



Westland District Plan Review
Issues and Options Paper
for discussion

3 December 2009

Introduction – Purpose of document and process

District Councils are currently required to ensure that each section of the Operative District Plan is reviewed once every 10 years. It is also very useful to continually review the District Plan to ensure that the values and provisions of the Plan reflect the aspirations of the community. The current District Plan has been Operative since June 2002 and subsequently the Westland District Council has begun a review of the current District Plan provisions to achieve the ten year statutory deadline.

The District Plan provides a regulatory process for implementing policies prepared under Council's LTCCP and Activity Management Plans and under the Resource Management Act. The Councils intent of the District Plan is to provide for a vibrant District that provides for its natural and cultural environment and appropriately utilises Council infrastructure.

The process

The Council has delegated the review of the District Plan to the Planning and Regulatory Committee who meet every two months. The Committee has invited a range of stakeholders to address the Committee on the current District Plan provisions. The results of this feedback have been collated with comments from Westland District Council staff and have formed the basis of this report. Information received during the life of this Plan is also reflected in this document. Comments have often reached a level too detailed for this report. This information has been retained and will feed into the next stages of the review. This report seeks to outline the key resource management issues that resulted from this consultation and sets out options to begin to address these issues. It is intended that this document will be used for the starting point for public comments and debate.

Where to from here?

- This Issues and Options paper
- Consult on issues and options
- Develop framework for the rest of the review.

What is an “Issue”?

Issues need to be tested to ensure that they are indeed a problem. Listing and addressing too many issues in a District Plan can lead to over-regulation, or lengthy, over complex plans. It is important to know that it is indeed an issue that needs to be addressed. Similarly, it is important to consider whether the District Plan is the most efficient way to deal with the issue. A number of the issues listed in this document have wider strategic importance and can be dealt with in a joint regulatory and non-regulatory approach.

Philosophical Approach of the District Plan

The process of drafting the previous District Plan began in the early 1990s, after the introduction of the Resource Management Act. The resulting Plan that became Operative in 2002 placed great importance in the residents and their employment and considered them to be the most important resource in the District. The Plan was therefore “enabling” and contained a minimum number of rules that reflected the “environmental bottom lines” to retain environmental quality. This approach also reflected the general philosophy of Westland District Council which, as a Council with a small rating base and large geographic area, sought to allow residents the freedom to meet their development aspirations.

During the following years the District has experienced growth, along with the increased value of coastal land, the dairy boom, an increased focus on tourism, and the growing attraction of Westland as a place for a holiday home or residence. It is important to consider whether the Plan and its structure now adequately provides for and manages these pressures successfully or whether a change in structure or an increase in regulation is called for. When considering this, Council is mindful of “regulatory creep” or the tendency for additional rules and regulations to be developed over time and to ensure that the overall philosophy of Westland District Council continues to be reflected.

Currently the Plan contains a mix of zones, or “Policy Units” which outline specific activity statuses for development within the zones, with overarching general rules across all zones for utilities, and rules for activities such as access. This is a hybrid of the previous Town and Country Planning Act practice of listing groups of activities that were or weren’t permitted in a zone, and the national trend of second generation plans moving towards an “effects based” model where the “bottom line” effects are listed. As part of this review, Council has the option of continuing to utilise this hybrid mix or to choose to move further towards an effects based model, or towards a listed activity approach. One such effects based model could involve overlays of identified areas of value such as fertile land or significant landscapes which affect an activity status, rather than the blanket approach statuses within zone. This decision of plan structure is one of the most important decisions during the Plan review, as it affects the layout of the rest of the plan and the methods used to undertake the rest of the review.

Limited feedback was received specifically on the Plan’s structure from developers and community groups. A number of developers stated dissatisfaction with the clarity of the rural area, specifically rural subdivision in terms of understanding whether a subdivision would be supported or not. A number of these parties suggested that further definition from Council or areas that were considered significant landscapes, significant rural productive land, or any other factors that may critically influence a developer’s ability to utilise the land, would be of assistance.

Principally, Council can choose to maintain its current approach which sets out broad zones and methods that will be used to assess proposals within those zones, or to alter its approach to investigate specific areas of importance and define land use controls and assessments within those areas, whilst opening restrictions on other areas. The danger with this approach is that it provide additional clear information

Options:

- **Option A:**
Status quo Retain the existing mix of listed activities and performance standards.

- **Option B:**
Refine the status quo. Continue to move towards a Plan that sets performance standards for activities. Additional information could be provided through map layers that create additional performance standards or information requirements.
- **Option C:**
More prescriptive zoning approach listing activities considered appropriate in each zone. This approach would be similar to that taken by the Town and Country Planning Act. Information would be clearly listed as to what types of activities could be expected within the zone, but Council is vulnerable to activities it had not considered. This approach can be seen to discourage innovation.
- **Option D:**
Effects based – remove any listed activities in the zones and create minimum standards. Whilst providing for innovative approaches to development, this approach can lead to piecemeal development. Standards would need to be carefully considered to ensure that any potential reverse sensitivity conflicts can be controlled. Infrastructure planning is complicated using this approach as there is less clarity as to the form and location of development. Landowners also have less clarity about what may occur on adjoining sites.

Questions.....

1. **Key issue: Has the general philosophy of the District Plan reflected the community?**
2. **How should the Plan be structured in the future?**
3. **Should Council adopt an approach that identifies areas of key value within the District?**

Changes in Regulatory Framework – Content of District Plans

There have been significant changes to the Resource Management Act since the drafting of the original Plan. Perhaps the most significant change has been to section 75 of the Act, which sets out what must be included in District Plans.

A District Plan now must contain only:

- The objectives for the District
- The policies to implement the objectives
- The rules (if any) to implement the policies.

This alteration removes the previous requirement to list the significant resource management issues for the District, the methods, other than the rules, that will be used to implement the policies, the reasons for the policies and methods, the results anticipated, the monitoring procedures used and information to be included in resource consent applications.

Council therefore has the option to streamline the Plan by removing all but the required provisions. There is a benefit of having the Plan as brief as possible, however the most important issue remains to ensure that the document is clear and robust and this may be achieved through providing some optional explanation. For instance, if methods other than rules are used, referral to these in the District Plan would ensure clarity. The section 32 report will most likely need to include most of the optional information.

