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26 September 2025

Geoffrey Dangerfield

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

The attached LIM provides you with information about 35B Kotare Street, Waikanae.

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

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

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

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

**35B Kotare Street, Waikanae**

### Document information

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

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

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

### Application details

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|                         |                      |
|-------------------------|----------------------|
| <b>Applicant</b>        | Geoffrey Dangerfield |
| <b>LIM number</b>       | L250983              |
| <b>Application date</b> | 16/09/25             |
| <b>Issue date</b>       | 26/09/25             |

### Property details

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|                          |                             |
|--------------------------|-----------------------------|
| <b>Property address</b>  | 35B Kotare Street, Waikanae |
| <b>Legal description</b> | LOT 2 DP 607290             |
| <b>Area (hectares)</b>   | 0.1520                      |

### Valuation information

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|                           |             |
|---------------------------|-------------|
| <b>Valuation number</b>   | 1496061607  |
| <b>Capital value</b>      | \$1,240,000 |
| <b>Land value</b>         | \$455,000   |
| <b>Improvements value</b> | \$785,000   |

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.

**Current rates year** Current Rates Year 2025 to 2026

**Annual rates** The estimated annual rates for 2025/26 rating year are \$0.00  
This includes Greater Wellington Regional Council rates.

**Next instalment date** 09/12/25

**Arrears for previous years** \$0.00

**Water rates** \$57.63 last year (2024/25)

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

**Water balance due** \$0.00

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

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

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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

18/08/11      BUILDING CONSENT 110397 : Build new house at north end of site. Build shed and garage at south end of site. Construct retaining wall on excavation : Code Compliance Certificate issued 26/02/13

### Engineer's report

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

### Wind

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

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

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

No pool registered to this property.

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

### Registered Environmental Health Premises and Licences

No information located.

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

## 3. Weathertightness

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

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

#### 4. Land use and Conditions

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

##### **Planning/Resource Management**

District Plan Zone/Precinct/Development Area: General Residential

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

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

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

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

##### **District Plan Features and Overlays**

The Operative District Plan (2021) records which properties in the District have these special features and overlays located on them. Each feature and overlay 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 zone General Residential in the Operative District Plan (2021).

This property was created via subdivision in 2025 under resource consent number RM230145 (2 Lot subdivision creating 1 additional allotment). A copy of the Decision is provided with this LIM.

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

This property is shown to be subject to and/or appurtenant to a right of way, right to convey water and sewage, electricity & telecommunications, and stormwater drainage rights.

Copies of the Deposited Plan (DP 607290) and Record of Title are provided with this LIM.

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

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

RESOURCE CONSENT RM230145: 2 Lot subdivision creating 1 additional allotment.  
(Found on related property: 1496061608)

RESOURCE CONSENT RM100144: Proposed earthworks for driveway & building platform, and to construct a dwelling & garage near Mangaho-Paekakariki power.

RESOURCE CONSENT RM050238: Boundary Adjustment at 35D Kotare St, Waikanae.  
(Found on related property: 1496061502).

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

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

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

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

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

## 5. Special Features and Characteristics of the land

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*This section identifies information held by Council about:*

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

### **Climate Change**

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

### **Contaminated Sites**

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

### **Natural Hazards**

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

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

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

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

Currently, information specific to the Kapiti Coast District includes:

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

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

### Earthquakes

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

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

### Fire

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

### Liquefaction

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

### Tsunami Evacuation Zones

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

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

### Other Information

The adjoining road carriageway (Kotare Street) is shown to be subject 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.

The adjoining road carriageway (Kotare Street) is 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 (Kotare Street) 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.

The adjoining road carriageways (Kotare Street & Kaka Street) are shown to be subject to a shallow surface flow area which is affected by a direct flood risk on the Operative District Plan (2021) Natural Hazard Maps, and the latest Flood Hazard Maps.

Shallow surface flow areas are floodplain areas, typically on steeper catchments, where shallow moving flood waters could occur during a flood event. A shallow surface flow area is subject to a direct flood risk. This hazard is associated with high intensity rainfall that overwhelms the primary drainage paths resulting in shallow flows across the ground surface.

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 to the Council drain. There is a stormwater main or open drain within the property.

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://www.kapiticoast.govt.nz/Development-impact-fees-Kapiti-Coast-District-Council)

## Glossary of Terms and Maps attached

### **Aerial Photograph**

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

### **Deposited Plan**

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

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

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

### **Services Network Map**

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

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

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

### **Resource Consents**

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

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

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

### **District Plan**

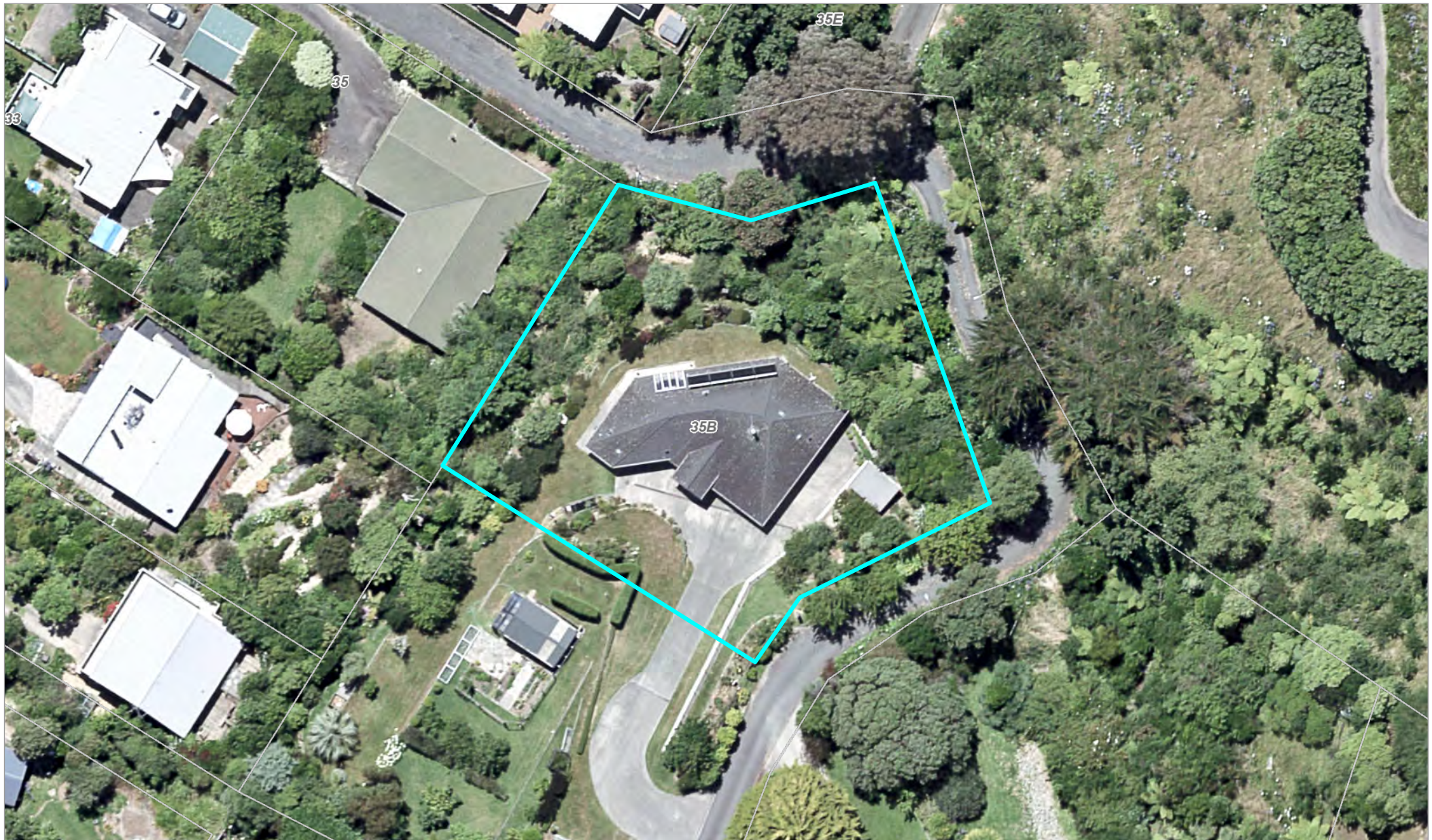
Every city and district council is required to have a District Plan under the [Resource Management Act 1991](#). The District Plan plays a big part in how Kapiti develops. The rules in the Plan determine what you can and can't do on your property without permission from Council - whether it be subdividing,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

### **Latest Flood Hazards**

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

# Aerial Photography

35B Kotare Street, Waikanae (LOT 2 DP 607290)



0 10 20 Metres

Scale @ A4 - 1:500

Date Printed: September 16, 2025

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



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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** 1197750  
**Land Registration District** Wellington  
**Date Issued** 04 August 2025

**Prior References**  
434598

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**Estate** Fee Simple  
**Area** 1520 square metres more or less  
**Legal Description** Lot 2 Deposited Plan 607290  
**Original Registered Owners**  
Geoffrey Mark Dangerfield and Claire Linda Douglas

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**Interests**

Subject to stormwater drainage rights marked D on DP 607290 specified in Easement Certificate 999231.6 - 4.5.1989 at 2:17 pm

Appurtenant hereto is a right of way and stormwater drainage rights specified in Easement Certificate 999231.6 - 4.5.1989 at 2:17 pm (affects parts formerly Lots 3 & 4 DP 64335)

The easements specified in Easement Certificate 999231.6 are subject to Section 309 (1) (a) Local Government Act 1974

Subject to a right to convey sewage (in gross) over part marked D on DP 607290 in favour of (now) Kapiti Coast District Council created by Transfer B026952.2 - 7.9.1989 at 2:13 pm

The easement created by Transfer B026952.2 is subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant hereto is a water supply right specified in Easement Certificate B253134.2 - 9.9.1992 at 1:36 pm

The easement specified in Easement Certificate B253134.2 is subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant hereto is a right to convey water created by Easement Instrument 8121996.4 - 1.5.2009 at 3:47 pm

Appurtenant hereto is a right of way, right to convey water, electricity & telecommunications created by Easement Instrument 13366893.4 - 4.8.2025 at 11:47 am

The easements created by Easement Instrument 13366893.4 are subject to Section 243 (a) Resource Management Act 1991



# Title Plan - DP 607290

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|                             |  |
|-----------------------------|--|
| <b>Survey Number</b>        | DP 607290  |
| <b>Surveyor Reference</b>   | W24048 KOTARE  |
| <b>Surveyor</b>             | Ella Douglas Dangerfield   |
| <b>Survey Firm</b>          | Orogen   |
| <b>Surveyor Declaration</b> | I Ella Douglas Dangerfield, being a licensed cadastral surveyor, certify that--<br>(a) this dataset provided by me and its related survey are accurate, correct and in accordance with the Cadastral Survey Act 2002 and Cadastral Survey Rules 2021; and<br>(b) the survey was undertaken by me or under my personal direction.<br>Declared on 14 May 2025 07:32 AM |

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## Survey Details

|                            |   |                             |            |
|----------------------------|---|-----------------------------|------------|
| <b>Dataset Description</b> | LOTS 1 AND 2 BEING A SUBDIVISION OF LOT 1 DP 409453 |                             |            |
| <b>Status</b>              | Deposited   |                             |            |
| <b>Land District</b>       | Wellington  | <b>Survey Class</b>         | Class A    |
| <b>Submitted Date</b>      | 14/05/2025  | <b>Survey Approval Date</b> | 23/06/2025 |
|                            |   | <b>Deposit Date</b>         | 04/08/2025 |

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## Territorial Authorities

Kapiti Coast District

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## Comprised In

RT 434598

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## Created Parcels

| Parcels                      | Parcel Intent    | Area      | RT Reference |
|------------------------------|------------------|-----------|--------------|
| Lot 1 Deposited Plan 607290  | Fee Simple Title | 0.2931 Ha | 1197749      |
| Lot 2 Deposited Plan 607290  | Fee Simple Title | 0.1520 Ha | 1197750      |
| Area A Deposited Plan 607290 | Easement         |           |              |
| Area B Deposited Plan 607290 | Easement         |           |              |
| Area C Deposited Plan 607290 | Easement         |           |              |
| Area D Deposited Plan 607290 | Easement         |           |              |
| Area E Deposited Plan 607290 | Easement         |           |              |
| Area T Deposited Plan 607290 | Easement         |           |              |
| <b>Total Area</b>            |                  | 0.4451 Ha |              |

Prepared by: Ella Dangerfield  
Licensed Cadastral Surveyor  
[ella.dangerfield@orogen.nz](mailto:ella.dangerfield@orogen.nz)



14 March 2025

## MEMORANDUM OF EASEMENTS DP 607290

LAND REGISTRATION DISTRICT

TERRITORIAL AUTHORITY (THE COUNCIL)

WELLINGTON

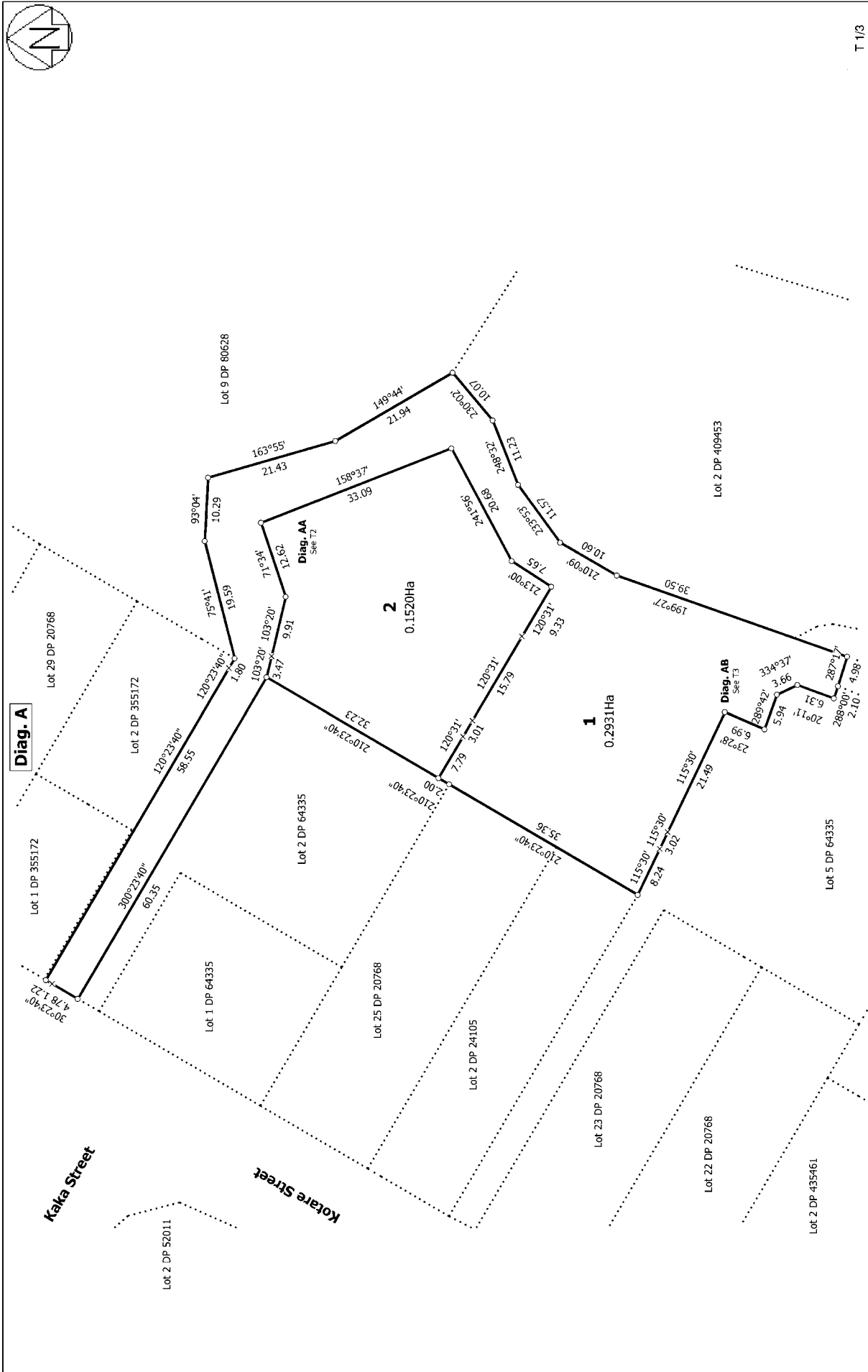
KAPITI COAST DISTRICT COUNCIL

| SCHEDULE OF EXISTING EASEMENTS |                                     |                  |              |
|--------------------------------|-------------------------------------|------------------|--------------|
| PURPOSE                        | SHOWN<br>(PREVIOUSLY SHOWN AS)      | BURDENED<br>LAND | DOCUMENT     |
| RIGHT OF WAY                   | A, B & T<br>(A, B & T ON DP 409453) | LOT 1<br>HEREON  | EI 8121996.4 |
|                                |                                     |                  | EC 999231.6  |
| STORMWATER DRAINAGE<br>RIGHTS  | A, B & C<br>(A, B & C ON DP 409453) | LOT 1<br>HEREON  | EC 999231.6  |
|                                | D<br>(C ON DP 409453)               | LOT 2<br>HEREON  |              |
| WATER SUPPLY RIGHT             | A<br>(A ON DP 409453)               | LOT 1<br>HEREON  | EC B253134.2 |

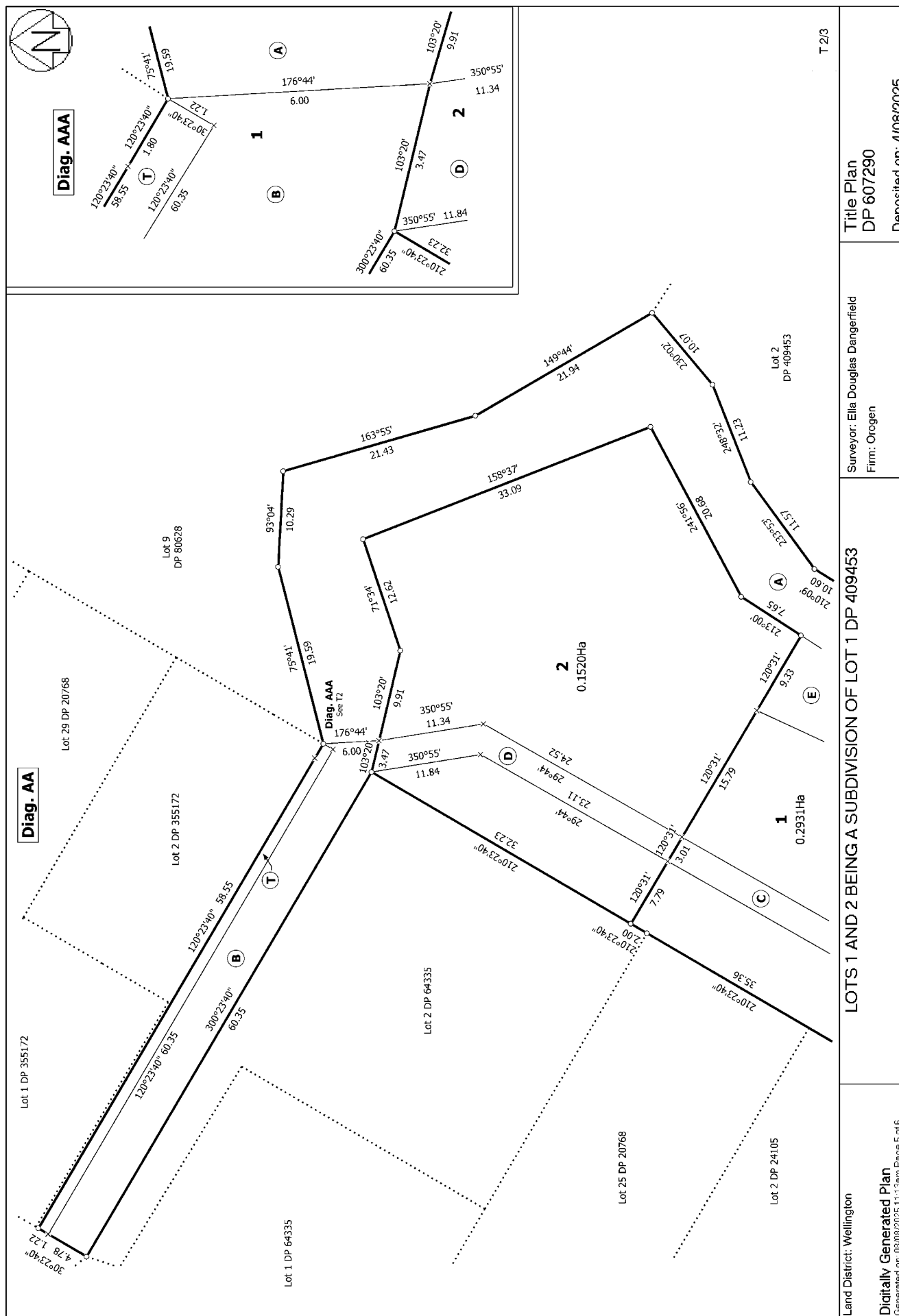
| SCHEDULE OF EXISTING EASEMENTS IN GROSS |                                |                  |             |
|---|--------------------------------|------------------|-------------|
| PURPOSE                                 | SHOWN<br>(PREVIOUSLY SHOWN AS) | BURDENED<br>LAND | DOCUMENT    |
| RIGHT TO TAKE, CONVEY<br>AND LEAD WATER | A & B<br>(A & B ON DP 409453)  | LOT 1<br>HEREON  | TB026952.1  |
| STORMWATER DRAINAGE<br>RIGHTS           | T<br>(T ON DP 409453)          |                  | T 431398    |
| RIGHT TO CONVEY<br>SEWAGE               | B & C<br>(B & C ON DP 409453)  | LOT 2<br>HEREON  | T B026952.2 |
|   | D<br>(C ON DP 409453)          |                  |             |

| SCHEDULE OF EASEMENTS IN GROSS        |          |               |                           |
|---------------------------------------|----------|---------------|---------------------------|
| PURPOSE                               | SHOWN    | BURDENED LAND | GRANTEE                   |
| RIGHT TO CONVEY<br>TELECOMMUNICATIONS | A, B & E | LOT 1 HEREON  | CHORUS NEW<br>ZEALAND LTD |

| MEMORANDUM OF EASEMENTS  |       |               |                |
|--|-------|---------------|----------------|
| PURPOSE  | SHOWN | BURDENED LAND | BENEFITED LAND |
| RIGHT OF WAY<br>RIGHT TO CONVEY WATER<br>RIGHT TO CONVEY<br>ELECTRICITY<br>RIGHT TO CONVEY<br>TELECOMMUNICATIONS | E     | LOT 1 HEREON  | LOT 2 HEREON   |

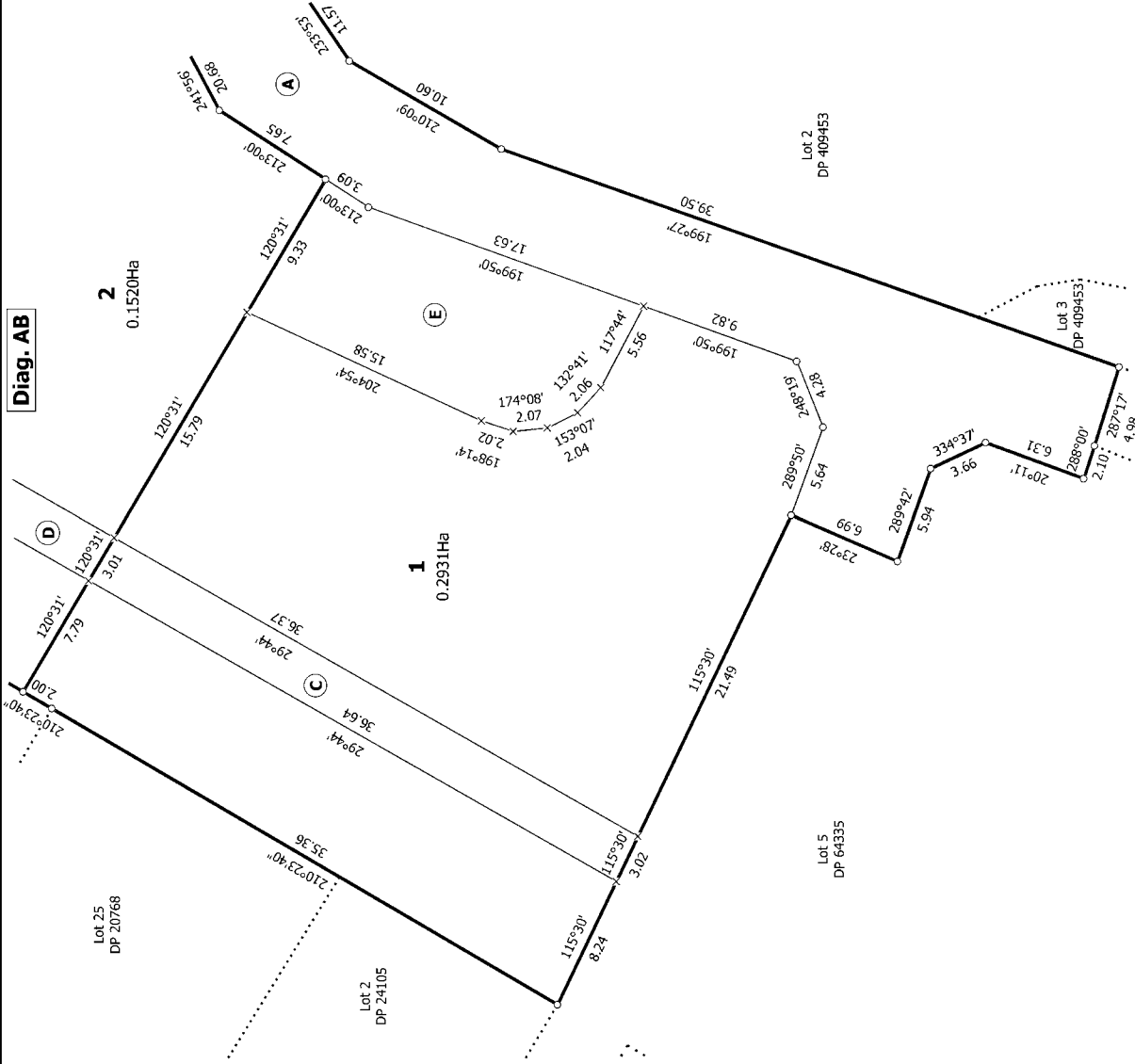


|   |   |   |  |
|---|---|---|--|
| <p>City and District: Wellington</p> <p><b>Digitally Generated Plan</b><br/> Generated on: 03/08/2025 11:13am Page 4 of 6</p> | <p><b>LOTS 1 AND 2 BEING A SUBDIVISION OF LOT 1 DP 409453</b></p> | <p>Surveyor: Ella Douglas Dangerfield<br/> Firm: Orogen</p> | <p><b>Title Plan</b><br/> <b>DP 607290</b></p> <p><b>Deposited on: 4/08/2025</b></p> |
|---|---|---|--|





Diag. AB



T 3/3


|  |   |  |  |  |
|--|---|--|--|--|
| Land District: Wellington  | LOTS 1 AND 2 BEING A SUBDIVISION OF LOT 1 DP 409453 |  | Surveyor: Ella Douglas Dangerfield<br>Firm: Orogen | Title Plan<br>DP 607290<br>Deposited on: 4/08/2025 |
| Digitally Generated Plan<br>Generated on: 09/08/2023 11:13am Page 6 of 6 |   |  |  |  |

# Operative District Plan 2021 - Zones and Precincts

35B Kotare Street, Waikanae (LOT 2 DP 607290)



## Key to map symbols

 General Residential Zone



0 20 40 Metres

Scale @ A4 - 1:1,000

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

35B Kotare Street, Waikanae (LOT 2 DP 607290)



## Key to map symbols

 Coastal Environment

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



0 40 80 Metres

Scale @ A4 - 1:2,000

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# Operative District Plan 2021 - Designations & Miscellaneous Features

35B Kotare Street, Waikanae (LOT 2 DP 607290)



## Key to map symbols

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0 40 80 Metres

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# Operative District Plan 2021 - Natural Features

35B Kotare Street, Waikanae (LOT 2 DP 607290)



## Key to map symbols

-  Ecological Sites
-  Outstanding Natural Features and Landscapes
-  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.



