

SUBMISSIONS

1.0 INTRODUCTION

1.1 This application seeks consent to a subdivision of land at 117 Arthurstown Road, Hokitika into 15 allotments (with 2 amalgamated), and consent to erect 12 dwellings on Lots 1-12 and form unformed road for legal access resulting from the three-stage subdivision.

1.2 The land involved is situated in the Rural Zone under the Operative District Plan and in the General Rural Zone under the Proposed Plan, and under that Plan is subject to various overlays.

2.0 STATUS OF THE ACTIVITY

2.1 The Reporting Officer (“RO”) reports that the application overall is non-complying under the Operative Plan and permitted under the Proposed Plan. It is the Applicant’s view that the application for consideration is a discretionary activity under Rule 7.3.3 (Table 7.1).

2.2 In her initial report the RO correctly refers to the activity status as being discretionary¹, but in her later addendum she refers to the application as being: -

- (i) a non-complying activity under the Operative District Plan;
- (ii) but a permitted activity under the Proposed Plan where the standards of immediate legal effect affecting the site, including the ECO and NC.

It appears (on the RO’s argument) that the fencing and planting of native plants on the Charcoal Creek setbacks constitutes “*modification*” and that modification breaches table 7.1 of the Operative Plan, and that has the effect of elevating the application overall to non-complying activity.

¹ Paragraph 5.1 original Report.

2.3 The argument is specious: -

- (i) the plan recognises that the “*modification*” is “*vegetation clearance from the margins of water bodies*”. Permitted activities in those margins include fencing – so fencing is not a “*modification*”, and there is not vegetation clearance so non-complying status is not triggered and the discretionary status remains. The RO clearly has not read the Table 5.7 in full. A copy is attached for your information.

- (ii) whilst past cases² have held that there is no hybrid planning status for a proposal and the more stringent activity applies to the whole proposal where there are multiple consents (“the bundling approach”), later cases³ confirmed the bundling approach applied only to overlapping consents. There are no overlapping consent applications here – there is no breach in relation to riparian margin as fencing is permitted. However, even if you decide that the fencing is a “*modification*” and a consent is required for it, that would be the only non-complying element, and its effects do not overlap with other parts of the proposal i.e. the subdivision and dwelling elements. Thus the “*modification*” element, if you find it exists, can be dealt with separately from the other subdivision and build elements. This was an exception identified in the case of Ahuareke Trustees No. 2 Limited v Auckland Council⁴. The RO has misdirected herself.

3.0 WEIGHTING OF THE PLANS – OPERATIVE AND PROPOSED

- 3.1 It is a well settled law that the weight to be given to a proposed plan depends on what stage the relevant provisions have reached, the weight generally being greater as a proposed plan moves through the notification, submission, hearing and decision process⁵.

- 3.2 While regard must be had to a proposed plan (because it exists), this does not necessarily mean giving effect to the contents of that proposed plan.

² eg. *Locke v Haven Motor Lodge*, 5 NZTPA17(SC)

³ See *Newbury Holdings v Auckland Council* [2013] NZ HC 1172

⁴ [2017] NZ Env C205

⁵ See *Hinton v Auckland CC* [1994] NZ RMA289 (PT); *Entwisle v Dunedin CC* 105/94 (PT)

- 3.3 In TV3 Network Services v Waikato DC⁶, the High Court held that it would be wrong in law to accord a proposed plan an exclusive effect, as that would give the proposed plan an anticipatory effect which is objectionable on fundamental principles⁷.
- 3.4 The most recent case on weighting is Keystone Ridge Limited v Auckland CC⁸, where the High Court held that the importance of the proposed plan (or plan change) will depend on the extent to which it has proceeded through the objection, hearing, decision and appeal process. The matter should be considered on a case-by-case basis and consideration might include: -
- (i) the extent to which the proposed measure might have been exposed to testing and independent decision making;
 - (ii) circumstances of injustice; and
 - (iii) the extent to which a new measure, or the absence of one, might implement a coherent pattern of objectives and policies in the plan.
- 3.5 In Guthrie v Queenstown Lakes District Council⁹ the Environment Court referred to Keystone Ridge and reconfirmed its decision, more weight might be accorded to a proposed plan if there has been a significant change in the authority's policy and the new provision is in accordance with Part 2.
- 3.6 The provisions of the proposed plan here are subject to a raft of submissions and further submissions, including submissions as to the Natural Hazard Overlay from the West Coast Regional Council. Those submissions have yet to be heard.
- 3.7 In short, the proposed plan is in only the early stages of the process and is yet to be the subject of independent decision making and indeed no decisions on Hazard Overlays have been made and will not be made, it appears, until after August 2024.
- 3.8 The RO appears to give the Operative and Proposed Plans equal weight – that is simply wrong in law. Notably, the RO (referring now to post application amendments) says:-

⁶ [1998] NZ LR360; [1997] NZ RMA539 HC

⁷ See Landover Owners Club (Otago) Inc v Dunedin CC [1998] 4ELRNZ252 HC

⁸ HC Auckland AP24/01

⁹ [2021] NZ Env C79

“the proposal is inconsistent in part with the relevant objectives and policies of the Operative District Plan and the Proposed Plan”.

