

**From:** [Craig Batchelar](#)  
**To:** [Danielle Petricevich](#)  
**Cc:** [CALEY, Helen](#); [PALMER, Brian](#)  
**Subject:** FW: RC29596 - 54 Aerodrome Road - Further Information Request  
**Date:** Tuesday, 28 February 2023 11:26:00 am  
**Attachments:** [image001.png](#)

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Kia ora Danielle,

This is our initial response to Item 10 of the Further Information Request.

Item 10 of the Further Information Request is:

*“Please undertake an assessment of the proposed earthworks activities against permitted activity Rule 4C.2.10 (of Plan Change 27) to determine whether any earthworks consent is required. If an earthworks consent is please provide an assessment of effects for this activity and answer point 11 below. (Point 11 is information and analysis relating to geotechnical matters).”*

Rule 4C.2.10 of Plan Change 27 is:

***“4C.2.10 Floodplains, Major Overland Flowpaths and Flood Prone Areas***

*In addition to Rule 4C.2.2 – All Zones, earthworks carried out between the ground level that existed at 16 November 2020 and the top flood level within a floodplain, major overland flowpath or flood prone area shall:*

*a) Not exceed 10m<sup>3</sup> in net volume of fill above the ground level that existed at 16 November 2020; and*

*b) Not raise ground levels by more than 300mm above the ground level that existed at 16 November 2020.*

*This rule shall not apply to earthworks that are ancillary to primary production or earthworks that are ancillary to the maintenance of stormwater assets, and management of public recreational facilities and activities and minor public recreational facilities and activities.*

*Note: For the avoidance of doubt, non-compliance with both 4C.2.2 a) and 4C.2.2 b) is a Restricted Discretionary Activity in accordance with Rule 4C.3 – Restricted Discretionary Activity Rules”.*

The proposal does not include earthworks that will *fill* or *raise ground levels* above those that are existing at 16 November 2020. Earthworks will excavate below the existing ground level for the purpose of demolition and construction.

The purpose of the rule 4C.2.10 is to ensure that earthworks do not result in adverse effects from the displacement or diversion of floodwater. Excavation below existing ground level will not displace or divert floodwater.

If a resource consent was triggered under Rule 4C.2.10 (which it isn't in this case) the relevant matters of discretion would be:

*“4C.3.2.7 For Earthworks in Floodplains, Major Overland Flowpaths and Flood Prone Areas*

*In considering earthworks that do not comply with Rule 4C.2.10 – Floodplains, Major Overland Flowpaths and Flood Prone Areas, the Council restricts the exercise of its discretion to:*

- a) The extent to which the proposal mitigates on site flood risk;*
- b) The extent to which the proposal avoids any increase in flood risk on neighbouring properties or properties upstream or downstream;*
- c) The effects of the decrease of water storage or flood conveyance capacity of the floodplain;*
- d) Consistency with the objectives and policies in Chapter 8D – Flooding from Intense Rainfall.”*

I have noted that none of these refer to geotechnical matters.

Regardless, we will send the review onto our Geotech engineer for comment.

As a final comment, Earthworks Rule 4C.2.2 All Zones e. relating to “*any site that includes potentially contaminated land*” is applicable to the site. The four subclauses appear to be conjunctive but, to make sense, they need to be read as “or” statements. Taking a purposive approach (i.e. the objective of the rule being to minimise risks to human health and the environment from the use of contaminated land) a BOPRC consent granted under Rule LM R1 (h) should achieve compliance with 4C.2.2 All Zones e.

Ngā mihi

Craig Batchelar  
Director, Planner

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**From:** Danielle Petricevich <[Danielle.Petricevich@4sight.co.nz](mailto:Danielle.Petricevich@4sight.co.nz)>

**Sent:** Monday, February 27, 2023 11:00 AM

**To:** CALEY, Helen <[helen.caley@fultonhogan.com](mailto:helen.caley@fultonhogan.com)>; Craig Batchelar <[craig@cogitoconsulting.nz](mailto:craig@cogitoconsulting.nz)>

**Cc:** PALMER, Brian <[Brian.Palmer@alliedasphalt.co.nz](mailto:Brian.Palmer@alliedasphalt.co.nz)>

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Hi Helen,

Yes, it is the final. Apologies, I didn't realise that hidden text was in there. Removed now and attached.

Regards,

Danielle

## Danielle Petricevich

Principal Planner

Mobile: 027 334 4256

[4Sight.Consulting](#)

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**From:** CALEY, Helen <[helen.caley@fultonhogan.com](mailto:helen.caley@fultonhogan.com)>

**Sent:** Monday, February 27, 2023 10:28 AM

**To:** Danielle Petricevich <[Danielle.Petricevich@4sight.co.nz](mailto:Danielle.Petricevich@4sight.co.nz)>; Craig Batchelar <[craig@cogitoconsulting.nz](mailto:craig@cogitoconsulting.nz)>

**Cc:** PALMER, Brian <[Brian.Palmer@alliedasphalt.co.nz](mailto:Brian.Palmer@alliedasphalt.co.nz)>

**Subject:** RE: RC29596 - 54 Aerodrome Road - Further Information Request

Morena Danielle

Thanks for sending this through. Just checking that the s92 request is the final version, it still appears to have some template/draft text in it?

Ngā mihi

**Helen Caley** is **National Resource Consents Planner** at **Fulton Hogan Ltd** is 15 Sir William Pickering Drive, PO Box 39185, Harewood, Christchurch, 8545, New Zealand is **Mobile:** 027 224 5409 is **Web** [www.fultonhogan.com](http://www.fultonhogan.com)

**From:** Danielle Petricevich <[Danielle.Petricevich@4sight.co.nz](mailto:Danielle.Petricevich@4sight.co.nz)>

**Sent:** Monday, 27 February 2023 9:40 am

**To:** Craig Batchelar <[craig@cogitoconsulting.nz](mailto:craig@cogitoconsulting.nz)>

**Cc:** PALMER, Brian <[Brian.Palmer@alliedasphalt.co.nz](mailto:Brian.Palmer@alliedasphalt.co.nz)>; CALEY, Helen <[helen.caley@fultonhogan.com](mailto:helen.caley@fultonhogan.com)>

**Subject:** RC29596 - 54 Aerodrome Road - Further Information Request

Hi Craig,

Attached is the formal s92(1) request for the Allied resource consent application to TCC. The application is now on hold.

If you have any questions, please feel free to contact me. I have attached the Geotech review for your information also.

This does not include any information request for landscape matters, we are having a bit of trouble finding someone who can undertake the review. This is something we probably should catch up about.

Regards,

Danielle Petricevich

Principal Planner

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