

Submission on Notified 03 Resource Consent PL261079944



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Submission on Notified Resource Consent

Reference	PL261079944	Submitted	30 Apr 2026 04:31
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Notified Submission

SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

(Form 13)

Section 95A (public) Resource Management Act 1991

To: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340

This is a submission on the following resource consent application:

Resource Consent Number	250259
Valuation Number	2845100226
Applicant	
Location of Site	Strode Road, Earnscliffe
Brief Description of Application	Subdivision consent for an 8 lot subdivision in the rural resource area
Submissions Close	04 May 2026

Writing a submission

The following will be required during this process:

- Your full name and address, telephone number and email address
- Whether you support or oppose the application for resource consent
- The reason for your submission
- The decision you wish the Council to make, including any conditions sought
- Whether you wish to be heard.

Important information so you don't lose your data

If you wish to take some time completing this form, we strongly recommend that you **create a [login](#) and log in to your account prior to starting to complete the form**. This gives you the ability to save a draft and return to it later.

If you are a club or organisation, please use an email that is associated with the club rather than your work or personal email.

Logging in before starting to enter information into the form also means you won't lose your information if the form times out, or if you accidentally navigate away from the screen you're working on.

You cannot save your information and return to it later unless you log in before you start the form.

Regardless whether you are logged in, once you have completed and submitted the form, you will receive a copy of your submission to the email address you specify in the form.

Either go to our [Online Services](#) page to create an account (or log in if you already have an account) or continue below to start without logging in.

Privacy

The information you provide is official information and is used to help process your application. The information is held and used in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 2020. This means that your information may be disclosed to other people who request it in accordance with the terms of these Acts. Under the Privacy Act 2020 you have the right to see and correct any personal information that Council may hold about you.

Declaration

By continuing with this application you certify that: The Yes
information you provide is true and correct to the best
of your knowledge.

Notified Submission

Notes to submitter

1. If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is the 20th working day after the date on

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which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

2. You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.
4. If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you will be liable to meet the additional costs of the hearings commissioner or commissioners, compared to our hearing panel. Typically these costs range from \$3,000 - \$10,000.
5. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious:
 - it discloses no reasonable or relevant case:
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
 - it contains offensive language:

It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

In lodging this submission, your submission, including contact details, become public information and will be available for anyone to view.

DETAILS OF SUBMITTER

Full name	McIntosh Orchards Limited
Contact person (if applicable)	C/- Christine McMillan
Electronic address for service of submitter:	christine@bonisch.nz
Phone number - day time	0272699064
Postal address (or alternative method of service under section 352 of the Act):	PO Box 1262. Invercargill 9840

Your Application

Please select one regarding the application	I oppose
Do you wish to be heard in support of this submission?	Yes - I wish to be heard
Are you a trade competitor for the purposes of section 308B of the Resource Management Act 1991?	I am not
I would consider presenting a joint case if others make a similar submission	Yes

Details of submission

The specific parts of the application that my submission relates to are:	The whole application
The submission - include:	Refer to the attached

- whether you support or oppose the specific parts of the application or wish to have them amended; and
- the reasons for your views.

[McIntosh Orchard Ltd Submission.pdf](#) (269 kb)

I seek the following decision from the consent authority.

Give precise details, including the general nature of any conditions sought Decline

Select below - Pursuant to [section 100A](#) of the Act, that I do not request you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority. "See note 4 (second tab) as you may incur costs relating to this request."

Any other comments?

In lodging this submission, I understand that my submission, including contact details, are considered public information, and will be made available and published as part of this process.

