need to be provided before a CCC can be issued



Revisions:  
SEPTEMBER '10 rev A  
OCTOBER '10 rev B  
APPROVED  
BY  
B PLUMBING  
AND  
DRAINAGE  
Simon C  
21/10/2010

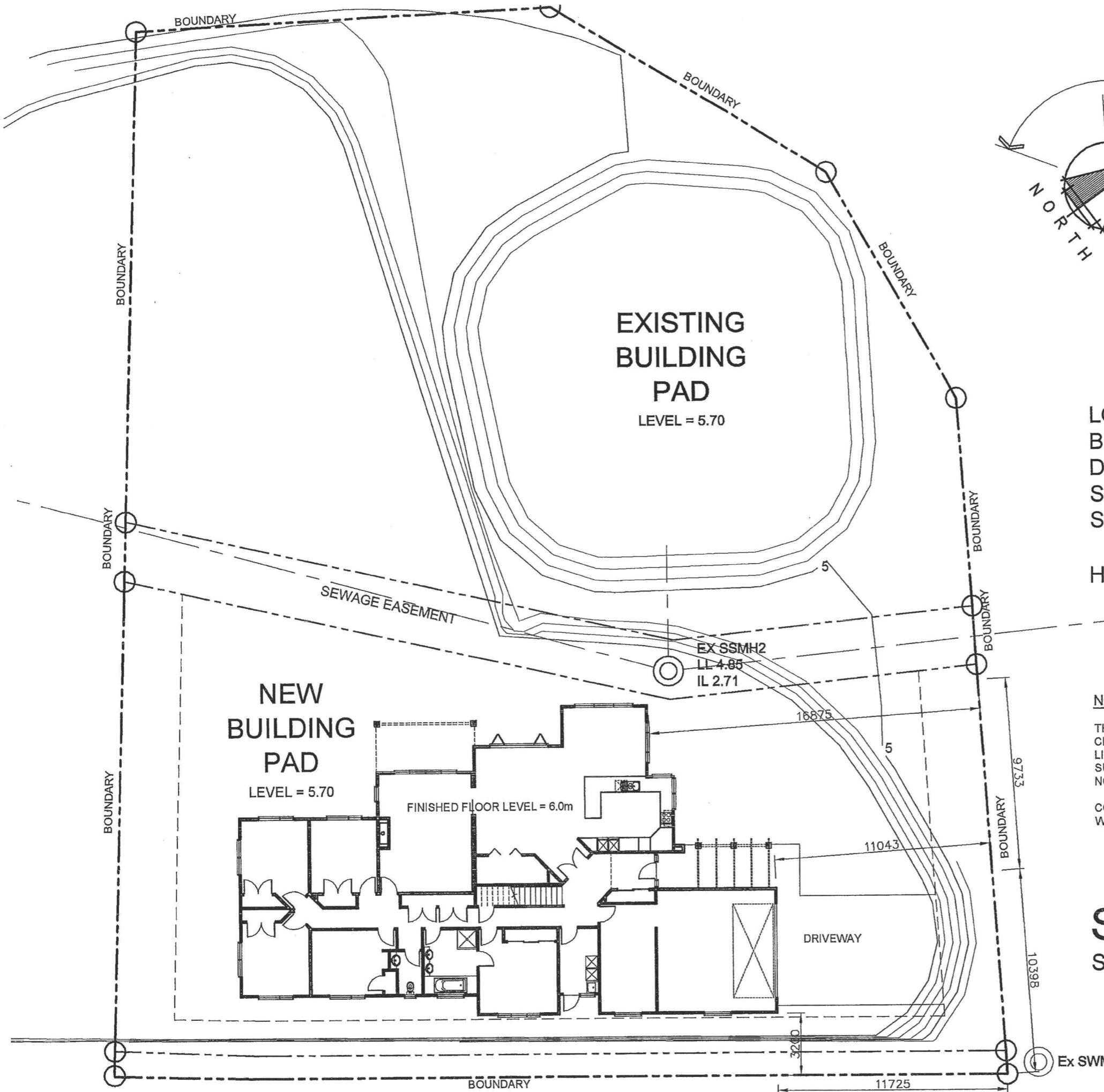
Project: NEW DWELLING  
Client: BAYLY  
1 MOSS LANE  
LOT 1, DP 380622,  
RAUMATI

Drawing Title: DRAINAGE PLAN  
Designer: COASTAL ARCHITECTURE LTD  
17 Flincham Road  
Raumati Beach  
New Zealand  
Tel: 04 905 0958  
e-mail: bllfrancis@paradise.net.nz

Design: Bill Francis Drawn: bf  
Scale: as shown

Job: 001	Page of: 2	Rev: B
----------	------------	--------

All work shall be in accordance with the NZBC. If in doubt ASK  
The Contractor must verify all dimensions on the job before commencing any work or shop drawings. Figured dimensions are to be used, scaled dimensions must be verified.  
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LOT 1, DP 380622  
BEING PART LOT 1, DP 4864  
DWELLING = 271m<sup>2</sup>  
SITE AREA = 2197m<sup>2</sup>  
SITE COVERAGE = 8.2%

## HIGH WIND ZONE

# NEW BUILDING PAD

LEVEL = 5.70

FINISHED FLOOR LEVEL = 6.0m

EX SSMH  
11495

1687

1

1

## DRIVEWA

Ex SWM

# SITE PLAN

SCALE 1:200

All work shall be carried out in accordance with Resource Consents (RMs 050345, 100164) and Section 221 Consent Notice (including Variation).

**Revisions:**

16 NOV 2010

Project  
**NEW  
DWELLING**  
Client  
**BAYLY**

Drawing Title:  
**SITE PLAN**

Designer

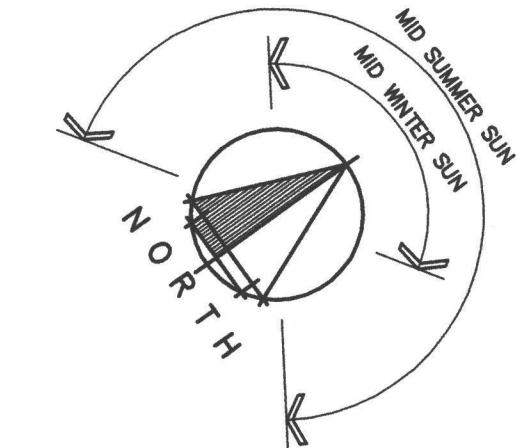
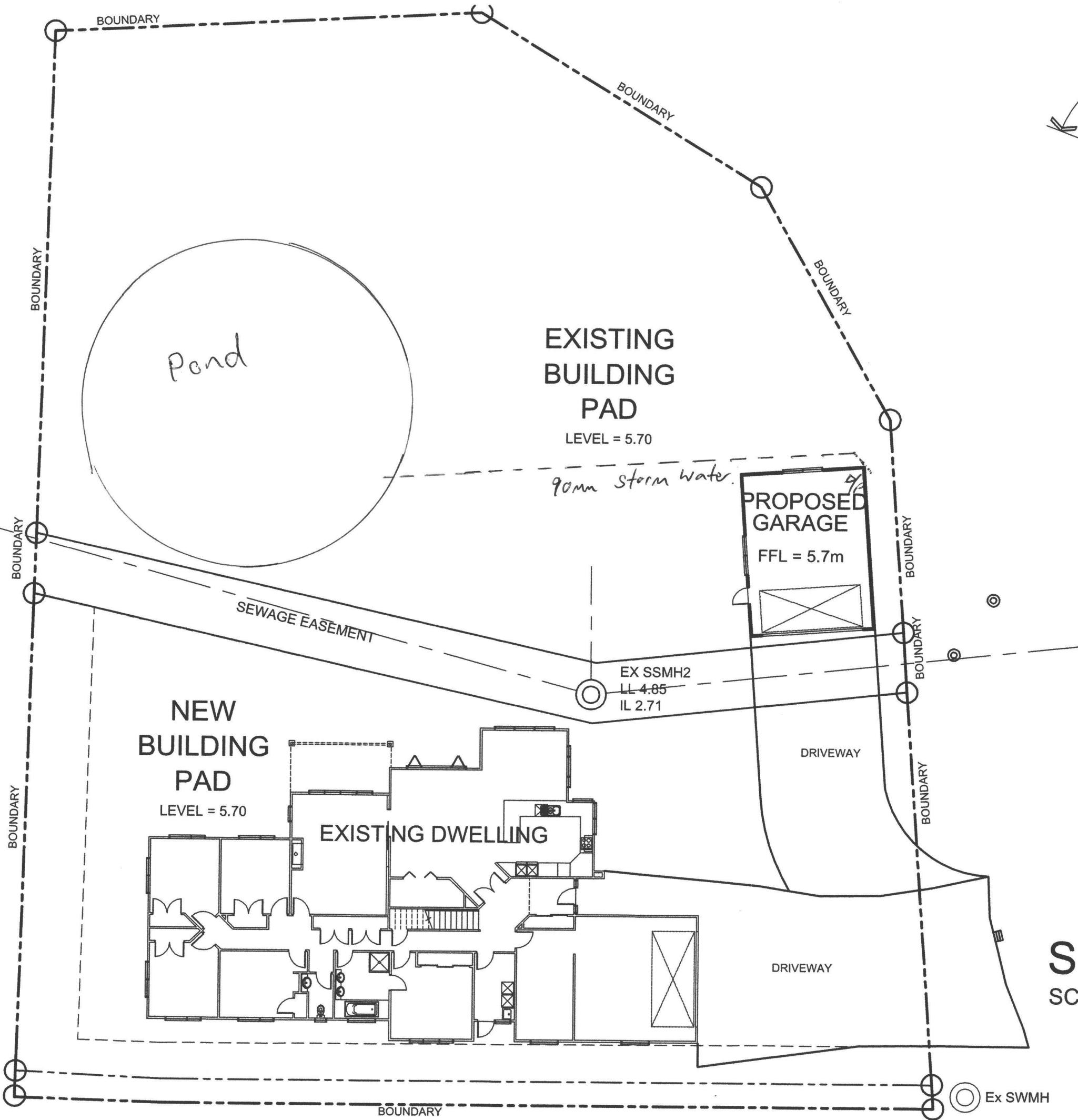
**COASTAL**  
ARCHITECTURE LTD.  
17 Fincham Road  
Raumati Beach  
New Zealand  
Tel: 04 905 0958  
e-mail: billfrancis@paradise.net.nz

Design: Drawn:

Bill Francis      bf  
Scale  
as shown

Job: Page of: Rev:

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Revisions:  
MAY 2014  
JUNE 2014  
rev A  
rev B  
rev C

Project:  
**PROPOSED GARAGE**

1 MOSS LANE  
LOT 1, DP 380622,  
RAUMATI

Client:  
**DIGGELMANN**

Drawing Title:  
**SITE PLAN**

Designer:  
**COASTAL**  
ARCHITECTURE LTD.  
11 Kodex Place  
Paraparaumu  
New Zealand  
Tel: 04 296 1248  
e-mail : billfrancis@paradise.net.nz

Design: Bill Francis Drawn: bf  
Scale: as shown

Job: Page of: Rev:  
**114 1 C**

**LICENSED BUILDING PRACTITIONER**  
www.dbh.govt.nz

All work shall be in accordance with the  
NZBC. If in doubt ASK  
The Contractor must verify all dimensions on  
the job before commencing any work or shop  
drawings. Figured dimensions are to be used,  
scaled dimensions must be verified.  
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No.	AMENDMENT	NAME	DATE

THIS PLAN IS TO BE USED FOR RESOURCE CONSENT PURPOSES ONLY AND NOT TO BE RELIED UPON FOR ANY OTHER PURPOSE WITHOUT THE CONSENT OF CUTTRISS CONSULTANTS LIMITED.

DIMENSIONS AND AREAS SHOWN ON THIS SCHEME PLAN WILL BE SUBJECT TO THE FINAL LAND TRANSFER SURVEY.

RM 050345  
FINAL APPROVED PLANS  
14/02/06

LEGEND
PROPOSED 18m BUILDING CIRCLE
NEW CONTOURS
CUT
FILL

Cuttriss Consultants Limited  
Hutt Valley, Wellington, Kapiti Coast

**Cuttriss**  
Land Surveyors, Engineers & Resource Managers

Level 3 Crest House 92 Queens Drive Lower Hutt PO Box 30 429  
Telephone 04 - 939 9245 Fax 04 - 939 9249 Email hutt@cuttriss.co.nz

33 Kapiti Road Paraparaumu PO Box 386  
Telephone 04 - 904 5420 Fax 04 - 904 5423 Email kapiti@cuttriss.co.nz

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**CLIENT**  
Mr T Moss

**JOB**  
**PROPOSED EARTHWORKS**  
**PT LOT 1 DP 48648**  
**61 RIMU ROAD, PARAPARAUMU**

**SCALE**  
1:750 - A2

	NAME	DATE	DRAWING NUMBER
FIELDWORK	BRM		
DESIGNED	JS	09/05	
DRAWN	NKT	09/05	
CHECKED			
SHEET			19143 SCH2
OF			SHEETS



**CROSS SECTION A-A'**

Not to Scale

3500

CHIP SEAL

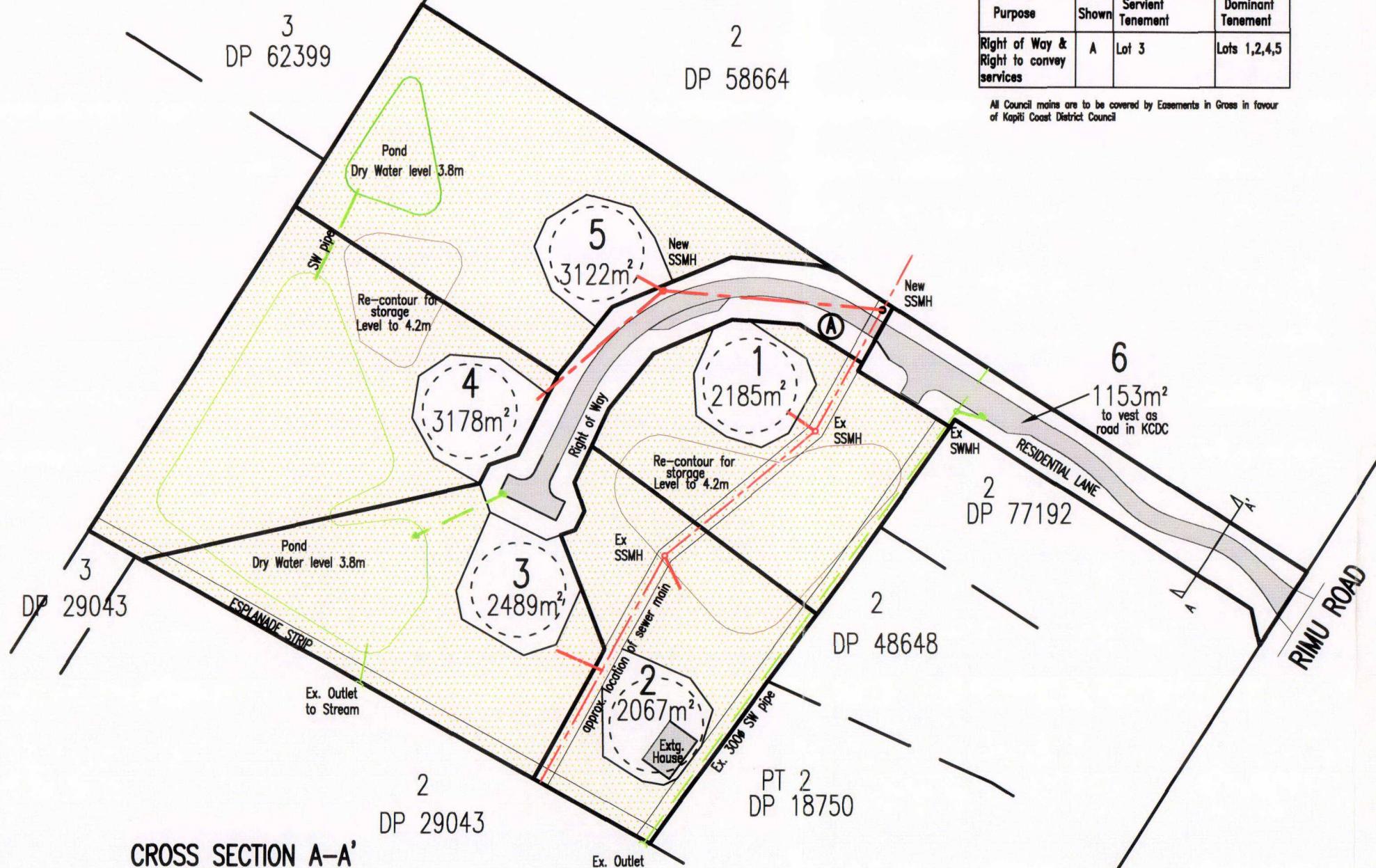
1 in 30

NEW KERB & CHANNEL  
(AS PER K.C.D.C  
SPECIFICATION)  
ON 100mm COMPACTED  
BASECOURSE

200mm THICKNESS (MIN) COMPACTED  
G.A.P 40 BASECOURSE IN  
ACCORDANCE WITH K.C.D.C  
REQUIREMENTS

SUITABLY COMPACTED  
SUBGRADE

NEW NIB KERB  
(AS PER K.C.D.C  
SPECIFICATION)  
ON 100mm COMPACTED  
BASECOURSE



MEMORANDUM OF EASEMENTS			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way & Right to convey services	A	Lot 3	Lots 1,2,4,5

All Council mains are to be covered by Easements in Gross in favour of Kapiti Coast District Council



THIS PLAN IS TO BE USED FOR RESOURCE CONSENT PURPOSES ONLY AND NOT TO BE RELIED UPON FOR ANY OTHER PURPOSE WITHOUT THE CONSENT OF CUTTRISS CONSULTANTS LIMITED.