Nowhere does she say that the proposal is “*contrary*” to them. Nor does she anywhere identify or reason why she concludes the proposal is “*inconsistent*” with them, or why she has weighted the proposed plan as she appears to have done.

3.9 The RO says: -

“the site is located in an area which has historically been subject to inundation during high rainfall events”

- that surely is the case with all of the flat and coastal lands of the Westland District. The Westland District has an average rainfall of 2,000mm and 3,000mm per annum and Hokitika has the highest 1-hour rainfall¹⁰ and the highest 12-hour rainfall¹¹. Nowhere does the RO identify that this particular piece of land, and where the subdivided allotments are proposed, has ever flooded. The evidence of Mr Dillon will be simply that in his time, it has not. His evidence will be backed by other evidence.

3.10 The RO gives substantial weight to the “*four individual Natural Hazard Overlays*” (all of which are untested), many if not all of which are subject to submission and opposition, and says: -

“the application does not conclusively demonstrate that the activity will not adequately mitigate the present Natural Hazard risk on people and property”

- for my part, I do not understand what she is trying to say. What “*conclusive demonstration*” does she seek beyond the unchallenged evidence which has been provided for the Applicant? The RO produces nothing in her evidence to “*conclusively*” or otherwise show what she says to be the case. She seems to rely on very high level flood modelling and yet she has ignored the specific engineering report of Stuart Challenger and the engineering report of Hutchinson. The Commissioner will recall the evidence:

¹⁰ Cropp at Waterfall (Hokitika Catchment)

¹¹ Hokitika at Prices Flat

(a) S Challenger Report

(i) As to Tsunami: -

“Once the building platforms have been completed they will be above the Evacuation Zone so they will not be as risk”.

(ii) As to access: -

“The proposed Lots will be accessed from Arthurstown Road and East Road, which are not shown as being in a Tsunami Evacuation Zone”

(iii) As to “sufficient access” – S.106: -

“the Lots all have sufficient legal access for the purposes of S.106 RMA”

(iv) As to bunding: -

“The bunding shown in the Rough Milne Mitchell Landscape plans, is intermittent to facilitate passing of flood water which will allow the water to disperse naturally, albeit at a slightly delayed rate. Because of the width of flooding at the site, any delay caused by the binding and planting will be negligible”.

(v) As to the contention an additional resource consent (wastewater) is required:-

“That is in my view not correct”.

“I consider that a site specific designed on-site wastewater treatment and land application system for each Lot will comply with Rule 79 of the WCRC Land and Water Plan”.

How is it that the RO has not been able to assess this correctly?

(b) Hutchinson Report

And the Hutchinson Report – after their investigation: -

“The site is suitable for its intended use provided flood free building platforms are constructed to a minimum elevation of RL 5.5m and any future habitable space is constructed no lower and RL 6.0m”.

Where is the evidence from the RO to challenge those reports or to lead to her conclusion?

4.0 THE OFFICER'S REPORT

4.1 As said earlier the Report is confusing and the RO appears misdirected. Not only is the Report completely wrong in part, it ignores the information lodged with the application, and the subsequent further information provided, and chooses to rely on her own opinion and untested information. The Report misses Operative Plan provisions (or ignores them), accords a status to the proposed plan which it does not have, provides photographs purporting to be of the Applicant's property, when they are of property some 900 metres away from the site (and she has been informed of such) and most concerningly, despite having confirmed her compliance with the Code of Conduct for expert witnesses¹², in which she states that her evidence is "*within my area of expertise, expect where otherwise stated*" – much of her evidence addresses matters clearly not within her area of expertise – such as erosion, inundation, flooding, amenity, character, and even mis weights plan provisions. She remains of the view that rural character effects will be "*more than minor*" it appears because there will be a visible build form, even although she has said the effects on visibility will be "*less than minor*". The conclusion denies logic and ignores what she has said in her previous paragraphs.

The RO says: -

- (i) that what is proposed in terms of planting and restrictive covenant "*will result in the protection and enhancement of the natural environment*".
- (ii) acknowledges that the engineering reports all "*align*", that a more restrictive setback line is proposed by the Applicant:-

"and the proposed building sites are outside of the MEMA, Tsunami Evacuation Zones".

But she says she cannot assess of earthworks proposed as a component of "... *landscaping and screening*". What is proposed is a bund. How could she not assess that?

