

Fiona Aston Consultancy Ltd

Resource **Management & Planning**

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17th November 2009

Eliot Sinclair & Partners
PO 4597
CHRISTCHURCH

Attn. **CHRISIE SARGENT**

Dear Chrisie

Re: **Hans Bay Subdivision and Land Use Consents - RC090017/18**

Thank you for your letter of 5 November 2009 and accompanying reports (landscape, ecology, geotechnical and wastewater), which address the matters raised in my s92 RFI (Request for Further Information) letter dated 3 June 2009.

I have reviewed the various reports and your letter, which give rise to a few further matters/points of clarification, as set out below.

2m side yard on Eliot Sinclair lot layout diagram (as sent as attachment to email dated 6/11/09)

The Westland District Plan Rural Zone requires a minimum 3m side yard, which can be reduced to 2m as a discretionary activity, with any greater reduction non-complying. There is no side yard in the Small Settlement Zone. However, the application site is zoned Rural.

The amended application form states that the application includes placement of a building on Lots 1-5. It does not actually specify that the buildings will be dwellings, but in s6 Statutory Assessment the AEE states that under Rule 5.6.2.2.B the establishment of a new dwelling is a controlled activity subject to compliance with the standards for a controlled activity. Rule 5.6.2.2B will not be met if 2m side yards are proposed. The application AEE does not include an assessment of the effects of reducing the side yards to 2m

It will either be necessary to amend the application so that it complies with the 3m side yard requirement (eg. by reducing the maximum size of lawns, reducing the number of lots), or to submit a second separate application for this non-compliance. This second application will be assessed under s95 in terms of notification requirements. In this case, the main application will need to be put on hold under s91 until this second application reaches the same stage in the statutory process.

Proposed siting restrictions

The position of the watercourse (towards the south east corner Lot 1) will affect the ability to achieve the mitigation measures intended to ensure retention of planting on each of Lots 1-5 i.e.

6m setback from the right of way and 4m setback from Punga Grove properties. Please can you confirm that the Eliot Sinclair lot layout diagram is feasible for Lot 1.

Certificates of compliance

Thank you for the assessment of the application against the relevant Westland Regional Council Plan rules for wastewater and storm water discharges and earthworks and vegetation clearance.

Please can you submit copies of the certificates of compliance with respect to the above discharges, as soon as they are received from WCRC.

Lot 10

Lot 10 (4653m²) is stated in the application as a "balance area." Your letter of 5 November 2009 states that the subject subdivision is likely to proceed ahead of the RC70104 approved subdivision application which includes creation of 3 residential lots from within Lot 10. It states that the balance area would be appropriate as reserve especially as it has two water courses running through it.

Presumably, the reserve proposal would only proceed if and when RC70104 was implemented. In the interim or in the event that RC70104 is not given effect to, what is the intended use and purpose for balance Lot 10?

Mitigation measures

The Eliot Sinclair lot layout diagram shows a minimum setback from the proposed right of way of 6m whereas the Ecology Assessment recommends a 4m assessment. Please can you advise which figure is correct.

It is not clear to what extent the dwellings (assuming maximum permissible height) will be visible above the intervening vegetation when viewed from Hans Bay Road. The application cannot rely on existing vegetation in the Hans Bay Road Reserve for mitigation purposes, as this could be removed at some stage in the future.

The Ecological Report does not state the height of vegetation within the 6m ROW setback area. It states that the central and eastern parts of Lots 1-5 contain canopy forming secondary growth between 4-6m high and that 1/3rd of the lots show higher diversity characterised by swamp vegetation and riparian vegetation. Presumably this is the area closest to the road reserve to be the vegetation buffer (except for the ROW and driveways). Please can you advise the existing height of this existing vegetation, and the extent to which it will screen the proposed buildings and driveways from Hans Bay Road, assuming the Hans Bay Road Reserve vegetation were removed.

Environmental impact of Interceptor Bund and Drain

The Wastewater Report recommends installation of an interceptor bund and drain across the tops of Lots 5 to 9 to divert surface run off and subsurface seepage from around the land application area, in order to ensure the total water loading is not increased.

Please can you supply details of the likely position and design of the interceptor bund and drain, the extent of any likely vegetation disturbance, and any ecological, landscape or other potential impacts of the structure.

Pursuant to Section 92A(1) of the Resource Management Act 1991, you are required, within 15

working days of this request to either:-

- (a) Provide the information requested above; or
- (b) Tell the Council in a written notice that the applicant agrees to provide the information; or
- (c) Tell the Council in a written notice that the applicant refuses to provide the information.

The above is required to understand the nature of the proposal, and arises as result of the information you have provided in your response to my earlier s92 request.

If you wish to discuss any of the above, please feel free to give me a call.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Fiona Aston', written in a cursive style.

FIONA ASTON
Principal