DIMENSIONS AND AREAS SHOWN ON THIS SCHEME PLAN WILL BE SUBJECT TO THE FINAL LAND TRANSFER SURVEY.

LEGEND

- PROPOSED RIGHT OF WAY
- PROPOSED 18m BUILDING CIRCLE
- Building Exclusion Zones

Cuttriss Consultants Limited

Hutt Valley, Wellington, Kapiti Coast

**Cuttriss**  
Land Surveyors, Engineers & Resource Managers

Level 3 Crest House 92 Queens Drive Lower Hutt PO Box 30 429  
Telephone 04 - 939 9245 Fax 04 - 939 9249 Email hutt@cuttriss.co.nz

33 Kapiti Road Paraparaumu PO Box 386  
Telephone 04 - 904 5420 Fax 04 - 904 5423 Email kapiti@cuttriss.co.nz

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**CLIENT**  
Mr T Moss

**JOB**  
**PROPOSED SUBDIVISION OF**  
**PT LOT 1 DP 48648**  
**61 RIMU ROAD, PARAPARAUMU**

**SCALE** 1:750 - A2

	NAME	DATE	DRAWING NUMBER
FIELDWORK	BRM		19143 SCH
DESIGNED	JS	09/05	
DRAWN	NKT	09/05	
CHECKED			

SHEET OF SHEETS

**APPLICATION FOR RESOURCE CONSENT NON-NOTIFIED  
PURSUANT TO SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991**

<b>APPLICANT:</b>	T Moss and D Babbe C/- Cuttriss Consultants Limited
<b>LOCATION:</b>	61 Rimu Road, Paraparaumu
<b>LEGAL DESCRIPTION:</b>	Part Lot 1 DP 48648
<b>ZONE:</b>	Residential
<b>TYPE OF CONSENT:</b>	Five Lot Subdivision and Landuse Consent for associated earthworks and a reduction in setback from waterbodies
<b>ACTIVITY STATUS:</b>	Discretionary
<b>DETERMINED AS NON-NOTIFIED BY:</b>	Aidan Robinson and Trevor Garnett

## 1. SITE DESCRIPTION

The 1.5390 hectare site at 61 Rimu Road is a zoned residential under the Kapiti Coast District Plan and currently contains a double storied dwelling located in the south-eastern corner. The site is accessed off a long unsealed driveway off Rimu Road. The majority of the site is flat but contains low points where peat based soils are found and higher points where sand based soils are located.

The site is bound by two drains on the southern (identified on Council maps as Drain 7) and western (unidentified Drain) boundaries. Both drains are located on the neighbouring properties. There are also two drains that run through the property. These drain water from the subject site and flow into Drain 7.

Most of the site is cover in grass and exotic vegetation except around the existing dwelling. Some natives have been planted by the applicant along the western stream banks. The site is surrounded by other residentially developed sites however most are screened from the site by either fences or vegetation.

The site is currently identified as being subject to inundation (Ponding and Stream Corridor) during a 100-year flood event.

## 2. PROPOSAL

The proposal is for an five lot residential subdivision at 61 Rimu Road, Paraparaumu (Part Lot 1 DP 48648). The subdivision will create four additional residential lots and is a Discretionary activity under the Kapiti Coast District Plan. The application includes the creation of a right of way, which will provide access to all lots within the subdivision.

All of the allotments will be rear lots except Lot 1. All lots are in excess of the minimum size requirements for residential subdivision under the District Plan. The lot sizes are as follows:

Lot 1 = 2220m<sup>2</sup>  
Lot 2 = 2067m<sup>2</sup>  
Lot 3 = 2489m<sup>2</sup>  
Lot 4 = 3178m<sup>2</sup>  
Lot 5 = 3122m<sup>2</sup>

The application also involves earthwork activities which are necessary to provide flood-free building platforms on the proposed allotments. As the whole site is subject to flood (ponding) the proposed earthworks will have an effect on the flood storage capacity of the site. To compensate for the areas of the site that are to be raised for the house sites and right of way, four separate ponds will be created over the five allotments that will provide sufficient storage for flood waters during a 100-year flood event.

The applicant also seeks to obtain consent to reduce the yard requirement whereby buildings or structures must be set back from a waterbody by at least 10m. The proposal seeks to reduce the 10m setback requirement on Lots 3 and 4 by 5 metres and 8 metres respectively.

The proposed subdivision, earthworks and setback reduction activities are discussed in detail in the 'Assessment' section of the report.

### 3. DISTRICT PLAN

The relevant objectives and policies of the Kapiti Coast District Plan which relate to this application are as follows:

#### C.7.1 RESIDENTIAL SUBDIVISION

##### OBJECTIVE 1.0 - DENSITY

**ENSURE THAT EXCEPT FOR HIGHER DENSITY DEVELOPMENT AT APPROPRIATE LOCATIONS, SUBDIVISION AND DEVELOPMENT MAINTAINS AND ENHANCES THE LOW DENSITY ENVIRONMENTAL CHARACTER AND ASSOCIATED AMENITY VALUES OF RESIDENTIAL AREAS AND AVOIDS OR MINIMISES ADVERSE IMPACTS ON THE NATURAL AND PHYSICAL ENVIRONMENT.**

The residential environments within the Kapiti Coast District are predominantly low density. Unless the community wishes a change in character of its residential environment, it is imperative that there be controls on density. Lower density allows more open space and landscaping, retention of views, lesser concentrations of people, and enjoyment of an existing type of lifestyle which many Kapiti Coasters have expressed a preference for. However, lower density also creates longer lengths of services and roads (requiring greater initial costs and ongoing maintenance). Infill housing provides additional sites with little additional costs to Council and can be designed to fit in with the general character of residential areas. While the opportunities for this are limited within the district, higher density development is appropriate in specific locations, where the character of the area is not so sensitive to more intensive development and higher density land uses will have positive effects in regard to the community services and infrastructure. In addition, specific development proposals may be appropriate throughout the wider residential environments, where it can be demonstrated that adverse environmental effects can be avoided or minimised.

To achieve this objective Council will implement the following policies (refer also C.1.1):

##### POLICY 1 - LOW DENSITY CHARACTER

**Maintain and enhance the low density of dwellings and associated amenity values of the residential environment (except where high density development is appropriate).**

*The ratio of dwellings to land area is the key determinant of the overall density and character of the residential environment. Appropriate control of the density of dwellings and site development will achieve the objective of a low density environment and will*

prevent overloading of services and community facilities. An effective means to control the number of households on a site is a requirement for a minimum land area for each dwelling. The higher the minimum area required the lower the density.

### C.1.1 RESIDENTIAL ZONE

#### OBJECTIVE 1.0 - GENERAL

**ENSURE THAT THE LOW DENSITY, QUIET CHARACTER OF THE DISTRICT'S RESIDENTIAL ENVIRONMENTS IS MAINTAINED AND THAT ADVERSE EFFECTS ON THE AMENITY VALUES THAT CONSTITUTE THIS CHARACTER AND MAKE THE RESIDENTIAL ENVIRONMENTS SAFE, PLEASANT AND HEALTHY PLACES FOR RESIDENTS ARE AVOIDED, REMEDIED OR MITIGATED.**

*The residential environments within the Kapiti Coast District generally have a low density character, typified by low building heights and density and a high proportion of public and private open space. In some areas such as the 'Garden' area of Waikanae, extensive vegetation particularly indigenous species is a dominant feature of the environmental character. The urban form comprises a series of small beach and inland settlements which have over time expanded and become interlinked. The layout and features of the residential environments still retain qualities that are reminiscent of small communities and the noise levels within the environments are generally low.*

*The development of new housing and associated development with a high density including buildings of a greater height and scale can compromise the character of the residential environments and have significant adverse effects on the amenity values as a consequence. The effects include loss of privacy for residents, removal of vegetation and open spaces, overshadowing of existing dwellings, increased traffic movement and greater noise levels.*

To achieve this objective Council will implement the following policies (refer also C.7.1):

#### POLICY 1 - AMENITY VALUES

Activities locating and/or operating in the district's residential environments shall display a residential appearance and be at a density which enables the existing character to be maintained and, in particular, which does not cause a decline in the amenity values of these environments through the:

- clearance of vegetation;
- changes to the landform;
- loss of private gardens and open space;
- creation of hard surfaces and lack of permeable area;
- loss of landscaped frontages;
- overshadowing and overlooking of neighbouring residential properties;
- generation of excessive levels of noise, vibration, glare, dust or odour associated with the activities themselves;
- generation of additional traffic movements resulting in excessive noise, vibration, glare, dust or odour and a decline in traffic safety;
- imposition of buildings, structures, signs or other features that are visually obtrusive and out of character with the character of these environments;
- degradation of the natural environment and/or modification of natural processes likely to lead to degradation;
- inadequate provision for access to sites of activities and also manoeuvrability for associated traffic movements;
- hazards to human health and residential convenience of inadequate or inappropriate supply of water, disposal of effluent and stormwater;
- creation of neighbourhoods with inadequate availability of network utility services;
- generation of nuisance or health risks to adjoining residents of farming activities and/or the keeping of animals/birds.
- lack of off-street parking
- siting of buildings
- storage of goods
- generation of traffic

The "amenity values" of the residential environment are separately defined as a term and mean those natural or physical qualities and characteristics that contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes. Maori consider "amenity" in the context of their cultural beliefs that advance feelings of maturity and a sense of belonging

to the environment rather than owning it. Without controls (performance standards) on possible adverse effects resulting from building, use and development, the environmental quality of the residential environment could be impaired.

The Council has adopted a standard approach to controlling the scale and other effects of activities in the Residential Zone. These are the controls which are placed on activities within the residential zone. Activity standards specify a maximum permissible level at which an activity may operate, for example, in relation to noise or vehicle movements. Activities not able to meet these standards are deemed to have potential adverse environmental effects beyond what is considered acceptable. Such activities or structures would require a resource consent application at which stage a full assessment of the potential effects may be ascertained.

The standards allow flexibility for a range of building types, building locations and activities, while also ensuring that the amenities of neighbouring occupiers are not adversely affected. Limits have also been placed on building bulk, siting, height and site coverage which are both measurable and able to be uniformly applied across the district. They all contribute to ensuring an acceptable density and size of development sufficient to maintain minimum levels of sunlight, daylight and privacy.

Controls should enhance the amenity values for the future residents by minimising the need for steep accesses, high walls and extra foundation costs where alternative earthworks could modify the landscape, improve ground bearing strength, provide better roads with enhanced sight distances and require less service pumps and stormwater drainage and mitigate potential flooding.

These controls are minimum performance standards for residential activities. They must be met to ensure that adverse effects are minimised to promote the residential environment as a good place in which to live.

However, where one or more of these minimum standards cannot be met, and is therefore subject to a resource consent, the Council, will on a case by case basis, give full consideration to the impact of such a development on the amenity values of the residential environment including effects on neighbours properties.

#### **POLICY 4 - SITING OF ACCESSORY BUILDINGS**

**Avoid or minimise the adverse effects of the location of accessory buildings on the streetscapes of the residential environments.**

The location of accessory buildings is a significant factor influencing the visual amenity of the street frontage of neighbourhoods. Accessory buildings which are farther forward than the dwelling are more visible to the street. They have the potential to have an adverse visual effect if they are not compatible with the principle building, normally the dwelling. Accessory buildings which are of the same or similar architecture as the principle building will guarantee compatibility and will contribute to maintenance of the visual amenity of the local neighbourhood.

#### **C.7.3 EARTHWORKS**

##### **OBJECTIVE 1.0**

**TO MAINTAIN THE DISTRICT'S NATURAL LANDFORMS BY ENSURING ANY ADVERSE EFFECTS OF EARTHWORKS ON THE NATURAL, PHYSICAL AND CULTURAL ENVIRONMENT ARE AVOIDED, REMEDIED OR MITIGATED.**

To achieve this objective Council will implement the following policies:

#### **POLICY 1 - GENERAL ASSESSMENT CRITERIA**

**Ensure the adverse effects of earthworks on the environment are avoided, remedied or mitigated when considering applications for resource consents for earthworks by taking into account the following:**

- 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 extent to which any cut or fill can be restored or treated to resemble natural landforms. Council will seek to avoid the creation of unnatural scar faces;
- The extent of screening by vegetation;
- 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 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 necessity for carrying out the works; and*
- *Whether the earthworks proposed increase or decrease flood hazards*
- *The outcome of consultation with Tangata Whenua in accordance with the requirements contained in the Fourth Schedule of the Resource Management Act 1991.*

Because excavations or earthfills (earthworks) can leave unnatural forms or unsightly scars which detract from the amenities of an area, Council considers that controls on such activities are necessary. The bylaws control earthworks to ensure that they are properly engineered, whereas the District Plan provisions enable amenity considerations to be assessed. Irrespective of the provisions in this policy, applicants should note that all archaeological sites (whether recorded, unrecorded or registered) are protected under the Historic Places Act 1993 and that the consent of the Trust is required before any work can be undertaken on these sites (i.e. an archaeological authority to destroy, damage or modify a site).

### POLICY 3 - WAAHI TAPU AND CULTURAL SITES

**Protect sites of significance to Tangata Whenua from inadvertent destruction caused by earthworks.**

A site of significance to Tangata Whenua can include but is not limited to, waahi tapu, urupa or mahinga kai. To prevent destruction of these sites inadvertently from earthworks it is important that a mechanism exists to protect these sites from further damage if discovered during earthworks.

### C.15 NATURAL HAZARDS

#### OBJECTIVE 1.0

**TO MANAGE ACTIVITIES AND DEVELOPMENT WITHIN NATURAL HAZARD PRONE AREAS SO AS TO AVOID OR MITIGATE THE ADVERSE EFFECTS OF NATURAL HAZARDS.**

#### POLICY 1

Permit subdivision and development where the effects of natural hazards can be avoided, remedied or mitigated.

#### POLICY 4

Ensure there are flood free building sites within newly created allotments.

