



NOTICE OF DECISION

Resource Management Act 1991 (RMA)

Application Number:	SU-2020-1704-00
Applicant:	D.T & R.S Travis
Consent Sought:	Freehold & Unit title Subdivision & Land Use
Address of Activity:	7, Old Beach Road, Kaikōura
Legal Description:	Lot 1 DP 12500
Valuation Number:	21070 221 10
Kaikōura District Plan Zone	Rural
Status of the Activity	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.
- A total of 19 submissions were received. All submissions were in support of the application.
- It is considered that the proposal is consistent with the policy and objectives of the Kaikoura District Plan.
- It is considered that the proposal is consistent with and does not contravene the Purpose the Resource Management Act 1991 (section 5). It is also considered that the proposal is consistent with the Principles of the Resource Management Act 1991 (sections 6, 7 and 8). The proposal is therefore assessed as being consistent with, and not contravening Part II of the Act.
- Council may grant the consent under section 104, 104B of the RMA and may set conditions under 108 of the RMA.

DECISION: GRANTED

Consent is granted:

- For land use
- For 2 stage subdivision to create two Fee Simple allotments (**Stage 1**) and 8 Unit titles (**Stage 2**) pursuant to sections 104, 104C and 108 of the Resource Management Act (RMA) 1991,
AND
- Cancel the consent notice 213497 pursuant o section 221(3) of the RMA 1991
AND
- Surrender of Easement D on DP 12005 pursuant to section 243e of the RMA 1991

at 7, Old Beach Road, Kaikoura being Lot 1 DP 12005 as set out in the application SU-2020-1704-00 subject to the conditions in Appendix 1

Signed: _____

Nirosha Seelaratne
Planning Officer

Acting under delegated authority by the Kaikōura District Council

Date: 15 / 04 / 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

STAGE 1

1. The proposal shall proceed in general accordance with application and the accompanying site plan stamped *Approved Plan for R.C. 1704* held at Kaikōura District Council with the exception with compliance to the conditions below.
2. Stage 1 shall be completed before stage 2 of the application.
3. In accordance with section 128 of the Resource Management Act 1991, from the date of granting the consent until the date the Survey plan is deposited, Kaikōura District Council may review any or all of the conditions of this consent by giving notice of review 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.
4. The consent holder shall meet all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent.
5. 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.
6. Storm water from hardstand or roofed areas shall not discharge across the neighbouring boundaries, unless suitably protected by easements.

AS-BUILTS

7. The consent holder shall submit to Council as-built drawings of all new services created.
8. 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.
9. Plans shall be certified by a suitably qualified person stating that they are a true and accurate record.
10. 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.
11. 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

12. 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.

13. 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

14. Any new services shall be laid underground.

VEHICLE CROSSINGS & ACCESS

15. The consent holder shall provide compliant vehicle access to all lots.
16. Vehicle crossings shall comply with section 12.8.2. of the District Plan
17. Vehicle access shall comply with sections 13.12.8 and 12.8.2. of the Kaikoura District Plan
18. No Work on any vehicle crossings shall begin until written approval is obtained from the Kaikoura District Council.

***Please note:** To obtain approval to form a vehicle crossing, the consent holder shall submit an application form for vehicle crossing to the Kaikoura District Council.*

WATER SUPPLY

19. The consent holder shall provide a separate water connection to all lots

***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.*

EFFLUENT DISPOSAL

20. The consent holder shall provide separate sewer connection to all lots.

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

STORMWATER:

21. The consent holder shall provide separate stormwater connection to all lots.

CONSENT NOTICES

22. Pursuant to s 221 of RMA the following consent notices shall be registered against the title of proposed Fee simple Lot 1

1. *No further subdivision shall occur on this site.*
2. *Only one residential unit shall be permitted on this site.*
3. *Building coverage of any future replacement of existing residential unit shall not exceed the existing building coverage.*
4. *The property shall not be used for short term visitor accommodation purposes without a resource consent.*
5. *Flood hazard Assessment from ECAN Regional Council will be required for any new dwellings/habitable buildings /extensions to existing dwellings/habitable buildings on site. This information shall be submitted to the Council with the Building Consent application.*
6. *The existing landscaping along all boundaries shall be maintained in a tidy condition to adequately screen the property.*

7. *All dead, diseased or damaged plants shall be replaced as necessary.*
8. *Landscaping shall be undertaken with suitable specimens from the Department of Conservation's East Coast Shrubland/Forest Ure to Kaikōura Species List and shall be completed within the first planting season after the commencement of the activity.*

STAGE 2

1. The proposal shall proceed in general accordance with application and the accompanying site plan stamped *Approved Plan for R.C. 1704* 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, from the date of granting the consent until the date the Survey plan is deposited, Kaikōura District Council may review any or all of the conditions of this consent by giving notice of review 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. 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. The consent holder shall provide compliant vehicle access to all lots.
15. Vehicle crossings shall comply with section 12.8.2. of the District Plan
16. Vehicle access shall comply with sections 13.12.8 and 12.8.2. of the Kaikoura District Plan
17. No Work on any vehicle crossings shall begin until written approval is obtained from the Kaikoura District Council.
18. That Give way pavement marking is installed where the internal roading network exists onto Old Beach Road. The location of the marking must be determined by Council's roading engineer

Please note: To obtain approval to form a vehicle crossing, the consent holder shall submit an application form for vehicle crossing to the Kaikoura District Council.

