

WESTLAND DISTRICT COUNCIL

RESPONSE TO COMMISSIONER DIRECTIONS

FILE REFERENCE: RC220120 & 230030

TO Mark Geddes, Hearing Commissioner

FROM Anna Johnson, Consultant Planner

SUBJECT Response to Commissioner Directions Dated 26th September 2024

SUMMARY

Applicant: Forest Habitats Limited

Location: 117 Arthurstown Road, Hokitika

Proposal: To subdivide land legally described as Lots 8 to 29 DP 142, Part RS 1300, 1589 and 4363, and RS 1421, 1588 and 1602-1603 into 15 allotments, including amalgamation conditions, within the Rural Zone (ODP) and General Rural Zone (PDP), 117 Arthurstown Road, Hokitika.

To erect a total of 12 dwellings, including no more than one dwelling and accessory building per allotment on Lots 1 to 12, and to form unformed legal road for residential access, resulting from the three-stage subdivision of land legally described as Lots 8 to 29 DP 142, Part RS 1300, 1589 and 4363, and RS 1421, 1588 and 1602-1603 within the Rural Zone (ODP) and General Rural Zone (PDP), 117 Arthurstown Road, Hokitika.

Legal Description: Lots 8 to 29 DP 142, Part RS 1300, 1589 and 4363, and RS 1421, 1588 and 1602-1603.

Operative Plan Zoning: Rural Zone

Proposed Plan Zoning: General Rural Zone, Coastal Tsunami Hazard, Flood Plain, Flood Hazard Susceptibility, Flood Hazard Severe, Coastal Environment, Coastal Alert, Pounamu Management Area.

Limited Notification Date: 27th April 2023

1 INTRODUCTION

- 1.1 This report is to be read in conjunction with the Westland District Council Resource Consent 220120 and 230030 Section 42A Report dated 5th July 2023 and 42A Addendum dated 12th March 2024. The purpose of this report is to satisfy the items raised by Commissioner Mark Geddes within *Minute No. 4 of Independent Commissioner – Commissioner Directions* dated 26th September 2024.

2 COMMENTS ON CHANGES TO DRAFT CONDITIONS

- 2.1 **Subdivision Conditions 3(k), 23(k) and 42(k):** Is too difficult to monitor. The term “reflect” should generally be avoided in conditioning. Recessive colours should also be defined for monitoring purposes, for example via providing a colour palette such as browns, greys and blacks. This condition should be reworded to state:
- 2.2 *Any ~~boundary~~ fencing ~~or gates~~ must comprise of post and rail or post and wire fencing, or other alternatives to be constructed out of natural materials in recessive colours, including browns, blacks or greys, to integrate with the surrounding rural landscape.*
- 2.3 **Subdivision Condition 8:** These amendments are not accepted. The condition is required to state the following:
- 2.4 *The entrance ways to Lots 1, 2 and 3 must 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 must be met by the consent holder.*
- 2.5 *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.*
- 2.6 **Subdivision Conditions 11, 31 and 53 and Land Use Condition 12:** This change is not necessary. Where wireless is installed, the condition won't apply. The intent is to avoid overhead lines, etc.
- 2.7 **Subdivision Condition 27:** These amendments are not accepted. The condition is required to state the following:
- 2.8 *The entrance ways to Lots 4, 5, 6 and 7 must 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 must be met by the consent holder.*
- 2.9 *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.*
- 2.10 **Subdivision Condition 47:** These amendments are not accepted. The condition is required to state the following:
- 2.11 *The entrance ways to Lots 8, 9, 10, 11, 12 and 13 must 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 must be met by the consent holder.*
- 2.12 *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.*

- 2.13 **Subdivision Conditions 49 and 50:** These amendments are not accepted. The roads are to be sealed as required by the Westland District Council Transportation Manager. It is also noted that item 7 of the Hutchinson Consulting Engineers report dated 17 May 2024 (Appendix A of the latest Hutchinson Consulting Engineers report dated 18 June 2024) states that East Road is to be sealed.