¹² original Report, paragraph 1.2

(iii) What is surprising is that the RO in Figure 3 (page 10) and Figure 4 (page 11) of her addendum which she says indicates "*reclamation*". Those clearly show the accretion to the site (Figure 4) as distinct from what it is portrayed in Figure 3 – erosion - but the RO seems to consider that there has been a reclamation. A reclamation is something that is caused by the influence of man – what has occurred here is clearly a natural event of accretion and no resource consent is required for it.

(iv) Again surprisingly, RO says: -

"adverse effects in respect of exposure to natural hazards has been assessed as more than minor based on the information supplied within the application"

- in fact the information supplied "*within the application*" is to the contrary of her conclusion. The RO provides nothing to justify her opinions.

(v) The RO assesses: -

"that the site is not appropriate for this form of residential lifestyle development"

- On what basis, and where is her evidence to justify the argument?

(vi) Further detailed challenges to the Report have been made in the evidence of Mr MacDonell, Mr Challenger and Mr Dillon. That evidence will show that the Report simply cannot be relied upon.

5.0 S.104 / 104B

5.1 As a discretionary activity The Commissioner will subject to Part 2, have regard to the matters set out in S.104 RMA. Mr MacDonell in his evidence discusses the matters set out in S.104, including the objectives and policies of the relevant plans and analyses those provisions in relation to the application, and considers the environmental effects of it and concludes that consent should be granted.

6.0 PART 2

6.1 The RO says that a grant of consent is “*inconsistent*” with section 6(h) RMA and section 7(i) RMA. It is hard to fathom how she can so conclude. Section 6 requires decision makers to “*recognise and provide for*” certain things. Section 6(h) refers to “*the management of significant risks*”. Notably the section does not require “*avoidance*” even of significant risks.

6.2 It is the evidence for the Applicant (conveyed through the engineering reports) that there is no significant risk to the allotments proposed to be provided or to the land itself. To the contrary, to the extent that there are risks at all, the Applicant has managed those risks. The required management by the Applicant is provided by the setback, and by having the building sites elevated and fixing a finished floor level. The application is wholly consistent with section 6(h).

6.3 The RO says that the application is “*inconsistent*” with section 7(i) RMA.

Section 7 requires particular regard to be had to certain matters, one of which is “*the effects of climate change*” (section 7(i)). Section 7(i) is aimed at considering the effects of climate change on the activity itself – it is not required of an Applicant to establish beneficial effects of the application on climate change. To do so would require a level of precision which is simply not available in terms of the current state of knowledge¹³. The RO seems not to be aware of that.

6.4 Implicit in the requirements of section 7(i) is a recognition that the whole legislative framework applying to climate change matters is itself intended to manage the causes and effects of climate change. However, it is a matter to which the Commissioner is directed, and the Applicant has had particular regard to the effects of climate change and creates the opportunity for the Commissioner to address that matter through the Applicant’s elevation of building sites and fixing of floor levels, and site setback and record those matters in conditions.

Indeed how can an application be inconsistent with S6 and 7 – they are matters that need to be “*recognised and provided for*” or matters you have to “*have particular regard to*” – when the Applicant has done both.

¹³ see Upland Landscape Protection Society Inc. v Clutha District Council, EnvC 085/08

The RO seems not to understand the meaning and import of section 7. The proposal is wholly consistent with section 7(i).

6.5 The RMA has a single purpose: -

“to promote the sustainable management of natural and physical resources”

(and the words “*sustainable management*” are defined in S.5(2)). The definition simply means - managing resources, (not in the abstract but for a specific purpose) - to enable people and communities to provide for their social, economic and cultural well-being and their health and safety while sustaining potential for future generations, safeguarding life supporting capacity, and avoiding remedying or mitigating any adverse effect on the environment. A grant of consent here meets the sole purpose of the Act and meets all of the imperatives of Section 5.

7.0 SECTION 106

7.1 The RO recommends that the application be declined on the basis of section 106(1)(c) and (d). The Commissioner will recall that section 106 gives a consent authority a discretion to refuse a subdivision consent in certain circumstances.

7.2 Section 106(1)(a) enables that discretion to be exercised if “*there is a significant risk of natural hazard*”.

In Kotuku Park Limited v Kapiti Coast District Council¹⁴ the Court declined to apply the former section 106 as although a rare major event causing extensive and inundational erosion could occur at any time on the particular coastline at issue, it concluded it was not standard practice to design for such extreme events. The application of sound engineering practice of subdivisions design was enough to satisfy section 106. The RO not only gives no evidence to justify her position, she seems to misunderstand the meaning of section 106 and its application.

¹⁴ EnvC A073/00

7.3 I turn to the RO's suggestion that "*sufficient provision*" has not been made for legal and physical access to each allotment to be created by the subdivision (S.106(1)(c)) -

"...in the event of a major flooding event".

