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RC220453



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09 January 2023

Burn Cottage Road JV Limited
C/- Cubitt Consulting Limited
PO Box 9054
Dunedin 9054

Dear Sir/Madam

FURTHER INFORMATION REQUIRED FOR RC 220453

LOCATION: 172 BURN COTTAGE ROAD, CROMWELL
PROPOSAL: SUBDIVISION CONSENT TO CREATE (4) LOTS IN THE RURAL RESOURCE AREA AND LAND USE CONSENT TO ESTABLISH BUILDING PLATFORMS ON EACH OF THE NEW TITLES PLUS WORKER ACCOMODATION ON LOT 1.

Thank you for your application for a four lot subdivision and four building platforms plus worker accommodation. The application has been reviewed and has been found to require further information.

Please forward the following information/material at your earliest convenience:

1. The land within Lot 4 which includes a proposed building platform is LUC 3 and triggers the National Policy Statement for Highly Productive Land (NPSHPL). The application notes that the proposed use of Lot 4 will be compatible with rural residential or rural accommodation uses. This appears to be contrary to the NPSHPL. Please provide an assessment under the NPSHPL. The assessment will need to be completed by an expert in productive soils and will need to demonstrate that the introduction of a building platform and separation of this lot from the larger land holding will not reduce the productive potential of this land. CODC consider that the NPSHPL imposes a high bar to be passed before subdivision can be approved.
2. Please confirm the HAIL status of the site and, if a HAIL site, then provide an assessment under the NES-CS prepared by a suitably qualified and experienced person. Please note that the Geotechnical report identifies that "*Within the gully, there are stacks of cobbly rocks present which appear to be from minor gold sluicing activity.*" As such, it appears that the site may have been used for a HAIL activity.
3. Under the CODP, Rule 4.7.5(i) states that building on land subject to hazards is a non-complying activity. In this regard, CODC has some reservations in creating building platforms where future development of these would require approval as a non-complying activity. Please provide an assessment of this scenario and propose potential solutions.
4. The Geotechnical report submitted with the application advises that careful consideration should be given to the final location of any wastewater disposal system

for Lot 4 given that the location of the wastewater disposal system within Lot 4 will be within 50m of an existing or ephemeral watercourse. The application notes that an Otago Regional Council Discharge Permit will be required. The Geotechnical report also advises that the final design for Lot 4 should also consider the relatively shallow depth to groundwater. Please provide an assessment by a suitably qualified and experienced professional that demonstrates that on-site wastewater disposal can be achieved for this lot without adverse effect on ground or surface water. The disposal site should be clearly mapped.

5. The application states that wastewater disposal will be undertaken in accordance with the objects and policies of the Kai Tahu Ki Otago Natural Resource Management Plan 2005 (NRMP), however, it has not been adequately demonstrated at this time that the wastewater disposal from Lot 4 would be consistent with the NRMP. In particular, Policy 26 requires that all consents related to the subdivision are sought at the same time. In this instance, the wastewater disposal on Lot 4 is likely to require additional consents from ORC. Please provide an assessment of the wastewater disposal on Lot 4 on rūnaka values and how these will be protected. Alternatively, please provide the written approval of the relevant rūnaka.
6. The application states that *“The Pisa Range forms an impressive backdrop and has high natural character and associated aesthetic values and the flat-topped Sugarloaf terrace is striking and memorable and the outwash terrace landforms generally, have mainly high levels of legibility under predominantly grassland cover, and are expressive of their glacial and fluvial formative processes.”* Please provide an assessment of how the application is consistent with the rūnaka values set out in Policy 25 of the NRMP *“To discourage subdivisions and buildings in culturally significant and highly visible landscapes.”*
7. For the other lots, the Geotechnical report advises that wastewater disposal to ground is feasible provided that the underlying outwash deposits are targeted. Please identify how this will be ensured for future developers.
8. Please provide a copy of the agreement from the water supply company and water quality testing information. Please include details of any point of source or point of take treatment required or proposed for each lot.
9. While it is noted that flexibility is being sought in relation to how water is supplied to the property, as some people may prefer to install a bore, the future installation of a bore for one or all of the proposed lots is not something that Council can consider at this time, given that this will rely on separate consenting requirements which sit outside of this process. Therefore, please provide details of how the 30000 L water allocation will be allocated to each lot.
10. Assuming the intended productive use of the land as stated in the application, please provide details of the anticipated situations where the additional 30,000L of irrigation water would not be required?
11. The plans show the access with a formed width of 3.0 metres and legal width of 6.0 metres. Standard 16.7.5 requires that the minimum access width in rural areas shall be 6 metres legal, 4 metres formed. Please amend the plans to show a compliant width or provide an assessment which justifies the reduced formed width.

