

File Reference: RC240079

25 June 2025

ACG Properties Limited
C/- Daniel Thorne
Town Planning Group (NZ) Ltd

Via email: daniel@townplanning.co.nz

Dear Daniel

REQUEST FOR FURTHER INFORMATION – RC240079 – 4663 STATE HIGHWAY 6, TE MIKO, PUNAKAIKI.

As you are aware the period for submissions on the above resource consent application has now closed. Fifteen submissions have been received and ten of the submitters wish to be heard, therefore Council is required under section 100 of the Resource Management Act 1991 (RMA) to hold a hearing.

Section 92 Request

Following a review of your response, dated 29 April 2025, to Council's initial s92 request, and a review of the matters raised in submissions, it is considered that there is currently inadequate information to provide a complete assessment and recommendations on the application to a hearing panel. Therefore, pursuant to section 92(1) of the RMA, the following information is requested:

Potable water supply

Submissions received have raised concerns regarding the capacity and security of the potable water supply and Council's Infrastructure Department have advised the following:

- The flow at the Punakaiki intake averages approximately 6 m³/hr, however during drought periods this flow may significantly reduce. A flow restrictor (adjustable between 1.5–2.5 m³/hr) will be required at the inlet pipeline on the site boundary with a default setting of 2.0 m³/hr. As/when required the Council will restrict water supply to the site to 1.5 m³/hr.

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- The applicant has proposed cartridge filters of 5 and 20 microns. However, during weather events, water quality at the intake may degrade significantly due to increased silt and sand and it is advised that the treatment plant consider a sand filter with backwash; a selective abstraction intake design; or installation of an extensive sedimentation tank with frequently tank flushing to improve performance.
- The applicant should be made aware that there has been a history of vandalism to the Punakaiki water supply and any such future incidents may result in water outages during the investigation and repair process.
- These comments exclude any future Taumata Arowai requirements.

The application currently details that *“the peak flow within the development is anticipated to be in the order of 40m³/day, however with the buffer storage that the tanks will provide, the peak flow from the Council supply is expected to be about 18m³/day or 0.21L/s”*. Currently there are 4 water tanks showing adjacent to SH6 on the site master plan.

1. Taking into account the feedback from Council’s Infrastructure Department, provide additional details and calculations of the potable water requirements/supply for the proposal, including, but not necessarily limited to:
 - i) confirm the peak flow rate anticipated for the development to be sourced from Council’s supply, and define *“peak flow”* of 18m³/d as in Council’s opinion this relates more to a water demand of 18m³/d;
 - ii) total number, capacity and location of proposed water tanks for potable water supply, and how these will be fed;
 - iii) proposed location and extent of plant required for water treatment; and
 - iv) an updated rules assessment (if necessary), updated plan/s and additional comment from the landscape expert on the effects of any additional structures.

Fire fighting water supply

2. The s92 response refers to having an option to have *“clusters of three water tanks for fire fighting at five locations within the site”*. Confirm whether this is being included as an option within the application, and if so, provide details on the total number, capacity and location of the tanks, an updated rules assessment (if necessary), updated plan/s and additional comment from the landscape expert on the effects of the additional structures.

Ecology

Submissions received have raised concerns that potential effects on avifauna have not been sufficiently considered, including on a breeding colony of kawai tikitiki/spotted shag on the cliff shelves of the northern cliff directly below the site, and on other avifauna that may be present on and adjacent to the site such as tītī/sooty shearwater, roroa/great spotted kiwi, mātātā/fernbird, koekoeā/long tailed cuckoo, kakaruai/South Island robin and karearea/New Zealand bush falcon. Concerns have also been raised from the Department of Conservation that potential effects on lizards, including speckled skink, forest gecko and West Coast green gecko have not been sufficiently considered.

3. Provide an updated/additional ecological assessment that:
- i) includes the data from and results of surveying for the presence of birds and lizards at the project site undertaken within an appropriate season and survey period (noting the lizard survey should be undertaken by an expert herpetologist, using appropriate techniques and duration);
 - ii) assesses the effects of the activities involved in the proposal, including lighting and noise from construction activities and of the resulting development, on birds and lizards, including on threatened bird species with known habitat adjacent to the site (such as the breeding colony of kawau Tikitiki/spotted shag);
 - iii) identifies measures to avoid or mitigate those effects, including a draft lizard management plan if the results referred to in subparagraph (i) indicate the presence of lizards;
 - iv) provides comment on the recommendation from the Department of Conservation that lighting should follow the Australian Government National Light Pollution Guidelines for Wildlife (2023), including whether the proposed lighting will achieve this;
 - v) provides comment on the measures outlined in the Environmental Lighting Report dated 29 April 2025, and whether those measures will be sufficient to ensure that adverse effects on avifauna from lighting, particularly on tāiko/Westland petrel, will be “negligible” as indicated in the Ecological Effects Assessment dated February 2025;
 - vi) provides comment on the presence of the Punakaiki Marine Reserve adjacent to the site and any potential adverse effects on that reserve;
 - vii) provides an opinion, and reasons, on whether a predator control programme is necessary for the site; and
 - viii) provides an opinion, and reasons, on whether the following specific measures identified in the submission from the West Coast Penguin Trust are necessary (where those measures are not agreed to/volunteered by the applicant):