7.4 The words "*sufficient provision*" where used in section 106 qualifies the words "*physical and legal access*" and relates to the question of whether lots are land locked either legally or physically.¹⁵ Sufficient legal and physical access here is provided and is taken from Arthurstown and East Roads. If access is not available in major flooding events, that will be the same for all of the land in the catchment, and elsewhere in the District, one expects, and if you apply the interpretation adopted by the RO there could be no subdivision of any land likely to have any element of flooding on it, because the roads would be flooded precluding the access (on her interpretation). Again, the RO has misinformed herself.

8.0. THE SUBMITTERS

8.1 There has been one combined submission opposition. The matters relating to that will be addressed in the evidence of Mr Dillon and of Mr MacDonell. Suffice is to say these submissions, although entitled to be made in this participatory process, indicate little more than a person view or opinion.

8.2 It appears that the Submitters did not realise that there are 6 existing titles in situ now, and consequently 6 dwellings can be built now, in close proximity to the submitters property – that outcome would have a far greater effect on the submitters in terms of amenity and outlook that what is proposed – which will put dwellings further from the submitters property, which proposes height limits at 7m (the plan allows 10m) and considerable landscaping which would not take place if the existing titles were developed.

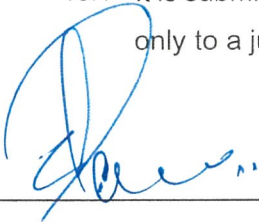
¹⁵ see Norton v Marlborough DC, EnvC030/09

9.0 CONDITIONS

9.1 The Officer's Report helpfully provides a schedule of conditions in the event that the Commissioner is disposed to grant consent. Annexed to this submission is an updated set of conditions, taking the RO conditions as a base document and track changed (line through deletions and red text for additions). The rationale for the deletions and additions being set out in the evidence of Messrs MacDonell and Challenger.

10.0 CONCLUSION

10.1 It is submitted that the Commissioner can safely grant the consents sought subject only to a judicious application of conditions.



NA McFadden

16 April 2024

5.6.3 Standards for Permitted, Controlled and Discretionary Activities

(See [Appendix E](#) for Assessment of Discretionary Activities)

Table 5.7: Standards for Permitted, Controlled and Discretionary Activities

		Rural Zone		
		Permitted Activities	Controlled Activities	Discretionary Activities
(a)	<p>Buildings</p> <ul style="list-style-type: none"> ▪ maximum gross ground floor area of non-farming building ▪ maximum gross ground floor area of farm buildings ▪ maximum incremental addition to a building 		300 m ²	800 m ²
		no limit	no limit	no limit
			100 m ²	150 m ²

		Rural Zone	
		Permitted and Controlled Activities	Discretionary Activities
(b)	Yards (minimum) <ul style="list-style-type: none"> ▪ buildings for commercial livestock and animals 	300 m (residential zone boundary) 45 m (dwelling) 30 m (other site boundary)	100 m (residential zone boundary) 20 m (dwelling) 10 m (other site boundary)
	<ul style="list-style-type: none"> ▪ forestry and shelter belts (below altitude of 1000 m) ▪ commercial forestry 	50 m (residential building and/or zone boundary)	Nil

	<ul style="list-style-type: none"> ▪ all other buildings 	50 m (residential building and/or zone boundary)	Nil
	<ul style="list-style-type: none"> front side/rear state highway boundary 	<ul style="list-style-type: none"> 10m 3m 20m 	<ul style="list-style-type: none"> 7m 2m 10m
(c)	Dwellings <ul style="list-style-type: none"> ▪ maximum per site 	1	2

(d)	<p>Noise</p> <p>(all activities except forestry, and agricultural activities)</p> <ul style="list-style-type: none"> ▪ 0700 - 2100 hrs Mon - Fri ▪ 0700 - 1800 hrs Saturday ▪ all other times including public holidays 	<p>55dBA L₁₀ at any point within the notional boundary of a residential activity</p> <p>45dBA L₁₀ at any point within the notional boundary of a residential activity</p>	<p>55dBA L₁₀ at any point within the notional boundary of a residential activity</p> <p>45dBA L₁₀ at any point within the notional boundary of a residential activity</p>
(e)	<p>Heritage Sites and Buildings</p>	<p>No modification to Appendix A items/sites</p>	<p>Modification to Appendix A items/sites</p>
(f)	<p>Signs</p> <ul style="list-style-type: none"> ▪ maximum area ▪ maximum number per site 	<p>2m² (subject to Appendix F)</p> <p>1</p>	<p>3 m² (subject to Appendix F)</p> <p>2</p>

(g)	Distance of buildings and structures to MHWS <ul style="list-style-type: none"> ▪ minimum 	150 m	No limit
(h)	Height <ul style="list-style-type: none"> ▪ maximum 	10 m (residential buildings)	12 m (residential buildings)
(i)	Riparian setbacks (no modification) <ul style="list-style-type: none"> ▪ Natural wetlands (greater than 2ha) ▪ lakes ▪ rivers and streams (of more than 3 m in width) 	8 m (all other buildings)	25 m (all other buildings)
		25 m	
		20 m	
		10 m	

