

Our Ref: RC140061 & 140062
Contact: Rebecca Beaumont

WESTLAND
DISTRICT COUNCIL



6 October 2014

MTP Ltd
C/- Town Planning Group Ltd
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Dear Sir / Madam,

Resource Consent Number 140061 & 140062: Non-Complying Subdivision and Land Use: MTP Ltd: Haast – Jackson Bay Road.

I advise that the following decision has been made under delegated authority in respect of the above application.

Decision:

Pursuant to Section 104B & D of the Resource Management Act 1991, subdivision and land use consent is granted to **MTP Limited** for the subdivision and land use activity as hereunder described:

To subdivide Lots 3 & 4 DP 3034 at Haast – Jackson Bay Road into twenty allotments at Haast-Jackson Bay Road, Okuru. 18 allotments, between 1004 and 3625m² in area, to be used for residential purposes, an access lot and a balance lot as submitted in an application and plans received 26 August 2014.

To use land, described as Lots 1- 18 of the subdivision of Lots 3 & 4 DP 3034, for residential purposes, including the erection of a dwelling and ancillary buildings within 150 metres of the MHWS, as submitted in the application received 26th August 2014.

Conditions:

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Pursuant to Section 220 of the Resource Management Act 1991, this Resource Consent includes the following conditions:

1. The subdivision is to proceed in accordance with and described more fully in the application and plans received the 26th August 2014 and as shown on the plans attached and marked '**B**'.
2. Lot 19 and Lot 100 shall be held as undivided shares by the owners of Lots 1-18.

3. The proposed access to Lot 100 is to be upgraded, formed and sealed in accordance with the Westland District Council Code of Practice for Engineering Works.
4. No work is to commence on the formation of the access onto the site until the location, plans and specifications have been approved by Westland District Council.
5. Prior to the issue of section 224 certificate, landscaping shall be undertaken in general accordance with the Site Landscape plan submitted with the application and attached and marked 'C'. Should any departures from this plan be made, the consent holder shall submit an amended landscape plan to the Council for approval.
6. The consent notice on Lots 3 and 4 DP 3034 shall carry down onto the newly created allotments.
7. Any dwelling shall have a minimum floor height of 0.3 metres above finished ground level in accordance with the hazard report from B F Whitham Ltd, submitted as part of the application.
8. Buildings shall not exceed a height of 7 metres above finished ground level.
9. Buildings shall cover no more than 40% of the site
10. At the time of application for building consent on each allotment, the type of on-site wastewater systems and size and location of disposal field shall be specified by a suitably qualified engineer as being appropriate for the site. In determining the size and location of the disposal field consideration shall be given to:
 - a. Soil types
 - b. Percolation rates
 - c. Groundwater levels
11. Conditions 7-10 shall be protected by way of a consent notice pursuant to the provisions of Section 221 of the Resource Management Act 1991 and all costs associated with the registration of the consent notice are to be met by the Consent Holder.
12. The additional allotments created for residential purposes is assessed to be valued in excess of \$52,250. Accordingly, a contribution towards recreation facilities of \$3000 (GST inclusive) is payable on each new title created. The total contribution for the eighteen allotments required is \$48000.
13. Certification shall be provided at the time of Section 224 certification, that there is adequate capacity to install a connection to telecommunications to any of the allotments when required in the future. This certification shall be provided from the appropriate network utility operator.