12. The application also states that some steep sections of the access may need to be sealed. Please provide plans and cross sections which show the areas and gradients of the access which need to be sealed. Please also have Mr Moore make an assessment of the sealed sections given his advice that
13. Two passing bays are to be created in the top third of the track where it gets too narrow for two-way traffic. Please show the width of the access which necessitates the installation of the passing bays. Please include a sight line assessment.
14. Please demonstrate that a compliant crossing point (in accordance with Standard 12.7.1) can be achieved from Burn Cottage Road for Lot 4.
15. The Geotechnical Report advises that *"an easement be created over the channel adjacent to Lot 4, to ensure the channel is kept undisturbed. In order to accommodate the estimated flow width within the channel, the easement should be at least 15m wide. It should also extend 20m north and 20m south of the Lot 4 building platform extents."* The schedule of proposed easements submitted with the application does not appear to include this easement. Please update the schedule of easements and scheme plan to depict this easement.
16. Please provide an estimate of earthworks required to develop each building platform (and worker accommodation) for each lot, including access tracks.
17. The application states that *"No identified heritage resources are located within the property although we note that there are some old water races within the gully. These will not be disturbed by the proposal."* Please confirm that the water races and in particular the *"remnants of an abandoned water race which comes out of this northwest gully and follows the contour round to the west."* identified in the Geotechnical Report are not historic in nature or have heritage values which would require additional protection.
18. The application identifies the breach of yard setback associated with the worker accommodation but does not identify the breach of yard setback from the building platform on Lot 4 to Lot 1. Please provide an assessment of this.
19. In terms of the worker accommodation, please provide details of the existing equestrian activity on the site and demonstrate the demand that this activity generates for worker accommodation. If the equestrian activity is not yet established on the site, would the applicant offer a condition which would defer the establishment of the worker accommodation until such time as the equestrian activity is established on the site.
20. The application states that all neighbouring property owners have provided their written approval to the proposal. Do you have the written approval of 244 Burns Cottage Road or have I overlooked this in my review of the application?
21. The written approval of the owners of 259B Burn Cottage Road is conditional in that it seeks *'no further subdivision of Lot 3'*. The application states that this is effectively controlled by the consent process, which would make any such subdivision proposal a non-complying activity and does not consider further conditions are required. I note that non-complying is the current status of any further subdivision for this lot but this status may not endure beyond the life of the District Plan. In this

regard, I consider that to accept the written approval of the owners of 259B Burn Cottage Road, the applicant would need to offer a “no further subdivision” condition as requested by the affected party.

22. Given the reliance of the application on the expert assessments, CODC will require the landscape and geotechnical assessments to be peer reviewed by independent experts. Please confirm whether the applicant agrees to this.

Pursuant to Section 92 of the Resource Management Act 1991, processing of the application will be suspended until the information is received. Please note that the application is still being reviewed by Engineering and I will let you know if they raise any additional matters that I may not have identified.

Responding to this request:

Within 15 working days from the receipt of this letter you must either:

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

The processing of your application has been put on hold from 9 January 2023.

