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30 September 2026

Martin and Bernadette Cavanagh

LAND INFORMATION MEMORANDUM (LIM)

The attached LIM provides you with information about 22 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

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.



Jackie Adams
Manager Consenting

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Land Information Memorandum (LIM)

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

22 Fairway Oaks Drive Waikanae

Application Details

Applicant	Martin and Bernadette Cavanagh
LIM number	L260926
Application date	22/09/2026
Issue Date	30/09/2026

Property Details

Property address	22 Fairway Oaks Drive Waikanae
Legal description	LOT 3 DP 348205 C/T 197932
Area (hectares)	0.0901

Valuation Information

Valuation number	1492062503
Capital value	\$1,050,000
Land Value	\$580,000
Improvements Value	\$470,000

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

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Document information

This document has been prepared in accordance with legislation

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) – to provide information relating to matters which may affect the identified property.

This Land Information Memorandum (LIM) has also been prepared for the purpose of section 44B of the Local Government Official Information and Meetings Act 1987 (LGOIMA), which requires Council to identify natural hazards and potential natural hazards, the impact of climate change that exacerbate hazards and potential hazards on the identified property.

As such, each heading or 'clause' in this LIM corresponds to a part of section 44A and 44B of LGOIMA, and the supporting Local Government (Natural Hazard Information in Land Information Memoranda) Regulations 2025.

This LIM contains information held by Council

This LIM is a summary of information Council holds on the identified property, based on a search of Council database records as at the date of your application. Some of this information may have come from third parties, may be in draft form, or may be historical in nature. A LIM is not an inspection of the property, and Council has made no risk assessment or review of the information for the purposes of this document.

There may be other information relating to the property, which is unknown to Council and therefore not contained within this document. For example, information regarding illegal or unauthorised building or works on the property, or information held by other regional and central government agencies.

Due diligence is recommended

Any person obtaining a LIM is solely responsible for undertaking appropriate due diligence and ensuring that the property is suitable for its intended purpose.

Attachments

- 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)
- Building Consent geotechnical report (if applicable)
- Resource Consent documents (if applicable)
- Resource Consents geotechnical report (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	2026/2027
Annual Rates 1 July to 30 June	\$7,149.96 These Rates include: - Greater Wellington Regional Council rates.
Next instalment date	09/12/2026
Rates arrears	\$0.00
Water Rates	\$48.84 For the 2026/2027 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 Rates 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

02/03/2010 BUILDING CONSENT 100044 : New Residential Dwelling : Code Compliance Certificate issued 17/02/11

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

The last inspection completed on 18/06/20, confirmed the former residential pool has been Removed.

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

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

Registered Environmental Health Premises and Licences

No information located.

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

3. Weathertightness

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 the land may be put, and conditions attached to that use. This section may provide some information relating to the natural hazards, which may impact this property. More information relating to these and other potential natural hazards can be found in Section 6 Natural Hazards.

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.

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. 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 application (RM040167). A copy of the decision, Deposited Plan (DP348205) 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.

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 is no record of any 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 file(s) 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:

Ecological Site: an area with significant native vegetation or habitat for native fauna : (K068) Osbournes Swamp (Raupo-Harakeke wetland).

Waahi Tapu / Site or Area of Significance to Māori: an area of cultural significance to Tangata Whenua : (W4)Takamore Waahi Tapu Area (Note - this includes W1 – Takamore Cemetery).

Expressway Designation – land to be used for the construction, operation and maintenance of the [NZTA-005 (D0108) – Mackays to Peka Peka Expressway.

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.

5. Special Features and Characteristics of the Land

This section identifies information held by Council 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.

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 [Selected Land Use Register \(HAIL Database\)](#).

Other Information

The property is shown to be 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.

The property is shown to 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 property is shown to adjacent to a stream corridor on the Operative District Plan (2021) Natural Hazard Maps, and the latest Flood Hazard Maps.

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

The adjoining road carriageway (Te Moana Road) is 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.

The Greater Wellington Regional Council (GWRC) holds a Selected Land Use Register that identifies Kapiti Coast sites with a history of hazardous activity or industry. This Council is aware that this property is adjacent to land which appears on the Selected Land Use Register.

The following extract from that register provides the site history statement and the classification for this property:

Site ID 2495,
Site Name - 72 Te Moana Road
SN/01/436/02 Category –

Verified History of Hazardous Activity or Industry ANZECC - Chemical manufacture, application and bulk storage ANZECC Sub - Storage tanks or drums for fuel, chemicals or liquid waste.

Site History-June 2015:

This site meets the Ministry for the Environment Hazardous Activity and Industry List classification for category A - Chemical manufacture, application and bulk storage, activity 17 - Storage tanks or drums for fuel, chemicals or liquid waste.

Evidence of the HAIL activity was confirmed from a Kapiti Coast District Council Dangerous Goods Licence, a Tank Removal Application form and a Tank Installation Application form.

The full details of the listing are in the file note held by the Greater Wellington Regional Council [WGN document #1503793] and were confirmed as a HAIL site by a suitably qualified and experienced practitioner in accordance with NES (2012) requirements.

6. Natural Hazards

This section identifies information held by Council about natural hazards, which may present a risk to the land in question, as required section 44B of LGOIMA and the Local Government (Natural Hazard Information in Land Information Memoranda) Regulations 2025.

A natural hazard is 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 affect human life, property, or other aspects of the environment.

The impacts of some natural hazards may also be worsened by the effects of climate change. Where Council holds information relating to climate change, it will be included within the natural hazards section.

The Operative District Plan 2021 contains information relating to natural hazards, which may present a risk to property and people within the Kāpiti Coast District. These are discussed below, with further information relating to how this property could be impacted available in the Operative District Plan 2021, and on the attached maps.

Natural hazard information held by Council

Natural hazards identified in the District Plan

Earthquakes

Due to its geographical features, the Kāpiti Coast District may be at risk of earthquakes. Earthquake fault traces within the Kāpiti Coast are mapped in the [Operative District Plan 2021](#), and can help you identify whether this property may fall within a fault area.

Further mapping is also available in the information provided by the Greater Wellington Regional Council later in this section.

Liquefaction

Due to its geographic location and soil typology, the Kāpiti Coast District may be susceptible to liquefaction in the event of an earthquake.

More information on this risk can be found in the [Operative District Plan 2021](#), and is also available in the information provided by the Greater Wellington Regional Council later in this section.

If this property has been subject to a Building or Resource Consent, a geotechnical assessment may have been completed and could provide more detailed and site-specific information about this property. Hazard information regarding Building or Resource Consents for this property can be found later in this section.

Slope failure

Due to its geographic location and soil typology, the Kāpiti Coast District may be susceptible to slope failure in the event of an earthquake. Those areas in the southern or southeastern parts of the District such as Paekākāriki and Raumati, may be particularly susceptible.

More information detailing earthquake-related hazards can be found in the [Operative District Plan 2021](#), and is also available in the information provided by the Greater Wellington Regional Council later in this section.

If this property has been subject to a Building or Resource Consent, a geotechnical assessment may have been completed and could provide more detailed and site-specific information about this property. Hazard information regarding Building or Resource Consents for this property can be found later in this section.

Fire

Due to its climate and geographical features, the Kāpiti Coast District can be susceptible to risks of fire, including wildfire. More information on this risk can be found in our [Operative District Plan 2021](#).

Further information relating to fire risks, can also be found in the information provided by the Greater Wellington Regional Council later in this section.

Tsunami

Under certain circumstances, the Kāpiti Coast District may be at risk of experiencing a tsunami. To understand the potential risk to this property and the evacuation zones please see the updated tsunami evacuation maps for Kāpiti these can be viewed at the Council's website at [Tsunami Zones](#).

Flooding

Due to its physical landscape, the Kāpiti Coast District presents with a varying level of flood risk. For more information about this risk and the property can be found under "flood hazard categories" on the District Plan Maps and in the [Operative District Plan 2021](#)

Council is currently undertaking an update of its flood modelling, which will provide up-to-date information regarding flood hazards within the Kāpiti Coast District, including at a property level. This information is only in draft currently, which has been released for consultation with the community. As it is only in draft form, the information may change prior to its finalisation, which may influence how the risk of flooding could affect this property.

More information on flood hazard modelling, including currently available information can be found on the Council website

www.kapiticoast.govt.nz/environment/flood-hazard-management/flood-hazard-modelling/.

For more information, please contact the Stormwater and Coastal Assets team on 0800 486 486.

If this property has been subject to a Building or Resource Consent, a geotechnical or liquefaction assessment may have been completed and could provide more detailed and site-specific information about this property. Hazard information regarding Building or Resource Consents for this property can be found later in this section.

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. 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 Kāpiti 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.

Natural hazards identified under the Building Act 2004

Natural hazards identified under the Building Act 2004 during a consenting process may influence whether land can be built on and/or the specifications required to mitigate risk. Natural hazards under Section 71(3) of the Building Act include erosion, falling debris, subsidence, inundation, and slippage.

