

Sharalyn Fraser *Agency*

Statement of passing over information – This information has been supplied by the Vendor or the vendor’s agents. Accordingly, Sharalyn Fraser Agency (Ownly Limited licensed (REA 2008) is merely passing over the information as supplied to us by the vendor or vendors agents.

We cannot guarantee its accuracy and reliability as we have not checked, audited, or reviewed the information and all intended purchasers are advised to conduct their own due diligence investigation into the same. To the maximum extent permitted by law Sharalyn Fraser Agency (Ownly Limited licensed (REA 2008) does not accept any responsibility to any person for the accuracy of the information herein

16 December 2024

Hamish O'Brien

LAND INFORMATION MEMORANDUM (LIM)

The attached LIM provides you with information about 7 Tutere Street, Waikanae Beach.

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

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

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

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

Finally, if you have any questions about your LIM, please don't hesitate to contact us at kapiti.council@kapiticoast.govt.nz or 0800 486 486.



Steve Cody
Building Team Manager

This page is intentionally blank.

Land Information Memorandum (LIM)

Prepared by Kāpiti Coast District Council for the property located at:

7 Tutere Street, Waikanae Beach

Document information

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

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

Application details

Applicant	Hamish O'Brien
LIM number	L241259
Application date	11/12/24
Issue date	16/12/24

Property details

Property address	7 Tutere Street, Waikanae Beach
Legal description	LOT 85 DP 7462
Area (hectares)	0.0696

Valuation information

Valuation number	1491044200
Capital value	\$2,260,000
Land value	\$1,080,000
Improvements value	\$1,180,000

Please note that these values are intended for rating purposes only.

Contents

1. Rates	3
2. Consents, Certificates, Notices, Orders or Requisitions affecting the land and buildings	4
3. Weathertightness	5
4. Land use and Conditions.....	5
5. Special Features and Characteristics of the land.....	7
6. Other land and building classifications	9
7. Private and Public stormwater and sewerage drains	9
8. Drinking water supply	9
9. Network utility information	9
10. Other information about the property.....	10
Glossary of Terms and Maps attached.....	11

Attachments

- Glossary of Terms and Maps
- Aerial Photograph
- Deposited Plan/Record of Title
- District Plan Zones
- District Plan Precincts and other overlays
- District Plan Features
- District Plan Natural Hazards – Active Faults
- District Plan Natural Hazards – Flooding
- Latest Flood Hazards
- Resource Consents - Maps and Summary Detail (if applicable)
- Health and Alcohol Licenses
- Services Network
- As Built Drainage Plan (if applicable)
- Resource Consent documents (if applicable)
- Earthquake-Prone Building documents (if applicable)

1. Rates

In this section: information relating to any rates owing in relation to the property.

Rates are charged in four instalments for the period commencing 1 July and ending 30 June each year. Amounts stated are inclusive of GST.

Current rates year Current Rates Year 2024 to 2025

Annual rates \$10,563.55

This includes Greater Wellington Regional Council rates

Next instalment date 06/03/25

Arrears for previous years \$0.00

Water rates \$426.68 last year (2023/24)

All water used is charged for at a volumetric rate of \$1.19 (incl. GST) per cubic metre (1000 litres) and a fixed annual charge of \$222.00 (incl. GST) per separately used or inhabited part of a rating unit, charged at a daily rate of \$0.6066, calculated on the number of days in each invoice period.

Water balance due \$0.00

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

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

In this section: information concerning any consent, certificate, notice, order, or requisition affecting the land or any building on the land previously issued by Council; information required to be provided to a territorial authority under section 362T(2) of the Building Act 2004; and information concerning any certificate issued by a building certifier pursuant to the Building Act 1991 or the Building Act 2004.

Building Consents

07/04/15	BUILDING CONSENT 150134 : New Garage 50m2 : Code Compliance Certificate issued 23/05/22
29/04/14	BUILDING CONSENT 140009 : Proposed dwelling : Code Compliance Certificate issued 02/08/21
22/12/83	Building Permit B068499 GARDEN SHED 4-32 SQ M
16/04/58	Building Permit 698 ADDITIONS 250 SQ FT

Note that building consents and code compliance certificates came into existence with the passing of the Building Act 1991. Before then, councils issued only building permits. Building work carried out earlier than July 1992 may therefore not have a code compliance certificate.

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

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

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

4. Land use and Conditions

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

Planning/Resource Management

District Plan Zone/Precinct/Development Area:

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)

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

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

District Plan Features and Overlays

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

This property is zoned: General Residential in the Operative District Plan (2021).

This property is located within PREC3 - Beach Residential Precinct and partially within PREC62 - Coastal Qualifying Matter Precinct (General Residential Zone). There are specific provisions in the Operative District Plan (2021) for these Precincts.

This property was created via subdivision in 1930. A copy of the Deposited Plan (DP7462) and Record of Title is provided with this LIM.

There are no known easements.

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

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

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

RESOURCE CONSENT 130099 : Proposed dwelling at 7 Tutere Street, Waikanae.

If you are interested in reading the full resource consent file 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.

This property is adjacent to a property which contains some specific features on it that are recorded in the Operative District Plan (2021).

These features are: Special Amenity Feature or Landscape - distinctive highly valued landscape or landform. SAL29 Southern Beaches Special Amenity Landscape (Beach and public areas of the foredunes extending from the settlement of Paekakariki through to the northern edge of the Waikanae Beach settlement including the Wharemauku Stream, Tikotu Creek and Waimeha Stream mouths (excluding the Paekakariki escarpment, Whareroa Dunes and Waikanae River Mouth beach and foredune areas that have been assessed separately).

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).

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

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

5. Special Features and Characteristics of the land

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

Earthquakes

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

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)).

Contaminated Sites

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

Coastal Erosion and Inundation Hazards

Council holds a set of reports prepared by environmental engineering consultancy Jacobs NZ Ltd covering susceptibility and vulnerability assessments of the coastal areas of the District based on a range of sea level rise scenarios over periods of 30, 50 and 100 years.

The Council may use these reports to inform future district plan work which will consider any necessary changes to land use and subdivision controls in areas which may be affected. Various parties have raised concerns regarding the approach taken in those reports. There will be an opportunity through the plan change process for any concerns to be raised.

The information on coastal hazards that the Council holds is available on the following link: www.kapiticoast.govt.nz/coastal-science. That link includes the coastal hazards GIS map viewer which will allow you to see how any particular property may be affected.

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/.

Other Information

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

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

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

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

Part of the property is shown to be subject to and adjacent to ponding or 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.

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

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

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

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

6. Other land and building classifications

In this section: This is information which, in terms of any other Act, has been notified to the Council by any statutory organisation having the power to classify land or buildings for any purpose.

No information located.

7. Private and Public stormwater and sewerage drains

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

There is Council sewer reticulation available with a lateral. The location of the sewer lateral is shown on the services network plan. An as-built plan of private drainage is provided with this LIM.

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

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

8. Drinking water supply

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

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

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

9. Network utility information

In this section: information which has been notified to the Council by any network utility operator pursuant to the Building Act 1991 or the Building Act 2004.

Contact Electra for power availability and Vector for gas availability.

10. Other information about the property

In this section: information concerning the land and the property that the Council has the discretion to include if it considers it to be relevant.

No Information located.

Cultural and Archaeological

The settlement history of the Kapiti Coast suggests that there are still an unknown number of unidentified cultural and archaeological sites within the District and indeed these are still being discovered during earthworks from time to time. The Heritage NZ Pouhere Taonga Act 2014 provides for substantive penalties for unauthorised destruction or modification of an archaeological site.

More detail on what to look for and who to contact can be found on our website:

www.kapiticoast.govt.nz/Our-District/Tangata-Whenua

Development Impact Fees

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

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

[Development impact fees - Kāpiti Coast District Council \(kapiticoast.govt.nz\)](http://www.kapiticoast.govt.nz/Development-impact-fees-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 Tutere Street, Waikanae Beach (LOT 85 DP 7462)



0 20 40 Metres

Scale @ A4 - 1:1,000

Date Printed: December 11, 2024

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 **WN496/132**
Land Registration District **Wellington**
Date Issued 20 May 1943

Prior References
WN472/32

Estate Fee Simple
Area 696 square metres more or less
Legal Description Lot 85 Deposited Plan 7462
Original Registered Owners
Annie Joyce Hughson

Interests

Fencing Agreement in Transfer 270815 - 20.5.1943
6723157.1 Transfer to Shane Michael O'Brien, Jillian Mary O'Brien and David Alan Lea - 27.2.2006 at 9:34 am
6894454.1 Mortgage to Bank of New Zealand - 16.6.2006 at 3:24 pm
9233669.1 Discharge of Mortgage 6894454.1 - 17.12.2012 at 2:19 pm
9233669.2 Mortgage to ASB Bank Limited - 17.12.2012 at 2:19 pm
10622289.1 Transfer to Shane Michael O'Brien and Jillian Mary O'Brien - 24.11.2016 at 11:13 am
10938713.1 Variation of Mortgage 9233669.2 - 27.10.2017 at 4:11 pm
12105742.2 Variation of Mortgage 9233669.2 - 10.5.2021 at 11:24 am
12729647.1 Transfer to Hamish William O'Brien, Jillian Mary O'Brien and Michael James Creed - 27.7.2023 at 2:55 pm

NEW ZEALAND.

Form B.

Reference: Vol. 472, Folio 32. Transfer No. 270815. Application No. Order for N/C No.



Register-book, Vol. 1196, folio 132.

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT.

This Certificate, dated the twentieth day of May, one thousand nine hundred and Forty-three under the hand and seal of the District Land Registrar of the Land Registration District of WELLINGTON, in witness that EMMA FULTON of Christchurch widow PAULEA MARIE FULTON of Wellington Spinster and PETER GUY FULTON of Wellington Soldier are

in seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial under written or endorsed hereon; subject also to any existing right of the Crown to take and lay off roads under the provisions of any Act of the General Assembly of New Zealand) in the land hereinafter described, as the same is delineated by the plan hereon bordered GREEN, be the several admeasurements a little more or less, that is to say: All that parcel of land containing TWENTY SEVEN AND FIVE TENTHS PERCHES more or less, situate in Block V of the Kaitawa Survey District being part of Subdivision 76 B of Agarara west A Block and being also Lot 85 on Deposited Plan No. 7462 (Town of Waitaha).



Kanahu District Land Registrar.

Administrative and Land Subdivision Office of the Land Registrar, Wellington, New Zealand.

Fencing agreement contained in Transfer No. 270815.

Transfer 31948 + Peter Guy Fultons as his interest to the abovesaid Emma FULTON and Paulea Marie FULTON produced 30th June 1949 at 2.55 PM. A.P.R.

Transfer 332910 the registered proprietors to George Henry Parkinson of Lower Hutt Straker produced 9th October 1950 at 12.20 am. W. H. H. A.P.R.