5.6.4 Explanation

- (a) Buildings gross ground floor area limits are set to ensure that the Council retains discretion over the location of large non-farm buildings, relocated buildings, and/or structures which could locate in a visually intrusive manner.
- (b) Yards are specified to ensure the effects of an activity on neighbouring landowners and activities are minimised and to maintain amenity values. Where a building or structure is to be erected on a property boundary adjoining a State Highway, a greater yard is imposed for the purposes of traffic safety and visual amenity.
- For industrial buildings and those which involve the keeping of commercial livestock or animals and for forestry, larger separation yards are specified that aim to protect neighbours from any offensive elements of the activity such as smell, odour, noise, shading and outlook.
- Forestry and shelter belts must also set back from residential buildings for visual reasons and to reduce the impacts such as noise when cutting trees. Large lot forestry requires further separation. The separations are not required to be over land in the same ownership as the forest.
- Mining is set back from site boundaries for safety and to allow buffer planting.
- (c) Dwellings are restricted to one per lot in the rural area in order to limit the pressure on resources and retain the open character of the rural area.
- (d) Noise standards are set to ensure the protection of community health and amenity. Excessive noise levels can have a detrimental impact on environmental quality. Road traffic noise is excluded from the noise standards. Transit New Zealand has developed draft standards for road traffic noise which may be applied to State Highway improvements.
- All measurements are to be taken and assessed in accordance with the NZ Standards 6801: 1991 "Measurement of Sound" and 6802: 1991 "Assessment of Environmental Sound" and amendments thereto. The noise shall be measured with a sound level meter complying with the international standard IEC 651 (1979): Sound Level Meter, Type 2.
- The noise standards are not set to prevent normal agricultural activities taking place, nor to prevent forestry wood cutting and therefore excludes these activities. It does however, seek to protect owners from the noise of activities which may not be expected in the area such as industry. For such activities, measures to contain noise will have to be taken.
- (e) Heritage Sites and Buildings scheduled in Appendix A, are protected by the standards. Modification (excluding normal maintenance works) is a discretionary activity. Historic and cultural items and sites, including buildings make a significant contribution to the District's identity and character. Any proposal to modify any of these scheduled sites will be publicly notified.
- (f) Signs associated with permitted or controlled activities are permitted up to one per site in the rural area. The maximum area is 2m² and the minimum areas shall be that required to accommodate the message and/or symbols. A proliferation of signs and/or large dominating signs, in particular in the rural environment can have a significant adverse effects on scenic and landscape values and on road safety.
- (g) Distance of buildings and structures to MHWS is limited in recognition of the high value and sensitivity of the land/sea interface in Westland. Water quality, natural character and ecological values can all be considered by making structures within this area discretionary.

(h) Height controls aim to ensure that any building or structure does not adversely impact on the amenities of the rural area and neighbours, in particular aspects such as sunlight, outlook and privacy. Height limits are based on existing ground levels and has the effect of keeping new buildings lower in situations where the land slopes downwards from the relevant boundary.

(i) Riparian Setbacks

Recognise the sensitivity of waterbody margins. Water quality, natural character and significant vegetation and ecosystems can be protected by the setting back of activities such as vegetation clearance from the margins of water bodies. Permitted 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. Natural wetland margins and streams under 3m in width are subject to intermittent flow and are often without a defined bank. A natural wetland margin or stream bank is defined as the point at which surface water or soil saturation persists throughout the year in most years.

Draft Conditions (Amendments 12 March 2024)

Subdivision Consent – RC220120

Stage One

General

1. The subdivision shall proceed in general accordance with that described within the application received 11 October 2022, 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 24 March 2023, 03 October 2023 and 06 November 2023, and as indicated on the attached plans marked 'A', 'B', 'C', 'D', 'E' and 'F'.

Easements

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

Consent Notices

3. 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 25 August 2023.*
 - ~~g) *The minimum finished floor levels of any dwelling on site shall be designed, constructed and thereafter maintained to a minimum height of Reduced Level (RL) 6m.*~~
 - ~~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.*~~
 - 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.*
4. 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, Council will require it to be remedied or reinstated. All dead or diseased plants shall be replaced the same planting season with the same or similar indigenous or native plants. Regular weeding and general maintenance shall be undertaken by the property owner.*

5. 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.*

6. 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" shall be permanently maintained in general accordance with attached plans 'E' and 'F'.*

Advice Note: *Where the indigenous or native vegetation is modified or removed, Council will require it to be remedied or reinstated. All dead or diseased plants shall be replaced the same planting season with the same or similar indigenous or native plants.*

Amalgamation

7. 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 Roading

8. The entrance ways to Lots 1, 2 and 3 and any associated right of way shall be formed to access a legal road, sealed and thereafter maintained in accordance with the Westland District Council Code of Practice for Engineering Works. 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.

