

APPENDIX G

SUBMISSIONS RECEIVED

- 1 – FENZ
- 2 – HNZPT
- 3 – HCC
- 4 – WRC
- 5 – Te Akau South Farms

Form 13

Submission on Subdivision Application: 635 State Highway 23, Whatawhata

To: Waikato District Council

Submission on: Resource consent application SUB0165/19

Name of submitter: Fire and Emergency New Zealand (FENZ)

Address: c/o Beca Ltd
PO Box 3942
Wellington 6140

Attention: Alice Falloon

Phone: 04 897 6032

Email: alice.falloon@beca.com

This is a submission on behalf of Fire and Emergency New Zealand (FENZ) on a resource consent application by G & S Singleton Heritage Limited, concerning the subdivision of the site at 635 State Highway 23, Whatawhata, into eight additional lots, from two existing titles. The resource consent application (SUB0165/19) comprises a combined land use and subdivision application for a non-complying activity.

The Fire and Emergency New Zealand Act 2017 (FENZ Act) established FENZ from 1 July 2017. FENZ is New Zealand's unified (i.e. urban and rural) fire and emergency service that has been reformed as a modern agency that is flexible, adaptable and efficient. The FENZ Act, among other matters, replaced the two previous governing Acts (the Fire Service Act 1975 and the Forest and Rural Fire Act 1977) to create a single, unified fire services organisation for New Zealand. The FENZ Act establishes the governance, management and operational arrangements for protecting life and property from fire and other emergencies in New Zealand.

The FENZ Act establishes the governance, management and operational arrangements for protecting life and property from fire and other emergencies in New Zealand. As outlined in section 10 of the FENZ Act, the principal objectives of FENZ are to: reduce the incidence of unwanted fire and the associated risk to life and property, protect and preserve life, and prevent or limit injury, damage to property land, and the environment.

FENZ's submission is:

FENZ recognises the importance of subdivisions in providing a greater number of housing.

The purpose of the Resource Management Act 1991 (RMA) is to promote the sustainable management of natural and physical resources, which includes enabling people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. The risk of fire represents a potential adverse effect of low probability but high potential impact. FENZ has a

responsibility under the FENZ Act to reduce the incidence of unwanted fire and the associated risk to life and property. As such, FENZ monitors development and activities occurring under the RMA to ensure that, where necessary, appropriate consideration is given to fire safety.

The proposed subdivision will create an additional eight allotments, serviced by a Right of Way with a legal width of 10m. Both Records of Title are accessed over one existing formed and sealed commercial standard crossing and internal access road. this crossing extends to a 3.0m sealed shoulder which is not suitable for use by firefighting appliances.

The application mentions that the site is not serviced by the Council reticulated water supply network. There are two existing water bores located on the eastern boundary. One bore and pump are located within Lot 8, which pumps water to a water tank and thereafter distributed to three structures contained in Lot 9. A second bore is located within balance Lot 10, feeding an irrigation system, and the south east water storage tank within the allotment. This bore will continue to serve Lot 10 only. Lot 3 has its own water tank to collect and detain rainwater. Future dwellings within lots 1, 2, 3, 5, 6, and 7 will require onsite water detention tanks for domestic use. FENZ require certainty over the details of water supply for firefighting purposes, as well as certainty as to FENZ's ability to access all areas of the facility in an emergency.

The proposed water supply provisions make no reference to provision of onsite firefighting water supply. It is essential that a water supply be provided to meet both domestic and firefighting requirements, which this application fails to provide. No information is provided in the application regarding the existing take, flow, or pressure of water supply. The application also provides no details around the capacity of the proposed onsite water detention tanks. No allowance is made at any of the sites for firefighting water supply. No groundwater permit number is provided in the application, meaning existing water take may not be permitted by the local council or it may be insufficient for domestic supply. There is some risk to FENZ that a suitable water supply will not be available at many of the proposed subdivision sites.

Water Supply

To reduce potential impact of fire on the community and the surrounding environment, FENZ seeks that appropriate consideration is given to the availability of water supply for firefighting purposes onsite. The *New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008* (Code of Practice) sets out suitable methods for ensuring an adequate firefighting water supply is provided. For a subdivision of this size, FENZ would recommend that all residential lots are connected to the Council's reticulated water supply network.

Should the applicant not wish to connect to the reticulated network, FENZ require the provision of water supply in accordance with the Code of Practice. As set out within the Code, a dwelling with an in-home sprinkler system installed to an approved standard would be classed as FW1. All FW1 structures are required to provide a minimum of 7m³ (7,000L) of water designated for firefighting supply, within 90m of the dwelling. Should the dwellings not be serviced by an in-home sprinkler system, 45m³ (45,000L) of water designated for firefighting supply must be provided. These water volumes are the minimum requirement to provide sufficient water supply for firefighting purposes.