14. That in the event of any discovery or disturbance of any cultural material, which includes oven stones, charcoal, shells, ditches, banks, pits, and artefacts of Maori or European origin or burials being made; or in the event of any disturbance of Koiwi tangata (human bones) or artefacts (taonga), pounamu, both worked and in a natural state or other cultural material on Lots 1-18; and 100 the following protocol shall be followed by any person acting on behalf of the Consent Holder or any land owner:
 - i) Cease any further excavation or modification of the land until appropriate clearances have been granted by the New Zealand Historic Places Trust;
 - ii) Immediately advise the Westland District Council and the Historic Places Trust of the disturbance;
 - iii) Immediately advise the Office of Te Runanga O Makaawhio of the discovery.
15. The consent holder shall meet all costs associated with monitoring procedures undertaken by the Westland District Council, or its agents, to establish compliance with conditions of this consent.
16. Pursuant to Section 125 of the Resource Management Act 1991, this resource consent will lapse on **6th October 2019** if the consent is not exercised before the end of this period. However, this period can be extended under the Resource Management Act 1991 upon application to the Consent Authority.

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Pursuant to Section 108 of the Resource Management Act 1991, this Resource Consent includes the following conditions:

1. The land use is to proceed generally in accordance with and described more fully in an application and plans received the 26th August 2014.
2. The bulk and location of any buildings shall be in accordance with Table 5.7 (Permitted and Controlled Activities) of the Westland District Plan.
3. Telephone and power supplies are to be underground unless inconsistent with supplier requirements.
4. Sewerage effluent is to be disposed of in accordance with the provisions of AS/NZS1546.1:2008 'On-site Domestic Waste Water Treatment Units' and AS/NZS1547:2000 'On-site Domestic Waste Water Management'.
5. Landscaping shall be undertaken and maintained in general accordance with the Site Landscape Plan attached and marked 'C' or any subsequent plan approved by the Council.
6. The consent holder shall meet all costs associated with monitoring procedures undertaken by the Westland District Council, or its agents, to establish compliance with conditions of this consent.

7. Pursuant to Section 125 of the Resource Management Act 1991, this resource consent will lapse on **6th October 2019** if the consent is not exercised before the end of this period. However, this period can be extended under the Resource Management Act 1991 upon application to the Consent Authority.

Notes to the Consents:

1. This resource consent does not, in itself, provide for the erection or alteration 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.
2. 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.
3. It is possible that archaeological sites may be affected by the proposed work. 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 Maori and European origin or human burials. The applicant is advised to contact the Heritage New Zealand if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consent process under the Historic Places Act 1993. The Historic Places Act 1993 contains penalties for unauthorised site damage.

Reasons for Decision:

The Consent Authority accepts that the conditions imposed on the subdivision and associated land use will adequately mitigate the adverse environmental effects. The Council has considered the existing modified nature of the site, and its location immediately adjoining the Okuru settlement. The existing environment of unimplemented subdivision and land use consents, along with consents issued from the West Coast Regional Council for a larger scale development and protection works on site has been considered as part of this decision. It is considered that subject to the conditions imposed, the subdivision and land use will not be contrary to the objectives and policies of the Westland District Plan and the threshold tests for non-complying activities has therefore been met.

The Consent Authority has considered the application under the relevant provisions of the Westland District Plan, including the objectives and policies relating to infrastructure and services, the Maori perspective, the natural environment, the land resource, landscape, the coastal environment, natural hazards, heritage and amenity. Consideration has also been given to the relative sections of the Resource Management Act 1991, the New Zealand Coastal Policy Statement and the West Coast Regional Council Policy Statement. This proposal has not been found to be inconsistent with any matters in these documents.

Objection to the Consent Authority

You are advised that you have the right of objection to the Consent Authority in respect of this decision, pursuant to Section 357A of the Resource Management Act 1991. Any objection is to be in writing and must set out the reasons for the objection. Any objection must be made within 15 working days of receipt of this decision. The Consent Authority will then consider the objection and give its decision in writing. Any person who made an objection may appeal to the Environment Court against the Consent Authority's decision on the objection, pursuant to Section 358.

Pursuant to Section 120 of the Resource Management Act 1991, you have the right of appeal directly to the Environment Court against the whole or any part of this decision. Notice of appeal shall be in the prescribed form and must be lodged with the Environment Court and served on the Council within 15 working days of receipt of the Council's decision.

Sincerely,



Rebecca Beaumont
District Planner