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

Engineering

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

Earthworks

12. 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.
13. 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

14. 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.
15. 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 controls shall be implemented in the form of top soiling and grassing, hydro seeding, mulching, turfing, geotextiles, dust control or similar.
16. 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 controls shall be implemented in the form of top soiling and grassing, hydro seeding, mulching, turfing, geotextiles, dust control or similar.

Accidental Discovery Protocol

17. 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.

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.

18. 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

19. **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.**
20. 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) shall be paid.

Stage Two

General

21. The subdivision shall proceed in general accordance with that described within the application received 11 October 2022, 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 24 March 2023, 03 October 2023 and 06 November 2023, and as indicated on the attached plans marked 'A', 'B', 'C', 'D', 'E' and 'F'.

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 25 August 2023.*
- ~~g) *The minimum finished floor levels of any dwelling on site shall be designed, constructed and thereafter maintained to a minimum height of Reduced Level (RL) 6m.*~~
- ~~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.*~~
- i) *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.*
- h) *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'.*

Advice Note: *Where the bund is modified or removed, Council will require it to be remedied or reinstated. All dead or diseased plants shall be replaced the same planting season with the same or similar indigenous or native plants.*

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:

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- a) *The Charcoal Creek Riparian Planting Area identified as 'U' within attached plan 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, Council will require it to be remedied or reinstated. All dead or diseased plants shall be replaced the same planting season with the same or similar indigenous or native plants. Regular weeding and general maintenance shall be undertaken by the property owner.*
- b) *No buildings or structures shall be erected within the areas identified as 'U' and 'V' within attached plan marked 'A'.*
- c) *No trees or nesting habitat shall be disturbed or removed within the area identified as 'V' within attached plan marked 'A'.*
- d) *No buildings shall be constructed or relocated on site unless uninhabitable and incidental to productive rural activities.*

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 Roding

27. The entrance ways to Lots 4, 5, 6 and 7 and any associated right of way shall be formed to access a legal road, sealed and thereafter maintained in accordance with the Westland District Council Code of Practice for Engineering Works. 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.
29. Right of ways E and F shall have a combined minimum formation width of 6m.

Engineering

30. 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.
31. Electricity and telecommunication supply services are to be installed underground unless inconsistent with supplier requirements.

Earthworks

32. 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.
33. 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

34. 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.
35. 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 controls shall be implemented in the form of top soiling and grassing, hydro seeding, mulching, turfing, geotextiles, dust control or similar.
36. 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". Where this will involve the earth being exposed for more than one calendar month, sediment controls shall be implemented in the form of top soiling and grassing, hydro seeding, mulching, turfing, geotextiles, dust control or similar. At no point in time shall the flow of Charcoal Creek be impeded during planting.

Accidental Discovery Protocol

37. 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.

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.

38. 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

39. **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.**
40. 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.

Stage Three

General

41. The subdivision shall proceed in general accordance with that described within the application received 11 October 2022, 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 24 March 2023, 03 October 2023 and 06 November 2023, and as indicated on the attached plans marked 'A', 'B', 'C', 'D', 'E' and 'F'.

Consent Notices

42. 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 25 August 2023.*
 - ~~g) *The minimum finished floor levels of any dwelling on site shall be designed, constructed and thereafter maintained to a minimum height of Reduced Level (RL) 6m.*~~
 - ~~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.*~~
 - 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.*
43. 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.*
44. 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'.*
45. A Section 221 consent notice shall be registered to Lots 10 and 11 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'.*

Advice Note: Where the bund is modified or removed, Council will require it to be remedied or reinstated. All dead or diseased plants shall be replaced the same planting season with the same or similar indigenous or native plants.

Amalgamation

46. 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 Roading

47. The entrance ways to Lots 8, 9, 10, 11, 12 and 13 and any associated right of way shall be formed to **access** a legal road, sealed and thereafter maintained in accordance with the Westland District Council Code of Practice for Engineering Works. 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.

48. Right of ways E and F shall have a combined minimum formation width of 6m.
49. East Road (Road Parcel Identification 1790586) shall be designed, upgraded, formed and **sealed 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.

50. Juan Road (Road Parcel Identification 1790371) shall be designed, upgraded, formed and **sealed 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.

51. On the completion of works required within Condition 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.

Engineering

52. 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.

53. Electricity and telecommunication supply services are to be installed underground unless inconsistent with supplier requirements.

Earthworks

54. 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.
55. 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

56. 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.
57. 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 controls shall be implemented in the form of top soiling and grassing, hydro seeding, mulching, turfing, geotextiles, dust control or similar.

Accidental Discovery Protocol

58. 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.

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.

59. 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

60. 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.

61. 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.