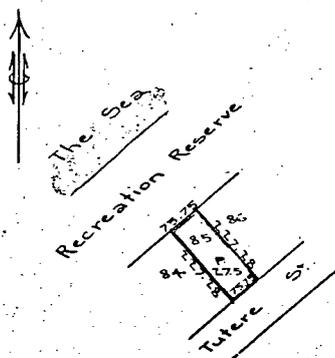
Transfer 406206 George Henry Parkinson to Elaine Annette Farnell of Wellington married woman produced 21st May 1957 at 10.10 am. W. H. H. A.P.R.

Transfer 518234 to Anne Joyce Huggison of Wellington married woman - 1.2.1962 at 10.2 am. W. H. H. A.P.R.

Mortgage 518235 to Elaine Annette Farnell - 1.2.1962 at 10.3 am. W. H. H. A.P.R.

Mortgage 656116 to Wellington Tailor Loan and Savings Co. Ltd. produced 17.12.1965 at 11.25 am. W. H. H. A.P.R.

Mortgage 716214 to Mrs. Elizabeth and Mary Beatrice Taylor produced 17.12.1967 at 9.35 am. W. H. H. A.P.R.



Scale: 2 Chains to an inch. M.L.

THIS REPRODUCTION (ON A REDUCED SCALE) CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL REGISTER FOR THE PURPOSES OF SECTION 215A LAND TRANSFER ACT 1952. J. S. Shields A.L.R.

(OVER)

EQUIVALENT METRIC AREA IS 696 1/2

Mortgage 831315 to Maryoria Oakly - 496/132
24.6.1970 at 2.38 p.m.

496/132-1
26/11/83
M. S. [Signature]

Variation of Mortgage 831315 -
3.12.1973 at 11.20 a.m. *D.F. [Signature]*
A.L.R.

No. 099089.1 Variation of the terms of
Mortgage 831315 - 22.6.1976 at
1.45 p.m. *[Signature]*
D.L.R.

No. 323775.1 Variation of the terms of
Mortgage 831315 - 27.3.1979 at
1.30 p.m. *[Signature]*
A.L.R.

409030.1 Variation of the terms of Mortgage
831315 - 15.8.1980 at 1.45 p.m. *[Signature]*
for D.L.R.



LAND TRANSFER OFFICE.
 RECEIVED: 31/10/1924 PROV. No. 1463
 TITLE REF. 36-31
 REFERRED TO DRAUGHTSMAN: 1/1/1924
L.T. DRAUGHTSMAN.
 EXAMINED: 16/2/24
 TRAV. RED. VOL. LXXXVIII, FOL. 162-167
 FIELD-BOOK: No. 85, PAGE 149-141
 COMP. Bk. No. REPORT No.
 REF. PLANS: D.317, D.329
D.P.6570 & W.D.1491

FOR SURVEYS UNDER THE LAND TRANSFER ACT ONLY.
HOROWHENUA COUNTY

7462
 This space to be reserved for Deposit No.
DEPOSITED this _____ day
 of _____ 19____
 District Land Registrar.
 Place Deposit Stamp here.

For Minister's Approval
 see D/329 & D/317

Lot No's added 28.7.1922
 247 O. 7360 Gas 1922 p 149 Waimaha Domain
 249 O. 2155 Plantation Res.
 249 O. 0425 Plantation Res.
 250 O. 0452 Plantation Res.
 251 O. 0784 Plantation Res.
 252 O. 0450 Water Res.



2015
 Minimum Frontage required by the Land Act, 1924, 40 feet.

Areas amended
 Lot 88 275 pers to 274 pers
 - 89 275 to 274
 - 95 275 to 274
 - 136 330 to 339
 - 198 344 to 343
 Approved
 Chief Surveyor
 District Land Registrar

This plan is approved by the Horowhenua County Council and the Seal of the Chairman, Councillors and Inhabitants of the County of Horowhenua as attached hereto pursuant to a resolution of the Council, this 12th day of September, 1924, in the presence of:

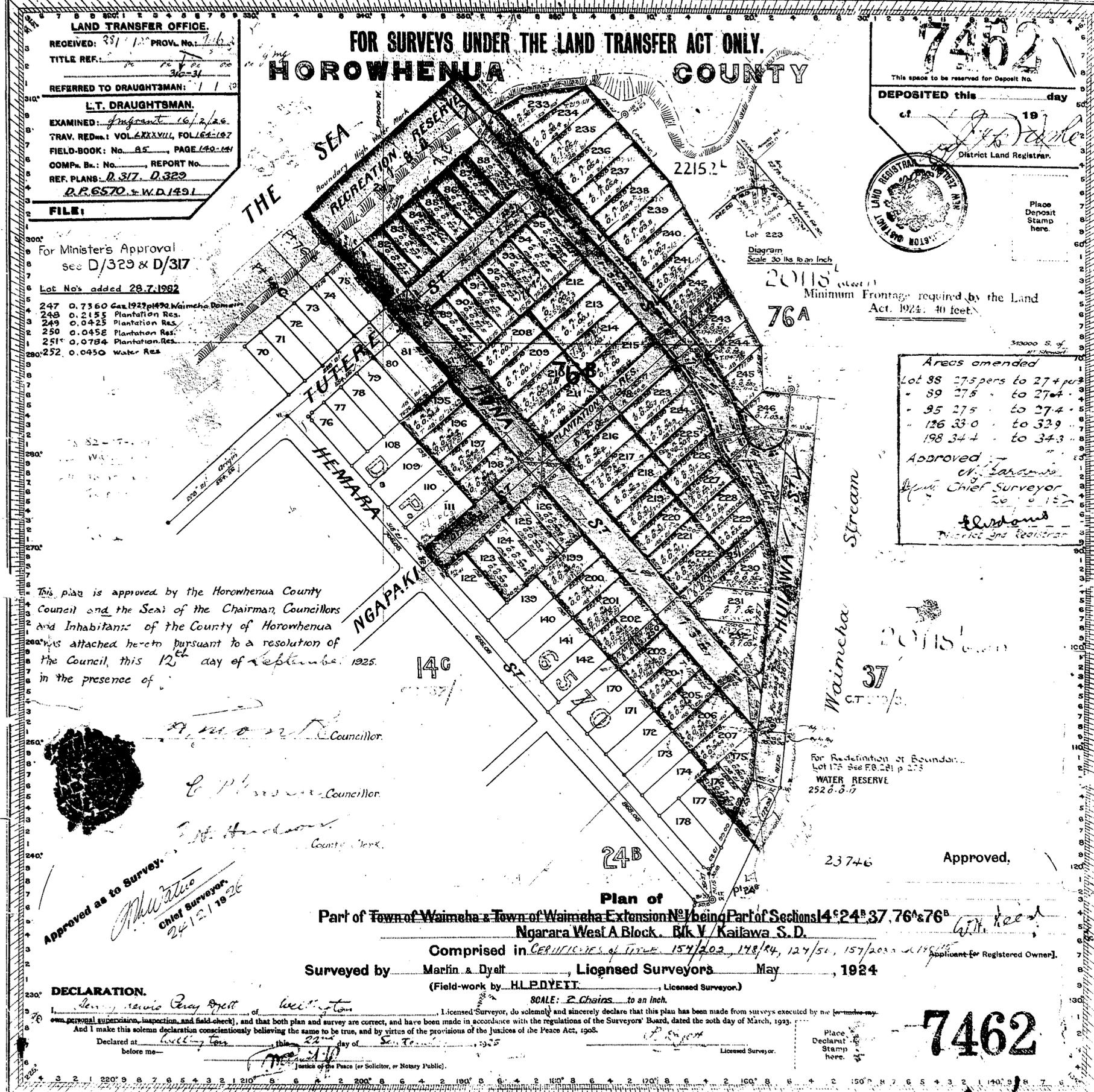
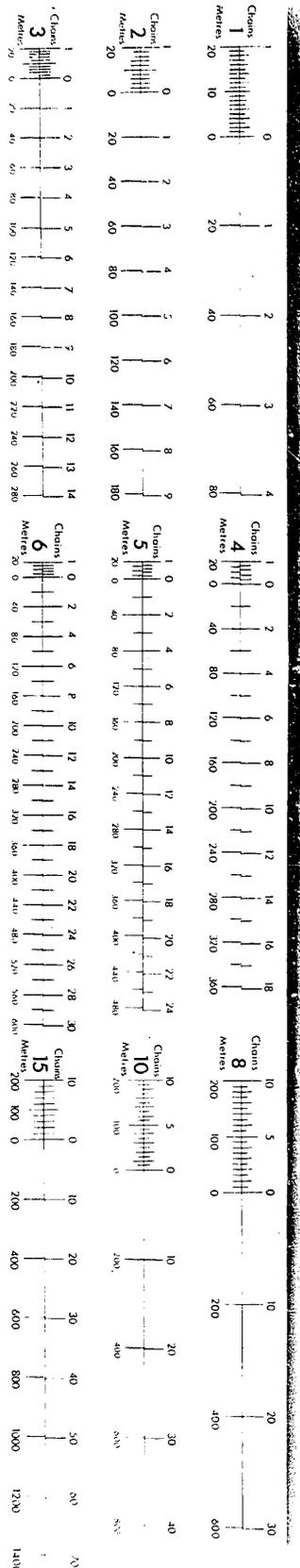
[Signatures]
 Councillor
 Councillor
 County Clerk
 Approved as to Survey
 Chief Surveyor
 24/12/1924

DECLARATION.
 I, *[Signature]* of *[Signature]* Licensed Surveyor, do solemnly and sincerely declare that this plan has been made from surveys executed by me or under my personal supervision, inspection and field-check, and that both plan and survey are correct, and have been made in accordance with the regulations of the Surveyors' Board, dated the 20th day of March, 1923.
 And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statute in that behalf made.
 Declared at *[Signature]* this *[Signature]* day of *[Signature]*, 1924.
 Before me—*[Signature]*
 Justice of the Peace (or Solicitor, or Notary Public).

Plan of
 Part of Town of Waimaha & Town of Waimaha Extension being Part of Sections 14, 24, 37, 76 & 76B
 Ngarara West A Block, Bk V, Kaitiawa S.D.
 Comprised in Certificates of Title 157/203, 178/24, 127/51, 157/202 & 178/25
 Surveyed by *[Signature]* & *[Signature]* Licensed Surveyors May, 1924
 (Field-work by *[Signature]* Licensed Surveyor.)

For Redefinition of Boundary
 Lot 175 See F.D. 281 p 233
 WATER RESERVE
 252 & 3-7
 Approved,
 District Land Registrar

7462
 Place Declarant Stamp here.



Operative District Plan 2021 - Zones and Precincts

7 Tutere Street, Waikanae Beach (LOT 85 DP 7462)



Key to map symbols

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



0 40 80 Metres

Scale @ A4 - 1:2,000

Date Printed: December 11, 2024

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.

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

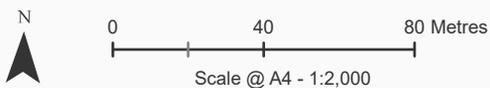
7 Tutere Street, Waikanae Beach (LOT 85 DP 7462)



Key to map symbols

-  Local Community Connectors
-  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.



Date Printed: December 11, 2024

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.

