

BEFORE THE WESTLAND DISTRICT COUNCIL

**IN THE MATTER of the Resource Management Act
1991**

AND

**IN THE MATTER of resource consent applications
220120 & 230030 at 117
Arthurstown Road, Hokitika**

BY Forest Habitats Ltd

STATEMENT OF EVIDENCE OF JEREMY PAUL AUSTIN DILLON

8 April 2024

Background

I am the owner of the property via my family trust. The Corporate Trustee is The Erua Trustee Company Limited of which I am the sole director. The property was purchased to provide additional grazing to assist farming operations on my other 500ha farm (Raft Creek) which is situated at Kokatahi. Once I purchased the property last year from the Gallop Family, I became aware there was a shortage of vacant residential lots to build on around Hokitika town.

From my 30 years’ experience creating rural/residential lots it was apparent the subdivision proposed would create attractive lots that would provide dwellings that:

- Had a northerly aspect with rural, town and Dairy Company factory views
- Had a flat house/building sites suitable for a main house and a minor house for the extended family
- Provide residents with easy cycle/pedestrian access to Hokitika Town, the Hokitika River bank and the Wilderness Trail.

A substantial amount was spent by me on surveying and engineering advice to prove that none of the proposed lots would be subject to flooding.

With the internet services provided by Starlink and the 4 and 5g available there is no need for any kind of copper or fibre connection to the site. My Starlink at Ruatapu is 2.5 times the speed of my fibre in Auckland.

Existing Title Situation

It appears Ferry Road was where the ferry operated from to cross the Hokitika River and that part of my property was intended to be an extension of Hokitika Town as evidenced by the extensive subdivision from Ferry Rd west to SH 6. Attached is a printout from my mapping software "Plan of existing historical titles" (Plan 1).

In particular the subdivision is evidenced by the 34 Lots shown on DP142 surrounding objectors Hardenbol and Kieran's property (objector 1). DP 142 was surveyed in 1874 and the lots on DP 142 are around 2000m². A significant number of my other lots were surveyed and created prior to 1910. My surveyor has scheduled the dates of the relevant subdivisions on a panel on the right-hand side of a plan "Plan of existing 9 titles with possible Houses" (Plan 2). So, I now own 9 titles as some of the lots created by the earlier surveys have been amalgamated into new titles.

I also asked my surveyor to show on my 9 titles where houses could be located as of right. He used as a sample the two storied house and shed the of the objectors. These houses would have none of the height (single story) and colour controls I have agreed to as part of this subdivision application.

I draw your attention to the cluster of houses on my surveyor's plan on Lots 1,8 & 9 adjacent to the objector's property that could be built as of right. The objectors have only owned their property for 2 years and purchased the property aware of the neighbouring existing titles. I think it unreasonable that they should expect to wind back the clock 120 years to when the original titles were created and have some kind of hold or control over my land. As far as the objector Nigel Gallop is concerned, he sold me the 9 titles for a substantial amount and now apparently does not want me to use them.

In summary the historical titles for this development exists (6 titles) and what is proposed (12 titles) would have a far better outcome than the existing titles being built on as is. I believe Barry MacDonell has conveyed this message to all the objectors several times without success.

In addition, the only safe vehicle/pedestrian access to the southern Hokitika River bank from East Road to SH bridge is over my land as marked on my plan. This is because East Road has no crossing of the stream which is deep and wide. The stream culvert is on my land. There are a substantial number of white baiters (many of them elderly) that rely on this access which I have been upgrading and will continue to upgrade if this subdivision consent is granted.

Previous Projects

Over the last 35 years I have completed numerous rural/residential developments. Namely Monowai Properties, Palliser Downs, Moses Road and RW Greig's Lime Works. All these projects provide concrete driveway from the road, one level house sites and post and rail entries with wooden gates.

At my own house at Ruatapu I have undertaken extensive native plantings (8500 plants) and other landscaping.

So, I believe my previous projects speak for themselves and I would like to continue this work in Arthurstown.