WATER SUPPLY

19. The consent holder shall provide a separate water connection to all lots

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.

EFFLUENT DISPOSAL

20. The consent holder shall provide separate sewer connection to all lots. (Free hold & Unit Titles)

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

STORM WATER:

21. The consent holder shall provide separate stormwater connection to all lots.

Advice Note:

- **The Body Corporate will be billed for any extraordinary water usage.**
- **individual property owners (Unit Titles) will be rated separately. That is, each unit will be rated individually for sewer, water and stormwater rates**
- **One-off administration fee will be charged for the administration work required.**

CONSENT NOTICES

22. Pursuant to s 221 of RMA the following consent notices shall be registered against the title of proposed Unit titles 1-8

1. *No further subdivision shall occur on this site.*
2. *Only one residential unit shall be permitted on this site.*
3. *Extension/s to the existing unit shall not be permitted.*
4. *No accessory buildings shall be permitted on this site*

5. *Building coverage of any future replacement of existing residential unit shall not exceed the existing building coverage.*
6. *The property shall not be used for short term Visitor accommodation purposes without a Resource Consent.*
7. *Flood hazard Assessment from ECAN Regional Council will be required for any new dwellings/habitable buildings /extensions to existing dwellings/habitable buildings on site. This information shall be submitted to the Council with the Building Consent application.*
8. *As stated within the application Body Corporate operational rules shall specify the following information:*
 - a) *An owner must ensure that the Unit shall only be occupied by:*
 - i. *A person aged 60 years or more, or if there is more than one occupier at least one such person shall be aged 60 years; and*
 - ii. *A maximum of two (2) occupiers at any time*
 - b) *The exception to (i) and(ii) is that the owner may give permission for an additional family member to stay in the unit up to seven (7) consecutive nights with a maximum of thirty (30) nights in any one calendar year inclusive of all such occupations. Sale of the Unit titles shall be restricted to elderly persons*
 - c) *Sale of the Unit titles shall be restricted to elderly persons*

Elderly persons are defined for the purpose of this consent as persons over the age of 60 years.

 - d) *It is prohibited to use or permit the Unit to be used for short term holiday accommodation or short -term rental.*
 - e) *Maintenance of roading & services within the property shall be a responsibility of the Body Corporate & the owners*

LAND USE: GENERAL CONDITIONS

1. The proposal shall proceed in general accordance with application and the accompanying site plan stamped *Approved Plan for R.C. 1704* 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

LAND USE: SPECIFIC CONDITIONS

LOT 1

4. Only one residential unit shall be permitted on Lot 1
5. Building coverage of any future replacement of existing residential unit shall not exceed the existing building coverage.

6. Visitor Accommodation Activity shall not occur on this property without a Resource consent.
7. Flood hazard Assessment from ECAN Regional Council will be required for any new dwellings/habitable buildings on site. This information shall be submitted to the Council with the Building Consent application.

UNIT TITLES

8. Only one residential unit shall be permitted on each of Unit Title allotments 1-8
9. Accessory buildings shall not be permitted on Unit Title allotments 1-8
10. The Unit Title allotments 1-8 shall not be used for short term Visitor accommodation without a Resource Consent.
11. Extension/s to the existing units on units shall not be permitted.
12. Building coverage of any future replacement of existing residential unit shall not exceed the existing building coverage.
13. Flood hazard Assessment from ECAN Regional Council will be required for any new dwellings/habitable buildings on site. This information shall be submitted to the Council with the Building Consent application.
14. As outlined in the application each Unit shall only be occupied by:
 - i. A person aged 60 years or more, or if there is more than one occupier at least one such person shall be aged 60 years: and
 - ii. A maximum of two (2) occupiers at any time

The exception to (i) and(ii) of condition 14 is that the owner may give permission for an additional family member to stay in the unit up to seven (7) consecutive nights with a maximum of thirty (30) nights in any one calendar year inclusive of all such occupations. Sale of the Unit titles shall be restricted to elderly persons

Elderly persons are defined for the purpose of this consent as persons over the age of 60 years.

LANDSCAPING: BOTH LOT 1 & UNIT TITLES

15. The existing landscaping along all boundaries shall be maintained in a tidy condition to adequately screen the property.
16. All dead, diseased or damaged plants shall be replaced as necessary.
17. Landscaping shall be undertaken with suitable specimens from the Department of Conservation's East Coast Shrubland/Forest Ure to Kaikoūra Species List .

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.