Operative District Plan 2021 - Designations & Miscellaneous Features

7 Tutere Street, Waikanae Beach (LOT 85 DP 7462)



Key to map symbols

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



0 40 80 Metres

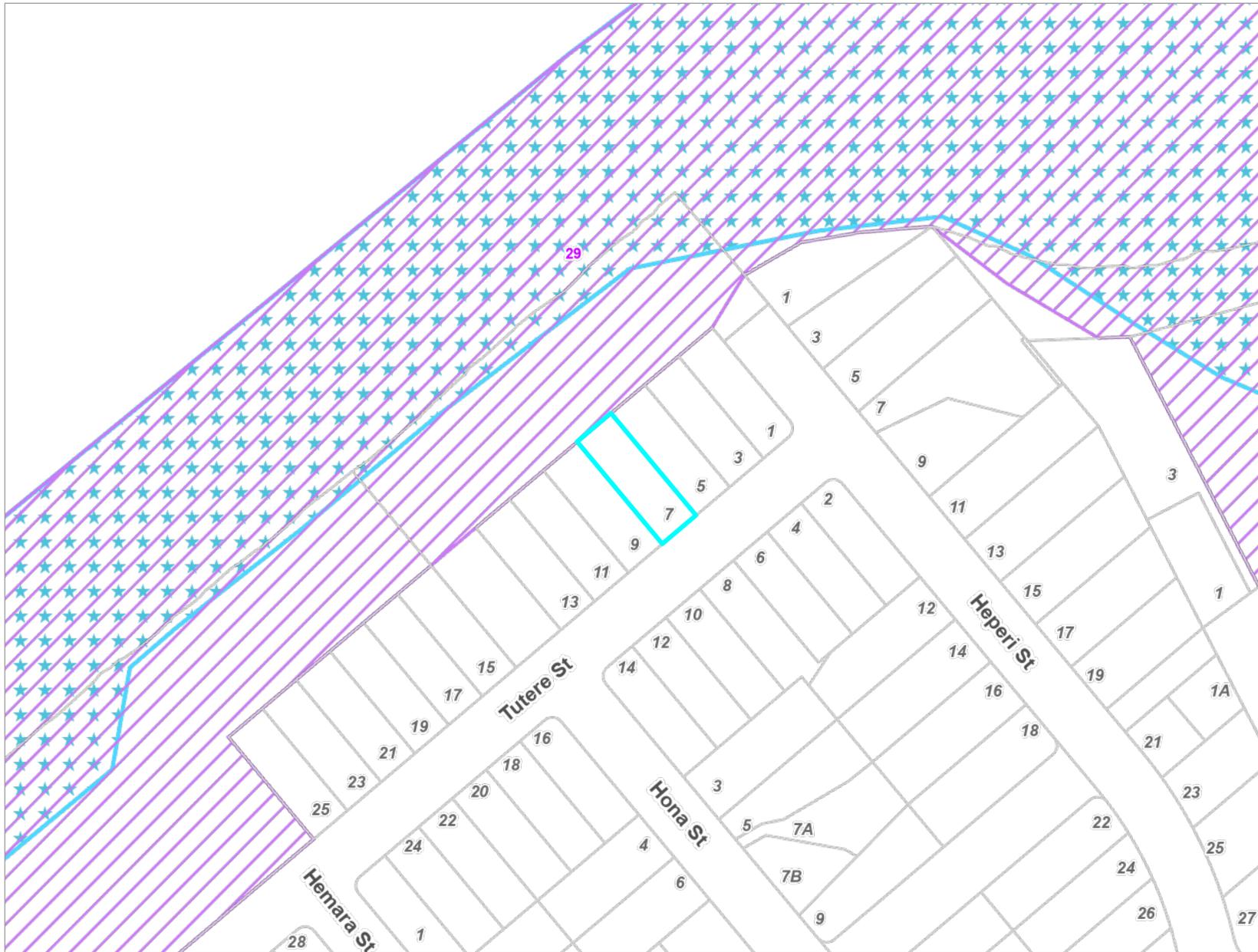
Scale @ A4 - 1:2,000

Date Printed: December 11, 2024

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.

Operative District Plan 2021 - Natural Features

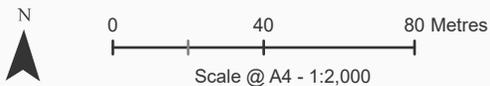
7 Tutere Street, Waikanae Beach (LOT 85 DP 7462)



Key to map symbols

-  Special Amenity Landscapes
-  Areas of High Natural Character

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



Date Printed: December 11, 2024

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.

Operative District Plan 2021 - Natural Hazards

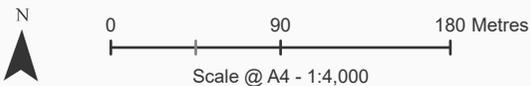
7 Tutere Street, Waikanae Beach (LOT 85 DP 7462)



Key to map symbols

-  Stream Corridor
-  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.

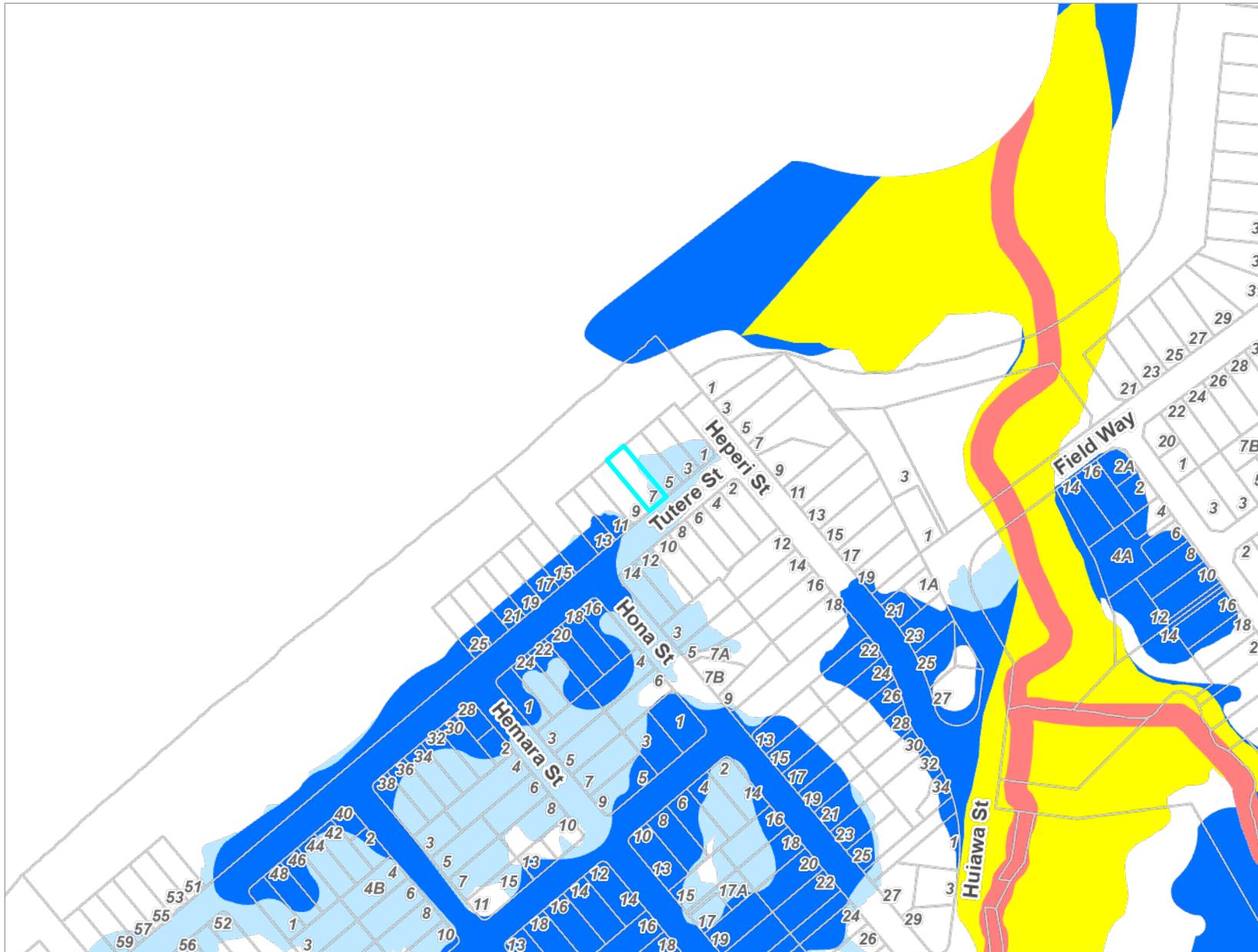


Date Printed: December 11, 2024

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.

Latest Flood Hazards

7 Tutere Street, Waikanae Beach (LOT 85 DP 7462)



Key to map symbols

-  Stream Corridor
-  Overflow Path
-  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.



0 90 180 Metres

Scale @ A4 - 1:4,000

Date Printed: December 11, 2024

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.

Resource Consents Map

7 Tutere Street, Waikanae Beach (LOT 85 DP 7462)



Key to map symbols

 Resource Consents

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



0 10 20 Metres

Scale @ A4 - 1:750

Date Printed: December 11, 2024

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.

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
080244	3 Tutere Street, Waikanae Beach	1491044400	LOT 87 DP 7462	LD	Proposed new dwelling with height in relation to boundary	N	N	Decision Issued	20/11/2008	11/11/2008
130099	7 Tutere Street, Waikanae Beach	1491044200	LOT 85 DP 7462	LD	Proposed dwelling at 7 Tutere Street, Waikanae	N	N	Decision Issued	24/7/2013	26/6/2013
990372	9 Tutere Street, Waikanae Beach	1491044100	LOT 84 DP 7462	LD	TO BUILD AN ADDITIONAL ROOM ENCROACHING THE HEIGHT	N	N	Decision Issued	28/9/1999	20/9/1999