Objectors Concerns

The dominant house/landscape feature in the locality is the objectors. A large white two-story house on a small narrow lot. The photos attached to my planners report as Appendix 10 taken from East Road and Arthurstown Road confirm its impact on the public viewing points. None of the proposed houses on my land will have any significant visual effect and the Reporting Officer ("RO") accepts that. The houses will be single story with muted colours. There is no view of the river from Arthurstown Road but the dominant landscape feature views of the Dairy Factory and the town will remain and these views will not be affected by my development.

The objectors house has its living areas orientated away from my property with the living areas facing North East as per the photo attached to my planners report as Appendix 11. The photos supplied by the objector on page 2 of their submission are from the rear of the house taken from the driveway close to where the caravan is stored. So, unless you were standing on the objector's driveway you would not notice the houses to be built on my land.

My land is an operating farm grazing steers and bulls. I have noticed native birds on the paddock shown as lot 15 which is one of the lots that will not be sold or built on. The birds are not there when the stock is in the paddock and I have seen no evidence that they are nesting in that paddock with my livestock. In summary the status as a grazing paddock will remain the same and the objector has produced no evidence that my subdivision will affect the native bird's habitat.

The objectors concern with traffic issues have been addressed by Mel Sutherland, and as I understand it Council's traffic engineer has no concerns. The only comment I make is that I was involved with organising school cycling and triathlon events at National levels for 15 years. I cannot see how the additional proposed houses on Arthurstown Road can have any effect on cycling events. The objector has neither experience nor qualifications to make the statements she has made.

Nigel Gallops concerns will be dealt to by my expert witnesses.

Planners Reports

The RO has no engineering qualifications or other qualifications in respect of the management of natural hazards nor has she obtained any independent engineering/hazard support for her opinions expressed in the two S42 reports or actual evidence of flooding or erosion that would affect the proposed building platforms adjacent to Arthurstown Road.

In support of my application, I commissioned Chris Coll Surveyors to undertake a comprehensive topographical survey of my 100ha Arthurstown property (as there was no accurate topo data available from the WDC) so my engineers could design hazard free building platforms on the lots to be created.

Both engineers Stuart Challenger and Ian Hutchinson are senior and respected in their areas of expertise. Ian Hutchinson has a Masters degree and controls a substantial engineering practice. So, their assessment that the house lots will be flood free when created in terms of their recommendations should be relied upon in the face of any other qualified evidence.

In the RO's July 2023 S 42 report the RO produced on page 13 Figure 7 pictures of a flooded culvert on Arthurstown Road with a diagram and text indicating the flooding was adjacent to the lots subject to this application. The flooded culvert was no where near Lots 1-13 and my surveyor Chris Wech produced the attached plan locating the flooded culvert in relation to Lots 1-13. The RO has been asked to correct/remove the photographs/text from her evidence but has failed to do. Effectively page 13 is the only "evidence" produced of flooding yet the RO continues to make unsubstantiated statements that my property is subject to flooding. I have known this property for 20 years and owned it for more than 2 years and cannot recall any flooding let alone flooding near the proposed Lots 1-13 and my existing house cow shed on East Road (Plan 3 – Flood Photo Location).

In the RO's last S42 report photographs were attached (Figures 3 & 4) as evidence part of my land is subject to erosion. Erosion is the where water (in this case the Hokitika River) gradually washes away the land. My land is subject to the opposite to erosion - namely accretion where the river bed shifts in a natural and imperceptible process with the river gravels deposited causing riparian land adjacent to my own land to expand in area. The photos Fig 3 and 4 exhibited by the RO.

I attach plans (Plans 4, 5 and 6) from Surveyor Chris Wech calculating the riparian land accretion to my land since the figure 3 photograph was taken in 1943. Approximately 14.8 of land was added and the river bank/river bed has shifted north towards Hokitika Town a significant distance.

This accretion process since 1943 is illustrated in the attached photograph taken in 1976 (Plan 6) of the river banks area. Obviously, the "*reclamation*" process was natural accretion not man made as alluded to in 4.24 of the RO's report. No resource consent is required for natural accretion.

