

220120



20 October 2022

Forest Habitats Limited
C/- MacDonell Consulting Limited
17 Cliffs Road
St Clair
Dunedin 9012

Westland District Council
36 Weld Street
Private Bag 704
Hokitika 7842

Phone 03 756 9010
Fax 03 756 9045
Email council@westlanddc.govt.nz

barry@macdonellconsulting.co.nz

Dear Sir,

RE: RESOURCE CONSENT 220120 – REQUEST FOR FURTHER INFORMATION

Thank you for your application received on 11th of October 2022.

Under section 92 of the Resource Management Act 1991 (the Act), the Westland District Council requests further information for your application to subdivide land legally described as Lots 8 to 29 DP 142, Part RS 1300, 1589 and 4363, and RS 1421,1588 and 1602-1603 into 15 allotments including amalgamation conditions within the Rural Zone 117 Arthurstown Road, Hokitika.

The further information required is detailed below. It will help Council to better understand your proposed activity, its effect on the environment and the ways any adverse effects on the environment might be mitigated.

The Activity

1. The application contains a land use consent application form, however it appears to only be applying for subdivision. Please confirm whether land use consent is also applied for in conjunction with the subdivision activity. If so, please provide a conclusive proposal description and assessment as required by the Fourth Schedule of the Act. Please note, at present the application may be triggering land use failures pursuant to Table 5.7 of the Operative Westland District Plan. This is discussed further within this letter.

Section 104 Statutory Assessment

2. The Fourth Schedule of the Act requires all resource consent applications to include an assessment of the relevant Objectives and Policies of the Operative District Plan. The assessment provided has not been considered complete. Please provide written assessment against the relevant Objectives and Policies of the Operative District Plan.

A copy of the Operative Westland District Plan can be found on the Westland District Council website: www.westlanddc.govt.nz.

3. The Fourth schedule of the Act requires all resource consent applications to include an assessment of the relevant Objectives and Policies of the Proposed District Plan.

In order to confirm compliance with those provisions which take immediate effect, please provide an assessment of the Objectives and Policies of the Proposed Te Tai o Poutini Plan.

Please also provide an assessment of any rules which may be subject to immediate legal effect pursuant to s. 86F of the Act. If this is not applicable, please confirm this and demonstrate why.

A copy of the Proposed One Plan can be found on the Te Tai o Poutini website: <https://tppp.nz/>

4. In accordance with both the Operative and Proposed West Coast Regional Coastal Plans, the site is partially contained within the coastal environment. Please provide a conclusive assessment of the relevant provisions of the New Zealand Coastal Policy Statement.
5. The application does not contain an assessment of the relevant provisions of the West Coast Regional Policy Statement as required by s. 104 of the Act. Please provide a conclusive assessment of the relevant provisions of the West Coast Regional Policy Statement.
6. As noted above, the site is partially located within the coastal environment in accordance with the Operative West Coast Regional Coastal Plan, as demonstrated within the below Figure One. Please provide a conclusive assessment of the relevant provisions of the Operative West Coast Regional Coastal Plan.

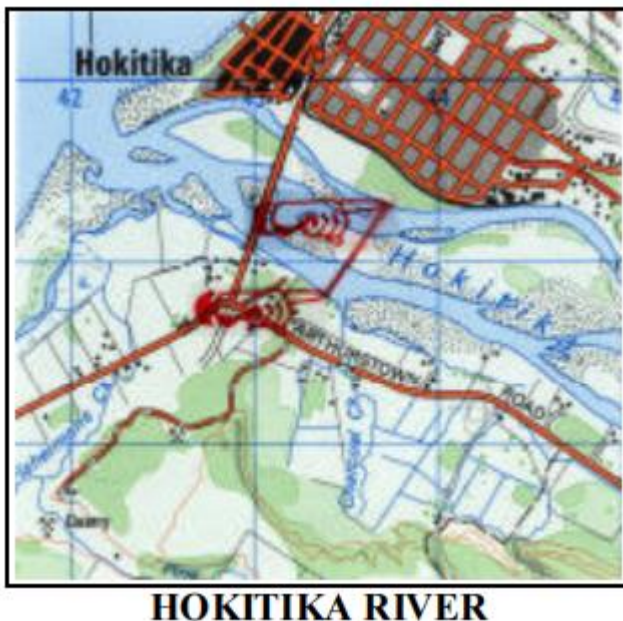


Figure One: Operative West Coast Regional Coastal Plan – Hokitika River Map Extension of upstream side of Davie Street.

