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18 November 2025

John O`Sullivan

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

The attached LIM provides you with information about 7 Fairway Oaks Drive, 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:

**7 Fairway Oaks Drive, 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>	John O`Sullivan
<b>LIM number</b>	L251226
<b>Application date</b>	14/11/25
<b>Issue date</b>	18/11/2025

### Property details

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<b>Property address</b>	7 Fairway Oaks Drive, Waikanae
<b>Legal description</b>	LOT 11 DP 348205
<b>Area (hectares)</b>	0.0732

### Valuation information

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<b>Valuation number</b>	1492062511
<b>Capital value</b>	\$445,000
<b>Land value</b>	\$445,000
<b>Improvements value</b>	\$0

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 \$4,546.95.

This includes Greater Wellington Regional Council rates.

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

**Arrears for previous years** \$0.00

**Water rates** \$293.42 last year (2024/25)

For the 2025/2026 rating year, all water used is charged at a volumetric rate of \$1.72 per cubic metre (1000 litres) on the water rates invoice, and a fixed annual charge of \$318.60 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**

The Council currently holds no building files for vacant land.

### **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 zoned General Residential in the Operative District Plan (2021).

This property was created via subdivision in 2005 under resource consent number RM040167. 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.

There are no known easements.

Copies of the Deposited Plan (DP 348205) and Record of Title are provided with this LIM. There is no record of any further resource consents for this property.

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

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

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

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

This property is located within the Conical Surface 1:20, Operations Area of the Paraparaumu Airport. Refer to the Airport Plan and Surfaces maps of the Operative District Plan (2021).

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

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

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

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

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

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

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

Residual ponding areas related to a residual flood risk for areas which are protected from flooding by structural measures, such as stopbanks or floodwalls, constructed to the 1% AEP flood standard. The residual risk is in the event of a failure or overtopping of the flood protection structure.

The adjoining road carriageway (Te Moana Road) 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 adjacent and adjoining road carriageways (Fairway Oaks and Te Moana Road) are shown to be subject to an overflow path and/or residual 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.

A residual overflow path is a residual flood hazard for areas which are protected from flooding by structural measures, such as stopbanks or floodwalls, constructed to the 1% AEP flood standard. The residual hazard is in the event of a failure or overtopping of the flood protection structure.

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.

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.

### 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 lateral is shown on the services network plan. There is no record of any as-built plan of private drainage for this property.

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

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

### 8. Drinking water supply

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

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

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

## 9. Network utility information

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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

7 Fairway Oaks Drive, Waikanae (LOT 11 DP 348205)



0 10 20 Metres

Scale @ A4 - 1:500

Date Printed: November 14, 2025

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





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



  
R.W. Muir  
Registrar-General  
of Land

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

**Identifier** 197940  
**Land Registration District** Wellington  
**Date Issued** 21 June 2005

**Prior References**  
WN55C/951

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**Estate** Fee Simple  
**Area** 732 square metres more or less  
**Legal Description** Lot 11 Deposited Plan 348205

**Original Registered Owners**

AMP Property Opportunity Fund Limited as to a 81.8298/100 share  
AMP Property Opportunity Charitable Fund Limited as to a 18.1702/100 share

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**Interests**

6466827.5 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 21.6.2005 at 9:00 am  
6264257.1 Mortgage to Westpac Banking Corporation - 23.12.2004 at 9:00 am  
Land Covenant in Easement Instrument 6466827.9 - 21.6.2005 at 9:00 am  
Land Covenant in Easement Instrument 6466827.10 - 21.6.2005 at 9:00 am  
6500780.1 Discharge of Mortgage 6264257.1 - 19.7.2005 at 9:00 am  
6500780.2 Transfer to John Maurice O'Sullivan - 19.7.2005 at 9:00 am  
Fencing Covenant in Transfer 6500780.2 - 19.7.2005 at 9:00 am  
10004338.1 Mortgage to ANZ Bank New Zealand Limited - 18.3.2015 at 3:34 pm



# Digital Title Plan - DP 348205

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**Survey Number** DP 348205  
**Surveyor Reference** 927.07 - Fairway Oaks  
**Surveyor** Nicola Kate McHutchon  
**Survey Firm** Landlink Ltd  
**Surveyor Declaration** I Nicola Kate McHutchon, being a person entitled to practise as a licensed cadastral surveyor, certify that -  
(a) The surveys to which this dataset relates are accurate, and were undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyor-General's Rules for Cadastral Survey 2002/2;  
(b) This dataset is accurate, and has been created in accordance with that Act and those Rules.  
Declared on 01/03/2005.

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## Survey Details

**Dataset Description** Lots 1-21 being a subdivision of Lot 3 DP 88177 and Lots 3 & 4 DP 12787  
**Status** Deposited  
**Land District** Wellington  
**Submitted Date** 01/03/2005  
**Survey Class** Class I Cadastral Survey  
**Survey Approval Date** 02/03/2005  
**Deposit Date** 21/06/2005

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## Territorial Authorities

Kapiti Coast District

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## Comprised In

CT WN55C/951  
CT WN502/121

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## Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Lot 1 Deposited Plan 348205	Fee Simple Title	0.1166 ha	197930
Lot 2 Deposited Plan 348205	Fee Simple Title	0.1125 ha	197931
Lot 3 Deposited Plan 348205	Fee Simple Title	0.0901 ha	197932
Lot 4 Deposited Plan 348205	Fee Simple Title	0.0877 ha	197933
Lot 5 Deposited Plan 348205	Fee Simple Title	0.0910 ha	197934
Lot 6 Deposited Plan 348205	Fee Simple Title	0.1436 ha	197935
Lot 7 Deposited Plan 348205	Fee Simple Title	0.0972 ha	197936
Lot 8 Deposited Plan 348205	Fee Simple Title	0.0852 ha	197937
Lot 9 Deposited Plan 348205	Fee Simple Title	0.0800 ha	197938
Lot 10 Deposited Plan 348205	Fee Simple Title	0.1027 ha	197939
Lot 11 Deposited Plan 348205	Fee Simple Title	0.0732 ha	197940
Lot 12 Deposited Plan 348205	Fee Simple Title	0.0567 ha	197941
Lot 13 Deposited Plan 348205	Fee Simple Title	0.0562 ha	197942
Lot 14 Deposited Plan 348205	Fee Simple Title	0.0738 ha	197943
Lot 15 Deposited Plan 348205	Fee Simple Title	0.0737 ha	197944
Lot 16 Deposited Plan 348205	Fee Simple Title	0.0643 ha	197945
Lot 17 Deposited Plan 348205	Fee Simple Title	0.0581 ha	197946



# Digital Title Plan - DP 348205

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## Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Lot 18 Deposited Plan 348205	Fee Simple Title	0.0610 ha	197947
Lot 19 Deposited Plan 348205	Fee Simple Title	0.0911 ha	197948
Lot 20 Deposited Plan 348205	Fee Simple Title	0.0915 ha	197948
Lot 21 Deposited Plan 348205	Vesting on Deposit for Road	0.3778 ha	
Easement A Deposited Plan 348205	Easement		
Easement B Deposited Plan 348205	Easement		
Marked C Deposited Plan 348205	Land Covenant		
Marked D Deposited Plan 348205	Land Covenant		
Marked E Deposited Plan 348205	Land Covenant		
Marked F Deposited Plan 348205	Land Covenant		
Easement G Deposited Plan 348205	Easement		
Easement H Deposited Plan 348205	Easement		
Easement I Deposited Plan 348205	Easement		
Easement J Deposited Plan 348205	Easement		
<b>Total Area</b>		<hr/> 2.0840 ha	



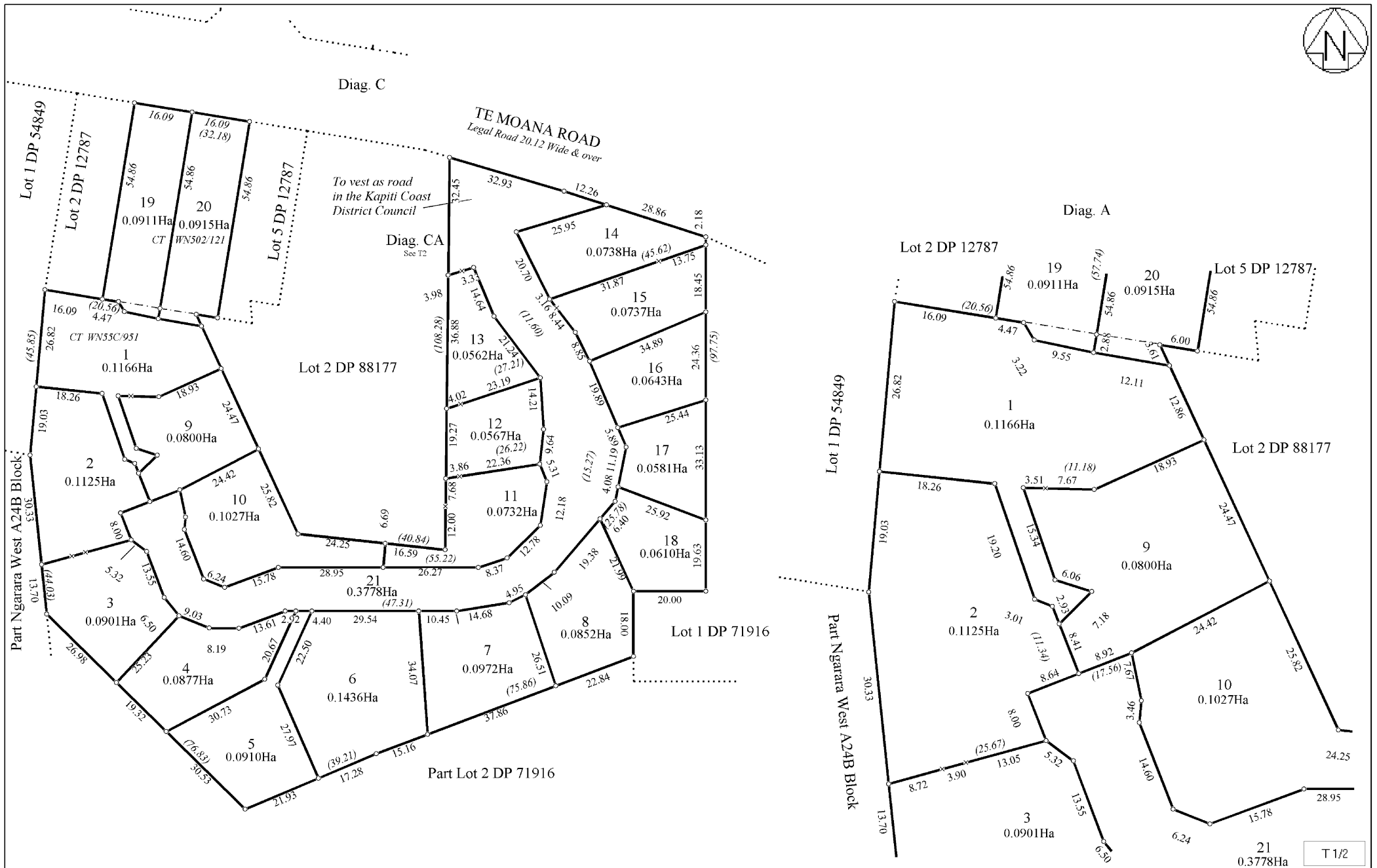
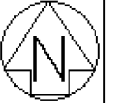
LT 348205

Memorandum of Easements (Pursuant to s243 Resource Management Act 1991)			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way, Sewage Drainage. Right to convey water, gas, electricity and telecommunications	A	Lot 9	Lot 1

Memorandum of Easements in Gross			
Purpose	Shown	Servient Tenement	Grantee
Sewage Drainage	A & B	Lot 9	Kapiti Coast District Council
Stormwater Drainage	G	Lot 14	Kapiti Coast District Council
Stormwater Drainage	H & I	Lot 15	Kapiti Coast District Council
Sewage Drainage	J	Lot 1	Kapiti Coast District Council

Certifying parties must sign or initial this box





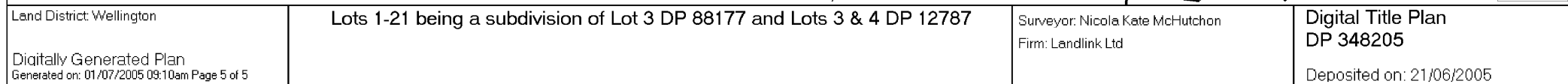
Land District: Wellington

Lots 1-21 being a subdivision of Lot 3 DP 88177 and Lots 3 & 4 DP 12787

Surveyor: Nicola Kate McHutchon  
Firm: Landlink Ltd

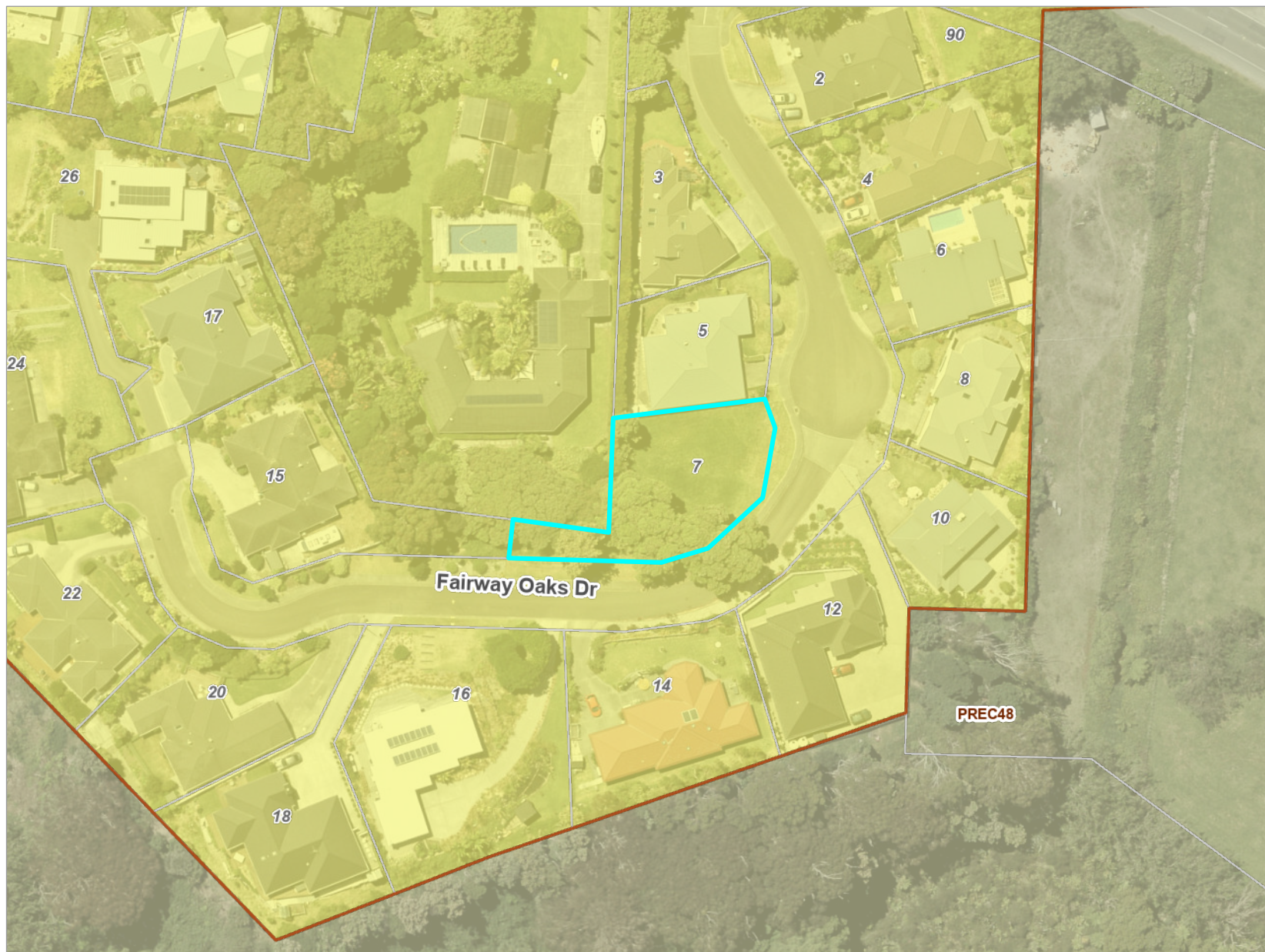
Digital Title Plan  
DP 348205

Deposited on: 21/06/2005






# Operative District Plan 2021 - Zones and Precincts

7 Fairway Oaks Drive, Waikanae (LOT 11 DP 348205)



## Key to map symbols

-  Precinct
-  General Residential Zone
-  General Rural Zone



0 20 40 Metres

Scale @ A4 - 1:1,000

Date Printed: November 14, 2025

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7 Fairway Oaks Drive, Waikanae (LOT 11 DP 348205)



