Sharalyn Fraser
Agency

Statement of passing over information – This information has been supplied by the Vendor or the vendor's agents. Accordingly, Sharalyn Fraser Agency (Ownly Limited licensed (REA 2008) is merely passing over the information as supplied to us by the vendor or vendors agents. We cannot guarantee its accuracy and reliability as we have not checked, audited, or reviewed the information and all intended purchasers are advised to conduct their own due diligence investigation into the same. To the maximum extent permitted by law Sharalyn Fraser Agency (Ownly Limited licensed (REA 2008) does not accept any responsibility to any person for the accuracy of the information herein

19 October 2026

Carl Dowle

LAND INFORMATION MEMORANDUM (LIM)

The attached LIM provides you with information about 40 Titoki Road 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:

40 Titoki Road Waikanae

Application Details

Applicant	Carl Dowle
LIM number	L261003
Application date	08/10/2026
Issue Date	19/10/2026

Property Details

Property address	40 Titoki Road Waikanae
Legal description	LOT 3 DP 386409
Area (hectares)	0.3603

Valuation Information

Valuation number	1491017001
Capital value	$1,580,000
Land Value	$810,000
Improvements Value	$770,000

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	$9,278.53 These Rates include: - Greater Wellington Regional Council rates.
Next instalment date	09/12/2026
Rates arrears	$0.00
Water Rates	$625.61 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

01/03/2010 BUILDING CONSENT 090914 : New Dwelling : Code Compliance Certificate issued 27/01/11

11/12/2017 BUILDING CONSENT 170827 New entrance & canopy roof, new ensuite & walk-in robe, new overed deck & doors to living area. Code Compliance Certificate issued 27/3/19

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

Engineer's report

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

Wind

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

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

Swimming Pools: Compliance with the Building Act 2004

The council does not hold any record of inspections for a swimming pool or spa pool for this property.

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 2008 under resource consent numbers RM050354, RM100037 and RM100124.
Copies of the Decisions are provided with This LIM.

This property is shown to be subject to and/or appurtenant to a right of way, rights to drain sewage and stormwater, to convey water, electricity, and telecommunications easements.
Copies of the Deposited Plan (DP 386409) and Record of Title are provided with this LIM.

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

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

RESOURCE CONSENT RM110036: 4 lot subdivision and associated earthworks at 32 & 36 Titoki Road, Waikanae.
A Variation to the previous Section 221 Consent Notice was imposed as part of this subdivision which relates to (Lots 2 and 4 DP 386409) and requires certain conditions to be complied with on an on-going basis. For detail refer to the attachments provided with this LIM.

RESOURCE CONSENT RM100124: Change of Condition 3 on RM100037 - Relocation of driveway.

RESOURCE CONSENT RM100037: Application for a Variation to Consent RM050354 to allow relocation of building pad at 40 Titoki Rd, Waikanae Beach.

RESOURCE CONSENT RM090169: Application to run a commercial activity in a residential zone, namely a `Home Stay`, at 40 Titoki Rd, Waikanae Beach

RESOURCE CONSENT RM050354: To undertake a four lot fee simple subdivision of the three existing allotments : s.224 Issued 20/06/07
(Found on related property: 1491017000)
A Section 221 Consent Notice was imposed as part of this subdivision which relates to (Lots 2, 3 and 4 DP 386409) and 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 further resource consents for this property.
For information about any resource consents for surrounding properties refer to the Resource Consents map and Summary Details Report provided with this LIM.

If you are interested in reading the full resource consent files then these can be viewed at the Council administration building at 175 Rimu Road, Paraparaumu.
Note: some resource consent files may be archived offsite; however these can be retrieved for you. Please call the Resource Consents Team on 0800 486 486 to check the availability of the files.

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

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

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 subject to and adjacent to flood hazards in the Operative District Plan (2021), and the latest Flood Hazard Maps. The flood hazard identified on the maps provided with this LIM is based on the projected future flooding risk to the property including climate change projections.

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

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

The property is shown to be subject to and adjacent to ponding on the Operative District Plan (2021) Flood Hazard Maps, and the latest Flood Hazard Maps.
Ponding are areas where slower-moving flood waters could pond either during or after a flood event. A Ponding Area may be affected by a direct flood risk. Ponding can be associated with rivers and streams as well as the piped stormwater network. Ponding is a direct risk.

The adjacent land and adjoining road carriageway (Field Way) are shown to be subject to a stream corridor on the Operative District Plan (2021) Natural Hazard Maps, and the latest Flood Hazard Maps.
A stream corridor flood hazard is the minimum area able to contain a flood of up to a 1% AEP event magnitude and enable flood water to safely pass to the stream confluence or the sea. It includes flood and erosion prone land immediately adjacent to the stream.

The adjoining road carriageway (Field Way) is shown to be subject to an overflow path in the Operative District Plan (2021) Natural Hazard maps, and the latest Flood Hazard Maps. Overflow paths generally occur in lower-lying areas on the floodplain which act as channels for flood waters. They can be natural, or artificially formed, and are often characterised by fast flowing water during a flood event. An overflow path is a direct hazard.

The adjacent land is shown to be subject to flood storage areas on the Operative District Plan (2021) Flood Hazard Maps, and the latest Flood Hazard Maps.
Flood storage areas are areas that provides flood water storage either during or after a flood event. Flood Storage Areas are located on local streams only.They include land that has been identified as flood prone where loss of storage due to mitigating measures, or filling, will cause flooding elsewhere. Any proposal for development of these areas (including filling) will need to provide compensatory storage below set ponding levels.

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.

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.

Title	Delete table if not required
Purpose	
Scope	
Author	
Date	
Commissioner	

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 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. There is a Council sewer reticulation main within the property. The Council has access rights under the Local Government Act 1974.

Stormwater discharges are via the water re-use tank(s) installed in accordance with the Council District Plan Water Demand Management Solution. Overflow from water re-use tank(s) is confined to site. There is a Council stormwater main or open drain within the property. The Council has access rights under the Local Government Act 1974.

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 **345892**

Land Registration District **Wellington**

Date Issued 09 May 2008

Prior References
WN24C/839

Estate Fee Simple

Area 3603 square metres more or less

Legal Description Lot 3 Deposited Plan 386409

Original Registered Owners

Jeffrey Alan McNamara and Angela Frances McNamara

Interests

Subject to a right (in gross) to drain sewage over part marked I and K on DP 386409 in favour of The Kapiti Coast District Council created by Transfer 575944.2 - 16.8.1983

The easements created by Transfer 575944.2 are subject to Section 309 (1) (a) Local Government Act 1974

7810059.5 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 9.5.2008 at 9:00 am

SUBJECT TO SECTION 243(C) RESOURCE MANAGEMENT ACT 1991 (AFFECTS ROW D DP 386409)

Subject to a right (in gross) to drain sewage over part marked H, and a right to drain stormwater over part marked M,K and L, all on DP 386409 in favour of Kapiti Coast District Council created by Easement Instrument 7810059.9 - 9.5.2008 at 9:00 am

The easements created by Easement Instrument 7810059.9 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 7810059.11 - 9.5.2008 at 9:00 am

Land Covenant in Easement Instrument 7810059.12 - 9.5.2008 at 9:00 am

Subject to a right to drain sewage over part marked H on DP 386409 created by Easement Instrument 7810059.13 - 9.5.2008 at 9:00 am

Appurtenant hereto is a right to convey water, electricity and telecommunications and a right to drain stormwater created by Easement Instrument 7810059.13 - 9.5.2008 at 9:00 am

The easements created by Easement Instrument 7810059.13 are subject to Section 243 (a) Resource Management Act 1991

8227637.1 Transfer to Barrington John Prince - 30.7.2009 at 10:59 am

Appurtenant hereto is a right of way created by Easement Instrument 8780350.1 - 9.9.2011 at 1:08 pm

The easements created by Easement Instrument 8780350.1 are subject to Section 243 (a) Resource Management Act 1991

The compulsory easement condition under Section 243 (c) Resource Management Act 1991 on DP 386409 has now been satisfied

10524554.2 Mortgage to Mortgage Holding Trust Company Limited - 9.9.2016 at 12:48 pm

10599965.1 Discharge of Mortgage 10524554.2 - 2.12.2016 at 2:01 pm

10599965.2 Transfer to Carl Stewart Dowle and Sonja Margaret Dowle - 2.12.2016 at 2:01 pm

Digital Title Plan - DP 386409

Survey Number	DP 386409
Surveyor Reference	19171 - McNamara
Surveyor	Nicola Kate Todd
Survey Firm	Cuttriss Consultants Ltd (Kapiti)
Surveyor Declaration	I Nicola Kate Todd, being a person entitled to practise as a licensed cadastral surveyor, certify that - (a) The surveys to which this dataset relates are accurate, and were undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyor-General's Rules for Cadastral Survey 2002/2; (b) This dataset is accurate, and has been created in accordance with that Act and those Rules. Declared on 12/07/2007.

Survey Details

Dataset Description	Lots 1-4 Being a Subdivision of Lots 4-6 DP 54709		
Status	Deposited		
Land District	Wellington	**Survey Class**	Class I Cadastral Survey
Submitted Date	12/07/2007	**Survey Approval Date**	12/07/2007
		Deposit Date	09/05/2008

Territorial Authorities

Kapiti Coast District

Comprised In

CT WN24C/839
CT WN24C/838

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Marked K Deposited Plan 386409	Easement		
Marked L Deposited Plan 386409	Easement		
Marked M Deposited Plan 386409	Easement		
Marked J Deposited Plan 386409	Easement		
Marked A Deposited Plan 386409	Easement		
Marked B Deposited Plan 386409	Easement		
Marked C Deposited Plan 386409	Easement		
Marked D Deposited Plan 386409	Easement		
Marked E Deposited Plan 386409	Easement		
Marked F Deposited Plan 386409	Easement		
Marked G Deposited Plan 386409	Easement		
Marked H Deposited Plan 386409	Easement		
Marked I Deposited Plan 386409	Easement		
Lot 1 Deposited Plan 386409	Fee Simple Title	0.8035 Ha	345890
Lot 2 Deposited Plan 386409	Fee Simple Title	0.2927 Ha	345891

Digital Title Plan - DP 386409

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Lot 3 Deposited Plan 386409	Fee Simple Title	0.3603 Ha	345892
Lot 4 Deposited Plan 386409	Fee Simple Title	0.8629 Ha	345893
Total Area		2.3194 Ha	

Land Registration District	Plan Number
WELLINGTON	DP 386409

Territorial Authority (the Council)

KAPITI COAST DISTRICT COUNCIL

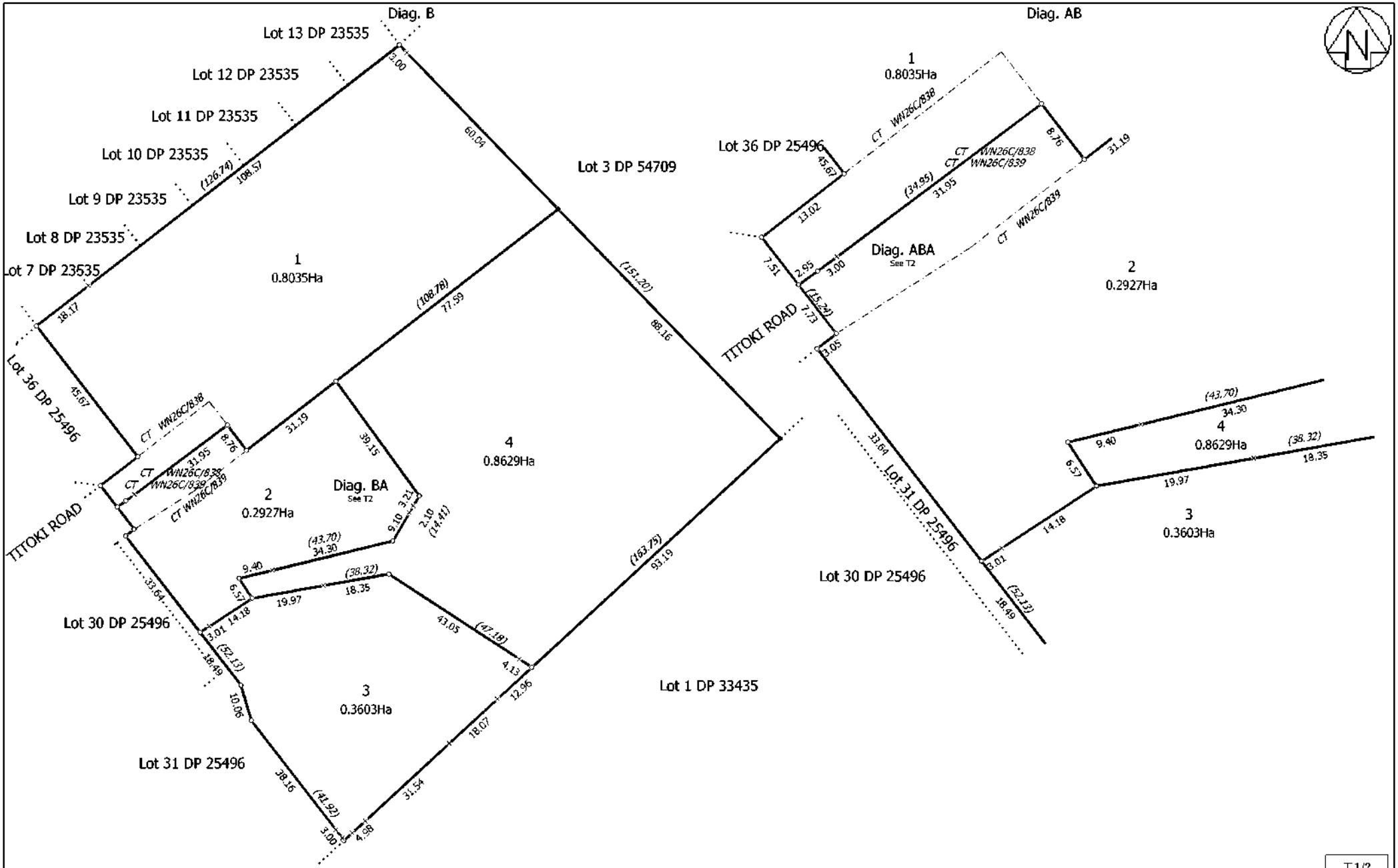
Memorandum of Easements in Gross			
Purpose	**Shown**	**Servient Tenement**	**Grantee**
Right to drain sewage	B	Lot 1	Kapiti Coast District Council
	H	Lot 3	
Right to drain stormwater	D	Lot 2	
	M, K, L	Lot 3	
Right to convey electricity	B	Lot 1	Electra Limited
	C, D	Lot 2	

Memorandum of Easements			
Purpose	**Shown**	**Servient Tenement**	**Dominant Tenement**
Right of way, Right to convey water, electricity and telecommunications	D	Lot 2	Lots 3 & 4
Right to drain stormwater	E	Lot 2	Lot 3
Right to drain stormwater	F	Lot 2	Lot 4
Right to drain stormwater	J	Lot 4	Lot 3
Right to drain sewage	H	Lot 3	Lot 4

Schedule of Existing Easements in Gross				
Purpose	**Shown**	**Servient Tenement**	**Grantee**	**Creating Document**
Right to Drain Sewage	A	Lot 1	Kapiti Coast District Council	T575944.2
	I & K	Lot 3		T575944.2

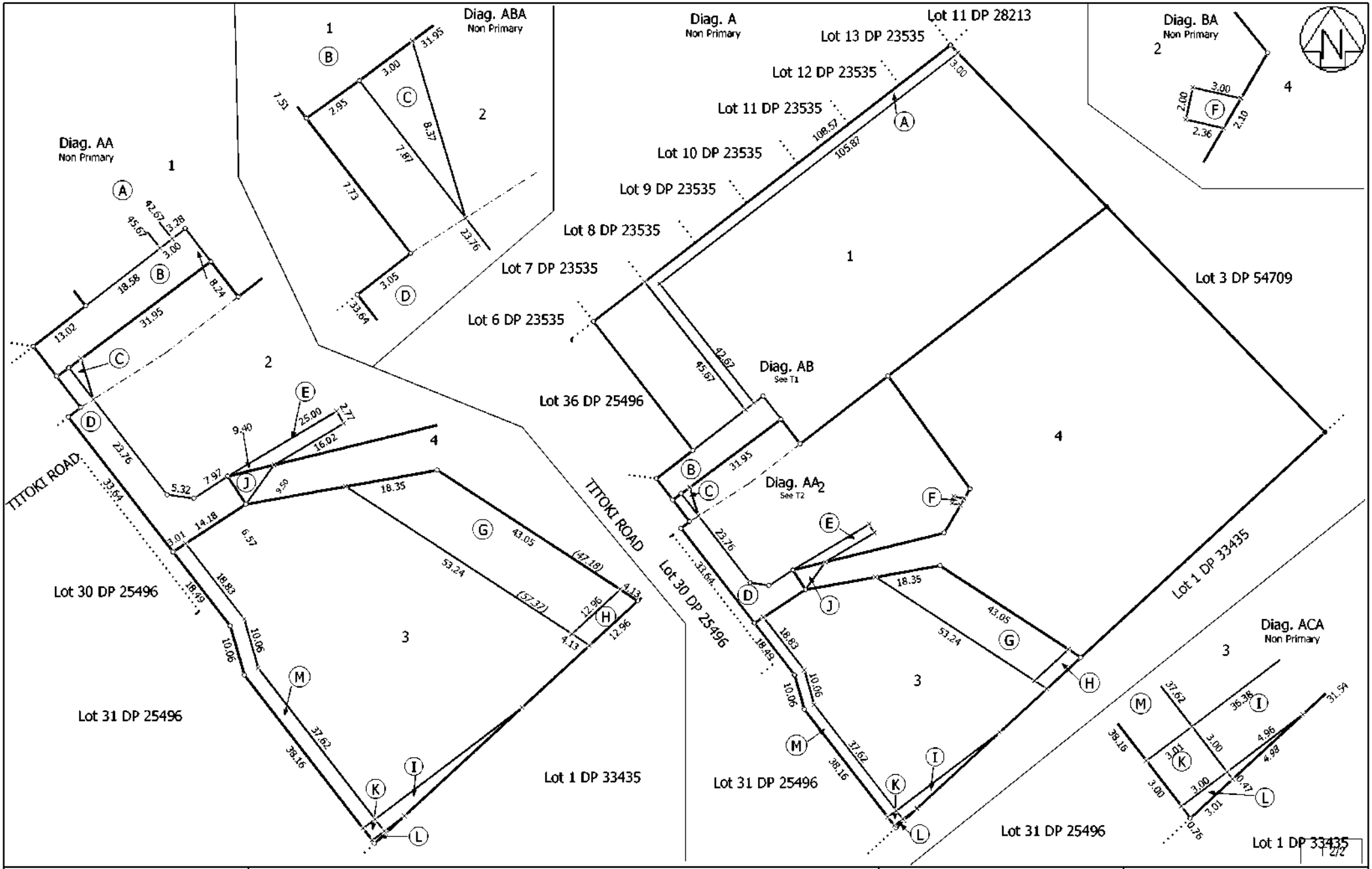
Area G is subject to land covenants.

Certifying parties must sign or initial this box



T1/2

Land District: Wellington Digitally Generated Plan Generated on: 26/05/2008 09:54am Page 4 of 5	Lots 1-4 Being a Subdivision of Lots 4-6 DP 54709	Surveyor: Nicola Kate Todd Firm: Cuttriss Consultants Ltd (Kapiti)	Digital Title Plan DP 386409 Deposited on: 9/05/2008



Land District: Wellington Digitally Generated Plan Generated on: 26/05/2008 09:54am Page 5 of 5	Lots 1-4 Being a Subdivision of Lots 4-6 DP 54709	Surveyor: Nicola Kate Todd Firm: Cuttriss Consultants Ltd (Kapiti)	Digital Title Plan DP 386409 Deposited on: 9/05/2008

Aerial Photography

40 Titoki Road Waikanae - LOT 3 DP 386409



N

0 10 20 Metres

Scale @ A4 - 1:700

Date Printed: October 8, 2026

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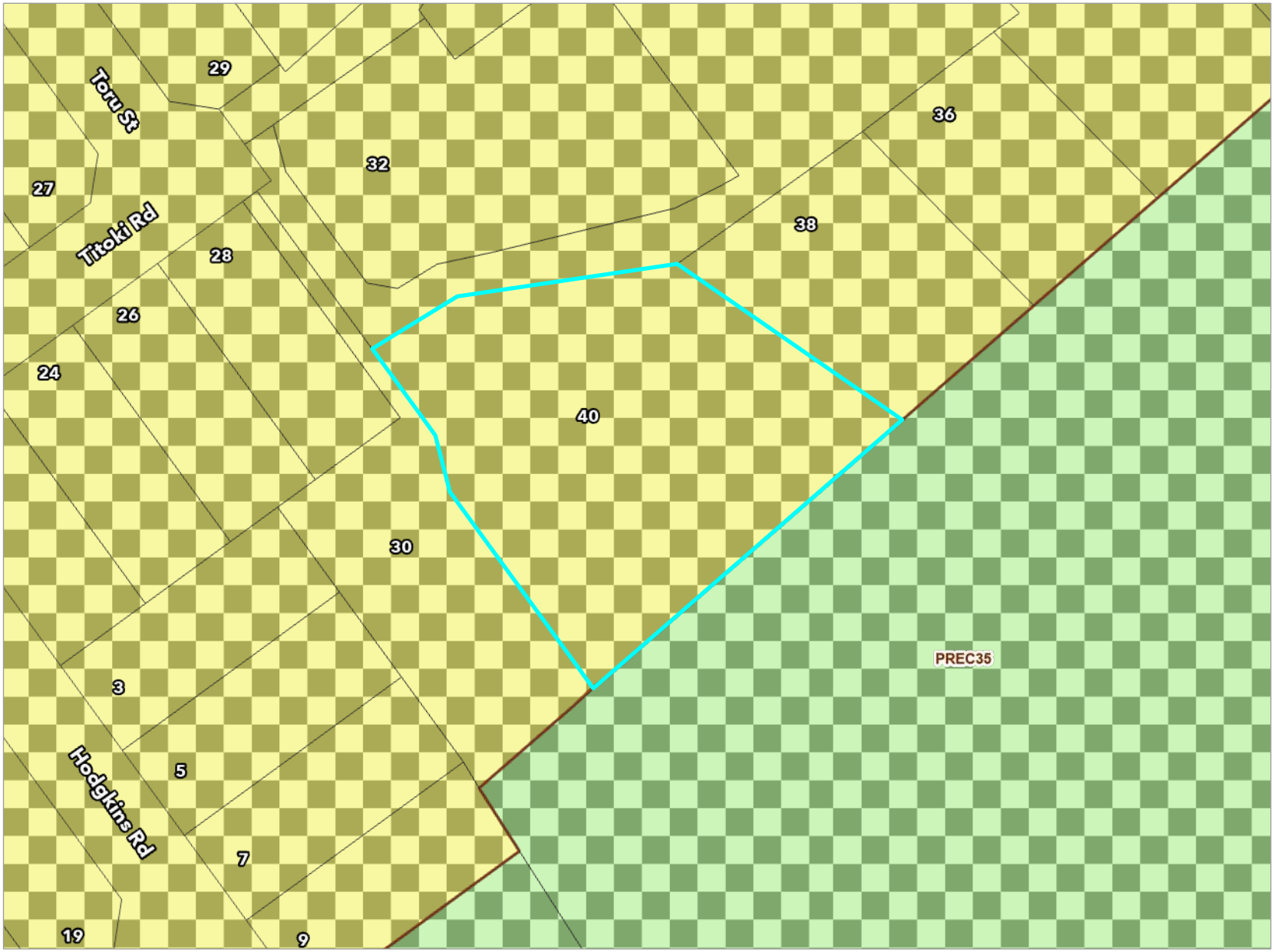
Operative District Plan 2021 - Zones and Precincts

40 Titoki Road Waikanae - LOT 3 DP 386409



Key to map symbols

- Precinct
- General Residential Zone
- Open Space Zone

N

0 20 40 Metres

Scale @ A4 - 1:1,000

Date Printed: October 8, 2026

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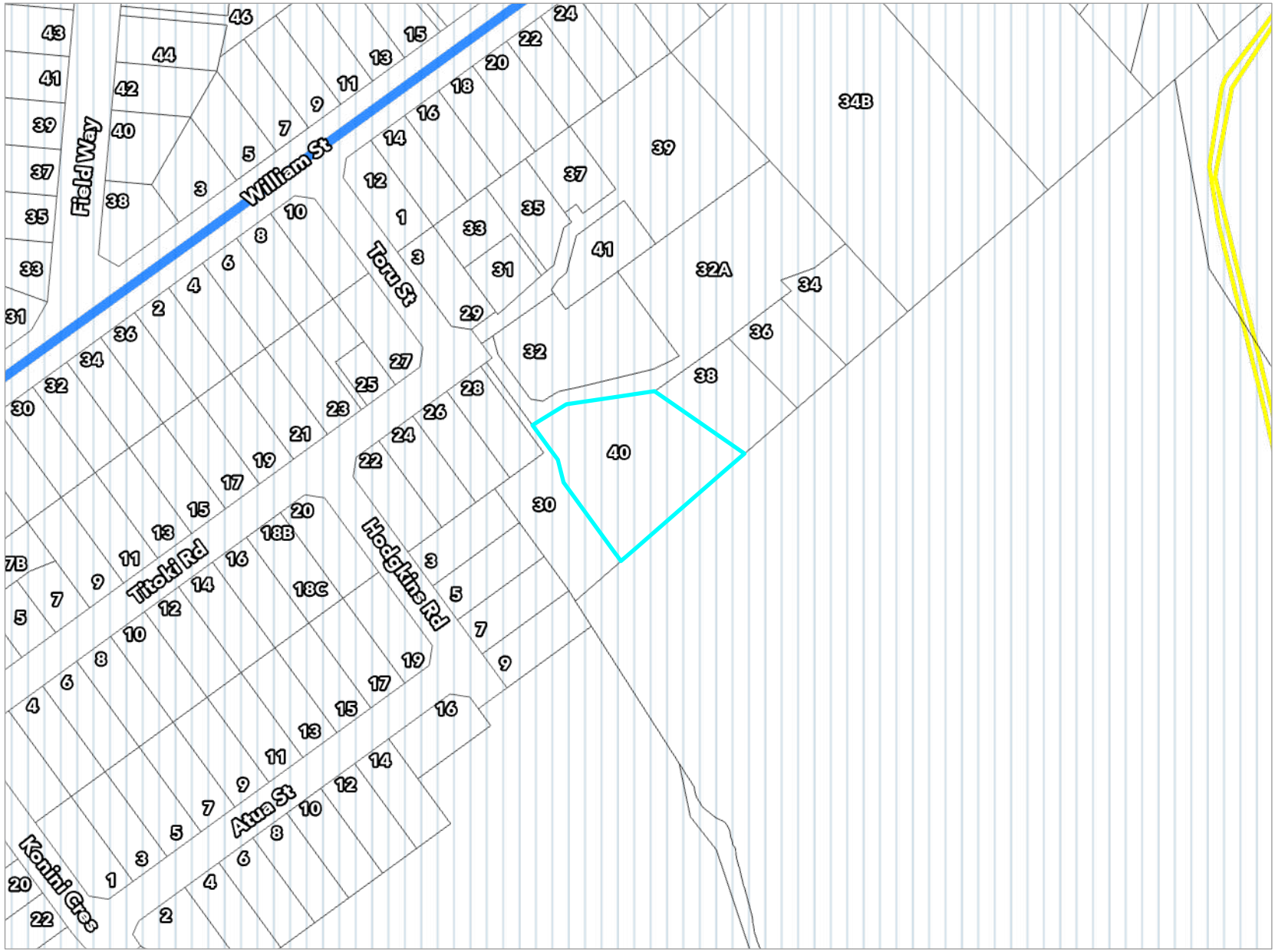
Operative District Plan 2021 - Historical, Cultural, Infrastructure & Districtwide

40 Titoki Road Waikanae - LOT 3 DP 386409



Key to map symbols

- Natural Gas
- Local Community Connectors
- Coastal Environment

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

N

0 60 120 Metres

Scale @ A4 - 1:2,500

Date Printed: October 8, 2026

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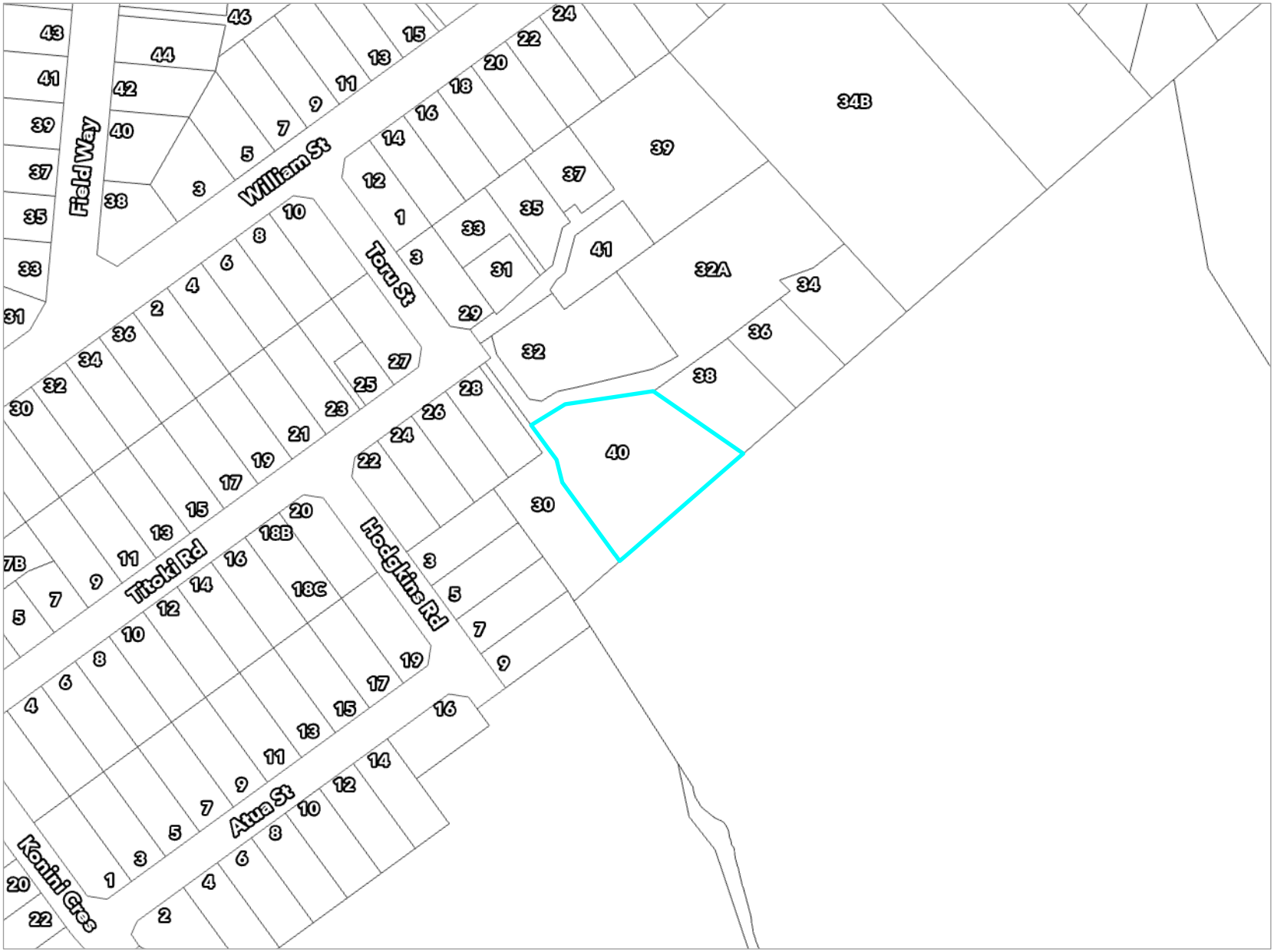
Operative District Plan 2021 - Designations & Miscellaneous Features