Health and Alcohol Licenses

7 Tutere Street, Waikanae Beach (LOT 85 DP 7462)

Key to map symbols

■ Off Licence



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



0 40 80 Metres

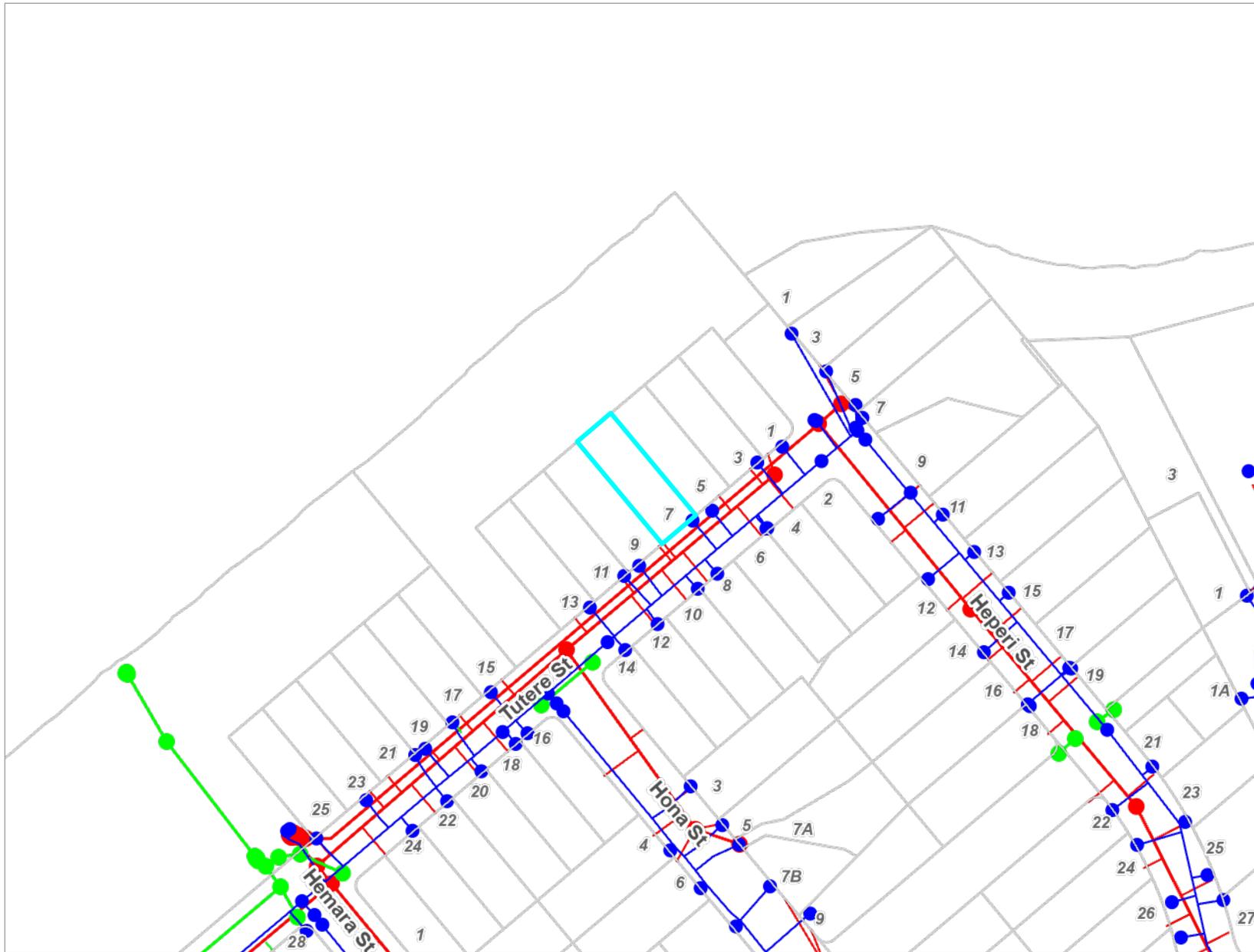
Scale @ A4 - 1:2,000

Date Printed: December 11, 2024

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.

Services Network

7 Tutere Street, Waikanae Beach (LOT 85 DP 7462)



Key to map symbols

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

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



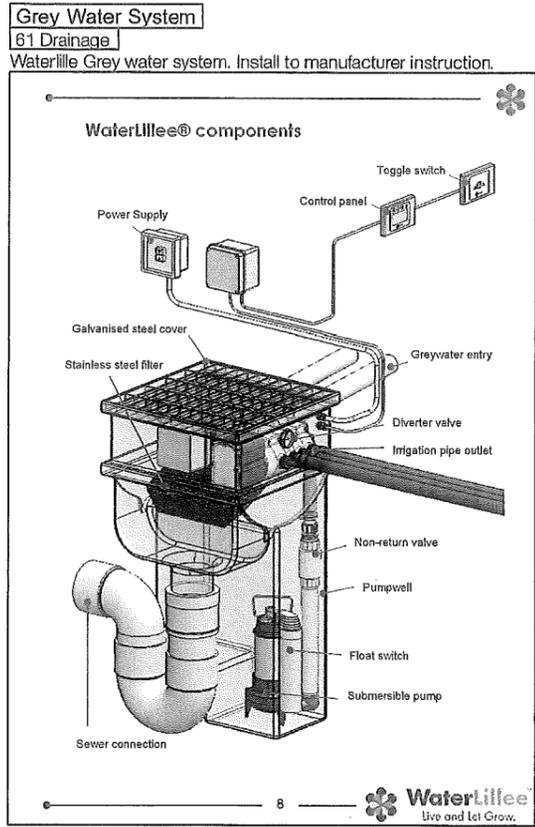
0 40 80 Metres

Scale @ A4 - 1:2,000

Date Printed: December 11, 2024

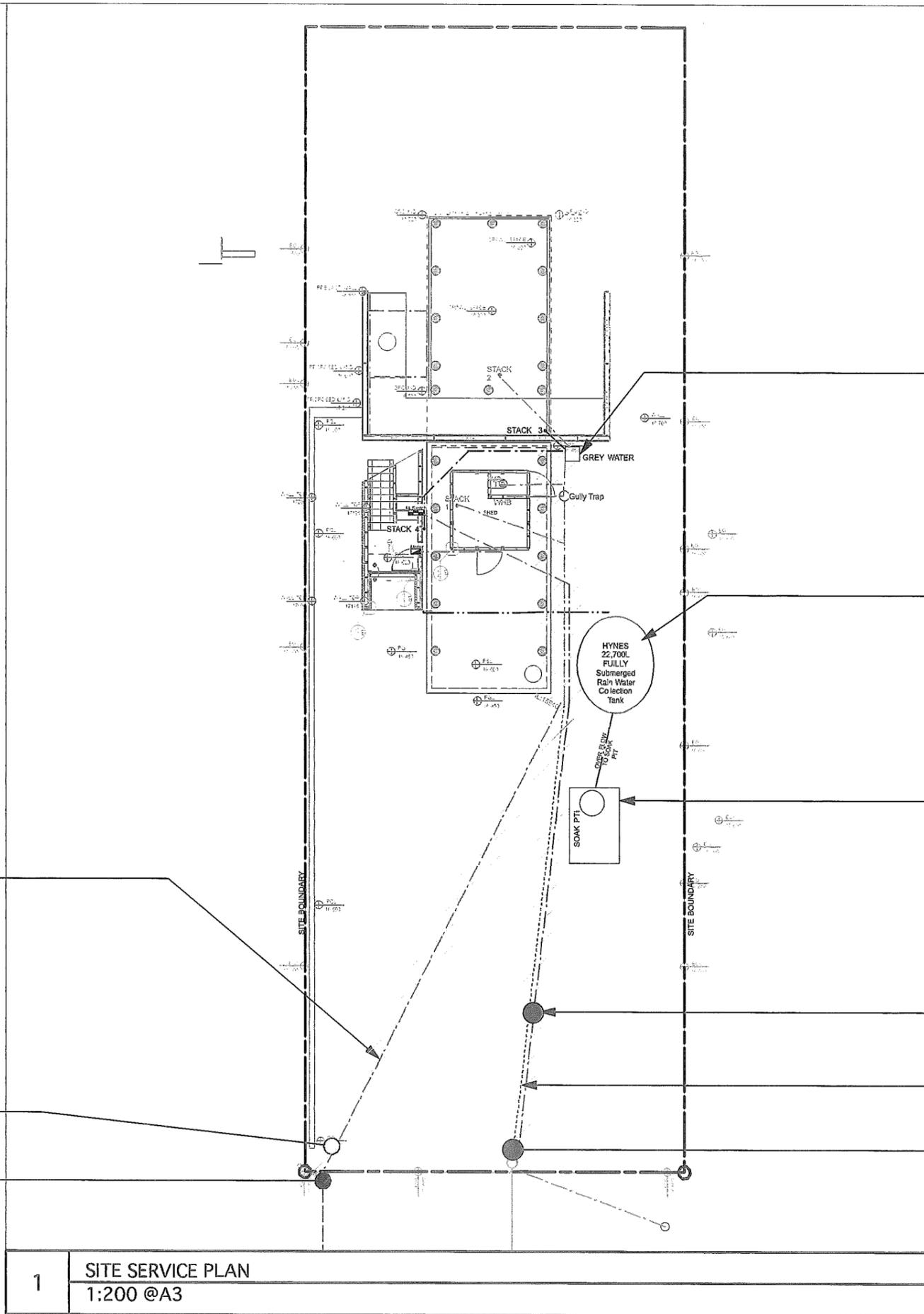
Kāpiti Coast District Council accepts no responsibility for incomplete or inaccurate information contained on this map. Use of this website is subject to, and constitutes acceptance of the conditions set out in our disclaimer. This publication is copyright reserved by the Kāpiti Coast District Council.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

000004
 RECEIVED
 13 JAN 2014
 BY:



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

CERTIFYING PLUMBER/DRAINLAYER TO FILL OUT ATTACHED PRODUCER STATEMENT FORMS AND RETURN TO COUNCIL ALSO PROVIDE NEAT ASBUILT DRAINAGE PLAN SHOWING SEWER STORMWATER AND WATER



'WATER LILLEE' Grey water collection and distrabution system. Install in accordance wth manufacturer instruction.

HYNES CONCRETE WATER TANK 22K liter fully summerged water collection tank. Feed all storwater collection to tank. Connect Overflow to soak pit.

SOAK PIT Refer to Drawing 80.03 SOAK PIT for typical install detail.

SINGLE PHASE MAINS SUPPLY, Install main supply cable to AS/NZS 4961 and AS/NZS 3008.1.2. Minimum rating of 60 amps per phase. Obtain and comply with all relevant Network Utility Operators requirements. Cable to be laid safely underground in trench. Lay marker tape and back fill.

SHARED TRENCH FOR POWER AND WATER SUPPLY

SITE WATER CONNECTION Connect to water supply at boundary. Run new water supply in shared trench.

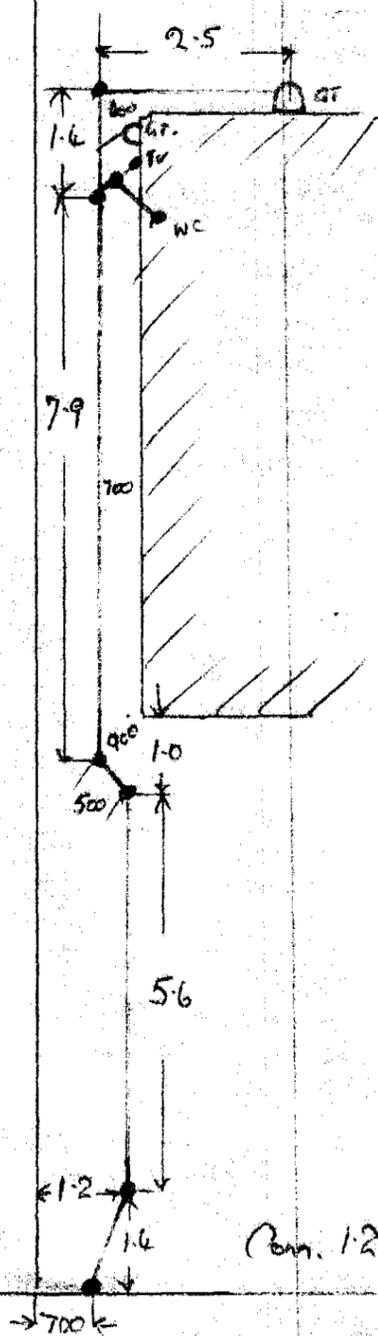
SEWAR IN TRENCH IN ACCORDANCE WITH G13 Fig 7

PROVIDE ASSCESS INSPECTION POINT positioned immediately inside of boundary and outfall in accordance with G13 5.7.4 a & b

CONNECT TO EXISTING SEWER AT BOUNDARY

1 SITE SERVICE PLAN
 1:200 @A3

Hughson - 7 Tutave Street.
Drainlayer M. Phillips.