Another issue I would like to raise is the evidence in produced in the July 23 report quoting WDC Building Control Manager Ms Ana Coleman. Ms Coleman via her company Ana Investments (2022) Ltd is a major property developer in Hokitika. Ana Investments owns two properties namely 2.9ha of residentially zoned land 188 Kaniere Road and 4.3655ha at Golf Links Road. An application to subdivide the land at Golf Links Road was lodged with the WDC in July 2023. Even though this site has flood, Tsunami liquefaction and road flood issues this Consent (processed by the RO, Ana Johnson) was granted in 6 weeks odd from lodgement. The lots created by the Golf Links Road Consent will be sold in direct competition to the Lots that will be created if this application is granted. There is a clear conflict on the part of Ana Coleman and CEO has been advised in writing of this conflict of interest and should have had the nous to delete any input from her into this application.

Jeremy Dillon
9th April 2024

Annexure: Plan 1 - Plan of existing historical titles

Plan 1 - Plan of existing historical titles



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Annexure: Plan 2 - Plan of existing 9 titles with possible Houses

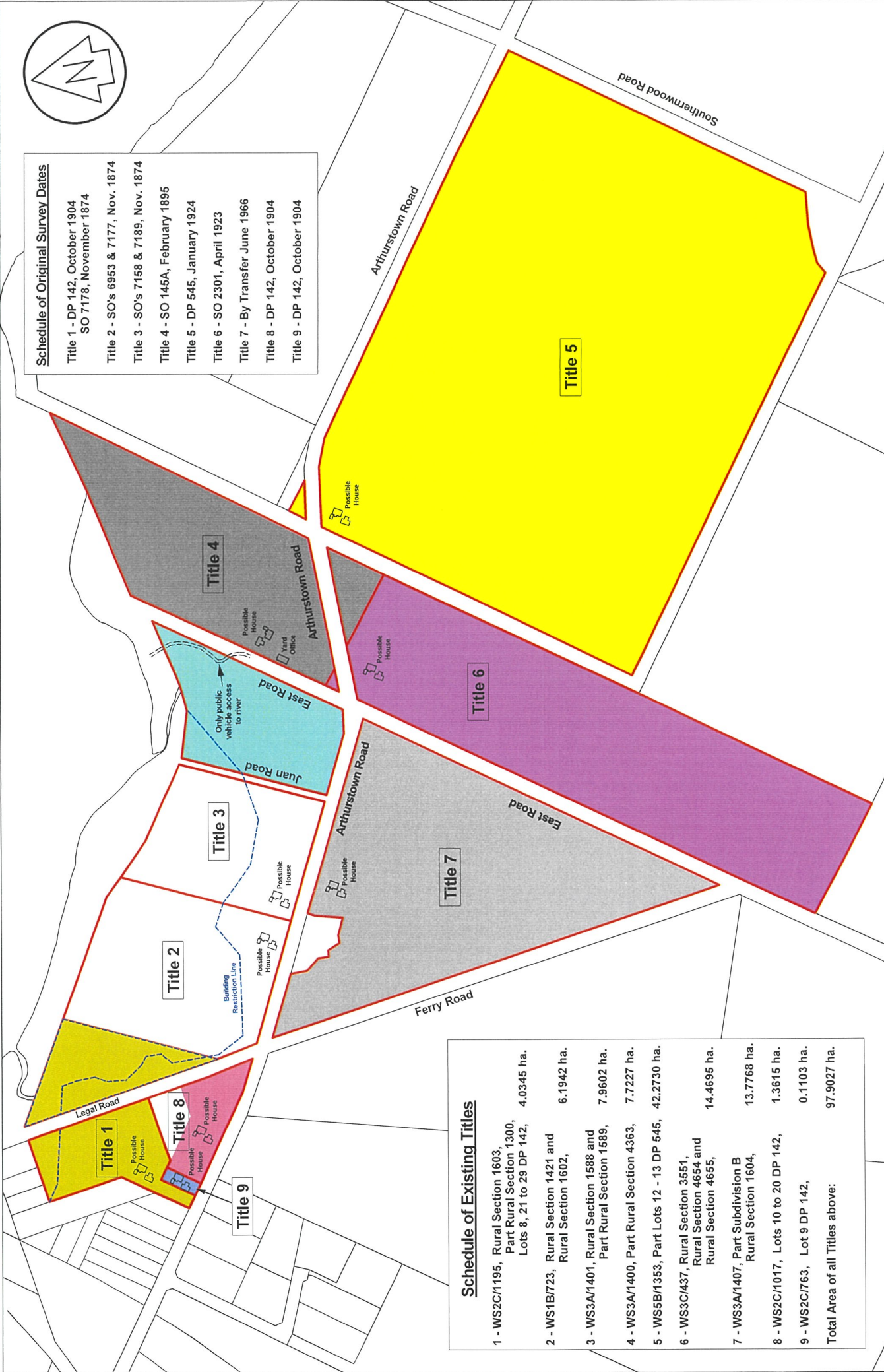


Schedule of Original Survey Dates

- Title 1 - DP 142, October 1904
SO 7178, November 1874
- Title 2 - SO's 6953 & 7177, Nov. 1874
- Title 3 - SO's 7158 & 7189, Nov. 1874
- Title 4 - SO 145A, February 1895
- Title 5 - DP 545, January 1924
- Title 6 - SO 2301, April 1923
- Title 7 - By Transfer June 1966
- Title 8 - DP 142, October 1904
- Title 9 - DP 142, October 1904

Schedule of Existing Titles

- 1 - WS2C/1195, Rural Section 1603,
Part Rural Section 1300,
Lots 8, 21 to 29 DP 142, 4.0345 ha.
- 2 - WS1B/723, Rural Section 1421 and
Rural Section 1602, 6.1942 ha.
- 3 - WS3A/1401, Rural Section 1588 and
Part Rural Section 1589, 7.9602 ha.
- 4 - WS3A/1400, Part Rural Section 4363,
7.7227 ha.
- 5 - WS5B/1353, Part Lots 12 - 13 DP 545,
42.2730 ha.
- 6 - WS3C/437, Rural Section 3551,
Rural Section 4654 and
Rural Section 4655, 14.4695 ha.
- 7 - WS3A/1407, Part Subdivision B
Rural Section 1604, 13.7768 ha.
- 8 - WS2C/1017, Lots 10 to 20 DP 142,
1.3615 ha.
- 9 - WS2C/763, Lot 9 DP 142,
0.1103 ha.
- Total Area of all Titles above: 97.9027 ha.



Project:

Forest Habitats Ltd
Arthurstown Road
Hokitika

Drawing Title: **Plan of Existing 9 Titles with possible Houses**

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

Original Size: A3

Original Scale: 1:5000

Date: 4 April 2024

Job Number: 22008

Annexure: Plan 3 – Flood Photo Location

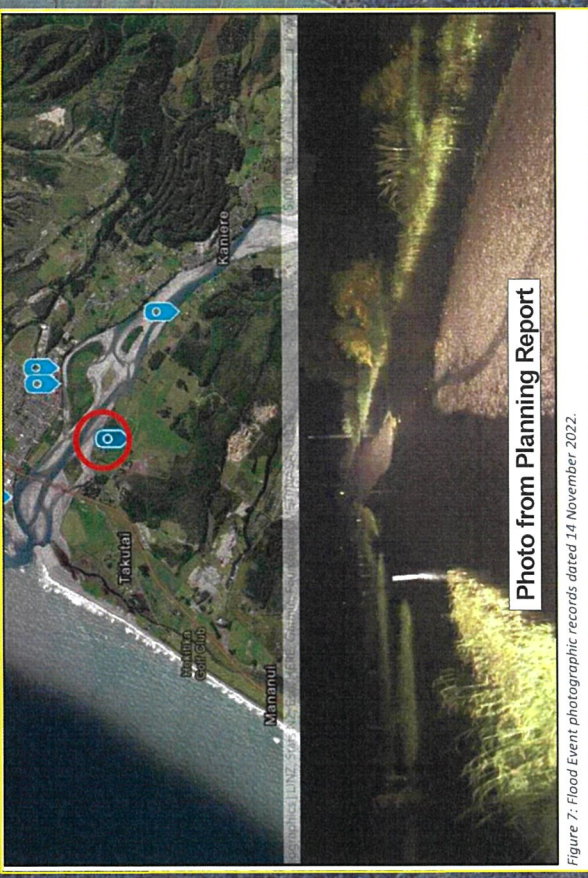
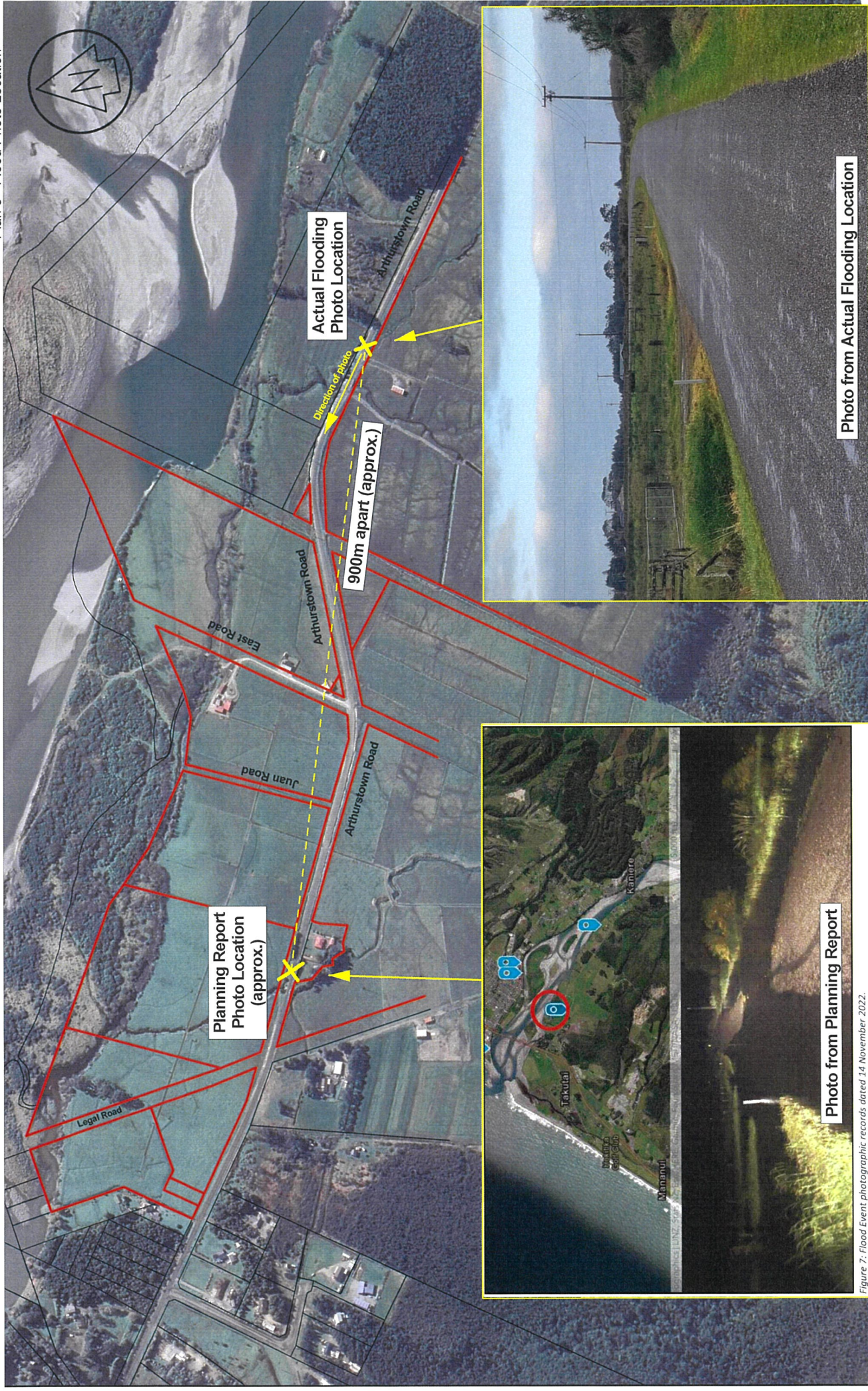
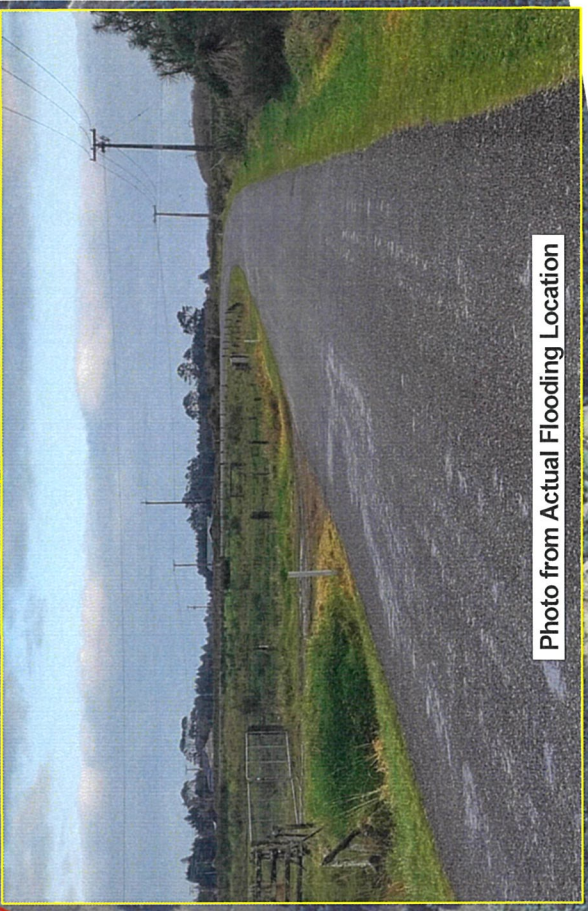