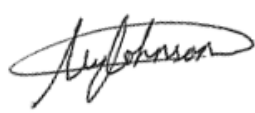
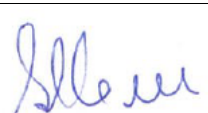
- 2.14 **Land Use Condition 5:** These amendments are not accepted. The condition is required to state the following:
 - 2.15 *Where not already achieved, the entrance way to each Lot must be formed to a legal road, sealed and thereafter maintained in accordance with the Westland District Council Code of Practice for Engineering Works. All costs of works must be met by the consent holder.*

 - 2.16 *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.*

- 2.17 **Land Use Condition 9:** This wording is not necessary. It would be better as an advice note if considered necessary. Any future wastewater disposal will need to be considered under the WCRC Land and Water Plan provisions and Building Act. Any failure to meet the relevant standards will be addressed at the building consent phase. Council should not be conditioning that requirements of other jurisdictions are met within district level resource consents.

- 2.18 **Hutchinson Consulting Engineers Recommendations:** Materials for earthworks fill are to be sourced from the flood plain to neutralise effects. This condition has not been drafted.

- 2.19 An updated suite of draft conditions has been supplied in the attached **Appendix B** which includes all accepted additional conditions and the original conditions where amendments have not been accepted. **Please note, the additional conditions recommended by Hutchinson Consulting Engineers have not been included and will need to be included within the decision.**

Report by:	Peer Review by:
	
Anna Johnson Consultant Planner	Stephanie Tangimetua Planning Team Leader

Attachments: Appendix A Councils Road Sealing Policy – NZS 4404:2010 – Section 3.4
 Appendix B Draft Condition Recommendations

Report Dated: 30th September 2024

Appendix A – Council’s Road Sealing Policy – NZS 4404:2010 – Section 3.4

design methods where applicable. When no proper data is available, the capacity of the single 675 x 450 back entry sump with standard grating should be limited to 28 L/s.

The calculated sump inlet capacities should be reduced to account for partial blockage of the inlet with debris as follows:

On-grade grated back entry sump	10% reduction
On-grade grated sump	50% reduction
On-sag grated sump	50% reduction
On-sag grated back entry sump	Include back entry capacity only

- (c) The use of silt traps is encouraged in all sumps to provide partial treatment to stormwater at the source, but in all cases, trapped sumps should be used where discharge to a soakage device is permitted.

3.3.19.7.3 Sump gratings

Sump grating areas shall be sized generously to allow for partial blockage to ensure that side-channel water does not bypass sumps when velocities are high.

Cycle-friendly sump grates shall be used where cyclists can be expected or when required by the TA. These gratings may be built either with bars transverse to the side-channel direction or closely spaced bars in a wavy pattern in a longitudinal direction.

3.3.19.7.4 Sump leads

Leads should be designed to be of sufficient size to convey all the design capacity of the sump to the system. The minimum size of the lead for all types of sumps shall be 200 mm diameter, but 300 mm diameter is desirable to minimise inlet losses and blockage risk. For double sumps and other high capacity sumps the minimum size of lead required is 300 mm diameter.

3.3.19.7.5 Secondary flow provisions

At all points where sump blockage may occur, or where design capacity may be exceeded, which could lead to overflow into private property, the provision of designed secondary flow paths protected by public ownership or easement shall be made (see 4.3.4.2).

3.4 Construction

3.4.1 Introduction

These requirements apply to flexible pavements. For rigid pavements, such as concrete pavements refer to Austroads guides, and the *Guide to residential streets and paths* as listed in Referenced Documents.

Road construction shall be carried out to the alignments and standards detailed in the approved drawings and with the specified materials so as to provide the intended design life.

The road construction includes all associated construction required to complete adjacent footpaths, berms, and road reserve areas.

3.4.2 Materials for flexible pavements

3.4.2.1 Transition layer

A transition layer may be required for traffic loading in excess of 1 x 10⁵ ESA where the

subgrade is soft, to prevent ingress of the soft soils into the pavement layers. The transition layer may be filter metal complying with appropriate NZTA specifications or an approved geotextile filter fabric. The transition layer shall be compatible with the grading of adjacent layers and be regarded as part of the total depth of the sub-base layer.

