



16 September 2022

Woodgate Limited
C/- Thomas Planning Ltd
2A Jacobson Lane
Ngaio
Wellington 6035

Via email: paul@thomasplanning.co.nz

Dear Paul

FURTHER INFORMATION REQUEST PURSUANT TO SECTION 92 OF THE RESOURCE MANAGEMENT ACT 1991, WOODGATE LIMITED, 153 PACIFIC DRIVE: LC 7013

I refer to your application for land use consent to undertake earthworks at 153 Pacific Drive, Palmerston North. This application was received by Council on 31 August 2022.

Council officers have assessed your application to ensure we have all the information we require. Pursuant to section 92 of the Resource Management Act 1991, it has been determined that further information is required to fully understand the actual and potential effects of the proposal.

Statutory Information

The below information is requested under 92(1) of the Resource Management Act 1991 and processing of the application will be placed on hold from the statutory day of 16th September 2022.

General

1. Please confirm the intended duration of the earthworks through to completion.
2. Please confirm the proposed hours of operation for undertaking earthworks.
3. Please provide details of proposed traffic movements onto the PNCC roading network throughout the duration of the activity. Page 10 of the application notes that: "Access for earthworks machinery is readily available from Pacific Drive and the existing completed area will be available for storage of plants and associated facilities." While it is assumed that most vehicle movements will occur on the site itself, please confirm what vehicle movements will occur onto Pacific Drive.



Geotechnical

4. Please provide a detailed methodology of how the earthworks are to be undertaken, in particular what measures will be established and followed to ensure that the physical works are carried out so that the finished land has been proven to be suitable for the future intended residential development. Such measures would include, but not be limited to, the following:
 - a. Appointment of a Chartered Professional Engineer (CPENG) that practices in Geotechnical matters or is a Professional Engineering Geologist to design, supervise, monitor and provide certification for the proposed earthworks and associated drainage works.
 - b. Appointment of a CPENG that practices in Geotechnical matters or is a Professional Engineering Geologist to certify the earthworks previously undertaken under consent RM 2553 by way of the following:
 - i. Provision of information on pre-earthworks testing and reporting i.e. the Lendrum Geotechnical report (ref:2043 dated 11 January 2008) for where earthworks has been previous undertaking.
 - ii. Confirmation of removal of unsuitable material where earthworks have been previous undertaking.
 - iii. Proposed drain design and confirmation that subsoil drains have been installed correctly and an as-built (or drawing) of these locations.
 - iv. Testing and description of the fill material being used and any testing that has been undertaken indicating that it is suitable to be used as an engineered fill and the requirements / targets of this testing (such as standard compaction tests in line with NZS 4402 1986 4.1.1 etc.).
 - v. Compaction testing density and verification of the engineered fill material.
 - vi. Provision of completed 4404 Schedule 1A and 4431 Appendix D – Statement of suitability form if this is applicable based on items ii to v. If the fill does not meet the requirements for these, then why not and recommendations should be provided on how to proceed with relation to the existing fill and obtaining resource consent for the proposed earthworks.
 - vii. Further testing in line with Module 2, Table 2.1 of the NZGS Guidelines. The special arrangement of tests should be such that the site is adequately characterised and includes sufficient groundwater information.
 - viii. A geotechnical completion report with the information highlighted within Section 3.1 (of the NZET report) for the cut to fill works beneath the proposed earthworks.
 - ix. Assessment of presence / absence of unsuitable material below the existing fill, which may require investigation.



- c. The provision of full engineering plans which have been designed by a CPENG that practices in Geotechnical matters or is a Professional Engineering Geologist which detail the proposed filling, drainage and monitoring of the physical works;
- d. Proposed ongoing monitoring and testing of the proposed earthworks by a CPENG that practices in Geotechnical matters or is a Professional Engineering Geologist in accordance with the with approved engineering plans;
- e. Monitoring of the settlement of fill by a CPENG that practices in Geotechnical matters or is a Professional Engineering Geologist;
- f. The provision of the final statement of suitability in accordance with NZS 4404:2004 Schedule 2A from a CPENG that practices in Geotechnical matters or is a Professional Engineering Geologist.
- g. An assessment from a CPENG that practices in Geotechnical matters or is a Professional Engineering Geologist of the risk of natural hazards including fault rupture, settlement, liquefaction, slope stability and any other significant hazards, potentially affecting the site.

