



SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

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PO Box 122, Alexandra 9340
New Zealand

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www.codc.govt.nz



(Form 13)

Section 95A 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: Callum John & Victoria Agnes Turnbull

Contact person (if applicable):

Callum Turnbull

Electronic address for service of submitter: cj.turnbull@xtra.co.nz

Telephone: 0274 999557

Postal address (or alternative method of service under [section 352](#) of the Act):

96 Hawley Road, Blackmans
Alexandra

This is a submission on the following resource consent application: RC No: **250259**

Applicant: **Ao Marama Limited** Valuation No: **2845100226**

Location of site: **Strode Road, Earnscliffe**

Brief description of application: **Subdivision consent for a 8 lot subdivision in the rural resource area**

Submissions close: **4.00pm on 04 May 2026**

The specific parts of the application that my submission relates to are:
(give details, attach on separate page if necessary)

Stormwater independence / Drainage & flooding
Remediation

No sky glow lighting

This submission is: (attach on separate page if necessary)

Include:

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

Support in part

I/We seek the following decision from the consent authority:
(give precise details, including the general nature of any conditions sought)

See attached

I/We ^{in part} support / ~~oppose~~ / ~~neither support or oppose~~ the application (circle one)

I/We wish / ~~do not wish~~ to be heard in support of this submission (circle one)

I/We am / am not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991 (circle one)

*I/We am / ~~am not~~ (circle one) directly affected by an effect of the subject matter of the submission that:

- adversely affects the environment; and
- does not relate to trade competition or the effects of trade competition.

***Delete this paragraph if you are not a trade competitor.**

*I/We will consider presenting a joint case if others make a similar submission.

***Delete this paragraph if not applicable.**

I/We ~~request~~ do not request (circle one), pursuant to [section 100A](#) of the Act, that 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 below as you may incur costs relating to this request.**

e7 204 W2bell

Signature of submitter

(or person authorised to sign on behalf of submitter)

3/5/26

Date

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.

Notes to submitter

1. If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).
2. The closing date for serving submissions on the consent authority is the 20th working day after the date on 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.
3. 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.
4. 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.
5. 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.
6. 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.

Submission (form 13)

Resource Consent: RC 250259

We support the application in part, specifically subject to mandatory conditions regarding drainage and skyline protection. We have attached documents relating to the long-standing history of unauthorised works on this site/paper road that have caused ongoing flooding to our property on 96 Hawley Road.

We feel our concerns have been largely dismissed over the past 18 months, despite Council staff () identifying the works as unconsented and unacceptable as far back as 2024. We seek that the “ Plan” be made mandatory, pre commencement condition of this consent to rectify these issues.

Regarding the proposed building platforms, we seek strict conditions on external lighting. This is a prominent rural area and “sky glow” from unshielded lights on the skyline would significantly damage the rural amenity and dark sky character of our neighbourhood. We request a permanent covenant on all new titles requiring all outdoor lighting to be fully shielded and downward facing (no sky glow).

Traffic Safety and Access: The proposed access to the subdivision via the paper road is located on a blind corner on Hawley Road. We are concerned that the increase in vehicle movements from new allotments will create a significant traffic safety risk at this location. We seek that a formal Traffic Safety Audit be required to ensure safe sightlines and proper road widening are implemented.

Regards

Callum and Victoria Turnbull
96 Hawley Road

Subject: RE: Re[2]: Duty Enquiry - 96 Hawley Road
From: [REDACTED] >
Sent: 4/08/2025 10:54:01 am
To: "[REDACTED]" >

[REDACTED]

I have emailed the landowner this morning requesting an update on progress and will advise the outcome once I get a response.

Regards, [REDACTED]

[REDACTED]



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From: [REDACTED] >
Sent: Monday, 4 August 2025 8:55 am
To: [REDACTED] >
Subject: Re[2]: Duty Enquiry - 96 Hawley Road

Hi [REDACTED]

Can you please provide me an update of any progress made regarding the instruction by Otago council to the land owner on the 29 November 2024, to come back to council with a drainage plan as indicated below.