Other statutory changes that have taken place include the ability of Councils to utilise the outcomes of consultation for other Council documents under other Acts (such as the Local Government Act) within their consultation on District Plans. This has meant that Councils can be informed by feedback on the LTCCP, and levels of service discussions, within this District Plan review.

- **Option A:**
Remove all but statutory requirements: objectives, policies and rules.
- **Option B:**
Include optional information in the Plan.

Questions.....

- 4. Should the District Plan be constructed in the simplest of statutory terms?**
- 5. Should the District Plan contain information on the rationale for some provisions and information relating to ways in which outcomes could be achieved in ways other than District Plan rules?**

Maori Perspective

The current District Plan seeks to “*pursue a partnership of consultation and participation between the Council and Poutini Ngai Tahu relating to resource management*” and to “*recognise and provide for the relationship, culture and traditions of tangata whenua with their ancestral lands, water, sites, waahi tapu and water*”. These objectives remain integral to Council achieving the purpose of the Resource Management Act, the matters of national importance and having regard to kaitiakitanga and the principles of the Treaty of Waitangi.

Poutini Ngai Tahu and their hapu Ngati Waewae and Kati Mahaki, represented by Te Runanga o Makaawhio, have continued to be involved in the kaitiakitanga of Westland with recent examples being the production of the Te Runanga o Makaawhio Kaitiakitaka Pounamu, Resource Management Plan and the creation of mataitai fishing reserves by Ngati Waewae. Since the Plan became operative, Te Tauraka Waka a Māui marae has been opened in 2005 and work continues on the proposed marae at Arahura. It is important that the District Plan continues to recognise the mana whenua of Poutini Ngai Tahu and continues to reflect the values and relationships with the environment.

It is likely that reviews of other areas of the Plan, such as coastal development, archaeological sites, extent of settlements, mining and significant natural areas will include consideration of matters of importance which can be discussed on a specific issue basis. It is important that the District Plan continues to include reference to the continued goal of partnership and consultation in relation to resource management.

Options

- **There are no options; The Council has a statutory obligation to take into account the principles of the Treaty of Waitangi in the exercise of all its functions and powers under the Resource Management Act.**

Questions.....

6. *Is the current District Plan adequately providing for and recognizing the relationship, culture and traditions of tangata whenua with their ancestral lands, water, sites, waahi tapu and other taonga?*
7. *Does the current Plan pursue a partnership of consultation and participation between the Council and Poutini Ngai Tahu relating to resource management?*

Character of Settlements

Westland is characterised by historic settlements that have been formed around farming communities or industries. These have since developed over time and have prospered. As development and subdivision has increased it has been important to retain the edges of these settlements. The District Plan has been largely successful in this regard. However, as the District's population increases and the importance of tourism to the District continues, the retention or enhancement of the distinctive character of each settlement is important.

The current District Plan states that an expected environmental outcome of the Plan will be "*Clear definitions of the outer edge of settlements emphasising the contrast between urban and rural environments*". As Westland has grown, subdivision pressure has led to the expansion of a number of small settlements into the rural zone. An example of this is Hannahs Clearing where residential development now occupies all privately owned rural land surrounding the small settlement zone. Similarly, communities such as Kumara and Okarito, which contain two zonings have experienced incremental development along their margins. Cook Flat Road in Fox Glacier and Rural Land between Haast Township, Haast Junction and Haast Beach are similarly sensitive to commercial and rural residential developments. Other areas, such as the rural land between Franz Alpine Resort and Franz Josef/Waiiau are potentially sensitive areas to rural subdivision pressure in the future. Discussion needs to be had as to whether the existing rules within the Plan will adequately protect the character of these areas.

Another method of protecting the character of settlements is to utilise design characteristics of the settlement to reflect its surroundings or history. This has been specifically suggested by communities in Kumara, Fox Glacier and Franz Josef/Waiiau. Design guidelines and rules exist within specific developments within Franz Josef/Waiiau already. These include the retention of native vegetation within the northern extension area of Franz Josef/Waiiau and the use of listed design guidelines to inform residents of the Franz Alpine Resort. There are no Council imposed design elements elsewhere in the District, although consideration of the Objectives and Policies of the District Plan during the assessment of any resource consent will direct Council staff to consider the way that a development reflects the landscape and character of the area. A number of developers within the District have chosen to impose private covenants on the titles of their subdivisions. However, these requirements may not provide significant direction within the residential or commercial areas, to provide or enhance the particular characteristics that the community values.

During the life of the current Plan, the New Zealand Urban Design Protocol has been drafted. Council could choose to introduce design controls into the District Plan. Any such controls would need to be carefully chosen to ensure that investment in properties is not discouraged. Similarly controls would need to be broad enough to ensure that the character of the settlement is enhanced, not lost in homogeneity and that the values sought to be protected, for instance heritage, are not lost in their reproduction. Alternatively, Council could create specific guidelines, which do not have statutory weight, such as those currently listed for Franz Alpine Resort.

Examining the performance criteria for setbacks and allotments sizes within settlement is another method of ensuring the correct character of a settlement is retained whilst providing for community needs. The current rules within the Residential Mixed zone within Hokitika control residential amenity through the use of setbacks, recession planes and site coverage. These rules require dense forms of living, such as apartments, or small townhouses, to obtain resource consent.

A combination of a number of the above issues (the blurring of the edge of settlements and the character of the settlements themselves) could be assisted through the creation of a Master Plan or Structure Plan for settlements. These plans would originally sit outside the Plan and would detail the development of settlements and include such matters as landscape plans, carparking areas and restrictions on types or designs of developments. Any rules required in the District Plan could be pulled through after the development of these plans. These may simply be that development that complies with the Structure Plan has a different status to development not in accordance with the Structure Plan.

- **Option A:**
Status Quo Continuing with the current approach of the District Plan allows ratepayers the freedom of innovation and design. It does, however create the opportunity for the use of development that may be out of context with the rest of the location. Incremental development may impact on amenity and character over time.
- **Option B:**
Create design guidelines to be contained within plan. Design guidelines can be as generalized or as specific as the community would like them to be. The guidelines are referred to in the Plan and are either required to be complied with, or compliance with the design guidelines would be assessed when considering applications. As the guidelines have weight, care would need to be taken to ensure that they are clearly enforceable. Similarly, Council needs to ensure that the costs of complying with the standards are not prohibitive, and that enough variety is contained within the guidelines to ensure a vibrant township that reflects innovation.
- **Option C:**
Create design guidelines to sit outside of the plan. Design guidelines in this context can be documents that do not have statutory weight, but can be used when considering discretionary activities. Applicants could be directed to the guidelines at pre-application stage.
- **Option D:**
Review the performance standards within each township to ensure that they remain reflective of the character of the townships.
- **Option E:**
Over time undertake a Structure Planning exercise for each of Westland's settlements with key priorities being Franz Josef/Waiiau, Fox Glacier, Haast, and Kumara. Incorporate any required outcomes into the District Plan. Undertaking a broader structure planning exercise will identify the strategic direction that growth within each Township will take. It is likely that areas for future growth or areas sensitive to growth may be identified through this process and the future character of each township can be cohesively planned in this way.