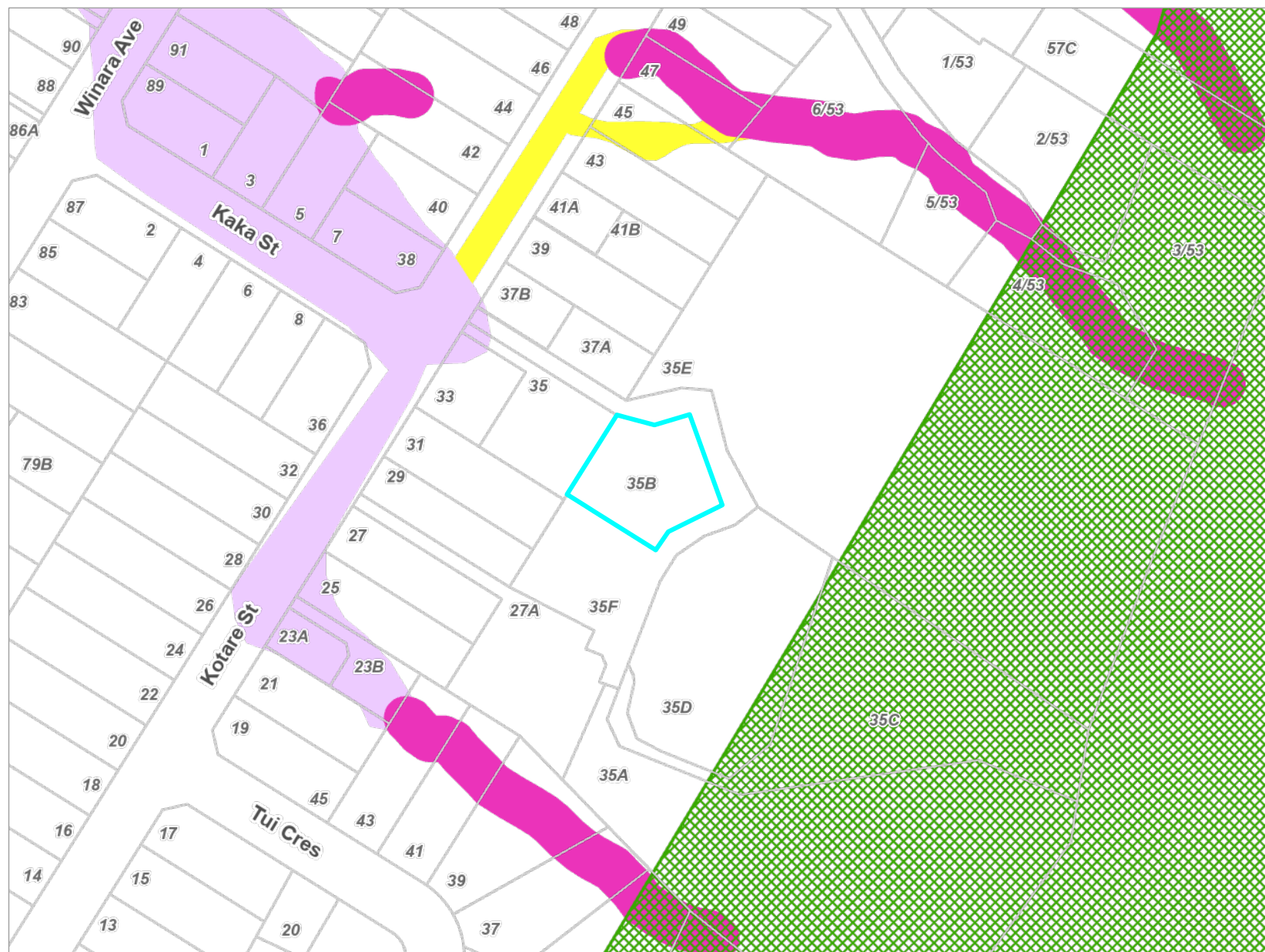
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Scale @ A4 - 1:2,000

Date Printed: September 16, 2025




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# Operative District Plan 2021 - Natural Hazards

35B Kotare Street, Waikanae (LOT 2 DP 607290)



## Key to map symbols

-  Uncertain Poorly Constrained
-  Stream Corridor
-  Overflow Path
-  Shallow Surface Flow

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.



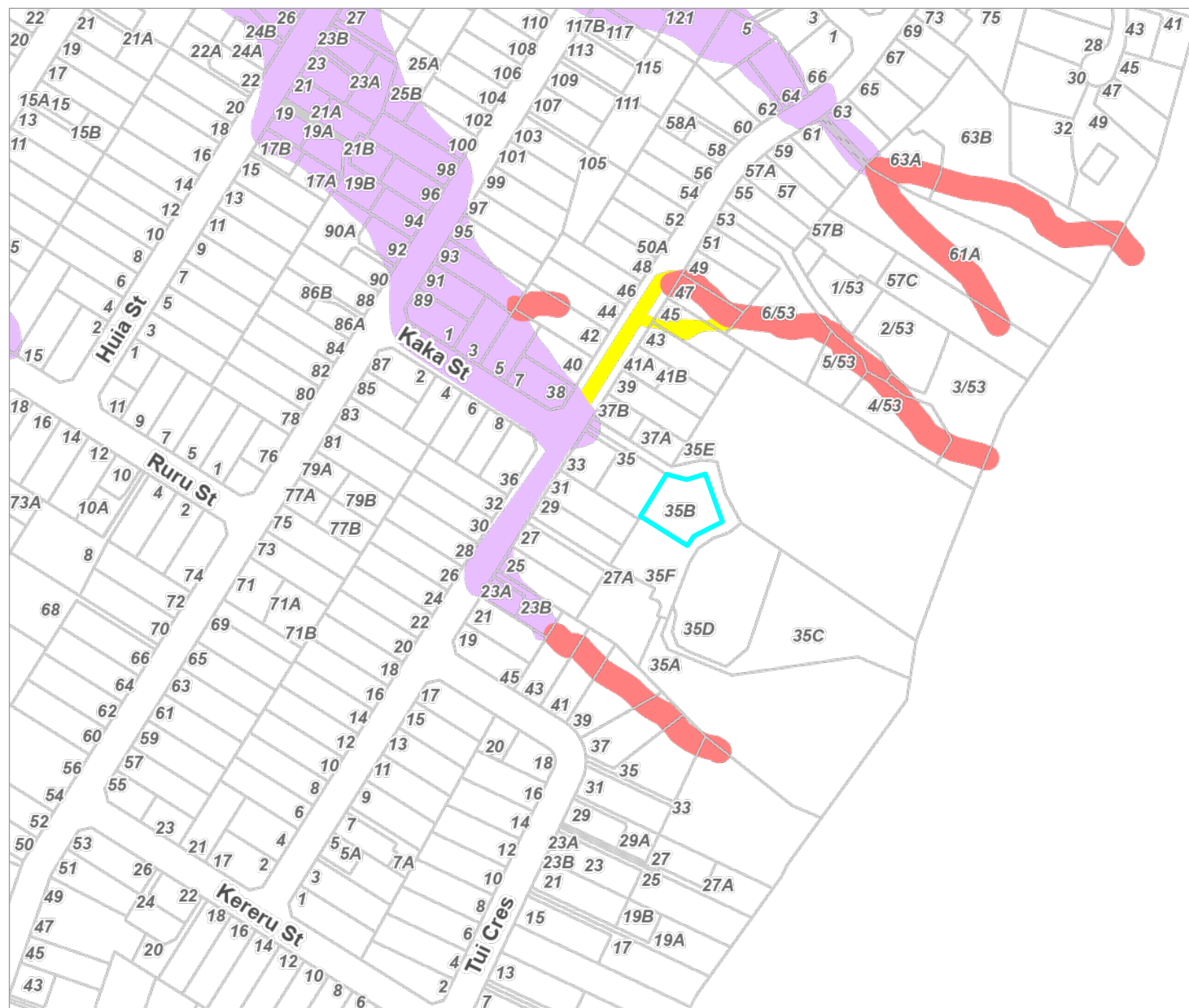
0 40 80 Metres  
Scale @ A4 - 1:2,000

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# Latest Flood Hazards

35B Kotare Street, Waikanae (LOT 2 DP 607290)



## Key to map symbols

- Stream Corridor
- Overflow Path
- Shallow Surface Flow

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

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# Resource Consents Map

35B Kotare Street, Waikanae (LOT 2 DP 607290)



## 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

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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   |
|-------------------------|-----------------------------|------------------|------------------------------|--------------|--|-----------------|----------------|-----------------|---------------|------------|
| 000280                  | 41A Kotare Street, Waikanae | 1496061400       | LOT 1 DP 307746 - INT IN ROW | SC           | ONE ADDITIONAL RESIDENTIAL LOT                                 | N               | N              | s.224 Issued    | 18/9/2000     | 4/9/2000   |
| 030372                  | 27A Kotare Street, Waikanae | 1496061605       | LOT 5 DP 64335 CT 34B/421    | LC           | CONSTRUCT A NEW DWELLING AND ATTACHED GARAGE                   |                 |                | Decision Issued | 22/1/2004     | 17/12/2003 |
| 040367                  | 37B Kotare Street, Waikanae | 1496061500       | LOT 1 DP 355172 C/T 225051   | SC           | 2 lot subdivision at 37 Kotare St, Waikanae.                   | N               | N              | s.224 Issued    | 21/12/2004    | 31/1/2005  |
| 050238                  | 35D Kotare Street, Waikanae | 1496061502       | LOT 2 DP 409453 C/T 434599   | SC           | Boundary Adjustment at 35D Kotare St, Waikanae.                | N               | N              | s.224 Issued    | 27/9/2005     | 29/8/2005  |
| 040279                  | 37B Kotare Street, Waikanae | 1496061500       | LOT 1 DP 355172 C/T 225051   | SC           | Separation of allotments (Lots 28 and 29 DP 20768)             |                 | N              | Decision Issued | 11/11/2004    | 20/9/2004  |
| 070072                  | 35D Kotare Street, Waikanae | 1496061502       | LOT 8 DP 80628               | LD           | Construction of drive way access and crib wall and             | N               | N              | Decision Issued | 11/4/2007     | 22/3/2007  |
| 100144                  | 35B Kotare Street, Waikanae | 1496061607       | LOT 2 DP 607290              | LD           | Proposed earthworks for driveway and building platform, and to | L               | Y              | Decision Issued | 12/11/2010    | 9/9/2010   |
| 140172                  | 39 Kotare Street, Waikanae  | 1496061501       | LOT 29 DP 20768 CT 187601    | LD           | CONSTRUCTION OF NEW DWELLING WITH EAVES ENCROACHING THE        |                 |                | Decision Issued | 2/10/2014     | 10/9/2014  |

| Resource Consent Number | Location                    | Valuation Number | Property Legal Description       | Consent Type | Consent Proposal   | Notified Yes/No | Hearing Yes/No | Consent Status                  | Decision Date | App.Date   |
|-------------------------|-----------------------------|------------------|----------------------------------|--------------|--|-----------------|----------------|---------------------------------|---------------|------------|
| 230145                  | 35F Kotare Street, Waikanae | 1496061608       | LOT 1 DP 607290                  | SD           | 2 Lot subdivision creating 1 additional allotment.       | N               | N              | s.224 Issued                    | 5/10/2023     | 29/8/2023  |
| 240144                  | 39 Kotare Street, Waikanae  | 1496061501       | LOT 29 DP 20768                  | LDR          | To undertake site preparatory earthworks and construct a | N               | N              | Decision Issued                 | 15/10/2024    | 3/9/2024   |
| 240076                  | 35F Kotare Street, Waikanae | 1496061608       | LOT 1 DP 607290                  | LDR          | Proposed earthworks for new dwelling                     | N               | N              | Application Returned incomplete |               | 5/6/2024   |
| 950132                  | 35E Kotare Street, Waikanae | 1496061600       | LOT 7 DP 64335 LOTS 8-9 DP 80628 | SC           | BOUNDARY ADJUSTMENT                                      | N               | N              | Decision Issued                 | 28/6/1995     | 12/5/1995  |
| 990421                  | 33 Kotare Street, Waikanae  | 1496061601       | LOT 1 DP 64335 CT 34B/417        | LC           | RELOCATE A DWELLING FROM 9 NEWRY ROAD TO 33 KOTARE       | N               | N              | Decision Issued                 | 26/10/1999    | 18/10/1999 |

# Health and Alcohol Licenses

35B Kotare Street, Waikanae (LOT 2 DP 607290)



## Key to map symbols

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



0 20 40 Metres

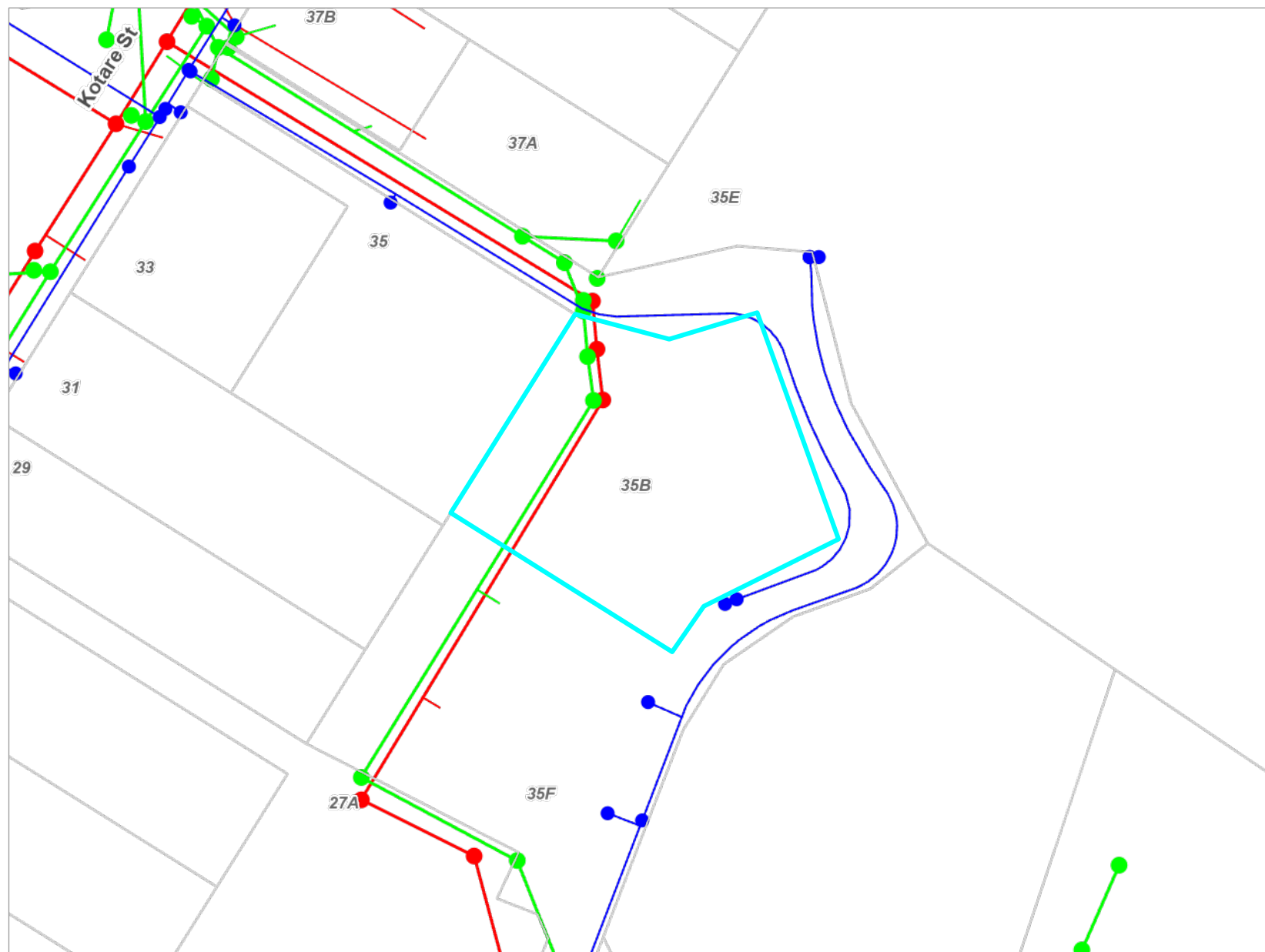
Scale @ A4 - 1:1,000

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# Services Network

35B Kotare Street, Waikanae (LOT 2 DP 607290)



## Key to map symbols

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

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

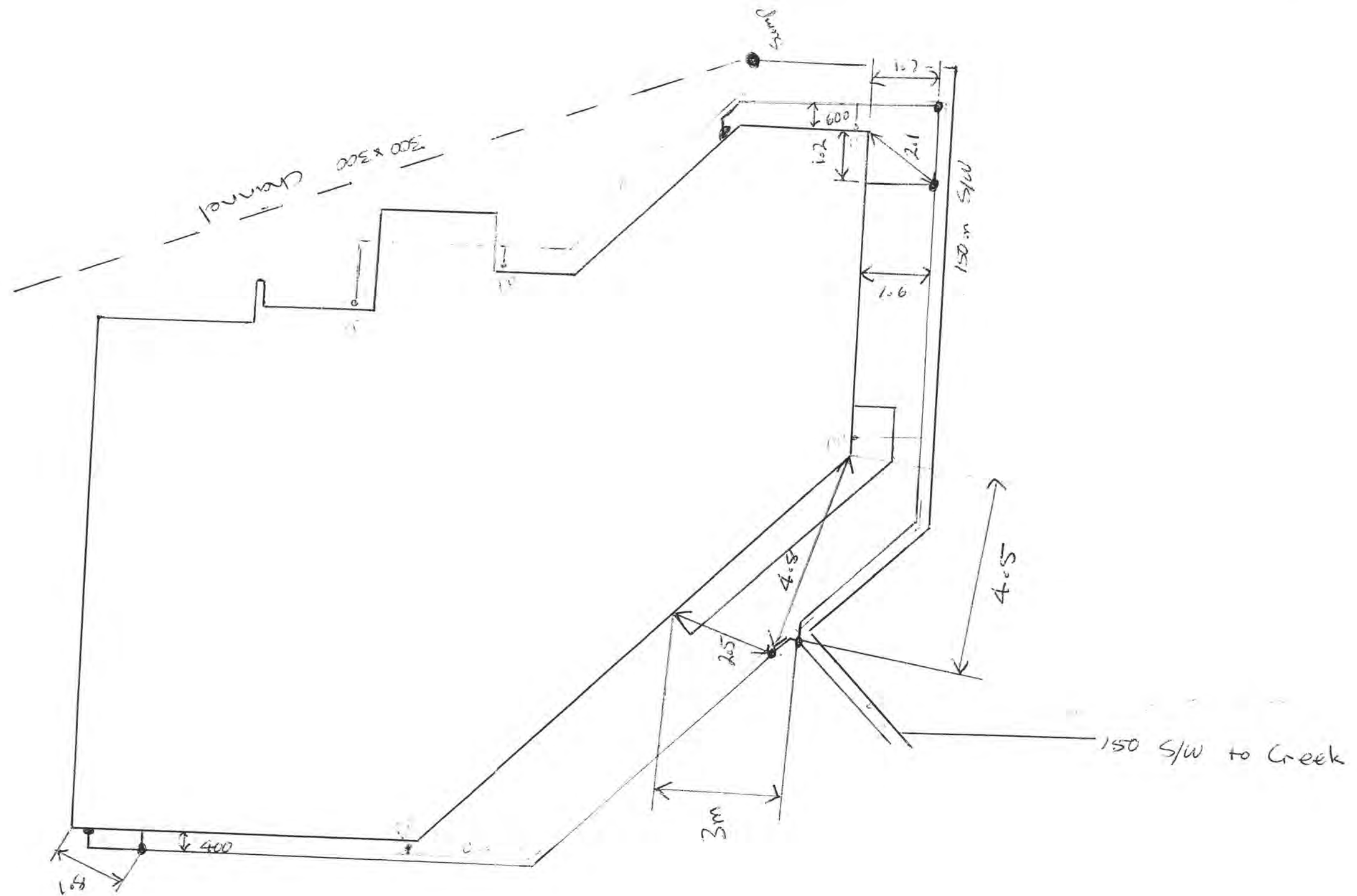


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35 B Kotare St  
Waikanae

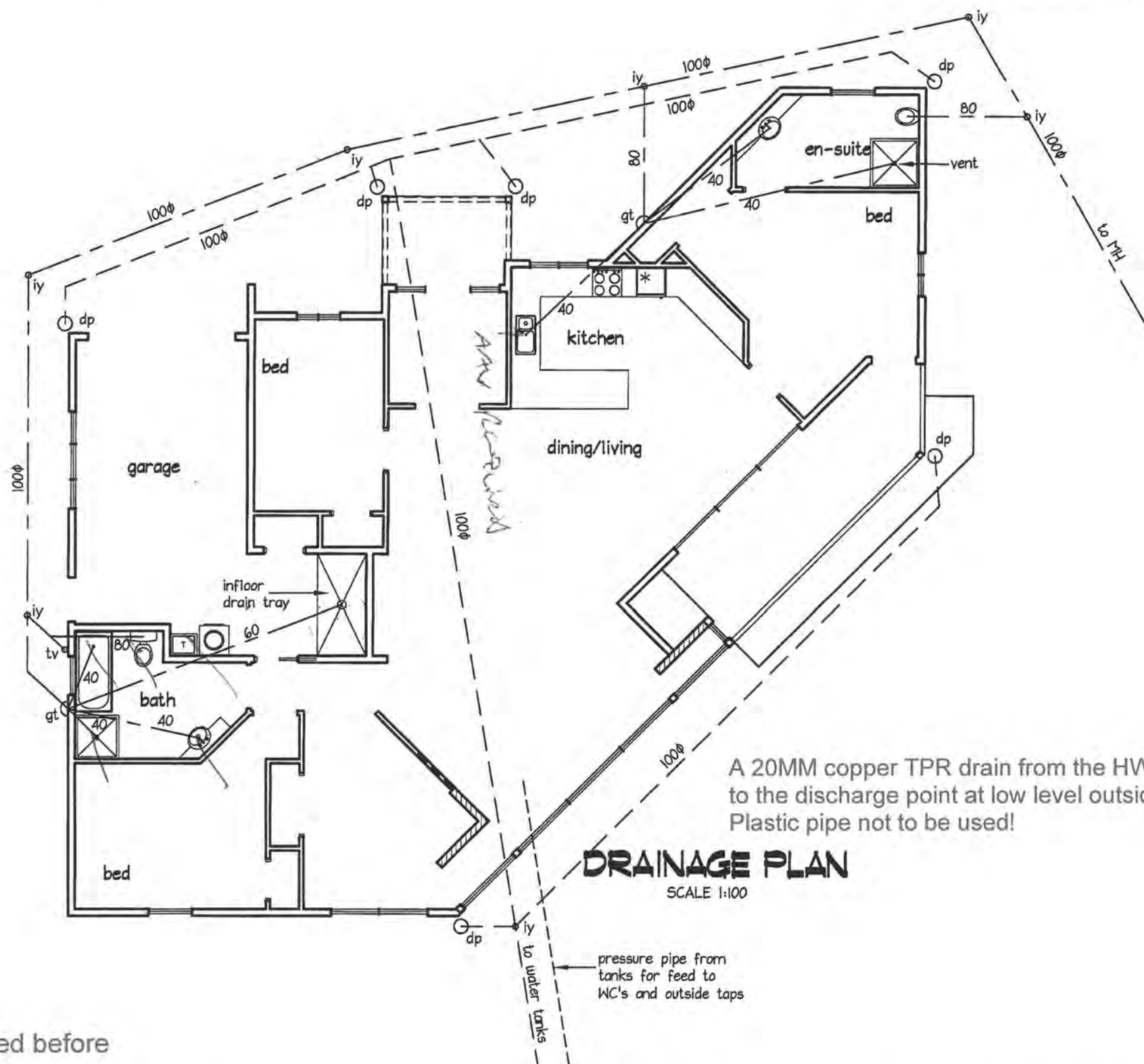
The drain layer is to fill out drainage producer statement form and draw a neat as laid drawing and return to Council. Please show all services including under slab drainage

BC 110397

A drainage inspection is required

BED DRAINS IN PEA METAL

BUILDER TO ENSURE THAT PROPOSED FOUNDATION HEIGHT WILL ALLOW A SATISFACTORY DRAINAGE CONNECTION TO THE COUNCILS SEWER



APPROVED BY  
PLUMBING  
AND  
DRAINAGE  
Simon C  
12/7/2011

UC104

A 20MM copper TPR drain from the HWC is to run from the tundish to the discharge point at low level outside of the building at low level  
Plastic pipe not to be used!