Has the Council received the plan? If not why, and what correspondence has there been?

We note the owner has not remedied the unconsented work done to council land. The ditch dug with an excavator exposing the historic walnut tree roots still remains, also there has been no work to rectify the illegal ditch the land owner created on council land that flowed the entire hillside into the neighbours irrigation trench which floods our property when there is heavy rain.

We stopped the LGOIMA information request at your request because it seemed you were making progress.

We look forward to your response.

Regards

[REDACTED]

----- Original Message -----

From "[REDACTED]" >

To "[REDACTED]" <[REDACTED]>; "[REDACTED]" <[REDACTED]>

Date 4/12/2024 1:14:13 pm

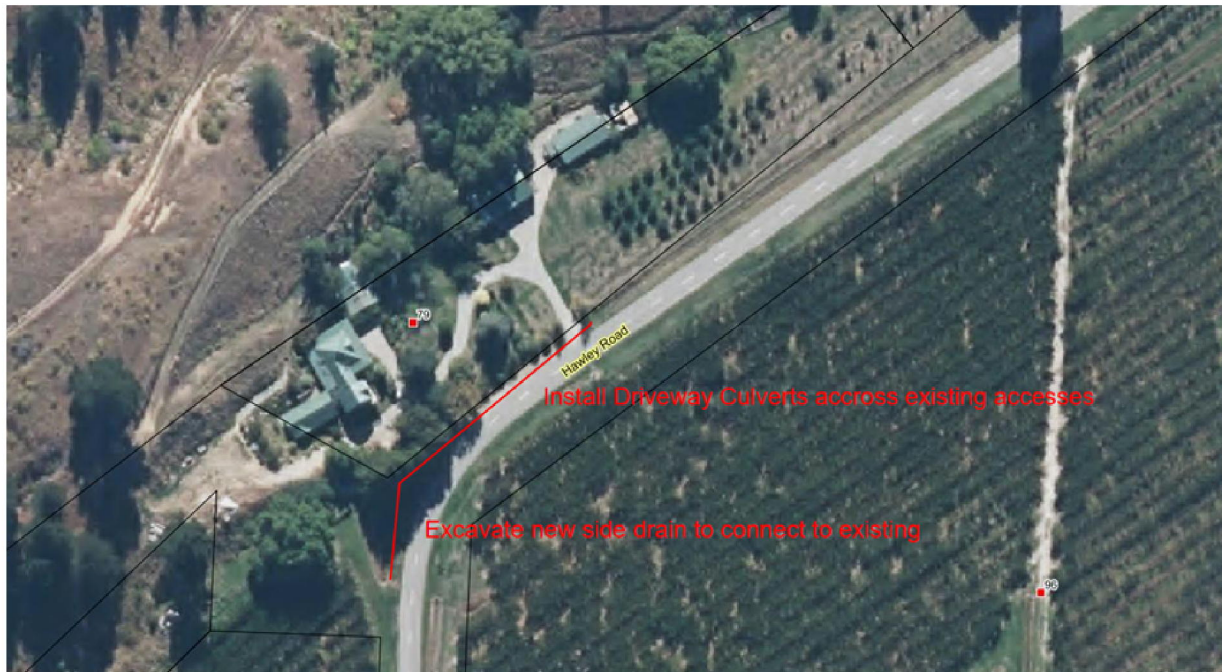
Subject RE: Duty Enquiry - 96 Hawley Road

[REDACTED]

Thankyou for your summary below of our site meeting 29 November 2024. Subsequently I have been in contact with the landowner concerned and instructed any further work is to cease (29 November). I have also instructed them to come back to council with a drainage plan that directs any storm water run off down the north side of the road and connects into the existing swale drain further down Hawley Road. This includes the removal of the concrete outlet that has been constructed that currently increases flow into your property.