It may be possible to provide this water supply in a single storage location (supplied and maintained full by the Council reticulated network) with a pressurised reticulation compliant hydrant system throughout the subdivision. Alternatively, each dwelling should be provided with individual water supply.

Access

The Code of Practice provides requirements to ensure that fire appliances can access dwellings in case of a fire. In order to provide this access, the roading surface to each dwelling should be sealed and trafficable at all times and the minimum roading width should not be less than 4 m. The height clearance along access ways (for example trees, hanging cables, and overhanging eaves) must also exceed 4 m.

Additional requirements, relating to hardstands and tank couplings are set out in the Code. The application states that ground conditions in this location comprise low lying peat, therefore it is important that appropriate hardstanding is provided in compliance with the Code of Practice to ensure access for fire appliances in the event of a fire.

FENZ would welcome the opportunity to provide advice to the applicant as to how best to minimise the risk of fire at the proposed development area.

FENZ seeks the following decision from the consent authority:

FENZ is neutral towards the application as it is currently proposed. Should the consenting authority grant resource consent, FENZ seeks that it includes as a condition of consent:

All habitable dwellings shall be provided with a firefighting water supply system and access that complies with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. This condition shall be imposed by way of a consent notice registered against the Title for Lots 1-9 created by the subdivision of Lot 1 DPS 12627 and Lot 2 DPS 12627.

FENZ is not a trade competitor of the applicant.

FENZ wishes to be heard in support of their submission.



.....
(Signature of person authorised to
sign on behalf of Fire and
Emergency New Zealand)

02/04/2020

.....
Date

Title and address for service of
person making submission:

Fire and Emergency New Zealand
c/o Beca Ltd

Attention: Alice Falloon

Address: Beca Ltd
PO Box 3942
Wellington 6140



03/04/2020

File ref: LAO61

Waikato District Council,
Private Bag 544,
Ngaruawahia 3742.

To whom it may concern

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA TO A NOTIFIED
RESOURCE CONSENT AT 635 STATE HIGHWAY 23, WHATAWHATA.**

A notified non-complying resource consent application, for a subdivision resource consent to create eight additional allotments from two existing allotments in the Rural Zone at 635 State Highway 23, Whatawhata on land formerly known as the Westlands Golf Course. The proposal will involve earthworks.

TO: WAIKATO DISTRICT COUNCIL

FROM: HERITAGE NEW ZEALAND POUHERE TAONGA (HNZPT)

1. This is a submission on the following notified Resource Consent:

- A notified non-complying activity resource consent application, for a subdivision to create eight additional allotments from two existing allotments in the Rural Zone(Proposed and Operative Waikato District Plans) at 635 State Highway 23, Whatawhata on land formally known as the Westlands Golf Course. The proposal will include:
 - A balance lot of 35.41 ha and rural residential lifestyle sized lots ranging between 0.8530 ha and 1.80 ha in size;
 - Access to two of the proposed lots is proposed to be directly be off State Highway 23, and
 - Access to the eight of the proposed lots is proposed via a right of way with a legal width of 10m, and
 - The proposal will exceed site coverage for Lot 8 and the existing buildings will result in non-compliances with boundary setbacks in three locations.

2. HNZPT could not gain an advantage in trade competition through this submission.

3. The specific provisions of the proposal that HNZPT's submission relates to are:

The proposal will result in earthworks, which in the event of unrecorded archaeology being present has the potential to damage the finite archaeological resource.

4. HNZPT's submission is:

There is a possibility that the proposed activity could have adverse effects on historic heritage, in particular archaeology in the event that there is unrecorded archaeology present on the site. HNZPT is not opposed to the proposed activities subject to the appropriate ongoing management of historic heritage, in particular archaeology.

5. The reasons for HNZPT's position are as follows:

HNZPT is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. HNZPT is New Zealand's lead historic heritage agency. The Heritage New Zealand Pouhere Taonga Act 2014 protects both recorded and unrecorded archaeology.

The Resource Management Act requires that the protection of historic heritage should be recognised and provided for the following matters of national importance:

- (f) the protection of historic heritage from inappropriate subdivision, use, and development.

Archaeology

There are no recorded archaeological sites in the subject site, however as the earthworks have the potential to destroy historic heritage, it is important that any earthworks follow an accidental discovery protocol, to limit adverse effects on this finite resource.

6. HNZPT seeks the following decision from the local authority:

HNZPT has reviewed the Resource Consent Application. We consider, in the event that the application is approved that;

- archaeological matters would be most appropriately addressed by the inclusion of an archaeological accidental discovery protocol as part of the conditions and advice notes.

7. NZPT does not wish to be heard in support of our submission.

Yours sincerely

P.P.

A handwritten signature in dark ink, appearing to read 'SR', is written over a light grey rectangular background.

