



18 September 2023

SR & BJ Williams Charitable Trust  
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Delivered via email: Philip.McKay@mitchelldaysh.co.nz

Dear Phil,

**RESOURCE CONSENT APPLICATION: Subdivision Consent RM230016  
Corner Williams and Mangakuri Road, Elsthorpe**

Section 92(1) Resource Management Act 1991

We have undertaken a review of the information submitted on 23 February and 15 August 2023. Pursuant to Section 92(1) of the Resource Management Act 1991 the following further information relating to the application is requested:

**Geotechnical**

The revised Geotechnical Report submitted on 15 August has been peer reviewed by Geotechnical Engineers at Stantec. A copy of this review is attached. The review considers that the identification and assessment of risk to each lot is robust and the slope stability assessments demonstrate that each slope in the vicinity of the building platforms meets the NZ Building Code, MBIE, Module 6.

However, there is concern that residual risk levels have not been addressed. Table 1 of the report assesses the initial risk for each Lot to be 'moderate' or 'high' for both land instability and expansive soils. Section 3 of the report discusses Geohazard risks in the context of Section 106 of the RMA and explains that "moderate risk is defined as being possible to occur during the design life". Advice from Stantec is that the risk rating needs to be 'low' in order to satisfy section 106 of the RMA.

We copy below a commonly adopted risk criteria and a residual risk assessment which was provided in the RDCL Geotechnical Report for the 2 lot subdivision, RM220210 (Lots 7 and 10 of RM230016), dated 27 March 2023. Our concern for these lots (that are proposed under both applications) is that the risk remains at moderate, despite the mitigations proposed.

1. Please provide a risk assessment that confirms that with the mitigations proposed, the geohazard risks are reduced from high, or moderate to 'low' for all lots. If this is not able to be provided, please outline the reasons for how an alternative risk rating (other than low) is deemed acceptable under s106 of the RMA.

TABLE 13: RISK CRITERIA

		Potential Consequence				
		Low (e.g. No Treatment Required)	Minor (e.g. First Aid)	Moderate (e.g. Hospitalisation Short or Long Term disability)	Major (e.g. Permanent disability)	Catastrophic (e.g. fatal)
Likelihood	Extremely unlikely	Low 1	Low 2	Low 3	Medium 4	Medium 5
	Unlikely needs multiple failures of system & controls	Low 2	Medium 4	Medium 6	Medium 8	High 10
	Less than average, considered unlikely	Low 3	Medium 6	Medium 9	High 12	High 15
	Above average / Likely	Medium 4	Medium 8	High 12	High 16	Extreme 20
	Likely and known to have occurred in industry	Medium 5	High 10	High 15	Extreme 20	Extreme 25

Hazard	Initial risk				Mitigation	Residual Risk			
	Likelihood	Consequence	Initial risk			Likelihood	Consequence	Residual Risk	
Liquefaction Susceptibility	1	4	3	Unlikely	Material composition and qualitative liquefaction assessment	1	3	3	Unlikely
<b>Lot 2 Risk Assessment</b>									
Expansive Soils	4	4	16	High	Site won fill to be tested for expansive clays. Expansive soil modifications and additives.	2	4	8	Moderate
Land Instability	3	4	12	High	Stability assessment Reduction of slopes at building platform	1	4	4	Moderate
Tsunami Risk	0	4	0	Unlikely	NA	0	4	0	Unlikely
Flood Risk	0	3	0	Unlikely	NA	0	4	0	Unlikely
Active Faults	1	3	3	Low	Desktop study and site testing	1	3	3	Low
Liquefaction Susceptibility	1	4	3	Unlikely	Material composition and qualitative liquefaction assessment	1	3	3	Unlikely

193850602C\_Lot 1 & 2



Figure 1: Risk criteria and residual risk assessment table from RDCL Geotechnical Report the 2 lot subdivision, RM220210

## Transportation

The Transport Assessment Report provided with the application submitted 23 February was peer reviewed by the Transportation Engineering Team at Stantec. A copy of this review is included with this letter and provides further context to the following further information requested:

### Traffic Effects

2. Please have a transportation expert confirm that there is no need for any improvements to Williams Road to safely accommodate the additional traffic and the higher incidence of two-way movement, for example; localised widening on curves, passing bays, additional sealing, line marking, signage, changes in speed limit or traffic calming measures.

