

**BEFORE AN INDEPENDENT HEARING COMMISSIONER ON BEHALF OF THE WESTLAND
DISTRICT COUNCIL**

IN THE MATTER OF

A combined resource consent proposal to subdivide land into 17 allotments (including amalgamation) and land use consent to erect a total of 12 dwellings, including no more than one dwelling per allotment on Lots 1 to 12, and to form an unformed legal road for residential access, resulting from the three-stage subdivision of land at 117 Arthurstown Road, Hokitika. Ref. RC220120 and RC230030

APPLICANT

Forest Habitats Limited

DECISION OF INDEPENDENT HEARING COMMISSIONER MARK GEDDES

DATED 14 MARCH 2025

INTRODUCTION

General

1. This is the decision of Independent Hearing Commissioner Mark Geddes on behalf of Westland District Council (WDC) in relation to a combined application made by Forest Habitats Ltd under Council references RC220120 and RC230030 for subdivision and land use consent at 117 Arthurstown Road, Hokitika.

Appointment

2. On 21 December 2023 I was appointed by WDC as an Independent Hearing Commissioner to hear and determine the subject resource consent applications. This also included the delegation of all powers necessary to hear and determine the application and all powers necessary to fulfil that role.

Acronyms

3. The following acronyms are used in this decision:

Acronym	Full
RMA	Resource Management Act 1991
NES	National Environmental Standard
NPS-IB	National Policy Statement on Indigenous Biodiversity
NZCPS	New Zealand Coastal Policy Statement
RPS	West Coast Regional Policy Statement
TTPP	Te Tai o Poutini Plan
WDC	Westland District Council
WDP	Westland District Plan

Decision Format

4. This decision is set out to:

- a. List details of the hearing, including the people who attended the hearing and the people who provided evidence in relation to the application.
- b. Summarise the key details of the application and site.
- c. List the resource consents required and the key statutory provisions considered.
- d. Summarise the principal issues in contention.
- e. Summarise the evidence and the main findings on the principal issues in contention in the context of the proposals:
 - i. Actual and potential effects on the environment
 - ii. The relevant provisions of the statutory planning documents that were considered
- f. Address any other relevant matters
- g. Address part Part 2 RMA
- h. State the decision and the reasons for the decision.

THE HEARING AND PEOPLE WHO ATTENDED THE HEARING

- 5. The first day of the hearing was held at WDC's head office in Hokitika on 23 April 2024. The hearing was adjourned following a request for further information from the applicant and reporting officer and reconvened on 25 September 2024 via an online video conference. The second day of the hearing was also adjourned so that the reporting officer could provide comment on the amended conditions and Council's Road Sealing Policy, and also so that the applicant could provide their written right of reply.
- 6. I subsequently received several unsolicited memos from the applicant's legal Counsel from 30 October 2024 to 19 February 2025 that concerned the process of the hearing. This was largely addressed by Council's lawyer and in Minutes 5-8, dated 15 November 2024, 29 November 2024, 17 December 2024 and 19 February 2025. The last-minute closed hearing.
- 7. The table below lists the people who presented evidence at the hearing:

Name	Field of Expertise	For
Nigel McFaden	Legal	Applicant
Barry MacDonell	Planner	
Stuart Challenger	Engineer	
Matt Symons	Natural hazards	
Anna Johnston	Planner	WDC

8. Juan Gabiria did not attend the hearing but provided noise evidence on behalf of the applicant. Jeremy Dillion presented at the hearing for the applicant company.
9. The following submitters also attended the hearing:
 - a. Anne Kieran, 39 Arthurstown Road, Hokitika
 - b. Nigel Gallop, 84 Arthurstown Road, Hokitika
10. Karl Hardenbol was also a submitter but did not attend the hearing.
11. Kate Fleming (WDC) provided secretarial support, while Olivia Anderson (WDC) observed the hearing as District Planning Manager for WDC. Harry Dillon also observed the hearings, presumably in support of the applicant.

DESCRIPTION OF THE SITE AND APPLICATION

12. This section describes the key elements of the site, surrounding environment, existing consents and the application.

Site

13. The site is located at 117 Arthurstown Road, Hokitika. It is situated on the southern side of the Hokitika River, directly across the river from the town of Hokitika and about 1.3 Km east of the South Island's West Coast. Arthurstown's Road is accessed off State Highway 6, approximately 300m south of the Hokitika bridge.
14. The site consists of six Record of Titles being legally described as Lots 8 to 29 DP142, Part RS 1300, RS1603 and RS1602, RS1421, RS1588 and Part RS 1589 and Part RS4363 with a total

area of 27.3834 ha. An aerial view of the site is provided in **Figure 1**.

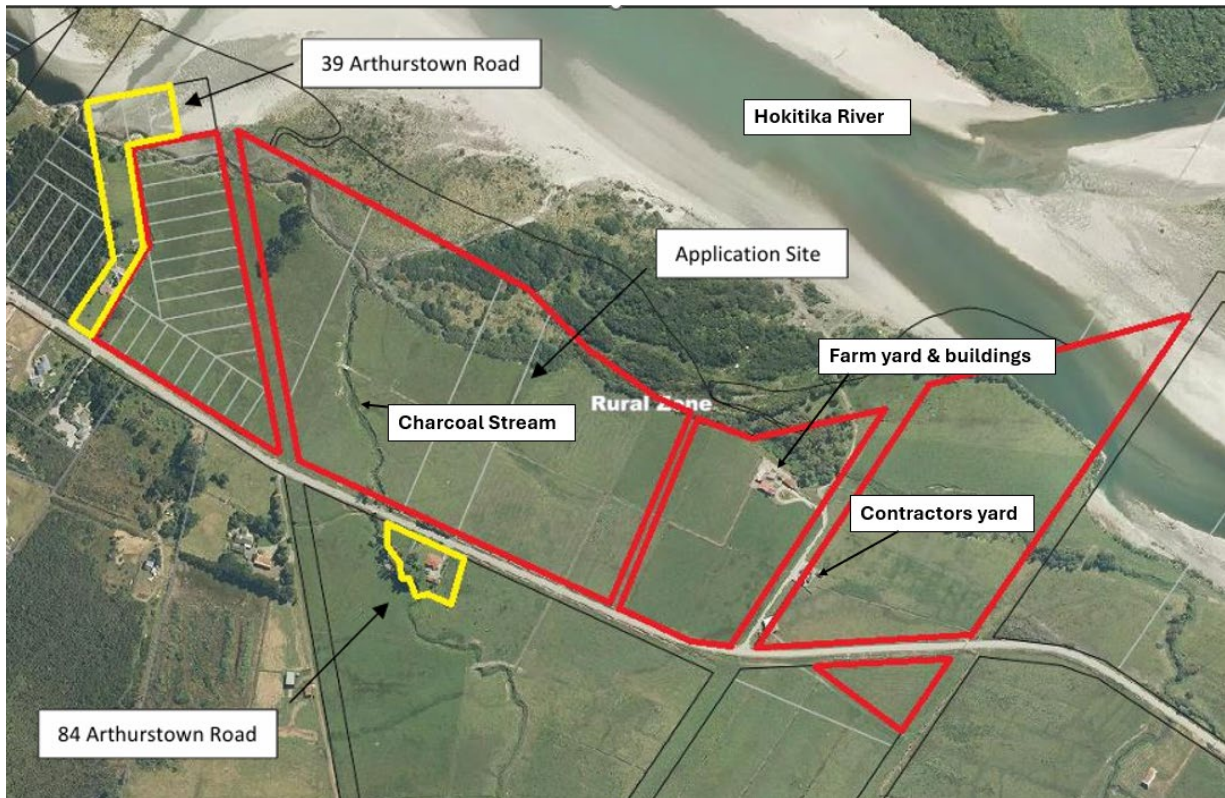


Figure 1 – An aerial view of the site, with the site boundaries outlined in red and the submitters properties outlined in yellow. Source: Adapted from the S.42A Report

15. East Road dissects the eastern part of the site providing access to the Hokitika River and is formed and metalled but not sealed. There are also two unformed legal roads that run through the site, being Ferry Road that dissects the western part of the site and Juan Road that dissects the eastern part of the site.
16. The topography of the site is low lying, being approximately 2.5m to 5.5m above sea level and sloping down gently north towards the Hokitika River. Charcoal Stream runs through the site from Arthurstown Road towards the northwest before turning towards the west. Charcoal Stream is a small stream with a bed that is incised by approximately 1-2m below the surrounding land. The Hokitika River exists to the north of the site and is a substantial river with

a flow in the range of 80m³/s to 2,000m³/s¹.

17. Vegetation at the site is predominantly pasture. However, scrub exists along the site's northern boundary, while a mature stand of exotic deciduous trees exists in the north-western part of the site. These trees are known to be roosting habitat for the White Heron and Royal Spoonbill, with the initial having a conservation status of nationally critical under the New Zealand Threat Classification System. I confirmed the presence of White Heron in the area at my site visit, witnessing one on an adjoining property approximately 100m metres west of the beforementioned trees.
18. In terms of built form, there is an existing dwelling located on Part Rural Section 4363. This has been converted to an office for a consented industrial storage yard. Some farm buildings are also located on the opposite side of East Road. Other built form on the site consists of post and wire fences, water troughs and an electricity distribution line that runs in a west-east direction.
19. Aside from the industrial storage yard, the site is predominantly used for livestock grazing.
20. Land uses in the vicinity of the site consists of rural residential development to the west and south-west of the site. A small cluster of 15 houses are located between the site and State Highway 6. The property at 39 Arthurstown Road, directly adjoins the site to the west and includes a detached dwelling, associated accessory buildings and gardens. There is only one house adjacent to the site to the south, being 84 Arthurstown Road. Land uses further to the south and east consist of agricultural land or native vegetation.
21. The entirety of the site is located in the Rural Zone of the WDP. Similarly, the site is located in the Rural General Zone of the TTPP. The site is subject to the following overlays in the TTPP:
 - coastal environment
 - coastal tsunami hazard
 - flood plain
 - flood susceptibility

1. _____

¹ West Coast Regional Council

- flood hazard severe
- coastal hazard alert (variation)

Existing Consents

22. Resource consent has been issued under Ref. RC220080 in relation to that part of the site legally described as Part Rural Section 4363 for the construction and operation of an industrial storage yard and office. This is illustrated in **Figure 1** as a 'contractor's yard'.
23. I understand that the applicant has applied for land use consent to construct a dwelling on each of the site's Records of Titles plus on the Records of Titles the applicant owns to the south and east of the site. However, at the time of the September hearing Council advised that they had not made a decision in relation to those applications. I did not receive any update on the progress of those applications subsequently from the applicant.

Application

24. Subdivision consent is sought to subdivide the site's six Record of Titles into 17 new allotments in three stages. The subdivision will create 12 allotments that can accommodate new residential development, and 1 balance allotment that will be formed by the amalgamation of Lots 13-15 and Pt RS 4363 and Pt RS 4363. Lots 16 and 17 are access lots. Lots sizes range from 5,000m² to 7.87 ha. The three stages occur delivering approximately one third of the lots in each stage in a sequential progression from west to east.
25. A key part of the application are the measures proposed to avoid or mitigate the potential adverse effects from flooding. These include consent notice conditions requiring (in summary):
 - a. A flood free building platform and driveway
 - b. Dwellings on Lots 1-12 and accessory buildings to be constructed within the building platforms identified on the scheme plan
 - c. A minimum finished floor level of RL6m for dwellings
 - d. Buildings, servicing, foundations and flood levels designed and constructed in accordance with engineering advice.
 - e. No fences, walls or earthworks that may restrict flood waters.

- f. No buildings on Lot 13-17.
26. Similarly, several consent notice conditions are proposed to protect the rural character and amenity of the area including (in summary):
- a. A height limit of 7 m for residential buildings
 - b. A height limit of 5.5 m for accessory buildings
 - c. No more than two accessory buildings per site
 - d. A ground floor limit for dwellings of 300 m²
 - e. A ground floor area limit for accessory buildings of 150 m²
 - f. Any boundary fences or gates to reflect the rural setting
 - g. Permanent maintenance of the planted bund
 - h. Boundary and swale planting along the site's western boundary.
27. Several other conditions are proposed including (in summary):
- a. The construction of a 1m planted bund along Arthurstown Road
 - b. Riparian planting along part of Charcoal Stream
 - c. A stock proof fence around the Charcoal Stream riparian planting
 - d. No disturbance of the nesting habitat area shown on plans
 - e. No buildings or structures within nesting habitat or Charcoal Stream riparian planting area
 - f. A recreation facilities financial contribution
 - g. An accidental discovery protocol.
28. In terms of infrastructure services, the following is proposed:
- a. Rainwater tanks are proposed for water supply

- b. Onsite wastewater treatment and disposal
 - c. Onsite disposal of stormwater
 - d. Power and telecommunications are to be provided underground.
29. In terms of access, most lots will have legal and physical access from Arthurstown Road either directly or via a right of way. Lots 8, 13 and 13 will have legal and physical access via East Road. Entranceways are proposed to be formed and seal for a minimum of 10m from the edge of the seal. East Road and Juan Road are proposed to be upgraded in compliance with NZS 44404, but with metal, not seal.
30. A 'no-objection covenant' is proposed to be registered on the proposed Records of Title of Lots 8, 10, 11 and 12 to address potential reverse severity effects in relation to the consented industrial yard.



Figure 2 – The Proposed subdivision (including all stages).

Process of the Application

31. I understand that the application was lodged with WDC in October 2022. It was amended in

response to a further information request and then was limited notified on 27 April 2023 with submissions closing on 25 May 2023. A joint submission was received from Ms. Ann Elizabeth Kieran and Mr. Karl Heinz Hardenbol and Mr. Nigel Edward Gallop. Subsequent to Council issuing its Section 42A RMA report, the applicant then revised the application, after which an addendum Section 42A RMA report was issued by on Council on 12 March 2024.

RESOURCE CONSENTS REQUIRED

32. Resource consent is sought for subdivision and land use consent.

Westland District Plan

33. A controlled activity land use consent is required for the construction of houses on proposed Lots 1-12 under Rule 5.6.2.2(b) of the WDP with matters of control restricted to:
- a. financial contributions relating to the provision of potable water and roading
 - b. location of access points
 - c. method of effluent disposal
 - d. distance from existing activities which may have nuisance effects
 - e. visual and aesthetic values
34. The applicant's expert planning witness and Council's reporting officer initially held some divergent views regarding the activity status of the subdivision. While the Council's reporting officer initially classified the application as a discretionary activity under Rule 7.3.3 of the WDP, she subsequently classified the revised application as a non-complying activity under Rule 7.3.4 due to the potential non-compliance with Table 5.7(i) of the WDP that relates to riparian setbacks. The applicant's planning witness disagreed with that interpretation classifying the activity as a discretionary activity. However, Council's reporting officer later changed her view at the hearing and in the end, there was consensus amongst the applicant and Council's reporting officer that the combined subdivision and land use consent application required a discretionary activity overall in terms of the WDP under its Rule 7.3.3 in relation to a subdivision which complies with the discretionary activity standards of Table 7.1.
35. I agree that the application does not breach the riparian setback standards of Table 5.7(i) of the WDP. While that table seems reasonably clear in requiring 'no modification' within 10m of

a river or stream (of more than 3m in width)', the explanation for these provisions under Section 5.6.4(i) of the WDP indicates that it was intended to permit a range of matters in the riparian margin despite them not being listed as an exemption. Table 5.7(i) states:

“Permitted activities within riparian setbacks activities within riparian setbacks include fencing, the activities of free-range stock, pest and weed control, the retrieval of unavoidable logging and the removal of other logging debris, cable suspension logging, and access points to water on the basis of either one per site or one every 400m of linear measurement for stock, vehicles and structures such as whitebait stands.”

36. While the explanation under Section 5.6.4(i) does not specifically mention natural habitat enhancement, it does specifically refer to fencing and weed control that are a key part of riparian habitat enhancement. I also note that there is some discretion in the WDP's definition of the word 'modification' which it states means:

“physical changes to a building or site which are outside those normally expected by minor works and exclude demolition and removal”. [Emphasis added]

37. Considering there is some discretion as to what constitutes modification and given the relatively broad scope of the activities intended to be permitted by the WDP in riparian margins, I find that the proposed establishment of new indigenous planting in Charcoal Stream is a permitted activity. The use of explanatory material in interpreting district plan rules is consistent with Section 5 of the Interpretation Act 1999 that states that the meaning of an enactment must be ascertained from its text and in light of its purpose. It also states that the indications provided in the enactment such as explanatory material can be considered in ascertaining the meaning of the enactment.
38. Before confirming the activity status of the application, I want to clarify and ambiguity of the WDP in respect to the activity status of subdivision application. The Council's reporting officer states that the application requires a discretionary activity consent under Rule 7.3.3 of the WDP in relation to a subdivision which complies with the discretionary activity standards of Table 7.1. The applicant's expert planning witness also states that the application is classified as a discretionary activity, but notes that the matters of discretion are set out in Section 7.6. Rule 7.3.3 states that the exercise of discretion is restricted to the matters set out in Section 7.6. As Rule 7.3.3 of the WDP limits its discretionary, it could be interpreted that the application is a restricted discretionary activity despite the heading of the rule stating it is a discretionary activity. If so, this would have implications for how the application is considered.

However, taking into account that the WDP was made operative in 2002 before Section 44 of the Resource Management Amendment Act 2003 (2003 No 23) introduced restricted discretionary activities into the RMA, I am satisfied that the intention of the plan makers was to classify the rule as a discretionary activity. I also note that the matters of discretion referred to under Section 7.6 are so broad that it is effectively a discretionary activity despite the matters of discretion.

39. I now turn to whether the two applications should be considered individually or bundled and considered collectively under one activity status. The applicant's legal Counsel initially considered that the application should not be bundled and considered collectively under one activity status. However, upon questioning he acknowledged the two consents are related. Accordingly, and as there is an interrelationship between the effects of the land-use activity (the dwellings) and the subdivision, the two activities are related and cannot be easily unravelled. Accordingly, I find that two applications should be bundled.

Proposed Te Tai o Poutini Plan (TPPP)

40. No consents are required under the TPPP.

Other Consents

41. No other consents are required for the activity.

Overall Activity Status

42. With the above matters in mind, I find that the application is classified as a discretionary activity under the WDP.

KEY STATUTORY PROVISIONS CONSIDERED

43. The key statutory provisions considered in the assessment of this application are set out in summary below.
44. Resource consents are considered and determined under the RMA.
45. Section 104 of the RMA lists the relevant matters a consent authority may consider in determining a resource consent application. Relevant to the consideration of this application are:

- a. Part 2 of the RMA
 - b. Any actual and potential adverse effects on the environment of allowing the activity
 - c. Any positive effects on the environment to offset or compensate for any adverse effects
 - d. Any relevant provisions of a statutory planning document
 - e. Any other matter the consent authority considers relevant and reasonably necessary to determine the application.
46. Section 104B of the RMA provides that in relation to a resource consent application for a discretionary activity, a consent authority may grant or refuse the application, and if grants the application, may impose conditions under Section 108 of the RMA.
47. Section 106 of the RMA states that a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that:
- a. there is a significant risk from natural hazards; or
 - b. sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.
48. Sections 108 and 108A of the RMA specify requirements for conditions of resource consents, while Section 220 of the RMA prescribes conditions for subdivision consents.

THE PRINCIPAL ISSUES IN CONTENTION

49. The principal issues in contention with this proposal are:
- a. Its potential effects on the rural character and landscape of the area
 - b. Its potential adverse effects on the amenity of 39 Arthurstown Road
 - c. Its potential adverse effects from increased traffic
 - d. Its potential adverse effects on ecosystems and biodiversity
 - e. Its potential to create reverse sensitivity effects

- f. Its potential adverse effects from the wastewater drainage
- g. Its potential adverse effects on productive land
- h. Its potential to displace flood waters onto adjoining properties
- i. The site's potential susceptibility to flooding
- j. The site's potential susceptibility to tsunami
- k. Its consistency with the relevant statutory planning documents
- l. Its consistency with Sections 6 and 7 of the RMA
- m. The sufficiency of the information provided
- n. Its consistency with Section 106 of the RMA.