3.4.2.2 Sub-base

The sub-base layer immediately beneath the basecourse shall have a permeability of at least 10⁻⁴ m/s for a depth of at least 100 mm.

The material used as sub-base shall be hard rock material with the largest aggregate size not larger than 60% of the depth of the layer or 65 mm. The material shall be sufficiently free draining so as not to be susceptible to undue weakening at highest in-service moisture content.

3.4.2.3 Basecourse

The thickness of the basecourse layer when used with other metal aggregate layers shall not be less than 100 mm.

Acceptable basecourse specifications are:

- (a) NZTA approved regional basecourse
This is a slightly lower quality material than NZTA specified M/4. It may be used for roads of connector/collector class; or
- (b) Local basecourse acceptable to the TA
This may be used for local roads in live and play areas and footpaths, kerb crossings, and shared accessways.

3.4.3 Road surfacing

3.4.3.1 Acceptable surfacing materials

All movement lanes shall be provided with a permanent, hard wearing surfacing layer, which shall be either impermeable or formed over an impermeable base. The surfacing shall be capable of carrying all stresses expected during its lifetime.

Acceptable surfacing options may include:

- (a) Hot laid asphaltic concrete of minimum compacted thickness 30 mm, laid over a waterproofing sealcoat;
- (b) Other asphaltic concrete mixes such as friction course or macadam wearing mix laid over a waterproofing coat;
- (c) Chip seals of various types, providing the equivalent of two bound chip coatings;
- (d) Concrete block pavers; and
- (e) Stone block surfacing where designed for aesthetic effects.

To resist scuffing and local load effects, minimum surfacing standards as given in table 3.3 shall apply to the named facilities.

Use of concrete or stone block paving in public traffic areas shall require the specific approval of the TA.

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Table 3.3 – Recommended surfacing standards

Facility	Minimum surfacing
Residential turning head	Segmental concrete pavers, concrete, 30 mm asphaltic concrete
Public carparks (excl. parallel parks)	Segmental concrete pavers, concrete, 30 mm asphaltic concrete
Commercial and industrial turning head	Segmental concrete pavers, concrete, 50 mm asphaltic concrete
Traffic islands and bus stops	Segmental concrete pavers, concrete, 50 mm asphaltic concrete

3.4.3.2 Road surface tolerances and texture

The finished surface of new roads shall have a NAASRA roughness satisfying the TA's standards at the time of construction. No abrupt or abnormal deviations shall occur and no areas shall pond water. The surface shall be of uniform texture expected by best trade practice and satisfy density standards applicable to the surfacing being used. The skid resistance and surface texture of roads where design speeds exceed 70 km/h, shall comply with NZTA specification T/10 and its accompanying notes.

Where hard surfacing is required for areas that are not movement lanes, alternative materials and porous pavements that achieve the durability, maintenance, and amenity requirements are acceptable with the approval of the TA.

C3.4.3.2

In the cases of narrow traffic islands and bus stops, where loading is concentrated, the use of stabilised base course is also desirable.

3.4.4 Road surfacing materials

All materials used in road surfacing shall comply with the appropriate NZTA specifications.

The following surfacing options will be acceptable for roads covered by the Standard.

3.4.4.1 First and second coat chip seals

For first coat seals the chip size shall generally be grade 3 on all roads.

For second coat seals the chip size shall generally be grade 4. Cycle and parking lanes shall be grade 6.

3.4.4.2 Double wet lock coat

First and second seals may be constructed in one operation with asphaltic cutback to NZTA M/1 and P/3 specifications.

The binder application rate for the seals shall be designed to suit the conditions and chip size.

Acceptable and compatible chip sizes are:

Local roads

First coat: grade 4, second coat: grade 6

Other roads

First coat: grade 3, second coat: grade 5 or 6.

3.4.4.3 Hot laid asphaltic concrete surfacing

Hot laid asphaltic concrete surfacing shall comply with NZTA specification M/10 or equivalent approved by the TA. The mix used shall be appropriate to the end use and thickness being placed.