Consents notified relating to a natural hazard

If this property has had a Building Consent issued, which required notification for a natural hazard, it will be found in *Section 2: Consents, Certificates, Notices, Orders or Requisitions affecting the land and buildings*.

Notices issued under 133BT

Under certain conditions, for example if a building presents a risk of injury or death to people or has been evacuated during an emergency event, a notice may be issued.

A Notice under 133BT of the Building Act 2004 has not been identified for this property. For further information on this section, contact the Building Team on 0800 486 486.

Geotechnical assessment

If this property has been the subject of a 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 and natural hazards at that site including liquefaction and slope stability assessment as well as commentary on ground bearing capacity.

A geotechnical report supplied under the Building Act 2004 has not been identified for this property.

All available Building Consent geotechnical assessments are located in attached building files. For further information on this section, contact the **Building Team** on 0800 486 486.

Natural hazards identified under the Resource Management Act 1991

Natural hazards identified under Resource Management Act 1991 during a consenting process could influence how land may be used and/or whether land can be built on, as well as any specification required to mitigate the risk of natural hazards. The definition of a natural hazard under the Resource Management Act can be found at the beginning of this section.

If this property has been the subject of a Resource Consent since 1 July 2020, a geotechnical assessment may have been supplied with that application. A geotechnical report may contain advice about the risk of natural hazards at the property.

A geotechnical report supplied under the Resource Management Act 1991 has/has not been identified for this property.

For further information contact the **Resource Consents Team** on 0800 486 486.

Natural hazard information provided by Greater Wellington Regional Council

This information has been provided by Greater Wellington Regional Council in accordance with the Local Government (Natural Hazard Information in Land Information Memoranda) Regulations 2025. No alteration has been made to this information.

Hazard information

Greater Wellington Regional Council holds information on natural hazards relevant to the region. Greater Wellington's hazard information has been developed to help the public, local authorities and others manage risk and make informed decisions about their exposure to natural hazards.

Please note this information has been produced at a range of scales and may not be property specific. Local Council District Plans may hold more detailed hazard information and rules on how they are applied in your area. This information is periodically updated as new studies and modelling is carried out.

- Fluvial (river) flood hazard
- Coastal flood hazard
- Tsunami hazard
- Wildfire hazard
- Seismic hazard

Climate change has the potential to exacerbate some of these hazards. More information about future changes to the regional climate can be found on the Greater Wellington website: <https://mapping1.gw.govt.nz/gw/ClimateChange/> and https://mapping1.gw.govt.nz/GW/ClimateChange_StoryMap/#.

Please contact **Greater Wellington Regional Council** at info@gw.govt.nz for more information.

For information on fluvial flood hazard please contact the Greater Wellington Regional Council's **Flood Advisory Team**

www.gw.govt.nz/your-region/emergency-and-hazard-management/flood-protection/flood-hazard-advice.

Be prepared

If your home, or place of work is vulnerable to a natural hazard we advise that you are prepared, with enough supplies for 7 days and an effective emergency plan. For further guidance please visit the Wellington Regional Emergency Management Office for more information www.wremo.nz. It is also recommended that you check that your insurance cover is appropriate for the hazards present.

Other natural hazard information

No other information found.

7. Other land and building classifications

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.

8. 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.

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

9. 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.

10. 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.

11. 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 found.

Cultural and Archaeological

The settlement history of the Kāpiti 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](#)

12. 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

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. This may also include technical reports (such as geotechnical and/or structural reports) if available.

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 Kāpiti 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.



**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 **197932**
Land Registration District **Wellington**
Date Issued 21 June 2005

Prior References
WN55C/951

Estate Fee Simple
Area 901 square metres more or less
Legal Description Lot 3 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

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
6560715.1 Discharge of Mortgage 6264257.1 - 5.9.2005 at 2:15 pm
7333794.1 Transfer to Sunroom Investments Limited - 27.4.2007 at 3:56 pm
7333794.2 Mortgage to ANZ National Bank Limited - 27.4.2007 at 3:56 pm
7460921.2 NOTICE OF CLAIM OF INTEREST PURSUANT TO SECTION 42(2) PROPERTY (RELATIONSHIPS) ACT 1976 BY ANGELA MAREE DOWIE - 13.7.2007 at 9:00 am
8385345.1 Withdrawal of Notice of Claim 7460921.2 - 11.1.2010 at 2:57 pm
8385345.2 Transfer in exercise of power of sale in Mortgage 7333794.2 to Brent Mulholland and Briget Mulholland - 11.1.2010 at 2:57 pm
8385345.3 Mortgage to ANZ National Bank Limited - 11.1.2010 at 2:57 pm
8811947.1 Correction of Name of Brent Mulholland to Brent Edward Mulholland and Briget Mulholland to Briget Joy Mulholland - 11.7.2011 at 2:05 pm
8811947.2 Variation of Mortgage 8385345.3 - 11.7.2011 at 2:05 pm
9823164.1 Discharge of Mortgage 8385345.3 - 29.8.2014 at 2:08 pm
9823164.3 Transfer to Brent Edward Mulholland - 29.8.2014 at 2:08 pm
9823164.5 Mortgage to ANZ Bank New Zealand Limited - 29.8.2014 at 2:08 pm
10154978.1 Discharge of Mortgage 9823164.5 - 21.8.2015 at 1:24 pm
10154978.2 Transfer to Steven Anthony Morris and Susan Elizabeth Morris - 21.8.2015 at 1:24 pm
11150587.1 Transfer to Martin Jeremy Cavanagh and Bernadette Joan Bolger Cavanagh - 4.7.2018 at 3:49 pm

11150587.2 Mortgage to Westpac New Zealand Limited - 4.7.2018 at 3:49 pm



Digital Title Plan - DP 348205

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.

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	Survey Class	Class I Cadastral Survey
Submitted Date	01/03/2005	Survey Approval Date	02/03/2005
		Deposit Date	21/06/2005