-  Major Community Connectors
-  Local Community Connectors
-  Waahi Tapu
-  Notable Trees
-  Coastal Environment

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



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Scale @ A4 - 1:2,000

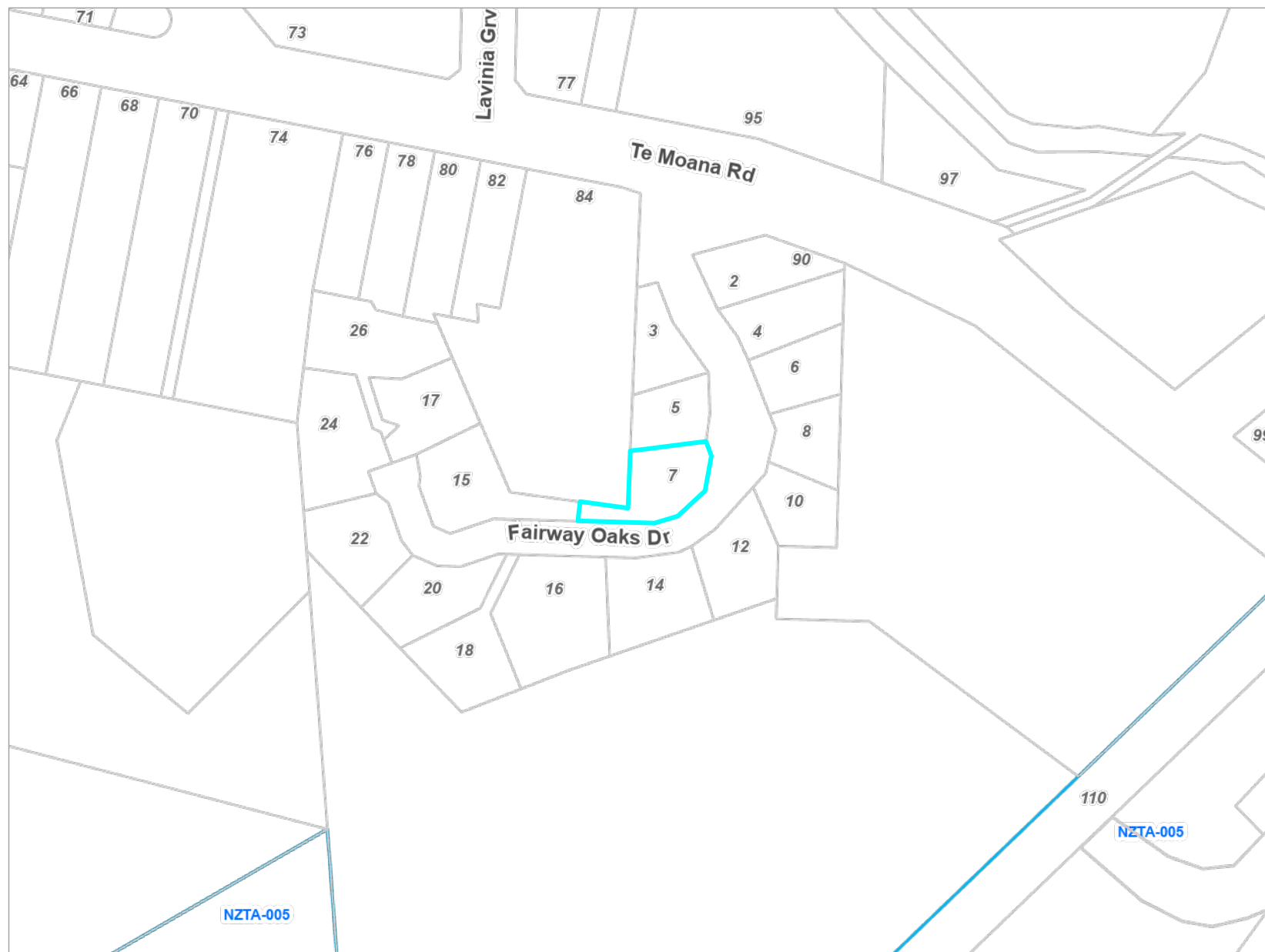
Date Printed: November 14, 2025

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# Operative District Plan 2021 - Designations & Miscellaneous Features

7 Fairway Oaks Drive, Waikanae (LOT 11 DP 348205)



## Key to map symbols

 Designation

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



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Scale @ A4 - 1:2,000

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# Operative District Plan 2021 - Natural Features

7 Fairway Oaks Drive, Waikanae (LOT 11 DP 348205)



## Key to map symbols

 Ecological Sites

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



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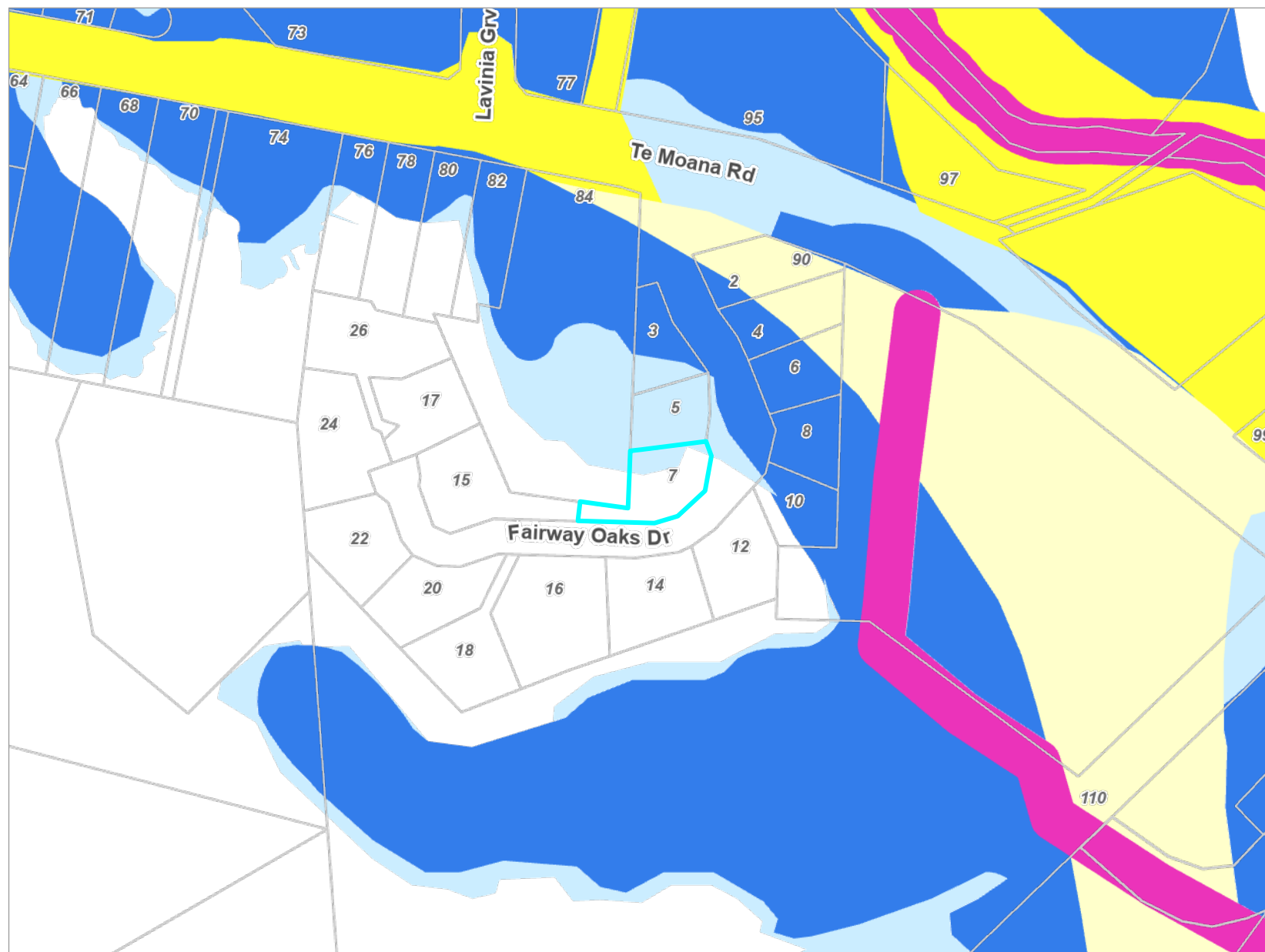
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# Operative District Plan 2021 - Natural Hazards

7 Fairway Oaks Drive, Waikanae (LOT 11 DP 348205)



## Key to map symbols

- Stream Corridor
- Overflow Path
- Residual Overflow Path
- Ponding Area
- Residual Ponding Area

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



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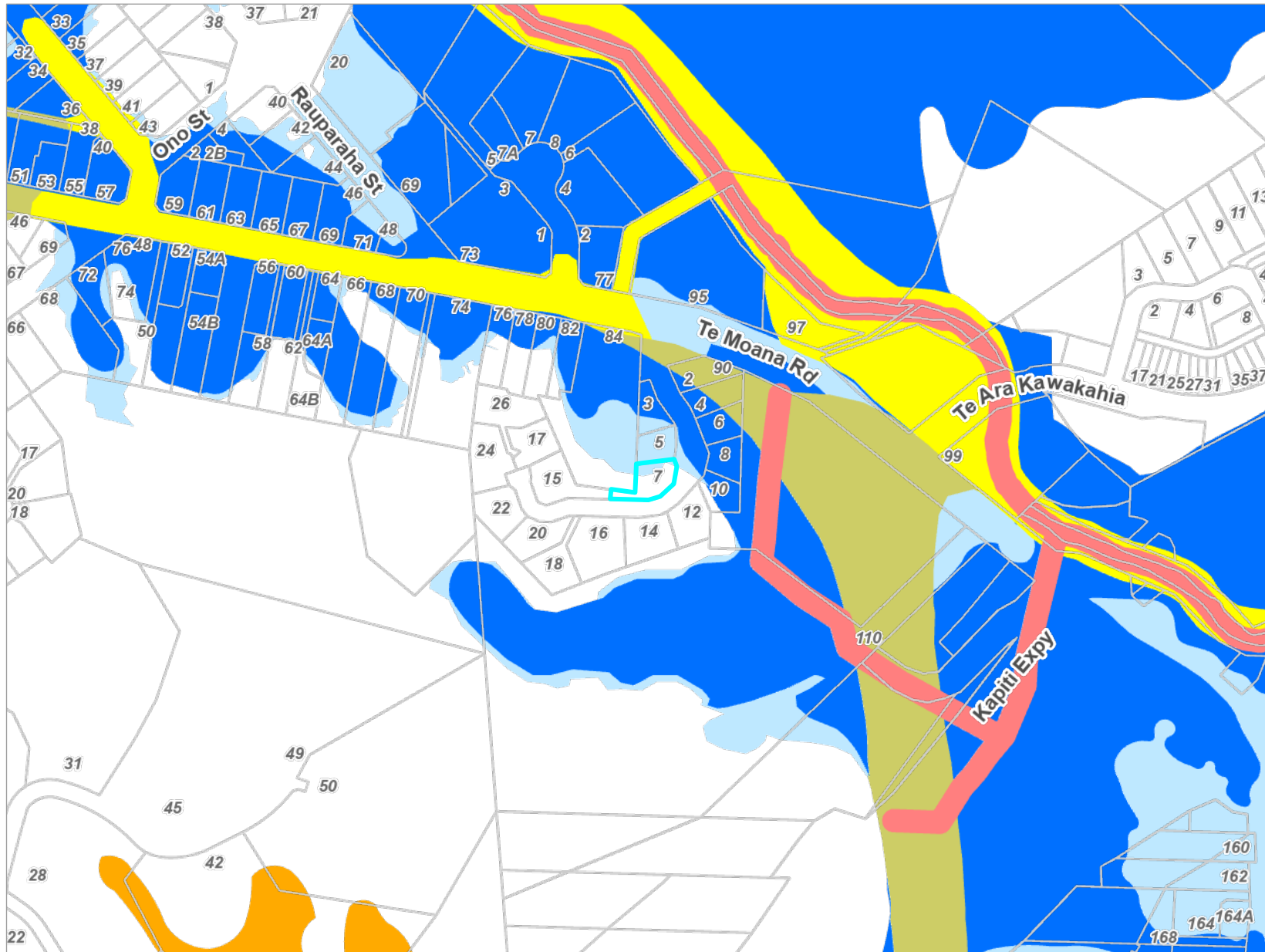
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# Latest Flood Hazards

7 Fairway Oaks Drive, Waikanae (LOT 11 DP 348205)



## Key to map symbols

- Stream Corridor
- Overflow Path
- Residual Overflow
- Storage
- Ponding
- Residual Ponding

