

Contact: Jason Kaye  
Ref: H20210003

05 August 2021

The Chief Executive  
Central Hawke's Bay District Council  
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Dear Phillip,

**RM210103 Resource Consent Application 312 Lot Subdivision – 1080, 1152, 1200 SH 50 and 604, 612 Wakarara Road, Ongaonga**  
**Additional Information to Address Section 92 Request**

Thank you for the opportunity to provide further information to assist in clarifying the proposed subdivision of the land located at the corner of State Highway 50 and Wakarara Road, Ongaonga. This letter seeks to provide the information specified in your s92 request of 03 June 2021.

Accompanying this letter is a revision to the scheme plan introducing an easement over lots 38, 39, 45, 46 and 50 to cater to the controlled realignment of an existing drain through the site and an associated minor reconfiguration of lots 46 and 50 to ensure suitable flexibility for lot development following the drain realignment. The reconfiguration of Lots 46 and 50 has been facilitated by revision to the surrounding lots 44, 45, 47, 48 and 49.

Also accompanying this letter are:

- A revised Engineering Services Master Plan document detailing further site investigations.
- An additional plan detailing the drain realignment and an indication of the ability of lots to readily accommodate reasonably envisaged future development.
- Affected party consent to the application from Waka Kotahi.
- An additional application plan introducing a defined noise buffer setback and a set of planning conditions agreed with Waka Kotahi that now form part of the scope of the application proposal.

## 1 Application details

### 1a. Site owner

Apologies for the confusion. As detailed on the records of title included with the application, the registered owners of the respective lots are:

Record of Title HBG1/1065 Sandra Ellmers Family Trustee Limited

Record of Title HBA2/1134 Ellmers Family Trustee Limited

Record of Title 382377 Ellmers Family Trustee Limited

Sandra Ellmers is the sole shareholder of the Sandra Ellmers Family Trustee Limited and Sandra Ellmers and Garth Ellmers are joint equal shareholders of Ellmers Family Trustee Limited. The address for these site owners is c/o DNL, PO Box 385, Hastings 4156.

The application is submitted in the name of Springhill Farm Holdings, which is the Ellmers' entity that will be utilised to implement the development.

### 1b. Additional resource consents

Pursuant to preliminary discussions with HBRC, we anticipate the stormwater discharge from the development to be classified as a permitted activity, subject to detailing of flow rates. The realignment (diversion) now proposed to the southern overland flowpath will require resource consent triggered due to the related catchment area. The bridging of the main drain will also require consent triggered due to the catchment area. The road crossings are expected to qualify for the specified infrastructure exclusion of the NES FW and the JOAL crossings should meet the permitted activity requirements of the NES FW.

### 1c. Area of Lots 101 - 110

As detailed on the submitted staged scheme plans, the size of the lots omitted from the table are:

Lot 101	Lot 102	Lot 103	Lot 104	Lot 105	Lot 106	Lot 107	Lot 108	Lot 109	Lot 110
0.541ha	0.694ha	0.705ha	0.718ha	0.721ha	0.736ha	0.529ha	0.528ha	0.514ha	0.467ha

The revised lot sizes of the amended lots referenced in the introduction to this letter are:

Lot 44 – 5050m<sup>2</sup>, Lot 45 – 4690m<sup>2</sup>, Lot 46 – 6270m<sup>2</sup>, Lot 47 – 5900m<sup>2</sup>, Lot 48 – 5080m<sup>2</sup>, Lot 49 – 4860m<sup>2</sup> and Lot 50 – 6260m<sup>2</sup>

## 2. Geotechnical Information (farm fill sites)

The fill content of the farm dump will be excavated and exported to a suitable accredited receiving facility. The resulting void will be backfilled with engineered fill. This reinstatement will be certified by both contamination and engineering professionals.

## 3. Transportation

### 3a Waka Kotahi

Affected party consent from Waka Kotahi is enclosed with this letter.

Associated with the affected party consent approval is plan 20210003-NZTA-C100, which is submitted to form part of the application. This plan introduces an annotated development setback from the State Highway 50 corridor with the intention that this will form a noise buffer for future occupiers.

Also associated with the Waka Kotahi affected party consent is revision to the delivery of the offsite highway works associated with forming the State Highway 50 development access intersection and with the State Highway 50 – Wakarara Road intersection works. The specific design of the improvements are to be agreed at the time of detailed design, but it is likely that the left hand turn bay into Wakarara Road originally proposed by the application will revert to a NZTA Type D left in taper (or similar) design.