24 July 2013

Shane O'Brien
C/- Assembly Architects Ltd
P O Box 192
Arrowtown 9351
Attention: Louise Wright

Dear Shane

RM130099: PROPOSED DWELLING ENCROACHING THE HEIGHT IN RELATION TO BOUNDARY STANDARDS AT 7 TUTERE STREET, WAIKANAE BEACH

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

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

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

There is no deposit for an objection. However, a fee of \$228.00. (including GST) is required if Council's Subdivisional Engineer is involved. Time and costs will also be charged unless waived by the Hearing Commissioners and if an objection is upheld there will be no charges; if upheld in part then a proportion of costs will be charged.

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

If you have any concerns or enquiries about the conditions please do not hesitate to contact me on (04) 2964 849.

Thank you for dealing with the Kapiti Coast District Council.

Yours sincerely



Janice Lee
Projects Officer / Resource Consents

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

CONSENT NO: RM130099

APPLICANT:	Shane O'Brien
LOCATION OF ACTIVITY:	7 Tutere Street, Waikanae Beach
DESCRIPTION OF ACTIVITY:	Proposed Dwelling encroaching height in relation to boundary standards.

DECISION:

Granted subject to conditions on 24 July 2013

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

Conditions:

Monitoring and Review

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

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

General

3. The proposed activity shall be undertaken in accordance with the plans prepared by Assembly Architects Limited and titled 'O'Brien House for Jill & Shane O'Brien at 7 Tutere Street, Waikanae date stamped 'Final Approved Plans' on 22 July 2013 and information lodged with the application RM 130099 except where modified by conditions of consent.

4. At the time of construction the applicant is to ensure that the 'setting out' and all levels are to be confirmed on site by a registered land surveyor and certified to the satisfaction of the Resource Consents and Compliance Manager .
5. Should a waahi tapu or other cultural site is unearthed during earthworks the contractor and owner shall:
 - (a) cease operations;
 - (b) inform local Iwi.
 - (c) Inform the NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required;
 - (d) take appropriate action, after discussion with 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.

Reasons for Conditions:

- The reason for Conditions 1 and 2 is to ensure that compliance with the conditions of this resource consent is conducted effectively and without cost to the Council.
- The reason for Conditions 3 is to ensure that the activity does not go beyond the scope of the application.
- The reason for condition 4 is to ensure compliance with the approved plans lodged in accordance with resource consent application (RM 130099), with particular reference to maximum height of the proposed dwelling and associated height in relation to boundary encroachments which shall be certified by a registered surveyor.

Advice Notes:

- Under Section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.
- It is the consent holder's responsibility to comply with any conditions imposed on this resource consent prior to and during (as applicable) exercising this resource consent.
- Please note that a resource consent is not a consent to build. A building consent must be issued prior to any building work being undertaken.
- Pursuant to section 72 of the Building Act 2004 a notice shall be placed on the Certificate of Title to note that the site is subject to a natural hazard (coastal erosion) at the time of processing and subsequent issuing of the building consent.

Reasons for Decision:

In accordance with Sections 104 and 104B of the Resource Management Act 1991 the actual and potential effects associated with the proposed activity have been assessed and are outlined in the report. It is considered that the adverse effects of the proposed activity on the environment will be minor and that the proposed activity is not contrary to the relevant Objectives, Policies and Assessment Criteria of the Kapiti Coast District Plan.

A handwritten signature in black ink, appearing to read 'J. Lee', with a large, sweeping flourish on the left side.

Janice Lee
Projects Officer / Resource Consents

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

The Compliance Officer
Resource Consents
Kapiti Coast District Council
Private Bag 60601
PARAPARAUMU
Fax: (04) 296 4830

Application No: RM130099

Site Address: 7 Tutere Street, Waikanae Beach
LOT 85 DP 7462

Proposal: Proposed dwelling encroaching height in relation to
boundary standards at 7 Tutere Street, Waikanae

Construction will take place on (date):

Owner's contact details

Name:

Telephone: Mobile phone:

Postal address:

Contractor's contact details (e.g. house relocation contractors)

Name:

Telephone: Mobile phone:

Signed:

Name:.....Date:.....

PLANNING REPORT

22 July 2013

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

Applicant:	Shane O'Brien
Site Address:	7 Tutere Street, Waikanae Beach
Legal Description:	LOT 85 DP 7462
Site Area:	696m ²
Proposal:	Proposed dwelling encroaching height in relation to boundary requirements at 7 Tutere Street, Waikanae
Land Owner:	O'Brien Shane Michael
Zone:	(Operative / Proposed) Residential / Residential
Activity Status:	(Operative / Proposed) Discretionary / Controlled / Prohibited

Report prepared by: Janice Lee, Projects Officer / Resource Consents
 Report peer reviewed by: Andrew Guerin, Manager Resource Consents and Compliance

1. PREAMBLE

This report provides an analysis of the resource management issues relating to notification status and the Council's Section 104 decision for the activity proposed under resource consent application 130099

2. SITE AND SURROUNDING ENVIRONMENT

2.1 Site Description



Figure 1 – Aerial photograph of subject site

The subject property is zoned Residential and is shown to contain an area of 696m². The property is located on the Western (beachfront) side of Tutere Street, and contains a single storey dwelling with attached carport to the front, including two small accessory buildings which are located to the rear of the existing dwelling.

Council records do not show the original building permit for the existing dwelling. However a building permit which was recorded and issued in 1958 for 'additions' of (250 square feet) suggests that the age of the building originated in the 1950's, and was most probably utilised as a beach bach/cottage.

The subject site is rectangular in shape and comprises predominantly flat areas of lawn, which are bordered by a variety of small shrubs and existing vegetation typical of a coastal environment.

The rear yard of the site rises gradually to form two elevated grassed levels, which are accessed via a flight of concrete steps located toward the North East boundary.

The property is predominantly fenced, apart from the rear Western (seaward) boundary which adjoins the Open Space Zone and Recreational Reserve.

The property currently has unrestricted pedestrian access throughout the coastal dune area via the rear of the site resulting in uninterrupted views of both Kapiti Island and the beach foreshore.

The property has an existing concrete driveway and kerb crossing providing direct access from the subject site onto Tutere Street.



Figure 2 – View of subject property looking West from Tutere Street



Figure 3 – View of rear yard looking towards Western boundary of property

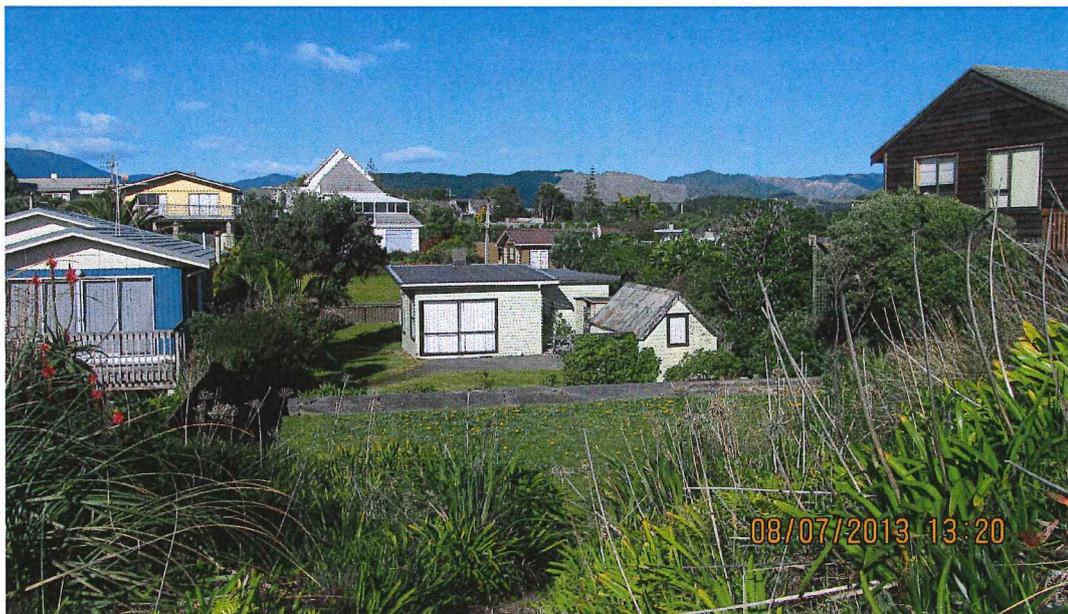


Figure 3 – View looking East from rear Western boundary of subject site

2.2 Immediate Environment

The property adjoining the north east boundary of the subject site (number 5 Tutere Street) contains an area of 696m² and incorporates a double storey dwelling with an accessory building which is located within the rear north west corner of the site. The property adjoining the south west boundary (number 9 Tutere Street) also contains an area of 696m² and comprises a double storey dwelling with attached garage. Both of the adjoining dwellings have been constructed in the 1970's and the properties have subsequently been developed in a residential manner. Both properties are predominantly flat sites and comprise a variety of existing trees and vegetation typical of a coastal environment. The rear (north west)

boundary of the subject site adjoins an Open Space Zone incorporating (Waimea Domain) (recreation reserve).



Figure 4 – looking North East towards number 5 Tutere Street



Figure 5 – looking South West towards number 9 Tutere Street

2.3 Surrounding Environment

The surrounding environment consists of properties which have been developed in a residential manner. The properties comprise both single and multi storey dwellings of various ages with associated garages/accessory buildings, and include a variety of established trees and vegetation..The Waimeha Domain (Recreation Reserve)adjoins the

rear (north west boundary of the subject site and extends further to the south west). The beach foreshore and Kapiti Island are predominant features within this specific area.