Land Use Consent – RC230030

General

1. The land use shall proceed in general accordance with that described within the application received 11 October 2022, 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 24 March 2023, 03 October 2023 and 06 November 2023, and as indicated on the attached plans marked 'A', 'B', 'C', 'D', 'E' and 'F'.
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 25 August 2023.*
4. The following building restriction is applicable to Lots 13 to 17:
 - a) *No buildings shall be constructed or relocated on site 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 a legal road, sealed and thereafter maintained in accordance with the Westland District Council Code of Practice for Engineering Works. All costs of works shall be met by the consent holder.~~

Where not already achieved, the entrance way to each Lot or right of way shall be formed to Council standard and sealed or 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 Reduced Level (RL) 6m.~~
- ~~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.~~
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. Sewerage effluent is to be disposed of in accordance with the requirements of the relevant New Zealand standard for wastewater treatment and management.~~
- ~~9. A site-specific investigation is to be undertaken for the wastewater treatment and land application design to comply with rule 79 of the WCRC 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.

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".

Advice Note: Where the bund is modified or removed, Council will require it to be remedied or reinstated. All dead or diseased plants shall be replaced the same planting season with the same or similar indigenous or native plants.

Accidental Discovery Protocol

16. 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.

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.

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.



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

Proposed Easements

Condition

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.

Proposed Amalgamation

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: 27.3634 ha.

Proposed Land Covenants

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

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

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



Lots 1 to 17 Being a Proposed Subdivision of Lots 8 to 29 DP 142, Pt. RS1300, RS 1603, RS 1602, RS 1421, RS 1588, Pt. RS 1589, & Pt. RS 4363

Surveying & Development Consulting Ltd.
 Phone: 0274902876 Email: chris@sdcidtd.co.nz

Forest Habitats Ltd.
 117 Arthurstown Road
 Hokitika

Subdivision Scheme Plan - Overall

Drawing Title: A

Original Size: A3 Original Scale: 1:3000 Date: 25 Aug. 2023 Job Number: 22008_SP1

Sheet 1 of 4
 For Stages see Sheets 2 to 4.

NOTES:

- This plan is prepared for the purpose of obtaining resource consent and should be used for any other purpose.
- All metric measurements and areas are subject to final survey.
- Final Boundary and Easement Alignments are to be determined on site at time of LT Survey 222 Approval Stage.
- Existing site ground levels are in terms of NZG 2016.



Proposed Easements

Purpose	Shown	Secured Easement (Beneficial Land)	Dominant Tenement (Beneficial Land)
R.O.W. & Services	(A) (B)	Lot 2 Lot 3	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.

**Comprised in Record of Titles:
(Stage 1)**

- WS2C/1195, 4.0345 ha.
- WS2C/1017, 1.3815 ha.
- WS2C/763, 0.1103 ha.
- WS1B/723, 6.1942 ha.

Proposed Land Covenants

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

Proposed Building Sites

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

Hokitika River Bed



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 the time of the Survey / 223 approval.
4. Building and groundworks are in terms of RC29-2014.

Surveying & Development Consulting Ltd.
Phone: 0274902876 Email: chris@sdcldt.co.nz

Forest Habitats Ltd.
117 Arthurstown Road
Hokitika

Subdivision Scheme Plan - Stage 1

Drawing Title: Subdivision Scheme Plan - Stage 1
Original Scale: 1:3000
Original Size: A3
Date: 25 Aug. 2023
Job Number: 22008_SP2

Project: **B**

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.

Sheet 2 of 4



Proposed Easements

Purpose	Shown	Subsident Tenement (Underlined Land)	Dominant Tenement (Overlaid Land)
R.O.W. & Services	(C) (D)	Lot 5 Lot 6	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

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



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 a survey.
3. Final Boundary and Easement alignments are to be determined by a survey.
4. Buildings on ground fronts are in terms of MQO 25/11.

Surveying & Development Consulting Ltd.
Phone: 0274902876 Email: chris@sdcldt.co.nz

Forest Habitats Ltd.
117 Arthurstown Road
Hokitika

Subdivision Scheme Plan - Stage 2

Drawing Title: Subdivision Scheme Plan - Stage 2
Original Size: A3
Original Scale: 1:3000
Date: 25 Aug. 2023
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

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

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



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 as a result of Survey 728 as per the agreement dated 12/09/2016.
4. Alloting the ground levels are in terms of NZG 2016.