Can you advise if you still wish to proceed with your LGOIMA information request or not based on our now recent correspondence and site meeting.

Kind Regards, [REDACTED]



[REDACTED]
[REDACTED]
[REDACTED]
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From: [REDACTED]

Sent: Wednesday, 4 December 2024 12:52 pm

To: [REDACTED]; [REDACTED]

Subject: Re: Duty Enquiry - 96 Hawley Road

You don't often get email from [REDACTED]. [Learn why this is important](#)

Good afternoon [REDACTED]

Thank you for meeting with us on Friday, 29 November, to look over the work that neighbouring property owners have carried out on the council reserve/paper road, over the past few weeks.

You advised this work was not approved or consented by the Council and that you would be addressing this issue with the people concerned.

We viewed and discussed:

- digging out, gravelling, trenching, and piping on the paper road/council reserve area by neighbours
- digger work around the base of the walnut tree (possibly historic tree) on the reserve/paper road, leaving tree roots exposed
- no visible safety precautions taken eg: signage, cones on a tight corner
- collection and diversion of storm water off neighbouring properties and council reserve/paper road, via an irrigation pipe under the road, onto our property, is unacceptable and is an issue we have already raised with Council
- **we want the issues causing flooding of our property (during periods of heavy rainfall) rectified, especially seeing as the recent unapproved/unconsented work carried out, will likely increase/intensify the flooding**
- we would like to see/be notified of any roading and/or storm water plan – going forward

It was reassuring to hear that the flooding issues will be looked at and addressed. However, we do not want this to be at the pace of the development of the neighbouring subdivision (which you advised is *currently on hold*) due to the unacceptable, unapproved works already completed.



This is a photo of the storm water piped from Council land, flooding our property, in September this year.

We look forward to hearing back from you, confirming the points we have raised and discussed with you, and look forward to hearing your plans going forward. We are concerned about the tree, as we notice

nothing has been done to protect its exposed roots.

Regards

[REDACTED]

From: [REDACTED]

Sent: Monday, November 25, 2024 1:20 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Duty Enquiry - 96 Hawley Road

Thanks for your email [REDACTED]. I have passed on to the [REDACTED]. [REDACTED] is on leave until Wednesday but will respond following that.

Kind regards

[REDACTED]





OPEN UP
about Central Otago's
open spaces

Last chance to have your say on the
**draft Open Spaces
and Recreation Strategy**

To provide feedback on the draft
Open Spaces and Recreation Strategy
scan the QR code below or go to:
lets-talk.codc.govt.nz

Community feedback closes:
Monday 9 December 2024



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From: [REDACTED] >

Sent: Monday, 25 November 2024 1:27 pm

To: Roding [REDACTED] >

Subject: Fw: Duty Enquiry - 96 Hawley Road

Hi Roding Team

Can you please advise us if the works described in the emails below and photographs provided have been approved by the Roding Division?

Thank you

Regards

[REDACTED]

From: [REDACTED]
Sent: Monday, November 25, 2024 11:55 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Duty Enquiry - 96 Hawley Road

Good morning [REDACTED]

Thank you for getting in touch and for providing us with these photos of the works occurring; from a planning perspective, these works would be expected to comply with the relevant District Plan requirements, and if they are associated with an activity for which a resource consent has been granted, then it would be expected to comply with relevant consent condition requirements. If the works are associated with an activity that would require resource consent, then our recommendation would be for the work to cease until any necessary resource consent has been obtained.

As for whether our roading team knows about any works in this area, I will leave this to them to answer, but I understand that any works within the road reserve need prior approval or oversight by our roading department.

Regarding the Local Government Official Information and Meetings Act (LGOIMA) request for the information detailed in your email below, I would recommend formalising this in a formal request, which can be done via our online portal, which can be found via the link provided - [LGOIMA Request - My CODC](#).

If you have further questions or concerns, please reply to this email, or call me on [REDACTED].