The following conditions are added to the scope of the application to address the above matters and to secure further NZTA safety and operational requirements:

- 1. Stages 1 to 4 of the development, excluding associated infrastructure, shall proceed in numerical order in accordance with the stages identified in Plan H20210003-C010 (Revision 1). Only Stages 1 and 2 may be developed until such time as the formation of a new intersection with State Highway 50, between Lots 89 and 90 has been completed and is operational.*
- 2. Prior to works occurring within the road reserve for the relevant stage, including formation and improvements of intersections and accesses, the consent holder shall submit to Council a copy of the NZ Transport Agency's approval to undertake works on the State Highway (as detailed in advice notes a - c).*
- 3. Prior to the issuing of certificates pursuant to Section 224(c) of the Resource Management Act 1991 for stages 2 and 4 of the subdivision, the consent holder shall provide to Council, written approval from the NZ Transport Agency confirming that the relevant intersections with State Highway 50, have been constructed to the NZ Transport Agency standards.*
- 4. Preceding the development of Stages 1 and 2, only Stages 3 and 4 may be developed until such a time that improvements to the intersection of State Highway 50 and Wakarara Road have been completed. Upon completion of the intersection improvements, the other stages of the development can be undertaken.*
- 5. The existing vehicle crossings to proposed Lot 26 (CP711) and Lot 129 (CP 708) shall be upgraded in accordance with the NZ Transport Agency's Diagram C standard as outlined in the Planning Policy Manual (2007) and to the satisfaction of the NZ Transport Agency Network Manager.*
- 6. Prior to the issuing of certificates for Lot 26 and Lot 129, pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council, correspondence from the NZ Transport Agency confirming that works in the State Highway, including the upgrading of the existing vehicle crossings, have been constructed to the NZ Transport Agency standards.*

7. Prior to the issuing of certificates for Lots 26 and Lots 129 pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council confirmation that NZ Transport Agency has been advised of the new Records of Title to issue and received the approved survey plan, to facilitate the registration of any new Crossing Place (CP) Notices against those new titles, under Section 91 of the Government Roading Powers Act 1989.

8. Prior to the issuing of certificates pursuant to Section 224(c) of the Resource Management Act 1991 for Stage 1 of the subdivision, the consent holder shall provide to Council, written approval from the NZ Transport Agency confirming that the existing vehicle crossing (farm gate - CP712) located opposite the access for the property at 1231 State Highway 50, has been permanently closed, including reinstatement of any fence line, grassed areas, berm, highway drainage or kerb. Reinstatement works shall be consistent with the adjacent road reserve treatment, to the satisfaction of the NZ Transport Agency Network Manager.

9. Pursuant to Section 221 of the RMA, a consent notice shall be registered on the titles of all new lots located within the effects buffer identified on Plan H20210003-C100 (Revision 1). The consent notice shall state that any new dwellings constructed on these lots and within the effects buffer area must be designed, constructed and maintained to achieve a design noise level of 40 dB L Aeq(24h) inside all habitable spaces within the effects buffer area.

10. Pursuant to Section 221 of the RMA, a consent notice shall be registered on the titles of the following lots which states that direct access to State Highway 50 is prohibited: Stage 1: 20, 21, 22, 23, 24; Stage 2: 89, 90, 92, 93, 94; Stage 3: 73, 74, 75, 76; Stage 4: 12; Stage 8: 113, 114, 115, 116, 117; Stage 10: 130, 131, 132.

For clarity, it is proposed that the above conditions are accompanied by the following Advice Notes:

a) It is a requirement of the Government Roading Powers Act 1989 that any person wanting to carry out works on a state highway first gain the approval of Waka Kotahi NZ Transport Agency for the works and that a Corridor Access Request (CAR) is applied for and subsequently a Work Access Permit issued before any works commence.

b) Detailed design approval will be required prior to the CAR process. In developing the detailed design, the consent holder will need to consult with the Waka Kotahi appointed state highway maintenance contractor for Hawkes Bay (Higgins) and a Waka Kotahi Safety Engineer (Ben Grapes).

c) A CAR is made online via [www.beforeudig.co.nz](http://www.beforeudig.co.nz) and/or [www.submitica.co.nz](http://www.submitica.co.nz). The CAR needs to be submitted at least 15 working days before the planned start of works. A copy should also be sent to the Waka Kotahi NZ Transport Agency environmental planning team at [environmentalplanning@nzta.govt.nz](mailto:environmentalplanning@nzta.govt.nz). The Corridor Access Request will need to include:

- i) The approved detailed design for those works within the state highway corridor.*
- ii) A Construction Traffic Management Plan that has attained approval from the Waka Kotahi appointed state highway maintenance contractor for Hawkes Bay (Higgins).*

### 3b Street lighting

As you reference in the information request letter, the intention is for the development to retain a rural character, consistent with the rural lot sizes proposed. Suburban street lighting is intentionally not included within the development given the inconsistency with the desired character and the form of the subdivision.