Sherry Reynolds
Director-Northern
Address for Service
Heritage New Zealand Pouhere Taonga
Lower Northern Area Office
P O Box 13339
Tauranga
3141
Telephone: 07 577 4530
Email: plannerln@heritage.org.nz
Contact person: Carolyn McAlley

CC
G & S Singleton Heritage Limited
c/-Cheal Consultants Limited PO Box 41, Waikato Mail Centre, Hamilton 3240
By email philipb@cheal.co.nz

6 April 2020

Submission by

Hamilton City Council

**RESOURCE APPLICATION NUMBER SUB0165-19: G&S SINGLETON
HERITAGE LIMITED, 635 STATE HIGHWAY 23 WHATAWHATA
(SUB0165/19)**

1.0 INTRODUCTION

- 1.1 This submission is on the notified resource consent application by G & S Singleton Heritage Limited to undertake the subdivision of 635 State Highway 23, Whatawhata, to create eight additional lots from two existing certificate of titles in the Rural zone.
- 1.2 Hamilton City Council (HCC) is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991 (RMA).
- 1.3 HCC's approach to all cross-boundary proposals is to determine what effects arising from the proposed activity will have on the city; if, whether the effects from the proposal were able to be mitigated this would manage HCC's concerns; or should HCC oppose the proposal. Each proposal is considered within the context of its location and what potential impacts will arise from such an activity establishing on Hamilton's boundaries.

2.0 SPECIFIC PARTS OF THE APPLICATION THAT THIS SUBMISSION RELATES TO

- 2.1 HCC opposes the proposed subdivision in its entirety.

3.0 REASONS FOR THE SUBMISSION

- 3.1 This submission outlines Hamilton City Council's ('HCC') objection to the proposed subdivision to create eight additional lots from two existing titles, one of which does not meet the minimum lot area of a parent lot to enable subdivision; and the range of new lots will be between 8530m² to 1.8 hectares with the balance lot being 35.41 hectares at 635 Whatawhata Road/State Highway 23, Whatawhata.
- 3.2 HCC's fundamental concern is that the proposed subdivision does not meet the fundamental expectations for subdivision of land in the Rural zone as anticipated through Waikato District Council's ('WDC') policy framework under the Waikato Operative District Plan ('WDODP') Plan or as emerging through both the Waikato Proposed District Plan ('WDPDP') and the Draft Growth and Economic Development Strategy - Waikato 2070 ('Growth Strategy'). In particular, it does not comply with the general rules for rural subdivision (WDODP Rules 25.70A.1 and 25.74) to create only one additional lot from each existing viable certificate of title.¹ Ad hoc rural-residential subdivision,

¹ Rule 25.74.1 Subdivision is a restricted discretionary activity if:

- a) the parent certificate of title is at least 20ha and
- b) every child certificate of title has a minimum net site area of 8000m² and a maximum of 1.6ha, except for an access allotment or a utility allotment, and
- c) no more than one certificate of title produced by the subdivision has an area greater than 1.6ha, and
- d) a utility allotment for a network utility does not exceed 50m².

unplanned non-rural activities around Hamilton's territorial boundaries have the potential for such developments to adversely impact on the city's hard and soft infrastructure, LTP planning and long-term maintenance of infrastructure. The city does not receive either development contributions or ongoing rates from such activities.

- 3.3 The proposed planning framework of the WDPDP identifies WDC's most up-to-date planning framework for the future, including tightening the planning direction over the use of rural land. HCC acknowledges the complexity of considering and recognising cross-boundary issues that need a collaborative approach, which is supported by the higher order RMA statutory instruments needing to be adhered to when making resource management decisions.
- 3.4 WDC's Draft Growth and Economic Development Strategy - Waikato 2070 continues the approach set out through the policy framework of the Operative and Proposed District Plans to plan strategically by directing urban growth to planned and connected existing settlement patterns. Directly responding to the direction set by the Waikato Regional Policy Statement ('WRPS') for cross-boundary alignment, Objective 3.3 Decision Making, and supported by a number of policies including policy 6.17, that states:

Objective 3.3 Decision Making

Resource management decision making is holistic and consistent and:

- a. is aligned across legislation and national and regional strategies;
- b. takes an integrated approach to managing resources that cross regional and functional boundaries;

Policy 6.17 Rural-residential development in Future Proof area

Management of rural-residential development in the Future Proof area will recognise the particular pressure from, and address the adverse effects of, rural-residential development in parts of the subregion, and particularly in areas within easy commuting distance of Hamilton and:

- a. the potential adverse effects (including cumulative effects) from the high demand for rural-residential development;
- b. the high potential for conflicts between rural-residential development and existing and planned infrastructure and land use activities;
- c. the additional demand for servicing and infrastructure created by rural-residential development;
- d. the potential for cross-territorial boundary effects with respect to rural-residential development; and
- e. has regard to the principles in section 6A.