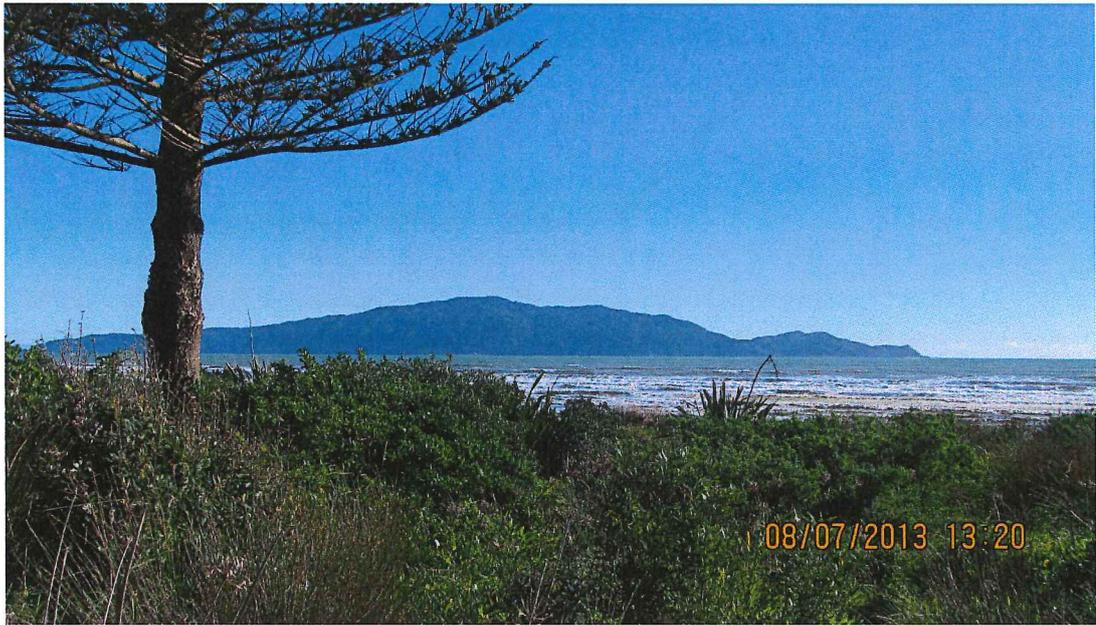


Figure 4 -View looking North West towards Kapiti Island

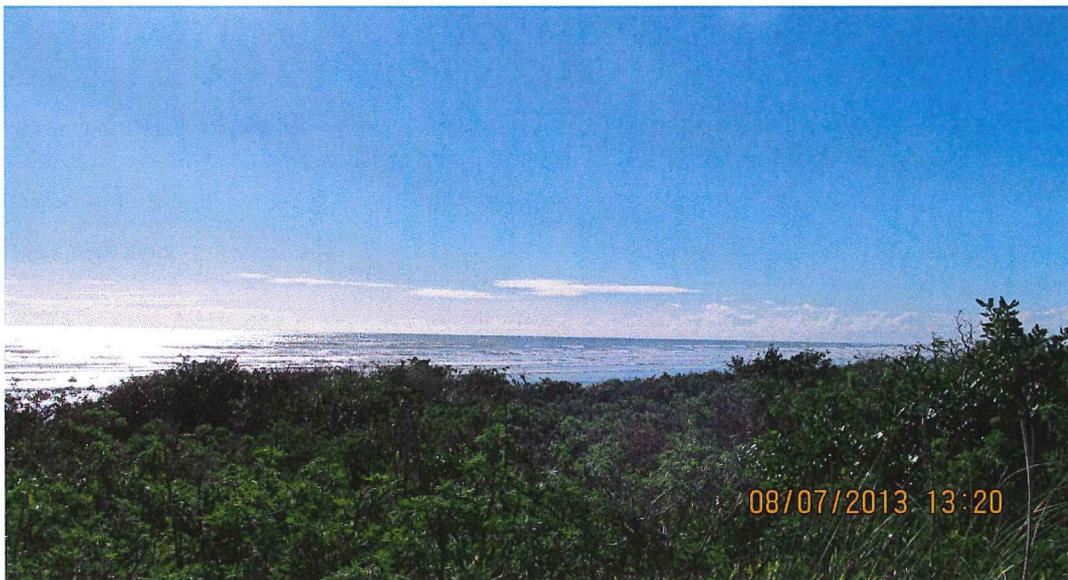


Figure 5 – View looking North West towards beach foreshore

2.4 Written Approvals

The following people have provided written approval to the activity:

Name of owner/occupier	Address
Christiane Amelie Mortelier & Annick France Withinshaw	9 Tutere Street, Waikanae
Miranda Melanie Squire	9 Tutere Street, Waikanae
Deborah Ann Smith	5 Tutere Street, Waikanae

All of the above parties have also signed and initialled the application plans depicting the proposed development of the application site.

2.5 Consent History

Council records show the following building permits have been issued and relate to the subject property :

Additions (250 square feet)	permit issued 16/04/58
Garden shed 4.32m ²	permit issued 22/12/83

3. THE PROPOSAL

3.1 Description of Proposal

The applicant proposes to construct a new multi storey residential dwelling within the site replacing the existing dwelling which is to be demolished.

The proposed development comprises a three storey dwelling with a total floor area of approximately 240m³ . The ground floor plan comprises a covered area and entranceway, with the remaining levels incorporating the living accommodation .

There is an outdoor deck /pergola extending from the kitchen area which faces east towards the adjoining streetscape incorporating panoramic views of the Tararua ranges and surrounding environment.

Due to the proposed siting of the dwelling behind the dunes, the principal living area is raised, therefore taking advantage of the existing topography of the site and the uninterrupted views of both the beach foreshore and Kapiti Island.

The proposed dwelling will be sited 7.5 metres from the rear (north west) seaward boundary of the subject site and located 5.2 metres from the north east boundary of (number 5 Tutere Street) and 2.1 metres from the south west boundary of (number 9 Tutere Street)

The proposed dwelling features timber cladding and a sloping mono pitched roof with a maximum height of 8 metres.

As noted in the application the proposed development will encroach into the height in relation to boundary requirement on both the north east and south west boundaries of the subject site.

The above transgressions range from 549mm to 912mm and occur on both the main roof and smaller side section of the dwelling.

The proposed development will comprise 17% site coverage and will therefore leave sufficient space for any future garage or accessory buildings to be constructed on site whilst fitting within the site coverage threshold of 40%.

The applicant has advised that no significant earthworks other than those to create the building platform are envisaged . Excavation is expected to be required to a height of 0.6m for the creation of foundations only.