Territorial Authorities

Kapiti Coast District

Comprised In

CT WN55C/951
CT WN502/121

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

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		
Total Area		2.0840 ha	

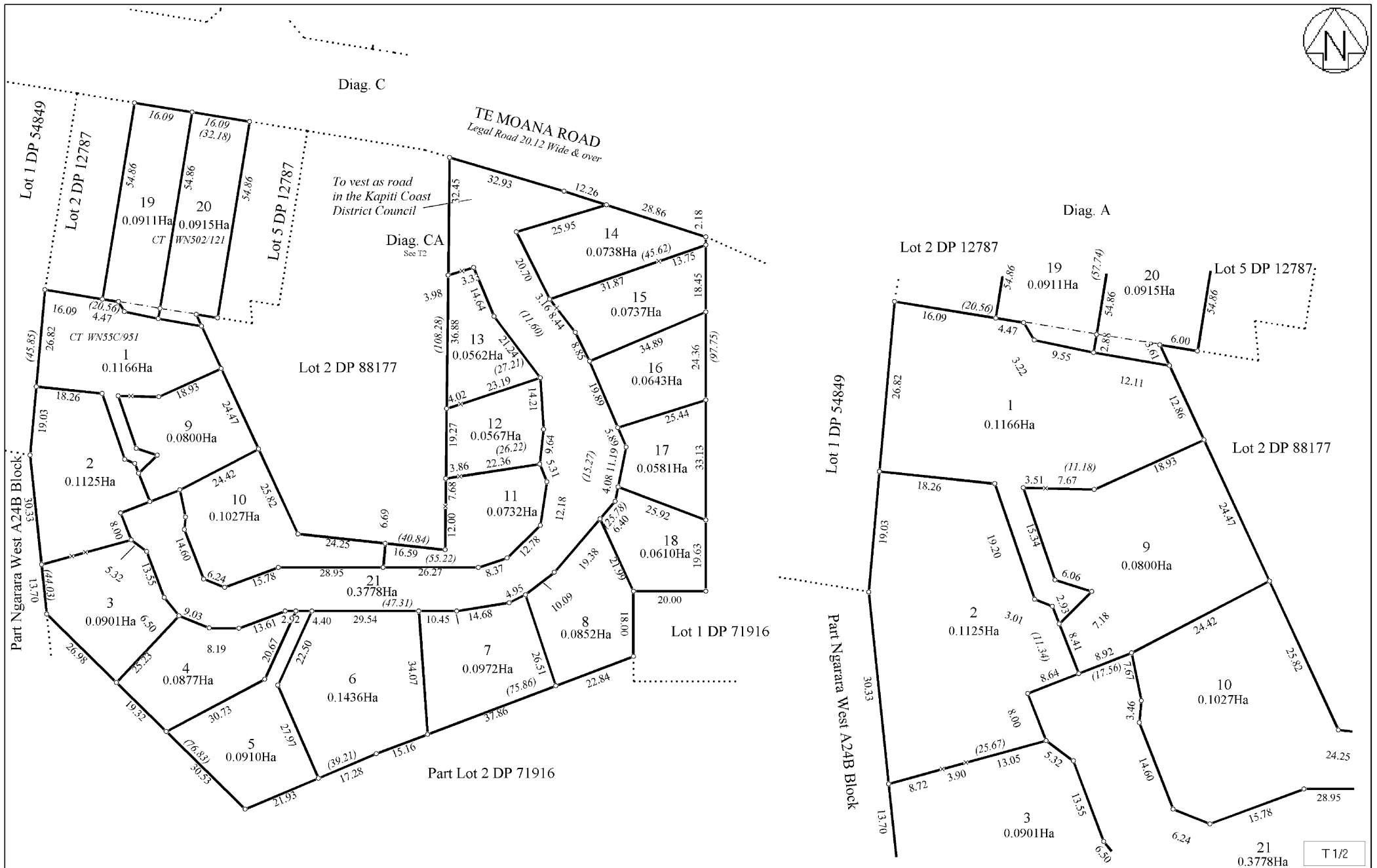
LT 348205

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





Deposited on: 21/06/2005

Aerial Photography

22 Fairway Oaks Drive Waikanae - LOT 3 DP 348205 C/T 197932



0 10 20 Metres

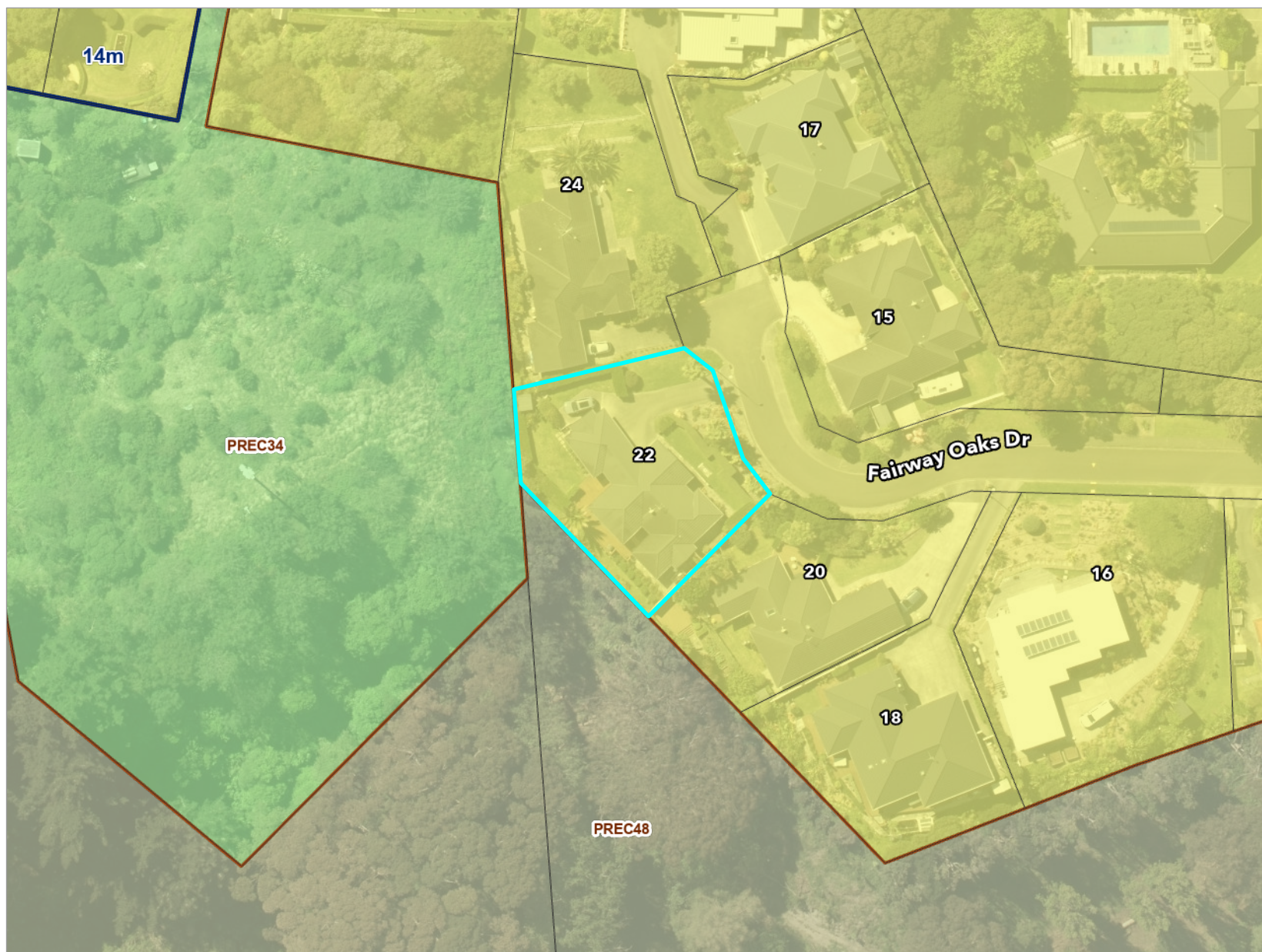
Scale @ A4 - 1:500

Date Printed: September 22, 2026

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Operative District Plan 2021 - Zones and Precincts

22 Fairway Oaks Drive Waikanae - LOT 3 DP 348205 C/T 197932



Key to map symbols

-  Height Variation Control Area
-  Precinct
-  General Residential Zone
-  General Rural Zone
-  Open Space Zone



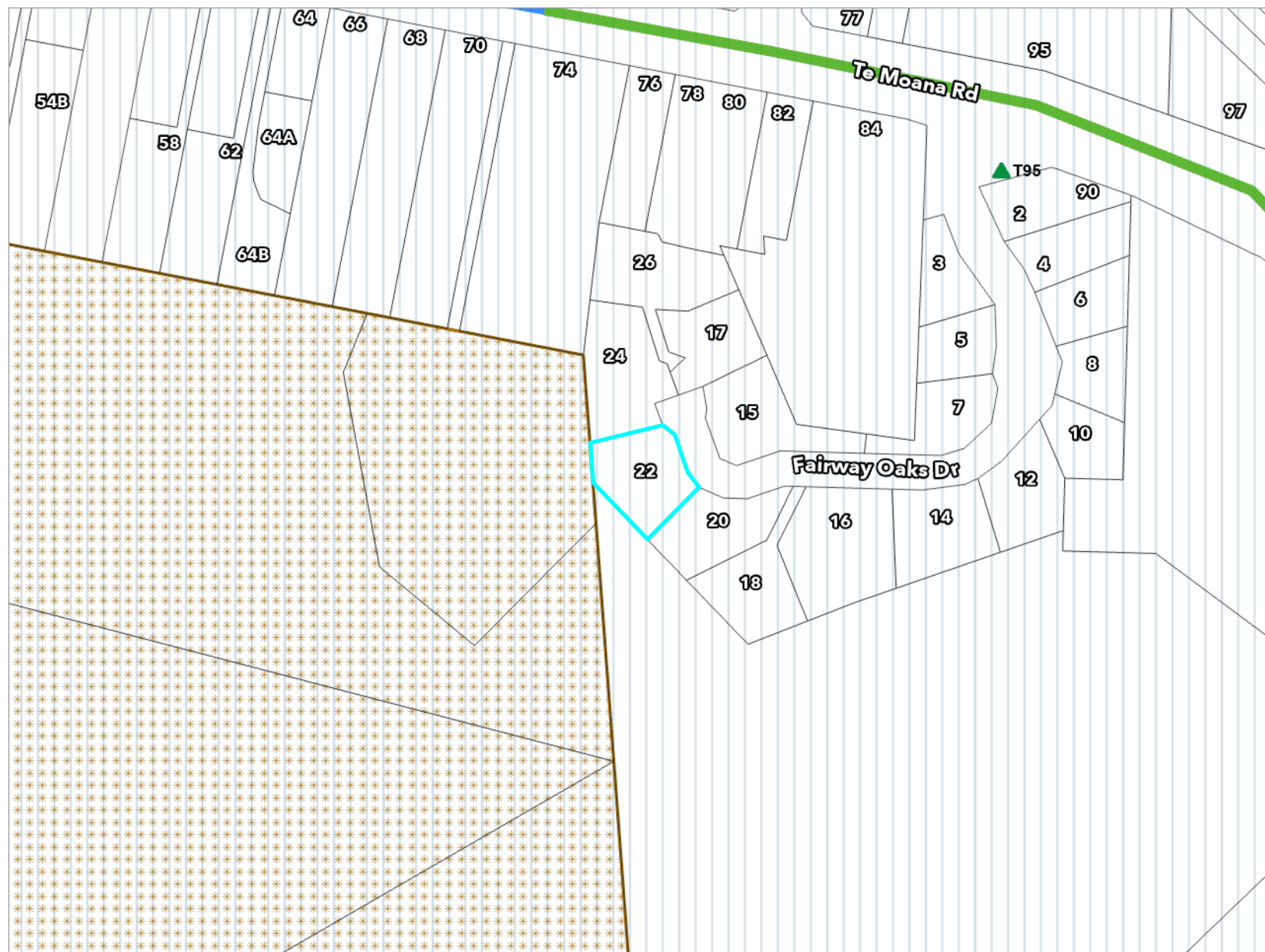
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Scale @ A4 - 1:850

Date Printed: September 22, 2026

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

22 Fairway Oaks Drive Waikanae - LOT 3 DP 348205 C/T 197932



Key to map symbols

- 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.