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

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

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

If you do not agree to provide the requested information, then please provide written confirmation of this to the Council. You may also choose to object to providing the information under s357 of the Resource Management Act 1991.

Restarting the processing of your application

The processing of your application will restart:

- When all of the above requested information is received (if received within 15 working days from the date of this letter), or
- From the revised date for the requested information to be provided, if you have provided written confirmation that you are unable to provide by the original date.
- From the date that you have provided written confirmation that you do not agree to providing the requested information, or
- 15 working days from the date of this letter (if you have not provided the requested information or written confirmation), at which time the application will be publicly notified.

Once the processing of the application restarts:

If you have not provided the requested information then your application will continue to be processed and determined on the basis of the information that you have provided with the application. The Council must notify the application pursuant to section 95C of the RMA if you do not provide this information.

If you have provided all the requested information, then Council will consider its adequacy and make a decision on whether your application requires notification or limited notification, or, whether any parties are considered adversely affected from whom you will need to obtain written approval in order for the proposal to be considered on a non-notified basis.

Please do not hesitate to contact the writer on kirstyn@planningsouth.nz if you have any questions or concerns regarding the above request or the further processing of the application.

Please do not hesitate to contact me if you have any queries.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Kirstyn Royce', with a stylized, cursive script.

KIRSTYN ROYCE
PLANNING CONSULTANT

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PROPOSAL: SUBDIVISION CONSENT TO CREATE (4) LOTS IN THE RURAL RESOURCE AREA AND LAND USE CONSENT TO ESTABLISH BUILDING PLATFORMS ON EACH OF THE NEW TITLES PLUS WORKER ACCOMODATION ON LOT 1.

1. The National Policy Statement for Highly Productive Land (NPSHP)

Despite the LUC 3 classification, we do not consider the land within Lot 4 to be 'highly productive'. A site visit will illustrate the nature of the land and that there is limited land within it that is useable in a productive sense. Despite the statement at 5(a) of the NPS, the LUC classification system is a 'blunt instrument' and is not of a scale that can accurately determine whether land should be considered highly productive for the restrictive purposes of a NPS. Numerous factors determine whether a piece of land is highly productive, not simply soil type. We also note that LUC 3 was never considered 'high class soil' in previous planning documents, with that classification being limited to class 1 and 2 land.

As the Regional Council has not yet undertaken the mapping process required under the NPS, we would question any approach that would effectively use the NPS to veto any subdivision or development proposal that complies with the density requirements of the District Plan, as this proposal does. In terms of the assessment required under s104(1)(b), it is noted that the NPS-HPL is simply a matter to be 'had regard to'. Failure to meet the outcomes sought in that document does not mean that an activity should not be allowed in the King Salmon sense. The extent to which the NPS-HPL is to be had regard to is a matter of weighting and needs to be considered in the context of all of the other effects (positive and adverse), and the other relevant provisions of the planning documents in making a decision under s104 RMA.

As a consequence, it is unnecessary to go to the cost of requiring the involvement of 'an expert in productive soils'. We do not think Lot 4 precludes productive use or affects productive use of any other adjoining piece of land. It appears that Lot 4 largely contains all of the supposed LUC 3 land affected by this proposal so the subdivision proposal is not compromising its use. At 3.6ha, it is of a size that the soil can be used productively and experience indicates that the property will be used more intensely in a smaller lot than is currently the case. For example, viticulture and horticulture would be possible on a lot this size, if it is indeed suitable for such uses. The NPS does not contain any 'minimum lot' sizes for supposedly highly productive land, and applying an 'economic unit' criterion is not appropriate, so it cannot be said that this proposal is contrary to the NPS.

