

**From:** [David Hay](#)  
**To:** [Mark Ross](#)  
**Subject:** Pohuehue Rd - Response to Council Comments on S92 Response.  
**Date:** Friday, 31 October 2025 2:11:46 pm  
**Attachments:** [image001.png](#)  
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[image003.png](#)  
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[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[Second Engineering RFI Response + Updated Plans.pdf](#)

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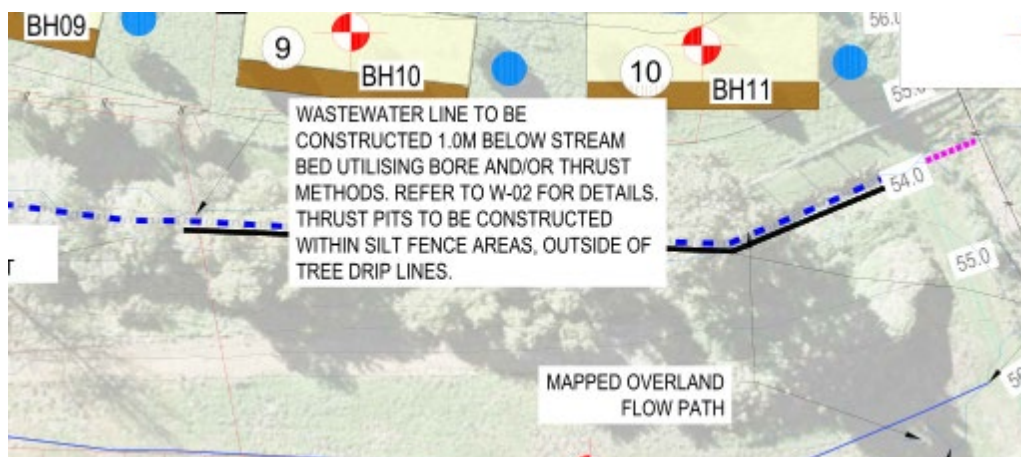
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Good-afternoon Mark,

Please find attached the further engineering response to Council questions below and the updated plan set.

In respect to Q9 and our earlier email exchange:

To further assist Council we have provided a further updated Sheet 10 (included in the Engineering response) which now identifies that the installation of the wastewater line underneath the watercourse will be by trenching or thrusting. A snip of this is below.



Q1 Council has not answered the question. It is a simple yes or no. We consider the stream is a permanent watercourse. Is Council saying that they require a SQEP to confirm this? If the Council wants to argue its ephemeral then this is purely academic as the most stringent rules apply to permanent watercourses and we are therefore taking this precautionary approach by calling it a permanent watercourse.

Q3 We identified that the wastewater line is going under the stream. This was clear on Sheet 10 but as noted above the note has been expanded so it is very clear.

Q4 Even though it is very obvious that drilling (or thrusting) a small diameter (63 mm) wastewater line a minimum of 1 m underneath a watercourse will have no effect on the watercourse we will now outline this even clearer for Council in the following assessment.

E3.6.1.21. New structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water for structures solely under the bed of a lake, river or wetland

- (1) The activity must comply with the standards in E3.6.1.14 above. **See below**
- (2) The structure must be installed without disturbing the bed. **As the line will be drilled underneath the watercourse it will not disturb the bed.**

E3.6.1.14. Standards for new structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water