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



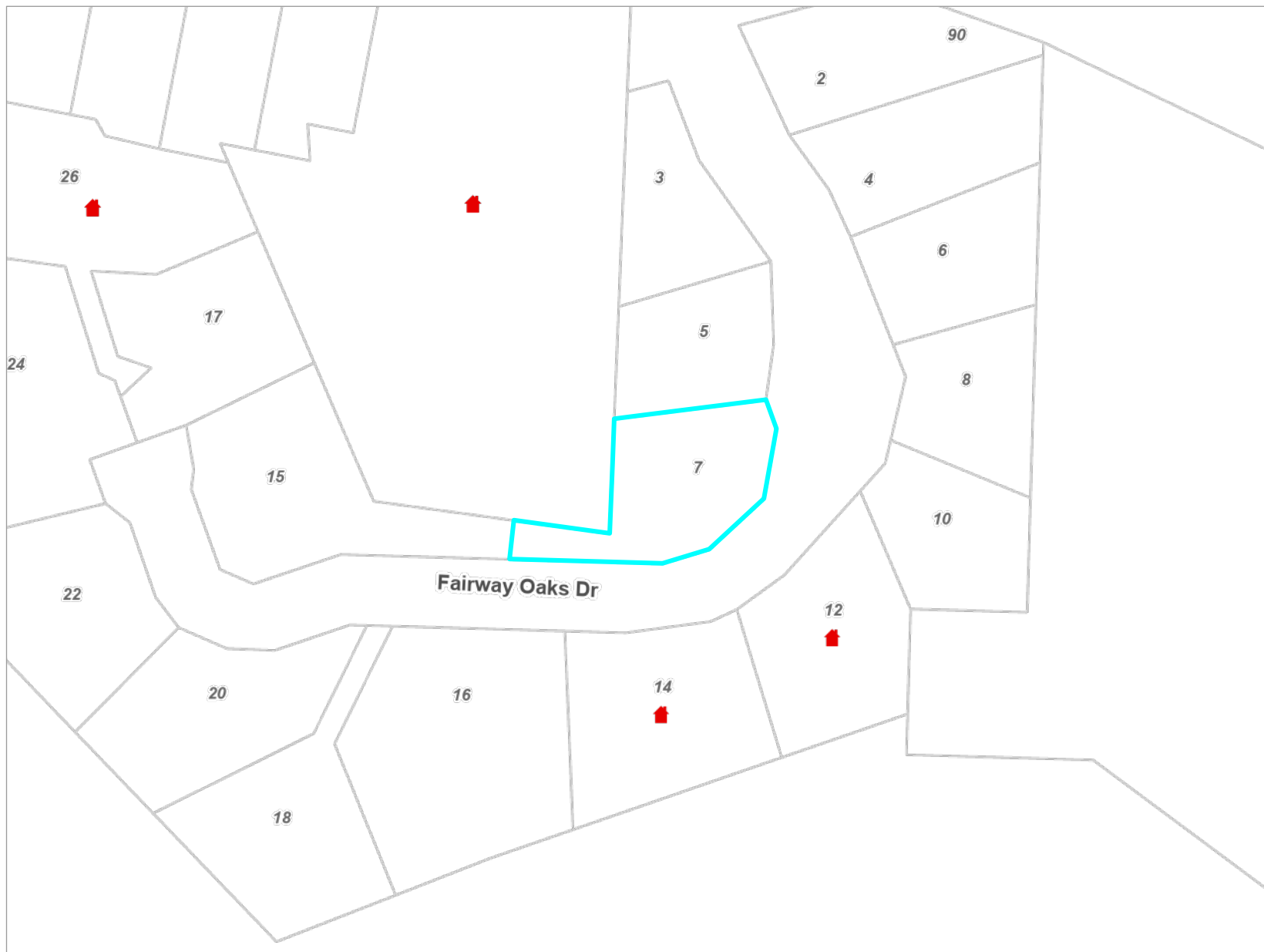
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Scale @ A4 - 1:4,000

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# Resource Consents Map

7 Fairway Oaks Drive, Waikanae (LOT 11 DP 348205)



## Key to map symbols

 Resource Consents

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



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Scale @ A4 - 1:1,000

Date Printed: November 14, 2025

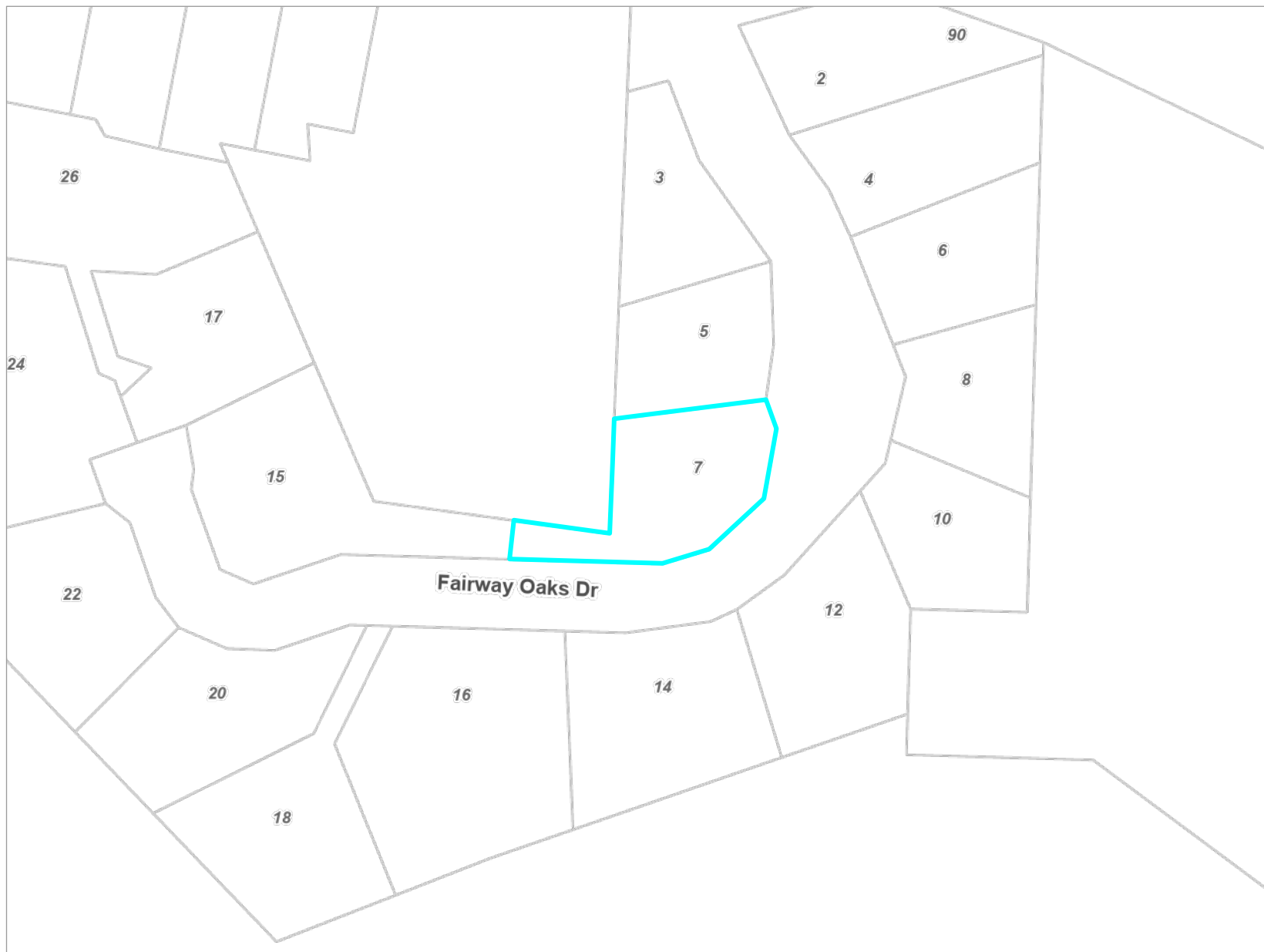
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## Resource Consents Report

Resource Consent Number	Location	Valuation Number	Property Legal Description	Consent Type	Consent Proposal	Notified Yes/No	Hearing Yes/No	Consent Status	Decision Date	App.Date
000349	84 Te Moana Road, Waikanae	1492062501	LOT 2 DP 88177	LD	APPLICATION TO RELOCATE FAMILY FLAT WITHIN PROPERTY -	N	N	Decision Issued	23/1/2001	8/11/2000
040167	26 Fairway Oaks Drive, Waikanae	1492062500	LOT 3 DP 88177	SD	Residential Subdivision comprising(16 additional	N	N	s.221 Consent Notice	16/9/2004	21/6/2004
060261	12 Fairway Oaks Drive, Waikanae	1492062508	LOT 8 DP 348205	LD	Earthworks to reduce ridge by up to 4 metres to	N	N	Decision Issued	26/10/2006	4/9/2006
060117	26 Fairway Oaks Drive, Waikanae	1492062500	LOT 1 DP 348205	LD	Land Use (Earthworks) Lots 1,2,3 and 9 DP348205,	N	N	Decision Issued	12/6/2006	28/4/2006
110106	14 Fairway Oaks Drive, Waikanae	1492062507	LOT 7 DP 348205	LRD	Non-complying retaining wall at 14 Fairway Oaks Drive,	N	N	Decision Issued	3/10/2011	6/9/2011
160139	26 Fairway Oaks Drive, Waikanae	1492062500	LOT 1 DP 348205 CT 197930	LD	Earthworks associated with new dwelling	N	N	Decision Issued	3/8/2016	11/7/2016
950358	84 Te Moana Road, Waikanae	1492062501	LOT 2 DP 88177	SD	2 ADDITIONAL RESIDENTIAL LOTS AT 82 TE MOANA ROAD, WAIKANA	N	N	s.224 Issued	12/4/1999	30/10/1995
930237	84 Te Moana Road, Waikanae	1492062501	LOT 2 DP 88177	SC	PROPOSED BOUNDARY ADJUSTMENT	N	N	Decision Issued	21/7/1993	28/6/1993

# Health and Alcohol Licenses

7 Fairway Oaks Drive, Waikanae (LOT 11 DP 348205)



## Key to map symbols

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



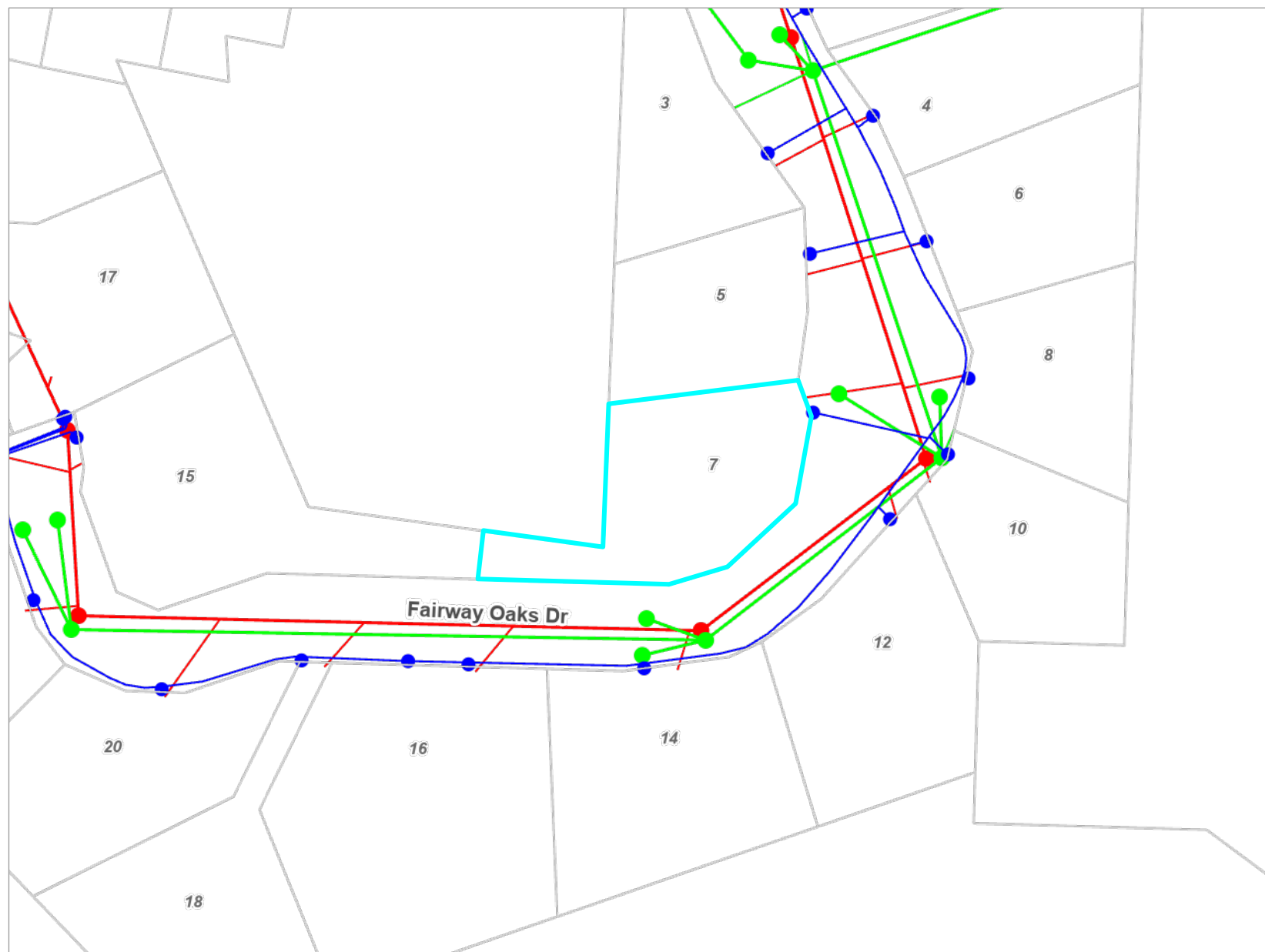
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Scale @ A4 - 1:1,000

Date Printed: November 14, 2025

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# Services Network

7 Fairway Oaks Drive, Waikanae (LOT 11 DP 348205)



## Key to map symbols

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

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



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Scale @ A4 - 1:800

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## **RESOURCE CONSENT NUMBER: RM040167**

That pursuant to section 104B of the Resource Management Act 1991, the Kapiti Coast District Council (hereinafter called "the Council") does hereby grant a Land use Resource Consent to:

### **MC2 GROUP LTD, C/- LANDLINK LTD, PO BOX 370, WAIKANAЕ**

for earthworks and roading and Subdivision Consent for 21 allotments at 90 Te Moana Road, Waikanae (Lot 3 DP88177 and Lots 3 & 4 DP12787), subject to the following conditions:

#### **Plan**

1. The Title Plan or E-Survey Data Set must conform with the subdivision consent proposal shown on Landlink Limited Plan No. 927.02 – 1 Issue C dated 23 April 2004, submitted with application no. RM040167.
2. That Lots 19 and 20 hereon be held in the same certificate of title. See Land Information New Zealand Request 369501.
3. The proposed earthworks and roading shall be carried out in accordance with Landlink Limited Plan Nos. 927.02 – 1 and 2 Issue C dated 23 April 2004, submitted with application no. RM040167.