40 Titoki Road Waikanae - LOT 3 DP 386409



Key to map symbols

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

N

0 60 120 Metres

Scale @ A4 - 1:2,500

Date Printed: October 8, 2026

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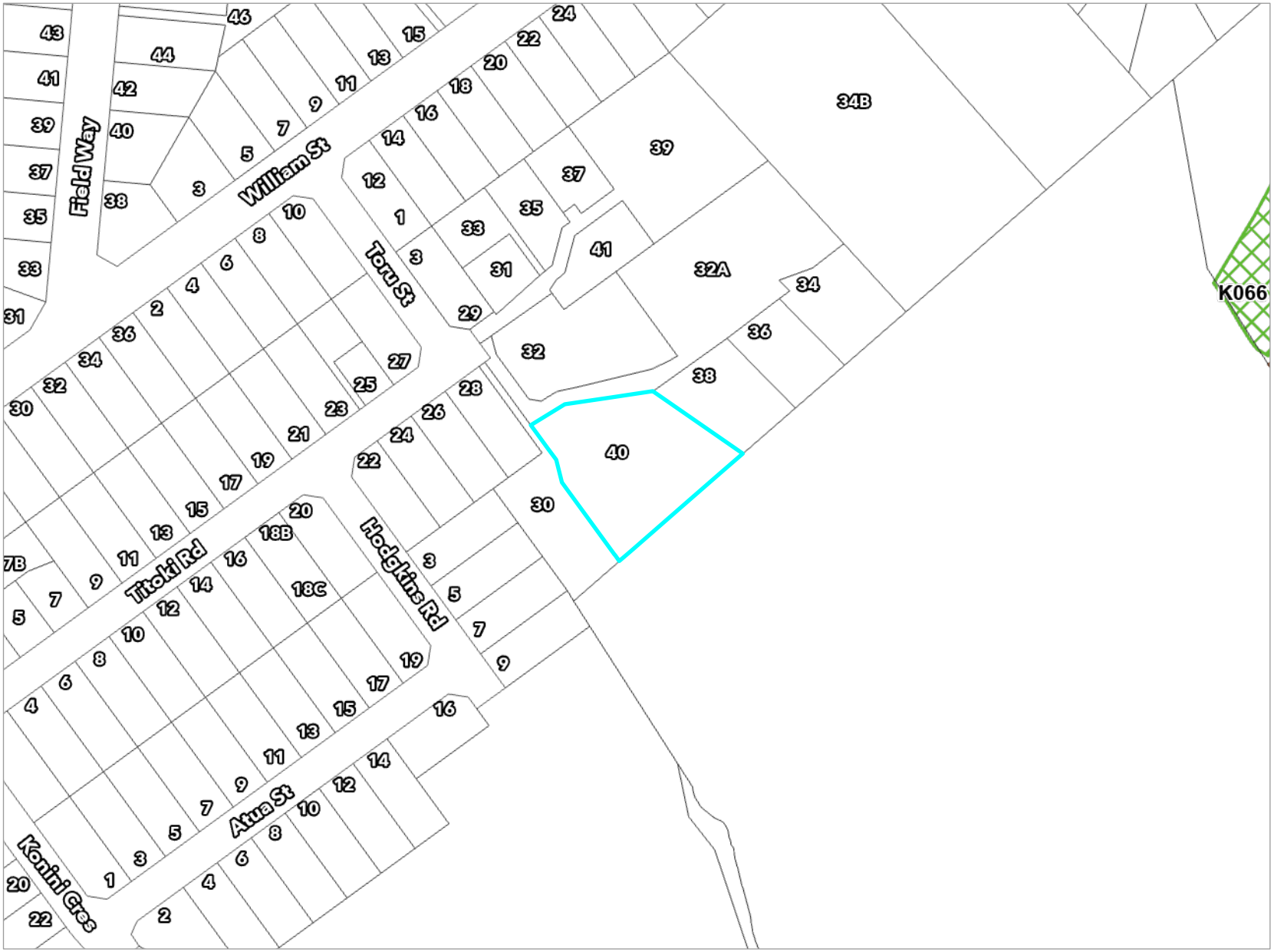
Operative District Plan 2021 - Natural Features

40 Titoki Road Waikanae - LOT 3 DP 386409



Key to map symbols

- Ecological Sites
- Outstanding Natural Features and Landscapes

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.

N

0 60 120 Metres

Scale @ A4 - 1:2,500

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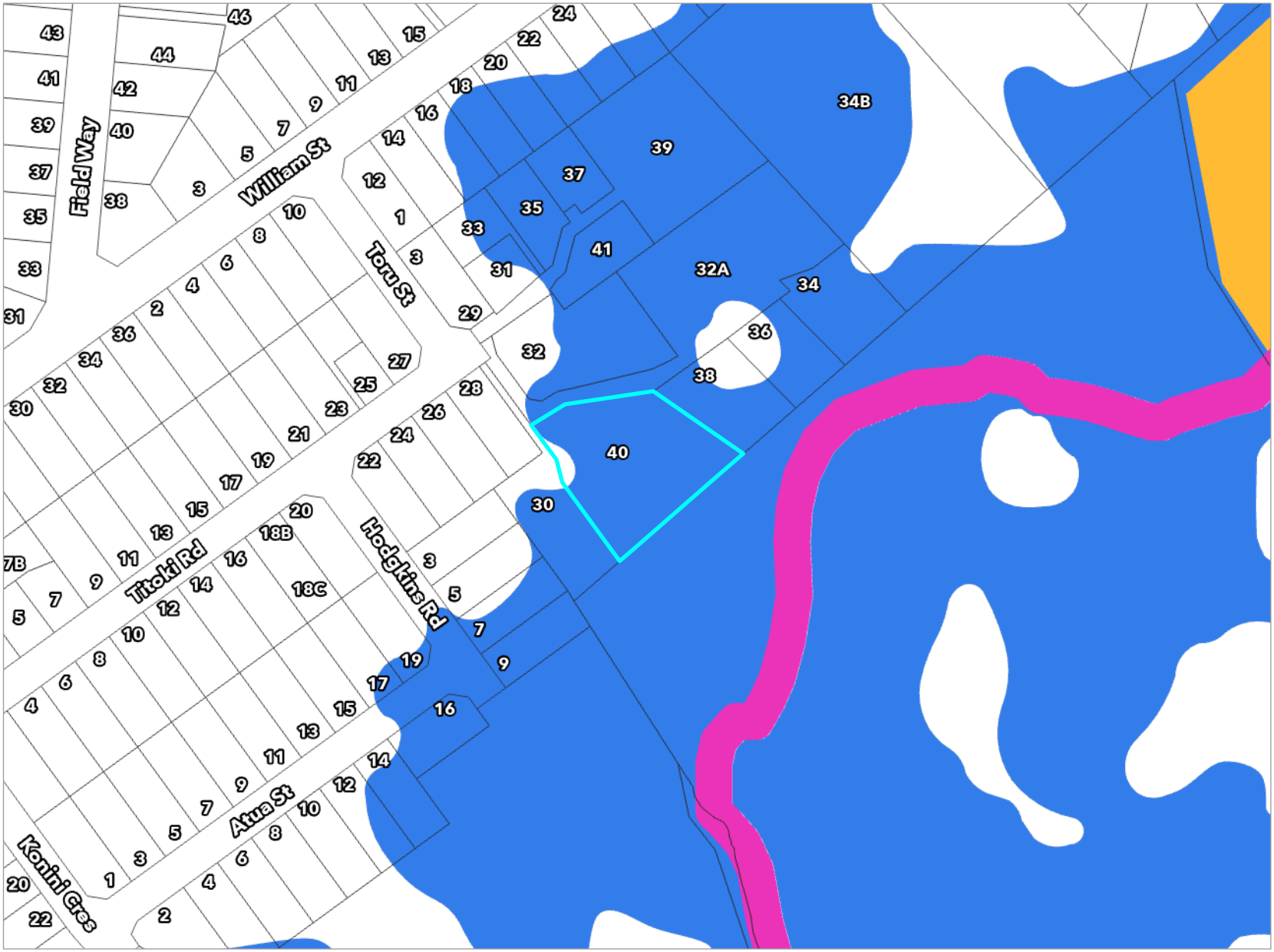
Operative District Plan 2021 - Natural Hazards

40 Titoki Road Waikanae - LOT 3 DP 386409



Key to map symbols

- Stream Corridor
- Flood Storage Area
- 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.

N

0 60 120 Metres

Scale @ A4 - 1:2,500

Date Printed: October 8, 2026

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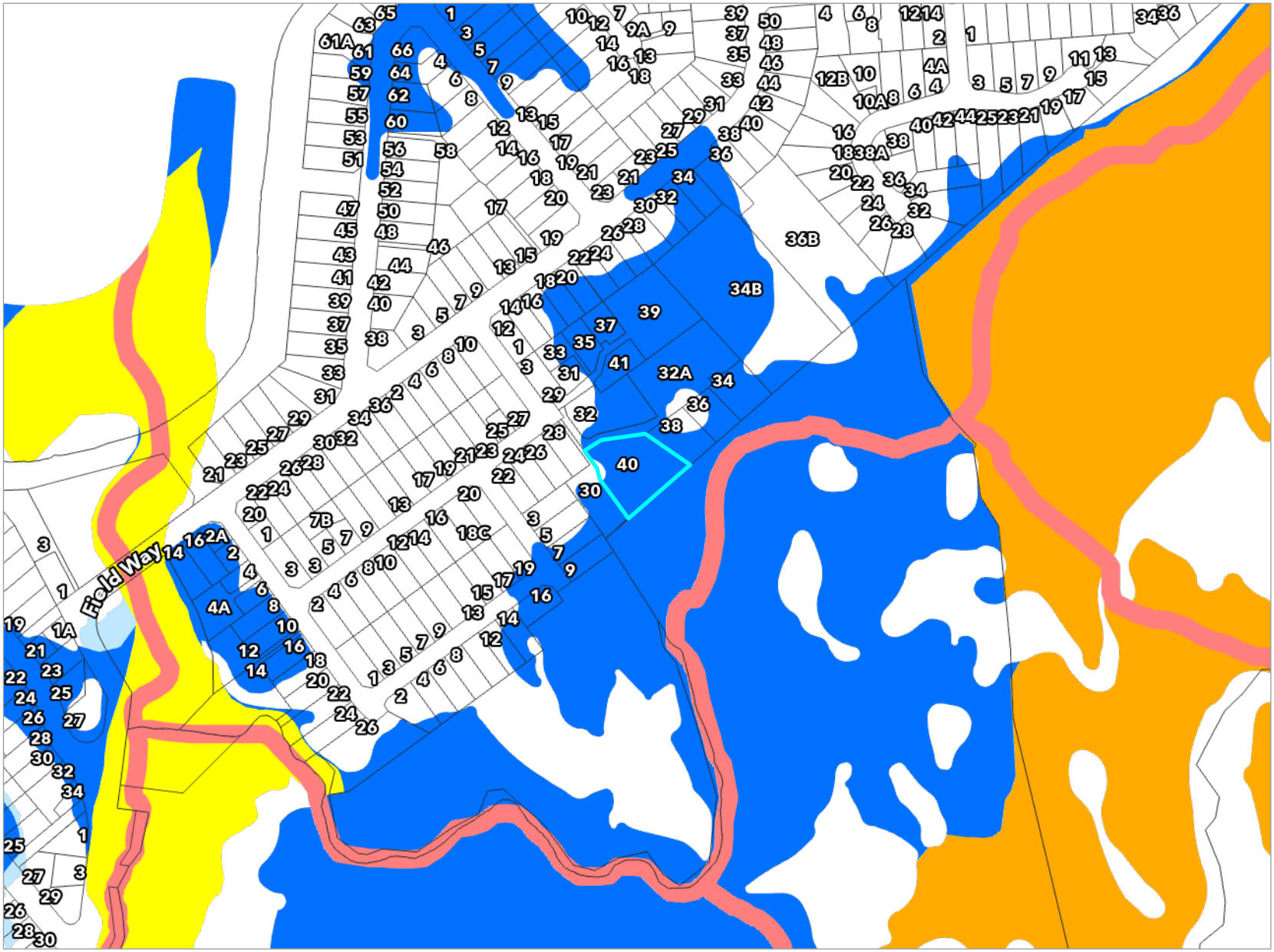
Latest Flood Hazards

40 Titoki Road Waikanae - LOT 3 DP 386409



Key to map symbols

- Stream Corridor
- Overflow Path
- 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.

N

0 120 240 Metres

Scale @ A4 - 1:5,000

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Resource Consents Map

40 Titoki Road Waikanae - LOT 3 DP 386409



Key to map symbols

Resource Consents

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

N

0 20 40 Metres

Scale @ A4 - 1:1,000

Date Printed: October 8, 2026

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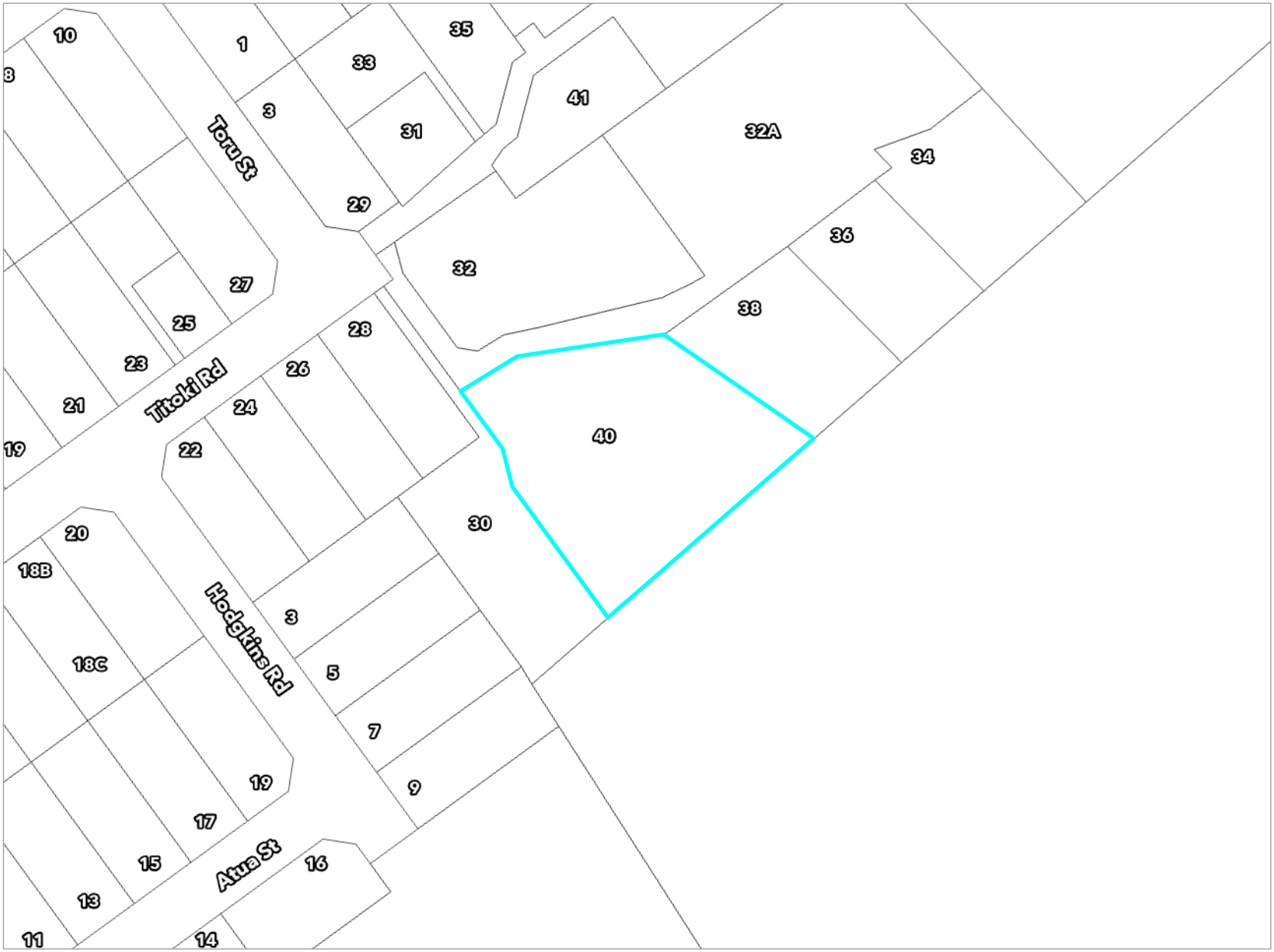
Resource Consents Report

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
010322	32 Titoki Road, Waikanae	1491017000	LOT 6 DP 54709 -HAVING 1/2 INT IN LOT 5	LD	PROPOSED EARTHWORKS - RECONTOUR LANDFORM AND FORM BUILDING	N	N	Variation	12/12/2001	30/10/2001
050354	32 Titoki Road, Waikanae	1491017000	LOT 1 DP 510645 CT 782519	SC	To undertake a four lot fee simple subdivision of	N	N	s.224 Issued	19/12/2005	2/12/2005
110141	38 Titoki Road, Waikanae	1491017002	LOT 4 DP 386409 C/T 345893	LD	To subdivide and create 5 allotments at 32 and 36 Titoki Road,	N	N	Decision Issued	4/10/2011	7/9/2011
100124	40 Titoki Road, Waikanae	1491017001	LOT 3 DP 386409 C/T 345892	LD	Change of Condition 3 on RM100037 - Relocation of driveway	N	N	Decision Issued	30/7/2010	16/7/2010
090169	40 Titoki Road, Waikanae	1491017001	LOT 3 DP 386409 C/T 345892	LD	Application to run a commercial activity in a residential	N	N	Decision Issued	26/4/2010	22/9/2009
110036	38 Titoki Road, Waikanae	1491017002	LOT 4 DP 386409 C/T 345893	SC	4 lot subdivision and associated earthworks at 32 and 36	N	N	s.224 Issued	28/3/2011	23/2/2011
100037	40 Titoki Road, Waikanae	1491017001	LOT 3 DP 386409 C/T 345892	Vari	Application for a Variation to Consent RM050354 to allow	N	N	To Site Inspection	7/4/2010	8/3/2010

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
160100	32 Titoki Road, Waikanae	1491017000	LOT 1 DP 445903 CT 566891	SD	2 lot subdivision with associated earthworks to create a	N	N	s.224 Issued	20/7/2016	10/6/2016
190067	39 Titoki Road, Waikanae	1491015001	LOT 1 DP 559699	SN	Six-lot staged residential subdivision and to	N	N	Letter Generated	14/8/2019	2/4/2019
230046	39 Titoki Road, Waikanae	1491015001	LOT 1 DP 559699	LD	To erect an accessory building exceeding the total maximum	N	N	Decision Issued	5/5/2023	23/3/2023
220073	5 Hodgkins Road, Waikanae	1491018600	LOT 25 DP 25496 C/T 7A/727	SN	A two-lot residential subdivision of land subject to flood	N	N	Letter Generated	21/12/2022	14/3/2022
220149	35 Titoki Road, Waikanae	1491015004	LOT 4 DP 559699	LD	The construction of a dwelling not meeting yard setback	N	N	Letter Generated	10/8/2022	20/5/2022
240173	33 Titoki Road, Waikanae	1491015005	LOT 5 DP 559699	LDR	To undertake earthworks not complying with permitted	N	N	Decision Issued	13/3/2025	14/10/2024
240117	33 Titoki Road, Waikanae	1491015005	LOT 5 DP 559699	LDR	Earthworks not meeting the permitted activity standards in	N	N	Application Returned incomplete		8/8/2024
950118	30A Titoki Road, Waikanae	1491018000A	FLAT 1 DP 48565 1/2 INT IN 1669 M2	LC	ADDITIONS TO EXISTING DWELLING WHICH DO NOT COMPLY WITH	N	N	Decision Issued	5/5/1995	1/5/1995

Health and Alcohol Licenses

40 Titoki Road Waikanae - LOT 3 DP 386409



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.

N

0 30 60 Metres

Scale @ A4 - 1:1,500

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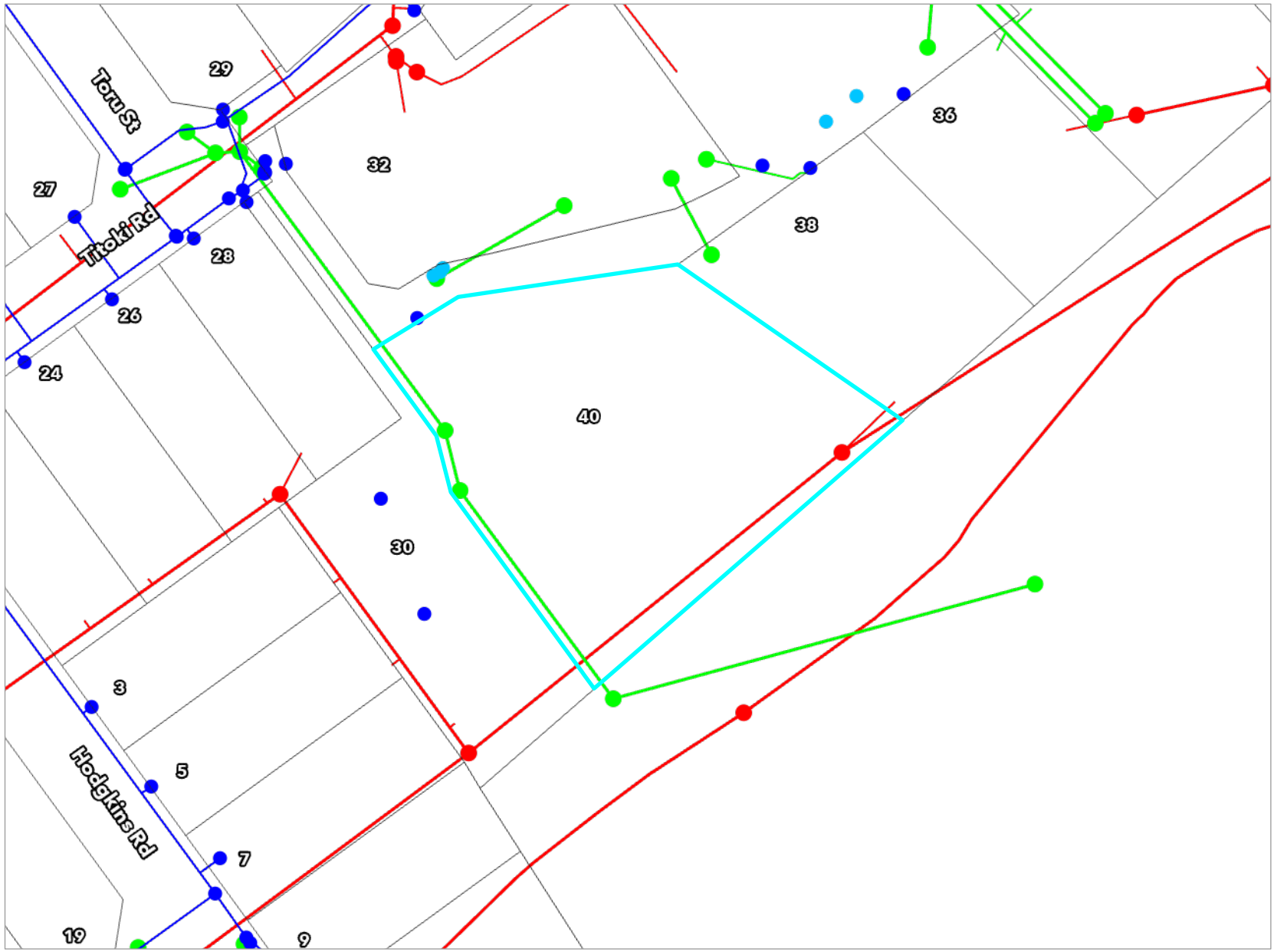
Services Network

40 Titoki Road Waikanae - LOT 3 DP 386409



Key to map symbols

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

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

N

0 20 40 Metres

Scale @ A4 - 1:1,000

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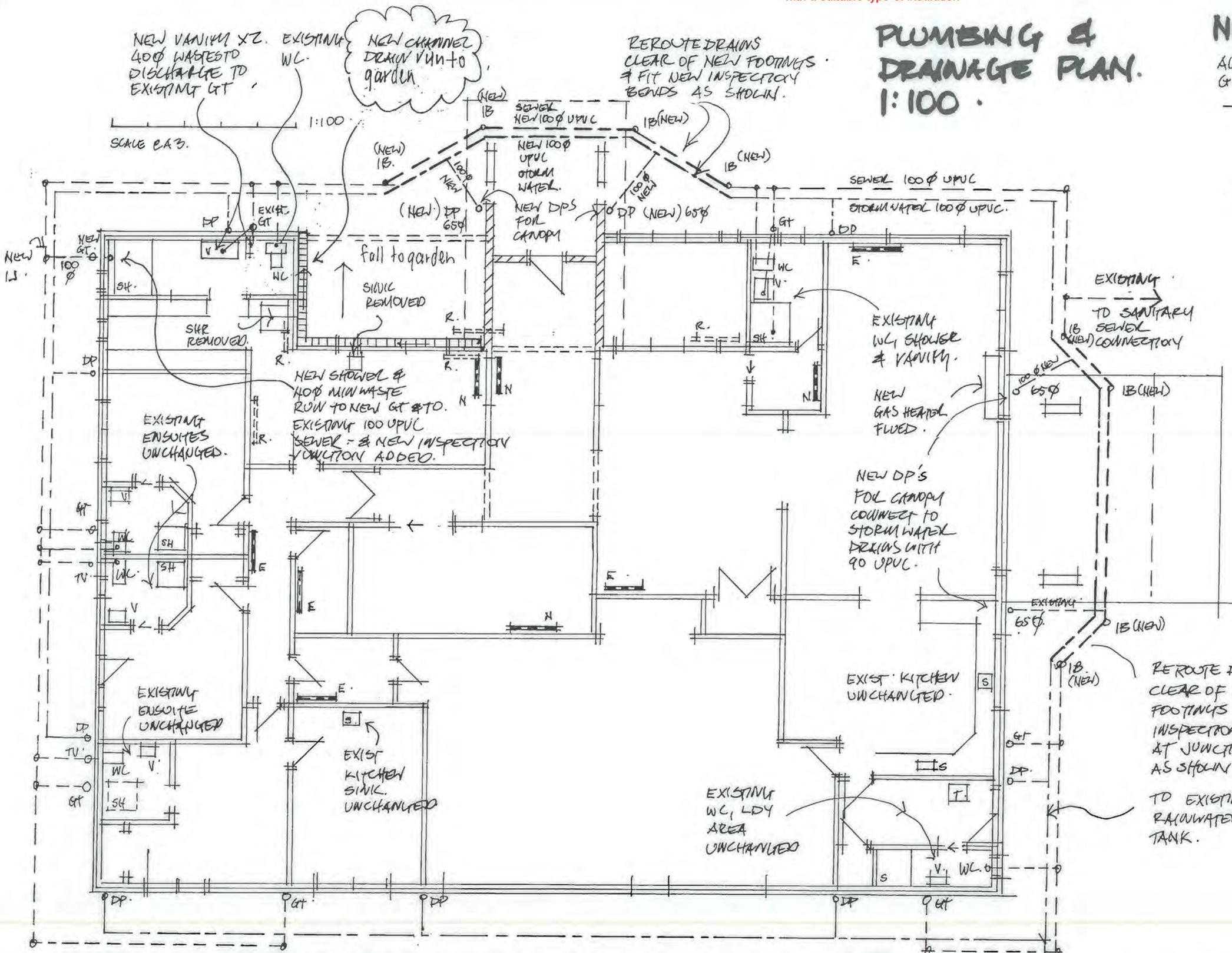
All frost prone pipes are to be lagged with a suitable type of insulation

PLUMBING & DRAINAGE PLAN. 1:100.



NOTES/LEGEND.

ALL WORK TO NZBC G13/AS1.

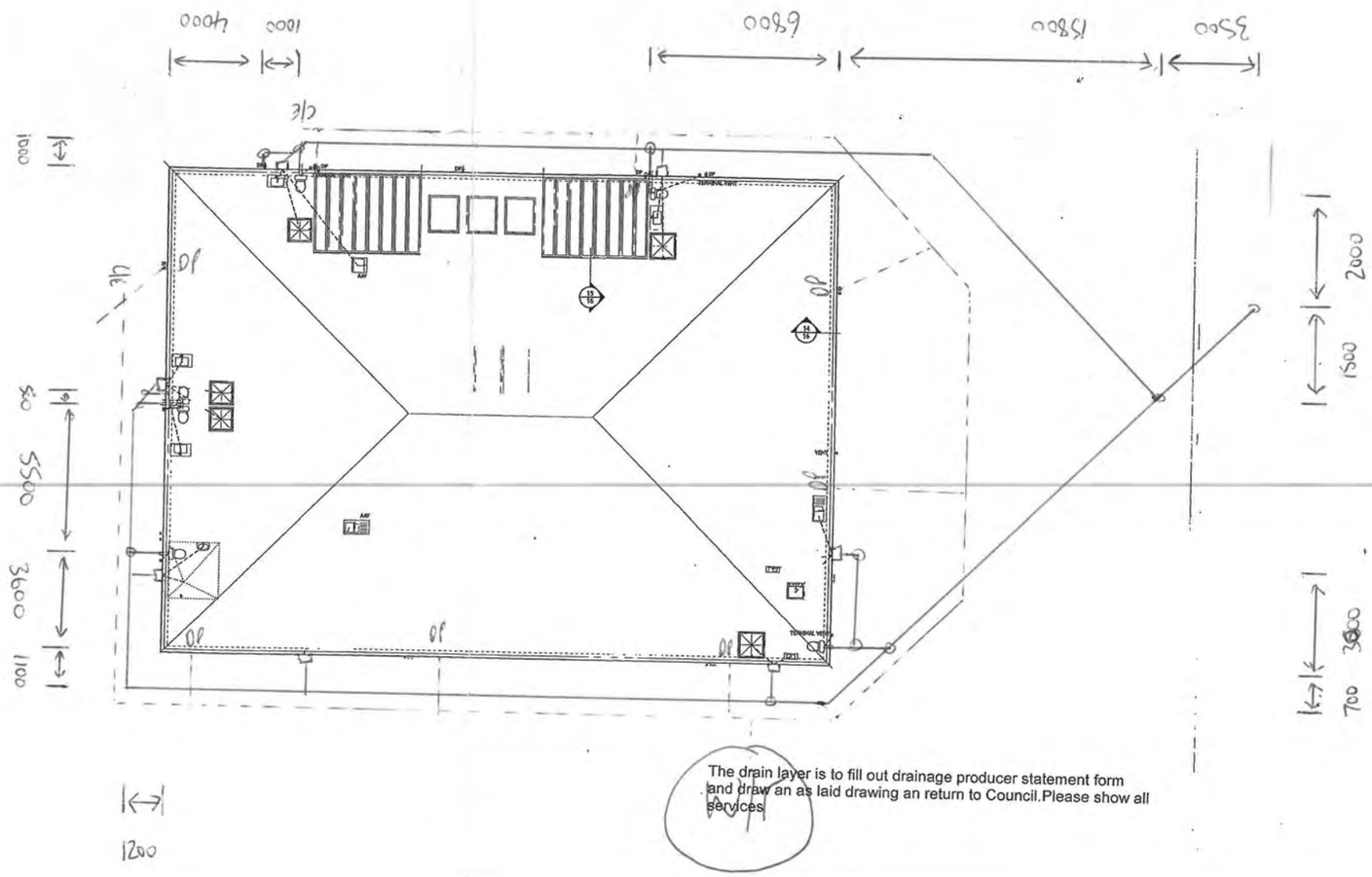
- EXISTING 100Ø UPVC SEWER, OR NEW AS NOTED.
- EXISTING
- EXISTING 100Ø UPVC STORM WATER DRAIN. OR NEW AS NOTED.
- IJ (NEW) NEW INSPECTION JUNCTION.
- IB (NEW) NEW INSPECTION BEND.
- 65Ø (NEW) NEW DP. OR AS EXISTING ≈ DP.
- E (N). NEW OR EXISTING RADIATOR.
- R. RADIATOR TO BE REMOVED.

BC170827
Further Information Received
04/12/2017

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

HO TITOKI ST WAIKANAE BCH DOWLE HOUSE PROPOSED ADDS & ALTS. amended 4/12/17 A7 25 AUG 2017.

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



The drain layer is to fill out drainage producer statement form and draw an as laid drawing an return to Council.Please show all services.

Validity authenticated in accordance with KCDC Policy 002

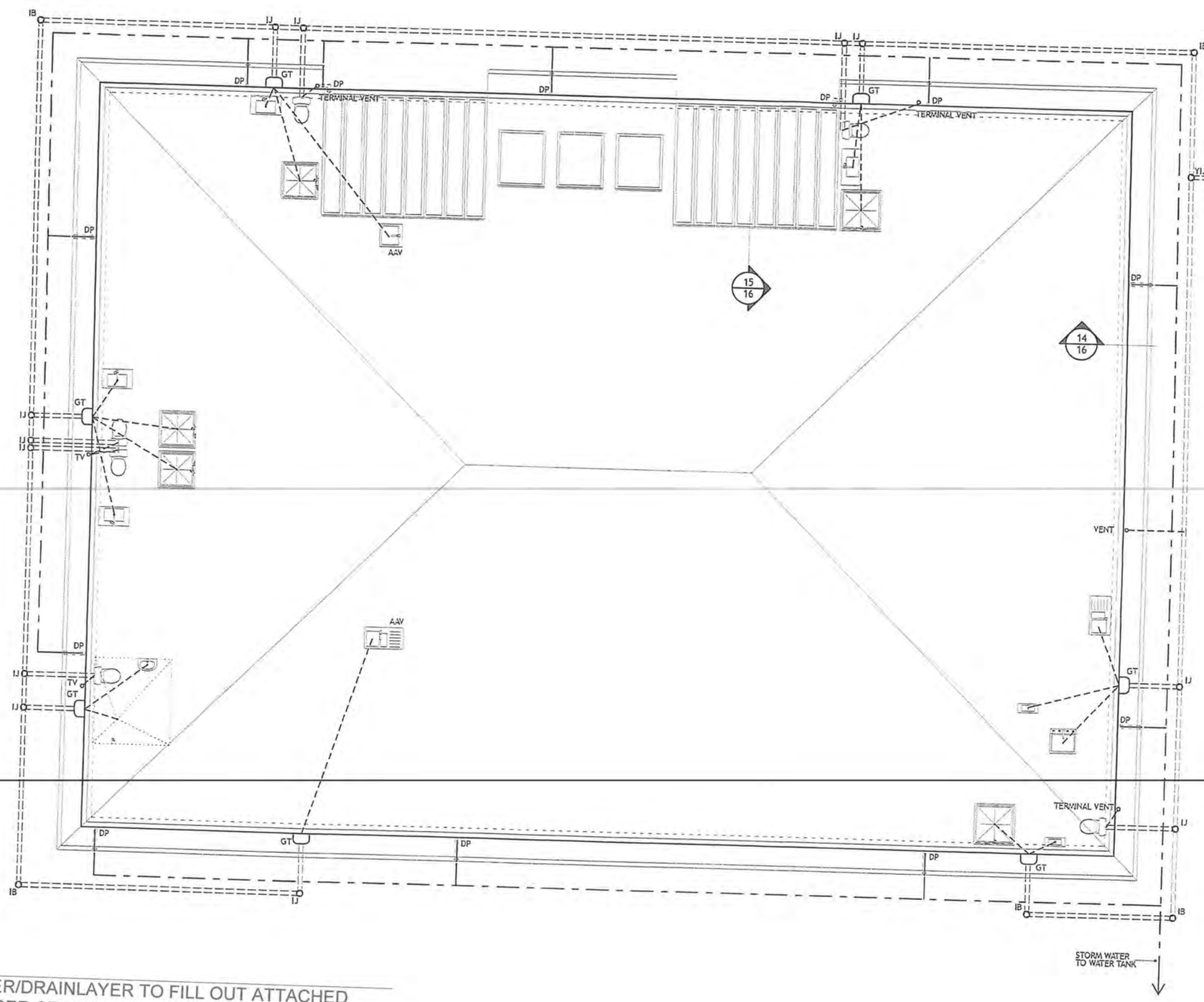
12 NOV 2010

Signature: _____

Pipes under the slab to be inspected before covering

A drainage inspection is required

BC 090914



RECEIVED
- 7 DEC 2009 00003
KAPITI COAST DISTRICT COUNCIL

FIXTURES DISCHARGING TO GULLY TRAPS		
BASIN (7)	40Ø	1:40
SHOWER (6)	40Ø	1:40
LAUNDRY TUB - WM (1)	50Ø	1:40
KITCHEN SINK (3)	40Ø	1:40
FIXTURES DISCHARGING TO VENTED LINE		
WATER CLOSET (6)	40Ø	1:40
VENT SIZES		
TERMINAL VENT	80Ø	
SANITARY DRAINAGE		
SEWERAGE LINES	90Ø	1:60
SOIL STACK	80Ø	N/A
STORMWATER DRAINAGE		
STORMWATER LINES		1:60
DOWNPIPES	80Ø	N/A

PLUMBING AND DRAINAGE TO NZBC G13/AS1. PIPE SIZES, GRADES, AND LAYOUT, TO BE CONFIRMED BY A REGISTERED PLUMBER/DRAINLAYER.

DOWN PIPE CALCULATION

ROOF AREA = 464.37m²
1 DOWN PIPE PER 50m²
= 10 DOWN PIPES MINIMUM.

100mm SW drain required

APPROVED BY PLUMBING AND DRAINAGE Simon C 9/12/2009

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

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

80mm terminal vent required when drains/plumbing are to G13 as shown

the copyright of this drawing remains the property of Jennian Services Ltd.

Jennian HOMES
Your personality Our expertise

Client: BARRY PRINCE
LOT 3 DP 336409
40 TITOKI ROAD
WAIKANAE

Drawing: DRAINAGE PLAN
SCALE 1:100 @ A3

elevation key

Date: 13 OCT 09
Revision: WD-A WORKING DRAWINGS
Job #: PN 09018
Drawn: MJB
Checked: S.W
Amended: S.W

Sheet: 3/20.

Kāpiti Coast District Council

Private Bag 60 601
Paraparaumu 5254
New Zealand

Tel (04) 296 4700
or 0800 486 486
Fax (04) 296 4830
kapiti.council@kapiticoast.govt.nz
www.kapiticoast.govt.nz

26 April 2010

Mr Barrington Prince
18A Titoki Road
WAIKANAE BEACH 5306

Dear Barry

RM090169: APPLICATION TO RUN A COMMERCIAL ACTIVITY IN A RESIDENTIAL ZONE, AT 40 TITOKI RD, WAIKANAE BEACH

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

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

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

There is no deposit for an objection. However, a fee of $200.00 (including GST) is required if Council's Subdivisional Engineer is involved. Time and costs will also be charged unless waived by the Hearing Commissioners and if an objection is upheld there will be no charges; if upheld in part then a proportion of costs will be charged.

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

If you have any concerns or enquiries about the conditions please do not hesitate to contact me on (04) 2964 856.

Thank you for dealing with the Kapiti Coast District Council.

Yours sincerely

Natasha Reid
Resource Consents Planner

Kāpiti Coast District Council
Private Bag 60 601
Paraparaumu 5254
New Zealand

Tel (04) 296 4700
or 0800 486 486
Fax (04) 296 4830 ■
kapiti.council@kapiticoast.govt.nz ■
www.kapiticoast.govt.nz ■

RESOURCE CONSENT UNDER PART VI OF THE RESOURCE MANAGEMENT ACT 1991

CONSENT NO: RM090169

APPLICANT:	B Prince
LOCATION OF ACTIVITY:	40 Titoki Road, Waikanae Beach
DESCRIPTION OF ACTIVITY:	To run a commercial activity (home stay) in a residential zone.

DECISION:

Granted, subject to conditions on 26 Aril 2010.

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

Conditions:

Monitoring and Review

1. The consent holder shall notify the Council's Compliance Officer of the start and completion dates of the works in writing 48 hours before the works are carried out. The consent holder shall fill out and return (by fax (04) 2964-830 or by post to Private Bag 601, Paraparaumu) the form that is attached to the decision letter.

2. The consent holder shall pay to the Kapiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and the actual costs of materials or services which may have to be obtained.

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

General

3. The proposed activity shall be undertaken in accordance with the Jennian Homes plans dated 02 March 2010 Job #PN09018 and stamped 'FINAL APPROVED PLANS 23/04/2010' and specifications lodged with the application RM090169 and the further information supplied by the applicant except where modified by conditions of consent.

4. The maximum number of paying guests (adults and minors) (i.e. patrons of the home stay activity) staying at the property at any one time shall be 8 (eight). For the avoidance of doubt, the term 'paying' as it applies to the conditions of this resource consent shall include the exchange of gifts, goods, services and/or koha in lieu of financial payments for a stay at the property.

5. A guest register shall be kept within the home stay at all times and shall contain as a minimum; the names and contact details of all paying guests. A copy of this register shall be made available to the Council's monitoring officer upon verbal or written request within 72 hours of the request being made. For the avoidance of doubt, an emailed request will also be regarded by the Council as being a written request.

website up & running

6. At the commencement and termination of their stay as paying guests of the consent holder, there shall be no arrivals or departures outside the hours of 7:00am and 10:00pm seven days per week.

7. A 2.0m high, closed board fence shall be erected along the shared title boundaries with numbers 32 and 36 Titoki Road. For the avoidance of doubt, this consent does not grant the holder any exemption from the provisions of the Fencing Act 1978. The provisions of the Fencing Act 1978 must be complied with in conjunction with this condition but are not enforced by Council. It is the responsibility of the consent holder to ensure that this is achieved.

max 2m as per covenant

8. The site shall be landscaped with indigenous plants and shall have a minimum depth of 2.0m landscaping along the shared title boundaries with numbers 32 and 36 Titoki Road, excluding vehicle crossings and gate ways. The plants shall be capable of reaching a mature height (minimum of 3.0m) to ensure good amenity standards between the adjoining properties and the subject site are established and maintained. For the avoidance of doubt, this condition does not prohibit the additional planting of smaller/shorter ground cover plants for landscaping purposes.

see email

9. There shall be no outside storage of materials/goods visible from adjoining residential properties.

10. In accordance with section 128(1)(a)(i) of the Act, the conditions of this consent may be reviewed annually for a period of three years beginning 12 months (and no later than 14 months) from the date of the granting of this resource consent, being 23 April 2009. For the avoidance of doubt, reviews shall occur no later than two months after the anniversary date of the granting of this consent has passed.

11. In the event that the building ceases to operate as a commercial home stay activity, the additional kitchens shall be removed so that a total of 1 (one) kitchen only remains within the building.

Reasons for Conditions:

- The reason for Conditions 1 and 2 is to ensure that compliance with the conditions of this resource consent is conducted effectively and without cost to the Council.
- The reason for Condition 3 is to ensure that the activity does not go beyond the scope of the application.
- The reason for Conditions 4 to 10 is to ensure that any adverse effects on the residential amenity of adjoining properties are less than minor.
- The reason for Condition 11 is to ensure the building complies with the residential zone standards and rules.

Advice Notes:

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

  7am to 10pm – 50dBA (L10)
  10pm to 7am – 45dBA (L10)
  NB: During all night time hours (10:00pm to 7:00am), no noise event shall exceed Lmax 75dBA.

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

N. Reid

Natasha Reid
Resource Consents Planner

Kāpiti Coast District Council
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or 0800 486 486
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kapiti.council@kapiticoast.govt.nz
www.kapiticoast.govt.nz

Applicant:	**Barrington Prince**
Site Address:	**40 Titoki Road, Waikanae Beach**
Legal Description:	**Lot 3 DP 386409**
Proposal:	**Home Stay**
Land Owner:	**Barrington Prince**
Zone:	**Residential**
Activity Status:	**Discretionary**

Report prepared by: Natasha Reid, Resource Consents Planner
Report peer reviewed by: Colin Bridges, Principal Planner - Land Use

1.0 PREAMBLE

This report provides an analysis of the resource management issues relating to notification status and the Council's Section 104 decision in respect of the activity proposed under resource consent application RM090169.

2.0 RESOURCE CONSENT HISTORY & SITE DESCRIPTION

2.1 Consent History

RM050354 - the residential property was created via subdivision in 2005.

RM100037 – earthworks and a variation to consent notices from RM050354 granted April 2010. A Consent Notice (pursuant to section 221 of the Act), is a Council imposed condition registered against the certificate of title, which has to be complied with by the land owner on a continuing basis. Amendments to a consent notice can be applied for under section 221(3) of the Act. RM100037 approved the relocation of the existing building platform to a more central location within the property, resulting in it being located further away from all residential boundaries than previously approved under RM050354

2.2 Site Description

The property is approximately 3,603m^2 and is currently vacant. It adjoins the Waikanae golf course to the east and residential properties to the south, north and west as illustrated in *Figure one* below. Mature vegetation aligns the southern and eastern boundaries and a few cabbage trees are scattered throughout the property. The site is flat to undulating and is subject to ponding and conditions pursuant to Section 221 of the Resource Management Act.

Photo one: the existing building platform to be relocated as per RM100037



Photo two: 32 Titoki Road looking west



Figure one: the subject site and surrounds



The property known as number 32 Titoki Road, which adjoins to the north-west, currently contains a single storey dwelling that was recently constructed. This property shares the existing right-of-way that provides vehicle access to the subject site from Titoki Road (as per *Figure one* below). Number 36 Titoki Road, which adjoins to the north, is currently vacant.

3.0 THE PROPOSAL

It is proposed to construct a large, single storey dwelling towards the centre of the property as per *Figures two and three* below. The dwelling will have the appearance of a typical residential house and will comply with all residential bulk and location standards. It will be accessed via a driveway located at the end of the right of way as illustrated in *Figure two*:

Figure two: site plan showing the proposed dwelling

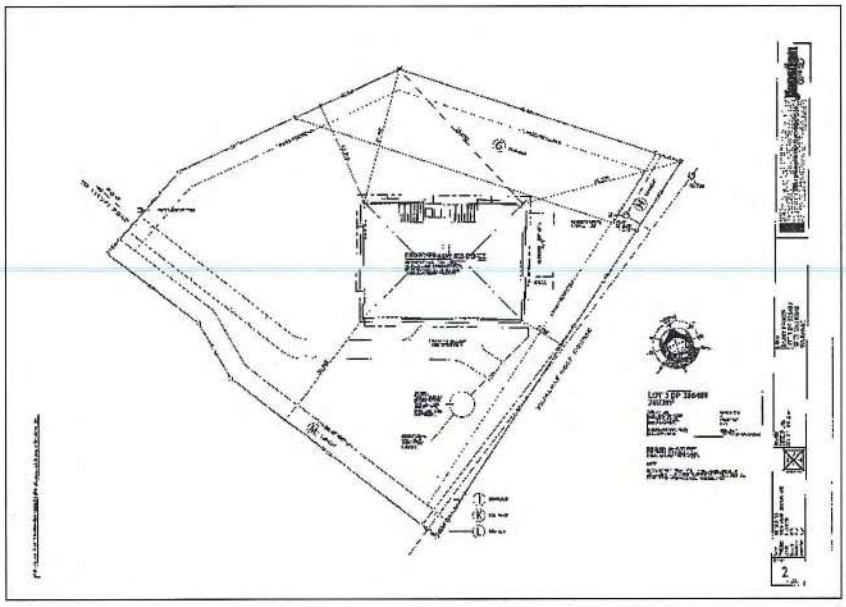
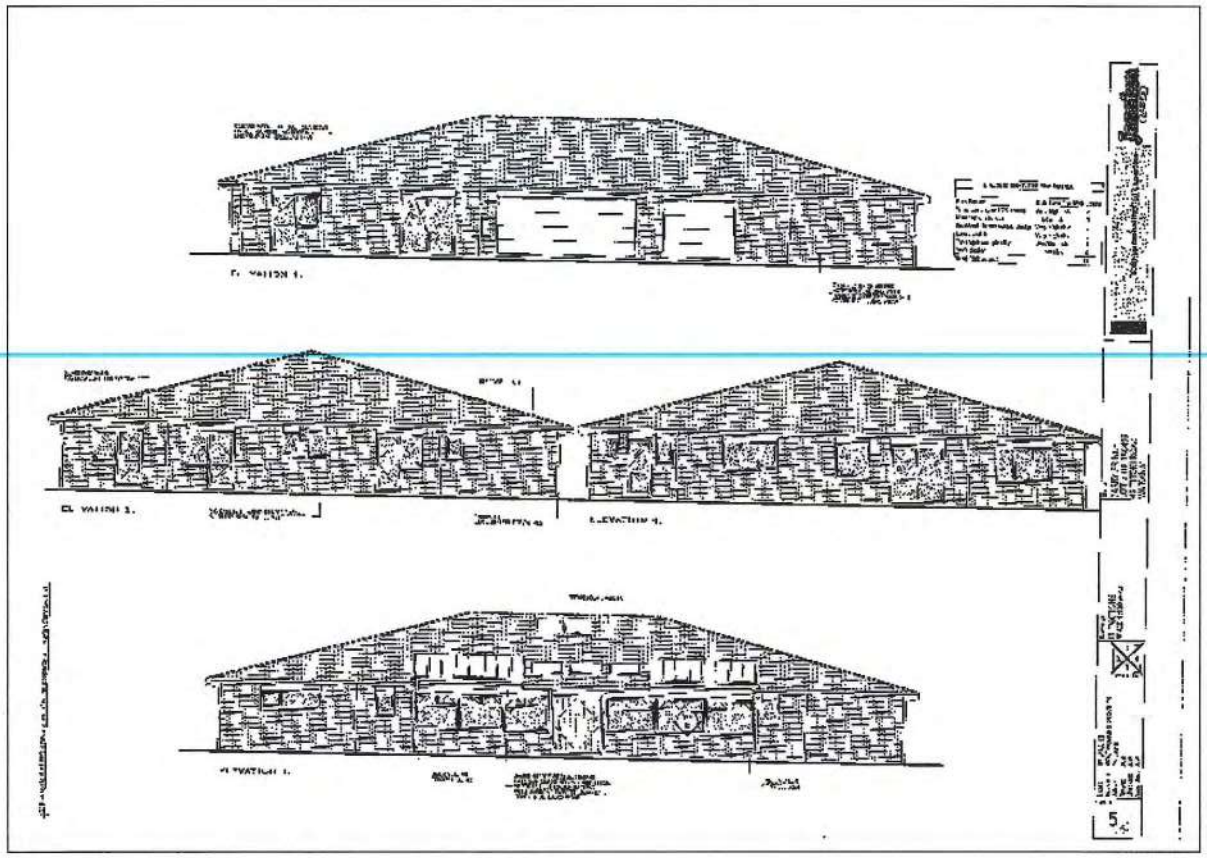


Figure three: proposed dwelling



The applicant intends to utilise the dwelling for his own residential purposes as well as operating it on a part time basis as a 'Home Stay'. A home stay is akin to a bed and breakfast with people paying to stay there for short periods. This is different to rented accommodation or a boarding house which typically have long term tenants thus generating a different pattern of occupation to a typical home stay.

The applicant advises that he *"wishes to promote the home stay as a residential home where visitors are treated as guests. Consequently there is no desire to erect commercial type garish signage in an attempt to attract the home stay to casual passers by".*

Photo three: looking north-east towards the Golf course



Four of the five bedrooms will be available for a maximum of eight guests at any one time, including minors. Parking for guest vehicles will be available on site and no on-street parking would be required. The proposed dwelling has additional bathrooms and kitchens to accommodate guests and is also designed to accommodate paraplegic persons. A guest book will be available for visitors to make comment and sign.

The applicant projects guest occupancy to be for 50% of the time during the peak period of November to March and 20% from April to October. Non-paying family and friends would stay approximately 25% of the time.

A 1.95m high fence and the planting of mature 'bushy' shrubs adjacent to the fence are proposed along the western boundary with number 32 Titoki Road.

4.0 DISTRICT PLAN PROVISIONS

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

4.1 Kapiti Coast District Plan

The property is zoned Residential under the Kapiti Coast District Plan and is subject to ponding as identified by the District Planning Maps.

4.2 Relevant Rules and Standards

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

D.1.1.3(B)(xiii) - Commercial Activities

Commercial activity means any activity involving commercial transactions, or providing commercial or administrative services, and includes retail trade premises, non-school activities, offices, and banks; but excludes premises or activities involving industrial manufacture or production.

D.1.2 – Residential Zone Standards
D.1.2.1 – Permitted Activity Standards:

- Non Residential Activities;
- Noise; and
- Traffic Generation (30 vehicle trips to and from the site per day)

Vehicle Movement means a movement of a vehicle between a road and any site, with the number of movements per day being calculated over a 24 hour period as follows:

- 1 car moving to and from a site comprises two vehicle movements.
- 1 truck moving to and from a site comprises six vehicle movements.
- 1 truck and trailer moving to and from a site comprises ten vehicle movements.

4.3 Relevant Objectives and Policies

The following Objectives and Policies apply to this application.

- C.1.1 Objective 1, Policy 1 – Amenity Values
  This policy seeks to maintain a residential appearance and density in the district which enables the existing character to be retained and to prevent a decline in these amenity values.

- C.1.1 Objective 2, Non Residential Activities
  Non-residential activities can contribute to the residential environment through providing for residential, social, economic and cultural well-being.

5.0 RELEVANT PROVISIONS OF THE ACT

It is noted that the application was received before 1 October 2009 and therefore, it is not subject to the provisions of the Act as amended by the Resource Management Amendment Act 2009.

5.1 Section 93

(1) A consent authority must notify an application for a resource consent unless—
(a) the application is for a controlled activity; or
(b) the consent authority is satisfied that the adverse effects of the activity on the environment will be minor.

(2) If subsection (1) applies, the consent authority must notify the application by—
(a) publicly notifying it in the prescribed form; and
(b) serving notice of it on every person prescribed in regulations.]

5.2 Section 94

(1) If notification is not required under section 93(1), the consent authority must serve notice of the application on all persons who, in the opinion of the consent authority, may be adversely affected by the activity, even if some of those persons have given their written approval to the activity.

(2) However, a consent authority is not required to serve notice of the application under subsection (1) if all persons who, in the opinion of the consent authority, may be adversely affected by the activity have given their written approval to the activity.]

5.3 Section 104

In considering the merits of an application, the provisions of Section 104 of the Resource Management Act 1991 must be considered. Section 104 sets out the matters that the Council must have regard to when considering an application for resource consent. The provisions of Section 104 that have the most relevance to this application include:

104(1)(a) Any actual or potential effects on the environment of allowing the activity; and

104(1)(b) Any relevant provisions of –

(i) A national policy statement:
(ii) A New Zealand coastal policy statement:
(iii) A regional policy statement or proposed regional policy statement:
(iv) A plan or proposed plan; and

104(1)(c) Any other matters the Council considers relevant and reasonably necessary to determine the application.

Section 104(2) states that when forming an opinion for the purposes of Section 104(1)(a) a consent authority may disregard an adverse effect of the activity on the environment if the District Plan permits an activity with that effect.

Section 104(3)(a) states that a consent authority must not have regard to trade competition when considering an application.

Section 104(3)(b) states that a consent authority must not, when considering an application, have regard to any effect on a person who has given their written approval to the application.

Section 104B is concerned with applications for discretionary or non-complying activities.

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

(a) May grant or refuse the application; and

(b) If it grants the application, may impose conditions under Section 108.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

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

As the proposed dwelling can comply with all residential rules and standards, only the use of the dwelling i.e. the home stay, will be considered in this assessment.

The written approval of the following parties has been obtained and in accordance with the Act, any adverse effect on these persons/parties can not be taken into account:

- Waikanae Golf Club; and
- Mr & Mrs Cotton of 28 Titoki Road

Permitted Baseline

Although there is no permitted baseline for a commercial activity in a residential zone, there are similarities between permitted residential activities and components of the proposed home stay which can be used for comparative purposes in accordance with the Act, which states that a consent authority may disregard an adverse effects of the activity on the environment if a District Plan permits an activity with that effect. This 'test' can be applied equally for notification and Section 104 assessments.

Traffic Generation and Parking

With respect to traffic generation the District Plan permitted activity standards states that "no non-residential activity shall generate more than 30 vehicle movements to and from the site per day". At full occupancy with one vehicle per couple and assuming each couple may go to and from the site approximately three times per day on average, and in consideration of the movements of the owner, vehicle movements are projected at a maximum of 30, which is consistent with the permitted limit.

As discussed above, parking provided on site is more than adequate and will provide ample space for guest parking. Adverse effects pertaining to traffic generation and parking are therefore considered to be in keeping with that permitted by the District Plan and in the context of the Act, will not have a discernible effect on other properties.

32 Titoki Road

The owners of this property, who also own the vacant adjoining number 36 Titoki Road, have expressed concern about the home stay proposal via a letter to Council dated 17 December 2009. A full copy of this letter can be viewed in the Council held file RM090169. In summary, their main concerns are in regards to loss of privacy and noise.

I consider that these matters have been addressed in full in the assessment above and conclude that there will be no adverse effects on 32 Titoki Road or its owners and occupiers that could not occur as of right under the Kapiti Coast District Plan.

Additionally, should consent be granted, suitably worded conditions of consent can be imposed to further mitigate any adverse effects that may arise from the home stay activity. These may include monitoring the home stay, restricting arrival and departure times, additional fencing and additional landscaping and go far beyond any controls that would be applied to standard residential occupation of the property.

7.0 PART II MATTERS

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

Section 5-Purpose

Section 5(1) states that the purpose of the Act is to promote the sustainable management of natural and physical resources. I consider the proposal to be in accordance with this.

Section 6-Matters of National Importance

Section 6 establishes seven matters which must be recognised and provided for by all persons exercising functions and powers under the Act. I do not consider there to be any matters of national importance relating to Section 6(a) – (g).

Section 7-Other Matters

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

and enhancement of amenity values (Section 7(c)); and the maintenance and enhancement of the quality of the environment (Section 7(f)) during the assessment of this application.

Section 8-Treaty of Waitangi
Consultation was undertaken with a representative of the local iwi, Te Ati Awa ki Whakarongotai, who raised no concerns. The proposal is not considered to be contrary to the principles of the Treaty.

8.0 NOTIFICATION DECISION

8.1 Section 93 - Public Notification Decision

On 13 April 2010, Council staff acting under authority delegated by the Council, resolved under Sections 93 and 94 of the Resource Management Act 1991 that the application need not be notified. The reasons for this decision were:

1. The applicant did not request that the application be publicly notified;

2. The effects of the activity will not be more than minor, for the reasons discussed above under the heading "Assessment of Environmental Effects";

3. No special circumstances exist in relation to the application that requires it to be notified.

8.2 Section 94 - Service of Notice/Limited Notification Decision

On 13 April 2010, Council staff acting under authority delegated by the Council, resolved under Section 94 of the Resource Management Act 1991 that notice of the application need not be served on any person or body. The reason for this is that no adverse effects will be created that are not already permitted by the District Plan as discussed and concluded in this report's AEE.

9.0 RECOMMENDATION/DECISION

That officers acting under authority delegated from the Council and pursuant to Sections 104 and 104B of the Resource Management Act 1991 **grant** consent for a **commercial activity 'Home Stay'** at **40 Titoki Road, Waikanae Beach (Lot 3 DP386409)**, subject to the following conditions which were imposed under Section 108 of the Resource Management Act 1991.

Conditions:

Monitoring and Review

1. The consent holder shall notify the Council's Compliance Officer of the start and completion dates of the works in writing 48 hours before the works are carried out. The consent holder shall fill out and return (by fax (04) 2964-830 or by post to Private Bag 601, Paraparaumu) the form that is attached to the decision letter.

2. The consent holder shall pay to the Kapiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and the actual costs of materials or services which may have to be obtained.

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

General

3. The proposed activity shall be undertaken in accordance with the Jennian Homes plans dated 02 March 2010 Job #PN09018 and stamped 'FINAL APPROVED PLANS 23/04/2010' and specifications lodged with the application RM090169 and the further information supplied by the applicant except where modified by conditions of consent.

4. The maximum number of paying guests (adults and minors) (i.e. patrons of the home stay activity) staying at the property at any one time shall be 8 (eight). For the avoidance of doubt, the term 'paying' as it applies to the conditions of this resource consent shall include the exchange of gifts, goods, services and/or koha in lieu of financial payments for a stay at the property.

5. A guest register shall be kept within the home stay at all times and shall contain as a minimum; the names and contact details of all paying guests. A copy of this register shall be made available to the Council's monitoring officer upon verbal or written request within 72 hours of the request being made. For the avoidance of doubt, an emailed request will also be regarded by the Council as being a written request.

6. At the commencement and termination of their stay as paying guests of the consent holder, there shall be no arrivals or departures outside the hours of 7:00am and 10:00pm seven days per week.

7. A 2.0m high, closed board fence shall be erected along the shared title boundaries with numbers 32 and 36 Titoki Road. For the avoidance of doubt, this consent does not grant the holder any exemption from the provisions of the Fencing Act 1978. The provisions of the Fencing Act 1978 must be complied with in conjunction with this condition but are not enforced by Council. It is the responsibility of the consent holder to ensure that this is achieved.

8. The site shall be landscaped with indigenous plants and shall have a minimum depth of 2.0m landscaping along the shared title boundaries with numbers 32 and 36 Titoki Road, excluding vehicle crossings and gate ways. The plants shall be capable of reaching a mature height (minimum of 3.0m) to ensure good amenity standards between the adjoining properties and the subject site are established and maintained. For the avoidance of doubt, this condition does not prohibit the additional planting of smaller/shorter ground cover plants for landscaping purposes.

9. There shall be no outside storage of materials/goods visible from adjoining residential properties.

10. In accordance with section 128(1)(a)(i) of the Act, the conditions of this consent may be reviewed annually for a period of three years beginning 12 months (and no later than 14 months) from the date of the granting of this resource consent, being 23 April 2009. For the avoidance of doubt, reviews shall occur no later than two months after the anniversary date of the granting of this consent has passed.

11. In the event that the building ceases to operate as a commercial home stay activity, the additional kitchens shall be removed so that a total of 1 (one) kitchen only remains within the building.

Reasons for Conditions:

- The reason for Conditions 1 and 2 is to ensure that compliance with the conditions of this resource consent is conducted effectively and without cost to the Council.

- The reason for Condition 3 is to ensure that the activity does not go beyond the scope of the application.

- The reason for Conditions 4 to 10 is to ensure that any adverse effects on the residential amenity of adjoining properties are less than minor.

- The reason for Condition 11 is to ensure the building complies with the residential zone standards and rules.

Advice Notes:

- Under Section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.

- It is the consent holder's responsibility to comply with any conditions imposed on this resource consent prior to and during (as applicable) exercising this resource consent.

- Please note that a resource consent is not a consent to build. A building consent must be issued prior to any building work being undertaken.

- Please note that this resource consent does not grant the holder exemption from the following noise standards of the District Plan:

  7am to 10pm – 50dBA (L10)
  10pm to 7am – 45dBA (L10)
  NB: During all night time hours (10:00pm to 7:00am), no noise event shall exceed Lmax 75dBA.

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

APPLICATION: Granted subject to conditions for the reasons concluded above.
CONSENT NUMBER: RM090169

DATE: 26 April 2010

"That the above recommendation be adopted under delegated authority"

Natasha Reid
Resource Consents Planner

Colin Bridges
Principal Planner – Land Use

Jennian Services Works Order Form

version 1.1

JOB NUMBER: PN 09018 *	This Job Number Must Appear on All Documentation

This form to be completed for all new work, and any subsequent requests for changes or additions to jobs already placed with Jennian Services

Salesperson: *	RACHEL	Franchise: *	MANAWATU	Date: *	

CLIENT DETAILS

Client Name(s) *	BARRY PRINCE

Draughting or *Estimation* request:

☐ New scheme plan	☐ Changes to scheme plan
☐ New preliminary plans	☐ Changes to preliminary plans
☐ New working drawings	☐ Changes to working drawings
☐ *New Estimation schedule*	☐ *Changes to existing Estimation schedule*
	☐ *Changes to existing Databuild Pricing*
☐ Other:	

Please place any extra notes here, or attach separate documents.

WD-F WORKING DRAWINGS

New plans * MARCH 2010

RM 090169
FINAL APPROVED PLANS
23/4/10

Jennian HOMES

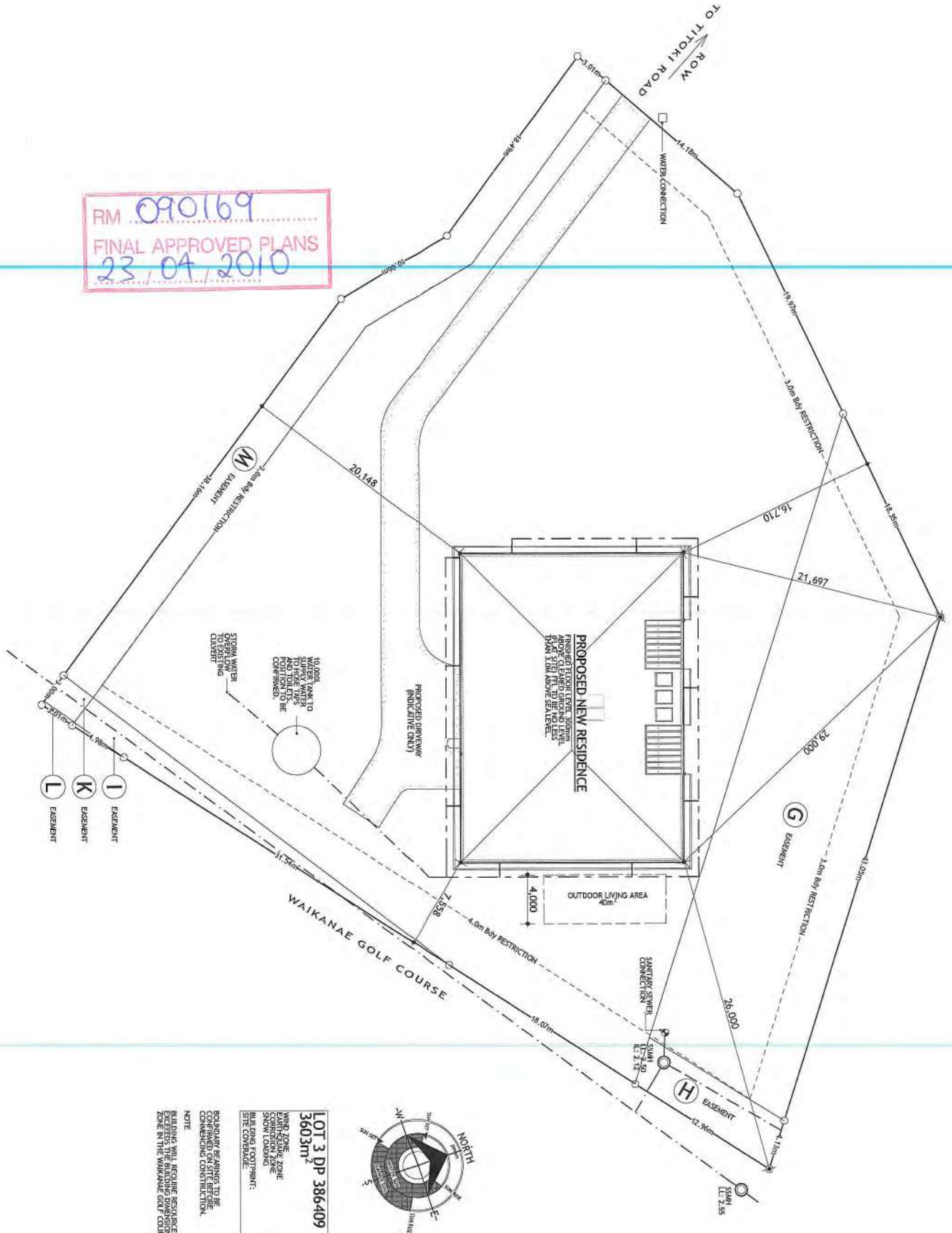
PROPOSED NEW RESIDENCE FOR:

BARRY PRINCE
40 TITOKI ROAD
WAIKANAE

Registered Master Builder

the copyright of this drawing remains the property of Jennian Services Ltd.

RM 090169
FINAL APPROVED PLANS
23/04/2010



LOT 3 DP 386409
3603m²

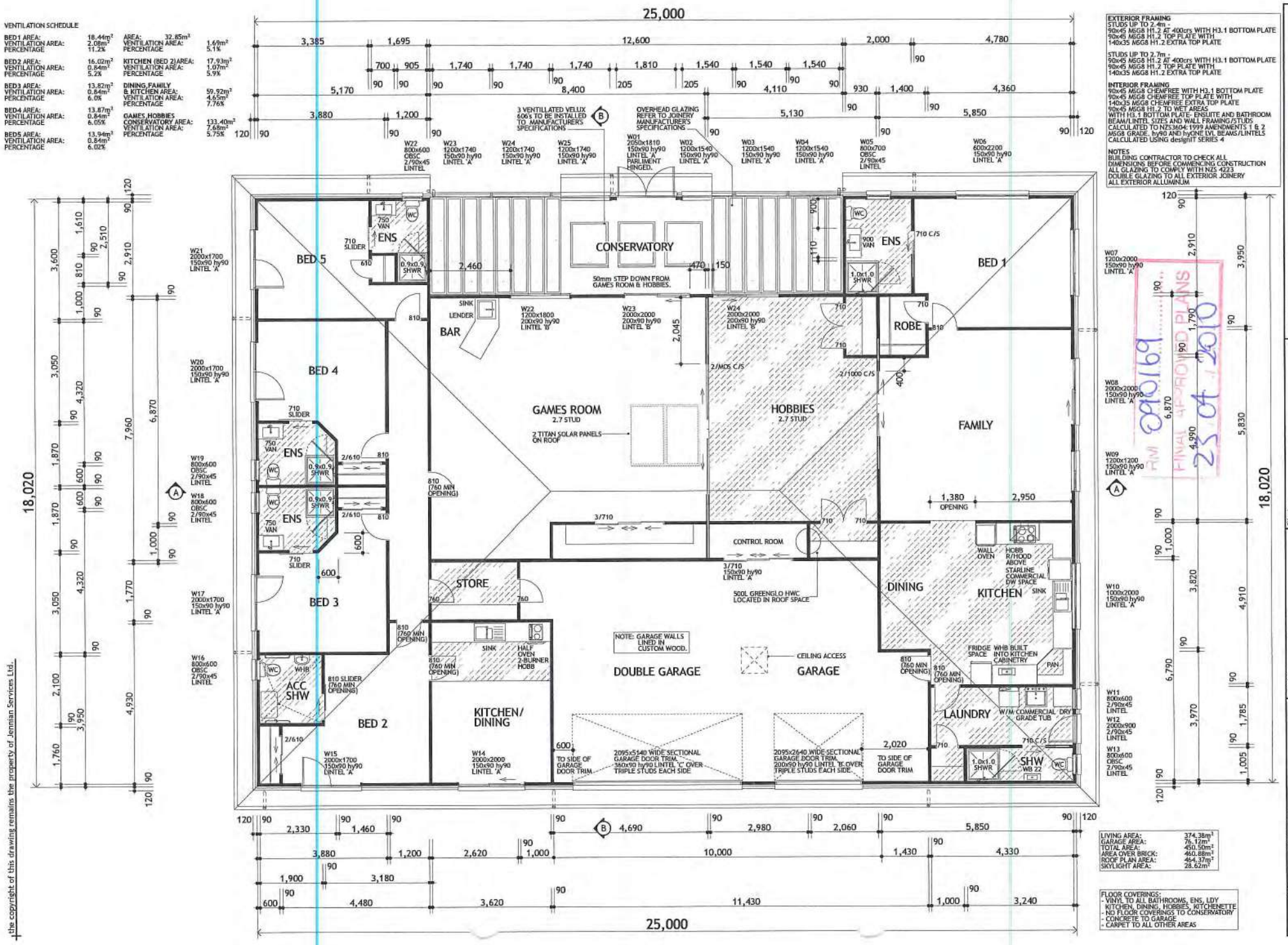
WIND ZONE	VERY HIGH
EARTHQUAKE ZONE	1
CORROSION ZONE	SEASPRAY
SNOW LOADING	N/A
BUILDING FOOTPRINT:	460.88m²
SITE COVERAGE:	12.75% (40.00% MAX)

BOUNDARY BEARINGS TO BE CONFIRMED BY SURVEYOR PRIOR TO COMMENCING CONSTRUCTION.

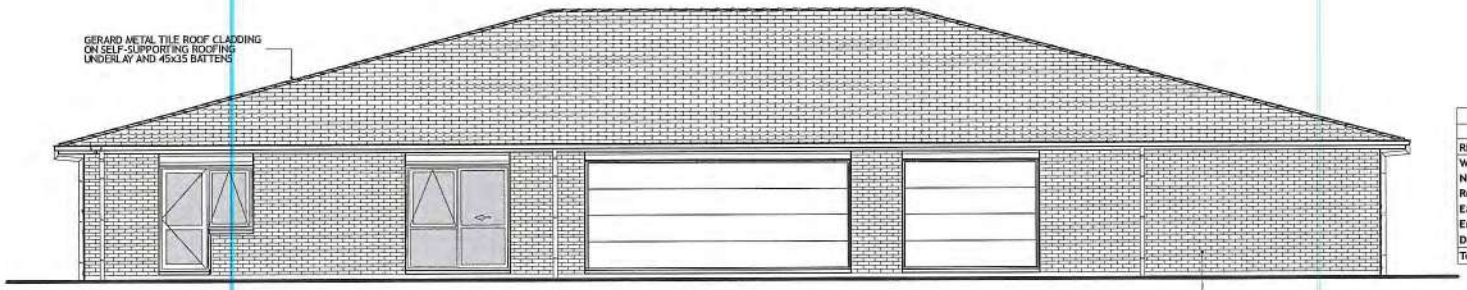
NOTE

BUILDING WILL REQUIRE RESOURCE CONSENT AS IT EXCEEDS THE PERMITTED COVERAGE FOR RESIDENTIAL ZONE IN THE WAIKANAE GOLF COURSE AREA.

Sheet: 2/21.	Date: 02 MAR 10 Revision: WD-F WORKING DRAWINGS Job #: PN 09018 Drawn: M.B Checked: S.W Amended: S.W	Drawing: SITE PLAN SCALE 1:300 @ A3	Client: BARRY PRINCE LOT 3 DP 386409 40 TITOKI ROAD WAIKANAE	Your personality Our expertise Jennian HOMES

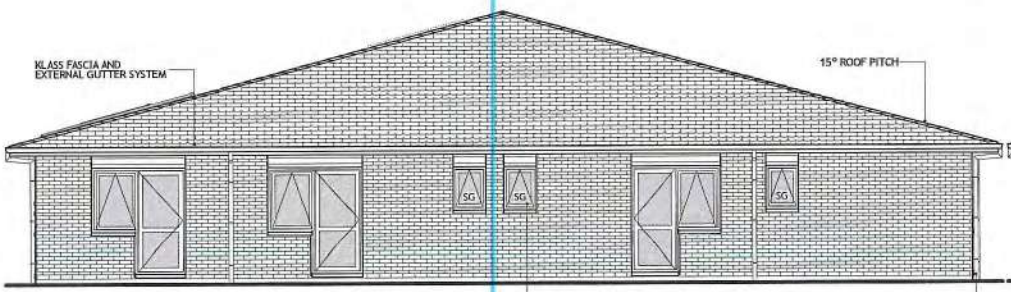


VENTILATION SCHEDULE
BED1 AREA: 18.44m² VENTILATION AREA: 2.08m² PERCENTAGE 11.2%
BED2 AREA: 16.02m² VENTILATION AREA: 0.84m² PERCENTAGE 5.2%
BED3 AREA: 13.82m² VENTILATION AREA: 0.84m² PERCENTAGE 6.0%
BED4 AREA: 13.87m² VENTILATION AREA: 0.84m² PERCENTAGE 6.05%
BED5 AREA: 13.94m² VENTILATION AREA: 0.84m² PERCENTAGE 6.02%
AREA: 32.85m² VENTILATION AREA: 1.69m² PERCENTAGE 5.1%
KITCHEN (BED 2) AREA: 17.93m² VENTILATION AREA: 1.07m² PERCENTAGE 5.9%
DINING, FAMILY & KITCHEN AREA: 59.92m² VENTILATION AREA: 4.65m² PERCENTAGE 7.76%
GAMES, HOBBIES CONSERVATORY AREA: 133.40m² VENTILATION AREA: 7.68m² PERCENTAGE 5.75%
EXTERIOR FRAMING
STUDS UP TO 2.4m -
90x45 MSG8 H1.2 AT 400crs WITH H3.1 BOTTOM PLATE
90x45 MSG8 H1.2 TOP PLATE WITH
140x35 MSG8 H1.2 EXTRA TOP PLATE
STUDS UP TO 2.7m -
90x45 MSG8 H1.2 AT 400crs WITH H3.1 BOTTOM PLATE
90x45 MSG8 H1.2 TOP PLATE WITH
140x35 MSG8 H1.2 EXTRA TOP PLATE
INTERIOR FRAMING
90x45 MSG8 CHEMFREE WITH H3.1 BOTTOM PLATE
90x45 MSG8 CHEMFREE TOP PLATE WITH
140x35 MSG8 CHEMFREE EXTRA TOP PLATE
90x45 MSG8 H1.2 TO WET AREAS
WITH H3.1 BOTTOM PLATE- ENSUITE AND BATHROOM
BEAM/LINTEL SIZES AND WALL FRAMING/STUDS
CALCULATED TO NZS3604:1999 AMENDMENTS 1 & 2
MSG8 GRADE. hy90 AND hyONE LVL BEAMS/LINTELS
CALCULATED USING designIT SERIES 4
NOTES
BUILDING CONTRACTOR TO CHECK ALL
DIMENSIONS BEFORE COMMENCING CONSTRUCTION
ALL GLAZING TO COMPLY WITH NZS 4223
DOUBLE GLAZING TO ALL EXTERIOR JOINERY
ALL EXTERIOR ALLUMINUM
25,000
18,020
CONSERVATORY
50mm STEP DOWN FROM GAMES ROOM & HOBBIES.
BED 5
BED 4
BED 3
BED 2
BED 1
ENS
BAR
ROBE
GAMES ROOM
2.7 STUD
2 TITAN SOLAR PANELS ON ROOF
HOBBIES
2.7 STUD
FAMILY
CONTROL ROOM
STORE
DINING
KITCHEN
DOUBLE GARAGE
GARAGE
KITCHEN/ DINING
LAUNDRY
SHW
ACC SHW
NOTE: GARAGE WALLS LINED IN CUSTOM WOOD.
CEILING ACCESS
500L GREENGLO HWC LOCATED IN ROOF SPACE
2095x5140 WIDE SECTIONAL GARAGE DOOR TRIM. 360x90 hy90 LINTEL 'C' OVER TRIPLE STUDS EACH SIDE
2095x2640 WIDE SECTIONAL GARAGE DOOR TRIM. 200x90 hy90 LINTEL 'B' OVER TRIPLE STUDS EACH SIDE.
TO SIDE OF GARAGE DOOR TRIM
W01 2050x1810 150x90 hy90 LINTEL 'A' PARLIMENT HINGED.
W02 1200x1540 150x90 hy90 LINTEL 'A'
W03 1200x1540 150x90 hy90 LINTEL 'A'
W04 1200x1540 150x90 hy90 LINTEL 'A'
W05 800x700 OBSC 2/90x45 LINTEL
W06 600x2200 150x90 hy90 LINTEL 'A'
W07 1200x2000 150x90 hy90 LINTEL 'A'
W08 2000x2000 150x90 hy90 LINTEL 'A'
W09 1200x1200 150x90 hy90 LINTEL 'A'
W10 1000x2000 150x90 hy90 LINTEL 'A'
W11 800x600 2/90x45 LINTEL
W12 2000x900 2/90x45 LINTEL
W13 800x600 OBSC 2/90x45 LINTEL
W14 2000x2000 150x90 hy90 LINTEL 'A'
W15 2000x1700 150x90 hy90 LINTEL 'A'
W16 800x600 OBSC 2/90x45 LINTEL
W17 2000x1700 150x90 hy90 LINTEL 'A'
W18 800x600 OBSC 2/90x45 LINTEL
W19 800x600 OBSC 2/90x45 LINTEL
W20 2000x1700 150x90 hy90 LINTEL 'A'
W21 2000x1700 150x90 hy90 LINTEL 'A'
W22 1200x1800 200x90 hy90 LINTEL 'B'
W23 2000x2000 200x90 hy90 LINTEL 'B'
W24 2000x2000 200x90 hy90 LINTEL 'B'
3 VENTILLATED VELUX 606's TO BE INSTALLED TO MANUFACTURER'S SPECIFICATIONS
OVERHEAD GLAZING REFER TO JOINERY MANUFACTURER'S SPECIFICATIONS
LIVING AREA: 374.38m²
GARAGE AREA: 76.12m²
TOTAL AREA: 450.50m²
AREA OVER BRICK: 460.88m²
ROOF PLAN AREA: 464.37m²
SKYLIGHT AREA: 28.62m²
FLOOR COVERINGS:
- VINYL TO ALL BATHROOMS, ENS, LDY KITCHEN, DINING, HOBBIES, KITCHENETTE
- NO FLOOR COVERINGS TO CONSERVATORY
- CONCRETE TO GARAGE
- CARPET TO ALL OTHER AREAS
RM 090169
FINAL APPROVED PLANS
23 04 2010
Jennian HOMES
Your personality Our expertise
Client: BARRY PRINCE LOT 3 DP 386409 40 TITOKI ROAD WAIKANAE
Drawing: FLOOR PLAN SCALE 1:100 @ A3
Date: 02 MAR 10
Revision: WD-F WORKING DRAWINGS
Job #: PN 09018
Drawn: M.B
Checked: S.W
Amended: S.W
Sheet: 4/21.
the copyright of this drawing remains the property of Jennian Services Ltd.



ELEVATION 1.

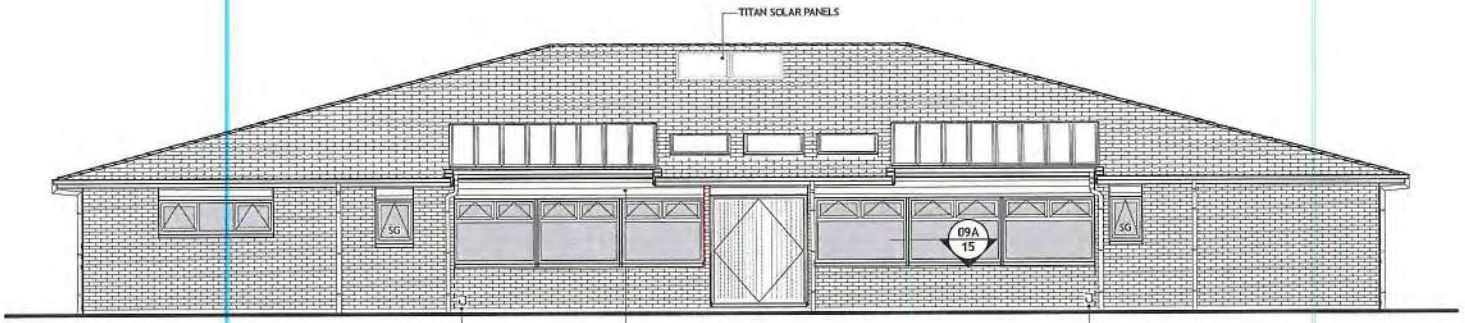
BUILDING ENVELOPE RISK MATRIX		
Risk Factor	Risk Severity	Risk Score
Wind zone (per NZS 3604)	Very high risk	2
Number of storeys	Low risk	0
Roof/wall intersection design	Very high risk	5
Eaves width	Very high risk	5
Envelope complexity	Medium risk	1
Deck design	Low risk	0
Total Risk Score:		13



ELEVATION 2.



ELEVATION 4.



ELEVATION 3.

RM 090169
FINAL APPROVED PLANS
23/04/2010

the copyright of this drawing remains the property of Jennian Services Ltd.

Jennian HOMES
Your personality Our expertise

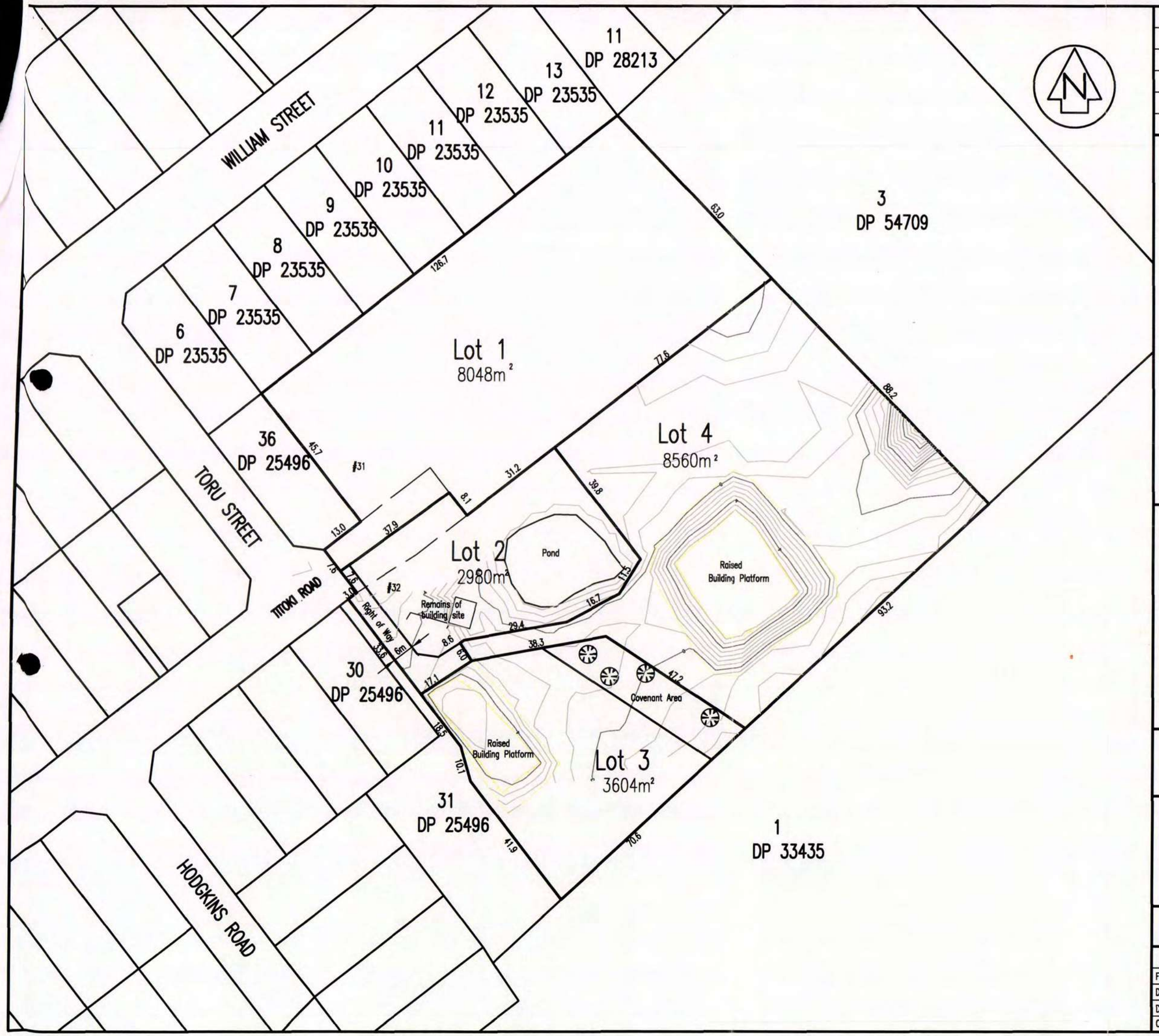
Client:
BARRY PRINCE
LOT 3 DP 386409
40 TITOKI ROAD
WAIKANAE

Drawing:
ELEVATIONS
SCALE 1:100 @ A3

3 4 / 2 1
elevation key

Date: 02 MAR 10
Revision: WD-F WORKING DRAWINGS
Job #: PN 09018
Drawn: M.B
Checked: S.W
Amended: S.W

Sheet:
5/21.



No.	AMENDMENT	NAME	DATE

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

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

RM 050356
FINAL APPROVED PLANS
19/12/05

Cuttriss Consultants Limited
Hutt Valley, Wellington, Kapiti Coast

Cuttriss
Land Surveyors, Engineers & Resource Managers

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

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

Copyright of this drawing is vested in Cuttriss Consultants Limited

CLIENT
J McNamara

JOB
PROPOSED SUBDIVISION
31 & 32 TITOKI ROAD, WAIKANAE
Lots 4-6 DP 54709

NOT TO SCALE

SCALE 1:750 – A2

	NAME	DATE
FIELDWORK	NKT	09/05
DESIGNED	NKT	10/05
DRAWN	NKT	10/05
CHECKED		

DRAWING NUMBER
19171 SCH
SHEET OF SHEETS

RESOURCE CONSENT - SHORT REPORT

RM: 050354	Address: 31-32 Titoki Road, Waikanae	Date of site visit: 13 December 2005

Proposal: **Subdivision – Four Lot Fee Simple**

District Plan Area: **Residential**
Flood Hazard (Ponding)

SITE DESCRIPTION:

The site is located at the northern end of Titoki Road, Waikanae Beach. The eastern boundary adjoins the Waikanae Golf Course through which the Waimea Stream flows.

The land within the site is a mix of low dunes with low-lying interdunal hollows between them.

The landform has been modified within No.32 in the recent past to create two additional building platforms, which are located within proposed Lots 3 and 4 and to create the pond that is located within proposed Lot 2.

Both Nos. 31 and 32 are primarily covered in pastoral grasses and sedges with only a small number of trees and shrubs spread over the sites. A large shelter belt is located along the northern boundary of both sites.

The boundary with the golf course is fenced with a post and wire fence, which also has some shelter trees planted along it.

The two sites that adjoin the southern boundary of No. 32 contain residential dwellings with one of them, No. 30, containing two attached residential units.

PROPOSAL DESCRIPTION:

The applicant has sought subdivision consent for a four lot fee simple subdivision. The overall status of this proposal will be considered as a Controlled Activity.

The new allotments will be as follows:
Lot 1 8048m^2
Lot 2 2980m^2
Lot 3 3604m^2
Lot 4 8560m^2

All the proposed allotments are of sufficient area and shape that all Controlled Activity Standards relating to subdivision can be complied with. A building platform above the level of the 1% flood event is available within each allotment, therefore there are no reasons that dwellings cannot be accommodated within proposed Lots 2-4 in full compliance with all the relevant Permitted Activity Standards.

An existing dwelling is already located within proposed Lot 1, and this proposal will not affect the ability of that dwelling or its occupation to comply with the provisions of the District Plan.

Photographs Taken

CONSENT REQUIRED FOR:

Subdivision – Four Lot Fee Simple	**Controlled**

NOTIFICATION ANALYSIS	
ENVIRONMENTAL EFFECTS:	
Possible Adverse Effects	**De Minimis/Minor/Any mitigation**
None	**NA**

Experts Consulted and their Comments?:

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

Regional Stormwater Engineers : Greater Wellington Regional Council's Stormwater Engineer Sally Coates has considered the proposal and is satisfied that the proposed lots can be developed without risk of flooding subject to suitable measures being taken. I concur with this view, and am satisfied that the conditions proposed by Matt Aitchison address any issues.

POTENTIALLY ADVERSELY AFFECTED PERSONS:

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

SECTION 94 DECISION:

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

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

ASSESSMENT:

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

Relevant Assessment Criteria no. ***D.1.2.1 – Permitted Activity Standards***
D1.2.2 - Controlled Activity Subdivision Standards (i)-(xvii)

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

Relevant Objective/Policy no. ***C.1.1 Residential Zone Objective 1.0 General & Policy 1 – Amenity Values***
Policy 2 – Natural Environment &
Policy 3 – Height of Buildings

C.7.1 - Residential Subdivision Objective 1.0 – General and Policy 1- Low Density Character

OTHER MATTERS : SECTION 106

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

CONCLUSION

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

DECISION:

That Officers acting under Delegated Authority from Council and pursuant to Section 104A of the Resource Management Act 1991 **grant consent** to the proposal for a **4 Lot Fee Simple Subdivision** at **31-32 Titoki Road, Waikanae** being **Lots 4-6 DP 54709,** subject to the following conditions:

Conditions of Consent:

General:

1. That the proposal must be in accordance with the plans prepared by **Cuttriss Consultants Limited, titled 'Proposed Subdivision 31 & 32 Titoki Road, Waikanae Lots 4-6 DP 54709' Drawing No. 19171 SCH, dated 10/05 and stamped 'Final Approved Plans' on 19/12/05** and other information submitted with the application RM050354.

2. The consent holder shall pay a **Reserves Contribution** of **$16,875.00** prior to the Section 224(c) Certification of the subdivision.

Engineering:

3. The consent holder shall pay Council Engineering Fees of $562.50, plus $216 per lot, (total $1,210.50 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.

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

5. The consent holder shall submit to Council for approval copies of the plans and specifications for the engineering development in accordance with Paragraph 1 of Schedule 1 contained in Part 4 of the Council's Subdivision and Development requirements. No work shall commence until the plans and specifications have been

approved by the Council in writing.

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

   Foundation recommendations,
   Stormwater and flood issues.

7. The consent holder shall provide a copy signed by the consent holder's contractor of the Contractor Health and Safety Obligation Form as set out in Appendix 2 of Section 6 of the Council's Health and Safety Manual for those situations where connections are to be made to Council owned existing services or roads.

8. 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 Council.

9. The consent holder shall supply to Council a report by a suitably qualified person detailing site investigation work and findings together with recommendations for foundation design for Lots 2, 3 and 4.

   Where specifically designed foundations may be required in accordance with the Building Act 2004, then the Council may issue a Consent Notice under Section 221 of the Resource Management Act recording that specifically designed foundations may be required.

10. Lots 2, 3 and 4 shall be provided with flood-free building platforms. Any material required to raise the ground to achieve this shall be obtained from within the development.

11. Access from the building platforms to the right-of-way shall be no lower than R.L. 3.6.

12. The existing drainage path from the low point of the driveway of 30 Titoki Road heading north shall be preserved.

13. Should a waahi tapu or other cultural site be unearthed during earthworks the contractor and/or owner shall :-
    (a) cease operations;
    (b) inform local iwi (Te Ati Awa ki Whakarongotai);
    (c) inform the NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required;
    (d) Take appropriate action, after discussion with the NZHPT, Council and iwi to remedy damage and/or restore the site.

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

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

15. Council will issue a Consent Notice on Lots 2-4 pursuant to Section 221 of the Resource Management Act 2004 to restrict the siting of any dwelling to the areas of land which are not subject to erosion or inundation by a Q_{100} storm event. The Developer's representative shall provide a scale plan of the site with sufficient spot levels and contours to establish the extent of permitted building/house sites. The contour line showing the Q_{100} level shall be defined by the level supplied by the Wellington Regional Council in their fax to Nicola Todd dated 14th October 2005.

16. Should the Right-of-way require second coat sealing then this shall be satisfied by lodging a cash contribution with the Council calculated at $6.50 per square metre of the area for first coat seal.

17. The consent holder shall submit a stormwater disposal design in accordance with the principles contained in Part 3 Section E of the Council's Subdivision and Development Principles and Requirements, for approval by the Council. Construction shall be in accordance with the approved design.

18. Easements are required over any rights of way and communal, private and public services where these pass through the lots in the subdivision.

    The Council may require other easements.

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

19. The consent holder shall supply a copy of the Title Plan and shall list and indicate how each condition has been met to the satisfaction of the Council.

Advice Notes

1. All costs arising from any of the above conditions shall be borne by the consent holder.
2. The consent holder should not encroach onto adjacent land owned by others without having first obtained their written consent.
3. Contravention of the Land Drainage Act is not permitted and natural drainage patterns are to be preserved.
4. 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.

5. The consent holder is required to obtain a building consent before carrying out any alterations to existing services within the lot/s.
6. The following Development Contributions are required for every new residential lot pursuant to Section 198 of the Local Government Act 2002 and the 2004/2005 Council's Development Contributions Policy:

Water Supply	$112.50	(Total $225.00)
Sewage	$2,442.00	(Total $4,884.00)
Community Facilities	$1,827.00	(Total $3,654.00)
Roads	$2,644.00	(Total $5,288.00)

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

7. Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to Council.
8. Rights of objection to the conditions specified above may be exercised pursuant to Section 357(2) by the consent holder. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council in any special case may allow.

DECISION:
RM050354 - APPROVED
DATE: 19 December 2005

Mike Mackiggan
Senior Resource Consents Planner
Delegated Officer

19 December 2005

Aidan Robinson
Resource Consents Planner
Delegated Officer

19 December 2005

KAPITI COAST DISTRICT COUNCIL

19 December 2005

FILE: RM050354

J & A McNamara
c/o Cuttriss Consultants Ltd
PO Box 386
Paraparaumu

Attn: Dan Rodie

Dear Dan,

RM050354: SUBDIVISION CONSENT – 4 LOT FEE SIMPLE.

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

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

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

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

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

If you have any concerns or enquiries about the conditions please do not hesitate to contact me on (04) 904 - 5622

Thank you for dealing with the Kapiti Coast District Council.

Yours faithfully

Mike Mackiggan
SENIOR RESOURCE CONSENTS PLANNER

DECISION:

That Officers acting under Delegated Authority from Council and pursuant to Section 104A of the Resource Management Act 1991 **grant consent** to the proposal for a **4 Lot Fee Simple Subdivision** at **31-32 Titoki Road**, **Waikanae** being **Lots 4-6 DP 54709,** subject to the following conditions:

Conditions of Consent:

General:

1. That the proposal must be in accordance with the plans prepared by **Cuttriss Consultants Limited, titled 'Proposed Subdivision 31 & 32 Titoki Road, Waikanae Lots 4-6 DP 54709' Drawing No. 19171 SCH, dated 10/05 and stamped 'Final Approved Plans' on 19/12/05** and other information submitted with the application RM050354.

2. The consent holder shall pay a **Reserves Contribution** of **$16,875.00** prior to the Section 224(c) Certification of the subdivision.

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3. The consent holder shall pay Council Engineering Fees of $562.50, plus $216 per lot, (total $1,210.50 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.

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

5. The consent holder shall submit to Council for approval copies of the plans and specifications for the engineering development in accordance with Paragraph 1 of Schedule 1 contained in Part 4 of the Council's Subdivision and Development requirements. No work shall commence until the plans and specifications have been approved by the Council in writing.

6. The consent holder shall advise the names and their professional qualifications and experience of Suitably Qualified Persons required in terms of Clause B(iii) of Part 3 of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005. If the Council considers any of the nominated

persons are not acceptable then the consent holder shall nominate alternative persons, or the Council may require the consent holder to employ a specified Suitably Qualified Person or Persons at the consent holders cost. Suitably Qualified Persons are required for, but not necessarily limited to, the following areas:

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Stormwater and flood issues.

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    (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.

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19. The consent holder shall supply a copy of the Title Plan and shall list and indicate how each condition has been met to the satisfaction of the Council.

Advice Notes

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

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

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g. Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to Council.

h. Rights of objection to the conditions specified above may be exercised pursuant to Section 357(2) by the consent holder. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council in any special case may allow.

DECISION:
RM050354 - APPROVED
DATE: 19 December 2005

Mike Mackiggan
SENIOR RESOURCE CONSENTS PLANNER

Kāpiti Coast District Council

Private Bag 60 601
Paraparaumu 5254
New Zealand

Tel (04) 296 4700
or 0800 486 486
Fax (04) 296 4830 ■
kapiti.council@kapiticoast.govt.nz ■
www.kapiticoast.govt.nz ■

7 April 2010

B.J. Prince
C/- Cuttriss Consultants Ltd
P O Box 386
PARAPARAUMU
Attention : Dan Rodie

Dear Barry

RM100037: S221 VARIATION TO CONSENT NOTICE FROM RM050354 AND EARTHWORKS AT 40 TITOKI RD, WAIKANAE BEACH

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

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

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

There is no deposit for an objection. However, a fee of $200.00 (including GST) is required if Council's Subdivisional Engineer is involved. Time and costs will also be charged unless waived by the Hearing Commissioners and if an objection is upheld there will be no charges; if upheld in part then a proportion of costs will be charged.

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

If you have any concerns or enquiries about the conditions please do not hesitate to contact me on (04) 2964 856.

Thank you for dealing with the Kapiti Coast District Council.

Yours sincerely

Natasha Reid
Resource Consent Planner

Kāpiti Coast District Council

Private Bag 60 601
Paraparaumu 5254
New Zealand

Tel (04) 296 4700
or 0800 486 486
Fax (04) 296 4830 ■
kapiti.council@kapiticoast.govt.nz ■
www.kapiticoast.govt.nz ■

7 April 2010

B.J. Prince
C/- Cuttriss Consultants Ltd
P O Box 386
PARAPARAUMU
Attention : Dan Rodie

Dear Barry

RM100037: S221 VARIATION TO CONSENT NOTICE FROM RM050354 AND EARTHWORKS AT 40 TITOKI RD, WAIKANAE BEACH

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Thank you for dealing with the Kapiti Coast District Council.

Yours sincerely

Natasha Reid
Resource Consent Planner

Kāpiti Coast District Council
Private Bag 60 601
Paraparaumu 5254
New Zealand

Tel (04) 296 4700
or 0800 486 486
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RESOURCE CONSENT UNDER PART VI OF THE RESOURCE MANAGEMENT ACT 1991

CONSENT NO: RM100037

APPLICANT:	B.J Prince
LOCATION OF ACTIVITY:	40 Titoki Road, Waikanae Beach
DESCRIPTION OF ACTIVITY:	s221 Variation and Earthworks

DECISION:

Granted subject to conditions on 7 April 2010.

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

Conditions:

Monitoring and Review

1. The consent holder shall notify the Council's Compliance Officer of the start and completion dates of the works in writing 48 hours before the works are carried out. The consent holder shall fill out and return (by fax (04) 2964-830 or by post to Private Bag 601, Paraparaumu) the form that is attached to the decision letter.

2. The consent holder shall pay to the Kapiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and the actual costs of materials or services which may have to be obtained.

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

3. The earthworks shall be carried out in general accordance with the plans titled 'Earthworks Plan Lot 3 DP 386409 40 Titoki Road, Waikanae' drawing No. 20294 EW_A prepared by Cuttriss Consultants Limited dated January 2010 and stamped 'Final Approved Plans 6/04/2010', and the Engineer's Report dated 19 February 2010 by Neil Johnstone and other information lodged with the application RM100037, except where modified by conditions of consent.

Fees

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

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

General Engineering Requirements

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

6. The consent holder shall advise the name of Owner's Representative appointed in terms of Clause B(ii) of part 3 of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005 prior to the commencement of work, but no later than one month from the date of issue of this consent.

Earthworks

7. The consent holder shall submit an earthworks management plan to Council for approval. No works shall commence until the earthworks management plan is approved by the Council in writing. The earthworks management plan shall include:

   - Adequate provision for the control of stormwater run-off and sediments throughout the duration of earthworks such as provision of silt retaining structures to protect bodies of water at the northwest of the property;

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

- Measures to control dust, windblown sand, soil or other materials that may be blown or transported onto other properties; and

Note: The consent holder shall not use water from Council water mains for mitigating measures.

- The earthworks shall be undertaken in accordance with the New Zealand standards for construction noise, NZS 6803:1999, Acoustics – Construction Noise. The consent holder shall be responsible for cooperating with the neighbouring community over any noise complaints resulting from the earthworks operation.

8. That any material excavated from below ground for the new building platform site must be recompacted and reused below the existing ground level or removed from the site if unsuitable, to the satisfaction of Council's Stormwater/Coastal Engineer.

9. Should a waahi tapu or other cultural site be unearthed during the earthworks, the consent holder and/or the operator shall:

   (a) cease operations;
   (b) inform local Iwi - Te Ati Awa ki Whakarongotai;
   (c) inform the NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required;
   (d) take appropriate action, after discussion with the NZHPT, Council and Iwi to remedy damage and/or restore the site.

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

10. All batters shall be self-supporting.

11. The consent holder shall not disturb or remove soil support from adjacent lots.

12. Earthfill shall comply with the requirements of the current issue of NZS 4431 Code of Practice for Earthfill for Residential Development.

Construction Noise

13. The earthworks shall be undertaken in accordance with the New Zealand standards for construction noise, NZS 6803:1999, Acoustics – Construction Noise.

14. Earthworks shall be limited to 7am to 6:00pm Mondays to Fridays.

Reinstatement

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

Meeting the Requirements

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

Protection of Vegetation

17. Prior to the commencement of any earthworks, a 4.0m diameter 'clearance zone' shall be observed around each cabbage tree that is located outside of the existing and proposed building platforms. The clearance zones must be partitioned off through temporary measures such as barrier mesh fencing. For the avoidance of doubt, no removal of material or use of any machinery is permitted within these clearance zones.

18. Any material within a 4.0m diameter radius around the cabbage tree that is located adjacent to the existing platform can only be removed manually and without the use of any machinery, and in a manner that protects the root structure of the cabbage tree.

Reasons for Decision:

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



Natasha Reid
Resource Consents Planner

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7 April 2010

KAPITI COAST DISTRICT COUNCIL
NOTIFICATION & SECTION 104 DECISION REPORT

Applicant:	**Barry Prince**
Site Address:	**40 Titoki Road, Waikanae**
Legal Description:	**Lot 3 DP 386409**
Site Area:	**3603m^2**
Applicant's Address for Service:	**Cuttriss Consultants Ltd, PO Box 386, Paraparaumu**
Proposal:	**Consent Notice variation to relocate a building platform requiring earthworks**
Land Owner:	**Barry Prince**
Zone:	**Residential (Ponding)**
Activity Status:	**Discretionary**

Report prepared by: Natasha Reid, Resource Consents Planner

Report peer reviewed by: Wayne Gair, Principal Planner - Subdivision

Date consent application received: **8 March 2010**

Further information requested: **N/A**

Further information received: **N/A**

1 PREAMBLE

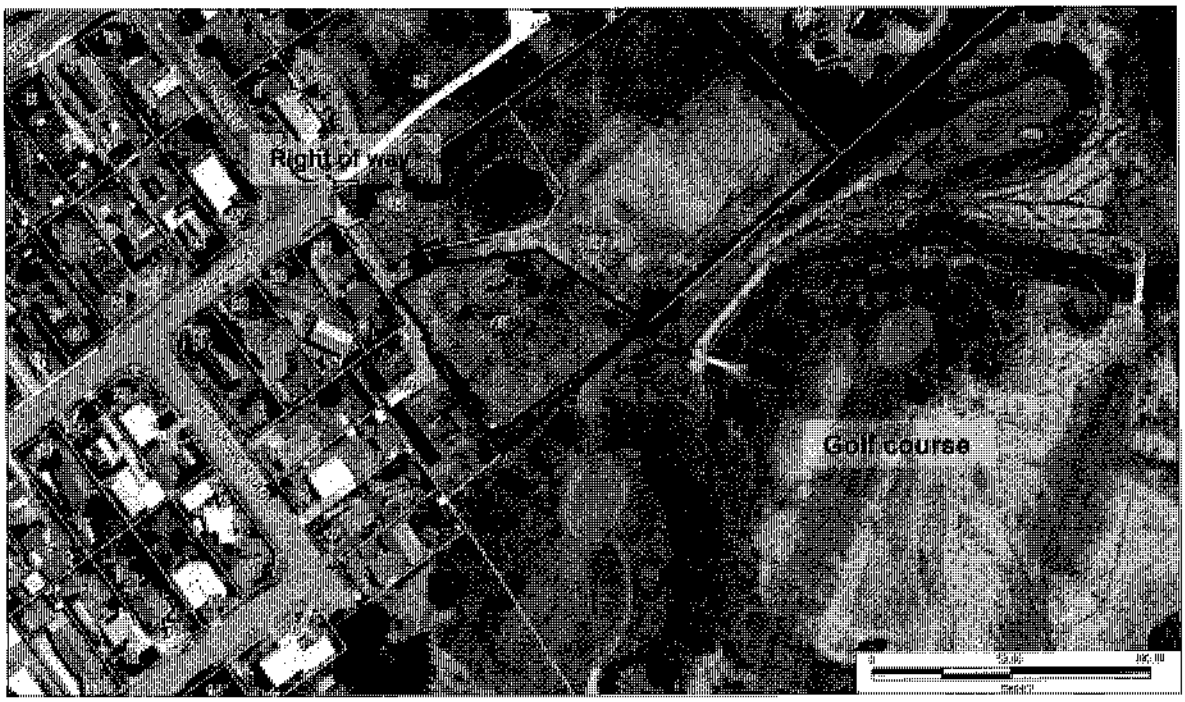
This report provides an analysis of the resource management issues relating to notification status and the Council's Section 104 decision for the activity proposed under resource consent application RM100037.

2 SITE DESCRIPTION

The residential property is approximately 3603m^2 and is currently vacant. The site is flat to undulating and is subject to ponding. A grassed building platform adjoins the south-western boundary as per *photo one* below.

The property adjoins the Waikanae golf course to the east and residential properties to the south, north and west as illustrated in *Figure one* below. Mature vegetation aligns the southern and eastern boundaries and a few cabbage trees are scattered throughout the property.

Figure one: the subject site and surrounds

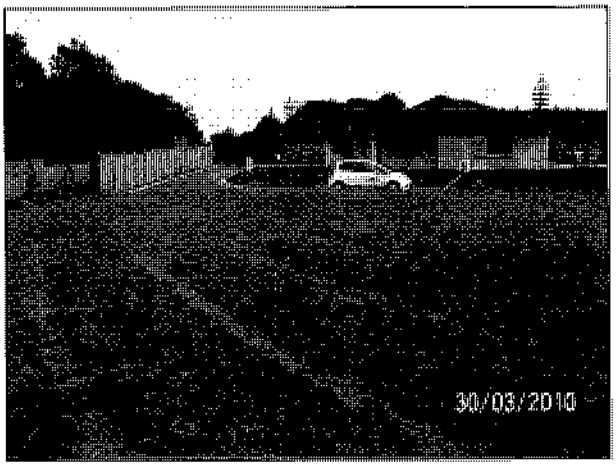


The property known as number 32 Titoki Road, which adjoins to the north-west as per photo two below, currently contains a single storey dwelling that was recently constructed. This property shares the existing right-of-way that provides vehicle access to the subject site from Titoki Road (as per *Figure one* above). Number 36 Titoki Road is currently vacant.

Photo one: the existing building platform



Photo two: 32 Titoki Road looking west



2.1 Written Approvals

No written approvals were submitted with the application.

2.2 Consent History

RM050354 - The subject property was created via a subdivision in 2005 under RM050354. A consent notice pursuant to section 221 of the Act was registered on the title and contained two conditions. The first was regarding foundation design and construction for any new buildings. The second condition restricted the siting of any dwelling to those areas as per the approved drawing by Cuttriss Consultants Ltd 19171 Eng^{A}, a copy of which is held on file RM050354.

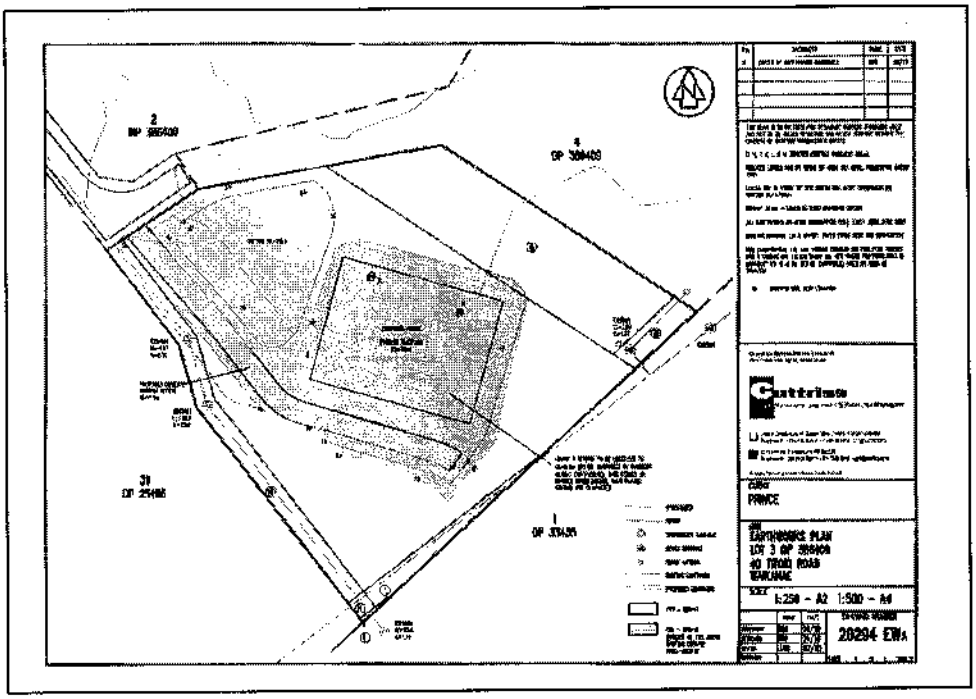
RM090169 - September 2009, application received for a commercial activity (bed and breakfast). The bed and breakfast is to operate within a proposed dwelling to be located outside of the building site approved under RM050354. Council deemed in January 2010 that it was inappropriate to consider the bed and breakfast application unless the proposed building site was supported by relevant ground testing results and earthworks calculations to ensure hydraulic neutrality. The applicant was advised that such testing and calculations must to be undertaken by a chartered civil engineer with experience in these matters and then submitted as an application to Council for earthworks and a variation to the consent notice.

3 THE PROPOSAL

3.1 Description of Proposal

The applicant would prefer to site his proposed dwelling in a more central location that is also further from the right of way. As such, it is proposed to undertake the necessary earthworks to relocate the existing building platform as illustrated in Figure two below. The earthworks were designed by Neil Johnstone, a chartered civil engineer with Cuttriss Consultants Limited. Mr. Johnstone has designed the earthworks to ensure the volume of flood storage would be no less than currently exists, and demonstrates in his report submitted with the application, that the volume of storage will actually increase. The cabbage trees are either clear of the building platform or if near the platform, will be retained.

Figure two: the proposed earthworks



The volume of cut will be 658m^3 while the volume of fill above the existing ground level will be 625m^3. It is stated in the application that *"the total volume of fill is greater than this as the construction of the building pad involved undercutting the existing ground and greater compaction of the original sand that will be excavated".*

It is also sought to vary the consent notice conditions (as discussed above in paragraph 2.2) relating to the site so that a dwelling can be built on a building platform different to that shown on the Cuttriss Consultants plan referred to in the consent notice. The variations to the consent notice that are proposed reads as follows (the amendments are underlined):

1) "Foundation design and construction for any new building or additions and alterations to a building shall take into account the findings and recommendations within the Report on Subdivision prepared by Cuttriss Consultants Limited and submitted to Council in relation to application No. RM050354 and the additional report prepared in relation to Lot 3 and provided with application No. RM100037. Copies of these reports are available in Council's Office at any time the office is open to the public.

2) "The siting of any dwelling is restricted to those areas which are not subject to erosion or inundation by a 1 in 100 year return period storm event. The extent of the permitted house sites is limited to those parts of the land at an elevation in excess of 3.80 metres above sea level as shown on the Cuttriss Consultants drawing number 1917 ENG_A with respect to lots 1 and 2 and Cuttriss Consultants drawing number 20294 EW_A with respect to lot 3, copies of which are held on file RM050354 at the office of the Kapiti Coast District Council and are available for inspection at any time the office is open to the public'.

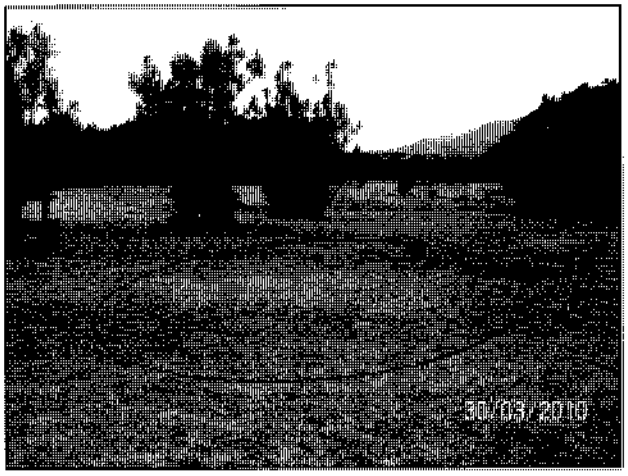
3.2 Applicant's Assessment of Effects

The applicant has provided an assessment of effects of the activity on the environment (**AEE**). The AEE is supported by the following technical report:

- Proposed Earthworks - Lot 3 DP 386409, 40 Titoki Road, Waikanae Beach (19 February 2010) by Neil Johnstone of Cuttriss Consultants Limited

The AEE concludes that the effects on the environment in regard to ponding will be positive as a result of an increase in the volume of flood storage available within the site. Overall the AEE concludes that the effects on the environment will be minimal.

Photo three: the approximate location of proposed building platform



4 DISTRICT PLAN PROVISIONS

4.1 Kapiti Coast District Plan

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

4.2 Zoning and Overlays

The property is zoned residential under the Kapiti Coast District Plan and is subject to ponding.

4.3 Relevant Rules and Standards

The Rules and Standards that apply to this application are:

- Permitted Activity Standard D.1.2.1(ii) EARTHWORKS – this standard sets the parameters for earthworks in any ponding area or overflow path and limits permitted activity works to those which:
  - Involve the disturbance of less than $20m^3$ (volume) of land; or
  - Alter the existing ground level by less than 1.0 metre, measured vertically

4.4 Activity Status

The activity is a *Discretionary Activity* under Rule D.1.1.3(B) It has this status because the earthworks will exceed the $20m^3$ of ground disturbance that is permitted within a ponding area and will alter the existing ground level by more than 1m.

4.5 Relevant Objectives and Policies

The following Objectives and Policies apply to this application:

C.1 Residential Zone – Objective 1.0 – General and Policy 2 – Natural Environment.

C.7.3 Earthworks – Objective 1.0 and Policy 1 - General Assessment Criteria and Policy 3 - Waahi Tapu and Cultural Sites

5 RELEVANT NATIONAL ENVIRONMENTAL STANDARDS

There are no relevant National Environmental Standards applicable to this application.

6 RELEVANT NATIONAL POLICY STATEMENTS

There are no National Policy Statements applicable to this application.

7 RELEVANT STATUTORY PROVISIONS

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

95B Limited notification of consent application

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

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

95E Consent authority decides if person is affected person

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

104 Consideration of applications

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to–

- *(a) any actual and potential effects on the environment of allowing the activity; and*
- *(b) any relevant provisions of—*
  - *(i) a national environmental standard:*
  - *(ii) other regulations:*
  - *(iii) a national policy statement:*
  - *(iv) a New Zealand coastal policy statement:*
  - *(v) a regional policy statement or proposed regional policy statement:*
  - *(vi) a plan or proposed plan; and*
- *(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

(2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

(2A) When considering an application affected by section 124, the consent authority must have regard to the value of the investment of the existing consent holder.

(3) A consent authority must not,—

- *(a) when considering an application, have regard to—*
  - *(i) trade competition or the effects of trade competition; or*
  - *(ii) any effect on a person who has given written approval to the application:*
- *(c) grant a resource consent contrary to—*
  - *(i) section 107, 107A, 107E, or 217:*
  - *(ii) an Order in Council in force under section 152:*
  - *(iii) any regulations:*

(iv) a Gazette notice referred to in section 26(1), (2), and (5) of the Foreshore and Seabed Act 2004:

(d) grant a resource consent if the application should have been notified and was not.

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

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

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

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

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

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

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

(a) May grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.

8 SECTION 104 ASSESSMENT

8.1 Adequacy of information

Section 104(6) allows the consent authority to decline a consent application if it has inadequate information to determine the application. I consider that more than adequate information has been supplied.

8.2 Actual or potential effects on the environment

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

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

Earthworks – Construction

During the construction period there will be effects from the earthworks. These effects may include an increase in noise and dust generation, as well as potential effects on localised drainage patterns and runoff. There is also the potential for effects on the visual amenity of the site and adjoining properties and increased vehicle movements to and from the site. It is considered however, that any such effects will be less than minor due to the following factors:

- The localised context of the activity i.e. the proposed earthworks will source the majority of the material from the existing building platform and from within the property itself, thus reducing truck movements to and from the property and also within the property (it is noted that up to 360m^3 may be imported to the site to create the building platform if the total volume of material required can not be sourced from within the property). The material will also be relocated and compacted on site and given the gentle slope of the property, minimal earthwork machinery will be required;

- The temporary nature of the activity i.e. due to the small to average volume (relative to other residential developments) of earthworks required (total cut to fill being approximately 625m^3), the earthworks can be completed in a few days to a week; and

- That being a vacant allotment, some form of residential development is to be expected and the majority of the earthworks will be undertaken away from adjoining boundaries.

Furthermore, any such effects can be mitigated through the implementation of good practice techniques. These can be enforced through the imposition of suitably worded conditions of any granted resource consent, such as following a Council approved Earthworks Management Plan.

I also consider that once the earthworks are completed and the residential property becomes established with gardens etc, in addition to the dwelling being constructed, any adverse effects on the visual amenity of this site and surrounding properties will be remedied and potentially enhanced.

Building Platform

With regards to the resultant building platform, it has been demonstrated by the earthworks plan in Figure two above, that the building platform will be approximately:

- 21m from the closest boundary with number 32 Titoki Road,
- 14m from the northern boundary with number 36 Titoki Road; and
- 15m from the southern boundary with number 30 Titoki Road.

Therefore any dwelling constructed on this platform will meet the permitted activity residential standards for yards. Furthermore, given the central location of the proposed building platform combined with the size of the property, any future dwelling will be capable of complying with all permitted activity standards, thus ensuring any adverse effects on the

amenity of adjoining properties are less than minor and well within the scale and intensity anticipated by the District Plan and deemed as acceptable.

Earthworks – Design and s221 Variation

The proposed earthworks have been designed and certified by a chartered civil engineer and conclude that *"earthworks could be carried out to relocate the building platform and provide compensatory storage"* subject to a raft of recommendations (refer to the engineers report in the Council held file RM100037). Supporting this conclusion, the applicant's representative advises that the above ground volume is the same as the consented building platform because it will be a matter of excavating the compacted sand at the existing building pad and then re-compacting it at the new pad.

A Council Subdivision Engineer and Council's Stormwater/Coastal Engineer have both assessed the Cuttriss Consultant's report and the overall proposal. These Council Officers concur with the conclusion stated above, subject to conditions, which if imposed on the resource consent (if granted), will ensure that any adverse effects from the proposed earthworks on the environment and adjoining properties are mitigated to being less than minor. As such, it is considered appropriate to vary the Consent Notice registered on the title in relation to the application site (Lot 3 DP 3867409).

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

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

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

8.4 Other relevant matters

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

9 NOTIFICATION DECISION

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

9.1 Public Notification Decision

On 30 March 2010, Council staff acting under authority delegated by the Council, decided under Sections 95A and 95D of the Resource Management Act 1991 that the application need not be publicly notified. The reasons for this decision were:

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

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

Reported and Recommended by: _____ Natasha Reid
Resource Consents Planner

Decision:

"That the above recommendation be adopted."

Delegated Officer (*Peer Reviewer*): _____ Wayne Gair
Principal Planner - Subdivision

9.2 Limited Notification Decision

On 30 March 2010, Council staff acting under authority delegated by the Council, decided under Sections 95B, 95E and 95F of the Resource Management Act 1991 that notice of the application need not be served on any person.

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

Reported and Recommended by: _____ Natasha Reid
Resource Consents Planner

Decision:

"That the above recommendation be adopted."

Delegated Officer (*Peer Reviewer*): _____ Wayne Gair
Principal Planner – Subdivision

10 PART 2 MATTERS

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

10.1 Section 5-Purpose

Section 5(1) states that the purpose of the Act is to promote the sustainable management of natural and physical resources. It is considered that this proposal represents an efficient use of land.

10.2 Section 6-Matters of National Importance

Section 6 establishes seven matters which must be recognised and provided for by all persons exercising functions and powers under the Act. I consider there are no matters of national importance relevant to this application.

10.3 Section 7-Other Matters

Section 7 establishes eleven matters which all persons exercising functions and powers under the Act shall have particular regard to. Particular regard was had to amenity values (Section 7(c)) in the assessment of environmental effects.

10.4 Section 8-Treaty of Waitangi

I consider the proposal is not in breach of te Tiriti o Waitangi. Consultation was undertaken with a representative of Te Ati Awa ki Whakarongotai who requested that the standard earthworks condition be imposed on any granted resource consent.

10.5 Conclusion on Part 2 matters

Overall, the proposal is consistent with Part 2 matters because it does not compromise these matters.

11 CONDITIONS

As no units of demand are being created by this application, no Reserves Contributions or Development Impact Fees are exigible.

12 CONCLUSION

I consider that the effects of the proposal on the environment will be less than minor and for that reason notification is not required. The site was created for residential development and therefore, development of this nature is to be expected.

13 RECOMMENDATION/DECISION

Decision One

That acting under authority delegated from the Council and pursuant to Section 221(3) of the Resource Management Act 1991 **grant** consent to vary the Consent Notice with respect to **Lot 3 DP 386409 only** as set out below:

Note: the amendments are shown underlined and deletions shown as ~~strike-through~~.

1) "Foundation design and construction for any new building or additions and alterations to a building shall take into account the findings and recommendations within the Report on Subdivision prepared by Cuttriss Consultants Limited and submitted to Council in relation to application No. RM050354 and the additional report prepared in relation to Lot 3 and provided with application No. RM100037. Copies of these reports are available in Council's Office at any time the office is open to the public.

2) "The siting of any dwelling on lot 3 is restricted to ~~those~~ the areas which ~~are~~ is not subject to erosion or inundation by a 1 in 100 year return period storm event. The extent of the permitted house sites is limited to ~~those~~ the parts of the land at an elevation in excess of 3.80 metres above sea level as shown on the Cuttriss Consultants drawing number ~~19171 ENG[A]~~ 20294 EW_A, a copy ~~copies~~ of which is held on file ~~RM050354~~ RM100037 at the office of the Kapiti Coast District Council and is available for inspection at any time the office is open to the public".

Decision Two

That acting under authority delegated from the Council and pursuant to Sections 104 and 104B of the Resource Management Act 1991 **grant** consent for earthworks at 40 Titoki Road, Waikanae subject to the following conditions which were imposed under Section 108 of the Resource Management Act 1991.

Conditions:

Monitoring and Review

1. The consent holder shall notify the Council's Compliance Officer of the start and completion dates of the works in writing 48 hours before the works are carried out. The consent holder shall fill out and return (by fax (04) 2964-830 or by post to Private Bag 601, Paraparaumu) the form that is attached to the decision letter.

2. The consent holder shall pay to the Kapiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and the actual costs of materials or services which may have to be obtained.

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

3. The earthworks shall be carried out in general accordance with the plans titled 'Earthworks Plan Lot 3 DP 386409 40 Titoki Road, Waikanae' drawing No. 20294 EW_A prepared by Cuttriss Consultants Limited dated January 2010 and stamped 'Final Approved Plans 6/04/2010', and the Engineer's Report dated 19 February 2010 by Neil Johnstone and other information lodged with the application RM100037, except where modified by conditions of consent.

Fees

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

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

General Engineering Requirements

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

6. The consent holder shall advise the name of Owner's Representative appointed in terms of Clause B(ii) of part 3 of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005 prior to the commencement of work, but no later than one month from the date of issue of this consent.

Earthworks

7. The consent holder shall submit an earthworks management plan to Council for approval. No works shall commence until the earthworks management plan is approved by the Council in writing. The earthworks management plan shall include:

   - Adequate provision for the control of stormwater run-off and sediments throughout the duration of earthworks such as provision of silt retaining structures to protect bodies of water at the northwest of the property;

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

- Measures to control dusts, windblown sand, soil or other materials that may be blown or transported onto other properties; and

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

- The earthworks shall be undertaken in accordance with the New Zealand standards for construction noise, NZS 6803:1999, Acoustics – Construction Noise. The consent holder shall be responsible for cooperating with the neighbouring community over any noise complaints resulting from the earthworks operation.

8. That any material excavated from below ground for the new building platform site must be recompacted and reused below the existing ground level or removed from the site if unsuitable, to the satisfaction of Council's Stormwater/Coastal Engineer.

9. Should a waahi tapu or other cultural site be unearthed during the earthworks, the consent holder and/or the operator shall:

   (a) cease operations;
   (b) inform local Iwi - Te Ati Awa ki Whakarongotai;
   (c) inform the NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required;
   (d) take appropriate action, after discussion with the NZHPT, Council and Iwi to remedy damage and/or restore the site.

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

10. All batters shall be self-supporting.

11. The consent holder shall not disturb or remove soil support from adjacent lots.

12. Earthfill shall comply with the requirements of the current issue of NZS 4431 Code of Practice for Earthfill for Residential Development.

Construction Noise

13. The earthworks shall be undertaken in accordance with the New Zealand standards for construction noise, NZS 6803:1999, Acoustics – Construction Noise.

14. Earthworks shall be limited to 7am to 6:00pm Mondays to Fridays.

Reinstatement

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

Meeting the Requirements

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

Protection of Vegetation

17. Prior to the commencement of any earthworks, a 4.0m diameter 'clearance zone' shall be observed around each cabbage tree that is located outside of the existing and proposed building platforms. The clearance zones must be partitioned off through temporary measures such as barrier mesh fencing. For the avoidance of doubt, no removal of material or use of any machinery is permitted within these clearance zones.

18. Any material within a 4.0m diameter radius around the cabbage tree that is located adjacent to the existing platform can only be removed manually and without the use of any machinery, and in a manner that protects the root structure of the cabbage tree.

Reasons for Conditions:

- The reason for Conditions 1 and 2 is to ensure that compliance with the conditions of this resource consent is conducted effectively and without cost to the Council.

- The reason for Condition 3 is to ensure that the activity does not go beyond the scope of the application.

- The reason for Conditions 4 to 16 is to ensure compliance with Councils Subdivision and Development Principles and Requirements 2005.

- The reason for Conditions 17 and 18 is to ensure the protection of native vegetation.

Advice Notes:

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

Reasons for Decision:

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

"That the above recommendation be adopted under delegated authority"

Natasha Reid
Resource Consents Planner

Wayne Gair
Principal Planner - Subdivision

7 April 2010



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RESOURCE CONSENT UNDER PART VI OF THE RESOURCE MANAGEMENT ACT 1991

CONSENT NO: RM110036

APPLICANT:	M & B Monk
LOCATION OF ACTIVITY:	32 & 36 Titoki Road, Waikanae (LOT 2 & LOT 4 DP 386409)
DESCRIPTION OF ACTIVITY:	Four lot subdivision and associated earthworks

DECISION:

Granted subject to conditions on 28 March 2011.

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

Decision 1: Subdivision
That the undersigned officers, acting under authority delegated from the Council and pursuant to Sections 104, 104A, and 104B of the Resource Management Act 1991 **grant** consent for a four lot subdivision and associated earthworks of 32 and 36 Titoki Road, Waikanae (Lot 2 and Lot 4 DP 386409) subject to the following conditions which were imposed under Section 108 and 220 of the Resource Management Act 1991.

Decision 2: Variation to Consent Notice
That the undersigned officers acting under authority delegated from the Council and pursuant to Section 221(3) of the Resource Management Act 1991 hereby **grant** consent to **cancel clauses 1 and 2 of consent notice 7810059.5 registered against the certificates of title for Lot 2 DP386409 & Lot 4 DP386409**. A certificate pursuant to Section 221(3) of the Resource Management Act 1991 will be issued to facilitate the cancellation at the time any section 224(c) certificate is issued for the relevant stages of the subdivision.

Conditions:

General

1. The E-Survey data set(s) shall generally conform to the subdivision consent proposal shown on Cuttriss Plan Number 20510 SCH, and stamped "Final Approved Plan" as submitted with application number RM110036 except where modified by conditions of consent.

2. The consent holder shall pay Council Engineering Fees of $526, plus $316 per lot, (total $1,790.00 GST inclusive) for work that may be required for plan approvals, site inspections and consent compliance monitoring prior to the Section 224(c) certification of the subdivision.

Extra fees may apply in accordance with the Engineering Fees Schedule adopted by Council from 1 October 2010.

Note: The current charge out rate is $105.00 (GST inclusive) per hour.

3. Reserves Contributions of 2 x $12,937.50 = **$25,875.00** (inclusive of GST) is payable as two additional allotments will be created. Accordingly, this contribution of $25,875.00 inclusive of GST must be paid prior to certification of the e-survey dataset pursuant to section 224(c) of the Resource Management Act 1991.

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

5. The consent holder shall submit to the Council's Subdivision Engineer for approval, copies of the plans and specifications for the engineering development in accordance with Paragraph 1 of Schedule 1 contained in Part 4 of the Council's Subdivision and Development requirements. No work shall commence until the plans and specifications have been approved by the Council in writing.

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

   - Geotechnical/ Foundations Engineering

7. The consent holder shall provide the Council's Subdivision Engineer with a copy signed by the consent holder's contractor of the Contractor Health and Safety Obligation Form as set out in Appendix 2 of Section 6 of the Council's Health and Safety Manual for those situations where connections are to be made to Council owned existing services or roads.

Soil, Foundation and Earthworks

8. Earthworks shall comply with the requirements of the current issue of NZS 4431, unless otherwise specifically approved by the Council's Subdivision Engineer. At the completion of the earthworks the consent holder shall provide a report and certificates in the form of Appendix A of NZS 4431 and Schedule 2A of NZS 4404 by a suitably qualified person.

   If specifically designed foundations are required in accordance with the Building Act 2004, then the Council will issue a Consent Notice under 221 of the Resource Management Act recording that specifically designed foundations are required.

9. The consent holder shall submit an Earthworks Management Plan (EMP) to the Council's Subdivision Engineer for approval. The EMP generally conforming to Drawing No. 20510 SCH "Proposed Subdivision-Earthworks Lots 2 and 4 DP386409 32 and 36 Titoki Road Waikanae". The EMP shall include measures to control erosion and sediment, dusts and noise generated by earthworks.

- The sediment control devices shall be installed in accordance with the approved erosion and sediment control plan before the start of earthworks. The devices shall be maintained throughout the duration of the work. Note: The consent holder's attention is drawn to the Wellington Regional Council Publication "Erosion and Sediment Control Guidelines for the Wellington Region". Applying the appropriate recommended treatments from this publication is a means of compliance with this condition.

- The consent holder shall control dust, windblown sand, soil, particulates or other materials that may be transported onto other properties. Measures may include: installing fabric fencing, not spread excessively dry soil during windy conditions, spraying water to the soil materials to keep it moist and damp. Note: The consent holder shall not use water from Council water mains for mitigating measures unless specifically approved by the Council.

- The earthworks shall be undertaken in accordance with the New Zealand standards for construction noise, NZS 6803:1999, Acoustics – Construction Noise. The consent holder shall be responsible for cooperating with the neighbouring community over any noise complaints resulting from the earthworks operation.

10. Should a waahi tapu or other cultural site be unearthed during earthworks the operator and/or the consent holder shall :-
    (a) cease operations;
    (b) inform local iwi (Te Runanga o 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 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 NZ Historic Places Trust is required if the site is to be modified in any way.

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

12. All batters shall be self supporting.

Building

13. The minimum elevation of the finished floor level of the building (measured to the underside of the floor joist or to the base of the concrete floor slab) shall be 4.0m metres above mean sea level (Wellington Datum). A consent notice under Section 221 of the Resource Management Act 1991 will be issued by the Council to record these requirements.

Stormwater Disposal

14. The size of cross-section of the ponding area that runs across Lots 2, 3 and 4 shall be kept and maintained to ensure suitable flood flow between Lot 1 and the Waikanae Golf course so as to allow flood storage to occur. The detailed engineering design of the stormwater system to address this requirement shall include calculations to demonstrate the suitability of the proposal. Construction shall be undertaken in accordance with the design.

?? condition 14?

15. Those areas identified as flow paths relative to Condition 17 above shall be indicated on the survey plan and labelled them as "flow path" on each of the affected lots. No post development earthworks, and planting of hedges are to be undertaken within, and no building, structure, fences or part of any building or structure shall be erected on the overflow path. A consent notice under Section 221 of the Resource Management Act 1991 will be issued by the Council to record these requirements within each labelled area as shown on the survey plan.

16. The design of the proposed attenuation pond on Lot 1 shall be capable of accommodating flood storage volume compensatory to the volume of fill for building platforms and access in accordance with the report "Stormwater Concept for Proposed Subdivision – Lots 1-4 Being Proposed Subdivision of Lots 2 and 4 DP 386409, 32 and 36 Titoki Road, Waikanae" prepared by Cuttriss Consultants Limited dated 13 February 2011. The design shall also ensure that any compensatory flood that runs through the existing pond shall flow to the proposed pond.

    Note: The consent holder's attention is drawn to the publications: "So you're thinking about a pond...A guide to the design, management and consent requirements for landowners" of the Greater Wellington Regional Council, "On-Site Stormwater Management Guideline" of the New Zealand Water Environment Research Foundation and Ministry for the Environment" and "TP10 Design Guideline Manual Stormwater Treatment Device" of Auckland Regional Council. Applying the relevant provisions from these publications is a means for achieving compliance with this condition.

Vehicle Access

17. The consent holder shall provide a 3.5-metre wide traffic lane along the right of way (marked "A" in the proposed subdivision Plan Drawing No. 20510 SCH and easement shown as "D" on DP 386409). The accessway (traffic lane) shall be formed, metalled and sealed in accordance with the Council's roading standards. It shall be constructed with a kerb and channel on one side and perimeter nib kerb on the other. An alternative design may be submitted to Council's Subdivision Engineer for approval.

18. The accessway shall be provided with a vehicular passing bay a maximum of 60 metres from the Titoki Road entrance.

19. The right of way and the access from the building platforms to the right of way shall be no lower than R.L. 3.8m AMSL (Wellington Datum).

Water Supply Services

20. The existing 50mmØ rider main shall be replaced with a 100mmØ.

    Note: It is the consent holder's responsibility to confer with the owner of Lot 3 DP386409 regarding the pipe replacement work which may cause temporary interruption of water services.

21. The point of supply layout for Lots 2, 3 and 4 shall conform to Figure 3 Schedule 1 of Water Supply By-law 2010.

22. Lots 2, 3 and 4 shall be provided with a water supply connection in accordance with Council's Plan Change 75. The consent holder or his agent/representative will need to apply to Council's Water and Wastewater Engineer for the new water connection from the Council water main by providing a completed Water Supply Connection/Alteration Form (159). Council requires 20 working days to approve water connection application.

23. The subdivision shall conform to the latest version SNZ PAS 4509 "New Zealand Fire Service Fire Fighting Water Supplies Code of Practice. Where a fire hydrant is required, the consent holder shall apply to Council Water and Wastewater Engineer for the fire protection connection by providing Fire Protection Connection/Alternation Form 160. NB: Council requires 20 working days to approve fire protection connection application.

Wastewater Services

24. Lots 3 and 4 shall each be provided with a separate wastewater connection.

Power and Telecommunication

25. Each lot shall be provided with underground telecommunication and power connections.

Reinstatement of Disturbed Land

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

Easements

27. Easements are required over any rights of way and communal, private and public services where these pass through the lots in the subdivision.

    The Council may require other easements.

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

28. The consent holder shall supply a copy of the E-Survey data set(s) and shall list and indicate how each condition has been met to the satisfaction of the Council.

Advice Notes:

- Under Section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.
- It is the consent holder's responsibility to comply with any conditions imposed on this resource consent prior to and during (as applicable) exercising this resource consent.
- Please note that a resource consent is not a consent to build. A building consent must be issued prior to any building work being undertaken.
- All costs arising from any of the above conditions shall be borne by the consent holder.
- The consent holder should not encroach onto adjacent land owned by others without having first obtained their written consent.
- Contravention of the Land Drainage Act is not permitted and natural drainage patterns are to be preserved.
- The consent holder is required to obtain a building consent before carrying out any alterations to existing services within the lot/s.

- Development Contributions will be required pursuant to Section 198 of the Local Government Act 2002 and the 01 October 2010 Council's Development Contribution Policy when creating new allotments. The contributions will be calculated and levied for each additional allotment created by this resource consent in accordance with the fees that apply at the time consent is granted. The fees are listed below:

Items	Fees including 15% GST(NZD)
Water supply	2,784.15
Sewerage	1,237.40
Community Facilities	4,693.15
Roads/CWB	1,909.00
Flood Mitigation works	794.65
Total	$11,418.35

There are two additional allotments created by this Resource Consent and therefore a total of **$22,836.70** (2 x $11,418.35) is required.

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

Reasons for Decision:

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

Mike Yu
Resource Consents Planner

28 March 2011

KAPITI COAST DISTRICT COUNCIL
NOTIFICATION & SECTION 104 DECISION REPORT

Applicant:	M & B Monk
Site Address:	32 & 36 Titoki Road, Waikanae
Legal Description:	LOT 2 & LOT 4 DP 386409 C/T 345891 & C/T 345893
Site Area:	2,927 square metres (Lot 2) & 8,629 square metres (Lot 4)
Proposal:	Four lot subdivision and associated earthworks
Land Owner:	M J A & B D Monk
Zone:	Residential
Activity Status:	Discretionary

Report prepared by: Mike Yu, Resource Consents Planner
Report peer reviewed by: Colin Bridges, Senior Resource Consents Planner

1. PREAMBLE

This report provides an analysis of the resource management issues relating to notification status and the Council's Section 104 decision for the activity proposed under resource consent application RM110036.

2. SITE AND SURROUNDING ENVIRONMENT

2.1 Site Description



Photo 1 – aerial photograph of the subject allotments (highlighted in red)

The applicant has described the site as follows –

"Legal Description

No. 32 Titoki Road is legally described as Lot 2 DP 386409. The property is held within certificate of title 345891.

The title shows that the land is subject to S308(4)(4)(6) Local Government Act 1974 as well as S243(c) Resource Management Act. These encumbrances are both of a historic nature relating to the previous subdivision and will not affect the undertaking of the proposed earthworks or completion of the proposed subdivision. The covenants on the title relate to the protection of the view corridor in the adjacent Lot 3 DP 386409, and a fencing covenant. These will have no effect on the proposal.

No. 36 Titoki Road is legally described as Lot 4 DP 386409 and is held within certificate of title 345893. there are no encumbrances upon this title that affect the undertaking of the proposed earthworks or completion of the proposed subdivision.

Both lots are subject to consent notice CONO7810059.5 which is attached. This relates to minimum floor levels of any buildings to be constructed on site.

Physical Description

The site is located at the northern end of Titoki Road in Waikanae. The Waikanae golf course abuts the eastern boundary of Lot 4 DP 386409. The majority of the surrounding properties are residential sections.

The existing dwelling within Lot 2 DP 386409 is located within the south-western corner. This lot also contains a small pond which is used to dispose of the stormwater runoff generated by the existing lots.

During the previous subdivision, a 700 square metre flood free building platform was constructed. This is approximately 2 metres above the surrounding low-lying land. A driveway was formed up to the level of the building platform. There is also a sand mound along the north-eastern boundary which at its highest point is approximately 3 metres higher than the surrounding land.

The remainder of the site is low lying grassed land with several native and exotic trees. The soil is sand based, however due to the low lying nature of the site, is prone to ponding."

After conducting a site visit, it is considered this description is generally accurate.

2.2 Immediate Environment

The site adjoins a large residential property to the north-west, a large residential property to the north-east, a large residential property to the south-west and adjoins a golf course to the south-east.

2.3 Surrounding Environment

The broader surrounding area presents the aesthetics of a typical residential zone with medium to large sized residential properties predominantly consisting of one dwelling per lot.



Photo 2 – view of existing dwelling from south-eastern portion of the site



Photo 3 – view of pond looking from the southern portion of the site towards the north



Photo 4 – view towards the eastern portion of the site

2.4 Written Approvals

The applicant has not provided any written approvals with the proposal.

2.5 Consent History

RM050354 – four lot subdivision which created the subject allotments.

RM010322 – earthworks to form a building platform.

3. THE PROPOSAL

3.1 Description of Proposal

The applicant proposes to carry out a four lot subdivision comprising of two existing allotments being 32 and 36 Titoki Road, Waikanae (Lot 2 & Lot 4 DP 386409).

Proposed Lot 1 will contain the existing dwelling and pond. It will also house a new pond for stormwater detention purposes for the subdivision Proposed Lot 1 will be 7,375 square metres in area.

Proposed Lot 2 will be 1,422 square metres in area and will have a building platform of 4.15m above mean sea level (AMSL). It will be accessed via a right of way marked 'Driveway A' on the proposed scheme plan.

Proposed Lot 3 will be 1,210 square metres in area, with a building platform of 4.1m AMSL. As per Lots 2 and 4, it will be accessed via a right of way marked 'Driveway A' on the proposed scheme plan.

Proposed Lot 4 will be 1,549 square metres in area and will contain a building platform of 4.15 m AMSL. It will also be accessed off the right of way marked 'Driveway A' on the proposed scheme plan.

'Driveway A' will be vested within the boundaries of Proposed Lot 1.

In order to establish the finished building platforms and driveway to proposed Lots 2 – 4 and for the new pond within proposed Lot 1, earthworks including 1,610 cubic metres of cut (340 cubic metres for building platforms and 1,270 cubic metres for the new pond), and 1,169 cubic metres of fill are required. The maximum depth of fill will be 1.4 metres in height while the maximum depth of cut will be 1.8 metres.

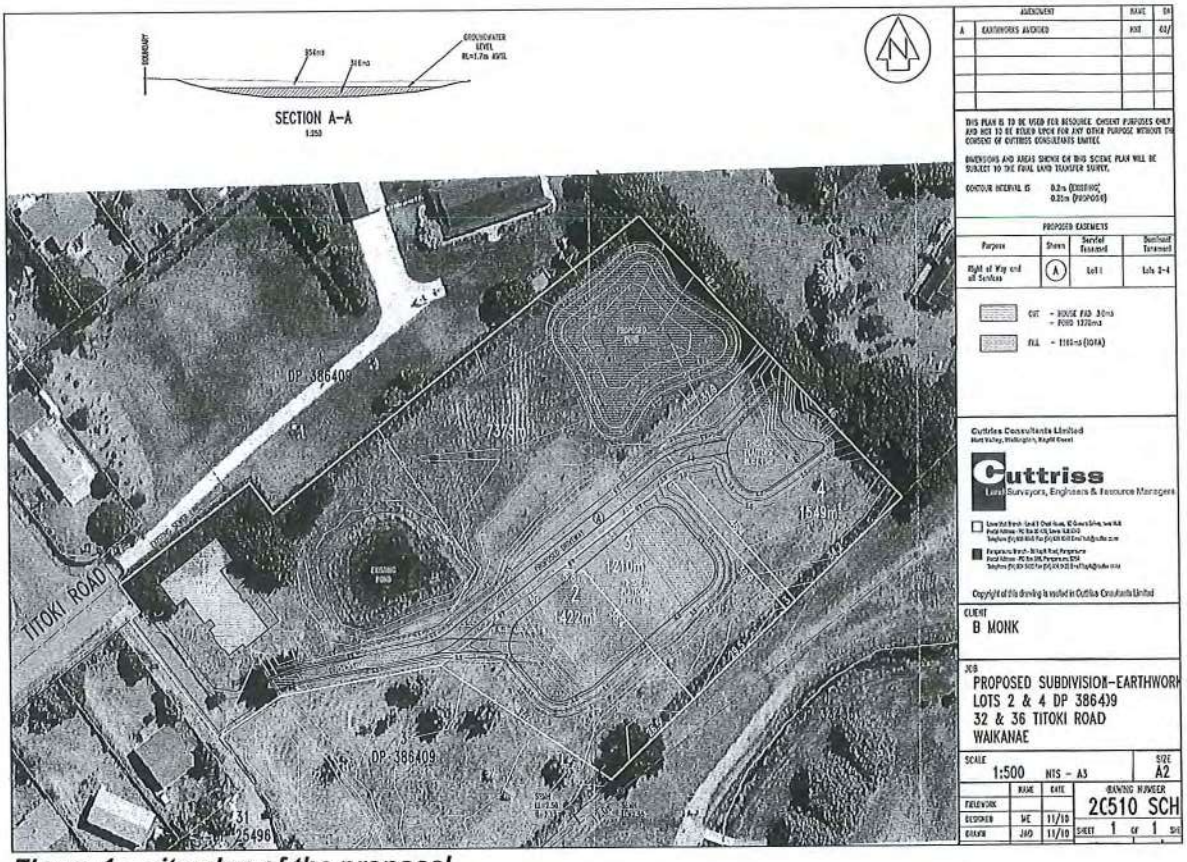


Figure 1 – site plan of the proposal

3.2 Applicant's Assessment of Effects

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

4. DISTRICT PLAN PROVISIONS

4.1 Kapiti Coast District Plan

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

4.2 Zoning and Overlays

The property is zoned Residential under the Kapiti Coast District Plan. A large portion of the application site consisting of both numbers 32 and 36 is shown to be within a ponding area in the District Plan and Council's latest flood hazards information maps. A small portion of the western corner of number 32 is outside of a ponding area and a small portion of the middle of number 36 is also outside of the ponding area.

4.3 Relevant Rules and Standards

The Rules and Standards that apply to this application are:

D.1 Residential zone rules and standards

D.1.1 Residential zone rules

D.1.1.2 Controlled activities

Subdivision (including boundary adjustments) where:

- Public roads, public water supply systems, sanitary drainage systems and surface water drainage systems are available to serve the subdivision.
- All the controlled activity standards for subdivision are complied with (refer to D.1.2.2), including any additional controlled activity standards for subdivision attached as notations to structure plans. Where the zone standards and standards attached as notations differ, the notations will take precedence.

The matters over which Council reserves control are:

- The design and layout of the subdivision including earthworks and the degree of compliance with the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005.
- The installation of water saving devices to land rezoned from rural to residential from 1 July 2002.
- The imposition of financial contributions in accordance with Part E of this Plan.
- The imposition of conditions in accordance with Section 220 of the Resource Management Act.

D.1.2 Residential zone standards

D.1.2.2 Controlled activity standards

SUBDIVISION

(i) Density - Minimum Lot Area Requirements

- *Sewered Land*

Front Lots	$450m^2$
Rear Lots	$550m^2$ (exclusive of access)

In addition, where the land to be subdivided is greater than $3,000m^2$ in size:

Front Lots -
At least 50% of total lots shall be $550m^2$ in size
At least 25% of total lots shall be $700m^2$ in size
Rear Lots -

At least 50% of total lots shall be 650m^2 in size (exclusive of access)
At least 25% of total lots shall be 800m^2 in size (exclusive of access)

(ii) Shape Factor

Each lot (except for network utilities) shall be capable of accommodating an 18 metre diameter circle.

(iii) Dwellings Per Lot

1 dwelling per minimum lot area as in (i) above and 1 family flat of no greater than 50m^2.

(iv) Minimum Frontage - Front Lot

6 metres.

(v) Access (this does not include family flats)

The maximum number of sites served by rights of way or access lot (ie without road frontage) shall be 6.

The minimum width of the access shall be :

Number of Sites	Minimum Access Width (metres)
1	3.0 (3.5 adjacent to State Highway)
2 to 3	4.0
4 to 6	6.0

(viii) Building Sites

Each lot shall have a suitable building site located outside of the Flood Erosion area as shown on the District Plan Districtwide and Urban Zone Planning Maps and above the estimated 1 in 100 year flood event. All-weather access should not adversely affect the flood hazard.

(xii) Parking and Access

Compliance with Parking, Loading and Access provisions of Part J of this Plan.

(xiii) Stormwater Control

Surface water drains shall be of sufficient size for the full future development of the land within the affected catchment.

(xiv) Underground Services

Where any subdivision of land involves the construction of a new street or the extension of an existing street the Developer shall, as a condition of subdivision consent, make provision for the underground reticulation of all electric, gas and telecommunication services to the land in the subdivision

(xv) Effluent Disposal

Where subdivision occurs on land that is not serviced by an existing community sewage system, it shall be demonstrated in terms of AS/NZS 1547:2000 "On Site Domestic Wastewater Management" that on–site domestic effluent disposal is suitable for each proposed lot or multiple lots.

Note: Any discharge into land, air or waterbodies may require a resource consent from the Wellington Regional Council. Applicants should contact the Regional Council to confirm whether or not a consent is required.

(xvi) Water Conservation

Where subdivision occurs in the 'Waikanae Golf Residential Area'

- Public water supply be limited to a maximum of 1000 litres per property per day;
- Rain storage tanks shall be installed on each property for non-potable uses, such as for toilets and garden irrigation (minimum 3000 litres per household

D.1.1.3 Discretionary Activities

(B) The following are Discretionary Activities

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

D.1.2.1 Permitted Activity Standards

EARTHWORKS

The following standards apply when carrying out earthworks for any activity such as constructing new buildings and relocating buildings, building roads and access ways to building site, subdivision lots, parks and parking areas. These standards do not apply, however, to road maintenance activities within the legal road and activities associated with maintenance of a watercourse or stormwater control.

(i) Earthworks shall not be undertaken:

- On slopes of more than 28 degrees.
- Within 20 metres of a waterbody, including wetlands and coastal water, except cultivation of a field or domestic gardening. This standard shall also not apply to activities associated with maintenance of the watercourse or stormwater control.
- Within overflow or residual overflow paths.
- Within fill control areas unless provision is made to drain the total sub catchment contributing to the flood control area and that the stormwater can be drained in less than four hours.

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

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

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

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

Should a waahi tapu or other cultural site be unearthed during earthworks the operator and/or owner shall:

a) Cease operations;
b) Inform local iwi;
c) Inform the NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required;
d) Take appropriate action, after discussing with NZHPT, Council and Tangata Whenua, to remedy damage and/or restore the site.

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

4.4 Activity Status

Subdivision

The proposed subdivision is a controlled activity under Rule D.1.1.2 of the District Plan as the subdivision complies with the controlled activity standards as set out in D.1.2.2.

Earthworks

The proposed earthworks associated with the subdivision are a discretionary activity under Rule D.1.1.3.B (i).

The application has discretionary status because it does not comply with the Permitted activity standards rule D.1.2.1 for Earthworks for the following reasons –

- The earthworks will consist of cuts and fill of greater than 1 metre in height; and
- The volume of earthworks will exceed 50 cubic metres.

4.5 Relevant Objectives and Policies

C.1 RESIDENTIAL ZONE

C.1.1 Objectives & Policies

Objective 1.0 - General

Ensure that the low density, quiet character of the district's residential environments is maintained and that adverse effects on the amenity values that constitute this character and make the residential environments safe, pleasant and healthy places for residents are avoided, remedied or mitigated.

Policy 1 - Amenity Values

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

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

Policy 2 – Natural Environment

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

C.7 SUBDIVISION AND DEVELOPMENT

C.7.1 Residential Subdivision

OBJECTIVE 1.0 – DENSITY

Ensure that except for higher density development at appropriate locations, subdivision and development maintains and enhances the low density environmental character and associated amenity values of residential areas and avoids or minimises adverse impacts on the natural and physical environment.

Policy 1 – Low Density Character

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

OBJECTIVE 2.0 – ECOSYSTEMS

The pattern of subdivision provides for the healthy functioning of ecosystems throughout the District and protects the remaining flora, fauna and habitats.

Policy 1 – Natural Environment

Ensure that subdivision avoids adverse effects on the natural features (including landscapes and ecosystems) which contribute to the Kapiti Coast's natural environment.

5. RELEVANT NATIONAL ENVIRONMENTAL STANDARDS

There are no National Environmental Standards that are relevant to this application.

6. RELEVANT NATIONAL POLICY STATEMENTS

There are no National Policy Statements that are relevant to this application.

7. RELEVANT STATUTORY PROVISIONS

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

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

95B Limited notification of consent application

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

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

95E Consent authority decides if person is affected person

95F Consent authority decides if person is affected order holder

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

104 Consideration of applications

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to–

(a) any actual and potential effects on the environment of allowing the activity; and

(b) any relevant provisions of—

(i) a national environmental standard:

(ii) other regulations:

(iii) a national policy statement:

(iv) a New Zealand coastal policy statement:

(v) a regional policy statement or proposed regional policy statement:

(vi) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

(2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

(2A) When considering an application affected by section 124, the consent authority must have regard to the value of the investment of the existing consent holder.

(3) A consent authority must not,—

(a) when considering an application, have regard to—

(i) trade competition or the effects of trade competition; or

(ii) any effect on a person who has given written approval to the application:

(c) grant a resource consent contrary to—

(i) section 107, 107A, 107E, or 217:

(ii) an Order in Council in force under section 152:

(iii) any regulations:

(iv) a Gazette notice referred to in section 26(1), (2), and (5) of the Foreshore and Seabed Act 2004:

(d) grant a resource consent if the application should have been notified and was not.

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

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

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

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

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

104A Determination of applications for controlled activities

Section 104A states that after considering an application for a resource consent for a controlled activity, a consent authority-

(a) Must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a controlled activity; and

(a) may impose conditions on the consent under section 108 only for those matters –

(i) over which control is reserved I national environmental standards or other regulations; or

(ii) over which it has reserved its control in its plan or proposed plan.

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

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

(a) May grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.

8. SECTION 104 ASSESSMENT

8.1 Adequacy of information

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

The applicant has supplied sufficient information with the application.

8.2 Actual or potential effects on the environment

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

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

Subdivision

The proposed subdivision complies with the minimum allotment sizes in accordance with the Controlled Activity Standards as specified under rule D.1.2.2 of the District Plan. The proposed subdivision also complies with all other relevant rules under D.1.2.2 including shape factor, access, and building site (the proposed earthworks will create the necessary flood free building platforms).

The proposed subdivision will create land parcels that comply and exceed the minimum allotment size required for subdivision being between 1,210 square metres to 7,375 square metres. This will not detract from the amenity of the surrounding area as the underlying zoning of the subject site is Residential and the proposal is at a lower density than what is anticipated by the District Plan.

The proposed subdivision will have a less than minor visual effect when viewed from Titoki Road and from all surrounding properties as the subdivision will create large allotments and will not give a clustered visual appearance.

All buildings on site will be able to comply with the relevant provisions of the District Plan as a result of the subdivision including yard setbacks, coverage, and height in relation to boundary requirements. This is because the lots are of a sufficient size to accommodate a typically sized dwelling.

All servicing aspects of the subdivision including wastewater, water, stormwater and access have been assessed by Council's Subdivision Engineer and are all addressed by the engineering conditions attached to the subject consent.

It is noted that there is one existing consent notice 7810059.5 registered against the title of the application allotments (Lots 2 and 4 DP 386409) dated 9 May 2008. This consent notice addresses the ponding on site and specifies a minimum building height and location for new dwellings (at 3.8 metres AMSL). The consent notice also requires specific foundation designs. Although all proposed Lots are within a ponding area in almost their entirety, earthworks are proposed as part of the application to establish building platforms for Lots 2 to 4 which will be clear of the 1 in 100 year flood level (at 4.15 metres AMSL); this is conditioned as part of the subject consent accordingly. The application is therefore considered to be in accordance with the existing consent notice as it complies with the relevant clauses.

Earthworks

The proposed earthworks are for the purpose of establishing new building platforms for Lots 2 to 4 which will be above the 1 in 100 year flood level. The provision of building sites

clear of the 1 in 100 year flood levels is a requirement of the District Plan under standard D.1.2.2, and therefore the proposed earthworks are integral to the development.

The proposed fill areas will be within Lots 2 to 4 and within Lot 1 to raise a proposed right of way for Lots 2 to 4. The fill will be up to 1.4 metres in height to achieve a building platform of 4.1 metres AMSL. This will clear the 1 in 100 year flood levels for the subject site which is at 3.8 metres AMSL.

In order to compensate for the proposed fill in a ponding area and for stormwater detention, cutting is proposed in the northern corner of the site at a depth of up to 1.4 metres in depth with the total volume of cut being approximately 1,270 cubic metres. The cut will be in close-proximity to the north-western and north-eastern boundaries. The ground levels will not be altered at the boundaries. The effects of the earthworks on the adjacent properties are considered to be less than minor as the cut depths in close-proximity to the boundaries (less than 1 metre in depth within approximately 4 metres of the boundaries) are relatively minor and unlikely to be discernible from the abutting properties.

The 1,169 cubic metres of fill required for the building platforms and driveway will be sourced from the cuts on site and the excess cut material will be taken off site and disposed of at an approved clean fill. Truck movements exiting and entering the site are considered to be minimal as all fill material will be sourced on site while a small portion will be transported off site.

Council's Engineers have reviewed the subject application and recommended a series of earthworks conditions to ensure that the earthworks are completed in an appropriate manner so as to avoid adverse effects on the environment. This includes requiring the consent holder to submit an earthworks management plan to Council prior to commencement of the works incorporating re-vegetation, sedimentation, dust, vibration and noise controls. The engineers have also included conditions to ensure that the structural integrity of neighbouring properties is not undermined by the proposed earthworks.

The visual effects of the earthworks on the streetscape will be less than minor as they will not be visually prominent when viewed from the road. The legal road ends outside the driveway of the subject site and the earthworks will take place in the rear yard and so will not be visually intrusive.

The volume of earthworks proposed and the cut and fill levels are considered less than minor when compared with the size of the overall site and its mildly undulating nature. With the mitigation measures conditioned as part of the subject consent, the visual effects of the earthworks on the streetscape and both the wider and immediate surrounding areas will therefore be less than minor.

In light of the above, the amenity effects of the earthworks is considered to have a less than minor effect on the neighbouring properties and general locality.

Financial Contributions

As the proposed development will create two additional allotments, financial contributions in the form of reserves and development contributions will be required. These are attached in the conditions and advice notes respectively.

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

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

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

The only document which is listed above and is relevant to this proposal is the Kapiti Coast District Plan (section 104(1)(b)(vi)). The assessment in this respect is contained in section 8.2 above.

8.4 Other relevant matters

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

The intent and aspirations of the community as expressed through the Long Term Council Community Plan have also been taken into account in the consideration of this proposal.

9. NOTIFICATION DECISION

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

9.1 Public Notification Decision

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

1. The applicant did not request that the application be publicly notified;
2. A rule or national environmental standard does not require public notification of the application;
3. The effects of the activity will be less than minor, for the reasons discussed below under the heading "Assessment of Environmental Effects";

4. Special circumstances do not exist in relation to the application that requires it to be notified; and
5. Council has not exercised its discretion to publicly notify the application;

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

Reported and Recommended by: _____ Mike Yu
Resource Consents Planner

Decision:
"That the above recommendation be adopted."

Delegated Officer (*Peer Reviewer*): _____ Colin Bridges
Senior Resource Consents Planner

9.2 Limited Notification Decision

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

1. There are no affected persons.

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

Reported and Recommended by: _____ Mike Yu
Resource Consents Planner

Decision:
"That the above recommendation be adopted."

Delegated Officer (*Peer Reviewer*): _____ Colin Bridges
Senior Resource Consents Planner

10. PART 2 MATTERS

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

10.1 Section 5-Purpose

Section 5(1) states that the purpose of the Act is to promote the sustainable management of natural and physical resources. The proposal is considered consistent with the purpose of the RMA as the site will be utilised and developed in a sustainable manner.

10.2 Section 6-Matters of National Importance

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

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

10.3 Section 7-Other Matters

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

In terms of other matters which shall be given particular regard, as already discussed in the Assessment of Effects section of this report, the following matters have been included in the consideration of this application:

(b) the efficient use and development of natural and physical resources.
(c) the maintenance and enhancement of amenity values.
(f) maintenance and enhancement of the quality of the environment.

10.4 Section 8-Treaty of Waitangi

This proposal is considered to be in accordance with the principles of te Tiriti o Waitangi.

10.5 Conclusion on Part 2 matters

Overall, the proposal is consistent with Part 2 matters as it allows for a suitable utilisation of a residential property.

11. CONDITIONS

As the proposal will create two additional allotments, the proposal triggers the requirement for two reserves contributions.

The lowest valuation of the Lots is Lot 3 at $190,000, and Lot 2's valuation is at $195,000. Council's Development Impact Fees policy has stated that where non-rural land is subdivided, reserve contributions are set at a percentage of the market value of each additional lot created plus GST, with land value capped at $150,000 per lot. These percentages are 7.5% for the residential and open space zones and 10% for other zones.

In this case, the reserves contribution shall be 2 x $12,937.50, which is $25,875.00 GST inclusive.

Two sets of development contributions are also payable to this application as two new vacant allotments are being created. This is set out in the 'Advice Notes' section of the subject report.

12. CONCLUSION

The proposed subdivision will comply with all relevant controlled activity standards of the District Plan. The new lots are greater in area than the minimum allotment size requirements and will not detract from the amenity of the surrounding residential area.

The proposed earthworks are of a scale that is less than minor in comparison to the size and topography of the site. Conditions can be used to ensure that the works do not exceed the scope of the proposal.

Overall, the proposal is not contrary to the objectives and policies of the District Plan and the effects are considered less than minor.

13. RECOMMENDATION/DECISION

Decision 1: Subdivision

That the undersigned officers, acting under authority delegated from the Council and pursuant to Sections 104, 104A, and 104B of the Resource Management Act 1991 **grant** consent for a four lot subdivision and associated earthworks of 32 and 36 Titoki Road, Waikanae (Lot 2 and Lot 4 DP 386409) subject to the following conditions which were imposed under Section 108 and 220 of the Resource Management Act 1991.

Decision 2: Variation to Consent Notice

That the undersigned officers acting under authority delegated from the Council and pursuant to Section 221(3) of the Resource Management Act 1991 hereby **grant** consent to **cancel clauses 1 and 2 of consent notice 7810059.5 registered against the certificates of title for Lot 2 DP386409 & Lot 4 DP386409**. A certificate pursuant to Section 221(3) of the Resource Management Act 1991 will be issued to facilitate the cancellation at the time any section 224(c) certificate is issued for the relevant stages of the subdivision.

Conditions:

General

1. The E-Survey data set(s) shall generally conform to the subdivision consent proposal shown on Cuttriss Plan Number 20510 SCH, and stamped "Final Approved Plan" as submitted with application number RM110036 except where modified by conditions of consent.

2. The consent holder shall pay Council Engineering Fees of $526, plus $316 per lot, (total $1,790.00 GST inclusive) for work that may be required for plan approvals, site inspections and consent compliance monitoring prior to the Section 224(c) certification of the subdivision.

   Extra fees may apply in accordance with the Engineering Fees Schedule adopted by Council from 1 October 2010.

   Note: The current charge out rate is $105.00 (GST inclusive) per hour.

3. Reserves Contributions of 2 x $12,937.50 = **$25,875.00** (inclusive of GST) is payable as two additional allotments will be created. Accordingly, this contribution of $25,875.00 inclusive of GST must be paid prior to certification of the e-survey dataset pursuant to section 224(c) of the Resource Management Act 1991.

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

5. The consent holder shall submit to the Council's Subdivision Engineer for approval, copies of the plans and specifications for the engineering development in accordance with Paragraph 1 of Schedule 1 contained in Part 4 of the Council's Subdivision and Development requirements. No work shall commence until the plans and specifications have been approved by the Council in writing.

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

   - Geotechnical/ Foundations Engineering

7. The consent holder shall provide the Council's Subdivision Engineer with a copy signed by the consent holder's contractor of the Contractor Health and Safety Obligation Form as set out in Appendix 2 of Section 6 of the Council's Health and Safety Manual for those situations where connections are to be made to Council owned existing services or roads.

Soil, Foundation and Earthworks

8. Earthworks shall comply with the requirements of the current issue of NZS 4431, unless otherwise specifically approved by the Council's Subdivision Engineer. At the completion of the earthworks the consent holder shall provide a report and certificates

in the form of Appendix A of NZS 4431 and Schedule 2A of NZS 4404 by a suitably qualified person.

If specifically designed foundations are required in accordance with the Building Act 2004, then the Council will issue a Consent Notice under 221 of the Resource Management Act recording that specifically designed foundations are required.

9. The consent holder shall submit an Earthworks Management Plan (EMP) to the Council's Subdivision Engineer for approval. The EMP generally conforming to Drawing No. 20510 SCH "Proposed Subdivision-Earthworks Lots 2 and 4 DP386409 32 and 36 Titoki Road Waikanae". The EMP shall include measures to control erosion and sediment, dusts and noise generated by earthworks.

    - The sediment control devices shall be installed in accordance with the approved erosion and sediment control plan before the start of earthworks. The devices shall be maintained throughout the duration of the work. Note: The consent holder's attention is drawn to the Wellington Regional Council Publication "Erosion and Sediment Control Guidelines for the Wellington Region". Applying the appropriate recommended treatments from this publication is a means of compliance with this condition.

    - The consent holder shall control dust, windblown sand, soil, particulates or other materials that may be transported onto other properties. Measures may include: installing fabric fencing, not spread excessively dry soil during windy conditions, spraying water to the soil materials to keep it moist and damp. Note: The consent holder shall not use water from Council water mains for mitigating measures unless specifically approved by the Council.

    - The earthworks shall be undertaken in accordance with the New Zealand standards for construction noise, NZS 6803:1999, Acoustics – Construction Noise. The consent holder shall be responsible for cooperating with the neighbouring community over any noise complaints resulting from the earthworks operation.

10. Should a waahi tapu or other cultural site be unearthed during earthworks the operator and/or the consent holder shall :-
    (a) cease operations;
    (b) inform local iwi (Te Runanga o 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 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 NZ Historic Places Trust is required if the site is to be modified in any way.

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

12. All batters shall be self supporting.

Building

13. The minimum elevation of the finished floor level of the building (measured to the underside of the floor joist or to the base of the concrete floor slab) shall be 4.0m metres above mean sea level (Wellington Datum). A consent notice under Section 221

of the Resource Management Act 1991 will be issued by the Council to record these requirements.

Stormwater Disposal

14. The size of cross-section of the ponding area that runs across Lots 2, 3 and 4 shall be kept and maintained to ensure suitable flood flow between Lot 1 and the Waikanae Golf course so as to allow flood storage to occur. The detailed engineering design of the stormwater system to address this requirement shall include calculations to demonstrate the suitability of the proposal. Construction shall be undertaken in accordance with the design.

15. Those areas identified as flow paths relative to Condition 17 above shall be indicated on the survey plan and labelled them as "flow path" on each of the affected lots. No post development earthworks, and planting of hedges are to be undertaken within, and no building, structure, fences or part of any building or structure shall be erected on the overflow path. A consent notice under Section 221 of the Resource Management Act 1991 will be issued by the Council to record these requirements within each labelled area as shown on the survey plan.

16. The design of the proposed attenuation pond on Lot 1 shall be capable of accommodating flood storage volume compensatory to the volume of fill for building platforms and access in accordance with the report "Stormwater Concept for Proposed Subdivision – Lots 1-4 Being Proposed Subdivision of Lots 2 and 4 DP 386409, 32 and 36 Titoki Road, Waikanae" prepared by Cuttriss Consultants Limited dated 13 February 2011. The design shall also ensure that any compensatory flood that runs through the existing pond shall flow to the proposed pond.

    Note: The consent holder's attention is drawn to the publications: "So you're thinking about a pond...A guide to the design, management and consent requirements for landowners" of the Greater Wellington Regional Council, "On-Site Stormwater Management Guideline" of the New Zealand Water Environment Research Foundation and Ministry for the Environment" and "TP10 Design Guideline Manual Stormwater Treatment Device" of Auckland Regional Council. Applying the relevant provisions from these publications is a means for achieving compliance with this condition.

Vehicle Access

17. The consent holder shall provide a 3.5-metre wide traffic lane along the right of way (marked "A" in the proposed subdivision Plan Drawing No. 20510 SCH and easement shown as "D" on DP 386409). The accessway (traffic lane) shall be formed, metalled and sealed in accordance with the Council's roading standards. It shall be constructed with a kerb and channel on one side and perimeter nib kerb on the other. An alternative design may be submitted to Council's Subdivision Engineer for approval.

18. The accessway shall be provided with a vehicular passing bay a maximum of 60 metres from the Titoki Road entrance.

19. The right of way and the access from the building platforms to the right of way shall be no lower than R.L. 3.8m AMSL (Wellington Datum).

Water Supply Services

20. The existing 50mmØ rider main shall be replaced with a 100mmØ.

    Note: It is the consent holder's responsibility to confer with the owner of Lot 3 DP386409 regarding the pipe replacement work which may cause temporary interruption of water services.

21. The point of supply layout for Lots 2, 3 and 4 shall conform to Figure 3 Schedule 1 of Water Supply By-law 2010.

22. Lots 2, 3 and 4 shall be provided with a water supply connection in accordance with Council's Plan Change 75. The consent holder or his agent/representative will need to apply to Council's Water and Wastewater Engineer for the new water connection from the Council water main by providing a completed Water Supply Connection/Alteration Form (159). Council requires 20 working days to approve water connection application.

23. The subdivision shall conform to the latest version SNZ PAS 4509 "New Zealand Fire Service Fire Fighting Water Supplies Code of Practice. Where a fire hydrant is required, the consent holder shall apply to Council Water and Wastewater Engineer for the fire protection connection by providing Fire Protection Connection/Alternation Form 160. NB: Council requires 20 working days to approve fire protection connection application.

Wastewater Services

24. Lots 3 and 4 shall each be provided with a separate wastewater connection.

Power and Telecommunication

25. Each lot shall be provided with underground telecommunication and power connections.

Reinstatement of Disturbed Land

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

Easements

27. Easements are required over any rights of way and communal, private and public services where these pass through the lots in the subdivision.

    The Council may require other easements.

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

28. The consent holder shall supply a copy of the E-Survey data set(s) and shall list and indicate how each condition has been met to the satisfaction of the Council.

Advice Notes:

- Under Section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.

- It is the consent holder's responsibility to comply with any conditions imposed on this resource consent prior to and during (as applicable) exercising this resource consent.

- Please note that a resource consent is not a consent to build. A building consent must be issued prior to any building work being undertaken.

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

- The consent holder should not encroach onto adjacent land owned by others without having first obtained their written consent.

- Contravention of the Land Drainage Act is not permitted and natural drainage patterns are to be preserved.

- The consent holder is required to obtain a building consent before carrying out any alterations to existing services within the lot/s.

- Development Contributions will be required pursuant to Section 198 of the Local Government Act 2002 and the 01 October 2010 Council's Development Contribution Policy when creating new allotments. The contributions will be calculated and levied for each additional allotment created by this resource consent in accordance with the fees that apply at the time consent is granted. The fees are listed below:

Items	Fees including 15% GST(NZD)
Water supply	2,784.15
Sewerage	1,237.40
Community Facilities	4,693.15
Roads/CWB	1,909.00
Flood Mitigation works	794.65
Total	$11,418.35

There are two additional allotments created by this Resource Consent and therefore a total of **$22,836.70** (2 x $11,418.35) is required.

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

Reasons for Decision:

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

"That the above recommendation be adopted under delegated authority"

Mike Yu
Resource Consents Planner

Date: 28/03/2011

Colin Bridges
Senior Resource Consents Planner

Date: 28-03-11

30 July 2010

KAPITI COAST DISTRICT COUNCIL
NOTIFICATION & SECTION 104 DECISION REPORT

Applicant:	B J Prince
Site Address:	40 Titoki Road, Waikanae
Legal Description:	LOT 3 DP 386409 C/T 345892
Site Area:	3603m2
Applicant's Address for Service:	Cuttriss Consultants Ltd, PO Box 386, Paraparaumu
Proposal:	Section 127 application to change Condition 3 and to add an advice note to RM100037.
Land Owner:	Barrington John Prince
Zone:	Residential Zone (ponding)
Activity Status:	Discretionary Activity

Report written by: Vijay Soma, Resource Consents Planner
Report Recommended by: Ross Goodman, Resource Consents Planner
Report peer reviewed by: Colin Bridges, Principal Planner Land Use

Date consent application received: 13 July 2010

Further information requested: N/A

Further information received: N/A

1. PREAMBLE

This report provides an analysis of the resource management issues relating to notification status and the Council's Section 104 decision for the activity proposed under resource consent application RM100124.

2. SITE AND SURROUNDING ENVIRONMENT

2.1 Site Description

The subject site is zoned residential is approximately 3603m^2 in area, it currently has a dwelling under construction (see Photo 1 below). The site has been gradually flattened out with the approved earthworks that have been undertaken.

The property adjoins the Waikanae golf course to the east and residential properties to the south, north and west as illustrated in *Map 1* below. Mature vegetation aligns the southern and eastern boundaries and a few cabbage trees are scattered throughout the property. Although earthworks have been undertaken the District Plan still identifies the property as being subject to ponding.

The property has a land covenant registered against the certificate of title. This covenant refers to an area along the north property boundary in which no buildings may be erected.



Map 1: Subject Site and Surrounds

The property known as No. 32 Titoki Road, adjoins the subject site to the north-west as per Map 1 above. This property currently contains a single storey dwelling that was recently constructed. No. 32 Titoki Road shares the existing right-of-way with No. 40 Titoki Road that provides vehicle access to both properties (as per Map 1 above). No. 36 Titoki Road is currently vacant.



Photo 1: The dwelling under construction. The location of the new driveway will shape either side of the dwelling. In the foreground the cabbage tree to be retained is fenced off.



Photo 2: Looking from the right-of-way at the new location in which the driveway will access the subject site.

2.2 Written Approvals

No written approvals were submitted with the application.

2.3 Consent History

RM050354 - The subject property was created via subdivision in 2005 under RM050354. A consent notice pursuant to Section 221 of the Act was registered on the title and contained two conditions. The first was regarding foundation design and construction for any new buildings. The second condition restricted the siting of any dwelling to those areas as per the approved drawing by Cuttriss Consultants Ltd 19171 Eng^{A}, a copy of which is held on file RM050354.

RM090169 - September 2009, application received for a commercial activity (bed and breakfast). The bed and breakfast is to operate within a proposed dwelling to be located outside of the building site approved under RM050354. Council deemed in January 2010 that it was inappropriate to consider the bed and breakfast application unless the proposed building site was supported by relevant ground testing results and earthworks calculations to ensure hydraulic neutrality. The applicant was advised that such testing and calculations must to be undertaken by a chartered civil engineer with experience in these matters and then submitted as an application to Council for earthworks and a variation to the consent notice.

RM100037 – In April 2010 Council granted land use consent for earthworks to allow the formation of a building platform on the subject site. As a result of the new building platform the Section 221 consent notice that was imposed as part of RM050354 had to be altered to reflect the new location. This variation was approved as part of the earthworks consent.

3. THE PROPOSAL

3.1 Description of Proposal

The proposed earthworks to form the new building platform have been completed and the dwelling is being constructed in accordance with the consent conditions imposed. Since the completion of the earthworks the applicant has decided that they would like to alter the route of the driveway to better reflect the design of the dwelling.

The new route will gain access to the site approximately 4 metres to the north of where the original driveway was proposed. The new design of the driveway will "fork" out around the building platform to allow vehicle access to both sides and also allow the retention of an existing cabbage tree to the west of the building platform, see Plan 1: Earthworks Plan below.

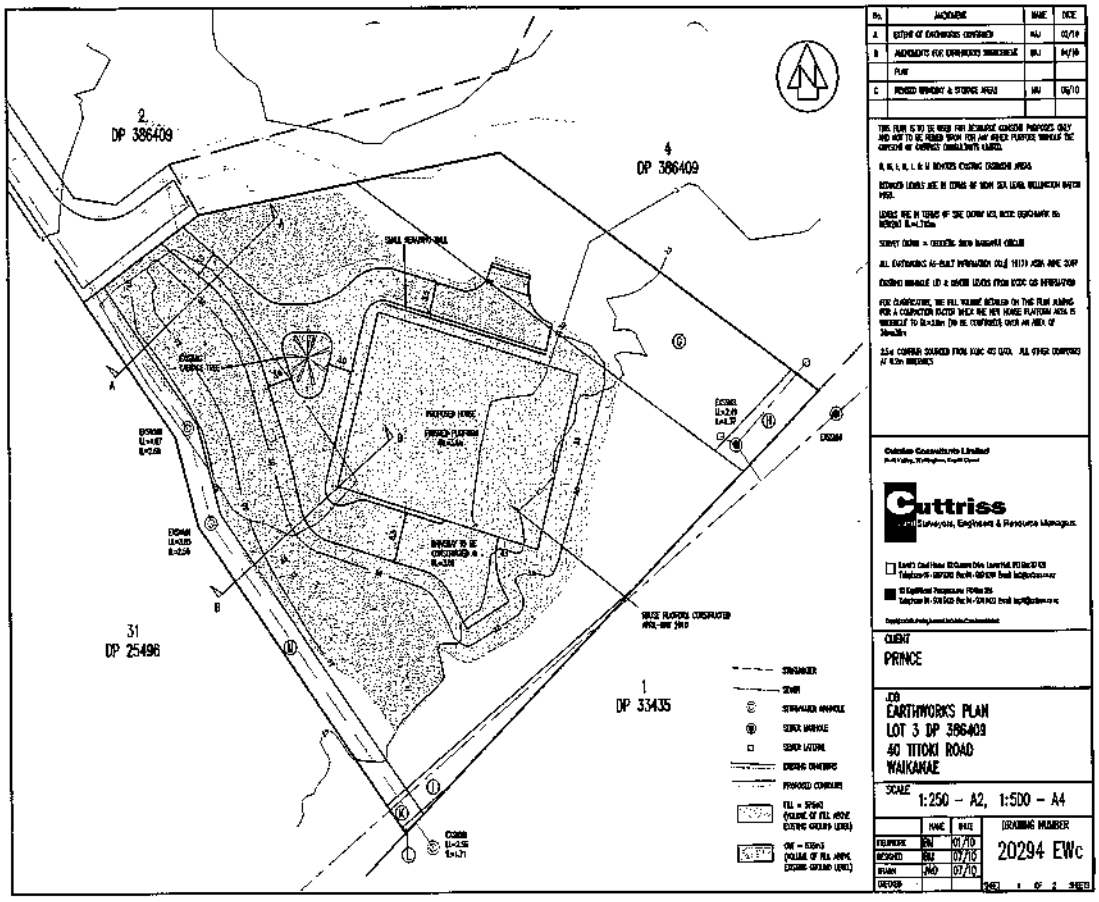
The total volume of cut material required to construct the building platform and driveway is 535m^3 with the material being retained on site to fill an area of 575m^3. The additional fill will be bought in from an outside source.

Condition 3 of RM100037 reads *"The earthworks shall be carried out in general accordance with the plans titled 'Earthworks Plan Lot 3 DP 386409 40 Titoki Road, Waikanae' drawing No. 20294 EW$_A$ prepared by Cuttriss Consultants Limited dated January 2010 and stamped 'Final Approved Plans 6/04/2010', and the Engineer's Report dated 19 February 2010 by Neil Johnstone and other information lodged with the application RM100037, except where modified by conditions of consent".*

The application seeks to amend the above condition to include the new earthworks plan that shows the change in driveway layout. Also after consultation with Council's Subdivision

Engineer an advice note should be added to the decision to ensure that a new earthworks management plan is submitted for approval.

The applicant has agreed to amend the addition of an advice note that requires a revised earthworks management plan.



Plan 1: Earthworks Plan

3.2 Applicant's Assessment of Effects

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

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

4. DISTRICT PLAN PROVISIONS

4.1 Kapiti Coast District Plan

The following Objectives and Policies were taken into account during the assessment of RM100037 and are considered to be of relevance to this application (please refer to the District Plan for the full text which should be read in conjunction with this report):

4.2 Zoning and Overlays

The property is zoned residential under the Kapiti Coast District Plan and is subject to ponding.

4.3 Relevant Rules, Section 127 of the Act and Activity Status

The Rules and Standards that applied to the original application under RM100037 are listed in the Planner's Report for that consent. In terms of this proposal, the status of the activity is dictated by the provisions of Section 127(3) of the Act rather than the District Plan. Section 127(3) directs consent authorities to apply Sections 88 to 121 of the Act apply to an application to change the conditions of a consent; to regard such an application as a discretionary activity; and to only address/ consider the nature and effects of the change of the condition/s.

4.4 Activity Status

Section 127 (3)(a) of the Resource Management Act 1991 states *"the application were an application for resource consent for a Discretionary Activity"*. An application for a change in consent conditions must be assessed as a discretionary activity.

4.5 Relevant Objectives and Policies

The following Objectives and Policies apply to this application:

C.1 Residential Zone – Objective 1.0 – General and Policy 2 – Natural Environment.

C.7.3 Earthworks – Objective 1.0 and Policy 1 - General Assessment Criteria and Policy 3 - Waahi Tapu and Cultural Sites

5. RELEVANT NATIONAL ENVIRONMENTAL STANDARDS

There are no relevant National Environmental Standards applicable to this application.

6. RELEVANT NATIONAL POLICY STATEMENTS

There are no National Policy Statements applicable to this application.

7. RELEVANT STATUTORY PROVISIONS

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

95B Limited notification of consent application

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

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

95E Consent authority decides if person is affected person

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

104 Consideration of applications

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to–

- *(a) any actual and potential effects on the environment of allowing the activity; and*
- *(b) any relevant provisions of—*
  - *(i) a national environmental standard:*
  - *(ii) other regulations:*
  - *(iii) a national policy statement:*
  - *(iv) a New Zealand coastal policy statement:*
  - *(v) a regional policy statement or proposed regional policy statement:*
  - *(vi) a plan or proposed plan; and*
- *(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

(2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

(2A) When considering an application affected by section 124, the consent authority must have regard to the value of the investment of the existing consent holder.

(3) A consent authority must not,—

- *(a) when considering an application, have regard to—*
  - *(i) trade competition or the effects of trade competition; or*
  - *(ii) any effect on a person who has given written approval to the application:*
- *(c) grant a resource consent contrary to—*
  - *(i) section 107, 107A, 107E, or 217:*
  - *(ii) an Order in Council in force under section 152:*
  - *(iii) any regulations:*
  - *(iv) a Gazette notice referred to in section 26(1), (2), and (5) of the Foreshore and Seabed Act 2004:*
- *(d) grant a resource consent if the application should have been notified and was not.*

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

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

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

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

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

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

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

(a) May grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.

Section 127 Change or cancellation in consent condition on application by consent holder

Section 127 provides for the change or cancellation of consent conditions on application by the consent holder. The main requirements or considerations are listed under section 4.3 of this report.

8. SECTION 104 ASSESSMENT

8.1 Adequacy of information

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

8.2 Actual or potential effects on the environment

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

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

This application seeks to amend Condition 3 of RM100037 to allow the redesign of the driveway that will provide access to the dwelling at 40 Titoki Road, Waikanae. The change in location of the driveway will not result in the need to undertake a greater amount of earthworks. In reality the total amount of earthworks are considered less than what was originally approved.

The initial earthworks application proposed 658m^3 of cut with 980m^3 of fill. In comparison the total earthworks to form the building platform and new driveway is 535m^3 of cut and 575m^3 of fill significantly less fill than the original application. Less fill will have to be imported onto the site which means that the proposed ground level after the earthworks have been completed will closer resemble the original ground level.

In respects to the initial proposal the earthworks will not introduce any new effects upon any party or the environment. The earthworks are in keeping with what was proposed in the RM100037 and are in keeping with the objective and polices of the District Plan.

In the original application for earthworks no party was considered to be adversely affected by the earthworks and as the amount of earthworks are being reduced, and the area in which they are undertaken is similar the determination that there will be no affected parties has been made.

The proposal was forwarded to Councils Subdivision Engineer Joey Narvasa who requested that a revised earthworks management plan be submitted for the change in driveway design. The applicant has agreed to the addition of an advice note on the original consent that would state a revised earthworks management plan must be submitted to Council for approval.
The effects of adding this advice note are negligible and this has only arisen as a result of amending the driveway layout. The effects upon the ponding area were also considered by Mr. Narvasa and it was determined that the resulting effects would be less than minor.

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

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

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

Regard was had to the relevant contents of the Kapiti Coast District Plan in the consideration of this proposal.

8.4 Other relevant matters

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

Regard was had to the desired community outcomes as expressed through the Long Term Community Consultation Plan (LTCCP) during the assessment of this application.

9. NOTIFICATION DECISION

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

9.1 Public Notification Decision

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

1. The applicant did not request that the application be publicly notified;
2. A rule or national environmental standard does not require public notification of the application;
3. The proposed change does not introduce any new effects upon any party.
4. In comparison the effects of the activity will be less than what was previously approved. The effects will be less than minor, for the reasons discussed below under the heading "Assessment of Environmental Effects"; and
5. Special circumstances do not exist in relation to the application that requires it to be notified.

Recommendation:

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

Reported by: _____ Vijay Soma, Resource Consents Planner

Recommended by: _____ Ross Goodman, Resource Consents Planner

Decision:
"That the above recommendation be adopted."

Delegated Officer (*Peer Reviewer*): _____ Colin Bridges, Principal Planner-Land Use

9.2 Limited Notification Decision

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

Recommendation:

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

Reported by: _____ Vijay Soma, Resource Consents Planner

Recommended by: _____ Ross Goodman, Resource Consents Planner

Decision:

"That the above recommendation be adopted."

Delegated Officer (*Peer Reviewer*): _____ Colin Bridges, Principal Planner-Land Use

10. PART 2 MATTERS

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

10.1 Section 5-Purpose

Section 5(1) states that the purpose of the Act is to promote the sustainable management of natural and physical resources. It is considered that this proposal represents an efficient use of land.

10.2 Section 6- Matters of National Importance

Section 6 establishes seven matters which must be recognised and provided for by all persons exercising functions and powers under the Act. I consider there are no matters of national importance relevant to this application.

10.3 Section 7- Other Matters

Section 7 establishes eleven matters which all persons exercising functions and powers under the Act shall have particular regard to. It is considered tat there are no other matters in relation to this application.

10.4 Section 8- Treaty of Waitangi

I consider the proposal is not in breach of te Tiriti o Waitangi. Consultation was undertaken with a representative of Te Ati Awa ki Whakarongotai who requested that the standard earthworks condition be imposed on any granted resource consent.

10.5 Conclusion on Part 2 matters

Overall, the proposal is consistent with Part 2 matters for the reasons discussed above.

11. DECISION

That acting under authority delegated from the Council and pursuant to Sections 104, 104B and 127 of the Resource Management Act 1991 **grant** consent to change Condition 3 and add an advice note to resource consent RM100037 imposed under Section 108 of the Act.

NB: Underlining denotes new text.

Original Condition 3 (RM100037):

3. The earthworks shall be carried out in general accordance with the plans titled 'Earthworks Plan Lot 3 DP 386409 40 Titoki Road, Waikanae' drawing No. 20294 EW_A prepared by Cuttriss Consultants Limited dated January 2010 and stamped 'Final Approved Plans 6/04/2010', and the Engineer's Report dated 19 February 2010 by Neil Johnstone and other information lodged with the application RM100037, except where modified by conditions of consent.

New Conditions 3 (as amended under RM100124)

3. The earthworks shall be carried out in general accordance with the plans titled 'Earthworks Plan Lot 3 DP 386409 40 Titoki Road, Waikanae' drawing No. 20294 EW_A prepared by Cuttriss Consultants Limited dated January 2010 and stamped 'Final Approved Plans 6/04/2010', and the plan titled 'Earthworks Plan Lot 3 DP 386409 40 Titoki Road, Waikanae' drawing No. 20294 EW_C prepared by Cuttriss Consultants Limited dated July 2010 and stamped 'Final Approved Plans 30/07/2010' and the Engineer's Report dated 19 February 2010 by Neil Johnstone and other information lodged with the applications RM100037 & RM100124 except where modified by conditions of consent.

Additional Advice Note (as amended under RM100124)

- The consent holder shall submit a revised earthworks management plan to Council based on Drawing No. 20294 EW_c Earthworks Plan and Cross Section prepared by Cuttriss Consultants Ltd dated 07/ 2010. No works shall commence until the earthworks management plan is approved by the Council in writing.

Reasons for Decision:

In accordance with Sections 104, 104B and 127 of the Resource Management Act 1991, the actual and potential effects associated with the proposed activity have been assessed and are outlined above. I consider that the adverse effects of the proposed activity on the environment will be less than minor and that the proposed activity is not contrary to Part 2 of the Act or the Objectives and Policies of the Kapiti Coast District Plan.

"That the above recommendation be adopted under delegated authority"

Report written by Vijay Soma, Resource Consents Planner

Ross Goodman
Resource Consents Planner

Colin Bridges
Principal Planner-Land Use

30 July 2010

Kāpiti Coast District Council
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RESOURCE CONSENT UNDER PART VI OF THE RESOURCE MANAGEMENT ACT 1991

CONSENT NO: RM100037

APPLICANT:	B.J Prince
LOCATION OF ACTIVITY:	40 Titoki Road, Waikanae Beach
DESCRIPTION OF ACTIVITY:	s221 Variation and Earthworks

DECISION:

Granted subject to conditions on 7 April 2010.

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

Conditions:

Monitoring and Review

1. The consent holder shall notify the Council's Compliance Officer of the start and completion dates of the works in writing 48 hours before the works are carried out. The consent holder shall fill out and return (by fax (04) 2964-830 or by post to Private Bag 601, Paraparaumu) the form that is attached to the decision letter.

2. The consent holder shall pay to the Kapiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and the actual costs of materials or services which may have to be obtained.

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

3. The earthworks shall be carried out in general accordance with the plans titled 'Earthworks Plan Lot 3 DP 386409 40 Titoki Road, Waikanae' drawing No. 20294 EW_A prepared by Cuttriss Consultants Limited dated January 2010 and stamped 'Final Approved Plans 6/04/2010', and the Engineer's Report dated 19 February 2010 by Neil Johnstone and other information lodged with the application RM100037, except where modified by conditions of consent.

Fees

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

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

General Engineering Requirements

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

6. The consent holder shall advise the name of Owner's Representative appointed in terms of Clause B(ii) of part 3 of the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005 prior to the commencement of work, but no later than one month from the date of issue of this consent.

Earthworks

7. The consent holder shall submit an earthworks management plan to Council for approval. No works shall commence until the earthworks management plan is approved by the Council in writing. The earthworks management plan shall include:

   - Adequate provision for the control of stormwater run-off and sediments throughout the duration of earthworks such as provision of silt retaining structures to protect bodies of water at the northwest of the property;

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

- Measures to control dust, windblown sand, soil or other materials that may be blown or transported onto other properties; and

Note: The consent holder shall not use water from Council water mains for mitigating measures.

- The earthworks shall be undertaken in accordance with the New Zealand standards for construction noise, NZS 6803:1999, Acoustics – Construction Noise. The consent holder shall be responsible for cooperating with the neighbouring community over any noise complaints resulting from the earthworks operation.

8. That any material excavated from below ground for the new building platform site must be recompacted and reused below the existing ground level or removed from the site if unsuitable, to the satisfaction of Council's Stormwater/Coastal Engineer.

9. Should a waahi tapu or other cultural site be unearthed during the earthworks, the consent holder and/or the operator shall:

   (a) cease operations;
   (b) inform local Iwi - Te Ati Awa ki Whakarongotai;
   (c) inform the NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required;
   (d) take appropriate action, after discussion with the NZHPT, Council and Iwi to remedy damage and/or restore the site.

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

10. All batters shall be self-supporting.

11. The consent holder shall not disturb or remove soil support from adjacent lots.

12. Earthfill shall comply with the requirements of the current issue of NZS 4431 Code of Practice for Earthfill for Residential Development.

Construction Noise

13. The earthworks shall be undertaken in accordance with the New Zealand standards for construction noise, NZS 6803:1999, Acoustics – Construction Noise.

14. Earthworks shall be limited to 7am to 6:00pm Mondays to Fridays.

Reinstatement

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

Meeting the Requirements

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

Protection of Vegetation

17. Prior to the commencement of any earthworks, a 4.0m diameter 'clearance zone' shall be observed around each cabbage tree that is located outside of the existing and proposed building platforms. The clearance zones must be partitioned off through temporary measures such as barrier mesh fencing. For the avoidance of doubt, no removal of material or use of any machinery is permitted within these clearance zones.

18. Any material within a 4.0m diameter radius around the cabbage tree that is located adjacent to the existing platform can only be removed manually and without the use of any machinery, and in a manner that protects the root structure of the cabbage tree.

Reasons for Decision:

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



Natasha Reid
Resource Consents Planner

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VARIATION TO CONSENT NOTICE PURSUANT TO SECTION 221(3) OF THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF DP367716

FOR Lot 3 DP 386409;
CT 345892
At 40 Titoki Road, Waikanae
For B. J. PRINCE

To: the Regional Regulatory Titles Officer at Wellington

Please be advised that pursuant to Section 221(3) of the Resource Management Act 1991 the Kapiti Coast District Council hereby gives notice that, in relation to **Lot 3 DP 386409 only**, it has consented to the variation of the following consent notice conditions from the consent notice dated 20th June 2007 and registered under document number 7810059.5 in relation to DP 386409:

Existing Consent Notice Conditions:

1) "Foundation design and construction for any new building or additions and alterations to a building shall take into account the findings and recommendations within the Report on Subdivision prepared by Cuttriss Consultants Limited and submitted to Council in relation to application No. RM050354. A copy of the report is available in Council's Office at any time the office is open to the public.

2) "The siting of any dwelling is restricted to those areas which are not subject to erosion or inundation by a 1 in 100 year return period storm event. The extent of the permitted house site is limited to those parts of the land at an elevation in excess of 3.80 metres above sea level as shown on the Cuttriss Consultants drawing number 19171 ENG^{A}, a copy of which is held on file RM05035 at the office of the Kapiti Coast District Council and is available for inspection at any time the office is open to the public".

Varied Consent Notice Conditions:

1) "Foundation design and construction for any new building or additions and alterations to a building shall take into account the findings and recommendations within the Report on Subdivision prepared by Cuttriss Consultants Limited and submitted to Council in relation to application No. RM050354 and the additional report prepared in relation to Lot 3 and provided with application No. RM100037. Copies of these reports are available in Council's Office at any time the office is open to the public.

2) "The siting of any dwelling on Lot 3 is restricted to the area which is not subject to erosion or inundation by a 1 in 100 year return period storm event. The extent of the permitted house sites is limited to those parts of the land at an elevation in excess of 3.80 metres above sea level as shown on the

Cuttriss Consultants drawing number 19171 ENG^{A} 20294 EW$_{A,}$ a copy of which is held on files RM050354 & RM100037 at the office of the Kapiti Coast District Council and is available for inspection at any time the office is open to the public".

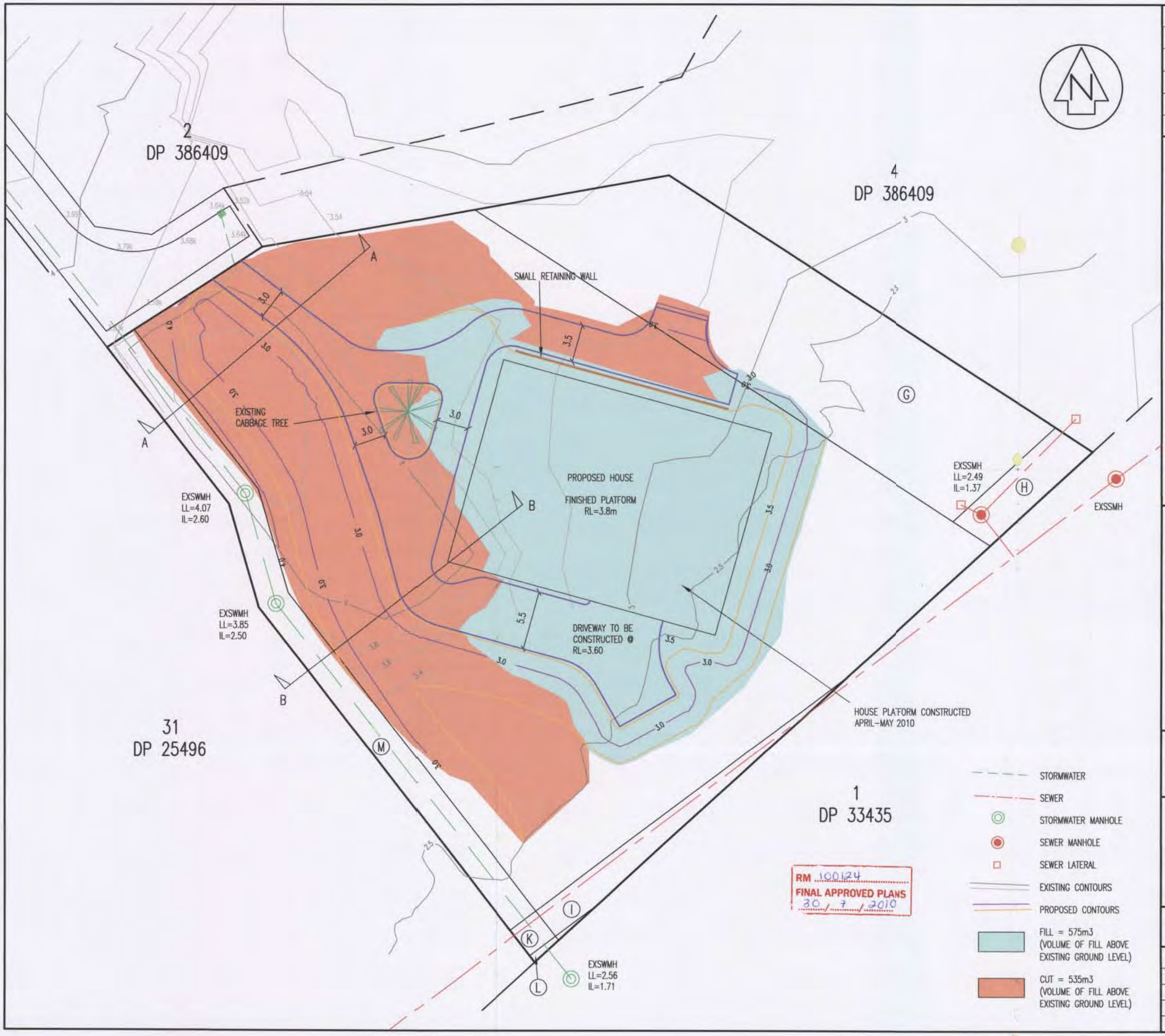
The owners of Lot 3 DP 386409 and the Kapiti Coast District Council hereby agree to the variations of the above conditions.

Issued by the Kapiti Coast District Council in respect of RM100037 this **7th day of April, 2010.**

Natasha Jane Reid
Authorised Officer

David Wayne Gair
Authorised Officer

On Behalf of B.J. Prince



RM 100124
FINAL APPROVED PLANS
30 / 7 / 2010

No.	AMENDMENT	NAME	DATE
A	EXTENT OF EARTHWORKS CONFIRMED	NAJ	02/10
B	AMENDMENTS FOR EARTHWORKS MANAGEMENT	NAJ	04/10
	PLAN		
C	REVISED DRIVEWAY & STORAGE AREAS	NAJ	06/10

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

G, H, I, K, L & M DENOTES EXISTING EASEMENT AREAS.

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

LEVELS ARE IN TERMS OF SITE DATUM MSL KCDC BENCHMARK No WBM203 RL=4.715m

SURVEY DATUM = GEODETIC 2000 WANGANUI CIRCUIT

ALL EARTHWORKS AS-BUILT INFORMATION CCL# 191711 ASBA JUNE 2007

EXISTING MANHOLE LID & INVERT LEVELS FROM KCDC GIS INFORMATION

FOR CLARIFICATION, THE FILL VOLUME DETAILED ON THIS PLAN ALLOWS FOR A COMPACTION FACTOR WHEN THE NEW HOUSE PLATFORM AREA IS UNDERCUT TO RL=2.0m (TO BE CONFIRMED) OVER AN AREA OF 30mx30m

2.5m CONTOUR SOURCED FROM KCDC GIS DATA. ALL OTHER CONTOURS AT 0.2m INTERVALS

Cuttriss Consultants Limited
Hutt Valley, Wellington, Kapiti Coast

Cuttriss
Land Surveyors, Engineers & Resource Managers

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

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

Copyright of this drawing is vested in Cuttriss Consultants Limited

CLIENT
PRINCE

JOB
EARTHWORKS PLAN
LOT 3 DP 386409
40 TITOKI ROAD
WAIKANAE

SCALE
1:250 – A2, 1:500 – A4

	NAME	DATE
FIELDWORK	BM	01/10
DESIGNED	BM	07/10
DRAWN	JAO	07/10
CHECKED		

DRAWING NUMBER
20294 EWc

Kapiti Coast District Council
Private Bag 601
Paraparaumu 5254

Tel. (04) 296 4700
Fax (04) 296 4830

E: kapiti.council@kapiticoast.govt.nz
W: www.kapiticoast.govt.nz

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

IN THE MATTER OF A PLAN LODGED FOR DEPOSIT UNDER NUMBER 386409
AND RESOURCE CONSENT NO. RM 050354

(BEING THE SUBDIVISION OF LOTS 4 TO 6 DP 54709), AT 31 & 32 TITOKI ROAD, WAIKANAE FOR J AND A McNAMARA

CONO 7810059.5 Cons
Cpy - 01/01, Pgs - 001, 08/05/08, 12:03
DocID 212185963

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 **in respect to Lots 2, 3 and 4** the following conditions are to be complied with on a continuing basis:

1. **Foundation design and construction for any new building or additions and alterations to a building shall take into account the findings and recommendations within the Report on Subdivision prepared by Cuttriss Consultants Limited and submitted to Council in relation to application No. RM050354. A copy of the report is available in Council's Office at any time the office is open to the public.**

2. **The siting of any dwelling is restricted to those areas which are not subject to erosion or inundation by a 1 in 100 year return period storm event. The extent of the permitted house sites is limited to those parts of the land at an elevation in excess of 3.80 metres above sea level as shown on Cuttriss Consultants drawing number 19171 ENG[A], a copy of which is held on file RM050354 at the offices of the Kapiti Coast District Council and is available for inspection at any time the office is open to the public.**

Issued in respect of application No. RM 050354 on this 20th day of June, 2007.

David Wayne Gair
AUTHORISED OFFICER

Dean Philip Raymond
AUTHORISED OFFICER



Kāpiti Coast District Council

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VARIATION TO CONSENT NOTICE PURSUANT TO SECTION 221(3) OF THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF DP367716

FOR Lot 3 DP 386409;
CT 345892
At 40 Titoki Road, Waikanae
For B. J. PRINCE

To: the Regional Regulatory Titles Officer at Wellington

Please be advised that pursuant to Section 221(3) of the Resource Management Act 1991 the Kapiti Coast District Council hereby gives notice that, in relation to **Lot 3 DP 386409 only**, it has consented to the variation of the following consent notice conditions from the consent notice dated 20th June 2007 and registered under document number 7810059.5 in relation to DP 386409:

Note: the amendments are shown underlined and deletions shown as ~~strike through~~.

1) "Foundation design and construction for any new building or additions and alterations to a building shall take into account the findings and recommendations within the Report on Subdivision prepared by Cuttriss Consultants Limited and submitted to Council in relation to application No. RM050354 and the additional report prepared in relation to Lot 3 and provided with application No. RM100037. Copies of these reports are available in Council's Office at any time the office is open to the public.

2) "The siting of any dwelling on lot 3 is restricted to ~~those~~ the areas ~~which are~~ is not subject to erosion or inundation by a 1 in 100 year return period storm event. The extent of the permitted house sites is limited to ~~those~~ the parts of the land at an elevation in excess of 3.80 metres above sea level as shown on the Cuttriss Consultants drawing number ~~19171 ENG[A]~~ 20294 EW_A, a copy ~~copies~~ of which is held on file ~~RM050354~~ RM100037 at the office of the Kapiti Coast District Council and is available for inspection at any time the office is open to the public".

The owners of Lot 3 DP 386409 and the Kapiti Coast District Council hereby agree to the variations of the above conditions.

Issued by the Kapiti Coast District Council in respect of RM100037 this **7th day of April, 2010.**

Natasha Jane Reid
Authorised Officer

David Wayne Gair
Authorised Officer

On Behalf of B.J. Prince