50. These matters are now considered in turn.

THE EVIDENCE & THE MAIN FINDINGS ON THE PRINCIPAL ISSUES IN CONTENTION

51. This section of the decision summarises the evidence heard and the main findings on the principal issues in contention.

Rural Character and Landscape Effects

52. The proposal's adverse effect on the rural character of the area and potential landscape effects have been raised in the submission from Ms. Ann Kieran and Mr. Karl Heinz Hardenbol and by the Council's reporting officer.

53. While the submission from Ms. Kieran and Mr. Hardenbol was focused on the proposal's potential effect on the amenity of their own property (note: this is discussed in the next section of this report), their submission also suggested that the applicant underestimated the potential adverse effect of houses and out buildings on the special character of this area.

54. The Council's reporting officer concluded that the amended application's potential adverse visual effects will be less than minor. In coming to that view, she noted that the proposed planting will considerably reduce the proposal's potential adverse visual effects and the perception of ribbon development when viewed from the Arthurstown Road.

55. However, the Council's reporting officer also concluded that the adverse effects on the rural character will be more than minor through the construction of up to a total of 7,200m² of built form and the conversion of the application site from productive rural to rural residential use. Her addendum report goes on to state that the character of the area will be notably compromised by the raised building platforms proposed and that this form of residential development is not anticipated in the Rural Zone of the WDP. In response to a question, the reporting officer suggested that 'rural character' includes the productive rural components of the site, while the traffic, noise, light and built form of the proposed development will combine to adversely effect the character of the area.
56. In contrast, the applicant's position is that a range of management measures have been proposed through the design of the subdivision and the offered conditions of consent to mitigate potential adverse effects on rural character and landscape values. This includes ensuring that there are a range of lot sizes, a landscaped bund, building setbacks, height and floor area restrictions, and controls on fencing.
57. The starting point in the assessment of character effects is an evaluation of the state of the existing environment along with any development that can occur as a permitted activity.
58. In this case, key components of the existing environment include the cluster of houses to the west and south-west of the site, the openness of the site and the areas of vegetation adjoining the site along the river and in the broader vicinity of the site.
59. With 17 houses being located within approximately 300m of the site, and several closer, I find that the existing character of this area is not predominantly agricultural and includes rural residential development. Further, I find that native bush is key a component of the existing character of the area that includes scattered areas of bush adjoining the site to the north, located between the site and State Highway 6, along with substantial areas of native bush located further to the south and east. Not only does it contribute to the amenity of the area, but it also provides a sense of enclosure.
60. In terms of the development that is permitted on the site and in the surrounding area, I note the reporting officer's evidence confirms that houses are not permitted in the WDP's Rural Zone but farm buildings are. While the TPP is more enabling, zoning the area to the south-west of the site a Rural Settlement zone and a large area to the east and southeast of the site as Māori Purpose zone, these rules do not have legal effect and therefore cannot be considered as part of the existing environment.

61. The applicant confirmed that they have lodged a resource consent for a house on each of the six existing Records of Titles of the site and the three adjacent Record of Titles owned by the applicant. However, at the time of writing this decision, I understood that no decision on these applications had been made, and therefore they cannot be considered as part of the existing environment.
62. I agree with Council's reporting officer that the visual effects of the proposal will be less than minor. This is illustrated by the photomontages provided by the applicant that illustrate that most of the proposed buildings will be obscured by the proposed landscaped bund when viewed from Arthurstown Road. Although the reporting officer was concerned that the houses would be visible above the landscape bund given their elevation on the building platforms, landscape plantings will also be elevated by approximately the same height as most of the building platforms are elevated above the ground. This, coupled with the height of the plantings, some of which will grow several meters in height, will screen most views of the proposed houses. It also should be noted there is no requirement to screen all view of the development. Accordingly, I find that landscape plantings suitably mitigate landscape and visual effects when viewed from Arthurstown Road.
63. Although the landscaping will take time to grow, the 1m high bund will provide some immediate screening as it will have to be constructed before Council grants its final approval to the subdivision under Section 224(c) of the RMA. Further, given the normal delays in selling properties and designing, consenting and constructing houses, it is expected that the landscaping would be well advanced before houses are constructed on the proposed lots. Accordingly, I find that that any temporary effects will be limited.
64. I also find that the proposal will not have an adverse effect on rural character that is more than minor. While I agree that the character of the site will change, as stated above, the landscape plantings and houses will be consistent with the established character of the area that includes houses and large areas of vegetation.
65. I have not been made aware of any special landscape classification for the area, nor has there been any evidence on that matter. Aside from Arthurstown Road, the only other public area the site can be viewed from is the Hokitika River. However, the river beds' existing vegetation will mostly obscure views of the subdivision. When asked about the specific policies in the WDP that addressed rural character, the reporting officer said that the WDP provisions in relation to character were ambiguous.

66. Accordingly, I find that the proposal's actual and potential effects on character and landscape values of the area will be less than minor when viewed from public areas.

Potential Effects on 39 Arthurstown Road - The Kieran-Hardenbol Property

67. The proposal's potential adverse effect on the amenity of their property was a key focus of the Kieran-Hardenbol submission. Their property adjoins the site's western boundary, being located at 39 Arthurstown Road. The amenity concerns that were raised in the Kieran-Hardenbol submission include potential adverse effects on privacy, light, dust, nuisance, aesthetic values effects. Adverse effects on vegetable growing was also raised as an issue.
68. The building platform on Lot 1 will be located approximately 50m to the east of the house at 39 Arthurstown Road. While the latter property enjoys some views over the site, there is also a row of mature landscape plantings that exist along its eastern boundary that screen view of the site at many points.
69. The applicant proposes to establish a one metre wide strip of native plantings along this boundary, in addition to planting the existing swale that runs close to this boundary. The reporting officer's addendum report states that this proposed planting is likely to significantly reduce impacts upon this neighbour, including visual, amenity and privacy effects as seen from this property. I agree, particularly considering the setback of the building platform on Lot 1.
70. While the landscaping will reduce potential adverse effects from lighting, I find that a condition requiring compliance with the district plan's lighting controls would provide a more comprehensive approach to the management of lighting effects. Note that the district plan applicable at the time the houses will be built will likely be the product of the TTPP.
71. The Kieran-Hardenbol submission was also concerned about the potential effects of the subdivision on their vegetable growing. At the hearing Ms. Kieran explained that they were concerned about the use of sprays on the site drifting onto their property. So far as I am aware, the applicant has not specifically proposed to do any spraying, although spray may be used as part of establishing the boundary planting. However, given the setback of the garden from the boundary (approximately 5m), and the fence and mature planting that exist along the boundary, I am not concerned that this will create an adverse effect on the submitters' vegetable garden that would be more than minor. I also note that some of the submitters' vegetable garden is protected by a glasshouse and that spray from the agricultural use of the

site may be more regular than its use as a rural residential site.

72. Accordingly, I find that the actual and potential amenity effects on 39 Arthurstown Road are likely to be minor.

Traffic Effects

73. The Kieran-Hardenbol submission also raised concerns about increased traffic as a result of the proposal and associated noise, vibration, pollution and dust effects, along with effects on local bicycle race events. Mr. Gallops' submission raises concern about the sightline visibility in relation to the entranceways to Lots 5 and 6 next to the one-way bridge.
74. However, when I referred the submitters to Mr. Jackson's (WDC's Transport Manager) report on the application that addressed these concerns, the submitters confirmed they were happy with his response.
75. While the reporting officer raised some residual concerns with the sightline distances being constrained by the planted bund, she acknowledged that the 3.5m width of the grass berm on Arthurstown Road will allow future occupants to observe traffic prior to entering the formed carriageway.
76. Accordingly, and given the applicant's transport assessment did not raise any significant traffic safety issues, I find that the proposal will likely have a less than minor adverse effect on traffic safety.
77. In terms of traffic noise, vibration and dust effects on 39 Arthurstown Road, there was no evidence presented that suggested they would be an issue. In this regard I also note that only the future dwelling on Lot 1 will access Arthurstown Road at a point close to the Kieran-Hardenbol property. As such, I would expect there will be very limited traffic noise, vibration and dust effects. Therefore, I find that potential noise, vibration and dust effects on 39 Arthurstown Road will likely be less than minor.
78. The key matter in contention between the applicant and the Council concerning traffic effects is the request by the Council Roading Manager (Mr. Jackson) to seal East and Juan Roads. I was provided with an e-mail from Mr. Jackson dated 15 July 2024 that responded to an e-mail from the reporting officer asking him whether he was happy for the roads not to be sealed. Mr. Jackson's response clarified he wanted the roads sealed and that the reason for the original request to seal the roads was for dust mitigation and maintenance and that "these are exactly

the type of formations that lead to dust and pothole complaints that invariably end up with Council having to remedy”. Mr. Jackson did not attend the hearing.

79. On the contrary, Mr. Challenger’s evidence states that the sealing of the East and Juan Roads is necessary for no more than 10m from the vehicle crossing, to prevent loose gravel from tracking out onto the carriageway. As such conditions 49 and 50 were proposed by the applicant to require East Road and Juan Road to be designed, upgraded, formed and metalled inclusive of the intersection with Arthurstown Road. These conditions do not require the roads to be sealed. Notably, Mr. Challengers recommendations were not consistent with the Mr. Symons Hutchinson Engineering report that recommends that the roads are sealed. When asked the reason for this, Mr. Symons suggested “that it would provide a more robust surface and be better from a maintenance point of view”.
80. In relation to this matter, I firstly find that it would be at least appropriate to seal both East and Juan Roads where they intersect with Arthurstown Road. Otherwise, as Mr Challenger points out, loose gravel will track out onto the carriageway and create a potential traffic safety hazard. In relation to sealing the remainder of these roads, I accept Mr. Symons evidence that they should be resealed which aligns with Mr. Jackson’s request. This position is consistent with Section 7.7.1 of the WDP that states that the upgrading of roads adjacent to a subdivision may be required to meet the needs of extra traffic likely to be generated by the subdivision, and to provide for the needs of road users where existing roads are of inadequate width, formation or construction to cater for the increased usage caused by the land use or subdivision.
81. As the applicant has as offered to upgrade the East and Juan Roads except their sealing, I accept that proposal as an offered condition, despite it being over and above the requirements of the WDP, which states under its Section 7.7.1, that a maximum of 50% financial contribution maybe payable for upgrading road. I have imposed a condition requiring a 50% financial contribution to seal these roads to the accessway. The onerous then will be Council to pay for the reminder of the resealing, which is appropriate given that they have requested it.
82. In summary, subject to the before mentioned financial contribution condition, I find that the actual and potential adverse effects on transport effects, will be less than minor.

Effects on the ecosystems and biodiversity

83. The Kieran-Hardenbol submission also raised concerns about the proposal’s potential impact on local wildlife, namely the nesting habitat of the Royal Spoonbill and White Heron.

84. In response to these concerns, the Council consulted with the Department of Conservation who responded in an e-mail dated 15 May 2023, from Mr. Tim Shaw. This e-mail confirmed that the old man radiata pine trees situated in the north-western part of the site have been used as roosting habitat for a minimum of 15 years for wetland bird species including the White Heron and the Royal Spoonbill and are also likely to be used by one or more Shag species. Mr. Shaw's e-mail goes onto explain the conservation status of those species are not related to the availability of roosting sites or paddock feeding areas. Notwithstanding, he explains that it would be ideal if the trees were protected through the subdivision process. Overall, he considers the change in land use would be environmentally positive given that the previous farm management practices were environmentally poor.
85. To address this matter the applicant proposed a restrictive covenant around the roosting habitat, labelled 'V' on the Scheme Plan. A proposed condition required that a consent notice is registered on the title of Lot 14 that prohibits any buildings and structures being erected in the area labelled 'V' and no trees or nesting habitat shall be disturbed or removed within this area.
86. As Mr. Dillon (the applicant) commented in his evidence that the native birds are not resident when stock are in the fields, I asked him does he think the presence of the stock deters the birds and whether a fence was proposed around this area to exclude stock. He confirmed that he offered a fence around the covenant area.
87. The reporting officer's addendum report states that the proposed protection of the roosting trees will ensure this ecosystem is safeguarded from development which would otherwise be permitted under the WDP and TTPP.
88. In relation to this matter I find that the subject avifauna will not likely be affected by the development so long as a condition of consent restricts stock from entering the roosting habitat area.
89. The applicant also proposed the revegetation of Charcoal Stream, along with fencing that creek with a stock proof fence and consent notices to ensure no building or structures are erected. The applicant expanded the area of Charcoal Stream to be protected during the course of the hearing to include the length of the stream from Arthurstown Road to the edge of the creek that runs west-east across the site.

90. The reporting officer acknowledged the proposed planting of Charcoal Stream has the potential to enhance the quality and ecological viability of this waterway. She also noted the ongoing protection of the creek will ensure that this natural feature is safeguarded from practices which have resulted in degradation. I agree.

91. Overall, I find that the proposal will have a positive effect on ecosystems and biodiversity.

Reverse sensitivity effects

92. The reporting officer's original report raised concerns that proposed Lots 8, 10, 11 and 12 would have a reverse sensitivity effect on the contractor's yard approved under resource consent ref. 220080. In response, the applicant offered a no complaints encumbrance to be registered on the Records of Titles of proposed Lots 8, 10, 11 and 12. Notwithstanding, the reporting officer had a residual concern that the new dwellings on these lots would mean that the consent holder could not comply with condition 4 of resource consent re. 220080 that restricts noise emissions as measured from the notional boundary of any residential activity.

93. After the first hearing, I requested an acoustic report to ascertain what the noise levels from the adjacent contractor's yard are expected to be at the notional boundary of the future dwellings located on proposed Lots 8, 12, 10 and 11. In response, the applicant provided an acoustic assessment from Marshall Day Acoustics dated 14 May 2024. Their report concluded that the noise from the contractor's yard can comply with the noise limits of resource consent ref. 220080 and the applicable noise standards in the Westland District Plan.

94. The conditions of resource consent ref. 220080 are relevant. Condition 2 requires the following hours of operation:

- a. 07:00 – 18:00 Monday to Friday
- b. 07:00 – 13:00 Saturday
- c. No works on Sunday or Public Holidays

95. As noted above East Road will be sealed by way of condition, which will significantly mitigate dust and noise adverse effects.

96. Further conditions 15-17 of resource consent ref. 220080 requires the construction of a landscape bund along the contractor's yard's southern boundary and part way down its western boundary, which has already been established.

97. In summary, I agree with the noise evidence that the noise from the contractor's yard will not cause an adverse effect on the dwelling's proposed on Lots 8 to 12 that would be beyond the consented noise limits or the district plan standards. Further, I agree that the hours of operation controls of the contractor's yard are suitable and will retain an acceptable level of amenity for those houses. Similarly, I agree that the landscape bund will ensure suitable adequate screening is provided.
98. Although I could not see it in the proposed conditions, the applicant's written right of reply also offered that a no complaints covenant be registered on the Record of Titles located closest to the contractor's yard. While no complaints covenants have been found to not be completely effective, I find it will help to mitigate complaints.
99. Within these matters in mind, I find that it will be unlikely that the proposed subdivision will give rise to reverse sensitivity effects on the existing contractors yard.

Potential effects from wastewater drainage

100. As stated above, wastewater will be discharged to ground within each allotment.
101. The reporting planner's addendum report concludes that adverse effects in terms of servicing the development will be less than minor. That report also notes that discharge consent will be required under the Regional Plan for the discharge of wastewater. Although this point was contested by the applicant's engineer, it is a moot point as discharges to ground are not within the jurisdiction of the territorial authority and therefore generally outside the scope of my consideration. The exception to this is the lot sizes of subdivision could potentially limit the area of land available for the wastewater discharges. However, in this instance, there is no evidence to suggest that the sizes of the allotments are inadequate. On the contrary, Mr. Challenger's evidence makes it clear that a designed solution is available if soil conditions are not ideal. Accordingly, I find that the proposed lots should be capable of accommodating the wastewater discharges.

Potential effects on productive land

102. The potential effect of the proposal on the availability of productive land was raised by the reporting officer. However, the National Policy Statement on Highly Productive Land provides a national policy on the protection of highly productive land and only protects Land Use Classification (LUC) 1-3 soils. The site's soil is classified as LUC4 soils and therefore is not

considered highly productive. It should also be noted that the site's productive potential is partly retained in the proposal, with a large area of the site remaining as a balance lot for rural productive activities. It also cannot be said that productive activities are foreclosed on the remaining allotments.

103. Accordingly, I find that the proposed development will likely have a less than minor adverse effect on the productivity of the site's land.

The site's potential to displace flood waters onto adjoining properties

104. Mr. Gallop's submission and the officers report referred to the potential for fences/walls or earthworks to displace flood waters onto adjoining properties. I agree this is a potential issue and note that it is not unusual for property owners in floodplains to create their own defences against floodwaters. The evidence from Mr. Challenger tabled at the first hearing states that the elevated building platforms would raise flood level heights by 0.02m across the site. However, after questioning on this matter at the hearing, the applicant responded by proposing a consent notice condition that requires no fences, walls or earthworks be constructed on any of the residential lots that may divert or restrict floodwaters, other than the earthworks required for the building platform and driveway.

105. On the second day of the hearing, I raised the fact that the Hutchinson letter submitted in response to Minute No. 2 recommended that borrow material for the construction of the building platforms is sourced from the site. The rationale for sourcing the borrow material from the site is that the site's capacity to hold floodwater will not change as a result of the imported material i.e. the fill will equal the cut. In response to my questions on this matter, Mr. Symons suggested that the borrow material should be taken from the flood plan and not necessarily within the site. The applicant agreed to a condition in relation to this matter at the hearing, although this was not addressed in the final conditions offered by the applicant. Again, I assume that was not a conscious omission.

106. Subject to a condition requiring borrow material to be taken from the Hokitika floodplain, I find that it will be unlikely that the proposal will displace floodwaters.

The site's potential susceptibility to flooding and its consequential effects

107. I now turn to the site's potential susceptibility to flooding and its consequential effects. This was the key matter in contention with this application and required scrutiny.

108. The direction on this matter from the relevant statutory planning documents is a key consideration. However, I will turn to that matter later. Firstly, I will review and comment on the evidence presented in relation to this matter.

109. Mr. Challenger provided the initial natural hazards report for the application dated 28 September 2023. It referred to the flood modelling that has been undertaken by Land River Sea Consulting dated June 2020 entitled ‘Hokitika River – Hydraulic Modelling and Flood Hazard Mapping’ hereafter referred to as the Land River Sea report. This report was a key piece of evidence as there is no other river modelling evidence presented by the parties. In referring to this report Mr. Challenger’s report stated in summary that:

- a. The flood modelling shows the site is likely to be affected by flooding, particularly when the effects of climate change are considered.
- b. The proposed building platforms will ensure any future dwellings will not be affected by flood waters in events up to the 1 in 100 year flood, climate change scenario RCP6² (2100), 1m sea level rise and 400mm storm surge.
- c. The building platforms will be a minimum level of RL5.5m (NZVD2016), between 0.32m and 1.5m above the existing ground level, with the finished floor heights 0.5m higher at RL6.0m (NZVD2016).

110. The Hutchinson Consulting Engineers report dated September 2023 was also submitted with the application. In summary, it states that:

- a. The site is subject to flood inundation during peak river flood flows.
- b. Ground levels around the building platforms range from RL4.0m to RL5.2m
- c. Peak flood flow is expected to reach a maximum elevation of around RL5.5m
- d. Earth filling will be required to build platforms to a minimum of RL5.5m
- e. The flood map indicates that inundation will range from 0.0m to 2.0m during the peak flood flow for a 1 in 100-year event in the Climate Change Scenario RCP6.0 (2100), which assumes a 1m Sea Level rise and 400mm of storm surge.
- f. The flood modelling takes into effect sea level rise, global warming and storm surge

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² **Representative Concentration Pathways (RCP)** are climate change scenarios to project future greenhouse gas concentrations. These pathways (or *trajectories*) describe future greenhouse gas concentrations (not emissions) and have been formally adopted by the Intergovernmental Panel on Climate Change.

contemporaneously.