#### POLICY 9

When assessing discretionary activities within a river corridor, ponding area or overflow path, consider the following:

- The effects of the development on existing flood mitigation structures.
- The effects of the development on the flood hazard - in particular flood levels and flow.
- Whether the development redirects floodwater onto adjoining sites or other parts of the floodplain.
- Whether the development reduces storage capacity and causes adverse effects on adjoining sites or other parts of the floodplain.
- Whether access to the site/development will adversely effect the flood hazard.

The Council is empowered under the Act to implement rules for the avoidance or mitigation of natural hazards. These include flooding, erosion and earthquake fault lines. The identification of natural hazards is an ongoing activity carried out by Council as part of the monitoring of the environment. Development and subdivision of land will be subject to appropriate limitations for example flood storage areas which must be retained to mitigate against flooding on existing properties. With regard to flooding, the last two policies would apply to new use and development within floodplains. They seek to ensure that the risks from flooding are taken into account in the assessment of any resource consent which relates to the river corridor, ponding areas and overflow paths. These policies should place the onus on an applicant to show that there will be no additional hazard as a result of any proposed development. To this effect the plan contains information and rules concerning known natural hazards and hazardous areas. (Refer also to Part C.9 Coastal Environment for policies on the Coastal Environment which are relevant to coastal hazards)

It is considered that the proposal will maintain the integrity of these objectives and policies, this is discussed further 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 if the Council considers the adverse effects on the environment will be minor and the written approval of all parties considered to be affected has been obtained.

The application meets the controlled activity standards for subdivision under the Kapiti Coast District Plan and the effects are considered to be no more than minor. However, it is considered that while the effects from the proposed earthworks on the environment will be no more than minor that the following parties are considered adversely affected by the proposed earthworks:

- P & R Cathro – 35 Rimu Road, Paraparaumu
- M & P Manderson – 43 Rimu Road, Paraparaumu
- CIMA Group Ltd – 41 Rimu Road, Paraparaumu
- A & W Brown – 57 Rimu Road, Paraparaumu
- L & A Appleton – 63 Rimu Road, Paraparaumu
- I & A Millar – 65 Rimu Road, Paraparaumu
- R & A Bunstan – 30E Rata Road, Paraparaumu
- D Jones & A Thomas – 38 Rata Road, Paraparaumu

The written approvals of the owners and occupiers of these properties were gained by the applicant. It is considered that no other parties are adversely affected by the proposal.

In addition there are no special circumstances pursuant to Section 94C(2) of the Resource Management Act 1991 to warrant notification. Therefore it is considered that notification is not warranted for this application.

#### 5. ASSESSMENT

The main considerations when assessing an application for subdivision consent are provided by C.7.1 Objective 1.0 Policy 1 and C.1.1 Objective 1.0 and Policy 1 for the residential zone in the District Plan section of this report. In addition, the Controlled Activity Standards for subdivision and the permitted activity standards for the residential zone are also important considerations for this application. As this proposal involves earthworks and areas of natural hazards, the assessment of C.7.3 Objective 1.0, Policies 1 and 3 and C.15 Objective 1.0, Policies 1, 4 and 9 is also appropriate.

The District Plan sets out minimum lot area requirements and other relevant standards relating to subdivision to ensure that the adverse environmental effects from subdivision in the residential zone are appropriately managed. The proposal is assessed against the Controlled Activity Standards for Subdivision in the following table:

Controlled Activity Standard	Comment	Compliance
<b>Density</b> – where the land to be subdivided is greater than 3000m <sup>2</sup> in size: <b>Front Lots</b> – At least 50% of total lots shall be 550m <sup>2</sup> in size & at least 25% of total lots shall be 700m <sup>2</sup> in size. <b>Rear Lots</b> – At least 50% of total lots shall be 650m <sup>2</sup> in size. (Exclusive of access) & at least 50% of total lots shall be 800m <sup>2</sup> in size. (Exclusive of access)	Proposal meets all density and minimum lot size requirements. Lot 3 is the only front lot and it is over both 550m <sup>2</sup> and 700m <sup>2</sup> . Lots 1, 2, 4 & 5 are rear lots and they are over 650m <sup>2</sup> and 800m <sup>2</sup> .	Yes
<b>Shape Factor</b> – each lot capable of accommodating an 18m diameter circle	All lots can accommodate an 18 m diameter circle.	Yes

<b>Dwellings Per Lot</b> – 1 dwelling per minimum lot area	Lot 2 contains a single dwelling. None of the other lots contain dwellings at present.	Yes
<b>Minimum Frontage Front Lot</b> = 6m	Lot 3 is a front lot and Lots 1, 2, 4 & 5 are rear lots	Yes
<b>Access</b> – maximum lots served by right of way = 6 Minimum width of access for 2 - 3 lots shall be 4 metres, minimum width of access serving 4-6 lots shall be 6 metres. Not to a state highway	Proposed access will comply with all minimum width requirements. Access is not to a state highway.	Yes
<b>Minimum Distance of Access From Corner of Road</b> = 15 metres from intersection of kerb line.	The proposal complies through conditions of the consent	Yes
<b>Building Sites</b> – each lot shall have a building site above 1% flood event.	Significant earthworks are been undertaken to provide building platforms for the lots. Areas of the lots will still be inundated during a 100-year flood event. Conditions of the consent will address this.	Yes
<b>Engineering Requirements</b>	Engineering requirements considered and to be included as conditions of consent.	Yes
<b>Esplanade Reserves/Strips</b> – compliance with Part H of district plan.	Not Applicable	N/A
<b>Spacing Between Accesses onto State Highway 1.</b>	Not Applicable	N/A
<b>Heritage Sites and Native Vegetation</b>	No native vegetation or heritage sites found on the property	Yes
<b>Parking and Access</b> – Compliance with Part J of district plan.	All lots sufficient size and shape to meet Part J requirements	Yes
<b>Piping of Watercourses</b>	Conditions of the consent will address this.	Yes
<b>Stormwater Control</b>	Services and stormwater issues will be dealt with through engineering conditions.	Yes
<b>Underground Services</b>	Engineering conditions of consent shall address.	Yes
<b>Effluent Disposal</b>	Engineering conditions of consent shall address.	Yes

As demonstrated in the above table this proposal meets all the controlled activity standards for subdivision. In addition, the engineering requirements and the mitigation measures required as conditions of consent will ensure that all permitted activity standards are met.

The design and layout of the subdivision is considered to be suitable for the property and in accordance with the relevant objectives and policies the district plan seeks for residential subdivision and development. The imposition of financial contributions will be calculated and required to be paid prior to the section 224(c) certification of the subdivision.

The application is typical of what can be expected of the residential zone and is in keeping with the relevant objectives and policies of the Kapiti Coast District Plan. All effects that may be generated from the proposal are considered to be no more than minor.

### Section 106

The site as it is currently is subject to inundation. However after the proposed earthworks associated with this application the five residential lots will all have a building platform that is above the 100-year flood event level. However, large areas of the lots will still be subject to inundation and therefore

restrictions on both fencing and filling in these areas will be controlled through conditions of the consent. Access to all the lots will be via a Right of Way through the middle of the site. As a result of the earthworks proposed, the ROW level will also be above the 100-year flood event level.

The Council's Subdivision Engineer has imposed a number of engineering conditions to avoid adverse effects of the subdivision. These have been imposed accordingly. Overall, it is considered that the application would meet the requirements of Section 106 of the Act.

#### Earthworks

The earthworks will be undertaken will involve earthworks within a identified 'ponding area'. Furthermore the earthworks will alter the existing ground level by more than a metre in some areas and will involve the disturbance of more than 50m<sup>2</sup> of material.

Both cutting and filling of the land will be undertaken to reshape the land and provide building platforms above the 100 year flood event levels. The cutting will be undertaken various areas on the site but mainly near the south-western corner of the site and near the middle of the eastern boundary. This cut material will then be used as fill to raise the building platforms on each of the allotments and also to raise some areas of the right of way. Overall this will create areas of land that are well below the 100 year flood event level which will be complementary flood storage for the areas of the site that are being elevated to a higher ground level.

It is considered that the effects of these earthwork activities on the environment are no more than minor. The effects of the earthworks will only be temporary and the engineering conditions of the consent will ensure that all necessary measures are undertaken in order to mitigate any adverse effects created. The effects on visual amenity in the area are also considered to be no more than minor. Although the earthworks will alter the existing landform on the site, the site is zoned residential and it can be expected that in order to utilise the land for that purpose, that some earthworks would need to be undertaken. Furthermore the creation of the flood storage area will allow for the wider community to benefit from improved flood hazard mitigation in this area. This is also in accordance with the Policies and Objectives set out in Part C (Natural Hazards - C.15) of the District Plan.

#### Flooding

Council's Subdivision Engineer made the following comments regarding the flooding on the property:

"The effect of raising the land to achieve flood free building platforms in the ponding zone.

*The peer review indicates that more than enough compensatory storage has been achieved by the volume of cut between the Top water level and Ground water level exceeding the volume of fill in this location*

The effect of replacing peat with compacted sand.

*There is some debate at the moment as to what the exact effect is, if any, however due to the presence of the open drains along the Southern and Western boundaries and the enclosed drain along the Eastern Boundary and also by limiting the replacement of peat to the house site locations and the ROW carriageway it is likely the overall hydrological performance of the site will not be significantly changed.*

#### Flood free access

*I have proposed a condition that limits the inundation of the access to no more than 200mm. The compensatory storage required for raising the ROW Carriageway has been confirmed in the peer review.*

#### Peak Runoff flow Attenuation

*The peer review confirms that there is sufficient capacity in the ponds to attenuate the increase in runoff up to the point the present site is inundated at which time there is no increase in runoff as a result of the development.*

#### Existing Drainage Patterns

*As a result of this development there is an opportunity to improve the profile of Drain 7 and "tidy up" the Stormwater system that was installed as part of a previous development which was not completed."*

It is considered that these comments explain the possible effects on the flooding on the property and that the proposed conditions will ensure that these effects are mitigated.

#### Yard Reduction

The application included provision to allow a reduction in the 10m setback required from the waterbodies located within the development. The setback, which would affect 2 of the 5 residential allotments, is required by the District Plan for amenity and flood risk reasons. With regard to the potential effect on amenities, it is considered that a reduction in the setback from the lake would not significantly affect the amenity enjoyed either by those properties or by surrounding properties. The size of the 2 allotments is well in excess of the minimum size and therefore the house sites will not dominate the outlook of the area and the lakes within the sites will still be easily viewable on the properties and therefore the adverse effect on amenity will be no more than minor. In addition, relaxing the yard requirement to the rear of the dwellings will enable greater flexibility in the placement of any future dwellings on-site. This may allow for greater variety of design within the immediate surroundings and possibly enhance the amenity of the area. Therefore the proposal is not considered to adversely affect the amenities of the 5 residential allotments.

The potential flooding risk in relation to the lake has been accounted for in the engineering conditions of this consent. All dwellings on the allotments will be restricted to areas that are not subject to inundation during a 100-year flood event and therefore this will mitigate any potential effects from flooding from being within 10 metres of the lake edges as shown on the Deposited Plan.

#### Reserves Contributions

For the purpose of calculating the reserves contribution owing for the subdivision, the following valuations have been made for the lots:

- Lot 1 = \$220,000 (GST Inclusive).
- Lot 2 = \$225,000 (GST Inclusive).
- Lot 3 = \$235,000 (GST Inclusive).
- Lot 4 = \$240,000 (GST Inclusive).
- Lot 5 = \$250,000 (GST Inclusive).

There is a limit of \$100,000 set by Council in the reserves policy. Therefore, 7.5% of the value of \$100,000 plus GST multiplied by 4 additional lots has been used to calculate the reserves contribution owing of \$33,750.00 (GST Inclusive).

## **6. CONCLUSION**

As the actual and potential adverse effects on the environment from the proposal will be less than minor and the proposal is not contrary to the relevant objectives and policies of the Kapiti Coast District Plan, there is nothing to prevent the Council granting resource consent in terms of Section 104B of the Resource Management Act.

## 7. DECISION

That officers acting under Delegated authority from Council and pursuant to Section 104B of the Resource Management Act 1991, **GRANT** a five lot subdivision consent & landuse consent for associated earthworks and yard reductions at 61 Rimu Road, Paraparaumu, being Part Lot 1 DP 48648 as shown subject to the following conditions:

### General:

1. The Title Plan or E-Survey Dataset shall be in accordance with the subdivision consent proposal shown on the plan drawn by Cuttriss Consultants Limited, titled 'Proposed Subdivision PT Lot 1 DP 48648, 61 Rimu Road, Paraparaumu', Drawing Number 19143 SCH A, stamped as 'Final Approved Plans' on 03/02/06 and as described within the documents submitted with application no. RM050345.
2. The earthworks activity shall be in general accordance with the plans drawn by Cuttriss Consultants Limited, titled 'Proposed Earthworks PT Lot 1 DP 48648, 61 Rimu Road, Paraparaumu', Drawing Number: 19143 SCH2, stamped as 'Final Approved Plans' on 03/21/2006 and as described within the documents submitted with application no. RM050345.
3. The 'waterbodies' as shown on the plan drawn by Cuttriss Consultants Limited, titled 'Proposed Subdivision PT Lot 1 DP 48648, 61 Rimu Road, Paraparaumu', Drawing Number 19143 SCH A, stamped as 'Final Approved Plans' on 03/02/06 shall be defined on the title sheet of the survey plan in such a way as to be able to be defined on site by normal survey methods. The 'waterbodies' shall be identified by numbers and/or letters to facilitate precise identification on the title to issue.
4. The bulk and location of any buildings or alterations or additions to any buildings on the allotments 3 and 4 shall be built no closer from any waterbodies on the same allotment as shown on the Deposited Plan DP..... than the following:
  - Lot 3 – 5 metres
  - Lot 4 – 2 metres

Note: A Consent Notice pursuant to Section 221 of the Resource Management Act 1991 will be registered on the title of Lots 3 and 4 to record this condition, which is to be complied with on an ongoing basis.

### Engineering:

5. The consent holder shall pay Council Engineering Fees of \$562.50, plus \$216 per lot, (total \$1,642.50 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.
6. The consent holder shall pay a Reserves Contribution of \$33,750.00 prior to the Section 224(c) Certification of the subdivision.
7. The consent holder shall comply with the requirements of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005.
8. The consent holder shall submit to Council for approval copies of the plans and specifications for the engineering development in accordance with Paragraph 1 of Schedule 1 contained in

Part 4 of the Council's Subdivision and Development requirements. No work shall commence until the plans and specifications have been approved by the Council in writing.

9. The consent holder shall advise the names and their professional qualifications and experience of Suitably Qualified Persons required in terms of Clause B(iii) of Part 3 of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005. If the Council considers any of the nominated persons are not acceptable then the consent holder shall nominate alternative persons, or the Council may require the consent holder to employ a specified Suitably Qualified Person or Persons at the consent holders cost. Suitably Qualified Persons are required for, but not necessarily limited to, the following areas:

Foundation recommendations  
Stormwater and flood issues

10. Peat may be removed from site to achieve final levels but shall only be replaced with compacted sand in those areas of land required for House sites, driveways and the construction of the Carriageway
11. The consent holder shall provide a copy signed by the consent holder's contractor of the Contractor Health and Safety Obligation Form as set out in Appendix 2 of Section 6 of the Council's Health and Safety Manual for those situations where connections are to be made to Council owned existing services or roads.
12. Earthworks shall comply with the requirements of the current issue of NZS 4431, unless otherwise specifically approved by the Council. At the completion of earthworks the consent holder shall provide a report and certificates in the form of Appendix A of NZS 4431 and Schedule 2A of NZS 4404 by a suitably qualified person.
13. Should a waahi tapu or other cultural site be unearthed during earthworks the contractor and/or owner shall :-
  - (a) cease operations;
  - (b) inform local iwi (Te Ati Awa ki Whakarongotai);
  - (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.