### Active Modes

3. Please provide a plan of the proposed walkway path network and confirm how this will be formed and maintained on an ongoing basis.

### Proposed District Plan (PDP)

4. Please provide an assessment of available sight distances against the PDP transport standard TRANS8.
5. Please confirm extent of any earthworks necessary to meet sight distance requirements.
5. Please confirm whether a 5 metre long approach platform with a gradient of less than 5 percent will be provided on each right of way where they meet the frontage road. If not, please confirm what approach/gradients will be provided with appropriate diagrams to demonstrate this, as necessary.

### Speed Limits

6. Please identify a potential future extent of the low speed zone and appropriate measures to encourage low speeds on Williams Road.

### Emergency Vehicle Access

7. Please advise whether a medium length truck can turn without leaving the carriageway for ROW 2. If this is proposed, please update the ROW2 / Okura Road crossing design.
8. Please confirm whether the carriageway widths are sufficient to accommodate a medium length rigid truck. If so, please update all vehicle tracking and confirm this.

## **3 Waters**

The Engineering and Infrastructure Report provided with the application submitted 23 February was peer reviewed by Stantec. The following table includes comments and recommended actions.

9. Please provide comment on the following:

Comment	Recommended Action
<p>a) Calculations have used a Horton roughness value for overland flow roughness, and this is expected to potentially overestimate the time of concentration for assessing pre and post peak flow mitigation storage volumes, which is conservative and acceptable for demonstrating mitigation measures. However peak flow designs for culverts, channels and overflows should consider a shorter time of concentration based on the Mannings roughness values in the E1 building code verification method.</p>	<p>Include comment in consent conditions for the engineering design drawings and calculations submitted for Engineering Approval to:</p> <p><i>Time of concentration for design of culverts, channels and overflows shall be based on the time of concentration calculated in accordance with the method detailed in NZBC E1/VM1 Section 2.</i></p>
<p>b) Detention calculations have used a simplified spreadsheet approach with assumptions. This may underestimate required detention volumes when using a hydrograph and routing the flows through the ponds with the proposed outlet control mechanism.</p> <p>Also, detention storage assessments have considered 2-year and 100-year ARI events. In accordance with the HBRC Waterway guidelines consideration of the 10-year event should also be made to confirm that this has not increased with the development.</p>	<p>Include comment in consent conditions for the engineering design drawings and calculations submitted for Engineering Approval to:</p> <p><i>The development shall mitigate stormwater runoff to pre-development rates in accordance with the HBRC Waterway Guidelines for the 2-year and 10-year ARI events and less than 80% of the 100-year event. The required detention volumes and outlet details shall be confirmed through pond routing using a flow routing programme for a range of storm durations. (Ponds should drain within an acceptable period in accordance with the HBRC waterway guidelines).</i></p>
<p>c) Detention calculations have used future climate rainfall intensity (estimated in the years 2081-2100) for assessment of pre-development runoff. Whilst this is not specifically identified in the HBRC Waterway guidelines, the more common approach is to use the historic rainfall intensity for pre-development and the future climate for post-development.</p>	<p>Noted for consideration by CHBDC going forward, but no action recommended for this consent application.</p>
<p>d) An existing farm pond is proposed to be modified to provide detention storage for the development. The integrity of the pond embankment has not been addressed but should be assessed as part of the engineering design with confirmation of the modification works to the embankment and outlets.</p>	<p>Include comment in consent conditions for the engineering design drawings and calculations submitted for Engineering Approval to:</p> <p><i>Integrity of the existing pond shall be assessed by a geotechnical engineer as being satisfactory for use as a detention storage, including any remedial works to be carried out as part of the modifications to the pond.</i></p>
<p>e) Building developments, at the building consent phase will need to assess the required detention storage in relation to the engineering report limitations and assumed water tank sizes and diameters. The consent notice will need to be clear on the requirements and where engineering assessment is required for a building development</p>	<p>Include consent notice for requiring detention storage to be installed with the building development, and maintained in operating condition to the required volumes, including clearing of outlets and inlet screens.</p> <p>Include minimum detention storage volumes and outlet restriction orifice</p>

## Planning

We note the AEE submitted on the 15 August 2023 provided an assessment in accordance with Section 104(1)(b) of the RMA in respect of the provisions of the Proposed District Plan (PDP). Since lodging the application, the Proposed District Plan (Appeals Version) has been released with the provisions now having legal effect. In our view, there has been a substantial policy shift with regard to subdivision in

the General Rural Zone compared to the Operative District Plan. Having regard to a range of factors, including the stage of the PDP (post hearing/decision) and the nature/scope of appeals we consider that greater weight should be given to the PDP.