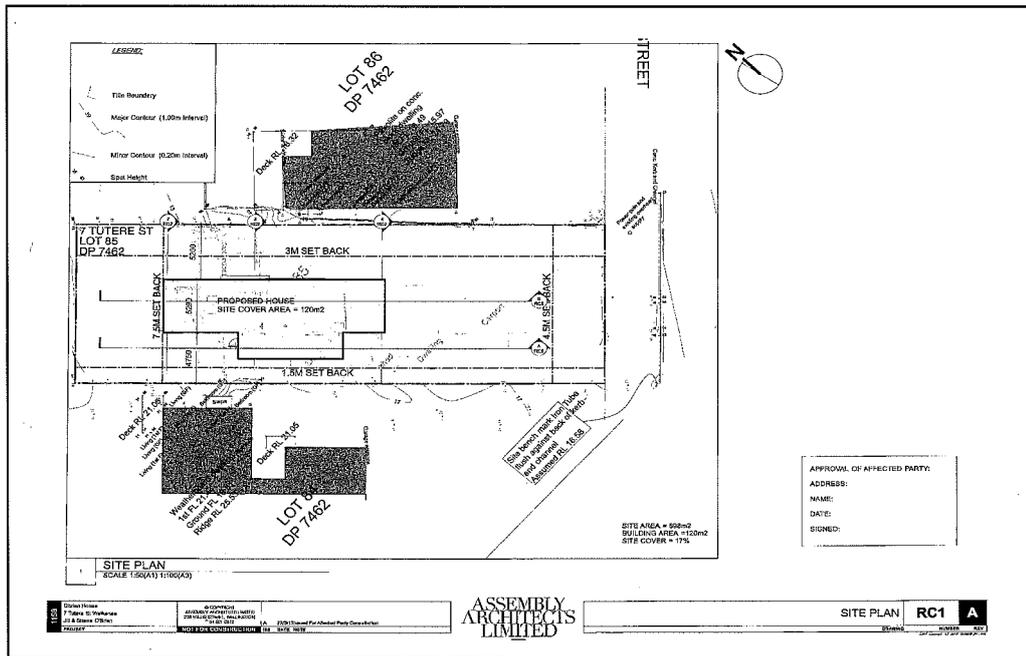


Figure 6 -Site plan showing location of proposed development

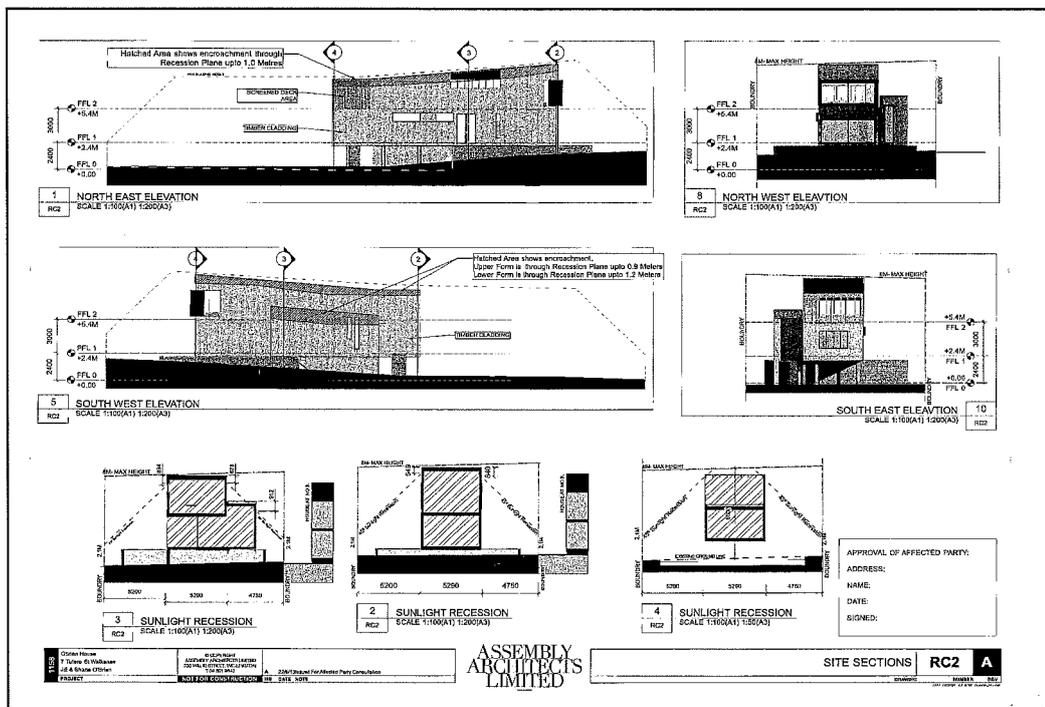


Figure 7 – Plan showing proposed elevations

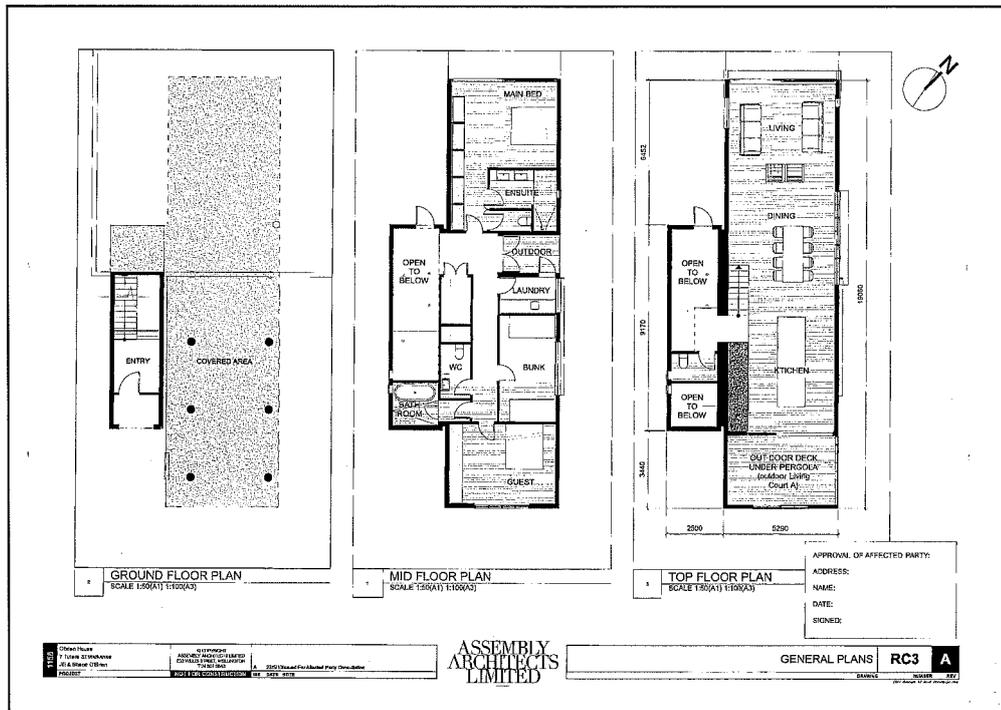


Figure 8 – proposed floor plans of subject dwelling

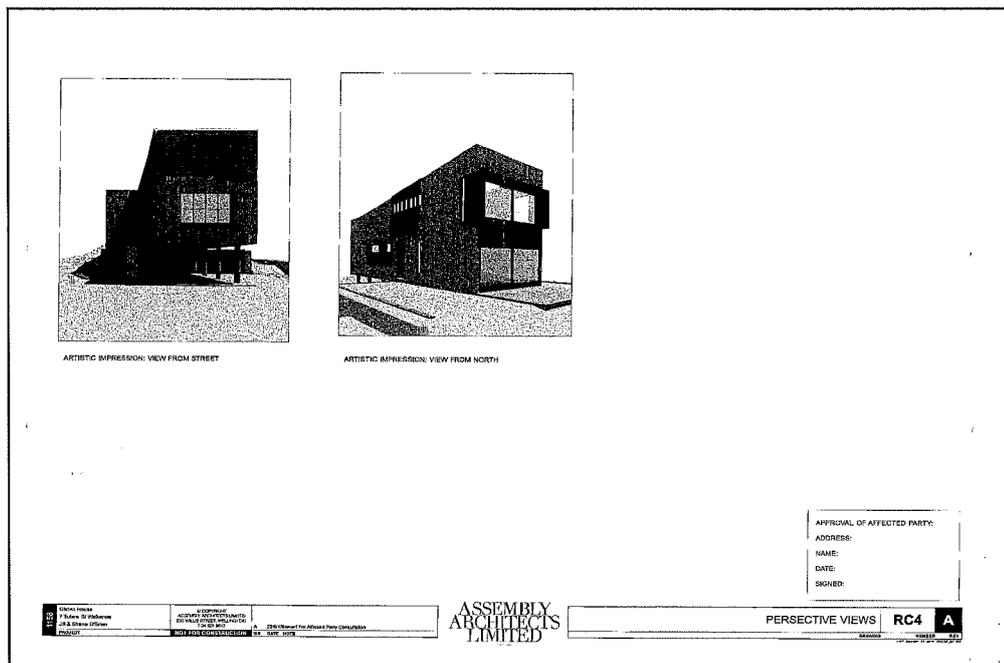


Figure 9 – Artistic impression showing view from streetscape and looking North

3.1 Applicant's Assessment of Effects

The applicant has provided an assessment of effects of the activity on the environment (AEE). The AEE implies that the effects on the environment will be less than minor.

The AEE concludes that the effects on the environment will be no more than minor.

4. DISTRICT PLAN PROVISIONS

4.1 Kapiti Coast District Plan

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

4.2 Zoning and Overlays

The property is zoned Residential under the Kapiti Coast District Plan.

Council records show that the property is shown to be subject to residual ponding in the updated food hazard maps. Greater Wellington Regional Council have been consulted regarding this issue and have subsequently confirmed that there are no minimum building floor levels required in areas of residual ponding hazard.

4.3 Relevant Rules and Standards

The Rules and Standards that apply to this application are:

D.1.1 Residential Zone Rules

D.1.1.3(B) Discretionary Activities

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

D.1.2 Residential Zone Standards

D1.2.1 Permitted Activity Standards

Yards
Site Coverage
Height
Permeable Surface
Outdoor Living Court
Native Vegetation

For the full text of the above Rules and Standards, please see the operative District Plan.

4.4 Activity Status

The activity is a discretionary activity under Rule D.1.1.3(B). It has this status because the proposed dwelling will encroach the height in relation to boundary requirement as by the permitted activity standards set out in section D.2.1.2.1 of the District Plan.

The above height encroachments range from 549mm to 894mm and occur on both the north east and south west boundaries of the subject site.

The proposal complies with all other District Plan standards including maximum height, yards, site coverage , permeability and parking standards.

4.5 Relevant Objectives and Policies

The following Objectives and Policies apply to this application:

C.1.1 Residential Zone Objectives and Policies

Objective 1.0 – General

Policy 1 – Amenity Values

Policy 2 – Natural Environment

C.11.1 Ecology Objectives and Policies

A. Natural Environment

Objective 1.0

Policy 2

Policy 4

For the full text of the above Objectives and Policies, please see the Operative District Plan.

PROPOSED DISTRICT PLAN PROVISIONS

5.1 The ‘Proposed Plan’

On 29 November 2012, the Council publicly notified the Proposed District Plan 2012 (“the proposed Plan”). The proposed Plan includes a full review of the operative Plan provisions, and marks a major shift in the Council’s approach to resource management in the District.

Of particular note, the proposed plan aims to modify the objective and policy framework to be more directive and measurable than the operative provisions.

In addition the proposed plan alters a number of existing rules and standards, and introduces altogether new rules, standards, and other methods for some activities.

At this stage, the proposed Plan is in its infancy with the submissions period for non-coastal submissions having closed on 1 March 2013 and the submissions period for coastal provisions having closed on 2 April 2013. Both subsequent further submissions period have now closed.

5.2 Zoning and Overlays

The property is zoned Residential under the Proposed District Plan and is shown to be subject to the following features:

- Coastal Environment;
- Archaeological Alert;
- Priority area for restoration
- Salt zone eco-domain.

5.3 Relevant Rules and Standards

No rules in the proposed plan currently have legal effect except for those listed on pages 3-4 of chapter 1 in the proposed Plan .

5.4 Relevant Objectives and Policies

The following Objectives and Policies of the proposed Plan apply to this application:

- Objective 2.3 Development Management and
- Objective 2.4 Coastal environment
- Objective 2.11 Character and Amenity.

Living Environment Policies 5.7, 5.11, 5.13, 5.15, 5.20 and 5.22 5.24.
Coastal Hazard Risk management 4.8
Coastal Hazard Management areas (CHMA) 4.10
Land Use and Subdivision in all CHMA 4.11

For the full text of the above provisions , please refer to the Proposed District Plan

6. RELEVANT NATIONAL ENVIRONMENTAL STANDARDS

There are no National Environment Standards or National Policy statements of relevance to this application.

7. RELEVANT NATIONAL POLICY STATEMENTS

There are no relevant National Policy Statements.

8. RELEVANT STATUTORY PROVISIONS

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

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

95B Limited notification of consent application

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

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

95E Consent authority decides if person is affected person

95F Consent authority decides if person is affected order holder

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

104 Consideration of applications

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
 - (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (b) *any relevant provisions of—*
 - (i) *a national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- (2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*
- (2A) *When considering an application affected by section 124, the consent authority must have regard to the value of the investment of the existing consent holder.*
- (3) *A consent authority must not,—*
 - (a) *when considering an application, have regard to—*
 - (i) *trade competition or the effects of trade competition; or*
 - (ii) *any effect on a person who has given written approval to the application;*
 - (c) *grant a resource consent contrary to—*
 - (i) *section 107, 107A, 107E, or 217;*
 - (ii) *an Order in Council in force under section 152;*
 - (iii) *any regulations;*
 - (iv) *a Gazette notice referred to in section 26(1), (2), and (5) of the Foreshore and Seabed Act 2004;*
 - (d) *grant a resource consent if the application should have been notified and was not.*
- (4) *A consent authority considering an application must ignore subsection (3)(a)(ii) if the person withdraws the approval in a written notice received by the consent authority before the date of the hearing, if there is one, or, if there is not, before the application is determined.*
- (5) *A consent authority may grant a resource consent on the basis that the activity is a controlled activity, a restricted discretionary activity, a discretionary activity, or a non-complying activity, regardless of what type of activity the application was expressed to be for.*

- (6) *A consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application.*
- (7) *In making an assessment on the adequacy of the information, the consent authority must have regard to whether any request made of the applicant for further information or reports resulted in further information or any report being available.*

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

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

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

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

9. SECTION 104 ASSESSMENT

9.1 Adequacy of information

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

In this case adequate information was provided with this application in order for a decision to be made.

9.2 Actual or potential effects on the environment

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

Methods of analysis to determine the actual or potential environmental effects of the activity have focused on site visits, studies of Council held data and feedback from other relevant Council departments, including James Flanagan (Senior Engineer) Flood Protection Greater Wellington Regional Council.

Character

The immediate area is characterised by established residential dwellings including accessory buildings and associated vegetation which are typical of a coastal environment. The use of the proposed dwelling will be residential in nature and has been designed to

provide future living accommodation whilst taking full advantage of the panoramic views of both Kapiti Island and the beach foreshore .

As previously noted the proposed development will comply with the maximum 8 metre height permitted but will result in an encroachment of the height in relation to boundary requirements on both the north east and south west boundaries of the subject site. The above height transgressions range from 549mm to 912mm, and occur on both the main roof and smaller side section of the proposed dwelling.

The proposed location of the dwelling, its scale, modern architectural form and bulk has the potential to appear predominant in comparison to some of the surrounding residential beachside properties. However, the proposed development is in keeping with many sites within the District and is therefore not totally out of character in the wider residential area.

In this respect, a condition will be imposed as part of this resource consent application , to ensure that when building work commences compliance with the 'setting out' and all respective building levels shall be confirmed on site by a registered land surveyor and certified accordingly.