Figure 7: Flood Event photographic records dated 14 November 2022.



<p>Project:</p> <p>Forest Habitats Ltd Arthurstown Road Hokitika</p>		<p>Drawing Title:</p> <p>Plan of actual Flooding Photo Location</p>	
<p>Phone: 0274902876</p> <p>Email: chris@sdcitd.co.nz</p>		<p>Original Size:</p> <p>A3</p>	<p>Original Scale:</p> <p>1:5000</p>
<p>Surveying & Development Consulting Ltd.</p>		<p>Date:</p> <p>19 July 2023</p>	<p>Job Number:</p> <p>22008</p>

Annexure: Plan 4

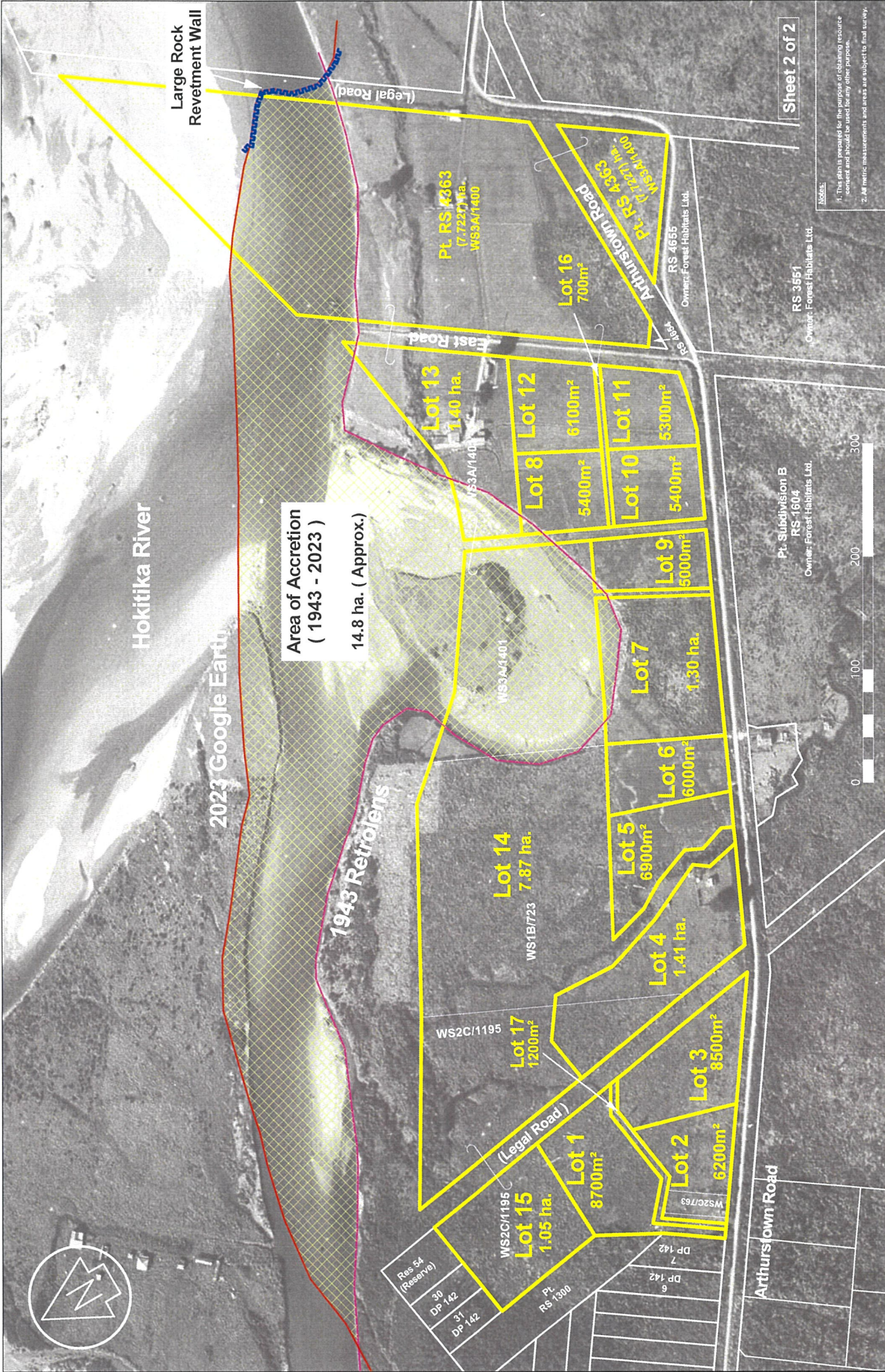


Drawing Title: Area of Accretion - Google Earth 2023 image	
Original Size: A3	Original Scale: 1:3000
Date: 5 April 2024	Job Number: 22008_A1

Project: Forest Habitats Ltd.
 117 Arthurstown Road
 Hokitika

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

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.

