

**BEFORE INDEPENDENT HEARING COMMISSIONER APPOINTED BY THE  
WESTLAND DISTRICT COUNCIL**

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

**AND**

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

**BY** Forest Habitats Limited

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**MEMORANDUM FOR THE COMMISSIONER**

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## May it please the Commissioner

1. Counsel acknowledges receipt of Minute No.6 dated 29 November 2024.
2. The Applicant is happy to answer the Commissioners latest questions (Minute No.6), where relevant, but respectfully asks that the scope of the questioning is narrowed down to only that information for which the Applicant has had input into. Most of the information being asked for is in either Council reports or is information that the Applicant does not have access to, as explained further below: -

### 2.1 Item a.

The Applicant is happy to show the Coastal Hazard Alert Overlay (Variation 2) on the scheme plan, with a further explanation, once the requests for additional information has been concluded. That said, the Applicant question what additional information this would provide, as the building pads and access are being built above this level, in order that they are not subject to any hazard.

### 2.2 Item b.

The modelling report that informed the revised flood hazard layers in Variation 2 to the TPP was updated using more recent LIDAR data and was prepared for the TPP Committee. The Applicant does not have it.

### 2.3 Item c.

The new provisions in Variation 2 (Coastal Hazards) are yet to be confirmed, with these provisions still open for submissions. The final provisions will be established during upcoming hearings, once the submission period closes. The Applicant considers the current provisions to have no weight in relation to the application, however they are available on the TPP website.

### 2.4 Item d.

This question would be better addressed to the TPP Committee. What is important is that there is a consistent approach across the region. Both the Westport flood protection scheme and the Hokitika stop bank were designed using the RCP6 scenario. Why would a minor subdivision be required to use the more stringent

climate change modelling (RCP 8.5) than used for large Council owned infrastructure projects?

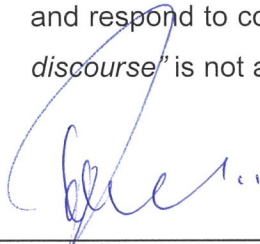
2.5 **Item e.**

The applicant is happy to provide a copy of the Hokitika stop bank modelling report, however once again this is a Council document.

2.6 **Item f.**

Stuart Challenger's estimations about flood depths resulting from the potential displacement of flood waters by the raised Hokitika stop bank are based on Matthew Gardiner's report. Again, as with (a) this can be elaborated on once the requests for additional information has been concluded.

3. The Applicant again requests copies of the communications between the Commissioner and Council staff and agents. The hearing is still open and in the interests of a fair and open process, the applicant should have the opportunity to see and respond to comments from these other parties, a refusal to "*consider any further discourse*" is not appropriate in the circumstances.



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NA McFadden  
Counsel for Forest Habitats Limited

12 December 2024