- g. Flood elevations typically range from around RL4.5m at the western end of the site to around RL5.5m at the eastern end of the site.
- h. There are outlier flood water peaks of up to around RL6.0m in certain areas however this is not representative of the RL5.5m average over the site.
- i. Finished floor levels of habitable space should be set no lower than RL6.0m and all future building sites should be assessed at the time of building consent to ensure the higher modelled flood levels above RL5.5m are not applicable to that particular site. However, I note this was not stated in the conditions. The finished floor levels of future habitable dwellings should be constructed no lower than 500mm above the inundation level for that particular site.
- j. The Land River Sea report defines flood hazard risk for most of the site as H1 and H2, being generally safe for vehicles, people buildings, and unsafe for small vehicles respectively.
- k. Given the inundation potential for the site and intended use, the proposed development is appropriate and the potential flood risk for the activity is low, particularly given the building sites will be elevated above the flood risk.

111. The evidence from Mr. Challenger tabled at the first hearing states that modelling is based on the peak flow of the Hokitika River coinciding with a king tide. It goes on further to state that as the river is tidally influenced, this means that as the tide goes down, so does the river and floodwaters. About 2.5 hours after the peak tide, water levels in the area will have dropped by about 1m, such that access will be available for cars.

112. On the face of it, the applicant's approach seems a reasonable way of mitigating the site's future dwellings susceptibility to inundation, particularly considering the contingency, which will place finished floor levels 0.5m above the expected flood depth. However, there were two potential issues with the evidence that needed careful consideration. The first issue is the certainty of the modelling considering its nature and that the fact that it does not use the sea level rise scenarios recommended by the Ministry for the Environment or take into account the stop bank upgrade on the other side of the river. The second is that the raised building platforms do not mitigate the risk of people leaving the site during a flood event. I turn firstly to the certainty of the modelling.

Certainty of the Flood Modelling

113. Given the application's reliance on the modelling, I asked Mr. Challenger several questions about the modelling on the first day of the hearing. In summary, he stated:

- a. The stop bank upgrade on the northern side of the Hokitika River has not been included in the model and therefore this is a limitation of the model. Note however, this issue was later resolved by additional evidence from Mr. Challenger.
- b. The modelling is based on the RCP6 scenario being a 1m sea level rise. However, the Ministry for the Environment (MfE) document *Coastal Hazard and Climate Change Guidance 2024* now recommends taking the RCP8.5 scenario that includes 1.4m sea level rise.
- c. Given the model's use of 50m² mesh blocks, there is a chance that the modelling does not pick up nuances of the topography, thereby creating a level of uncertainty.
- d. The other uncertainty is the rainfall. He stated, *"it is going up, as simple as that, it is just a matter as to how high it is going up"*.
- e. The model includes blockages at bridges. But at a small scale it does not include anything else. You can assume there will be other blockages.
- f. Given the uncertainty there is a need to take a precautionary approach and that is why the second highest climate change scenario has been relied upon in the flood predictions.

114. Given the applicant's reliance on the Land River Sea report, I referred to that report to understand the limitations of its modelling. Section 2 of that report states that:

"This study has been carried out using the information and data made available to the author at the time of this study. There are a number of uncertainties which should be acknowledged which include but are not limited to:

- *LiDAR data – whilst there is good coverage, LiDAR data comes with a degree of vertical uncertainty typically considered to be in the range of +/-0.15m.*
- *Significant interpolation has been required for the river channel due to the wide spacing between the surveyed cross sections.*
- *The model is a fixed bed model and does not allow for bed mobilisation / gravel transport.*
- *Model calibration is based on limited / historic data which does not extend far upstream of the Kaniere Bridge.*

- *There is significant uncertainty in the input hydrology estimates due to the location of the only flow gauge being in the Hokitika Gorge, upstream of the Kokatahi Confluence, with no level gauge in place anymore at the Kaniere Bridge location.*
- *No survey information was provided for the Kaniere Bridge and pier dimensions are assumed.*
- *The study has looked at current river conditions and has not looked into the potential for changes in bed level or configuration of the river mouth.”*

115. Given the above stated significant uncertainties in the modelling, it reinforced Mr. Challenger’s views that a precautionary approach is required, although as you will see later, I disagree with Mr. Challenger’s view that such an approach would be met by using the RCP6.0 climate change scenario.

Appropriateness of using the RCP8.5 climate change scenario

116. I now turn to whether it is appropriate to use the RCP8.5 climate change scenario recommended in the MfE Coastal Hazard and Climate Change Guidance 2024 instead of the RCP6.0 scenario used by the applicant.

117. I note that MfE guidance report uses the term ‘SSP3’ instead of RCP, but they are essentially referring to a similar matter. That guidance document states that it aims to ‘strengthen the integration of coastal hazards and climate change considerations into land-use planning, resource management, subdivision and building consenting, asset and flood risk management, infrastructure planning’. The MfE guidance report states it can be used by those who deal with these processes from outside local government: planners, engineers, lawyers etc. Accordingly, I find that the Coastal Hazard and Climate Change Guidance 2024 is a relevant consideration.

118. Mr. Symons addressed the matter of what climate scenario to use in his letter dated 17 June 2024. In that letter he states that “most proactive local authorities are using RCP6.0 scenario (assumes a 2.1° global temperature rise) rather than the RCP8.5 scenario (assumes a 3.1° global temperature rise) which is too conservative”. In justification of this position, he refers to the Auckland Council Stormwater Code of Practice that refers to the MfE 2008 climate

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³ Shared Socio-economic Pathways (SSPs), and partly informed by the Representative Concentration Pathways (RCP)

change guidance which recommends using a temperature rise of 2.1°, resulting in an equivalent to a 1.0m sea level rise. When I asked him whether he had any other evidence to support this position he stated that the Auckland Code of Practice was the current code of practice and suggested this was the one that everyone referred to. I did not accept Mr. Symons evidence on this matter given that the MfE guidance the Auckland Code of Practice refers to is 17 years old and superseded by the 2024 guidance.

119. Page 41 of the MfE *Coastal Hazard and Climate Change Guidance 2024* provides a useful explanation as to whether the SSP5-8.5 scenario should be used and in summary states:

- a. It is recommended to use the high-end emissions scenario SSP5-8.5, on which the median (M) and H+ (83rd percentile) sea-level rise (SLR) projections are based, in coastal planning to identify coastal areas potentially affected.
- b. This is to reflect that the world has been on a high emissions trajectory in the past few decades. This is also combined with the very long timeframes (multi decadal to centuries) for SLR to respond to released emissions and the deep uncertainty about future emissions and tipping points.
- c. The SLR projections based on SSP5-8.5 represent a plausible upper range of these uncertainties, while not including the low confidence uncertainties associated with polar ice-sheet instabilities.
- d. Ongoing SLR poses such risks for coastal areas. It is important for decision-makers to understand and plan for the full range of possibilities New Zealand may face, especially in coastal environments.
- e. Using SSP5-8.5 (M and H+) for coastal hazard and risk assessment screening is consistent with council planning decisions needing to:
 - i. implement other RMA requirements and policies, such as the precautionary approach (Policy 3, New Zealand Coastal Policy Statement, DOC, 2010)
 - ii. have regard to the national adaptation plan (which also directs consideration of the same scenarios) (MfE, 2022a).
- f. Even if the timing of a specific SLR height (up to at least 1.5 metres) for a SSP5-8.5 scenario is not realised, it will be reached decades or even centuries later for lower-

emissions trajectories and should be planned for as a plausible eventuality.

120. With this in mind and particularly considering the permanent or at least intergeneration duration of housing proposed as part of the application, I find that it is appropriate to use the RCP8.5 climate change scenario.

The accuracy of the flood modelling considering the Hokitika Stopbank upgrade

121. I raised the accuracy of the flood modelling at the hearing considering the Hokitika Stopbank upgrade has potential to push water south over onto the site. Information was sought on this matter from the applicant and Mr. Challenger addressed these concerns in his letter dated 11 February 2025. That letter concludes that the effect of raising the stop bank will be minimal. I accept that evidence and note there was no evidence to the contrary.

The risk of the proposed houses being flooded

122. I now turn to the evidence regarding the potential risks of flooding on the subdivision and its future dwellings. However, firstly one preliminary matter needs to be addressed.

123. The applicant suggests that there is a baseline for subdivision at the site as the site is made up of six existing Records of Titles that houses could be constructed on as a controlled activity. They also suggest that the applicant owns three adjoining properties that houses could be constructed on. On the latter matter, I find that the three adjoining properties are irrelevant as they do not form part of the site. In relation to the first matter, I find that controlled activities are not relevant to the permitted baseline nor can they be considered as part of the existing environment.

124. The main natural hazard evidence the applicant produced was the flood maps that were reproduced from the Land River Sea 2020 report. However, the applicant used the RCP6.0 climate change scenario, which as stated above, is not the correct scenario. They did however provide a copy of the Land River Sea 2020 report, which provides the climate change (2100) RCP8.5 scenario for the 1 in 100-year flood event which includes the 1.4m sea level rise and 0.4m storm surge. Three types of maps are produced in that report for that climate change scenario including:

- a. A peak depth map
- b. The peak velocity map

- c. A hazard map, which classifies the flood risk to people, property and vehicles and considering the information from the peak depth map and peak velocity map.

125. These three maps are provided below in Figures 2 to 4. Figure 2 provides two maps and compares the RCP6.0 flood depth map with the RCP 8.5 flood depth map. The two maps are almost identical with very little differences. This was illustrated by Mr. Challenger, who plotted the difference in these two maps in Figure 2 of his report dated 11 February 2025. Figure 5 provides a graphical representation of hazard categories used in Figure 4.

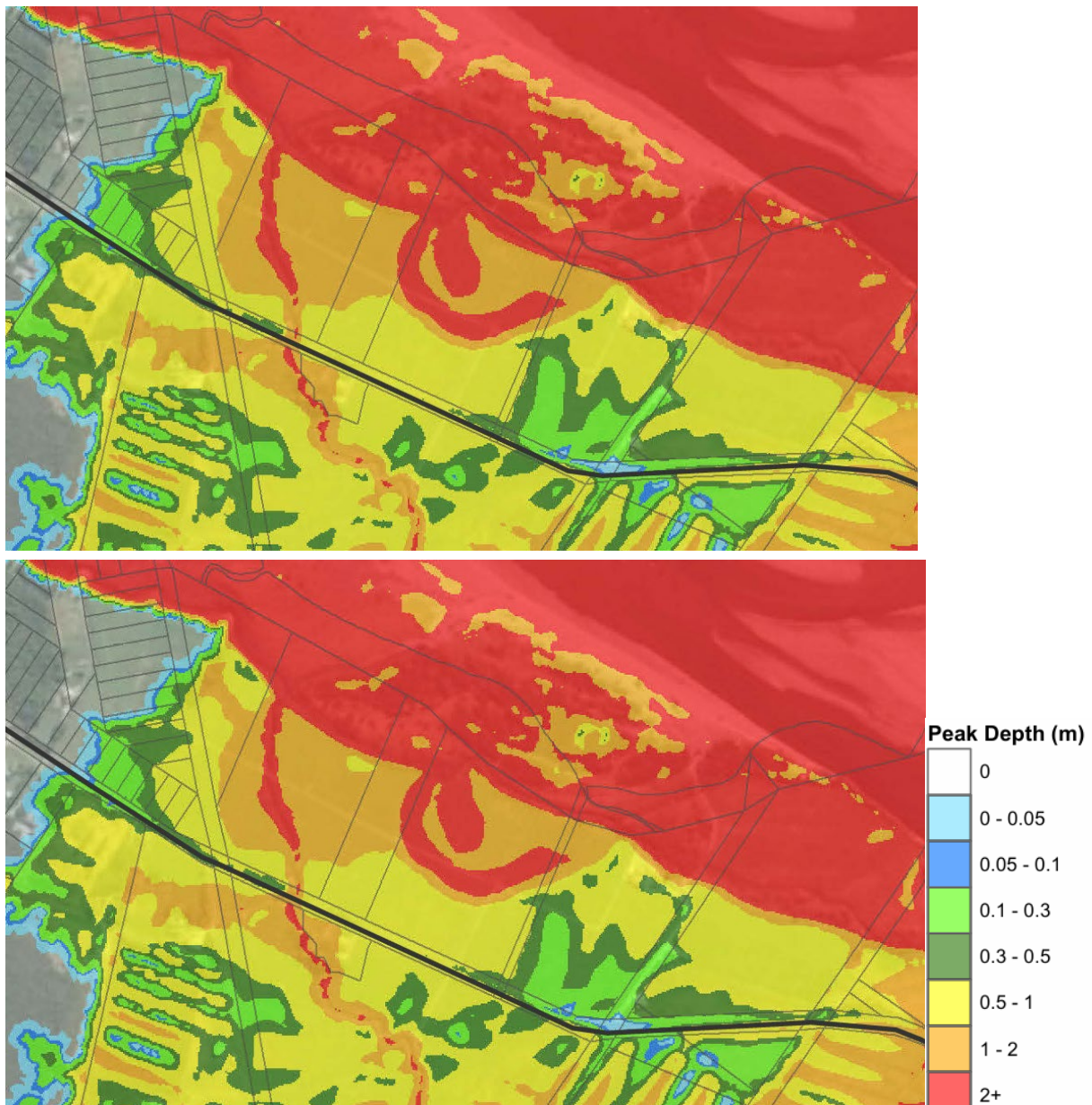


Figure 2 - PEAK DEPTH MAPs. The top map illustrates peak flooding for 1 in 100-year event including climate change (2100) RCP Scenario 8.5, 1.4m Sea Level Rise, 0.4m Storm Surge. The bottom map illustrates the 1 in 100-year event for climate change (2100) RCP Scenario 6.0, 1m Sea Level Rise, 0.4m Storm Surge. Source: Land River Sea report

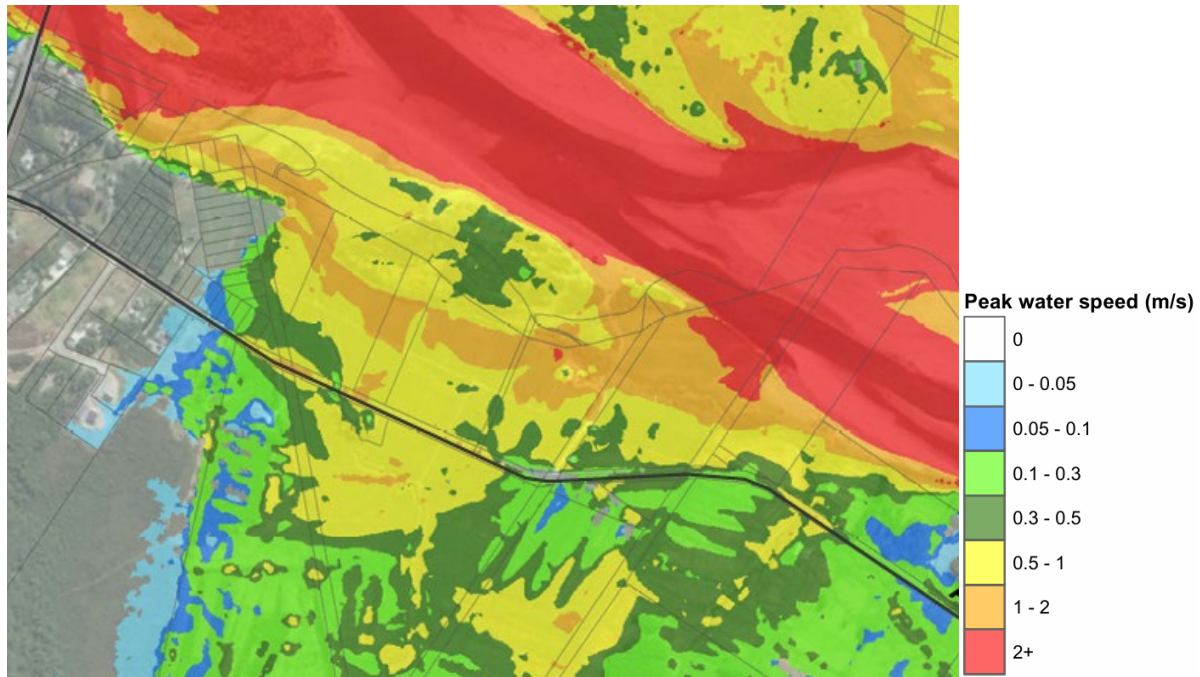


Figure 3 - PEAK WATER SPEED MAP 1 in 100 year event including climate change (2100) RCP Scenario 8.5, 1.4m Sa Level Rise, 0.4m Storm Surge

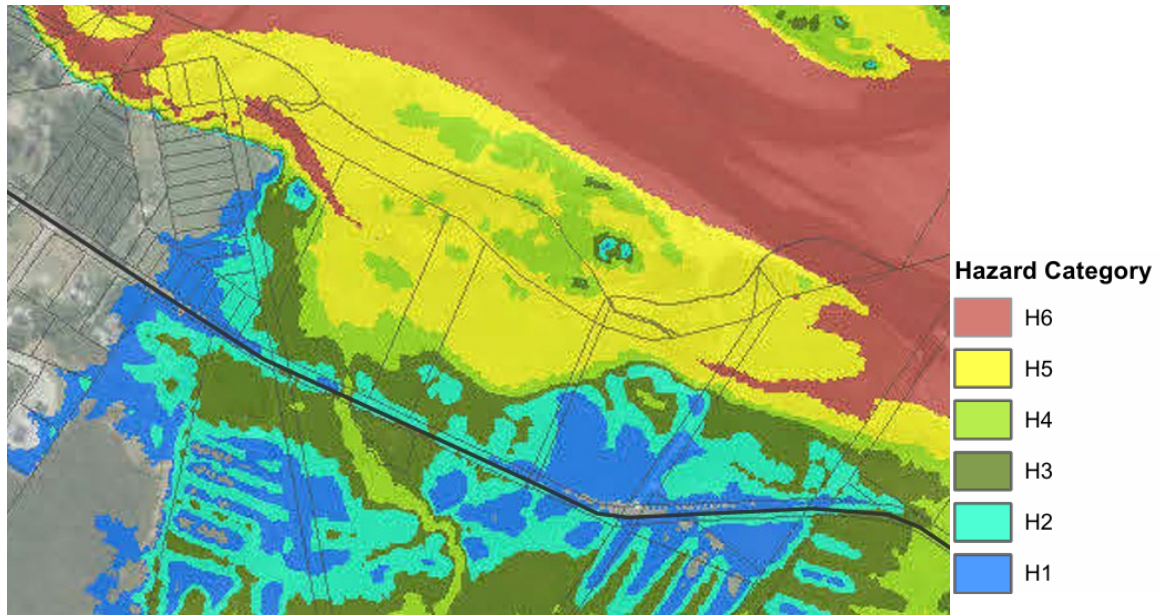


Figure 4 - HAZARD MAP 1 in 100 year event including climate change (2100) RCP Scenario 8.5, 1m Sea Level Rise, 0.4m Storm Surge