Key changes relevant under the PDP include new limitations on the creation of lifestyle sites in the General Rural Zone including limiting subdivision to one lifestyle site every three years, with a minimum balance lot of 20ha. All subdivisions within the Coastal Environment are a discretionary activity, with the sensitive nature of the coastal environment reflected in the Coastal Environment Chapter of the PDP.

The above subdivision rules are supported by the following key strategic objectives and policies relating to the rural zones:

***RLR-O2** The primary production role and associated amenity of the District's rural land resource is retained, and is protected from inappropriate subdivision, use and development.*

***RLR-P3** To minimise fragmentation of the District's rural land resource through directing lifestyle subdivision to the Rural Lifestyle Zone and limiting lifestyle subdivision in the General Rural Zone and particularly, in the Rural Production Zone.*

These objectives are not limited to rural productive land. Further explanation is provided here under Principal Reasons:

*"The subdivision of land will be primarily for the purpose of achieving a more efficient outcome for land based primary production around pastoral, cropping or forestry purposes. There may be the need to subdivide off a surplus residential building or provide for those property owners who may wish to subdivide their house from the farm and retire on the property, but these activities need a level of control. The Plan aims to prevent large numbers of small holdings in the rural environment, particularly on the highly productive land within the Rural Production Zone".*

All of the following Anticipated Environmental Results are relevant:

***RLR-AER1** The safeguarding of the District's rural land resource and its life-supporting capacity for current and future generations.*

***RLR-AER2** The area of land available for primary production purposes is not reduced by ad hoc and unplanned development.*

***RLR-AER3** An attractive and economically sustainable rural environment that provides opportunity for a stable rural population.*

***RLR-AER4** Activities in the rural area are predominantly primary production and related activities.*

***RLR-AER5** Maintaining and enhancing rural character and amenity including avoiding reverse sensitivity effects.*

Our interpretation of this section is that the provisions do not solely relate to the protection of productive land and the direction is to consider the rural land resource as a whole. The above strategic direction and reasoning is supported by the following policy in the general rural zone:

***GRUZ-P8** To limit residential and rural lifestyle subdivision that results in fragmentation of the rural land and/or that restricts the use of rural land for productive purposes.*

We are of the opinion that the 'and/or' in this situation does not provide a hierarchy of obligations in relation to rural land over rural land for productive purposes. The overall premise is that rural lifestyle subdivision does not result in further fragmentation of the rural land resource and this applies to both productive land and land that may not be as productive.

The protection of rural amenity is also an important factor in the protection of the rural land resource as expressed in the strategic objective RLR-O2 that states 'The primary production role and associated amenity of the District's rural land resource is retained, and is protected from inappropriate subdivision, use and development'.

With regard to rural amenity, we note the Landscape, Natural Character & Visual Effects Assessment notes that the site is 'well contained as part of the coastal settlement and as such has limited (if any) effects on the surrounding rural landscape'. While this may how it could be perceived once developed, it needs to be noted that the zoning is entirely separate from the large lot residential zone of the coastal settlement adjacent and therefore the rural amenity effects of 'lifestyle development' are not necessarily anticipated by the plan in this location.

Considering the above, please provide:

10. A detailed assessment of all relevant objectives and policies of the PDP, having specific regard to RLR – O2, RLR-P3 and GRUZ-P8.

The processing of your application has been put on hold from the date of this letter and any time taken by you to provide all required information is excluded from any time limits for processing your application. If you have provided all the requested information, then we will consider its adequacy and make a decision on the scope of this. A decision will then be made on whether any parties are considered adversely affected from whom you will need to obtain written approval in order for the proposal to be considered on a non-notified basis, or whether your application requires notification or limited notification.

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.

Please do not hesitate to contact me if you have any queries.

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'K Anstey', with a stylized flourish at the end.

Kim Anstey  
**Consultant Planner**