14. Where the existing land or vegetative cover is disturbed, suitable ground cover shall be established as soon as practicable following earthworks or within 5 days of completion whichever shall occur first. For this condition "suitable ground cover" means application of basecourse, topsoil, grassing or mulch, or another type of application to the satisfaction of the Council.
15. The centre line level of the Right of Way Carriageway shall be no lower than R.L. 5.3 msl
16. Should the Right-of-way require second coat sealing then this shall be satisfied by lodging a cash contribution with the Council calculated at \$6.50 per square metre of the area for first coat seal.

17. The consent holder shall submit a stormwater disposal design in accordance with the principles contained in Part 3 Section E of the Council's Subdivision and Development Principles and Requirements, for approval by the Council. Construction shall be in accordance with the approved design.
18. Council will issue a consent notice pursuant to Section 221 of the Resource Management Act 2004 on Lots 1 to 5 to restrict the siting of any dwellings to the areas of land which are not subject to erosion or inundation by a Q100 storm event and to prohibit any filling or erection of any structures below this level, unless otherwise approved in writing by Council's Stormwater Engineer. The Developer's representative shall provide a scale plan of the site with sufficient spot levels and contours to establish the extent of permitted building/house sites. The contour line showing the Q<sub>100</sub> level shall be R.L. 5.7 amsl
19. Easements are required over any rights of way and communal, private and public services where these pass through the lots in the subdivision.

Easement documents shall be prepared by solicitors at the consent holder's expense.

20. 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 Council.

#### **ADVICE NOTES:**

1. All costs arising from any of the above conditions shall be borne by the consent holder.
2. This Land Use Consent incorporates the approval for Earthworks required under the Kapiti Coast District Council Earthworks Bylaw.
3. The consent holder should not encroach onto adjacent land owned by others without having first obtained their written consent.
4. Contravention of the Land Drainage Act is not permitted and natural drainage patterns are to be preserved.
5. A separate application is required for a building consent if any earth-retaining structure is intended as part of this work and the wall is higher than 1.5 metres or is subject to surcharging.

The consent holder is required to obtain a building consent before carrying out any alterations to existing services within the lots.

6. The following Development Contributions are required for every new residential lot pursuant to Section 198 of the Local Government Act 2002 and the 2004/2005 Council's Development Contributions Policy:

Water Supply	\$112.50	(Total \$450.00)
Sewage	\$2,071.00	(Total \$8,284.00)
Community Facilities	\$1,856.00	(Total \$7,424.00)
Roads	\$2,683.00	(Total \$10,732.00)

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

7. The title plan or e - survey data must be certified in accordance with Section 223 within 5 years of the granting of this Consent and the Landuse consent must be given effect to within 5

years, or within such extended period of time pursuant to Sections 125 and 37, as Council may allow.

8. 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.
9. 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.

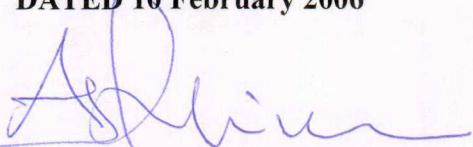
#### **REASONS FOR DECISION**

1. The adverse effects on the environment are considered to be no more than minor
2. All parties considered affected have given their written approvals
3. The proposal is not contrary to the objectives and policies of the Kapiti Coast District Plan or the Resource Management Act 1991.

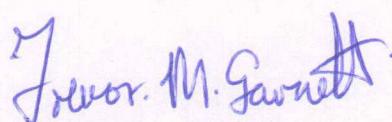
#### **DECISION: APPROVED**

**RM050345**

**DATED 10 February 2006**



**Aidan Robinson**  
**RESOURCE CONSENTS PLANNER**



**Trevor Garnett**  
**RESOURCE CONSENTS TEAM LEADER**



14 February 2006

FILE: RM050345

Trevor Moss & Deanne Babbe  
C/- Cuttriss Consultants Limited  
PO Box 386  
PARAPARAUMU 6010

Attention: Anna Carter

Dear Anna

**RM050345: FIVE LOT SUBDIVISION CONSENT AND LANDUSE CONSENT FOR EARTHWORKS AND REDUCTION IN THE SETBACK FROM WATERBODIES AT 61 RIMU ROAD, PARAPARAUMU (PART LOT 1 DP 48648).**

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

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

There is no deposit for an objection. However, a fee of \$144.00 (including GST) is required if Council's Subdivisional Engineer is involved. Time and costs will also be charged unless waived by the Hearing Commissioners and if an objection is upheld the costs will be refunded in full; if upheld in part then half the costs 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.

If you have any concerns or enquiries about the conditions please do not hesitate to contact me on (04) 9045 - 831

Thank you for dealing with the Kapiti Coast District Council.

Yours faithfully

A handwritten signature in black ink, appearing to read "Aidan Robinson".

Aidan Robinson  
**RESOURCE CONSENTS PLANNER**

**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)



## RESOURCE CONSENT NUMBER: RM050345

That officers acting under Delegated authority from Council and pursuant to Section 104B of the Resource Management Act 1991, **GRANT** a five lot subdivision consent & landuse consent for associated earthworks and yard reductions at 61 Rimu Road, Paraparaumu, being Part Lot 1 DP 48648 as shown subject to the following conditions:

### General:

1. The Title Plan or E-Survey Dataset shall be in accordance with the subdivision consent proposal shown on the plan drawn by Cuttriss Consultants Limited, titled 'Proposed Subdivision PT Lot 1 DP 48648, 61 Rimu Road, Paraparaumu', Drawing Number 19143 SCH A, stamped as 'Final Approved Plans' on 14/02/06 and as described within the documents submitted with application no. RM050345.
2. The earthworks activity shall be in general accordance with the plans drawn by Cuttriss Consultants Limited, titled 'Proposed Earthworks PT Lot 1 DP 48648, 61 Rimu Road, Paraparaumu', Drawing Number: 19143 SCH2, stamped as 'Final Approved Plans' on 14/02/2006 and as described within the documents submitted with application no. RM050345.
3. The 'waterbodies' as shown on the plan drawn by Cuttriss Consultants Limited, titled 'Proposed Subdivision PT Lot 1 DP 48648, 61 Rimu Road, Paraparaumu', Drawing Number 19143 SCH A, stamped as 'Final Approved Plans' on 14/02/06 shall be defined on the title sheet of the survey plan in such a way as to be able to be defined on site by normal survey methods. The 'waterbodies' shall be identified by numbers and/or letters to facilitate precise identification on the title to issue.
4. The bulk and location of any buildings or alterations or additions to any buildings on the allotments 3 and 4 shall be built no closer from any waterbodies on the same allotment as shown on the Deposited Plan DP..... than the following:
  - Lot 3 – 5 metres
  - Lot 4 – 2 metres

Note: A Consent Notice pursuant to Section 221 of the Resource Management Act 1991 will be registered on the title of Lots 3 and 4 to record this condition, which is to be complied with on an ongoing basis.

### Engineering:

5. The consent holder shall pay Council Engineering Fees of \$562.50, plus \$216 per lot, (total \$1,642.50 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.
6. The consent holder shall pay a Reserves Contribution of \$33,750.00 prior to the Section 224(c) Certification of the subdivision.

**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)

7. The consent holder shall comply with the requirements of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005.
8. The consent holder shall submit to Council for approval copies of the plans and specifications for the engineering development in accordance with Paragraph 1 of Schedule 1 contained in Part 4 of the Council's Subdivision and Development requirements. No work shall commence until the plans and specifications have been approved by the Council in writing.
9. The consent holder shall advise the names and their professional qualifications and experience of Suitably Qualified Persons required in terms of Clause B(iii) of Part 3 of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005. If the Council considers any of the nominated persons are not acceptable then the consent holder shall nominate alternative persons, or the Council may require the consent holder to employ a specified Suitably Qualified Person or Persons at the consent holders cost. Suitably Qualified Persons are required for, but not necessarily limited to, the following areas:

Foundation recommendations  
Stormwater and flood issues

10. Peat may be removed from site to achieve final levels but shall only be replaced with compacted sand in those areas of land required for House sites, driveways and the construction of the Carriageway
11. The consent holder shall provide a copy signed by the consent holder's contractor of the Contractor Health and Safety Obligation Form as set out in Appendix 2 of Section 6 of the Council's Health and Safety Manual for those situations where connections are to be made to Council owned existing services or roads.
12. Earthworks shall comply with the requirements of the current issue of NZS 4431, unless otherwise specifically approved by the Council. At the completion of earthworks the consent holder shall provide a report and certificates in the form of Appendix A of NZS 4431 and Schedule 2A of NZS 4404 by a suitably qualified person.
13. Should a waahi tapu or other cultural site be unearthed during earthworks the contractor and/or owner shall :-
  - (a) cease operations;
  - (b) inform local iwi (Te Ati Awa ki Whakarongotai);
  - (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.

14. Where the existing land or vegetative cover is disturbed, suitable ground cover shall be established as soon as practicable following earthworks or within 5 days of completion whichever shall occur first. For this condition "suitable ground

“cover” means application of basecourse, topsoil, grassing or mulch, or another type of application to the satisfaction of the Council.

15. The centre line level of the Right of Way Carriageway shall be no lower than R.L. 5.3 msl
16. Should the Right-of-way require second coat sealing then this shall be satisfied by lodging a cash contribution with the Council calculated at \$6.50 per square metre of the area for first coat seal.
17. The consent holder shall submit a stormwater disposal design in accordance with the principles contained in Part 3 Section E of the Council’s Subdivision and Development Principles and Requirements, for approval by the Council. Construction shall be in accordance with the approved design.
18. Council will issue a consent notice pursuant to Section 221 of the Resource Management Act 2004 on Lots 1 to 5 to restrict the siting of any dwellings to the areas of land which are not subject to erosion or inundation by a Q100 storm event and to prohibit any filling or erection of any structures below the this level, unless otherwise approved in writing by Councils Stormwater Engineer. The Developer’s representative shall provide a scale plan of the site with sufficient spot levels and contours to establish the extent of permitted building/house sites. The contour line showing the Q<sub>100</sub> level shall be R.L. 5.7 amsl
19. Easements are required over any rights of way and communal, private and public services where these pass through the lots in the subdivision.  
Easement documents shall be prepared by solicitors at the consent holder’s expense.
20. 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 Council.

#### **ADVICE NOTES:**

1. All costs arising from any of the above conditions shall be borne by the consent holder.
2. This Land Use Consent incorporates the approval for Earthworks required under the Kapiti Coast District Council Earthworks Bylaw.
3. The consent holder should not encroach onto adjacent land owned by others without having first obtained their written consent.
4. Contravention of the Land Drainage Act is not permitted and natural drainage patterns are to be preserved.
5. A separate application is required for a building consent if any earth-retaining structure is intended as part of this work and the wall is higher than 1.5 metres or is subject to surcharging.

The consent holder is required to obtain a building consent before carrying out any alterations to existing services within the lots.

6. The following Development Contributions are required for every new residential lot pursuant to Section 198 of the Local Government Act 2002 and the 2004/2005 Council's Development Contributions Policy:

Water Supply	\$112.50	(Total \$450.00)
Sewage	\$2,071.00	(Total \$8,284.00)
Community Facilities	\$1,856.00	(Total \$7,424.00)
Roads	\$2,683.00	(Total \$10,732.00)

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

7. The title plan or e - survey data must be certified in accordance with Section 223 within 5 years of the granting of this Consent and the Landuse consent must be given effect to within 5 years, or within such extended period of time pursuant to Sections 125 and 37, as Council may allow.
8. 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.
9. 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.

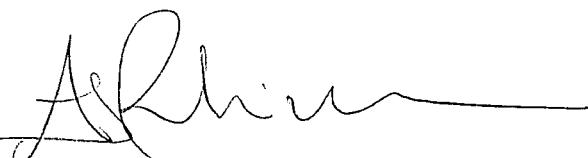
#### **REASONS FOR DECISION**

1. The adverse effects on the environment are considered to be no more than minor
2. All parties considered affected have given their written approvals
3. The proposal is not contrary to the objectives and policies of the Kapiti Coast District Plan or the Resource Management Act 1991.

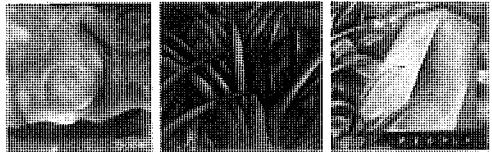
#### **DECISION: APPROVED**

**RM 050345**

**DATE: 14 FEBRUARY 2006**



**AIDAN ROBINSON**  
**RESOURCE CONSENTS PLANNER**



Kāpiti Coast District Council

Private Bag 60 601  
Paraparaumu 5254  
New Zealand

Tel (04) 296 4700  
or 0800 486 486

Fax (04) 296 4830 ■  
kapiti.council@kapiticoast.govt.nz ■  
www.kapiticoast.govt.nz ■

## RESOURCE CONSENT UNDER PART VI OF THE RESOURCE MANAGEMENT ACT 1991 CONSENT NO: RM100164

**APPLICANT:**

P Bayly

**LOCATION OF ACTIVITY:**

1 & 2 Moss Lane, Paraparaumu

**DESCRIPTION OF ACTIVITY:** To vary the section 221 notice to remove & relocate the building platform and undertake associated earthworks and to undertake earthworks to reshape a wetland and create a pond.

### **DECISION:**

Granted subject to conditions on 29 September 2010.

**The following conditions were imposed under Section 108 of the Resource Management Act 1991:**

### **Conditions:**

#### Decision 1

That the undersigned, acting under authority delegated from the Council and pursuant to Sections 221(3), of the Resource Management Act 1991 **grant** consent to vary the section 221 notice to remove & relocate the building platform.

### **Existing Wording:**

- 3 With respect to Lots 1 to 5: The siting of any dwellings is restricted to those parts of the land that are not subject to erosion or inundation by a 1 in 100 year return period (Q100) storm event. The erection of any structures or filling of the land below RL 5.7 metres AMSL (the Q100 level) is prohibited unless otherwise approved in writing by the Kapiti Coast District Council Stormwater Engineer. The extent of permitted building and house sites is shown on Cuttriss Consultants Plan number 19143 ASB sheet 2, a copy of which is held on file RM050345. A copy of the plan is available in Council's office at any time the office is open to the public.

*delivering on the community's plan*

New Approved Wording (new text in bold):

- 3 With respect to Lots 1 to 5: The siting of any dwellings is restricted to those parts of the land that are not subject to erosion or inundation by a 1 in a 1 in 100 year flood return period (Q100) storm event. The erection of any structures or filing of the land below RL 5.7 metres (the Q100 level) is prohibited unless otherwise approved in writing by the Kapiti Coast District Council Stormwater Engineer. The extent of permitted building and house sites for lots 2 to 5 is shown on Cuttriss Consultants Plan Number 19143 ASB sheet 2, a copy of which is held on file RM050345. **The extent of permitted building and house sites for lot 1 is shown on Cuttriss Consultants Plan number 20444 EWA, a copy of which is held on file RM100164. Copies of the plans are available in Council's Office at any time the office is open to the public.**

## Decision 2

That the undersigned, acting under authority delegated from the Council and pursuant to Sections 104 and 104B of the Resource Management Act 1991 grant consent to undertake associated earthworks and to undertake earthworks to reshape a wetland and create a pond at 1-2 Moss Lane, Raumati Beach (Lot 1 DP380622) subject to the following conditions which were imposed under Section 108 of the Resource Management Act 1991.

### **Conditions:**

#### Monitoring and Review

1. The consent holder shall notify the Council's Compliance Officer of the start and completion dates of the works in writing 48 hours before the works are carried out. The consent holder shall fill out and return (by fax (04) 2964-830 or by post to Private Bag 60601, Paraparaumu) the form that is attached to the decision letter.
2. The consent holder shall pay to the Kapiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991. These costs\* may include site visits, correspondence and the actual costs of materials or services which may have to be obtained.