In this context we would highlight the Councils own submission on *LF-LS-P19 – Highly productive land* of the proposed Otago Regional Policy Statement (which is to maintain the availability and productive capacity of highly productive land). CODC supports this policy but "*in terms of the focus on productive capacity rather than LUC 1-3.*"

2. HAIL Status of the Site

The applicant has confirmed the previous uses of the site with the previous owners and the real agent during the due diligence period. We can advise that no activities, such as

horticulture, viticulture, or sheep dipping, have been undertaken on the site that would constitute HAIL activities. Nor is there any physical evidence of this. In relation to the potential for gold mining activity, we are unaware of this having occurred on the site but as the geotechnical report noted, if that activity occurred, it was in the gully so does not impact on the occupation of the site. Any such sites will not be disturbed and that can be conditioned if considered necessary.

3. CODP Rule 4.7.5(i) - Building on land subject to hazards

We do not understand what this reference is to. The building platform on Lot 4 has been shifted to ensure it is not impacted by the dry creek bed in times of rain. The geotechnical report states “ *We have analysed the channel adjacent to Lot 4, against the predicted 1 in 100 and 1 in 250 year events. The proposed Lot 4 building platform is not expected to be inundated by stormwater traveling down this channel.*”

4, 5 and 7 Waste disposal

The geotechnical report made the following statement in the executive summary:

Wastewater disposal to ground is feasible, provided that the underlying outwash deposits are targeted. It is likely that the location of the wastewater disposal system within Lot 4 will be within 50m of an existing or ephemeral watercourse. As such an Otago Regional Council Discharge Permit will be required. The final design for Lot 4 should also consider the relatively shallow depth to groundwater.

The report already confirms it is feasible to disposal of waste on the site and it is only a possibility that consent for Lot 4 will be required from the ORC. The lot is 3.6ha and there are numerous options within the site that will meet the ORC 50-metre separation to waterbody standard. If consent is required from ORC for Lot 4, then that is when the issues you raise are dealt with. It is not appropriate to deal with that at this stage, it will be for the prospective purchaser to address this issue once they have determined their building design. ORC and/or building consent process for the chosen disposal system will ensure iwi values are addressed. Written approval from iwi for an approved effluent disposal system is not required.

All that is required here is reference to the recommendations in the geotechnical report, either via advice notes or consent notices.

6. Landscape Issue

There is no suggestion in the NRMP or the Ngai Tahu Atlas (Ka Huru Manu) that the site or wider outwash terrace feature, is of cultural significance. As discussed in the landscape assessment report, the upper faces and top edges of the terraces have high visibility and sensitivity but the development proposed is responsive to this and has been designed (with mitigation measures included) to appropriately protect the natural / rural landscape values. This is not an outstanding landscape and the policy referred to is ‘to discourage’ but this is a document that does not have any standing under s104(1)(b). At best, the NRMP is only another matter that can be considered under s104(1)(b) but its lack of specificity indicates it is not particularly relevant in this case because it does not add anything more than the District Plan does.

8, 9 and 10 Water Supply

The documents requested in relation to the water supply are attached. The applicant is willing to be guided by Council on how the supply is to be allocated.

11 -14 Access

We have attached plans showing the proposed access track design. Typical cross section and long sections has been added to the plans. The track will have a formed width of 4m (of 3.0m with 0.5m shoulder on either side) and legal width 6.0m. The number of passing bays have been increased to five, and are shown on the plans along with the area that will be hard surfaced.

The new access to is shown on Plan Y4025_E1 1 of 9 which is proposed to be sealed (either chip seal or asphalt). The available Approach Sight Distance or (ASD) has been dimensioned and as we have already indicated, this does not comply with the plan standard but is considered an improvement on the current access.

We note that Rule 16.7.1 states that modification may be made to the requirements of this Code by any conditions of consent. Such modifications are generally made to reflect local conditions. We believe this is warranted in relation to the access proposed in this case.

15 Channel Adjacent to Lot 4

The recommendation for the easement over the channel is from the Geotechnical report. An easement is not appropriate or necessary in these circumstances. In the first instance, who would the easement be granted in favour? All that is required as a condition requiring that it is not disturbed although this is also unnecessary given the rule framework of the Regional Plan" Water.