0 40 80 Metres

Scale @ A4 - 1:2,000

Date Printed: September 22, 2026

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Operative District Plan 2021 - Designations & Miscellaneous Features

22 Fairway Oaks Drive Waikanae - LOT 3 DP 348205 C/T 197932



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.



0 40 80 Metres

Scale @ A4 - 1:2,000

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Operative District Plan 2021 - Natural Features

22 Fairway Oaks Drive Waikanae - LOT 3 DP 348205 C/T 197932



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.



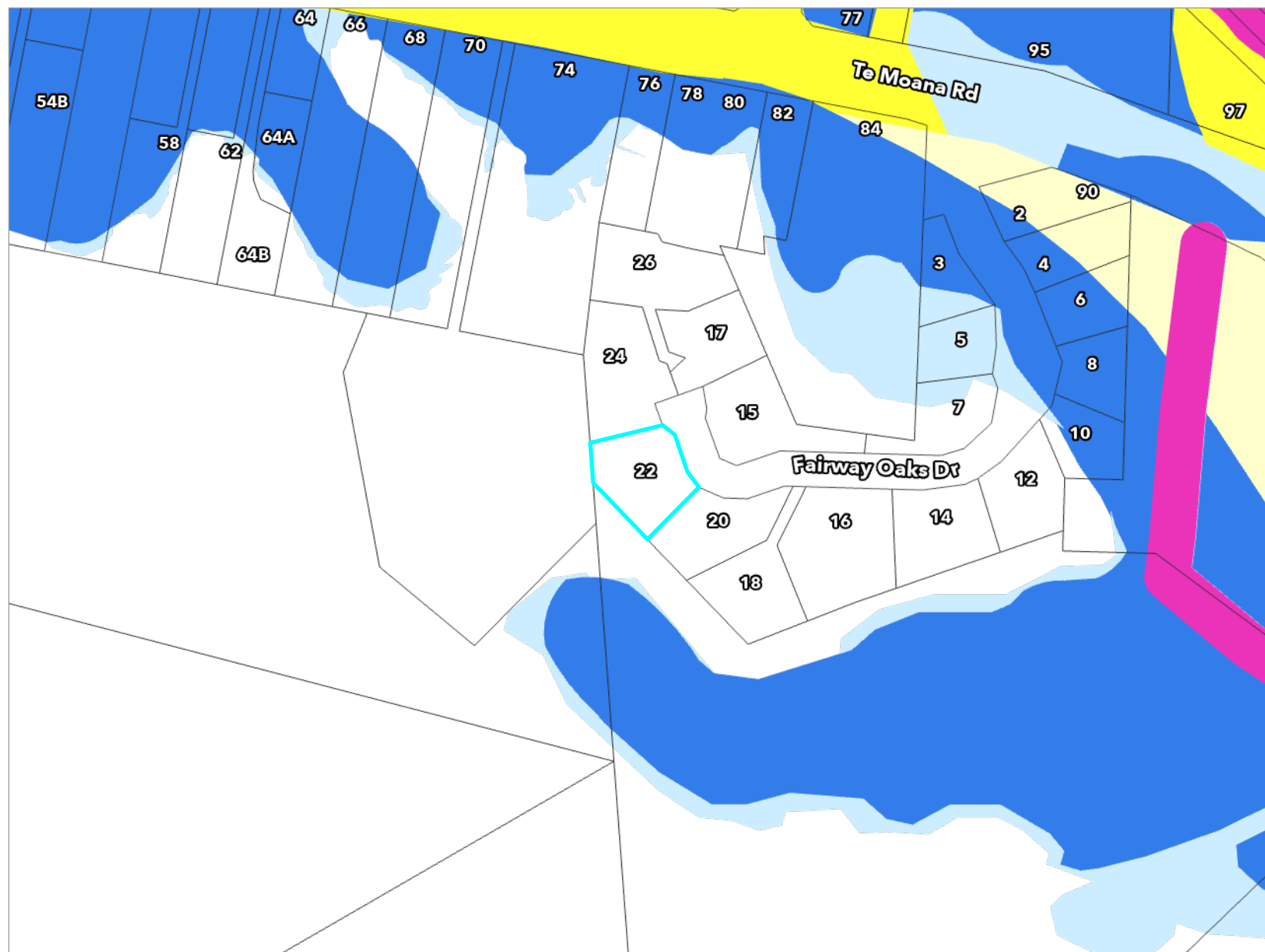
0 40 80 Metres
Scale @ A4 - 1:2,000

Date Printed: September 22, 2026

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Operative District Plan 2021 - Natural Hazards

22 Fairway Oaks Drive Waikanae - LOT 3 DP 348205 C/T 197932



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.



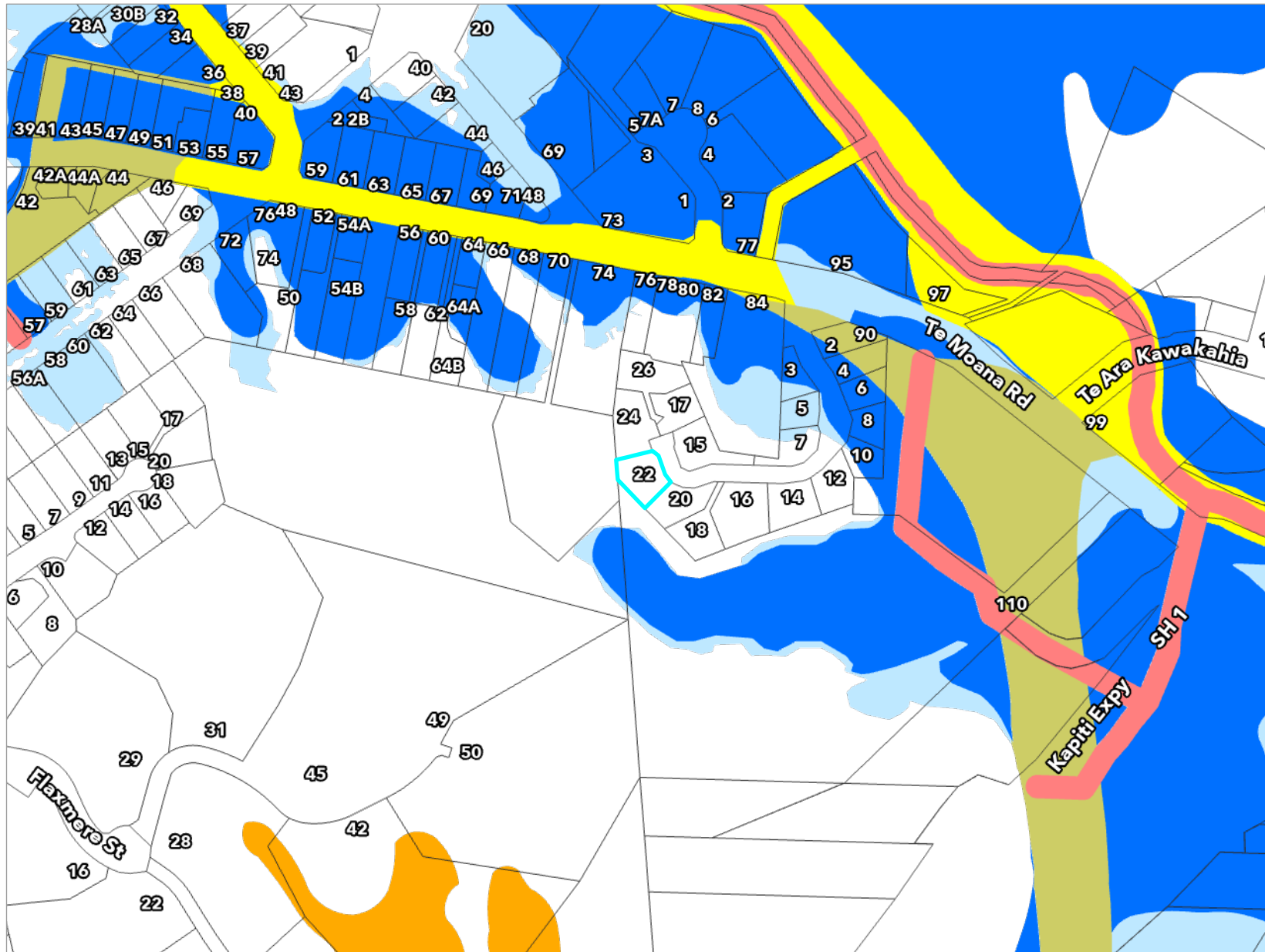
0 40 80 Metres
Scale @ A4 - 1:2,000

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Latest Flood Hazards

22 Fairway Oaks Drive Waikanae - LOT 3 DP 348205 C/T 197932



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.

