



17 March 2022

Christine Foster  
21 Ashton Fitchett Drive  
Brooklyn  
Wellington 6021

By email: [christine@cfconsulting.co.nz](mailto:christine@cfconsulting.co.nz)

Dear Christine

**RESOURCE CONSENT APPLICATION: Subdivision Consent at 62 Punawaitai Road RM220003**

I write this letter in relation to the resource consent application for 62 Punawaitai Rd, Pouherehere. The purpose of this letter is to outline the further information sought in relation to processing this application.

Section 92(1) Resource Management Act 1991

Pursuant to Section 92 (1) of the Resource Management Act 1991 the following further information relating to the application is requested:

*Understanding of Existing Environment (as consented)*

1. Stages A; Stage 1 or Stage 2 have been consented and work has commenced in part. Please advise the extent of changes (if any) which may have occurred to the design in comparison to what has been granted resource consent.
2. Please identify whether or not any of the proposed allotment in Stage A; Stage 1 or Stage 2; and subject to a sale and purchase agreement.

Note: The purpose of requesting this information is to understand whether there are any further parties the Council must consider with respect to the actual or potential effects of Stage 3 of this subdivision.

*Servicing*

3. The existing gully shown in Figure 3 of the Infrastructure Report is relatively shallow at the northern end of the development. Please confirm whether consideration has been given to the catchment to this gully and associated flow depths and whether flows are contained or if there is any potential for overland flow through the proposed development.

Note: Council's Engineering Advisors note that an assessment, similar to that for the stream around the eastern side of the development would address these concerns. If flows are not

contained then bunding or shaping along the boundary maybe required to be incorporated such that flows are contained within the gully.

4. Please provide details on what it proposed within the shared stormwater drainage elements and how these are to be maintained to ensure their effective function. The AEE notes that the roadside swale drains will be planted but the engineering report notes that these will be unmown grass.
5. Please clarify how shared infrastructure, such as culverts, pipe outlets and the detention basin will be maintained to ensure its effective/functional operation on an ongoing basis.
6. Please advise whether any consultation has occurred with Fire and Emergency New Zealand (FENZ) and, if so, the outcome of this consultation including any expected fire-fighting arrangements or requirements.
7. Please provide a report from a suitably qualified and experienced expert in wastewater management to:
  - a. outline how on-site allocations (areas) for typical expected building developments for wastewater treatment/disposal and stormwater management will be provided on each allotment to ensure that the lots can be appropriately serviced for onsite stormwater and effluent disposal. This should be based on the soil types and recommendations in the Geotechnical report; and, have regard to the location of buildings in compliance with the District Plan performance standards. At a minimum, this should be provided for Lots 4, 16, 34, 41, 39, 45, but should include any other lots necessary for consideration.
  - b. Outline any limitations or restrictions (if any) which should apply to any of the proposed allotment with respect to the discharge of on-site wastewater. and,
  - c. provide an assessment of the actual or potential cumulative effects of on-site effluent disposal which may result from the proposed subdivision, in context with other previous stages (Stages A, 1 and 2).
8. Please provide an assessment as an addendum in the Engineering Report which considers the increase in runoff (if any) or the implication of the change resulting from the removal of the turning head at the end of stage 2. The proposal includes an additional length of access road to the boundary of stage 3 development with an associated increase in impervious area that would be directed down the stage 2 roadside drains.
9. Lot 15 is identified for the stormwater detention and treatment. Please explain the extent of treatment provided.

Note: Policy 9.2.2(6) is to “ensure disposal in a manner which maintains and enhances the quality of surface and ground water”.

*Written Approval provided with application*

10. In Appendix 9 of the application, written approval has been provided by trustees of the Pourerere Hapu. This is in the form of a scheme plan signed and does not follow Form 8A of the RMA. Please provide the following:
- a. Confirmation of the date upon which it is signed as this is unclear on the documentation;
  - b. Further details of the signatory and the consultation undertaken, including whether a full copy of the application was provided when obtaining the written approval;
  - c. whether they provide their written approval as an individual and/or on behalf of the Pourerere Hapu;
  - d. their position or denomination for the Pourerere Hapu and whether position is current; and,
  - e. any relevant details which may assist in clarifying whether the signatory has the appropriate authority to sign on behalf of the Pourerere Hapu.

Please note: The purpose of this is to fully understand the extent to which the written approval may be provided; and, if accepted as a written approval, whom the effects should be disregarded under Section 95E.