#### **Engineering**

4. The consent holder shall pay Council engineering fees of \$562.50, plus \$216 per lot, (total \$4,450.50 GST inclusive) for work that may be required for plan approvals, site inspections and consent compliance monitoring prior to the section 224(c) certification of the subdivision.  
Extra fees may apply in accordance with the engineering fees schedule adopted by Council from 12 December 2002.  
Note: The current charge out rate is \$72.00 (GST inclusive) per hour
5. The consent holder shall make a financial contribution of \$420.00 (total \$7,140.00 GST inclusive) for every new lot created towards a Community Facilities Fund prior to the section 224(c) certification of the subdivision
6. The consent holder shall make a financial contribution of \$744.50 (total \$12,656.00 GST inclusive) for every new lot created towards a Water Services Fund (Water \$355.50, Sewerage \$389.50) prior to the section 224(c) certification of the subdivision.
7. The consent holder shall pay a reserves contribution of \$96,412.50 (GST inclusive) prior to the section 224(c) certification of the subdivision. This has been reduced by \$28,125.00 (GST inclusive) for work carried out for the Parks and Recreation Manager.



8. The consent holder shall comply with the requirements of the Kapiti Coast District Council Code of Practice for Subdivision and Development unless alternative means of compliance with requirements are submitted by the consent holder and approved by the Subdivision Engineer
9. 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
10. The consent holder shall either:-

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

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

Or

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

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

11. A bench mark, level reference point, with respect to mean sea level, (Wellington) shall be provided within close vicinity of the subdivision to the approval of the Subdivision Engineer
12. Earthworks shall be kept to a minimum to ensure the least disturbance to the landform
13. The level of the land within the allotments must be modified to provide surface drainage to the road frontage and the street channel or to alternative outlets approved by the Subdivision Engineer
14. Where the existing land or vegetative cover is disturbed, suitable ground cover shall be established as soon as practicable following earthworks or within 5 days of completion whichever shall occur first. For this condition "suitable ground cover" means application of basecourse, topsoil, grassing or mulch, or another type of application to the satisfaction of the Subdivision Engineer
15. 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
16. The consent holder shall not remove soil support from adjacent lots

17. ✓ All batters shall be self-supporting
18. The consent holder shall provide a minimum of 72 hours notice to Council's Compliance Officer and Te Ati Awa ki Whakarongotai ("the Iwi") of the commencement of any earthworks within the site. In accordance with the agreement reached between the Iwi and the developer ("the Iwi agreement") a representative of the Iwi shall be present on the site while all earthworks are being undertaken.
19. ✓ The Iwi agreement may be varied by written consent of both parties. A copy of the varied agreement is to be provided to the Resource Consent Manager within one week of the agreement being struck.
20. 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.

21. A topographical plan shall be provided showing contours at no greater than 1 metre intervals prior to and on completion of earthworks. The scale of the plan shall be 1:500 and two copies shall be provided. The plan shall also show the position and approximate level of all test locations including test borings. Where appropriate the plan should accompany any engineering reports by the suitably qualified person.

Notes:

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

Attention is drawn to the Council requirement that:

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

22. { A heavy duty concrete vehicle crossing constructed in accordance with Fig C.4.4 of the Code for Subdivision and Development shall be provided to serve any ROW.
23. { A concrete vehicle crossing constructed in accordance with Fig C.4.4 of the Code for Subdivision shall be provided to serve lot 5.



24. Rights-of-way shall be formed, metalled, two-coat sealed, provided with a kerb and channel on one side and perimeter nib kerb on the other sides. The consent holder shall arrange for the second-coat seal to be completed at a time acceptable to the Subdivision Engineer.

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

25. Lot 21 shall vest as road. The carriageway shall be formed, metalled and two-coat sealed, provided with kerb and channel, footpaths and turning circle. The requirement for a second-coat seal shall be met by lodging a cash contribution with Council calculated at \$3.33 (GST inclusive) per square metre of the area for first-coat seal. The Subdivision Engineer may approve a prime/seal coat and asphaltic concrete paving as an alternative to two-coat seal

Berms shall be planted with approved trees or shrubs. These may be bonded at the rate of \$140.63 (GST inclusive) per residential lot

The existing portion of Te Moana Road in front of the development shall have kerb and channel constructed on the southern side of the existing road

No retaining walls shall be permitted within vested road.

26. The consent holder shall provide all signs and install all road markings for compliance with Land Transport Safety Authority/Transit New Zealand Manual of Traffic Signs and Markings, unless otherwise approved by the Subdivision Engineer. The associated costs of legalising any no stopping lines, give way and compulsory stops that are required shall be met by the consent holder

27. The consent holder shall submit a road safety audit report in accordance with the Land Transport Safety Audit Policy and Procedures 1993 for the intersection with Te Moana Road when engineering drawings are submitted for approval. This will cover issues such as removal of vegetation in the legal road for sight lines for this intersection with Te Moana Road. The audit shall be undertaken by a suitably qualified person and the audit recommendations incorporated into the works, unless otherwise approved by the Subdivision Engineer

28. Three names per new road shall be forwarded to Council for approval. The name of each new road shall be shown on the survey plan. To meet the requirement for sign posts and/or name plates to be provided for each road the consent holder shall pay a fee of \$225 (GST inclusive) per required sign/

29. The consent holder shall submit a stormwater disposal design for approval by the Subdivision Engineer. Construction shall be in accordance with the approved plan

Lots 1 to 10 shall not discharge stormwater onto the road or into systems that will be taken over by the Council. Specific design for stormwater disposal shall be required for each lot. This design shall accompany any building consent or future subdivision resource consent applications. As a minimum stormwater from roof areas, right-of-ways and impermeable yards shall be disposed of on site.

Consent Notices under Section 221 of the Resource Management Act 1991 will be issued by Council recording these requirements on an ongoing basis



Lots 11 to 18 shall not discharge unattenuated stormwater flows directly onto the road or directly into systems that will be taken over by the Council. Specific design for stormwater attenuation shall be required for each lot. This design shall accompany any building consent or future subdivision resource consent applications. As a minimum stormwater from roof areas and impermeable yards shall be attenuated on site.

Consent Notices under Section 221 of the Resource Management Act 1991 will be issued by Council recording these requirements on an ongoing basis

30. A shallow swale shall be constructed adjacent to the boundaries between lots 11 to 13 and Lot 2 DP 88177. An as-built of the swale in sufficient detail to establish the invert of the swale at any point shall be provided to the Subdivision Engineer. The swale shall be defined on the title sheet of the survey plan in such a way as to be able to be defined on site by normal survey methods. The swale shall be identified by numbers and/or letters to facilitate precise identification on each title to issue.
31. The swale area, depicted on the plan approved under condition 30, located within Lots 11, 12 and 13 shall not be filled and no building or structure, or part of any building or structure, shall be erected within the swale formation. No internal fence that is to be erected across the swale shall be of a solid structure or of a design which may dam water or trap debris. No planting that would inhibit operation of the swale shall be established.

Please Note:

Upon the issue of the Certificate pursuant to Section 224 of the Resource Management Act 1991 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify Condition 31 above to be registered against the Certificates of Title to issue in respect to Lots 11, 12 and 13 of this subdivision.

32. The Stormwater Attenuation pond within Lots 14 and 15 shall be designed to cater for the increased runoff as a result of the development. Confirmation of adequate sizing shall be supplied to Council's Stormwater Engineer.

The ground level in areas C and D Landlink Limited Plan Nos. 927.02 – 1 and 2 Issue C dated 23 April 2004 shall be at or below RL 3.4 mean sea level.

Planting in the pond shall be suitable for periodic inundation due to Stormwater runoff. Confirmation of appropriate species shall be supplied to Council's Stormwater Engineer

33. The subdivision shall be reticulated for wastewater disposal. All lots shall be provided with individual service connections, to the satisfaction of the Subdivision Engineer. Where ever practicable sewer mains pipes shall be located in public owned property
34. The subdivision shall be reticulated for public water supply. All lots shall be provided with individual service connections. Fire-fighting requirements shall comply with the Fire Services Code of Practice. Where ever practicable public water supply mains shall be located in public owned property

35. ✓ Underground power and telecommunication services, including the installation of streetlighting standards and lamps, shall be provided to the approval of the Subdivision Engineer. The streetlighting layout shall comply with AS/NZS 1158. Transformer sites shall be specifically provided for by recessing the front boundary of lots and including the area within road reserve
36. ✓ The consent holder shall provide and install pipes for gas supply to service the subdivision to the approval of the Subdivision Engineer
37. ✓ "As built" plans of all services adequately dimensioned to show the relationship of such services to the lot boundaries shall be supplied by the consent holder and to the approval of the Subdivision Engineer
38. ✓ The consent holder shall provide Council with an itemised schedule of quantities and costs, for those services and assets which are to vest in Council. This will involve water supply, sewerage, stormwater and roading assets including street lights
39. ✓ Easements are required over any rights of way and/or communal services where these pass through the lots in the subdivision. The Subdivision Engineer may require other easements. Easements shall be shown on the land transfer title plan and any documents shall be prepared by solicitors at the consent holder's expense.
40. ✓ 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

### **Monitoring**

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

### **Legal**

43. ✓ The 'Heritage Site' shall be defined on the title sheet of the survey plan in such a way as to be able to be defined on site by normal survey methods. The 'Heritage Site' shall be identified by numbers and/or letters to facilitate precise identification on each title to issue. The 'Heritage Site' shall generally conform with the proposal shown as area A on Landlink Limited Plan No. 927.02 – 1 Issue C dated 23 April 2004 submitted with application RM040167.



44. The ongoing management of the heritage site shall be addressed as part of a covenant with the QEII Trust or other suitable covenant as approved by the Resource Consents Manager. Should this be provided, the consent notice (see below Conditions 45 and 46) will not be required and Council will accept a secured bond or cash deposit to the value of \$500 in lieu of the registration of the covenant on the titles of Lot 3 to enable the section 224(c) certification of the subdivision. A copy of the completed covenant and evidence shall be provided to Council which confirms that the covenant has been registered on the title of lot 3 prior to the release of the cash deposit or bond.

45. The midden located within Lot 3 is considered to be a heritage site for the purposes of the residential zone protection of heritage sites in the controlled activity standard in the District Plan. No part of any building or structure shall be located within the area identified as 'Building and Earthworks Exclusion Zones' depicted on the plan approved under condition 43.

**Please Note:**

Upon the issue of the Certificate pursuant to Section 224 of the Resource Management Act 1991 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify Condition 45 above to be registered against the Certificates of Title to issue in respect to Lot 3 of this subdivision.

46. The existing midden within area A identified as 'Building and Earthworks Exclusion Zones' depicted on the plan approved under condition 43 within Lot 3 shall be preserved. No earthworks shall be undertaken in this area, except that work to establish and maintain vegetation may be carried out.

**Please Note:**

Upon the issue of the Certificate pursuant to Section 224 of the Resource Management Act 1991 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify Condition 46 above to be registered against the Certificates of Title to issue in respect to Lot 3 of this subdivision.

47. All costs arising from any of the above conditions shall be borne by the consent holder.

**Subdivision and Land Use Notes:**

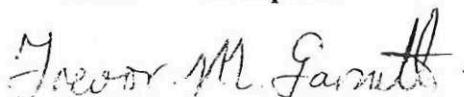
1. The Survey Plans must be certified in accordance with Section 223 and land use given effect to within 5 years of the granting of this Consent, or within such extended period of time pursuant to Sections 125 and 37, as Council may allow.
2. A certificate pursuant to Section 224 will be issued following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

4. This Land use consent incorporates the approval for Earthworks required under the Kapiti Coast District Council Earthworks Bylaw
5. The consent holder should not encroach onto adjacent land owned by others without having first obtained their written consent.
6. Contravention of the Land Drainage Act is not permitted and natural drainage patterns are to be preserved.
7. 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.
8. The consent holder is required to obtain a building consent before carrying out any alterations to existing services within the lot/s.

**REASONS (land use consent and subdivision consent):**

1. The application raises no s106 issues that would justify its refusal (subdivision consent only);
2. That the application is not contrary to the objectives and policy of the District Plan; and
3. The effects of the application are considered to be no more than minor.

**ISSUED: 16 September 2004**



**Trevor Garnett  
RESOURCE CONSENTS PLANNER**



**RESOURCE CONSENT NUMBER: RM040167**

**DECISION ONE: REQUEST FOR COUNCIL'S AGREEMENT TO CANCEL  
CONSENT NOTICE CONDITIONS**

Pursuant to section 221(3) of the Resource Management Act 1991, the undersigned officers acting under delegated authority from the Council **AGREE** to cancel Conditions 1 and 2 of the consent notice (document # B796697.3) registered on the certificate of title for Lot 3 DP 88177 (CT WN55C/951).

**DECISION TWO: APPLICATION TO CHANGE A CONDITION OF SUBDIVISION  
CONSENT**

Pursuant to section 127 of the Resource Management Act 1991, the undersigned officers acting under delegated authority from the Council **GRANT** the application to change Condition 29 of resource consent RM040167 so that the condition reads as follows (additions/alterations in bold):

*The consent holder shall submit a stormwater disposal design for approval by the Subdivision Engineer. Construction shall be in accordance with the approved plan*

*Lots 1 to 10 shall not discharge stormwater onto the road or into systems that will be taken over by the Council. Specific design for stormwater disposal shall be required for each lot. This design shall accompany any building consent or future subdivision resource consent applications. As a minimum stormwater from roof areas, right-of-ways and impermeable yards shall be disposed of on site.*

*Consent Notices under Section 221 of the Resource Management Act 1991 will be issued by Council recording these requirements on an ongoing basis*

*Lots 11 to 18 shall not discharge unattenuated stormwater flows directly onto the road or directly into systems that will be taken over by the Council. Specific design for stormwater attenuation shall be required for each lot. This design shall accompany any building consent or future subdivision resource consent applications. As a minimum stormwater from roof areas and impermeable yards shall be attenuated on site.*

*Consent Notices under Section 221 of the Resource Management Act 1991 will be issued by Council recording these requirements on an ongoing basis*

*The minimum floor level, measured from the underside of the floor joist or the base of any concrete slab (as the case maybe) for all habitable buildings on Lots 12 – 17 shall be at or above a level of 4.0 metres above mean sea level.*

*Consent notices under Section 221 of the Resource Management Act 1991 will be issued by Council recording these requirements on an ongoing basis*

All other consent conditions are to remain unchanged.