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

<p>Surveying & Development Consulting Ltd. Phone: 0274902876 Email: chris@sdcdtd.co.nz</p>		<p>Forest Habitats Ltd. 117 Arthurstown Road Hokitika</p>	
<p>Project: Subdivision Scheme Plan - Stage 3</p>		<p>Drawing Title: Subdivision Scheme Plan - Stage 3</p>	
<p>Original Size: A3</p>	<p>Original Scale: 1:3000</p>	<p>Date: 25 Aug. 2023</p>	<p>Job Number: 22008_SP4</p>



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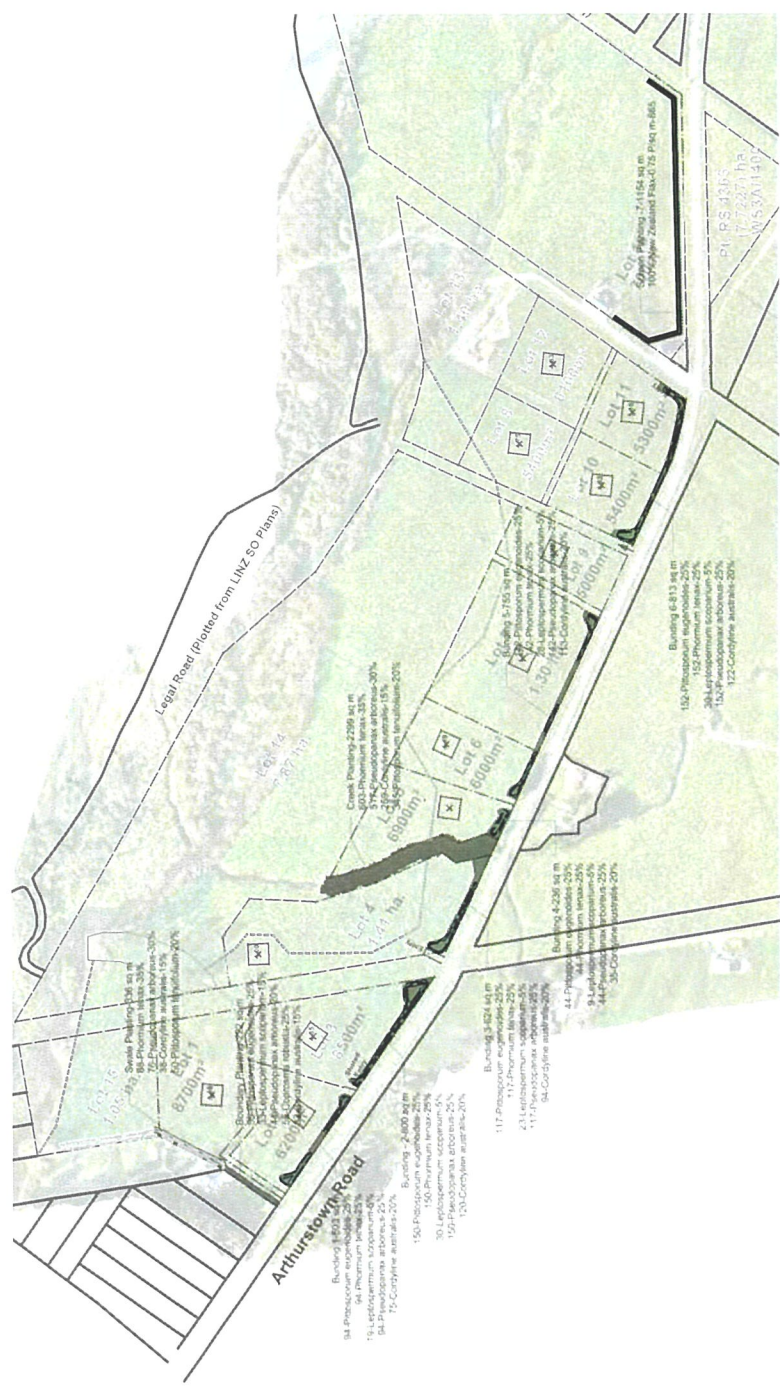
REV DATE NOTES
 A 29/08/2023 Revised for Discussion



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Proposed Planting Plan

FOREST HABITATS LTD
 PROPOSED SUBDIVISION
 JOB No 23146
 SCALE 1:4000
 DATE 29/08/2023
 DESIGNED RL
 DRAWN RL
 CHECKED RL
 STATUS for Resource Consent
 DRAWING No REVISION
 L 2.0 A
 SERIES
 1 of 2











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	Leprospermum scoparium	Manuka	RT	1.5	173
PhTe	Phormium tenax	New Zealand Flax	root stock	1.5	2255
Pl e	Pittosporum eugenoides	Lemonwood/Tarata	RT	1.5	754
Pl 'W'	Pittosporum tenuifolium	Kohuhu	RT	1.5	395
Ps a	Pseudopanax arboreus	Five Finger	RT	1.5	1336
				0	0



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

-  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



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Subdivision Layout and Landscape
 proposal
 FOREST HABITATS LTD
 PROPOSED SUBDIVISION

JOB No 23146
 SCALE 1:4000
 DATE 29/08/2023
 DESIGNED RL
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 STATUS for Resource Consent
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 SERIES
 1 of 2

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