Questions.....

- 8. What is the character of each settlement within Westland and is this character being protected by the current District Plan?**

Extent of Settlements

As well as ensuring the character of settlements is correct, Council needs to ensure that there is sufficient land set out in that Policy Unit for that purpose. The adequate provision of land to meet demand reduces the need for incremental subdivision in the rural area to provide lifestyle sections, and the application for commercial or industrial activities within the Residential Mixed or Rural zones. The encroachment of residential or commercial activities into the rural zone can create reverse sensitivity where incompatible activities locate in close proximity to one another, and can also create additional demands on the finite resource of productive land within Westland.

The District Plan recognises this pressure on the "The Land Resource" and identifies the key issue "*Land Use activities can adversely affect the quality, versatility or retention of topsoil, the natural landscape and ecosystems and amenity values.*" The Plan goes on to state "*Demand for rural-residential subdivision development close to settlements is an example of possible pressure on the productive land resource. However demand is not great for such development so undue constraint is not considered necessary given the benefit of attracting people to the District.*" The ongoing applicability of this statement in the light of recent increases in rural-residential development has been highlighted by two Commissioners in their consideration of subdivision proposals. As the dairy price increases, many hectares of farmland has been improved or developed. The conflicting demands on rural productive land remains.

Many areas have been subject to large amounts of rural residential development. An example of this is north of Hokitika where 25 allotments have been approved since 2002 along Keogans Road. There have also been significant developments at Havill Drive, Kumara Junction and at Blue Spur, Hokitika. The character of many of these areas is now distinctly rural residential. The minimum rural allotment size has been set at 5000m² to "*ensure the character of the area remains rural rather than urban*". It may be that in areas of high subdivision pressure, such as those listed above, that the character or definition of "rural" has been altered. Across New Zealand there are conflicts between lifestyle block owners and larger farming/ rural operations that previously had operated in isolation. These activities such as earth moving, alteration of landscape through exotic vegetation removal, farm noise and odour can surprise rural-residential lot owners who have moved to the rural area for a different perception of rural living. These conflicts may be managed through the provision of information to potential rural lots owners, such as within Land Information Memoranda, or Council publications. However in order to provide clear advice and protection for all rural landowners and their expectations, whether they are farmers or lifestyle block owners, it may be necessary to provide additional clarity through the Plan.

One such method would be to differentiate between and provide for lifestyle and rural activities. This may be through the creation of a larger allotment size over the areas of high productive value, or over areas where Council wishes to retain the dominance of farming. Alternatively, Council could create an intermediate "lifestyle zone" in areas of lower productive value, where other values such as landscape and natural values will also be protected and alter the status of subdivision within those areas.

Equally important is the adequate zoning of land within the settlements. Most Townships within Westland District are zoned Small Settlement which allows for a certain amount of small scale commercial/ industrial activity at a level that will most likely be appropriate for these continued uses. In towns such as Franz Josef/Waiiau, areas for Industrial uses ought to be carefully considered to ensure that services can be provided without adversely impacting the permitted Tourist Zone activities. Predominantly, larger Industrial activities will locate in Hokitika due to the larger population base. Within Hokitika however, undeveloped Industrial land is located at the Airport only. This land is available for lease only. If Council wishes to attract further Industrial activities into the District, it could investigate areas for these new Industrial activities to locate. This would provide an opportunity to ensure that the area is appropriate for the large bulk of Industrial buildings, has adequately services such as access, water and stormwater disposal, and that any potential reverse sensitivity matters are reduced. It would also allow existing industrial activities located within the CBD of Hokitika to consider relocating. This will improve the cohesiveness currently Council has been requested to consider zoning the land on the coastal strip between Hokitika and the oxidation ponds Industrial, similarly, Council has been asked to regularise the current Industrial zoned portions of properties on Alpine View. Council has also purchased the Whiley sawmill site and is advertising for Industrial occupants. This site is currently zoned rural and any extension of activity outside of existing use rights will require consent application and must be carefully weighed against the rural residential surroundings.

Options

- **Option A:**
Retain existing zones and allow further expansion to be driven by private plan change .
- **Option B:**
Identify Policy units that need to be extended and undertake a scoping exercise to determine possible locations of potential locations for further expansion. This could occur for Industrial activities in Hokitika and residential activities in Fox Glacier township. This option could feed from the Structure and Master Plans suggested in previous options to retain the character of settlements.
- **Option C:**
Review the rural subdivision rules in order to ascertain whether a separate “rural lifestyle zone” should be created, or alternatively a “rural general” zone or larger allotments.

Questions.....

9. *Is there demand for additional land being provided for certain types of activities?*
10. *Where should these zones be?*
11. *Should the existing zones be altered?*

Landscapes

The District Plan acknowledges and provides for the protection of the significant landscapes within the District. Westland's geography creates a dramatic setting to portray the natural environment, whether it is a wind swept beach, unmodified vegetation, lakes and rivers, the Southern Alps, or glaciers. The value of the natural environment and their landscapes has been recognised in the three National Parks within the District, and through the importance of tourism to the Westland economy. The dramatic landscape and its dominance is also important to the residents. In order to continue to value these landscapes, whether it be their contribution to the tourism income or the enjoyment of the landscape by residents in their dwellings or viewpoints. The District Plan currently contains criteria that must be assessed against each development to decide whether the vista is significant in a Westland context.

There has been developing case law to establish landscape significance and the Westland District Plan is generally in accordance with this case law. Feedback from developers however has been that the current District Plan does not provide clarity as to whether developments are occurring within landscapes of importance. This has been reflected in two subdivision and land use proposals being declined by Commissioners in 2007 and 2008. It must be noted that there were other factors in both proposals.