**Reasons for the Decision:**

1. There will be no adverse effects on the environment.
2. There are no parties who are considered to be adversely affected.
3. The proposed change is not contrary to the objectives and policies of the district plan or the purpose of the Resource Management Act 1991.

**DECISION: APPROVED**

**RM040167**

**DATED 24<sup>th</sup> March 2005**



**Trevor Garnett**

**ACTING RESOURCE CONSENTS MANAGER**



SCANNED



Bldg file.

FILE: RM040167

24 March 2005

MC<sup>2</sup> Group Ltd.  
c/- LandLink Ltd  
P O Box 370  
WAIKANAE

90 Te Moana Rd

2 Fairway Oaks Dr.

Waikanae

Attn: Nicola McHutchon

Dear Nicola

**RM040167: SECTIONS 127 and 221(3) RESOURCE MANAGEMENT ACT 1991  
APPLICATION TO CHANGE CONDITION OF SUBDIVISION CONSENT, and  
CANCELLATION OF CONSENT NOTICE CONDITIONS, 90 TE MOANA ROAD,  
WAIKANAE**

We are pleased to enclose the decision on your application to change Condition 29 of the above resource consent, and to cancel the conditions of a consent notice registered on the title for the land being subdivided. .

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

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

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

Thank you for dealing with the Kapiti Coast District Council.

If you have any concerns or enquiries about the conditions please do not hesitate to contact the writer on 9045-782.

Yours faithfully



Trevor Garnett  
ACTING RESOURCE CONSENTS MANAGER

Kapiti Coast District Council

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



**RESOURCE CONSENT NUMBER: RM040167**

**DECISION ONE: REQUEST FOR COUNCIL'S AGREEMENT TO CANCEL  
CONSENT NOTICE CONDITIONS**

Pursuant to section 221(3) of the Resource Management Act 1991, the undersigned officers acting under delegated authority from the Council **AGREE** to cancel Conditions 1 and 2 of the consent notice (document # B796697.3) registered on the certificate of title for Lot 3 DP 88177 (CT WN55C/951).

**DECISION TWO: APPLICATION TO CHANGE A CONDITION OF SUBDIVISION  
CONSENT**

Pursuant to section 127 of the Resource Management Act 1991, the undersigned officers acting under delegated authority from the Council **GRANT** the application to change Condition 29 of resource consent RM040167 so that the condition reads as follows (additions/alterations in bold):

*The consent holder shall submit a stormwater disposal design for approval by the Subdivision Engineer. Construction shall be in accordance with the approved plan*

*Lots 1 to 10 shall not discharge stormwater onto the road or into systems that will be taken over by the Council. Specific design for stormwater disposal shall be required for each lot. This design shall accompany any building consent or future subdivision resource consent applications. As a minimum stormwater from roof areas, right-of-ways and impermeable yards shall be disposed of on site.*

*Consent Notices under Section 221 of the Resource Management Act 1991 will be issued by Council recording these requirements on an ongoing basis*

*Lots 11 to 18 shall not discharge unattenuated stormwater flows directly onto the road or directly into systems that will be taken over by the Council. Specific design for stormwater attenuation shall be required for each lot. This design shall accompany any building consent or future subdivision resource consent applications. As a minimum stormwater from roof areas and impermeable yards shall be attenuated on site.*

*Consent Notices under Section 221 of the Resource Management Act 1991 will be issued by Council recording these requirements on an ongoing basis*

*The minimum floor level, measured from the underside of the floor joist or the base of any concrete slab (as the case maybe) for all habitable buildings on Lots 12 – 17 shall be at or above a level of 4.0 metres above mean sea level.*

*Consent notices under Section 221 of the Resource Management Act 1991 will be issued by Council recording these requirements on an ongoing basis*

All other consent conditions are to remain unchanged.

**Reasons for the Decision:**

1. There will be no adverse effects on the environment.
2. There are no parties who are considered to be adversely affected.
3. The proposed change is not contrary to the objectives and policies of the district plan or the purpose of the Resource Management Act 1991.

**DECISION: APPROVED**

**RM040167**

**DATED 24<sup>th</sup> March 2005**

A handwritten signature in cursive script, reading "Trevor M. Garnett". The signature is written in dark ink and is positioned above the printed name and title.

**Trevor Garnett**

**ACTING RESOURCE CONSENTS MANAGER**



24<sup>th</sup> March 2005

RM 040167

**APPLICATION TO CHANGE A CONDITION OF RESOURCE CONSENT PURSUANT  
TO SECTION 127 and  
AGREEMENT TO CANCEL THE CONDITIONS OF A CONSENT NOTICE UNDER  
SECTION 221(3)  
OF THE RESOURCE MANAGEMENT ACT 1991**

<b>APPLICANT:</b>	<b>LandLink Ltd. on behalf of MC<sup>2</sup> Group Ltd.</b>
<b>LOCATION:</b>	<b>90 Te Moana Road, Waikanae</b>
<b>LEGAL DESCRIPTION:</b>	<b>Lot 3 DP 88177</b>
<b>ZONE:</b>	<b>Residential</b>
<b>DATE CONSENT GRANTED:</b>	<b>12 April 1999 – RM950358 16 September 2004 – RM040167</b>
<b>PROPOSAL:</b>	<b>To change Condition 29 which relates to stormwater disposal; and, To cancel the conditions of a consent notice (document# B796697.3) registered on the certificate of title for Lot 3 DP 88177 (CT WN55C/951)</b>

**SITE and BACKGROUND**

The site that is the subject of the application is in the process of being subdivided with consent to an 18 lot residential subdivision being granted on 16 September 2004. The planning report includes a comprehensive description of the site and the proposed subdivision, which should be read as an addendum to this report.

The proposal incorporated a new road and associated earthworks and was assessed as a discretionary activity under Rule D.2.1.3(B)(i) of the District Plan. The application was processed without notification and without service to affected parties. The application included the written approval from the following parties:

- 74 Te Moana Rd, Lot 1 DP 54849 – WJ & BA Krivan
- 76 Te Moana Rd, Lot 2 DP 12787 – JM Sowman (& tenant – S Torley)
- 78/80 Te Moana Rd, Lots 3-4 DP 12787 – GT & HJ McMillan
- 84 Te Moana Rd, Lot 2 DP 88177 – VR & RM Osbourne
- Te Moana Road, Lot 1 DP 71916 – Transit NZ

The Te Ati Awa Executive was consulted and raised no concerns about the proposal.

Earlier this year the consent holder submitted a survey plan for the subdivision. The Council's subdivision engineer has confirmed that all the engineering conditions have been met, and a certificate pursuant to section 224(c) of the Act can be issued. However, it has recently become apparent that there is a consent notice registered on the certificate of title for the land being subdivided, which would have the effect of preventing building on three of the new lots.



## APPLICATION

The applicant comprehensively outlines the reasons for the application, and the relief sought. The reasons for the application can be summarised as follows:

- The terms of the existing consent notice restrict building in that part of the application site which is below the level of RL3.9 MSL Wellington City Datum.
- The ground within Lots 13 to 15 of the subdivision is below this height.
- Recent re-evaluation by the Wellington Regional Council has shown that any flood hazard associated with the new lots in the subdivision can be adequately avoided if the floor joist level is at or above a level of 4.0M AMSL.
- There is no flood hazard for any of the lots in the subdivision except Lots 12 to 17, and in respect of Lots 12 to 17 the terms and conditions of the consent notice do not accurately reflect the actual hazard applicable to the land.

On this basis, the applicant has sought the following:

- The Council's agreement under section 221(3) of the RM Act to cancel the existing conditions of the consent notice; and,
- The Council's consent to change one of the conditions of the subdivision consent (RM040167) to reflect the new flood hazard information as it applies to Lots 12 to 17.

The conditions of the consent notice (document# B796697.3) which is registered on the certificate of title for Lot 3 DP 88177 (WN55C/951) read as follows:

1. *Any dwelling or building on Lot 3 shall be located within that area of land which is at or above RL3.9 MSL Wellington Datum. The location of this contour line is shown on a scale plan held on file No. RM950358 which is held at the Council offices.*
2. *No building consent will be issued for lot 3 until drive-on access to land at or above RL3.9 MSL (Wellington Datum) has been provided. Drive-on access to Lot 3 shall be generally between RL 3.4 and RL 3.6 MSL Wellington datum and shall be located so as to not adversely affect adjacent properties.*

The condition of the subdivision consent which the applicant wants to change (Condition 29) reads as follows:

*The consent holder shall submit a stormwater disposal design for approval by the Subdivision Engineer. Construction shall be in accordance with the approved plan*

*Lots 1 to 10 shall not discharge stormwater onto the road or into systems that will be taken over by the Council. Specific design for stormwater disposal shall be required for each lot. This design shall accompany any building consent or future subdivision resource consent applications. As a minimum stormwater from roof areas, right-of-ways and impermeable yards shall be disposed of on site.*

*Consent Notices under Section 221 of the Resource Management Act 1991 will be issued by Council recording these requirements on an ongoing basis*

*Lots 11 to 18 shall not discharge unattenuated stormwater flows directly onto the road or directly into systems that will be taken over by the Council. Specific design for stormwater attenuation shall be required for each lot. This design shall accompany any building*



*consent or future subdivision resource consent applications. As a minimum stormwater from roof areas and impermeable yards shall be attenuated on site.*

*Consent Notices under Section 221 of the Resource Management Act 1991 will be issued by Council recording these requirements on an ongoing basis*

The applicant has requested the Council's consent to change this condition so that it also includes the following:

*A consent notice pursuant to section 221 of the Act is to be included on the certificate of title for Lots 12 to 17 stating that any dwelling built is required to have the underside of the floor joist or concrete floor at or above a level of 4.0 metres above mean sea level."*

## **SECTION 127 OF THE RESOURCE MANAGEMENT ACT 1991**

Section 127 of the Act refers to the change or cancellation of consent conditions of resource consent, and states:

127. *Change or cancellation of consent condition on application by consent holder—*
- (1) The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent (other than any condition as to the duration of the consent).*
  - (2) [Except in accordance with section 234, this] section does not apply to a subdivision consent in respect of which a survey plan has been deposited by the District Land Registrar or Registrar of Deeds in accordance with Part 10.*
  - (3) Sections 88 to 121 apply, with all necessary modifications, as if—*
    - (a) the application were an application for a resource consent for a discretionary activity; and*
    - (b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*
  - (4) For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who—*
    - (a) made a submission on the original application; and*
    - (b) may be affected by the change or cancellation.*

The consent holder may apply for a change or cancellation of conditions for any subdivision at any time before the deposit of the survey plan, but no facility is given in the Resource Management Act 1991 for the addition of conditions after the decision is issued

An application for a change or cancellation of conditions is subject to sections 88 through to 121, except for section 93 (that is if an application is to be notified, notice is served on all the interested parties). However, section 94 still applies which refers to applications not requiring notification.

## **SECTION 221(3) OF THE RESOURCE MANAGEMENT ACT 1991**

Section 221(3) of the Act refers to the change or cancellation of conditions in a consent notice, and states:



*At any time after the deposit of the survey plan, any condition specified in a consent notice may be varied or cancelled by agreement between the owner for the time being and the territorial authority*

There is little guidance provided in the Act on the process for considering a change to a consent notice. However, in *Frandi v Kapiti Coast District Council* (AP173/01) the High Court stressed the importance of considering the principles of the Act and the circumstances surrounding the subdivision overall when considering any change to a consent notice. In light of this guidance, I consider that the three 'tests' which apply to an application under section 127 of the Act are equally applicable to a request under section 221(3) of the Act. For this reason the two components of the application are considered together.

## **NOTIFICATION ANALYSIS**

The consent authority must notify an application for a discretionary activity in accordance with section 93(2) unless the effects on the environment are minor.

Condition 29 of the subdivision consent requires certain provisions to be made for stormwater on an on-going basis. The proposed change to the conditions of consent and to the consent notice relate to stormwater and a related potential for flooding. The changes only relate to a minimum level at which buildings on certain lots can be located. There will be no development opportunities afforded over and above those already envisaged by the granting of the 1999 or the 2004 subdivision consent. Given the new information provided by the Wellington Regional Council there will be no adverse effects that will result from the change.

As there will be no adverse environmental effects arising from the proposed changes to the conditions, no persons will be adversely affected.

With reference to section 127(4) the 1999 and 2004 applications for subdivision consents were both processed without notification and without notice of the application being served on any party. No person was therefore able to make a submission on the application, and there is no need to give particular consideration to such persons.

In addition there are no special circumstances that warrant the notification of this application in accordance with section 94C(2) of the Act. This determination was made after researching Council files - RM040167 and 950358.

In conclusion, the application does not need to be notified.

## **ASSESSMENT**

Under section 127(3) the application must be assessed as a discretionary activity. The three components of section 104(1) must therefore be considered; namely, effects on the environment; the objectives and policies of the District Plan; and, any other relevant matters.

Effects on the environment have already been considered in the notification assessment above. The matters discussed, and the conclusion reached, are equally applicable to the necessary consideration under section 104, and it is concluded that there will be no adverse environmental effects.



The objectives and policies of the District Plan that are relevant to the subdivision of the land and the subsequent residential development were considered in the planning report on the original applications. Those reports concluded that the proposed subdivisions are consistent with the relevant provisions of the District Plan. The proposed changes to the conditions have been reviewed with reference to those provisions and nothing has been identified that would suggest that the proposed changes would result in any inconsistency with the objectives and policies of the District Plan.

The possibility of there being other relevant matters has been considered. No other matters have been identified.

There are no Part 2 matters that are relevant to the proposed changes.

## **CONCLUSION**

In conclusion, the proposed change to one of the conditions of the subdivision consent, and the proposed cancellation of the consent notice conditions, will result in no adverse environmental effects, and will not result in any inconsistency with the provisions of the District Plan or be contrary to Part 2 of the Act. The application under section 127 can therefore be granted, and the Council can also agree to cancel the existing consent notice conditions under section 221(3).

### **DECISION ONE: REQUEST FOR COUNCIL'S AGREEMENT TO CANCEL CONSENT NOTICE CONDITIONS**

Pursuant to section 221(3) of the Resource Management Act 1991, the undersigned officers acting under delegated authority from the Council **AGREE** to cancel Conditions 1 and 2 of the consent notice (document # B796697.3) registered on the certificate of title for Lot 3 DP 88177 (CT WN55C/951).