*Cultural Values Assessment*

11. Please provide a Cultural Values Assessment in relation to the proposal. This should be informed by a written assessment from an appropriate person to inform the assessment of the actual or potential effects of the proposal.

*Statutory Framework*

12. Please clarify whether the subject site is located within the “coastal environment” as per the New Zealand Coastal Policy Statement (NZCPS). If the proposal is within the coastal environment, please provide a detailed assessment of the proposal against the objectives and policies of the NZCPS.
13. Please consider and, if relevant assess, the provisions of the National Policy Statement for Freshwater Management. Please confirm whether portion of the site may be considered to be a wetland under the NPS-FM.

*Proposed use of Lot 22*

14. The application details that Lot 22 to be divided into paddocks (or developed for residential purposes). If the lot is to be divided into paddocks, please outline how this will be divided (presumably through fencing) and how access will be provided to each paddock. Please outline whether any restrictions on fencing or particular uses are proposed or may be considered to be appropriate to mitigate potential adverse visual effects.

*Body Corporate and ongoing maintenance*

15. Paragraphs 4.1.5 and 4.1.6 of the AEE refer to the establishment of an Incorporated Society to “control and manage” the communal facilities (Lot 15: Stormwater Detention and Treatment; Lots 18, 51 and 52: communal space; and, rights of way areas). Please clarify this statement so that the Council can fully understand what is intended by the statement “control and manage”. Please outline any consent conditions offered by the applicant in this regard

*Permitted Baseline and Controlled Activity Subdivision*

16. Paragraph 6.1.5 of the AEE refers to the District Plan permitting 48 dwellings (or more); and, that a certificate of compliance would be obtained for 40 dwellings. To assist in understanding the permitted baseline assessment provided in Section 6.1 of the AEE, please explain, with supporting reasons, whether you consider a credible/non-fanciful permitted baseline would consist of a residential development which involves 48 residential dwellings on one land parcel zoned for Rural purposes.

Note: Section 6.1 of the AEE refers to “Effects permitted by the District Plan”. The AEE accepts there is no permitted baseline for subdivision that may be used to “disregard adverse effects”. However, the application of a permitted baseline is a discretion. Whilst certain activities may be permitted activities under the District Plan, the application of a permitted baseline may not be appropriate if: it is fanciful; is inconsistent with the objectives and policies of District Plan, or Part 2 of the Act. I also note that a retirement village would not be permitted under the Central Hawke’s Bay District Plan.

17. Paragraph 6.1.6 refers to the subdivision of the site for 40 residential allotments as a Controlled Activity. This is used to compare the proposal to a subdivision of a similar density to that of the proposal. The AEE acknowledges that this subdivision is not expressly permitted by the District Plan. Section 1.0.4 of the AEE refers to the reasons for resource consent, which includes both the 4000m<sup>2</sup> minimum lot size; and, that private vehicle access is proposed rather than via a public road (Performance Standard 9.9.4(g) and 9.9.4(i)). It appears as through this performance standard will not be complied with. Please confirm whether you wish to revise the assessment provided in Paragraph 6.1.6 of the AEE; and, the assessment on Section 8.2.4 of the AEE.

*Landscape Assessment*

18. Following the receipt of the Cultural Impacts Assessment, please provide an updated landscape assessment and addendum which considers whether this alters the conclusions or recommendations of Mr Hudson’s report.
19. Mr Hudson’s outlines that the effects of the proposed includes an assessment of the mitigation measures mentioned in this report. Mr Hudson notes that effects are limited by the proposed

colour and reflectivity scheme; and, the height restrictions of the building. Please clarify what height restriction Mr Hudson recommends (if any).

*Proposed Conditions*

20. Please clarify what, if any, proposed consent condition the applicant wishes to offer, having regard to (but not necessarily limited to) those matters detailed in the accompanying expert reports.

Please note that pursuant to Section 92A (1) of the Resource Management Act 1991 you are required within 15 working days of this letter to take one of the following options:

- a) Provide the information; or
- b) Inform Council in writing that you agree to provide the information; or
- c) Inform Council in writing that you refuse to provide the information.

If you fail to respond within the time limit, or refuse to provide the information requested, Council must:

- Process the application on a publicly notified basis pursuant to Sec95c (2); and
- Consider the application under Section 104 of the Resource Management Act.

Yours faithfully



Ryan O'Leary  
Consultant Planner for Central Hawke's Bay District Council