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

#### General

3. The proposed activity shall be undertaken in accordance with the Cuttriss Consultants Limited plans titled "Proposed Earthworks Lots 1 & 2 DP 380622 Moss Land Paraparaumu" dated stamped 29 September 2010 and specifications lodged with the application RM100164 except where modified by conditions of consent.

#### **Engineering Conditions**

#### Fees

- 4 The consent holder shall pay Council Engineering Fees of \$200 (GST inclusive) within 1 month of issue of the consent for site inspections and consent compliance monitoring.

Extra fees may apply in accordance with the Engineering Fees Schedule adopted by Council from 01 July 2008.

Note: The current charge out rate is \$100.00 (GST inclusive) per hour.

#### General Engineering Requirements

- 5 The consent holder shall comply with the requirements of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005.
- 6 The consent holder shall advise the name of Owner's Representative appointed in terms of Clause B(ii) of part 3 of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005 prior to the commencement of work, but no later than one month from the date of issue of this consent.
- 7 The consent holder shall comply generally in accordance with Drawing No. 20444 EW<sub>A</sub> Proposed Earthworks Lots 1 & 2 DP 380622 Moss Lane, Paraparaumu prepared by Cuttriss Consultants Limited dated August 2010 and other information lodged with the application RM100164 except where modified by conditions of consent.

#### Earthworks

- 8 The consent holder shall submit an earthworks management plan to Council for approval. No works shall commence until the earthworks management plan is approved by the Council in writing. The earthworks management plan shall include:
  - Adequate provision for the control of stormwater run-off and sediments throughout the duration of earthworks. Measures may include the use of silt retaining structures.

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

- Measures to control dusts, windblown sand, soil or other materials that may be blown or transported onto other properties. Note: The consent holder shall not use water from Council watermains for mitigating measures.
- The consent holder shall be responsible for cooperating with the neighbouring community over any noise complaints resulting from the earthworks operation.

- 9 Should a waahi tapu or other cultural site be unearthed during the earthworks, the consent holder and/or the operator shall:
  - (a) cease operations;
  - (b) inform local Iwi - Te Ati Awa ki Whakarongotai;
  - (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.

- 10 All batters shall be self-supporting.
- 11 The consent holder shall not disturb or remove soil support from adjacent lots.
- 12 Earthfill shall comply with the requirements of the current issue of NZS 4431 Code of Practice for Earthfill for Residential Development.

#### Protecting Existing Services

- 13 The level of lid of the manhole identified in Council's GIS as Asset ID PSM00923 shall be made within the level of the finished ground. The upgrading of a manhole to bring the lid to the required level shall be at the consent holder's cost.
- 14 The consent holder shall take precautionary measures to protect the existing Council wastewater line within Lots 1 and 2 DP380622. No excavation or excessive compaction shall be made within wastewater line easement. The consent holder shall coordinate with the Council's Assets and Operations Group in an event the sewer line is damaged as a result of the earthworks. The repair for a damaged line shall be at the consent holder's cost.
- 15 To determine any damage of the pipeline after the earthworks, the consent holder at its own expense shall CCTV camera of the line within the extent of the earthworks, before and after the works. Copy of the photos shall be provided to Council for perusal.

#### Construction Noise

- 16 The earthworks shall be undertaken in accordance with the New Zealand standards for construction noise, NZS 6803:1999, Acoustics – Construction Noise.
- 17 Earthworks shall be limited from 7:30am to 6:00pm Mondays to Saturdays. No work shall be made during Sundays and public holidays.

#### Reinstatement

- 18 Where the existing landform 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, sand, grassing or mulch, or another type of application to the satisfaction of the Council.

#### As-built drawing

- 19 The consent holder shall provide a copy of as-built earthworks plan showing the finished ground contours of the completed works and the as-built drawing of the uplifted manhole.

#### Meeting the Requirements

- 20 The consent holder shall confirm to the Council in writing within three weeks of completion of the work that all the earthworks conditions of this Land Use consent have been met.

### **Reasons for Conditions:**

- The reason for Conditions 1 and 2 is to ensure that compliance with the conditions of this resource consent is conducted effectively and without cost to the Council.
- The reason for Condition 3 is to ensure that the activity does not go beyond the scope of the application.
- The reason for Conditions 4 to 20 is to ensure compliance with Council's Subdivision and Development Principles and Requirements 2005.

### **Advice Notes:**

- Under Section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.
- It is the consent holder's responsibility to comply with any conditions imposed on this resource consent prior to and during (as applicable) exercising this resource consent.
- Please note that a resource consent is not a consent to build. A building consent must be issued prior to any building work being undertaken.
- All costs arising from any of the above conditions shall be borne by the consent holder.
- This land use consent incorporates the approval for earthworks required under the Kapiti Coast District Council Earthworks Bylaw.
- The consent holder should not encroach onto adjacent land owned by others without having first obtained their written consent.
- Contravention of the Land Drainage Act is not permitted and natural drainage pattern are to be preserved.
- An application for sewer connection shall be lodged to Council's Water and Wastewater Management Team for any alteration for the sewer connection.

### **Reasons for Decision:**

In accordance with Sections 221(3), 104 and 104b of the Resource Management Act 1991 the actual and potential effects associated with the proposed activity have been assessed and are outlined in the report.

It is considered that the adverse effects of the proposed activity on the environment will be minor and that the proposed activity is not contrary to the relevant Objectives, Policies and Assessment Criteria of the Kapiti Coast District Plan.

  
Ross Goodman  
Resource Consents - Planner



ember 2010



Kāpiti Coast District Council

Private Bag 60 601  
Paraparaumu 5254  
New Zealand

**Tel (04) 296 4700  
or 0800 486 486**

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kapiti.council@kapiticoast.govt.nz ■  
www.kapiticoast.govt.nz ■

**KAPITI COAST DISTRICT COUNCIL  
NOTIFICATION & SECTION 104 & 221(3) DECISION REPORT**

**Applicant:** P Bayly  
**Site Address:** 1 & 2 Moss Lane, Paraparaumu  
**Legal Description:** Lots 1 & 2 DP 380622 C/T 322928 & 322929  
**Site Area:** 4,237 square metres  
**Applicant's Address for Service:** Tom O'Flaherty c/- Cuttriss Consultants Ltd.  
**Proposal:** To vary the section 221 notice to remove & relocate the building platform and undertake associated earthworks and to undertake earthworks to reshape a wetland and create a pond.  
**Land Owner:** Peter Bayly  
**Zone:** Residential  
**Activity Status:** Discretionary

Report prepared by: Ross Goodman Resource Consents Officer  
Report peer reviewed by: Colin Bridges Senior Consents Planner

**Date consent application received:**

**Further information requested:**

#### **Further information received:**

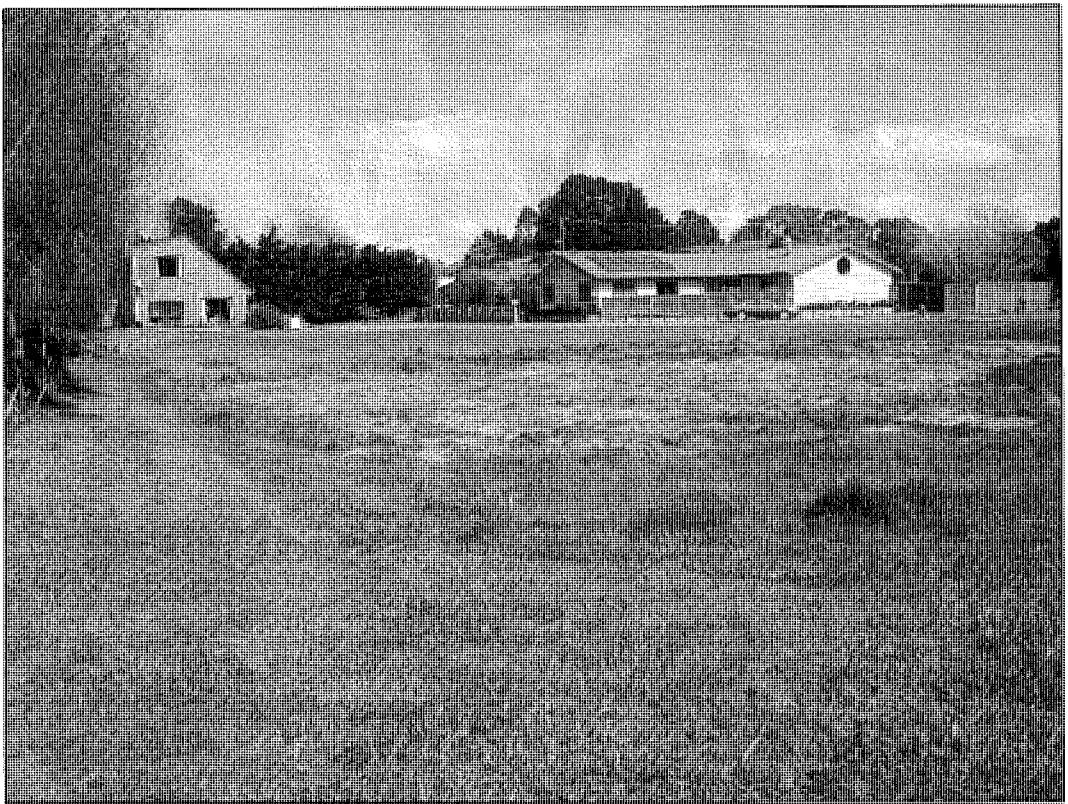
## 1. PREAMBLE

This report provides an analysis of the resource management issues relating to notification status and the Council's Section 104 & 221(3) decision for the activity proposed under resource consent application RM100164.

## 2. SITE AND SURROUNDING ENVIRONMENT



### **Map 1: Site and surrounds**



*Photograph 1: Application site looking South west*



*Photograph 2: View looking east*

## **2.1 Site Description**

The application site where the proposed earthworks are to be undertaken covers two separate lots located at 1& 2 Moss Lane, Paraparaumu.

Lot 1 DP 380622 is shown to contain an area of 2,197m<sup>2</sup> held within certificate of title 322928 and Lot 2 DP 380622 2040m<sup>2</sup> in ct 322929. This gives a combined area of 4,237m<sup>2</sup>. Both lots are under the same ownership.

The titles are subject to a section 221 consent notice which reads as follows:

**With respect to Lots 1 to 5: The siting of any dwellings is restricted to those parts of the land that are not subject to erosion or inundation by a 1 in 100 year return period (Q100) storm event. The erection of any structures or filling of the land below RL 5.7 metres (the Q100 level) is prohibited unless otherwise approved in writing by the Kapiti Coast District Council Stormwater Engineer. The extent of permitted building and house sites is shown on Cuttriss Consultants Plan number 19143 ASB sheet 2, a copy of which is held on file RM050345. A copy of the plan is available in Council's office at any time the office is open to the public.**

The site is described as containing an existing building in the southern corner of lot 2. There is an existing sewer main which runs through the middle of lots 1 & 2. There is an existing stormwater main which runs along the eastern boundary. These are covered by easements in the titles.

Topography consists of a large low lying area in the centre of the site which straddles both lots. This area contains reeds over a low lying grassed area and being wet under foot. The area is identified on Council's GIS as being subject to a natural hazard ie Ponding.

There is an existing building platform in the northern most area of Lot 1. It is proposed to relocate this building platform to the eastern part of Lot 1 and will lie between the two existing drainage pipes. No earthworks will encroach into drainage easements.

There is an existing outlet structure at the western edge of the wetland which ends up in the public stormwater system. The invert of this outlet is at RL: 4.25m which is at water table level.

## **2.2 Immediate Environment**

On the adjoining property at 57 Rimu Road which is shown contain an area of over 2000 square metres there is a large dwelling sited approximately 20 metres from the rear boundary and mature trees and vegetation. At the rear of this property there is a 90m<sup>2</sup> building located 3 metres from the rear boundary and 1.5m from the boundary adjoining Moss Lane.

## **2.3 Surrounding Environment**

The surrounding environment consists of the five residential lots that were established under RM050345. These large lots range in size from 2,000m<sup>2</sup> to 5,000m<sup>2</sup>. Associated with these lots are small lakes that have been formed to control stormwater run off and are being utilised by the property owners for recreational purposes. On lots 2 to 5 low impact modern dwellings have been erected and gardens are being established.

## **2.4 Written Approvals**

No written consents were provided with application.

## **2.5 Consent History**

RM050345 Five lot subdivision and land use consent for associated earthworks and a reduction in setback from waterbodies. Decision issued February 2006