A waterproofing seal coat, using asphaltic binder or emulsion, and grade 5 chip, with the requirement that the seal coat comprises a minimum of 1.0 L/m² of residual penetration grade bitumen, shall be laid prior to surfacing with asphaltic concrete of 50 mm or lesser thickness. No cut back shall be used in such coats as it can cause flushing of the asphalt overlay.

When using NZTA specification M/10 compliant mixes on roads of connector/collector class, NZTA guidelines on skid resistance and surface texture shall be incorporated in the mix design.

3.4.4.4 Other asphaltic mixes

For special uses other asphalt-based hot mixes may be used such as open grade porous asphalt or macadam wearing mix. When used they shall be placed over a waterproof under layer and shall be designed according to current specifications and guides. In no case shall the laid thickness be less than 25 mm.

3.4.4.5 Concrete

All concrete for roads shall come from a special grade plant as defined in NZS 3109. Concrete of not less than 30 MPa 28-day strength shall be used for any road or crossing slabs.

Concrete for kerbs and channel shall be of not less than 20 MPa, 28-day strength.

3.4.4.6 Concrete pavers

Design and material standards shall comply with NZS 3116. Paver thickness shall be as defined in NZS 3116 for the appropriate traffic loading classification.

When used in roads the basecourse underlayer shall be given a waterproofing seal coat before the sand and pavers are laid, except where part of a porous pavement is approved by the TA.

When used for bus stops or at raised crossings the basecourse shall be cement stabilised under the raised zone and for at least 3 m on either side of the raised zone.

Pavers shall be laid to 5 mm above the lips of channels and other draining features.

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Appendix B - Draft Recommended Conditions of Consent

Draft Conditions (Amendments 27th September 2024)

Subdivision Consent – RC220120

Stage One

General

1. The subdivision must 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, 06 November 2023 and 26 June 2024 and as indicated on the attached plans marked 'A', 'B', 'C', 'D', 'E' and 'F'.

Easements

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

Consent Notices

3. A Section 221 consent notice must be registered to Lots 1, 2 and 3 which states the following:
 - a) *The maximum height of residential buildings must be no more than 7m as measured from the existing ground level.*
 - b) *The maximum height of accessory buildings must be no more than 5.5m as measured from the existing ground level.*
 - c) *No more than two (2) accessory buildings must be present on site.*
 - d) *The maximum gross ground floor area for any individual dwelling must be 300m².*
 - e) *The maximum ground floor area for any individual accessory building must be 150m².*
 - f) *All dwellings and accessory buildings must be constructed within the "proposed building sites" as identified on attached plans marked 'A' titled "Subdivision Scheme Plan Overall", dated 28 May 2024.*
 - g) *The minimum finished floor levels of any dwelling on site must be designed, constructed and thereafter maintained to a minimum height of Reduced Level (RL) 6m in terms of NZVD 2016.*
 - h) *Unless superseded by site specific engineering advice, all buildings, servicing, foundations and floor levels must be designed, constructed and maintained in accordance with the recommendations of the reports titled "Forest Habitats Ltd 117 Arthurstown Road, Hokitika" prepared by Hutchinson Consulting Engineers and dated 07 September 2023 and "Natural Hazards Report Prepared for Forest Habitats 117 Arthurstown Road, Hokitika" prepared by Chris J Coll Surveying Limited and dated 28 September 2023.*
 - i) *All lots must have, in addition to a flood-free building platform, a flood-free driveway, in accordance with the engineering plans GE 08 and GE 09 Rev A dated May 2024, by Hutchinson Consulting Engineers.*
 - j) *No fences or walls, or earthworks, other than those earthworks required for the building platform or driveway, that may divert or restrict flood water, must be constructed on any of the rural residential lots.*
 - k) *Any fencing must comprise of post and rail or post and wire fencing, or other alternatives to be constructed out of natural materials in recessive colours, including browns, blacks or greys, to integrate with the surrounding rural landscape.*