LAND DISTRICT: Marlborough
 Compiled In: MBSC/52
 Total CFR Area: 6.940m² (more or less)
 Local Authority: Kaikoura District Council
 Legal Description: Lot 1 DP 12005

NOTES:

- All areas and dimensions are subject to final survey
- Aerial Imagery is indicative only.
- Aerial Imagery has been sourced from the LINZ Aerial Services and licensed by LINZ under Creative Commons Attribution 3.0 New Zealand licence.
- Areas and dimensions are subject to final survey.
- Coordinates are in terms of NZGD 2000, Marlborough Circuit.
 Coordinate Origin SS BR 1 SO 6541 (BEWV)
 N: 707611.014 E: 390100.594
- Heights are in terms of New Zealand

APPROVED for Resource Consent application RC.1704
Ningsin Seelachan
 15/04/2021

LEGEND

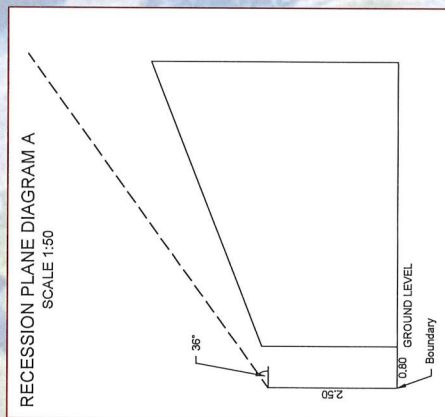
- Boundary
- Abuttal
- Easement
- Road Boundary
- Building
- Deck
- Building Eave

MEMORANDUM EASEMENTS

Purpose	Shown	Subsist Easement (Benefit)	Dominant Easement (Benefit)
Right of Way	⊙	Lot 2 Heron	Lot 1 Heron
Right to Drain Sewage, Convey Power & Water	⊙	Lot 2 Heron	Lot 1 Heron
Right to Drain Water	⊙	Lot 2 Heron	Lot 1 Heron

EXISTING EASEMENT IN CROSS TO BE EXTINGUISHED

Purpose	Shown	Subsist Easement (Benefit)	Grantee (Benefit)
Right to Drain Water	⊙	Lot 1 DP 12005	Kaikoura District Council



REVISED	DATE	BY	SCALE
A	15/04/2021	CSM	1:200
B			

Client: **KAIKOURA COTTAGE MOTELS**
 Project: **KAIKOURA COTTAGE MOTELS
 7 OLD BEACH ROAD KAIKOURA**

Sheet Title: **SCHEME PLAN - FEE SIMPLE SUBDIVISION**

DATE SURVEYED:	22/07/20	SCALE:	1:200
DESIGNED:	CSM	DATE ISSUED:	19/03/2021
DRAWN:	CSM	DATE CHECKED:	
CHECKED:	MM	DATE APPROVED:	
DESIGNED BY:	CSM		
CHECKED BY:			
APPROVED:	CSM		

9453 1 OF 3

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 www.bonischconsultants.co.nz

LAND DISTRICT: Marlborough
 Comprised in:
 Local Authority: Kaitiaki District Council
 Legal Description: Lot 2

NOTES:

- All areas and dimensions are subject to final survey
- Aerial imagery is indicative only.
- Aerial imagery has been sourced from the LINZ Data Service and licensed by (LICENSE HOLDER) for re-use under the Creative Commons Attribution 3.0 New Zealand licence.
- Areas and dimensions are subject to final survey.
- Coordinates are in terms of NZGD 2000, Marlborough Circuit, Coordinate Origin SS BR I SO 6541 (BEVV)
- N: 707611.014 E: 390100.594
- Heights are in terms of New Zealand existing physical features such as gardens, fences, paths, hedges, driveways, ect.



LEGEND

- Boundary
- Abutment
- Easement
- Road Boundary
- Building
- Building Eave

APPLICANT: R.C. TAYLOR
 Content Application
 15/104/2021
 Nicky's Sealmark

REV	REVISION DETAILS	DATE	BY	CHK	DATE	BY
1	DESIGNED	15/09/2020	CEM	CEM	15/09/2020	CEM
2	DRAWING CHECKED	15/09/2020	CEM	CEM	15/09/2020	CEM
3	DESIGN CHECKED	15/09/2020	CEM	CEM	15/09/2020	CEM
4	APPROVED	15/09/2020	CEM	CEM	15/09/2020	CEM

SURVEYED: CEM 22/06/20
 DESIGNED: CEM 15/09/2020
 DRAWING CHECK: CEM 15/09/2020
 DESIGN CHECK: CEM 15/09/2020
 APPROVED: CEM 15/09/2020

SCALE: 1:200 (ORIGINAL SCALE)
 DATE ISSUED: 15/09/2020
 SHEET: 2 OF 3
 PROJECT: KAIKOURA COTTAGE MOTELS
 UNIT TITLE SCHEME PLAN
 SHEET TITLE: KAIKOURA COTTAGE MOTELS
 7 OLD BEACH ROAD

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