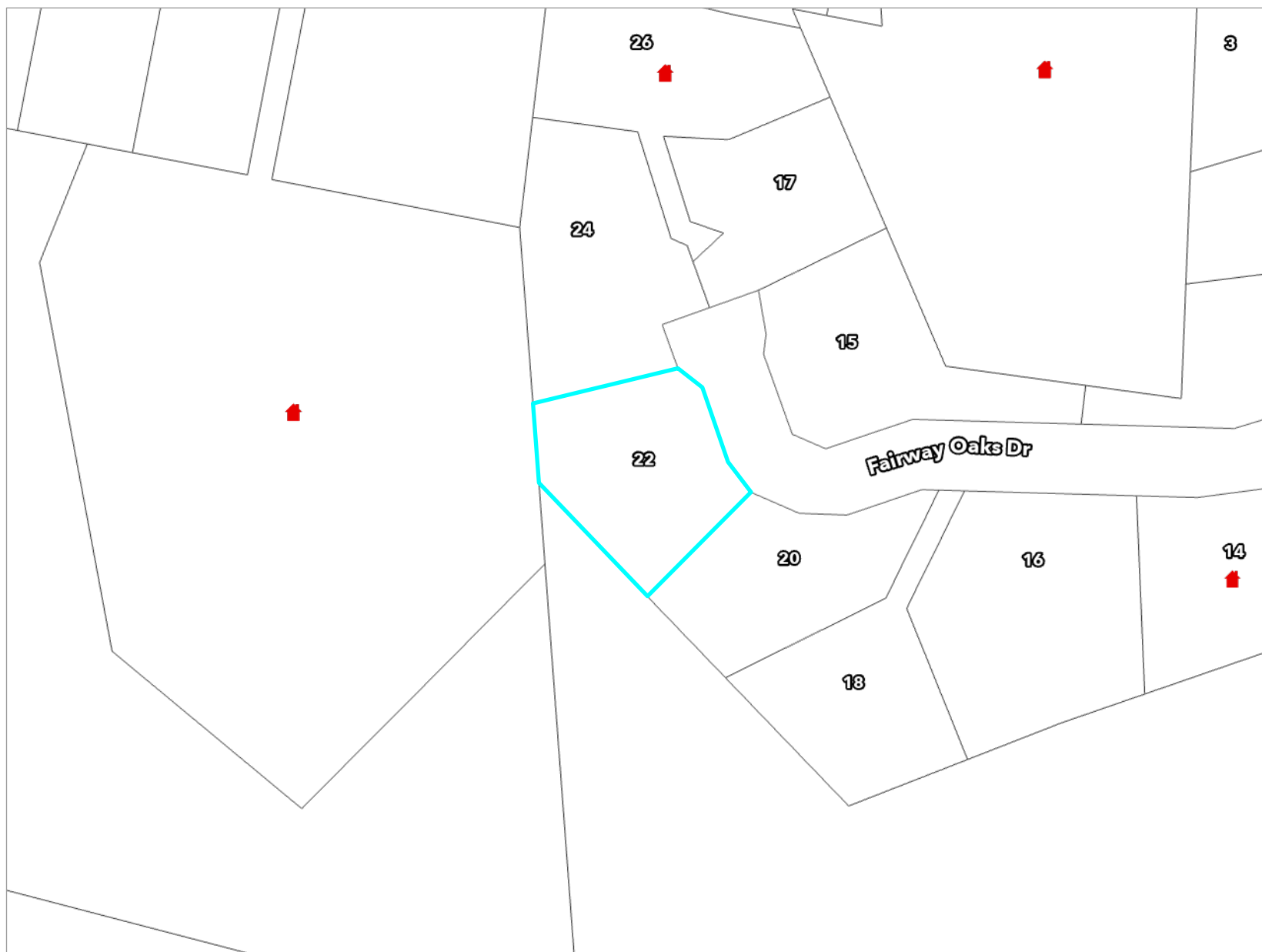


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Scale @ A4 - 1:4,000

Date Printed: September 22, 2026

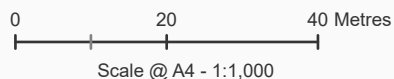
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22 Fairway Oaks Drive Waikanae - LOT 3 DP 348205 C/T 197932



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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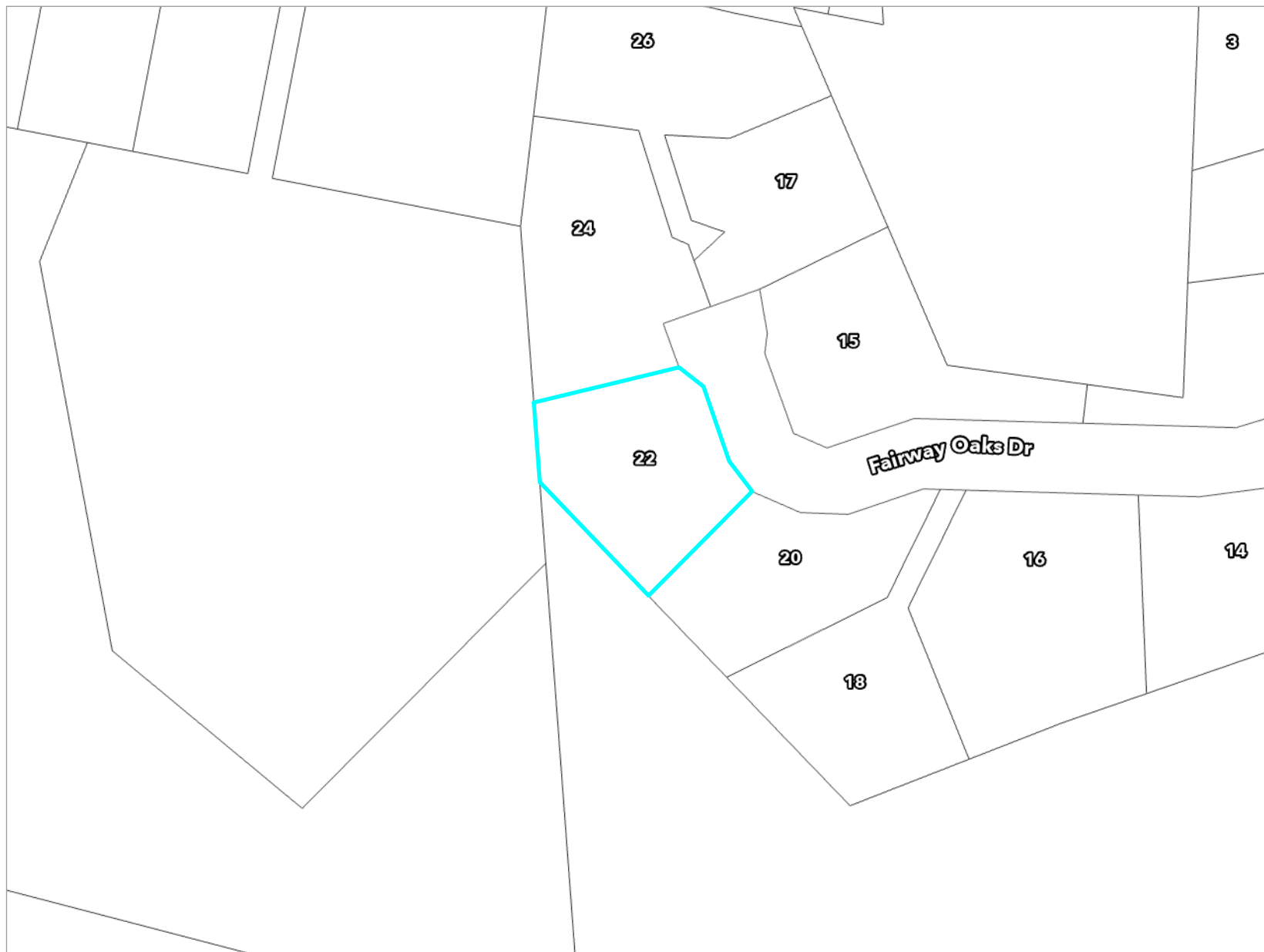
Resource Consents Report

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
050128	72 Te Moana Road, Waikanae	1492063900	PT NGARARA WEST A24B PT LOT 1 DP 7203	CC	Mobile phone site at 72 Te Moana Road, Waikanae	N	N	Decision Issued	15/6/2005	23/5/2005
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
090031	72 Te Moana Road, Waikanae	1492063900	PT NGARARA WEST A24B PT LOT 1 DP 7203	CC	Application for Certificate of Compliance to Upgrade	N	N	Decision Issued	21/4/2009	2/3/2009
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