One method to provide additional clarity would be to define where the landscapes of significance are within Westland. This would provide information to all parties, whether it be ratepayers who are building a dwelling or lodge to make the most of a view point, or developers wishing to undertake a subdivision. It would also ensure that landscapes were assessed in accordance with their significance within Westland, which has many stunning locations. Landscapes of significance could require additional design controls, or larger subdivision allotment sizes, for instance. The difficulty in defining a landscape of importance is to ensure the edges of the landscape are clearly defined. Unsympathetic development directly adjacent to a potential Outstanding Landscape will similarly detract from its setting. Landowners with land traversed by a defined boundary, or who are on the boundary of the landscape area may choose to challenge the definition.

- **Option A:**
Retain status quo. This would require an assessment of the significance of the landscape during each resource consent. This can create uncertainty for developers who are not aware of the importance Council will place on a site. Variation can also occur between decision makers. It also can create incremental development within an area that changes its landscape character over time.
- **Option B:**
Conduct a review and define significant landscapes within the District. This process would identify the landscapes of most importance to Westland District. These could be either simply displayed within the plan and the existing rule structure continued to be used, or new additional performance criteria created for development within those landscapes.

- **Option C:**

Refine the existing criteria within the Plan to give more regard to landscape setting. Additional criteria could be added to the existing rules to provide clarity to consent officers and developers when they are considering proposals. Landscape performance criteria may be considered through the Structure Plans suggested under the Character of the settlements.

Questions.....

- 12. Will the current landscape controls continue to adequately protect the valued landscapes of Westland?**
- 13. Should some landscapes be singled out as Outstanding?**
- 14. Where are they?**

Natural Hazards

Westland's location adjacent to the Southern Alps/ Kā Tiritiri o te Moana and the Tasman Sea means that a number of natural processes occur that can become hazards when the land is utilised by human development. These include the location of the Alpine Fault which runs the entire length of the District, land processes such as alluvial fans and erosion, fluvial processes, including flooding, and coastal hazards such as erosion and inundation. A number of these hazards will be influenced by climate change, with an increased sea level and higher rain fall predicted to influence these hazards over the next 100 years. As a document that provides for the wellbeing of our communities, the District Plan should direct development into areas least affected by these natural processes to ensure that any hazard risk is reduced, or that development that does occur is mitigated. This will reduce costs to infrastructure servicing developments and also costs to Council of providing protection measures for communities subject to hazard at a later date or as a worst case scenario, costs to Council and ratepayers of having to 'retreat' or relocate from a hazard or recover from a catastrophic event such as an earthquake or large flood event.

The Resource Management Act requires Councils to provide for the mitigation of hazards and to ensure that subdivision does not occur in areas subject to risk without mitigation measures. Councils are also required to account for the effects of climate change as a matter of national importance.

Currently the District Plan identifies two areas within the District as being subject to flood hazard. These are the Waiho General Flood Hazard Area, and the Waiho Severe Flood Hazard Zone. The General Flood Hazard Area requires any dwelling to be accompanied by an engineer's report. No buildings are permitted within the Severe Flood Hazard Zone. Otira is also identified as an area subject to hazard. There are no other areas specifically identified in the District Plan as being subject to natural hazard. The existing plan contains Objectives and Policies that requires hazards to be mitigated when considering any land use. However, this requires each development to be assessed at the cost of the applicant. Alternatively, a Council study into the significant hazards in the District could be at significant cost to the Council. Undertaking a study in specific areas or into specific hazards would allow for standards to be set for mitigation of the hazard risk. These may be in the form of setbacks or floor levels from rivers with flood risk or coastal hazard, or with design standards for foundations in areas within close proximity to the Alpine Fault. It similarly provides information to ratepayers prior to investment being made.

Since the District Plan became operative, the Ministry for the Environment has produced a number of guidelines to manage development in proximity to natural hazards. At the very least, these could be referred to or added to the assessment criteria to utilise these additions to knowledge.

An example of where the addition of hazard information into the Plan may be useful would be in Okarito. Currently, buildings erected within the Okarito township must be set above levels established on the town monument and a top step of a dwelling within the town. To set an approved level that is expressed as a height above sea level for instance would allow for more certainty.

- **Option A:**
Continue with the status quo and assess hazard risk on a case by case basis. Council staff can benefit from the increased information and knowledge provided by the Ministry for the Environment (MfE) but do not need to identify these areas within the Plan. The disadvantage to

this approach is that landowners and potential property purchasers will not benefit from early knowledge of the information that Council holds on a property. The guidelines from the Ministry cannot be enforced as a rule and can be used as an assessment matter only.

- **Option B:**

Undertake a study which identifies key areas of hazard within the District and create either a layer of areas susceptible to hazard. Alternatively, alter activity statuses for areas subject to hazard. GNS expect to complete the mapping of the Alpine Fault within Westland over the next year. Council will be able to demonstrate the location of the fault through its planning maps. This would inform ratepayers and provide an indication of the types of information that will need to be provided. Reference could be made to the provisions of the relevant MfE guidelines as assessment matters or performance criteria. Examples of rules that could be introduced are an established minimum floor level expressed by a height in relation to Mean Sea Level. MfE's recommendations of setback distances from fault line and different categories of building usage (for instance differentiating between a hotel and a garage) could be adopted. This study could be repeated for coastal erosion, flooding, landslide risk. Depending on the detail and the number of hazards studied, this could be at significant cost to Council.

- **Option C:**

Utilise information from external sources to identify areas subject to hazard where development pressure exists. This approach would be similar to the above method but would concentrate, at least initially on areas known to be subject to development pressure. This would reduce costs on Council whilst still improving knowledge.

- **Option D:**

Require each development to provide certification that development is not subject to any hazards. This could be through internal policy documents that direct staff to require engineer's reports in specific locations.

Questions.....

15. Is the current District Plan approach adequately identifying and managing hazard risk in the District?

Noise

Noise has a significant effect on the way that people experience their surroundings, and over time, can affect community health. Setting appropriate noise levels ensures that Industrial, Commercial and Rural activities can take place without unduly affecting the enjoyment of residential activities and the amenity of the area.