4. A Section 221 Consent Notice must 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" must 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 must be replaced the same planting season with the same or similar indigenous or native plants. Regular weeding and general maintenance must be undertaken by the property owner.*
5. A Section 221 consent notice must be registered to Lot 15 which states the following:
 - a) *No buildings must be constructed or relocated on site unless uninhabitable and incidental to productive rural activities.*
6. A Section 221 Consent Notice must be registered to Lots 1 and 15 which states the following:
 - a) *The boundary planting and swale planting identified on attached plans marked 'E' and 'F' titled "Proposed Planting Plan" and "Subdivision Layout and Landscape Proposal" must be permanently maintained in general accordance with attached plans 'E' and 'F'.*

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 must be replaced the same planting season with the same or similar indigenous or native plants.*

Amalgamation

7. The following amalgamation condition must 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 Roding

8. The entrance ways to Lots 1, 2 and 3 must 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 must 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 must have a combined minimum formation width of 6m.

Engineering

10. Where not already provided, Lots 1, 2 and 3 must be provided with a network utility connection to the available electricity 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 must 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 must 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" must be constructed to a height of 1m as measured from the existing ground level.
15. The earth bund identified within Lots 1 and 3 must 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 must 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 must 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 must 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 must 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 must:
 - 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 must 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 must 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 must 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 must be created, requiring a contribution of \$17,250 (GST inclusive) must be paid.

Stage Two

General

21. The subdivision must 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 must be granted as indicated on the attached plan marked 'C'.

Consent Notices

23. A Section 221 consent notice must be registered to Lots 4, 5, 6 and 7 which states the following:
 - a) *The maximum height of residential buildings must be no more than 7m as measured from the existing ground level.*
 - b) *The maximum height of accessory buildings must be no more than 5.5m as measured from the existing ground level.*
 - c) *No more than two (2) accessory buildings must be present on site.*
 - d) *The maximum gross ground floor area for any individual dwelling must be 300m².*
 - e) *The maximum ground floor area for any individual accessory building must be 150m².*
 - l) *All dwellings and accessory buildings must be constructed within the "proposed building sites" as identified on attached plans marked 'A' titled "Subdivision Scheme Plan Overall", dated 28 May 2024.*
 - m) *The minimum finished floor levels of any dwelling on site must be designed, constructed and thereafter maintained to a minimum height of Reduced Level (RL) 6m in terms of NZVD 2016.*
 - f) *Unless superseded by site specific engineering advice, all buildings, servicing, foundations and floor levels must 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.*
 - g) *All lots must have, in addition to a flood-free building platform, a flood-free driveway, in accordance with the engineering plans GE 08 and GE 09 Rev A dated May 2024, by Hutchinson Consulting Engineers.*

- h) *No fences or walls, or earthworks, other than those earthworks required for the building platform or driveway, that may divert or restrict flood water, must be constructed on any of the rural residential lots.*
- i) *Any fencing must comprise of post and rail or post and wire fencing, or other alternatives to be constructed out of natural materials in recessive colours, including browns, blacks or greys, to integrate with the surrounding rural landscape.*
- j) *The planted bund identified on attached plans marked 'E' and 'F' titled "Proposed Planting Plan" and "Subdivision Layout and Landscape Proposal" must be permanently maintained in general accordance with attached plans 'E' and 'F'.*

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

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

- a) *No dwellings or habitable structures must 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 must be registered to Lot 14 which states the following:

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

Amalgamation

26. The following amalgamation condition must 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 Rooding

27. The entrance ways to Lots 4, 5, 6 and 7 must 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 must 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 must have a combined minimum formation width of 6m.
29. Right of ways E and F must have a combined minimum formation width of 6m.

Engineering

30. Where not already provided, Lots 4, 5, 6 and 7 must be provided with a network utility connection to the available electricity 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 must 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 must 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*" must 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 must 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 must 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 must 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' must 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 must be implemented in the form of top soiling and grassing, hydro seeding, mulching, turfing, geotextiles, dust control or similar. At no point in time must 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 must:
 - 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 must 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 must 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 must 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 must be created, requiring a contribution of \$23,000 (GST inclusive) must be paid.