- 3.5 HCC is concerned of the implications that could arise from the rationale outlined in the application justifying the subdivision when the policy framework of both the Waikato Operative and Proposed district plans overall principle is to retain rural land for rural activities and directing urban development to areas closely linked to existing urban settlements. The Waikato Operative District Plan states that: "*Failure to have a strategic framework for growth has adverse effects on the ability to have efficiently organised and integrated urban areas, to appropriately develop land and to sustain productive rural activities*".² This being supported through the objectives and policies for the rural zone, in particular Objective 1A.2.1 and Objective 1A.2.9:

Objective 1A.2.1

Towns, villages and other defined growth areas are the focus of future residential, industrial and commercial development.

Policy 1A.2.2

Subdivision, use and development of an urban nature should occur within clearly defined boundaries of towns and villages rather than in rural areas.

² Waikato 2013 Operative District Plan, 1A Waikato District Growth Strategy, 1A.2 Issue - Managing Growth Pressures.

Policy 1A.2.3

Subdivision, use and development of a rural-residential nature should occur within defined growth areas where infrastructure and services can be efficiently and economically provided.

Policy 1A.2.4

New growth areas, including new rural residential areas, should be identified and planned for in conjunction with towns and villages where they support local services and minimise adverse effects on productive rural activities and lawfully established rural-based activities.

Policy 1A.2.6

Subdivision, use and development should be managed so that a range of lifestyle choices is available, while ensuring residential development occurs in identified towns, villages and other defined growth areas.

Objective 1A.2.9

Rural areas are maintained as a resource for productive rural activities and lawfully established rural-based activities.

Policy 1A.2.10

Subdivision, use and development that support productive rural activities in rural areas should be enabled, subject to avoiding, remedying or mitigating adverse effects.

Policy 1A.2.11

Second and subsequent dwellings in rural areas should be directly associated with productive rural activities.

Policy 1A.2.12

Subdivision, use and development that is not directly associated with productive rural activities should occur in towns, villages and other defined growth areas.

- 3.6 The Waikato Operative District Plan states that subdivision, development and land use undertaken by means that *“avoids compromising the characteristics of rural areas including the productive capacity of the rural resource. The rural areas also include significant landscapes that need protection in their own right. Future development within these areas requires particularly careful management”*.³ While HCC acknowledges that the technical information provided with the application attempts to address the specific matters relating to landscape and productive capacity, HCC is concerned with the wider implications of allowing the fragmentation of rural land for non-rural activities. Allowing the subdivision may encourage and set a precedent for cumulative effects of further subdivision of rural blocks using those arguments.
- 3.7 The proposed rural subdivision, a clustering of lots that will not be used for rural activities is contrary to the policy framework set out in both the Operative and Proposed Waikato District Plans and does not align with the direction for growth and the management of rural land under the Waikato Regional Policy Statement and Waikato’s Growth Strategy.⁴

4.0 CONCLUSION

- 4.1 HCC is not opposed to the idea of changes that might provide opportunities for urban growth near Hamilton. However, it is important not to enable rural fragmentation or the establishment of ad hoc and un-serviced lifestyle subdivisions; but rather identify and plan for the long-term growth of

³ Waikato 2013 Operative District Plan, 1A Waikato District Growth Strategy, 1A.1 Introduction.

⁴ Supporting and maintaining a long-term ‘vision’ for the retention of the land area surrounding Hamilton was one of the requests HCC made through its submission (Sub # 535) on the Waikato District Proposed District Plan (PDP).

existing settlement nodes in a cohesive manner that is reflective of the sub-regional direction and collaborative manner for sustainable future regional growth.

- 4.2 HCC's objection is a continuation of Council's approach to ensure unplanned/ad hoc growth in the vicinity of its territorial boundaries are directed to identified locations and that rural land is promoted for rural uses in accordance with WDC's strategy policy direction. It is critical when considering the fragmentation of rural land that the context and anticipated outcomes set through the district plan's policy framework are adhered to.
- 4.3 HCC does not consider the present proposal meets those anticipated outcomes under either the Operative or Proposed district plans, or Waikato's growth strategy, and is contrary to the accepted growth patterns set under the Regional Policy Statement (WRPS).

5.0 THE FOLLOWING DECISION IS SOUGHT FROM WAIKATO DISTRICT COUNCIL

- 5.1. Decline the proposal in its entirety.

6.0 FURTHER INFORMATION AND HEARING

- 6.1 Should the Waikato District Council require clarification of the above points, or additional information, please contact Alice Morris (Principal Planner, City Planning) on 07 838 6431 or email alice.morris@hcc.govt.nz in the first instance.
- 6.2 HCC **does wish to speak** in support of this submission at the Waikato District Council hearing.

Yours faithfully



Jen Baird
GENERAL MANAGER CITY GROWTH



Submission form

(Form I3)

For internal use only

ECM Application # SUB0165/19

ECM

SUBMISSION #.....