**DRAINAGE PLAN**  
SCALE 1:100

Pipes under the slab to be inspected before covering

the contractor shall check and verify dimensions before construction

WASTEPIPES LONGER THAN 3.5M ARE TO BE VENTED

**designscape**  
shark bait ltd  
Civil, Structural and Building design  
<http://www.designscape.net.nz>  
email [info@designscape.net.nz](mailto:info@designscape.net.nz)

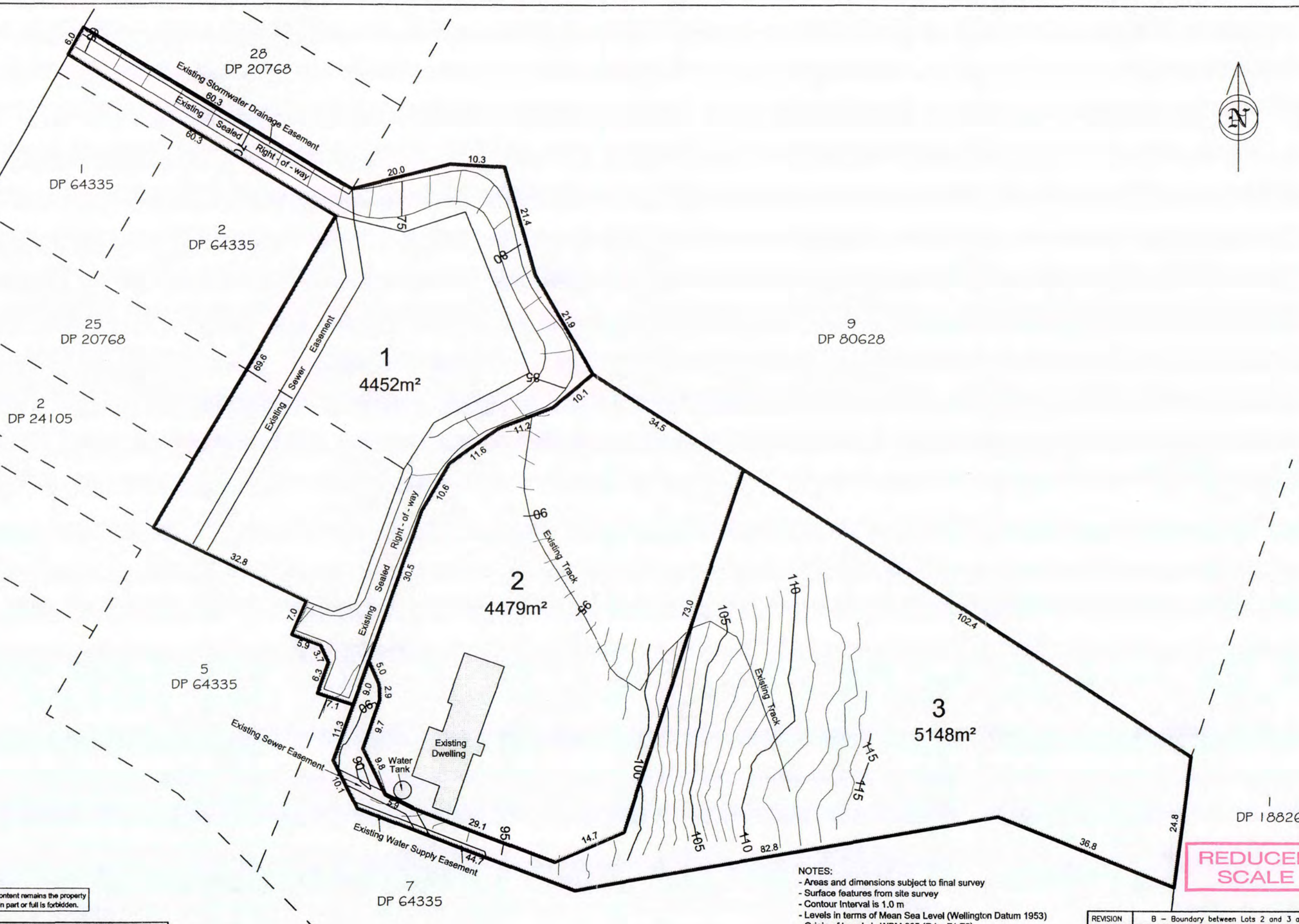
Allan Pullenger AIPENZ CertETn  
298 Rosetta Road  
sunny Raumat  
phone & fax 04 902 8528  
Mob 027 442-0486

**WARD HOUSE**  
**35B KOTARE ST-WAIKANAE**  
**PROPOSED DWELLING**

scale 1:100  
date June 2011  
drawn Stuart Jackson  
designed Allan Pullenger

plan number  
**2690-01**  
Sheet **04** of 21

KOTARE STREET



REDUCED  
SCALE

NOTES:  
- Areas and dimensions subject to final survey  
- Surface features from site survey  
- Contour Interval is 1.0 m  
- Levels in terms of Mean Sea Level (Wellington Datum 1953)  
- Origin of Levels is WBM 005 (R.L.=71.76)

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**LAND LINK Ltd**

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P.O.Box 370, Waikanae 6454, New Zealand  
PH (04) 902-6161 - FAX (04) 902-6162  
EMAIL: contactus@landlink.co.nz  
WEBSITE: www.landlink.co.nz

LAND SURVEYING  
RESOURCE MANAGEMENT  
ENVIRONMENTAL PLANNING

35D KOTARE STREET, WAIKANAЕ  
for TONY AND LORNA WARD

PROPOSED SUBDIVISION OF  
LOTS 3 & 4 DP 64335 AND LOT 8 DP 80628

|          |   |                                 |              |
|----------|---|---------------------------------|--------------|
| REVISION | B - Boundary between Lots 2 and 3 amended |                                 |              |
| REVISION | A - Original Issue                        |                                 |              |
| SURVEYED | DP/BA                                     | DATE                            | 26 July 2005 |
| DESIGNED | BA  | Scale 1:500<br>Original Plan A2 |              |
| DRAWN    | DP  |                                 |              |
| CHECKED  | PT  | DRAWING NO.                     | 1039.02-1    |
| APPROVED | MW 25/8                                   | ISSUE                           | B            |

## RESOURCE CONSENT - SHORT REPORT

|  |  |  |       |                    |          |       |                    |          |       |                    |          |
|--|--|--|-------|--------------------|----------|-------|--------------------|----------|-------|--------------------|----------|
| <b>RM: 050238</b>  | <b>Address: 35 Kotare Street, Waikanae</b> | <b>Date of site visit:<br/>14 September 2005</b> |       |                    |          |       |                    |          |       |                    |          |
| <b>Proposal:</b> <b>Subdivision – Three Lot Fee Simple<br/>Landuse- Rear Yard and Height in Relation to Boundary Encroachment</b>  |  |  |       |                    |          |       |                    |          |       |                    |          |
| <b>District Plan Area:</b> <b>Residential</b>  |  |  |       |                    |          |       |                    |          |       |                    |          |
| <b>SITE DESCRIPTION:</b>   |  |  |       |                    |          |       |                    |          |       |                    |          |
| <p>The property is located at 35 Kotare Street, Waikanae and is zoned Residential under the Kapiti Coast District Plan. The upper parts of the property are steep but the lower parts of the property are relatively level. The lowest parts of the site, are comprised in the two lower lots</p> <p>A sealed Right of Way provides access from Kotare Street to serve the six lots in total, including the three that are part of this proposal. There is an existing dwelling located at the end of the driveway of 35D Kotare Street. To the north of this dwelling is a landscaped garden area with a pond. A track runs between the dwelling and a landscaped area to the upper parts of the site, where the existing dwelling is located.</p> <p>The area is predominately residential in nature but with a generally low density. The site to the south is currently unoccupied while the other properties contain residential dwellings. To the east of the site, located further up the hill, is Conservation zoned land, known as the Hemi Matenga Reserve.</p>  |  |  |       |                    |          |       |                    |          |       |                    |          |
| <b>PROPOSAL DESCRIPTION:</b>   |  |  |       |                    |          |       |                    |          |       |                    |          |
| <p>The applicant has sought subdivision consent for a three lot fee simple subdivision. Landuse consent is also sought for a rear yard and height in boundary encroachment. The overall status of this proposal will be considered as a Discretionary Activity.</p> <p>The new allotments will be as follows:</p> <table border="0"><tr><td>Lot 1</td><td>4452m<sup>2</sup></td><td>Rear Lot</td></tr><tr><td>Lot 2</td><td>4479m<sup>2</sup></td><td>Rear Lot</td></tr><tr><td>Lot 3</td><td>5148m<sup>2</sup></td><td>Rear Lot</td></tr></table> <p>The existing dwelling is 1.5 metres from the northern boundary of the access strip where the required yard space is 3 metres for a rear yard requirement. Also, due to the location of the proposed boundary between Lots 2 &amp; 3 there is also a height in relation to boundary encroachment.</p> <p>A new building site is proposed on the upper site of proposed Lot 3. The construction of a new dwelling on proposed Lot 3 will require that some earthworks are undertaken to accommodate a safe and stable access and building platform. It is noted that the earthworks required for this site will comply with the Permitted Activity Standards for Earthworks.</p> |  |  | Lot 1 | 4452m <sup>2</sup> | Rear Lot | Lot 2 | 4479m <sup>2</sup> | Rear Lot | Lot 3 | 5148m <sup>2</sup> | Rear Lot |
| Lot 1  | 4452m <sup>2</sup>                         | Rear Lot   |       |                    |          |       |                    |          |       |                    |          |
| Lot 2  | 4479m <sup>2</sup>                         | Rear Lot   |       |                    |          |       |                    |          |       |                    |          |
| Lot 3  | 5148m <sup>2</sup>                         | Rear Lot   |       |                    |          |       |                    |          |       |                    |          |
| <b>Photographs Taken</b>   |  |  |       |                    |          |       |                    |          |       |                    |          |
| <b>CONSENT REQUIRED FOR:</b>   |  |  |       |                    |          |       |                    |          |       |                    |          |
| <b>Subdivision – Three Lot Fee Simple</b>  |  | <b>Controlled</b>                                |       |                    |          |       |                    |          |       |                    |          |

|  |                      |
|--|----------------------|
| <b>Land Use – Rear Yard Encroachment and Height in Relation to Boundary Infringement</b> | <b>Discretionary</b> |
|--|----------------------|

#### NOTIFICATION ANALYSIS

#### ENVIRONMENTAL EFFECTS:

| Possible Adverse Effects                                      | De Minimis/Minor/Any mitigation  |
|---|--|
| <b>Reduction in Amenity from Yard and Height Encroachment</b> | <b>Minor</b> – the applicant argues that the encroachments will lead to a more practical layout of the subdivision and better utilisation of the land. The encroachments are internal to and created by the proposed subdivision, and the applicant has given his approval to them accordingly. The effects related to these encroachments are considered to be no more than minor because the subdivision component of the proposal is no more than minor. These encroachments are known to and approved of by the landowner (who is also the applicant). |

#### Experts Consulted and their Comments?:

**Subdivision Engineers:** Council's Subdivision Engineers have considered the proposal and recommended standard subdivision conditions to be attached to the consent. I concur with this recommendation.

#### POTENTIALLY ADVERSELY AFFECTED PERSONS:

No written approvals have been sought as no persons are deemed to be adversely affected by the proposal.

#### SECTION 94 DECISION:

93(1)(b) The proposal is for a Discretionary Activity and need not be notified

94C(2) There are no special circumstances relating to this proposal which requires it to be publicly notified.

#### ASSESSMENT:

I concur with the applicant's assessment of the proposal as set out in the AEE and information accompanying the application and consider that it is consistent with the relevant Assessment Criteria set out in the Plan.

|   |  |
|---|--|
| <i>Relevant Assessment Criteria no.</i> | <b>Part D.2.A - Regarding Discretionary Activities<br/>D1.2.2 Subdivision (i)-(xvii)</b> |
|---|--|

This proposal is consistent with the relevant Objectives and Policies of the Plan.

|                                      |   |
|--------------------------------------|---|
| <i>Relevant Objective/Policy no.</i> | <b>C.1.1 Residential Zone Objective 1.0 General &amp;<br/>Policy 1 – Amenity Values<br/>Policy 2 – Natural Environment &amp;<br/>Policy 3 – Height of Buildings</b> |
|--------------------------------------|---|

*C.7.1 - Residential Subdivision*

*Objective 1.0 – General and Policy 1- Low  
Density Character*

*Objective 2.0 – Ecosystems and Policy 1- Natural  
Environment*

**OTHER MATTERS : SECTION 106**

There are no reasons under Section 106 to consider that the application for subdivision consent should not be granted.

**CONCLUSION**

The effects of this proposal are **minor** and the proposal is consistent with the Objectives, Policies and Assessment Criteria of the Kapiti Coast District Plan. Having considered the matters set out in Section 104 of the Act, I am of the opinion that consent can be granted subject to appropriate conditions.

**DECISION:**

That Officers acting under Delegated Authority from Council and pursuant to Section 104B of the Resource Management Act 1991 **grant consent** to the proposal for a **3 Lot Fee Simple Subdivision and Landuse Consent for Yard and Height in Relation to Boundary Encroachment at 35 Kotare Street, Waikanae being Lots 3 and 4 DP 64335 and Lot 8 DP 80628**, subject to the following conditions:

**Conditions of Consent:**

**Monitoring and Review:**

1. Prior to starting work, the consent holder shall notify the Council's Compliance Officer in writing 48 hours before the consent is carried out. The consent holder shall fill out and return by fax (04 904 5815 or post to Private Bag 601, Paraparaumu) the form attached to the decision letter.
2. That the consent holder shall pay to the Kapiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions [or review of consent conditions], or the supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991.

(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. That the proposal must be in accordance with the plans prepared by **Landlink Limited, titled 'Proposed Subdivision of Lots 3 & 4 DP 64335 and Lot 8 DP 80628, Drawing No. 1039.02-1, Issue B, Dated 26<sup>th</sup> July 2005 and stamped 'Final Approved Plans' on 23/09/05** and other information submitted with the application RM050238.

**Engineering:**

4. The consent holder shall pay Council engineering fees of \$288.00 (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

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

- Geotechnical Engineering
- Foundation recommendations
- Stormwater issues

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

(a) Certify that a building site is available on Lot 3 on which buildings of the type permitted may be erected using foundations not requiring specific design in terms of the Building Act 2004.

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

Or

(b) Supply to Council a report by the suitably qualified person detailing site investigation work and findings together with recommendations for foundation design for Lot 3.

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

9. Earthworks shall be kept to a minimum to ensure the least disturbance to the landform
10. Where the existing land or vegetative cover is disturbed, suitable ground cover shall be established as soon as practicable following earthworks or within 5 days of

completion whichever shall occur first. For this condition "suitable ground cover" means application of basecourse, topsoil, grassing or mulch, or another type of application to the satisfaction of the Subdivision Engineer.

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

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

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

13. All batters shall be self-supporting

14. 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 (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.

15. Lot 3 shall have drive-on access no steeper than 1 in 5 to the notional house site, unless otherwise approved by the Subdivision Engineer

16. The water supply for Lot 3 shall be in accordance with the system approved by the Council. The Consent Holder shall liaise with the fire service to determine if there is any fire fighting requirements as a result of the subdivision.

The recommendations for and constraints on the provision of the water supply for Lot 3 shall be included in a consent notice to be issued by Council pursuant to Section 221 of the Resource Management Act 1991. The consent notice shall include any reference to the owners' responsibility to maintain their water supply

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. Easements are required over any rights of way and/or communal services where these pass through the lots in the subdivision.

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

19. The consent holder shall supply a copy of the title plan and shall list and indicate how each condition has been met to the satisfaction of the Resource Consents Manager.

**Advice Notes:**

1. The consent holder should not encroach onto adjacent land owned by others without having first obtained their written consent.
2. Contravention of the Land Drainage Act is not permitted and natural drainage patterns are to be preserved.
3. 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.
4. The consent holder is required to obtain a building consent before carrying out any alterations to existing services within the lot/s.
5. All costs arising from any of the above conditions shall be borne by the consent holder.
6. Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to Council.
7. 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 the Council in any special case may allow.

**Reasons for Decision:**

1. The effects of the proposal on the environment will be no more than minor and there are no parties who are considered to be adversely affected.
2. This proposal is in accordance with the relevant Objectives, Policies and Assessment Criteria of the Kapiti Coast District Plan.

**Report prepared by: Ian Carstens**

**DECISION:**

**RM050238 - APPROVED**

**DATE: 23 September 2005**



**Ian Carstens**  
**Resource Consents Planner**

**Delegated Officer**

**23 September 2005**



**Mike Mackiggan**  
**Senior Resource Consents Planner**

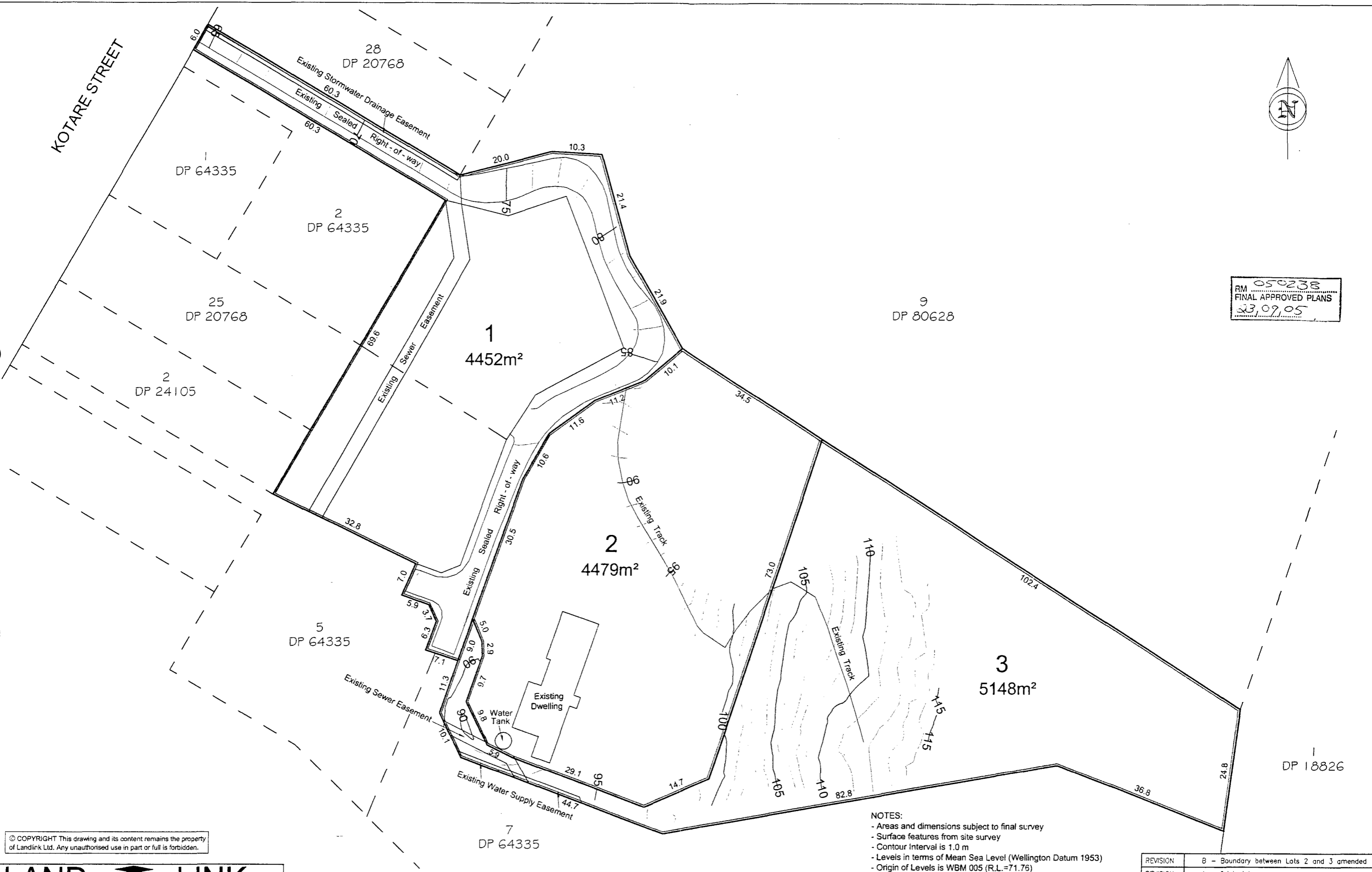
**Delegated Officer**

**23 September 2005**

KOTARE STREET



RM 050238  
FINAL APPROVED PLANS  
23.09.05



NOTES:  
- Areas and dimensions subject to final survey  
- Surface features from site survey  
- Contour Interval is 1.0 m  
- Levels in terms of Mean Sea Level (Wellington Datum 1953)  
- Origin of Levels is WBM 005 (R.L.=71.76)

LAND

LINK Ltd

First Floor, Parker Building, Mahara Place  
P.O.Box 370, Waikanae 6454, New Zealand  
PH (04) 902-6161 - FAX (04) 902-6162  
EMAIL: [contactus@landlink.co.nz](mailto:contactus@landlink.co.nz)  
WEBSITE: [www.landlink.co.nz](http://www.landlink.co.nz)

LAND SURVEYING  
RESOURCE MANAGEMENT  
ENVIRONMENTAL PLANNING

35D KOTARE STREET, WAIKANAЕ  
for TONY AND LORNA WARD

PROPOSED SUBDIVISION OF  
LOTS 3 & 4 DP 64335 AND LOT 8 DP 80628

|          |   |                  |              |
|----------|---|------------------|--------------|
| REVISION | B - Boundary between Lots 2 and 3 amended |                  |              |
| REVISION | A - Original Issue                        |                  |              |
| SURVEYED | DP/BA                                     | DATE             | 26 July 2005 |
| DESIGNED | BA  | Scale 1:500      |              |
| DRAWN    | DP  | Original Plan A2 |              |
| CHECKED  | PT  | DRAWING NO.      | ISSUE        |
| APPROVED | <i>Thy 25/5</i>                           | 1039.02-1        | B            |



FILE: RM050238

27 September 2005

Tony & Lorna Ward  
C/- Landlink Ltd  
P.O Box 370  
WAIKANAE

Attention: Ben Addington

Dear Ben

**RM050238: THREE-LOT FEE SIMPLE SUBDIVISION & LANDUSE CONSENT FOR REAR YARD AND HEIGHT IN RELATION TO BOUNDARY ENCROACHMENT (LOTS 3 & 4 DP 64335 & LOT 8 DP 80628)**

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 deposit will be refunded in full; if upheld in part then half the deposit will be refunded.