7. As noted above, the site is located partially within the coastal environment in accordance with the Proposed West Coast Regional Coastal Plan, as demonstrated within the below figure two. Please provide a conclusive assessment of the relevant provisions of the Proposed West Coast Regional Coastal Plan.

WESTLAND DISTRICT



HOKITIKA RIVER

Description: Extension of upstream side of Davie Street

Map Reference: BU18 336 674

Start: 1433825 5267730

End: 1433354 5267055

Image Scale: 1:40,000

Figure Two: Proposed West Coast Regional Coastal Plan – Hokitika River Map Extension of upstream side of Davie Street.

Amenity and Design:

8. The proposed subdivision will result in an increased development potential. Due to the intention to utilise the proposed allotments for residential purposes, which may occur as of right as a controlled activity in accordance with the Operative Westland District Plan, further information is required to consider the effects of the proposal. Presently, the application will create a rural-residential environment which will have a notable impact upon the existing rural character of the Rural Zone. The application has the potential to result in a settlement character which will be influenced by the standards for the Rural Zone, which are not appropriate for urbanised environments.

Please confirm how amenity will be maintained. This may be achieved by volunteering design controls which are more appropriate for rural-residential settlements. This may include controls in respect to those activities permitted within the Rural Zone, such as rural buildings with no maximum floor area, which may be constructed to a maximum height of 8m.

If no design controls are proposed, please provide an assessment of the amenity impacts associated with the additional development potential proposed which determines controls are not appropriate.

Advice note: Examples of Rural Zone residential-subdivision conditions (volunteered) can be supplied to provide guidance where requested.

Telecommunication and Electricity

9. Please provide confirmation that reticulated telecommunications, including fibre, is not available to the subdivision. Please be aware, if reticulated telecommunication infrastructure is available, a connection will be required to be supplied to each lot, which is may be developed for residential purposes as of right.
10. Record of Title WS3A/1400 notes an interest, including an easement in gross which provides for the transmission of electricity over Part Rural Section 4346 in favour of Westpower Limited. The application does not mention this easement, nor is it depicted on the subdivision plan. Please amend the plan to demonstrate existing easements, or alternatively confirm why this is not appropriate.

HAIL Activity

11. Please demonstrate that the site has not been subject to historical Hazardous Activities and Industries List (HAIL) activity. This may be completed through an assessment of the West Coast Regional Council SLUS Database. Please contact the West Coast Regional Council for more information. Where it is found that the site is subject to HAIL activity, an assessment of the relevant provisions of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 will be required.

Access and Land Use Provisions

12. The application does not contain an adequate assessment of traffic effects. Please provide an assessment of traffic effects based on the calculations for daily vehicle movements prescribed within the Operative Westland District Plan, which are demonstrated below within Figure Three.

¹ An equivalent car movement is defined as follows:		
1 car to and from the property	=	2 equivalent car movements
1 truck to and from the property	=	6 equivalent car movements
1 truck and trailer to and from the property	=	10 equivalent car movements
Provided that a single residential dwelling is deemed to generate 8 equivalent car movements per day (ecm/d).		
² Sight distance (or vehicle intervisibility distance) to and from an access to enable safe vehicle turning manoeuvres. Refer to figure 8.1(a) for method to determine sight distance at a property access.		

Figure Three: Operative Westland District Plan Part 8.9 – Equivalent Car Movements

13. The proposed pedestrian access way is located over an area which is presently partially formed, including a bridge over Charcoal Creek. Please confirm as to whether this access will be formed as a component of the subdivision. Please note, the modification of land within 10m of riparian margins will require land use consent in accordance with Table 5.7 of the Operative Westland District Plan. This includes earthworks and stormwater works as described within the Hutchinson Consulting Engineering Report. Please provide a conclusive assessment which demonstrates the activity will not trigger the above Table 5.7 standard.
14. The accessways located within the intersections of legal road reserve will not comply with the standards of 8.9.3 which requires a separation of vehicle access points from any Rural Zone intersection. Please demonstrate compliance with the applicable standards, or alternatively provide an assessment of the rule failure.
15. The Hutchinson Consulting Engineering Report supplied with the application confirms that East Road should be upgraded as a component of the proposal. This will trigger a land use resource consent requirement pursuant to Part 6.4 of the Operative Westland District Plan. Please confirm the intention to undertake construction within East Road. Further information will required if the land use resource consent is required.
16. The Westland District Council District Assets Department has noted an issue with the vehicle access entrance point for Lots 5 and 6 due to the proximity with the bridge contained within Arthurstown Road. Due to the increase in traffic volumes it is likely that a guard rail will be required which will reduce visibility for future users entering

and exiting the site. It is requested that the access point to Lots 5 and 6 are relocated in order to preserve the safety of future occupants and road users. It has also been noted that the proposed separation from the bridge is likely to result in safety issues.