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON FRIDAY 3RD APRIL 2020

To: Waikato District Council

Name of submitter (full name) **Hamilton City Council**..... This is a submission on

an application from G & S Singleton Heritage Limited to create eight additional lots from two existing titles in the Rural Zone at 635 State Highway 23 WHATAWHATA (Formerly known as the Westlands Golf Course).

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☒ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

Please refer to the attached submission

.....

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.....

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.....

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

Please refer to the attached submission

.....

.....

.....

.....

.....

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

.....
Please refer to the attached submission
.....
.....
.....
.....

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☒ No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐ No ☒

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter



..... Date 6 April 2020.....

A signature is not required if you make your submission by electronic means

Address 260 Anglesea Street, Private Bag 3010 Hamilton

..... Postcode...3240..... Email

...Alice.morris@hcc.govt.nz..... Phone 07 838 6431.....

Contact person's name (name and designation if applicable) **Alice Morris**

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on G & S Singleton Heritage Limited, whose address for service is Cheal Consultants Limited PO Box 41, Waikato Mail Centre, Hamilton 3240 or email philipb@cheal.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waidec.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this,

File No: 75 80 30 09
Document No: 16065057
Enquiries to: Kristina Healy



6 April 2020

Private Bag 3038
Waikato Mail Centre
Hamilton 3240, NZ

Waikato District Council
Private Bag 544
Ngaruawahia 3742
Attention: Cameron Aplin

waikatoregion.govt.nz
0800 800 401

Dear Cameron,

Waikato Regional Council submission on the application from G & S Singleton Heritage Limited to create eight additional lots from two existing titles in the Rural Zone at 635 State Highway 23 Whatawhata (Formerly known as the Westlands Golf Course).

Thank you for the opportunity to make a submission on the above. Attached is Waikato Regional Council's submission in regard to this document.

Waikato Regional Council looks forward to being involved in further discussions regarding the development of the G & S Singleton Heritage Limited Subdivision.

Should you have any queries regarding the content of this document please contact the undersigned 021 480 675 or by email to ICMEnvironmentalCompliance@waikatoregion.govt.nz

Yours Sincerely,

A handwritten signature in black ink, appearing to read "K Healy". The signature is written in a cursive, flowing style.

Kristina Healy
Team Leader – Environmental Compliance
Kristina.healy@waikatoregion.govt.nz
Direct Dial: +64 7 949 7033
Mobile: +64 21 480 675

Submission from Waikato Regional Council on an application from G & S Singleton Heritage Limited to create eight additional lots from two existing titles in the Rural Zone at 635 State Highway 23 Whatawhata (Formerly known as the Westlands Golf Course).

To: Waikato District Council

From: Waikato Regional Council

- 1.1 This is a submission on an application from G & S Singleton Heritage Limited to create eight additional lots from two existing titles in the Rural Zone at 635 State Highway 23 Whatawhata (Formerly known as the Westlands Golf Course).
- 1.2 This submission is on the whole application.
- 1.3 The Waikato Regional Council, Integrated Catchment Management division is an affected party as the proposed subdivision is within the WRC Rotokauri drainage subdivision. This submission is related to land drainage matters only and does not pertain to any resource consenting related matters which are managed by Waikato Regional Council Resource Use Directorate. There may be several activities relating to the proposed subdivision that could require a resource consent from the Council.
- 1.4 WRC are opposed to the application as it stands \ and so wishes for its concerns and opinions to be heard
- 1.5 Contact details are:

Waikato Regional Council
401 Grey Street
Hamilton 3240
Attention: Kristina Healy

Submission on the G & S Singleton Heritage Limited 'Westlands Golf Course' Subdivision

2 Introduction

- 2.1 Waikato Regional Council ('Council') appreciates the opportunity to make a submission on the G & S Singleton Heritage Limited 'Westlands Golf Course' Subdivision Resource Consent Application. The Council has a number of statutory responsibilities delegated to it for river and drainage management. Of most importance to this submission are the responsibilities of the Council in managing the various drainage districts in the region. These roles and responsibility are detailed in the following statutes:
 - Land Drainage Act 1908 (LDA)
 - Taupiri Drainage and River District Act 1929 (TDRDA)
 - Soil Conservation and Rivers Control Act 1941 (SCRCA)
 - Public Works Act 1981 (PWA)
 - Civil Defence Act 1983 (CDA)
 - Orders in Council for Local Government Reorganisation 9 June 1989 (OCLGR)
 - Resource Management Act 1991 (RMA)
 - Local Government Act 2002 (LGA), includes Part 29 of the LGA 1974
 - Local Government (Rating) Act 2002 (LGRA).

- 2.2 Council's primary interest in the application relates to the management of stormwater within the proposed subdivision, and the potential effects that this land use change may have on its existing drainage scheme. The site is located within the Rotokauri Drainage subdivision (07). The Westlands (modified) drain runs along the western boundary of the site and a portion of the Campbell drain (L810.029) runs along the northern boundary of proposed Lot 7. While not within the site boundary the Turner drain (L810.028) discharges into the Westlands drain coming from properties adjacent to the westward boundary of the proposed subdivision site. According to the Stormwater Management Report there is a 1.5m box culvert under SH23 on the Westlands drain. The Council's main concern with regards to this application is whether discharge from the new dwellings will be sufficiently managed to avoid increased flooding.