Kind regards

[REDACTED]



A banner image showing a serene landscape with a body of water, reeds, and trees under a blue sky. The text "OPEN UP about Central Otago's open spaces" is overlaid in white and blue.

OPEN UP
about Central Otago's
open spaces

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From: [REDACTED]
Sent: Monday, 25 November 2024 10:45 am
To: [REDACTED]
Cc: [REDACTED]
Subject: Fw: Duty Enquiry - 96 Hawley Road

Hi [REDACTED]

There was a man delivering a pipe to the council paper road, now gravelled, I questioned him this morning on whether any of this work on the council area was consented. He said he did not need consent, as someone from the council had come and seen the work. He said he's allowed to do the work on this road over time, without consent (a paper road has the same rules as any public/council road.) Although I have sent emails to you (CC the Roading Department) no one has replied regarding the status of this situation.

I might add, there is a safety concern as no safety signage or cones have been used when working on the council road with large machinery, on a tight bend.

Please advise me on the council's plan that has been implemented on this road, with the pipes and ditches diverting all water from council road under the road, flooding our property.

I will send a few photos to show some of the works undertaken so far.

Under the official information act LGOIMA, please provide me with all consents and correspondence regarding the works undertaken on this Council paper road referred to in my email.

Regards

[REDACTED]

From: [REDACTED]
Sent: Monday, November 18, 2024 9:36 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Fw: Duty Enquiry - 96 Hawley Road

Hi [REDACTED]

I have had a look at what the digger was doing on the council paper road and see the contractor has removed fill and added gravel. They have created a trench on the paper road that diverts the water collected from the subdivision into the irrigation trench, that is piped under the road and floods our property. I will send follow up photos, but I am assuming that this has all been prior approved by the council, including the roading division, as it's on council land. Some consultation would have been nice as it directly affects us. Can you please advise what your intentions are regarding this matter.

Regards

[REDACTED]

From: [REDACTED]
Sent: Tuesday, November 12, 2024 8:42 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Duty Enquiry - 96 Hawley Road

Hi [REDACTED]

We noticed a digger arrived yesterday to work on the council paper road opposite us. Has the CODC contracted this work? If so, what is intended? This is the area that floods and then the flood water is piped under the road onto our property which we discussed recently.

Please let us the councils intentions, as you have communicated that there was no money in the budget to do any works on the flood area at the moment.

Regards

[REDACTED]

From: [REDACTED]
Sent: Thursday, September 19, 2024 12:09 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Duty Enquiry - 96 Hawley Road

Hi [REDACTED],

To clarify, RC230040 has been approved, which provided for a boundary adjustment between Lot 9 DP 27576 and Lot 10 DP 27576 and does not provide for any tracking work. If a track is on private land, then it's considered to be private. If it's within a road reserve, it's considered to be public.

As I understand it, the stormwater being channelled off the track formed within the road reserve cannot be disposed of adequately as swale drains (Second Picture – Red Circle) within the road reserve also carry irrigation water, but if this swale drain/irrigation race runs south to north, then rather north to south then my understanding may not be correct.

Reading your email, I understand that your proposed solution would be establishing a trench within the road reserve within the area, as detailed in blue in the snip below.



As this area is within the road reserve, you would need to speak with roading to figure out whether this would be appropriate, as works within the Road Reserve need the roading team's approval.

Contacting the roading team as you plan to do would be the best net thing to, if you have further questions or concerns about this email, please call me on 021 365 956 or reply to this email.

Kind regards

Resource Consents

Team - Planning



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From: [REDACTED] >

Sent: Thursday, September 12, 2024 3:56 PM

To: [REDACTED] >

Subject: Re: Duty Enquiry - 96 Hawley Road

Hi [REDACTED]

I've had some time to look over the information below and am quite confused.

I understand from our phone calls that the subdivision has been approved by the council and therefore the (track) would be classified as a private road?

It is disappointing that the *adverse effects* from the new road/track causing the flooding issue on 79 and 96 Hawley Road has been classified by you as a *water channel for irrigation schemes* issue - therefore does not comply. Are you referring to the swales that have been co-opted by the irrigation company?