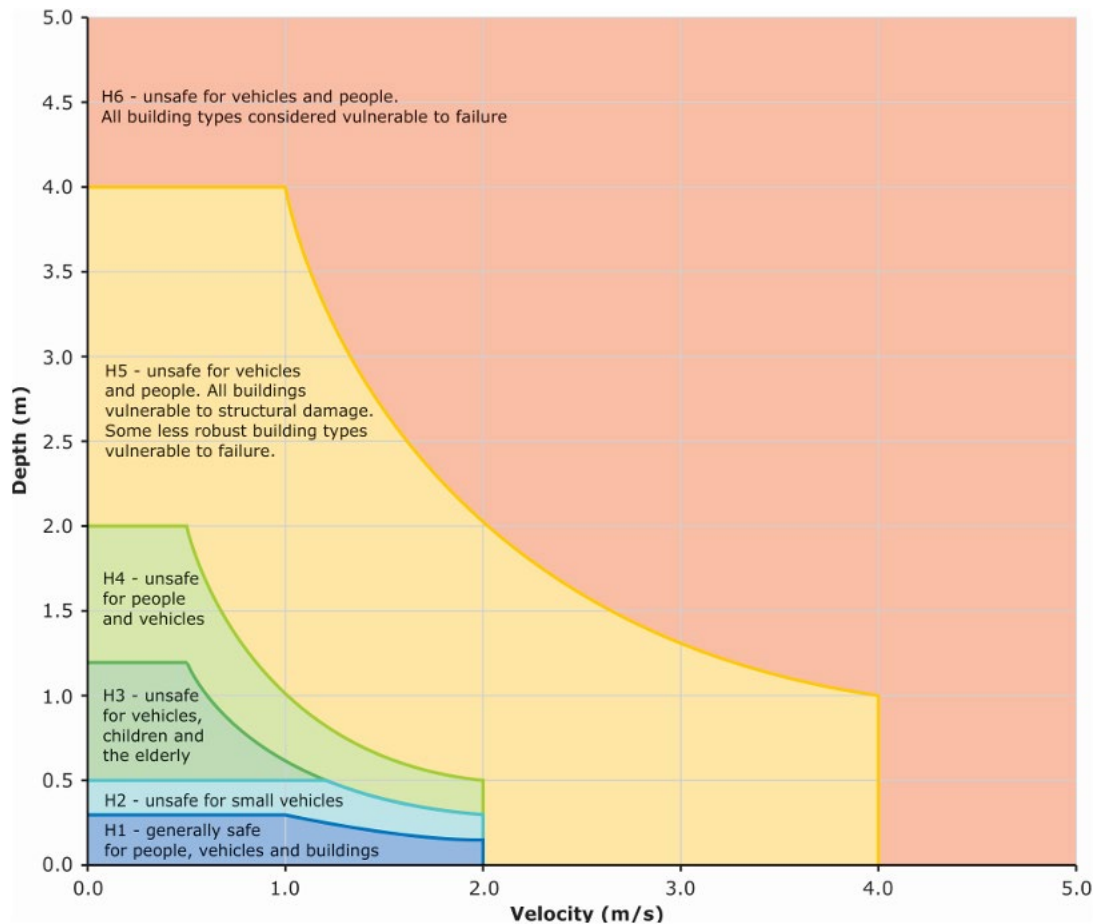


Figure 5 – Graphical representation of the hazard categories indicated in Figure 4. Source Land River Sea report 2020

126. A key mitigation measure proposed by the applicant was to elevate the houses on what they called ‘flood free’ building platforms. Consent conditions required the building platform to be a minimum level of RL5.5m (NZVD2016), which was at the peak flood height of the RCP6.0 scenario. Finished floor heights are also proposed to be 0.5m higher at RL6.0m (NZVD2016), which provides some contingency. Given that there is minimal difference between the peak flood heights of the RCP6.0 and the RCP8.5 scenarios, and particularly considering the contingency provided by the 0.5m elevated finished floor level, I find that there is minimal risk of the proposed houses being inundated in a flood, dependent of course on the modelling being accurate and no there are no future climate or other changes. It also should be noted Lots 1, 2, 10 and 11 are only subject to very minor levels of flooding. However, as concluded above, there some uncertainty in the modelling and future climate changes, which constitutes a residual risk. To mitigate this residual risk of the building platforms being flooded, Mr.

Symons suggested a condition ensuring that the locations of dwellings are certified at the time of building consent to be located above the RL6.0. I agree with this approach but have imposed a similar condition to ensure that the building platforms are all located above the RCP8.5 flood level.

127. I also find that the risk of the buildings being structurally affected by flooding is minimal. I came to this conclusion as the hazard classification of most of the building platforms are generally hazard classification H3 or less, which is safe for buildings. However, there was some uncertainty as to whether the building platforms themselves would remain structural sound during these floods. As such, I found that it was appropriate to impose a condition requiring engineering certification of the building platforms at the time of building consent.

Damage to other parts of the property

128. The reporting officers report on the application notes that while the proposed flood free building platforms may protect the house and accessory buildings, other parts of the property will be damaged by flooding. There was no detailed evidence on this matter.

129. I consider that it is likely that these properties may contain fencing, landscaping, stock/animals, vehicles, equipment, machinery, plant, or materials that could potentially be damaged, destroyed or lost in the event of inundation. The fact that some of these things are mobile and can be moved before a flood arises significantly reduces this risk. Further, if residents are aware of the risk, they can also manage their property by locating valued possessions in a way that minimises flood risk. However, to do this, they need to be aware that flooding is potentially an issue and therefore I have imposed a consent notice condition making future landowners aware that their land is subject to flooding and that it may have implications on how they manage their site. Considering that condition, I find that the potential flooding effects on other parts of the property are likely to be acceptably managed.

The accessibility of the site in the event of a flood

130. I now turn to the potential issue that the raised building platforms may not address the potential risk of people trying to access or leave their site during a flood event.

131. The original Section 42A report addressed this matter stating:

“The application does not demonstrate how occupants will be able to achieve safe access to and from their properties during an event. This also creates an issue in respect to

accessibility to emergency services. Not enough information has been provided to satisfy this assessment in respect to the management of significant natural hazards.”

132. The application responded to this issue in the Hutchinson Consulting Engineers report dated 7 September 2023. That report relied on the Land River Sea report Hazard Map 1 for the RCP6.0 event. The Hutchinson report states that the Hazard Map defines most of the site as hazard category H1 and H2, being generally safe for vehicles, people buildings, but unsafe for small vehicles. Raised driveways were also proposed in response to this issue. Notwithstanding, I had residual concerns as the flood mapping shows that parts of Arthurstown Road were subject to flooding, which would, given its hazard classification as H4 (unsafe for people and vehicles), prevent people from self-evacuating.

133. However, not all the proposed lots were subject to the same level of risk. I comment on the suitability of lots access during a peak flood below:

- a. Lots 1-3 are subject to no or minimal flooding and would be able to safely evacuate to the west along Arthurstown Road.
- b. Lot 4 has an elevated driveway but leads to H2 category land which is unsafe for small vehicles. However, given the relatively small distance vehicles would have to travel along Arthurstown Road to get to H1 category land, I find that this risk is mitigated. It would also be safe for larger vehicles.
- c. Lots 10 and 11 have elevated driveways that lead to category H1 land on Arthurstown Road, which then leads to land that is not subject to any flooding. That land represents a safe haven in the event that future residents of the proposed houses did need to escape to higher ground. Given the peak of the flood would only last for 2.5 hours, it would be not long to wait before Arthurstown Road was accessible. However, if they tried to travel further west or west along Arthurstown Road, they would soon be met with flood waters that would be too hazardous to cross.
- d. Lots 8 and 12 are in a slightly different situation. People would need to cross H2 classified land (unsafe for small vehicles) to get to safety. However, that could easily be resolved by raising the west-east accessway (Lot 16) to these lots by approximately 20cm. A condition is proposed to address this matter.
- e. Lot 7 has an accessway that leads to H1 classified land or very close to it and is

therefore safe to evacuate to the higher land along Arthurstown Road.

- f. Lots 5 and 6 are in a different situation. They could not travel west along Arthurstown Road without crossing H4 land (unsafe for vehicles and people) or travel east along that road without crossing H3 land (unsafe for vehicles, children and the elderly). People from these lots cannot self-evacuate and would either need to stay put or evacuate early before the floodwaters peaked. Both would avoid the risk but there would remain a residual risk in the event someone choose not to take either option or attempted to evacuate during the peak flood along Arthurstown Road.

134. The risk of not being able to leave your property during a flood was discussed at the hearing.

The reporting officer noted there have been mortalities in the district due to flooding, the last one being in 2018. Further, I note that people are not equally capable of self-evacuation during a flood. For instance, being elderly, a child, pregnant, disabled, injured or otherwise incapacitated could affect someone's ability to self-evacuate.

135. Mr. Challenger agreed at the hearing that some people may want to flee their house if they saw rising flood waters. He also agreed that people's behaviours may be unpredictable in the event of a flood and that it is not realistic to try and stop people returning to their home during a flood. I certainly agree with the last two comments. It is common knowledge that people will all act differently in the event of a dramatic event, and it is also common knowledge that a flight response is part of the natural fight, flight, or freeze human response to a threat. Therefore, it seems that potentially the subdivision could give rise to a situation where people flee their property during the peak flood period. They would then either be turned back by the floodwaters, become stuck in floodwaters, either have to wait it out, get rescued or rescue themselves, or perhaps successfully get through the flood water. Potentially people could also drown trying to self-evacuate.

136. Mr. Challenger suggested that the fact that flood water will subside over a couple of hours is a mitigating factor. Mr. Challenger went onto suggest that residents would have advance warning of a flood stating that there is a river monitoring gauge in the Hokitika Gorge and near the Kaniere bridge, which the Regional Council monitors. He states there is a 2-stage alarm which notifies Civil Defence at the first stage and then evacuations are considered at the second stage. He also suggested there would be four hours advance warning from the Hokitika Gorge monitoring gauge before flood waters hit the Kaniere Bridge.

137. However, both Mr. Challenger and Mr. Symons acknowledged that they had no experience in

managing natural hazard events or could offer any comment about how the Regional Council monitors river gauges or manages flood events and whether four hours was an acceptable amount of time to evacuate the houses proposed in this subdivision. There was no evidence presented by the applicant on the capacity of emergency services or their possible response to flooding on the site. There was a suggestion by Council's reporting officer that reliance on emergency services is inappropriate as it potentially puts their personal in danger. She also suggested emergency services may not have the resources to rescue people from the site if they have other priorities in the district.

138. However, ultimately, this subdivision has been designed with building platforms elevated above the expected floodwaters, which means that people will not have to evacuate during a flood. This significantly reduces the risk of people trying to self-evacuate during a flood. Also, as stated above, the majority of the proposed lots could self-evacuate during a peak flood to higher ground. The flood alarms of the Hokitika River also provide an early warning system that potentially enables residents to leave before a flood. While there was no evidence on this matter, I know from my own experience in Emergency Management Centres that these systems along with forecasts are closely monitored by Regional Council staff. Accordingly, I find that it is reasonable to assume that people would be advised to evacuate these lots before flooding was an issue. Even if some people did self-evacuate during a peak flood, I expect that most will have enough common sense to see the pending risk and turn back.

139. Lastly, while there remains a residual risk that there is a fatality, I find that the probability of this risk occurring is reasonably low. Although if a fatality did occur it would constitute a high magnitude and regrettable effect, the RMA is not a no risk statute. Contextualising this risk is important. Flooding occurs across the district, along with many parts of New Zealand, and often people cannot travel far or leave their properties without being turned back by flooding. The risks of someone dying in a road accident would be much higher than someone ignoring an emergency evacuation, leaving during a peak flood period and not having the sense to turn back.

140. With these matters in mind, I find that the risk of harm to people leaving or trying to access their property during a peak flood is relatively low and, in my view, acceptable.

The site's susceptibility to Tsunamis

141. The site's susceptibility to Tsunamis was also a matter raised by the reporting officer. However, Mr. Symons clarified at the second hearing that Figure 1 in his letter dated 18 June

2024 indicates that all building platforms will be above the expected tsunami height. He confirmed that the yellow overlay, representing the 5m tsunami wave, where it goes over the site, will be the extent of the extremity of this wave, being where it dissipates or ends. Accordingly, as the building platforms are all elevated, with finished floor levels 0.5m higher than expected flood levels, I find that the proposal effectively manages the potential tsunami risk.

STATUTORY PLANNING DOCUMENTS

142. This section of the decision considers the application and evidence in the context of the relevant statutory planning documents that a consent authority must consider under Section 104(1)(b) of the RMA. The application's consistency with the relevant statutory planning documents was a key matter in contention raised by the reporting planner.

New Zealand Coastal Policy Statement (NZCPS)

General

143. The NZCPS took effect in December 2010, which means it postdates the West Coast Regional Policy Statement 2000 (RPS) and WDP 2002. As the latter two documents are required to give effect to National Policy Statements, the provisions of the NZCPS should be given weight over the RPS and WDP where there is conflict or inconsistency.

Policy 1

144. Policy 1 of the NZCPS recognises the coastal environment includes the area subject to coastal natural hazards. As the evidence confirmed that the inundation hazard at the site is partly caused by coastal storm surge and sea water rise, both planning experts agreed that the site is within the coastal environment. I also note that large parts of the site are in the coastal hazard alert (variation) overlay of the TTPP. Accordingly, I find that the site is located in the coastal environment and as a consequence the NZCPS applies.

Policy 3

145. Policy 3 of the NZCPS requires the adoption of a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse. In particular, it requires the adoption of a precautionary approach to the use and management of coastal resources potentially

vulnerable to effects from climate change, so that:

- a. Avoidable social and economic loss and harm to communities does not occur.
- b. Natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur.
- c. The natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.

146. This policy is relevant to the application as there is uncertainty about the effect of coastal natural hazards processes. However, it should be noted that Policy 3 does not enshrine a no risk approach and therefore I have carefully considered how a precautionary approach should be applied.

147. The applicant suggests that they have taken a precautionary approach using the RCP6 climate change scenario and by requiring finished floor levels to be 0.5 m above predicted inundation levels. While I do not accept the RCP6.0 climate change scenario is the correct scenario to be applied, as discussed above, the RCP8.5 scenario generates very similar flood outcomes at the site. Given the proposed building platforms are above the flood levels of the RCP8.5 scenario, and that floor levels will be elevated 0.5m above the predicted flood levels as a contingency, along with other mitigation measures, I find the proposal has taken suitable precautions and aligns with the precautionary approach of Policy 3 of the NZCPS.

Policy 6

148. The proposal is inconsistent with Policy 6(1)(3) that seeks the “avoidance or mitigation of sprawling or sporadic patterns of settlement”. By its nature, the proposal is a sprawling pattern of development. However, the setback of the development from the Hokitika River is consistent with Policy 6(1)(9) that requires setbacks of development from water bodies to protect the natural character and amenity values of the coastal environment. The proposed native bird protection area is also consistent with Policy 6(1)(9) which requires, where appropriate, buffer areas and sites of significant indigenous biological diversity. Accordingly, I find that the proposal has some consistency with Policy 6 but not align with all aspects of that policy.

Policy 11

149. The proposed native bird protection area is consistent with Policy 11 that seeks to avoid adverse effects of activities on indigenous taxa that are listed as threatened or at risk by the New Zealand Threat Classification System.

Policy 13

150. The proposal is consistent with Policy 13 that seeks to preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development.

Policy 25

151. Policy 25 of the NZCPS is relevant and states:

“In areas potentially affected by coastal hazards over at least the next 100 years:

- (a) avoid increasing the risk of social, environmental and economic harm from coastal hazards;*
- (b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards...”*

152. Firstly, I should note that this policy does not align with section 6(h) RMA that seeks to manage significant risks from natural hazards, not avoid any risks which this policy directs. The reason for the lack of alignment between the NZCPS and the RMA in this regard is that Section 6(h) of the RMA was only brought into the act in 2017, seven years after the NZCPS was produced. It is noted that any coastal development would theoretically increase the risk of coastal hazards no matter how low the risk, therefore there are aspects of Policy 25 do not align with the RMA and are difficult to apply in practice.

153. While the proposal is in an area that is potentially affected by coastal hazards over the next 100 years, the building platforms, accessways and the route to some of the sites along Arthurstowns Road are elevated above these floodwaters. Therefore, although the proposal will provide a development that will increase the risk of adverse effects from coastal hazards, the proposed measures are in place to avoid or mitigate any potential adverse effects. Accordingly, while the proposal does not strictly comply with this policy, it does align with it by being designed to comply with the 100-year flood level.

154. Policy 25 also seeks to consider the effects of tsunami and how to avoid or mitigate them. As

stated above, the building platforms are located above the expected tsunami flood level. I therefore find that the proposal aligns with this part of Policy 25.

155. Overall, I find that the proposal mostly accords with NZCPS.

National Policy Statement for Indigenous Biodiversity (NPS-IB)

156. The NPS-IB applies to indigenous biodiversity in the terrestrial environment throughout Aotearoa New Zealand and in this case is relevant to the site's nesting habitat.

157. Policy 15 of the NPS-IB is the key policy of the NPS-IB and states:

“Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved”.

158. Based on the correspondence received from the Department of Conservation, and in the absence of any other evidence, I find that the proposed retention of the bird nesting area will avoid adverse effects on the site's nesting habitat. I also find the proposal will be unlikely to reduce the function of the area as a buffer, its connection to other important habitats/ecosystems, or reduce the population size or occupancy of threatened or at risk species that use the site as part of their life cycle. As such, I find that proposal is consistent with Policy 15 of the NPS-IB.

National Policy Statement for Freshwater Management (NPS-FM)

159. I agree with the reporting officer that the proposed enhancement and protection of Charcoal Stream is consistent with the objective of the NPS-FM that seeks to prioritise the health and well-being of water bodies and freshwater ecosystems. I also agree that it is consistent with Policy 5 that seeks to improve the health and well-being of degraded water bodies and freshwater ecosystems and Policy 7 that seeks to avoid the loss of river extent and values. Accordingly, I find that the proposal is consistent with the NPS-FM.

West Coast Regional Policy Statement (RPS)

160. The RPS sets out the resource management issues, objectives and policies for the West Coast Region.

161. The proposed protection of the nesting habitat is consistent with Objective 7, Chapter 7 of the

RPS that seeks to “protect significant indigenous vegetation and significant habitats of indigenous fauna”.

162. The proposed enhancement of Charcoal Stream and the setback of the houses from the Hokitika River is consistent with Objective 1 of Chapter 7A of the RPS that seeks to protect the natural character of the region’s rivers and their margins, from inappropriate subdivision, use and development. The proposal is also consistent with Objective 2 of that chapter that seeks to provide for appropriate subdivision, use and development to enable people and communities to maintain or enhance their economic, social and cultural wellbeing.

163. Likewise, the enhancement of Charcoal Stream is consistent with Objectives 1 and 2 of Chapter 8 that seeks to maintain and improve the life-supporting capacity of freshwater and provide for a range of land and water uses to enable the economic, social and cultural wellbeing of West Coast communities while maintaining or improving water quality and aquatic ecosystems.

164. The proposal is also consistent with Policies 1 and 2 of Chapter 9 that are similar to the above-mentioned policies.

165. Policies 6 and 7 are pertinent to the consideration of the application stating:

6. *“Where new subdivision, use or development in the coastal environment may be adversely affected by coastal hazards, adopt a risk management approach taking into account, where applicable:*
 - a) *Official, nationally recognised guidelines for sea level rise;*
 - b) *The type and life-cycle of the proposed development, including whether it is short-term, long term, or permanent;*
 - c) *Whether the predicted impacts are likely to have material or significant consequences;*
 - d) *The acceptability of those potential consequences, given their likelihood; and,*
 - e) *Whether there are suitable options to avoid increasing the risk of harm from coastal hazards, and whether future adaptation options are feasible.*
7. *Coastal hazard risks should be assessed over at least a 100 year timeframe.”*

166. In relation to Policy 6 a) this decision has taken into account the MfE Coastal Hazard and Climate Change Guidance 2024 being the official, nationally recognised guidelines on this matter.

167. In relation to Policy 6 b) the type of development is a rural lifestyle subdivision with permanent long-term dwellings, which means caution is required to ensure adverse effects are not significant.

168. In terms of Policy 6 c), there is unlikely to be material or significant consequences on property and people given the low likelihood of that risk occurring.

169. In relation to 6 d) the potential consequences of the impacts on property and people are acceptable, particularly considering the avoidance and mitigation measures which are alluded to in 6e).

170. Policy 6 e) requires consideration as to whether there are suitable options to avoid increasing the risk of harm from coastal hazards, and whether future adaptation options are feasible. I find that the application has applied suitable options to avoid increasing the risk from natural hazards.

171. In terms of Policy 7, the applicant has assessed the coastal hazard risk as a 100 year timeframe.

172. Overall, I find that the proposal is consistent with the RPS.

Westland District Plan (WDP)

173. The WDP is the operative district plan for the Westland District and therefore has primacy over the TTPP, which has not yet finished the statutory plan making process.