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
220125	72 Te Moana Road, Waikanae	1492063900	PT NGARARA WEST A24B PT LOT 1 DP 7203	CC	Certificate of Compliance under the NESTF for the upgrade of	N	N	Letter Generated	14/9/2022	2/5/2022
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
950358	84 Te Moana Road, Waikanae	1492062501	LOT 2 DP 88177	SD	2 ADDITIONAL RESIDENTIAL LOTS AT 82 TE MOANA ROAD, WAIKANA E	N	N	s.224 Issued	12/4/1999	30/10/1995

Health and Alcohol Licenses

22 Fairway Oaks Drive Waikanae - LOT 3 DP 348205 C/T 197932



Key to map symbols

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



0 20 40 Metres

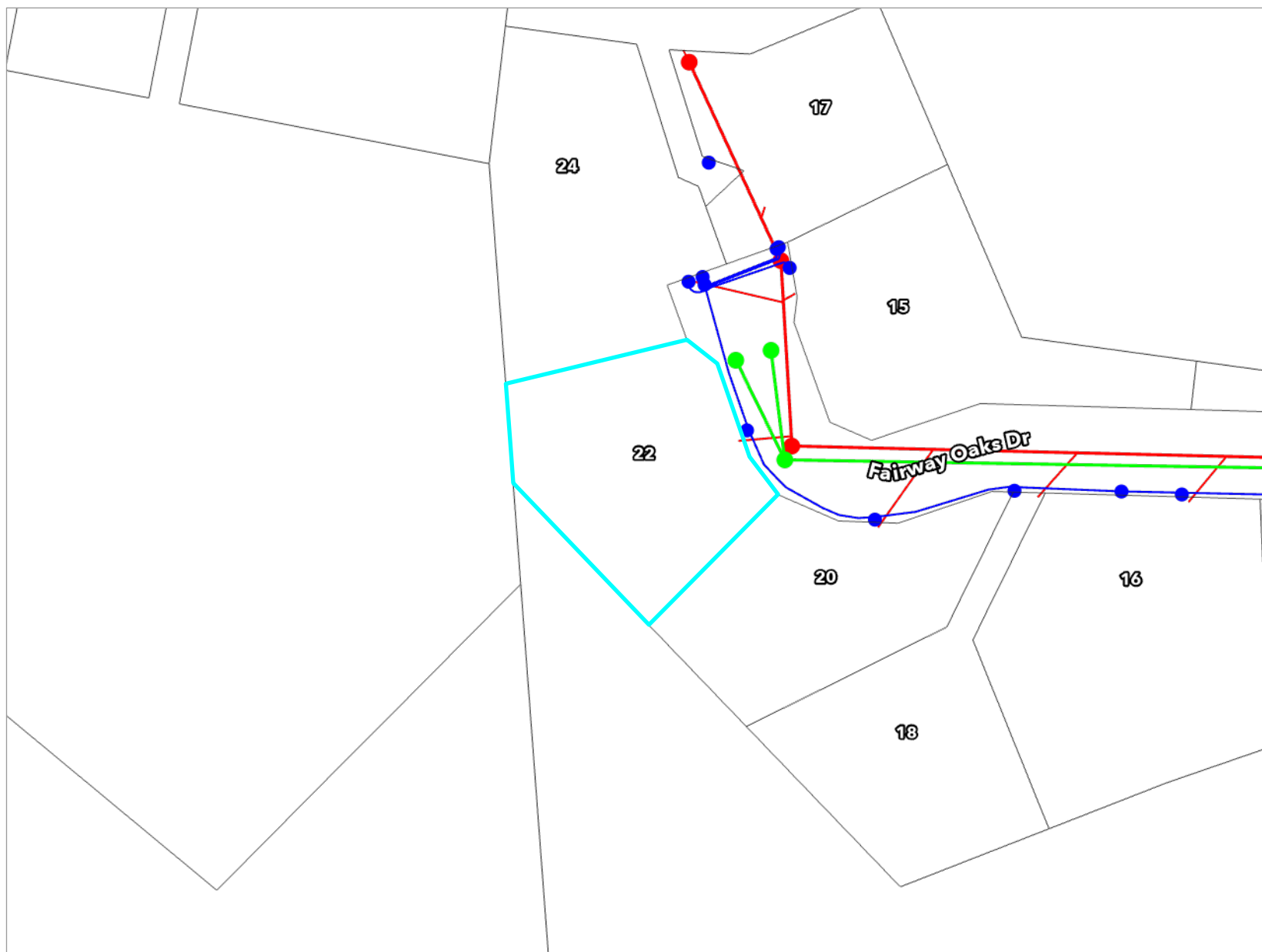
Scale @ A4 - 1:1,000

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Services Network

22 Fairway Oaks Drive Waikanae - LOT 3 DP 348205 C/T 197932



Key to map symbols

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

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



0 10 20 Metres

Scale @ A4 - 1:800

Date Printed: September 22, 2026

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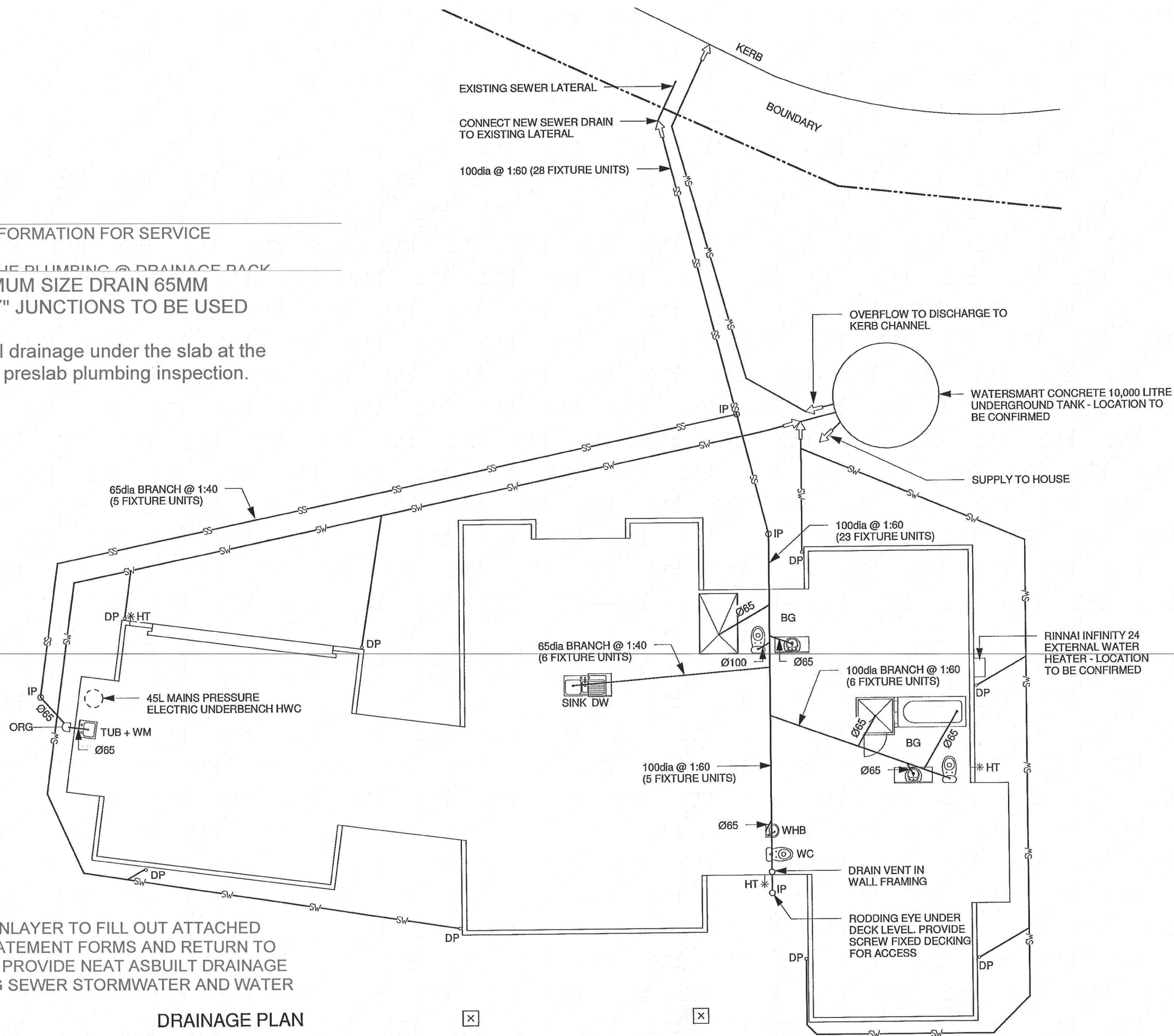
APPROVED
BY
PLUMBING
AND
DRAINAGE
Simon C
12/2/2010

strip drain to intercept driveway run off, to run to a soakpit

2/03/2010

CHECK P.I.M INFORMATION FOR SERVICE
CONNECTIONS
PROVIDED IN THE PLUMBING & DRAINAGE BACK
MINIMUM SIZE DRAIN 65MM
SWEPT "Y" JUNCTIONS TO BE USED

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



PLUMBING KEY

BG = BATHROOM GROUP = 6FU
DW = DISHWASHER = 3FU
SINK = SINK = 3FU
TUB = LAUNDRY TUB = 5FU
WC = TOILET = 4FU
WHB = WASH HAND BASIN = 1FU
WM = WASHING MACHINE = 5FU

DP = DOWNPIPE
DV = DRAIN VENT
HT = HOSE TAP
HWC = HOT WATER CYLINDER
IP = INSPECTION POINT
ORG = OVERFLOW RELIEF GULLY

MAXIMUM NUMBER FIXTURE UNITS FOR VENTED
100Ø DRAIN LAID 1 IN 60 = 165 = REFER TO
TABLE 4.3 AS/NZS 3500.5:2000 FOR OTHER
GRADIENTS.