Esplanade Reserve

17. The application involves the subdivision of land which includes various water bodies. Esplanade reserve(s) will be required as a component of the subdivision. Please amend the subdivision plan to include the relevant esplanade strips as required by s. 230 of the Act. Please confirm the intention to utilise either a strip or a reserve, and confirm the purpose of the area pursuant to s. 229 of the Act. If this is not considered appropriate, please explain why.

Natural Hazards

18. The application contains an engineering report prepared by Elliot Sinclair which states that Council has the potential to decline the application pursuant to s. 106 of the Act where it deems the risk from natural hazards is significant. Presently, the application demonstrates a significant risk to future development within the majority of the proposed Lots, including those adjacent to Arthurstown Road due to potential inundation from the Hokitika River, including velocities which are unsafe for people, and also tsunami risk.

The application does not include any mitigating factors for those Lots at the most significant risk. The application does not adopt the no build line recommended by Eliot Sinclair. If this is to be adopted, please provide written confirmation that the building line restriction is to be registered to the affected titles via a s. 221 consent notice. Please also demonstrate this line on the subdivision plan. Please also confirm the intention for Lots 13, 14, 15 and Parts RS 4363 to not be utilised for residential activity, as is discussed briefly within the application. This will be also need to be registered to the affected titles via a s. 221 consent notice.

If the above engineer recommendations are not considered appropriate, please provide detail explaining why.

Advice note: It is acknowledged that an application existing for the existing dwelling contained within Pt. RS 4363 to be converted into a commercial office. In the event that this application is granted resource consent, the single record of title holding proposed Lots 13, 14, 15 and Parts RS 4363 will not contain a residential dwelling. This means a new dwelling may be constructed as of right as a controlled activity within allotments deemed at risk of natural hazards according to the information supplied within the application. The effects associated with this outcome are likely to be considered significant.

Earthworks and Flood Free Building Platforms

19. The application contains an Engineering Report prepared by Hutchinson Consulting Engineers Limited which confirms that as a part of the development “flood free building platforms” will be created on each lot. This conflicts with the intent of the application which provides for an unoccupied farming balance lot. This also conflicts with the recommended no build line discussed within the Elliot Sinclair Engineering Report supplied with the application.

Please amend the application to demonstrate the location of each individual flood free building platform and the specifics these platforms will need to be constructed to, in order to be ‘flood free’. This will need to be demonstrated on the subdivision plan.

Please note, the height the building platforms are to be constructed to needs to be annotated as measured from existing ground in order for Council to assess the potential visual effects the activity will result in where the building platforms are utilised for individual land uses.

20. The above engineering report confirms that an average of 1,200m³ of fill will be required within each lot to construct the “flood free” building platforms. This has the potential to result in 18,000m³ of fill transported to the site where each lot is provided with a building platform. This will exceed the volume of earthworks which can occur in accordance with the West Coast Regional Council Land and Water Plan. Please provide further detail regarding whether resource consent will be required from the West Coast Regional Council for the proposed activity. Council required this assessment in order to determine whether deferral is appropriate pursuant to s. 91 of the Act.
21. Due to the location of the site in relation to water bodies, the receiving environment will be sensitive to sediment distribution during earthworks. Please provide a sedimentary control plan which will need to be implemented as a component of the proposed earthworks associated with the subdivision in order to ensure sediment does not leave the site. This will need to be completed by a suitably qualified professional to the satisfaction of Council.

Please provide this information within **15 working days** of the date of this letter. If you agree to provide the information but cannot provide it during that period, or refuse to provide the information at all, you must notify Council of your intentions in written form within the same period. If you agree to provide the information but cannot provide within that same period, Council will set a reasonable time in which you must provide the information and notify you of this new date in written form.

If you do not provide the information by that new date, do not respond by that new date, or refuse to provide the information at all; and Council considers that it has insufficient information to enable it to grant consent, Council may decline the application.

In accordance with the RMA 1991, the statutory working days will not apply until either the information or a notice of your intentions is received.

If you have any queries regarding this request, please do not hesitate to contact me at the Planning Department, Westland District Council.

Sincerely,



Anna Johnson
Consultant Planner