3 Increased Stormwater Runoff into WRC drainage scheme.

- 3.1 Water supply is to be provided by domestic rainwater tanks. The Stormwater Management Plan (SMP) prepared by Cheal Consultants states that the rainwater tanks can be designed to provide detention if required. WRC recommend that the rainwater tanks be designed to provide for both domestic water supply and detention of additional runoff to allow for detention of flows to pre-development peak flow rates for the 10% Annual Exceedance Probability (AEP) event. This will ensure effects on the Council's levels of service for the drainage scheme are minimised. The detention is to be designed to off-set additional impervious areas on lots (paving, decks, etc.) that may not have been included in the design plans. It is noted the Golovin assessment of development imperviousness (Item 1, memo dated 28/11/19) has not allowed for additional on-lot impervious areas, and as a result the rainwater tank attenuation discussed in Item 2 of the same memo underestimates required attenuation. Sizing of the tanks for detention means roofs and additional impervious areas on-lot can be mitigated in terms of stormwater quantity effects (peak flow and largely runoff volume due to the water reuse component for water supply). Consent notices should be added to the individual property titles outlining these requirements.
- 3.2 The SMP states that additional roading to provide access to most lots will be gravel formations and that gravel is considered to be relatively permeable. It is not certain that the access road and driveways will remain gravel (particularly if the road is going to be raised) hence it is recommended that appropriate stormwater management be provided to mitigate quantity (10 year peak flow mitigation) and quality effects from the roading areas. In the short-term gravel roads produce runoff with high sediment loads, in the longer term once sealed, trafficked areas are the primary focus for stormwater treatment. The proposal can provide stormwater management for the access roads now, and presumably stormwater management for the driveways will be deferred to later once the lots are sold. Consent notices should be placed on the titles requiring that stormwater management (to mitigate quantity and quality effects) be provided for driveways.
- 3.3 The SMP states that the access road will be raised to the 10% AEP flood level allowing larger events to flow across it. Item 4 of the Golovin memo dated 28/11/19 refers to the access road being raised to the 1% AEP flood level or higher. Clarification is required about what level the access road is being raised to. Additionally, the access road would ideally be located outside of the 1% AEP flood extent. It is recommended that the access road is pulled as far as practicable to the east within the floodable section in Lot 10, and at a minimum needs to be located outside of the 10% AEP flood extent. The applicant is required to demonstrate that at least the latter is achieved and to reconsider whether they can pull the access track further to the east.

- 3.4 The assessed 30mm increase in flood level from the proposed accessway in Lot 10 (Item 4 Golovin memo 28/11/19) indicates a local increase in flood level from diversion of flood waters, that would cause an increase at the adjacent property. A plan showing the change in flood extent on the adjacent property is requested (it's noted the modelled cross sections extend into the adjacent property. It should be noted that this submission is not on behalf of the owner of this adjacent property, and that it should be considered whether or not it is appropriate that the applicant seek separate input from that party in relation to this proposal (if this has not already occurred).
- 3.5 The 600mm diameter culvert proposed to mitigate the effects of crossing the flowpath in Lot 7 (Item 4 Golovin memo 28/11/19) is considered acceptable. A small local drainage culvert will not be adequate at this location.
- 3.6 Within the SMP Item 4 of the Golovin memo dated 28/11/19 states that the planting on the drain side of the roadway will be undertaken to absorb runoff from the road to encourage soakage and improve water quality. The access road is quite close to the drain in the vicinity of Lots 4, 3, 5 and 7. Vegetated filter strips or planted swales are a good way to treat stormwater runoff, details on how to design these are provided in the Waikato Stormwater Management Guideline(2018). Plantings on their own are not considered adequate stormwater management and the Council recommends the aforementioned measures to adequately treat stormwater.
- 3.7 The email from Philip Barrett dated 5/12/19 provides responses to points raised by Russell Powell during a site visit on 4/12/19. Regarding the land drainage management plan requirement to ensure all lots less than 5ha have a connection to a regional maintained drain with easements in place, this is more to cater to agricultural sites that want to ensure a free draining outlet that doesn't result in ponding on land for more than 3 days. The applicant does not wish to have lateral drains running across Lot 10 to the main drain on the western boundary, and instead is proposing to provide consent notices on Lot 10 that require overland flowpaths to be maintained to the regional council administered drain on the western boundary of the site. This is considered acceptable, however it is important to note it will not be the responsibility of WRC to resolve any issues that relate to inadequate conveyance of water off the site to the existing drain.
- 3.8 Russell Powell also raised the need for an easement to be provided over the western drain within Lot 10 and Lot 7. The applicant has addressed this concern in '10 Further Information received 5-12-19' on the WDC consultation page. It was advised that access to the drain is already compromised within the site due to historical planting associated with the golf course, and that no easement is proposed over Lot 7 or 10 and that access is available on the adjoining property to the west (email Philip Barrett dated 5/12/19). An easement is required along the western boundary of the subdivision in favour of WRC to enable future access to the drain as required regardless of whether access is blocked by existing vegetation. This is a WRC requirement when developing in drainage areas.