Zone Description:

174. The site is located in the WDP's Rural zone. Section 5.6.1 of the WDP describes the Rural Zone, stating:

"The Rural Policy Unit covers all non-urban land within Westland District. Rural-residential areas will be included in the Rural zone... Development in this, and any other rural-residential areas can develop in accordance with resource consents."

Performance standards ensure that in terms of environmental effects, including the effects of the location of activities, the impact on natural and physical resources within the zone is minimised. An increase in population in the rural area will have benefits for rural communities in terms of increased use of local services and facilities but must also be weighed against any impact on land use and the wider environment. Neither subdivision nor new dwellings are therefore permitted as of right and will be carefully considered". [Emphasis added]

175. This statement makes it clear that rural residential activities are anticipated to occur in the Rural Zone and that new subdivisions and dwellings will need to be carefully considered by way of resource consent.

Settlement Policies:

176. Part 4.3 of the WDP that relate to the location of settlements is relevant and Policies A-C of Part 4.3 state:

- "A. Urban development should be located in areas of low natural landscape value, low natural hazard risk and areas that do not have high public servicing costs.*
- B. The unnecessary intrusion of urban activities into the rural environment should be avoided.*
- C. Subdivision for houses in the rural zone should not result in the creation of an unplanned new settlement" [Emphasis Added]*

177. First, I need to comment on whether Policies A and B apply as they relate to 'urban activities'. There are no definitions in WDP in relation to 'urban development' or 'urban activities', therefore it is difficult to categorically say whether this policy intended to apply to this type of development. In my view, the proposal is a rural residential type of development. Accordingly, it is partially urban and partially rural and therefore this policy should be considered but not given full weight.

178. In relation to Policy A, it is noted that the site is not classified as an outstanding natural landscape/feature or significant amenity landscape under either of the operative or proposed District Plan's. This would suggest that the site does not have high landscape value and therefore I find that the proposal is consistent with Policy A in terms of being located in an area of low landscape value.

179. The evidence confirms that the site is subject to inundation and therefore cannot be

considered a low natural hazard risk. However, the proposal is much lower density than an urban development and its mitigation measures means that flood risk are largely avoided. Accordingly, I find that the proposal partly aligns with the outcome sought by Policy A.

180. In relation to Policy B, I find that activity is not sufficiently urban to fall foul of this policy.

181. In relation to Policy C, I find that the 12 new rural residential allotments will not create a new settlement. There are already 17 existing houses between the site and State Highway 6 and more to the south along the State Highway. Therefore, there is already an existing settlement in this location. The proposal will add to an existing settlement.

182. The proposal is consistent with Policies E and F of Part 4.3 that endeavours to focus new subdivision within the coastal environment into modified areas or satisfactorily mitigate effects. As stated above, the area is modified and includes a number of existing houses. Further, the proposal will generally mitigate its actual and potential adverse effects. Similarly, I find that the proposal is consistent with Policies A and E of Part 4.4 that seek to avoid activities that affect the overall environmental amenity and avoid, remedy or mitigate activities that have significant effects.

Infrastructure and servicing:

183. As the applicant is proposing to upgrade East and Juan Roads, the proposal is generally consistent with Policy D Part 4.6 that requires infrastructure and services to be provided for on a user pays basis.

Significant Natural Areas:

184. The proposal is consistent with Policy D Part 4.9 that requires Council to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna

Water Quality:

185. Policy 4.13C seeks activities to avoid, remedy or mitigate adverse effects on the water quality of rivers, while Policy 4.13 B encourages the establishment of buffer zones or riparian strips along the margins of water bodies. The Charcoal Stream restoration is consistent with these policies as built form is set well back from the Hokitika River.

Natural Hazards:

186. Policy A, Part 4.14 relates to natural hazards and states:

“Development and subdivision for the purposes of accommodating and/or servicing people and communities should avoid areas of known natural hazard risk unless the risk of damage to property and infrastructure, community disruption and injury and potential loss of life can be adequately mitigated”.

187. The site is to natural hazards. However, as discussed above, I have found that the risk of damage to property is likely to be avoided. I also find that the risk of damage to infrastructure is likely to be avoided as there is none proposed except accessways. The risk to injury or loss of life is also adequately mitigated. Therefore, I find the proposal aligns with Policy A.

188. I am satisfied that the issues raised in the matters of discretion for subdivision applications and matters of control for buildings have been considered previously in this assessment.

189. Overall, I find that the proposal is consistent with the relevant policies of the WDP.

Te Tai o Poutini Plan (TPPP)

190. The TPPP is the combined Proposed District Plan for the Buller, Grey and Westland District Councils and will eventually replace their current individual district plans. The TPPP was publicly notified as a Proposed Plan on 14 July 2022. The hearings on the Proposed TPPP began on 30 October 2023 and are scheduled for completion in 2025. As all parts of the TPPP were submitted on, none of its provisions can be considered as being operative. Accordingly, full weighting cannot be given to any of its provisions.

General Rural Zone:

191. The site is located in the TPPP's General Rural Zone. Objective RURZ-O1 of that zone provides:

“..for a range of activities, uses and developments that maintain the amenity and rural character values of the rural environment, while retaining highly productive land and rural activities, and supporting a productive rural working environment”.

192. Notably Objective RURZ-O2 provides for “low-density rural lifestyle living on the outskirts of settlements where this will support settlement viability and not lead to conflicts with productive rural land use or rural character”. Therefore, in relation to the proposed rural

residential land use, I find that the application is consistent with the type of development expected by objectives RURZ-O1 and RURZ-O2.

193. Similarly, Objective RURZ-O4 supports the expansion of existing settlements and necessary infrastructure. However, it does so only in relation to “areas at low risk of natural hazards” and subject to “implementation of a hazard management to reduce the risk where existing development is located in high-risk locations”. The application is consistent with this objective by some lots being in an area of low risk of natural hazards and by applying natural hazard management to reduce the risks of the lots that are located in higher risk areas.

194. Policy RURZ-P2c is similar and provides for the growth and change in settlements provided that it is “...away from significant risks to life, safety and property damage from natural hazards”. I find that the proposal is consistent with this policy as significant risks to life and property are not anticipated.

195. Policy RURZ-P2d seeks to “provide for growth and change to settlements that integrates with the existing residential settlement and maintains a consolidated settlement form”. The proposal has some consistency with this policy by integrating with existing rural residential properties, although it is arguable whether it does so in a consolidated form.

196. The proposal is consistent with Policy RURZ-P15 that states “new development should be designed and located with sufficient buffers so that existing rural uses and consented activities are not unreasonably compromised by the proximity of sensitive neighbouring activities”. The acoustic assessment provided by the applicant demonstrates that the setback of the houses from the consented industrial contractors yard provides an adequate buffer. Therefore, I find that the policy aligns with Policy RURZ-P15.

Financial Contributions:

197. As the proposal can by way of condition provide for the upgrade of East and Juan Roads, I find that it is consistent with Policy FC-P1 that requires financial contributions as a condition of subdivision consent to remedy or mitigate adverse effects created by the need to upgrade public infrastructure.

Subdivision:

198. I find the proposal is consistent with Objective SUB-O1 that seeks subdivision patterns that are compatible with the purpose, character and qualities of each zone. As stated above, the

TTPP anticipates some rural residential development in the General Rural Zone

199. Objective SUB-O2 and its supporting policies are also relevant. Objective SUB-O2 anticipates that subdivision occurs in locations that avoids significant natural hazards and are built to be resilient to natural hazards. This objective is partly implemented by:

- a. Policy SUB-P1 that seeks to enable subdivision that creates allotments that minimises natural hazard risk to people's lives and properties.
- b. Policy SUB-P4 that seeks to restrict subdivision that does not provide safe, flood free and stable building platforms at the time of subdivision.
- c. Policy SUB-P6 that seeks to avoid residential subdivision in areas of significant risk of natural hazards.

200. I find that the proposal is consistent with these policies as it avoids locating building platforms in an area of significant flood risk and includes flood free building platforms and driveways.

201. I also find that the subdivision of the site is not inconsistent with the pattern of development provided by the TTPP that provides a large rural residential area to the south-west of the site and a large Māori Purpose Zone to the east.

Natural Hazards:

202. The natural hazard provisions of the TTPP are relevant given that the key issue with this application is flooding.

203. Objective NH-O2 seeks:

“To reduce the risk to life, property and the environment from natural hazards, thereby promoting the well-being of the community and environment.”

204. This objective is implemented by Policy NH- P2 that seeks to “avoid increasing risk to people, property...”. I find that the proposal has mixed alignment with this policy. Some lots will avoid natural hazard risk, while others will not. However, in my view, this policy is poorly worded as any development theoretically increases the risk of people and property to natural hazards. Accordingly, I place less weight on this objective and policy.

205. Policy NH-P11 is relevant as it relates to two overlays that apply to the site. It seeks to allow development in the Coastal Alert and Flood Susceptibility overlays where:

- a. Mitigation measures avoid risk to life and minimise risk to property and the environment; and
- b. The risk to adjacent properties, activities and people is not increased as a result of the activity proceeding.

206. First, I find that Policy a. is an oxymoron in that the word 'mitigation' means made less severe which contradicts the use of the word 'avoid' which means effects should not occur. Accordingly, the intention of this policy is ambiguous. What is important in my view is that the risks to life and property are minimised. The proposed conditions regarding no fences or walls that could displace floodwaters is consistent with that part of this policy that aims to not increase the flood risk on adjacent properties.

207. Policy NH-P12 includes a range of matters that should be considered when assessing the effects of activities in the natural hazard overlays. All these matters have been considered previously in this decision.

208. Policy NH-P14 is relevant and states:

"Allow subdivision, use and development within the Hokitika Coastal Hazard Overlay where 1% annual recurrence interval plus 1m sea level rise coastal event risks are mitigated; and where mitigation is not achieved, further subdivision, use and development is avoided."

209. The development complies with this policy.

210. It is noted that the TTPP does not have any policies that specifically state that people must have the ability to exit their property in the event of a flood.

Ecosystems and indigenous biodiversity:

211. I consider that the proposal is consistent with the ecosystems and indigenous biodiversity chapter of the TTPP that, as per Objective ECO-O2, seeks to provide for appropriate subdivision within SNA's where the values of the area can be maintained or enhanced.

Natural Character and the Coastal Environment:

212. I consider that the proposal is consistent with Objective NC-O1 to preserve the natural character of rivers and their margins while providing for appropriate subdivision and

development where adverse effects can be avoided or mitigated. Similarly, I consider that it is consistent with Objective CE-O1 that seeks a similar outcome but in respect of the coastal environment.

Conclusion:

213. Overall, I find that the application is consistent with the TTPP.

Variation 2

214. Variation 2 proposes changes to the Coastal Natural Hazard Mapping originally proposed in the TTPP. It was notified on 27 June 2024 to highlight changes to coastal hazard mapping overlays from improved Light Detection and Ranging (Lidar) data. The hearing is scheduled for March 2025.

215. Part of the site is located in the coastal hazard alert layer of Variation 2. However, most of the building sites except Lots 4-6 are located outside the coastal hazard alert layer. See **Figure 5**.

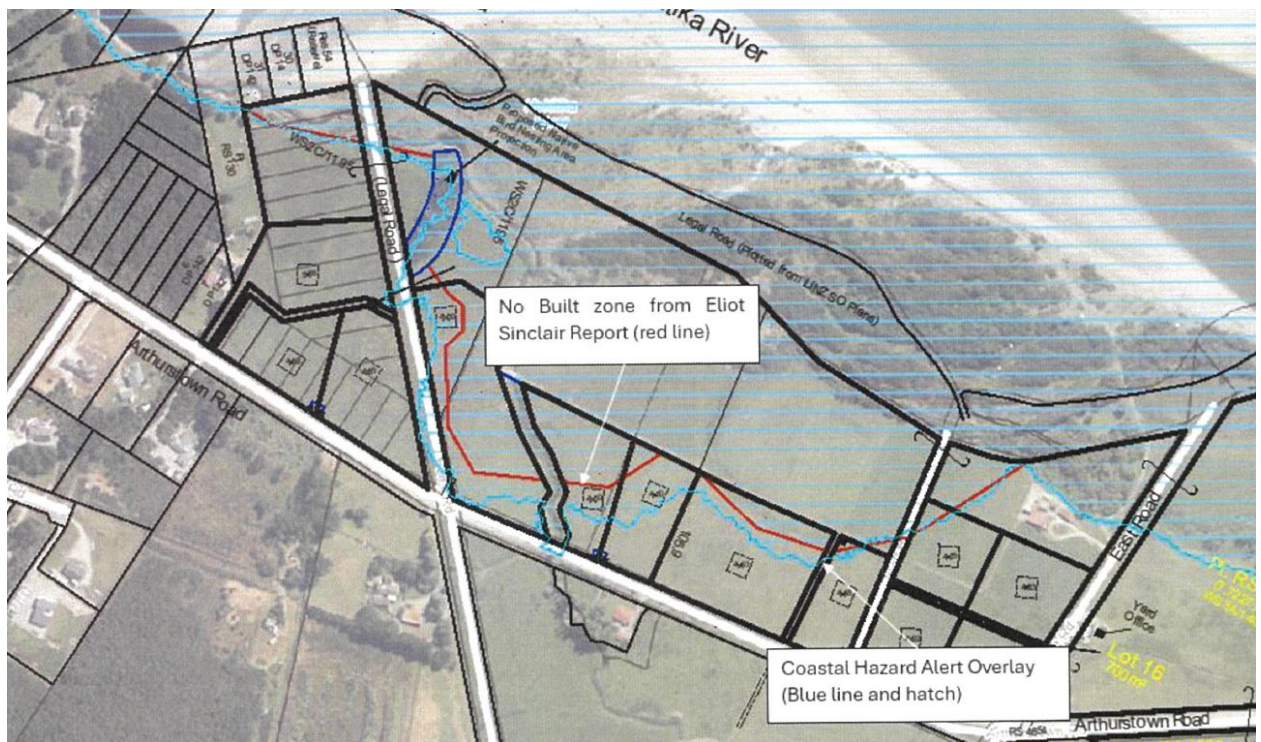


Figure 5 – The coastal hazard alert layer in the context of the proposal subdivision. Source: Provided by the applicant on 14 February 2025

216. I asked the applicant for confirmation as to whether the revised coastal hazard alert layer was informed by the RCP8.5 climate change scenario. In response, the applicant provided me with correspondence from Mr. Doug Bray of the West Coast Regional Council dated 10 January 2025 that confirms it was not.

217. New buildings for sensitive activities, which includes residential activities, are classified as a discretionary activity in the Coastal hazard alert overlay. This means only three of the proposed buildings would require consent under the TTPP.

218. The buildings proposed outside this overlay would be otherwise permitted subject to their finished floor level being 500mm above the 1% AEP flood. I could not find a definition of the 1% AEP in the TTPP in terms of what climate change scenario that it relies on. Variation 2 therefore provides a rule framework that would permit (from a natural hazards perspective) most of the development on the site. Accordingly, I find that most of the proposal aligns with Variation 2.

219. However, I cannot put significant weight on the Variation 2 of the TTPP as it has not completed the plan making process.

PART 2 RMA

220. The proposal's consistency with Part 2 of the RMA, particularly its Sections 6(h) and 7(i) was an issue raised by the reporting officer.

221. Reference to Part 2 RMA is considered appropriate given that it was unclear whether the RPS or WDP considered Section 6(h) of the RMA. While both these documents were made operative after 2017 when the Resource Legislation Amendment Act 2017 (2017 No 15) inserted paragraph (h) into Section 6 RMA, both plan making processes for the RPS and WDP started before that and therefore may not have considered Section 6(h) of the RMA.

222. Section 6(h) of the RMA provides that in achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for, amongst other things, 'the management of significant risks from natural hazards'. The management of significant risks from natural hazards is therefore a key principle under the RMA. For the reasons stated early in this decision, I find that the proposal does adequately manage the significant risks from natural hazards.

223. It is noted that Section 6(h) of the RMA uses the word 'significant risks' which I find is a clear

statutory direction that statutory planning documents should focus on significant risks not less significant risks. This wording is also notable as Section 6(h) of the RMA was only inserted in 2017, some seven years after the NZCPS that uses an ‘avoid development that increases the risk of natural hazards’ approach. The NZCPS has not been updated to reflect this new approach.

224. Section 7(i) of the RMA requires decision makers to have particular regard to the effects of climate change. The application has had regard to climate change adopting the RCP6.0 climate change scenario and latterly establishing that the scenario is similar to the RCP8.5 climate change scenario. Accordingly, I find that sufficient regard has been had to climate change.

225. Turning now to the purpose of the RMA, which is “to promote the sustainable development of natural and physical resources”. ‘Sustainable management’ means:

“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 well-being and for their health and safety while—

- a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment”.*

226. The proposal will enable people to provide for their social and economic wellbeing by building houses on the site close to Hokitika. While there is a flood hazard risk, the proposed management of this risk means that it should not be detrimental to their social and economic wellbeing and their health and safety. The proposal will therefore sustain the potential of the physical resource (land and built form) to meet the reasonably foreseeable needs of future generations to be safe and free from flooding. The proposal also largely avoids and mitigates the effects of flooding along with its other potential effects on the environment. It safeguards the life supporting capacity of water by enhancing Charcoal Stream and its ecosystems. It also safeguards the life supporting capacity of the site’s roosting habitat for at risk species. Accordingly, the proposal aligns with the purpose of the RMA.

227. I am comfortable that the proposal aligns with the remaining sections of Part 2 RMA.

SECTION 106 RMA

228. Section 106(1) of the RMA provides that a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that:

- a. there is a significant risk from natural hazards; or
- b. sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

229. An assessment of the risk from natural hazards requires a combined assessment of—

- (a) the likelihood of natural hazards occurring (whether individually or in combination); and
- (b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and
- (c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).

230. While inundation will occur at the site at some stage in the future, I find that the risk of material damage to land or structures will be low given the elevated building platforms. There is no evidence to suggest it will accelerate or worsen the effects of natural hazards. Accordingly, while it is likely that flooding of the site will occur sometime in the future, the significance of the effects of that flooding will be low.

231. I find that sufficient provision has been made for legal and physical access to each allotment to be created by the subdivision subject to the conditions I have proposed.

232. Therefore, I find the proposal is acceptable in terms of Section 106 RMA.

ADEQUACY OF THE INFORMATION

233. Section 104(6) RMA states that a consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application. I find that the information available to me is adequate.

OTHER MATTERS

National Adaption Plan 2022

234. Aotearoa New Zealand's first National Adaptation Plan (NAP) is a Ministry for the Environment document that provides a long-term strategy of how New Zealand will adapt to climate change. It is not a statutory planning document referred to under Section 104(1)(b) of the RMA but is an 'other relevant matter' as per Section 104(1)(c) of the RMA.

235. Objective HBP2 of the NAP seeks:

"New and existing places are planned and managed to minimise risks to communities from climate change".

236. I find that the proposal will align with this objective by being designed to minimise the risk of climate change.

REASONS FOR THE DECISION

237. Subdivision and land use consent are sought for a 17 lot subdivision with building platforms for 12 new houses. A controlled activity consent is required for the establishment of the houses, while a discretionary activity consent is required for the subdivision. The applications are sufficiently connected to be bundled and overall are classed as discretionary activity under the WDP.

238. While there were several potential adverse effects arising from the proposed development, the site's susceptibility to flooding was the key matter in contention. However, given the proposed building platforms are to be constructed above the expected flood waters in a RCP8.5 climate change scenario in the 1 in 100 year event, it is unlikely that proposed houses will be damaged as a result of the flooding. Further, certainty was provided by the proposed contingency which will elevate building floor levels 0.5m above the highest expected flood waters. While there is always uncertainty with the accuracy of flood modelling, this contingency, along with other conditions deal with that uncertainty to my satisfaction.