A number of national standards have been amended since the formulation of this Plan. These have reflected the growth of knowledge in noise measurement and mitigation. Standards also exist for specific activities within the District and more accurate understanding of the effects of the noise can be gained through utilising the correct standard. Amending the District Plan could allow more appropriate control of the effects of activities within the various zones. The current noise standards within the Plan are measured by L_{10} levels which restrict noise to comply with the set levels for 90% of the time. The most recent standard NZS6802:2008 states that noise levels are best controlled by L_{eq} levels which are taken over a specified time limit, usually 15 minutes. This is in line with international research. There is little difference between the different methods for a steady sound, but a varying sound will be slightly higher when read using L_{10} . Amending the Plan to reflect the current national standards remove ambiguity when utilising noise experts and enforcing rules.

National standards are now in place for construction activities. Construction activities have the potential to create louder one off noises and to create noise over a long period of time which can increase the amenity impacts on surrounding residents. Adopting references to the National Standard would introduce maximum levels for sporadic sounds and would impose lower noise standards for construction that occurs over a long period of time.

Aviation noise

Aviation is an important activity in Westland with helicopters utilised for access to remote areas, recreation and tourist operations and the use of aircraft for similar scenic and recreation purposes and the District's airport located in Hokitika. As the importance of tourist activity increases, the activity of these aviation activities also increases and Council must be mindful to provide for the development and growth of these industries while adequately managing their potential noise effects. It is important to note that the Resource Management Act does not manage the effects of aircraft during overflights, but the effects of take offs and landings can be addressed. There is now a New Zealand Standard in place to manage and measure helicopter noise. This should be adopted into the Plan.

Presently, the use of helicopters for recreation activities is a permitted activity. This has meant that a number of residents have created hangars adjacent to their dwellings and use their helicopters to fly to their commercial helicopter work elsewhere, or to commute from their residence outside the District to their holiday home in Westland. This can have perceived adverse effects for adjacent landowners and needs to be carefully considered.

The Hokitika Airport provides an important strategic transport link to the West Coast Region. The land is designated for airport purposes and managed by Hokitika Airport Ltd. The approach paths for the airport are currently protected within the District Plan. There are no noise levels established around the airport at present. If the flights into Hokitika Airport were to increase to larger planes, or increase in frequency, this will have implications for the residents of Alpine View and other rural residential areas surrounding the airport. Council may wish to create noise contours to require any

new dwellings erected within close proximity to the airport to utilise noise mitigation measures in order to protect this strategic asset.

Options:

- **Option A:**
Amend the Plan to include the relevant standards
- **Option B:**
Amend the Plan to include relevant New Zealand Standards and also re-consider specific reference to aviation noise within the Plan.
- **Option C:**
Retain existing rules.

Questions.....

16. Does Council need to provide for the location of activities including aviation noise to mitigate off site effects?

17. Do any alterations to the noise rules need to occur beyond the updating of standards?

Mineral Resources

There has been a marked increase in applications for resource consents in relation to mining and prospecting for gold within the Westland District. This has been brought about by a number of factors, including the high gold price and decline in land development work leaving contractors with reduced workloads. Mining is currently a restricted discretionary activity within the Rural zone.

Feedback from members within the mining industry has suggested that the current approach within the District Plan could be reworded to positively promote mineral use within the District and to acknowledge the positive effects of this use. They noted that the Plan could give increased guidance of the balancing of short term effects with long term benefits throughout the document. As part of a proactive stance, Council could choose to map areas of known mineral resource that were known to have less conflicting values, or less population. This would reduce potential reverse sensitivity as miners obtain permits adjacent to lifestyle blocks etc.

Te Runanga o Makaawhio have recently completed their Kaitiakitaka Pounamu/ Pounamu Resource Management Plan which sets out the process for the management of pounamu within Te Runanga o Makaawhio's takiwa. This includes the discovery of any pounamu during mining and the requirement to consult with Makaawhio where pounamu deposits may be present. Currently this would be assessed under the restricted discretionary matter of "archaeological, heritage and cultural values". Specific reference could be made to the management plan to encourage early discussion between Makaawhio and potential miners to ensure that these values are protected.

The current District Plan assessment criteria provide for all other principal matters and should be retained.

Options:

- **Option A:**
Retain current District Plan objectives, policies and rules.
- **Option B:**
Amend the Objectives and Policies to promote mining within the District and to make specific reference to Te Runanga o Makaawhio and Te Runanga o Ngati Waewae as kaiiaki of pounamu.
- **Option C:**
Conduct a review of mineral areas within Westland and overlay with other values within the District Plan to create a map of potential mining areas.

Questions.....

18. Are the current mining rules in the District Plan satisfactory?

Heritage

Heritage has a very broad definition under the Resource Management Act and covers natural features, built environment, historic areas and their contexts, landscapes, cultural values and buildings. Providing for the retention of Westland's heritage values is a vital part of the character of Westland and a matter of national importance under the Resource Management Act.

Currently, the District Plan concentrates on the built environment. Appendix A lists a schedule of historic places and trees and provides for a number of registered places, but not all sites listed on the Historic Places register are currently within the schedule. The schedule also does not contain archaeological sites or sites of cultural importance. At the very least, the review could update this schedule. The Plan could also provide for the consideration of sites registered by the Historic Places Trust after the District Plan becomes operative during consent assessments. This would not require consents to modify the site itself, until it is listed in the District Plan through the Plan Change process.

Consideration can then be given to the wider aspects of heritage character. Protection of natural landscape and vegetation has been addressed elsewhere within this review. The context and surrounds influence a heritage site and this is currently not addressed by the District Plan. The effects of urban development within close proximity to heritage buildings have generated comment from the community in recent years. Further explicit provision could be added to the Plan. The Plan also does not specifically restrict the demolition of buildings. Clearly this was not the intent of the original Plan.

Council must be mindful of overly restricted development. One of the key threats to heritage buildings is "demolition by neglect" and sensitive complementary use of historic buildings can lead to their continued viability. Similarly, requiring development to reproduce certain heritage aspects can detract from the original heritage item.

The encouragement and provision for heritage is a matter that can be substantially dealt with through non regulatory methods and provision of information.

- **Option A: Status Quo.**
Continue to maintain and periodically update a schedule of heritage sites and trees within the District and control their maintenance with the additional rule restricting demolition.
- **Option B: Create wider heritage rules**
Utilise the outcome of the partially Council funded review of archaeological sites by including reference to development within a certain distance (for instance 100m) to have regard to the archaeological site. Identify and provide for protection of wider definitions of historic heritage. Consider the clarification of assessment criteria to ensure that the effect on heritage items is considered when considering activities in the vicinity. Refer to areas of cultural heritage and consider assessment criteria within the vicinity of these areas.
- **Option C:**
Non regulatory approach. Encourage and provide for the protection of historic heritage through contributing towards the restoration of heritage buildings and sites through the Annual Plan and advocacy.