The absence of street lighting within the development is consistent with the character of the majority of the rural areas across the district. The road safety of the district's rural roads is not compromised by the absence of street lighting and the majority of the district's rural roads would have a higher speed environment than that envisaged for the development.

To address the specific concern regarding the illumination of road junctions, the detailed engineering design of the development will include street lighting to these points. This is a matter that could be readily secured by way of a planning condition, and we would welcome this approach.

### 3c. Road Connection

Your information request letter advises that the external engineering assessment undertaken for the Council states that "that the number of cul-de-sacs total 18 and that it is general best practice to avoid cul-de-sacs where possible". We note that the engineering assessment has included these points as general comments, framing these as thoughts and not scheme criticism.

The overall road pattern across the development follows a curved horizontal alignment to best support the proposed rural character of the rural subdivision, while purposefully avoiding a suburban grid layout. The JOALS assist in enabling this curved layout, providing access to the areas of the site that the curved road pattern does not penetrate.

JOALS through the centre of the site intentionally prevent connection of adjacent accesses to enforce vehicle use of the wider road circulation pattern, again in the interests of purposefully avoiding a more intensive residential grid road layout and creating a more rural character within the development.

We note that this road and JOAL pattern is entirely consistent with the Central Hawke's Bay District Plan standards, which provide for JOALS serving up to ten rural lots that include residential activities.

The criticism of cul-de-sacs generally relates to suburban accessibility and community inclusion. These principles are not applicable to this rural scale subdivision. While connectivity within a suburban area can improve access to a wider network of roads and pedestrian/cycle routes, minimal accessibility benefits would be achieved through

connection of JOALS within the proposal, as this would not facilitate wider accessibility gains beyond the site. The lots all exceed 4000m<sup>2</sup> and the location of houses within lots, and the relationship to front boundaries, will not be uniform. The use of JOALS will therefore not compromise a uniform residential development pattern or perception of an established and continuous street frontage.

Connection of the noted JOALS (405 and 407, 416 and 417, and 426 and 427) would achieve minimal reductions in the distance to Wakarara Road or State Highway 50 while compromising the rural character of the development. Further, we are sceptical if the connection of these JOALS would be undertaken in a suburban scheme following this layout (at a reduced 1/10<sup>th</sup> scale).

#### 4. Subdivision Design

The proposed subdivision has been amended to better address the southern drain, which generally takes the form of a well-defined overland flowpath. To best manage this drain, it will be intercepted where it enters the site from Lot 1 DP 395788, and directed to the main drain by way of formed swales crossing lots (from west to east) 45 and 46, 50 and 38 and 39. The swale will benefit from necessary easements to CHBDC. The realignment is detailed on the accompanying plan H2021003 Springhill Overland Flow Path Diversion Plan.

With respect to the specified assessment criteria:

##### *2. Subdivision Design*

*b. The provision for and practicality of walkways and cycleways, and the relationship of these to reserves (existing or proposed), access to the waterways, etc.*

The two drains are dry for the majority of the year and in the absence of continuous flow, do not form a traditional stream environment. They do not present an attractive environment or a natural appearance. Forming a walkway or cycleway over the lots adjoining the drains would be similar to forming this over general rural land of a lot.

In the absence of reserve areas, walkways or cycleways alongside these drains would not reach any defined destination. There is also potential for the encouragement of car parking on the side of the State Highway by users of such walkways.

Given the rural development character, large size of the individual lots and the internal road environment, recreational walking needs of the future occupiers can be met through the existing proposed public environment.

The general trigger for the formation of such a walkway is the esplanade provisions of the Act. These provisions are not triggered by this scheme.

The Central Hawke's Bay District Plan Maps identify the waterways where esplanade reserves or esplanade strips will be sought by the Council. The drain passing through the site is not identified for esplanade provision.

*c. The provision for and practicality of using natural stormwater channels and wetland areas.*

The development will utilise the natural stormwater channel of the principal drain and will retain an open swale form for the realigned minor drain. The site does not contain any wetland areas, and the prolonged dry season would compromise the ability to maintain a the flora of a constructed wetland.

#### *6. Stormwater Disposal*

*d. The ability to retain open natural waterway systems for stormwater disposal in preference to piped or canal systems and any adverse impacts on existing waterways.*

As above, the development retains open stormwater channels. While the minor drain is to be diverted through a formed swale, this will retain an open form. The drains will not be adversely affected by the development. Water will be collected from impervious roof areas for domestic use, and surplus and other controlled stormwater within lots will be directed to ground soakage.