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

You are also advised that before development can take place, you will need to obtain all other necessary consents and permits, including those under the Building Act 2004, and comply with all relevant Council Bylaws.

If you have any concerns or enquiries about the conditions please do not hesitate to contact me on (04) 9045 - 863

Thank you for dealing with the Kapiti Coast District Council.

Yours faithfully

Ian Carstens

**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: RM050238**

That Officers acting under Delegated Authority from Council and pursuant to Section 104B of the Resource Management Act 1991 **grant consent** to the proposal for a **3 Lot Fee Simple Subdivision and Landuse Consent for Yard and Height in Relation to Boundary Encroachment** at **35 Kotare Street, Waikanae** being **Lots 3 and 4 DP 64335 and Lot 8 DP 80628**, subject to the following conditions:

### **Conditions of Consent:**

#### **Monitoring and Review:**

1. Prior to starting work, the consent holder shall notify the Council's Compliance Officer in writing 48 hours before the consent is carried out. The consent holder shall fill out and return by fax (04 904 5815 or post to Private Bag 601, Paraparaumu) the form attached to the decision letter.
2. That the consent holder shall pay to the Kapiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions [or review of consent conditions], or the supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991.

(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. That the proposal must be in accordance with the plans prepared by **Landlink Limited**, titled **'Proposed Subdivision of Lots 3 & 4 DP 64335 and Lot 8 DP 80628, Drawing No. 1039.02-1, Issue B, Dated 26<sup>th</sup> July 2005 and date stamped 'Final Approved Plans' on 23/09/05** and other information submitted with the application RM050238.

#### **Engineering:**

4. The consent holder shall pay Council engineering fees of \$288.00 (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
5. The consent holder shall comply with the requirements of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005.

**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)

6. 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:

- Geotechnical Engineering
- Foundation recommendations
- Stormwater issues

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

8. The consent holder shall either:-

(a) Certify that a building site is available on Lot 3 on which buildings of the type permitted may be erected using foundations not requiring specific design in terms of the Building Act 2004.

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

Or

(b) Supply to Council a report by the suitably qualified person detailing site investigation work and findings together with recommendations for foundation design for Lot 3.

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

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

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

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

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

12. The consent holder shall not remove soil support from adjacent lots
13. All batters shall be self-supporting
14. 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 (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.

15. Lot 3 shall have drive-on access no steeper than 1 in 5 to the notional house site, unless otherwise approved by the Subdivision Engineer
16. The water supply for Lot 3 shall be in accordance with the system approved by the Council. The Consent Holder shall liaise with the fire service to determine if there is any fire fighting requirements as a result of the subdivision.

The recommendations for and constraints on the provision of the water supply for Lot 3 shall be included in a consent notice to be issued by Council pursuant to Section 221 of the Resource Management Act 1991. The consent notice shall include any reference to the owners' responsibility to maintain their water supply

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. Easements are required over any rights of way and/or communal services where these pass through the lots in the subdivision.  
Easements shall be shown on the land transfer title plan and any documents shall be prepared by solicitors at the consent holder's expense
19. The consent holder shall supply a copy of the title plan and shall list and indicate how each condition has been met to the satisfaction of the Resource Consents Manager.

**Advice Notes:**

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

3. 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.
4. The consent holder is required to obtain a building consent before carrying out any alterations to existing services within the lot/s.
5. All costs arising from any of the above conditions shall be borne by the consent holder.
6. Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to Council.
7. 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 the Council in any special case may allow.

**Reasons for Decision:**

1. The effects of the proposal on the environment will be no more than minor and there are no parties who are considered to be adversely affected.
2. This proposal is in accordance with the relevant Objectives, Policies and Assessment Criteria of the Kapiti Coast District Plan.

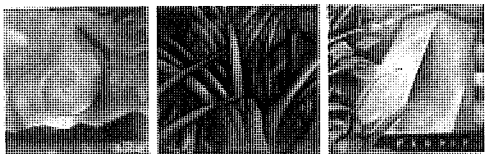
**DECISION:**

**RM050238 - APPROVED**

**DATE: 27 September 2005**



**Ian Carstens**  
**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: RM100144

|                                 |   |
|---------------------------------|---|
| <b>APPLICANT:</b>               | Mr A J Ward   |
| <b>LOCATION OF ACTIVITY:</b>    | 35B Kotare Street, Waikanae (Lot 1 DP 409453)   |
| <b>DESCRIPTION OF ACTIVITY:</b> | To undertake earthworks to form a driveway & building platform & to construct a dwelling & garage within 20m of the Mangahao-Paekakariki A & B 110kV overhead transmission lines. |

### DECISION:

Granted subject to conditions on 12 November 2010.

**The following conditions 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 activity shall be undertaken in accordance with the plans and information submitted with the application. No variation or amendment to the submitted building plans will be approved by the Council without the submission of a satisfactory and comprehensive assessment by a suitably qualified and experienced electrical engineer. In the event that an amendment or variation is proposed by the consent holder, Transpower shall be provided with a copy of the electrical engineer's assessment and given the opportunity to review and comment on their assessment.

Any comment made by Transpower must be included with the electrical engineer's assessment when that is provided to the Council.

### Construction Management/Earthworks

4. All activities undertaken on the site, including the construction of new buildings/structures, earthworks (filling and excavations), and/or the operation of mobile plant shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001). Construction Management Plan.
5. The consent holder shall submit a Construction Management Plan (CMP) for the approval of the Kapiti Coast District Council's Subdivision Engineer. The CMP must include procedures, methods and measures to be applied to address the following:
  - (a) Earthworks.
  - (b) Maintenance at all times of adequate clearances between mobile plant and the overhead transmission lines (refer Clause 5.2 of NZECP34:2001).
  - (c) Provisions to enable the existing high voltage infrastructure to be accessed for maintenance at all reasonable times, or emergency works at all times, whilst construction activities associated with the building development are occurring.
  - (d) Pre-construction site survey and layout to ensure that the building will be constructed and the earthworks undertaken in compliance with the relevant separation distances specified in NZECP34:23001, and the relevant provisions of the Council's Subdivision & Development Principles & Requirements 2005.
  - (e) The CMP shall specify the name, experience and qualifications of a person, or persons, nominated by the owner to supervise the implementation of, and adherence to, the CMP; and shall include details of the contractor's liability insurance held to cover any costs, direct or indirect, associated with damage to the Mangahao – Paekakariki A and B transmission lines directly or indirectly caused by activities undertaken to give effect to the consent.
  - (f) No construction activities shall be undertaken without the CMP being first approved by the Council's Subdivision Engineer, and all construction activities are to undertaken in accordance with the approved plan

Note: The CMP is required because Transpower's Mangahao – Paekakariki A & B 110 kV transmission lines and two support structures (Poles 744 and 745) are located within the site and without appropriate management during construction, giving effect to the consent has the potential to cause adverse effects on the electricity infrastructure.

6. Without limiting the generality of Condition 5 the consent holder shall:

- (a) not deposit any excavated or other material under or near the Mangahao – Paekakariki A and B transmission lines where the vertical distance from the ground to the conductors

- would be reduced to less 6.5 metres (Note: This applies to all activities including possible temporary stockpiles);
- (b) not undertake any excavation near Pole 744 or 745 that would not comply with the restrictions specified in Clause 2.2.1 of NZECP34:2001;
  - (c) not operate or allow to be operated any mobile plant in a manner that the minimum safe separation distance of 4 metres between the machinery and the conductors is not maintained; and,
  - (d) manage dust or particulate matter emissions so that it does not create any dust hazard or nuisance to the Mangahao – Paekakariki A and B transmission lines or Poles 744 and 745 and associated insulators.
7. The consent holder shall ensure that soil support is not removed from adjacent lots, and that all batters are self supporting.
8. Where the existing landform or vegetative cover is disturbed, suitable ground cover shall be established as soon as practicable following earthworks or within five days of completion of the works, whichever occurs first. For the avoidance of doubt, 'suitable cover' means in the application of basecourse, topsoil, grass or mulch, or an alternative if approved by the Council's Subdivision Engineer.
9. The consent holder shall pay Council Engineering Fees of \$211 (GST inclusive) for work that may be required to assess the CMP; and for site inspections and consent compliance monitoring.

NB: Additional fees may apply in accordance with the Engineering Fees Schedule adopted by Council from 1 July 2010. Note that the current charge out rate is \$105 per hour (GST inclusive).

9. Should a waahi tapu or other cultural site be unearthed during an excavation work, the contractor and/or the consent holder shall:
- (a) Cease operations;
  - (b) Inform local at Te Ati Awa ki Whakarongotai Charitable Trust;
  - (c) Inform the New Zealand Historic Places Trust (NZHPT) and apply for an authority if required;
  - (d) Take appropriate action, after discussion with Iwi, the NZHPT, and the Council to remedy damage and/or restore the site.

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

### Landscaping

10. Any landscaping undertaken on the site shall consist of species that do not have the ability to reach such a height that it is able to;
- (a) encroach into the growth limit zone under the Electricity (Hazards from Trees) Regulations 2003 ; or,
  - (b) fall within 5 metres of the conductors on the Mangahao – Paekakariki A and B transmission lines.

NB: The Electricity (Hazards from Trees) Regulations 2003:

- Define safe separation distances between trees and overhead lines;

- Specify responsibilities for ensuring clearances are maintained; and
- Place potential liability on tree owners, if any damage or accidents occur due to trees touching the overhead lines.

#### As-Built

11. Before the dwelling is used for residential activities, the consent holder shall submit an as-built plan to the Council's Subdivision Engineer for written approval. This must be accompanied by a report by a suitably qualified and experienced electrical engineer confirming that building construction and the excavations comply with the relevant separation distances specified in NZECP34:2001.

#### **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 the exercise of any of the above conditions are the responsibility of the consent holder.
- This resource consent does not grant the holder any exemption from the requirements of NZECP 34:2001 "New Zealand Electrical Code of Practice for Electrical Safe Distances". Such legislation is administered by Transpower New Zealand Limited whose formal permission will be required should any part of the development fail to comply with those regulations.

#### **Reasons for Decision:**

In accordance with Sections 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.



Colin Bridges  
Senior Resource Consents Planner



11 November 2010

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

|                           |   |
|---------------------------|---|
| <b>Applicant:</b>         | <b>Mr A J Ward</b>  |
| <b>Site Address:</b>      | <b>35B Kotare Street, Waikanae</b>  |
| <b>Legal Description:</b> | <b>Lot 1 DP409453</b>   |
| <b>Proposal:</b>          | <b>To undertake earthworks to form a driveway &amp; building platform &amp; to construct a dwelling &amp; garage within 20m of the Mangahao-Paekakariki A &amp; B 110kV overhead transmission lines</b> |
| <b>Land Owner:</b>        | <b>Mr A J Ward</b>  |
| <b>Zone:</b>              | <b>Residential</b>  |
| <b>Activity Status:</b>   | <b>Discretionary</b>  |

Report prepared by: Colin Bridges, Senior Resource Consents Planner

Report peer reviewed by: Wayne Gair, Senior Resource Consents Planner

Decision made by: Councillor Diane Ammundsen (Chair – Regulatory Committee)

**1. PREAMBLE**

This report provides an analysis of the resource management issues relating the Council's Section 104 decision for the activity proposed under resource consent application RM100144.

**2. SITE DESCRIPTION & CONSENT BACKGROUND**

The applicant has provided a comprehensive description of the activity. Having visited the site on 20 September 2010, I concur with the report as written and have included it below for ease of reference. Minor edits have been made to clarify or expand on certain aspects.

The site, 35B Kotare Street, Waikanae, is legally described as Lot 1 DP409453 and is held within the certificate of title 434598 (A copy of the CT is attached as appendix 4 to the application, held on Council file RM100144).

The site is located on the eastern side of Kotare Street, Waikanae. The rear site is accessed via a sealed right of way that serves a number of other properties.

The site is relatively level from north to south but slopes down from east to west approximately four metres which means the house site will be excavated below existing ground level by up to approximately three metres on the south east corner. From the western edge of the building site the land slopes down to the west at a steeper grade. The roof of the dwelling within the adjoining site to the west is below the level of the land at the boundary.

The only nearby dwelling that is fully visible from the site is the applicant's dwelling at number 35D Kotare Street. The adjoining dwelling to the south is located a similar height

and location relative to the transmission lines but due to fencing and trees is only partly visible.

Two sets of 110kV overhead electrical transmission lines pass over the site. They are the Mangahao to Paekakariki A & B 110kV Transmission Lines (MHO-PKK for short). The A & B lines cross the site in a north-south direction, with the A line being the easternmost of the two. Each set of lines (i.e. A & B) is comprised of three separate steel reinforced aluminium wires (conductors) supported by 13m tall wooden poles. Each conductor is attached to the pole via a horizontal steel cross arm and ceramic insulator. The configuration and general appearance is shown below in Figure 3.

There are two poles on the subject site: Pole 744 on the MHO-PKK A line, and Pole 745 on the MHO-PKK B line.

Although, not apparent from a casual visit to the site, it is known from other consent activity in the vicinity that the A & B lines are de-energised at present and have been so for a number of years.



**Figure 1: Aerial view of the subject site and surrounding environment.**



**Figure 2: Aerial view of the subject site and immediate environment.**



**Figure 3: View of the subject site taken facing north. Poles 744 & 745 are shown.**



**Figure 4: Views of the vehicle access point to the subject site taken facing north and south respectively. Pole 744 is visible in both images.**



**Figure 5: View south from within the subject site showing portions of the proposed building site (staked) and poles 744 and 745 (left and right respectively).**

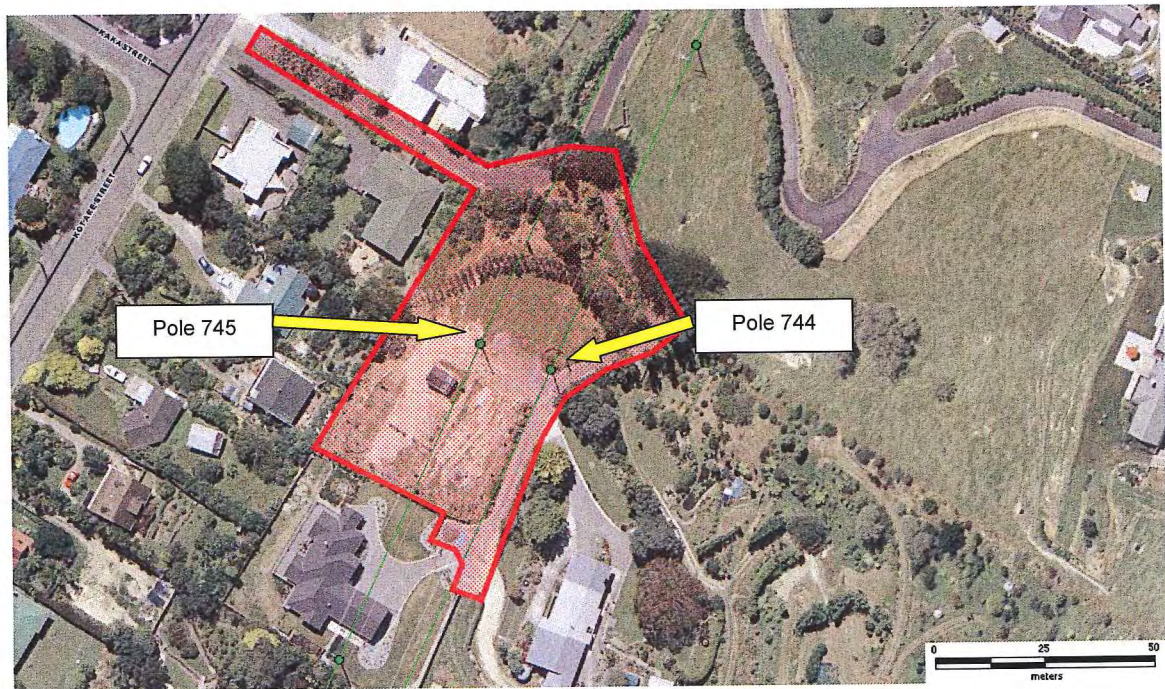


Figure 6: Aerial view of the subject site showing the central line of the MHO-PKK A & B Transmission Lines (green line), with the two poles on the site also shown.

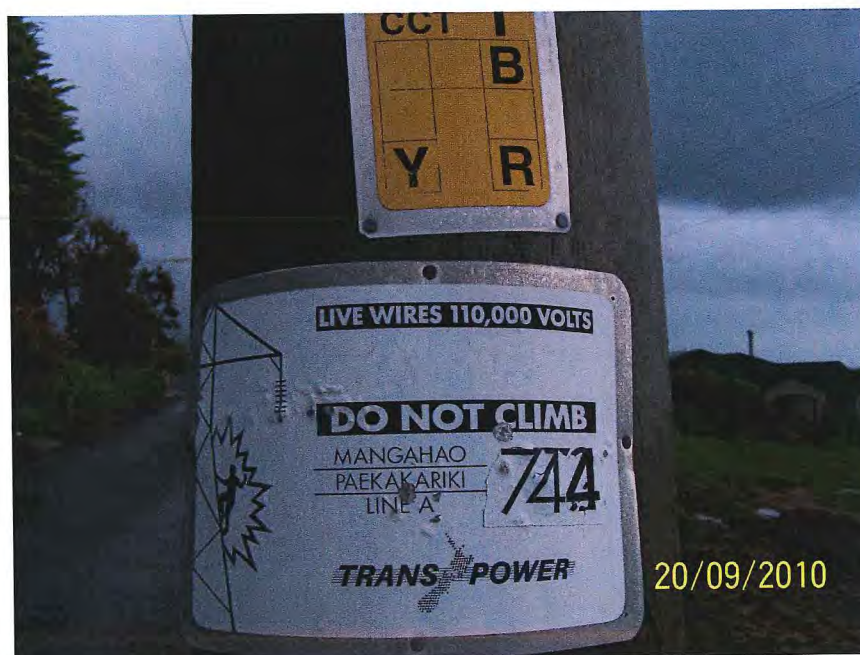


Figure 7: Hazard notice attached to pole 744 showing technical and safety warnings.

Larger lifestyle lots predominate the land immediately to the east and north, while smaller more typical residential allotments lie to the south and west.

Farther afield, the area is characterised by residentially developed sites of varying sizes and styles, the majority of which are now occupied. The main exception to this is the large Hemi Matenga Reserve that comprises the bulk of the land to the east, farther up the slope from the subject site.

As shown in Figures 6, 8 and 9 of this report, there are already dwellings and other buildings directly beneath the transmission lines. The site visit and a study of aerial images held by the Council have revealed at least 60 buildings (predominantly dwellings) are sited either beneath or in close proximity (within 20m of the centre line of each transmission line-measured outwards from each pole).

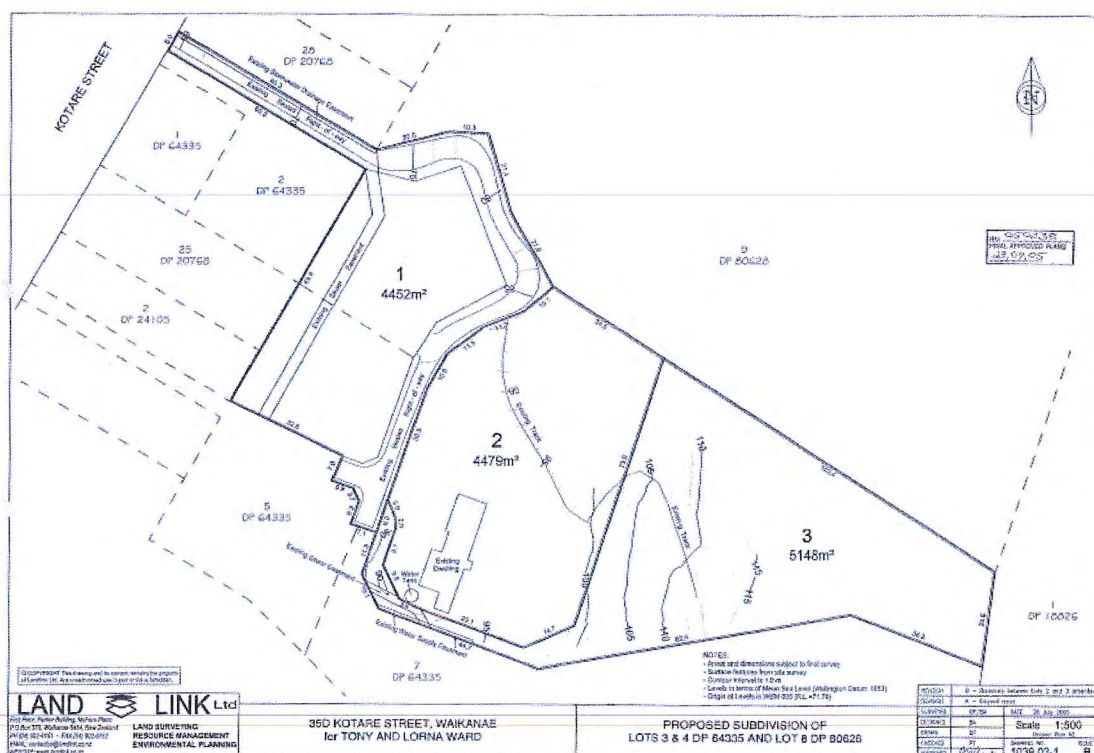


**Figure 8: GIS image showing A & B transmission lines and dwellings (shaded 'blocks'). The shaded corridor represents the 20m 'proximity zone' established by the District Plan – measuring 20m from the centre line of each transmission line (i.e. not each conductor but from the centre of the A & B lines as a whole). For simplicity's sake, the centre point for the A & B lines has been measured from the poles as these are typically situated in the centre of each line.**



**Figure 9: View of 27A Kotare Street, showing an existing dwelling directly beneath the A & B transmission lines.**

In terms of existing services, Council owned sewer and stormwater mains traverse the site in a south-north direction and are protected by a 3m wide easement.



**Figure 10: Approved subdivision plan showing the current layout and existing pattern of easements.**

## 2.1 Written Approvals

No written approvals were provided with the application.

## 2.2 Site History (consents)

**RM050238:** In 2005, subdivision resource consent was granted for a three lot subdivision. While no additional lots were created, it was determined that it was inappropriate to assess it as a boundary adjustment owing to the significant changes being made to the existing layout.

The table below sets out the existing (at the time) and proposed lot sizes.

| Existing      |                      | Proposed |                     |
|---------------|----------------------|----------|---------------------|
| Lot           | Area                 | Lot      | Area                |
| Lot 3 DP64335 | 1,612m <sup>2</sup>  | 1        | 4,452m <sup>2</sup> |
| Lot 4 DP64335 | 1,269m <sup>2</sup>  | 2        | 4,479m <sup>2</sup> |
| Lot 8 DP80628 | 11,198m <sup>2</sup> | 3        | 5,148m <sup>2</sup> |



Figure 11: Lot layout as it appeared prior to the approval of the 2005 subdivision and subsequent certification and registration of titles (red stars in each of the three lots).



Figure 12: Existing lot configuration.

The lots as approved in 2005 were certified under Sections 223 and 224 of the Resource Management Act 1991 in 2009 and the new titles subsequently issued.

Of particular interest/relevance to this proposal is the halving of the number of residential lots directly beneath the transmission lines as a result of the 2005 subdivision. Despite this, it is noted that neither the application nor the Council Planner's report made reference to the presence of the transmission lines.

**RM070072:** Land use resource consent was granted in 2007 for the construction of drive way access and crib wall and associated drainage.

### 3. THE PROPOSAL

#### 3.1 Description of Proposal

The application as held on Council file RM100144, contains a comprehensive description of the proposal which is repeated below for ease of reference.

*"The applicant, Mr Tony Ward, who owns numbers 35B and 35D Kotare Street, Waikanae, is seeking land use consent to undertake earthworks to form a building platform and a driveway; and to construct a dwelling and garage within number 35B near the MHO-PKK 110Kv transmission lines.*

*The earthworks principally involve cut, which will result in the creation of batters of up to approximately 3 metres in height. A small area of filling will be needed near the proposed garage which will be located in the south-eastern corner of the site.*

*Suitable retaining walls, designed by a structural engineer will be installed to ensure the integrity of the transmission pole foundations. All excavation work will comply with Transpower's document "Minimum Approach Distances Near 110kV Transmission Lines on Poles". The volume of cut will be approximately 430m<sup>3</sup>. The excess cut material will be disposed of at a site that is approved to receive it.*

*As the earthworks will exceed 1 metre in depth and 50m<sup>3</sup> in volume, resource consent is required for this aspect of the proposal.*

*The erosion and sediment control measures that will be utilised both during the construction period and until exposed areas of soil are revegetated will be:*

- Cut off drains where necessary;*
- Silt fences where necessary to control movement;*
- Retention of grass outside the earthworks site;*
- Retaining walls; and*
- Revegetating the exposed areas of soil on completion of the works with a combination of grass and shrubs.*

*On completion of the earthworks the applicant will then proceed to construct a dwelling on the north end of the site and a garage with an attached carport on the south eastern corner. The dwelling will be single storey and will contain three bedrooms, a single internal garage and a large open plan kitchen/living area.*

*The plans setting out the nature and extent of the proposed earthworks and location and layout of the dwelling are attached at Appendix 1 [held on Council file RM100144].*

*Two sets of 110kV power transmission lines run above the site. One set passes above the new dwelling. The height of the dwelling and the associated earthworks have been specifically designed to ensure the minimum separation distance to the transmission lines is achieved as is the minimum*

distance to the transmission line poles that are located within the site. While this is the case, resource consent is required for this aspect of the proposal as the relevant District Plan permitted activity standard requires dwellings to be located 20 metres from the centre line of the transmission lines.