The first picture below shows the subdivision road/track, I'm not quite sure how putting culverts under Road resolved the flooding issues rather it just displaced the water collection further (10m) down the hill where it still runs parallel to the track and ends up at the same location at the paper road entrance to Hawley Rd. How was the culverts going to resolve the flood issues? The problem is the road/track has accumulated far more water than previously and that collection is now all dispersed in 1 location.

Picture 2 shows the trench/swale/irrigation being referred to. The flood water flows under the road from west side (where the white road marker is in picture 2), to the east side trench (circled in red). These trenches are used for irrigation to 79. The irrigation trench flows south to north and it is unlikely to be able to divert any flood water to flow uphill to Omeo Stream.

As I have said to you there is a more obvious solution and that would be to dig a trench along the lower black and yellow line in pic 1 connecting the trench already there, along side 79 Hawley.

It is disappointing that the *Roading team isn't in a position to undertake the work themselves*. You said on the phone that it may be a possibility that I could use my machinery and do the work myself. To prevent our bore, water tank and land from flooding, it seems we are left with no other option but to do the work. I will contact Shane (Roding Team) as you suggested and try and work out an arrangement.

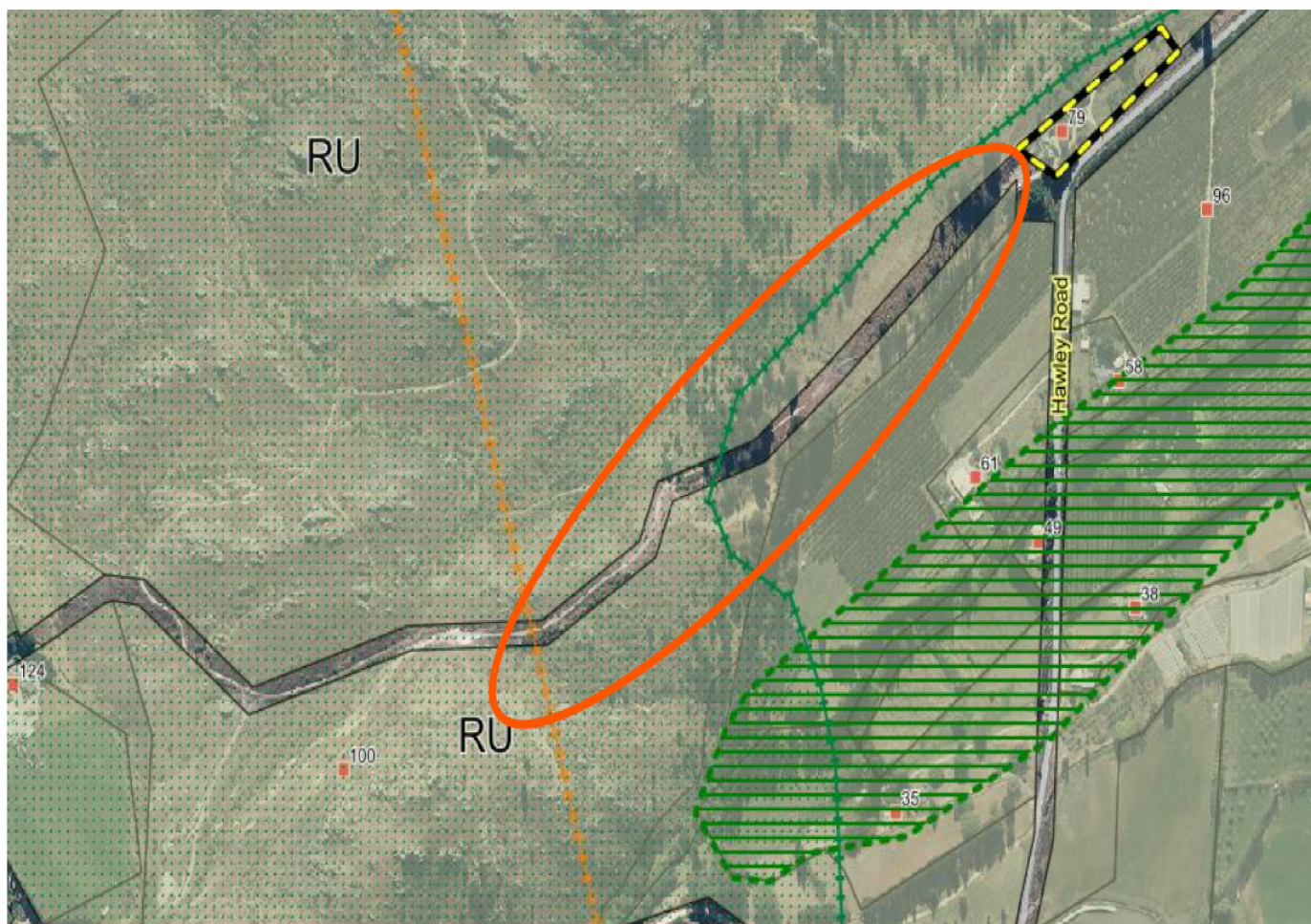
Thanks

[REDACTED]

From: [REDACTED]
Sent: Tuesday, September 10, 2024 4:05 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Duty Enquiry - 96 Hawley Road

Good afternoon [REDACTED]

Thank you for sending this email through regarding b 3 (Rule 4.7.6J.(b)(iii)); this rule would be applicable in a situation where earthworks were having an adverse effect on a water body (an example of a water body being the Clutha River but exclude water channels for irrigation schemes). That said, I've had a chance to speak with our roading team regarding the tracking that has been done within Road Reserve by the landowners of Lot 9 DP 27576 in the approximate location detailed below.



As the works were done within Road Reserve, they are subject to oversight by our Roothing team, who required a culvert to take water coming off the hill above the track under the formed track rather than over top where it was resulting in flooding at 79 Hawley Road.

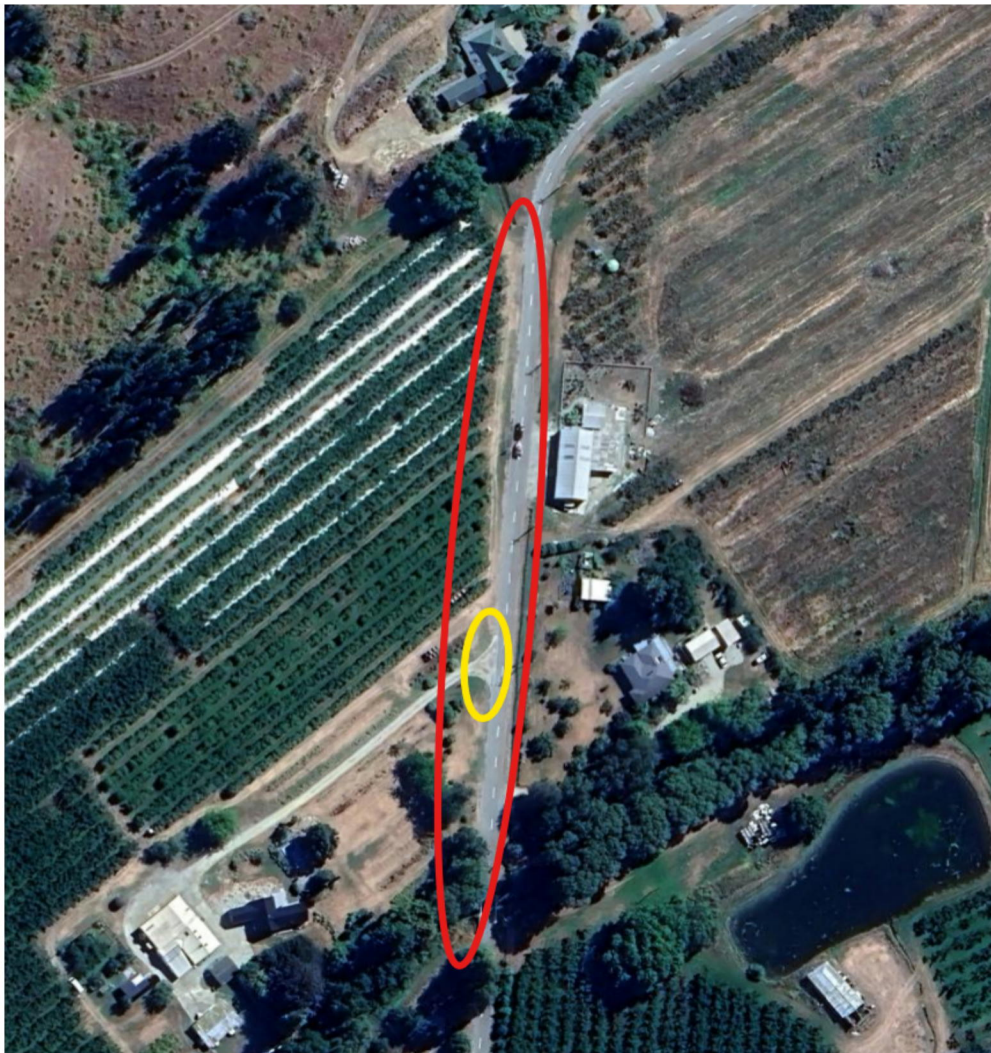
With this culvert provided for the team's understanding was that flood issues had been resolved. I've explaining that water is now ending up on Hawley Road proper and then causing flooding issues. The team has explained that Hawley Road does have swale drain along its western boundary detailed below in a red circle.



