

18 August 2022

Central Hawkes Bay District Council  
 C/- The Property Group

E-mail: roleary@propertygroup.co.nz

Attention: Ryan O'Leary

**RM 220003: Paonui Point – Response to Further Information Request**

- We have compiled responses to the questions in the Council’s Further Information Request (FIR) dated 17 March 2022. Please see below a summary of our client’s response with references to relevant supporting documents:

Request #	Response
1	<p>The only change is the removal of the turning head when progressed to stage 3. This amendment has been addressed in the s 224 application that was submitted to Council on 22 March 2022. For a further explanation, please refer to the following documents <b>enclosed</b>:</p> <p>A. Section 224 application;</p> <p>B. Evidence in support of the application for s 224 certificate (project reference 14668) dated 21 March 2022;</p> <p>C. Section 224 certificate; and</p> <p>D. Title Plan – DP 571994.</p>
2	<p>The lots in stages 1 and 2 of the subdivision (RM 180160) have been sold except for lots 2, 6, 7, 8, 14, 15 and 17. Lots 2, 6, 8, 14, 15 and 17 are all owned by Paoanui Point Limited (a company owned by the applicant). Lot 7 is jointly owned in shares by the owners of the other lots (including Paoanui Point Limited). The owners of all lots have given written approval to this application under s 104(3) of the RMA.</p> <p>See letter from Gascoigne Wicks <b>enclosed</b> entitled “RM 220003 — Response to Questions 2, 15 and 16 of Further Information Request”.</p>
3	<p>The existing gully in Figure 3 of the Infrastructure Report has adequate capacity. We refer to the <b>enclosed</b> letter from Fraser Thomas Engineers;</p>
4	<p>The roadside swales will be planted with unmown grass and selected specimen trees as required. The planting design, installation and maintenance plan will be prepared by a landscape architect. The swales will be managed by an Incorporated Society.</p> <p>See further the <b>enclosed</b> letter from Fraser Thomas Engineers.</p>

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5	<p>The shared infrastructure will be managed by an Incorporated Society. A detailed Operation and Maintenance Plan will be provided to Council as part of the Engineering Plan Approval later.</p> <p>See further the <b>enclosed</b> letter from Fraser Thomas Engineers.</p>
6	<p>See the <b>enclosed</b> letter from Fraser Thomas Engineers.</p>
7	<p>See the <b>enclosed</b> letter and report from Fraser Thomas Engineers which includes an assessment of environmental effects.</p>
8	<p>The additional length of the access road at the Stage 2 boundary has minor effects on the stormwater system in Stage 1. From the asbuilt record, the road swales and culverts have sufficient capacity to cater for the additional runoff.</p> <p>See further the <b>enclosed</b> letter from Fraser Thomas Engineers.</p>
9	<p>The primary function of the stormwater detention basin in Lot 15 is to attenuate the peak flows, though it also provides some treatment. Stormwater treatment for the shared access road is provided via the road swales which were designed to Hawke's Bay Waterway Guidelines and Auckland Council GD01 specifications.</p> <p>See further the <b>enclosed</b> letter and report from Fraser Thomas Engineers.</p>
10	<p>We <b>enclose</b> two written approvals in relation to this application which were granted on behalf of Pourere Hapu Trust:</p> <p>A. Written approvals granted dated 14 May 2021; and</p> <p>B. Written approvals granted dated 16 August 2021.</p> <p>Jillian Munro (the Trust Chairperson) and James Kendrick, on behalf of the Trust, provided the written approvals on 14 May 2021. These written approvals were given for an earlier version of the proposed stage 3 subdivision which differs slightly from the version of the plan lodged with the application.</p> <p>Ms Munro also provided the written approval on the as-lodged version of the plan on 16 August 2021. Our understanding is that Ms Munro was the Chairperson of the Trust at the time the written approvals were signed. This is confirmed in the written approval dated 14 May 2021.</p>
11	<p>As signalled in discussions with Ryan O'Leary and Council staff, Mr Bridge has been engaging with representatives of the Heretaunga Ngāi Tamatea Collective, Kairakau Lands Trust, Pourerere Hapū Trust and other local hapū. A hui was held in the first week of June and a further hui was held with the Kairakau Lands Trust on 11 June 2022. Mr Bridge has agreed to commission a Cultural Impact Assessment (CIA) and the details of who is to prepare this are currently being finalised. A copy of the assessment will be provided as soon as it becomes available.</p>
12	<p>The application acknowledges that the site is within the coastal environment. The Landscape and Natural Character Assessment contained in Appendix 5 of the application acknowledges that the site is within the coastal environment and considers the relevant provisions of the New Zealand Coastal Policy Statement in relation to natural character, natural features and natural landscape. Please refer to the <b>enclosed</b> analysis of the New Zealand Coastal Policy Statement.</p>