### 3. THE PROPOSAL

#### 3.1 Description of Proposal

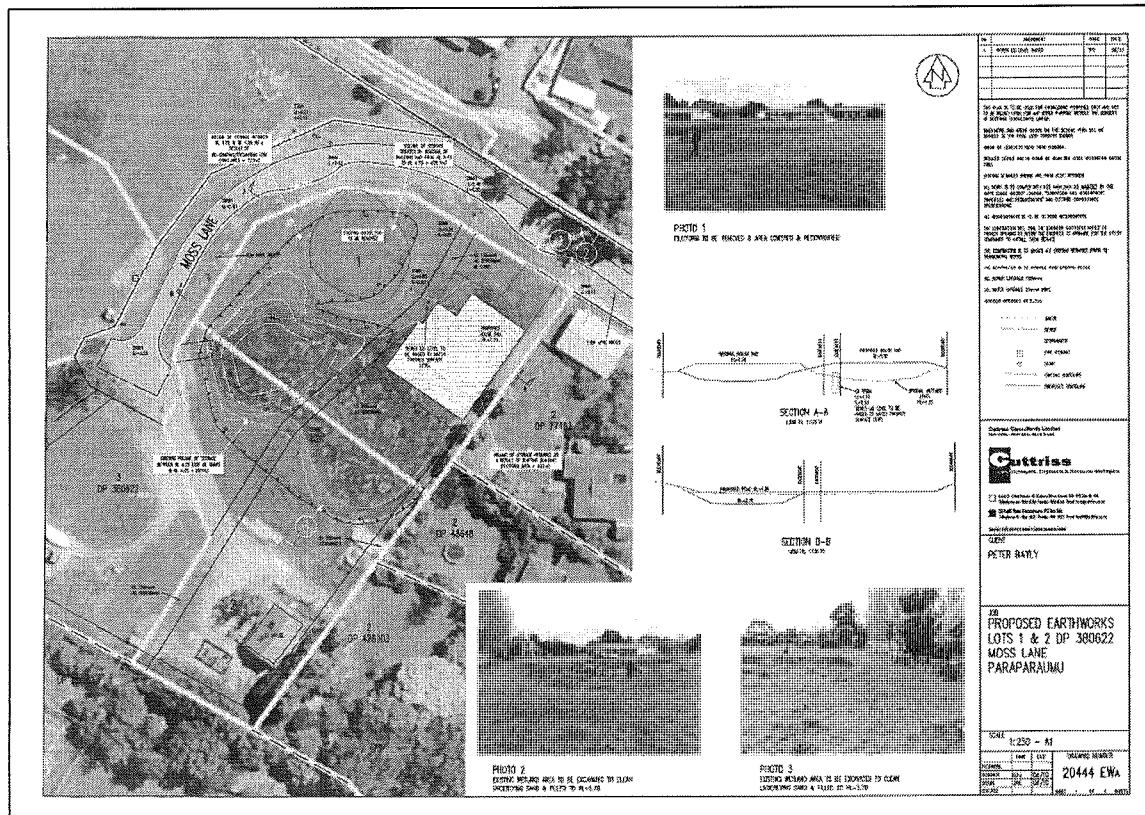


Figure 1: Proposed earthworks Lots 1 & 2

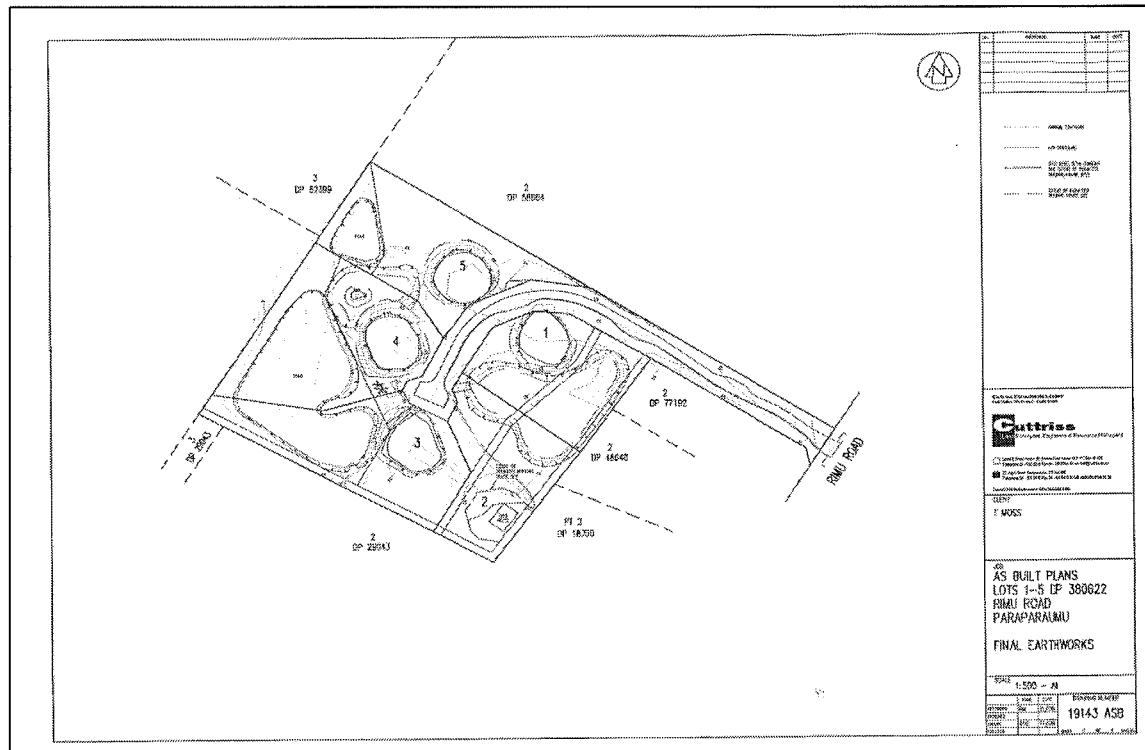


Figure 2: Final Earthworks plan

## Description of Proposal

In March 2007 Council issued a 221 consent notice in respect of RM050345 restricting the erection of structures or filling of land below RL 5.7 metres AMSL within lots 1 to 5 of the subdivision at 61 Rimu Road, Paraparaumu.

Land use consent is being sought to remove and relocate the existing building platform with lot 1 and to reshape the existing low lying area within lots 1 & 2 DP 380622. The new building platform will be at 5.7 metres AMSL.

Application is made to vary the section 221 notice in accordance with section 221(3) of the Resource Management Act 1991.

The current 221 consent notice registered against the Certificate of Title for the property reads:

3 With respect to Lots 1 to 5: The siting of any dwellings is restricted to those parts of the land that are not subject to erosion or inundation by a 1 in 100 year return period (Q100) storm event. The erection of any structures or filling of the land below RL 5.7 metres AMSL (the Q100 level) is prohibited unless otherwise approved in writing by the Kapiti Coast District Council Stormwater Engineer. The extent of permitted building and house sites is shown on Cuttriss Consultants Plan number 19143 ASB sheet 2, a copy of which is held on file RM050345. A copy of the plan is available in Council's office at any time the office is open to the public.

Proposed Changes sought (new text in bold):

3 With respect to Lots 1 to 5: The siting of any dwellings is restricted to those parts of the land that are not subject to erosion or inundation by a 1 in a 1 in 100 year flood return period (Q100) storm event. The erection of any structures or filling of the land below RL 5.7 metres (the Q100 level) is prohibited unless otherwise approved in writing by the Kapiti Coast District Council Stormwater Engineer. The extent of permitted building and house sites for lots 2 to 5 is shown on Cuttriss Consultants Plan Number 19143 ASB sheet 2, a copy of which is held on file RM050345.  
**The extent of permitted building and house sites for lot 1 is shown on Cuttriss Consultants Plan number 20444 EWA, a copy of which is held on file RM100164. Copies of the plans are available in Council's Office at any time the office is open to the public.**

The applicant in association with the variation to the 221 consent notice wishes to undertake earthworks to remove and relocate the existing building platform to the north eastern part of the site and to reshape the existing low lying area which will incorporate a new pond.

The pond will be excavated to a minimum depth of RL: 3.25m above mean sea level (amsl). The water level will be 4.25m amsl. There will be approximately 100m<sup>3</sup> of material that is described as being sloppy peat that will be taken off-site. The remaining wetland area will be reshaped to create sufficient stormwater storage to achieve hydraulic neutrality. This will involve another 40m<sup>3</sup> of earthworks.

Creating the building platform will involve approx. 460m<sup>3</sup> of earthworks above the existing ground profile. The volume of material taken by the removal of the existing building platform it is said will balance with the material placed for the new platform to achieve hydraulic neutrality.

### **3.2 Applicant's Assessment of Effects**

The applicant has provided an assessment of effects of the activity on the environment (**AEE**).

The AEE concludes that the effects on the environment will be less than minor.

## **4. DISTRICT PLAN PROVISIONS**

### **4.1 Kapiti Coast District Plan**

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

### **4.2 Zoning and Overlays**

The property is zoned Residential under the Kapiti Coast District Plan. The site is identified as being subject to Ponding on Council's GIS and as such any building consents issued for the property will need to be subject to a section 72 notice.

### **4.3 Relevant Rules and Standards**

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

#### **D.1 RESIDENTIAL ZONE RULES AND STANDARDS**

##### **D.1.1 Residential Zone Rules**

###### **D.1.1.3 Discretionary Activities**

(B) The following are **Discretionary Activities**:

- (i) All activities which are not listed as NON-Complying or PROHIBITED and all other activities which do not comply with one or more of the permitted activity or controlled activity standards.

##### **D.1.2 Residential Zone Standards**

###### **D.1.2.1 Permitted Activity Standards**

#### **EARTHWORKS**

The following standards apply when carrying out earthworks for any activity such as constructing new buildings and relocating buildings, building roads and access ways

to building sites, subdivision lots, parks and parking areas. These standards do not apply, however, to road maintenance activities within the legal road.

(i) Earthworks shall not be undertaken:

- *On slopes of more than 28 degrees.*
- *Within 20 metres of a waterbody, including wetlands and coastal water, except cultivation of a field or domestic gardening. This standard shall also not apply to activities associated with maintenance of the watercourse or stormwater control.*

This standard applies whether in relation to a particular earthwork or as a total of cumulative earthworks

(iii) In all other areas no earthworks shall involve the disturbance of more than 50m<sup>3</sup> (volume) of land and shall alter the existing ground level by more than 1.0 metre, measured vertically.

Except that this standard shall not apply in respect of earthworks associated with approved building developments, subject to a building consent, provided that the earthworks do not extend more than 2.0 metres beyond the foundation line of the building in any 5 year period. In the Ferndale Area, earthworks associated with approved building developments that are within 2.0 metres of the foundation line of the building, are excluded from the 50m<sup>3</sup> limit, but shall not alter the existing ground level by more than 1.0 metre.

A clause in the contract for any earthworks shall contain the following:

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;
- (c) inform the NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required;
- (d) take appropriate action, after discussion with NZHPT, Council and Tangata Whenua, 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), authority from the NZ Historic Places Trust is required if the site is to be modified in any way.

#### 4.4 Activity Status

The activity is a Discretionary Activity under Rule D.1.1.3 (B)(i).

The application has this status because it is unable to comply with Permitted Activity Standard D.1.2.1 Earthworks (ii).

#### 4.5 Relevant Objectives and Policies

The following Objectives and Policies apply to this application.

##### C.1.1 Objectives & Policies

## OBJECTIVE 1.0 – GENERAL

ENSURE THAT THE LOW DENSITY, QUIET CHARACTER OF THE DISTRICT'S RESIDENTIAL ENVIRONMENTS IS MAINTAINED AND THAT ADVERSE EFFECTS ON THE AMENITY VALUES THAT CONSTITUTE THIS CHARACTER AND MAKE THE RESIDENTIAL ENVIRONMENTS SFAE, PLEASANT AND HEATHLY PLACES FOR RESDIENTS ARE AVOIDED, REMEDIED OR MITIGATED.

### POLICY 1 - AMENITY VALUES

Activities locating and/or operating in the district's residential environments shall display a residential appearance and be at a density which enables the existing character to be maintained and, in particular, which does not cause a decline in the amenity values of these environments through the:

- clearance of vegetation;
- changes to the landform;
- loss of private gardens and open space;
- creation of hard surfaces and lack of permeable area;
- loss of landscaped frontages;
- overshadowing and overlooking of neighbouring residential properties;
- generation of excessive levels of noise, vibration, glare, dust or odour associated with the activities themselves;
- generation of additional traffic movements resulting in excessive noise, vibration, glare, dust or odour and a decline in traffic safety;
- imposition of buildings, structures, signs or other features that are visually obtrusive and out of character with the character of these environments;
- degradation of the natural environment and/or modification of natural processes likely to lead to degradation;
- inadequate provision for access to sites of activities and also manoeuvrability for associated traffic movements;
- hazards to human health and residential convenience of inadequate or inappropriate supply of water, disposal of effluent and stormwater;
- creation of neighbourhoods with inadequate availability of network utility services;
- generation of nuisance or health risks to adjoining residents of farming activities and/or the keeping of animals/birds.
- lack of off-street parking
- siting of buildings
- storage of goods
- generation of traffic

### POLICY 2 – NATURAL ENVIRONMENT

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

## C.7.3 EARTHWORKS

### OBJECTIVE 1.0

**TO MAINTAIN THE DISTRICT'S NATURAL LANDFORMS BY ENSURING ANY ADVERSE EFFECTS OF EARTHWORKS ON THE NATURAL, PHYSICAL AND CULTURAL ENVIRONMENT ARE AVOIDED, REMEDIED OR MITIGATED.**

To achieve this objective Council will implement the following policies:

#### **POLICY 1 – GENERAL ASSESSMENT CRITERIA**

**Ensure the adverse effects of earthworks on the environment are avoided, remedied or mitigated when considering applications for resource consents for earthworks by taking into account the following:**

- 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 extent to which any cut or fill can be restored or treated to resemble natural landforms. Council will seek to avoid the creation of unnatural scar faces;
- The extent of screening by vegetation;
- 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 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 necessity for carrying out the works; and
- Whether the earthworks proposed increase or decrease flood hazards
- The outcome of consultation with Tangata Whenua in accordance with the requirements contained in the Fourth Schedule of the Resource Management Act 1991.

## **5. RELEVANT NATIONAL ENVIRONMENTAL STANDARDS**

There are no National Environmental Standards that apply to this application:

## **6. RELEVANT NATIONAL POLICY STATEMENTS**

There are no National Policy Statements that apply to this application:

## 7. RELEVANT STATUTORY PROVISIONS

In considering whether or not notification is required, Sections 95A to 95F of the Resource Management Act 1991 must be considered. Sections 95A to 95F are :

**95A Public Notification of consent application at consent authority's discretion**

**95B Limited notification of consent application**

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

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

**95E Consent authority decides if person is affected person**

**95F Consent authority decides if person is affected order holder**

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

### **104 Consideration of applications**

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
  - (a) *any actual and potential effects on the environment of allowing the activity; and*
  - (b) *any relevant provisions of—*
    - (i) *a national environmental standard;*
    - (ii) *other regulations;*
    - (iii) *a national policy statement;*
    - (iv) *a New Zealand coastal policy statement;*
    - (v) *a regional policy statement or proposed regional policy statement;*
    - (vi) *a plan or proposed plan; and*
  - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- (2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*
- (2A) *When considering an application affected by section 124, the consent authority must have regard to the value of the investment of the existing consent holder.*
- (3) *A consent authority must not,—*
  - (a) *when considering an application, have regard to—*
    - (i) *trade competition or the effects of trade competition; or*
    - (ii) *any effect on a person who has given written approval to the application;*

- (c) grant a resource consent contrary to—
  - (i) section 107, 107A, 107E, or 217;
  - (ii) an Order in Council in force under section 152;
  - (iii) any regulations;
  - (iv) a Gazette notice referred to in section 26(1), (2), and (5) of the Foreshore and Seabed Act 2004;
- (d) grant a resource consent if the application should have been notified and was not.

(4) A consent authority considering an application must ignore subsection (3)(a)(ii) if the person withdraws the approval in a written notice received by the consent authority before the date of the hearing, if there is one, or, if there is not, before the application is determined.

(5) A consent authority may grant a resource consent on the basis that the activity is a controlled activity, a restricted discretionary activity, a discretionary activity, or a non-complying activity, regardless of what type of activity the application was expressed to be for.

(6) A consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application.

(7) In making an assessment on the adequacy of the information, the consent authority must have regard to whether any request made of the applicant for further information or reports resulted in further information or any report being available.

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

**104B Determination of applications for discretionary or non-complying activities**

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

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

Section 221 provides for the Territorial Authority to issue a consent notice. The relevant provisions read:

221(1) Where a subdivision consent is granted subject to a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of a survey plan (not being a condition in respect of which a bond is required to be entered into by the subdividing owner, or a completion certificate is capable of being or has been issued), the territorial authority shall, for the purposes of Section 224, issue a consent notice specifying any such condition.

221(3) At any time after the deposit of the survey plan,–

- (a) the owner may apply to a territorial authority to vary or cancel any condition specified in a consent notice.

*(b) the territorial authority may review any condition specified in a consent notice and vary or cancel the condition.*

*221(3A) Sections 88 to 121 and 127(4) to 132 apply, with all necessary modifications, in relation to an application made or review conducted under Subsection (3).*

## **8. SECTION 104 ASSESSMENT**

### **8.1 Adequacy of information**

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

Adequate information was provided with the application.

### **8.2 Actual or potential effects on the environment**

Sections 95A-95F & 104(1)(a) provides that when considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to any actual and potential effects on the environment of allowing the activity.

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

#### **Variation to 221 consent notice**

The variation to the consent notice will still allow the design level for the new platform to meet the RL5.7 metres AMSL requirement. The proposed resiting of the building platform on site is considered to allow better development of the property.

The resting of the building platform will allow to be constructed 3 metres from the side boundary on this corner lot as per the normal yard requirements for a residential site.

The adjoining lot to the east (lot 2 DP 77192 ) known as 57 Rimu Road is shown to contain a dwelling over 15 metres from the rear boundary with the application site. Also at the rear of this property there is an 11m by 8m = 88m<sup>2</sup> building sited approximately 3 metres from the rear boundary.

As such it is considered that resiting the house pad as proposed on the plans submitted will have a less than minor affect on the surrounding residential environment and will allow better utilisation of this residential site which contains a significant area of low lying land which is not suitable for the siting of buildings.

#### **Earthworks**

#### **Amenities**

The proposed earthworks will take place within a residential property that is adjoined by other sites of a similar size and topography. The application explains that the proposed earthworks are required to form the platform is approximately 460m<sup>3</sup>. The amount of earthworks to be carried out is not considered to be excessive. The location of the earthworks does not encroach into any known easements. The platform is identified as

being an appropriate distance from the existing dwelling and associated accessory building located on the adjoining property known at 57 Rimu Road.

It is expected that the earthworks will take approximately one week to complete.

It is considered that because of the nature of the topography and the planting that has been established along the boundaries of these sites that the effects upon the amenity of the surrounding environment will be less than minor.

### **Dust**

The generation of dust from earthworks is expected when work of this nature is undertaken in the drier months. However as the material is mainly peat and is very damp, it is not expected to become windblown and is to be undertaken off-site.