Kororā (Little penguins)

- a. Disturbance of penguin nesting sites should be avoided, especially during the breeding season June to January, and could be achieved by not providing access down to any beaches and not allowing dogs on the property.
- b. It would be helpful if any records of penguins seen/found could be kept and shared with the Trust.

Tāiko (Westland petrels)

- c. Lighting for the site will need to comply with the *National Light Pollution Guidelines for Wildlife*, published by the Australian Department of Biodiversity, Conservation and Attractions.
- d. Minimise light spill and reflection from all construction and operation activities, avoiding most sensitive times, i.e. dusk to dawn, mid-November to mid-January.

- e. Seek solutions to minimise light spill from windows especially dusk to dawn, mid-November to mid-January.
- f. Prepare and implement a plan for rescuing any downed petrels in conjunction with the Department of Conservation.

Parekareka (Spotted (or blue) shag)

- g. Establish regular monitoring of shags present and nesting on the cliffs, ideally monthly.
- h. Drones may disturb nesting birds and their use should be avoided by guests and, if essential for management purposes, avoided wherever seabirds may fly or nest.

Other coastal birds

- i. Establish a record of all birds seen by staff and guests.
- j. Provide predator control on the property to extend the efforts of the community predator control projects in the Punakaiki/Barrytown area.

Access and traffic generation

Submissions received, including from the New Zealand Transport Agency Waka Kotahi (NZTA), have raised concerns regarding the proposed access, traffic generation and effects on the safe and efficient operation of State Highway 6 (SH6).

4. Provide an updated/additional transportation assessment that:
 - i) As requested by NZTA, considers an amendment, in consultation with NZTA, to the design of the vehicle crossing to the application site so that it is consistent with the Diagram E standard of the NZTA Planning Policy Manual (PPM). Any new design should include/be accompanied by the following (or an explanation as to why the traffic engineer considers it is not necessary):
 - a. further assessment to determine the appropriate sightlines that should be achieved to ensure safe access to and from SH6. This should include a clear site plan showing any areas of vegetation that would be removed and kept clear/maintained by the applicant (required via consent conditions) to ensure sightlines are maintained;
 - b. amendments to the proposal as necessary to demonstrate that a level approach (platform of no more than 2%) for 10 metres from the driveway and vehicle crossing to the nearest white line of the carriageway is achieved;
 - ii) Provides comment and supporting information/evidence (as required) relating to the concerns raised by submitters about the accuracy of some information contained in sections 3 and 4 of the Transportation Assessment, including the existing operating speed environment being in the order of 70km/hr, the lack of recognition of pedestrians, cyclists, bus and other regular heavy traffic in the area, and the assumptions made regarding guest behaviour/traffic generation whilst staying at the site.
 - iii) Provides further clarification on the calculations in the Transportation Assessment relating to the type and volume of traffic that would be generated by the proposal. In particular, how the conclusion has been reached that there would be no more than 1 heavy or long vehicle

movement per week with specific reference to the potential demand for vehicles and buses to service the accommodation, spa, restaurant, and to support functions held on the site.

5. Further to the above, provide a geotechnical assessment of the potential slope stability and stormwater effects on SH6 associated with any upgrade of the vehicle crossing and removal of vegetation to increase sightlines along the property boundary with SH6.

Historic heritage

The submission received from Heritage New Zealand Pouhere Taonga (HNZPT) notes that given the close proximity of the subject site to an identified archaeological site, there is high potential for the archaeology to continue or for there to be further archaeology within the project area, and that the project has not considered the potential impacts to unknown archaeology.

6. Whilst it is acknowledged that an Accidental Discovery Protocol is proposed, given the concerns of HNZPT, provide an archaeological assessment prepared by a suitably qualified and experienced archaeologist, in consultation with Te Rūnanga o Ngāti Waewae, to assess the potential effects of the proposal on known and currently unknown archaeology. This assessment should include an assessment of effects which may directly affect the identified caves and their associated cultural values, including any effects from ground vibration and construction above/in the vicinity of the caves, and potential moisture pathways.