239. The ability for people to self-evacuate safely from the proposed development was a matter which required scrutiny. In relation to this matter, ultimately, I was satisfied that people would be safe if they stayed on the elevated building platform. Alternatively, the risk to life would be significantly reduced if they self-evacuated prior to flooding occurring, of which there should

be sufficient warning. While there remained a residual risk that people self-evacuated during peak flood waters, that risk was mitigated by the fact that the escape path for Lots 1-4 was only subject to low level flooding and could evacuate west along Arthurstown Road, while Lots 7-11 could evacuate to a flood free high point on Arthurstown Road. Although Lots 5 and 6 did not have flood free escape paths, they could still either stay on the elevated building platform or evacuate before flooding occurred. The risk of life was also mitigated by the fact that flood waters would not be elevated for long and that most people should have the common sense to turn back if that flood waters appeared too deep.

240. I found the other actual and potential adverse effects of the proposal will be likely to be minor, particularly when considering the existing environment in which those potential effects will occur and the mitigation measures provided in consent conditions offered by the applicant.

241. There will also be a number of positive effects resulting from the proposal. This includes the restoration of Charcoal Stream, the protection of the roosting habitat and of course the provision of additional housing that will have intergenerational benefits.

242. I also found the proposal has acceptable alignment with the relevant statutory planning documents.

243. In my view the proposal is consistent with the purpose of the RMA to promote sustainable development.

244. Overall, I find that the proposal is acceptable in terms of all the matters under Section 104 RMA.

DECISION

245. Pursuant to Sections 104(6), 104B and 106 the RMA, both applications are GRANTED subject to the conditions set out in Annex A.

Subdivision Consent – RC220120

General

1. The subdivision shall proceed in general accordance with that described within the application received 11 October 2022, the further information received on 25 October 2022, 31 October 2022, 3 November 2022, 12 March 2023, 13 March 2023, 14 March 2023, 22 March 2023, 24 March 2023 and application addendum received on 24 March 2023, 3 October 2023 and 6 November 2023, and as indicated on the attached scheme plans dated 28 May 2024 'A', 'B', 'C', 'D' and landscape plans marked 'E' and 'F' except as modified by the following conditions.

Note: This condition applies to all stages of the subdivision

2. The staging of the subdivision shall proceed as follows:
 - a) Stage 1 - Proposed Lots 1, 2, 3, 15 and 17 being a Subdivision of Lots 8 to 29 DP 142, Pt. RS1300, RS 1603, RS 1602 & RS 1421.
 - b) Stage 2 – Proposed Lots 4 to 7 and 14 being a proposed subdivision of Lots 15 and 17 Stage 1, RS 1603, RS 1602, RS 1421 RS 1588 and Pt. RS 1589.
 - c) Stage 3 - Proposed Lots 8 to 14 and 16 being a subdivision of Lots 15 and 17 Stage 1, Lot 14 Stage 2, Pt. RS 1589, and Pt. RS 4363

Stage One Conditions

Easements

3. Easements A and B shall be granted as indicated on the attached plan marked 'B'.

Consent Notices

4. A Section 221 consent notice shall be registered to Lots 1, 2 and 3 which states the following:
 - a) *The maximum height of residential buildings shall be no more than 7m as measured from the existing ground level.*
 - b) *The maximum height of accessory buildings shall be no more than 5.5m as measured from the existing ground level.*
 - c) *No more than two (2) accessory buildings shall be present on site.*

- d) *The maximum gross ground floor area for any individual dwelling shall be 300m².*
- e) *The maximum ground floor area for any individual accessory building shall be 150m².*
- f) *All dwellings and accessory buildings shall be constructed within the “proposed building sites” as identified on attached plans marked ‘A’ titled “Subdivision Scheme Plan Overall”, dated 28 May 2024.*
- g) *The minimum finished floor levels of any dwelling on site shall be designed, constructed and thereafter maintained to a minimum height of RL 6m in terms of NZVD 2016. However, all future building sites should be assessed by a registered engineer at the time of building consent to ensure that higher modelled flood levels above RL6m are not applicable to that particular building site. In the instance that they are applicable, the finished floor level of any dwelling shall be designed, constructed and thereafter maintained to be 500mm above that higher flood level. The engineer shall use the RCP8.5 climate change scenario assuming a 1.4m sea level rise and 0.4 storm surge for the 1 in 100 year event. Certification from the engineer that the floor height of the proposed dwelling meets this condition shall be provided to Westland District Council with the building consent application.*
- h) *Unless superseded by site specific engineering advice, all buildings, servicing, foundations and floor levels shall be designed, constructed and maintained in accordance with the recommendations of the reports titled “Forest Habitats Ltd 117 Arthurstown Road, Hokitika” prepared by Hutchinson Consulting Engineers and dated 07 September 2023 and “Natural Hazards Report Prepared for Forest Habitats 117 Arthurstown Road, Hokitika” prepared by Chris J Coll Surveying Limited and dated 28 September 2023.*
- i) *Certification shall be provided to Westland District Council prior to any buildings being established on the proposed buildings platforms, that each building platform has been designed and constructed to maintain their structural integrity in the 1 in 100 year RCP8.5 climate change scenario flood identified in the Hokitika River – Hydraulic Modelling and Flood Hazard Mapping report prepared by Land River Sea dated 2020*
- j) *All lots shall have, in addition to a flood-free building platform, a flood-free driveway, in accordance with the engineering plans GE 08 and GE 09 Rev A dated May 2024, by Hutchinson Consulting Engineers.*
- k) *Any material imported on the site used to construct the building platforms or driveways must be sourced from the Hokitika River flood plain.*
- l) *No fences or walls, or earthworks, other than those earthworks required for the building platform or driveway, that may divert or restrict flood water, shall be constructed on any of the rural residential lots.*
- m) *This site is potentially subject to flooding. Any landowners and occupiers are required to read the Hokitika River – Hydraulic Modelling and Flood Hazard Mapping report prepared by Land*

River Sea Consulting Ltd dated June 2020 available on the West Coast Regional Council website and consider the implications that potential flooding may have for the management of the site and access to or from the site during a flood.

n) Any boundary fencing or gates must reflect the rural setting, comprising post and rail or post and wire fencing, or other alternatives to be constructed out of natural materials in recessive colours to integrate with the surrounding rural landscape.

5. A Section 221 Consent Notice shall be registered to Lots 2 and 3 which states the following:

a) The planted bund identified on attached plans marked 'E' and 'F' titled "Proposed Planting Plan" and "Subdivision Layout and Landscape Proposal" shall be permanently maintained in general accordance with attached plans 'E' and 'F'. Where the bund is modified or removed, it must be remedied or reinstated within the first planting season of removal or modification. All dead or diseased plants shall be replaced within the first planting season of dying or becoming diseased with the same or similar indigenous or native plants. Regular weeding and general maintenance shall be undertaken by the property owner.

6. A Section 221 consent notice shall be registered to Lot 15 which states the following:

a) No buildings shall be constructed or relocated on site unless uninhabitable and incidental to productive rural activities.

7. A Section 221 consent notice shall be registered to Lots 1 and 15 which states the following:

a) The boundary planting and swale planting identified on attached plans marked 'E' and 'F' titled "Proposed Planting Plan" and "Subdivision Layout and Landscape Proposal" must be permanently maintained in general accordance with attached plans 'E' and 'F'. Where the indigenous or native vegetation is modified or removed, it must be reinstated within the first planting season. All dead or diseased plants shall be replaced within the first planting season of dying or becoming diseased with the same or similar indigenous or native plants.

Amalgamation

8. The following amalgamation condition shall be undertaken in accordance with LINZ reference 18020763:

Lots 15 & 17 hereon are to be amalgamated with RS 1603 (WS2C/1195 bal.) and RS 1421 & RS 1602

(WS1B/723) and one record of title to be issued to include them all.

Access and Rading

9. The entrance ways to Lots 1, 2 and 3 and any associated right of way shall be formed to Council standard and sealed for a minimum of 10 m from the edge of the existing sealed carriageway. All costs of works shall be met by the consent holder.

Advice Note: The applicant will need to submit a Corridor Access Request (CAR) to the Westland District Council District Assets Department prior to undertaking works in the legal road reserve.

10. Right of ways A and B shall have a combined minimum formation width of 6m.

Electricity and Telecommunication Supply

11. Where not already provided, Lots 1, 2 and 3 must be provided with a network utility connection to the available electricity and telecommunication services, and easements created for their use as required.
12. Electricity and telecommunication supply services are to be installed underground unless that is inconsistent with supplier requirements, except that telecommunication supply may be wireless.

Earthworks

13. When undertaking earthworks, the consent holder shall implement erosion and sediment controls which ensure that sediment does not enter roadside drains, swales, or other water bodies.
14. Any land disturbed by earthworks shall be suitably covered when not under construction and sealed or vegetated within three (3) months after final formation.

Landscaping

15. The earth bund identified on attached plans marked 'E' and 'F' titled "*Proposed Planting Plan*" and "*Subdivision Layout and Landscape Proposal*" shall be constructed to a height of 1m as measured from the existing ground level.

16. The earth bund identified within Lots 1 and 3 shall be landscaped in general accordance with the attached plans marked 'E' and 'F' titled *"Proposed Planting Plan"* and *"Subdivision Layout and Landscape Proposal"*. All landscaping shall be undertaken during the first planting season after completion of the construction of the bund. Where this will involve the earth being exposed for more than one calendar month, sediment and dust controls must be implemented in the form of top soiling and grassing, hydro seeding, mulching, turfing, geotextiles or similar.
17. The boundary planting and swale planting identified within Lots 1 and 15 shall be landscaped in general accordance with the attached plans marked 'E' and 'F' titled *"Proposed Planting Plan"* and *"Subdivision Layout and Landscape Proposal"*. Where this will involve the earth being exposed for more than one calendar month, sediment and dust controls shall be implemented in the form of top soiling and grassing, hydro seeding, mulching, turfing, geotextiles or similar.

Accidental Discovery Protocol

18. In the event of any disturbance of Kōiwi Takata (human bones), taoka (artefact material) or pounamu, the consent holder shall:
- Cease any further activity in the immediate vicinity for a period of at least 24 hours; and
 - Immediately advise the relevant Consent authority of the disturbance; and
 - Immediately advise the relevant Runanga or their authorised representatives of the disturbance.
 - Immediately advise the NZ Police if human bones are found.

Advice Note:

Work in the vicinity must remain on hold to allow a site inspection by the Runanga and/or their advisors, who shall determine whether the discovery is likely to be extensive and whether a thorough site investigation is required. Until the inspection has been completed, no further work can be carried out in the immediate area, and therefore work may remain on hold for longer than a 24 hour period under some situations. Material discovered shall be handled and removed by tribal elders responsible for the tikaka (custom) appropriate to their removal and preservation.

19. If the consent holder identifies any archaeological remains and/or potential areas of sites of historical value, the consent holder shall immediately notify the Consent Authority, the relevant Runanga and the Regional Archaeologist of Heritage New Zealand Pouhere Taonga.

Costs and Contributions

20. The consent holder will meet all costs associated with monitoring procedures undertaken by the Westland District Council, or its agents, to establish compliance with conditions of this consent.
21. The additional allotments are assessed to be valued in excess of \$115,000 per allotment. A contribution toward recreation facilities of \$5,750 (GST inclusive) per additional allotment is payable, which is the maximum able to be imposed in respect of the new allotment. A total of three (3) new allotments shall be created, requiring a contribution of \$17,250 (GST inclusive) that must be paid to Westland District Council.

Stage Two Conditions

Easements

22. Easements C and D shall be granted as indicated on the attached plan marked 'C'.

Consent Notices

23. A Section 221 consent notice shall be registered to Lots 4, 5, 6 and 7 which states the following:
- a) *The maximum height of residential buildings shall be no more than 7m as measured from the existing ground level.*
 - b) *The maximum height of accessory buildings shall be no more than 5.5m as measured from the existing ground level.*
 - c) *No more than two (2) accessory buildings shall be present on site.*
 - d) *The maximum gross ground floor area for any individual dwelling shall be 300m².*
 - e) *The maximum ground floor area for any individual accessory building shall be 150m².*
 - f) *All dwellings and accessory buildings shall be constructed within the "proposed building sites" as identified on attached plans marked 'A' titled "Subdivision Scheme Plan Overall", dated 28 May 2024*
 - g) *The minimum finished floor levels of any dwelling on site shall be designed, constructed and thereafter maintained to a minimum height of RL 6m in terms of NZVD 2016. However, all future building sites should be assessed by a registered engineer at the time of building consent to ensure that higher modelled flood levels above RL6m are not applicable to that particular building site. In the instance they are, the finished floor level of any dwelling shall be designed, constructed and thereafter maintained to be 500mm above that higher flood level. The engineer shall use the RCP8.5 climate change scenario assuming a 1.4m sea level rise and 0.4*

storm surge for the 1 in 100 year event. Certification from the engineer that the floor height of the proposed dwelling meets this condition shall be provided to Westland District Council with the building consent application.

- h) Unless superseded by site specific engineering advice, all buildings, servicing, foundations and floor levels shall be designed, constructed and maintained in accordance with the prepared by Hutchinson Consulting Engineers and dated 07 September 2023 and “Natural Hazards Report Prepared for Forest Habitats 117 Arthurstown Road, Hokitika” prepared by Chris J Coll Surveying Limited and dated 28 September 2023.
- i) Certification shall be provided to Westland District Council prior to any buildings being established on the proposed buildings platforms, that each building platform has been designed and constructed to maintain their structural integrity in the 1 in 100 year RCP8.5 climate change scenario flood identified in the Hokitika River – Hydraulic Modelling and Flood Hazard Mapping report prepared by Land River Sea dated 2020
- j) The planted bund identified on attached plans marked ‘E’ and ‘F’ titled “Proposed Planting Plan” and “Subdivision Layout and Landscape Proposal” shall be permanently maintained in general accordance with attached plans ‘E’ and ‘F’.
- k) All lots shall have, in addition to a flood-free building platform, a flood-free driveway, in accordance with the engineering plans GE 08 and GE 09 Rev A dated May 2024, by Hutchinson Consulting Engineers.
- l) Any material imported on the site used to construct the building platforms or driveways must be sourced from the Hokitika River flood plain.
- m) No fences or walls, or earthworks, other than those earthworks required for the building platform or driveway, that may divert or restrict flood water, shall be constructed on any of the rural residential lots.
- n) Any boundary fencing or gates must reflect the rural setting, comprising post and rail or post and wire fencing, or other alternatives to be constructed out of natural materials in recessive colours to integrate with the surrounding rural landscape. Where the bund is modified or removed, Council will require it to be reinstated within the first planting season. All dead or diseased plants shall be replaced the same planting season with the same or similar indigenous or native plants.
- o) This site is potentially subject to flooding. Any landowners and occupiers are required to read the Hokitika River – Hydraulic Modelling and Flood Hazard Mapping report prepared by Land River Sea Consulting Ltd dated June 2020 available on the West Coast Regional Council website and consider the implications that potential flooding may have for the management of the site and access to or from the site during a flood.

24. A Section 221 consent notice shall be registered to Lots 4, 5, 6 and 7 which states the following:

- a) No dwellings or habitable structures shall be constructed, parked or relocated on the north side of the building line restriction indicated in red within attached Plan 'A'.*

25. A Section 221 consent notice shall be registered to Lot 14 which states the following:

- a. The Charcoal Creek Riparian Planting Area identified as 'U' within the attached plan dated 28 May 2024 marked 'A' shall be permanently maintained in general accordance with attached plans 'E' and 'F'. Where the indigenous or native vegetation is modified or removed, it must be remedied or reinstated within the first planting season of removal or modification. All dead or diseased plants shall be replaced the within first planting season of dying or becoming diseased with the same or similar indigenous or native plants. Regular weeding and general maintenance shall be undertaken by the property owner.*
- b. Maintain a permanent continuous stock-proof fence (minimum seven wire post and batten fence with no gates) in perpetuity around the perimeter of the Charcoal Creek Riparian Planting Area, except that one fenced stock-proof corridor, no wider than 4 m, may be constructed to provide access through Area U, so that stock can move though Lot 14 without stock having to move along Arthurstown Road.*
- c. No buildings or structures shall be erected within the areas identified as 'U' and 'V' within attached plan marked 'A'.*
- d. No trees or nesting habitat shall be disturbed or removed within the area identified as 'V' within attached plan marked 'A'.*
- e. No buildings shall be constructed or relocated on site unless uninhabitable and incidental to productive rural activities.*
- f. A permanent stock proof fence must be maintained around the area marked 'V' on the attached plan marked (A).*

Amalgamation

26. The following amalgamation condition shall be undertaken in accordance with LINZ reference 18020763:

Lots 14 hereon is to be amalgamated with Lots 15 and 17 Stage 1 and Pt. RS 1589 (WS3A/1401 bal.) and one record of title to be issued to include them all.

Access and Roothing

27. The entrance ways to Lots 4, 5, 6 and 7 and any associated right of way shall be formed to Council standards and sealed for a minimum of 10 m from the edge of the existing sealed carriageway. All costs of works shall be met by the consent holder.

Applicant will need to submit a Corridor Access Request (CAR) to the Westland District Council District Assets Department prior to undertaking works in the legal road reserve.

28. Right of ways C and D shall have a combined minimum formation width of 6m.

Electricity and Telecommunication Supply

29. Where not already provided, Lots 4, 5, 6 and 7 shall be provided with a network utility connection to the available electricity and telecommunication services, and easements created for their use as required.
30. Electricity and telecommunication supply services are to be installed underground unless inconsistent with supplier requirements, except that telecommunication supply may be wireless.

Earthworks

31. When undertaking earthworks, the consent holder shall implement erosion and sediment controls which ensure that sediment does not enter roadside drains, swales, or other water bodies.
32. Any land disturbed by earthworks shall be suitably covered when not under construction and sealed or vegetated within three (3) months after final formation.

Landscaping

33. The earth bund identified on attached plans marked 'E' and 'F' titled "*Proposed Planting Plan*" and "*Subdivision Layout and Landscape Proposal*" shall be constructed to a height of 1m as measured from the existing ground level.
34. The earth bund identified within Lots 4, 5, 6 and 7 shall be landscaped in general accordance with

the attached plans marked 'E' and 'F' titled "*Proposed Planting Plan*" and "*Subdivision Layout and Landscape Proposal*". All landscaping shall be undertaken during the first planting season after completion of the construction of the bund. Where this will involve the earth being exposed for more than one calendar month, sediment and dust controls shall be implemented in the form of top soiling and grassing, hydro seeding, mulching, turfing, geotextiles or similar.

35. The Charcoal Creek Riparian Planting Area within Lot 14 identified as 'U' within attached plan marked 'A' shall be planted in general accordance with the attached plans marked 'E' and 'F' titled "*Proposed Planting Plan*" and "*Subdivision Layout and Landscape Proposal*". At no point in time shall the flow of Charcoal Creek be impeded during planting.

Accidental Discovery Protocol

36. In the event of any disturbance of Koiwi Takata (human bones), taoka (artefact material) or pounamu, the consent holder shall:
- Cease any further activity in the immediate vicinity for a period of at least 24 hours; and
 - Immediately advise the relevant Consent authority of the disturbance; and
 - Immediately advise the relevant Runanga or their authorised representatives of the disturbance.
 - Immediately advise the NZ Police if human bones are found.

Advice Note:

Work in the vicinity must remain on hold to allow a site inspection by the Runanga and/or their advisors, who shall determine whether the discovery is likely to be extensive and whether a thorough site investigation is required. Until the inspection has been completed, no further work can be carried out in the immediate area, and therefore work may remain on hold for longer than a 24 hour period under some situations. Material discovered shall be handled and removed by tribal elders responsible for the tikaka (custom) appropriate to their removal and preservation.

37. If the consent holder identifies any archaeological remains and/or potential areas of sites of historical value, the consent holder shall immediately notify the Consent Authority, the relevant Runanga and the Regional Archaeologist of Heritage New Zealand Pouhere Taonga.

Costs and Contributions

38. The consent holder will meet all costs associated with monitoring procedures undertaken by the

Westland District Council, or its agents, to establish compliance with conditions of this consent.

39. The additional allotments are assessed to be valued in excess of \$115,000 per allotment. A contribution toward recreation facilities of \$5,750 (GST inclusive) per additional allotment is payable, which is the maximum able to be imposed in respect of the new allotment. A total of four (4) new allotments shall be created, requiring a contribution of \$23,000 (GST inclusive) shall be paid to Westland District Council.