- (1) Structure length must comply with all of the following:
  - (a) the total length of any extended structure must not exceed 30m measured parallel to the direction of water flow. This includes the length of any existing structure and the proposed extension but excludes erosion or scour management works; **Not applicable.**
  - (b) any required erosion or scour management works must not exceed 5m in length, either side of the extended structure. Such works protruding into the bed do not require a separate consent as they are authorised under this rule; and **Not applicable.**
  - (c) a new structure must not be erected or placed in individual lengths of 30m or less where this would progressively encase or otherwise modify the bed of a river or stream. **Not applicable.**
- (2) During construction bed disturbance upstream or downstream of the structure must not exceed 10m either side, excluding the length of the structure. **Not applicable.**
- (3) The structure must not prevent the passage of fish upstream and downstream in waterbodies that contain fish, except that temporary restrictions to fish passage may occur to enable construction work to be carried out. **Not applicable as the wastewater line is underneath the bed of the watercourse.**
- (4) The structure must not cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream. **Not applicable as the wastewater line is underneath the bed of the watercourse.**
- (5) Construction material and ancillary structures must be removed from the bed following completion of the activity. **No construction material etc is required to be placed in the watercourse bed during the works.**
- (6) Other than provided for by another rule, the activity must not increase the height or storage capacity of any existing dam. **Not applicable.**
- (7) The 1 per cent annual exceedance probability (AEP) flood shall be accommodated by the structure and/or by an overland flow path without increasing flood levels up stream or downstream of the structure, beyond the land or structures owned or controlled by the person undertaking the activity. **Not applicable as the wastewater line is underneath the**

bed of the watercourse.

(8) Calculation of flow rates will be made using the Auckland Council Technical Publication 108: Guideline for stormwater runoff modelling in the Auckland Region, April 1999. **Not applicable.**

Hopefully Council is now able to proceed with its s95 assessment.

Regards,

David Hay  
Planning Consultant

**Osbornehay**  
Resource Management Practice

Phone: 027 425-0234  
Postal: PO Box 16, Warkworth 0941

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**From:** Mark Ross <mark@sentinelplanning.co.nz>  
**Sent:** Monday, 20 October 2025 3:51 pm  
**To:** David Hay <david@osbornehay.co.nz>  
**Subject:** RE: Pohuehue Rd - Response to Council Comments on S92 Response.

Hello David

Sorry for the delay responses on this – the Landfill hearing marches on.

I have the following follow up queries below from the earthworks advisor.

9. A mapped overland flowpath is noted upstream of the pond which has been referred to as both 'modified' and 'ephemeral'. Please confirm whether a suitably qualified and experienced ecological professional has confirmed the classification of this stream and amend the provided documents to reference this in clarity.
  - a. **Partially satisfied. Please note the second and third portion of this query which refers to a suitably qualified and experienced ecological professional in the classification of this feature, and the amendment of the documents to reflect this, noting that permanent streams are subject to Chapter E3 considerations.**
  - b. **This remains unsatisfied – this is necessary for the follow-up queries, specifically Q13.**

Following review of the submitted S92 response documents, please see below my follow-up queries;

12. Please amend 'Erosion and Sediment Control Plan' Drawing No. ESCP-01 Sheet No. 12 of 12 to include the following;
  - a. How clean water will be managed;  
*Note: Comment regarding a clean water diversion bund is not suitable for short period through pine nut trees however following proposal for staging (i.e. driveway to be constructed initially) please revisit this part of the ESCP requirements);*
  - b. Contributing catchment for each proposed silt fence and super silt fence;
  - c. Indicative stockpile locations;
  - d. How the wastewater tank location will be accessed, noting this area is removed from the bulk earthworks location;
  - e. Silt fence returns, in accordance with GD05 best practice;
  - f. Location, extent and setbacks from the identified freshwater features;
  - g. Whether any earthworks are required for the removal of existing dwellings, if required;
  - h. Monitoring and maintenance requirements;
    - i. Heavy rainfall procedures; and
    - j. Standard design details for the proposed erosion and sediment controls.
  
13. Please provide a separate works plan for the wastewater line to be constructed under the stream bed. This plan should include;
  - a. Cross section of the stream bed (as classified and assessed by a suitably qualified ecologist professional);
  - b. 1% AEP;
  - c. Indicative stream profile;
  - d. Location of wastewater line in relation to the stream bed;
  - e. Entry and exit points;
  - f. Whether any instream works are proposed to accommodate this pipe.
  
14. Please provide an accompanying construction methodology and sequence of works for the wastewater line to be constructed, as proposed 'under' the stream bed.
  
15. For avoidance of doubt, please clarify whether the wastewater effluent dispersal field dripper lines will be surface pinned or otherwise, reflecting this on 'Erosion and Sediment Control Plan' Drawing No. ESCP-01 Sheet No. 12 of 12 as necessary.