As you may well be aware, these swale drains have been coopted by the irrigation scheme providers to carry irrigation water, reducing the effectiveness of the swales. As I understand it, the swale/irrigation race has a floodgate at its southern end as detailed below:



Trenching from the end of this floodgate to the stream that runs along the southern boundary of 96 Hawley Road may be an adequate solution if approved by the irrigation scheme provider and the Roding Team as work would need to be done in Road Reserve. An alternative solution may be to create a second swale drain running down the eastern shoulder of Hawley Road, with culverts established where necessary (yellow circle), as detailed below:



The issue at this stage is that the Roding team isn't in a position to undertake the work themselves; that said, if someone else wanted to undertake the work to address the issue, then they would be open to working with them if work were required within Road Reserve. The roading team can be reached via their team email [REDACTED].

If you have further questions or concerns please reply to this email or call me on [REDACTED].

Kind regards

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

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From: [REDACTED]

Sent: Friday, September 6, 2024 7:44 AM

To: [REDACTED]

Subject: Re: Duty Enquiry - 96 Hawley Road

Hi [REDACTED]

Thanks for sending through tracks and displacements activities.

I am interested in b 3 adverse effects on water bodies, I would consider what is happening to be adverse effect on our property due to the track.

Is there any other information in the plan in regards to the collection, obstruction, or diversion of water ways causing damage?

Regards

From: [REDACTED]
Sent: Thursday, September 5, 2024 4:52 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Duty Enquiry - 96 Hawley Road

Hi [REDACTED]

It was good to speak with you regarding 96 Hawley Road and the flooding issues you've been experiencing at 96 Hawley Road. Please see the following link, which will take you to the Central Otago District Plan, where you can view Section 4, which is the applicable section given the properties in the area are within the rural resource area - [District Plan - Central Otago District Council \(codc.govt.nz\)](https://codc.govt.nz).

Below, I've provided snips from Section 4, which relate to track formation and earthwork requirements, which are under Rule 4.7.6J.(a)&(b).