Questions.....

19. Should all modifications of heritage buildings be notified?

20. Are the current rules adequately providing for the ongoing appreciation of Heritage?

Energy

Westland's high rainfall, rivers and lakes and the increasing energy demands of New Zealand society has resulted in a number of hydro electric proposals or the upgrading of existing schemes within Westland. It is possible for small scale proposals such as the recently consented Amethyst Hydro scheme to occur with minimal effects. Larger scale projects will require careful assessment and balancing of potential effects on recreational users, ecology and the amenity of the area.

Wind turbines are increasingly considered as an alternative renewable power source at a variety of scales. Council may wish to specifically address wind farms in the Plan to provide direction for their location outside of sensitive areas or to provide assessment criteria for any application. Residential dwellings utilising wind turbines will generate a different scale of affects and may require different assessment. Council could decide to restrict the use of wind turbines within certain zones, and whether their use is classed as a utility activity.

Currently the District Plan is silent on hydroelectric and windpower schemes and any proposal to generate electricity is therefore non-complying. This status may be appropriate, as any assessment should be carefully examined, however the addition of Objectives and Policies that specifically address renewable energy will provide clarity to the applicant and affected parties.

Options:

- **Option A:**
Retain existing utility rules which do not provide for power generation. This will retain the status of non-complying but there is little guidance within the Plan as to what matters Council will have regard to when assessing these proposals.
- **Option B:**
Amend the Plan to provide for electricity generation within Objectives and Policies
- **Option C:**
Amend the Plan to provide for specific assessment criteria for power generation.

Questions.....

21. What status should proposals for electricity generation have in the Plan?

22. Does Council want to state a preference for one type of energy generation over another?

23. Are there specific locations that Council would prefer hydro-power / wind proposals to locate more than others?

Natural Environment

The natural environment dominates the Westland District and plays a large part in visitors and resident's appreciation of the area.

A significant proportion of the District is managed by the Department of Conservation. The Plan states an intention to identify significant natural areas within the District. This work has not proceeded and Council is currently considering alternative options to provide for the natural environments within the District.

The identification of significant natural areas was a specific method to achieve Council's obligations under section 6(c) of the Act. Council also has broader obligations under section 31 of the Act to maintain biodiversity within the District.

The risk of the current approach to assessing each proposed clearance is that an area of significant vegetation may be incrementally cleared over time, or that permitted clearance could drain or adversely affect a neighbouring significant area or wetland. Land could be cleared without Council's knowledge that it is significant. Obtaining the resource consent and the associated ecological advice incurs costs on landowners. Proactively identifying areas of significance also would provide Council with the option of encouraging the protection and enhancement of these areas. Similarly, landowners would be aware that they had areas of significance on their land and could consider their options.

However, farming practices and local knowledge has altered over time and although the District has experienced the nationwide dairy boom, many farmers and developers are voluntarily retaining areas of native vegetation. Due to the large proportion of land managed by the Department of Conservation with the river valleys and highlands, it is likely that any area of vegetation defined as 'significant' is likely to be on a lowland coastal area, or will provide connection to other areas within the DOC Estate. If Council chooses to identify any areas, a preliminary study or restriction could be put on these areas.

Identifying significant natural areas moves Council's focus away from its wider obligation to provide for the maintenance of biodiversity. This can be through the provision of policies to retain riparian margins and wider non-regulatory approaches to manage natural environments on a catchment basis. A catchment based approach would need to be undertaken in conjunction with the WCRC, DOC and potentially Westland Milk Products or individual farmers and landowners. A non-statutory approach would require more time investment from staff members and the community, but could involve the use of funds such as the Biodiversity Fund to enhance regenerating areas or habitats.

The Land Environment of New Zealand database identifies ground cover within New Zealand and classifies environments in accordance with the threat level as a % of indigenous vegetation of that type left in New Zealand. The Biodiversity Statement of National Priorities has been developed which is closely linked to this classification. This statement relates to: the protection of indigenous vegetation that have 20% or less remaining in indigenous cover; to protect indigenous vegetation associated with sand dunes and wetlands, ecosystem types that have become uncommon due to human activity; To protect indigenous vegetation associated with "originally rare" terrestrial ecosystem types not already covered by priorities 1 and 2; To protect habitats or acutely and chronically threatened indigenous species. Westland does not contain any vegetation that meets the first criteria of the strategy (areas of vegetation that has less than 20% indigenous cover

remaining). However, the recent dairy and mining boom and increase in development means that Westland's habitats are subject to change. The LENZ database has also been created at a large scale and will miss smaller areas of significant vegetation. Westland does contain indigenous vegetation areas that do meet the criteria of the remaining three criteria and these could be utilised as a starting point for any further investigation into meeting Council's obligations under section 31 and 6 of the RMA.

Options

- **Option A: Continue current approach**

This approach places the cost of assessing the significance of the vegetation proposed to be cleared on the applicant. Landowners are able to clear small amounts of vegetation each five years. Enforcement of non consented clearance is difficult to assess as the clearance has already occurred. This method does not allow Council to provide incentives or assistance to landowners who do have significant areas of vegetation within their land. Nor does it allow landowners to plan for the efficient use of their land.

- **Option B:**

Utilise Land Environments of New Zealand (LENZ) database to identify areas of vegetation threat and consider approaches to provide for the maintenance of biodiversity in these areas.

Through identifying the areas sensitive to threat, Council can utilise information on soil types and knowledge of development pressure to identify areas that due to high soil quality for farming or subdivision pressure may be susceptible to clearance. Council can then provide for the enhancement of biodiversity within the general area.

- **Option C:**

Identify significant natural areas and provide for their protection. This method could utilise the LENZ database or field studies to identify areas of significant vegetation within the District. Initially, such a study could begin on the coastal strip and wetlands where it has been established that DOC ownership is not representative of the area. Once areas are identified, Council could then utilise rules for their protection or simply retain the existing rules for clearance and have the ability to inform landowners at pre-application stage that specific portions of their site may need careful consideration if it is to be cleared. Alternatively, the rules for clearance of remaining sites within Westland could be a permitted activity. Council could provide incentives to the landowner in recognition of the restriction on clearance. This could be through the provision of assistance to apply to funding sources for fencing and replanting. The advocacy with the Department of Conservation to 'landswap' or the provision of other relief. Council could provide more lenient rules for buildings or subdivision on the remainder of the site in recognition of the value of retaining the vegetation.