Natural hazard risks and emergency response planning

The s92 response noted that the revised Natural Hazard Assessment identifies that the buildings and access routes generally avoid the hazard areas where feasible, with three cabin locations overlapping with gully hazard areas, and one cabin located near to, and potentially within, the TTPP coastal setback boundary. The response notes that these matters will need particular consideration prior to construction, with the applicant agreeable to a condition of consent requiring further geotechnical reporting (i.e. confirmation of site location / hazard delineation or specific foundation design) prior to construction. However, it is considered necessary to determine the location of buildings and any necessary mitigation measures as part of the application rather than via consent condition.

7. Provide further comment from the engineering geologist on whether the proposed location of the cabins, particularly that within the TTPP coastal setback, are supported, and whether there will be any adverse effects from construction on the stability of the cliffs and identified sea caves.
8. Provide further specific analysis and details of how the “*concept-level management measures and general geotechnical development advice*” detailed on sheets 5, 6 and 7 of the Natural Hazard Assessment Version 2 will be addressed to ensure that the risk level is reduced to an acceptable level, or whether these measures are not necessary due to the proposed locations for development. Where, in the opinion of the engineering geologist, any unacceptable level of risk remains, provide details of/confirm the measures that will be undertaken to reduce the risk to an acceptable level, including via proposed/volunteered consent condition wording if relevant.

9. A number of submissions have raised concerns regarding the additional strain on local civil defense and emergency response services in the event of a significant earthquake. Please provide comment, as you consider relevant, on natural disaster and emergency response planning for the proposal.

Effects on adjoining property at 4655 SH6

The application states that “*the views from nearby dwellings are either significantly obstructed or non-existent*” and the landscape assessment states that “*the southern boundary is densely vegetated on both sides and will remain intact. Consequently, adjoining landowners will not be adversely affected by the proposed development*”. However, the submission received from the owner of 4655 SH6, Carolyn Hewlett, disagrees with this statement and notes that there are views from her property and dwelling across the application site, and raises concerns with lighting effects, traffic noise, potential access conflict, visual effects and character and amenity.

10. Provide an updated assessment that specifically considers the effects of the proposal on the owners and occupiers of 4655 SH6, including the matters raised by Ms Hewlett.

Potential for Air Traffic

A number of submissions have raised concerns about the potential for helicopter activities on the site. It is noted that helicopter traffic or noise is not currently referred to in the application.

11. Clarify whether helicopter landings and take-offs are anticipated as part of the operation of the proposed activities on the site, and if so, provide an assessment of compliance against any relevant plan rules, and an assessment of the effects of this aspect of the activity.

Section 92A of the RMA requires you to respond to the Council by Wednesday 16 July 2025 (being 15 working days from the date of this request) by either:

- (a) Providing the information requested by Wednesday 16 July 2025;
- (b) Telling Council, in a written notice, that you agree to provide the information. Council must then set a reasonable time within which you must provide the information and give you written notice of the date by which you must provide the information. If you are aware of any circumstances that may affect the time within which you can provide the information requested, please advise of these in your written notice, as Council may be able to take them into account in setting the time within which you must reply, or
- (c) Telling Council, in a written notice, that you refuse to provide the information.

Hearing

Although a hearing panel has not been appointed and a date for the hearing has not been set, it is acknowledged that a hearing for a publicly notified resource consent must be completed no later than 75 working days after the closing date for submissions. However, please also note that you may request that Council suspend the processing of the application under section 91A of RMA. The processing of the application may be suspended by up to 130 working days depending on how many working days have already been excluded. My current calculation is that a total of 38

working days have been excluded to date and therefore you have 92 working days available to suspend the processing of the application if you wish to do so.

If desired, at your request Council may also facilitate a discussion by providing a neutral venue and inviting yourself and the submitters to attend a pre-hearing meeting. This meeting can be used to clarify what the submitters' concerns are and see if you may reach a resolution in which they withdraw their submission or wish to be heard. Due to time constraints, I would recommend suspending processing of the application if you wish to arrange a pre-hearing meeting.

In addition to the response required to the section 92 request, please advise if you wish Council to suspend processing of the application (under section 91A), or if you would like Council to proceed directly to arranging either a pre-hearing meeting or a hearing. Given the necessary arrangements that will need to take place for a hearing, I would appreciate an early indication of the course of action you intend to take by no later than **Friday 4 July 2025**.

Please contact me at 0275 975 831 or jessica@hollisplanning.co.nz if you would like to discuss any matters relating to this letter.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'JH', is positioned below the 'Yours faithfully' text.

Jess Hollis
Consultant Planner