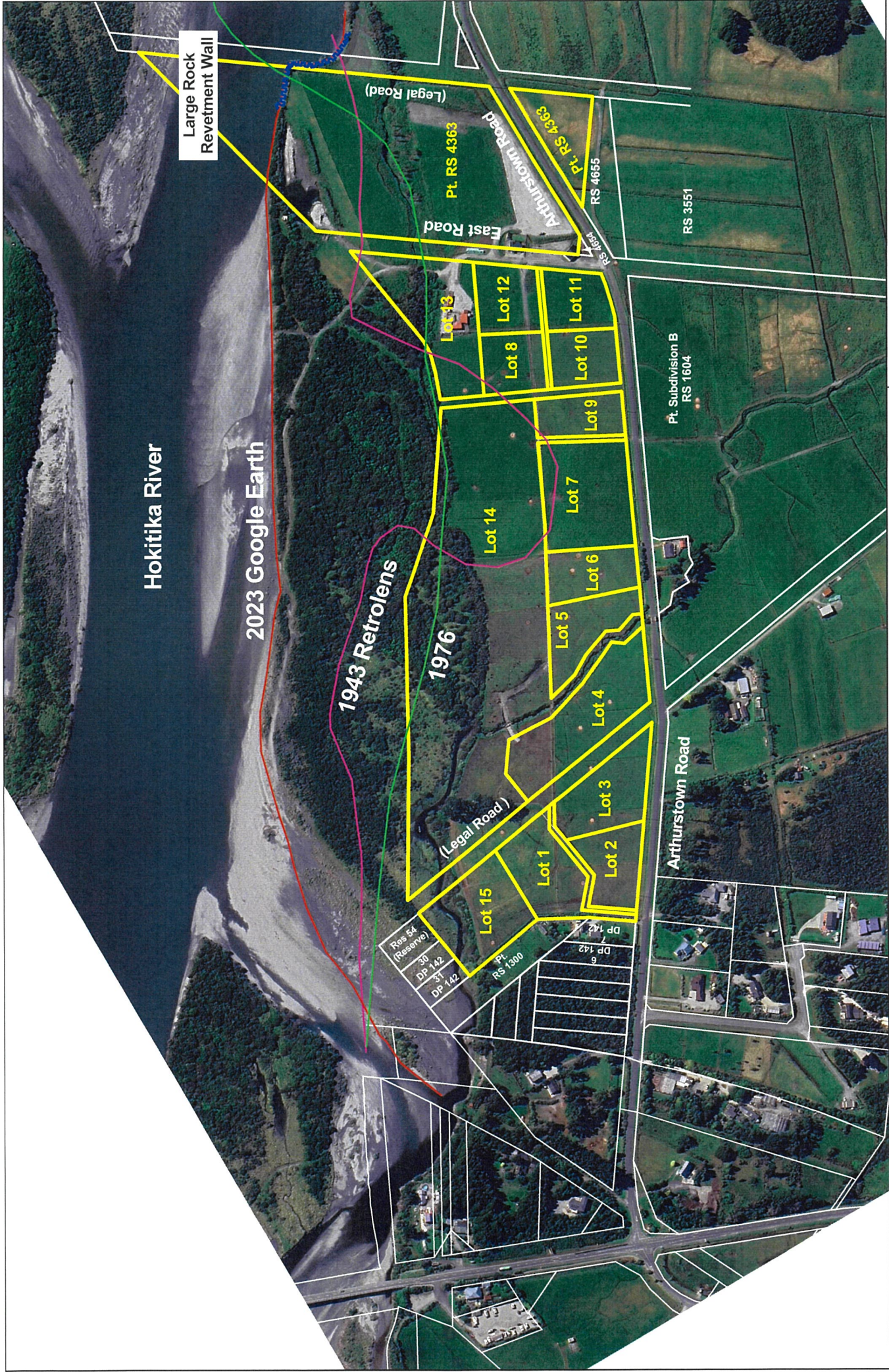


Notes:
 1. This plan is prepared for the purpose of obtaining resource consent and should be used for every other purpose.
 2. All metric measurements and areas are subject to final survey.

Drawing Title: **Area of Accretion - Retrolens 1943 image**
 Original Size: **A3**
 Scale: **1:3000**
 Date: **5 April 2024**
 Job Number: **22008_A2**

Project: **Forest Habitats Ltd.
 117 Arthurstown Road
 Hokitika**
Surveying & Development Consulting Ltd.
 Phone: 0274902876 Email: chris@dcdltd.co.nz

Annexure: Plan 5



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

Project:
Forest Habitats Ltd.
 117 Arthurstown Road
 Hokitika

Drawing Title:
Historical River Bank Alignments

Original Size: A3
 Original Scale: 1:4000
 Date: 8 April 2024
 Job Number: 22008

Annexure: Plan 6



Historical Aerial Image - 1976

Original Size:	A3
Date:	5 April 2024
Job Number:	22008

Project:

Forest Habitats Ltd.
117 Arthurstown Road
Hokitika

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