*j. For stormwater pipes and open waterway systems, the provision of appropriate easements in favour of either the registered user or in the case of the Council, easements in gross, to be shown on the survey plan for the subdivision, including private connections passing over other land protected by easements in favour of the user.*

Appropriate easements are proposed for the drains.

*m. The need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for stormwater disposal purposes.*

As set out in the accompanying revised Engineering Services Master Plan document, the impacts of increased impervious surface within the application site can be readily mitigated through onsite measures. Accordingly, a local purpose reserve is not necessary to be provided as a public utility for stormwater ponding or other stormwater mitigation.

#### *5. Natural hazard flooding effects*

The site is not known to be subject to a risk of flooding, is not known to have been affected by historic flooding events and does not exhibit signs of a risk of flooding.

##### *5a. Wider catchment*

Section 3.3 of the Engineering Services Master Plan document provides an assessment of the stormwater potential of the wider catchment area.

##### *5b. Development flows*

Post development run off flows are calculated in the Engineering Services Master Plan document and a proposed development surface and swale arrangement are also presented.

## 6. Stormwater

### 6a.(i) On-site soakage design standard

Section 3.1.2.7 of the revised Engineering Services Master Plan document provides a typical sizing calculation for soakage/storage design. The large rural size of the proposed lots ensures that such storage can be readily accommodated on the sites.

### 6a.(ii) Swale maintenance

Section 3.2 and Appendix E of the revised Engineering Services Master Plan provide standard swale maintenance guidance. These are commonly utilised stormwater controls and no specific problems or system vulnerabilities are evident.

## 7. Wastewater

### 7a. 'Simple' 3d groundwater model

A simplified 3d model for the catchment would be of negligible value for assessment given the inherent coarse spatial and temporal discretisation.

The engineering review has described the waterway through the site as a stream, and suggests the requirement for further assessment of groundwater impacts on the basis of concern of groundwater feeding the waterway. As the drain is shallow and the flow is dependent on seasonal events, groundwater interaction is unlikely.

The individual domestic discharges will be subject to the detailed and specific discharge requirements of the Hawke's Bay Regional Resource Management Plan (HBRRMP), which is the correct assessment forum for consideration of wastewater discharge. While the interrogation of cumulative effects is understood, the HBRRMP provides a discharge to area limitation to consider the impacts of cumulative discharge. The specified area to discharge volume ratio provides for the secondary treated domestic discharge of up to 13 persons on even the smallest lot of the subdivision, providing an indication of the regulated capacity of the land to accommodate the required domestic discharge. The total domestic discharge from the site is obviously minor in relation to discharges arising from an alternative dairy farming use of the property.

### 7b. Sample development layouts

Sample layouts of development and related infrastructure on lots within proximity of the southern drains is provided on the southern drain realignment plan. This plan details the lots readily accommodating large houses of 300m<sup>2</sup> with associated 72m<sup>2</sup> garages and two 4m diameter water tanks. The rural sites offer significant flexibility to accommodate built development and required effluent fields.

## 8. Reverse Sensitivity

If Council considers that mitigation of the potential for reverse sensitivity is necessary, a no complaints covenants can be imposed on the lots backing onto the western and



northern site boundaries, adjoining rural activities. Such a covenant would apply to lots 1, 45 – 47, 132 – 136, 138 – 142, 144 – 148, 150, 151, 153 – 166, 168 – 170 and 312.

## 9. Other Matters

The Applicant's intention is to commence development as soon as is possible following the grant of consent. There is no intention to bank the consent.

The fifteen year lapse date is commensurate with the total number of lots and the scale of required enabling infrastructure construction necessary to implement each stage of the development. This recognises the practicalities of physical construction, including the availability of general and specialist contractors and of construction materials. While it is hoped that the development will be completed in less than fifteen years, it will certainly span longer than the standard five year lapse of s125 of the Act, thereby necessitating a longer lapse duration.

The proposed revision to the direction of rural subdivision within the proposed district plan is understood but land development cannot be expected to be placed on hold to wait for the outcome of a district plan review process, especially in the context of an overwhelming housing crisis and shortage of available development land throughout Hawke's Bay.

I trust that the above details and accompanying scheme plan revision, revised Engineering Services Master Plan document, plan detailing drain realignment and individual lot development, plan introducing noise buffer setback, list of conditions relating to highway works and related Waka Kotahi affected party consent provide sufficient detail to address the Council's required clarification. Please contact me to discuss as required.

Yours faithfully

**Development Nous Ltd**



**Jason Kaye**

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