J. Earthworks for Access Tracks and Extraction Activities

a. Tracks

Breach: discretionary (restricted) activity see Rule 4.7.3.vi

Where any earthworks are required for or in connection with the formation or construction of any road, track, landing, firebreak, fenceline, or utility service line, the following design standards shall be met:

- i. All formation surfaces with an inwards crossfall shall be drained by a watertable; and
- ii. Cutoffs or culverts shall be constructed or installed so as to prevent scour, gullying or other erosion of the formed or constructed surface and to adequately provide for fish passage when such fish passage is appropriate and practicable; and
- iii. All areas of fill including any formation surface overlying fill shall be compacted; and
- iv. Fill batters shall be constructed and vegetated to a standard that is adequate to mitigate any adverse visual effects when viewed from any State highway and to avoid batter erosion or failure; and
- v. Adverse effects on any stream, river or lake or permanently wet wetland are avoided, remedied or mitigated; and
- vi. Any cut or fill batter is no more than 2 metres in height or depth (provided that this may be exceeded for 10% or less of the total track length to a maximum 3 metres).

Notes: Intersections with public roads are to be constructed in accordance with the standards set out in Rule 12.7.1.

Where bridges, culverts or bed disturbances are associated with activities subject to Rule 4.7.6.J.a compliance with regional rules in Chapter 13 of the Regional Plan : Water shall be met or appropriate consents obtained.

b. Extraction and Displacement Activities

Breach: discretionary activity see Rule 4.7.4.i

Except as provided for in 4.7.6.J.a above the extraction (including excavation and/or displacement) of material (excluding any cleanfill, landfill, and farming activities such as irrigation dams and associated works, ploughing and land contouring for border dyke irrigation) shall not exceed an area of 2000m² or a quantity of 3000m³ from any one site provided that:

- i. Where the material extracted is not to be reinstated, then the permanent visual impacts of the activity shall be avoided, remedied or mitigated by the replacing of topsoil and suitable subsoil, resowing, fertilising and planting or other appropriate landscaping, or
- ii. When material is extracted or displaced for mining, investigative or exploitative work, all areas disturbed shall be progressively restored or rehabilitated to a standard not less than that which previously existed, and
- iii. Adverse effects on water bodies and land stability are avoided, remedied or mitigated; and
- iv. Extraction, other than that required for land cultivation, drilling, bore construction, the erection of fences, overhead lines or foundations for buildings is no more than 1m deep or 10m³ in volume within the groundwater protection zones for Roxburgh and Ettrick.

Notes: Chapter 14 of the Regional Plan : Water contains rules for drilling and bore construction within the Roxburgh and Ettrick groundwater protection zones.

Policy 9.4.18(d) of the Regional Plan : Water requires the management of excavation in groundwater protection zones so that any protective soil mantle or impervious stratum is retained, replaced, or alternative groundwater protection is provided.

I am working on speaking with our roading team to learn more about what has occurred on Lot 9 DP 27576; after this conversation, I will come back to you with more information on how best to proceed.

If you have further questions or concerns please reply to this email or call me on [REDACTED].

Kind regards



[REDACTED]

[REDACTED]

[REDACTED]

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Subject: RE: Hawley Rd
From: [REDACTED]
Sent: 9/12/2025 10:15:35 am
To: [REDACTED]

[REDACTED]

Apologies for not coming back to you on this. I am currently re-engaging with the landowner to reach a solution to this issue as there has not been a lot of progress with their proposed subdivision and an interim solution needs to be found. I will update you as this progresses.

Regards, [REDACTED]

From: [REDACTED] >
Sent: Wednesday, 3 December 2025 9:33 am
To: [REDACTED] >
Subject: Hawley Rd

Hi [REDACTED]

Here are some recent photos of the unformed public road off Hawley Road.

As you can see there has been no remedy to the unconsented work on the Rd.

You can see the water ditch created by the developer still remains exposing the tree roots on the 100year old Walnut tree.

You can also still see the unconsented ditch created the the developer still flows their water directly into the Earnsleugh Irrigation trench causing flooding on our property.

Regards

[REDACTED]