Stage Three Conditions

Consent Notices

40. A Section 221 consent notice shall be registered to Lots 8, 9, 10, 11 and 12 which states the following:
- a) The maximum height of residential buildings shall be no more than 7m as measured from the existing ground level.*
 - b) The maximum height of accessory buildings shall be no more than 5.5m as measured from the existing ground level.*
 - c) No more than two (2) accessory buildings shall be present on site.*
 - d) The maximum gross ground floor area for any individual dwelling shall be 300m².*
 - e) The maximum ground floor area for any individual accessory building shall be 150m².*
 - f) All dwellings and accessory buildings shall be constructed within the “proposed building sites” as identified on attached plans marked ‘A’ titled “Subdivision Scheme Plan Overall”, dated 28 May 2024.*
 - g) The minimum finished floor levels of any dwelling on site shall be designed, constructed and thereafter maintained to a minimum height of RL 6m in terms of NZVD 2016. However, all future building sites should be assessed by a registered engineer at the time of building consent to ensure that higher modelled flood levels above RL6m are not applicable to that particular building site. In the instance they are applicable, the finished floor level of any dwelling shall be designed, constructed and thereafter maintained to be 500mm above that higher flood level. The engineer shall use the RCP8.5 climate change scenario assuming a 1.4m sea level rise and 0.4 storm surge for the 1 in 100 year event. Certification from the engineer that the floor height of the proposed dwelling meets this condition shall be provided to Westland District Council with the building consent application.*
 - h) Unless superseded by site specific engineering advice, all buildings, servicing, foundations*

and floor levels shall be designed, constructed and maintained in accordance with the recommendations of the reports titled “Forest Habitats Ltd 117 Arthurstown Road, Hokitika” prepared by Hutchinson Consulting Engineers and dated 07 September 2023 and “Natural Hazards Report Prepared for Forest Habitats 117 Arthurstown Road, Hokitika” prepared by Chris J Coll Surveying Limited and dated 28 September 2023.

- i) All lots shall have, in addition to a flood-free building platform, a flood-free driveway, in accordance with the engineering plans GE 08 and GE 09 Rev A dated May 2024, by Hutchinson Consulting Engineers.*
- j) The carriageway level of Lot 16 must be elevated above any H2 flood hazards indicated in the Hokitika River – Hydraulic Modelling and Flood Hazard Mapping report prepared by Land River Sea dated 2020.*
- k) Certification shall be provided to Westland District Council prior to any buildings being established on the proposed buildings platforms, that each building platform has been designed and constructed to maintain their structural integrity in the 1 in 100 year RCP8.5 climate change scenario flood identified in the Hokitika River – Hydraulic Modelling and Flood Hazard Mapping report prepared by Land River Sea dated 2020*
- l) Any material imported on the site used to construct the building platforms or driveways must be sourced from the Hokitika River flood plain.*
- m) No fences or walls, or earthworks, other than those earthworks required for the building platform or driveway, that may divert or restrict flood water, shall be constructed on any of the rural residential lots.*
- n) Any boundary fencing or gates must reflect the rural setting, comprising post and rail or post and wire fencing, or other alternatives to be constructed out of natural materials in recessive colours to integrate with the surrounding rural landscape.*
- o) This site is potentially subject to flooding. Any landowners and occupiers are required to read the Hokitika River – Hydraulic Modelling and Flood Hazard Mapping report prepared by Land River Sea Consulting Ltd dated June 2020 available on the West Coast Regional Council website and consider the implications that flooding may have for the management of the site and access to or from the site during a flood.*

41. A Section 221 consent notice shall be registered to Lots 13, 16 and 17 which states the following:

- a) No buildings shall be constructed or relocated on site unless uninhabitable and incidental to productive rural activities.*

42. A Section 221 consent notice shall be registered to Lots 8 and 9 which states the following:

- a) *No dwellings or habitable structures shall be constructed, parked or relocated on the north side of the building line restriction indicated in red within attached Plan 'A'.*

43. A Section 221 consent notice shall be registered to Lots 10 and 11 which states the following:

The planted bund identified on attached plans marked 'E' and 'F' titled "Proposed Planting Plan" and "Subdivision Layout and Landscape Proposal" shall be permanently maintained in general accordance with attached plans 'E' and 'F'. Where the bund is modified or removed, it must be remedied or reinstated within the first planting season from being removed or modified. All dead or diseased plants shall be replaced within the first planting season of dying or becoming diseased with the same or similar indigenous or native plants.

Amalgamation

44. The following amalgamation condition shall be undertaken in accordance with LINZ reference 18020763:

'Lots 13, 14 & 16 hereon are to be amalgamated with Lots 15 & 17 Stage 1 and Pt. RS 4363 (WS3A/1400) and one record of title to be issued to include them all.'

Access and Rooding

45. The entrance ways to Lots 8, 9, 10, 11, 12 and 13 and any associated right of way shall be formed to Westland District Council standards, and sealed for a minimum of 10 m from the edge of the existing sealed carriageway. All costs of works shall be met by the consent holder.

Applicant will need to submit a Corridor Access Request (CAR) to the Westland District Council District Assets Department prior to undertaking works in the legal road reserve.

46. Right of ways E and F shall have a combined minimum formation width of 6m.

47. East Road (Road Parcel Identification 1790586) shall be designed, upgraded, formed and metalled inclusive of the intersection with Arthurstown Road, up to and inclusive of the vehicle entrance of Lot 12. This formation shall be completed to NZS 4404. Prior to the commencement of works, engineer designed plans shall be submitted to Council for approval. All designs shall consider

formation and stormwater management. All costs shall be met by the consent holder.

Advice Note: Prior to any work being carried out within the legal road reserve, the consent holder must apply for (and have approved) a Corridor Access Request.

48. Juan Road (Road Parcel Identification 1790371) shall be designed, upgraded, formed and metalled inclusive of the intersection with Arthurstown Road, up to and inclusive of the vehicle entrance of Lot 8. This formation shall be completed to NZS 4404. Prior to the commencement of works, engineer designed plans shall be submitted to Council for approval. All designs shall consider formation and stormwater management. All costs shall be met by the consent holder.

Advice Note: Prior to any work being carried out within the legal road reserve, the consent holder must apply for (and have approved) a Corridor Access Request. The requirement to metal Juan and East Road is not necessarily if Council agrees to seal these roads prior to titles being issued.

49. The consent holder must pay Westland District Council a 50% financial contribution for the cost of sealing those parts of Juan Road and East Roads required to be formed by the above conditions.
50. On the completion of works required within Conditionxs 49 and 50, a suitably qualified engineer shall certify that all of the approved works have been undertaken and completed in accordance with NZS 4404.

Electricity and Telecommunication Supply

51. Where not already provided, Lots 8, 9, 10, 11 and 12 shall be provided with a network utility connection to the available electricity and telecommunication services, and easements created for their use as required.
52. Electricity and telecommunication supply services are to be installed underground unless inconsistent with supplier requirements, except that telecommunication supply may be wireless.

Earthworks

53. When undertaking earthworks, the consent holder shall implement erosion and sediment controls which ensure that sediment does not enter roadside drains, swales, or other water bodies.

54. Any land disturbed by earthworks shall be suitably covered when not under construction and sealed or vegetated within three (3) months after final formation.

Landscaping

55. The earth bund identified on attached plans marked 'E' and 'F' titled "*Proposed Planting Plan*" and "*Subdivision Layout and Landscape Proposal*" shall be constructed to a height of 1m as measured from the existing ground level.
56. The earth bund identified within Lots 10 and 11 shall be landscaped in general accordance with the attached plans marked 'E' and 'F' titled "*Proposed Planting Plan*" and "*Subdivision Layout and Landscape Proposal*". All landscaping shall be undertaken during the first planting season after completion of the construction of the bund. Where this will involve the earth being exposed for more than one calendar month, sediment and dust controls shall be implemented in the form of top soiling and grassing, hydro seeding, mulching, turfing, geotextiles or similar.

Accidental Discovery Protocol

57. In the event of any disturbance of Koiwi Takata (human bones), taoka (artefact material) or pounamu, the consent holder shall:
- Cease any further activity in the immediate vicinity for a period of at least 24 hours; and
 - Immediately advise the relevant Consent authority of the disturbance; and
 - Immediately advise the relevant Runanga or their authorised representatives of the disturbance.
 - Immediately advise the NZ Police if human bones are found.

Advice Note:

Work in the vicinity must remain on hold to allow a site inspection by the Runanga and/or their advisors, who shall determine whether the discovery is likely to be extensive and whether a thorough site investigation is required. Until the inspection has been completed, no further work can be carried out in the immediate area, and therefore work may remain on hold for longer than a 24 hour period under some situations. Material discovered shall be handled and removed by tribal elders responsible for the tikaka (custom) appropriate to their removal and preservation.

58. If the consent holder identifies any archaeological remains and/or potential areas of sites of

historical value, the consent holder shall immediately notify the Consent Authority, the relevant Runanga and the Regional Archaeologist of Heritage New Zealand Pouhere Taonga.

Costs and Contributions

59. The consent holder will meet all costs associated with monitoring procedures undertaken by the Westland District Council, or its agents, to establish compliance with conditions of this consent.
60. The additional allotments are assessed to be valued in excess of \$115,000 per allotment. A contribution toward recreation facilities of \$5,750 (GST inclusive) per additional allotment is payable, which is the maximum able to be imposed in respect of the new allotment. A total of five (5) new allotments shall be created, requiring a contribution of \$28,750 (GST inclusive) shall be paid to Westland District Council.

No Complaints

61. A consent notice shall be registered on the title of Lots 8-12 stating:

“The owner or occupier of this site shall not complain about or object to the adverse effects associated with the land use consent issued by Westland District Council under Reference RC220080 for the construction and operation of an industrial storage yard and office on the site legally described as Part Rural Section 4363.”

Conditions for Land Use Consent – RC230030

General

1. The land use shall proceed in general accordance with that described within the application received on 11 October 2022, and the further information received 25 October 2022, 31 October 2022, 3 November 2022, 12 March 2023, 13 March 2023, 14 March 2023, 22 March 2023, 24 March 2023 and application addendum received on 24 March 2023, 03 October 2023 and 06 November 2023, and as indicated on the attached scheme plans dated 28 May 2024 marked ‘A’, ‘B’, ‘C’, ‘D’ and landscape plans marked ‘E’ and ‘F’ as amended by the following conditions.
2. No dwellings or habitable structures shall be constructed, parked or relocated on the north side of the building line restriction indicated in red within attached Plan ‘A’.

3. The following building restrictions are applicable to Lots 1 to 12:
- a) The maximum height of residential buildings shall be no more than 7m as measured from the existing ground level.*
 - b) The maximum height of accessory buildings shall be no more than 5.5m as measured from the existing ground level.*
 - c) No more than two (2) accessory buildings shall be present on site.*
 - d) The maximum gross ground floor area for any individual dwelling shall be 300m².*
 - e) The maximum ground floor area for any individual accessory building shall be 150m².*
 - f) All dwellings and accessory buildings shall be constructed within the “proposed building sites” as identified on attached plans marked ‘A’ titled “Subdivision Scheme Plan Overall”, dated 28 May 2024*
4. No buildings shall be constructed or relocated on Lots 13 and 17 unless uninhabitable and incidental to productive rural activities.

Access

5. Where not already achieved, the entrance way to each Lot or right of way shall be formed to Westland District Council’s standard and sealed to a minimum of 10m from the edge of the existing carriage way. All costs of works shall be met by the consent holder.

Applicant will need to submit a Corridor Access Request (CAR) to the Westland District Council District Assets Department prior to undertaking works in the legal road reserve.

6. All vehicle manoeuvring and parking areas shall be formed and thereafter maintained with a permanent dust free all-weather surface such as concrete, cobblestones, chip seal, asphalt, gravel or similar.

Engineering

7. The minimum finished floor levels of any dwelling on site shall be designed, constructed and thereafter maintained to a minimum height of RL 6m in terms of NZVD 2016. However, all future building sites should be assessed by a registered engineer at the time of building consent to ensure that higher modelled flood levels above RL6m are not applicable to that particular building site. In the instance they are applicable , the finished floor level of any dwelling shall be designed,

constructed and thereafter maintained to be 500mm above that higher flood level. The engineer shall use the RCP8.5 climate change scenario assuming a 1.4m sea level rise and 0.4 storm surge for the 1 in 100 year event. Certification from the engineer that the floor height of the proposed dwelling meets this condition shall be provided to Westland District Council with the building consent application.

8. Unless superseded by site specific engineering advice, all buildings, servicing, foundations and floor levels shall be designed, constructed and maintained in accordance with the most appropriate recommendations of the reports titled “117 Arthurstown Road Request for further information” prepared by Eliot Sinclair and dated 16 February 2023, “Subdivision Suitability Report – 117 Arthurstown Road, Hokitika” prepared by Eliot Sinclair and dated 30 September 2022, and “Forest Habitats Ltd – Engineering Report 12 Lot Rural Residential Subdivision – 117 Arthurstown Road, Hokitika” prepared by Hutchinson Consulting Engineers, dated 04 October 2022.
9. Certification shall be provided to Westland District Council prior to any buildings being established on the proposed buildings platforms, that each building platform has been designed and constructed to maintain their structural integrity in the 1 in 100 year RCP8.5 climate change scenario flood identified in the Hokitika River – Hydraulic Modelling and Flood Hazard Mapping report prepared by Land River Sea dated 2020
10. Any material imported on the site used to construct the building platforms or driveways must be sourced from the Hokitika River flood plain.
9. A site-specific investigation is to be undertaken for the wastewater treatment and land application design to comply with rule 79 of the West Coast Regional Council Land and Water Plan for each new proposed dwelling at building consent stage. Sewerage effluent is to be disposed of in accordance with the requirements of the relevant New Zealand standard for wastewater treatment and management. The septic tank is to either have a sealed lid, to prevent water ingress, or is to be located on the raised building platform adjacent to the dwelling. Unless otherwise proven in the site-specific investigation, the land application bed shall be designed for a category 3 soil, in terms of AS/NZS1547:2012. The bed is to be located as high as practical on each lot, which may require that the effluent is pump dosed to the land application bed.
10. All roof water stormwater overflows shall be discharged to a soakage pit designed and constructed in accordance with clause E1 of the New Zealand Building Code.
11. Stormwater shall be managed within each Lot to ensure no direct discharge of stormwater is made

over property boundaries unless provided for by way of an easement.

Advice Note:

The stormwater system (soak pits intercepting stormwater flows) is a primary system. However, the channel and roadside drains are a secondary system.

12. All electricity and telecommunication services are to be underground unless inconsistent with supplier requirements, except that telecommunication supply may be wireless.

Earthworks

13. When undertaking earthworks, the consent holder shall implement erosion and sediment controls which ensure that sediment does not enter roadside drains, swales, or other water bodies.
14. Any land disturbed by earthworks shall be suitably covered when not under construction and sealed or vegetated within three (3) months after final formation.

Landscaping

15. The planted bund located within Lots 2, 3, 4, 5, 6, 7, 10 and 11 identified on attached plan marked 'A' shall be permanently maintained in general accordance with the attached plans marked 'E' and 'F' titled "*Proposed Planting Plan*" and "*Subdivision Layout and Landscape Proposal*". Where the bund is modified or removed, Council will require it to be remedied or reinstated within the first planting season from removal or modification. All dead or diseased plants shall be replaced within the first planting season of the plant dying or becoming diseased with the same or similar indigenous or native plants.

Accidental Discovery Protocol

16. In the event of any disturbance of Kōiwi Takata (human bones), taoka (artefact material) or pounamu, the consent holder shall:
 - a. Cease any further activity in the immediate vicinity for a period of at least 24 hours; and
 - b. Immediately advise the relevant Consent authority of the disturbance; and
 - c. Immediately advise the relevant Runanga or their authorised representatives of the disturbance.

- d. Immediately advise the NZ Police if human bones are found.

Advice Note:

Work in the vicinity must remain on hold to allow a site inspection by the Runanga and/or their advisors, who shall determine whether the discovery is likely to be extensive and whether a thorough site investigation is required. Until the inspection has been completed, no further work can be carried out in the immediate area, and therefore work may remain on hold for longer than a 24 hour period under some situations. Material discovered shall be handled and removed by tribal elders responsible for the tikaka (custom) appropriate to their removal and preservation.

17. If the consent holder identifies any archaeological remains and/or potential areas of sites of historical value, the consent holder shall immediately notify the Consent Authority, the relevant Runanga and the Regional Archaeologist of Heritage New Zealand Pouhere Taonga.

Costs

18. The consent holder will meet all costs associated with monitoring procedures undertaken by the Westland District Council, or its agents, to establish compliance with conditions of this consent.
19. Any exterior lighting must comply with the requirements of the operative District Plan.

ADVICE NOTE(S)

- 1 That compliance in all other respects with Council Bylaws, all relevant Acts, Regulations, and rules of law be met.
- 2 This resource consent does not, in itself, provide for the erection or alternation of any buildings. All building work on the land to which this resource consent refers may be subject to an application for a building consent pursuant to the provisions of the Building Act 2004.
- 3 This resource consent does not consider the requirements of the West Coast Regional Plan. Resource Consent will be required under the West Coast Land and Water Plan prior to the activity being undertaken.
- 4 If this property is on-sold to a new owner(s) please ensure a copy of this resource consent is forwarded to the new owner(s).

- 5 No building may be constructed over an easement.
- 6 A Corridor Access Request (CAR) must be approved by the Westland District Council District Assets Department or Waka Kotahi prior to any works being undertaken within the legal road reserve.
- 7 Please contact Council District Assets for Road Works/Utilities Connection or Disconnection Consent.
- 8 Charges for the monitoring of compliance with conditions of this consent will be set each year in the Annual Plan. Consent holders may submit information to Council to demonstrate compliance with conditions of consent which if accepted will reduce the need for Council to undertake monitoring and therefore reduce associated monitoring fees.
- 9 It is possible that archaeological sites may be affected by development within the District. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and European origin or human burials. The applicant is advised to contact Heritage New Zealand Pouhere Taonga if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 2014
- 10 The consent holder will need to submit a Corridor Access Request (CAR) to the Westland District Council District Assets Department prior to undertaking any works in the legal road reserve.

Proposed Easements			
Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
R.O.W. & Services	(A)	Lot 2	Lot 3
	(B)	Lot 3	Lot 2
	(C)	Lot 5	Lot 6
	(D)	Lot 6	Lot 5

Lots 13, 14, 15, 16 & 17 hereon are to be amalgamated with Pt. RS 4363 (WS3A/1400) and one record of title to be issued to include them all.