PIPE GRADIENTS

MINIMUM GRADES FOR DRAINS & DISCHARGE
PIPES:

65Ø & LESS = 1 IN 40
80Ø & 100Ø = 1 IN 60

PLUMBING & DRAINAGE NOTES:

- THIS PLAN HAS BEEN DESIGNED IN ACCORDANCE WITH BRANZ PLUMBING AND DRAINAGE GUIDE SECTION D AS/NZS 3500 PART 2 FOR GROUND FLOOR SYSTEMS AND SECTION F DRAINAGE REQUIREMENTS
- CONFIRM POSITION OF LATERALS & MAINS ON SITE
- PROVIDE 10000 L WATER STORAGE TANK WITH PUMP SUPPLY TO WC CISTERNS AND EXTERIOR HOSE TAPS - LOCATION TO BE CONFIRMED BY CLIENT
- INSTALL WATER SUPPLY TOP UP TO WATER TANK FROM TOWN WATER MAIN
- ALL PIPES FROM WATER TANK SUPPLYING WC AND EXTERIOR TAPS TO BE CLEARLY LABELED AS SUCH
- INSTALL SIGNS AT EXTERIOR TAPS TO SHOW WATER NOT FIT FOR DRINKING
- PROVIDE SEISMIC RESTRAINTS TO HOT WATER CYLINDERS
- HOT WATER SERVICE TO HAVE TEMPERING VALVE
- WATER PIPES TO BE TESTED TO 1500 KPA

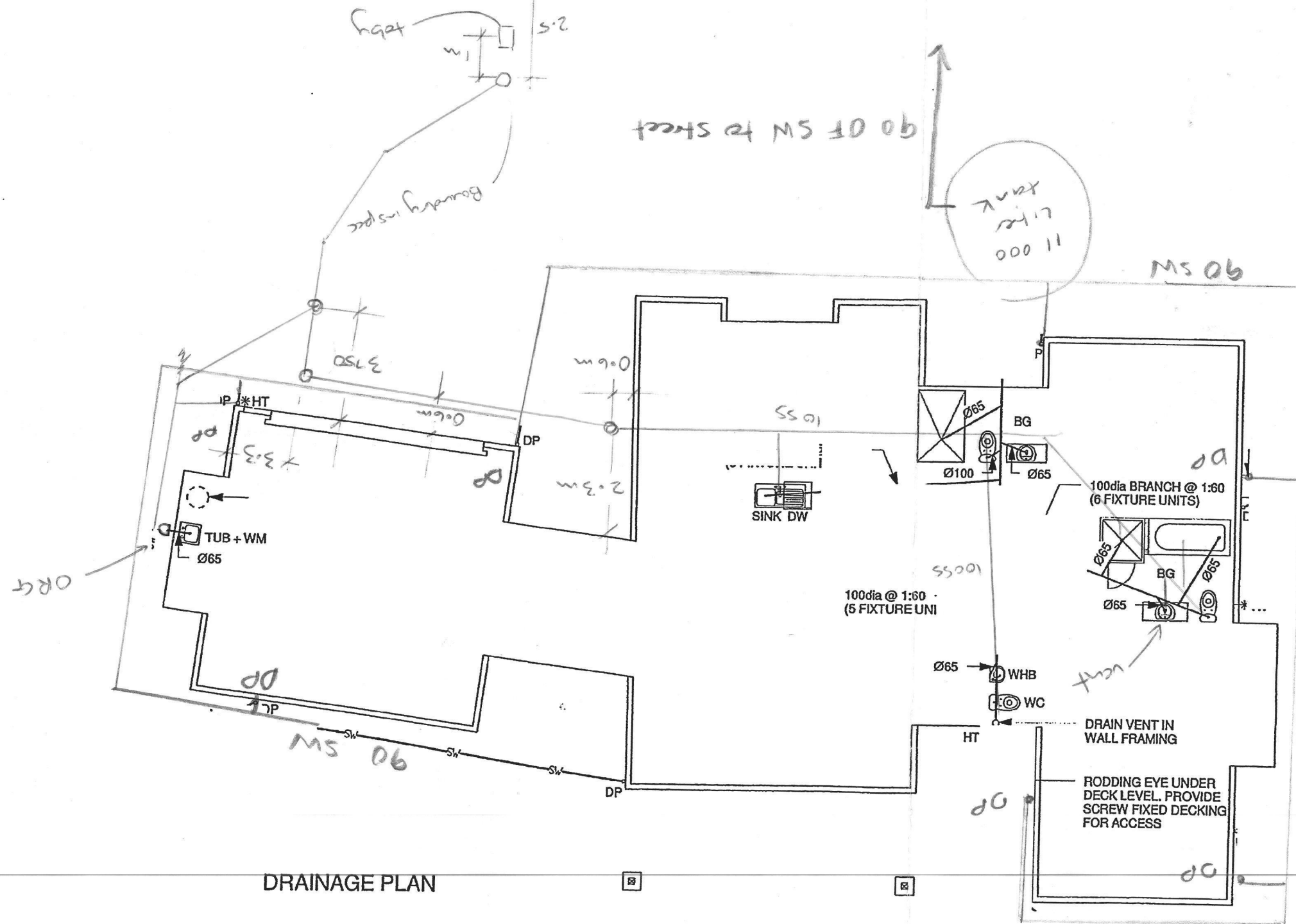
GRAPHIC KEY

SS SANITARY SEWER
SW STORMWATER

1	18-01-2010	Revision 1
Rev	Date	Description
Proposed House Mulholland Const. 22 Fairway Oaks Drive, Waikanae Lot 3 DP 348205		
A.D architecture LTD Ph: 04 298 5662 Fax: 04 298 5663 Info@adarchitecture.co.nz www.adarchitecture.co.nz PO Box 1585, Pāpāraumu Beach		
DRAINAGE PLAN		
BUILDING CONSENT		
DO NOT SCALE DRAWING		
Job	Date	Rev
09043	30-10-2009	1
Sheet	(A3) 04	

DRAINAGE PLAN
1 : 100

BC 100044



Rev	Date	Description
1	10-01-2010	PROVISION 1
Proposed House		
Mulholland Const.		
22 Fairway Oaks Drive, Waikanae		
Lot 3	DP 348205	

John Kelly 12-1-11
Reg. 14785

REVISED INFORMATION

APPROVED
BY
PLUMBING
AND
DRAINAGE
Simon C
12/2/2010

12/2/2010

BC 100044

2/03/2010

11-2-2010

Drainage
channel to
catch stormwater
run-off from
driveway.

EXISTING SEWER LATERAL

CONNECT NEW SEWER DRAIN
TO EXISTING LATERAL

100dia @ 1:60 (28 FIXTURE UNITS)

strip drain to intercept driveway run off, to run to a soakpit

BOUNDARY

SOAK
Pit confirm
location on site
4m x 3m x 1.5m
Deep

PLUMBING KEY

BG = BATHROOM GROUP = 6FU
DW = DISHWASHER = 3FU
SINK = SINK = 3FU
TUB = LAUNDRY TUB = 5FU
WC = TOILET = 4FU
WHB = WASH HAND BASIN = 1FU
WM = WASHING MACHINE = 5FU

DP = DOWNPIPE
DV = DRAIN VENT
HT = HOSE TAP
HWC = HOT WATER CYLINDER
IP = INSPECTION POINT
ORG = OVERFLOW RELIEF GULLY

MAXIMUM NUMBER FIXTURE UNITS FOR VENTED
100Ø DRAIN LAID 1 IN 60 = 165 = REFER TO
TABLE 4.3 AS/NZS 3500.5:2000 FOR OTHER
GRADIENTS.