A letter to the applicant from United Group New Zealand, who are responsible for assessing such proposals for Transpower, confirms that compliance with the minimum separation distances set out in the New Zealand Electrical Code of Practice 34: 2001 (NZECP:34) will be achieved is attached at Appendix 2 [held on Council file RM100144].

The construction of the dwelling and associated retaining walls will only commence once building consents are obtained. A land surveyor will need to set out the location and height of the foundations to ensure the minimum distances to the transmission lines and poles are complied with.

It is worth noting that there is no location within the site where a sensibly sized dwelling could be located and achieve compliance with the permitted activity standard relating to the location of buildings relative to 110kV transmission lines.

Also of some relevance is that up until May 2009 when the applicant completed a recent subdivision that resulted in a major adjustment to the boundaries of the three existing allotments he owned at that time, there were two allotments where number 35B is now located. These allotments, Lots 3 and 4 DP64335, were created in 1988. A copy of the deposited plan is attached at Appendix 3 [held on Council file RM100144]. The conditions of that consent do not restrict the location of any future dwelling within the site, so only the provisions of the District Plan are relevant to the application.

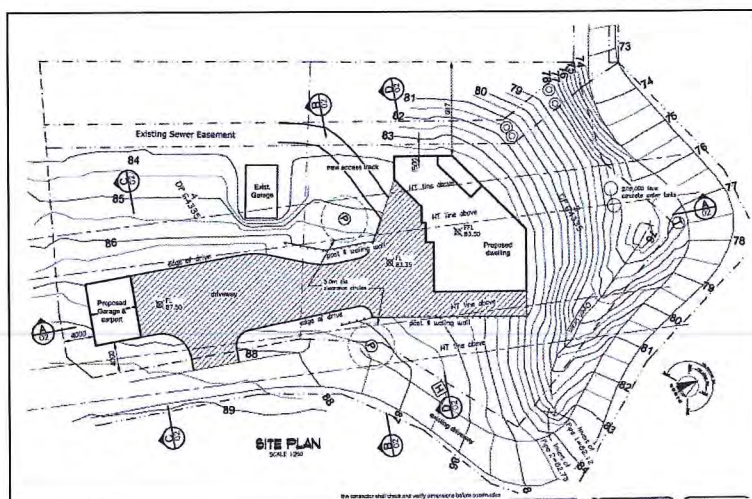


Figure 13: Site plan of proposed development.

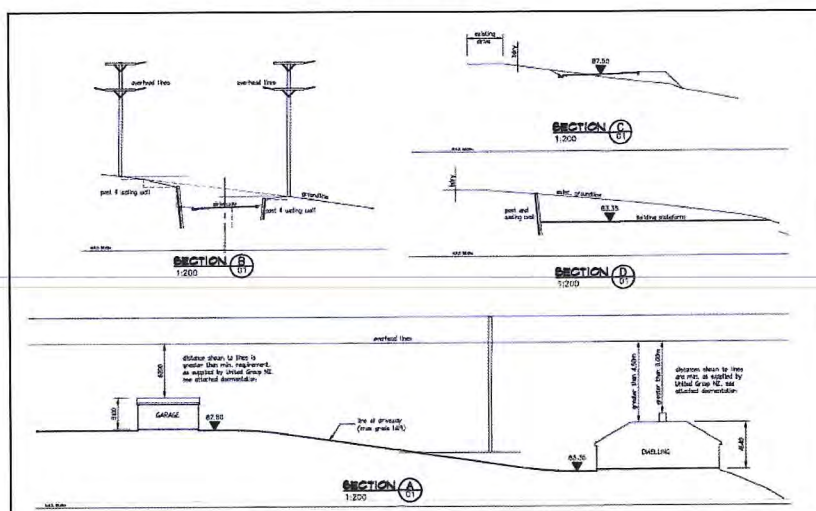


Figure 14: Elevations of proposed development.



Figure 15: Elevations of the proposed dwelling.

#### 4 NOTIFICATION

On 27 September 2010, Council officers acting under authority delegated by the Council decided that notice of the application should be served on Transpower New Zealand Limited. No other adversely affected parties/persons were identified, and the scale and intensity of effects was not deemed sufficient enough to warrant full public notification.

A copy of the Planner's Notification Report is held on Council file RM100144.

Notice was served on Transpower on 28 September 2010. Submissions closed on 28 October 2010.

One submission was received from Transpower. It neither supported nor opposed the proposal but instead was used to draw Council's attention to information, legislation and policy that would be relevant in determining the consent. A suite of conditions was also proposed by the submitter that they considered would mitigate or avoid certain adverse effects on their network.

The following extract is taken from Page Four of Transpower's submission:

*"Notwithstanding its preference for development free corridors, Transpower concedes that mitigation or avoidance of certain adverse effects can be achieved by conditions being imposed on resource consents if the Council decides that, in the particular circumstances of the proposal, consent can be granted."*

On Page Seven of the submission, Transpower stated that it did not wish to be heard in support of the submission.

#### 5. DISTRICT PLAN PROVISIONS

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

## **5.1 Kapiti Coast District Plan**

The property is zoned Residential under the Kapiti Coast District Plan. Aside from the MHO-PKK A & B 110kV Transmission Lines, it contains no other District Plan features.

## **5.2 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.1.1.1 Permitted Activities

The following are permitted activities:

(i) One dwelling and one family flat and accessory buildings on any lot provided they comply with all the permitted activity standards.

(xviii) All other activities, excluding retailing, which are not listed as controlled, discretionary, non-complying or prohibited and which comply with all the activity standards.

##### D.1.1.3 Discretionary Activities

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

NB: Edited for relevance. Please refer to the Kapiti Coast District Plan for the full text which should be read in conjunction with this report.

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## **Earthworks**

Shall not involve more the disturbance of more than 50m<sup>3</sup> (volume) of land and alteration of existing ground level by more than 1m 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 2m beyond the foundation line of the building in any five year period.

### **Separation of Buildings from High Voltage Transmission Lines (at or above 110kV)**

Buildings shall be at least 20m from the centre line of high voltage lines (110/220kV).

## **5.3 Status of the Activity**

The status of the activity is discretionary pursuant to Rule D.1.1.3 (i) of the Kapiti Coast District Plan as the earthworks will exceed 50m<sup>3</sup> in volume and 1m in height; and the proposed buildings (dwelling, carport and garage) are closer than 20m to the centre line of the MHO-PKK A & B 110kV transmission lines.

## **5.4 Relevant Objectives and Policies**

The following Objectives and Policies apply to this application (edited for relevance. Please refer to the Kapiti Coast District Plan for the full text which should be read in conjunction with this report).

### **C1 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.

#### **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.

### **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.

### **C16 Network Utilities**

#### **Objective 1.0**

To provide for the efficient development, operation and maintenance of network utilities throughout the District while minimising potentially adverse environmental impacts.

#### **Policy 1**

Recognise the existing network utility infrastructure as vital to the efficient function of the District.

### Policy 2

Provide for the operation, use and development of network utilities while ensuring the adverse effects on the environment (including the residential environment) are avoided, remedied or mitigated.

### Policy 3

When considering the construction of buildings or structures within 20 metres each side of the centre line of high voltage (110kV and 220kV) take into account the following:

- The extent to which the building or structure may restrict or inhibit the operation, access, maintenance or upgrading of the line or support structures.
- The potential cumulative effect of buildings or structures which may restrict the operation, access, maintenance or upgrading of the line or support structures.
- The nature of the building or activities which may occur within or around it and the number of persons likely to visit or work within the area and the extent to which they are potentially susceptible to harm from lines or support structures in the unlikely event of an emergency or line damage.

## **6. RELEVANT STATUTORY PROVISIONS**

### **6.1 Section 104 Provisions**

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.*

## 6.2 National Policy Statement on Electricity Transmission (NPSET)

It is fundamental to the sustainability of communities that a safe and reliable source of electrical energy is available. This has been reinforced by the enactment of the NPSET which provides that electricity transmission is a matter of national significance under the RMA and prescribes objectives and policies to guide the making of resource management decisions. The NPSET was gazetted on 13 March 2008 and came into force on the 28<sup>th</sup> day after that gazetting. It therefore applies to this application.

The stated objective of the NPSET is to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance, and upgrading of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations while:

- Managing the adverse environment effects of the network; and
- Managing the adverse effects of other activities on the network.

In particular, Policy 1 provides:

*"In achieving the purpose of the Act, decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. The benefits relevant to any particular project or development of the electricity network may include maintained or improved security of supply of electricity."*

In regard to managing the adverse effects of third parties on the transmission network, Policy 10 provides;

*"In achieving the purpose of the Act, decision makers must to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised."*

### **6.3 National Environmental Standards for Electricity Transmission Activities**

The National Environmental Standards (NES) came into force on 14 January 2010. The NES provides for the development of the transmission network subject to conditions where required and is applied nationally to ensure consistency of approach by territorial authorities.

While this application is not subject to the provisions of the NES, its contents do have relevance to the assessment of the proposal in terms of reverse sensitivity. In essence, the NES is an enabling piece of legislation that is intended to better provide for the long-term integrity of the transmission network.

Development within the line's restricted corridor could inhibit Transpower's ability to upgrade or operate the line beyond that which already exists.

## **7. SECTION 104 ASSESSMENT**

### **7.1 Adequacy of information**

Section 104(6) allows the consent authority to decline a consent application if it has inadequate information to determine the application. It is considered that the application contains sufficient information to enable it to be determined.

## 7.2 Assessment of Effects

### **Earthworks**

The applicant is proposing to undertake approximately 430m<sup>3</sup> of earthworks and to alter the height of the property by up to 3m. Such works are not wholly unexpected on residential allotments and are commonly required to create suitable building platforms on uneven sites.

In this instance, the earthworks will provide for the dwelling and garage to be set down as low as practical thus ensuring that the minimum safety distances from the transmission lines and poles are able to be met. Note that these distances are from NZECP 34:2001 and not the District Plan's standards. If the site *is* to be developed in compliance with the safety set back requirements, then the earthworks are critical in ensuring that the dwelling can be occupied with a lesser degree of risk to the inhabitants from the transmission lines.

In terms of visual impact on landform as a result of the earthworks, the site has already been heavily modified and is situated in the midst of a developed area. The excavation and formation of a new building platform will not appear out of context in this environment and no significant long-term effects are anticipated.

Construction effects will be temporary and localised in nature. The applicant has stated that run-off, sedimentation, noise, dust and other emissions will be controlled to ensure that they are within acceptable limits. It is considered that any such effects can be adequately addressed by requiring the applicant to follow set procedures as imposed via suitably worded conditions of consent.

The applicant has also undertaken an analysis of the truck movements that will form an integral part of the earthworks (haulage). The driveway/right of way is considered to be of sufficient width and design to accommodate the short-term increase in vehicle movements. This has been assessed by Council's Subdivision Engineers who concur with the findings of the applicant. A number of conditions have been proposed that will ensure that any adverse effects are adequately controlled should consent be granted.

Overall, it is considered that the earthworks can be carried out in a manner that will result in adverse effects that will be less than minor.

### **Development of buildings within 20m of transmission lines**

The applicant states:

*"The proposed construction of the dwelling will be undertaken in accordance with the plans provided, the building consent that will be obtained, and standard construction procedures which will all ensure the transmission poles and lines are not affected. This has occurred in many instances in the past within Waikanae where dwellings and accessory buildings have been built under and near these transmission lines.*

*The primary concern that Transpower, the network operator, would obviously have relates to the potential effects that may be generated through the construction of the buildings upon its ability to maintain and operate the transmission lines.*

*In terms of the construction procedure and the separation distance of the proposed buildings to the transmission lines, the applicant has received a letter from United Group*

*New Zealand that states the recommended setbacks specified within NZECP 34:2001 have been met by the design proposed. On this basis the proposed structures are likely to have minimal effects in relation to the safety of future residents and in relation to the transmission lines and the poles themselves.*

*The poles are no closer than seven metres to the proposed dwelling and the separation of the lines to the roof of the proposed dwelling meets the minimum distance required as mentioned above. Taking into account these transmission lines already pass over a number of dwellings in the surrounding area and they have recently been upgraded, approximately 2000-2002, without any apparent impediment, there would appear to be little effect from the placement of this dwelling within an existing allotment where no other practical building site clear of the lines is available.*

*As mentioned previously, the completion of the subdivision in May 2009 which resulted in lots 3 and 4 DP64335 being combined to form this one allotment, which is the subject of this application, has resulted in a far better outcome and less potential effects than would otherwise have resulted."*

I generally concur with the above considerations. The proposed building does fully comply with the minimum safety distances as specified in NZECP34:2001, so in that regard any risk to occupiers of the dwelling etc are within limits deemed acceptable by that legislation. The NZECP goes far beyond the standards of the District Plan in terms of ensuring the safety of third parties and is recognised as being an essential 'other matter' to which Council may have regard during the assessment of proposals such as this.

Prior to the lodgement of the application, Transpower implied (verbally) that they had no concerns regarding the proposal. Despite this, the company decided not to provide their written approval. This was in accordance with current Transpower policy.

Once served with notice, Transpower also decided to neither support nor oppose the application, despite taking the opportunity to lodge a submission. The content of the submission implies that Transpower does not object to the development provided that certain conditions are imposed (a suite of conditions was included with their submission). This appears to have been a policy based decision as Transpower is not prepared to be seen supporting development within 20m of a 110kV line even if it has no specific concerns in this instance.

In terms of impacts on Transpower, the proposed works could impede their ability to operate, maintain and develop the existing infrastructure. The objectives and policies of the Kapiti Coast District Plan, and the NPSET which to a certain extent takes precedence over the District Plan's policies, are both clear in that development must be managed in such a way so as to avoid reverse sensitivity effects on the network. While 'compliance' with objectives and policies is not a prerequisite for an application to be granted, it is considered that they form a sound platform upon which to determine the significance of a potential effect.

Should consent be granted, Transpower could be placed in a position where they are no longer able to operate, upgrade etc their network to the degree to which they are currently entitled.

For example, regulation 14(4)(b) of the NESET (note that the NES supersedes the District Plan in respect of Transpower's activities), states that Transpower must not relocate, or replace with another line support structure, so that any part of the structure at ground level is any closer to an occupied building, if the existing structure is within 12m of the building

(measured horizontally). At present, Transpower can relocate or replace poles (subject to other clauses of the NESET) as a permitted activity. The erection of a dwelling within 12m of the existing poles would curtail this right.

Transpower are aware of this and have been provided with the opportunity to object. However, as stated above, Transpower chose instead to suggest a set of conditions that they considered would avoid and mitigate adverse effects to an acceptable level.

The proposal complies with NZECP 34:2001; Transpower have not objected, and have instead proposed conditions. Furthermore, while the construction of the dwelling would prevent Transpower replacing the poles as a permitted activity, they would still be able to apply for a land use consent to do so as a restricted discretionary activity. Even in the absence of a dwelling, Transpower cannot replace a pole with a tower (a larger steel lattice construction that is generally considered to have a greater impact on visual amenity) as of right, and while it is impossible to prejudge such matters, it would be unlikely that consent would not be granted to replace like for like in the future. To do otherwise would potentially jeopardise the structural integrity of the network, thus resulting in more significant adverse effects than any visual or amenity impact on adjoining land owners.

In this context, it is considered that any effects on Transpower will be less than minor.

Regarding precedent issue and cumulative effects, I concur with the applicant that a precedent for development within the 20m corridor has already been set. As shown in Figure 8 of this report, there are at least 60 occupied buildings (as defined by the NES) within the restricted area. Some, such as the one immediately to the south of the site were established via resource consent; others have been in place for many years and are considered to have existing use rights (note that the latter has not been tested using the formal process established by Section 139A of the Act for any of those buildings).

Despite the precedent, the applicant has correctly identified that each case must be assessed on its merits, and the issue of precedent is instead another matter that can be used to put the scale and intensity of effects into context.

The cumulative effect however, is more apparent and potentially more significant in terms of the long-term viability of the network. As stated above, there is already a large number of dwellings and other buildings in proximity to the lines. Many of these buildings have been in existence for several years, if not decades. Despite this, the applicant has correctly stated that the lines *were* upgraded in 2000-2001 (replacement cross-arms, new conductors etc), in spite of the presence of the buildings.

This implies that to date, the built up area in proximity to the lines has not created a significant barrier to the upgrading of the lines. Further more, the operation of the lines (should they be re-energised in the future) is unlikely to be impeded provided all buildings comply with the set back distances of NZECP 34:2001. However, this does not mean that the inclusion of additional buildings beneath the lines can be dismissed as insignificant. With cumulative effects, there typically comes a point where saturation point is reached and the level of effect on in this instance, the network, exceeds the critical point and shifts from being less than minor to minor (or more than minor depending on the context).

Prior to notification of the consent, it could not be stated with absolute certainty whether the saturation point would be reached should consent be granted and the development proceed. Note that Council itself is not directly responsible for the management of the network, but does have a duty to ensure that Transpower is able to adequately fulfil its functions. However, as discussed above it is considered that Transpower are still able to

reasonably maintain and operate the lines. Had Transpower considered that the saturation point had been reached, they had the opportunity to oppose the development via a submission.

In the context of the locality, the scale of any cumulative effects created by the addition of one more dwelling in proximity to the lines is less than minor.

The landowner could also be considered to be a potentially affected party as they are proposing to develop and occupy a property directly beneath both sets of lines. However, as the landowner is also the occupant, this is tantamount to a written approval under the RMA and as such, any effect on them will be disregarded. Such considerations do not extend to future occupants of the dwelling however.

Clearly, the identity of future owners/occupants of the dwelling cannot be ascertained. Having carefully considered the matter, it is considered that compliance with NZECP 34:2001 will ensure that the dwelling can be occupied safely. The standard and indirectly related NES also set levels for electric fields and ensure that no health risk will occur, provided they are complied with.

Should the applicant elect to sell the property, any potential purchaser will be able to make an informed decision as to whether to purchase and/or reside there. Any risk, perceived or otherwise will be made by that party and is not the responsibility of Council. Having said that however, the Council does have an obligation to ensure that land is developed in a sustainable manner. In that light, it is considered that compliance with the NZECP 34:2001 is the most practical way to ensure that the site can be safely occupied. Should consent be granted, the requirement to comply with the distances as set out by the Code can be imposed via a suitably worded condition of consent.

### **7.3 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; the National Environmental Standard for Electricity Transmission; and the National Policy Statement on Electricity Transmission during the assessment of this proposal.

### **7.4 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.

Regard was had to the provisions of the Long Term Council Community Plan (LTCCP) during the assessment of this proposal. The importance of infrastructure within the District is recognised as being of significance. Amenity values are also considered to be of importance, and the document aims to allow for the provision of infrastructure without major loss of amenity.

In this instance, given the context of the development it is considered that the balance will be achieved. The specific reasons for this are described above under Sub Chapter 7.2 of this report (Assessment of Effects).

## **8. 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).

### **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 not considered to be contrary to the overall purpose of the Act. The development will not result in a significant lessening of Transpower's ability to operate the existing transmission network as discussed under Sub Chapter 7.2 of this report (Assessment of Effects). The proposed activity provides for the development of an existing allotment.

### **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.

There are no matters of national importance that are of relevance to this proposal.

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

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

Particular regard was had to Sections 7(b) - The efficient use and development of natural and physical resources; 7(c) - The maintenance and enhancement of amenity values; and 7(f) - Maintenance and enhancement of the quality of the environment, during the assessment of this proposal.

Each matter is covered under Sub Chapter 7.2 (Assessment of Effects) of this report.

## Section 8-Treaty of Waitangi

The proposal was presented to and discussed with, a representative of Te Ati Awa ki Whakarongotai Charitable Trust. No specific concerns were raised as the site is not known to have been intensively occupied in the past.

The Iwi representative requested that standard conditions of consent be imposed on the earthworks aspect of the activity to ensure that any cultural sites/artefacts receive an adequate degree of protection. This is standard practice for earthwork consents in the District, and can be imposed in this instance should consent be granted.

Overall, the proposal is not considered to be contrary to the principles of the Treaty.

## 9. CONDITIONS

While neither supporting nor opposing the activity, Transpower still took the opportunity to propose the following conditions as part of their submission:

### "General"

1. *The proposal must be undertaken in accordance with the plans and information submitted with the application. No variation or amendment to the submitted building plans will be approved by the Council without the submission of a satisfactory and comprehensive assessment by a suitably qualified and experienced electrical engineer. In the event that an amendment or variation is proposed by the consent holder, Transpower must be provided with a copy of the electrical engineer's assessment and given the opportunity to review and comment on their assessment.*

*Any comment made by Transpower must be included with the electrical engineer's assessment when that is provided to the Council.*

2. *All activities undertaken on the site, including the construction of new buildings/structures, earthworks (filling and excavations), and/or the operation of mobile plant must comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001). Construction Management Plan*

3. *The consent holder must submit a Construction Management Plan (CMP) for the approval of Kapiti Coast District Council. The CMP must include procedures, methods and measures to be applied to address the following:*

- (a) Earthworks;*
- (b) Maintenance at all times of adequate clearances between mobile plant and the overhead transmission lines (refer Clause 5.2 of NZECP34:2001);*
- (c) Provisions to enable the existing high voltage infrastructure to be accessed for maintenance at all reasonable times, or emergency works at all times, whilst construction activities associated with the building development are occurring; and,*
- (d) Pre-construction site survey and layout to ensure that the building will be constructed and the earthworks undertaken in compliance with the relevant separation distances specified in NZECP34:23001.*

*Note: The CMP is required because Transpower's Mangahao – Paekakariki A and B 110 kV transmission lines and two support structures (Poles 744 and 745) are located within the site and without appropriate management during construction giving effect to the consent has the potential to cause adverse effects on the electricity infrastructure.*

4. Without limiting the generality of Condition 3 the consent holder:

- (a) Must not deposit any excavated or other material under or near the Mangahao – Paekakariki A and B transmission lines where the vertical distance from the ground to the conductors would be reduced to less 6.5 metres (Note: This applies to all activities including possible temporary stockpiles);
- (b) Must not undertake any excavation near Pole 744 or 745 that would not comply with the restrictions specified in Clause 2.2.1 of NZECP34:2001;
- (c) Must not operate or allow to be operated any mobile plant in a manner that the minimum safe separation distance of 4 metres between the machinery and the conductors is not maintained; and,
- (d) Must manage dust or particulate matter emissions so that it does not create any dust hazard or nuisance to the Mangahao – Paekakariki A and B transmission lines or Poles 744 and 745 and associated insulators.

5. The CMP must:

- (a) Specify the name, experience and qualifications of a person nominated by the owner to supervise the implementation of, and adherence to, the CMP.
- (b) Include details of the contractor's liability insurance held to cover any costs, direct or indirect, associated with damage to the Mangahao – Paekakariki A and B transmission lines directly or indirectly caused by activities undertaken to give effect to the consent.

6. No construction activities are to be undertaken without the CMP being first approved by the Council, and all construction activities are to undertaken in accordance with the approved plan.

#### Landscaping

7. Any landscaping undertaken on the site must consist of species that does not have the ability to reach such a height that it is able to:

- (a) encroach into the growth limit zone under the Hazards from Trees Regulations; or,
- (b) fall within 5 metres of the conductors on the Mangahao – Paekakariki A and B transmission lines.

Note: The Electricity (Hazards from Trees) Regulations 2003:

- Define safe separation distances between trees and overhead lines;
- Specify responsibilities for ensuring clearances are maintained; and
- Place potential liability on tree owners, if any damage or accidents occur due to trees touching the overhead lines.

#### As-Built

8. Before the dwelling is used for residential activities, the consent holder must submit an as-built plan for the approval of Kapiti Coast District Council. This must be accompanied by a report by a suitably qualified and experienced electrical engineer confirming that building construction and the excavations comply with the relevant separation distances specified in NZECP34:2001.

#### Cumulative Effects

9. The application site (being that land defined as Lot 1 DP 409453) shall not be used for any more than one dwelling, and in accordance with sections 109 and 108(2)(d) of the RMA a covenant to this effect shall be registered on the certificate of title for that land."

In response, the applicant stated via email (prepared and sent by his consultant) that he was prepared to accept all of the consent conditions proposed by Transpower with the exception of Condition 9. The reason for this is as follows:

*“Condition 9 states that the site shall not be used for any more than one dwelling and that a covenant should be placed upon the title of Tony’s property to that effect.*

*As discussed, both Tony and I strongly believe that the permitted activity standards relating to the proximity of buildings to the transmission lines are sufficient protection for Transpower and their infrastructure. This has clearly been demonstrated in this case via the limited notification of this application to building a dwelling and accessory building near the lines.*

*There is also sufficient case law to confirm that such a consent condition is not legal as it imposes a harsher encumbrance on the land than is necessary, the permitted activity standard serves the purpose, and creates a continuing encumbrance should the transmission lines be removed.*

*As also discussed there are currently 6 allotments making use of the right of way that leads to Tony’s [the applicant/landowner] site so any further development or subdivision within any of those sites that would result in an additional dwelling would require a further resource consent in any case.”*

Additional conditions have been proposed by the Council’s Subdivision Engineer to ensure that any adverse effects of the earthworks are avoided, remedied or mitigated. These are the standard conditions imposed on earthworks consents in the District and need not be discussed further here.