16 Earthworks Volume

We would note that the CODP does not have any limits or thresholds for earthworks and question the utility of this information. However, total earthworks volume and area has been added to Plan Y4025_S2 1 Of 6. The earthworks for each allotment, including access, is broken down below:

ROW: Cut -3086.8m³, Fill 1063m³, EW Area=9136m², Strip Vol 1828m³

Lot 1a: (workers Accommodation): Cut -187m³, Fill 114m³, EW Area 1540m²,
Strip Volume 308m²

Lot 1b: Cut -98m³, Fill 433m² EW Area 1397m², Strip Volume 279.4m³

Lot 2: Cut -49m³, Fill 199m³, EW Area 1495m², Strip Volume 299m³

Lot 3: Cut -284m³, Fill 148m³, EW Area 1348m², Strip Volume 296m³

Lot 4: Cut -921m³, Fill 1853m³, EW Area 1885m², Strip Vol 377m³

Mr Moore has assessed the effects of the earthworks in the attached landscape report.

17 Heritage Resources

In relation to the water race query, if these pre-date 1900 then they are protected by the Heritage NZ Act and no further protection is required. Having said that, the applicant is comfortable with a condition protecting them if Council considers this necessary.

18 Lot 4 Setback

This is an internal breach so approval to this is implied and no further comment is needed. However, we note that the Lot 4 platform is 10m from the Lot 1 boundary, which is considered adequate. While the accessway is located on this boundary, it is only serving 3 sites above Lot 4 so will not carry a great deal of traffic.

19 Workers Accommodation

The applicant has essentially purchased this property to develop as a base for their equestrian pursuits. Lots 1 to 3 will be retained by the applicant and family members.

However, as it is not a permanent base, accommodation is needed on-site for the person responsible for the day to day care of the horses on the property. Hence, it is likely that this dwelling will be the first built on the property. However, the applicant is happy for a condition to be imposed that restricts the construction of the dwelling until such time as the horse fencing is established.

20 Written Approval of 244 Burn Cottage Road

We understand that this has been provided directly to Council

21 Further Subdivision of Lot 3

The applicant is happy to accept a condition on this.

22 Peer Review Reports

We question the need for the Peer Review reports proposed, particularly if Council is going to pass the cost onto the applicant. This continually need to have expert reports peer reviewed is one of the main concerns with the administration of consent process by Councils today. It adds significant cost and delays to an already costly process, generally for no real benefit. The experts the applicant has already engaged are independent professionals who have a duty to assess a proposal objectively. Mr Moore is a well-respected landscape architect, who you have no doubt had dealings with in your previous role with the Dunedin City Council. This is not an outstanding landscape and we do not see any reasons why this application would be notified. Hence, what purpose will a peer review serve? Similarly with the geotechnical report, which is essential facts based and very thorough.

If Council insists upon this, we would like input on the chosen professional and a cost estimate.

1) The NPS-HPL is a directive document and has legal effect as of 17 October 2022. It is of no importance whether LUC3 was included in any preceding draft document. Clause 3.5(7) of the NPS-HPL states that:

(7) Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

(a) is

(i) zoned general rural or rural production; and

(ii) LUC 1, 2, or 3 land; but

(b) is not:

(i) identified for future urban development; or

(ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

In accordance with the Manaaki Whenua Landcare Research mapping, the NPS-HPL is triggered by this proposal due to the LUC3 mapping.

Clause 3.8 of the NPS-HPL directs that subdivision of highly productive land is to be avoided unless one of the exemptions in 3.8(1) applies. Council has a duty under 3.8(2) to avoid or otherwise mitigate any potential cumulative loss of the availability and productive capacity of highly productive land in their district and avoid or mitigate reverse sensitivity effects. Clause 3(9) similarly gives avoidance direction for inappropriate use and development of land, being residential development in this case. Clause 3(10) sets out the exemptions for subdivision and land use where there are permanent or long-term constraints.