The presence of maturing trees around the perimeter of the property will also assist in the mitigation of wind blown dust effects by providing a partial windbreak/dust trap.

It is expected that building on the new platform will begin almost immediately following the completion of earthworks and granting of building consent.

Overall, it is considered that while there will be dust emissions, any such effects will be temporary and localised; and the scale and intensity will be less than minor.

### **Ecological Effects**

No part of the site is identified in the District Plan as having ecological significance. There are no large streams where the proposed earthworks are to be undertaken on site.

The site is identified as being within the Residential Zone of the District Plan. It is anticipated that a property of this size would accommodate a dwelling and that earthworks may be required to provide a suitable building platform.

The effects of the earthworks and the construction of building platform batters upon the environment will be remedied through the revegetation of the exposed areas, the established planting along the boundaries of the site and the future planting that will surround the building platform.

The installation of these features in conjunction with revegetation of exposed areas of soil will ensure that the effects resulting from erosion and sediment run-off once the earthworks have been completed will be minimal.

As the volumes of cut and fill calculated by the applicant balance, there will be minimal movement of material required on or off site.

### **Noise/Visual Effects**

Noise generated by machinery undertaking the earthworks is an inevitable occurrence. The works are likely to be undertaken using an excavator. As the activity is some distance from the existing dwellings in the surrounding area this is not expected to generate potential problems and complaints. Regardless, any effects of this nature will be temporary and localised in nature and can be adequately controlled via the imposition of suitably worded conditions of consent.

There will be some temporary visual effects associated with the proposed earthworks. These effects will be mainly screened by existing vegetation and as the proposed time frame is described as only taking a matter of days in duration and potential effects will be temporary in nature.

### **Positive effects**

Granting consent to this application to enable the applicant to undertake earthworks to reshape the existing wetland and excavation of the pond will allow for the establishment of adequate storage for stormwater and enhance the ecological values of the area.

The creation of the pond within a low lying area of the site it is considered will have a positive effect on the environmental amenities of the area.

The proposed earthworks allows the re-contouring and improvement of a part of the property that cannot be utilised.

I consider that the overall effects of the proposal on the environment will be less than minor and the effects on and off site can be mitigated by the imposition of appropriate conditions.

### **8.3 Relevant NES, regulations, policy statements, plans or proposed plans**

Section 104(1)(b) provides that when considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to any relevant provisions of—

- (i) a national environmental standard;
- (ii) other regulations;
- (iii) a national policy statement;
- (iv) a New Zealand coastal policy statement;
- (v) a regional policy statement or proposed regional policy statement;
- (vi) a plan or proposed plan.

Regard was had to the provisions of the Kapiti Coast District Plan in the assessment of this application.

### **8.4 Other relevant matters**

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

There are no other relevant matters.

## **9. NOTIFICATION DECISION**

NB: Please refer to Section 8.2 'Actual or Potential Affects on the Environment' for the assessment upon which the notification decision is based.

### **9.1 Public Notification Decision**

Council staff acting under authority delegated by the Council, have decided under Sections 95A and 95D of the Resource Management Act 1991 that the application need not be publicly notified. The reasons for this decision are:

1. The applicant did not request that the application be publicly notified;
2. The effects of the activity will be minor, for the reasons discussed below under the heading "Assessment of Environmental Effects";
3. Special circumstances do not exist in relation to the application that requires it to be notified; and
4. Council has not exercised its discretion to publicly notify the application;

**Recommendation:**

That the application **need not be publicly notified** in accordance with Sections 95A and 95D of the Resource Management Act 1991.

**Reported and Recommended by:**

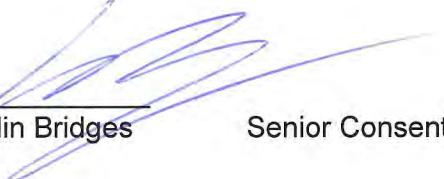
  
Ross Goodman

Resource Consents-Planner

**Decision:**

*"That the above recommendation be adopted."*

**Delegated Officer (Peer Reviewer):**

  
Colin Bridges

Senior Consents Planner

## 9.2 Limited Notification Decision

Council staff acting under authority delegated by the Council, decided under Sections 95B, 95E and 95F of the Resource Management Act 1991 that notice of the application need not be served on any person.

The reasons for this decision were:

1. There are no affected persons or affected order holders.

**Recommendation:**

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

**Reported and Recommended by:**

  
Ross Goodman

Resource Consents - Planner

**Decision:**

*"That the above recommendation be adopted."*

**Delegated Officer (Peer Reviewer):**

  
Colin Bridges

Senior Consents Planner

## **10. PART 2 MATTERS**

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

The proposal is in accordance with Section 5 of the Act as it allows for better utilisation of residential sites.

### **10.1 Section 5-Purpose**

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

The proposal is in accordance with Section 5 of the Act as it allows for better utilisation of a residential site.

### **10.2 Section 6-Matters of National Importance**

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

It is considered that there are no matters of national importance of relevance to this proposal.

### **10.3 Section 7-Other Matters**

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

Particular regard was had to the provisions of Sections 7(b), (c), and (f) in the AEE of this report.

### **10.4 Section 8-Treaty of Waitangi**

This proposal is considered to be in accordance with the principles of te o Waitangi and the standard earthworks consent conditions will be placed on the decision.

### **10.5 Conclusion on Part 2 matters**

Overall, the proposal is consistent with Part 2 matters because it allows for the better utilisation of residential sites.

## 11. CONDITIONS

No conditions were proposed by the applicant.

The proposal does not trigger the requirement for a financial contribution or a development contribution.

## 12. CONSULTATION

Consultation has been undertaken with Council's Subdivisional Engineer-Joey Nasarva who has recommended approval subject to appropriate conditions.

These conditions are to ensure compliance with Council's Subdivision and Development Principles and Requirements 2005. I concur with this recommendation.

## 13. CONCLUSION

The applicant Mr P. Bayly seeks to relocate the existing building platform within lot 1 DP 380622 and carry out earthworks to reshape the existing low lying area below RL. 5.7 metres above mean sea level.

It is the applicant's intent to make better use of this low lying area to create positive effects on the amenities of this area. Planting of the newly shaped wetland and building platform batters will be undertaken to achieve this.

## 14. DECISIONS

### Decision 1

That the undersigned, acting under authority delegated from the Council and pursuant to Sections 221(3), of the Resource Management Act 1991 **grant** consent to vary the section 221 notice to remove & relocate the building platform.

Existing Wording:

3 With respect to Lots 1 to 5: The siting of any dwellings is restricted to those parts of the land that are not subject to erosion or inundation by a 1 in 100 year return period (Q100) storm event. The erection of any structures or filling of the land below RL 5.7 metres AMSL (the Q100 level) is prohibited unless otherwise approved in writing by the Kapiti Coast District Council Stormwater Engineer. The extent of permitted building and house sites is shown on Cuttriss Consultants Plan number 19143 ASB sheet 2, a copy of which is held on file RM050345. A copy of the plan is available in Council's office at any time the office is open to the public.

New Approved Wording (new text in bold):

3 With respect to Lots 1 to 5: The siting of any dwellings is restricted to those parts of the land that are not subject to erosion or inundation by a 1 in a 1 in 100 year flood return period (Q100) storm event. The erection of any structures or filling of the land below RL 5.7 metres (the Q100 level) is prohibited unless otherwise approved in writing by the Kapiti Coast District Council Stormwater Engineer. The extent of permitted building and house sites for lots 2 to 5 is shown on Cuttriss

Consultants Plan Number 19143 ASB sheet 2, a copy of which is held on file RM050345. **The extent of permitted building and house sites for lot 1 is shown on Cuttriss Consultants Plan number 20444 EWA, a copy of which is held on file RM100164. Copies of the plans are available in Council's Office at any time the office is open to the public.**

## Decision 2

That the undersigned, acting under authority delegated from the Council and pursuant to Sections 104 and 104B of the Resource Management Act 1991 grant consent to undertake associated earthworks and to undertake earthworks to reshape a wetland and create a pond at 1-2 Moss Lane, Raumati Beach (Lot 1 DP380622) subject to the following conditions which were imposed under Section 108 of the Resource Management Act 1991.

### **Conditions:**

#### Monitoring and Review

1. The consent holder shall notify the Council's Compliance Officer of the start and completion dates of the works in writing 48 hours before the works are carried out. The consent holder shall fill out and return (by fax (04) 2964-830 or by post to Private Bag 60601, Paraparaumu) the form that is attached to the decision letter.
2. The consent holder shall pay to the Kapiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991. These costs\* may include site visits, correspondence and the actual costs of materials or services which may have to be obtained.

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

#### General

3. The proposed activity shall be undertaken in accordance with the Cuttriss Consultants Limited plans titled "Proposed Earthworks Lots 1 & 2 DP 380622 Moss Land Paraparaumu" dated stamped 29 September 2010 and specifications lodged with the application RM100164 except where modified by conditions of consent.

### **Engineering Conditions**

#### Fees

4. The consent holder shall pay Council Engineering Fees of \$200 (GST inclusive) within 1 month of issue of the consent for site inspections and consent compliance monitoring. Extra fees may apply in accordance with the Engineering Fees Schedule adopted by Council from 01 July 2008.

Note: The current charge out rate is \$100.00 (GST inclusive) per hour.

#### General Engineering Requirements

5. The consent holder shall comply with the requirements of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005.

- 6 The consent holder shall advise the name of Owner's Representative appointed in terms of Clause B(ii) of part 3 of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005 prior to the commencement of work, but no later than one month from the date of issue of this consent.
- 7 The consent holder shall comply generally in accordance with Drawing No. 20444 EW<sub>A</sub> Proposed Earthworks Lots 1 & 2 DP 380622 Moss Lane, Paraparaumu prepared by Cuttriss Consultants Limited dated August 2010 and other information lodged with the application RM100164 except where modified by conditions of consent.

#### Earthworks

- 8 The consent holder shall submit an earthworks management plan to Council for approval. No works shall commence until the earthworks management plan is approved by the Council in writing. The earthworks management plan shall include:
  - Adequate provision for the control of stormwater run-off and sediments throughout the duration of earthworks. Measures may include the use of silt retaining structures.

Note: The consent holder's attention is drawn to the Wellington Regional Council Publication "Erosion and Sediment Control Guidelines for the Wellington Region". Applying the appropriate recommended treatments from this publication is a means of compliance with this condition.
  - Measures to control dusts, windblown sand, soil or other materials that may be blown or transported onto other properties. Note: The consent holder shall not use water from Council watermains for mitigating measures.
  - The consent holder shall be responsible for cooperating with the neighbouring community over any noise complaints resulting from the earthworks operation.

- 9 Should a waahi tapu or other cultural site be unearthed during the earthworks, the consent holder and/or the operator shall:
  - (a) cease operations;
  - (b) inform local Iwi - Te Ati Awa ki Whakarongotai;
  - (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.

- 10 All batters shall be self-supporting.
- 11 The consent holder shall not disturb or remove soil support from adjacent lots.
- 12 Earthfill shall comply with the requirements of the current issue of NZS 4431 Code of Practice for Earthfill for Residential Development.

#### Protecting Existing Services

- 13 The level of lid of the manhole identified in Council's GIS as Asset ID PSM00923 shall be made within the level of the finished ground. The upgrading of a manhole to bring the lid to the required level shall be at the consent holder's cost.
- 14 The consent holder shall take precautionary measures to protect the existing Council wastewater line within Lots 1 and 2 DP380622. No excavation or excessive compaction shall be made within wastewater line easement. The consent holder shall coordinate with the Council's Assets and Operations Group in an event the sewer line is damaged as a result of the earthworks. The repair for a damaged line shall be at the consent holder's cost.
- 15 To determine any damage of the pipeline after the earthworks, the consent holder at its own expense shall CCTV camera of the line within the extent of the earthworks, before and after the works. Copy of the photos shall be provided to Council for perusal.

#### Construction Noise

- 16 The earthworks shall be undertaken in accordance with the New Zealand standards for construction noise, NZS 6803:1999, Acoustics – Construction Noise.
- 17 Earthworks shall be limited from 7:30am to 6:00pm Mondays to Saturdays. No work shall be made during Sundays and public holidays.

#### Reinstatement

- 18 Where the existing landform 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, sand, grassing or mulch, or another type of application to the satisfaction of the Council.

#### As-built drawing

- 19 The consent holder shall provide a copy of as-built earthworks plan showing the finished ground contours of the completed works and the as-built drawing of the uplifted manhole.

#### Meeting the Requirements

- 20 The consent holder shall confirm to the Council in writing within three weeks of completion of the work that all the earthworks conditions of this Land Use consent have been met.

#### **Reasons for Conditions:**

- The reason for Conditions 1 and 2 is to ensure that compliance with the conditions of this resource consent is conducted effectively and without cost to the Council.
- The reason for Condition 3 is to ensure that the activity does not go beyond the scope of the application.
- The reason for Conditions 4 to 20 is to ensure compliance with Council's Subdivision and Development Principles and Requirements 2005.

**Advice Notes:**

- Under Section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.
- It is the consent holder's responsibility to comply with any conditions imposed on this resource consent prior to and during (as applicable) exercising this resource consent.
- Please note that a resource consent is not a consent to build. A building consent must be issued prior to any building work being undertaken.
- All costs arising from any of the above conditions shall be borne by the consent holder.
- This land use consent incorporates the approval for earthworks required under the Kapiti Coast District Council Earthworks Bylaw.
- The consent holder should not encroach onto adjacent land owned by others without having first obtained their written consent.
- Contravention of the Land Drainage Act is not permitted and natural drainage pattern are to be preserved.
- An application for sewer connection shall be lodged to Council's Water and Wastewater Management Team for any alteration for the sewer connection.

**Reasons for Decisions:**

In accordance with Sections 221(3), 104 and 104B of the Resource Management Act 1991, the actual and potential effects associated with the proposed activity have been assessed and are outlined above.