Overall, it is considered that the conditions as proposed by Transpower, with some minor amendments to reflect the Council’s preferred condition structure, are acceptable and will adequately serve to avoid, remedy or mitigate any adverse effects that arise. Condition 9 is not required as this is not addressing an adverse effect of the proposed activity (i.e. approval of this consent does not automatically mean that additional buildings can be built). The intent of the condition is to prevent additional buildings such as a family flat from being built beneath the lines. However, the proximity of available building sites to the power lines on the property is such that no additional occupied buildings can be built without the need to apply for resource consent. As such, it is considered that the need to preserve the future integrity of the network can be adequately achieved via the existing District Plan provisions.

## **10. CONCLUSION**

Ideally, no dwellings would be built within the 20m restrictive corridor as provided by the Kapiti Coast District Plan. However, in this instance a lot has been created that cannot be developed without encroaching into the restricted area.

The applicant has demonstrated that the proposed development can occur in complete accordance with the recognised safety distances as specified in the relevant New Zealand standards.

Further to the above, Transpower have not objected to the development and while not openly supporting the proposal, have provided a set of conditions that they consider will avoid and mitigate any potentially adverse effects on their network.

After careful assessment of the available information, it is considered that any adverse effects will be less than minor (including cumulative effects) and that should the

development proceed in the proposed format, Transpower's ability to operate the line will not be impeded to a degree that is significantly worse than already exists.

Consent may therefore be granted subject to conditions.

## 11. RECOMMENDATION

That pursuant to Sections 104 and 104B of the Resource Management Act 1991 consent be **granted** to **undertake earthworks to form a driveway & building platform; and to construct a dwelling & garage within 20m of the Mangahao-Paekakariki (MHO-PKK) A & B 110kV overhead transmission lines at 35B Kotare Street, Waikanae (Lot 1 DP 409453)** 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 activity shall be undertaken in accordance with the plans and information submitted with the application. No variation or amendment to the submitted building plans will be approved by the Council without the submission of a satisfactory and comprehensive assessment by a suitably qualified and experienced electrical engineer. In the event that an amendment or variation is proposed by the consent holder, Transpower shall be provided with a copy of the electrical engineer's assessment and given the opportunity to review and comment on their assessment.

Any comment made by Transpower must be included with the electrical engineer's assessment when that is provided to the Council.

#### Construction Management/Earthworks

4. All activities undertaken on the site, including the construction of new buildings/structures, earthworks (filling and excavations), and/or the operation of mobile plant shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001). Construction Management Plan.

5. The consent holder shall submit a Construction Management Plan (CMP) for the approval of the Kapiti Coast District Council's Subdivision Engineer. The CMP must include procedures, methods and measures to be applied to address the following:
- (a) Earthworks.
  - (b) Maintenance at all times of adequate clearances between mobile plant and the overhead transmission lines (refer Clause 5.2 of NZECP34:2001).
  - (c) Provisions to enable the existing high voltage infrastructure to be accessed for maintenance at all reasonable times, or emergency works at all times, whilst construction activities associated with the building development are occurring.
  - (d) Pre-construction site survey and layout to ensure that the building will be constructed and the earthworks undertaken in compliance with the relevant separation distances specified in NZECP34:23001, and the relevant provisions of the Council's Subdivision & Development Principles & Requirements 2005.
  - (e) The CMP shall specify the name, experience and qualifications of a person, or persons, nominated by the owner to supervise the implementation of, and adherence to, the CMP; and shall include details of the contractor's liability insurance held to cover any costs, direct or indirect, associated with damage to the Mangahao – Paekakariki A and B transmission lines directly or indirectly caused by activities undertaken to give effect to the consent.
  - (f) No construction activities shall be undertaken without the CMP being first approved by the Council's Subdivision Engineer, and all construction activities are to undertaken in accordance with the approved plan

Note: The CMP is required because Transpower's Mangahao – Paekakariki A & B 110 kV transmission lines and two support structures (Poles 744 and 745) are located within the site and without appropriate management during construction, giving effect to the consent has the potential to cause adverse effects on the electricity infrastructure.

6. Without limiting the generality of Condition 5 the consent holder shall:

- (a) not deposit any excavated or other material under or near the Mangahao – Paekakariki A and B transmission lines where the vertical distance from the ground to the conductors would be reduced to less 6.5 metres (Note: This applies to all activities including possible temporary stockpiles);
- (b) not undertake any excavation near Pole 744 or 745 that would not comply with the restrictions specified in Clause 2.2.1 of NZECP34:2001;
- (c) not operate or allow to be operated any mobile plant in a manner that the minimum safe separation distance of 4 metres between the machinery and the conductors is not maintained; and,
- (d) manage dust or particulate matter emissions so that it does not create any dust hazard or nuisance to the Mangahao – Paekakariki A and B transmission lines or Poles 744 and 745 and associated insulators.

7. The consent holder shall ensure that soil support is not removed from adjacent lots, and that all batters are self supporting.

8. Where the existing landform or vegetative cover is disturbed, suitable ground cover shall be established as soon as practicable following earthworks or within five days of completion of the works, whichever occurs first. For the avoidance of doubt, 'suitable cover' means in the application of basecourse, topsoil, grass or mulch, or an alternative if approved by the Council's Subdivision Engineer.

9. The consent holder shall pay Council Engineering Fees of \$211 (GST inclusive) for work that may be required to assess the CMP; and for site inspections and consent compliance monitoring.

NB: Additional fees may apply in accordance with the Engineering Fees Schedule adopted by Council from 1 July 2010. Note that the current charge out rate is \$105 per hour (GST inclusive).

9. Should a waahi tapu or other cultural site be unearthed during an excavation work, the contractor and/or the consent holder shall:
- (a) Cease operations;
  - (b) Inform local at Te Ati Awa ki Whakarongotai Charitable Trust;
  - (c) Inform the New Zealand Historic Places Trust (NZHPT) and apply for an authority if required;
  - (d) Take appropriate action, after discussion with Iwi, the NZHPT, and the Council to remedy damage and/or restore the site.

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

#### Landscaping

10. Any landscaping undertaken on the site shall consist of species that do not have the ability to reach such a height that it is able to;
- (a) encroach into the growth limit zone under the Electricity (Hazards from Trees) Regulations 2003 ; or,
  - (b) fall within 5 metres of the conductors on the Mangahao – Paekakariki A and B transmission lines.

NB: The Electricity (Hazards from Trees) Regulations 2003:

- Define safe separation distances between trees and overhead lines;
- Specify responsibilities for ensuring clearances are maintained; and
- Place potential liability on tree owners, if any damage or accidents occur due to trees touching the overhead lines.

#### As-Built

11. Before the dwelling is used for residential activities, the consent holder shall submit an as-built plan to the Council's Subdivision Engineer for written approval. This must be accompanied by a report by a suitably qualified and experienced electrical engineer confirming that building construction and the excavations comply with the relevant separation distances specified in NZECP34:2001.

#### **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 the exercise of any of the above conditions are the responsibility of the consent holder.
- This resource consent does not grant the holder any exemption from the requirements of NZECP 34:2001 "New Zealand Electrical Code of Practice for Electrical Safe Distances". Such legislation is administered by Transpower New Zealand Limited whose formal permission will be required should any part of the development fail to comply with those regulations.

### Reasons for Recommendation

In accordance with Sections 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.

Recommended by:

Colin Bridges   
Senior Resource Consents Planner

Wayne Gair (peer reviewer)   
Senior Resource Consents Planner

Date: 11-11-10

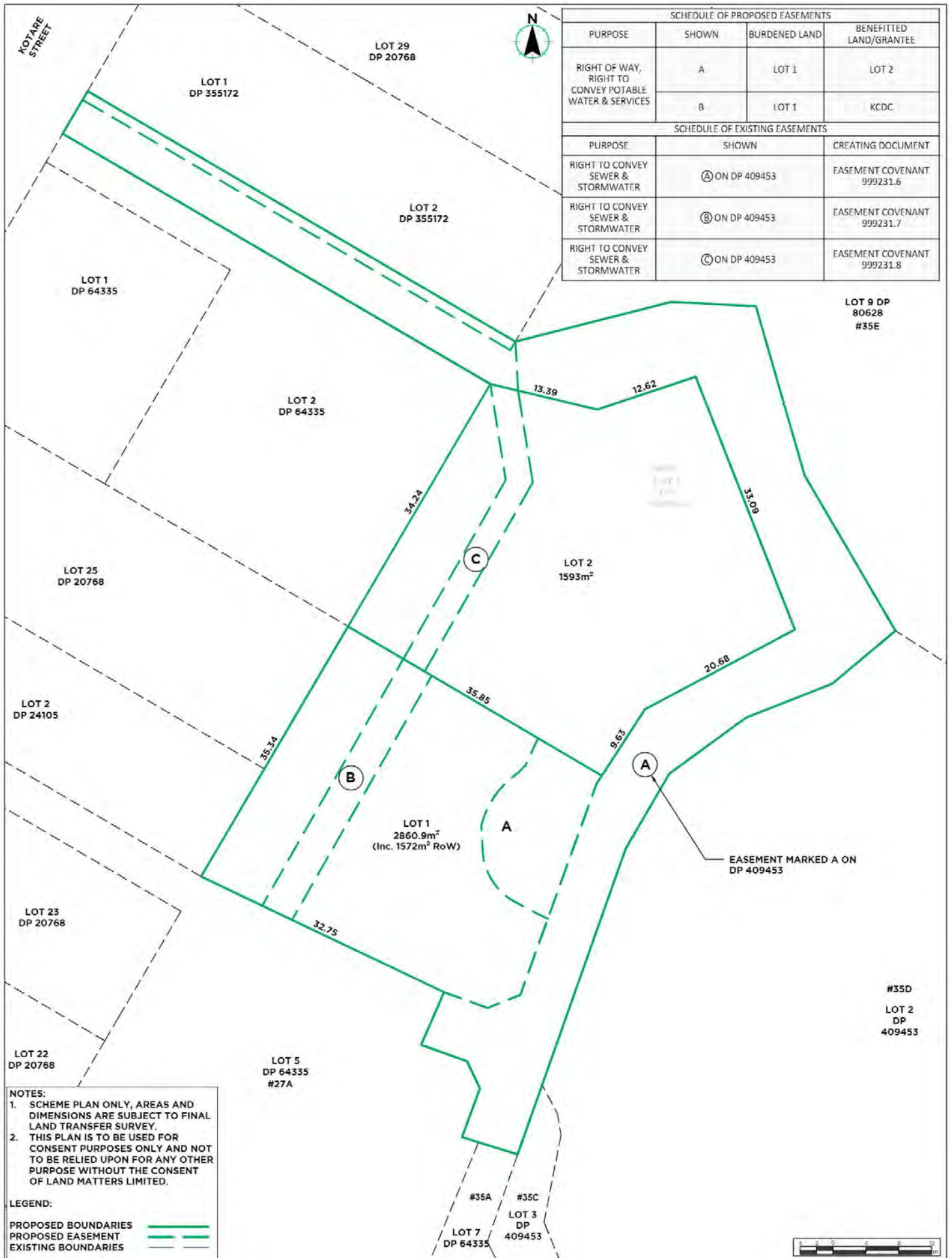
Date: 11-11-2010

## 12 DECISION

**"That the above recommendation be adopted"**

  
Councillor Diane Ammundsen (Chair – Regulatory Committee)

Date: 12/11/10



| SCHEDULE OF PROPOSED EASEMENTS                         |                |               |                            |
|--|----------------|---------------|----------------------------|
| PURPOSE  | SHOWN          | BURDENED LAND | BENEFITTED LAND/GRANTEE    |
| RIGHT OF WAY, RIGHT TO CONVEY POTABLE WATER & SERVICES | A              | LOT 1         | LOT 2                      |
|  | B              | LOT 1         | KCDC                       |
| SCHEDULE OF EXISTING EASEMENTS                         |                |               |                            |
| PURPOSE  | SHOWN          |               | CREATING DOCUMENT          |
| RIGHT TO CONVEY SEWER & STORMWATER                     | A ON DP 409453 |               | EASEMENT COVENANT 999231.6 |
| RIGHT TO CONVEY SEWER & STORMWATER                     | B ON DP 409453 |               | EASEMENT COVENANT 999231.7 |
| RIGHT TO CONVEY SEWER & STORMWATER                     | C ON DP 409453 |               | EASEMENT COVENANT 999231.8 |

- NOTES:
1. SCHEME PLAN ONLY, AREAS AND DIMENSIONS ARE SUBJECT TO FINAL LAND TRANSFER SURVEY.
  2. THIS PLAN IS TO BE USED FOR CONSENT PURPOSES ONLY AND NOT TO BE RELIED UPON FOR ANY OTHER PURPOSE WITHOUT THE CONSENT OF LAND MATTERS LIMITED.

LEGEND:

PROPOSED BOUNDARIES  
PROPOSED EASEMENT  
EXISTING BOUNDARIES

PREPARED BY



CLIENT

GEOFF DANGERFIELD &  
CLAIRE DOUGLAS

PROJECT

GEOFF DANGERFIELD -  
35B KOTARE STREET,  
WAIKANA E - RESOURCE  
CONSENT

DRAWING TITLE

SCHEME PLAN

DATE

16/08/2023

PROJECT NO.

1101

SCALE

1:200 @ A1

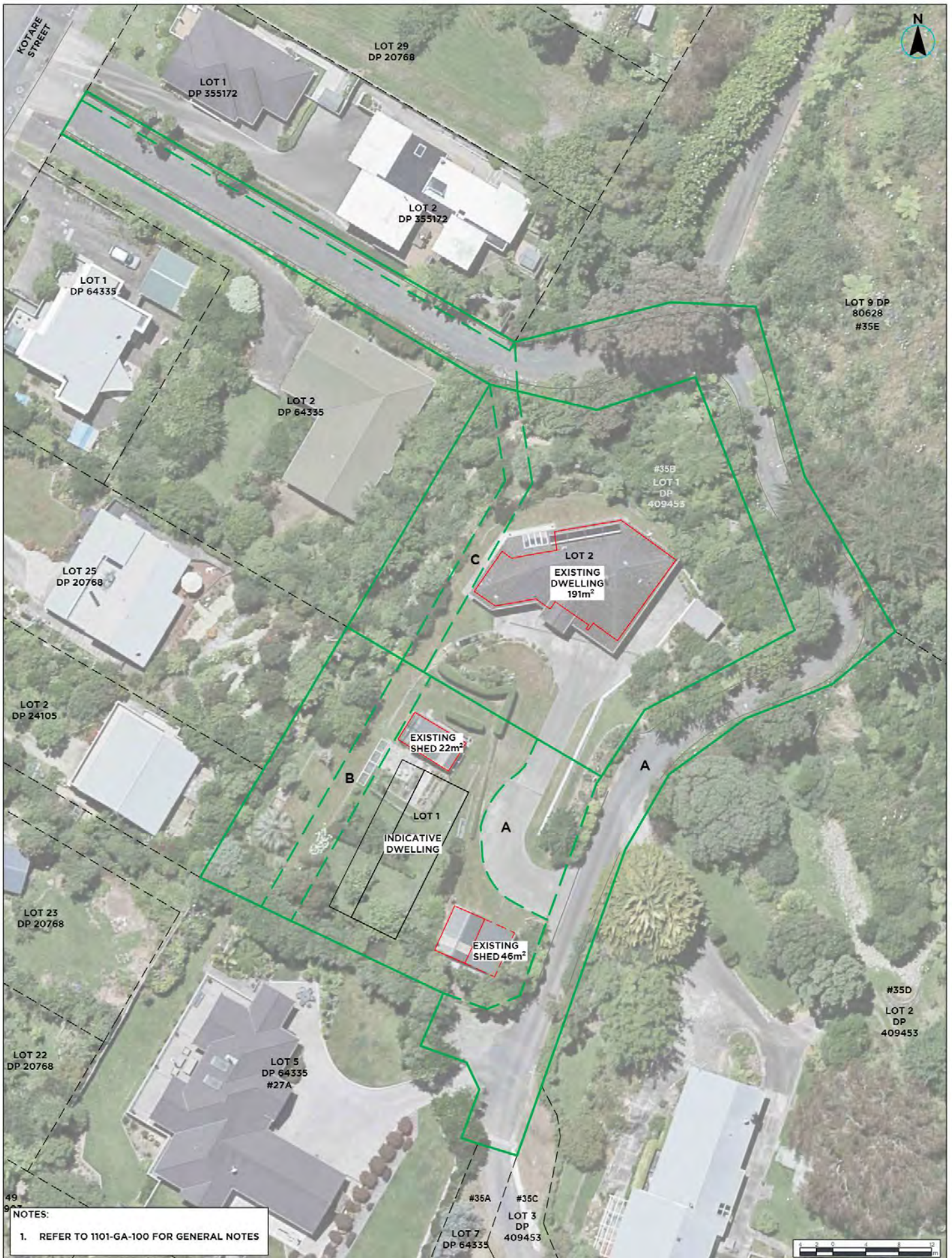
1:400 @ A3

DRAWING NO

1101-SP-150

REV

1



NOTES:

1. REFER TO 1101-GA-100 FOR GENERAL NOTES

PREPARED BY



CLIENT

GEOFF DANGERFIELD &  
CLAIRE DOUGLAS

PROJECT

GEOFF DANGERFIELD -  
35B KOTARE STREET,  
WAIKANA E - RESOURCE  
CONSENT

DRAWING TITLE

GENERAL  
ARRANGEMENT PLAN

DATE

16/08/2023

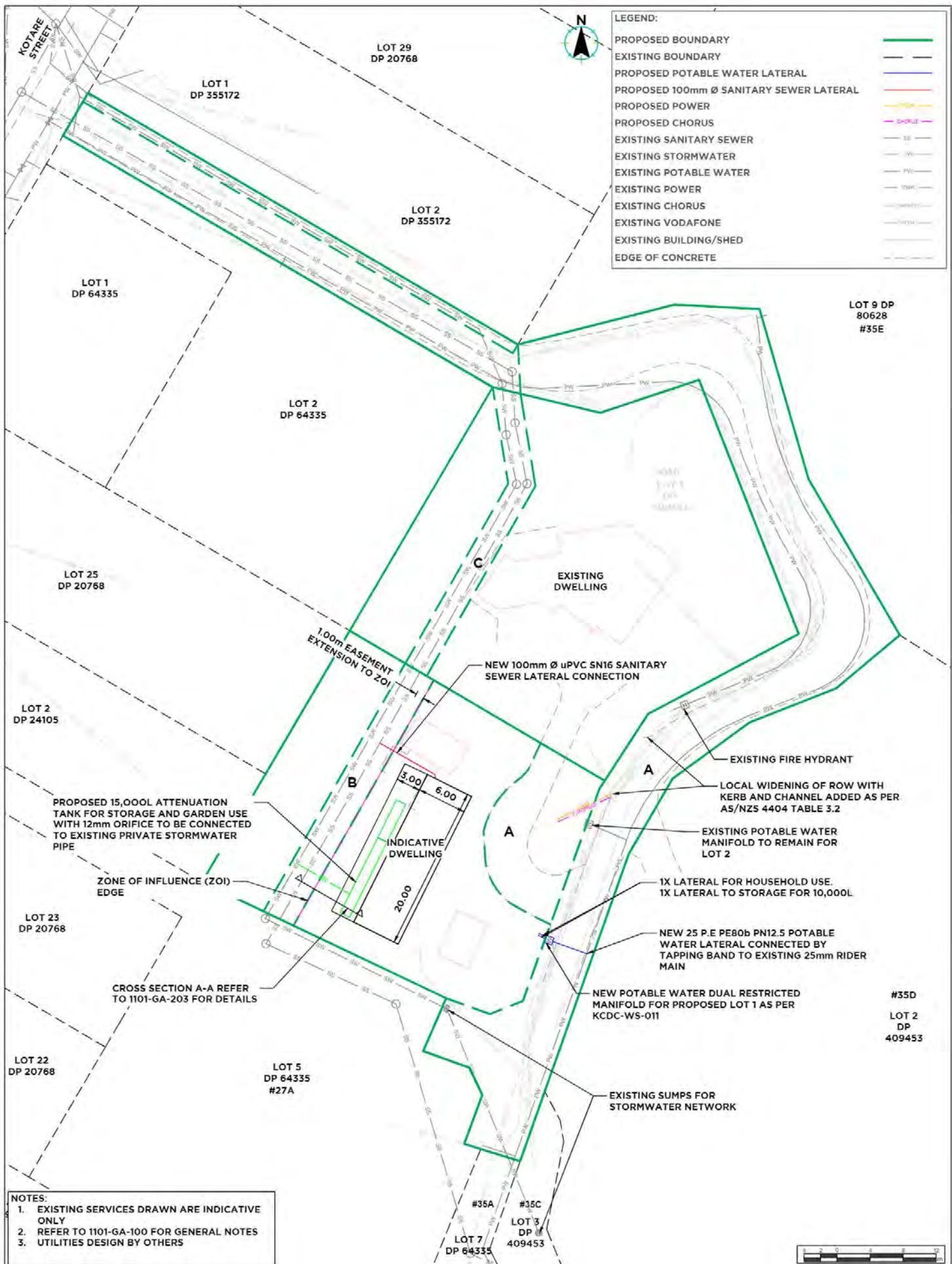
PROJECT NO. 1101

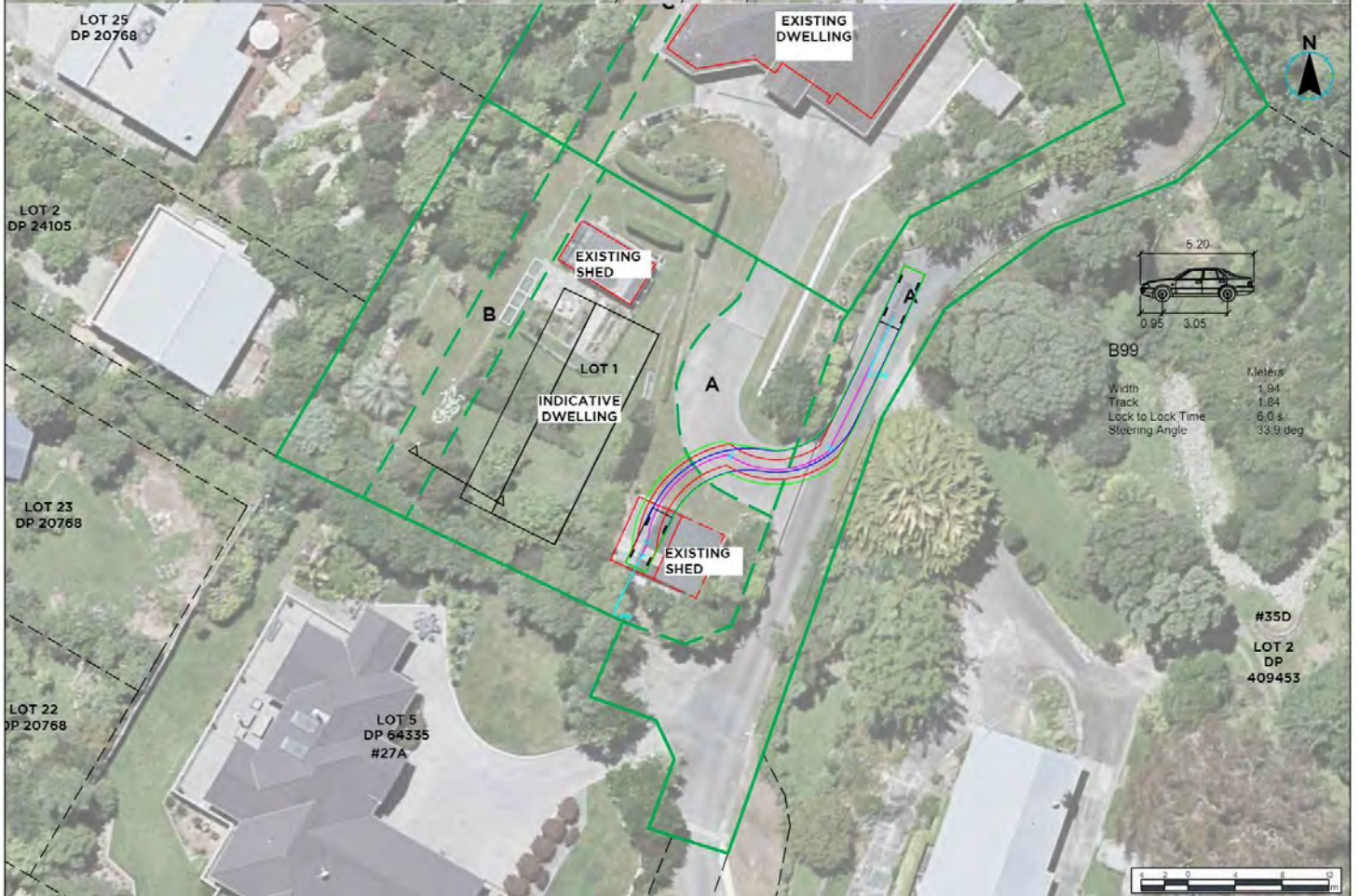
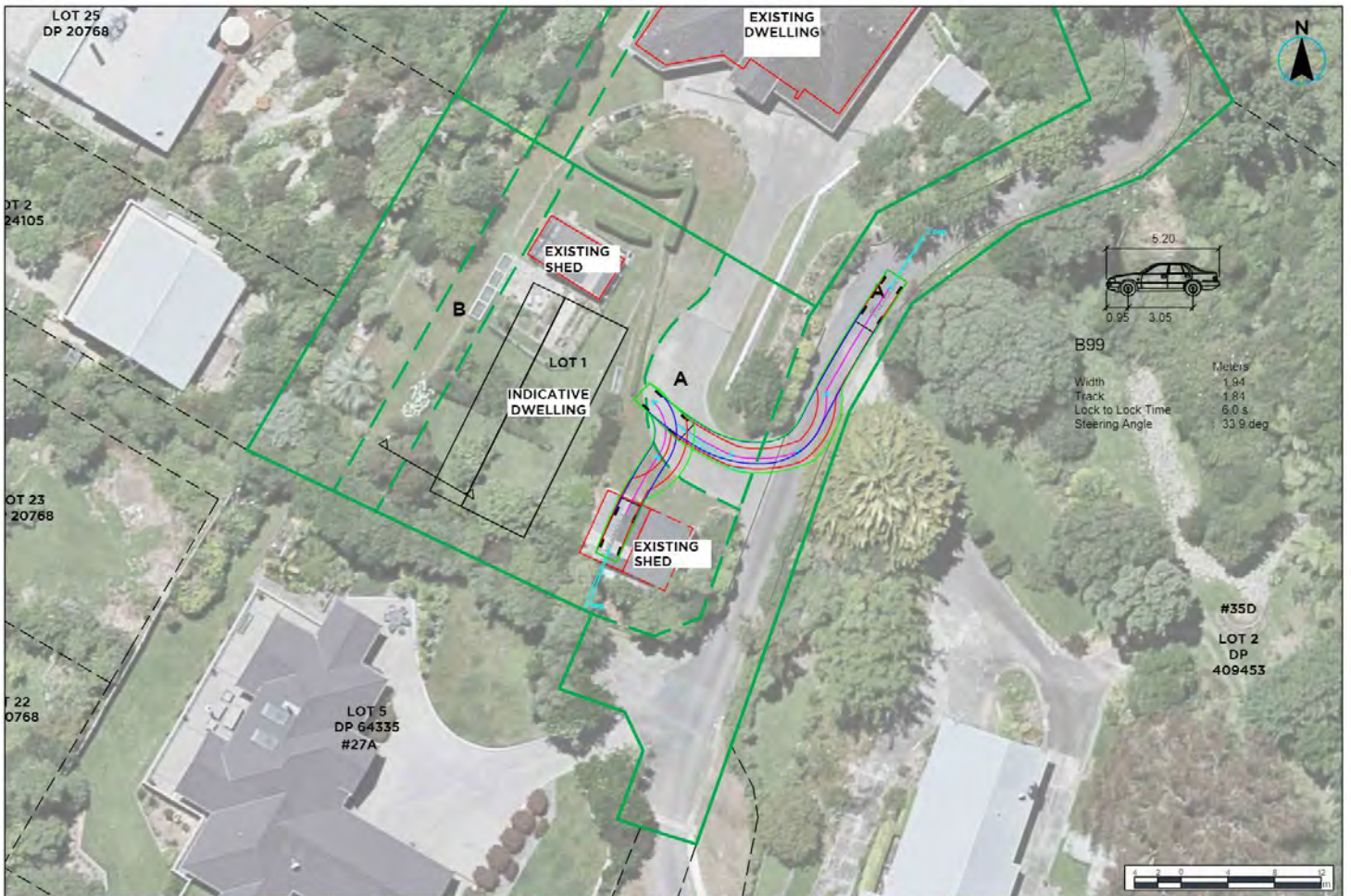
SCALE 1:200 @ A1

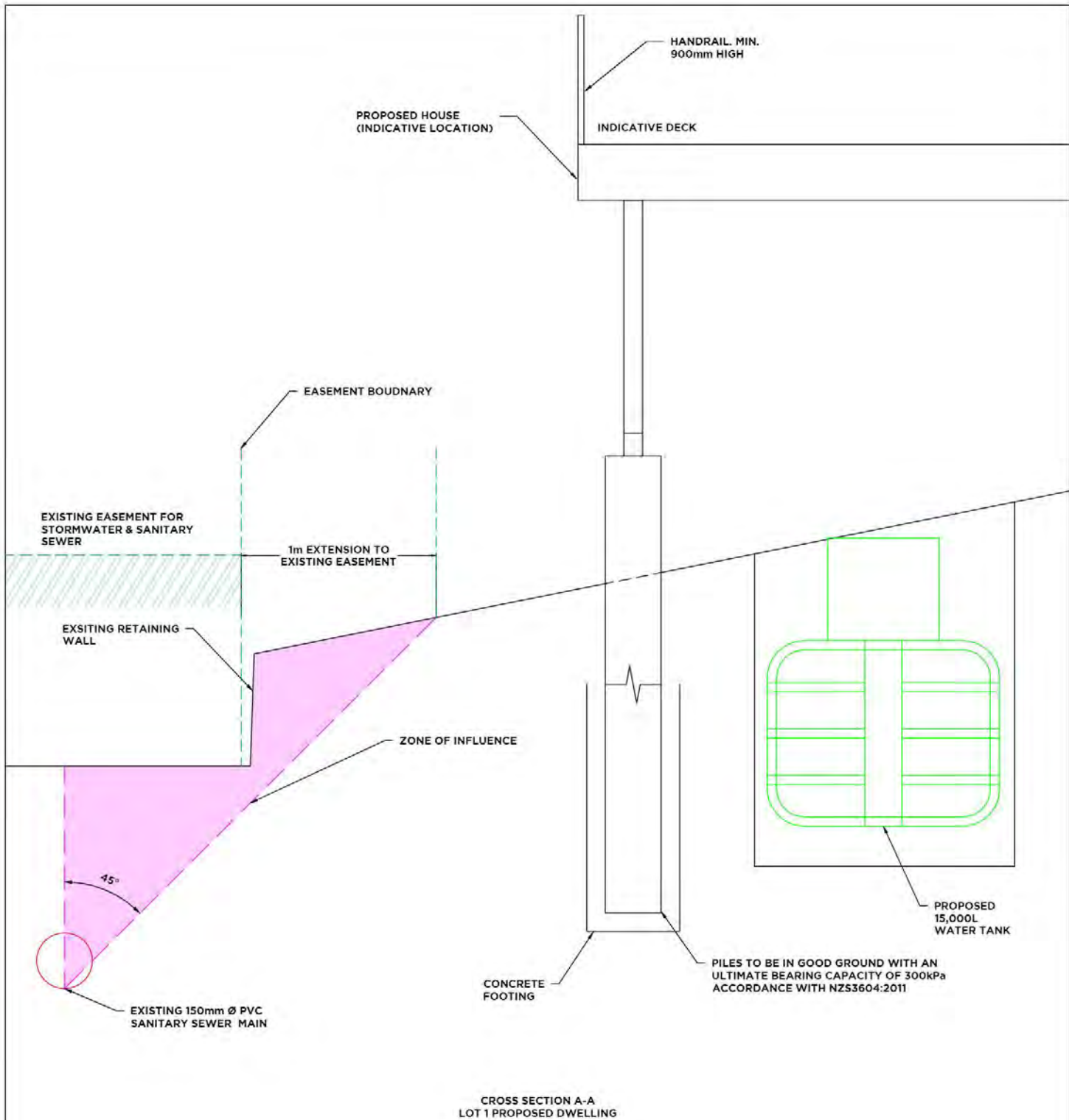
1:400 @ A3

DRAWING NO. 1101-GA-200

REV 1







- NOTES:**
1. EXISTING SERVICES DRAWN ARE INDICATIVE ONLY
  2. REFER TO 1101-GA-100 FOR GENERAL NOTES



PREPARED BY



CLIENT

**GEOFF & CLAIRE  
DANGERFIELD**

PROJECT

**GEOFF DANGERFIELD -  
35B KOTARE STREET,  
WAIKANAE - RESOURCE  
CONSENT**

DRAWING TITLE

**CROSS SECTION  
DETAIL**

DATE

**11/08/2023**

SCALE:

**1:10 @ A1  
1:20 @ A3**

DRAWING NO.

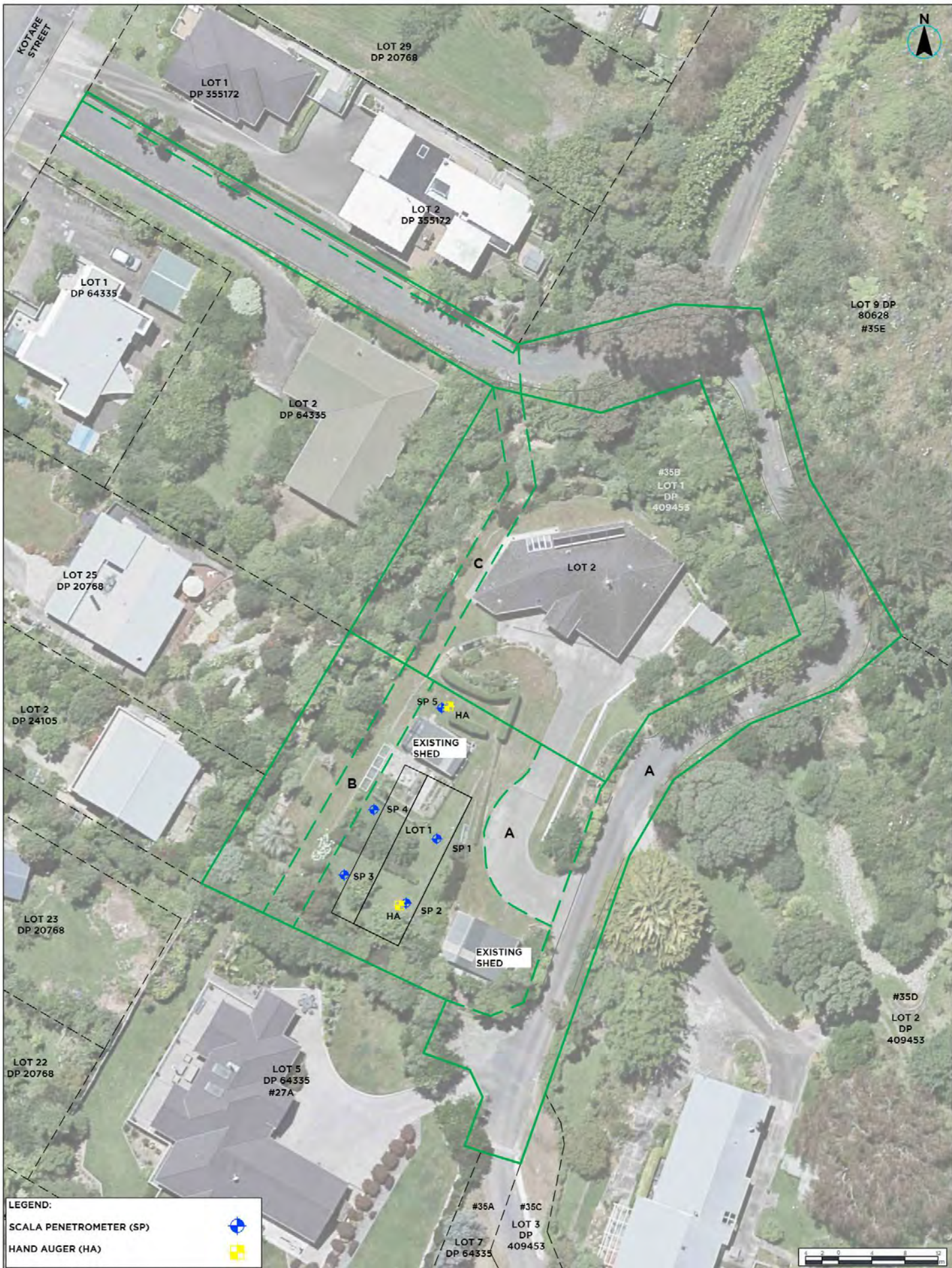
**1101-GA-201**

PROJECT NO.

**1101**

REV

**1**



LEGEND:

SCALA PENETROMETER (SP) 

HAND AUGER (HA) 

|  |  |   |   |             |                          |
|--|--|---|---|-------------|--------------------------|
| <div>PREPARED BY</div> <div> <b>LANDMATTERS</b></div> | <div>CLIENT</div> <div><b>GEOFF &amp; CLAIRE DANGERFIELD</b></div> | <div>PROJECT</div> <div><b>GEOFF DANGERFIELD - 35B KOTARE STREET, WAIKANAĒ - RESOURCE CONSENT</b></div> | <div>DRAWING TITLE</div> <div><b>SCALA PENETROMETER AND AUGER LOCATION PLAN</b></div> | DATE        | PROJECT NO.              |
|  |  |   |   | 3/08/2023   | 1101                     |
|  |  |   |   | SCALE       | 1:200 @ A1<br>1:400 @ A3 |
|  |  |   |   | DRAWING NO. | REV                      |

5 October 2023

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

|  |   |
|--|---|
| <b>Application no.</b>                 | RM230145  |
| <b>Applicant</b>                       | Geoff Dangerfield & Claire Douglas                      |
| <b>Site address</b>                    | 35B Kotare Street, Waikanae                             |
| <b>Legal description</b>               | Lot 1 DP 409453, RT 434598                              |
| <b>Site area</b>                       | 4453 m <sup>2</sup>                                     |
| <b>Applicant's address for service</b> | C/- Land Matters Limited, 20 Addington Road, Otaki 5581 |
| <b>Proposal</b>                        | 2 Lot subdivision creating 1 additional allotment.      |
| <b>Operative District Plan Zone</b>    | General Residential Zone                                |
| <b>Activity status</b>                 | Subdivision - Discretionary                             |

|                                |   |
|--------------------------------|---|
| <b>Report prepared by</b>      | Sarah Banks, Senior Resource Consents Planner |
| <b>Report peer reviewed by</b> | Sashin Nair, Team Leader Resource Consents    |

|  |                |
|--|----------------|
| <b>Date consent application received</b> | 29 August 2023 |
|--|----------------|

## 1 EXECUTIVE SUMMARY

This report provides an analysis of the resource management issues relating to notification status and the Council's Section 104 decision for the activity proposed under resource consent application RM230145. The decisions at sections 5 and 9 are to:

- Consider the proposed development on a non-notified basis (section 5); and
- Grant consent to the proposed activity to undertake a two-lot fee simple subdivision (section 9) subject to a number of conditions as set out at the end of this report.

## 1.1 Application documents (plans and reference documents)

The following information has been provided with the application:

- Application form and Assessment of Environmental Effects (AEE) prepared by Landmatters and dated 29 August 2023. The AEE concludes that the effects on the environment will be less than minor;
- Record of Title 434598;
- Plans - 1101-SP-100 – 150, 1101-GA-200, 201, 202 and 1101-PNT-1000 Rev. 1 prepared by Landmatters and dated 16 August 2023;
- Engineering Report prepared by Landmatters and dated August 2023; and
- Traffic Impact Assessment prepared by Wanty Transportation Consultancy dated 20 August 2022.

## 2 THE PROPOSAL

### 2.1 Description of Proposal

The applicant seeks resource consent for a two-lot subdivision at 35B Kotare Street, Waikanae. An indicative dwelling has been shown on lot 1 for the purposes of compliance.

The details of the subdivision are summarised below;

| Proposed Lot | Area of Lot (m <sup>2</sup> ) | Existing Buildings   | Site Coverage |
|--------------|-------------------------------|--|---------------|
| 1            | 2860.9m <sup>2</sup>          | 191m <sup>2</sup> Dwelling                                     | 6.67%         |
| 2            | 1593m <sup>2</sup>            | Two sheds 22m <sup>2</sup> and 46m <sup>2</sup> to be retained | 4.26%         |

The proposed lots are to be accessed via a right of way labelled 'A', this will create rights to transfer down onto the new record of title. The 6m wide right of way is over proposed Lot 1 in favour of proposed Lot 2. The existing right of way is used by 6 properties, so the proposed subdivision will be the 7<sup>th</sup> party.

As detailed in the Integrated Transport Assessment; this is a non-compliance with respect to the access width, the proposed increase from 6 existing dwellings using the right of way to 7 dwellings does mean that the right of way, which currently complies with the NZS4404: 2010 cross-section widths for 1-6 dwelling units (E9), would no longer comply with that for E11 so discretionary approval is sought for the additional dwelling unit.

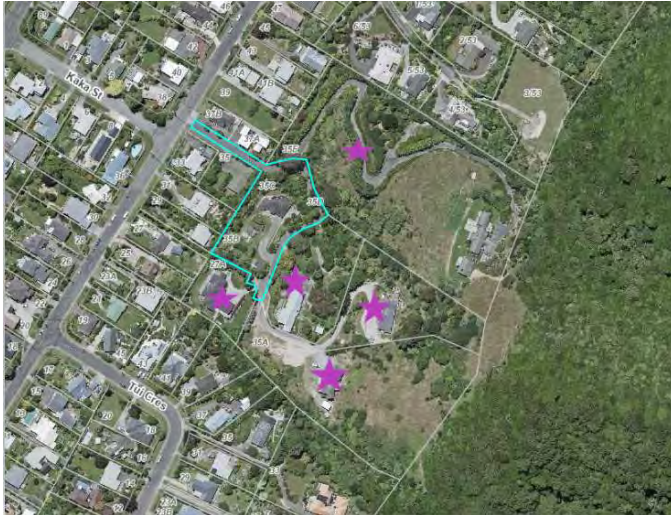


Figure 1: Existing users/properties for right of way purple stars, application site light blue

The proposal states that no earthworks will be part of the proposed subdivision.

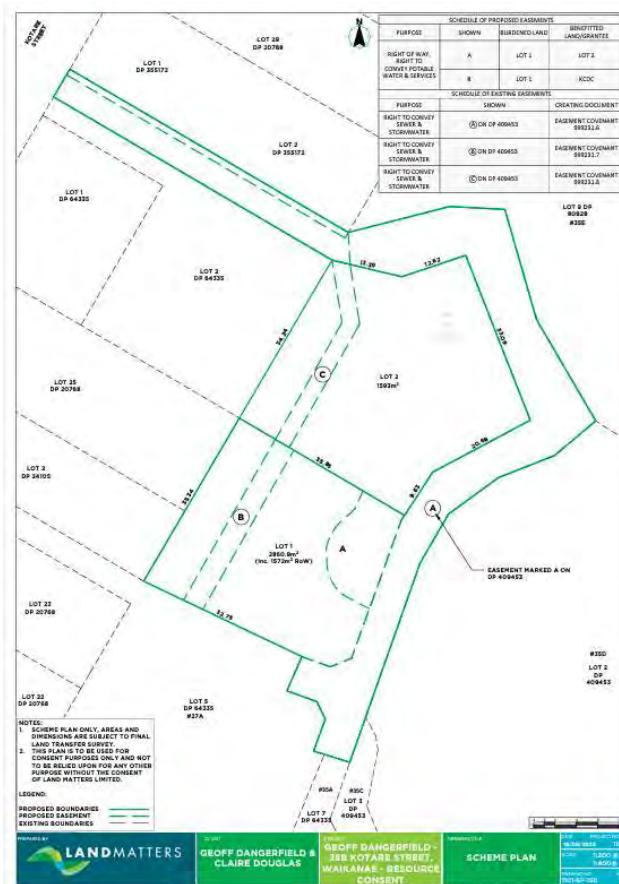


Figure 2: Proposed Scheme Plan

### **3 SITE AND SURROUNDING ENVIRONMENT**

#### **3.1 Site Description**

The application site is located at 35B Kotare Street, Waikanae. The site is moderately sloping and slopes up from Kotare Street with a 6m wide access leg which gains 10m in elevation to the main part of the lot and a further 10m to the plateau area where the existing dwelling is located. Behind the dwelling the site gains another 4m in elevation near the southern boundary.

The site is legally described as Lot 1 DP 409453 and contains 4453m<sup>2</sup> within record of title 434598. Various easements are registered on this title for stormwater, sewer, and the right of way (which is unlimited), there is no limitation or restriction as to why it could not be transferred to the new lot.



Figure 2: Existing driveway formation, that will become 'A, between 37A and 35 Kotare Street.

The application site is not identified on the Greater Wellington Selected Land Use Register as being an identified HAIL site or as being potentially contaminated.

There were Mangaho - Paekakariki A & B 110kv overhead transmission lines previously located within this site, these were removed.

#### **3.2 Surrounding Environment**

The surrounding area has a broad range of lot sizes established between 500m<sup>2</sup> and 5388m<sup>2</sup> which is very low density with a significant amount land available within them.

This is typical within a residential area, where the General Residential Zone anticipates this type of development.

#### **3.3 Consent History**

The following consents have been lodged for the subject site:

| Application Number | Proposal   | Status Date              |
|--------------------|--|--------------------------|
| RM100144           | Earthworks for the driveway 3m deep and building platform to construct a dwelling and garage near the Mangaho-Paekakariki A & B 110kv overhead transmission lines. This was a limited notified application served on Transpower. | Granted 15 November 2010 |
| RM050238           | Three lot subdivision that created the site, this also established the shared right of way access.   | S224 issued 12/8/2009    |
| RM070072           | Earthworks for associated with the construction of a driveway access and crib wall and drainage.   | Granted 11/4/2007        |

### 3.4 External Consultation

No comments were sought in respect of this proposal.

## 4 OPERATIVE DISTRICT PLAN PROVISIONS

### 4.1 Kapiti Coast Operative District Plan

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

Plan Change 2 (Intensification) was notified on 18 August 2022 and the final decision was made 10 August 2023 with an operative date of 1 September 2023 and all of the plan is now operative. In this instance, the Objectives and Policies, and all rules of Plan Change 2 do have relevance in the consideration of this application as it was lodged after the preliminary decision from the panel granting Plan Change 2 on 19 August 2023.

### Operative District Plan Zoning and Overlays

The property is zoned General Residential Zone under the Kapiti Coast District Plan. The subject site is also affected by a shallow surface flow flood hazard in one small corner which is near the vehicle access leg and is shown to have Coastal Environment as per the District Planning Maps.

Two key indigenous trees Kahitikea and Totara, are identified on 37A and 39 Kotare Road, Waikanae.

### 4.2 Operative District Plan Rules and Standards

The Rules and Standards that apply to this application are:

#### Subdivision

The proposal includes a 2-lot fee simple residential subdivision which does not meet the definitions of a boundary adjustment under SUB-RES-R25 because a new lot is being created.

- The subdivision is unable to comply with the controlled activity standards where 6m are required and therefore is considered to be a Discretionary Activity under SUB-RES-R30 because the subdivision contains an existing residential unit and does not increase the degree of non-compliance with GRZR33.
- The site does not contain sand or peat, so is not Controlled under SUB-DW-R9.
- The proposal is also considered to be a Restricted Discretionary Activity under SUB-DW-R5 for an allotment in the General Residential Zone, where the Controlled Activity Standards are not able to be met.

Taking the bundling approach the proposed subdivision is a Discretionary Activity under SUB-RES-R30.

Note: No earthworks are proposed in association with this subdivision. The proposal has been assessed to comply with the relevant/referenced land use rule GRZ-R33.

### **4.3 Activity Status**

Taking a bundling approach, the proposed subdivision is a Discretionary Activity under SUB-RES-R30.

## **5 NOTIFICATION**

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

***95 Time limit for public notification or limited notification***

***95A Public notification of consent applications***

***95B Limited notification of consent applications***

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

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

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

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

### **5.1 Effects that must be disregarded**

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

The adjacent land includes the following properties:

- 35 Kotare Street, Waikanae (Lot 2 DP 64335);
- 37A Kotare Street, Waikanae (Lot 2 DP 355172);
- 35E Kotare Street, Waikanae (Lot 9 DP 80628);
- 35D Kotare Street, Waikanae (Lot 2 DP 409453);
- 35C Kotare Street, Waikanae (Lot 3 DP 409456);
- 35A Kotare Street, Waikanae (Lot 7 DP 64335);
- 27A Kotare Street, Waikanae (Lot 5 DP 64335);
- 29 Kotare Street, Waikanae (Lot 2 DP 24105); and
- 31 Kotare Street, Waikanae (Lot 25 DP 20768).

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

## **5.2 Effects that may be disregarded – permitted baseline assessment**

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

The effects associated with this proposal cannot be disregarded under the permitted baseline as all subdivisions require resource consent under the District Plan.

## **5.3 Receiving environment**

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

The receiving environment is comprised of other residential development which is an anticipated form of development within this general residentially zoned area. It includes the existing residential dwelling on the existing site, constructed in 2010 and associated residential landscaping.

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

## **5.4 Adverse Effects**

As a controlled activity this assessment is limited to the matters for which control is reserved, it is considered that the following potential effects need to be considered in respect of this proposal;

- Design and Layout Effects;
- Vehicle Access and Transport Effects;
- Visual, character and Amenity Effects;
- Natural Hazard Effects; and
- Effects relating to the provision of services.