### **DECISION TWO: APPLICATION TO CHANGE A CONDITION OF SUBDIVISION CONSENT**

Pursuant to section 127 of the Resource Management Act 1991, the undersigned officers acting under delegated authority from the Council **GRANT** the application to change Condition 29 of resource consent RM040167 so that the condition reads as follows (additions/alterations in bold):

*The consent holder shall submit a stormwater disposal design for approval by the Subdivision Engineer. Construction shall be in accordance with the approved plan*

*Lots 1 to 10 shall not discharge stormwater onto the road or into systems that will be taken over by the Council. Specific design for stormwater disposal shall be required for each lot. This design shall accompany any building consent or future subdivision resource consent applications. As a minimum stormwater from roof areas, right-of-ways and impermeable yards shall be disposed of on site.*

*Consent Notices under Section 221 of the Resource Management Act 1991 will be issued by Council recording these requirements on an ongoing basis*

*Lots 11 to 18 shall not discharge unattenuated stormwater flows directly onto the road or directly into systems that will be taken over by the Council. Specific design for stormwater attenuation shall be required for each lot. This design shall accompany any building*



*consent or future subdivision resource consent applications. As a minimum stormwater from roof areas and impermeable yards shall be attenuated on site.*

*Consent Notices under Section 221 of the Resource Management Act 1991 will be issued by Council recording these requirements on an ongoing basis*

*The minimum floor level, measured from the underside of the floor joist or the base of any concrete slab (as the case maybe) for all habitable buildings on Lots 12 – 17 shall be at or above a level of 4.0 metres above mean sea level.*

*Consent notices under Section 221 of the Resource Management Act 1991 will be issued by Council recording these requirements on an ongoing basis*

All other consent conditions are to remain unchanged.

**Reasons for the Decision:**

1. There will be no adverse effects on the environment.
2. There are no parties who are considered to be adversely affected.
3. The proposed change is not contrary to the objectives and policies of the district plan or the purpose of the Resource Management Act 1991.

**DECISION: APPROVED**

**RM040167**

**DATED 22<sup>nd</sup> March 2005**



**Wayne Gair**  
Senior Resource Consents Planner



**Trevor Garnett**  
Acting Resource Consents Manager

15 September 2004

RM 040167

**KAPITI COAST DISTRICT COUNCIL  
DECISION REPORT FOR SUBDIVISION AND LAND USE CONSENT  
Non-Notified Application**

<b>APPLICANT:</b>	<b>MC2 Group Limited</b> c/o Landlink Limited
<b>SITE ADDRESS:</b>	90 Te Moana Road, Waikanae
<b>LEGAL DESCRIPTION:</b>	Lot 3 DP88177 and Lots 3 & 4 DP12787
<b>ZONE:</b>	Residential
<b>PROPOSAL:</b>	Consent is sought for the subdivision of 21 allotments. Land use consent is also sought for roading and earthworks associated with the subdivision.
<b>ACTIVITY STATUS:</b>	Discretionary Activity
<b>PLAN:</b>	Landlink Ltd: 927.02 – 1 Issue C and 927.02-2 Issue C, dated 23 April 2004

**Delegated Authority To Process Application Without Public Notification Pursuant To Section 94 Exercised By:** Trevor Garnett and Wayne Gair

**1.0 SITE DESCRIPTION:**

**I concur with the following site description by the applicant.**

*The site is located adjoining existing residential development to the northwest along Te Moana Road and adjoins rural zoned land to the south and east. A council reserve is located on the western boundary of the site. On the opposite side of Te Moana Road is the Waikanae Golf Club. The site is located approximately one kilometre from the beach. Land directly to the south and east is zoned rural. The proposed Western Link Road designation lies to the southeast of the site, and the designated Waahi Tapu site lies to the west of the site.*

*The site is configured in a 'j' shape and is relatively flat fronting Te Moana Road, however it slopes gently from west to east. There is a clear topographical distinction between the front of the site (approximately 90 metres back from the road) being the lower lying part of the site and the rear of the site, which rises to rolling sand dunes.*



*The site is in pasture with a number of significant trees. An Oak tree is located almost on the front boundary, and five large Willow trees are located along the eastern boundary. There are various other large trees located on the site including Gum and Pohutukawa trees. It is envisaged that some of the Gum trees and one Pohutukawa tree will need to be removed where they are located on or close to proposed roading. It is intended to retain as many trees as possible as these add character and amenity to the site. It is noted that the removal of the Pohutukawa tree will not require resource consent, as it is not a naturally occurring species within the district. Some small Puriri trees exist on site and these are to be retained.*

*The land is generally in pasture and is currently used for the grazing of horses. There are no sheds or buildings located on the site.*

*There are existing reticulated services along Te Moana Road available for sewerage and water, and these are to be used to service this subdivision. The existing stormwater system is not capable of servicing an additional 17 lots and therefore all stormwater will need to be dealt with on site.*

*Power and telephone are available at the road frontage.*

*The site comprised of 78/80 Te Moana Road is an existing residential site, which is to undertake a boundary adjustment in conjunction with this development. The site contains an existing dwelling straddling the boundary and is shown to be subject to some ponding at the front of the property. The existing house is located well clear of this ponding.*

## **2. PROPOSAL:**

**I concur with the following description of the proposal by the applicant.**

### ***Allotments***

*The proposed subdivision is shown on the attached Plan 927.02 – 1 Issue C. The applicant seeks subdivision consent to enable the subdivision of a 1.9080 hectare block to provide 18 residential lots ranging in size between 583m<sup>2</sup> and 1421m<sup>2</sup>. Lot 21 will be vested as road to serve the subdivision.*

*The subdivision includes a boundary adjustment with 78/80 Te Moana Rd. The property currently consists of two allotments (total area 1765m<sup>2</sup>) held in one title with a dwelling straddling the boundary. This proposal includes the adjustment of the southern boundary of both allotments to create Lots 19 & 20. The applicants and landowners wish to maintain the two allotments, which exist and accept they should be held together by amalgamation due to the dwelling over the boundary.*

*The residential lots will have an average area of 858 m<sup>2</sup> per lot. The applicant's requirements are for a development that does not maximise the number of lots created, but rather produces one with a reasonably high average lot size and will include a development that is attractive and provides a high standard of amenity. The lot layout has been designed,*



*being responsive to the location of the site, including the consideration of the topography, being sensitive towards the existing archaeological site on the property and the overflow path and ponding areas.*

*The proposed development and layout design and location helps to provide:*

- a development that will be of a high aesthetic appearance*
- development of the land while ensuring flood free sites and access and that overflow paths are retained*
- development of the land keeping earthworks to a minimum*
- provision of quality slow speed streets*
- provision of a landscaped area and identifiable street entry from Te Moana Road*

### ***Roading***

*The road to serve the subdivision consists of a cul de sac, leading to a lane from Te Moana Road, approximately 150 metres to the east of the intersection of Te Moana Road and Rauparaha Street. The purpose of the roading is to provide direct access to the future residential dwellings within the development. The roads will not be significant traffic carriers and accordingly the design has focused on human scale and neighbourhood amenity. It is intended for the carriageways of the lower road and upper lane to be 6.0 metres and 5.5 metre in width respectively. These details however will be finalised within the engineering design stage of the proposal. The lane will continue up from the lower area of the site to provide access to the upper level of the site. It is proposed to keep earthworks to a minimum although the grade of the site dictates to an extent what earthworks are required.*

*The entrance to the site has a wide frontage, providing a generous entry to the site and to maintain an existing Oak tree located at the front of the site. The carriageway is proposed at 6.0 metres at the lower level, reducing to 5.5 metres to the rear, with a footpath on one side. There is room for significant plantings to be provided along the road berm, and an identifiable entrance to the site to be designed. Boffa Miskell have been recruited as part of the project team and will be undertaking design work on terms of both hard and soft landscaping. Much of the work undertaken is not part of resource consent requirements but will provide character for the development. The focus on providing well designed landscaping also help to mitigate effects of earthworks that will be undertaken in order to obtain access into the upper level of the site.*

*The new intersection created will generate additional traffic to Te Moana Rd, a road which is estimated to have well in excess of 1000 vehicle movements a day. The new intersection provides good site visibility for vehicles moving on and off the site. The closest intersection to the development is Lavina Grove which is over 50 metres away. The volume of traffic from Lavina Grove (which services 8 residential dwellings) is not considered significant enough to conflict with the new intersection.*

*Preapplication discussions with Council Officers have resulted in a proposed road width more sympathetic to the needs of development, while still providing adequate access. The road widths have been reduced to 15 metres with a 6.0 metre carriageway and 12 metres*



*with a 5.5 metre carriageway with room for a footpath to be incorporated into the design. The reduction in road width has been discussed with the Subdivisional engineer who is in agreement with the proposal. Due to the extensive retaining that will be required adjacent to the road, Council have indicated they do not want ownership of this retaining and hence the maintenance associated therefore the retaining will remain in private ownership. The road widths essentially reflect the amount of space required and it is demonstrated that roading, footpath and berms are all easily accommodated with the widths provided. A preliminary sketch by Boffa Miskell is attached illustrating proposed retaining.*

*The generous berms, landscaping, paving and curves provide both safe and efficient streets for vehicle access to dwellings while at the same time providing a safe and pleasant environment.*

*The reduction in legal width of the road helps to reduce traffic speeds and improve safety, uses fewer resources and is more attractive. Specific design will be submitted at the time of engineering approval.*

*The streetscape is to be developed as part of the subdivision and is intended to include landscaping along the berms and along the frontage of Te Moana Road. Landscaping will include both appropriate planting and paved (or an appropriate alternative) pedestrian paths, along with the use of different roading surfaces to reduce the dominance of asphalt or seal. Alongside the access to the dunal area, between and within proposed Lots 7, 8 and 11, landscaping including retaining walls will be constructed alongside the lane. Final details will be incorporated into the engineering design plans after due consultation with Council officers. It is anticipated that a landscaping condition requiring landscaping plans to be submitted to and approved by the Council would be attached to any consent for approval.*

### **Earthworks**

*Although the site is relatively flat on the northern side of the site, there is a need to build up the ground levels to ensure that the land is flood free. It is proposed to fill the flatter area of the site to 3.7 metres, the 1 in 100-year flood level. Earthworks are required to shape the lots of the lower areas to be above the 1 in 100 year flood level, and for roading and drainage. This will involve up to 0.5 metres of fill on the western side of the site, and 1.4 metres on the eastern side of the site. Any earthworks will taper off to the external boundaries of the site, therefore not altering the height in relation to boundary. The Earthworks are set out clearly in the attached earthworks Plan 927.02-2 Issue C. The earthworks will ensure flood free access and building sites are provided. The depth of the fill required for the earthworks has been designed from information provided by Greater Wellington (GW) with respect to the 1 in 100 year flood event. Material for the filling will be obtained on site. The earthworks have been designed in direct consultation with GW. The Engineers report attached details consultation with Greater Wellington.*

*Any proposed fill will taper out to existing ground levels along the boundaries of the site to ensure that natural drainage patterns are maintained and to avoid adverse effects on adjoining properties. This also ensures heights in relation to boundary planes are retained as existing.*



*Earthworks are also required on the upper levels of the property to provide fill and cut for the lane and also to ensure that each lot is provided with appropriate access and area for the construction of a dwelling. The fill will range in depth with a maximum of 2.4m in a small area and a maximum cut of 3.0m where retaining is proposed. The majority of earthworks in this area is under 1.0 metre, in terms of cut or fill, and therefore does not require resource consent.*

*The earthworks will also ensure an alternative residual flow path is left between the site boundary and properties that front Te Moana Road as discussed with GW. This area is proposed to be a stormwater easement and will also contain a storage area. The easement ensures no earthworks to raise the land above 3.4 metres or buildings will be located in this area.*

*The proposed earthworks have been designed in consultation with GW and will be undertaken in accordance with the development plan for the site plan 927.02-2 Issue C.*

#### **Other Works and Services**

##### **Water Reticulation**

*An existing watermain runs along Te Moana Road. It is proposed to service all new lots from this main through the road, with mains located within the new road. Fire hydrants will be provided in appropriate positions. Rider mains and right of way mains will be installed and sized as necessary. The watermain will terminate in the turning area of the lane. Unfortunately no neighbours are amenable to have the services loop through their properties and out onto Te Moana Rd so the water will be fed from one end only.*

##### **Sanitary Sewer Reticulation**

*There is an existing sewer main located along Te Moana Road. All allotments will be serviced by a new reticulated system exiting the subdivision into the Te Moana Road system. This will require the installation of a pump station along the end of the land in the vicinity of the turning area. It is likely that Lots 1-6, 9 & 10 will require the use of the pumping station. Appropriate connections to service the new allotments will be made into sewer mains. Similar to water above, neighbouring properties were not amenable to having this service through their properties.*

##### **Stormwater Reticulation**

*Stormwater is to be disposed of on site and we have enclosed a copy of a report from Samcon Limited covering the general proposal and matters concerning stormwater disposal. The final design and layout of the stormwater system will be submitted as part of final engineering plans for the subdivision.*

### **Power and Telecommunications**

*Power and telecommunications will be provided for each new allotment. Telecom, TelstraClear and Linework have been contacted regarding their requirements and we are awaiting their response.*

### **3. DISTRICT PLAN PROVISIONS:**

The subject site is within the Residential zone under the Kapiti Coast District Plan. The site is identified on Council's GIS maps as being within an area affected by the 100 year flood extent.

#### **Activity Status**

The proposal is a controlled activity for a new road pursuant to rule D.2.1.2(v) and a discretionary activity for earthworks and subdivision pursuant to rule D.2.1.3 (B)(i). Overall the proposal is a Discretionary Activity.

