



16 June 2021

Ruataniwha Street,
PO Box 127, Waipawa 4240
New Zealand

Phone: 06 857 8060
Fax: 06 857 7179

info@chbdc.govt.nz
www.chbdc.govt.nz

Jayson Kaye
Development Nous Limited
PO Box 385
Hastings 4156

By e-mail: jason.kaye@developmentnous.nz

Our Ref: RM210103

Dear Jason

RESOURCE CONSENT APPLICATION: 312 Lot Subdivision, 1080, 1152, & 1200 State Highway 50 and 604 & 612 Wakarara Road, Ongaonga – RM210103

Thank you for submitting the following additional information:

- Further information response dated 5 August 2021;
- Letter titled 'Further Supporting Information' dated 26 August 2021;
- Draft Remediation Action Plan for contaminated soils dated 9 April 2021, but received on 26 August 2021; and
- E-mail dated 9 September 2021 and attaching the revised indicative road section plan (C401) removing the footpaths.

I apologize for the delay in getting back to you on these matters but as you will appreciate there is a significant amount of technical information requiring peer review. I comment on each of these items of correspondence under the corresponding headings below.

S92 Response Assessment and Request to Commission Report (RMA S92(2)(b))

For the most part I am satisfied that the information requested in my s92 request letter dated 3 June 2021 has been provided. Having considered the advice of our engineering peer reviewers and the Hawke's Bay Regional Council ("HBRC") however, I do not consider that the further information response satisfactorily provides the information requested under Item 7, 'Wastewater Effects'. This conclusion has also had regard to the additional information on wastewater disposal provided in your 26 August letter. Your letter points out that nitrogen discharges are not expected to exceed the levels generated by productive uses, such uses are however subject to the rules and standards in the Regional Resource Management Plan applying to the Tukituki Catchment.

Accordingly, it is considered that this aspect of the proposed subdivision has the potential to result in a significant adverse environmental effect but that further expert analysis can verify whether this is the case or whether the effects of nitrogen and pathogens from the cumulative wastewater fields will be no more than minor. For this reason, the Central

Hawke's Bay District Council seeks to commission a report under section 92(2)(b) of the Resource Management Act 1991 (RMA) to assess whether such adverse cumulative effects are likely and if yes what conditions of consent could be applied to mitigate or avoid such effects on the environment. Based on advice from Hawke's Bay Regional Council the report will be commissioned from Pattle Delamore Partners, it is expected to take 10 – 15 working days to complete, and the cost is estimated to be approximately \$10,000 - \$15,000 for such a report.

Request for Additional Further Information Arising from 26 August Letter

Several additional matters have arisen following the meeting of concerned residents and your further supporting information letter dated 26 August 2021. The subheadings used in that letter are referenced below:

Demand on Aquifer

The offer of the consent notice conditions to require potable water storage tanks and for any bore to meet the definition of an efficient ground water take is noted. As this would still however provide the potential for multiple water supply bores to be created if some of the 312 lots take up this option, the potential cumulative effect of water supply within the subdivision competing with existing extractions remains. One way of avoiding this potential cumulative effect would be to offer a consent notice to be applied to each of the proposed lifestyle residential lots preventing any water supply from ground water extraction from that lot. Would the applicant be prepared to offer such a condition?

Firefighting Water Supply

The Council's peer review advice is that consultation occurs with Fire and Emergency New Zealand (FENZ) on the scale of development and necessary arrangements for firefighting including specific considerations that should be made as part of the design. This is to provide certainty that any additional facilities required to mitigate the risk of fire in a development of this nature are provided that may be over and above relying on individual on-site storage tanks and connections in accordance with SNZ PAS 4509:2008. Accordingly, it is requested that advice from FENZ be provided to confirm whether any additional facilities should be required for firefighting over and above the standard individual requirements at the time of individual building consents.

Other Issues – Proposed Street Lighting and Footpath Removal

Street Lighting

Your s92 response letter states that it is proposed to provide street lighting at intersections and for reasons of rural character that there would be no additional street lighting. The Council's traffic peer reviewer has provided the following feedback on this matter:

“For what is essentially a small township of 312 sections of between 0.5Ha to 1.0Ha each there is no streetlighting proposed which is of concern for safety and security for the subdivision as well as the transportation network.”

This is a matter which will need to be decided on by conditions of consent on the subdivision. Please advise if you wish to provide a response from a traffic engineering perspective on the above comments.

Foot Path Removal

Your e-mail dated 9 September 2021 provides an amended plan removing the lime sand foot paths from the road berm. Contrary to the statement in your e-mail it is not Council's preference for the footpaths to be removed, acknowledging that there will be an ongoing maintenance cost for Council. For reasons of public amenity and safety Council's preference is for the subdivision to include footpaths in the road berms and the Council's traffic peer reviewer has advised that lime sand would be an appropriate surface.

Again, this is a matter that will need to be determined by conditions of consent. Please clarify if the applicant retains their position of wanting to remove the footpaths or agrees to retain them in light of the above comments from Council.

Draft Remediation Action Plan

Stantec have provided a technical review of this plan and the review comments are attached to this letter and are provided to assist your expert in meeting the expectations for completing a final Remediation Action Plan following additional testing. I consider that sufficient information has now been provided on this matter and for the resource consent required under the National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health to be processed.

Statutory Requirements

Notification of Decision to Commission Report

Pursuant to Sections 92B(1) of the Resource Management Act 1991 you are required by 7 October 2021 to take one of the following options:

- a) Inform Council in writing that you agree to the commissioning of the report referred to above; or
- b) Inform Council in writing that you refuse to agree to the commissioning of the report.

If you fail to respond within the time limit, or refuse to agree to the commissioning of the report, Council must:

- Process the application on a publicly notified basis pursuant to Section 95C(3); and
- Consider the application under Section 104 of the Resource Management Act.

Request for Additional Further Information

Pursuant to Sections 92A(1) of the Resource Management Act 1991 you are required by 1 October 2021 to take one of the following options:

- c) Provide the information requested under the heading 'Request for Additional Further Information' above; or
- d) Inform Council in writing that you agree to provide the information; or
- e) 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 Section 95C(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



Philip McKay

Associate, Mitchell Daysh Ltd

Email address: philip.mckay@mitchelldaysh.co.nz

Consultant Planner for Central Hawke's Bay District Council