In terms of my reporting, I need to have a talk to Lexie, but having thought through things further, I'm not convinced that I can proceed with a s95 assessment without all of the requested information being provided and all matters addressed.

I say that as there are no exclusions with the relevant chapters of the AUP that preclude public notification, so without all of the relevant information in front of me, I can't complete a full and legally robust s95 assessment, particularly in respect of s95A matters.

Regards

**Mark Ross**  
Consultant Planner



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**From:** David Hay <[david@osbornehay.co.nz](mailto:david@osbornehay.co.nz)>

**Sent:** Monday, 20 October 2025 1:55 pm

**To:** Mark Ross <[mark@sentinelplanning.co.nz](mailto:mark@sentinelplanning.co.nz)>

**Subject:** FW: Pohuehue Rd - Response to Council Comments on S92 Response.

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Afternoon Mark,

I urgently need an update on this please.

Regards,

David Hay  
Planning Consultant

**Osbornehay**  
Resource Management Practice

Phone: 027 425-0234  
Postal: PO Box 16, Warkworth 0941

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**From:** David Hay <[david@osbornehay.co.nz](mailto:david@osbornehay.co.nz)>  
**Sent:** Tuesday, 14 October 2025 8:31 am  
**To:** 'Mark Ross' <[mark@sentinelplanning.co.nz](mailto:mark@sentinelplanning.co.nz)>  
**Subject:** RE: Pohuehue Rd - Response to Council Comments on S92 Response.

Good-morning Mark,

Any progress on this?

Regards,

David Hay  
Planning Consultant

**Osbornehay**  
Resource Management Practice

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**From:** Mark Ross <[mark@sentinelplanning.co.nz](mailto:mark@sentinelplanning.co.nz)>  
**Sent:** Wednesday, 8 October 2025 12:22 pm  
**To:** David Hay <[david@osbornehay.co.nz](mailto:david@osbornehay.co.nz)>  
**Subject:** RE: Pohuehue Rd - Response to Council Comments on S92 Response.

Hi David

Still a work in progress.

Everything is in a state at the moment with the Council's position on the MDRS and the need to lodge CoCs.

M

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**From:** David Hay <[david@osbornehay.co.nz](mailto:david@osbornehay.co.nz)>  
**Sent:** Wednesday, 8 October 2025 8:17 am  
**To:** Mark Ross <[mark@sentinelplanning.co.nz](mailto:mark@sentinelplanning.co.nz)>  
**Subject:** RE: Pohuehue Rd - Response to Council Comments on S92 Response.

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Good-morning Mark,

Can I please have an update on where the s95 assessment is sitting at. Thanks.

Regards,

David Hay  
Planning Consultant

**Osbornehay**  
Resource Management Practice

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**From:** Mark Ross <[mark@sentinelplanning.co.nz](mailto:mark@sentinelplanning.co.nz)>  
**Sent:** Monday, 29 September 2025 5:51 pm  
**To:** David Hay <[david@osbornehay.co.nz](mailto:david@osbornehay.co.nz)>  
**Subject:** RE: Pohuehue Rd - Response to Council Comments on S92 Response.

Thanks David, received and will be passed on.

M

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**From:** David Hay <[david@osbornehay.co.nz](mailto:david@osbornehay.co.nz)>  
**Sent:** Monday, 29 September 2025 11:02 am  
**To:** Mark Ross <[mark@sentinelplanning.co.nz](mailto:mark@sentinelplanning.co.nz)>  
**Subject:** Pohuehue Rd - Response to Council Comments on S92 Response.

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Good-morning Mark,

Q3            The Engineer is correct and there is a gap between my cover letter and the engineering letter in the response. No earthworks are required for the removal of the existing dwelling.

Q9            We confirmed in the s92 response that this is a permanent watercourse. This does not need a suitably qualified and experienced ecological professional to confirm that it is a permanent watercourse (and the watercourse can be clearly viewed on site).

Although the plans had been updated to reflect this we do note the change was not made on Sheet 10 and this has now been corrected and the updated drawing is attached.