#### **Policies and Objectives**

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

#### **C.7.1 RESIDENTIAL SUBDIVISION**

##### **OBJECTIVE 1.0 - DENSITY**

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

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



*intensive development and higher density land uses will have positive effects in regard to the community services and infrastructure. In addition, specific development proposals may be appropriate throughout the wider residential environments, where it can be demonstrated that adverse environmental effects can be avoided or minimised.*

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

## **POLICY 1 - LOW DENSITY CHARACTER**

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

*The ratio of dwellings to land area is the key determinant of the overall density and character of the residential environment. Appropriate control of the density of dwellings and site development will achieve the objective of a low density environment and will prevent overloading of services and community facilities. An effective means to control the number of households on a site is a requirement for a minimum land area for each dwelling. The higher the minimum area required the lower the density.*

### **C.1.1 RESIDENTIAL ZONE**

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

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

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

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

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

## *POLICY 1 - AMENITY VALUES*

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

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

*The "amenity values" of the residential environment are separately defined as a term and mean those natural or physical qualities and characteristics that contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes. Maori consider "amenity" in the context of their cultural beliefs that advance feelings of maturity and a sense of belonging to the environment rather than owning it. Without controls (performance standards) on possible adverse effects resulting from building, use and development, the environmental quality of the residential environment could be impaired.*

*The Council has adopted a standard approach to controlling the scale and other effects of activities in the Residential Zone. These are the controls which are placed on activities within the residential zone. Activity standards specify a maximum permissible level at which an activity may operate, for example, in relation to noise or vehicle movements. Activities not*



*able to meet these standards are deemed to have potential adverse environmental effects beyond what is considered acceptable. Such activities or structures would require a resource consent application at which stage a full assessment of the potential effects may be ascertained.*

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

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

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

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

## **C.15 NATURAL HAZARDS**

### **OBJECTIVE 1.0 - GENERAL**

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

#### **POLICY 1**

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

#### **POLICY 4**

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

#### **POLICY 7**

*Avoid and/or mitigate the potential adverse effects of flooding and erosion from major rivers and the sea on:*

- *human life, health and safety,*



- *private or community property,*
- *flood mitigation works, and*
- *other natural and physical resources*
- *when planning for and making decisions on new subdivision, use and development within river corridors and adjacent to the sea.*

#### **POLICY 9**

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

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

### **C.7.3 EARTHWORKS**

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

**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.**

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

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

- *The extent to which any earthworks may impact on prominent or visually sensitive landforms, including the coastal marine area, ridgelines, dunes, escarpments, native vegetation, wetlands and waterbodies and the effects of earthworks on water quality;*
- *The extent to which any cut or fill can be restored or treated to resemble natural landforms. Council will seek to avoid the creation of unnatural scar faces;*
- *The extent of screening by vegetation;*
- *The extent to which any cut or fill will remove existing vegetation, alter existing landforms, affect water quality through siltation or affect existing natural features such as waterbodies;*
- *The provision of acceptable roading gradients, practicability of drainage systems, minimum site building levels, drive on access to all lots and creation of practical reserve areas;*
- *The necessity for carrying out the works; and*
- *Whether the earthworks proposed increase or decrease flood hazards*

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

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

It is considered that the proposal will maintain the integrity of these objectives and policies. This is discussed further in the 'Assessment' section below.

#### 4. SECTION 93/94 ANALYSIS

Under Section 93(1) of the Act an application must be notified unless the consent authority is satisfied that the adverse effects of the activity on the environment will be minor, or the application is classed as a Controlled Activity, and there is no requirement in the Plan for its notification.

Section 94 of the Act states that if the application is not to be notified, under section 93(1), then the Council must serve notice on all persons that the Council considers may be adversely affected by the proposal. Section 94(2) states that notice need not be served if all persons who may be affected by the activity have given their written approval.

##### Subdivision Consent

The subdivision would result in the creation of eighteen new residential allotments which would all comply with the Controlled Activity Standards of the District Plan except for building sites above the 100 year flood levels that the earthworks are to provide. As such, the effect of creating the residential allotments is considered to be no more than minor.

##### Land Use Consent – Earthworks and Roothing

Council's Assistant Subdivision Engineer considers that the proposed roading and earthworks would not increase the flood risk associated with the area.

I concur with the following visual effects summary from the applicant.

*The proposed earthworks will not result in the substantial modification of the landform. The majority of the earthworks take place to create access to the rear of the site. The cuts associated with this, will become landscaped minimising and reducing the impact and scarring of the land. The main earthworks relate to cut rather than fill, and although the landform will be altered, given its location set back from the road, amongst existing vegetation and to the rear of the site it is not considered that the effects on the environment will be more than minor.*



*The earthworks involved at the lower and upper levels to form access and buildable area will have little visual effects from any public place, and with appropriate management in terms of the timing of works and erosion control measures, will have no adverse effect on adjoining properties or the environment.*

Therefore the visual impact of the earthworks is not considered to be significant.

As such, the effects of the proposed subdivision, roading and earthworks are both considered to be no more than minor.

### **Adversely Affected Persons**

All affected persons have given consent.

- 74 Te Moana Rd, Lot 1 DP 54849 – WJ & BA Krivan
- 76 Te Moana Rd, Lot 2 DP 12787 – JM Sowman (& tenant – S Torley)
- 78/80 Te Moana Rd, Lots 3-4 DP 12787 – GT & HJ McMillan
- 84 Te Moana Rd, Lot 2 DP 88177 – VR & RM Osbourne
- Te Moana Road, Lot 1 DP 71916 – Transit NZ

There are no other parties considered affected by the proposal as the other surrounding allotments are rural and any dwellings are set back from this site.

The Te Ati Awa Executive has been consulted and has raised no concerns.

There are no special circumstances to warrant notification pursuant to Section 94C(2) after assessing file RM040167. I have concluded that this application can be considered on a non-notified basis.

## **5. ASSESSMENT**

The main considerations when assessing an application for subdivision consent within the residential zone are provided by the objectives and policies outlined in the District Plan section of this report. In addition, the Controlled Activity Standards for subdivision and the permitted activity standards for the residential zone are also important considerations for this application. These are assessed as follows:

### **Controlled Activity Standards for Subdivisions**

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

<b>Controlled Activity Standard</b>	<b>Comment</b>	<b>Compliance</b>
<b>Density</b> – minimum lot size: <ul style="list-style-type: none"><li>• Front lots – 450m<sup>2</sup></li><li>• Rear lots – 550m<sup>2</sup></li></ul>	All of the allotments meet the density and minimum lot size requirements.	Yes



Where the land is greater than 3,000m <sup>2</sup> in size: <ul style="list-style-type: none"> <li>• Front Lots – at least 50% shall be 550m<sup>2</sup>, at least 25% 700m<sup>2</sup>;</li> <li>• Rear Lots- at least 50% shall be 650m<sup>2</sup>(exclusive of access), at least 25% shall be 800m<sup>2</sup> (exclusive of access)</li> </ul>		
<b>Shape Factor</b> – each lot capable of accommodating an 18m diameter circle	All lots meet this requirement	Yes
<b>Dwellings Per Lot</b> – 1 dwelling per minimum lot area	No more than one dwelling per minimum lot area is proposed	Yes
<b>Minimum Frontage Front Lot</b> = 6m	The front lots (Lots 2-4, 6-8 & 10-18) comply with the 6m threshold	Yes
<b>Access</b> – maximum lots served by right of way = 6 Minimum width of access for 2 - 3 lots shall be 4 metres, minimum width of access serving 4-6 lots shall be 6 metres. Not to a state highway	Proposed right of way (Lots 1 and 9) will serve 2 properties and will comply with all minimum width requirements. Access is not to a State Highway.	Yes
<b>Minimum Distance of Access From Corner of Road</b> = 15 metres from intersection of kerb line.	Complies	Yes
<b>Building Sites</b> – each lot shall have a building site above 1% flood event.	As a result of the proposed earthworks all of the residential lots would have a building site above the 1% flood event.	No
<b>Engineering Requirements</b>	Engineering requirements determined and are included as conditions of consent	Yes
<b>Esplanade Reserves/Strips</b> – compliance with Part H of District Plan.	The retention pond on Lots 14 and 15 does not exceed 8ha in area and as such there is no requirements for an esplanade strip or reserve.	N/A
<b>Spacing Between Accesses onto State Highway 1.</b>	Not Applicable	N/A
<b>Heritage Sites and Native Vegetation</b>	No known heritage sites and no native vegetation on the site	Yes
<b>Parking and Access</b> – Compliance with Part J of District Plan.	All lots are of a sufficient size and shape to meet Part J requirements	Yes
<b>Piping of Watercourses</b>	Not applicable.	N/A
<b>Stormwater Control</b>	Services for proposed lots and	

	stormwater control requirements would be addressed through engineering conditions.	Yes
<b>Underground Services</b>	Engineering conditions of consent shall address.	Yes
<b>Effluent Disposal</b>	Engineering conditions of consent shall address.	Yes

The subdivision would therefore not meet the controlled activity standards of the Plan relating to building sites above the 1% flood extent. Rule D.1.1.3(B) specifies the criteria for classifying Discretionary Activities, part (i) of this rule states that:

*'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'.*

The proposed subdivision is not listed as a Non-Complying or Prohibited Activity and as detailed above does not comply with the Permitted and Controlled Activity Standards of the Plan, as such the application is classed as a **Discretionary Activity**.

#### **Permitted Activity Standards of the District Plan**

The application must also be assessed against the Permitted Activity Standards of the District Plan.

The application complies with all of the Permitted Activity Standards with the exception of the earthworks standard. The Plan specifies that no earthworks shall be undertaken in any ponding areas that involve the disturbance of more than 20m<sup>3</sup> (volume) of land, or alters the ground level by more than 1m, measured vertically. The proposed earthworks would not comply with these criteria.

The Plan also specifies that within ponding areas development shall only occur where equivalent storage is created. The applicant has confirmed that the earthworks will have no effect on the adjoining properties and all stormwater can be accommodated on site and natural drainage patterns are preserved.

As the application does not comply with the earthworks standards, land use consent for a **Discretionary Activity** is also required under Rule D.1.1.3 (B).

The relevant assessment criteria for Discretionary Activities are as follows:

- The matters set out in section 104 of the Resource Management Act 1991;
- The provisions made for complying with the Permitted and Discretionary Activity standards;
- The impact of the proposal on the natural and physical environment;
- The design and external appearance of any structure and the visual impact of the proposal on the landscape;



- The scale of the proposed development and the impact on the character of the locality;
- The provisions made to mitigate any adverse effects the proposal may have on the environment.

There is also provision for conditions to be placed on any consent for a Discretionary Activity that:

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

## **Section 104**

### **Subdivision**

The proposed new residential allotments (Lots 1-18) would comply with the minimum allotment standards, and are of a size and shape that is anticipated within a residential area to accommodate a reasonably sized dwelling. Lots 19 and 20 which encompasses the land associated with the dwelling at 78 and 80 Te Moana Road, would be held in the same ownership. Lot 21 is to vest as road.

Information has been provided on the servicing of the site. However the Council's Assistant Subdivision Engineer has requested that additional details of the proposed stormwater system be submitted to and approved by Council as a condition of consent. Also a road safety audit report is requested for the intersection with Te Moana Road. This will cover issues such as removal of vegetation on the legal road for sight lines. A number of other conditions have been recommended to ensure that the allotments are appropriately serviced.

### **Financial Contributions**

The imposition of financial contributions will be calculated in accordance with Part E of the District Plan. For the purpose of assessing a reserves contribution, Lots 1 to 18 have been valued. Accordingly, a contribution of \$124,537.50 (GST Inclusive) has been calculated for this development. Council's Parks and Gardens Manager has sent a letter regarding the reserves contribution being offset by \$28,125.00 (GST Inclusive) leaving a contribution of \$96,412.50 (GST Inclusive) conditioned below.

### **Land Use for Earthworks and Roading**

The proposed earthworks would create suitable access to the eighteen residential allotments. On the lower slopes the ground levels are to be built up to ensure that the land is flood free. Policy 1 of Objective 1 of the Earthworks chapter sets out the criteria for assessing earthworks applications. The criteria aim to protect the visual appearance of the site and access routes. In addition, the criteria require that consideration be given to any flood hazards and any effects on Tangata Whenua.

The visual impact of the earthworks would be minor, as the major cut for the road is set back at least 100 metres from Te Moana Road and partially screened by existing vegetation.



Council's Assistant Subdivision Engineer has requested a condition to ensure that where any land or vegetative cover is disturbed suitable ground cover is provided within 5 days. As discussed above and below, stormwater and flooding issues have been addressed through conditions of the consent.

Tangata Whenua have been consulted in relation to the application and have not raised any concerns in relation to the proposed earthworks apart from the standard earthworks condition and the requirement to be onsite during earthworks.

Authority pursuant to Section 14 of the Historic Places Act 1993 has been obtained for a recorded midden site containing toheroa shown as area A on plan. A consent notice is imposed on Lot 3 to record this historic site on an ongoing basis.

### **Section 106**

The front of the site is located within an identified ponding area. The applicant has proposed earthworks to ensure that the building sites and driveways on Lots 1-18 are above the 1% flood extent. Council's Assistant Subdivision Engineer has requested clearance from Greater Wellington for the overflow path on site. This was received by a fax of 29 July 2004 and confirms the RL of 3.4 metres mean sea level for the overflow path. The stormwater drainage areas C and D on Lots 14 and 15 cover the overflow path and are to be a stormwater attenuation pond with earthworks limited to RL of 3.4 metres mean sea level. Suitable conditions of consent, as requested by the Assistant Subdivision Engineer, are imposed to mitigate flooding effects on this site.

Legal and physical access would be provided to all of the proposed allotments. This access would be clear of the 1% flood extent.

Accordingly, it is considered that the application would meet the requirements of s106 of the Act.

### **Summary**

Overall the application provides for generally larger sites than those anticipated within the residential zone and is in keeping with the relevant objectives and policies of the Kapiti Coast District Plan. Suitable conditions of consent, along with compliance with the permitted activity standards of the District Plan, will ensure that the proposal and subsequent development on the allotments will not have adverse effects on the environment beyond that anticipated in a residential setting. All effects that may be generated from the proposed subdivision are therefore considered to be no more than minor.

## **6. CONCLUSION**

I consider the proposal will have less than minor adverse effects on the environment, and would not be contrary to the relevant objectives and policies of the District Plan. I am therefore of the opinion that, having had regard to section 106 of the Act, consent can be granted in terms of section 104 of the Act.

## 7. DECISION

That the Council, pursuant to section 104B of the Resource Management Act 1991, **GRANT** Land Use Consent for earthworks and roading and Subdivision Consent for 21 allotments at 90 Te Moana Road, Waikanae (Lot 3 DP88177 and Lots 3 & 4 DP12787), subject to the following conditions:

### Plan

1. The Title Plan or E-Survey Data Set must conform with the subdivision consent proposal shown on Landlink Limited Plan No. 927.02 – 1 Issue C dated 23 April 2004, submitted with application no. RM040167.
2. That Lots 19 and 20 hereon be held in the same certificate of title. See Land Information New Zealand Request 369501.
3. The proposed earthworks and roading shall be carried out in accordance with Landlink Limited Plan Nos. 927.02 – 1 and 2 Issue C dated 23 April 2004, submitted with application no. RM040167.