### **Design & Layout effects**

The proposal is a two-lot subdivision with relatively large lot sizes 2860.9m<sup>2</sup> and 1593m<sup>2</sup> where proposed Lot 2 will contain the existing dwelling.

The proposed lots are to be accessed via direct road frontage and a right of way labelled ‘A’, this will create rights to transfer down onto the new record of title. The 5 - 6m wide right of way is over proposed Lot 1 in favour of proposed Lot 2. The existing right of way is used by 6 properties, so the proposed subdivision will be the 7<sup>th</sup> party.

As detailed in the Integrated Transport Assessment; this is a non-compliance with respect to the access width, the proposed increase from 6 existing dwellings using the right of way to 7 dwellings does mean that the right of way, which currently complies with the NZS4404:2010

cross-section widths for 1-6 dwelling units (E9), would no longer comply with that for E11 so discretionary approval is sought for the additional dwelling unit.

The proposal has been assessed to comply with the relevant/referenced land use rule GRZ-R33. An area of shallow surface flow exists on this site, but this is positioned over the existing access/right of way. The dwelling positions existing and proposed on each lot are elevated well above this hazard. An indicative dwelling platform has been shown on proposed Lot 1.

I consider that the design and layout of the two-lot subdivision is practical and is consistent with the density anticipated by the District Plan in this location and the effects of this will be less than minor.

## Vehicle Access and Transport Effects

Each of the Lots are to be accessed via direct road frontage and a right of way labelled 'A', this will create rights to transfer down onto the new record of title for proposed Lot 1. The 5 - 6m wide right of way is over proposed Lot 1 in favour of proposed Lot 2. The existing right of way is used by 6 properties, so the proposed subdivision will be the 7<sup>th</sup> party.

An integrated transport assessment was provided with the application, this was prepared by a suitably chartered and qualified engineer in the practice field Transport Engineering.

As detailed in the Integrated Transport Assessment;

- *The proposal includes a non-compliance with respect to the access width, the proposed increase from 6 existing dwellings using the right of way to 7 dwellings does mean that the right of way, which currently complies with the NZS4404:2010 cross-section widths for 1-6 dwelling units (E9), would no longer comply with that for E11 so discretionary approval is sought for the additional dwelling unit.*
- *As mitigation of this non-compliance the applicant intends to undertake the following works; At the next bend the Applicant proposes to install a (covered) convex mirror to further improve visibility around the bend in both directions from where the RoW is wide enough for cars to pass each other. Just downhill of the #35D driveway opposite the site the existing carriageway is approximately 4.9 m coinciding with a short missing section of kerb. The Applicant proposes to realign the end of the existing kerb and install new kerbing to provide locally at least 5.5 m carriageway. In the vicinity a drop in place rubberised speed hump is also proposed to encourage slow downhill speed around the one-lane bends, and to encourage slower speeds on the upper straight section that also includes the #27 access at the turning head.*
- *The following cross-sectional elements are note;*

Table 1: NZS4404:2010 Cross-sectional elements for different road categories

| Ref.        | Area:<br>Land Use | Local<br>Attributes      | Locality<br>served       | Target<br>Oper.<br>Speed | Road<br>res.<br>width | Traffic<br>lanes<br>ex. sh | Pedes-<br>trians /<br>footpath | Cyclists | Parking<br>loading,<br>other | Class<br>(vehicles<br>per day) |
|-------------|-------------------|--------------------------|--------------------------|--------------------------|-----------------------|----------------------------|--------------------------------|----------|------------------------------|--------------------------------|
|             | <b>Sub/Urban</b>  |                          |                          |                          |                       |                            |                                |          |                              |                                |
| E9/<br>E19  | Live and Play     | Lifestyle or clustered   | 1-3 du<br>1-6 du         | 10 kph                   | 3.6<br>4.5            | 2.75-<br>3.0               | shared                         | shared   | Passing<br>bays              | Private way                    |
| E10/<br>E20 | Live and Play     | Service area (rear/side) | Up to 100 m<br>1-20 lots | 10 kph                   | 6                     | 2.75-<br>3.0               | shared                         | shared   | Passing<br>bays              | Lane<br>(~200 vpd)             |
| E11/<br>E21 | Live and Play     | Houses/<br>Townhouses    | 1-20 du                  | 20 kph                   | 9                     | 5.5-5.7                    | shared                         | shared   | shared                       | Lane<br>(~200 vpd)             |

Taking into account the conclusions of this report, from a suitably chartered engineer that there are no reasonable grounds for declining the application and mitigation measures proposed at the applicant's cost will minimise any inconvenience from the additional user of the access and the impact on the local roading network will not be noticeable.

Based on these conclusions, I consider that the vehicle access and transport effects of the proposed two Lot subdivision will be less than minor.

### **Visual, Character and Amenity Effects**

The proposed Lot sizes are considered to be consistent with the residential area surrounding the site which are predominantly large low density lots. The new Lot will create the ability for a dwelling to be constructed (and existing accessory buildings will be retained). Provided that suitable levels of glazing are achieved.

Minor works will be undertaken within the right of way as outlined within the Integrated Transport Assessment, but these will not trigger the need for an earthworks resource consent. The proposal has been assessed to comply with the relevant/referenced land use rule GRZ-R33.

I consider the visual, character and amenity effects of the proposed subdivision will be less than minor.

### **Natural Hazard Effects**

There are no fault avoidance areas identified in respect of this property. An area of shallow surface flow exists on this site, but this is positioned over the existing access/right of way. The dwelling positions existing and proposed on each lot are elevated well above this hazard. An indicative dwelling platform has been shown on proposed Lot 1.

There were Mangaho - Paekakariki A & B 110kv overhead transmission lines previously located within this site, these were removed.

Proposed Lot 2 contains an existing dwelling that was established in 2010.

The site is moderately sloping and slopes up from Kotare Street with a 6m wide access leg which gains 10m in elevation to the main part of the lot and a further 10m to the plateau area where the existing dwelling is located. Behind the dwelling the site gains another 4m in elevation near the southern boundary.

The site does not contain any peat or loam. An Engineering Report was received from a suitably qualified engineer detailing the land and geology constraints. Noting that the new dwelling proposed Lot 1 needs to be located clear of the zone of influence for the existing sewer connection.

Given the recommended management of the site, I consider the natural hazard effects of the proposed subdivision will be less than minor.

### **Effects relating to the provision of services (LDMR)**

The applicant has stated that the proposed subdivision will be undertaken in accordance with the LDMR requirements and will rely on existing connections and those proposed for Lot 1.

| Proposed Lot | Wastewater       | Water Supply     | Stormwater                                   |
|--------------|------------------|------------------|--|
| 1            | Proposed Lateral | Proposed Lateral | No soakpits, collected from future dwelling. |

|   |          |          |   |
|---|----------|----------|---|
|   |          |          | Plus a 15,000L<br>discharging into existing<br>network at 0.2L/s. |
| 2 | Existing | Existing | Existing  |

In addition to this, conditions have been provided by Council's Development Engineer to require that these works for Proposed Lot 1 are completed prior to the final certification of the proposal under section 224(c). I consider that the effects relating to the provision of services will be less than minor.

## 5.5 Conclusion on Adverse Effects

As assessed above, the proposed two-lot subdivision will have less than minor effects. There are not adverse effects that would extend beyond the application site.

Note: Additionally I note that there is a Notification statement identified under SUB-RES-R30 which states that public and limited notification for resource consent under this rule is precluded.

## 5.6 s95A Public Notification

### Recommendation:

That the application need not be publicly notified in accordance with Sections 95A and 95C-95D of the Resource Management Act 1991 as the proposal is for a discretionary two lot fee simple subdivision with less than minor effects and no special circumstances exist that would warrant public notification.

**Reported and recommended  
by**




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Sarah Banks  
Principal Resource Consents Planner

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*"That the above recommendation be adopted."*

### Decision

**Delegated Officer**  
(Peer Reviewer)




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Sashin Nair  
Team Leader Resource Consents

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## 5.7 s95B Limited Notification

### Recommendation:

That the application be processed on a non-notified basis in accordance with Sections 95B and 95E of the Resource Management Act 1991, the effects of the proposal are considered to be less than minor and no special circumstances apply.

**Reported and recommended  
by**



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Sarah Banks  
Principal Resource Consents Planner

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*"That the above recommendation be adopted."*

**Decision**

**Delegated Officer**  
(Peer Reviewer)



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Sashin Nair  
Team Leader Resource Consents

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**6 SECTION 104 ASSESSMENT**

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

***104 Consideration of applications***

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
- and*
- (a) *any actual and potential effects on the environment of allowing the activity;*
  - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
  - (b) *any relevant provisions of—*
    - (i) *a national environmental standard;*
    - (ii) *other regulations;*
    - (iii) *a national policy statement;*
    - (iv) *a New Zealand coastal policy statement;*
    - (v) *a regional policy statement or proposed regional policy statement;*
    - (vi) *a plan or proposed plan; and*
  - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- (2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*

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

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

#### **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 104(6) allows the consent authority to decline a consent application if it has inadequate information to determine the application. Adequate information was provided to process the application.

## **6.1 Internal Consultation**

### Development Engineer

The Council's Development Engineer has reviewed the application and has recommended conditions.

### Traffic Engineer

The Council's Traffic Engineer has reviewed the application, and the integrated transport assessment and has recommended conditions.

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

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

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

All of the effects related to the proposed development have been discussed in detail above at section 9 of this report. Aspects which have not already been covered are discussed below.

Note: Additionally I note that there is a Notification statement identified under SUB-RES-R30 which states that public and limited notification for resource consent under this rule is precluded.

## **6.3 Summary of Actual and Potential Effects**

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

## **6.4 National Environmental Standards – s104(1)(b)(i)**

There are currently ten operative National Environmental Standards, these relate to the Air Quality, Marine Aquaculture, Air Pollutants, Outdoor Storage of Tyres; Sources of Drinking Water, Telecommunication Facilities, Electricity Transmission Activities, Contaminants in Soil, Freshwater and Plantation Forestry.

None of these are considered relevant to the proposal.

## **6.5 National Policy Statements – s104(1)(b)(iii)**

There are currently eight operative National Policy Statements, these relate to the Coastal Environment, Indigenous Biodiversity, Highly Productive Land, Urban Development, Freshwater Management, Greenhouse Gases from Industrial Process Heat, Renewable Electricity Generation, Indigenous Biodiversity and Electricity Transmission.

The NPSUD and NZCPS are considered relevant to the proposal.

### **6.5.1 National Policy Statement on Urban Development (NPSUD)**

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

The NPSUD came into effect on 20 August 2020.

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

Plan Change 2 (Intensification) was notified 18 August 2022 in response to this direction. In respect of any land use resource consent received after 18 August 2022, the rules contained within Plan Change 2 have immediate legal effect and they have been applied within this assessment.

### **6.5.2 New Zealand Coastal Policy Statement (NZCPS) – s104(1)(b)(iv)**

The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand.

The Objectives of the New Zealand Coastal Policy Statement 2010 are:

- To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land;
- To preserve the natural character of the coastal environment and protect natural features and landscape values through;
- To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment;
- To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment;
- To ensure that coastal hazard risks taking account of climate change;
- To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development; and
- To ensure that management of the coastal environment recognises and provides for New Zealand's international obligations regarding the coastal environment, including the coastal marine area.

It is considered that the proposed subdivision will be in keeping with the above objectives of the New Zealand Coastal Policy Statement. The risks associated with the proposed subdivision, being in proximity to the coast and within the defined Coastal Environment Overlay, needs to be balanced with enabling communities to still provide for their social,

economic, and cultural wellbeing and their health and safety, through subdivision, use, and development. In this instance it is considered that proposal meets this balance.

## **6.6 Wellington Regional Policy Statement – s104(1)(b)(v)**

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

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

Change 1 to the RPS was notified in August 2022. I consider that the changes proposed are not relevant to this proposal.

## **6.7 Plan or Proposed Plan – s104(1)(b)(vi)**

The following Objectives and Policies of the Operative District Plan 2023 are of particular relevance to this application:

### **Objectives:**

*DO-01 - Tangata Whenua*  
*DO-03 – Development Management*  
*DO-020 – Well-functioning Urban Environment*  
*DO-021 – Housing in Relevant Residential Zones*  
*DO-04 – Coastal Environment*  
*DO-08 - Strong Communities*  
*DO-011 – Character and Amenity Values*  
*DO-012 – Housing Choice and Affordability*  
*DO-013 – Infrastructure*  
*DO-014 – Access and Transport*  
*DO-015 – Economic Vitality*  
*DO-017- Open Spaces/Active Communities*  
*DO-019 – Housing Bottom Lines*  
*UFD-P14 - Urban Built Form*

For the full text of the above provisions, reference can be made to the Operative Plan 2023.

### **6.7.1 Assessment**

The proposed two-lot subdivision will have less than minor effects. There are not adverse effects that would extend beyond the application site, I consider the proposal consistent with the Objectives and Policies of the ODP which anticipates residential development in this area where there is no additional increase in risk from natural hazards.

## **Wellington Regional Proposed Natural Resources Plan**

The Proposed Natural Resources Plan for the Wellington Region was notified on 31 July 2015 with decisions released on 31 July 2019. I am of the opinion that, in this particular case, none of the provisions of the plan are relevant because there are no hazards on this site and no other provisions of the plan appear to apply.

### **6.8 Any Other Matters**

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

## **7 OTHER RELEVANT RESOURCE MANAGEMENT ACT SECTIONS**

### **7.1 Section 106 of the Resource Management Act 1991**

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

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

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

There are no fault avoidance areas identified in respect of this property. An area of shallow surface flow exists on this site, but this is positioned over the existing access/right of way. The dwelling positions existing and proposed on each lot are elevated well above this hazard. An indicative dwelling platform has been shown on proposed Lot 1.

Proposed Lot 2 contains an existing dwelling that was established in 2010.

The site is moderately sloping and slopes up from Kotare Street with a 6m wide access leg which gains 10m in elevation to the main part of the lot and a further 10m to the plateau area where the existing dwelling is located. Behind the dwelling the site gains another 4m in elevation near the southern boundary.

The site does not contain any peat or loam. An Engineering Report was received from a suitably qualified engineer detailing the land and geology constraints. Noting that the new dwelling proposed Lot 1 needs to be located clear of the zone of influence for the existing sewer connection.

The proposal will not exacerbate any of the risks identified under section 106, the direct road frontage and right of way of the site in the proposal will provide legal and physical access to Kotare Street.

## **7.2 Conditions of Resource Consents – s108 or s220**

### ***S.108AA Requirements of conditions of resource consents***

*(1) A consent authority must not include a condition in a resource consent for an activity unless—*

*(a) the applicant for the resource consent agrees to the condition; or*

*(b) the condition is directly connected to 1 or both of the following:*

*(i) an adverse effect of the activity on the environment:*

*(ii) an applicable district or regional rule, or a national environmental standard;*

*or*

*(c) the condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.*

*(2) Subsection (1) does not limit this Act or regulations made under it.*

*(3) This section does not limit section 77A (power to make rules to apply to classes of activities and specify conditions), 106 (consent authority may refuse subdivision consent in certain circumstances), or 220 (condition of subdivision consents).*

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

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

No additional conditions will be added above those mentioned in the s104 assessment.

Draft conditions were circulated to the Applicant's agent on 3 October 2023. The draft conditions were agreed to by return email on 3 October 2023.

## **7.3 Financial Contribution Conditions**

Financial contributions and development impact fees are applicable to this consent as a demand is created through the creation of an additional Lot.

## **8 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).

### **8.1 Conclusion on Part 2 matters**

Overall, the proposed two lot subdivision is considered to be consistent with Part 2 matters because this two-lot subdivision proposal allows for the creation of a new residential lot which will have less than minor effects and are in short supply across the District.

## **9 RECOMMENDATION**

That the undersigned officers, acting under authority delegated from the Council and pursuant to Sections 104 and 104B of the Resource Management Act 1991, hereby grant consent to undertake a two-lot fee simple subdivision subject to the following conditions which were imposed under Sections 108 and 220 of the Resource Management Act 1991.

### **Conditions:**

#### General

1. The proposed activity shall be undertaken in general accordance with the plans, information and specifications lodged with the application and the information and further information supplied by the consent holder and held on the file RM230145 except where modified by conditions of consent with reference to the following plans stamped as "Final Approved Plans" on 3 October 2023;
  - Scheme Plan - 1101-SP-150 Rev. 1 prepared by Landmatters and dated 16 August 2023;
  - General Arrangement Plan 1101-GA-200 Rev.1 prepared by Landmatters and dated 16 August 2023;
  - Overall Engineering Plan 1101-GA-201 Rev.1 prepared by Landmatters and dated 16 August 2023;
  - Vehicle Tracking Curves 1101-GA-202 prepared by Landmatters and dated 16 August 2023;
  - Cross-sectional Detail 1101-GA-201 Rev.1 prepared by Landmatters and dated 16 August 2023; and
  - Scala Penetrometer and Auger Location Plan 1101-PNT-1000 Rev. 1 prepared by Landmatters and dated 3 August 2023.
2. The e-survey dataset shall be in general conformity with the Scheme Plan 1101-SP-150 Rev. 1 prepared by Landmatters and dated 16 August 2023 plans lodged with the application RM230145 except where modified by conditions of consent.
3. A Reserve Contribution is payable and has been assessed at \$16,322.71, inclusive of GST per/for the additional allotment. The contribution must be paid prior to the issue of any certificate pursuant to section 224(c) of the Resource Management Act 1991.
4. Prior to the issue of a Section 224(c) certificate under the Resource Management Act 1991, the consent holder shall pay Council Engineering Fees of \$696.00 plus \$348.00

per additional lot for work that may be required for plan approvals, site inspections and consent compliance monitoring, plus any further monitoring charge or changes to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

5. The consent holder shall comply with the requirements of the Kapiti Coast District Council's Land Development Minimum Requirements 2022, unless alternatives are proposed by the consent holder and accepted by the Council's Development Engineer.
6. Prior to works commencing, the consent holder shall submit copies of the plans and specifications for the engineering development for approval to the satisfaction of the Council's Development Engineer. The engineering development must be in accordance with Clauses 1 to 15 of Schedule 1 contained in Part 4 of the Kapiti Coast District Council's Land Development Minimum Requirements 2022.

This approval shall also include;

- i) A plan showing the location and reduced levels of the proposed passing bay with reinstated/new kerb. Check that utilities will not be adversely impacted;
- ii) Show on the plan, the location of the covered convex mirror;
- iii) Show on the plan, location/s of the drop in rubberised speed hump; and
- iv) Provide details of general ownership and maintenance of the proposed works.

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

7. Prior to works commencing, the consent holder shall provide the Council's Development Engineer with the names of the Developer's or Owner's Representative(s) appointed in terms of Clause B(ii) of Part 3 of the Kapiti Coast District Council's Land Development Minimum Requirements 2022.
8. The consent holder shall advise the names and professional qualifications of any Suitably Qualified Persons required in terms of Clause B(iii) of Part 3 of the Kapiti Coast District Council's Land Development Minimum Requirements 2022. Suitably Qualified Persons are required for, but not necessarily limited to, the following areas:

- Civil Engineering works

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

9. Prior to commencement of the following stages of work, the consent holder shall notify Council's Development Engineer so that the Council's Development Engineer, or their authorised representative, are able to be present on site to inspect certain stages of the works. These stages are as follows:
  - Commencement of works or recommencement after a substantial lapse;
  - Water reticulation connections and services prior to back fill;
  - Wastewater reticulation connections and services prior to back fill if a dwelling site has been designed or otherwise at the time of detailed design; and

- Final inspection.
10. The consent holder shall ensure that in respect of any future foundation design and construction for any new building or additions and alterations to a building on each lot shall take into account the findings and recommendations within the Engineering Report prepared by Landmatters dated August 2023.
  11. The consent holder shall provide a stormwater attenuation/disposal system on Lots 1 & 2 which shall comply with the requirements and intent of the report titled "Engineering Report prepared by Landmatters dated August 2023". Unless alternatives are proposed by the consent holder and accepted by the Council's Development Engineer. An updated report must be provided for an alternative solution.

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

- *the certified stormwater disposal design as an option for compliance;*
  - *the owners' responsibility to construct a system to meet the above performance standard; and*
  - *the owners' responsibility to maintain the system on an on-going basis to meet the above performance standard as it applied at the time of approval.*
12. Prior to the issue of a Section 224(c) certificate under the Resource Management Act 1991, the consent holder shall provide Lot 1 with a new wastewater lateral which complies with the Council wastewater standard drawings and Part 3, section F & Part 4 Schedule 5 of LDMR: 2022. If a dwelling site has not been designed at this time it can be resolved at the time of detailed design and will be the subject of a consent notice.  
  
*Note: In the event that the wastewater lateral is not installed prior to the issue of the 224(c) certificate, a Consent Notice under Section 221 of the Resource Management Act will be issued to facilitate the recording of this condition, which is to be complied with on an on-going basis.*
  13. Prior to the issue of a Section 224(c) certificate under the Resource Management Act 1991, the consent holder shall provide Lot 1 with a metered water supply which complies with the Part 3, section G & Part 4 Schedule 6 of LDMR: 2022.
  14. Prior to the issue of a Section 224(c) certificate under the Resource Management Act 1991, the subdivision shall be serviced with electric power & telecommunication to lot boundaries.
  15. Prior to approval under Section 223 of the Resource Management Act 1991, any rights-of-way and utility services serving an allotment within the subdivision, where contained within another allotment of this subdivision, must have appropriate easements duly granted or reserved. The easements, as necessary and subject to other conditions of this consent, are to ensure that the lots can be serviced for water supply, drainage, domestic energy supply, and telecommunications (including broadband) and that access is provided to lots. Any easement must be subject to Section 243 of the Resource Management Act 1991.
  16. Prior to the issue of a Section 224(c) certificate under the Resource Management Act 1991, the consent holder shall submit compliant as-built drawings of the public

stormwater drainage, wastewater drainage and public potable water networks to the Council Development Engineer.

17. Prior to the issue of a Section 224(c) certificate under the Resource Management Act 1991, the consent holder shall submit an itemised schedule of quantities and costs for assets which are to vest in Council.
18. Prior to the issue of a Section 224(c) certificate under the Resource Management Act 1991, certification shall be supplied to the satisfaction of the Council Development Engineer and shall comprise:
  - NZS4404:2010 Schedule 1B (Contractors Certificate upon completion of Land development/Subdivision) signed by the Contractor; and
  - NZS4404:2010 Schedule 1C (Certification upon completion of Land development/Subdivision of Person Responsible for Inspection and Review of Construction) signed by a suitably qualified professional.
19. The consent holder shall undertake works as detailed in the Integrated Transport Assessment prepared by David Wanty dated 20 August 2022, these will include;
  - A passing bay will be located downhill of No.35D;
  - In the vicinity of the proposed passing bay, install a covered convex mirror;
  - In the vicinity of the proposed passing bay, install a rubberised speed hump; and
  - Suitable diverter channel by No.35E.

#### **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 fax to (04) 2964 830 or by post to Private Bag 60601, Paraparaumu) the form that is attached to the decision letter.
- The consent holder shall pay to the Kapiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991. These costs\* may include site visits, correspondence and the actual costs of materials or services which may have to be obtained. Please refer to Kapiti Coast District Council's current schedule of Resource Management fees for guidance on the current hourly rate chargeable for Council's staff.
- Under Section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.
- It is the consent holder's responsibility to comply with any conditions imposed on this resource consent prior to and during (as applicable) exercising this resource consent.
- Please note that a resource consent is not a consent to build. A building consent must be issued prior to any building work being undertaken.
- 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.

- Council regards the following persons as fulfilling the requirements for being “suitably qualified” with respect to the above:
  - Chartered Professional Engineers (CPEng);
  - Members of Engineering New Zealand;
  - Registered Architects who are currently listed by the New Zealand Registered Architects Board (NZRAB)
  - Registered Clerks of Works.
- The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety in Employment Act 1992), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.
- Development Contributions will be required pursuant to Section 198 of the Local Government Act 2002 and the Council’s Development Contribution Policy when creating new allotments. The contributions will be calculated and levied for each additional allotment created by this resource consent in accordance with the fees that apply at the time the consent was lodged. The fees are listed below:

| <b>Items</b>                        | <b>Fees including GST(NZD)</b> |
|-------------------------------------|--------------------------------|
| Roading - District                  | \$2,215.00                     |
| Water Treatment - Central           | \$6,685.00                     |
| Water Reticulation - Waikanae       | \$3,398.00                     |
| Wastewater - Central                | \$563.00                       |
| Wastewater Reticulation - Waikanae  | \$1,313.00                     |
| Stormwater - District               | \$197.00                       |
| Stormwater - Waikanae               | \$320.00                       |
| Community Infrastructure - District | \$1,909.00                     |
| <b>Total</b>                        | <b>\$16,600.00</b>             |

There is one additional allotment or dwelling created by this Resource Consent.

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

## 10 DECISION

That the above recommendation be adopted under delegated authority.

### Reasons for Decision:

In accordance with Sections 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 Operative District Plan.



Sarah Banks  
Principal Resource Consents Planner



Sashin Nair  
Team Leader Resource Consents