Yes

Please sign (click on the words CAPTURE)



Date signed:

30/04/2026



30th April 2026

Bonisch Reference: 7830

Submission on Notified Application Concerning Resource Consent (Form 13)

Section 95A (public) Resource Management Act 1991

To: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340
Resource.consents@codc.govt.nz

Details of Submitter:

Full Name: McIntosh Orchard Limited
Address: 115 McIntosh Road
RD1
Alexandra 9391

Contact Person: Bonisch Consultants Limited
Attn: Christine McMillan
christine@bonisch.nz

This is a submission on an application by Ao Marama Limited (the Applicant) for a resource consent

Description of Activity: Subdivision of Lot 1, DP 590633 containing 209.6570 hectares (ha) into eight allotments creating seven additional Records of Title and 7 building platforms at

Trade Competition; I am not a trade competitor for the purposes of Section 308D of the Resource Management Act 1991.

My submission relates to: The whole application

My submission is: I oppose the application.

The specific parts of the application that my submission relates to are as follows:

1. Statutory and Planning Context

This application is for subdivision and associated land use within the Rural Resource Area and a mapped Significant Amenity Landscape under the Operative Central Otago District Plan. The subdivision is a non-complying activity pursuant to Rule 4.7.5(iii). Accordingly, the application must be assessed under sections 104 and 104D of the Resource Management Act 1991, with particular regard to landscape and amenity effects, reverse sensitivity effects on established orcharding activities, and the policies directing that new residential development in rural areas recognise and accept existing rural activities.

2. Landscape Effects and Building Design

It is noted that the AEE does not provide design controls for any buildings and suggests deferring this to the Council officers at building consent stage. The applicant has provided an assessment of landscape effects prepared by Mike Moore. The landscape assessment includes mitigations, which if Council is of a mind to grant consent should become conditions of consent.

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Bonisch Consultants Ltd

Mr Moore's assessment notes *the key landscape values of relevance in this area are related to the natural character of the foothills and the role of this in providing a natural landscape context for the more domesticated and intensively developed lowlands. The important factors underpinning this natural character include the legibility of the natural landform, the significant influence of the rocky outcrops, the naturalness of the vegetation patterns (reflecting topography), the presence of indigenous vegetation in places, and the minimal impact of earthworks, structures and other human derived elements.*

This assessment speaks highly to the existing natural character of the site and the impact that earthworks, structures and other elements may have on that natural character. Mr Moore notes that the property has moderate – high sensitivity to domestication but then goes on to state that the overall effect will be overwhelmingly positive for 3 main reasons – that a large part of the site will be reserved from development, that the built form and earthworks associated with Lots 2 to 4 will be small scale and that development on Lots 5 to 8 will have low visual prominence and that there are existing rural lifestyle blocks in the surrounding area.

In response to this the submitter notes that the landscape perspectives show clear visibility to the site from surrounding roads, and in particular from Hawley Road which the submitters property is located on. From Hawley Road in particular, the site forms part of the immediate hillslope backdrop to the productive orchard landscape. Even modest built form at this scale represents an incremental domestication of an otherwise sparsely developed landscape, which is relevant when assessing effects cumulatively and in the context of plan expectations for Significant Amenity Landscapes.

3. QEII covenant

The provision of a QEII covenant over Lot 1 is supported, however the detail of this has not been explained sufficiently. Rabbit control and vegetation control to manage fire risk are important issues to be addressed for the balance land.

The submitter supports the concept of long-term protection of the balance land; however, the application places substantial weight on the proposed QEII covenant as mitigation and environmental offset without certainty that such a covenant will be finalised or in what form. Correspondence from the QEII Trust makes clear that acceptance is not assured and that conditions and exclusions remain unresolved.

If the QEII Trust is unwilling to accept the proposed covenant area, an alternative legally robust protection mechanism would be required to ensure the same level of enforceability, permanence, and ecological management outcomes.

4. Applicants Objective and Policy Assessment

The applicant suggests that the net effect of the proposal is to enhance the amenity and rural character of the land due to the proposed QEII covenant. The site rises steeply from Hawley Road and each of the building platforms will be visible from a distance.

The applicant suggests that a setback of 150m from the closest proposed residential dwelling to orchards is sufficient to resolve reverse sensitivity effects. This assessment is strongly contested. Acoustic Assessments have determined that use of frost fans less than 350m distant from a residential dwelling is likely to result in noise effects that are likely to disrupt sleep patterns and result in significantly reduced residential amenity.