Stormwater

5. Please confirm whether the proposed earthworks include filling in the area where stormwater is discharged from the upstream urban catchment (Monaco Grove) and the area where that stormwater is being detained (adjacent to entrance to 153 Pacific Drive).
6. If it is the applicant's intention to fill in the area referred to in point 5 above, please provide detail of how stormwater from the upstream urban catchment (Monaco Grove) is to be managed through the application site.
7. Further to points 5 and 6, the application assumes a development agreement will be formalised with Council is the following statement on Page 10 of the application:

"Currently stormwater discharges onto the southern corner of the site from the adjacent Monaco Grove stormwater system which drains an area of approximately 60 dwellings. This water is detained at this point in such a way that the water level is raised above the pipe level. This enables overflow from the detention area to informally drain across land to a gully trap in Pacific Drive. This matter is the subject of further legal action between the landowner and the Council. When the retirement village is constructed it is proposed to integrate the stormwater for the development and connect to the Monaco Grove discharge pipe providing conveyance to the head of Johnson Gully. This will be addressed through a separate resource consent and a Development Agreement."

Council is not aware of any such discussions to formalise a development agreement. Further details of these discussions or provisional agreement to enter into a development agreement are required as this will have a direct bearing on how stormwater is managed across the site.



8. In relation to the matters above, the application makes the further statement (Page 12):

"There is a long litigious history to this matter around the legality of the discharge. A previous agreement to put in place an interim solution linking the discharge by pipe to the stormwater main in Pacific Drive failed because the invert is above the level of the outlet and would therefore have needed to be pumped. The intended long-term solution has always been to pipe this discharge to the head of Johnson Gully when development of the land proceeds. This project will enable this to now be put in place in conjunction with managing stormwater from the retirement village development."

If the underlined text is still the intended long-term solution, please provide detail as to the sequencing of when this is will happen (i.e. is it to be part of this earthworks consent application, or is it the applicant intending to complete these earthworks and then to construct the stormwater pipe separately, as part of the future retirement village proposal). If the conveyance of the upstream stormwater is not part of this application, again please provide detail as to how the stormwater being discharged from upstream is to be managed so as to not result in more than minor effects on the site or any adjoining property.

Earthworks

9. Please provide a draft Earthworks Management Plan (EMP) detailing how the earthworks are to be undertaken, specifically addressing how potential adverse effects from construction (i.e noise, dust, construction traffic, site management and erosion and sediment control) will be managed. This is to help inform how potential adverse effects on neighboring residential properties will be avoided, remedied or mitigated.

Responding to this request:

Within 15 working days from the receipt of this letter (**10 October 2022**), you must:

- provide the requested information; or
- provide written confirmation that you cannot provide the requested information within the time frame, but do intend to provide it; or
- provide written confirmation that you do not agree to provide the requested information.

If you cannot provide the requested information within this time frame, but do intend to provide it, then please provide:

- written confirmation that you can provide it;
- the likely date that you will be able to provide it by, and
- any constraints that you may have on not being able to provide it within the set time frame.

The Council will then set a revised time frame for the information to be provided.



If you do not agree to provide the requested information, then please provide written confirmation of this to the Council.

Restarting the processing of your application:

The processing of your application will restart:

- when all the above requested information is received (if received within 15 working days from the date of this letter), or
- from the revised date for the requested information to be provided, if you have provided written confirmation that you are unable to provide the information within the required time frame, or
- from the date that you have provided written confirmation that you do not agree to providing the requested information, or
- 15 working days from the date of this letter (if you have not provided the requested information or written confirmation).

Once the processing of the application restarts:

- If you do not provide the requested information, then your application will continue to be processed and determined based on the information that you have provided with the application. The Council may decline the application based on insufficient information.
- If you have provided all the required information, then we will review it. Council will decide whether your application requires notification, limited notification or can be considered on a non-notified basis. If the application is non-notified, we will consider whether any parties are adversely affected and whether you need to obtain written approval from them.

I look forward to receiving the requested information on these matters. The timeframes associated with this application will remain on hold until the information is provided, or you advise us that the information will not be provided. If the applicant refuses to provide the information, the Council will proceed to make a decision on notification with the information before us.

Should you have any queries in relation to the above information or information that needs to be supplied as part of your application please contact myself on 0212477335 or alternatively email phil@phocusplanning.co.nz

Yours sincerely,

Phil Hindrup
Senior Planner