- **Option D: Non regulatory methods**

This approach would take place outside the District Plan to address the above matters. Council could create incentives through the Annual Plan or LTCCP process to retain indigenous vegetation on farmland. This could be through partnerships with other organisations.

Questions.....

24. Should the District Plan provide additional clarity on areas of natural vegetation?

25. Is the current case by case assessment appropriate to meet Council's obligations under the Resource Management Act?

Water

Water remains an important element of Westland's resource base. The quantity of the water resource ensures that there are few allocation problems although risks from flooding require careful consideration of development near waterways. The existing District Plan sets out the value of water quality in terms of public health, economic, aesthetic, cultural, and recreational benefits. The Plan acknowledges the integration of plan rules and policies with the West Coast Regional Council to ensure effective management of the water resource.

As the popularity of Westland as a holiday destination has increased, residents have been noting an increase in watercraft on the rivers and lakes. This matter has been raised as a concern by submitters on subdivision applications adjacent to Westland's lakes and rivers. Conflicts can also occur between commercial and private users.

The current District Plan contains Objective 3.11.2 which states "To avoid, remedy and/or mitigate the adverse effects of activities which utilise surface waters". The Plan has not utilised rules to enforce this objective and states in Policy 4.12 that Council will continue to monitor the effects of activities and to liaise with the Department of Conservation and the Fish and Game Council on issues related to activities on the surface of lakes and rivers.

The draft West Coast Management Strategy specifically identifies desired outcomes for lakes and rivers within Westland. Examples of this are the exclusion of high speed motorized boats on Lake Mahinapua and restriction of future moorings on Lake Kaniere. The District Council has the ability to create rules over the surface of the water on some or all of its lakes and rivers. The Council could decide to utilise this Plan review to make a definitive statement about whether it will become more actively involved in the development of rules and their enforcement in the near future, or whether the Council will advocate for control by other bodies such as the Department of Conservation or Maritime New Zealand.

The retention of wetlands is an important component of the maintenance of the water resource. Lowland wetlands provide habitat for whitebait and threatened bird species and are sensitive to drainage or clearance within the wetland itself, or adjacent to the wetland. This matter may be dealt with through consideration of provision for biodiversity and significant natural areas as part of the District Plan.

Subdivision in the rural area adjacent to waterways can be required to provide esplanade reserves if the land is directly adjacent to the waterway, for instance, not separated by legal road, or crown land. These provisions can be waived by Council. As incremental subdivision along waterways increases, maintaining a riparian buffer and access to the beach or river becomes important. Providing an esplanade reserve along a small stretch of a river or coastline, may be at a significant cost to a landowner without immediately creating a network of reserves.

Options:

- **Option A: Council makes a definitive statement that it will not regulate the surface of the water.**
This statement means that although Council will continue to liaise and advocate with other parties, it will not create any additional rules. This is a clear message to other parties that have potential regulation powers of Council's direction.
- **Option B:**

Council continues to contain current objectives and policies and monitoring. This option will essentially continue with the status quo.

- **Option C:**
Council adopts rules to regulate certain activities on the surface lakes and rivers. The Council could choose within this option to regulate all or some of the lakes and rivers. This will require enforcement at a later date and careful liaison with other parties.
- **Option D:**
Council considers altering the provisions for esplanade reserves within the subdivision section of the Plan.

Questions.....

- 26. Are the current rules adequately protecting water quality in Westland?**
- 27. Do additional controls need to be placed on activities on the surface of the water?**
- 28. Should Council be involved in the regulation of activities on the surface of water?**
- 29. Do the provisions in relation to esplanade reserves need to be reviewed?**

Infrastructure and services

Adequate service provision is vital to providing for the development of our communities. As the costs involved in providing services needs to be budgeted some time in advance, it is in Council's interest to ensure that services within the District area adequately provided for. Efficient provision of services provide for the economic and social wellbeings of the community.

At present, the Plan does not specifically provide for roading and land transport issues and addresses all infrastructure within the "Infrastructure and Services" objectives and policies. The State Highway network is vital for Westland and many properties and towns within Westland access predominantly off the highway. The relationship between Council and the NZTA is important and the maintenance of connections between State Highways and local roads and accesses are crucial for efficient strategic networks.

NZTA's new mandate involves management of land use, and its effect on the highway. NZTA therefore advocates for the increase in setback distances from the highway, or the use of sound insulation and also for the careful planning of developments to provide for adequate walking, cycling and alternative transport linkages. This is in keeping with Councils approach to roading which also seeks to provide for efficient safe multi use. The current NZTA guidelines require insulation when development is within 60 metres of the highway. This is in excess of the current 20 metres required by the District Plan in the rural area. Council could consider altering the performance criteria in support of this approach.

Subdivision and land use on local roads must be undertaken in accordance with the Westland District Council Code of Practice for Engineering Works. This is a document outside the District Plan. Many subdivision professionals also refer to the relevant New Zealand Standard NZS4404 for subdivision design. The District Plan does not make specific reference to either of these documents. This provides flexibility as any updates of either the New Zealand Standard or the Council Code of Practice will not generate the need for a plan change however reference could be made within assessment criteria to these documents for applicants to reference.

Currently neither the Code of Practice nor the District Plan provides guidance of whether roading should be vested in Council or retained and managed by private land owners. Private roads require long term maintenance and the cooperation and full contribution of landowners accessing off the private road. Creating private roads allow developers to set the standard and style of the access. This standard is not controlled by the Code of Practice or assessed by Council. Council could choose to implement a limit on the number of properties accessing off a private road to ensure that ongoing maintenance is practical in the long term.

A similar service that is affected by cumulative effects is larger or staged subdivisions that utilise on site wastewater systems. Although the discharge of wastewater is a function of the West Coast Regional Council, the Council must be satisfied that adequate provision is provided for the servicing of subdivisions. In sensitive environments or in subdivisions that have utilised small lot sizes, a communal system may be more appropriate to mitigate any possible effects. The Council could provide for this in assessment criteria for considering developments that have located close to sensitive areas, or have utilised clustering, or could create a rule requiring a communal system in certain situations. Alternatively, Council could continue to advocate for this to be addressed by the West Coast Regional Council.