I agree with you that *"Numerous factors determine whether a piece of land is highly productive, not simply soil type."* hence the request to have an assessment of the NPS-HPL to be undertaken and which includes an assessment *" by an expert in productive soils and will need to demonstrate that the introduction of a building platform and separation of this lot from the larger land holding will not reduce the productive potential of this land."* Point 1 of the information requested remains outstanding.

We attach a plan that illustrates that the supposed 'highly productive land' within this property is a small, relatively constrained area of land that is located entirely within Lot 4. In terms of Policy 7 of the NPS, we would suggest that the HPL of this property is not itself being subdivided – it is being retained in one distinct parcel. With respect to Policy 6, contrary to the comments in your response, by the application of the CODP provisions, the proposal is not for residential purposes – it is a rural subdivision that meets the density requirements of the Rural zone. While the density requirements do not define a 'permitted activity' (no District Plan I am aware of has permitted subdivision category), they clearly indicate an appropriate spatial context for development in the relevant zone. I was the principal author of the CODP, and the approach adopted to rural subdivision was in recognition of the fact that many productive rural activities in that district did not need a large area of land (e.g. viticulture, horticulture and the like).

At 3.6ha in area, we would reiterate our earlier comments that Lot 4 can be used for productive purposes (if it were not constrained) particularly if the land is in fact HPL. In our original response we noted:

At 3.6ha, it is of a size that the soil can be used productively and experience indicates that the property will be used more intensely in a smaller lot than is currently the case. For example, viticulture and horticulture would be possible on a lot this size, if it is indeed suitable for such uses. The NPS does not contain any 'minimum lot' sizes for supposedly highly productive land, and applying an 'economic unit' criterion is not appropriate, so it cannot be said that this proposal is contrary to the NPS.

In terms of clause 3.8(1) of the NPS, the overall productive capacity of the land is not compromised and the use is 'small-scale' so meets the exemption in 3.9(2) of the NPS.

However, we would note in practical terms that this particular piece of LUC 3 land is effectively constrained from any intensive productive use because it already contains an access strip (which is merely being relocated under this proposal), a pond with an associated damp area in the southern corner, along with an area of service easements in the southern corner of the property, as shown on the title. These factors, in particular the service easements, largely preclude development that would disturb the soil. Hence, agriculture use is most likely limited to grazing, which is what will occur.

In our view, this clearly falls within clause 3.10(1)(a), there being "*permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years*". The proposal does not compromise the matters in 3.10(1)(b) as there is no 'significant loss' of the productive capacity of HPL in the district; it does not belong to a large, unfragmented and cohesive area of HPL; and reverse sensitivity is not an issue in this location.

In respect to 3.10(1)(c), we do not believe there is any loss of HPL and the majority of the land within Lot 4 and the wider site will continue to be available for rural use. Having said that, none of the options listed in 3.10(2) will overcome the constraints of using Lot 4 more intensively than grazing. This is equally applicable to the remainder of the property (in the context of 3.10(3)) and the proposed subdivision is likely to enhance productive use of the site rather than diminish it.

As a consequence, we would reiterate our position that *“it is unnecessary to go to the cost of requiring the involvement of ‘an expert in productive soils’ as this is a policy issue.* In our opinion, the proposal meets the exemptions provided for in the NPS-HPL.

2) Regulation 6 of the NESCS is clear as to how the HAIL status of a piece of land is to be determined. The response to point 2 of the further information request is not in accordance with Regulation 6. As Council now holds information (the geotechnical report submitted with the application) that the historic use of the site may have been associated with gold mining (being E7 on the HAIL), this would suggest that Regulation 6(2) is expended, and Regulation 6(3) is the pathway for your client. Point 2 of the information requested remains outstanding.

In relation to this issue, we note that clause 8(4) provides that:

“Subdividing land or changing the use of the piece of land is a permitted activity while the following requirements are met:

(a) a preliminary site investigation of the land or piece of land must exist:

(b) the report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land:

(c) the report must be accompanied by a relevant site plan to which the report is referenced:

(d) the consent authority must have the report and the plan.