PIPE GRADIENTS
MINIMUM GRADES FOR DRAINS & DISCHARGE
PIPES:

65Ø & LESS = 1 IN 40
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PLUMBING & DRAINAGE NOTES:

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- CONFIRM POSITION OF LATERALS & MAINS ON SITE
- PROVIDE 10000 L WATER STORAGE TANK WITH PUMP SUPPLY TO WC CISTERNS AND EXTERIOR HOSE TAPS - LOCATION TO BE CONFIRMED BY CLIENT
- INSTALL WATER SUPPLY TOP UP TO WATER TANK FROM TOWN WATER MAIN
- ALL PIPES FROM WATER TANK SUPPLYING WC AND EXTERIOR TAPS TO BE CLEARLY LABELED AS SUCH
- INSTALL SIGNS AT EXTERIOR TAPS TO SHOW WATER NOT FIT FOR DRINKING
- PROVIDE SEISMIC RESTRAINTS TO HOT WATER CYLINDERS
- HOT WATER SERVICE TO HAVE TEMPERING VALVE
- WATER PIPES TO BE TESTED TO 1500 KPA

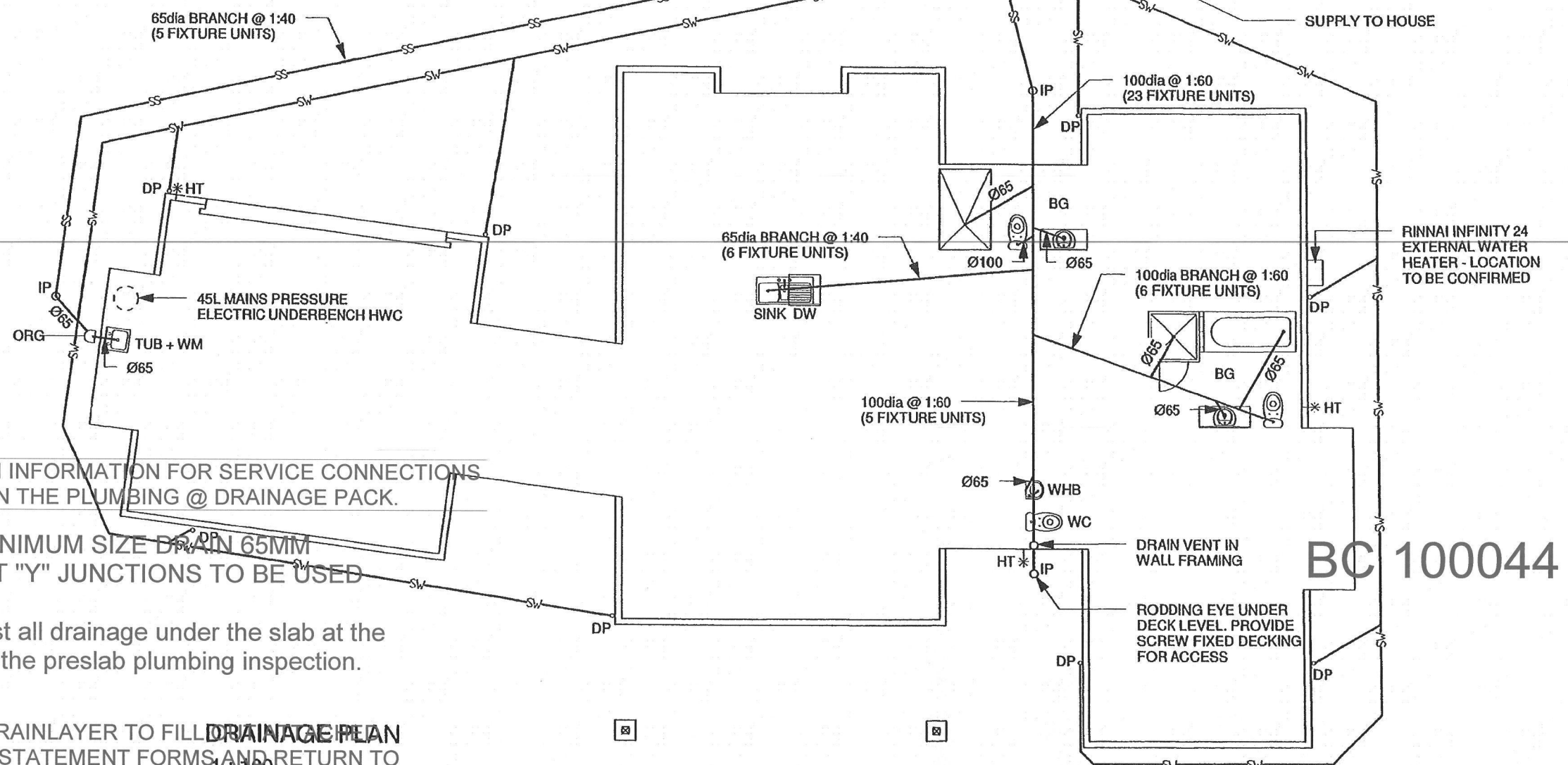
GRAPHIC KEY

SS SANITARY SEWER
SW STORMWATER

Rev	Date	Description
1	18-01-2010	Revision 1
Proposed House Mulholland Const. 22 Fairway Oaks Drive, Waikanae		
Lot 3 DP 348205		
A.D architecture LTD Ph: 04 298 5662 Fax: 04 298 5663 info@adarchitecture.co.nz www.adarchitecture.co.nz PO Box 1585, Paraparaumu Beach		
DRAINAGE PLAN		
BUILDING CONSENT		
DO NOT SCALE DRAWING		
Job	Date	Rev
09043	30-10-2009	1
Sheet	(A3) 04	

Note: Vent required on the
drain branch to Laundry

11-2-2010



CHECK P.I.M INFORMATION FOR SERVICE CONNECTIONS
PROVIDED IN THE PLUMBING @ DRAINAGE PACK.

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

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

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

BC 100044



Date ✓
FILE: RM040167

16 September 2004

MC2 Group Ltd
c/- Landlink Ltd
PO Box 370
WAIKANAE

ATTENTION: Nicola McHutchon

Dear Nicola

RM040167: LAND USE AND SUBDIVISION CONSENT FOR SUBDIVISION OF 21 ALLOTMENTS, ALSO ROADING AND EARTHWORKS ASSOCIATED WITH THE SUBDIVISION, AT 90 TE MOANA ROAD, WAIKANAE

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 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.

Please note also that this consent will expire unless you give effect to the consent within 5 years (unless a longer period is specified in the consent conditions). You may apply for an extension before the consent lapses pursuant to section 125 of the Resource Management Act 1991. Council may grant an extension after taking into account the criteria set out in Section 125.

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.

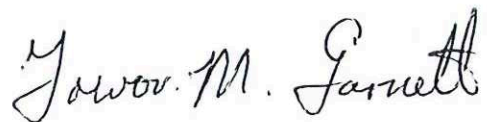
Kapiti Coast District Council

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

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 me on 9045-856.

Yours sincerely

A handwritten signature in black ink, reading "Trevor M. Garnett". The signature is written in a cursive style with a large, stylized 'G' at the end.

Trevor Garnett

RESOURCE CONSENTS PLANNER



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, WAIKANAE

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 \$362.50, plus \$210 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:

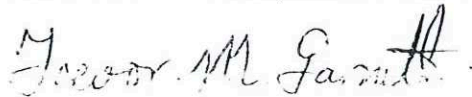
1. The Survey Plans must be certified in accordance with Section 223 and land use given effect to within 5 years of the granting of this Consent, or within such extended period of time pursuant to Sections 125 and 37, as Council may allow.
2. A certificate pursuant to Section 224 will be issued following 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.

ISSUED: 16 September 2004



**Trevor Garnett
RESOURCE CONSENTS PLANNER**

SCANNED



Bldg file.

FILE: RM040167

24 March 2005

MC² 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

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 24th March 2005

A handwritten signature in cursive script that reads "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

24th 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**

APPLICANT:	LandLink Ltd. on behalf of MC² Group Ltd.
LOCATION:	90 Te Moana Road, Waikanae
LEGAL DESCRIPTION:	Lot 3 DP 88177
ZONE:	Residential
DATE CONSENT GRANTED:	12 April 1999 – RM950358 16 September 2004 – RM040167
PROPOSAL:	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)

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 22nd March 2005



Wayne Gair
Senior Resource Consents Planner



Trevor Garnett
Acting Resource Consents Manager



**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 MC² 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.

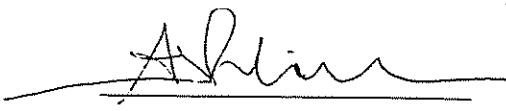
Kapiti Coast District Council

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

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 6th day of April 2005.



Wayne Gair
AUTHORISED OFFICER

Aidan Robinson
AUTHORISED OFFICER