The Westland District Council Code of Practice for Engineering Works refers to the provision of fire hydrants and services to residential developments; however no comments are made about requirements for rural developments. The permanent retention of an adequate water supply for firefighting purposes and the associated coupling installed on the water tanks, would provide for the wellbeing of rural-residential properties. Alternatively, hard stand areas can be constructed to allow access to alternative water ways. The recent New Zealand Standards NZS 4509:2008 addresses the provision of water for firefighting purposes. Council could choose to refer to this standard within the assessment criteria for rural subdivision and land use. Alternatively, Council could choose to utilise methods outside of the Plan such as bylaws.

A philosophical question relating to subdivision in the rural area is whether subdivisions must be required to connect to services. Increasingly, subdivision in the rural area is for rural residential purposes and currently applicants must demonstrate that services could be provided if desired by future landowners. Providing connections at subdivision stage creates efficiencies in terms of providing any relevant easements and the costs of the connections and any required upgrades fall on the developer. The network providers can also provide input to the applicant during the subdivision planning stage rather than reacting when requested for connections to separate allotments by new landowners. Council could consider amending the Plan to require connections when land is to be used for residential purposes. Similarly, Council could consider whether the provision of access to a telephone is required as part of provision for health and safety in the rural zone. Currently there is no requirement to provide connection in recognition that many ratepayers may not want to use landline connections. However, Telecom have indicated limited investment in South Westland lines and this could create the situation where a large rural residential subdivision is unable to provide for telephone connections. Council could address this through continued advocacy with Telecom and other phone providers.

Subdivision and the associated new dwellings create pressure on the recreational facilities of the District and alter the density of the area. The District Plan seeks to address this issue through the requirement for contribution towards Council's recreation facilities. This contribution was chosen because Council believed that there was sufficient open space and therefore the reserve contribution traditionally required should be directed towards the community facilities. This differentiation means that developers, who in other Districts could have provided land within their subdivisions as reserve, do not have that flexibility. It is Council's current view that the provision of passive recreation areas within subdivisions is part of subdivision design. The contribution has been criticized as there is no clear link provided between the collection of subdivision contributions and the provisions of services. This may be able to be easily clarified through Council reporting. Incremental subdivision along local roads has highlighted the potential benefit of development contributions. The Council has recently stated in the LTCCP that a development contributions policy will not be created at this time and any development of this policy would occur under the Local Government Act. Council could consider their financial contributions and recreation contributions to ensure they remain applicable to the needs of the District.

Development within the rural area of Westland is required to provide services underground unless this is inconsistent with supplier requirements. The Utility providers themselves are not subject to any restrictions about placement of lines and the location of new line extensions has generated community comments in recent years. Discussions with providers have indicated that providing lines underground significantly increases the cost of the services and provides strategic issues in terms of future upgrades, connections and location. Co-location within road and rail corridors requires ongoing discussion with the relevant authorities. If Council chooses to identify important landscape areas within the District, these areas could contain additional restrictions on the

location of services, or the treatment or painting of power poles and other equipment to reduce impact. Alternatively Council can continue to liaise with Requiring Authorities to advocate for co-location opportunities.

Options:

- **Option A:**
Provide specific reference to the provision of roading, cycle and walking connections within subdivisions as part of assessment criteria. Assess whether additional setback from the highway is required for residential dwellings.
- **Option B:**
Consider amending the subdivision performance standards to specifically address the provision of power and telephone at the time of subdivision, to limit the number of dwellings permitted off a right of way and to direct when communal effluent disposal systems shall be used or provision made for fire-fighting services.
- **Option C:**
Council continues to advocate with Telecom on future upgrades to the phone lines in South Westland but creates no rules requiring connection.
- **Option D:**
As part of the landscape review, attention is given to service provision within any identified landscape areas.
- **Option E:**
Council provides specific reporting on the use of recreation contributions in each township. Discuss these results and decide whether to conduct a review of contributions.

Questions.....

- 30. Does the Council need to create additional standards for services in subdivisions such as maximum numbers of accesses off private roads, provision of power and phone and types of effluent disposal required?**
- 31. Is there an expectation that allotments in the rural zone can connect to power and phone?**
- 32. Should the contribution towards recreation contributions be reviewed?**

Acknowledgements:

Westland District Council's Planning and Development Committee requested feedback from the following people/ organisations. Much of the more detailed feedback will be utilised in further stages of the Plan Review:

Lloyd McGarvey	Davis Ogilvie and Partners (Greymouth)
Pauline Shrimpton	Davis Ogilvie and Partners (Greymouth)
Martin Kennedy	West Coast Planning
Lynda Watson	Coastwide Surveys
Christopher Bergin	Community and Public Health
Les Guenole	Kumara
Rosie Askew	Orange Homes Ltd
Alastair Cameron	Hokitika
Evan Jones	Evan Jones Construction Ltd
Barry Edwards	Fran zJosef Developments Ltd
Grant Gibb	Fran zJosef Developments Ltd
Gavin Molloy	Callery Holdings Ltd
Lindsay Smith	Callery Holdings Ltd, McFetrich Developments Ltd
Stuart Robertson	West Coast Conservation Board
Dr Anne Hall	West Coast Conservation Board
Peter Whittal	Minerals West Coast
Rob Caldwell	Electronet
Rodger Griffiths	Westpower
Kristina Mead	Consultant for New Zealand Fire Service
Mark Thomas	New Zealand Fire Service
Janine Dunlop	New Zealand Historic Places Trust
Jim Keenan	Heritage Hokitika
Bemie Monk	Heritage Hokitika
Brian Ward	Heritage Hokitika
Katie Milne	Federated Farmers
Steve Higgs	New Zealand Transport Agency
Anna Gerraty	Department of Conservation
Ted Brennan	Department of Conservation
Kerry Fitzgibbon	Kumara Community Association Trust
Fran z Inc.	Fran zJosef Community
Fox Glacier Community Association	Fox Glacier Community
Jean Potter	Okarito Community Association
Mary Trays	West Coast Regional Council
David Inch	New Zealand Energy
Telecom New Zealand	
TrustPower Ltd	
Harihari Community Association	
Whataroa Community Association	
Lake Kaniere Property Owner's Association	
Ross Community Society Inc	
Te Runanga o Makaawhio	
Te Runanga o Ngati Waewae	
Westland District Councillors	
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