### Engineering

4. The consent holder shall pay Council engineering fees of \$562.50, plus \$216 per lot, (total \$4,450.50 GST inclusive) for work that may be required for plan approvals, site inspections and consent compliance monitoring prior to the section 224(c) certification of the subdivision  
Extra fees may apply in accordance with the engineering fees schedule adopted by Council from 12 December 2002.  
Note: The current charge out rate is \$72.00 (GST inclusive) per hour
5. The consent holder shall make a financial contribution of \$420.00 (total \$7,140.00 GST inclusive) for every new lot created towards a Community Facilities Fund prior to the section 224(c) certification of the subdivision
6. The consent holder shall make a financial contribution of \$744.50 (total \$12,656.00 GST inclusive) for every new lot created towards a Water Services Fund (Water \$355.50, Sewerage \$389.50) prior to the section 224(c) certification of the subdivision.
7. The consent holder shall pay a reserves contribution of \$96,412.50 (GST inclusive) prior to the section 224(c) certification of the subdivision. This has been reduced by \$28,125.00 (GST inclusive) for work carried out for the Parks and Recreation Manager.
8. The consent holder shall comply with the requirements of the Kapiti Coast District Council Code of Practice for Subdivision and Development unless alternative means of compliance with requirements are submitted by the consent holder and approved by the Subdivision Engineer



9. 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

10. The consent holder shall either:-

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

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

Or

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

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

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

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

13. The level of the land within the allotments must be modified to provide surface drainage to the road frontage and the street channel or to alternative outlets approved by the Subdivision Engineer

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

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

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

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

17. All batters shall be self-supporting



18. The consent holder shall provide a minimum of 72 hours notice to Council's Compliance Officer and Te Ati Awa ki Whakarongotai ("the Iwi") of the commencement of any earthworks within the site. In accordance with the agreement reached between the Iwi and the developer ("the Iwi agreement") a representative of the Iwi shall be present on the site while all earthworks are being undertaken.
19. The Iwi agreement may be varied by written consent of both parties. A copy of the varied agreement is to be provided to the Resource Consent Manager within one week of the agreement being struck.
20. 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.

21. A topographical plan shall be provided showing contours at no greater than 1 metre intervals prior to and on completion of earthworks. The scale of the plan shall be 1:500 and two copies shall be provided. The plan shall also show the position and approximate level of all test locations including test borings. Where appropriate the plan should accompany any engineering reports by the suitably qualified person.

Notes:

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

Attention is drawn to the Council requirement that:

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

22. A heavy duty concrete vehicle crossing constructed in accordance with Fig C.4.4 of the Code for Subdivision and Development shall be provided to serve any ROW.
23. A concrete vehicle crossing constructed in accordance with Fig C.4.4 of the Code for Subdivision shall be provided to serve lot 5
24. Rights-of-way shall be formed, metalled, two-coat sealed, provided with a kerb and channel on one side and perimeter nib kerb on the other sides. The consent holder

shall arrange for the second-coat seal to be completed at a time acceptable to the Subdivision Engineer.

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

25. Lot 21 shall vest as road. The carriageway shall be formed, metalled and two-coat sealed, provided with kerb and channel, footpaths and turning circle. The requirement for a second-coat seal shall be met by lodging a cash contribution with Council calculated at \$3.33 (GST inclusive) per square metre of the area for first-coat seal. The Subdivision Engineer may approve a prime/seal coat and asphaltic concrete paving as an alternative to two-coat seal

Berms shall be planted with approved trees or shrubs. These may be bonded at the rate of \$140.63 (GST inclusive) per residential lot

The existing portion of Te Moana Road in front of the development shall have kerb and channel constructed on the southern side of the existing road

No retaining walls shall be permitted within vested road.

26. The consent holder shall provide all signs and install all road markings for compliance with Land Transport Safety Authority/Transit New Zealand Manual of Traffic Signs and Markings, unless otherwise approved by the Subdivision Engineer. The associated costs of legalising any no stopping lines, give way and compulsory stops that are required shall be met by the consent holder
27. The consent holder shall submit a road safety audit report in accordance with the Land Transport Safety Audit Policy and Procedures 1993 for the intersection with Te Moana Road when engineering drawings are submitted for approval. This will cover issues such as removal of vegetation in the legal road for sight lines for this intersection with Te Moana Road. The audit shall be undertaken by a suitably qualified person and the audit recommendations incorporated into the works, unless otherwise approved by the Subdivision Engineer
28. Three names per new road shall be forwarded to Council for approval.  
The name of each new road shall be shown on the survey plan  
To meet the requirement for sign posts and/or name plates to be provided for each road the consent holder shall pay a fee of \$225 (GST inclusive) per required sign
29. The consent holder shall submit a stormwater disposal design for approval by the Subdivision Engineer. Construction shall be in accordance with the approved plan

Lots 1 to 10 shall not discharge stormwater onto the road or into systems that will be taken over by the Council. Specific design for stormwater disposal shall be required for each lot. This design shall accompany any building consent or future subdivision resource consent applications. As a minimum stormwater from roof areas, right-of-ways and impermeable yards shall be disposed of on site.

Consent Notices under Section 221 of the Resource Management Act 1991 will be issued by Council recording these requirements on an ongoing basis



Lots 11 to 18 shall not discharge unattenuated stormwater flows directly onto the road or directly into systems that will be taken over by the Council. Specific design for stormwater attenuation shall be required for each lot. This design shall accompany any building consent or future subdivision resource consent applications. As a minimum stormwater from roof areas and impermeable yards shall be attenuated on site.

Consent Notices under Section 221 of the Resource Management Act 1991 will be issued by Council recording these requirements on an ongoing basis

30. A shallow swale shall be constructed adjacent to the boundaries between lots 11 to 13 and Lot 2 DP 88177. An as-built of the swale in sufficient detail to establish the invert of the swale at any point shall be provided to the Subdivision Engineer. The swale shall be defined on the title sheet of the survey plan in such a way as to be able to be defined on site by normal survey methods. The swale shall be identified by numbers and/or letters to facilitate precise identification on each title to issue.
31. The swale area, depicted on the plan approved under condition 30, located within Lots 11, 12 and 13 shall not be filled and no building or structure, or part of any building or structure, shall be erected within the swale formation. No internal fence that is to be erected across the swale shall be of a solid structure or of a design which may dam water or trap debris. No planting that would inhibit operation of the swale shall be established.

Please Note:

Upon the issue of the Certificate pursuant to Section 224 of the Resource Management Act 1991 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify Condition 31 above to be registered against the Certificates of Title to issue in respect to Lots 11, 12 and 13 of this subdivision.

32. The Stormwater Attenuation pond within Lots 14 and 15 shall be designed to cater for the increased runoff as a result of the development. Confirmation of adequate sizing shall be supplied to Council's Stormwater Engineer.

The ground level in areas C and D Landlink Limited Plan Nos. 927.02 – 1 and 2 Issue C dated 23 April 2004 shall be at or below RL 3.4 mean sea level.

Planting in the pond shall be suitable for periodic inundation due to Stormwater runoff. Confirmation of appropriate species shall be supplied to Council's Stormwater Engineer

33. The subdivision shall be reticulated for wastewater disposal. All lots shall be provided with individual service connections, to the satisfaction of the Subdivision Engineer. Where ever practicable sewer mains pipes shall be located in public owned property
34. The subdivision shall be reticulated for public water supply. All lots shall be provided with individual service connections. Fire-fighting requirements shall



comply with the Fire Services Code of Practice. Where ever practicable public water supply mains shall be located in public owned property

35. Underground power and telecommunication services, including the installation of streetlighting standards and lamps, shall be provided to the approval of the Subdivision Engineer. The streetlighting layout shall comply with AS/NZS 1158. Transformer sites shall be specifically provided for by recessing the front boundary of lots and including the area within road reserve
36. The consent holder shall provide and install pipes for gas supply to service the subdivision to the approval of the Subdivision Engineer
37. "As built" plans of all services adequately dimensioned to show the relationship of such services to the lot boundaries shall be supplied by the consent holder and to the approval of the Subdivision Engineer
38. The consent holder shall provide Council with an itemised schedule of quantities and costs, for those services and assets which are to vest in Council. This will involve water supply, sewerage, stormwater and roading assets including street lights
39. Easements are required over any rights of way and/or communal services where these pass through the lots in the subdivision.  
The Subdivision Engineer may require other easements.  
Easements shall be shown on the land transfer title plan and any documents shall be prepared by solicitors at the consent holder's expense
40. 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

#### **Monitoring**

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

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

## Legal

43. The 'Heritage Site' shall be defined on the title sheet of the survey plan in such a way as to be able to be defined on site by normal survey methods. The 'Heritage Site' shall be identified by numbers and/or letters to facilitate precise identification on each title to issue. The 'Heritage Site' shall generally conform with the proposal shown as area A on Landlink Limited Plan No. 927.02 – 1 Issue C dated 23 April 2004 submitted with application RM040167.
44. The ongoing management of the heritage site shall be addressed as part of a covenant with the QEII Trust or other suitable covenant as approved by the Resource Consents Manager. Should this be provided, the consent notice (see below Conditions 45 and 46) will not be required and Council will accept a secured bond or cash deposit to the value of \$500 in lieu of the registration of the covenant on the titles of Lot 3 to enable the section 224(c) certification of the subdivision. A copy of the completed covenant and evidence shall be provided to Council which confirms that the covenant has been registered on the title of lot 3 prior to the release of the cash deposit or bond.
45. The midden located within Lot 3 is considered to be a heritage site for the purposes of the residential zone protection of heritage sites in the controlled activity standard in the District Plan. No part of any building or structure shall be located within the area identified as 'Building and Earthworks Exclusion Zones' depicted on the plan approved under condition 43.

Please Note:

Upon the issue of the Certificate pursuant to Section 224 of the Resource Management Act 1991 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify Condition 45 above to be registered against the Certificates of Title to issue in respect to Lot 3 of this subdivision.

46. The existing midden within area A identified as 'Building and Earthworks Exclusion Zones' depicted on the plan approved under condition 43 within Lot 3 shall be preserved. No earthworks shall be undertaken in this area, except that work to establish and maintain vegetation may be carried out.

Please Note:

Upon the issue of the Certificate pursuant to Section 224 of the Resource Management Act 1991 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify Condition 46 above to be registered against the Certificates of Title to issue in respect to Lot 3 of this subdivision.

47. All costs arising from any of the above conditions shall be borne by the consent holder.



**Subdivision and Land Use Notes:**

1. The Survey Plans must be certified in accordance with Section 223 and land use given effect to within 5 years of the granting of this Consent, or within such extended period of time pursuant to Sections 125 and 37, as Council may allow.
2. A certificate pursuant to Section 224 will be issued following compliance with all of the conditions of subdivision consent set out above, and payment of all relevant charges and levies.
3. Rights of objection to the conditions specified above may be exercised pursuant to Section 357(2) by the consent holder. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as Council in any special case may allow.
4. This Land use consent incorporates the approval for Earthworks required under the Kapiti Coast District Council Earthworks Bylaw
5. The consent holder should not encroach onto adjacent land owned by others without having first obtained their written consent.
6. Contravention of the Land Drainage Act is not permitted and natural drainage patterns are to be preserved.
7. 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.
8. The consent holder is required to obtain a building consent before carrying out any alterations to existing services within the lot/s.

**REASONS (land use consent and subdivision consent):**

1. The application raises no s106 issues that would justify its refusal (subdivision consent only);
2. That the application is not contrary to the objectives and policy of the District Plan; and
3. The effects of the application are considered to be no more than minor.

**DECISION: APPROVED**

Trevor Garnett  
Senior Resource Consents Planner



Wayne Gair  
Senior Resource Consents Planner





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

**IN THE MATTER OF A PLAN LODGED FOR DEPOSIT UNDER  
NUMBER 348205**

**AND RESOURCE CONSENT NO. RM 040167**

**(BEING THE SUBDIVISION OF LOT 3 DP 88177 and LOTS 3 & 4 DP12787),  
AT 90 TE MOANA ROAD, WAIKANAE  
FOR MC<sup>2</sup> GROUP LIMITED**

**The Regional Regulatory Titles Officer at Wellington**

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


1. **With respect to all Lots:** Foundation design and construction for any new building or additions and alterations to any building shall take into account the recommendations within the document titled "Statement of Professional Opinion as to Suitability of Land for Building Purposes" prepared by Graeme D Walker of Samcon Civil Engineers and submitted to Council in relation to application No. RM040167. A copy of the document is available in Council's Office at any time the office is open to the public.
2. **With respect to Lots 1 to 10:** There shall not be any discharge of stormwater onto the road or into systems that will be taken over by the Council. Specific design for stormwater disposal shall be required for each lot. This design shall accompany any building consent or future subdivision resource consent applications. As a minimum stormwater from roof areas, right-of-ways and impermeable yards shall be disposed of on site.
3. **With respect to Lots 11 to 18:** There shall not be any discharge of unattenuated stormwater flows directly onto the road or directly into systems that will be taken over by the Council. Specific design for stormwater attenuation shall be required for each lot. This design shall accompany any building consent or future subdivision resource consent applications. As a minimum stormwater from roof areas and impermeable yards shall be attenuated on site.

Kapiti Coast District Council

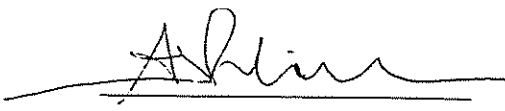
Phone (04) 904 5700, Fax (04) 904 5830 | 175 Rimu Road, Private Bag 601, Paraparaumu. Website [www.kcdc.govt.nz](http://www.kcdc.govt.nz)

4. With respect to Lots 12 – 17: The minimum floor level, measured from the underside of the floor joist or the base of any concrete slab (as the case maybe) for all habitable buildings shall be at or above a level of 4.0 metres above mean sea level.
5. With respect to Lots 11, 12 & 13: The area of the stormwater swale contained in areas D, E and F as shown on DP348205 shall not be filled and no building or structure, or part of a building or structure shall be erected within the swale formation. No internal fence that is to be erected across the swale shall be of a solid structure or design which may dam water or trap debris. No planting that would inhibit the operation of the swale shall be established.
6. With respect to Lots 14 and 15: That part of the land contained within area G on Lot 14 and area H on Lot 15 is set aside as a stormwater attenuation ponding area and is subject to the following restrictions:
- Planting shall be suitable for periodic inundation due to stormwater runoff;
  - The ground level shall be maintained at or below RL 3.4 metres above mean sea level;
  - In order to ensure that the area can continue to accommodate the increased stormwater runoff resulting from the residential development of the land, no earth filling will be permitted without specific written consent from the Kapiti Coast District Council Stormwater Engineer.
7. With respect to Lot 3: Area C within Lot 3 of DP348205 is a "Building and Earthworks Exclusion Zone" because the midden located within area C is considered to be a heritage site for the purposes of the residential zone protection of heritage sites. Accordingly the following are prohibited within the area identified as area C on DP348205:
- The erection or establishment of any building or any structure; and
  - Earthworks of any nature, except that work to establish and maintain vegetation may be carried out.

Issued in respect of application No. RM 040167 on this 6<sup>th</sup> day of April 2005.



Wayne Gair  
AUTHORISED OFFICER



Aidan Robinson  
AUTHORISED OFFICER