5. Hawley Road

The applicant proposes to increase vehicle numbers on Hawley Road through the addition of 7 new residences on the site but does not propose any significant upgrade of the road corridor. Hawley Road is a narrow rural road and the increase vehicular movements are likely to result in a reduced amenity and safety of the road for the neighbouring landowners.

6. Frost Fans

The application asserts that a 150 m separation distance between proposed residential building platforms and established orchards is sufficient to address reverse sensitivity effects. This conclusion is not supported by any site-specific acoustic assessment of frost fan noise, nor is it consistent with accepted industry practice or published acoustic evidence.

Frost fans are an established and operationally essential component of Central Otago orchard systems including within the submitters orchard. Their use is inherently seasonal, occurs predominantly during still atmospheric conditions, and typically operates overnight when background noise levels are lowest and residential sensitivity is highest. Acoustic research and planning decisions nationally consistently demonstrate that frost fan noise can be intrusive at distances well in excess of 150 m due to low-frequency, tonal and repetitive characteristics, particularly during temperature inversion conditions.

In the absence of a robust acoustic assessment and given the proximity of several proposed building platforms to operating orchard infrastructure, the subdivision introduces a high risk that future residents will experience adverse amenity effects which are incompatible with the established rural environment. This creates a tangible likelihood of reverse sensitivity effects, including pressure to curtail lawful orchard operations or ongoing compliance management through complaint processes.

The Operative Plan's rural policies explicitly seek to ensure that new residential development locating in proximity to productive rural activities recognises and accepts the environmental conditions associated with those activities, rather than expecting reverse constraints on lawful operations. The proposal, as currently designed, fails to give effect to this policy direction and instead relies on an arbitrary separation distance unsupported by technical evidence.

7. Water Supply

While bore testing demonstrates water availability, the results confirm that untreated water does not meet drinking water standards. No assessment has been provided demonstrating how potable water standards will be achieved and maintained on an ongoing basis, including treatment systems, management responsibilities, or compliance verification.

8. On site wastewater disposal

The application documents provide plans from McLellan's Plumbing and Heating identifying soakage fields for Lots 3 to 8 (no plan is provided for Lot 2). Reserve fields are not identified. There is no geotechnical assessment which provides a comprehensive discussion of suitability for wastewater and stormwater soakage. Given the steep topography, shallow soils and reliance on soakage across multiple small allotments, further geotechnical and wastewater assessment is required to demonstrate long-term capability and resilience of on-site wastewater systems, including provision for reserve disposal areas.

9. S104D assessment

As a non-complying activity, the application must satisfy one of the gateway tests in section 104D of the Resource Management Act 1991. The submitter's assessment is that the proposal fails to meet either limb of the gateway test.

In particular, the adverse effects associated with reverse sensitivity on established orchard operations and the introduction of multiple residential building platforms within a Significant Amenity Landscape are more than minor. Furthermore, the proposal is contrary to key objectives and policies (ref Objective 4.3.3, Policies 4.4.2, 4.4.9 and 4.4.10) of the Operative District Plan that seek to limit residential intensification in sensitive rural landscapes and to protect productive rural activities from reverse sensitivity effects.

Accordingly, the application does not pass the section 104D gateway test and consent cannot be granted.

Relief Sought

The submitter seeks that the application be declined. Alternatively, should Council be of a mind to grant consent, the submitter seeks redesign to increase separation distances from established orchards, removal or relocation of building platforms to reduce landscape effects, and imposition of conditions addressing reverse sensitivity, landscape integration, noise mitigation, and infrastructure capacity.

I **do** wish to be heard in support of my submission

If others make a similar submission, I **will** consider presenting a joint case with them at a hearing.

Yours faithfully



Christine McMillan
Divisional Manager Planning
BONISCH CONSULTANTS LIMITED

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