The proposed development will comprise 17% site coverage and will therefore leave sufficient space for any future garage or accessory buildings to be constructed on site whilst fitting within the site coverage threshold of 40%.

Amenity

As previously noted the proposed construction of the multi storey dwelling has the potential to have a shading effect and also to dominate the adjoining properties at (numbers 5 and 9 Tutere Street), and in doing so, reduce the level of amenity currently enjoyed by the occupants of these sites.

In this regard, the applicant has gained the approval of both of the above affected parties and as such, any identified actual and potential effects on either of these properties must be disregarded in accordance with s95E of the Resource Management Act (RMA) .

As the proposed dwelling complies with all other height and yard requirements, it's strategic location within the existing topography of the subject site will ensure that it does not generate any other effects than those identified above, it is considered that there are no other affected parties in relation to the application.

The properties across the road from the subject site (numbers 6 to 10 Tutere Street) are not deemed to be adversely affected parties in relation to this development .

As the proposed dwelling will comply with the maximum 8 metre height standard and the height in relation to boundary transgressions are minor, I consider that that there will be minimal effects if any, on either of the above properties in respect of visual effects and visual amenity of the streetscape.

Proposed District Plan

The Proposed District Plan Coastal Hazard Management Areas show the property is subject to the following: Urban No Build and Urban Relocatable areas . Refer to figures 10 and 11,



Figure 10 – Proposed District Plan 2012 – Coastal Hazard Management Area

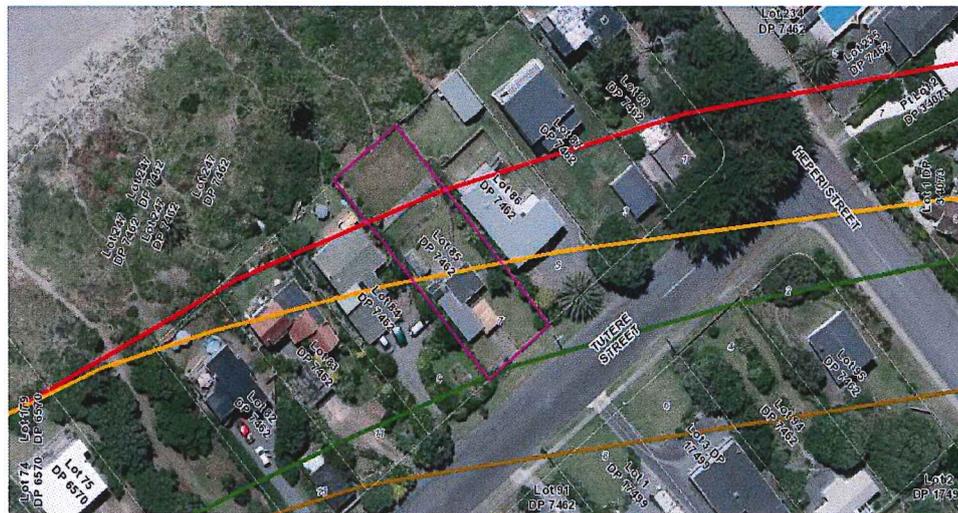


Figure 11 – Proposed Coastal Hazard Lines

The property as shown on Planning Map 06C (Natural Hazards) of the proposed Plan defining the Urban No Build and Urban Relocateable areas. The hatched pink area is the Urban No Build area and the hatched yellow is the Urban Relocateable Build area . The pale blue depicts areas subject to potential residual ponding .

The applicant is entitled to rely on the Operative District Plan with respect to any coastal erosion hazard provisions which currently do not place any restrictions on that part of the land on which the proposed dwelling is to be erected. The Proposed District Plan, however, shows virtually all of the land on which the proposed new dwelling is to be erected as being included in the Urban Relocateable area, with a smaller western portion of the proposed dwelling being located within the Urban No Build area. If the Proposed Plan becomes operative in its current form, proposed Rule 4A.6.1 (which deems the erection of any new building or coastal protection structure in the no build urban and rural coastal hazard management area to be a prohibited activity), no application could be made for the erection of any part of the proposed dwelling located within the Urban No Build area. Under the Proposed District Plan proposed rule (4A.2 2) the proposed development would require a resource consent as a Controlled Activity (providing compliance with all corresponding

controlled standards could be met (unless otherwise specified). Council would reserve control over the ability to relocate the building safely and quickly and adequacy of relocation design features. The proposed rules do not, however, have any legal effect at this time.

As the adverse effects which could arise from the proposed encroachments through the recession planes to the north east and south west boundaries of the property are limited to the owners of the properties to the north east and south west of the application site, and the written consent of the owners and occupiers of both sites have been provided with the application, Council is constrained by the provisions of section 104(3)(a)(ii) of the Resource Management Act 1991 from having regard to any effect on those persons.

Positive Effects

As previously stated the proposed development will replace an older residential dwelling which is currently on site with a more modern contemporary residence.

The proposed dwelling has been designed to fit within the existing topography of the site therefore taking maximum advantage of the surrounding views and will result in improved utilisation of the subject site in general.

The adjoining properties at (numbers 5 and 9 Tutere Street) both have their main living areas (including exterior decking) orientated to the west, and therefore will not lose the picturesque views that they currently enjoy in regard to the proposed development.

The proposed dwelling has been designed with minimal windows on both the north east and south west elevations and shows a 'screened' deck /outdoor living area, therefore reducing the level of 'overlooking' onto the neighbouring properties.

Overall I consider that the proposal will have a less than minor effect on the amenity of the streetscape and will not detrimentally effect the character of the surrounding residential area.

9.3 Relevant NES, regulations, policy statements, plans or proposed plans

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

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

The relevant provisions of the operative District Plan and proposed District Plan as outlined respectively in sections 4 and 5 of this report were taken into consideration during the assessment of effects of this proposal.

9.4 Other relevant matters

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

other matter the consent authority considers relevant and reasonably necessary to determine the application.

There are no other relevant matters that require consideration.

10 NOTIFICATION DECISION

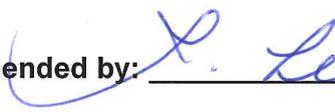
10.1 Public Notification Decision

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

1. The applicant did not request that the application be publicly notified;
2. A rule or national environmental standard does not require public notification of the application;
3. The effects of the activity will be no more than minor, for the reasons discussed below under the heading "Actual or potential effects on the environment";
4. Special circumstances do not exist in relation to the application that requires it to be notified; and
5. Council has exercised its discretion to publicly notify the application;

Recommendation:

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

Reported and Recommended by:  Janice Lee/
Projects Officer / Resource Consents

Decision:

"That the above recommendation be adopted."

Delegated Officer (Peer Reviewer):  Andrew Guerin
Resource Consents and Compliance
Manager

10.2 Limited Notification Decision

Council staff acting under authority delegated by the Council, decided under Sections 95B, 95E and 95F of the Resource Management Act 1991 that notice of the application application need not be served on any person as the only potentially affected parties in relation to this proposal have provided their written approval.

Recommendation:

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

Reported and Recommended by: _____

Janice Lee
Projects Officer / Resource Consents

Decision:

"That the above recommendation be adopted."

Delegated Officer (Peer Reviewer): _____

Andrew Guerin
Resource Consents and Compliance
Manager

11 PART 2 MATTERS

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

11.1 Section 5-Purpose

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

I consider that the proposal is consistent with the purpose of the Act as it will enable the appropriate development of a property without causing adverse effects on the environment.

11.2 Section 6-Matters of National Importance

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

There are no matters of National Importance of relevance to this proposal.

11.3 Section 7-Other Matters

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

Particular regard was given to sections 7(b), (c), and (f) during the assessment of this proposal.

11.4 Section 8-Treaty of Waitangi

This proposal is considered to be in accordance with the principles of the Treaty of Waitangi

11.5 Conclusion on Part 2 matters

Overall, the proposal is consistent with Part 2 matters because it is in accordance with the purposes and principles of the Act.

12 CONDITIONS

The applicant has volunteered no conditions as part of the proposal.

13 CONCLUSION

The proposal to construct a new three storey dwelling which encroaches the height in relation to boundary requirement on both the north east and south west boundaries of the subject site has been assessed. It is considered that the actual and potential effects of this proposal will be minor provided that the recommended consent conditions are adhered to.

14. RECOMMENDATION/DECISION

That the undersigned officers, acting under authority delegated from the Council and pursuant to Sections 104 and height in relation 104B of the Resource Management Act 1991 **grant** consent for the proposed dwelling that encroaches the height in relation to boundary standards on the north east and south west sides at 7 Tutere Street, Waikanae subject to the following conditions which were imposed under Section 108 of the Resource Management Act 1991.

Conditions:

Monitoring and Review

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

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

General

3. The proposed activity shall be undertaken in accordance with the plans prepared by Assembly Architects Limited and titled O'Brien House for Jill & Shane O'Brien at 7 Tutere Street, Waikanae date stamped 'Final Approved Plans' on 22 July 2013 and information lodged with the application RM 130099 except where modified by conditions of consent.
4. At the time of construction the applicant is to ensure that the 'setting out' and all levels are to be confirmed on site by a registered land surveyor and certified to the satisfaction of the Resource Consents and Compliance Manager .
5. Should a waahi tapu or other cultural site is unearthed during earthworks the contractor and owner shall:
 - (a) cease operations;
 - (b) inform local Iwi.
 - (c) Inform the NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required;
 - (d) take appropriate action, after discussion with 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.

Reasons for Conditions:

- The reason for Conditions 1 and 2 is to ensure that compliance with the conditions of this resource consent is conducted effectively and without cost to the Council.
- The reason for Conditions 3 is to ensure that the activity does not go beyond the scope of the application.
- The reason for condition 4 is to ensure compliance with the approved plans lodged in accordance with resource consent application (RM 130099), with particular reference to maximum height of proposed dwelling and associated height in relation to boundary encroachments which shall be certified by a registered surveyor.

Advice Notes:

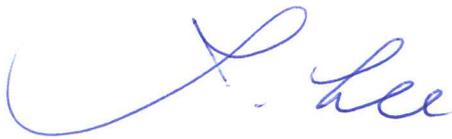
- Under Section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.
- It is the consent holder's responsibility to comply with any conditions imposed on this resource consent prior to and during (as applicable) exercising this resource consent.
- Please note that a resource consent is not a consent to build. A building consent must be issued prior to any building work being undertaken.

- Pursuant to section 72 of the Building Act 2004 a notice shall be placed on the Certificate of Title to note that the site is subject to a natural hazard (coastal erosion) at the time of processing and subsequent issuing of the building consent.

Reasons for Decision:

In accordance with Sections 104 and 104B of the Resource Management Act 1991, the actual and potential effects associated with the proposed activity have been assessed and are outlined above. I consider that the adverse effects of the proposed activity on the environment will be minor and that the proposed activity is not contrary to the Objectives and Policies of the Kapiti Coast District Plan.

“That the above recommendation be adopted under delegated authority”



Janice Lee
Projects Officer /
Resource Consents

22 July 2013:



Andrew Guerin
Resource Consents and
Compliance Manager

22 July 2013