Q10 As noted in the response, the wastewater line is being installed underneath the stream. It is permitted under E3.4.1(A40). In terms of the relevant permitted activity standards under E3.6.1.20, it is confirmed:

- The proposal is not an extended structure.
- No erosion or scour management works are required.
- The works will not progressively encase or otherwise modify the bed of the stream,
- No bed disturbance is required during construction.
- The passage of any fish (if present) will not be impeded.
- The works won't result in bed erosion, scouring etc.
- No construction material will be placed in the bed,
- The works are not associated with a dam.
- The works won't modify the 1% AEP flood levels.
- There is no change to the stream flow rates.
- The watercourse is not navigable.

Further Details on the Wastewater System – The additional details on the wastewater system are attached.

Regards,

David Hay  
Planning Consultant

**Osbornehay**  
Resource Management Practice

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**From:** Mark Ross <[mark@sentinelplanning.co.nz](mailto:mark@sentinelplanning.co.nz)>  
**Sent:** Wednesday, 24 September 2025 9:59 am  
**To:** David Hay <[david@osbornehay.co.nz](mailto:david@osbornehay.co.nz)>  
**Subject:** RE: Pohuehue Community Housing

Hi David

By way of an update on this, please see the follow up queries below:

#### Earthworks

Question 3 – the earthworks specialist has advised that they could not find a response on whether the removal of the existing house will result in earthworks. Can you please address this.

Question 9 – the second and third portion of this query do not appear to have been incorporated into the response, which refers to a suitably qualified and experienced ecological professional being involved in the classification of this feature, and the amendment of the documents to reflect this, noting that permanent streams are subject to Chapter E3 considerations.

Question 10 – the earthworks specialist notes that a comment has been provided but that it is not accompanied with an assessment. To be considered a permitted activity the proposed works must be demonstrated to meet the standards. Please provide this information.

#### Traffic

Still awaiting feedback.

#### Ecology

Still awaiting feedback.

#### Arboricultural

All issues addressed.

#### Wastewater

See comments below:

*Q18: boreholes: I see all the borehole locations now and they have a point. There are sufficient boreholes for the site.*

*Q19: reserve field: the modifications they have made to the reserve field are acceptable.*

*Q17: I see they are waiting on results. That's good. I look forward to receiving them.*

*I have another point, which is just reiterating the point I made in my first response but which seems to have been missed by the applicant. Usually when someone uses AX40's or other package bed systems, they have septic tanks first, and other tanks used for recirculation of the treated wastewater, holding tanks etc... In order for me to process this application, I need the applicant to give me a very detailed breakdown of the total treatment train including all tanks, filters, etc.*

*They have provided much detail for the PCDI lines etc., but not for the actual treatment system. At present they have now stated that they will have 3 AX40s and that the manufacturer will need to assess the systems and see if extra parts are needed.*

*This is not enough detail for me to write consent conditions.*

*Please note that I may be mistaken about the AX40's. I'm not super familiar with them but am familiar with their other products like the AX60 and AX100. Usually these are accompanied with these additional septic and post treatment holding tanks. Perhaps the*

AX40 is different and has all of that built in as part of it. If this is the case, could the applicant please send me a copy of the specifications of the system so that I can analyse it. I'm struggling to get it off the Advantex website.

Any queries, please let me know.

I will try to get onto my reporting next week, but it will be at the back end – I need someone to invent a 40 hour day!

Cheers

**Mark Ross**  
Consultant Planner



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**From:** David Hay <[david@osbornehay.co.nz](mailto:david@osbornehay.co.nz)>  
**Sent:** Tuesday, 2 September 2025 2:11 pm  
**To:** Mark Ross <[mark@sentinelplanning.co.nz](mailto:mark@sentinelplanning.co.nz)>  
**Subject:** Pohuehue Community Housing

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Good-afternoon Mark,

Further to my letter on Friday, please now find the Arborist Memo which forms part of the s92 response.

Regards,

David Hay  
Planning Consultant

**Osbornehay**  
Resource Management Practice

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