



KAIKŌURA
DISTRICT COUNCIL

NOTICE OF DECISION
Resource Management Act 1991 (RMA)

Prepared in accordance with s42A of the RMA 1991

Application Number:	SU-2020-1678-00
Applicant:	A M P Chapman
Consent Sought:	2 Lot Subdivision & Land Use
Address of Activity:	1370 State Highway 1, Kaikōura
Legal Description:	Lot 2 DP 469700
Valuation Number:	21060 122 01
Kaikōura District Plan Zone	Rural (Significant Landscape)
Status of the Activity	Unrestricted Discretionary

REASONS FOR DECISION:

- Resource consent is required under the Kaikoura District Plan for a discretionary activity.
- The application has been processed on a publicly notified basis under Section 95 of the RMA.
- It is considered that the application is generally consistent with the policy and objectives of the Kaikoura District Plan.
- It is considered that the application is consistent with and does not contravene the Purpose the Resource Management Act 1991 (section 5) and consistent with the Principles of the Resource Management Act 1991 (sections 6, 7 and 8). Therefore, the application assessed as being consistent with, and not contravening Part II of the Act.
- Council may grant the application under section 104, 104B of the RMA and may set conditions under 108 of the RMA.

DECISION: GRANTED

Consent is granted to:

- I. The application for Land Use
- II. The application for Subdivision

Pursuant to sections 104, 104B and 108 of the Resource Management Act 1991, at 1370 State Highway 1, Kaikoura being Lot 2 DP 69700 as set out in the application SU-2020-1678-00 subject to the conditions in Appendix 1

AND

- III. To cancel the consent Notice **9574535.5** currently registered against the Title (Lot 2 DP 469700) pursuant to s 127 of the Resource Management Act.

Signed: _____

Nirosha Seelaratne
Planning Officer

Acting under delegated authority by the Kaikōura District Council

Date: 26/05/2021

PLEASE NOTE: THAT IT IS YOUR RESPONSIBILITY TO ENSURE THAT ALL CONTRACTORS ARE PROVIDED WITH A COPY THE ABOVE RESOURCE CONSENT, CONDITIONS AND UNDERSTAND THE ACCIDENTAL DISCOVERY PROTOCOL. SEE APPENDIX III.

APPENDIX I

SUBDIVISION CONDITIONS

1. The proposal shall proceed in accordance with application and the accompanying site plan stamped *Approved Plan for R.C. 1678* and held at Kaikōura District Council with the exception with compliance to the conditions below.
2. In accordance with section 128 of the Resource Management Act 1991, the Kaikōura District Council may review any or all of the conditions of this consent by giving notice of review during June in any year after granting consent for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this consent, which were not foreseen at the time of application or where it was not appropriate to deal with at that time.
3. The consent holder shall meet all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent.
4. All services (water, storm water, etc.) traversing lots other than those being served by the service and not situated within a public road, shall be protected by easements. All such easements, including any amendments found necessary during the final engineering design shall be granted and reserved.
5. All Council utility schemes (water, etc) existing or created located within the proposed lots shall be protected by an easement in gross in favour of the Kaikōura District Council of no less than 3m wide. All such easements must be accessible by legal road.

Please note storm water from hardstand or roofed areas shall not discharge across the neighbouring boundaries, unless suitably protected by easements.

AS-BUILTS

6. The consent holder shall submit to Council as-built drawings of all new services created.
7. Two A3 size copies of as-built plans and copies of the electronic files (eg .dwg or .dxf files) showing all works and information as detailed in NZS 4404:2010 Schedule 1D.
8. Plans shall be certified by a suitably qualified person stating that they are a true and accurate record.
9. Where the new services connect with the existing services the location, depth and orientation of the existing services shall be confirmed on the as-built plans.
10. Above ground existing services shall also be identified on the As-built plans. Where known, the location of existing underground service shall also be shown.

ENGINEERING STANDARDS

11. The consent holder shall ensure that all engineering works for the subdivision conform to NZ4404:2010-*Standards for Land Development and Subdivision Engineering* or any subsequent amendment to this standard.
12. Prior to any work being undertaken, the consent holder must obtain written approval from the Kaikōura District Council for any variation from NZ4404:2010.

TELECOM & POWER CONNECTIONS

13. Any new services shall be laid underground.

VEHICLE CROSSINGS & ACCESS

14. Existing two accesses on Lot 2 DP 469700 off State Highway 1 shall be permanently closed.

15. The consent holder shall provide one compliant vehicle access to all lots.

16. Written confirmation that a compliant vehicle crossing is formed to NZTA stands shall be submitted to the council.

WATER SUPPLY

17. The consent holder shall provide a separate water connection for Lot 1 & Lot 2 with easement created to protect the service for each allotment.

18. The Consent Holder shall provide the following information:

- Evidence that the drinking water supply meets the MAV (Maximum Acceptable Value) of NZ Drinking water standards 2005 (revised 2018)
- A copy of the water supply proposal and a contract with a water treatment company to ensure that the supply will continue to effectively remove the manganese and E.coli to below MAV.
- A copy of the positive test results once the treatment measures are installed to prove that the treatment has worked and meets the NZ drinking water standards 2005(revised 2018)

EFFLUENT DISPOSAL

19. The consent holder shall supply Kaikōura District Council with confirmation from Environment Canterbury that a compliant effluent disposal system has been established or can be established on each lot.

20. Effluent disposal systems shall be fully contained within each individual Lot.

Please Note: Wastewater discharge permit will be required from ECAN regional Council.

STORMWATER

21. The consent holder shall supply confirmation from Environment Canterbury that stormwater disposal is either:

- a) a permitted activity, or
- b) all necessary discharge consents have been obtained or can be obtained.

Advice Note: Reverse Sensitivity

The consent holder shall be aware this site is situated close to KiwiRail Main North Line running along the Eastern boundary of the property. KiwiRail operations may result in noise & dust and will have the potential to adversely affect the amenity of this site and for residential activities on site.

CONSENT NOTICES

22. Pursuant to s 221 of RMA the following consent notices shall be registered against the tile of proposed Lot 1 & 2

- *Only one dwelling/residential unit shall be allowed on each allotment.*

- *The total residential curtilage for Lot 1& 2 shall be limited to 500m2 per allotment. **

****This condition has been volunteered by the applicant***

- *To maintain the rural amenity of the site the maximum height of any future building(s) shall be limited to 8.0m*
- *No further subdivisions shall occur on this property.*

Note: Residential curtilage means:

land within a Rural Zone used principally for residential activities, and includes the residential unit and accessory buildings, parking and manoeuvring areas for residential activities, and outdoor living space, but does not include gardens or landscaping.

- *The Source of Water used for drinking at this lot contains elevated levels of iron, E-coli and manganese when compared to the New Zealand Drinking Water Standards 2005(Rev 2008) and should all times maintain an effective treatment system to meet the required standards.*
- *Biannual tests shall be implemented. If the tested water is not potable, the property owner at his own cost shall upgrade the system to meet the required standards, Samples from the water source shall be tested by an approved registered laboratory and shall be taken by a suitably qualified person.*
- *In an event of a new dwelling on Lot 2 the following information shall be supplied with the Building Consent Application:*
 - *Copies of biannual drinking water test results/reports.*
 - *Confirmation that existing drinking water supply meets the MAV (Maximum Acceptable Value) of NZ Drinking water standards*
 - *A proposal & contract with a water treatment company that will effectively remove the manganese and E. coli to below MAV.*
 - *A copy of the positive test results once the treatment measures are installed to prove that the Treatment had worked to meet NZ drinking water standards*
- *Site specific Flood Hazard Assessment, Debris inundation Assessment & Liquefaction Hazard Assessment shall be submitted with the Building Consent Application in an event of a new dwelling/s or an extension to an existing dwelling/s*
- *vegetation on either side of the new vehicle crossing will be trimmed and maintained in order to maximize side-lines for vehicles in both directions of the crossing.*

LAND USE CONDITIONS

GENERAL CONDITIONS

01. The proposal shall proceed in accordance with application and the accompanying site plan stamped *Approved Plan for R.C. 1672* and held at Kaikōura District Council with the exception with compliance to the conditions below.
02. In accordance with section 128 of the Resource Management Act 1991, the Kaikōura District Council may review any or all of the conditions of this consent by giving notice of review during June in any year after granting consent for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this consent, which were not foreseen at the time of application or where it was not appropriate to deal with at that time.
03. The consent holder shall meet all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent.

04. Only 1 dwelling per allotment is permitted on Lot 1 & 2
05. Maximum height of any building on lot 1 & 2 shall be 8m
06. The maximum residential curtilage shall not exceed 500m² on Lot 1 & 500m² on Lot 2

Residential curtilage:

means land within a Rural Zone used principally for residential activities, and includes the residential unit and accessory buildings, parking and manoeuvring areas for residential activities, and outdoor living space but does not include gardens or landscaping.

07. Further subdivision shall not occur on both Lot 1 & 2
08. The consent holder shall ensure all servicing, building access and maintenance will be facilitated within the site without encroaching on the rail corridor. *

**This condition was proposed in the Kiwi rail Holdings Submission.*

09. Stormwater from roof and hardstand areas shall be conveyed directly to the open drainage channels located at the approximate boundary of the two allotments and along the northern boundary of Lot 2. Some protection of the open drainage channels may be required to prevent any scour of the channels at the discharge points.

Please note:

- *Any soak pit design shall need to take into account the drainage of the soils and the groundwater level within the allotments*
- *Some protection of the existing stormwater network from silt run-off will be required during any excavations relating to the building and track construction.*
- *The contractor shall ensure that suitable silt protection is provided to trap silt before entry into the property drains or the roadside stormwater network as recommended in the Geo Technical Report -Smart Alliances dated June 2019*

LANDSCAPING

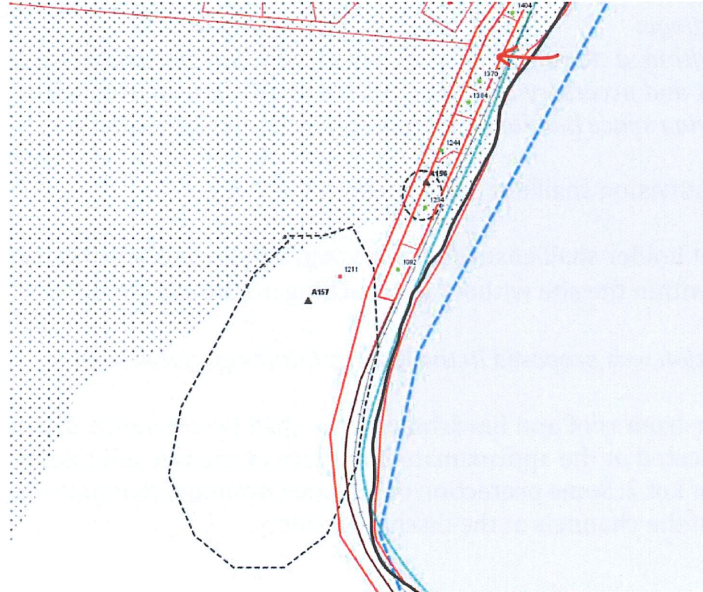
10. Existing landscaping along the boundary at State Highway 1 end shall be maintained to visually screen the buildings on both allotments.
11. Vegetation on either side of the new vehicle crossing will be trimmed and maintained in order to maximize side-lines for vehicles in both directions of the crossing.
12. Any dead or diseased boundary plants shall be replaced. The replacement shall be completed during the next planting season (Autumn) with suitable specimens from the Department of Conservation's East Coast Shrubland/Forest Ure to Kaikoūra Species List
13. Roof colours of any future building on Lot 1 & 2 shall be non-reflective and shall only be one colour. Colour of the walls, windows, doors of any future building shall be complementary to the surrounds.

FLOODING & GEO TECHNICAL MATTERS

14. Site specific Flood Hazard Assessment, Debris inundation Assessment & Liquefaction Hazard Assessment shall be submitted with the Building Consent Application in an event of a new dwelling or an extension to an existing dwelling/s on both lots
15. No Residential Units/ Habitable building shall occur in the High Hazard Areas Identified under Canterbury Regional Policy Statement. (CRPS)

Please Note:

There is evidence of Maori Occupation in this area with an identified Pa site(A157) and pits (A 156) located to the South of the site. The site in question is an old school site which has had the ground modified over time to meet the requirements of the school. Accidental Discovery Protocol attached (Appendix III) shall be adhered at all times during any earthworks on the site.



Source: District Plan Maps Kaikōura DC May 2021

Advice Notes

You have the right of objection to the consent authority pursuant to section 357 of the Resource Management Act 1991 in respect to the above decision. This objection should be made within fifteen working days of receipt of this decision. Should you wish to object to this decision please advise Kaikōura District Council in writing, setting out the reasons for your objections, within the above time limit.

Pursuant to section 125 of the Resource Management Act 1991 these consents will lapse on the expiry of 5 years after date of commencement of the consent, or such other date as provided for in the consent, unless:

- The consent is given effect to or;
Application for an extension of time is made within 3 months after expiry of that period. In accordance with section 127 of the Resource Management Act 1991, the consent holder at any time prior to the issue of a section 224 certificate may apply for the change or cancellation of any of the conditions of this consent.

Appendix II

Relevant Sections of the Resource Management Act 1991

Applications for resource consents are considered under sections 104, 106 and 108 of the RMA.

Section 104(1) sets out the matters to which the Council shall have regard when considering an application for resource consent. Subject to Part II of the Act, which contains the Act's purpose and principles, the following matters are relevant:

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

any relevant provision of;

a national policy statement;

a New Zealand coastal policy statement:

a regional policy statement or proposed regional policy statement:

a plan or proposed plan; and

any other matters that the consent authority considers relevant and reasonably necessary to determine the application.

In accordance with section 104(2) a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.

Under section 104(3) a consent authority must not-

have regard to trade competition when considering an application:

when considering an application, have regard to any effect on a person who has given written approval to the application:

grant a resource consent contrary to provision of section 107 (Coastal Permits) or section 217 (Water Conservation Order) or any Order in Council in force under section 152 (Coastal Permits), or under any regulations:

grant a resource consent if the application should have been publicly notified and was not.

Under section 104(A),(B),(C),(D) (determination and restrictions on applications), council must grant consent for controlled activities. May grant or refuse applications for (restricted) discretionary and non-complying activities.

If the activity is non-complying under section 104(D) then it may only be granted if council is satisfied that either-

The adverse effects of the activity on the environment (other than any effect to which section 104(3)(b) applies) will be minor; or

The application is for an activity that will not be contrary to the objectives and policies of the relevant plans (operative or proposed).

Part II of the Resource Management Act

Any decision of the Council is subject to the provisions contained in Part Two of the Resource Management Act 1991. In considering the application, the consent authority must give pre-eminence to Part II of the Act.

Section 5 of the Act contains the purpose of the Act, which is to promote the sustainable management of natural and physical resources. Sustainable management is defined in the Act as:

“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-

Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”

Sections 6, 7, and 8 of the Resource Management Act (1991) outline the principles of the Act. All persons exercising functions and powers under the Act shall consider:

Matters of National Importance (s.6);

Other Matters (s.7); and

The Treaty of Waitangi (s.8).

Appendix III

Accidental Discovery Protocol: Archaeological sites, archaeological areas, historic areas or Waahi Tapu

This rule does not apply to the Kaikōura Peninsula Tourism Zone and the Ocean Ridge Comprehensive Living Zone

Where, during earthworks on any site, any archaeological feature, artefact or human remains are accidentally discovered or are suspected to have been discovered, the following protocol shall apply:

- i. Immediately that it becomes apparent that a suspected archaeological site, burial site, waahi tapu or waahi taonga site has been uncovered, all excavation shall cease.

In cases other than suspected human remains

- ii. The contractor must shut down all machinery immediately, secure the area and advise the consent holder or proponent and Kaikōura District Council of the occurrence.
- iii. The consent holder or proponent must notify the Heritage NZ Trust so that the appropriate consent procedure can be initiated.
- iv. The consent holder or proponent must consult with a representative of the Te Rūnanga o Kaikōura to determine what further actions are appropriate to safeguard the site of its contents.

Where human remains are suspected

- v. The contractor must take steps immediately to secure the area in a way which ensures human remains are not further disturbed. The contractor shall advise the consent holder or proponent of the steps taken.
- vi. The contractor shall notify the Police of the suspected human remains as soon as practicably possible after the remains have been disturbed. The consent holder or proponent shall notify Te Rūnanga o Kaikōura and Heritage NZ within 12 hours of the suspected human remains being disturbed, or otherwise as soon as practically possible.
- vii. Excavation of the site shall not resume until the Police, Heritage NZ and the relevant Kaumatua have each given the necessary approvals for excavation to proceed.

Note: If any land use activity (such as earthworks, fencing or landscaping) is likely to modify, damage or destroy any archaeological site (whether recorded or unrecorded), an "authority" consent from Heritage NZ must also be obtained for the work to lawfully proceed.



Lot 1
DP 1445
CFR MB41/46
Graeme John Patching

2
1875 m²

New Entranceway
ROW appt. to Lot 1

Lot 2
DP 469700
CFR 633689
4,854 m²
A. M. Palmer Chapman
I. H. Chapman
N. T. Palmer Chapman
S. A. Stock

1
2979 m²

Main North Line

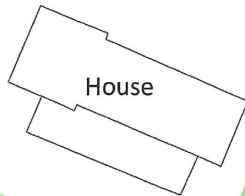
State Highway No 1

± 470m sight distance

305m sight distance

Existing Entranceway to be closed

Existing Entranceway to be closed



House

Existing ROW appt to Lot 2 DP 469700

Lot 1
DP 469790
CFR 633688
Julian Reynolds Sanderson
Sandra Joan Upston

APPROVED for Resource Consent application SU 1678
Nivsha Seelapat
26/05/2021

PREPARED BY:

GILBERT, HAYMES & ASSOCIATES LTD

REGISTERED SURVEYORS

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PHONE (03)5787984 - FAX (03)5787709
E-MAIL office@gilberthaymes.co.nz

Proposed Subdivision of Lot 2 DP 469700

A. Chapman

State Highway No 1, Maungamaunu

Amended: 26 September 2018
20 November 2018

SCALE 1 : 500

DATE 11 July 2018

JOB REF 20183286