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RC230398



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07 February 2024

D J Jones & N R Searell Family Trust
C/- Town Planning Group
3 Frederick Street
Wanaka 9305

Email: craig@waveformplanning.co.nz

Dear D J Jones & N R Searell Family Trust

FURTHER INFORMATION REQUIRED FOR RC 230398

Location: TERRACE STREET, BANNOCKBURN
Proposal: SUBDIVISION CONSENT FOR 20 LOT RESIDENTIAL DEVELOPMENT INCLUDING CONSTRUCTION OF AN INTERNAL ACCESS ROAD AND RIGHTS OF WAY, RECREATION RESERVE AND BALANCE LOTS.

Thank you for the above application. The application has been reviewed and has been found to require further information.

Information requested pursuant to section 92(1) of the RMA:

1. Please confirm whether the applicant is withdrawing RC190154?
2. Earthworks are an assessment matter for restricted discretionary subdivisions and the effects of earthworks on heritage are a relevant consideration for this application. Please provide details of any further consultation with Heritage New Zealand Pouhere Taonga. Notably, the HIA submitted with the application states there would be merit in renewed consultation and an invitation to revisit the project site prior to engaging in the archaeological authority process, and notes that HNZPT are an affected party in the application. The HIA advice contradicts the assessment made under s95B. The application also notes that in terms of Section 6 matters, the historic heritage values on the site will be protected. However, the HIA at Table 9 identifies that there will be some destruction of historic heritage features. There may also be the potential for waste and stormwater services into the CODC system in Pennyweights Gully. [Note: Given Section 6(f) matters and the HIA advice, it is anticipated that HNZPT would be treated as an affected party or be served notice of application (if notified)].
3. Please provide details of any consultation with Kā Rūnaka in respect of any potential cultural values associated with the site.
4. Please confirm the on-going ownership/management of Lot 51 [Note: The services report suggests that this may be vested with Council].
5. Please provide details of the discussion held with Council officers in 2022 and early 2023 regarding future management of Lots 30 and 40 [and 51].

6. Please confirm any discussions with CODC engineering regarding the servicing capacity for the site.
7. The RMM report finds the breach of the BLR will contribute to adverse effects, ranging from low-moderate (minor) to moderate (more than minor) and that adverse effects from viewpoints (3-8) in this area range from low-moderate (minor) to moderate (more than minor). The application also identifies that in terms of the heritage landscape values, the proposal will have a minor to moderate effect. I also note that the application suggests that the landscape effects of the proposal are somewhat mitigated because of the underlying zoning which anticipates residential development in this area. However, I am unsure that the same argument can be held for development within the BLR. Please confirm that the assumption that residential development is anticipated within this area applies to development with the BLRs. [Note: The RMM report assesses that visual effects from certain views have the potential to be moderate (more than minor), which will require the proposal to be publicly notified].
8. Does ENGE0 confirm that their report dated 02/12/2021 marked DRAFT is a final copy and able to be relied upon for this application.
9. Lots 15, 16, 17, and 19 are identified as development risk class 2 and Lot 19 is development risk class 3, setbacks are required for Lot 1 and 9. Lot 13 and 14 also appears to risk class 2 and 3 land. The ENGE0 report states that further investigation and analysis may be required to support detailed design and Building Consent (by others) once development plans are further progressed. The application states that CODP Rules 7.3.4(ii) and 4.7.5(ii) are not triggered. However, I note specifically that Rule 7.3.4(ii) states that:

*Any subdivision that involves land that is subject to or potentially subject to the effects of any hazard as identified on the planning maps or 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 discretionary activity. **Any application under this rule will generally not be notified but is to be accompanied by written comment obtained from a qualified professional that addresses the risk associated with the hazard within the proposed development and any remedial measures necessary to avoid, remedy or mitigate the hazard.***

In respect of this rule, the ENGE0 report establishes that the land is subject to land instability hazards. The provision of the ENGE0 report does not mean that the above rule is not triggered rather it proposes mitigation for the hazard which would be assessed as part of the application.

Furthermore, Rule 4.7.5(ii) states that:

*The erection of any building (excluding buildings and/or structures associated with network utilities) **on any part of a site identified on the planning maps as being subject to a hazard or 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.***

Council's consistent application of this rule is that where any part of a site is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source, then any building on that site (even outside of the defined hazard area) is a non-complying activity. While no buildings are proposed at

this time, Council applies a precautionary approach to subdivision applications where the subsequent land use would be a non-complying activity.

Please provide an assessment of CODP Rules 7.3.4(ii) and 4.7.5(ii).

10. Will fill be reused on site or will fill be brought into the site?

Peer review requested pursuant to section 92(1) of the RMA:

1. The RMM Landscape assessment refers to the peer review by Consultant Landscape Architect, Ms Yvonne Pfluger for RC190154 and her recommendations. Given the modification of the proposal which takes on board some of Ms Pfluger's recommendations, Council seeks agreement from the applicant for a Landscape peer review by Ms Pfluger of the latest proposal and assessment of landscape effects.

Pursuant to Section 92 of the Resource Management Act 1991, processing of the application will be suspended until the information is received.

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.
- Confirm whether the applicant agrees to, or refuses, the peer review under section 92(2) of the RMA.

The processing of your application has been put on hold from **7 February 2024**.

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 do not agree to provide the requested information, then please provide written confirmation of this to the Council. If you do not provide the requested information, then your application will be publicly notified in accordance with Section 95C of the Act.

If you have provided all the requested information, then we 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 me at kirstyn@planningsouth.nz if you have any queries.

Yours faithfully



KIRSTYN ROYCE
PLANNING CONSULTANT