Stage Three

General

41. The subdivision must 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 must be registered to Lots 8, 9, 10, 11 and 12 which states the following:
- a) *The maximum height of residential buildings must be no more than 7m as measured from the existing ground level.*
 - b) *The maximum height of accessory buildings must be no more than 5.5m as measured from the existing ground level.*
 - c) *No more than two (2) accessory buildings must be present on site.*
 - d) *The maximum gross ground floor area for any individual dwelling must be 300m².*
 - e) *The maximum ground floor area for any individual accessory building must be 150m².*
 - n) *All dwellings and accessory buildings must be constructed within the "proposed building sites" as identified on attached plans marked 'A' titled "Subdivision Scheme Plan Overall", dated 28 May 2024.*
 - o) *The minimum finished floor levels of any dwelling on site must be designed, constructed and thereafter maintained to a minimum height of Reduced Level (RL) 6m in terms of NZVD 2016.*
 - f) *Unless superseded by site specific engineering advice, all buildings, servicing, foundations and floor levels must 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.

- g) All lots must have, in addition to a flood-free building platform, a flood-free driveway, in accordance with the engineering plans GE 08 and GE 09 Rev A dated May 2024, by Hutchinson Consulting Engineers.*
- h) No fences or walls, or earthworks, other than those earthworks required for the building platform or driveway, that may divert or restrict flood water, must be constructed on any of the rural residential lots.*
- i) Any fencing must comprise of post and rail or post and wire fencing, or other alternatives to be constructed out of natural materials in recessive colours, including browns, blacks or greys, to integrate with the surrounding rural landscape.*

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

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

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

- a) No dwellings or habitable structures must 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 must 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” must 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 must be replaced the same planting season with the same or similar indigenous or native plants.*

Amalgamation

46. The following amalgamation condition must be undertaken in accordance with LINZ reference 18020763:

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

Access and Rooding

47. The entrance ways to Lots 8, 9, 10, 11, 12 and 13 must 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 must 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 must have a combined minimum formation width of 6m.
49. East Road (Road Parcel Identification 1790586) must be designed, upgraded, formed and sealed inclusive of the intersection with Arthurstown Road, up to and inclusive of the vehicle entrance of Lot 12. This formation must be completed to NZS 4404. Prior to the commencement of works, engineer designed plans must be submitted to Council for approval. All designs must consider formation and stormwater management. All costs must 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) must be designed, upgraded, formed and sealed inclusive of the intersection with Arthurstown Road, up to and inclusive of the vehicle entrance of Lot 8. This formation must be completed to NZS 4404. Prior to the commencement of works, engineer designed plans must be submitted to Council for approval. All designs must consider formation and stormwater management. All costs must 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 must 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 must be provided with a network utility connection to the available electricity 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 must 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 must 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" must be constructed to a height of 1m as measured from the existing ground level.
57. The earth bund identified within Lots 10 and 11 must 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 must 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 must 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 must:
- 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 must 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 must 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 must 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 must be created, requiring a contribution of \$28,750 (GST inclusive) must be paid.

Land Use Consent – RC230030

General

1. The land use must 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 must 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 must be no more than 7m as measured from the existing ground level.*

- b) *The maximum height of accessory buildings must be no more than 5.5m as measured from the existing ground level.*
- c) *No more than two (2) accessory buildings must be present on site.*
- d) *The maximum gross ground floor area for any individual dwelling must be 300m².*
- e) *The maximum ground floor area for any individual accessory building must be 150m².*
- f) *All dwellings and accessory buildings must be constructed within the “proposed building sites” as identified on attached plans marked ‘A’ titled “Subdivision Scheme Plan Overall”, dated 28 May 2024.*

4. The following building restriction is applicable to Lots 13 to 17:

- a) *No buildings must 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 must 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 must 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 must 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 must be designed, constructed and thereafter maintained to a minimum height of Reduced Level (RL) 6m in terms of NZVD 2016.

8. Unless superseded by site specific engineering advice, all buildings, servicing, foundations and floor levels must 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.

10. All roof water stormwater overflows must be discharged to a soakage pit designed and constructed in accordance with clause E1 of the New Zealand Building Code.

11. Stormwater must 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 must 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 must 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' must 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 must 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 must:
 - 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 must 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 must 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 must 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.