- 3.9 The WRC drainage system includes a lateral drain located along the northern boundary of the proposed Lot 7. The assessed 1% AEP flood extent does not appear to allow for inundation within the lateral drain, which could impact the house site on Lot 7. The applicant is required to undertake adequate assessment of the 1% AEP floodplain that includes inundation in the lateral drain to determine the suitability of Lot 7 for a potential house site.
- 3.10 The SMP specified raised floor levels and access road levels to avoid flooding. However other services related to a dwelling such as garages, stock, sheds, heat pump units are often located at lower levels and are prone to flooding. The Council's land drainage service level is a rural standard i.e. systems discharge a specific depth of runoff in 24 hours and is designed to clear surface stormwater within 72 hours (3 days) in a 10% AEP event. It is important that any decision made in relation to this proposal takes into account this existing level of service, and the consequential flood risk that will continue to impact this site.

4 Potential impacts on targeted ratepayers

- 4.1 The additional stormwater runoff volumes and potential runoff diversions caused by the developments in the proposed subdivision, may compromise Council's Level of Service to the targeted drainage ratepayers. If the requested assurances and need for further information (see sections 3 and 5) are not resolved prior to subdivision and site development this could potentially result in increased costs overtime to fund the resolution of the issues described in this submission.

5 Conclusion and Relief Sought

- 5.1 In summary, the key matters raised relate to the management of stormwater within the proposed subdivision, and the potential effects that this land use change may have on the Central Waikato, Rotokarui drainage scheme. Further information and assurances are sought to ensure that the levels of service of the drainage scheme and access to the drainage channels are maintained.
- 5.2 In summary, further information is requested on the following matters:
- Demonstrate that the access road is at a minimum located outside of the 10% AEP flood extent and if not is moved to further east away from the flood plain.
 - A plan showing the change in flood extent on the adjacent property due to increase in flood level in Lot 10 is requested and should be used as a basis for consultation with that affected party.
 - Undertake adequate assessment of the 1% AEP floodplain that includes inundation in the lateral drain (Campbells drain) to determine the suitability of Lot 7 for a potential house site.
- 5.3 The key assurances sought are as follows:
- Management of the quantity and quality of stormwater must consider potential future on-lot impervious areas (paving, decks etc) and the longer-term effects if the access road/ right of way is sealed.
 - Consent notices are required on property titles to ensure water tanks are sized for detention as well as supply, and driveway stormwater quantity and quality is managed.
 - Consent notice is required on Lot 10 that require overland flowpaths to be maintained to the Council administered drain on the western boundary of the site (Westlands drain).
 - To maintain access an easement over Lot 7 and 10 is required.
 - That the level of service provided by existing land drainage infrastructure is understood and appropriately accounted for when making a decision on this proposal (i.e. in particular regard to the flood risk that will continue to affect this site).

Dated 6 April 2020

A handwritten signature in blue ink, consisting of a large, stylized 'G' followed by a horizontal line and a small vertical stroke.

Greg Ryan
Manager Lower Waikato and Central Waikato
Integrated Catchment Management Directorate
Waikato Regional Council

Additional notes regarding subdivision within land drainage schemes

If access is required over proposed or existing drains Waikato Regional Council is to be consulted to provide information on drain inverts, pipe sizes etc.

From a Health and Safety perspective all utility connections i.e. electrical, telephone and water will need to be installed at least 1.0m below the invert level of the drain or alternatively into the base material of the proposed driveway entrance once the property has been developed.

Note: The land drainage standard provided is a rural standard i.e.: systems discharge a specific depth of runoff in 24 hours and is designed to clear surface stormwater within 72 hours (3 days). As this is not an urban situation local flooding/ponding must be expected.

Essentially the subdivider/developer applicant needs to be aware that the primary purpose of a land drainage system is to provide land drainage (ground water) for pastoral farming to allow landowners to manage their water tables to grow grass. This also allows for the removal of surface water for pastoral farming to minimize pasture damage.

Given the above it is recommended that stormwater from rural subdivisions/developments **has a neutral impact** on the drainage network and it is best managed on site. i.e. by attenuation utilizing either tanks; soak aways; ponds or other appropriate means of attenuation.

Due to the limited standard of land drainage provided and the likelihood of local ponding, it is recommended that careful consideration be given to locating buildings on higher ground at floor levels established (as obtained from the district council) at a minimum height above the ground level.

