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*The Chief Executive*  
*Ruapehu District Council*  
*Private Bag*  
*TAUMARUNUI*  
*Attention: Warrick Zander*

30 July 2023

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1. Further to the previous emails to you last week I now set out why I consider that the RC Application for the Tei Tei Road subdivision is deficient as to its assessment of effects and also deficient as to the coverage in the specialist reports – several of which are cursory at best.
  2. The Council reviewer of the application is under an obligation to ensure that full information is available (both to the reviewer and the public) and given the clear breaches of the district plan - hence a Non-complying Activity (as identified by the applicant's planner) - there is an obligation to advertise, especially as RDC - being a party to the RC Application and recipient of Government moneys to provide infrastructure to give effect the proposed development - cannot be party to the decision-making process.
  3. I do not accept the proposition put forward by the applicants planners that the matter can proceed non-notified, such decision must be made by an independent consultant or Commissioner, preferably one who is to process the Application for a decision and is satisfied that he/she/they have all relevant information. Otherwise the whole process could be exposed to judicial review.
  4. Given the date that the application was made the time limits for initial review have expired unless Council or its reviewer have extended time or issued S.92 notices. Please advise as to these time limits.

5. I note also that the Regional Council applications have apparently not been filed and it is my view they should be before any further steps are taken.
6. If not already done, I consider a s92 Request must be made immediately requiring further information regarding, but not limited to:
  - a) The effects on downstream catchments and infrastructure for stormwater and sewer from the maximum number of dwellings that the whole site could (ie. all stages) accommodate.
  - b) The effects on the current water infrastructure including detention ponds, water courses, public drains and other areas of the 3 waters regime.
  - c) The effects on the upstream public drains feeding this development area – e.g. has Horizons being advised and if so have they had input? - this includes from the Stormwater drain Line 8 to the current RDC outfall at the detention pond on the Winstones/Snowmass boundary (being Waterway A in the Application), there being no design for such new open drain to demonstrate that there will not be any adverse effects to the upstream catchment eg. Rocky Mountain Chalets, as a result of backflow as a consequence of this development,
  - d) The effects on housing, providing a suitable house site and installation of services as a consequence of the actual subterrain conditions which, whilst appearing to have been addressed by the Geotechnical Reports, have consequences (as to construction noise, costs -internal and external of the property) far greater than stated in the AEE Assessments.
  - e) Why the current pedestrian accessway (which I was instrumental with RDC CE David Hammond in installing, a major success) cannot remain. I see, for a number of reasons, an unnecessary and maybe dangerous conflict with the current users of the status quo (largely families with small children and cyclists etc) with the proposed rerouting through the new residential streets.
  - f) Proof of demand for this type (size of section) subdivision and duplex accommodation - noting this is a requirement placed upon Council by the Local Government Act and or its partner by its own legislation and the GPS-HUD issued in 2021 by the two ministers involved
  - g) To obtain the consent of the owners (Winstones?) to rerouting the public drain - referred as Waterway A - through this property.
  - h) It would appear as if the Transport/Traffic report is based on complying sized lots Isthmus Site Plan, not that lodged with the Application. This

must be addressed. Has NZTA/Waka Kotahi been advised and have they given consent to the effects of the additional traffic from the whole development at the intersection or do they require some upgrading?

- i) There needs to be clarity as to what works the developer is financially responsible for and what on-going costs the ratepayers will bear, in particular the rerouting of the Public Drain through Winstones, the Sanitary sewer rising main etc. and what is the agreement as to what and where the "shovel-ready" Government contribution is to be spent.
7. Notwithstanding the "deficient" RC Application the application must be Publicly Notified pursuant to s95A, if for no other reason, that the above matters now brought before you, will have adverse effects greater than minor unless addressed fully in a transparent manner.
  8. I record there are also issues with Kainga Ora involvement under their legislation and the GPS-HUD – the proposal has not been properly assessed as required.
  9. It is noted that the Council is an applicant and recipient of the Government "shovel-ready" monies has a requirement to consult with the community under the Local Government Act.
  10. I record that the RDC Code of Conduct requires the Mayor and Councilors to comply with the LGA to act in the Public Interest, make decisions in an open and transparent manner and not withhold information from the public unless there are clear and lawful reasons to do so.
  11. It is considered that to now hold "Community outreach sessions" this coming week "as the beginning of public consultation" when RDC has already entered into some form of formal agreement - refer the Applicants in the resource consent application - to "transfer' a council asset to a third party without prior public consultation is contrary to the provisions of the Act and in breach of the aforesaid Code. The Council leaves itself open to review of its actions.
  12. As the property is a "ratepayer's" asset they (the ratepayers and residents) are entitled to know what are the terms of the agreement between the parties as to development costs, future ownership and purchase price etc. such that they can determine whether such agreement is in the best interests of their community and identify any shortcomings as now being experienced with other "shovel-ready" projects

For example: Tauranga City Council's Cameron Road upgrading Stage 1 - where the initial budget cost approved by the EMs for the works was \$40m, the Government provided \$45m, the now cost (not yet completed) is \$97.5m. The shovel ready project that RDC proposed was several years ago now and clearly could suffer the same blow-out.

13. In the meantime I note you have not responded as to a possible site meeting. I can only reiterate your responsibility as an officer of the Council to act on the information made available by myself.

14. Time to address the above, due to time constraints in legislation, is now of the essence. I consider it negligent for RDC to not act to immediately suspend the processing of the RC Application to address the concerns and issues I have expressed in my telecom to you, here and the below emails.

A handwritten signature in black ink, appearing to read 'D. Holland', with a stylized flourish at the end.

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**David JE Holland**