Comprised in Record of Titles:

WS2C/1195,	4.0345 ha.
WS2C/1017,	1.3615 ha.
WS2C/763,	0.1103 ha.
WS1B/723,	6.1942 ha.
WS3A/1401,	7.9602 ha.
WS3A/1400,	7.7227 ha.
Total Area:	27.3834 ha

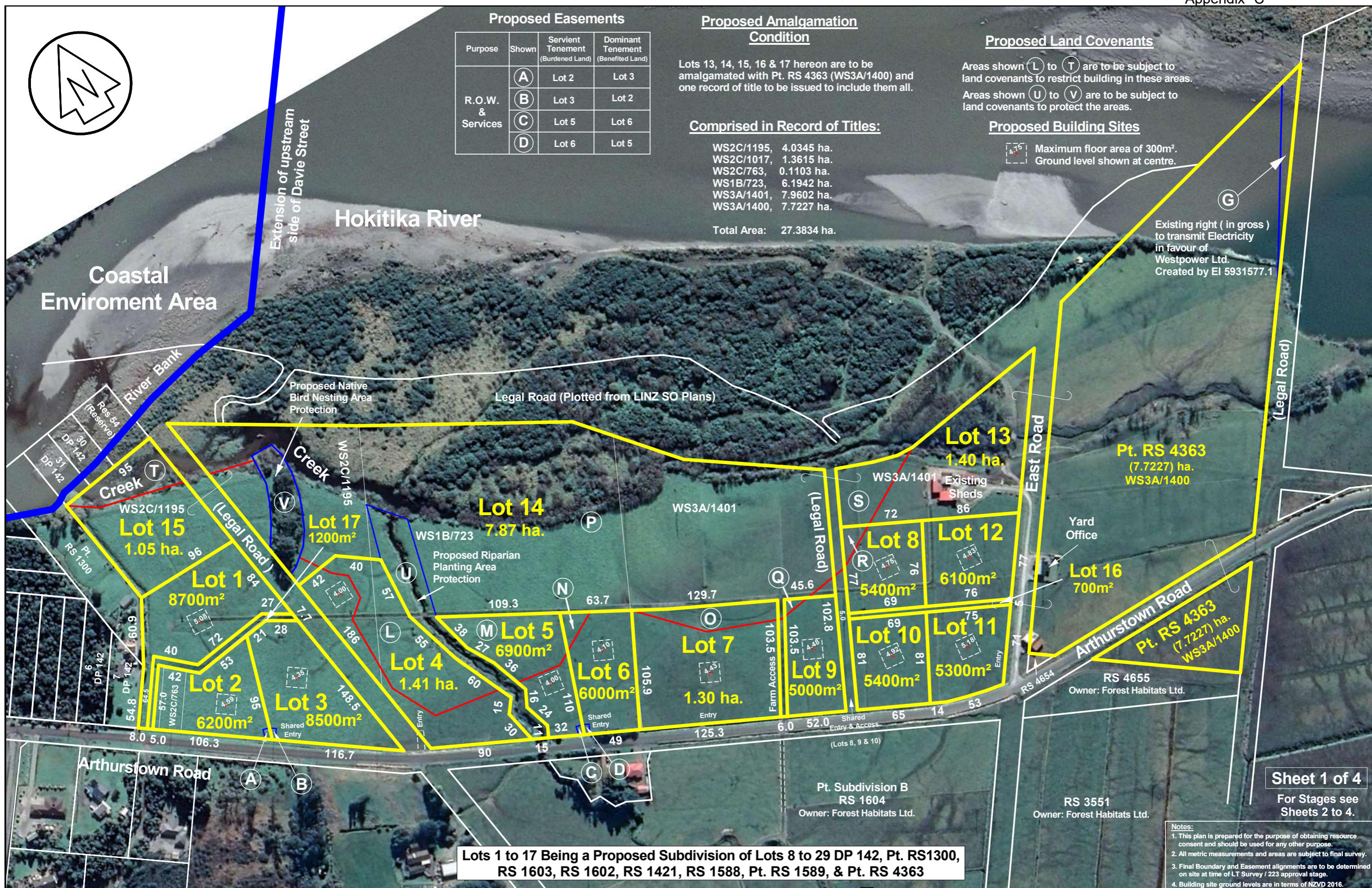
Areas shown (L) to (T) are to be subject to land covenants to restrict building in these areas.

Areas shown (U) to (V) are to be subject to land covenants to protect the areas.

Proposed Building Sites

15 Maximum floor area of 300m².
Ground level shown at centre.

**Existing right (in gross)
to transmit Electricity
in favour of
Westpower Ltd.
Created by EI 5931577.1**



Sheet 1 of 4

**For Stages see
Sheets 2 to 4.**

Notes:

1. This plan is prepared for the purpose of obtaining resource consent and should be used for any other purpose.
2. All metric measurements and areas are subject to final survey.
3. Final Boundary and Easement alignments are to be determined on site at time of LT Survey / 223 approval stage.
4. Building site ground levels are in terms of NZVD 2016.

Proposed Easements

Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
R.O.W. & Services	(A)	Lot 2	Lot 3
	(B)	Lot 3	Lot 2

Proposed Amalgamation
Condition

Lots 15 & 17 hereon are to be amalgamated with RS 1603 (WS2C/1195 bal.) and RS 1421 & RS 1602 (WS1B/723) and one record of title to be issued to include them all.


Proposed Land Covenants

Area shown (T) is to be subject to land covenants to restrict building in these areas.

Comprised in Record of Titles:
(Stage 1)

WS2C/1195, 4.0345 ha.
WS2C/1017, 1.3615 ha.
WS2C/763, 0.1103 ha.
WS1B/723, 6.1942 ha.

Proposed Building Sites

 Maximum floor area of 300m².
Ground level shown at centre.

Hokitika River Bed

Legal Road (Plotted from LINZ SO Plans)

RS 1603

WS2C/1195
1.9728 ha.

Lot 15

1.05 ha.

Lot 17

1200m²

RS 1602

WS1B/723
6.1942 ha.

8.17 ha.
(Total new title
9.34 ha.)

Lot 1

8700m²

Lot 2

6200m²

Lot 3

8500m²

RS 1588
WS3A/1401

Pt. RS 1589
WS3A/1401

Pt. RS 4363
(7.7227) ha.
WS3A/1400

Pt. RS 4363
(7.7227) ha.
WS3A/1400

RS 4655
Owner: Forest Habitats Ltd.

RS 3551
Owner: Forest Habitats Ltd.

Pt. Subdivision B
RS 1604
Owner: Forest Habitats Ltd.

Sheet 2 of 4

Lots 1, 2, 3, 15 & 17 Being a Proposed Subdivision of Lots 8 to 29 DP 142, Pt. RS1300, RS 1603, RS 1602 & RS 1421.

- Notes:**
1. This plan is prepared for the purpose of obtaining resource consent and should be used for any other purpose.
 2. All metric measurements and areas are subject to final survey.
 3. Final Boundary and Easement alignments are to be determined on site at time of LT Survey / 223 approval stage.
 4. Building site ground levels are in terms of NZVD 2016.

Surveying & Development Consulting Ltd.

Phone: 0274902876

Email: chris@sdcltd.co.nz

Project:

Forest Habitats Ltd.
117 Arthurstown Road
Hokitika

B

Drawing Title:

Subdivision Scheme Plan - Stage 1

Original Size:

A3

Original Scale:

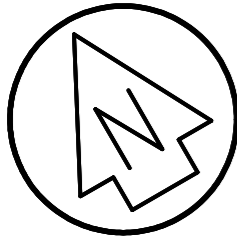
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Date:

28 May 2024

Job Number:

22008_SP2



Proposed Easements

Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
R.O.W. & Services	(C)	Lot 5	Lot 6
	(D)	Lot 6	Lot 5

Proposed Amalgamation Condition

Lot 14 hereon is to be amalgamated with Lots 15 & 17 Stage 1 and Pt. RS 1589 (WS3A/1401 bal.) and one record of title to be issued to include them all.

Comprised in Record of Titles: (Stage 2)

Stage 1 Bal. Title, 9.34 ha.
WS3A/1401, 7.9602 ha.

Proposed Land Covenants

Areas shown (L) (M) (N) & (O) are to be subject to land covenants to restrict building in these areas.
Areas shown (U) to (V) are to be subject to land covenants to protect the areas.

Proposed Building Sites

(A1) Maximum floor area of 300m².
Ground level shown at centre.



Surveying & Development Consulting Ltd.

Phone: 0274902876

Email: chris@sdcltd.co.nz

Project:

Forest Habitats Ltd.
117 Arthurstown Road
Hokitika

C

Drawing Title:

Subdivision Scheme Plan - Stage 2

Original Size:

A3

Original Scale:

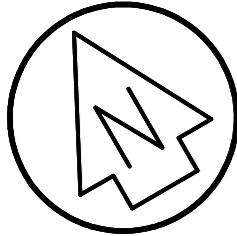
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Date:

28 May 2024

Job Number:

22008_SP3



Proposed Amalgamation Condition

Lots 13, 14 & 16 hereon are to be amalgamated with Lots 15 & 17 Stage 1 and Pt. RS 4363 (WS3A/1400) and one record of title to be issued to include them all.

Comprised in Record of Titles: (Stage 3)

Stage 2 Bal. Title, 13.25 ha.
WS3A/1400, 7.7227 ha.

Proposed Land Covenants

Areas shown (P) to (S) are to be subject to land covenants to restrict building in these areas.
Areas shown (U) to (V) are to be subject to land covenants to protect the areas.

Proposed Building Sites

Maximum floor area of 300m².
Ground level shown at centre.

(G)

Existing right (in gross)
to transmit Electricity
in favour of
Westpower Ltd.
Created by EI 5931577.1

Hokitika River Bed

Proposed Native
Bird Nesting Area
Protection

Legal Road (Plotted from LINZ SO Plans)

Lot 14
7.87 ha.
(Total new title
18.23 ha.)

Proposed Riparian
Planting Area
Protection

Lot 15
Stage 1
1.05 ha.

Lot 17
Stage 1
1200m²

Lot 1
Stage 1

Lot 2
Stage 1

Lot 3
Stage 1

Lot 4
Stage 2

Lot 5
Stage 2

Lot 6
Stage 2

Lot 7
Stage 2

Lot 13
1.40 ha.

WS3A/1401 Existing
Sheds
86

Lot 8
5400m²

Lot 12
6100m²

Lot 10
5400m²

Lot 11
5300m²

Lot 9
5000m²

Lot 16
700m²

Pt. RS 4363
(7.7227) ha.
WS3A/1400

RS 4655
Owner: Forest Habitats Ltd.

RS 3551
Owner: Forest Habitats Ltd.

Pt. Subdivision B
RS 1604
Owner: Forest Habitats Ltd.

**Lots 8 to 14 & 16 Being a Proposed Subdivision of Lots 15 & 17 Stage 1,
Lot 14 Stage 2, Pt. RS 1589, & Pt. RS 4363**

- Notes:**
- 1. This plan is prepared for the purpose of obtaining resource consent and should be used for any other purpose.
 - 2. All metric measurements and areas are subject to final survey.
 - 3. Final Boundary and Easement alignments are to be determined on site at time of LT Survey / 223 approval stage.
 - 4. Building site ground levels are in terms of NZVD 2016.

Surveying & Development Consulting Ltd.

Phone: 0274902876 Email: chris@sdcltd.co.nz

Project:

Forest Habitats Ltd.
117 Arthurstown Road
Hokitika

D

Drawing Title:

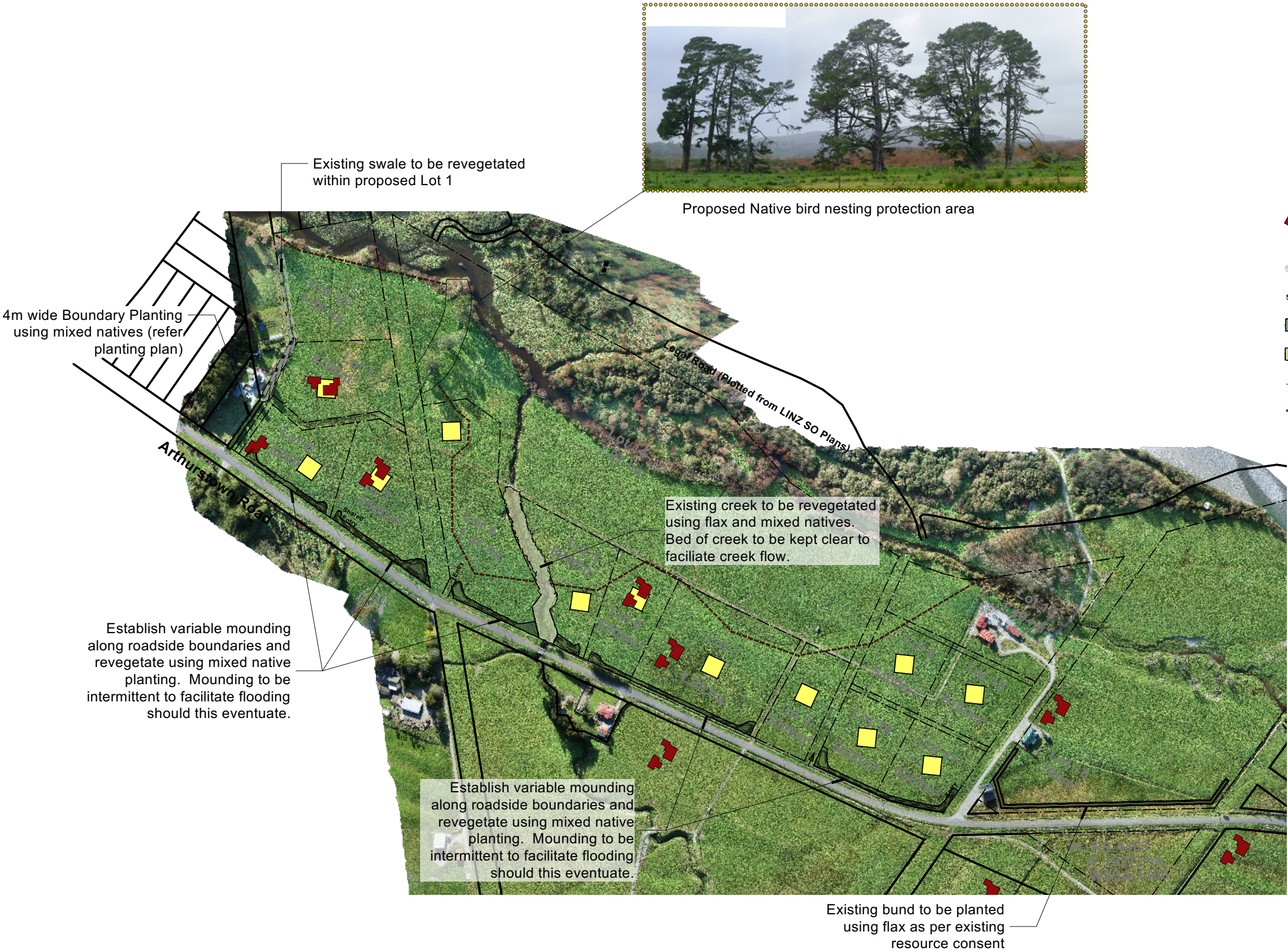
Subdivision Scheme Plan - Stage 3

Original Size:
A3

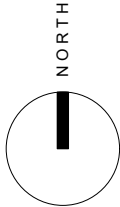
Original Scale:
1:3000

Date:
28 May 2024

Job Number:
22008_SP4



- Hypothetical location of permitted development
- Proposed location of building sites
- Existing swale
- Proposed mounding
- Mixed native planting (refer planting plan)
- Mixed swale and creek planting (refer planting plan)
- Proposed Native bird nesting protection area
- Proposed building restriction line



E

RMM

ROUGH MILNE MITCHELL LANDSCAPE ARCHITECTS

CHRISTCHURCH
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AUCKLAND
DUNEDIN
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+64 3 974 7940
+64 27 642 3342
+64 27 498 8795
info@rmmla.co.nz

Subdivision Layout and Landscape proposal

FOREST HABITATS LTD

PROPOSED SUBDIVISION

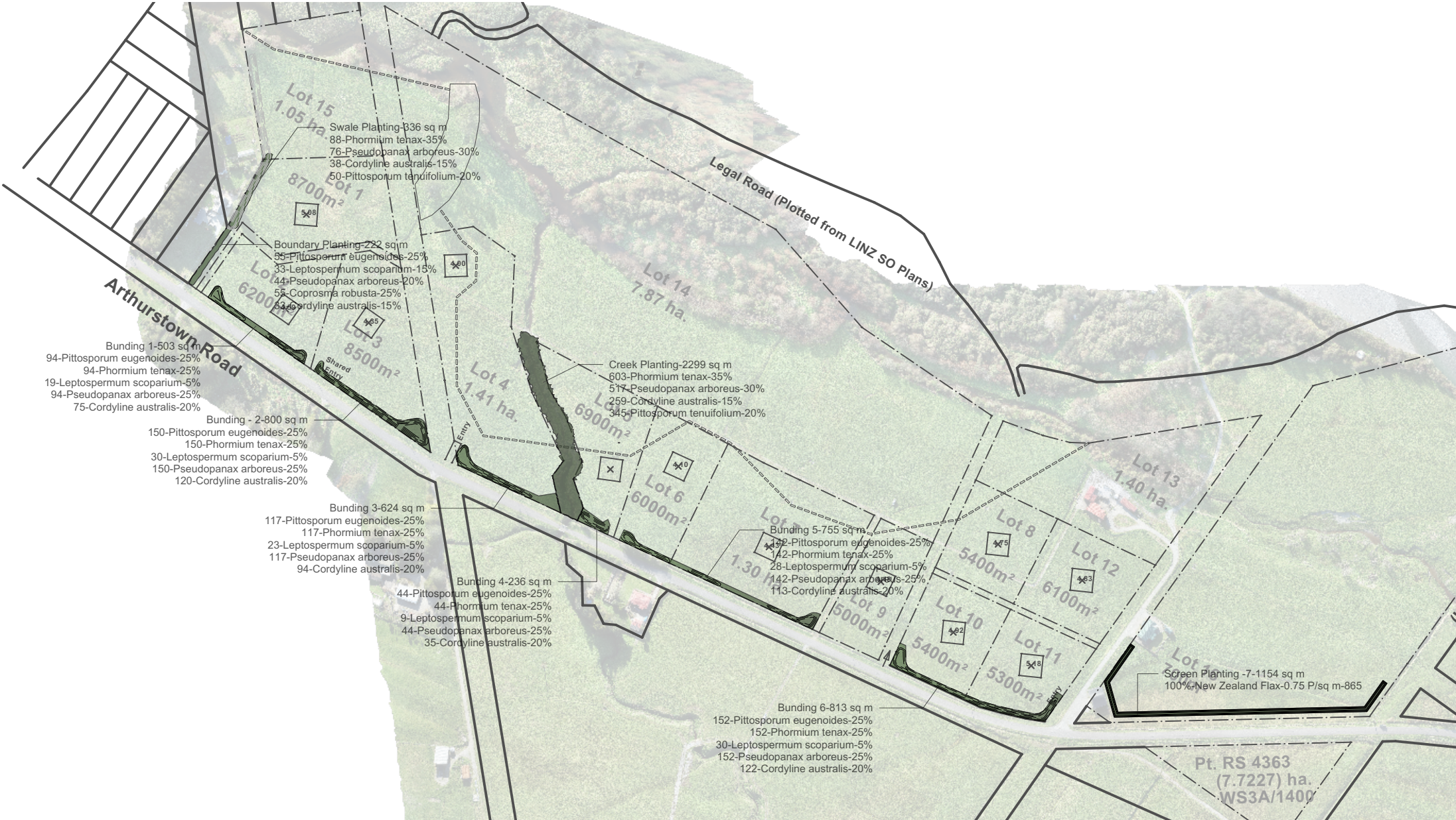
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DATE	29/08/2023
DESIGNED	RL
DRAWN	RL
CHECKED	
STATUS	for Resource Consent
DRAWING No.	REVISION
L 1.0	A
SERIES	

1 of 2

DO NOT SCALE. ALL DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCING ANY WORK

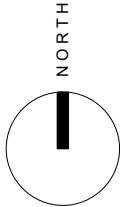
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REV	DATE	NOTES
A	29/08/2023	Revised for Discussion



Code	Botanical Name	Common Name	Grade	Spacing m/cts	Quantity
Co a	Cordyline australis	Cabbage Tree/Ti Kouka	RT	1.5	889
Co ro	Coprosma robusta	Karamu	RT	1.5	55
Lesc	Leptospermum scoparium	Manuka	RT	1.5	173
PhTe	Phormium tenax	New Zealand Flax	root stock	1.5	2255
Pi e	Pittosporum eugenoides	Lemonwood/Tarata	RT	1.5	754
Pi 'W'	Pittosporum tenuifolium	Kohuhu	RT	1.5	395
Ps a	Pseudopanax arboreus	Five Finger	RT	1.5	1336
				0	0

F



RMM

ROUGH MILNE MITCHELL LANDSCAPE ARCHITECTS

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info@rmmla.co.nz

Proposed Planting Plan

FOREST HABITATS LTD
PROPOSED SUBDIVISION

JOB No.

23146

SCALE

1:4000

DATE

29/08/2023

DESIGNED

RL

DRAWN

RL

CHECKED

STATUS

for Resource Consent

DRAWING No.

REVISION

L 2.0
SERIES

A

1 of 2