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13	<p>The applicant has commissioned a specialist assessment which has concluded that there are no natural wetlands affected by the proposed subdivision. Please refer to the following documents that are <b>enclosed</b>:</p> <ul style="list-style-type: none"> <li>A. Punawaitai Road s92 Request Response to Item 13;</li> <li>B. Letter to HBRC from Nicholas Singers dated 26 March 2021;</li> <li>C. Wetlands- Inventory Information;</li> <li>D. 25 Punawaitai Road Wetland Inventory (HRBC natural wetland).</li> </ul>
14	<p>The Lot 22 is intended to be subdivided into 5 paddocks. A residential building restriction covenant will be put in place on these 5 paddocks. If these paddocks are leased to other residents to house horses, access by farm laneway is intended to be granted.</p>
15	<p>The communal facilities will be owned in shares in common by the owners of subdivision lots. Each lot will have a land covenant requiring them to be members of the incorporated society. The Society will have rules to manage and control communal facilities. The owners will comply with the Society's rules.</p> <p>See letter from Gascoigne Wicks <b>enclosed</b> entitled "RM 220003 — Response to Questions 2, 15 and 16 of Further Information Request".</p>
16	<p>It is not fanciful or incredible to develop 48 residential dwellings on a single land parcel at this location on the basis of the <i>Carrington Farms</i> cases.</p> <p>See letter from Gascoigne Wicks <b>enclosed</b> entitled "RM 220003 — Response to Questions 2, 15 and 16 of Further Information Request".</p>
17	<p>There is no need to revise paragraphs 6.1.6 or 8.2.4 of the AEE. The relevant consideration is whether a non-fanciful development of similar density could proceed under the rules of the plan, not whether the proposal applied complies with the 'permitted baseline'. The relevant consideration has been discussed in our response to the Council's question 16 above.</p> <p>See letter from Gascoigne Wicks <b>enclosed</b> entitled "RM 220003 — Response to Questions 2, 15 and 16 of Further Information Request".</p>
18	<p>The landscape assessment is undertaken independently of the CIA, considering different values. Any effects or potential effects are unknown until the Cultural Impact Assessment has become available. If there are any matters in the CIA that bear on the landscape assessment, appropriate adjustments or addenda to the landscape assessment will be prepared.</p>
19	<p>The applicant requests the equivalent of the proposed Large Lot Residential height and setback standards are applied to future development via a consent notice. The 8m height is consistent with Mr Hudson's assessment and these lots will be less visible than the other restrictions on materials or colours. The bulk of the buildings are not necessary to mitigate the visual effects of future development on these lots.</p>
20	<p>The applicant will compile a set of draft conditions but it has occurred to us that it would be prudent to await the CIA, to ensure all issues are appropriately addressed.</p>

**Revised Scheme Plan**

2. Following the compiling of the above responses, the applicant has revised the proposed scheme plan for this subdivision. We do not consider there to be any material changes to the scheme plan but are noting it now so that the consent sought is clear.
3. Please find enclosed:
  - a. The revised scheme plans;
  - b. An updated landscape assessment from John Hudson which refers to the revised scheme plans;
  - c. An updated report from Robert Loomes which refers to the revised scheme plans;
  - d. An update to the AEE from Christine Foster to reflect the revised scheme plan.
4. We consider that the application must now be publicly notified.

Yours faithfully

**GASCOIGNE WICKS**



**Josh Marshall | Sophia Kim | Quentin Davies**

Staff Solicitor | Staff Solicitor | Partner

**Email** | [jmarshall@gwlaw.co.nz](mailto:jmarshall@gwlaw.co.nz) | [sjekim@gwlaw.co.nz](mailto:sjekim@gwlaw.co.nz) | [qdavies@gwlaw.co.nz](mailto:qdavies@gwlaw.co.nz)