It should be noted that these comments refer to land drainage only, and does not include reference to other functions of the Waikato Regional Council, for example the necessity for resource consents.

Please note that for future property development resource consents would be required for the following activities unless the relevant Permitted Activity Rules in the Waikato Regional Plan (WRP) are complied with.

Earthworks

Earthworks must comply with the Permitted Activity Rule 5.1.4.11 and conditions in Section 5.1.5, and an Earthworks Management Plan should be considered including work methods for the following:

- a. Maintenance of any sediment pond and any other stormwater, soil erosion and sediment control works.
- b. A contingency plan for managing peak stormwater drainage and associated sediment control.
- c. Site rehabilitation of disturbed sites and exposed soil.

Any earthworks which place fill within a floodplain or result in flood displacement requires a resource consent for diversion of surface water. This is Discretionary Activity under rule 3.6.4.13. In addition, fill placement in the floodplain will likely trigger a cleanfill consent (Discretionary Activity under Rule 5.2.5.6).

Waikato Regional Council's Technical Report 2002/1 'Erosion and Sediment Control - Guidelines for Soil Disturbing Activities' provides reference to suitable work methods for avoiding and mitigating effects from earthworks activities.

Discharges (to land, air and water)

The discharge of contaminants into the air from building and construction activities must comply with Permitted Activity Rule 6.1.9.1 and conditions in Section 6.1.8.

The discharge of stormwater into water and onto/into land must comply with Permitted Activity Rules 3.5.11.4 and 3.5.11.5 respectively or resource consent is required.

Any discharge of treated wastewater into the ground must comply with Permitted Activity Rules 3.5.7.4 for existing wastewater discharges, or 3.5.7.5 or 3.5.7.6 for new wastewater discharges. It is recommended that a site assessment be undertaken by a person who is qualified and experienced in the field of on-site wastewater treatment to determine which Permitted Activity Rule is applicable. This assessment should be made in accordance with the procedures set out in the Auckland Regional Council Technical Publication No. 58 (TP 58) "On-Site Wastewater Systems: Design and Management Manual" 2004 or any update or equivalent code of practice.

Water Take

The taking of groundwater or surface water must comply with Permitted Activity Rules 3.3.4.12, 3.3.4.13 or 3.3.4.14, or resource consent is required.

Please note that resource consent is required to construct a bore.



Submission form

(Form I3)

For internal use only

ECM Application # SUB0165/19

ECM

SUBMISSION #.....

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON MONDAY 6TH APRIL 2020

To: Waikato District Council

Name of submitter (full name)

This is a submission on an application from G & S Singleton Heritage Limited to create eight additional lots from two existing titles in the Rural Zone at 635 State Highway 23 WHATAWHATA (Formerly known as the Westlands Golf Course).

*I am ☐ am not ☐ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

.....

.....

.....

.....

.....

.....

.....

I ☐ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

.....

.....

.....

.....

.....

I seek the following decision from Waikato District Council: ☐ Approve ☐ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

.....

.....

.....

.....

.....

Number of additional sheets attached

I wish to be heard in support of my submission Yes ☐ No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing Yes ☐ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority Yes ☐ No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

..... **Date**
A signature is not required if you make your submission by electronic means

Address **Postcode**.....

Email **Phone**.....

Contact person's name (name and designation if applicable)

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on G & S Singleton Heritage Limited, whose address for service is Cheal Consultants Limited PO Box 41, Waikato Mail Centre, Hamilton 3240 or email philipb@cheal.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waidec.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

Submission form

(Form I3)

Submission on an application concerning resource consent that is subject to public notification by consent authority *Sections 95A and 96 of the Resource Management Act 1991*

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON MONDAY 6TH APRIL 2020

To: Waikato District Council

Name of submitter (full name) Te Akau South Farm

This is a submission on an application from G & S Singleton Heritage Limited to create eight additional lots from two existing titles in the Rural Zone at 635 State Highway 23 WHATAWHATA (Formerly known as the Westlands Golf Course).

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☒ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

The entire G & S Singleton Heritage non-complying Resource Consent application

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

The application is inconsistent with current submissions to the proposed Waikato District Council plan.

As per the Middlemiss Farms Holdings Ltd and other parties (Submission 794)

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Decline and/or reserve the decision until such time as the incentive based sub-division issue is resolved by Waikato District Council

Number of additional sheets attached

I wish to be heard in support of my submission Yes ☒ No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority Yes ☐ No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Date 6 April 2020

A signature is not required if you make your submission by electronic means

Address PO Box 159 Whitford Postcode

Email glynnfin@gmail.com Phone 021 085 00279

Contact person's name (name and designation if applicable) Te Akau South Farms

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons

You must serve a copy of your submission on G & S Singleton Heritage Limited, whose address for service is Cheal Consultants Limited PO Box 41, Waikato Mail Centre, Hamilton 3240 or email philipb@cheal.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

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