The HAIL use in question relates to a very small area of land *“Within the gully, [where] there are stacks of cobbly rocks present which could potentially be from minor gold sluicing activity”* (updated Geotechnical report, page 12). Given the location, size and nature of the activity we consider it unnecessary to require any preliminary or detailed site investigation of the potential HAIL activity. That is because it is in the gully and the type of activity would most likely not have involve any contaminants. But if it did, these contaminants would have been transported out of the site due during times of heavy rain over the past century. Furthermore, no disturbance of this area is proposed (and it is most probably an archaeological site, so consent would be also needed for that element).

Hence, consent is sought under clause 11 of the Regulations to subdivide the land without requiring a preliminary or detailed site investigation. This is simply because the risk is considered to be de minimus.

3) Rule 4.7.5 (i) states that any building that fails to comply with Rule 4.7.6A(j) Land Subject to Hazards or any building to be erected upon land that is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source is a non-complying activity. In this instance the land and, in particular Lot 4, is identified as being within an active debris dominated alluvial fan (Otago Natural Hazards Portal). While the Geotech report appears to address the hazard risk associated with the alluvial fan (albeit this has only been reviewed by me at this stage and not by someone with any geotechnical expertise), the geotechnical report does in fact confirm the presence of the hazard. As such, regardless of whether there is a building platform on the site or not, at the time buildings are to be established these will trigger Rule

4.7.5(i). It is likely best to address any consent requirements under Rule 4.7.5(i) as part of this application. Point 3 of the information requested remains outstanding.

You have highlighted the fact that the dwelling on Lot 4 does not comply with Rule 4.7.5(i) because while the land is not identified as being affected by a natural hazard in the District Plan, the building is “to be erected upon land that is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation”. We therefore amend the application to apply for consent for the dwelling on the Lot 4 platform, which is a non-complying activity.

However, the effects of this are already addressed in the application with the minimum floor level proposed in the geotechnical report being adopted by the applicant. A slight change to the wording around this issue has been made at page 14 of the updated geotechnical report to now read as follows:

5.3 PROPOSED GROUND AND FLOOR LEVELS OF DEVELOPMENT ON LOT 4

With guidance from NZS4404 and the NZBC E1/VM1 [5], we recommend the following:

- An progressively decreasing minimum floor level requirement from the northeast to the southwest from 290.6 to 286.6m. This is represented graphically in figure 2 below and ensures that the FFL will be 0.5m above the 1 in 100 year flood level:-*
- Minimum building platform levels are to be no greater than 0.25m below the specified minimum floor levels.*

In our opinion, the effects of the proposal are therefore less than minor and the proposal passes through the s104D test and has no implication in terms of s106 of the Act.

22) There is no slight intended on Mike Moore's or Meyer Cruden's integrity, but (using your example) as you are well aware from your experience with Dunedin City Council, landscape and geotechnical assessments are always reviewed by the DCC landscape architect or by DCC's consultant engineer Stantec which either confirm the findings or which identify points of contention or additional conditions of consent. CODC do not have an in house landscape architect or hazard analyst, hence the need in some circumstances to have technical reports independently reviewed. I will discuss with the Planning Manager and advise if reviews are necessary.

We simply do not accept it is always necessary to peer review the reports of independent and objective experts, and simply because one Council needlessly does it in every instance, doesn't mean other Councils should do it. This is one of the most significant

issues with the administration of the RMA. The point I was originally making is that you are a very experienced planner who is more than capable of using your discretion to assess when such reports are necessary. I hold firm in my view, from over 30 years working in this field, that the cost and time involved in peer review here is simply unnecessary.

Having said that, if the Planning Manager does think it's necessary, the client requires input on who undertakes the peer review (another landscape architect was involved in this project previously so would have a conflict) and the cost of those reviews.