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

**“That the above recommendation be adopted under delegated authority”**

  
Ross Goodman  
Resource Consents –Planner  
29 September 2010

  
Colin Bridges  
Senior Consents Planner

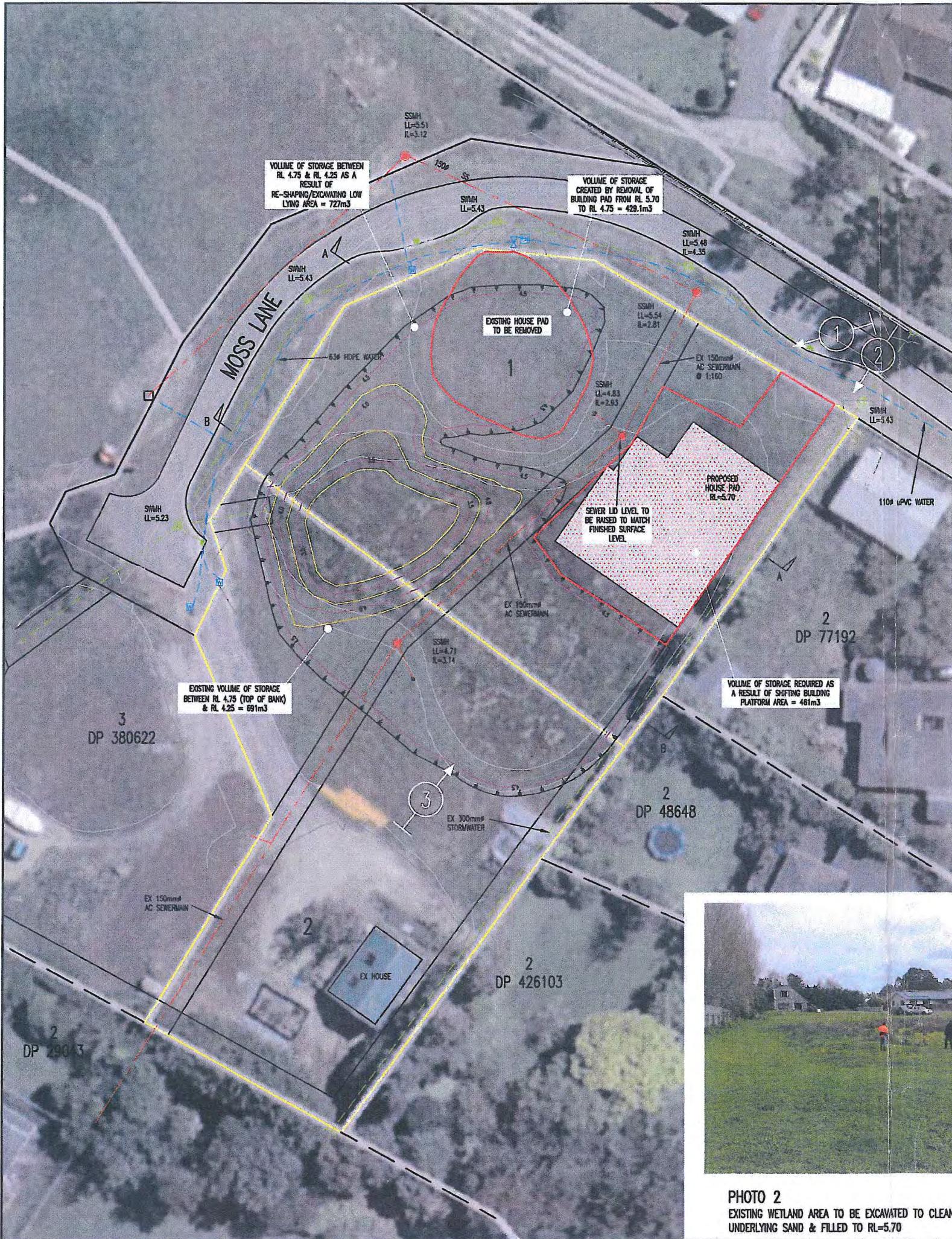


PHOTO 2  
EXISTING WETLAND AREA TO BE EXCAVATED TO CLEAN  
UNDERLYING SAND & FILLED TO RL=5.70



PHOTO 1  
PLATFORM TO BE REMOVED & AREA LOWERED & RECONToured

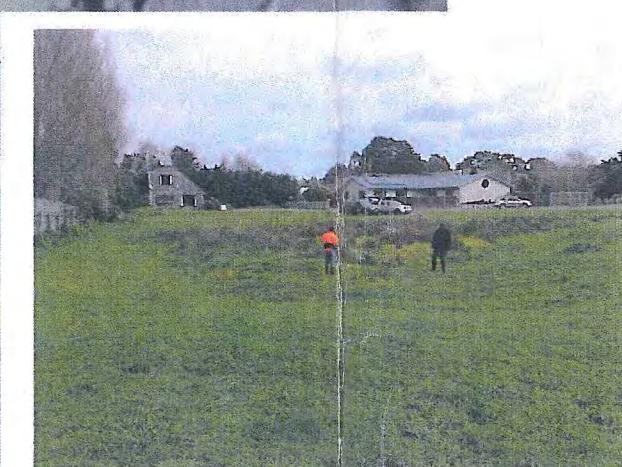
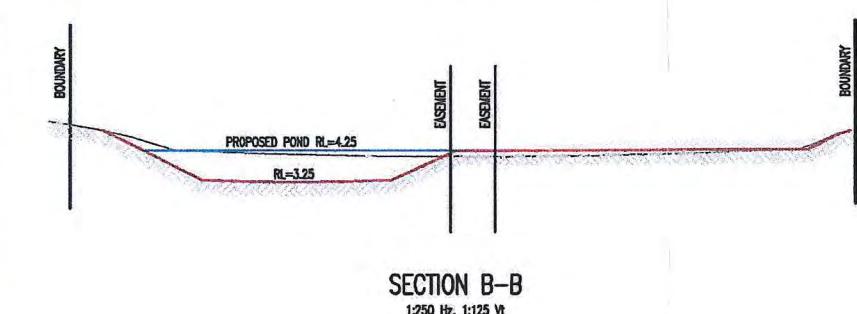
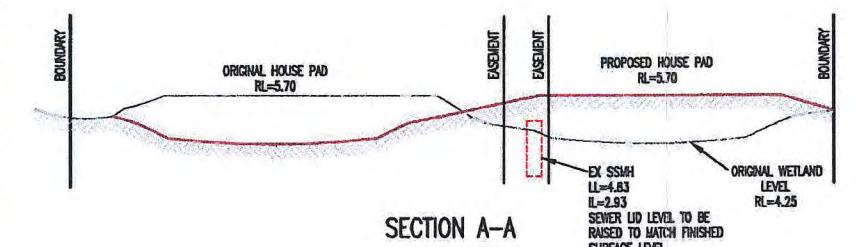


PHOTO 3  
EXISTING WETLAND AREA TO BE EXCAVATED TO CLEAN  
UNDERLYING SAND & FILLED TO RL=5.70

NO	100	AMENDMENT	164	NAME		DATE	
A	SEWER LID LEVEL RAISED			TPO	09/10		
FINAL APPROVED PLAN						29/09/20	

THIS PLAN IS TO BE USED FOR ENGINEERING PURPOSES ONLY AND NOT TO BE RELIED UPON FOR ANY OTHER PURPOSE WITHOUT THE CONSENT OF CUTTRISS CONSULTANTS LIMITED.

DIMENSIONS AND AREAS SHOWN ON THIS SCHEME PLAN WILL BE SUBJECT TO THE FINAL LAND TRANSFER SURVEY.

ORIGIN OF LEVELS IS SS19 FROM S03609A.

REDUCED LEVELS ARE IN TERMS OF MEAN SEA LEVEL WELLINGTON DATUM 1953.

EXISTING SERVICES SHOWN ARE FROM KDC RECORDS

ALL WORK IS TO COMPLY WITH NZS 4404:2004 AS AMENDED BY THE KAPITI COAST DISTRICT COUNCIL "SUBDIVISION AND DEVELOPMENT PRINCIPLES AND REQUIREMENTS" AND CUTTRISS CONSULTANTS SPECIFICATIONS

ALL RESTORATION IS TO BE TO KDC REQUIREMENTS

THE CONTRACTOR WILL GIVE THE ENGINEER SUFFICIENT NOTICE OF TRENCH OPENING TO ALLOW THE ENGINEER TO ARRANGE FOR THE UTILITY COMPANIES TO INSTALL THEIR SERVICE

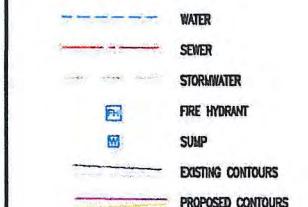
THE CONTRACTOR IS TO LOCATE ALL EXISTING SERVICES PRIOR TO COMMENCING WORKS

THE CONTRACTOR IS TO ARRANGE ROAD OPENING NOTICE

ALL SEWER LATERALS 100mm

ALL WATER LATERALS 25mm HDPE

CONTOUR INTERVALS AT 0.25m



Cuttriss Consultants Limited  
Hutt Valley, Wellington, Kapiti Coast

**Cuttriss**  
Land Surveyors, Engineers & Resource Managers

Level 3 Crest House 82 Queen Drive Lower Hutt PO Box 30 429

Telephone 04-539 0249 Fax 04-539 0249 Email [hut@cuttriss.co.nz](mailto:hut@cuttriss.co.nz)

33 Kapiti Road Paraparaumu PO Box 388

Telephone 04-504 5429 Fax 04-504 5429 Email [kapti@cuttriss.co.nz](mailto:kapti@cuttriss.co.nz)

Copyright of this drawing is vested in Cuttriss Consultants Limited

CLIENT  
PETER BAYLY

JOB  
PROPOSED EARTHWORKS  
LOTS 1 & 2 DP 380622  
MOSS LANE  
PARAPARAUMU

SCALE	1:250 - A1	DRAWING NUMBER	
FIELDWORK		NAME	
DESIGNED	NAJ	DATE	08/10
DRAWN	JAO		08/10
CHECKED			
SHEET 1 OF 1 SHEETS			

20444 EWA

11 February 2022

Hayden Armstrong  
C/- Cuttriss Consultants Ltd  
PO Box 386  
Paraparaumu 5254

Dear Hayden,

**RM210161: Undertake earthworks that do not meet the permitted activity standards within a site that is subject to a flood hazard**

We are pleased to enclose the decision on your Resource Consent application. As you will see from the decision, there are a number of conditions that need to be complied with.

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

If you have any concerns regarding the conditions, please contact me prior to lodging an objection to discuss on 027 208 0048 as it may be possible to make minor amendments or corrections outside of the objection process.

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

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

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

Yours sincerely



Olivia Neame  
Consultant Planner

## RESOURCE CONSENT UNDER PART VI OF THE RESOURCE MANAGEMENT ACT 1991

### CONSENT NO: RM210161

<b>APPLICANT:</b>	Hayden Armstrong
<b>LOCATION OF ACTIVITY:</b>	1-2 Moss Lane, Paraparaumu
<b>DESCRIPTION OF ACTIVITY:</b>	Undertake earthworks that do not meet the permitted activity standards within a site that is subject to a flood hazard.

#### DECISION:

Granted subject to conditions on 11 February 2022.

That the undersigned officers, acting under authority delegated from the Council and pursuant to Sections 104 and 104C of the Resource Management Act 1991, hereby grant consent to undertake earthworks that do not meet the permitted activity standards within a site that is subject to a flood hazard at 1-2 Moss Lane, Paraparaumu (being Lot 1 DP 380622 held in Record of Title 322928 and Lot 2 DP 380622 held in Record of Title 322929), subject to the following conditions which were imposed under Section 108 of the Resource Management Act 1991.

#### Conditions:

##### General

1. The proposed activity shall be completed in accordance with the plans, information and specifications lodged with the application and the further information supplied by the consent holder and held on the file RM210161 except where modified by conditions of consent with reference to the following plans stamped as "Final Approved Plans" on 11 February 2022:
  - a. Proposed Earthworks Lot 1 DP 380622, 1 Moss Lane, Raumati, Revision A,

Sheet 1, dated November 2021

- b. Proposed Earthworks Lot 1 DP 380622, 1 Moss Lane, Raumati, Revision A, Sheet 2, dated November 2021
- 2. Stormwater system for the existing house shall be upgraded as per the recommendation of Stormwater memorandum prepared by Cuttriss dated 3 November 2021 and approved scheme plan Drawing no. 22855 SCH (rev A) sheet 1 and 2.
- 3. Earthworks shall comply with the requirements of NZS4431:1989 unless otherwise specifically approved in writing by the Council's Development Engineer. Within the completion of earthworks the consent holder shall provide a report and a certificate in the form of Appendix A of NZS4431:1989 by the inspecting engineer to the Council's Development Engineer.
- 4. The consent holder must ensure that no nuisance effect, including dust, may be caused by discharge of material beyond the boundary of the subject site. For the avoidance of doubt material includes but is not limited to silt, sediment, vegetation and aggregate.
- 5. The consent holder shall make adequate provision for the control of stormwater runoff during the construction period and shall apply the appropriate recommendations found in Greater Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region" and "Small earthworks – Erosion and sediment control for small sites to the satisfaction of the Council's Development Engineer.

**Earthworks advice notes:**

- All costs arising from any of the above conditions shall be borne by the consent holder, pursuant to section 36 of the Resource Management Act 1991
- A separate application is required for a building consent if any earth-retaining structure is intended as part of this work and the wall is higher than 1.5 metres or is subject to surcharging.
- Should a waahi tapu or other cultural site be unearthed during earthworks the contractor and/or owner is required under the Heritage New Zealand Pouhere Taonga Act 2014:-
  - cease operations;
  - inform local Iwi (Insert name of local iwi – Ngati Raukawa, Te Ati Awa ki Whakarongotai, Ngati Toa or Ngati Haumia);
  - inform the Heritage New Zealand and apply for an appropriate authority if required;
  - Take appropriate action, after discussion with Heritage New Zealand, Council and Iwi to remedy damage and/or restore the site.

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

- The consent holder is responsible for obtaining all other necessary consents, permits, and licences. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.

**Advice notes:**

- The consent holder shall notify the Council's RMA Compliance Officer of the start and completion dates of the works in writing 48 hours before the works are carried out. The consent holder shall fill out and return (by email to the duty compliance officer at [compliance.dutyofficer@kapiticoast.govt.nz](mailto:compliance.dutyofficer@kapiticoast.govt.nz) or by post to Private Bag 60601, Paraparaumu) the form that is attached to the decision letter.
- The consent holder shall pay to the Kapiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with section 36 of the Resource Management Act 1991. These costs\* may include site visits, correspondence and the actual costs of materials or services which may have to be obtained.

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

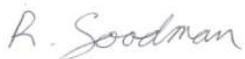
- Under section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.
- If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.

**Reasons for Decision:**

In accordance with Sections 104 and 104C of the Resource Management Act 1991, Kapiti Coast District Council has granted consent to this application for the reasons that:

1. the actual and potential effects associated with the proposed activity are less than minor.
2. the proposal is consistent with the relevant provisions of the Operative Kāpiti Coast District Plan.
3. The proposal is consistent with Part 2 of the RMA.

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



Ross Goodman  
**Resource Consents Planner**

**POST OR FAX THIS COMPLETED PAGE AT LEAST 48 HOURS  
BEFORE CONSTRUCTION TAKES PLACE**

**TO:**

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

<b>Application No:</b>	<b>RM210161</b>
<b>Site Address:</b>	<b>1-2 Moss Lane, Paraparaumu Lot 1 DP 380622 held in Record of Title 322928 and Lot 2 DP 380622 held in Record of Title 322929</b>
<b>Proposal:</b>	<b>Undertake earthworks that do not meet the permitted activity standards</b>

**Construction will take place on (date):**

<b>Owner's Contact Details</b>	
Name:	
Postal Address:	
Telephone:	Mobile:

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

Name:	
Telephone:	Mobile:

**SIGNED:**

.....  
NAME

.....  
DATE







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

**IN THE MATTER OF A PLAN LODGED FOR DEPOSIT UNDER  
NUMBER **380622**  
AND RESOURCE CONSENT NO. RM 050345**

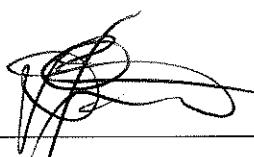
**(BEING THE SUBDIVISION OF PART LOT 1 DP 48648),  
AT 61 RIMU ROAD, PARAPARAUMU  
FOR T MOSS AND D BABBE**

**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 Lot 3:** No building may be erected or established within area H as shown on DP380622 and in no case shall any building be erected or established at a distance of less than 5 metres from any waterbody located within the allotment.
2. **With respect to Lot 4:** No building may be erected or established within area J as shown on DP380622 and in no case shall any building be erected or established at a distance of less than 2 metres from any waterbody located within the allotment.
3. **With respect to Lots 1 to 5:** The siting of any dwellings is restricted to those parts of the land that are not subject to erosion or inundation by a 1 in 100 year return period ( $Q_{100}$ ) storm event. The erection of any structures or filling of the land below RL 5.7 metres (the  $Q_{100}$  level) is prohibited unless otherwise approved in writing by the Kapiti Coast District Council Stormwater Engineer. The extent of permitted building and house sites is shown on Cuttriss Consultants Plan number 19143 ASB sheet 2, a copy of which is held on file RM050345. A copy of the plan is available in Council's Office at any time the office is open to the public.

Issued in respect of application No. RM 050345 on this 8<sup>th</sup> day of March, 2007.

  
**David Wayne Gair**  
**AUTHORISED OFFICER**

  
**Michael Heyes Mackiggan**  
**AUTHORISED OFFICER**

**Kapiti Coast District Council**

**Phone (04) 296 4700, Fax (04) 296 4830** 175 Rimu Road, Private Bag 601, Paraparaumu 5254. Website [www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz)