



KAIKŌURA
DISTRICT COUNCIL

NOTICE OF DECISION
Resource Management Act 1991 (RMA)

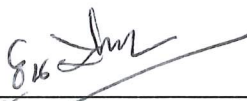
Application Number:	SU-2020-1673-00
Applicant:	M.W. Dineen
Consent Sought:	Subdivision & Land Use
Address of Activity:	71 Skevingtons Road
Legal Description:	Lot 3 DP 303944
Valuation Number:	21070*057*13*

REASONS FOR DECISION:

- Resource consent is required under the Kaikoura District Plan for a restricted 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 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). It is considered that the application is consistent with the Principles of the Resource Management Act 1991 (sections 6, 7 and 8). The activity is therefore assessed as being consistent with, and not contravening Part II of the Act.
- Council may grant the consent under section 104, 104C of the RMA and may set conditions under 108 of the RMA.

DECISION: GRANTED

Consent is granted pursuant to section 104, 104C, 106 and 108 of the Resource Management Act 1991 for a two lot subdivision & Land use at 71 Skevingtons Road , being Lot 3 DP 303944 as set out in the application SU-2020-1673-00 **subject to the conditions in Appendix I.**

Signed: 

Nirosha Seelaratne
Planning Officer

Acting under delegated authority by the Kaikōura District Council

Date: 18/03/2020

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 1

SUBDIVISION CONDITIONS

General conditions

1. The proposal shall proceed in general accordance with application and the accompanying site plan stamped *Approved Plan for R.C. 1673* 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, stormwater, sewer 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, stormwater, sewer 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 stormwater 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 4404:2010Schedule 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 by the Kaikōura District Council for any variation from NZ4404:2010.

Telecom and power connections

13. Any new services shall be laid underground, and an easement created for the existing services which pass through Lot 1 to Lot 2.

Effluent disposal

14. The consent holder shall supply Kaikōura District Council with confirmation that a compliant effluent disposal system has been established or can be established on each lot.
15. The consent holder shall supply confirmation from Environment Canterbury that effluent disposal is either:
 - a) a permitted activity, or
 - b) all necessary discharge consents have been obtained.

Stormwater

16. 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

Vehicle access

17. The consent holder shall provide a compliant vehicle crossing to each lot.
18. The existing crossing to Lot 1 shall be upgraded to comply with sections 13.12.8 and 12.8.2 of the Kaikōura District Plan.
19. The vehicle access to Lot 2 shall comply with sections 13.12.8 and 12.8.2 of the Kaikōura District Plan.

Please note this condition of consent does not constitute written approval. Written approval can be obtained by submitting an application form for road cutting to Kaikōura District Council.

Water connection

20. Both Lot 1 & 2 shall have a connection to the Council's Kincaid water scheme and an easement in gross created over the scheme.

Section 223 Plan

21. The location of the no build areas detailed in the application shall be shown on the survey plan when submitted for Section 223 certification.

Consent Notices

22. Consent notices pursuant to Section 221 of the Resource Management Act 1991 shall be registered at the consent holder's expense against the title of Lot 1. The consent notice shall be worded as follows:

1. *The maximum height of any building shall not exceed 4.5m.***
2. *Only one residential unit is permitted. No ancillary residential units are permitted.*
3. *Residential Curtilage shall not exceed 1400m².*
4. *Further subdivision shall not occur on this property*
5. *The existing hedge along existing Right of Way at 59 Skevingtons Road shall be maintained to a minimum height of 2.0m and have a maximum height of 3.0m.*
6. *No buildings shall occur other than on the building platform proposed in the Scheme plan dated 19th May 2020 ***
7. *All landowners and occupiers must recognise that the rural environment is a working environment. The working rural environment has the potential to generate noise, smell, dust and spray.*

Advice 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.

23. Consent notices pursuant to Section 221 of the Resource Management Act 1991 shall be registered at the consent holder's expense against the title of Lot 2. The consent notice shall be worded as follows:

1. *Only one residential unit is permitted.*
2. *Residential Curtilage shall not exceed 1900m².*
3. *No buildings shall occur other than on the building platform proposed in the Scheme plan dated 19th May 2020*
4. *Further subdivision shall not occur on this property*
5. *Maximum vegetation height along the boundary between Lot 1 and 2 shall be 3m***
6. *All landowners and occupiers must recognise that the rural environment is a working environment. The working rural environment has the potential to generate noise, smell, dust and spray.*

LAND USE CONDITIONS

General conditions

1. The proposal shall proceed in general accordance with application and the accompanying site plan titled *Approved Plan for R.C. 1673* 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. The maximum height of any building on Lot 1 shall not exceed 4.5m **
5. Only one residential unit is permitted on both Lot 1 & 2. No ancillary residential units are permitted on Lot 1.
6. The existing cottage on Lot 2 shall remain as an ancillary residential unit.
7. Residential Curtilage shall not exceed 1400m². & 1900m² on Lot 1 & 2 respectively

Definition:

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.

8. No buildings shall occur on no build zones of Lot 1 and 2. **
9. The cladding on the proposed shed to be erected on Lot 1 is to be a recessive green shade. **

Landscaping

10. The existing hedge along existing Right of Way at 59 Skevingtons Road shall be maintained to a minimum height of 2.0m and have a maximum height of 3.0m
11. Maximum vegetation height along the boundary between Lot 1 and 2 shall be 3m**

**** These conditions are volunteered by the applicant**

Please Note: *ECAN Regional Council recommends a desktop assessment of liquefaction susceptibility before building on site.*

Please note *this resource consent does not constitute written approval to form a water connection. Written approval can only be obtained by submitting an application for water connection form to Kaikōura District Council.*

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.

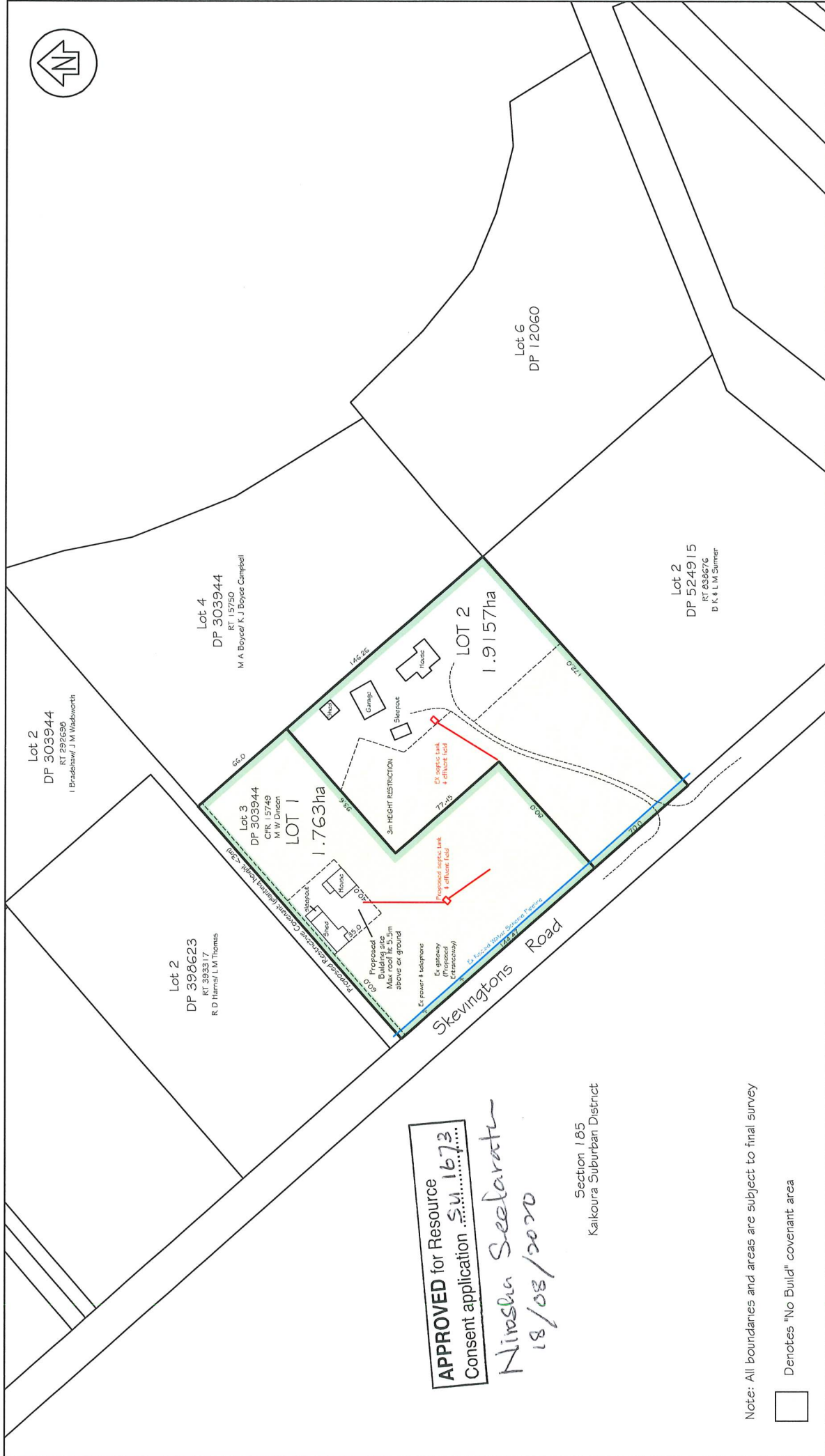
Where human remains are suspected

- 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.



APPROVED for Resource
 Consent application SU 16.73
Nirasha Seelaratne
 18/08/2020

Section 185
 Kaitiaki Suburban District

Note: All boundaries and areas are subject to final survey

Denotes "No Build" covenant area

PREPARED BY:
 GILBERT, HAYMES & ASSOCIATES LTD
 REGISTERED SURVEYORS
 P.O. BOX 380 - 181 HIGH STREET - BLENHEIM
 PHONE (03) 5787984 - FAX (03) 5787709
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PROPOSED SUBDN OF LOT 3 DP 303944
 M.W Dineen - 71 Skevingtons Rd, Kaikoura

SCALE 1:2000
DATE 10 FEB 2020 Amended 19/5/20
JOB REF 20162221
JOB ID.
CAD FILE

